

Amended Planning Proposal

Jumping Creek, Queanbeyan

Lot 5 DP 1199045

*Section 3.33
Environmental Planning and Assessment Act, 1979*



Zoning of Deferred Areas at Jumping Creek

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Introduction

The purpose of this planning proposal for is:

1. to rezone certain deferred land and existing RE2 Private Recreation land at Jumping Creek in Queanbeyan to E2 Environmental Conservation;
2. to rezone the balance of existing RE2 Private Recreation land to RE1 Public Recreation;
3. to amend the Lot Size Maps for Jumping Creek to facilitate appropriate subdivision and development of the site;
4. to update the applicable Height of Buildings Maps for Jumping Creek to apply only to the existing E4 Environmental Living areas;
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.

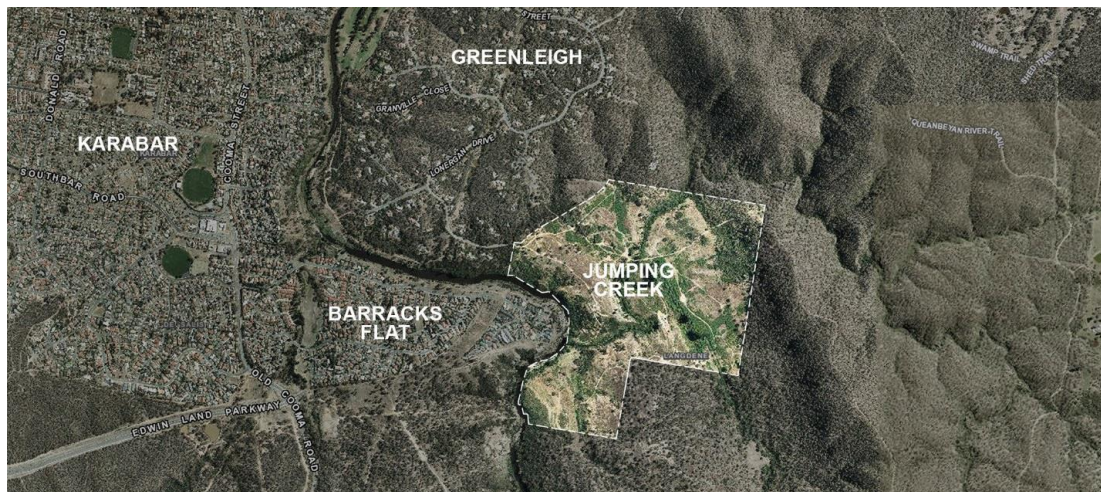
Site Overview

The Jumping Creek site (Figure 1) is approximately 96.43 ha 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.

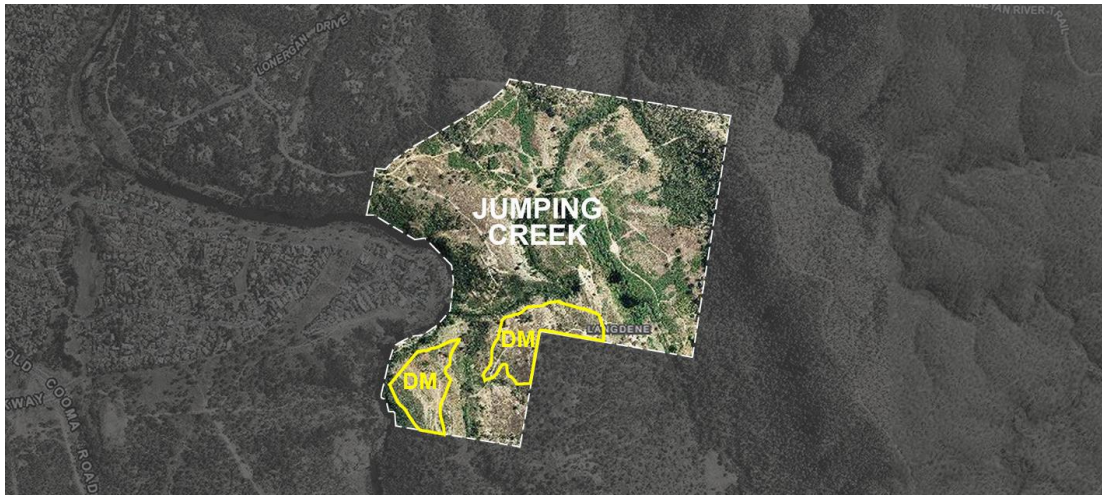
There are two existing deferred areas at Jumping Creek that are also the subject of this planning proposal (Figure 2).

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 subsequently 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.

Council had begun to progress a planning proposal to rezone the deferred areas of the site to E4 Environmental Living, however recent consultation with state government agencies have identified a number of concerns, particularly in respect of potential bushfire risk. As a consequence, the developer has now confirmed there is no intention to consider any further development of these deferred lands. The lands will instead be zoned E2 Environmental Conservation, with a view to the balance of the land at Jumping Creek being rehabilitated and possibly dedicated to Council in the future. Accordingly, one of the objectives of this planning proposal is to now rezone these deferred lands at Jumping Creek from 1(a) Rural A under *Queanbeyan Local Environmental Plan 1991* to E2 Environmental Conservation under *Queanbeyan LEP 2012*.

Zoning of Deferred Areas at Jumping Creek

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. Accordingly, this planning proposal also intends to amend the lot size map to better reflect the zoning of the land, and to facilitate appropriate subdivision of the existing E4 Environmental Living land in the future.

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.

It is also proposed to rezone the existing RE2 Private Recreation zone applying to the site to a combination of E2 Environmental Conservation and RE1 Public Recreation. This is to better reflect the environmental values of the site, and, to also identify an area for future public recreation uses.

Finally it is also proposed to update the applicable height of buildings (HOB) maps for Jumping Creek to apply only to the existing E4 Environmental Living areas. At this time the HOB maps apply to the entire site, including areas not proposed to be developed. It is considered more desirable that these only apply to those areas proposed to be developed.

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. This includes more recent discussions with the Rural Fire Service in respect of bush fire affectation.

As required by section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), 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 (August 2016)*" and "*A Guide to Preparing Planning Proposals (August 2016)*" 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 and existing RE2 Private Recreation land at Jumping Creek in Queanbeyan to E2 Environmental Conservation;
2. to rezone the balance of existing RE2 Private Recreation land to RE1 Public Recreation;
3. to amend the Lot Size Maps for Jumping Creek to facilitate appropriate subdivision and development of the site;
4. to update the applicable Height of Buildings Maps for Jumping Creek to apply only to the existing E4 Environmental Living areas;

Zoning of Deferred Areas at Jumping Creek

- 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.

The intended outcomes of the amended planning proposal are to provide for environmental conservation and public use of those areas of the Jumping Creek site not proposed for environmental living, with a view to protecting local environmental values, particularly in regard to water quality and potential impacts on the platypus population in the Queanbeyan River. These areas of the site are proposed to be rehabilitated and then potentially dedicated to the Council for future control and management. The planning proposal will also ensure appropriate controls are in place for those parts of the site proposed to be developed.

