

JRPP No	JRPP Reference Number – 2015STH019
DA Number	276-2015
Local Government Area	Queanbeyan-Palerang Regional Council
Proposed Development	Subdivision of Stage 1 of South Tralee urban release area – creating 119 residential lots, 1 super-lot, 2 open space / drainage reserve lots, 1 residue lot, roads, ancillary infrastructure and landscaping, demolition, facade rectification of shearer's cook house and woolshed, and temporary sales office use.
Street Address	360A and 360B Lanyon Road, Tralee NSW 2620, 508 Lanyon Drive, Jerrabomberra NSW 2619 and part of Territory Parade and Boundary Road
Applicant/Owner	Canberra Estates Consortium No. 4 / Village Building Company and Queanbeyan-Palerang Regional Council <u>Note:</u> Village Building Company is the project manager for Canberra Estates Consortium No. 4.
Number of Submissions	One submission made during the period of public notification and one late submission from the ACT Government
Regional Development Criteria (Schedule 4A of the Act)	Pursuant to Clause 3 of Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> , the Capital Investment Value of the proposed development exceeds \$20 million and as such the determining authority is the Joint Regional Planning Panel (Southern Region)
List of All Relevant s79C(1)(a) Matters	<p>s79C(1)(a)(i):</p> <ul style="list-style-type: none"> • State Environmental Planning Policy No 55 – Remediation of Land. • State Environmental Planning Policy (Infrastructure) 2007. • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy (Rural Lands) 2008 • Queanbeyan Local Environmental Plan (South Tralee) 2012 (as amended). • Queanbeyan Local Environmental Plan 1998 (as amended). <p>s79C(1)(a)(ii):</p> <ul style="list-style-type: none"> • None <p>79C(1)(a)(iii):</p> <ul style="list-style-type: none"> • Queanbeyan Development Control Plan 2012. • South Tralee Development Design Guidelines.

	<p>79C(1)(a)(iia):</p> <ul style="list-style-type: none"> • Draft South Tralee Local Voluntary Planning Agreement. <p>s79C(1)(a)(iv):</p> <ul style="list-style-type: none"> • None. <p>s79C(1)(a)(v):</p> <ul style="list-style-type: none"> • None.
List all documents submitted with this report for the panel's consideration	As well as all of the plans and documents submitted with this development application, the latest amended plans lodged with Council during the course of the assessment have also been submitted for the Panel's consideration.
Recommendation	Refusal
Report prepared by	Chelsea Newman, Queanbeyan-Palerang Regional Council
Report date	21 March 2017

Assessment Report and Recommendation

Executive Summary

Integrated Development Application 263-2013 was approved by the Joint Regional Planning Panel (JRPP) on 18 May 2015 as a staged development application in accordance with section 83B of the *Environmental Planning and Assessment Act 1979* ("the Act") for the conceptual development of the South Tralee urban release area. This Concept Development approval did not include any works, rather, it outlined the general layout and land uses as identified in the approved Master Plan. Subsequent detailed development applications (DAs) were identified to be lodged for five separate subdivision and construction stages.

The application the subject of this report (Integrated Development Application 276-2015) seeks approval to subdivide land and carry out associated works within Stage 1 of South Tralee in accordance with the Concept Development approval. Also included in this application is facade rectification works to two existing structures with heritage value and associated demolition, and the use of a temporary sales office.

The capital investment value (CIV) of the proposed development is \$53.74 million. In accordance with the provisions of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the Act, the CIV exceeds \$20 million and the determining authority is the JRPP (Southern Region).

The proposed development was advertised as Integrated Development from 7 August 2015 to 7 September 2015 and adjoining property owners and occupiers were notified by mail. One written public submission was received during this period. The ACT Government also made a late submission. Government Agency submissions were received from NSW Office of Environment and Heritage and John Holland Rail.

An assessment under Section 79C of the Act has been undertaken and the Development Application is recommended for refusal as:

- Clauses 6.1 and 6.2 of the Queanbeyan Local Environmental Plan (South Tralee) 2012, regarding the provision of designated State public infrastructure and essential public utility infrastructure, have not been met;
- The proposed development is inconsistent with Clause 1.2(b) of the Queanbeyan Local Environmental Plan (South Tralee) 2012 as the timely provision of physical and social infrastructure has not been demonstrated; and
- The proposed development is not in the public interest to approve in its current form as it will not facilitate the development of an urban release area in a manner that is in accordance with the relevant statutory and policy framework.

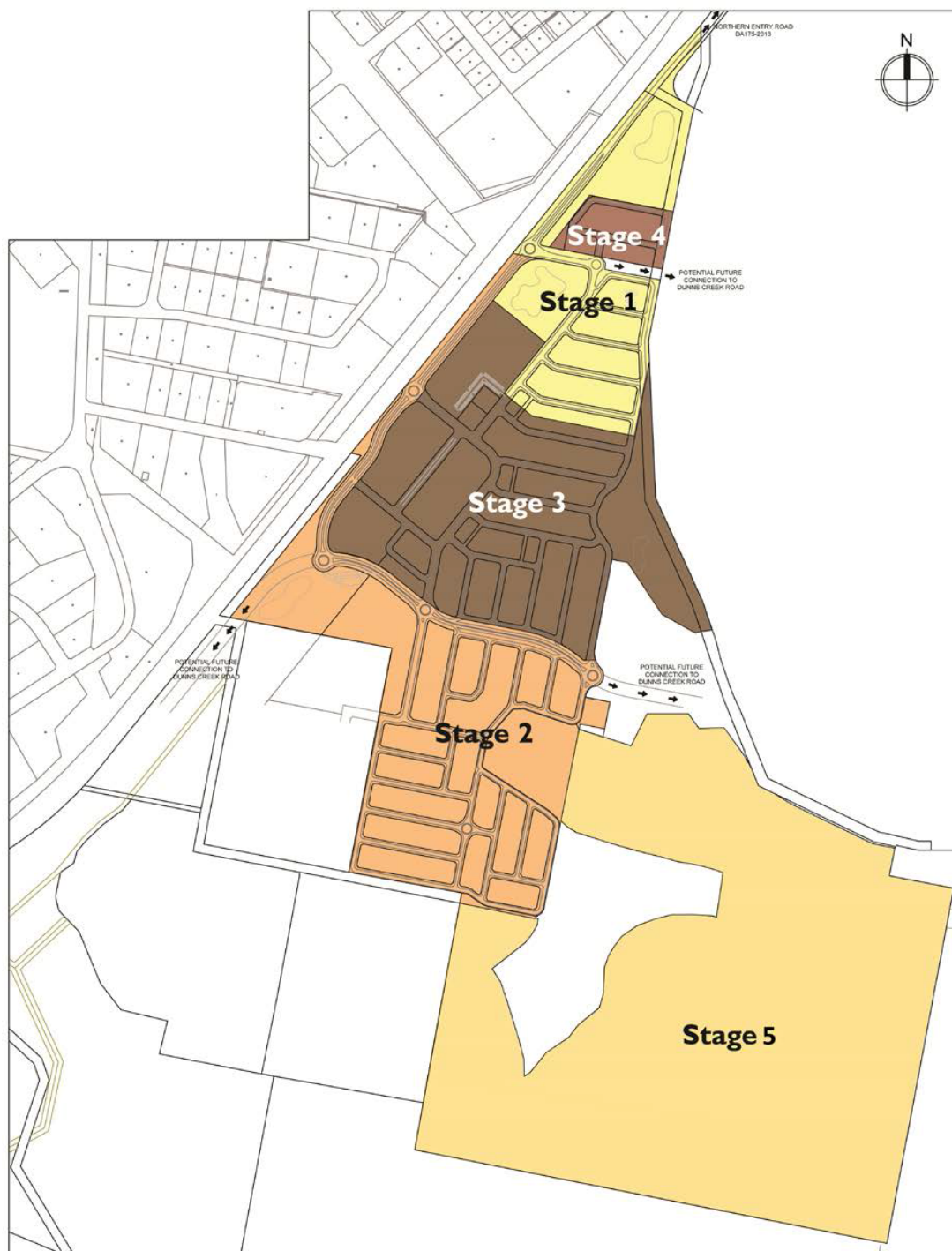
Site and Surrounds

South Tralee is located within the wider South Jerrabomberra urban release area, 8km from Queanbeyan city and 16km south-east of Canberra City. South Tralee comprises approximately 180Ha of land currently zoned mainly for urban development, but with a large area also zoned for environmental conservation. It is bounded by the currently disused Goulburn-Bombala railway, the ACT and Hume Industrial Estate to the west and north-west, and grazing properties to the south, east and north-east (Environs, Tralee Station, and Forrest/Morrison). Lands to the south have been identified as future urban release areas. Further to the north-east is the established residential suburb of Jerrabomberra. South Tralee is anticipated to provide approximately 1,350 dwellings housing an estimated 3,750 residents.

The proposed Stage 1 subdivision is located in the northern extent of the South Tralee urban release area and consists of approximately 16.2 Ha of land. Stage 4 of South Tralee is also located within the boundaries of Stage 1.

Figure 1 below shows the Staging Plan for South Tralee approved under the Concept Development.

Figure 1 – Approved Staging Plan



Progress since the Concept Development Approval was Issued

Since the issuing of the Concept Development approval the developer, Village Building Company (VBC), Queanbeyan-Palerang Regional Council (Council), and the Department of Planning and Environment (DPE) have been working on a number infrastructure and other approvals/agreements required to progress the development of South Tralee and the wider South Jerrabomberra urban release area. These include:

- *Draft Local Voluntary Planning Agreement (VPA)*

A Draft VPA has been negotiated between the developer and Council and placed on public exhibition from 24 April to 27 May 2016. It includes matters such as the provision of community facilities; open space provision and embellishment; roads, water and sewer infrastructure; affordable housing; water and energy savings initiatives; monetary contributions; ecological offsets and administration.

Council resolved on 22 June 2016 to execute the South Tralee Local Planning Agreement, incorporating some amendments recommended as a result of five submissions made during the period of public exhibition. However, this VPA has not been executed and the applicant has advised Council that it is unable to execute the VPA in its current form.

- *Draft State Planning Agreement (SPA)*

The developer lodged a Draft SPA with the NSW Department of Planning and Environment (DPE). This covers the entire South Tralee development area approved under the Concept Development and includes land for a public school (within Stage 2) and monetary contribution to facilitate secondary access to South Tralee (and South Jerrabomberra) from the ACT.

The SPA has not progressed beyond the negotiating stage. The DPE has identified that the costs of the cross border road and traffic impacts will need to be resolved before being able to determine a State Infrastructure Contribution amount, and therefore being able to agree and execute a SPA.

The applicant has advised Council that they are currently unable to make the necessary satisfactory arrangements for the provision of State public infrastructure.

- *South Jerrabomberra Water and Sewer Servicing Infrastructure Strategy*

A Review of Environmental Factors (REF) under Part 5 of the Act for the South Jerrabomberra Water and Sewer Servicing Infrastructure Strategy, (for the provision of water and sewer infrastructure on behalf of Council), has been submitted to Council for consideration and was publicly exhibited in September 2016. The REF has been reviewed by Council staff and consultants. Subsequently, several issues identified by staff were forwarded to the developer to address.

The REF has not been determined and the developer has advised Council that it is unable to make adequate arrangements for the availability of water supply and sewerage public utility infrastructure.

Note: A copy of the letter from the applicant advising Council that they are unable to make the necessary satisfactory arrangements for the provision of State public infrastructure and public utility infrastructure is included in Appendix A.

- *Northern Entry Road*

To service urban development at South Tralee a new road (“the Northern Entry Road”) will run from Jerrabomberra through the areas known as Poplars, North Tralee and Environs, to the northernmost part of South Tralee.

- The concept design for this road was approved by Queanbeyan City Council in October 2014 (DA 175-2013).
- The application for Stage 1 of the Northern Entry Road, which includes the bridge over Jerrabomberra Creek, was approved in December 2015 (DA 117-2014).
- The application for Stage 2, which includes the section of road from South Tralee to Jerrabomberra Creek, was approved in December 2015 (DA 393-2015).
- The application for Stage 3 (DA 128-2016), which includes the section of road from Jerrabomberra (Thomsitt Drive) to Jerrabomberra Creek, has not been determined by Council pending the submission of additional information by the applicant.

Construction of Stage 2 of the Northern Entry Road commenced in early 2016, however, works have since been halted by the developer.

- *Arterial Road Location*

An amendment to the South Tralee LEP Local Clauses Map was gazetted in February 2016. The Map now identifies two “Arterial Road Areas” corresponding with the areas approved in the Concept Development.

Proposed Development

On the 23 November 2015 Development Application 276-2015 was lodged for subdivision and associated works on land known as Stage 1 of South Tralee – identified as Stage 1 on the Staging Plan 257819.09-004 approved as part of the Concept Development consent.

The proposed development includes:

- The design of 119 new residential allotments ranging in size from 330m² to 582m²;
- Creation of one super-lot for future residential development (838m²);
- Creation of one residue lot to set aside the land identified as Stage 4 on the approved Staging Plan;
- Creation of two open space / drainage reserve lots;
- Construction of road access and local utilities associated with the subdivision;
- Provision of two storm water drainage ponds within the open space area adjacent to the railway corridor and Hume;
- Provision of landscaped recreation areas (within the Hume acoustic/landscape buffer and on the north and eastern side of Stage 1) including paths, signage, and other embellishments;
- Facade rectification of shearer's cook house and woolshed (buildings identified as having heritage significance and required to be retained under the Concept Development approval);
- Demolition of existing buildings and structures that do not have sufficient heritage value to warrant retention; and
- Use of an existing temporary sales office located within Stage 3 adjacent to the current road access to the site (Alderson Place).

Strategic Context

Queanbeyan Residential and Economic Strategy 2006 – 2013 (the Strategy)

The aim of the Strategy is to identify sufficient employment and residential land to meet future demand for the next 25 years, while achieving an appropriate balance of conservation, housing and employment development. The Strategy is a macro level document endorsed by both the Minister for Planning and Council that informs the preparation of other planning instruments, agreements, policies and studies. This Strategy is also adopted in the NSW Planning and Infrastructure's *Sydney Canberra Corridor Regional Strategy 2006 - 2031*.

