

Planning Proposal to Rezone Land at 7 & 15 Halfway Creek Road, Bungendore (Lot 2 DP 548291 & Lot 1 DP 1262898)



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Planning Proposal to Rezone Land at 7 and 15 Halfway Creek Road, Bungendore
Privately Owned Land and Bungendore Sports Hub - Indoor Aquatic Centre

Document History

Version	Dated	Comments
1	October 2024	Council resolution for Gateway determination

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Summary table

Summary	Details
Name of draft LEP:	Queanbeyan-Palerang Regional Local Environmental Plan 2022
Local Government Area	Queanbeyan-Palerang Regional Council (QPRC)
Subject Land:	Lot 2 DP 548291, No. 7 Halfway Creek Road, Bungendore Lot 1 DP 1262898, No.15 Halfway Creek Road, Bungendore
Proponent:	Queanbeyan-Palerang Regional Council (QPRC)
Relevant Planning Authority	Queanbeyan-Palerang Regional Council (the Council)
Landowners:	Privately owned land at 7 Halfway Creek Road, Bungendore & Queanbeyan-Palerang Regional Council – Community Land at 15 Halfway Creek Road, Bungendore
Council reference:	PP.2024.0007
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Stage:	Council resolution for Gateway determination
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Introduction

This planning proposal explains the intended effect of and the justification for the amendments to the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* (QPRLEP 2022), Lot 2 DP 548291 - 7 Halfway Creek Road, Bungendore, and the 20m wide section of unformed public road that dissects the southern part of Lot 2 DP 548291 and Lot 1 DP 1262898 - 15 Halfway Creek Road Bungendore. The amendments are:

1. Amend the Land Zoning Map (LZN) by rezoning Lot 2 DP 548291 - 7 Halfway Creek Road, Bungendore and the 20m wide section of unformed public road that dissects the southern part of the lot from RE1 Public Recreation to RU1 Primary Production, to be consistent with the surrounding RU1 zone.
2. Amend the Height of Building Map (HOB) at Lot 2 DP 548291 - 7 Halfway Creek Road, Bungendore and the 20m wide section of unformed public road that dissects the southern part of the lot, to apply the 10m height of building control to be consistent with the surrounding RU1 zone.
3. Amend the Lot Size Map (LSZ) at Lot 2 DP 548291 - 7 Halfway Creek Road, Bungendore and the 20m wide section of unformed public road that dissects the southern part of the lot, apply the 80 hectare minimum lot size control to be consistent with the surrounding RU1 zone.
4. Amend the Minimum Lot Averaging Map (LAV) at Lot 2 DP 548291 - 7 Halfway Creek Road, Bungendore and the 20m wide section of unformed public road that dissects the southern part of the lot, to apply the Lot Averaging A area to be consistent with the surrounding RU1 zone.
5. Amend the Secondary Dwelling and Dual Occupancy Map (SDO) at Lot 2 DP 548291 - 7 Halfway Creek Road, Bungendore and the 20m wide section of unformed public road that dissects the southern part of the lot, to apply the 20,000m² control to be consistent with the surrounding RU1 zone.
6. Amend the Land Reservation Acquisition (LRA) Map of Lot 2 DP 548291 - 7 Halfway Creek Road, Bungendore and the 20m wide section of unformed public road that dissects the southern part of the lot, to remove its application to the land.
7. Amend the Land Zoning Map (LZN) by rezoning Lot 1 DP 1262898 - 15 Halfway Creek Road, Bungendore from RU1 Primary Production to RE1 Public Recreation.
8. Amend the Height of Building Map (HOB) at Lot 1 DP 1292898 15 Halfway Creek Road, Bungendore to remove its application to the land.
9. Amend the Minimum Lot Size Map (LSZ) at Lot 1 DP 1262898 15 Halfway Creek Road, Bungendore to remove its application to the land.
10. Amend the Lot Averaging Map (LAV) at Lot 1 DP 1262898 15 Halfway Creek Road, Bungendore to remove its application to the land.
11. Amend the Secondary Dwelling and Dual Occupancy Map (SDO) at Lot 1 DP 1262898 15 Halfway Creek Road, Bungendore to remove its application to the land.

The planning proposal involves map-only amendments to the QPRLEP 2022, there are no changes to the LEP text.

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The planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A ACT) and the NSW Government's 'Local Environmental Plan Making Guidelines – August 2023 (LEP Making Guidelines).

Background

This is a Council-initiated planning proposal that seeks to amend the provisions of the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPRLEP 2022) in two ways.

1. This planning proposal will amend the Local Environmental Plan (LEP) maps and rezone the privately owned land at 7 Halfway Creek, Bungendore (only Lot 2 DP 548291) from RE1 Public Recreation to RU1 Primary Production.
2. This planning proposal will amend the Local Environmental Plan (LEP) maps and rezone the Council-owned community land at 15 Halfway Creek Road, Bungendore (Lot 1 DP 1262898) from RU1 Primary Production to RE1 Public Recreation which will enable the development of an indoor pool (aquatic centre) to be permissible.

The 2015 Palerang Sports Needs Analysis identified a gap in the provisions of sports facilities in Bungendore. The Council at the time resolved to acquire land along the north side of Bungendore Road (Lot 2 DP 548291) to develop a sports facility to cater to current and future sporting needs. The site was subsequently rezoned RE1 Public Recreation (under the former Palerang Local Environmental Plan 2014) and included on the Land Reservation (LRA) map in the Local Environmental Plan.

Previously under the former Yarrawlumla Local Environmental Plan 2000, Lot 1 DP 1262898 (before subdivision) and Lot 2 DP 548291 were both zoned 1(a) General Rural. This planning proposal is returning the zoning of Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore and the 20m dissecting section of unformed public road to the more appropriate zone of RU1 - Primary Production which is equivalent to the previous 1(a) General Rural zone.

The Queanbeyan-Palerang Sports Facilities Strategic Plan 2017 provides for the establishment of a Sports Hub, rather than a single standalone sports field and supports the Bungendore Sports Hub concept.

Following the adoption of the Queanbeyan-Palerang Sports Facilities Strategic Plan 2017, staff made approaches to the property owner of Lot 2 DP 548291 on Bungendore Road with the view to negotiating the acquisition of land for the sports hub. As part of the negotiations, the property owner has argued that Lot 2 DP 548291 is flood-prone and of high agricultural value and put forward alternative land.

The property owner identified land they owned on the south side of Bungendore Road and was of the view that this land would be more suitable for the development of the Bungendore Sports Hub. This was supported by Council and led to the land being subdivided and the construction of the Bungendore Sports Hub on the allocated Lot 1 DP 1262898.

Council's resolution on 22 August 2018 (**Resolution No: 272/18** and reproduced below) affirmed the above and also included item 2b to deal with the land that was no longer required for the Sports Hub.

- 1 *Support of development of the Bungendore Sports Hub on land being part (approximately 18 hectares) of Lot 2 DP 1137743).*

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2. *Negotiate a Deed of Agreement for the acquisition of the land and a development lease to enable works to commence as soon as possible on the development of the Sports Hub with provisions of the following elements in the Agreements:*
 - a. *Potential uses for residential, caravan park and service centre uses subject to normal planning and environmental assessments and reports, having regard to the Bungendore Structure Plan, and subject to formal receipt of a planning proposal from the applicant.*
 - b. ***Investigate the rezoning of Lot 2 DP 548291 to a zoning that reflects the current use being rural and agricultural activities as part of the comprehensive review of the QPRC Local Environmental Plan.***
3. *Make arrangements for the subdivision of the site at Council's cost.*
4. *Consider the costs of construction, servicing and maintenance in the 10-year Financial Plan.*
5. *Prepare a more detailed staging plan for the Sports Hub, having regard to flooding impacts.*

Part of this planning proposal is to complete 2b of the above Council resolution and formalise a more appropriate zoning for the Sports Hub on Lot 1 DP 1262898 (note that this is part of Lot 2 DP 1137743 that was subdivided, and where the Bungendore Sports Hub is now located).

Site Description

There are two sites included in this Planning Proposal. Lot 2 DP 548291 - 7 Halfway Creek Road, Bungendore and the 20m wide section of unformed public road that dissects the southern part of Lot 2 DP 548291 together with Lot 1 DP 1262898 - 15 Halfway Creek Road, Bungendore (Refer Figure 1). Both sites are on the western boundary of the Bungendore township.



Figure 1: Figure showing two subject sites and surrounding locality.

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The proposed site to be rezoned, Lot 2 DP 548291 - 7 Halfway Creek Road, Bungendore and the 20m wide section of unformed public road that dissects the southern part of Lot 2 DP 548291, has an area of approximately 26.49Ha. It is currently zoned RE1 Public Recreation, and this planning proposal will rezone the lot to RU1 Primary Production and associated maps. The land is privately owned and used for primary production (Figure 2)



Figure 2: Figure showing subject site – Lot 2 DP 548291 - 7 Halfway Creek Road, Bungendore which incorporates the 20m wide dissecting section of unformed public road

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The proposed site to be rezoned, Lot 1 DP 1262898 - 15 Halfway Creek Road, Bungendore has an area of 15.92Ha. It is currently zoned RU1 Primary Production, and this planning proposal will rezone the lot to RE1 Public Recreation and associated maps. The land is Council-owned Community land (Figure 3).



Figure 3: Figure showing subject site -Lot 1 DP 1262898 - 15 Halfway Creek Road, Bungendore

Part 1 – Objectives or intended outcomes

Objectives:

The intended outcome of this Planning Proposal is to have the LEP reflect the relocation of the Bungendore Sports Hub facility from its former anticipated location on Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore and the 20m wide section of unformed public road that dissects the southern part of Lot 2 DP 548291, to its current location at Lot 1 DP 1262898 – 15 Halfway Creek Road, Bungendore.

As such, the first objective of the planning proposal will amend the Local Environmental Plan (LEP) maps and rezone the privately owned land at 7 Halfway Creek Road, Bungendore (Lot 2 DP 548291 and the 20m wide dissecting section of unformed public road) from RE1 Public Recreation to RU1 Primary Production. Consequently, it will also remove the land from the land reservation (LRA) map as it is no longer needed for the Bungendore Sports Hub.

This will remove the land acquisition option from the site and return the surrounding rural zoning together with the available rural land uses and development potential.

