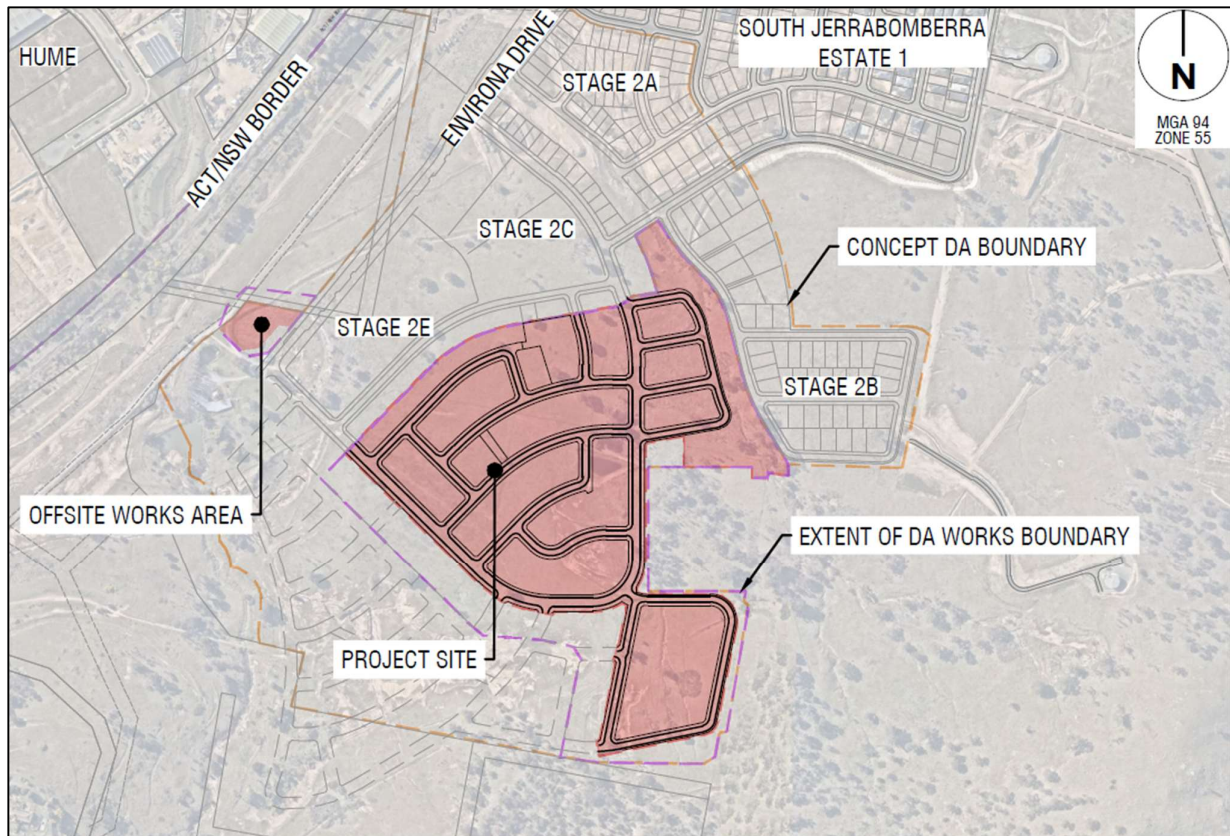


Statement of Environmental Effects

South Jerrabomberra Northern Catchment subdivision



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Quality Management

Report Details	Name	Date	Initial
Development Application – South Jerrabomberra Northern Catchment			
Prepared by	Will Pearson	30.06.2025	WP
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Contents

1. Introduction.....	4
1.1 Report structure	4
1.2 Approvals history.....	4
1.3 Supporting documents	6
2. Application details	8
2.1 Site description and context.....	8
Site context	8
Site description	8
2.2 Development description	9
Subdivision design	9
Servicing.....	10
Landscape	10
3. Environmental assessment	12
3.1 Commonwealth legislation.....	12
Environment Protection and Biodiversity Conservation Act 1999	12
3.2 The Biodiversity Conservation Act 2016.....	12
3.3 Environmental Planning & Assessment Act 1979.....	12
Integrated Development	13
Designated Development	15
State Environmental Planning Policies	15
4. EP&A Act s4.15 Assessment	17
4.1 Environmental Planning Instruments [s4.15(1)(a)(i)]	18
Permitted development.....	18
Zone objectives	19
Principal development standards	19
Other provisions	19
4.2 Draft Environmental Planning Instruments [s4.15(1)(a)(ii)]	20
4.3 Development Control Plans [s4.15(1)(a)(iii)]	21
4.4 Planning Agreements [s4.15(1)(a)(iia)]	25
4.5 Environmental Planning and Assessment Regulations 2021 [s4.15(1)(a)(iv)]	25
4.6 Likely impacts of the development [s4.15(1)(b)]	25
Heritage	25
Traffic.....	25

Bushfire	26
Environment	26
Contamination	26
Construction	26
4.7 Suitability of the site [s4.15(1)(c)]	26
4.8 Submission [s4.15(1)(d)]	26
4.9 Public interest [s4.15(1)(e)]	26
4.10 Compliance with non-discretionary development standards [s4.15(2), (3) and (3A)]	27
5. Regulatory matters	28
6. Conclusion	28

1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by The Village Building Company (VBC) to support a development application (DA) pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The DA applies to land at Lot 217 DP 1315891 and Lot 2 DP1001136 at Tralee, NSW.

This DA seeks approval for subdivision part of Lot 217 and Lot 2 to create 191 residential lots, 2 open space lots, and associated roads and infrastructure. The subdivision forms includes Stage D and Stages F-I of the South Jerrabomberra Estate 2 subdivision, for which a Concept DA was approved in 2023 (DA.2021.1284).

This SEE details the site's location and context and provides a detailed description of the proposed subdivision. It provides an assessment against the matters for consideration under section 4.15 of the EP&A Act and demonstrates compliance with the Act. The SEE also provides assessment against the relevant matters of the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPLEP) and South Jerrabomberra Development Control Plan 2015 (SJDCP).

This SEE is to be read in conjunction with the supporting drawings and specialist reports which accompany this DA. A full list of documents is provided at part 1.2 of this report.

1.1 Report structure

The purpose and structure of this SEE are detailed as follows:

- Section 1 – Introduction and project background
- Section 2 – Development details, including site description and an explanation of the proposed development.
- Section 3 – Environmental Assessment
- Section 4 – Section 4.15 Assessment
- Section 5 – Regulatory matters
- Section 6 - Conclusion

1.2 Approvals history

This development application is a detail development application based on a concept development consent. The South Jerrabomberra Estate 2 Concept DA (DA.2021.1284) was originally approved through the NSW Land and Environment Court on 23 December 2023. It approved the following:

- The concept approval for the staged subdivision of land at 360A Alderson Place, Tralee NSW 2620 for residential purposes (residential subdivision), and
- Stages 1 and 2 of the residential subdivision, being the subdivision of part of the lane identified as lot 126 DP 1269436 to create 161 residential lots (as amended by Schedule 2, Condition 3), 1 open space lot detention basin, 3 open space lots, 2 residue lots and associated roads, infrastructure and landscaping.

Two subsequent modifications have been approved to manage changes to the overall Concept DA boundary and amendments to subdivision layout in Stage 2A and Stage 2C. The most recent modification, DA.2021.1284.B, was approved in June 2025.