Part 2 - Explanation of Provisions

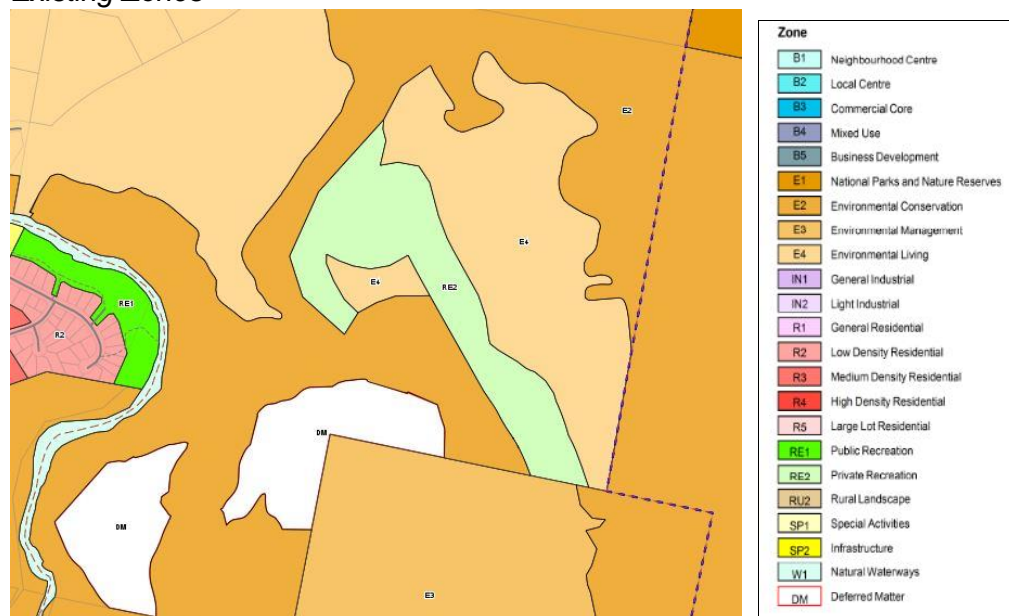
This planning proposal will be given effect through an amendment to *Queanbeyan Local Environmental Plan 2012*. Terms used in this description have the same meaning as in the *EP&A Act* and the *Queanbeyan Local Environmental Plan 2012*.

1. To rezone the deferred land, and certain RE2 Private Recreation land, at Jumping Creek in Queanbeyan to E2 Environmental Conservation;

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

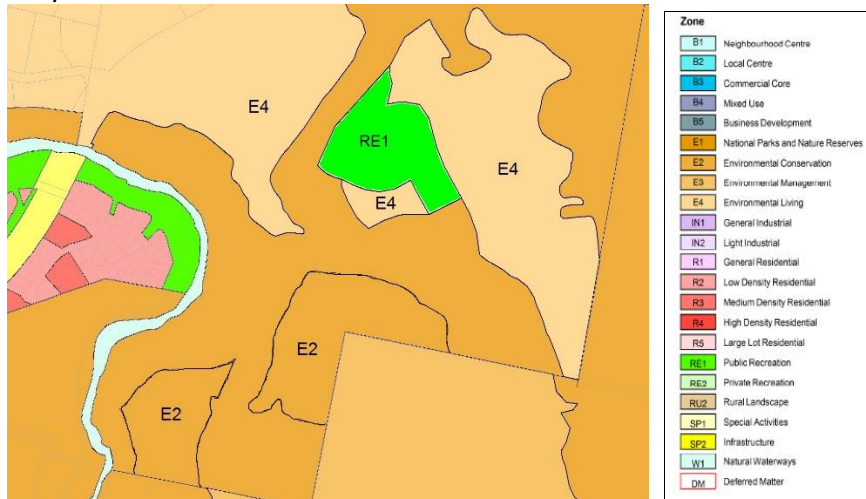
- Applying an E2 Environmental Conservation Zone to those two parts of the site presently identified as 'Deferred Matter' on the Queanbeyan LEP's Land Zoning Map (Sheet LZN_005 and Sheet LZN_006). Also rezoning part of the site currently zoned RE2 Private Recreation zone to E2 Environmental Conservation zone. See below.
- Reconfiguring the applicable Lot Size Map (LSZ_006) that applies to this land to correspond with the revised zoning by introducing an 80 hectare minimum lot size for the deferred lands. See existing and proposed lot size maps under section 3 of Explanation of Provisions.
- Removing Jumping Creek as a 'Deferred Matter' from the Land Application Map (LAP_001). See Appendix A and below.

Existing Zones

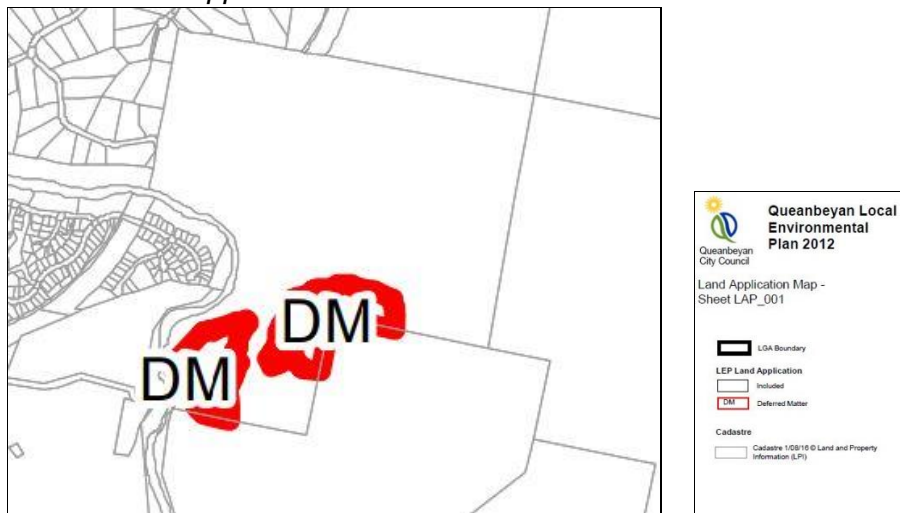


Zoning of Deferred Areas at Jumping Creek

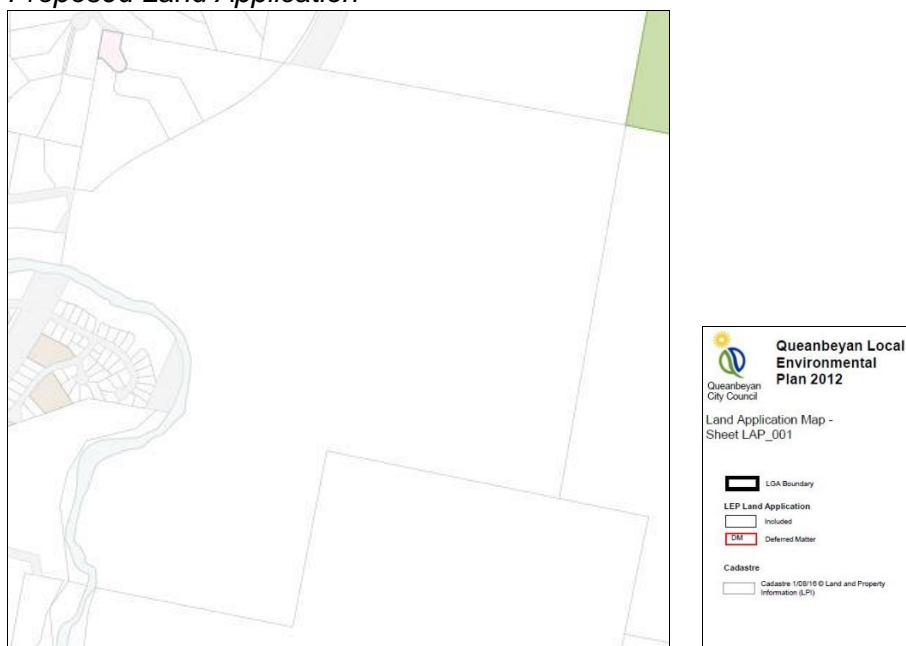
Proposed Zones



Current Land Application



Proposed Land Application

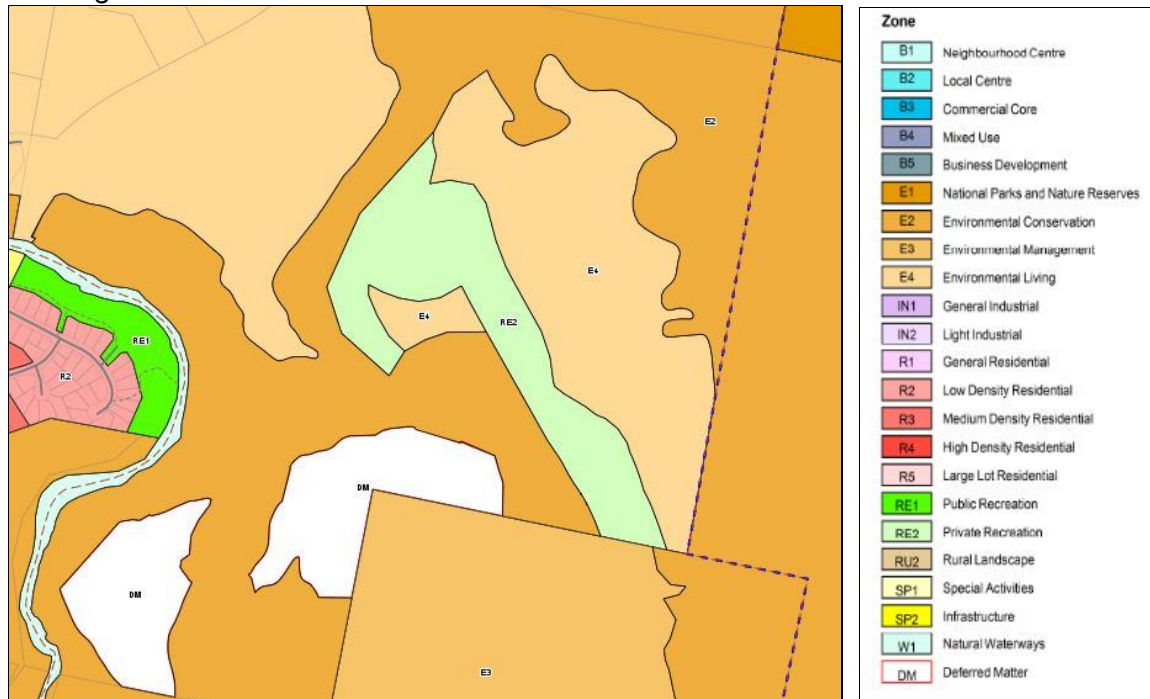


Zoning of Deferred Areas at Jumping Creek

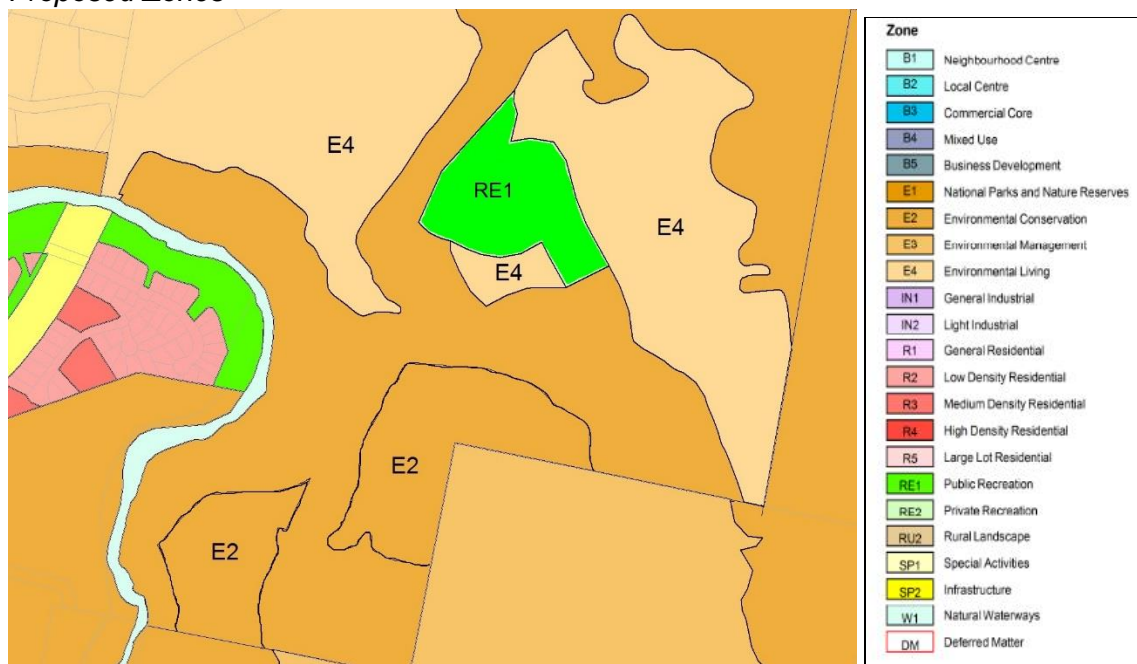
2. To rezone the balance of existing RE2 Private Recreation land to RE1 Public Recreation;

This element of the planning proposal is intended to be given effect by applying an RE1 Public Recreation Zone to that part of the existing RE2 Private Recreation Zone not proposed to be zoned E2 Environmental Conservation as set out above. See below and Appendix A.

