



Extraordinary Meeting of Council

AGENDA

2 July 2025

Commencing at 5.30 pm

**WB Freeboody Chambers
Nellie Hamilton Centre
257 Crawford Street, Queanbeyan**

Presentations for items listed on the Agenda can be made in writing, via Zoom or in person. A live stream of the meeting can be viewed at: <http://webcast.qprc.nsw.gov.au/>

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Queanbeyan-Palerang Regional Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

- 1 OPENING
- 2 ACKNOWLEDGEMENT OF COUNTRY
- 3 DISCLOSURES OF INTERESTS
- 4 ADJOURNMENT FOR PUBLIC FORUM
- 5 REPORTS TO COUNCIL - ITEMS FOR DETERMINATION
 - 5.1 DA.2025.0014 - 24 Gibraltar Street Bungendore - Demolition of Existing Building and Construction of Medical Centre2
- 6 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION 10
- 7 REPORTS FOR CLOSED SESSION
- 8 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS

Open Attachments

- Item 5.1 DA.2025.0014 - 24 Gibraltar Street Bungendore - Demolition of Existing Building and Construction of Medical Centre
- Attachment 1 Plans - DA.2025.0014 - 24 Gibraltar Street, Bungendore (Under Separate Cover)*
 - Attachment 2 Perspectives - DA.2025.0014 - 24 Gibraltar Street, Bungendore (Under Separate Cover)*
 - Attachment 3 Landscape Plan - DA.2025.0014 - 24 Gibraltar Street, Bungendore (Under Separate Cover)*
 - Attachment 4 Pre-Demolition Hazardous Survey Report - DA.2025.0014 - 24 Gibraltar Street, Bungendore (Under Separate Cover)*
 - Attachment 5 Section 4.15 Table - Matters for Consideration DA.2025.0014 - 24 Gibraltar Street, Bungendore (Under Separate Cover)*
 - Attachment 6 Draft Conditions of Consent - DA.2025.0014 - 24 Gibraltar Street, Bungendore (Under Separate Cover)*

Closed Attachments

Nil

ITEM 3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

The provisions of Chapter 14 of the *Local Government Act, 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the *Local Government Act* restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest

Recommendation

That Councillors and staff disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

5.1 DA.2025.0014 - 24 Gibraltar Street Bungendore - Demolition of Existing Building and Construction of Medical Centre (Author: Ormella/Ravi)

File Reference: DA.2025.0014

Recommendation

That development application DA.2025.0014 for the demolition of existing building and construction of a medical centre on Lot 23 DP 591333 be granted conditional consent, noting the inclusion of a condition requiring the landscaping plan to be amended to accord with Council's road verge planting policy and preferred species.

Summary

Reason for Referral to Council

This application has been referred to Council because written submissions have been made to Council resulting from the exhibitions/notification process and valid concerns have been raised which cannot be overcome with a condition of consent and where plans cannot or will not be amended to overcome such concerns. This application has been referred to Council as the General Manager received a request signed by three Councillors to have this development application referred to Council for determination in accordance with Clause 9 of the Guidelines for Referral of DAs to Council.

Proposal:	Demolition of existing building and construction of a medical centre
Applicant/Owner:	The Trustee For Akerele Investments Trust / Akerele Investments Pty Ltd
Subject Property:	Lot 23 DP 591333, No. 24 Gibraltar Street Bungendore NSW 2621
Zoning and Permissibility:	E1 Local Zone under Queanbeyan Palerang Regional Local Environmental Plan 2022
Public Submissions:	20 (First Notification Period) 2 (Post-Second Notification Period)
Issues Discussed:	Planning Requirements - Heritage - Removal of vegetation
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Background

Proposed Development

The application seeks development consent for the demolition of existing building and construction of a medical centre, and associated site works.

5.1 DA.2025.0014 - 24 Gibraltar Street Bungendore - Demolition of Existing Building and Construction of Medical Centre (Author: Ormella/Ravi) (Continued)

The specific elements of the proposal are:

- a. Demolition of existing cottage and outbuildings to accommodate the proposed development
- b. Removal of approximately 22 trees located across the site
- c. Construction of a single storey building to be used as a medical centre comprising of:
 - Reception area and administration rooms
 - Waiting area
 - 6 consulting rooms
 - Staff room, treatment & procedure room
 - Toilets
 - Tenancy 2 to be used for ancillary retail purposes
- d. Construction of 10 on-grade parking including one accessible parking
- e. Proposed hours of operation – 8 am to 6pm Monday to Friday (closed during weekends)
- f. Number of staffs – 8
- g. Installation of a detached sign fronting Gibraltar Street
- h. Landscaping, associated infrastructure and earthworks.

Subject Property

The subject site is legally described as Lot 23 DP 591333 and is commonly known as 24 Gibraltar Street Bungendore. The site is located on the north side of Gibraltar Street and has an area of 1096 sqm.

