



# **Ordinary Meeting of Council**

**10 July 2024**

**UNDER SEPARATE COVER  
ATTACHMENTS**

**ITEM 9.2**

**QUEANBEYAN-PALERANG REGIONAL COUNCIL  
ORDINARY MEETING OF COUNCIL**

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# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

10 JULY 2024

ITEM 9.2 SUBMISSIONS REPORT ON PLANNING PROPOSAL FOR  
ABBAYFIELD SENIORS HOUSING PROPOSAL, MAJARA  
STREET, BUNGENDORE

ATTACHMENT 1 EXHIBITED PLANNING PROPOSAL



## Planning Proposal

### Queanbeyan-Palerang Regional Local Environmental Plan 2022 Amendment

#### Seniors housing - Majara Street, Bungendore



ECM Doc set ID: 2251499  
PJT0061-17

Planning Proposal - Queanbeyan-Palerang Regional Local Environmental Plan 2022 Amendment  
Majara Street, Bungendore

Document History

Version	Dated	Comments
1	February 2024	ECM ID 2251499
2	April 2024	ECM ID 2251499

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Planning Proposal - Queanbeyan-Palerang Regional Local Environmental Plan 2022 Amendment  
Majara Street, Bungendore

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Majara Street, Bungendore

## Background

Land at 4-6 Majara Street, Bungendore is listed in Schedule 1 (Additional permitted uses) of the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* (QPRLEP 2022) to allow the land to be used for seniors housing with development consent. The Council owned site was offered to Abbeyfield Bungendore to enable the development planning, application and construction of a 12-14 unit, independent living housing project for seniors on low incomes. The offer was on a long term ground lease at nominal rent, subject to successful development approval and subject to substantial commencement within five years of the Council resolution of 26 July 2017. Since that time the site was compulsorily acquired by the NSW Department of Education and is intended to be developed as part of the Bungendore High School (see yellow hatched area in **Figure 1**).

Queanbeyan-Palerang Regional Council (QPRC) resolved in part at its meeting of 28 October 2020:

*That Council support reassigning the Abbeyfield aged care residential site from 4-6 Majara Street to approx. 1800m2 site at Majara St road reserve north of Turallo Terrace, and take steps to make necessary planning and administrative actions to enable that use, including:*

- a. authorising closure of that part of Majara St road reserve;*
- b. undertaking site compatibility planning assessment to enable aged care residential use on that closed section of Majara St;*
- c. arranging a peppercorn licence to Abbeyfield to develop and occupy the site as an aged care residential facility.*

At a further meeting on 27 October 2021 (Council Minute No 316/21), QPRC resolved:

*That Council take all actions to progress a planning proposal to amend Schedule 1 (Additional Permitted Uses) of Palerang Local Environmental Plan 2014 or the Queanbeyan-Palerang Local Environmental Plan 2021 (if the latter is notified before the end of this process) in order to allow for Seniors Housing as a permissible use with consent on the northern part of the closed section of Majara Street Bungendore.*

Subsequently, the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* (QPRLEP 2022) commenced in November 2022.

QPRC is now finalising the closure of Majara Street road reserve and its subdivision into two lots (see outlined in red in **Figure 1**), with proposed Lot 1 (approximately 1,838 m2) to be occupied by Abbeyfield.

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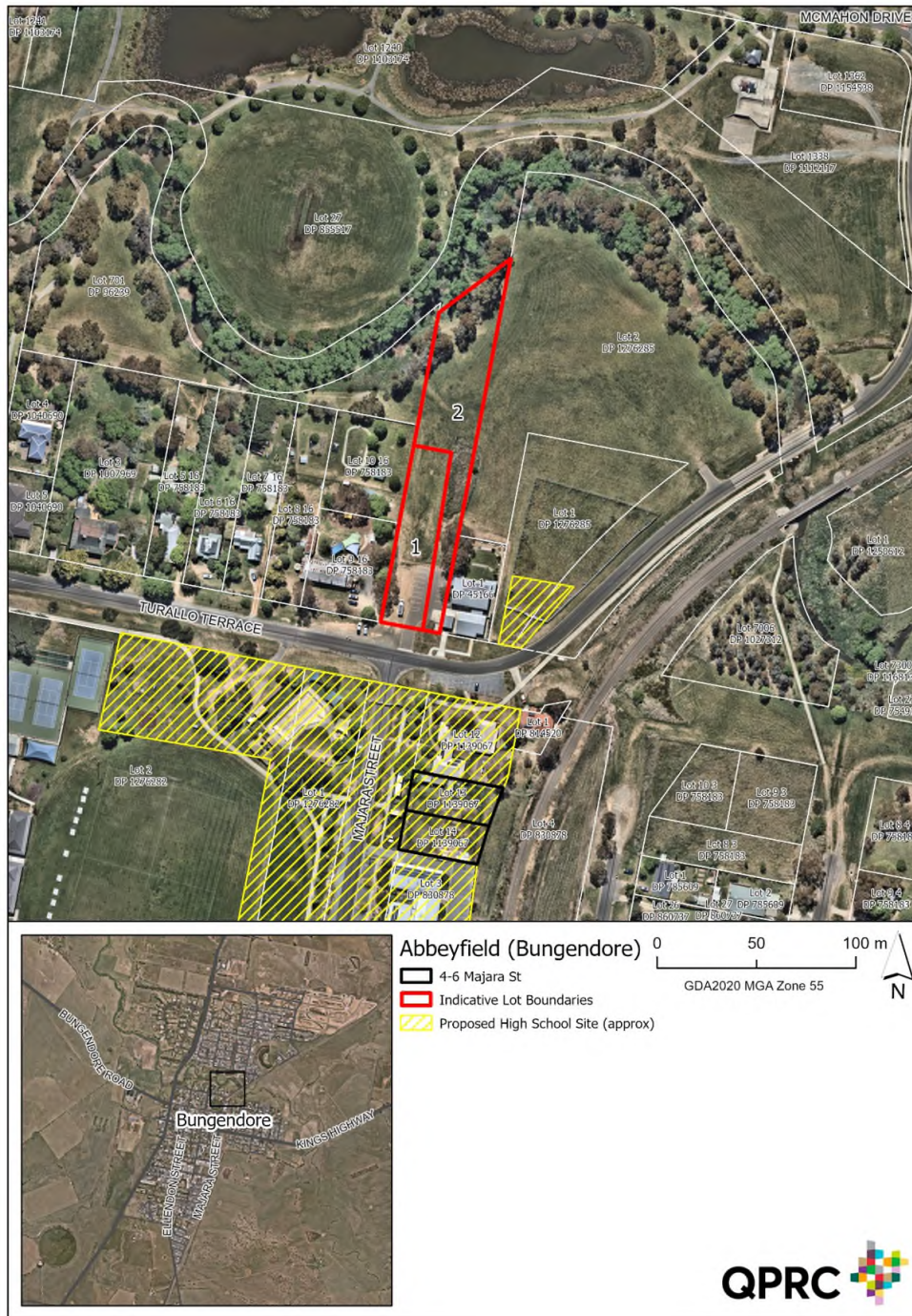


Figure 1, Bungendore High School site (yellow hatching) including 4-6 Majara Street, Lots 13 and 14 DP 1139067; Proposed Lots 1 and 2 (red outline), closed road reserve Majara Street, Turallo Terrace



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## Part 1 – Objectives or intended outcomes

### Objective

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.



**Figure 2,** land shown edged in heavy black at Majara Street, Bungendore to permit seniors housing with development consent.

### Intended outcomes

The intended outcome of this planning proposal is to:

- Contribute to the supply of land for seniors housing in Bungendore.

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- 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 shown edged in heavy black at Majara Street, Bungendore and north of Turallo Terrace (see **Figure 2**) to be used for seniors housing with development consent.

## **Part 2 – Explanation of provisions**

This planning proposal seeks to amend Schedule 1 Additional permitted uses of the QPRLEP 2022 by:

- 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 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**.

## **Part 3 – Justification of strategic and site-specific merit**

### ***Section A – need for the planning proposal***

The development for a seniors housing in Bungendore was envisaged at 4-6 Majara Street and included in Schedule 1 (Additional permitted uses) of the *Palerang Local Environmental Plan 2014* and subsequently carried over into the QPRLEP 2022. 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.

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

The planning proposal 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:

#### 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, the planning proposal is consistent with the [Queanbeyan Palerang Affordable Housing Strategy](#) and its Implementation Plan.

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

This planning proposal which seeks to amend the address for seniors housing in Majara Street, Bungendore in Schedule 1 of the QPRLEP 2022 is considered the most efficient way to achieve the intended outcome, as it provides an effective administrative solution to the proposed use of the land.

An alternative approach is to rezone the land 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 is 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 (see **Figure 3**).

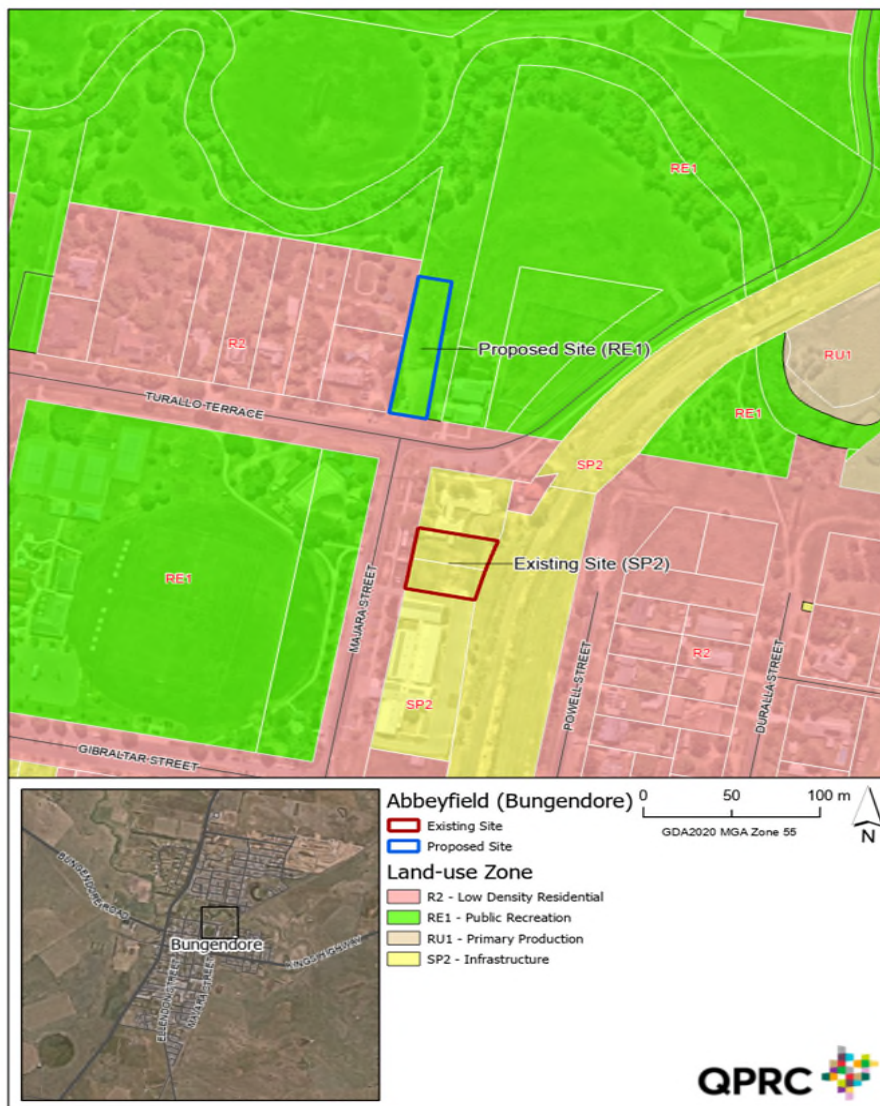


Figure 3, Zones of current and proposed sites and surrounding land uses

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### **Section B – relationship to the 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 planning proposal is consistent with Action 24.4 of the South East and Tablelands Regional Plan 2036:

*Promote opportunities for retirement villages, nursing homes and similar housing for seniors in local housing strategies.*

**4) Is the planning proposal consistent with a council local strategic planning statement that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?**

The Queanbeyan-Palerang Regional Council [Local Strategic Planning Statement, 'Towards 2040'](#) (LSPS) together with the Community Strategic Plan 2018-2028, set out the community's long term vision and aspirations for Council's planning activities.

Planning Priority 10 of the LSPS is relevant to the planning proposal:

*We plan for and provide regional facilities which promote better social connection and access to the community.*

Additionally, the planning proposal meets the following actions of Planning Priority 10 by providing for seniors housing in a regional area:

- [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.

**5) Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

[Housing 2041 NSW Housing Strategy](#)

The planning proposal is consistent with the NSW State housing strategy's 20 year vision that:

*NSW will have housing that supports security, comfort, independence and choice for all people at all stages of their lives.*

Additionally, the following table provides an overview of consistency with further applicable State and regional studies or strategies.