Existing Zones



Proposed Zones



Zoning of Deferred Areas at Jumping Creek

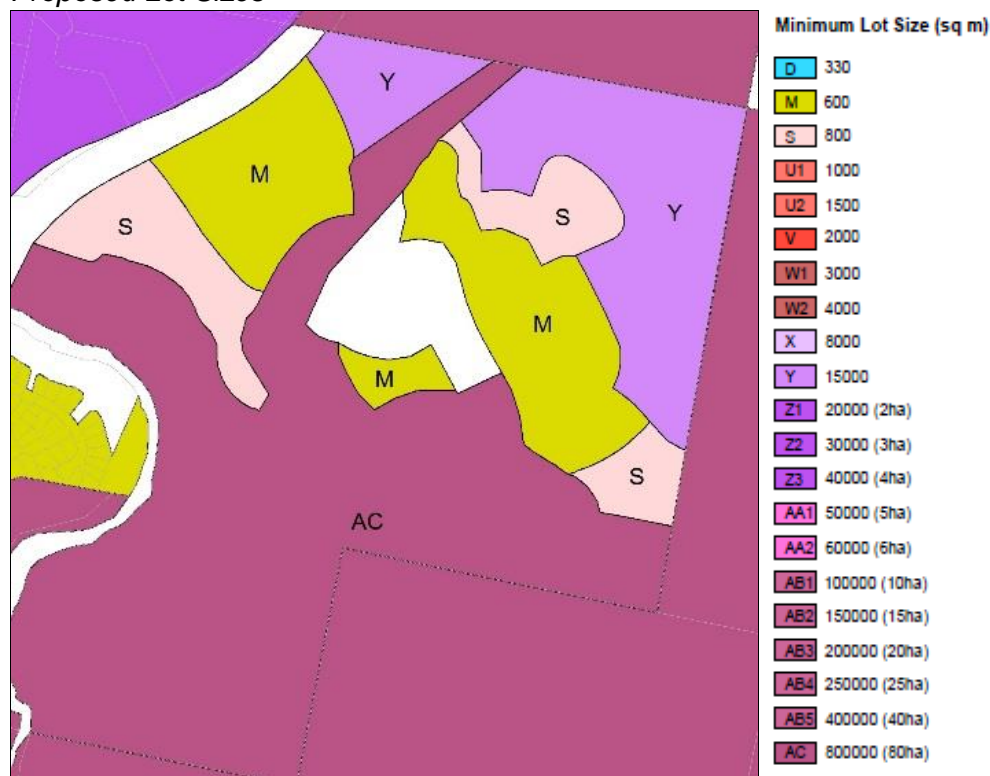
3. To amend the existing lot size map for Jumping Creek to facilitate appropriate subdivision and development of the site.

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 below and Appendix A.

Existing Lot Sizes



Proposed Lot Sizes

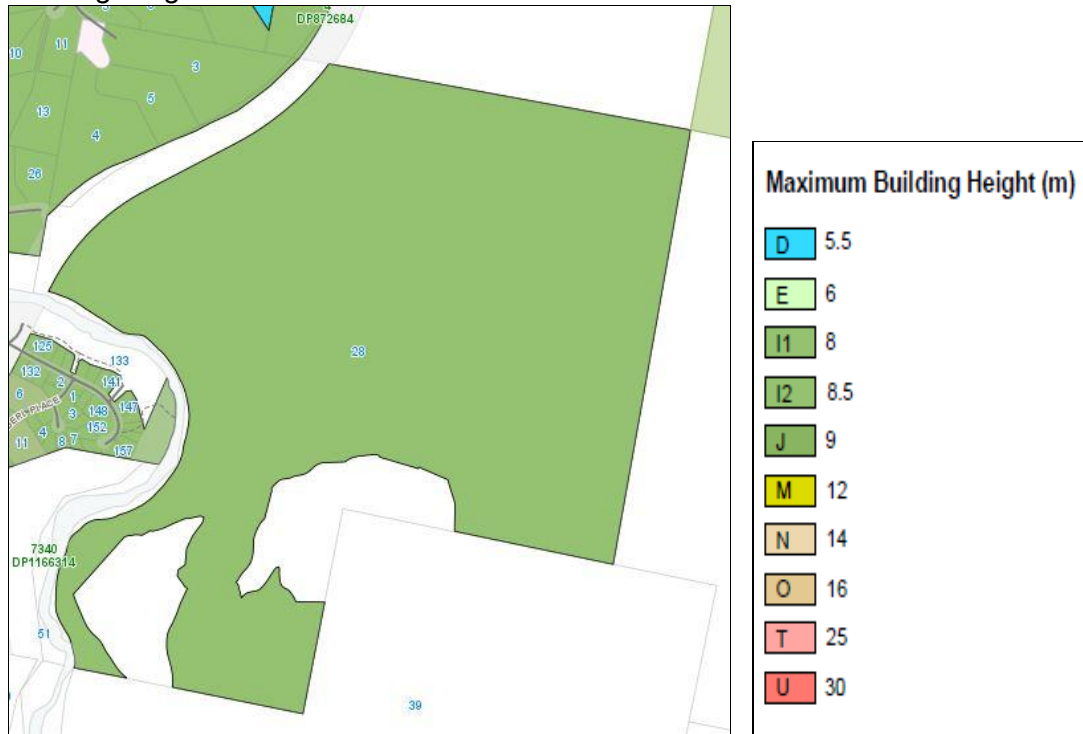


Zoning of Deferred Areas at Jumping Creek

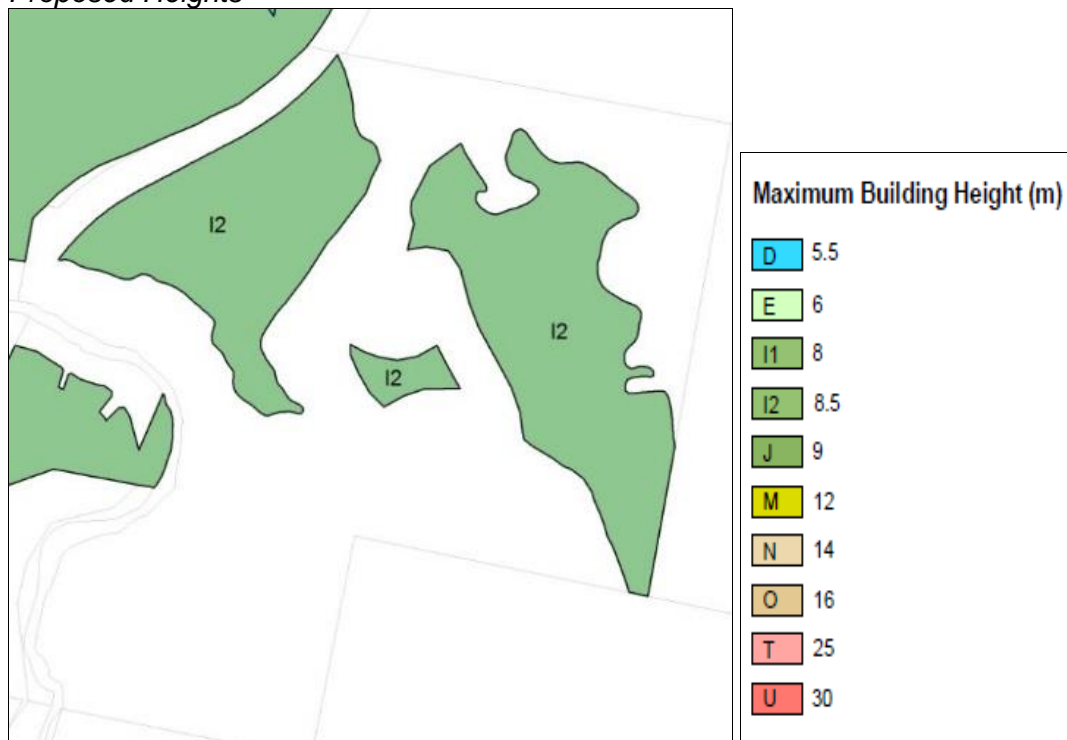
4. To update the applicable height of buildings maps for Jumping Creek to apply to the existing E4 Environmental Living areas;

- Reconfiguring the applicable Height of Building Map (HOB_006) to apply the 8.5 metre maximum building height ('I2' in legend) only to those areas currently zoned E4. See below and Appendix A.

