

Planning Services

Gateway Determination Report

LGA	Queanbeyan-Palerang
PPA	Queanbeyan-Palerang Regional Council
NAME	Planning Proposal to amend Schedule 1 of the Palerang LEP 2014 to add Seniors Housing as an additional permitted use on Lots 13 and 14 DP 1139067, 4-6 Majara Street, Bungendore
NUMBER	PP_2018_QPREG_001_00
LEP TO BE AMENDED	Palerang LEP 2014
ADDRESS	4-6 Majara Street, Bungendore
DESCRIPTION	Lots 13 and 14 DP 1139067
RECEIVED	12 April 2018
FILE NO.	IRF18/2409
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

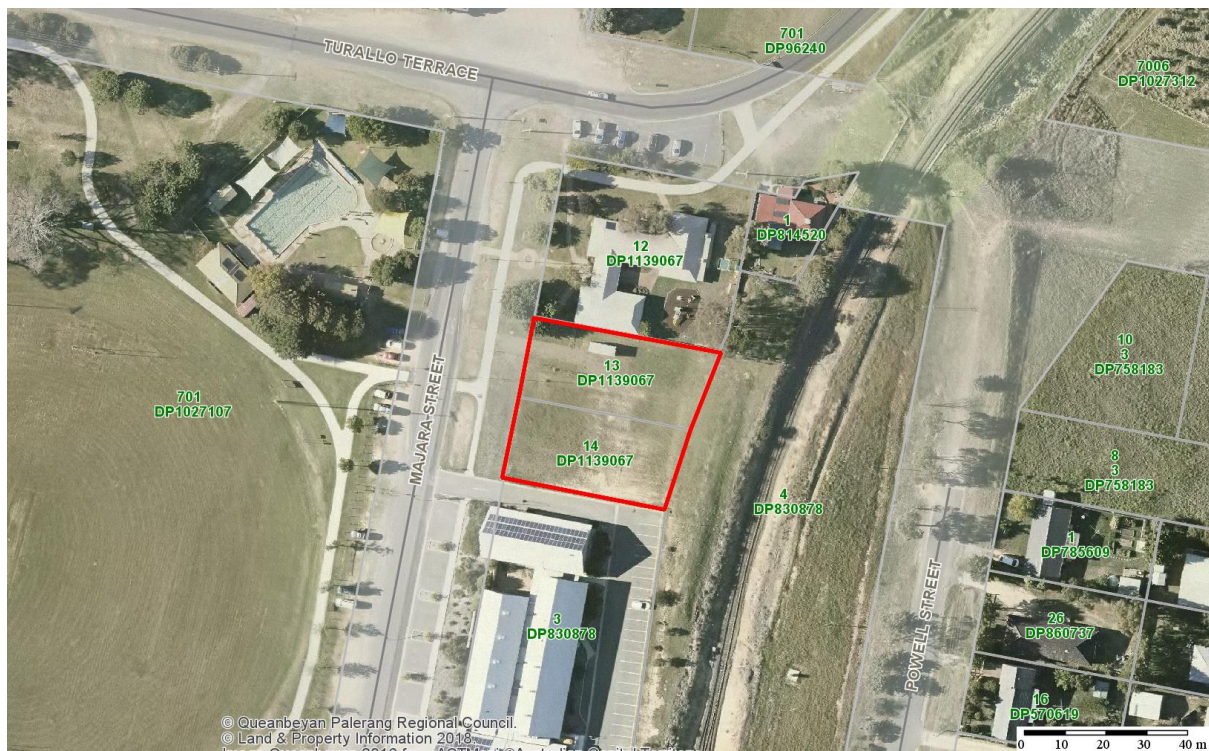
Description of planning proposal

The planning proposal seeks to amend Schedule 1 (Additional Permitted Uses) of the Palerang LEP 2014 to add Seniors Housing as an additional permitted use on Lots 13 and 14 DP 1139067, 4-6 Majara Street, Bungendore (the site).

Site description

The site consists of two vacant allotments with a total area of 1,721 square metres. The site, shown in Figure 1, is owned by Queanbeyan-Palerang Regional Council.

Figure 1: Aerial photograph of site

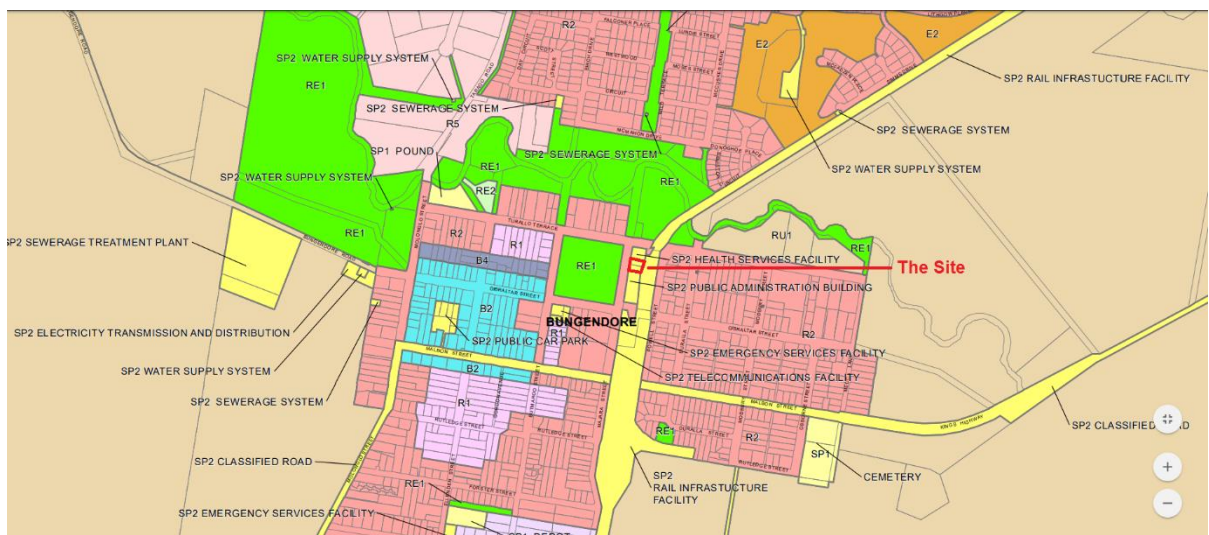


Source: Queanbeyan-Palerang Regional Council/ NSW LPI, publicmaps.qprc.nsw.gov.au

Existing planning controls

The site is zoned SP2 Infrastructure – Public Administration Building under the Palerang LEP 2014. Community facilities, Roads and development for the purpose of Public Administration Buildings (including any development that is ordinarily incidental or ancillary) are permitted on the site in accordance with the zoning. A copy of the relevant Land Zone map is provided in Figure 2.

Figure 2: Land Zoning Map (LZN_004A)



Source: NSW Legislation, www.legislation.nsw.gov.au

Surrounding area

The site is located in the town of Bungendore, an established urban area with access to essential services and infrastructure.

The site adjoins Queanbeyan-Palerang Regional Council's Bungendore office to the south and a community health centre to the north. The site is separated from public recreation land to the west by Majara Street and adjoins a rail corridor to the east. The site and surrounding area are shown in Figure 3.

Figure 3: Site and surrounding area



Source: SIX Maps, maps.six.nsw.gov.au

Summary of recommendation

It is recommended that the planning proposal proceed subject to the following conditions:

- The planning proposal be made publicly available for no less than 28 days.
- The planning proposal be made available to the following public authorities for a minimum of 21 days:
 - Transport for NSW;
 - RailCorp; and
 - NSW Office of Environment and Heritage – Heritage Office.
- Any study prepared in relation to contamination on the site should be made available during community consultation.

PROPOSAL

Objectives or intended outcomes

The intended outcome of the planning proposal is to add Seniors Housing as a permitted land use on the site.

The objective of the planning proposal is clearly stated and does not need to be amended prior to community consultation.

Explanation of provisions

The intended outcome of the planning proposal will be achieved by amending Schedule 1 (Additional Permitted Uses) of the Palerang LEP 2014 to add Seniors Housing as permitted with consent on the site.

The explanation of provisions is clearly stated and does not require amendment prior to community consultation.

Mapping

The proposed amendment does not require any amendments to LEP maps. The mapping included in the planning proposal clearly identifies the site and surrounding area and is considered suitable for community consultation.

NEED FOR THE PLANNING PROPOSAL

The proposed amendment is in accordance with a resolution of Council to offer the site to not-for-profit organisation Abbeyfield Australia Ltd for the purpose of establishing Seniors Housing on the site.

Although the planning proposal is not the result of any strategic study or report Council considers the proposed amendment will facilitate an important social outcome by providing affordable accommodation for senior residents on low incomes.

Council contends that the planning proposal is the best means of achieving the intended outcome as rezoning the site would allow a broader range of residential or other uses to be undertaken.

Given Council has resolved to support a proposal to permit Seniors Housing on the site it is considered appropriate that the planning proposal seeks to ensure that the use of the site is limited to Seniors Housing and the limited range of uses permitted within the SP2 Zone.

Rezoning the site to a Residential or Mixed Use zone to facilitate the development of Seniors Housing on the site would also create the possibility that the site could at some point be developed for purposes inconsistent with adjoining community and civic uses.

The planning proposal does not discuss whether State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP) can be utilised to facilitate the development of Seniors Housing on the site. It should be noted that the SEPP cannot be utilised to permit Seniors Housing on the site as it is not land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes as defined by the SEPP.

Accordingly, it is considered the planning proposal is the best means of achieving the intended outcome.

STRATEGIC ASSESSMENT

State

There is no applicable state strategic planning framework to which the planning proposal applies.

Regional / District

The planning proposal is subject to the South East and Tablelands Regional Plan 2036. The planning proposal states the proposed amendment is consistent with Action 24.4 of the Regional Plan: *Promote opportunities for retirement villages, nursing homes and similar housing for seniors in local housing strategies.*

Although the planning proposal states the proposed amendment is not entirely supported by a local housing strategy, it does facilitate the development of Seniors Housing within an established urban centre.

Therefore, the planning proposal is considered to be consistent with the intent of Direction 24 to deliver greater housing supply and choice.

Local

As noted above, the planning proposal is not a direct outcome of a local housing strategy. The planning proposal states that the proposed amendment is not entirely consistent with Bungendore Land Use Structure and Strategy Plan 2010 and notes that this Plan is currently under review.

The Bungendore Land Use Structure and Strategy Plan 2010 identifies a need for community services such as Seniors Housing in Bungendore but does not identify specific locations where these services should be provided.

In this regard, it is considered that the planning proposal meets the intent of the Bungendore Land Use Structure and Strategy Plan 2010 by facilitating the development of Seniors Housing in Bungendore.

Section 9.1 Ministerial Directions

The following Section 9.1 Ministerial Directions are applicable to this planning proposal.

3.1 Residential Zones

The planning proposal states it is consistent with this Direction as the proposed amendment will broaden housing choice in Bungendore, make effective use of existing infrastructure and services and reduce the consumption of land for housing on the urban fringe by facilitating infill development.

The planning proposal is considered to be consistent with this Direction as it facilitates the development of Seniors Housing in an established urban area.

The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

5.10 Implementation of Regional Plans

The planning proposal states it is consistent with this Direction as the proposed amendment does not undermine the vision, goals, directions and actions of the South East and Tablelands Regional Plan 2036.

The planning proposal is considered to be consistent with this Direction, particularly Direction 24 of the Regional Plan.

The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

6.3 Site Specific Provisions

The planning proposal states it is consistent with this Direction as the proposed amendment does not impose any development standards or requirements in addition to those already contained in the Palerang LEP 2014.

The planning proposal is considered to be consistent with this Direction as it does not propose to include any development standards or requirements beyond those already contained in the Palerang LEP 2014.

The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

State environmental planning policies

The following State Environmental Planning Policies (SEPP) are applicable to the proposed amendment.

SEPP No 55 – Remediation of Land

The planning proposal states the site to which the planning proposal applies may have been used as a railway yard in the past. In accordance with the Department's *Managing Land Contamination: Planning Guidelines: SEPP55 – Remediation of Land*, railway yards are identified as an activity that may cause contamination.

Council has reviewed the NSW Environmental Protection Authority's (EPA) contaminated land register and its own records and found no record of contamination on the site.

In accordance with Clause 6 (Contamination and remediation to be considered in zoning or rezoning proposal) of the SEPP, Council has proposed to undertake a study to confirm whether the site is contaminated.

Council's approach to determining the extent to which the site may be contaminated is supported. Any study prepared in relation to contamination on the site should be made available during community consultation.

SEPP (Affordable Rental Housing) 2009

The planning proposal states the Seniors Housing development which the proposed amendment would facilitate will accommodate seniors on low incomes.

The SEPP does not strictly apply to the planning proposal as it does not facilitate the development of Seniors Housing on the site.

SEPP (Housing for Seniors or People with a Disability) 2004

As noted above, the SEPP does not apply to the planning proposal as the site is not land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes as defined in the SEPP.

SEPP (Infrastructure) 2007

The planning proposal does not identify the infrastructure SEPP.

Clause 87 (Impact of rail noise or vibration on non-rail development) of the SEPP applies to residential development (which includes Seniors Housing) that is on land adjacent to a rail corridor. Given the site is adjacent to a rail corridor, the SEPP will apply to any future development application for Seniors Housing on the site.

The planning proposal should therefore be referred to Transport for NSW and the relevant rail authority (RailCorp) for comment.

It is not considered necessary to require the preparation of an acoustic study as part of the planning proposal process as Council will be required to address noise and vibration impacts associated with the adjoining rail corridor in accordance with the SEPP as part of the assessment of any future development application for Seniors Housing on the site.

SITE-SPECIFIC ASSESSMENT

Social

The site adjoins a heritage item (I202) listed under Schedule 5 (Environmental Heritage) of the Palerang LEP 2014. The item, listed as the *Bungendore Railway station and yard, including station building, signal box, trolley shed, goods shed and metal crane*, is a state listed heritage item. The planning proposal does not address any impacts associated with the proposed amendment on the heritage significance of the adjoining rail corridor. Accordingly, it is recommended that the NSW Office of Environment and Heritage be consulted as part of the exhibition process.

The planning proposal states the proposed amendment will provide affordable accommodation options for senior residents on low incomes in the region. It is considered that the proposed amendment will lead to a positive social outcome by facilitating the development of Seniors Housing in an existing urban centre.

Environmental

The planning proposal states there are no adverse environmental impacts associated with the proposed amendment.

The site is situated within an established urban area and is not identified as having any significant ecological values.

Council has proposed to undertake an investigation into whether the site is subject to contamination as it may have previously been used as a railway yard. This is supported and recommended to form part of the Gateway Determination issued by the Department.

The planning proposal notes regular train services operate along the rail corridor which adjoins the eastern boundary of the site. As noted above, it is recommended that a condition be included in the Gateway Determination which requires Transport for NSW and the relevant rail authority (RailCorp) be consulted as part of the

exhibition process. It is considered that amenity impacts by associated with the adjoining rail corridor can be assessed as part of any future development application for Seniors Housing on the site in accordance with Clause 87 of SEPP (Infrastructure) 2007.

Economic

The planning proposal will facilitate the provision of affordable accommodation for seniors on low incomes.

Infrastructure

The site to which the planning proposal applies is situated within an established urban area with access to water and sewer infrastructure.

CONSULTATION

Community

Council has proposed to exhibit the planning proposal for a minimum of 28 days. As part of the exhibition process Council is proposing the following:

- notices in the local newspaper(s).
- placement of the planning proposal in Council's customer service areas (Braidwood, Bungendore and Queanbeyan).
- Posting on Council's website.
- Written notification to landowners adjacent to the site.

Given the nature of the planning proposal a public consultation period of 28 days is considered appropriate. The Gateway Determination will specify that consultation is to be carried out in accordance with the Department's *A guide to preparing local environmental plans*.

Agencies

Council has not specified any public authorities that the planning proposal should be referred to for comment.

It is considered the planning proposal should be referred to Transport for NSW, Railcorp and NSW Office of Environment and Heritage for the reasons outlined above.

TIME FRAME

Council has requested a 12 month timeframe to complete the proposed amendment to the Palerang LEP 2014.

A period of 12 months is considered an appropriate timeframe to undertake consultation and finalise the LEP amendment.

LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan making authority under Section 3.36 of the Environmental Planning & Assessment Act 1979.

This is considered to be appropriate given the planning proposal seeks to facilitate a local development with no significant regional implications.

CONCLUSION

The planning proposal is supported to proceed with conditions and is considered to satisfy the requirements of the Departments 'A guide to preparing planning proposals'.

RECOMMENDATION

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Transport for NSW.
 - RailCorp
 - NSW Office of Environment & Heritage – Heritage Office
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Any study prepared in relation to contamination on the site should be made available during community consultation.



09/05/2018

Luke Musgrave
Team Leader, Southern Region



11/05/2018

Sarah Lees
Director Regions, Southern
Planning Services

Contact Officer: Will Mayes
Planning Officer, Southern Region
Phone: 8275 1050