Figure 1 Estate 2 Concept Plan General Arrangement Plan (Northern Catchment outlined in red)

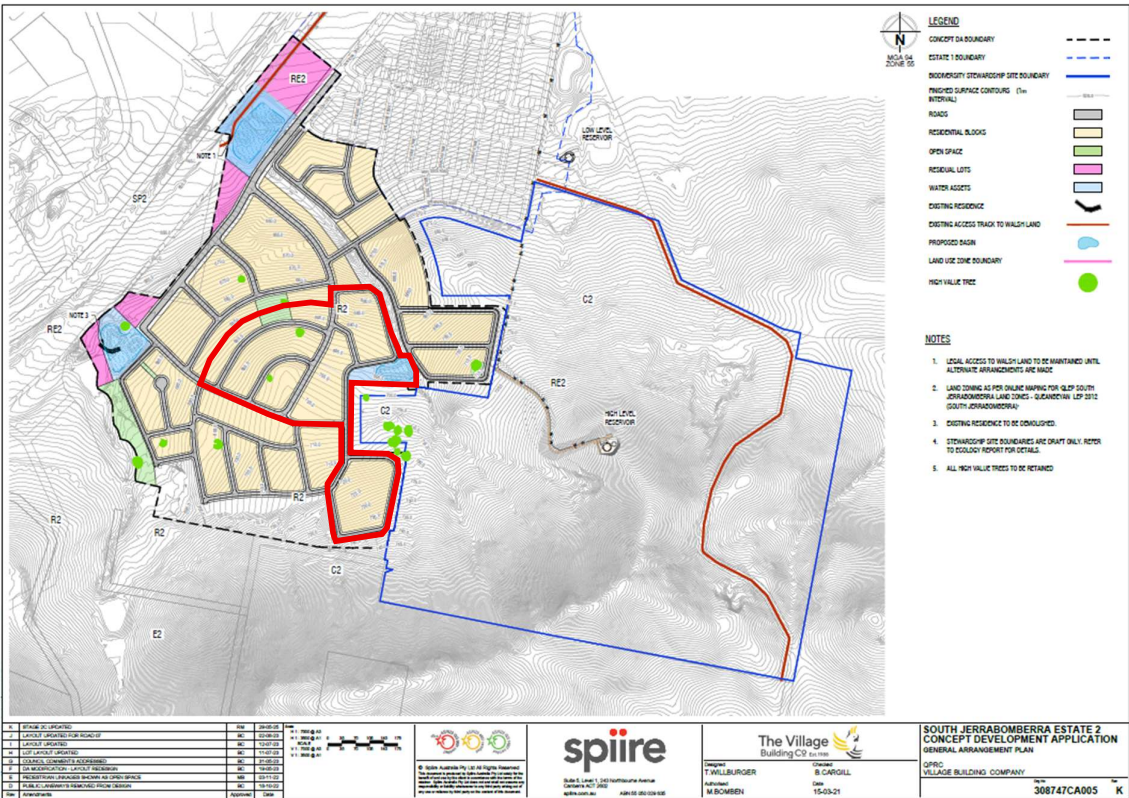
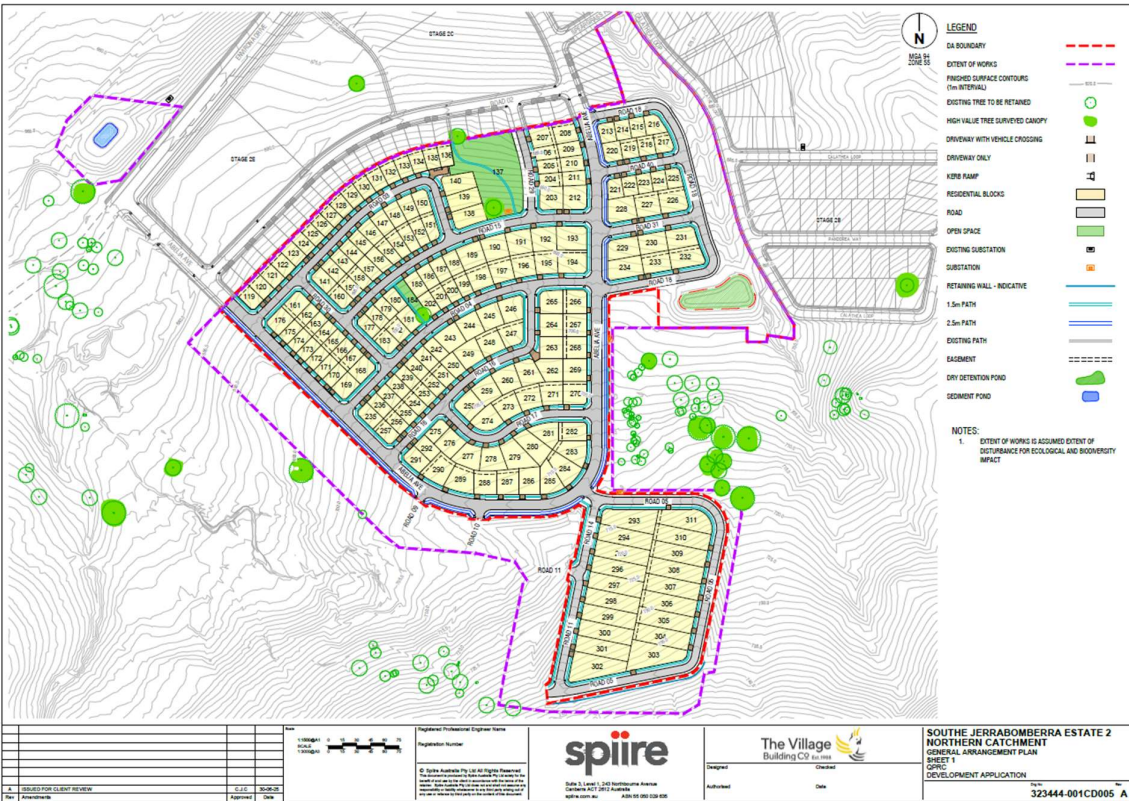


Figure 2 Northern Catchment General Arrangement Plan



1.3 Supporting documents

The SEE should be read in conjunction with the following documents:

Table 1 Application documents

Document No.	Document Name	Author
CIVIL ENGINEERING SET		
CD001	CD001 COVER SHEET & DRAWING SCHEDULE SHEET 1	SPIIRE
CD005	CD005 GENERAL ARRANGEMENT PLAN SHEET 1	SPIIRE
CD010	CD010 EXISTING SERVICES PLAN SHEET 1	SPIIRE
CD015	CD015 STAGING PLAN SHEET 1	SPIIRE
CD040	CD040 STREET HIERARCHY, PATH & DRIVEWAY PLAN SHEET 1	SPIIRE
CD050	CD050 BUS ROUTE PLAN SHEET 1	SPIIRE
CD060	CD060 TYPICAL CROSS SECTIONS SHEET 1	SPIIRE
CD061	CD061 TYPICAL CROSS SECTIONS SHEET 2	SPIIRE
CD062	CD062 TYPICAL CROSS SECTIONS SHEET 3	SPIIRE
CD100	CD100 SIGHT DISTANCE SHEET 1	SPIIRE
CD101	CD101 SIGHT DISTANCE SHEET 2	SPIIRE
CD102	CD102 SIGHT DISTANCE SHEET 3	SPIIRE
CD103	CD103 SIGHT DISTANCE SHEET 4	SPIIRE
CD104	CD104 SIGHT DISTANCE SHEET 5	SPIIRE
CD120	CD120 TURNING MOVEMENTS SHEET 1	SPIIRE
CD121	CD121 TURNING MOVEMENTS SHEET 2	SPIIRE
CD122	CD122 TURNING MOVEMENTS SHEET 3	SPIIRE
CD123	CD123 TURNING MOVEMENTS SHEET 4	SPIIRE
CD200	CD200 GRADING PLAN SHEET 1	SPIIRE
CD240	CD240 EXISTING SLOPE ANALYSIS PLAN SHEET 1	SPIIRE
CD250	CD250 PROPOSED SLOPE ANALYSIS PLAN SHEET 1	SPIIRE

CD410	CD410 SEWER CATCHMENT PLAN SHEET 1	SPIIRE
CD411	CD411 SEWER CATCHMENT PLAN SHEET 2	SPIIRE
CD420	CD420 SEWER SERVICING STRATEGY PLAN SHEET 1	SPIIRE
URBAN DESIGN SET		
UA001	LOT MIX PLAN SHEET 1	SPIIRE
UA002	LOT MIX PLAN SHEET 2	SPIIRE
UA003	ZONING PLAN	SPIIRE
UA004	MINIMUM LOT SIZE PLAN	SPIIRE
UA005	LOT ORIENTATION PLAN	SPIIRE
LANDSCAPE MASTER PLAN SET		
323444-001	LANDSCAPE MASTER PLAN	SPIIRE

Note, all plans are uploaded to the NSW Planning Portal under separate cover.

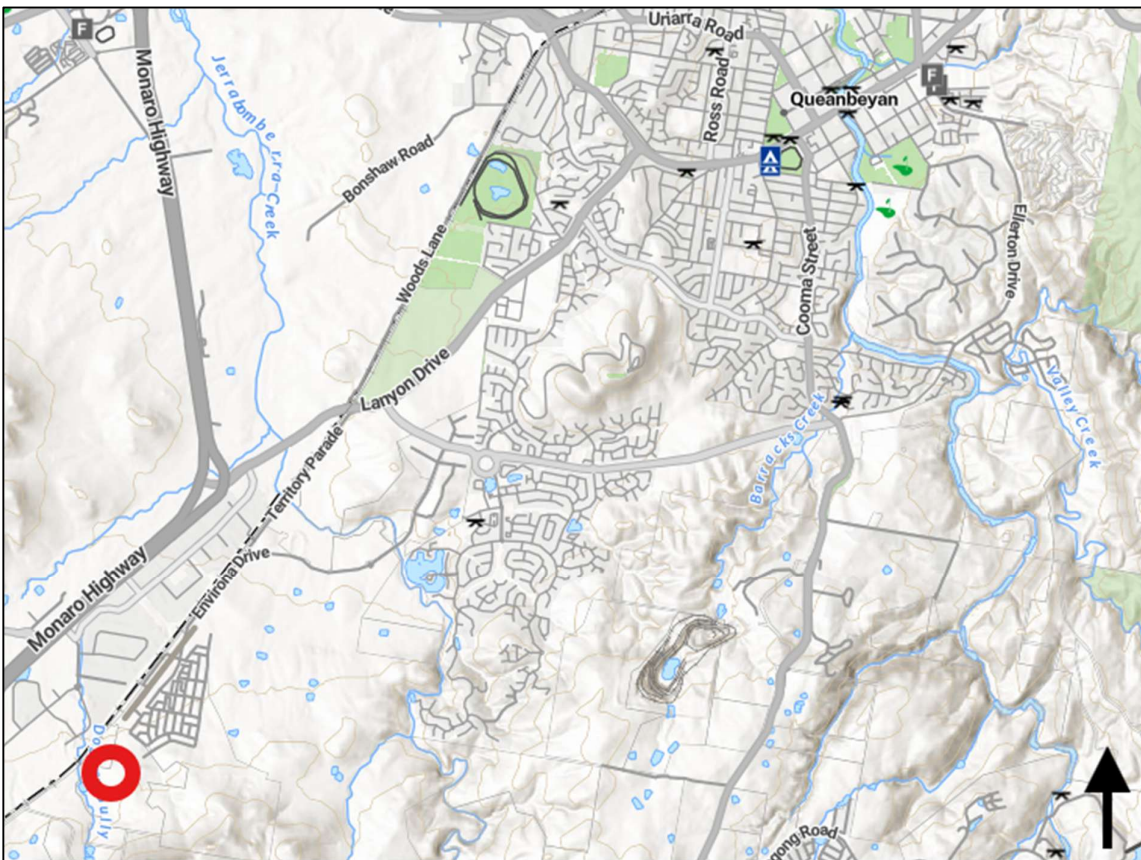
2. Application details

2.1 Site description and context

Site context

The subject site is located within Lot 217 DP 1315891 and Lot 2 DP1001136 at Tralee, NSW. These lots form part of the South Jerrabomberra Urban Release Area as identified in the QPLEP. South Jerrabomberra is greenfield development area located approximately 8km southeast of Queanbeyan city centre and approximately 18km southwest of Canberra city centre. South Jerrabomberra is bounded by the ACT-NSW border to the west, marked by the disused Goulburn-Bombala railway corridor. The land to the south and east is a combination of wooded hills and more open paddocks and farmland. The land to the north includes agricultural properties and public open space and recreation, including the Queanbeyan Regional Sports Complex.

Figure 3 Site context



Site description

The Northern Catchment is located towards the western centre edge of Estate 2. The land is undeveloped and directly extends the development footprint of Stage 2C and through to Stage 2B to the east, both of which are currently under construction.

The Northern Catchment is gently sloping towards the northwest, with the lowest points at Environs Drive. The subject site is former grazing land and the vegetation is substantially modified and generally clear of trees. High value trees will be retained within the development area.

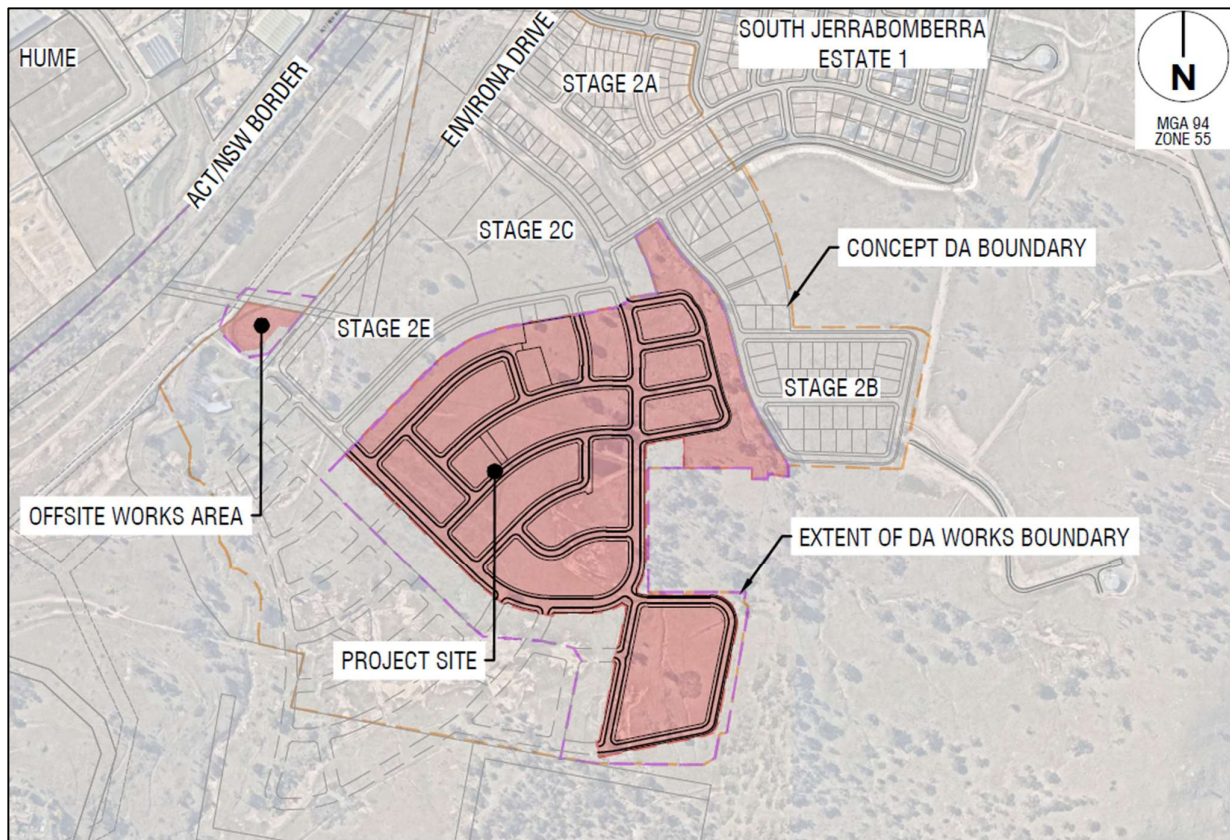
2.2 Development description

This development application seeks approval for subdivision including the following works:

- Creation of 191 residential lots;
- Creation of 13 new public roads;
- Creation of 2 open space lots, including a local park; and
- Associated infrastructure, servicing and landscaping.

The area subject to the DA is larger than the physical area of proposed works (see **Figure 4**). This is to enabling handling and storage during construction, particularly to support bulk earthworks and temporary stockpiling.

Figure 4 Northern Catchment extent of works



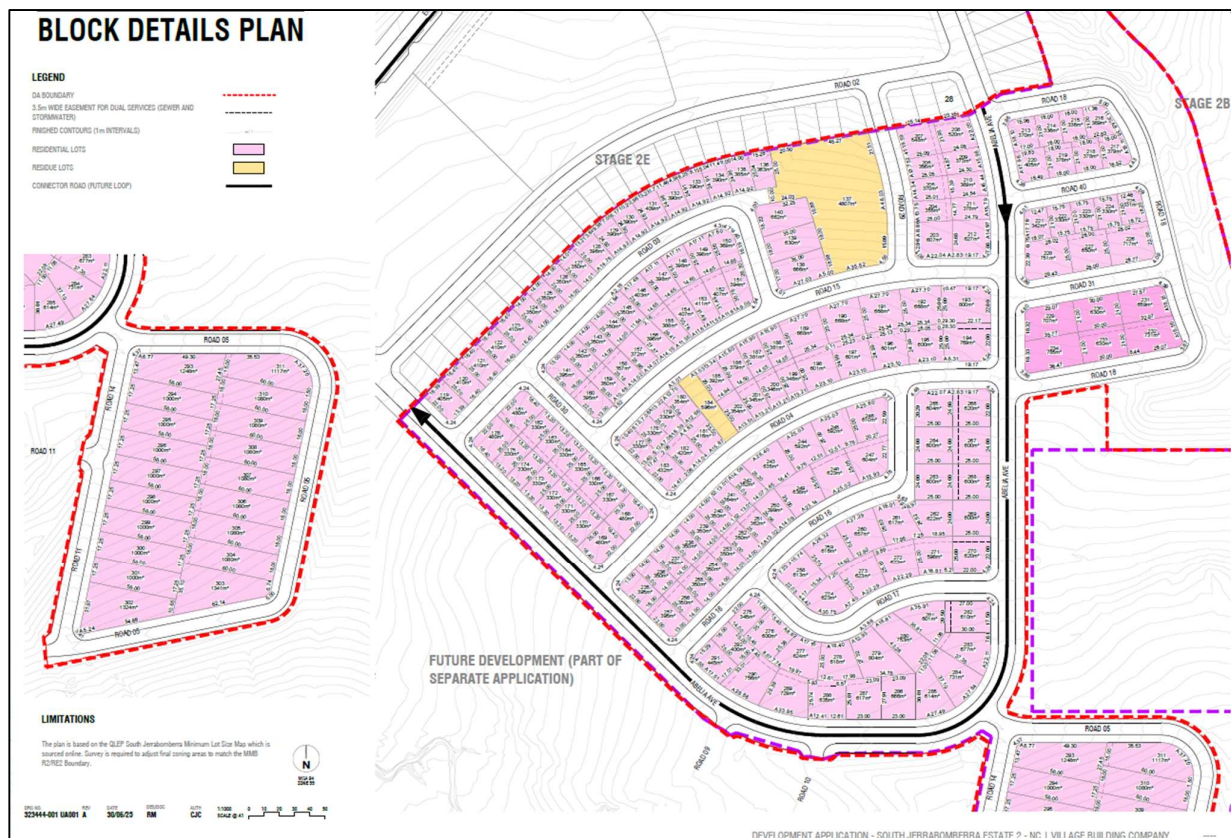
Subdivision design

The proposed layout is shown in **Figure 5**. The proposed subdivision is designed around the completion of Abelia Avenue as a collector road through Estate 2. Lots are primarily located inside the collector road, with some lots outside, including part of Stage 2D and all of Stage 2I. There are five stages overall.

All roads are provided with footpaths on either side of the verge. On-street parking can be accommodated on the collector road (Abelia Avenue).

Residential lots are generally aligned east-west and sufficient width to accommodate future dwellings with north-facing living areas facing the side boundary.

Figure 5 Northern Catchment block details plan



Servicing

All residential lots will be serviced by potable water, sewer, electricity and telecommunications. No gas connections are proposed, consistent with the first stages of Estate 2.

The sewer network is reticulated throughout the Northern Catchment and is predominantly located within street verges, underneath footpaths. Sewer mains are located in shared 3.5m wide sewer/stormwater easements as back of blocks if required. All new sewer infrastructure will connect into the existing downstream network, which has sufficient capacity.

The water network connects into the proposed 150mm water main on the eastern verge of Abelia Avenue and 100mm water main on the eastern verge of Environa Drive. There is sufficient capacity in the low and intermediate zones within South Jerrabomberra to provide adequate water pressure for the Northern Catchment.

The stormwater network and associated catchment defines the boundaries of the Northern Catchment. The majority of the estate drains into the basins at the northern end of the collector road, within the buffer land on Environa Drive, which were approved as part of Stage 2C. The southern edge of the subdivision will drain into a temporary basin.

Electricity and telecommunications will be provided in shared trenches.

Landscape

Landscaping is generally limited to street verges as well as a local park. Streetscape landscaping consists of tree plantings on both sides of the verge for local and collector streets as well as Environa Drive. The pedestrian link connecting between Environa Drive and Road 02 also includes soft landscaping including grass and trees. Tree species are as follows:

- *Fraxinus pennsylvanica* Green ash (Road 29, Road 30, part Road 03))
- *Fraxinus velutina* Arizona ash (Road 18 and Road 11)

3. Environmental assessment

This section of the report details an environmental assessment of the proposed development having regard to the relevant Commonwealth Legislation and against limited provisions of the EP&A Act:

- Commonwealth Legislation (including Environment Protection and Biodiversity Conservation Act 1999).
- Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994.
- Division 4.8 Integrated development.
- Section 4.10 Designated development.

The above matters are detailed and discussed in the following section of this report.

3.1 Commonwealth legislation

Environment Protection and Biodiversity Conservation Act 1999

The EPBC Act is the overarching Commonwealth environmental legislation. It protects matters of national environmental significance (MNES), such as threatened species and ecological communities, migratory species (protected under international agreements), and heritage places. Any actions that will or are likely to have a significant impact on the MNES require referral and approval from the Australian Government Environment Minister. Significant impacts are defined by the Commonwealth for matters of NES. The proposed does not trigger the requirements of the EPBC Act 1999. The DA submission is considered to address the requirements of the EPBC Act 1999.

The concept DA for Estate 2 (DA.2021.1284 as modified) was submitted and approved and should be referred to in the assessment of this application. It included a Biodiversity Development Assessment Report assessed potential impacts to MNES under the bilateral agreement process between NSW and the Australian Governments available under the EPBC Act 1999. The proposal for the Northern Catchment is consistent with the concept DA. On this basis the proposed development is not considered to result in any impacts to MNES and does not require further assessment against the EPBC Act.

3.2 The Biodiversity Conservation Act 2016

Biodiversity Conservation Act 2016 (BC Act) is the premier NSW state environmental legislation. Part 7 of the BC Act concerns the biodiversity assessments and approvals under the EP&A Act. A Biodiversity Development Assessment Report (BDAR) was prepared as part of the Estate 2 Concept DA. It identified impacts to native vegetation, including threatened ecological communities, as well as threatened species, and calculated the associated credit requirements. Accordingly, the proposed development is not considered “likely to significant affect threatened species” under section 7.2 of the BC Act.

Additional ecological assessment has been undertaken to confirm the specific impacts of the proposed Northern Catchment, including a calculation of biodiversity credits.

3.3 Environmental Planning & Assessment Act 1979

A full assessment against section 4.15 matters is provided in Part 4 of this report. It is also necessary to consider Division 4.4, Part 4 of the EP&A Act which relates to Concept development applications, namely section 4.24(2) which states:

“4.24 (1): While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposal for the development of the site.”

The Estate 2 Concept DA (DA.2021.1284) was approved in December 2023 and was modified in June 2024 and June 2025. The Northern Catchment DA is consistent with the Concept DA for the following reasons:

- The extent of works is unchanged.
- Road layout is generally consistent, with no change to the street hierarchy.
- The approach to servicing and provision of utilities is unchanged.

The following minor variations are noted, but are not considered sufficient to warrant inconsistency for the purpose of section 4.24(4) of the EP&A Act:

- Realignment of Road 02/Abelia Avenue to extend further eastward; and
- Stage boundaries have been adjusted to reflect the updated road layout.

Integrated Development

Integrated Development is a development that, for it to be carried out, requires one or more approvals from an NSW State Government Agency. Integrated Development links development consent for matters under Part 4 of the EP&A Act with any associated approval, licence, consent, permission, or permit required under other legislation. The aim of Integrated Development is to promote a unified, whole of government approach to the assessment of development in NSW.

Section 4.46 of the EP&A Act requires a review of whether the proposed development on the land would trigger an approval under other environmental or related legislation. Such development is categorised as ‘integrated development’. A review of the proposal against the relevant Integrated Development is provided below.

Act	Relevant Provision	Approval Required/Applicability to Site	Integrated Development
<u>Coal Mine Subsidence Compensation Act 2017</u>	s 22	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district. According to the Subsidence Advisory NSW Interactive Mapping System, the site is not within an identified Mine Subsidence District. Therefore, the proposed development will not require approval from SA NSW.	No
<u>Fisheries Management Act 1994</u>	s 144	Aquaculture permit. No works proposed as part of this Application will harm defined marine vegetation or impede the movement or development of marine life. Therefore, the proposed development will not require approval under the FM Act.	No
<u>Heritage Act 1977</u>	s 58	Approval in respect to works or use to a state heritage item. A review of the relevant heritage registers has been undertaken and the site does not contain any protected items nor is the site within an area of heritage significance. Accordingly, the proposed residential subdivision and associated works do not involve an item or place listed on the NSW State Heritage Register and therefore approval of works on the site is not required under Section 57 of the Heritage Act 1977.	No
<u>Mining Act 1992</u>	ss 63, 64	Grant of mining lease.	No

Act	Relevant Provision	Approval Required/Applicability to Site	Integrated Development
		No works proposed as part of this Application will require the granting of a mining licence. Therefore, the proposed development will not require approval under the Mining Act 1992.	
<i>National Parks and Wildlife Act 1974</i>	s 90	Deals with environmental significance under the Act.	No
<i>Petroleum (Onshore) Act 1991</i>	s 16	Grant of production lease No works proposed as part of this Application will require the granting of a petroleum production lease. Therefore, the proposed development will not require approval under the Petroleum (Onshore) Act 1991.	No
<i>Protection of the Environment Operations Act 1997</i>	ss 43(a), 47 and 55 ss 43(b), 48 and 55 ss 43(d), 55 and 122	Environment protection licence to authorise carrying out of scheduled development work at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”) and non-scheduled activities for the purposes of regulating water pollution resulting from the activity. No licences have been identified as being required for the proposed development, including an Environmental Protection Licence (EPL).	No
<i>Roads Act 1993</i>	s 138	consent to— (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work, or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	No
<i>Rural Fires Act 1997</i>	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes. The land is currently mapped as bushfire prone and as such, residential subdivision requires approval under the Rural Fires Act 1997.	YES
<i>Water Management Act 2000</i>	ss 89, 90, 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3, that is activities that occur within 40 metres of a water course, riverbank, and lake shore or estuary. The proposed subdivision and associated works do not involve carrying out work within ‘waterfront land’ and therefore, do not require approval under the WM Act.	No

The proposal triggers Integrated Development under the Rural Fires Act 1997.

Designated Development

Designated development refers to high-impact developments (for example if it is likely to generate pollution) or are located in or near an environmentally sensitive area (for example a wetland). There are two ways a development can be categorised as ‘designated development’:

- the class of development can be listed in Schedule 3 of the EP&A Regulation as being designated development, or
- a LEP or SEPP can declare certain types of development to be designated.

The proposed development is not listed under Schedule 3 of the EP&A Regulation and it is not captured under a declaration under the QPLEP. Therefore, the Northern Catchment subdivision is not Designated Development.

State Environmental Planning Policies

The State Environmental Planning Policies (SEPPs) were consolidated based on policy and focus areas in 2022. An assessment of their relevance is provided below.

Table 2 Summary of State Environmental Planning Policies

SEPP	Assessment
Transport and Infrastructure SEPP	The purpose of this SEPP is to manage the location, provision and assessment of infrastructure and service facilities. The Transport and Infrastructure SEPP is not applicable to this development application. The proposed subdivision does not include in infrastructure or services described in the SEPP.
Biodiversity and Conservation SEPP	The purpose of this SEPP is to manage environmental protection for high value ecological lands and water catchments as well as manage clearing of native vegetation. The Biodiversity and Conservation SEPP is relevant to this development application to the extent that the application involved clearing of some remnant native vegetation. However, the approval for impacts to native vegetation is appropriately managed under the Biodiversity Conservation Act 2016. A Biodiversity Development Assessment Report (BDAR) was approved under the Estate 2 Concept DA (DA.2021.1284), which provided an overall indication of the likely impact of future DAs. It identified the need to retire credits on for Estate 2 based on impacts that cannot be avoided or reasonably incorporated into open space. For the Northern Catchment, a specific credit liability assessment has been undertaken to confirm the direct impacts based on the detailed design that was not captured in the BDAR for DA.2021.1284.
Primary Production SEPP	The purpose of this SEPP is to manage the orderly development and use of primary production land in the state. The Primary Production SEPP is not applicable to this development application. All land relevant land is zoned R2 Low Density Residential.
Resilience and Hazards SEPP	The purpose of this SEPP is to manage environmental hazards and contamination, including clause 4.6 which requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

	The Resilience and Hazards SEPP is relevant to this proposal to the extent of section 4.6. The Northern Catchment is a detailed DA following the approved Estate 2 Concept DA (DA.2021.1284). DA.2021.1284 included a Geotechnical Investigation and Detailed Site Investigation Report from Douglas Partners which concluded the site was suitable for residential development.
Industry and Employment SEPP	The purpose of is to SEPP is to manage development in the Western Sydney employment area as well as provide general planning controls for the development of commercial advertising signage across the state. The Industry and Employment SEPP is not applicable to this development application. The site is not located within the Western Sydney employment area and does not include any advertising signage.
Resources and Energy SEPP	The purpose of this SEPP is to manage the development of mining, petroleum production or extractive industries. The Resources and Energy SEPP is not applicable to this development application. The proposed development does not include any mining, petroleum production or extractive industries.
Planning Systems SEPP 2021	The purpose of this SEPP is to manage state significant development and regionally significant development. In accordance with Schedule 6 of the Planning Systems SEPP, the proposed development is required to be determined by the Southern Regional Planning Panel as the development has a capital investment value (CIV) of more than \$5 million and the owner of the land is Council.
Precincts SEPPs	The purpose of these SEPPs is to provide specific planning controls for identified precincts, including special activation precincts and parts of Greater Sydney. The Precincts SEPPs are not applicable to this development application as South Jerrabomberra is not located in any of the dedicated precincts.
Housing SEPP	The purpose of this SEPP is to manage compliance for certain residential development. The Housing SEPP is not applicable to this development application. The Northern Catchment DA seeks approval for the subdivision of land. It does not propose any residential development.
Exempt and Complying Development Codes SEPP 2008	The purpose of this SEPP is to manage compliance of development that does not require consent under the EP&A Act. It also provides specified standards for development that can be carried out with a complying development certificate. The Exempt and Complying Development Codes SEPP 2008 is not applicable to this development application. Under Part 2 of the Code, exempt development for subdivision is only permitted where the land is to be used for public purposes. Under Part 6 of the Code, complying development for Torrens subdivision is only available for dual occupancies and multi dwelling housing (terraces).

4. EP&A Act s4.15 Assessment

The EP&A Act is the prevailing statutory planning legislation for NSW. The proposal seeks approval under Part of the EP&A Act, which provides controls for the carrying out of development that requires development consent. Key sections of relevance as per s4.15 of the EP& Act are summarised in **Table 3** below, with further detail provided in this Part.

Table 3 s4.15 Matters of Consideration

EP&A Section and legislation requirement	Comment
4.15 (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	This DA is consistent with the Queanbeyan-Palerang Regional Local Environmental Plan 2022. A summary assessment against the relevant SEPPs is provided in the previous section.
(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	There are no draft environmental planning instruments to consider.
(iii) any development control plan, and	This DA is consistent with the South Jerrabomberra DCP 2015, particularly Parts 4 and 5 Subdivision, Roads and Public Places. Regarding subdivision controls, the proposed superlots significantly exceed the minimum lot requirements (area and dimensions) and suitable grades of less than 20% are maintained. All single dwelling lots exceed the 330m2, 600m2 or 1000m2 minimum lot sizes as per the QPLEP.
(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	A State Voluntary Planning Agreement was entered into as part of the original approval for this development (SVPA2022-28). The proposal does not impact on this agreement. Any contributions required under this agreement will be confirmed as part of the development consent. There are no relevant draft planning agreements for consideration.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)	This DA is considered to satisfactorily meet the relevant requirements of the EP&A Regulations relating to development applications.

(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.	The Estate 2 Concept DA (DA.2021.1284) included extensive assessment of potential environmental impacts, including a aboriginal heritage (ACHAR prepared by Navin Officer, 2022), ecology (BDAR prepared by Eco Logical Australia, 2022) and contamination assessment (Douglas Partners 2022). The proposed modification is not considered to result in any additional adverse impact to the natural and built environments. Social and economic impacts of the DA are considered positive. The subject site is located in an urban release area and will support the provision of community amenities in the South Jerrabomberra estate. Economic impact on local and state infrastructure is captured under existing planning agreements.
(c) the suitability of the site for development	The approval of the Estate 2 Concept DA (DA.2021.1284) demonstrated that the subject land is suitable for the purpose of residential subdivision. The land has been subject to assessment for impacts including heritage, ecology and biodiversity, and contamination and is considered suitable for residential subdivision. The Northern Catchment is consistent with the Concept DA consent and intended outcome of South Jerrabomberra more broadly as an urban release area.
(d) Any submissions made in accordance with this Act or the regulations	The DA will be notified and placed on public exhibition in accordance with the requirements of the EP&A Act and the EP&A Reg. It is understood that Council will consider any submission received as part of its assessment process.
(e) the public interest	The proposed development is in the public interest because: • It has a positive social and economic impact; • It does not create additional adverse environmental impacts based on the modified design; • It complies with the relevant provisions of the LEP and DCP; and • It provides housing in an identified growth area for Queanbeyan-Palerang region.

4.1 Environmental Planning Instruments [s4.15(1)(a)(i)]

The Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPLEP LEP) applies to this application.

Permitted development

Subdivision is permitted with consent under clause 2.6 of the QPLEP.

Zone objectives

The R2 Low Density Residential zone objectives are provided in **Table 4** below.

Table 4 R2 Low Density Residential Zone Objectives

Objective	Response
To provide for the housing needs of the community within a low density residential environment	Consistent with the objective. The proposed development does not effect the zoning of the site. It will enable future housing subject to future development consent.
To enable other land uses that provide facilities or services to meet the day to day needs of the residents.	Consistent with the objective. The proposed development is for residential subdivision.
To ensure that infrastructure can adequately service proposed residential development in the area.	Consistent with the objective. The proposed development will connect into existing infrastructure to adequately service future residential development.

Principal development standards

A response to the relevant development standards of the Queanbeyan-Palerang LEP 2022 is provide in **Table 5** below.

Table 5 Queanbeyan-Palerang LEP 2022 principal development standards

Development standard	Compliant	Response
4.1 Minimum subdivision lot size	Yes	All single dwelling lots exceed the 330m2, 600m2 or 1000m2 minimum lot sizes as per the QPLEP.

Other provisions

Table 6 Queanbeyan-Palerang LEP 2022 additional provisions

Development standard	Compliant	Response
5.10 Heritage Conservation	Yes	The proposed development does not extend the development footprint outside the Estate 2 Concept DA boundaries (DA.2021.1284). An ACHAR (Navin Officer 2022) was approved as part of DA.2021.1284 and the findings have been updated to consider the details of Northern Catchment and an updated ACHAR provided for this application.
6.1 Concurrence of Planning Secretary	Yes	6.1(1): The proposed development will not result in any residential lot that is smaller than the minimum lot size.

		6.1(4): satisfactory arrangements for the impact to State public infrastructure are captured in the current State Planning Agreement for South Jerrabomberra.
6.2 Public utility infrastructure	Yes	The proposed development does not effect essential infrastructure connections. The proposed lots will have adequate arrangements for utilities.
6.3 Development control plan	Yes	The proposed development is consistent with the South Jerrabomberra Development Control Plan 2015.
7.1 Earthworks	Yes	Earthworks will be approved as part of this development consent.
7.2 Terrestrial Biodiversity	Yes	The subject site is not identified on as 'Biodiversity' on the Terrestrial Biodiversity Map. For completeness, the proposed development does not seek to increase the development footprint approved under the Estate 2 Concept DA (DA.2021.1284). Therefore, the findings of the approved Ecological Constraints Assessment (EcoLogical Australia 2022) remain extant. Confirmation of the biodiversity credit impacts is provided as a supplementary document to the Concept DA BDAR.
7.8 Airspace Operations	Noted	Clause 7.8 relates to land within the Obstacle Limitation Surface of Canberra Airport. The Outer Horizontal Surface is understood to apply at 720m AHD up to 15km from the main runway. South Jerrabomberra sits within 15km of the runway and some of the land in the Northern Catchment is located above the 720m contour. This affects Stage 2I. If necessary, VBC will seek approval for intrusion of development (including subdivision works and future dwellings) above the 720m contour in accordance with the Airports (Protection of Airspace) Regulations 1996.

4.2 Draft Environmental Planning Instruments [s4.15(1)(a)(ii)]

There are no draft environmental planning instruments that apply this development.

4.3 Development Control Plans [s4.15(1)(a)(iii)]

The South Jerrabomberra Development Control Plan 2022 applies to the subject site. The relevant parts of the DCP are Parts 4 and 5 Subdivision, Roads and Public Places. An assessment against these parts is provided at Appendix 1 (under separate cover).

Table 7 South Jerrabomberra DCP summary of compliance

Controls	Compliant	Response
Part 4 - Subdivision		
4.1 Introduction and General Controls	Yes	The proposed development maintains a subdivision design that complies with Clause 4.1 of the DCP. The Northern Catchment application is consistent with the Neighbourhood Structure Plan at Appendix 3 of the DCP. The overall layout creates legible and permeable streets and pedestrian networks.
4.2 Lot size and design	Yes	The proposed lots exceed the minimum lot size and are arranged to manage topography and future dwelling orientation.
4.3 Lot orientation	Yes	The proposed subdivision creates lots which will support north/northeast orientation of future dwellings and their associated private open space.
4.4 Lot size and layout	Yes	The proposed lots exceed the minimum lot size and are arranged to manage topography and future dwelling orientation and minimum dimensions are met. The proposed superlots are capable of accommodating multiple dwellings and their associated private open spaces.
4.5 Bushfire Management		This application does not affect the approved 'Bushfire Assessment Report South Jerrabomberra Estate 2 Concept Design' (Ember Bushfire Consulting, June 2023) approved under the Concept DA DA.2021.1284.A. Environa Drive serves as a perimeter road and asset protection zone for the subdivision.
4.6 Additional Controls for Subdivision in a Buffer Area	N/A	The subject site is not located in a buffer to the Hume industrial area, the Goulburn/ Bombala Railway, or at an urban/ non-urban interface.

Part 4 – Roads and Public Places		
5.2 Street Network	Yes	The proposed street network is consistent with the Estate 2 Concept DA. Access to lots is from collector and local streets. There is no access from Environa Drive.
5.3 Public Open Space and Landscaping	Yes	The proposed streets include public footpaths and landscaped street verges.
5.4 Open Space and Landscaping in the Hume Industrial Buffer Area and Goulburn/Bombala Railway Buffer Area	N/A	This application does not affect land located in the Hume Industrial Buffer Area and Goulburn/Bombala Railway Buffer Area.
5.5 Local parks	Yes	The Northern Catchment includes a 5000m2 local park. The design will include play areas, walking paths and seating.
5.6 Civic Spaces in the Neighbourhood Centres	N/A	The Northern Catchment does not include any civic spaces or neighbourhood centre.
5.7 Linear parks and drainage reserves	N/A	The Northern Catchment does not include any linear parks. The pedestrian link between Road 02 and Environa Drive includes a minor swale for nuisance flooding. It is not a drainage reserve for overland flow.
5.8 Landscaping in Public Places	Yes	This modification does not seek to change the landscape treatment to the extension of Environa Drive. The proposed development includes landscape verges for all.
5.9 Landscaping Construction	Yes	Updated landscape plans have been provided. The overall landscape intent approved in the Concept DA remains unchanged.
5.10 Community and Education Facilities	N/A	Community facilities are provided in accordance with the planning agreement and local contributions scheme. The approved Estate 1 includes a community centre which is currently under construction. The Estate 2 Concept DA did not include any community buildings and no additional facilities are proposed as part of this application.

		The Jerrabomberra High School site is located near North Tralee, outside the South Jerrabomberra estate.
5.11 Education Facilities	N/A	No education facilities are required under the planning agreement and local contributions scheme
5.12 Public Art	N/A	The Northern Catchment DA does not propose any public art. Works are limited to future development lots. No public open space is proposed that could otherwise be appropriate for the location of public art.
Part 8 – Environmental Management		
8.2 Soils and Salinity	N/A	The subject site, and South Jerrabomberra more broadly, is not identified on any salinity mapping as per Clause 7.5 of the QLEP. A Soil, Water and Vegetation Concept Management Plan is provided with the civil plans.
8.3 Cut and Fill	Yes	The extent of cut and fill is shown on the Grading Plan.
8.4 Water Sensitive Urban Design	Yes	The subdivision design includes integrated stormwater management and WSUD measures.
8.5 Natural Hazards	N/A	This application includes assessment of bushfire management. The site is not subject to flood. The site is not considered to be at risk of land slippage and appropriate erosion and sediment control measures will be put in place.
8.6 Bushfire Management	Yes	The proposed subdivision is located in South Jerrabomberra Estate 2 and is subject to a Concept DA approval (DA.2021.1284). The concept DA demonstrated that appropriate bushfire protection measures, including edge treatment, can be achieved for Estate 2.
8.7 Aboriginal Heritage	Yes	The Estate 2 Concept DA (DA.2021.1284) included extensive assessment of potential environmental impacts, including aboriginal and European heritage (ACHAR prepared by Navin Officer, 2022).

8.8 European Archaeological Hertiage	Yes	The Estate 2 Concept DA (DA.2021.1284) included extensive assessment of potential environmental impacts, including aboriginal and European heritage (ACHAR prepared by Navin Officer, 2022).
8.9 Development in Areas Subject to Aircraft Noise	N/A	Not relevant. The Northern Catchment is for residential subdivision only. No built form is proposed and therefore Clause 7.10 of the QPLEP does not apply.
8.10 Airspace Operations	Noted	Item 8.10 relates to Clause 7.8 of the QPLEP which concerns land within the Obstacle Limitation Surface of Canberra Airport. The Outer Horizontal Surface is understood to apply at 720m AHD up to 15km from the main runway. South Jerrabomberra sits within 15km of the runway and some of the land in the Northern Catchment is located above the 720m contour. This affects Stage 2I. If necessary, VBC will seek approval for intrusion of development (including subdivision works and future dwellings) above the 720m contour in accordance with the Airports (Protection of Airspace) Regulations 1996.
8.11 Development Near Arterial Roads	N/A	Not relevant. Not relevant. The Northern Catchment is not located within the area subject to additional controls for arterial roads as per Clause 7.18 of the QPLEP.
8.12 Development Near Hume Industrial Area and Goulburn to Bombala Railway Line	N/A	Not relevant. The Northern Catchment is not located within the area subject to additional controls as per Clause 7.19 of the QPLEP.
8.13 Tree Retention and Biodiversity	Yes	The subdivision design includes open space located around retained high value trees. Biodiversity assessment has been reviewed to confirm the ecosystem credit liability for the development.
8.14 Flora and Fauna	Yes	Biodiversity assessment has been reviewed to confirm the ecosystem credit liability for the development.

8.15 Land Contamination Management	Yes	The Estate 2 Concept DA (DA.2021.1284) included a detailed site investigation that demonstrated the subject site was suitable for residential development. No further assessment is required for the Northern Catchment.
8.16 Odour	N/A	This application does not include any residential subdivision within 400m of a proposed or operating sewerage treatment plant.
8.17 Construction Waste	N/A	This application is for subdivision only. It will not generate construction waste.
8.18 Landfill/Earthworks	Yes	The proposed earthworks are required to support the overall residential subdivision.
8.19 Additional Controls for Subdivision in a Buffer Area	N/A	This application is not located within a Buffer Area.

4.4 Planning Agreements [s4.15(1)(a)(iia)]

A State Voluntary Planning Agreement was entered into as part of the original approval for this development (SVPA2022-28). This application does not impact on this agreement. Any contributions required under SVPA2022-28 will be confirmed as part of the development consent and subsequent registration of lots.

4.5 Environmental Planning and Assessment Regulations 2021 [s4.15(1)(a)(iv)]

The development application is not subject to additional considerations under Part 4, Division 1 of the Regulations.

4.6 Likely impacts of the development [s4.15(1)(b)]

Heritage

The Northern Catchment DA does not expand the approved development footprint beyond the Estate 2 Concept DA (DA.2021.1284), which included consideration of heritage matters, including Aboriginal heritage. The ACHAR (Navin Officer 2022) was approved as part of DA.2021.1284 and the findings have been updated to consider the details of the Northern Catchment and an updated ACHAR provided for this application.

No additional heritage impacts are considered likely from this application based on the original assessment for the Estate 2 Concept DA.

Traffic

The Northern Catchment DA provides a consistent road layout compared to the Estate 2 Concept DA (DA.2021.1284). The subdivision completes the collector road (Abelia Avenue). Local streets generally run across the subdivision, between either side of the collector.

The total number of new lots will not result in an exceedance of the 1500 dwelling cap for South Jerrabomberra and is therefore consistent with overall traffic planning for the estate.

Bushfire

The Northern Catchment subdivision is consistent with the development footprint approved under the Estate 2 Concept DA (DA.2021.1284). This existing development consent included suitable consideration of bushfire protection, and the detailed design of the Northern Catchment is not considered to be subject to new or additional bushfire risk based on the provision of sufficient edge treatments to ensure adequate bushfire protection around the perimeter of Estate 2..

Environment

The Northern Catchment subdivision is consistent with the development footprint approved under the Estate 2 Concept DA (DA.2021.1284). This land was included in the BDAR assessment (Eco Logical Australia 2022).

The detailed design for the Northern Catchment was subject to specific assessment to confirm any requirement for species or ecological offset credits. The Credit Liability Assessment (EcoLogical Australia 2025) confirms that a total of 19 ecosystem credits are required for PCT 1330 (Offset Trading Group White Box Yellow Box Blakely's Red Gum Woodland).

Contamination

The Estate 2 Concept development consent included suitable assessment of potential site contamination. The Detailed Site Investigation (Douglas Partners 2022) was approved with DA.2021.1284 and included the full development boundary for the Estate 2 Concept DA (DA.2021.1284). The DSI concluded that the subject land is suitable for residential development. Further, the Northern Catchment footprint does not include any specific contamination findings.

Construction

The Northern Catchment is part of the ongoing development of the South Jerrabomberra Urban Release Area. Appropriate environmental management practices are in place for erosion and sediment control and the management of construction vehicle movements. This measure will be expanded to include the subject site to minimise impacts to existing residents in completed stages further to the north.

4.7 Suitability of the site [s4.15(1)(c)]

The subject site is located within the South Jerrabomberra Urban Release Area and is subject to an existing approval for residential subdivision. It has therefore been considered suitable for the purpose of residential subdivision. The proposed development does not seek to change this development outcome.

4.8 Submission [s4.15(1)(d)]

We understand this development application will be notified in accordance with Council's Community Engagement and Participation Plan. Any submissions made concerning the proposed modification within the exhibition period will be considered and responded to where appropriate.

4.9 Public interest [s4.15(1)(e)]

The proposed development is in the public interest because:

- It has a positive social and economic impact;
- It does not create additional adverse environmental impacts based on the modified design;
- It complies with the relevant provisions of the LEP and DCP; and
- It provides housing in an identified growth area for Queanbeyan-Palerang region.

Further, the development of a residential subdivision at South Jerrabomberra is consistent with the Queanbeyan-Palerang Local Strategic Planning Statement and the South East and Tablelands Regional Strategy 2036 which advocate for the provision of increased housing supply.

4.10 Compliance with non-discretionary development standards [s4.15(2), (3) and (3A)]

The provisions of Section 4.15 (2), (3) and (3A) state:

Section 4.15(1)

- (2) *Compliance with non-discretionary development standards—development other than complying development.*

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and*
- (b) must not refuse the application on the ground that the development does not comply with those standards, and*
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 80 is limited accordingly.*

- (3) *If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:*

- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 80 is not limited as referred to in that subsection, and*
- (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.*

Note. The application of non-discretionary development standards to complying development is dealt with in section 85A (3) and (4).

- (3A) *Development control plans* *If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- (c) may consider those provisions only in connection with the assessment of that development application.*

In this subsection, standards include performance criteria.

These provisions are relevant to the subject proposal as they provide the statutory framework for how minor non-compliance with discretionary DCP controls and other Council policies should be considered. Section 4.15(1)(2) states that a consent authority cannot refuse a development that complies with non-discretionary development standards. Section 4.15(1)(3A) then requires that the assessment of DCP provisions is undertaken with reasonable flexibility. The proposal is broadly compliant with the Council policies and any proposed variations will deliver a better planning outcome. Accordingly, this development warrants the reasonable flexibility envisaged under Section 4.15(1)(3A) of the Act in respect to the application of DCP controls.

5. Regulatory matters

This DA is considered to satisfactorily meet the relevant requirements of the EP&A Regulations relating to development applications.

The DA is considered Integrated Development under the Rural Fires Act 1997. The DA is not Designated Development.

6. Conclusion

The proposed development provides a detailed design based on an approved concept development (DA.2021.1284). The Northern Catchment is not considered to result in adverse environmental impacts on the natural and built environment. It is in the public interest and will have positive social and economic impacts for the Queanbeyan region.

The application has been prepared in accordance with the EP&A Act and is consistent with the relevant provisions of the Queanbeyan-Palerang Regional Local Environmental Plan and South Jerrabomberra Development Control Plan.

For these reasons development consent should be provided for this development application.