South Tralee is one of a number of sites in South Jerrabomberra that were identified in the Strategy as being suitable for residential or employment lands development. The Strategy identified the capacity for 10,000 new dwellings in Queanbeyan over 25 years and enough employment land to create a competitive surplus. The Strategy was also informed by the findings and commentary of the Queanbeyan Land Release Inquiry.

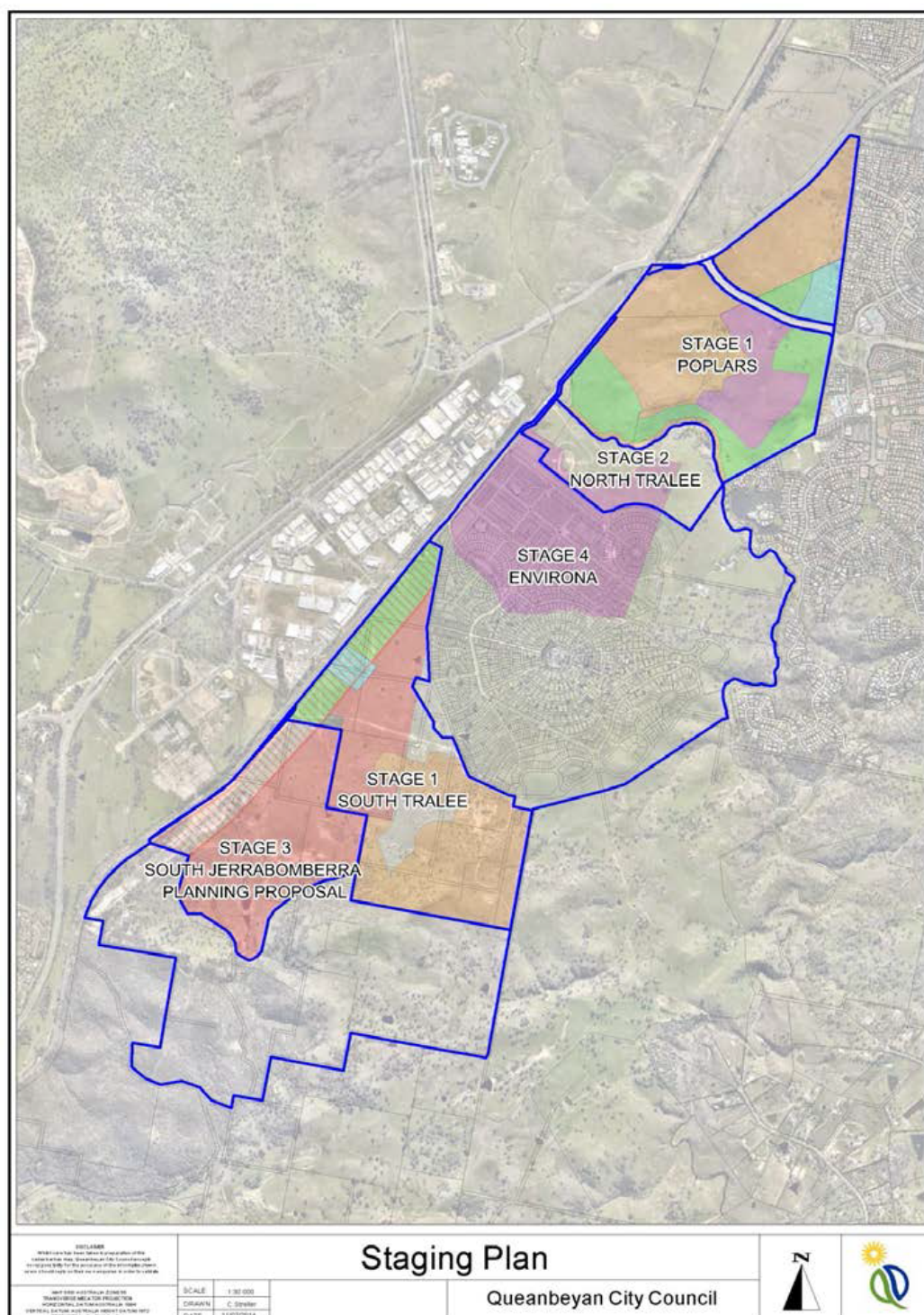
The Strategy identified two major development fronts:

1. Googong – a new town development South East of Queanbeyan containing 5,550 dwellings and a town centre; and
2. South Jerrabomberra – incorporating a number of development fronts with the potential for at least 4,700 dwellings and containing land for community facilities and commercial development adjacent to the existing Jerrabomberra local centre.

In addition to the residential development areas identified above, the Strategy also proposed up to 130 hectares of employment land to address the shortage of suitable employment land in Queanbeyan. The Strategy was endorsed by the NSW Government in April 2007, with a revised Strategy being endorsed in December 2008 (the Addendum Report). The revised Strategy took into account the new Australian Noise Exposure Forecast (ANEF) prepared by Canberra Airport using a practical ultimate capacity model. As a result of the new ANEF maps, development in South Jerrabomberra was shifted so that no residential development would occur in the 25 and greater ANEF contour, while the amount of development in the 20- 25 ANEF range was reduced to approximately half of the 4,700 dwellings.

The South Tralee area was identified as a Stage 1 priority release area within South Jerrabomberra, in addition to the employment land areas of the Poplars and North Tralee – refer to Figure 2 below. Only South Tralee and the Poplars have been rezoned to this point.

Figure 2 – Staging Plan for South Jerrabomberra

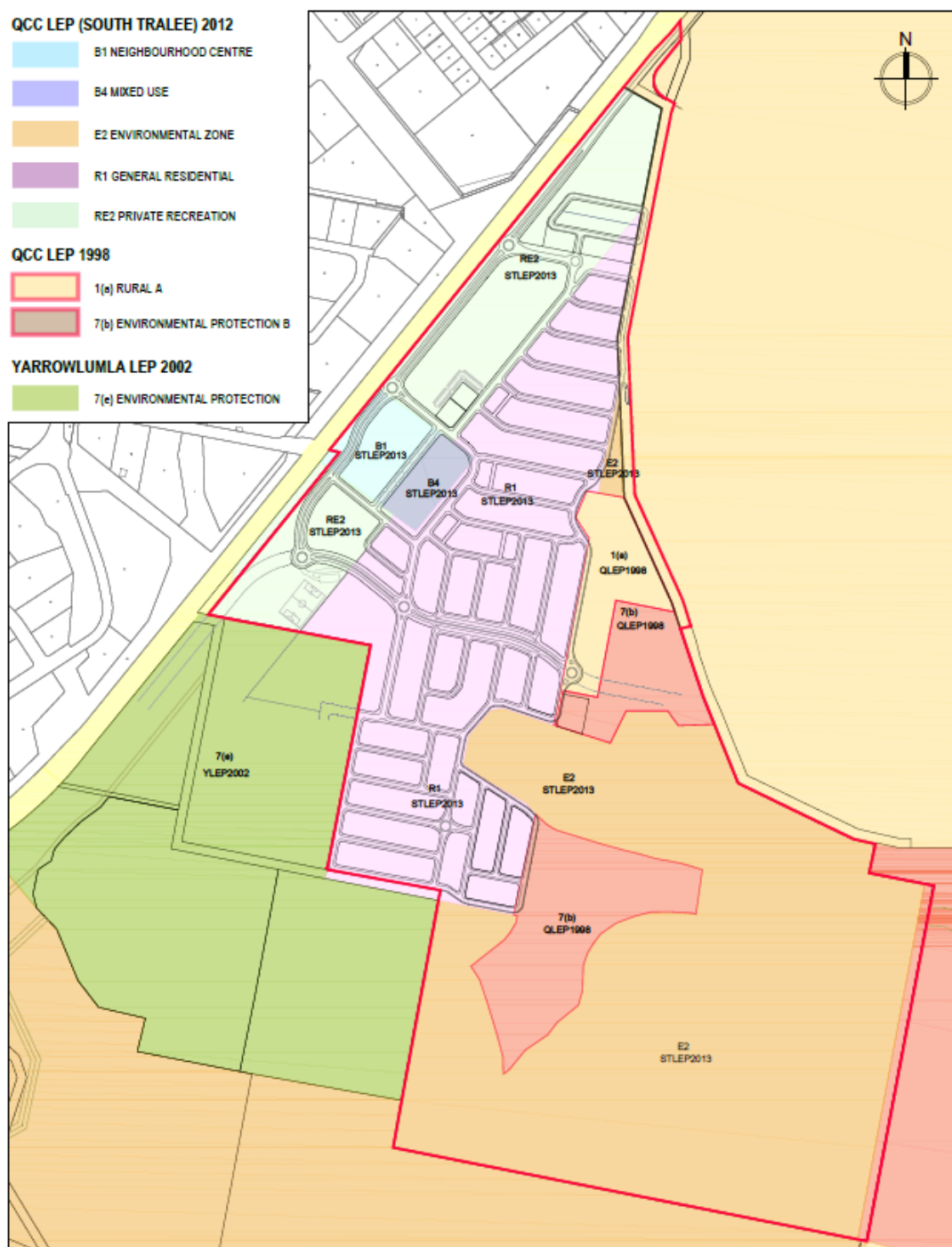


Queanbeyan Local Environmental Plan (South Tralee) 2012

The Queanbeyan Local Environmental Plan (South Tralee) 2012 (the LEP) was gazetted in November 2012 with the primary aim of making local environmental planning provisions for land known as South Tralee. A large area of land in South Tralee originally recommended to be re-zoned for residential development was deferred due to constraints posed by aircraft noise, while a smaller portion was also deferred to allow for the completion of further ecological studies in the adjoining Environs lands. These areas retain their land use zones under the Queanbeyan Local Environmental Plan 1998 (as amended).

Figure 3 below shows the current zoning of the South Tralee part of the South Jerrabomberra urban release area (outlined in red), as well as a large area of land to the south of South Tralee currently zoned under the Yarrowlumla Local Environmental Plan 2002.

Figure 3 – South Tralee Zoning



South Jerrabomberra Structure Plan

The South Jerrabomberra Structure Plan 2013 was endorsed by the DPE in May 2014. The purpose of the Structure Plan is to inform the development of South Jerrabomberra over a 25 year period, specifically in its provision of infrastructure, and to aid it being delivered in a logical and efficient manner. It is not a statutory document however it represents Council's and the DPE's preferred direction for development and infrastructure provision within South Jerrabomberra.

The Structure Plan's maps show the preferred options in relation to the provision of such services as electricity, gas, telecommunications water and sewerage and road links. The maps also show areas broadly identified for residential, commercial, community, educational, employment, open space and recreation and environmental conservation. The maps also show Canberra Airport's current Ultimate Practical Capacity Australian Noise Exposure Forecasts (ANEFs) which were endorsed for technical accuracy by Air Services Australia in June 2008.

The Structure Plan outlines the indicative main infrastructure requirements for South Tralee, including: the initial construction phase; short term (to provide for interim development); and longer term (to provide for the ultimate proposed development). Other public infrastructure / facilities identified include:

- Sporting fields.
- Regional Park/Bushland.
- Multipurpose community centre.
- Playgrounds and open space.
- Skateboard Park.
- Tennis Courts.
- Hardcourts (basketball/netball).
- Community Hall – Stage 1
- Park and Ride (Transit Hub).
- Telecommunications.
- Emergency Services Centre.
- Potential Local police/ambulance Station.
- Potential primary school (public).
- Potential High School (public).

The Structure Plan approved under the Concept Development was generally consistent with the original Structure Plan and is now identified in the South Jerrabomberra Development Control Plan as the adopted Structure Plan for South Tralee.

The proposed Stage 1 development of South Tralee includes the provision of some of the identified community recreation projects within the open space areas, and is generally consistent with the Concept Development approved Structure and Master Plan.

Development Control Plans (DCP) and Development Guidelines

The South Jerrabomberra Development Control Plan (SJDCP) includes South Tralee and was adopted by Council on 11 February 2015.

The SJDCP is not applicable to any of the DAs that are lodged as part of the staged development of South Tralee (including the subject application). For this Stage 1 DA the parts of the site identified in the South Tralee LEP are subject to the South Tralee Development Guidelines. Parts of the site not identified in the South Tralee LEP (deferred from the rezoning) are subject to the relevant provisions of the Queanbeyan Development Control Plan 2012 (QDCP).

Future applications outside of the scope of the Staged Development will be subject to the South Jerrabomberra Development Control Plan.

Dunn's Creek Road and Access to the ACT

Dunn's Creek Road is identified in Council's adopted 'Googong and Tralee Traffic Study' (2031) as a sub-arterial link road between the Tralee and Googong urban release area, albeit one that would not likely to be required in the current 2031 planning horizon.

As part of the assessment of the Concept Development the location of the Dunn's Creek Road reserve was approved to be altered to a location with flatter terrain more conducive to construction of a major road link and the provision of the road on an alignment that is directed toward the Isabella Drive / Monaro Highway intersection in the ACT. This road is within Stage 2 and forms the boundary between Stage 1 and Stage 2. Also, the preferred location of the developer and Council for the future road access into the ACT was identified as being through Sheppard Street in the northern part of South Tralee, not further to the south through Isabella Drive. If this access was to be agreed to by the ACT Government then this could instead form part of the Dunn's Creek Road sub-arterial link.

The two possible locations of the future Dunn's Creek Road sub-arterial link within South Tralee approved under the Concept Development were subsequently reflected in an amendment to the LEP Local Clauses Map gazetted in February 2016. The Map now identifies two "Arterial Road Areas" corresponding with the areas approved in the Concept Development.

Note: In February 2016 the ACT Government advised Council that it supported the Sheppard Street connection as the initial access point into the ACT and accepted that a connection via Isabella Drive to the Monaro Highway may be required in the longer term.