The site is a corner lot bound by Gibraltar Street in the south and Ellendon Street in the west.

The site is relatively flat in topography and comprises a mix of native and non-native vegetation across the entire site.

The site currently obtains a vehicular access from Ellendon Street in the west.

The site also comprises of a single storey cottage used for commercial purposes and includes a shopfront adjoining Gibraltar Street in the south.

Existing development within the locality consists primarily of commercial buildings of varying scale and typology.

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15 of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 4.15 are summarised in the attached *Section 4.15 Table – Matters for Consideration*.

5.1 DA.2025.0014 - 24 Gibraltar Street Bungendore - Demolition of Existing Building and Construction of Medical Centre (Author: Ormella/Ravi) (Continued)

The following planning instruments have been considered in the planning assessment of the subject development application:

1. State Environmental Planning Policy (Biodiversity and Conservation) 2021
2. State Environmental Planning Policy (Resilience and Hazards) 2021
3. State Environmental Planning Policy (Transport and Infrastructure) 2021
4. State Environmental Planning Policy (Industry and Employment) 2021
5. Queanbeyan Palerang Regional Local Environmental Plan 2022 (LEP)
6. Palerang Development Control Plan 2015 (DCP)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration are:

(a) Compliance with LEP

The subject site is zoned E1 Local Centre under Queanbeyan Palerang Regional Local Environmental Plan 2022.

Development for the purposes of a "medical centre" such as is proposed is permissible within the E1 Local Centre zone with consent and is defined under the LEP as follows:

***medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services*

The objectives of this zone are:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To encourage development that is consistent with the character and amenity of the locality.*
- *To support business development by providing parking and other civic facilities.*
- *To encourage some limited high density residential uses to create vitality in town centres.*

The proposed development is considered to be consistent with the objectives of the zone. It is generally consistent with the predominant land uses in the immediate locality and the building form is generally in keeping with the character and amenity of the locality.

5.1 DA.2025.0014 - 24 Gibraltar Street Bungendore - Demolition of Existing Building and Construction of Medical Centre (Author: Ormella/Ravi) (Continued)

Section 1.7 of the EP&A Act requires consideration of Part 7 of the Biodiversity Conservation Act 2016 (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species. A development is not considered to result in a significant impact in the following assessed circumstances:

Test	Assessment										
(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	The proposal involves the removal of 22 trees and small shrubs/landscaping on site to facilitate the proposed development. The existing vegetation are not considered to be threatened species. The proposed development and tree removal are unlikely to significantly affect threatened species or ecological communities, or their habitats.										
(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or <table border="1"> <thead> <tr> <th>Minimum lot size associated with the property</th><th>Threshold for clearing, above which the BAM and offsets scheme apply</th></tr> </thead> <tbody> <tr> <td>Less than 1 ha</td><td>0.25 ha or more</td></tr> <tr> <td>1 ha to less than 40 ha</td><td>0.5 ha or more</td></tr> <tr> <td>40 ha to less than 1000 ha</td><td>1 ha or more</td></tr> <tr> <td>1,000 ha or more</td><td>2 ha or more</td></tr> </tbody> </table>	Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply	Less than 1 ha	0.25 ha or more	1 ha to less than 40 ha	0.5 ha or more	40 ha to less than 1000 ha	1 ha or more	1,000 ha or more	2 ha or more	<p>The subject land has no applicable minimum lot size.</p> <p>As mentioned above, the proposal involves the removal of 22 trees and small shrubs/landscaping on site to facilitate the proposed development. The subject site is located within the historic Bungendore town centre which has been modified and altered over time throughout the historical uses of the land with no significant native vegetation on site. The biodiversity offset scheme does not apply.</p> <p>Additionally new landscaping will be provided as part of the proposed development to enhance the streetscape.</p>
Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply										
Less than 1 ha	0.25 ha or more										
1 ha to less than 40 ha	0.5 ha or more										
40 ha to less than 1000 ha	1 ha or more										
1,000 ha or more	2 ha or more										
(c) it is carried out in a declared area of outstanding biodiversity value	The site is not a declared area of outstanding biodiversity value.										

The lot is not identified as containing any biodiversity values on the Biodiversity Values Map. The proposal involves the removal of 22 trees and small shrubs/landscaping on site to facilitate the proposed development. These are mostly non-native in nature with the exception of two eucalyptus melliodora species, two acacias & two casuarina trees located at the rear of the lot. The proposed removal of vegetation is considered satisfactory in this instance as the submitted landscape plans appropriately offset any vegetation loss as a result of this development.