Existing Heights



Proposed Heights

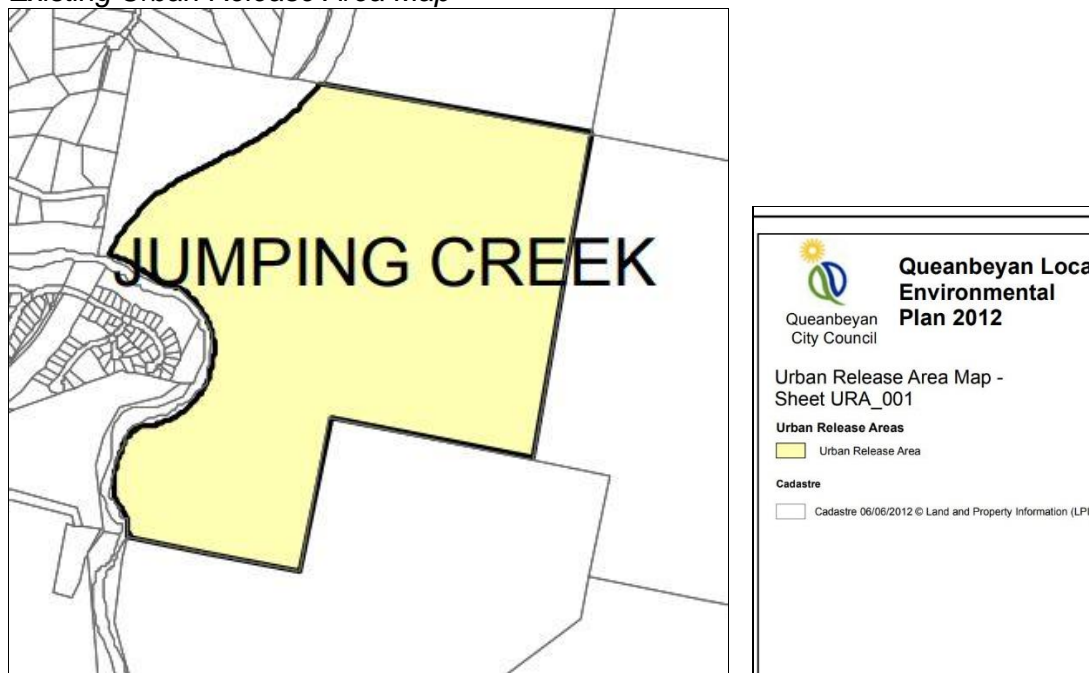


Zoning of Deferred Areas at Jumping Creek

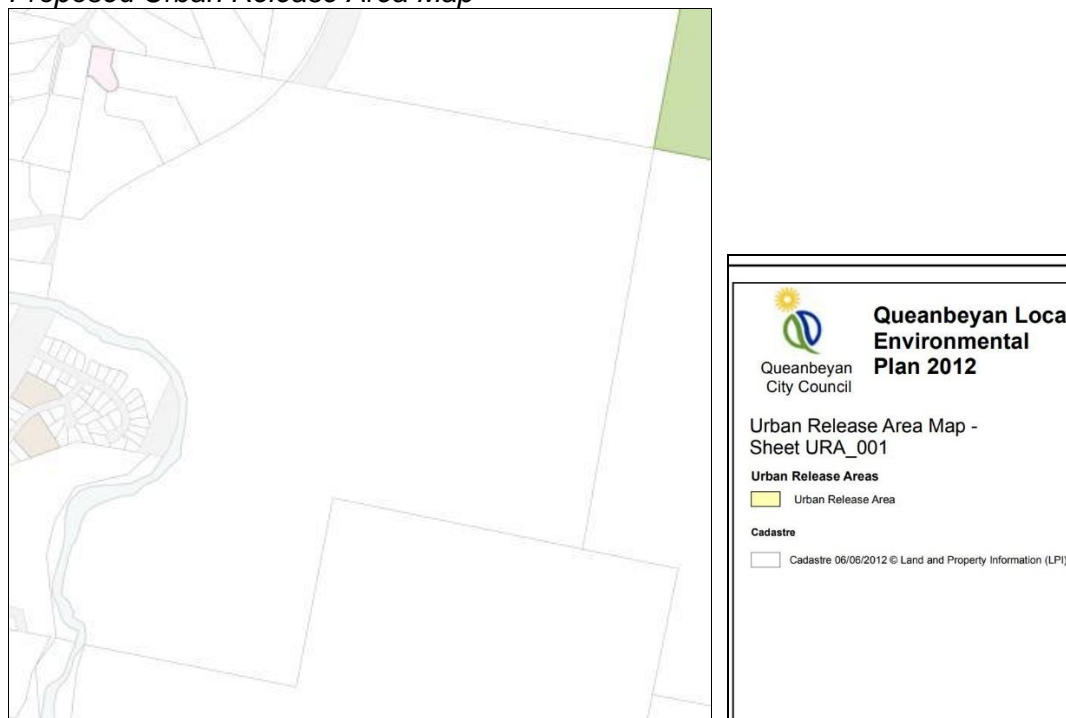
- 5. To remove the site's designation as an 'urban release area' for the purposes of Part 6 of Queanbeyan Local Environmental Plan (LEP) 2012 in recognition there are unlikely to be any State infrastructure requirements for the site.**

This element of the planning proposal is intended to be given effect by amending the Urban Release Area Map (URA_001) to remove the Jumping Creek Area. See below and Appendix A.

Existing Urban Release Area Map



Proposed Urban Release Area Map



Part 3 - Justification

Section A – Need for the Planning Proposal

The planning proposal is required to rezone lands that were deferred when Council's standard instrument LEP was finalised in 2012. It was decided to defer the subject lands at that time as it was determined a more thorough investigation in respect of geotechnical and water quality issues needed to occur. Suitable information is now available to allow Council to inform the intended rezoning of the site.

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

This planning proposal is considered consistent with Council's *Residential and Economic Strategy 2015 - 2031* in that it provides for some residential subdivision at Jumping Creek identified on the Strategy Map (noting this residential land has already been rezoned).

The following studies have previously 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 is of the view all necessary studies have been carried out either historically or more recently to inform the proposal. Given the proposal now seeks to apply a E2 Environmental Conservation zone to the deferred areas of the site, no additional development is proposed and no additional studies are considered necessary at this time.

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.

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.

Zoning of Deferred Areas at Jumping Creek

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 protect 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: <ul style="list-style-type: none"> 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 perspective 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 a Site Environmental Management Plan previously prepared for Jumping Creek.
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 E2 Environmental Conservation 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.

Zoning of Deferred Areas at Jumping Creek

4. Is the planning proposal consistent with applicable Minister Directions (s117(2) of the Act)?

Each applicable s117(2) 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 in the circumstances.

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*. Further studies have been undertaken in respect of the deferred lands (flora and fauna assessment). No critical habitat, threatened species, populations, ecological communities or their habitats will be adversely affected as a result of the proposal.

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

There will be no additional environmental impacts on the site arising from the current planning proposal. Rather the proposal will confirm a number of environmental values on the site and zone these lands accordingly.

