



Ordinary Meeting of Council

19 December 2018

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEMS 12.1 TO 12.3

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL**

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

ITEM 12.1	MODIFIED DEVELOPMENT APPLICATION 4-2009/B - INDUSTRIAL STORAGE UNITS - 45 BAYLDON ROAD, QUEANBEYAN WEST
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ATTACHMENT 1	MATTERS FOR CONSIDERATION - SECTION 79C(1) TABLE - 45 BAYLDON DA-4-2009B
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ATTACHMENT - SECTION 4.15 TABLE – Matters For Consideration

This application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 and the following matters are of relevance to **Development Application No 4-2009/B**

State Environmental Planning Policies

The proposed development has been assessed in accordance with the requirements of the relevant State Environmental Planning Policies (SEPPs) including any draft SEPPs and a summary is provided in the following table:

SEPP COMMENTS	COMPLIES (Yes/No)
State Environmental Planning Policy No 55 - Remediation of Land	
Clause 7 requires Council to consider previous known land uses on the site and determine if the proposed land use is acceptable. The land is vacant and zoned for light industrial purposes. There are no known sources of contamination.	Yes
State Environmental Planning Policy <u>Advertising and Signage</u>	
No advertising devices are proposed by this application and any existing or future signage will be required to comply with this SEPP.	Not applicable
State Environmental Planning Policy (Infrastructure) 2007	
The development does not require any external referrals to agencies to comply with the provisions of the SEPP. The proposed development has been considered against clause 45(1)(b)(iii) and it is considered that the proposed development is not located within 5m of exposed overhead electricity powerlines.	Yes

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(Continued)

SEPP COMMENTS	COMPLIES (Yes/No)
The proposed development has been considered against 104(2)(a). While the development has direct vehicular access and pedestrian activity to a road, the site is not greater than 20,000m ² , therefore the proposed development does not require referral to the NSW Roads and Maritime Services.	

Local Environmental Plans

The proposed development has been assessed in accordance with the relevant requirements of the Queanbeyan Local Environmental Plan 1998 (as in force at the time of lodgement (27 July 2012)) and Queanbeyan Local Environmental Plan 2012 and no relevant draft LEPs apply to the land. A summary is provided as follows:

Queanbeyan Local Environmental Plans 1998 and 2012

The application was lodged when the *Queanbeyan Local Environmental Plans 1998* was in force however the *Queanbeyan Local Environmental Plan 2012* was in the public arena at the time of lodgement. Accordingly, this assessment will consider the relevant provisions in place at the time of lodgement and those which now apply. Consistency with that draft plan, as well as the LEP in force at the time of lodgement are considered in this assessment.

The relevant provisions of *Queanbeyan Local Environmental Plan 1998* include clauses 2, 5, 6, 8, 10, 12, 13, 34, 36, 76, 77, 79, 80 & 81.

Clause 2 – Aims and general objectives of plan

Provided appropriate recommended conditions of consent are complied with, the proposed development is considered generally satisfactory with respect to the aims and general objectives prescribed at QLEP clause 2.

Clause 5 – Dictionary

The proposal is for the modification to an existing approval for 8 industrial units for the purposes of storage. Zone 4(a) permitted the use of the site for industrial uses. The proposed modification does not change the use of the buildings.

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The site also contains an existing approval for a Depot including warehouse.

Clause 6 – Model Provisions

QLEP 1998 adopts Model Provisions clause 13, relating to off-street loading facilities.

Model Provisions clause 13 (1) provides that Council shall not consent to the proposed development unless provision is made within the site area for satisfactory loading and unloading facilities. Provided appropriate conditions are complied with, the proposed development is considered generally satisfactory with respect to Model Provisions clause 13.

The site contains a number of approved and unapproved buildings. Further, that assessment of the entire development of the site is beyond the scope of this application which can address only the issues relevant to the modification.

Clause 10 - Availability of services

Satisfactory arrangements are understood to be in place for the provision of water, sewerage, drainage and electricity services to the subject land and for the disposal of sewage and stormwater from it.

Clause 12 – Zones indicated on the map

The subject land is in Zone 4 (a) Industrial A.

Clause 13 – Zone objectives and general development controls

QLEP 1998 clause 13 (3) provides that Council must not consent to the proposed development unless of the opinion that it is consistent with the objectives of Zone 4 (a). These are discussed below with respect to QLEP clause 34.

Clause 34 – General Development Controls—Zone 4 (a) Industrial A

Provided appropriate recommended conditions of consent (if granted) are complied with, the proposed development is considered generally satisfactory with respect

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Attachment 1 - Matters for Consideration - Section 79C(1) Table - 45 Bayldon DA-4-2009B
(Continued)

to the objectives of Zone 4 (a), which are prescribed at QLEP clause 34 (1) (a)-(e) as follows:

- (a) *to encourage industrial development which will generate employment opportunities, and*
- (b) *to provide opportunities for non-industrial development that may reasonably be located in an industrial zone, and*
- (c) *to ensure that industrial and other permitted buildings which adjoin or are adjacent to residential buildings are designed and used so as to minimise any adverse impact on the use of the residential buildings, and*
- (d) *to ensure adequate access to all properties and that proper provision is made for landscaping, off-street loading and unloading and carparking, and*
- (e) *to encourage alterations, additions or redevelopment that improves the existing appearance of a site within the zone, particularly when it is located on or is visible from an arterial road or visible from any adjoining or adjacent residential properties.*

Warehouse or distribution centres are permitted in Zone 4 (a) with development consent under QLEP clause 34 (3), as are Industrial uses. The proposal is a modification to an existing industrial use.

Clause 36 – Industrial development—matters for consideration

QLEP 1998 clause 36 (a)-(f) prescribes matters with respect to which Council must be satisfied in order to grant consent to the proposed development.

Provided appropriate recommended conditions of consent (if granted) are complied with, the proposed development is considered generally satisfactory with respect to the matters prescribed at QLEP clause 36 (a)-(f).

Clause 52 – General restrictions on granting development consent for advertising structures and displays

There are no details of proposed signage included in this application.

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(Continued)

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

Having regard to QLEP clause 76 (1) (a) (i)-(iv), conditions of consent (if granted) are recommended for the purposes of:

- controlling emissions to air
- minimising noise impacts
- controlling the quantity and quality of stormwater disposed from the site
- controlling, liquid discharges to sewage.

Having regard to QLEP 1998 clause 76 (1) (b) (i) and (ii), provided appropriate recommended consent conditions are complied with, the proposed development is not considered likely to give rise to significant air, water or noise pollution, and stormwater and other liquid discharges will be properly discharged.

Clause 77 – Land which may be contaminated by virtue of previous development

As discussed above, the proposed development is considered generally satisfactory with respect to clause 7 of SEPP 55. It is therefore also considered satisfactory with respect to QLEP clause 77.

Clause 79 – Waste minimisation and disposal

A recommended condition of consent (if granted) requires appropriate storage and disposal of all wastes generated through any construction activities or the operation of the proposed development.

Provided appropriate recommended conditions of consent (if granted) are complied with, the proposed development is considered generally satisfactory with respect to the matters prescribed at clause 79 (1) (a)-(c).

Queanbeyan Local Environmental Plans 2012

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Part 1 Preliminary	

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 (Continued)

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Clause 1.2 Aims of Plan	
<p>The relevant aims of the Plan to the proposed development are as follows:</p> <ul style="list-style-type: none"> a) to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles; b) to provide for a diversity of housing throughout Queanbeyan; c) to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community; d) to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek; e) to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra; and f) to maintain the unique identity and country character of Queanbeyan. <p>The proposed development, being the modification to existing and approved storage units 1-8 (as referenced in the original approval DA4-2009) is able to meet the aims of the QLEP 2012.</p>	Yes
Clause 1.4 Definitions	
<p>The proposed development is defined as self storage which means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).</p>	Yes

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 (Continued)

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Clause 1.9A Suspension of Covenants, Agreements and Instruments	
No covenants, agreements and instruments restricting the development have been identified.	N/a
Part 2 Permitted or Prohibited Development	
Clause 2.1 Land Use Zones	
The subject site is zoned IN2. Self Storage units are permitted with the consent of Council.	Yes
Clause 2.3 Zone Objectives and Land Use Tables	
<p>The land on which the development is proposed is zoned IN2.</p> <p>Zone Objectives IN2 Light Industry;</p> <ul style="list-style-type: none"> • To provide a wide range of light industrial, warehouse and related land uses • To encourage employment opportunities and to support the viability of centres • To minimise any adverse effect of industry on other land uses • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area • To support and protect industrial land use for industrial uses <p>The proposed modified storage units are development which is likely to meet the objectives of the zone.</p>	Yes
Part 4 Principal Development Standards	
Clause 4.3 Height of buildings	
A maximum building height of 12m applies to this development as identified on the 'Height of Building Maps'. A maximum building height of 6.45m is proposed.	Yes

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(Continued)

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Clause 4.4 Floor space ratio	
This clause does not apply to the proposed development as the site is not identified on the FSR Map.	N/a
Part 5 Miscellaneous Provisions	
Clause 5.9 Preservation of trees or vegetation	
This clause requires that development consent is obtained for the removal of trees and/or vegetation as prescribed in the Queanbeyan Development Control Plan (QDCP) 2012. The site has been cleared.	Yes
Clause 5.10 Heritage conservation	
The subject site is not located within a Heritage Conservation Area or within the vicinity of any heritage listed items.	N/a
Clause 5.11 Bush fire hazard reduction	
This clause is not considered relevant as no bushfire hazard reduction is required or proposed.	N/a
Part 7 Additional Local Provisions	
Clause 7.1 Earthworks	
Minimal earthworks would be required for this developed site.	Yes
Clause 7.2 Flood Planning	
The site is not identified on the flood planning map and is not land that is at or below the flood planning level.	N/a
Clause 7.3 Terrestrial biodiversity	
The site is not mapped as being subject to the terrestrial biodiversity controls of the LEP.	N/a
Clause 7.4 Riparian land and watercourses	
This clause is not considered relevant to the proposed development as the site is not identified as "Watercourse" on the Riparian Land and Watercourses Map".	N/a

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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Clause 7.5 Scenic protection	
This clause is not considered relevant to the proposed development as the site is not identified as “Scenic Protection Area” on the Scenic Protection Map.	N/a
Clause 7.6 Airspace operations	
The proposed development will not penetrate the 660.00 AHD level on the Obstacle Limitations Surface Map for the Canberra Airport. Therefore the application was not required to be referred to the relevant Commonwealth body for comment.	N/a
Clause 7.7 Development in areas subject to aircraft noise	
This clause is not considered relevant to the proposed development as the site is not located near the Canberra Airport or within an ANEF contour of 20 or greater.	N/a
Clause 7.8 Active street frontages	
This clause is not considered relevant to the proposed development as the site is not identified as “Active street frontage” on the Active Street Frontages Map”.	N/a
Clause 7.9 Essential services	
<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access. 	Yes

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 (Continued)

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Council's Development Engineer has assessed the proposed development and confirmed that adequate services are available or can be made available to the proposed development. The site has an existing and suitable vehicle access, with a condition that the crossover and impact on an existing stormwater inlet. Parking and manoeuvring areas are proposed to be amended in red on the proposal plan to remove three (3) spaces to assist in providing adequate area for vehicle manoeuvring.	
Clause 7.10 Development near Cooma Road Quarry	
This clause is not considered relevant to the proposed development as the site is not identified as "Buffer Area" on the Quarry Buffer Area Map".	N/a
Clause 7.11 Development near HMAS Harman	
This clause is not considered relevant to the proposed development as the site is not located within 2 kilometres of HMAS Harman.	N/a

Development Control Plans under QLEP 1998

The proposed development has been considered having regard to the relevant provisions of the following Council DCPs that applied at the time of lodgement:

- DCP 1 – Car Parking Policy
- DCP 32 – Industrial Development
- DCP 41 – Soil, Water and Vegetation Management Plans
- DCP 42 – Landscape Policy
- DCP 50 – Advertised Development and Public Notification
- DCP 52 – Safe Design Guidelines for the City of Queanbeyan
- DCP 55 – Contaminated Land Management.

DCP 1 – Car Parking Policy

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This application seeks to modify the layout of an existing approved use. The impact of car parking as a result of the existing approved use has not deviated significantly from that approval. The modified design does include a minor projection into the turning aisles used for heavy vehicles and increases the use area. However, these do not significantly alter the ability of these units to generally comply with DCP1. It should be noted that the entire workability of the site in terms of manoeuvring, car parking requirements and all other provisions outlined in DCP1 has not been undertaken as it is outside the scope of this assessment.

The number of on-site vehicle parking spaces demanded by the proposed development is calculated under DCP 1 as follows:

Approved Depot

Warehouse component gross floor area (excluding stairwell, toilet and kitchenette/meals facilities, and internal vehicle loading/unloading and associated manoeuvring area):

$$\begin{aligned} & 1293\text{m}^2 @ 1.3 \text{ spaces per } 100\text{m}^2 \\ & = 1293/100 \times 1.3 \\ & = 16.8 \text{ spaces} \\ & = 17 \text{ spaces} \end{aligned}$$

Ancillary offices component (excluding stairwell and toilet facilities):

$$\begin{aligned} & 393\text{m}^2 @ 1 \text{ space per } 60\text{m}^2 \\ & = 393/60 \\ & = 6.55 \text{ spaces,} \\ & = 7 \text{ spaces} \end{aligned}$$

Approved Storage units

Eight approved Storage units at 960m²

$$\begin{aligned} & 960\text{m}^2 @ 1 \text{ space per } 300\text{m}^2 \\ & = 960/300 \times 1 \\ & = 3.2 \text{ spaces} \\ & = 4 \text{ spaces} \end{aligned}$$

Total number of off-street car parking spaces for the approved development = 28 spaces

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(any partial space calculation rounded up).

Proposed additional area subject to this modification

1293m² proposed storage – 960m² approved = 332m² additional proposed area

332m² @ 1 space per 300m²
= 332/300 x 1.1
= 1.2 spaces
= 2 spaces

Total additional spaces required by this application = 2 spaces (rounded up)

The proposed development needs to provide 30 car parking spaces on site. The approved plan subject to the previous development application DA4-2009 included a plan that showed 36 spaces could be provided on site. It will be a condition of any approval that those spaces are provided and continue to be available for the approved uses on site.

Unapproved uses

It appeared from the inspection by staff that there are two (2) unapproved dwellings operating at the site. Should car parking be made available for those uses, at two spaces per dwelling in accordance with DCP1 this would mean that 34 spaces would be required for car parking according to the approved plan.

Given the building subject to this modification has been built, and car parking can be provided in accordance with the approved plan to meet the requirements of the DCP, car parking as a result of a non-compliant use cannot be a ground for refusal of this application. However, this information will be provided to Council's Compliance Officer to investigate further.

DCP 32 – Industrial Development

Section 2.1 – Building setbacks

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(Continued)

The proposed development complies with the building setback requirements of DCP 32.

Section 2.2 – Vehicle parking, access and loading/unloading; Section 2.3 – Vehicle access; Section 2.4 – Service vehicle areas

As discussed above with respect to QLEP clause 6 and DCP 1, provided appropriate recommended conditions of consent (if granted) are complied with, the proposed development for the modified units only is considered to include generally satisfactory vehicle entry/exit, manoeuvring, parking and loading/unloading facilities.

Section 2.5 – Landscaping

As discussed below with respect to DCP 42, landscaping is shown on the plan submitted. Recommended conditions of consent (if granted) will require that the landscaping be provided and that it be maintained.

Provided appropriate recommended consent conditions are complied with, the proposed development is considered generally satisfactory with respect to the landscaping requirements of DCP 32.

Section 2.6 – Building design

The proposed development is considered generally satisfactory with respect to the building design provisions of DCP 32.

The development's external walls and trims would be of bag-rendered and painted brick block. The proposed external finishes and colours are considered satisfactory with respect to the relevant provisions of DCP 32, and a condition of consent (if granted) requires their use as proposed.

Section 2.7 – Siteworks

On balance, provided appropriate recommended conditions of consent (if granted) are complied with, the proposed development is considered generally satisfactory with respect to the provisions of DCP 32 relating to site works.

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Under DCP 32, the maximum permissible fill depth to accommodate any building or associated structure is 2.0m. However, DCP 32 also provides for Council to consider, in the case of particularly undulating sites, a cut of up to 4.0m in depth where the abutting wall of the building serves as a retaining wall.

Recommended conditions of consent (if granted) require:

- any retaining walls over 1.0m high to be designed by a suitably qualified structural engineer
- implementation of erosion and sediment control measures in accordance with the relevant provisions of Council's DCP 41 – Soil, Water and Vegetation Management Plans.

Section 2.8 – Material storage

No additional storage is proposed by this application.

Section 2.9 – Fencing

No additional or amended fencing is proposed.

Section 2.10 – Advertising

Further to discussion above with respect to SEPP 64 and QLEP clause 52, as assessment against the relevant provisions of DCP 32 have not been conducted.

Section 2.11 – Pollution control

Proposed waste storage and disposal arrangements are considered generally satisfactory with respect to the relevant provisions of DCP 32.

Section 2.12 – Drainage

The proposed development is considered generally satisfactory with respect to the drainage provisions of DCP 32.

Section 2.13 – Soil, water and vegetation management

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A recommended condition of consent (if granted) requires implementation of erosion and sediment controls in accordance with the relevant provisions of Council's DCP 41 – Soil, Water and Vegetation Management Plans.

Section 2.14 – Environmental management plan

It is considered unnecessary to consider an environmental management plan relating to the proposed development in this instance.

Section 2.15 – Safe design guidelines

The modified design does not significantly alter the way in which the site will be used and no additional conditions or requirements are considered necessary.

DCP 41 – Soil, Water and Vegetation Management Plans

A recommended condition of consent (if granted) requires implementation of erosion and sediment control measures in accordance with DCP 41.

DCP 42 – Landscape Policy

The proposal includes a landscaped area to the front of the site consistent with the original approval of the units. Landscaping is sought to be provided in accordance with that plan and before a Construction Certificate will be issued.

DCP 50 – Advertised Development and Public Notification

The subject development application was notified to surrounding land owners/occupants in accordance with DCP 50, with no submissions being received. The submission is addressed below, under the heading, “public submissions”.

DCP 52 – Safe Design Guidelines for the City of Queanbeyan

Conditions of consent (if granted) are recommended to reduce/minimise the potential for the proposed development to facilitate criminal or anti-social activity.

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Provided appropriate recommended consent conditions are complied with, the proposed development is considered generally satisfactory with respect to the relevant provisions of DCP 52.

DCP 55 – Contaminated Land Management

Noting the proposed development is considered generally satisfactory with respect to clause 7 of SEPP 55 and clause 77 of QLEP (see discussion of each above), it is also considered generally satisfactory having regard to the relevant provisions of DCP 55.

Queanbeyan Development Control Plan (DCP) 2012

The Queanbeyan Development Control Plan (DCP) 2012 is currently in force and a summary of the relevant provisions is provided in the following table for reference.

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
Part 1 About This Development Control Plan	
<p>1.8 Public Notification of A Development Application The DCP applies to the public notification of advertised development. In accordance with the DCP, this proposal was notified with no submissions being received.</p>	N/a
Part 2 All Zones	
<p>2.2 Car Parking The objectives of this clause is to make provision for on-site car parking which will cater for the increased demand brought about by the development of the site. The car parking areas should be constructed in accordance with good engineering practice and provide safe, functional and attractive parking spaces. <u>Approved Depot</u></p>	Yes

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QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>Warehouse component gross floor area (excluding stairwell, toilet and kitchenette/meals facilities, and internal vehicle loading/unloading and associated manoeuvring area):</p> $1293\text{m}^2 @ 1.3 \text{ spaces per } 100\text{m}^2$ $= 1293/100 \times 1.3$ $= 16.8 \text{ spaces}$ <p>Ancillary offices component (excluding stairwell and toilet facilities):</p> $393\text{m}^2 @ 1 \text{ space per } 60\text{m}^2$ $= 393/60$ $= 6.55 \text{ spaces, plus}$ <p><u>Approved Storage units</u></p> <p>Eight approved Storage units at 960m²</p> $960\text{m}^2 @ 1 \text{ space per } 300\text{m}^2$ $= 960/300 \times 1$ $= 3.2 \text{ spaces}$ <p>Total number of off-street car parking spaces for the approved development = 31 spaces (any partial space calculation rounded up).</p> <p><u>Proposed additional area subject to this modification</u></p> <p>12923m² proposed storage – 960m² approved = 332.44m² additional proposed area</p> $332.44\text{m}^2 @ 1 \text{ space per } 300\text{m}^2$ $= 332.44/300 \times 1.11$ <p>Total additional spaces required by this application = 2 spaces (rounded up)</p>	

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 (Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>The proposed development needs to provide 33 car parking spaces on site. The approved plan subject to the previous development application DA4-2009 included a plan that showed 36 spaces could be provided on site. It will be a condition of any approval that those spaces are provided and continue to be available for the approved uses on site. The proposed development complies with the requirements for car parking for this use however an assessment of all uses and their car parking requirements are beyond the scope of this assessment.</p> <p>▪ 2.2.7 Design of service vehicle areas Service vehicles can enter and exit the site in a forward manner, turn on site and leave in a forward motion in accordance with the approved plan which remains generally acceptable.</p> <p>▪ 2.2.9.1 Design of Access Driveways The proposed development satisfies this criterion. The driveway is clear of obstructions, allows vehicles to enter and exit in a forward manner and avoids adverse impacts on users and pedestrians.</p> <p>This modification does not significantly alter the approved design for loading and unloading facilities. Council's Development Engineer has assessed the car parking and manoeuvring facilities on site and they remain satisfactory in relation to the proposed use. The entire ability of the site to operate in accordance with the DCP guidelines has not been assessed as part of this application and it is noted that unapproved building works and other uses occur on site which will be referred to Council's Compliance Officer.</p>	
<p>2.3 Environmental Management Council's Engineer has assessed the proposal and it is able to be supported with conditions. It is not anticipated that any</p>	Yes

12.1 Modified Development Application 4-2009/B - Industrial Storage Units - 45 Bayldon Road, Queanbeyan West
Attachment 1 - Matters for Consideration - Section 79C(1) Table - 45 Bayldon DA-4-2009B
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>environmental issues will arise from the development as proposed.</p> <p>An erosion and sediment control plan has not been submitted.</p>	
<p>2.4 Contaminated Land Management The proposal is considered generally satisfactory with respect to State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) and therefore also with respect to DCP clause 2.4. The land is not known to have been used for potentially contaminating activities.</p>	Yes
<p>2.6 Landscaping The proposed modification has not been supported by a landscape plan.</p>	N/a
<p>2.7 Soil, Water and Vegetation Management Plan (SWVM Plans) Standard conditions relating to site management will be imposed should development consent be granted.</p>	Yes with conditions.
<p>2.8 Guidelines for Bushfire Prone Areas The site is not identified as bushfire prone land.</p>	N/a
<p>2.9 Safe Design The proposed development generally satisfies the relevant provisions of this clause. All individual self storage units will have clearly defined entries. There is no fencing proposed which could conceal the site and lighting to public areas is proposed.</p>	Yes.
<p>2.11 Height of Buildings The proposed development complies with the maximum height prescribed for the site in Clause 4.3 of the QLEP 2012 – see previous discussion in this assessment.</p>	Yes
<p>2.13 Preservation of Trees and Vegetation</p>	Yes

12.1 Modified Development Application 4-2009/B - Industrial Storage Units - 45 Bayldon Road, Queanbeyan West
Attachment 1 - Matters for Consideration - Section 79C(1) Table - 45 Bayldon DA-4-2009B
(Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.</p> <p>No trees are proposed to be removed.</p>	
Part 7 Industrial Development	
7.2 General Control for Industrial Zones	
<p>7.2.1 Setbacks</p> <ul style="list-style-type: none"> ▪ Building setbacks must be in accordance with Table 1 – <p>Street - 7.5m with landscaping 7.5m – The proposal does not alter the existing approved setback of the building.</p> <p>Side & Rear – zero setback allowed - The proposal does not alter the existing approved setback of the building.</p>	Yes
<p>7.2.1 Car Parking and Vehicle Access Addressed in Part 2, 2.2 Car Parking</p>	Complies
<p>7.2.3 Building Design</p> <p>The external building façade is proposed of concrete block walls and colourbond (metal) roofing. There are no modern features or articulation proposed.</p>	Yes
<p>7.2.4 Site Works</p> <p>No retaining walls are proposed.</p>	N/a
<p>7.2.5 Materials Storage</p> <p>No additional waste storage facilities are proposed.</p>	N/a
<p>7.2.6 Fencing</p> <ul style="list-style-type: none"> ▪ All fencing is to begin behind the landscaped area along the street frontage. Fencing will not generally be permitted along the front boundary of allotments 	Yes

12.1 Modified Development Application 4-2009/B - Industrial Storage Units - 45 Bayldon Road, Queanbeyan West
 Attachment 1 - Matters for Consideration - Section 79C(1) Table - 45 Bayldon DA-4-2009B
 (Continued)

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<ul style="list-style-type: none"> ▪ The preferred type of fencing is a galvanized or PVC coated wire mesh, not less than 1.8m above ground level and anchored into concrete footing. <p>No new fencing is proposed.</p>	
<p>7.2.7 Pollution Control Conditions could be imposed to ensure compliance during construction and operation.</p>	Yes

Additional Planning Considerations

The following additional planning matters apply to the development:

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
Environmental Planning and Assessment Act Regulation 2000	
<p>The provisions of any matters prescribed by the Regulations, which apply to the land to which the development application relates, must be considered.</p> <p>Clause 92 - Australian Standard AS 2601-1991 (Demolition of Structures) – Clause 93 - Fire Safety Considerations (change of use of an existing building). Clause 94 - Fire Safety Considerations (rebuilding/altering/enlarging/extending existing building). Clause 94A Fire Safety Considerations (temporary structures).</p> <p>These issues have been considered by Council and are able to be achieved.</p>	Yes with conditions.

12.1 Modified Development Application 4-2009/B - Industrial Storage Units - 45 Bayldon Road, Queanbeyan West
Attachment 1 - Matters for Consideration - Section 79C(1) Table - 45 Bayldon DA-4-2009B
(Continued)

The Likely Impacts of the Development	
Context and Setting - The locality is zoned for industrial development and is characterised by a range of existing industrial uses. The proposed development is considered to be compatible with the context and setting of the locality.	Yes
Access, Transport and Traffic - The modification to the approved Industrial self storage units is development whose impact in relation to access, transport and traffic is considered acceptable, provided appropriate recommended consent conditions are complied with.	Yes
Public Domain - The proposed development will not adversely impact on public recreational opportunities, or pedestrian links and access to public space.	Yes
Utilities - The site is serviced with water, sewer, electricity and telecommunication services.	Yes
Heritage – The site is not within a heritage conservation area, nor does it contain or is near a heritage item.	Yes
Noise and Vibration - The proposed development is not likely to cause any adverse ongoing impact from noise or vibration.	Yes
Natural Hazards – No natural hazards are known to affect the site.	Yes
Technological Hazards - No technological hazards are known to affect the site.	Yes
Safety, Security and Crime Prevention - The proposed development complies with the relevant section of the QDCP 2012 on crime prevention through environmental design.	Yes
Social Impact in the Locality - The social impacts of the proposal are anticipated to be minimal.	Yes
Economic Impact in the Locality - The economic impacts of the proposal are anticipated to be minimal.	Yes
Site Design and Internal Design - The entire site design has not been considered and is beyond the scope of this application.	N/a

12.1 Modified Development Application 4-2009/B - Industrial Storage Units - 45 Bayldon Road, Queanbeyan West
Attachment 1 - Matters for Consideration - Section 79C(1) Table - 45 Bayldon DA-4-2009B
(Continued)

<p>There are seven (7) unapproved and constructed storage units and other unapproved uses on site that may impact on the ability of the site to achieve an acceptable internal design whilst meeting all necessary planning controls. These issues will be explored further by Council's Compliance Officer.</p>	
<p>Construction - The unit subject to this application have already been built.</p>	<p>N/a</p>
<p>Cumulative Impacts - Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment.</p> <p>The site has approval for a depot including warehouse and office, and 8 industrial self storage units including amenities. These were approved with conditions which are ongoing, including for the provision of landscaping and that car parking and landscaping be maintained for those purposes. The site has also been developed to include an additional seven (7) unapproved storage units and other uses which appear to include 2 dwellings.</p> <p>The approved units, whose modified design is sought through this application, have been constructed and a final as constructed plan is sought as a condition. The modification is minor and able to be approved.</p> <p>The overall cumulative impact of the combination of all uses on site will be further considered and is outside the scope of this modification assessment.</p>	<p>No</p>
<p>The Suitability of the Site for the Development</p>	
<p>Does the proposal fit in the locality? - The modified development does not deviate significantly from what was approved and is still acceptable in terms of that component.</p>	<p>Yes</p>

12.1 Modified Development Application 4-2009/B - Industrial Storage Units - 45 Bayldon Road, Queanbeyan West
 Attachment 1 - Matters for Consideration - Section 79C(1) Table - 45 Bayldon DA-4-2009B
 (Continued)

Are the site attributes conducive to the development? – The site is able to provide adequate on site car parking and vehicle movement for the approved uses.	
Have any submissions been made in accordance with the Act or the Regulations?	
Public Submissions – No submissions were received during the notification stage.	N/a
Submissions from Public Authorities – Nil	n/a
The Public Interest	
The public interest is able to be served by this modification however on going issues of non-compliance remain.	Yes
Government and Community Interests	
It is considered that government and community interests will not be adversely affected by the proposed development however issues of non-compliance will be pursued by Council.	Yes
Section 94 Development Contributions	
This proposal is for a modification and no additional development contribution charges are anticipated under Section 94 of the Environmental Planning and Assessment Act 1979 should approval be granted.	Yes

