

Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

Proposal Title : Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

Proposal Summary : Queanbeyan Palerang Regional Council propose amending Queanbeyan Local Environmental Plan 2012 to:

- Rezone approximately 10 hectares of land identified as a 'Deferred Matter' within part of Lot 5 DP 1199045 (Jumping Creek) to E4 Environmental Living Zone (Land Zoning Map) and apply a 600 square metre minimum lot size and 80 hectare minimum lot size (Lot Size Map), a maximum 12 metre building height (Height of Buildings Map) and apply scenic protection provisions (Scenic Protection Map).
- Revise the lot sizes (Lot Size Map) applying to Lot 5 DP 1199045 currently zoned E4 Environmental Living Zone and E2 Environmental Conservation Zone under Queanbeyan LEP 2012 to better reflect the boundary of the E4 Environmental Living Zone and E2 Environmental Conservation Zone, the land capability constraints and the proponents concept layout.
- Remove Lot 5 DP 1199045 Jumping Creek from the Urban Release Area Map so that clause '6.1 Arrangements for designated State and Territory Infrastructure' under Queanbeyan LEP 2012 does not apply to development within this site. This change to the Urban Release Area Map is on the basis that state infrastructure will not be required for the future development of the site.
- Identify lot 5 DP 1199045 as a 'Key Site' on a new 'Key Site Map' and insert a new model clause in the Queanbeyan LEP 2012 to retain a requirement that development cannot be approved by Council until a Development Control Plan has been prepared for the site.

Note: The rezoning of the 10 hectares of deferred areas to E4 Environmental Living Zone to enable development for 40 house lots will be in addition to the current 36 hectares of land zoned E4 Environmental Living Zone that will permit approximately 240 house lots.

PP Number : PP_2016_QPREG_003_00 **Dop File No :** 16/12321

Proposal Details

Date Planning Proposal Received :	19-Oct-2016	LGA covered :	Queanbeyan-Palerang Regic
Region :	Southern	RPA :	Queanbeyan-Palerang Regional
State Electorate :	MONARO	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Loneragan Drive		
Suburb :	Jumping Creek	City :	Queanbeyan
Land Parcel :	Lot 5 DP 1199045	Postcode :	2620

Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	10.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	40
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **Council has provided the Department with the following studies and plans submitted by the proponent (CIC Australia) to support the planning proposal prepared and adopted by Queanbeyan Palerang Regional Council.**
1. Flora and Fauna Assessment.
2. Aquatic Ecology Impact Assessment.
3. Urban Capability Study.

Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

4. Site Investigation Study
5. Site Environmental Management Plan (land contamination and remediation).
6. Geotechnical Assessment.
7. Bushfire Assessment.
8. Concept Layout.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The planning proposal provides an adequate description on the intent of the proposal to amend the Queanbeyan LEP 2012 to:**

- Rezone approximately 10 hectares of land identified as a 'Deferred Matter' within part of Lot 5 DP 1199045 (Jumping Creek) to E4 Environmental Living Zone (Land Zoning Map) and apply a 600 square metre minimum lot size and 80 hectare minimum lot size (Lot Size Map), a maximum 12 metre building height (Height of Buildings Map) and apply scenic protection provisions (Scenic Protection Map).

- Revise the lot sizes (Lot Size Map) applying to Lot 5 DP 1199045 currently zoned E4 Environmental Living Zone and E2 Environmental Conservation Zone under Queanbeyan LEP 2012 to better reflect the boundary of the E4 Environmental Living Zone and E2 Environmental Conservation Zone, the land capability constraints and the proponents concept layout.

- Remove Lot 5 DP 1199045 Jumping Creek from the Urban Release Area Map so that clause '6.1 Arrangements for designated State and Territory Infrastructure' under Queanbeyan LEP 2012 does not apply to development within this site. This change to the Urban Release Area Map is on the basis that state infrastructure will not be required for the future development of the site.

