

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.2 South Jerrabomberra Planning Proposal PP-2022-2258 - Rezoning of Rural Land to Residential Land (Ref: ; Author: Thompson/Lodder)

File Reference: PJT00061

Recommendation

That Council:

1. Agree that Planning Proposal PP-2022-2258 can now be progressed to allow further consideration of the proposed rezoning.
2. Submit the Planning Proposal to the Department of Planning and Environment seeking a Gateway determination.

Summary

The purpose of this report is to advise Council that a Planning Proposal has been lodged on the NSW Planning Portal. The Planning Proposal seeks to rezone a small parcel of rural land in South Jerrabomberra for residential development.

Background

A Planning Proposal has been lodged with Council seeking to rezone a small area of land at South Tralee. The Planning Proposal has been prepared by the developers of the land, the Village Building Co (VBC).

The Planning Proposal seeks to rezone a small parcel of land (approximately 3,000m²) from 1(a) Rural zone under the *Queanbeyan Local Environmental Plan 1998* to R2 Low Density Residential under the *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012*. This will allow the land to be developed for residential purposes. The Planning Proposal is shown at Attachment 1.

The subject land is located on the eastern edge of the South Tralee residential subdivision (adjoining the land known as 'Environa') and is shown in Figure 1 below.

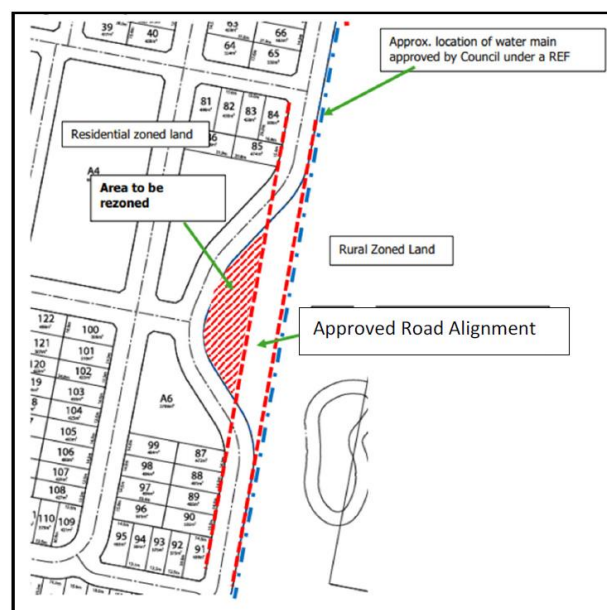


Figure 1: Planning Proposal Land

9.2 South Jerrabomberra Planning Proposal PP-2022-2258 - Rezoning of Rural Land to Residential Land (Ref: ; Author: Thompson/Lodder) (Continued)

At its previous meeting of 13 April 2022 (Item No. 9.3), Council agreed to progress an initial Scoping Proposal for the same matter. The Scoping Proposal was then submitted to several NSW Government agencies for review and comment. Two responses were subsequently received, one from the Biodiversity and Conservation Division of the Department of Planning and Environment (Attachment 2) and another from the NSW Rural Fire Service (Attachment 3). No submissions have been received indicating the Planning Proposal should not proceed or that any further studies are required by the proponents at this time.

Following these comments and a review of the Scoping Proposal by Council staff and the proponent, a formal Planning Proposal was subsequently prepared by the proponents and has now been submitted for Council's review and endorsement.

It should be noted that Council resolving to receive and progress a Planning Proposal is only the first legislative step in progressing a formal rezoning of land. Subject to Council agreeing to progress the Planning Proposal, it would then be sent to the Department of Planning & Environment (DPE) requesting a Gateway determination. That Gateway determination will:

- confirm if it is appropriate for Council to proceed with the proposal,
- set out those government agencies who should be consulted,
- set out the timeframe for consultation with the community, and
- confirm if the proposal should proceed under the delegation of Council or be overseen by DPE.

Implications***Legal***

This Planning Proposal is a Basic category proposal. It is required to be progressed consistent with the requirements of the NSW *Environmental Planning & Assessment Act, 1979* and the recent Guidelines issued by the NSW Government in December 2021.

The land is currently zoned rural under the *Queanbeyan Local Environmental Plan 1998*. This LEP may be repealed in the future as the *Queanbeyan-Palerang Local Environmental Plan 2022* is currently being finalised by the NSW Government. However, it will continue to be zoned Rural under the new LEP until this Planning Proposal is completed.

Policy

This Planning Proposal is consistent with the *South Jerrabomberra Structure Plan 2013* and Council's long-term vision for South Jerrabomberra.

This is a minor rezoning of land that is predominantly intended to facilitate a more appropriate urban design and road configuration.

The rezoning will allow for the land to be developed for residential purposes.

Environmental

The documents submitted by the proponent support the view that the proposed change in land use is not likely to significantly affect the risks to the region's ecology or biodiversity. This has been confirmed by the response of the Biodiversity and Conservation Division of the Department of Planning and Environment (Attachment 2).

Sustainability

The Planning Proposal provides additional land for housing adjacent to existing residential land. This location can be serviced by existing infrastructure to provide energy, water and other urban services (including collection of waste).

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Strategic

This Planning Proposal is consistent with two of the Planning Priorities within the QPRC Local Strategic Planning Statement 2020 as detailed below:

- *Planning Priority 3* – We will continue the ongoing revitalisation of the Queanbeyan CBD, suburban centres and rural villages. This is relevant to desired outcomes of using any opportunity to increase density and utilise the infill of existing areas.
- *Planning Priority 8* – We ensure the future planning for the region is well coordinated and provides for its sustainable management. This is relevant to desired outcome of an appropriate supply of well-located housing stock to meet the needs of the population and providing diversity of housing for the region.

NSW State Policies

State Environmental Planning Policy (Housing) 2021 - It is considered that this Planning Proposal is consistent with the *Housing SEPP*. The advice from VBC is that the land “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.”

NSW Ministerial Directions - The following three directions are relevant to this proposal:

1. Residential Zones Direction 6.1 - The objectives are to encourage housing for existing and future needs; using existing infrastructure efficiently; and minimising the impact of housing on the environment and resource lands. This Planning Proposal is consistent with this direction.
2. Rural Zones Direction 9.1 - The objective is to protect the agricultural production value of the land. This Planning Proposal is inconsistent with this direction. However, the Direction does provide allowance for proposals that are of minor significance. The area of the subject land is approximately 3,000m² and has very limited agricultural production value.
3. Rural Lands Direction 9.2 - This direction has six objectives including two objectives relevant to this matter:
 - to protect the agricultural production value of the land
 - to minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses.

This Planning Proposal is inconsistent with the first objective; however, the subject land is approximately 3,000m² and as such has very limited agricultural production value. The proposal is consistent with the second objective.

Engagement

This Planning Proposal will require consultation with the community and relevant government agencies and council staff.

A formal public exhibition period will be stipulated in the Gateway determination and if the planning proposal is confirmed to be a Basic Planning Proposal, then a 10-working day (maximum) will be required.

Financial

If approved by Council, VBC have agreed to the cost of a planning proposal in accordance with Council's current fees. This is \$6,312 plus \$158 per hour after 40 hours.

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Resources (including staff)

If approved, this Planning Proposal would require the services of two town planners on a part time basis from Land-Use Planning.




Conclusion

Council staff have assessed the Planning Proposal prepared by VBC and consider that it has sufficient planning merit to proceed. Having regard to the submissions received on the initial Scoping Proposal, Council staff are of the view no further consultation is required with NSW Rural Fire Service or the Department of Planning & Environment (Biodiversity and Conservation). However, staff are recommending consultation be undertaken with the authorities set out below as part of the formal Planning Proposal:

- Canberra Airport,
- NSW Heritage Office (Archaeology), and
- ACT Environment, Planning and Sustainable Development Directorate.

Council staff are now recommending that Council endorses these conclusions, accepts the Planning Proposal and agrees to progress this Planning Proposal by the submission of the Planning Proposal to the Department of Planning and Environment seeking a Gateway determination.

Attachments

Attachment 1	Planning Proposal (<i>Under Separate Cover</i>)
 Attachment 2	RFS Determination (<i>Under Separate Cover</i>)
 Attachment 3	BCD Determination (<i>Under Separate Cover</i>)
 Attachment 4	Minutes of Pre-lodgement Meeting held 9 June 2022 (<i>Under Separate Cover</i>)