



Planning Proposal

Jumping Creek, Queanbeyan

Lot 5 DP 1199045

***Section 55 Environmental Planning
and Assessment Act, 1979***



**Reference: SF140635
C1623838**

Zoning of Deferred Areas at Jumping Creek

Zoning of Deferred Areas at Jumping Creek

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Introduction

The purpose of this planning proposal is:

1. to rezone certain deferred land at Jumping Creek in Queanbeyan for the purposes of environmental living;
2. to amend the lot size maps for Jumping Creek to facilitate appropriate subdivision and development of the site;
3. to amend the height of buildings map as it applies to the deferred land at Jumping Creek;
4. to extend Council's existing scenic protection provisions to cover the lands proposed to be rezoned; and
5. to remove the site's designation as an 'urban release area' for the purposes of Part 6 of *Queanbeyan Local Environmental Plan (LEP) 2012* in recognition there are unlikely to be any State infrastructure requirements for the site.

Site Overview

The Jumping Creek site (Figure 1) is approximately 96.43ha in area and is located near the locality of Greenleigh, approximately 3km south-east of the Queanbeyan CBD. The site is described as Lot 5 DP 1199045.

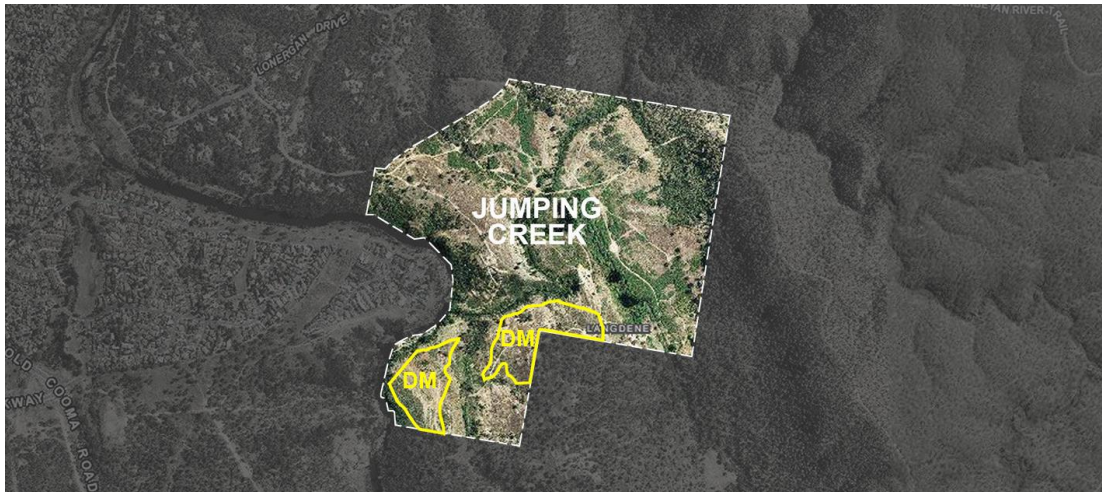
The site is a combination of undulating and flatter land, bounded by Greenleigh Estate (zoned E4 Environmental Living) to the north-west, the Queanbeyan River to the west, and steep escarpments to the north, east and south east (parts of which lie within the Cuumbeun Nature Reserve). Most of the surrounding escarpment land is zoned E2 Environmental Conservation. There are two existing deferred areas at Jumping Creek that are also the subject of this planning proposal (Figure 2).

Figure 1: Land Subject to the Planning Proposal



Zoning of Deferred Areas at Jumping Creek

Figure 2: The Deferred Areas subject to the Planning Proposal



Site History

The planning and rezoning of land at Jumping Creek has a long history. Initial studies were undertaken in the late 1980s and continued over a number of years. Rezoning of the land stalled in the mid-1990s after significant contamination risks were identified on the site as a consequence of mining that had occurred at Jumping Creek in the past. Issues were also raised by State Government agencies in respect of the capability of some areas of the site to accommodate urban development given its slope and geology.

In 2007, preliminary investigations were undertaken by Canberra Investment Corporation (CIC) to consider options to progress the rezoning of the site. Advice from Council, the Department of Planning & Environment (DPE) and the Office of Environment & Heritage (OEH) in 2008 was that both a formal contamination assessment (consistent with *State Environmental Planning Policy (SEPP) 55 - Remediation of Land*) and a geotechnical assessment/urban capability study needed to be undertaken before any proposal to rezone the site could be further considered. A Site Audit Report was eventually prepared for the area in respect of contamination, and this was subsequently endorsed by an accredited site auditor in August 2010. Accordingly, contamination issues associated with the land and its future management are now considered to have been resolved.

Jumping Creek was then largely rezoned for environmental living, private recreation and environmental conservation purposes at that time *Queanbeyan LEP 2012* was gazetted, providing for approximately 250 residential lots. However at that time it was considered there was still insufficient geotechnical information available to justify rezoning some lands to the south west of the site for residential uses. These lands were then deferred when the LEP was made. Subsequent studies have now been undertaken and Council is satisfied these support the rezoning of the deferred lands. Accordingly, one of the objectives of this planning proposal is to rezone these deferred lands at Jumping Creek from 1(a) Rural A under *Queanbeyan Local Environmental Plan 1991* to E4 Environmental Living under *Queanbeyan LEP 2012*.

Further, when the site was rezoned under *Queanbeyan LEP 2012*, a lot size map was introduced for the subject land that did not correctly assign an appropriate minimum lot size to facilitate future subdivision of the site in a manner that reflected the zoning of the land at that time. This oversight applies predominantly to the existing E2 Environmental Conservation land but also to some of the proposed E4 Environmental Living land. Accordingly, this planning proposal also intends to amend the lot size map to better reflect the zoning of the land in order to facilitate appropriate subdivision in the future.

Zoning of Deferred Areas at Jumping Creek

It is also intended to extend Council's existing Scenic Protection Map (SCP_001) to cover the deferred land given areas of the site are visually prominent and are located near the Cumbeun Escarpment. This will ensure any future development has regard to potential scenic impacts.

Additionally, when the majority of the site was rezoned under *Queanbeyan LEP 2012*, it was also identified as an 'urban release area' for the purposes of Part 6 of the LEP. This requires the Secretary of the Department of Planning and Environment (DPE) to issue 'satisfactory arrangements' in respect of the provision of any State infrastructure prior to the subdivision of any land. DPE have requested this be removed as it is unlikely any State infrastructure will subsequently be required to support the development. However, it is still intended that the land be identified as a 'key site' for the purposes of ensuring a development control plan is prepared for the site prior to any development occurring. Accordingly the existing Urban Release Area Map (URA_001) will need to be amended to remove Jumping Creek from its application. Additionally, both a new Key Sites Map and a new clause will need to be drafted to give effect to this approach. This will be modelled on the approach used in the *Tweed Local Environmental Plan 2014* (clause 7.13).

The planning proposal has been prepared following considerable discussion with the proponents, the Office of Environment and Heritage and the Department of Planning and Environment over many years. As a result of these discussions, Council concluded that the key areas of concern that required further investigation were geotechnical stability, water quality and biodiversity. Further analysis of these issues has now been undertaken by the proponent at Council's request and Council has formed the view no issues have been identified at this preliminary stage that should prevent a planning proposal being progressed.

As required by Section 55 of the *Environmental Planning and Assessment Act 1979*, this Planning Proposal includes the following:

- a statement of the objectives or intended outcomes of the proposed instrument;
- an explanation of the provisions that are to be included in the proposed instrument;
- the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117);
- plans showing the proposed amendments to the relevant maps to indicate the effect of the proposal; and
- details of the proposed community consultation.

This planning proposal has been prepared having regard to "A Guide to Preparing Local Environmental Plans (April 2013)" and "A Guide to Preparing Planning Proposals (October 2012)" published by the Department of Planning and Environment (DPE).

Part 1 - Objectives or Intended Outcomes

As noted, the objectives of this planning proposal are:

1. to rezone certain deferred land at Jumping Creek in Queanbeyan for the purposes of environmental living;
2. to amend the existing lot size map for Jumping Creek to facilitate appropriate subdivision and development of the site;
3. to amend the height of buildings map as it applies to the deferred land at Jumping Creek;
4. to extend Council's existing Scenic Protection Map (SCP_001) to cover the deferred land proposed to be rezoned; and
5. to remove the site's designation as an 'urban release area' for the purposes of Part 6 of *Queanbeyan Local Environmental Plan (LEP) 2012* in recognition there are unlikely to be any State infrastructure requirements for the site.

Zoning of Deferred Areas at Jumping Creek

The intended outcomes of the amended planning proposal are to allow for low-impact sustainable residential development consistent with the topography and urban capability of the site whilst protecting local environmental values, particularly in regard to water quality and potential impacts on the platypus population in the Queanbeyan River. It is considered that the proposed E4 Environmental Living zoning can achieve this and benefit the environment by formalising and managing the land which has been somewhat degraded and weed infested for many years.