Local Voluntary Planning Agreement (VPA)

A Draft VPA has been negotiated between the developer and Council and placed on public exhibition from 24 April to 27 May 2016. It includes matters such as the provision of community facilities; open space provision and embellishment; roads, water and sewer infrastructure; affordable housing; water and energy savings initiatives; monetary contributions; ecological offsets and administration.

Council resolved on 22 June 2016 to execute the South Tralee Local Planning Agreement, incorporating some amendments recommended as a result of five submissions made during the period of public exhibition. However, this VPA has not been executed and the applicant has advised Council that it is unable to execute the VPA in its current form.

State Planning Agreement

Before determining subsequent DAs for Stages that involve the subdivision of land at South Tralee, the applicant must obtain certification from the Secretary of the Department of Planning and Environment (DPE) that satisfactory arrangements for the provision of designated State and Territory public infrastructure in relation to the site have been made.

Upon receipt of this Stage 1 DA Council requested the DPE issue certification of satisfactory arrangements for the provision of designated State public infrastructure for Stage 1 of South Tralee. The required certification has not been received. The DPE has advised Council that in order to issue this certification a State Voluntary Planning Agreement (SPA) between the developer and the DPE has to be finalised (executed). A copy of this advice is included in Appendix B.

The applicant has advised Council that they are unable to meet the terms required by the DPE to progress the SPA. Therefore, the DPE is unable to issue certification of satisfactory arrangements (Refer to detailed discussion later in this Report under Clause 6.1 of the South Tralee LEP).

Subject Site

The South Tralee site, (of which Stage 1 is a part), currently has no specific land use, however, it has most recently, and historically, been used as a grazing property.

The Stage 1 site has the following characteristics.

- Border along the west and north-west of the site with the Goulburn/Bombala railway corridor, the ACT and the Hume Industrial Estate. Land uses in Hume include warehouses, factories, heavy and light industry and business park developments. Also within the ACT, but in the vicinity of the site is the Mugga Lane Resource Management Centre (Landfill).
- Southern border with Stage 3 of the South Tralee area. Eastern border with grazing property's (Environa). Further to the north-east is the established residential suburb of Jerrabomberra.
- The site's landform consists of mostly gently sloped terrain with some moderately sloped terrain in the south-eastern part of the site.
- The landform has been altered over the years by earthworks including construction of a now disused airstrip, dams, vehicle tracks, and erosion control works.
- Vegetation within Stage 1 consists of degraded agricultural pastures, areas of native grassland, isolated native trees, and scatterings of exotic trees and shrubs.
- Drained by a number of shallow depressions. The flow pathways through South Tralee generally have been extensively altered by soil conservation works (contour banks and dams) and by earthworks associated with an airstrip construction. The drainage lines are part of the upper catchment of Jerrabomberra Creek which flows to Lake Burley Griffin in the ACT. The site is not subject to inundation by flood waters and there are no riparian corridors or perennial watercourses.
- Several farm buildings and structures associated with the historic use of the property are located within Stage 1. Two of these structures, including a woolshed, are identified as having heritage value and are to be retained in accordance with the Concept Development approval.
- Access is currently from two unsealed tracks from Hume in the ACT.

Proposed Development

The description of the proposed development provided in the Executive Summary is further broken down below.

Land Use Framework

- The R1 – General Residential zoned land within Stage 1 is proposed to be subdivided to create a variety of residential allotments ranging in size from 330m² to 582m². Most lots have a north-south orientation.
- The RE2 – Private Recreation zoned land is proposed to form part of an open space network, including two drainage ponds, pathways, public art and other embellishments. This land also contains the Tralee Woolshed and the Shearer's Quarters – Cookhouse buildings that are required under the Concept Development approval to be retained.
- The small section of the site zoned E2 – Environmental Conservation is proposed to have a portion of Road 15 constructed within it.
- The eastern boundary of the site zoned 1(a) Rural A under the Queanbeyan LEP 1998 contains an unformed road. The southern section of this land zone will form a part of the open space area adjacent to the RE2 land. The northern section is proposed to form part of Road 15.

Infrastructure

Engineering drawings, the Master Plan and other associated plans submitted with this Stage 1 DA conceptually outline the provision of infrastructure in South Tralee. The provision of trunk potable water and sewer related infrastructure is the subject of an application under Part 5 – Environmental assessment of the *Environmental Planning and Assessment Act 1979*. This means that the infrastructure will be constructed by or on behalf of Council. However, this application has not been determined and the developer has advised Council that it is unable to make the necessary arrangements for the availability of water supply and sewerage public utility infrastructure. Nonetheless, a summary of the envisioned infrastructure for South Tralee is provided below.

- Potable water for South Tralee will be sourced from the Council's water supply network, which in turn is supplied with potable water under an agreement with ACTEW Water (ACT). No recycled water is proposed to be supplied. Two reservoirs (low and high zone) will be required to service the site and the wider South Jerrabomberra area as it is developed. The high zone reservoir will likely need to be located in land zoned E2 – Environmental Conservation. Impacts from this infrastructure on conservation values will be considered during the Part 5 assessment process.
- Sewer infrastructure in South Tralee will ultimately connect to the Queanbeyan sewage treatment plant. A pumping station is identified to be located at North Tralee.
- Electricity for South Tralee will initially be supplied from an existing substation at Jerrabomberra in underground trenches aligning with road reserves. For the full development of South Tralee and South Jerrabomberra

an overhead supply cable from Googong will need to be installed and a new substation built. For Stage 1 two electricity substations are shown in suitable locations outside of land zoned for residential development – refer to Utilities Concept Master Plan Stage 1.

- Gas is indicated as being supplied from Hume adjacent to Road 2.
- Provision for public transport is made for Stage 1 by a temporary bus stop located on Road 2. Bicycle and shared access is provided in a mix of pedestrian paths, shared paths and on-road cycle lanes.
- The proposed road hierarchy and layout is consistent with that approved under the Concept Development. The majority of streets in Stage 1 South run from east to west in a grid-like pattern. The layout includes connection into the Northern Entry Road and potential future connection to the ACT via Sheppard Street. This road will extend south-west into the site, parallel with the ACT border.

Amendments

During the course of the assessment of this DA, and after the period of public notification had ended, numerous issues were raised with the applicant which resulted in changes to the proposed development. Some changes were also made by the applicant as a result of their own internal investigations and considerations.

The final changes made to the proposal after the period of public notification are reflected in amended plans submitted to Council on 24 May 2016 and are summarised as follows:

- a) Removal of two originally proposed super-lots. Instead these are shown to be subdivided to create an additional 13 residential lots;
- b) Minor changes to the width of some lots to make them compliant with the prescribed minimum lot width; and
- c) Relocating the temporary bus stop from Road 1 to Road 2; and
- d) Minor change to the boundary between Stage 2 and Stage 4 to ensure that the location of an electricity sub-station, a footpath and road embankment, and pathways linking the two open space areas were contained within Stage 1; and
- e) Minor change to the alignment of Road 15 to ensure that it can satisfactorily connect to Road 2 if required in the future.

The proposal was not re-notified as a result of the above amendments and additional information submitted during the course of the assessment as the proposed development remained substantially the same and they did not directly relate to the issues raised in the submission.

The following reports and plans were submitted by the applicant and used throughout the planning assessment. Note: Superseded reports and plans are not referenced.

- Statement of Environmental Effects and Compliance Assessment prepared by Knight Frank Town Planning (July 2015).
- Zone Plan, Block Details Plan, Lot Mix Plan, Lot Orientation Plan, Stage 1 Constraints Plan, Stage 1 Bushfire Management Plan, and Subdivision Plan prepared by Knight Frank Town Planning (May 2016).
- Temporary Sales Office Plan prepared by Knight Frank Town Planning (July 2016).
- Engineering Infrastructure Report and Engineering Concept Design Drawings and prepared by Calibre Consulting (July 2015 and May 2016 respectively).
- Landscape Works plans prepared by Redbox Landscape Architects (May 2016).
- Stage 1 Residential Traffic Noise Assessment prepared by Wilkinson Murray (May 2016).
- South Tralee Detailed Site Investigation and Addendum Letter prepared by SMEC (July 2015 and December 2015 respectively).
- Heritage – South Tralee Residential Area Technical Paper 2015: Addendum, Aboriginal Cultural Heritage Assessment Report for South Tralee Residential Development and Northern Entry Road, and Cultural Heritage Technical Paper for South Tralee Residential Subdivision prepared by Navin Officer Heritage Consultants Pty Limited (June 2014, June 2015, July 2015 respectively).
- Crime Prevention Through Environmental Design Report prepared by Knight Frank Town Planning (July 2015).
- Flora and Fauna – Proposed Stage 1 Subdivision Works, South Tralee prepared by Kevin Mills and Associates (July 2015).
- Letter of Offer to Queanbeyan City Council from Village Building Company to Enter into a Voluntary Planning Agreement (July 2015).
- Letter of Offer to the NSW Department of Planning and Environment from Village Building Company to Enter into a Voluntary State Planning Agreement (July 2015).
- Geotechnical Report and Site Salinity Report prepared by Douglas Partners (July 2015 and June 2015 respectively).

Statutory Assessment

Assessment of the subject Development Application has been undertaken in accordance with the *Environmental Planning and Assessment Act 1979* ("the Act"), as amended, specifically including:

- a) Section 4B – Subdivision of land;
- b) Section 5 – Objects;
- c) Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats;
- d) Section 79C – Evaluation;
- e) Section 80 – Determination;
- f) Division 2A – Special procedures concerning staged development applications, which includes;
 - a. Section 83A – Application of this Division,
 - b. Section 83B – Staged development applications,
 - c. Section 83C – Staged development applications as alternative to DCP required by environmental planning instruments,
 - d. Section 83D – Status of staged development applications and consents;
- g) Section 91A – Development that is integrated development; and
- h) Section 94 – Contribution towards provision or improvement of amenities or services.

Section 4B - Subdivision of land

For the purposes of the Act, subdivision of land means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. This application proposes the subdivision of land for residential development, a super-lot for future residential development, drainage / open space, and roads.

Section 5 – Objects

The objects of the Act are:

(a) *To encourage:*

- (i) *The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *The promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) *The protection, provision and co-ordination of communication and utility services,*
- (iv) *The provision of land for public purposes,*

- (v) *The provision and co-ordination of community services and facilities, and*
- (vi) *The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *Ecologically sustainable development, and*
- (viii) *The provision and maintenance of affordable housing, and*
- (b) *To promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *To provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposed development does not satisfy all of the objects of the Act, specifically those listed as subsections (a)(ii) and (a)(iii), as it does not promote the orderly and economic use and development of land or provide the required utility services.

Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats

The consent authority is required to determine if the proposed development and its consequential actions are likely to have a significant effect on threatened species, populations or ecological communities, or their habitats.

Relevant Background

A number of ecological studies were commissioned to inform the rezoning of the land under the South Tralee LEP. The majority of the south-east section of South Tralee (outside of Stage 1) is zoned E2 – Environmental Conservation. All of the deferred land is zoned 7(b) Environmental Protection B and 1 (a) Rural A under the Queanbeyan LEP 1998. Most of this land was originally recommended for a residential zoning, however, this was deferred due to aircraft noise considerations.

A detailed assessment against Section 5A was conducted as part of the assessment of the Concept DA. This included the submission of numerous reports from the applicant's environmental consultant, and consultation between Council and the Office of Environment and Heritage. This assessment should be referred to for further background for all subsequent stages. Issues satisfactorily addressed included: native tree retention; the retention of habitat for pink-tailed worm lizards; impact on habitat for the golden sun moth; and impacts of road works and other infrastructure on deferred lands and E2 land.

Several conditions relating to environmental management were imposed on the Concept Development approval. These mostly relate to Stage 2 as it contains the large portion of E2 – Environmental Conservation zoned land. The timber from the felling of any native trees within any stage of South Tralee is required to be salvaged and moved to the land zoned E2 – Environmental Conservation.

Stage 1

There are limited environmental constraints in relation to flora and fauna on the land within Stage 1. The majority of land within Stage 1 consists of exotic grassland. There is a small area of native grassland (>50% native plant cover) within the south-eastern corner of Stage 1 where the land is zoned and 1(a) Rural A under the Queanbeyan LEP 1998 – (Refer to the land marked as “Area B” on the submitted Stage 1 Constraints Plan). “Area B” contains native grassland as identified in reports submitted for the Concept DA. Part of Road 15 traverses “Area B”.

As part of the considerations for the Concept DA the areas of native grassland in South Tralee were assessed in relation to the NSW *Threatened Species Conservation Act 1995*, *Native Vegetation Act 2003* and the Commonwealth's *Environmental Protection and Biodiversity Conservation Act 1996*. It was concluded that these grasslands were not matters of environmental significance. However, the applicant did amend the Concept design to avoid impacts to the larger areas of grassland by relocating an overland flow basin and slight change to a road alignment. Impacts from the section of Road 15 within “Area B” was acknowledged as being acceptable in the overall context of the South Tralee development and permissible in the 1(a) Rural A zone. The grassland within “Area B” is isolated and not considered to be significant or warrant retention.

Section 5A Assessment

When deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats, each of the factors listed below must be taken into account, as well as any assessment guidelines. The 'Threatened Species Assessment Guidelines' published by the NSW government are the relevant guide.

- a) *in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction;*

The proposed development of Stage 1 of South Tralee is not likely to have an adverse impact on the life cycle of a viable local population of vulnerable or threatened species. Known habitat for vulnerable and threatened species is conserved in the large portion of the site outside of the Stage 1 boundary zoned E2 – Environmental Conservation.

- b) *in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction;*

There are no endangered populations known to exist within Stage 1.

- c) *in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed;*
- i. *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - ii. *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction;*

The areas of the site that meet the criteria for Box-Gum Woodland or Natural Temperate Grassland are located within the large southern section of E2 – Environmental Conservation zoned land (outside of the Stage 1 boundary).

