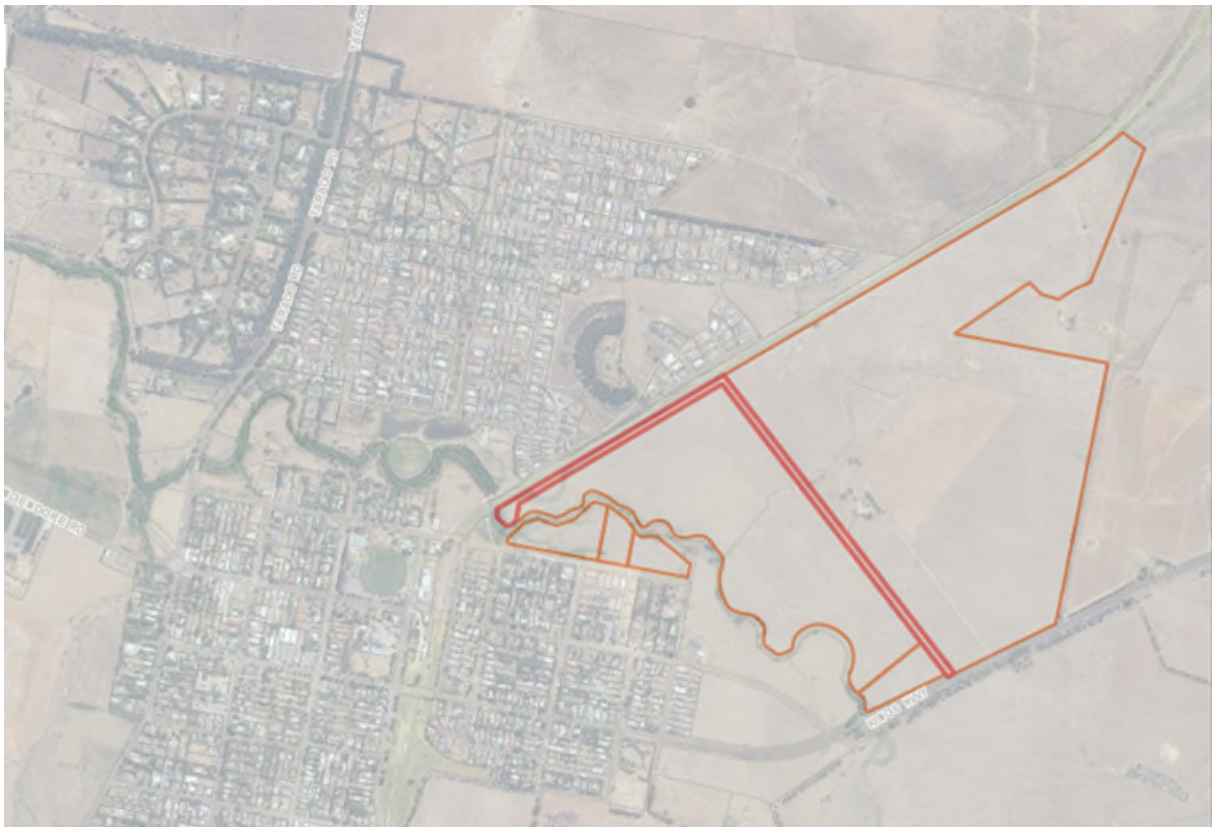


Planning Proposal

4610 Kings Highway, Bungendore



Ref:

ECM Doc set ID: 852405

PP Number: For Gateway determination

Planning Proposal – 4610 Kings Highway, Bungendore

Document History

| Version | Description | Date |
|---------|-------------------------------------|---------------|
| 1 | For Gateway determination | October 2020 |
| 2 | Amended following request from DPIE | November 2020 |
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Background summary

In 2015, Council received a planning proposal to rezone land at 4610 Kings Highway, Bungendore from RU1 Primary Production to R2 Low Density Residential, R1 General Residential, SP2 Infrastructure and RE1 Public Recreation. That planning proposal was reported to the (former) Palerang 3 December 2015 Council meeting, where it was resolved (Minute No. 239/2015) that:

Council refer the planning proposal at Attachment 1 for the rezoning of Lot 1 DP 747767, Lots 275, 279 and 273 DP 754915, Lots 7301 and 7302 DP 1168137 and Lot 1 DP 193988, Kings Highway Bungendore from RU1 Primary Production (except Lots 7301 and 7302 DP 1168137 which are RE1 Public Open Space) to residential and associated land use zones to the Minister for Planning for a gateway determination in accordance with section 56 of the NSW Environmental Planning and Assessment Act 1979.

This 2015 planning proposal was submitted for Gateway determination and in 2016, the then Department of Planning and Environment (DPE) advised that there were a number of outstanding matters of concern including water supply, strategic justification for the demand and supply of housing and contamination. The DPE further advised that it “considered that insufficient information has been submitted to demonstrate the strategic merit of the proposed LEP amendment. Accordingly, until the above items, particularly in relation to a sustainable water supply and the strategic justification through the Bungendore Structure Plan, are adequately addressed the Department does not support the issuing of a Gateway determination.” In addition, the DPE noted that as “amalgamations have occurred since the Palerang Council resolved to proceed with this proposal, it may also be appropriate to put the matter back to the new Council to ensure that it supports the proposal proceeding.”

Following that advice, Council subsequently completed the work to address the water supply and the strategic justification for the housing supply issues raised by the DPE. This work is captured in two plans: the Integrated Water Cycle Management Plan – Palerang Communities (IWCMP) adopted in February 2019 and the Bungendore Structure Plan 2048 (BSP) adopted in February 2020.

The 2015 planning proposal was then assessed against the BSP and found to be inconsistent with the plan in relation to the application of the proposed R1 General Residential zoning and proposed lot sizes. In addition, it was noted that the planning proposal included crown land for which owners consent was not given and that contamination of the site was still an outstanding concern. The assessment noted that current R1 General Residential zoned land in Bungendore provides for increased density close to the services and facilities of the village centre whereas the 2015 proposal proposes medium density dwelling on the edge of existing village which is not consistent with the key development principles of the Bungendore Structure Plan including the following, which states that:

Medium density dwellings should be located within one kilometre of the centre of Bungendore.

The 2015 planning proposal also proposed that a large portion of the south-west of the site be rezoned to SP2 Infrastructure zone to allow for development of a high school and community facilities. The State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017, which came into force after Council initially resolved in 2015 to progress this planning proposal, overrides the provisions of the Local Environmental Plan and permits with consent, schools in a range of land use zones including R2 Low Density Residential. As such, including the SP Infrastructure zone to allow for a school is unnecessary.

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A report was prepared for the 10 June 2020 Queanbeyan-Palerang Regional Council's Planning and Strategy Committee of the Whole meeting to discuss the issues above and advised that the matters of water supply and strategic justification for the proposal raised by the DPE had been addressed. At that meeting it was resolved (Minute No. PLA070/20) that:

1. *Council support the Bungendore East planning proposal to rezone Lot 1 DP 747767, Lots 275, 279 and 273 DP 754915 and Lot 1 DP 193988, No. 4610 Kings Highway Bungendore, from RU1 Primary Production to R2 Low Density Residential and RE1 Public Recreation, subject to the following actions being completed before the Planning Proposal is forwarded to the NSW Department of Planning, Industry and Environment requesting a Gateway Determination:*
 - a. *Amend the planning proposal to remove the Crown land Lots 7301 and 7302 DP 1168137.*
 - b. *Amend the Planning Proposal to remove the SP2 Infrastructure zone and R1 General Residential zone.*
 - c. *Present a further report to Council on options for a range of lots sizes to specify in the Planning Proposal.*
 - d. *Amend the Planning Proposal to specify that the height of buildings shall be a maximum of 8.5m.*
 - e. *Include in the Planning Proposal a Stage 2 Site Contamination report prepared in accordance with the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites that provides a clear statement that the land is suitable for the uses proposed by the Proposal or, if necessary, includes the detail on the remediation required to make the site suitable for the uses proposed by the planning proposal.*
 - f. *The applicant pays the fees for the processing of the planning proposal that would have applied under the former Palerang Council Fees and Charges, indexed to the current financial year.*
2. *Subject to a Gateway Determination being issued for the Bungendore East Planning Proposal (4610 Kings Highway Bungendore) and prior to the notification of the plan, Council require the landowners to enter into an undertaking that should remediation of the land be required, it will be carried out prior to the commencement of any work, to make it suitable for the land uses permitted by the Planning Proposal.*

In response to point 1c of the above resolution, a report examining a range of minimum lot sizes was prepared for the 8 July 2020 Planning and Strategy Council meeting, which resolved (Minute No. PLA089/20):

That Council adopt Option 1 to retain the minimum lot size of 850m² on the proposed R2 Low Density Residential zoned land in the planning proposal for 4610 Kings Highway, Bungendore (Bungendore East planning proposal).

In response to the feedback provided by the DPE and resolutions of Council as discussed above, the 2015 planning proposal has been amended as follows:

- Lots 7301 and 7302 DP 1168137 adjoin the southern side of Turallo Creek are Crown land. These two lots have been removed from the planning proposal. However, it is proposed to consult with Crown land as an adjoining property owner.

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- Rezone land from RU1 Primary Production to R2 Low Density Residential and RE1 Public Recreation only.
- Land rezoned as R2 Low Density Residential will have a minimum lot size of 850m².
- Include Lot 1 DP 1250612, formerly road reserve dividing Lot 1 DP 747767 in two.

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Introduction

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals* (2012). It is the result of an application seeking an amendment to the provisions of the *Palerang Local Environmental Plan (PLEP) 2014* to permit with consent, subdivision for residential development, on 4610 Kings Highway, Bungendore, being Lot 1 DP 747767, Lot 1 DP 1250612 (previously a local road which intersected the land), Lot 1 DP 747767, Lots 273, 279, 275 DP 754915, and Lot 1 DP 193988. The relevant Deposited Plan indicates that Lot 1 DP 1250612 (formerly a local road) was acquired by adverse possession in June 2020. The map below indicates the lots subject to the planning proposal outlined in red.



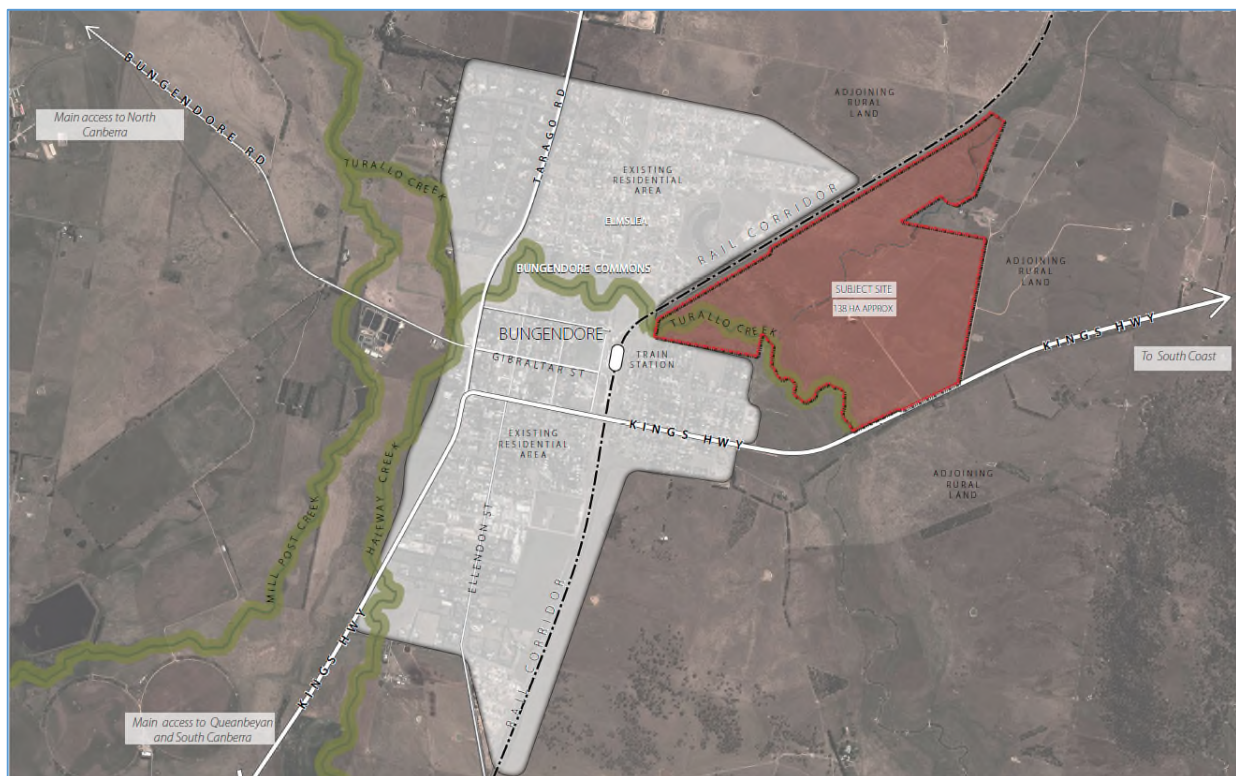
Map 1 Lots included in the Planning Proposal

The subject site comprises of approximately 137 hectares, on Kings Highway Bungendore NSW and is located on the eastern edge of Bungendore village. Approximately one third of the site to the south, is constrained by Turallo Creek and its floodplain, while two thirds of the land to the north of the site slopes gently to the south west. The site does not contain any heritage items identified by the *Palerang Local Environmental Plan 2014* (PLEP). The site is bound to the south east by the Kings Highway and to the north-west by the Sydney to Canberra railway line. The residential development of Bungendore village is located west of the site,

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with development in the subdivision of Elmslea Estate, comprising the northern parts of the existing village refer Map 1 below. Adjoining land to the north, east and south is generally rural with little development. The subject site contains one dwelling and associated outbuildings and has been used for grazing purposes since the earliest development of the area.

The planning proposal seeks to rezone the subject land from RU1 Primary Production to R2 Low Density Residential and RE1 Public Recreation. Rezoning the subject site will enable development for the purpose of approximately 592 low density residential lots (based on a Net Residential Area of 50.4Ha) and establishment of public open space within the site and along Turallo Creek to provide an extension to the existing open space network and connection to the Bungendore Commons and adjoining township.



Map 2 Location of site in relation to Bungendore village

Part 1 – Objective or Intended Outcomes

To amend the Palerang Local Environmental Plan 2014 to enable subdivision of 4610 Kings Highway, Bungendore for the purpose of approximately 592 low density residential lots. The subject land is adjacent to the eastern edge of Bungendore village and the proposal would allow residential development in accordance with the future growth areas identified in the BSP. The proposal will provide open public space along an existing watercourse feeding into Turallo Creek and will be extended along Turallo Creek to the western boundary. The proposed public open space will connect to existing public recreation areas to the west and will assist in protecting the environmental values of Turallo creek and associated watercourses.

The planning proposal also seeks to amend a mapping anomaly, where zoning controls have been applied to a watercourse.