Part 2 - Explanation of Provisions

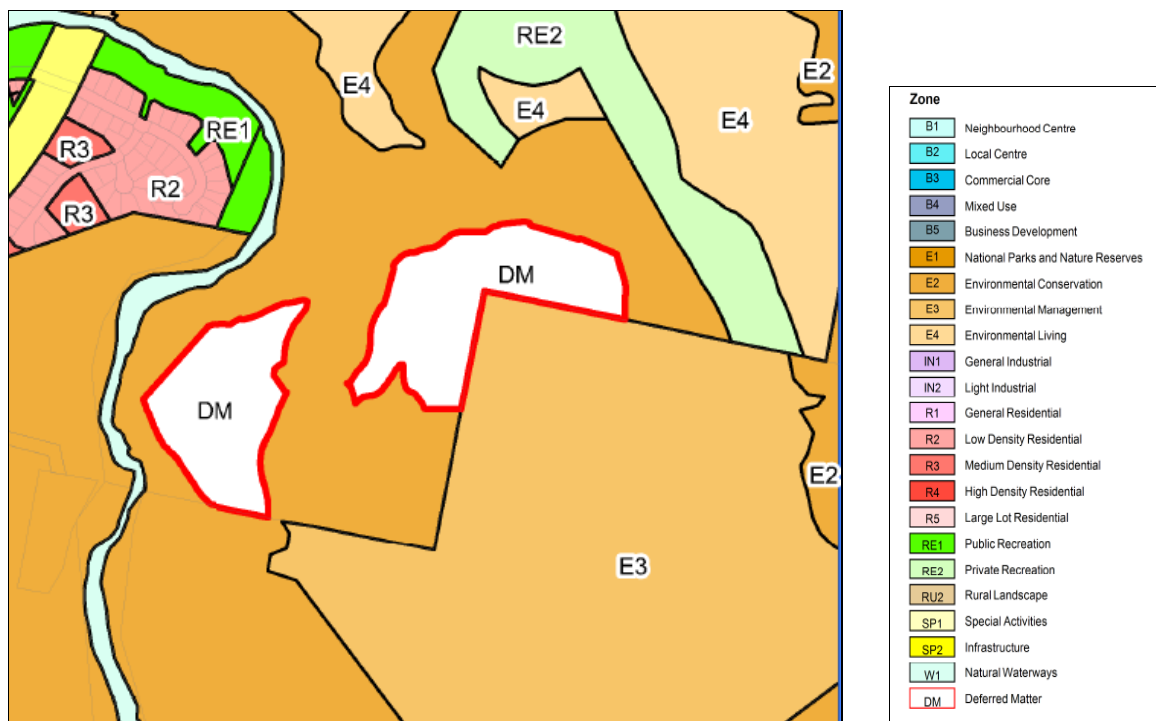
This planning proposal will be given effect through an amendment to *Queanbeyan Local Environmental Plan 2012*. Terms used in this description have the same meaning as in the *EP&A Act* and the *Queanbeyan Local Environmental Plan 2012*.

1. To rezone certain deferred land at Jumping Creek in Queanbeyan for the purposes of environmental living.

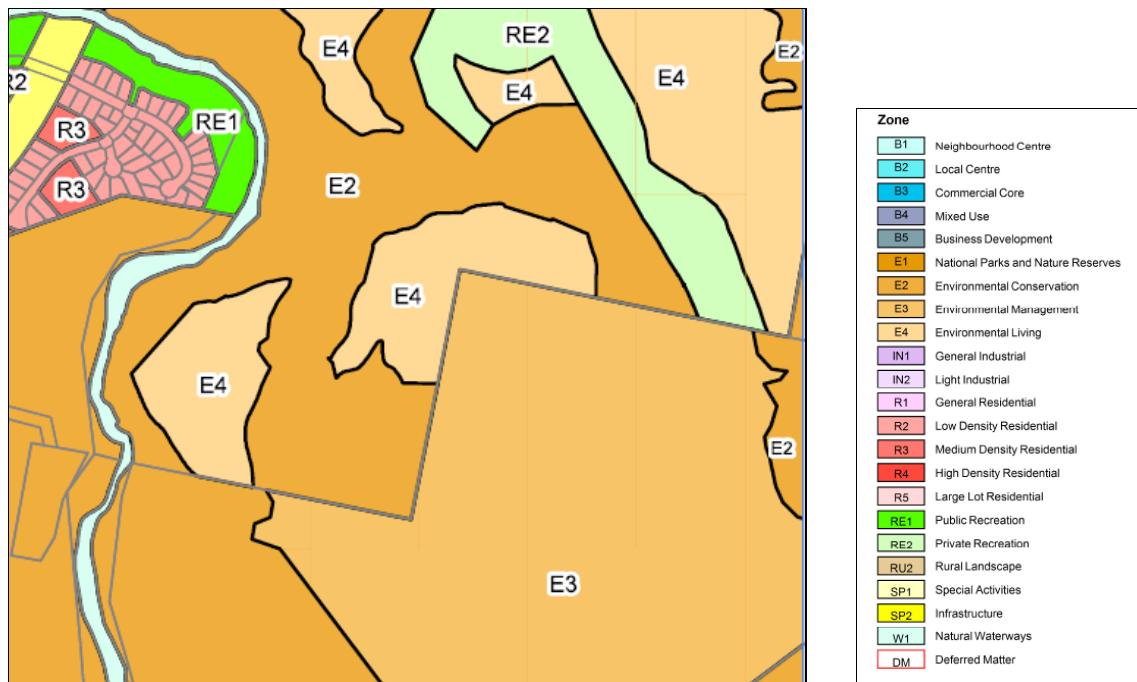
This element of the planning proposal is intended to be given effect as set out below:

- Applying an E4 Environmental Living Zone to those two parts of the site presently identified as 'Deferred Matter' on the Queanbeyan LEP's Land Zoning Map (Sheet LZN_006). See Appendix A and below.

Existing Zone

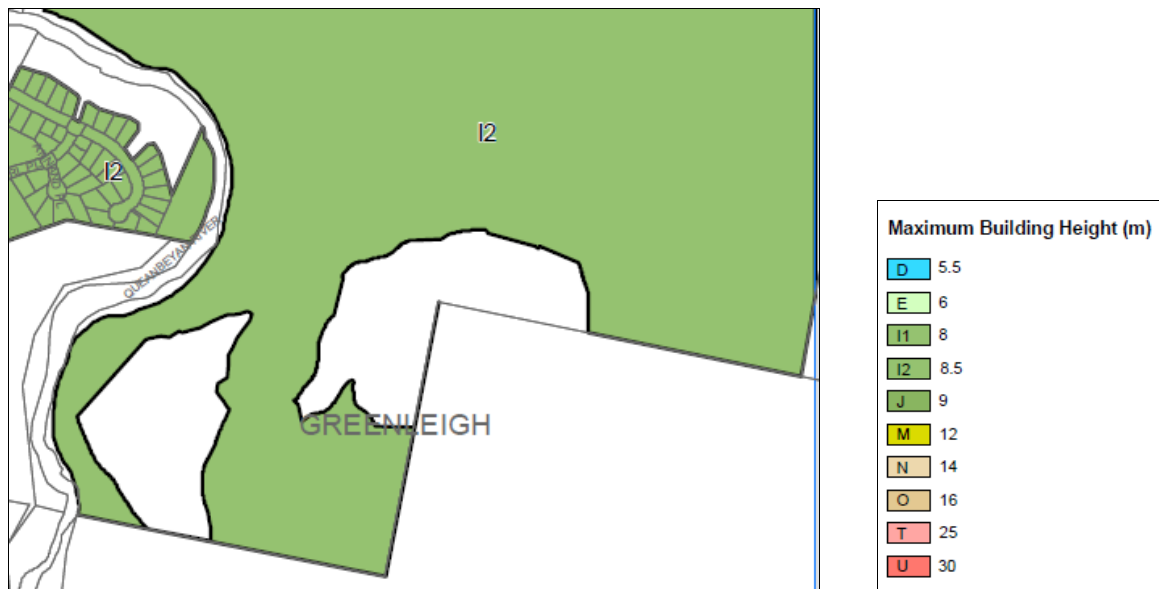


Proposed Zone

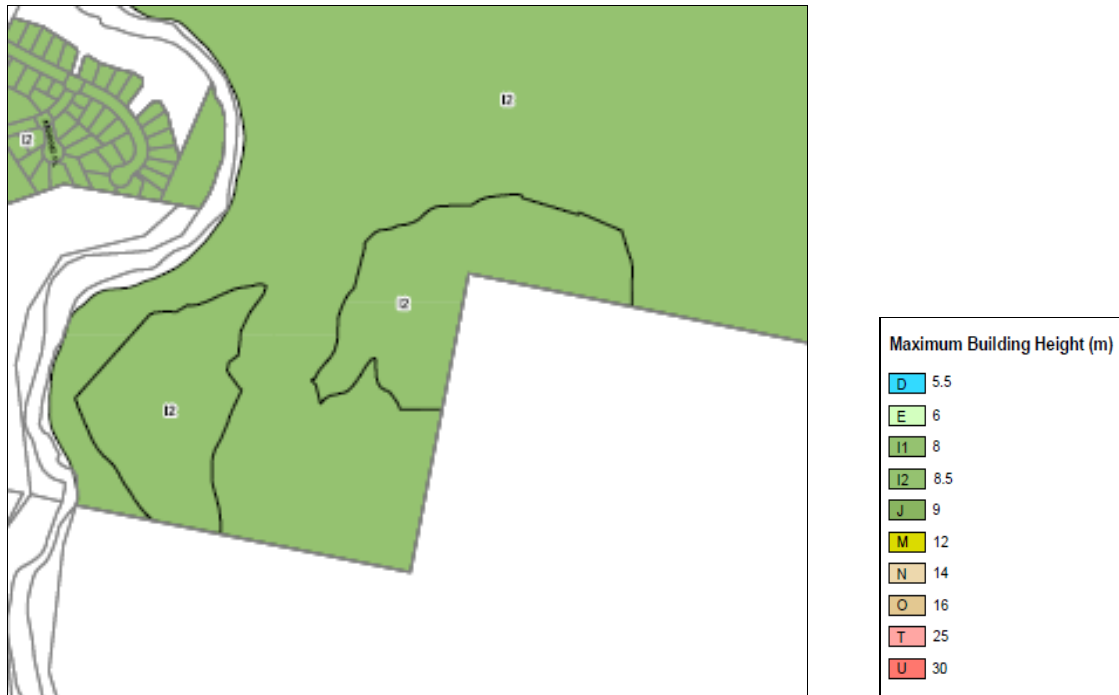


- Reconfiguring the applicable Building Height Map (HOB_006) to introduce a 8.5 metre maximum building height ('I2' in legend) for the areas proposed to be zoned E4. See Appendix A and below.