- d) *in relation to the habitat of a threatened species, population or ecological community;*
- i. *the extent to which habitat is likely to be removed or modified as a result of the action proposed,*
 - ii. *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
 - iii. *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality;*

No known habitat for any threatened species, population or ecological community exists within the land at South Tralee other than within the land zoned E2 – Environmental Conservation (outside of the Stage 1 boundary).

- e) *whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly);*

The subject land does not contain any registered critical habitat.

- f) *whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan; and*

There are no recovery plans or threat abatement plans relevant to the land within the Stage 1 boundary.

- g) *whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

A key threatening process is a process listed under the *Threatened Species Conservation Act 1995* which threatens, or may have the capability of threatening, the survival or evolutionary development of a species, population or ecological community.

Key threatening processes that may form a part of the actions proposed to facilitate the development of South Tralee were assessed under the Concept DA and satisfactorily addressed. They related largely to the management of impacts to the E2 zoned land within Stage 2 identified for conservation.

In summary, the proposed development of Stage 1 of South Tralee is unlikely to have a significant effect on any threatened species, populations or communities listed under the *Threatened Species Conservation Act 1995*, or their habitats, and the preparation of a Species Impact Statement (SIS) is not required.

Section 79C – Evaluation

Subsection 79C(1) – Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *The provisions of:*
 - (i) *Any environmental planning instrument, and*
 - (ii) *Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *Any development control plan, and*
 - (iiia) *Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) *The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) *Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *The suitability of the site for the development,*
- (d) *Any submissions made in accordance with this Act or the regulations,*
- (e) *The public interest.*

Section 79C – Evaluation (cont)*Subsection (1)(a)(i) – Any Environmental Planning Instrument*

The following *relevant* environmental planning instruments have been considered in the planning assessment of the subject Development Application:

- State Environmental Planning Policy No 55 – Remediation of Land.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy (Rural Lands) 2008
- Queanbeyan Local Environmental Plan (South Tralee) 2012 (as amended).
- Queanbeyan Local Environmental Plan 1998 (as amended).

State Environmental Planning Policy No 55—Remediation of Land

The objectives of this Policy are summarised as follows:

- To provide for a state wide planning approach to the remediation of contaminated land; and
- 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.

Pursuant to the *Clause 7 - Contamination and remediation to be considered in determining development application*, the consent authority must consider:

- a) *Whether the land is contaminated; and*
- b) *If the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.*

In the course of assessing the Concept Development (DA 263-2013) several areas of environmental concern (AECs) within South Tralee were identified and relevant conditions imposed. Several AECs are located within Stage 1:

- AEC 3 – Homestead and Surrounds;
- AEC 4 – Sheep Shearing Sheds and Surrounds;
- AEC 5 – Sheep Dip; and
- AEC 6 – Aircraft Hanger.

As part of this Stage 1 DA the applicant has submitted additional information relating to land contamination. Council's Environmental Health Officer has assessed the proposed Stage 1 development and their comments are summarised below.

Environmental Health Officer's Comments

The initial assessment of information submitted resulted in the applicant being requested to submit unequivocal evidence that the land is capable of being remediated to the extent required for the proposed land uses. Additional information regarding site remediation was subsequently submitted in a letter from the applicant's consultants (SMEC), and a Site Auditor appointed.

I can confirm that the letter provided by SMEC dated 24 December 2015 meets the requirements of the request for confirmation that the site is capable of being remediated. Specifically the letter concludes by stating that:

As the volume of material has been determined, and suitable remediation options are available, SMEC considers that the site will be suitable for the proposed development, once the remediation works have been completed and endorsed by the appointed Site Auditor, Tim Chambers.

This wording satisfactorily addresses Council's requirement for an unequivocal statement that the site is capable of being remediated for its proposed uses.

Having regard to the above I believe Council is in a position to satisfy its obligations under Clause 7 of SEPP 55 that the site is capable of being remediated. This will allow a deferred commencement approval to be issued until such time as an appropriate Remediation Action Plan (RAP) can be developed to achieve the required level of remediation.

Given the above I see no reason from a contaminated site point of view why the application can be approved subject to the deferred commencement and other recommended conditions.

State Environmental Planning Policy (Infrastructure) 2007

This Policy provides a planning regime, the provision of services and infrastructure in NSW, outlines requirements for consent authorities to consult with relevant public authorities during the assessment of Development Applications, and outlines provisions for various types of exempt and complying development.

Clauses of the Policy relevant to this DA are:

- Clause 85 – Development immediately adjacent to rail corridors;
- Clause 87 – Impact of rail noise or vibration on non-rail development; and

Rail Corridors

The north-western boundary of the subject site adjoins the currently disused Goulburn-Bombala railway corridor. The corridor separates the site from the Hume industrial area in the ACT. Although the railway is currently disused, it could be reactivated in the future and therefore should be considered as a potential constraint to development.

This Stage 1 DA includes the construction of Road 1 adjacent to the rail corridor (parallel) and a round-about at the intersection of Road 1 and Road 2 constructed to facilitate a future road connection to the ACT via Sheppard Street. The round-about needs to be constructed to a height to enable a future over-pass over the rail corridor.

Pursuant to Clause 85 of the Policy the development application was referred to John Holland Rail (JHR) as the rail authority requiring notification of development that may have an adverse effect on rail safety. Pursuant to sub-clause 85 (2)(b) before determining the development application the consent authority must take into consideration:

1. Any response to the notice; and
2. Any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

JHR's Comments

JHR's comments for Stage 1 are listed below:

- No objections to the road parallel to the rail corridor.
- The future road over the rail line does not appear to have the required amount of transit space, i.e., space between the rail line and the over-pass. The design should be in accordance with the Country Rail Network standard for overbridge structures (CRN CS 215 – Transit Space).
- With reference to clause 2.1 of a Conservation Agreement for the rail corridor between the rail authority and the Environment Minister, written consent from the Environment Minister must be obtained before the construction of roads or development on the land.

Assessing Officer's Comment

The applicant was requested to submit amended drawings showing compliance with John Holland Rail's Engineering Standard CRN CS 215 – Transit Space. The applicant has not submitted amended drawings, therefore, Council's Development Engineer cannot be satisfied that the proposed design of the round-about intersection of Road 1 and 2 is satisfactory.

State Environmental Planning Policy (State and Regional Development) 2011

This Policy identifies development for which Joint Regional Planning Panels (JRPPs) are to exercise specified consent authority functions.

The capital investment value (CIV) of the proposed development is \$53.74 million (>\$20 million). Clause 20 of this Policy references Schedule 4A of the *Environmental Planning and Assessment Act 1979*, which states that where the capital investment value of the development exceeds \$20 million and the proposed development must be determined by the Joint Regional Planning Panel – Southern.

State Environmental Planning Policy (Rural Lands) 2008

This Policy aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes and identifies Rural Planning and Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State.

There is a section of the site along the eastern boundary that is zoned 1 (a) Rural A under the Queanbeyan LEP 1998. This correlates with existing unformed public road reserves and land deferred from the South Tralee rezoning process. The 1 (a) Rural A zone is equivalent to a rural zone as identified in the Policy, therefore it is applicable.

This Stage 1 DA shows that the southern section of land within Stage 1 zoned 1 (a) Rural A will be used for roads and associated infrastructure within an existing public road reserve (Boundary Road). The northern section of the 1 (a) Rural A land (also within Boundary Road) is proposed to form the eastern border of the large open space area containing the Tralee Woolshed, drainage basin and parkland.

Part 2 - Rural Planning Principles

The Rural Planning Principles are focussed on the protection of rural lands, natural resources and promoting appropriate opportunities for rural housing and lifestyle. The part of the site zoned 1 (a) Rural A is within an existing unformed public road reserve (Boundary Road) and is proposed to form part of the development's public road system (Road 15) and open space area. No residential allotments are proposed within the 1 (a) Rural A zone. Therefore, the Rural Planning Principles are not considered to be applicable to the proposed development.

Part 3 - Rural subdivisions and dwellings

This Stage 1 DA does not include the subdivision of the land zoned 1 (a) Rural A, rather, it makes use of the existing public road reserve for the creation of a new formed road and associated infrastructure. As such, the provisions of this Part are not relevant.

Part 4 - State significant agricultural land

The site is not identified as being State significant agricultural land.

Queanbeyan Local Environmental Plan (South Tralee) 2012

The Queanbeyan Local Environmental Plan (South Tralee) 2012 (the South Tralee LEP) was gazetted on 9 November 2012. The South Tralee LEP applies to the large majority of the subject site.

Part 1 – Preliminary

Clause 1.2 – Aims of the Plan

The particular aims of the plan are as follows:

- (a) to rezone certain land at South Tralee to achieve an economically, environmentally and socially sustainable urban development,*
- (b) to facilitate the orderly growth of the South Tralee urban release area in a staged manner that promotes a high level of residential amenity and the timely provision of physical and social infrastructure, through appropriate phasing of the development of land,*
- (c) to identify, protect and manage environmentally and culturally sensitive areas within South Tralee,*
- (d) to provide appropriate residential densities and a range of housing opportunities consistent with the environmental capacity of the land,*
- (e) to create a diverse town centre that caters for the retail, commercial, and service needs of the local community,*
- (f) to ensure development has regard to the principles of ecologically sustainable development.*

The proposed development is considered to be inconsistent with the particular aims of the LEP, specifically, aim (b). The proposal does not facilitate the orderly growth of South Tralee as essential public utility and State public infrastructure is unable to be provided.

Clause 1.4 – Definitions

The proposed development includes the following land uses as defined in the LEP's dictionary:

- Earthworks; and
- Roads.

Note: The proposed development is also defined as the subdivision of land, demolition, and use of a temporary structure. Refer to discussion of clauses 2.6, 2.7 and 2.8.

Clause 1.6 – Consent authority

As provided for under Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the Joint Regional Planning Panel is the consent authority for the purposes of the LEP.

Clause 1.9A – Suspension of covenants, agreements and instruments

The proposed development does not require the suspension of any covenants as specified.

Queanbeyan Local Environmental Plan (South Tralee) 2012 (cont)

Part 2 – Permitted or prohibited development and Land Use Table

Clause 2.1 – Land use zones and Clause 2.3 – Zoning of land to which Plan applies

The applicable zones as listed in Clause 2.1 and identified on the Land Zoning Map referred to in Clause 2.2 are:

- R1 – General Residential;
- RE2 – Private Recreation;
- E2 – Environmental Conservation; and
- B1 – Neighbourhood Centre (location of temporary sales office).

Clause 2.3 requires the consent authority to have regard to the objectives of the zone when determining a development application. The objectives of each applicable land use zone are listed below as well as a discussion of the proposed development's consistency with the objectives.

R1 – General Residential

- a) *To provide for the housing needs of the community.*
- b) *To provide for a variety of housing types and densities.*
- c) *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- d) *To ensure that buildings with non-residential uses have a bulk and scale that is compatible with the zone's predominantly residential character.*
- e) *To promote walkable neighbourhoods and a sense of community.*
- f) *To ensure that where possible, development maintains existing bushland.*
- g) *To encourage medium to high density housing located in close proximity to the town and village centres.*

A large portion of the South Tralee urban release area is currently zoned R1. It is a zone that is suitable to be applied in urban release areas as its objectives and permissible land uses are very broad. Over time, as South Tralee is developed, a wider variety of residential land use zones may be introduced as deemed necessary under future reviews of the LEP.

The proposed development is considered to be inconsistent with the objectives of the R1 zone, specifically, objective (a) as the proposal does not provide for the housing needs of the community given that adequate arrangements for public utility infrastructure essential to the provision of housing is unable to be provided.

RE2 – Private Recreation

- a) *To enable land to be used for private open space or recreational purposes.*
- b) *To provide a range of recreational settings and activities and compatible land uses.*

- c) *To protect and enhance the natural environment for recreational purposes.*

The RE2 zone covers a 200m wide strip of land that runs parallel to the site's border with the railway corridor, the ACT and Hume Industrial Estate. It correlates with the Visual and Acoustic Buffer Land identified on the Local Clauses Map.

The proposed development is considered to be inconsistent with the objectives of the RE2 zone, specifically, objective (a) as the proposal does not enable land to be used for private open space or recreational areas given that adequate arrangements for public utility infrastructure essential to the provision of such areas is unable to be provided.

E2 – Environmental Conservation

- a) *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- b) *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- c) *To protect threatened species, rivers, creeks and gully ecosystems within Queanbeyan.*
- d) *To identify and protect escarpment areas that enhance the visual amenity of Queanbeyan and possess special aesthetic or conservational value.*
- e) *To protect water quality by preventing inappropriate development within catchment areas.*

A large portion of the South Tralee urban release area is zoned E2, concentrated in the south-east area of the site (within Stage 2). A relatively small triangular section of land to the north is also zoned E2. This land is mainly within the boundaries of Stage 3, however, a small portion is within the south-east corner of Stage 1. This correlates with an existing unformed road reserve that is proposed to form a part of Road 15. The environmental values of the triangular portion of E2 land are not significant, while the southern lands have high environmental value.

The proposed development is considered to be generally consistent with the objectives of the E2 zone. Specifically, the construction of part of Road 15 on land zoned E2 will not have adverse impacts threatened species, rivers, creeks and gully ecosystems.

B1 – Neighbourhood Centre

- a) *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- b) *To provide the opportunity for small scale non-residential uses that will provide goods and services to meet the day-to-day needs of people who live and work in the surrounding neighbourhood.*
- c) *To provide for active retail, business or other non-residential uses at street level.*

The land zoned B1 is not located within the boundaries of Stage 1 (it is within Stage 3). However, the developer has erected a temporary sales office on this land and Council has requested that the use of this building be included in this application in order to formalise it.

The use of a temporary structure is permitted in the B1 zone under the provisions of clause 2.8 of the LEP. This use is consistent with the zone objectives.

Clause 2.5 – Additional permitted uses

The subject land (including the land within Stage 3 that contains the temporary sales office) is not identified in Schedule 1 as being within the “Additional Development Area 1” on the Local Clauses Map.