The second objective of the planning proposal will also amend the Local Environmental Plan (LEP) maps and rezone the Council-owned community land at 15 Halfway Creek Road, Bungendore (Lot 1 DP 1262898) from RU1 Primary Production to RE1 Public Recreation. This will recognise the recreational purpose of the land and enable a wider range of recreation development, such as Recreational facilities (indoor) which includes an indoor swimming pool (aquatic centre), to be permissible on the land. Currently under the RU1 Primary Production zoning, Recreational facilities (indoor) are prohibited.

Part 2 – Explanation of provisions

The objectives will be achieved by amending the QPRLEP2022 as it relates to Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore and the 20m wide section of unformed public road that dissects the southern part of the lot. The amendments are:

- Amend the Land Zoning Map (LZN) by rezoning the land from RE1 Public Recreation to RU1 Primary Production, to be consistent with the surrounding RU1 zone.
- Amend the Height of Building Map (HOB) to apply the 10m height of building control to be consistent with the surrounding RU1 zone.
- Amend the Lot Size Map (LSZ) to apply the 80 hectare minimum lot size control to be consistent with the surrounding RU1 zone.
- Amend the Minimum Lot Averaging Map (LAV) to apply the Lot Averaging A area to be consistent with the surrounding RU1 zone.
- Amend the Secondary Dwelling and Dual Occupancy Map (SDO) to apply the 20,000m² control to be consistent with the surrounding RU1 zone.
- Amend the Land Reservation Acquisition (LRA) to remove its application to the land.

The objectives will be achieved by amending the QPRLEP2022 as it relates to Lot 1 DP 1262898 – 15 Halfway Creek Road, Bungendore. The amendments are:

- Amend the Land Zoning (LZN) Map from RU1 Primary Production to RE1 Public Recreation.

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- Amend the Height of Building (HOB) Map to remove its application to the land.
- Amend the Lot Size Map (LSZ) Map to remove its application to the land.
- Amend the Lot Averaging (LAV) Map from Lot Averaging A to remove its application to the land.
- Amend the Secondary Dwelling and Dual Occupancy (SDO) Map from Dual Occupancy 20,000m² to remove its application to the land.

Explanation and Legal Status of the LEP Maps

The Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPRLEP 2022) and legally drafted maps comprise Council's principal planning instruments controlling the development of land. This planning proposal is for a Map-only amendment to the LEP, meaning there are no changes to the LEP text.

The proposed provisions are consistent with those applied to land zoned RE1 Public Recreation within the vicinity of the subject site.

Part 3 – Justification of strategic and site-specific merit

Section A – Need for the Planning Proposal

1) *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

The draft planning proposal regarding the privately owned land is consistent with the Queanbeyan-Palerang Regional Council Local Strategic Planning Statement – Towards 2040 (LSPS).

Community – 4.7 Planning Priority 7 – *We actively promote and implement sound resource conservation and good environmental practice.*

“The community applies good environment practice in their activities.”

Outcomes

- *Primary production and extractive industries are protected from land-use conflict.*
- *Sustainable and diverse rural land uses are promoted.*
- *Opportunities for farming and agricultural uses of land are supported.*

Actions:

- *4.7.1 – Protect primary production, and ground water and extractive industries, together with the other parts of the supply chains, including freight and logistics facilities, from surrounding land-use conflict.*
- *4.7.2 – Minimise fragmentation of rural land.*
- *4.7.3 – Ensure primary production and extractive industries are undertaken in a sustainable manner.*
- *4.7.6 – Protect important agricultural land and when available, review the important agricultural land mapping for inclusion in reviews of LEP and DCPs.*

The draft planning proposal regarding Council-owned community land is consistent with the Queanbeyan-Palerang Regional Council Local Strategic Planning Statement – Towards 2040 (LSPS).

Planning Actions for Bungendore - Community – 4.10 Planning Priority 10

We Plan for and provide regional facilities which promote better social connection and access for the community.

Outcomes:

- *Identify and construct parks and recreation facilities that provide for the needs of the local and regional population.*

Actions:

- *4.10.2 Zone land and construct new Sports Hub at Bungendore.*

The Bungendore Sports Hub project includes the following:

- Four hard surface netball courts with lighting have been constructed.
- Two turf fields have been installed, including lights.
- Main facility building, including public toilets, change rooms, kiosk, multi-use rooms has been completed.
- Sewer pump station installed.
- Improved drainage for sports fields.

The following is proposed in the future.

- Installing four team dugouts, seating units for spectators, and field goals on the playing fields.
- Construction of a new netball pavilion, finalising car parking and road network, pathways and tree planting.

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- Detailed civil, structural and engineering design of the new aquatic centre.

At the Council meeting on 14 August 2024 (**Resolution No: 384/24**), Council approved relocating the aquatic centre back to the northern side of the Sports Hub, adjacent to the netball courts. The southern location where it was intended to be situated is affected by overland flow from Halfway Creek and would require significant work to reduce flood risk if it were to be the site of the Aquatic Centre.

The Planning Proposal will ensure that the new aquatic centre will be a use that is permissible on the land.

2) *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes, the proposed map-based amendments to the LEP are the best means of achieving the intended outcome. The former location for the Bungendore Sports Hub is no longer required and the new location requires a zoning with the range of land uses to be applied to reflect the recreational uses that the Bungendore Sports Hub will provide for the Bungendore community.

Other options were considered as detailed below,

This planning proposal will amend the Local Environmental Plan (LEP) maps and rezone the privately owned land at Lot 2 DP 548291 - 7 Halfway Creek Road, Bungendore together with the 20m wide unformed public road from zone RE1 Public Recreation to RU1 Primary Production. As stated in the background section of this planning proposal, this is a Council resolution (**22 August 2018 - Resolution No: 272/18**).

The 2015 Palerang Sports Needs Analysis identified a gap in the provisions of sports facilities in Bungendore. The Council at the time resolved to acquire land along the north side of Bungendore Road (Lot 2 DP 548291) to develop a sports facility to cater to current and future sporting needs. The site was subsequently rezoned RE1 Public Recreation (under the former Palerang Local Environmental Plan 2014) and included on the Land Reservation (LRA) map in the Local Environmental Plan.

The Queanbeyan-Palerang Sports Facilities Strategic Plan 2017 provides for the establishment of a Sports Hub, rather than a single standalone sports field and supports the Bungendore Sports Hub concept.

Following the adoption of the Queanbeyan-Palerang Sports Facilities Strategic Plan 2017, staff made approaches to the property owner of Lot 2 DP 548291 on Bungendore Road with the view to negotiating the acquisition of land for the sports hub. As part of the negotiations, the property owner has argued that Lot 2 DP 548291 is flood-prone and of high agricultural value and put forward alternative land.

The property owner identified land they owned on the south side of Bungendore Road and was of the view that this land would be more suitable for the development of the Bungendore Sports Hub. This was supported by Council and the land subdivided and the Bungendore Sports Hub was constructed on the allocated Lot 1 DP 1262898.

This will encourage sustainable primary industry production by maintaining and enhancing the natural resource base and encourage diversity in primary enterprises and systems appropriate for the area.

This Planning Proposal's objective is to return the zoning of land no longer required for the Bungendore Sports Hub to the surrounding rural zone and range of permissible uses and to

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appropriate zone the land of the new sports hub to reflect the recreation purpose and ensure that uses such as an indoor swimming pool (Recreation Facility (indoor)) are permissible.

Two other options were available for amending the LEP for Lot 1 DP 1262898 as follows:

Option 1:

Incorporating 15 Halfway Creek Road, Bungendore (Lot 1 DP 1262898) as the site subject to Schedule 1 Additional permitted uses under the QPRLEP 2022 to permit specific development to achieve the objectives and intended outcomes of the planning proposal.

This approach would enable development on the site to build an indoor swimming pool under the current zoning. This option is not recommended as it would permit development that would otherwise be inconsistent with the objectives of Zone RU1 Primary Production.

Option 2:

Amend the QPRLEP 2022 land use table for the RU1 Primary Production to permit specific development/s to achieve the objectives and intended outcomes of the planning proposal.

This approach would enable development on all RU1 Primary Production land to support Recreational facilities (indoor). This option is not recommended as it would permit development that would otherwise be inconsistent with the objectives of Zone RU1 Primary Production.

Both these options add more complication to the LEP and other unintended consequences for land that is currently zoned RU1. As such the map-based amendment to change the zoning on the land is the most appropriate and clear option that maintains the integrity of the LEP and the current zoning and their permitted land uses.

3) Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The proposed amendments are not inconsistent with the regional plan.

Draft South East and Tablelands Regional Plan 2041 (Draft SETRP 2041)

The Draft South East and Tablelands Regional Plan 2041 is a 20-year land use strategy to guide land use decisions for the region. The plan sets the strategic land framework for continuing economic growth, suitable development and diversification in the region.

The planning proposal is consistent with the following:

Theme 3:

Leveraging diverse economic identities

Objective 13: *Promote innovation and sustainability in agriculture and aquaculture industries.*

Strategy 13.1

Strategic planning and local plans are to:

- *Protect identified state significant agricultural land and industries from incompatible or sensitive land uses, land use conflict and fragmentation.*
- *Identify opportunities for clustering of compatible land uses.*

Strategy 13.2

Changes to rural zones and/or lot sizes are to be justified by rural lands strategy (or the like) endorsed by Council and the departments, which,

- *Sets a vision for rural land uses.*

- *Establishes strategic directions, outcomes or policies for the management and development of rural areas.*

Objective 15: Promote business and employment opportunities in strategic locations.

Expanding the 24-hour economy

- Review operating hours of public transport, shopping districts and community facilities.
- Extend hours of recreation, cultural and community facilities.

South East and Tablelands Regional Plan 2036 (SETRP 2036)

South East and Tablelands Regional Plan 2036 is a 20-year land use strategy to guide land use decisions for the region. The plan sets the strategic land framework for continuing economic growth, suitable development and diversification in the region.

The SETRP 2036 contains four Goals and Directions and identifies strategies to achieve each objective. A planning proposal must be consistent with the identified strategies or demonstrate how relevant performance outcomes will be achieved.

This planning proposal is consistent with the following:

Goal 1: A connected and prosperous economy.