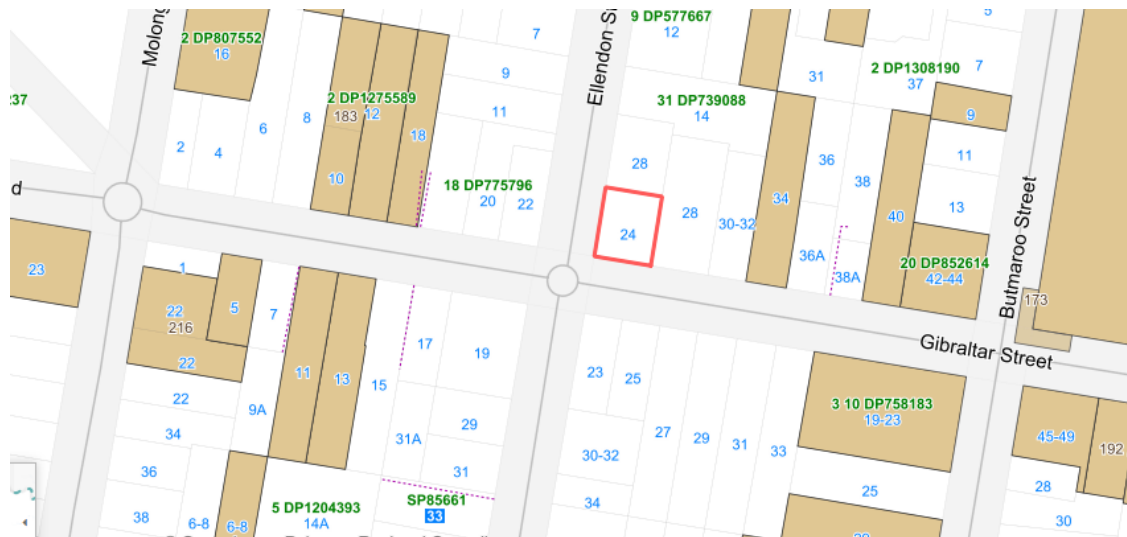
The subject site is considered unlikely to provide any corridors or connectivity for any threatened flora or fauna species due to the scale, nature and location of the development. Therefore, the proposal is unlikely to result in any adverse impacts on any threatened species or ecological communities or their habitats.

On the basis of the above, the development is not considered likely to significantly affect threatened species and therefore a Biodiversity Development Assessment Report is not required to accompany the application for development consent.

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Clause 5.10 Heritage Conservation

The proposed development will have a minimal impact in relation to heritage. The site is not heritage listed, is not adjacent to a heritage item and is not located within a Heritage Conservation Area.



Heritage in the vicinity of the subject site

The site is located in the vicinity of other listed items of varying significance under the QPRLEP 2022.

The heritage character of the locality is typically characterised by buildings up to street frontage with awnings over pathways, gabled roofs, flat roof with ornate timber posts. The predominant materials observed in the heritage items along Gibraltar Street was found to be stone masonry (18 and 12 Gibraltar Street), metal roofing sheets, glass panels fronting the streetscape, ornate timber posts.

However, more recent commercial premises are typically characterised by pitched roofs with non-ornate timber posts with awnings over pedestrians and the signage character of the area is varied in nature.

The proposed development includes pitch roofing to ensure consistency with other roofing type found on non-listed items along Gibraltar Street and includes the use of timber posts to support internal walkways (or verandahs), similar to awnings found over the pedestrian along Gibraltar Street and the proposal includes the use of a mix of materials such as wood, metal roofing, horizontal groove cladding.

Considering the nearest heritage listed item is more than 60m on either side of Gibraltar Street, the proposal is unlikely to result in any adverse heritage impacts on the streetscape as the distances is likely to serve as a buffer between the proposed development and any heritage items in the vicinity.

(b) Compliance with DCP

The proposed development is consistent with the objectives and controls contained within Palerang Development Control Plan 2015.

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(c) Other Matters

The application was referred to Councils Strategic Planner as the site was identified within the Bungendore Heritage Study 2019, adopted by Council on 03 March 2019 who advised as follows:

The Edwardian Cottage (24 Gibraltar Street, Bungendore) has been identified in the Bungendore Heritage Study (adopted on 03 March 2019). The study recommends (page 22), Undertake more detailed inspection and assessment and if appropriate, list.

To date, no further inspection and assessment is carried out to determine its appropriateness to add it into the Schedule 5. However, properties identified in the Bungendore Heritage Study will be considered as part of the Review of Schedule 5 of QPRLEP 2022 concluding in 2027. Furthermore, addition of recommended properties into the Schedule 5 will take another year or so.

Considering the cottage is neither listed nor a decision has yet been made to add it into the Schedule 5 of QPRLEP 2022. It is recommended to assess the DA on the available information and its merits.