The subject land is identified in Schedule 1 for additional permitted uses as it contains land within a residential zone that is within 200m of any land in Zone B4 Mixed Use. Such land may be permitted to have studio dwellings erected. However, no built form is proposed as part of this Stage 1 DA.

Clause 2.6 - Subdivision

This clause states that the subdivision of land is permissible with development consent. The proposed development includes the subdivision of land to create 119 x Torrens Title lots, 1 super-lot and 2 open space / drainage reserve lots.

Clause 2.7 – Demolition requires development consent

The following structures on the site are proposed to be demolished:

1. A dwelling-house known as the Tralee Homestead and associated shedding;
2. Annexures to the Tralee Woolshed;
3. Shearer’s Quarters; and
4. Annexures to the Shearer’s Quarters – Cookhouse.

The above structures are proposed to be removed to facilitate the construction of Road 1. They were identified in the Concept Development approval as requiring demolition, with the main Tralee Woolshed and Shearer’s Quarters – Cookhouse buildings required to be retained in-situ. Refer to comments regarding heritage under clause 5.10.

Clause 2.8 – Temporary use of land

The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

Development consent may be granted for development on land in any zone for a temporary use for a maximum period of 182 days (whether or not consecutive days) in any period of 12 months (unless it is a dwelling being used as a sales office for a new release area).

The developer has erected a temporary sales office for South Tralee on land within Stage 3 and zoned B1 – Neighbourhood Centre. This building is located near to the existing road access to the South Tralee from Alderson Place. Council requested that the applicant include the use of this sales office in this Stage 1 DA.

The applicant has advised that temporary sales office:

- *Is a modular porta-cabin 9.6m in length by 4.2m width and 2.7m in height;*
- *It is very temporary in nature and has only been placed on blocks and has not required footings;*
- *No in-ground services have been provided to it. A diesel generator provided electricity and a port-a-loo is provided in place of any formal sewer; and*
- *The sales office is open from 10am-4pm Thursday to Sunday.*

Since this Stage 1 DA was submitted, the developer is no longer promoting land releases at South Tralee, however, the sales office is still on the site. It is not clear if there is any on-going use of this structure. If this Stage 1 DA is refused as recommended Council will seek to either have the sales office structure removed, or its use formalised through a separate application if warranted.

Queanbeyan Local Environmental Plan (South Tralee) 2012 (cont)

Part 3 – Exempt and complying development

No exempt or complying development is proposed.

Part 4 – Principal development standards

Clause 4.1 – Minimum subdivision lot size

The objectives of this clause are as follows:

- (a) to ensure that lots created are sensitive to land, heritage and environmental characteristics (including water quality, native fauna and flora and places or items of Aboriginal or European heritage value),*
- (b) to ensure lots created do not adversely impact on the functions and safety of main roads,*
- (c) to provide lots with areas and dimensions that enable the appropriate siting and construction of a building and associated works to minimise and avoid the threat of natural hazards (including bush fire, soil instability and flooding) and to protect significant vegetation and prominent or significant landscape qualities, and*
- (e) to create lots that are compatible with the existing predominant lot pattern or desired future character of the locality and to minimise likely adverse impacts on the amenity of adjoining developments.*

The proposed development has been assessed against the objectives of Clause 4.1 as being generally satisfactory. Due regard has been given to the environmental constraints on the land, lot sizes and dimensions are appropriate for siting of structures, and the proposal is compatible with the desired future character of the locality. However, at this stage the lots are not capable of being serviced with water and sewer and the applicant has formally advised Council that that it is unable to make adequate arrangements for the availability of water supply and sewerage public utility infrastructure – refer to discussion under clause 6.2 of the LEP.

The majority of the subject site (that zoned R1 – General Residential) is identified on the Minimum Lot Size Map as having a minimum lot size of 330m². The part of the land zoned RE2 – Private Recreation and containing the 2 x open space / drainage reserve lots is not identified on the Minimum Lot Size Map. The part of the land identified as being a residue lot (within Stage 4) is partially identified as having a minimum lot size of 330m² (correlating with the R1 zoned portion). The small portion of the site zoned E2 – Environmental Conservation has a minimum lot size of 80Ha. No subdivision of land is proposed within the E2 land. This land is proposed to form part of Road 15.

All proposed lots on land identified on the Minimum Lot Size Map meet the minimum lot size. The 119 x residential lots range in size from 330m² to 582m².

Clause 4.1A - Exceptions to minimum subdivision lot size

This clause permits the subdivision of land within 200m of any land zoned B4 - Mixed Use to create lots with a minimum size of 170m². The proposed development includes the creation of one super-lot within 200m of land zoned B4 - Mixed Use. If approved, this super-lot will likely be further subdivided under the provisions of this clause.

Clause 4.3 - Height of buildings and Clause 4.4– Floor space ratio

The proposed development does not involve the erection of any buildings, therefore, these two clauses do not apply.

Clause 4.6 – Exceptions to development standards

The proposed development does not involve any exceptions to development standards.

Clause 5.1 - Relevant acquisition authority

The land is not subject to acquisition.

Clause 5.2 - Classification and reclassification of public land

The land is not public land that is proposed to be classified or reclassified.

Clause 5.3 - Development near zone boundaries

No development permitted under the provisions of this clause is proposed.

Clause 5.4 - Controls relating to miscellaneous permissible uses

No miscellaneous permissible uses are proposed.

Clause 5.9 - Preservation of trees or vegetation

This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council. There is no DCP applicable to the staged development of South Tralee (of which this Stage 1 DA is a part). Therefore, this clause does not apply to this DA.

Clause 5.9AA - Trees or vegetation not prescribed by development control plan

This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.

The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent. A detailed assessment of tree removal was undertaken as part of the Concept DA. The approved Concept development identified existing trees and vegetation on the land within Stage 1 that will be removed to facilitate urban development. Four of these trees will be removed as part of this Stage 1 DA.

Clause 5.10 - Heritage conservation

The objectives of this clause are as follows:

- a) *To conserve the environmental heritage of South Tralee,*
- b) *To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- c) *To conserve archaeological sites,*
- d) *To conserve Aboriginal objects and Aboriginal places of heritage significance.*

Development consent is required for any of the following:

- a) *Demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
- b) *(Altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- c) *Disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- d) *Disturbing or excavating an Aboriginal place of heritage significance,*
- e) *Erecting a building on land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- f) *Subdividing land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

Several heritage investigations have been conducted in recent years that include the area of land known as South Tralee and have identified several European and Aboriginal sites / objects. A detailed summary of these is contained in the Assessment Report prepared for the Concept development.

European Heritage

The Tralee Woolshed and Shearer's Quarters – Cookhouse have been identified as having heritage significance and have also been recommended to be considered for inclusion as Heritage Items in the South Tralee LEP. These buildings are both located within Stage 1 of South Tralee, and were required under the Concept approval to be retained in-situ.

Included in this Stage 1 DA are details showing the retention of the Tralee Woolshed and Shearer's Quarters – Cookhouse. Rectification works to make the structures safe are also proposed, including the removal of annexes, upgrading of external facades, and the erection of fencing. The long term management and future use of the buildings has yet to be determined. When this Stage 1 DA was submitted, it was envisioned that this issue would form part of the negotiations between Council and the applicant for a Local Voluntary Planning Agreement.

Council's Heritage Advisor has assessed the proposed development. A summary of their advice is provided below.

Several volumes of reports have been provided for the extent sites at South Tralee and information on the historic elements at Tralee Homestead Complex, Tralee Woolshed, Sheep Dip and Landing Ground is contained in various parts of the reports.

Comments [in the submitted heritage report prepared by Navin Officer Heritage Consultants (NOHC)] are dismissive of the heritage values of the site and its components, implying they have minimal cultural significance. Nevertheless the developer has agreed to retain and stabilise the cookhouse and the main part of the woolshed. NOHC note that the façade treatments proposed by the developer are reasonable. However NOHC are not built heritage specialists...

...a cursory assessment of the historic sites is undertaken however there is no adequate background history that provides an understanding of the role that Tralee played, or the associations that it had to other pastoral activity in the local region. As the site is about to be irreversibly altered it is essential that a professional history be prepared to accompany the archival record so that future generations can understand the development of the Queanbeyan Canberra conurbation.

What is needed is a simple stand-alone document dedicated to the Tralee Historic sites (Tralee Homestead Complex, Tralee Woolshed, Sheep Dip and Landing Ground) that includes:

- a notated site plan,*
- useful photographic documentation of each structure,*
- the archival recording that has apparently been done for some of the structures, and*
- a meaningful history of the site that includes its historic associations to people, events and places in Hume and (if relevant) beyond.*

The document to be bound and a copy included in Council's Library. The document must be prepared with future users in mind.

In addition to the above, the scope of work for the Shearers Quarters and for the Shearing Shed should be prepared by a conservation architect and be referred to Council's heritage adviser for comment prior to works approval being granted.

The applicant was informed of the Heritage Advisors comments and advised that should the proposed development be recommended to the JRPP for approval, Council would seek to impose a condition requiring adherence to the Heritage Advisor's requirements.

Council's Heritage Advisory Committee has assessed the proposed development and has raised no objections subject to the imposition of conditions of consent requiring the submission of detailed plans of the proposed rectification work, and the preparation of a plan detailing how the proposed rectification works will be monitored to ensure compliance.

Until such time as a development consent is issued for the subdivision of land at South Tralee it is unlikely that any works to the Tralee Woolshed and Shearer's Quarters – Cookhouse will occur.

Aboriginal Heritage

Aboriginal objects were known to exist at South Tralee prior to the lodgement of the subject development application – (refer to detailed discussion of Aboriginal cultural heritage in the Assessment Report prepared for the Concept development).

As such this Stage 1 DA was referred to the NSW Office of Environment and Heritage (OEH) as Integrated Development under Section 91(2)(a) of the *Environmental Planning and Assessment Act 1979*. An Aboriginal Cultural Heritage Assessment Report was submitted with and assessed by the OEH.

The OEH issued their General Terms of Approval (GTAs) in relation to Aboriginal cultural heritage matters on 30 March 2016.

Clause 5.12 - Infrastructure development and use of existing buildings of the Crown

The LEP does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown. No existing buildings of the Crown exist on the land.

Queanbeyan Local Environmental Plan (South Tralee) 2012 (cont)

Part 6 – Urban release areas

Clause 6.1 - Arrangements for designated State public infrastructure

The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State and Territory public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land. The proposed development is located within the South Tralee urban release area as identified on the Urban Release Area map.

Sub-clause 6.1(2) states that:

development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General [Secretary] has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

Note: As advised by the Department of Planning and Environment (DPE), satisfactory arrangements certification was not required for the Concept Development approval (DA 263-2013) as it did not involve any actual subdivision of land.

Upon receipt of this Stage 1 DA Council requested the Department of Planning and Environment (DPE) to issue certification of satisfactory arrangements for the provision of designated State public infrastructure for Stage 1 of South Tralee. This has not been received. The DPE has advised Council that in order to issue this certification a State Voluntary Planning Agreement (SPA) between the developer and the DPE has to be finalised (executed). A copy of this advice is included in Appendix B.

The required certification has not been received. The DPE has advised Council that in order to issue certification a State Voluntary Planning Agreement (SPA) between the developer and the DPE has to be finalised (executed). The applicant has advised Council that they are unable to meet the terms required by the DPE to progress the SPA. Therefore, the DPE is unable to issue certification of satisfactory arrangements – refer to detailed discussion below.

Draft State Voluntary Planning Agreement

The applicant has been negotiating a Draft State Voluntary Planning Agreement (SPA) with the DPE. This Draft SPA covers the entire South Tralee development approved under Concept Development approval 263-2013 and includes land for a public school (within Stage 2) and monetary contribution to facilitate secondary access to South Tralee (and South Jerrabomberra) from the ACT. The applicant's original offer to enter into a SPA with the DPE included calculations to indicate that at the release of the 670th residential lot within South Tralee the development would have a Surplus Value, and that there would be no impediment to the DPE issuing satisfactory arrangements for the first 670 lots.

In a letter to the applicant dated 9 November 2016 the DPE advised that in order to finalise the terms of the SPA clarity is required in relation to the applicant's ability to dedicate the site nominated for future education purposes (within Stage 2), and the scope and cost of the road works that will be needed to support the traffic that will be generated by the proposed development. Further, the DPE is not able to offer a development contribution payment trigger linked to the 670th lot because the road requirements and cost estimates are not sufficiently clear to accurately confirm that the land for future education purposes will provide a sufficient offset for the overall State infrastructure contributions for those stages. The location and scope of the future road requirements remain unknown at this stage.

The DPE's advice is included in Appendix A.

Following receipt of the DPE's above advice, the applicant wrote to Council on 17 November 2016 and stated:

The DPE has advised that the preconditions of the SPA have been amended from the position previously advised in August 2015. The DPE has identified that the costs of the cross border road and traffic impacts will need to be resolved before being able to determine a State Infrastructure Contribution amount, and therefore being able to agree and execute a SPA with VBC [the applicant].

Further:

At this time, VBC is unable to make the necessary satisfactory arrangements for the provision of State public infrastructure for the purpose of clause 6.1 of the Queanbeyan Local Environmental Plan (South Tralee) 2012.

...VBC is advising QPRC [Council] of its inability to provide the requested additional information required by QPRC to finalise the development assessment process for the Stage 1 and 2 Development Applications.

Given that certification of satisfactory arrangements under this clause has not been issued by the DPE, the consent authority (JRPP) cannot grant development consent to the proposed development.

Clause 6.2 - Public utility infrastructure

Pursuant to sub-clause 6.2(1), development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available, or that adequate arrangements have been made to make that infrastructure available when it is required.

The applicant prepared the South Jerrabomberra Water and Sewer Servicing Infrastructure Strategy for the provision of water and sewer infrastructure to South Jerrabomberra on behalf of Council. A Review of Environmental Factors (REF) under Part 5 of the Act has been submitted to Council for consideration. This REF identifies the potential environmental impacts of proposed trunk water supply and sewer infrastructure required to service future development within South Jerrabomberra, in particular the South Tralee.