Part 2 – Explanation of Provisions

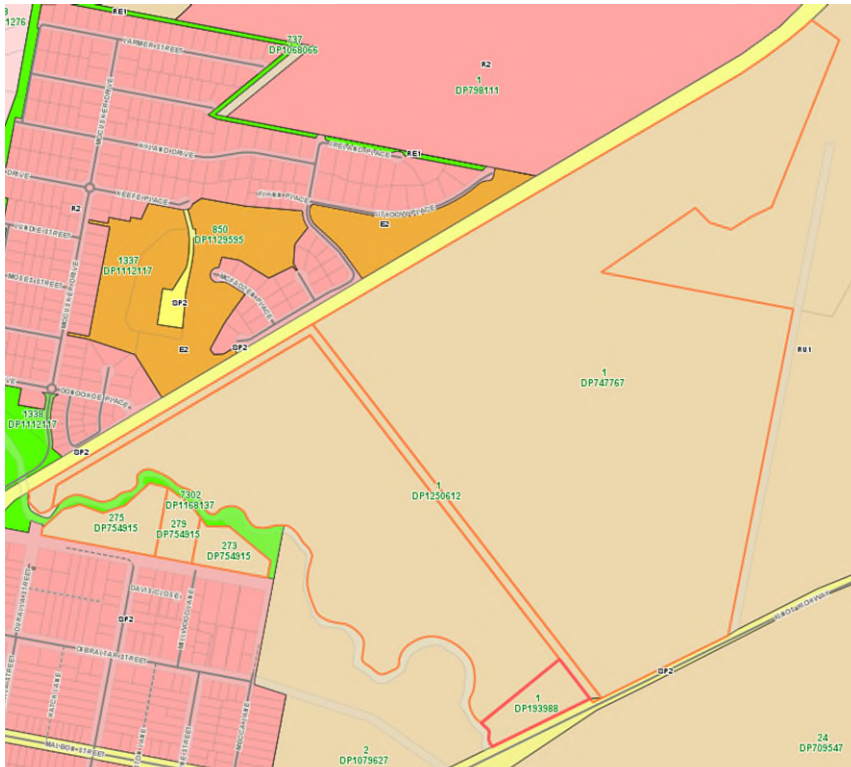
Lots 1 DP 747767, Lot 1 DP 1250612, Lot 1 DP 747767, Lots 273, 279, 275 DP 754915, and Lot 1 DP 193988 at 4610 Kings Highway, Bungendore are currently zoned RU1 Primary Production and has a minimum lot size of 80ha under the Palerang Local Environmental Plan 2014 (PLEP). Clause 4.1A Lot averaging subdivision of certain land in Zone RU1 and Zone E3 currently applies to the site.

The objective or intended outcomes of the Planning Proposal will be achieved by amending the PLEP as follows:

- Amending the Land Zoning Map by
 - Rezoning Lots 1 DP 747767, Lot 1 DP 1250612 and Lot 1 DP 193988 from RU1 Rural Residential to R2 Low Density Residential and RE1 Public Recreation
 - Rezoning Lots 273, 279 and 275 DP 754915 from RU1 Rural Residential to RE1 Public Recreation
- Amending the Lot Size Map by
 - Amending the minimum lot size standard for Lots 1 DP 747767, Lot 1 DP 1250612 and Lot 1 DP 193988 from 80ha to 850m² for land proposed to be rezoned to R2 Low Density Residential.
 - Remove the minimum lot size standard for Lots 273, 279, 275 DP 754915. (Under PLEP a minimum lot size is not applied to land zoned RE1 Public Recreation.)
- Amending the Height of Building Map by
 - Amending the Height of Building map for Lots 1 DP 747767, Lot 1 DP 1250612 and Lot 1 DP 193988 from 10m to 8.5m on that part of the lot proposed to be rezoned to R2 Low Density Residential.
 - Remove the Height of Building control for Lots 1 DP 747767, Lot 1 DP 1250612 and Lot 1 DP 193988 on that part of the lot proposed to be rezoned RE1 Public Recreation
 - Remove the Height of Building control for Lots 273, 279 and 275 DP 754915 (Under PLEP a Height of Building is not applied to land zoned RE1 Public Recreation.)
- Amending the Lot Averaging Map by
 - Removing the Lot Averaging standard for Lots 1 DP 747767, Lot 1 DP 1250612, Lots 273, 279, 275 DP 754915, and Lot 1 DP 193988

Refer to Appendix B for maps illustrating the current and proposed PLEP provisions across the site.

Planning Proposal – 4610 Kings Highway, Bungendore



Map 3 Current zoning and Lots included in planning proposal

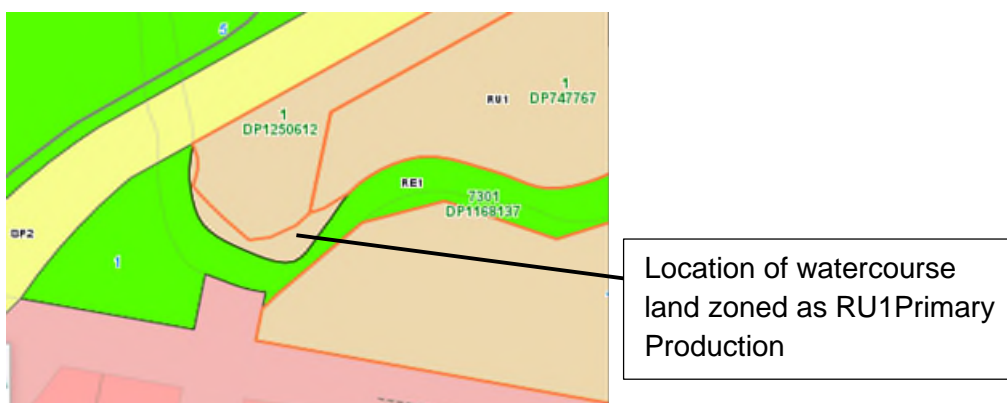
In the preparation of the mapping, it was noted that a piece of land adjacent to the southwest corner of the site (south of Lot 1 DP 1250612) is mapped as part the watercourse refer map below. The land is not a separate lot but has the same controls applied to it as the adjoining RU1 Primary Production land, including lot averaging, minimum lot size and height of buildings.

It is intended to include this section of the watercourse in the planning proposal to:

- rezone the watercourse to RE1 Public Recreation
- remove the lot averaging provision
- remove the minimum lot size provision
- remove the height of building control

The proposal will ensure that controls and provisions applicable to this section of the watercourse are the same controls and provisions that are applicable to the watercourse as a whole.

Following receipt of a Gateway determination the appropriate agency will be consulted.



Map 4 Watercourse land zoned RU1

Part 3 - Justification

Section A – Need for the Planning Proposal

1) Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Bungendore Structure Plan 2048 (BSP) was adopted by Council in February 2020 and was prepared to guide the growth of Bungendore in a co-ordinated and efficient manner, in a direction that reflects the views of the community and their land use vision for Bungendore. In response to the community vision and desired character for Bungendore it was considered that the current growth rate of 3.3% growth per annum is an appropriate growth rate for future development. At 3.3% growth rate per annum, Bungendore requires an additional 1,400 dwellings over the next 30 years from 2018 to 2048.

This planning proposal seeks to amend the PLEP 2014 to permit with consent subdivision for approximately 592 residential lots and represents approximately 40% of the additional dwellings required in Bungendore over the next 30 years under the steady state growth rate of 3.3% per annum.

The planning proposal gives effect to the adopted Bungendore Structure Plan.

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

Consideration has been given to an alternative method of achieving the objectives and intended outcomes of the Planning Proposal, including:

1. Retain the existing RU1 Primary Production zoning and reduce the Minimum Lot Size to 850m².

Permitting subdivision with a MLS of 850m² on the subject land while retaining the current zoning, limits the housing choice of future residential development on the edge of the village to Dual occupancies; Dwelling houses; Secondary dwellings. In addition retaining the RU1 Primary Production zone allows a range of permissible uses under PLEP 2014 and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, that may not be compatible with or in keeping with the character of the adjoining and proposed low density residential development, for example Animal boarding or training establishments, Crematoria, Intensive livestock agriculture and intensive plant agriculture would continue to be permitted under the RU1 zoning and the Rural Housing Complying Development Code would apply under the State Environmental Planning Policy (Exempt and Complying Development Codes).

2. Using R1 General Residential zone and MLS

The R1 General Residential zone permits a range of higher density housing options including residential flat buildings and multi dwelling housing and is zone that is preferably located close to services and facilities, where transport options are maximised and reliance on private vehicles is reduced. The site is located on the edge of the existing village adjoining low density residential development and is more than an acceptable walking distance from the services and facilities within the village centre. The Improving Transport Choice — Guidelines for planning and development advises that an acceptable walking distance is between 400m – 1000m. Furthermore, rezoning land in this location to R1 General Residential to allow for medium density housing would not be consistent with the key principles of the BSP, of Bungendore which states that medium density dwellings should be located within one kilometre of the centre of Bungendore.

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3. Use Schedule 1 and Minimum Lot size (MLS)

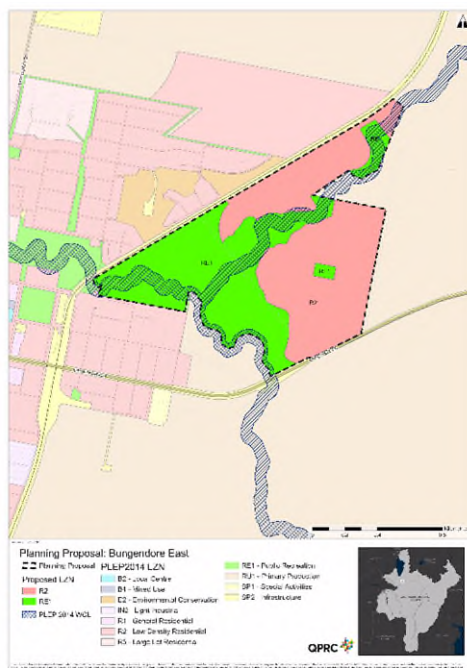
Use Schedule 1 to permit with consent additional housing options in the RU1 zoned land on this site, however the MLS would also need to be amended in order to achieve low density residential development as the subject site is 1.25Ha and the current MLS is 80Ha. Amending the schedule to permit with consent a range of housing options on the site may result in development with a range of conflicting land uses, as discussed in point 1 above.

4. R2 Low Density Residential zone

The R2 Low Density Residential zone provides a range of housing options that are suitable for the site's location on the edge of the existing village. The proposed rezoning of subject site to R2 Low Density Residential is consistent with the adjoining residential development on R2 zoned land to the south and west of the site.

5. Options for protecting the floodplain and Riparian land

The part of the site that is mapped under PLEP 2014 as Flood Prone Land is proposed to be rezoned to RE1 Public Recreation. The proposed zone will prevent residential development on environmentally sensitive areas. An alternative to zoning the floodplain as RE1 Public recreation is to rezone the land to E2 Environmental Conservation. The Department of Planning's LEP Practice Note: Preparing LEPs using the Standard Instrument: standard zones advises the E2 Environmental Conservation zone "is generally intended to protect land that has high conservation values outside the national parks and nature reserve system." If the E2 zone were to be used to protect the flood plain area, the land may still be included in a subdivision, however this would require a number of lots containing split zoning, alternatively the land zoned E2 could be held in public ownership, however the zone limits opportunities, to development such as Community facilities; Environmental facilities and Environmental protection works, and as a public space recreational opportunities are limited. In contrast applying the RE1 Public Recreation zone protects the land from unsuitable development while providing an opportunity for development such as Recreation areas, which would service the adjoining residential development. The map below shows the location of mapped Riparian land and watercourses in relation to the proposed RE1 Public Recreation zone.



Map 5 PLEP Riparian land and watercourses with proposed zones

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Conclusion

The proposed zoning of the site to part R2 and part RE1 and applying a MLS of 850m² to land in the proposed R2 zone is the preferred means of achieving the objectives or intended outcomes of the Planning Proposal for the following reasons:

- Rezoning the land to R2 Low Density Residential permits a greater housing choice including Boarding houses; Group homes; Semi-detached dwellings; Seniors housing and Shop top housing than the current RU1 Primary Production zone
- The R2 Low Density Residential zone is the appropriate residential zone for residential development on the outer edge of village.
- low density residential development would be permitted on that part of the land which has not been identified as having environmental values,
- subdivision or erection of dwellings would be prevented on that part of the site that does hold environmental value,
- Environmentally sensitive areas are protected while providing opportunities for low impact development that complements the adjoining future residential development.

Section B – Relationship to Strategic Planning Framework

3) Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The relevant regional strategy is the *South East and Tablelands Regional Plan 2036*. The following Goals and Objectives of the *South East and Tablelands Regional Plan 2036* are relevant to this planning proposal.

| <i>South-East and Tablelands Regional Plan</i> | |
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| <i>Goal 1 – A connected and prosperous economy</i> | |
| Direction 8: Protect important agricultural land | |
| Action 8.2 Protect identified important agricultural land from land use conflict and fragmentation and manage the interface between important agricultural land and other land uses through local environmental plans. | The site is currently zoned RU1 Primary Production and is being used for grazing, however the site is not identified as agricultural land of significance on the NSW Government's 2014 Biophysical Strategic Agricultural Land mapping, therefore the planning proposal will not compromise the achievement of this direction. |
| Direction 11: Enhance strategic transport links to support economic growth | |
| Action 11.3 Limit inappropriate adjoining development and direct access points along strategic transport links including the Hume, Federal, Illawarra, Barton and Kings Highways. | While the primary access into the site is from Kings Highway, the 2015 Intersection impact Assessment by SMEC which was based on a subdivision of approximately 800 lots, states that the impact of the expected development traffic on Kings Highway is unlikely to be significant, with intersection performance remaining at Level of Service A even in 2023. The proposal has been subsequently amended and seeks to rezone land for the purpose of approximately 592 low density residential lots, therefore the traffic impact will be less than projected in the traffic study. Furthermore the proposal is in accordance with Council's adopted Bungendore Structure Plan 2048. The planning proposal will not compromise the achievement of this direction. |

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| Direction 13: Manage the ongoing use of mineral resources | |
| Action 13.1 Consult with the NSW Division of Resources and Geosciences when assessing applications for land use changes (strategic land use planning, rezoning and planning proposals) and new developments or expansions | <p>The SEPP Mining, Petroleum Production and Extractive Industries) 2007 permits with consent mining, petroleum production, extractive industry on land where agriculture or industry are permitted. The planning proposal seeks to rezone land from RU1 Primary production to R2 Low Density Residential. Agriculture or industry are currently permitted on site, these uses will become prohibited development if the planning proposal is progressed and the SEPP will no longer be relevant to the site.</p> <p>The planning proposal will be forwarded to the NSW Division of Resources and Geosciences for comment following receipt of a Gateway determination.</p> |
| Goal 2: A diverse environment interconnected by biodiversity corridors | |
| Direction 14: Protect important environmental assets | |
| Action 14.2 Protect the validated high environmental value lands in local environmental plans. | <p>The South East and Tableland Regional Plan maps part of the site as containing High Environmental Land, however the Fauna and Flora Assessment by SMEC states that "It is unlikely the proposal area contains "critical habitat or threatened species, populations or ecological communities, or their habitats that will be adversely affected as a result of the proposal". Further studies will be undertaken following Gateway to confirm the presence/absence of threatened species.</p> |
| Action 14.3 Minimise potential impacts arising from development on areas of high environmental value, including groundwater-dependent ecosystems and aquatic habitats, and implement the 'avoid, minimise and offset' hierarchy | <p>The areas of the site identified as being within the flood planning area are proposed to be zoned for public recreation and only those areas outside the flood planning area and land mapped as Riparian land are proposed for future residential development.</p> |
| Direction 16: Protect the coast and increase resilience to natural hazards | |
| Action 16.1 Locate development, including new urban release areas, away from areas of known high bushfire risk, flooding hazards or high coastal erosion/inundation; contaminated land; and designated waterways to reduce the community's exposure to natural hazards. | <p>The proposal seeks to rezone land on the edge of the existing urban area of Bungendore village. Land mapped as Flood Planning Area within the PLEP is proposed to be rezoned to RE1 Public Recreation.</p> <p>The 2015 Preliminary Bushfire Advice prepared by SMEC states that "The threat posed by bushfire to sub-division is regarded as low based on the nature of the surrounding vegetation, the topography of the land."</p> <p>The site has been identified as containing areas of contamination, however the September 2020 Interim Results summary by SMEC states that the that "the site can be made suitable for the proposed residential development with respect to contamination."</p> |
| Direction 18: Secure water resources | |
| Action 18.1 Minimise potential impacts arising from development on areas of high | <p>The planning proposal seeks to avoid locating development on land mapped in PLEP 2012 as</p> |

