

19 December 2014

Mark Grayson
Director
Knight Frank Town Planning
P O Box 248
Civic Square ACT 2608

Dear Mark

**RE: Preliminary Planning Enquiry – North Terrace (Council records – 3R
Kavanagh Road)**

I refer to the above rezoning enquiry lodged with Council on behalf of Glenn Morris and North Terrace Developments.

Council considered the rezoning enquiry at its meeting on 17 December 2014 and resolved that Council not support the proposed rezoning of land at North Terrace through a planning proposal and that the matter not be proceeded with any further.

Please do not hesitate to contact me should you require any further information.

Yours faithfully



Beate Jansen
Strategic Planner
Strategic Land Use & Economic Development
Ph: 62856105

Cc: Martin Brown, Department of Planning & Environment



GENERAL MANAGER'S REPORTS

5.4 Rezoning Enquiry - North Terrace (Ref: C14157192; Author: Carswell/Jansen)

Summary

Council has received a planning enquiry for the rezoning of land at North Terrace. The land is zoned E2 (Environmental Conservation) under the *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)* and the applicants are seeking a zoning of E4 (Environmental Living).

Recommendation

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.

Background

Council in 2008 considered a number of rezoning requests in the context of the Queanbeyan Comprehensive Local Environmental Plan (Comprehensive LEP). One of these rezoning requests was made for land at North Terrace. Submissions and presentations were made at the time as well as a Council inspection of the site and it was not supported at the time.

North Terrace Development Pty. Ltd. owns approximately 10.2 hectares of land at North Terrace. It has been zoned various types of conservation since 1991 and under the *Queanbeyan Local Environmental Plan 1998 (QLEP 1998)*, the land was zoned 7(b) Environmental Protection prohibiting the development of amongst other things, dwellings. The applicants were seeking to rezone part of the property, an area of approximately 4.6 hectares to a residential zone.

The owners are now seeking to rezone the land which is below the 670m AHD to an E4 zone to allow for some residential development. The site currently has a minimum lot area requirement of 80 hectares and adjoins areas with minimum lot area requirement of 3000m². The planning proposal enquiry was accompanied by a submission from Knight Frank Town Planning. In summary the submission states that the current zoning under the *QLEP 2012* of E2 (Environmental Conservation) is not justified as there are no known specific ecological or landscape values that would warrant the applying of a zone that expressly seeks to protect areas of high ecological value or that possesses special aesthetic value. The applicants consider that Zone E4 (Environmental Living) is more appropriate for the site.

The applicant's proposal is for the rezoning from E2 to E4 to permit a limited form of development which would allow for "cluster" single house dwellings and some "cluster" town house dwellings. The details of the proposal are set out in the correspondence accompanying the application and include:

1. Proposal to include 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 location 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.

**5.4 Rezoning Enquiry - North Terrace (Ref: C14157192; Author: Carswell/Jansen)
(Continued)**

The balance of the land will be set aside to be proactively managed in order to provide for enhanced conservation outcomes. The submission states that the land will provide for an extended corridor that links the Jerrabomberra ridge to the bushland north of Southbar Road and thus provide for an integrated site responsive solution.

The proposed rezoning enquiry should be assessed against the relevant assessment criteria developed by NSW Planning and Environment for the assessment of Planning Proposals being:

1. Is the proposal consistent with the objectives and actions of applicable regional or sub-regional strategies?
2. Is the proposal consistent with Council's local strategy or other local strategic plan?
3. Is the proposal consistent with applicable State Environmental Planning Policies (SEPPs) and/or Ministerial Directions (s.117 directions)?
4. 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 this proposal?
5. Are there any other likely environmental effects as a result of the proposal and how are they proposed to be managed?
6. Has the proposal adequately addressed any social and economic effects?
7. Is there adequate public infrastructure?

In terms of the above criteria it is considered that:

1. The proposal is not consistent with the *Sydney-Canberra Corridor Regional Strategy 2006-31* which encourages the retention of highly attractive scenic landscapes. Although the rezoning enquiry states that the rezoning will allow for limited development of the site in a site responsive manner, the proposal will result in a loss of a scenic high amenity area.
2. The rezoning enquiry is not consistent with the Queanbeyan Tomorrow Community Vision 2021. One of the aims of the Vision is to minimise the impact of urban development on natural areas and to ensure that these are sensitive to the natural topography (including scenic qualities) with the goal to strengthen areas where no or limited development is allowed. These objectives are reiterated in the Endorsed Queanbeyan Residential and Economic Strategy.
3. The proposed rezoning is not consistent with Section 117 Directions 2.1 Environmental Protection Zones in that the proposed rezoning would reduce the environmental protection standards that apply to the land. The proposed rezoning would result in land currently zoned Environmental Conservation being rezoned to Environmental Living thus lowering the environmental protection standards. Section 117 Direction 3.1 Residential Zones states that draft LEPs should make more efficient use of existing infrastructure and services and reduce the consumption of land for housing on the urban fringe. The site is located on the rural urban fringe and the topography of the site will make servicing the site difficult.
4. Council has considered a rezoning request for this site when the Comprehensive LEP was being drafted. The then NSW Department of Environment and Climate Change has in the past objected to any rezoning of the site due to flora and fauna issues of the site, however this would need to be further considered. Whilst the applicants submit that the site is of low ecological value, the site has high scenic value and is part of an important biodiversity corridor. With appropriate land management practices put in place the site can be improved and so maintain an important ecological part of Queanbeyan's bushland and the iconic Mount Jerrabomberra.

**5.4 Rezoning Enquiry - North Terrace (Ref: C14157192; Author: Carswell/Jansen)
(Continued)**

5. The site is of high scenic quality and amenity. The land was zoned E2 under the *Queanbeyan LEP 2012* which provides for the protection, management and restoration of areas of high ecological, scientific, cultural or aesthetic value. The proposed rezoning would not be consistent with the relevant Section 117 direction relating to Environmental Protection Zones in that the rezoning would reduce the environmental standard that currently applies to the land.
6. The proposed rezoning is not considered to have any adverse social and economic impacts and would provide additional housing and short term employment.
7. The site will be difficult to service due to the topography. Preliminary comment from Councils Development Engineering Section confirms previous advice stating that access from Southbar Road is not supported and the site whilst serviceable may prove difficult and costly to service. Natural flow paths would need to be maintained on the site or at least demonstrated that they can be diverted with no impact to existing flow paths and/or related ecological damage.

The proposed rezoning is not consistent with the relevant regional or local strategies and is inconsistent with the relevant Section 117 direction relating to Environmental Protection Zones in that it seeks to reduce the environmental protections standards that currently apply to the land.

The proposed rezoning is not consistent with the Queanbeyan Tomorrow Community Vision as well as the Endorsed Residential and Economic Strategy 2031 in that the proposed rezoning would result in the loss of scenic and environmental values of the local area.

The site is highly visible, is of environmental value and has a high amenity. Even though housing is only proposed below the 670 contour, it will still result in a high visual impact. The proposed rezoning is likely to set an undesirable precedent for other similar scenic and high amenity areas.

The site is located on the lower slopes of Mount Jerrabomberra and is part of a visual and physical link to Mount Jerrabomberra. It forms an important biodiversity corridor and is highly visible from the approaches to Queanbeyan and Canberra.

Consultation

Not required at this stage.

Compliance or Policy Implications

The rezoning enquiry was assessed against the relevant Section 117 directions of the *Environmental Planning and Assessment Act 1979* and the applicable State and regional policies (SEPPs and REPs) as well as the relevant assessment criteria developed by NSW Planning and Environment for the assessment of Planning Proposals.

Attachments

- | | |
|--------------|--|
| Attachment 1 | North Terrace Aerial and Zoning Map (<i>Under Separate Cover</i>) |
| Attachment 2 | Knight Frank Submission (<i>Under Separate Cover</i>) |
| Attachment 3 | North Terrace Photos (<i>Under Separate Cover</i>) |
| Attachment 4 | North Terrace Map Photo Vantage Points 1 (<i>Under Separate Cover</i>) |
| Attachment 5 | North Terrace Map Photo Vantage Points 2 (<i>Under Separate Cover</i>) |



Ordinary Meeting of Council

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**UNDER SEPARATE COVER
ATTACHMENTS**

Item 5.4 Rezoning Enquiry - North Terrace

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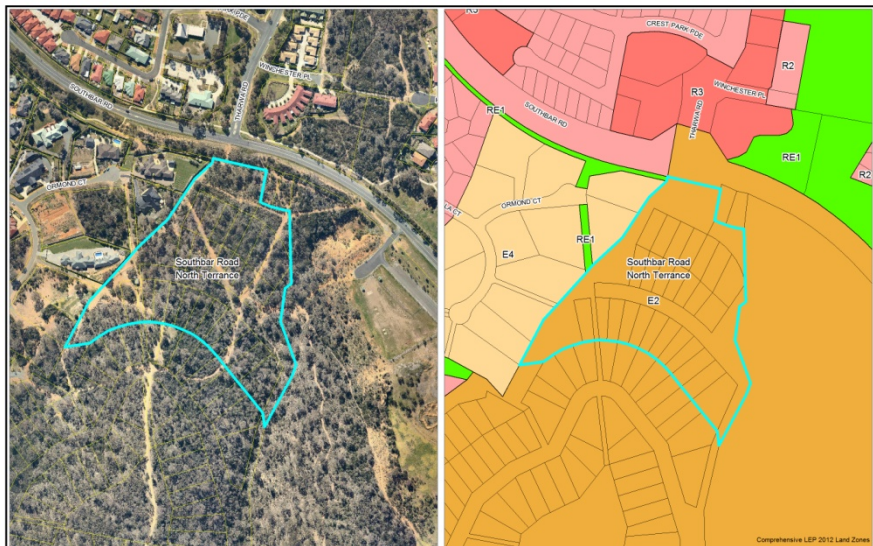
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ITEM 5.4 REZONING ENQUIRY - NORTH TERRACE

ATTACHMENT 1 NORTH TERRACE ARIAL AND ZONING MAP

Attachment 1 - North Terrace Aerial and Zoning Map (Continued)



Southbar Road North Terrance - Aerial & Zoning

Queanbeyan City Council



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ITEM 5.4 REZONING ENQUIRY - NORTH TERRACE

ATTACHMENT 2 KNIGHT FRANK SUBMISSION



9 September 2014

The General Manger
Queanbeyan City Council
PO Box 90
Queanbeyan NSW 2620

Attention: David Carswell

Dear David

Preliminary Planning Enquiry – North Terrace

Further to our prior discussion, please find attached our submission on behalf of Mr Glenn Morris in relation to lands at North Terrace. This submission as a preliminary planning enquiry, seeks to confirm the support of Council to a proposed limited form of development on the land in the manner as illustrated by the plans attached and based on the submission attached. We note and understand that this otherwise will also require the submitting of a Planning Proposal at some point.

In summary, a review of the known planning and environmental features of the land concludes that the current zoning of E2 is not justified. There are no known specific ecological or landscape values that warranted the applying of a 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. 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.

We look forward to the opportunity of discussing with Council.

Yours faithfully

Mark Grayson
Director
Knight Frank Town Planning

T +61 2 6230 7855
PO Box 248, Civic Square ACT 2608
Level 12, 221 London Circuit
Canberra ACT 2600
KnightFrank.com.au

T +61 2 9028 1100
PO Box 1952, North Sydney NSW 2059
Level 4, 60 Miller Street
North Sydney NSW 2060

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North Terrace Queanbeyan

1.0 Purpose of this preliminary planning enquiry

The purpose of this preliminary planning enquiry is to outline the proposed development and to set out why a Planning Proposal to rezone part of the land is supportable and justified.

2.0 Summary

A review has been undertaken by Knight Frank Town Planning of the potential for a limited extent of residential development on the land referred to as Lots 180 – 193 and Lots 235 – 246, DP 8708 at North Terrace, Jerrabomberra. A review of the known planning and environmental features of the land concludes that the current zoning of E2 is not justified. There are no known specific ecological or landscape values that warranted the applying of a 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.

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 response is E4 Environmental Living. 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 zoning of the land for environmental living has both strategic and site specific merit.

The proposed development type will promote an alternative and innovative form of housing unlike conventional development and promote an enhanced conservation outcome.

3.0 Setting of the land.

In terms of the wider Queanbeyan setting, the subject land 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 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.

To the immediate west of the land is the established urban area of Jerrabomberra. To the east is the ex-quarry currently used for dog training. To the north the land has frontage to Southbar Road and existing residential development. The proposed locating of housing in a limited manner on the land is entirely consistent with its immediate setting.

The land is located on the edge of a wider bushland setting otherwise referred to as the Jerrabomberra hills and ridges. 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



North Terrace Queanbeyan

or practical access/trails that links the bushland north of Southbar Road to the Jerrabomberra hills and ridges.

4.0 The land

The subject land has no known specific ecological values. It is crossed by a number of informal trails and is in a relatively poor condition like many fringe areas adjacent to housing. 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.

The northern part of the land 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. Immediately adjoining to the west of the land is the established North Terrace estate at Jerrabomberra.

5.0 The proposal

The proposal is for a limited form of residential development in a bushland setting most appropriately characterised as eco living – see concept plan at Figure 3. The proposal anticipates:

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



North Terrace Queanbeyan

6.0 Strategic and site specific merit

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

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.

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 the case in this instance.

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.



Figure 2 - Planning Principles
Southbar Road North Terrace, Jerrabomberra

DRAFT



Figure 1 - Site Context
Southbar Road North Terrace, Jerrabomberra



Figure 3 - Site Potential
Southbar Road North Terrace, Jerrabomberra

DRAFT

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ATTACHMENT 3 NORTH TERRACE PHOTOS

Attachment 3: North Terrace Photos

North Terrace photos taken from a number of vantage points as specified on the locality map following.



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6

5.4 Rezoning Enquiry - North Terrace
Attachment 3 - North Terrace Photos (Continued)



Photo 7



Photo 8

5.4 Rezoning Enquiry - North Terrace
Attachment 3 - North Terrace Photos (Continued)



Photo 10



Photo 11

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ATTACHMENT 4 NORTH TERRACE MAP PHOTO VANTAGE POINTS 1

5.4 Rezoning Enquiry - North Terrace

Attachment 4 - North Terrace Map Photo Vantage Points 1 (Continued)



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ITEM 5.4 REZONING ENQUIRY - NORTH TERRACE

ATTACHMENT 5 NORTH TERRACE MAP PHOTO VANTAGE POINTS 2

5.4 Rezoning Enquiry - North Terrace

Attachment 5 - North Terrace Map Photo Vantage Points 2 (Continued)