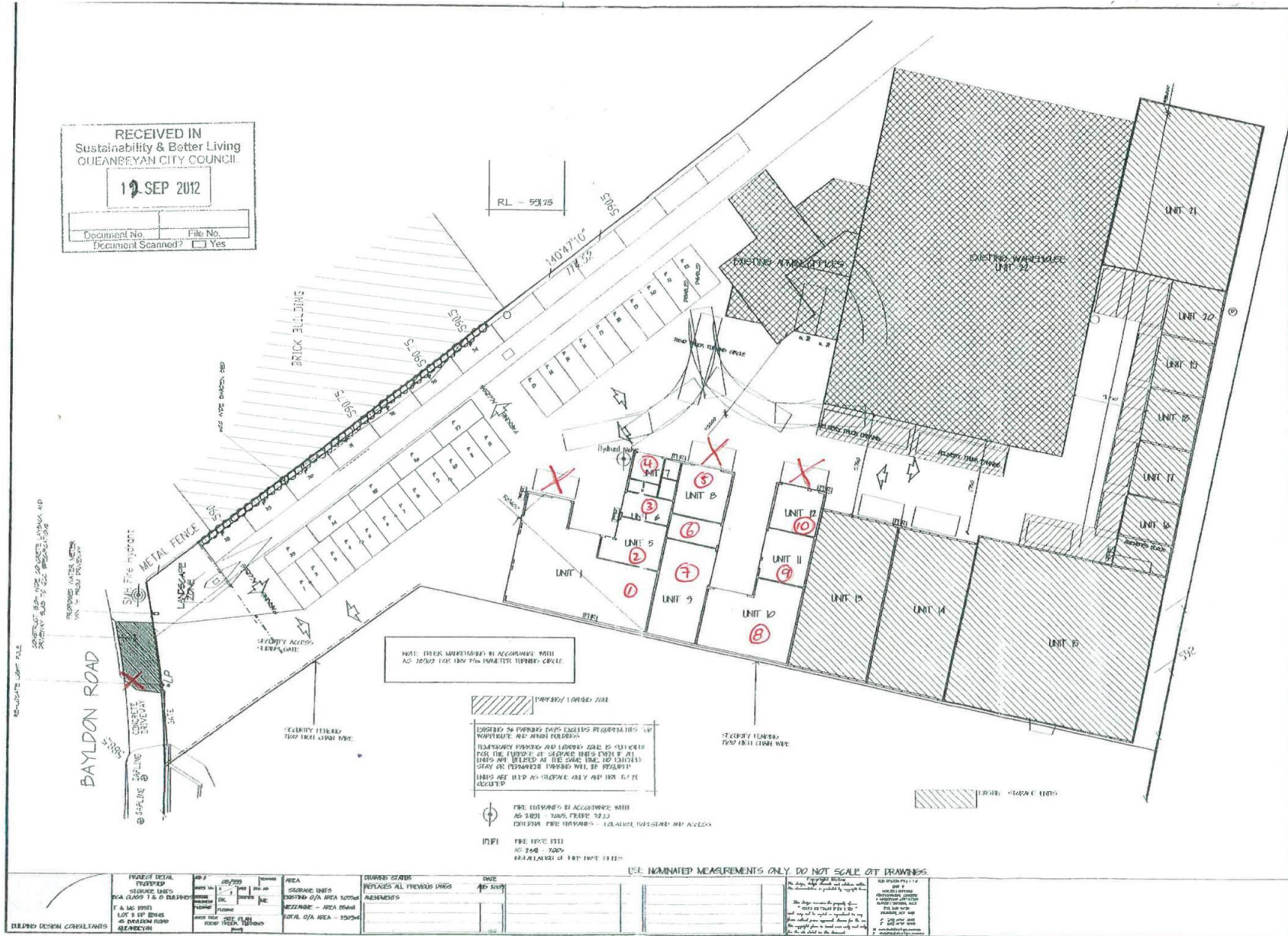
QUEANBEYAN-PALERANG REGIONAL COUNCIL

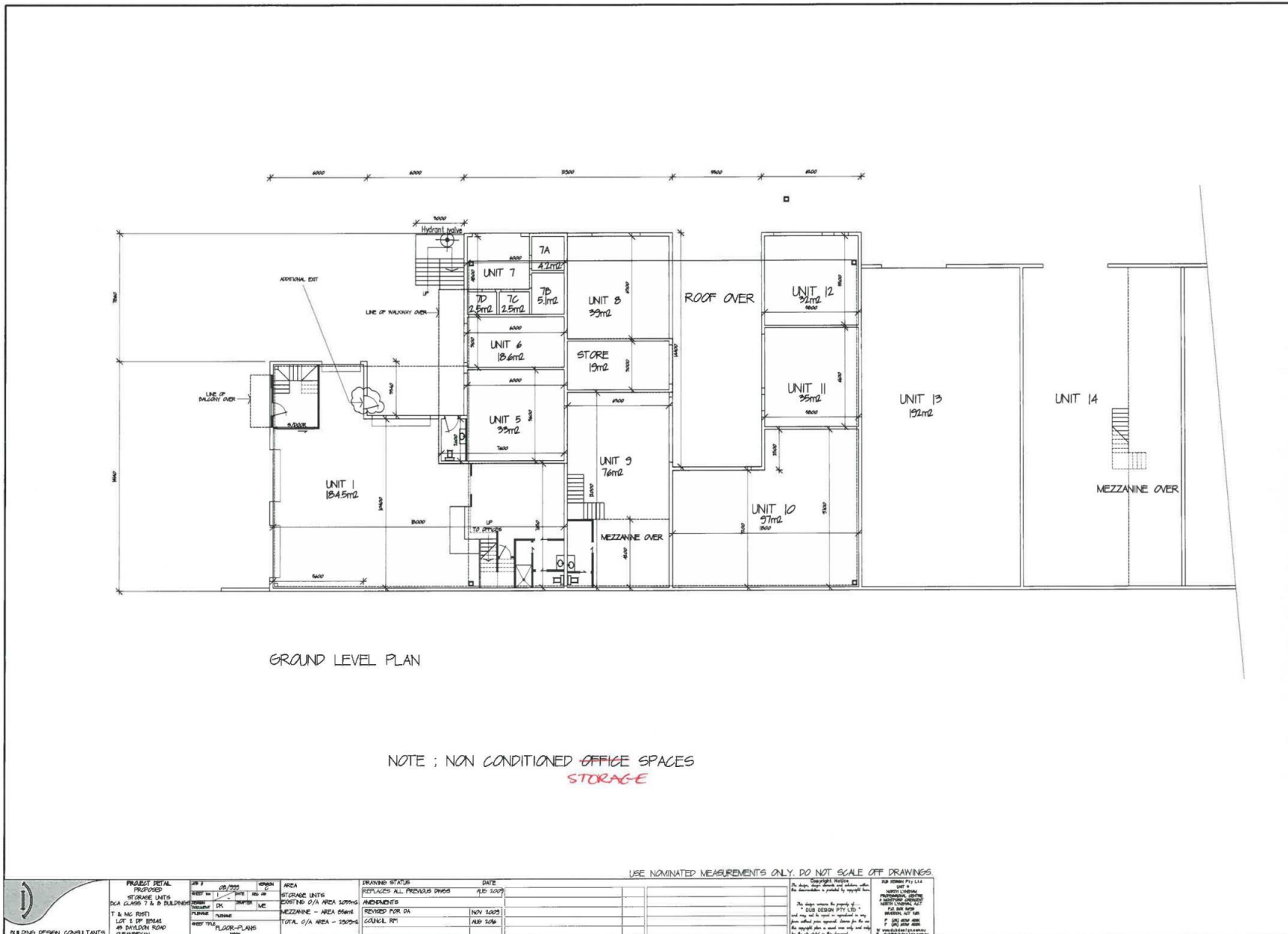
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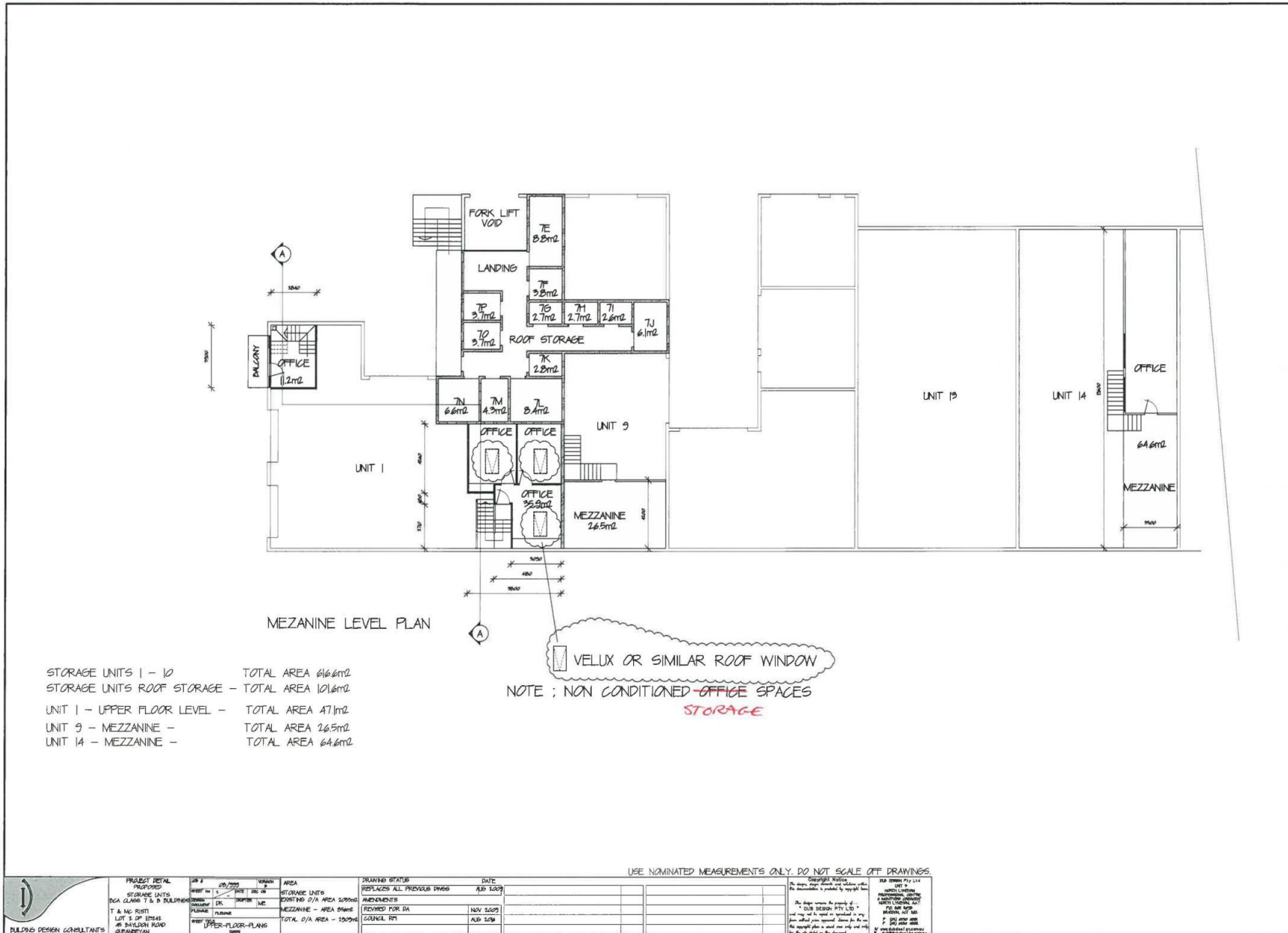
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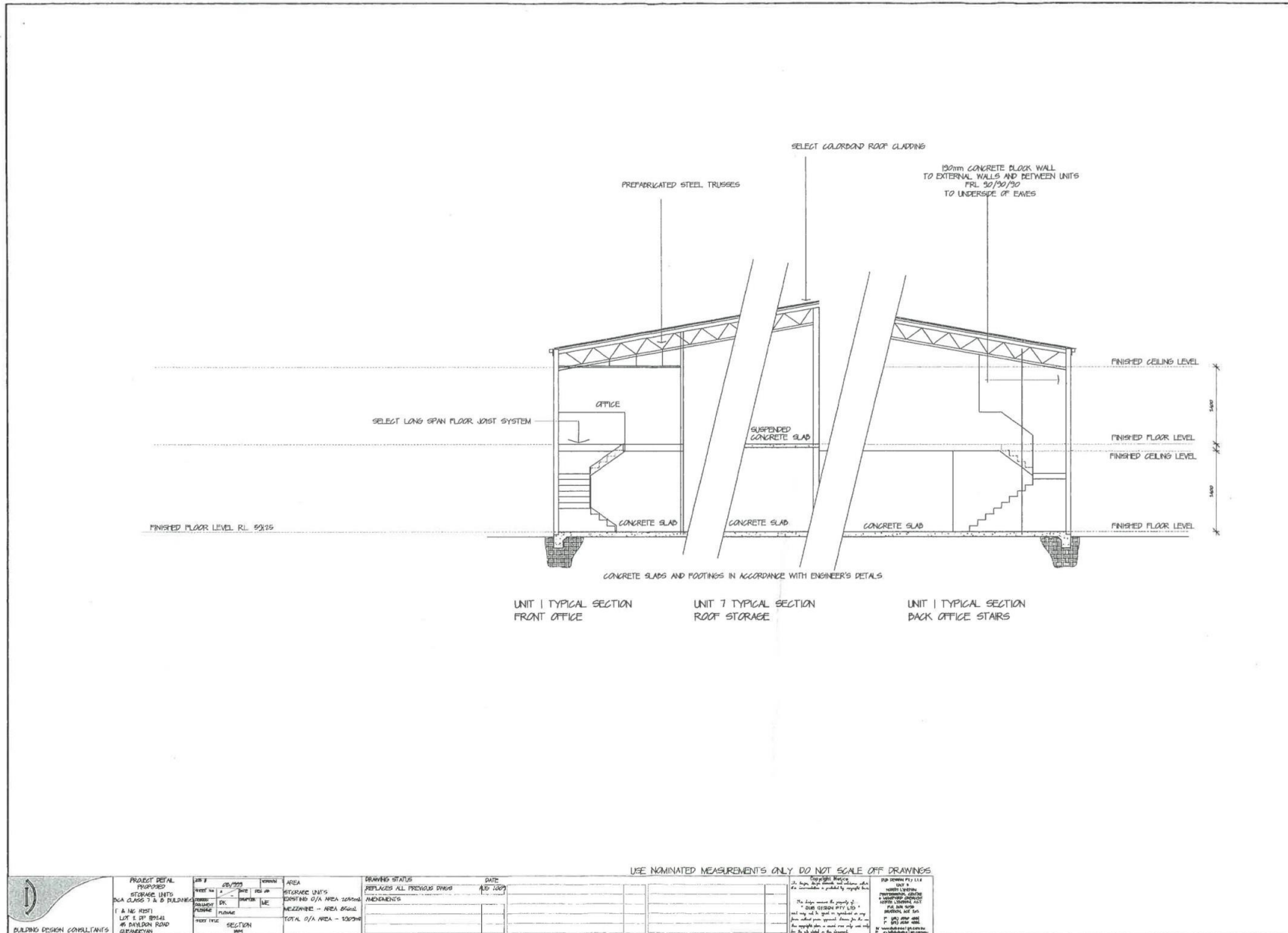
ITEM 12.1 MODIFIED DEVELOPMENT APPLICATION 4-2009/B -
INDUSTRIAL STORAGE UNITS - 45 BAYLDON ROAD,
QUEANBEYAN WEST

ATTACHMENT 2 PLANS - DA 4-2009B - 45 BAYLDON ROAD



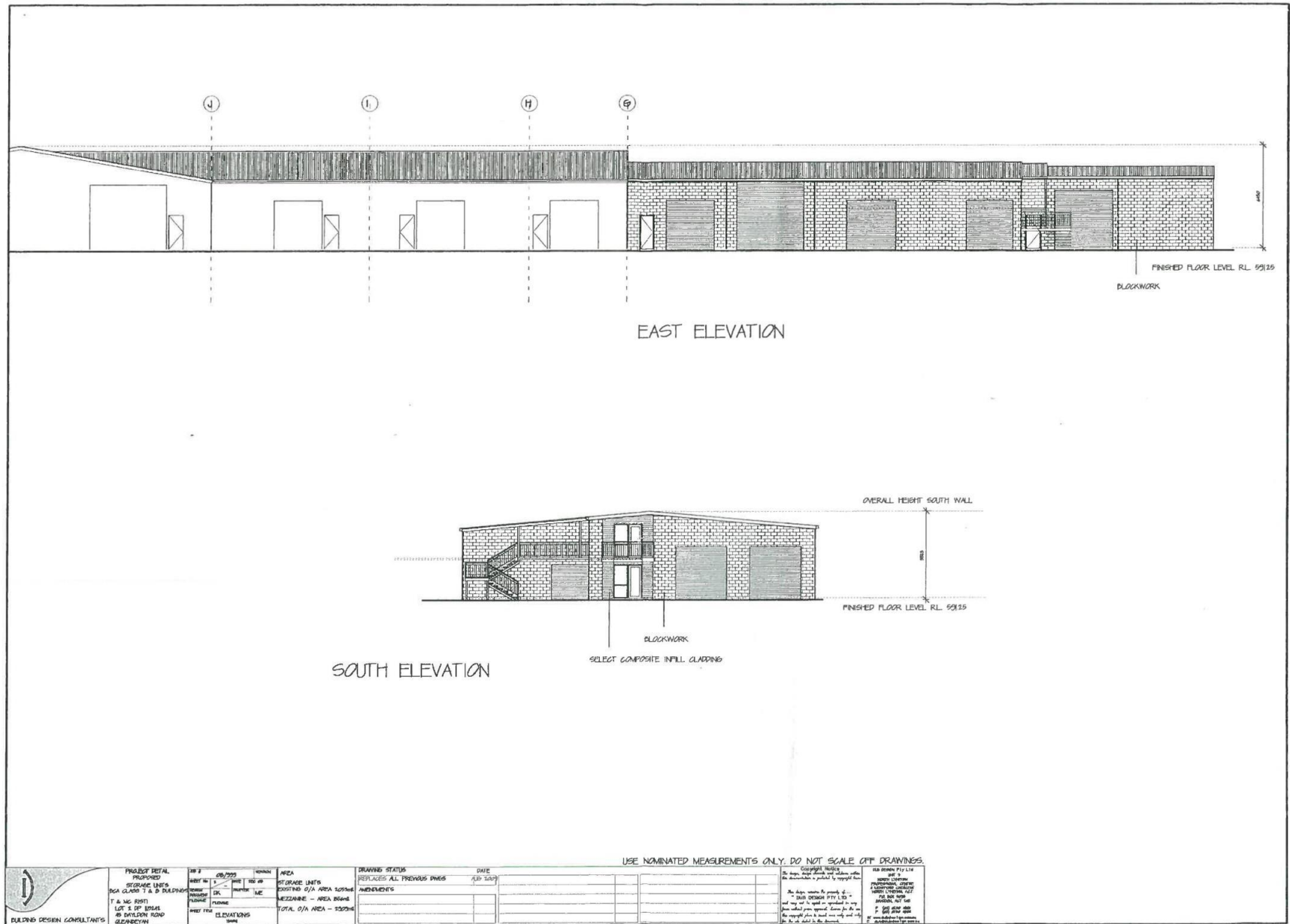






USE NOMINATED MEASUREMENTS ONLY DO NOT SCALE OFF DRAWINGS

	PROJECT REF: DA 4-2009/B PROPOSED: STORAGE UNITS SCA CLASS: 7 & 8 BUILDINGS 1 & 1/2 NO. UNIT LOT 5 OF 8004 45 BAYLDON ROAD QUEANBEYAN	JOB # DATE DRAWN BY CHECKED BY REVISIONS DATE BY REASON	AREA STORAGE UNITS EXTERNAL G/A AREA 2000sqm INTERNAL - AREA 6000sqm TOTAL G/A AREA - 8000sqm	DRAWING STATUS REPLACES ALL PREVIOUS DRAWINGS AMENDMENTS	DATE 15/12/2018	1. This drawing is the property of the architect and shall remain his/her property. It shall not be used for any other purpose without the written consent of the architect. 2. The architect is not responsible for the accuracy of the information provided by the client. 3. The architect is not responsible for the accuracy of the information provided by the client. 4. The architect is not responsible for the accuracy of the information provided by the client.	JOB NUMBER: P12-112 DATE: 15/12/2018 DRAWN BY: [Name] CHECKED BY: [Name] REVISIONS: [Table] SCALE: 1:50 PROJECT NO: DA 4-2009/B SHEET NO: 1/1
	BUILDING DESIGN COMPLIANTS	BUILDING DESIGN COMPLIANTS	BUILDING DESIGN COMPLIANTS	BUILDING DESIGN COMPLIANTS	BUILDING DESIGN COMPLIANTS	BUILDING DESIGN COMPLIANTS	BUILDING DESIGN COMPLIANTS



QUEANBEYAN-PALERANG REGIONAL COUNCIL

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ITEM 12.1 MODIFIED DEVELOPMENT APPLICATION 4-2009/B -
 INDUSTRIAL STORAGE UNITS - 45 BAYLDON ROAD,
 QUEANBEYAN WEST

ATTACHMENT 3 DRAFT CONDITIONS - MODIFICATION DA-4-2009B

DRAFT CONDITIONS

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

1. Details of the position on the site for the storage of waste and recycling containers must be submitted to Principal Certifying Authority prior to issue of any Construction Certificate.

The storage area must:-

- a) be screened from public view and provided with a concrete floor which is graded and drained to a sump connected to sewer;
- b) be so located as to ensure ease of access by service vehicles.

REASON: To ensure the construction and location is satisfactory. (46.06)

PRIOR TO COMMENCEMENT

2. Building work in accordance with the development consent must not be commenced on site until a Construction Certificate (building) has been issued by Council or an Accredited Certifier.

REASON: To satisfy the relevant statutory requirements. (47.02)

3. A Notice to Commence Building Works must be submitted to Council two (2) days prior to commencing work and must include details of the nominated Principal Certifying Authority.

REASON: To ensure the provisions of the *Environmental Planning and Assessment Act 1979* are satisfied. (47.03)

4. A sign must be erected in a prominent position on the work site prior to the commencement of works:
 - a) stating that unauthorised entry to the work site is prohibited,
 - b) showing the name of the person in charge of the work site, and
 - c) advising telephone numbers at which that person may be contacted during work hours and outside work hours
 - d) showing the name of the principal certifying authority and contact details.

The sign is to be removed when the work has been completed.

REASON: To provide notification of the work site and site supervisor to the general public in emergency situations. (47.10)

- 5.

Prior to commencement of work on site a temporary catch drain or hay barrier line must be provided on the lower side of the development site during construction. The catch drain or hay barrier is to be maintained at all times during construction.

REASON: To ensure there is minimal disturbance to the landscape and comply with the provisions of the *Protection of the Environment Operations Act, 1997*. (47.14)

GENERAL CONDITIONS

- 6. The development must be carried out generally in accordance with the application and supporting documents lodged with Council and the Development Plan bearing the Queanbeyan City Council approval stamp, drawn by:**
- 1. Dub Design dated December 2008, August 2009 and Nov 2009; and**
 - 2. Pierre Dragh Consulting Engineers dated September 2009; and**
 - 3. RD Gossip Pty Ltd Consulting Engineers dated 13 May 2010; and**
- any amendments shown as notations in red or by conditions of consent.**

REASON: To ensure the development is completed in accordance with the approved plans. (22.01)

SITE MANAGEMENT

- 7. An enclosure or covered skip bin must be placed wholly within the boundaries of the site into which unused and waste materials must be placed.**

REASON: To prevent contamination of the surrounding areas by wind born debris. (26.01)

- 8. Any works associated with the construction and/or establishment of this development must ONLY be carried out between the following hours:**

Weekdays:	7.00am to 6.00pm
Weekends/Public Holidays	8.00am to 4.00pm

*Note: To undertake works involving the use of equipment which creates an offensive noise is a breach of the provisions of the *Protection of the Environment Operations Act 1997* and Regulations thereunder.*

REASON: To ensure a noise problem does not result from the development and the impact on the local amenity is minimised. (26.07)

9.

The footway or nature strip must not be used for storage of materials or disturbed by construction activities except for:

- (a) providing a temporary footway crossing;**
- (b) access to the site via a stabilised construction access only;**
- (c) installation of services;**
- (d) essential formation and regrading of the site associated with works; and**
- (e) the storage or disposal of any materials is prohibited.**

REASON: To prevent unnecessary disturbance to the footway and minimise trafficking of soil onto the roadway. (26.09)

10. In the event of any damage being caused to any existing kerb, guttering, stormwater pit, footpath trees and/or footpath during building operation, the applicant must repair or reimburse Council for the full cost of restoration.

REASON: To prevent damage to Council's public footway area and require payment to Council where damage occurs. (26.10)

BUILDING

11. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

REASON: To ensure all building work is carried out in accordance with legislative requirements. (24.01)

12. All excavations, backfilling and other activities associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

REASON: To ensure that all construction activity associated with the development does not pose a hazard to life or property. (24.04)

13. Excavations or fill extending to within one (1) metre of boundary or adjacent to an easement must be supported by retaining wall/s. Erection of retaining walls is not permitted within an easement.

REASON: To ensure that excavated areas are adequately retained. (24.05)

- 14. When any excavation involved in this development extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of this development consent must, at the person's own expense;**
- a) protect and support the adjoining premises from possible damage from the excavation, and**
 - b) where necessary, underpin the adjoining premises to prevent such damage.**

REASON: This is a prescribed condition of a development consent under the provisions of section 80A(11) of the Planning and Assessment Act 1979. **(24.08)**

- 15. The building must be set out by a Registered Surveyor referring to the datum shown on the approved plans. A survey plan that identifies the location of the building in relation to the allotment boundaries must be prepared upon completion of the base course brickwork and then be submitted to the Principal Certifying Authority (PCA). Where Council is not the PCA, a copy of the survey plan must be forwarded to Council.**

REASON: To ensure building has been sited in accordance with the approved plans. **(24.21)**

FIRE SAFETY MEASURES

- 16. At the completion of works, a Final Fire Safety Certificate is to be issued by the owner detailing each essential fire safety measure provided in the building. A copy of such certificate is to be forwarded to the Fire Commissioner and a further copy is to be prominently displayed in the building.**

REASON: To ensure compliance with the Environmental Planning and Assessment Regulation 2000. **(29.30)**

- 17. Each year, the owner of the building must furnish to Council an annual fire safety statement for the building. The annual fire safety statement is to address each essential fire safety measure in the building.**

REASON: To ensure compliance with the Environmental Planning and Assessment Regulation 2000. **(29.31)**

CARPARKING AND ACCESS

- 18. The driveway within the property must maintain a clearance not less than one metre from the water service or the water service must be relocated by Council at no cost to Council.**

REASON: To ensure such service is not damaged by vehicle movements. **(27.07)**

19. The development must be provided with 36 parking spaces as accepted in the approved Traffic & Parking impact statement and of dimensions complying with the requirements of Council's Development Control Plan No 1 *Car parking Policy and AS2890.2 for Commercial vehicle facilities.*

This must include two (2) parking spaces as recommended in the same statement for people with disabilities complying with the requirements of the *Building Code of Australia* and AS2890.1-Parking Facilities-Off-street Parking.

REASON: To provide adequate off-street car parking, including parking for people with disabilities for the development. (27.08)

20. All loading and unloading activities in connection with the use must be carried out wholly within the property.

REASON: To ensure free flow of vehicular and pedestrian traffic on public road reserves. (27.10)

21. All parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must be left free of goods and be available at all times.

REASON: To ensure such areas are available for occupants and visitors of the site. (27.11)

22. All parking spaces, driveways and turning aisles must be concrete or bitumen sealed, with all parking spaces line marked and provide with strata unit numbers prior to the occupation of the building or commencement of the approved use.

REASON: To provide adequate off street carparking and access, to ensure carparking spaces are functional prior to use of the premises. (27.15)

ENVIRONMENTAL

23. The applicant must ensure that noise generated by the development does not exceed the criteria set by the New South Wales Department of Environment Conservation and Climate Change (DECC). This is generally a level of 5dB above background noise level.

This is measured by monitoring the level of noise from any activity within the development represent by the L_{aeq} descriptor, measured over a 15 minute period. This measurement must not exceed the background level at that time of day by more than 5dB.

REASON: To minimise the impact of noise generated by the development on surrounding residential areas. (30.05)

ADVERTISING SIGNS

24. This consent does not include any advertising signage. Development Consent must be obtained for any additional advertising signage on the site.

REASON: To ensure compliance with the requirements of council's Local Environmental Plan 1998 (as amended). (33.07)

CONDITIONS TO BE SATISFIED BEFORE OCCUPATION OF THE BUILDING

25. An Occupation Certificate must be obtained from a Principal Certifying Authority before occupation or use of the building. The final Occupation Certificate will not be issued until the development has been completed in accordance with this consent, including the provisions of car parking spaces as approved.

REASON: To comply with Section 109M of the Environmental Planning and Assessment Act 1979. (42.01)

OTHER APPROVALS (Section 78A(5) Environmental Planning & Assessment Act 1979 as amended):

Section 68 Local Government Act 1993
CARRY OUT STORMWATER DRAINAGE WORK,

PLUMBING AND DRAINAGE

26. The development must be carried out in accordance with the requirements of the Local Government (General) Regulations 2005, AS 3500 Plumbing and Drainage Code and the New South Wales Code of Practice – Plumbing and Drainage, with such works performed by a person licensed by the NSW Department of Fair Trading.

REASON: To ensure compliance with the Local Government (General) Regulation 2005. (35.01)

27. All stormwater generated within the property must be trapped and piped to stormwater main in the eastern boundary via an on-site detention system to limit the discharge from the site to the predevelopment flow rate for a 1 in 5 year recurrence interval storm event.

REASON: To provide a satisfactory standard of stormwater disposal. (35.14)

28. Provision of a 40mm water meter to be installed by the Water and Sewer Authority (Queanbeyan City Council) at no cost to the Council.

REASON: To provide an adequate metered water supply (35.24)

NOTES

Disability Discrimination Act

The applicant's attention is drawn to the provision of the Disability Discrimination Act 1992 which creates an offence for discriminating against any person in relation to access facilities, employment and other matters. (43.03)

Land Use

This consent is for the erection of eight (8) industrial buildings and their use as storage units. Before commencing to use the land for any purpose other than that approved, a Development Consent must be obtained from Council. (43.04)

Signage

Advertising devices and signage is assessable in NSW. This consent does not include an assessment of any signage currently erected on site. Should current or proposed signage be assessable, the land owner is encouraged to apply for the relevant approvals from Council. (43.04)

Storage of Hazardous Material – State Environmental Planning Policy 33

The submitted supporting information does not allow clear determination of whether any of the proposed uses would constitute a *hazardous storage establishment* or *offensive storage establishment* as defined by SEPP 33. Should these be proposed, an assessment of the requirements of SEPP 33 are to be undertaken which may require a separate development consent to be obtained prior to those activities occurring.

Modification Details: MOD-4-2009/A

The modification Version A included an amendment to the approved plan to include an amenities block between Units 9 and 10 shown on the approved plans DA-4-2009.

Modification Details: MOD-4-2009/B

The modification Version B included the following amendments to the approved plan:

- a) Modify condition 5 to reflect changes to plans.
- b) Modify design of proposed vehicle crossing to avoid conflict with an existing stormwater kerb inlet pit.
- c) Remove parking areas adjoining Units 1, 8 & 12 (as currently numbered), and
- d) Logical unit numbering as indicated. (43.08)

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

ITEM 12.2 SOUTH JERRABOMBERRA PLANNING PROPOSAL

ATTACHMENT 1 AMENDED DRAFT PLANNING PROPOSAL SOUTH
JERRABOMBERRA 2018



Planning Proposal To Rezone Land At South Jerrabomberra

May 2018

Queanbeyan-Palerang Regional Council

Ref: SF130714-02
C1859474

Planning Proposal for land at South Jerrabomberra

Offices: Council headquarters – 256
Crawford St
Bungendore Office – 10 Majara St
Braidwood Office – 144 Wallace St

Contact: P: 1300 735 025
E: council@qprc.nsw.gov.au
W: www.qprc.nsw.gov.au



Planning Proposal for land at South Jerrabomberra

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Planning Proposal for land at South Jerrabomberra

Introduction

Queanbeyan-Palerang Regional Council has prepared this planning proposal in order to zone land at South Jerrabomberra for residential, commercial, open space and environmental conservation uses. This will be done as an amendment to the existing *Queanbeyan Local Environmental Plan (LEP) (South Tralee) 2012*, which will also be subsequently renamed to *Queanbeyan LEP (South Jerrabomberra) 2018* when the plan is made.

It is also intended to zone those lands under the *Queanbeyan LEP (South Tralee) 2012* that were previously deferred by the Minister for Planning when the LEP was made in 2012. Parts of *Queanbeyan LEP 2012* will also be amended by the Planning Proposal to the extent it applies to land covered by this proposal. Parts of *Queanbeyan LEP 1998* and *Yarrowlunla LEP 2002* will also be repealed to the extent they apply to land covered by this proposal.

The amendment seeks to finalise the zoning and development framework for the South Jerrabomberra urban release area in order to deliver a maximum of 1,500 new dwellings. The planning proposal is intended to zone existing and proposed residential lands at South Jerrabomberra to R2 Low Density Residential. It will also be accompanied by appropriate Lot Size Maps to ensure the intended maximum number of proposed dwellings is not exceeded. The maximum number of proposed dwellings has been determined by the capacity of the intersection for Lanyon/Tomsitt Drive that will service the release area.

The additional lands to be zoned under this planning proposal are known as Forrest/Morrison and Tralee Station. Only part of Tralee Station is included in the proposal. As noted, the planning proposal will also include the land to which the existing *Queanbeyan (South Tralee) LEP 2012* currently applies.

The land subject to this planning proposal comprises the following lots:

- Lot 1 DP 1023430,
- Lot 176 DP 754912,
- Lot 148 DP 754912,
- Lot 181 DP 754912,
- Part Lot 2 DP 1001136,
- Lot 3 DP 1001136,
- Lots 4-6 DP 130629,
- Lots 1-5 DP 224095,
- Lot 1 DP 651918,
- Part Lot 226 DP 665411,
- Lots 1-3 and Lot 5 DP 1007339,
- Part Lot 4, Part Lot 6 and Part Lot 7 DP 1007339,
- Lots 1-2 DP 1006051,
- Part Lot 2 DP 1039904,
- Lot 1 DP 1039904,
- Part Lot 1 and Lot 2 DP 114030,
- Lot 1 DP 1207483,
- Lot 1 DP 1207487, and
- Lot 1 DP 1207489

The entire area subject to the planning proposal is shown in **Map 1** on the next page.

Planning Proposal for land at South Jerrabomberra

Map 1: Land Subject to the Planning Proposal



Planning Proposal for land at South Jerrabomberra

The land is currently greenfield and is subject to four environmental planning instruments:

- *Yarrowlumla Local Environmental Plan 2002*,
- *Queanbeyan Local Environmental Plan 2012*,
- *Queanbeyan Local Environmental Plan (South Tralee) 2012*, and
- *Queanbeyan Local Environmental Plan 1998*.

The subject land known as South Tralee is currently zoned for residential, commercial, open space and environmental conservation under *Queanbeyan LEP (South Tralee) 2012* and two deferred areas remain zoned rural under the *Queanbeyan LEP 1998*.

It is intended that the additional land to be rezoned in South Jerrabomberra under this planning proposal will be zoned for residential, open space and environmental conservation based on land capability studies that were undertaken as a condition of the original Gateway determination and prior to public exhibition. A buffer area of 250 metres is also proposed between the subject site and industrial land in the Australian Capital Territory (ACT) known as Hume.

Part 1 - Objectives or Intended Outcomes

The objective of the planning proposal is to provide for additional dwellings and other appropriate land uses in the South Jerrabomberra area to meet residential demand in accordance with Queanbeyan's *Residential and Economic Strategy 2031*. The intended outcome is to deliver a suitable supply of housing to meet the growing needs of the Queanbeyan-Palerang Local Government area into the future.

As noted, the amendment seeks to finalise the zoning and development framework for the South Jerrabomberra urban release area in order to deliver a maximum of 1,500 new dwellings. The planning proposal is intended to ensure existing and proposed residential lands at South Jerrabomberra are zoned R2 Low Density Residential and are accompanied by appropriate Lot Size Maps that ensure the maximum number of proposed dwellings is not exceeded.

The maximum number of dwellings proposed for each site are:

1. South Tralee – 750 dwellings,
2. Forrest/Morrison – 500 dwellings, and
3. Tralee Station – 250 dwellings.

The planning proposal also seeks to ensure land with significant environmental values is appropriately zoned, and, that suitable buffers are established between proposed residential development and existing industrial development at Hume in the ACT.

The planning proposal also seeks to minimise the number of planning instruments applying to the area by directly amending the existing South Tralee LEP and its application to the land. Accordingly all the proposed residential development at South Jerrabomberra will be covered under this single plan.

Part 2 - Explanation of Provisions

Renaming *Queanbeyan LEP (South Tralee) 2012* to *Queanbeyan LEP (South Jerrabomberra) 2018* and increasing area of land the plan applies to.

As noted, this planning proposal will be given effect through an amendment to *Queanbeyan LEP 2012* and *Queanbeyan LEP (South Tralee) 2012*. The Land Application Map will be extended to also cover Forrest/Morrison and parts of Tralee Station. The existing deferred areas under

Planning Proposal for land at South Jerrabomberra

Queanbeyan (South Tralee) 2012 will also be removed and will now be zoned RE2 Private Recreation. The plan will also be renamed *Queanbeyan LEP (South Jerrabomberra) 2018*.

The respective Land Application Maps (LAP) will also need to be amended as they apply to the land. The proposed LAP for South Jerrabomberra is shown below.

Proposed LAP



Rezoning additional land (Forrest/Morrison and part Tralee Station) for residential, open space and environmental conservation uses.

Zones for the land have been predominantly determined by background studies undertaken by Council and as required by the Department of Planning and Environment in the previous Gateway determination.

Newly proposed residential areas at Forrest/Morrison and part Tralee Station will be zoned R2 Low Density Residential under the plan. Other parts of Forrest/Morrison and part Tralee Station will be zoned RE2 Private Recreation and E2 Environmental Conservation.

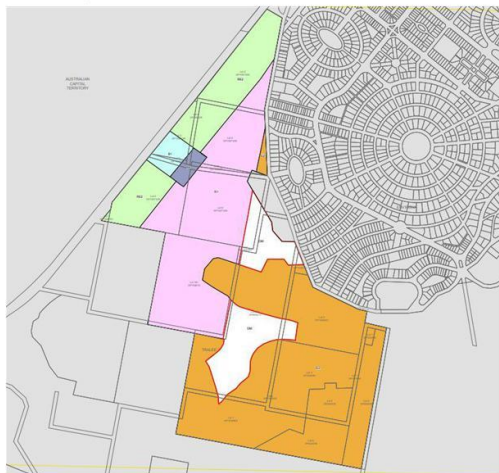
Existing R1 General Residential land at South Tralee under *Queanbeyan LEP (South Tralee) 2012* will be zoned to R2 Low Density Residential in order to reduce the range of residential accommodation types that can be developed and to restrict these to 'dwelling houses' only.

