

Planning Report

South Jerrabomberra Planning Proposal

Client:
Queanbeyan City Council

Date:
21 July 2015

Contact:

Debrah Barr and Jenny Rudolph
Debrahb@elton.com.au
9387 2600

Sydney**02 9387 2600**

Level 6
332 – 342 Oxford Street
Bondi Junction NSW 2022

www.elton.com.au

consulting@elton.com.au
Sydney | Canberra | Darwin
ABN 56 003 853 101

Prepared by	Debrah Barr and Jenny Rudolph
Reviewed by	Jenny Rudolph
Date	21 July 2015
Document name	South Jerrabomberra Planning Report - Final amended.docx
Version	Final

Contents

EXECUTIVE SUMMARY	5
1 INTRODUCTION	7
1.1 Overview	7
1.2 Background	9
1.2.1 Land releases in Queanbeyan Local Government Area	9
1.2.2 South Jerrabomberra Development Control Plan 2014	11
1.2.3 Planning Proposal	11
1.2.4 Gateway Determination	11
1.3 Supporting Reports	12
1.4 Structure of the Report	14
2 LAND TO WHICH THE PLANNING PROPOSAL APPLIES	15
2.1 Site Description	15
2.2 Existing development	16
2.3 Surrounding context	17
2.4 Planning context	18
3 PLANNING PROPOSAL OVERVIEW	19
4 PART 1 OBJECTIVES AND INTENDED OUTCOMES	20
5 PART 2 EXPLANATION OF THE PROVISIONS	22
5.1 Proposed Land Use Zoning	22
5.1.1 Description of proposed zones	22
5.1.2 Justification of proposed zones	23
5.2 Proposed Floor Space Ratio	36
5.3 Proposed Height of Buildings	36
5.4 Proposed Minimum Lot Sizes	37
5.4.1 Description of proposed minimum lot sizes	37
5.4.2 Justification of proposed minimum lot sizes	38
5.5 Proposed Urban Release Area	40
5.6 Proposed Local Provisions	40
5.7 Land Application Map	40
5.8 Land Reservation Acquisition Map	41
5.9 Explanation of Other Controls	41
5.9.1 Development in areas subject to aircraft noise	41
5.10 Access to the site	41
5.11 Relationship to existing planning instruments	42
6 PART 3 JUSTIFICATION	43

6.1	Section A – Need for the Planning Proposal	43
6.2	Section B – Relationships to strategic planning framework	43
6.3	Section C – Environmental, social and economic impact	49
6.4	Section D – State and Commonwealth interests	62
7	PART 4 MAPPING	63
8	PART 5 COMMUNITY CONSULTATION	69
9	PART 6 PROJECT TIMELINE	70
10	CONCLUSION	71

APPENDICES

A	Gateway Determination	73
B	Recommendations	82

FIGURES

Figure 1	Study Area Location	8
Figure 2	Excerpt of South Jerrabomberra Strategy Map	10
Figure 3	Land ownership map	16
Figure 4	Environmental Planning Instruments currently in force	18
Figure 5	Opportunity and constraints map of the Study Area	21
Figure 6	Location and extent of proposed zones in Study Area.....	23
Figure 7	Distance between Study Area and asphalt plant.....	24
Figure 8	Area of dispute over extent of biodiversity constraints	30
Figure 9	Proposed Riparian Lands and Watercourses Map	35
Figure 10	Proposed Height of Buildings Map.....	37
Figure 11	Proposed minimum lot sizes	40
Figure 12	Approved Strategic Context Plan for the Northern Entry Road	42
Figure 13	Location of threatened flora and fauna.....	51
Figure 14	Conservation Significance	52
Figure 15	Areas of Environmental Concern.....	54
Figure 16	Site constraints overlay map	55
Figure 17	Asset Protection Zones (APZs).....	59
Figure 18	Location of Archaeological Sites and PADs.....	61

TABLES

Table 1	Consultants engaged to prepare technical reports.....	13
Table 2	Consultants engaged by proponents to inform recommendations	14
Table 3	Summary of interface separation distances between industrial and residential uses..	25
Table 4	Consistency with SEPPs	45
Table 5	Consistency with Ministerial Directions	45
Table 6	Threatened flora and fauna located in the Study Area	50
Table 7	Project timeline.....	70

Executive Summary

On the 22 May 2013, Queanbeyan City Council resolved to prepare a Planning Proposal to amend the Queanbeyan Local Environmental Plan (South Tralee) 2012 (South Tralee LEP) to rezone land at South Jerrabomberra. The land was identified as having potential for urban uses, outside the ANEF 20 contour, and generally consistent with the endorsed Queanbeyan Residential and Economic Strategy 2031 and Addendum Report.

In September 2013, Queanbeyan City Council received a Gateway Determination from the Department of Planning and Infrastructure (now known as the Department of Planning and Environment) granting approval to proceed to public exhibition with the amendment to Queanbeyan LEP (South Tralee) 2012 for South Jerrabomberra subject to a number of conditions.

This rezoning application has been informed by:

- » Background studies which were identified by the Department of Planning as part of the Gateway Determination
- » Supplementary reports prepared by consultants engaged by the proponents of the Study Area
- » The existing 250m buffer in South Tralee which separates the existing Hume Industrial Estate and the more sensitive residential uses
- » Protecting and conserving areas of high conservation significance and areas with moderate to good and good vegetation
- » Protecting and conserving the location of habitats of threatened flora and fauna species
- » Protecting areas of high potential for archaeological deposits
- » Sensitive planning and protecting the visual impact on larger lots areas suitable for development.

Ministerial Directions and Planning Framework

The Planning Proposal has addressed and meets the relevant Ministerial Directions and strategic planning framework, including the Queanbeyan Residential and Economic Strategy 2031.

This Planning Proposal will achieve a favourable outcome for the Queanbeyan City Council LGA in providing additional housing to meet the endorsed Queanbeyan Residential and Economic Strategy 2031.

Proposed amendments to South Tralee LEP

The proposed amendments to the South Tralee LEP include:

Zone

The proposal seeks to rezone the Study Area into three zones:

- » R1 General Residential zone – across the majority of the Study Area to enable a range of residential densities and accommodation types to be constructed. The general permissible uses for this zone include the opportunity for the creation of a neighbourhood shop which will encourage healthy lifestyles and walkable neighbourhood

- » E2 Environmental Conservation zone - will protect and conserve areas which are subject to moderate to high conservation significance and the location of habitats and known locations of threatened and endangered species
- » RE2 Private Recreation zone – located along the western boundary to provide a sufficient buffer between the existing Hume Industrial Estate and the Study Area for a width of 150m, and to provide protection for Dog Trap Gully/Creek.

The application of these zones through the Study Area will ensure consistency in the zones at South Tralee and South Jerrabomberra.

Lot Size

The proposed rezoning seeks to limit the extent and density of development due to the steep topography of Tralee Hills and protecting the key strategic vantage points of the site from surrounding areas. Future development will be restricted by the 740m ASL contour line, which is consistent with the approach adopted at South Tralee. Above the 740m ASL, the land will be affected by a minimum lot size of 80 hectares.

Land between 710m and 740m ASL will act as a transition zone between the steeper slopes and the flatter areas where development is less constrained. This area will be subjected to a minimum lot size of 1000sqm and be subject to the same controls in the South Jerrabomberra Development Control Plan 2014.

A portion of land in the eastern part of the Study Area will be subjected to a minimum lot size of 600sqm. This minimum lot size provides a buffer between the higher density residential development of the central part of the Study Area and the E2 Environmental Conservation zone.

Development below the 710m ASL contour will have a minimum lot size of 330sqm, which is consistent with much of the R1 General Residential zone at South Tralee.

Biodiversity and Conservation Lands

To retain and protect land which has biodiversity and conservation value, the Planning Proposal recommends imposing an E2 Environmental Conservation zone. This zone will ensure that the existing biodiversity connectivity between the Study Area, South Tralee and Tralee Hills is maintained. This zone will also ensure that the current environmental protection standards that apply to land which has high conservation value are not reduced.

Aircraft Noise

The Study Area will need to comply with AS2021 to mitigate aircraft noise impact. The ANEF 20 contour is not a definitive physical line which offers future residential properties protection from aircraft noises. The properties closest to the ANEF 20 contour are located on higher land which may lead them to be more susceptible to aircraft noise impacts. The Planning Proposal recommends that Clause 7.3 of the South Tralee LEP be extended to apply to the future residential and other noise sensitive developments at South Jerrabomberra.

Proposed amendments to the South Jerrabomberra DCP

As part of this Planning Proposal, amendments and inclusions to Council's South Jerrabomberra Development Control Plan 2014 are proposed including controls relating to:

- » Bush fire
- » Stormwater
- » Aboriginal archaeological and cultural heritage
- » Biodiversity
- » Noise and vibration from the railway line and proposed roads.

1 Introduction

1.1 Overview

Elton Consulting have been commissioned by Queanbeyan City Council to provide assistance in the preparation and assessment of the Planning Proposal for the land described as South Jerrabomberra.

This Planning Proposal contains an explanation of the intended effect and justification to rezone the land in South Jerrabomberra identified as having potential for urban purposes in the Queanbeyan Residential and Economic Development Strategy 2031 and outside of ANEF 20.

In identifying land for future development, Queanbeyan City Council took into account a number of spatial constraints including:

- » The existing and projected 2050 noise contours of Canberra Airport as contained in the recently approved Canberra Airport Master Plan 2014-2034 (expressed as an ANEF)
- » The location of threatened species and endangered ecological communities
- » Industrial noise and odour buffers from industrial uses in the Australian Capital Territory
- » Riparian buffers to Dog Trap Gully/Creek
- » The servicing and visual impacts necessitating development staying below the 740m contour of Tralee Hills to the south of the Jerrabomberra Valley.

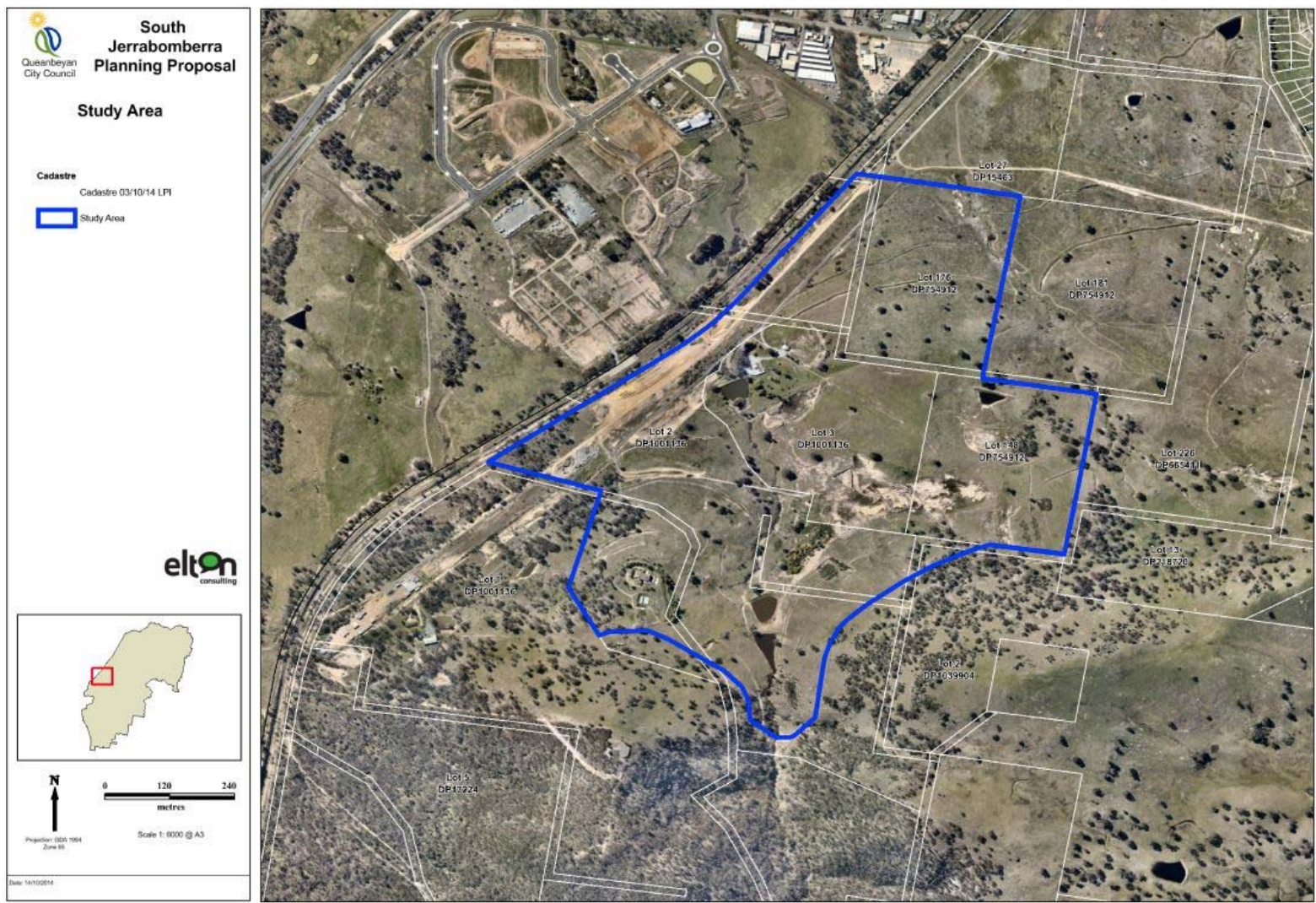
The Planning Proposal seeks to rezone land at South Jerrabomberra ('Study Area') to allow for a range of residential development to occur on the site. This will be achieved through an amendment to the existing Queanbeyan Local Environmental Plan (LEP) (South Tralee) 2012, which will also be renamed Queanbeyan LEP (South Jerrabomberra) 2013.

The site includes areas of Forrest Morrison and parts of Tralee Station and is legally described as:

- » Lot 176 DP 754912
- » Lot 148 DP 754912
- » Lot 2 DP 1001136
- » Lot 3 DP 1001136

The site subject to the Planning Proposal is shown in Figure 1.

Figure 1 Study Area Location



Source: Elton Consulting

1.2 Background

1.2.1 Land releases in Queanbeyan Local Government Area

Queanbeyan City Council's Residential and Economic Strategy 2031 was prepared following a request by the NSW Minister for Planning to prepare a 25 year residential and employment lands strategy to resolve the issue of land releases in the Queanbeyan area.

The Strategy considered the principles of the signed Memoranda of Understanding between the NSW and ACT Governments on water supply and settlement, the findings of the Queanbeyan Land Release Inquiry and the Vision Strategy – Queanbeyan Tomorrow Community Vision 2021.

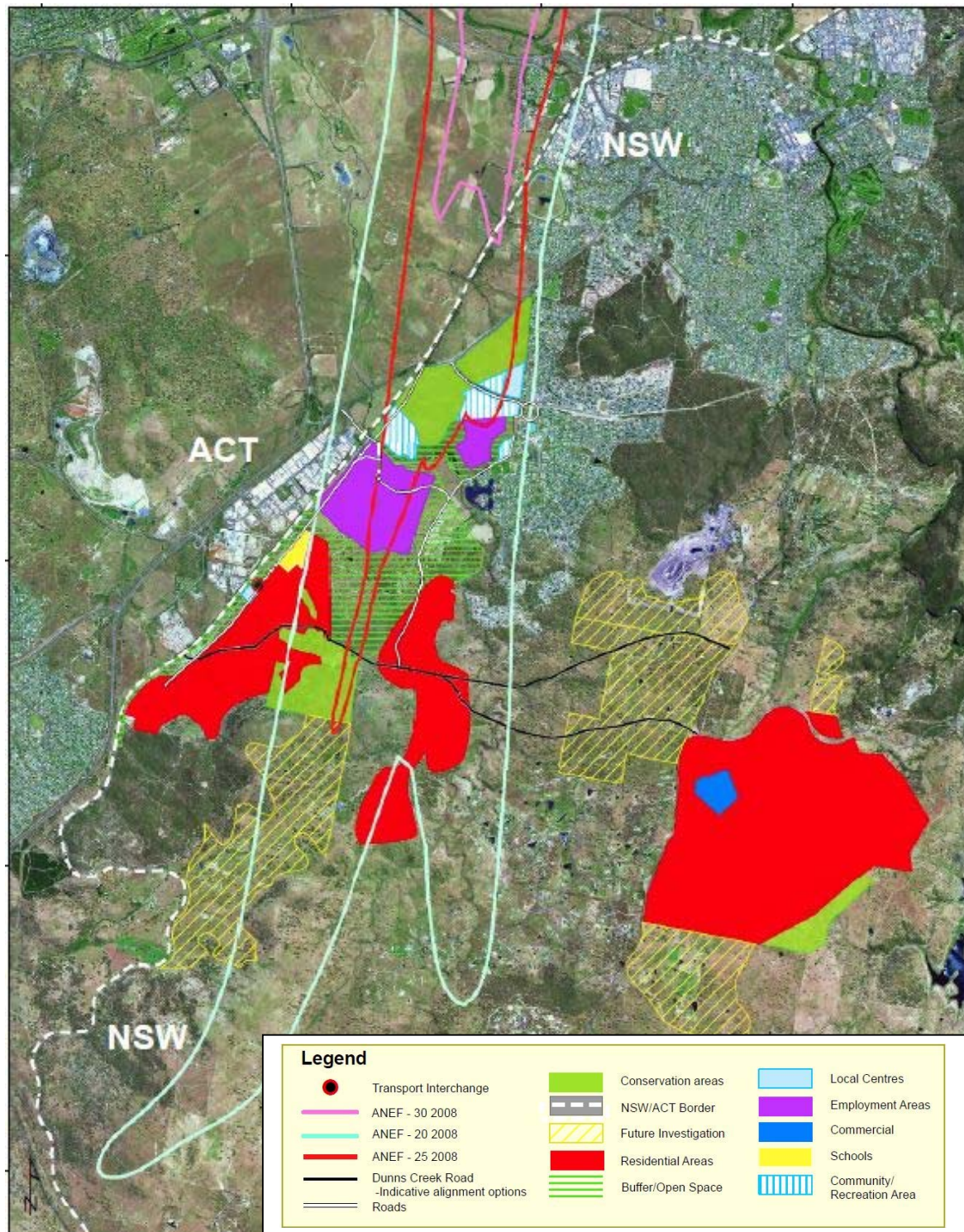
The Strategy identified the need to create an additional 10,000 dwellings and 100 hectares of employment lands from new release areas within Queanbeyan over the next 25 years. The Strategy also confirmed that affordable housing choices would be facilitated through supporting the creation of a number of release areas.

The Strategy was endorsed by the then Minister of Planning in April 2007.

In 2008 the Strategy maps were amended to revise the spatial distribution of land uses at South Jerrabomberra to address the constraints presented by Canberra International Airport's new Australian Noise Exposure Forecast (ANEF) endorsed by Airservices Australia. The amendments to the Strategy maps also reflected Ministerial Direction 3.5 Development Near Licensed Aerodromes, which only applies to land within ANEF 20-25. The new contours of ANEF 20-25 pose a constraint to residential, and some community, uses in part of the South Jerrabomberra area, including South Tralee.

All of the Forrest Morrison lands, together with South Tralee Station, have been included within the Queanbeyan Residential and Economic Strategy 2031 as shown in Figure 2. The subject land has been identified as potential residential areas.

Figure 2 Excerpt of South Jerrabomberra Strategy Map



Source: Department of Planning, December 2008, *Queanbeyan Residential and Economic Strategic Map*

1.2.2 South Jerrabomberra Development Control Plan 2014

In response to South Jerrabomberra being identified as a potential residential area, Queanbeyan City Council prepared a new Development Control Plan to guide future development, including land within the Study Area. The South Jerrabomberra Development Control Plan 2014 was adopted by Council at its Planning and Development Review Committee meeting on 11 February 2015, and commenced on 6 March 2015.

1.2.3 Planning Proposal

On the 24 June 2009, QCC resolved (Resolution 201/09) to prepare an LEP to rezone land at South Jerrabomberra. The land was identified as having potential for urban uses, outside the ANEF 20 contour, and generally consistent with the endorsed Queanbeyan Residential and Economic Strategy 2031 and Addendum Report.

This decision is consistent with the NSW Government's decision in respect of the rezoning of South Tralee where only land outside of the ANEF 20 has been allowed to proceed.

This Planning Proposal was prompted by the draft Section 117 Ministerial Direction 5, which in its current form has the potential to prevent further rezoning of land in South Jerrabomberra to residential. Queanbeyan Council received notification in June 2014 from the Minister for Planning that the *draft Ministerial Direction ... for land in the vicinity of Canberra Airport ... (will) not proceed with its finalisation*. The Minister further advises that she has



instructed the Department of Planning and Environment, when considering any future proposals for residential or other noise sensitive uses in this area, to ensure that the strategic economic importance of Canberra Airport and its 24-hour curfew free status are given full weight in the decision making process.

The Planning Proposal was subsequently endorsed by QCC at its meeting on the 22 May 2013 (Resolution 091/13). In August 2013, QCC prepared a planning report to explain the intended effect of the proposed rezoning and set out the justification for making the proposed amendment, under Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This report was submitted to the Department of Planning and Infrastructure.

1.2.4 Gateway Determination

In September 2013, QCC received a Gateway Determination from the Department of Planning and Infrastructure (now known as the Department of Planning and Environment) granting approval to proceed to public exhibition with the amendment to Queanbeyan LEP (South Tralee) 2012 for South Jerrabomberra subject to a number of conditions.