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

There will be no additional social or economic impacts on the site arising from the current planning proposal.

Section D – State and Commonwealth Interest

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

There is adequate public infrastructure available 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.

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 Rural Fire Service (RFS).

No further consultation with government agencies is proposed given the deferred areas are being zoned E2 Environmental Conservation.

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),

Zoning of Deferred Areas at Jumping Creek

- Height of Building map (Sheet HOB_006) maps,
- Urban Release Area Map (URA_001), and
- Land Application Map (Sheet LAP_001).

The draft mapping changes set out previously and at Appendix A are considered suitable for illustrating the planning intent of this planning proposal to the public and any government agencies. Final LEP maps will be prepared after public exhibition and prior to submission to Parliamentary Counsel for the plan to be made.

Those maps will be 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.

An amending Map Cover Sheet will also be prepared to reflect the above changes at that time.

Part 5 - Community Consultation

The proponent has been in consultation with 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 any government agencies is not proposed as part of this planning proposal, particularly given the proposal is to confirm certain land is not suitable for development. The planning proposal in this instance provides for no further urban development of the site.

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 3.34(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 approximately 6 months to finalise. It is requested a Gateway timeframe of 12 months is provided to allow for any unforeseen circumstances.

An indicative timeframe is set out below in Table 3.

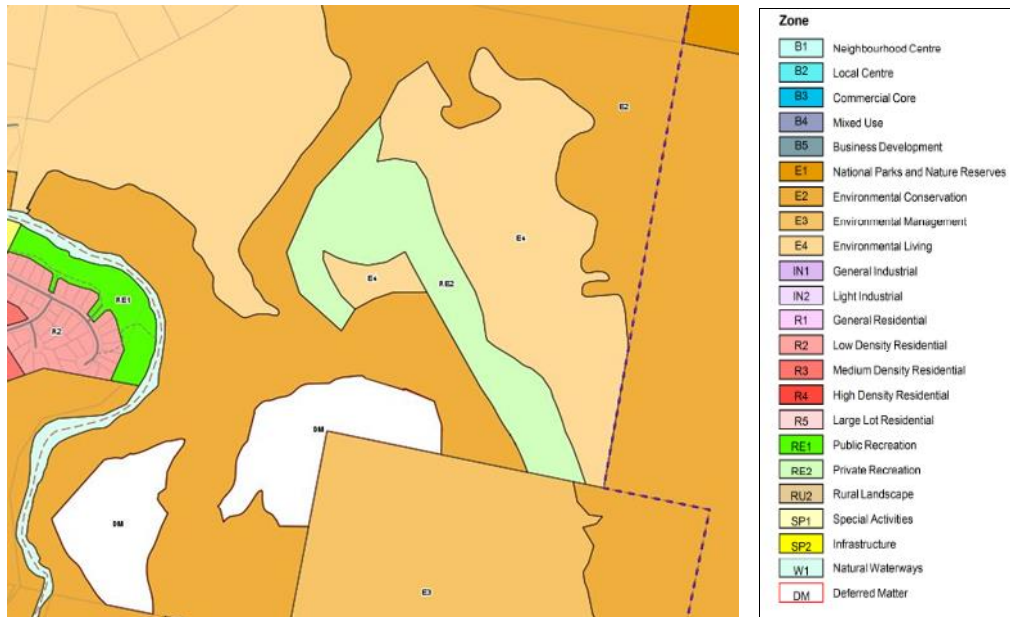
Table 3

Task	Anticipated 2018 timeframes
Report to Council (Planning & Strategy Committee)	14 February 2018 (achieved)
Revised Gateway Determination	March/April 2018
Public Exhibition	May 2018
Consideration of submissions	June 2018
Report to Council	July 2018
Making of LEP	September 2018

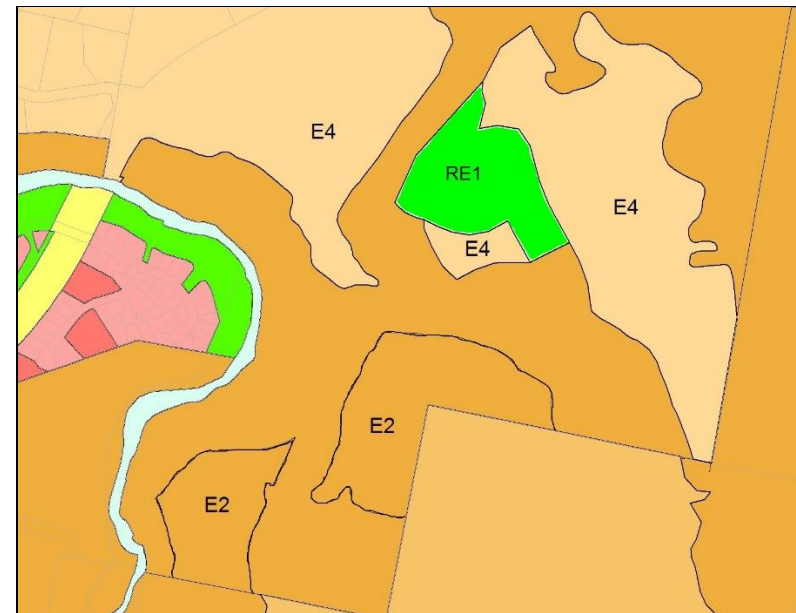
Appendix A – Proposed Map Changes

Proposed Land Zoning Map Changes

Existing Zones



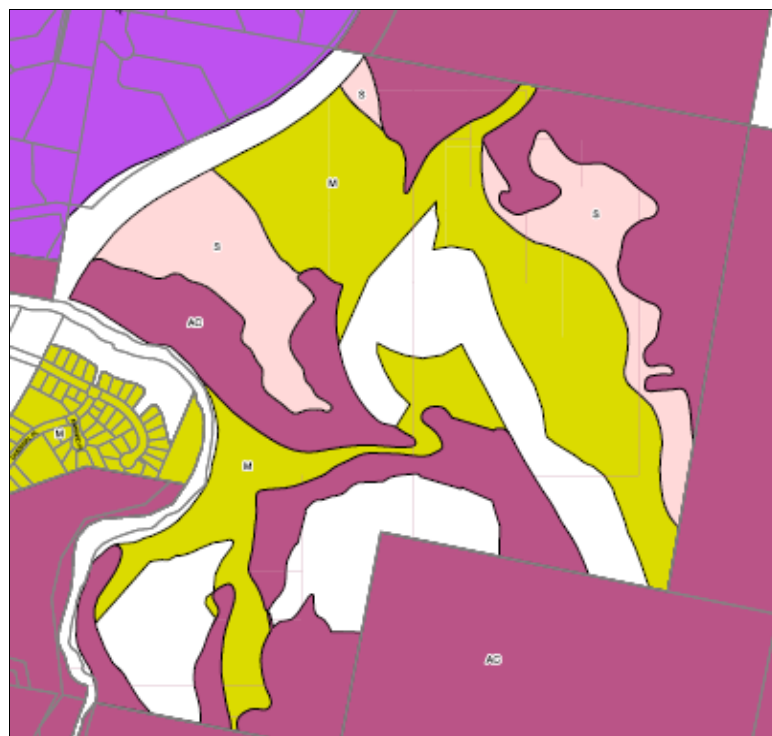
Proposed Zones



Zoning of Deferred Areas at Jumping Creek

Proposed Lot Size Map Changes

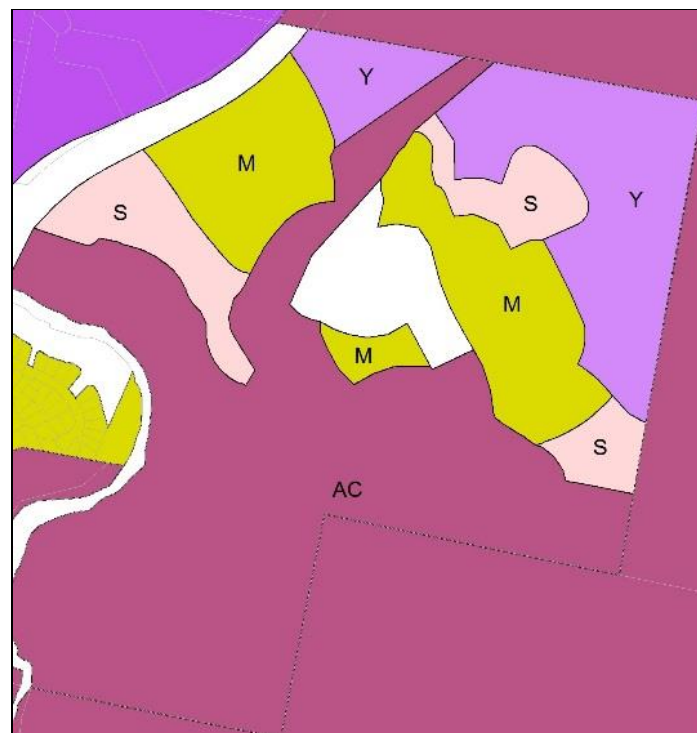
Existing Lot Sizes



Minimum Lot Size (sq m)

D	330
M	600
S	800
U1	1000
U2	1500
V	2000
W1	3000
W2	4000
X	8000
Y	15000
Z1	20000 (2ha)
Z2	30000 (3ha)
Z3	40000 (4ha)
AA1	50000 (5ha)
AA2	60000 (6ha)
AB1	100000 (10ha)
AB2	150000 (15ha)
AB3	200000 (20ha)
AB4	250000 (25ha)
AB5	400000 (40ha)
AC	800000 (80ha)

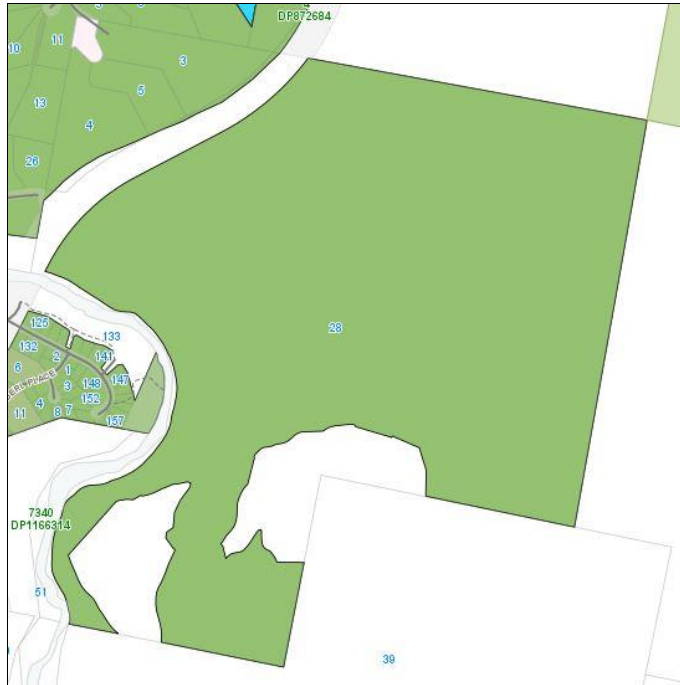
Proposed Lot Sizes



Zoning of Deferred Areas at Jumping Creek

Proposed Height of Building Map Changes

Existing Heights



Maximum Building Height (m)

D	5.5
E	6
I1	8
I2	8.5
J	9
M	12
N	14
O	16
T	25
U	30

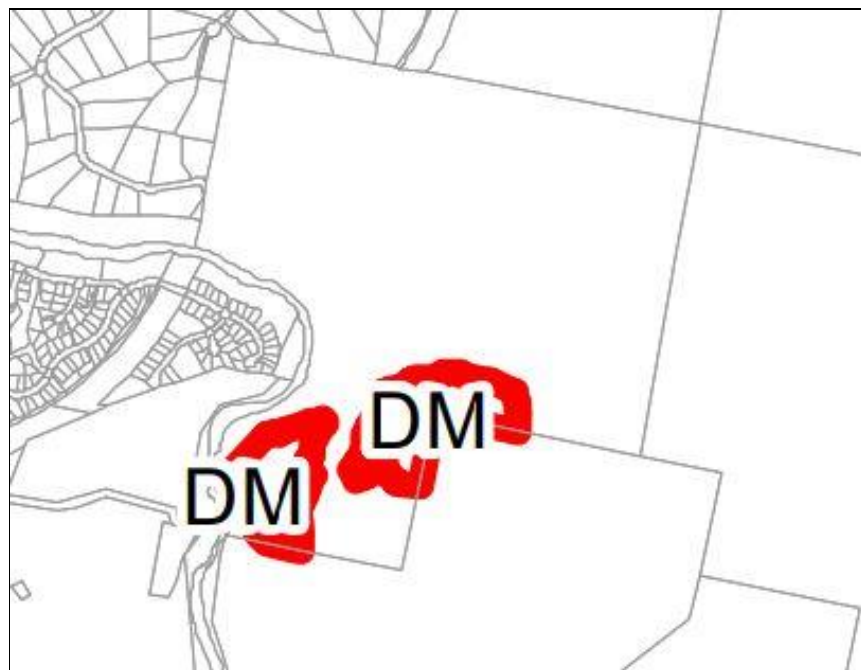
Proposed Heights



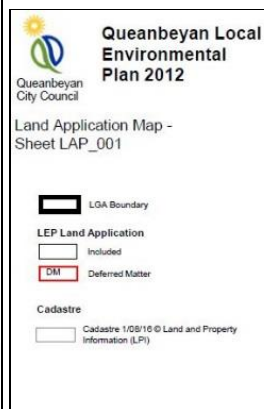
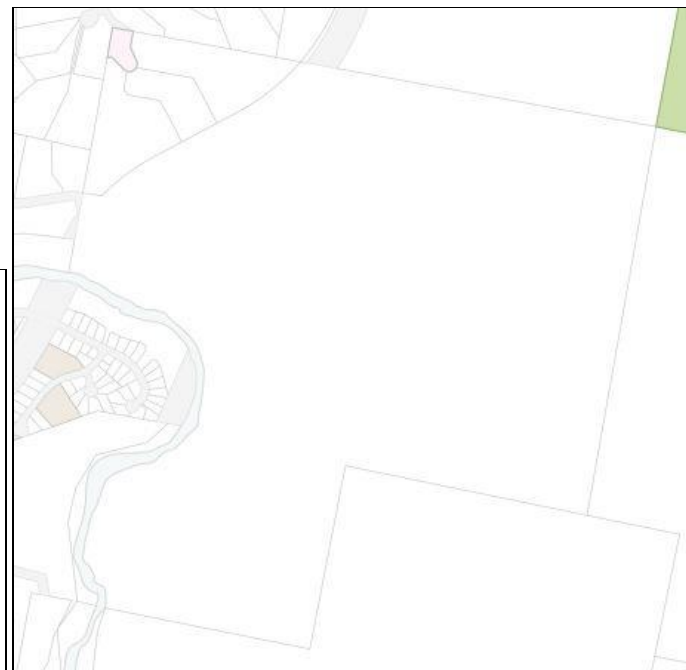
Zoning of Deferred Areas at Jumping Creek

