

Rezone Part of Lot 5 DP 1204393 Malbon St, Bungendore to SP2 Infrastructure (car park)

Proposal Title : **Rezone Part of Lot 5 DP 1204393 Malbon St, Bungendore to SP2 Infrastructure (car park)**

Proposal Summary : **Rezone Part of Lot 5 DP 1204393, 14A Malbon St, Bungendore from B2 Local Centre to SP2 Infrastructure (car park).**

PP Number : **PP_2015_PALER_004_00**

Dop File No : **15/16115-1**

Proposal Details

Date Planning
Proposal Received : **10-Nov-2015**

LGA covered : **Palerang**

Region : **Southern**

RPA : **Palerang Council**

State Electorate : **MONARO**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **14A Malbon Street**

Suburb : **Bungendore**

City :

Postcode : **2621**

Land Parcel : **Part of Lot 5, DP 1204393**

DoP Planning Officer Contact Details

Contact Name : **Meredith McIntyre**

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RPA Contact Details

Contact Name : **Sue Robb**

Contact Number : **0262388163**

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DoP Project Manager Contact Details

Contact Name : **Deanne Frankel**

Contact Number : **0242249468**

Contact Email : **deanne.frankel@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub
Regional Strategy : **Sydney-Canberra Corridor**

Consistent with Strategy : **Yes**

Regional Strategy

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings 0

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting

Notes :

External Supporting

Notes :

Council purchased No 12 and No 14 Malbon Street for the purposes of building an off-street car park at the rear of these lots. Subsequent subdivisions have resulted in the creation of Lot 5 which is zoned mostly SP2 Infrastructure (public car park), with the remainder being zoned B2 Local Centre.

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment : To have all of Lot 5, DP 1204393 zoned as SP2 Infrastructure (public car park).

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : Council has stated that the "western and southern parts of Lot 5 DP 1204393 are to be zoned SP2 Infrastructure (public car park)". However, this explanation is inadequate. It should include instruction about exactly what is to be rezoned. For example, amend LZN_004A to rezone the western and southern portions of Lot 5 as shown the the proposal map from B2 Local Centre to SP2 Infrastructure (public car park).

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

**6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 21—Caravan Parks
SEPP No 30—Intensive Agriculture
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 33—Hazardous and Offensive Development
SEPP No 36—Manufactured Home Estates
SEPP No 44—Koala Habitat Protection
SEPP No 50—Canal Estate Development
SEPP No 55—Remediation of Land
SEPP No 62—Sustainable Aquaculture
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Temporary Structures and Places of Public Entertainment) 2007**

e) List any other matters that need to be considered :

1.1 BUSINESS AND INDUSTRIAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed business or industrial zone. Council identified that the proposal was consistent with the Direction, however the proposal is considered to be **INCONSISTENT** with this direction as it does not retain the area and location of existing business or industrial zones and it reduces the total potential floor space area for employment uses and related public services in business zones.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is of minor significance.

2.1 ENVIRONMENT PROTECTION ZONES: Council has identified that this Direction applies to the planning proposal; however it does not apply as it does not affect land within an environment protection zone or land otherwise identified for environment protection purposes. Council identified the proposal was inconsistent with this Direction; however the Direction does not apply.

2.3 HERITAGE CONSERVATION: This Direction does apply to the planning proposal as it affects items, places, buildings, works, relics moveable objects or precincts of environmental heritage significance. Council has identified that the proposal is inconsistent with the Direction, however the proposal is considered to be **CONSISTENT** with this direction as the provisions that facilitate the conservation of items, places, buildings, works, relics moveable objects or precincts of environmental heritage significance are not being removed as part of this amendment.

2.4 RECREATION VEHICLE AREAS: Council has identified that this Direction applies to the planning proposal, however it does not apply as the proposal does not enable land to be developed for the purpose of a recreation vehicle area.

3.3 HOME OCCUPATIONS: Council has identified that this Direction applies to the planning proposal, however it does not apply as it will not affect land or provisions relating to the permissibility of home occupations in dwelling houses.

3.4 INTEGRATING LAND USE AND TRANSPORT: This Direction does apply to the

planning proposal as it will create/alter/remove a zone/provision relating to urban land.
The proposal is considered to be **CONSISTENT** with this direction.

4.1 ACID SULPHATE SOILS: Council has identified that this Direction applies to the planning proposal, however it does not apply as it will not affect land having a probability of containing acid sulphate soils, as shown on the Acid Sulphate Soils Planning Maps held by the Department of Planning.

