

IRF21/145

Gateway determination report – PP_2020_QPREG_002_00

Rezone land at 4610 Kings Highway, Bungendore for residential use (592 homes)

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Contents

1	Ρ	Planning Proposal		
	1.1	Overview and objectives of planning proposal1		
	1.2	Explanation of provisions2		
	1.3	Site description and surrounding area2		
	1.4	Mapping3		
2	Ν	leed for the planning proposal6		
3	S	trategic assessment6		
	3.1	Regional Plan6		
	3.2	Local8		
	3.3	Section 9.1 Ministerial Directions9		
	3.4	State environmental planning policies (SEPPs)13		
4	S	ite-specific assessment13		
	4.1	Environmental13		
	4.2	Social and economic15		
	4.3	Infrastructure16		
5	С	onsultation16		
	5.1	Community16		
	5.2	Agencies16		
6	Т	imeframe17		
7	L	Local plan-making authority17		
8	Α	Assessment Summary17		
9	R	Recommendation17		

Table 1 Reports and plans supporting the proposal

Relevant reports and plans		
Bungendore Structure Plan 2048, February 2020		

Queanbeyan-Palerang Integrated Water Cycle Management Strategy, October 2018

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 2 Planning proposal details

LGA	Queanbeyan-Palerang	
РРА	Queanbeyan-Palerang Regional Council	
NAME	Rezone land at 4610 Kings Highway, Bungendore for residential use (592 homes)	
NUMBER	PP_2020_QPREG_002_00	
LEP TO BE AMENDED	Palerang LEP 2014	
ADDRESS	4610 Kings Highway, Bungendore	
DESCRIPTION	Lot 1 DP 747767	
	Lot 1 DP 1250612	
	Lot 1 DP 193988	
	Lots 273, 279, 275 DP 754915	
RECEIVED	11/12/2020	
FILE NO.	IRF21/145	
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	

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

• enable subdivision of land at 4610 Kings Highway, Bungendore to create approximately 592 low density residential lots.

The objectives of this planning proposal are clear and adequate.

1.2 Explanation of provisions

The planning proposal seeks to amend the Palerang LEP 2014 as follows:

Table 3 Current and Proposed controls

Control	Current	Proposed
Zone	RU1 Primary Production	R2 Low Density Residential RE1 Public Recreation
Maximum height of the building	10 metres	8.5 metres
Minimum lot size	80 hectares	850 square meters No minimum lot size
Lot Averaging	Applicable	Not applicable

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.3 Site description and surrounding area

The planning proposal applies to cleared agricultural land comprising six lots with a total combined area of approximately 137 hectares (**Figure 1**).

As shown in **Figure 2**, the site adjoins the eastern edge of Bungendore. The site is separated from the existing urban area by Turallo Creek to the south west and the Sydney to Canberra rail line to the north. Access to the site is via the Kings Highway to the south.



Figure 1: Subject site (source: publicmaps.qprc.nsw.gov.au)



Figure 2: Site context (source: Queanbeyan-Palerang Regional Council)

1.4 Mapping

The planning proposal includes mapping showing the proposed changes to the following LEP Maps:

- Land Zoning Map LZN_004A
- Lot Size Map LSZ_004A
- Height of Buildings Map HOB_004A; and
- Lot Averaging Map LAV_004

Figures 3 – 6 show the current and proposed LEP mapping included in the planning proposal. The mapping is clear and suitable for community consultation.



Figure 3: Current and proposed Land Zoning Map (source: Queanbeyan-Palerang Regional Council)



Figure 4: Current and proposed Height of Buildings Map (source: Queanbeyan-Palerang Regional Council)



Figure 5: Current and proposed Lot Size Map (source: Queanbeyan-Palerang Regional Council)



Figure 6: Current and proposed Lot Averaging Map (source: Queanbeyan-Palerang Regional Council)

2 Need for the planning proposal

The planning proposal states the proposed LEP amendments are in accordance with the recommendations of the Bungendore Structure Plan 2048 which was adopted by Council in February 2020 and endorsed by the Department of Planning, Industry and Environment in September 2020. The recommendations of the Structure Plan are also reflected in Council's Local Strategic Planning Statement.