Direction 8: Promote important agricultural land.

This requires a critical mass of agricultural industries that can increase productivity, sustain employment and contribute to a secure, local fresh food supply.

Actions

8.2 *Protect identified important agricultural land from land use conflicts and fragmentation and manage the interface between important agricultural land and other land uses through environmental plans.*

This planning proposal is consistent with the following:

Goal 3: Healthy and connected communities.

Direction 22: Build socially inclusive and healthy communities.

The design and location of recreation facilities, sporting infrastructure, parks and public buildings should encourage people to be physically active where they work and in their neighbourhood.

Actions

22.1 *Develop best practice guidelines for planning, design and development healthy built environments and use the Neighbourhood Planning Principles (Appendix A) in local environmental plans, development controls plans and strategies in the interim.*

Appendix A

Neighbourhood Planning Principles

- *A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space.*
- *Easy access to major town centres with a full range of shops, recreational facilities and services along with smaller village centres and neighbourhood shops.*
- *Conservation lands in and around the development sites, to help protect biodiversity and open space for recreation.*
- *Minimise the negative impacts on the natural water cycle and protect the health of aquatic systems, for example, through Water Sensitive Urban Design principles.*

4) ***Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?***

Yes, the planning proposal is consistent with Council's Queanbeyan-Palerang Regional Council Local Strategic Planning Statement – Towards 2040 (LSPS).

Under the Planning Action for Bungendore – Community:

Planning priority 10 – The Council plans and provides regional facilities which promote better social connection for the community.

Council has identified areas to construct parks and rec recreational facilities that provide for the needs of the local and regional population. Specifically, Council identified under Item 4.10.2, zone land and construct a new Sports Hub at Bungendore.

The Queanbeyan-Palerang Sports Facilities Strategic Plan 2024, states that the Bungendore Sports Hub is strongly supported as the best option for future sports and recreation planning needs for Bungendore. This is also supported by the Queanbeyan-Palerang Regional Council (QPRC) – Draft Aquatics Strategic Plan 2022-2032. This can be viewed in Appendix A.

5) Is the planning proposal consistent with any other applicable State or regional studies or strategies?

State or Regional Study, Strategy or Vision	Comment
Future Transport Strategy 2056	The proposal is consistent with the strategy.
Net Zero Plan – NSW Climate & Energy Action	The proposal is consistent with the plan.
Water Resource Plan	The proposal is consistent with the plan.
State Infrastructure Strategy 2022-2042	The proposal is consistent with the strategy.
Our Vision for Regional Communities – November 2022	The proposal is consistent with the vision.
A 20-Year Economic Vision for Regional NSW – February 2021	The proposal is consistent with the vision.

Section B – Relationship to the Strategic Planning Framework

6) Is the planning proposal consistent with applicable SEPPs?

The planning proposal has been assessed against State Environmental Planning Policies (SEPPs) in Appendix B.

7) Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The relevant Ministerial Directions (Section 9.1) have been considered in Appendix C.

Section C – Environmental, Social and Economic Impact

8) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

This planning proposal does not change the existing protection relating to terrestrial biodiversity, riparian lands and watercourses mapping in the Local Environmental Plan (LEP) that applies to the land. The current protection to the critical habitat or threatened species, populations, ecological communities, or their habitats will remain unchanged.

9) Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The site is identified on the QPRLEP 2022 mapping as containing Terrestrial Biodiversity, which is predominately associated with the two watercourses that impact the site. Both these two watercourses run north-south and generally parallel Molonglo Street, Bungendore. The site is substantially flooding-affected and flood studies have been prepared.

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The two sites are located on land that is flood-affected, including up to the probable maximum flood (PMF) level and there are known flood constraints that apply to the site. Further investigation and flood impact and risk assessment report will be required at the development assessment (DA) stage.

Both lots are located on bushfire-prone land. Under the certified Queanbeyan-Palerang Bush Fire Prone Land Map, provided by the NSW RFS Development Planning and Policy, both lots are within the Vegetation Category 3 area. It is anticipated that future development can demonstrate compliance with *Planning for Bush Fire Protection 2019*.

<https://www.qprc.nsw.gov.au/Building-Development/Planning-Zoning/Planning-Controls#section-9>

10) Has the planning proposal adequately addressed any social and economic effects?

The Bungendore Sports Hub provides facilities for several different sporting groups including netball, and the rezoning will allow for the addition of an indoor aquatic centre on the site.

The site of the current Bungendore outdoor 25-metre swimming pool facility with five lanes, a shaded toddler pool two change rooms, other shaded areas and a BBQ and kiosk are in Bungendore Park. The site has been acquired by the Department of Education for the construction of a new high school. This will result in the demolition of Bungendore's only outdoor aquatic facility. The Bungendore Sports Hub has adequate room for future growth in line with the town's growth and demands.

The community has been active in the design process and has a vision for a long-term development of a fully enclosed aquatic centre that can be used all year round.

The planning proposal can facilitate the delivery of a new swimming pool for Bungendore as identified in the QPRC Aquatics Strategic Plan, by ensuring the development proposal is permissible. Planning has begun for the swimming pool and recent Council resolutions endorsing the project are below:

On 28 June 2023, Council endorsed the concept plans for the new Bungendore Pool as an enclosed aquatic facility, with an eight-lane 25m heated swimming pool, a wet play area, amenities, canteen/café area, playground and shade structures at the new Bungendore Sports Hub on Halfway Creek Road (**Resolution No: 239/23**).

On 14 August 2024, Council approved the relocation of the Bungendore Aquatic Centre to its original northern site adjacent to the netball courts at the Bungendore Sports Hub (**Resolution No: 384/24**). This site is above the flood zone and further away from the local creeks and watercourses.

Section D – Infrastructure (Local, State and Commonwealth)

11) Is there adequate public infrastructure for the planning proposal?

The subject land is located on the western outskirts of the Bungendore town area. The Bungendore Sports Hub is a public infrastructure facility and contains a main pavilion building with changing rooms, a canteen, local amenities and meeting room facilities. The surrounding area contains four hardcourt netball courts and two grass playing fields, both with floodlights.

Infrastructure has been made available for the sports hub as part of the development. Any additional services required for the future development may be subject to conditions during the development assessment (DA) stage.

Section E – State and Commonwealth Interests

12) What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination

Consultation with public authorities will be undertaken following the Gateway determination received for the planning proposal.

Part 4 – Mapping

Existing and proposed maps of the two lots in Bungendore.

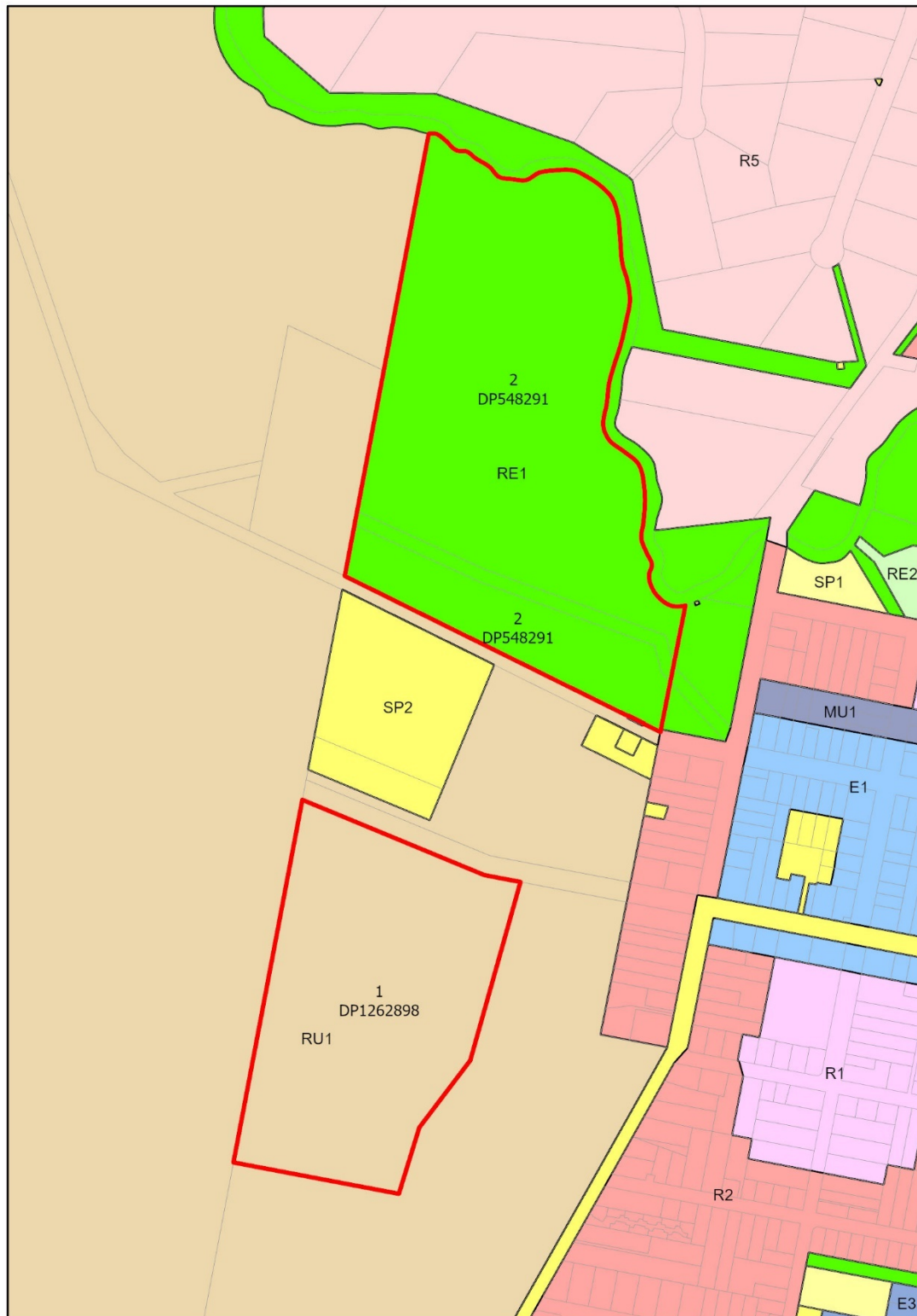


Figure 4: EXISTING Land Zone Map (LZN) of Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore with the 20m wide section of unformed public road and Lot 1 DP 1262898 – 15 Halfway Creek Road, Bungendore – Zone RU1 = Primary Production & RE1 = Public Recreation

