



Planning Proposal

Googong Township – Eastern Boundary Amendment

For Submission to Queanbeyan-Palerang Regional Council

Date: 22 March 2024

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Note: Attachments to be provided under separate cover

ATTACHMENTS

- A. Extent of Technical Assessment
- B. Stormwater Management Report
- C. Hydrological Assessment
- D. Preliminary Site Investigation
- E. Bushfire Assessment Report
- F. Traffic and Transport
- G. Aboriginal Cultural Heritage Assessment Report
- H. BCAR

Executive Summary

This Planning Proposal is referred to as the Googong Township Eastern Boundary Amendment* proposal. The Planning Proposal follows the consideration by Queanbeyan Palerang Regional Council (Council) of a detailed scoping proposal in December 2023. Having assessed and considered the Scoping Proposal, Council resolved to proceed as follows:

Minute 524/23

Item 9.5 Scoping proposal - Googong Dam Realignment

That Council supports the progression of the Scoping Proposal for rezoning Lot 11 DP 1266001 (No. 29 Connolly Street); and part Lot 6 DP 1294382 (Wellsvale Drive, Googong) for initial agency consultation.

A meeting was held between Council, agencies and GTPL on 14 February 2024 and site visit on 19 February 2024. The Planning Proposal is the next step in the Local Environmental Plan making process.

**Note: The Amendment has been renamed to reflect the entirety of the changes that includes the rezoning of land adjacent to Neighbourhoods 4 and 5 in the south east as well as the Pink-tailed Worm Lizard (PTWL) Conservation Area in the north east of the Googong Township.*

Land to which the proposal applies

The proposal relates to the following two lots:

Lot 11 DP 1266001 (PTWL Conservation Area)

Lot 6 DP 1294382

Intended outcome

The Planning Proposal will:

1. Rezone all of the land within the PTWL Conservation Area from R5 Large Lot Residential to C2 Environmental Conservation.
2. Make a number of minor adjustments to the zone boundaries along the interface between Neighbourhoods 4 and 5 (NH4&5) so that the zone boundaries align with future development areas.

The intention is that the Yellow Box Reserve is rezoned from R1 General Residential to C2 Environmental Conservation and the boundary between the residential and conservation zones adjacent to NH4&5 aligns with the proposed development area.

The proposal will result in changes to the area of residential and conservation land as follows:

	Current	Proposed
Area of Residential	49.404	11.43
Area of Environmental Conservation	11.24	49.214
Total	60.644	60,644

Rationale for the proposal

Ecological investigations as part of the initial Local Environmental Study (LES) for Googong resulted in the exclusion of a significant portion of the investigation area from being included when the Googong Urban Release Area (URA) was rezoned in 2009.

Googong was referred under the (Cth) *Environment Protection and Biodiversity Conservation Act, 1999* (EPBC Act). As part of this referral, approximately 38 Ha of land zoned R5 Large Lot Residential that was found to be Pink Tail Worm Lizard (PTWL) habitat. GPTL committed to setting aside this land into a conservation area.

The (NSW) *Biodiversity Conservation Act, 2016* (BC Act) came into effect in 2016. The BC Act triggered an additional level of biodiversity assessment for the DA for Neighbourhoods 3-5 (NH3-5) and the need for a Biodiversity Certification Assessment Report (BCAR). In assessing the BCAR, the Department of Planning and Environment (now Department of Planning, Housing and Infrastructure DPHI) was not able to take account of the abovementioned major strategic avoidance strategies but rather its assessment was limited to the scope of NH3-5.

In order to demonstrate reasonable avoidance of impacts within NH3-5 under the BC Act, it was necessary to avoid residential subdivision of an area of land that is zoned R1 General Residential, having previously been assessed as suitable for residential development. This area was excluded from residential development in the NH3-5 DA that was approved by the Southern Regional Planning Panel in September 2022. As a result of the habitat found on site, it is now known as Yellow Box Reserve.

Whilst open space was always planned in the vicinity of the Yellow Box Reserve to retain significant trees, this land was originally planned to accommodate approximately 190 dwellings under the R1 General Residential zone.

Physical and social infrastructure at Googong has been designed, and largely built, to accommodate the population that can be accommodated within the URA. The ongoing maintenance of the infrastructure delivered at Googong will be funded from rates collected by Council, which assumes a particular volume of development.

Following the setting aside of the Yellow Box Reserve for conservation, GTPL has considered zoning options to recoup the yield that was originally planned in and around the area of the reserve, to ensure the full utilisation and maximise the sustainability of the infrastructure delivered at Googong.

The Planning Proposal has been prepared consistent with the *Local Environmental Plan Making Guideline* (August 2023).

Abbreviations

BCAR	Biodiversity Certification Assessment Report
BC Act	(NSW) Biodiversity Conservation Act, 2016
DA	Development Application
DCP	Development Control Plan
DPHI	Department of Planning, Housing and Infrastructure
EPBC Act	(Cth) Environment Protection and Biodiversity Conservation Act, 1999
GFIMS	Googong Foreshore Interface Management Strategy
GTPL	Googong Township Pty Ltd
QPRC	Queanbeyan-Palerang Regional Council

QPRLEP	Queanbeyan-Palerang Regional Local Environmental Plan 2022
LEP Guideline	Local Environmental Plan Making Guideline
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
MLS	Minimum Lot Size
NH2	Neighbourhood 2
NH3-5	Neighbourhoods 3 to 5
NH4&5	Neighbourhoods 4 and 5
NH4	Neighbourhood 4
PP	Planning Proposal
PTWL	Pink-tailed Worm Lizard
SP	Scoping Proposal
URA	(Googong) Urban Release Area

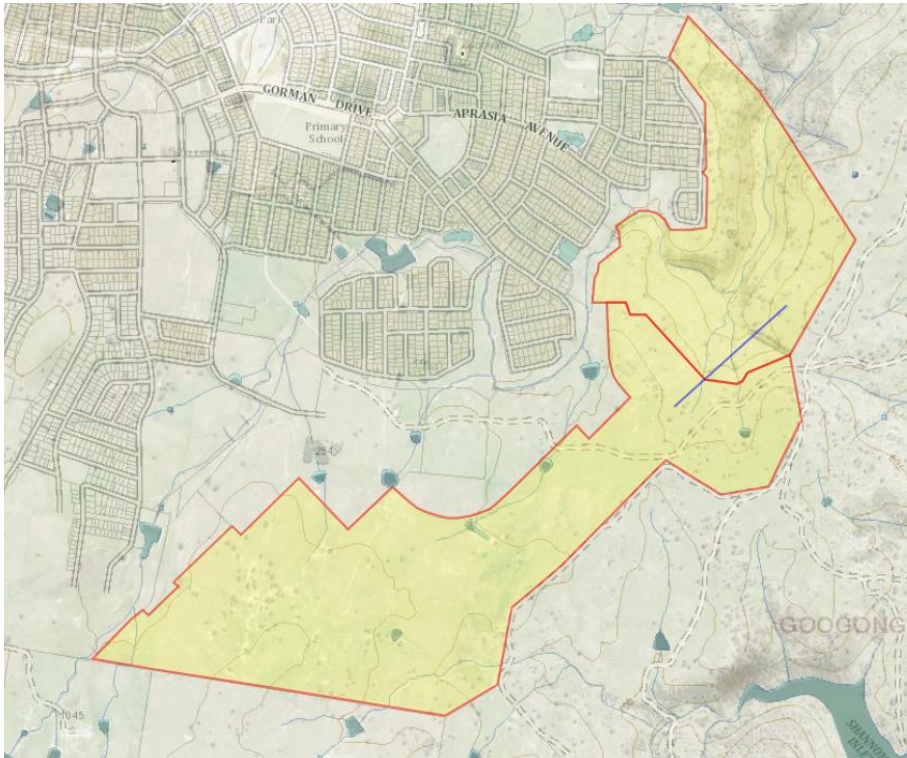
1. Introduction

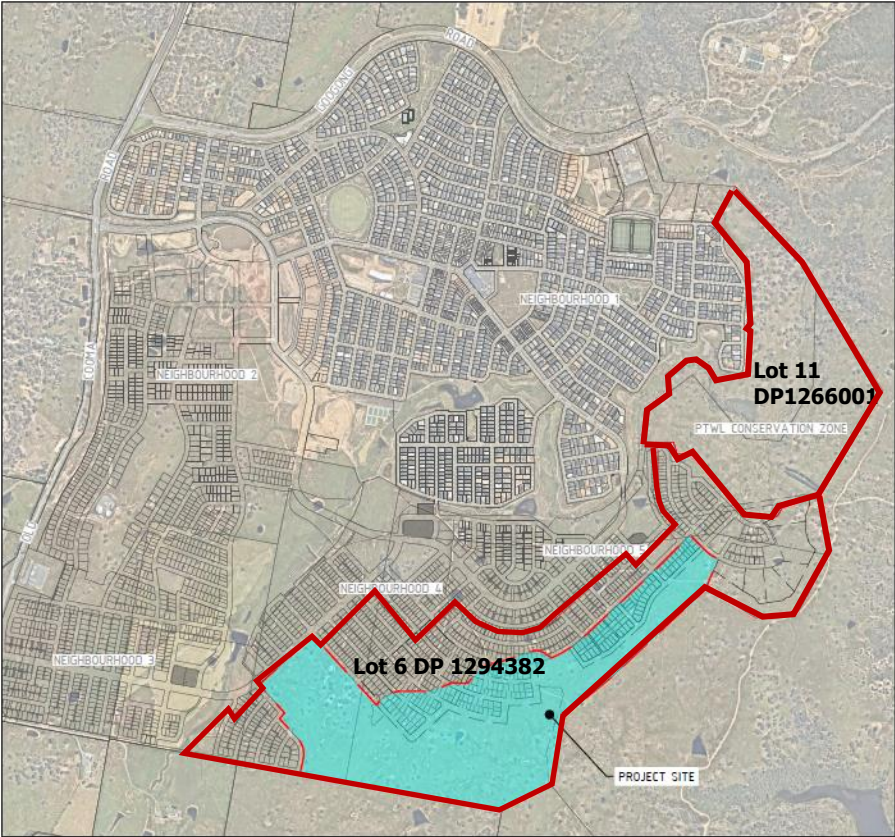
This Planning Proposal has been prepared by Eight Mile Planning on behalf of Googong Township Pty Ltd (GTPL) to support minor changes to the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* (QPRLEP). The report has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and having regard to the *Local Environmental Plan Making Guidelines* (LEP Guidelines) prepared by the (then) Department of Planning, Industry and Environment now the Department of Planning Housing and Infrastructure (DPHI).

This Planning Proposal follows a scoping proposal (Googong Township - Dam Catchment Realignment NH4 & NH5*) prepared by Eight Mile Planning and considered by Queanbeyan-Palerang Regional Council (Council) on 13 December 2023. Council resolved to allow the process to proceed.

**Note: The Amendment has been renamed to reflect the entirety of the changes that includes the rezoning of land adjacent to Neighbourhoods 4 and 5 in the south east as well as the Pink-tailed Worm Lizard Conservation Area in the north east of the Googong Township.*

Table 1 Summary

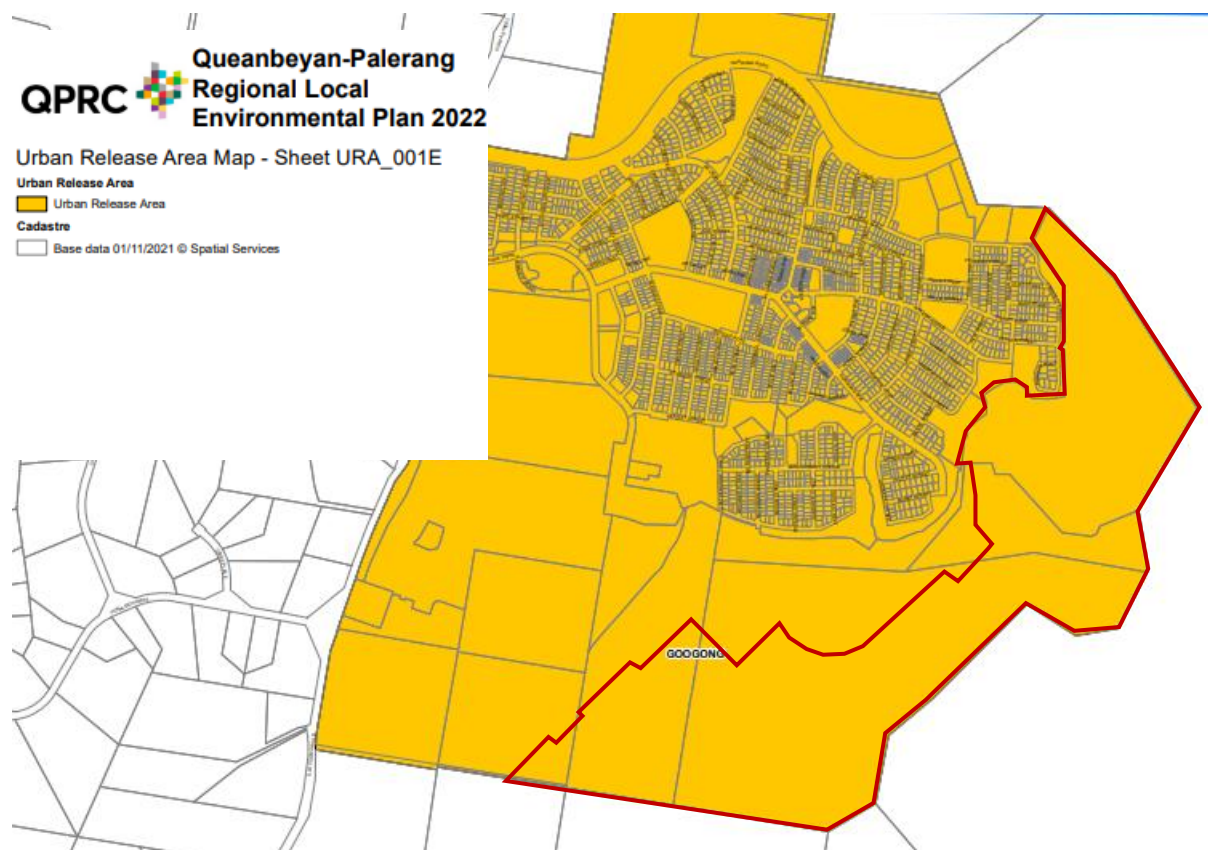
Proposal Details	Googong Township Eastern Boundary Amendment
Land to which the proposal applies	The land comprises the following lots: Lot 11 in DP1266001 Lot 6 DP 1294382
Site	
Intent	Land Use Zoning maps: Planning Proposal will:

	1. Rezone all of the land within the PTWL Conservation Area from R5 Large Lot Residential to C2 Environmental Conservation. 2. Make a number of minor adjustments to the zone boundaries along the interface between Neighbourhoods 4 and 5 (NH4&5) so that the zone boundaries align with future development areas. The intention is that the Yellow Box Reserve is rezoned from R1 General Residential to C2 Environmental Conservation and the boundary between the residential and conservation zones adjacent to NH4&5 aligns with the proposed development area. The proposal will result in additional (approximately) 49.1 Ha of C2 land, 11.19 Ha of R1 and R2 and 0.24 Ha of RE1 land (refer Part 2).
Site highlighting area impacted by amendments	 The map shows an aerial view of the Googong area. A red outline delineates the PTWL Conservation Zone. Within this zone, Lot 11 DP1266001 is highlighted in red. To the south of the conservation zone, Lot 6 DP 1294382 is highlighted in cyan. The map also shows several neighborhoods labeled: NEIGHBOURHOOD 1, NEIGHBOURHOOD 2, NEIGHBOURHOOD 3, NEIGHBOURHOOD 4, and NEIGHBOURHOOD 5. A 'PROJECT SITE' is marked with a black dot near Lot 6. Roads like GOOGONG ROAD and GOOGONG DRIVE are visible.