- Identify lot 5 DP 1199045 as a 'Key Site' on a new 'Key Site Map' and insert new model clause in the Queanbeyan LEP 2012 to retain a requirement that development cannot be approved by Council until a Development Control Plan has been prepared for the site.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal adequately describes the proposed amendments to the Queanbeyan LEP 2012 Land Zoning Map, Lot Size Map, Height of Buildings, Scenic Protection Map, Urban Release Area Map and addition of a 'Key Sites Map' and 'Key Sites' clause.**

Comment

The main proposed change to the Queanbeyan LEP 2012 is to rezone 10 hectares of deferred land, currently zoned '1(a) Rural A' with a 40-80 hectare minimum lot size under Queanbeyan LEP 1991, to an E4 Environmental Living Zone with a 600 square metre and 80 hectare minimum lot size. The change will generate an additional 40 house lots at Jumping Creek.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

3.1 Residential Zones

Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

SECTION 117 DIRECTIONS

1.2 RURAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed rural zone.

The proposal is considered to be **INCONSISTENT** with this direction as it proposes to rezone land from a rural zone to an E4 Environmental Living Zone and contains provisions that will increase the permissible density of land within a rural zone from 40 and 80 hectares to a 600 square metre minimum lot size to part of the proposed E4 Environmental Living Zone.

Conclusion and Recommendation

The planning proposal and studies prepared by the proponent clearly indicate that the site is not suitable for agriculture (steep land and shallow soils).

The 'Queanbeyan Residential and Economic Strategy 2015-2031' was approved by the Secretary of the Department on the 24 July 2016.

The Secretary can be satisfied that the inconsistency is justified because;

1. the 'Queanbeyan Residential and Economic Strategy 2015-2031' gives consideration to the objective of the Direction,
2. the 'Queanbeyan Residential and Economic Strategy 2015-2031' identifies Jumping Creek as a 'Future Investigation Area', and
3. Studies submitted with the planning proposal indicate that the land is not suitable for agriculture.

1.5 RURAL LANDS: This Direction does apply to the planning proposal as it will affect land within an existing or proposed rural or environmental protection zone and proposes to change the existing minimum lot size on land within a rural or environmental protection zone.

When this Direction applies a planning proposal must be consistent with the Rural Planning Principles and Rural Subdivision Principles outlined in SEPP (Rural Lands) 2008.

A planning proposal may be inconsistent with these principles only if the inconsistencies are justified by a strategy approved by the Secretary or are considered of minor significance.

The Key significant Rural Planning Principle that is relevant to the planning proposal is clause 7(e) as follows:

"the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and

Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

avoiding constrained land,"

Queanbeyan Residential and Economic Strategy 2015-2031 was endorsed by the Secretary on the 24 July 2016 and it identifies the site as a 'Future Investigation Area' for urban development.

The planning proposal is accompanied by various environmental studies prepared by the proponent. These studies address clause 7(e) of the SEPP (Rural Lands) 2008. The environmental studies are also consistent with the intent of the 'Queanbeyan Residential and Economic Strategy 2015-2031' that required further work on addressing site constraints.

Conclusion and Recommendation

The proposal is considered to be **CONSISTENT** with this direction because it is consistent with the Rural Planning Principles and Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

2.1 ENVIRONMENT PROTECTION ZONES: This Direction does apply to the planning proposal as it will affect land within an environment protection zone or land otherwise identified for environment protection purposes.

If the Direction applies the draft LEP must not reduce the environmental protection standards that apply to the land. This requirement, however, does not apply to a change to a development standard for the minimum lot size for a dwelling because this matter is already considered under s117 Direction 1.5 Rural Lands.

The proposal to rezone rural land to an E4 Environmental Zone does not reduce the environmental protection standards that apply to the site.

The proposed reduction of the minimum lot size over land that is proposed to be zoned E4 Environmental Living Zone to increase the potential density of subdivision and housing is not a matter to be considered under s117 Direction 2.1 Environmental Protection Zones.