Planning Proposal to Rezone Land at 7 and 15 Halfway Creek Road, Bungendore
Privately Owned Land and Bungendore Sports Hub - Indoor Aquatic Centre

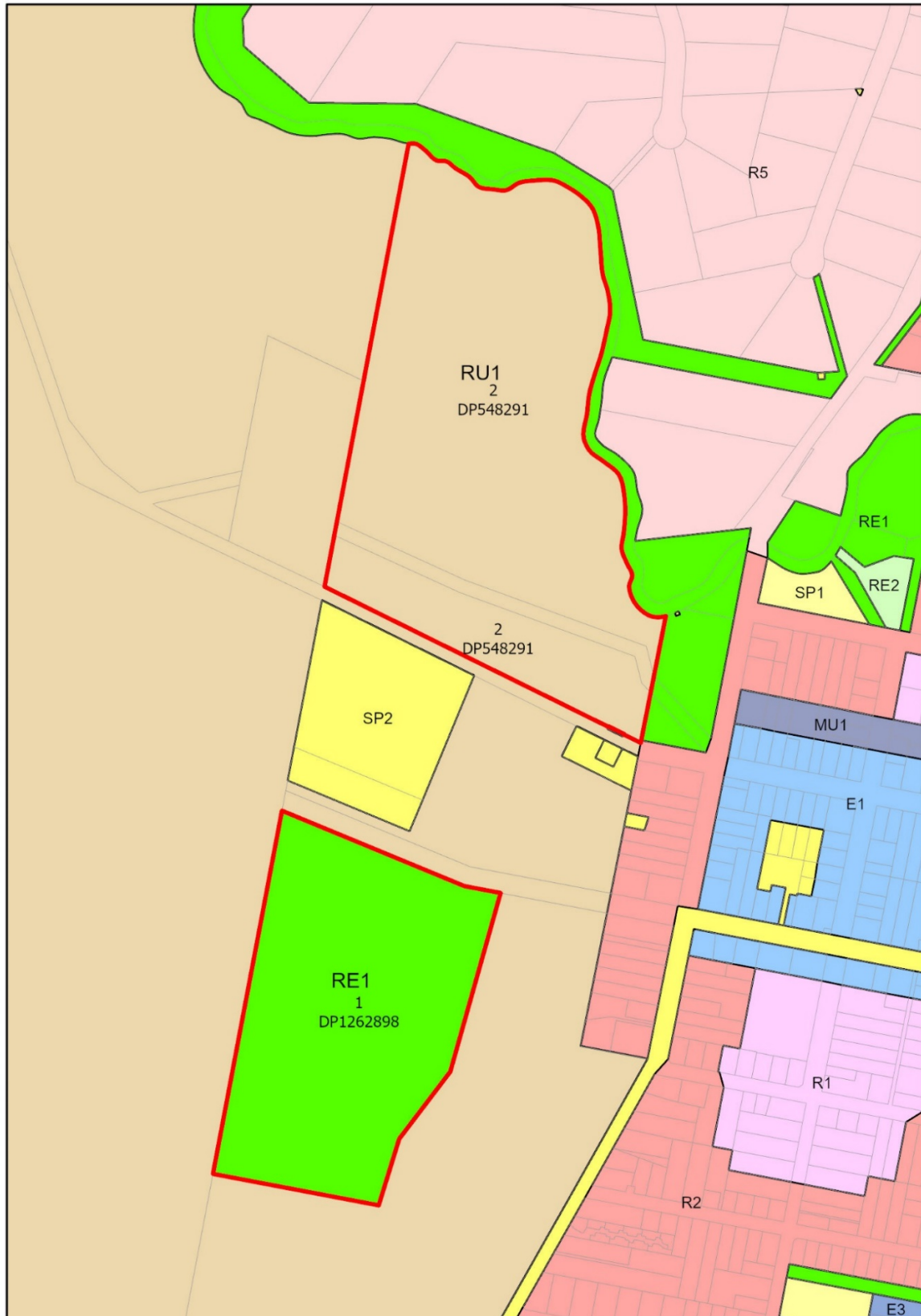


Figure 5: PROPOSED Land Zone Map (LZN) of Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore with the 20m wide section of unformed public road and Lot 1 DP 1262898 – 15 Halfway Creek Road, Bungendore – Zone RU1 = Primary Production & Zone RE1 = Public Recreation

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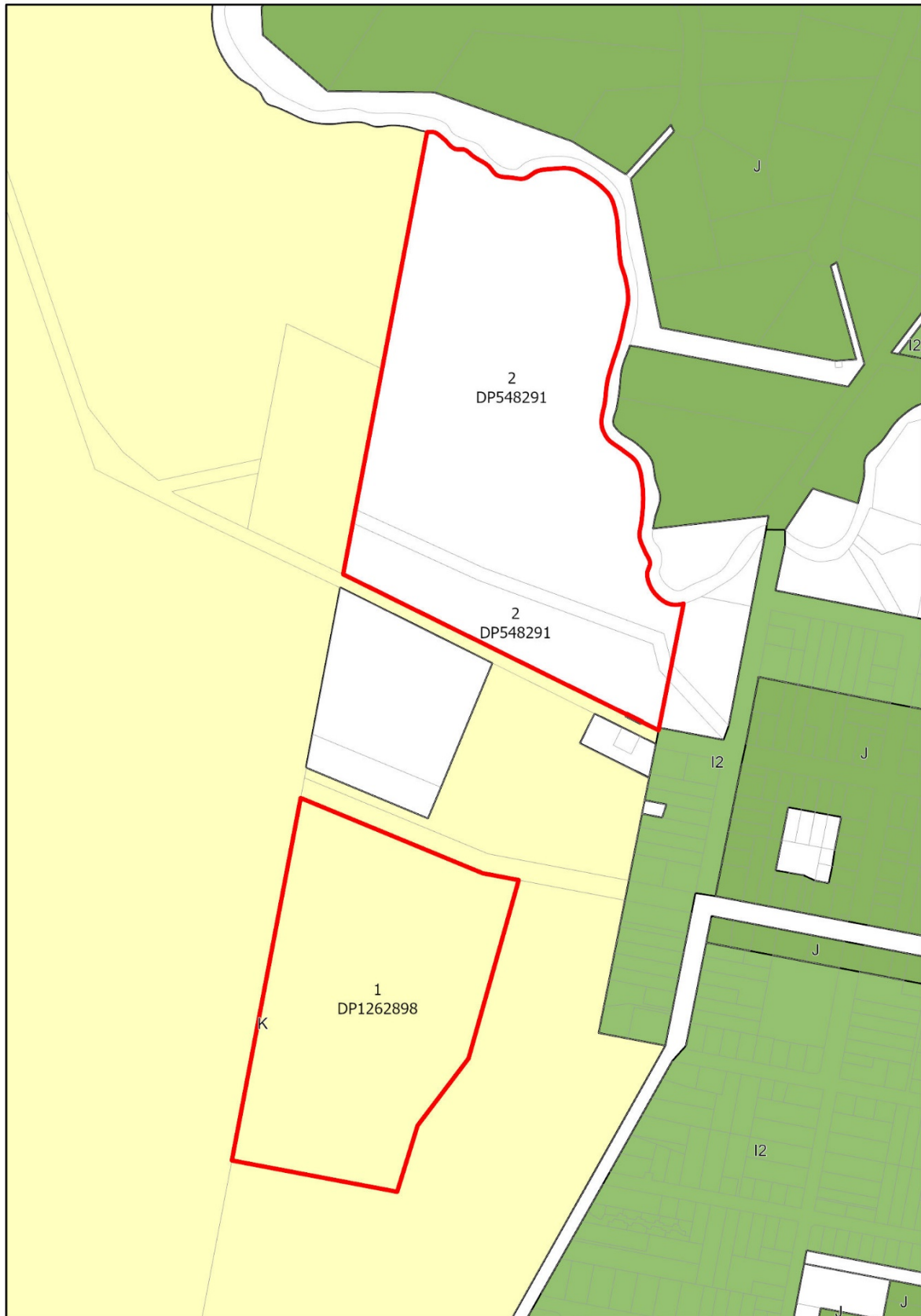


Figure 6: EXISTING Height of Building Map (HOB) of Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore with the 20m wide section of unformed public road and Lot 1 DP 1262898 – 15 Halfway Creek Road, Bungendore, K = 10m

