

Item 11.5. Planning Proposal, Lot 5 DP 1204393, 14A Malbon Street, Bungendore

SUBJECT	Planning proposal, rezoning of part of Lot 5 DP 1204393, 14A Malbon Street, Bungendore from B2 Local Centre to SP2 Infrastructure (public car park)		
FILE NO.	PROJ0035/	DIVISION	Planning and Environmental Services

Attachments

1. Planning Proposal rezoning of part of Lot 5 DP 1204393 from B2 Local Centre to SP2 Infrastructure (public car park)

Synopsis

Council has prepared a planning proposal to rezone part of Lot 5 DP 1204393 (14A Malbon Street, Bungendore) from B2 Local Centre to SP2 Infrastructure (public car park). The intention of the planning proposal is to apply a consistent zoning of SP2 Infrastructure (public car park) to all of Lot 5 DP 1204393.

Recommendation

Recommended that Council forward the planning proposal, council report and recommendations to the Minister for Planning and Environment for a gateway determination;

Report

The background and details of the planning proposal are in Attachment 1.

Financial considerations

Council staff have prepared and will manage the planning proposal process. There will be a small cost for newspaper advertisements during the exhibition period.

Policy implications

The zoning of all of Lot 5 DP 1204393 SP2 Infrastructure (public car park) is good policy practice as Council should be managing the *Palerang Local Environmental Plan 2014* to limit the number of lots with multiple zonings. Multiple zonings unless can result in a problematic and less efficient land use planning system.

Social implications

Nil

Environmental considerations

Nil

Attachment 1

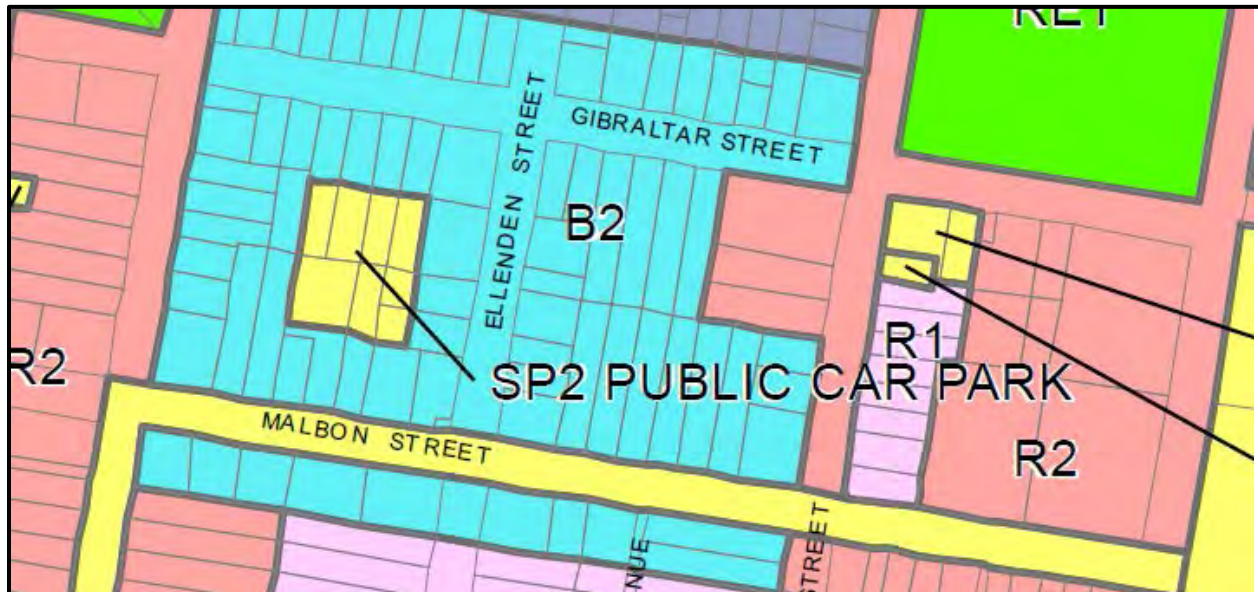
PALERANG COUNCIL PLANNING PROPOSAL, REZONING OF PART OF LOT 5 DP 1204393, 14A MALBON STREET, BUNGENDORE