4.3 FLOOD PRONE LAND: This Direction does apply to the planning proposal as it will create, remove or alter a zone or a provision that affects flood prone land.
The proposal is considered to be **CONSISTENT** with this direction.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES: This Direction does apply to the planning proposal as the Sydney-Canberra Corridor Regional Strategy applies to the land.

The proposal is considered to be **CONSISTENT** with this direction.

6.1 APPROVAL AND REFERRAL REQUIREMENTS: This Direction does apply to the planning proposal as it includes provisions that require the concurrence, consultation or referral of development applications to the Minister or a public authority.
The proposal is considered **CONSISTENT** with the Direction.

6.2 RESERVING LAND FOR PUBLIC PURPOSES: This Direction does apply to the planning proposal as it will create/alter/reduce existing zonings or reservations of land for public purposes and requires the approval of the relevant public authority and the Secretary of the Department.

The proposal is considered to be **CONSISTENT** with this direction as the Gateway determination will issue the necessary approval.

RECOMMENDATION: The Secretary of the Department approves of the proposal to alter the zonings of land for public purposes.

6.3 SITE SPECIFIC PROVISIONS: This Direction does apply to the planning proposal as it allows a particular development to be carried out.

The proposal is considered to be **CONSISTENT** with this direction as it rezones the site to an existing zone already applying in the EPI that allows the land use and it does not impose development standards or requirements in addition to those already contained in that zone

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The maps provided are suitable for public exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a 28 public exhibition period.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Palerang LEP 2014**

Assessment Criteria

Need for planning proposal : Council believes the rezoning of the whole of Lot 5 is important to prevent any structures that are not related to the car park being erected on the site. However, it is important to recognise that Council owns the whole of Lot 5 so the chances of inappropriate development occurring on the site are probably slim.

Consistency with strategic planning framework : The proposal is not inconsistent with the local and regional strategic planning framework. It is a very minor rezoning. Council states that the proposal assists in the provision of a central car park in Bungendore that is commensurate with a town with an increasing residential population and associated commercial area.

Environmental social economic impacts : The land is shown on the Palerang LEP 2014 Flood Planning Map, however it is located in an area surrounded by other residential and commercial uses. A car park is not incompatible with flood events.

In the acquisition of Lot 5, Council purchased two lots with existing heritage dwellings on them. Both these dwellings have been subdivided off and Lot 5 does not contain any remaining heritage items. Council has identified the need for the Heritage Map and provisions to reflect the updated title information, however it is not proposed as part of this amendment. Council advises that a separate heritage amendment will be proposed in 2016 to include those updates as well as other heritage changes that are required.

The provision of a car park in Bungendore is a local planning matter that potentially has economic benefits to the commercial activity of the town.

Assessment Process

Proposal type : **Routine** **Community Consultation Period :** **28 Days**

Timeframe to make LEP : **12 months** **Delegation :** **RPA**

Public Authority Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Letter - Palerang Council_02-11-2015_Planning Proposal - Rezoning of part of Lot 5 DP 1204393 14A Malbon Street Bungendore_.pdf	Proposal Covering Letter	Yes
Palerang Council Report and Planning Proposal.pdf	Proposal	Yes
Palerang Land Zoning Map.pdf	Map	Yes
Palerang Map_1 location of lot 5.pdf	Map	Yes
Palerang Map_3 detail of zoning map.pdf	Map	Yes
DETERMINATION DOCUMENT PP 2015 PALER 004 MALBON STREET BUNGENDORE 27 NOVEMBER 2015.pdf	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones**
 - 2.1 Environment Protection Zones**
 - 2.3 Heritage Conservation**
 - 2.4 Recreation Vehicle Areas**
 - 3.3 Home Occupations**
 - 3.4 Integrating Land Use and Transport**
 - 4.1 Acid Sulfate Soils**
 - 4.3 Flood Prone Land**
 - 5.1 Implementation of Regional Strategies**
 - 6.1 Approval and Referral Requirements**
 - 6.2 Reserving Land for Public Purposes**
 - 6.3 Site Specific Provisions**

Additional Information : **It is RECOMMENDED that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Palerang Local Environmental Plan 2014 to Rezone part of Lot 5, DP 1204393 from B2 Local Centre to SP2 Infrastructure (public car park).**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and**
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.**

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2. Consultation is not required with the public authorities under section 56(2)(d) of the EP&A Act.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions, 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes, and Site Specific Provisions.

(d) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(e) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

The proposal is considered of minor significance.

Signature:



Printed Name:

Deanne Frankel

Date:

1/12/15