The Gateway determination required a number of studies to be carried out to inform the Planning Proposal:

- » Biodiversity, flora and fauna
- » Bushfire
- » Air quality, noise, visual assessments
- » Heritage
- » Urban capability
- » Stormwater management
- » Contamination

» Traffic.

These studies have now been completed and have informed the basis for the proposed zones for the area detailed in this report.

The Gateway Determination also set out the requirements for consultation and timeframe for completion as follows:

- » Planning Proposal must be exhibited for a minimum of 28 days
- » The Relevant Planning Authority (RPA) must comply with the notice requirements for public exhibition of Planning Proposals and the specifications for material that must be made publicly available along with planning instruments as identified in section 5.5.2 of *"A Guide to Preparing Planning Proposals"*
- » Consultation is required with the following public authorities and/or compliance with the relevant section (s) 117 directions (Ministerial directions):
 - > Office of Environment and Heritage
 - > Transport for NSW
 - > NSW Rural Fire Service (s117 Direction 4.4 Planning for Bushfire Protection)
 - > ACT Government
- » Timeframe for completion of the LEP is 24 months from the week following the Gateway Determination being 25 September 2015.

Appendix A provides a copy of the Department's letter and Gateway Determination.

The Minister delegated his planning powers to Council in October 2012. QCC has accepted this delegation, however asked not to use its delegation in the making of the Plan. The Minister's delegate considered QCC request but has decided to issue an authorisation for Council to exercise its delegation as the proposal is implementing the endorsed Queanbeyan Residential and Economic Development Strategy 2031.

QCC has recently sought an extension from the Department of Planning and Environment to the timeframe for completion. The Department has granted consent for this extension, with the new timeframe for the proposed rezoning being 36 months from the date of Gateway determination being 25 September 2016.

1.3 Supporting Reports

Queanbeyan City Council engaged consultants to prepare technical report to assess and make recommendations to inform the proposed rezoning of the land in South Jerrabomberra. The following table lists the consultants engaged and the reports they prepared.

Table 1 Consultants engaged to prepare technical reports

Consultant	Report Title
Ironbark Heritage & Environment	A Cultural Heritage Due Diligence Assessment for South Jerrabomberra, NSW, May 2014.
Pacific Environment Limited	Planning Proposal Area within South Jerrabomberra – Air Quality Assessment, 3 October 2014.
EcoLogical Australia	Biodiversity Study – South Jerrabomberra, May 2014.
EcoLogical Australia	Bushfire Constraints and Management South Jerrabomberra Planning Proposal Area, 29 August 2014.
ACT Geotechnical Engineers Pty Ltd	Urban Capability Planning Proposal Areas within South Jerrabomberra NSW Preliminary Geotechnical Investigation Report, October 2014.
Cardno	Urban Capability Planning Proposal Area within South Jerrabomberra Stormwater Management Assessment, 2 October 2014.
AECOM	South Jerrabomberra Phase 1 Contamination Assessment, 13 August 2014.
Pacific Environment Limited	Planning Proposal Area within South Jerrabomberra – Noise Assessment, 3 October 2014.
dsb Landscape Architects	South Jerrabomberra Planning Proposal Area Landscape Character and Visual Assessment Report, 2 October 2014.

These reports accompany this Planning Proposal, under separate cover.

The proponents raised concerns about some of the recommendations contained in the aforementioned reports and engaged their own consultants to provide an alternative solution to some of the constraints identified in rezoning the Study Area. These reports, which are listed below, also accompany this Planning Proposal, have been reviewed and analysed to inform the recommendations made in this report.

Table 2 Consultants engaged by proponents to inform recommendations

Consultant	Report Title
GHD	High Biodiversity Constraint Mapping in South East Portion, 16 October 2014
Knight Frank Town Planning	Industrial and Residential Lands Interface, 10 December 2014.
ae design partnership	Tralee Station: South Jerrabomberra Planning Proposal – Biodiversity, 5 May 2015.
The Acoustic Group	Proposed Rezoning South Jerrabomberra, 12 January 2015.

1.4 Structure of the Report

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*”. It includes the following:

- » Description of the subject site and its context
- » Indicative site plan showing sufficient detail to indicate the effect of the proposal (Conceptual Plan)
- » Statement of the objectives and intended outcome of the proposal
- » Explanation of the provisions of the proposal
- » Summary of the justification of the proposal
- » Description of the community consultation process that would be undertaken by the proponent.

2 Land to which the Planning Proposal applies

2.1 Site Description

The Planning Proposal initially affected an area of approximately 140 hectares in South Jerrabomberra, which is on the border of NSW and ACT in the Queanbeyan LGA. The Study Area is located immediately south of an area of South Tralee which has recently been rezoned for urban purposes. To the west of the Study Area is a disused railway line. To the south and east of the Study Area are the Tralee Hills.

At the commencement of the Planning Proposal process, the Study Area comprised three parcels of privately owned land. However, through the preparation of the technical studies and investigations by various consultants, Council considered that the southern-most property was found to be significantly constrained to enable any reasonable form of urban development. The property was removed from the Planning Proposal. Following the removal of one of the original parcels of land, the Study Area now comprises an area of about 111 hectares and is located on the border of NSW and ACT in the Queanbeyan LGA.

The Study Area consists of two parcels of land in separate ownership as shown in Figure 3 and detailed below.

- » Parcel 1 – located in the northern part of the subject land with an area of approximately 54.1 hectares and comprises a single storey residential dwelling and farming infrastructure including a shearing shed, dams and paddocks. This parcel is legally known as Lots 148 & 176 DP 754912 and Lot 3 DP 1001136.
- » Parcel 2 – Tralee Station - located in the southern part of the subject land, with an area of approximately 57.2 hectares and contains a single residential dwelling, tennis court and lands associated with agricultural pursuits. This parcel is legally known as Lot 2 DP 1001136.

Figure 3 Land ownership map



Source: Queanbeyan City Council, Brief for Consultants Document

2.2 Existing development

The site contains:

- » Two dwellings and ancillary development, from each ownership Parcel
- » A partly complete airfield
- » Stockpiles of unknown fill, potentially builders' rubble

- » Stockpiles of building equipment, including tractors and pipes
- » Cleared land which is used for stock grazing purposes.

Some key features of the site include:

- » Topography: regional topography is comprised of low hills to undulating slopes with isolated moderately inclined rolling hills. The maximum elevation is approximately 740m above sea level (ASL) and the minimum is at 620m ASL.
- » Water Courses: Dog Trap Creek is a majority tributary of Jerrabomberra Creek and is located within the site. It is recognised as a second order watercourse with low water and steep sided hills as banks. The Creek runs in a northerly direction through the site.
- » Landscape: contour banks have been installed along the slopes of the Tralee Hills to function as erosion control and water runoff control. The site has been extensively cleared for agricultural pursuits, quarrying and the partial construction of an aircraft runway.
- » Access: Access to the site is from a partially sealed road which heads south along the western boundary of the Study Area adjoining the railway line, extending from Alderson Place, through Parcel 1 and then on to Parcel 2, and beyond to the property south of the Study Area.
- » Acoustics: key noise sources which may affect the rezoning include Hume Industrial Estate, the reinstatement of the railway line along the western boundary, the Monaro Highway to the west and location under the flight path for aircraft using Canberra Airport. The site is also within close proximity to land affected by Australian Noise Forecast (ANEF) 20-25 contour.
- » Odour Sources: the key odour sources include the Hume Industrial Estate (particularly the asphalt plant) and the Mugga Lane resource management facility.
- » Utility Services: The site is currently not serviced by potable water, sewer, stormwater, electricity and telecommunications.

A site survey plan is included within the *Landscape Character and Visual Assessment Report* prepared by dsb Landscape Architects.

2.3 Surrounding context

The topography of the local area is dominated by Tralee Hills, which are prominent feature of the landscape, being at, and to the south-east of the site. The Hills have an elevation of about 860m ASL. The north and north-westerly slopes of the Tralee Hills forms the majority of the Study Area.

The site lies within areas of mix of grassland, agricultural land used for grazing and areas used for rural-residential land, Hume Industrial Estate, bushland and land recently rezoned for urban purposes.

The immediate surrounds comprise a variety of land uses described below.

- » To the west is a disused Goulburn/Bombala railway line located along the ACT border.
- » To the north-west, beyond the railway line lies a large industrial estate known as Hume. The estate has a total area of 3,184 hectares with 155.9 hectares (49%) currently unleased. Its role is to provide for regional manufacturing, saw milling, processing warehousing and storage, freight transport, public utilities and industrial sales. Recycling is also envisaged on the large blocks. The area will also accommodate industrial enterprises requiring rail access and service industries.
- » To the north, the area of South Tralee recently rezoned for urban purposes.
- » To the south and south-east are the Tralee Hills.

2.4 Planning context

The site is subject to two environmental planning instruments Yarrowlumla LEP 2002 and the Queanbeyan LEP 2012. The site is currently zoned environmental protection/conservation under these planning instruments as follows:

- » Yarrowlumla LEP 2002: Zone No 7 (e) (Environmental Protection Zone)
- » Queanbeyan LEP 2012: E2 Environmental Conservation.

Figure 4 Environmental Planning Instruments currently in force



Source: Queanbeyan Council

3 Planning Proposal Overview

This Planning Proposal has been prepared in accordance with Sections 55(1) and (2) of the *Environmental Planning and Assessment Act 1979* with consideration of the relevant guidelines, namely “*A guide to preparing planning proposals*” issued by the Department of Planning (October 2012).

Accordingly, the proposal is discussed in the following parts:

- » **Part 1** – Objectives and intended outcomes of the proposed instrument
- » **Part 2** – Explanation of provisions
- » **Part 3** – Justification
- » **Part 4** – Maps
- » **Part 5** - Community Consultation
- » **Part 6** – Project Time.

Discussion for each of the above parts is outlined in the following chapters.

4 Part 1 Objectives and intended outcomes

The purpose of the Planning Proposal is to rezone the subject land from environmental protection/environmental conservation zones to primarily R1 General Residential, with some areas proposed to be zoned to RE2 Private Recreation and E2 Environmental Conservation. The proposed zoning has been informed by the urban land capability study detailed in this report.

The objective of the Planning Proposal is to provide for additional mix of dwellings in the South Jerrabomberra area that lie outside the current ANEF 20 to meet residential demand in accordance with Queanbeyan's Residential and Economic Strategy 2031. The intended outcome is to deliver housing supply to provide for housing affordability and choice.

The proposed rezoning has also been informed by:

- » Background studies commissioned by both Council and the proponents to inform this Planning Proposal
- » The existing 250m buffer in South Tralee between future residential uses and the existing Hume Industrial area
- » Protecting and conserving areas of high conservation significance, areas with moderate to good and good vegetation
- » Protecting and conserving the known, recorded or assumed locations of habitats of threatened flora and fauna species, for example the Pink-tailed Worm Lizard's (*Aprasia parapulchella*) habitat and the small purple pea (*Swainsona recta*)
- » Protecting areas of high potential for archaeological deposits (PAD)
- » Ensuring larger lots are proposed for areas with steep topography where future development may be constrained and protecting the visual impact of these higher lots.

An opportunity and constraints map (refer to Figure 5) has been prepared as a result on the analysis and information (each of the consultants' reports is acknowledged and summarised in Section 6 of this report).

The proposed rezoning also responds to the emerging pattern of urban development in the recently rezoned area of South Tralee. The proposed zones have been determined by background studies and workshops with Council and land owners. The proposed rezoning will facilitate the subsequent lodgement of development applications for the redevelopment of the subject land.

Figure 5 Opportunity and constraints map of the Study Area



Source: Elton Consulting

5 Part 2 Explanation of the provisions

The proposed outcome will be achieved by amending Queanbeyan LEP (South Tralee) 2012 as follows:

5.1 Proposed Land Use Zoning

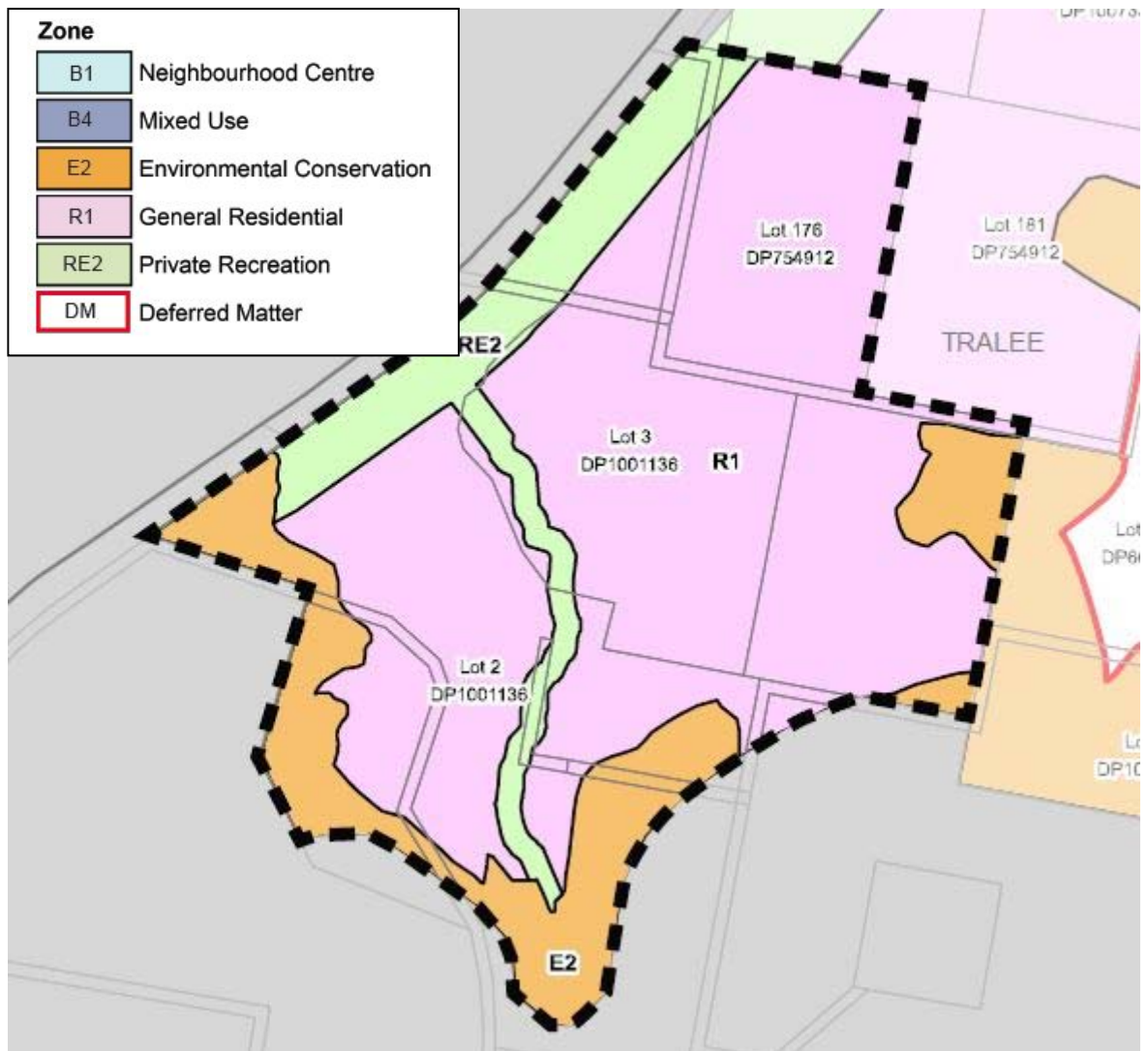
5.1.1 Description of proposed zones

The Planning Proposal seeks to rezone the subject land a combination of the following zones:

- » R1 General Residential
- » E2 Environmental Conservation
- » RE2 Private Recreation.

These zones already apply to the South Tralee neighbourhood, to the north of the Study Area. The intention of extending the application of these zones is to promote consistency in the expectations of development types within this area of Queanbeyan and to provide certainty to future proponents. An excerpt of the proposed zoning map is provided below:

Figure 6 Location and extent of proposed zones in Study Area



Source: Chartis Technology & Elton Consulting

5.1.2 Justification of proposed zones

The location and extent of each of these zones has been influenced by an array of issues and constraints affecting the Study Area, including:

1. Providing sufficient separation distances and physical and visual buffers between the proposed residential area from the impacts of the existing and future adjoining Hume Industrial Estate
2. Protecting the future residential area from the impacts of the existing railway line, should it be re-commissioned, and the existing and future road networks which is on the western boundary of the subject site
3. The existing Monaro Highway and the proposed Northern Entry Road
4. Conserving the threatened flora and fauna, and their habitat
5. Protecting and conserving the existing riparian corridor.
6. Protecting locations containing Aboriginal archaeological relics and non-Aboriginal heritage items

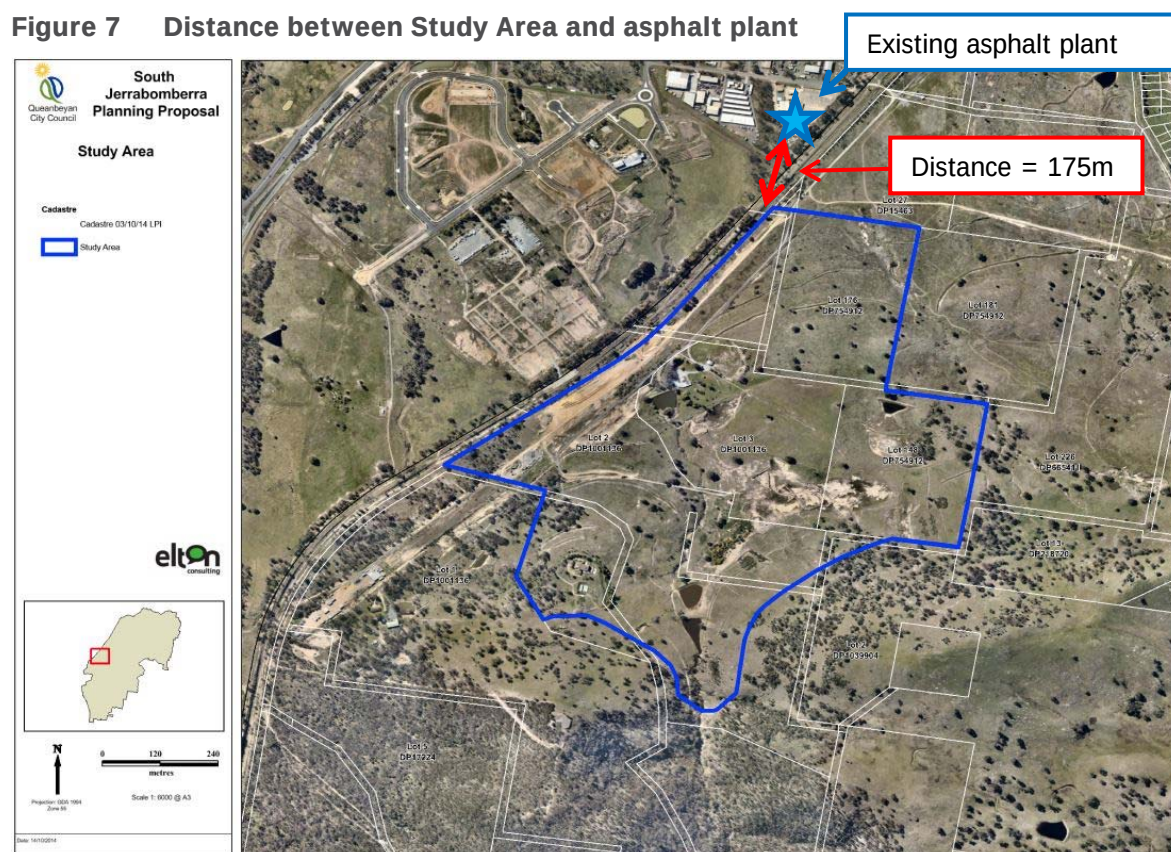
Each of these items is outlined below to support the justification for the proposed zones.

1. Buffer

The Hume Industrial Estate is located in the ACT, on the border with NSW. The industrial area adjoins the western boundary of the Study Area. At present, the Estate is not fully developed with approximately 50% of the properties remaining vacant. The rezoning of the Study Area has considered the future impacts on the Study Area of noise, vibration and air quality issues that may arise from adjoining this existing industrial estate. A separation distance (buffer) is recommended. Future impacts are also likely to involve expansion of the Hume Industrial area as proposed under the Eastern Broadacre Planning Study.

The closest existing industry which has an impact on South Jerrabomberra is an asphalt plant. As can be seen in Figure 7, the asphalt plant is approximately 175m to the north-western corner of the Study Area. NSW does not currently have any appropriate guidelines or policies which recommend separation distances, from an air quality perspective, between noxious industries and sensitive land uses.

Figure 7 Distance between Study Area and asphalt plant



Source: Elton Consulting

Knight Frank undertook an assessment of the interface between industrial and residential lands on behalf of Village Building Company. This assessment analysed existing guidelines and standards used in Victoria and provided examples of existing scenarios where industry and residential uses adjoin each other.

The assessment concluded that there is no standard approach to the treatment of interfaces in NSW and there is no adopted practice to impose a 250m buffer between these two uses. Further, NSW has no specific standard on which to base a separation distance. To support their conclusions, Knight Frank provided the following examples:

Table 3 Summary of interface separation distances between industrial and residential uses

Location	Zoning	Interface key attributes
Newington (western Sydney – adjacent to Homebush/Olympic Park) New integrated housing estate built circa 2000-2004	General Industry and Medium Density Residential	12m setback required for dwellings adjacent to industrial estate. Rear yards to industrial estate now comprise of established/ mature screen.
Woodpark Road, Smithfield (west of Parramatta) Residential established circa 1980's	General Industrial and Low Density Residential	Specified buffer in local planning controls. Buffer a width of 60m. Dense tree planting along part of the common boundary.
Factory Street, Granville (south of Parramatta) Residential established circa 1950's	General Industrial and Low Density Residential	No specified buffer distances. Industry and residential separated by road. Road reserve width, say 30m.
Mitchell (northern part) ACT Residential established circa 2004	Majority General Industrial (IZ1) with limited area of Industrial Mixed Use (IZ2). Residential zoned RZ3 (Urban Residential) and (CZ5) Mixed Use	No specific buffer measures. Separation provided by road. Distance between industrial block boundaries and residential averages 100m.
Fyshwick (ACT) Residential established circa 1970's	Industrial Mixed Use (IZ2) Residential zone (RZ1)	No specific buffer measures. Separation provided by road (Canberra Avenue). Distance between industrial block boundaries and residential averages 100m.
Hume (ACT) Residential in NSW zoned by South Tralee LEP	Majority General Industrial (IZ1). Residential in South Tralee zoned General Residential	Buffer distance of 250m. Screen planting proposed by DCP. Additional acoustic and vibration standards to be met also included in the South Tralee LEP.

Source: Knight Frank

As can be seen from the table above, various methods to separate industrial and residential uses have been used by different council areas. These range between using road reserves to physical separation buffers of between 12m and 250m and landscaping measures.

The alignment of the Northern Entry Road will assist in separating the existing and future industrial uses from the Hume Industrial Estate and the future proposed residential area of South Jerrabomberra.

Further, a noise impact assessment undertaken by The Acoustic Group recommends a separation distance of 80m from the rail track of the Goulburn/Bombara railway line to residential uses to provide acoustic protection.

Work undertaken by both Knight Frank and The Acoustic Group clearly indicates a buffer is required to separate the existing and future Hume Industrial Estate and the proposed residential neighbourhood in South Jerrabomberra. Council may consider two options:

- » Retaining and extending the existing 250m buffer from South Tralee
- » Imposing a 150m buffer along the western boundary.

Each of these options is considered in detail below.

Extend existing 250m buffer

A 250m buffer, which is based on guidelines from the EPA (Victoria), has been imposed to separate the Hume Industrial Estate and South Tralee. This buffer distance was imposed to provide sufficient separation between the residential dwellings of South Tralee and the existing industrial area.

Within this buffer, the land to the north is zoned a combination of RE2 Private Recreation, B1 Neighbourhood Centre and B4 Mixed Use. These land uses offer opportunities for a range of development types including parklands, hotel/motel accommodation, shop top housing and seniors housing. Where sensitive uses are proposed, noise mitigation measures such as location of buildings, orientation of noise sensitive rooms etc will be required and considered at development application stage.

One option is to continue this same buffer area to ensure consistency in approach across the land release areas.

Imposing reduced 150m buffer

A 150m wide buffer together with associated buffer measures as development controls in an alternative buffer option. It should be noted that the combination of the buffer and the design control is required to provide sufficient and adequate mitigation from the impacts from the Hume Industrial Estate.

The South Jerrabomberra Study Area is located to the south and east of the Hume Industrial Estate and is unlikely to be as affected by the noise, vibration and air quality impacts of the existing and future industry at the industrial estate.

The Territory Plan, and the specific development controls relating to industrial developments in the vicinity of the residential uses, has controls which consider residential uses to ensure no detrimental impacts in terms of noise, vibration and air quality effects. These controls will assist in protecting the amenity of the future residential area proposed at South Jerrabomberra.

A 150m wide buffer with alternative 'buffers' measures can assist in reducing the impacts of the Hume Industrial Estate. The alternative 'buffers' measures may include a landscape mound (similar to that included in the South Jerrabomberra Development Control Plan 2014) or a flora and fauna reserve which re-establishes the connectivity between the remnant vegetation on either side of the airstrip particularly in areas of high conservation significance (Ecological, May 2014).

A reduction in the buffer between the existing Hume Industrial Estate and the future residential neighbourhood is considered reasonable. The 150m would comprise 100m within the boundaries of the Study Area and 50m within the ACT Government. The proposed buffer would be included on the 'Local Clauses Map' as part of this rezoning, albeit with a reduced width. The reduction of this separation is reliant on an additional use of 'earthworks' which is 'permitted with consent' in the Local Environmental Plan to enable works to be undertaken to achieve the proposed landscape mounds. Planning controls in the South Jerrabomberra Development Control Plan 2014 will also be required to be inserted. The creation of a landscaped mound will provide a sufficient buffer for the future residential properties from visual, acoustic, vibration and odour impacts from the industrial area. While there is no technical guide for this proposed separation, it is believed that the physical

separation together with the landscaped mound or screen planting will result in an increase in the developable area at South Jerrabomberra and will protect the amenity of future residences. Careful consideration in the design and internal layouts of future residences will also be required, particularly in relation to the direction or the potential industrial noise sources and the location of sensitive areas.

Recommendation

It is recommended that:

- » The proposed buffer be zoned RE2 Private Recreation to be consistent with the existing zone affecting the buffer at South Tralee
- » Clause 7.4 of the Queanbeyan Local Environmental Plan (South Tralee) 2012 be extended to apply to the Study Area
- » The Local Clauses Map be updated
- » 'Earthworks' be included as a use which is 'permitted with consent' in the RE2 Private Recreation zone in the Local Environmental Plan
- » Details of this landscaped mound be included within Queanbeyan Council's South Jerrabomberra Development Control Plan 2014.

2. Goulburn/Bombala Railway Line

Along the western boundary of the Study Area is the Goulburn to Bombala Railway line. Although there are no immediate plans to re-commission this line consideration needs to be given to any future use of the line in terms of any vibration and noise impact on future residences in close proximity.

The proposed 150m buffer, which protects the sensitive land uses like residential dwellings, seniors living developments and the like, from the existing and future industry, will also assist in providing protection against any potential noise and vibration impacts of the railway line. However, as further protection and to comply with the Department of Planning's *Development near rail corridors and busy roads – interim guideline*, it is recommended that sensitive developments within 60m of the railway line be required to prepare a vibration assessment. Sensitive developments within 40m of the railway line will also be required to prepare a noise assessment. Where noise sensitive developments are proposed within 40m and 80m of the railway line, Category 2 building constructions in Appendix C of the interim guideline needs to be considered, unless it can be demonstrated that potential rail noise is sufficiently shielded or mitigated (Pacific Environmental Limited, October 2014).

Clause 6.3(3) of Council's Queanbeyan Local Environmental Plan (South Tralee) 2012 requires that a development control plan be prepared for Urban Release Areas for a variety of reasons including an overall transport movement hierarchy, and overall landscaping strategy, details urban design controls and measures to encourage higher density living around transport, open space and service nodes. It is recommended that this Clause be extended to include a requirement for a noise assessment to be undertaken. These requirements can be included as amendments to Council's South Jerrabomberra Development Control Plan 2014.

Recommendation

It is recommended that:

- » Clause 6.3(3) be extended to apply to the Study Area and include the requirement for a noise assessment to be undertaken

- » Developments within 40m of the railway line be required to undertake a rail noise assessment and developments within 60m of the railway line be required to undertake a rail vibration assessment and submit justification as outlined in a proposed new clause within Queanbeyan Council's South Jerrabomberra Development Control Plan 2014.

3. Road Infrastructure

The Study Area is separated from the Monaro Highway by the Hume Industrial Estate. The area surrounding the Monaro Highway is experiencing growth for both employment and residential estates. The amount of traffic along this major arterial is likely to undergo increases in the medium term.

Further, as the Northern Entry Road is only at design stage, it is unknown at this stage the full extent of any noise impacts on the South Jerrabomberra Study Area.

As such, to protect future residential properties from any noise impacts from the increase in traffic along the Monaro Highway, the Northern Entry Road and the possible future Dunns Creek Road, it is recommended that the design of the subdivision consider noise impacts through the orientation of lots and through building design at development application stage.

Recommendation

It is recommended that future road traffic noise impacts on the proposed residential uses be assessed at development application stage in accordance with the Department of Planning's *Development near rail corridor and busy roads – interim guideline*. These assessments should include analysis of day and night traffic volumes and propose protection measures for both internal and external noise amenity from road traffic sources.

4. Biodiversity

The Study Area is currently zoned an E2 Environmental Conservation zone. The objectives of this zone are to:

- » *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values*
- » *To prevent development that could destroy, damage or otherwise have an adverse effect on those values*
- » *To protect threatened species, rivers, creeks and gully ecosystems within Queanbeyan*
- » *To identify and protect escarpment areas that enhance the visual amenity of Queanbeyan and possess special aesthetic or conservational value*
- » *To protect water quality by preventing inappropriate development within catchment areas.*

The E2 Environmental Conservation zone only allows environmental facilities, flood mitigation works and roads to be undertaken with consent. All other forms of development are prohibited under this zone.

Good quality Endangered Ecological Communities (EEC) have been located within the Study Area, with surveys identifying the presence of:

- » Silky Swainson Pea (*Swainsona serica*) which is listed as being vulnerable under the TSC Act
- » *Swainsona recta* (Small Purple Pea) which is an endangered species under the *Environment Protection and Biodiversity Act 1999* (EPBC Act) and the *Threatened Species Conservation Act 1995* (TSC Act)
- » *Leucochrysum albicans* var. *tricolor* (Hoary Sunray) which is listed as being endangered under the EPBC Act.

The western, southern tip and eastern parts of the Study Area are constrained by:

- » Moderate to good quality vegetation
- » Areas of high conservation significance
- » Known habitat of the Pink-tailed Worm Lizard
- » Recorded locations of the Pink-tailed Worm Lizard
- » Silky swainson-pea (*Swainsona sericea*).

ae design partnership have recommended that a conservation plan be prepared containing the following:

- » Providing for a minimum 500m wide regional conservation corridor outside of the Study Area to connect conservation areas, as proposed in previous versions of the Queanbeyan Residential and Economic Strategy 2031
- » Retaining up to 50 hectares of land outside of the current Planning Proposal area for conservation via biobanking agreement which would include Pink-tail Worm Lizard habitat areas and improve ecology conditions of this land.

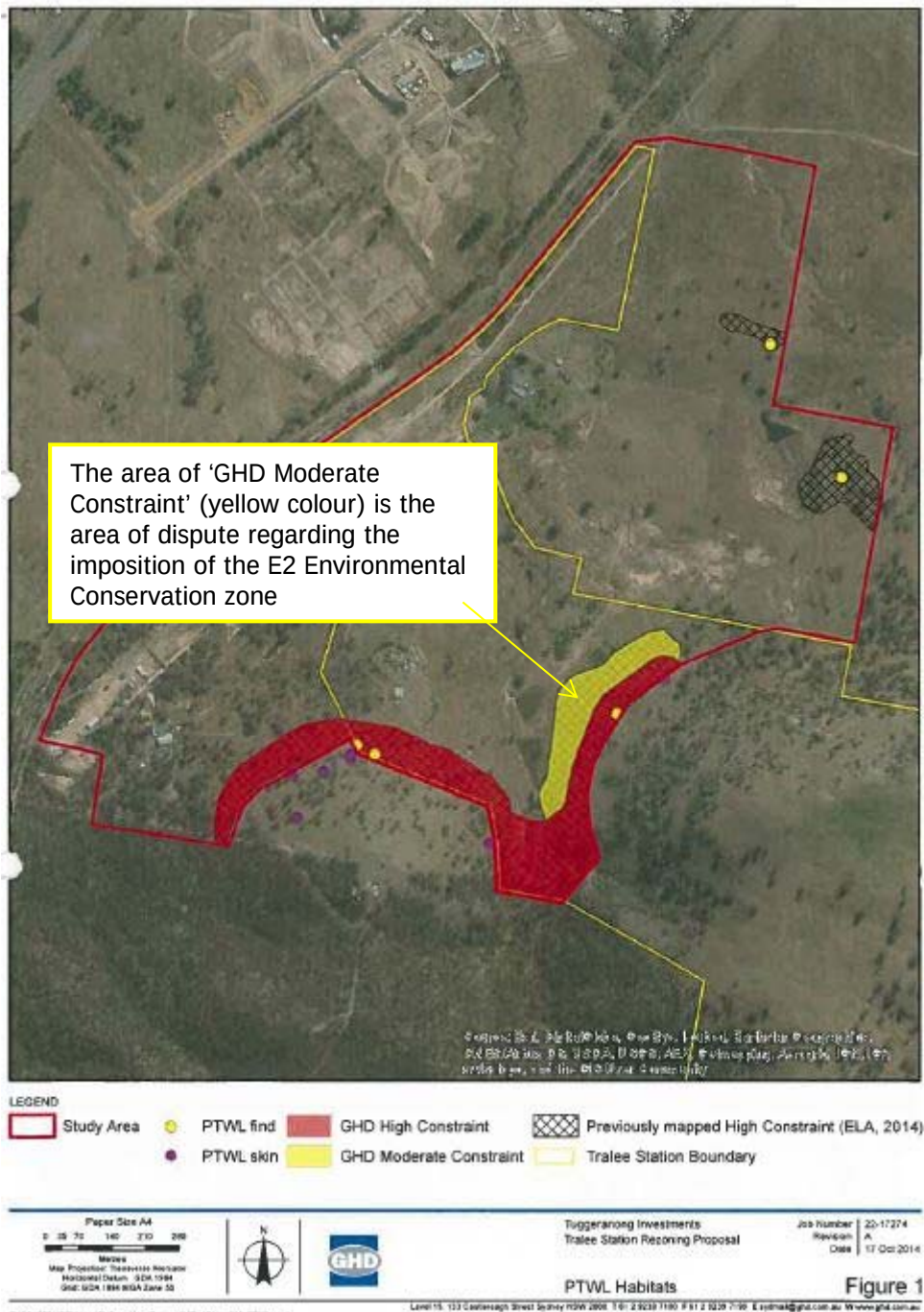
The proponent proposed that a conservation plan and biobanking agreement would be entered into on the proviso that an area of approximately 2.9 hectares, which has been identified as poor condition – high conservation value by EcoLogical Australia is included as developable land within the rezoning proposal.

The proposal by the proponent does not provide certainty at the rezoning stage, and is concerning as:

- » The proposed 'offset' is located outside of the Study Area
- » No assessment has been undertaken on the quality of the 50 hectares of land in terms of its condition and conservation value
- » There is no way of understanding what the offset would require in terms of biobanking credits and if the 50 hectares that is being offered by the proponent would be sufficient as a suitable offset.

GHD was also engaged by one of the proponents to review the biodiversity assessment undertaken by EcoLogical Australia. While GHD largely agree with the assessment and recommendations put forward by EcoLogical Australia, *there is a dispute with the mapping of a portion of the Tralee Station site identified as Pink-tailed Worm Lizard (PTWL) – Known habitat and vegetation in poor condition, which has been identified as a 'high constraint' in the south east corner of the Tralee Station portion of the planning proposal area.* The area of dispute is indicated in Figure 8.

Figure 8 Area of dispute over extent of biodiversity constraints



Source: GHD

Council, the proponent and the Office of Environment and Heritage met on 3 September 2014 to resolve this dispute. At this meeting, the Office of Environment and Heritage advised that (draft minutes of meeting):

- » They have endorsed the independent EcoLogical Australia Biodiversity study and agree with the current high conservation value area boundaries
- » Should there be any disagreement over zone boundaries, they defer to the provisions of the Section 117 Directions, which are clear about the rezoning of environmental land.

Section 117(2.1) Direction, Environment Protection Zones, provides that:

What a relevant planning authority must do if this direction applies

- » *A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas*
- » *A Planning Proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling accordance with clause (5) of Direction 1.5 'Rural Lands'.*

In this regard, the Study Area contains areas of high conservation value which need to be protected and conserved. Further, the land is currently zoned E2 Environmental Conservation and according to advice from the Office of Environment and Heritage should remain this zone, if it supports the high conservation value land.

Consistency

- » *A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
 - > *Justified by a strategy which:*
 - *Gives consideration to the objectives of this direction*
 - *Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - *Is approved by the Director-General of the Department of Planning, or*
 - > *Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or*
 - > *In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
 - > *Is of minor significance.*

The report prepared by EcoLogical Australia satisfies the requirement to support the Planning Proposal. The high conservation value area is not of minor significance as it supports threatened species and their habitat and has connectivity values.

The relevant Regional Strategy is the Sydney Canberra Corridor Regional Strategy. The Strategy states that *Council will ensure new urban development and rural residential development is directed away from land assessed as being of high conservation value* (p.44). The Strategy identifies threshold criteria for any proposed development site outside the designated areas in the Sydney Canberra Corridor Regional Strategy is:

Maintains or improves areas of regional significant terrestrial and aquatic biodiversity (as mapped and agreed by DECC). This includes regional significant vegetation communities, critical habitat, threatened species, population, ecological communities and their health. (p.54; DECC is now known as the Office of Environment and Heritage)

The Office of Environment and Heritage recommends that the E2 Environmental Conservation zone be applied to areas of high conservation value which will protect the endangered and threatened species and their habitats.

Based on the ecological values on the site and the proposal by the proponent, Council can consider the following options:

- » Retain the E2 Environmental Conservation zone in the area outside of the Study Area
- » Retain an E2 Environmental Conservation zone to protect the ecological significant land within the Study Area
- » Acknowledge the proposal for a biobanking agreement, rezone the land to R1 General Residential and trust that the proponents will deliver the proposed conservation management plan and offset at development application stage.

Each of these options are considered below:

Retain the environmental zoning within and out of the Study Area (points 1 and 2 above)

To protect the endangered and vulnerable species, and to retain the moderate to good vegetation, retain an E2 Environmental Conservation zone to these areas. This zone will offer conservation and protection mechanisms, whilst allowing some limited development opportunities.

The E2 Environmental Conservation zone is already applied to land at South Tralee which experiences similar conservation values. The zone covers most of the areas identified as being high and moderate conservation significance, and many of the areas identified as being 'red flags'. The areas included within the E2 Environmental Conservation zone continue to connect to and with the existing E2 Environmental Conservation area within South Tralee and south-east of the Study Area to the Tralee Hills. Figure 4 clearly indicates the existing E2 Environmental Conservation zone to the south and south-east of the Study Area. The E2 Environmental Conservation zone, together with the proposed minimum lot sizes, provides an opportunity to retain the connectivity between the local conservation areas and protect the threatened and endangered species and their habitat located within the confines of the Study Area.

Further, in a recent rezoning at Parkwood, West Belconnen, a 50m buffer was required between the developable areas and the Pink-tailed Worm Lizard habitat. It is recommended, as part of the amendments being proposed to the South Jerrabomberra Development Control Plan 2014, a bushfire perimeter road is required to provide a buffer between future dwellings and potential bushfire hazards, as well as to provide a buffer between the future dwellings and the Pink-tailed Worm Lizard habitat.

Further, recommendations from EcoLogical's *Bushfire Constraints and Management* report require a perimeter road to be established to separate the fuel sources and future dwellings. This perimeter road will provide additional separation between the areas of high biodiversity significance and the future residential area.

It is considered reasonable to extend or retain this zone and its objectives to the South Jerrabomberra Study Area.

Acknowledge the biobanking agreement

A biobanking agreement comes into force following detailed analysis by the proponent and the Office of Environment and Heritage, and under voluntary terms a biobanking agreement is signed and registered on title. As biobanking generally occur at development application stage, and not rezoning, there are no current clauses or certainty that the Agreement is, or will be, entered into.

Without a Voluntary Planning Agreement at rezoning stage, which commits to a Biobanking Agreement, there is no certainty for Council or Office of Environment and Heritage that the environmental outcome can or will be achieved.

Recommendation

It is recommended that, based on the advice received from the Office of Environment and Heritage, the E2 Environmental Conservation zone be retained for all land which has biodiversity and conservation value. The retention of this zone will preserve the:

- » Biodiversity connectivity between the Study Area and the surrounding conservation areas
- » Conservation zone in accordance with Ministerial Direction 2.1 ensuring that the endangered and threatened species and their habitat are protected through this rezoning process.

It is also recommended that a provision be included in the South Jerrabomberra Development Control Plan 2014 that a bushfire perimeter road required for bushfire mitigation measures would also act as a buffer between future residential dwellings and Pink-tailed Worm Lizard habitat.

5. Riparian Corridor

There is an existing watercourse running through the Study Area, Dog Trap Gully/Creek. This Creek is a significant tributary of the Jerrabomberra Creek and is recognised as a second order watercourse with low water and steep sided hills as banks.

To protect Dog Trap Creek, it is recommended to rezone the watercourse and its banks to an RE2 Private Recreation zone. The proposed RE2 Private Recreation zone across Dog Trap Creek would be 80m across, that is 40m on either side of the top of the bank. This zone will protect the significant tributary and will enable the land to create positive linkages, upgrade the environment along the creek banks and provide an opportunity for the lands adjacent to the Creek to be used for private open space separating future residences from the Creek. The zone is considered the most suitable for these purposes as:

- » It is already contained within the Queanbeyan Local Environmental Plan (South Tralee) 2012 and would not require the introduction of a new zone as part of this rezoning
- » It will allow the property owners of land within this location to use the land for private recreation purposes, while protecting the natural environment adjoining the Creek.

Recommendation

It is recommended that clause similar to Clause 7.4 Queanbeyan Local Environmental Plan 2012 and an accompanying map be included in the Queanbeyan Local Environmental Plan (South Jerrabomberra) 2013. The proposed wording of the new clause could include:

Riparian land and watercourses

(1) The objective of this clause is to protect and maintain the following:

- (a) water quality within watercourses,
- (b) the stability of the bed and banks of watercourses,
- (c) aquatic and riparian habitats,
- (d) ecological processes within watercourses and riparian areas.

(2) This clause applies to all of the following:

- (a) land identified as 'Watercourse' on the Riparian Lands and Watercourses Map,
- (b) all land that is within 40 metres of the top of the bank of each watercourse on that land.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:

- (a) whether or not the development is likely to have any adverse impact on the following:
 - (i) the water quality and flows within the watercourse,
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) any future rehabilitation of the watercourse and riparian areas, and
 - (b) whether or not the development is likely to increase water extraction from the watercourse, and
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised – the development will be managed to mitigate the impact.

The proposed new map to the Queanbeyan Local Environmental Plan (South Jerrabomberra) 2013 is provided in Figure 9.

Figure 9 Proposed Riparian Lands and Watercourses Map



Source: Chartis Technology

6. Neighbourhood Shop

It is understood that the proponents have requested that a future neighbourhood shop be created within the new residential neighbourhood to enable and encourage walkable neighbourhoods. This rezoning seeks to rezone all of the residential area R1 General Residential. Pursuant to the existing conditions of this zone, neighbourhood shops are permissible uses. Further, the Queanbeyan LEP (South Tralee) 2012 allows neighbourhood shops to a maximum retail floor area of 100sqm. These existing controls will facilitate the creation of a neighbourhood shop within the rezoned area at an appropriate location.

7. Archaeological Deposits

The boundaries of the proposed zone also consider the locations of areas with high Potential Archaeological Deposits (PADs), which may contain Aboriginal archaeological material. While the location of these PADs does not preclude future development, it is recommended to:

- » Apply for an Aboriginal Heritage Impact Permit (AHIP) in advance of any disturbance to an Aboriginal place or item
- » Include the requirement to undertake further assessment of these areas to determine the presence of PADs

- » An Aboriginal Cultural Heritage Assessment Report (ACHAR) should be carried out by the proponent to inform an AHIP is required to be applied for.

5.2 Proposed Floor Space Ratio

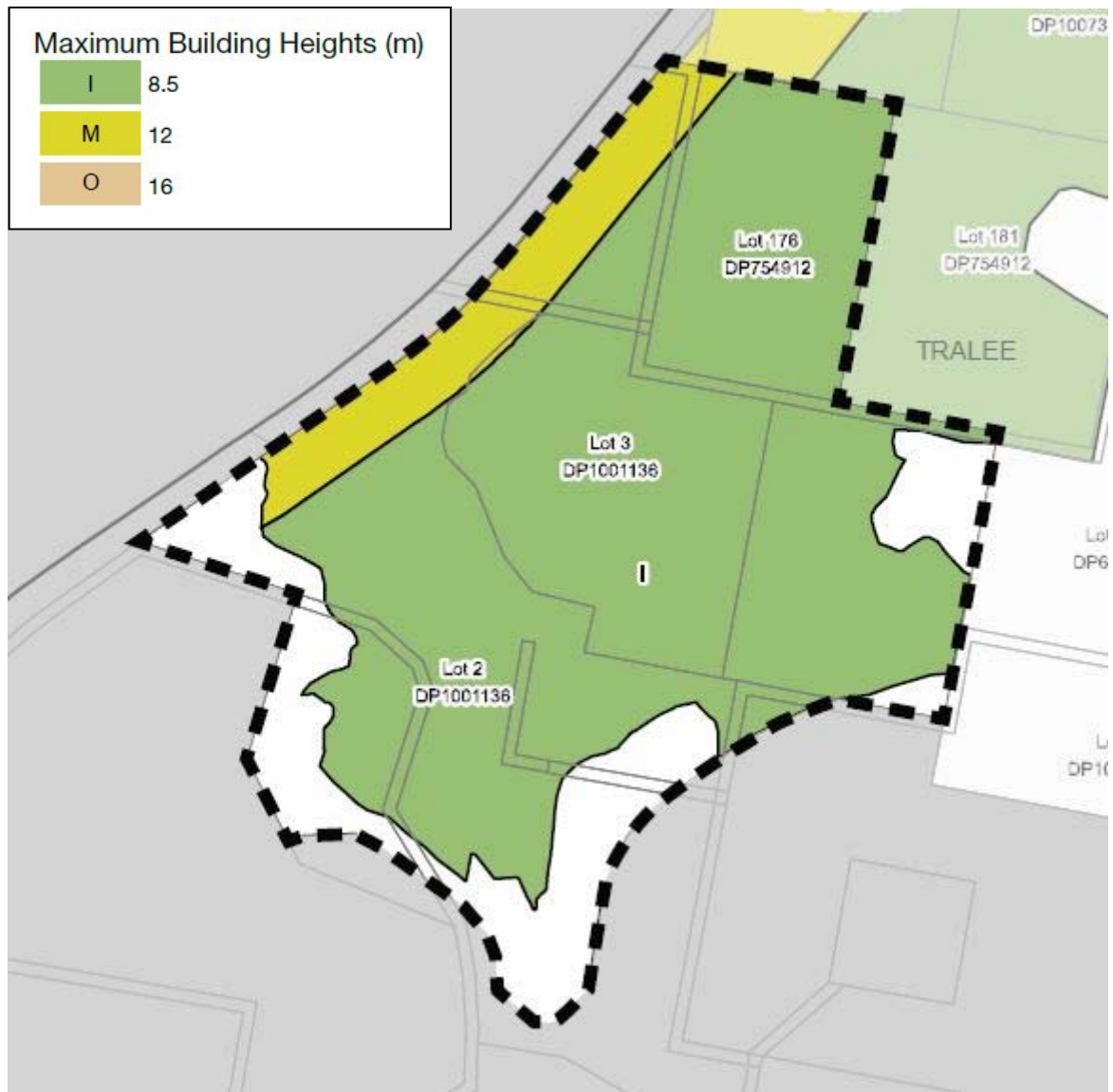
To remain consistent with the current Queanbeyan LEP (South Tralee) 2012, no floor space ratio will be applied to the site subject to the rezoning proposal. The current Queanbeyan LEP (South Tralee) 2012 only offers a floor space ratio of 2:1 to the B1 Neighbourhood Centre and B4 Mixed Use areas in South Tralee. As no business zones are proposed, a floor space ratio will not be proposed for the residential area.

5.3 Proposed Height of Buildings

The current Queanbeyan LEP (South Tralee) 2012 stipulates maximum building heights of 8.5m for properties located in the R1 General Residential zone and 12m for the RE2 Private Recreation zone.

For consistency, this Planning Proposal seeks to replicate these development standards for the majority of the subject site. However, where the RE2 Private Recreation zone bisects the R1 General Residential zone (in a north-west to south-easterly direction along Dog Trap Creek/Gully), it is proposed for this area to be consistent in its maximum building height with the surrounding residential area, that is 8.5m in lieu of 12m. The reason for this is to offer a more clear and logical application of the maximum building height development standard when it comes to the preparation and assessment of future development applications. An excerpt of the proposed Height of Buildings map is provided in Figure 10.

Figure 10 Proposed Height of Buildings Map



Source: Chartis Technology & Elton Consulting

5.4 Proposed Minimum Lot Sizes

5.4.1 Description of proposed minimum lot sizes

The Planning Proposal seeks to impose the following minimum lot sizes at the Study Area:

- » 330sqm for the majority of the R1 General Residential land which will enable a range of residential densities and dwellings types to respond to market demand and housing affordability concerns
- » 600sqm for areas of transition between South Tralee and the Study Area providing a buffer to land constrained by biodiversity and conservation issues
- » 1,000sqm for the land which is affected by increasing contours and provides a buffer between the Tralee Hills and the higher density residential areas on the flatter land

- » 80 hectares for the land affected by steep topography and biodiversity and conservation constraints.

Each of these is justified in detail in the section below.

5.4.2 Justification of proposed minimum lot sizes

Landscape and Visual Assessment of Study Area

The *Landscape Character and Visual Assessment Report* prepared by dsb Landscape Architects compares the Study Area with the previous landscape and visual study undertaken for South Tralee. The report states that:

South Jerrabomberra Planning Proposal Area has three distinct landforms within the site (northern, central and southern). The northern landform has ... a comparable landform and landscape character with the adjacent South Tralee... The central and southern of these landforms are different to South Tralee.

South Tralee is limited by the 740m ASL contour which indicates the highest extent that urban development may occur, as land above this contour is highly visible. The 740m ASL contour was adopted as it corresponds with a natural change in the landform, where the land above the contour is characterised by steep woodland.

The report also highlights the need to carefully manage the land between 710m and 740m to *create a transition between residential development below the 710m contour and the natural landscape character above the 740m contour* (dsb Landscape Architects, pgs 18-19).

The report concludes and recommends that:

- » Development be limited to 740m ASL contour
- » Parts of the Study Area which are visible include both the landform transition zone (that is, between 710m and 740m ASL) and land below the landform transition zone and need to be treated differently in terms of minimum lot sizes
- » Development within the landform transition zone, and those lands which are visible and below the landform transition zone, have a minimum lot size of 1000sqm and be subject to controls in Council's South Jerrabomberra Development Control Plan 2014 which restrict urban development
- » Development below the landform transition zone to have a minimum lot size of 600sqm
- » The 250m buffer should be retained to provide an opportunity for 20m high vegetation to provide an additional visual barrier into and out of the future residential neighbourhoods.

The recommendations of this report are based on the retention of the 250m buffer separating the Study Area from the Hume Industrial Estate. However, as justified in this report, it is recommended that the buffer distance be reduced to 150m. This is not considered to be detrimental to protecting the views into and out of South Jerrabomberra.

The proposed minimum lot sizes are also affected by the proximity of the ANEF 20 contour and the presence of land with moderate to high conservation value and the need to protect endangered and threatened species.

Minimum lot size for most of the general residential area – 330sqm

To be consistent with South Tralee, this rezoning seeks to impose a minimum lot size of 330sqm for the majority of land in the R1 General Residential zone. This minimum lot size will enable a large variety of housing types to be provided within South Jerrabomberra which will respond to market and affordable housing demands. Some land, which has been identified as being moderate

conservation significance, is included within this minimum lot size zone. This is considered acceptable as the majority of land assessed as being moderate to high conservation significance is being retained by this rezoning. Further, these parcels of land are small and scattered through the developable area and it is not reasonable to impose larger lot sizes in these instances.

Minimum lot size between general residential and constrained land – 600sqm

Further, to provide a buffer between the smaller lots and the land which is constrained by biodiversity and conservation requirements, it is proposed to extend the minimum lot size of 600sqm southwards from South Tralee into South Jerrabomberra.

Minimum lot size for land between general residential and environmentally sensitive land – 1,000sqm

A portion of land, which is proposed to be zoned R1 General Residential and adjoins the proposed E2 Environmental Conservation land, is proposed to have a minimum lot size of 1,000sqm. This land is also fairly constrained by areas of high and moderate conservation value, some Pink-tailed Worm Lizard habitat, by topography ranging between 710m ASL and 720m ASL and slope gradient of between 10% and 20%. Additional engineering solutions may be required for these properties to ensure stability of any future residence which is constructed for the property.

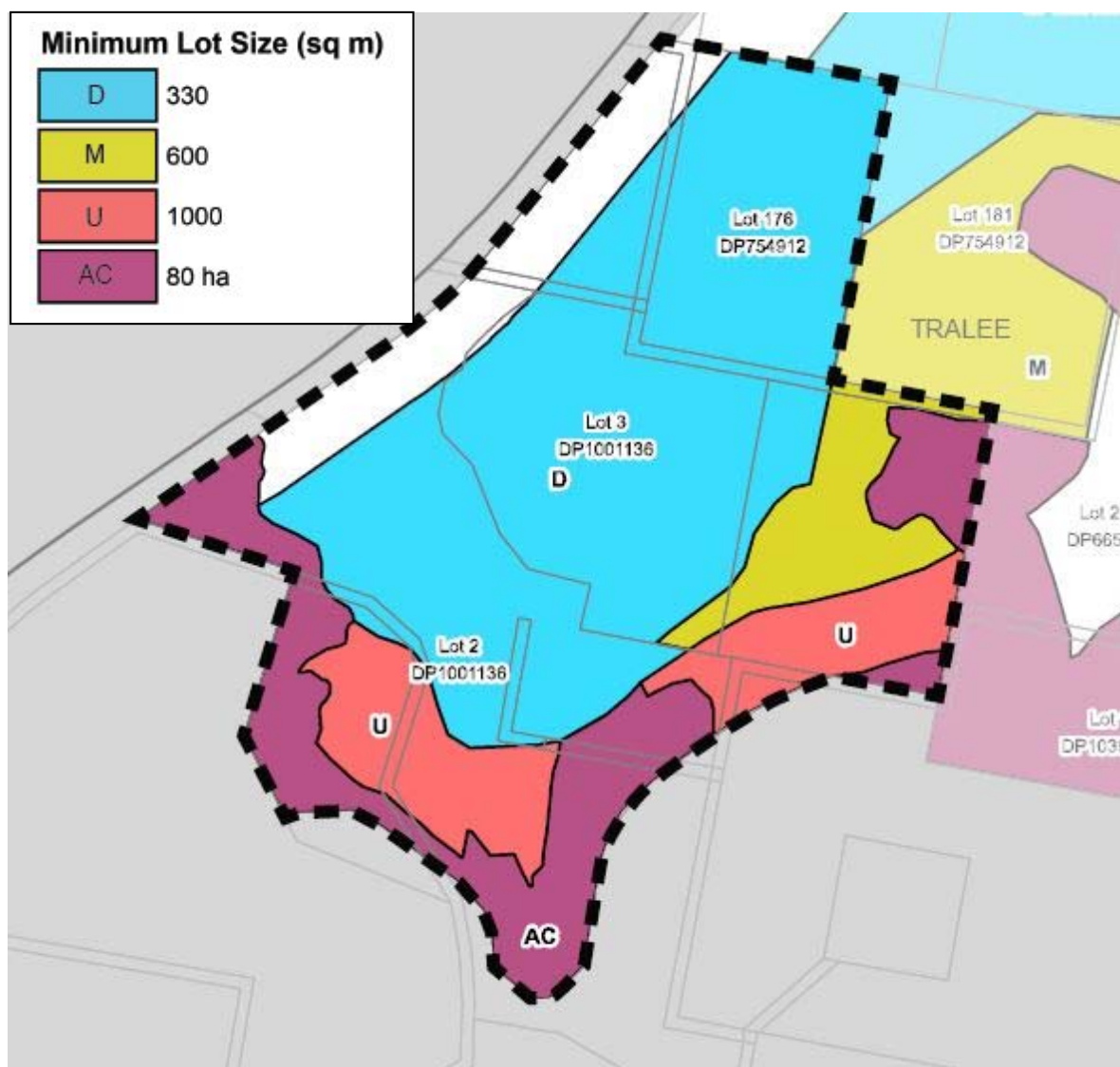
This minimum lot size provides opportunities for the construction of some dwellings which can enjoy the district views of South Tralee, Black Mountain and beyond. It also provides a sufficiently sized property to retain the existing vegetation and protect any threatened or vulnerable flora and fauna, and slopes found within the property boundaries.

Minimum lot size for constrained land – 80 hectares

The rezoning application seeks to impose a minimum lot size to the southern 'tip', the eastern-most corner and south-western corner of the Study Area of 80 hectares. This land is proposed E2 Environmental Conservation zone. The land affected by the 80 hectares minimum lot size is severely constrained by Pink-tailed Worm Lizard habitat, Silky swainson-pea, and areas of high vegetation conservation value. This land, at the southern 'tip', is also affected by the steepest topography ranging between 720m ASL and 740m ASL and a slope gradient of more than 20%. This slope is deemed to significantly constrain the ability to construct dwellings. By restricting the construction of dwellings above 740m ASL is also consistent with the approach taken at South Tralee.

An excerpt of the minimum lot sizes map is provided overleaf:

Figure 11 Proposed minimum lot sizes



Source: Chartis technology & Elton Consulting

5.5 Proposed Urban Release Area

The existing Urban Release Area map will be extended to include the Study Area.

5.6 Proposed Local Provisions

The existing Local Clauses Map will be extended to include the Study Area.

5.7 Land Application Map

The Land Application Map will be extended to include the Study Area.

5.8 Land Reservation Acquisition Map

The Land Reservation Acquisition Map will also be extended to include the Study Area.

5.9 Explanation of Other Controls

5.9.1 Development in areas subject to aircraft noise

The objectives of Clause 7.3 of the Queanbeyan LEP (South Tralee) 2012 are to protect residential and other sensitive developments from the impact of aircraft noise and other impacts from the flight paths from Canberra Airport.

Although the subject site falls outside of the ANEF 20 contour line, which enables residential uses to be located at the subject site, the application of AS2021-2000 needs to be addressed.

The Department of Planning and Environment wrote a letter to The Village Building Company in October 2014 which provided the following advice:

The previous Minister's decision to rezone South Tralee in 2012 was taken only after significant consideration and having regard to the various inquiries and legal disputes that occurred over the 10 year period leading up to that decision. The Minister's decision sought to balance the ongoing operations of Canberra Airport with the need to provide housing in Queanbeyan. The Department remains confident the decision in respect of South Tralee is appropriate and remains applicable to all other development proposed for the South Jerrabomberra area.

The Department will only support residential and other noise sensitive development occurring at South Jerrabomberra where it is located outside of the current Australian Noise Exposure Forecast (ANEF) 20 contour for Canberra Airport. In addition, the Department will require all development to meet those internal noise levels set out at Table 3.3 of Australian Standard AS2021-2000 Acoustics-Aircraft noise intrusion-Building siting and construction.

This letter makes it clear that, although outside of the ANEF 20 contour, future development within the South Jerrabomberra area will need to comply with AS2021 to mitigate aircraft noise impact. The ANEF 20 contour is not a definitive physical line which offers future residential properties protection from aircraft noises. The properties closest to the ANEF 20 contour are located on higher land which may lead them to be more susceptible to aircraft noise impacts.

Also, since this time the Canberra Airport Master Plan 2014-2034 has been approved by the Commonwealth Minister which reaffirms the current ANEF.

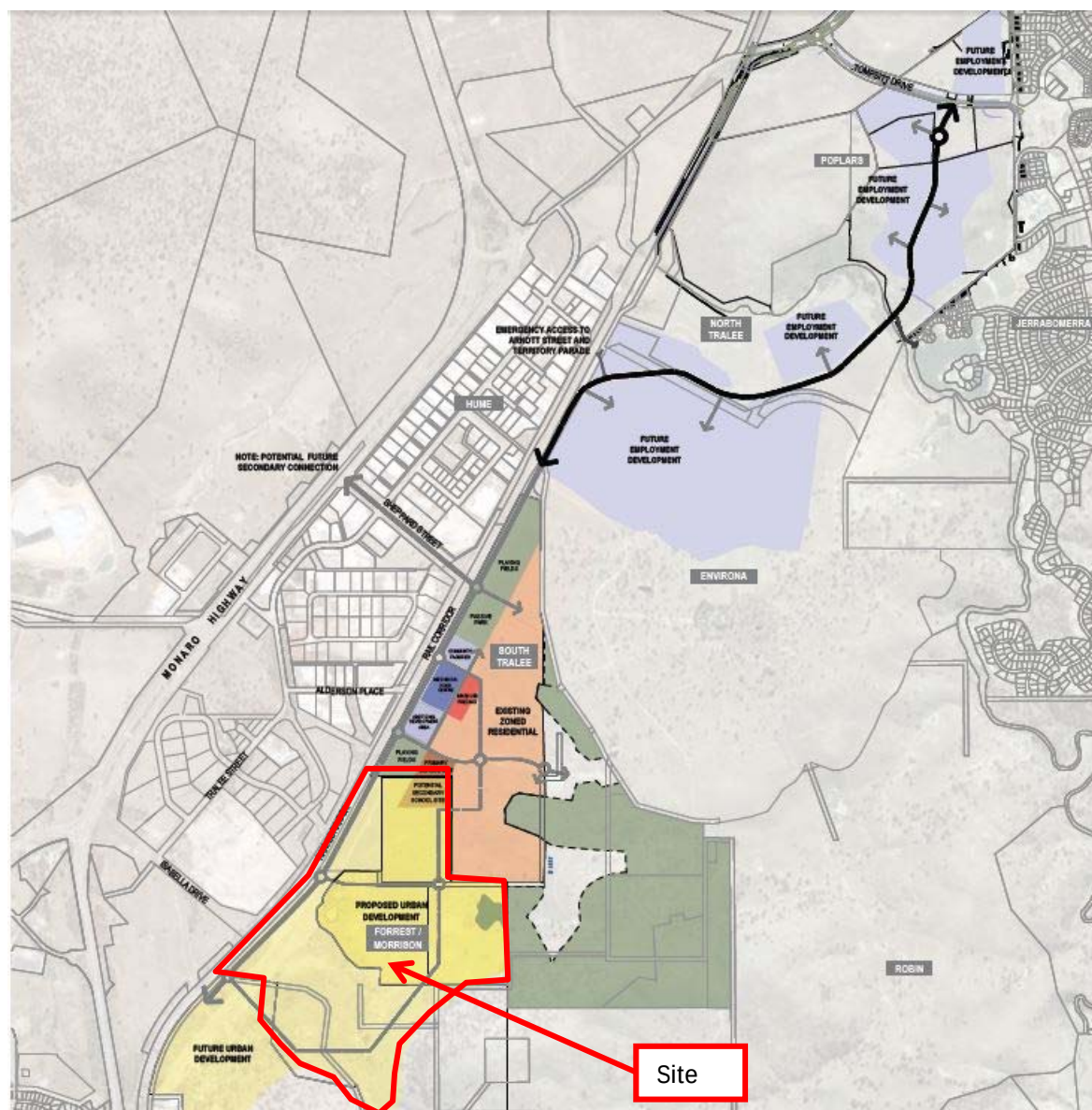
Recommendation

It is recommended that existing Clause 7.3 be extended to apply to the future residential and other noise sensitive developments at South Jerrabomberra.

5.10 Access to the site

At its meeting on 21 October 2014, Queanbeyan Council resolved to approve a staged development application for the Northern Entry Road. The approved Strategic Context Plan is provided overleaf, indicating the location and orientation of the proposed access road and how it relates to the site. This approved road will provide primary access to the site. Internal roads within the future proposed neighbourhood will be designed and developed through the detailed subdivision phase.

Figure 12 Approved Strategic Context Plan for the Northern Entry Road



Source: CBRE, as part of their application to Council

5.11 Relationship to existing planning instruments

The provisions of the Yarrawlumla LEP 2002 will no longer apply to the subject land. As outlined above the Planning Proposal will be an amendment to the existing principal Queanbeyan LEP (South Tralee) 2012.

The Department of Planning and Environment has indicated that the extended LEP would be renamed to the Queanbeyan Local Environmental Plan (South Jerrabomberra) 2013.

6 Part 3 Justification

This section sets out the justification for the Planning Proposal's objectives, intended outcome and implementation.

6.1 Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is required to rezone the remaining lands identified as having potential for urban uses (including residential) in the Queanbeyan Residential and Economic Strategy 2031 outside the ANEF 20. This is consistent with the NSW Government's recent decision in respect of the rezoning South Tralee where only land outside of the ANEF 20 has been allowed to proceed.

The Planning Proposal land is contained within the amended Residential and Economic Strategy 2031 Map found at Figure 2 above. This Map was endorsed by the Department of Planning and Infrastructure in December 2008 and the land was identified as having the potential for urban purposes.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the most efficient way to achieve a change in the current zoning to allow residential development and to establish appropriate environmental and conservation protection. The proposed changes to the existing zones, together with recommended minimum lot sizes, development densities, maximum building heights, and specific local controls such as riparian corridors can all be achieved through the Gateway process of facilitating Planning Proposals.

The Planning Proposal is the best means of delivering the intended outcomes of the amended Queanbeyan Residential and Economic Strategy 2031 for this area. It is also more efficient to progress the development as one amendment, as opposed to the two proponents of adjoining lands progressing independently of each other. This will enable a co-ordinated land use and development controls to be prepared and implemented for the Study Area, with recommendations for amendments to Council's current Queanbeyan Local Environmental Plan (South Tralee) 2012 and the South Jerrabomberra Development Control Plan 2014.

Infrastructure and servicing will determine development staging in line with the Structure Plan for South Jerrabomberra which looks at servicing the development in a southerly direction from the north through land known as the Poplars and South Tralee.

6.2 Section B – Relationships to strategic planning framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes, for the reasons outlined overleaf.

Sydney Canberra Corridor Regional Strategy 2006-2031

The Sydney Canberra Corridor Regional Strategy 2006-2031 projects that the population in Queanbeyan will grow by approximately 16,100 by 2031, requiring approximately 10,000 new homes. The majority of the growth is predicted to occur in greenfield areas. The proposed rezoning will help Council meet this increase in demand for housing as well as to provide for housing choice.

The proposal is an extension of South Tralee, which is already rezoned for urban uses and so complies with the Strategy by contributing to costs of providing services and infrastructure in this part of Queanbeyan. The additional dwellings are needed to justify and sustain the neighbourhood centre, school, community and open space provision whilst areas of high biodiversity will be protected. In addition, it is proposed to provide housing of various types and densities and with some as housing that is affordable in line other actions in the Settlement and Housing section of the Strategy.

Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

As previously noted, the proposed rezoning is consistent with the Queanbeyan Residential and Economic Strategy 2031.

A further local strategy which applies to this proposal is the Community Strategic Plan 2013-2023. This Plan *identifies the community's main priorities and expectations for the future and strategies to achieve these goals*. The Plan refers to six themes, with key directions, which are promoted and supported through Council's activities and projects. These themes, and how the proposal is consistent with them, are provided below:

- » Theme 1 – Image and Influence: the proposal seeks to create additional housing whilst retaining ecological sensitive and important areas within the Study Area. The rezoning will involve community consultation prior to any final decision being made on the amendment to the Queanbeyan LEP.
- » Theme 2 – Business and Industry: the production of the future residential, and ancillary lots, will create additional local jobs in the construction industry.
- » Theme 3 – Culture and Leisure: the proposal seeks to protect and conserve the Aboriginal and European heritage and areas of high vegetation conservation value, including threatened species like the small purple pea and Pink-tailed Worm Lizard. Furthermore, the proposal will create additional passive recreational areas through the centre of the Study Area.
- » Theme 4 – Infrastructure, Access and Transport: to enable the urbanisation of the Study Area, utilities and services will need to be provided by the proponents, together new roads providing access to and from the Study Area, and within for local access.
- » Theme 5 – The Community: the proposed rezoning supports the findings and recommendations of the amended Queanbeyan Residential and Economic Strategy 2031. The process by which this project is being achieved is through a working relationship between Queanbeyan Council and the ACT Government, the Department of Planning and Environment and the Office of Environment and Heritage.
- » Theme 6 – The Environment: the proposal has considered the environmental impacts of future planning by ensuring significant areas which have high conservation values and contain threatened/endangered species are conserved and protected.

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The proposal is consistent with relevant State Environmental Planning Policies (SEPPs) including:

Table 4 Consistency with SEPPs

SEPP	Assessment
SEPP No. 55 Contaminated Land	A Phase I Environmental Site Assessment (ESA) has been undertaken by AECOM Australia. Based on the data provided to AECOM for their assessment, they consider the potential for significant and widespread contamination to be low throughout the majority of the parts of the Study Area which are currently used for agricultural purposes. There are areas containing unknown fill material, with potential contamination. As such, the Assessment recommends a targeted Phase II ESA be undertaken. All remediation may be undertaken following the Phase II ESA.
SEPP (Rural Lands) 2008	The Rural Lands SEPP seeks to retain the use of rural lands for rural and related purposes. It encourages the implementation of measures designed to reduce land use conflicts. This Planning Proposal seeks to convert existing rural lands into urban uses, facilitating the use of the land within the Study Area for residential and ancillary purposes. As such, this application is not consistent with the aims and objectives of the Rural Lands SEPP. However, the proposal is consistent with the amended Queanbeyan Residential and Economic Strategy 2031 which has identified the Study Area as one which, subject to various constraints, would be able to accommodate new residential housing to help meet the Council's housing targets. So although the Planning Proposal is not consistent with the Rural Lands SEPP, it is consistent with the amended Strategy.
SEPP BASIX	Compliance with SEPP BASIX will be achieved as development of residential dwellings occurs.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (Section 117 Ministerial Directions)?

The Planning Proposal has been assessed against the Section 117 Ministerial Directions and is consistent with each of the relevant matters, as outlined below.

Table 5 Consistency with Ministerial Directions

Direction	Assessment
1. Employment and Resources	
1.1 Business and Industrial Zones	Not relevant.
1.2 Rural Zones	Not relevant.
1.3 Mining, Petroleum Production and Extractive Industries	Not relevant.

Direction		Assessment
1.4	Oyster Aquaculture	Not relevant.
1.5	Rural Lands	A significant portion of the Study Area will be retained for environmental and conservation purposes and is consistent with this Direction.
2. Environment and Heritage		
2.1	Environment Protection Zones	The Biodiversity Study prepared by EcoLogical Australia has assessed the conservation value of the ecologically sensitive areas within the Study Area. The protection of the high and moderate conservation areas in an E2 Environmental Conservation zone, together with mitigation and management measures, would satisfy the requirements of this Direction. These measures include: • Concentrating development in areas of low conservation significance • Protecting the majority of the high conservation areas • Protecting areas of moderate conservation significance • where areas of high and moderate conservation value would be removed, then appropriate offsets would need to be provided • strategically re-establish the connectivity between the remnant vegetation on either side of the airstrip • establishing appropriate buffer zones to minimise impacts to areas of moderate and high conservation significance. The implementation of these measures through amendments to Council's Local Environmental Plan and the South Jerrabomberra Development Control Plan 2014 enable the rezoning to satisfy the Direction. As the detailed design of the subdivision layout has not yet been undertaken, the project urban designers would be able to consider the location and extent of neighbourhood parks and greenspaces to incorporate additional areas which are moderate and high conservation significance at development application stage.
2.2	Coastal Protection	Not relevant.
2.3	Heritage Conservation	Archaeological surface survey has revealed a moderate and high likelihood of Aboriginal relics being found through the centre and

Direction	Assessment
	northern part of the Study Area. Additional excavations and testing will be undertaken as part of the work required to lodge a development application at the Study Area. This additional work and the lodgement of an Aboriginal Heritage Impact Permit (AHIP) will provide certainty over the future of any Aboriginal deposits within the Study Area. The work will also assist in the design and location of future open spaces. The areas of high potential archaeological deposits will be retained: • By imposing an E2 Environmental Conservation in the north-eastern part of the Study Area • Through the general heritage conservation provisions of the Queanbeyan Local Environmental Plan (South Jerrabomberra) 2013 • Results of future AHIPs, which require application, to inform future detailed subdivision design.
2.4 Recreation Vehicle Areas	Not relevant.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	A variety of lot sizes may be created through the detailed subdivision design following this Planning Proposal which will cater for and address the housing needs for the future population.
3.2 Caravan Parks and Manufactured Home Estates	Not relevant.
3.3 Home Occupations	The rezoning will not preclude the establishment of home offices.
3.4 Integrating Land Use and Transport	The location of the proposed residential uses will encourage walking to the neighbourhood centre located in South Tralee. The proposed future zone of R1 General Residential will enable the creation of a neighbourhood shop, of no more than 100sqm, to be located within the neighbourhood. Further, Clause 6.3(3) of the Queanbeyan Local Environmental Plan (South Tralee) 2012 requires that a development control plan be prepared for Urban Release Areas and consideration be given to <i>an overall transport movement hierarchy showing the major circulation routes and connections to achieve a</i>

Direction	Assessment
	<i>simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.</i> This clause will apply to the Study Area and will ensure that the land use and the design of transport networks are integrated.
3.5 Development Near Licensed Aerodromes	The proposed R1 General Residential zone is located outside of the ANEF 20 contour, enabling the development of residential dwellings.
3.6 Shooting Ranges	Not relevant.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not relevant.
4.2 Mine Subsidence and Unstable Land	Not relevant.
4.3 Flood Prone Land	Not relevant.
4.4 Planning for Bushfire Protection	The Bushfire Constraints and Management Report prepared by EcoLogical Australia concludes that the Study Area can support future residential development outside of the conservation areas and any Asset Protection Zone required to the conservation areas. Also, the Study Area can accommodate all required bushfire protection measures and achieve the objectives of the Direction and Rural Fire Service requirements.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Justified by the Sydney to Canberra Corridor Regional Strategy.
5.2 Sydney Drinking Water Catchments	Not relevant.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not relevant.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not relevant.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not relevant.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not relevant (as revoked).
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not relevant.

Direction	Assessment
5.8 Second Sydney Airport: Badgerys Creek	Not relevant.
5.9 North West Rail Link Corridor Strategy	Not relevant.
6. Local Plan Making	
6.1 Approval and Referral Requirements	The Minister for Planning has directed that Queanbeyan City Council has delegated authority to finalise this Planning Proposal. Referral requirements have been identified in the Gateway Determination letter found at Annexure A.
6.2 Reserving Land for Public Purposes	Not relevant.
6.3 Site Specific Provisions	The land use controls being proposed in this rezoning are already contained within the Queanbeyan Local Environmental Plan (South Tralee) 2012. The application of these controls is being extended to the Study Area.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Not relevant.

6.3 Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?

Biodiversity Study

Ecological Australia prepared a biodiversity study over the Study Area using both the BioBanking Assessment Methodology (BBAM) and a conservation significance assessment. For the purposes of this report, the Study Area also included an additional parcel of land, to the south of the Study Area. This parcel was eventually excluded from the Planning Proposal due to the high environmental constraints on its future redevelopment.

The surveys undertaken as part of this study indicate that Study Area contains flora and fauna species which are identified under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the NSW *Threatened Species Conservation Act 1995* (TSC Act). These include species include:

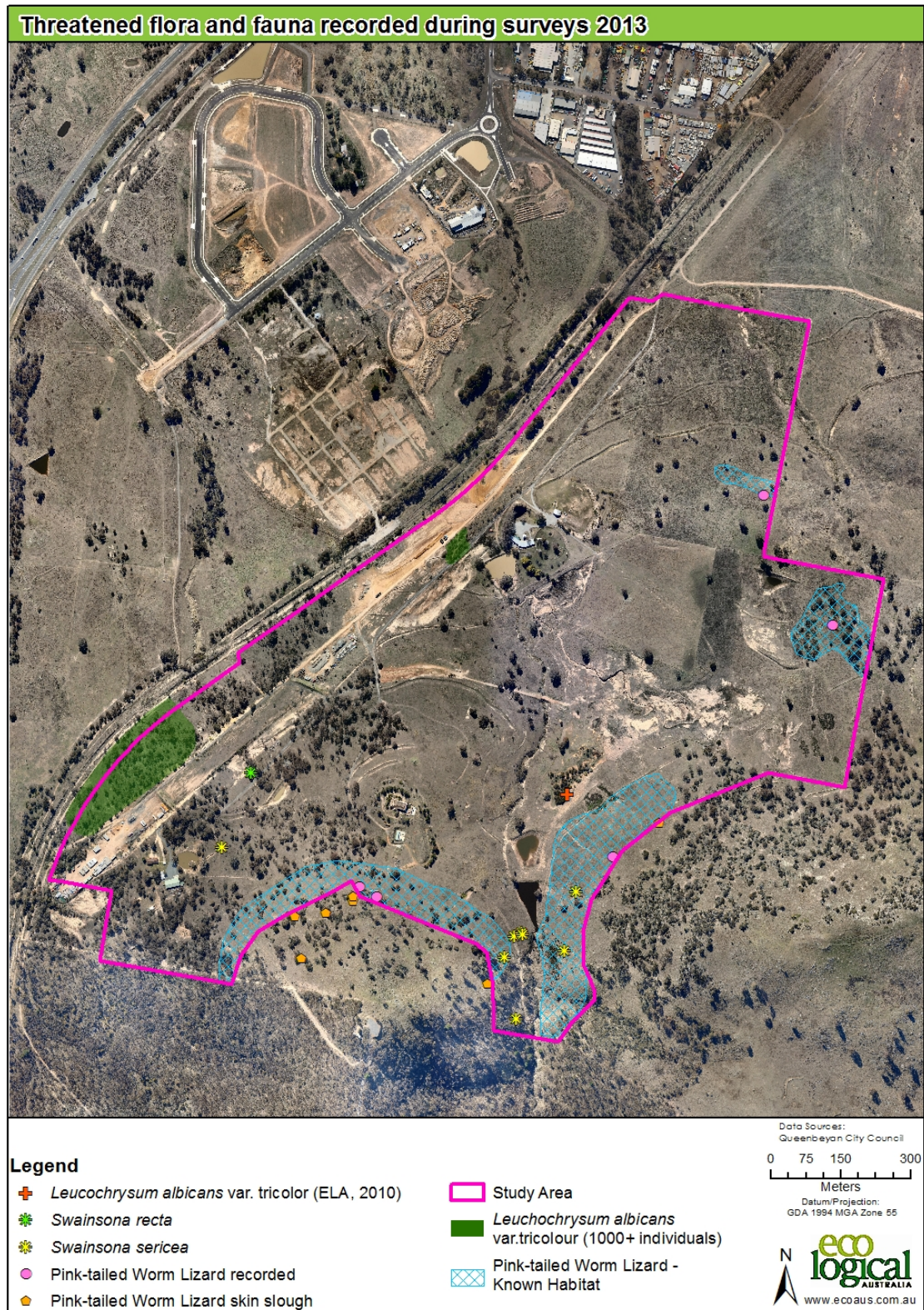
Table 6 Threatened flora and fauna located in the Study Area

Common Name	Latin Name	EPBC Status	TSC Status
Silky Swainson Pea	<i>Swainsona sericea</i>	Not listed	Vulnerable
Small Purple Pea	<i>Swainsona recta</i>	Endangered	Endangered
Hoary Sunray	<i>Leucochrysum albicans</i> <i>var. tricolour</i>	Endangered	Not listed
Pink-tailed Worm Lizard	<i>Aprasia parapulchella</i>	Vulnerable	Vulnerable
White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grasslands		Critically Endangered	Endangered

Source: EcoLogical Australia 2014, page 32

The location of the threatened and endangered flora and fauna are indicated in Figure 13.

Figure 13 Location of threatened flora and fauna

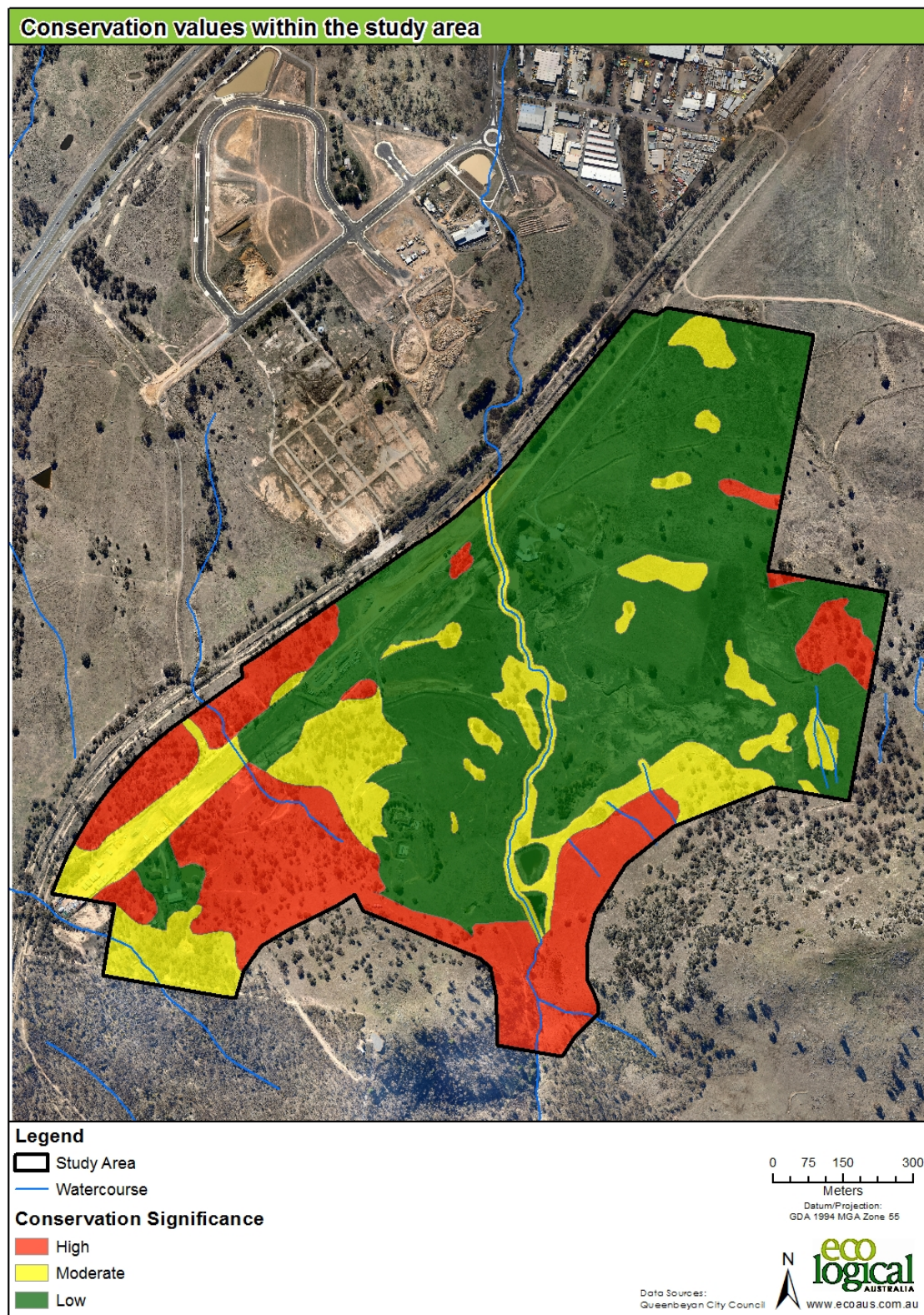


Source: EcoLogical Australia 2014, figure 16, page 37

The study identified areas containing High Conservation Value (HCV) and Moderate Conservation Value (MCV) vegetation. These areas are located in the south-western, southern and eastern parts

of the Study Area (refer to Figure 14). There are some smaller areas of HCV and MCV scattered through the central and northern parts of the Study Area.

Figure 14 Conservation Significance



Source: EcoLogical Australia, figure 18, page 40

The study concludes that, while areas of HCV and MCV constrain the developable area, there may be some limited development opportunities as long as appropriate offset requirements are met.

Furthermore, if any action has the potential to significantly impact a matter of National Environmental Significance under the EPBC Act, then it will require referral to the Commonwealth Department of the Environment for consideration.

Discussions have also been held between Council, the proponents and the Office of Environment and Heritage and written submissions made to help inform this Planning Proposal.

Q8. Area there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Urban Capability

ACT Geotechnical Engineers conducted a preliminary geotechnical investigation of the Study Area to determine its urban capability. Twenty-six boreholes and one test pit were drilled, with seven samples of sites soils being analysed.

ACT Geotechnical Engineers advises that *there is no geotechnical reason why the site cannot be developed for residential purposes.*

Notwithstanding, future development cannot be located on the existing stockpiles of uncontrolled fill. However, should this fill be found not to contain any contaminants, then it may be used for the earthworks in subdivision/road construction. There are some geotechnical constraints which can be managed during or after construction, including potential erosion, slope instability, local springs, and strong rock at shall depth.

Regarding construction techniques for residential development on the higher slopes of the Study Area, ACT Geotechnical Engineers make the following recommendations:

- » For parts of the Study Area which are subject to slopes up to about 15°, compliance with AS2870 'Residential Slabs & Footings' and implementation of suitable engineering practice for sloping sites, for example minimising cut and fill, use of structural retaining walls, installing appropriate drainage and stabilising disturbed or filled ground
- » For parts of the Study Area which are subject to slopes greater than 20°, future construction would require most costly excavation and retention works and a more detailed examination of slope stability, should development occur in these areas.

The Study Area is capable of being rezoned and mitigation measures can be managed by the zonings or amendments to the South Jerrabomberra Development Control Plan 2014.

Contamination

AECOM Australia was engaged to undertake a Phase 1 Contamination Assessment of the Study Area. The assessment found the following potential sources of contamination:

- » On-site sources including fill material of unknown origin; asbestos in the existing buildings and structures; pesticides / herbicides on agricultural areas / properties; biological, heavy metal and organic contamination associated with the identified septic tanks; potential hydrocarbon and heavy metal; and biological contamination from septic tanks, burial areas and animal holding yards
- » Transport mechanisms and exposure pathways including surface water, groundwater aquifers, airborne dust and asbestos fibres and via mechanical transport
- » Receptors including workers and residents

The areas of concern are identified overleaf:

Figure 15 Areas of Environmental Concern



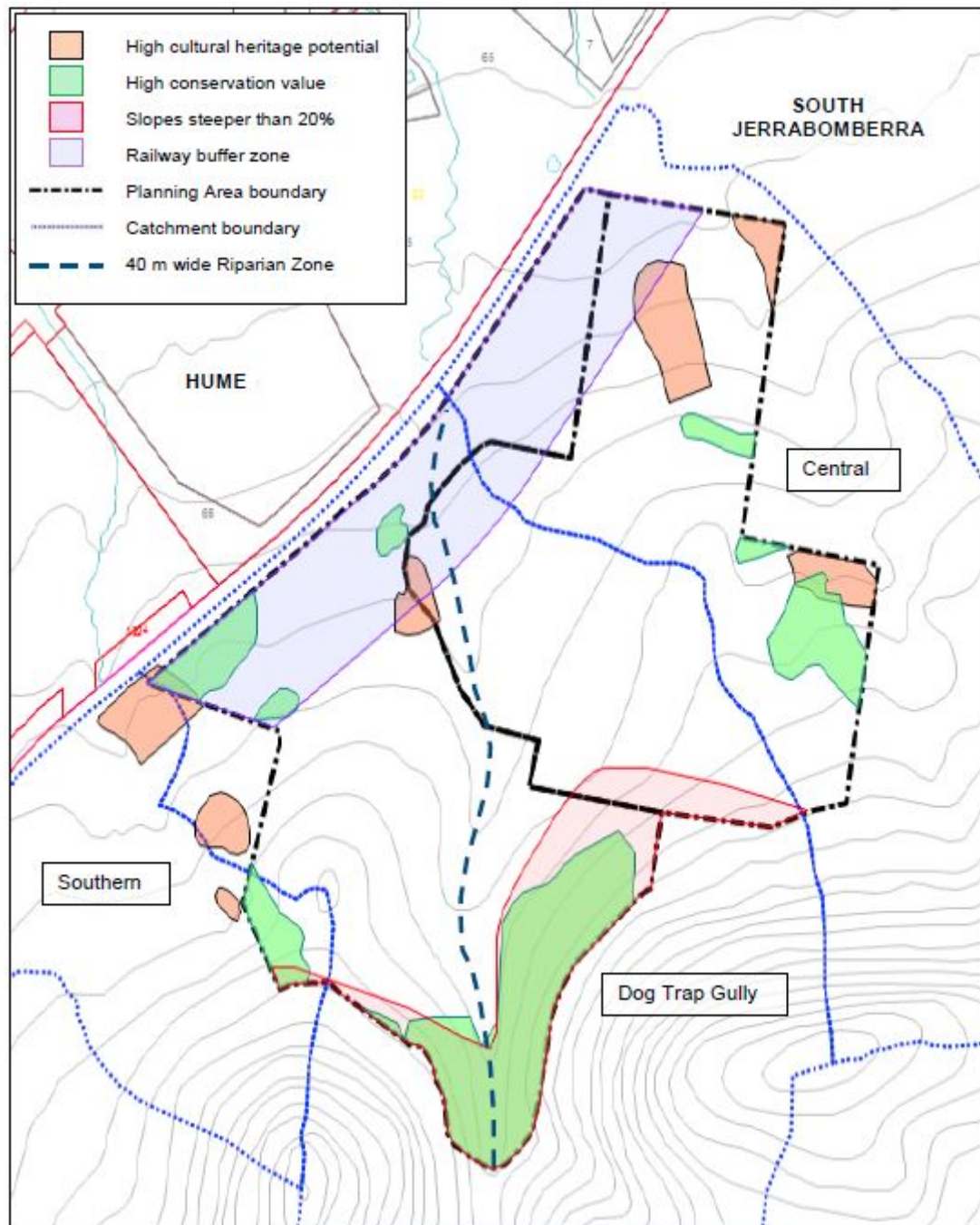
Source: AECOM

The assessment recommends a Phase 2 Environment Site Assessment be undertaken on a targeted and systematic basis to assess the soil and groundwater for contamination.

Stormwater Management

Cardno has prepared a stormwater management assessment of the Study Area to help inform the developable area. Figure A7 of their report (refer to Figure 16) summarises the constraints affecting the redevelopment of the Study Area:

Figure 16 Site constraints overlay map



Source: Cardno

The assessment report identified three main sub-catchment areas, each of which discharge across into the ACT suburb of Hume. The sub-catchment areas are consistent with those identified in the previous South Tralee rezoning project.

The assessment report recommends adopting a similar stormwater management strategy to the one proposed for South Tralee, which employs a 'Catchment Outlet' strategy where a treatment train is created at the lower end of each of the sub-catchment areas, before it is discharged to Hume. This strategy has further merit due to the topography of the Study Area where constructing ponds and/or wetlands on slopes of 10% or more could be challenging. The proposed treatment train, which could be located within the railway buffer zone, would comprise:

- » A gross pollutant trap to trap litter and coarse sediments
- » An off-line wetland with extended detention to treat flows up to 3 month ARI
- » An on-line pond to treat flows between 3 month and 1 year ARI and to provide flow attenuation storage for flows up to 100 year ARI
- » An off-line biofilter could also be included to provide further polishing of outflows from the off-line wetland.

For the development area within the south sub-catchment area, as it is small, a single biofilter at the drainage outlet of the developable area.

Cardno concludes that a *satisfactory Stormwater Management Strategy is achievable for the South Jerrabomberra Planning Proposal area. The strategy suggested is similar to that proposed for the adjacent South Tralee area and thereby provides a level of consistency across both development areas.*

Air Quality Assessment

Pacific Environment Limited conducted an air quality and odour assessment of the existing and potential air quality impacts in the vicinity of the Study Area. Potential impacts on the air quality include:

- » The existing Hume Industrial Estate located to the northwest of the Study Area, in the ACT, including an asphalt batching plant
- » Monaro Highway (500m – 1,000m west of the Study Area) at its closest points
- » The Mugga Lane Resource Management Centre (1.5km north-west of the Study Area)

The assessment found that the most significant potential source of odour impact is the existing asphalt plant within the Hume Industrial Estate. This is followed by the Mugga Lane Resource Management Centre, which is located about 1.5kms from the Study Area, west of the Hume Industrial Estate.

The assessment recommends the retention of the 250m buffer zone between the Study Area and the Hume Industrial Estate, which would be consistent with the South Tralee LEP. This Planning Proposal considers that a reduction to the buffer to 150m wide would not be detrimental to the air quality experienced by the future residential neighbourhood. This is further supported by the Study Area being located further away from the potential sources which may impact air quality than South Tralee.

The assessment concludes that due to the separation distance between the Study Area and the potential sources of odour impacts, these existing facilities should not constrain the future rezoning of the Study Area.

Noise Assessment

A noise assessment was conducted by Pacific Environmental Limited to determine the existing and potential impacts from:

- » Aircraft noise from Canberra Airport which operates 24 hours a day with no curfew

- » Industrial noise stemming from *inter alia* the Hume Industrial Estate, Mugga Lane Resource Management Centre
- » Road traffic noise from the Monaro Highway, the streets within the Hume Industrial Estate, Isabella Drive, Mugga Lane and proposed internal roads
- » Potential rail noise and vibration should use of the railway line be reinstated.

Aircraft Noise

The Study Area is located outside of the Australian Noise Forecast (ANEF) 20 contour. According to AS2021, areas outside of ANEF 20 are deemed acceptable for residential development. However, as the ANEF contours are difficult to define, caution needs to be taken for areas where there is potential for noise intrusion above acceptable limits.

The assessment indicates that aircraft noise intrusion above acceptable limits may occur and that more detailed analysis of the impact of aircraft noise impacts be undertaken at Development Application (DA) stage to ensure that construction techniques provide the appropriate acoustic performance.

Industrial Noise

The assessment found that, under a worst-case scenario, noise impacts from industrial sources could occur up to 290m into the Study Area. The assessment recommends establishing a buffer zone to reduce the risk of conflicting land uses. Although noise sensitive development may not be prohibited in this buffer, the assessment recommends that any development within the buffer be appropriately constructed to protect amenity levels. Further, the extent of the buffer may be re-evaluated if multi-storey buildings are constructed within the western part of the Study Area to shield other buildings from the industrial noise.

Road Traffic Noise

As no internal road layout has been designed yet, the assessment recommends using best practice planning for noise amenity, including orientation, offset, siting non-sensitive structures as barriers and land use planning near road corridors to effectively control road traffic noise.

The assessment further recommends that a road traffic noise intrusion assessment be undertaken for all residences proposed to be located directly adjacent to proposed arterial road sections.

Rail Noise & Vibration

Although the railway line on the western boundary of the Study Area is not currently in use, the noise assessment has analysed the impacts of rail noise and vibration should the line be reinstated.

The assessment of potential noise sensitive land uses adjacent to the rail corridor would be assessed according to the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) at Development Application (DA) stage.

Where vibration sensitive developments are proposed within 60m of the rail corridor of the rail corridor, it is recommended that a specific rail vibration assessment is carried out.

The Acoustic Group – Report in Response

In response to this assessment, The Acoustic Group prepared a report to examine the noise impacts affecting rezoning opportunities at the Study Area. The assessment concludes that:

- » Providing noise controls to satisfy internal noise levels specified in AS 2021-2000 are feasible and practical
- » Noise from the Monaro Highway, the Hume Industrial Estate and the Goulburn/Bombara railway line will not constrain the future rezoning

- » Regarding vibration from the Goulburn/Bombara railway line, a setback of at least 60m from the track is required to comply with the noise and vibration targets contained within the Infrastructure SEPP
- » The future volume of traffic on the proposed Northern Entry Road is unknown to determine if any planning or construction measures are required
- » A setback of 80m from the nearest rail track to help provide sufficient separation between the Hume Industrial Estate and the future residential zone is recommended.

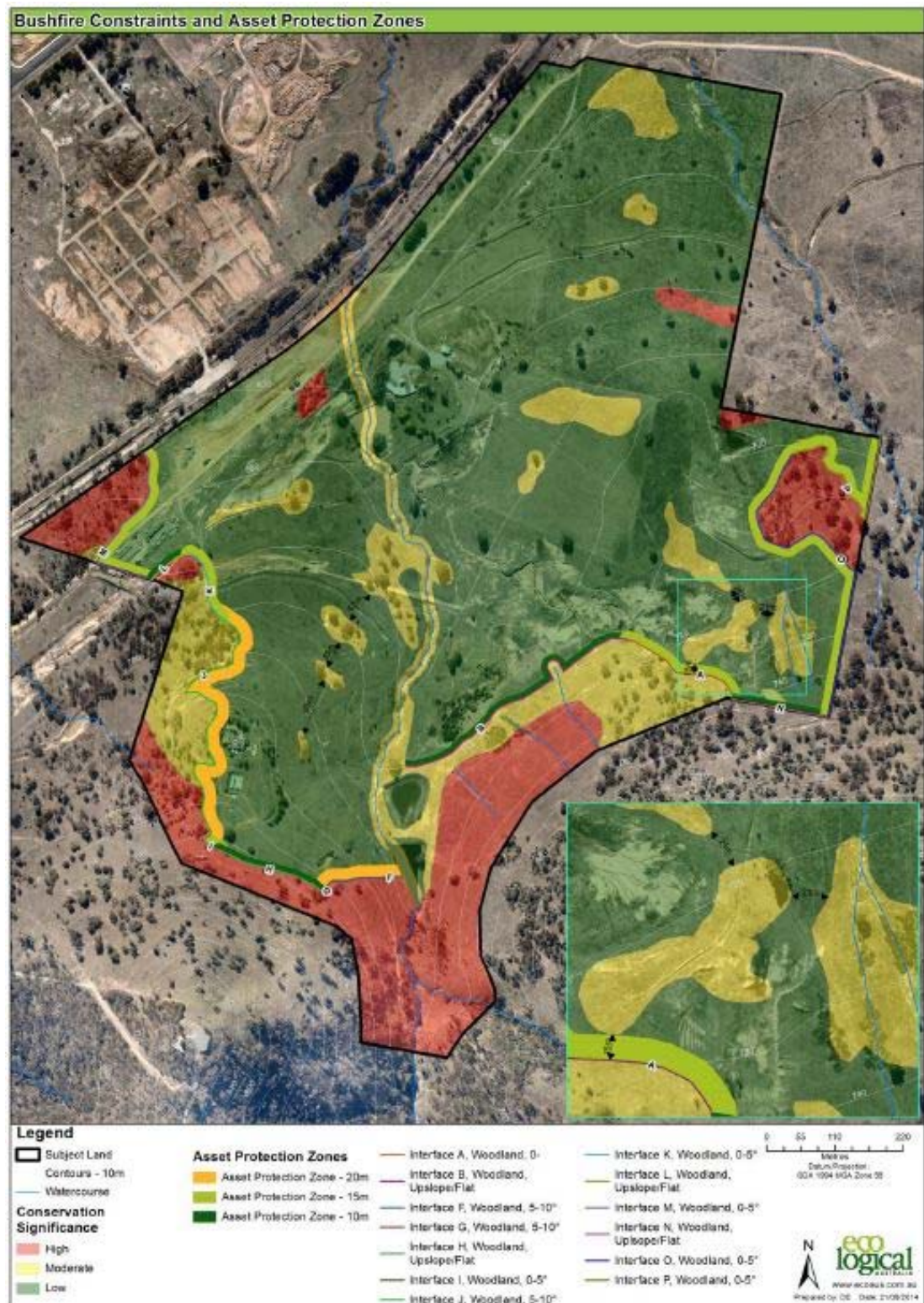
Bushfire Constraints and Management

Ecological Australia was engaged to prepare a bushfire constraints and management report. The report concluded that the Study Area can support future residential development outside of the conservation areas and any Asset Protection Zone (APZ) required to support the conservation area.

The report recommends a minimum width dimension for the APZ to enable future building construction to comply with BAL-40 under AS3959-2009 Construction of buildings in bushfire-prone areas. However, should the APZs be increased, building construction may only need to comply with BAL-29 which would ultimately reduce the costs associated with the construction work, including fire-rated glazing and fire shutters for windows.

The proposed APZs and how they relate to the conservation area identified in the ecology report are shown below in Figure 17.

Figure 17 Asset Protection Zones (APZs)



Source: EcoLogical Australia, pg. 17

Cultural Heritage

Ironbark Heritage & Environment analysed previous studies and undertook high level investigations to determine the impact of the Planning Proposal on Aboriginal archaeological heritage and cultural heritage.

Aboriginal Archaeological Heritage

The most common artefact found within the Study Area is open scatters. These are characterised by stone artefacts lying in clusters on the open ground and can represent overnight camps, specific manufacturing or maintenance activities, base camps or a combination of these.

The work undertaken by Ironbark identified 23 locations of Aboriginal archaeological material. The amount and density of the finds suggest that there could be further locations containing archaeological material elsewhere within the Study Area.

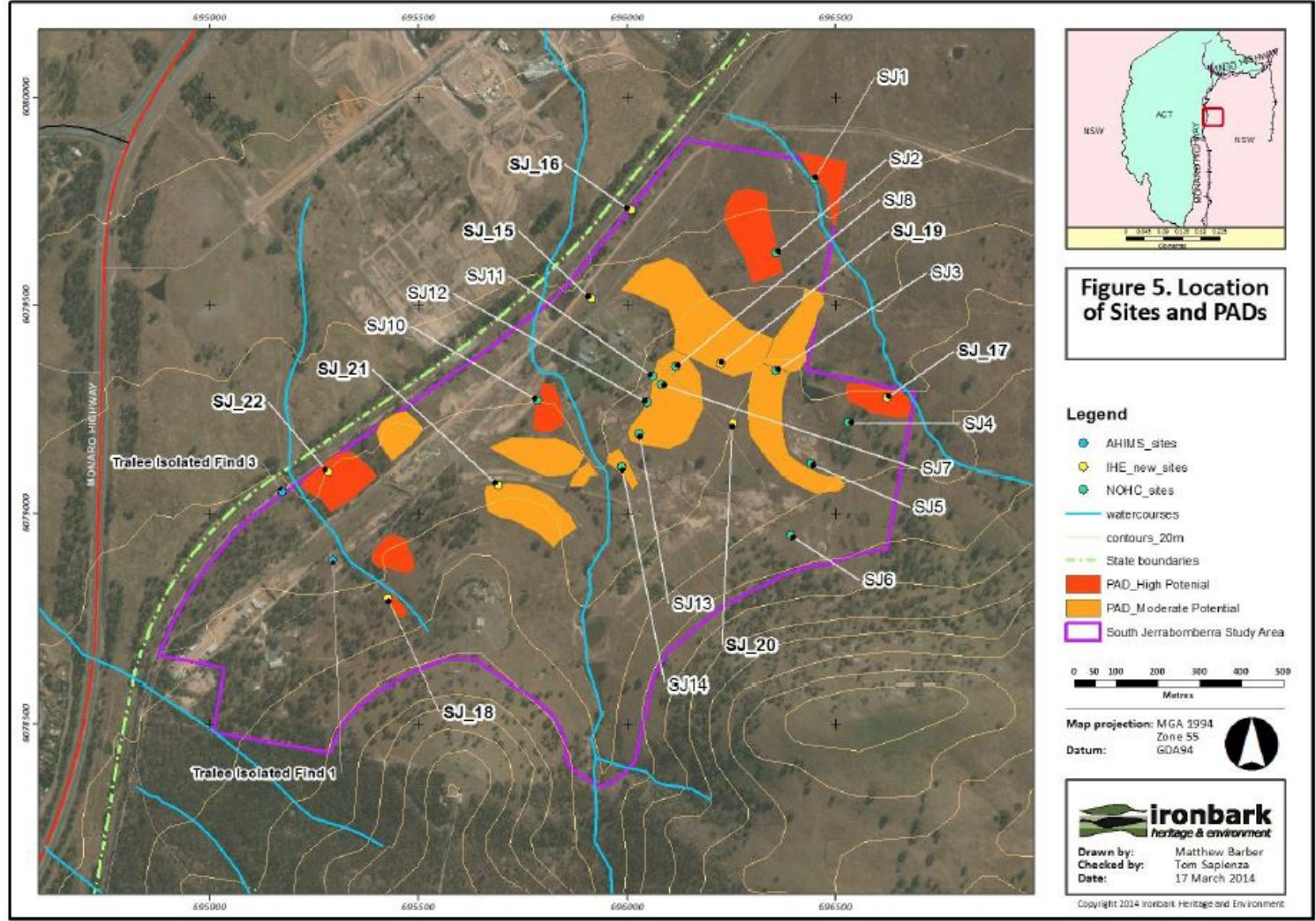
The work has also identified areas with high Potential Archaeological Deposits (PADs) which would contain a high concentration of Aboriginal archaeological material (refer to Figure 18). Other PAD areas of moderate potential have also been identified. Between the areas of high and moderate archaeological potential, there could be areas of low density artefact materials.

Ironbark Heritage & Environment does not recommend against a rezoning and recommends that an Aboriginal Heritage Impact Permit (AHIP) be obtained to allow the disturbance of the Aboriginal archaeological material. To obtain an AHIP, the following works will need to be undertaken:

- » A Cultural Heritage Assessment Report will need to be prepared
- » The local Aboriginal community will need to be consulted
- » The subsurface will need to be assessed.

These measures will ensure that the proposed rezoning complies with the *National Parks and Wildlife Act 1974*. Any future recommendations about the management of the sites, once they have been fully investigated and assessed, could be implemented prior to any future development application proceeding. These works will be undertaken, and the application for an AHIP will be sought, in preparation for the lodgement of a development application. The proponent, and their heritage consultant, will enter into detailed discussions and negotiations with the Office of Environment and Heritage to determine the extent of additional investigations that may be required in order for an AHIP to be issued.

Figure 18 Location of Archaeological Sites and PADs



Source: Ironbark Heritage & Environment, figure 5, page 18

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will not have detrimental effects on the existing social and community infrastructure available in the vicinity of the Study Area.

Furthermore, the rezoning of the Study Area will create additional employment opportunities within the construction industry. The new population will strengthen the local economy through using local services and facilities in the local area.

6.4 Section D – State and Commonwealth interests

Q10 Is there adequate public infrastructure for the Planning Proposal?

Queanbeyan Council has recently approved a Concept Development Application for the route of the Northern Entry Road. This road will provide access from Tomsitt Drive, through North and South Tralee, to South Jerrabomberra. The proposed orientation of part of the Northern Entry Road will be parallel to the proposed RE2 Private Recreation zone separating the site from the existing railway line. The proposed Northern Entry Road will also provide access into the new residential neighbourhood. The exact location of these entry points and the internal roads are indicative only at this stage until a formal subdivision pattern has been designed, submitted and approved by Council. In addition, preliminary work has already begun on a southern access into the ACT.

Q11 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

In accordance with the Gateway Determination consultation will be undertaken for a period of at least 21 days with the following public authorities and/or compliance with the relevant Section 117 Ministerial Directions during the public exhibition:

- » Office of Environment and Heritage
- » Transport for NSW
- » NSW Rural Fire Service (s117 Direction 4.4 Planning for Bushfire Protection)
- » ACT Government.

Council will also consult with other relevant agencies in respect of the Planning Proposal. This includes the relevant Servicing Authorities, NSW Police and NSW Ambulance Service, NSW Department of Housing and NSW Education and Communities.

Consultation with ACT Government agencies will include ACT Chief Ministers Department, the ACT Environment and Sustainable Development Directorate and the Commonwealth Department of Infrastructure and Transport.

7 Part 4 Mapping

This section contains the maps which accompany the Planning Proposal. The maps include:

- » Amendments to existing maps:
 - > Land zoning
 - > Minimum lot size
 - > Height of buildings
 - > Local clauses
- » New map:
 - > Riparian land and watercourses.

In each of these maps, the Study Area is highlighted and has a black border around it. The previously zoned areas of South Tralee which adjoin the Study Area are shown but in faded colours. The area which has been faded does not form part of this Planning Proposal.



Queanbeyan Local Environmental Plan (South Jerrabomberra) 2013

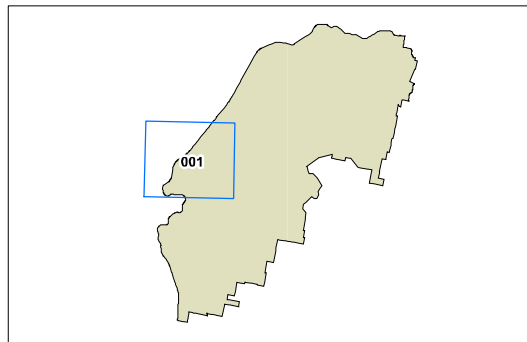
Land Zoning Map - Sheet LZN_001

Zone

- Neighbourhood Centre
- Mixed Use
- Environmental Conservation
- General Residential
- Private Recreation
- DM**

Cadastre

- Cadastre 03/10/14 LPI

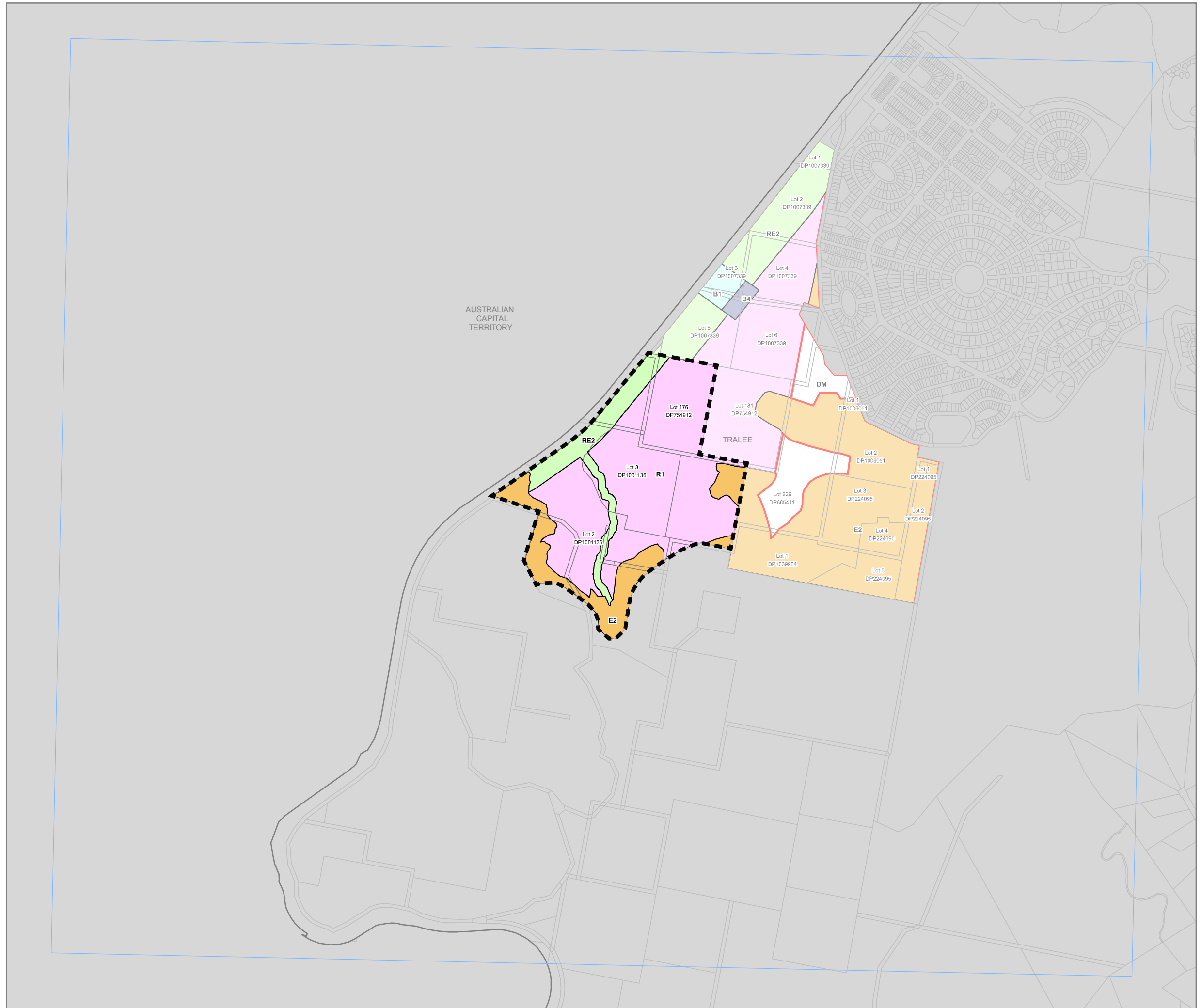


0 125 250
METRES

Projection: GDA 1994
Zone 55

Scale 1: 10000 @ A3

Map Identification Number:
6470_CEN_LZN_001_020_20120808





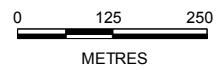
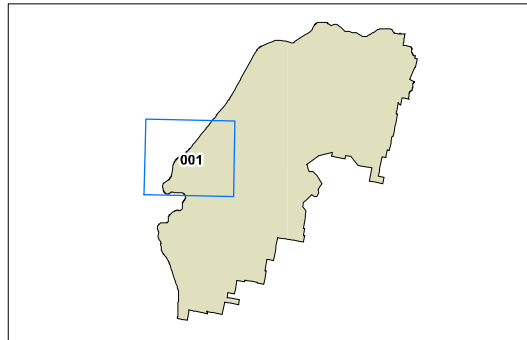
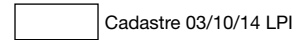
Queanbeyan Local Environmental Plan (South Jerrabomberra) 2013

Lot Size Map - Sheet LSZ_001

Minimum Lot Size (sqm)



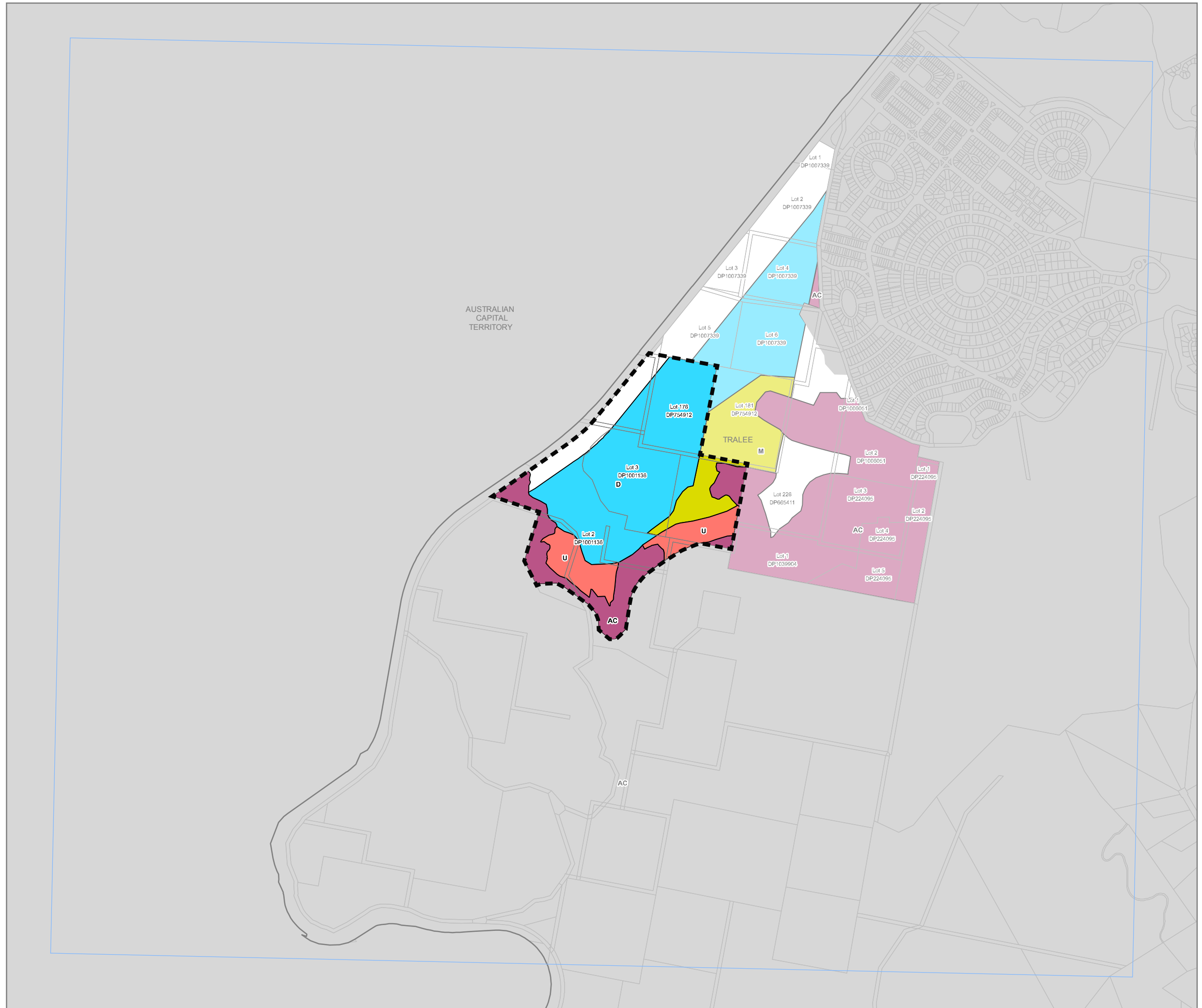
Cadastre



Projection: GDA 1994
Zone 55

Scale 1: 10000 @ A3

Map Identification Number:
6470_CEN_LSZ_001_020_20120808



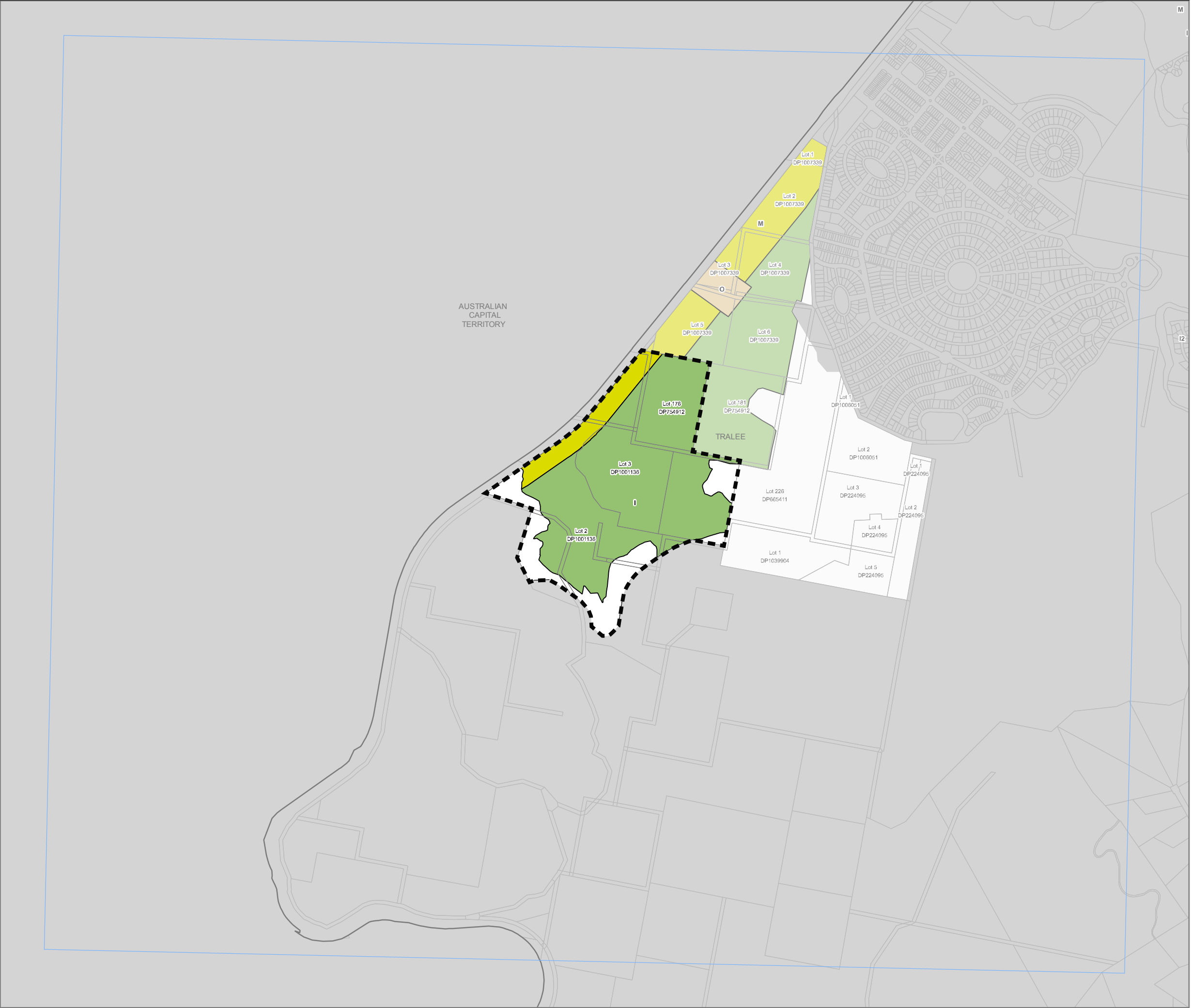
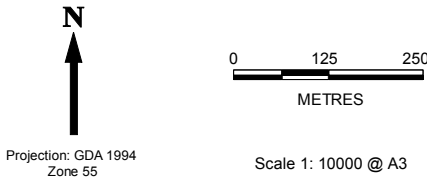
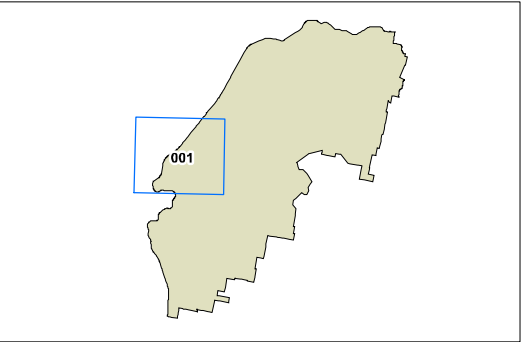
Height of Building Map -
Sheet HOB_001

Maximum Building Heights (m)

I	8.5
M	12
O	16

Cadastre

	Cadastre 03/10/14 LPI
--	-----------------------





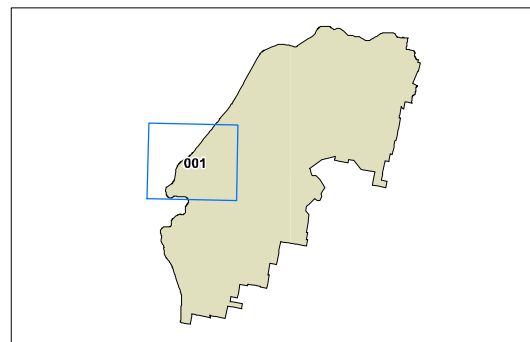
Queanbeyan Local Environmental Plan (South Jerrabomberra) 2013

Local Clauses Map - Sheet LOC_001

-  Additional Development Area 1
-  Land in vicinity of proposed Dunn's Creek
-  Visual and Acoustic Buffer Land

Cadastral

-  Cadastre 03/10/14 LPI

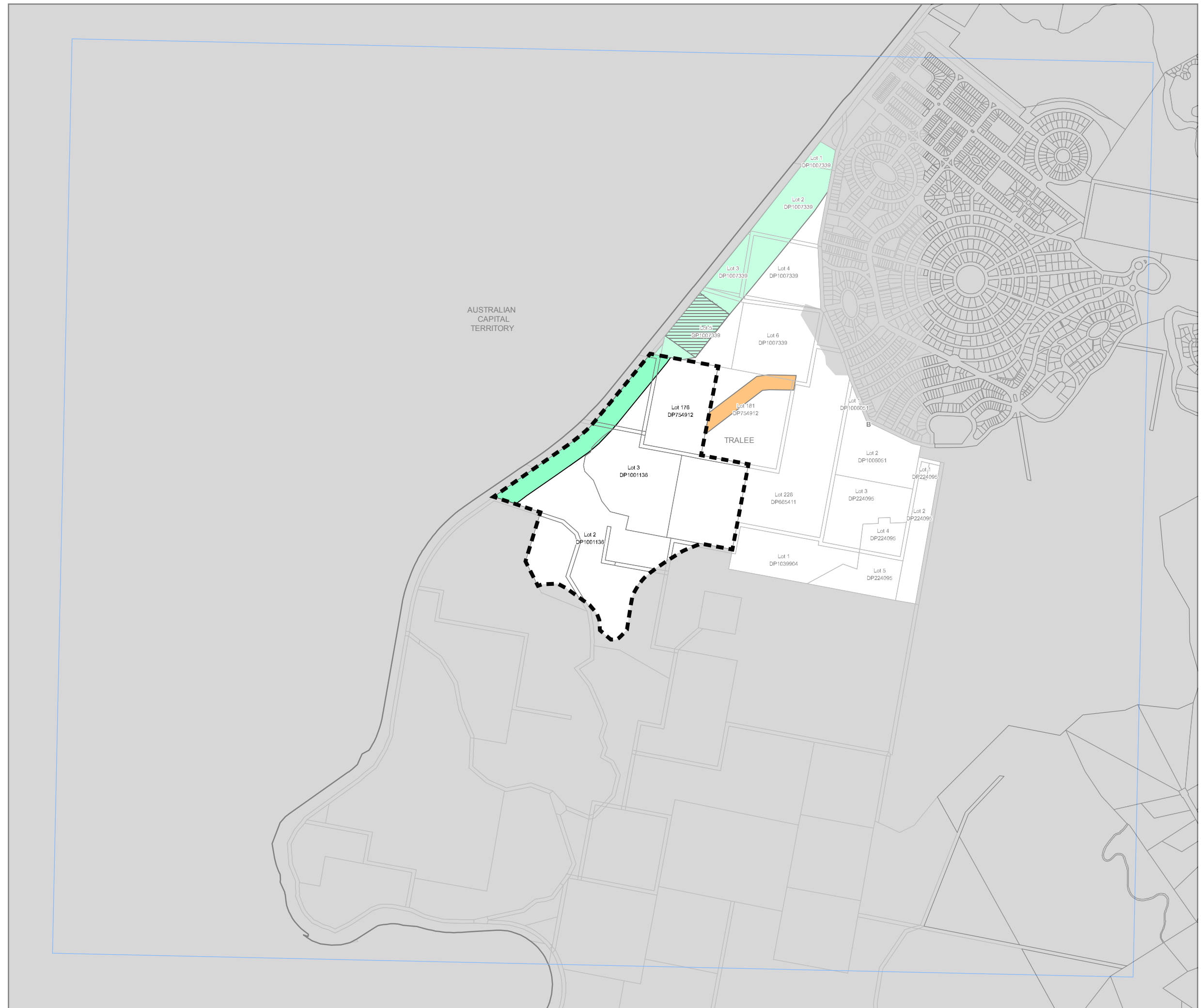


0 125 250
METRES

Projection: GDA 1994
Zone 55

Scale 1: 10000 @ A3

Map Identification Number:
6470_CEN_LOC_001_020_20120808





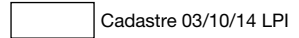
Queanbeyan Local Environmental Plan (South Jerrabomberra) 2013

Riparian Lands and Watercourses Map - Sheet WCL_001

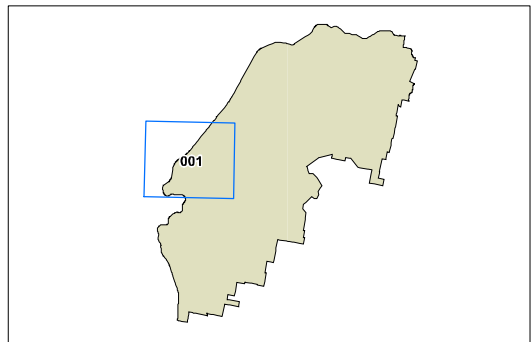
Watercourse



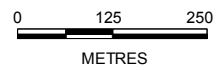
Cadastral



Cadastral 03/10/14 LPI

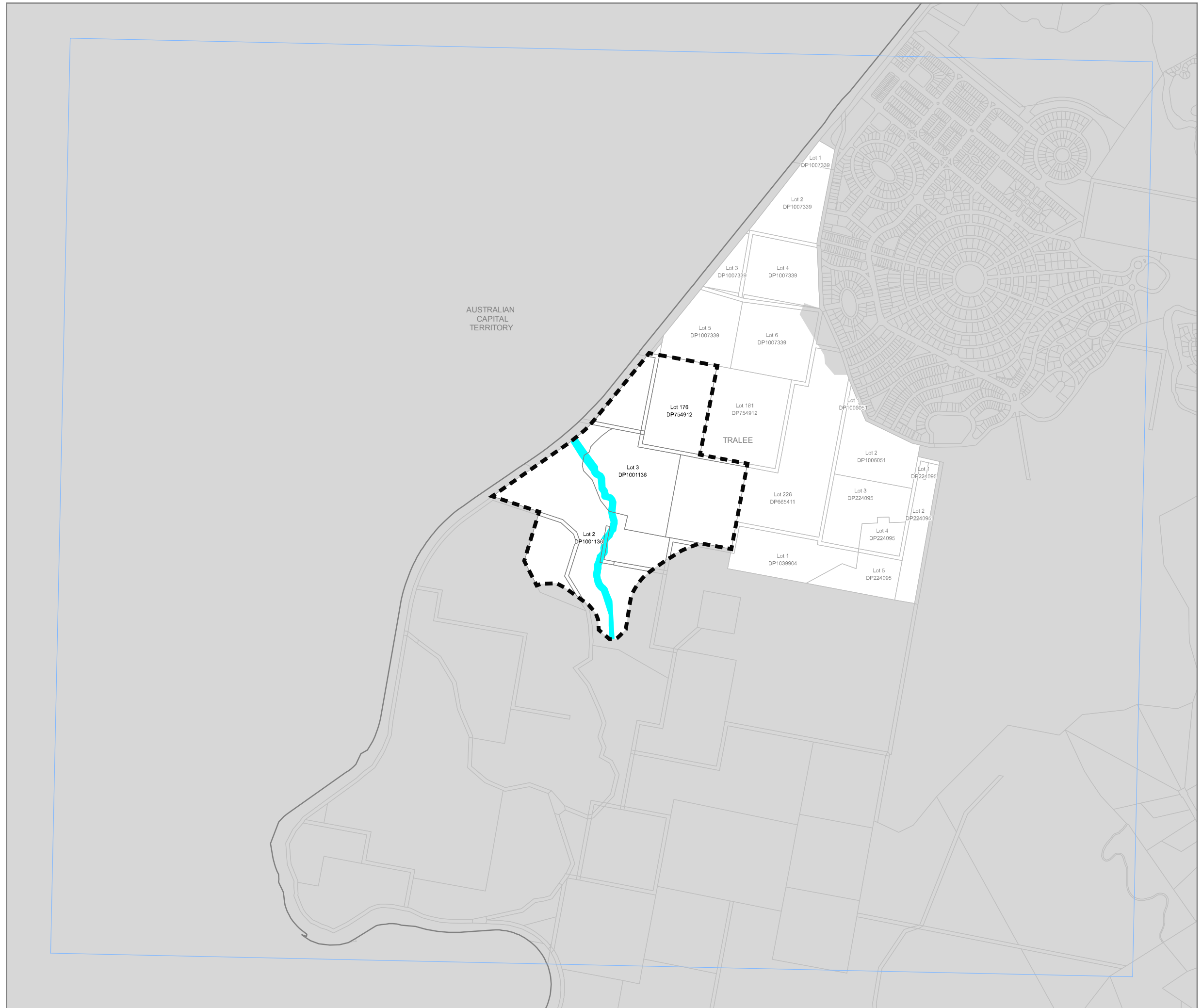


Projection: GDA 1994
Zone 55



Scale 1: 10000 @ A3

Map Identification Number:
6470_CEN_WCL_001_020_20120808



8 Part 5 Community consultation

Clause 57 of the *Environmental Planning and Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the gateway determination. The Gateway determination requires that the Planning Proposal to be publically exhibited for 28 days. It is anticipated that the Planning Proposal will be required to be publically exhibited in accordance with the requirements of the Department of Planning and Infrastructure guidelines “*A Guide to Preparing Local Environmental Plans*”.

9 Part 6 Project timeline

The proposed project timeline is detailed below.

Table 7 Project timeline

Action	Timing
Timeframe for government agency consultation, including: • Office of Environment and Heritage • Transport for NSW • NSW Rural Fire Service • ACT Government	Minimum of 21 days
Dates for public exhibition of the draft LEP	Minimum of 28 days. Dates to be determined
Timeframe for consideration of submissions	To be determined.
Timeframe for consideration of a proposal post exhibition	To be determined.
Date sent to Parliamentary Counsel seeking an Opinion	To be determined.
Timeframe for Legal drafting of amendment with Parliamentary Counsel in consultation with QCC.	To be determined.
Date Legal Opinion issued by Parliamentary Counsels that plan can be made.	To be determined.
Date Council resolved to Adopt the LEP	To be determined.
Date LEP made by General Manger (or other) under delegation	To be determined.
Date sent to Department requesting notification on NSW Legislation Website	22 September 2016
Date amendment is notified on NSW Legislation Website and becomes law	25 September 2016

10 Conclusion

This Planning Proposal seeks to rezone some of the land at South Jerrabomberra from environmental protection/conservation to urban purposes. The primary zone which will apply to the Study Area will be R1 General Residential, with some RE2 Private Recreation and E2 Environmental Conservation.

The rezoning has considered the existing and projected 2050 noise contours of Canberra Airport as contained in its recently approved Master Plan (expressed as an ANEF), the location of threatened species and endangered ecological communities, industrial noise buffers, riparian buffers to Jerrabomberra Creek and the servicing/visual impacts necessitating development staying below the 740m contour of the range to the south of the Jerrabomberra Valley.

We therefore conclude that this Planning Proposal will achieve a favourable outcome for the Queanbeyan City Council LGA in providing additional housing to meet its targets identified in the amended Queanbeyan Residential and Economic Strategy 2031 and should proceed to public exhibition.

Appendices

A	Gateway Determination
B	Recommendations

A Gateway Determination



Contact: Martin Brown
Phone: (02) 6229 7900
Fax: (02) 6229 7901
Email: Martin.Brown@planning.nsw.gov.au
Postal: c/- PO Box 5475, Wollongong NSW 2520

Our ref: PP_2013_QUEAN_001_00 (13/13743)
Your ref: SF130714
C1382849

Mr Gary Chapman
General Manager
Queanbeyan City Council
PO Box 90
QUEANBEYAN NSW 2620

Dear Mr Chapman,

Planning proposal to amend Queanbeyan Local Environmental Plan (South Tralee) 2012

I am writing in response to your Council's letter dated 14 August 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at South Jerrabomberra for residential and other appropriate uses and rename the Local Environmental Plan (LEP) to Queanbeyan LEP (South Jerrabomberra) 2013.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 3.5 Development Near Licensed Aerodromes and 5.1 Implementation of Regional Strategies are justified by the endorsed Queanbeyan Residential and Economic Strategy 2031 or are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation, however has asked not to use its delegation for the making of this plan. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan because the proposal is implementing the endorsed Queanbeyan Residential and Economic Strategy 2031. Council should contact the regional office of the department should it require assistance in relation to the exercise of its delegation.

The amending LEP is to be finalised within 24 months of the week following the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Martin Brown of the regional office of the department on 02 6229 7900.

Yours sincerely,


Neil McGaffin 18.9.13
Acting Deputy Director General
Planning Operations & Regional Delivery

Encl:
Gateway determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated plan making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2013_QUEAN_001_00): to rezone land at South Jerrabomberra for residential and other appropriate uses.

I, the Acting Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Queanbeyan Local Environmental Plan (LEP) (South Tralee) 2012 to rezone land at South Jerrabomberra for residential and other appropriate uses and rename the LEP to Queanbeyan LEP (South Jerrabomberra) 2013 should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the project timeline within the planning proposal to include all relevant information consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*, including the proposed timeframe for the completion of additional information as identified below.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning and other applicable maps, which are at an appropriate scale and clearly identify the subject land.
3. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - biodiversity, flora and fauna
 - bushfire
 - air quality, noise, visual impacts
 - heritage
 - urban capability
 - stormwater management
 - contamination
 - traffic
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - Transport for NSW
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - ACT Government

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated *18th* day of *September* 2013.



Neil McGaffin
Acting Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Queanbeyan City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_QUEAN_001_00	Planning proposal to rezone land at South Jerrabomberra for residential and other appropriate uses and rename the Local Environmental Plan (LEP) to Queanbeyan LEP (South Jerrabomberra) 2013.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 18 September 2013

Neil McGaffin
Acting Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_QUEAN_001_00
Date Sent to Department under s56	14/08/2013
Date considered at LEP Review Panel	05/09/2013
Gateway determination date	18/09/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
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:



**Planning &
Environment**

RECEIVED IN Records QUEANBEYAN CITY COUNCIL	
- 4 JUN 2015	
Document No.	SP140266
Document Scanned? ☐ Yes	

The General Manager
Queanbeyan City Council
PO Box 90
Queanbeyan NSW 2620

15/08570

Attention: David Carswell

Dear Sir/Madam

**Planning Proposal PP_2013_QUEAN_001_00 – Alteration of Gateway
Determination**

I refer to the above mentioned Planning Proposal PP_2013_QUEAN_001_00 to rezone additional land at South Jerrabomberra for urban purposes and Council's recent advice seeking an extension of time to complete the Planning Proposal.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act, 1979*, to alter the Gateway determination dated 18 September 2013 for PP_2013_QUEAN_001_00. The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Martin Brown of the Department's Queanbeyan office to assist you. Mr Brown can be contacted on (02) 6229 7913.

Yours sincerely

27 May 2015

**Brett Whitworth
General Manager
Southern Region
Planning Services**

Encl:
Alteration to Gateway Determination



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2013_QUEAN_001_00)

I, Brett Whitworth, General Manager - Southern Region, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 18 September 2013 for the proposed amendment to the Queanbeyan Local Environmental Plan (South Tralee) 2012 as follows:

1. Delete:

"condition 7"

2. Replace with:

a new condition 7 "The timeframe for completing the LEP is to be **36 months** from the week following the date of the Gateway determination."

Dated

27th day of May

2015

Brett Whitworth
General Manager, Southern Region
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

B Recommendations

The following provides a summary of the recommendations stemming from the technical investigations that were prepared in relation to this Planning Proposal which Council may consider including in the amendments to the Queanbeyan Local Environmental Plan (South Tralee) 2012 and to the South Jerrabomberra Development Control Plan 2014.

Proposed amendments to the Local Environmental Plan (South Tralee) 2012

- » Include a new map:
 - > Riparian Land and Watercourses Map
- » Amend the following maps:
 - > Land zoning
 - > Lot size
 - > Height of buildings
 - > Local clauses
- » Extend the following maps to include the Study Area:
 - > Floor space ratio
 - > Urban release area
 - > Land application
 - > Land reservation acquisition
- » New clause to accompany the Riparian Land and Watercourses Map
- » Include the use 'earthworks' as 'permitted with consent' under the RE2 Private Recreation zone
- » Extend the application of Clause 6.3 to the Study Area
- » Include an additional requirement under Clause 6.3(3) to require the development control plan to provide for a noise assessment being prepared to address potential aircraft noise impacts and the impacts from the Goulburn/Bombara railway line
- » Include an additional requirement under Clause 6.3(3) to require detailed studies and assessment of the Study Area to determine the location and extent of Aboriginal archaeological sites
- » To extend the application of Clause 7.3 and 7.4 to the Study Area.

Proposed amendments to the South Jerrabomberra Development Control Plan 2014

Aboriginal Archaeological and Cultural Heritage

- » Prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) to detail the scientific and cultural values of the Aboriginal archaeological sites
- » Test excavations will occur as part of the preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR) to detail the scientific and cultural values of the Aboriginal archaeological sites
- » Consult with the local Aboriginal community
- » Enter into more detailed discussions with the Office of Environment and Heritage to determine the extent of excavations and additional investigations that may be required for the application for an Aboriginal Heritage Impact Permit (AHIP)
- » Obtain an Aboriginal Heritage Impact Permit (AHIP) from the Office of Environment and Heritage
- » Further investigations are required for the stone chimney on Parcel 1

Biodiversity

- » Protect areas with high and moderate conservation value
- » Where there is a loss of high and moderate conservation areas, then the proponent is required to provide appropriate offsets aligned with either BioBanking Assessment Methodology or BioCertification
- » Apply appropriate buffers around the proposed development to minimise impacts to the high and moderate conservation value areas through inclusion of fringing urban parkland and placing all Asset Protection Zones (APZs) outside these areas
- » Prepare a Vegetation Management Plan to control weed spread and allocate funding and responsibility for the long-term management of retained vegetation
- » Retain and manage drainage lines and riparian areas and create appropriate buffer zones in accordance with the Vegetation Management Plan

Bushfire

Asset Protection Zones

- » Provide an Asset Protection Zone between the future developable area and the hazard dependent on the hazard type, development type and the final location and spatial coverage of conservation areas, such as:

Location	Predominant Vegetation	Effective Slope	Residential APZ	SFPP APZ
South	Woodland	Upslope	10 m (16 m will achieve BAL-29)	40 m
		Downslope 0-5°	15 m (21 m will achieve BAL-29)	50 m
		Downslope 5-10°	20 m (26 m will achieve BAL-29)	60 m
Throughout	Low Hazard	Upslope	10 m (11 m will achieve BAL-29)	30 m
		Downslope 0-5°	10 m (14 m will achieve BAL-29)	40 m
North and West	Managed Land	Upslope to Downslope 5-10°	APZ not required. Assumed managed as adjoining development or open space.	

- » The relationship between the conservation remnant size and other nearby hazards or remnants should be considered as Asset Protection Zone constraints
- » The Asset Protection Zone is to be maintained to meet fuel management specifications, be located outside of any conservation area, and feature a perimeter road

Building Construction Standards

- » Future buildings are to be constructed in accordance with the relevant BAL as per AS3959-2009 Constriction of buildings in bushfire-prone areas
- » Future buildings are to be constructed in accordance with AS2021 to mitigate aircraft noise impacts

Access

- » All development areas within 100m of the bushland interface requiring an Asset Protection Zone are to have an alternate access and egress option
- » More than one access point should be provided between the Study Area and adjacent (future) residential lands to the north and northeast
- » Depending on the bushfire risk, all bushland interface areas containing an Asset Protection Zone for a significant bushfire hazard should feature a perimeter public road within the Asset Protection Zone
- » Road design is to comply with the *Planning for Bushfire Protection 2006* acceptable solutions

Water supply and other utilities

- » Future residential lots are to have a reticulated water supply and hydrants located in accordance with AS2419.1-2005 Fire Hydrant Installations – System Design, Installation and Commissioning
- » Future dwellings on larger rural residential lots not within the required distance of a hydrant, they will require static water supply at time of DA
- » Electricity supply should be underground wherever practicable
- » Any gas services are to be installed and maintained in accordance with AS/NZS 1596-2008 The storage and handling of LP gas

Geotechnical

- » Compliance with deemed-to-comply footing designs stipulated by AS2870 “Residential Slabs and Footings – Construction” which applies to residential-style one and two storey structures, or buildings with similar loads and superstructure stiffness

- » All footings should be taken below the silty topsoil, slopewash, uncontrolled fill or disturbed ground
- » Ground slabs can be constructed on the natural soils or newly placed controlled soils, following the removal of any silty topsoil, uncontrolled fill and disturbed ground
- » Permanent cut and fill soil batters should be formed at no steeper than 2(H):1(V)
- » All soil cut and fill surfaces should be protected against erosion by topsoiling and grassing, or other suitable means
- » The following procedure is recommended for construction of controlled fill foundation platforms for buildings or pavements:
 - > Areas be fully stripped of all topsoil, uncontrolled fill, and any underlying moisture-softened alluvial/residual/slopewash soils (a stripping depth of 0m/0.5m is expected, although would be deeper where stockpiles and the fill around boreholes 16A and 17A is present).
 - > Stripped foundations be proofed-rolled by a vibratory pad-foot of not less than 9 tonne static mass to check for any weak or wet areas that require replacement.
 - > Replacement fill and platform fill of suitable materials be compacted to required level in not thicker than 150mm layers to not less than 98%StdMDD at about optimum moisture content.
 - > Fill placement and control testing be overviewed and certified by a geotechnical engineer at Level 1 or 2 as defined in AS3798-1996 "Guidelines on Earthworks for Commercial and Residential Developments".
- » Pavements should be constructed following the removal of any topsoil, uncontrolled fill and disturbed ground. Following excavation to required level slab areas on soil should be proof-rolled by a pad-foot roller to check for any weak, wet or deforming soils that may require replacement
- » Retaining walls can be constructed in open excavation, with the gap between excavation face and the wall backfilled later, and can be designed using a triangular earth/rock pressure distribution
- » Suitable site drainage should be provided to ensure rainfall run-off or other surface water cannot pond against structures or pavements
- » Future residential development in areas which have slopes less than 10° should comply with AS2870 "Residential Slabs & Footings" and implement suitable engineering practice for sloping sites, such as the minimisation of cut and/or fill, use of structure retaining walls, installation of appropriate drainage and surface stabilisation of disturbed or filled ground
- » Future residential development in areas which have slopes greater than 20°, require more detailed excavation of slope stability

Stormwater Management

- » Construction of a 'Catchment Outlet' and treatment train as described in the report
- » Construction of the biofilter for the southern end of the developable area
- » Creation of a series of raingardens in the suburban street network to complement the treatment train in the northern and central parts of the Study Area
- » Undertake modelling to ensure that discharges from Dog Trap Gully Creek are reduced sufficiently to accommodate the additional flow volume from the urbanisation of the Study Area to prevent overflow in storm events up to 100 year ARI storm event

- » Adoption of the flow attenuation strategy proposed for South Tralee
- » One or both of the two existing farm dams on Dog Trap Gully Creek at the upper end of the Study Area be converted to retarding basins
- » 20m vegetated riparian zone on either side of Dog Trap Gully Creek

Air Quality

- » Liaise with EPA ACT to ensure that nearby facilities are operating at current industry standard for odour management practices

Noise Impacts

- » All noise sensitive developments to be assessed against AS2021 to ensure that building construction achieves the required acoustic performance
- » Assess the potential for industrial noise impact, including appropriate internal layout design and employing suitable construction methods. Any residential development within the night time L_{Aeq} 40dB(A) contour buffer noise of the Hume Industrial Estate should be assessed for industrial noise with reference to the NSW Industrial Noise Policy
- » The proposed buffer zone distance could be subject to change following design measures that reduce the propagation of industrial noise to noise sensitive areas within the Study Area
- » Planning layouts and building design should consider the direction of potential industrial noise sources for the proposed sensitive land uses
- » Road traffic noise intrusion assessment should be undertaken for all proposed residences along the sub-arterial/arterial roads at DA stage
- » Assessment should include day and night traffic volumes, to be determined following prediction of future traffic volume data
- » Protection of internal and external noise amenity from road traffic sources should be considered as part of the design process
- » The requirement for additional mitigation can be considered in conjunction with the requirements for any industrial, rail and aircraft noise mitigation
- » Road designs should include consideration of noise generating properties such as surface and geometry
- » A rail noise assessment is required for noise sensitive developments located within 40m of a rail line for passenger and freight services at speeds of 80km/h or more
- » Standard noise mitigation (Category 2 in Appendix C of ISEPP) is considered to provide adequate noise mitigation for receivers 40m to 80m from a rail line for passenger and freight services at speeds of 80km/h or more
- » Where vibration sensitive developments are located within 60m of the rail line, a vibration assessment should be performed
- » Where noise sensitive developments are proposed within 40m of the rail noise assessment should be conducted
- » A landscaped mound, or dense vegetation planting, is required to be created within the buffer area separating the Goulburn/Bombara railway line and Hume Industrial Estate from the sensitive uses within the Study Area

Contamination

- » Undertake a Phase 2 Environment Site Assessment of soil and groundwater in the following manner:
 - > Targeted sampling within the vicinity of the areas of environmental concern identified in the Phase 1 Contamination Assessment report prepared by AECOM
 - > Limited sampling within onsite drainage lines to determine potential overland flows of contamination



www.elton.com.au