Background

In recent years Council purchased No 12 (Lot 4 DP 1204393) and No 14 (Lot 1 DP 1198404) Malbon Street for the purposes of an off-street public car park to be built on the rear sections of the lots. Subsequently, subdivisions of both of these properties have occurred which have resulted in the creation of Lot 5 DP 1204393 (a single car park lot) and separate lots over the two houses which have retained their original street addresses. As part of the preparation of the *Palerang Local Environmental Plan 2014*, Council zoned the car park site including the rear parts of 12 (Lot 4 DP 1204393) and 14 (Lot 1 DP 1198404) Malbon Street and other lots to be used for the proposed car park SP2 Infrastructure (public car park). The remainder of Lot 5 DP 1204393 is currently zoned B2 Local Centre (see map 2 below). Council has prepared a preliminary plan for the construction of the car park.

Map 1 illustrates the location of Lot 5 DP 1204393 and Map 2 shows the current land use zoning of Lot 5 DP 1204393.

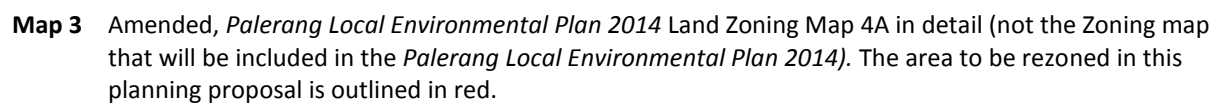


Map 1 Location of Lot 5 DP 1204393Source *Palerang Council and Land and Property Information***Map 2** Extract from *Palerang Local Environmental Plan 2014* Land Zoning Map 4A (note that the angled lot boundary lines are an artefact of the PDF rendering process and do not accurately reflect actual lot boundaries)Source *Palerang Council and Land and Property Information*

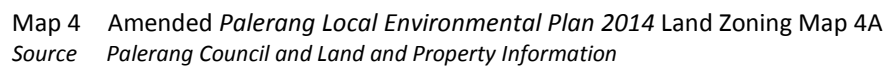
Note The cadastre in Map 1 and Map 2 differs due to the subdivision (outlined above in the background).

Description of the Planning Proposal

Council has prepared a draft planning proposal to rezone the area of Lot 5 DP 1204393 currently zoned B2 Local Centre to SP2 Infrastructure for use as a public car park. The rezoning will apply a consistent zoning across all of Lot 5 and will remove the ability to construct a commercial building on its access handle (which is considered inappropriate). Map 3 below illustrates the proposed zoning.



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Site description

The area to be rezoned contains several buildings and areas of exotic vegetation. The land is flat and there are no watercourses. The southern boundary fronts Malbon Street which forms part of the Kings Highway, this area is approximately ten metres wide. This part of Malbon Street is used for parking by people visiting the surrounding businesses.

PART 1 INTENDED OUTCOME

All of Lot 5 DP 1204393 is zoned SP2 Infrastructure (public car park).

PART 2 EXPLANATION OF PROVISIONS

The western and southern parts of Lot 5 DP 1204393 are zoned SP2 Infrastructure (public car park).

PART 3 JUSTIFICATION**SECTION A NEED FOR THE PLANNING PROPOSAL****Question 1 Is the planning proposal a result of any strategic study or report**

The Bungendore Land Use Strategy and Structure Plan identifies opportunities for residential development at a broad scale. Bungendore is currently experiencing development growth in both commercial and residential development in some of the areas identified in the structure plan. Council is currently undertaking strategic planning work to manage this growth and to review the structure plan with a view to likely development over the next thirty years. The development of a central car park in is a key component in providing economic opportunities for Bungendore and managing the amenity of the area. The zoning of the whole of Lot 5 DP 1204393 SP2 Infrastructure (public car park) will enable the whole of the lot to be managed as a central car park.

