



Planning Proposal

South Jerrabomberra – Zone Realignment
Part Lot 189 DP 1272220



Prepared by Village Building Company
22 June 2022.

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Planning Proposal

Proposed Planning Proposal for Part Lot 189 DP 1272220

Introduction

This Planning Proposal (PP) has been prepared by Village Building Company (VBC) to support an amendment to the *Queanbeyan Local Environment Plan (South Jerrabomberra) 2012 (SJLEP)* and the *Queanbeyan Local Environmental Plan 1998 (QLEP1998)*.

The site is within the South Jerrabomberra Urban Release Area (URA) and is located approximately 9km southwest of Queanbeyan City Centre and 18km south of Canberra City Centre.

The land in question is Part Lot 189 DP 1272220, which was created as part of the wider subdivision of South Jerrabomberra (DA395-2017.E), which was approved on the 2 August 2018.

A copy of the approved plan showing the area that is proposed to be rezoned is shown at Figure 1.

Site Description and context

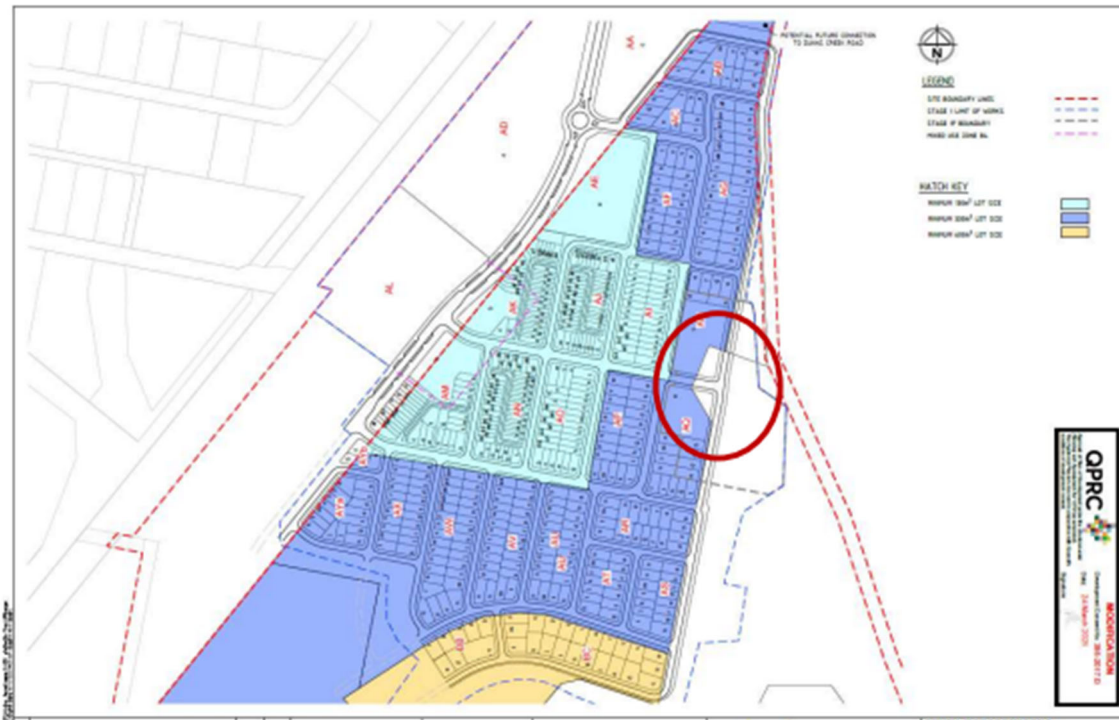
South Jerrabomberra urban release area approximately 8km southwest of Queanbeyan City Centre and 18km south of Canberra City Centre.

Part Lot 189 DP 1272220 was created and subdivided part of the wider subdivision of South Jerrabomberra (DA395-2017.E) and originally approved on 2 August 2018 for the creation of Subdivision for 318 residential lots, 10 super lots (9 super lots for future residential development and 1 super lot for future neighbourhood centre) and 6 residue lots for open spaces, drainage and public roads.