Planning Proposal to Rezone Land at 7 and 15 Halfway Creek Road, Bungendore
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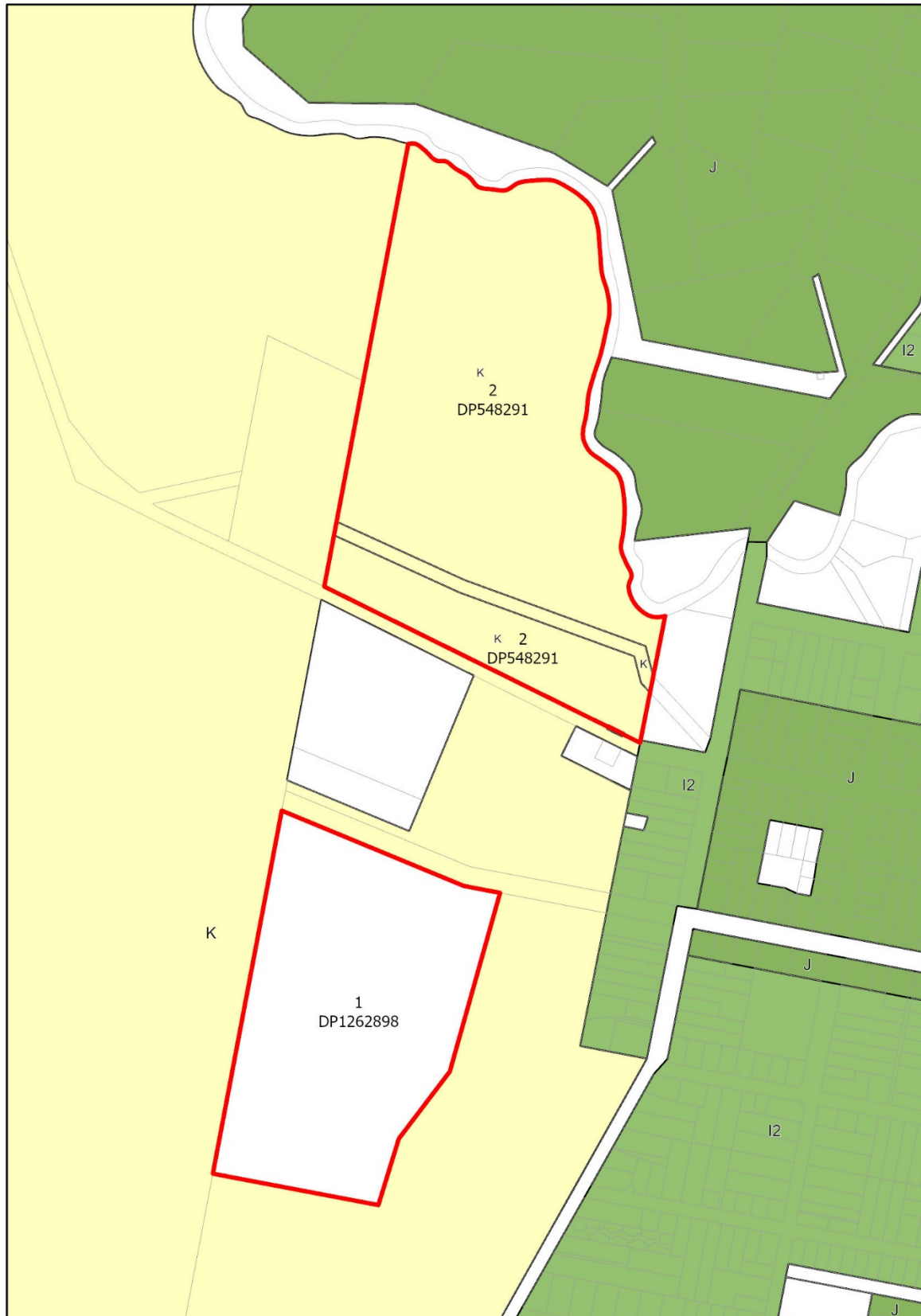


Figure 7: PROPOSED Height of Building Map (HOB) of Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore with the 20m wide section of unformed public road and Lot 1 DP 1262898 – 15 Halfway Creek Road, Bungendore, K = 10m

Planning Proposal to Rezone Land at 7 and 15 Halfway Creek Road, Bungendore
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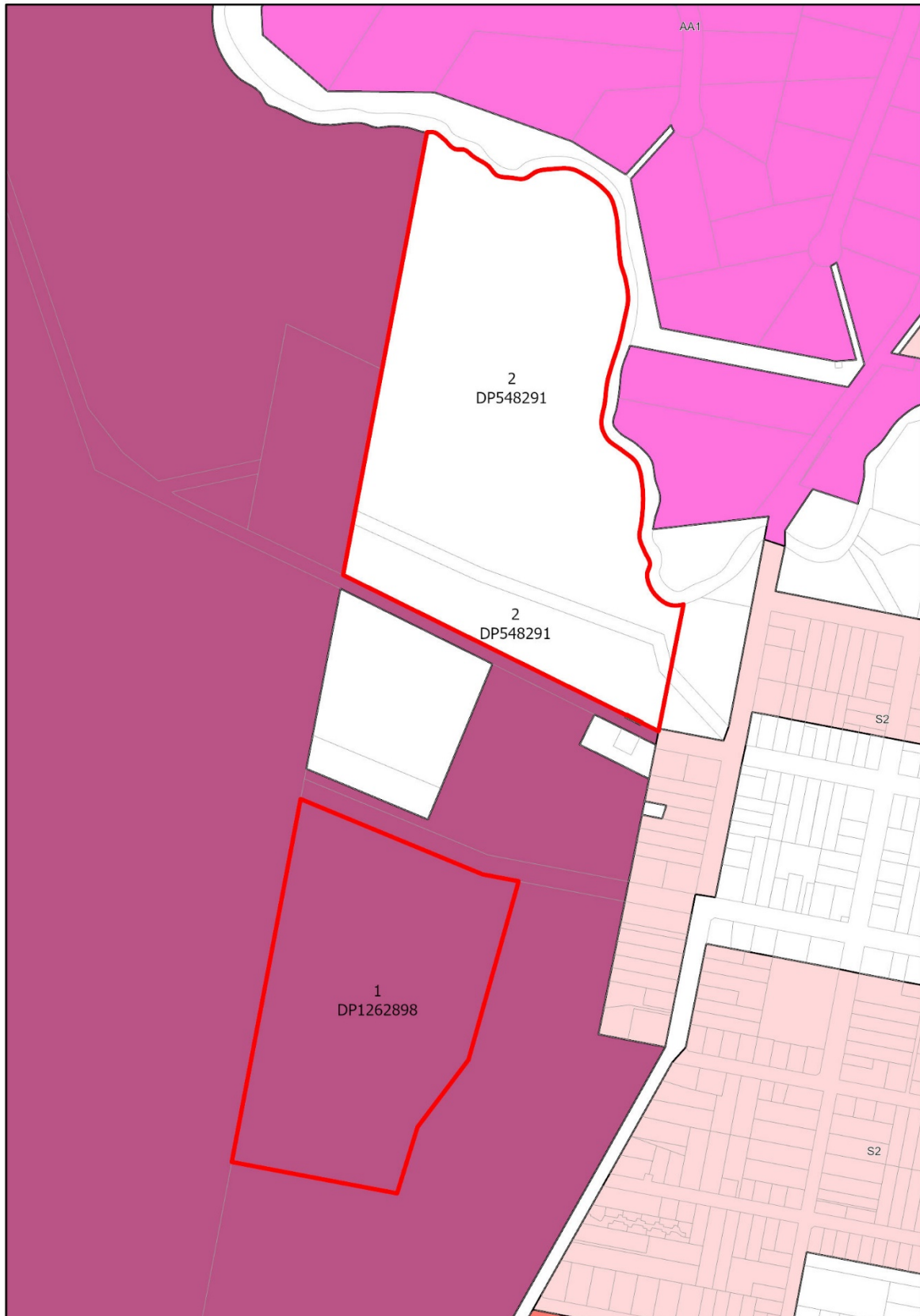


Figure 8: EXISTING Minimum Lot Size Map (LSZ) of Lot 2 DP 5482917 – Halfway Creek Road, Bungendore with the 20m wide section of unformed public road and Lot 1 DP 1262898 – 15 Halfway Creek Road, Bungendore, AC = 80ha

Planning Proposal to Rezone Land at 7 and 15 Halfway Creek Road, Bungendore
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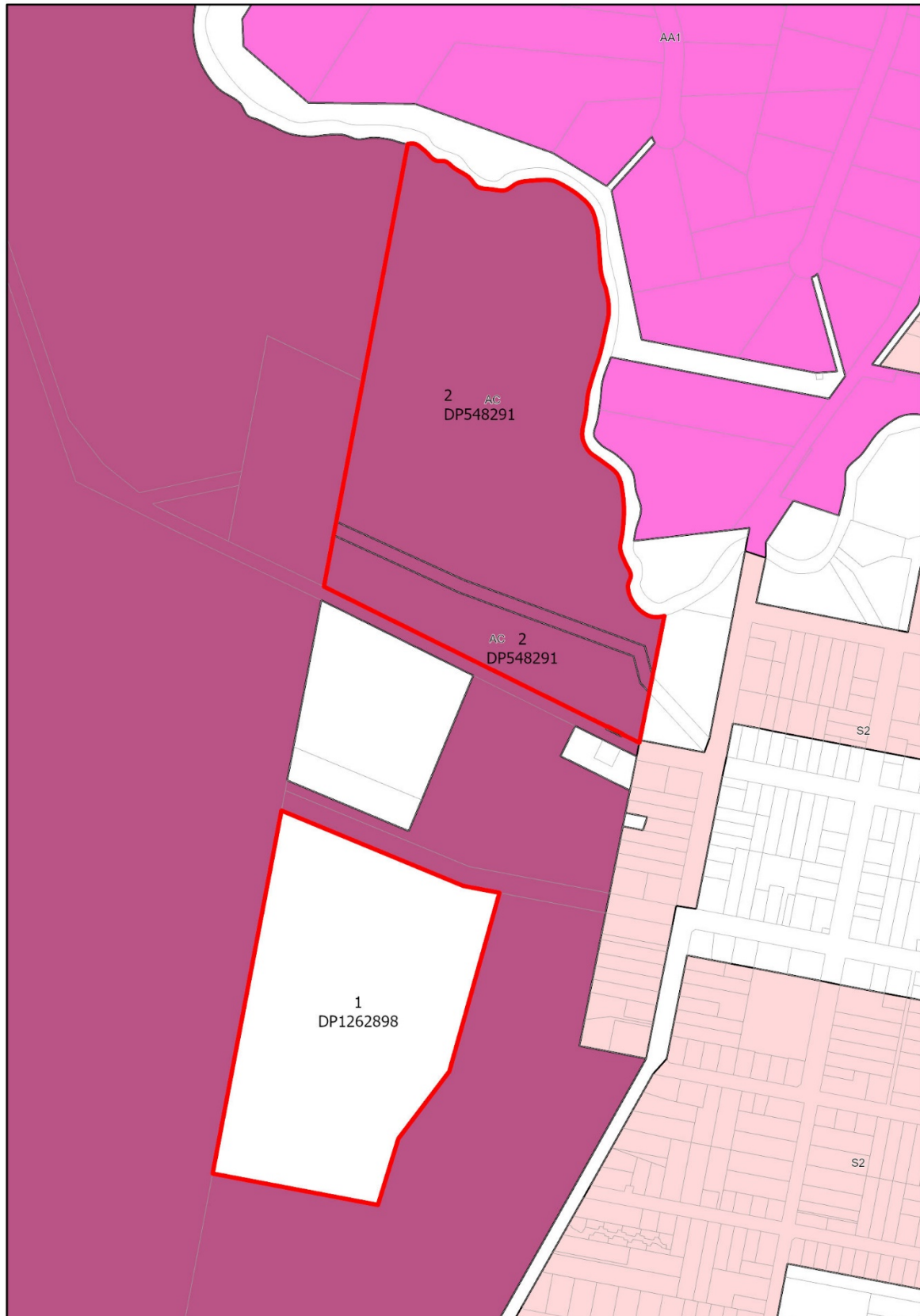