<b>State or regional study or strategy</b>	<b>Comment</b>
Future Transport Strategy 2056	The proposal is consistent with the strategy
Cumberland Plain Conservation Plan	The proposal is consistent with the plan
Net Zero Plan	The proposal is consistent with the plan
Water Resources Plan	The proposal is consistent with the plan
State Infrastructure Strategy	The proposal is consistent with the strategy
A 20 year Economic Vision for Regional NSW	The proposal is consistent with the vision

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**6) Is the planning proposal consistent with applicable SEPPs**

A full list of all relevant State Environmental Planning Policies (SEPPs) is provided at **Attachment C** with a brief assessment of consistency against each.

**7) Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions) or key government priority?**

Ministerial Directions (section 9.1 directions) relevant to the planning proposal are considered at **Attachment D**.

**Section C – environmental, social and economic impact**

**8) Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected because of the proposal?**

No. There are no critical habitat areas, threatened species, populations or ecological communities of their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

**9) Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

Flood modelling completed as part of the Bungendore Floodplain Risk Management Study (WorleyParsons, 2014) indicates that part of the subject land is flood affected. As such, any proposed development of the land will need to comply with flood requirements of the QPRLEP 2022, Palerang Development Control Plan 2015 and the Department of Climate Change, Energy, the Environment and Water's guidelines detailed in Section 9.1 (2) Local Planning Direction 4.1 Flooding.

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 proposed 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 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 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 planning proposal is not considered to have any other likely environmental effects and any unexpected environmental effects can be resolved during the assessment of a development application.

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

The proposed seniors housing development will provide approximately 12-14 units for seniors in a purpose-built development, common areas and a small flat for a housekeeper. The site is

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within 800 metres of the Bungendore commercial district which includes a medical centre, chemist and post office and is within approximately 1km to a supermarket.

The planning proposal is considered to be a minor amendment to the *QPRLEP 2022* and will not result in any adverse social and economic effects. Instead, it is considered that the planning proposal will provide a positive social effect, as it aims to provide additional seniors housing for seniors on low incomes in a regional area.

**Section D – Infrastructure (Local, State and Commonwealth)**

**11) Is there adequate public infrastructure for the planning proposal?**

The Majara Street road reserve is adequately serviced by utilities including power, water and sewer. It is within an established urban area and is currently used partly as a carpark.

**Section E – State and Commonwealth Interests**

**12) What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

Should the planning proposal proceed to public exhibition, consultation with relevant authorities will be carried out. These include but are not limited to:

- Environment and Heritage Group of the Department of Climate Change, Energy, the Environment and Water

Further consultation will take place with any other authorities identified by the Gateway Determination.

**Part 4 - Maps**

The planning proposal requires a change to the *QPRLEP 2022* Additional Permitted Uses Map as shown in **Attachment B**.

**Part 5 - Community consultation**

The planning proposal will be publicly exhibited in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*. It will have regard to other relevant plans and guidelines including QPRC's *Community Engagement and Participation Plan*, the *Local Environmental Plan Making Guideline 2023* and any conditions of the Gateway Determination.

It is recommended the planning proposal be exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- Notification and request for feedback on Council's website
- Letter to landowners in the vicinity of the subject site

During the exhibition period the following material will be available on Council's website and the customer service area at the Queanbeyan and Bungendore offices:

- The planning proposal in the form approved by the gateway determination

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- The gateway determination
- Information relied on by the planning proposal including the Flood Impact and Assessment Report

Relevant Government Agencies will be consulted.

**Part 6 - Project Timeline**

Stage	Timeframe and/or date
Consideration by Council	27 October 2021
Council decision	27 October 2021
Gateway determination	1 April 2024
Pre-exhibition	15 April 2024
Agency referral 30 business days	15 April 2024
Commencement and completion of public exhibition period	1 May 2024 to 7 June 2024
Consideration of submissions	28 June 2024
Post-exhibition review and additional studies	2 August 2024
Submission to the department for finalisation (where applicable)	30 August 2024
Gazettal of LEP amendment	31 October 2024

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### ***Attachment A – Instructions to Amend LEP***

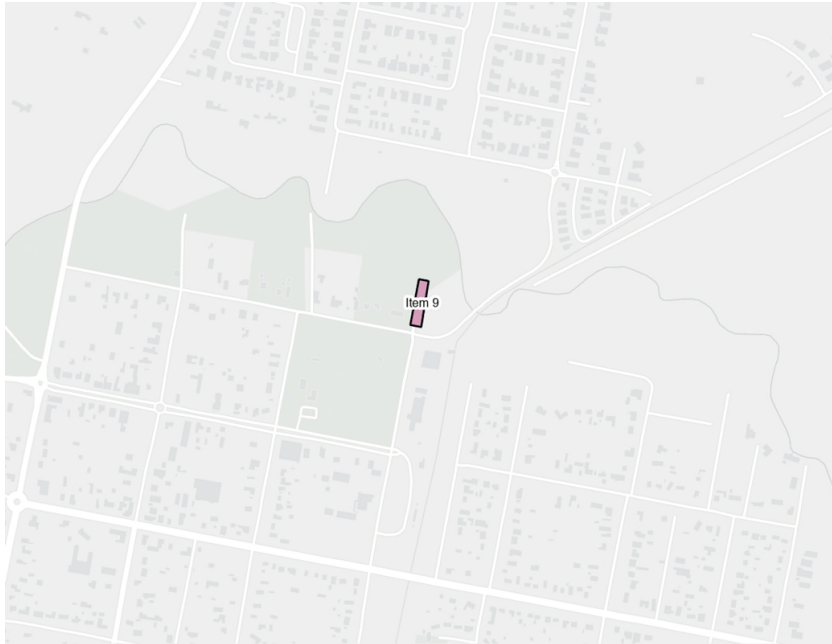
In Schedule 1 Additional permitted uses of the *Queanbeyan-Palerang Regional Local Environmental Plan 2022*:

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



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**Attachment B – Maps as Amended**



Addition of "Item 9" on land shown edged in heavy black at Majara Street, Bungendore on QPRLEP 2022 Additional Permitted Uses Map

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**Attachment C – State Environmental Planning Policies**

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Housing) 2021	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.  As the applicable land zone RE1 Public Recreation is not a prescribed zone in Chapter 3 Part 5 Housing for seniors and people with a disability, it is 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.
SEPP (Industry and Employment) 2021	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Planning Systems) 2021	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Precincts – Central River City) 2021	Not relevant to the proposal
SEPP (Precincts – Eastern Harbour City) 2021	Not relevant to the proposal
SEPP (Precincts – Western Parkland City) 2021	Not relevant to the proposal
SEPP (Primary Production) 2021	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resilience and Hazards) 2021	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resources and Energy) 2021	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Sustainable Buildings) 2022	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Transport and Infrastructure) 2021	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

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**Attachment D – Section 9.1 Ministerial Directions (current as of 10 November 2023)**

Consideration of s9.1 Directions	Comment
<b>Focus area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans	Applicable. The planning proposal is consistent with the provisions of this direction
1.2 Development of Aboriginal Land Council land	Not relevant to the proposal
1.3 Approval and Referral Requirements	Applicable. The planning proposal is consistent with the provisions of this direction
1.4 Site Specific Provisions	Applicable. The planning proposal is consistent with the provisions of this direction
1.4A Exclusion of development standards from variation	Applicable. The planning proposal is consistent with the provisions of this direction
<b>Focus area 1: Planning Systems – place based</b>	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not relevant to the proposal
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Plan	Not relevant to the proposal
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use Infrastructure Implementation Plan	Not relevant to the proposal
1.8 Implementation of Wilton Priority Growth Area Interim Land Use Infrastructure Implementation Plan	Not relevant to the proposal
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not relevant to the proposal
1.10 Implementation of Western Sydney Aerotropolis Plan	Not relevant to the proposal
1.11 Implementation of Bayside West Precincts 2036 Plan	Not relevant to the proposal
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not relevant to the proposal
1.13 Implementation of St Leonards and Crows Nest 20236 Plan	Not relevant to the proposal
1.14 Implementation of Greater Macarthur 2040	Not relevant to the proposal
1.15 Implementation of Pyrmont Peninsula Place Strategy	Not relevant to the proposal
1.16 North West Rail Link Corridor Strategy	Not relevant to the proposal
1.17 Implementation of the Bays West Place Strategy	Not relevant to the proposal
1.18 Implementation of the Macquarie Park Innovation Precinct	Not relevant to the proposal
1.19 Implementation of the Westmead Place Strategy	Not relevant to the proposal
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not relevant to the proposal
1.21 Implementation of the South West Growth Area Structure Plan	Not relevant to the proposal

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1.22 Implementation of the Cherrybrook Station Place Strategy	Not relevant to the proposal
<b>Focus area 2: Design and Place</b>	
<b>Focus area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zones	Not relevant to the proposal
3.2 Heritage Conservation	Not relevant to the proposal
3.3 Sydney Drinking Water Catchments	Not relevant to the proposal
3.4 Application of C2 and C3 zones and Environmental Overlays in Far North Coast LEPs	Not relevant to the proposal
3.5 Recreation Vehicle Areas	Not relevant to the proposal
3.6 Strategic Conservation Planning	Not relevant to the proposal
3.7 Public Bushland	Not relevant to the proposal
3.8 Willandra Lakes Region	Not relevant to the proposal
3.9 Sydney Harbour foreshores and Waterways Area	Not relevant to the proposal
3.10 Water Catchment Protection	Not relevant to the proposal
<b>Focus area 4: Resilience and Hazards</b>	
4.1 Flooding	Applicable. 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.
4.2 Coastal Management	Not relevant to the proposal
4.3 Planning for Bushfire Protection	Applicable. The planning proposal is consistent with the provisions of this direction
4.4 Remediation of Contaminated Land	Not relevant to the proposal
4.5 Acid Sulfate Soils	Not relevant to the proposal
4.6 Mine Subsidence and Unstable Land	Not relevant to the proposal
<b>Focus area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	Applicable. The planning proposal is consistent with the provisions of this direction
5.2 Reserving Land for Public Purposes	Applicable. The planning proposal is consistent with the provisions of this direction

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5.3 Development near regulated airports and defence airfields	Not relevant to the proposal
5.4 Shooting ranges	Not relevant to the proposal
<b>Focus area 6: Housing</b>	
6.1 Residential Zones	Not relevant to the proposal
6.2 Caravan Parks and Manufactured homes estates	Not relevant to the proposal
<b>Focus area 7: Industry and Employment</b>	
7.1 Employment Zones	Not relevant to the proposal
7.2 Reduction in non-hosted short-term rental accommodation period	Not relevant to the proposal
7.3 Commercial and retail development along the Pacific Highway North Coast	Not relevant to the proposal
<b>Focus area 8: Resources and Energy</b>	
8.1 Mining, Petroleum Production and Extractive Industries	Not relevant to the proposal
<b>Focus Area 9: Primary Production</b>	
9.1 Rural Zones	Not relevant to the proposal
9.2 Rural Lands	Not relevant to the proposal
9.3 Oyster Aquaculture	Not relevant to the proposal
9.4 Farmland of State and Regional Significance on the NSW Far Coast	Not relevant to the proposal

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## ***Attachment E – Reports to Council and Resolutions***

Part report to Queanbeyan-Palerang Regional Council meeting of 28 October 2020

ORDINARY MEETING OF COUNCIL 28 OCTOBER 2020  
REPORTS TO COUNCIL - ITEMS FOR DETERMINATION  
9.16 Bungendore Education Precinct Proposal (Ref: ; Author: Tegart/Tegart)

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File Reference: 46.1.1-34

### **Summary**

Council had previously received reports and workshops regarding the Bungendore High School - Education Precinct proposal by NSW Department of Education (DoE) led through School Infrastructure (SI). In order for the proposal to proceed it will necessitate the occupation and use of crown land managed by Council, and DoE acquisition of properties owned by Council in the Majara/Gibraltar Streets precinct of Bungendore.

The Department of Education are planning to construct a new high school in Bungendore with an initial capacity of approximately 400 students by the start of Term 1 2023. DoE are seeking Council's agreement to endorse this proposal (Proposal) and enter into a Heads of Agreement (HoA) to construct a new high school on the Majara/Gibraltar Streets Precinct (MGS Precinct), which adjoins the existing primary school, and joint use agreements for the grounds and facilities.

Further to community and other stakeholder engagement by SI, a revised proposal outlining the siting, scope and sequencing of the high school has now been received and is presented to Council. SI have requested a presentation to Council during public forum at the meeting on 28 October.

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### **Recommendation**

That Council:

1. Note the report on the Bungendore Education Precinct proposal, the scope and sequencing of works associated with the construction; and impacts on Council and community assets.
  2. Consider the proposal from NSW Department of Education (DoE) in terms of:
    - a. providing support for the establishment of the education precinct and shared-use of facilities;
    - b. agreeing to the sale of 2, 4-6 Majara St, 10 Majara St, and the Majara road reserve between Turallo Terrace and Gibraltar St to DoE, based on independent valuations;
    - c. authorising the road closure of that part of Majara St;
    - d. authorising the CEO to negotiate terms of joint use agreements (MoU) of the Mick Sherd Oval, primary school oval; game courts, reserve, library, multipurpose hall, and sports hub;
    - e. noting detail design and traffic plans will form part of a SSDA by DoE for approval by the Minister.
  3. Consider reassigning the Abbeyfield aged care residential site from 4-6 Majara St to approx. 1800m<sup>2</sup> site at Majara St road reserve north of Turallo Tce, and take steps to make necessary planning and administrative actions to enable that use, including:
    - a. authorising closure of that part of Majara St;
    - b. undertaking site compatibility planning assessment to enable aged care residential use on that closed section of Majara St;
-

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Majara Street, Bungendore

Minute 211/20 - Queanbeyan-Palerang Regional Council meeting of 28 October 2020

**MINUTES - ORDINARY MEETING OF COUNCIL 28 OCTOBER 2020**

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**SUPPLEMENTARY REPORT**

**9.16 Bungendore Education Precinct Proposal**

**MOVED (Marshall/Noveska)**

That Council defer this item to an Extraordinary meeting on Wednesday, 4 November 2020.

The motion (of Crs Marshall and Noveska) was PUT and LOST.

For: Crs Brown, Marshall, Noveska and Winchester

Against: Crs Biscotti, Harrison, Hicks, Overall, Schweikert and Taylor

211/20

**RESOLVED (Hicks/Schweikert)**

That Council:

1. Note the report on the Bungendore Education Precinct proposal, the scope and sequencing of works associated with the construction; and impacts on Council and community assets.
2. Support the proposal from NSW Department of Education (DoE) in terms of:
  - a. providing support for the establishment of the education precinct and shared-use of facilities;
  - b. agreeing to the sale of 2, 4-6 Majara St, 10 Majara St, and the Majara road reserve between Turallo Terrace and Gibraltar St to DoE, based on independent valuations;
  - c. authorising the road closure of that above part of Majara St road reserve;
  - d. authorising the CEO to negotiate terms of joint use agreements (MoU) of the Mick Sherd Oval, primary school oval; game courts, reserve, library, multipurpose hall, and sports hub in line with the attachment;
  - e. noting detail design and traffic plans will form part of a SSDA by DoE for approval by the Minister.
3. Support reassigning the Abbeyfield aged care residential site from 4-6 Majara St to approx. 1800m<sup>2</sup> site at Majara St road reserve north of Turallo Tce, and take steps to make necessary planning and administrative actions to enable that use, including:
  - a. authorising closure of that part of Majara St road reserve;
  - b. undertaking site compatibility planning assessment to enable aged care residential use on that closed section of Majara St;
  - c. arranging a peppercorn licence to Abbeyfield to develop and occupy the site as an aged care residential facility.

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This is Page 5 of the Minutes of the Ordinary Meeting of the QUEANBEYAN-PALERANG REGIONAL COUNCIL held 28 October 2020.

Planning Proposal - Queanbeyan-Palerang Regional Local Environmental Plan 2022 Amendment  
Majara Street, Bungendore

Report to Queanbeyan-Palerang Regional Council meeting of 27 October 2021

ORDINARY MEETING OF COUNCIL 27 OCTOBER 2021  
REPORTS TO COUNCIL - ITEMS FOR DETERMINATION  
9.3 Proposed Planning Proposal - Abbeyfield Seniors Housing Project (Ref: ;  
Author: Thompson/Carswell)

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File Reference: 26.1.98-11

**Summary**

The purpose of this report is to consider a planning proposal to enable, with development consent, a seniors housing development managed by Abbeyfield on part of the closed section of Majara Street north of Turallo Terrace (Map1). Once the road is closed and a new allotment created, the land will be incorporated into Schedule 1 (Additional Permitted Uses) of the *Palerang Local Environmental Plan 2014 (PLEP 2014)* or the *Queanbeyan-Palerang Local Environmental Plan 2021* (if the latter is notified before the process is completed).

It is recommended that the planning proposal be forwarded to the Department of Planning, Industry and Environment (DPIE) requesting a Gateway determination be issued under section 3.34 of the *NSW Environmental Planning and Assessment Act 1979* and in the event of one being issued, that all other necessary actions be taken to progress it to finalization.

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**Recommendation**

**That Council take all actions to progress a planning proposal to amend Schedule 1 (Additional Permitted Uses) of *Palerang Local Environmental Plan 2014* or the *Queanbeyan-Palerang Local Environmental Plan 2021* (if the latter is notified before the end of this process) in order to allow for Seniors Housing as a permissible use with consent on the northern part of the closed section of Majara Street Bungendore.**

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**Background**

Council most recently considered the Abbeyfield development at its meeting of 28 October 2020. Part 3 of Minute No. 211/20 is relevant to this proposal.

*That Council Support reassigning the Abbeyfield aged care residential site from 4-6 Majara St to approx. 1800m<sup>2</sup> site at Majara St road reserve north of Turallo Tce, and take steps to make necessary planning and administrative actions to enable that use, including:*

- a. authorising closure of that part of Majara St road reserve;*
- b. undertaking site compatibility planning assessment to enable aged care residential use on that closed section of Majara St;*
- c. arranging a peppercorn licence to Abbeyfield to develop and occupy the site as an aged care residential facility.*

Item 3b of the resolution anticipated the undertaking of a site compatibility certificate to enable this development to take place. However, further research indicated that this was not as straight forward as it had originally appeared, could be a very time-consuming process and was being phased by current State government reforms. Given this and the understanding the State Government is currently reviewing this process, it is now recommended that a planning proposal being undertaken instead.

This was the original approach taken by Council (PLA 023/18 – 14 March 2018) when the development was proposed at 4-6 Majara Street, Bungendore.



Planning Proposal - Queanbeyan-Palerang Regional Local Environmental Plan 2022 Amendment  
Majara Street, Bungendore

ORDINARY MEETING OF COUNCIL 27 OCTOBER 2021

9.3 Proposed Planning Proposal - Abbeyfield Seniors Housing Project (Ref: ;  
Author: Thompson/Carswell) (Continued)

**Implications**

**Legal**

The planning proposal will need to comply with the provisions of the *Environmental Planning and Assessment Act 1979* and its Regulations as well as the relevant provisions of Council's Community Engagement and Participation Plan.

**Policy**

Council has previously indicated a broad policy position of support for this project through its resolution of 28 October 2020 (Minute No. 211/20).

**Environmental**

Any potential impacts on the natural environment are likely to be the subject of appropriate conditions at development application stage.

**Social / Cultural**

Abbeyfield House in Bungendore will provide affordable accommodation options for senior residents in the region. This is the first step in providing a not-for-profit, affordable, non-denominational social housing option in Bungendore for seniors on low incomes.

**Economic**

Should the project proceed, there will be short- and longer-term employment benefits as well as having other economic benefits for Bungendore.

**Strategic**

The plan is consistent with Council's draft long term strategy of the current Community Strategic Plan which states in Strategic Pillar 4 – Connection:

Key Goal	Community Outcome	Community Strategy – Service Objective
4.5 We plan for and provide regional facilities which promote better social connection and access for the community.	Social connection within our region is provided via access to a range of community across the region	Support for safe and equitable access to facilities and amenities through well-presented, sited, effective, secure, and clean buildings for community, civic and recreational use.
4.6 We undertake planning to ensure infrastructure is prepared for future growth. Community Outcome	Changing community demand is met by well planned for and placed infrastructure. Community Strategy – Service Objective	Provide the asset management logistics for the organisation through well planned, sited, and designed infrastructure and support facilities.

Planning Proposal - Queanbeyan-Palerang Regional Local Environmental Plan 2022 Amendment  
Majara Street, Bungendore

ORDINARY MEETING OF COUNCIL

27 OCTOBER 2021

9.3 Proposed Planning Proposal - Abbeyfield Seniors Housing Project (Ref: ;  
Author: Thompson/Carswell) (Continued)

It is also consistent with Direction 24.4 of the *South East and Tablelands Regional Plan Implementation Plan 2017-2019* which has the following action:

*Promote opportunities for retirement villages, nursing homes and similar housing for seniors in local housing strategies.*

The goal of providing an affordable housing alternative for a particular cohort of the population is also generally consistent with the theme of affordable housing contained in various parts of the *Bungendore Structure Plan 2048*.

**Engagement**

Should a Gateway determination be issued it will include a condition requiring community engagement as well as other actions.

**Financial**

At this stage costs include the administrative costs of preparing this report and if resolved as recommended these will include the costs associated with the planning proposal process.

**Resources (including staff)**

The planning proposal will be managed by Council's Land-Use Planning staff within Council's Operational Plan Budget.

**Integrated Plan**


This planning proposal falls within one of the programs of the Land-Use Branch in the Operational Plan 2021-21.

**Conclusion**

The planning proposal is the first step in progressing the proposed development on this site. It is considered that the development for supportive accommodation will provide a significant social benefit to the community of Bungendore.

It is recommended that Council proceed with the planning proposal to amend the *Palering Local Environmental Plan 2014* or the *Queanbeyan-Palerang Local Environmental Plan 2021* (if the latter is notified before the process is completed).

**Attachments**

Attachment 1  Map 1 - Abbeyfield Site (Subject to Final Survey and Access Arrangements) (Under Separate Cover)

Planning Proposal - Queanbeyan-Palerang Regional Local Environmental Plan 2022 Amendment  
Majara Street, Bungendore

9.3 Proposed Planning Proposal - Abbeyfield Seniors Housing Project  
Attachment 1 - Map 1 - Abbeyfield Site (Subject to Final Survey and Access Arrangements) (Continued)

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# QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

27 OCTOBER 2021

ITEM 9.3 PROPOSED PLANNING PROPOSAL - ABBEYFIELD SENIORS  
HOUSING PROJECT

ATTACHMENT 1 MAP 1 - ABBEYFIELD SITE (SUBJECT TO FINAL SURVEY AND  
ACCESS ARRANGEMENTS)

Planning Proposal - Queanbeyan-Palerang Regional Local Environmental Plan 2022 Amendment  
Majara Street, Bungendore

9.3 Proposed Planning Proposal - Abbeyfield Seniors Housing Project  
Attachment 1 - Map 1 - Abbeyfield Site (Subject to Final Survey and Access Arrangements) (Continued)

Map 1 – Site (subject to final survey)



Planning Proposal - Queanbeyan-Palerang Regional Local Environmental Plan 2022 Amendment  
Majara Street, Bungendore

Minute 316/21 - Queanbeyan-Palerang Regional Council meeting of 27 October 2021

9.3 Proposed Planning Proposal - Abbeyfield Seniors Housing Project

316/21

**RESOLVED (Schweikert/Hicks)**

That Council take all actions to progress a planning proposal to amend Schedule 1 (Additional Permitted Uses) of Palerang Local Environmental Plan 2014 or the Queanbeyan-Palerang Local Environmental Plan 2021 (if the latter is notified before the end of this process) in order to allow for Seniors Housing as a permissible use with consent on the northern part of the closed section of Majara Street Bungendore.

The resolution was carried unanimously.

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This is Page 5 of the Minutes of the Ordinary Meeting of the QUEANBEYAN-PALERANG REGIONAL COUNCIL held 27 October 2021.

Cr Tim Overall - Mayor, Chairperson

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

10 JULY 2024

ITEM 9.2 SUBMISSIONS REPORT ON PLANNING PROPOSAL FOR  
ABBAYFIELD SENIORS HOUSING PROPOSAL, MAJARA  
STREET, BUNGENDORE

ATTACHMENT 2 SUBMISSIONS REGISTER

**9.2 Submissions Report on Planning Proposal for Abbeyfield Seniors Housing Proposal, Majara Street, Bungendore**  
**Attachment 2 - Submissions Register (Continued)**

	<b>Submission:</b>	<b>Council response</b>	<b>Recommendation</b>
<b>1</b>	Change second dot point under the amendments to read "...the land at Majara Street, Bungendore, identified as "item 9", edged in heavy black on the Additional Permitted Uses map". Identification of future possible lot changes should include a note to this effect.	Noted. The wording will be determined by the NSW Parliamentary Counsel's Office.	No action required
<b>2</b>	I am opposed to this rezoning for the following reasons. The proposed design will add accommodation for 13 independent residences 12 seniors plus 1 housekeeper but identify only parking for 6 vehicles. No visitor parking, cited on a busy strip of road just past a major curve which will put residents at risk. The proposal removes all off-street car parking for the scout hall and the preschool. The proposal identifies access directly opposite the high school entry point and over the planned wombat crossing. The proposal states that residential premises should not be planned to be built in a flood area. The rear of this site is flood effected, includes a major storm drain for the town, has no levy bank to protect it from flood. The proposed development will not allow efficient rescue of residents at school arrival and departure time of day due to traffic volumes planned.	Noted. A Flood Impact and Risk Assessment prepared as part of the planning proposal indicates the part of the land which is not flood affected. The development application will take into consideration matters such as flooding, as well as all other relevant planning matters at the time of assessment of the development application.	No immediate action required. Lodgment of a DA for any proposed works will ensure a current and detailed assessment of the property is undertaken
<b>3</b>	In light of the delays surrounding the approval of the new DA for the construction of the new Bungendore High School would it not be advisable to delay any changes to the proposed location for the Seniors Housing project. It would appear there is every possibility that the new High School DA will not be successful and the superior site at Majara Street will again become available for the Seniors housing Project.	Noted.	No action required
<b>4</b>	I believe this to be a worthwhile addition to Bungendore, the Abbeyfield has been in the pipeline for a very long time and needs to be acted upon in a positive way.	Noted.	No action required
<b>5</b>	I feel that the block looks quite small, being quite long and narrow. I would also hope that the buildings are made soundproof, as the Scout Hall is used regularly both during the day and evenings. Young people are not necessarily loud and noisy, but large numbers of them can be boisterous and full of energy! From my experience many seniors like to retire quite early. I also hope that there will be space for the residents to enjoy some outdoor activity, without being crammed together in their accommodation all the time.	The development will be assessed in terms of relevant planning matters at the time of the development application.	No action required

9.2 Submissions Report on Planning Proposal for Abbeyfield Seniors Housing Proposal, Majara Street, Bungendore  
Attachment 2 - Submissions Register (Continued)

	Submission:	Council response	Recommendation
6	Section 2.1 fifth paragraph: Query the accuracy of the statement that demolition works had commenced on the high school site. There is no valid DA to permit work. Is the social environment an aspect of the Environmental Plan? The suitability of this new site is not addressed in any way. The previous site was close to a square in shape (speaks to design options) and removed from schools and other sources of noise and traffic. The new site is long and narrow—is this still feasible for the 12-14 unit Abbeyfield model? It is also wedged between a pre-school, a Scout Hall and the proposed high school. There is no mention of the new site's suitability in this regard. Will there be sufficient parking available on site for residents and their visitors, or will they need to compete with traffic for the schools and Scout Hall? The evacuation routes identified cross Turallo Terrace: the implications of the increased traffic in the area on the safety of the residents and emergency vehicle access need to be addressed. No mention anywhere of proximity to Tiger Snake breeding ground of Turallo Creek. Is this an environmental risk factor for the proposed Abbeyfield tenants?	The development will be assessed in terms of relevant planning matters at the time of the development application.	No action required
7	I support the amendments on exhibition. Like the previous Majara St block, this location particularly meets the need for residents to be within walking distance from facilities and services. Given the dearth of social housing or affordable rentals in the LGA, it is one step closer to addressing this need in Bungendore and environs. It is frustrating having to now resubmit comments to a second Planning Proposal - to accommodate seniors housing in Bungendore. The first was the alteration required to amend the LEP for the Majara St site in 2018. It's been over ten years now that the Abbeyfield House committee has been working to develop a suitable site to house pensioner seniors who can live independently. Council has formally recognized the need for seniors housing - Planning Priority 10 of QPRC's Local Strategic Planning Statement. The NSW Government housing strategy states the need to provide housing for people at all stages of life. The Abbeyfield House project now deserves some expeditious and authentic action by Council. This is now the third relocation and the environment which we now find ourselves in has real challenges, particularly the harsh Cost of Living and the burgeoning increase in building costs – directly impacting a community's need for support. An Abbeyfield House is not "Aged Care" and Abbeyfield Australia is not "big business" with the aim of profit. It is a charity, unlike most other 'Seniors living' estates, or Aged Care institutions which are, in effect, profit making entities. This project has had enough obstacles and now needs to be given priority and serious support from QPRC.	Noted	No action required
8	Dear council people, We want to let you know that we strongly support the proposals to build an Abbeyfield structure in Bungendore as strongly promoted by our local and community active resident, Anne Goonan.	Noted	No action required
9	"As a former teacher of special needs students, I applaud Abbeyfield's goal of providing an environment to provide assisted independent living for adults with mild intellectual disabilities. However, I am both disappointed and mystified by council's plan to cram the Abbeyfield development into an unbelievably unsuitable site. That the proposed site was even considered let alone selected clearly underlines QPRC's disregard for Bungendore and its citizens. Did Council consider the following: If the proposal was to go ahead it would eliminate most, if not all, the carparking available to two of Bungendore's most respected, successful, and valuable institutions, the Pre-school, and the Scouts. The proposal would exacerbate the already heavily congested area that would particularly expose those dropping and picking up young children attending the pre-school thus increasing the very real likelihood accidents and injury. My understanding is that the sealed carpark that serves the Scout Hall will be torn up. If this is the case then those trying to access the Hall will be forced to park some distance away and cross Turallo Terrace rather than park in the much more accessible and safer carpark. More mystifying is that there is a council owned property that would be ideal for the Abbeyfield development, the corner of Gibraltar and Ellendon Streets. Its central position provides easy access to the main shopping precinct, a range of medical practices, and to social opportunities. Furthermore, it is closer to the supermarket than the proposed site. I ask that council review and, indeed, withdraw the proposal and select a more appropriate site that will eliminate those issues listed above. To not do so	Council resolved to this alternative site on 27 October 2021. The development will be assessed in terms of relevant planning matters at the time of the development application.	No action required



9.2 Submissions Report on Planning Proposal for Abbeyfield Seniors Housing Proposal, Majara Street, Bungendore  
Attachment 2 - Submissions Register (Continued)

	Submission:	Council response	Recommendation
	will rightly expose council to the same accusations of disinterest in our community currently levelled at the Department of Education."		
10	It has been a long time coming for the seniors accommodation Abbeyfield to be built. The volunteers have spent countless hours working on this only to be blindsided by the Anglican Church first and then the NSW Government second. I am not sure how happy residents will be living next to a childcare facility and scout hall, but at least they will have a residence! The design however should have incorporated the already built carpark that the Scouts were made to build to have their hall approved. It seems odd that they will put something else there and a carpark on the preschool side?! The scouts should be compensated by council/NSW government for the loss of the car park they were told had to be built. Please finalise and approve the Abbeyfield development so they can actually build the seniors accommodation, the volunteers working on this project have spent well enough time and should by this stage have been able to have completed the project.	The development will be assessed in terms of relevant planning matters at the time of the development application.	
11	I know two people who had hoped to retire to the to be built Abbeyfield House. Both were quite enthusiastic when it was slated to be built on either the Anglican Church grounds or the block adjacent to the Council. Now, projected to be built in a cramped space between the preschool and the Scout Hall, both said people have lost their enthusiasm. They have cited a lack of parking space and lack of room for a garden as great deciders. Maybe you could move Abbeyfield to the block adjacent to the old supermarket on Gibraltar Street as the spot between a high school, preschool, scout hall and restricted 90 degree angle parking is likely to be a congested slum option.	The development will be assessed in terms of relevant planning matters at the time of the development application.	No action required
12	RECEIVED VIA COUNCIL EMAIL Dear Councillors, I wish to make a submission to the Council on the subject of the Abbeyfield House which is scheduled for construction in Bungendore. My experience in local government dates back to three terms as a member of the Yarrawluma Shire Council commencing in the late 1970s. Perhaps many things have changed in NSW local government following the pandemic of amalgamations but on the other hand some still remain. YSC meetings were always held in Queanbeyan but our concerns related to Bungendore but were nevertheless primarily concerned with issues which related to Shire in its entirety. It was accepted then that a council could meet in Queanbeyan while working to do our best to attend to the needs of Bungendore. A good principle which one hopes has not been totally consigned to history. My recollection is that the impetus to establish an Abbeyfield facility in Bungendore first gained community support towards the end of the first decade to the present century. As I'm sure you are aware Abbeyfield facilities function with the goal of providing affordable accommodation for elderly people with limited financial support who may be living with some lifestyle limitations imposed as a result of disability. The basic principles underlying these facilities are threefold namely the provision of companionship, dignity and independence. An additional consideration when the facility is to be sited in a rural location is that of enabling ongoing community inclusion. When the friends and contemporaries of any resident have a very limited capacity to travel a significant distance to visit it is likely that the community link will be severed. Shortly before the proposal to erect the Bungendore facility was first presented for Council approval a similar venture was submitted to the Goulburn Mulwaree Council. My understanding is that a number of applicants in both Bungendore and Goulburn were eagerly anticipating opening of the Abbeyfield enterprises. In 2012 the Goulburn facility admitted the first applicants on its waiting list and the accommodation was soon fully occupied. In contrast none of the Bungendore hopefuls have been able to obtain similar accommodation. Sadly some have now taken up alternative Council supported accommodation in the Bungendore Lawn Cemetery. My understanding is that the Bungendore saga of the past decade does not reflect Council's opposition to the project or objections from prospective neighbours but rather primarily to bureaucratic niceties (perhaps not the correct noun).which	Noted	No action required

9.2 Submissions Report on Planning Proposal for Abbeyfield Seniors Housing Proposal, Majara Street, Bungendore  
Attachment 2 - Submissions Register (Continued)

	Submission:	Council response	Recommendation
	relate to physical accessibility. Councillors please lift your game so that those on the current waiting list can enjoy all that Abbeyfield could offer.		
13	<p>Received via Council email:</p> <p>Thank you for the opportunity to comment on a Planning Proposal for some changes to the QPRLEP to permit the building of an Abbeyfield House on Majara St North (the unmade road area between the Preschool and Scout Hall). No one can deny that there is an Australia wide shortage of affordable housing especially in the over 55 years population. Bungendore has a high cost gated Seniors Village and some smaller developments suited to seniors but has nothing to offer in the low cost area especially for local elderly people who want to stay in their own community. An Abbeyfield House is desperately needed here, and for more than a decade we have been aware of the Bungendore Abbeyfield committee and its members who have worked tirelessly to raise funds and secure grants to achieve this goal. We were delighted when QPRC offered a most suitable site near the Council building, overlooking the Park, in Majara St. However, we were devastated when a few years later our local member, John Barilaro, announced the site for the new High School. Abbeyfield lost out and the already lodged Abbeyfield DA, awaiting approval, was stopped!</p> <p>The newly proposed narrow, north facing site, whilst close to the bus route, railway station and other amenities, nevertheless has many disadvantages. It takes over the partially sealed car park between the Scout Hall (used by the scouts and general public) and Preschool, and faces Turallo Terrace, now a very busy access road from Elmslea since the closure of Majara St to Gibraltar St. Turallo Tce has no footpaths. If the new High School goes ahead, parking in this area and traffic flow will become even more chaotic and raise further safety issues especially for the elderly.</p> <p>Another issue, we believe, is the very large storm water drain that goes under this steeply sloping site and empties onto the grassed Common/off leash dog area which is on the Turallo Creek flood plain.</p> <p>Furthermore, the Preschool and Preschool playground is on land owned by the Catholic Church. The proposed site is on an unmade road between the Preschool and Scout Hall and as soon as an unmade road is "closed", ownership reverts to Crown Land. It isn't Council land for QPRC to give to Abbeyfield.</p> <p>Additionally, the Roads Act prohibits road closure if it results in a land locked site. Closure of Majara St North would remove road access to the rear block of the Pre-school playground, land which is owned by the Catholic Church.</p> <p>We have thought long and hard about possible alternative sites, such as St Phillip's open field on Gibraltar St (Church land) and the rear of the CWA block (outside Bungendore CWA's jurisdiction) so neither seems feasible. However, with Council's planned move to the corner of Ellendon and Gibraltar Sts, might the current Council Offices with the back block accessing the new car park and driveway to Ellendon St be considered?</p> <p>Thank you for the opportunity to "have a say". We strongly support the need for an Abbeyfield House in Bungendore and regret the delays the seniors community has endured.</p>	<p>The development will be assessed in terms of relevant planning matters at the time of the development application.</p> <p>The section of road closed (Majara Street N) is not, nor has ever been, Crownland. The closed section of road was owned by QPRC and remains vested as operational land in QPRC.</p> <p>QPRC has followed all of the necessary steps required as per The Roads Act 1993 No 30.</p> <p>DP 758138 is not landlocked as a right of access easement will be provided.</p>	No action required
14	<p>I appreciate Council is trying to help with this project but I for one would never live there. Take a real look at it, a real look. It will be squashed between the preschool and the Scout Hall across the road from potentially a High School. I can't believe that anyone with any ounce of brain could think this would be suitable for seniors. The traffic at present is horrendous and the traffic crossing the low level bridge at school times is so dangerous. They come around that corner so quickly it's hard to get out of the driveway from the Scout hall without fearing being T boned.</p> <p>Of course there are no footpaths leading to the business district but I'm sure that would be promised in the distant future.</p> <p>I'm afraid Bungendore is lost when it comes to infrastructure it saddens me greatly. Honestly do you think people in this town are happy with the hap hazard decisions that are place on our community. She'll be right mate its only Bungendore!!! Please take another look and find something more suitable this site is disgusting. Regards</p>	<p>The development will be assessed in terms of relevant planning matters at the time of the development application.</p>	No action required

**9.2 Submissions Report on Planning Proposal for Abbeyfield Seniors Housing Proposal, Majara Street, Bungendore**  
**Attachment 2 - Submissions Register (Continued)**

	<b>Submission:</b>	<b>Council response</b>	<b>Recommendation</b>
15	<p>In my opinion the proposed location for Abbeyfield Seniors Housing, is not suitable for the following reasons:-</p> <ol style="list-style-type: none"> <li>1. Turallo Terrace is an extremely busy road. Traffic coming from Elmslea, over the low level bridge, is not easily visible from the proposed site, making crossing the road for elderly or infirm people dangerous.</li> <li>2. The Scout hall will lose some of the very expensive car park that was specifically built for safe parking for people using the hall. Also parking will be limited for parents dropping children off at the pre-school next door.</li> </ol> <p>A lot of time thought and money raising has gone into the Abbeyfield project, over many years, it deserves a decent location. (Such as the original site in Majara Street that was taken over by the Dept. of Education.)            At the moment Bungendore people, who could make use of this facility, have to go to Queanbeyan or Goulburn. This means they lose being part of the community they know and love. A suitable site needs to be found as soon as possible.</p>	<p>The development will be assessed in terms of relevant planning matters at the time of the development application.</p>	<p>No action required</p>
16	<p>The plan to squeeze Abbeyfield into the space between the Scout Hall &amp; the preschool is ill conceived. Our elderly citizens require space &amp; tranquillity, views from their residence. Parking difficulty will add to an existing problem</p>	<p>The development will be assessed in terms of relevant planning matters at the time of the development application.</p>	<p>No action required</p>
17	<p>The ongoing saga of where to build the Abbeyfield Senior's Housing is not being fixed by simply plonking it on an unmade roadway.            Council has not adequately considered the legalities of this decision nor the comfort and wellbeing of the residents of this proposal.            The closing of Majara Street North was reliant on the heads of Agreement with the Department of Education - Compulsory Acquisition overrode the necessity for this HOA.            The closure of Majara Street North will landlock private land and QPRC are legally bound to provide another road access - Easements and right-of-way are not classified as roadways.            Abbeyfield deserves to be treated fairly and with respect by QPRC especially after the debacle caused by their being uprooted from the promised site.</p>	<p>The development will be assessed in terms of relevant planning matters at the time of the development application.            QPRC has followed all of the necessary steps required as per The Roads Act 1993 No 30.            DP 758138 is not landlocked as a right of access easement will be provided.</p>	<p>No action required</p>
18	<p>Abbeyfield House – Objection to Majara St North site            Dear Sir/Madam,            RE: Seniors Housing – Bungendore            I am writing to object to QPRC's intention to request changes to the QPRLEP that would permit the building of an Abbeyfield House on Majara St North. I fully support the construction of seniors' housing in Bungendore and think that an alternative site should be considered. The proposed site at Majara St North is unacceptable for the following reasons:            Location and Nature of the Site            The proposed site borders a flood plain. I am concerned future residents will have to live with fear of being flooded and needing evacuation. Forecasts of increased rainfall and other uncertainties associated with climate change mean that these fears and the real possibility of flooding are intensified. This is a heavy burden for elderly people, possibly with limited mobility and impaired sighting/hearing, to bear.</p>	<p>A Flood Impact and Risk Assessment accompanies the planning proposal.            The development will be assessed in terms of relevant planning matters at the time of the development application.</p>	<p>No action required</p>

	<b>Submission:</b>	<b>Council response</b>	<b>Recommendation</b>
	<p>Delays to the Development It is my understanding that there are significant legal obstacles to be overcome before the closure of Majara St North and its rezoning to a residential area is possible. It will take considerable time and be costly to pursue these legal challenges with no guarantee of a positive outcome. The resolution of these legal difficulties will significantly delay the construction of seniors' housing in Bungendore.</p> <p>The Bungendore Abbeyfield Committee has already been working on this project for twelve years. In recognition of these efforts and the urgent need for seniors' housing in Bungendore, Council needs to consider an alternative site.</p> <p>The narrowness of the site necessitates the construction of a double story building to accommodate the proposed 12 – 14 residents. Some of the units will be inaccessible for the proposed clientele. Elderly people have difficulty negotiating stairs and many are unable to do it. Furthermore, there will be little or no room for garages and onsite parking.</p> <p>In addition, the narrowness of the site reduces the opportunity for gardens and recreation spaces, potentially creating a sterile environment without ambience.</p> <p>Traffic Congestion and Off-Site Parking Off-site parking will be very restricted and in great demand. The Scouts' car park, which is already being utilised by the Pre-School, will no longer be available. This means that the elderly residents will have to jostle with residential neighbours, users from the Pre-school and Scout Hall for a very limited number of parking places.</p> <p>Furthermore, parking in this area will be even more limited and further compromised if the plans to construct the new Bungendore High School on the park site go ahead. There will be pupil pickup/drop off and bus zones in the immediate vicinity of the entry to Abbeyfield. Finding parking in such a busy area will be very challenging for its residents.</p> <p>Conclusion For the reasons outlined above, I think that the proposed Majara St North site is unsuitable for Seniors Housing in Bungendore.</p> <p>I am asking the Council to consider re-zoning Val Gardner Park as a possible site. It is north facing, in a quiet residential area and appears to be large enough for the proposed Abbeyfield development. In addition, it has easy access to medical and retail businesses. If this is not possible, could landowners of large, underutilised spaces, e.g. the churches or the CWA, be approached.</p> <p>Our elderly, at risk residents deserve the best we can give them. The Majara St North site is far from the best. Yours Sincerely</p>		
19	<ol style="list-style-type: none"> <li>1. The land (Majara St north) is completely unsuited to seniors housing. To construct 12 seniors housing units on steeply sloping land risks injury to the occupants.</li> <li>2. Council procedures regarding the gazettal of the land have not been followed and the closure cannot proceed until the stipulated processes and agreements have been completed.</li> <li>3. The NSW Roads Act Section 38 A - E have not been complied with.</li> <li>4. Section 42 of the NSW Road Act states that only roads that are not needed can be closed. Majara Street North is needed to access DP 753183 (owned by the Catholic Church). Earlier attempts to close Majara Street North prompted over 170 letters of complaint.</li> <li>5. Council resolutions cannot close a needed road - this can only be done by Gazettal following the appropriate publicity and allowing adequate time for a response from the public.</li> </ol> <p>The map on Page 5 of the Planning Proposal Queanbeyan-Palerang Regional Local Environmental Plan 2022 Amendment Seniors housing - Majara Street, Bungendore highlights the stupidity of this proposal - the Preschool, the Scout Hall, the</p>	<p>The development will be assessed in terms of relevant planning matters at the time of the development application.</p> <p>QPRC has followed all of the necessary steps required as per The Roads Act 1993 No 30.</p> <p>DP 758138 is not landlocked as a right</p>	<p>No action required</p>

9.2 Submissions Report on Planning Proposal for Abbeyfield Seniors Housing Proposal, Majara Street, Bungendore  
Attachment 2 - Submissions Register (Continued)

	Submission:	Council response	Recommendation
	<p>proposed high school and Abbeyfield will all be competing for space at the same intersection of Majara street and Turallo Terrace. Move the location to Bell Gardner Part.</p>	<p>of access easement will be provided.</p>	
20	<p>Comment on <i>Amendment Seniors Housing - Queanbeyan-Palerang Regional Environmental Plan 2022</i>. I am a resident at 60 Turallo Terrace, arguably the closest residence to the site. I observe the traffic and parking arrangements of the immediate vicinity on a daily basis. The proposal to permit seniors housing on Turallo Terrace Bungendore is ill conceived and poorly thought through. I fully support the need for seniors housing in Bungendore, but not at the cost of existing residential amenity. This is now the third proposed location for Abbeyfield, initially it was on the land beside the Anglican Church on Gibraltar Street, then beside the council offices on Majara Street, and now on this thin sliver of suboptimal land on Turallo Terrace. The proposed block is narrow, sloping, the long sides face east-west rather than north-south, and the block is wedged between an unforeseen requirement for a laneway (to address the planning oversight of land-locking a block behind the Pre School by closing Majara Street north) and a busy preschool and is adjacent to a popular community facility/scout hall. It will also be close to the proposed High School Hall, which is proposed to also be used for community events, which will again exacerbate parking shortfall, increase traffic (often late night) and the noise and traffic from events at both the Scout Hall and School Hall is not conducive to aged residential housing. The sealed car park beside the Scout hall will need to be altered, losing existing car parking spaces. This Scout hall is now frequently used for community events, and Church services with 30+ cars regularly filling the existing car park and spilling over onto Turallo Terrace. During drop-off and pick up times the Pre School parents utilise most of the existing sealed car parks as well as the land where the Seniors accommodation is proposed, and both side of Turallo Terrace outside and opposite the pre School. The proposed High School will saturate parking spaces along Turallo Terrace. The seniors accommodation proposes a facility for 11 residents, plus a live-in housekeeper, so there are another 12 car parking spaces likely required, plus parking for visitors, and yet only 6 car parking spaces are identified as being provided. So this then assumes that any more than 6 vehicles will be required to park elsewhere, offsite, the question is where? One can only assume it will be to the disadvantage of existing residents and facilities such as the scout Hall, and Pre School. This is not acceptable. At least 1 car space per resident and housekeeper is required, plus additional spaces for visitors. And this is without considering any residents of adjacent houses on Turallo Terrace with visitors who want to park. What is proposed is a parking nightmare. . The Abbeyfield proposal notes "that few Abbeyfield residents may own cars" so does this mean that prospective Abbeyfield residents will be vetted for car ownership, and residents with cars will be refused entry, and that visitors with cars will not be allowed? This is a farce in the making, as parking demand for Abbeyfield will regularly and obviously exceed the car parking space provided. The proposed site is on a corner where speeding traffic is a routine occurrence, and opposite the proposed high school which has an identified shortage of parking. The quantum of traffic using Turallo Terrace has increased significantly since the closure of Majara Street south, and there is no traffic management to deal with this displaced vehicle demand onto Turallo Terrace. Here is my daily dice with accident and injury as I try to negotiate this traffic, which will only be made worse by siting another facility at this location. Every morning I deal with the nightmare of trying to reverse out of my driveway to drive west on Turallo Terrace to go to work. The traffic that used to come south down McCusker Drive and turn left into Majara Street to get to the Kings Highway or Gibraltar Street is now funnelled past my house. It is virtually impossible to get a break in this westbound traffic to reverse out. Then, because of the closure of Majara Street, the parents who have dropped children at the primary school and then wish to drop children at the Pre School now have to perform a u turn and go west on Gibraltar Street, then north on Butmaroo Street, and then east up Turallo Terrace past my house to the Pre School. Then they again perform a u turn to go west back down Turallo Terrace to get to Queanbeyan, Canberra, JOC, wherever. So as well as trying to pick the gap in the westbound McCusker Drive/Turallo Terrace traffic to reverse out, I am</p>	<p>The development will be assessed in terms of relevant planning matters at the time of the development application. The section of road closed (Majara Street N) is not, nor has ever been, Crownland. The closed section of road was owned by QPRC and remains vested as operational land in QPRC. QPRC has followed all of the necessary steps required as per The Roads Act 1993 No 30. DP 758138 is not landlocked as a right of access easement will be provided.</p>	<p>No action required</p>

9.2 Submissions Report on Planning Proposal for Abbeyfield Seniors Housing Proposal, Majara Street, Bungendore  
Attachment 2 - Submissions Register (Continued)

	Submission:	Council response	Recommendation
	<p>also dealing with the Butmaroo St/Turallo Terrace traffic, and then the return traffic from the Pre School drop off west on Turallo Terrace. The road closure signs and erected on McCusker St and Turallo Terrace immediately adjacent to the now-closed Majara St are a joke, they have been non-existent for months (i.e. the signs themselves have disappeared, only the frames remain) and the positioning of them so close to the actual previous intersection of Turallo Terrace and Majara St means that drivers have no idea that Majara St is closed until they actually arrive at the site. On a daily basis I see large sand truck and trailers, cars with boats, cars with caravans, cars with large trailers, delivery trucks, and cars trying to perform u turns in front of the proposed seniors housing site to go back west along Turallo Terrace to find an alternative route to the Kings Highway. Tourists trying to bypass the city central and using satellite navigation tools are guided up Turallo Terrace from Tarago Road to turn into the now non-existent Majara Street. I requested the Site manager of the proposed High School site to install signage down at the junction of the Turallo Terrace and Tarago Road so that drivers would know that Majara St was closed and there was no access to the Kings Highway. He agreed to do this straight away, and then we have never seen him again, as the site office closed and all works ceased. This is the level of planning and concern for residents that Council and Department of Education demonstrates for impacted residents i.e none. Enforcement of speed zones on Turallo Terrace is nil, in my 9 years as a resident I have never seen any enforcement, it always is positioned on Tarago Road. You will excuse my cynicism to read of what great news it will be to have a seniors housing facility imposed as well. The claims in the IRF 24/490 Gateway determination report – PP-2024-319 Seniors Housing – Majara Street, Bungendore March 24 that the proposal has .....”economic benefits associated with construction and additional population, albeit a small number, that will contribute to financially and socially within the local community” are an absolute joke, we are talking about development of a small block of land for 12 residents and a caretaker, not a high rise condominium or large estate!</p> <p>An alternative site is definitely needed. Two alternatives immediately spring to mind. The most apococate is the block of land on the corner of Ellendon Street and Gibraltar Street, beside the post office. I believe that Council owns this land with a view to constructing new Council offices after the Majara Street compulsory land acquisition by the Department of Education. Council has since moved into alternative premises. This site is close to all amenities (Doctor, dentist, post office, bank, shops etc) and would allow adequate room to site aged care accommodation to take advantage of a northerly aspect, and to provide adequate parking.</p> <p>Another site could be near the new Sports Hub, there is plenty of land, good road access with the construction of the new road over the creek, it is central and near to all facilities.</p>		
21	<p>“Seniors’ Housing – Bungendore” I am responding on behalf of Save Bungendore Park Inc (SBP).to your invitation to comment on the proposal to change the Queanbeyan Palerang Regional Council (QPRC) Local Environment Plan (LEP) to provide a site for the construction of Abbeyfield House, the long awaited aged care facility. Save Bungendore Park is an association formed primarily to protect the heritage and continuity of our town as represented by Bungendore Park. Nevertheless, we acknowledge that as citizens, we have a social responsibility to act in the interests of the community as a whole. It is on this basis that we are responding to your invitation. We note also that the situation that has forced the Council to seek an alternative location for Abbeyfield results directly from the irrational decision by the Department of Education (DoE) to locate the proposed high school on Bungendore Park. SBP fully supports a high school for Bungendore, but SBP also believes that the social cost of locating it as it has done needs to be considered as well as the benefit that is associated with it. In New South Wales in general, housing, particularly housing for the aged, is desperately needed. At present, in Bungendore, for those requiring housing and care the closest locations to Bungendore are Braidwood, Queanbeyan or Goulburn. To move a resident from Bungendore to one of these would mean moving that person away from a familiar environment, friends and family, and make visiting more difficult. These are vital matters in</p>	Council resolved to this alternative site on 27 October 2021.	No action required

9.2 Submissions Report on Planning Proposal for Abbeyfield Seniors Housing Proposal, Majara Street, Bungendore  
Attachment 2 - Submissions Register (Continued)

	Submission:	Council response	Recommendation
	<p>maintaining a sense of wellbeing for the aged. In Bungendore 2012 a committee was formed which fought to establish Abbeyfield House. Abbeyfield was planned to provide accommodation and care for 17 of those most in need, an essential service for Bungendore. Subsequently, QPRC provided a suitable location and a DA was lodged but had not been approved before DoE compulsorily acquired that site as part of the Bungendore high school project. However, legal issues regarding acquisition of Bungendore Park must be resolved before the location of the high school can be settled and any planning for Abbeyfield or related projects can continue. These legal issues have not yet been resolved. Regardless of the circumstances that have been forced on the Council, SBP holds the view that the proposal for Abbeyfield should NOT proceed until the High school debacle is resolved. It seems absurd that Council should promote any related development until the High School site is settled. Surely, if Council has the interests of ALL Bungendore residents at heart – as it should – then it should stay its hand on any and all related projects within its power pending resolution of this central matter. SBP does not support any changes to the LEP to accommodate moving Abbeyfield, We wholeheartedly support the construction of Abbeyfield House on the site originally intended. Yours faithfully,</p>		
22	<p>I wish to support the amendment to the Queanbeyan Palerang Regional LEP 2022 which would enable the development of an Abbeyfield House for Older People at the end of Major Street north of Turallo Terrace Bungendore between the Preschool and the Scout Hall. I support the change of use and amendment to this site for the following reasons:</p> <ol style="list-style-type: none"> <li>1. There is a pressing need for affordable, appropriate and secure housing for low income renters in Bungendore and the surrounding rural area of Queanbeyan Palerang: <ul style="list-style-type: none"> <li>. there is no social housing or affordable rental stock in the area</li> <li>. older women are the fastest growing group experiencing housing insecurity and homelessness</li> <li>. the Abbeyfield house will help address the need whereas the private market will not</li> </ul> </li> <li>2. It is important that the Abbeyfield House is sited in the village within easy walking distance from key community and commercial amenities such as public transport, the bowling club, churches, the IGA and other shops, the pharmacy, the GPs, other health providers, the post office and cafes: <ul style="list-style-type: none"> <li>. Abbeyfield residents are not aged care residents but live independently in the community with some assistance and need to be able to participate in community life just as other residents do;</li> <li>. Residents of Abbeyfield houses need to be able to participate in sporting activities and hobbies, voluntary work and possibly part-time employment in some cases.</li> </ul> </li> <li>3. The development of the Abbeyfield House will address Planning Priority 10 of the Local Strategic Planning Statement which commits the council will: <ul style="list-style-type: none"> <li>. “plan for and provide regional facilities which promote better social connection and access to the community;</li> <li>. investigate housing and service needs to support additional aged population in Bungendore and Braidwood; and</li> <li>. investigate opportunities for infill and mixed-use development where it provides additional forms of housing to suit the changing nature of our communities.”</li> </ul> </li> <li>4. The proposal is also consistent with the NSW State Housing Strategy 20 year vision that: <ul style="list-style-type: none"> <li>. “NSW will have housing that supports security, comfort, independence and choice for all people at all stages of their lives”.</li> </ul> </li> <li>5. The Abbeyfield Proposal has widespread community support as reflected in the significant fund raising from community organisations, residents and philanthropic local donors.</li> <li>6. This is the third site that has been identified for the Abbeyfield House with associated delays of many years;</li> </ol>	Noted	No action required

9.2 Submissions Report on Planning Proposal for Abbeyfield Seniors Housing Proposal, Majara Street, Bungendore  
Attachment 2 - Submissions Register (Continued)

	Submission:	Council response	Recommendation
	<p>The project has experienced these significant delays outside of the control of Abbeyfield Australia and the local committee.</p> <p>No other suitable sites and have been found and further delays will exacerbate the housing crisis faced by disadvantaged older people in the regional area.</p> <p>I urge QPRC to support this land use change to enable design and other work to proceed for the Abbeyfield House on this new site.</p> <p>Yours sincerely</p>		
23	<p>Queanbeyan-Palerang Regional Local Environmental Plan 2022 Amendment Seniors Housing - Majara Street Planning Proposal - OBJECTION - Background - This submission shares the same aim that I have been working for since mid-2021, namely to speak FACT not wish-think, and to simplify things both for the Abbeyfield Seniors Housing Project, and for the Bungendore community. Given compulsory acquisition of certain nominated land by the Dept of Education, an earlier Schedule 1 applicable to Queanbeyan-Palerang Regional Local Environment Plan 2022 is no longer viable. This Planning Proposal seeks to resolve this glitch by a further amendment, linking Schedule 1 to another site in Bungendore, this nominated as the unmade roadway between Turallo Tce and Turallo Creek, and known as Majara St North. The aim is to enable QPRC to offer an alternative site for Abbeyfield Seniors Housing after they were, at the last minute and as a direct result of Council negotiations with DoE in 2020, deprived of the prior QPRC-owned/promised location. I totally support this.</p> <p>Regrettably, the way QPRC proposes to do this now is not just objectionable, but unlawful. The fact is – no matter what QPRC claims, Majara St North is legally NOT CLOSED. There are at least eight REASONS – and most come from, or relate to, the NSW Roads Act 1993, with some further reference to the Local Act, to the Crown Land Management Act, and sad to say, to the Crimes Act. The current plan is rife with risk re legal challenge for years. And if the law says Majara StN remains open as a road, and it does, then it is not legally available for QPRC to be proposing it as site for any residential development, let alone as “Seniors Housing” for Abbeyfield. A switch in Schedule 1 to the LEP cannot apply.</p> <p>Moreover, as the following reasons will repeat, key consideration concerning requirements for legal road closure have been brought to attention of QPRC management and staff more than once, and this since at least my letter of Aug 2021. There is no way this Council can claim to be unaware of the issues involved. No way to justify what is quite clearly, a Planning Proposal based on outright illegality. NB - “Council” or “council” refers to staff, “QPRC” to Crs and/or Crs’ decision. IMPORTANT. It will help to have the following for reference -QPRC website, the NSW Roads Act, the NSW Crown Land Management Act, and NSW Crimes Act.</p> <p><b>REASON 1</b> – Closure creates DP 758138 as a landlocked block</p> <p>The NSW Roads Act stipulates WHEN a Council may close a public road. In s.38A(c) specifies that if the road to be closed provides “a means of vehicular access to particular land” then it requires that “another public road provides lawful and reasonably practicable vehicular access to that land”.</p> <p>Note this alternative must be available (ie ‘practicable’ now, not some future ‘promise’) and must be a public road as defined by the Roads Act - not an easement, not a lane, not a driveway. To propose any such as a way around the would-be Abbeyfield site is, quite simply, not lawful. And as such, it is not within power of either Council, OR the owner of a site left landlocked by closure, to agree to any non-legal alternative.</p> <p>NB – see how the rear of DP758183 backs onto Turallo Creek – there is no possibility of any public road alternative to Majara StN.</p>	<p><b>Reason 1:</b> A public road alternative is not required.</p> <p><b>Reason 2:</b> Section 38B of The Roads Act 1993 No.30 has been complied with and all adjoining landowners and notifiable authorities advised of the road closure.</p> <p><b>Reason 3:</b> Correct. Majara Street N is not required as a public road and is not required to provide continuity to an existing road network.</p> <p><b>Reason 4:</b> The above conditions do not relate to Majara Street N and are only relevant to the section of Majara Street that now forms a part of The Dept of Education site for the new Bungendore high School.</p> <p><b>Reason 5:</b> Correct. Majara Street N was and still is owned by QPRC and is not a part of the DoE site.</p>	No action required



	Submission:	Council response	Recommendation
	<p>Appendix A - SIX site map for Turallo Tce-Majara St area in Bungendore</p> <p><b>REASON 2</b> – Failure in mandatory notifications of February 2021</p> <p>The NSW Roads Act s.38 B (1) (b)(ii) and (iii) require that notice of road closure must be given to all notifiable authorities, and to any other person prescribed by the Regulations. In Part 7 of the Regs, s.81 (2) defines this to mean “The owner or occupier of land whose land will suffer a material loss of access because of the council public road closure concerned is prescribed for the purposes of section 38B (1)(b)(iii) of the Act.”</p> <p>Majara StN is the ONLY access to a public road for DP 758183. Closure of that roadway leaves the block totally landlocked. The owner will definitely suffer a material loss of access. This site comes into category s.81(2). That Goulburn-based owner was not notified prior to, nor during the media ads, nor before the QPRC decision at its meeting on 28 April 2021.</p> <p>As a result any purported closure is invalid. Majara St N remains UN-CLOSED.</p> <p>Appendix B – see media half-page ad - 3 and 17 Feb 2021. Note this is for one closure but involving two sections of Majara St – Part A being alongside Bungendore Park, and Part B being Majara St North.</p> <p><b>REASON 3</b> – The</p> <p>There were over 170 submissions in response to the media Notice in half-page ads on 3 and 17 Feb 2021. Apart from standard ‘statutory replies’, almost all of them objecting. This in itself raises questions as to the legitimacy of the proposed closure, since s.38A of the Roads Act specifies that this can only be done</p> <p>(a) if the road is not reasonably required as a road for public use (whether for present or future use), and</p> <p>(b) the road is not required to provide continuity for an existing road network</p> <p>Majara St was not only well-used, but part of a village street grid with heritage values dating from the colonial era c.1837. This in itself should make closure illegal.</p> <p><b>REASON 4</b> – The QPRC Resolution 007/21 at Meeting 28 April 2021</p> <p>I was at this QPRC Meeting on 28 April 2021 when the results of the Feb ads re closure were “discussed”. The Mayor refused to allow any input re the DoE school proposal, or indeed anything other than strictly ‘traffic’ matters to be taken into account.</p> <p>Having heard precisely what and how objections were rejected and saw public discussion being arbitrarily disallowed, I was thus particularly aware of what WAS agreed - and WHY two conditions were added, these to be fulfilled BEFORE any gazettal of the closure.</p> <p>In the Minutes for 007/21, part (3) starts, and ends, as follows –</p> <p>“Advise the NSW Department of Education that Council’s endorsement of the (BHS) proposal is reliant on a formal agreement (of various traffic and parking matters) ... and the gazettal of the closure subject to execution of the heads of agreement and conclusion of the planning proposal”</p> <p>No if’s but’s or maybe. Peter Tegart, then-CEO of QPRC is totally clear as to what this requirement means in his letter sent to DoE (SINSW) the very next day advising re the outcome of the meeting. On p.2 he notes -</p> <p>“2. (T)he gazettal of the road closure is subject to the execution of the heads of agreement and conclusion of the planning proposal by DoE.”</p> <p>The NSW Roads Act specifies HOW a road closure is legally confirmed. Although notification, Council resolution or decision may be part of the process, it does NOT happen then. Instead, as s.38D (1) says, and with emphasis added –</p> <p>“the council may, by notice published in the Gazette, close the public road concerned”.</p>	<p>Majara Street North road closure was gazetted by Council this year independently of the Part A road closure as the two sections of Majara Street are independent of each other. Majara Street North is now a closed road which is confirmed by the gazettal. DP 758138 is not landlocked as a right of access easement will be provided.</p> <p><b>Reason 7:</b> Majara Street North was closed by gazettal on Friday the 1st of March 2024.</p> <p><b>Reason 8:</b> Majara Street N is closed. The above point is not relevant to the closure of Majara St N. An objection to gazettal must be lodged within 35 days of the publication of the Government Gazette notice.</p> <p><b>Reason 9:</b> This is not relevant. There have been no omissions nor provision of false or misleading information.</p> <p><b>Reason 10:</b> The</p>	

	Submission:	Council response	Recommendation
	<p>So GAZETTAL is the defining step. And for Majara StN, gazettal cannot legally occur until those two conditions of 007/21 are in place.</p> <p>This means that, quite apart from the disqualifying legal issues above, the current gazettal does not comply with QPRC decision, the gazettal itself is beyond power under the Local Govt Act, it is unlawful, and Majara StN is NOT closed.</p> <p>In terms of this sudden move to amend the former Schedule 1 in QPRC LEP 2022 by the vote on 24 Jan 2024 vote to “progress this Planning Proposal” when nothing has been done re finalising gazettal in the years since 007/21 on 28 April 2021, it is worth asking – WHY THE RUSH NOW.</p> <p>Appendix C – QPRC letter #1 - 29 April 2021 - CEO Tegart to SINSW</p> <p><b>REASON 5</b> – There can be NO heads of agreement – not ever</p> <p>The “heads of agreement” were to be between QPRC and SINSW in regard to the sale of Council-owned/managed land to DoE for use as site of a new Bungendore High School.</p> <p>One area included was Majara St alongside Bungendore Park – ie Part A in the Road Closure ad, and in the 007/21 decision of 007/21. REASON 5 – There can be NO heads of agreement – not ever</p> <p>The “heads of agreement” were to be between QPRC and SINSW in regard to the sale of Council-owned/managed land to DoE for use as site of a new Bungendore High School.</p> <p>One area included was Majara St alongside Bungendore Park – ie Part A in the Road Closure ad, and in the 007/21 decision of 007/21.</p> <p>However, on 23 Dec 2021, DoE issued Proposed Acquisition Notices to compulsorily acquire all the land it required for the BHS project – this included both the former Schedule 1 site at 4-6 Majara, and the Park section of Majara St itself. There was no further need, nor indeed any possibility, for signing a heads of agreement. As noted in Council answers in No.10 (b) in Questions on Notice at Meeting of 8 March 2023 – there are NONE.</p> <p>When the DoE PANs were gazetted on 26 April 2022, compulsory acquisition automatically closed that section of road. But Majara StN was NOT acquired, and thus NOT closed.</p> <p>When referring to the QPRC answers in these Questions on Notice of 8 March 2023, please note the answers in Q.10 several times as to how “compulsory acquisition of Majara St removed the need for Council to Gazette the proposed closure” – yet the acquired section was only Part A. It did NOT include Part B – so Majara StN remains UN-closed.</p> <p>Note also that Q.10(e) specifically raises the adverse impact on landlocked DP 758138, with no real answer provided.</p> <p>Appendix D – Questions on Notice - QPRC Meeting of 8 March 2023</p> <p><b>REASON 6</b> – There has been no conclusion to the DoE Planning Proposal</p> <p>Nor is there likely to be any “conclusion” anytime soon. The proposal is SSSA14394209, lodged Sept 2021, with the DoE plan for BHS buildings that straddled the compulsorily acquired areas of Bungendore Park and Majara St. After challenge in the LEC, a consent issued in Jan 2023 was ruled invalid. In mid-March, and again April, SINSW declared their intention to revive the proposal with “Amendments” to be lodged on the Planning Portal in mid-May. Meantime, other legal issues have emerged re the original application – some involving questionable behaviour by QPRC’s aforesaid Peter Tegart, and none of which will be resolved quickly.</p> <p>As at 10 June 2024, SSSA 14394209 remains in limbo - the opposite of “concluded”.</p> <p>Appendix E – QPRC letter #2 - 29 April 2021 - CEO Tegart to CEO Manning, SINSW.</p> <p>Appendix F – SINSW letter – 27 Aug 2021 - CEO Manning to CEO Tegart.</p> <p><b>REASON 7</b> – Failure to include 007/21 in the Planning Proposal.</p> <p>The sole basis on which Majara StN can be offered as an alternative Schedule 1 location for Seniors Housing in QPRC LEP 2022 is its alleged availability to Council as a closed road. The lack of any reference to the QPRC decision which enabled</p>	<p>section of road closed (Majara Street N) is not, nor has ever been, Crownland. The closed section of road was owned by QPRC and remains vested as operational land in QPRC.</p>	

Submission:	Council response	Recommendation
<p>this purported closure, and the only one which specifically does so, is curious indeed. This omission is even more notable, given that p.4 of the Planning Proposal quotes from two other QPRC Minutes – the first of which (on 28 Oct 2020) is about admin for “authorising closure of that part of Majara St Reserve”, and the other (on 27 Oct 2021) is about “actions to progress a planning proposal” to allow for Seniors Housing “on the northern part of the closed section (sic) of Majara St Bungendore”..</p> <p>There are two more things to note re the Planning Proposal itself. –</p> <ol style="list-style-type: none"> <li>1. the last sentence on p.4 in effect, admits that as at 27 Oct 2021 Majara StN was NOT closed by revealing that as at April 2024 (latest date-version on p.2 of Planning Proposal) QPRC “is now finalising the closure of Majara Street road reserve and its subdivision into two lots (see outlined in red in Figure 1), with proposed Lot 1 (approximately 1,838m2) to be occupied by Abbeyfield”.</li> <li>2. On p.5, Figure 1 does indeed show a red outline with two lots indicated as fronting to Turallo Tce and taken over the existing road width between the Church and Early Childhood Centre, and to the east, the Bungendore Scout Hall, in effect obliterating the recently established \$90K Scouts carpark area. Of even greater interest, note what’s marked as the proposed BHS site. It’s so wrong as to suggest failure to check basic detail, let alone legalities. See how the yellow hatched area takes in the whole swimming pool, and a large rectangle of land along Turallo Tce, all the way down to the tennis courts. This might have been the plan in Sept 2021 – but has been obsolete since 23 Dec of that year, when DoE issued the PAN’s for compulsory acquisition of a much reduced site – this faintly shown in Figure 2. Appendix G – Planning Proposal document – Figure 1 on page 5.</li> </ol> <p><b>REASON 8</b> – A spurious Gazettal lodgement on 29 Feb 2024</p> <p>A timeline explains this On 24 Jan this year, Item 9.1 in the QPRC Meeting concerned the Bungendore Structure Plan. One short paragraph referred to the long-standing Abbeyfield proposal. In response, I submitted a 2pp summary of the legal issues involved re the Roads Act, and reminded Crs that Majara StN was NOT closed, and could never be gazetted as closed by reference to 007/21 of 28 April 2021 because (a) there could never be any heads of agreement with DoE and (b) the BHS planning proposal was a long way from “concluded”.</p> <p>I was not at the Meeting, but the Minutes show that recommendation 9.1 was noted/accepted in its entirety, including Abbeyfield at (4) re continuing “to progress the current rezoning Planning Proposal”. Publicly, that was the end of it – nothing reported, nothing announced, nothing heard about for 3 months.</p> <p>However, behind these public ‘nothings’, it seems Council staff were busy. Something got triggered. The current Planning Proposal has a “Version 1” date of Feb 2024.</p> <p>Then on 29 Feb 2024, ie after years of denial and delay, without any known reference to Crs or community, and just 5 weeks after my ‘summary’, the General Manager lodged whatever documentation is required for gazettal by the NSW Parliamentary Counsel’s Office. [Despite the name, this is a compilation/printing service, with no legal assessors or advisory function. Submission from a recognised Local Govt Authority is sufficient to gain publication of an official “Notification of Road Closure” in the NSW Govt Gazette.]</p> <p>While there’s no way of knowing what Majara StN material was provided to justify closure as Notice 2024-0359, if this paralleled that as now appears in the Planning Proposal, there’s good reason to doubt it included reference to the only QPRC Decision which counts, ie the missing Resolution 007/21 of April 2021.</p> <p>Whatever its content, or omissions, the QPRC information as given on 29 Feb, was accepted, and the notice of closure re Majara StN was published in Gazette No.69 on 1 March 2024.</p> <p>Next notable event in this timeline was the launch of this current Planning Proposal Amendment to QPRC LEP 21022 re Seniors Housing – Majara St Bungendore. This was placed on exhibition for public response from 29 April until 10 June</p>		

Submission:	Council response	Recommendation
<p>2024. Given the prior silence, this timing is significant. The law allows for the lodging of an Objection to Gazettal up to 60 days after the date of that Gazettal. And guess what - 29 April is a very objectionable 61 days AFTER the date of Gazette No.69 re Majara StN.</p> <p>Appendix H – EBM 2pp submission re 9.1 - QPRC Meeting 24 Jan 2024 Appendix I – Notice of Road Closure – Gazette No.69 - 1 March 2024</p> <p><b>REASON 9</b> – Failure to include 007/21 is “false and misleading” Omission of information is no minor matter when it concerns essential conditions on which the QPRC decision to close depends. This applies to both this Planning Proposal, but even more so re submission of information to justify actual gazettal. The Parliamentary Counsel’s Office would surely need to know that compliance with any such requirements was complete.</p> <p>If not so advised, the failing to do so would be a criminal offence under Part 5A of the NSW Crimes Act 1900 with penalties that can incur heavy fines, and even jail time. Anything which gives rise to this possibility is certainly subject to serious Objection.</p> <p>A key point in each of sections 307A (re applications), 307B (re information) and 307C (re documents) is that the crime is not just about ‘giving’ false and misleading information, it is also committee when someone knowingly – (iii) “omits any matter or thing without which the information is misleading, and .... (c) any of the following subparagraphs apply— (i) the information is given to a public authority, (ii) the information is given to a person who is exercising or performing any power, authority, duty or function under, or in connection with, a law of the State, (iii) the information is given in compliance or purported compliance with a law of the State. Maximum penalty—Imprisonment for 2 years, or a fine of 200 penalty units, or both.</p> <p><b>REASON 10</b> – When the Roads Act meets Crown Land law – QPRC loses. The NSW Roads Act s.38E deals with the “Effect of notice of closure” and section 2 is quite explicit as to the situation regarding an unmade road “in respect of which no construction has ever taken place” – which describes Majara StN. The law is quite clear about such land ---- (2) (it) becomes (or if previously vested in the Crown, remains) vested in the Crown as Crown land. Moreover, s. 42 (1) then doubles down on what this transfer to Crown land means for Council – (1) Crown land forming part of a former public road may not be dealt with otherwise than under the Crown Land Management Act 2016</p> <p>In short – if, and for whatever reason, the purported gazettal of Majara StN does close this unmade roadway, then that land has immediately become Crown land and must be managed according to the CLMA – which in this case may well retain he existing zoning as Public Recreation, and possibly even add it as a logical continuation of the Bungendore Common. This plain fact is cause for major Objection even if gazettal of closure for Majara StN was valid on 1 March 2024. Because under s.38E, the Roads Act says Crown Land is now legal owner of that closed road. QPRC has already lost any say in its future and has no control – no rights to be including it as a Schedule 1 Map in an LEP Amendment, let alone subdividing lots, or assigning areas for residential development – no matter how worthy the cause. Note: both QPRC and Abbeyfield have been advised in detail re this legal outcome – see Appendix H above, or my letters</p>		

Submission:	Council response	Recommendation
<p>here. Neither has cause for complaint if it now applies                      Appendix J– EBM letter to Peter Tegart and QPRC Crs – Aug 2021                      Appendix K– EBM letter to Abbeyfield Head Office – July 2023  <b>REASON 11</b> – Doomed to fail – knee-jerk reactions, NIL site considerations                      To understand how QPRC has gone so woefully wrong re the Abbeyfield scenario, it helps to revisit what happened, when. To realise that for the last 4 years there has been NO separate site considerations whatsoever – none. Only a losing battle with unintended legalities.                      In mid-2020, Abbeyfield was about to have a DA for seniors housing approved by QPRC on a Council-owned site at 4-6 Majara St. It had taken the community years to prepare, including Schedule 1 to the original LEP. At the last minute, and without asking, Council decided that the Abbeyfield land should instead go to DoE as part of a multi-lot plan for its new BHS.                      At first, the shift was just sideways, to 2 Majara St. Then that didn't work for DoE. So suddenly QPRC was scrabbling to keep faith with Abbeyfield. It had to find somewhere, anywhere, else – and quickly. About this time, DoE started talking about closing the Park section of Majara St. as part of its construction footprint. Bingo – let's piggyback with DoE and do a 2-in-1. The road closure could include Majara StN for Abbeyfield as well, and all solved. No more fuss, fret and flim-flam for Council – just another delay re Seniors Housing.                      The site ploy was set in admin cement before the site homework was done. There was NO other location search, no site or size comparisons – just a quickie answer as political fix-it.                      And although my REASONS TO OBJECT are based here on legal factors, make no mistake. There are plenty of practical site factors to object to as well – the parking issues alone are abysmal, and unlikely to survive a proper DA process once a realistic assessment of ongoing and future needs is added into what is fast-becoming a triple-whammy traffic location with enlarged pre-school, 600-student High School, and new housing developments – not just for Seniors, but also traffic to Elmslea and Elm Grove. A proper site-search is long overdue.                      Appendix L – Site-search options – the answer may be as close as Duralla St.  <b>REASON 12</b> – A final BIG objection - Financial Considerations.                      With recent rate rises – and more to come, it's fair to say QPRC is not in a happy state financially. As a ratepayer, I object to the horrendous sums that have been spent to date on this Majara StN malarkey – the flood assessment alone must have cost many \$'000's the community can ill-afford. Ditto for staff and fees on Gateway Reports doomed to fail.                      Time to get real – and get out of a dire legal \$\$ mire. Not to mention the consequent costs for new levee banks, stormwater re-organisation, easements and laneways or an alternative public road, a replacement facility for the Scouts carpark, etc, etc.  <b>An Optimistic Conclusion</b>                      As stated upfront, I have been an ardent supporter of Abbeyfield since 2017, when I moved into my sister's home in Duralla St Bungendore and heard about its plans for 4-6 Majara St.                      I have been appalled at the way Abbeyfield have been pushed and pulled from pillar to post by QPRC as a byproduct of the convolutions involved with DoE's plans for a new BHS. Seniors Housing is much-needed in Bungendore – and needed NOW, not after 4 more years of fake promises involved with site-linkage to a BHS project now in Planning limbo.                      There is no doubt that the former Schedule 1 site no longer applies – but that is the ONLY thing that needs to be changed in this 2024 Planning Proposal for Amendment to LEP 2022. All the words of encouragement and support for Seniors Housing still apply – all the user data and charts are correct.                      Find a new viable location to include in this Map, and all the above legal Reasons-to-Object disappear – along with all that</p>		

9.2 Submissions Report on Planning Proposal for Abbeyfield Seniors Housing Proposal, Majara Street, Bungendore  
Attachment 2 - Submissions Register (Continued)

	Submission:	Council response	Recommendation
	<p>future risk re legal challenges galore. ONLY THE MAP in Figure 1 needs to change – to show somewhere other than Majara StN. It's that easy.</p> <p>A quick look at google-maps suggests several Bungendore locations which may be suitable – but one that could tick all the boxes is in Appendix L. It's the small "Val Gardner" parklet in the corner of Duralla St and Mathews Place. This is Council-owned, so available under the Schedule 1 process, and with no legal complications from either Roads Act or CLMA. It's a good size, level, cleared, flood-free, and not much used as a park – I know this for sure after living just a few houses away for almost four years. It's also an easy walk to the village shops – almost as close as the Majara site would be – and a lot safer too, with no traffic in Duralla, and pedestrian pathways along Mabon St. Worth a thought.</p> <p>I make no apology for the length of this submission. It needed saying. Hopefully this time, Council will take my advice, which is to get RELEVANT legal advice. If not, so be it.</p> <p>Thank you.</p>		
23a	<p>LIST OF 12 ANNEXURES`</p> <p>Appendix A - SIX site map for Turallo Tce-Majara St area in Bungendore</p> <p>Appendix B – see media half-page ad - 3 and 17 Feb 2021. Note this is for one closure, but involving two sections of Majara St – Part A being alongside Bungendore Park, and Part B being Majara St North.</p> <p>Appendix C – QPRC letter #1 - 29 April 2021 - CEO Tegart to SINSW</p> <p>Appendix D – Questions on Notice - QPRC Meeting of 8 March 2023</p> <p>Appendix E – QPRC letter #2 - 29 April 2021 - CEO Tegart to CEO Manning, SINSW.</p> <p>Appendix F – SINSW letter – 27 Aug 2021 - CEO Manning to CEO Tegart.</p> <p>Appendix G – Planning Proposal document – Figure 1 on page 5.</p> <p>Appendix H – EBM 2pp submission re 9.1 - QPRC Meeting 24 Jan 2024</p> <p>Appendix I – Notice of Road Closure – Gazette No.69 - 1 March 2024</p> <p>Appendix J– EBM letter to Peter Tegart and QPRC Crs – Aug 2021</p> <p>Appendix K– EBM letter to Abbeyfield Head Office – July 2023</p> <p>Appendix L – Site-search options – the answer may be as close as Duralla St.</p>		No action required
24	<ul style="list-style-type: none"> <li>- It's about time the land was made available</li> <li>- QPRC documents (Local Strategic plan) commit Council to supporting housing for the ageing population in the community</li> <li>- You support the project and any changes made to see it happen, the current living environment makes this even more urgent.</li> </ul> <p>QPRC should know that the community actively supports the project - so your input would be valuable!</p>	Noted	No action required
25	<p>In summary, we:</p> <ul style="list-style-type: none"> <li>- Note that a small part of the subject land is affected by riverine flooding of Turallo Creek. However, the proposed footprint of the senior housing development is located outside the extent of the Probable Maximum Flood (PMF) on the southern half of Lot 1 with the availability of access and egress during a flood.</li> <li>- Note the Flood Impact and Risk Assessment has used the draft Bungendore Floodplain Risk Management Study Review (2023). The NSW SES would recommend ensuring that the consideration of climate change has been included to inform the flooding for the site.</li> <li>- Request that references to 'Evacuation Warning', 'Evacuation Order' and 'All Clear' are removed from updated and future flood emergency response plans (FERP) and flood impact and risk assessments (FIRA). The Australian Warning System</li> </ul>	Noted	No immediate action required. Lodgment of a DA for any proposed works will ensure a current and detailed

9.2 Submissions Report on Planning Proposal for Abbeyfield Seniors Housing Proposal, Majara Street, Bungendore  
Attachment 2 - Submissions Register (Continued)

	Submission:	Council response	Recommendation
	<p>uses three categories of hazard warnings: Advice, Watch and Act, and Emergency Warning. These categories replace the previous terminology.</p> <ul style="list-style-type: none"> <li>· Recommend site users are made aware of the flood risk in the area. There are no water level gauges along Turallo Creek. Warning times may be minimal with flood levels peaking within 12 hours of the onset of rainfall. NSW SES and the Bureau do not provide individualised flood warnings for each business site. Therefore, it is important that business owners and operators are weather aware and act early on severe weather warnings.</li> </ul> <p>You may also find the following Guidelines, originally developed for the Hawkesbury Nepean Valley and available on the NSW SES website useful:</p> <ul style="list-style-type: none"> <li>* <i>Reducing Vulnerability of Buildings to Flood Damage</i></li> <li>* <i>Designing Safer Subdivisions</i></li> <li>* <i>Managing Flood Risk Through Planning Opportunities</i></li> </ul>		assessment of the property is undertaken
26	<p>The Biodiversity, Conservation and Science (BCS) group has reviewed the planning proposal to amend Schedule 1 Additional Permitted Uses of the Queanbeyan-Palerang Regional Local Environmental Plan 2022 to allow for the supply of land for seniors housing in Bungendore, and provide the following comments.</p> <p>BCS is satisfied that the planning proposal meets the following ministerial local planning directions.</p> <ul style="list-style-type: none"> <li>1.1 - Implementation of Regional Plans</li> <li>3.1 – Conservation Zones</li> <li>4.1 – Flooding</li> </ul> <p>The planning proposal is supported by a detailed Flood Impact and Risk Assessment, Advisian November 2023 (FIRA) to identify flood related risks and how they will be managed. The FIRA establishes that the proposed development footprint is outside of the extent of the PMF. The FIRA has also identified issues relating to flood access and evacuation, however consultation with the NSW SES is not evident. Council should consult with the NSW SES on emergency management related issues.</p> <p>BCS has no further comment on this planning proposal.</p>	Noted	No action required

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

10 JULY 2024

ITEM 9.2 SUBMISSIONS REPORT ON PLANNING PROPOSAL FOR  
ABBEYFIELD SENIORS HOUSING PROPOSAL, MAJARA  
STREET, BUNGENDORE

ATTACHMENT 3 FINALISATION REPORT



**SECTION 3.36 Environmental Planning and Assessment Act 1979**  
**— PLANNING REPORT**

**Planning proposal details:**

Department Ref: PP-2024-319

QPRC Ref: PP.2024.0001

**Planning proposal summary:**

This planning proposal seeks to amend the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* (QPRLEP 2022) to remove 4-6 Majara Street, Bungendore from Schedule 1 Additional Permitted Uses, and add instead land in the immediate vicinity, north of Turallo Terrace, Bungendore (Attachment 1), to enable the land to be used for seniors housing, subject to development consent.

**Date of Gateway determination:**

- 8 March 2024

**List of Attachments:**

- Planning proposal as exhibited (Attachment 1).
  - Gateway determination (Attachment 2)
  - Submissions register (Attachment 3)
- 

**1.0 OVERVIEW**

Council has been working with Abbeyfield Bungendore to facilitate seniors housing since 2018. 4-6 Majara Street, Bungendore (Lots 13 and 14 DP 1139067) was original earmarked and an additional permitted use for seniors housing was inserted in the QPRLEP 2022.

At that time, the land was owned by Council and had been offered to Abbeyfield Bungendore for development for seniors housing, however the land was then committed to the NSW Department of Education for use as a school.

The intended outcome of the Planning Proposal (Attachment 1) is to provide for a replacement site for seniors housing (subject to development consent), on land within the immediate vicinity on a closed portion of Majara Street, Bungendore, north of Turallo Terrace.

**2.0 GATEWAY DETERMINATION**

Gateway determination for the proposal was issued by the Department of Planning, Housing and Infrastructure on 8 March 2024 (Attachment 2). It required written amendment to Part 2 of the Planning Proposal, inclusion of a zoning map identifying the new site and that the proposed amendment to the QPRLEP 2022 be finalised by 31 November 2024.

**3.0 COMMUNITY CONSULTATION**

The Planning Proposal was exhibited and notified for 30 working days between 29 April 2024 and 10 June 2024. Twenty-six written submissions were received during the exhibition period, including:

- 24 community submissions, and
- 2 State government agency submissions.

Issues raised in submissions include:

- Traffic: while this is a matter for assessment at the time of a development application, Council staff have and continue to work with NSW Department of Education to ensure appropriate traffic management in the vicinity.
- Lot size: while the shape of the proposed site is different to 4-6 Majara Street, at 1800m<sup>2</sup>, the subject lot is proposed to be larger than the current site, which is 1,721m<sup>2</sup>.
- Process to close this part of Majara Street was not correctly followed: all steps of the road closure as outlined in the NSW Roads Act 1993 have been complied with.

The points raised in submissions were considered (Attachment 3) and no changes to the proposed amendment have been made following submissions.

#### **4.0 VIEWS OF PUBLIC AUTHORITIES**

Referrals were sent to the following NSW government agencies:

- NSW Department of Climate Change, Energy, the Environment and Water (Flooding)
- NSW Department of Education (School Infrastructure NSW)
- NSW State Emergency Service

No objections were raised by any of these authorities.

#### **5.0 CONSISTENCY WITH SECTION 9.1 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS**

The Planning Proposal is consistent with Section 9.1 Ministerial Directions and *State Environmental Planning Policies*.

#### **6.0 ASSESSMENT BY DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE**

The proposal was assessed by the Department of Planning, Housing and Infrastructure as part of its Gateway Determination. The Gateway Determination report states the proposal is considered a 'land swap' between two nearby sites to continue the permissibility of seniors housing in Bungendore. It recommended that the Planning Proposal be updated prior to exhibition, by amending wording in Part 3 and including a zoning map. The exhibited Planning Proposal reflects these changes.

#### **9.0 RECOMMENDATION**

It is recommended the Minister's delegate as the local plan-making authority determine to make the amendment to the Queanbeyan-Palerang Local Environmental Plan 2022 under Clause 3.36 (2) (a) because:

- The proposal has strategic merit, being consistent with the Queanbeyan-Palerang Community Strategic Plan 2042 and Council's Local Strategic Planning Statement
- The matters raised by community submissions are able to be addressed through any subsequent development application

- It is consistent with the Gateway Determination and
- It will provide for seniors housing, with development consent in Bungendore.

**Haydon Murdoch**  
Manager  
Land-Use Planning  
Queanbeyan-Palerang Regional Council  
  
As delegate for the Minister for Planning

**Date**

Template for Delegated LEP Amendments	
Table 1 – to be completed by the department	
Stage	Date/Details
Planning Proposal Number	PP-2024-319
Date sent to department under s3.34	
Date considered at LEP Review Panel	NA
Gateway determination date	8 March 2024

Table 2 – to be completed by the RPA		
Stage	Date/Details	Notified Regional Office
Dates draft LEP exhibited	29 April 2024 and 10 June 2024	25 May 2018
Date of public hearing (if held)	not applicable	not applicable
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – to be completed by the department	
Stage	Date/Details
Notification Date and details	

Additional Relevant Information: