

REQUEST FOR PRE-GATEWAY REVIEW

FOR:

Submission to NSW Department of Planning & Environment

IN RESPECT OF:

No.3R Kavanagh Street, Jerrabomberra ('North Terrace')

October, 2015

Knight Frank Town Planning (ACT & NSW)
Level 4, 60 Miller Street
North Sydney NSW 2060
Planning.nsw@au.knightfrank.com
KnightFrank.com.au

Request for Pre-Gateway Review

No.3R Kavanagh Street, Jerrabomberra

Final Issue: October 2015

Prepared for: North Terrace (Developments) Pty Ltd

Reference: 536126.03

By Knight Frank Town Planning (ACT & NSW) – Sydney Office

Qualifications:

1. This report is prepared for the private and confidential use of the proponent and only for the purpose outlined on the title page. It should not be relied on for any other purpose and should not be reproduced in whole or part for any other purpose without the express written consent of Knight Frank Town Planning (ACT & NSW).
2. This report is current at the date of publication only.
3. This report is to be read in its entirety and in association with other relevant documentation and documents submitted as part of this application.

Revision	Date	Author	Approved by Director
Rev (Draft A)	11 September 2015	SL/DW	15 September 2015
Final	29 September 2015	DW/MG	7 th October 2015

Contents

Executive Summary	1
1 Introduction	3
2 Site Description and Locality	4
3 Existing Planning Framework	7
3.1 Current Zoning Framework (Queanbeyan Local Environmental Plan 2012)	7
4 Background to the Planning Proposal	12
4.1 History of the Rezoning (Planning Proposal) Request	12
4.2 Response to matters raised in Council's report dated 17th December, 2014	14
5 Summary of Intended Outcomes	16
6 Explanation of Provisions	18
6.1 Zoning	18
6.2 Amendment to Schedule 1	18
6.3 Other Required Map Amendments	20
6.4 Queanbeyan Development Control Plan (DCP) 2012	20
7 Justification	21
7.1 Introduction	21
7.2 Need for the Planning Proposal	21
7.3 Section B - Relationship to the Strategic Planning Framework	22
7.4 Strategic and Site Specific Merit	35
7.5 Section C - Environmental, Social and Economic Impacts	37
7.6 Section D – State and Commonwealth Interests	44
8 Community Consultation	46
9 Conclusion	47

Appendices

Appendix A – Pre-Gateway Review Application Form	48
Appendix B – Copy of Preliminary Planning Enquiry dated 9th September, 2014 and Supplementary Submission dated 28th October, 2014.	49
Appendix C – Formal Planning Proposal Application dated 3rd November, 2014	50
Appendix D – Correspondence from Council dated 22 September, 2014	51
Appendix E – Council correspondence dated 19th December, 2014 and Council Report	52
Appendix F – Proponents Letter to Council dated 19th February, 2015	53
Appendix G – Council report dated 8th April, 2015 and Resolution	54
Appendix H – Preliminary Ecological and Bushfire Assessment (September, 2015)	55

Figures:

- Figure 1 - Site Context
- Figure 2 – Planning Principles
- Figure 3 – Site Potential
- Figure 4 – Visual Assessment (Photo Locations)

Tables:

Table 1 – Queanbeyan LEP 2012 Provisions

Table 2 - Assessment against Sustainability Criteria

Table 3 - Consistency with relevant SEPP's.

Table 4 - Consistency with S.117 Directions

Executive Summary

This pre-Gateway review request has been prepared by Knight Frank Town planning on behalf of North Terrace Developments Pty Ltd and is in relation to a Planning Proposal to amend Queanbeyan Local Environmental Plan (QLEP) 2012. It sought to rezone certain land at Southbar Road in Jerrabomberra from E2 Environmental Conservation to part E4 Environmental Living and part E2 Environmental Conservation.

Knight Frank Town Planning lodged a preliminary planning enquiry to Queanbeyan City Council on 9th September and a formal (Planning Proposal) request to rezone the land on 3rd November, 2014.

The rezoning submission noted that there were no known specific ecological or landscape values that warranted the applying of an E2 zone that expressly seeks to protect areas of high ecological value or that possesses special aesthetic value. The zoning of E2 should only be applied in the most exceptional of environmental/ecological or scenic circumstances. That is not the case in this instance for all of the land.

Within the subject site there are approximately 67 allotments each having legal title. They form part of a historic 'paper subdivision' that has never been developed. This proposal would ultimately facilitate the consolidation and/or removal of these lots, and importantly the legacy and uncertainty associated with a paper subdivision.

The recommended alternative and appropriate zoning response for the site is one that continues to make a positive contribution to the general bushland setting of the land and contributes to a diversity of housing choice. The approach seeks the following:

- a potential rezoning of only part of the land (approximately 2.9ha) from E2 Environmental Conservation to E4 Environmental Living, with the balance (approximately 9.6ha) remaining as E2;
- to allow limited development of the site proposed to be zoned E4, confined to the least sensitive parts of the land below the 670 metre contour;
- propose affordable and innovative eco-living style dwellings that sensitively respond to the site attributes via a community title subdivision arrangement; and
- set aside the remainder of the land (to be zoned E2) for environmental management and conservation purposes.

The request was considered by Queanbeyan City Council at its meeting of 17th December 2014 where Council resolved not to support the proposed rezoning.

Following a written request by the proponent seeking Council's support to either acquire the land or widen the range of permissible uses on the land, Council again considered the matter at its meeting on 8th April, 2015 and resolved to provide the owner with 3 options including:

1. *The owner retains the land as currently. In this case there are also potential options that can be explored with regard to assistance, such as approaching the local Landcare Group or Greening Australia for assistance or nominating the site for next year's 'clean up Australia Day'.*

2. *The applicant could seek a pre-gateway review from the NSW Department of Planning and Environment. In this case the cost to the landowner would be an initial fee of \$5,000 although the outcome may be that the Department concurs with Council's decisions.*
3. *The owner could approach Council on whether or not Council has any interest in purchasing the site and incorporating it into the adjacent Mt Jerrabomberra Reserve. This would require a formal letter to Council with an accompanying valuation commissioned by the owner.*

Having regard to the above, the owner decided to submit a pre-Gateway review request to the Department

The Planning Proposal is considered to be both supportable and justified in terms of its strategic and site specific merit.

1 Introduction

This pre-gateway review request has been prepared having regard to the NSW Department of Planning & Environments '*Guide to Preparing Local Environmental Plans*' (April, 2013) and the Planning Circular '*Delegations and Independent Reviews of Plan-making Decisions*' (October 2012).

It outlines the background to the rezoning request, describes the site location and current planning framework, the intended outcomes of the Planning Proposal, the suggested amendments to Council's Local Environmental Plan and also details the justification for the requested zoning amendment.

In support of the pre-Gateway review request, this report is accompanied by the following documentation:

- 1) A completed application form.
- 2) A copy of the preliminary planning enquiry dated 9th September, 2014 and supplementary submission dated 28th October, 2014.
- 3) A copy of the formal rezoning (Planning Proposal) application dated 3rd November, 2014.
- 4) Correspondence from Queanbeyan City Council dated 22 September, 2014.
- 5) Correspondence from Queanbeyan City Council dated 19th December, 2014 advising the proponent of Council's resolution in the matter in addition to a copy of the related Council report.
- 6) A copy of the proponent's letter dated 19th February 2015 formally requesting Council either acquire the land, or widen the range of permissible uses on the land.
- 7) A copy of the related Council report and resolution dated 8th April, 2015.
- 8) Report by Ecological Australia Pty Ltd ('North Terrace Ecological and Bushfire Assessment - Interim Report', September 2015)

2 Site Description and Locality

The land (herein referred to as 'the site') is located along Southbar Road in Jerrabomberra and is made up of a number of allotments. The site is owned by North Terrace Developments Pty. Ltd and approximates 12.5 hectares in area.

The subject allotments and resultant road reservations were formed through an historic 'paper subdivision' of the area for residential purposes, however the land has never been developed. It includes the following allotments legally described as:

- Lots 180-193 in Deposited Plan (DP) 8708
- Lots 221-227 DP 8708
- Lots 235-253 DP 8708
- Lots 256-268 DP 8708
- Lots 270-287 DP 8708
- Lot 38 DP 1063759

Its street address is known as No.3R Kavanagh Street, Jerrabomberra. Reference is made to Figure 1 (Site Context Plan) which identifies the subject site.

To the immediate west of the site is an established urban area. To the east is the ex-quarry currently used as a dog park. To the north the land has frontage to Southbar Road and existing residential development.

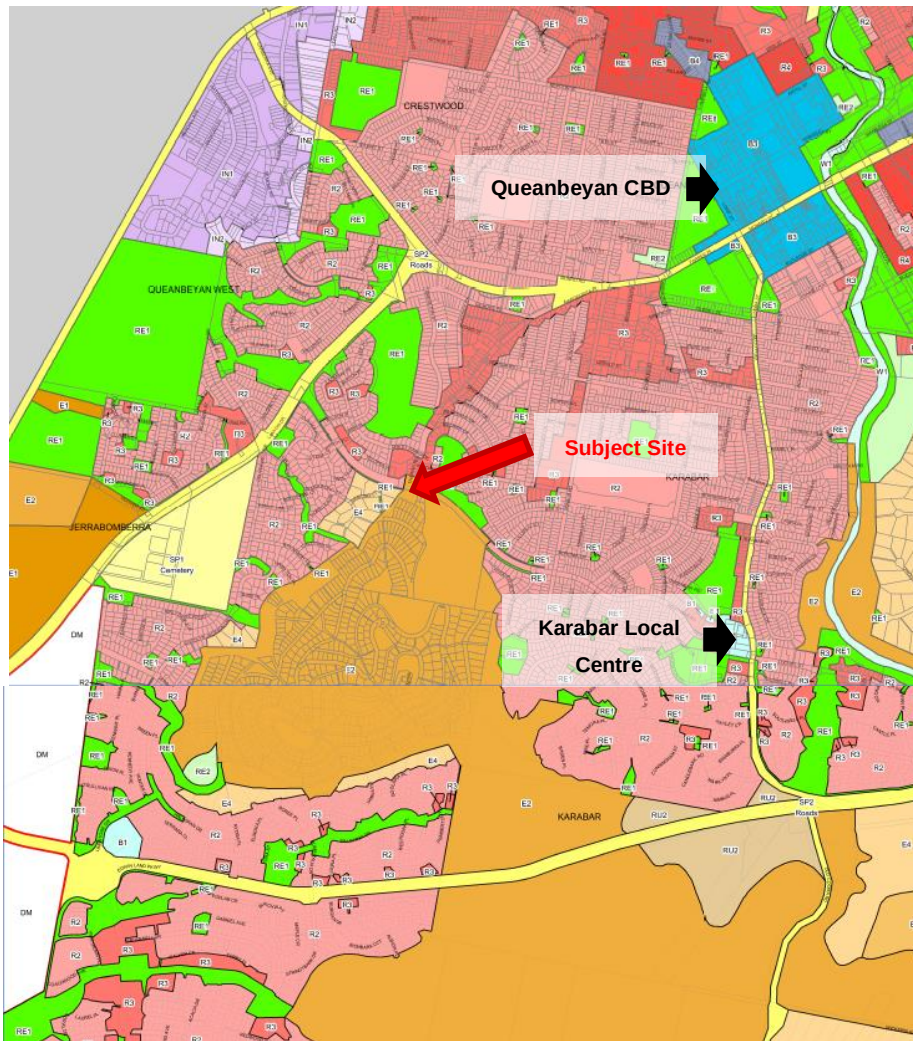
The site is located on the edge of a wider bushland setting otherwise referred to as Mount Jerrabomberra. We note also that there is an area of bushland adjacent and to the north of Southbar Road. We note however that there is no contiguous corridor in terms of ownership or practical access/trails that links the bushland north of Southbar Road to the Jerrabomberra hills and ridges.

The northern part of the site towards Southbar Road comprises of lower slopes located below the height contour established by Council in terms of any likelihood of impact on the ridge skyline.

The site has a long boundary to the existing North Terrace housing estate to the west and the dog training grounds to the east. The land has in effect become a 'backyard' for North Terrace. There are many informal tracks now crossing the site, with refuse often dumped and uncontrolled access. All the tracks result in material erosion and a highly degraded bushland setting. It is clearly evident the site is being used as though it were a public reserve.

The site was not known to be of any particular ecological value. Like many fringe areas adjacent to housing, it is in a relatively poor condition. In that sense, is of limited scenic/landscape value considering its condition and its proximity to the heavily disturbed and previously cleared adjoining ex quarry. Nevertheless, the importance of the overall bushland character is acknowledged and forms an integral part of this proposal.

In terms of the wider Queanbeyan setting, the subject site is centrally located. It adjoins the existing urban areas of Queanbeyan and in turn all urban services. Refer to the existing LEP map extract below.



Site Context: Queanbeyan
LEP 2012 – Land Zoning
Map Extract

Unlike more remote new releases such as Googong, the site is arguably 'in fill' in terms of wider Queanbeyan and in that regard, a more sustainable outcome to the locating of housing – see broad locality plan at Figure 1. In the context of housing choice for Queanbeyan and its location, the proposed development has considerable strategic merit.

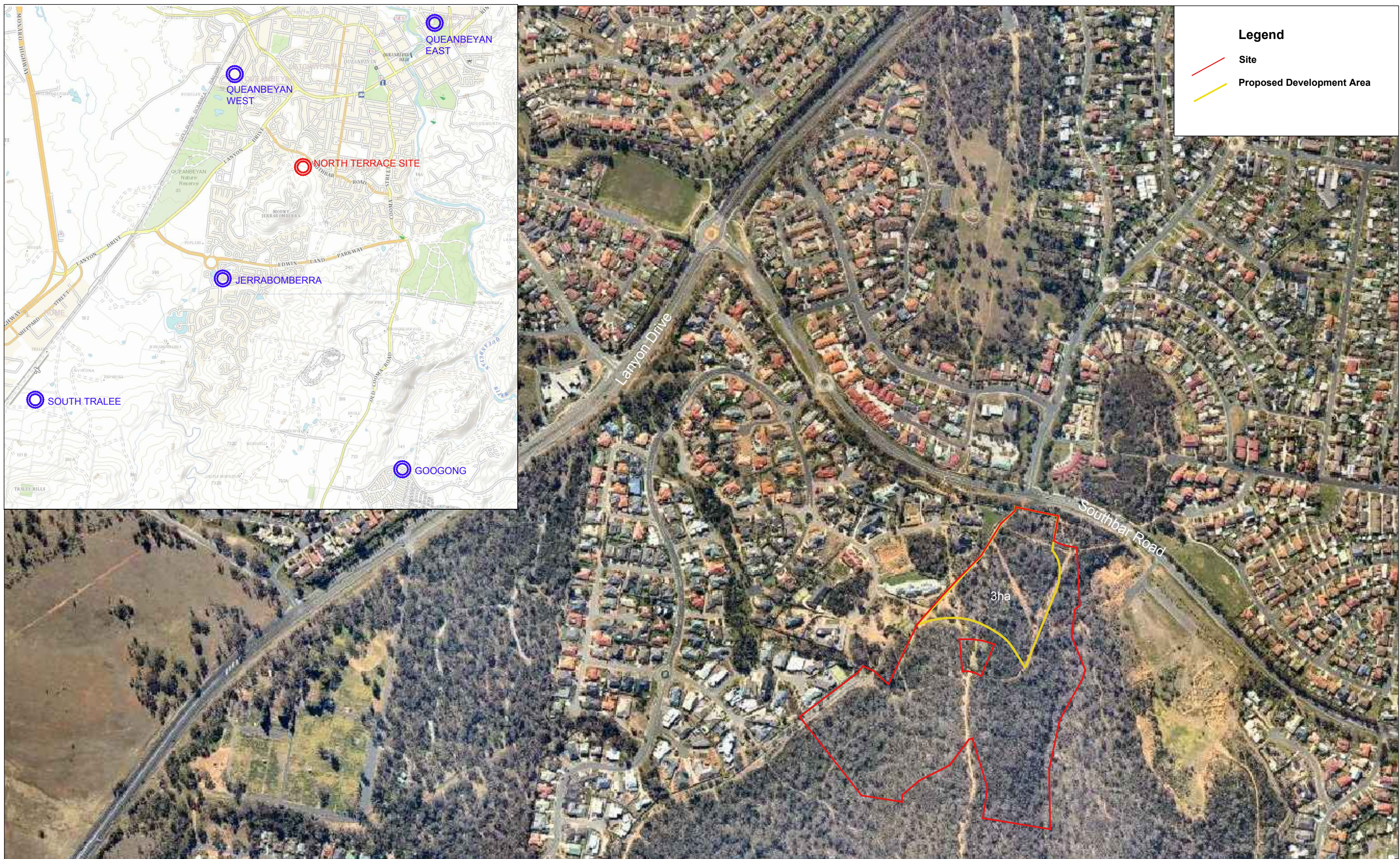


Figure 1 - Site Context

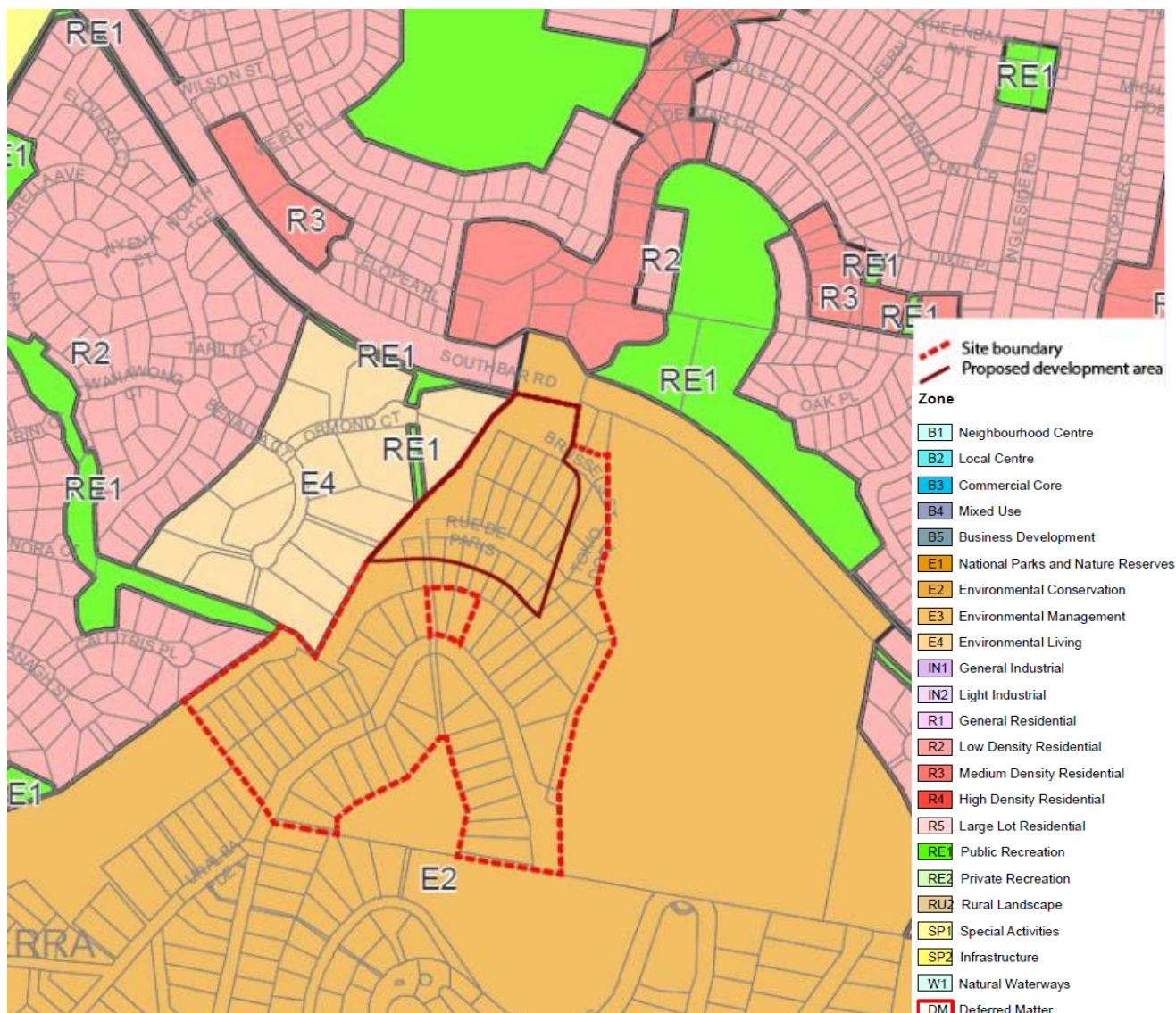
Southbar Road North Terrace, Jerrabomberra

3 Existing Planning Framework

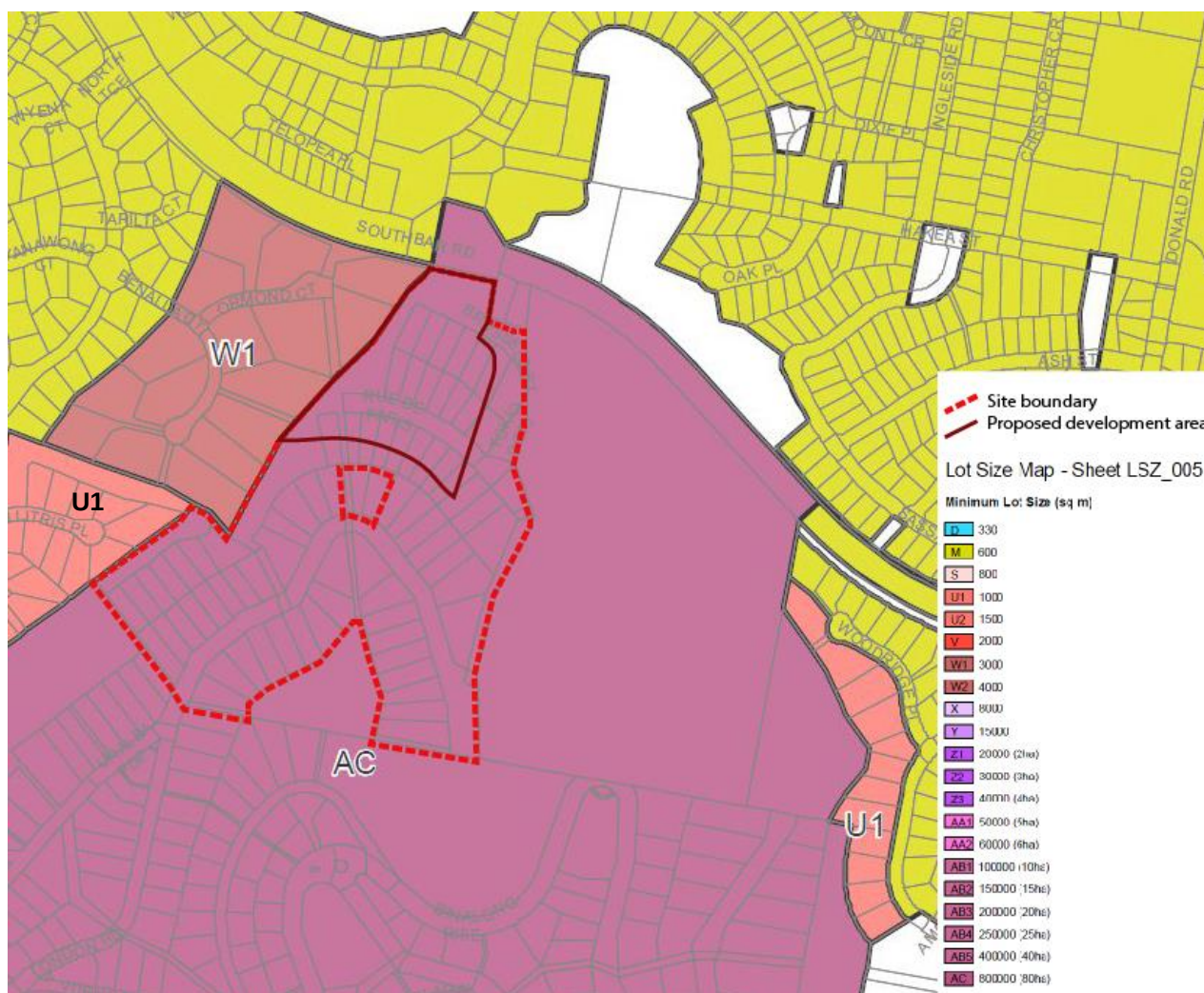
3.1 Current Zoning Framework (Queanbeyan Local Environmental Plan 2012)

The entirety of the site is currently zoned E2 Environmental Conservation under the Queanbeyan Local Environmental Plan (QLEP) 2012 as is land to the south and east. Refer existing zoning map extract below.

Land to the north is zoned R3 Medium Density Residential, R2 Low Density Residential, and RE1 Public Recreation.



It is noted that land immediately to the west of the site is zoned E4 Environmental Living and R2 Low Density Residential, and has been developed for housing. It has a minimum subdivision lot size requirement of 3,000m² and 1,000m² respectively. The minimum lot size requirement over the E2 zoned lands (including the subject site) is 80,000m². Reference is made to the existing Lot Size LEP map extract below.



An extract of the E2 zone land-use table from the QLEP 2012 is provided below;

Zone E2 Environmental Conservation

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care

3 Permitted with consent

Bed and breakfast accommodation; Environmental facilities; Information and education facilities; Research stations; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Environmental protection works; Extensive agriculture; Home-based child care; Bed and breakfast accommodation; Environmental facilities; Information and education facilities; Research stations; Roads

It is evident from the above, that the range of permissible uses in the E2 zone is highly limited with no form of residential development permitted other than bed and breakfast accommodation. The viability of this type of temporary accommodation within what is a suburban context is highly questionable.

It is noted that 'extensive agriculture' is one of the few permitted uses and can occur without the consent of Council. That is, this use can legally occur without the need for any formal planning approval or Development Application over the entirety of the site comprising some 12.5ha.

Consistent with the definition of extensive agriculture in the QLEP 2012 it includes," ...*the grazing of livestock for commercial purposes.*". This would include cattle for which we suggest would have a far greater impact on the bushland setting than in fact say, a limited extent of clustered dwellings that is to be facilitated by the proposed rezoning. This clearly seems at odds with Council's own zoning of the land as environmental conservation.

As argued by the Planning Proposal, the E2 zoning does not appear to reflect the known values of the land. The E2 zoning is one of the highest order conservation zones and according to recent planning circulars and practice notes issued by the NSW Department of Planning & Infrastructure (PN 09-002) it should only be applied in areas of 'very high ecological, scientific, cultural or aesthetic values' such as 'old growth forests, significant wildlife, wetlands or riparian corridors or land containing endangered ecological communities'. This was not considered to apply in this case or to all of the land.

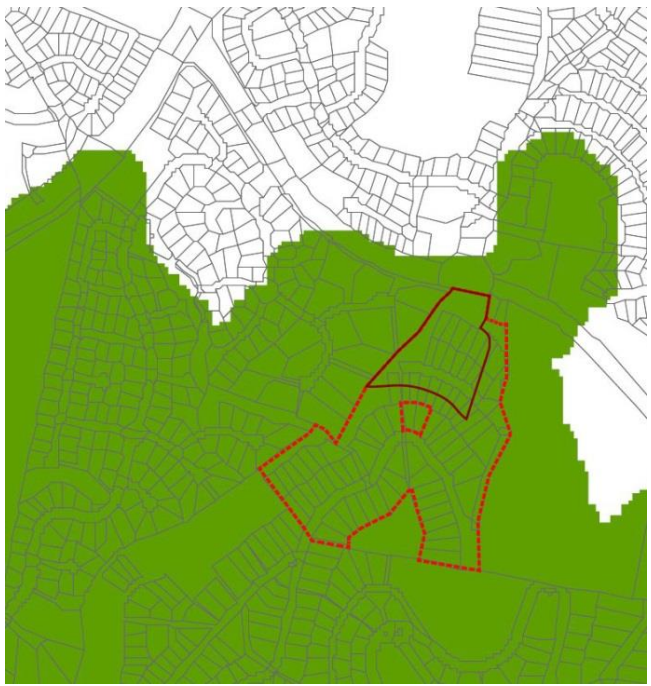
Further the use of the E2 zone needs to be supported by an appropriate assessment of the area meeting the zone objectives of high ecological, scientific, cultural or aesthetic values of this zone. We are not aware this has occurred.

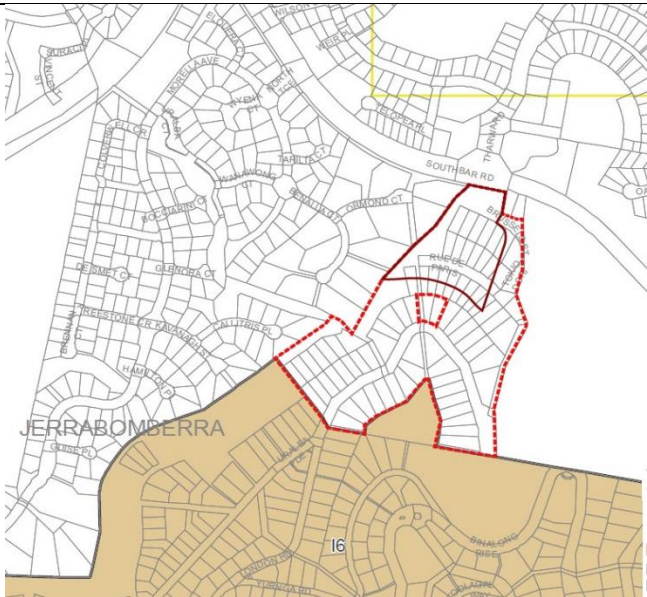
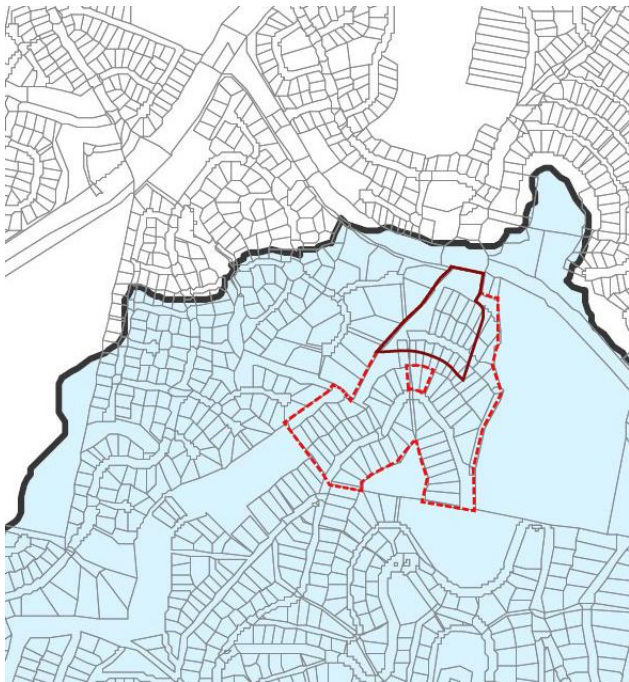
The practice note also states that '*generally an acquisition authority for E2 land would not be identified unless the land is expressly set aside for a public purpose under section 26(1)(c) of the Environmental Planning and Assessment Act 1979, e.g. as public open space or a public reserve. However, depending on circumstances, if the permitted uses are considered to be drawn too restrictively, a relevant acquiring authority may need to be designated.*' We would argue in this case and having regard to the land-uses table for the E2 zone contained in the QLEP 2012, the permitted range of land uses is highly restrictive and prohibits an innovative approach to residential development on part of the site whilst ensuring the on-going conservation of the balance of the land.

It is important to note that each of the allotments within the subject site of which there are approximately 67 have legal title and are able to be sold notwithstanding the fact there is no current means of access (trafficable roads) or services available to each lot. However, that is not the intention of the current landowner rather this proposal would ultimately facilitate the consolidation and removal of this historic paper subdivision.

Table 1: Queanbeyan LEP Mapping

Queanbeyan LEP 2012 - Development Provision	Control
<i>Terrestrial Biodiversity</i>	Whilst the subject site is mapped as 'biodiversity', it is noted that many developed and established suburban areas surrounding the site to the north and west are also

	affected in this regard.  Biodiversity																				
<i>Maximum permitted Building height</i>	No height limitation is shown over the subject site. A height limit of 8.5 metres applies to the surrounding residential areas to the immediate north and west.  Maximum Building Height (m) <table border="1"> <tbody> <tr><td>D</td><td>5.5</td></tr> <tr><td>E</td><td>6</td></tr> <tr><td>H</td><td>8</td></tr> <tr><td>I2</td><td>8.5</td></tr> <tr><td>J</td><td>9</td></tr> <tr><td>M</td><td>12</td></tr> <tr><td>N</td><td>14</td></tr> <tr><td>O</td><td>16</td></tr> <tr><td>T</td><td>25</td></tr> <tr><td>U</td><td>30</td></tr> </tbody> </table>	D	5.5	E	6	H	8	I2	8.5	J	9	M	12	N	14	O	16	T	25	U	30
D	5.5																				
E	6																				
H	8																				
I2	8.5																				
J	9																				
M	12																				
N	14																				
O	16																				
T	25																				
U	30																				
<i>Heritage</i>	Council have identified the upper areas of Mount Jerrabomberra as a heritage item, however it is noted the listing does not extend over the subject site.																				

	 Heritage - Conservation area - General - Item - General - Item - Archaeological
<i>Scenic Protection</i>	The site is mapped as a scenic protection area. However, it is noted that the established residential areas to the immediate east and west of the site are similarly affected.  Scenic Protection Scenic Protection Area
<i>Quarry Buffer Area</i>	Not affected.
<i>Riparian Land and Watercourses</i>	Not affected.
<i>Flood Planning</i>	Not affected.
<i>Land Reservation Acquisition</i>	Not identified.
<i>Floor Space Ratio</i>	Not identified.
<i>Urban Release Area</i>	Not identified.

4 Background to the Planning Proposal

4.1 History of the Rezoning (Planning Proposal) Request

It is noted that Council considered a rezoning of the land at North Terrace in 2008 and 2009. At that time it was proposed to rezone part of the site (4.6ha) from 7(b) Environmental Protection to Residential 2(e) zone with an allowance for a minimum lot size of 1,000m², which would have facilitated some 24 allotments.

The balance of the land was proposed to be dedicated to Council. At the time Council resolved not to support the proposal citing a need to protect the land for environmental, scenic and amenity purposes.

It is important to note the current (2014) proposal is in no way the same as was previously submitted and considered by Council prior to QLEP 2012. The 2014 planning proposal sought to confirm the support of Council to a limited form of development on the land in a manner illustrated by the accompanying plans and described in the original request. It also seeks to maintain and set aside the majority of the site for environmental conservation purposes to remain zoned E2 Environmental Conservation.

A more recent history and timeline of the rezoning request and Planning Proposal is outlined below.

9 th September, 2014	Knight Frank Town Planning submits preliminary planning enquiry to Queanbeyan City Council (refer Attachment 1). In summary, it sought the following; - Part rezoning of the least sensitive part of the site from E2 Environmental Conservation to E4 Environmental Living. - Retaining the E2 zoning over the remainder of the site for the purposes of environmental conservation and maintenance of a 'bushland' corridor from Mount Jerrabomberra to Southbar Road.
22 September, 2014	Council wrote to Knight Frank Town Planning citing the previous decision of Council in 2008/09 with regards to a former rezoning application over the land, the related principles contained within the <i>Queanbeyan Tomorrow Community Vision 2021</i> and advised that the reasons for zoning the land E2 under the QLEP 2012 have not changed and it is unlikely that if a planning proposal was considered the outcome would be different (refer Attachment 2).
28 th October, 2014	Knight Frank Town Planning wrote to Council responding to the matters as raised by Council in their correspondence dated 22.09.14. In particular it was noted the 2008/09 rezoning application was in no way the same as that previously submitted and considered by Council (refer Attachment 2).
3 rd November, 2014	Knight Frank Town Planning confirmed the proponents details and submitted a formal Planning Proposal application form with the required fee as requested by Council (refer Attachment 3).
17 th December, 2014	The Planning Proposal was considered at the Ordinary Meeting of the Queanbeyan City Council on 17 th December, 2014 where Council resolved as follows; <i>'That Council not support the proposed rezoning of the land at North Terrace through a planning proposal and that the matter not be proceeded with any further'.</i>

19 th December, 2014	Council wrote to Knight Frank Town Planning advising that they had resolved not to support the proposed rezoning of land at North Terrace.
19 th February, 2015	On behalf of the owner Knight Frank Town Planning wrote to the General Manager of Queanbeyan City Council expressing concern at Council's decision and requesting Council either acquire the land or give consideration to a wider range of uses on the land. An extract is provided below; <i>It remains our strong view that there was and is no basis for the specific applying of such a limiting zone on our land. There are no specific values that Council has demonstrated that warrant this zoning. In fact, we note that the State Department of Planning and Environment's own LEP practice notes emphasise that an E2 zone should only be used in the most exceptional of circumstances with specific high conservation, ecological or aesthetic values. None of those have been identified on this site by Council and in particular the lower section.</i> <i>In summary, we are very concerned that in reality, the land is being treated as public lands despite being privately owned with a zoning that provides us with no financial way to maintain it or even spend considerable money to fence the boundaries. It will therefore remain in its current degraded condition. In other words, Council can't have it both ways.</i> <i>Accordingly, we seek Council's support to either of the following options:</i> <i>1. Acquisition of the land by Council given its already general 'public use' or</i> <i>2. Consideration to a wider range of uses consistent with supporting both the managing and restoring of the bushland values of the land</i>
	Council formally considered this request at its meeting on 8th April, 2015 and resolved as follows: <i>'That Council respond to the owner of the site at North Terrace advising him of the options as set out in this report.'</i> Those report included the following options available to the landowner to consider: <i>1. The owner retains the land as currently. In this case there are also potential options that can be explored with regard to assistance, such as approaching the local Landcare Group or Greening Australia for assistance or nominating the site for next year's 'clean up Australia Day'.</i> <i>2. The applicant could seek a pre-gateway review from the NSW Department of Planning and Environment. In this case the cost to the landowner would be an initial fee of \$5,000 although the outcome may be that the Department concurs with Council's decisions.</i> <i>3. The owner could approach Council on whether or not Council has any interest in purchasing the site and incorporating it into the adjacent Mt Jerrabomberra Reserve. This would require a formal letter to Council with an accompanying valuation commissioned by the owner.</i>

	Having regard to the above, the proponent has sought to make application to the NSW Department of Planning & Environment for a pre-Gateway review.
--	--

4.2 Response to matters raised in Council's report dated 17th December, 2014

The officers report to Council's meeting on 17th December, 2014 (refer Appendix 5) outlined a number of reasons why the rezoning proposal not be supported.

We believe the Council report failed to properly appreciate or convey the potential for an innovative approach to housing on the site, and also the conservation and on-going management of the majority of holding as an ecological corridor.

The preliminary zoning enquiry as lodged with Council sought:

- a potential rezoning of only part of the land from E2 Environmental Conservation to E4 Environmental Living, with the balance remaining as E2;
- to allow limited development of the site, confined to the least sensitive parts of the land below the 670 metre contour;
- to propose affordable and innovative eco-living style dwellings that sensitively respond to the site attributes; and importantly
- sets aside and restores the majority of land for environmental purposes.

In response to the specific matters raised in Council's report, the following points are made:

- We believe the current E2 Environmental Conservation zoning was not justified as there were no known specific landscape values or areas of high ecological value that would warrant the applying of such a restrictive environmental zoning over the entirety of the land.
- The current rezoning enquiry is dramatically different from the proposal that was not supported by Council in 2008, with far greater emphasis now being placed on the preservation and enhancement of the known environmental attributes of the land.
- We dispute the proposal would result in the loss of a scenic high amenity area, given that development would be restricted to below the skyline or the 670 metre contour – that is, a landscaped, heavily vegetated hilltop in Mount Jerrabomberra would be unaffected and remain clearly visible from the surrounding areas. The siting and erection of dwellings in the proposed E4 zone area would also seek to retain as much as possible existing mature trees and vegetation through a community subdivision approach. Further, a landscaped setback from Southbar Road that retains its bushland edge is also proposed.
- Also, the report suggests the site is located on the rural-urban fringe and servicing will be difficult. We argue the site is centrally located in an existing suburban context - it is immediately bounded by established residential areas to the north, east and west. Services are also available and the site has direct frontage to Southbar Road.

- We disagree with the suggestion made in the Council report that the site can be managed properly without any incentive to do so. To create a biodiversity corridor as is Council's aim will unlikely ever be achieved unless some form of viable development is allowed for.

Conversely, the proposal does expressly seek to respect and achieve the stated aims of the Queanbeyan Tomorrow Community Vision 2021 document in an innovative and site responsive manner that can be characterised as eco-living than traditional residential.

The proposal is considered to be justifiable and supportable in terms of both strategic and site specific merit. In particular,

- The proposed eco living character of the development with a limited development footprint and a large part set aside and expressly managed for conservation purposes will be an enhanced environmental outcome for Council and the community.
- The approach to residential development seeks to avoid large dwellings on large lots (as has occurred to the west), rather encourage the clustering of housing in a site responsive manner and where dwellings would be individually designed to minimise their footprint and visual impact with the balance of the land to retained in common ownership and managed for conservation purposes.
- The deliberate approach to the limited and clustered development aims to respect and retain the wider bushland setting and enable investment in enhanced conservation outcomes, as opposed to the Council's suggestion that the land might be managed properly in the absence of any incentive to do so.
- The land is immediately adjacent to existing urban development, ancillary services and is centrally located in the context of the wider Queanbeyan urban area.

Notwithstanding the potential wider conservation outcomes, the proposal we believe has significant planning merit that justifies its support.

It is also noted the Council report confirms the proposed rezoning is *'not considered to have any adverse social and economic impacts and would provide additional housing and short term employment.'*

5 Summary of Intended Outcomes

As noted in the rezoning submission, the proposal is for a limited form of residential development in a bushland setting most appropriately characterised as eco living.

The area within which dwellings would be sited is shown highlighted yellow in Figures 1-3.

It is this area that is proposed to be zoned E4 Environmental Living, whilst the remainder of the site would be maintained for conservation purposes and its zoning retained as E2 Environmental Conservation (refer to the red outline in Figures 1-3).

The recommended zoning approach anticipates the following:

1. The clustering of dwellings in a site responsive manner.
2. The minimising of the development footprint by a flexible approach to the siting of buildings and urban services such as access roads.
3. The locating of buildings below the skyline.
4. A setback from Southbar Road that retains the bushland frontage.
5. The locating of clustered development adjacent to the existing urban edge to the west to minimise the intrusion into the bushland and limit the edge to area ratio.
6. A clustered approach that enables a coordinated approach to bushfire hazard and the asset protection zone.
7. The setting aside of the balance of the land to be proactively managed in order to:
 - Provide for enhanced conservation outcomes
 - Provide for a practical extended corridor that links the Jerrabomberra ridge to the bushland north of Southbar Road.
 - Demonstrate a model of an integrated solution to supporting conservation outcomes

In summary, an innovative site responsive planning solution that is consistent with the environmental and scenic values of the land.

Reference is made to Figure 2, which seeks to identify the key planning principles to be adhered to in any site re-development.

Figure 3 also illustrates the intended development outcomes and identifies that part of the site within which single and townhouse dwellings may be accommodated, and how the 'ecological corridor' in private ownership interrelates with the existing public lands to the east (currently zoned E3 Environmental Conservation).



Figure 2 - Planning Principles
Southbar Road North Terrace, Jerrabomberra



Figure 3 - Site Potential
 Southbar Road North Terrace, Jerrabomberra

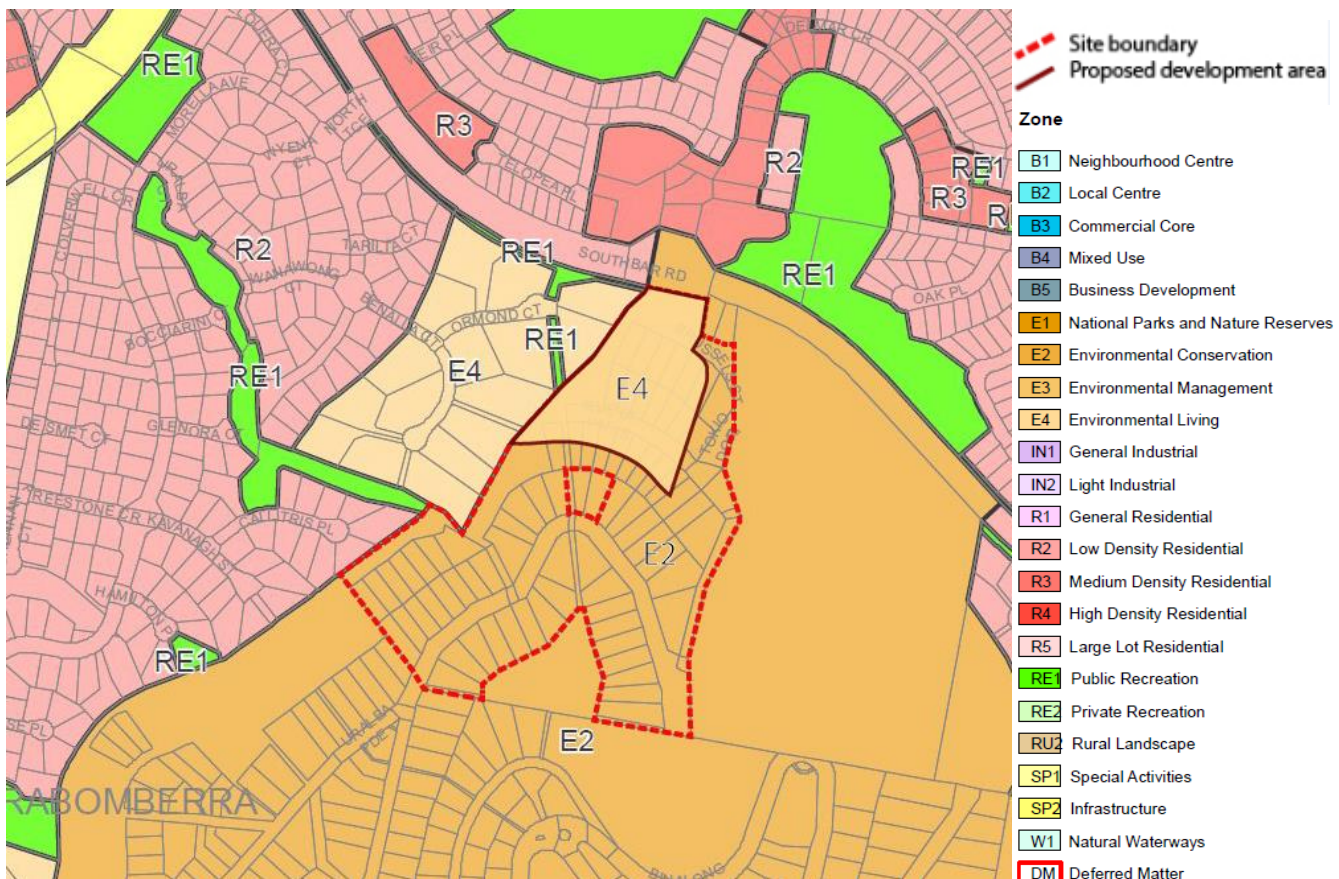
6 Explanation of Provisions

The Planning Proposal seeks to achieve the objectives and intended outcomes described in the preceding section by amending the Queanbeyan Local Environmental Plan (QLEP) 2012 in the manner described below.

6.1 Zoning

It is proposed to amend the QLEP 2012 Land Zoning Map – Sheet LZN_05 by rezoning the site from E2 Environmental Conservation to part E4 Environmental Living whilst retaining the balance of the site as E2 Environmental Conservation.

It is noted a pedestrian connection (currently zoned Public Recreation RE1) extends from Southbar Road to the subject site via an adjacent subdivision to the west of the site. The proponent is willing to consider the continuation of this pedestrian route if Council desires its extension southward through the subject site.



6.2 Amendment to Schedule 1

The proposal does not contemplate a 'conventional' approach to the subdivision of land and dwelling development, as has occurred immediately to the west of the site. We note these lands are zoned E4 Environmental Living with a minimum lot size requirement of 3,000m², and also R2 Low Density Residential with a minimum lot size requirement of 1,000m².

Rather it seeks a more flexible approach to the siting of dwellings and urban services in a clustered arrangement close to the existing urban edge, so as to minimise the development footprint and intrusion into the wider bushland setting.

The current subdivision provisions contained in Part 4 of the QLEP 2012 however do not make provision for a development of this type whereby the least sensitive lands are developed in a clustered dwelling arrangement whilst retaining the balance of the land to be pro-actively managed for conservation and community purposes.

Council's current clause 4.1AA pertaining to community title schemes is extracted below. It requires that any lot resulting from a community title subdivision is to be no less than the minimum size shown on the Lot Size Map. This map currently identifies a minimum lot size of 80 hectares over the subject site.

4.1AA Minimum subdivision lot size for community title schemes

(1) The objectives of this clause are as follows:

- (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements,*
- (b) to achieve lot sizes that meet community and economic needs, while ensuring that environmental and social values are safeguarded.*

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:

- (a) Zone RU2 Rural Landscape,*
- (b) Zone R1 General Residential,*
- (c) Zone R2 Low Density Residential,*
- (d) Zone R5 Large Lot Residential,*
- (e) Zone E3 Environmental Management (but only if the land is land to which clause 4.1C does not apply),*
- (f) Zone E4 Environmental Living (but only if the land is land to which clause 4.1C does not apply).*

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Having regard to the above, it is recommended that the subject site be included in Schedule 1 of the QLEP 2012 and provision be made for a community title subdivision as follows:

Development consent may be granted for the subdivision of land to which this clause applies, under the *Community Land Development Act 1989*, if:

- a) the average size of all lots created within that part of the land zoned E4 Environmental Living is not less than 1,000m², and
- b) none of the lots created by the subdivision will be less than 600m², and
- c) to permit single dwellings and multi-dwelling housing on the resultant lots, and
- d) the lot comprising the common land (association property within the meaning of the Community Land Development Act 1989) is to encompass the balance of the subject land including all land zoned E2 Environmental Conservation.

The total area of the subject site is approximately 125,775m or 12.5 hectares. The area of the land to be zoned E4 Environmental Living is approximately 2.9 hectares. The suggested clause above could potentially result in approximately 25 allotments and dwellings within the proposed E4 zoned area.

The balance of the site (approximately 9.6 hectares) would be retained as E2 zoned land and managed for conservation purposes.

We would also recommend the inclusion of planning criteria or 'safeguards' to ensure an environmentally acceptable outcome and against which any future subdivision proposal could be assessed. For example:

Before development consent may be granted, the consent authority must be satisfied of all of the following:

- a) that there will be a better environmental outcome arising from the community title subdivision of the land than there would be without such a subdivision and that the long-term survival and management of the natural environment within the association property will be enhanced,
- b) that the existing bushland and associated ecological values will be contained in, and managed on, association property under the Community Land Development Act 1989, and
- c) that the pattern of lots to be created by the subdivision and the siting of any buildings on those lots will minimise the impact on the existing bushland setting, the scenic quality of the area and views to and from Mount Jerrabomberra.

6.3 Other Required Map Amendments

No other map amendments are considered necessary.

If required the QLEP 2012 Height of Buildings Map -Sheet HOB_005 can be amended and a maximum height of 8.5 metres applied to that part of the site to be zoned E4 Environmental Living, consistent with that of the adjoining urban lands to the north and west.

6.4 Queanbeyan Development Control Plan (DCP) 2012

It is noted that the Queanbeyan Development Control Plan (DCP) 2012 currently applies to the subject site and would continue to apply assuming the proposed LEP amendments are made.

Part 2 of the DCP prescribes planning considerations for all development types whilst Part 6 contains specific controls for subdivision and development within the Rural and Environmental zones.

Council could otherwise consider the applying of site specific controls to address the design and siting of any future re-development consistent with principles inherent in this proposal. This could include matters concerning the overall subdivision layout, access, services, dwelling design, siting, visual and scenic considerations and management of the bushland setting.

In particular, it could also incorporate (where required) the suggested impact mitigation and management measures outlined in Section 4 of the accompanying report by Ecological Australia Pty Ltd. As noted by the consultant, 'a series of mitigation and management measures have been proposed to assist in the designing of the subdivision to avoid, mitigate and manage the potential impacts to threatened flora, threatened fauna and the environment of Mount Jerrabomberra'.

7 Justification

7.1 Introduction

The justification for the proposed zoning and development approach was outlined in the original request submitted to Queanbeyan Council in late 2014 (refer Appendix B).

The E2 zoning provisions and related principal development standards that currently apply to the site are considered to unnecessarily constrain the future re-development potential of the site in the manner now proposed, and prevent it from attaining the E4 Environmental Living zone objectives, relevantly in terms of:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To encourage development that is designed to recognise the bushland character of the locality where appropriate and to minimise the impact of urban development, particularly on the edge of the urban area.*
- *To ensure that rural residential development provides for integrated rural residential communities in its design.*

The accompanying planning evaluation and preliminary environmental assessment are considered to justify a change in zoning to E4 and an increase in the currently permitted development density without adverse impact on the subject or adjoining lands.

The proposal is also considered to satisfy and is deemed consistent with a number of key Metropolitan and local planning strategies with regards housing supply and diversity.

For the reasons summarised below it is also considered to have both strategic and site specific merit.

7.2 Need for the Planning Proposal

7.2.1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of any specific strategic study or report, however it has been the subject of a site evaluation to determine the most appropriate land use and development outcomes for the site.

Reference is also made to the accompanying ecological and bushfire assessment by Ecological Australia Pty Ltd.

7.2.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Consideration has been given to alternative approaches to achieving the intended outcomes of the proposal, including for example:

- A rezoning to a low density residential zoning such as R2 Low Density Residential or R5 Large Lot Residential, however this was not considered appropriate given the particular environmental setting and inconsistency between the intended development outcome and R2/R5 zone objectives.

- Re-zoning to E4 Environmental Living whilst amending the minimum lot sizes from 80ha to 3,000m² or 1,000m² consistent with the adjacent urban lands.

Neither of these options was considered to be practical, nor facilitate alternative and innovative forms of subdivision and housing envisaged for the site.

The suggested approach as described in Section 6 is considered more in keeping with the bushland setting and promotes an enhanced conservation outcome for the balance of the land.

7.3 Section B - Relationship to the Strategic Planning Framework

7.3.1 Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy

Sydney – Canberra Corridor Regional Strategy 2006-2031

The NSW Government released the regional strategy for the Sydney-Canberra corridor in 2008. It is noted the strategy is soon to be replaced by the Regional Growth Plan for the South East and Tablelands.

The main aim of the 2008 strategy was to support and manage growth whilst protecting the rural and environmental assets of the region. In particular the strategy aimed to:

- *Manage the environmental impact of settlement by focussing new urban development in major regional centres such as Queanbeyan.*
- *Increase the quantum of housing within existing centres but also diversify housing choice.*
- *Ensure adequate supply of land to support economic growth and provide for new jobs.*
- *Protect important primary industry, water resources, environmental diversity, scenery and cultural heritage.*

The strategy identified the need for an additional 10,000 new dwellings and demand was to be largely met through greenfield sites in Googong and South Jerrabomberra.

Comment:

In terms of the wider Queanbeyan setting, the subject site at North Terrace is centrally located. It adjoins the existing urban areas of Queanbeyan and in turn all urban services. Unlike more remote new releases such as Googong, the land is arguably 'in fill' in terms of wider Queanbeyan and in that regard, a more sustainable outcome to the locating of housing – see broad locality plan at Figure 1.

In the context of housing choice for Queanbeyan and its location, the proposed development has considerable strategic merit.

We also note that more generally, Queanbeyan is likely to fall well short of its target for housing supply as previously anticipated by the current Queanbeyan Residential and Economic Strategy.

That Strategy anticipated a significant amount of housing in the South Jerrabomberra area now excluded due to aircraft noise. Within the context of this short fall, the North Terrace lands have particular strategic merit as a contributor to local housing in a location that is considerably better placed when compared to say future housing areas even further south than Googong.

The proposal has also been assessed against the sustainability criteria contained in Appendix 1 to the Strategy.

The purpose of this criteria was to allow innovative development proposals to be considered even though they may be outside of the regional strategy process, and provide a clear transparent list of matters that any new proposal will be assessed against.

Table 2: Assessment against Sustainability Criteria

Threshold Sustainability Criteria for any proposed development site outside designated areas in the Sydney–Canberra Corridor Regional Strategy	Comment
1. Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way	As noted above, the proposed development outcomes and intended provisions are deemed consistent with the principles and related actions of the Sydney–Canberra Corridor Regional Strategy and relevant section 117 directions. The subject site has access and frontage to an existing collector road (Southbar Rd), and is able to be easily connected to existing and adjacent utilities including sewer, water and power supplies. It adjoins open space facilities to the north, south and east and is within a walkable distance of public transport (bus services). The proponent is willing to consider and enter into development agreements where necessary for any required infrastructure provision including the continuation of the open space / pedestrian corridor from Southbar Road through the site toward Mount Jerrabomberra.
2. Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	Located within an established urban area of North Terrace, the subject site is highly accessible to existing public transport services and local/regional centres, being Karabar and the Queanbeyan Central Business District. It is situated within 400 metres of a bus stop (being route 836) providing direct access to the Queanbeyan regional bus interchange in the city centre via Jerrabomberra Heights. The developable area has direct access to Southbar Road and is within 1.5 km of the Karabar local centre, and 1.9 km of the Queanbeyan CBD.
3. Housing Diversity Provide a range of housing choices to ensure a broad population can be housed	The proposal will provide a limited but important contribution to the geographic market spread of housing supply in Jerrabomberra. Any redevelopment of the proposed E4 Environmental Living zone area would likely comprise mostly single detached dwellings and possibly medium density housing, sensitively sited within a bushland setting under a community title arrangement.
4. Employment Lands Provide regional/local employment opportunities to support the Sydney–Canberra Corridor’s expanding role in the wider regional and NSW economies	The proposal does not involve the zoning of land for employment purposes, however any site re-development would provide short-term employment opportunities during the construction phase and longer term employment in the on-going rehabilitation and management of the bushland (common) lands.

5. Avoidance of Risk Land use conflicts, and risk to human health and life, avoided.	The land is not identified by Council as being flood prone, nor does it form part of a riparian corridor. A drainage line occurs to the east of the site. The development of the proposed E4 zoned lands for housing in a manner that conserves its bushland setting is considered highly compatible with the adjoining residential development to the west. The extent, density and nature of the development as contemplated by this proposal is not considered to have the potential to result in any adverse land-use conflicts with adjacent land-use activities. The accompanying ecological and bushfire risk assessment by Ecological Australia Pty Ltd has identified a range of appropriate mitigation strategies with regards to bushfire risk and to manage the impact on any significant flora and fauna in any future site design and re-development.
6. Natural Resources Natural resource limits not exceeded/ environmental footprint minimised	The limited extent of development contemplated for this site is not expected to place unreasonable demands upon existing water supplies nor unacceptable pressure on environmental flows. The development site is located within a suburban context. It is arguably 'in fill' in terms of the wider Queanbeyan and in that regard a more sustainable outcome to the locating of housing relative to other fringe land releases in Queanbeyan. It is expected therefore to make efficient use of existing infrastructure and services in Jerrabomberra. The site is currently vacant and is not used for any agricultural or productive resource purpose.
7. Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health	A review of the known planning and environmental features of the land concluded that the current zoning of all of the land as E2 Environmental Conservation was not justified. We note the zoning as E2 should only be applied in the most exceptional of environmental/ecological or scenic circumstances. This is not the case for that part of the site proposed to be zoned E4. It is important to note that this proposal seeks to retain the majority of the site (approximately 9.6 hectares) as E2 zoned land and for it to be proactively managed in order to achieve: - enhanced conservation outcomes, and - a practical extended bushland corridor linking Jerrabomberra ridge to the bushland north of Southbar Road. The accompanying preliminary ecological assessment by Ecological Australia Pty Ltd has identified a number of flora and fauna species that have the potential to occur within the wider study area. According to the report 'the majority of fauna species which have the potential to occur within the study area are highly mobile bird species, which are likely to utilise a range of resources across the landscape and would unlikely be restricted to specifically to the study area'. However it may provide a foraging or breeding

	habitat A further more detailed inspection and survey of the site is though necessary to confirm the existence of any significant flora/fauna and potential development constraints. As the wider study area has the potential to contain sensitive ecological values in keeping with the E4 zoning a series of mitigation and management measures have been identified to assist in the designing of the subdivision to avoid, mitigate and manage the potential impacts to any threatened flora, fauna and the environment of Mount Jerrabomberra. They are detailed in Section 4.2 of the attached ecological assessment. It is argued the proposal will result in an enhanced environmental outcome relative to the current situation and land-use control framework. To allow a limited development footprint in the least sensitive part of the site with the balance retained and managed for conservation purposes represents an improved environmental outcome.
8. Quality and Equity in Services Quality health, education, legal, recreational,cultural and community development and other government services are accessible	The site is situated within an urban context, surrounded by established low-medium density residential development and associated services including (but not limited to): - Approximately 700m walking distance to Karabar High School - 1.4 km to Queanbeyan South Public School and early learning centre. - 1.5km from Karabar local centre, which contains lower order goods and services including a post office, small supermarket and also the Queanbeyan YMCA. - 1.9km from the Queanbeyan City Centre , which provides higher order retail goods/services, State government and community service functions including the Council offices, regional library and Queanbeyan District Hospital and allied health services. - 700m from Letchworth Regional Park and 1.5km from Margaret Donahue Park/Oval and Steve Muager sportsground.

We note that one of the specific actions arising from the corridor strategy is for Local environmental plans *to identify and zone land of landscape value (including scenic and cultural landscapes) to protect those values.*

It is argued that these values are retained by the proposal and not compromised for the following reasons:

- The land is considered to be of limited scenic/landscape value considering its condition and its proximity to the heavily disturbed and previously cleared adjoining ex-quarry.
- Notwithstanding the above, development (including the siting of dwellings) is to be confined to a relatively small proportion of the overall site and below the 670 contour or skyline.

- The proposal seeks to facilitate and encourage the minimising of the development footprint via a flexible approach to the siting of dwellings and urban services such as access roads. Development is to be clustered adjacent to the existing urban edge to the west so as to minimise intrusion into the bushland and limit the edge to area ratio.
- The intended outcome is for the majority of the site to be retained and managed for conservation purposes, and to maintain a bushland corridor along the eastern edge of the site to Southbar Road.
- That is, the visual prominence of Mount Jerrabomberra and wider bushland setting will be unaffected and retained.
- The proposed eco-living character of the development with a limited development footprint and the management of the balance for conservation purposes will be an improved environmental outcome that will considerably enhance the wider bushland corridor.

7.3.2 Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Queanbeyan Residential and Economic Strategy (2006) and Tomorrow Community Vision 2021:

The main purpose of the 2006 strategy was to provide a 25 year framework for residential and employment lands growth in Queanbeyan City. It identified specific urban release areas within which growth was to be focused whilst protecting key environmental attributes. It also sought to give effect to the relevant actions arising from the 'Queanbeyan Tomorrow Community Vision 2021' document.

We note that the land is not specifically precluded from development by this strategy. This strategy is primarily focused on future urban release areas both residential and employment, mostly confined to South Jerrabomberra and Googong.

It is acknowledged that one of the aims of the Queanbeyan Residential and Economic Strategy, as well as the Tomorrow Community Vision 2021 exercise was to generally minimise the impact of urban development on natural areas and to ensure that these are sensitive to the natural topography including those deemed to be of scenic value.

The strategy did however make clear the need for additional studies to validate the accuracy of the nominated areas for conservation and for future development.

In a recent review of the 2006 residential and economic strategy reported to Council's meeting on 9th September, 2015, a number of recommendations were identified as being applicable to the review, including:

- Restrict possible development in areas listed as EEC or areas of significance;
- Regional and local significant corridors shall be protected from development; and
- Where development does occur in natural areas proposal will be required to maximise the retention of native vegetation and rehabilitate disturbed areas ie, conserve biodiversity in-situ, in its natural environment.

It is important to note this proposal will seek to retain the majority of the subject land as bushland and for it to be pro-actively managed through common ownership if subdivided as part of a community title scheme. A bushland corridor will be retained along the lower slopes of Mount Jerrabomberra through to Southbar Road. These lands are to be retained, protected and remain zoned as E2 Environmental Conservation.

The recommended alternative and appropriate zoning response is one that continues to make a positive contribution to the general bushland setting of the land and contributes to a diversity of housing choice. The recommended zoning of part of the land to E4 Environmental Living will acknowledge and confirm that the land is well placed to provide for a limited extent of housing in a manner that conserves its bushland setting and scenic values.

7.3.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal against relevant and key State Environmental Planning Policies (SEPP's) is provided in the table below.

Table 3: Consistency with relevant SEPP's

State Environmental Planning Policy (SEPPs)	Consistent		N/A	Comment
	Yes	No		
SEPP No.1 Development Standards			✓	No longer applies to Queanbeyan LEP 2012.
SEPP No 15—Rural Landsharing Communities			✓	SEPP does not apply to Queanbeyan LGA.
SEPP No 26—Littoral Rainforests			✓	SEPP does not apply to subject site.
SEPP No 30—Intensive Agriculture			✓	This type of development is not currently being contemplated for the site.
State Environmental Planning Policy No 19- Bushland in Urban Areas			✓	SEPP does not apply to Queanbeyan LGA, rather the Sydney metropolitan area.
SEPP No.32 Urban Consolidation(Redevelopment of Urban Land)			✓	Whilst not specifically relevant to the subject proposal, the Planning Proposal is consistent with the SEPP in facilitating development for additional housing in close proximity to existing public infrastructure including schools, open space, transport, retail services and community facilities, and is close to employment, leisure and other opportunities.
SEPP No 44—Koala Habitat Protection			✓	SEPP does not apply to Queanbeyan LGA.
State Environmental Planning Policy No 50 - Canal Estate Development			✓	Not applicable. The site is not affected by nor traversed by a significant drainage channel or watercourse.
SEPP No.55 – Remediation of Land	✓			The land is currently vacant and is not known to be contaminated. Further, we are unaware of any past land-use activities that would have resulted in its contamination. However should the Planning Proposal progress, preliminary land contamination and (if necessary) environmental site investigations may need to be undertaken in order to confirm the non-existence of any contamination risks and potential liabilities.
SEPP No.60 Exempt and			✓	The SEPP (Exempt and Complying Development Codes) 2008

Complying Development				applies to the site.
SEPP No.64 Advertising and Signage			✓	Not considered relevant to the proposal, given any future residential re-development of the site would have no reason to install advertising or signage, other than temporary real estate signs and permanent directional signage for visitors. The relevance of the SEPP would be addressed at the DA stage.
SEPP No.65 Design Quality of Residential Flat Development			✓	This form of housing is not contemplated for the subject site.
SEPP No.70 Affordable Housing (Revised Schemes)			✓	Not relevant to the proposed amendment. However, further consideration can be given to the need for an affordable housing component at the DA stage.
SEPP(Rural Lands) 2008			✓	The rural use of the land is not being contemplated at this stage, nor is it currently being utilised for any productive rural or agricultural purpose.
SEPP (Affordable Rental Housing) 2009			✓	Not relevant to the proposed amendment.
SEPP (BASIX) 2004			✓	Detailed compliance with BASIX requirements of the SEPP will be demonstrated at the time of making a DA. There is no reason to suggest that compliance cannot be achieved.
SEPP (Infrastructure) 2007			✓	It is noted that any proposal/DA for the site may require referral to the Roads & Maritime Service in accordance with clause 104 (Traffic Generating Development) of the SEPP.
SEPP (State and Regional Development) 2011			✓	It is unlikely any future re-development of the site would be deemed 'regional development' nor met the relevant thresholds under Schedule 4A of the EP&A Act). To be confirmed at the DA stage.
State Environmental Planning Policy (Urban Renewal) 2010			✓	The site is not located within a 'potential precinct' and therefore this SEPP is not applicable.

7.3.4 Is the Planning Proposal consistent with applicable Section 117 Ministerial Directions (s 117 directions)?

The Planning Proposal is generally consistent with the relevant Section 117 Directions in that it achieves and/or gives effect to the principles, aims, objectives or policies set out in the directions as noted in the table below.

Table 4: Consistency with S.117 Directions

Ministerial Direction - Summary	Comment
2 Environment & Heritage	
2.1 Environmental Protection Zones:	
<u>Objective</u> (1) The objective of this direction is to protect and conserve environmentally sensitive areas.	It is proposed to zone only a small proportion of the overall site from E2 Environmental Conservation to E4 Environmental Living. The proposal seeks to allow a limited, environmentally sensitive development within this part of the site only. The proposal retains the majority of the land as E2 and would result in enhanced environmental outcomes by providing a
<u>Where this direction applies</u> (2) This direction applies to all relevant planning	

authorities. <u>When this direction applies</u> (3) This direction applies when a relevant planning authority prepares a planning proposal. <u>What a relevant planning authority must do if this direction applies</u> (4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands". <u>Consistency</u> (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: b. justified by a strategy which: i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and iii. is approved by the Director-General of the Department of Planning, or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) is of minor significance.	mechanism to ensure the on-going and effective management of these lands for conservation purposes.
2.3 Heritage Conservation: A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,	The subject property is not currently heritage listed, nor is it known to encompass any structures or archaeology worthy of conservation by way of related provisions in the Planning Proposal or any future LEP amendment.

(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	The proposal will result in the urban infill of land, make efficient use of existing urban infrastructure whilst making a limited but important contribution to housing diversity in the immediate area. It is noted that standard servicing provisions are already contained in the QLEP 2012 (refer clause 6.2).
4. Hazard and Risk	
4.1 Acid Sulphate Soils The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines. A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has	The site is not known to be affected by acid sulfate soils. This would be considered in greater detail at the DA stage.

considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act. Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).	
4.3 Flood Prone Land A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). A planning proposal must not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	The site is not known to be flood affected.
4.4 Planning for Bushfire Protection Objectives	A bush fire hazard assessment has been undertaken by Ecological Australia Pty Ltd and accompanies this submission.

(1) The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas. <u>Where this direction applies</u> (2) This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act. <u>When this direction applies</u> (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. <u>What a relevant planning authority must do if this direction applies</u> (4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made, (5) A planning proposal must: (a) have regard to Planning for Bushfire Protection 2006, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. (6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal	It has considered the provisions of the Planning for Bushfire Protection guidelines (2006) and relevantly the principles in terms of rezoning being: ▪ Provision, at the urban bushland interface for the establishment of adequate asset protection zones for future housing based on an assessment of vegetation and slope. ▪ Specifying construction standards for residential dwellings based on the determination of the Bushfire Attack Level (BAL). ▪ Minimising the perimeter of the area of land interfacing the hazard , which may be developed ▪ Access and utility requirements including the placement of a perimeter road within the APZ. ▪ Introduction of controls on the placement of combustible materials in asset protection zones ▪ Recommended water supply and utilities suitable for bushfire fighting purposes. A number of the above principles and recommendations would be the subject of further more detailed investigation at the DA stage.
---	---

permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area. Consistency (7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the noncompliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.	
5 Regional Planning	
5.1 Implementation of Regional Strategies Objective (1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. Where this direction applies (2) This direction applies to land to which the following regional strategies apply: (a) Far North Coast Regional Strategy (b) Lower Hunter Regional Strategy (c) Illawarra Regional Strategy (d) South Coast Regional Strategy (e) Sydney–Canberra Corridor Regional Strategy (f) Central Coast Regional Strategy, and (g) Mid North Coast Regional Strategy. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies (4) Planning proposals must be consistent with a regional strategy released by the Minister for Planning. Consistency (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy: (a) is of minor significance, and (b) the planning proposal achieves the overall intent of the regional strategy and does not	In terms of the Planning Proposal, the relevant regional strategy is the Sydney to Canberra Corridor Regional Strategy. The assessment of the Planning Proposal against the relevant outcomes of the Regional Strategy at sections 7.3.1 including the Threshold Sustainability Criteria confirm that the proposed rezoning is consistent with the Regional Strategy and in turn the Direction.

undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	
6 Local Plan Making	
6.1 Approval and Referral Requirements A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	The Planning Proposal does not propose any such provisions listed in Direction 6.1.
6.2 Reserving Land for Public Purposes A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).	No new reservations are proposed, nor are they proposed to be reduced by the Planning Proposal.
6.3 Site Specific Provisions A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those	The proposal seeks to rezone part of the site to E4 Environmental Living, consistent with the zoning of adjacent lands. However in recognition of the particular environmental attributes and innovative approach to the subdivision and development of this land, the proposal does include a site-specific provision to facilitate sensitive subdivision and re-development and at a particular density, and to also ensure retention of the balance (zoned E2) as common or association land.

already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development proposal.	
---	--

7.4 Strategic and Site Specific Merit

The proposal is justifiable and supportable in terms of both strategic and site specific merit by reference to the above considerations and also the following matters:

Is the land well located?

The land is adjacent to existing urban areas and services and centrally located in the context of wider Queanbeyan.

Will the proposal result in an improved environmental outcome?

The proposed eco living character of development with a limited development footprint and a large part set aside and expressly managed for conservation purposes will be an enhanced environmental outcome

Are there any known high conservation values on the land?

There are no known areas of high conservation value that warrant or justify an E2 zoning over the land. Although it is noted that a more detailed inspection and survey of the site is though necessary to confirm the existence of any significant flora/fauna.

As documented within the accompanying preliminary ecological assessment a range of mitigation and management measures have been identified to assist in the designing of the subdivision to avoid, mitigate and manage the potential impacts to any threatened flora, fauna and the environment of Mount Jerrabomberra (refer Section 4.2).

Will the bush land character and scenic amenity of the land be retained?

The deliberate approach to the limited and clustered development aims to respect and retain the bushland character

Is the proposal consistent with the Queanbeyan Community Vision?

Yes, the proposal acknowledges and supports the Community vision by:

- Retaining the bush land setting
- Enabling investment in enhanced conservation outcomes
- Enabling the potential for properly constructed walking trail access linking Southbar Road to the Jerrabomberra ridge

Is the E2 zone appropriate?

No, the E2 zone does not reflect the specific known values of the land. The E2 zoning as one of the 'highest order' conservation zones should only be applied in areas of exceptional ecological and special scenic values. That is not considered to be the case in this instance, nor are we aware of any detailed assessment undertaken by Council to confirm and properly justify an E2 zoning.

What is the right planning response?

The right planning response is the applying of an E4 Environmental Living zone over a limited part of the land with the balance retained as E2.

We note the Department of Planning & Environment has recently undertaken a review of the pre-Gateway review process, and issued a findings and recommendation report (September 2015), which amongst other recommendations is suggesting the current strategic merit test be retained, but a more rigorous assessment of this key element be applied. It recommends a 'strengthened test' or criteria by which pre-gateway reviews should be assessed.

The Planning Proposal is also considered to satisfy the proposed strategic merit criteria, as follows:

Strategic Merit Test (Criteria)	Comment
Is the proposal: <i>consistent with the relevant regional or subregional strategy. This would include all Regional Strategies (when in place) and A Plan for Growing Sydney;</i>	In terms of the Planning Proposal, the relevant regional strategy is the Sydney to Canberra Corridor Regional Strategy (2008). The assessment of the Planning Proposal against the relevant outcomes of the Regional Strategy at sections 7.3.1 including the Threshold Sustainability Criteria confirm that the proposed rezoning is consistent with the Regional Strategy.
<i>consistent with a relevant local council strategy, endorsed by the Department</i>	The proposal is not considered to be inconsistent with the <i>Queanbeyan Residential and Economic Strategy (2006)</i> and also Council's <i>Tomorrow Community Vision 2021</i>. This is discussed in more detail in Section 7.3.2. It is acknowledged that one of the aims of the <i>Queanbeyan Residential and Economic Strategy</i>, as well as the <i>Tomorrow Community Vision 2021</i> document was to generally minimise the impact of urban development on natural areas and to ensure that these are sensitive to the natural topography including those deemed to be of scenic value. We argue that this proposal acknowledges and supports this aim by generally retaining the bushland setting, allowing limited development in the least sensitive part of the site (below the 670 contour), whilst retaining the majority of the site (approximately 9.6 ha) as E2 zoned land in common ownership for conservation management purposes.
<i>the contemporary nature of the relevant LEP, measured by the time elapsed since the community has been consulted on the</i>	The Queanbeyan LEP 2012 came into effect in November 2012. We are not aware of any specific or detailed environmental evaluation or assessments having been

<i>zoning of the subject area (including, for example, as part of the introduction of standard instrument LEPs); and</i>	undertaken for the subject land, and which has properly justified the E2 Environmental Conservation zoning.
<i>demonstrable reason for the rezoning or change in planning controls to occur, based on changed circumstances since the LEP was made, such as:</i> - <i>new infrastructure;</i> - <i>a new or updated regional, subregional or local strategy to address an inconsistency between strategic planning and zoning and/or development standards; or</i> - <i>the public interest.</i>	This proposal questions the applying of an E2 Environmental Conservation zone over the entirety of the land, some 12.5 ha. The suggested approach to the development of the land will facilitate the on-going management and conservation of the majority of the land for conservation purposes, whilst allowing limited development in the least sensitive area of the site immediately adjacent existing urban development. The site is situated within an urban context proximate to public transport, schools, community facilities, commercial centres and utilities including water, sewer and electricity. The approach recommended by this proposal is clearly in the public interest by ensuring the long term conservation of the majority of the site and its bushland setting.

7.5 Section C - Environmental, Social and Economic Impacts

7.4.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?

The accompanying preliminary ecological assessment by Ecological Australia Pty Ltd has identified a number of flora and fauna species that have the potential to occur within the wider study area.

According to the report '*the majority of fauna species which have the potential to occur within the study area are highly mobile bird species, which are likely to utilise a range of resources across the landscape and would unlikely be restricted to specifically to the study area*'. However it may provide a foraging or breeding habitat

A further inspection and survey of the site is though necessary to confirm the existence of any significant flora/fauna and potential development constraints.

As the wider study area has the potential to contain sensitive ecological values in keeping with the E4 zoning a series of mitigation and management measures were identified to assist in the designing of any future subdivision to avoid, mitigate and manage the potential impacts to any threatened flora, fauna and the environment of Mount Jerrabomberra. They are detailed in Section 4.2 of the ecological report and are repeated below.

- Avoid impacts to populations of threatened flora species by placing proposed building envelopes, access tracks, APZs and any other infrastructure in a manner which does not impact on any known individuals or vegetation immediately surrounding the known population.
- Avoid impacts to habitat for the *Varanus rosenbergi* (Rosenberg's Goanna) by placing proposed building envelopes, access tracks, APZs and any other infrastructure in a manner which does not impact on any known termite mounds or their immediate surrounding vegetation.

- Retain any hollow bearing trees and their immediate surrounding vegetation which occur within the study area within the development.
- Retain the connectivity of vegetation within the study area as much as practicable by clustering development.
- Fence areas of remnant vegetation to be retained.
- Place a restriction on title for lots within the subdivision which prohibits the keeping of cats and the use of potentially invasive plant species in front and back yards.
- Retain the balance of the lot within either a community title arrangement or through a Voluntary Conservation Agreement with clear management aims and sufficient funding to achieve the aims.
- Consider implementing a walking track which connects to existing tracks (if appropriate, and in consultation with Queanbeyan City Council and the Office of Environment and Heritage) to minimise the potential for the establishment of desire lines and spread of impacts throughout areas of retained vegetation resulting from increased use of the area for recreation.
- Develop a Construction Environmental Management Plan for the construction phase of the project which highlights the ecological value of the surrounding vegetation and includes provisions to:
 - limit the likelihood of establishing new populations of weed species within the local area,
 - limit waste production and ensure appropriate disposal in a waste facility
 - prohibit storage of soil, equipment, facilities, or vehicles within areas of remnant vegetation
- Cluster development as much as possible to minimise the area required for the establishment of APZs.
- Provide for perimeter roads within any APZ required for bushland interface areas.

7.4.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As noted in the original submission made to Queanbeyan Council, the proposed eco-living character of development with a limited development footprint and a large part set aside and expressly managed for conservation purposes will be an enhanced environmental outcome.

There are no known areas of high conservation value that warrant or justify an E2 zoning over all of the land.

The deliberate approach to the limited and clustered development within the area proposed to be zoned E4 Environmental Living aims to:

- Retain the bush land setting and character of the wider ridgeline.
- Enable investment in enhanced conservation outcomes for the balance of the land zoned E2 Environmental Protection.
- Enable the potential for properly constructed walking trail access linking Southbar Road to the Jerrabomberra ridge (Mount Jerrabomberra)

As suggested by this submission, further more detailed analysis of the site including ecological survey's and bushfire risks would ordinarily occur either post Gateway or during the development process and require adherence the current requirements of Council's Development Control Plan 2012, in particular as it relates to

the environmental zones. Further, Council could seek to impose additional design guidance for any future subdivision and dwelling design outcomes for the subject site.

Council did raise issue with the potential for the development to diminish the visual prominence of Mount Jerrabomberra within the surrounding landscape. However it is noted that the E4 zoning and development footprint will be limited and restricted to below the 670 contour, that is within the lower slopes adjacent existing urban development. Further a bushland corridor will be retained within the site to adjoin existing Council owned land to the east, forming a corridor from Mount Jerrabomberra to Southbar Road as shown in Figure 3.

Further the sensitive siting and design of dwellings within the proposed E4 zone need not displace all existing established vegetation, rather the intent would be for much of the existing trees and canopy to remain.

An analysis of visual impact was also undertaken and is summarised below. This analysis demonstrates the that development will not have an adverse impact on views to and from Mount Jerrabomberra.

Visual analysis – Distant views:

Mount Jerrabomberra is a prominent landscape feature within Queanbeyan LGA which can be viewed from various locations across the eastern side of Canberra and include a tree lined series of hilltops in the foreground of the Great Dividing Range, with the established suburb of Jerrabomberra wrapping around the base of the reserve.

This visual prominence of Mount Jerrabomberra would not be adversely affected if at all. Rather the proposal seeks to confine development to minor part of the lower slope (south of Southbar Rd) immediately adjacent existing urban development.

From a distance, existing housing is generally visible within the lower slopes of Mount Jerrabomberra (refer Photo 1 below)

The following figures portray views from Red Hill lookout in Canberra, and from the Monaro Hwy. Various other locations were considered including Pialligo Avenue, and Lanyon Drive, however the site was not immediately visible from these locations.

As evidenced by the photo below the proposed siting of dwellings within the subject site (proposed E4 zoned area) would not be incompatible with the existing development nor be highly prominent when viewed from this vantage point being Red Hill Lookout.

Photo 1: View ('zoomed in') from Red Hill lookout

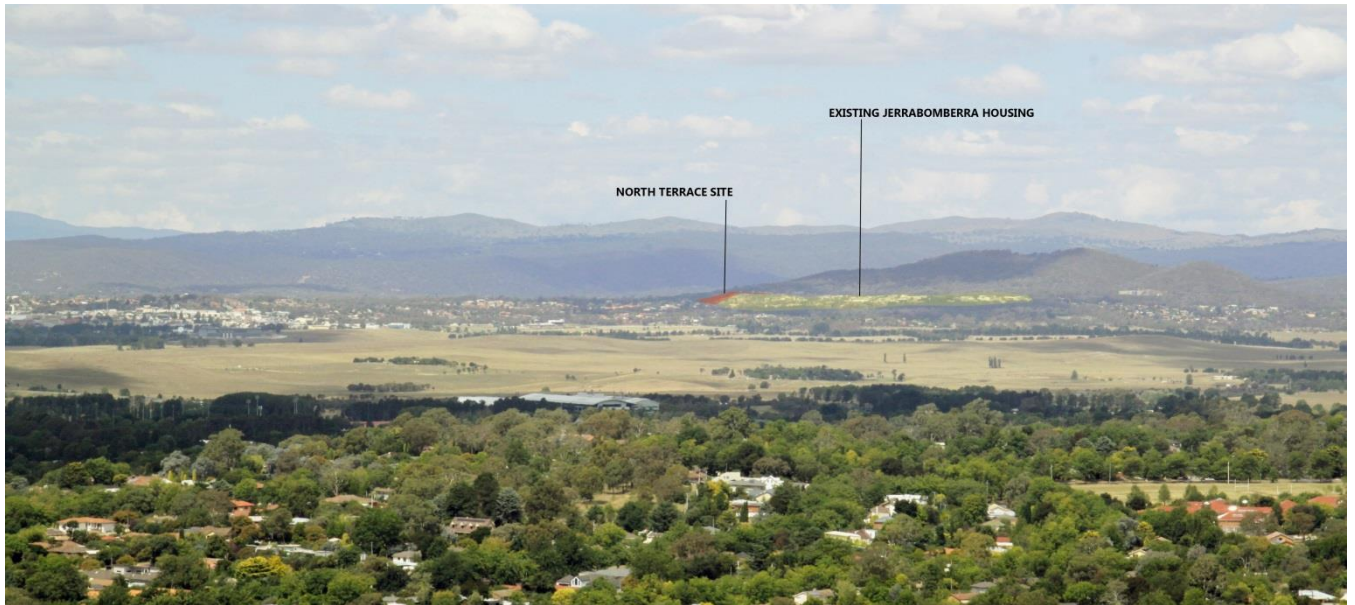
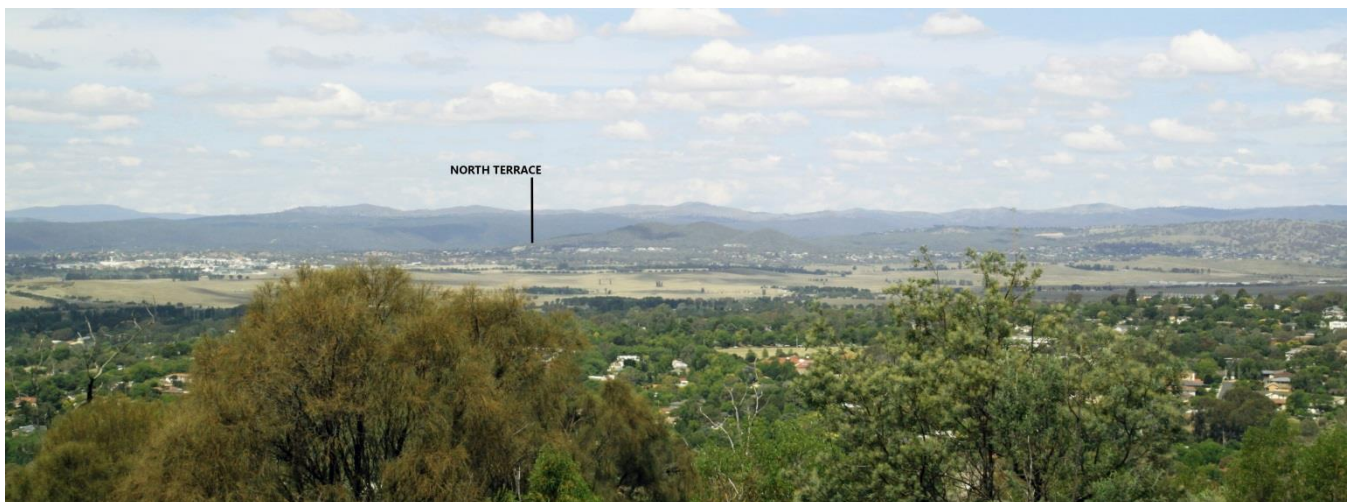


Figure 2: View (Actual view) from Red Hill lookout





Visual Assessment - figure locations

Southbar Road North Terrace, Jerrabomberra

ACT
P. +61 2 6230 7855
E. planning.act@au.knightfrank.com

NSW
P. +61 2 9028 1100
E. planning.nsw@au.knightfrank.com
© Knight Frank Town Planning ABN 95 159 090 294



Figure 3. View ('zoomed in') from Monaro Hwy



Photo 4. View (Actual view) from Monaro Hwy



Visual analysis – Local views:

The North Terrace reserve can be viewed from several locations across Queanbeyan. It is mostly visible in the immediate vicinity including neighbouring residential areas, Bicentennial Park and at the eastern end of Southbar Road.

Again as evidenced by these photos (refer Photos 5-7 below) the subject site adjoins existing housing development within Jerrabomberra, south of Southbar Road and is not considered to worsen or adversely impact upon the visual prominence and scenic qualities of Mount Jerrabomberra and associated ridgeline.

Photo 5 View from Bicentennial Park (located north of Southbar Road)

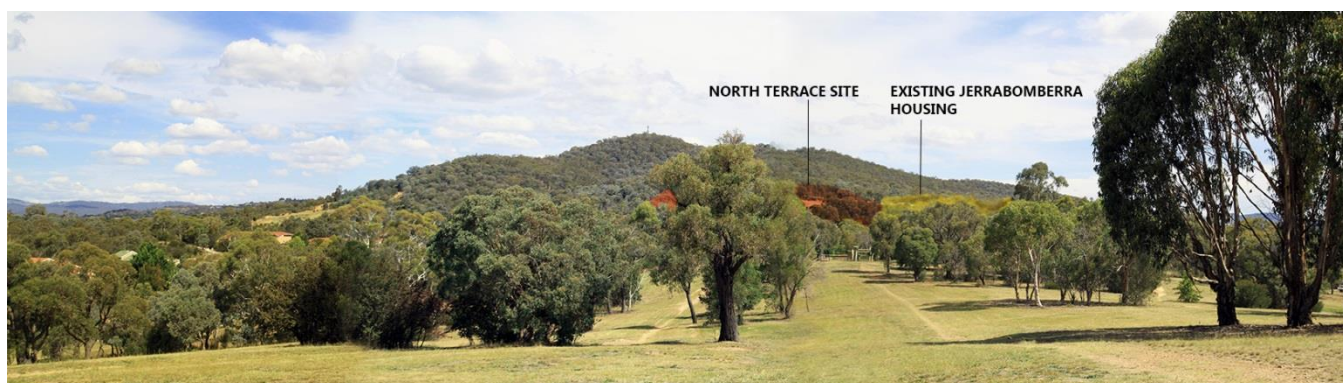


Photo 6: View from North Terrace residential area



Photo 7: View from adjacent dog park



Photo 8: View from Southbar Road looking west.



7.4.3 Has the planning proposal adequately addressed any social and economic effects?

Social Impacts

The Planning Proposal will have a positive social effect, particularly in terms of the following:

- Making a limited but important contribution to housing diversity.
- Its efficient utilisation of existing infrastructure and services, including local schools.
- The proposal supports sustainable transport by allowing an urban 'infill' development that is highly accessible to existing transport, employment, retail services, open space and schools.
- Importantly it will facilitate the pro-active management and long term conservation of the majority of the site and E2 zoned lands.
- it will also provide for a practical extended corridor that links the Jerrabomberra ridge to the bushland north of Southbar Road.

7.6 Section D – State and Commonwealth Interests

7.5.1 Is there adequate public infrastructure for the planning proposal?

It is noted the site and surrounding residential areas are currently serviced with regards sewer, water, power supply and telecommunications. Accordingly any site re-development would seek to access these existing utilities. This matter including any required amplifications would ordinarily be a matter for consideration and technical investigation at the DA stage.

7.5.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

We are not aware of any State and Commonwealth authority interests in the Site and no consultation has taken place with either at this stage. This will occur following and in accordance with the requirements of any Gateway determination issued for the site.

8 Community Consultation

The minimum requirements and process for consultation are established within the Environmental Planning & Assessment Act, 1979 and are discussed in Section 5.5.2 of the Guide to Prepare LEP's (Department of Planning, April, 2013).

It is noted that public exhibition of the planning proposal is generally undertaken in the following manner:

- notification in a newspaper that circulates in the area affected by the planning proposal,
- notification on the website of the Relevant Planning Authority (RPA), and
- notification in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.

During the exhibition period, the following material is to be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Gateway determination,
- the Gateway determination, and
- any information or technical information relied upon by the planning proposal.

Proposals that are considered to be of low-impact are to be exhibited for a minimum of 14 days, whilst all other proposals are to be exhibited for a minimum 28 days.

It is important to note that Council (or the RPA) can undertake additional consultation if this is deemed appropriate or necessary. This may include, but is not limited to broad consultation by letter, open days or public forum.

9 Conclusion

This pre-Gateway review request seeks the support of the relevant Joint Regional Planning Panel for a limited form of residential development on the land in a manner illustrated and described by the accompanying plans and submissions.

The original request made to Queanbeyan Council in late 2014 noted there were no known planning and environmental features of the land that justified the current zoning as E2 Environmental Conservation. The zoning of E2 should only be applied in the most exceptional of environmental/ecological or scenic circumstances. That is not the case in this instance and certainly not for all of the land.

The recommended alternative and appropriate zoning response is one that continues to make a positive contribution to the general bushland setting of the land and contributes to a diversity of housing choice. The recommended approach seeks support for a part rezoning of the site to E4 Environmental Living with the majority and balance of the land retained as E2 Environmental Conservation.

The proposed subdivision and development contemplated for the site will promote an alternative and innovative form of housing unlike conventional development and promote an enhanced conservation outcome.

The E4 zone will acknowledge and confirm that the land is well placed to provide for a limited extent of housing in a manner that conserves its bushland setting.

The accompanying preliminary ecological and bushfire assessments by Ecological Australia Pty Ltd have identified a range of possible management and mitigation measures that could be employed at the design and development stage in order to avoid, mitigate and manage potential impacts to any significant flora and fauna in addition to bushfire risks.

The Planning Proposal has also demonstrated a high level of compliance with the relevant strategic planning framework, including the relevant Section 117 Directions, State Environmental Planning Policies and is not considered inconsistent with Council's own Residential and Economic Development Strategy and Tomorrow Community Vision 2021.

The relevant regional strategy is the Sydney to Canberra Corridor Regional Strategy. The assessment of the Planning Proposal against the relevant outcomes of the Regional Strategy at sections 7.3.1 including the Threshold Sustainability Criteria confirm that the proposed rezoning is consistent with the Regional Strategy.

Accordingly, the Planning Proposal is considered to be both supportable and justified in terms of its strategic and site specific merit and is recommended to proceed to Gateway Determination.

Appendix A – Pre-Gateway Review Application Form

Appendix B – Copy of Preliminary Planning Enquiry dated 9th September, 2014 and
Supplementary Submission dated 28th October, 2014.

Appendix C – Formal Planning Proposal Application dated 3rd November, 2014

Appendix D – Correspondence from Council dated 22 September, 2014

Appendix E – Council correspondence dated 19th December, 2014 and Council Report

Appendix F – Proponents Letter to Council dated 19th February, 2015

Appendix G – Council report dated 8th April, 2015 and Resolution

Appendix H – Preliminary Ecological and Bushfire Assessment (September, 2015)