The development consent has been the subject of five modifications including Modification DA395-2017.D to straighten the road which was approved 24th March 2021. With the road now approved, the land immediately west of it should now be able to be rezoned R2 to support residential development.

Figure 1 highlights the road realignment and the resulting land proposed to be rezoned.

Figure 1 Approved Plan DA395-2017.D



The land was initially excluded from the rezoning of land for residential development as it had not been part of the detailed ecological assessment of the land. There have since been two planning proposals that include the subject land. The first was to extend the URA to include additional land to the south and amend the zone from R1 General Residential to R2 Low Density Residential. VBC made a submission under this planning proposal to rezone the land from RU1 to R2. Council's response to this request was that any proposal to rezone the land would likely require significant engagement with the State Government and will likely require further biodiversity investigation.

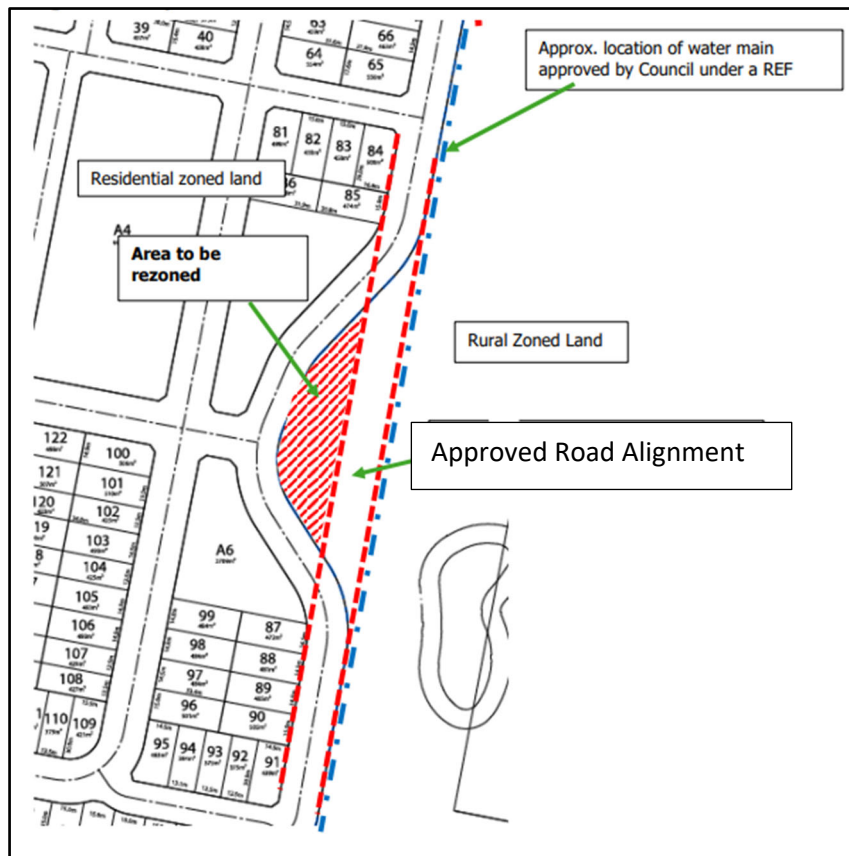
A second submission was made by VBC in June 2020 during the exhibition of the QPRC Comprehensive LEP. Again, the Council advised that it could not support the proposal as it would require input from relevant government agencies and therefore would be introducing new policy issues. VBC were advised that the matter needed to be considered as part of a future planning exercise.

The Proposal

The Planning Proposal relates to a small area of land that is currently zoned 1(a) under *the Queanbeyan LEP 1998* (refer to Figure 2).