Planning Proposal – 4610 Kings Highway, Bungendore

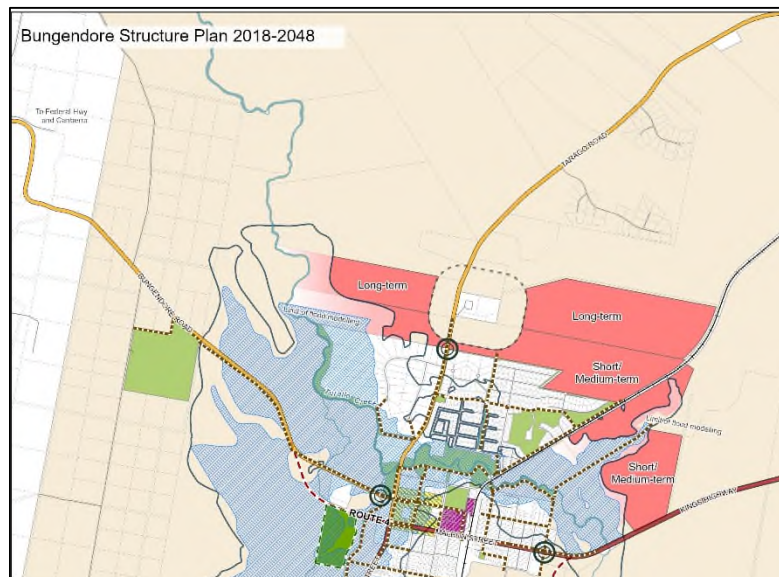
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| environmental value, including groundwater-dependent ecosystems and aquatic habitats, and implement the 'avoid, minimise and offset' hierarchy | Riparian land and Watercourse land or land identified as Flood Planning Area, by rezoning this land to RE1 Public Recreation, which limits development opportunities and minimises potential impacts of development on environmentally sensitive areas. |
| Action 18.3 Prepare or review integrated water cycle management strategies to ascertain long-term infrastructure needs to accommodate population growth. | Council recently adopted the Integrated Water Cycle Management Strategy – Palerang Communities. This strategy considers the impact of future residential growth such as the areas identified for future residential development, including the subject site, in the adopted Bungendore Structure Plan 2048 and ensures that the future water and sewer needs for the former Palerang communities can be met. |
| Action 18.4 Incorporate water sensitive urban design into development that is likely to impact water catchments, water quality and flows. | The Palerang Development Control Plan 2015 includes controls that ensure that a subdivision does not have an adverse impact on the surface and subsurface water quality on land either upstream or downstream of the subdivision. |
| Goal 3: Healthy and connected communities | |
| Direction 22: Build socially inclusive, safe and healthy communities | |
| Action 22.3 Integrate walking and cycling networks into the design of new communities to encourage physical activity. | Any future residential subdivision of the site will need to consider Palerang Development Control Plan 2015, which includes provisions for road networks and design that provide convenient, connected and safe access for pedestrians (especially children), cyclists, horse riders and vehicles. |
| Action 22.4 Promote energy efficiency in new development proposals. | Any future residential subdivision of the site will be assessed against the Palerang Development Control Plan 2015 which includes controls that promote energy efficient subdivision design. Subsequent development applications for dwellings will be subject to the water saving and energy efficiency requirement of the State Environmental Planning Policy Building Sustainability Index ((BASIX) 2004. |
| Direction 24: Deliver greater housing supply and choice | |
| Action 24.3 Promote increased housing choice, including townhouses, villas and apartments in strategic centres and locations close to existing services and jobs | The R2 zone permits a range of low density housing types, including Boarding houses; Dual occupancies; Dwelling houses; Group homes; Respite day care centres; Secondary dwellings; Semi-detached dwellings and Seniors housing. These are appropriate housing types for the location, being on the edge of the village and outside an acceptable walking distance to the services and facilities of the village centre. |
| Goal 4: Environmentally sustainable housing choices | |
| Direction 25: Focus housing growth in locations that maximise infrastructure and services | |
| Action 25.1 Focus future settlement to locations that: | The proposal is consistent with the BSP, which identifies future residential growth areas on the |

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| <ul style="list-style-type: none"> • maximise existing infrastructure and services and minimise the need for new services; • prioritise increased densities within existing urban areas; and • prioritise new release areas that are an extension of existing strategic and local centres. | existing edge of urban development at Bungendore. |
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4) Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The planning proposal is consistent with Council's *Bungendore Structure Plan 2048* adopted by Council in February 2020 and will give effect to Council's Local Strategic Planning Statement for future (short term) residential growth in Bungendore. The map below is taken from the Bungendore Structure Plan 2048 and shows future residential growth areas located on the edges of the existing urban areas.



Map 6 Future Residential growth areas in Bungendore

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

The planning proposal has been assessed against the applicable State Environmental Planning Policies (SEPP's) and the full discussion is provided in Appendix C – Section 9.1 Directions.

The planning proposal is consistent with all relevant SEPP's.

6) Is the planning proposal consistent with applicable Minister Directions (s.9.1 directions)?

The planning proposal is consistent with all s.9.1 Directions with the exception of the following:

- 1.2 Rural Zones. As the planning proposal seeks to rezone land from a rural zone to a residential zone, the proposal is inconsistent with the direction, however the inconsistency is justified by the Bungendore Structure Plan 2048, which was endorsed

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by Council and the Department of Planning, Industry and Environment in 2020. The Bungendore Structure Plan 2048 identifies the subject site for future residential growth.

- 1.5 Rural Lands. The planning proposal affects land within a rural zone. The proposal is consistent with the Bungendore Structure Plan 2048

A full assessment against each of the directions is provided in Appendix D – Section 9.1 Directions.

Section C – Environmental, Social and Economic Impact

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

The site is mapped in the *South East and Tableland Regional Plan 2036* as containing land of High Environmental Value, which includes land with “threatened ecological communities and key habitats, and important vegetation areas”.

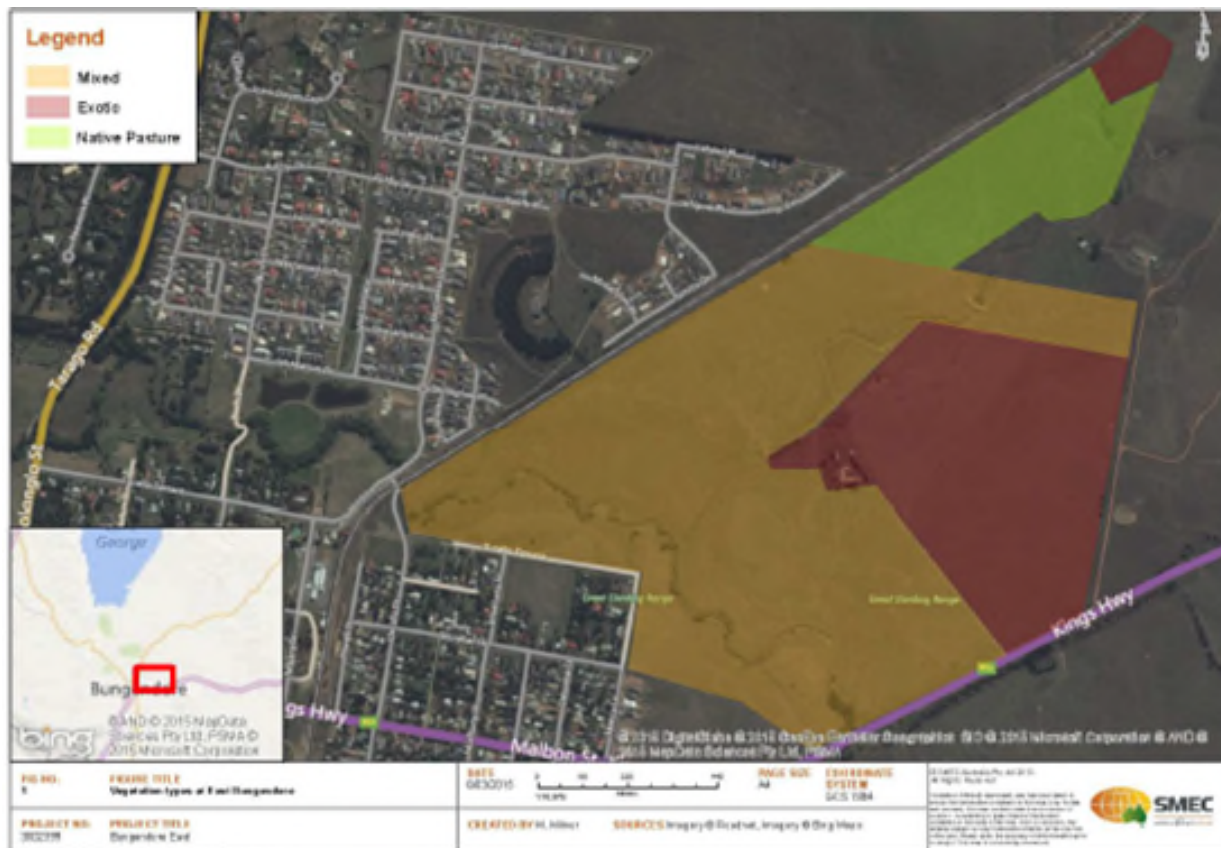
A Flora and Fauna Assessment was prepared for Bungendore Lands Pty Ltd by SMEC dated 3 June 2015, which provides an assessment of critical habitats, threatened species, populations or ecological communities or their habitat, which may be impacted as a result of the proposal.

The Flora and Fauna Assessment states that Commonwealth SPRAT, NSW Bionet and Atlas Records identify there are very few threatened species in the proposal area however, the proposal may contain Natural Temperate Grassland on the, which is considered a threatened community under Commonwealth law.

Other potential species that are of concern include Spotted Harrier, Little Eagle, Little Whip Snake and Peppercreess.

A field appraisal was undertaken on 16 February 2015. The site is divided into three areas: exotic pasture, mixed pasture and native pasture. Noxious weeds including: Scotch Thistle and Serrated Tussock were evident throughout the site. The map below indicates the approximate locations of the three types of pasture.

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Map 7 Approximate location of vegetation types

The report concluded that:

- It is unlikely the proposal area contains “critical habitat or threatened species, populations or ecological communities, or their habitats that will be adversely affected as a result of the proposal” (gateway assessment criteria)
- From a flora and fauna perspective the site is likely to be found suitable for the proposed land use; and
- Species and site specific surveys should be undertaken following the gateway process to confirm the absence of threatened species habitat, finalise the design of the site and inform any mitigation or offsetting requirements.

The 2015 Flora and Fauna Assessment by SMEC recommended that the following work be conducted:

- Survey of the highest quality areas of mixed pasture and native grassland for Natural Temperate Grassland
- Survey of native grassland and mixed pasture for Little Whip Snake - this NSW listed threatened species has been observed in similar habitat in the Bungendore area.
- A seven part impact assessment test for Little Eagle and Spotted Harrier. Although these species are wide ranging and have large territories it is recommended an assessment is undertaken to establish the significance of the habitat for these two threatened raptors.
- Frog surveys are undertaken at the ponds and in the unnamed creek to confirm the status of threatened frogs with the study area.
- Any other assessments as recommended in Director General.
- Recommendations are undertaken in the appropriate season.

The recommendations of the report are supported, and the work is to be undertaken once a Gateway determination has been issued and prior to community consultation.

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A copy of the report is attached and marked Annexure 2.

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

This section outlines an assessment of the key considerations of the planning proposal as described in the preceding sections of this report, and including:

- Bushfire;
- Contamination;
- Heritage;
- Traffic and Access;
- Flooding; and
- Amenity – rail noise and vibration.

Bushfire

A Preliminary Bushfire Advice Report was prepared for Bungendore Lands Pty Ltd by SMEC dated 3 June 2015, which provides an initial assessment of the proposed subdivision in relation to bushfire threats. The report provides advice and protection measures in accordance with the *Rural Fires Act 1997*. The Preliminary Bushfire Advice Report is attached as Annexure 3.

The Preliminary Bushfire Advice Report states that the threat of bushfires on the proposed subdivision is considered low, with consideration made to the type of native vegetation on-site and in the vicinity, site topography and the design responses.

The proposed subdivision and design can provide protection from bushfires including: creation of Asset Protection Zones (APZs) and the provision of access and services (water, electricity and gas).

The threat of bushfires on the subdivision is considered low with natural vegetation comprising largely grassland. There are proposed woodlands to be planted along Turallo Creek, which are considered a potential bushfire threat if Eucalyptus plots cannot be kept to less than 1ha sizes and disconnected by surrounding plots greater than 20 metres. APZs would need to be implemented to separate the woodland from residential areas.

The 2016 planning proposal included visual screening along the eastern side of the site to Kings Highway and the adjoining rural land to the east. If future development incorporates the proposed vegetation screening, the Preliminary Bushfire Advice Report recommends that the width of plantings be no greater than 20 metres.

Asset Protection Zones (APZs) will be required in the subdivision. A perimeter road buffer around the site can be accommodated within the proposed subdivision and reinforce APZs. The following APZs specifications are provided:

- Adjacent to grassland – APZ of 15 metres to be provided
- Adjacent to woodland – APZ of 30 metres to be provided

When APZs are not provided by public road, a fire trail will need to be provided.

Provision of services will ensure bush fire risk can be managed through the following measures including: ring main system supplied along perimeter road where provided, fire hydrant spacing and size to comply with AS2419.102005, provide electrical transmission lines underground where possible and maintain gas in accordance with AS 1596.

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Contamination

A Contamination Assessment Report was prepared for Bungendore Lands Pty Ltd by SMEC dated 3 June 2015, which provides an assessment of potential contamination on site. The site was previously used for grazing, sheep dipping and railway activities, which could potentially result in increased potential of contaminants on site. Contaminants may have accumulated within farm buildings used to store vehicles and equipment

A copy of this report is attached as Annexure 4.

The approximate location of the areas of environmental concerns at the site are shown in the map below:



Map 8 Areas of Environmental Concern (AEC)

While the report identifies eight types of AEC, the map above indicates approximately thirteen locations across the site with potential contamination.

The table below discusses the potential contamination levels for each of the eight types of AEC's. The potential future zones have been added to confirm that the AEC's are generally located on land proposed to be zoned RE1 Public Recreation.

| AEC | Comments | Contaminate Potential | Potential zone |
|-----------------------------|---|-----------------------|---------------------------------|
| AEC01 – Sheep Dip | Evidence of sheep dipping activities was observed during the Site inspection. This area may be impacted with hazardous chemicals associated with the process of sheep dipping. Localised contamination. | Medium – High | RE1 Public recreation |
| AEC02 – Railway Line | The railway line was constructed some time before 1959. Railway areas are known to have increased rates of asbestos and other types of potential | Medium – High | Off-site but adjoining proposed |

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| AEC | Comments | Contaminate Potential | Potential zone |
|---------------------------------------|---|-----------------------|--|
| | contamination such as hydrocarbons and PCBs. Although the Railway Line is just outside the Site border, there is potential for contamination to migrate onto this Site. As the proposed end use is highly sensitive, the risk level is increased. | | R2 Low Density Residential area |
| AEC03- Bare Path of Earth | The bare path of earth is visible in the historic aerial photograph from 1959. The cause of the lack of vegetation is unknown and may relate to some form of herbicide or other chemical exposure. Generally an area devoid of vegetation is indicative of contamination or other stresses to the environment. | Medium | RE1 Public Recreation |
| AEC04 – Fill Materials in Dams | Dams were erected at different stages between 1968 and 1996. The fill material that was used to create the dams may not have been assessed and may contain traces of contaminants of potential concern (CoPC). | Medium | RE1 Public Recreation |
| AEC05 – Rubbish Piles | Several areas of piled rubbish were observed during the Site inspection. Although no obvious signs of contamination were observed within these rubbish piles, the rubbish is potentially hazardous and unsightly. | Low | One AEC 05 within proposed R2 zone |
| AEC06 – Cattle Yards | Cattle yards have the potential to accumulate nutrients, pathogens and other potentially contaminated material associated with cattle such as pesticides. | Medium | R2 Low Density Residential |
| AEC07 – Raised Mound Areas | Raised mounds of unknown origin and purpose were observed during the Site inspection. These mounds may be covering items of waste, or may have been constructed from fill material of unknown composition. | Medium | One area proposed to be rezoned R2 Low Density Residential |
| AEC08 – Farm Buildings | The farm buildings near the middle of the Site were constructed during the 1960s and are presumed to have been in continuous use since that time. As the farm buildings may have been used for the storage of vehicles, chemicals and chemical application equipment (i.e. spraying), these areas may have been exposed to CoPC. The floor of these buildings was observed to be bare earth, which as a porous material may have absorbed potential spills. | Medium | R2 Low Density Residential |

Table 1 Areas of Environmental Concern

SMEC identified areas with potential for contamination having a potential contamination rating of Medium to High, based on the historical use of the site, desktop reviews and available data including site imagery, aerial photographs and noted that in its current state the site is not considered suitable for the proposed sensitive residential and community land use.

The 2015 Contamination Assessment Report by SMEC recommended that the following work be undertaken to ensure the site is suitable for the uses proposed:

- A Detailed Site Investigation (DSI) to assess the potential for contamination within the AEC's identified within this report.

Council subsequently received a Preliminary Contamination Assessment – Sheep Dip, dated 29 April 2020. This report applies only to the sheep dip area from sheep dip related

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contaminants and does not look at other areas of the broader development. The results indicated three soil samples with arsenic concentrations exceeding the adopted low density residential health and ecological criteria. The 2020 Preliminary Contamination Assessment (Sheep Dip) recommended additional work as follows:

- Additional grid based sampling to further assess the extent of contamination in soil around the sheep dip
- Assessment of groundwater quality near the sheep dip, as this was not part of the scope for this preliminary assessment, through installation and sampling of groundwater monitoring well(s)
- Based on the results, formulating a remedial/management strategy (as relevant with reference to the details of the proposed development).
- If remediation is required, then a Remedial Action Plan (RAP) should be prepared that outlines the steps required to remediate the site for the proposed land use
- Implement the RAP and validate the site.

While Detailed Site Investigation is currently being undertaken, the Preliminary Findings dated 22 September 2020 state that the site can be made suitable for the proposed residential development with respect to contamination subject to the following:

- A remedial action plan be prepared and implemented to address arsenic contaminated soils in the vicinity of the sheep dip. The remedial action plan is currently being written and will comprise excavation and offsite disposal of impacted soils,
- Further assessment of groundwater contamination pathways and receptors be carried out with respect to the current and proposed future land use,
- Due to the relatively large site, an unexpected finds protocols be implemented during subdivision earthworks stage to address unforeseen contamination (if present).

The Preliminary Findings are attached as Annexure 8

Heritage

A Desktop Review and Preliminary Heritage Assessment was prepared by CHMA dated March 2015, which provides an assessment of cultural heritage potential on the subject site. The report provides a Desktop Study and a Brief Field Assessment attached and marked Annexure 5.

The Review and Preliminary Heritage Assessment advises that six previously recorded sites occur within 200m of the current study area. These comprise three isolated finds, two large artefact scatters and one small artefact scatter; of which one isolated find (57-2-0446) and two scatters (57-2-0447 and 57-2-0448) occur within the study area itself. Importantly, all three sites were identified through subsurface investigations and have therefore been salvaged. Impacts to these sites have therefore already been mitigated.

The literature review for the study area also revealed two previously historic/European sites within the study area: an area of old plough land and a Massey Sunshine harvester. The heritage status of these two sites is unclear and further research will be required to clarify this issue, and therefore the process required for impact mitigation.

A single historic/European site was identified during the current investigation, consisting of a very sparse scatter of old and new bricks (including some Canberra Red bricks), extending

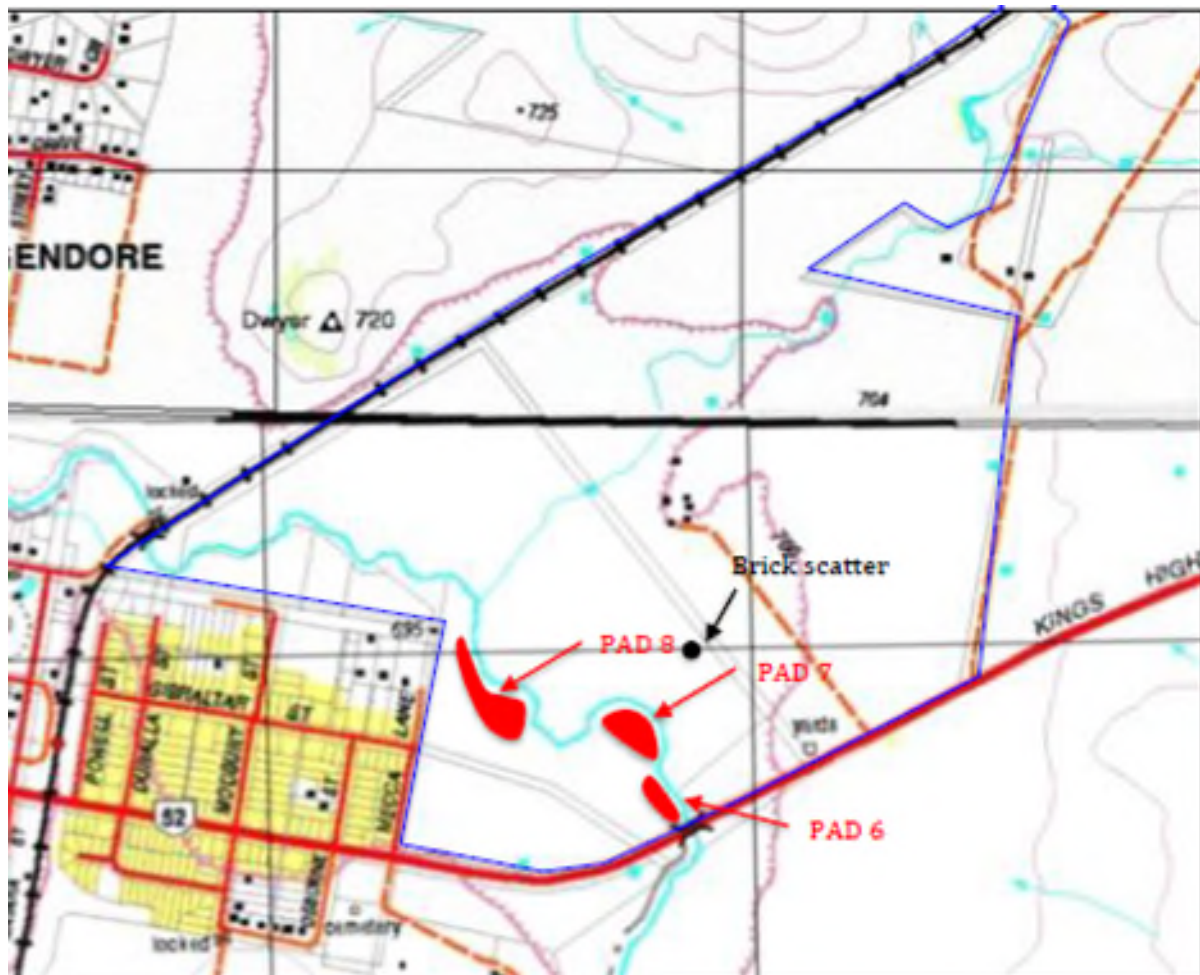
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over an area of approximately 50m x 20m. The bricks are not associated with any visible structure or footings, are clearly only a surface scatter and are out of context. The Review and Preliminary Heritage Assessment states that 'This site does not hold any heritage value'.

Three Potential Archaeological Deposits (PADs) were identified during the current investigation, comprising three local elevations within the flats of Turallo Creek. The table below provides summary details for each of these PADs and the map identifies the locations.

| PAD No: | Estimate Area of PAD: | Topographic Location | Grid Reference |
|---------|-----------------------|------------------------------------|--------------------------------------|
| PAD 6 | 50m x 30m | Elevated area above in creek flats | 723781E 6095696N to 723829E 6095646N |
| PAD 7 | 50m x 30m | Elevated area above in creek flats | 723713E 6095857N to 723796E 6095794N |
| PAD 8 | 200m x 20/60m | Elevated area above in creek flats | 723575E 6095798N to 723409E 6095961N |

Table 2 Identified Archaeological Deposits



Map 9 Location of identified PADs within Bungendore East study area

It should be noted that PAD's 6, 7 and 8 are outside of the area of land included in this planning proposal.

The report outlines the best form of management and mitigation for identified heritage sites is avoidance. If avoidance is not possible, the following management recommendations are

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made to mitigate impacts to either known or unknown heritage sites within the Bungendore East study area.

- The historic old plough lands and Massey Sunshine harvesters will require further investigation to clarify the heritage status and any legislative requirements.

Traffic and Access

A Traffic Impact Assessment was prepared for Bungendore Lands Pty Ltd by SMEC dated 5 June 2015, which provides an assessment into the new intersection proposed for construction on Kings Highway to provide primary access to the proposed subdivision for 800 lots under the 2016 planning proposal. The major access road will be the Kings Highway, while Mecca Lane will become the secondary access route.

The traffic impact assessment prepared by SMEC dated 5 June 2015 identified that the impact of the development traffic for the 2016 proposal for approximately 800 lots on Kings Highway to be unlikely to be significant. It also does not indicate any issues regarding individual movement performance. The 95th percentile queue lengths in the PM do become relatively long for the eastbound traffic, however this is a very heavy movement in the PM peak and opposing right turning traffic is expected to be minimal. The queue does not approach or affect the intersection of Kings Highway with Mecca Lane.

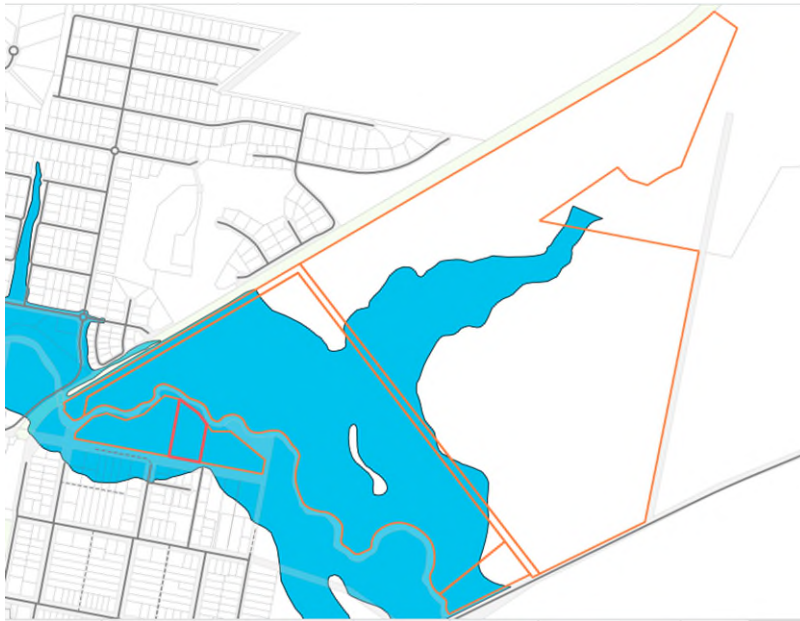
As the proposal has been subsequently amended to approximately 592 residential lots it is expected that the impact of the development on Kings Highway as discussed in the Traffic Impact Assessment to be significantly reduced, however, due to the presence of the intersection in a section of road that is currently a 100 km/h environment, a traffic safety analysis is recommended to identify and minimise any safety issues and it is anticipated that this will recommend the reduction in the speed limit to 80km/h. The roundabout will form a new “gateway” to Bungendore and effectivity slow the traffic prior to it reaching Mecca lane and Bungendore proper.

The proposal is considered appropriate and the traffic impacts on the Kings Highway are considered acceptable

The Traffic Assessment is attached and marked Annexure 6

Flooding

The map below indicates the extent of flood across the subject site as mapped in the Palerang Local Environmental Plan 2014. The south western portion of the site is significantly mapped as flood prone land and is proposed to be rezoned to RE1 Public Recreation. Council is currently undertaking a review of the Bungendore Food Study 2002, and while it is not expected that the current flood mapping will be significantly altered by the results of the study, the updated flood study is not expected to be completed before the end of 2021.



Map 10 PLEP 2014 Flood mapping (1% average recurrent interval + 500mm freeboard) across 4610 Kings Highway

Amenity – rail noise and vibration

As noted above, the site adjoins the Sydney-Canberra railway line along its north western border. The south eastern border of the site adjoins the Kings Highway. The planning proposal seeks to rezone this land to R2 Low Density Residential and future residential development will be assessed against SEPP (infrastructure). The proposal will be forwarded to both ARTC/John Holland Rail and Transport for NSW for comment.

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

A Social, Cultural and Economic Effects report was prepared by Elton Consulting, which provides an overview of the demographic, infrastructure and economic impacts of the proposed development, for the 2016 planning proposal for 760-800 lots.

The population of Bungendore and adjacent rural residential areas along the ACT border (comprising 61% of the total population of Palerang) rely on the ACT and Queanbeyan for access to higher order goods and services including speciality retail, tertiary education, hospitals and specialist medical providers and for employment. Bungendore provides a broad range of lower order goods and services to meet basic daily needs and lifestyle requirements of residents (e.g. access to cafés and sporting activities). The report advises that the services and facilities within Bungendore are generally sufficient to cater for future residential growth of Bungendore, including both North Elmslea. Some areas of potential future need are noted and include an increase in the number of GP's, a local community health centre and expansion of the pre-school. The supply of a number of the additional services, such as number of GP's that the report identifies are driven by market forces and while Council can support development opportunities for these services, through land use zoning, an increase in population increases the demand on the services but also supports the increased supply of the service. The 2015 report also noted that there is a need for a high school and an aged care facility and community facilities. It should also be noted that the NSW Department of Education recently announced plans for a new high school in Bungendore along with

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additional classrooms for the primary school and the community facilities. It is expected that these facilities will be completed by Term 1 of 2023.

The report has addressed the social and economic effects of the proposal and identified areas of need are being managed.

Community services and infrastructure available to residents of Bungendore locally is detailed within the Elton Report, attached and marked Annexure 7.

Section D – State and Commonwealth Interest

10) Is there adequate public infrastructure for the planning proposal?

Access

The primary access to the site will be provided via a new intersection from Kings Highway. A secondary access to the site is proposed from Mecca Lane across Turallo Creek.

Ambulance

A new ambulance station located on King Street, Bungendore opened on 1 November 2019 and includes internal parking for up to three emergency vehicles and relief accommodation for staff. The new station provides emergency services to Bungendore, Bywong, Wamboin and surrounds.

High School

There has been a commitment from the state government to provide a Bungendore with a high school and the draft plans are currently on public exhibition.

Water and sewer

The provision of water and sewer for Bungendore, including future residential development anticipated by the Bungendore Structure Plan (such as North Elmslea and Bungendore East proposals) has been considered and planned for through a number of Council strategies and plans including the Integrated Water Cycle Management Strategy – Palerang Communities (IWCMS) and Development Control Plans (DCP's). These plans and strategies are discussed in further detail below.

The exhibited Bungendore Structure Plan – Discussion paper considered a number of growth options, including a low growth, a steady growth and a high growth option. Following community consultation, the endorsed Bungendore Structure Plan adopted the steady growth option which allows for a total population of 7,469 in Bungendore in 2041, and equates to an additional 1,384 dwellings. The Bungendore East and North Elmslea proposals are expected to deliver approximately 900 residential lots.

The Integrated Water Cycle Management Strategy – Palerang Communities (IWCMS) was being prepared in parallel with the Bungendore Structure Plan and adopted a conservative approach to the supply of water in Bungendore. The IWCMS adopts a growth rate significantly higher than that growth rate provided for in the Bungendore Structure Plan and is based on a population growth rate which would accommodate a population 10,952 in 2041. The IWCM Strategy is subject to a 4-yearly review cycle allowing the key assumptions to be reviewed. In addition, it is intended that a new strategy is developed after 8 years.