Proposed Land Application Map Changes

Existing Land Application Map



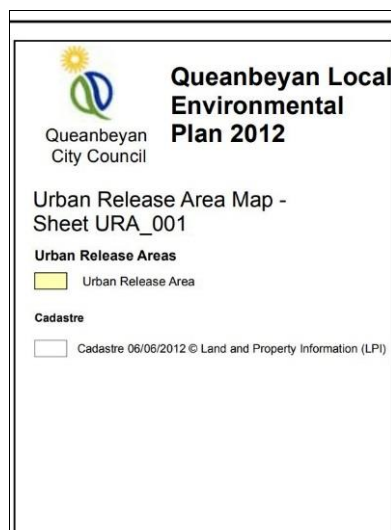
Proposed Land Application Map



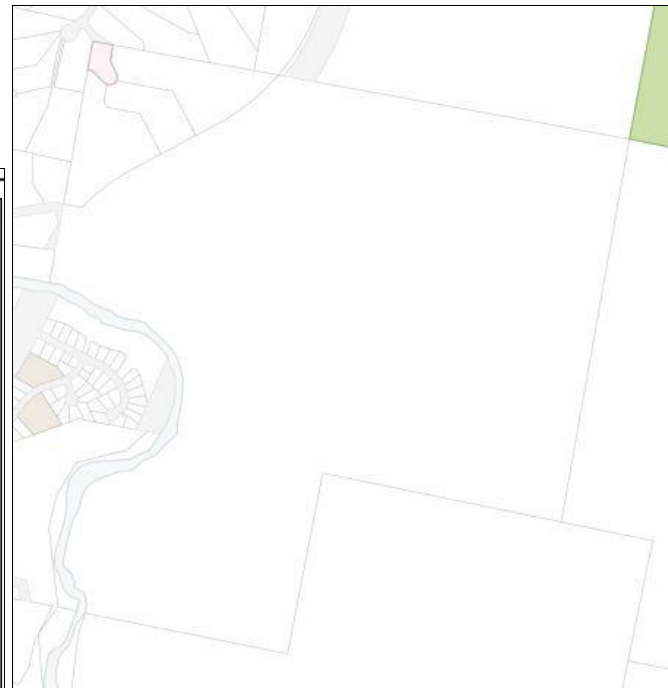
Zoning of Deferred Areas at Jumping Creek

Proposed Urban Release Area Map Changes

Existing Urban Release Area Map



Proposed Urban Release Area Map



Zoning of Deferred Areas at Jumping Creek

Appendix B – Applicable Section 117(2) Directions

1.5 Rural Lands - Applicable			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) protect the agricultural production value of rural land, b) facilitate the orderly and economic development of rural lands for rural and related purposes. <p>This direction applies when:</p> <ul style="list-style-type: none"> 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 minimum lot size on land within a rural or environment protection zone. 	<p>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>.</p> <p>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>.</p> <p>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.</p> <p>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>.</p>	<p>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:</p> <ul style="list-style-type: none"> a) justified by a strategy which: <ul style="list-style-type: none"> 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 and is in force, or b) is of minor significance. 	<p>Applicable as the deferred areas of this planning proposal that are currently zoned 1(a) Rural A Zone in the <i>Queanbeyan Local Environmental Plan 1991</i>.</p> <p>However while it proposes to replace the rural zone with E2 Environmental Conservation, there is no agricultural production value to warrant protection and that the land is already fragmented and isolated and is therefore of minor significance.</p> <p>It is also applicable because the planning proposal proposes to amend the location of the existing minimum lot sizes of 80ha, 15,000m², 2000m², 800m² and 600m². However, this is to facilitate development of the existing E4 zone. The land is already fragmented and its rural value is minimal as the current agricultural production is nil.</p> <p>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.</p>

Zoning of Deferred Areas at Jumping Creek

2.1 Environment Protection Zones - Applicable			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p>	<p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>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 “<i>Rural Lands</i>”.</p>	<p>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:</p> <ul style="list-style-type: none"> a) justified by a strategy which: <ul style="list-style-type: none"> 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 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. 	<p>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 and proposes to increase the area of the E2 Environmental Conservation zone (previously a deferred matter).</p> <p>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.</p> <p>It is argued these changes are of minor significance only, and can be justified by the various studies prepared to support the planning proposal.</p> <p>The planning proposal is also considered consistent with the <i>Residential and Economic Strategy 2031</i>.</p> <p>Some environmental impacts that will be improved as a consequence of the planning proposal include less soil erosion, weed invasion and the remediation of the previously contaminated areas.</p>

Zoning of Deferred Areas at Jumping Creek

3.1 Residential Zones - Applicable			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> 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 infrastructure and services, and c) to minimise the impact of residential development on the environment and resource lands. 	<p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> 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 d) be of good design. <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> 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. 	<p>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:</p> <ul style="list-style-type: none"> a) justified by a strategy which: <ul style="list-style-type: none"> 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. 	<p>Consistent.</p> <p>The planning proposal provides some amendments to current lot sizes to better reflect the intended development of the existing E4 Environmental Living land.</p> <p>The planning proposal is also considered consistent with the <i>Residential and Economic Strategy 2031</i>.</p>

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4.4 Planning for Bushfire - Applicable			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
<p>The objectives of this direction are:</p> <p>a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>b) to encourage sound management of bush fire prone areas.</p> <p>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.</p>	<p>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 the Act, and take into account any comments so made.</p> <p>A planning proposal must:</p> <p>a) have regard to <i>Planning for Bushfire Protection 2006</i>,</p> <p>b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p> <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>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</p> <p>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>iii. for infill development (that is development within an already</p>	<p>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 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.</p>	<p>Consistent.</p> <p>The previous planning proposal has been amended consistent with advice provided by the Rural Fire Service. No additional land is proposed to be rezoned for environmental living under this proposal.</p>

Zoning of Deferred Areas at Jumping Creek

	<p>subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, 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,</p> <ul style="list-style-type: none"> 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
<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p> <p>This direction applies to land contained within the Sydney–Canberra Corridor Regional Strategy</p>	<p>Planning proposals must be consistent with a regional strategy released by the Minister for Planning.</p>	<p>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 extent of inconsistency with the regional strategy:</p> <ul style="list-style-type: none"> 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 	<p>Consistent</p> <p>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>.</p>

Zoning of Deferred Areas at Jumping Creek

		vision, land use strategy, policies, outcomes or actions.	
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