Figure 9: PROPOSED Minimum Lot Size Map (LSZ) of Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore with the 20m wide section of unformed public road and Lot 1 DP 1262898 – 15 Halfway Creek Road, Bungendore (Lot 1 DP 1262898), AC = 80ha

Planning Proposal to Rezone Land at 7 and 15 Halfway Creek Road, Bungendore
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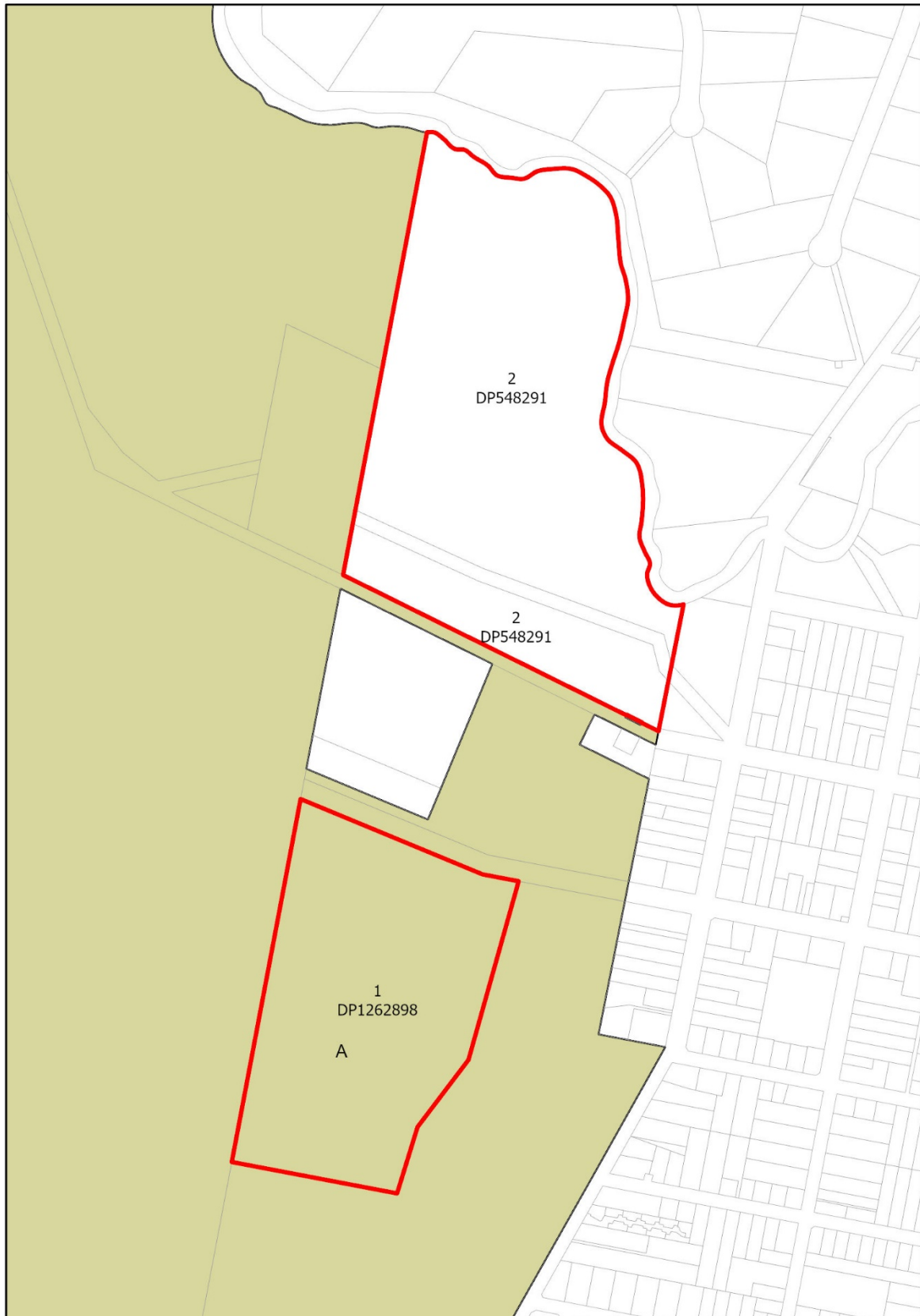


Figure 10: EXISTING Lot Averaging Map (LAV) of Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore with the 20m wide section of unformed public road and Lot 1 DP 1262898 – 15 Halfway Creek Road, Bungendore – A = Lot Averaging A

Planning Proposal to Rezone Land at 7 and 15 Halfway Creek Road, Bungendore
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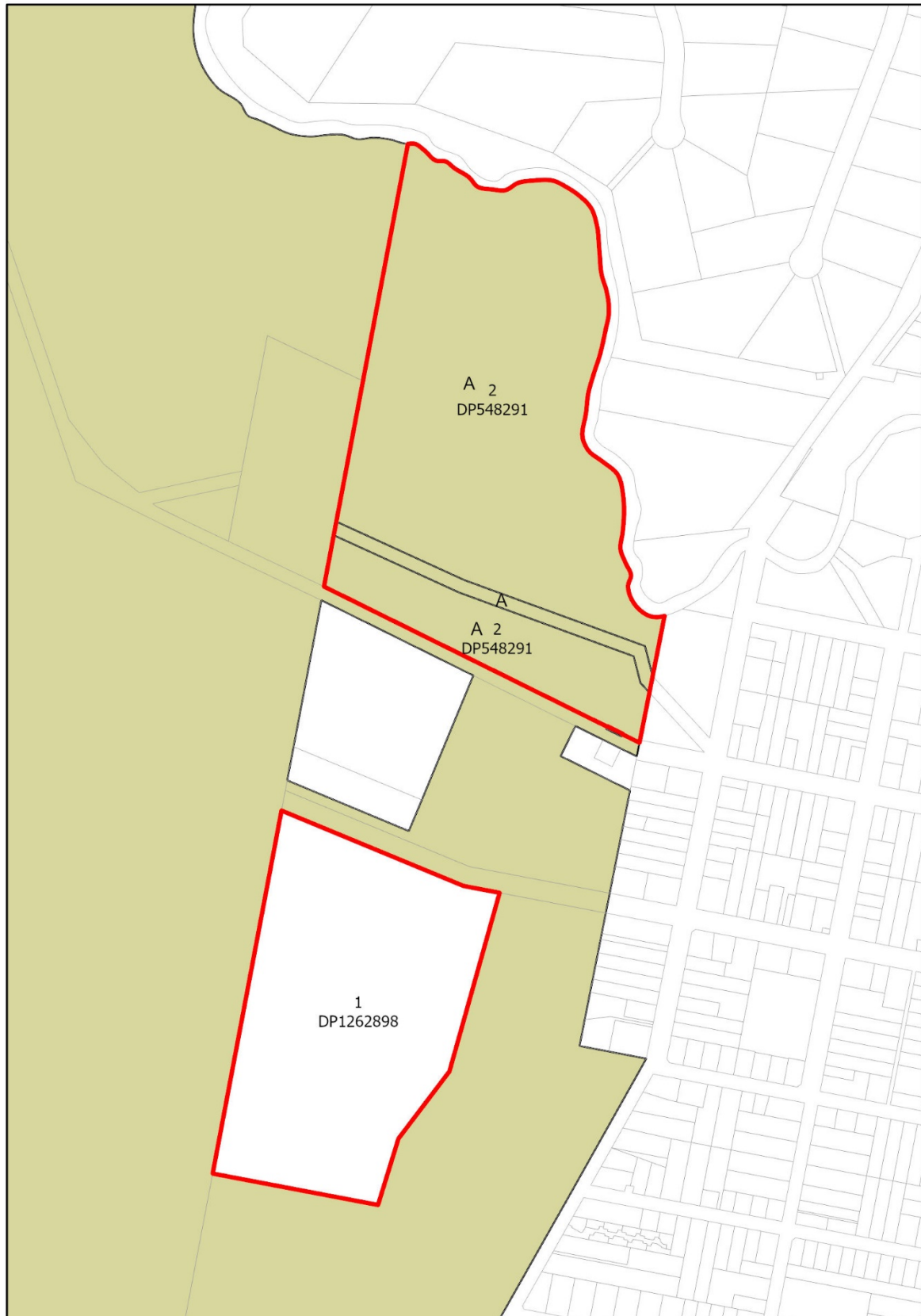


Figure 11: PROPOSED Lot Averaging Map (LAV) of Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore with the 20m wide section of unformed public road and Lot 1 DP 1262898 – 15 Halfway Creek Road, Bungendore – A = Lot Averaging A

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Figure 12: EXISTING Secondary Dwelling and Dual Occupancy Map (SDO) of Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore with the 20m wide section of unformed public road and Lot 1 DP 1262898 – 15 Halfway Creek Road, Bungendore, Dual Occupancy D3 = 20,000m²

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Figure 13: PROPOSED Secondary Dwelling and Dual Occupancy Map (SDO) of Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore with the 20m wide section of unformed public road and Lot 1 DP 1262898 – 15 Halfway Creek Road, Bungendore, Dual Occupancy D3 = 20,000m²