Additionally, the removal of the B2 Local Centre land use zoning will prevent any structures or buildings (other than a community centre) that are not related to the car park being erected on the lot particularly the southern portion. A consideration in this has been that if a building is erected on Lot 5 DP 1204393 within in close proximity to an existing building on adjoining land then upgrading measures for the management of fire will be required under the Building Code of Australia if that building is proposed for commercial purposes.

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

The planning proposal is the only means of achieving the intended outcome.

SECTION B RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**Question 3 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy**

The *Sydney-Canberra Corridor Regional Strategy 2016-31* identifies that an additional 14,200 dwellings will be required in the Southern region up to 2031 and that there is some opportunity for the expansion of Bungendore (p37). At the time of the 2001 census, the population of Bungendore was 1,685 and in 2011 the population was 2,754 (ABS) with 967 dwellings (ABS). The planning 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.

Question 4(a) Is the planning proposal consistent with a council's local strategy or other local strategic plan

As outlined in the response to Part 3, Question 1, Council is reviewing the existing structure plan to manage growth in the residential and commercial areas. This work involves detailed planning in regard to land use, hard and soft infrastructure and character and amenity for Bungendore for the next thirty years.

Question 4(b) Is the planning proposal consistent with the local council's community plan, or other local strategic direction

Focus Area 4: Rural and Urban Development of the *Palerang Community Strategic Plan 2013-32* does not specifically discuss the growth of Bungendore. However, it seeks to manage development in a manner that takes into account water and natural resources and the rural character of the local government area.

Question 4(c) If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided

There are no interests to be extinguished.

Question 4(d) The concurrence of the landowner, where the land is not owned by the relevant planning authority

Lot 5 DP 1204393 is owned by Palerang Council.

Question 5 Is the planning proposal consistent with the applicable State Environmental Planning Policies

	<i>Name of State Environmental Planning Policy</i>	<i>Consistency with applicable State Environmental Planning Policy</i>
21	Caravan Parks	Consistent - The planning proposal does not involve the construction of a caravan park
30	Intensive Agriculture	Consistent - The planning proposal does not involve intensive agriculture
32	Urban Consolidation (Redevelopment of Urban Land)	Consistent - The use of the land will assist in facilitating multi-unit housing in the inner part of Bungendore
33	Hazardous and Offensive Development	Consistent - The planning proposal does not involve hazardous and offensive development
36	Manufactured Home Estates	Consistent - The planning proposal does not involve manufactured home estates
44	Koala Habitat Protection	Consistent - There is no habitat suitable for koalas
50	Canal Estates	Consistent - The planning proposal does not involve canal estates
55	Remediation of Land	Consistent - The land will not be used for residential, educational, recreational, child care or hospital purposes.
62	Sustainable Aquaculture	Consistent - The planning proposal does not involve sustainable agriculture
64	Advertising and Signage	Consistent - The planning proposal does not involve advertising or signage
65	Design Quality of Residential Apartment Development	Consistent - The planning proposal does not involve the construction of residential apartment buildings
	SEPP (Affordable Rental Housing) 2009	Consistent - The planning proposal does not involve the construction of affordable rental housing
	SEPP (Housing for Seniors or People with a Disability) 2004	Consistent - The planning proposal does not involve housing specifically for seniors or people with a disability
	SEPP (Building Sustainability Index BASIX) 2004	Consistent - The planning proposal does not involve the design of housing

	<i>Name of State Environmental Planning Policy</i>	<i>Consistency with applicable State Environmental Planning Policy</i>
	SEPP (Major Development) 2005	Consistent - The planning proposal does not involve major development of the nature detailed in the SEPP (Major Development) 2005
	SEPP (Mining Petroleum Production and Extractive Industries) 2007	Consistent - The planning proposal does not involve mining petroleum production or extractive industries
	SEPP (Infrastructure)	Consistent
	SEPP (Miscellaneous Consent Provisions) 2007	Consistent - The planning proposal does not involve the erection of temporary structures
	SEPP (Exempt and Complying Development) 2008	Consistent
	SEPP (State and Regional Development) 2011	Consistent – the development is not state significant development

Question 6 Is the planning proposal consistent with applicable Ministerial Directions

	<i>Name of direction</i>	<i>Consistency with applicable Ministerial Direction</i>
1.1	Business and Industrial Zones	Consistent – the rezoning will encourage employment in Bungendore and does not reduce potential floor space. Development of the land for commercial purposes would not be consistent with the proposed car park and would not be appropriate.
2.1	Environmental Protection Zones	Inconsistent – there are no provisions in the planning proposal relating to the protection and conservation of environmentally sensitive areas. However the land has been heavily disturbed over a long time due to urban development and the inconsistency is justified.
2.3	Heritage Conservation	Inconsistent – The <i>Palerang Local Environmental Plan 2014</i> heritage schedule and associated map shows the lot as having a heritage item. However, this is due heritage items I207 (12 Malbon Street) and I208 (14 Malbon Street) being on the parent lots prior to subdivision (see above) and the inconsistency is justified. The mapping anomalies caused by subdivisions will be addressed in a future subdivision.
2.4	Recreation vehicle areas	Consistent. The planning proposal does not enable land to be developed for the purpose of a recreational vehicle area.

	<i>Name of direction</i>	<i>Consistency with applicable Ministerial Direction</i>
3.3	Home Occupation	Consistent – Dwelling houses are not permissible in the SP2 Infrastructure zone and no dwelling houses are located on the subject land.
3.4	Integrating Land Use and Transport	Consistent - The rezoning will assist in improving access to business and employment and in the longer term transport options
4.1	Acid Sulphate Soils	Consistent - The land is not mapped as having a probability of containing acid sulphate soils as it is not in a coastal region
4.3	Flood Prone Land	Consistent – the land is shown on the Palerang Local Environmental Plan 2014 Flood Planning Map. The use of the land as a car park is considered to comply with the <i>Floodplain Manual 2005</i>
5.1	Implementation of Regional Strategies	Consistent. The planning proposal is consistent with the <i>Sydney-Canberra Corridor Regional Strategy</i> (see above)
6.1	Approval and Referral Requirements	Consistent - The Planning Proposal will not result in development that requires additional concurrence or referral requirements.
6.2	Reserving Land for Public Purposes	Consistent – The land is owned by Palerang Council and the part of the land not subject to this planning proposal is currently zoned SP2 Infrastructure
6.3	Site Specific Provisions	Consistent - The planning proposal will zone the land SP2 Infrastructure which allows the public car park

SECTION C ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Question 7 Is there any likelihood that critical habitat or threatened species populations or ecological communities or their habitats will be adversely affected as a result of the proposal

There is no critical habitat as listed in NSW legislation in the Palerang local government area. Lot 5 DP 1204393 has been disturbed through previous urban development.

Question 8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed

No. The planning proposal will not alter the proposed development of the land under the draft Car park development plan.

Question 9 Has the planning proposal adequately addressed any social and economic effects

As stated above, Council is currently undertaking strategic planning work in relation to the development of Bungendore. A key part of this will be the consideration of the economic environment. The car park is viewed as essential to the economic development of Bungendore.

SECTION D STATE AND COMMONWEALTH INTERESTS

There are no state or commonwealth interests as the car park will be owned and managed by Palerang Council.

Question 10 Is there adequate public infrastructure for the planning proposal

The surrounding roads are owned and managed by public authorities and all are sealed. It is considered that the associated public infrastructure is adequate.

Question 11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination

The views of government agencies have not been sought yet. The planning proposal will be sent to Roads and Maritime Services as the land fronts a classified road (Malbon Street/Kings Highway).

Part 4 Mapping

One amended, *Palerang Local Environmental Plan 2014* maps have been prepared -- *Palerang Local Environmental Plan 2014* Land Zoning Map 4A.

Part 5 Community consultation

The planning proposal will be exhibited for a minimum of 28 days.

Part 6 Project timeline

<i>task</i>	<i>anticipated completion date</i>
Date of gateway determination	October 2015
Government agency consultation	November 2015
Consideration of submissions by Council	December 2015
Community consultation	February 2016
Consideration of submissions by Council	March 2016
Submission to the NSW Department of Planning and Environment	April 2016
Amendment of the <i>Palerang Local Environmental Plan 2014</i>	June 2016