The Structure Plan identifies the need to rezone additional land for residential use in order to accommodate anticipated population growth in Bungendore of 3.3% per annum over 30 years. Accordingly, the planning proposal seeks to facilitate the subdivision of the site into approximately 592 residential lots. This represents 40% of the estimated 1,400 additional dwellings required in Bungendore by 2048 as identified by the Structure Plan.

The development outcome which will be facilitated by the planning proposal is in addition to approximately 309 dwellings proposed to be created via the rezoning of land known as 'North Elmslea'. 'North Elmslea' is situated north of the existing urban area of Bungendore and was rezoned for residential use in May 2020. 'North Elmslea' and the planning proposal site have the potential to provide 60% of the additional dwellings required to accommodate projected population growth in Bungendore.

The proposed land use zones, minimum lot size and height of building controls are consistent with planning controls which apply to adjoining urban areas.

The planning proposal is the best means of achieving the intended outcome of facilitating additional residential development opportunities to accommodate projected population growth in Bungendore over the next 30 years.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan.

Regional Plan Objectives	Justification
Direction 8: Protect important agricultural land	Although the planning proposal seeks to rezone the site from RU1 to R2 and RE1, the planning proposal states the land, which is primarily used for grazing, is not identified as significant agricultural land on the NSW Government's Biophysical Strategic Agricultural Land mapping.
	It is recommended that the planning proposal be referred to NSW Department of Primary Industries – Agriculture for comment to ensure the agricultural value of the land can be validated.

Table 4 Regional Plan assessment

Direction 11: Enhance strategic transport links to	Action 11.3 of the Regional Plan seeks to limit inappropriate adjoining development and direct access points along strategic transport links including the Kings Highway.
support economic growth	The planning proposal states a traffic study prepared in support of the proposal indicates the impact of the proposal on the performance of the Kings Highway is unlikely to be significant.
	It is recommended that the planning proposal be referred to Transport for NSW for comment to ensure the impact of the proposed development outcome on the role and function of the Kings Highway is appropriately considered.
Direction 14: Protect important environmental assets	The planning proposal states that although the site is identified in the Regional Plan as containing High Environmental Value land, a study prepared in support of the proposal indicates the site is unlikely to contain areas of critical habitat or threatened species, populations or ecological communities.
	It is recommended that the planning proposal be referred to NSW Department of Planning, Industry and Environment – Biodiversity and Conservation for comment to ensure the impact of the proposed development outcome on any significant ecological values is appropriately considered.
Direction 16: Protect the coast	The planning proposal notes that portions of the site are subject to risks associated with flooding, bushfire and contamination.
and increase resilience to natural hazards	Land identified as flood prone on the Palerang LEP 2014 Flood Planning Area Map is proposed to be rezoned RE1 and not be used for residential purposes.
	Studies prepared in support of the planning proposal indicate that risks associated with bushfire hazard and areas of contaminated land can be suitably mitigated.
	It is recommended that the planning proposal be referred to NSW DPIE Biodiversity and Conservation and NSW Rural Fire Service for comment to ensure risks associated with flooding and bushfire are appropriately considered.
Direction 18: Secure water resources	The planning proposal states that the proposed development outcome is consistent with Council's Integrated Water Cycle Management Strategy and Plan which considers the impact of future residential growth in Bungendore on water supply and associated essential infrastructure.
	Accordingly, the planning proposal is consistent with the intent of the Direction.
Direction 24: Deliver greater housing supply and	The planning proposal states that the proposed rezoning of land to R2 will deliver additional housing supply to accommodate projected population growth in Bungendore.
choice	Accordingly, the planning proposal is consistent with the intent of the Direction.
Direction 25: Focus housing growth in locations that	The planning proposal notes that the land proposed to be rezoned R2 adjoins the existing urban area of Bungendore which has access to essential services and infrastructure.
maximise infrastructure and services	Accordingly, the planning proposal is consistent with the Direction.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 3 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	Council's Local Strategic Planning Statement (LSPS) identifies the site as a residential growth area consistent with the recommendations of the Bungendore Structure Plan 2048.
Bungendore Structure Plan 2048	The planning proposal is consistent with the recommendations of the Bungendore Structure Plan which was adopted by Council in February 2020.
	The Structure Plan identifies the need to rezone enough land for an additional 1,400 dwellings in order to accommodate an additional 4,152 people in Bungendore by 2048.
	Although the Structure Plan states that approximately 460 dwellings could be accommodated through infill development within the existing urban zoned area of Bungendore, the Structure Plan recommends growth be accommodated in greenfield areas beyond the current urban area. This recommendation is consistent with community's desire to retain the character of the established areas of Bungendore, which are characterised by larger residential blocks.
	Accordingly, the Structure Plan identifies four areas suitable to accommodate additional residential development, including the planning proposal area, which is identified as a short/ medium term growth option.
	The Department of Planning, Industry and Environment endorsed the Structure Plan in September 2020.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 4 9.1 I	Ministerial	Direction	assessment
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Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.2 Rural Zones	No	The Direction is applicable as the planning proposal affects land within a rural zone.
		The planning proposal is inconsistent with the terms of the Direction as it seeks to rezone rural land for residential use.
		The planning proposal states that the inconsistency with the terms of the direction is justified by a study prepared in support of the planning proposal.
		The Bungendore Structure Plan identifies the site as suitable for future residential use in order to accommodate projected population growth. The planning proposal notes that, although the land is used for grazing, it is not identified as significant agricultural land.
		However, it is recommended that the planning proposal be referred to NSW Department of Primary Industries – Agriculture for comment to ensure the agricultural value of the land can be validated.
		The Direction allows for inconsistencies where a proposal is justified by a strategy which is approved by the Secretary of the Department, as is the case with this proposal.
		Accordingly, the planning proposals inconsistency with the terms of the Direction is considered minor.