Existing Building Height



Proposed Building Height



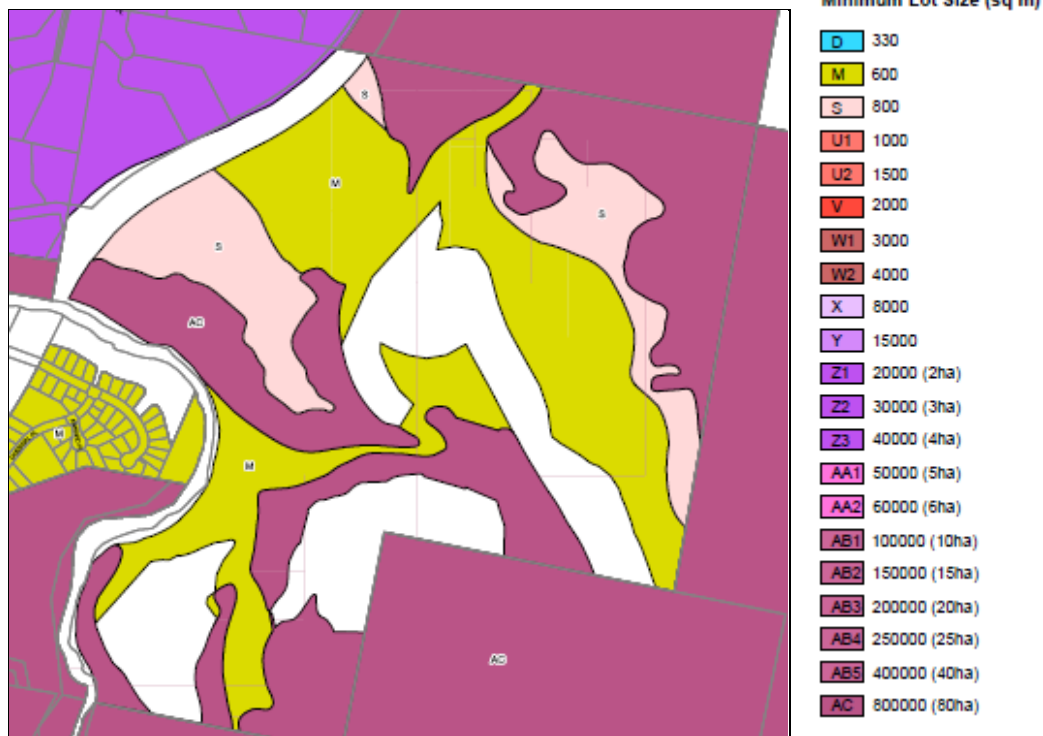
- Reconfiguring the applicable Lot Size Map (LSZ_006) that applies to this land to correspond with the revised zoning by introducing a 600m² minimum lot size for the south western deferred area, and a 15,000m² minimum lot size for the south eastern deferred area. See Appendix A and existing and proposed lot size maps under point 2 of Explanation of Provisions.
- Removing Jumping Creek as a 'Deferred Matter' from the Land Application Map (LAP_001). See Appendix A.

PTO

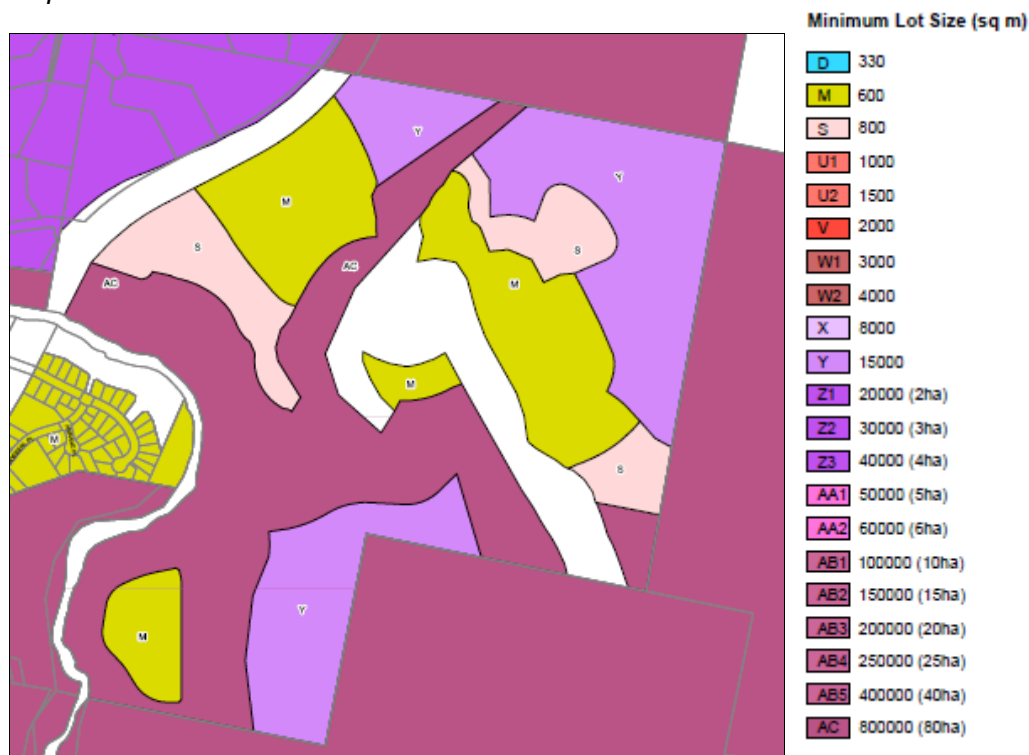
2. To amend the existing lot size map for Jumping Creek to facilitate appropriate subdivision and development of the site.

This element of the planning proposal is intended to be given effect by amending the existing Lot Size Maps (Sheets LSZ_005, LSZ_006, LSZ_009 and LSZ_010) that apply to the land in a manner that will facilitate appropriate subdivision and development of the site. See Appendix A and below.

Existing Lot Size



Proposed Lot Size



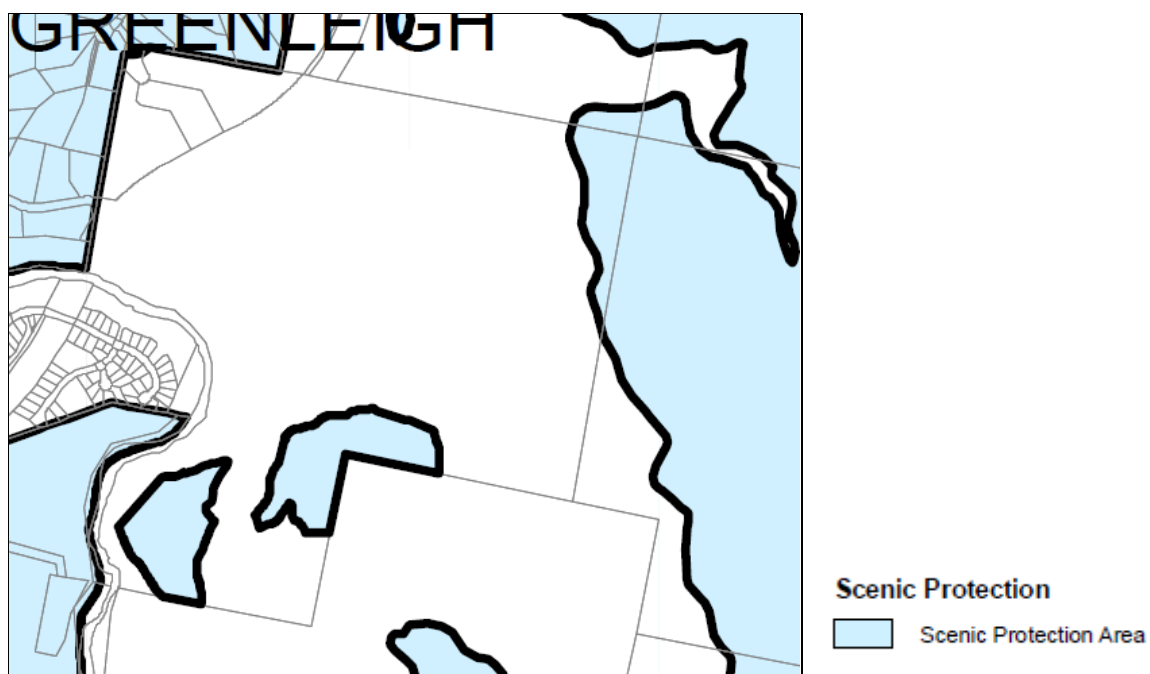
3. To extend Council's existing Scenic Protection Map to cover the deferred land proposed to be rezoned.

This element of the planning proposal will be given effect by amending the existing Scenic Protection Map (SCP_001) applying under *Queanbeyan LEP 2012*. See Appendix A and below.

Existing Scenic Protection Overlay



Proposed Scenic Protection Overlay



4. To remove the site's designation as an 'urban release area' for the purposes of Part 6 of Queanbeyan Local Environmental Plan (LEP) 2012 in recognition there are unlikely to be any State infrastructure requirements for the site.

This element of the planning proposal is intended to be given effect as set out below:

- Amending the Urban Release Area Map (URA_001) to remove the Jumping Creek Area. See Appendix A.
- The introduction of a new Key Sites Map (KYS_001) that identifies the Jumping Creek site. See Appendix A. This map will be given effect by the introduction of the following clause into the LEP:

7.12 Development requiring the preparation of a development control plan

- (1) The objective of this clause is to ensure that development on certain land occurs in accordance with a site-specific development control plan.*
- (2) This clause applies to development on land identified as "Key Site" on the Key Sites Map.*
- (3) Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land.*
- (4) The development control plan must provide for all of the following:*
 - (a) design principles drawn from an analysis of the site and its context,*
 - (b) phasing of development,*
 - (c) distribution of land uses, including open space,*
 - (d) subdivision pattern and provision of services,*
 - (e) building envelopes and built form controls,*
 - (f) impact on, and improvements to, the public domain,*
 - (g) identification and conservation of native flora and fauna habitat and habitat corridors on the site, including any threatened species, populations or ecological communities,*
 - (h) identification, extent and management of watercourses, wetlands and riparian lands and any buffer areas,*
 - (i) environmental constraints, including climate change, acid sulfate soils, flooding, contamination and remediation.*

An amending Map Cover Sheet will also need to be prepared to reflect the above changes.

Draft versions of the all proposed LEP maps are attached to this Planning Proposal, at Appendix A.

Part 3 - Justification

Section A – Need for the Planning Proposal

The planning proposal is required to rezone the lands that were deferred when Council's standard instrument LEP was finalised in 2012 when the majority of Jumping Creek was previously rezoned. At that time it was decided to defer the subject lands as it was determined a more thorough investigation in respect of geotechnical and water quality issues needed to occur.

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

Yes. This planning proposal conforms to Council's *Residential and Economic Strategy 2015 - 2031* in that it completes the residential subdivision at Jumping Creek identified on the Strategy Map. In consultation with the Office of Environment & Heritage, both Council's engineering and planning staff are satisfied that developers have demonstrated that the

Zoning of Deferred Areas at Jumping Creek

subject lands are suitable for residential development having regard to slope, soil stability, storm water quantity, sediment control and environmental values.

The following studies have been prepared to support the planning proposal:-

- Flora and Fauna Assessment
- Aquatic Ecology Impact Assessment
- Urban Capability Study
- Site Environmental Management Plan
- Geotechnical Assessment
- Site Investigation Report
- Bushfire Assessment

Council has had particular regard to the Geotechnical Assessment by Douglas and Partners August 2015 and the Urban Capability Assessment by Calibre. There has also been ongoing communication between Council staff and the Office of Environment and Heritage. Staff from both offices including engineering staff have attended a site visit where the proposed access road and the proposed subdivision was marked out by the developer by walking the land.

With this knowledge appropriate zones for the land have been drafted and Council will remain open to any further studies that the Department may require to inform the planning proposal. However at this time, Council is of the view all necessary studies have been carried out either historically or more recently to inform the proposal.

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

Yes. The planning proposal stems from Council's decision not to zone two portions of the site when it finalised its new principal standard instrument LEP in 2012 and therefore the former environmental planning instrument zoning of 1(a) Rural A under the *Queanbeyan LEP 1991* still applies. The only way to have those two 'deferred' portions of the site zoned as proposed is to amend the LEP. The principal LEP is not due for review for a number of years. As such, this planning proposal is considered the best, most efficient and most time effective way of achieving the objective of zoning the 'deferred portions' of the site to allow for low-impact residential development.

Section B – Relationship to Strategic Planning Framework

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, sub-regional strategy or local strategy?

Yes. The proposal will remove the 'deferred matter' status of the subject sites and allow the exhibited land use and development standards of the *Queanbeyan Local Environmental Plan 2012* to be applied to the land. This will better allow the Council in meeting current regional and sub-regional strategies (including the Sydney to Canberra Corridor Regional Strategy and exhibited draft strategies) by applying the Standard Instrument LEP to the site. This will remove uncertainty with regards to planning controls and development standards that apply to the land.

In addition to this, by applying the E4 Environmental Living zoning to the subject site, some of the key objectives of the *Sydney to Canberra Corridor Regional Strategy* can be achieved. In particular the areas of delivering suitable housing supply and managing the environmental impact of settlements by focusing new urban development within the existing identified growth areas such as Queanbeyan.

Zoning of Deferred Areas at Jumping Creek

The proposal is also consistent with the reviewed *Queanbeyan Residential and Economic Strategy 2031*. This strategy has identified the potential for future greenfield developments to deliver local housing supply in a manner that facilitates housing choice and affordability into the future.

2. Is the planning proposal consistent with Council's Community Strategic Plan

Yes. The planning proposal is considered to be consistent with the *Queanbeyan City Council Community Strategic Plan 2013-2023* in that it will provide for high quality and diverse housing whilst responding to the environmental values of the site and the river. See Table 1 below.

Table 1:

Community Strategic Plan 2013-23	LEP Amendments/ Planning Proposal
Promote high quality, affordable, diverse and accessible private and public housing to meet the different socio-economic demands.	The planning proposal intends to rezone the land from rural to residential at varying lot sizes providing for high quality private housing.
Key Directions: - Consider the environmental impacts of future planning - Care for the Queanbeyan River.	The planning proposal has considered the impact on the natural environment from a visual impact prospective as well as considering the impact that residential development may have on the water quality of the Queanbeyan River and on biodiversity with particular regard to the platypus population.

3. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Council has considered all *State Environmental Planning Policies* (SEPP's) and those set out in Table 2 below are considered relevant to the planning proposal in this instance. Council is of the view there are no inconsistencies with either SEPP in this instance.

Table 2: Relevant SEPP's

Relevant SEPP	Requirement	Consistency of Planning Proposal
SEPP No. 55 – Remediation of Land	When carrying out planning functions under the EP&A Act (including undertaking LEP amendments), SEPP 55 requires that a planning authority must consider the possibility that a previous land use has caused contamination of the Site as well as the potential risk to health or the environment from that contamination.	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 (see Appendix F of accompanying studies).
SEPP (Rural Lands) 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	The development of the deferred areas to E4 Environmental Living does not involve fragmentation of agricultural land as the land is heavily weeded and unproductive. As such this Planning Proposal will not affect the operation of this SEPP. It also reinforces the Rural Subdivision Principles by ensuring that Community Title subdivision does

Zoning of Deferred Areas at Jumping Creek

		not undermine the existing minimum lot size for the land in the E4 Environmental Living zone.
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4. Is the planning proposal consistent with applicable Minister Directions (s.117 Directions)?

Each applicable s117 Ministerial Direction is listed at Appendix B with an annotation stating whether it is relevant to the planning proposal and confirming its consistency. Council is of the view any inconsistencies can be justified or are of minor significance only.

Section C – Environmental, Social and Economic Impact

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

A comprehensive flora and fauna study was undertaken for the entire Jumping Creek site as part of the comprehensive *Queanbeyan Local Environmental Plan 2012*. Other studies have also been undertaken since the proposal was originally raised in the late 1980s. Further studies have been undertaken in respect of the deferred lands to be rezoned under this proposal (see accompanying studies Appendix C - Flora and Fauna Assessment). It has determined no critical habitat, threatened species, populations, ecological communities or their habitats will be adversely affected as a result of the proposal.

In addition to this, a detailed Aquatic Ecology Assessment has been undertaken (see accompanying studies Appendix D - Aquatic Ecology Impact Assessment). This Aquatic Ecology Assessment concludes that with mitigation measures in place there would be a low risk to the environmental values of Jumping Creek and Queanbeyan River. These mitigation measures include maintaining the proposed bio-retention ponds, minimising the use of concrete pipes, minimising exotic deciduous street trees, the removal of weeds and restoration of riparian corridors, erosion and sediment controls, provision of fish passage, and installation of gross pollutant traps.

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

Concerns in relation to water quantity, soil erosion, water quality were also reasons for deferral. As such, further investigations have been carried out to address these issues.

These detailed assessment found that a residential development within the currently zoned Deferred Area will have no adverse effects on the environment, with the management measures proposed. These management measures include the control of sediment runoff during both civil and housing construction phases. The use of rainwater tanks, gross pollutant traps and bio-retention basins for the treatment of stormwater runoff. These assessments have also found that development of the deferred areas will have no impact on the 1 and 100 ARI storm event peak flows at the confluence of Jumping Creek and Queanbeyan River. For further detail please refer to accompanying studies Appendix E - Urban Capability Study.

In addition to these, a detailed Site Environmental Management Plan has been also prepared for the site to facilitate effective management of the capping structure installed on the Mine Site 4 area to ensure continued protection of site occupants from site contamination associated with natural mineralization. Further detail has been documented in the accompanying studies under Appendix F - Site Environmental Management Plan.

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Assessment was also carried out to address the NSW Office of Environment & Heritage (OEH) concerns with respect to soil erodibility and dispersion. This study confirms that the majority of the site is suitable from a geotechnical perspective for residential development. The study identifies development constraints and subsequent remedial and control measures including conceptual comments on design and construction aspects. For further detail please refer to accompanying studies Appendix G - Geotechnical Assessment.

3. How has the planning proposal adequately addressed any social and economic effects?

The proposal seeks to create additional residential lands to increase housing supply to meet the demand for population growth and improve housing choice and affordability in accordance with the principles of the *Queanbeyan Residential and Economic Strategy 2031*.

Applying the proposed zoning to the site will provide for low-impact residential development and ensure Queanbeyan's economic sustainability and deliver the relevant outcomes and actions of the *Sydney-Canberra Corridor Regional Strategy 2006-2031*.

Section D – State and Commonwealth Interest

1. Is there adequate public infrastructure for the planning proposal?

There is adequate public infrastructure to the subject site to meet the needs of future residents. Road access to the site would be via the yet to be constructed Ellerton Drive extension. For further detail in this regard please refer to accompanying studies Appendix H - Site Investigation Report.

2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The preparation of this planning proposal has involved considerable consultation and liaison with a number of parties, including the NSW Department of Planning and Environment, the NSW Office of Environment & Heritage (OEH), and the NSW Office of Water (NOW).

It is anticipated that, if approved at the Gateway, the Planning Proposal process will involve further consultation with both the OEH & NOW, and that such consultation will be confirmed with the Gateway determination.

Part 4 - Mapping

As indicated, the Planning Proposal would require amendments to the following LEP maps:

- Land Zoning Map (Sheet LZN_006),
- Lot Size Maps (Sheets LSZ_005, LSZ_006, LSZ_009 and LSZ_010),
- Height of Building map (Sheet HOB_006) maps,
- Urban Release Area Map (URA_001),
- Scenic Protection Map (Sheet SCP_001), and
- Land Application Map (Sheet LAP_001).