Planning Proposal to Rezone Land at 7 and 15 Halfway Creek Road, Bungendore
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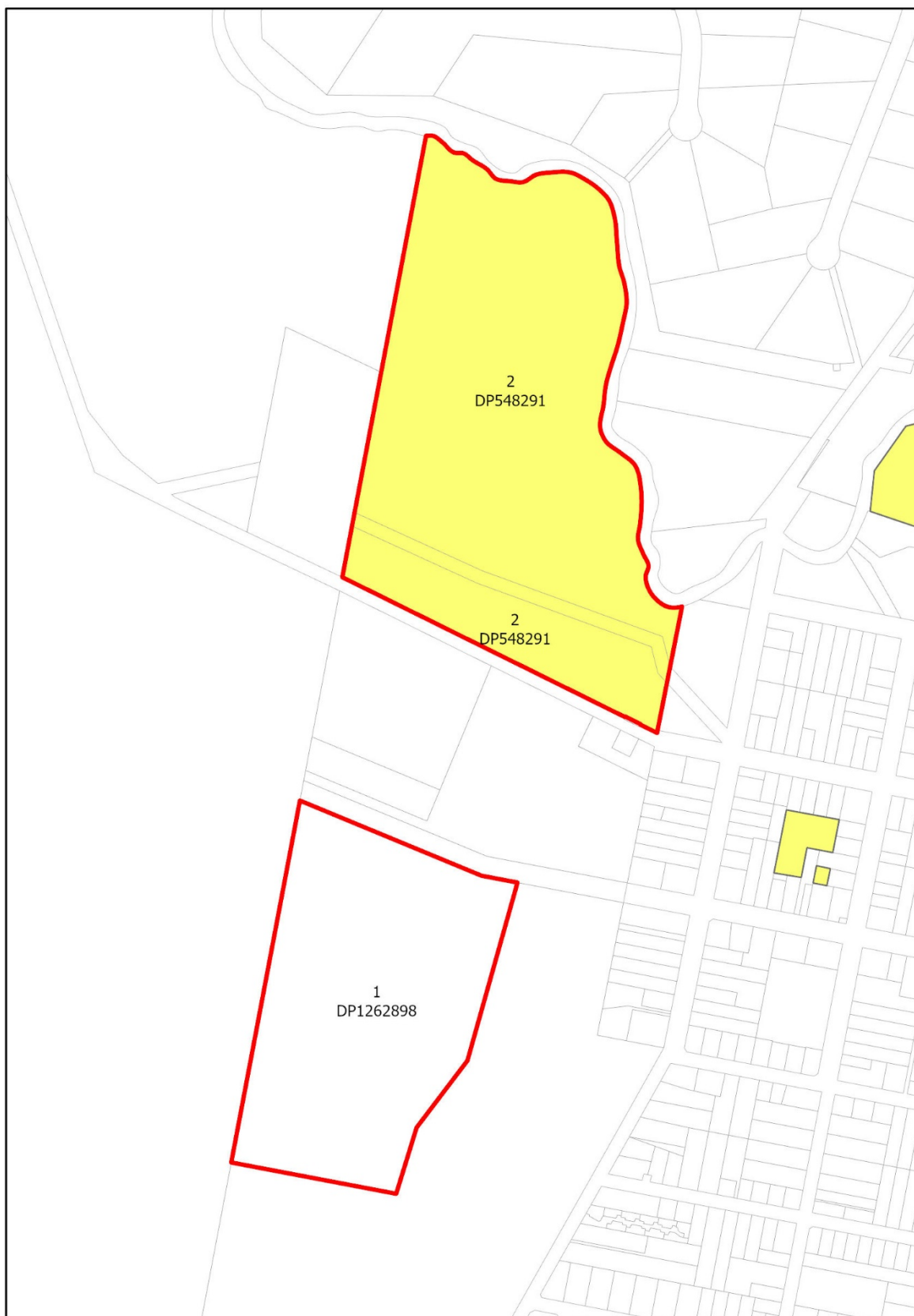


Figure 14: EXISTING Land Reservation Acquisition Map (LRA) of Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore with the 20m wide section of unformed public road

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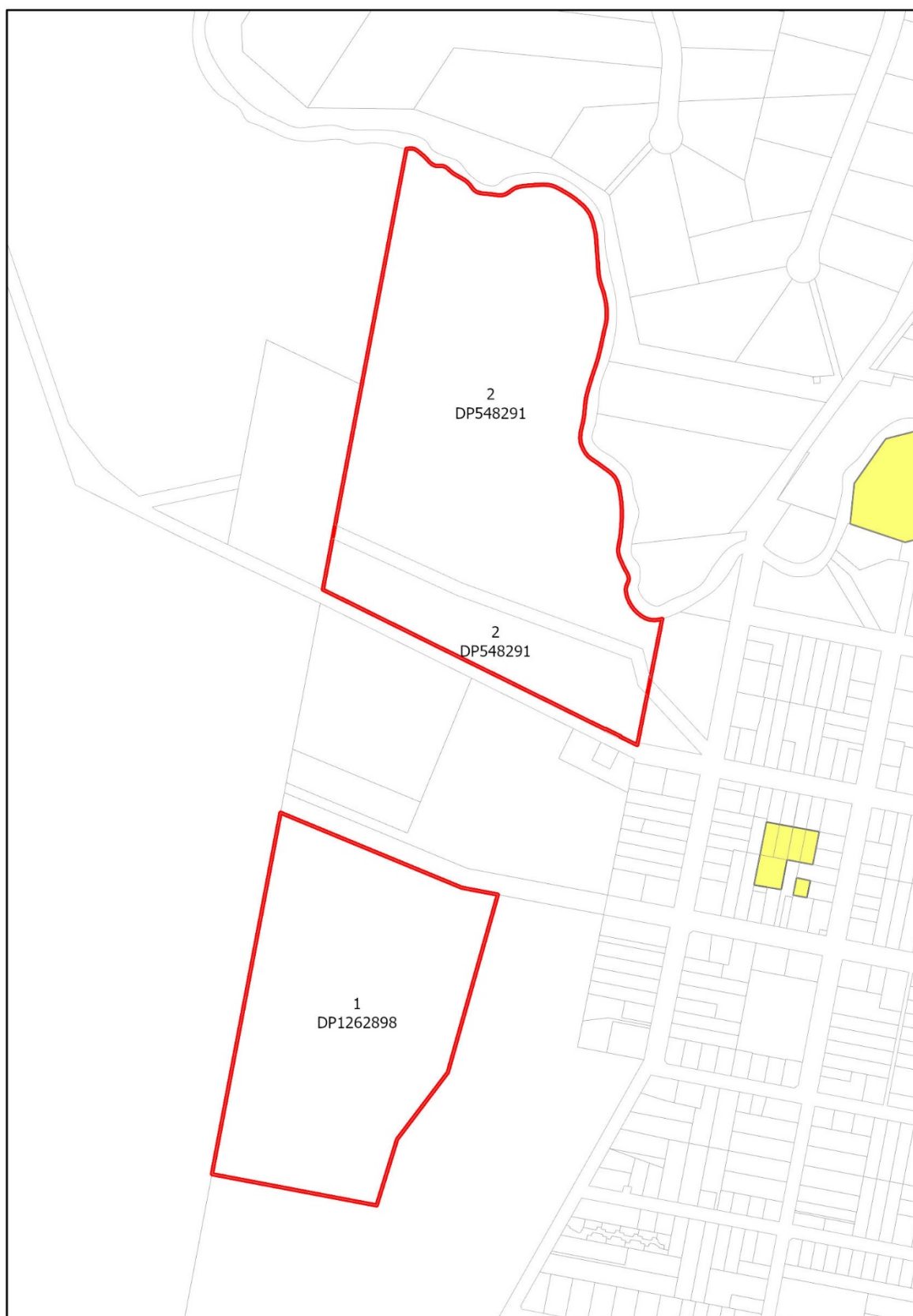


Figure 15: PROPOSED Land Reservation Acquisition Map (LRA) of Lot 2 DP 548291 – 7 Halfway Creek Road, Bungendore with the 20m wide section of unformed public road, Removal of application

Part 5 - Community Consultation

The planning proposal will be publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2021. It will have regard to other relevant plans and guidelines including QPRC's Community Engagement and Participation Plan, the Local Environmental Plan Making Guidelines 2023 and any other conditions of the Gateway Determination.

It is recommended the planning proposal be exhibited for a minimum of 28 days (calendar days). Public notification of the exhibition will comprise:

- Notification and request for feedback on Council's website,
- Adjoining landowners will be notified by mail.

Where public consultation is required, the policy requires a minimum of 28 days for public consultation with some additional requirements for exhibition periods held over the Christmas /New Year period.

During the exhibition period, the following material will be available on Council's website and the customer service area at the Queanbeyan, Bungendore and Braidwood offices:

- The planning proposal in the form approved by the Gateway determination,
- The Gateway determination,
- The Gateway determination report,

Part 6 - Project Timeline

Task	Anticipated Times 2024 – 2025
Planning Proposal preparation	August - September 2024
Report to Council (PDRC)	October 2024
Gateway Determination	November – December 2024
Agency consultation	Subject to Gateway determination
Public Exhibition	March 2025
Report to Council including considerations of submissions	April 2025
Parliamentary Counsel Opinion and DPHI GIS Mapping Liaison	May-June 2025
Plan Finalised by Minister (or delegate)	July 2025

Appendix A – The Queanbeyan-Palerang Sports Facilities Strategic Plan 2024, and the Queanbeyan-Palerang Regional Council (QPRC) – Draft Aquatics Strategic Plan 2022-2032.

The Queanbeyan-Palerang Sports Facilities Strategic Plan 2024, states that the Bungendore Sports Hub is strongly supported as the best option for future sports and recreation planning needs for Bungendore.

User groups were canvassed about improvements needs - No 20: Bungendore Sports Hub – 2022 Election Funding Projects (Pool).

9. Sports Facilities Strategies

9.4 Strategy 4: Providing home facilities for all QPRC based clubs.

Goal: Eliminate the need for QPRC bases clubs to transfer home games into the ACT:

9.4.2 Facilitate the establishment of a home base, at Bungendore Sports Hub, for various Bungendore sporting clubs.

10. Aquatic Strategies

10.1 Strategy 1: Ensure financial sustainability of QPRC pools.

10.1.1 Develop a long-term plan to ensure the financial sustainability of QPRC pools while keeping fees affordable.

10.1.2 Lobby state and federal government for assistance in addressing aging public swimming pools across Australia, including QPRC pools.

10.1.3 Review alternate delivery methods including longer opening hours and training for volunteers.

10.1.4 Pursue grants to provide enclosures for all pools to broaden patronage by providing year-round facilities.

10.1.5 Consider rationalisation of QRPC pools and an evaluation of where facilities should be upgraded, extended or replaced.

10.2 Strategy 2: Provide modern, safe and well-maintained aquatic centres across the region.

10.2.1 Continue to actively pursue grant funding for urgent and important maintenance and general upgrade of aquatic facilities.