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1.5 Rural Lands	No	The Direction is applicable as the planning proposal affects land within a rural zone.
		The planning proposal is inconsistent with the terms of the Direction as it seeks to rezone rural land for residential use.
		The planning proposal states that it is consistent with the terms of the direction as the development outcome is consistent with the Bungendore Structure Plan and Council's LSPS.
		As noted above, the planning proposal states the land proposed to be rezoned is not identified as significant agricultural land.
		However, it is recommended that the planning proposal be referred to NSW Department of Primary Industries – Agriculture for comment to ensure the agricultural value of the land can be validated.
		The Direction allows for inconsistencies where a proposal is justified by a strategy which is approved by the Secretary of the Department, as is the case with this proposal.
		Accordingly, the planning proposal's inconsistency with the terms of the Direction is considered minor.
2.1 Environment Protection Zones	Yes	The Direction is applicable as the planning proposal affects land identified on the Palerang LEP 2014 Terrestrial Biodiversity and Riparian Lands and Watercourses Maps.
		The planning proposal is consistent with the terms of the Direction as it does not seek to reduce existing environmental protection standards applying to the land under the Palerang LEP 2014.
		It is recommended that the planning proposal be referred to NSW DPIE – Biodiversity and Conservation for comment to ensure the impact of the proposed development outcome on any significant ecological values is appropriately considered.

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2.3 Heritage Conservation	Yes	The Direction is applicable as the planning proposal affects land on which areas of potential heritage significance have been identified.
		The planning proposal is consistent with the terms of the terms of the Direction as it does not seek to reduce existing heritage conservation standards applying to the land under the Palerang LEP 2014.
		It is recommended that the planning proposal be referred to NSW DPIE – Biodiversity and Conservation for comment to ensure the impact of the proposed development outcome on any significant heritage values is appropriately considered.
2.6 Remediation of Contaminated Land	Yes	The Direction is applicable as the planning proposal affects land on which development for residential, educational, recreational or childcare purposes may be carried out.
		The planning proposal states Council has considered the findings of a preliminary investigation of the land and will require remediation of affected areas to be carried out prior to future development.
		The planning proposal is consistent with the terms of the Direction as Council has considered whether the land proposed to be rezoned is contaminated and confirms affected areas will be subject to remediation prior to development.
		It is noted that the planning proposal states a detailed site investigation is in the process of being undertaken. It is recommended that the Gateway determination require the findings of this investigation be incorporated into planning proposal prior to community and public authority consultation.
3.1 Residential Zones	Yes	The Direction is applicable as the planning proposal applies to land proposed to be rezoned for residential use.
		The planning proposal is consistent with the terms of the Direction as it seeks to facilitate additional residential development opportunities to accommodate projected population growth in a location adjoining the existing urban area of Bungendore.