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The executive summary of the IWCMS – Palerang Communities is attached as Appendix F to the planning proposal. The full IWCMS can be viewed on Councils' website at: <https://www.qprc.nsw.gov.au/Resources-Documents/Strategies-and-Plans>

Council recently adopted Developer Servicing Plans which has catered for the future growth outlined in the Bungendore Structure Plan and includes this site. The Development Servicing Plan (DSP) details the water supply / sewerage developer charges to be levied on developments utilising a water utility's water supply, sewerage and stormwater infrastructure. The Palerang Development Control Plan (DCP) 2015 includes controls for subdivisions on land zoned R2 Low Density Residential. DCP Control C1.2.6 and 7 require that reticulated water and sewer are to be provided for all subdivisions in Bungendore where an existing reticulated supply is provided nearby. Adjoining development to the west and south of the subject site are provided with reticulated water and sewer.

The water and sewer infrastructure will accommodate the development anticipated by the Planning Proposal.

Electricity

The Palerang Development Control Plan 2015 (DCP) requires that suitable power is provided by the developer to the boundary of all additional lots created and that services are located underground. The proposal will be forwarded to the electricity provider for comment.

Telecommunications

It is a requirement under section B7.9 of the Palerang DCP that telecommunications are provided at subdivision stage to each lot in the R2 Low Density Residential zone. Services are to be located underground.

Waste management

Residential building design is to encourage residents to separate garbage for recycling, e.g. a waste cupboard which allows the temporary storage of garbage, recyclables and compostable materials.

Public Transport

The Palerang DCP requires bus facilities, including shelters to be provided at appropriate locations within the development. The proposal will be forwarded Transport for NSW for comment.

Other infrastructure requirements will be resolved as the development of the site progresses.

11) What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council intends to consult with the following agencies in respect of the planning proposal:

- Department of Planning, Industry and Environment – Biodiversity and Conservation
- NSW Rural Fire Service
- NSW Department of Primary Industries – (for mining and agriculture land)
- NSW Department of Industries – Crown Land (as an adjoining property owner)
- ARTC/John Holland Rail – adjacent to rail corridor
- Essential Energy (Electricity Provider)
- Transport for NSW
- NSW Division of Resources and Geosciences

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Part 4 – Mapping

The proposed outcome will be achieved by amending the following Palerang LEP 2014 maps:

- Land Zoning Map - Sheet LZN_004A, in accordance with the proposed zoning map in Appendix B
- Lot Size Map - Sheet LSZ_004A, in accordance with the proposed Lot Size Map in Appendix B
- Height of Buildings Map - Sheet HOB_004A in accordance with the proposed Height of Buildings Map, shown in Appendix B
- Lot Averaging Map - Sheet LAV_004, in accordance with the proposed Lot Averaging Map in Appendix B

Part 5 - Community Consultation

It is intended to publicly exhibit the draft plan for a period of 28 days.

Part 6 - Project Timeline

| Task | Anticipated timeframes |
|--|------------------------|
| Planning Proposal preparation | July – August 2020 |
| Gateway Determination | Nov 2020 |
| Agency consultation | *Dec/Jan 2020 |
| Public Exhibition | February 2021 |
| Report to Council including considerations of submissions | April 2021 |
| Parliamentary Counsel Opinion and DPIE GIS Mapping Liaison | June 2021 |
| Plan Finalised by Minister (or delegate) | September 2021 |

**Timing subject to the receipt of further studies required as part of the gateway determination*

Appendix A – Instructions to Amend PLEP 2014

It is not proposed to amend the written instrument.

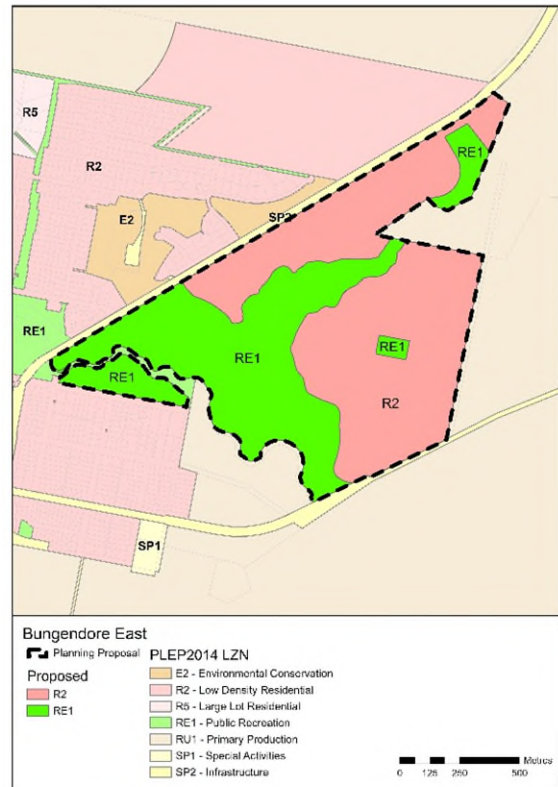
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Appendix B – Maps

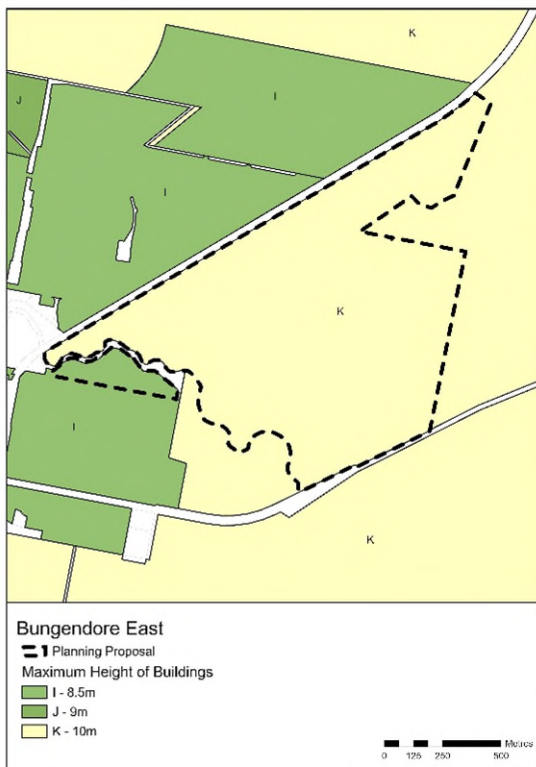
Current Land use Zone



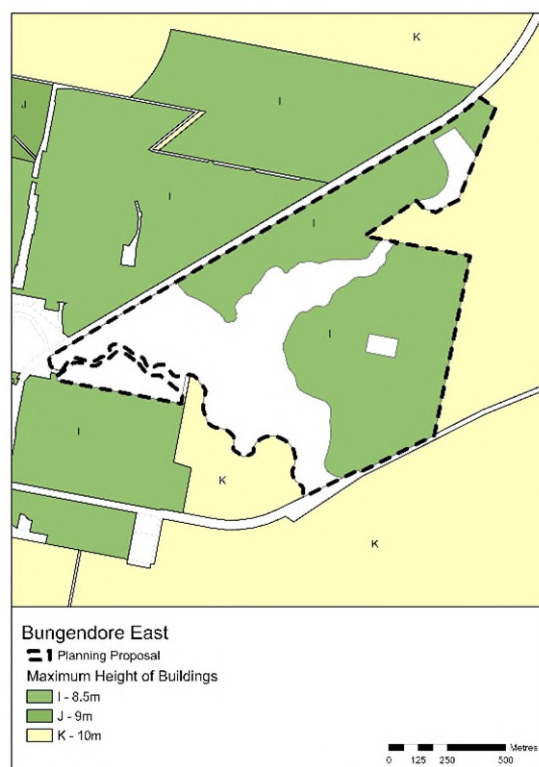
Proposed Land Use Zone



Current Height of Buildings

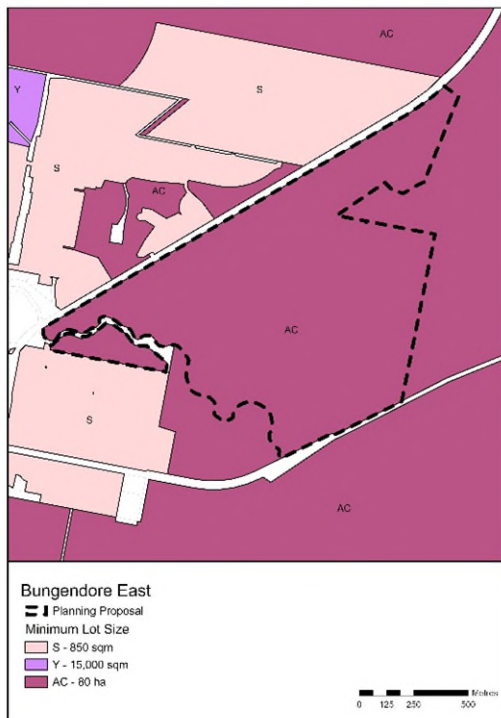


Proposed Height of buildings

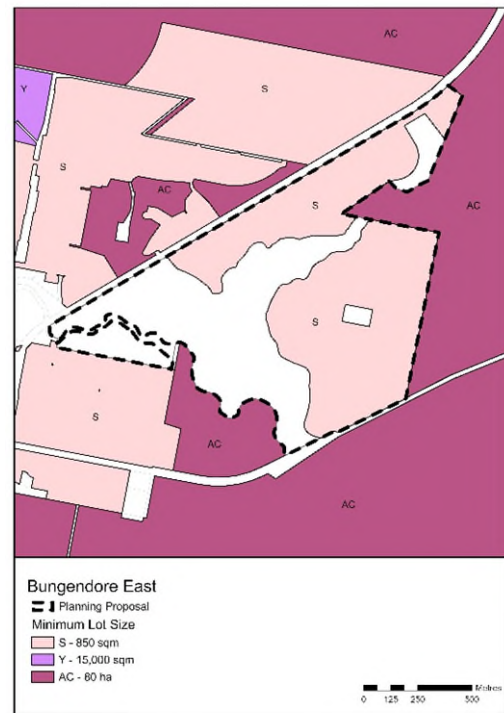


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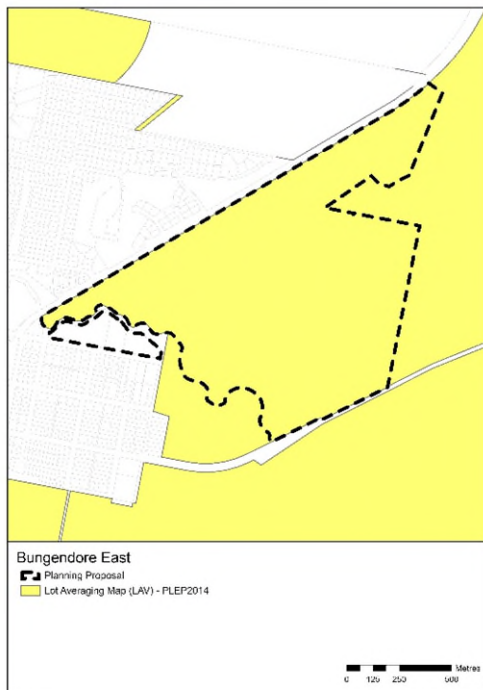
Current Minimum Lot size



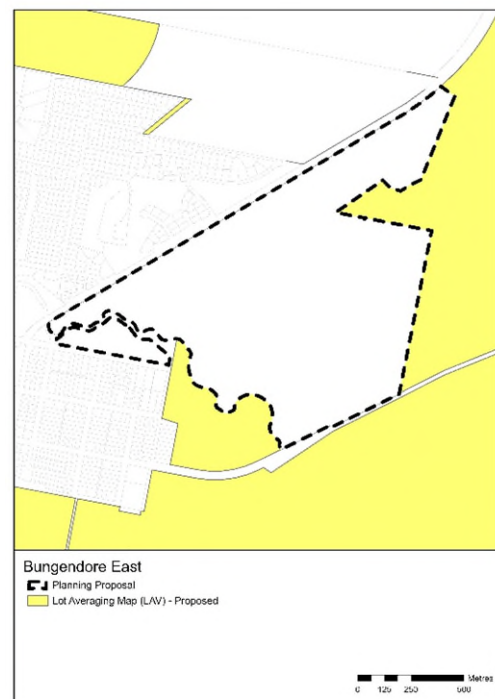
Proposed Minimum Lot size



Current Lot Averaging



Proposed Lot Averaging



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Appendix C – State Environmental Planning Policies

The following relevant Environmental Planning Instruments (EPI) have been considered in the preparation of this planning proposal:

| SEPP No. | SEPP Title | Applicable | Relevant | Consistent | Comment |
|----------|-------------------------------------|------------|----------|------------|---|
| 21 | Caravan Parks | Yes | No | Yes | This SEPP applies to the land to which the PP applies. This PP will not affect the operation of the SEPP. The planning proposal seeks amend the PLEP 2014 to rezone land from RU1 Primary Production to R2 Low Density Residential and RE1 Public Recreation. Under PLEP 2014 caravan parks are a permitted land use in the RU1 Primary Production zone, however a caravan park is prohibited development in the R2 land use zone, therefore this planning proposal will reduce the amount of land where caravan parks are permissible. Caravan parks are permitted with consent on land zoned RE1 Public Recreation. The planning proposal does not impact on any existing caravan park. |
| 33 | Hazardous and Offensive Development | Yes | No | Yes | This SEPP applies to the land to which the PP applies. This SEPP sets controls for “industry” development. Both the RU1 and R2 zones permit “home industries” which are a type of Light industry which in turn is included in the definition of “industry”. This PP will not affect the operation of the SEPP. |
| 36 | Manufactured Home Estates | Yes | No | Yes | This SEPP applies to the land to which the PP applies. Under the SEPP a manufactured home estate (MHE) may be carried out on land on which a caravan park may be carried out (with some exceptions). As discussed above the planning proposal will reduced that amount of land on which a caravan park is permitted, therefore the planning proposal will also reduce the amount of land on which a MHE is permitted. This PP will not affect an existing MHE. |
| 50 | Canal Estate Development | Yes | No | Yes | This SEPP applies to the land to which the PP applies. The planning proposal does not seek to carry out canal estate development. |
| 55 | Remediation of Land | Yes | yes | Yes | This SEPP applies to the land to which the PP applies. This PP will not affect the operation of the SEPP. Specialist study prepared by SMEC has been prepared that reveals the subject site is unlikely to contain significant contaminated land. At the 10 June 2020 Council meeting, Council resolved (Minute No PLA070/20) in part that “prior to the notification of the plan, Council require the landowners to enter into an undertaking that should remediation of the land be required, it will be carried |

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| SEPP No. | SEPP Title | Applicable | Relevant | Consistent | Comment |
|----------|--|------------|----------|------------|---|
| | | | | | out prior to the commencement of any work, to make it suitable for the land uses permitted by the Planning Proposal.” |
| 64 | Advertising and Signage | Yes | No | Yes | This SEPP applies to the land to which the PP applies. This PP will not affect the operation of the SEPP. |
| 65 | Design Quality of Residential Flat Development | Yes | No | Yes | This SEPP applies to the land to which the PP applies. The planning proposal seeks to rezone land to R2 Low Density Residential zone and RE1 Public Recreation. Residential Flat Buildings are prohibited development in both these zones, however shop top housing is permitted with consent in the R2 zone under PLEP2014. Development for Shop top housing will be assessed against the SEPP.. |
| 70 | Affordable Housing (Revised Schemes) | Yes | No | Yes | This SEPP applies to the land to which the PP applies. The PP introduces the R2 zone and MLS that will allow for housing development therefore the Schedule 2 Affordable Housing principles will be required to be considered in any future DAs should the LEP be amended. This PP will not affect the operation of the SEPP. |
| - | SEPP (Affordable Rental Housing) 2009 | Yes | No | Yes | This SEPP applies to the land to which the PP applies. The application of the R2 Low Density Residential zone across part of the site will provide for development for additional types of residential accommodation on the site including Group homes and Boarding houses. This PP will allow the SEPP to apply to certain development on the site. |
| - | SEPP (Building Sustainability Index: BASIX) 2004 | Yes | No | Yes | This SEPP applies to the land to which the PP applies. The PP will not affect the operation of the SEPP. It will be relevant at future development application. |
| | SEPP (Concurrences and Consents) 2018 | Yes | No | Yes | This SEPP applies to the land to which the PP applies. The PP will not affect the operation of the SEPP. It will be relevant at future development application. |
| | SEPP (Educational Establishments and Child Care Facilities) 2017 | Yes | No | Yes | This SEPP applies to the land to which the PP applies. The planning proposal seeks to rezone land from RU1 Primary Production to R2 Low Density Residential. The R2 zone is a prescribed zone under the SEPP for schools, universities and TAFE establishments and as such will introduce development that is permitted with consent and to which the SEPP will apply. |