The proposal seeks to rezone the land from 1(a) to R2 Low Density Residential. The subject land is adjoining land currently zoned and approved for residential development. The land represents a very small area less than 5,000 sqm. The land is no longer available for agricultural use given the location of the road separating the parcel from the balance of the rural zoned land. The site has been reviewed by Ecological Australia as part of the amended Water and Sewer Review of Environmental Factors and the modification for the road realignment.

Figure 2 – Plan of area affected by the Planning Proposal



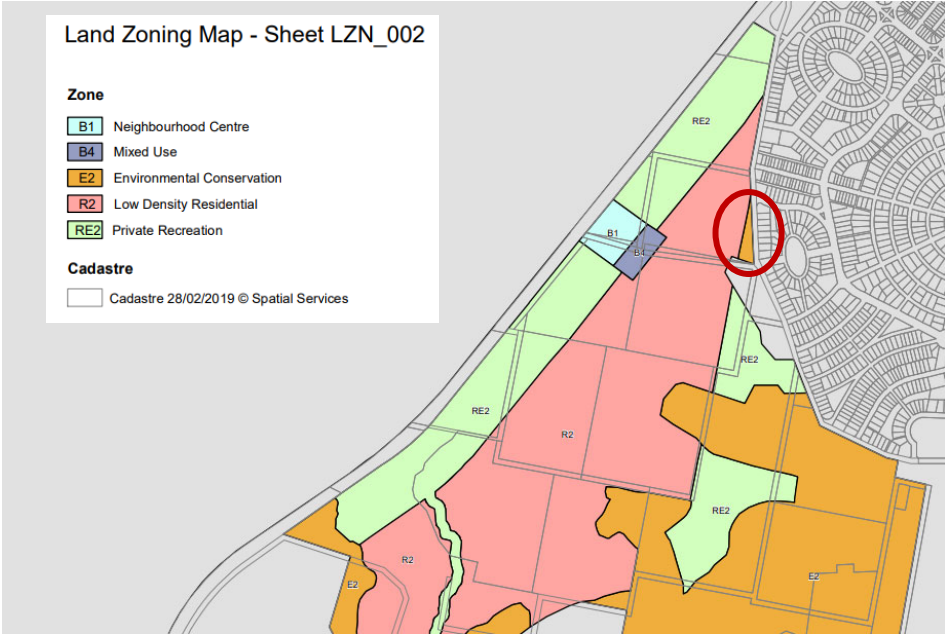
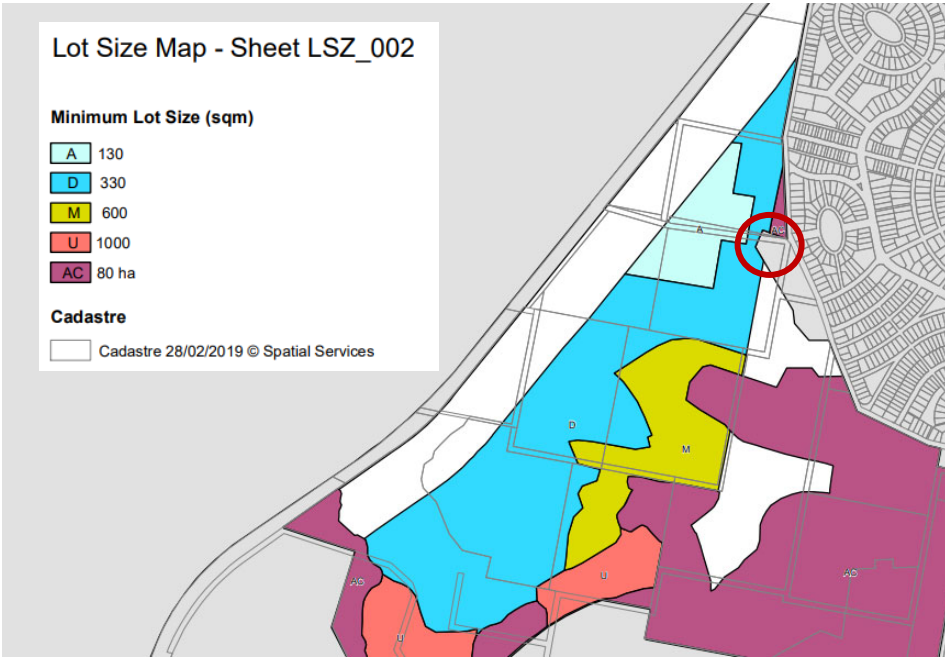
The proposed Planning Proposal requires no amendments to the existing contributions plan and there are existing services and infrastructure that will be available to meet the demands arising from the proposal and any future subdivision of the land for residential purposes.