A new 'Key Sites Map' has also been prepared. Drafts of all maps are attached to this Planning Proposal, at Appendix A.

Those maps have been prepared in accordance with the Standard technical requirements for LEP maps, using the same format template, colours, zone names, etc, as required under the Department's guidelines.

Zoning of Deferred Areas at Jumping Creek

Part 5 - Community Consultation

The proponent has been consultation with the Council, the Department of Planning and Environment, the Office of Environment & Heritage (OEH) and other state government agencies in respect of the proposed rezoning for many years. Additional consultation with those agencies will be undertaken as part of this planning proposal.

It is anticipated that the Planning Proposal, if approved at the Gateway, would be placed on public exhibition for a period of **28 days**. That public exhibition would also entail:

- notification in a newspaper that circulates in the area;
- notification on the Council's website, Council being the RPA; and,
- notification in writing to affected and adjoining landowners, unless the RPA is of the opinion that the number of landowners makes it impractical to notify them.

Given the nature of the proposed amendments, a public hearing in respect of the planning proposal, pursuant to Section 56(2)(e) of the Act, is not considered necessary at this time.

Part 6 - Project Timeline

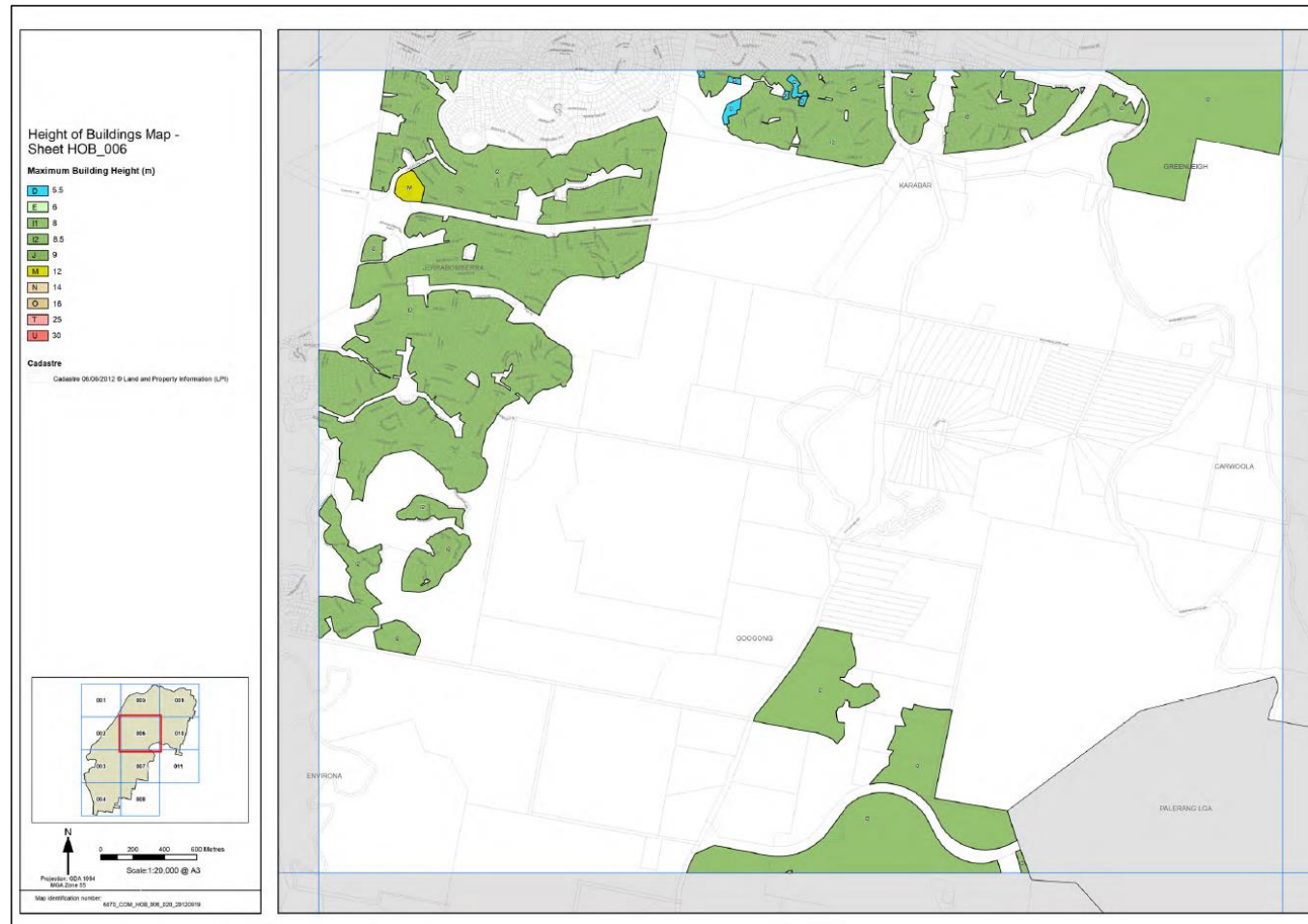
It is anticipated the Planning Proposal, if granted Gateway approval, would take up to nine months to finalise and an indicative timeframe is as set out below in Table 3.

Table 3

Task	Anticipated 2016 timeframes
Report to Council (PDRC)	August 2016
Gateway Determination	October 2016
Public Exhibition	November 2016
Consideration of submissions	December 2016
Report to Council	February 2017
Making of LEP	March 2017

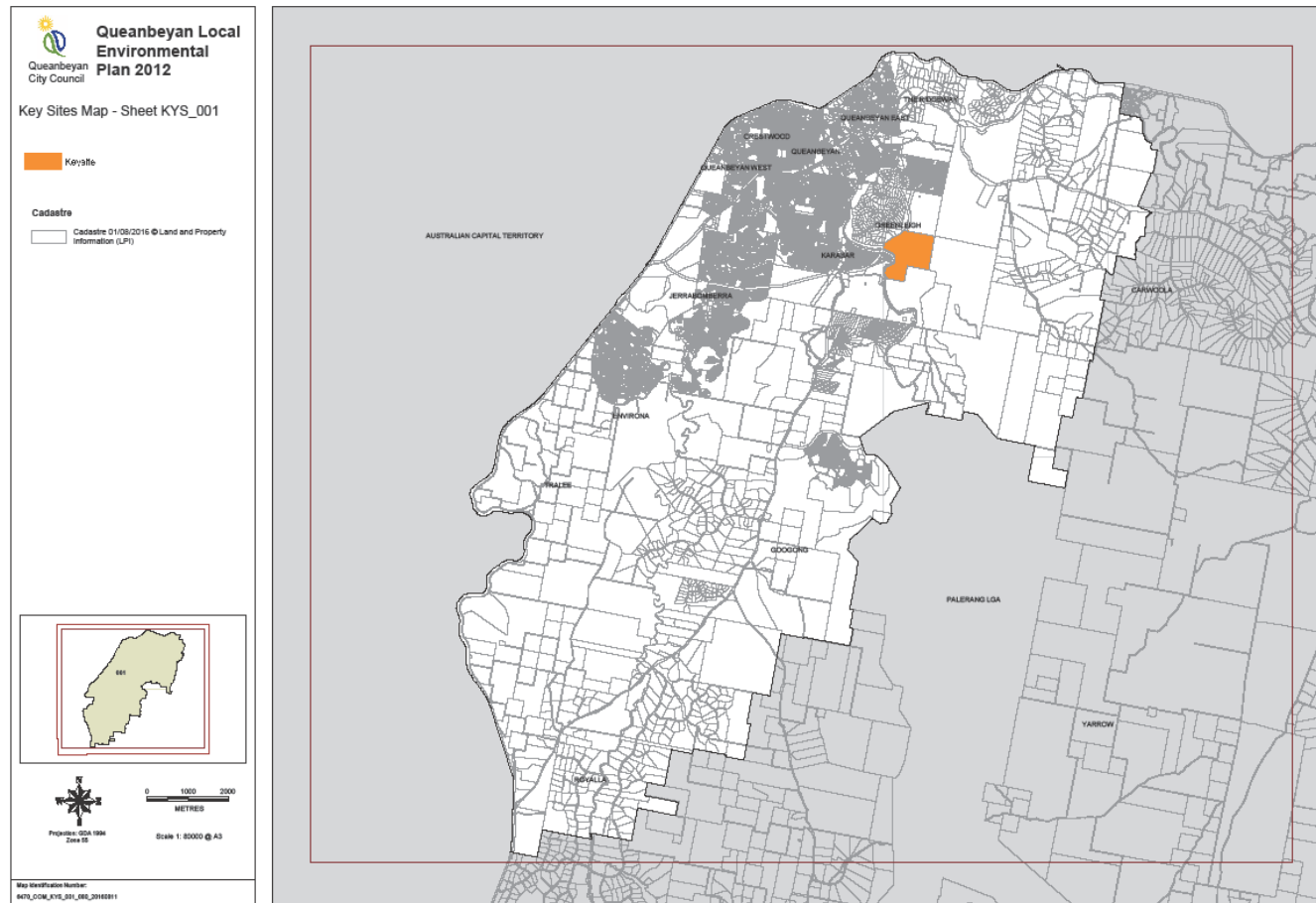
Appendix A – Draft Maps as Amended

Height of Buildings Map (Sheet HOB_006)



Zoning of Deferred Areas at Jumping Creek

Key Sites Map (Sheet KYS_001)