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| SEPP No. | SEPP Title | Applicable | Relevant | Consistent | Comment |
|----------|--|------------|----------|------------|--|
| - | SEPP (Exempt and Complying Development Codes) 2008 | Yes | No | Yes | This SEPP applies to the land to which the PP applies. This PP will not affect the operation of the SEPP at future stages, post rezoning. |
| - | SEPP (Housing for Seniors or People with a Disability) 2004 | Yes | No | Yes | This SEPP currently only applies to a small portion of the site that is adjoining the R2 zone. The majority of the site is not covered by the SEPP as it is zoned RU1 and is not adjoining land zoned primarily for urban purposes. The PP will result in the whole PP site being subject to the SEPP by virtue of the urban zoning and will allow for housing for seniors of people with a disability. |
| - | SEPP (Infrastructure) 2007 | Yes | No | Yes | This SEPP applies to the land to which the PP applies. The land subject to the planning proposal seeks to rezone land to permit with consent residential development adjacent to a rail corridor and a State classified road. Further consideration of potential impacts and mitigation will required if Gateway Determination is issued. |
| | SEPP (Koala Habitat Protection) 2019 | Yes | No | Yes | This SEPP applies to the land to which the PP applies. Queanbeyan-Palerang Regional Council is listed in schedule 1 as containing the Central and Southern Tablelands Koala management area. Any future development will be required to consider the SEPP's development application criteria. This PP will not affect the operation of the SEPP at future stages, post rezoning. |
| - | SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | Yes | Yes | Yes | This SEPP applies to the land to which the PP applies. The SEPP provides that Mining, Petroleum production, Extractive industry may be carried out with development consent on land on which development for the purposes of purposes of agriculture or industry may be carried out. The PLEP 2014 permits development for the purpose of agriculture and open-cut mining on land zoned RU1. The planning proposal seeks to rezone the subject site from RU1 to R2 Low Density Residential and as a consequence prohibit agriculture, industry and open-cut mining land uses on the site. The planning proposal potentially limits the application of the SEPP on the subject land. If a Gateway determination is issued the proposal will be forwarded to the NSW Division of Resources and Geosciences for feedback. |

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| SEPP No. | SEPP Title | Applicable | Relevant | Consistent | Comment |
|----------|--|------------|----------|------------|--|
| | SEPP (Primary Production and Rural Development) 2019 | Yes | No | Yes | This SEPP applies to the land to which the PP applies. The SEPP allows certain development to temporarily contain livestock permissible without consent and applies to land on which agriculture may be carried out, with or without consent. Agriculture is a group term for a number of types of agriculture, all of which are permitted (with or without consent) under the current RU1 Primary Production zone applicable to the site. As neither the R2 Low Density Residential nor the RE1 Public Recreation permit agriculture, the proposed rezoning will result in the SEPP being no longer relevant to the site. |
| - | SEPP (State and Regional Development) 2011 | Yes | No | Yes | This SEPP applies to the land to which the PP applies. This PP will not affect the operation of the SEPP. |
| | SEPP (State Significant Precincts) 2005 | Yes | No | Yes | This SEPP applies to the land to which the PP applies, however the site is not included in the current listing of state significant precincts. This PP will not affect the operation of the SEPP. |
| | SEPP (Sydney Drinking Water Catchment) 2011 | Yes | No | Yes | This SEPP does not apply to the land to which the PP applies, as it is not located within the Sydney Drinking Water Catchment. |

Appendix D – Section 9.1 Directions

| EMPLOYMENT AND RESOURCES | | | |
|--|---|---|-----------------------|
| 1.1 Business and Industrial Zones | | | |
| S9.1 Direction Objectives | What a relevant planning authority must do if this direction applies | Consistency | Response |
| <p>The objectives of this direction are to:</p> <p>a) encourage employment growth in suitable locations,</p> | <p>A planning proposal must:</p> <p>a) give effect to the objectives of this direction,</p> | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department</p> | <p>Not applicable</p> |

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| <p>b) protect employment land in business and industrial zones, and</p> <p>c) support the viability of identified strategic centres.</p> | <p>b) retain the areas and locations of existing business and industrial zones,</p> <p>c) not reduce the total potential floor space area for employment uses and related public services in business zones,</p> <p>d) not reduce the total potential floor space area for industrial uses in industrial zones, and</p> <p>e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.</p> | <p>nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>1) justified by a strategy which:</p> <ul style="list-style-type: none"> a) gives consideration to the objective of this direction, and b) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and c) is approved by the Director-General of the Department of Planning, or <p>2) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or</p> <p>3) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or of minor significance.</p> | <p>The planning proposal is consistent with the Direction</p> |
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1.2 Rural Zones

| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
|---|---|---|--|
| <p>The objective of this direction is to protect the agricultural production value of rural land.</p> | <p>A planning proposal must:</p> <p>a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>a) justified by a strategy which:</p> | <p>The planning proposal seeks to rezone land zoned RU1 Primary Production to a residential zone being R2 Low Density Residential. The planning proposal is therefore inconsistent with this direction, however it is justified by the recently endorsed <i>Bungendore Structure Plan 2048</i>, which identifies the subject land for future</p> |

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| | | <ul style="list-style-type: none"> i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and iii. is approved by the Director-General of the Department of Planning, or <p>b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>d) is of minor significance.</p> | <p>residential growth. The <i>Bungendore Structure Plan 2048</i> has been adopted by Council and forwarded to the Department of Planning, Industry and Environment for endorsement.</p> |
|--|--|---|--|
| 1.3 Mining, Petroleum Production and Extractive Industries | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| <p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <p>a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or</p> | <p>In the preparation of a planning proposal affected by this direction, the relevant planning authority must:</p> <p>a) consult the Director-General of the Department of Primary Industries (DPI) to identify any:</p> <ul style="list-style-type: none"> i. resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and ii. existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the provisions of the planning proposal that are inconsistent are of minor significance.</p> | <p>The planning proposal seeks to rezone land from RU1 Primary Production to R2 Low Density Residential which will result in the prohibition of mining, Petroleum production, and extractive industry. It is currently permitted by virtue of the Mining SEPP and the RU1 zoning. Therefore the planning proposal may restrict the potential development of resources of coal, other minerals, petroleum or extractive materials. There does not appear to be any existing mines, petroleum production operations or extractive industries</p> |

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| <p>obtaining of extractive materials, or</p> <p>b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p> | <p>b) seek advice from the Director-General of DPI on the development potential of resources identified under (a)(i) above, and</p> <p>c) identify and take into consideration issues likely to lead to land use conflict between other land uses and :</p> <ul style="list-style-type: none"> i. development of resources identified under (a)(i) above, or ii. existing development identified under a) (ii) above. <p>Where a planning proposal prohibits or restricts development of resources identified under (a)(i), or proposes land uses that may create land use conflicts identified under (c), the relevant planning authority must:</p> <ul style="list-style-type: none"> a) provide the Director-General of DPI with a copy of the planning proposal and notification of the relevant provisions, b) allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and c) include a copy of any objection and supporting information received from the Director- General of DPI with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) before undertaking community consultation in satisfaction of section 57 of the Act. | | <p>occurring within the vicinity of the subject land.</p> <p>The Director-General of the Department of Primary Industries (DPI) will be consulted as required by this Direction.</p> <p>The planning proposal is consistent with the Direction</p> |
|--|--|-------------|--|
| 1.4 Oyster Aquaculture – Not applicable | | | |
| 1.5 Rural Lands | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |

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|---|--|---|---|
| <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) protect the agricultural production value of rural land, b) facilitate the orderly and economic development of rural lands for rural and related purposes. <p>(3) This direction applies when:</p> <ul style="list-style-type: none"> a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. | <p>A planning proposal to which clauses 3(a) or 3(b) apply must:</p> <ul style="list-style-type: none"> (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement (b) consider the significance of agriculture and primary production to the State and rural communities (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities (f) support farmers in exercising their right to farm (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses (h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land (i) consider the social, economic and environmental interests of the community. <p>(5) A planning proposal to which clause 3(b) applies must demonstrate that it:</p> | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> (a) justified by a strategy which: <ul style="list-style-type: none"> i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and iii. is approved by the Secretary of the Department of Planning & Environment and is in force, or (b) is of minor significance. | <p>The planning proposal seeks to rezone land from RU1 Primary production to R2 Low Density Residential.</p> <p>The planning proposal is consistent with and has been identified within the <i>Bungendore Structure Plan 2048</i> as an area of future residential growth.</p> <p>The <i>Bungendore Structure Plan 2048</i> has been adopted by Council and has been endorsed by the Department of Planning, Industry and Environment.</p> <p>The planning proposal is consistent with the Direction.</p> |
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| | <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land.</p> | | |
|---|--|---|--|
| ENVIRONMENT AND HERITAGE | | | |
| 2.1 Environment Protection Zones | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> | <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.</p> | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>a) justified by a strategy which:</p> <ol style="list-style-type: none"> gives consideration to the objectives of this direction, identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and | <p>The site is identified on the PLEP mapping as containing the following environmental areas:</p> <ul style="list-style-type: none"> Terrestrial Biodiversity Riparian Lands and Watercourses. <p>The PP does not alter the operation of the PLEP clauses associated with the mapping therefore any future development on the site would be assessed the PLEP clause 6.3 Terrestrial biodiversity and clause 6.5 Riparian land and Watercourses</p> |

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| | | <p>iii .is approved by the Director-General of the Department of Planning, or</p> <p>b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>d) is of minor significance.</p> | <p>which seek to protect and maintain these areas.</p> <p>Based on the flora and fauna study conducted by SMEC, it is unlikely the proposal area contains “critical habitat or threatened species, populations or ecological communities, or their habitats that will be adversely affected as a result of the proposal” (gateway assessment criteria)</p> <p>The planning proposal is consistent with the Direction</p> |
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| 2.2 Coastal Protection – Not applicable | | | |
| 2.3 Heritage Conservation | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| The objectives of this direction is: to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. | <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an</p> | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:</p> <p>(a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or</p> <p>(b) the provisions of the planning proposal that are inconsistent are of minor significance.</p> | <p>The PP does not affect the operation of Clause 5.10 of the Palerang LEP which contains provisions to conserve Aboriginal objects and Aboriginal places of heritage significance.</p> <p>An investigation by CHMA has identified potential heritage items within the land subject to the planning proposal: an area of old plough land and a Massey Sunshine harvester.</p> <p>The planning proposal is consistent with the Direction</p> |

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| | <p>Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council,</p> <p>Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p> | | |
| 2.4 Recreation Vehicle Areas | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| <p>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p> | <p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</p> <p>(a) where the land is within an environmental protection zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>(c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:</p> <p style="padding-left: 40px;">(i) the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and</p> <p style="padding-left: 40px;">(ii) the provisions of the guidelines entitled Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</p> | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <p style="padding-left: 40px;">(i) gives consideration to the objective of this direction, and</p> <p style="padding-left: 40px;">(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or</p> | <p>Planning proposal does not contain provisions that will permit recreational vehicles on sensitive land or land with conservation values.</p> <p>The planning proposal is consistent with the Direction</p> |

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| | | <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p> | |
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| 2.6 Remediation of Contaminated Land | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> | <p>A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated,</p> <p>and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</p> <p>In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> | | <p>Specialist study prepared by SMEC has been prepared that reveals the subject site is unlikely to contain significant contaminated land. At the 10 June 2020 Council meeting, Council resolved (Minute No PLA070/20) in part that “prior to the notification of the plan, Council require the landowners to enter into an undertaking that should remediation of the land be required, it will be carried out prior to the commencement of any work, to make it suitable for the land uses permitted by the Planning Proposal.</p> <p>At the 10 June 2020 council meeting it was resolved (Minute no. PLA070/20) in part that</p> <p>2. Subject to a Gateway Determination being issued for the Bungendore East Planning Proposal (4610 Kings Highway Bungendore) and prior to the notification of the plan, Council require the landowners to enter</p> |

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| | (5) Before including any land specified in paragraph (2) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. | | <p>into an undertaking that should remediation of the land be required, it will be carried out prior to the commencement of any work, to make it suitable for the land uses permitted by the Planning Proposal.</p> <p>The planning proposal is consistent with the Direction</p> |
|---|---|---|--|
| 3.1 Residential Zones | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| <p>The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> | <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p> | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <p>(i) gives consideration to the objective of this direction, and</p> <p>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>(iii) is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> | <p>The planning proposal seeks to rezone land to R2 Low Density Residential development in an area of land currently zoned RU1 Primary Production on the edge of the existing village. The PLEP 2014 R2 Low Density Residential zone provides for diversity of housing options with the following types of residential accommodation being permissible with consent: Boarding houses; Dual occupancies; Dwelling houses; Group homes; Secondary dwellings; Semi-detached dwellings; Seniors housing and Shop top housing</p> <p>The planning proposal is consistent with the Direction</p> |

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| | | (d) of minor significance | |
| 3.2 Caravan Parks and Manufactured Home Estates | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| <p>The objectives of this direction are: (a) to provide for a variety of housing types, and</p> <p>(b) to provide opportunities for caravan parks and manufactured home estates.</p> | <p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>(5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.</p> | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <p>(i) gives consideration to the objective of this direction, and</p> <p>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>(iii) is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p> | <p>The planning proposal seeks to rezone land to R2 Low Density Residential. Under PLEP2014 this zone provides for a variety of housing types. The R2 zone prohibits development for the purpose of a caravan park, however existing caravan parks are not impacted by this planning proposal. Furthermore, there is sufficient land surrounding Bungendore that is zoned to permit with consent development for the purpose of a caravan park.</p> <p>The planning proposal is consistent with the Direction</p> |
| 3.3 Home Occupations | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |

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| The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses. | Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent. | A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance. | Home occupations are permitted without consent in the R2 Low Density Residential zone under PLEP 2014. The planning proposal is consistent with the Direction |
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| 3.4 Integrating Land Use and Transport | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> a) improving access to housing, jobs and services by walking, cycling and public transport, and b) increasing the choice of available transport and reducing dependence on cars, and c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and d) supporting the efficient and viable operation of public transport services, and | <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> a) justified by a strategy which: <ul style="list-style-type: none"> i. gives consideration to the objective of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and iii. is approved by the Director-General of the Department of Planning, or iv. justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or v. in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department | <p>Planning proposal seeks to rezone land to the east of Bungendore village for residential and recreational purposes. It provides for housing, and recreational areas on the eastern boundary of the existing village with the primary vehicular access into the site from Kings Highway and a secondary access via Mecca Lane. The planning proposal is consistent with Council's Bungendore Structure Plan 2048 and will provide an opportunity to extent existing shared pathways along Turallo creek, in accordance with the Bungendore Bicycle and Pedestrian Facilities Plan.</p> <p>Future development of the site will be assessed against the Palerang Local Environmental Plan, including clause 6.11 which requires that essential services,</p> |