1.1 Existing Planning Controls

In 2002, Council identified 1,390 Ha of land at Googong for residential investigation. A Local Environmental Study (LES) was prepared that supported the rezoning of Googong. The Googong Urban Release Area (URA) was subsequently rezoned in 2009. The URA, as mapped in the QPRLEP is shown in **Figure 1**, below and includes all of the land in both Lot 11 in DP1266001 and Lot 6 DP 1294382 shown outlined in red.

Figure 1 Urban Release Area Map



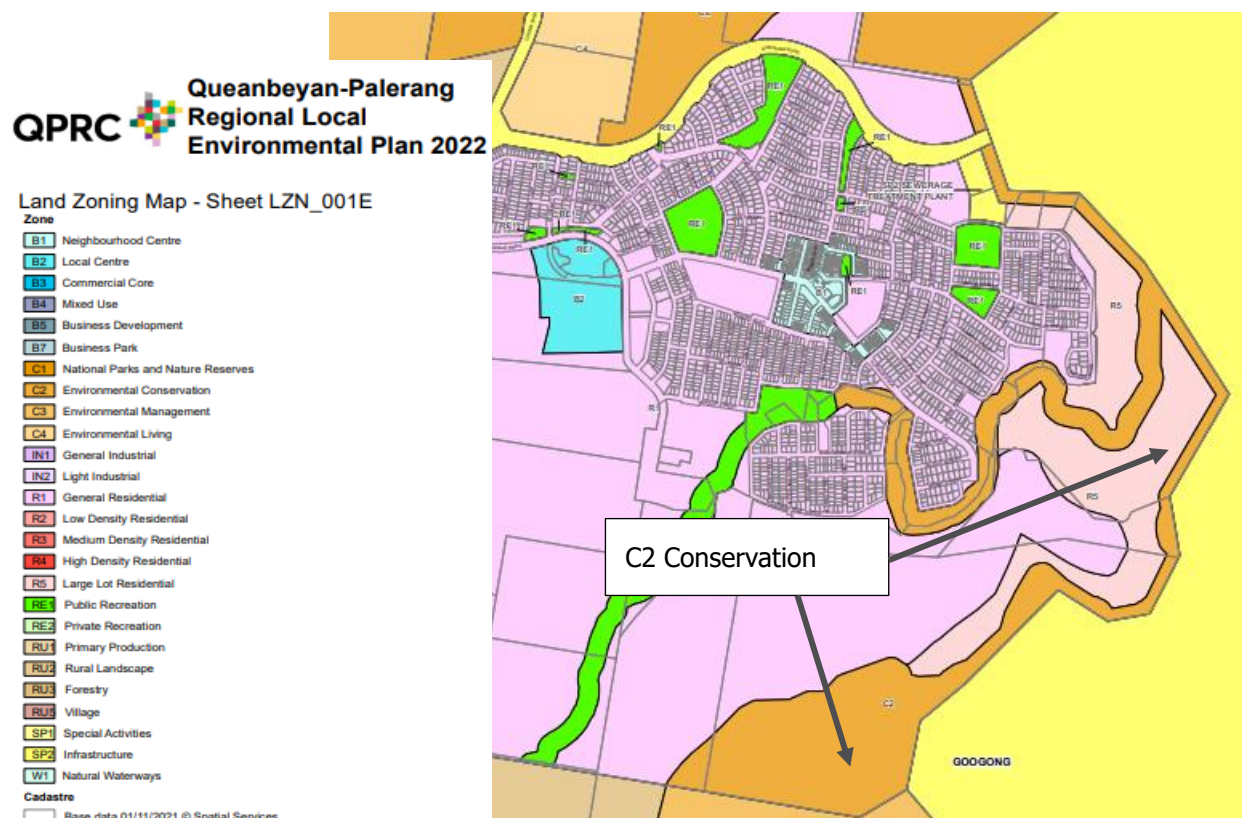
Source: Urban Release Area Map – Sheet URA_00E1

Googong Foreshore protection measures

The QPRLEP includes two specific measures to protect the Googong Foreshore within the Googong township.

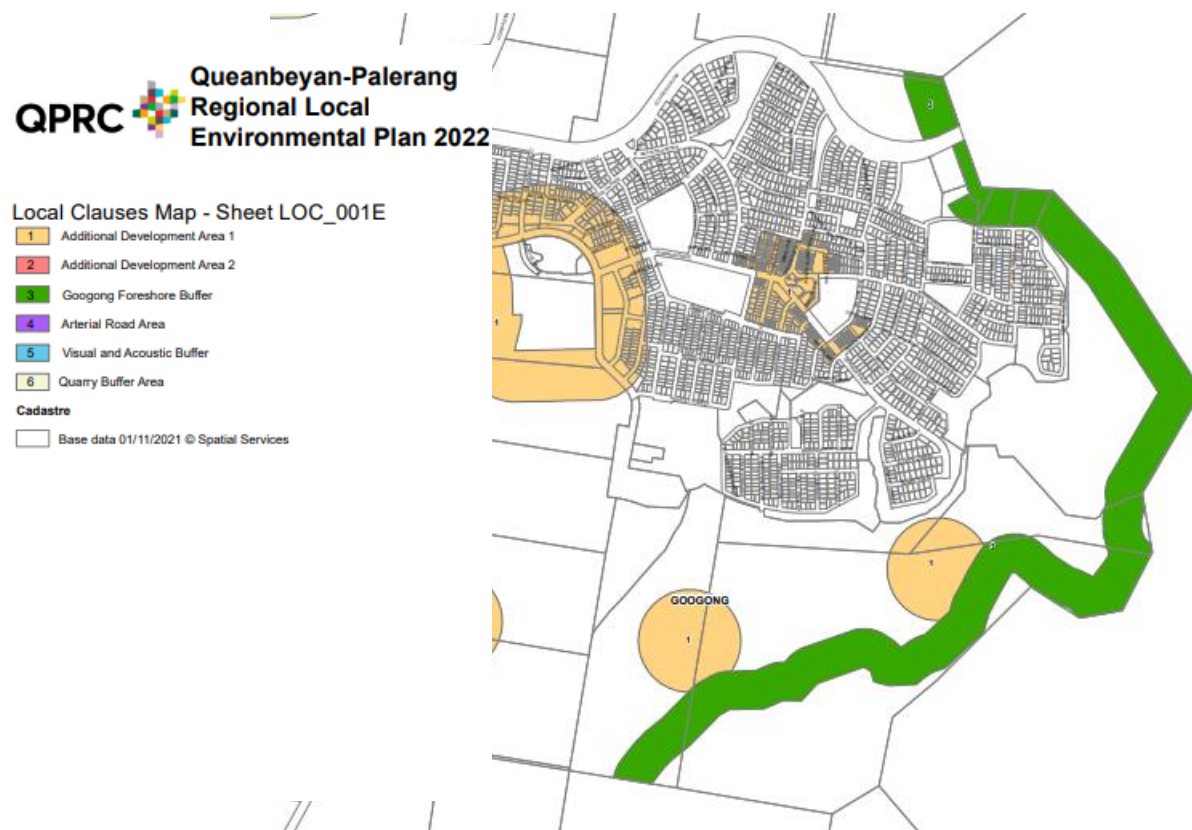
The first is via a strip of land 50m wide and zoned C2 Environmental Conservation along the entire eastern boundary of Googong township and extending to accommodate the entire area from the eastern boundary to the defined urban area. Development is limited by both the objectives of the zone and land use table.

Figure 2 Current C2 zone – Foreshore protection



In addition to the land use zone, the QPRLEP includes *Clause 6.4 Development near Googong Foreshores* and an associated Googong Foreshore Buffer Area. The Googong Foreshore Buffer Area is a 150m wide strip of land along the eastern boundary of the township. Where the catchment boundary encroaches into the Googong township the Googong Foreshore Buffer Area extends west 150m from the catchment boundary into the urban area. The buffer is referenced in Clause 6.4 to ensure that council considers the impact of development for the purposes on any building inside the mapped area.

Figure 3 Googong Foreshore Buffer



Clause 6.4 of the QPRLEP referenced above, provides additional heads of consideration for the determining authority for development near Googong Dam.

6.4 Development near Googong Dam foreshores

- (1) The objective of this clause is to ensure development in the Googong Dam water supply catchment area does not compromise water supply and quality.
- (2) Development consent must not be granted to the erection of a building on land identified as “Googong Foreshore Buffer” on the Local Clauses Map unless the consent authority is satisfied—
 - (a) the building and associated infrastructure will be appropriate, taking into account the environmental capability of the land, and
 - (b) the development will be managed appropriately in relation to the following—
 - (i) bush fire control,
 - (ii) vegetation clearing,
 - (iii) access provision,
 - (iv) fencing controls,
 - (v) recreational uses,
 - (vi) feral animal and weed control,
 - (vii) grazing management,
 - (viii) keeping of animals,
 - (ix) landscaping with indigenous species.

The Planning Proposal does not propose to amend Clause 6.4, however, the Googong Foreshore Buffer map will be amended to align with the land use zone and continue to provide additional protection.

Googong Foreshore Interface Management Strategy

Due to the potential for impacts upon Matters of National Environmental Significance (MNES) and Commonwealth land (i.e. the adjoining Googong Foreshores), the Googong project was referred under the *Environmental Protection and Biodiversity Conservation Act* (EPBC Act).

The referral was accompanied by a number of detailed ecological studies and GTPL committed to preserving the Pink-tailed Worm Lizard (PTWL) conservation area adjacent to Neighbourhood 1, which had been zoned R5 Large Lot Residential.

A conditional EPBC Act approval for the development of Googong Township was granted in May 2011. The approval included a number of conditions imposed to ensure the ongoing management and protection of biodiversity values on and adjacent to the development area. These included the development of a PTWL Protection and Management Plan (PTWL-P&MP) and the preparation of a Googong Foreshore Interface Management Strategy (GFIMS). The objectives set out in each management plan are to be undertaken by GTPL until the last lot is registered within Googong Township.

Googong Township proceeded with the approval of Neighbourhoods 1 and 2 and the GFIMS was finalised under the EPBC conditions of approval in 2014.

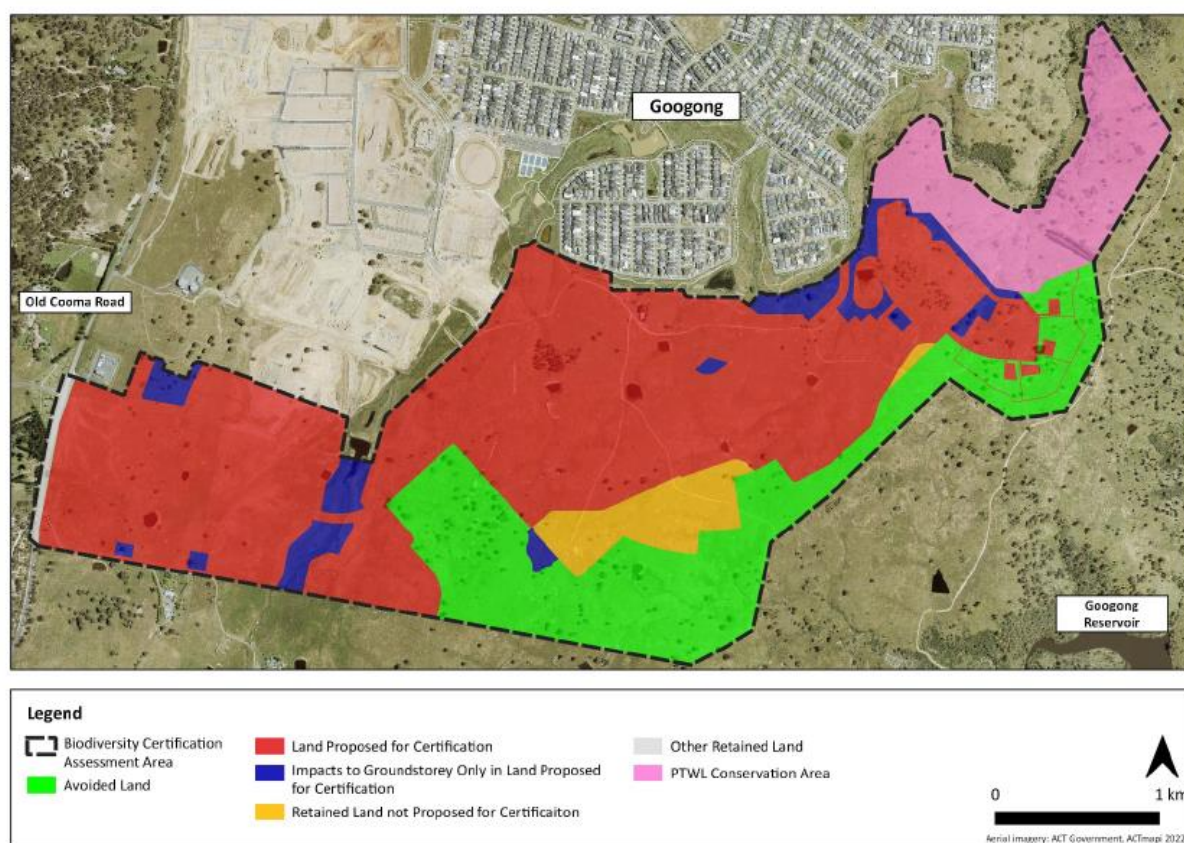
The NSW *Biodiversity Conservation Act, 2016* (BC Act) came into effect in 2016 and introduced changes to the assessment process for development applications, requiring further mitigation of potential impacts on threatened species and ecological communities. This impacted the development application for Neighbourhoods 3-5 (NH3-5) and triggered the need for a Biodiversity Certification Assessment Report (BCAR).