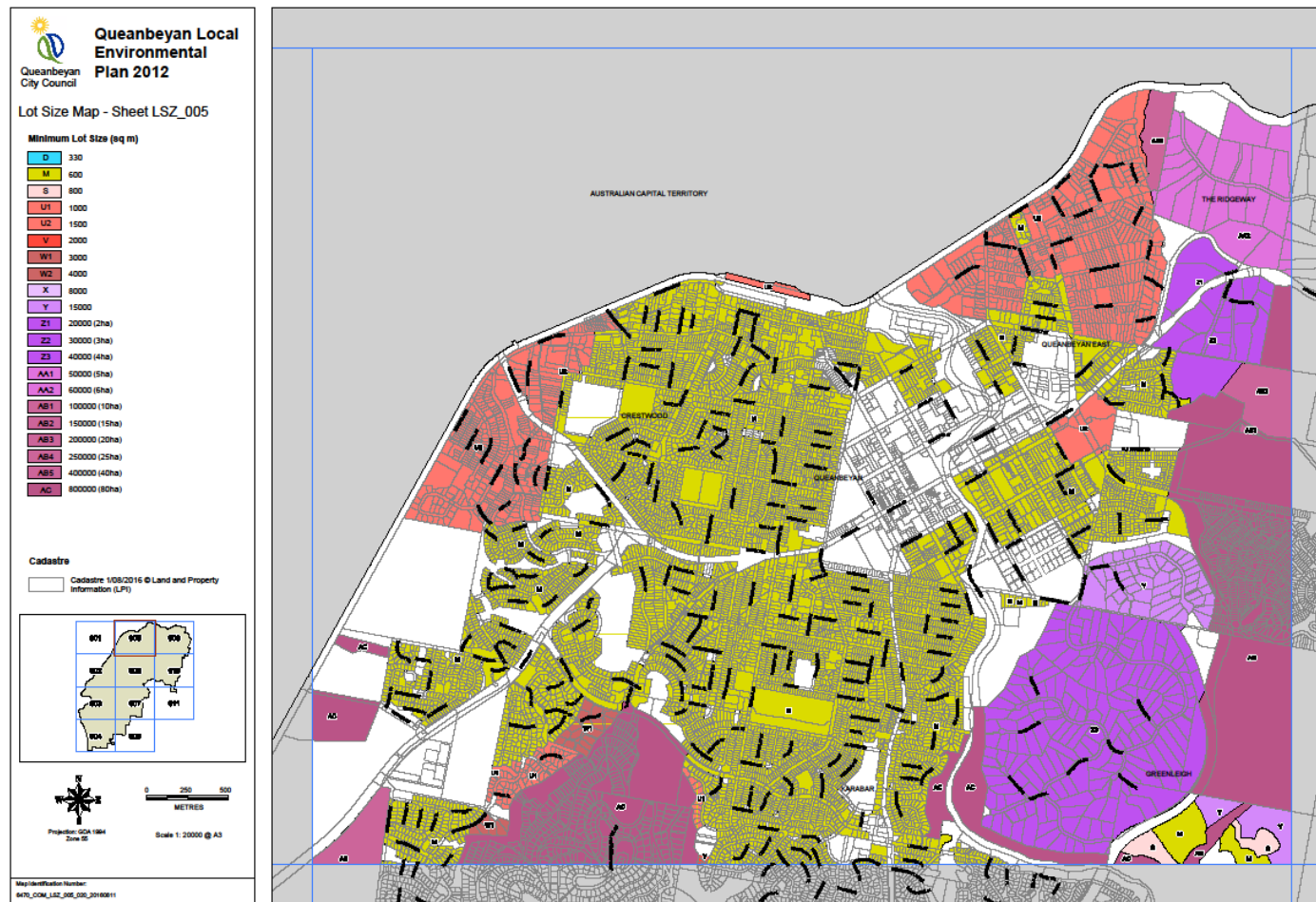


Land Application Map (Sheet LAP_001)



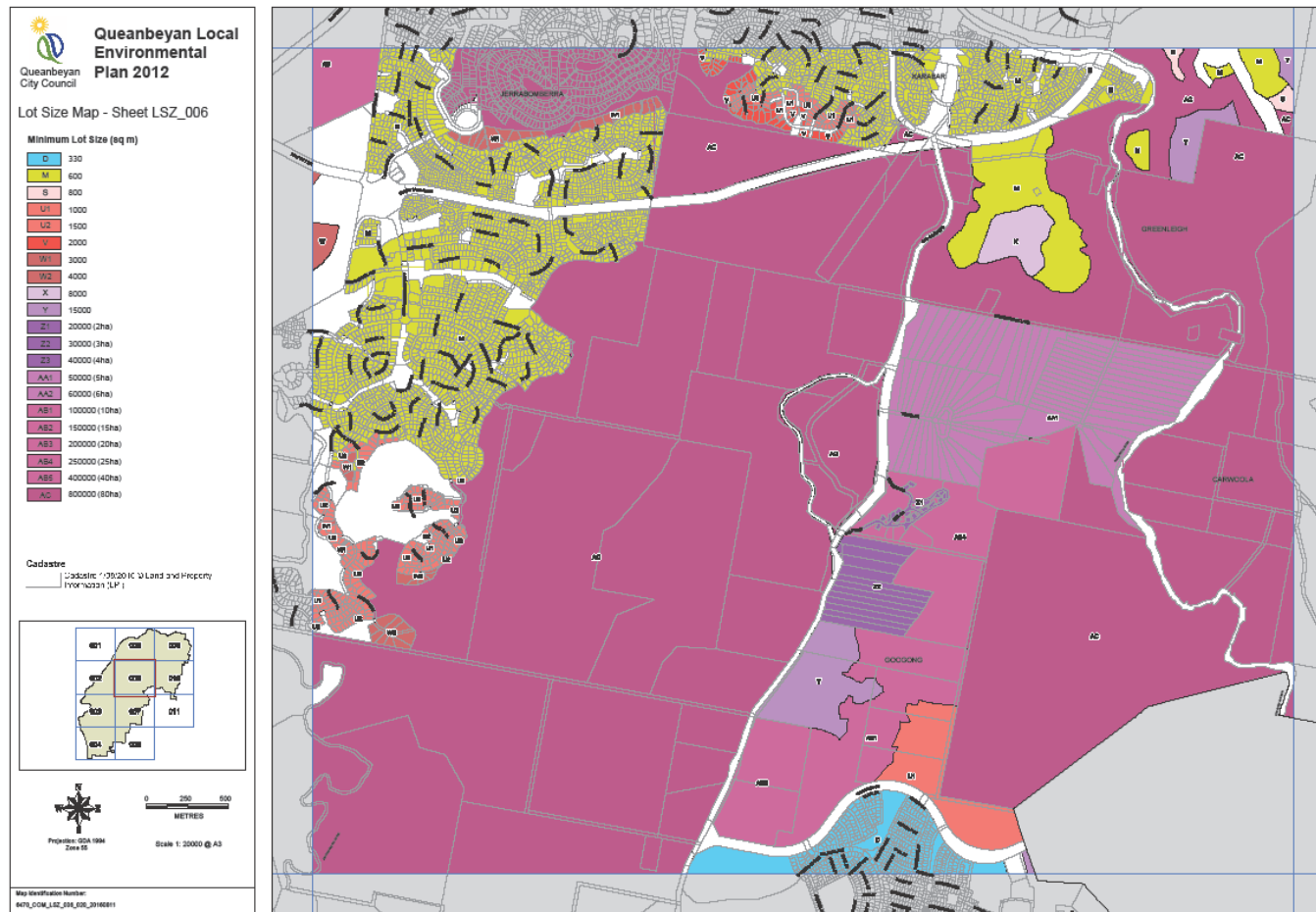
Zoning of Deferred Areas at Jumping Creek

Lot Size Map (Sheet LSZ_005)



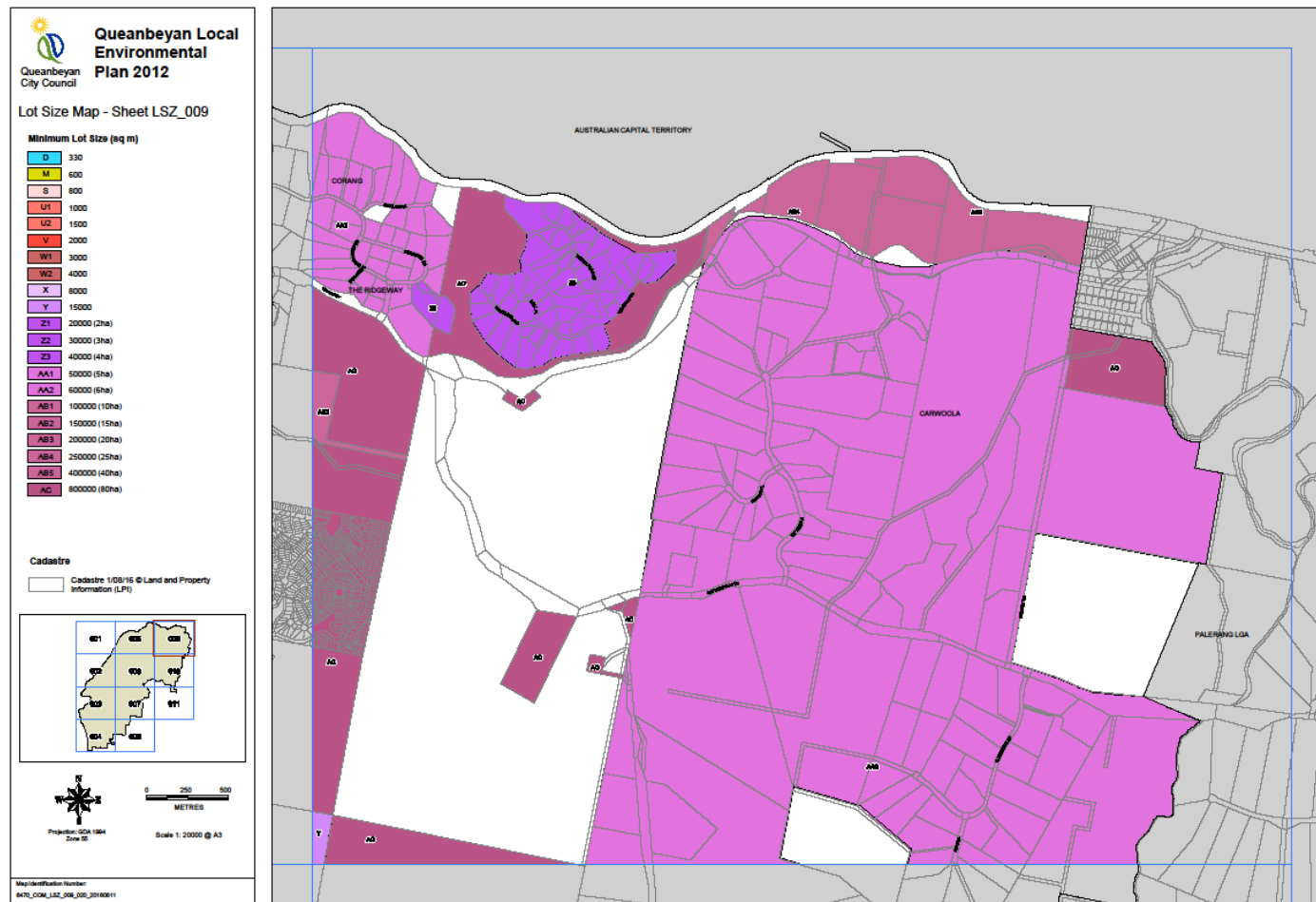
Zoning of Deferred Areas at Jumping Creek

