



IRF22/2724

## Gateway determination report – PP-2022-2258

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Rezone deferred land at 460 Environa Drive, Tralee to  
R2 Low Density Residential

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Proposal (June 2022)
South Jerrabomberra Estate Stage 1F Road – Ecological Assessment (November 2021)

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Queanbeyan-Palerang
<b>PPA</b>	Queanbeyan-Palerang Regional Council
<b>NAME</b>	Rezone deferred land at 460 Environa Drive, Tralee to R2 Low Density Residential (8 dwellings)
<b>NUMBER</b>	PP-2022-2258
<b>LEP TO BE AMENDED</b>	Queanbeyan LEP (South Jerrabomberra) 2012
<b>ADDRESS</b>	460 Environa Drive, Tralee
<b>DESCRIPTION</b>	Part Lot 850 DP 1270463
<b>RECEIVED</b>	2/08/2022
<b>FILE NO.</b>	IRF22/2724
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Rezone deferred land at 460 Environa Drive, Tralee for residential use in accordance with the approved Neighbourhood Structure Plan for the South Jerrabomberra Urban Release Area (URA).

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Queanbeyan LEP 1998 and Queanbeyan LEP (South Jerrabomberra) 2012 per the changes below:

**Table 3 Current and proposed controls**

Control	QLEP 1998	Current	Proposed
Zone	1(a) Rural Zone	Deferred Area	R2 Low Density Residential
Maximum height of the building	N/A	N/A	8.5m
Minimum lot size	80 hectares	N/A	330sqm
Number of dwellings	N/A	N/A	N/A
Number of jobs	N/A	N/A	N/A

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The planning proposal applies to approximately 3000 square metres of cleared rural land which adjoins the eastern edge of the South Jerrabomberra URA.

**Figure 1** shows the location of the planning proposal site in relation to the South Jerrabomberra URA.



**Figure 1 Subject site and site context (source: publicmaps.qprc.nsw.gov.au)**

## 1.5 Mapping

The planning proposal includes mapping showing the area of land proposed to be rezoned (see **Figure 1**). However, the planning proposal does not include mapping showing the proposed amendments to LEP maps.

It is recommended the Gateway determination require the planning proposal be updated prior to public exhibition to include the following indicative LEP maps:

- Land Zoning map;
- Lot Size map;
- Height of Buildings map;
- Urban Release Area map; and
- Land Application map.

## 2 Need for the planning proposal

The planning proposal states that the proposed LEP amendments are not inconsistent with the Queanbeyan Residential and Economic Strategy 2031 and consistent with the South Jerrabomberra Neighbourhood Structure Plan.

While the planning proposal site is not specifically identified for future residential use in the Queanbeyan-Palerang Regional Council Local Strategic Planning Statement or a Department approved local housing strategy, it adjoins an existing URA which will deliver up to 1,500 new homes.

The proposed LEP amendments are consistent with the approved South Jerrabomberra Neighbourhood Structure Plan and will result in a minor adjustment to the boundary of the South Jerrabomberra URA.

The planning proposal is the best means of achieving the intended outcome of amending the Queanbeyan LEP (South Jerrabomberra) 2012.

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
Direction 24: Deliver greater housing supply and choice	The planning proposal will deliver additional land for housing by rezoning land adjoining the South Jerrabomberra URA for residential use. Land within the South Jerrabomberra URA comprises a mix of lot sizes and a range of dwelling types are permissible in the R2 Zone.  The planning proposal is consistent with the Direction.