Between 2018-2021, GTPL prepared a BCAR for endorsement by the Department of Planning, Industry and Environment (now known as Department of Planning, Housing and Infrastructure (DPHI)).

In assessing the BCAR, DPHI was not able to take account of the abovementioned major strategic avoidance strategies but rather its assessment was limited to the scope of NH3-5.

In order to demonstrate reasonable avoidance of impacts within NH3-5 under the BC Act it was necessary to avoid residential subdivision of an area of land that is zoned R1 General Residential, having previously been assessed as suitable for residential development. This area was excluded from residential development in the NH3-5 DA2021-1549 that was approved by the Southern Regional Planning Panel in September 2022 and is now known as the Yellow Box Reserve. Whilst open space was always planned in the vicinity of the Yellow Box Reserve to retain significant trees, this land was originally planned to accommodate approximately 190 dwellings under the R1 General Residential zone. The scope of the BCAR and NH3-5 Approved Plan are shown in **Figures 2 & 3**. **Figure 4** shows the extent of Lot 6.

Figure 4 NH3-5 Biodiversity Certification



Source: Schedule 2, Maps of the Googong Neighbourhoods 3-5 Biodiversity Certification, NSW Gazette No 317, 15 July 2022

Physical and social infrastructure at Googong has been designed, and largely built, to accommodate the population that can be accommodated within the URA. The ongoing maintenance of the infrastructure delivered at Googong will be funded from rates collected by Council, which assumes a particular volume of development.

Following the setting aside of the Yellow Box Reserve for conservation, GTPL has considered zoning options to recoup the yield that was originally planned in the area of the reserve, to ensure the full utilisation and maximise the sustainability of the infrastructure delivered at Googong.

1.2 Consultation

Initial consultation on a GFIMS Amendment was undertaken with key stakeholders in 2021. The proposal was tabled at the GFIMS Meeting 20 October 2021. This included a presentation on the proposal to realign the GFIMS catchment boundary and reallocate development yield from the existing R1 General Residential zoned area around the Yellow Box Reserve, to the less impacted land within the R5 Large Lot Residential zoned and C2 Environmental Conservation zoned land.

It was recognised that the concerns in relation to the Commonwealth interests, while relevant to a Planning Proposal, would need to be addressed in the subsequent Development Application (DA). The role of the Planning Proposal documentation is to demonstrate that any rezoned residential land could be developed without impacting the Googong Reservoir.

Following the meeting, Icon Water provided in-principle agreement to the GFIMS Amendment proposal, subject to the preparation of technical and supporting documentation to demonstrate that the proposal can be accommodated without adverse impacts on the Googong Reservoir.

A Scoping Proposal was prepared for consideration by Council. The Scoping Proposal provided a detailed account of the rationale and intended outcome of the rezoning process and included a Hydrological Assessment (prepared by SMEC) and Stormwater Management Report (prepared by Spiire) specific to the area of land within the topographic water catchment area for the Googong Reservoir.

As noted above, Council considered the Scoping Proposal in the Ordinary Meeting 13 December 2024 and resolved to allow the process to proceed.

A meeting was held between Council, GPTL and relevant agencies on 14 February 2024 which included representation from the Commonwealth Department of Finance, Parks and Conservation and Water.

The key issues raised related to the relationship between the proposal and the Googong Dam (Commonwealth land), these, along with a comment are listed as follows:

- » Biodiversity and the need to ensure that both the *NSW Biodiversity Conservation Act*, and *Commonwealth Environmental Protection and Biodiversity Conservation Act* requirements are addressed

Comment: An overview is provided in 1.1 above. The Planning Proposal includes land that was set aside in the BCAR as “retained land” (refer Figure 2 area in yellow). This is addressed in Section 4 which provides an overview of the amendments and associated technical and supporting documents.

- » Importance of managing the physical works associated with future DAs

Comment: The Planning Proposal informs the rezoning process and provides justification for the amendment to the QPRLEP which in turn will enable a development application to be lodged for the land use approval. Although the Planning Proposal does not propose physical works, it is necessary to demonstrate that the land is suitable for the proposed use (subdivision for residential development). This has been addressed in the supporting documentation provided by SMEC in the Hydrological Assessment and Spiire in the Stormwater Management Report. The latter demonstrates that stormwater can be managed via the regrading of the site towards the Montgomery Creek catchment. The management of construction and operational stormwater will be addressed in detailed design with the development application.

- » Relationship between the Googong Foreshore Integrated Management Strategy and Googong Foreshore Land Conservation Management Plan and associated NSW and Commonwealth interests and responsibilities

Comment: The proposal relates entirely to private land, within the nominated URA and that is outside the Googong Dam Area. The relationship between the Googong Dam and Googong township in terms of Commonwealth and NSW State Government responsibility is addressed in Section 2 Strategic planning context.

- » That the infrastructure, sewer and water can accommodate the additional residential lots.

Comment: The Planning Proposal is an exercise in ensuring that the anticipated population and residential lot yields anticipated in the original URA are delivered. The loss associated with the back zoning of land from R1 General Residential to C2 Environmental Conservation in what is now the Yellow Box Reserve will be recouped in the less sensitive area adjacent to NH4&5.

2. Strategic Planning Context

2.1 South East and Tablelands Regional Plan

The South East and Tablelands Regional Plan 2036 provides a 20 year blueprint for the future of the region. The vision for the region will be delivered through 4 goals to create:

Goal 1 A connected and prosperous economy

Goal 2 A diverse environment interconnected by biodiversity corridors

Goal 3 Healthy and connected communities

Goal 4 Environmentally sustainable housing choices

These goals are proposed to be met through various directions under the South East and Tablelands Regional Plan. The relevant directions are outlined in the following table.

Table 2.1 Regional Plan Relevant Directions

Direction	Comment
Direction 22 Build socially inclusive, safe and healthy communities	The direction refers to the design and location of neighbourhoods in that neighbourhoods and centres will be environmentally sustainable, socially inclusive, easy to access, healthy and safe. The Planning Proposal supports the continued delivery of the neighbourhood through consistency and alignment with the Masterplan and the approved NH3-5 Development Application.
Direction 25 Focus housing growth in locations that maximise infrastructure and services	Googong Township was rezoned to allow for the delivery of a planned community including supporting infrastructure. The Planning Proposal will continue to allow for the most efficient delivery of housing by ensuring that the statutory planning controls are aligned with the Googong Development Control Plan and DA approvals.

The Regional Plan is currently under review.

The '**South East and Tablelands Draft Regional Plan 2041**' provides regional context for strategic land use planning within the region, including for the Queanbeyan-Palerang LGA.

Theme 2, Objective 6: Enhance biodiversity, habitats and the connections between them seeks to protect and enhance biodiversity and strengthen green infrastructure. This proposal would conserve additional PTWL habitat within the proposed C2 Environmental Conservation zone and would be consistent with the theme.

In accordance with Theme 4, Objective 17: Plan for a supply of housing in appropriate locations, the Queanbeyan-Palerang population is expected to increase while the average household size is expected to decrease. Therefore, residential housing is anticipated to increase from 136,755 in 2016 to 184,986 in 2041 (NSW DPE, 2022).

This proposal aligns with the objectives of the draft regional plan, as the proposed amendment to the drainage catchment would allow for the reinstatement of an equivalent area of R1 General Residential zoned land excluded as a result of the BCAR.

2.2 Local Strategic Planning Statement

Towards 2040 QPRC Local Strategic Planning Statement was developed to provide a framework for how growth and change would be managed futuristically, as well as to provide a 20-year vision for land-use within the LGA.

Planning Priority 4, Action 4.4.9: Provide a range of housing choices at different costs to meet the changing needs of the community and consider the options for community housing provider partnerships to provide affordable housing, considers the objective of optimising residential accessibility and availability in comparison to the ACT. This proposal will reinstate a quantum of R1 General Residential land within the Googong Township, for an equivalent area of land that has been excluded from development following Biodiversity Certification. The proposal is consistent with the priority allowing for the predicted population increase and future need for residential development.

Planning Priority 5, Action 4.5.1: Protect important environmental land from inappropriate development under respective LEPs, considers the objective of identifying and protecting land with significant environmental values. Part of this PP would contribute additional C2 Environmental Conservation land to the PTWL conservation area. The proposal also extends the C2 Environmental Conservation zone to the Yellow Box Reserve, land that is currently zoned R1 General Residential.

2.3 Community Strategic Plan

The Queanbeyan-Palerang Community Strategic Plan (CSP) sets out Council's vision and priorities for the LGA. The CSP has a broader focus than the LSPS as it addresses long term social, environmental and economic goals for the community that have been developed following extensive community consultation and engagement.

The proposal is consistent with the Community Strategic Plan.

2.4 Googong Masterplan, DCP & Neighbourhood Structure Plans

The Googong Masterplan and NH3-5 Structure Plans are published in Appendix 8 and 10 of the Googong DCP.

The Structure Plans in the DCP have not been updated to reflect the approval of the subdivision DA for NH3-5 in September 2023. The Structure Plan shown below has been superseded by the development approval and does not account for the expansion of the Yellow Box Reserve, nor the loss of residential yield that has resulted.

QPRC may wish to consider the process for an amendment of the Googong DCP Structure Plans concurrently with the PP.

The Planning Proposal has demonstrated that the rezoning of the site is consistent with the current strategic planning framework other than the Googong DCP Structure Plan which has already been superseded by the NH3-5 DA Approval.

2.5 Googong Dam – legislative framework

Googong Dam was constructed to provide water security to the ACT under the *Canberra Water Supply (Googong Dam) Act 1974*. For the purposes of the legislation, the Googong Dam area is administered as part of the ACT. Following the enactment of the Commonwealth legislation in 1974, the NSW Government, in 1975 introduced the *Googong Dam Catchment Area Act, 1975*. The catchment area was subsequently proclaimed later that year.

The Googong Township directly adjoins the foreshore of the Googong Dam on its eastern boundary. Although on private land and outside the Googong Dam Area, a portion of the land holding is within the catchment area for the dam and if not managed effectively, has the potential to impact the Googong Dam Area.

The GFIMS area was proposed to encompass all land within 150m of the boundary between the Googong township and Googong foreshores. The Commonwealth conditions of approval of Googong township in May 2011 referenced above, included the development and implementation of the GFIMS with the implementation to be overseen by a committee. The Googong Foreshores Township Interface Working Group (GFTI Working Group) includes representatives from NSW and ACT Government, Council and GTPL.

The statutory provisions of the QPRLEP, including zone, lot size, the foreshore buffer area and Clause 6.4 continue to work together with the GFIMS to mitigate risk and protect the Googong Dam Area, foreshore and broader catchment.

The Planning Proposal includes the rezoning of approximately 7 Ha of land that currently falls towards the Googong Dam. This area is proposed to be rezoned from C2 Environmental Conservation or R5 Large Lot Residential to R1 General Residential allowing for the development of serviced urban residential blocks. Any subsequent residential development will be subject to a subdivision application and detailed design. Although the catchment area extends well outside the Googong Dam Area administered by the Commonwealth, it is in the interest of all parties that any potential impacts of urban development within the catchment are identified and there is a statutory framework in place to ensure that these are addressed throughout the development process.

3. Amendments

The QPRLEP sets out the legislative framework for land use and development in the Queanbeyan-Palerang Regional LGA through the application of land use zones and development controls.

The Planning Proposal results in mapping amendments only. There are no changes to any existing clauses and the proposal does not introduce any new provisions.

An overview of the proposed changes is provided below. Mapping will be prepared by Council for the exhibition of the Planning Proposal.

The key changes are discussed below. In addition to the key changes to the zone and lot size maps, a number of incidental amendments to other map sheets and made necessary, refer to **Part 4 – Maps**.

The Planning Proposal will:

1. Rezone all of the land within the PTWL Conservation Area from R5 Large Lot Residential to C2 Environmental Conservation.
2. Make a number of minor adjustments to the zone boundaries along the interface between NH4&5 so that the zone boundaries align with future development areas.

The intention is that the Yellow Box Reserve is rezoned from R1 General Residential to C2 Environmental Conservation and the boundary between the residential and conservation zones adjacent to NH4&5 aligns with the proposed development area.

The proposal will result in change to the area of residential and conservation land as follows:

Table 2 Summary of Changes to Areas

	Current	Proposed
Area of Residential	49.404	11.43
Area of Environmental Conservation	11.24	49.214
Total	60.644	60,644

Having considered the mechanisms available in the QPRLEP, the following option is proposed in order to achieve the desired intent.

Lot 11 DP 1266001

1. **PTWL Conservation Area Site - To rezone land from R5 Large Lot Residential to C2 Environmental Conservation** – This area is shown in **Figures 7 & 8**

While the PTWL- Protection and Management Plan (P&MP) currently provides protection to the threatened species, the land use zone, land use table and zone objectives are inconsistent with long term conservation and protection of the area.

The proposed amendment is largely an administrative one, designed to realign the statutory planning framework with the current land use, in perpetuity, by rezoning approx. 370,800 sqm (37 Ha) of land from a residential zone to an environmental conservation zone.

This element of the proposal does not require any future technical supporting documentation as it implements the approved PTWL-P&MP through more suitable planning controls.

Lot 6 DP 1294382

The remaining amendments relate wholly to land within Lot 6, DP 1294382. The original zone and lot size boundaries were based on a concept masterplan for Googong. As the town as developed, and following the BCAR, it has become necessary to reconsider the appropriateness of the zones along the interface between the catchment and NH4 and NH5. It is therefore necessary to demonstrate the changes using both the approved NH3-5 DA boundary and the proposed future development area for NH4 & NH5 and not all of these lots have been approved.

That part of Lot 6 to which the proposal applies is shown in Section 1, **Figure 6**.

2. **Yellow Box Reserve Site - To realign the boundary between the R1 General Residential zone and C2 Environmental Conservation zone; and to confirm the RE1 Public Recreation zone of the regional park approved under the DA for NH3-5** – This area comprises land in and around Yellow Box Reserve and is shown in **Figures 9 & 10**

The proposal comprises two elements:

- » To rezone an area of approx. 110,800 sqm (11.13 Ha) from R1 General Residential to C2 Environmental Conservation. This will enable the alignment of the planning controls with the Biodiversity Certification Agreement Order and eliminate the opportunity for any future residential or other unsuitable urban development to occur in the reserve.
- » To rezone two separate areas totalling approx. 2,410 sqm (0.24 Ha) of land, from R1 General Residential to RE1 Public Recreation and from C2 Environmental Conservation to RE1 Public Recreation, and measuring 41 sqm (0.004 Ha) and 2,369 sqm (0.24 Ha) respectively. This will align with the proposed use of land for a regional park, approved under the DA for NH3-5; and

3. **Eastern Boundary Amendment – To rezone two areas of land: one from C2 Environmental Conservation to R1 General Residential; and the other from C2 Environmental Conservation to R5 Low Density residential.** This area comprises land east of the Yellow Box Reserve and is also shown in **Figures 9 & 10**

The primary reason this land was originally zoned for Environment Conservation is due to water flows shedding towards Googong Dam. However, a portion of this land can be re-diverted so that water flows fall towards the Montgomery Creek Catchment. It comprises two areas of land of low biodiversity value, suitable for residential development:

- One area of approx. 104,300 sqm (10.4 Ha) will be rezoned from C2 Environmental Conservation to R1 General Residential; and
- One area of approx. 5,088 sqm (0.5 Ha) will be rezoned from C2 Environmental Conservation to R5 Large Lot Residential

The proposal will result in an additional yield of approximately 98 residential lots and help compensate for the yield loss from the Yellow Box Reserve.

4. **R5 Site – To rezone two portions of land from R5 Large Lot Residential to C2 Environmental Conservation; and to rezone to two small portions of land, one from C2 Environmental Conservation to R5 Large Lot Housing, and one from R5 Large Lot Housing to R1 General Residential;.** This area comprises land identified for residential development in the approved Structure Plan for NH3-5.

The rezonings will provide a better urban design outcome and open space linkages and are also shown in **Figures 9 & 10**

This amendment comprises a number of elements:

- Two separate areas totalling approx. 10,547 sqm (1.05 Ha) will be rezoned from R5 Large Lot Residential to C2 Environmental Conservation, at either end of the R5 Site. The two areas measure approx. 5,592 sqm (0.56 Ha) and approx. 4,955 sqm (0.50 Ha) respectively.
- One area of approx. 594 sqm (0.06 Ha) will be rezoned from C2 Environmental Conservation to R5 Large Lot Residential; and

- Another area of approx. 1,940 sqm (0.19 Ha) will be rezoned from R5 Large Lot Residential to R1 General Residential.
5. **Minimum Lot Size (MLS) amendments** – To make two adjustments to the MLS. The MLS should be amended to reflect the new land use zone boundaries (refer above). The proposed amendments are also shown in **Figures 9 & 10**

This amendment comprises two parts:

- Within the R5 site: amend the boundaries of the MLS to accord and change the MLS from 1.5 Ha to 600 sqm, to better integrate with the approved residential development (to the north).
 - Within the C2 Environmental Conservation zone: amend the boundaries of the MLS to accord with the new zoning boundaries (refer above) and change the MLS from 1.5 Ha to 10 Ha, and from 80 Ha to 10 Ha, so that the conservation lands can be created in stages, as the Googong project is delivered.
6. **Other Mapping Amendments** - There are a number of other map changes that will flow on from the zone and lot size amendments as follows:
- Additional Permissible Uses – Amended to remove the land proposed to be included in the C2 Environmental Conservation zone
 - Height of Buildings – Amend to align with the R1 zone (currently there are no HOB restrictions on land mapped C2)
 - Local Clauses Map – Clause 6.4 refers to land mapped as the Googong Foreshore Buffer Area. The buffer area follows the residential zone boundary. It is proposed that the western boundary of the buffer area be aligned to the new boundary of the Residential zone.
 - Secondary Dwelling and Dual Occupancy Map – Amend the map to align with the Residential zoned land.

The land use zones, and planning controls are outlined below. The proposed mapping amendments (map sheet references) are provided in **Section 5, Part 4**.

Technical reports have been undertaken to support the proposed amendments in items 2-5 above. These have been completed in draft form and are consistent with the advice following preliminary consultation with stakeholders.

Figure 7 PTWL Land Use Zone Map – Current LEP (Lot 11)

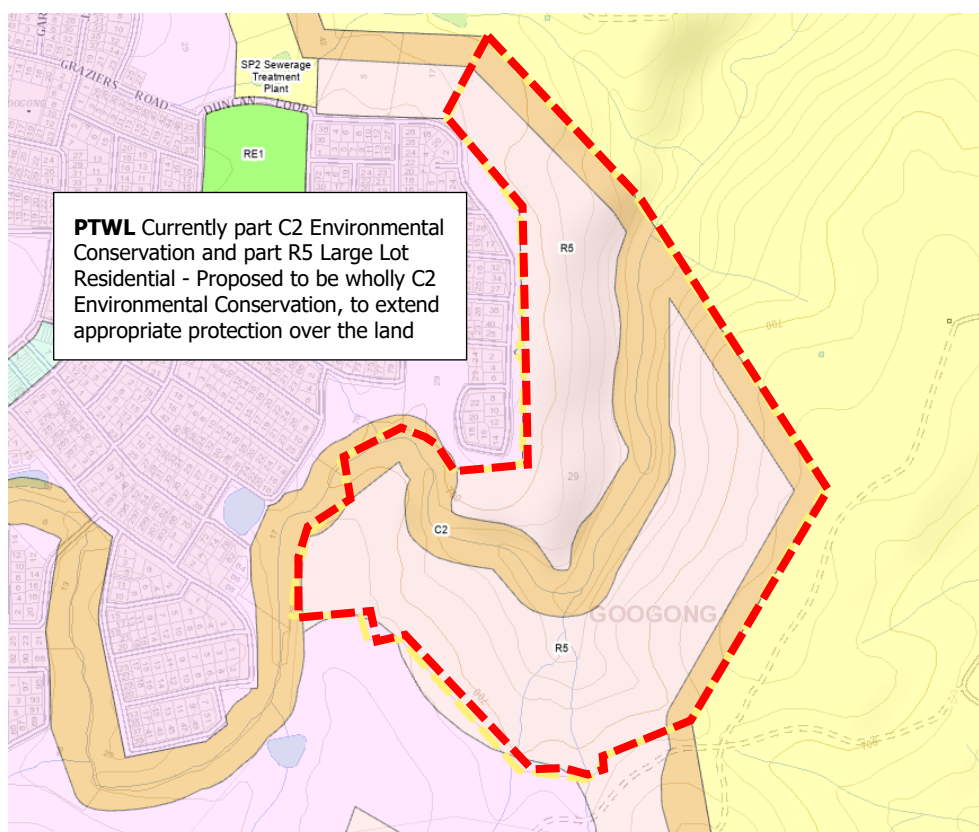
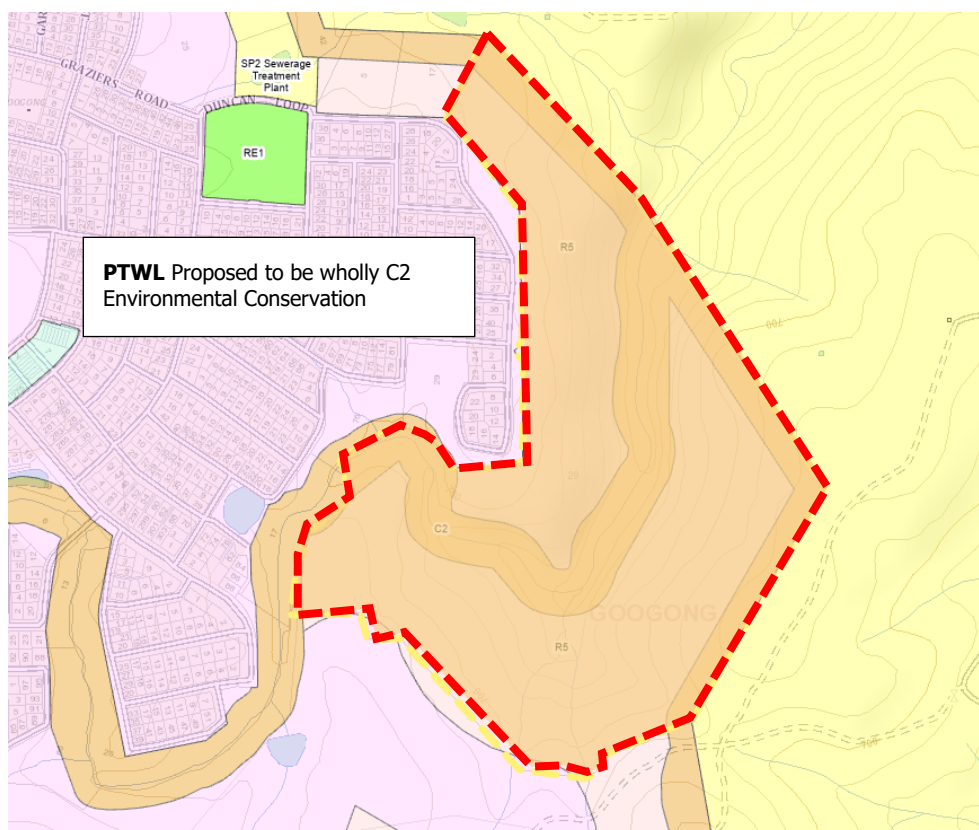
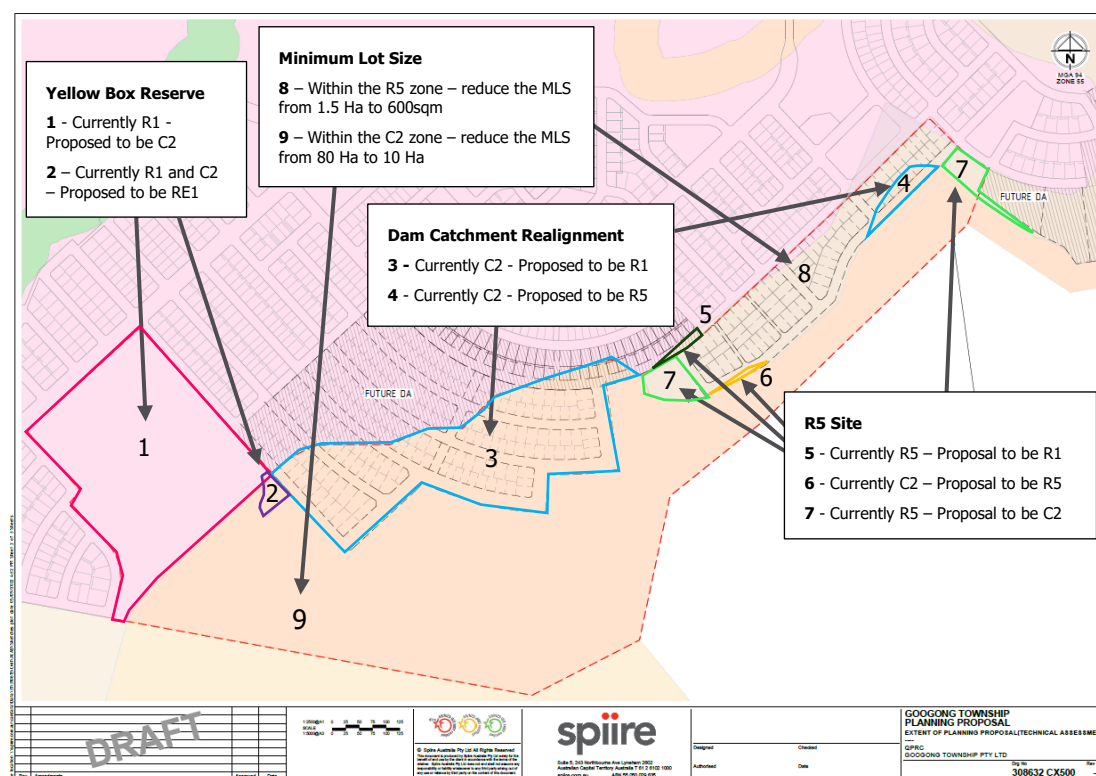


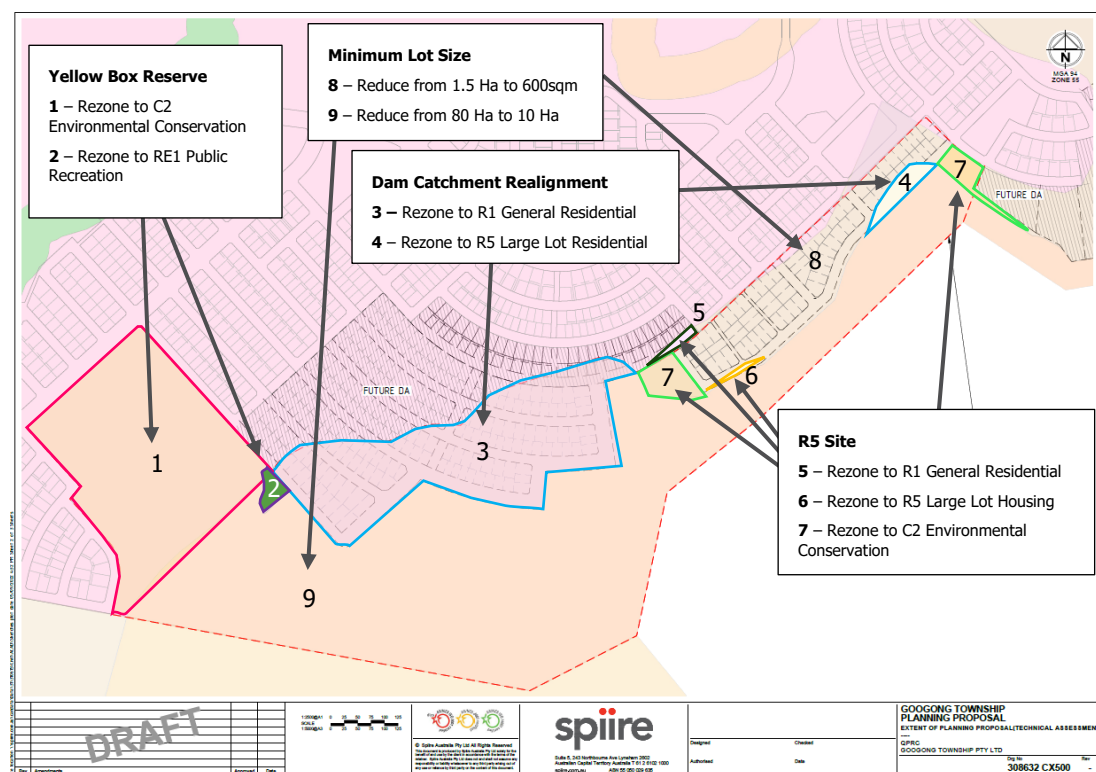
Figure 8 PTWL Land Use Zone Map – Proposed LEP



Source: ePlanning Spatial Data, 2023. (Edited)

Figure 9 Yellow Box Reserve, Eastern Boundary Amendment and R5 Site – Current LEP (Lot 6)

Source: Spiire 2023

Figure 10 Yellow Box Reserve, Eastern Boundary Amendment and R5 Site – Proposed LEP (Lot 6)

Source: Spiire 2023

Detailed mapping amendments will be prepared to meet the DPE Technical Guideline for Mapping.

The rezoning and realignment of the zone boundaries will result in a change in residential yield and distribution of dwelling density, as anticipated in the original Masterplan and Googong DCP and prior to the Biodiversity Certification.

In terms of land area, the zone changes are represented in the following **Table 3** and **Figures 11 and 12**.

Table 3 Summary of Proposed Zoning Changes

Zone Change	Area (Ha)	Total
From R1 General Residential to C2 Environmental Conservation (YBR)	11.08	49.21 Ha – from R1/R5 to C2
From R5 Large Lot Residential to C2 Environmental Conservation (PTWL)	37.08	
From R5 Large Lot Residential to C2 Environmental Conservation (R5 west)	0.56	
From R5 Large Lot Residential to C2 Environmental Conservation (R5 east)	0.5	
From C2 Environmental Conservation to R1 General Residential (DCR)	10.43	11.24 Ha – from C2 to R1/R5/RE1
From C2 Environmental Conservation to R5 Large Lot Residential (DCR)	0.51	
From C2 Environmental Conservation to R5 Large Lot Residential (R5)	0.06	
From C2 Environmental Conservation to RE1 Public Recreation (YBR)	0.24	
From R1 General Residential to RE1 Public Recreation (YBR)	0.004	0.004 Ha from R1 to RE1
From R5 Large Lot Residential to R1 General Residential (R5)	0.19	0.19 Ha from R5 to R1

4. Site-specific and Environmental Considerations

The Scoping Proposal included supporting documentation as requested by QPRC to support the initial process. For completeness, this is again summarised here.

As noted above, engagement with key stakeholders enabled the identification of the key issues that need to be considered and corresponding technical assessment for both the Scoping Proposal and Planning Proposal documentation.

Key site-specific issues included:

- Catchment Alignment and Stormwater Management
- Ecological characteristics and values
- Cultural Heritage
- Access and transport
- Bushfire prone and contaminated land

The following table provides a summary of the technical assessment that has been undertaken to Support the Planning Proposal. Note that the Stormwater Management Report, prepared by Spiire provides a level of assessment sufficient to demonstrate that NorBE principles can be achieved under the revised urban footprint. Detailed assessment will be completed as part of a subdivision DA.

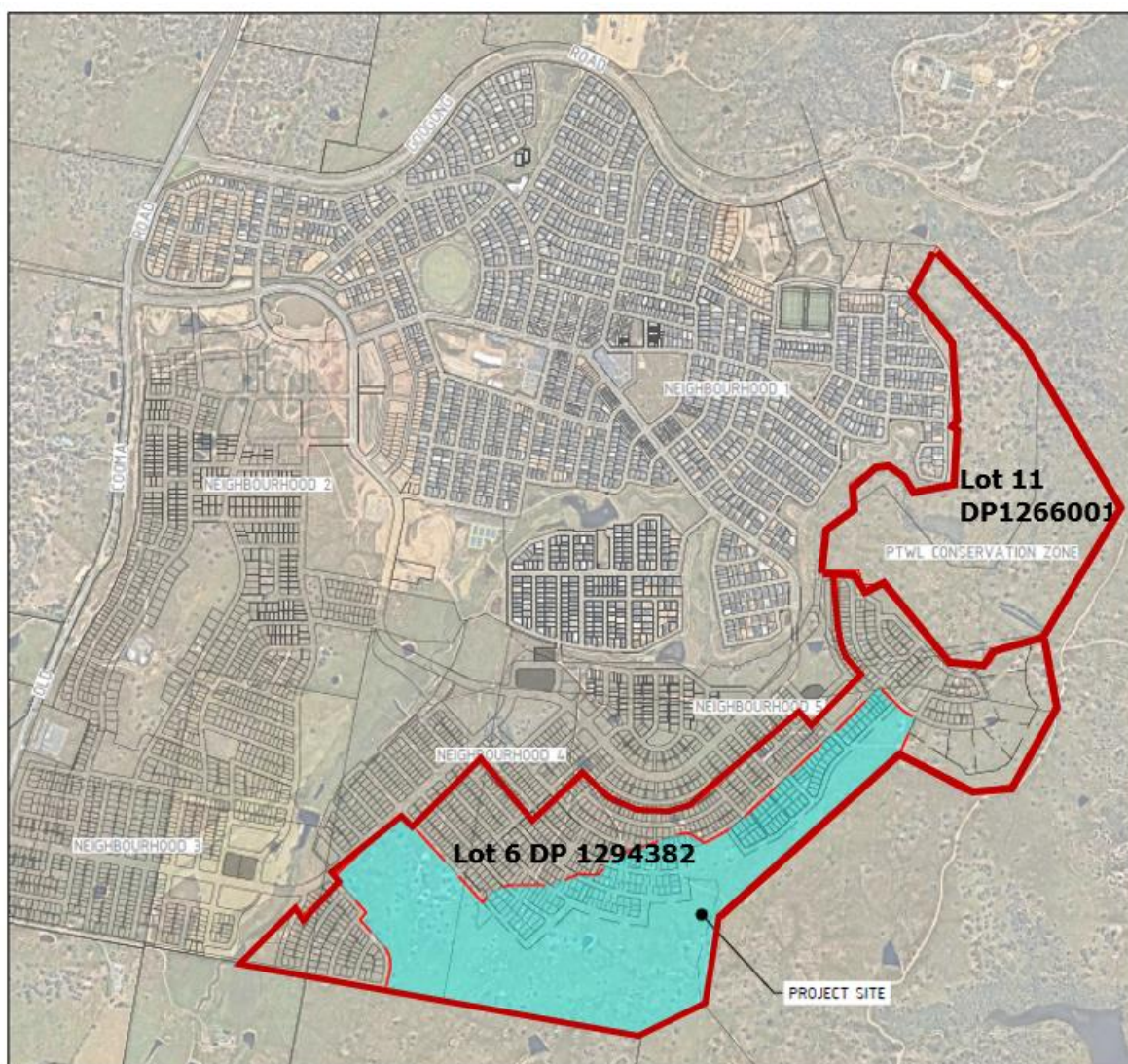
4.1 Preliminary Layout

Spiire have prepared a preliminary lotting and road layout for the area proposed to be rezoned from C2 Environmental Conservation to R1 General Residential and for the R5 Large Lot Residential zone with the amended minimum lot size.

These plans have been used as the basis for the more detailed technical assessment reports and to define the boundary of the R1 General Residential and C2 Environmental Conservation zones. The lotting and road layout demonstrated the integration of the Planning Proposal area with the existing approved NH3-5 DA and includes existing services, road hierarchy, road cross section and hydrologic servicing plan.

The plans illustrate the land can accommodate the proposed yield and provide a suitable / appropriate interface between approved residential development in NH3-5 and the Dam Catchment boundary.

Figure 13 Extent of Technical Assessment (Blue)



Source: Spiire, 2024.

Table 5 Technical Reports Status

Report	Consultant	Attachment
General Arrangement and Extent of Technical Assessment	Spiire	A
Stormwater Management Report	Spiire	B
Hydrological Assessment	SMEC	C
Preliminary Site Investigation	Geotechnique	D
Bushfire Assessment Report	Ember Bushfire Consulting	E
Traffic, Transport and Access Assessment	SCT Consulting	F
Aboriginal and Cultural Heritage Assessment Report (ACHAR)	Navin Officer Heritage Consultants	G
Cultural Heritage Addendum Report		
BCAR	Capital Ecology	H
Biodiversity Addendum		

4.2 Existing Conservation Agreements

It has been noted that a key objective of the PP is to provide statutory protection to those areas known to have high biodiversity value through the EPBC Act and BC Act approvals and conservation commitments.

Under the QPRLEP, these areas remain zoned R1 General Residential or R5 Large Lot Residential. Rezoning these areas to C2 Environmental Conservation will better align the proposed land use objectives in the QPRLEP with the intended conservation outcomes.

This will be achieved by rezoning a total of approximately **49.2 Ha** back to C2 Environmental Conservation. This aspect of the PP does not require specific technical assessment being back-zoning of land and a reduction in the potential impact of development.

4.3 Biodiversity

As outlined in Section 1, biodiversity conservation is the main trigger for the rezoning of the site.

A BCAR, prepared by Capital Ecology, was required to support the DA for NH3-5 in order to demonstrate reasonable avoidance of impacts resulting from the subdivision under the BC Act. As a result, land that was previously assessed as suitable for residential development was set aside in the Yellow Box Reserve.

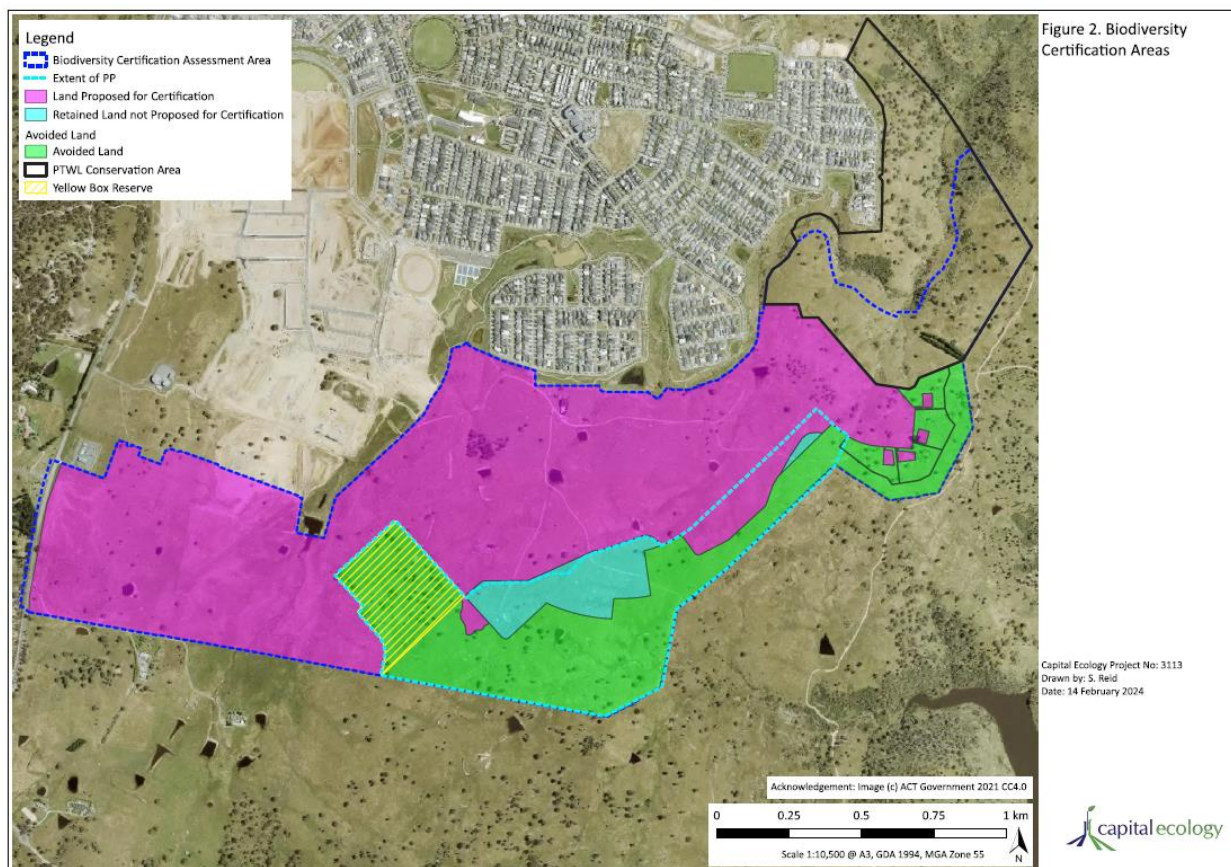
The BCAR identified the land within the PP boundary to be either Certified Land, Avoided Land or Retained Land not for Certification as illustrated in **Figure 18**. The Planning Proposal aligns the zones with the areas in the BCAR:

- **Certified Land** is already zoned R1 General Residential or R5 Large Lot Residential, and has mostly been approved for residential subdivision as part of the DA for NH3-5
- **Avoided Land**, including the Yellow Box Reserve, is proposed to be rezoned:
 - from R1 General Residential to C2 Environmental Conservation; and

- from R5 Large Lot Residential to C2 Environmental Conservation.
- **Retained Land** is proposed to be rezoned from C2 Environmental Conservation to R1 General Residential or R5 Large Lot Residential.

Refer **Figure 14** below.

Figure 14 Biodiversity Certification



Source: Capital Ecology, 2024.

Following the support of the initial Scoping Proposal by QPRC, Capital Ecology engaged with the NSW Office of Environment and Heritage, including a site visit in February 2024.

A further biodiversity statement by Capital Ecology has been prepared for the Planning Proposal addressing the impact of the expansion of the urban footprint into the areas of low significance (Retained Land) in the context of the BCAR. This is provided in **Attachment H**. The assessment concludes that the Planning Proposal will align the planning controls with the EPBC Act and BC Act approvals for the PTWL Conservation Area and amended eastern boundary of the urban area, subject to the GFIMS being updated to reflect the amended zoning.

The future development (subdivision) of the retained land, not proposed for certification, will require the preparation of a BDAR and generate an offset liability, however, it is unlikely to significantly impact any threatened flora, fauna or ecological communities.

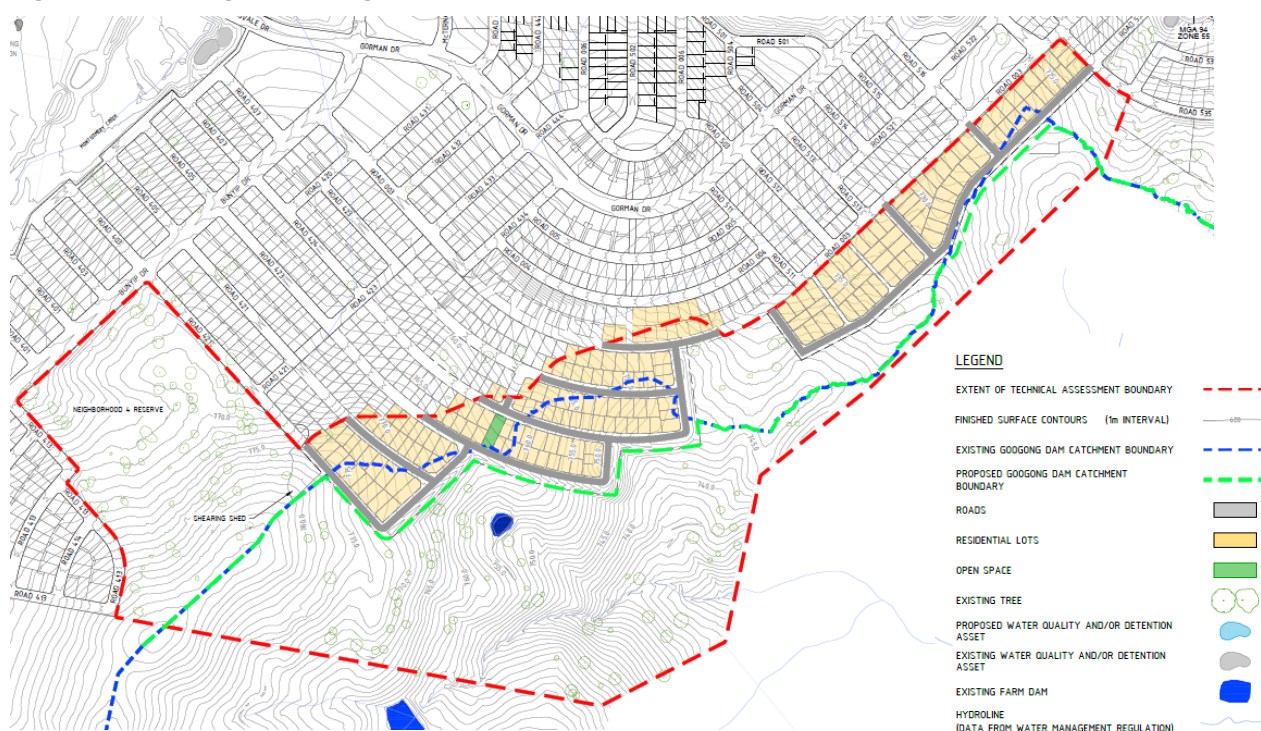
4.4 Stormwater Management

The PP will result in a change to the general arrangement of development within NH4 and NH5 with development proposed to realign the Googong Dam catchment boundary (refer **Figure 19** below). The realigned area includes approximately 7 Ha of land to be regraded toward the Montgomery Creek catchment.

Stormwater Management Report has been prepared by Spiire to support the proposal (refer **Attachment B**) based on the preliminary lotting and road layout. The stormwater management report for the Planning Proposal amendment considers the NH3-5 DA Approval and includes information specific to the expanded development areas, including – catchment plan, stormwater network, water quality assets, groundwater, permanent catchment perimeter bunding and sediment and erosion control information.

The report also provides supporting information in response to WaterNSW's Neutral or Beneficial Effect (NorBE) Assessment Guideline for works in a drinking water catchment.

Figure 15 Change to Drainage



Source: Spiire, 2023, Attachment A.

Googong Dam is located within NSW, managed by Icon Water and owned by the Commonwealth. Due to the dam's location within NSW, a WaterNSW's Neutral or Beneficial Effect (NorBE) Assessment for works in a drinking water catchment was considered for reference. A NorBE assessment has been deemed not to be required as part of the Planning Proposal. A rationalisation of a NorBE assessment is completed below.

The NorBE assessment guidelines define that a neutral or beneficial effect on water quality is satisfied if the development:

- (a) has no identifiable potential impact on water quality, or
- (b) will contain any water quality impact on the development site and prevent it from reaching any watercourse, waterbody or drainage depression on the site, or
- (c) will transfer any water quality impact outside the site where it is treated and disposed of to standards approved by the consent authority.

The assessment undertaken by Spiire has determined that the documented stormwater management response provided as part of the application is in excess of the minimum NorBE assessment requirements, and so satisfies broad NorBE assessment objectives.

4.5 Groundwater Hydrology

A Hydrogeological Assessment Report was completed by SMEC (refer **Attachment C**) for the area of the Dam Catchment realignment. A critical scope of work for the assessment was a desktop assessment of the current groundwater conditions as well as a summary of potential impacts of the development to groundwater. The report concluded that the reduction of groundwater recharge from the proposed development is less than 5 %, and potential changes in groundwater level and quality are likely to be within the range associated with natural variation. Furthermore, groundwater monitoring was not recommended as the potential change in recharge is considered negligible.

The report recommended that during construction within the Planning Proposal area, management and mitigation of groundwater potential impacts should be undertaken to include minimising widespread stripping within the catchment, avoiding open trenches for water ponding, diverting stormwater and surface runoff to Catchment 3, no imported fill, and placing soil stockpiles outside of the dam catchment zone. These recommendations would be incorporated into the development construction methodology and practice as part of a future subdivision and associated works DA.

4.6 Contamination

A preliminary site investigation (PSI) was carried out for the site by Geotechnique (refer **Attachment D**). The objectives of the PSI are to assess and comment on the suitability of the site for the proposed development from a contamination perspective, and to provide recommendations with regard to future remediation works.

Based on the PSI, the sites can be made suitable for the proposed residential development land use subject to the preparation of a remedial action plans and site validation. This work can be undertaken prior to any development of the site under a future subdivision and associated works DA.

4.7 Bushfire

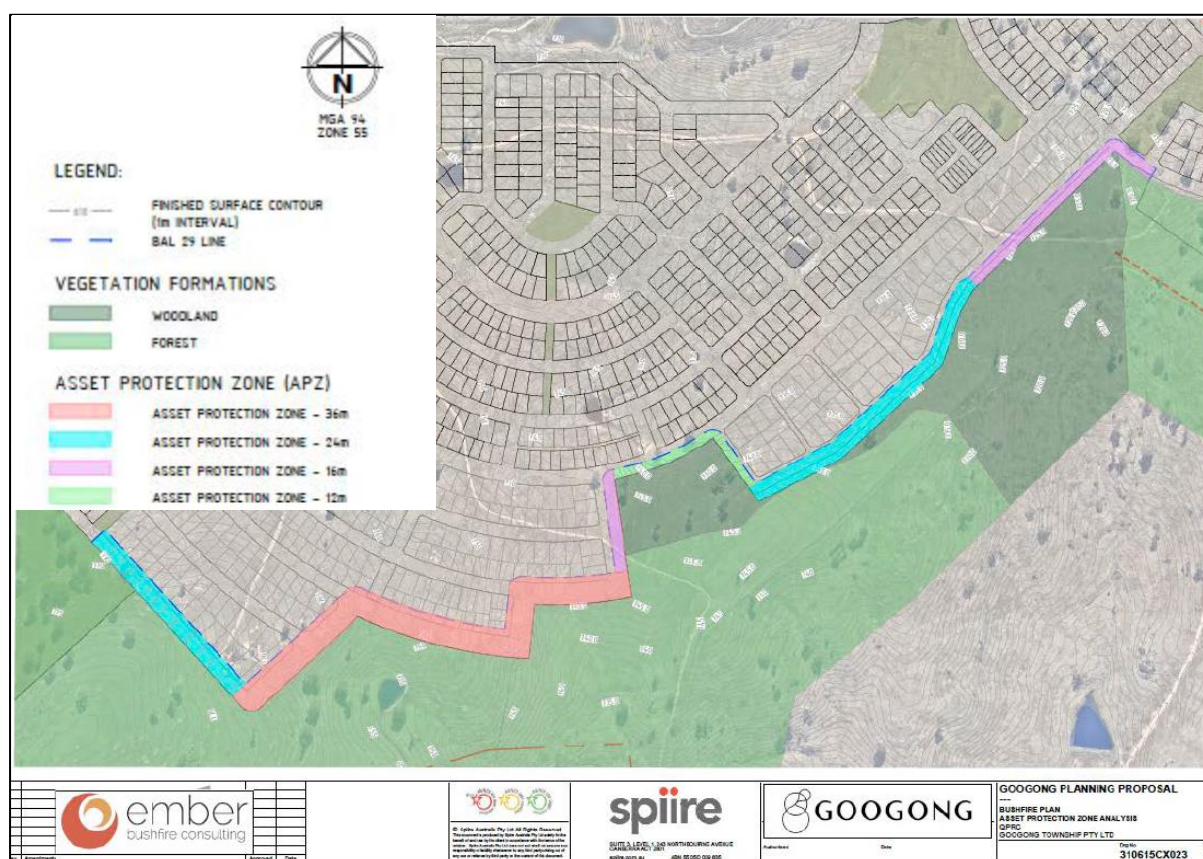
A Bushfire Report (refer **Attachment E**) has been prepared by Ember Bushfire Consultants for the Planning Proposal area based on the general arrangement prepared by Spiire. The assessment adopts a methodology provided under the requirements of Section 100B of the Rural Fires Act and the Rural Fire Regulations 2013 to assess the adequacy for bushfire protection of the subdivision as planned under Planning for Bushfire Protection 2019 (PBP 2019).

The report establishes the level of bushfire threat to the subject site and examines bushfire protection measures for the proposal to satisfy the broad aims and objectives of PBP 2019 detailed in Chapter 5 – Residential and Rural Residential Subdivisions and includes asset protection zones, landscaping, access, water supplies, electricity and gas and construction standards.

Due to anticipated future vegetation formation being woodland and forest, the surrounding environment has the potential to possess a moderate to high bushfire threat level. This threat however can be moderated to an acceptable level by the adoption of the standard suite of protection measures offered by PBP 2019 and for which the proposed development can comply.

Asset Protection Zones proposed will ensure the proposed lots provide adequate separation from areas of hazard vegetation and are not exposed to excessive radiant heat levels.

Figure 16 APZ Analysis



Source: Ember Bushfire Consultants, Bushfire Assessment Report, Figure 19.

Access to the subject site is well provided for and will largely comply with the acceptable solutions set out in PBP 2019.

Specific Firefighting water supplies are recommended to meet the specific requirements of PBP 2019.

Based on the bushfire assessment and the recommendations contained in this report, the PP is deemed capable of meeting the underlying principles of strategic planning and should be supported.

The APZs would be confirmed in a future subdivision and associated works DA.

4.8 Traffic Transport and Access Assessment

SCT have prepared a Traffic Assessment for the PP (refer **Attachment F**). The traffic assessment builds on the previous report for the NH3-5 DA which also included a sensitivity analysis that allowed for the additional yield that the PP could generate.

The TRACKS modelling confirms that the proposed road network is feasible for the PP. The traffic volumes generally adhere to the maximum loading criteria for each street type. Wellsville Drive and Bunyip Drive's being classified as local sub-arterial roads have been approved during the DA stage. The PP results in minor variations from the approved DA on the two roads.

SIDRA intersection modelling was conducted for the intersections of Old Cooma Road / Bunyip Drive. A signal intersection has been adopted according to the ongoing modification of the intersection type to the approved DA. The modelling records a LoS B for both peak hours because of the PP and indicates a limited increase in delay compared with the results of the approved DA.

The Transport Study concluded that the proposed subdivision is at a level able to be accommodated by the existing and proposed transport infrastructure. From a transport perspective, the site is suitable for additional residential development.

4.9 Aboriginal and Cultural Heritage Assessment Report

An Aboriginal and Cultural Heritage Assessment Report (ACHAR) (refer **Attachment G**) was prepared by Navin Officer Heritage Consultants in 2021 to accompany the DA for NH3-5 and provided to DPHI.

The ACHAR project area included assessment of the area proposed to be rezoned in the PP from C2 Environmental Conservation to R1 General Residential. The ACHAR located and assessed Aboriginal sites within the NH3-5 study area, the results of which were added the previous surface collection program completed for Googong Township.

There are two sites that coincide with the area to be rezoned. GA17 was a previously recorded site and GNH3-5 02 was recorded in the assessment for NH3-5. GA17 is subject to an AHIP. GNH3-5 is an isolated find in the conservation area. It has been identified as not being harmed in the NH3-5 development and remains outside the area proposed to be rezoned.

The Planning Proposal is supported by an Addendum provided by Navin Officer (**Attachment G**).

5. The Planning Proposal

The Planning Proposal has been prepared in accordance with Section 3.33(2) of the EP&A Act which outlines the required contents of a Planning Proposal. Accordingly, this Planning Proposal includes:

- » A description of the Site and the surrounding locality (refer Section 1)
- » A statement of the objectives or intended outcomes of the proposed instrument (refer Section 5 Part 1)
- » An explanation of the provisions that are to be included in the proposed instrument (refer Section 5 Part 2)
- » The justification for those objectives, outcomes and provisions and the process for their implementation, including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1 of the EP&A Act (refer Section 5 Part 3)
- » Maps to be adopted by the proposed instrument (refer Section 5 Part 4)
- » Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument (refer Section 5 Part 5)
- » Details on the proposed project timeframe for the completion of the Planning Proposal (refer Section 5 Part 6).

The Planning Proposal has also been prepared in accordance with the Department's *Local Environmental Plan Making Guideline* (As revised: August 2023).

Part 1 - Objectives and intended outcomes

The primary purpose of this Planning Proposal is to amend the QPRLEP to make minor amendments to the planning controls to align with the Masterplan, GDCP and approvals on the site.

The intended outcome is that urban development will be contained to land that is most suitable and more sensitive land is set aside for protection. The proposal ensures the controls are consistent with the on ground situation(s) as well as Council's expectations for future development of the land including:

- » Statutory protection of the PTWL Conservation Area from urban development via an appropriate zone.
- » Realignment the boundary between the residential and conservation zones adjacent to NH4&5 to exchange the residentially zoned land proposed to be set aside for the Yellow Box Reserve for an area of less sensitive land more suited to residential development.

Part 2 - Explanation of provisions

The QPRLEP sets out the legislative framework for land use and development in the Queanbeyan-Palerang Regional LGA through the application of land use zones and development controls.

The Planning Proposal results in mapping amendments only. There are no changes to any existing clauses and the proposal does not introduce any new provisions.

The proposal seeks to achieve the intended outcomes outlined in Part 1 above by proposing amendments to the QPRLEP as follows:

- (1) Amend Maps sheets 001E as described in Part 4.
 - Additional Permitted Uses Map – Sheet APU_001E
 - Height of Buildings Map – Sheet HOB_001E
 - Lot Size Map – Sheet_001E

- Land Zoning Map – Sheet_001E
- Secondary Dwelling and Dual Occupancy Map – Sheet SDO_001E
- Local Clauses Map – Sheet LOC_001E

Part 3 - Justification

Part 3 of the Planning Proposal provides the justification of the proposal within the relevant strategic planning context. In accordance with the guidelines the level of justification is to be proportionate to the impact of the proposal and the stage of the of the LEP amendment process. At this initial stage the issues relevant to the proposal must be identified to provide sufficient confidence to Department the amendment has merit.

Section A – Need for the Planning Proposal

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

Yes. The Planning Proposal is consistent with the goals and priorities outlined in the following strategic plans and reports that have been prepared and endorsed by Council:

Local Strategic Planning Statement – Towards 2040

Queanbeyan-Palerang Community Strategic Plan - 2042

Googong Development Control Plan

The proposal is also consistent with the Development Application approvals for Googong.

The above listed plans are addressed in further detail at Section 2.

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

Yes. A Planning Proposal seeking to amend QPRLEP is considered the best means of achieving the objectives and intended outcomes set out in Part 1 of this Planning Proposal and the most effective way of providing certainty for Council, the local community and GTPL for the delivery of the Googong Masterplan.

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?

Yes. The proposal is consistent with the South East and Tablelands Regional Plan 2036 and the recently exhibited Draft South East and Tablelands Regional Plan 2041. Refer Section 2.

Q4. Will the Planning Proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

As noted above, the Planning Proposal will give effect to the LSPS Towards 2040, QPRC Community Plan and the Googong Masterplan.

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

Yes. The Planning Proposal is consistent with the relevant State Environmental Planning Policies as follows:

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land (formerly SEPP 55)

(1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.

(2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are **relevant in rezoning land** and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that a remediation work meet certain standards and notification requirements.

Comment: The proposal does not interfere with the previous site suitability work undertaken for the delivery of Googong Township. The rezoning does not trigger further assessment under Chapter 4.

The other State Environmental Planning Policies have been considered and found not to be applicable to the proposal.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions?

The Ministerial Directions under section 9.1 of the EP&A Act requires Planning Proposals to be consistent with the terms of the relevant direction. The relevant directions are considered below.

Table 6 9.1 Directions

Directions	Objective of Direction	Consistency and Implications
Focus Area 1 — Planning Systems		
1.1 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, direction and actions contained in Regional Plans	Consistent. Refer Section 2.
1.2 Approval and Referral Requirements	The objective of this direction is to ensure that the LEP provisions encourage efficient and appropriate assessment of development.	Consistent.

Focus Area 3 – Biodiversity and Conservation

3.1 Conservation zones	The objective of this direction is to protect and conserve environmentally sensitive areas. A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. That a Planning Proposal not reduce the conservation standards that apply to the land. <i>Consistency</i> A Planning Proposal may be inconsistent with the terms of this direction in circumstances where the proposal is justified by a study prepared in support of the proposal that gives consideration to the objective of the direction.	Inconsistency has been justified. Refer <i>Section 4 Overview of Amendments, Biodiversity and conservation</i>. The proposal includes an area of R5 land to be rezoned to C2 being the PTWL Conservation Area. There is also an area of R1 zoned land to be rezoned C2 Environmental Conservation being the Yellow Box Reserve consistent with the preparation of the BCAR. An area of land has been identified in the BCAR as having the potential to accommodate future residential development in lieu of the land set aside for the reserve. This area, initially identified as a “retained area” has been assessed by Capital Ecology as having limited conservation value and suitable for residential development to offset the loss of developable land proposed to be set aside for conservation.
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Focus Area 4 — Resilience and Hazards

4.4 Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by Planning Proposal authorities.	Consistent
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Focus Area 5 — Transport and Infrastructure

5.2 Reserving land for public purposes	The objective of this direction (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The reduction/creation of land for public purposes on the basis that the proposed rezoning seeks to align the zoning map with the boundaries consistent with the land that has been identified and set aside for conservation being the PTWL Conservation area proposed to be rezoned from R5 to C2 and the Yellow Box Reserve, proposed to be rezoned from R1 to C2. The amended zones better align with the intended long term management and conservation outcomes for these two areas.
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Focus Area 6 — Housing

6.1 Residential zones	The objectives of this direction area to: a) encourage a variety of housing types to provides for existing and future housing needs, b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and c) minimise the impacts of residential development on the environment and resources land. Application This direction applies to any Planning Proposal that impacts a residential zone.	Consistent. The Planning Proposal will rezone land currently zoned C2 to residential. The proposal is consistent with the outcome envisaged in the BCAR prepared for NH345 and supported by an additional Biodiversity Assessment. The C2 land that is being rezoned was original set aside as part of the foreshore buffer area. It has never been identified as having significant biodiversity value. Conversely, the land that is proposed to be converted from R1 to C2 has subsequently been found to have attributes that warrant conservation.
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Focus Area 8 — Resources and Energy

8.1 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials is not compromised by inappropriate development.	Consistent
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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?

No. The site is not identified as an area of significant biodiversity.

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

No. Section 4 (above) provides an overview of the technical and supporting documentation that was referenced in the Scoping Proposal as well as addressing biodiversity and cultural heritage. This documentation has been prepared to demonstrate the suitability of the R1 General Residential land identified and conversely, the rationale for the rezoning of R5 and R1 land back to C2 Environmental Conservation.

The Planning Proposal is rationalising the boundaries and making only administrative and minor amendments. The potential for impact of future development can be mitigated and will be addressed in detailed DAs.

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

The proposal does not trigger specific social and economic effects. It is noted that resolving the anomalies between boundaries and planning controls in the manner proposed will provide a clearer planning pathway for future development.

Q10. Is there adequate public infrastructure for the Planning Proposal?

Yes. The proposal does not impact the delivery of or demand for infrastructure.

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

The views of State and Commonwealth Public Authorities will not be known until after the Gateway Determination. This section of the Planning Proposal is completed following consultation with those public authorities identified in the Gateway Determination.

Initial consultation has been undertaken with relevant Commonwealth and State Government agencies and issues raised have been satisfactorily addressed in the initial Scoping Proposal and the Planning Proposal documentation.

Part 4 - Maps

The proposal will amend the zone and lot size maps. The Additional Permitted Uses Map, Height of Buildings Map, Local Clues Map and Secondary Dwelling and Dual Occupancy Map require incidental amendments to align with the changes to the land use zone maps.

The following Map Sheets require an amendment:

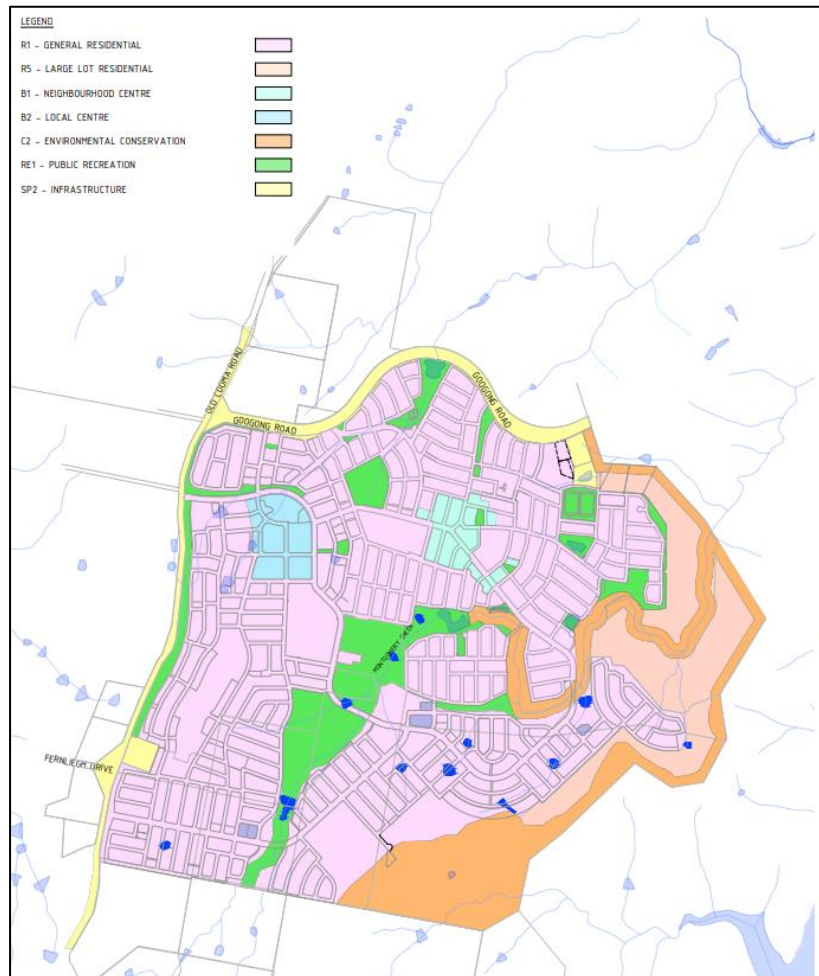
Table 7 Maps

Planning Control	Description
Land Zoning Map – Sheet_001E	Amend the relevant zones; R1, R5 and C2 as they relate to the alignment of the new boundaries
Lot Size Map – Sheet_001E	Apply the MLS that corresponds to the relevant zone.
Additional Permitted Uses Map – Sheet APU_001E	Amend the Map to align with the DA Approvals and Masterplan in the R1 General Residential zone.
Height of Buildings Map – Sheet HOB_001E	Amend the HOB Map to align with the C2 Environmental Conservation zone.
Local Clauses Map – Sheet LOC_001E	Amended the Googong Foreshore Buffer to align with the land use zone map
Secondary Dwelling and Dual Occupancy Map – Sheet SDO_001E	Amended to align with the land use zone map

The current and proposed Land Use Zone, Lot Size and Buffer Area (Local Clauses) map comparisons are shown in **Figures** below.

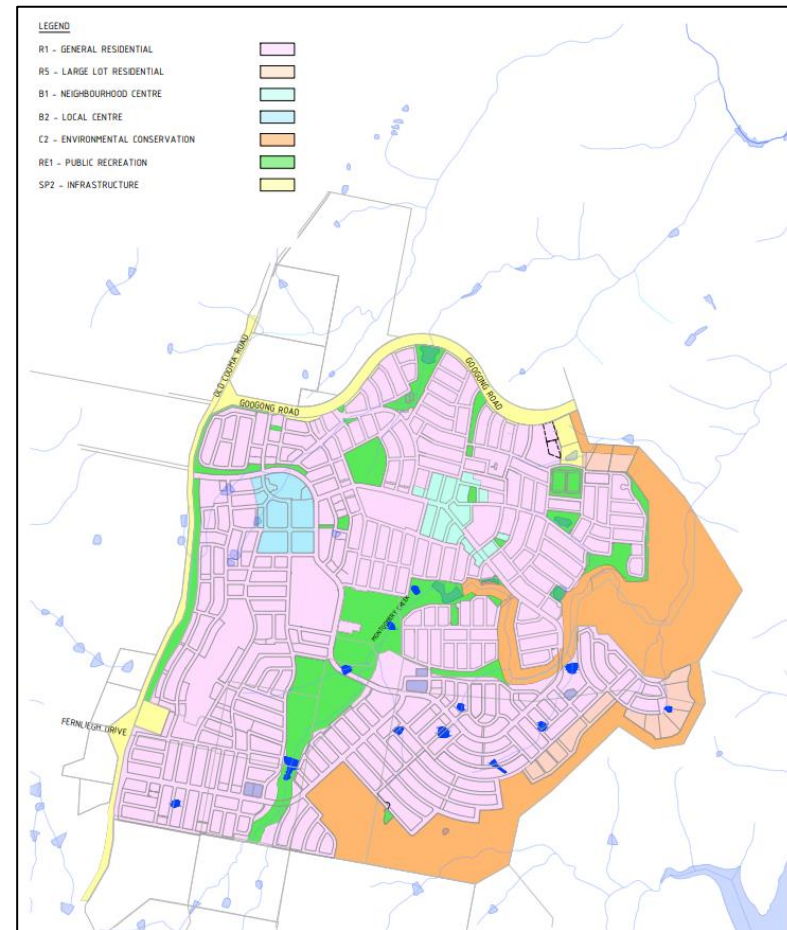
Note: the “current” base LEP map does not include a number of the minor boundary changes and adjustments currently under consideration in the *Housekeeping Amendment*. All maps will be prepared having regard to the Technical Guideline.

Figure 17 Land Use Zone Map – Current LEP



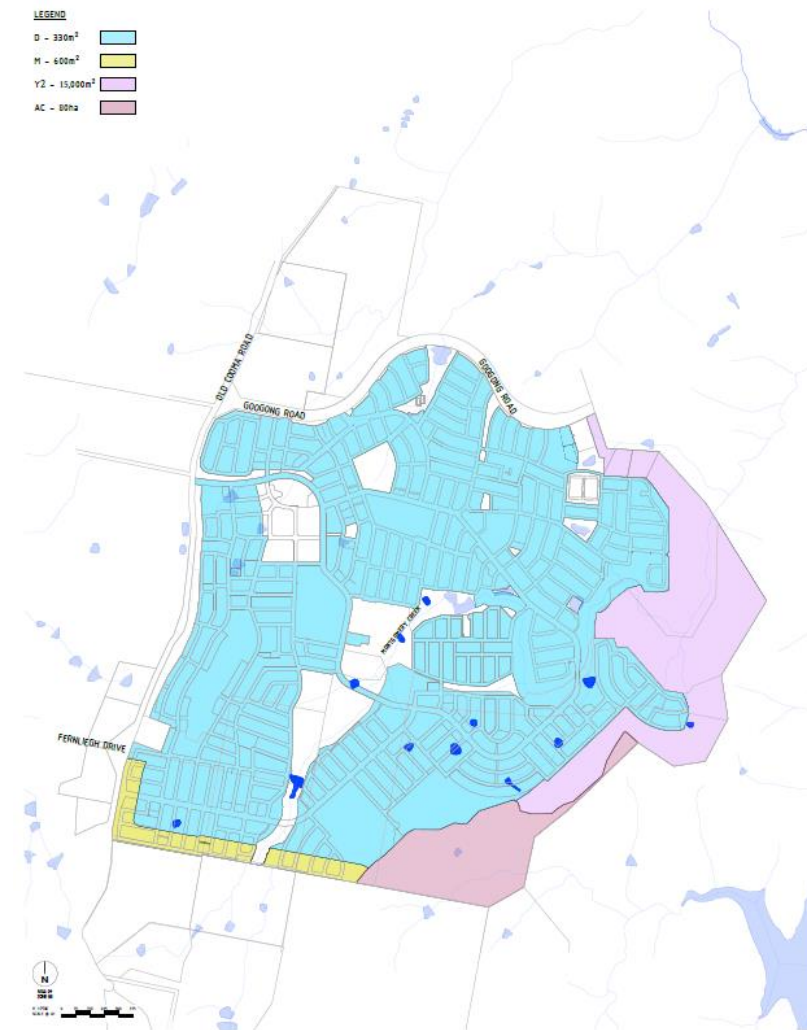
Source: Spiire 2023

Figure 18 Land Use Zone Map – Proposed LEP



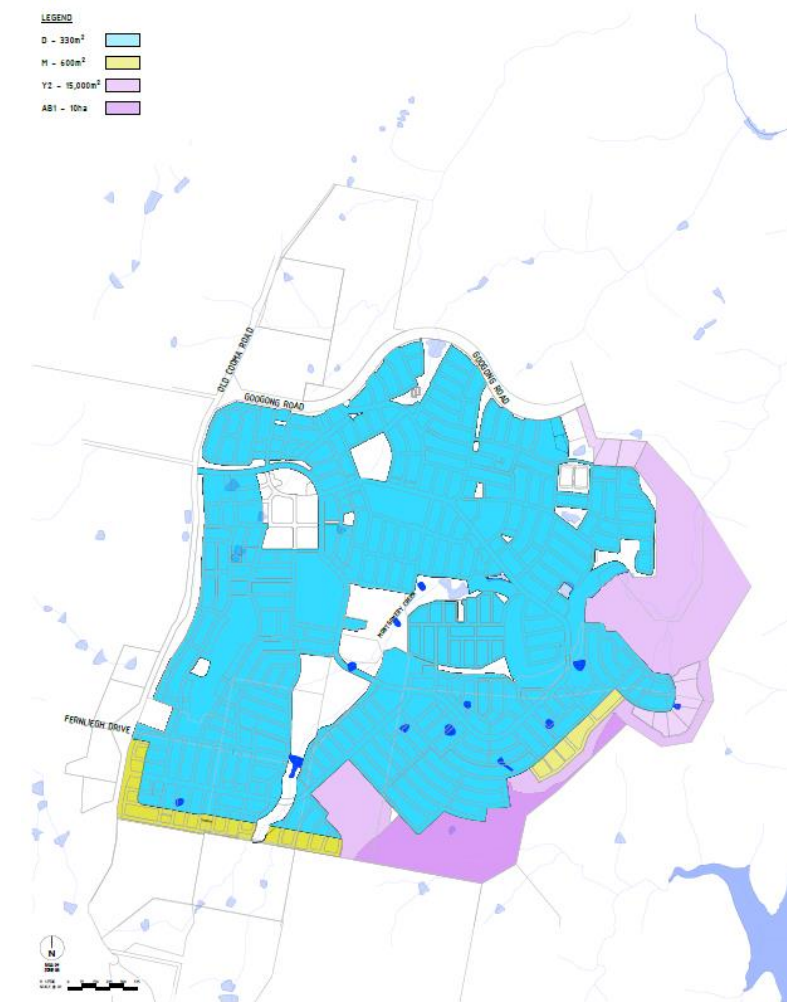
Source: Spiire 2023

Figure 19 Lot Size Map – Current LEP



Source: Spiire 2023

Figure 20 Lot Size Map – Proposed LEP



Source: Spiire 2023

Figure 21 Local Clauses Buffer – Current

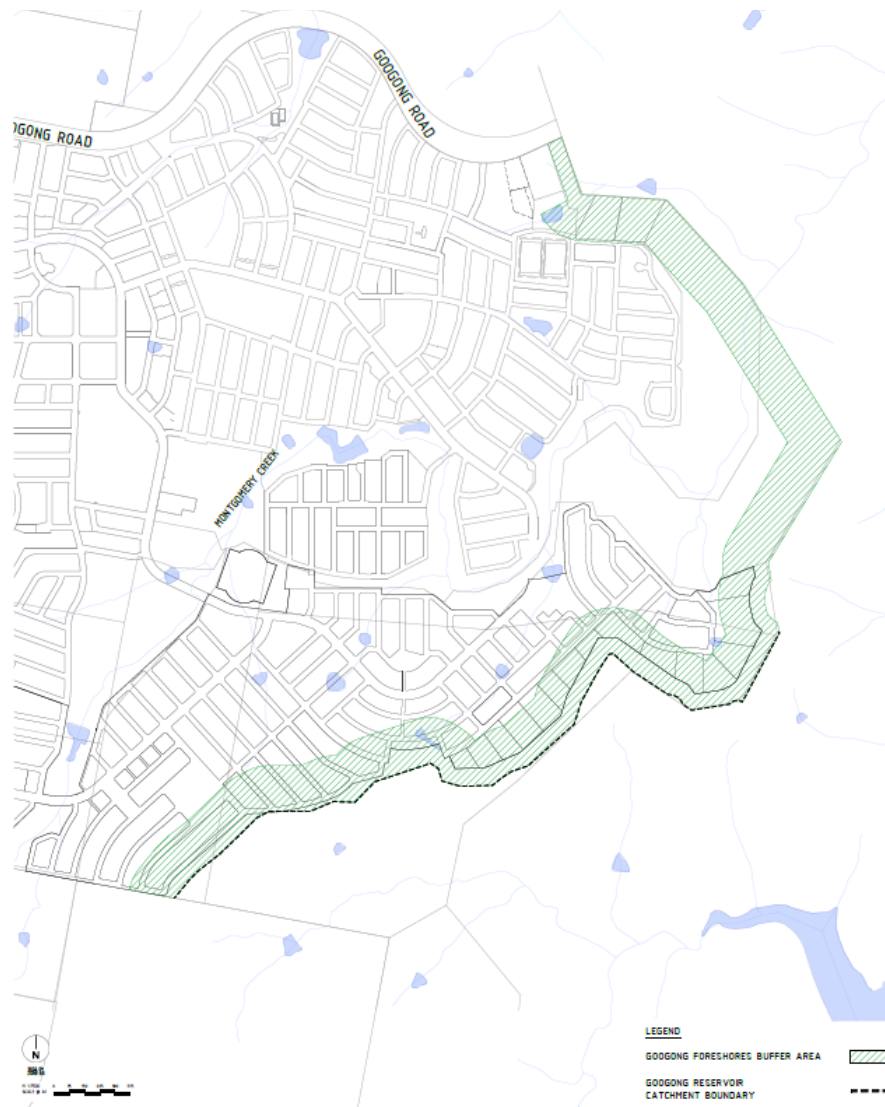
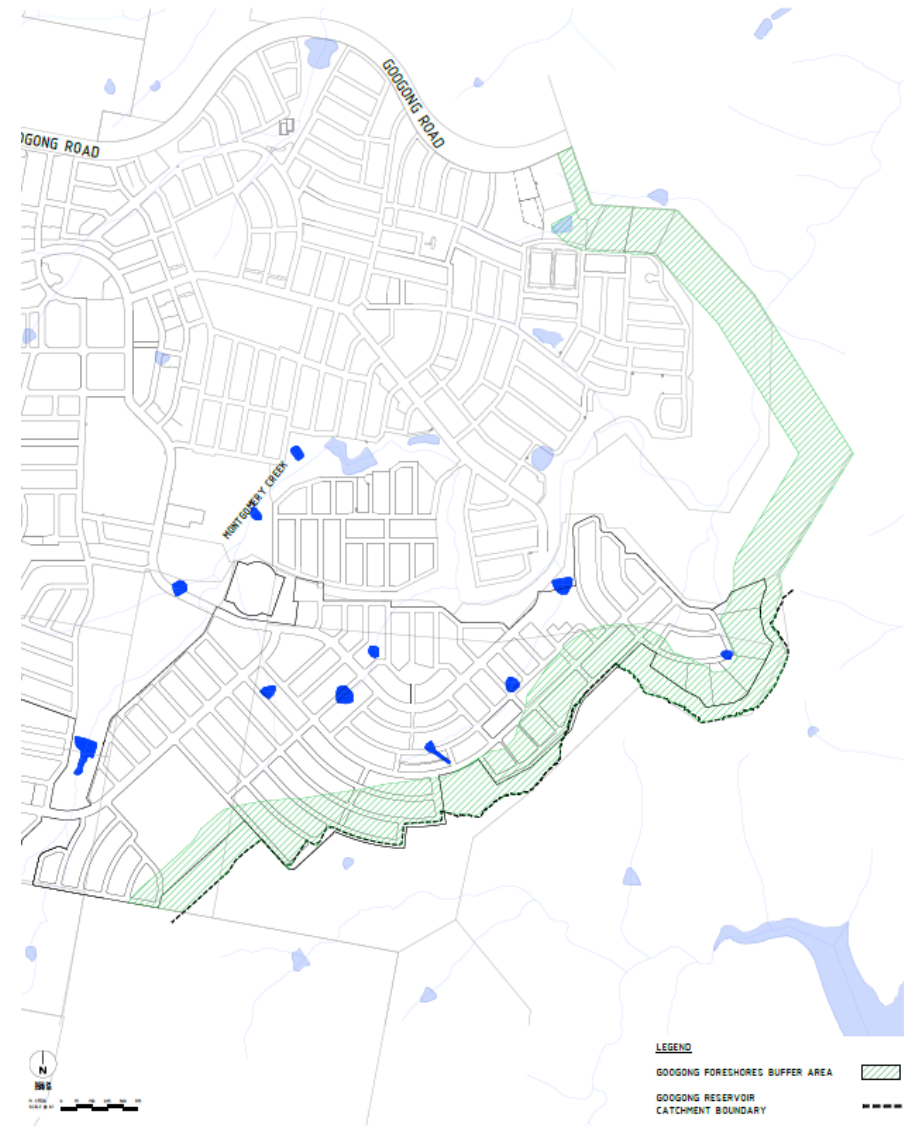


Figure 22 Local Clauses Buffer – Proposed



Attachments

- A. Extent of Technical Assessment
- B. Stormwater Management Report
- C. Hydrological Assessment
- D. Preliminary Site Investigation
- E. Bushfire Assessment Report
- F. Traffic and Transport
- G. Aboriginal Cultural Heritage Assessment Report
- H. BCAR

- A. Extent of Technical Assessment**
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