The proposed Planning Proposal is for amendments to the mapping only. There are no amendments proposed to the text of the legal instrument. The addition of this land as R2 will not impact on the existing dwelling cap that covers the South Jerrabomberra Urban Release Area.

Once the land is rezoned, it will become part of the urban land that it adjoins and will then be subject to a further subdivision to create “house blocks” similar to the development that has been approved in the location.

Current Planning Controls

The following key development controls apply:

<p>Zone</p>	<p>Rural 1(a) QLEP1998, RU2 Draft QPLEP</p> 
<p>Minimum Lot size</p>	<p>40ha</p> 

The primary purpose of this planning proposal is to amend the SJLEP to facilitate the residential development on the site. The intended outcome of the planning proposal is to allow for the subdivision of the subject site into residential lots.

Justification

The Planning Proposal supports the delivery of housing under the Goals and Direction of the Regional Plan which includes growth areas at Googong and South Jerrabomberra. It is not inconsistent with Council's Strategic Planning, including the Queanbeyan Residential and Economic Development Strategy 2015-2031. The proposal is also consistent with the South Jerrabomberra Development Control Plan which includes the area in the Neighbourhood Structure Plan (subject to rezoning).

In accordance with the guidelines the level of justification is to be proportionate to the impact of the proposal and the stage of the LEP amendment process. At this stage the issues relevant to the [proposal must be identified to provide sufficient confidence to the DPIE the amendment may be completed within the timeframes identified in the PP.

Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The PP is part of the work undertaken to deliver the South Jerrabomberra URA.

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

The PP is the only mechanism available to achieve the outcome.

Section B – Relationship to strategic planning framework.

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The PP support the delivery of housing under the Goals and Direction of the Regional Plan which includes growth areas at Googong and South Jerrabomberra.

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

The PP is not inconsistent with Councils Strategic Planning including the Queanbeyan Residential and Economic Development Strategy 2015-2031. The proposal is also consistent with the South Jerrabomberra Development Control Plan which includes the area in the Neighbourhood Structure Plan (subject to rezoning).

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

Yes, please see the below table outlining the relevant State Environmental Planning Policies (SEPPs) and the proposals compliance with them.

Table 1 Applicable State Environmental Planning Policies

SEPP	Assessment
(Exempt and Complying Development Codes) 2008	
	Consistent
This Policy aims to provide streamlined assessment processes for development that complies with specified development standards.	
SEPP (Primary Production and Rural Development) 2019	
	Consistent
The aims of this Policy are as follows—	
(a) to facilitate the orderly economic use and development of lands for primary production,	The proposal seeks to rezone the land from 1(a) to R2 Low Density Residential. The subject land is adjoining land currently zoned and approved for residential development.
(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,	The land represents a very small area less than 5,000sqm. The land is no longer available for agricultural use given the location of the road separating the parcel from the balance of the rural zoned land.
(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	This small reduction in available agricultural land and is well suited for residential development due to its location and proximity other urban land uses.
(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,	The proposed changes under this PP are considered of minor significance and are considered to be consistent with the intent of this SEPP.
(e) to encourage sustainable agriculture, including sustainable aquaculture,	
(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,	
(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.	

SEPP	Assessment
SEPP (Koala Habitat Protection) 2020	
This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	Consistent.
SEPP 55 Remediation of Land	
(1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.	Consistent – Contamination has been addressed as part of the development of the land for urban purposes.
(2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—	
(a) by specifying when consent is required, and when it is not required, for a remediation work, and	
(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and	
(c) by requiring that a remediation work meet certain standards and notification requirements.	

The proposed planning proposal is also consistent with the applicable s9.1 Ministerial Directions. Please see the table below that outlines the relevant directions and the proposal's compliance with them.

Table 2 **9.1 Directions**

Directions	Aim of Direction	Consistency and Implications
1 — Employment and Resources		
1.1 Business and Industrial Zones	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	Planning Proposal not affected by this direction.

Directions	Aim of Direction	Consistency and Implications
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	<p>This proposal seeks to rezone the subject land from 1(a) to R2 Low Density Residential.</p> <p>The proposal is considered of minor significance and its impacts to the rural zone also negligible. The land is locked between the rural land and the urban land by a road, therefore is not considered to be prime agricultural land as it is currently not available for grazing. The rural land is not suitable for cropping or other intensive horticultural purposes due to climate, soil type and proximity to existing R2 zoned land. There is no impact on any regional significant areas of food production. The land is not mapped as being State Significant Agricultural Land (SSAL). The land is also mapped as Class 6 under the Land and Soil Capability Mapping for NSW, with severe limitations.</p>
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials is not compromised by inappropriate development.	This Planning Proposal will rezone the land to R2 Low Density Residential, which does not permit extractive industries. Given the proximity of the site to the existing rural residential areas, it is considered unlikely that the site would be deemed suitable for future mining. In this context, the Planning Proposal is considered to be consistent with the intent of this direction.
1.5 Rural Lands	The objective of this direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for rural related purposes.	<p>This proposal seeks to rezone the subject land from 1(a) to R2 Low Density Residential.</p> <p>The land locked between the rural land and urban area by a road, therefore not considered to be prime agricultural land as it is currently not available for grazing.</p> <p>The Planning Proposal is considered to be consistent with the intent of this direction. Any perceived inconsistencies with this direction are considered to be of minor significance.</p>
2 — Environment and Heritage		
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Planning Proposal not affected by this direction.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>The property is not within a heritage conservation area and there are no heritage listed items within the site.</p> <p>A full AHIP process has been undertaken for the development area.</p>
2.4 Recreation Vehicle Areas	The draft LEP amendment does not enable land to be developed for the purpose of a recreation vehicle area (within the	Planning Proposal not affected by this direction.

Directions	Aim of Direction	Consistency and Implications
	meaning of the Recreation Vehicles Act 1983).	
3 — Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	It is proposed to rezone subject site to R2 Low Density Residential. The rezoning will make efficient use of existing infrastructure and services providing a logical extension to adjoining R2 zoned land. The Planning Proposal is considered to be consistent with the intent of this direction. Any perceived inconsistencies with this direction are considered to be of minor significance.
3.2 Caravan Parks and Manufactured Home Estates	The objective of this direction is to provide for a variety of housing types, and provide opportunities for caravan parks and manufactured home estate.	Planning Proposal not affected by this direction.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low impact small businesses in dwelling houses.	The home occupations are permitted without consent in the proposed zone. The Planning Proposal is consistent with this direction.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.	Planning Proposal not affected by this direction.
3.5 Development near Licensed Aerodromes	The objectives of this direction to ensure the efficient and safe operation of aerodromes, ensure their operation is not compromised by incompatible future adjoining land uses	Planning Proposal not affected by this direction.
3.6 Shooting Ranges	The objective of this direction is to maintain appropriate levels of public safety and amenity, reduce land use conflict and identify issues that must be addressed when rezoning land adjacent to an existing shooting range.	Planning Proposal not affected by this direction.