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3.3 Home Occupations	Yes	The Direction is applicable as the planning proposal affects land on which dwellings will be permissible.
		The planning proposal is consistent with the terms of the Direction as home occupations are permitted without consent on land zoned R2 under the Palerang LEP 2014.
3.4 Integrating Land Use and Transport	Yes	The Direction is applicable as the planning proposal affects land within a proposed residential zone.
		The planning proposal is consistent with the terms of the Direction as it seeks to facilitate additional residential development opportunities in a location adjoining the existing urban area of Bungendore. The proposed development outcome provides opportunities to promote the use of walking, cycling and public transport within Bungendore.
		Accordingly, the planning proposal is not inconsistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).
4.3 Flood Prone Land	Yes	The Direction is applicable as the planning proposal applies to land identified on the Palerang LEP 2014 Flood Planning Map.
		The planning proposal is consistent with the terms of the Direction as it does not seek to rezone land identified within the flood planning area for residential use or seek to reduce flood planning standards applying to the land under the Palerang LEP 2014.
		It is recommended that the planning proposal be referred to NSW DPIE Biodiversity and Conservation – Water, Floodplain and Coast for comment to ensure risks associated with flooding are appropriately considered.
4.4 Planning for Bushfire Protection	Unresolved	The direction is applicable as the planning proposal affects land mapped as bushfire prone land.
		The planning proposal's consistency with the terms of the direction will be determined once Council has obtained written advice from NSW Rural Fire Service.

5.10 Implementation of Regional Plans	Yes	The direction is applicable as the planning proposal affects land subject to the South East and Tablelands Regional Plan.
		The planning proposal is consistent with the terms of the direction as it is generally consistent with the overall intent of the Regional Plan. A full assessment of the planning proposal's consistency with the Regional Plan is provided in section 3.1 of this report.

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3.4 State environmental planning policies (SEPPs)

The planning proposal is not inconsistent with any SEPPs. SEPPs such as SEPP (Koala Habitat Protection) 2020 which are not relevant to determining the strategic merit of the planning proposal will be considered as part of any future development applications on the land to which the planning proposal applies.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

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Environmental Impact	Assessment	
Flood hazard	The planning proposal notes the site is identified on the Palerang LEP 2014 Flood Planning Map (Figure 7).	
	Although the planning proposal does not seek to rezone land identified within the flood planning area for residential use it is recommended that the planning proposal be referred to NSW DPIE Biodiversity and Conservation for comment to ensure risks associated with flooding are appropriately considered.	
	Figure 7: Palerang LEP 2014 Flood Planning Map (source: Queanbeyan- Palerang Regional Council)	

Bushfire hazard	As noted above, the entire site is mapped as bushfire prone land (vegetation category 2).	
	The planning proposal states that the risks associated with bushfire on the site can be mitigated via the use of Asset Protection Zones (APZs) and the provision of access and services.	
	It is recommended that the planning proposal be referred to NSW RFS for comment to ensure risks associated with bushfire are appropriately considered.	
Biodiversity impacts	As illustrated by Figure 8 , portions of the site are identified as High Environmental Value land.	
	The planning proposal notes that a flora and fauna assessment prepared in support of the proposal indicates that the site may contain areas of Natural Temperate Grassland. However, it also notes that critical habitat or threatened species, populations or ecological communities, or their habitats are unlikely to be adversely affected as a result proposed development outcome.	
	Given portions of the site which are proposed to be rezoned for residential use are identified as High Environmental Value land, it is recommended that the planning proposal be referred to NSW DPIE Biodiversity and Conservation for comment to ensure ecological impacts associated with proposed development outcome are appropriately considered.	
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Figure 8: High Environmental Value land map (source: Bungendore Structure Plan 2048)

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 5 Social and economic impact assessment

