

JRPP No	JRPP Reference Number – 2017STH036
DA Number	395-2017
Local Government Area	Queanbeyan-Palerang Regional Council
Proposed Development	Subdivision of Stage 1 of South Tralee urban release area – creating: 318 residential lots; 9 super-lots for future residential development; 1 super-lot for the future neighbourhood centre; 6 residue lots (open spaces, drainage, road corridor); and public roads.
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	Village Building Company / Village Building Company and Queanbeyan-Palerang Regional Council
Number of Submissions	No submissions made during the period of public notification.
Regional Development Criteria	Pursuant to Clause 3 of Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> (in force at time of the application being lodged), 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>S79C (1)(a)(iii):</p> <ul style="list-style-type: none"> • Queanbeyan Development Control Plan 2012. • South Jerrabomberra Development Control Plan. <p>S79C(1)(a)(iiia):</p> <ul style="list-style-type: none"> • State Planning Agreement; and

	<ul style="list-style-type: none"> Local Planning Agreement – South Tralee Essential Infrastructure Planning Agreement – executed 19 June 2018 <p>S79C(1)(a)(iv):</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	Conditional Approval
Report prepared by	Chelsea Newman and Jacinta Tonner, Queanbeyan-Palerang Regional Council
Report date	May – June 2018

Assessment Report and Recommendation

Executive Summary

Integrated Development Application 395-2017 seeks approval to subdivide land and carry out associated works within Stage 1 of South Tralee, which is within the South Jerrabomberra urban release area.

The proposed development was advertised as Integrated Development from 28 November 2017 to 12 January 2018 and adjoining property owners and occupiers were notified by mail. No submissions were received during this period.

Government Agency comments/approvals were received from:

- Office of Environment and Heritage;
- NSW Police;
- John Holland Rail;
- Rural Fire Service;
- Essential Energy;
- Road and Maritime Services;
- Department of Planning and Environment; and
- Commonwealth Department of Infrastructure and Regional Development.

An assessment under Section 79C (currently known as Section 4.15) of the Act has been undertaken and the Development Application is recommended for conditional approval.

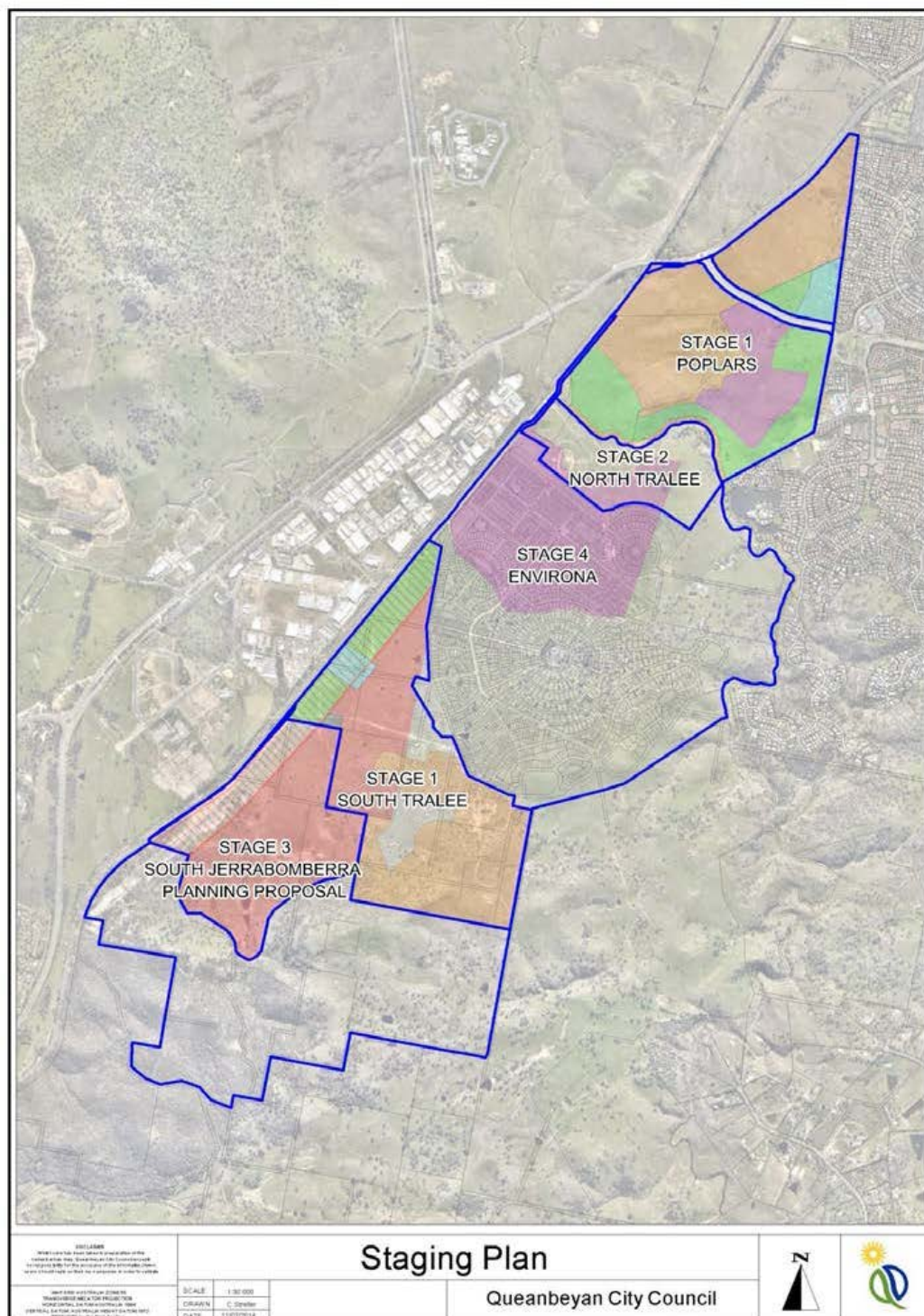
Site and Surrounds

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 has been identified in Council's master planning 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 1 below. Only South Tralee and the Poplars have been re-zoned to this point.

The total dwelling yield for the South Jerrabomberra urban release area will be approximately 1,500 dwellings, of which approximately 750 are anticipated to be constructed within South Tralee.

Figure 1 – Staging Plan for South Jerrabomberra



Background

The South Tralee land has been subject to several previous Development Applications (DAs) which were all determined by the JRPP. They are briefly outlined below:

- Concept DA 263-2013 was approved by the JRPP on 18 May 2015 as a staged DA for the conceptual development of South Tralee urban release area. Subsequent detailed DAs were identified to be lodged for five separate subdivision and construction stages.
- DA 276-2015 was for the Stage 1 development of South Tralee. It was refused by the JRPP on 4 April 2017 due to the developer not being able to make satisfactory arrangements for the provision of state infrastructure or public utility infrastructure.
- DA 466-2015 was for the Stage 2 development of South Tralee. It was also refused by the JRPP on 4 April 2017 for the same reasons as the Stage 1 DA.

Progress since the Refusal of Previous DAs for Stage 1 and 2

At the time of the approval of the original concept DA no DCP was in place for the South Jerrabomberra urban release area and as such the concept approval was necessary before the staged DA's could be determined.

However, since that time the South Jerrabomberra DCP was adopted by Council on 28 February 2018 coming into effect on 20 March 2018. This provided the developer with an opportunity to effectively supersede the concept approval by lodging a new structure plan covering the land within the developer's sphere of control. This structure plan was lodged as an amendment to the DCP and subsequently approved by Council on 28 February 2018. This Structure Plan will now form the basis of the DA's that will be lodged.

The first development application for residential subdivision which the developer refers to as Stage 1 (although the application is not for staged development) is the subject of this report. The development application for Stage 1 is generally consistent with the adopted structure plan.

The applicant (VBC) has made changes to the proposed development of South Tralee based on a reduction in the total yield of dwellings for the South Jerrabomberra urban release area from 2,221 to 1,500. Hence, the subject DA for the Stage 1 development of South Tralee differs from the Stage 1 DA 276-2015 that was refused by the JRPP. The land that forms the subject site comprises land that was within Stages 1 to 4 as identified in the Concept approval.

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:

- *State Voluntary Planning Agreement (S VPA)*

A State Voluntary Planning Agreement (S VPA), based on a total yield for the South Jerrabomberra urban release area of 1,500 dwellings, was made on 4 May 2018.

- *Local Voluntary Planning Agreement - South Tralee Essential Infrastructure Planning Agreement (VPA)*

A VPA has been negotiated between the developer and Council and placed on public exhibition from Friday 16 March 2018 until Friday 13 April. It includes matters such as the provision of water and sewer.

Council resolved on 26 April to execute the VPA for South Tralee.

The deed for the *South Tralee Essential Infrastructure Planning Agreement* under 93F (now S.7.4) of the EP&A Act was executed on 19 June 2018.

- *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 August 2017. The REF was approved by Council on 11 April 2018.

- *Local Infrastructure Contributions Plan for South Jerrabomberra 2018*

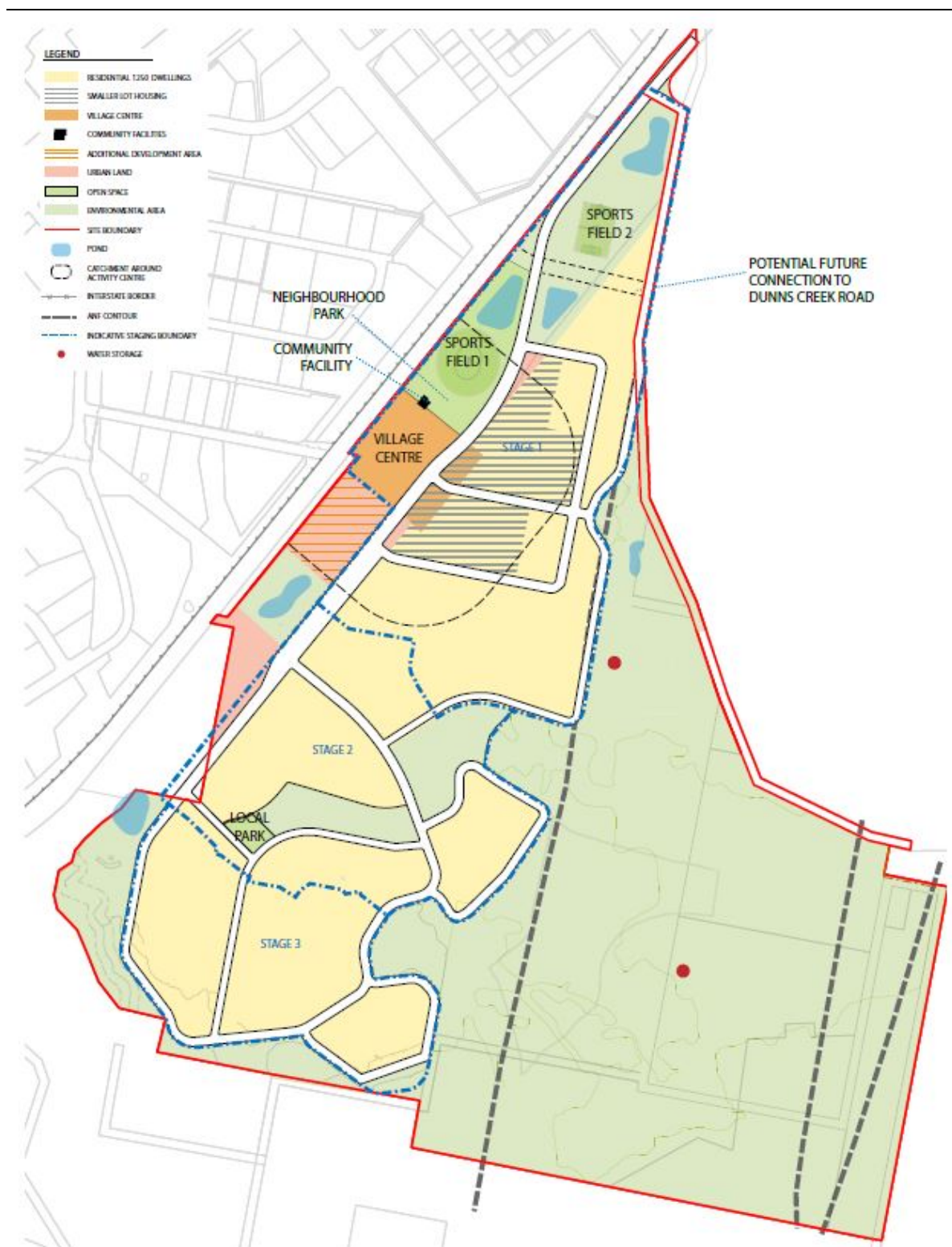
The contributions plan was adopted by Council on 26 April 2018 and came into effect on 15 May 2018. It will allow Council to collect contributions towards the infrastructure needed to service the new population of South Jerrabomberra (both residents and workers).

- *Amendment to the South Jerrabomberra Development Control Plan*

A Structure Plan approved under the Concept Development Application 263-2013 was identified in the South Jerrabomberra Development Control Plan as the adopted Structure Plan for South Tralee. As a result of the developer not proceeding with the Concept approval and revising the South Tralee development, the Structure Plan was required to be amended.

On 20 March 2018 Council adopted a new Structure Plan for South Tralee and land to the south known as Forrest Morrison – see figure 2 below. The subject DA is generally consistent with the amended Neighbourhood Structure Plan.

Figure 2 – South Tralee and Forest Morrison Neighbourhood Structure Plan



- *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 (Tomsitt Drive) to Jerrabomberra Creek, was been determined by Council in May 2017.

Construction of Stage 2 of the Northern Entry Road commenced in early 2016, however, works have since been halted by the developer pending the outcome of the DA the subject of this report. Should this application be approved then work on the road will need to recommence. While all the necessary approvals are in place the timing of the construction of the road is critical and, as the only access to the proposed subdivision, must be completed prior to the issue of any subdivision certificate. As such, any approval must include a condition requiring the construction of the northern entry road to be completed and dedicated to Council prior to the issue of any subdivision certificate related to the Stage 1 application.

- *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 DA 263-2013.

Proposed Development

The proposed development includes:

- The design of 318 new residential allotments ranging in size from 375m² to 774m²;
- Creation of nine super-lots for future residential development and ranging in size from 2,709m² to 16,523m² (labelled A1-A9 on the Subdivision Plans);
- Creation of one super-lot (31,393m²) for the future neighbourhood centre (labelled B1);
- Creation of six residue lots containing open space, drainage reserves, and a corridor for a potential future connection to Dunn's Creek Road (labelled C1-C6);
- Construction of road access and local utilities associated with the subdivision; and
- Provision of three storm water drainage ponds within the open space area adjacent to the railway corridor and Hume.

The remaining existing structures on the site have been previously identified as having heritage significance and required to be retained by Council. These structures are the Tralee Woolshed and a building known as the Shearer's Quarters Cookhouse. No works are proposed to these structures as part of the subject DA.

Subject Site

The site currently has no specific land use, however, it has most recently, and historically, been used as a grazing property.

The 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 2 of the South Tralee area as identified in the Neighbourhood Structure Plan. 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 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 the site 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 the site. Several of these have been approved to be demolished. Two of these structures, including a woolshed, are identified as having heritage value and are to be retained.
- Access is currently from an unsealed track from Hume in the ACT (Alderson Place).

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 the site is proposed to be subdivided to create a variety of residential allotments ranging in size from 375m² to 774m².
- Also within the R1 zone, nine super-lots are proposed which will be subject to future development applications for further subdivision. The majority of these super-lots are within the part of the site permitted to have a minimum lot size of 130m². Two of these super-lots extend into the B4 – Mixed Use part of the site.
- The RE2 – Private Recreation zoned land is proposed to form part of an open space network, including three drainage ponds. This land also contains the Tralee Woolshed and the Shearer's Quarters – Cookhouse buildings. These are identified as being retained in-situ.

Note: The recently amended Neighbourhood Structure Plan shows the Tralee Woolshed being re-located adjacent to the future neighbourhood centre. It also shows the provision of two sportsfields in the northern corner of the site. These works, as well as any other embellishments of the RE2 zone are included in the works schedule of the Local Infrastructure Contributions Plan for South Jerrabomberra.

The B1 – Neighbourhood Centre zoned land is proposed to have a super-lot created over it.

- The small section of the site zoned E2 – Environmental Conservation is proposed to have a portion of Road 5 constructed within it.
- The eastern boundary of the site zoned 1(a) Rural A under the Queanbeyan LEP 1998 contains an unformed road. The northern section is proposed to form part of Road 5. The southern section of this land zone will form a part of Road 5 and Road 10.
- A small part of proposed Road 10 extends in the south-east corner of the site extends into land zoned 7(b) Environmental Protection B under the Queanbeyan LEP 1998.

Infrastructure

The provision of trunk potable water and sewer related infrastructure was approved by Council on 11 April 2018 under Part 5 – Environmental assessment of the *Environmental Planning and Assessment Act 1979*. A summary of this approved infrastructure is provided below.