Directions	Aim of Direction	Consistency and Implications
4 — Hazard and Risk		
4.1 Acid Sulphate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	Planning Proposal not affected by this direction.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Planning Proposal not affected by this direction.
4.3 Flood Prone Land	The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	Planning Proposal not affected by this direction.
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	The land has been assessed having regard to Bush Fire with a perimeter road protecting the urban land from the residential land.
5 — Regional Planning		
<i>No directions in this section apply to this Planning Proposal.</i>		
6 — Local Plan Making		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	There are no additional requirements in terms of concurrence, consultation or referral proposed for development applications, or additional items defined as designated development within the subject area.
6.2 Reserving Land for Public Purposes	The objectives of this direction are to facilitate the provision of public services and facilities by	Planning Proposal not affected by this direction.

Directions	Aim of Direction	Consistency and Implications
	reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	This direction does not apply as there are currently no site specific provisions relating to the subject site.
7 — Metropolitan Planning		
<i>No directions in this section apply to this Planning Proposal.</i>		

The R2 Low Density Residential zone provides a range of housing options that are suitable for the site's location on the edge of the Urban Release Area. The proposed rezoning of the subject site to R2 Low Density Residential is consistent with the adjoining residential development on R2 zoned land to the south, north and west of the site.

Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The land has been assessed by both Ecological Australia (ELA) as part of the straightening of the road and this information consolidated in the report by Gunninah which has concluded that the areas was not characterised by substantial areas of native vegetation prior to its being cleared for approved residential development purposes.

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

No. The proposal itself is unlikely to trigger any additional environmental impacts.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The proposal is administrative and is unlikely to result in adverse social or economic impacts.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The proposal will provide the opportunity for a small number of additional residential lots which has already be considered in the yield cap. There is sufficient public infrastructure to cater for the anticipated population.

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

To date, consultation has occurred with BCD, who have provided comment that there are no objections to the Planning Proposal.

The following agencies will be consulted regarding this Planning Proposal:

- Canberra Airport – in respect of airport operations, noting that the residential development proposed is within the developable area and is not restricted by the ANEF, residential lots are developed to the north and south of the land to be rezoned.
- The NSW Rural Fire Service in respect of potential bushfire impacts, noting the land is identified as “bushfire prone”
- The NSW Heritage Office in respect of potential archaeological matters, and
- The ACT Environment, Planning and Sustainable Development Directorate, due to the proximity to the ACT Border with NSW.

Mapping

The Planning Proposal is to contain clear and accurate mapping depicting relevant aspects of the Planning Proposal. As noted in the report, the Planning Proposal seeks to amend all of the SJLEP Maps. Material changes will be made to:

- Land zoning – change from 1(a) to R2
- Lot size – from no mapped lot size to 330sqm
- Extend the Height of Buildings Map to show the site as 8.5m
- The other mapping will need to be amended to include the land within the SJLEP Land Application Area.

Community Consultation

The EP&A Act provides the statutory requirements for community consultation and public exhibition of PPs to be confirmed by the Minister at Gateway. Public consultation will occur in accordance with the Gateway Determination made by the Minister, in accordance with clause 3.34 and Schedule 1 of the EP&A Act.

Given the minor nature of the PP, it is anticipated that the PP would only require a notification period of 14 days.

Project Timelines

Part 6 of the PP aims to set an indicative timeline for the progress of the PP through the plan making process. It is generally assumed that the process of determining a PP of this nature will be 3-6 months. The proposed timeline will commence from the date of PP submission to Council and assumes Council and DPIE support for progression.

Conclusion

The PP has been prepared in response to the need to progress the delivery of residential land at South Jerrabomberra in a timely manner. VBC has twice made representation to Council in relation to what is considered an administrative amendment to the SJLEP in 2018 and again in 2020. Council has committed to considering the proposal, however, the delay to the finalisation of the Comprehensive LEP has caused a subsequent delay in addressing this amendment.

It is hoped that Council will view the preparation of the PP documentation by VBC as providing assistance in addressing this matter in a timely and efficient manner, avoiding further delay.