Further to the above advice, Councils Heritage Advisor commented on the heritage significance of the building as follows (excerpt from overall assessment):

The building's overall form and some of its original fabric (weatherboards, brick chimneys, short sheet corrugated roofing, timber bargeboard and finial detail) are intact. Some changes are evident which impacts its overall integrity and presentation including the large format front windows, entry door and the later addition of aluminium windows to the side elevations. While a verandah is seen in historic images, the current verandah has been modified with news posts. The building's scale, relationship to the street and wider setting (to the north and west) are largely intact. The eastern elevation is not visible due to the neighbouring Motel development (1960s).

The building plays a contributory role in the streetscape aesthetic, due in particular to its scale, and continues the pattern in this part of street with its verandah over the footpath. While it is not completely intact, on brief review of the LEP, the building may be significant as an example of an Edwardian (or Federation) period shop building. Federation period houses are better represented on the LEP, though commercial premises from this era are not.

While a full assessment has not been undertaken, including inspection of the interior, it is noted that the building makes a contribution to the streetscape, and may have individual significance as a Federation era commercial building. The social and associational aspects of the building, as a shop with many uses over its life, may also meet threshold for listing on the LEP. While further assessment would be required to justify its addition to the LEP, it is noted that there is a potential for the site possess some level of significance to Bungendore.

While the heritage values are acknowledged in the Bungendore Heritage Study 2019, the subject lot, at the time of writing of this report, is neither a listed item under Schedule 5 of the Queanbeyan Local Environmental Plan 2022 nor, is it within any heritage conservation area.

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As discussed above, the Bungendore Heritage Study is strategic in nature and in particular to the subject lot, the above recommendation has not yet been translated into any statutory controls in the LEP or the DCP.

The development was assessed based on its merits against relevant controls under the LEP and the DCP and is generally found to be consistent with the overall objectives and aims under the relevant clauses in the LEP and under the DCP. The existing building currently has the fallback position that it can be demolished as complying development, which a private certifier can issue. The matters that are of relevance under Section 4.15 are summarised in the attached *Section 4.15 Table – Matters for Consideration*.

Financial Implications

There are no financial implications to Council as a result of determining this application.

Engagement

The proposal required notification under Councils Community Engagement and Participation Plan. 20 submissions were received. The relevant issues raised are as follows:

Issue: *The existing building is recommended for a heritage listing under Bungendore Heritage Study 2019*

Comment: The Bungendore Heritage Study 2019 is a strategic document and at the time of writing of this report, the subject lot is neither a listed item nor is it within any heritage conservation area. The development is assessed based on its design merit.

It should also be noted that the existing building could be demolished as complying development, under Part 7 Demolition Code within the *SEPP (Exempt and Complying Development) 2008*. This approval for demolition would be able to be issued by a private certifier.

Issue: *Loss of Vegetation*

Comment: The majority of the vegetation is non-native in nature. The proposal includes landscaping along the street frontages on Council verge which will positively contribute to the streetscape character of the locality and offset any native vegetation loss from the site.

Issue: *Parking requirement*

Comment: Due to the nature of the proposed development and the area constraints, the proposal does not include sufficient parking within the lot for the proposed use. Councils Development Engineer reviewed the proposal and offered no objections to the proposal subject to collecting of contributions under relevant contribution plan for parking purposes.

The application was re-notified from 09/05/2025 to 30/05/2025 and no submissions were received in the second round of public notification. However, 2 late submissions were received. The relevant issues raised are as follows:

Issue: *Severe impact on the heritage, loss of mature vegetation & inadequate parking*

Comment: The concerns raised in the second round of public notification are not too dissimilar to the concerns raised during the first notification period. The concerns have been appropriately addressed above.

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Conclusion







The submitted proposal for a demolition of existing building and construction of a medical centre on Lot 23 DP 591333, No. 24 Gibraltar Street Bungendore is a Local Development and is supported by plans, pre-demolition hazardous survey report & landscape plans. The proposal was notified to adjoining owner/occupiers and 20 submissions were received.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Palerang Regional Local Environmental Plan 2022* and *Palerang Development Control Plan 2015*.

The development satisfies the requirements and achieves the objectives of these instruments.

The proposed development is considered suitable for the site, is compatible with the neighbourhood, and through recommended conditions of consent, enable a positive planning outcome.

Attachments

Attachment 1 	Plans - DA.2025.0014 - 24 Gibraltar Street, Bungendore (<i>Under Separate Cover</i>)
Attachment 2 	Perspectives - DA.2025.0014 - 24 Gibraltar Street, Bungendore (<i>Under Separate Cover</i>)
Attachment 3 	Landscape Plan - DA.2025.0014 - 24 Gibraltar Street, Bungendore (<i>Under Separate Cover</i>)
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Attachment 6 	Draft Conditions of Consent - DA.2025.0014 - 24 Gibraltar Street, Bungendore (<i>Under Separate Cover</i>)

6 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “confidential” business paper which has been circulated to Councillors.

The *Local Government Act, 1993* requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the *Local Government Act, 1993*.