The REF has been reviewed by Council staff and consultants, and was publicly exhibited in September 2016. However, the REF has not been determined and the developer has advised Council that it is unable to make adequate arrangements for the availability of water supply and sewerage public utility infrastructure.

In the applicant's letter dated 17 November 2016 it is stated that:

At this time, VBC is unable to make...adequate arrangements for the availability of water supply and sewerage public utility infrastructure under clause 6.2.

...VBC is advising QPRC [Council] of its inability to provide the requested additional information required by QPRC to finalise the development assessment process for the Stage 1 and 2 Development Applications.

Council is not satisfied that adequate arrangements have been made to make available the public utility infrastructure that is essential for the proposed development. Therefore, the consent authority (JRPP) cannot grant development consent to the proposed development.

Clause 6.3 - Development control plan

The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.

Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the specified matters has been prepared for the land.

The South Jerrabomberra Development Control Plan (SJDCP) includes South Tralee and that was adopted by Council on 11 February 2015. However, the SJDCP is not applicable to any of the DAs that are lodged as part of the staged development of South Tralee.

This Stage 1 DA was lodged as part of a Staged Development Application pursuant to section 83C of the Act. The Concept Development consent included the approval of the South Tralee Development Guidelines (Guidelines). These contain the information required to be included in a DCP by the South Tralee LEP.

Condition A4 of the Concept Development consent (263-2013) states:

Any subsequent development application for any of the five individual stages referred to in Condition A2 must be generally consistent with the South Tralee Development Guidelines contained in Schedule 2 of this Development Consent (the Development Guidelines). The Council may approve a departure from the Development Guidelines if it is satisfied that the departure is of a minor nature only or the applicant has demonstrated that the underlying objective of the particular guideline will be satisfied notwithstanding the departure and will result in a better, more logical, design outcome.

REASON: To ensure that subsequent Stages of development at South Tralee are considered subject to the provisions South Tralee Development Guidelines.

For the Stage 1 DA the parts of the site identified in the South Tralee LEP are subject to the Guidelines. Parts of the site not identified in the South Tralee LEP (deferred from the rezoning) are subject to the relevant provisions of the Queanbeyan Development Control Plan 2012 (QDCP).

Future applications outside of the scope of the Staged Development will be subject to the South Jerrabomberra Development Control Plan.

Clause 6.4 - Relationship between Part and remainder of Plan

A provision of Part 6 of this Plan prevails over any other provision of this Plan to the extent of any inconsistency. In the context of this DA there are no inconsistencies between this Part and the other relevant provisions of the LEP.

Queanbeyan Local Environmental Plan (South Tralee) 2012 (cont)

Part 7 – Additional local provisions

Clause 7.1 – Earthworks

The objective of this clause are to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

This Stage 1 DA was accompanied by a geotechnical assessment, engineering designs for stormwater management, a soil, water and vegetation management plans, an existing slope plan and a proposed design contours plan post earthworks. The proposed development includes site grading earthworks across the site to form suitable grades for roads, drainage and future dwellings. Site grading plans and slope analysis plans have been submitted.

Geotechnical Assessment

A Geotechnical Report prepared by Douglas Partners was submitted with the development application. This report examines the suitability of the site for the required earthworks and future built form, and included sub-surface testing. While the surface and sub-surface conditions of the site is considered to be generally suitable by Douglas Partners, some constraints were identified—including a spring being located within a future residential lot—and the report notes that further detailed sub-surface investigations should be carried out.

Council's Building Surveyor raised concerns about the spring and whether it was suitable to locate a residential lot in this location. Additional information submitted by Douglas Partners confirmed, that in fact, the spring is located within a future road reserve and that adequate engineering measures can be put in place to manage it.

Existing Slope and Proposed Design Contours

The design contours shown on the slope analysis plans indicated that the four proposed residential blocks (AD, AE, AF and AG) would be benched along the rear boundaries of individual allotments. Subsequently, the applicant was requested to provide section drawings of the blocks to show the likely extent of retaining walls. The sections showed that the future retaining walls along the rear of residential lots would range from approximately 0.9m-1.2m.

The submitted design contours show that each proposed residential allotment contains a suitable area to locate buildings, with the majority of slopes being <10%.

Stormwater Management

South Tralee is located within three identified stormwater catchments – the Central, Raws and Sheppard's catchments. Stage 1 is within the Raws and Sheppard's catchments and drains north-west towards the ACT/NSW border.

The proposed stormwater management concept plan shows the creation of two catchment basins. It is designed to detain post development flows within the site so

that discharge across the railway line and into the ACT is kept to pre-development flow rates at existing discharge locations.

Council's Development Engineer has assessed the proposed stormwater management concept and states that the overall concept stormwater drainage layout should function as intended and is appropriately linked to existing stormwater drainage infrastructure down-stream of the development. Suitable on-site detention and water treatment measures are proposed. Several conditions have been recommended to be imposed (should consent be granted), requiring some issues to be addressed at the Construction Certificate (Subdivision) stage.

Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

Drainage patterns and soil stability of land in the Stage 1 site are unlikely to be disrupted or detrimentally effected by the proposed earthworks provided that the recommendations of Council's Development Engineer are complied with.

- (b) the effect of the development on the likely future use or redevelopment of the land,*

The proposed development, and the earthworks required to facilitate it, are generally in accordance with the desired future character and use of the site as envisioned in the South Tralee LEP and various strategic planning policies.

- (c) the quality of the fill or the soil to be excavated, or both,*

As far as is practical, excavated material will be reused on-site in accordance with the recommendations of the submitted Geotechnical Report, however, it is likely that some material will need to be brought onto the site, and some excavated material will need to be removed off-site. This is because the Geotechnical Report states that the topsoil and underlying layer is not considered to be suitable for use in engineering applications, however, the soils beneath this appear suitable.

The quality of any fill that may be required to be exported or imported can be controlled by the imposition of appropriate conditions and from the submission of additional detailed information during the Construction Certificate (Subdivision) stage.

- (d) the effect of the development on the existing and likely amenity of adjoining properties,*

The proposed development, and the earthworks required to facilitate it, should not adversely affect the existing and likely amenity of adjoining properties. Drainage patterns of adjoining properties will remain largely

unaltered. Access to adjoining properties through the site will be maintained at all times during subdivision and infrastructure works.

- (e) *the source of any fill material and the destination of any excavated material,*

Refer to previous comments under sub-clause (c).

- (f) *the likelihood of disturbing relics,*

The impacts on relics of the proposed development of the South Tralee urban release area, and the earthworks required to facilitate it, have been considered previously as part of the assessment of the Concept Development and in this Report in relation to European and Aboriginal heritage.

- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

The drainage lines of the site are part of the upper catchment of Jerrabomberra Creek. The site is not subject to inundation by flood waters and there are no riparian corridors or perennial watercourses. The proposed development, and the earthworks required to facilitate it, will not have an adverse impact on any waterway, drinking water catchment or environmentally sensitive area provided that appropriate conditions are imposed.

- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Appropriate measures can be conditioned should development consent be granted.

Clause 7.2 – Airspace operations

This clause requires development that will penetrate the Obstacle Limitation Surface (OLS) for the Canberra Airport to be referred to the Commonwealth Department of Infrastructure and Regional Development.

The OLS for the whole of South Tralee is 720m AHD. Land within Stage 1 is no higher than 650m AHD, therefore it was not required to be referred to the Commonwealth Department of Infrastructure and Regional Development.

Clause 7.3 – Development in areas subject to aircraft noise

The objectives of this clause are:

- (a) *to prevent certain noise sensitive developments from being located near the Canberra Airport and its flight paths,*
- (b) *to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,*
- (c) *to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing safe and efficient operation of that airport.*

Before determining a DA relating to any land subject to the South Tralee LEP the consent authority:

- (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and*
- (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and*
- (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.*

The development of Stage 1 of the South Tralee urban release area will result in an increase to the number of dwellings and people affected by aircraft noise. However, changes to the originally proposed rezoning ensured that housing in South Tralee would be restricted to areas outside of the Australian Noise Exposure Forecast (ANEF) 20 – 25 contour levels for the Canberra Airport. Any future DA that includes built form will need to demonstrate how compliance with AS 2021—2000 and the objectives of this clause have been satisfied. The South Jerrabomberra DCP contains detailed Aircraft Noise Assessment Guidelines that provide suggested measures for development (particularly dwellings) to be able to comply with AS 2021—2000.

Future development within the Visual and Acoustic Buffer Land will also be subject to additional noise abatement considerations as discussed below under Clause 7.4.

Clause 7.4 - Land adjoining Hume Industrial Area and Goulburn/Bombala Railway Line

This clause applies to land identified as “Visual and Acoustic Buffer Land” on the LEP’s Local Clauses Map. The buffer is a 200m wide strip of land adjoining the Hume Industrial Estate and the Goulburn/Bombala Railway Line. It includes the land within Stage 1 that is zoned RE2 – Private Recreation.

The objectives of this clause are:

- (a) minimise the impact of any noise, vibration or other emissions on the land to which this clause applies, and*
- (b) require certain land uses on the land to which this clause applies to include, or to be the subject of, appropriate noise mitigation measures.*

Before determining a DA relating to any land within the Visual and Acoustic Buffer the consent authority must assess the following matters:

- (a) the impact of any noise from any nearby land uses, having regard to any noise attenuation measures proposed,*
- (b) the visual impact that any nearby land uses would have on the proposed development,*

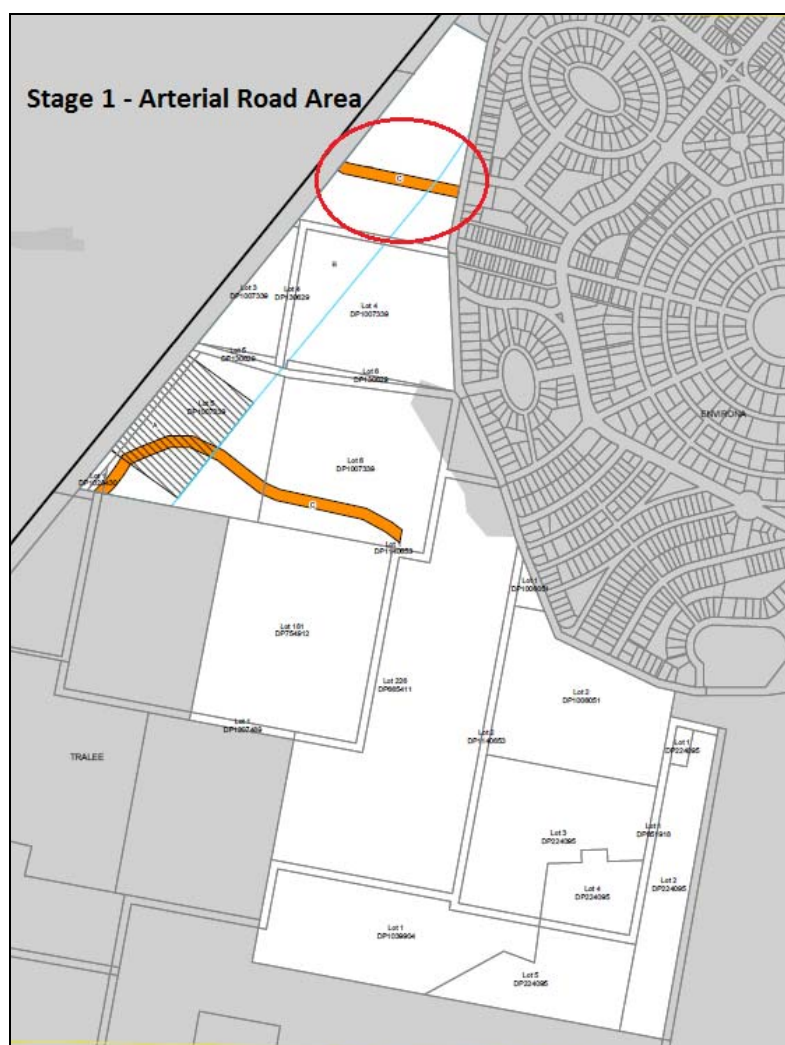
(c) the impact that noise and other emissions from any nearby industrial land uses and associated activities would have on the proposed development.

Only, roads, open space and drainage basins are proposed within the Visual and Acoustic Buffer. There are not considered to be land uses that are sensitive to noise, or the visual impact of the nearby industrial land. To improve the visual amenity of the open space areas, screen planting is proposed along the boundary of the site with Hume.

Clause 7.5 - Land in vicinity of proposed arterial roads

This clause applies to the land identified as “Arterial Road Area” on the Local Clauses Map. There are two Arterial Road Areas shown on the Map. Figure 4 below is an extract of the Local Clauses Map showing the Arterial Road Area within Stage 1.