Planning Proposal for land at South Jerrabomberra

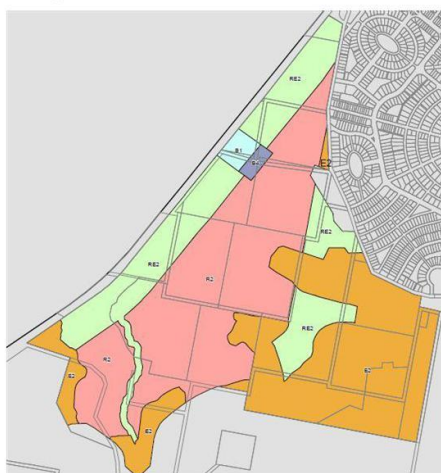
The existing 250 metre buffer of RE2 Private Recreation between the proposed residential land at South Tralee and industrial development at Hume in the ACT, is proposed to be extended to cover all land fronting Hume under this Planning Proposal. The majority of the land outside the buffer will still allow for a significant area of residential land on both Forrest/Morrison and Tralee Station that will provide for the 500 dwellings and 250 dwellings respectively identified for each parcel. This is also considered consistent with the existing 250 metre buffer at South Tralee required by the State Government when that land was rezoned.

The existing and proposed land use zones at South Jerrabomberra are shown below.

Existing Zones



Proposed Zones



Amending Existing Lot Size Maps under *Queanbeyan (South Tralee) LEP 2012*

The Planning Proposal will also introduce new lot sizes for the urban release area. The existing Lot Size Maps (LSZ) under *Queanbeyan LEP (South Tralee) 2012* will be amended to ensure the development does not exceed the 750 dwellings identified for the site.

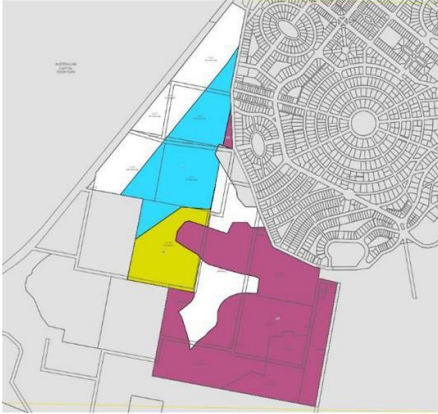
The newly proposed residential areas at both Forrest/Morrison and Tralee Station will also have appropriate minimum lot sizes to ensure dwelling targets are not exceeded.

This planning proposal provides for lot sizes of 130m², 330m², 600m² and 1000m² across the release area.

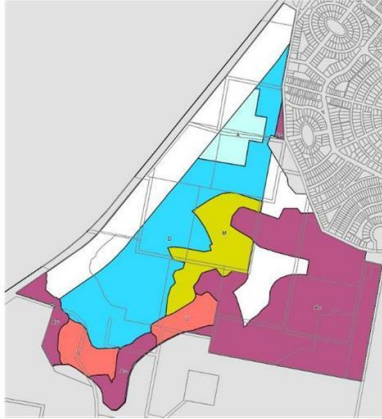
The existing and proposed lot sizes at South Jerrabomberra are shown below.

Planning Proposal for land at South Jerrabomberra

Existing Lot Sizes



Proposed Lot Sizes



Zoning deferred land under *Queanbeyan (South Tralee) LEP 2012* to RE2 Private Recreation

When *Queanbeyan LEP (South Tralee) 2012* was made by the Minister for Planning, the Minister chose to defer proposed R1 General Residential Land that was located within the Australian Noise Exposure Forecast 20 contour for Canberra Airport. As such this land remains zoned 7(b) Environmental Protection B under *Queanbeyan LEP 1998*.

As noted, it is intended to now give this land an appropriate zoning to remove its deferred status. The land was proposed to be zoned R1 General Residential prior to it being deferred by the Minister in 2012, however is now proposed to zone the land RE2 Private Recreation. This is shown on the previously illustrated zoning maps.

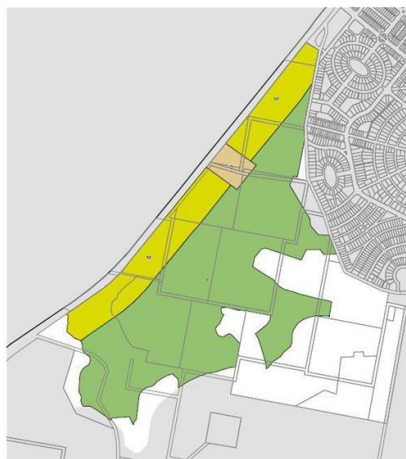
Height of Buildings Maps

The existing Height of Building (HOB) Maps will be extended to cover the additional areas and apply a maximum height of 8.5m to the newly proposed residential land and eastern open space land. The private open space acting as a buffer to Hume will have a height of 12 metres.

Existing Height of Building Map



Proposed Height of Building Map



Planning Proposal for land at South Jerrabomberra

Land Reservation Acquisition Map

The existing Land Reservation Acquisition (LRA) Map will be extended to cover the additional area with no land identified for reservation or acquisition at this time. See below.

Existing LRA Map



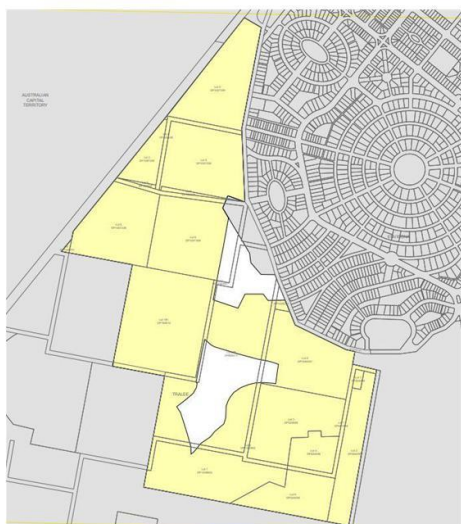
Proposed LRA Map



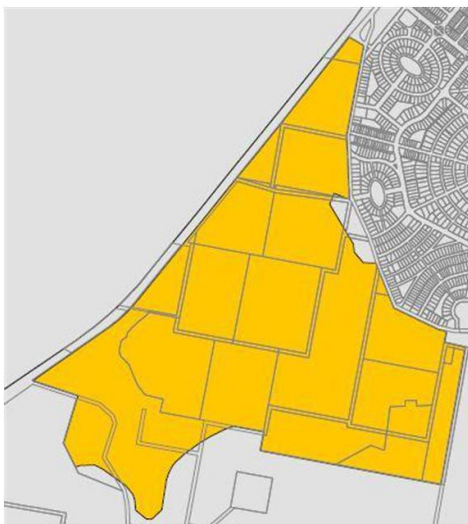
Urban Release Area Map

The existing Urban Release Area (URA) Map will be extended to cover the additional area. See below.

Existing URA Map



Proposed URA Map



Planning Proposal for land at South Jerrabomberra

Local Clauses Map

The existing Local Clauses (LOC) Map will be extended to cover the additional proposed area. See below.

Existing LOC Map



Proposed LOC Map



Floor Space Ratio Map

The existing Floor Space Ration (FSR) Map will be extended to cover the additional proposed area. See below.

Existing FSR Map



Proposed FSR Map



Planning Proposal for land at South Jerrabomberra

New Riparian Land and Watercourses Map

Given that a creek runs through the newly proposed areas to the south (Dog Trap Gully), a new Riparian Lands and Watercourses Map has been prepared for that land. See below.

Proposed Riparian Land and Watercourse Map



Draft versions of all new maps are shown at **Appendix A**. Note the maps are draft at this time and will be prepared consistent with the relevant mapping guidelines before being finalised.

Other Changes

It is envisaged few changes will be required to the existing written instrument for *Queanbeyan LEP (South Tralee) 2012* apart from:

- the replacement of the R1 General Residential zone with the R2 Low Density Residential zone (it is intended to insert the land use table for R2 Low Density Residential from *Queanbeyan LEP 2012*),
- inserting the model clause for Riparian Lands and Watercourses, and
- the renaming of the plan to *Queanbeyan LEP (South Jerrabomberra) 2018*.

Part 3 - Justification

Section A - Need for the planning proposal

The planning proposal is required to rezone lands identified as having potential for urban uses under the *Queanbeyan Residential and Economic Strategy 2031*.

1) Is the planning proposal a result of any strategic study or report?

The planning proposal land is identified in the *Queanbeyan Residential and Economic Strategy 2015 - 2031* as endorsed by the Secretary of the Department of Planning & Environment. A copy of the Strategy can be found at <https://www.qprc.nsw.gov.au/Building-Development/Planning-Zoning/Studies-strategies#section-4>.

Planning Proposal for land at South Jerrabomberra

2) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only means of delivering the intended outcomes of the *Queanbeyan Residential and Economic Strategy 2015 - 2031* for this area.

It is also better to progress development in this area as one planning proposal (as opposed to different landowners/developers of adjoining land being involved and progressing each area independently).

Infrastructure and servicing will determine development staging in line with the Structure Plan for South Jerrabomberra which looks at servicing the development in a southerly direction from the north.

Section B - Relationship to strategic planning framework

3) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including any exhibited draft plans or strategies)?

The *South East and Tablelands Regional Plan 2036* is the relevant regional strategy. The planning proposal is considered to be consistent with the Strategy. This strategy states that the Queanbeyan-Palerang Local Government Area is expected to require an additional 12,050 dwellings by the year 2036. The plan identifies growth areas at Googong and South Jerrabomberra.

Housing objectives are:

- *Coordinate the delivery of infrastructure for new release areas.*
- *Provide further opportunities for residential development where it is supported by a strategic approach to housing.*

The land proposed to be rezoned is an extension to the proposed area of South Tralee which is already rezoned for urban uses and so complies with the above objectives by providing for the coordinated approach to the delivery of services and infrastructure in this part of Queanbeyan.

Progressing the planning proposal for South Jerrabomberra will provide for additional residential development in accordance with the *Queanbeyan Residential and Economic Strategy 2015 – 2031*.

4) Is the planning proposal consistent with a council’s local strategy, or other local strategic plan?

As previously noted, the draft plan is considered to be consistent with the *Queanbeyan Residential and Economic Strategy 2015 - 2031*.

5) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is not considered to be inconsistent with any SEPPs at this time, however further assessment of contamination potential will be undertaken to ensure consistency with SEPP 55 – Remediation of Land.

SEPP 55 - Remediation of Land	This SEPP applies to all development of the land to which the PP applies. A Phase One Environmental Site Assessment has been undertaken and the potential for significant contamination is considered to be low throughout the majority of the area. However there are some areas of unknown fill material on parts
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Planning Proposal for land at South Jerrabomberra

	of Forrest/Morrison and Tralee Station that cannot be precluded from containing any contaminated material. Accordingly a more detailed examination of these specific areas proposed for residential development will be undertaken prior to finalising the planning proposal. This will confirm the suitability of these areas for residential development and ensure consistency with the SEPP.
SEPP (Rural Lands) 2008	The PP is not considered to be inconsistent with this SEPP. Due consideration has been given to rural activities on this land in the <i>Queanbeyan Residential and Economic Strategy</i> .

6) Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

The planning proposal is not considered to be inconsistent with any s 9.1 directions.

Direction 1.2 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land. This planning proposal does not include land within a rural zone. Further there are no significant agricultural production values that warrant protection. In addition, the planning proposal is consistent with an endorsed *Queanbeyan Residential and Economic Strategy 2015 – 2031* by the Department of Planning and Environment.

Direction 1.5 Rural Lands

The land subject to this planning proposal has little agricultural value and is zoned for environmental protection/conservation. The land which was found to have little environmental value in the Biodiversity Study has also a low agricultural production value given that it will be fragmented. The endorsed *Queanbeyan Residential and Economic Strategy 2015 – 2031* recognised the land with little biodiversity value as having the potential for residential uses. A significant portion of the Study Area will be retained for environmental conservation purposes and is consistent with this Direction.

Direction 2.1 Environmental Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas. The planning proposal seeks to rezone some areas currently zoned for environmental protection, however the proposal also seeks to ensure other land with significant environmental values is appropriately zoned.

The Biodiversity Study prepared by EcoLogical Australia has assessed the conservation value of the ecologically sensitive areas within the Study Area. The protection of the high and moderate conservation areas in an E2 Environmental Conservation zone, together with mitigation and management measures, would satisfy the requirements of this Direction. These measures include:

- Concentrating development in areas of low conservation significance
- Protecting the majority of the high conservation areas
- Protecting areas of moderate conservation significance where areas of high and moderate conservation value would be removed, then appropriate offsets would need to be provided
- strategically re-establish the connectivity between the remnant vegetation on either side of the airstrip
- establishing appropriate buffer zones to minimise impacts to areas of moderate and high conservation significance.

Planning Proposal for land at South Jerrabomberra

The implementation of these measures through amendments to *Queanbeyan Local Environmental Plan (South Tralee) 2012* and the *South Jerrabomberra Development Control Plan 2014* enable the rezoning to satisfy the Direction.

Direction 2.3 Heritage Conservation

Archaeological surface survey has revealed a moderate and high likelihood of Aboriginal relics being found through the centre and northern part of the Study Area. Additional excavations and testing will be undertaken as part of the work required to lodge a development application at the Study Area. This additional work and the lodgement of an Aboriginal Heritage Impact Permit (AHIP) will provide certainty over the future of any Aboriginal deposits within the Study Area. The work will also assist in the design and location of future open spaces.

Direction 3.1 Residential Zones

The objectives of this direction are:

- (a) To encourage a variety of housing types to provide for existing and future housing needs;
- (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and
- (c) To minimise the impact of residential development on the environment and resource lands

The planning proposal is consistent with this direction in that it will provide for a variety of housing types and lot sizes to meet future housing needs. South Jerrabomberra is the logical extension to the existing urban area and can be serviced by infrastructure.

Direction 3.4 Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land uses locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (d) Improving access to housing, jobs and services by walking, cycling and public transport; and
- (e) Increasing the choice of available transport and reducing dependence on cars; and
- (f) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car; and
- (g) Supporting the efficient and viable operation of public transport services; and
- (h) Providing for the efficient movement of freight.

The location of the proposed residential uses will encourage walking to the neighbourhood centre located in South Tralee. The proposed future zone of R2 Low Density Residential will enable the creation of a neighbourhood shop, of no more than 100sqm, to be located within the neighbourhood.

Further the *South Jerrabomberra Development Control Plan 2014* requires that consideration be given to an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists. This clause will apply to the Study Area and will ensure that the land use and the design of transport networks are integrated.

The planning proposal meets the objective of this direction in that any development proposed for South Jerrabomberra will provide access to housing, jobs and services.

Planning Proposal for land at South Jerrabomberra

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are to:

- (i) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; and
- (j) To encourage sound management of bush fire prone areas.

The Bushfire Constraints and Management Report concludes that the Study Area can support future residential development outside of the Environmental Conservation zones and their buffers. Consultation with the RFS is required as a condition of the previous gateway determination. The amended planning proposal will also be referred to the RFS. Any development proposal will be required to comply with the Planning for Bushfire guidelines produced by the RFS.

Direction 5.10 Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

The *South East and Tablelands Regional Plan 2036* is the relevant regional strategy. The planning proposal is considered to be consistent with the Strategy. This strategy states that the Queanbeyan Palerang Local Government Area is expected to require an additional 12,050 dwellings by the year 2036. The plan identifies growth areas at Googong and the proposed South Jerrabomberra.

The planning proposal is consistent with the objective and is compatible with the vision, land use strategy and policies of this regional plan.

In addition as stated in the letter from the Department of Planning and Infrastructure which accompanied the original Gateway determination of September 2013, any inconsistencies are considered to be justified by the *Queanbeyan Residential and Economic Strategy 2031*.

Section C - Environmental, social and economic impact

- 7) 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?**

No. Council has undertaken significant studies in respect of biodiversity values on the site. This has been done in close consultation with the Office of Environment and Heritage.

All areas identified as having significant environmental values are proposed to be zoned E2 Environmental Conservation.

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

The key environmental issues centre around the protection of biodiversity values on the site. As required by the previous Gateway Determination a study on the biodiversity (flora and fauna) was carried out.

The areas of high potential archaeological deposits will be retained by imposing an E2 Environmental Conservation in the north-eastern part of the Forrest Morrison land parcel, and where any Aboriginal relics are found through the centre and northern part of the area as part of the work required to lodge a development application the lodgement of an Aboriginal Heritage

Planning Proposal for land at South Jerrabomberra

Impact Permit (AHIP) will provide certainty over the future of any Aboriginal deposits within the Study Area. The work will also assist in the design and location of future open spaces.

Potential noise impacts from the Hume industrial will be mitigated with a 250m proposed buffer which is consistent with the buffer for South Tralee.

With regard to potential aircraft noise, it will be a requirement that all development must meet the noise requirements set out in Table 3.3 of AS2021-2015.

Council also intends to have further investigation carried out in respect of areas of potential contamination identified under previous studies. That is the only new study proposed at this time.

Studies on other environmental issues have been undertaken as required by the previous Gateway Determination issued in September 2013. Technical reports prepared are addressing the following issues:

- Bushfire
- Air Quality
- Cultural Heritage
- Urban Capability
- Stormwater Management
- Noise
- Contamination
- Landscape Character and Visual Assessment
- Traffic and transport impacts.

Council intends to exhibit all of these studies (including the additional proposed contamination study) during any public exhibition of the planning proposal.

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

The planning proposal seeks to increase the supply of housing in Queanbeyan-Palerang LGA. This is consistent with the principles of the *Queanbeyan Residential and Economic Strategy 2015 - 2031*. and the *South East and Tablelands Regional Plan 2036*.

Council has recently adopted a Local Infrastructure Contributions Plan in respect of the provision of infrastructure for South Jerrabomberra, including community facilities and open space.

Section D - State and Commonwealth interests

10) Is there adequate public infrastructure for the planning proposal?

A concept Development Application for the Northern Entry Road has been approved providing access from Tomsitt Drive. The provision of infrastructure has been addressed via the *South Jerrabomberra Local Infrastructure Contributions Plan 2018*.

It is intended a satisfactory arrangements clause will be included in any final LEP to address State and/or Territory infrastructure issues.

11) What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The previous Gateway determination of September 2013 required consultation with the following public authorities:

- Office of Environment and Heritage



Planning Proposal for land at South Jerrabomberra

- Transport NSW
- NSW Rural Fire Service
- ACT Government

Responses provided by the respective agencies at that time indicated there were no issues that should prevent the planning proceeding, noting the ACT Government reinforced its view that the existing 250m buffer for the South Tralee LEP should be applied for the entire length of Hume. This has now been done.

These same agencies will be consulted again in respect of this planning proposal given there have been changes to the proposed zonings, lot sizes and buffer areas since that time.

Part 4 – Mapping

As discussed previously, the planning proposal will amend all relevant map sheets under *Queanbeyan LEP 2012* and *Queanbeyan LEP (South Tralee) 2012* as required to provide for the additional land uses. This includes:

- Land Zonings Maps,
- Lot Size Maps,
- Land Application Maps,
- Height of Building Maps,
- Land Acquisition Reservation Maps,
- Urban Release Area Maps,
- Floor Space Ratio Maps
- Riparian Land and Watercourses Maps, and
- Local Clauses Maps.

Draft versions of all maps are shown at Appendix A.

As noted, it is intended that the planning proposal will be an amendment to *Queanbeyan LEP (South Tralee) 2012*.

Accordingly the relevant maps for South Tralee will need to be amended as necessary to accommodate any zoning or other mapping changes. Any maps will be prepared consistent with the Department of Planning and Environment's relevant guidelines and in consultation with the Department's GIS unit.

Part 5 - Community Consultation

It is intended to publicly exhibit the draft plan for a period of 28 days.

The draft plan has been the subject of significant consultation with public authorities over the previous several years. Council now intends to further consult with the following agencies in respect of the planning proposal:

- Office of Environment and Heritage
- Transport NSW
- NSW Rural Fire Service
- ACT Government

Planning Proposal for land at South Jerrabomberra

Part 6 - Project Timeline

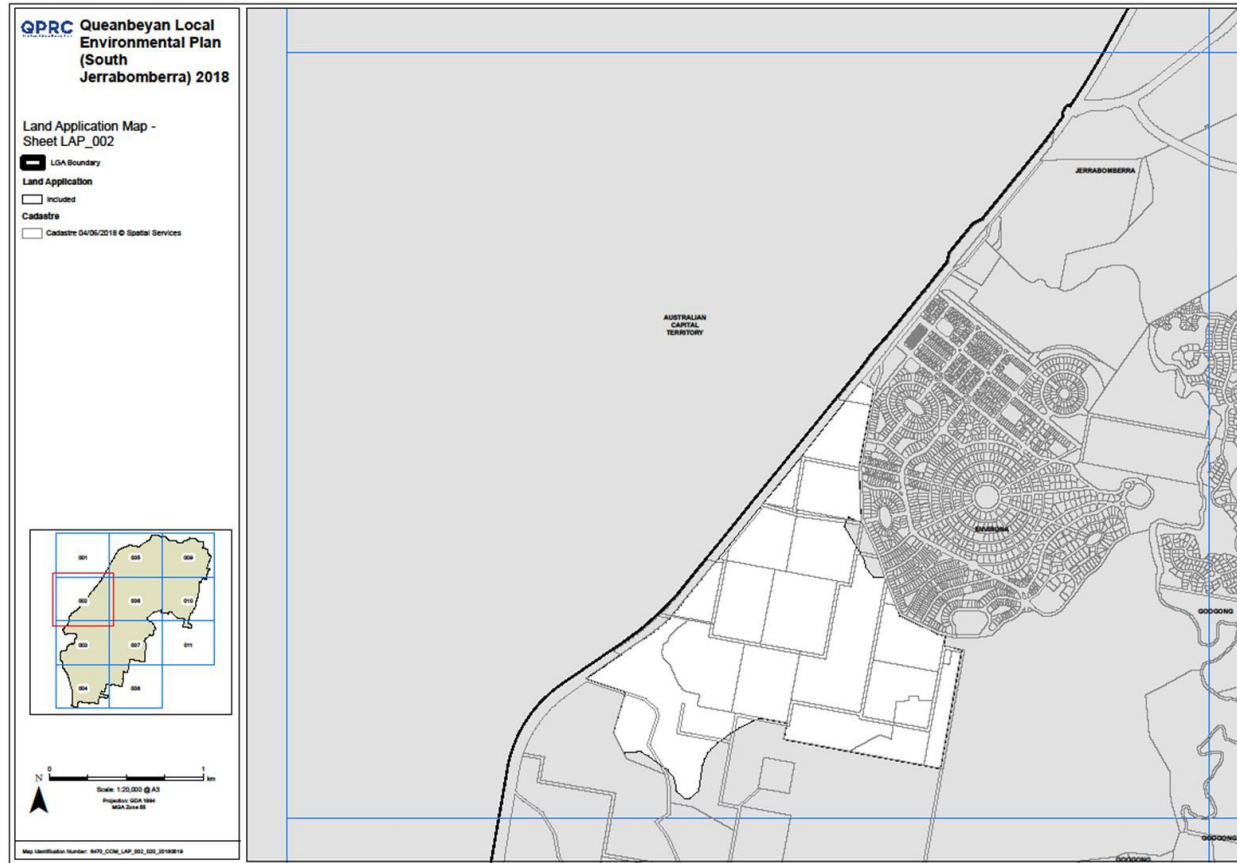
It is anticipated the planning proposal may take up to 12 months to finalise. An indicative project timeline is provided below.

Action	Timeframe
Agency consultation	August 2018
Public exhibition	September 2018
Consideration of submissions and Report to Council	October 2018
Parliamentary Counsel Opinion and DPE GIS Mapping Liaison	November - December 2018
Plan Finalised by Minister (or delegate)	February 2019

Appendix A

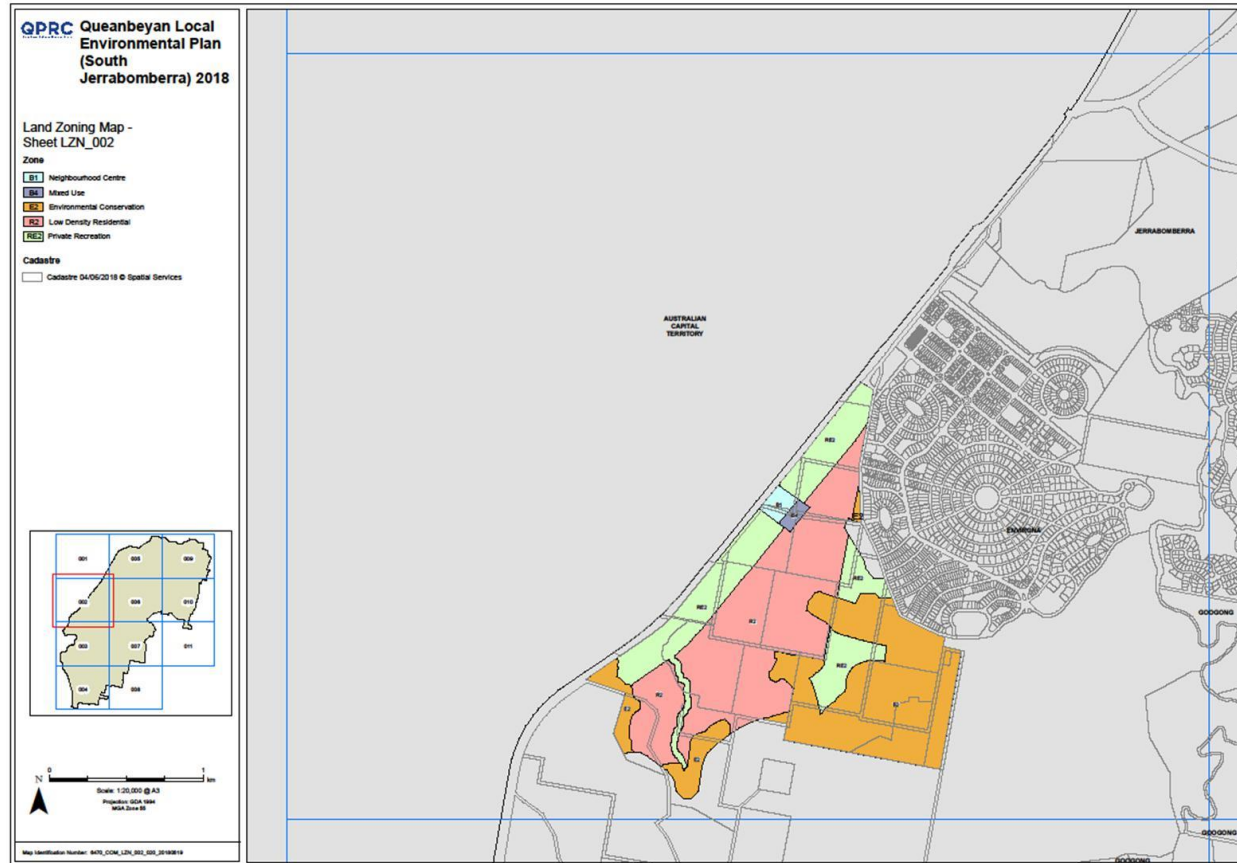
Planning Proposal for land at South Jerrabomberra

Land Application Map



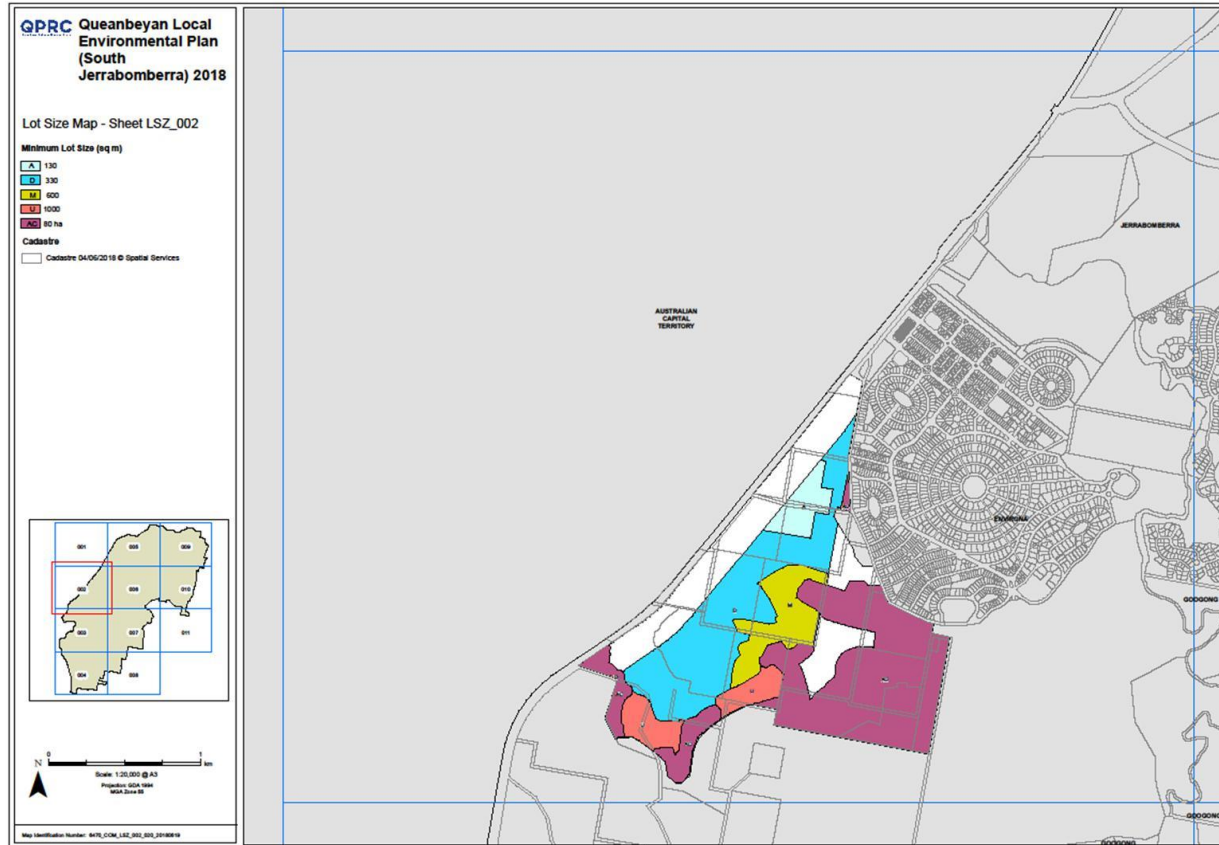
Planning Proposal for land at South Jerrabomberra

Land Zoning Map



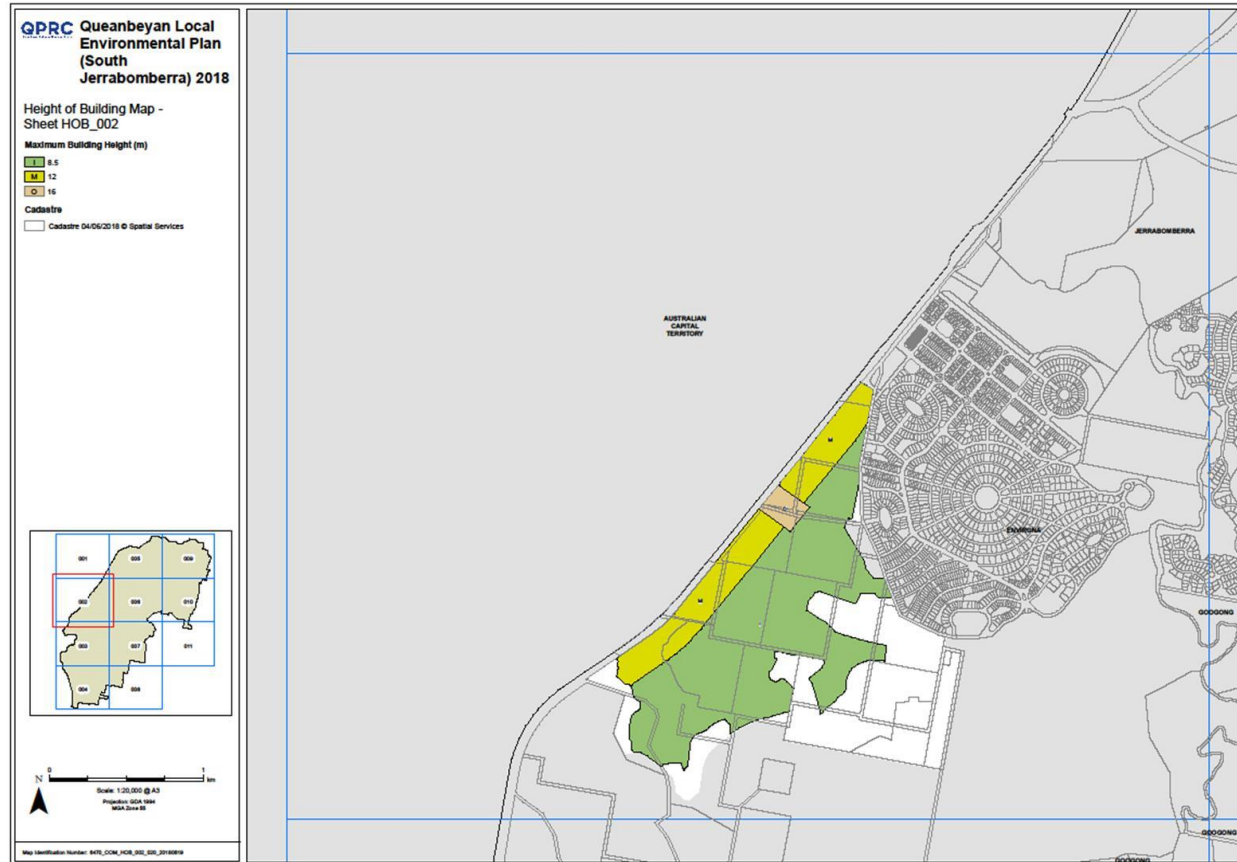
Planning Proposal for land at South Jerrabomberra

Lot Size Map



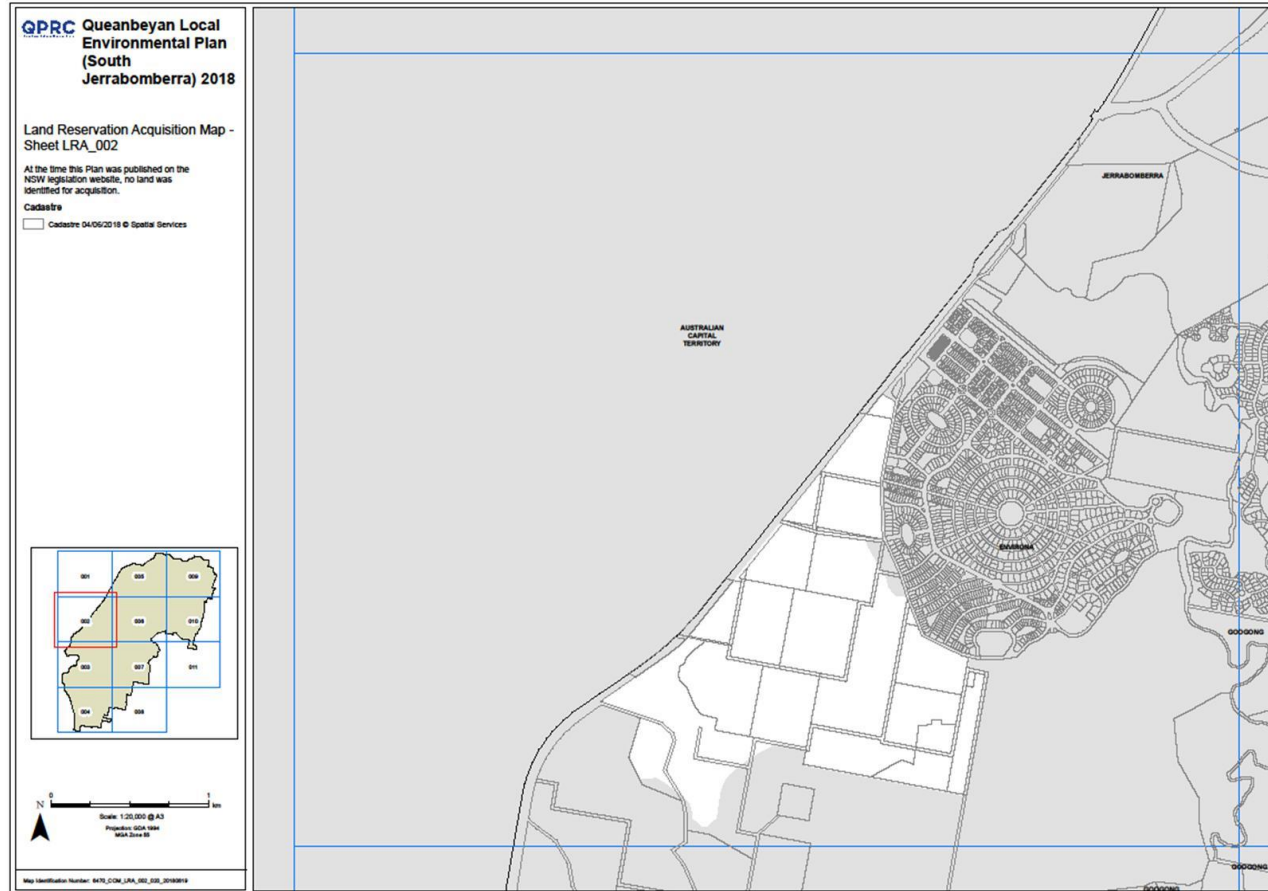
Planning Proposal for land at South Jerrabomberra

Height of Buildings Map



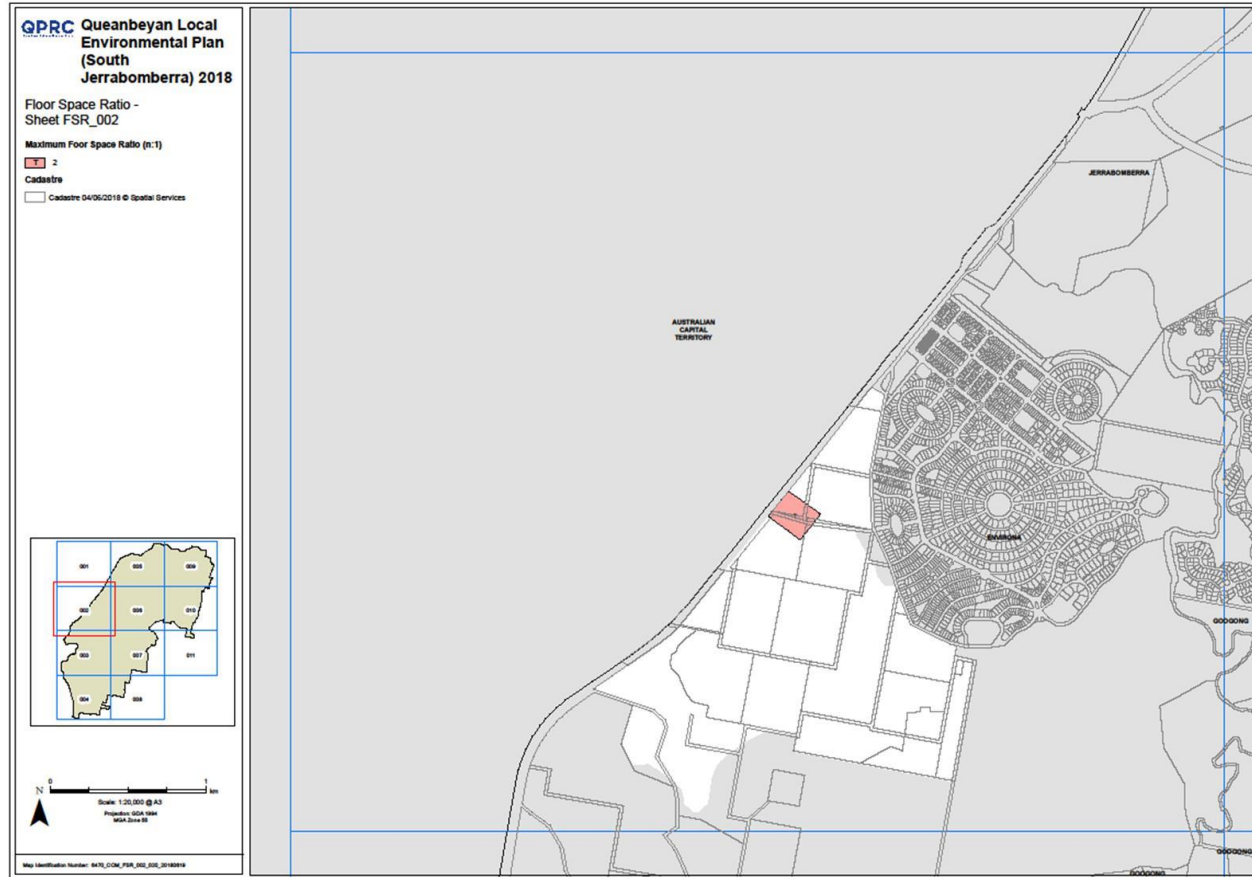
Planning Proposal for land at South Jerrabomberra

Land Reservation Acquisition Map



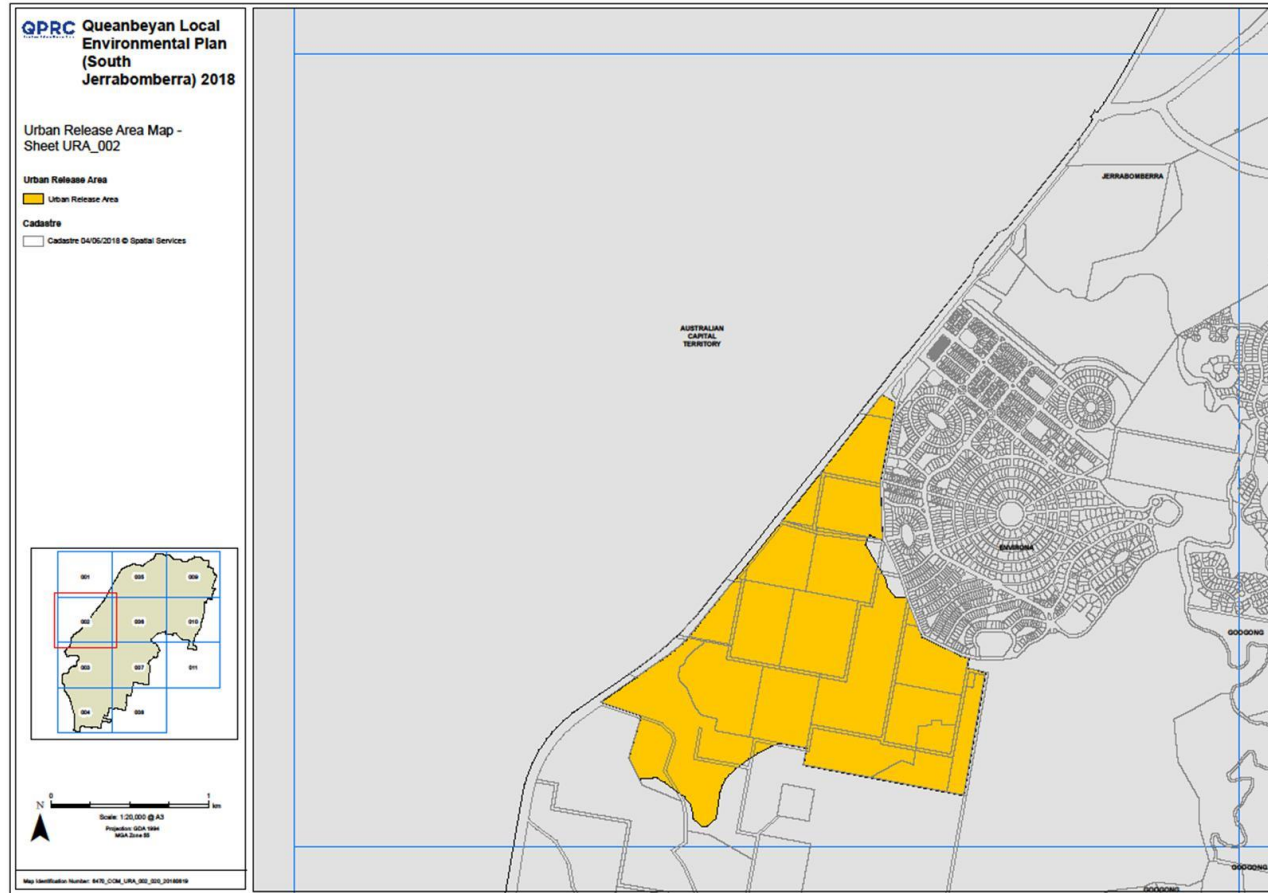
Planning Proposal for land at South Jerrabomberra

Floor Space Ratio Map



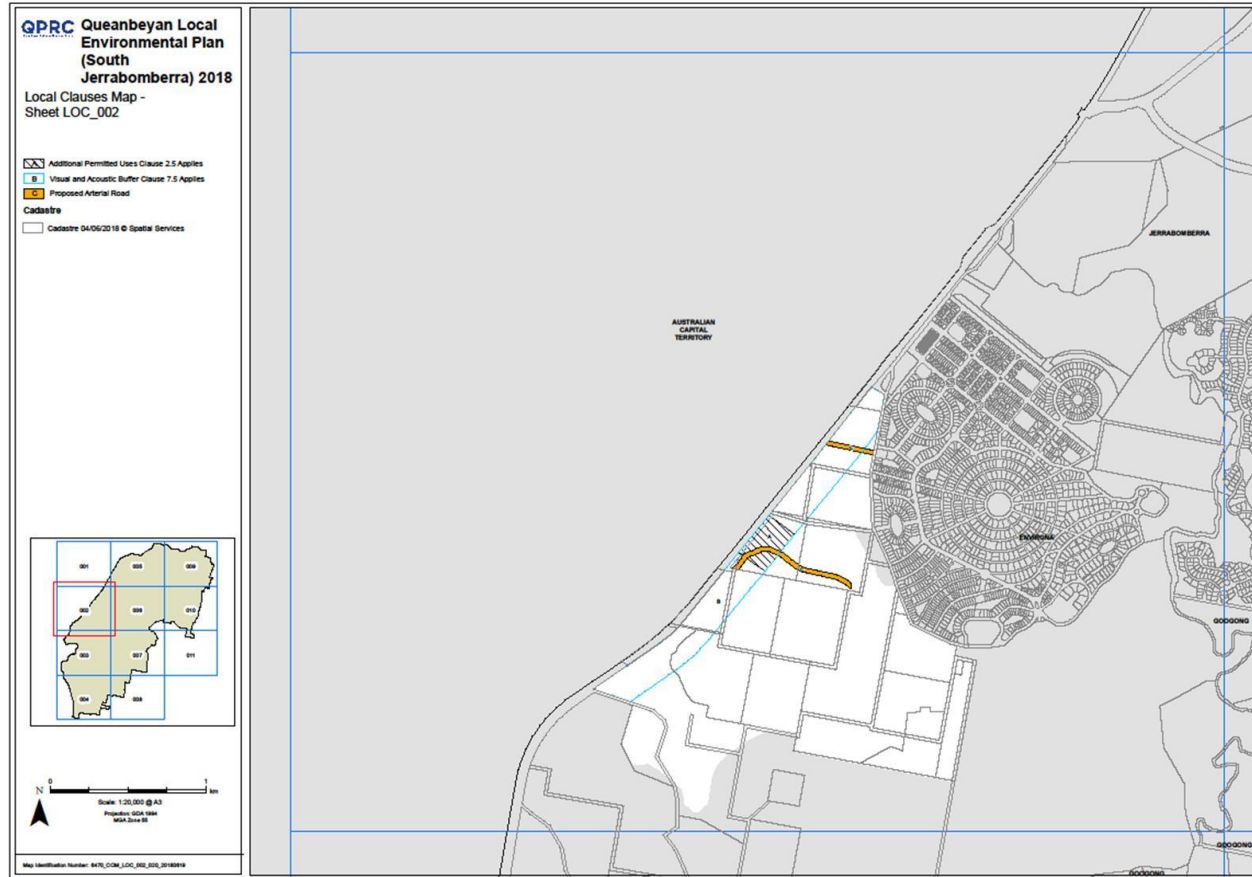
Planning Proposal for land at South Jerrabomberra

Urban Release Area Map



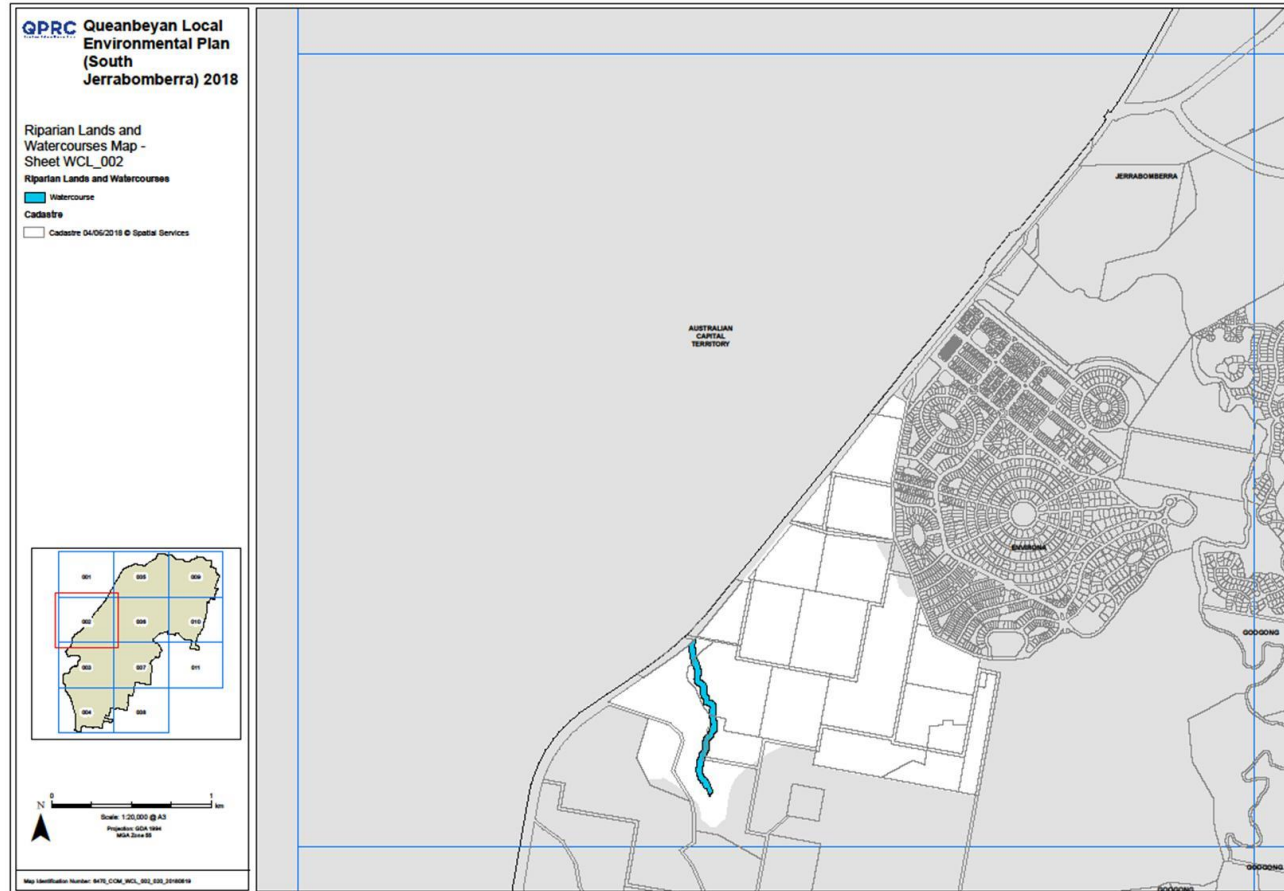
Planning Proposal for land at South Jerrabomberra

Local Clauses Map



Planning Proposal for land at South Jerrabomberra

Riparian Lands and Watercourses Map



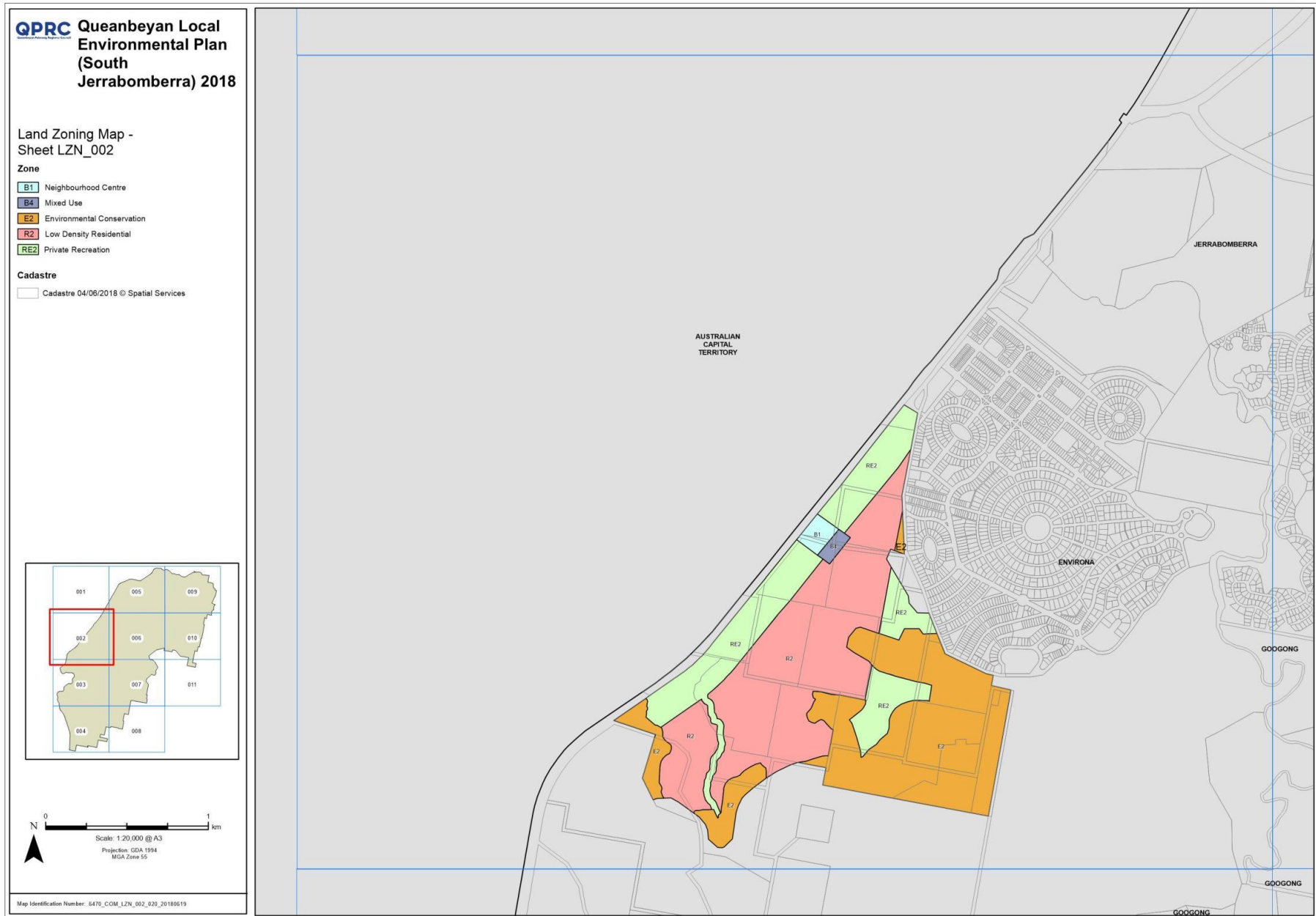
QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

ITEM 12.2 SOUTH JERRABOMBERRA PLANNING PROPOSAL

ATTACHMENT 2 DRAFT ZONING MAP SOUTH JERRABOMBERRA



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

ITEM 12.2 SOUTH JERRABOMBERRA PLANNING PROPOSAL

ATTACHMENT 3 SUBMISSIONS SOUTH JERRABOMBERRA PP - 7 DECEMBER
2018



DOC18/642157-02

The General Manager
Queanbeyan Palerang Regional Council
PO Box 90
QUEANBEYAN NSW 2620

Attention: Mr David Carswell

Dear Mr Carswell

RE: Planning Proposal PP_2013_QUEAN_001_00 – South Jerrabomberra

I refer to your letter of 3 September 2018 advising of a revised planning proposal to rezone land in South Jerrabomberra and inviting comment from the Environment Protection Authority (EPA) regarding this matter.

The EPA understands that the proposed rezoning is being sought to primarily facilitate future residential development in the South Jerrabomberra area and therefore, unlikely that any future land uses in this area will trigger a need for EPA environment protection licensing under Schedule 1 of the *Protection of the Environment Operations Act 1997*. As such, the EPA does not have a formal role under the *Environmental Planning and Assessment Act 1979* regarding the revised planning proposal.

The EPA does note that the proposed rezoning area abuts the Hume (ACT) industrial area and Council's advice that a 250 metre buffer from this area has been adopted in the revised planning proposal. It is important that Council in assessing future residential development in this area ensures that both the buffer and any other necessary planning controls are adequate to prevent land use conflict with the adjacent industrial activities.

The EPA appreciates the opportunity provided by Council to comment on this matter. Should you wish to discuss this matter further, please contact Sharon Peters or me on 6229 7002.

Yours sincerely

Stefan Press 25/09/18

STEFAN PRESS
Unit Head – South East Region
Environment Protection Authority

Phone 131 555	Fax +61 2 6229 7006	PO Box 622	Level 3
Phone +61 2 6229 7002 (from outside NSW)	TTY 133 677	Queanbeyan	11 Farrer Place
	ABN 43 692 285 758	NSW 2620 Australia	Queanbeyan NSW
			2620 Australia

info@epa.nsw.gov.au
www.epa.nsw.gov.au



NSW RURAL FIRE SERVICE



The General Manager
Queanbeyan-Palerang Regional Council
PO Box 42
NOWRA NSW 2541

Your reference: PP_2013_QUEAN_001_00
Our reference: R18/685
DA18090615000 BB

Attention: Arthean McBride

4 October 2018

Dear Sir/Madam,

Revised Planning Proposal PP_2013_QUEAN_001_00 - South Jerrabomberra

I refer to your correspondence dated 3 September 2018 seeking comment in relation to the above proposal which seeks to finalise the zoning and development framework for the South Jerrabomberra urban release area.

The New South Wales Rural Fire Service has reviewed the information provided and advises that it raises no objection to the proposal, subject to consideration being given to the comments outlined in our previous response dated 11 September 2015, provided to Council in relation to SF130714-02 - C01859474.

Should you wish to discuss this matter please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Lucas'.

Jeff Lucas
Director, Planning and Environment Services

Postal address

NSW Rural Fire Service
Planning and Environment Services
Locked Bag 17
GRANVILLE NSW 2141

T 1300 NSW RFS
F (02) 8741 5433
E records@rfs.nsw.gov.au
www.rfs.nsw.gov.au



Our ref: STH09/02494/28
Contact: Andrew Lissenden 4221 2769
Your ref: SF130714-02

24 October 2018

Arthean McBride
Queanbeyan-Palerang Regional Council
BY EMAIL: council@qprc.nsw.gov.au

AMENDED PLANNING PROPOSAL – PP_2013_QUEAN_001_00 – SOUTH JERRABOMBERRA

Dear Arthean

Roads and Maritime Services (RMS) refers to Council's correspondence regarding the public exhibition of the above planning documents and our subsequent phone discussion.

RMS has reviewed the information provided focusing on the impact to the state/classified road network. RMS as a result of its assessment notes the following:

- For this planning proposal (PP) the key state road is Lanyon Drive;
- The PP (as amended) will allow the delivery of a maximum of 1,500 dwellings and approximately 1,103 jobs;
- Primary access to the area covered by the PP will be via traffic signals at the intersection of the Northern Access/Entry Road with Tomsitt Drive (approved under DA128-2016). Both these roads are local roads for which Council is the roads authority; and
- Improvements are currently being undertaken, by RMS, to the intersection of Lanyon Drive and Tomsitt Drive. The aim of these improvements is to reduce traffic congestion and cater for some of the future traffic growth that development in the Jerrabomberra/Tralee area will generate.

Having regard for the above, RMS offers the following comments on the exhibited documents for Council's consideration:

- Secondary Road Connection: RMS, as detailed in its previous advice, strongly supports a secondary road connection via Shepard Street or Isabella Drive being provided as development in the area to which the PP relates progresses and its associated traffic increases. The provision of a secondary road connection would provide significant overall network benefits as it will more effectively distribute traffic from the surrounding precinct and reduce the impact on the classified road network in particular

rms.nsw.gov.au

1

Lanyon Drive and the Monaro Highway (i.e. all traffic will currently be forced to access future development via the northern access road and its linkage with Tomsitt Drive).

RMS recognises the discussions that have occurred for road linkages from South Jerrabomberra and surrounds to the Australian Capital Territory (ACT) via Sheppard Street or Isabella Drive. Furthermore, RMS recognises that these road linkages would require approval from the ACT Government and at this time there is no current commitment from the ACT Government allowing these linkages. As such, RMS would strongly support further discussion between Council and the ACT Government to progress a linkage or multiple linkages.

Whether or not an agreement can be reached in the short term on these linkages, RMS believes that appropriate road reserves (i.e. location and width) must be provided within the South Jerrabomberra PP area to cater for these linkages. From reviewing the information that has been provided RMS understands that it is Council's intention to preserve these road linkages via the provisions of Clause 7.5 (Land in the vicinity of proposed arterial roads) and the 'Local Clauses Map' in the *Queanbeyan Local Environmental Plan (South Tralee) 2012* (STLEP). It is however unclear to RMS how sufficient land will be preserved noting some of the existing constraints such as the rail corridor and there being no clear indication in Clause 7.5 or the associated Local Clauses Map as to what the required road reservation for these arterial road linkages will be (i.e. width of land that is required to be preserved).

Noting the comments above, RMS requires a strategic design of the connection of the Northern Access Road/Dunns Creek arterial road to Sheppard Street, demonstrating that an appropriate road can be constructed, if and when required, in the future. The design needs to show how the levels will integrate with the Northern Access Road, the crossing of the railway line (i.e. ability to contain the required road infrastructure in the identified road reserve area) and any adjoining road infrastructure identified in development applications for subdivision that have been approved by Council or are currently under assessment (e.g. Road 5 of the subdivision DA 395-2017).

RMS suggests that the finalisation of the PP be placed on hold until additional information that adequately addresses the secondary road connection issues above has been provided. This ensuring that the PP, if approved, has minimal impacts on the state classified road network and correctly reflects the works required to be provided by the developer as part of any future development applications lodged.

- Urban Release Area Provisions: RMS notes that that the PP seeks to identify the area to which it applies as an Urban Release Area (URA) under the STLEP. RMS supports the inclusion of the land as a URA and the need for any future development to address the provisions of Clause 6.1 (Arrangements for designated State public infrastructure) of STLEP.

In line with the above requirements RMS notes that there has been discussions with Council, the Department of Planning and Environment and the Village Building Company towards the payment of state infrastructure contributions to ensure satisfactory contributions/sufficient contributions are collected for future road works required on the state road network as a result of the increased traffic generated (e.g. future require intersection upgrade works at the intersection of Lanyon Drive and Tomsitt Drive).

If you have any questions please contact Andrew Lissenden on 4221 2769.

Please ensure that any further email correspondence is sent to 'development.southern@rms.nsw.gov.au'.

Yours faithfully



Chris Millet
Manager Land Use
Southern Region

Cc: arthean.mcbride@qprc.nsw.gov.au



27 November 2018

General Manager
Queanbeyan-Palerang Regional Council
256 Crawford Street, Queanbeyan
Via email

Submission - Planning proposal to rezone land at South Jerrabomberra

Reference is made to the South Planning Proposal seeks to rezone land at South Jerrabomberra to R2 Low Density Residential Zone, RE2 Private Recreation Zone and E2 Environmental Conservation Zone. It is understood that will be achieved through an amendment to the existing Queanbeyan Local Environmental Plan (LEP) (South Tralee) 2012, which will also be renamed Queanbeyan LEP (South Jerrabomberra) 2018. In addition to the rezoning of land extending the current urban release area, it rezones land in the existing South Tralee development area from R1 General Residential to R2 Low Density Residential.

A number of issues have already been highlighted by Village Building Company in relation to the back zoning of the R1 zone to R2, particularly in relation to the consequent changes in the Land Use Table removing previously permitted uses, notably, multi dwelling housing, attached and semi-detached dwellings. Further, the retention of the abandoned second Dunn's Creek Road corridor shown in the southern part of the site has also been flagged by Village Building Company as an error in the Draft LEP.

It is understood that Council proposed to rectify these matters, adding attached dwellings and semi-detached dwellings to the land use table. Adding both the Multi-dwelling housing, semi-detached and attached dwellings and a permissible use in Schedule 1 may provide an alternative mechanism without compromising the broader R2 zone. It is also noted that Council has agreed to the deletion of the second Dunn's Creek Road corridor.

In addition to the matters identified above, this submission raises concerns we have about the proposal as follows:

Zoning of the small area adjacent to the Urban Release Area (URA)

The current LEP Mapping avoids a small area of rural land adjacent to the URA (refer Figure 1 below). This anomaly seems to have been picked up in as the extent of a potential area of native grassland identified in the earlier flora and fauna assessment undertaken by Kevin Mills and Associates. The documents authored by Kevin Mills do not definitively identify the site as an area of significant vegetation, rather note the occasional occurrence of as 'patch of regrowth sedges'. Matthew Dowle a Senior Ecologist with Ecological Australia conducted a review of the site and found that the area was highly degraded and consisted of predominately exotic vegetation with the existence of serrated tussock (refer page 2-3 of the attached survey report).

This realignment is considered to be minor and will enable the proposed road layout at South Tralee to be improved in terms of efficiency by removing the curve and having negligible environmental impact. Such an amendment can readily be made on recommendation by Council and concurrence by DPE without necessitating the re-exhibition or re-notification of the entire proposal.

Canberra – Head Office
Argyle Corner, 92 Hoskins Street
Mitchell ACT 2911

P 02 6241 6844
E info@villagebuilding.com.au
villagebuilding.com.au



Figure 1 Area to be considered for realignment



Land locked residential land north of the Dunns Creek Road corridor

The inclusion of the Dunns Creek Road corridor creates a parcel of land, zoned R1 (proposed to be zoned R2) of the development which will be difficult to access given the arterial road corridor. We propose that Council consider "swapping" this parcel of developable land with the RU1 land proposed to be included as identified above (refer Figure 2 below).

The area that would be removed from residential development is approximately 4860m² while the additional RU1 to R2 land would be approximately 2235m², resulting in a reduction in the overall land capable of residential development but enabling a more efficient and logical development footprint.

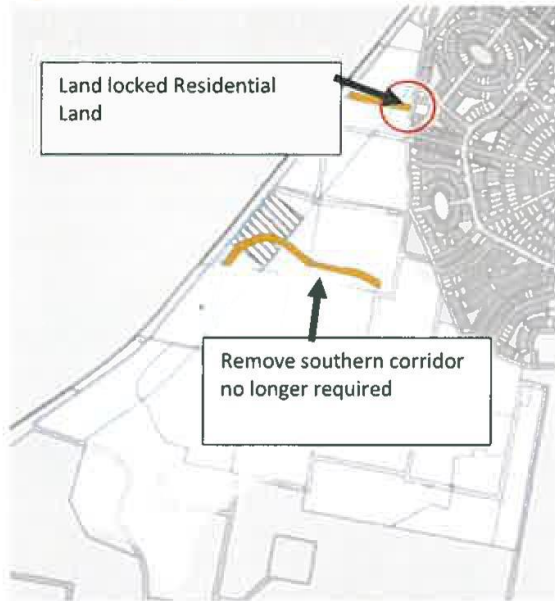


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Argyle Corner, 92 Hoskins Street
Mitchell ACT 2911

P 02 6241 6844
E info@villagebuilding.com.au
villagebuilding.com.au



Figure 2 Proposed Local Clauses Map



Source: Planning Proposal for Land at South Jerrabomberra, Queanbeyan-Palerang Council

Figure 3 Extract Neighbourhood Structure Plan



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 Argyle Corner, 92 Hoskins Street
 Mitchell ACT 2911

P 02 6241 6844
 E info@villagebuilding.com.au
 villagebuilding.com.au



Remove Dunns' Creek Road Corridor in the south from LOC Map

The draft LEP includes the identification of two corridors for the future Dunns' Creek Road alignment (refer Figure 2) on the proposed Local Clauses Map (LOC Map). As noted above the southern option was removed with the agreement of all relevant parties and the DA for South Tralee approved by the Panel in August also ignores the second reservation. It has been included in error and should be removed to avoid confusion.

Land acquisition map

The draft LEP mapping accompanying the Planning Proposal include land proposed to be dedicated for Dunns' Creek Road, however, the Draft LEP fails to include a corresponding Land acquisition map.

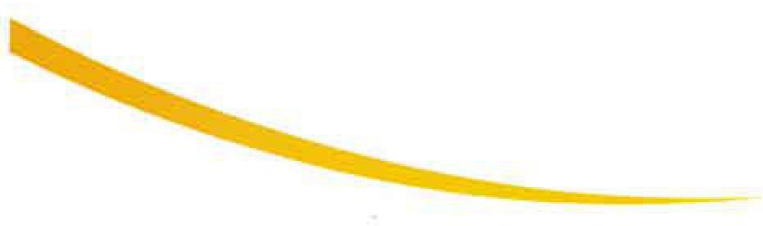
Clause 7.5 of the LEP refers to the Local Clauses Map and identifies land to be reserved for a future *arterial road*. This clause also limits development within 30m of the corridor. We would question the use of this clause and the limitations it puts on the land without the corresponding requirement for acquisition and propose that Council consider the inclusion of a land acquisition map within the draft LEP.

RE 2 Proposed Land Uses

The required buffer zone to the ACT Hume Industrial Estate has ensured that there is significant tracts of RE2 Zoned land within the URA. To enable efficient and economic uses of this land for the benefit of South Jerrabomberra, we would urge Council to consider additional uses that could be suitable for this transitional zone between the Heavy Industrial Uses at Hume and the residential areas within South Jerrabomberra. The additional RE2 land proposed within the E2 lands should also have consideration as to future appropriate land uses as part of the rezoning process.

We would propose the following suitable additional land uses for consideration:

- Garden Centres
- Hotel and motel accommodation
- Tourist and visitor accommodation
- Function centres
- Food and drinks premises consistent with private recreation uses



Canberra – Head Office
Argyle Corner, 92 Hoskins Street
Mitchell ACT 2911

P 02 6241 6844
E info@villagebuilding.com.au
villagebuilding.com.au



Other Matters Requiring Clarification

The Planning Proposal does not clearly highlight the extent of the land uses that are currently permitted with consent in the R1 zone and those that are proposed to be prohibited and this interpretation is difficult to discern.

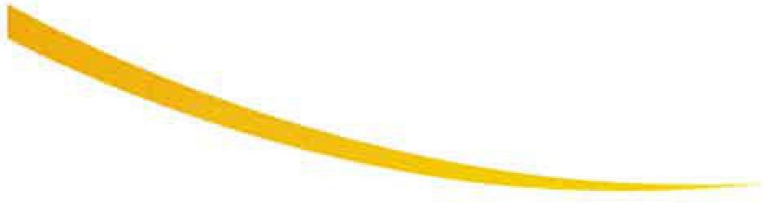
It is noted that the Planning Proposal does not propose to remove clause 4.1A exception to minimum lot size for subdivision for land within 200m of the B4 mixed use zone and that in retaining the clause the LEP will retain some flexibility.

Thank you for the opportunity to provide feedback on the Draft LEP. We would be happy to provide further information as to any matter identified in the submission. For further information or clarification please don't hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "Clare Gilligan".

Clare Gilligan
Project Director – South Jerrabomberra

A thick, curved yellow line that starts on the left and tapers to the right, positioned above the contact information.

Canberra – Head Office
Argyle Corner, 92 Hoskins Street
Mitchell ACT 2911

P 02 6241 6844
E info@villagebuilding.com.au
villagebuilding.com.au



Our Reference: 18/25822

Mr David Carswell
Service Manager Land Use Planning
Queanbeyan-Palerang Regional Council
PO Box 90
QUEANBEYAN NSW 2620

Dear Mr Carswell

Revised South Jerrabomberra Planning Proposal

I refer to your correspondence of 3 September 2018 regarding the revised South Jerrabomberra Planning Proposal. I am responding on behalf of the ACT Government and apologise for the delay in providing this advice to you.

Thank you for the referral of the revised proposal for South Jerrabomberra, which I note includes a maximum of 1500 new low density residential dwellings (RZ2), an anticipated 1,103 jobs, a 250-metre buffer to Hume and road access to Canberra via Tomsitt and Lanyon Drives.

A review of the revised proposal has been undertaken and I have the following comments to provide:

- I am advised by Transport Canberra and City Services that the location of road access to and from Canberra is now resolved and Sheppard Street will not be extended to service South Jerrabomberra and South Tralee. On this basis, the Local Clauses Map (Sheet LOC-002) should be updated to delete the Sheppard Street extension and indicate that the South Jerrabomberra arterial road travels north to Tomsitt and Lanyon Drives to Canberra.
- The revised buffer to Hume is supported. However clarification is sought as to how the buffer is to be measured, for example: whether the buffer width of 250 metres will be measured from the ACT border.
- The proposal indicates that over 1,000 jobs will be created in South Jerrabomberra. It appears that many of these jobs may be located within the 250-metre buffer to the ACT border through the RE2 Private Recreation Zoning, which permits development of up to 12 metres high. Further, based on the South Tralee Local Environment Plan, a private recreation zoning permits with consent, a range of sensitive uses including child care, respite care and education. The ACT Government is concerned by the potential for conflict between existing and future uses within Hume and thus it may be appropriate to revisit permissible land uses within the buffer zone, to refine the land uses permitted there and specifically, to exclude incompatible and sensitive uses from within the 250-metre buffer.

GPO Box 158 Canberra ACT 2601 | phone: 132281 | www.environment.act.gov.au

- It may be prudent for a further environmental assessment to be undertaken to confirm the findings of the 2014 biodiversity study due to the age of this study. A breeding pair of Little Eagles are currently recorded as nesting at the Gilmore Horse Paddocks, located south west of Hume and adjacent to South Jerrabomberra. The ACT Government has recently placed a tracker on one of the birds, to determine the extent of their foraging area. It is likely that the South Jerrabomberra development proposal will result in a loss of foraging habitat for the Little Eagle species.
- There is a significant regional landscape and environmental connectivity that extends from Rob Roy - Tuggeranong Hill - Melrose - to the south of South Jerrabomberra. Whilst South Jerrabomberra is not likely to break the linkage, it would be prudent for planning of South Jerrabomberra to be reviewed, giving consideration to the environmental linkages. This environmental connectivity is demonstrated in the attached map.
- It is noted that the noise and air quality assessments have not been updated since 2015 to reflect and confirm the revised proposal. I am advised that the noise assessment incorrectly states the ACT noise standards requirements relating to industrial development bordering NSW. The correct figures are 65dB during the day and 55dB during the night, which are 10dB higher than those quoted. The implications of this on the proposal should be reviewed.
- The 2015 air quality assessment recommends a 500 metre buffer from the asphalt plant in Hume to residential development, but concludes that the facility is not being regulated appropriately by the ACT's Environment Protection Agency. This is not correct. The facility is being operated in accordance with their environmental authorisation. The implications of this on the South Jerrabomberra proposal should be reviewed.

If you require any further information, please contact Kathy Cusack, Executive Director – Planning, Land and Building Policy on 62050204.



Ben Ponton
Director-General

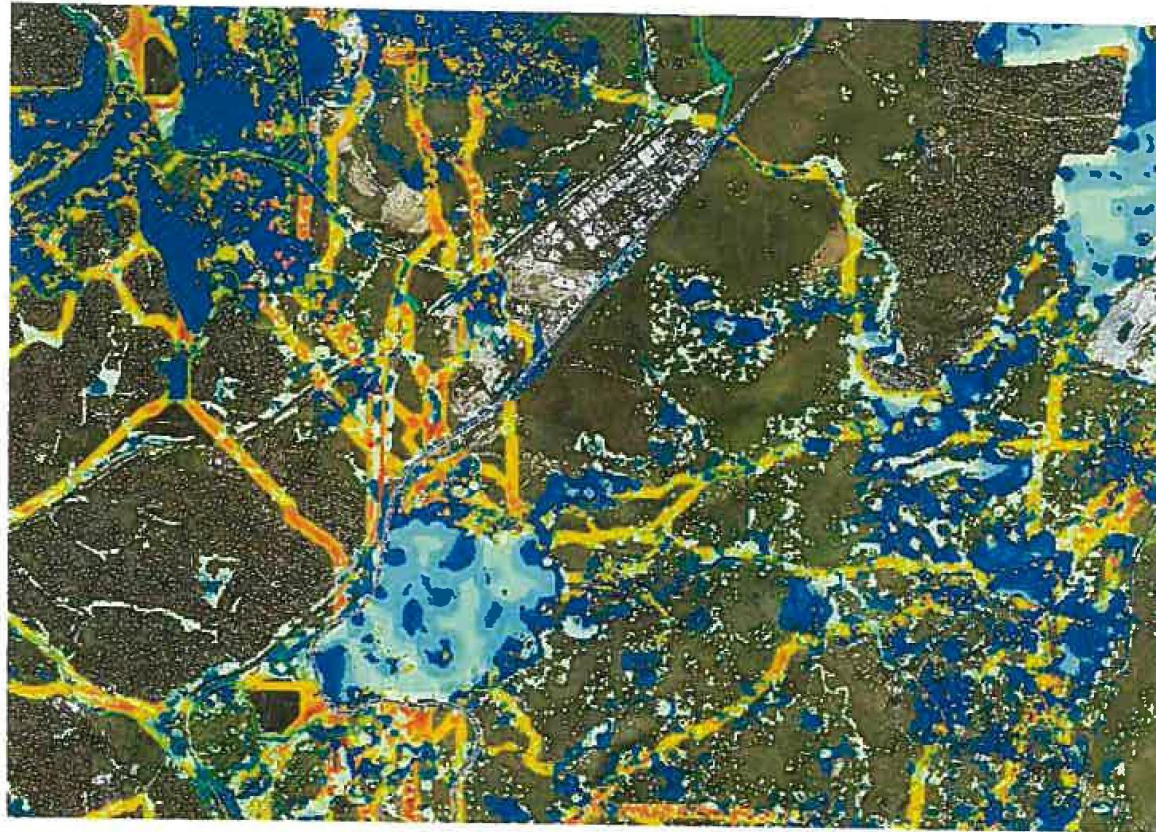
30.11.18

Attachment – Fine Scale Modelling of Fauna Habitat and Connectivity Values in the ACT Region (NSW Office of Environment and Heritage, 2012)

Legend

Darker the shade of blue – better the habitat

Darker the shade of yellow - the more important an area is for linkage between habitat areas



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

ITEM 12.3 RURAL LAND REQUESTS

ATTACHMENT 1 METHOD FOR ASSESSING REZONING AND DWELLING
ELIGIBILITY REQUESTS

Background

The PLEP applies to the whole of the former Palerang local government area. The need to amalgamate six LEPs was as a result of the local government amalgamations in 2004. The former (now repealed) LEPs were:

- *Cooma-Monaro Local Environmental Plan 1999 - (Rural)*
- *Goulburn Mulwaree Local Environmental Plan 2009*
- *Gunning Local Environmental Plan 1997*
- *Mulwaree Local Environmental Plan 1995*
- *Tallaganda Local Environmental Plan 1991*
- *Yarrowlumla Local Environmental Plan 2002 (YLEP 2002).*

The objectives of the Rural Lands Study were:

- to identify and examine the strategic and legislative context, key trends and the social, economic (including agriculture), infrastructure and environmental issues affecting rural, rural residential and environmental land in the Palerang LGA.
- to work with the community in the development of the study in order to gain an understanding of the study findings.
- to prepare a strategy for rural and rural residential and environmental land in the Palerang LGA based on the analysis of data (including community consultation).
- to recommend an appropriate minimum lot size for dwellings on rural, rural residential and environmental land.
- to consider the benefits and disadvantages associated with rural lot size averaging.
- to recommend the location and amount (if any) of land that could be zoned from rural to rural residential. This will also address the individual rezoning requests deferred following the exhibition of the draft local environment plan.
- to consider whether individual requests for a dwelling to be permitted on certain land.

Method for assessing the requests

1. Gain an understanding of the request by reviewing the land use planning and property history of the land that is the subject of the request
2. Consider the land use planning policy and legislative background
3. Consider the attributes of the land in association with the nature of the request, for example public road access, significant native vegetation known to be on the land or whether there is an existing dwelling

4. Consider the request against the Rural Lands Study criteria (p37). The Rural Lands Study criteria are:
- Is the land an anomaly with regard to the current land use or are there other factors that warrant one-off support?
 - If the proposal is not an anomaly or justified on special grounds as an ad hoc rezoning, the proposal must fit a broader pattern of logical extension of development. For example, fit a logical extension of an existing small properties zone or form part of a potential new zone.
 - If it is possible to support the proposal, what ranking and timeline should be set for the particular proposal? Is there sufficient data from the applicant or should more be supplied to finalise a decision?
 - Will the development of the land be self-funding with regard to adequate road access, power and bushfire protection measures?
 - Does the proposal add benefit to the Queanbeyan-Palerang LGA i.e. not just a commuter satellite for Canberra?

It is also noted that one of the principles in the Rural Lands Study is:

No. 8 “Efficient use of hard and soft infrastructure, general principle, new rural residential development should cover its own cost of infrastructure,”

8C “limit supply of additional rural and environmental land uses in areas where the increase may generate demands for infrastructure improvements beyond what the development can fund” (p35)

Additional documents to be considered

In addition to the Rural Lands Study, it is necessary to take the following documents into account in considering each of the requests:

1. *South-East and Tablelands regional plan 2036*

Direction 8: of the plan is ‘Protect important agricultural land

2. *Directions by the Minister*

Direction 1.2 Rural Zones states:

(4) A planning proposal must:

- (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
- (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Additionally, Direction 1.5 Rural Lands states:

A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

3. *State Environmental Planning Policy (Rural Lands) 2008*

The SEPP includes rural planning principles which Council is required to apply in the preparation of LEPs (including amendments). These include:

Rural Planning Principles

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

If the LEP amendment is to result in an amendment to the minimum lot size in the LEP the following Rural Subdivision Principles must be applied:

- (a) the minimisation of rural land fragmentation,
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,
- (d) the consideration of the natural and physical constraints and opportunities of land,
- (e) ensuring that planning for dwelling opportunities takes account of those constraints.

4. *Draft State Environmental Planning Policy – Primary Production and Rural Development*

The *Draft State Environmental Planning Policy – Primary Production and Rural Development* contains similar principles and also should be taken into account.

All planning proposals must:

- be consistent with any applicable regional plans of the Department of Planning and Environment or any applicable local strategy endorsed by the Secretary

- recognise the significance of agriculture and primary production to the State and rural communities, including the social and economic benefits of rural land use and development
- aim to protect environmental values, having regard to maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
- consider the natural and physical constraints of the land
- promote and protect opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
- support farmers in exercising their right to farm
- prioritise efforts to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses
- consider the social, economic and environmental interests of the community.

In addition to the above, a planning proposal seeking to change minimum lot sizes must also demonstrate that it:

- is consistent with the priority of minimising rural land fragmentation and land use conflict
- will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains

Where it is for rural residential purposes:

- is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres
- is necessary taking account of existing and future demand and supply of rural residential land.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

ITEM 12.3 RURAL LAND REQUESTS

ATTACHMENT 2 LOT 9 DP 754867, SILVER LANE, BORO - DETAILED
ASSESSMENT

Request

The property owner would like to erect a dwelling on their land, Lot 9 DP 754867, Silver Lane, Boro. The lot is 33.5 hectares while, the minimum lot size is 40 hectares. To erect a dwelling with consent in this instance it would be necessary to amend the PLEP minimum lot size for this lot from 40 hectares to be a minimum of 33 hectares.

The property owners have been contacted by Council and have provided an updated submission (attachment 14). As stated below the lot was part of a former holding and does not have the ability to have a dwelling.

Description of the land

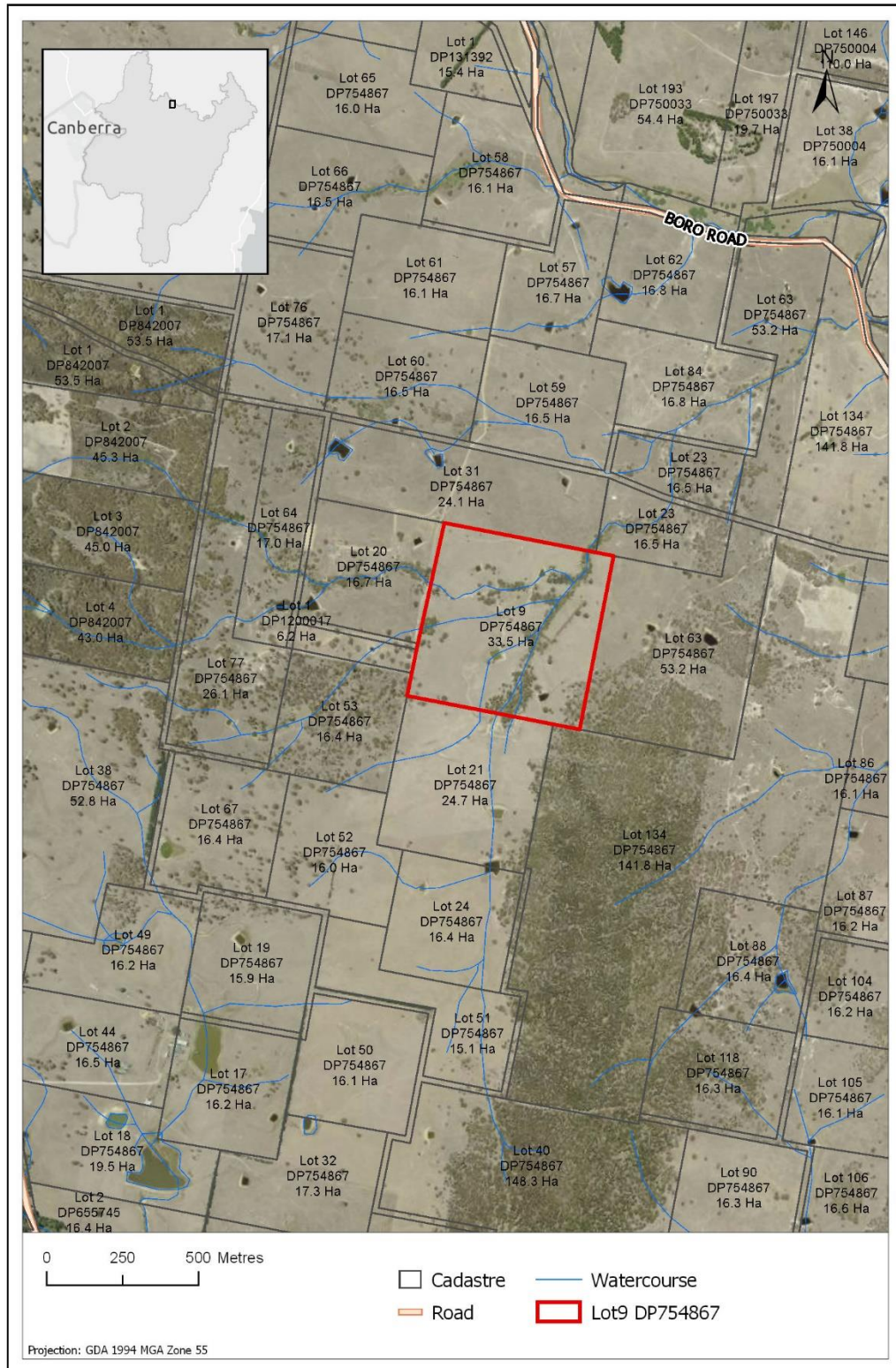
Lot 9 DP 754867 is located on Silver Lane (not maintained by Council), Boro. It is 33.5 hectares and zoned RU1 Primary Production under the PLEP.

Map 1 below shows an aerial image of Lot 9 DP 754867 and Map 2 the landuse zoning.

The land is shown as being bushfire prone on the Palerang bushfire prone land map. Part of the lot contains a watercourse and some areas of High Environmental Value native vegetation (refer to Map 3). The lot is also within the Sydney Drinking Water Catchment.

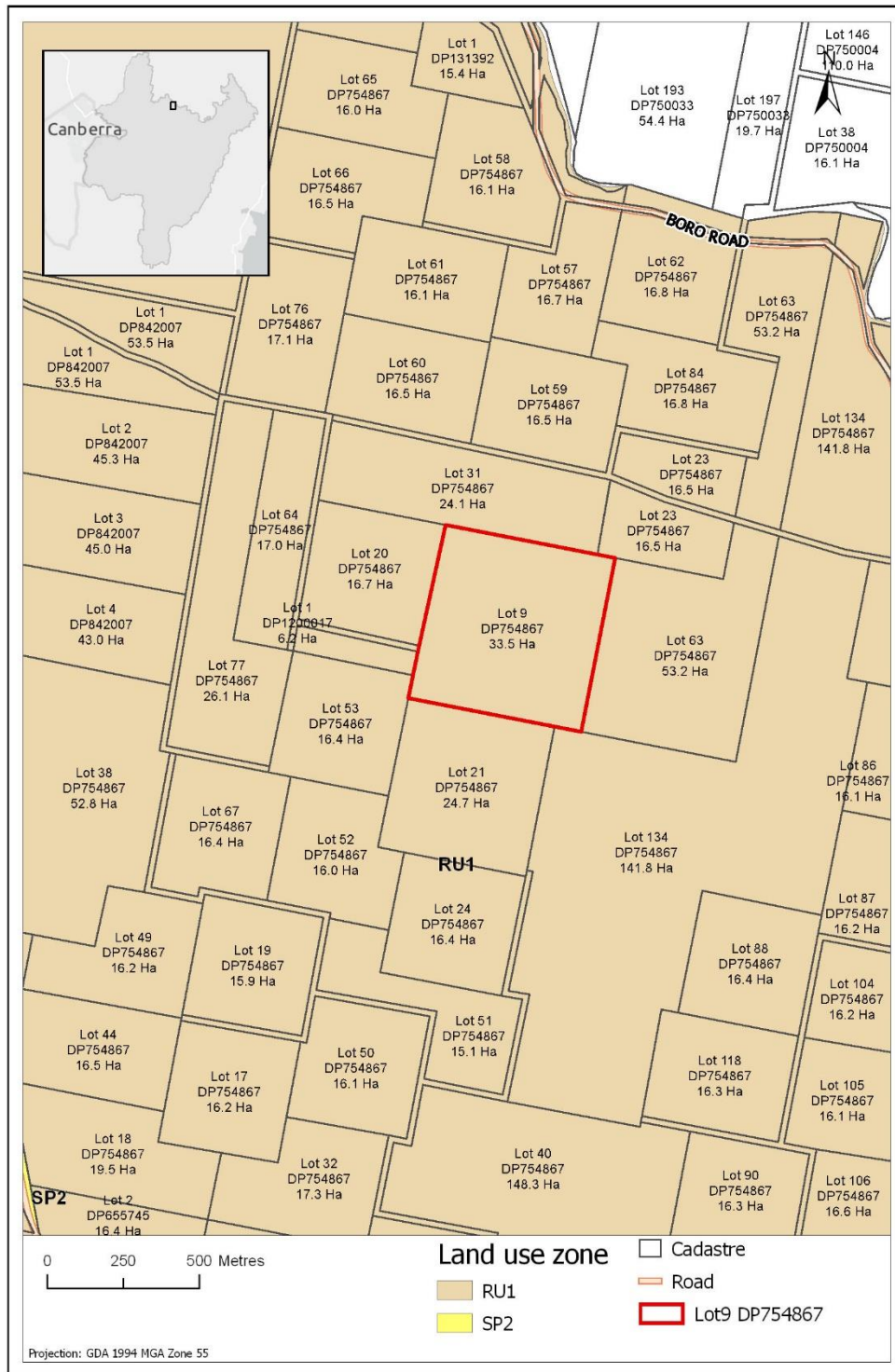
The lot is accessed via a right-of-way from Boro Road (which is maintained by Council). There are several dams on the lot but there do not appear to be any dwellings.

12.3 Rural Land Requests
 Attachment 2 - Lot 9 DP 754867, Silver Lane, Boro - Detailed Assessment (Continued)



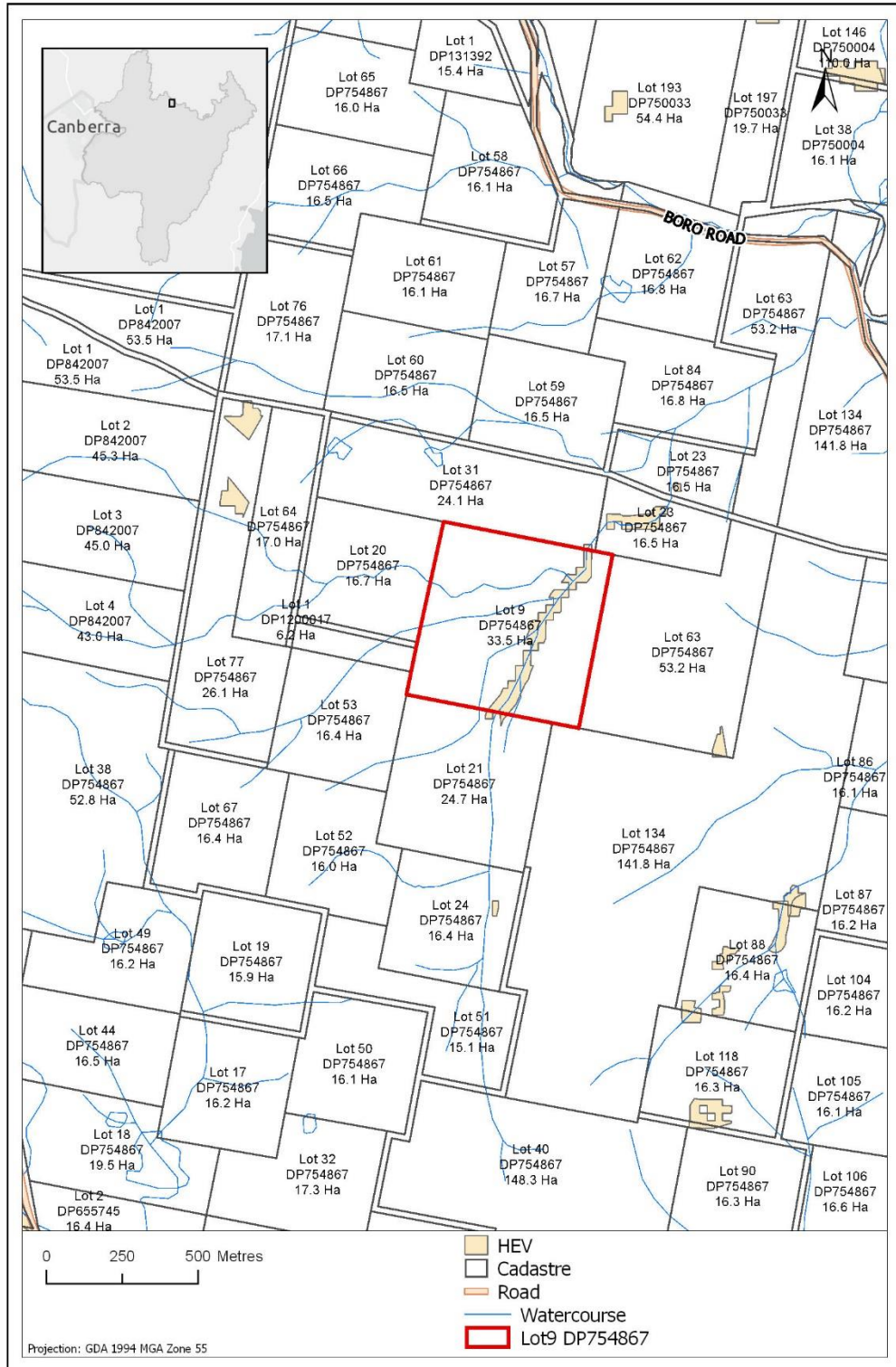
Map 1 Aerial image of Lot 9 DP 754867

12.3 Rural Land Requests
Attachment 2 - Lot 9 DP 754867, Silver Lane, Boro - Detailed Assessment (Continued)



Map 2 The landuse zoning of Lot 9 DP 754867

12.3 Rural Land Requests
Attachment 2 - Lot 9 DP 754867, Silver Lane, Boro - Detailed Assessment (Continued)



Map 3 High Environmental Value (HEV) native vegetation on Lot 9 DP 754867

Background

The property owners wrote to Council on 11 June 2008 requesting a variation to allow the erection of a dwelling on the lot and again on 7 March 2013 (see attached objection)

At this time clause 21 and 21A of the *Tallaganda Local Environmental Plan 1991* was applicable:

21 Dwelling-houses within Zone No 1 (a)

- (1) This clause applies to land within Zone No 1 (a).
 - (2) The Council may only grant consent to the erection of a dwelling-house on land to which this clause applies on which no dwelling is erected and which:
 - (a) has an area of not less than 40 hectares,
 - (b) (Repealed)
 - (c) comprises the whole of an existing holding, and providing the Council is satisfied that:
 - (i) there will be adequate coinciding legal and practical vehicular access available to the dwelling-house,
 - (ii) the erection of the dwelling-house will not create or increase ribbon development along a main or arterial road, and
 - (iii) adequate utility services are or will be available to the existing holding,
 - (d) comprises an allotment created by subdivision in accordance with clause 15, if the Council is satisfied that the use of the dwelling house will be ancillary and subsidiary to the purpose for which the allotment was created,
 - (e) comprises an allotment created by a subdivision to which the consent of the Council was granted before the appointed day and on which a dwelling-house could have been lawfully erected under the planning instrument then in force, or
 - (f) comprises an allotment created by subdivision in accordance with clause 13 and which has an area of less than 40 hectares but not less than 4 hectares where the Council is satisfied that:
 - (i) the land is capable of sustaining a financially viable intensive agricultural activity, and
 - (ii) the dwelling is necessary for, and will be ancillary to, the use of the land for the purpose of intensive agriculture.
- (Historical version for 9 May 2008 to 14 December 2008)

21A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement

(Historical version for 9 May 2008 to 14 December 2008)

Clause 21(2) (a) did not apply as the lot is less than 40 hectares and Clause 21(2) (c) as the lot is not an existing holding. Subclauses 2(d) (e) and (f) do not apply as the lot was not created as a result of a subdivision. The property owners' planning consultant was advised on 7 June 2011 that Lot 9 DP 754867 is not an 'existing holding' as in 1974 it was part of a larger holding owned by others.

At the time the *State Environmental Planning Policy (Rural Lands) 2008* was introduced the NSW government repealed clause 14 which relates to the subdivision of land for concessional lots.

In the attached objection, the owners state that the lot had been created from a subdivision in 1862. However, the division of land by the Crown across NSW at this time is not considered a subdivision.

On 8 September 2010, council wrote to property owners in response to their letter dated 11 June 2008 to advise that:

“At its meeting of 5 August 2010 Council resolved to consider minor rezoning/LEP amendment proposals such as yours at the extraordinary meeting scheduled for 14 October 2010.”

The request to allow a dwelling on Lot 9 DP 754867 was considered at the Extraordinary meeting of Council held on 14 October 2010. The report states:

Planning comments:

The majority of the lot is not bush fire prone and suitable building sites should be available.

Access will need to be via right of way.

The land is located in a broad acre rural area remote from rural residential development. A dwelling house on this small lot may result in increased land use conflict and is potentially in conflict with the Rural Lands SEPP.

Agreeing to this proposal may set an undesirable precedent for other undersized rural lots.

Assessment

The location of this land in a rural area well away from rural residential developments and the reliance on a right of way for access make it unsuitable for residential development. The land does not have any unique characteristics which would avoid the potential for creating an undesirable precedent. The proposal is not supported and it is recommended that Council take no action in the PLEP to allow it.

The minutes of this Extraordinary Meeting 14 October 2010 state:

5. not agree to the planning amendments proposed by TW & JA Hicks, and A & C Johnston (the owners of Lot 9 DP 754867).

On 18 August 2011, Council advised the property owners' planning consultant that Council had considered the request for the ability to erect a dwelling at the Extraordinary Meeting 14 October 2010 and had resolved not to consider provision of a dwelling entitlement on the subject land for the following reasons.

The location of this land in a rural area well away from rural residential developments and the reliance on a right of way for access make it unsuitable for residential development. The land does not have any unique characteristics which would avoid the potential for creating an undesirable precedent. The proposal is not supported and it is recommended that Council take no action in the PLEP to allow it.

The ability to erect a dwelling on the lot is now determined by clause 4.2A of the PLEP (as shown below):

- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land:
 - (a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or
 - (b) is a lot created under clause 4.1, 4.1AA, 4.1A or 4.1B, or
 - (c) is a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
 - (d) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (e) is an existing holding, or
 - (f) would have been a lot or a holding referred to in paragraph (a), (b), (c), (d) or (e) had it not been affected by:
 - (i) a minor realignment of its boundaries that did not create an additional lot, or

- (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
- (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

Note.

A dwelling cannot be erected on a lot created under clause 9 of *State Environmental Planning Policy (Rural Lands) 2008* or clause 4.2.

- (4) Development consent must not be granted under subclause (3) unless:
 - (a) no dwelling house has been erected on the land, and
 - (b) if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and
 - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (5) Development consent may be granted for the erection of a dwelling house on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.
- (6) In this clause:

existing holding means land that:

- (a) was a holding on the relevant date, and
- (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,

whether or not there has been a change in the ownership of the holding since the relevant date, and includes any other land adjoining that land acquired by the owner since the relevant date.

holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.

relevant date means:

- (a) in relation to land to which *Cooma-Monaro Local Environmental Plan 1999—(Rural)* applied immediately before the commencement of this Plan—3 March 1997, or
- (b) in relation to land to which *Goulburn Mulwaree Local Environmental Plan 2009* or *Mulwaree Local Environmental Plan 1995* applied immediately before the commencement of this Plan—15 May 1970, or
- (c) in relation to land to which *Gunning Local Environmental Plan 1997* applied immediately before the commencement of this Plan—15 July 1966, or
- (d) in relation to land to which *Tallaganda Local Environmental Plan 1991* applied immediately before the commencement of this Plan—14 June 1974, or
- (e) in relation to land to which *Yarrowlumla Local Environmental Plan 2002* applied immediately before the commencement of this Plan—13 October 1995.

Note.

The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

As Lot 9 DP 754867 is less than 40 hectares, not the result of a subdivision and not an 'existing holding' a dwelling cannot be erected on the lot under the PLEP.

In addition to the option of reducing the minimum lot size for the lot, clause 4.6 of the PLEP provides the ability for a variation in development standards, in this instance the minimum lot size. A development application and justification for the variation against the PLEP and other planning instruments would be required by the property owners. The concurrence of the Secretary of the NSW Department of Planning and Environment would be required as the variation to the development standard is greater than 10% and the lot has a rural landuse zoning (Planning Circular PS 18-003).

It is suggested that given that the lot is of rural residential size nature which is located in an area which does not have a strategy for rural residential development and is zoned RU1 Primary Production that it would be difficult to justify any amendment to the PLEP or approval under 4.6 of the PLEP. Additionally, it is not good practice to allow access to

dwelling to be via rights-of-way as these can be the subject of disputes about the maintenance of the road. It is preferable that a dwelling be accessed directly from a road maintained by a roads authority (Council or the Roads and Maritime Services).

Assessment against the Rural Lands Strategy

Is the land an anomaly with regard to the current land use or are there other factors that warrant one-off support?

The land is not an anomaly in regard to land use. The property owners state “the property is a practical agricultural unit...”. The broader surrounding land use is predominantly grazing land, farm structures and rural dwellings.

If the proposal is not an anomaly or justified on special grounds as an ad hoc rezoning, the proposal must fit a broader pattern of logical extension of development. For example, fit a logical extension of an existing small properties zone or form part of a potential new zone

Whilst there are dwellings in the broader area, many of these would be associated with agricultural properties. It is not considered that 40 hectares is an agricultural property. To allow a dwelling on the lot would potentially establish a precedent of dwellings on small lots zoned RU1 Primary Production. This is likely to lead to an increase in demand for both soft and hard infrastructure particularly in relation to roads.

If it is possible to support the proposal, what ranking and timeline should be set for the particular proposal? Is there sufficient data from the applicant or should more be supplied to finalise a decision?

It is recommended that the proposal not be supported.

Will the development of the land be self-funding with regard to adequate road access, power and bushfire protection measures?

This section is not applicable to this request.

Does the proposal add benefit to the Queanbeyan-Palerang LGA i.e. not just a commuter satellite for Canberra?

No. As stated above there is potential for a precedent for further requests for dwellings in the RU1 Primary Production land use zone to be permissible outside of the current land use planning zone, this situation is unlikely to be of benefit to the local government area.

Recommendation

It is recommended that the request to allow a dwelling to be erected on Lot 9 DP 754867 not be progressed.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

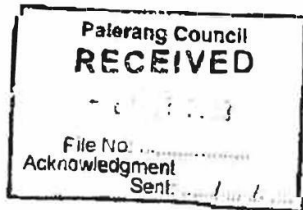
ITEM 12.3 RURAL LAND REQUESTS

ATTACHMENT 3 LOT 9 DP 754867, SILVER LANE, BORO - OBJECTION

**Attachment 3 – Lot 9 DP 754867, Silver Lane, Boro –
Objection**

C18158266

The General Manager
Palerang Council
PO Box 348
Bungendore
NSW 2621



7th March 2013

Dear Sir

**Re; Objection against draft Palerang Local Environmental Plan 2012
Lot 9 DP754867 Boro Road
Council Ref Pt 51831**

This submission is lodged as an objection against PLEP 2012 having regard to the exclusion of Lot 9 DP 754867 from Schedule 1 Additional permitted uses, so as to allow the erection of a dwelling on said land.

Our original submission was considered by Council at its meeting 10th October 2010. We refer to Council's letter of advice 18th August 2011 setting out the grounds for Council's decision not to support the application, these being:

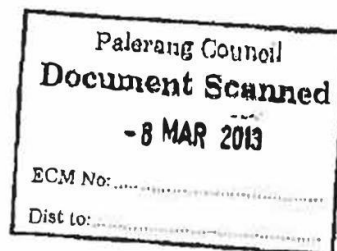
- (1) the location of the land is well away from rural residential developments
- (2) reliance on a right of way for access make it unsuitable for residential development
- (3) the land does not have any unique characteristics which would avoid the potential for creating an undesirable precedent.

With respect we submit the planning report which went before Council did not represent the true circumstances of our case:

With regard to point (1) a reference to "**residential developments**" infers that the erection of a dwelling on the subject land taking in 33.5ha is **rural residential development (E4)** when in fact the land holding pattern of the locality takes in small acre agricultural lots having an average area of 40ha, the erection of a dwelling being ancillary to the dominant land use, agriculture.

With regard to point (2) again reference is made to "**residential development**" having regard to the standard of access required. It is to be pointed out the ROW provides coinciding legal and physical access to the subject land and to the

C18158266



immediately adjoining property (4.1ha) on which a dwelling has been erected with the consent of Council.

It would follow should consent be granted to the erection of a dwelling on lot 9 the existing access track would be upgraded to the standard required by Council and relevant to rural small holdings within the broad acre area of Palerang.

With regard to point (3) contrary to the planning report the subject land does have a unique characteristic. The property is a practical agricultural unit, the existing and intended ongoing use of the land being consistent with the adjoining/adjacent land holding pattern and land use, which is not related to "rural residential" development as inferred in the planning report.

Draft PLEP 2012

Under draft PLEP2012 the land is zoned RU2 Rural Landscape

The minimum lot size applying to the erection of a dwelling across this zone is 40ha

The planning objectives applying to the RU2 Zone Rural Landscape include:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture
- To minimize conflict between land uses within the zone and land uses within adjoining zones.
- To minimize the impact of any development on the natural environment.

"Extensive Agriculture" means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes.
- (c) bee keeping,
- (d) a dairy pasture - based)

Since purchasing the property October 1996 we have maintained the land for the purpose of carrying on **extensive agriculture** in the form of grazing livestock for commercial purposes.

Having regard to return on investment we have established a viable land use for the property even though the area of our land does not exactly fit the development standard applying to small acre farming within the RU2 zone, *the grazing of livestock for a commercial purpose*

Justification for seeking the reinstatement of the original building entitlement over the land centers on our desire to further develop the agricultural potential of the property.

The erection of a dwelling we would argue is ancillary to the dominant and best sustainable use of the property.

Our planned use of the land is consistent with the RU2 planning objectives applying under draft PLEP2012.

Further the existing and further development of the property for agricultural purposes is consistent and compatible with the existing land use activities being undertaken on adjoining and adjacent land holdings.

Having regard to the above we seek Councils concurrence for the inclusion of Lot 9 DP754867 Boro Road at Schedule 1 Clause 2.5 PLEP 2012 so as to allow the erection of a dwelling being ancillary to the extensive agricultural use of the land,



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment


19 DECEMBER 2018

ITEM 12.3 RURAL LAND REQUESTS

**ATTACHMENT 4 LOT 9 DP 754867, SILVER LANE, BORO - PROPERTY OWNER
- SUBMISSION - DECEMBER 2018**

**Attachment 4 – Lot 9 DP 754867, Silver Lane, Boro –
Property Owner – Submission Dec 2018**

C18167195



4th December, 2018

Queanbeyan Palerang Regional Council
P.O Box 348
Bungendore NSW 2621

RE: ADDITIONAL ATTACHMENT TO SUBMISSION TO PALERANG LOCAL ENVIRONMENT PLAN 2012
REGARDING LOT 9 DP754867 BORO ROAD, (129 SILVER LANE), BORO

Dear Sir/Madam,

We thank you for this opportunity to address the Council, requesting an amendment of the current planning controls to **reinstate building entitlement** on the above mentioned property at Boro.

The block of land in question is an eighty acre Parish Portion. It is an original block created in 1862, 156 years ago. It remains in its original size an eighty acre square block measured at 500 chains, a standard size for its time, and has not been altered in any way.

The block has previously had a dwelling on it, which was destroyed at some time. The gardens, pathways and some foundations are still evident.

The building entitlement was lost due to the entitlement being transferred to another holding by a previous owner. We are asking for the building entitlement to be simply be **reinstated** to enable the property its best use for continued agricultural management purposes.

The previous reasons for rejection were;

- Currently used for grazing
- Access
- Setting a precedent

Currently used for grazing; the property has been used for farming in the past and as is all the surrounding properties, it is intended to be used for agricultural purposes in the future. A permitted dwelling would enhance the ability to better manage of the property. The property is in character with its rural setting.

Access via Right of way; access to the property is coinciding legal and physical access by way of Right of Way as per plan N706132. Neighbouring lots, Lot 20 & Lot 77 immediately adjoining to Lot 9, already have established and occupied dwellings and access is via this same, existing right of way, now known as Silver Lane. Since our submission to the PLEP 2012, Council has gazetted this access road and have named it Silver Lane.

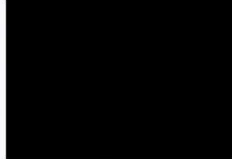
Setting a Precedent; there are existing properties on the Boro Road in the immediate area that are below the 40 hectare regulation that consequently have established dwellings. We would argue that granting Lot 9 a building entitlement is not setting a precedent, it is simply **reinstating the entitlement** that was previously transferred elsewhere.

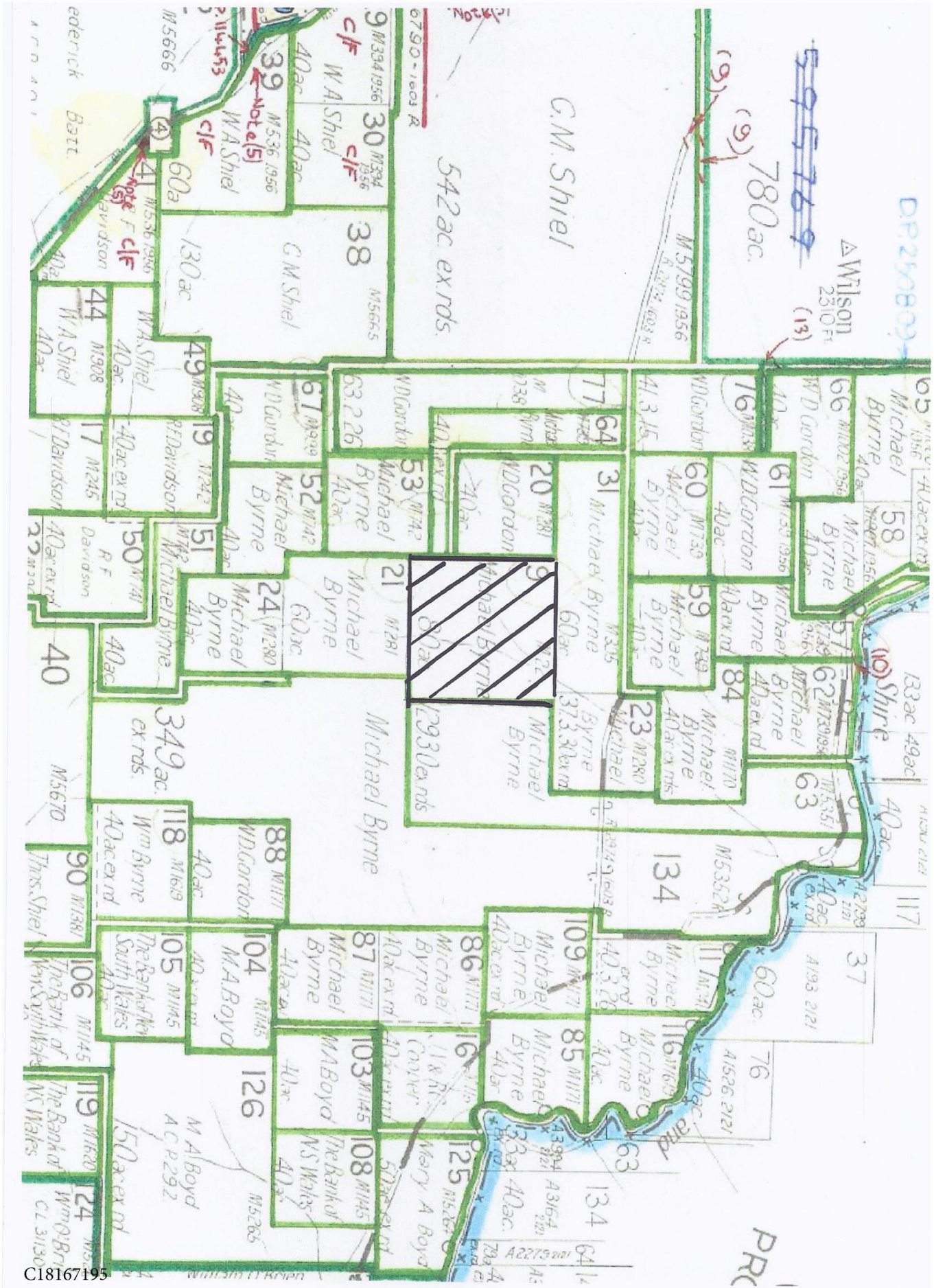
In conclusion, to **reinstate the building entitlement** to this property would not be unreasonable given that the long term use of the land for agricultural purposes is compatible and consistent with the general land use and ownership patterns within the immediate area. There is increased rural

C18167195

residential development in the area and furthermore, the *reinstating of a building entitlement* will enable us to make the best use of the land.

Yours truly,

A large black rectangular redaction box covering the signature of the property owner.A large black rectangular redaction box covering the signature of the property owner.



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

ITEM 12.3 RURAL LAND REQUESTS

ATTACHMENT 5 LOT 11 DP 1058498, LLWELLYN DRIVE, BRAIDWOOD -
 DETAILED ASSESSMENT

Attachment 5 - Lot 11 DP 1058499, Llewellyn Drive, Braidwood – Detailed Assessment

Request

The property owner submitted a request in February 2013 as part of the draft PLEP process seeking the zoning of Lot 11 DP 1058499 to a landuse zone that would allow the creation of further large sized residential lots (refer to Attachment 6). Council resolved (Recommendation No. 70) that the request be considered as part of the Rural Lands Study. It should be noted that whilst the Rural Land Study objectives did include rural residential land, this type of landuse adjoining urban areas which became Zone R5 Large Lot Residential in the PLEP, was not included in the Study or the Rural Lands Strategy. Given, that the request has been with Council for over five years it is suggested that it should be considered with the other rural lands requests.

The current manager of the club has been contacted by staff. A submission may be provided to Council once it has been discussed with the club's board.

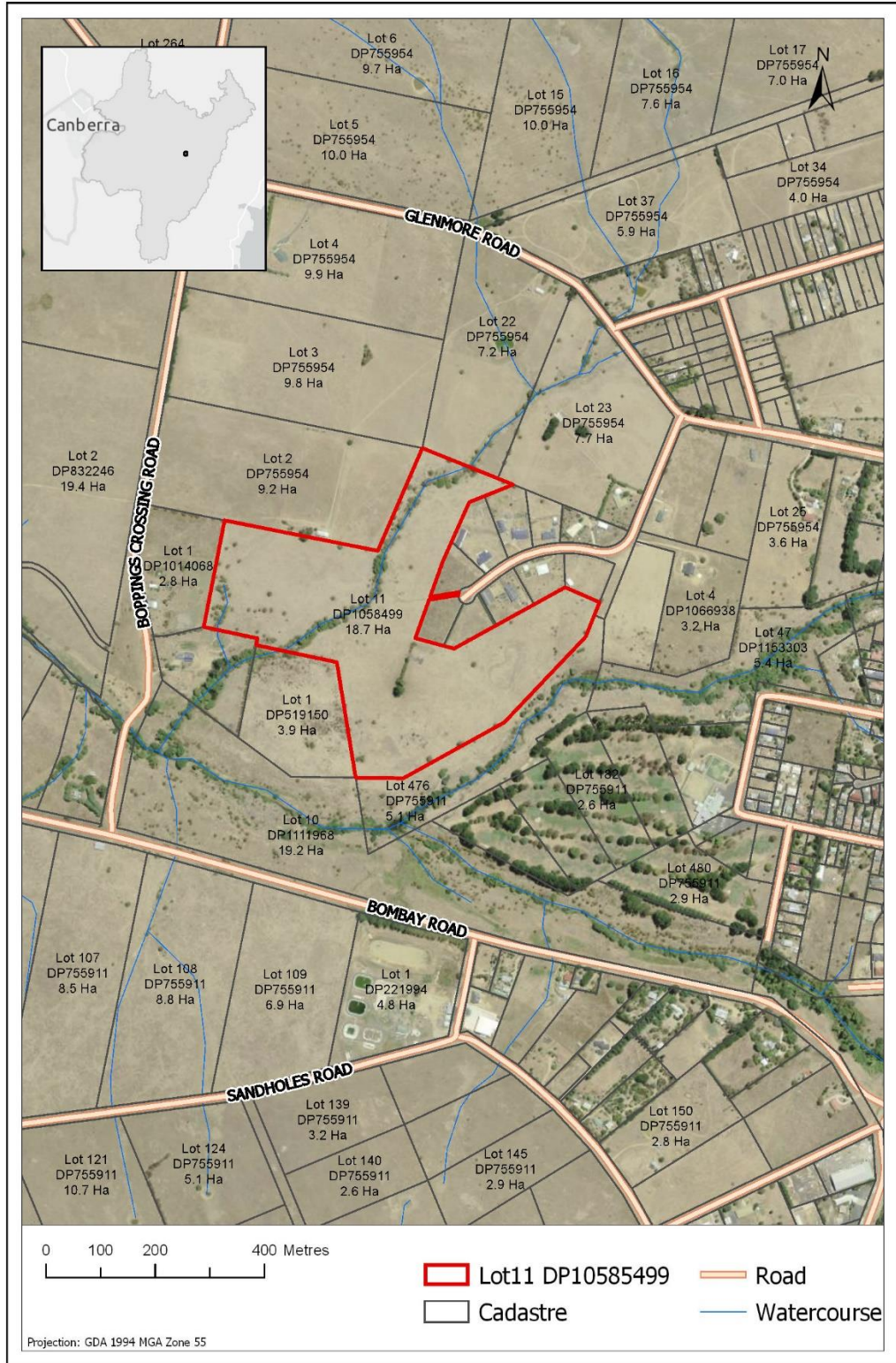
Description of the land

Lot 11 DP 1058499 is 18.39 hectares and is zoned R5 Large Lot Residential and RE2 Private Recreation under the PLEP. The zoning of the lot is shown in Map 4 below. The location and features of the land are shown in Maps 5 and 6.

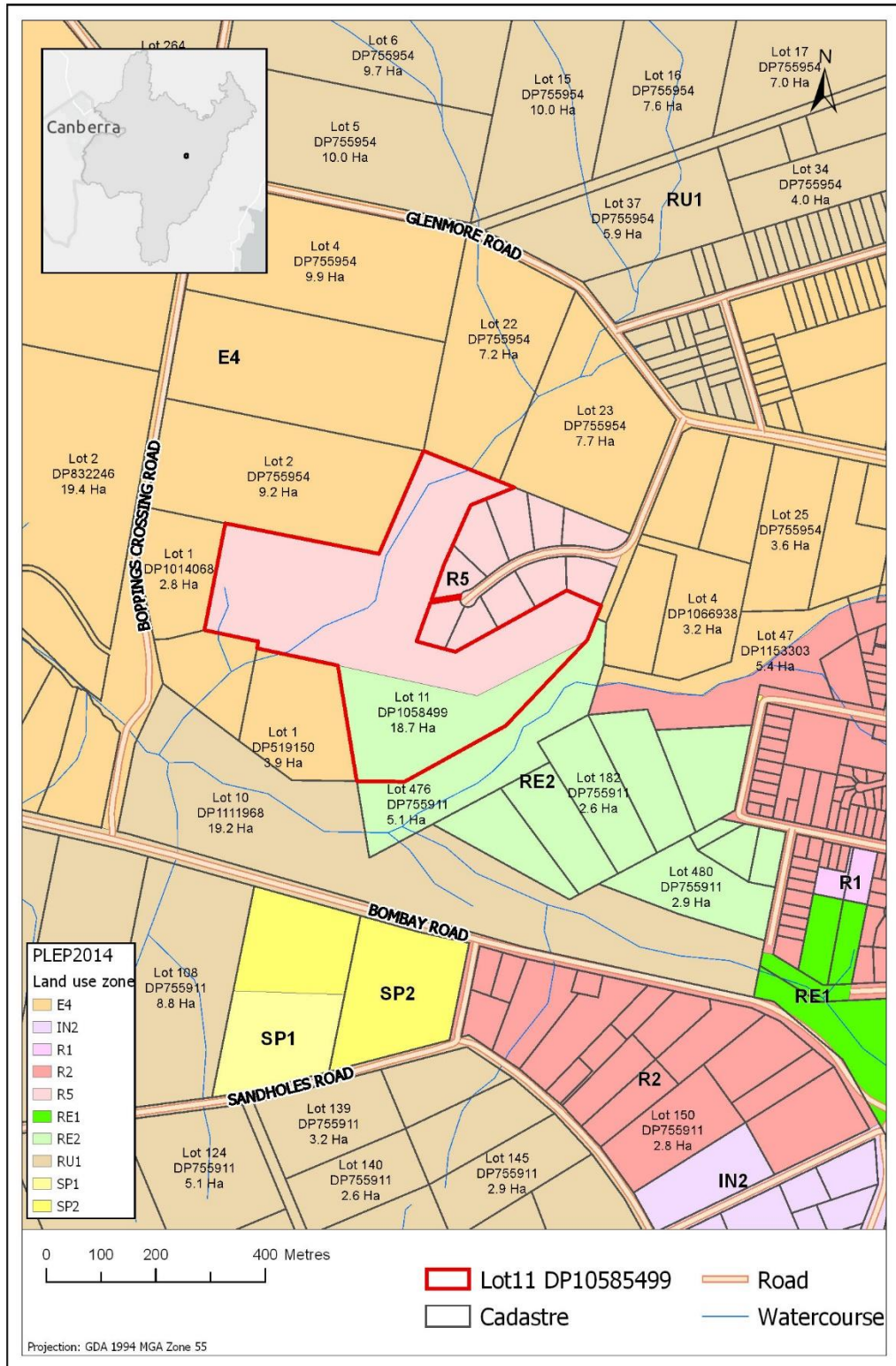
The entire lot is shown on the Palerang bushfire prone land map. As seen in Map 4 there is also a major water course through the lot. Additionally, a small part of the lot is shown on the PLEP Flood Planning map.

Vehicle access to the lot is possibly limited due to the design of the subdivision and the watercourse running through it.

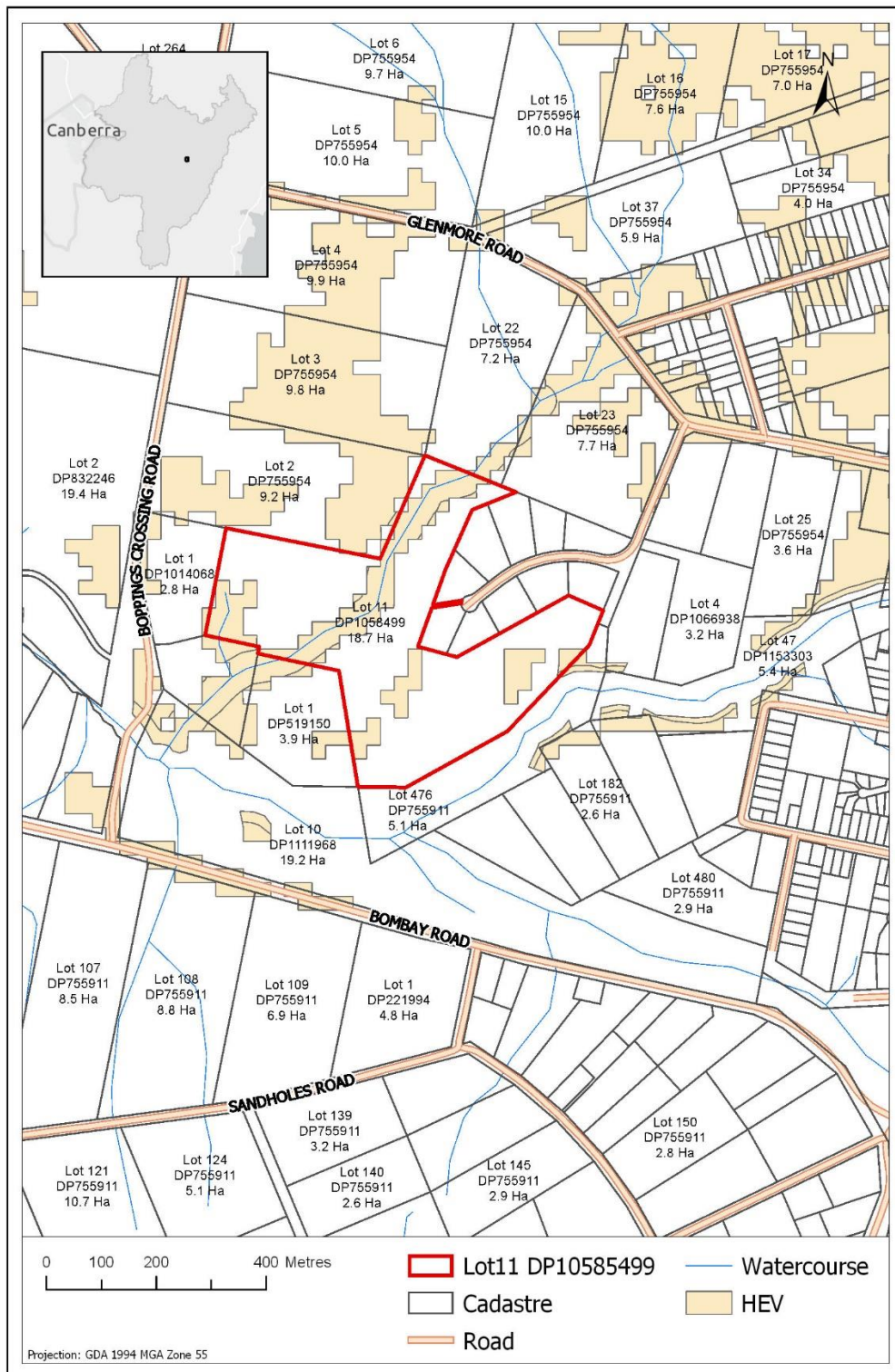
Reticulated potable water is available for the residential lots. However, reticulated sewer is not.



Map 4 Location of Lot 11 DP 105899



Map 5 The landuse zoning of Lot 11 DP 1058499

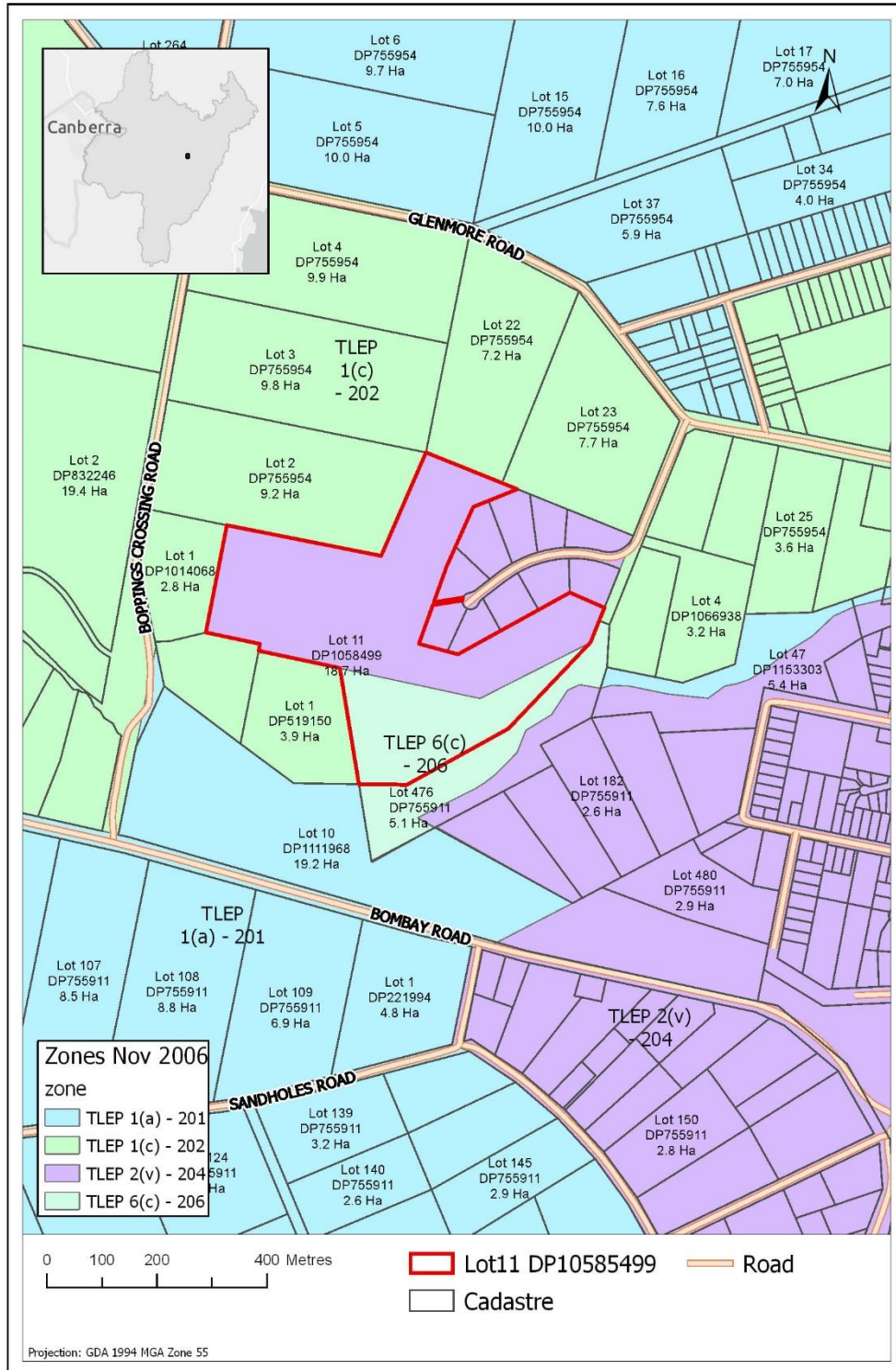


Map 6 High Environmental Value native vegetation and other features of Lot 11 DP 1058499

Background

Prior to the gazettal of the PLEP, the *Tallaganda Local Environmental Plan 1991* was in force. Lot 11 DP 1058499 was zoned 2(v) (Village or Urban) (violet colour) land 6(c) (Private Recreation) (pale green). The landuse zone boundary in the PLEP is the same as the *Tallaganda Local Environmental Plan 1991* boundary.

Subdivision for residential purposes was permitted in the 2(v) landuse zone under the *Tallaganda Local Environmental Plan 1991* but not in the 6(c) landuse zone. As it is unsewered the lots would have been required to have been a minimum of 2,000 m² (or 1,000 m² if a suitable analysis concluded that this was possible). In preparing the PLEP, it was considered that the lot sizes needed to be greater where on-site waste water disposal systems were to be used.



Map 7 Lot 11 DP 1058499 and the land use zoning under the *Tallaganda Local Environmental Plan 1991*

As shown in Map 5, the lot is zoned R5 Large Lot Residential and RE2 Private Recreation. The landuse zone R5 Large Lot Residential allows residential lots of a minimum of 5000m² to be created. The landuse zone RU2 Rural Landscape (referred to in the request) was included in the first draft PLEP exhibited but is not included in the PLEP.

It is concluded that whilst the part of Lot 11 DP 1058499 zoned R5 Large Lot Residential does contain potential constraints for residential development, the landuse zoning and provisions in the PLEP are appropriate and not dissimilar to those in the *Tallaganda Local Environmental Plan 1991*.

Recommendation

That the PLEP 2014 minimum lot size for the R5 Large Lot Residential portion of Lot 11 DP 1058499, Llewellyn Drive, Braidwood remain 5,000 square metres

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

ITEM 12.3 RURAL LAND REQUESTS

ATTACHMENT 6 LOT 11 DP 1058499 - OWNER REQUEST

Lot 11 DP 1058499 - Owner Request

C18156486



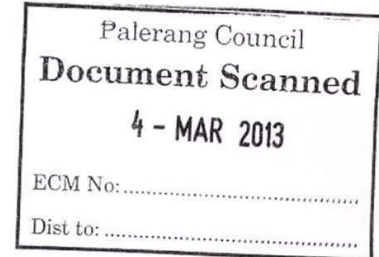
The Services Club

Sport Recreation Entertainment Bar

John Wright
Director of Planning and Environmental Services
Palerang Council
PO Box 348
BUNGENDORE NSW 2621

28 February 2013

Dear Sir,



Re DRAFT PALERANG LOCAL ENVIRONMENTAL PLAN 2012
LOT 11 DP 1054899

We write to you in reply to your letter of 21 January 2013 and our subsequent meeting with your Sue Robb on 12 February 2013 as owners of the above property.

We have owned the abovementioned Lot for many years and in that time have spent significant monies to allow us to develop the block into midsized lots of 2000-4000 square metres. As Council would be aware we have developed a significant portion of the Lot along those guidelines and intend to develop the remainder in the future.

We are of the opinion that to rezone the Lot from the existing Tallaganda Local Environmental Plan 1991 2(v) Village to Palerang Local Environmental Plan 2012 RU2 Rural Landscape will severely restrict the size and type of holdings we can put to market and thus cause us considerable financial disadvantage. As a portion of the block has already been developed along existing zoning regulations we would ask Council to reconsider this change under the proposed guidelines and to rezone the parcel to allow us to further improve it in line with the existing developments.

The Servicemen's Club is already in a precarious financial position and we feel that the proposed rezoning will impact negatively on the marketability of the property and further exacerbate our efforts to return to a viable enterprise.

We trust you will consider our request favourably and look forward to your further advice.

Kind Regards



Braidwood Servicemen's Club Limited Coronation Avenue BRAIDWOOD NSW 2622 P.O. Box 42 BRAIDWOOD
Phone: 02 4842 2108 Fax: 02 4842 2062 ABN 94 001 041 345 Email: braidwoodsc@internode.on.net

C18156486

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

ITEM 12.3 RURAL LAND REQUESTS

ATTACHMENT 7 LOT 15 DP 1044797, LITTLE RIVER ROAD, BRAIDWOOD -
OVERVIEW

Attachment 7 - Lot 15 DP 1044797, Little River Road – Braidwood - Overview

Request and background

A proposal to enable smaller residential lots on Lot 15 DP 1044797 was included in the *Palerang Rural, Rural Residential and Environmental Areas Discussion Paper 2008*. It appears that the proposal has not been progressed and it is unclear why this is on the Rural Lands Study list.

Council staff have contacted the current owner. The proposed development was submitted to Council prior to their purchase of the lot. They are aware of the proposal and that it has not been supported by a former Council.

The attachments provide background to the proposal.

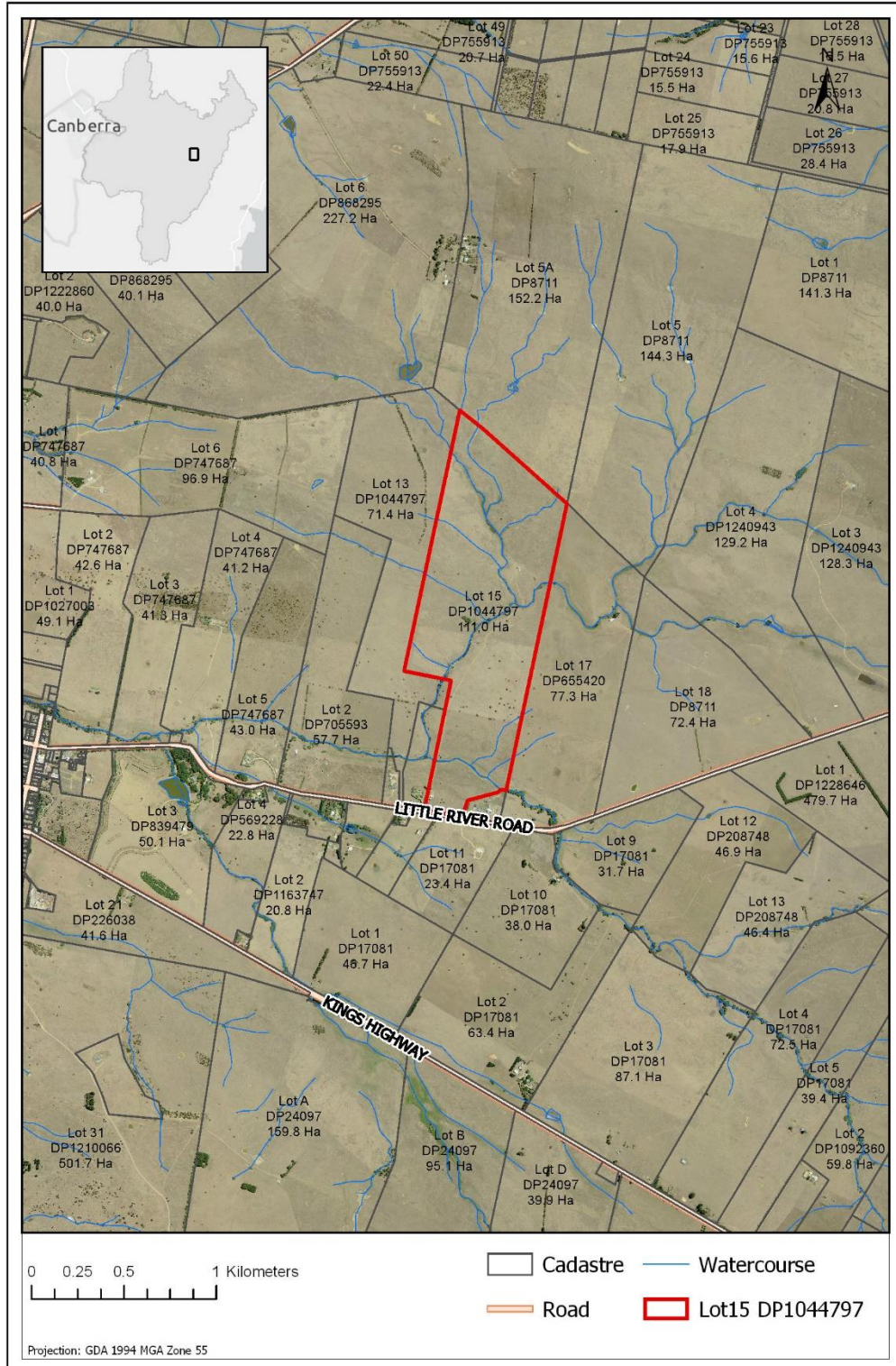
Description of the land

The maps below show the features and landuse zoning of Lot 15 DP 1044797.

Recommendation

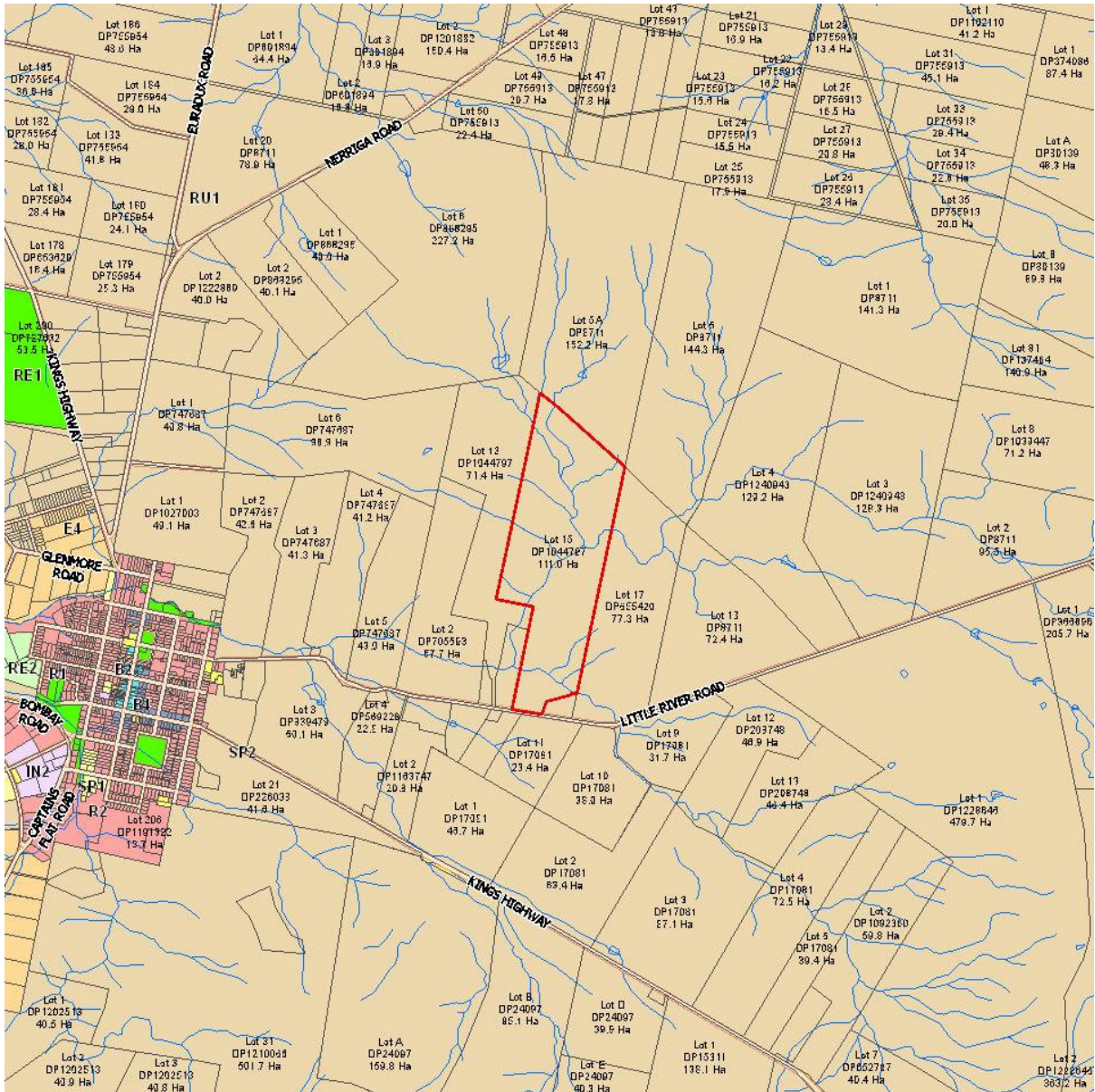
It is recommended that any amendments concerning Lot 15 DP 1044797 not be progressed.

12.3 Rural Land Requests
 Attachment 7 - Lot 15 DP 1044797, Little River Road, Braidwood - Overview (Continued)

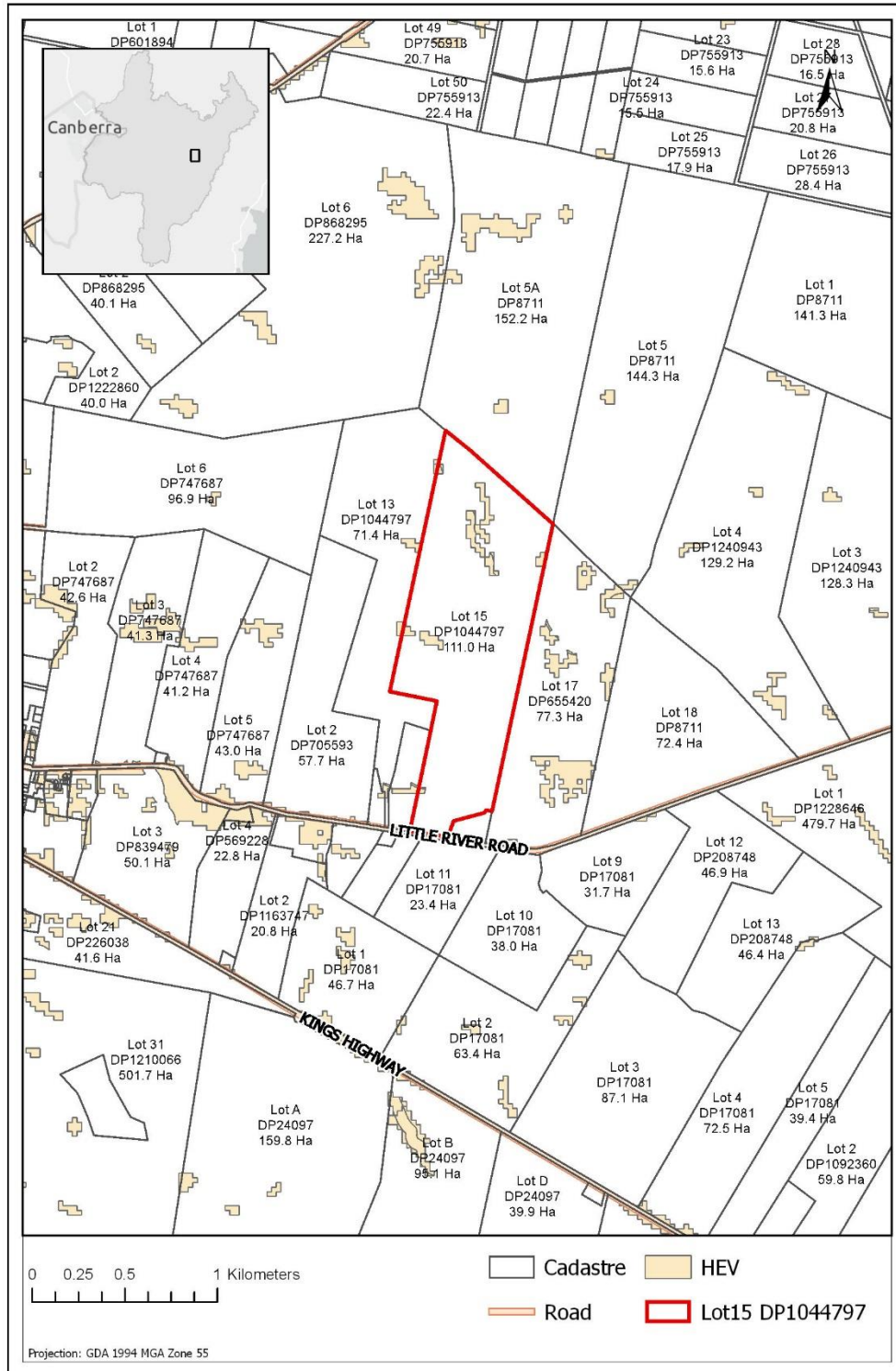


Map 8 Location of Lot 15 DP 1044797

12.3 Rural Land Requests
Attachment 7 - Lot 15 DP 1044797, Little River Road, Braidwood - Overview (Continued)



Map 9 The landuse zoning of Lot 15 DP 1044797



Map 10 High Environmental Value native vegetation and other features of Lot 15 DP 1044797

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

ITEM 12.3 RURAL LAND REQUESTS

ATTACHMENT 8 LOTS 13 AND 15 DP 1044797, LITTLE RIVER ROAD,
BRAIDWOOD - COUNCIL LETTER

Attachments 8 - Lots 13 and 15 DP 1044797, Little River Road – Council Letter

File: LP0016
Contact: [REDACTED]
Your Reference

22 March 2007

[REDACTED]

BRAIDWOOD 2622

Dear [REDACTED]

RE PROPOSED REZONING LOTS 13 & 15, DP 1044797, LITTLE RIVER ROAD, BRAIDWOOD

I refer to your letter of 2 February 2007 in which you refer to the above proposal and to our meeting of 24 October 2006.

At the meeting, which was also attended by Council's Senior Strategic Planner Matthew Lynch, you provided background information and described your proposal in general terms. I advised you that all rezoning proposals would be looked at in the context of the current strategic planning project that will result in a new LEP for Palerang. I also advised that I would contact you if further information was required.

While Matthew and I were interested to hear of your proposed air park and happy to discuss it with you, your description of my response as "general endorsement" is overstating my position somewhat. As we discussed at the meeting, the first issue to be addressed is whether additional rural residential land in the vicinity of Braidwood is required and if so, whether your land is the most appropriate. The new LEP and any zoning changes it introduces must be consistent with and give effect to the Sydney Canberra Corridor Regional Strategy. The strategy is not expected to be released by the Department of Planning until mid 2007, but it is clear that rural residential development is not favoured by the Department and it may be difficult to obtain the Department's support. In addition the air park component of your proposal will require further consideration in terms of its environmental impact, in particular the potential for unacceptable noise impacts on Braidwood and surrounding land.

If you wish to discuss these matters or require additional information please contact me on 02 62388111.

Yours sincerely

John Wright
Manager Strategic Planning

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

ITEM 12.3 RURAL LAND REQUESTS

ATTACHMENT 9 LOTS 13 AND 15, DP 1044797, LITTLE RIVER ROAD,
 BRAIDWOOD - EXCERPT FROM RURAL RESIDENTIAL
 AND ENVIRONMENTAL DISCUSSION PAPER

Attachment 9 - Lot 13 and 15 DP 1044797, Little River Road, Braidwood – Excerpt from Rural Residential Discussion Paper Assessment

10.19 Little River Road (Map 11)

This proposal is to rezone land from the current 1(a) General Rural zone to enable a variety of smaller allotments to be created ranging from 1800-2000sqm to about 12 hectares in stages. The request is not seeking to have the land zoned rural residential, but provisions to allow a subdivision providing a variety of allotment sizes.

Preliminary Comments / possible issues:

- Land is outside the Braidwood heritage listed area
- Lack of short term demand for an additional large area of rural residential development

10.20 Little River Road (Map 11)

This proposal is to allow some additional dwellings and subdivision on the “Mona” property to assist in the maintenance of the grounds and the existing buildings. This could be done by zoning the land to rural residential or by enabling clause in the LEP.

Preliminary Comments / possible issues:

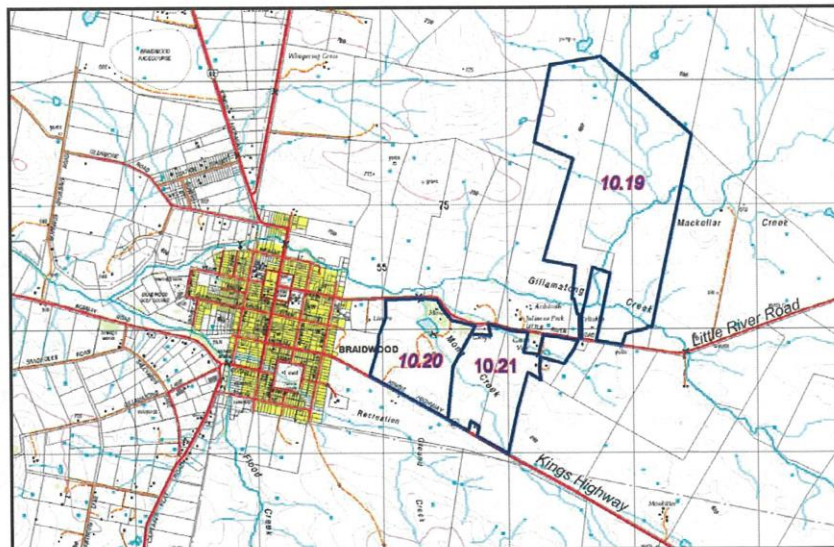
- Mona is within the Braidwood heritage listed area
- Lack of short term demand for an additional large area of rural residential development

10.21 Little River Road (Map 11)

This proposal is to rezone land to enable about 30 Rural Residential Allotments.

Preliminary Comments / possible issues:

- Land is outside the Braidwood heritage listed area
- Lack of short term demand for an additional large area of rural residential development



Map 11: Rezoning Proposals – Little River Road, Braidwood

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

ITEM 12.3 RURAL LAND REQUESTS

ATTACHMENT 10 LOT 15 DP 270600, LOT 1 DP669141, LOTS 82 AND 83 DP
754922, WANNA WANNA ROAD, CARWOOLA -
DETAILED ASSESSMENT

Attachment 10 - Lot 15 DP 270600, Lot 1 DP 669141, Lots 82 and 83 DP 754922, Wanna Wanna Road, Carwoola – Detailed Assessment

Request

During the preparation of the Rural Lands Study, Council received a submission from consultants for the development of a large residential area similar to the Goo gong development. The proposed landuse zones range from B2 Local Centre, R3 Medium Density Residential, R5 Large Lot Residential, RE1 Public Recreation and RE2 Private Recreation (refer to Taliesin rezoning submission). The location of the proposed development is shown in Map 11 below:

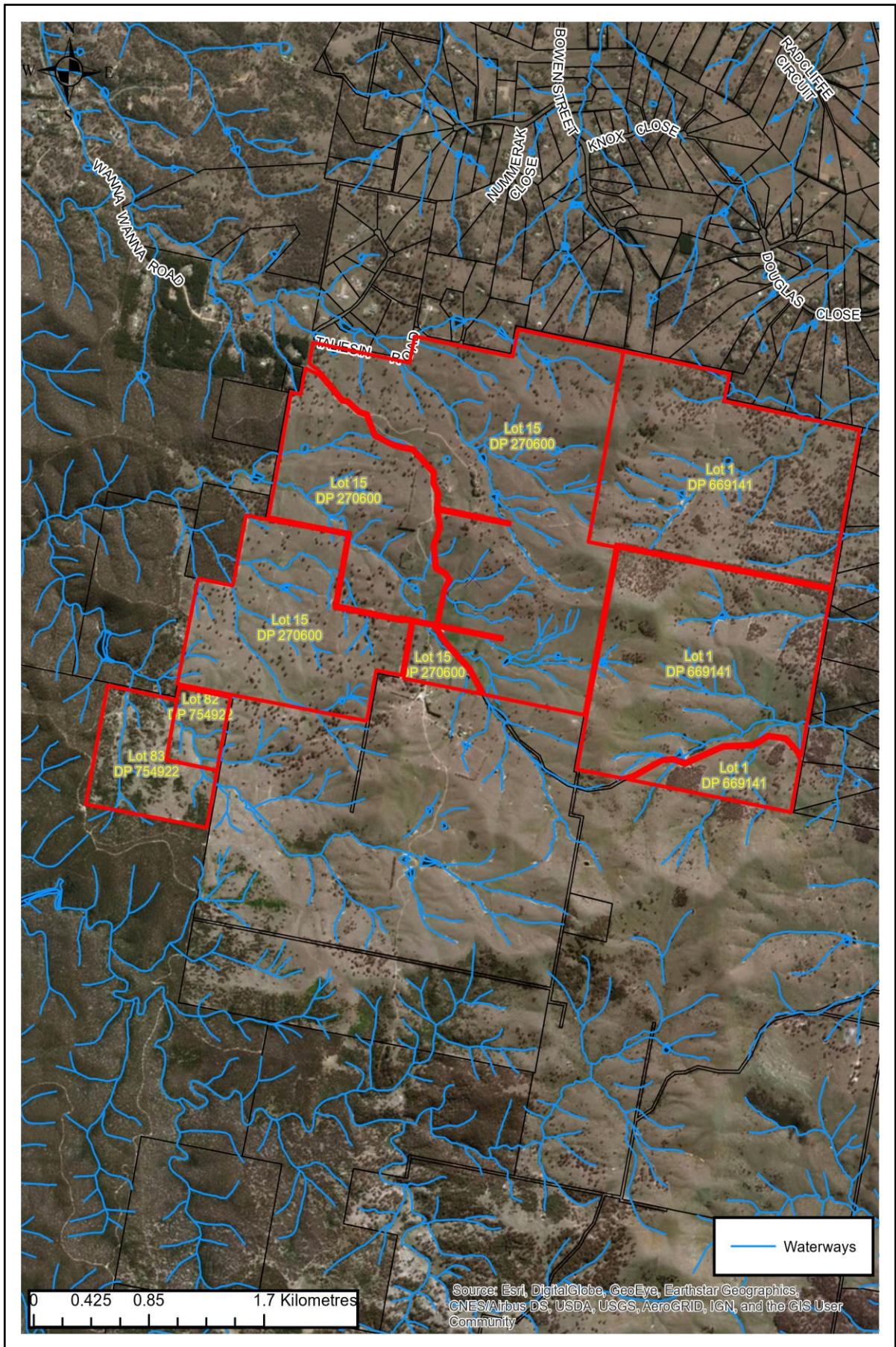
Description of the land

The lots are currently zoned RU1 Primary Production under both the PLEP and *Queanbeyan Local Environmental Plan 2012* as shown in Map 12. The land does not have access to reticulated water or sewer.

As seen in Map 13 below, some of the land contains High Environmental Value native vegetation.

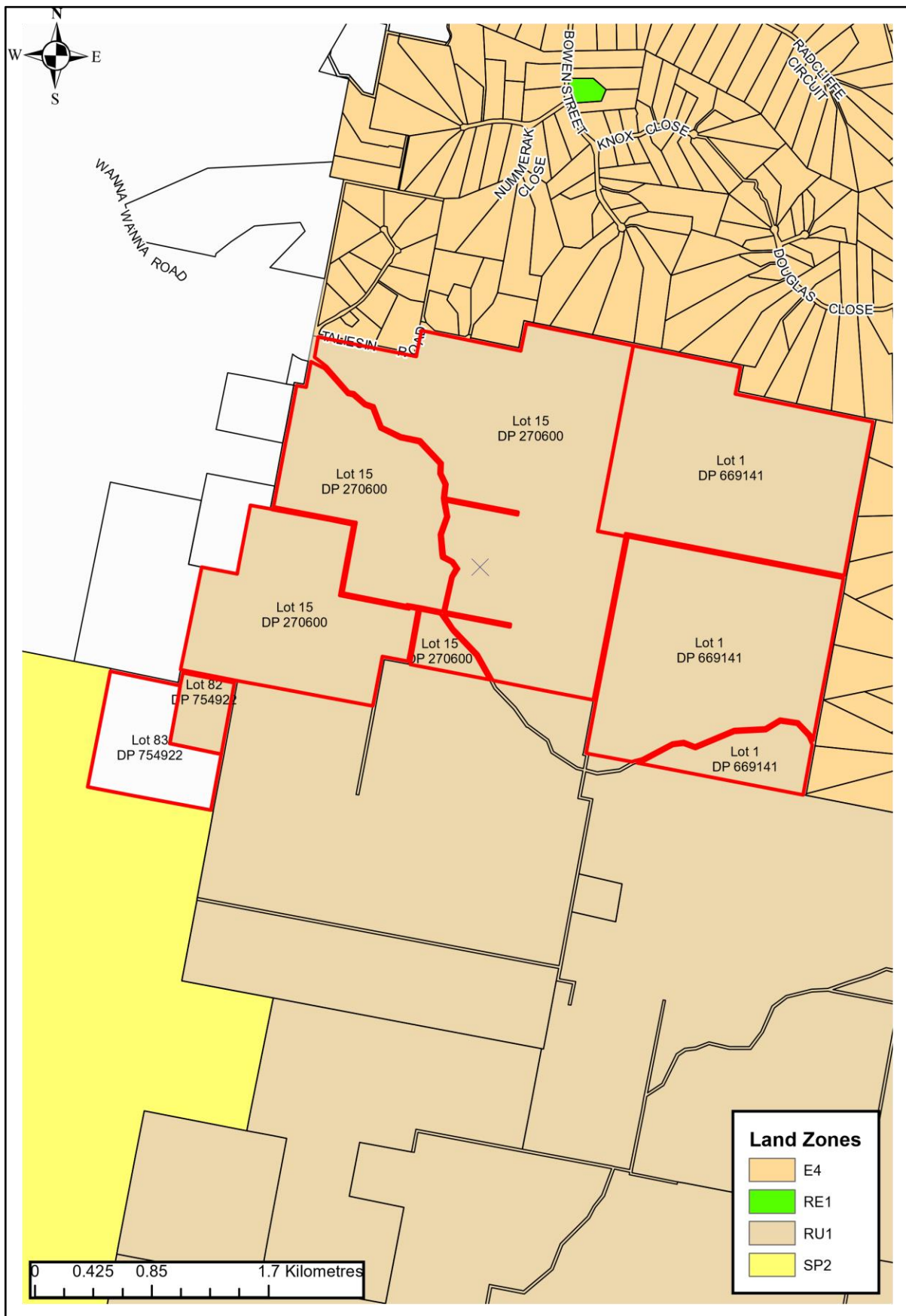
Background

Council staff meet with the consultants on 19 October 2015 to discuss the proposal. Major issues such as water supply were discussed. It was stated by staff that any planning proposal for the rezoning of land should wait for the completion of the Rural Lands Study.



Map 11 Location of Lot 15 DP 270600, Lot 1 DP 669141, Lots 82 and 83 DP 754922

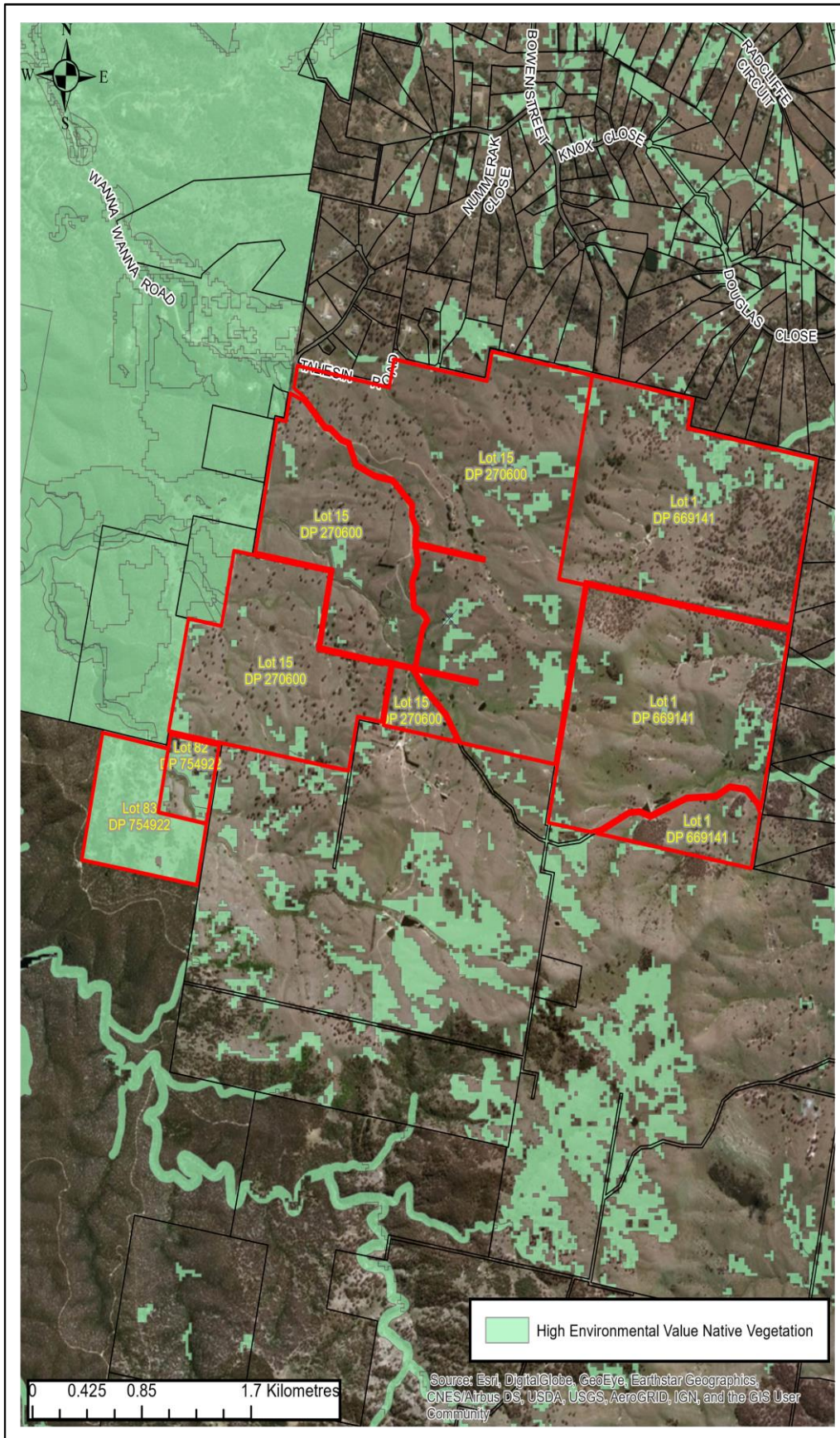
12.3 Rural Land Requests
 Attachment 10 - Lot 15 DP 270600, Lot 1 DP 669141, Lots 82 and 83 DP 754922, Wanna Wanna Road, Carwoola -
 Detailed Assessment (Continued)



Map 12 Landuse zoning of Lot 15 DP 270600, Lot 1 DP 669141, Lots 82 and 83 DP 754922

12.3 Rural Land Requests

Attachment 10 - Lot 15 DP 270600, Lot 1 DP 669141, Lots 82 and 83 DP 754922, Wanna Wanna Road, Carwoola - Detailed Assessment (Continued)



Map 13 High Environmental Value native vegetation on Lot 15 DP 270600, Lot 1 DP 669141, Lots 82 and 83 DP 754922

Assessment against the Rural Lands Strategy

Is the land an anomaly with regard to the current land use or are there other factors that warrant one-off support?

The land is not an anomaly in regard to land use as it is currently used for agriculture.

If the proposal is not an anomaly or justified on special grounds as an ad hoc rezoning, the proposal must fit a broader pattern of logical extension of development. For example, fit a logical extension of an existing small properties zone or form part of a potential new zone

The proposal is not an extension of an existing urban area. Whilst there is an established rural residential area close by, the proposal is not of a similar nature. It is suggested that as the Googong development has considerable capacity and that a licence for additional water is being sought for a possible expansion of Bungendore that the progression of this proposal is not appropriate or necessary.

If it is possible to support the proposal, what ranking and timeline should be set for the particular proposal? Is there sufficient data from the applicant or should more be supplied to finalise a decision?

It is recommended that the proposal not be supported.

Will the development of the land be self-funding with regard to adequate road access, power and bushfire protection measures?

This section is not applicable to this request.

Does the proposal add benefit to the Queanbeyan-Palerang LGA i.e. not just a commuter satellite for Canberra?

It is suggested that whilst the proposal would bring benefits to the local government area that the development is not currently required.

