



Planning proposal, amendment of schedule 1 of the *Palerang Local Environmental Plan 2014* to allow the subdivision of Lot 3 DP 1074706 to create residential lots

Introduction

The planning proposal seeks to amend Schedule 1 of the *Palerang Local Environmental Plan 2014* to allow a development application for the subdivision of Lot 3 DP 1074706 into six residential lots varying in size from 4-8 hectares and one residual lot which will include the existing tourist/disused golf course/convention centre complex and a large area of native vegetation (approximately 27 hectares).

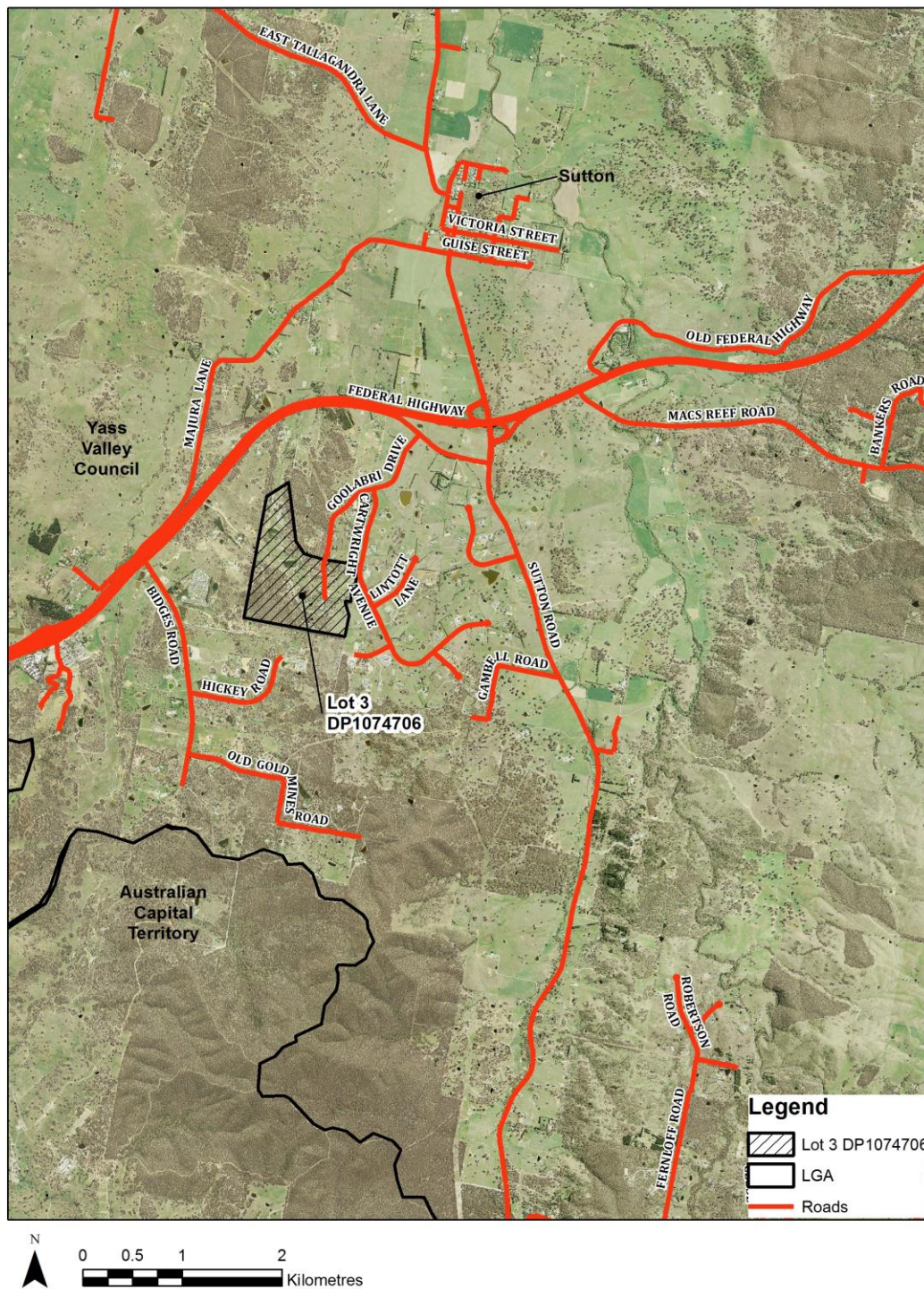
Reports for a non-potable water supply, on-site effluent disposal, flora and fauna, bushfire and Aboriginal cultural heritage were prepared for an earlier proposal for subdivision and these have been included with this planning proposal as relevant information, notwithstanding the difference in the proposed lot numbers between these reports and the planning proposal. The proposed number of lots as stated in this planning proposal is shown on map 3. If the planning proposal is gazetted (amending the *Palerang Local Environmental Plan 2014*), an application for the subdivision of the lot will be need to be submitted to Council for consideration. The final number of lots and layout will be determined as part of the subdivision application having considered matters such as road and entrance design, the management of native vegetation, Aboriginal cultural heritage and the on-site disposal of effluent.

Description of the land

Lot 3 DP 1074706 is 94.51 hectares and is located in the locality of Sutton. It is accessed from Goolabri Drive and Cartwright Avenue which connect via a service road to the Federal Highway and Sutton Road and is approximately fifteen minutes from Canberra and Queanbeyan. The lot is zoned E4 Environmental Living under the *Palerang Local Environmental Plan 2014*.

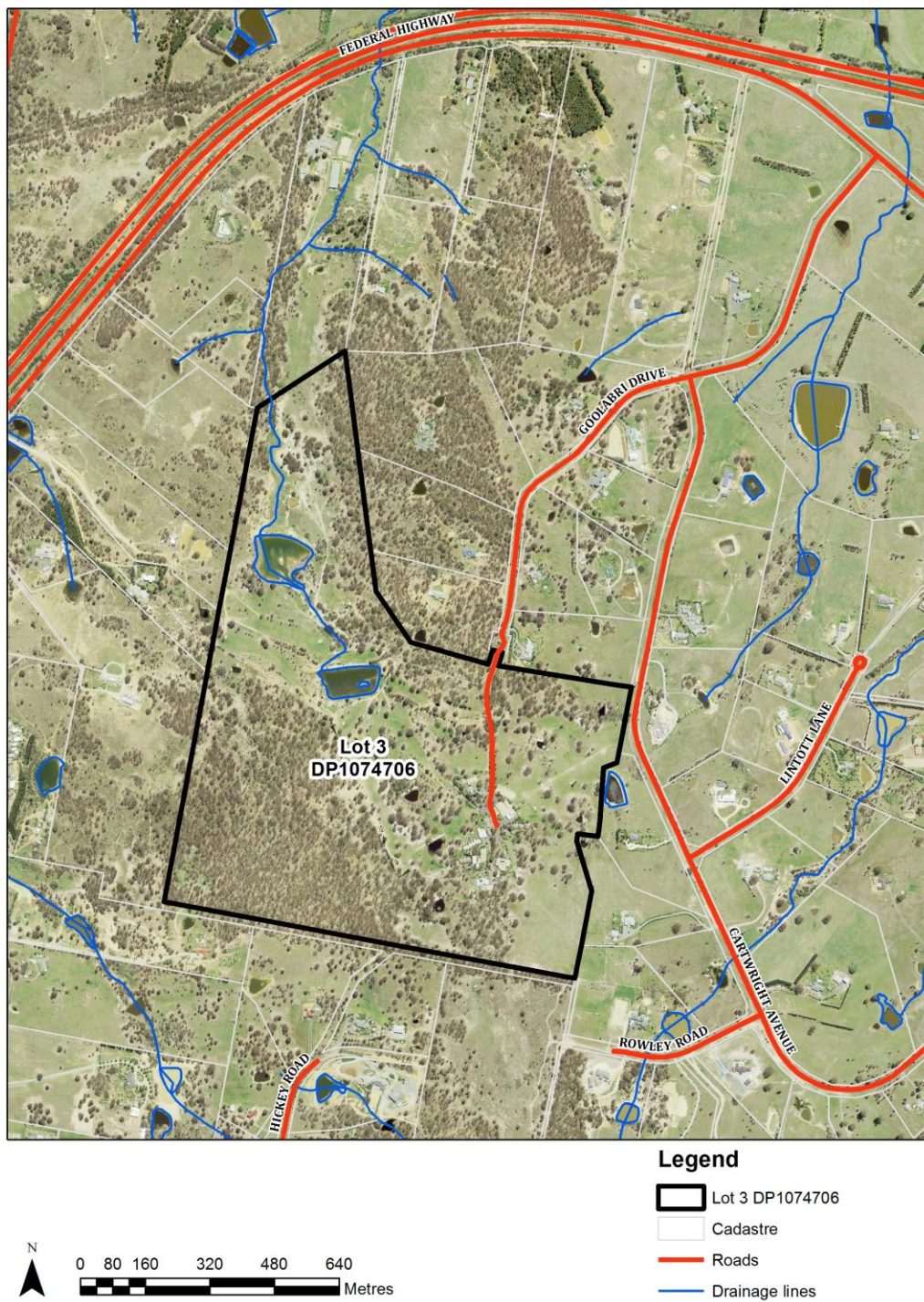
The lot currently contains a convention centre complex, disused golf course, one dwelling, several small dams and a large area of native vegetation. The land surrounding the lot is rural residential having been created as part of a subdivision in 2002 (an outline of this is provided below).

The land is gently undulating class 4 agricultural land (NSW Department of Primary Industries). The native vegetation has largely been previously cleared except for an area in the south-western corner of the lot (approximately 56 hectares, proposed to form the residual lot as shown in map 3 below). There are no reticulated water or sewer services to Lot 3 DP 1074706 or the adjacent residential lots. The maps below show the location of Lot 3 DP 1074706 and the proposed subdivision layout (refer to the above note).



Map 1 The location of Lot 3 DP 1074706, (regional view)

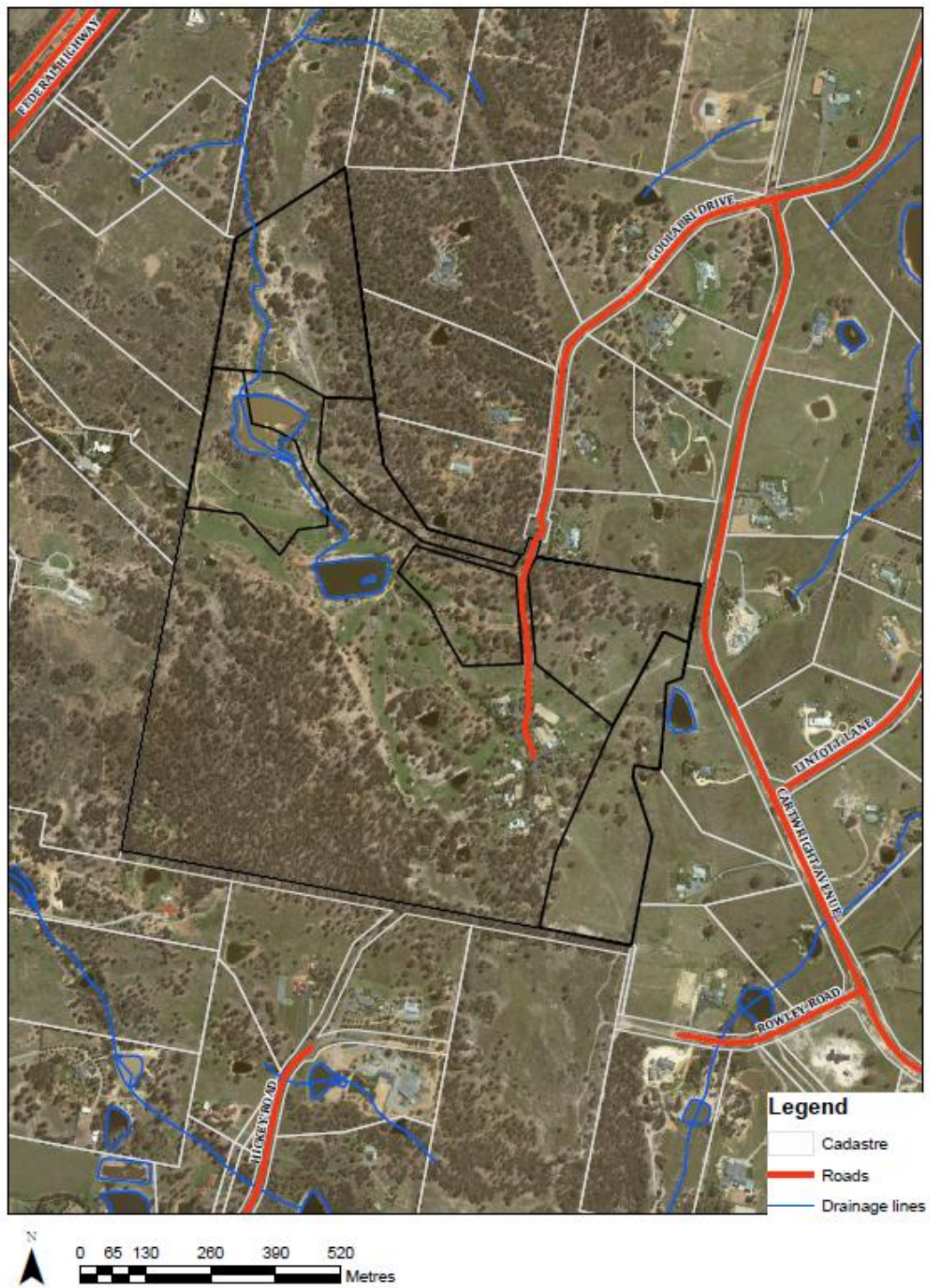
Source Queanbeyan-Palerang Regional Council and NSW Land and Property Information



Map 2 The location of Lot 3 DP 1074706

Source Queanbeyan-Palerang Regional Council and NSW Land and Property Information

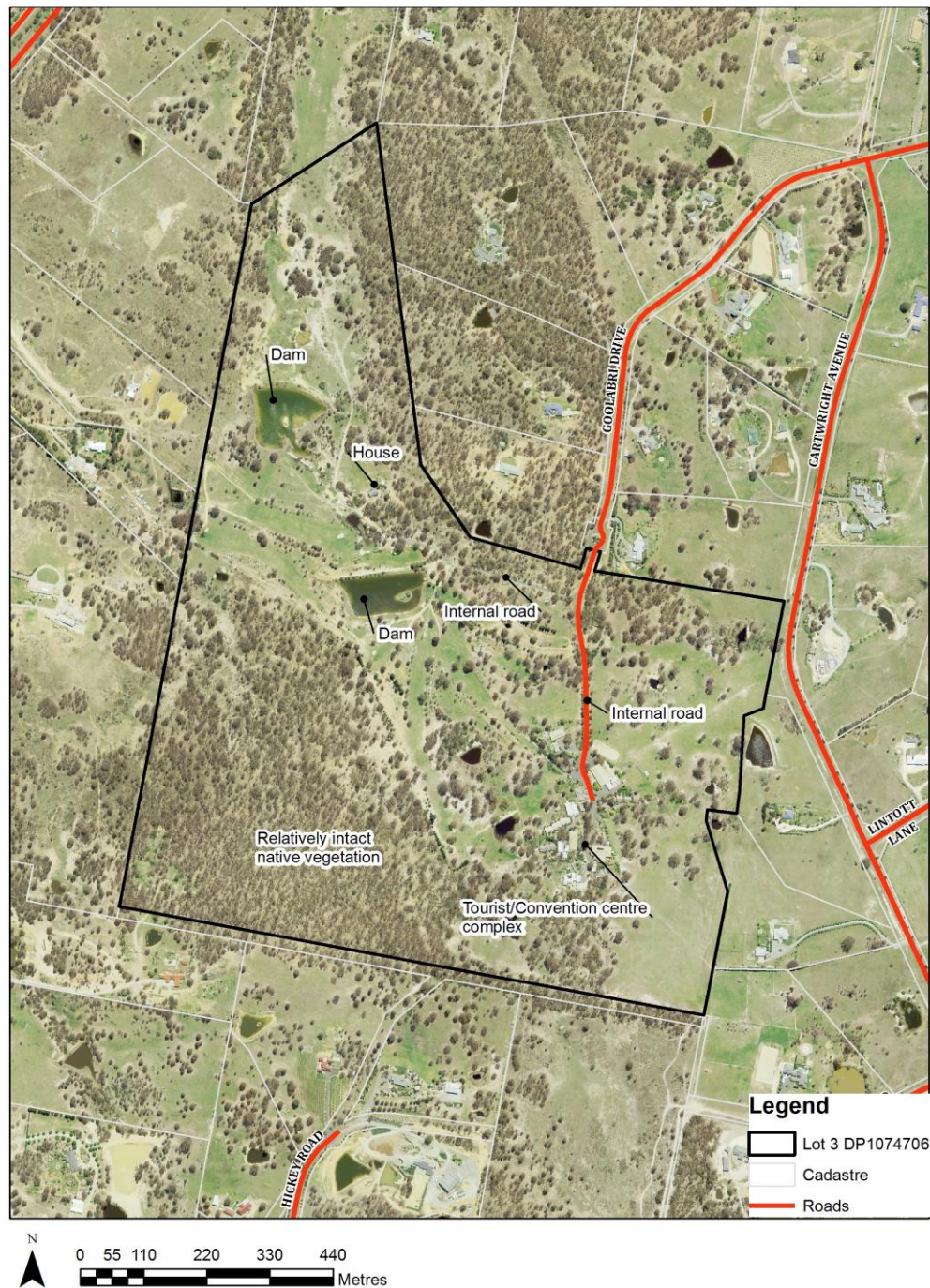
The map below shows the proposed subdivision layout.



Map 3 Proposed subdivision layout

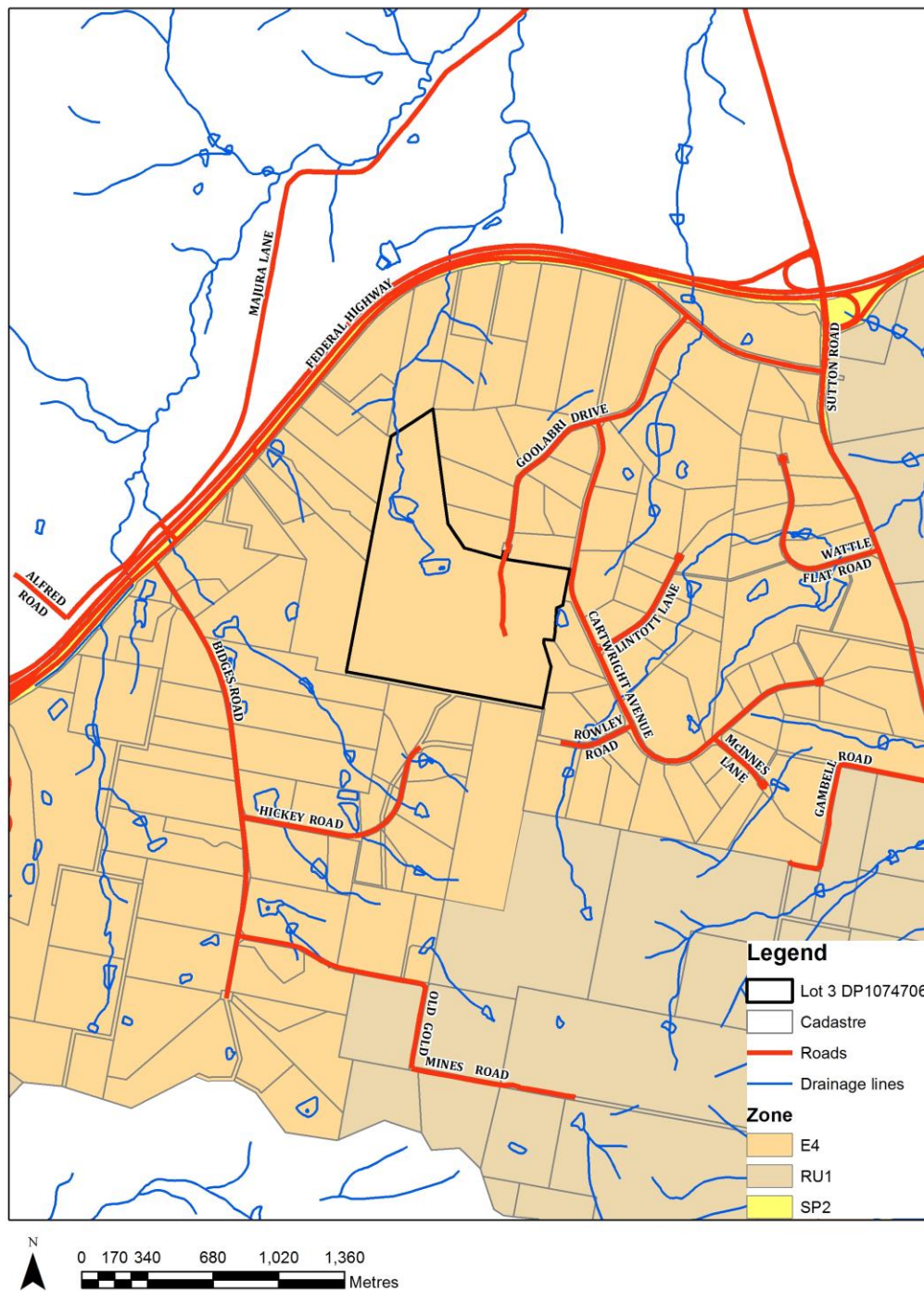
Source Based on a map provided by Land Planning Solutions

The maps below illustrate the current landuses on Lot 3 DP 1074706, its land use zone and minimum lot size under the *Palerang Local Environmental Plan 2014*.



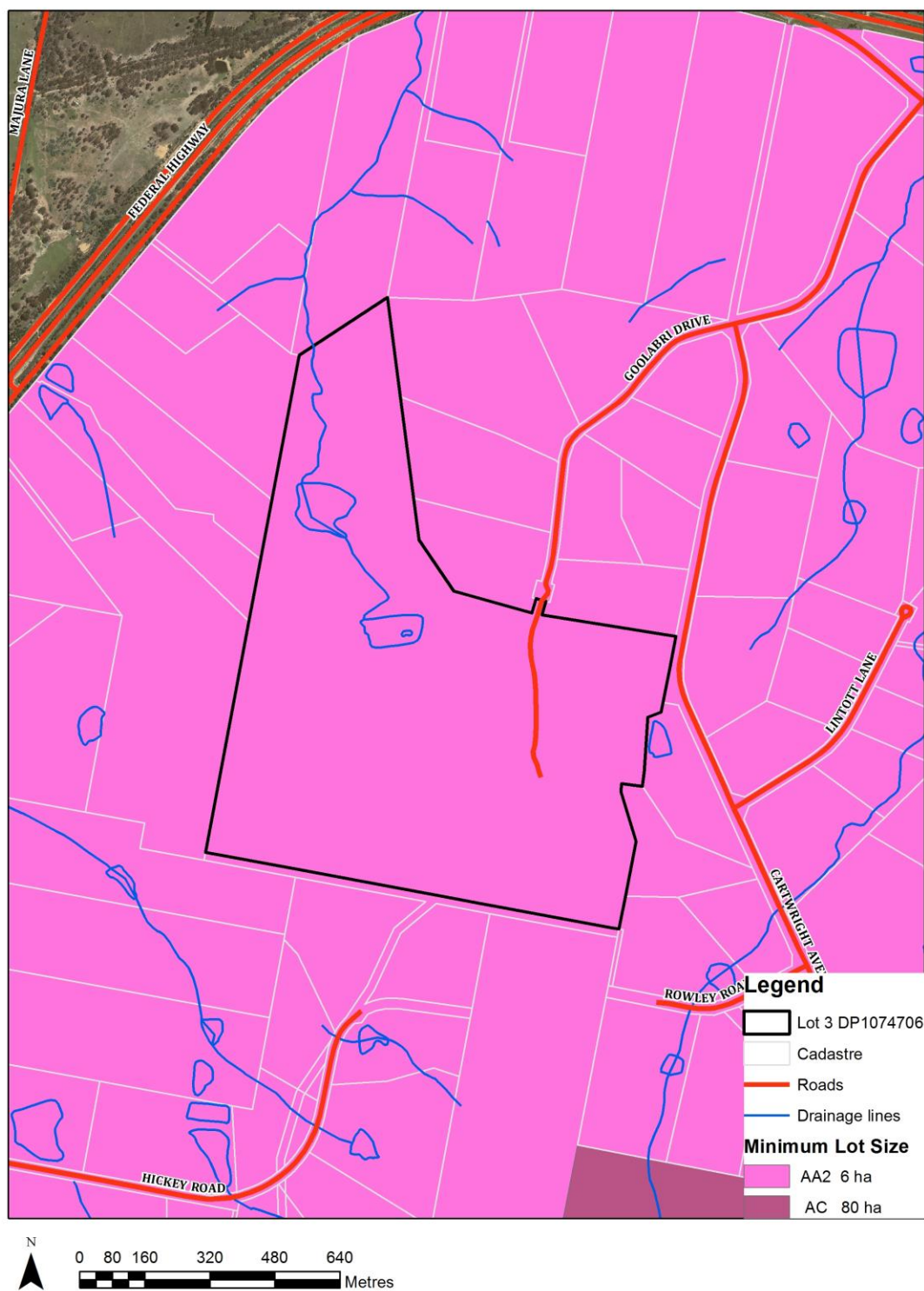
Map 4 Lot 3 DP 1074706 and its current landuses

Source Queanbeyan-Palerang Regional Council



Map 5 Lot 3 DP 1074706 and the landuse zone

Source *Palerang Local Environmental Plan 2014, Land Zoning Map*



Map 5 Lot 3 DP 1074706 and the minimum lot size

Source *Palerang Local Environmental Plan 2014, Lot Size Map*

Part 1 Intended outcome

Schedule 1 of the *Palerang Local Environmental Plan 2014* will allow the subdivision with development consent of Lot 3 DP 1074706 into six residential lots and one residual lot which will include the existing tourist/convention centre complex. The existing E4 Environmental Living subdivision provisions will apply to the subdivision of the land.

Part 2 Explanation of provisions

The amendment of Schedule 1 of the *Palerang Local Environmental Plan 2014* will allow the subdivision, with development consent of Lot 3 DP 1074706 to create six residential lots and a residue lot.

Part 3 Justification

Section A Need for the planning proposal

Question 1 Is the planning proposal a result of any strategic study or report

The planning proposal is not part of a strategic study or a report however, the subject lot is part of an existing rural residential area. The draft Rural Lands Study Report (p139) suggests that based on the uptake of rural residential lots in the western part of the former Palerang local government area that there is a need to plan for the creation of residential lots in the E4 landuse zone in similar numbers to the past decade.

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

A planning proposal to amend Schedule 1 of the *Palerang Local Environmental Plan 2014* is the only means of achieving the intended outcome. The following paragraphs provide the background to the reason for the planning proposal:

Lot 3 DP 1074706 is zoned E4 Environmental Living under the *Palerang Local Environmental Plan 2014* and was created as part of the “Sutton Acres” subdivision of Lot 2 and 3 DP 827113 and Lot 6 DP 234480 which was approved in 1998. Over a number of stages 60 lots were created.

The subject land was developed for the purposes of accommodation and a golf course in the late 1980s/early 1990s. The land was zoned 1(a) General Rural under the Yarrowlumla Local Environmental Plan 1986 and the Yarrowlumla Local Environmental Plan 1993 until the gazettal of the Yarrowlumla Local Environmental Plan (Amendment No.8) in March 1998. This amendment created a new rural residential zone 1(d1) Rural Residential Zone and applied the zone to land in the Sutton area that had been identified as suitable for rural residential development in Yarrowlumla Council’s 1994 Rural Residential Local Environmental Study. The zone was later applied to the Royalla area by the Yarrowlumla Local Environmental Plan 1993 (Amendment No. 14).

Following the gazettal of Amendment No. 8 in March 1998, Council became aware that a number of planning controls that applied in the 1(d) Rural Residential Zone had inadvertently been omitted under the new 1(d1) zone. One of these was a control on further subdivision of large lots created

under the averaging provision. Council resolved to prepare an amendment to address this in July 1998, exhibited the draft plan during August and Yarrawlumla Local Environmental Plan 1993 (Amendment No. 29) was gazetted on 18 December 1998.

The 1(d1) subdivision controls applied a simple 6 hectare average lot size which was later applied to all residential land in Yarrawlumla under the Yarrawlumla Local Environmental Plan 2002. A feature of these controls was that there was only one opportunity for subdivision. Large lots created under the 1(d1) controls could not be further subdivided, even, if the first subdivision did not create the maximum number of lots that was permissible. The simpler (compared to those that applied in the 1(d) zone subdivision controls did not allow for staged subdivision approval.

In the case of the subject land, at the time of the subdivision of the rural properties 'Sutton Acres' and 'Goolabri Park' for rural residential development in 1998, the applicant wished to continue to operate the golf course and resort development on Goolabri Park and as a result a large (95 ha) lot was created to include the commercial development.

As Lot 3 DP 1074706 is within an existing rural residential area, the number of lots to be created is small, the existing road infrastructure will be utilised and the lots to be used for residential purposes are primarily in areas that have previously been disturbed, the subdivision of this lot is unlikely to have a detrimental impact on the environment or create an undesirable precedent.

Section B Relationship to strategic planning framework

Question 3 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy and exhibited draft strategies

The *Sydney-Canberra Corridor Regional Strategy* applies to the whole of the former Palerang local government area. The document includes in its direction an increase in residential development across the region and livability. Page 3 of the Strategy states that it is projected that the region's population will be 183 350 by 2031...requiring an additional 25,200 dwellings. There is no specific mention of rural residential areas in the local government area. The proposed amendment and subdivision will contribute to this direction.

Question 4 Is the planning proposal consistent with a council's local strategy or other local strategic plan

There is no local strategic plan for the former Palerang local government area rural residential areas. A draft rural lands strategy which includes the consideration of rural residential land has been exhibited. The draft strategy does not include the identification of future rural residential areas. However, it should be noted that Lot 3 DP 1074706 is currently zoned E4 Environmental Living and that this planning proposal will not amend the landuse zone. The proposed lots will be within an established rural residential area.

The planning proposal is consistent with the *Palerang Community Strategic Plan 2013-32*, Focus Area 4: Rural and Urban Development. This focus area states that one of Council's roles is the review of the local environmental plan and to maintain a long-term planning approach that caters for diversity and choice in rural and village living.

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

<i>Name of State Environmental Planning Policy</i>		<i>Consistency with the State Environmental Planning Policy</i>
21	Caravan Parks	Not applicable
30	Intensive Agriculture	Not applicable
33	Hazardous and Offensive Development	Not applicable
36	Manufactured Home Estates	Not applicable
44	Koala Habitat Protection	Applicable. A flora and fauna report has been prepared for the subdivision (as stated above). The report did not identify the site as containing koalas. Consistent
50	Canal Estates	Not applicable
55	Remediation of land	The proponent has stated that a “contaminated lands assessment has not been undertaken however based on land ownership knowledge there are no known contaminated sites on the land holding”. Based on this statement it is not considered necessary to undertake a contaminated land assessment.
62	Sustainable Aquaculture	Not applicable
64	Advertising and Signage	Not applicable
65	Design Quality of Residential Flat Development	Not applicable
	SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
	SEPP (Building Sustainability Index : BASIX) 2004	Not applicable
	SEPP (Major Development) 2005	Not applicable
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
	SEPP (Infrastructure) 2007	Not applicable
	SEPP (Miscellaneous Consent Provisions) 2007	Not applicable
	SEPP (Rural Lands) 2008	Not applicable. The land is currently zoned E4 Environmental Living and this planning proposal will not amend the landuse zoning.

	<i>Name of State Environmental Planning Policy</i>	<i>Consistency with the State Environmental Planning Policy</i>
	SEPP (Exempt and Complying Development Codes) 2008	Not applicable
	SEPP (Affordable Rental Housing) 2009	Not applicable
	SEPP (Sydney Drinking Water Catchment) 2011	Not applicable

Question 6 Is the planning proposal consistent with applicable Ministerial Directions

	<i>Name of direction</i>	<i>Applicability and consistency with the direction</i>
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2.1	Environment Protection Zones	Applicable and consistent
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Applicable. Refer to the section below regarding the heritage assessment of the site.
2.4	Recreation Vehicle Areas	Applicable and consistent
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.1	Residential Zones	Applicable and consistent. The proposal is allowing a provision that was contained in a previous local environmental plan
3.2	Caravan Parks and Manufactured Home Estates	Applicable and consistent. The proposal is not rezoning the land.
3.3	Home Occupations	Applicable and consistent.
3.4	Integrating Land Use and Transport	Not applicable
3.5	Development near Licensed Aerodromes	Not applicable

	<i>Name of direction</i>	<i>Applicability and consistency with the direction</i>
3.6	Shooting ranges	Not applicable
4.1	Acid Sulfate Soils	Not applicable
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable
4.4	Planning for Bushfire Protection	Applicable and consistent. Refer to the section below.
5.1	Implementation of Regional Strategies	Applicable and consistent.
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	-
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	-
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	-
5.8	Second Sydney Airport: Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
6.1	Approval and Referral Requirements	Applicable and consistent.
6.2	Reserving Land for Public Purposes	Applicable and consistent.
6.3	Site Specific Provisions	Not applicable
7.1	Implementation of the Metropolitan Plan for the Sydney 2036	Not applicable

Section C Environmental, social and economic impact

Question 7 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

There is no critical habitat as listed in NSW legislation in the former Palerang local government area. A flora and fauna report has been prepared for the subdivision, refer to the appendices. The report assessed the proposed residential lots and not the residual lot that will contain the tourist accommodation/convention centre and a large area of native vegetation. However, the report is considered adequate as it is the residential lots that will be significantly impacted by the proposed subdivision.

A flora and fauna assessment was undertaken in March and April 2014 for the proposed subdivision. The report states (p5) "The general vegetation of the area is one of an open dry sclerophyll woodland (fig 3) of Yellow Box *E.melliodora*, Red Gum *E.blakelyi*, Brittle Gum *E.mannifera*, Scribbly Gum *E.rossii*, Broad-leaved Peppermint *E.divers* Red Stringybark *E.macrorhyncha*, with occurrences of Apple Box *E.bridgesiana* The sub-dominant tree layer is represented by Silver Wattle *Acacia dealbata*, Black Wattle *Acacia mearnsii*, with several individual occurrences of Ballart *Exocarpus cupressiformis* and Black She-Oak *Allocasuraina littoralis*."

The report states that remnant Yellow box-Blakely's Red Gum-Brittle Gum woodland still exists on the lower slopes to flat areas of the westerly aspects of the property. It is stated in the report (p5) the "remnant woodland trees on the property, in their current degraded state and low population numbers, does not meet the criteria for recognition as a Grassy Box woodland community.." On p11 of the report it states "The dry sclerophyll woodland and grasslands of the property have no threatened native plant or animal species, significant local native flora species; or any significant native animal habitat. No native fauna species were observed during the surveys except for a large population of Eastern Grey Kangaroos *Macropus giganteus*.

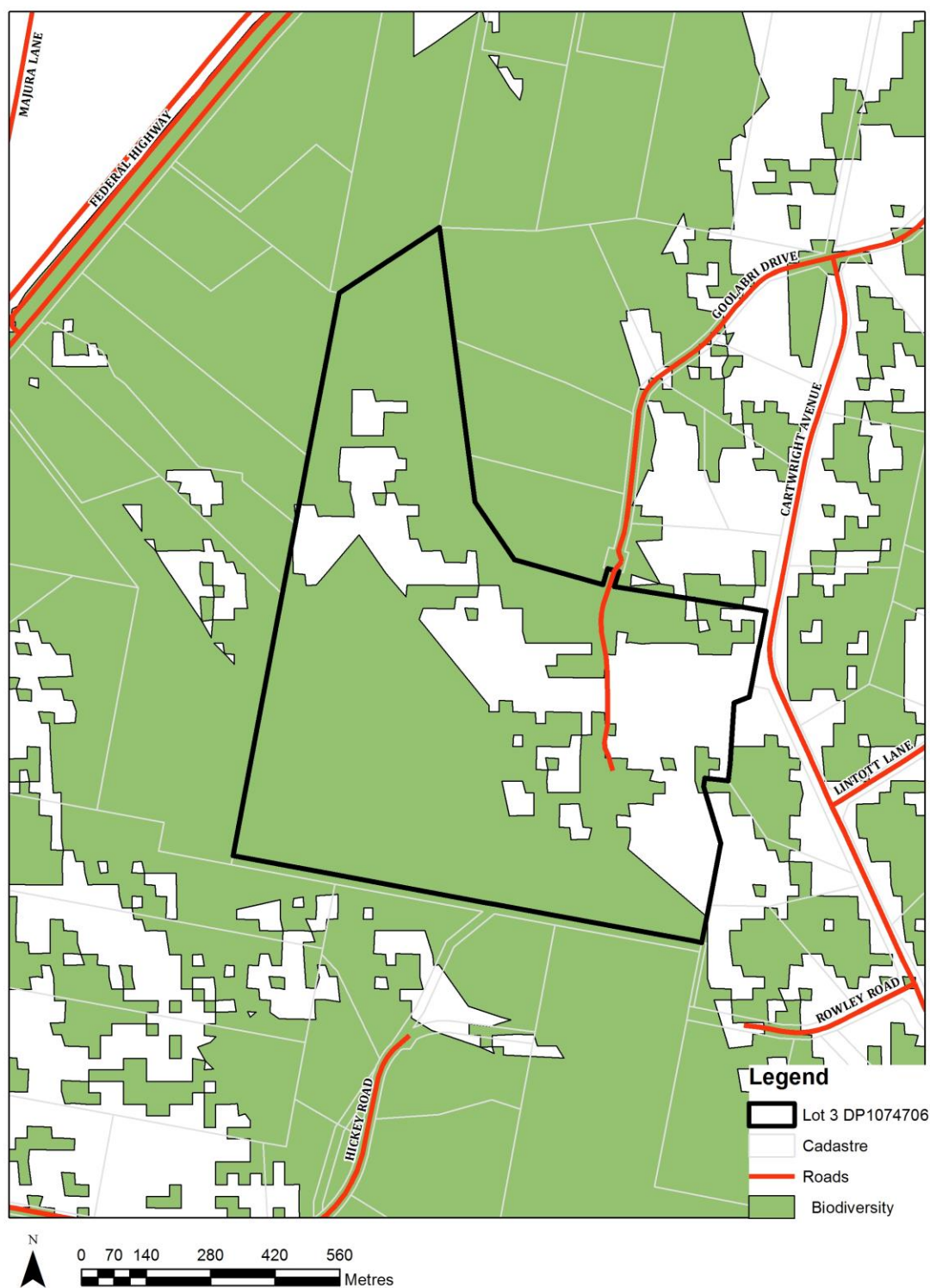
The Yellow Box-Red Box woodland (with other mixed gum species) that exists on the better soil areas of the property, is generally in a poor condition in terms of the understory species and groundcover, due to extensive clearing in the past and severe overgrazing over many years."...

In regard to the impact of the subdivision on native vegetation the report states "The subdivision of the property into 3 Lots will not have any significant impact on the Box-Gum Woodland as few native understory shrubs and few herbaceous groundstorey shrubs and few herbaceous groundstorey species representative of the woodland exist." (p11)

The *Palerang Local Environmental Plan 2014*, Terrestrial Biodiversity Map below shows the areas that contain native vegetation. The map is relatively consistent with the flora and fauna report. There is no need to amend the map.

Council's revised native vegetation map (2015) displays the vegetation on the lot including the 23 hectares of relatively intact native vegetation on the proposal residual lot as being Red Stringybark-Brittle Gum-Inland Scribbly Gum dry open forest on skeletal hills of the tablelands, South Eastern Highlands (Biometric Type MR 595). It should be noted that this information is derived from spatial data sets rather than a site assessment.

It is recommended that the planning proposal and the report be reviewed by the NSW Office of Environment and Heritage.



Map 6 Terrestrial Biodiversity

Source *Palerang Local Environmental Plan 2014*, Terrestrial Biodiversity Map

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

Reports for the site have been prepared for Aboriginal cultural heritage, water supply and effluent disposal in relation to the subdivision, these are outlined below. A copy of each is attached to this planning proposal.

Aboriginal cultural and European heritage

An Aboriginal cultural heritage assessment was undertaken for the proposed subdivision in February 2014. It appears that the assessment relates only the proposed residential lots. However, the report is considered adequate as it is the residential lots that will be significantly impacted by the proposed subdivision.

The report states the following (P1):

“The proposed subdivision was previously surveyed for Aboriginal archaeological sites/objects in 1998 (Hughes 1998) and three Aboriginal objects were recorded (AHIMS Web Services #1124518, 7/02/2014). None of these sites will be impacted by the proposed development.

One small, disturbed, low density Aboriginal archaeological site (“Goolabri 1”) was located on proposed Lot 3 during the field inspection. The site will not be directly or indirectly impacted by the proposed development activity...

Proposed Lot 1 of the subdivision contains a landscape feature (land within 200m of a watercourse) with the potential to contain Aboriginal objects/sites (refer DECCW 2010/12). This area would be directly impacted by fencing of the allotment, but there area is highly modified as a result of past land management practices and its archaeological potential is very low.

No historic (European) heritage sites or relics occur within the proposed subdivision...

There are no Aboriginal or historic cultural heritage constraints to the proposed subdivision of Lot 3 DP 1074706, Goolabri Road, Sutton.”

It is recommended that the planning proposal and the report be reviewed by the NSW Office of Environment and Heritage.

Non-potable water supply

A report concerning the supply of non-potable water was prepared in February 2014 as part of the subdivision application. The report is included in the appendices. At the time of the preparation of the subdivision application and associated reports, the Yarrowlumla Local Environmental Plan 2002 (clause 18(1)(f)(1)) and Yarrowlumla Development Control Plan Rural Zones were in force and both required a non-potable water supply for each lot. Neither the *Palerang Local Environmental Plan 2014* or the *Palerang Development Control 2015* have this requirement. It is recommended that this report is reviewed as part of the application for subdivision.

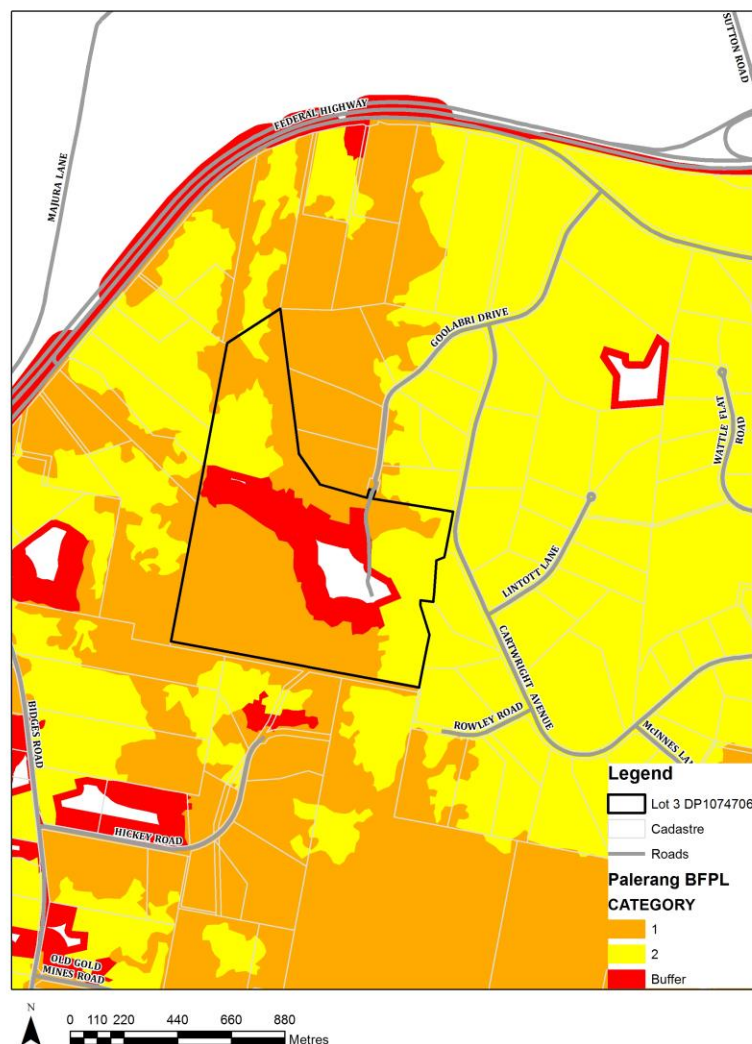
Effluent disposal

As there is no reticulated sewer scheme, on-site effluent disposal schemes are required for each dwelling. An assessment for on-site effluent disposal was prepared as part of the subdivision application for two lots (the other lots being the residual and already having a dwelling). The

report states “the sites are well suited to irrigation of secondary treated effluent from a NSW Health accredited treatment system. Other forms of effluent treatment and disposal may be suitable at particular locations, but should be addressed at the time of submitting building plans.” (p1). It is recommended that this report is reviewed as part of the application for subdivision.

Bushfire

The bushfire map for the former Palerang local government is shown below. The majority of the lot is bushfire prone. As part of the subdivision application a bushfire report has been prepared, refer to the appendices for a copy of the report. The report states “Based on the above information it is considered that this development can comply with clause 44 of the Rural Fires Act, all aspects of building in fire prone area, and planning for bushfire protection” (p10). It is recommended that the planning proposal is referred to the NSW Rural Fire Service.



Map 7 Bushfire prone map

Source Queanbeyan-Palerang Regional Council

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

The planning proposal will allow residential subdivision in an existing rural residential area. It is considered that the social and economic impacts would be minor.

Section D State and Commonwealth interests

Question 10 Is there adequate public infrastructure for the planning proposal

As the planning proposal relates to an existing rural residential area there are roads in place in the vicinity of the site of the planning proposal. The requirements for additional roads will be addressed as part of the subdivision application. The site does not have a water or sewer scheme managed by Council. The potable water and effluent disposal studies have been outlined above.

There is a primary school under ten kilometres from the rural residential area and buses to high schools in Queanbeyan and Canberra, fifteen minutes away. There are existing health facilities in Queanbeyan and Canberra.

Question 11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination

NSW or Commonwealth public authorities have not been consulted as this is a minor local issue.

Part 4 Mapping

There will be no mapping required.

Part 5 Community consultation

The Planning Proposal will be exhibited for 28 days. The following reports will be exhibited and reviewed (as outlined above).

- Flora and fauna
- Aboriginal cultural heritage
- Bushfire

The reports concerning on-site effluent disposal and non-potable water supply will be considered as part of the application for subdivision.

Part 6 Project timeline

<i>stage</i>	<i>completion date</i>
Anticipated commencement date (date of Gateway Determination)	August 2016
Anticipated timeframe for government agency consultation	end of September 2016
Anticipated commencement and completion dates for public exhibition period	November 2016
Anticipated timeframe for consideration of submissions	mid November 2016
Anticipated date of report to Council	End of December 2016
Anticipated date of submissions, Council report and recommendation to the NSW Department of Planning and Environment to finalise the draft local environmental plan	February 2017
Amended local environmental plan gazetted	March 2017

Appendices

Appendix A Water Supply

Appendix B Effluent Disposal

Appendix C Aboriginal Cultural Heritage

Appendix D Flora and Fauna

Appendix E Bushfire