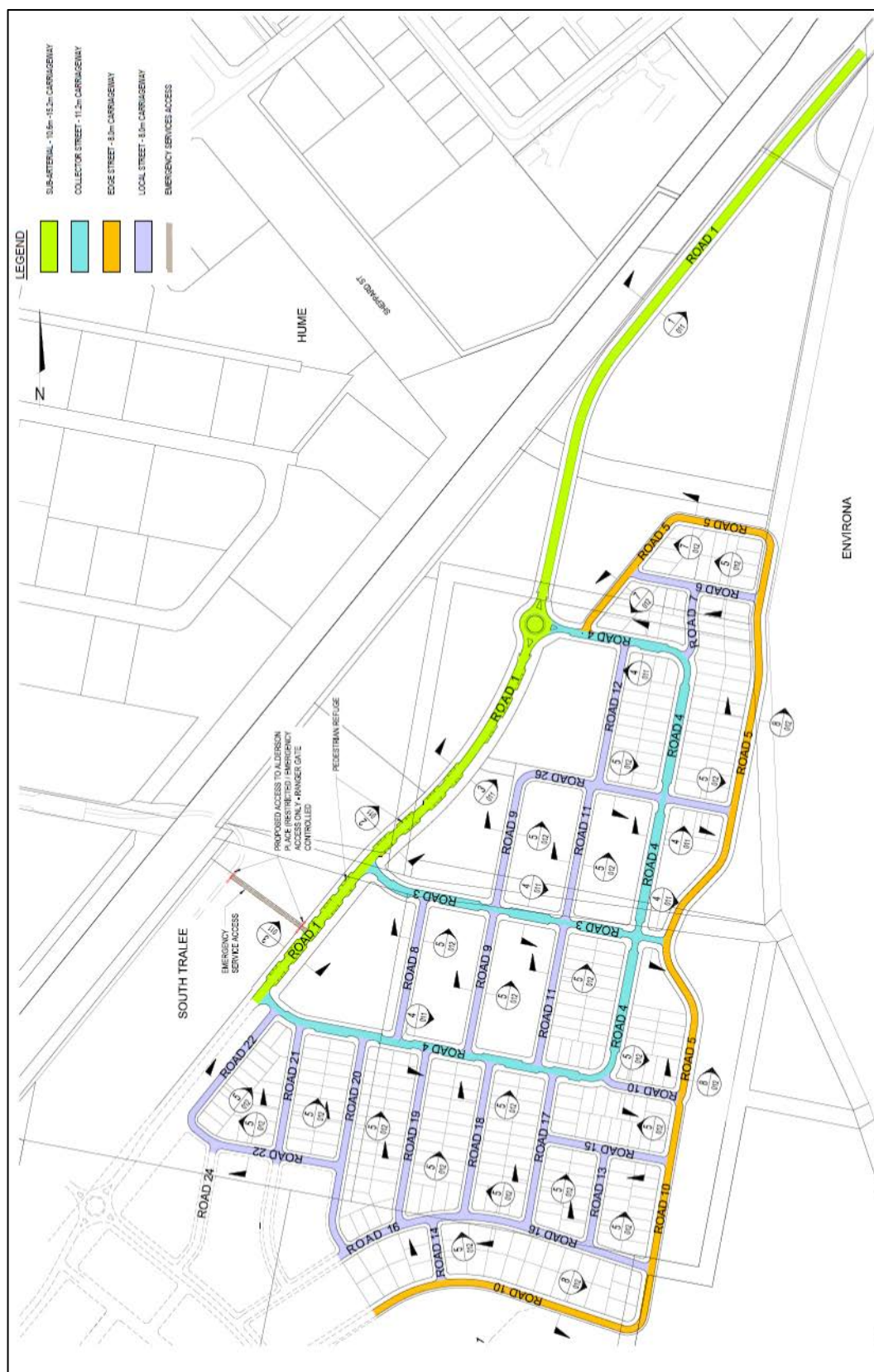
- Potable water for South Tralee will be sourced from the Council's water supply network, which in turn is supplied with potable water under an agreement with ACTEW Water (ACT). No recycled water is proposed to be supplied. Two reservoirs (low and high zone) will be required to service the site and the 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 were 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 near Jerrabomberra Creek.

Submitted engineering drawings outline the provision of the infrastructure for the proposed development not covered by the Part 5 approval.

- Electricity can be provided to the proposed development from an existing substation on Lanyon Drive (near the intersection with Tomsitt Drive). The applicant states in their Infrastructure Servicing Report that Essential Energy have advised that a supply from this point will have the capacity to service approximately 800-1000 dwellings, which is an adequate supply for South Tralee Stage 1. 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, though does not form part of this application.
- The applicant states in their Infrastructure Servicing Report that ZNX (gas authority) has advised that gas services are readily available from the adjacent suburb of Hume. As gas services are readily available and in accordance with the South Jerrabomberra DCP (Part 3.7.9) the provision of gas infrastructure is required. A condition of consent is recommend to ensure arrangements have been made for its supply to each lot.
- Provision for public transport is made for the proposed development by two bus stops on Road 1 and associated bus route through the Stage 1 subdivision. Q-City has provided in principal support for the proposed route. Bicycle and shared access is provided in a mix of pedestrian paths, shared paths and on-road cycle lanes.
- The majority of streets are proposed to run north to south in a grid-like pattern. The main road into the development (connecting to the Northern Entry Road) is Road 1. The alignment of this road has changed from that which was approved under the Concept DA 263-2013. Instead of running parallel with the rail corridor for the entire length of South Tralee, this road now starts to veer away from the rail corridor as it crosses the arterial road corridor connection to Sheppard Street (A.C.T), running through the RE2 zoned land, to then run parallel with the boundary of the RE2 and R1 zones – refer to Figure 3 below.

Figure 3 – Proposed Road Hierarchy



Amendments

During the course of the assessment of this DA, and after the period of public notification had ended, several issues were raised with the applicant which resulted in relatively minor changes to the proposed development.

The final substantive changes made to the proposal after the period of public notification are reflected in amended plans submitted to Council on 28 February 2018 and are summarised as follows:

- a) Introduction of a round-about at the intersection of Road 1 and Road 4;
- b) Removal of an intersection of Road 26 with Road 1;
- c) Changes to proposed Lots 182, 183 and 184 to comply with the minimum lot size requirement; and
- d) Removal of sportsfields from the DA drawings, with these instead being incorporated into the Neighbourhood Structure Plan.

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 result in any increased impacts to adjoining properties or the locality.

Submitted Plans and Documents and Reliance on Previous Technical Reports

The submitted Statement of Environmental Effects (SEE) refers to the Concept DA 263-2013 being approved for the staged subdivision of South Tralee, and states as follows:

While the [approved] Concept Plan [DA 263-2013]...has been amended in the current proposal, the detailed planning and environmental impact investigations and extensive supporting documentation that informed that decision has been relied on to the extent that it relates to the revised subdivision layout. To this end assumptions have been made as to the suitability of the site to support the development based on the previous assessment.

The SEE lists the previous technical reports relied upon in for the subject DA – see extract below.

Supporting Documents	Comment	Refer to
Flora and Fauna Kevin Mills and Associates 2013	The investigation of the biota occurring on the South Tralee site as a whole go back to at least 2004 (KMA 2004, 2007, 2009), during the rezoning process and prior to design of the subdivision. A development specific report was prepared in 2013 (KMA 2013), with subsequent reports addressing matters raised by Council (KMA 2014a, 2014b, 2014c). EcoLogical have provided an update in relation to the site having regard to the new Biodiversity Conservation Act and accompanying savings and transitional arrangements.	Appendix 5
Geotechnical Investigations - Douglas Partners 10 July 2015	The development footprint remains consistent with the Concept Plan DA and the investigations undertaken in the previous report remain relevant.	Appendix 11
Salinity Investigation and Management Plan - Douglas Partners 30 June 2015	The Salinity Investigation is in two separate reports covering the former Stages 1 and 2 DAs.	Appendix 12
Site Contamination South Tralee Detailed Site Investigation – SMEC 20 July 2017	The information provided in the report is sufficient to support the revised layout.	Appendix 13
South Tralee Residential Development and Northern Entry Road Aboriginal and Cultural Heritage Assessment 2016	This report provides a consolidated background in relation to the work undertaken to date and provides sufficient information to satisfy clause 5.10 of the STLEP.	Appendix 14

The following additional reports and plans were submitted by the applicant and used throughout the planning assessment.

Note: Superseded reports and plans are not referenced.

- South Tralee Residential Area and Northern Entry Road (Cultural Heritage Archival Recordings), dwelling and woolshed, Navin Officer, October 2015
- South Tralee Residential Area and Northern Road (Cultural Heritage Archival Recordings) –Tralee Homestead, SQC Architecture, January 2016
- Report on Tralee Homestead and Woolshed, Eric Martin, 22 July 2013
- Engineering Drawings submitted 28 February and 18 April
- Traffic Study – 14 March 2018
- Amended Landscape drawings 26 June 2018
- Updated Street Hierarch Drawings Received 9 February 2018

Statutory Assessment

The application was lodged prior to the commencement of the amendments to the Environmental Planning and Assessment Act 1979 that came into force on 1 March 2018 therefore the application has been assessed under the saving provisions and references will be made to the sections of the Act at the time of lodgement.

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 5 – Objects of Act;
- b) Section 4B – Subdivision of land (noting that this section of the Act remains in force until 1 September 2018);
- c) Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats (noting that this repealed section of the Act is still in force with respect to the subject DA);
- d) Section 79C – Evaluation; and
- e) Section 91A – Development that is integrated development; and
- f) Section 93F – Contribution towards provision or improvement of amenities or services.

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Section 5 – Objects of Act

The objects of the Act are as follows:

- a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- c) *to promote the orderly and economic use and development of land,*
- d) *to promote the delivery and maintenance of affordable housing,*
- e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- g) *to promote good design and amenity of the built environment,*
- h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is considered to generally satisfy the objects of the Act, specifically those listed as subsections (a) to (g). Refer to detailed discussion of matters pertaining to the objects of the Act throughout this Report.

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 and super-lots for future residential and commercial development; drainage / open space; and a road corridor.

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. Before addressing the specific requirements of this Section, an overview of its applicability and the potential ecological and biodiversity impacts of the proposed development is warranted.

Applicability of Section 5A

This section of the Act was repealed on 24 August 2017 with the commencement of the *Biodiversity Conservation Act 2016* on 25 August 2017. The subject DA was lodged with Council on 1 November 2017.

Under Section 27 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* the subject DA is a **pending or interim planning application** as it was made within 6 months after the commencement of the *Biodiversity Conservation Act 2016*.

Under Section 28 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* the **former planning provisions** apply to the determination of a pending or interim planning application.

former planning provisions means the provisions of the *Environmental Planning and Assessment Act 1979* that would be in force if that Act had not been amended by the new Act.

In summary, Section 5A of the *Environmental Planning and Assessment Act 1979*, (in force prior to the commencement of the *Biodiversity Conservation Act 2016*), is applicable to the subject DA. *Part 7 – Biodiversity assessment and approvals under Planning Act*, of the *Biodiversity Conservation Act 2016* does not apply.

Relevant Background

A number of ecological studies were commissioned to inform the rezoning of land under the South Tralee LEP (inclusive of the subject site). These studies assessed the conservation value of the site against the requirements of both the NSW *Threatened Species Conservation Act 1995* and the Commonwealth's *Environmental Protection and Biodiversity Conservation Act 1996*. Several areas of high conservation value were identified and known environmental values include endangered grasslands, threatened species and remnant vegetation.

The majority of the south-east section of South Tralee (outside of the subject site's boundaries) 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.

Information from Concept DA 263-2013 Relevant to the Current Development Application

A detailed assessment against Section 5A was conducted as part of the assessment of the Concept DA 263-2013 (which incorporated all of the land zoned under the South Tralee LEP and inclusive of the subject site). This included the submission of numerous reports from the applicant's environmental consultant, and consultation between Council and the Office of Environment and Heritage. Although the developer is not proceeding with the conceptually approved development, the assessment of the Concept DA remains relevant as background for the subject DA.

A review of the assessment against Section 5A conducted under the Concept DA shows that there are limited environmental constraints in relation to flora and fauna on the land within subject site. The majority of the land consists of exotic grassland. There is a small area of native grassland (>50% native plant cover) within the south-eastern corner of the site 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 Constraints Plan). "Area B" contains native grassland as identified in reports submitted for the Concept DA. Part of Road 5 traverses "Area B". It should be noted that this part of the currently proposed road design is consistent with what was approved under the Concept DA.

As part of the considerations for the Concept DA the areas of native grassland in South Tralee referred to above 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. This change has been carried over to the current DA.

Impacts from a section of road within “Area B” were acknowledged in the Concept DA approval 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. There is no reason why this assessment should change under the subject DA.

Flora and Fauna Report for Subject DA

For the subject DA, the developer is relying on the reports submitted for the Concept DA, as well as a short new report from their ecological consultant (KMA) on the current proposed development (Appendix 5c of the submitted documentation). This report states as follows:

- *The land covered by Stage 1 [the subject site] has been shown to not support any significant vegetation or habitat for threatened biota. At most, a few woodland birds temporarily visit the land, as they do on most rural lands on the tablelands, particularly in winter.*
- *Native Grassland*
 - *The report of KMA (2014a) identified, mapped and assessed all native grassland on the South Tralee site. Within the development footprint of Stage 1, there are areas of native grassland, as mapped in the report. Upon assessment, these were found to be isolated patches, of low diversity and not important. Extensive areas of native grassland occur on the adjoining land, which is zoned Environmental Protection.*
 - *The impact of developing Stage 1 is not likely to impact significantly on local native grassland. The loss is more than offset by the retention of the better quality native grassland within the Environmental Protection zone.*
- *Tree Cover*
 - *A tree survey was undertaken for the whole of the South Tralee development area, which identified and assessed all trees growing on that land (KMA 2013a); this included a photograph of every tree. In general the tree cover is extremely sparse and some trees in the north are exotic species. While some trees will inevitably be removed, their habitat value is minimal.*
 - *The previous reports noted that felled timber is a valuable habitat element for ground dwelling fauna. Once the trees have been felled, they will be placed in the E2 zoned land under the supervision of an ecologist. Our previous recommendations stand; that the trees be felled and moved as soon as possible to the designated area and that the timber pieces remain as large as possible. In case animals are found to inhabit hollows in these trees, which are very rare, the foreman on site should have the number of an animal rescue group to hand to call if necessary.*
- *Summary*
 - *In summary, the South Tralee Stage 1 land has been the subject of numerous and extensive flora and fauna investigations for well over a decade. The natural values present on the land have been fully and thoroughly identified and assessed, firstly as part of the LEP process and later as development designs were being investigated. The report by KMA (2013a) summarises the work done on the site and found no significant habitat features occur within the Stage 1 land.*

Consultation with the Office of Environment and Heritage

To assist in the assessment of impacts to biodiversity from proposed developments, Council routinely refers applications for subdivision to the Office of Environment and Heritage (OEH). In relation to the subject DA the OEH provided comments relating to the tree survey. However, before discussing the OEH's comments, some relevant background regarding tree removal is provided.

Tree Removal

There are 33 trees located within the subject site. The majority of them are located within land zoned for residential development. It is proposed to remove all of them. Under the Concept DA the issue of native tree retention was given detailed consideration, and the DA approved with the knowledge that the majority, if not all, of the existing trees within South Tralee, (except those within the E2 zoned land), would be removed as part of future staged DAs.

A survey of native trees within South Tralee was carried out by the applicant's ecological consultant (KMA) and submitted for the Concept DA. This survey has been re-submitted for the subject DA.

OEH Comments

- *We note only 1 hollow was identified out of the 100 trees surveyed. This seems unlikely in Eucalyptus melliodora and polyanthemom with a diameter at chest height (DCH) of greater than 100cm.*

Assessing Officer's Comment – OEH did not make this observation about the tree survey in their comments for the Concept DA 263-2013. Without any substantive evidence provided by the OEH to support their comment, Council accepts the tree survey as being reliable.

- *There are 14 trees that are greater than 50cm DCH (classified as large trees) that are proposed to be removed as part of this development. Four of these are greater than 100cm DCH (Tree No. 3, 23, 75 and 98). These four trees must be retained on site as a condition of consent and ensure that their structural root zones are not impacted.*

Applicant's Comment – The applicant engaged another ecological consultant from Eco Logical Australia to provide a response to the OEH comment. This is provided below.

- *With regards to biodiversity matters relevant to this proposal, QPRC are the consent authority, with responsibility for assessing and approving any impacts to biodiversity. In the context of the heavily cleared and exotic pasture dominated landscape the remnant mature trees are of a relatively high ecological value, providing a range of ecological services and habitat values. OEH's comments reflect and highlight these values. While retention of large mature trees would reduce the biodiversity impacts associated with the proposal, OEH's comments in relation to biodiversity should be considered by QPRC as advice only, rather than statutory requirements.*
- *For this proposal, OEH would only hold an approval role in relation to biodiversity matters if QPRC were of the view that the proposal was likely to significantly impact threatened species, populations or ecological communities (assessed in accordance with Part 5A of the EP&A Act), and that a Species Impact Statement is required. Previous biodiversity studies undertaken for the proposal (e.g. KMA 2013) and advice provided (e.g. KMA 2014a; KMA 2017) state that the proposal*

is unlikely to result in any significant impacts to threatened species, populations or ecological communities. Furthermore, the Concept Plan DA, submitted in 2013 and approved by the Joint Regional Planning Panel in 2015, assumed the removal of the four trees referenced by OEH. The approval of this DA may be taken to support the argument that the removal of these trees is unlikely to constitute a significant impact.

Assessing Officer's Comment – It is correct that the OEH has no approval role in relation to biodiversity matters. However, Council has requested their advice and it should be given consideration.

Tree No. 3 is within the road reserve for proposed Road 1. Tree No. 23 is within proposed super-lot A1. Tree No. 75 is within proposed Lot 244. Tree No. 98 is within the road reserve of proposed Road 10.

When commenting on the Concept DA, the OEH did not reference specific trees, but did state that efforts should be made to retain native trees, as large trees in urban spaces provide important habitat for native species of birds, bats and invertebrates. The response to this comment from the applicant's ecological consultant is reproduced below:

- *Obviously large old trees have habitat value. In urban areas these are often lost over time as the environment around them changes. Road construction and associated soil drainage changes can drastically affect local hydrology. Even if great trouble was taken to retain trees in urban settings, drainage and local changes to topography can reduce the availability of moisture to trees and result in the loss of these trees over time.*
- *It is better to retain trees in larger areas rather than single trees on street verges, etc. The loss of some trees is inevitable, but compared to the amount of woodland to be set aside on public land, these are not significant in the scheme of things. The amount of tree cover in the southern E2 zone can be readily appreciated from the aerial photographs.*

While Council agrees that large mature native trees have habitat value and should be retained if possible when new urban development is proposed, the amount of land required to be set aside to ensure the long term viability of isolated trees is not considered to be warranted. It is Council's experience that the long term retention of large trees within urban subdivision is only practically achieved when they are left within relatively large areas of land, such as drainage reserves or parks.

The majority of the 33 trees within the site are located within the R1 – General Residential zoned land, not within the RE2 – Private Recreation land where the drainage basins are located and all of the open space. This makes it difficult to retain them without significantly compromising the viability of the proposal. The development yield of South Tralee has been markedly reduced over the years due to issues unrelated to biodiversity.

The retention of the four trees as a condition of consent is not supported.

- *Any of the other 10 large trees where impacts cannot be avoided should be offset in accordance with the Biodiversity Assessment Method.*

Assessing Officer's Comment – This is not considered to be a reasonable request, especially given that the proposed development is not subject to the Biodiversity Assessment Method under the *Biodiversity Conservation Act 2016*. While not technically an offset for tree removal, the trees and other vegetation being retained in South Tralee within the large area of land zoned E2 – Environmental Conservation should be given some acknowledgement when considering the impacts of the development of the land zoned for residential development.

Section 5A Assessment

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.

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 South Tralee zoned E2 – Environmental Conservation that is outside of the subject site.

- 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 the subject site.

- 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 South Tralee that meet the criteria for Box-Gum Woodland or Natural Temperate Grassland are located within the land zoned E2 – Environmental Conservation that is outside of the subject site.

- 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 subject site).

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

The subject site 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 subject site.