Conclusion and Recommendation

The proposal is considered to be **CONSISTENT** with this direction because it does not reduce the environmental protection standards (other than changes to the minimum lot sizes) under Queanbeyan LEP 2012 that apply to the land. No further approval is therefore required from the Secretary.

The planning proposal is accompanied by a Flora and Fauna Assessment and an Aquatic Ecology Impact Assessment assess the impacts of rezoning rural land to accommodate an E4 Environmental Living Zone (40 additional house lots). It is recommended that these studies be reviewed by relevant state agencies prior to community consultation.

3.1 RESIDENTIAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.

The planning proposal is also accompanied by various studies prepared by the proponent in response to a requirement for 'further investigation' under the 'Queanbeyan Residential and Economic Strategy 2015-2031', including an Urban Capability study and a Site Investigation Study (infrastructure availability).

Essential Services can be provided to the site and the planning proposal acknowledges that development of the site will continue to rely on road access from the proposed

Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

Ellerton Drive Extension, as is required under current clause 6.6 Access to Jumping Creek.

Conclusion and Recommendation

The proposal is considered to be CONSISTENT with this direction because the 'Queanbeyan Residential and Economic Strategy 2015-2031' has been endorsed by the Department and it has identified the Jumping Creek site as a 'Future Investigation Area' for further urban development.

4.4 PLANNING FOR BUSHFIRE PROTECTION: This Direction does apply to the planning proposal as the site is mapped as bushfire prone land.

At this stage of the Planning Proposal, it is neither consistent nor inconsistent as the Direction requires consultation with the NSW Rural Fire Service post Gateway determination and prior to exhibition.

Council has submitted a Bushfire Assessment Report with the planning proposal. The Bushfire Assessment was prepared by Ecological Australia on behalf for the proponent.

Recommendation

The Secretary can be satisfied that the requirements of the Direction have been met. A condition should be included in the Gateway determination that consultation should be undertaken with the NSW Rural Fire Service prior to community consultation in accordance with the Direction.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES: This Direction does apply to the planning proposal as the Sydney-Canberra Corridor Strategy applies to the land.

The 'Action' outlined under Chapter 7 of the Sydney - Canberra Corridor Regional Strategy on 'Housing and Settlement' specifically states that the Department will only support new urban areas identified in the Queanbeyan Council's Residential and Economic Strategy 2031 (as amended) that has been endorsed by the Department.

Lot 5 DP 1199045 Jumping Creek is identified as a 'Future Investigation Area' for urban development under the 'Queanbeyan Residential and Economic Strategy 2015-2031' prepared by Council and endorsed by the Department. The Department determined that the Jumping Creek site should be described as a 'Future Investigation Area' because the Council strategy acknowledges that part of the site is identified as a 'deferred matter' due to concerns with steep land, shallow erodible soil and proximity to the Queanbeyan River.

The strategy also acknowledged that further investigations would need to be undertaken by the developers and assessed by Council and, if supported, forwarded to the Department for a Gateway Determination.

Consistent with the Council strategy the planning proposal is also accompanied by a number of environmental studies prepared for the proponent to support the planning proposal, including;

1. Flora and Fauna Assessment.
2. Aquatic Ecology Impact Assessment.
3. Urban Capability Study.
4. Site Investigation Study
5. Site Environmental Management Plan (land contamination and remediation).
6. Geotechnical Assessment.
7. Bushfire Assessment.

Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

Conclusion

The Planning proposal is consistent with the Sydney-Canberra Corridor Strategy and s117 Direction 5.1 Implementation of Regional Strategies.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP 55 Remediation of Land

The planning proposal states that rezoning of the land stalled in the 1990's as a result of the identification of significant contamination risks on the site as a result of previous mining operations.

In response to contamination matters raised in SEPP 55 Council states:

"A Remediation Action Plan (RAP) prepared for the site in 2010 (Coffey, 2010), describes remediation requirements for two former mine site areas, Mine Site 3 and Mine Site 4. Included in the remediation strategy for these areas is implementation of a clean cap over areas containing elevated levels of heavy metals (mainly arsenic, copper, lead and zinc), to enable open space use within the development. The capped areas are to be managed in accordance with the Site Environmental Management Plan (SEMP). "

In the planning proposal Council has concluded that contamination issues associated with the land and its future management have been resolved as a result of a Site Audit prepared for the site by an accredited site auditor.

A SEMP prepared for the proponent by Coffey consultants dated 2 November 2015, and submitted with the planning proposal, indicates that the site has been used for a variety of land uses including;

- Mining of lead, copper, zinc and possibly gold;
- Possible minerals processing activities;
- Limestone quarry and processing kiln; and
- Pastoral activities, including one known remnant sheep dip.

The SEMP by Coffey was prepared to facilitate effective management of the capping structure installed over the Mine Site 3 area to ensure continued protection of site occupants from site contamination.

Conclusion and Recommendation

Council has provided information to address SEPP 55 Remediation of land to enable the proposal to proceed to a Gateway Determination.

It is recommended that the Gateway Determination include a condition that Council undertake consultation with the NSW Environmental Protection Authority prior to community consultation to ensure land contamination has been appropriately assessed prior to Council placing the planning proposal and studies on public exhibition.

SEPP (Rural Lands) 2008

The planning proposal states that the rezoning of the deferred areas to E4 Environmental Living for residential development will not fragment agricultural land because the land is unproductive. This statement is supported by studies submitted with the planning proposal describing the deferred areas as containing steep land and shallow soils.

Conclusion

The proposal is considered to be consistent with the Rural Planning Principles and Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal includes diagrams that adequately identifies the proposed amendments to the Queanbeyan LEP 2012 maps.

Council has submitted amending draft LEP Maps prepared generally in accordance with the Department's 'Standard technical requirements for LEP maps'.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has recommended that the planning proposal be placed on public exhibition for community consultation for 28 days.

Recommendation

It is recommended that community consultation be undertaken for a minimum of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The planning proposal contains sufficient information to meet the requirements of the Environmental Planning and Assessment Act 1979 (e.g. clause 55(2)) and the Department's "A guide to preparing planning proposals (2016)".

Conclusion

The planning proposal and studies submitted by Council meet the adequacy criteria to proceed to the next stage for 'Assessment'.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Queanbeyan LEP 2012 is a Standard Instrument LEP.

Assessment Criteria

Need for planning proposal :

The planning proposal is the only means by which land that is a 'deferred matter' under Queanbeyan LEP 2012 can be un-deferred and zoned E4 Environmental Living Zone.

Additional studies have now been undertaken to justify the the proposed amendments to Queanbeyan LEP 2012 to enable residential development (40 house lots) within the 10 hectares of proposed E4 Environmental Living Zone with 600 square metre and 80 hectare minimum lot size.

Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

Consistency with strategic planning framework :

QUEANBEYAN RESIDENTIAL AND ECONOMIC STRATEGY 2015-2031

Lot 5 DP 1199045 Jumping Creek is identified as a 'Future Investigation Area' for urban development under the 'Queanbeyan Residential and Economic Strategy 2015-2031' that has been endorsed by the Department. The Department determined that the Jumping Creek site should be described as a 'Future Investigation Area' because the Council strategy acknowledges that part of the site is identified as a 'deferred matter' due to concerns with steep land, shallow erodible soil and proximity to the Queanbeyan River.

The strategy also acknowledged that further investigations would need to be undertaken by the developers and assessed by Council and, if supported, forwarded to the Department for a Gateway Determination.

Conclusion

Further studies have now been completed by the proponent and, consistent with the 'Queanbeyan Residential and Economic Strategy 2015-2031', Council has submitted a planning proposal and various studies to the Department seeking a Gateway Determination.

SYDNEY CANBERRA CORRIDOR REGIONAL STRATEGY

The 'Action' outlined under Chapter 7 of the Sydney - Canberra Corridor Regional Strategy on 'Housing and Settlement' specifically states that the Department will only support new urban areas identified in the Queanbeyan Council's Residential and Economic Strategy 2031 (as amended) that has been endorsed by the Department.

Conclusion

The planning proposal is consistent with the Sydney - Canberra Corridor Regional Strategy because Lot 5 DP 1199045 is identified in the Queanbeyan Residential and Economic Strategy as a 'Future Investigation Area' for urban development and, consistent with the Council strategy, further studies have been undertaken to justify the proposal.

Recommendation

It is recommended that the Department issue a Gateway Determination to enable Council to undertake consultation with relevant state agencies and the community.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

Council has provided the Department with the following studies and plans submitted by the proponent (CIC Australia) to support the planning proposal:

1. Flora and Fauna Assessment (Ecological Australia July 2010).
2. Aquatic Ecology Impact Assessment (Ecological Australia October 2015).
3. Urban Capability Study (Calibre Consulting September 2015).
4. Site Investigation Report (Brown Consulting August 2011).
5. Site Environmental Management Plan - land contamination and remediation (Coffey Australia November 2015).
6. Geotechnical Assessment (Douglas and Partners August 2015).
7. Bushfire Assessment (Ecological Australia January 2012).
8. Concept Layout (Calibre and Spacelab October 2015).

These studies assess and address environmental impacts and hazards associated with developing the site for residential housing, particularly with the deferred areas (10 hectares) proposed to be rezoned to E4 Environmental Living Zone (40 house lots). They have been submitted to support the planning proposal and the future development of the deferred areas for housing.

Council intend to identify the Jumping Creek site on a proposed new 'Key Sites Map' to retain the current requirement that a development cannot be approved until a development control plan has been prepared that provides guidelines on the following;

Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

- conservation of native flora and fauna habitat
- management of wetlands, watercourses, riparian areas and buffers, and
- environmental constraints, including land contamination and remediation.

Recommendation

It is recommended that the Department issue a Gateway Determination requiring that Council undertake consultation with relevant state agencies on the planning proposal and studies prior to undertaking community consultation. This will enable state agencies to provide comments/advice to Council on the adequacy of the proposal and studies prior to community consultation.

SOCIAL IMPACTS

It is intended that future residents within the the Jumping Creek development site will obtain their main vehicular access from the proposed Ellerton Drive Extension road, avoiding the need to travel through local roads within Greenleigh Estate.

The Ellerton Drive Extension (4.6 kilometre), a controversial local road project approved by Council in June 2016, will be constructed to provide an alternative route around the Queanbeyan CBD and will connect east and west Queanbeyan to the southern growth areas. Construction of the road is targeted to begin in mid 2017.

The proposed additional residential development (40 house lots) within the 10 hectares of deferred land on Lot 5 DP 1199045 will be in addition to the 36 hectares of land already zoned E4 Environmental Living Zone to accommodate 240 house lots . It is unlikely that there will be any adverse social or economic impacts from amending the Queanbeyan LEP 2012 to permit 40 additional house lots at Jumping Creek.

Council intend to identify the Jumping Creek site on a proposed new 'Key Sites Map' to retain the current requirement that a development cannot be approved until a development control plan has been prepared that provides guidelines on the following;

- staging of development
- distribution of land use, including open space
- subdivision pattern and services
- building envelopes and built form
- public domain

Recommendation

That the Department issue a Gateway Determination on condition that;

1. Council undertake initial consultation with relevant state agencies prior to undertaking community consultation.
2. The studies and state agency comments be placed on public exhibition as part of community consultation.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Murrumbidgee Catchment Management Authority Department of Education and Communities Office of Environment and Heritage NSW Department of Primary Industries - Fishing and Aquaculture NSW Department of Primary Industries - Minerals and Petroleum Fire and Rescue NSW Department of Health NSW Rural Fire Service		

Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

Transport for NSW - Roads and Maritime Services
Other

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed? Yes

If no, provide reasons : Consultation with relevant state agencies prior to community consultation will provide Council with initial feedback on the studies submitted by Council to support the planning proposal.