10.2.2 Continue to monitor pool assets to ensure optimal use of maintenance budgets.

10.2.3 Include accessibility as a key factor in upgraded facilities.

10.2.4 Retain 5 Star status¹ for Queanbeyan.

10.2.5 Pursue 5 Star status of other pools.

10.3 Strategy 3: Understand the social benefits of pools and provide a valued and competitive service to the community.

10.3.1 Monitor and compare competitor fees and services.

10.3.2 Continue to consult with stakeholders about the most valued services and options.

10.3.3 Seek opportunities to broaden services in line with user expectations.

10.3.4 Work with sporting clubs to enhance current relationships and future cross-training opportunities.

10.3.5 Activate pools as social destinations by providing a range of different events.

10.3.6 Review needs and potential for hydro-therapy and additional sporting and recreation provisions e.g. diving and water polo and a wave pool.

10.4 Strategy 4: Attract well-qualified and committed staff for aquatic operations and programs.

- 10.4.1 Provide a positive staff culture through recognition, training opportunities and job enrichment.*
- 10.4.2 Widely advertise opportunities as they arise.*
- 10.4.3 Where possible, provide employment pathways and consider a cadet program for learning to swim and lifeguard staff.*
- 10.4.4 Work with our regional towns to identify local potential seasonal aquatic staff.*
- 10.4.5 Engage with volunteers where staff cannot be recruited.*
- 10.4.6 Consider the need for dedicated staff facilities in any designs for upgraded or renewed facilities.*
- 10.4.7 Consider free pool passes for volunteers.*

10.5 Strategy 5: Improve the environmental performance of QPRC pools.

- 10.5.1 Monitor environmental innovation in pool management and maintenance.*
- 10.5.2 Identify opportunities to reduce energy costs and greenhouse emissions by using solar and geothermal power.*
- 10.5.3 Update plant room to ensure compliance with NSW Health Regulations.*
- 10.5.4 Address any significant water leakage at pools.*
- 10.5.5 Provide shading or retractable enclosures for all pools.*

The Queanbeyan-Palerang Regional Council (QPRC) – Aquatics Strategic Plan 2022-2032 reports that the current outdoor QPRC Bungendore Pool was opened on 30 November 1991 and operated for a 19-week season from November to March each summer. The current pool is available for hire for birthday parties and other events. Bungendore has an active swimming club.

The Aquatic Strategic Plan states the following:

The existing pool will be demolished for the construction of the Bungendore High School. A new and upgraded swimming pool is planned for the Bungendore Sports Hub. The community has indicated a strong preference for a year-round enclosed facility.

The Aquatic Strategic Plan also states:

The pools provide patrons of all ages the opportunity to swim recreationally or for health and fitness. This service coordinates learn-to-swim programs from babies through to adults with qualified learn-to-swim instructors. Squad training and lane swimming are also available.

Our pools are great places for community interactions, socialising or participation in programmed activities and events. The Aquatic Centre venues are popular locations for hosting local school swimming carnivals and can be booked for private events such as birthday parties.

Appendix B – State Environmental Planning Policies (SEPP)

The following relevant Environmental Planning Instruments (EPI) have been considered in the preparation of the planning proposal:

SEPP	Planning Proposal Consistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Applicable. Consistent. The planning proposal does not contain a provision that is contrary to the operation of this policy.
State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Applicable. Consistent. The planning proposal does not contain a provision that is contrary to the operation of this policy.
State Environmental Planning Policy (Housing) 2021	Applicable. Consistent. The planning proposal does not contain a provision that is contrary to the operation of this policy.
State Environmental Planning Policy (Industry and Employment) 2021	Applicable. Consistent. The planning proposal does not contain a provision that is contrary to the operation of this policy.
State Environmental Planning Policy (Planning Systems) 2021	Applicable. Consistent. The planning proposal does not contain a provision that is contrary to the operation of this policy.
State Environmental Planning Policy (Precincts – Central River City) 2021	Not relevant to the planning proposal
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	Not relevant to the planning proposal
State Environmental Planning Policy (Precincts – Regional) 2021	Applicable. Consistent. The planning proposal does not contain a provision that is contrary to the operation of this policy.
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	Not relevant to the planning proposal
State Environmental Planning Policy (Primary Production) 2021	Applicable. Consistent. The planning proposal does not contain a provision that is contrary to the operation of this policy.
State Environmental Planning Policy (Resilience and Hazards) 2021	Applicable. Consistent. The planning proposal does not contain a provision that is contrary to the operation of this policy.
State Environmental Planning Policy (Resources and Energy) 2021	Applicable. Consistent. The planning proposal does not contain a provision that is contrary to the operation of this policy.
State Environmental Planning Policy (Sustainable Buildings) 2022	Applicable. Consistent. The planning proposal does not contain a provision that is contrary to the operation of this policy.

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SEPP	Planning Proposal Consistency
State Environmental Planning Policy (Transport and Infrastructure) 2021	Applicable. Consistent. The planning proposal does not contain a provision that is contrary to the operation of this policy.

Appendix C – Section 9.1 Ministerial Directions (current as of 10 November 2023)

Consideration of Section 9.1 Direction	Planning Proposal Consistency
Focus area 1: Planning Systems	
1.1 – Implementation of Regional Plan	Applicable. The planning proposal is consistent with the provisions of this direction.
1.2 – Development of Aboriginal Land Council land	Not applicable. The subject land is not shown on the Land Application Map of Chapter 3 of the SEPP (Planning Systems) 2021.
1.3 – Approval and Referral Requirements	Applicable. The planning proposal is consistent with the provisions of this direction. The planning proposal amendments do not include the requirements for approvals or referrals.
1.4 – Site Specific Provisions	Applicable. The planning proposal is consistent with the provisions of this direction.
1.4A – Exclusion of Development Standards from Variation Consistent.	Applicable. The planning proposal is consistent with the provisions of this direction.
Focus area 1: Planning Systems – Place-based	
1.5 – Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.6 – Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.7 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8 – Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 – Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10 – Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.11 – Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 – Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 – Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14 – Implementation of Greater Macarthur 2040	Not applicable

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Consideration of Section 9.1 Direction	Planning Proposal Consistency
1.15 – Implementation of the Pymont Peninsula Place Strategy	Not applicable
1.16 – North West Rail Link Corridor Strategy	Not applicable
1.17 – Implementation of the Bays West Place Strategy	Not applicable
1.18 – Implementation of the Macquarie Park Innovation Precinct	Not applicable
1.19 – Implementation of Westmead Place Strategy	Not applicable
1.20 – Implementation of Camellia-Rosehill Place Strategy	Not applicable
1.21 – Implementation of South West Growth Area Structure Plan	Not applicable
1.22 – Implementation of Cherrybrook Station Place Strategy	Not applicable
Focus area 2: Design and Place	
Focus area 3: Biodiversity and Conservation	
3.1 – Conservation Zones	Applicable. The planning proposal is consistent with the provisions of this direction.
3.2 – Heritage Conservation	Applicable. The planning proposal is consistent with the provisions of this direction.
3.3 – Sydney Drinking Water Catchments	Not applicable
3.4 – Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 – Recreation Vehicle Areas	Not applicable
3.6 – Strategic Conservation Planning	Not applicable
3.7 – Public Bushland	Not applicable
3.7 – Public Bushland Not applicable	Not applicable
3.8 – Willandra Lakes Region	Not applicable
3.9 – Sydney Harbour Foreshore and Waterways	Not applicable
3.10 – Water Catchment Protection	Not applicable
Focus area 4: Resilience and Hazards	
4.1 – Flooding	Applicable. The subject land is identified as a flood-prone area in the Bungendore Floodplain Risk Management Plan adopted by the QPRC, which demonstrates the proposal is consistent with the provisions of this direction. Most of the privately owned land is within the Probable Maximum Flood (PMF) and Primary Production is not expected to cause impact on existing flood

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Consideration of Section 9.1 Direction	Planning Proposal Consistency
	characteristics in the vicinity of the site. The indoor aquatic centre will be appropriately designed to protect the facility from flooding. While access to the site, across Halfway Creek will be closed before flood waters reach the sports hub, it is proposed that the floor level will be raised above the 1% flood level (i.e. one in 100-year flood), to ensure protection of the asset. It is considered that the development and availability of a safe evacuation route would satisfy the provisions of Section 9.1 (2) Local Planning Direction 4.1.
4.2 – Coastal Management	Not applicable
4.3 – Planning for Bushfire Protection	Applicable. The planning proposal affects land identified as Vegetation Category 3 bushfire-prone land. In accordance with the application of Direction 4.2 consultation with the NSW RFS will occur during Gateway implementation.
4.4 – Remediation of Contaminated Land	Applicable. The planning proposal is consistent with the provisions of this direction.
4.5 – Acid Sulfate Soils	Not applicable. The planning proposal does not include land identified on the Acid Sulphate Soils Planning maps.
4.6 – Mine Subsidence and Unstable Land	Not applicable. The planning proposal does not include land within a declared mine subsidence district.
Focus area 5: Transport and Infrastructure	
5.1 – Integrating Land Use and Transport	Applicable. The planning proposal is consistent with the provisions of this direction.
5.2 – Reserving Land for Public Purposes	Applicable. The planning proposal is consistent with the provisions of this direction. The Planning Proposal removes the reservation of land that is no longer required to be acquired for public purposes.
5.3 – Development Near Regulated Airports and Defence Airfields	Not applicable
5.4 – Shooting Ranges	Not applicable
Focus area 6: Housing	
6.1 – Residential Zones	Not applicable
6.2 – Caravan Parks and Manufactured Home Estates	Not applicable
Focus area 7: Industry and Employment	
7.1 – Business and Industrial Zones	Not applicable
7.2 – Reduction in non-hosted short-term rental accommodation period	Not applicable

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Consideration of Section 9.1 Direction	Planning Proposal Consistency
7.3 – Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8: Resources and Energy	
8.1 – Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production	
9.1 – Rural Zones	Applicable. The planning proposal is consistent with the provisions of this direction.
9.2 – Rural Lands	Applicable. The planning proposal is consistent with the provisions of this direction. The privately owned subject land will protect the agricultural value of rural land. The planning proposal supports farmers in exercising their right to farm.
9.3 – Oyster Aquaculture	Not applicable
9.4 – Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable