

Majara Street Bungendore - rezone land from IN2 Light Industrial to R2 Low Density Residential

Proposal Title :	Majara Street Bungendore - rezone land from IN2 Light Industrial to R2 Low Density Residential		
Proposal Summary :	This proposal will rezone land at Majara Street Bungendore from IN2 Light Industrial to R2 Low Density Residential to enable the land to be subdivided into approximately 10 residential lots. The proposal introduces a minimum lot size of 1000m2 and a maximum building height of 8.5m for the site.		
PP Number :	PP_2017_QPREG_001_00	Dop File No :	17/03591

Proposal Details

Date Planning Proposal Received :	27-Feb-2017	LGA covered :	Queanbeyan-Palerang Regic
Region :	Southern	RPA :	Queanbeyan-Palerang Regional
State Electorate :	MONARO	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Majara Street		
Suburb :	Bungendore	City :	Postcode :
Land Parcel :	Lot 3 DP 1195030		

DoP Planning Officer Contact Details

Contact Name :	Louise Myler
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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Deanne Frankel
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :

Date of Release :

Area of Release (Ha) **1.40**
:

Type of Release (eg **Residential**
Residential /
Employment land) :

No. of Lots : **0**

No. of Dwellings **10**
(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 :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives clearly describes the intended outcomes of the proposal to rezone the land for residential development and apply appropriate development controls.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The proposal will result in changes to the relevant Land Zoning Map, Lot Size Map and Height of Building Map in the Palerang LEP 2014.**

The proposal does not involve changes to the written instrument.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

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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 15—Rural Landsharing Communities
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 (Rural Lands) 2008

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

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

If No, explain :

Section 117 Directions

Council has identified applicable Section 117 Directions and has noted that there are inconsistencies with some directions. Directions of particular relevance are discussed below:

1.1 Business and Industrial Zones

The Planning Proposal rezones land from an industrial zone to a residential zone. This Direction states that existing areas and locations of business and industrial zones must be retained.

This proposal rezones land from an industrial zone to a residential zone and is therefore inconsistent with this Direction.

Council considers that this inconsistency is of minor significance as it relates to a single lot, with existing industrial land being located to the north of the subject site. Council has identified that a residential zoning is a more appropriate zone for this site, given its proximity to the town centre.

The site adjoins existing residential land to the south.

The land has been available for industrial uses for several years and has not been taken up.

Council is currently reviewing the Bungendore Structure Plan with a view to exploring more appropriate sites outside of the town boundary for industrial land.

The Secretary's delegate can be satisfied that the inconsistency is of minor significance.

3.1 Residential Zones

This Direction aims to provide housing choice, make efficient use of infrastructure and to minimise the impact of residential development on environmental and resource

lands.

This proposal is consistent with this Direction as it will provide housing within walking distance of existing services. It does not contribute to urban sprawl and the site has access to infrastructure services.

No approval is required in relation to this Direction.

4.4 Planning for Bushfire Protection

This Direction requires consultation with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and must take any comments made by the Commissioner into account.

The proponent has undertaken a Bushfire Assessment demonstrating that the site can comply with mitigation and protection requirements.

Consultation with the NSW Rural Fire Service is required in order to comply with this Direction.

The Secretary's delegate may be satisfied that the Gateway Determination requirement for consultation with the RFS prior to exhibition will ensure consistency with this Direction.

5.1 Implementation of Regional Strategies

This Direction requires a planning proposal to be consistent with the relevant Regional Strategy. The provisions of the Sydney-Canberra Corridor Regional Strategy apply to this area.

Council has identified minor inconsistencies with the Strategy as follows:

- slight reduction in land zoned for employment
- site is not identified as a future designated residential area.

It is considered that the rezoning of a single lot within the town boundary is of minor significance and does not undermine the actions and objectives of the Strategy.

The Secretary's delegate can be satisfied that the inconsistency is of minor significance.

The proposal is considered to be consistent with the other applicable s117 Directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrated Land Use and Transport
- 6.1 Approval and Referral Requirements

RECOMMENDATION

It is recommended that the Secretary's delegate be satisfied that any inconsistencies with the following s117 Directions are justified and/or are of minor significance:

- 1.1 Business and Industrial Zones
- 5.1 Implementation of Regional Strategies

It is recommended that the Secretary's delegate be satisfied that the proposal will be consistent with 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

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State Environmental Planning Policies (SEPPs)
The Planning Proposal is not inconsistent with relevant SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Mapping clearly identifies the site and the intended zones and planning controls.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed a 28 day exhibition period. This is considered appropriate.

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 : A planning proposal is required to rezone the land and apply appropriate lot size and height controls.

Council has advised that a residential zone is appropriate for this town centre site as it will provide additional housing to satisfy population growth that has access to infrastructure and services.

Council considers that good subdivision design will enable this land to provide a workable interface between the existing undeveloped industrial zoned land to the north and existing residential land to the south.

Council intends to implement 10m buffer or other mitigation measures to reduce potential land use conflict. Council has also identified that an acoustic impact study will be undertaken.

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Residential

Consistency with strategic planning framework :

Council has identified that there are minor inconsistencies with the Sydney-Canberra Corridor Regional Strategy.

The site is not identified as a designated future residential area - and does reduce the amount of employment land.

It is considered that the rezoning of a single lot within the Bungendore town boundary is of minor significance and does not undermine the objectives of the Strategy. There is current vacant industrial land in the vicinity and Council is exploring options for better located greenfield industrial land as part of its review of the Bungendore Structure Plan.

The proposal satisfies the Sustainability Criteria in the Strategy which is required for proposals that are not fully consistent with the Strategy.

Any inconsistencies with relevant s117 Directions are considered to be of minor significance.

Council has advised that the proposal is consistent with the Bungendore Land Use Strategy and Structure Plan as it provides for residential development within 2km of the town centre.

Environmental social economic impacts :

The site is cleared and flat and does not contain critical habitats, threatened species, populations or ecological communities or their habitats.

A change in zoning from industrial to residential does not create additional environmental impacts.

The provision of water is a key consideration for development in this region. Council has advised that water servicing is available to cater for development within the town boundary.

The proposal will provide additional housing choice in the LGA, offering a larger lot (1000m2) residential housing option.

Assessment Process

Proposal type : Routine Community Consultation Period : 28 Days

Timeframe to make LEP : 12 months Delegation : RPA

Public Authority Consultation - 56(2)(d) : Other

Is Public Hearing by the PAC required? No

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

If no, provide reasons :

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

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If Other, provide reasons :

Council has indicated that it will require an acoustic study as part of the proposal. It is recommended that this requirement not be included as a condition of the Gateway determination but that Council be advised that it may require any relevant studies that it considers necessary to progress the proposal.

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
Majara Street Bungendore - COUNCIL REPORT and MINUTES.pdf	Proposal	Yes
Majara Street Bungendore - cover letter.docx	Proposal Covering Letter	Yes
Majara Street Bungendore - Planning Proposal.pdf	Proposal	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
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements

Additional Information : It is **RECOMMENDED** that the Director Regions, Southern, 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 Lot 3 DP 1195030 from IN2 Light Industrial to R2 Low Density Residential - and to apply a minimum lot size of 1000m2 and a height limit of 8.5m - should proceed subject to the following conditions:

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 is to 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 (Department of Planning and Environment 2016).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

*NSW Rural Fire Service
*NSW Roads and Maritime Services
*NSW Office of Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

Consultation is required with the NSW Rural Fire Service prior to undertaking community

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consultation in order to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

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.

SECTION 117 DIRECTIONS

5. The Secretary's delegate can be satisfied that inconsistencies with the following s117 Directions are of minor significance and/or are justified:

1.1 Business and Industrial Zones

5.1 Implementation of Regional Strategies

6. The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection following consultation with the NSW Rural Fire Service.

7. The Secretary's delegate can be satisfied that the planning proposal is consistent with other relevant s117 Directions, or that any inconsistencies are of minor significance.

Supporting Reasons : The proposal will rezone land within the Bungendore Town Centre for residential use.

Signature:

K. Armstrong

Printed Name:

KAREN ARMSTRONG

Date:

21/3/17