Lot Size Map (Sheet LSZ_006)



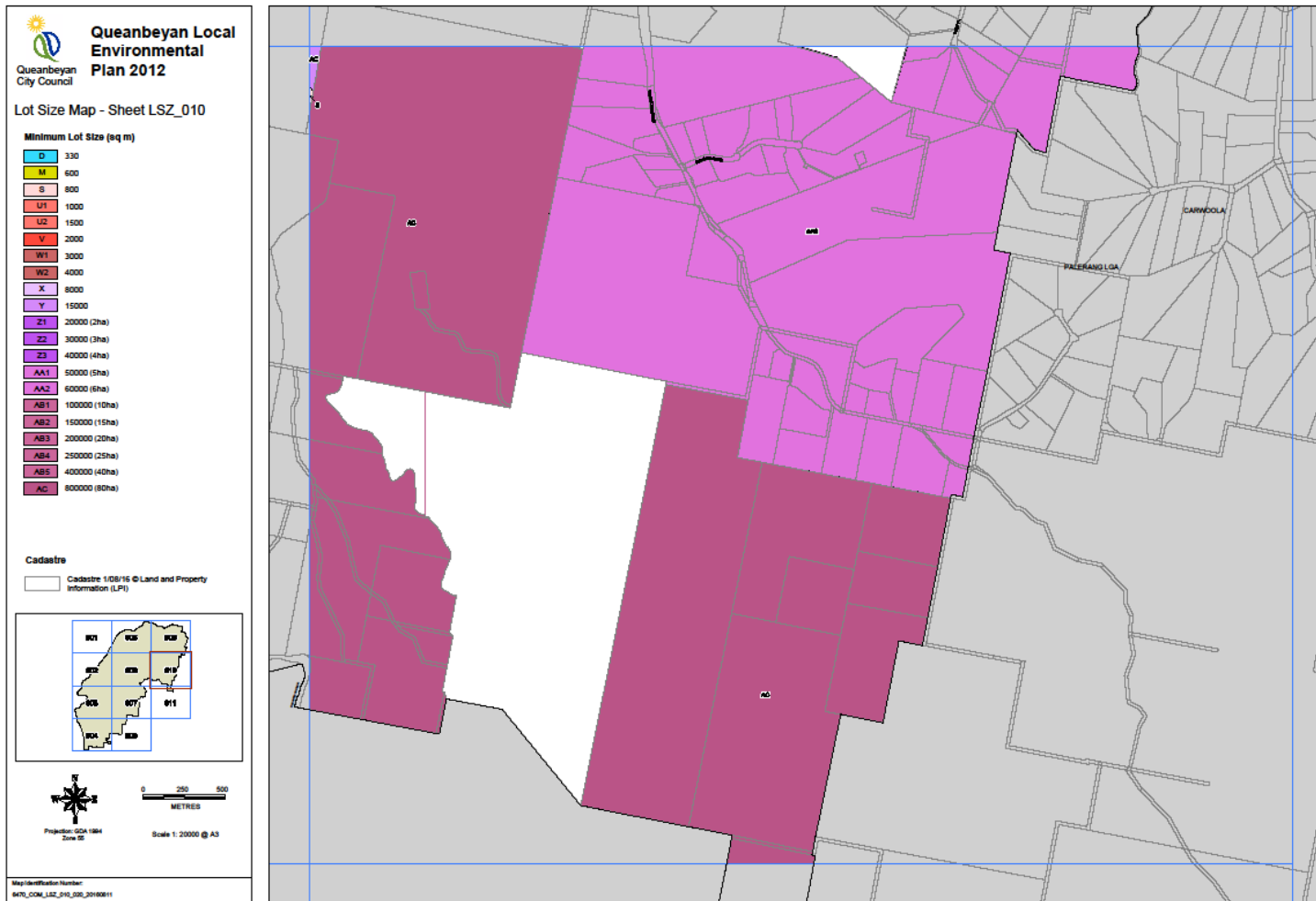
Zoning of Deferred Areas at Jumping Creek

Lot Size Map (Sheet LSZ_009)



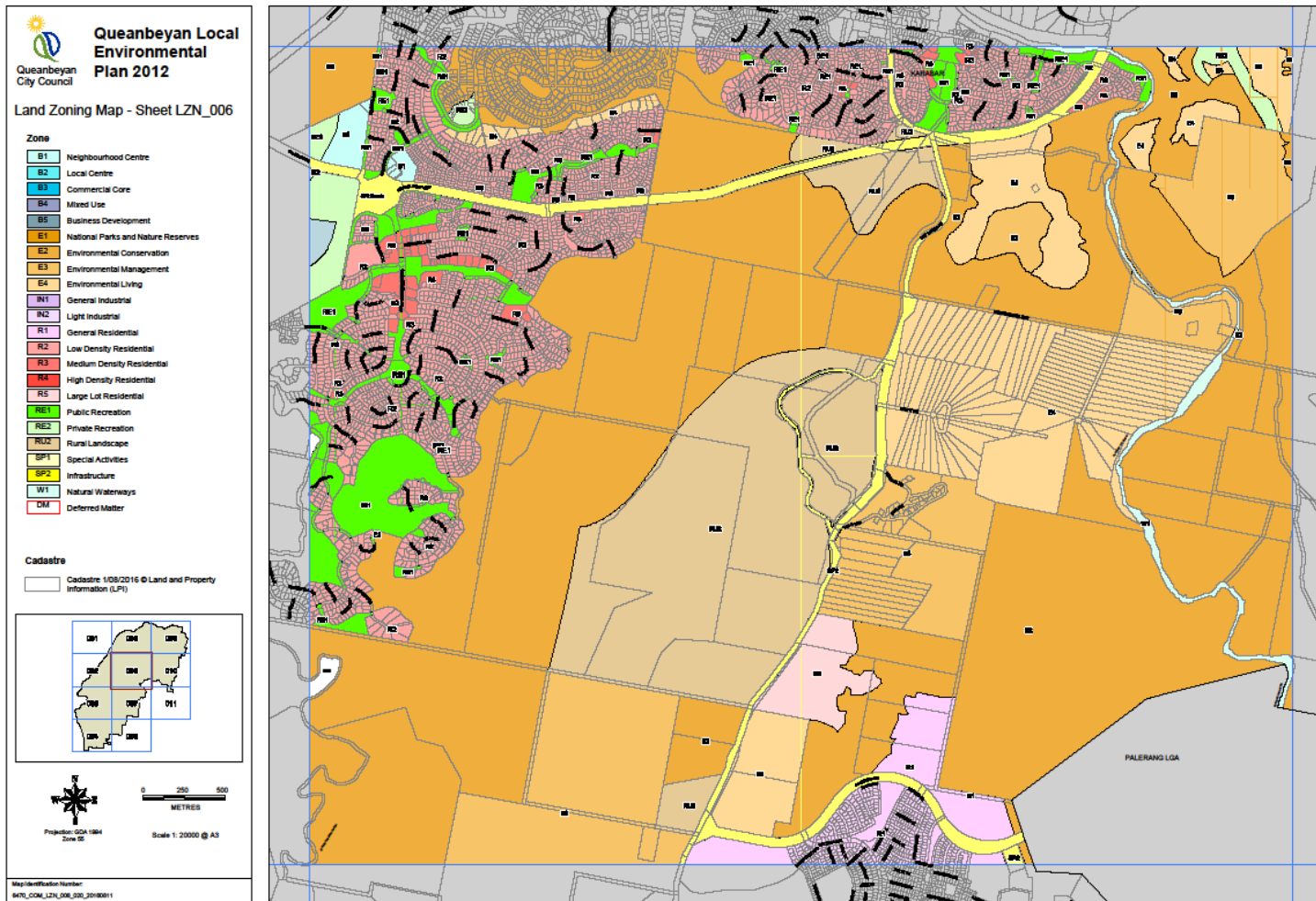
Zoning of Deferred Areas at Jumping Creek

Lot Size Map (Sheet LSZ_010)



Zoning of Deferred Areas at Jumping Creek

Land Zoning Map (Sheet LZN_006)