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| <p>e) providing for the efficient movement of freight.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> | | <p>of Planning which gives consideration to the objective of this direction, or</p> <p>vi. of minor significance.</p> | <p>including suitable vehicular access, are provided.</p> <p>The planning proposal is consistent with the Direction</p> |
|--|--|--|--|
| 3.5 Development Near Licensed Aerodromes | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| <p>The objectives of this direction are:</p> <p>a) to ensure the effective and safe operation of aerodromes, and</p> <p>b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</p> <p>c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone</p> | <p>In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:</p> <p>a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,</p> <p>b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,</p> <p>c) for land affected by the OLS:</p> <p>(i) prepare appropriate development standards, such as height, and</p> <p>(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome</p> <p>d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>A planning proposal must not rezone land:</p> | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>a) justified by a strategy which:</p> <p>i. gives consideration to the objectives of this direction, and</p> <p>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>iii. is approved by the Director-General of the Department of Planning, or</p> <p>b) justified by a study prepared in support of the planning</p> | <p>The subject site is not located within the vicinity of a regulated airport or defence airfield.</p> <p>The planning proposal is consistent with the Direction</p> |

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| or a provision relating to land in the vicinity of a licensed aerodrome. | <p>a) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or</p> <p>b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or</p> <p>c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.</p> <p>A planning proposal that rezones land:</p> <p>a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or</p> <p>b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or</p> <p>c) for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.</p> | <p>proposal which gives consideration to the objective of this direction, or</p> <p>c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>d) of minor significance.</p> | |
|---|--|--|--|
| 3.6 Shooting Ranges – not applicable | | | |
| 3.7 Reduction in non-hosted short term rental accommodation period – not applicable | | | |
| HAZARD AND RISK | | | |
| 4.1 Acid Sulphate Soils – not applicable | | | |
| 4.2 Mine Subsidence and Unstable Land – not applicable | | | |
| 4.3 Flood Prone Land | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| <p>The objectives of this direction are:</p> <p>a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain</i></p> | <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> | <p>A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:</p> <p>a) the planning proposal is in accordance with a floodplain risk management plan prepared</p> | <p>Planning proposal is adjacent to an existing watercourse, floodway and inundation area. The proposal does not seek to rezone land within the floodway area and will maintain an adequate buffer for residential land.</p> |

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| <p><i>Development Manual 2005</i>, and</p> <p>b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> | <p>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> a) permit development in floodway areas, b) permit development that will result in significant flood impacts to other properties, c) permit a significant increase in the development of that land, d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the</p> | <p>in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or</p> <p>b) the provisions of the planning proposal that are inconsistent are of minor significance.</p> | <p>A planning proposal does not seek to impose flood related development controls above the flood planning level.</p> <p>The planning proposal is consistent with the Direction.</p> |
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| | satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). | | |
| 4.4 Planning for Bushfire | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| <p>The objectives of this direction are:</p> <p>a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>b) to encourage sound management of bush fire prone areas.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> | <p>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>A planning proposal must:</p> <p>a) have regard to <i>Planning for Bushfire Protection 2006</i>,</p> <p>b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p> <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>d) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.</p> | <p>A bushfire assessment has been prepared by SMEC, which identifies adequate protection zones and mitigation measures to minimise the threat of bushfires. If a Gateway determination is issued the planning proposal will be forwarded to the Commissioner of the NSW Rural Fire Service, prior to undertaking community consultation.</p> <p>The planning proposal is consistent with the Direction.</p> |

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|---|--|---|---|
| | <ul style="list-style-type: none"> ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, iii. for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with, iv. contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, v. contain provisions for adequate water supply for fire fighting purposes, vi. minimise the perimeter of the area of land interfacing the hazard which may be developed, vii. introduce controls on the placement of combustible materials in the Inner Protection Area. | | |
| 5. REGIONAL PLANNING | | | |
| 5.1 Implementation of Regional Strategies – revoked 17 October 2017 | | | |
| 5.2 Sydney Drinking Water Catchment | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| The objective of this Direction is to protect water quality in the Sydney drinking water catchment. | A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the | A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by | The subject land is located outside of the Sydney Drinking Water catchment. |

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| | <p>following specific principles: (a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and</p> <p>(b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and</p> <p>(c) the ecological values of land within a Special Area that is:</p> <ul style="list-style-type: none"> (i) reserved as national park, nature reserve or state conservation area under the <i>National Parks and Wildlife Act 1974</i>, or (ii) declared as a wilderness area under the <i>Wilderness Act 1987</i>, or (iii) owned or under the care control and management of the Sydney Catchment Authority, should be maintained. <p>When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:</p> <ul style="list-style-type: none"> (a) ensure that the proposal is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and (b) give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and (c) zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following: <p>and</p> | <p>the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.</p> | <p>The planning proposal is consistent with the Direction.</p> |
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| | <p>(d) consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this Direction, and</p> <p>(e) include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 56 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> | | |
|--|---|--|---|
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast – Not applicable | | | |
| 5.4 Commercial and Retail development along the Pacific Highway, North Coast – Not applicable | | | |
| 5.5 5.6 5.7 5.8 Revoked | | | |
| 5.9 North West Rail Link Corridor Strategy – Not applicable | | | |
| 5.10 Implementation of Regional Plans | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. | Planning proposals must be consistent with a Regional Plan released by the Minister for Planning. | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:</p> <p>(a) is of minor significance, and</p> <p>(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.</p> | <p>The applicable regional plan is the South East and Tablelands Regional Plan. The relevant goals, directions and actions are discussed in detail in Section 3 above.</p> <p>The planning proposal is consistent with the Direction.</p> |

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5.11 Development of Aboriginal Land Council land – – Not applicable

6. LOCAL PLAN MAKING

6.1 Approval and Referral Requirements

| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
|---|---|---|---|
| <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> | <p>A planning proposal must:</p> <ul style="list-style-type: none"> a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> i. the appropriate Minister or public authority, and ii. the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and c) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> i. can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and ii. has obtained the approval of the Director-General of the Department of Planning (or an officer of the | <p>A planning proposal must be substantially consistent with the terms of this direction.</p> | <p>Planning proposal will not modify approval and referral requirements and is consistent with the Direction.</p> |

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| | Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. | | |
|---|--|---|--|
| 6.2 Reserving Land for Public Purposes | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| <p>The objectives of this direction are:</p> <p>a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal</p> | <p>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p> <p>When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>a) reserve the land in accordance with the request, and</p> <p>b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</p> <p>c) identify the relevant acquiring authority for the land.</p> <p>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>a) include the requested provisions, or</p> <p>b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</p> <p>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant</p> | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:</p> <p>a) with respect to a request referred to in paragraph (7), that further information is required before appropriate planning controls for the land can be determined, or</p> <p>b) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.</p> | <p>The planning proposal does not create, alter or reduce existing zonings on crown reserves, however, the site does adjoin 2 lots (Lot 7301 DP1168137 and Lot 7302 DP 1168137) on the southern side of Turallo Creek which are identified as Crownland, therefore the Director-General of the Department of Planning will be notified of the public exhibition period as an adjoining property owner. The planning proposal will provide RE1 public recreation facilities including; sports playfields, ovals and parks.</p> <p>The planning proposal is consistent with the Direction.</p> |

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| | planning authority must rezone and/or remove the relevant reservation in accordance with the request. | | |
| 6.3 Site Specific Provisions | | | |
| Objective | What a relevant planning authority must do if this direction applies | Consistency | Response |
| <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out</p> | <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> a) allow that land use to be carried out in the zone the land is situated on, or b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p> | <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.</p> | <p>The planning proposal seeks to rezone the site to existing zones within the PLEP 2014 that allow the relevant land uses of that zone. Additional development standards are not proposed.</p> <p>The planning proposal is consistent with the Direction.</p> |
| 7. METROPOLITAN PLANNING | | | |
| 7.1 Implementation of the Metropolitan Plan for Sydney 2036 – Not applicable | | | |
| 7.2 Implementation of Greater Macarthur Land Release Investigation – Not applicable | | | |
| 7.3 Parramatta Road Corridor Urban Transformation Strategy – Not applicable | | | |
| 7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan – Not applicable | | | |
| 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan – Not applicable | | | |
| 7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan – Not applicable | | | |

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| | |
|------|--|
| 7.7 | Implementation of Glenfield to Macarthur Urban Renewal Corridor – Not applicable |
| 7.8 | Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan – Not applicable |
| 7.9 | Implementation of Bayside West Precincts 2036 Plan – Not applicable |
| 7.10 | Implementation of Planning Principles for the Cooks Cove Precinct – Not applicable |

Appendix E – Report to 10 June 2020 Council meeting and Resolution and 8 July 2020 Council meeting and Resolution

Appendix F – Executive summary of the Integrated Water Cycle Management Strategy – Palerang Communities



Public Works
Advisory



Queanbeyan-Palerang Regional Council Integrated Water Cycle Management Strategy Palerang Communities

Report Number: WSR - 18058

October 2018



Queanbeyan-Palerang Regional Council

Integrated Water Cycle Management Strategy

Report Number: WSR - 18058

Document Control

| Version | Author | Reviewer | Approved for Issue | |
|---------|-----------------|----------|--------------------|------------|
| | | | Name | Date |
| 1.0 | Glenn Fernandes | M Sundar | Glenn Fernandes | 28/09/2018 |
| 2.0 | Glenn Fernandes | M Sundar | Glenn Fernandes | 11/10/2018 |

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Cover Photo: Lake George < <https://russelldarnley.blog/2012/09/30/unravelling-the-mystery-of-lake-george-the-vanishing-lake/>>

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Executive Summary

Introduction

The Integrated Water Cycle Management (IWCM) Strategy addresses six elements of the Best-Practice Management of the Water Supply and Sewerage Framework. It is a local water utility's (LWU's) 30-year strategy for the provision of appropriate, affordable, cost-effective and sustainable urban water services that meet community needs and protect public health and the environment. Preparation of an IWCM Strategy will also enable Council to comply with the NSW Government's Best-Practice Management of the Water Supply and Sewerage Framework.

The development of Council's IWCM has followed the Department of Industry - Water (DI Water) methodology outlined in the IWCM Strategy Check List (July 2014). The following studies have been completed to date.

- **IWCM Issues Paper** – identifying the IWCM Issues
- **IWCM Options and Scenario Analysis Paper** – assessing the options to address the issues and evaluating the IWCM scenarios.

This IWCM Strategy report contains a summary of all the outcomes. It outlines the adopted IWCM Scenario and includes a Total Asset Management Plan (TAMP) and a Financial Plan (FP).

Water Supply and Sewerage Schemes

Palerang community sits within three catchments namely Murrumbidgee Catchment, Shoalhaven Catchment and Lake George Catchment. All three of the major townships are within different catchments. There are three water supply schemes in the former Palerang LGA, servicing Braidwood, Bungendore and Captains Flat. Together the three schemes supply treated water to an estimated serviced population of over 5,700. Two of the schemes source their water from surface based supplies while the other is sourced from groundwater.

Palerang has three sewerage schemes servicing townships of Bungendore, Braidwood and Captains Flat. The other much smaller rural villages, as well as the considerable rural residential and rural areas in Palerang are serviced by on-site sewage management systems.

Population and Demographic Projections

The major factor contributing to growth in the former Palerang LGA are proposed major Greenfield developments at Bungendore which is expected to more than double the population of Bungendore over the next 10 years. The dwelling growth rates nominated by Council for Braidwood and Captains Flat are 1.2 and 0.2 percent respectively. Dwelling growth in Bungendore is estimated to currently be 10.0 percent, which is expected to decrease exponentially to around 1.1 percent by 2046.

Table S.1 shows the population projection for each service area.

Table S.1: Population projection for each service area

| | | 2016 | 2021 | 2026 | 2031 | 2036 | 2041 | 2046 |
|----------------------|----------|-------|-------|-------|-------|-------|--------|--------|
| Bungendore | Water | 3,148 | 5,039 | 6,905 | 8,554 | 9,904 | 10,952 | 11,734 |
| | Sewerage | 3,130 | 5,022 | 6,887 | 8,536 | 9,887 | 10,934 | 11,717 |
| Braidwood | Water | 1,062 | 1,129 | 1,200 | 1,276 | 1,356 | 1,441 | 1,532 |
| | Sewerage | 965 | 1,032 | 1,103 | 1,179 | 1,259 | 1,344 | 1,434 |
| Captains Flat | Water | 426 | 431 | 436 | 440 | 445 | 450 | 455 |
| | Sewerage | 402 | 407 | 411 | 416 | 421 | 426 | 431 |

The IWCM Issues

The key issues impacting on the Palerang Communities' water supply schemes are outlined in **Table S.2**, **Table S.3** and.

Table S.2: General IWCM System Issues

| Issue Type | Target for Compliance | Issue |
|------------------------------|-----------------------------|---|
| Work Health and Safety (WHS) | Management System | Council does not have a documented Work and Health and Safety system. Council undertakes periodic WHS reviews but these are not documented |
| Levels of Service | Description and performance | There is no centralised data management system in place to monitor and measure the system performance against the levels of service (LOS) The LOS need to be reviewed for the newly formed Queanbeyan-Palerang Regional Council. |
| Best Practice | Pricing | Council currently has a two tier inclining block tariff structure for water supply. Council should consider moving towards a fixed rate tariff structure. |

Table S.3: Water Supply System Issues

| Issue Type | Target for Compliance | Issue |
|---------------------------------------|---|---|
| General water supply issues | | |
| Level of Service | Minimum pressure with firefighting capability | Council have nominated 'positive residual head' as the target for compliance, the current performance needs to be better understood through modelling. |
| Regulatory | Fluoridation of Public Water Supplies | The requirement for periodic auditing of the fluoridation systems is not always being met. |
| Regulatory | Drinking Water Management System | Several of the nominated CCPs in the DWMS are not considered CCPs like free chlorine in the reticulation. The turbidity alert limit corrective action for Captains Flat WTP needs to include a membrane integrity test. |
| Bungendore water supply issues | | |
| Performance | Non-revenue water | Non-revenue water at Bungendore has been fairly constant at 125 L/connection/ day. This is higher than the state wide median of 92 L/connection/day for 2015/16. |
| Water security | Licensed allocation | It is estimated that Bungendore water supply dry year extraction will exceed its licensed extraction limit from the Bungendore and Currandooly bores by 2018. |
| Level of Service | Headworks capacity | The peak day demand will exceed the combined capacity of the Bungendore and Currandooly WTPs around 2025. The WTP, and reservoir capacity would need to be reviewed to ensure that the required pressure can be maintained in the system. |
| Braidwood water supply issues | | |
| Performance | Non-revenue water | Non-revenue water at Braidwood is on average 280 L/connection/ day. This is higher than the state wide median of 92 L/connection/day for 2015/16. |

| Issue Type | Target for Compliance | Issue |
|--|-----------------------|--|
| Captains Flat water supply system | | |
| Performance | Non-revenue water | Seasonal variations in the NRW for the Captains Flat system have been noticed which are due to a faulty meter at the Captains Flat swimming pool and the neighbouring fields which share a meter. This meter recently been replaced. |