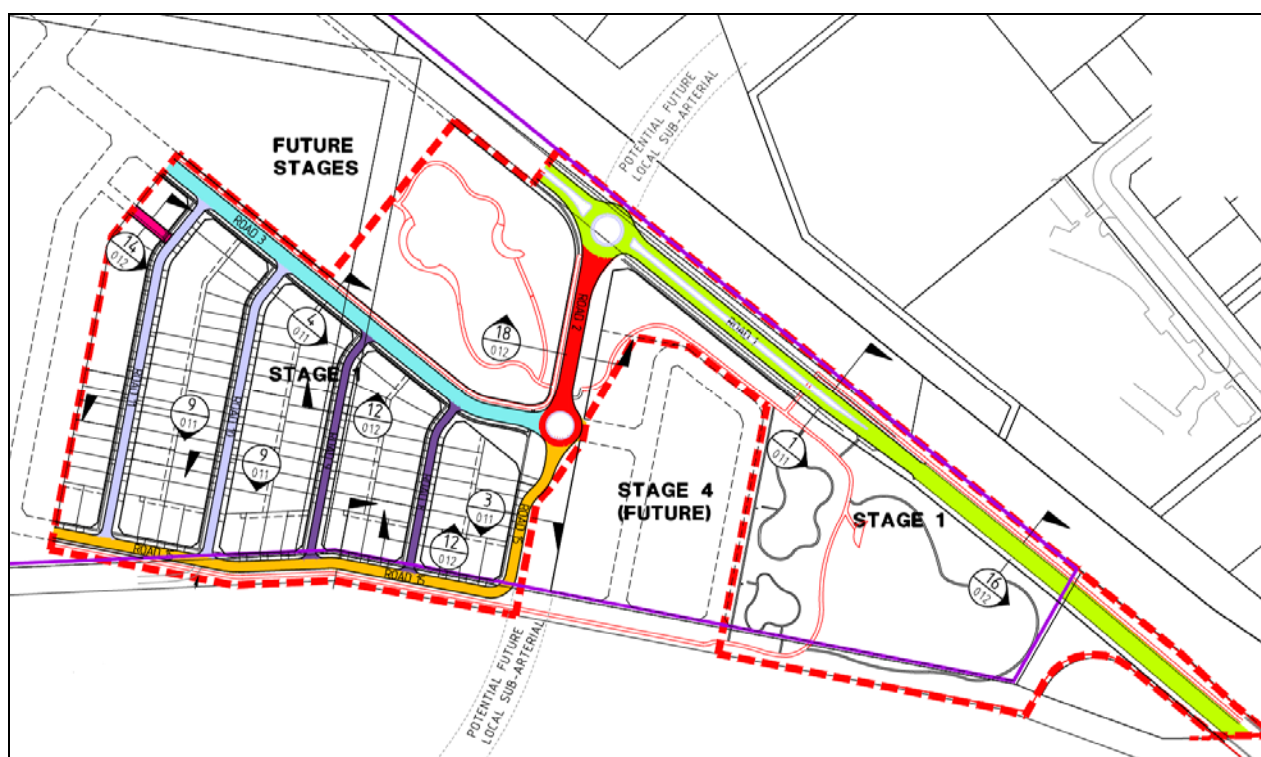
Figure 4 – Arterial Road Area.



The location of proposed Road 2 and Road 15 corresponds with the Arterial Road Area within Stage 1. At this stage both Road 2 and Road 15 are proposed to function as collector streets.

Road 2 connects to an intersection with Road 1 (the Northern Entry Road) and an intersection with proposed Road 3. The intersection with Road 1 will allow for future access to the ACT via Sheppard Street, while Road 3 will distribute traffic into Stage 1. Road 2 also has the potential to be extended to the west past the intersection with Road 3 and into Environa (Dunn's Creek Road). Figure 5 below shows the proposed road hierarchy.

Figure 5 – Proposed Road Hierarchy



The objectives of Clause 7.5 are:

- (a) to minimise any visual or acoustic impacts on development proposed in the vicinity of the land to which this clause applies,*
- (b) to ensure that development proposed in the vicinity of that land will not compromise, restrict or otherwise prevent the future use of that land as an arterial road.*

Development consent must not be granted for development within 30 metres of the land to which this clause applies unless the consent authority has considered the following:

- (a) the impact of noise, vibrations and other emissions on the development from any construction associated with an arterial road and from its ongoing use as an arterial road, and*

The north-western corner of the proposed residential lots (within block AD) are within 30 metres of the identified Arterial Road Area. An Acoustic Report prepared by Wilkinson Murray was submitted with the application and contained a traffic noise assessment. However, it did not take into account the full extent of the Arterial Road Corridor, and Council required the applicant to submit additional acoustic information.

Council's Environmental Health officer has assessed all of the submitted acoustic information - refer to comments below.

Wilkinson Murray have submitted a revised Traffic Noise Assessment (16 May 2016) for the sub-arterial road adjacent to Road 15 in response to a request from Council for additional information.

While the initial assessment took into account the noise from the proposed sub-arterial road adjacent to road No.15 (the future Dunns Creek Road), Council considered the report did not take into account that section of Road No.2 to the west of section AD. Road No.2 will be in use for many years before Dunns Creek Road comes to fruition and will become part of Dunns Creek Road when it is eventually built (projected to be after 2031 at this stage).

The revised assessment takes into account both the sub-arterial road and Road No.2 as requested by Council. The report concludes that there is the potential for a 1-2 dBA exceedance during the day period only. They note that a higher and solid front fence would likely attenuate any impact, but this does not deliver the streetscape that Council is seeking.

Notwithstanding the above the consultant notes that all houses in the affected area are subject to noise attenuation works associated with the homes being in an area affected by aircraft noise. The glazing required by the acoustic treatment to improve aircraft noise will mean that internal noise levels will be below the internal noise level objectives.

The report concludes that “...*potential noise levels at residences...is considered acoustically acceptable given the constraints of fence types and the provision of noise control treatment for aircraft noise*”.

I have no reason to doubt the validity of the modelling or the conclusions reached. Based on the report received the traffic noise impacts on the homes in section AD are acceptable.

(b) if the development is a subdivision, whether the development would prejudice or otherwise restrict the construction or operation of an arterial road (including the provision of any public utility infrastructure).

The proposed subdivision will not prejudice or restrict the construction or operation of an arterial road. The proposal has been assessed by Council's Development Engineer who has advised that the alignment of Road 15 is designed such that it can be duplicated in the future (extension of Road 2).

Queanbeyan Local Environmental Plan 1998

The Queanbeyan Local Environmental Plan 1998 (the Queanbeyan LEP) was gazetted on 16 October 1998. The Queanbeyan LEP applies to part of the Stage 1 area, specifically the land within the road reserve (Boundary Road) that runs along the eastern edge of the site. This strip of land is zoned 1 (a) Rural A. It is proposed to construct a part of Road 15 within the existing road reserve. There have been no changes to what was conceptually approved for this land under the Concept Development – the construction of a road within an existing road reserve.

A detailed assessment of the uses and likely infrastructure works on land subject to this LEP was carried out under the Concept Development application, and the relevant provisions satisfied. Roads are permissible in the 1 (a) Rural A zone with development consent and there are no constraints to the construction of a road within the 1 (a) Rural A land. The proposed development is considered to satisfy the relevant provisions of this Plan.

Section 79C – Evaluation (Cont)

Subsection (1)(a)(ii) – Any Draft Environmental Planning Instruments

No draft environmental planning instruments apply to the site.

Subsection (1)(a)(iii) – Any Development Control Plan

The land within the subject site that is zoned under the Queanbeyan LEP1998 is subject to the relevant provisions of the Queanbeyan Development Control Plan 2012 (QDCP). The remainder of the site that is zoned under the South Tralee LEP is subject to the South Jerrabomberra Development Control Plan (SJDCP), however, as previously discussed, for this Stage 1 DA the parts of the site identified in the South Tralee LEP are subject to the South Tralee Development Guidelines.

Queanbeyan Development Control Plan 2012

A detailed assessment of the uses and likely infrastructure works on land subject to this DCP was carried out under the Concept Development application, and the relevant provisions satisfied. There have been no changes to what was conceptually approved under the Concept Development – the construction of a road within an existing road reserve. The proposed development is considered to satisfy the relevant provisions of this DCP.

South Tralee Development Guidelines

The South Tralee Development Guidelines (Guidelines) were approved on 18 May 2015 by the JRPP as Schedule 2 of the Concept Development. These contain the information required to be included in a DCP by the South Tralee LEP.

The proposed development generally complies with the relevant provisions of the Guidelines relating to: subdivision design (including lot size and layout); the public domain (roads and public places); open space landscaping; and environmental management. However, given that the proposed development cannot satisfy clause 6.1 and 6.2 of the South Tralee LEP for the provision of designated State public infrastructure and public utility infrastructure, the proposal also cannot deliver the desired future character for South Tralee identified in the Guidelines.

Section 79C – Evaluation (Cont)

Subsection (1)(a)(iia) – Any Planning Agreement or Draft Planning Agreement

The subject site, and South Tralee as a whole, is not subject to any planning agreements. While a Draft Local Voluntary Planning Agreement (VPA) between the applicant and Council has been negotiated and placed on public exhibition, it has not been executed and the applicant has advised Council that it is unable to execute the VPA in its current form.

The applicant has lodged a Draft State Planning Agreement (SPA) with the NSW Department of Planning and Environment (DPE) for the entire South Tralee development area. The SPA has not progressed beyond the negotiating stage and the applicant has advised Council that they are currently unable to make the necessary satisfactory arrangements for the provision of State public infrastructure.

Subsection (1)(a)(iv) – The Regulations

The provisions of any matters prescribed by the Regulations, which apply to the land to which the development application relates, must be considered.

- Clause 92 - Australian Standard AS 2601-1991 (Demolition of Structures).

A number of existing buildings are proposed to be demolished and compliance with the *Australian Standard AS 2601—1991: The Demolition of Structures* will need to be conditioned (should consent be granted).

Subsection (1)(a)(v) – And Coastal Zone Management Plan

The site is not subject to any Coastal Zone Management Plan.

Section 79C – Evaluation (Cont)

Subsection (1)(b) – The Likely Impacts of the Development

No further comment is made in relation to the likely impacts of the development as Council's assessment is unable to be completed without the provision of designated State public infrastructure and public utility infrastructure, and the submission of the requested information regarding the design of the round-about intersection of Road 1 and 2.

Subsection (1)(c) – The Suitability of the Site for the Development

No further comment is made on the suitability of the site for the development as Council's assessment is unable to be completed without the provision of designated State public infrastructure and public utility infrastructure, and the submission of the requested information regarding the design of the round-about intersection of Road 1 and 2.

Subsection (1)(d) – Any Submissions made in relation to the Development

The application was publicly notified and exhibited as integrated development from 7 August 2015 to 7 September 2015 and adjoining property owners and occupiers were notified by mail. One written public submission was received during this period and a late submission was received from the ACT Government on 30 September 2015. The issues raised in the submissions are summarised below, with comments provided from the Assessing Officer.

Issue 1: The ACT Government do not support the proposed development and reiterates their continuing concerns about overall development of South Tralee for residential uses and the potential for land use conflicts and interface issues, particularly due to the proximity of the Hume industrial area to South Tralee.

Comment – The proximity of Hume to South Tralee was carefully considered during the rezoning process and is reflected in the gazetted zoning pattern and LEP clauses, including the restriction of residential development in the vicinity of Hume and the adoption of a mapped Visual and Acoustic Buffer.

Issue 2: Heritage – There are factual errors within the heritage report submitted by the applicant, specifically in relation to the Tralee Woolshed and surrounds.

Comment – While the overall heritage impacts of the proposed development are considered to be satisfactory, and are not objected to by Council's Heritage Advisor or Heritage Advisory Committee, there are concerns about the accuracy of some of the historical content submitted by the applicant's heritage consultants. The Heritage Advisor recommends that further detailed historical information pertinent to the site is submitted to Council prior to any works occurring on the site.

Issue 3: Contamination – There are contaminated sites within the proposed development area. Specific mention of a firing range.

Comment – The whole of the South Tralee site has been assessed for contamination in accordance with State Environmental Planning Policy No. 55 –

Contaminated Land Management and relevant guidelines. Several areas of environmental concern (AECs) have been identified. Additional information has been submitted for this Stage 1 DA and assessed by Council's Environmental Health Officer who is satisfied that the AECs within the site are capable of being remediated. An appropriate Remediation Action Plan (RAP) must be prepared to achieve the required level of remediation.

Issue 4: Access – A workable access road must be maintained for the Morrison property via Alderson Place in Hume.

Comment – There will likely be changes to existing access arrangements through South Tralee to adjoining properties as it is developed. However, suitable access is required to be maintained at all times.

Condition B4 of the Concept Development approval states:

Where any stage of development at South Tralee will result in the existing access arrangements to adjoining lands being changed, the applicant must submit details of how it proposes to provide for continuous access to those adjoining lands (both during and following construction of the new subdivision works) with the development application for that Stage.

REASON: *To ensure that access to adjoining properties is maintained.*

For this Stage 1 DA the submitted Construction Management Plan shows that the existing access from Alderson Place is to be maintained at all times.

External Referrals

1. NSW Office of Environment and Heritage (OEH)

The application was referred to the OEH as Integrated Development. This was required because there were known Aboriginal objects on the site, and therefore the OEH would need to issue their General Terms of Approval (GTAs) for any required permits to impact on Aboriginal sites.

An Aboriginal Cultural Heritage Assessment Report was submitted with and assessed by the OEH. The OEH issued their GTAs in relation to Aboriginal cultural heritage matters on 30 March 2016.

2. NSW Department Planning and Environment (DPE)

Council requested the DPE to issue certification of satisfactory arrangements for the provision of designated State public infrastructure for Stage 1 of South Tralee. This has not been received. The DPE has advised Council that in order to issue this certification a State Voluntary Planning Agreement (SPA) between the developer and the DPE has to be finalised (executed).

The applicant has advised Council that they are unable to meet the terms required by the DPE to progress the VPA. Therefore, the DPE is unable to issue certification of satisfactory arrangements for the provision of designated State public infrastructure for Stage 1 of South Tralee.

3. John Holland Rail (Rail Authority)

JHR raised no objections to the proposed development providing that the round-about intersection of Road 1 and 2 be designed in accordance with the Country Rail Network standard for overbridge structures (CRN CS 215 – Transit Space), to allow for sufficient clearance of a future overpass of the rail corridor. The applicant was requested to amend their design to show compliance with the rail standard, however, no amendments were received. The applicant has advised that they will not be submitting this requested information.

4. NSW Police

The proposed development was forwarded to the Crime Prevention Officer at the NSW Police Monaro Local Area Command for comment in regard to Crime Prevention Through Environmental Design (CPTED) principles. After conducting a CPTED assessment the Police have identified the development as having a moderate crime risk.

The Police made several recommendations relating to the management of the Tralee Woolshed, including fencing, landscaping and general maintenance.

Internal Referrals

1. Building Surveyor

Council's Building Surveyor has assessed the proposed development and has raised no objections.

2. Development Engineer

Many of the Development Engineer's comments have been incorporated into the discussion on various issues previously in this report. The proposed road network and provision of services is generally supported, albeit, with numerous details requiring further consideration and/or refinement at Construction Certificate (Subdivision) stage. Furthermore, details shown on the submitted civil engineering drawings that are the subject of the Part 5 application for trunk water and sewer are recommended to either be removed or be clearly marked as not forming a part of the subject application.

The Development Engineer is not prepared to give a final acceptance of the proposed development until such time as satisfactory information is submitted by the applicant to show that the round-about intersection of Road 1 and 2 is designed in accordance with the Country Rail Network standard for overbridge structures (CRN CS 215 – Transit Space).

3. Environmental Health

Council's Environmental Health Officer has assessed the proposed development and has raised no objections subject to the imposition of recommended conditions (should consent be granted) – particularly conditions relating to the remediation of contaminated parts of the site.

4. Parks and Recreation

Council's Manager of Parks and Recreation has assessed the proposed development and has raised no objections.

5. Heritage Advisor

Council's Heritage Advisor does not object to the proposed development—including the demolition of several buildings—however, several conditions are recommended to be imposed (should consent be granted) relating to the submission of more details regarding the historic use of the site, and more details about the rectification works to the Tralee Woolshed and Shearer's Quarters – Cookhouse.

Subsection (1)(e) – The Public Interest

The proposed development is not considered to be in the public interest to approve in its current form as it will not facilitate the development of an urban release area in a manner that is in accordance with the relevant statutory and policy framework.

Adequate arrangements for the provision of public utility infrastructure (water and sewer) that is essential for the proposed development have not been made, and satisfactory arrangements for the provision of designated State public infrastructure has also not been made.

Division 2A – Special procedures concerning staged development applications, which includes

Section 83A – Application of this Division

This Division applies to staged development applications and to consents granted on the determination of those applications.

Section 83B – Staged development applications

A staged development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may also set out detailed proposals for the first stage of development.

Pursuant to Subsection (2) the approved Concept Development (DA 263-2013) was requested to be treated as a staged development application. Subsequent detailed development applications (DAs) were identified to be lodged for five separate subdivision and construction stages. The application the subject of this report seeks approval to subdivide land and carry out associated works within Stage 1 of South Tralee in accordance with the Concept Development approval.

Section 83D – Status of staged development applications and consents

This Section states that while any consent granted on the determination of a staged development application for a site remains in force, the determination of any further development application in respect of that site cannot be inconsistent with that consent.

The proposed development of Stage 1 of South Tralee is generally consistent with the Concept Development approval and the relevant conditions of consent imposed on development consent 263-2013, except for Condition A5 (reproduced below).

The infrastructure and facilities listed in the letter from the Applicant offering to commence negotiations for a Voluntary Local Planning Agreement (December 2013) as amended by the Applicants letter of 24 March 2015, and any additional infrastructure included in any Local Planning Agreement negotiated and executed between Council and the Applicant, are to be provided for the development.

REASON: *To provide essential infrastructure and facilities to meet the needs of the urban development.*

As previously discussed, the developer has advised that it is unable to execute the Draft Local Voluntary Planning Agreement (VPA) for South Tralee negotiated with Council. Therefore, the infrastructure and facilities identified in the VPA will not be provided.

Section 91 – What is “integrated development”?

The proposed development required referral as Integrated Development to the NSW Office of Environment and Heritage (OEH) under Section 90 of the *National Parks and Wildlife Act 1974* as the site contains known Aboriginal objects. The OEH issued their General Terms of Approval in relation to Aboriginal cultural heritage matters on 30 March 2016.

Section 94 – Contribution towards provision or improvement of amenities or services

A Section 94 Plan to enable the levying of contributions from the developer for the increase in demand for public amenities and services created from the development of South Tralee is not yet completed. While the existing Queanbeyan Section 94 Contributions Plan does technically apply to South Tralee, it does not provide for the collection of contributions for facilities specific to the wider South Jerrabomberra urban release area.

Conclusion

The proposed development has been assessed under Section 79C of the *Environmental Planning and Assessment Act 1979* including the relevant provisions of Queanbeyan Local Environmental Plan (South Tralee) 2012, Queanbeyan Local Environmental Plan 1998, Queanbeyan Development Control Plan 2012, and the South Tralee Development Guidelines. The proposal does not satisfy all of the provisions of these instruments and policies as detailed throughout this Report and in the Recommendation below.

Village Building Company (VBC) (the developer), on behalf of Canberra Estates Consortium No. 4 (the applicant), advised Queanbeyan-Palerang Regional Council on 17 November 2016 that they are unable to execute the current form of the draft Local Voluntary Planning Agreement, and that the draft State Planning Agreement is unable to be agreed and executed.

VBC also advised that as it is unable to make the necessary satisfactory arrangements for the provision of designated State public infrastructure and adequate arrangements for the availability of water supply and sewerage public utility infrastructure under Clauses 6.1 and 6.2 of Queanbeyan Local Environmental Plan (South Tralee) 2012. VBC is also unable to provide the requested additional information required by Council to finalise the development assessment process for the Stage 1 and 2 Development Applications.

A copy of this advice is included in Appendix A.

Under the Queanbeyan Local Environmental Plan (South Tralee) 2012, the consent authority must not grant development consent to proposed developments that do not satisfy the requirements of *Clause 6.1 – Arrangements for designated State public infrastructure* and *Clause 6.2 – Public utility infrastructure* of the Plan.

Recommendation

1. Pursuant to Section 80(1)(b) of the *Environmental Planning and Assessment Act 1979* (the Act) the subject Development Application (DA 276-2015) be refused consent on the following grounds:

- a. The proposed development contravenes the objects of the Environmental Planning and Act listed at Section 5 - Objects, specifically objects (a)(i) and (a)(ii) in that it does not promote the orderly and economic use and development of land or provide the required utility services;
- b. The proposed development is inconsistent with Clause 1.2(b) of the Queanbeyan Local Environmental Plan (South Tralee) 2012 as the timely provision of physical and social infrastructure has not been demonstrated;
- c. The proposed development does not satisfy *Clause 6.1 – Arrangements for designated State public infrastructure* of the Queanbeyan Local Environmental Plan (South Tralee) 2012 as the NSW Department of Environment and Planning has not certified that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the subject land;
- d. The proposed development does not satisfy *Clause 6.2 — Public utility infrastructure* of the Queanbeyan Local Environmental Plan (South Tralee) 2012. Council is not satisfied that the public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required;
- e. The applicant has not provided the additional information requested by Council in accordance with Clause 54 of the *Environmental Planning and Assessment Regulation 2000* to enable Council to complete the development assessment process. This information is related to achieving compliance with John Holland Rail's Engineering Standard for clearance over the rail corridor for a future road access into the ACT; and
- f. Pursuant to Section 79C(1)(e) of the Act the proposed development is not in the public interest to approve in its current form as it will not facilitate the development of an urban release area in a manner that is in accordance with the relevant statutory and policy framework.

Adequate arrangements for the provision of public utility infrastructure (water and sewer) that is essential for the proposed development have not been made, and satisfactory arrangements for the provision of designated State public infrastructure has also not been made.

2. That those persons who made a submission during the period of public exhibition be notified of the Panel's decision.
3. That the NSW Office of Environment and Heritage be notified of the Panel's decision.

Appendix A

Letter from Village Building Company (including advice from the Department of Planning and Environment)

17 November 2016

Mr Peter Tegart
Queanbeyan-Palerang Regional Council
PO Box 90
Queanbeyan NSW 2620

HEAD OFFICE
Argyle Corner
92 Hoskins Street
Mitchell ACT 2911
Australia

P 02 6241 6844
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Dear Peter

Further to our discussions in relation to the South Tralee development within the South Jerrabomberra Urban Release Area, Village Building Company (VBC) is in receipt of correspondence from the Department of Planning and Environment (DPE) in relation to the terms of the draft State Planning Agreement (SPA). A copy of this correspondence is attached to this letter.

The DPE has advised that the preconditions of the SPA have been amended from the position previously advised in August 2015. The DPE has identified that the costs of the cross border road and traffic impacts will need to be resolved before being able to determine a State Infrastructure Contribution amount, and therefore being able to agree and execute a SPA with VBC.

In addition, I confirm our verbal advice that VBC is unable to execute the current form of the QPRC draft Voluntary Planning Agreement. The costs imposed on the South Tralee component of the release area under this proposed agreement are inequitable in the context of the release area and are unable to be afforded by a single development. VBC will be unable to raise external finance to fund the upfront infrastructure to support the entire South Jerrabomberra release area.

Given that the balance of the South Jerrabomberra release area is nearing a rezoning approval, we understand that the most effective mechanism to deliver the local infrastructure required to support development by multiple landowners, including VBC, is through an appropriate Section 94 Contributions Plan for local infrastructure other than water supply and sewerage infrastructure, and an appropriate Development Servicing Plan for water supply and sewerage infrastructure. We understand the existing Section 94 Plan that currently applies to the whole of the South Jerrabomberra Urban Release Area will require an amendment to the works schedule. The amended plan would include the identified local infrastructure requirements for this area and is capable of being endorsed and implemented within six months.

At this time, VBC is unable to make the necessary satisfactory arrangements for the provision of designated State public infrastructure for the purposes of clause 6.1(1) of *Queanbeyan Local Environmental Plan (South Tralee) 2012*. The same also applies to the making of adequate arrangements for the availability of water supply and sewerage public utility infrastructure under clause 6.2(1) of that plan. As such, VBC is advising QPRC of its inability to provide the requested additional information required by QPRC to finalise the development assessment process for the Stage 1 and 2 Development Applications.

Yours sincerely



Travis Doherty
Chief Executive Officer



Ms Claire Gilligan
The Village Building Company Pty Ltd
PO Box 178
Mitchell ACT 2911

16/14476

Dear Ms Gilligan

Re: Draft Planning Agreement, Jerrabomberra Urban Release Area

I am writing in response to your request in relation to the current status of a proposed voluntary planning agreement over The Village Building Company's site in the Jerrabomberra Urban Release Area (VPA).

As discussed, in order to finalise the terms of the VPA, clarity is required in relation to the Village Building Company's ability to dedicate the site nominated for future education purposes, and the scope and cost of the road works that will be needed to support the traffic that will be generated by the proposed development. These requirements relate to minimum safety and community development requirements and cannot be compromised.

The Department recognises your concern about the time it may take to determine these matters. Therefore, as per our letter to you on 20 August 2015, we are willing to work with you to explore options to timetable the payment of development contributions to an appropriate later stage of development, when the exact quantum of the infrastructure scope and costs are known. This may include accepting the dedication of the future education site as an off-set for the overall financial contributions for the initial stages.

However, in trying to help you resolve this matter, we remain committed to ensuring that the appropriate contributions will be provided overall. The Department is not able to offer a development contribution payment trigger linked to the 670th lot because the road requirements (and a broad estimate of likely costs) are not sufficiently clear to accurately confirm that the land for future education purposes will provide a sufficient offset for the overall State infrastructure contributions for those stages. As you know, the location and scope of the future road requirements remain unknown at this stage.

I recommend that we meet to discuss this matter, review the current situation, and to discuss any recent changes to your proposal and their impact on State infrastructure requirements.

I look forward to continuing to working with you to finalise this development proposal and to provide housing, employment and infrastructure to the Queanbeyan area.

Should you have any further enquiries, please contact John Borg at the Department on (02) 9274 6226.

Yours sincerely



Martin Reason

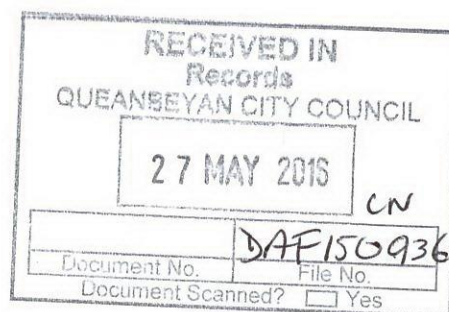
Director, Transport and Strategic Infrastructure Planning

Appendix B

**Letter from the Department of Planning and Environment Re; Requirements
for the Issuing of Satisfactory Arrangements Certification**



Mr Peter Tegart
The General Manager
Queanbeyan City Council
PO Box 90
Queanbeyan NSW 2620



16/06053

LB

Att: MJ Thompson, Director, Environment, Planning and Development

Dear Mr Tegart

**REQUEST FOR SATISFACTORY ARRANGEMENTS CERTIFICATION – DA276/2015
AND DA446/2015**

I am writing in regards to Queanbeyan City Council's correspondence, dated 20 and 21 April 2016, requesting satisfactory arrangements certification for DA276/2015 and DA446/2015.

The subject development applications are located within the South Tralee urban release area.

DA276/2015 (Stage 1, South Tralee) proposes the subdivision of land into 106 residential lots, three super lots, two open space lots, ancillary infrastructure demolition, façade rectification of shearer's cook house and woolshed, and a temporary sales office.

DA446/2015 (Stage 2, South Tralee) proposes the subdivision of land into 238 residential lots, three open space lots, one school lot, and ancillary infrastructure and local services.

As you are aware, clause 6.1 of the *Queanbeyan Local Environmental Plan 2012* requires that development consent must not be granted for the subdivision of land in an urban release area unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.

As there is no executed planning agreement between the Minister for Planning and the developer in relation to the land subject to the development applications, satisfactory arrangements certificates for DA276/2015 and DA446/2015 cannot be issued to council.

Until such time that the developer enters into a planning agreement towards the provision of designated State public infrastructure, no satisfactory arrangements certificates can be issued.

The developer has been informed of the need to enter into a planning agreement prior to satisfactory arrangements certification being issued for any development applications.

Should you have any further enquiries, please contact Yasmin Campbell, at the Department on 02 9228 6226.

Yours sincerely



Liz Develin
Deputy Secretary
Growth, Design and Programs

23 MAY 2016