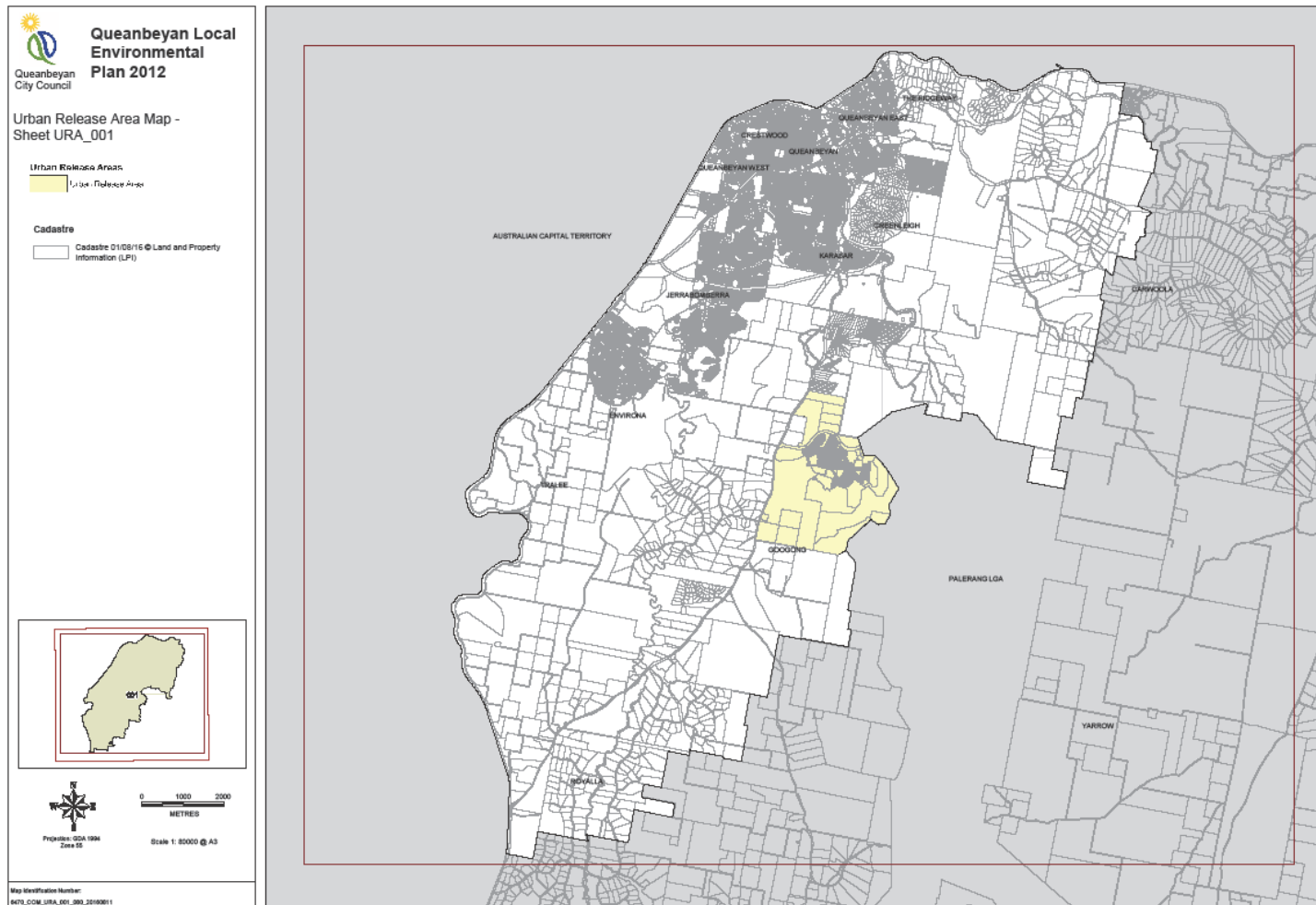


Scenic Protection Map (Sheet SCP_001)



Zoning of Deferred Areas at Jumping Creek

Urban Release Area Map (Sheet URA_001)



Appendix B – Applicable Section 117 Directions

1.1 Rural Zones - Applicable			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
The objective of this direction is to protect the agricultural production value of rural land.	A planning proposal must: a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.	A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: a) justified by a strategy which: i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and iii. is approved by the Director-General of the Department of Planning, or b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or	Applicable as the deferred areas subject of this planning proposal are subject to the 1(a) Rural A Zone in <i>Queanbeyan Local Environmental Plan 1991</i>. However any inconsistency is considered justified as the proposal is considered consistent with the Queanbeyan Residential and Economic Strategy 2031. Further, specific studies have been prepared in support of the planning proposal. In addition, the land is considered to have little if any agricultural production value, and in this regard the planning proposal is considered to be of minor significance having regard to the objectives of the direction.

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		c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or d) is of minor significance.	
1.5 Rural Lands - Applicable			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
The objectives of this direction are to: a) protect the agricultural production value of rural land, b) facilitate the orderly and economic development of rural lands for rural and related purposes. This direction applies when: a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or b) a relevant planning authority prepares a planning proposal that changes the existing	A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>. A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>. Note: <i>State Environmental Planning Policy (Rural Lands) 2008</i> does not require a relevant planning authority to review or change its minimum lot size(s) in an existing LEP. A relevant planning authority can transfer the existing minimum lot size(s) into a new LEP. However, where a relevant planning authority seeks to vary an existing minimum lot size in an LEP, it must do so in accordance with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.	A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: a) justified by a strategy which: - gives consideration to the objectives of this direction, - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and - is approved by the Director-General of the Department of Planning and is in force, or b) is of minor significance.	Applicable as the deferred areas subject of this planning proposal are subject to the 1(a) Rural A Zone in the Queanbeyan Local Environmental Plan 1991. However it is consistent as although it proposes to replace the rural zone with E4 Environmental Living there is no agricultural production value to warrant protection and that the land is already fragmented and isolated and is therefore of minor significance. It is also applicable because the planning proposal proposes to change the minimum lot size from 80ha to 80ha, 15,000m², 2000m², 800m² and 600m². However again, this is to facilitate residential development and the land is already fragmented the protection

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minimum lot size on land within a rural or environment protection zone.			of its rural value is minimal whilst it's agricultural production is nil. The planning proposal is also justified by the <i>Residential and Economic Strategy 2031</i> as the deferred areas that are subject of the rezoning are shown as urban release areas.
2.1 Environment Protection Zones - Applicable			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
The objective of this direction is to protect and conserve environmentally sensitive areas. This direction applies when a relevant planning authority prepares a planning proposal.	A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".	A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: a) justified by a strategy which: i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and iii. is approved by the Director-General of the Department of Planning, or	Consistent - The planning proposal is considered to be consistent with the direction as it does not propose to rezone any of the existing E2 Environmental Conservation zone. It does however change the development standards that apply to some of the E2 land as a result of correcting the errors on the existing lot size map. For much of the land, the effect is to increase minimum lot sizes rather than to reduce lot sizes. However it is proposed to reduce the minimum lot size for part of the E2 Environmental Conservation land on the south western part of the site from 80 hectares to 1.5 hectares to facilitate the proposed subdivision of the land in this location (see page 10).

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		b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or d) is of minor significance.	It is argued these changes are of minor significance only, and can be justified by the various studies prepared to support the planning proposal. The planning proposal is also considered consistent with the <i>Residential and Economic Strategy 2031</i>. There is an environmental advantage in developing this land in respect of dealing with soil erosion, weed invasion and the remediation of the contaminated areas.
3.1 Residential Zones - Applicable			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
The objectives of this direction are: a) encourage a variety and choice of housing types to provide for existing and future housing needs, b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to	A planning proposal must include provisions that encourage the provision of housing that will: a) broaden the choice of building types and locations available in the housing market, and b) make more efficient use of existing infrastructure and services, and c) reduce the consumption of land for housing and associated urban development on the urban fringe, and	A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the department of Planning (or an officer of the Department nominated by the Director –General) that the provisions of the planning proposal that are inconsistent are: a) justified by a strategy which:	Consistent The planning proposal provides for further housing in an area that will be serviced by the Ellerton Drive extension – a road that is required for the efficient circulation of traffic for the expanded population of Queanbeyan as prescribed under Clause 6.6 of the <i>Queanbeyan Local Environmental Plan 2012</i>.

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infrastructure and services, and c) to minimise the impact of residential development on the environment and resource lands.	d) be of good design. A planning proposal must, in relation to land to which this direction applies: a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and b) not contain provisions which will reduce the permissible residential density of land.	i) gives consideration to the objective of this direction, and ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and iii) is approved by the Director-General of the Department of Planning, or b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or d) of minor significance.	The planning proposal is also considered consistent with the <i>Residential and Economic Strategy 2031</i>.
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4.4 Planning for Bushfire - Applicable

Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
The objectives of this direction are: a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of	In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of	A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice	Consistent The requirements for <i>Planning for Bushfire Protection 2006</i> will be complied with as part of any future development on Site. It is noted that an extensive Bushfire Assessment was carried

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incompatible land uses in bush fire prone areas, and b) to encourage sound management of bush fire prone areas. This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	the Act, and take into account any comments so made, A planning proposal must: a) have regard to <i>Planning for Bushfire Protection 2006</i>, b) introduce controls that avoid placing inappropriate developments in hazardous areas, and c) ensure that bushfire hazard reduction is not prohibited within the APZ. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: d) provide an Asset Protection Zone (APZ) incorporating at a minimum: i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, iii. for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard,	from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.	out for entire Jumping Creek as part of the comprehensive <i>Queanbeyan Local Environmental Plan 2012</i>. This study has been documented under Appendix I of the accompanying studies.
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	in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with, iv. contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, v. contain provisions for adequate water supply for fire fighting purposes, vi. minimise the perimeter of the area of land interfacing the hazard which may be developed, vii. introduce controls on the placement of combustible materials in the Inner Protection Area.		
5.1 Implementation of Regional Strategies - Applicable			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. This direction applies to land contained within the Sydney–	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),	Consistent The proposed planning proposal does not undermine the achievement of the vision, land use strategy, policies outcomes or actions of the <i>Sydney-Canberra Corridor Regional Strategy</i>. It

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Canberra Corridor Regional Strategy		that the extent of inconsistency with the regional strategy: a) is of minor significance, and b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	contributes to housing target of 25,200 new dwellings by 2031 and managing the environmental impact of settlements by focusing new urban development within the existing identified growth areas such Queanbeyan as envisaged by these strategies.
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