Social and Economic Impact	Assessment
Population growth	As noted above, the proposed development outcome is consistent with projected population growth in Bungendore over the next 30 years identified in the Bungendore Structure Plan 2048.
	Given a long-term potable water supply for the town has now been secured via an increase in Council's groundwater access entitlement for Bungendore, and the proximity of Bungendore to the ACT and Queanbeyan is likely to continue to be a driver of growth due to employment and education opportunities and access to high level services, additional housing will be required.
	By facilitating additional residential development and subsequent population growth, the planning proposal may provide opportunities for economic development by stimulating demand for additional employment generating development and services in Bungendore and surrounds.
Amenity impacts	Given the site is not immediately adjacent to the existing urban area of Bungendore, the proposed development outcome is likely to have visual impacts on the rural landscape which surrounds the town.
	In this regard, the Bungendore Structure Plan 2048 states Council will review the means of mitigating or reducing the visual impact of residential development where dwellings will overlook Bungendore or be visible from the Kings Highway as part of planning proposal and development assessment processes.
	Although potentially significant, it is considered likely that these impacts can be partially mitigated via the use of local planning controls as part of the development assessment process.
	In addition, the planning proposal notes future residential development may be impacted by noise and vibration resulting from the sites proximity to the Sydney-Canberra rail line.
	Accordingly, Council has stated that the proposal will be forwarded to the Australian Rail Track Corporation and John Holland Rail for comment. It is recommended that this form part of the Gateway determination to ensure the impacts associated with the sites proximity to the rail corridor are appropriately considered.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 9 Infrastructure assessment

Infrastructure	Assessment	
Essential infrastructure and services	The planning proposal notes that the proposed development outcome is consistent with Council's Integrated Water Cycle Management Strategy (IWCM Strategy), which outlines the water and sewer infrastructure required to accommodate future growth in Bungendore.	
	Accordingly, the planning proposal states the site will be serviced via expanding Bungendore's existing reticulated water and sewer network in accordance with the requirements of Council's Development Servicing Plan.	
Traffic and access	The planning proposal states that primary access to the site will be via the construction of a new intersection adjoining the Kings Highway with a secondary access via Mecca Lane.	
	As noted above, Action 11.3 of the Regional Plan seeks to limit inappropriate adjoining development and direct access points along strategic transport links including the Kings Highway.	
	The planning proposal states a traffic study prepared in support of the proposal indicates the impact of the proposal on the performance of the Kings Highway is unlikely to be significant.	
	It is recommended that the planning proposal be referred to Transport for NSW for comment to ensure the impact of the proposed development outcome on the Kings Highway is appropriately considered.	

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and has been included as a condition of the Gateway determination.

5.2 Agencies

Council has identified the following public agencies and authorities to be consulted about the planning proposal:

- DPIE Biodiversity and Conservation
- NSW Rural Fire Service
- NSW Department of Primary Industries Agriculture
- NSW Department of Industry Crown Land

- Transport for NSW
- NSW Division of Resources and Geosciences
- Essential Energy
- Australian Rail Track Corporation
- John Holland Rail

It is recommended the abovementioned agencies and authorities be consulted on the planning proposal and given 21 days to comment.

It is also recommended that NSW Department of Industry – Water be added to the list of agencies and authorities to be consulted about the planning proposal to ensure the impact of proposed development outcome on Council's existing groundwater access entitlement is appropriately considered.

Consultation with the abovementioned public authorities will ensure any potential environmental impacts, the effect of the proposal on areas subject to natural hazards and impacts of state infrastructure and water resources are appropriately considered.

6 Timeframe

Council proposes a 10 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times and to allow for any unanticipated delays in the planning proposal process. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is a matter of local significance and consistent with an endorsed strategy the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is the best means of achieving the intended outcome of facilitating additional residential development needed to accommodate projected population growth in Bungendore over the next 30 years; and
- It is consistent with the Department endorsed Bungendore Structure Plan 2048.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

• Incorporate the findings of the detailed site contamination investigation.

9 Recommendation

It is recommended the delegate of the Secretary:

 Agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones and 1.5 Rural Lands are minor or justified and • Note that the consistency with section 9.1 Direction 4.4 Bushfire Prone Land is unresolved and will require justification.

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

- 1. The planning proposal is to be updated to:
 - Incorporate the findings of the detailed site contamination investigation prior to consultation.
- 2. Consultation is required with the following public authorities:
 - DPIE Biodiversity and Conservation
 - NSW Rural Fire Service
 - NSW Department of Primary Industries Agriculture
 - NSW Department of Industry Crown Land
 - NSW Department of Industry Water
 - Transport for NSW
 - NSW Division of Resources and Energy
 - Essential Energy
 - Australian Rail Track Corporation
 - John Holland Rail
- 3. The planning proposal should be made available for community consultation for a minimum of 28 days.
- 4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
- 5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.

h. Towers. 20/01/21

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21/01/2021