Table S.4: Sewerage System Issues

| Issue Type | Target for Compliance | Issue |
|--|-----------------------------------|---|
| General sewerage system issues | | |
| Unserviced communities | On-site sewage management systems | <p>Village of Majors Creek – potential issue due to the following reasons:</p> <ul style="list-style-type: none"> • Small lot sizes (some around 3,000 & several around 1,000 m²) • Inadequate buffer distance from Majors Creek • Moderately well to imperfectly drained soil <p>Village of Nerriga – potential issue due to the following reasons:</p> <ul style="list-style-type: none"> • Small lot sizes (various sizes below 3,000 m²) • Some properties may have inadequate buffer distance from Bindi Brook <p>Village of Araluen – potential issue due to the following reasons:</p> <ul style="list-style-type: none"> • Small lot sizes (several properties less than 1,500 m² bordering each other) • Moderately permeable, imperfectly drained soil. |
| Bungendore sewerage system issues | | |
| Best Practice | Section 60 approval | Effluent from the Bungendore STP is reused on-site, for road works (truck filling) and for watering Bungendore oval. Council does not have a Recycled Water Management Plan and Section 60 approval for the off-site effluent reuse. |
| | | The Log Reduction Value (LRV) required for effluent reuse may not be achieved through the current STP process. This will be reviewed during the preparation of the Recycled Water Management System (RWMS) for Section 60 approval. |
| Regulatory | EPA License non-compliance | The plant exceeded the volumetric discharge limit in 2016, 2014, 2012 and 2011. Council needs to consider undertaking an inflow/infiltration study. |
| Performance | Effluent reuse flow balance | There is a mismatch in the effluent reuse flow balance. Potential reasons for the discrepancy could include uncalibrated meters, and on-site flows which may not be metered. |
| Sewer catchment performance | Pump sizing @ PWWF | The PWWF at catchment #2, 8 and 9 exceeds the capacity of a single pump. The PWWF at catchments #4 will exceed the capacity of a single pump by 2021. This is based on a PWWF calculated from the storm allowance which is twice the maximum flow recorded during the highest rainfall event in the last five years. Hence this is a conservative assessment. |
| | Odour/septicity potential | Catchment #7 and 8 have a medium risk for odour/septicity potential with a detention time greater than 4 hours. This risk is expected to continue over the 30 year planning period. |

| Issue Type | Target for Compliance | Issue |
|---|----------------------------|---|
| Capacity | Sewage Treatment Plant | <p>The EP load currently exceeds the 3,000 EP STP capacity, and is expected to exceed the 5,000 EP capacity by 2020.</p> <p>For the assessed hydraulic loading of 200 L/EP/day in this study, the plant hydraulic and capacity will be exceeded by:</p> <ul style="list-style-type: none"> 2018 for the 3,000 EP STP, or 2023 when capacity is increased to 5,000 EP by commissioning the second IDEA reactor. |
| Braidwood sewerage system issues | | |
| Regulatory | EPA License non-compliance | The plant exceeded the volumetric discharge limit every year in the last five years. Council is currently undertaking an inflow/infiltration study. |
| Sewer catchment performance | Pump sizing | The PWWF at catchment #1 will exceed the capacity of a single pump by 2021. Council has funded for an upgrade. |
| | Odour/septicity potential | Catchment #3, and 5 have a medium risk for odour/septicity potential with a detention time greater than 4 hours. The risk for Catchment #5 is expected to drop to low risk by 2020, however Catchment #3 is expected to remain at medium risk. |
| Captains Flat sewerage system issues | | |
| Regulatory | EPA License non-compliance | The plant exceeded the volumetric discharge limit every year in the last five years. Council is currently undertaking an inflow/infiltration study. |
| Sewer catchment performance | Pump sizing | The PWWF at catchment #1 is expected to exceed the duty pump capacity. |
| Performance | Sewage Treatment Plant | The plant needs to be upgraded to improve replace ageing infrastructure, improve treatment and enable enhanced phosphorus removal, enable screening and grit removal, improve sludge and sludge drying components and improve amenity and WHS. |

Shire-Wide IWCM Scenarios

Feasible options to address the IWCM issues were evaluated and assessed. The shortlisted options were combined in to three Shire-wide IWCM Scenarios (Table S1). The scenarios address all the identified issues.

All the scenarios have common management system measures which relate to data and information management. The scenarios may be modified to reflect the priorities and preferences of individual communities and as a result of additional information and knowledge becoming available from ongoing investigations.

Table S1 provides a summary of the measures included in each scenario.

| Target for compliance | Issue | Option | Scenario | | |
|--|--|--|-----------------------------------|-----------------------------------|-----------|
| | | | 1 | 2 | 3 |
| Water Security and headworks capacity Level of Service | The dry year demands exceed the current licensed entitlement. | Water Supply Option 1 – Extraction from Lachlan Fold Belt source followed by Bungendore alluvial source. | ✓ Stage 1 2019 Stage 2 2032 | - | - |
| | The peak day demand will exceed the combined capacity of the Bungendore and Currandooley WTPs around 2025. | Water Supply Option 2 – Extraction from Lachlan Fold Belt source only. | - | ✓ Stage 1 2019 Stage 2 2032 | - |
| | | Water Supply Option 3 – Bulk supply from ICON Water | - | - | ✓ 2019 |
| Capacity – Sewage Treatment Plant | Bungendore STP hydraulic capacity will be exceeded by around 2024 for the existing 6,000 EP STP (@200 L/EP/d). | STP Option 1 – 6,000 EP STP Upgrade (@200 L/EP/d) | ✓ 2024 | ✓ 2024 | ✓ 2024 |

Figure S1 presents the forecast combined water supply and sewerage typical residential bills for the three IWCM scenarios.

For the purpose of Triple Bottom Line (TBL) analysis, a total of seven environmental and social targets have been used to score the IWCM Scenarios as to how they address the IWCM Issues. Suitable weightings were assigned to the criteria. Table S2 shows the outcome of the TBL analysis for each IWCM Scenario. Refer to Section 12.4 for more details.

Table S2: IWCM Scoring Ranking

| | Scenario 1 | Scenario 2 | Scenario 3 |
|--|------------|------------|------------|
| Total Present Value @ 7% (\$M) | 28.6 | 29.6 | 59.9 |
| Environmental and Social Scores (ESS) | 7.1 | 6.3 | 4.8 |
| ESS/\$M | 0.25 | 0.21 | 0.08 |
| Ranking | 1 | 2 | 3 |

Whilst Scenario 1 has the highest score on a TBL assessment basis, due to the risks and uncertainties in obtaining additional water licence entitlement for alluvial groundwater source in this scenario, IWCM Scenario 2 is recommended for adoption. The structure of the Scenarios provides Council with a 10-year timeframe before a decision on the Stage 2 augmentation is made and this is within the 8-year review cycle of the IWCM Strategy.

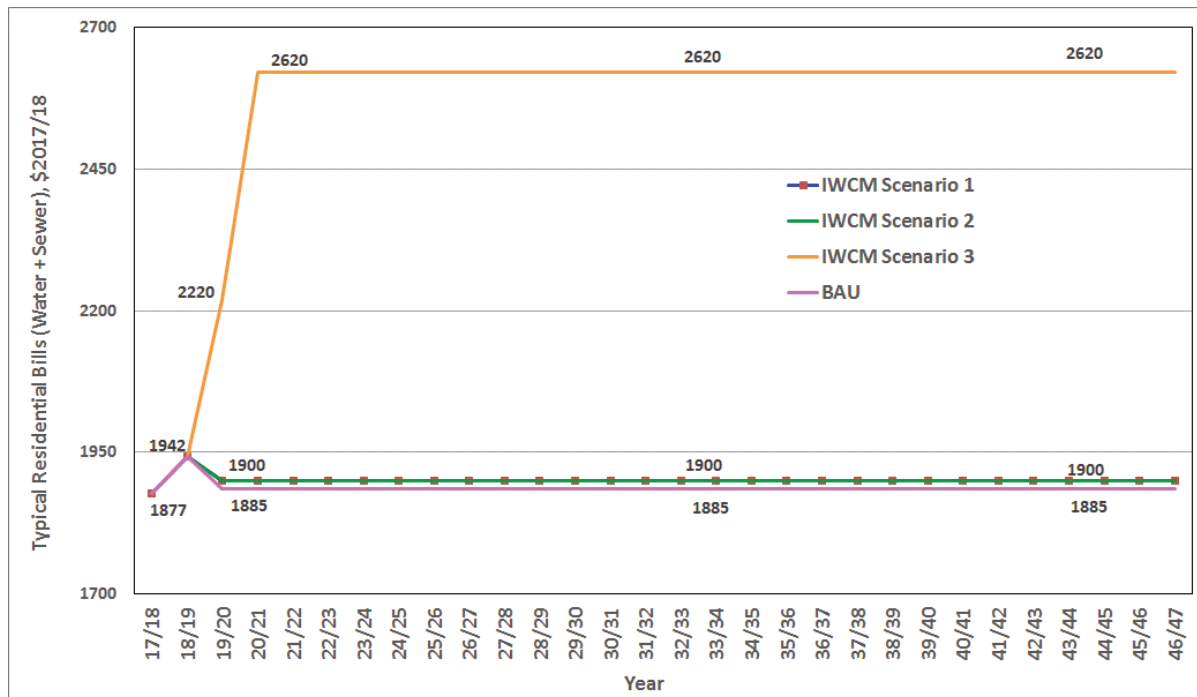


Figure S1: Combined Water + Sewerage TRBs for IWCM Scenarios

Long-term Financial Plans

Financial models for the water and sewer funds of the Palerang Community for the adopted IWCM strategy have been developed to forecast the lowest, sustainable price path for the water supply and sewerage services on which to base Council's tariff structure. All costs and revenues in the input data and the model outcomes are in 2017/18 dollars unless stated otherwise.

The adopted IWCM scenario does not consider government grant or subsidy for any of the planned capital works for the financial modelling purposes. The financial projections need to be reviewed annually with respect to material changes to the proposed capital works program and/or changes to any of the underlying assumptions.

The 2017/18 water supply TRB of \$855 p.a. has been increased to \$920 (inflated \$945 p.a.) for the year 2018/19 as per the adopted Revenue Policy. The water fund financial model has demonstrated that the 2018/19 TRB needs to be increased to \$1,000 p.a. (inflated \$1050 p.a.) from 2019/20 onwards and can be maintained at that level for the remaining forecast years with ongoing annual adjustments for CPI / inflation. The levels of TRB, cash and borrowing outstanding during the forecast period for the water fund are depicted in Figure S2 below. More detailed discussions on the water fund financial model forecasts are presented in Section 14.5.

The 2017/18 sewerage TRB of \$1,022 p.a. has been adjusted for CPI to \$1,045 and adopted for 2018/19. The sewer fund financial model for the adopted IWCM scenario shows that the sewerage TRB can be reduced to \$900 p.a. (inflated \$945) from 2019/20 onwards and maintained at that level for the remainder of the forecast period. The levels of TRB, cash and borrowing outstanding during the forecast period for the sewer fund are depicted in the Figure S3. More detailed discussions on the sewer fund financial model forecasts are presented in Section 14.6.

Strategy Review Cycle

The IWCM Strategy is developed for a planning period of 30 years and is subject to a 4-yearly review cycle. The key assumptions and the renewals plan is reviewed during the 4-year mid-term review. A new strategy is developed after 8 years.

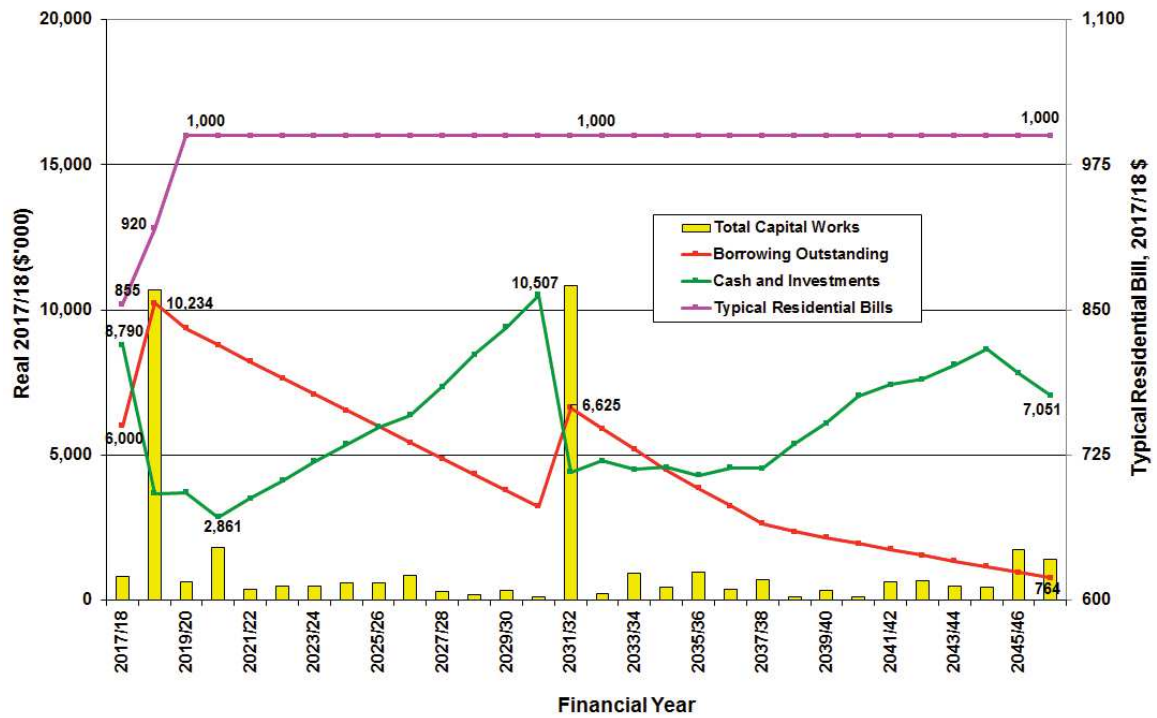


Figure S2: Water Fund Financial Model Forecasts for the adopted IWCM Scenario

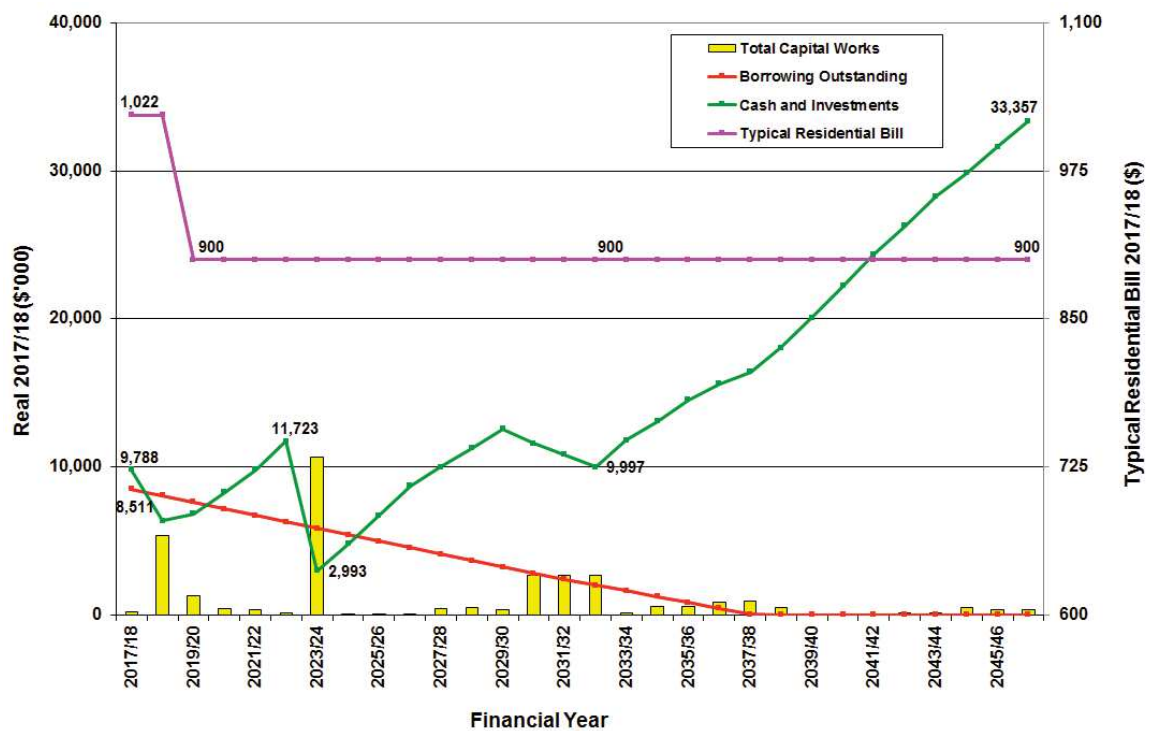


Figure S3: Sewer Fund Financial Model Forecasts for the adopted IWCM Scenario