



IRF 24/490

Gateway determination report – PP-2024-319

Seniors Housing – Majara Street, Bungendore

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning Proposal	1
1.1	Overview and objectives of planning proposal	1
1.2	Explanation of provisions	2
1.3	Site description and surrounding area.....	2
1.4	Mapping.....	4
2	Need for the planning proposal	5
3	Strategic assessment	6
3.1	Regional Plan	6
3.2	District Plan [If relevant]	Error! Bookmark not defined.
3.3	Local.....	6
3.4	Local planning panel (LPP) recommendation.....	Error! Bookmark not defined.
3.5	Section 9.1 Ministerial Directions	6
3.6	State environmental planning policies (SEPPs)	8
4	Site-specific assessment	8
4.1	Environmental.....	8
4.2	Social and economic.....	8
4.3	Infrastructure	9
5	Consultation.....	9
5.1	Community	9
5.2	Agencies.....	9
6	Timeframe	9
7	Local plan-making authority	10
8	Assessment Summary.....	10
9	Recommendation.....	10

1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Queanbeyan Palerang	
PPA	Queanbeyan Palerang Regional Council	
NAME	Majara Street, Bungendore – Seniors Housing	
NUMBER	PP-2024-319	
LEP TO BE AMENDED	Queanbeyan Palerang Regional LEP 2022	
ADDRESS	4-6 Majara Street, Bungendore	
DESCRIPTION	Lots 13 and 14 DP1139067	
RECEIVED	16/02/2024	Adequacy 20/2/2024
FILE NO.	EF24/3194	IRF24/490
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required	
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal	

1.2 Objectives of planning proposal

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

The objectives of the planning proposal are to:

- This planning proposal is to amend the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* (QPRLEP 2022) to identify land for seniors housing in Bungendore to ensure land is available for social housing providers to supply affordable seniors housing development.

The intended outcomes of this planning proposal are to:

- Contribute to the supply of land for seniors housing in Bungendore.
- Identify a replacement site for the seniors housing that is permissible on 4-6 Majara Street, Bungendore (Lots 13 and 14, DP 1139067) and which has been compulsorily acquired by NSW Department of Education.
- Enable the land at Majara Street, Bungendore and north of Turallo Terrace to be used for seniors housing with development consent.

1.3 Explanation of provisions

The planning proposal seeks to amend the Queanbeyan Palerang Regional LEP 2022 per the changes below:

- a) deleting reference to “Use of land at 4-6 Majara Street, Bungendore” from the heading of Item 3 and replacing with “Use of certain land at Bungendore”
- b) deleting reference to “Lots 13 and 14, DP 1139067, 4-6 Majara Street, Bungendore” in Item 3 (1) and replacing with “the land shown edged in heavy black at Majara Street, Bungendore, identified as “Item 9” on the Additional Permitted Uses Map”, and
- c) amending the QPRLEP 2022 Additional Permitted Uses Map as shown in Attachment B.

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

1.4 Site description and surrounding area

The proposal involves the existing Schedule 1 listed lots, being Lots 13 and 14, DP 1139067 4-6 Majara Street, Bungendore (marked in black), and the nearby site being proposed Lot 1 on Majara Street for the proposed new Schedule 1 listing identified in red and fronting Turallo Terrace also shown in Figure 1 (Subject site map) below.

The land is within the existing Bungendore urban footprint, and in close proximity to the proposed new high school development area hatched in yellow on Figure 1.

The proposed new site within the currently unused northern end of Majara Street Road reserve, is a vacant, narrow parcel of land and connects to the public open space network that extends north towards sporting fields, large open areas and down to a creek.

The site, which sits in between an existing preschool and the Bungendore Scout Hall, is approximately a 600m flat walk to the Bungendore Town centre, and 350m from the Bungendore Train Station.

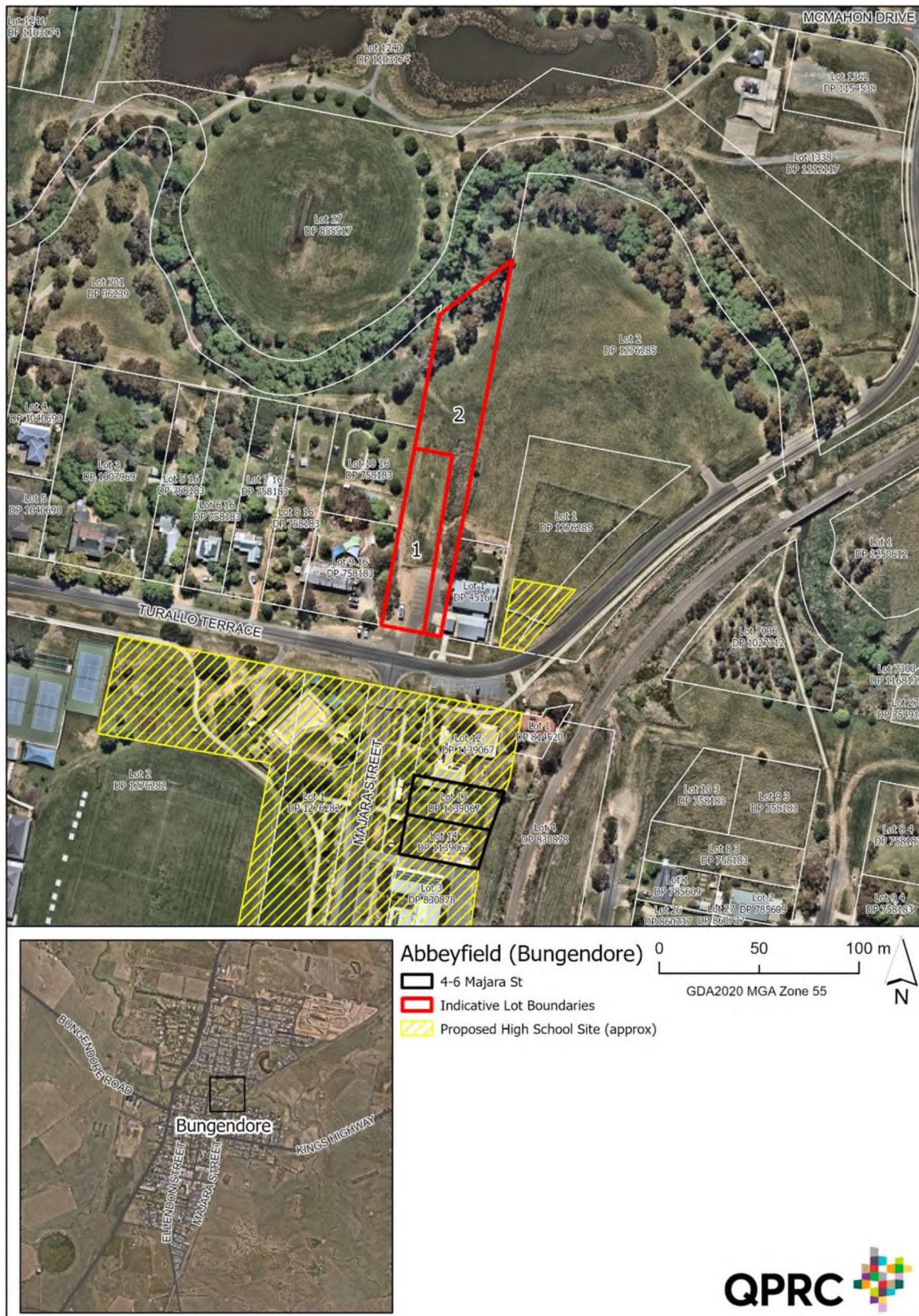


Figure 1 Subject site (source: Planning Proposal)

1.5 Mapping

The planning proposal includes mapping (Attachment B) showing the proposed new Schedule 1 map, shown in Figure 2 below.

The mapping included in the planning proposal is considered appropriate for community and agency consultation.

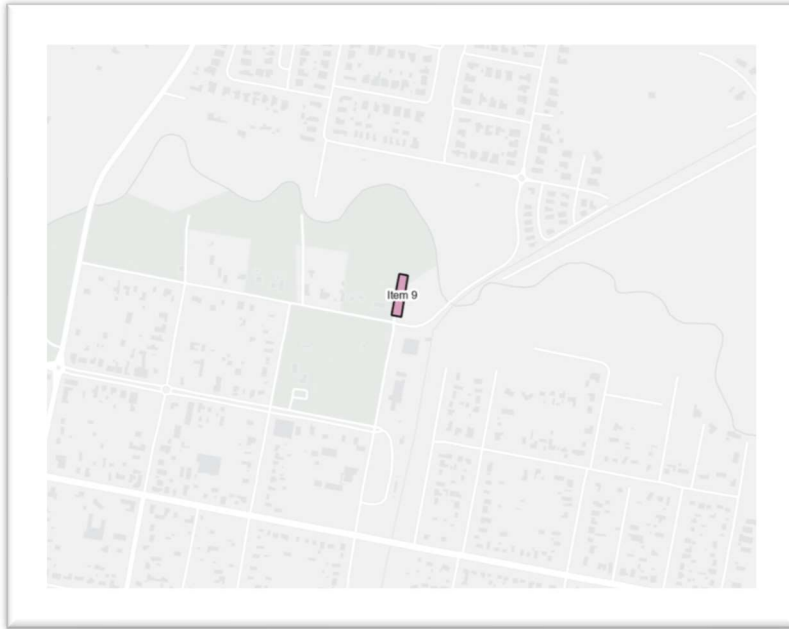


Figure 2 – New site identified on the QPRLEP 2022 Additional Permitted Uses Map (source: Planning Proposal)

The zoning for the subject lands is shown below in Figure 3 which is not included in the Planning proposal. It is recommended that the planning proposal be updated to include a land zoning map showing the applicable land zones prior to community consultation.



Figure 2 Current zoning map (Source: NSW Planning Portal – Spatial Viewer)

2 Need for the planning proposal

This section (Party 3) of the planning proposal is not specifically clear on the ‘need’ for the planning proposal. The need is identified earlier in Part 2 under the explanation of provisions. For clarity, this information should be moved to Part 3 prior to consultation.

The planning proposal involves land at 4-6 Majara Street Bungendore, zoned SP2 (Public Administration) and formerly proposed for a small-scale seniors housing development permitted via listing in Schedule 1 of the LEP. The site was, however compulsorily acquired by the NSW Department of Education to form part of the proposed Bungendore High School and is no longer available to be developed for seniors housing. The proposal also involves amending Schedule 1 to remove the current listing and include a new listing to make Seniors Housing permissible on an alternate nearby site also within the Majara Street road reserve, and also fronting Turalla Terrace, that is zoned RE1 public Recreation.

The planning proposal states that it is not the result of an endorsed LSPS, strategic study or report. However, it promotes the following Key Principles of the Bungendore Structure Plan 2048 including:

Growth

- a. Provide opportunities for affordable and adaptable housing, appropriate policies should encourage the development of multi dwelling housing in the R1 zone in locations close to transport corridors and within close proximity to centres.
- b. Medium density dwellings should be located within one kilometre of the centre of Bungendore.

Infrastructure

- a. Future development should maximise the efficient use of existing infrastructure and services and minimise the need for additional infrastructure where possible.

Additionally, Council considers the planning proposal to be consistent with its Queanbeyan Palerang Affordable Housing Strategy and associated Implementation Plan.

Council considers this the most efficient way to achieve the intended outcome, as it provides an effective administrative solution to the proposed use of the land.

Council considered the alternative approach to rezone the proposed new site from its current RE1 (Public recreation) to a zone that permits seniors housing with development consent, noting the provisions of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). This approach was not considered the most appropriate outcome for the subject site as it would be inconsistent with the surrounding land uses of pre-school, high school and scout hall.

The Department notes the proposed new site to be identified in Schedule 1 is located within the Majara Street road reserve between an existing large scale preschool and a modern scout hall facility. The fact that a single specific land use is proposed and noting the new education precinct being developed across the road, a residential zone permitting a wider range of land uses is not considered ideal and the Department supports Council's approach using Schedule 1 to permit seniors housing on this site.

It is recommended that the planning proposal is to be updated ahead of consultation to clarify the need for the planning proposal, as discussed early in this section of the report.

3 Strategic assessment

3.1 Regional Plan

The planning proposal identifies consistency with Action 24.4 of the South East and Tablelands Regional Plan 2036 which seeks to *Promote opportunities for retirement villages, nursing homes and similar housing for seniors in local housing strategies.*

The Department agrees that the planning proposal is consistent with the Regional Plan, and notes that the proposal is also consistent with Theme 4 of the Draft South East and Tablelands Regional Plan 2041 which seeks to plan for fit for purpose housing and services, including:

Objective 17 – Plan for the supply of housing in appropriate locations

Objective 18 – Plan for a more affordable, low cost and social housing

3.2 Local

The proposal states that it is consistent with Council's Local Strategic Planning Statement (LSPS) as it supports the implementation of:

Planning Priority 10 – *We plan for and provide regional facilities which promote better social connection and access to the community*, and the associated Actions;

Action 4.10.5 *Investigate housing and service needs to support additional aged population in Braidwood and Bungendore*, as well as

Action 4.3.3 *Investigate opportunities for infill and mixed-use development where that provides additional forms of housing to suit the changing demographics of our communities.*

The Department supports this assessment. The increase supply of seniors housing is supported across NSW Government housing policies.

3.3 Section 9.1 Ministerial Directions

The planning proposal addresses the consistency with the applicable Ministerial Directions. The Department has assessed consistency and offers the following to address the planning proposal's consistency with relevant section 9.1 Directions:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	Proposal is consistent in that it will assist in providing greater housing choice, affordability in an existing urban area. <i>The Department considers the proposal to be consistent with this Direction.</i>
1.3 Approval and Referral Requirements	Yes	The planning proposal does not introduce any new provisions that would trigger referral requirements during development assessment. <i>The Department considers the proposal to be consistent with this Direction.</i>

1.4 Site Specific Provisions	Yes	<p>The proposal, via Schedule 1 will permit, with consent, development for the purposes of seniors housing where otherwise would not be permitted in the RE1 zone. The proposal does not prescribe any further development standards.</p> <p><i>The Department considers the proposal to be consistent with this Direction.</i></p>
4.1 Flooding		<p>The planning proposal notes the subject land has been considered in a Flood Impact and Risk Assessment report, which demonstrates the proposal is consistent with the provisions of this direction. The FIRA considers the proposed footprint of the senior housing development proposed by Abbeyfield Bungendore and confirms it is located outside the extent of the Probable Maximum Flood (PMF) and that the development is not expected to cause impact on existing flood behaviour or flood characteristics in the vicinity of the site. Provided that the Abbeyfield seniors housing facility is developed in the southern half of the proposed Lot 1, the development and the availability of a safe evacuation route would satisfy the provisions of Section 9.1 (2) Local Planning Direction 4.1.</p> <p><i>The Department acknowledges a FIRA has been prepared, notes the positive assessment by Council and recommends a condition of the Gateway determination be included to consult with DCCEEW (Flooding) and NSW SES to confirm consistency.</i></p>
4.3 Planning for Bushfire Protection	Yes	<p>The planning proposal identifies the Direction as applicable and, the proposal consistent with the Direction.</p> <p><i>The Department understands the subject land is not mapped as bushfire prone, is within an existing urban area and therefore the proposal is consistent with this Direction</i></p>
5.1 Integrating Land Use and Transport	Yes	<p>The planning proposal seeks to provide seniors housing within an existing urban footprint within proximity to the connections and services offered within the Bungendore Township.</p> <p><i>The Department considers the proposal to be consistent with this Direction.</i></p>
5.2 Reserving Land for Public Purposes	Yes	<p>The planning proposal does not seek to rezone or remove any reservations from land reserved for public purposes.</p> <p><i>The Department considers the proposal to be consistent with this Direction.</i></p>

3.4 State environmental planning policies (SEPPs)

The planning proposal contains a table addressing its consistency with the applicable SEPPs.

Generally, where applicable, the planning proposal is considered by Council to be consistent as it does not contain a provision which is contrary to the operation of the individual policies.

Council has noted, in relation to the Housing SEPP (2021) that the applicable land zone where the proposed new Schedule 1 listing is to apply, being RE1 Public Recreation, is not a prescribed zone in Chapter 3 Part 5 Housing for seniors and people with a disability and is therefore not considered relevant to the PP process. Permissibility is being achieved via inclusion of the seniors housing land use as a Schedule 1 Additional Permitted Uses in the QPRLEP 2022, not via the SEPP. Once the amendment comes into effect, the Housing SEPP will be relevant and require consideration during the development assessment process.

The Department does not disagree with Council's assessment in this regard and considers the proposal to be generally consistent with all applicable SEPPs.

4 Site-specific assessment

4.1 Environmental

The planning proposal states that there are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

Noting the existing cleared and disturbed nature of the proposed new site, and its location within the existing Bungendore town centre, The Department is satisfied with Council's assessment.

The planning proposal identifies that Flood modelling completed as part of the Bungendore Floodplain Risk Management Study (WorleyParsons, 2014) indicates that part of the subject land is flood affected.

Subsequently, Council engaged Advisian Pty Ltd to undertake a Flood Impact and Risk Assessment (FIRA) to identify flood constraints, if any, for the proposal. The FIRA demonstrates that the footprint of the senior housing development proposed by Abbeyfield Bungendore is located outside the extent of the Probable Maximum Flood (PMF) and that the development is not expected to impact on existing flood behaviour or flood characteristics in the vicinity of the site. Provided that the Abbeyfield seniors housing facility proposal is developed on the southern half of the proposed Lot 1, the nature of the development and the availability of a safe evacuation route would satisfy the flood-related clauses in the Queanbeyan-Palerang Regional Local Environmental Plan (2022), the Palerang Development Control Plan (2015) and Section 9.1 (2) Local Planning Direction 4.1.

The Department notes that a FIRA has been prepared in relation to this proposal, and notes that the site remains flood free during events up until the PMF and will not cause any adverse flood related impacts. The Department recommends DCCEEW (Flooding) and NSW SES be consulted as part of agency consultation to review this document and confirm it meets the requirements of the Ministerial Direction 4.1 (Flooding).

4.2 Social and economic

The planning proposal states the relatively minor nature of the planning proposal will not result in any adverse social or economic impacts, rather provide a positive benefit through the provision of additional housing facilities for seniors on low incomes in the region.

The Department agrees with Council assessment and further acknowledges also the economic benefits associated with construction and additional population, albeit a small number, that will contribute to financially and socially within the local community.

4.3 Infrastructure

Council have outlined in the planning proposal that the site proposed to allow for new development, being within an established urban area, is adequately services by utilities including power, water and sewer.

Given the nature of the proposal, it will not require state infrastructure upgrades or investment, the Department is satisfied that the local infrastructure in place is appropriate to accommodate any resulting development.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate , and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically identify which agencies will be consulted.

Whilst the Department acknowledges consistency with Ministerial Direction 4.1 (Flooding) is established in the FIRA and noted in the planning proposal, it is considered appropriate that DCCEEW (Flooding) and NSW SES are consulted to validate the consistency of the proposal with the Direction.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- DCCEEW (Flooding)
- NSW SES
- NSW Department of Education

6 Timeframe

Council proposes a 8 month (31 October 2024) time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 30 November 2024 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

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

As the site/planning proposal is considered relatively minor the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- The planning proposal effectively represents a 'site swap' between two nearby sites that will seek to continue an existing permissibility via Schedule 1 of a small-scale seniors housing development within the Bungendore township.
- The subject land is cleared, not affected by hazard, and is in proximity to all services that the Bungendore Township offers.
- It will provide much needed seniors housing

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

- Better outline in Part 3 what 'the need for the planning proposal' is, similar to the information that is included in Part 2.
- Include a zoning map identifying the subject land and showing land use zones on the subject site and surrounding lands.

9 Recommendation

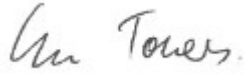
It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:
 - Make clearer in Part 3 the 'Need for the planning proposal'.
 - Include a zoning map identifying the subject land and showing land use zones on the subject and surrounding lands.
2. Prior to community consultation, the planning proposal is to be revised to address conditions 1.
3. Consultation is required with the following public authorities:
 - DCCEEW (Flooding)
 - NSW SES
 - NSW Department of Education
4. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 30 November 2024 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 30 November 2024



8/3/24

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