Direction 25: Focus housing growth in locations that maximise infrastructure and services	<p>The planning proposal seeks to rezone land for residential use which immediately adjoins the South Jerrabomberra URA. Accordingly, the land proposed to be rezoned will have access to essential services and infrastructure.</p> <p>The planning proposal is consistent with the Direction.</p>
Direction 27: Deliver more opportunities for affordable housing	<p>The planning proposal will deliver additional land for housing by rezoning land adjoining the South Jerrabomberra URA for residential use. Land within the South Jerrabomberra URA comprises a mix of lot sizes and a range of dwelling types are permissible in the R2 Zone.</p> <p>The planning proposal is consistent with the Direction.</p>

## 3.2 Local

The proposal states that it is not inconsistent with the Queanbeyan Residential and Economic Strategy 2031 and is consistent with the South Jerrabomberra Neighbourhood Structure Plan. It is also consistent with the strategic direction and objectives of councils Local Strategic Planning Statement (LSPS), as stated in the table below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The planning proposal seeks to rezone land for residential use which immediately adjoins the South Jerrabomberra URA. The South Jerrabomberra URA is identified in councils LSPS as residential growth area which is consistent with the recommendations of councils Residential and Economic Strategy 2031.</p> <p>The planning proposal is consistent with the following sections of councils LSPS:</p> <p><b>Planning Priority 3:</b> “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.”</p> <p><b>Planning Priority 8:</b> “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.”</p>

## Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
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1.1 Implementation of Regional Plans	Yes	<p>The direction is applicable as the planning proposal affects land subject to the South East and Tablelands Regional Plan.</p> <p>The planning proposal is consistent with the terms of the direction as it is generally consistent with the overall intent of the Regional Plan. A full assessment of the planning proposal's consistency with the Regional Plan is provided in section 3.1 of this report.</p>
4.3 Planning for Bushfire Protection	Unresolved	<p>The direction is applicable as the planning proposal affects land mapped as bushfire prone land.</p> <p>The planning proposal's consistency with the terms of the direction will be determined once Council has obtained written advice from the NSW Rural Fire Service.</p>
4.4 Remediation of Contaminated Land	Yes	<p>The Direction is applicable as the planning proposal affects land on which development for residential, educational, recreational or childcare purposes may be carried out.</p> <p>The planning proposal states contamination issues have been addressed as part of the ongoing development of the South Jerrabomberra URA.</p> <p>The planning proposal is consistent with the terms of the Direction as Council has considered whether the land proposed to be rezoned is contaminated and is satisfied land can be utilised for its intended use.</p>
5.1 Integrating Land Use and Transport	Yes	<p>The Direction is applicable as the planning proposal affects land within a proposed residential zone.</p> <p>The planning proposal is consistent with the terms of the Direction as it seeks to facilitate additional residential development opportunities in a location adjoining the existing urban area. The proposed development outcome provides opportunities to promote the use of walking, cycling and public transport within the South Jerrabomberra URA.</p> <p>Accordingly, the planning proposal is not inconsistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>

6.1 Residential Zones	Yes	<p>The Direction is applicable as the planning proposal applies to land proposed to be rezoned for residential use.</p> <p>The planning proposal is consistent with the terms of the Direction as it seeks to facilitate additional residential development opportunities to accommodate in a location adjoining the existing South Jerrabomberra URA.</p>
9.1 Rural Zones	No	<p>The Direction is applicable as the planning proposal affects land within a rural zone.</p> <p>The planning proposal is inconsistent with the terms of the Direction as it seeks to rezone rural land for residential use.</p> <p>The planning proposal states that the inconsistency with the terms of the direction is of minor significance.</p> <p>The planning proposal notes that the land is not used or suitable to be used for grazing and it is not identified as significant agricultural land.</p> <p>Noting the land proposed to be rezoned has an area of approximately 3000 square metres, immediately adjoins the eastern boundary of the South Jerrabomberra URA and will be separated from rural land further east by a proposed access road, its agricultural production value is considered negligible.</p> <p>Accordingly, the planning proposals inconsistency with the terms of the Direction is considered minor.</p>
9.2 Rural Lands	No	<p>The Direction is applicable as the planning proposal affects land within a rural zone.</p> <p>The planning proposal is inconsistent with the terms of the Direction as it seeks to rezone rural land for residential use.</p> <p>The planning proposal states that it is consistent with the intent of the direction.</p> <p>Noting the factors listed above in relation to Direction 9.1, the agricultural production value of the land is considered negligible.</p> <p>Accordingly, the planning proposal's inconsistency with the terms of the Direction is considered minor.</p>

### 3.3 State environmental planning policies (SEPPs)

The planning proposal is not inconsistent with any SEPPs. SEPPs such as SEPP (Housing) 2021 which are not relevant to determining the strategic merit of the planning proposal will be considered as part of any future development applications on the land to which the planning proposal applies.

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 9 Environmental impact assessment**

Environmental Impact	Assessment
Bushfire hazard	<p>As noted above, the planning proposal applies to land partially mapped as bushfire prone land.</p> <p>The planning proposal states that the risks associated with bushfire on the site will be mitigated by a proposed access road which will separate the land proposed to be rezoned for residential use from rural land to the east.</p> <p>It is recommended that the planning proposal be referred to NSW RFS for comment to ensure risks associated with bushfire are appropriately considered.</p>
Biodiversity impacts	<p>The planning proposal notes that an ecological assessment which was prepared in support of a Review of Environmental Factors relating to the straightening of a proposed access road indicates that the area proposed to be rezoned does not contain significant native vegetation.</p> <p>Council has consulted with Department of Planning and Environment – Biodiversity and Conservation Division (BCD) during the pre-lodgement period. BCD have advised council that they have no objection to the proposal proceeding.</p>

### 4.2 Social and economic

Noting the proposed LEP amendments will result in a minor adjustment to the boundary of the South Jerrabomberra URA any potential social and economic impacts associated with the proposal are likely to be negligible.

### 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 11 Infrastructure assessment**

Infrastructure	Assessment
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Essential services and infrastructure

The land proposed to be rezoned will have access to essential services and infrastructure due to its proximity to the South Jerrabomberra URA.

The planning proposal notes there is adequate public infrastructure to cater for the anticipated 1,500 dwellings which will be constructed in the South Jerrabomberra URA.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 14 days. The exhibition period proposed is considered appropriate due to the minor nature of the proposal, and a condition to this effect is recommended in the Gateway determination.

### 5.2 Agencies

Council has nominated the following public agencies to be consulted about the planning proposal.

- NSW Rural Fire Service
- NSW Heritage Office
- ACT Environment, Planning and Sustainable Development Directorate
- Canberra Airport

Council has consulted with Department of Planning and Environment – Biodiversity and Conservation Division (BCD) during the pre-lodgement period. BCD have advised council that they have no objection to the proposal proceeding.

Accordingly, it is recommended the following agencies be consulted on the planning proposal and given 20 working days to comment:

- NSW Rural Fire Service
- NSW Heritage Office
- ACT Environment, Planning and Sustainable Development Directorate
- Canberra Airport

## 6 Timeframe

Council proposes a 3-6 month time frame to complete the LEP.

The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has specified whether it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is a matter of local significance and consistent with the strategic planning framework the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is the best means of achieving the intended outcome of amending the Queanbeyan LEP (South Jerrabomberra) 2012 to rezone deferred land at 460 Environa Drive, Tralee for residential use in accordance with the approved Neighbourhood Structure Plan for the South Jerrabomberra Urban Release Area (URA).

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Include the following indicative LEP maps:
  - Land Zoning map;
  - Lot Size map;
  - Height of Buildings map;
  - Urban Release Area map; and
  - Land Application map.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 9.1 Rural Zones and 9.2 Rural Lands are minor or justified and
- Note that the consistency with section 9.1 Directions 4.3 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

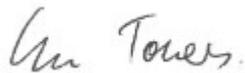
1. The planning proposal is to be updated to:

- Include the following indicative LEP maps prior to consultation:
  - Land Zoning map
  - Lot Size map
  - Height of Buildings map
  - Urban Release Area map
  - Land Application map

2. Prior to community consultation, consultation is required with the following public authorities:

- NSW Rural Fire Service
- NSW Heritage Office

- ACT Environment, Planning and Sustainable Development Directorate
  - Canberra Airport
3. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2.
  4. The planning proposal should be made available for community consultation for a minimum of 14 days.
  5. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
  6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



9/9/22

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