It is recommended that the planning proposal be issued with a Gateway Determination subject to consultation with the following public authorities prior to community consultation:

- Murrumbidgee Catchment Management Authority
- Department of Education and Communities
- Office of Environment and Heritage
- NSW Department of Primary Industries - Fishing and Aquaculture
- NSW Department of Primary Industries - Minerals and Petroleum
- NSW Department of Primary Industries - Water
- NSW Department of Primary Industries - Lands
- Fire and Rescue NSW
- Department of Health
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- NSW Environmental Protection Authority (land contamination).

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons : Council propose removing Jumping Creek from the Urban Release Area Map on the basis that state infrastructure (e.g public schools and state roads) will not be required to service the proposed housing development (290 house lots) within the site.

Council intend to identify the Jumping Creek site on a proposed new 'Key Sites Map' to retain the current requirement that a development cannot be approved until a development control plan has been prepared that provides guidelines on the following;

- staging of development
- distribution of land use, including open space
- subdivision pattern and services
- building envelopes and built form
- public domain
- conservation of native flora and fauna habitat
- management of wetlands, watercourses, riparian areas and buffers, and
- environmental constraints, including land contamination and remediation.

Documents

Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

Document File Name	DocumentType Name	Is Public
Planning Proposal Jumping Creek 19 Oct 2016.pdf	Proposal	Yes
Aquatic Ecology Impact Assessment.pdf	Study	Yes
Bushfire Assessment.pdf	Study	Yes
Flora and Fauna Assessment.pdf	Study	Yes
Geotechnical Assessment.pdf	Study	Yes
Site Environmental Management Plan.pdf	Study	Yes
Site Investigation Report .pdf	Study	Yes
Urban Capability Study.pdf	Study	Yes
Concept Layout Plan.pdf	Drawing	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.2 Rural Zones
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 3.1 Residential Zones
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies

Additional Information : The Director Region Southern, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and to make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek should proceed subject to the following conditions:

1. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act PRIOR to Council undertaking community consultation:

- Office of Environment and Heritage (flooding, biodiversity, land capability).
- NSW Rural Fire Service (s117 Direction 4.4 Planning for Bushfire Protection)
- Murrumbidgee Catchment Management Authority
- NSW Environmental Protection Authority (Remediation of Land - SEPP 55)
- NSW Department of Primary Industries - Office of Water
- NSW Department of Primary Industries - Fishing and Aquaculture
- NSW Department of Primary Industries - Minerals and Petroleum
- NSW Department of Primary Industries - Lands
- NSW Fire and Rescue
- NSW Department of Health
- NSW Department of Education and Communities
- Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

2. The responses from state agencies are to be placed on public exhibition with the planning proposal.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public

Amend Queanbeyan Local Environmental Plan 2012 to enable housing development within two areas of proposed E4 Environmental Living Zone (deferred matters) and make other minor changes to maps and provisions applying to Lot 5 DP 1199045 Jumping Creek

exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure).

4. The following studies be placed on public exhibition as part of community consultation:

- Flora and Fauna Assessment (Ecological Australia July 2010).
- Aquatic Ecology Impact Assessment (Ecological Australia October 2015).
- Urban Capability Study (Calibre Consulting September 2015).
- Site Investigation Report (Brown Consulting August 2011).
- Site Environmental Management Plan - land contamination and remediation (Coffey Australia November 2015).
- Geotechnical Assessment (Douglas and Partners August 2015).
- Bushfire Assessment (Ecological Australia January 2012).
- Concept Layout (Calibre and Spacelab October 2015).

5. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

DELEGATION

Council be authorised to use its delegation to complete the LEP following public consultation.

s117 DIRECTIONS

The Secretary can be satisfied that the inconsistencies of the planning proposal with S117 Directions 1.2 Rural Zones are of minor significance.

Supporting Reasons :

Signature:



Printed Name:

Deanne Frankel

Date:

3/11/16