- 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. The proposed development does not involve any key threatening processes.

Conclusion

The land within the subject site is not considered to be environmentally sensitive or hold significant environmental values as a whole. Vegetation consists mainly of exotic grassland. Impacts to a small area of native grassland are largely avoided and the removal of 33 trees is supported as previously discussed.

In conclusion, the proposed development 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

Sub-section 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 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *The regulations (to the extent that they prescribe matters for the purposes of this paragraph).*
- (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.*

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 (Vegetation in Non-Rural Areas) 2017.
- 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.*

Environmental Health Officer's Comments

Background

On the 1 November 2017 Development Application 395-2017 was lodged for the subdivision of 318 new residential allotments, 9 super lots for future residential development, 1 super lot for future commercial development and residual land on which will be located open space and drainage infrastructure. The development is being referred to as Stage 1 of South Tralee.

The land has previously been used for agricultural and ancillary purposes which had the potential to cause contamination of the land and impact on the future potential use of the land for sensitive land uses such as residential development and open space. As such, the provisions of Clause 7 of State Environmental Planning Policy 55 (Remediation of Land) apply and a report prepared in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* is required.

In December 2013 a preliminary site assessment by SMEC (*SMEC Site Contamination Summary Report*) identified a number of areas of environmental concern and as such a Stage 2 Detailed Site Investigation was required to be carried out.

As a result of the above the *South Tralee Detailed Site Investigation* report has been submitted with the subdivision application. The report has been prepared by SMEC reference 3002452-01/RV01 and is dated 20 July 2015. The report generally adheres to the NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites* and is a Stage 2 assessment of the site in accordance with the *Guidelines*. After reviewing the documentation and the results I see no reason for Council to doubt the veracity of the sampling results or the consultant's conclusions.

The abovementioned report covers the entire future urban development area of South Tralee. However, several of the identified Areas of Concern (AEC's) relate directly to this Stage 1 DA. In particular AEC's 3, 4, 5, 6 and 7 are located within the area covered by this application.

This is despite comments on page 38 of the SEE which suggest that demolition works that have taken place at some of these sites and their location warrant no further investigation for this stage. This is not correct and these sites need to be appropriately remediated whether

used for residential or open space purposes both of which are sensitive land uses. The only AEC's not impacted by this development are AEC1 and AEC2 which will need to be assessed separately when a DA for those stages is received in the future.

The report notes the following regarding these AEC's:

AEC 3 – Homestead and Surrounds – Contaminants of potential concern include bonded asbestos cement, lead based paints and pesticides used for termite control. The report concludes that analysis of the soil samples taken did not detect the presence of any of the contaminants of potential concern. As such there were no unacceptable risks to environmental or human health identified.

AEC 4 – Sheep Shearing Sheds and Surrounds – Contaminants of potential concern include organophosphates and organochlorines, heavy metals, nitrogen and phosphorus in soils and pesticides associated with termite treatment around wooden footings. The report concludes that there are multiple deposits of sheeting throughout the area that are likely to be bonded asbestos cement. Some of this material was in very poor condition. Samples also indicated the presence of zinc above recommended ecological standards and this was attributed to use of galvanised steel in the construction of the woolshed. Samples also identified the presence of hydrocarbons above ecological levels attributed to the use and maintenance of farm machinery in this location. The consultant concludes that the ecological risks associated with these contaminants is low because the proposed land use is for a road reserve which has limited ecological significance.

AEC 5 – Sheep Dip – Contaminants of potential concern include arsenic and dieldrin which were detected in preliminary soil testing. The report concludes that arsenic levels in excess of the standards for the potential landuse were detected in the soil at various depths. This is a direct result of the pesticides used in the sheep dip. The report also identified that the levels of cadmium, copper, nickel and zinc in groundwater at this location were in excess of recommended groundwater investigation levels. The source of this potential contamination has not been identified. The consultant indicates that there is a moderate risk to future users of groundwater and that further sampling should be carried out.

AEC 6 – Aircraft Hanger – Contaminants of potential concern related to the presence of hydrocarbons caused by the refuelling and maintenance of aircraft in this location. The report confirms that soils are contaminated by hydrocarbons to depths of 2.0m below ground level, attributed to a leaking above ground storage tank no longer on site. Soils are also impacted by lead in terms of ecological standards but risks are considered to be low because the proposed landuse is located within the road alignment.

AEC 7 - Area of Disturbed Soil - An area of disturbed soil was observed during previous Site inspection. The origin of the soil disturbance is unknown and it may potentially indicated a possible borrow pit and/or landfill area;

It is clear from the above that several areas of the site are contaminated to the extent that it cannot be used for sensitive land uses such as residential and open space although it is noted some of these areas will be located in the road reserve for Road No.1. Of particular concern is the groundwater contamination at AEC5 which the consultant has been unable to attribute to any direct cause, the asbestos products at sites AEC3 and AEC4, elevated arsenic levels in deep soils at AEC5, hydrocarbon contamination of soils at AEC6, and the potential for landfill at AEC7.

In their conclusions the consultants state that:

the Site is currently assessed as unsuitable for the proposed residential/urban open space land use with respect to contamination within the locations identified in Table 15.1

Further the consultant concludes that:

In order to render the site suitable for the proposed land use, it is recommended that remediation is undertaken to break all potential pollutant linkages associated with asbestos (AEC 1, AEC 3 and AEC 4), lead (AEC 2), Arsenic (AEC 5) and hydrocarbon (AEC 6) soil contaminants.

The remediation methodology recommended by the consultant is for the excavation of impacted soils and disposal off site.

Assessment of the Report Findings

In order for Council to meet its obligations under SEPP 55 it has to be satisfied that the site is capable of being remediated to allow for the future proposed land uses. Based on the information provided in the report I do not believe Council would meet its obligations under clause 7 of SEPP 55.

The consultant's statement about the suitability of the site for its proposed uses falls short of the standard I would expect to see if Council is to discharge its obligations under SEPP 55. It says the site is unsuitable and that it needs remediation followed by validation to assess the site's suitability for the proposed land use. By inference it seems to suggest that the site will be satisfactory. However, Council requires an unequivocal statement from the consultant stating that, in the consultant's view, the land is capable of being sufficiently remediated to allow the proposed sensitive land uses to proceed.

To this end SMEC subsequently submitted a letter on 24 December 2015 which makes a statement about the proposed future uses of the site:

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. Subject to appropriate conditions this will allow an approval to be issued but will prevent construction work commencing until an appropriate Remediation Action Plan (RAP) can be developed to achieve the required level of remediation.

Notwithstanding the above I am also concerned that there are no further proposals to look at the source or extent of the groundwater contamination detected at AEC5. Further studies need to be done to ascertain whether this contamination is a normal background level or whether it is being generated by a source on or off site. Given this area will be open space that may well be watered utilising groundwater resources it is important to establish the source and extent of this contamination.

I am also concerned that the applicants are yet to appoint a site auditor to oversee the sufficiency of the detailed site investigation and the proposed remediation action plan. Although the site audit is a separate process from the investigation and remediation, it is recommended that the site auditor is engaged as soon as possible before the methodology for the next stage of the detailed investigation and remediation is developed. Communication between the applicant's environmental consultant and the site auditor from an early stage should ensure that the consultant does sufficient work to satisfy the site auditor and therefore minimise potential delays for the applicant.

The report also notes several deposits of material throughout the site which are likely to contain large pieces or fragments of bonded asbestos cement materials, all in various states of disrepair. While the report makes recommendations on the immediate management of the site, this is a matter for the applicant to address. However, the report details longer term controls which require certain works to be carried out prior to redevelopment works taking place. A condition of consent requiring this work to be carried out should be included.

Recommendations

Council can be satisfied that its obligations under clause 7 of SEPP55 have been addressed and that the development can move to the next stage. This will include conditions relating to future investigations and remediation of the site and the receipt of a site auditor's certificate for each section of the development completed prior to the issue of a subdivision certificate.

I see no reason to prevent approval of the development application from a contamination assessment point of view subject to inclusion of recommended conditions of consent.

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; and
- Clause 104 – Traffic generating development.

Rail Corridors (Clause 85)

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.

The subject DA includes the construction of Road 1, which runs adjacent to the rail corridor (parallel) before veering to the east to run along the boundary of the RE2 and R1 zones.

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 that is received within 21 days of the notice being given; and
2. Any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

John Holland Rail's (JHRs) Comments

JHR's comments were provided sometime after the 21 day period had expired. Nonetheless, they have been taken into consideration and are summarised below:

- Traffic
 - *The applicant's traffic report does not appear to consider the rail crossings at Arnott Street or Alderson Place, any additional traffic that may use these roads, or their suitability to take additional traffic. It is recommended that additional information be obtained from the applicant to consider any impacts on these roads.*

Assessing Officer's Comment – Arnott Street is not within the subject site. Alderson Place is within Hume, A.C.T. It crosses the rail corridor as a dirt track and connects to tracks that provide access to several rural properties as rights-of-carriageway. It is also used currently to gain access to the development site.

The applicant was requested to provide comment on JHR's concerns regarding traffic – see below.

Applicant's Comment – Traffic

There is no proposed additional traffic to the existing rail crossings at Arnott Street or Alderson Place. The residential development of South Jerrabomberra has now been limited to 1,500 dwellings being the capacity of the Northern Entry Road to Tomsitt Drive and as such there are no other proposed road connections into South Jerrabomberra from Hume (or elsewhere). The two existing rail crossings at Arnott Street and Alderson Place are not proposed to be used for access to the development. They will however remain in place with ranger gates installed across them so they can be used in emergencies if required.

The applicant's comments are generally concurred with.

Once Stage 1 is developed, the rural properties will gain access from the Northern Entry Road instead of Alderson Place. The Alderson Place entry into the site is proposed to be gated off and used only as a restricted emergency access point. Thus, on a day-to-day basis the Alderson Place crossing will be used far less than it currently is. There may be isolated events in the future that require this crossing to be used as an emergency access.

- Stormwater and flooding
 - *It is noted that the proposed development incorporates open space and drainage directly adjacent to the rail corridor. While this establishes a good setback for residential development the stormwater basins do pose a concern.*

It is requested that Council ensure that the location of the detention basins cannot cause flooding to the rail corridor in major events. It is also requested that Council ensure the quantity of water from the development across the rail line does not increase from pre-development flows and all water can be accommodated by existing culverts.

Assessing Officer's Comment – Council's Development Engineer has assessed the proposed stormwater drainage system and advises that the development has been designed to ensure that the quantity of water across the rail corridor will not increase from pre-development flows as this is also a Council development requirement. Though it is noted that modelling undertaken by the applicant indicates that the existing culverts beneath the railway were found to be undersize for existing flows.

- Excavation near rail corridor
 - *It is noted that the proposed detention basins and road adjacent to the rail corridor are likely to require excavation exceeding 2m in depth. It is requested that a condition is imposed requiring the applicant to provide geotechnical advice confirming the proposal, during construction or operation, will have no impact on the stability of the rail corridor land.*

Assessing Officer's Comment – JHR condition recommended to be imposed (should consent be granted).

- Fencing
 - *The security of fencing along the rail corridor is essential to prevent unauthorised entry. JHR requests that Council impose a condition on any consent requiring a 1.8m chain wire fence or similar to prevent access. It is noted that the applicant has proposed to incorporate a RailCorp standard fence as part of their proposal.*

Assessing Officer's Comment – JHR condition recommended to be imposed (should consent be granted).

Traffic Generating Development (Clause 104)

Due to the proposed development being for a subdivision of over 200 lots that also includes the opening of a public road, the proposal is traffic generating development and subject to Clause 104 of the Policy.

Clause 104 states that before determining a development application consent authority must:

- a) *give written notice of the application to RMS within 7 days after the application is made, and*
- b) *take into consideration:*
 - i. *any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*
 - ii. *the accessibility of the site concerned, including:*
 - A. *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - B. *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - iii. *any potential traffic safety, road congestion or parking implications of the development.*

Roads and Maritime Services (RMS) were given written notice of the development application. Their comments are reproduced below.

RMS notes the connection from the Dunns Creek Arterial Road to Sheppard Street is immediately north of the proposed subdivision. RMS also notes a 30m wide reservation has been allowed for the Dunn's Creek Road corridor immediately north of proposed Road 5 (Clause 7.5, Table 3 in Statement of Environmental Effects).

RMS requires a strategic design of the connection of the Dunns Creek Arterial to Sheppard Street, demonstrating that an appropriate road can be constructed in the future. The design needs to show how the levels will integrate with the Northern Link Road, the crossing of the railway line and the Road 5 of the subdivision.

The applicant's response to the RMS request for a strategic design of the connection of the Dunns Creek Arterial to Sheppard Street referred to an agreement with the Department of Planning and Environment that only a road corridor would be required to be shown for the DA – not the additional design and concept work. It was further stated that the discussions pertaining to this agreement included the RMS. A copy of a letter from the Department of Planning and Environment regarding this agreement, and dated 19 October 2017 was provided as Appendix 15 to the DA documentation. Key points are reproduced below.

- *the Department is currently preparing a voluntary planning agreement between the Minister and Village Building Company (VBC) regarding the provision of designated State public infrastructure, comprising the upgrade of the Tompsitt/Lanyon intersection and the provision of land for a primary school.*

- *The planning agreement will reflect the outcomes of previous meetings, discussions and negotiations between the Department, VBC, Queanbeyan Palerang Regional Council (Council), Roads and Maritime Services (RMS) and NSW Department of Education to enable VBC to progress with the development of land within South Tralee.*
- *It has been agreed that the planning agreement will be based on the construction of only one access for the Urban Release Area (URA) via Tompsitt Drive (northern access road), on the assumption that future upgrades to the Tompsitt/Lanyon intersection can accommodate traffic for a total development capacity of 1,500 dwellings.*
- *The provision of a single access is subject to identifying and securing a road corridor between the URA and the Monaro Highway, via Sheppard Street in the ACT, and the provision of a second emergency vehicle access point. The corridor will retain the option of a second road access, if required in the future.*

As required by sub-clause 104(b)(i), Council has given due consideration to RMS comments as outlined below.

Following receipt of RMS comments and the applicant's response, Council requested RMS to review their comments in light of the above advice from the Department of Planning. RMS responded by stating that the strategic design was still required.

Council's considered position is that given the previous agreement regarding the provision of a road corridor only, the strategic design the RMS has requested is not required as part of the subject DA. As such, there is no nexus between the subject DA and the design of any future road connection. In addition, it is considered unreasonable to require the applicant to bear the cost of preparing strategic designs for a road which they have no responsibility for.

Council advised the RMS of its position in a letter dated 22 February 2018, and requested it reconsider its requirements. To date, no reply to this letter has been received.

In regards to sub-clauses 104(b)(ii) and (iii), the proposed development is supported by a Traffic Study and has been assessed by Council's Development Engineering Team. Their comments are provided below:

The proposed subdivision will be accessed via the Northern Entry Road (NER) which has been approved in three stages, though construction certificate for Stage 3 of the road has not been completed. Therefore, commencement/approval of the current development is contingent on the construction of the NER and should be conditioned the same.

Individual access to lots is not required as the subdivision area is proposed to be constructed with modified lay back kerbs, allowing future driveway construction at the discretion of the landowner within the constraints of Development Design Specification D13, Vehicular Access. However, lots at the intersection of Road 10 & Road 4 and Road 7 & Road 4 have frontages entirely located on road curves. Further, Road 4 is proposed to be a Bus Route in the initial stage of the development and given it's interconnectivity with Road 1 is likely to encounter significantly more traffic than surrounding local streets. AS2890 specifically indicates that access should not be located on the radius of intersections unless there is no other means of access to the lot. As a greenfield development there should be no reason why the design of lots cannot be undertaken such that access requirements is in accordance with Council's specifications and the Australian Standard. Discussions with the Subdivision Coordinator in regards to the

matter resulted in the Coordinator deeming that access may be made available to the lots in a sufficiently safe manner. This is on the basis that the lots are on the outside of curves and thus have sufficient sight distance in each direction to exit the respective lots safely. Further it is envisaged that refinements to the design can be undertaken during detail design prior to construction certificate to reduce the hazard of access potentially being located on intersection radii.

RMS requested the applicant demonstrate a strategic design for the Dunns Creek Arterial to Sheppard Street, to which the applicant has repeatedly advised that their consultant has undertaken a concept design in order to arrive at the current design solution of the NER/Road 1 alignment though refused to submit this design, referencing an agreement between VBC, Council, RMS and Department of Planning and Environment, to allow up to 1,500 lots to be created prior to requirement for secondary access to the subdivision via Sheppard Street being required, subject to a road corridor being set aside for the future road. Council has communicated the same to RMS, inviting RMS to provide comment though no comments have been provided to date.

The applicants Civil Design Consultants provided an approximate longitudinal section of the overpass and intersection to assist Council in finalising conditions for a potential consent for the development, with the objective of ensuring a sufficient road corridor is set aside for the interconnection. Sections provided indicated a grade of 8.6% grading to a 20m approach to the intersection at 3%. Stopping sight distance over the crest to the intersection was not able to be assessed as horizontal chainages were not provided, though it was generally acknowledged that horizontal and vertical alignments of the intersection would require alteration in order to meet AUSTROADS requirements. On this basis and noting that Council supports the Dunns Creek Road though a time on the design and construction of the road remains fluid, it is recommended that a condition of consent is imposed to provide an easement for a 45m road corridor for the future Dunns Creek Road

Pedestrian access was discussed on multiple occasions with the applicant as Council was concerned with the lack of connectivity from the residential area to the east of Road 1 and public open space and recreational areas to the west of Road 1 which is expected to have approximately 13,000 vehicle movements per day ultimately. Subsequently, playing fields have been relocated to the eastern side of Road 1, north of the residential portion of Stage 1 and it has been agreed and identified that a signalised intersection will be required at the intersection of Road 1 and Road 3 whenever development of the recreational site to the west of Road 1 is undertaken. Though as the staging of the development is unclear, Council will require signalling of this intersection prior to the release of Stage 2 of the development or the construction of recreation facilities on the western side of Road 1, which will be conditions of future applications.

Left hand slip lanes have been requested at intersections of Road 1/Road 3 and Road 1/Road 4, the provided traffic report does not indicate the ultimate signalisation of Road 1/Road 3 will incorporate 2 traffic lanes in each direction along Road 1, though states in accordance with RMS requirements, a slip lane at Road 1/Road 4 is not required, Council. As the commercial precinct of the overall development is expected to be accessed via a 4 way intersection of Road 1 and Road 3, this intersection must have the capacity to incorporate two travel lanes in each direction as left or right turn lanes may become required. Council has been reluctant to accept multiple intersections on the proposed sub arterial road (Road 1) therefore a compromise has been granted to limit the number of intersections on this road, a condition of this compromise which has been communicated to the applicant prior to lodgement would be that left turn slip lanes be incorporated at the intersections. Whilst the current development may not meet the

requirement for the same, the applicant fails to appreciate that Council requires the ability to cater for potential development and growth in the area. Not having left turn slip lanes would represent a safety hazard otherwise and poor planning. As the applicant has failed to incorporate Council's request into DA drawings, Council can only apply conditions that they are incorporated into the design which is submitted for Construction Certificate.

Approval for the NER, 393-2015 provides a road corridor width capable of duplication to a dual carriageway road. Section 1 of the extension to the NER shown in the provided DA plans is indicated to be 22.6m wide which is insufficient corridor width for future duplication should it be required. Carriageway widths were revised by the applicant to a satisfactory width to enable future duplication. It should be noted that vehicle movements associated with the proposed road hierarchy/ type are not in accordance with Council's development design specification.

The development proposal for South Tralee Stage 1 was reviewed by the committee. This included subdivision for 318 residential lots, 10 super lots, and residue land for open spaces, drainage and public roads. In response to the development application the committee raised the following comments:

- *The need for road widths to support heavy vehicles including public transport. Particularly noted the need for the widths at intersections to ensure safe turning of buses along Road 1 and intersections on Road 4 and corners on Road 4.*
- *The entrance to the subdivision was noted as a 3km link road over Jerrabomberra Creek connecting with Tomsitt Drive. Concerns for speed limit on the link road were discussed. The committee supported the recommendation to investigate roadside extensions east of the roundabout on Road 1 to permit stationary police activity on the link road, which has been conditioned*
- *Noting the length of the link road in and out of the development, the committee supported the roundabout at Intersection 1 where Road 1 meets Road 4, as a traffic calming device. RMS noted implications for the design of the roundabout depending on the speed limit of the link road.*
- *Emergency access for the subdivision was discussed, noting Alderson Place as an alternate access route through Hume, ACT was available for the subdivision.*
- *Pedestrian Safety was discussed with the committee supporting treatments on Road 1 for the safe conveyance of pedestrians to future proposed facilities opposite the development. Signalised pedestrian facilities were encouraged by the committee. The committee noted the development plans and wish to review future TCD (Traffic Control Detail) plans for the subdivision*

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 \$32 million, which is greater than the \$20 million threshold applicable at the time the subject DA was lodged with Council on 1 November 2017. Clause 20 of the Policy referenced Schedule 4A of the *Environmental Planning and Assessment Act 1979* (as in force on 1 November 2017), which states that where the capital investment value of the proposed development exceeds \$20 million it must be determined by the Joint Regional Planning Panel – Southern.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This Policy applies to all non-rural areas of the State, meaning all residential, business, industrial, recreation, environmental (except E1 – National Parks and Nature Reserves), and special purpose zoned land. Under this Policy vegetation means a tree or other vegetation, whether or not it is native vegetation.

The proposed development includes the removal of numerous trees.

Part 3 – Council permits for clearing of vegetation in non-rural areas, applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies.

Clause 26 – General savings and transitional provisions, states as follows:

- (1) A development control plan that is in force on the commencement of this Policy and that relates to the vegetation for which a permit or development consent is required to clear the vegetation is taken, on that commencement, to be a development control plan for the purposes of this Policy (except to the extent that it is inconsistent with this Policy).*
- (2) An application for a permit to remove vegetation under an environmental planning instrument that has not been determined on the commencement of this Policy may continue to be dealt with as if it had been made under this Policy.*

Sub-clause 26(1) means that providing a DCP exists that prescribed what vegetation removal required a permit or development consent for the purposes of Clause 5.9 of the QLEP, this DCP can be applied for the purposes of this SEPP.

The South Jerrabomberra DCP does not contain any clauses that prescribe what vegetation removal required a permit or development consent for the purposes of Clause 5.9 of the QLEP, nor does it adopt the relevant tree preservation clause of the Queanbeyan DCP. Therefore, this SEPP does not apply to the proposed tree removal.

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, land deferred from the South Tralee rezoning process, and the ANEF contour. The 1 (a) Rural A zone is equivalent to a rural zone as identified in the Policy, therefore it is applicable.

The proposed development shows the land zoned 1 (a) Rural A will be used for roads (Road 5 and Road 10) and associated infrastructure.

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. One part of the site zoned 1 (a) Rural A is within an existing unformed public road reserve (Boundary Road), with the other part being open grazing land. This land is proposed to form part of the development's public road system (Road 5 and Road 10). 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

The subject 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, and creates a new public road reserve. 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. Clauses relevant to the proposed development are discussed below.

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 generally consistent with the particular aims of the LEP.

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 –refer to discussion of clause 2.6.

Clause 1.6 – Consent authority

As previously outlined, 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.

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;
- B1 – Neighbourhood Centre; and
- B4 – Mixed Use

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.*

The majority of the site 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.

The proposed development is considered to be generally consistent with the objectives of the R1 zone, specifically, objectives (a) and (b) as the proposal provides for the housing needs of the community by creating residential allotments which will facilitate a variety of housing types and densities.

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 generally consistent with the objectives of the RE2 zone. Future embellishments of this area, including sportsfields, are the subject of separate negotiations between Council and the developer.

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, however, this land is not within the boundaries of the subject site. There is a separate small triangular portion of E2 zoned land within the site that is bounded by R1 zoned land, land deferred from being rezoned due to environmental constraints, and Environs.

This E2 area was originally recommended to be rezoned for residential development, however, once it was decided that areas of land within the Canberra Airport's ANEF 20 and above contour would be excluded from being zoned for residential development, the Department of Planning and Environment determined that this now isolated area of land should have an E2 zone applied.

Part of Road 5 and associated services is proposed to traverse across a portion of the E2 zoned land. Roads are permissible in the zone with development consent.

The environmental values of the triangular portion of E2 land are not significant. The proposed development is therefore considered to be generally consistent with the objectives of the E2 zone. Specifically, the construction of part of Road 5 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 proposed development is considered to be consistent with the objectives of the B1 zone.

The land zoned B1 is located entirely within the boundaries of the subject site. It is proposed to create a super-lot over this land. This will be subject to future DAs for further subdivision, land uses and built form.

B4 – Mixed Use

- a) *To provide a mixture of compatible land uses.*
- b) *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The proposed development is considered to be consistent with the objectives of the B4 zone.

The land zoned B4 is located entirely within the boundaries of the subject site. Road 1 traverses this land, with the remainder of the land forming part of two proposed super-lots that also extend into land zoned R1. These super-lots will be subject to future DAs for further subdivision, land uses and built form.

Clause 2.5 – Additional permitted uses

The subject site is not identified in Schedule 1 as being within the “Additional Development Area 1” on the Local Clauses Map. However, it 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 the subject 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: 318 residential lots; 9 super-lots for future residential development; 1 super-lot for the future neighbourhood centre; and 6 residue lots (open spaces, drainage, road corridor).

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.

Applicable Minimum Lot Sizes

a) R1 – General Residential:

- The part of the subject site that is zoned R1 is mostly identified on the Minimum Lot Size Map as having a minimum lot size of 330m², with the south-eastern part of the site having a minimum lot size of 600m².

b) RE2 – Private Recreation:

- The part of the land zoned RE2 – Private Recreation is not identified on the Minimum Lot Size Map.

c) E2 – Environmental Conservation:

- 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 5.

d) B1 – Neighbourhood Centre:

- The part of the land zoned B1 – Neighbourhood Centre is not identified on the Minimum Lot Size Map.

e) B4 – Mixed Use:

- The part of the land zoned B4 – Mixed Use is partially identified on the Minimum Lot Size Map as having a minimum lot size of 330m², with the portion adjoining the B1 zone not identified on the Minimum Lot Size Map.

All proposed lots on land identified on the Minimum Lot Size Map have been checked and meet the minimum lot size.

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 seven super-lots within 200m of land zoned B4 - Mixed Use. If approved, these super-lots will likely be further subdivided under the provisions of this clause.

There are also numerous final lots proposed on land that is subject to this clause. However, these lots are all proposed to be at least 375m².

Clause 4.6 – Exceptions to development standards

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

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.*

European Heritage – Background

Several heritage investigations have been conducted in recent years that include the area of land known as South Tralee.

In April 2003, Navin Officer Heritage Consultants (NOHC) prepared the cultural heritage component of the Local Environmental Study (LES) for the rezoning of North and South Tralee. This allowed for a change from the existing rural zoning to urban land uses. It was proposed that the rezoning would provide land for new residential development. The 2003 assessment presented site-specific management recommendations for all the heritage recordings. The recommendations were subject to review following the development of more detailed planning and land use proposals.

In 2010 NOHC undertook a further cultural heritage assessment of South and North Tralee in support of the rezoning of the land and a development application that sought consent to

demolish various existing buildings within South Tralee, including a part of Tralee Homestead Complex (H6) (Shearer's Quarters) and the Tralee Woolshed (H7) – see DA 157-2010. Consent was granted to demolish several buildings associated with the Tralee Homestead Complex (H6) with the following exceptions:

- The Shearer's Quarter's – Cookhouse (H6B); and
- The Tralee Woolshed (H7).

The Shearer's Quarter's – Cookhouse and the Tralee Woolshed (H7) were identified during the course of the assessment of DA 157-201 as having heritage significance. While there are currently no heritage listed items in the South Tralee LEP, these two structures have been recommended to be considered for inclusion as Heritage Items when the LEP is amended.

There are seven identified historical sites within the subject site. The historical sites almost all relate to the use of the land as a grazing property as listed below:

- H6 – Tralee Homestead Complex;
- The Shearer's Quarter's – Cookhouse (H6B);
- H7 – Tralee Woolshed;
- H8 – Sheep Dip;
- H9 – Tralee Landing Ground;
- STRH 1 - European Midden (Rubbish Dump); and
- STRH 2 - Potential Well.

It should be noted that the sheep dip and Tralee landing ground are identified in the Queanbeyan LEP 1998 as heritage items of local significance. These sites occur within land now zoned under the South Tralee LEP, however, they were not transferred as listed heritage items and have been assessed by the applicant's heritage consultants and during the rezoning process as having minimal cultural significance.

Assessment of Impacts to European Heritage

The Tralee Homestead Complex (H6) was approved to be demolished under DA 157-2010. The remaining sites listed above, with the exception of the Tralee Woolshed and Shearer's Quarter's – Cookhouse, are impacted by the proposed development. The assessment of impacts to the remaining items carried out for the Concept DA 263-2013 remains applicable to the subject DA. It is reproduced below.

Extract from Assessment Report for DA 263-2013

Council's Heritage Advisor has assessed the proposed concept development of South Tralee and has raised no objections to the destruction of the sheep dip and landing ground.

The European midden (STRH1) consists of an area approximately 10 x 5 metres. The visible objects on the site are car parts and metal drums. The site is presumed by NOHC to have been recently created (within the last 50 years). It was assessed

by NOHC against the NSW Heritage Branch's methodology and criteria for cultural heritage significance as having no significance.

An assessment of the significance of the potential well (STRH2) required further research. An additional field assessment including some clearing of weeds was undertaken in July 2014. This included consultation with Anne Forrest a descendant of the original property owner of Tralee, John Morrison. This additional assessment is summarised as follows below.

- *This site was originally recorded as a possible well, which was heavily overgrown by vegetation. Wooden beams, plastic polymer pipe and pieces of concrete were visible.*
- *The subsequent assessment confirmed that this is the location of the well, which was orally confirmed by Anne Forrest. The well was constructed by Anne's father, John Morrison as a water source for the Tralee Homestead probably in the 1920s. Anne Forrest stated that it was known that rubbish was thrown into the well.*
- *Weed removal revealed that the well has been filled and rock and fill were visible under the cleared surrounding weeds. It is no longer a usable well.*

The well was assessed by NOHC against the NSW Heritage Branch's methodology and criteria for cultural heritage significance as not meeting any of the criteria for attribution of heritage significance. The Statement of Significance by NOHC is reproduced below:

The item is associated with John Morrison and the Morrison family who are important to the development of Tralee. Wells can contain some archaeological deposits that have the potential to yield information that can contribute to an understanding of NSW's cultural or natural history. However the well will not document the early history of Tralee but later history that is still in living memory and the impact to the well from filling has greatly detracted from the significance and function of the item.

It is recommended by NOHC that no further mitigative actions are required for this site, and that it poses no heritage constraints to the South Tralee project.

Council's Heritage Advisor has assessed the proposed concept development of South Tralee and has raised no objections to the destruction of the midden and well.

For the subject DA Council's Heritage Advisor recommended that a stand-alone document be submitted to cover the Tralee Historic sites that included:

- 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.

In order to meet the recommendations of Council's Heritage Advisor above, the applicant submitted a report prepared by Navin Officer Heritage Consultants, 'Tralee Homestead

History and Site Plans, DRAFT October 2017'. Following a review of this document by the Heritage Advisor further documentation was requested to be submitted, which the applicant complied with.

The Heritage Advisor's final comments are provided below

- *The documents combined provide a very good idea of the place and its history. Once the oral history from Ann Forrest comes in I suggest we can sign off the heritage recording requirement. I suspect the DA can proceed whilst this is being finalised.*
- *The two surviving structures (Woolshed and Cookhouse) will be the subject of a separate DA (or DA's) and will not be impacted directly by the approval of South Tralee Stage 1. There were further discussions between the developer and council staff (including the heritage advisor) regarding the future of the Woolshed and Cookhouse in December 2017.*

In relation to the oral history referred to by the Heritage Advisor, it is recommended that this is required to be carried out by the developer and any consent conditioned accordingly.

Tralee Woolshed and Shearer's Quarters – Cookhouse

The Tralee Woolshed and Shearer's Quarters – Cookhouse are both located within the northern part of the subject site, and have been previously required by Council to be retained in-situ.

No works or changes to these two structures are proposed under the subject DA. Sufficient information is shown on the submitted engineering drawings to show that the works associated with the proposed development can proceed without detriment to these structures. The long term management and future use of the buildings, including possible re-location, has yet to be determined. These form part of on-going negotiations between Council and the developer. Any future works, re-location or use of these buildings will require a new development application to be submitted.

A condition is recommended to be imposed requiring the Tralee Woolshed and Shearer's Quarters – Cookhouse to be protected during subdivision works. Further, an additional condition is recommended to be imposed stating that before any Subdivision Certificate is issued any works required to make the two structures safe be carried out and evidence submitted to that effect. This will ensure that if the long term future of the structures has not been determined by that stage, they will not pose any risk to the public.

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 the subject 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* (as in force at the time of DA lodgement). An Aboriginal Cultural Heritage Assessment Report was submitted and assessed by the OEH.

The OEH issued their General Terms of Approval (GTAs) in relation to Aboriginal cultural heritage matters on 19 March 2018, and advise that an Aboriginal Heritage Impact Permit will be required to be issued.

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.

The Department of Planning and Environment (DPE) issued satisfactory arrangements certification on 4 May 2018. A copy of this certification is included in Appendix 1.

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 was submitted to Council for consideration and approved with conditions on 11 April 2018. Therefore, Council is satisfied that adequate arrangements have been made to make available the public utility infrastructure that is essential for 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. Amendments to the SJDCP, including an amended Neighbourhood Structure Plan for South Tralee, was adopted by Council on 28 February 2018 coming into effect 20 March 2018.

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.

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.

The subject DA was accompanied by the same geotechnical and salinity reports submitted for previous recent DAs for the land. An Infrastructure Servicing Report and engineering designs pertaining to the proposed development have been submitted. They include: stormwater management; 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

Geotechnical Reports prepared by Douglas Partners for previous DAs for subdivision of the land examined 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 has assessed the proposed development and has raised no objections subject to the imposition of a condition relating to the submission of an updated geotechnical report detailing the method of treating the impact of the spring located adjacent to test pit 14.

Existing Slope and Proposed Design Contours

Generally, slopes of <15% on residential lots are acceptable, with preference for slopes of <10%. The submitted design contours show that each proposed residential allotment contains a suitable area to locate buildings, with the majority of slopes being <10%. In the southern part of the site, where the minimum lot size is larger, a majority of lots are shown as having slopes of 10-15%.

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 three catchment basins. The basins are designed to both act as detention to maintain predevelopment flows as well as remove gross pollutants from stormwater runoff, in line with Council/ACT requirements.

Council's Development Engineer has assessed the proposed stormwater management concept and states that the overall concept stormwater drainage system should function as intended though noted some minor ambiguity in values, for runoff and data input to concept models, though states these will be assessed in greater detail prior to construction certificate by Council or accredited certifier. Relevant conditions of consent are recommended to be imposed to require stormwater issues to be addressed at the Construction Certificate (Subdivision) stage.

Consideration of Clause 7.1

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 within the subject 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 Reports, 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 Reports state 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,

There are no known relics (as defined) within the subject site.

(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

Under this clause if the proposed development will penetrate the Limitation or Operations Surface of the Canberra Airport, Council must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.

Council may grant development consent for the development if the relevant Commonwealth body advises that:

- (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or*
- (b) the development will not penetrate the Limitation or Operations Surface.*

The OLS for the whole of South Tralee is 720m AHD. The majority of the land within the subject site is well under this height, however, the southern-most portion of Road 10 extends into Lot 226 DP 665411 and penetrates the 720m OLS. Therefore, the DA was required to be referred to the Commonwealth Department of Infrastructure and Regional Development (DIRD) and the Canberra Airport.

As a result of the referral to the Commonwealth, the DIRD issued on 8 March 2018 a Controlled Activity Approval (CCA) for the development under the *Airports (Protection of Airspace) Regulations 1996*. This approval limits any buildings within the development to a maximum height of 740 metres AHD. The existing ground level of the highest lots is less than 720 metres AHD, therefore, there will be no issue with future development complying with the CCA.

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 the subject site 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 the subject site 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. Since the LEP was gazetted there have been some changes to this clause and associated mapping.

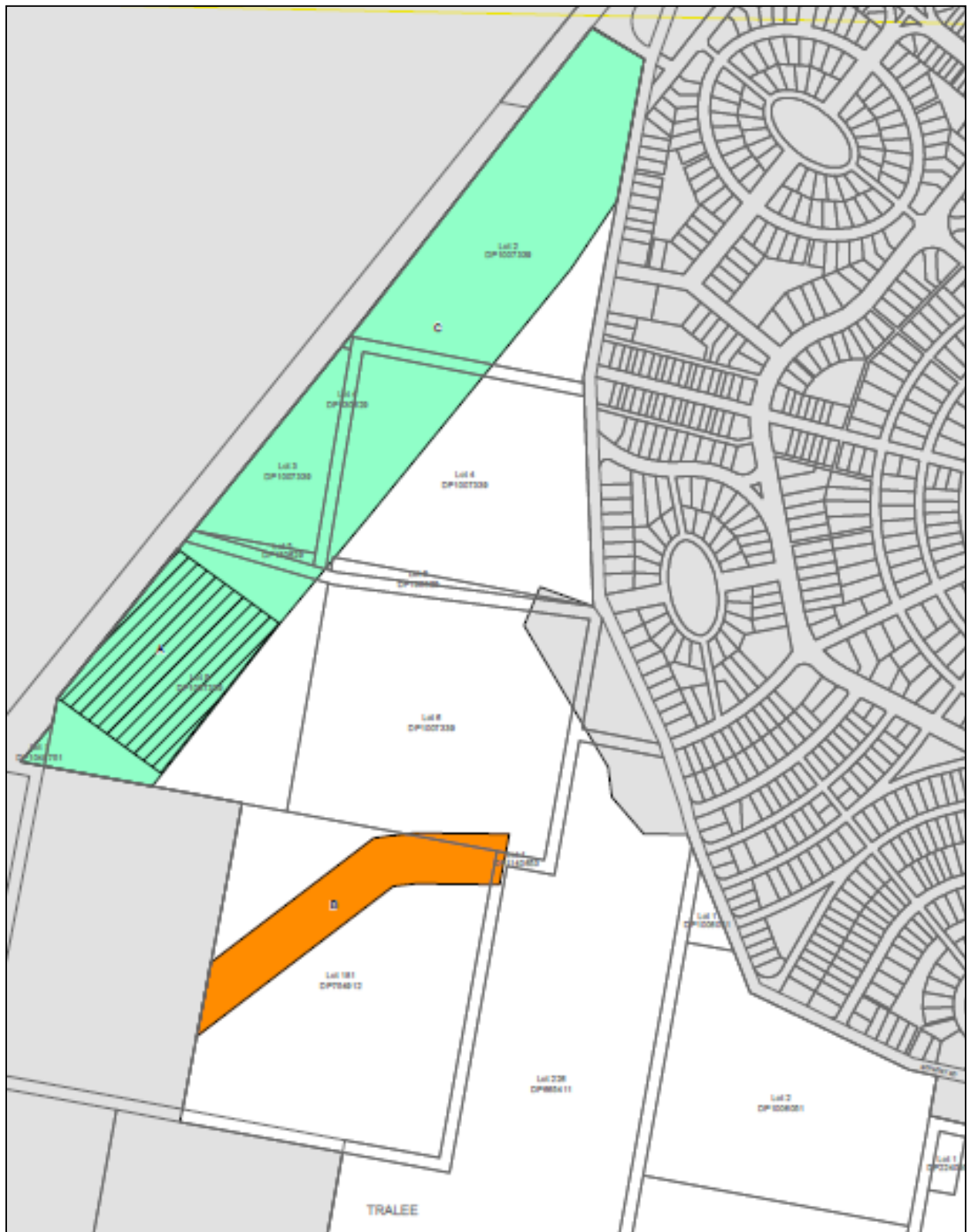
Background to Clause 7.5, Dunn’s Creek Road and Access to the A.C.T

The location of future road connections from Googong Township and South Jerrabomberra through to the A.C.T has been a major on-going issue for the development of South Tralee.

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.

When the LEP was first gazetted this clause was called *Land in vicinity of proposed Dunn’s Creek Road*. At the time the Local Clauses Map identified a 90m wide strip of land for a road corridor in the southern part of South Tralee – refer to orange strip in Figure 4 below. It was envisioned that this road would be able to connect to Isabella Drive in the A.C.T.

Figure 4 – Original Local Clauses Map

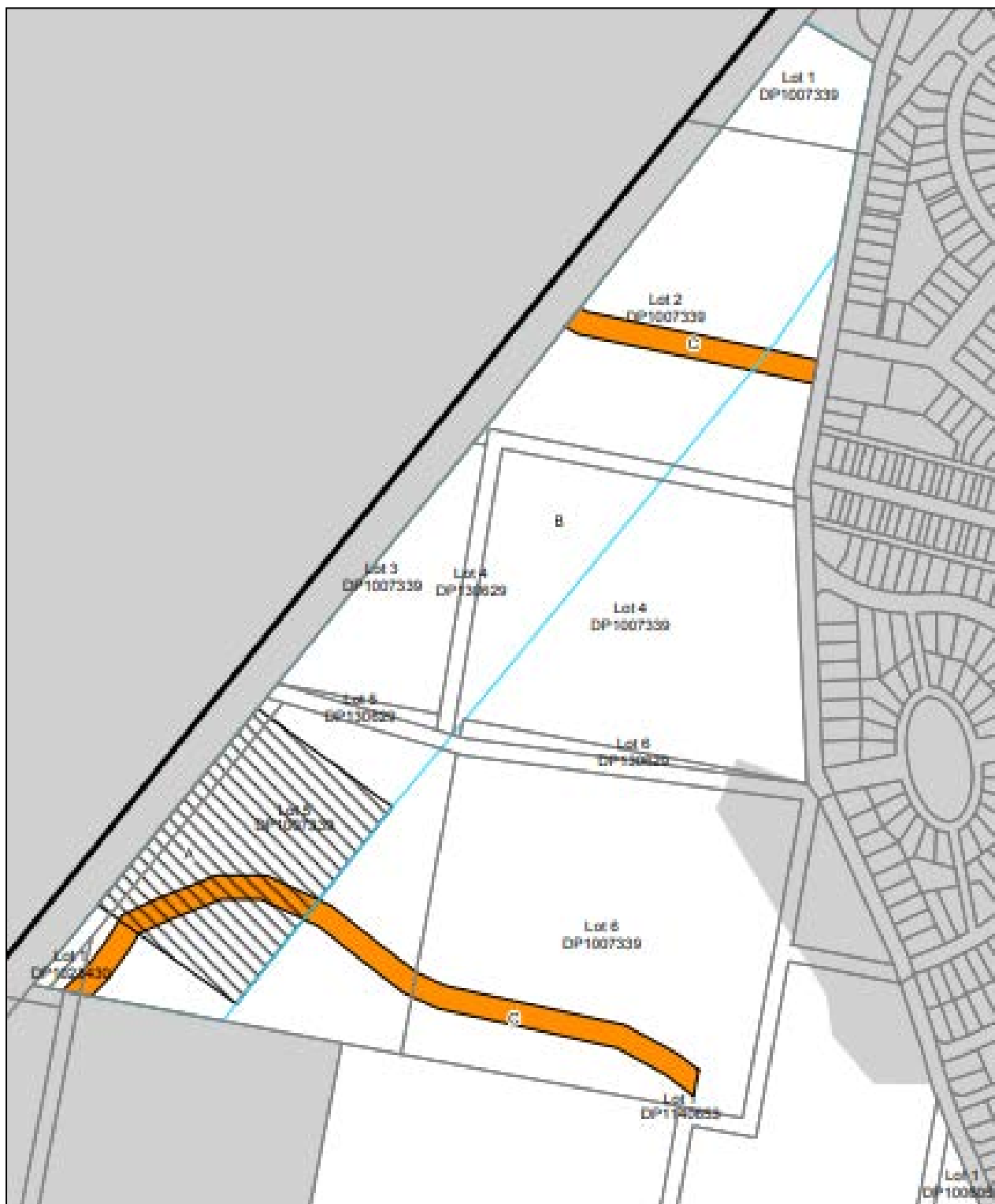


As part of the assessment of the Concept DA 263-2013 the location of the Dunn's Creek Road reserve was approved to be altered to a location with flatter terrain more conducive to construction of a major road link and the provision of the road on an alignment that is directed toward the Isabella Drive / Monaro Highway intersection in the A.C.T. Also, the preferred location of the developer and Council for the future road access into the A.C.T 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.

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

The two possible locations of the future sub-arterial link within South Tralee approved under the Concept DA are now reflected in an amendment to the LEP Local Clauses Map that was gazetted in February 2016 – see 5 below showing the amended Local Clauses Map.

Figure 5 – Current Local Clauses Map



The name of the clause was also changed from *Land in vicinity of proposed Dunn's Creek Road* to *Land in vicinity of proposed arterial roads*. Furthermore, sub-clause 7.5(4) was introduced to provide flexibility in the clause's application should the consent authority be satisfied that a development won't be situated in proximity to an existing or proposed arterial road.

Current Proposal

The Arterial Road Area shown at the top of the figure is consistent with the location of the corridor for a future potential connection into Sheppard Street shown on the submitted plans. The corridor will retain the option of a second road access to the South Jerrabomberra urban release area should it be required in the future. This acknowledges the current position of the Department of Planning and Environment and the State Planning Agreement that only one access for the South Jerrabomberra urban release area is required via the Northern Entry Road, and further, that the provision of this single access is subject to identifying and securing a road corridor between the urban release area and the Monaro Highway, via Sheppard Street in the A.C.T.

The Arterial Road Area shown at the bottom of the figure traverses the subject site and some of the proposed residential lots. However, the above agreement between the applicant and the Department of Planning and Environment, coupled with the support of the A.C.T Government and Council for the Sheppard Street connection, means that this Area is no longer required to be set aside for a road corridor.

Assessment of Clause 7.5

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.*

Under sub-clause 7.5(3) 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*
- (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).*

Sub-clause 7.5(4) states that:

Subclause (3) does not apply to development within 30 metres of the land to which this clause applies if the consent authority is satisfied that the development will not be situated within 30 metres of an existing or proposed arterial road.

In regards to the northern Arterial Road Area, there is no development proposed within 30 metres. A buffer of landscaped open space is provided between residential lots and the road corridor.

In regards to the southern Arterial Road Area, pursuant to sub-clause 7.5(4) Council is satisfied that no arterial road will be built within this area. This Area is no longer required due to a reduction in lot yield for South Jerrabomberra and agreement from the Department of Planning that only a single road corridor connecting South Jerrabomberra to Sheppard Street is required – refer to detailed discussion previously in this Report.

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 a small part of the subject site that runs along its eastern edge. This strip of land is zoned 1 (a) Rural A and 7 (b) Environmental B. It is proposed to construct a part of Road 5 and Road 10 within this land.

Clauses relevant to the proposed development are discussed below.

Part 1 – General provisions

Clause 2 – Aims and general objectives of Plan

The aims and general objectives of this plan are:

- (a) to consolidate and update former planning instruments that applied to the City of Queanbeyan, and*
- (b) to recognise and protect Queanbeyan's cultural and archaeological heritage, including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan fault escarpment, the Queanbeyan River and Jerrabomberra Creek, and*
- (c) to ensure that development occurs in locations and at scales that are sensitive to heritage, and to other environmental and planning constraints, and*
- (d) to ensure that development is well designed and has minimal adverse impact on adjoining development and natural areas, and*
- (e) to provide for a diversity of housing throughout the City, and*
- (f) to recognise the main shopping centres of the City as the Queanbeyan City central business district and the proposed Jerrabomberra shopping centre as well as the importance of the Karabar shopping centre, and*
- (g) to encourage additional employment opportunities for the City, and*
- (h) to encourage functional and economically viable industrial development which does not pollute or adversely affect the adjoining land or water or the amenity of nearby residents, and*
- (i) to enable provision of a range of community and social facilities to serve the population, and*
- (j) to provide natural areas, open space and a range of recreational facilities to meet the needs of current and future generations, and*
- (k) to encourage and promote ecologically sustainable development strategies in the development and redevelopment of the City, and*
- (l) to recognise the proximity of the City of Queanbeyan to the Australian Capital Territory and Yarralumla local government area and the relationships between them, and*
- (m) to provide specific objectives for each zone created by this plan.*

The proposed development of land which is subject to this LEP and forms a part of this DA is considered to be generally consistent with the aims and general objectives of the Plan. The part of the site zoned 1 (a) Rural A and 7 (b) - Environmental Protection B is largely free of environmental constraints and nearly all of this land was originally recommended to be rezoned for residential purposes.

Clause 5 – Dictionary

The proposed development of in land which is subject to this LEP and forms a part of this DA is defined as:

- Excavation or filling;
- Road; and
- Utility undertaking.

Note: **utility undertaking** means any undertaking carried on by or by authority of any Government department, or in pursuance of any Commonwealth or State Act, for the purposes of:

- (a) railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities.

Clause 6 – Model Provisions

Only the model provision that relate specifically to the proposed development are discussed below. All others do not apply to the proposed development.

Clause 8 – Preservation of trees

The proposed development of in land which is subject to this LEP and forms a part of this DA is subject to a Tree Preservation Order as per this clause and Clause 8 of the QLEP 1998. The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted only with the consent of Council. This DA identifies existing trees and vegetation on the land that will be removed to facilitate urban development. This is discussed in detail previously in this Report.

Clause 10 – Availability of services

The proposed development will not result in the erection of a habitable building or the human habitation of land the subject of this Plan. As such, this clause does not apply.

Clause 12 – Zones indicated on the map

The land under this plan is zoned 1(a) - Rural A, and 7 (b) - Environmental Protection B

Clause 13 – Zone objectives and general development controls

Except as otherwise provided by this LEP, the consent authority must not consent to development on land within a zone unless it is of the opinion that the development is consistent with the objectives of the relevant zone(s).

Parts 2 – 10 - Rural zones, Residential zones, Business zones, Industrial zones, Special use zone, Open space zones, Environmental protection zones, National park zone and Road zones

The part of the land subject to the Queanbeyan LEP is zoned 1 (a) Rural A and 7 (b) Environmental Protection B, as such, Parts 3, 4, 5, 6, 7, 9 and 10 of the Plan are not applicable to the proposed development. However, Part 2 – Rural zones and Part 8 – Environmental protection zones are applicable.

Part 2 – Rural zones

Clause 14 - General Development Controls—Zone 1 (a) Rural A

1 (a) – Rural A

The objectives of this zone are:

- (a) to enable the continuation of restricted forms of agricultural land use and occupancy, and*
- (b) to ensure that the type and intensity of development will not prejudice the likely future uses of the land for either environmental protection, open space or urban purposes.*

The proposed development of land in South Tralee zoned 1 (a) - Rural A for the purposes of roads and utility undertakings is consistent with the objectives. Some of this land is already public road, while the remaining portion does not constitute a viable agricultural holding. The construction of a road will not result in any prejudice to the likely future uses of the land.

Permitted Development:

Roads and utility undertakings are permitted in the 1(a) Rural A zone with development consent.

Clause 18 – Subdivision of rural land—minimum and average area requirements

This clause specifies that each allotment created by subdivision of land in the 1(a) zone must have a minimum area of 80 hectares where it is not within a scenic protection area as is the case with the subject land. Given that this concept DA indicates that no new allotments will be created, but instead a road, the proposal can comply.

Part 8 – Environmental protection zones

Clause 46 - General Development Controls—Zone 7 (b) - Environmental Protection B.

7 (b) – Environmental Protection B

The objectives of this zone are:

- (a) to identify and provide for the protection of privately owned land which is environmentally sensitive and of visual significance, and*
- (b) to maintain the intrinsic scientific, scenic, habitat and educational values of natural and semi-natural environments, and*
- (c) to protect river, creek and gully ecosystems, and*
- (d) to protect threatened species.*

The proposed development of land in South Tralee zoned 7 (b) – Environmental Protection B for the purposes of roads and utility undertakings is generally consistent with the objectives.

Some of this land is already public road, while any utility undertakings can be located to avoid any identified areas of environmental value.

Permitted Development:

Utility undertakings are permitted in the 7 (b) – Environmental Protection B zone with development consent. Utility undertakings include the provisions of roads provided they are constructed by or on behalf of a public authority.

Clause 66 – Development along arterial and other specified roads—matters for consideration

There are no roads as specified in this clause on the site. The part of the land subject to this LEP does not show development with direct vehicular access or access within 90m, to an arterial road or possible future arterial road.

Clause 69 – Development exceeding the obstacle height limitation or on land within the 20-25 ANEF contour

(1) Regardless of any other provision of this plan, development consent is required for a building with a height which exceeds the obstacle height limitation surface and for residential development under a flightpath and within the 20–25 ANEF contour.

(2) The Council may grant development consent for the erection of a building on land with a height which exceeds the obstacle height limitation surface for Canberra (Fairbairn) Airport as determined by the Commonwealth Department of Defence from time to time only if it is satisfied that the building will not constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity. Before granting such a consent, the Council must notify that Department of its intention to do so and take into consideration any comments made by that Department and received within 28 days after the notice was sent.

(3) Where the proposed development is located under a flight path and is within the 20–25 ANEF contour and is for residential purposes or for the purposes of hospitals, schools, churches and public buildings, the Council may grant development consent only if it is satisfied that any building to be constructed will satisfy the provisions of AS 2021–1994 (Acoustics—Aircraft Noise Intrusion—Building Siting and Construction).

The majority of the part of the land that is subject to this LEP is within the 20 + ANEF contour. No residential development is proposed in these areas. There are also areas where the existing ground level penetrates the obstacle height limitation surface.

Clause 72 – Land subject to bushfire hazard—matters for consideration

A small portion of the part of the land that is the subject of this Plan is identified as bushfire prone. However, as there is no subdivision or building work proposed in this area, the provisions of this clause are not applicable.

Clause 76 – Air, water and noise pollution and disposal of stormwater and other liquid discharges

This clause relates to minimising the environmental impacts of non- residential development on the surrounding lands and requires the consent authority to be satisfied that the development is not likely to give rise to significant air, water or noise pollution, and that stormwater and other liquid discharges will be properly discharged.

Council is satisfied that the development of the land that forms a part of this DA and which is subject to this LEP for non-residential development will not likely give rise to significant air, water or noise pollution. Furthermore, stormwater and any other liquid discharges from this land will be properly discharged. Concerns relating to stormwater drainage discussed previously in this Report do not relate to the land subject to this LEP.

Section 79C – Evaluation (Continued)

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 LEP 1998 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).

South Jerrabomberra Development Control Plan and the Queanbeyan Development Control Plan 2012

The proposed development has been assessed in accordance with the relevant requirements of the South Jerrabomberra Development Control Plan (SJDCP) and a summary of the relevant provisions is provided in the following table.

The SJDCP adopts Part 1, Section 1.8 and Part 2, Sections 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8 and 2.9 of the Queanbeyan Development Control Plan 2012 (QDCP).

The QDCP is also applicable to the construction of proposed Road 5 and 10 within land zoned under the Queanbeyan LEP 1998.

Note: Some of the sections adopted from the Queanbeyan Development Control Plan 2012 contain controls that are repeated in the South Jerrabomberra Development Control Plan. For simplicity, only the specifically relevant sections of the QDCP that are not repeated in the SJDCP are discussed in detail below.

Queanbeyan Development Control Plan 2012

Part 1 – About this Development Control Plan

Clause 1.8 - Public Notification of a Development Application

The proposed development was advertised as Integrated Development from 28 November 2017 to 12 January 2018. Adjoining property owners and occupiers were also notified by mail, as was the A.C.T Government. No submissions were received.

Part 2 – All Zones

Clause 2.2 – Car Parking

The proposed development does not specifically require any car parking. The proposed road hierarchy incorporates street types that will include on-street car parking.

Clause 2.6 – Landscaping

The applicant has submitted landscaping plans for road reserves and public spaces. Detailed landscape plans will need to be submitted for consideration prior to the issue of any Construction Certificate (Subdivision) that includes road construction subject to the imposition of a condition of development consent.

Clause 2.9 – Safe Design

The proposed development generally complies with the relevant objectives and controls in this sub-clause. Specifically,

- The pattern of subdivision will allow future houses to face each other;
- There are no cul-de-sac streets; and
- The pattern of subdivision will allow the entrances and main frontage of future houses to face the street and the opposite house;

The application was referred to the NSW Police Service who have identified the proposal as being a low crime risk. Their assessment and recommended advisory notes have addressed the safe design controls and objectives. Refer to their comments later in this Report.

Clause 2.10 – Subdivision

This clause only relates to the part of the site zoned under the QLEP 1998.

No new allotments will be created over land the subject of this DCP, only public road reserves.

SOUTH JERRABOMBERRA DCP COMMENTS	COMPLIES (Yes/No)
Part 3 – The Master Plan	
<p>Master Plan, Staging Plan, and Neighbourhood Structure Plan</p> <p>The Master Plan outlines general objectives and controls for Neighbourhood Structure Plans. These Plans provide for the orderly and sequential development of South Jerrabomberra by establishing a Staging Plan and the broad structure of each area of land within the context of the Master Plan.</p> <p>Development is to be generally in accordance with the Master Plan, Staging Plan, and relevant Neighbourhood Structure Plan.</p> <p><u>Master Plan</u></p> <p>The Master Plan identifies five key development areas of South Jerrabomberra, being: Poplars, Environa, North Tralee, South Tralee and the area of land further south of South Tralee. The subject site is within South Tralee.</p> <p><i>Housing at South Tralee will comprise of a diverse range of higher density housing, affordable housing, traditional residential lots and a vibrant mixed use and neighbourhood centre precinct within a well-connected and walkable urban environment.</i></p>	Yes

SOUTH JERRABOMBERRA DCP COMMENTS	COMPLIES (Yes/No)
<p><u>Staging Plan</u> The Staging Plan sets out how development is to be sequenced in South Jerrabomberra within stages. The subject site is within “Stage 1 South Tralee”.</p> <p><u>Neighbourhood Structure Plan</u> The Approved Structure Plan for the subject site is contained in Appendix 3 of the DCP – refer to Map 1A: South Tralee and Forrest Morrison Neighbourhood Structure Plan. It broadly identifies the following:</p> <ol style="list-style-type: none"> 1. Three stages of development; 2. Indicative location of two sportsfields and potential relocation of the Tralee Woolshed; 3. Road alignments and pedestrian connections; and 4. Indicative location of future small-lot housing development (lots with a minimum lot size of 130m²). <p>Development in South Jerrabomberra is to be carried out generally in accordance with the Master Plan, Staging Plan and the applicable Neighbourhood Structure Plan. The proposed development is considered to be generally consistent with these Plans subject to imposition of recommended conditions of consent. . The development includes the subdivision of land within Stage 1 of South Tralee which will facilitate future development of residential allotments and associated infrastructure. Also, the proposed road hierarchy and landscape buffer are generally consistent with the Neighbourhood Structure Plan.</p>	
Part 4 – Subdivision	
<p>4.1 – Introduction (General Objectives and General Controls)</p> <p>The general objectives for subdivision of land are as follows:</p> <ol style="list-style-type: none"> 1) <i>Subdivision design and density should reflect the land capability, natural constraints and hazard of the land and be consistent with and enhance the character of the surrounding residential development.</i> 2) <i>Create a legible subdivision pattern that maximises the ‘sense of neighbourhood’ and promotes walking and cycling over private car uses.</i> 3) <i>To set up a neighbourhood pattern that utilises the residential development areas efficiently, optimises the natural attributes of the site and clearly defines and reinforces the public places.</i> 4) <i>Optimise amenity of residential allotments in regards to views, solar access and proximity to community facilities, open space and public transport.</i> 5) <i>Ensure that neighbourhoods have a range of densities and housing choices to cater for the various needs of the community and that consideration is</i> 	Yes .

SOUTH JERRABOMBERRA DCP COMMENTS	COMPLIES (Yes/No)
<p><i>given to creating walkable communities where urban design focuses on pedestrian comfort between key destinations.</i></p> <p>6) <i>Provide good solar access opportunities for future dwellings to optimise solar access.</i></p> <p>7) <i>Provide and maintain a visual and acoustic attenuation buffer between the Hume Industrial Area and the residential areas of South Jerrabomberra.</i></p> <p>The proposed development is considered to be generally satisfactory with regard to the above objectives. The proposal includes a range of lot sizes, with good solar access opportunities provided from the majority of the final residential lots being oriented either east-west or north-south. Also, the proposed super-lots that will likely be further subdivided into smaller lots (<330m²) and terrace style housing, are generally oriented north-south, which should allow for good solar access to the rear and front yards of future east-west oriented small lots.</p> <p>The visual and acoustic buffer to the Hume industrial area is maintained and pedestrian access to open space has been accounted for.</p> <p>The general controls are:</p> <p>a) <i>Consent must not be granted to a subdivision of land unless Council is satisfied that the density of the allotments to be created reflects the land capability, natural constraints and hazard of the land and is consistent with and enhances the character of the surrounding residential development.</i></p> <p><i>Land should not be divided:</i></p> <p>i. <i>In a manner which would prevent the satisfactory future division of land, or any part thereof;</i></p> <p>The proposed subdivision layout, including access, will not prevent the further subdivision of the proposed super-lots, or other land in the locality. Road 1 is able to be extended to the south to service future development, and a road corridor is set aside should a connection into the A.C.T (Sheppard Street) be required in the future.</p> <p>ii. <i>If the proposed use is likely to lead to undue erosion of the land and land in the vicinity thereof;</i></p> <p>The proposed development is unlikely to lead to undue erosion – refer to previous comments under the earthworks clause of the LEP.</p> <p>iii. <i>Unless wastes produced by the proposed use of the land can be managed so as to prevent pollution of a public water supply or any surface or underground water resources;</i></p> <p>The proposed subdivision and associated works is able to be managed to prevent water pollution through the imposition of standard conditions relating to management of subdivision works. Waste generated from the on-going use of the lots for residential purposes is able to be satisfactorily managed through the provision of essential services.</p>	

SOUTH JERRABOMBERRA DCP COMMENTS	COMPLIES (Yes/No)
<p>iv. <i>Unless the development achieves the most efficient use of existing utility services (such as water supply and sewerage services), roads and streets.</i></p> <p>Bulk infrastructure works for essential utility services has been approved for the site under a Part 5 approval. Works to connect to this infrastructure will be the subject of a separate application for Construction Certificate (Subdivision).</p> <p>v. <i>If the size, shape and location of, and the slope and nature of the land contained in each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used;</i></p> <p>Each of the proposed lots are generally suitable for the purposes permitted in the zone.</p> <p>vi. <i>Where the land is likely to be inundated by floodwaters;</i></p> <p>The land is not subject to inundation.</p> <p>vii. <i>Where the proposed use of the land is the same as the proposed use of other existing allotments in the vicinity, and a substantial number of allotments have not been used for that purpose;</i></p> <p>There are no other existing lots in the vicinity of the site that have been approved for residential development.</p> <p>viii. <i>If the division and subsequent use is likely to lead to the clearance of one or more significant trees.</i></p> <p>None of the trees on the site are listed in Council's Significant Tree Register. Refer to assessment of tree removal under Part 8 of the DCP.</p> <p>b) <i>Subdivision design shall be generally in accordance with the Neighbourhood Structure Plan.</i></p> <p>The proposed subdivision design is generally in accordance with the Structure Plan for the site.</p> <p>c) <i>Subdivision lot sizes shall comply with the minimum lot sizes as specified in the appropriate Local Environmental Plan (refer to Lot Size Maps).</i></p> <p>All of the proposed lots comply with the applicable minimum lot size.</p> <p>d) <i>There are to be no lots above the 740m contour.</i></p> <p>All land within the site is below the 740m contour.</p> <p>e) <i>Neighbourhood pattern is to create a legible and permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and solar design principles.</i></p>	

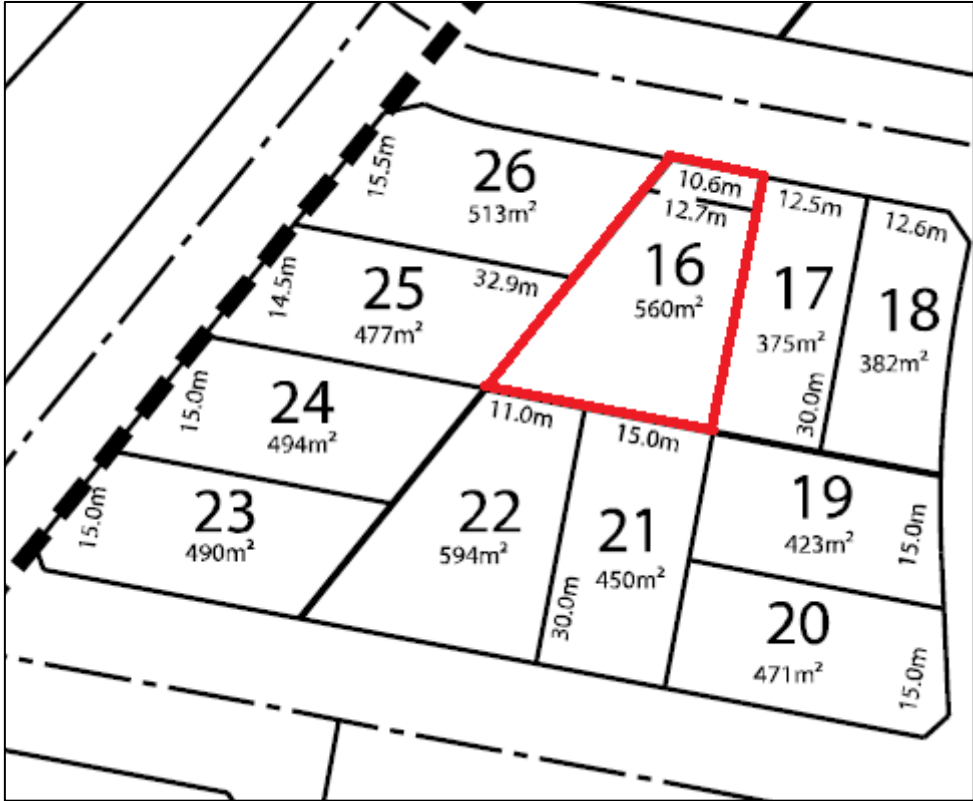
SOUTH JERRABOMBERRA DCP COMMENTS	COMPLIES (Yes/No)
<p>The proposed development is generally responsive to the existing topography of the site, and the street pattern is legible and permeable. The majority of lots are oriented to provide good solar access. None of the trees on the site are listed in Council's Significant Tree Register. Refer to assessment of tree removal under Part 8 of the DCP.</p> <p>f) <i>Pedestrian and bicycle connectivity within residential neighbourhoods is to be provided between the residential areas and public open space areas in the buffer, public transport nodes, education and community / recreation facilities.</i></p> <p>Pedestrian and bicycle connectivity from the residential area to the recreation space in the buffer area that runs adjacent to the rail corridor and border with the A.C.T was an issue given the location of the main road (Road 1). This road transects the recreation zoned land. It was also originally proposed to locate the two sportsfields either side of Road 1, which raised further issues of connectivity and functionality of these amenities.</p> <p>In regards to this issue Council's Development Engineer advises as follows:</p> <p>Pedestrian access was discussed on multiple occasions with the applicant with Council concerned with the lack of connectivity from the residential area to the east of Road 1 and public open space and recreational areas to the west of Road 1 which is expected to have approximately 13,000 vehicle movements per day ultimately.</p> <p>Subsequently, playing fields have been relocated to the eastern side of Road 1, north of the residential portion of Stage 1 and it has been agreed and identified that a signalised intersection will be required at the intersection of Road 1 and Road 3 whenever development of the recreational site to the west of Road 1 is undertaken. Council will require signalling of this intersection prior to the release of Stage 2 of the development, or the construction of recreation facilities on the western side of Road 1.</p> <p>g) <i>Street blocks are to be generally a maximum of 250m long by 70m wide. Block lengths and widths in excess of 250m may be considered by council where connectivity objectives are achieved.</i></p> <p>All but one of the proposed street blocks are less than 250m long. The block containing Lots 49-80 is approximately 266m long. This aspect is influenced by how the land zoned R2 tapers to a point in the northern part of the site, and is considered acceptable in the context of the whole development.</p> <p>All but one of the proposed street blocks are less than 70m wide. The southern boundary of the block containing Lots 300-318 is approximately 82m long. This is considered to be acceptable in the context of the whole development, and this block has good connectivity to the road and path network.</p> <p>h) <i>Each new allotment has sufficient building area on it, being land with a slope of less than 20%.</i></p>	

SOUTH JERRABOMBERRA DCP COMMENTS	COMPLIES (Yes/No)
<p>All of the proposed final residential lots are shown on the grading plans as having a sufficient building area of land with a slope of less than 20%.</p> <p>i) <i>Any development or subdivision application that incorporates road construction shall be accompanied by a planting schedule for road reserves. Such proposed planting shall include a mix of exotic and local native species.</i></p> <p>A general planting schedule for the road reserve has been submitted as part of the landscape plans. It shows the use of native and exotic trees that are conceptually satisfactory to Council's Manager of Parks and Recreation however, subject to the imposition of a condition of consent, a detailed landscaping plan is required to be submitted prior to issue of the Construction Certificate (Subdivision).</p>	
<p>4.2 – Lot Size and Design</p> <p>The objectives are as follows:</p> <ol style="list-style-type: none"> 1) <i>To provide subdivisions which are generally compatible with the urban suitability and capability of the land on which it is to be carried out on.</i> 2) <i>To provide layouts which encourage development compatible with the maintenance and enhancement of the existing urban and scenic character of Queanbeyan LGA.</i> 3) <i>To design subdivision layouts which maximise the potential use of public transport and non-residential uses.</i> <p>The proposed development is considered to be generally satisfactory with regard to the above objectives.</p> <p>The relevant controls are as follows:</p> <p>c) <i>Lot sizes and lot layouts in urban release areas should take account of the environmental constraints of the area and be designed to conserve agricultural productive land (where applicable) and the retention of any significant natural features of the site.</i></p> <p>The proposed subdivision layout has taken into account the major environmental constraints of the site. There are no significant natural features or productive agricultural land within the site.</p> <p>d) <i>Lot sizes and lot layouts in urban release areas which increase potential resident density shall be sited in close proximity to public transport nodes and to commercial/community facilities.</i></p> <p>The proposed subdivision includes the creation of a super-lot on the land zoned B1 – Neighbourhood Centre. This land is identified in the Neighbourhood Structure Plan</p>	Yes

SOUTH JERRABOMBERRA DCP COMMENTS	COMPLIES (Yes/No)
<p>(NSP) as being for a 'Village Centre'. It is anticipated that the development of the village centre will be progressed along with the other super-lots within Stage 1 to provide various commercial facilities. The NSP also shows the provision of a community facility and neighbourhood park within Stage 1. Public transport will be provided to the development. Bus stops are shown on the submitted engineering drawings, with the initial route to use Road 1 and Road 4. Both the applicant and Council have received in principle support for the stops and route from the local bus company, Qcity.</p> <p><i>e) Lot size and lot layouts should reflect the servicing capacity of the area.</i></p> <p>The proposed subdivision is capable of being serviced and connecting into existing (or already approved under Part 5) sewer, water, electricity, gas, and telecommunications infrastructure.</p>	
<p>4.3 – Lot Orientation and 4.4 – Lot Size and Layout</p> <p><i>Lot Orientation</i></p> <p>There are no controls listed for lot orientation, only objectives. These are listed below.</p> <ol style="list-style-type: none"> <i>1) Lot orientation, size and dimensions should enable dwellings to be generally sited either on an N-S or E-W orientation. Where other amenities such as views over open space are available or the topography prevents solar orientated design then alternative lot orientations can be considered.</i> <i>2) Allowances are to be made for different lot depths and widths, depending on orientation, which may also result in increased variety to the streetscape frontage pattern.</i> <i>3) Lot orientation and dimensions should support the provision of future dwellings having living areas with a northerly orientation as well as a private open space area with a northerly orientation that is located to the rear or side of the dwelling.</i> <i>4) E-W oriented lots should be wider to support solar access.</i> <i>5) N-S orientated lots with north to the front should be wider and/or deeper.</i> <i>6) N-S oriented lots with north to the rear can be narrower and less deep. These lots are generally well suited to two storey development and small lot housing.</i> <p>The proposed development is considered to be generally satisfactory with regard to the above objectives. The proposal includes a range of lot sizes, including varied lot widths and depths. Good solar access opportunities are provided from the majority of the final residential lots being oriented either east-west or north-south. The proposed super-lots that will likely be further subdivided into smaller residential lots (<330m²), are generally oriented north-south, which should allow for good solar access to the rear and front yards of future east-west oriented small lots.</p>	<p>Yes – variation to lot frontage width control is supported.</p>

SOUTH JERRABOMBERRA DCP COMMENTS	COMPLIES (Yes/No)
<p><i>Lot Size and Layout</i></p> <p>The objectives of the lot size and layout controls are:</p> <ul style="list-style-type: none"> 7) <i>Encourage a variety of lot sizes across the site to promote housing choice and create varied streetscapes.</i> 8) <i>Smaller lot sizes are to be located within easy walking distance of the neighbourhood centre and B4 Mixed Use Zone, with larger lot sizes generally located on the higher elevations and adjoining the E2 environmental conservation zoned land of South Jerrabomberra.</i> 9) <i>Promote generally rectangular street blocks and lots to maximise efficiency.</i> <p>The proposed subdivision is considered to be generally satisfactory with regards to the above objectives. The proposal includes a range of lot sizes and the blocks are generally rectangular. The larger lots are mainly located on the higher elevations in southern part of the site.</p> <p>Controls for lot size and layout are:</p> <ul style="list-style-type: none"> a) <i>Minimum lot size is to be in accordance with the appropriate LEP.</i> <p><u>Applicable Minimum Lot Sizes</u></p> <p>R1 – General Residential:</p> <ul style="list-style-type: none"> o The part of the subject site that is zoned R1 is mostly identified on the Minimum Lot Size Map as having a minimum lot size of 330m², with the south-eastern part of the site having a minimum lot size of 600m². <p>RE2 – Private Recreation:</p> <ul style="list-style-type: none"> o The part of the land zoned RE2 – Private Recreation is not identified on the Minimum Lot Size Map. <p>E2 – Environmental Conservation:</p> <ul style="list-style-type: none"> o 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 5. <p>B1 – Neighbourhood Centre:</p> <ul style="list-style-type: none"> o The part of the land zoned B1 – Neighbourhood Centre is not identified on the Minimum Lot Size Map. <p>B4 – Mixed Use:</p> <ul style="list-style-type: none"> o The part of the land zoned B4 – Mixed Use is partially identified on the Minimum Lot Size Map as having a minimum lot size of 330m², 	

SOUTH JERRABOMBERRA DCP COMMENTS	COMPLIES (Yes/No)
<p>with the portion adjoining the B1 zone not identified on the Minimum Lot Size Map.</p> <p>The proposed 318 final residential allotments range in size from 375m² to 774m². All proposed lots on land identified on the Minimum Lot Size Map have been checked and meet the minimum lot size.</p> <p><i>b) Residential lot size must be capable of accommodating a dwelling, private open space and at least one under cover car parking space.</i></p> <p>Each proposed lot 1 is large enough and configured to be capable of accommodating a dwelling, private open space and undercover car parking. The majority of lots are rectangular, with wedge shaped lots minimised.</p> <p><i>c) Lot size and layout are to take into account the slope of the land, any environmental constraints and any significant natural features to create a legible and permeable neighbourhood pattern.</i></p> <p>Proposed lot size and layout relates to the natural features of the land and the constraints posed by the R2 zoned land being triangular in shape to produce a legible and permeable neighbourhood pattern.</p> <p><i>d) Lots should be generally rectangular in shape and orientated to allow future dwellings to gain access off streets and where possible, public open spaces.</i></p> <p>The majority of lots are rectangular, with wedge shaped lots minimised.</p> <p><i>e) No more than two battle axe shaped allotments should adjoin each other. The access corridor is that part of a battle axe shaped allotment which provides private access between the main part of the allotment and the public road.</i></p> <p>No battle-axe lots are proposed.</p> <p><u>Minimum Lot Frontage</u></p> <p>This clause also identifies minimum widths for lot frontages within a Table.</p> <p>Lots between 330m² and 449m² are required to have a minimum lot width of 10 metres. The remaining residential lots (450m² to 900m²) are required to have a minimum lot width of 12 metres.</p> <p>All of the proposed lots between 330m² and 449m² comply with the relevant frontage width requirement, with the smallest width being 12.5 metres.</p> <p>For the proposed lots between 450m² and 900m², one lot (Lot 16) has a lot frontage width of less than 12 metres (10.6 metres proposed) – see Figure 8 below. However, the lot widens to 12.7 metres where the front setback of the future dwelling will be applied.</p>	

SOUTH JERRABOMBERRA DCP COMMENTS	COMPLIES (Yes/No)
<p data-bbox="352 264 1038 297">Figure 8 – Proposed Lot 16 – Lot Frontage Width</p>  <p data-bbox="148 1133 448 1167"><u>Discussion of Variation</u></p> <p data-bbox="148 1167 1244 1234">The applicant has not provided any justifications for this variation. Nonetheless, it is recommended to be supported in this instance for the following reasons:</p> <ul data-bbox="197 1267 1244 1783" style="list-style-type: none"> • The objectives of the control are generally satisfied. Specifically, the lot is relatively large and widens considerably to the rear. This will allow for good solar access to private open space in the back yard and to the future dwelling; • The lot is wide enough to accommodate a typical dwelling with an attached double garage; • The lot frontage meets the minimum 12 metre dimension where the front setback of the future dwelling will be applied; • Being adjacent to a corner lot's long frontage (Lot 26) will reduce any streetscape impacts; and • Having one lot out of 318 not meeting this control is considered to be a minor variation in the context of the whole development. 	

<p>4.6 Additional Controls for Subdivision in a Buffer Area</p> <p><u>4.6.1 Buffer to Hume Industrial Area and Goulburn / Bombala Railway</u></p> <p>This sub-clause contains controls designed to ensure that impacts from the Hume industrial area on any sensitive land uses within the buffer area are mitigated. However, no specific land uses are proposed for this land as part of the subject DA, other than drainage basins. Future DAs that include sensitive land uses, such as residential development, community facilities et cetera, will be subject to these controls.</p> <p><u>4.6.2 Additional Controls for Land on the Urban/Non-Urban Interface</u></p> <p>This sub-clause relates to the eastern boundary of the site where proposed residential lots border rural zoned land, and the south-east corner where some proposed residential lots border environmental conservation land (zoned E2).</p> <p>The objectives are as follows:</p> <ol style="list-style-type: none"> 1) <i>The interface between new development, rural lands, environmental conservation zones and areas of high biodiversity value should consider appropriate transitions and design solutions which minimise any adverse impacts from development on these areas.</i> 2) <i>Ensure the potential for land use conflict is considered at subdivision stage.</i> <p>The proposed subdivision is considered to be generally satisfactory with regards to the above objectives.</p> <p>The relevant controls are as follows:</p> <ol style="list-style-type: none"> a) <i>Low density development is to be located at the perimeter of urban development. Subdivision at the interface shall comprise suitable lot sizes which reflect the site constraints.</i> <p>It is not clear what the control means by “low density”. The density of a subdivision is largely controlled by the land use zoning, minimum lot size requirements, and site constraints such as topography. The majority of lots which border the rural and environmental land are well over the minimum lot size required under the LEP, and the lot sizes are considered to reflect any site constraints.</p> <p>There is also a road located between the lots and the rural/environmental land. This provides a clear demarcation between the urban and non-urban land.</p> <ol style="list-style-type: none"> b) <i>Landscaping on land at the interface shall not include any weed or invasive species.</i> <p>Proposed landscaping within the road reserves that border the non-urban land does not include any weeds or invasive species.</p> <ol style="list-style-type: none"> c) <i>Development shall be setback a suitable distance from adjoining rural and environmental land to avoid potential land use conflict.</i> 	<p>Yes</p>
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<p>The road located between the lots and the rural/environmental land provides a clear demarcation between the urban and non-urban land to assist in avoiding land use conflicts.</p> <p>d) <i>Where required, buffers are to be incorporated to address land use conflict. Such buffers are to be sited within the development site.</i></p> <p>Land use conflicts with the rural/environmental land will be mitigated by the road. The management of the E2 land will be the subject of future negotiations between the developer and Council and likely conditioned as part of future DAs.</p> <p>e) <i>In circumstances where the proposed buffer does not satisfactorily deal with conflicts or impacts the proposed development must incorporate further measures to ensure that those impacts are addressed.</i></p> <p>See comments above.</p>	
Part 5 – Roads and Public Places	
<p>5.2 – Street Network</p> <p>The objectives are as follows:</p> <ol style="list-style-type: none"> 1) <i>Establish a street network that complements the characteristics of each residential component of South Jerrabomberra and promotes a liveable and permeable local environment.</i> 2) <i>To minimise the establishment of traffic generating development along main and arterial roads.</i> 3) <i>Provide safe and convenient access to all subdivisions and all allotments within a subdivision.</i> 4) <i>Facilitate safe movement of road users through the provision of usable and accessible facilities for pedestrian and cyclists.</i> 5) <i>Promote use of public transport through the provision of appropriate facilities for users of public transport such as a park and ride facilities.</i> 6) <i>Make provision for legible, safe and efficient pedestrian, bicycle and vehicular movement throughout South Jerrabomberra and connections to the established network.</i> 7) <i>Create a street hierarchy that reflects the function and character of each street and forms part of a legible network.</i> 8) <i>Make provision for a public transport route through South Jerrabomberra and to provide facilities for users of public transport.</i> 9) <i>Provide as appropriate Water Sensitive Urban Design (WSUD) elements into the street network, as illustrated in images above.</i> 	<p>Yes</p>

<p>The proposed subdivision is considered to be generally satisfactory with regards to the above objectives.</p> <p>The controls are as follows:</p> <p>a) <i>Streets are to be designed in accordance with the Master Plan, Council's adopted Engineering Design Specification Control Diagrams and numeric controls in Table 2 and any applicable legislative requirements.</i></p> <p>Complies – refer to Development Engineer's comments.</p> <p>b) <i>A development application must demonstrate that the proposed streets are appropriate for their role in the street network.</i></p> <p>Complies – refer to Development Engineer's comments.</p> <p>c) <i>Subdivisions shall be designed so that allotments along a main arterial road have access from a local or secondary road.</i></p> <p>Complies – all of the proposed lots have access from a new local road.</p> <p>d) <i>All new streets are to comply with the design and engineering requirements applicable to roads and streets, crossings, footpaths, cycle ways, bus shelters and the like in Queanbeyan City Council's Engineering Design Specification.</i></p> <p>Complies – refer to Development Engineer's comments.</p> <p>e) <i>Streets are to include a stormwater drainage facility as required. WSUD controls should be provided where and incorporated into the design at appropriate locations.</i></p> <p>Complies – refer to Development Engineer's comments.</p> <p>f) <i>Subdivisions are to be designed to provide adequate safety for pedestrians using the street verge.</i></p> <p>Complies – refer to Development Engineer's comments. Detailed design of pedestrian pavements will be subject to assessment during the Construction Certificate (Subdivision) process. New road reserves are wide enough to accommodate pedestrians safely.</p> <p>g) <i>Applications for subdivision shall be accompanied by a traffic engineering assessment that includes traffic volumes and movements, cross-sections through typical street types demonstrating that road reserve widths can adequately accommodate electricity, gas, telecommunications, water and waste water infrastructure, street trees, footpaths, shared paths, on-street parking, road pavement widths and where appropriate on-street cycling.</i></p> <p>Complies – refer to Development Engineer's comments. Traffic assessment submitted.</p>	
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<p>5.3 – Local Sub-Arterial Road 5.4 – Collector Road 5.5 – Local Streets 5.7 – Edge Street – Adjacent to Major Open Space Areas</p> <ul style="list-style-type: none"> • Proposed Road 1 is a Sub-Arterial Road. • Roads 3 and 4 are Collector Roads. • Roads 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 are Local Streets. • Road 5 and 10 are Edge Streets (Adjacent to Major Open Space Areas). <p><u>Note:</u> There is no Road 2.</p> <p>These clauses require the road network to comply with Council's engineering specifications. For the sub-arterial road there are additional relevant controls relating to: no direct access to lots; accommodation of public buses; and noise mitigation treatments.</p> <p>Council's Development Engineer has assessed the proposed road network as being generally satisfactory, however, there are some issues that will need to be resolved at Construction Certificate (Subdivision) stage. Council's Local Development Traffic Committee also reviewed the proposal and their comments are included in the Development Engineer's comments.</p> <p><u>Development Engineer's Comments – Traffic, Parking and Access</u></p> <p>Left hand slip lanes have been requested at intersections of Road 1/Road 3 and the southern intersection of Road 1/Road 4, which has been disputed by the applicant. Further, the provided traffic report does not show the ultimate signalisation of Road 1/Road 3 incorporating 2 traffic lanes in each direction along Road 1, though states this is in accordance with RMS requirements, thus a slip lane at Road 1/Road 4 is not required. As the commercial precinct of the overall development is expected to be accessed via a 4 way intersection of Road 1 and Road 3, this intersection must have the capacity to incorporate two travel lanes in each direction as left or right turn lanes may become required. Council has been reluctant to accept multiple intersections on the proposed sub arterial road (Road 1) therefore a compromise has been granted to limit the number of intersections on this road. A condition of this compromise which has been communicated to the applicant prior to lodgement would be that left turn slip lanes be incorporated at the intersections along Road 1. Whilst the current development may not meet the technical requirement for the slip lanes, the applicant fails to appreciate that Council requires the ability to cater for potential development and growth in the area. Not have having left turn slip lanes would represent a safety hazard otherwise. As the applicant has failed to incorporate Council's request into DA drawings, Council can only apply conditions that they are incorporated into the design which is submitted for Construction Certificate.</p> <p><i>Northern Entry Road (NER)</i> Approval for the NER, 393-2015 provides a minimum road corridor of 26m, which represents the minimum corridor width for a dual carriageway road</p>	<p>Yes – conditions required</p>
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depending on median width. Section 1 of the extension to the NER shown in the provided DA plans is indicated to be 22.6m wide which is insufficient corridor width for future duplication should it be required. Carriageway widths were revised by the applicant to a satisfactory width to enable future duplication.

Typical road sections provided by the applicant indicate the single carriageway to be sufficient for up to 15,000 vehicle movements per day (vpd), however Council's Specifications require duplication once traffic movements exceed 3,000vpd. As noted previously Council is of the view that the vehicle movements submitted by the applicant are not in accordance with Council's development design specification.

Local Development Traffic Committee

The development proposal for South Tralee Stage 1 was reviewed by the committee. In response to the development application the committee raised the following comments:

- The need for road widths to support heavy vehicles including public transport. Particularly noted the need for the widths at intersections to ensure safe turning of buses along Road 1 and intersections on Road 4 and corners on Road 4.
- The entrance to the subdivision was noted as a 3km link road over Jerrabomberra Creek connecting with Tomsitt Drive. Concerns for speed limit on the link road were discussed. The committee supported the recommendation to investigate roadside extensions east of the roundabout on Road 1 to permit stationary police activity on the link road. It is recommended that a condition of consent is imposed to allow a safe area for enforcement of road laws.
- Noting the length of the link road in and out of the development, the committee supported the roundabout at Intersection 1 where Road 1 meets Road 4, as a traffic calming device. RMS noted implications for the design of the roundabout depending on the speed limit of the link road.
- Emergency access for the subdivision was discussed, noting Alderson Place as an alternate access route through Hume, ACT was available for the subdivision.
- Pedestrian Safety was discussed with the committee supporting treatments on Road 1 for the safe conveyance of pedestrians to future proposed facilities opposite the development. Signalised pedestrian facilities were encouraged by the committee.
- The committee noted the development plans and wish to review future TCD (Traffic Control Detail) plans for the subdivision. It is recommended that a condition of consent is imposed to submit TCD for approval by the Local Traffic Committee.

Access

The proposed subdivision will be accessed via the Northern Entry Road (NER) which has been approved in three stages, though construction

certificate for Stage 3 of the road has not been completed. Therefore, commencement/approval of the current development is contingent on the construction and dedication of the NER. It is recommended that a condition of consent is imposed to ensure all works associated with the NER are to be completed and dedicated to Council.

Individual access to lots is not required as the subdivision area is proposed to be constructed with modified lay back kerbs, allowing future driveway construction at the discretion of the landowner within the constraints of Development Design Specification D13, Vehicular Access. However, lots at the intersection of Road 10 & Road 4 and Road 7 & Road 4 have frontages entirely located on road curves. Further, Road 4 is proposed to be a Bus Route in the initial stage of the development and given it's interconnectivity with Road 1 is likely to encounter significantly more traffic than surrounding local streets.

AS2890 specifically indicates that access should be located on the radius of intersection unless there is no other means of access to the lot. As a greenfield development there should be no reason why the design of lots cannot be undertaken such that access requirements is in accordance with Council's specifications and the Australian Standard. Discussions with the Subdivision Coordinator in regards to the matter resulted in the Coordinator deeming that access may be made available to the lots in a sufficiently safe manner. This is on the basis that the lots are on the outside of curves and thus have sufficient sight distance in each direction to exit the respective lots safely. Further it is envisaged that refinements to the design can be undertaken during detail design prior to construction certificate to reduce the hazard of access potentially being located on intersection radii.

Assessing Officer's Summary

Provided the recommended conditions are imposed and complied with, the proposed road and street network is supported. Some detailed design aspects, including any necessary noise treatments for the sub-arterial road, will necessarily be addressed as part of the Construction Certificate (Subdivision) process.

Part 8 – Environmental Management

The clauses in this part that are relevant to the proposed development are listed below:

- 8.2 Soils and Salinity;
- 8.3 Cut and Fill;
- 8.4 Water Sensitive Urban Design;
- 8.5 Natural Hazards;
- 8.7 Aboriginal Heritage;
- 8.8 European Archaeological Heritage;
- 8.9 Development in Areas Subject to Aircraft Noise;
- 8.10 Airspace Operations;
- 8.11 Land in the Vicinity of Proposed Arterial Roads;
- 8.12 Land adjoining Hume Industrial Area and Goulburn/Bombala Railway;
- 8.13 Tree Retention and Biodiversity;
- 8.14 Flora and Fauna;

Yes

<ul style="list-style-type: none"> • 8.15 Land Contamination Management; • 8.17 Construction Waste; • 8.18 Landfill / Earthworks; and • 8.19 Additional Controls for Subdivision in a Buffer Area. <p>It must be noted that the majority of the above clauses simply reference compliance with related LEP clauses, or the controls reflect requirements contained in the LEP and SEPPs.</p>	
<p>8.2 Soils and Salinity</p> <p>The proposed development generally satisfies the relevant objectives and controls in this clause. A concept SWVM prepared by Calibre Consulting was submitted for the proposed development. More detailed design of sediment and erosion controls will be submitted as part of the Construction Certificate (Subdivision) process. This will ensure compliance with the relevant environmental standards and Council's Engineering specifications. Standard conditions regarding site management and erosion and sediment control to be imposed on the development consent (if granted).</p> <p>The Geotechnical Report submitted with the application did not identify any salinity issues.</p>	Yes
<p>8.3 Cut and Fill</p> <p>The proposed development satisfies the objectives and controls in this clause that are relevant to subdivision applications. (Also refer to assessment of earthworks under Clause 7.1 of the LEP).</p> <p>Submitted technical reports and plans satisfactorily addresses the extent of cut and fill and site grading. Further details will necessarily need to be provided at Construction Certificate – Subdivision stage.</p>	Yes
<p>8.4 Water Sensitive Urban Design</p> <p>The proposed development generally satisfies the relevant objectives and controls in this clause. (Also refer to Development Engineer's assessment earlier in this Report).</p> <p>Further details will necessarily need to be provided at Construction Certificate – Subdivision stage.</p>	Yes
<p>8.5 Natural Hazards</p> <p>The proposed development satisfies the relevant objectives and controls in this clause.</p> <p>There are no natural hazards other than bushfire affecting the proposed development site. The part of the site that is bushfire prone is not subject to this DCP. Refer to comments later in this Report under comments from external referrals (RFS).</p>	Yes
	Yes

8.7 Aboriginal Heritage and 8.8 European Archaeological Heritage The proposed development satisfies the relevant objectives and controls in these Clauses. Refer to comments previously in this Report under the LEP.	
8.10 Airspace Operations This clause does not contain any objectives or controls. It simply refers to the relevant LEP clause. Refer to assessment under Clause 7.2 of the LEP for detailed comments.	Yes
8.11 Land in the Vicinity of Proposed Arterial Roads This clause does not contain any objectives or controls. It simply refers to the relevant LEP clause. Refer to assessment under Clause 7.5 of the LEP for detailed comments.	Yes
8.12 Land adjoining Hume Industrial Area and Goulburn/Bombala Railway This clause does not contain any objectives or controls. It simply refers to the relevant LEP clause. Refer to assessment under Clause 7.4 of the LEP for detailed comments.	Yes
8.13 Tree Retention and Biodiversity and 8.14 Flora and Fauna The proposed development generally satisfies the relevant objectives and controls in these clauses. Refer to detailed discussion of earlier in this report under Section 5A of the Act.	Yes
8.15 Land Contamination Management The proposed development satisfies the relevant objectives and controls of this clause. Refer to assessment under SEPP 55 for detailed comments.	Yes
8.17 Construction Waste A Waste Management Plan must be provided for all development requiring construction works on site. The level of detail in the plan will reflect the scale of development being undertaken. A Waste Management Plan will be required to be submitted as part of a broader Construction Management Plan and a condition imposed accordingly.	Yes
8.18 Landfill / Earthworks The proposed development satisfies the relevant objectives and controls of this clause. Refer to assessment under clause 7.1 of the LEP for detailed comments.	Yes
8.19 Additional Controls for Subdivision in a Buffer Area The proposed development satisfies the relevant objectives and controls of this clause. Refer to assessment under Part 5 of this DCP for detailed comments.	Yes

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

State Voluntary Planning Agreement (State VPA)

A State Voluntary Planning Agreement (State VPA) has now been negotiated between the developer and the Department of Planning and Environment. The Department advised Council satisfactory arrangements had been agreed by correspondence dated 4 May 2018. The State VPA includes the upgrade of the Tomsitt/Lanyon intersection and the provision of land for a school site. The State VPA is based on a total yield for the South Jerrabomberra urban release area of 1,500 dwellings. This total yield of 1,500 dwellings has been determined by the Department of Planning and Environment, RMS, VBC and Council having regard to the maximum capacity of the upgraded Tomsitt/Lanyon intersection in the future.

Local Voluntary Planning Agreement (VPA) for South Tralee

A VPA “South Tralee Essential Infrastructure Planning Agreement” has been negotiated between the developer and Council and placed on public exhibition from Friday 16 March 2018 until Friday 13 April. It includes matters such as the provision of water and sewer.

Council resolved on 26 April to execute the VPA. This was formally executed on 19 June 2018.

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

No matters prescribed by the Regulations apply to the proposed development.

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

Context and Setting

The proposed development is considered to be in context with the purposes for which the land has been rezoned, and surrounding rural land, (much of which is envisioned to be developed for urban purposes as part of South Jerrabomberra). The development is also designed to take into account the constraints posed by the adjoining Hume Industrial Estate.

The proposed development is generally designed to complement the scenic qualities and landscape features of the locality and is also generally consistent with the Neighbourhood Structure Plan for the site.

Access, Transport and Traffic

The proposed development’s impact in relation to access, transport and traffic has been satisfactorily addressed and is discussed in detail in this Report. Council’s Development Engineer has raised no objections in relation to this consideration, subject to the imposition of recommended conditions of development consent to require an easement to be created over a future 45m wide road corridor for Dunn’s Creek Road.

Public Domain

The proposed development will provide for adequate recreational opportunities, public spaces and pedestrian linkages for future residents.

Utilities

Council’s Development Engineer is satisfied with arrangements to service the land as detailed earlier in this Report. Not previously discussed has been the provision of sewer and supply of potable water. The Development Engineer’s assessment of these is provided below.

Water

The development site is not supplied with potable water, to enable servicing of the site with town water the development and delivery of an integrated water cycle project will be required. The applicant has developed a Review of Environmental Factors (REF) in conjunction with Councils Community Connections Portfolio, who then has submitted to The Natural and Built Character team to assess, condition and approve. The REF and the preliminary designs show that the supply of Water from a direct connection off the Icon Water Supply network along Edward Land Parkway.

The distribution network will see the construction of a reservoir during the first stage of development and construction of a booster pump station which is to have a permanent generator back up to supply the higher lots within the subdivision. The booster pump station is to be retained so the network has the redundancy to be able to service the reservoirs without compromising the supply to part of the network for an extended period of time.

The supply network initially does not require the pressure reduction of lower level lots, it is indicated in the model calculations that the pressures within the system will be within the scope of limitations dictated by Council's specifications.

The water supply network will be a typical reticulated network with minimum dead ends, and at this concept stage demonstrates that all proposed lots could be serviced and the main will have an acceptable functionality once the IWC project has been satisfactorily developed. The development will be conditioned to provide a sleeved road crossing into the proposed village centre lot with 100mm water supply tie and terminate with a duck-foot hydrant. A condition of consent to this effect will be imposed.

Sewer

The site does not have a sewer network serving any part of the development site.

To enable the environmentally sustainable disposal of effluent from the development area it has been proposed that as part of the Integrated Water Cycle Management Project that the construction of a Sewerage Pumping Station with an 8 hour emergency storage for the ultimate discharge be constructed, along with the installation of sewer rising mains with dosing station to address the septicity of the effluent due to the length of the rising main and initial detention times.

The reticulation network is dealing with sloping sites which may end up with some steep and deep lines. The applicant has found it challenging to demonstrate how it would be able to adequately service the lots, with plans having to be returned several times for review and amendments with lots still questionable if they are adequately serviced but the site clearly has the ability to service all lots. The future application for approval of the water and sewer design will resolve this matter.

The lot servicing is proposed with a combination of easements at the back of properties and mains within the road reserve. The applicant will be required, through recommended condition of consent to provide a connection into the proposed village centre lot with a sleeved road crossing of Road 1 into the proposed lot.

Heritage

Issues relating to Aboriginal and European heritage have been satisfactorily addressed – refer detailed assessment earlier in this Report.

Other Land Resources

The proposed development will not adversely impact on valuable land resources for productive agriculture land and mineral and extractive resources.

Soils

The proposed development is unlikely to adversely impact soil conservation. A geotechnical engineer's report submitted by the applicant confirms soils are appropriate for the proposed development and land is not affected by salinity.

Water

The proposed development will not adversely impact on the conservation of water resources and the water cycle. Council's Development Engineer is generally satisfied with arrangements to dispose of stormwater as detailed earlier in this Report.

Air and Microclimate

The construction stages of the proposed development will likely cause the emission of dust from earthworks. Management of this issue is to be addressed by the submission of a Construction Management Plan prior to issue of any Construction Certificates for subdivision works. A recommended condition of consent will be imposed to require the submission of a Construction Management Plan.

Flora and Fauna

The potential impacts of the proposed development on the maintenance of biodiversity has been extensively discussed earlier in this Report. The proposed development will not result in a significant impact to any threatened flora and fauna species.

Waste

A Waste Management Plan will need to be submitted and approved prior to the issue of a Construction Certificate (Subdivision). A recommended condition of consent will be imposed to require the submission of a Waste Management Plan.

Hazards

Natural hazards affecting the site are from bushfire. While the land that forms the subject site is not itself identified as being bushfire prone, a small portion of an existing allotment that the subject site traverses is identified as being bushfire prone. A precautionary approach was taken with regard to bushfire hazard.

The applicant submitted a Bushfire Assessment Report which covered the entire site. This assessment includes recommendations including the provision both temporary and permanent asset protection zones (APZs). A recommended condition of consent will require these to be implemented through the General Terms of Approval.

The NSW Rural Fire Service has issued a Bushfire Safety Authority for the development.

There are no technological hazards affecting the site.

Social and Economic Impact in the Locality

The proposed development is not expected to pose any negative social or economic impacts to the locality. There will be local economic benefits through employment opportunities during construction, and provision of added housing stock opportunities and choice for the City to meet regional and local demands.

Energy

Measures to conserve energy and matters relating to energy efficiency will be considered during subsequent DAs that include built form. The subdivision has good levels of solar access to lots.

Noise and Vibration

The construction stages of the proposed development will likely cause the emission of noise and vibration from earthworks. Management of this issue is to be addressed by the submission of a Construction Management Plan prior to issue of any Construction Certificates for subdivision works. A recommended condition of consent will be imposed to require the submission of a Construction Management Plan.

Safety, Security and Crime Prevention

The proposed development complies with the relevant section of the QDCP 2012 on crime prevention through environmental design. Also refer to comments from the NSW Police later in this Report.

Site Design and Internal Design

The design of proposed development is considered to be generally sensitive to environmental conditions and site attributes.

Construction

The construction stage of the subdivision will have the potential to impact on adjoining properties and the environment for a short period of time. A recommended condition of consent imposes a condition to ensure construction activities do not unreasonably impact on the adjoining properties and the environment by way of noise, erosion, dust and the like. These types of conditions are routinely imposed on development consents that involve construction. In addition, it is recommended that a Construction Management Plan which specifically addresses the generation of dust and noise be required to be submitted to Council for approval prior to the issuing of a Construction Certificate (Subdivision).

Cumulative Impacts

Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered that with adherence to recommended conditions of consent that the proposal will not give rise to any adverse cumulative impacts.

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

Does the proposal fit the locality?

There are no significant constraints to the proposed development from adjacent land. The proposed development will not give rise to unmanageable transport demands, adequate recreational opportunities will be provided and utility services available.

Are the site attributes conducive to development?

The site attributes are generally conducive to development, with the most environmentally sensitive areas of South Tralee being protected by a conservation zoning that greatly restricts development. The proposal has generally taken into account the physical, heritage and flora and fauna constraints of the site.

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

The application was publicly notified and exhibited as integrated development from Integrated Development from 28 November 2017 to 12 January 2018 and adjoining property owners and occupiers were notified by mail.

No submissions were received.

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

External Referrals

1. NSW Police

The development application was forwarded to the Crime Prevention Officer at the NSW Police Monaro Local Area Command for comment. After conducting the CPTED process the NSW Police has identified the development as having a low crime risk.

The Police's comments are provided below.

a) Surveillance/Design

- It is important that all recreation facilities, such as BBQ's and footpaths are positioned in areas with high natural surveillance. Car parking facilities and sporting fields, when in use, increase natural surveillance of the area.

b) Landscaping

- It is important to realize that vegetation can aid in concealment opportunities, restrict natural surveillance, dull lighting and/or cast shadows and/or provide a natural climbing ladder to gain access to structures that are otherwise difficult to access. For these reasons the following needs to be born in mind:-
 - A safety convention for vegetation is: lower tree limbs should be above average head height and shrubs should not provide easy concealment (I.E. keep under 70cm of height).
 - Care needs to be taken when choosing shrubs and trees for all areas, especially around footpaths. Some landscaping may hamper the natural surveillance that exists and/or may create entrapment points and concealment opportunities for would be criminals. It may also create unnecessary dark areas if lighting is inappropriately placed.
 - Street trees should not be placed directly under street lighting. This is because when they mature they can block areas of light which can creating shadows and dark spaces.
 - Public car parking areas should not be obscured by landscaping. Limited surveillance in car parking areas can lead to increase stealings from motor vehicles and other offences.
 - A landscaping maintenance policy should be established for this area.

c) Lighting

- Care should be taken when implementing lighting to ensure it maximizes natural surveillance and creates an even glare with no dark areas that can be used for concealment opportunities. Landscaping should be taken into consideration by ensuring it will not affect lighting in the future.
- As a general rule, areas that have adequate surveillance during hours of darkness should have adequate lighting, but if an area cannot be viewed of a night time, the light only encourages people to congregate in the area. Areas lit with limited natural surveillance are likely to attract underage drinkers or others with antisocial intentions in mind. This is because their activities can go largely unnoticed whilst they have the pleasure of being comfortable in the area. This is important to keep in mind for all community and public spaces.
- A lighting maintenance policy needs to be established for the development.

d) Territorial Reinforcement

- There is limited information to indicate signage which might be used in and around the development. Confusion resulting from vague entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. Entries should be legible and inviting.
- It is recommended community areas are clearly signposted with clear information in relation to its recommended purpose and use, ie pond walk (with a map detailing where the path goes).
- Safety signage should also be considered at relevant points, such as the pond areas.

Assessing Officer's Comment – Police comments are noted and the recommended conditions of consent will be placed on the development consent (if granted) as advisory notes.

2. 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 12 January 2018. The GTA will form part of the recommended conditions of consent.

Comments were also sought in relation to biodiversity. Refer to detailed discussion earlier in this Report.

3. NSW Department Planning and Environment (DPE)

Council requested the DPE to issue satisfactory arrangements for the provision of designated State public infrastructure for Stage 1 of South Tralee. Certification of State public infrastructure was made on 4 May 2018 (Appendix 1).

4. John Holland Rail (Rail Authority)

JHR raised no objections to the proposed development subject to the imposition of standard conditions. Concerns raised about the existing Alderson Place crossing of the rail corridor have been satisfactorily addressed.

5. Essential Energy

Essential Energy raised no objections to the proposed development in relation to potential safety risks subject to the imposition of conditions which will be added to the development consent as Advisory Notes.

6. Rural Fire Service

The application was referred to the RFS as Integrated Development as the site is partially bushfire prone. The RFS issued a Bushfire Safety Authority (BSA) for the development on 8 February 2018. . It contains recommendations that will be conditioned.

7. Road and Maritime Services

The response from the RMS in relation traffic generating development is detailed in the section on the State Environmental Planning Policy (Infrastructure) 2007 earlier in this report.

8. Commonwealth Department of Infrastructure and Regional Development.

The Commonwealth Department of Infrastructure and Regional Development (DIRD) issued on 8 March 2018 a Controlled Activity Approval (CCA) for the development under the *Airports (Protection of Airspace) Regulations 1996*. This approval limits any buildings within the development to a maximum height of 740 metres AHD. The existing ground level of the highest lots is less than 720 metres AHD, therefore, there will be no issue with future development complying with the CCA.

Internal Referrals

1. Building Surveyor

Council's Building Surveyor has assessed the proposed development and has raised no objections subject to the imposition of a condition relating to the submission of an updated geotechnical report detailing the method of treating the impact of the spring located adjacent to test pit 14 as identified in the report prepared by Douglas Partners dated July 2015.

2. Development Engineer

Council's Development Engineer has assessed the proposed development and has raised no objections subject to the imposition of several conditions as outlined in several earlier sections of this Report.

3. Environmental Health

Council's Environmental Health Officer has assessed the proposed development and has raised no objections subject to the imposition of conditions of consent – 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 subject to the imposition of a condition of consent requiring the submission of a detailed landscaping plan prior to issue of the Construction Certificate (Subdivision).

5. Heritage Advisor

Council's Heritage Advisor has raised no objections to the proposed development. Refer to their comments and detailed discussion earlier in this Report.

Subsection (1)(e) – The Public Interest

The proposed development is considered to be in the public interest as it will facilitate the development of an urban release area in a manner that is generally in accordance with the relevant statutory and policy framework.

It is considered that government and community interests will not be adversely affected by the proposed development.

Section 91A – Development that 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 12 January 2018.

The application was referred to the RFS as Integrated Development as the site is partially bushfire prone. The RFS issued a Bushfire Safety Authority (BSA) for the development on 8 February 2018. It contains recommendations relating to asset protection zones, water and utilities, access for emergency services, design and construction and landscaping. It is recommended that relevant conditions of consent will be imposed to ensure compliance with the NSW Rural Fires Service GTA's.

Section 93F – Contribution towards provision or improvement of amenities or services.

The following contribution agreements are relevant and will be conditioned to be complied with as relevant.

- *State Voluntary Planning Agreement (S VPA)*
A State Voluntary Planning Agreement (S VPA) made on 4 May 2018.
- *Local Voluntary Planning Agreement (VPA) for South Tralee*
A VPA (*South Tralee Essential Infrastructure Planning Agreement*) executed on 19 June 2018.

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

The following contribution plan is relevant and will be conditioned to be complied with as relevant.

- *Local Infrastructure Contributions Plan for South Jerrabomberra 2018*
The contributions plan was adopted by Council on 26 April 2018 and came into effect on 15 May 2018. It will allow Council to collect contributions towards the infrastructure needed to service the new population of South Jerrabomberra (both residents and workers. Recommended conditions of consent will require payment of any relevant developer contributions under the South Jerrabomberra Local Infrastructure Contributions Plan 2018 due at the time the Subdivision Certificate is released. At the current time the contribution plan only allows for a \$20,000 contribution per lot. However Council is currently negotiating with the Department of Planning and Environment to have this increased to \$30,000 per lot. As provided for under clause 1.7 of the Plan, Council and the developer may agree to the \$30,000 contribution per lot in respect of previously approved development applications (in this case DA 395-2017).

Note: The recently amended Neighbourhood Structure Plan shows the Tralee Woolshed being re-located adjacent to the future neighbourhood centre. It also shows the provision of two sportsfields in the northern corner of the site. These works, as well as any other

embellishments of the RE2 zone are included in the works schedule of the Local Infrastructure Contributions Plan for South Jerrabomberra.

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 Jerrabomberra Development Control Plan. The proposal generally satisfies all of the provisions of these instruments and policies as detailed throughout this Report.

Recommendations

1. That a variation to Clause 4.4 – Lot Size and Layout, of the South Jerrabomberra Development Control Plan to allow for proposed Lot 16 to have a lot frontage width of 10.6 metres instead of the 12 metres prescribed for the following reasons:
 - a) The objectives of the control are generally satisfied. Specifically, the lot is relatively large and widens considerably to the rear. This will allow for good solar access to private open space in the back yard and to the future dwelling;
 - b) The lot is wide enough to accommodate a typical dwelling with an attached double garage;
 - c) The lot frontage meets the minimum 12 metre dimension where the front setback of the future dwelling will be applied;
 - d) Being adjacent to a corner lot's long frontage (Lot 26) will reduce any streetscape impacts; and
 - e) Having one lot out of 318 not meeting this control is considered to be a minor variation in the context of the whole development.
2. Pursuant to Section 80 – Determination, of the *Environmental Planning and Assessment Act 1979* (the Act) the subject Development Application (DA 395-2017) be conditionally approved.
3. That the NSW Office of Environment and Heritage and the NSW Rural Fire Service, as integrated approval authorities be notified of the Panel's decision.