Recommendation

It is recommended that the request to rezone Lot 15 DP 270600, Lot 1 DP 669141, Lots 82 and 83 DP 754922 not be progressed.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

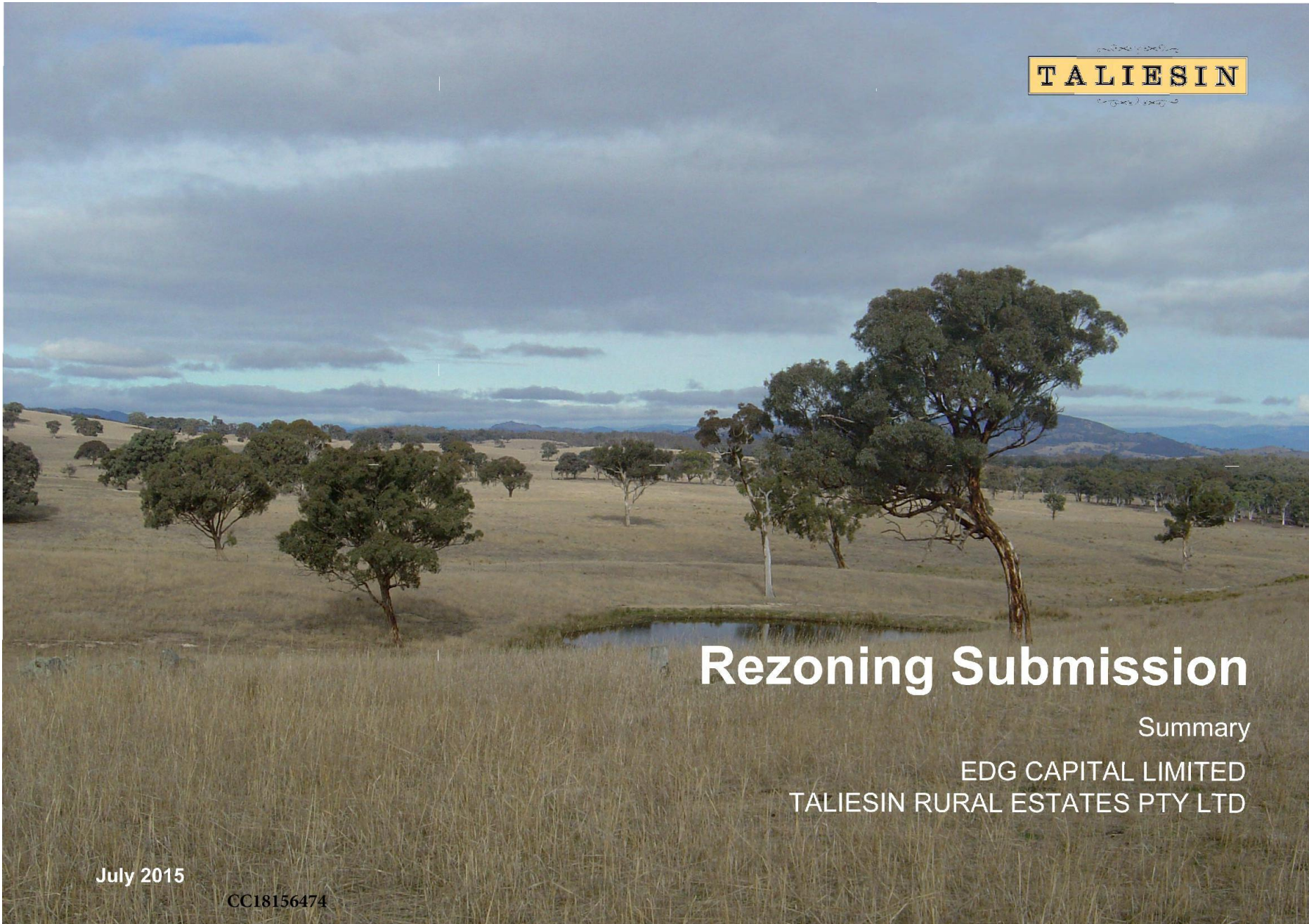
19 DECEMBER 2018

ITEM 12.3 RURAL LAND REQUESTS

ATTACHMENT 11 LOT 15 DP 270600, LOT 1 DP 669141, LOTS 82 AND 83 DP
757922, WANNA WANNA ROAD, CARWOOLA -
REZONING SUBMISSION

Attachment 11 - Lot 15 DP 270600, Lot 1 DP 669141, Lots 82 and 83 DP 757922, Wanna Wanna Road, Carwoola – Rezoning Submission.

C18156474



TALIESIN

Rezoning Submission

Summary

EDG CAPITAL LIMITED
TALIESIN RURAL ESTATES PTY LTD

July 2015

CC18156474

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1.0 Background

EDG Capital Limited was engaged by Taliesin Rural Estates Pty Ltd to prepare a submission to support rezoning the Taliesin property near Queanbeyan to allow subdivision for residential use.

Taliesin is primarily located within the Palerang Local Government Area (LGA) with one relatively small portion falling within the boundary of the Queanbeyan LGA. Adjoining areas are dominated by rural residential development and adjacent to the property to the west is a 780 ha master planned estate called Googong.

Taliesin is a large rural property covering some 1,292ha. The study area is approximately 10 kilometres from the City of Queanbeyan, 25 kilometres from the Canberra Central Business District and 20 kilometres from the township of Bungendore (see Fig. 01).

From within the property there are extensive panoramic views of the region.

Palerang Council is in the process of undertaking a strategic land use review.

As indicated above while most of the property lies within the Palerang Local Government area, Lot 83, DP 754922 (approx 61 ha) is within the Queanbeyan Local Government area. For the purposes of this submission this small parcel should be ignored.

This submission proposes that the site within Palerang Local Government area be zoned a mix of residential uses to create a carefully planned master planned estate.

The scale of the property provides for orderly development and also allows Palerang Council to achieve its long term objective of well planned development. The scale also allows for economies of scale in the provision of essential infrastructure to the site.

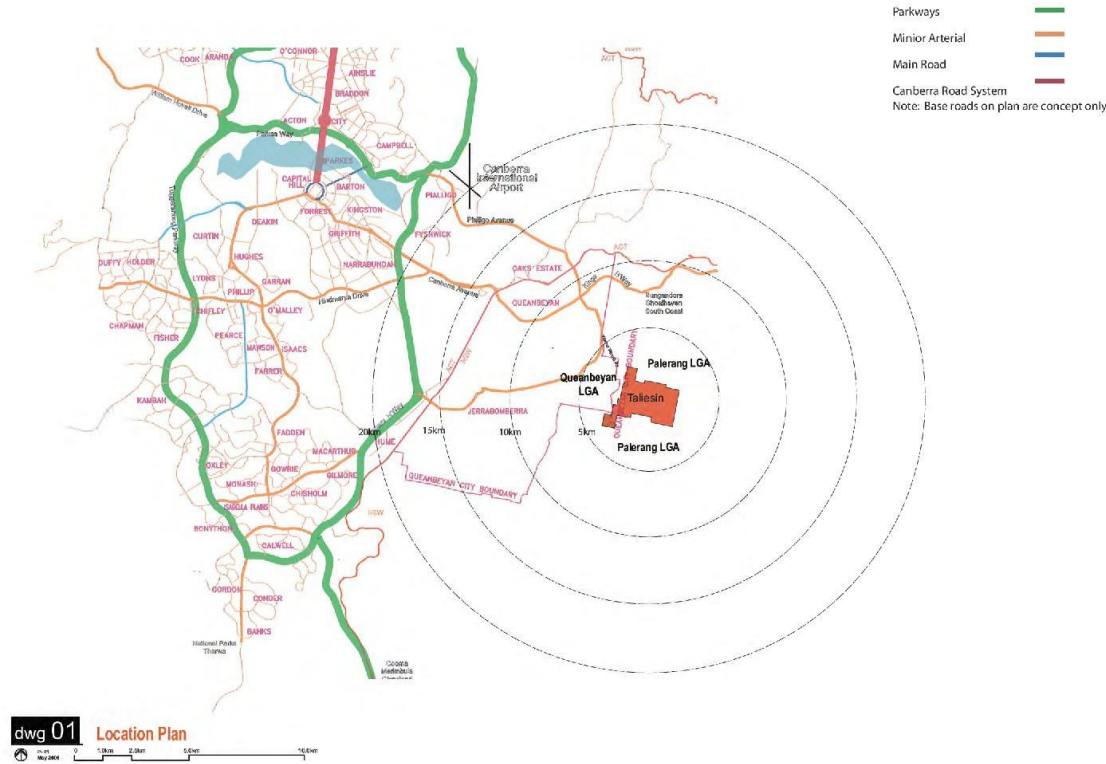


Fig. 01 - Location

2.0 Subject Property

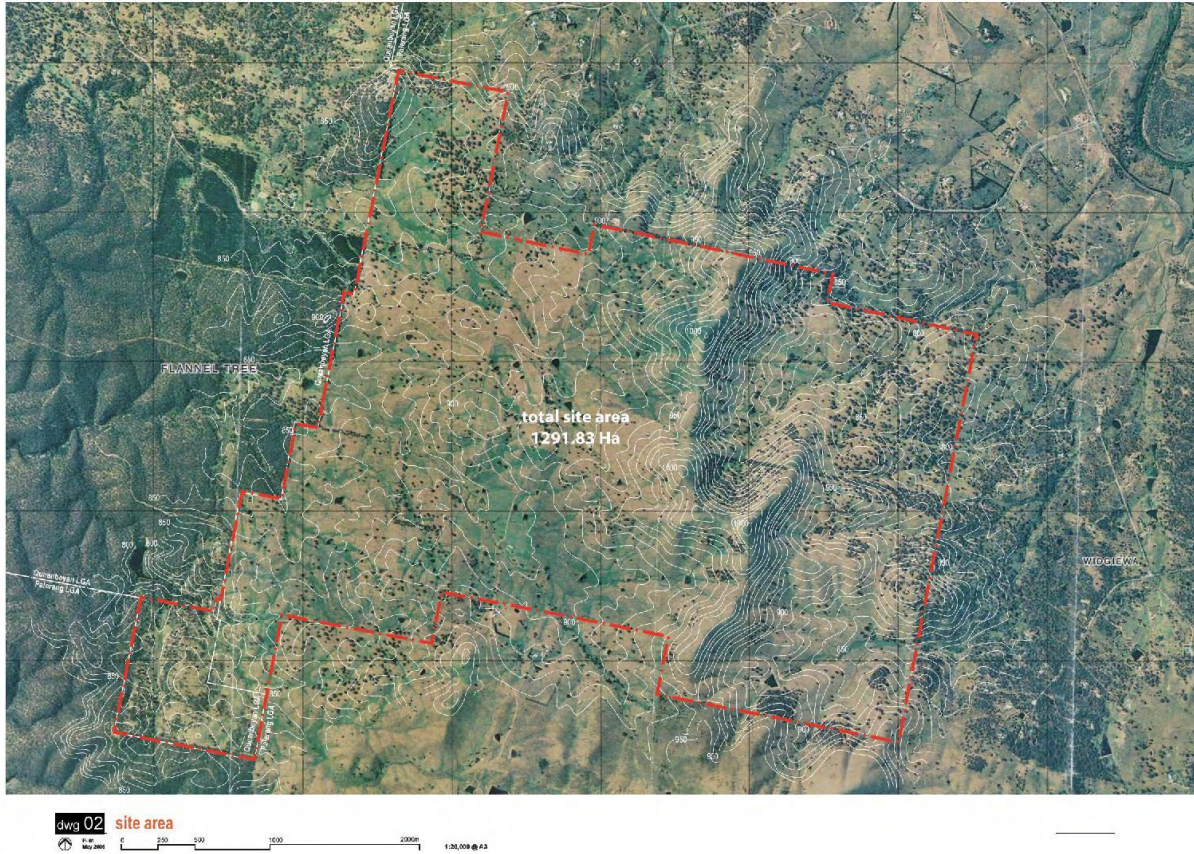


Fig. 02 - Site Aerial photograph

The Taliesin property is extensive and comprises:-

- Lot 1 DP 669141 480.5 ha.
- Lot 2 DP 821751 730.4 ha.
- Lot 82 DP 754922 20.23 ha
- Lot 83 DP 54992 60.7 ha

The total area of Taliesin is 1,291.83 hectares, of which approximately 77ha have been identified as part of the 13 rural residential blocks already approved by Council. This part of the site is excluded from the study area.

Fig. 02 is an aerial photograph of the Taliesin property.

3.0 Existing and Proposed Subdivision

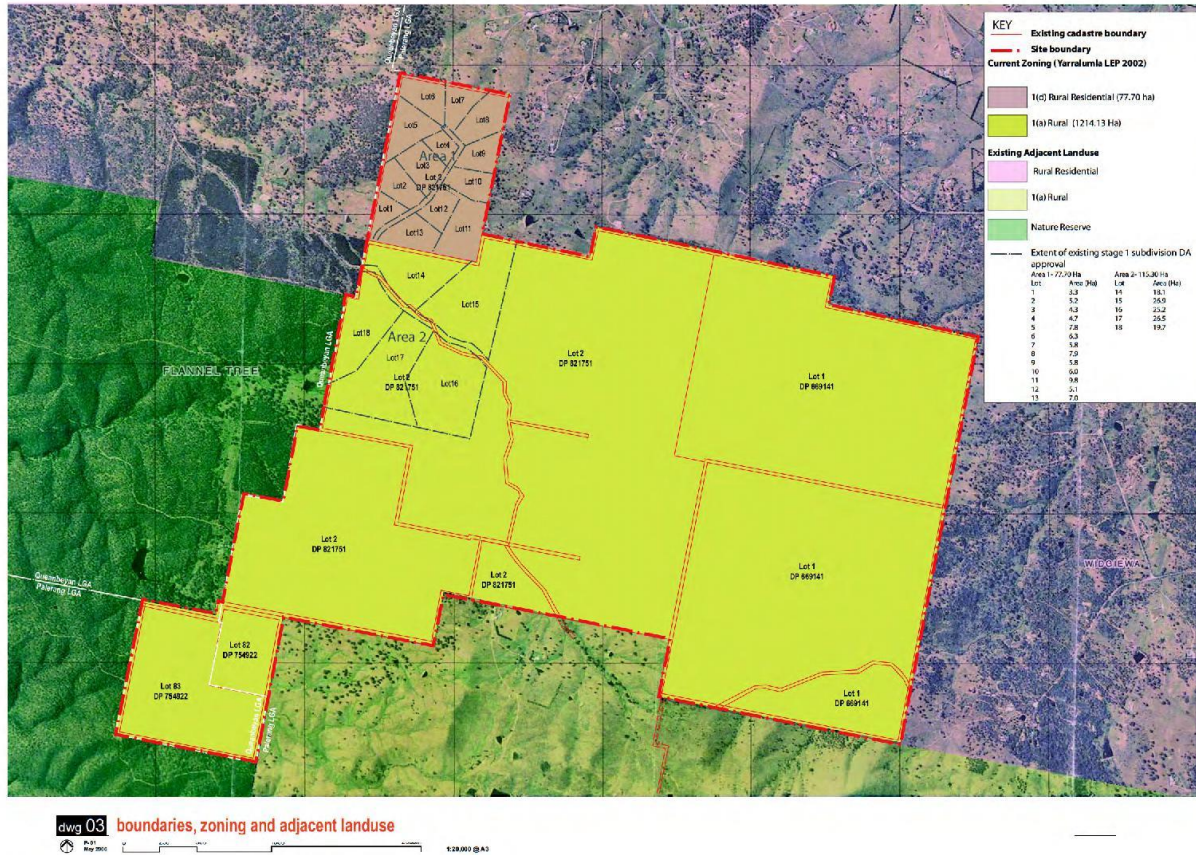


Fig. 03 - Boundaries zoning and adjacent landuse

Palering Council issued Development Consent 2004/ DA-071 giving approval to subdivide 18 allotments in the north western part of the property. 13 of these allotments are zoned 1(d) Rural Residential under Yarralumla LEP 2002, while the remaining 5 allotments are zoned 1(a) Rural (Refer Fig. 03).

This development is now complete and not the subject of this submission.

The remaining 5 rural allotments that are included in this submission are intended to be the subject of the proposed master planned estate.

In the proposed master planned estate, there is the potential to create neighbourhood centres with a mix of retail and medium density residential and surrounding these centres can be a mix of medium density and low density residential.

The perimeter areas and also the steep terrain can be reserved for a mix of open space and rural residential land.

4.0 Preliminary Studies

A number of preliminary studies were undertaken to assess the site's opportunities and constraints and to inform the preparation of the Masterplan Concept.

The studies included:

- Preliminary Flora and Fauna Assessment
- Preliminary Archaeological Assessment
- Agricultural Land Classification and Assessment of Agricultural Capability
- Preliminary Bushfire Protection Requirements
- Rural Residential Analysis and Masterplan
- Palerang Rural Residential Demand Assessment

These studies can be made available at further request

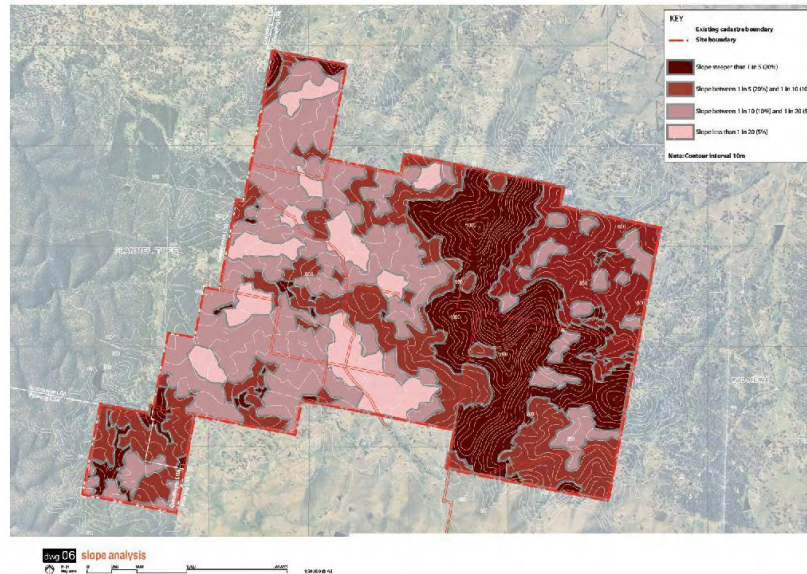


Fig. 04 - Slope analysis

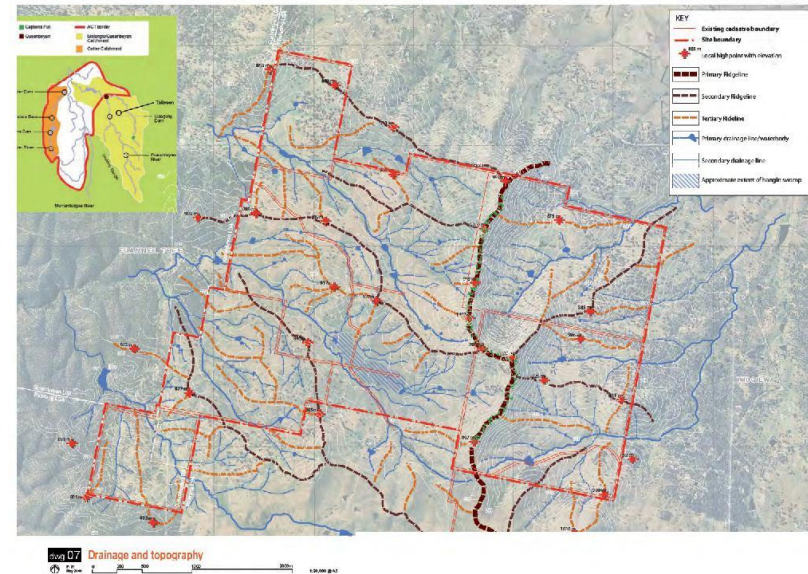


Fig. 05 - Drainage and topography

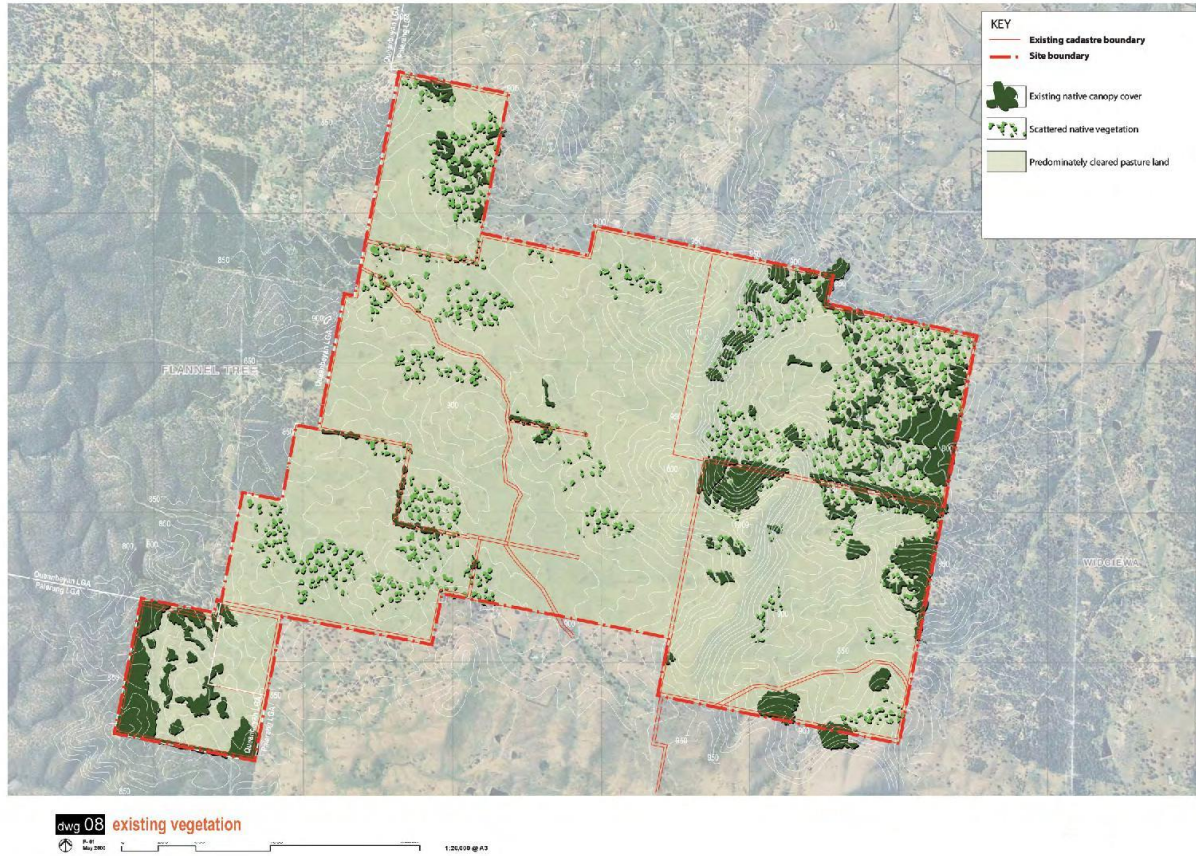


Fig. 06 - Existing Vegetation

4.1 Preliminary Flora and Fauna Assessment

The preliminary Flora and Fauna Assessment report includes the following:

- An indicative flora checklist
- Comments on fauna habitat
- 7-point test of significance
- Measures to ameliorate impacts of development if the rezoning is approved.

The main vegetation categories recorded within the study were:

- Vestigial Box Woodland Trees – woodland/open forest trees cover most the area between Wanna Wanna Road and over the eastern ridgeline (Talesin Hills) where multiple high country stock camps occur. There are wide expanses of this grassland with only scattered remnants of the original box woodland trees remaining. A box woodland remnant occurs to the east of Talesin Hills.
- Talesin Hills Vegetation Community – This is a much modified community with some remnant open forest trees. The high ridges are heavily disturbed by stock camps.
- Weed Communities – these are widespread in the form of introduced pasture species and agricultural weed species.

The study area is undulating, with aspects to all directions. The highest point is 1050m AHD on the Talesin Hills, descending to 850 AHD near the eastern border.

There are a number of well defined branched ephemeral flow lines traversing the study area. All water flow from the study area empties into the Queanbeyan/Molonglo river system. There are numerous dams associated with these flow lines.

The study area is relatively free of significant weed species.

The fauna assessment applied the 7-point test to regionally threatened fauna (based on habitat availability and quality). It concluded that the major (and probably sole) threatened faunal habitat values of the block lie in the many remnant woodland trees, particularly the older ones.

4.2 Preliminary Archaeological Assessment

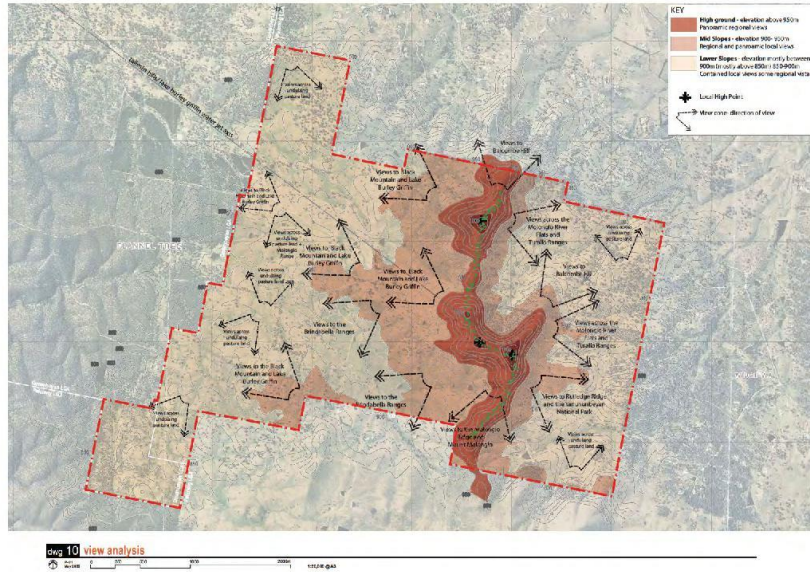


Fig. 07 - Visual Analysis

Most especially there is high habitat value in the relatively intact woodland remnant in north-east corner of the block, especially given that the remnant extends well into the neighbouring properties. To a lesser extent there are also values in the open forest remnant trees.

The scattered trees across the block have the potential to provide forage among the foliage for Swift Parrots, Regent Honeyeaters and Painted Honeyeaters and habitat for Squirrel Gliders. Further, the woodland block provides very suitable habitat for Brown Treecreepers, Speckled Warblers, Diamond Firetails and Rosenberg's Goanna.

From an animal habitat point of view, a properly designed and managed subdivision is unlikely to be detrimental. Regeneration and replanting of local woodland vegetation as part of the development has the potential to actually improve the habitat values of the rest of the study area.

Conclusion

The Masterplan Concept addresses the potential immediate and long term impacts and together with the amelioration measures contained within the Flora and Fauna report, the proposed subdivision will contribute to continued sustainability with regard to threatened and currently common flora and fauna.

During the design phase a Property Vegetation Plan will be undertaken and if necessary referred to the Commonwealth.

A desktop Aboriginal archaeological assessment was undertaken by Archaeological Heritage Surveys. The assessment included an archaeological survey of selected archaeologically sensitive landform units and participation by Ngunnawal Local Aboriginal Land Council.

The report concludes that while no previously recorded Aboriginal archaeological sites occur within the proposed subdivision, fifteen sites were located during the survey. The sites comprise 10 small low density artefact scatters and five isolated finds. The sites are assessed as having low archaeological significance at a local level but are culturally significant to the custodial Aboriginal community.

The archaeological impact of the proposed subdivision is assessed as generally low.

Landform units with the highest archaeological potential are low gradient slopes and locally elevated areas within 100m of a drainage line and low spurs between drainage lines.

Conclusion

There are no major archaeological constraints to rural residential development within the 'Talesin' study area.

Any future subdivision be designed to avoid impact on any Aboriginal sites recorded.

A targeted archaeological assessment of areas not surveyed in the present investigation, excluding areas of gradient greater than 20% should be undertaken as part of detailed studies for any proposed rural residential subdivision.

4.3 Agricultural Assessment

The land is not prime agricultural land. It is only capable of being used for low value extensive grazing of sheep or cattle. The current stocking capacity is barely sufficient to provide anything more than a marginal living for a single farm family over the longer term.

productive. The land is not high value prime agricultural land and under present economic conditions it is unlikely that it will be worthwhile improving the existing pastures.

"Talesin" is currently being used for low value grazing of beef cattle. The pastures are run down and not very

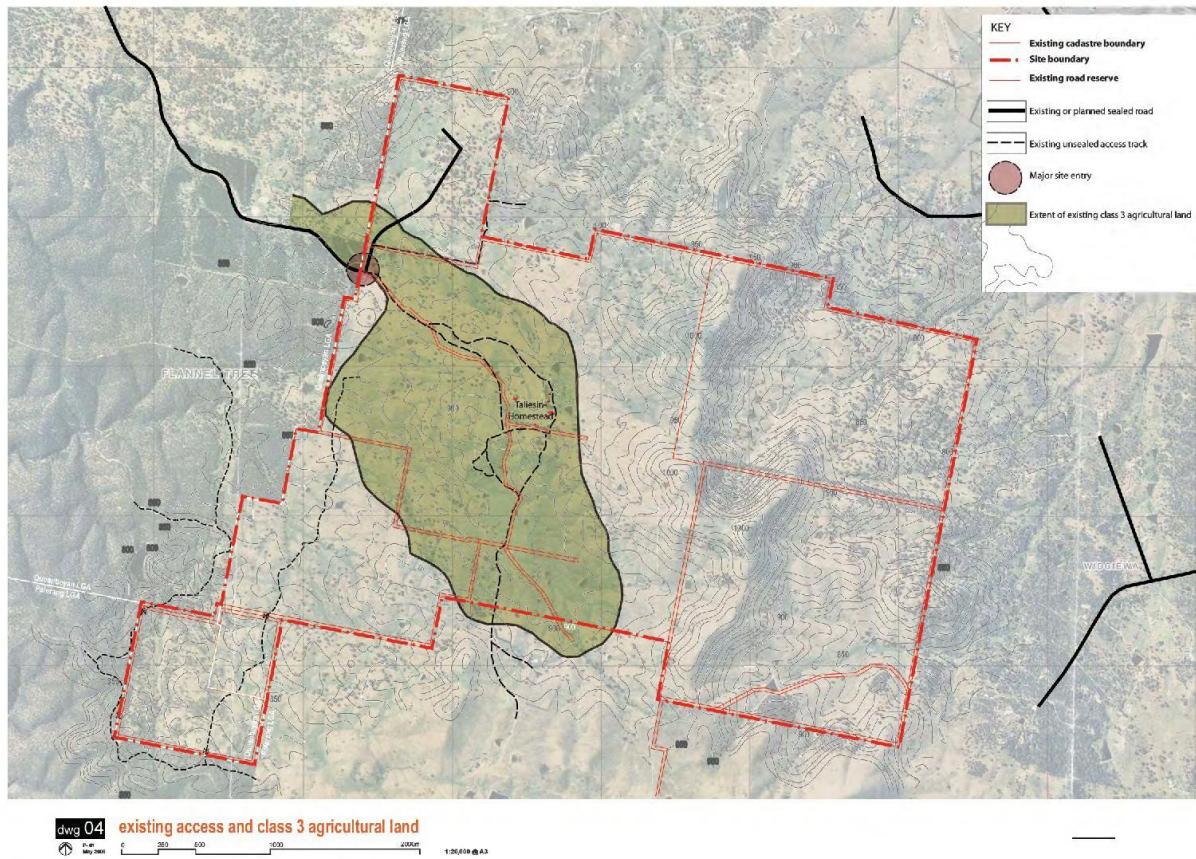


Fig. 08 - Existing access and class 3 agricultural land

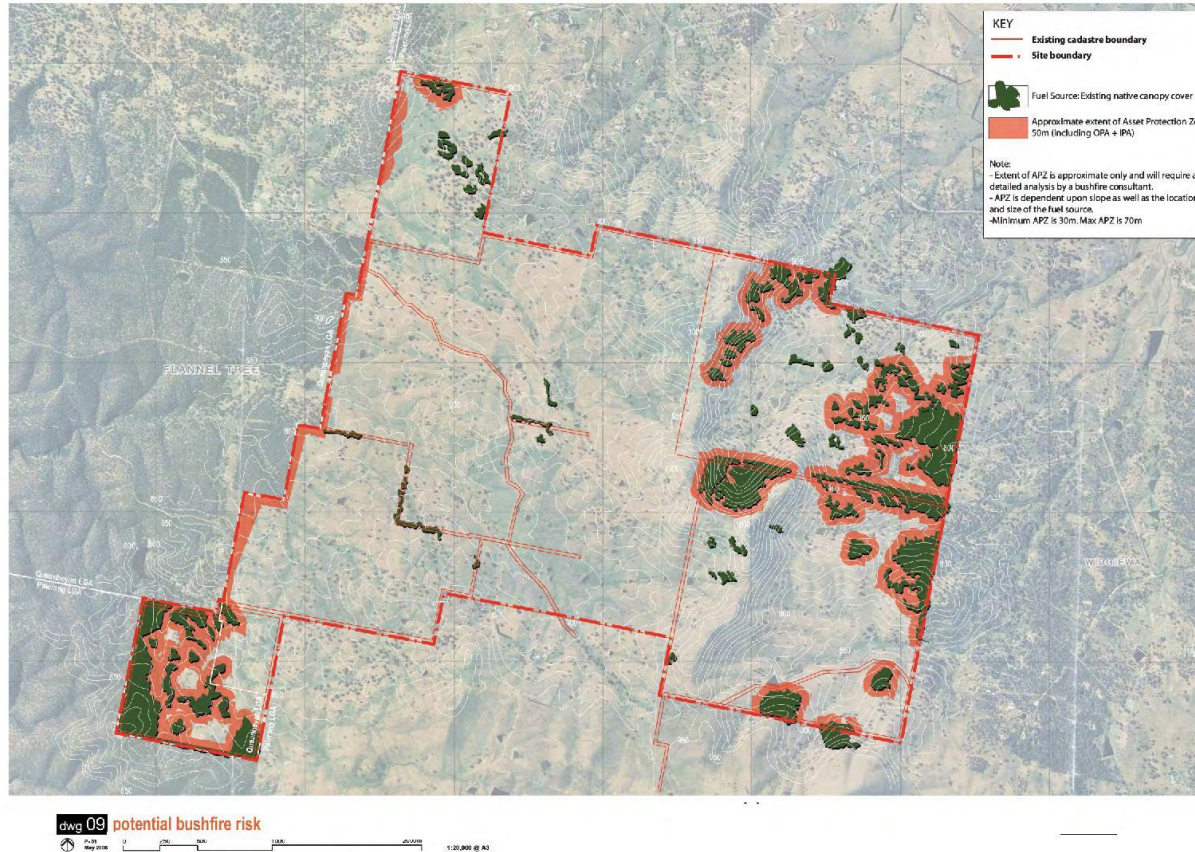


Fig. 09 - Bushfire risk

4.4 Bushfire Protection Requirements

A Preliminary Bushfire Protection study was undertaken to assess the bushfire protection requirements. The key findings are as follows:

Rural residential development has already been approved on part of the property including 13 rural residential and 5 rural lots. It is now proposed to seek rezoning of the property that is currently zoned as "rural" to permit a residential subdivision.

Major considerations to reduce the risk of bushfire risks to life and property as the next stages are planned include the following:-

- The vegetation at the site is mostly grassland/ improved pasture.
- The topography is hilly with slopes over 20° in some places but much gentler over most of the subject area.
- The vegetation classification and topography call for Asset Protection Zones of 20 metres in all directions around future dwellings. However future dwellings should be at least 30 metres away from individual trees and groups of trees, particularly those at the western edge of the property.
- It is not necessary to construct future dwellings on most of the proposed lots to meet Australian Standard AS 3959, but since most property losses in bushfires are due to ember attack, it is recommended that future dwellings be constructed to withstand ember attack. It may be necessary for some dwellings on the western-most lots to meet requirements of AS 3959, depending on distance from the forest edge.

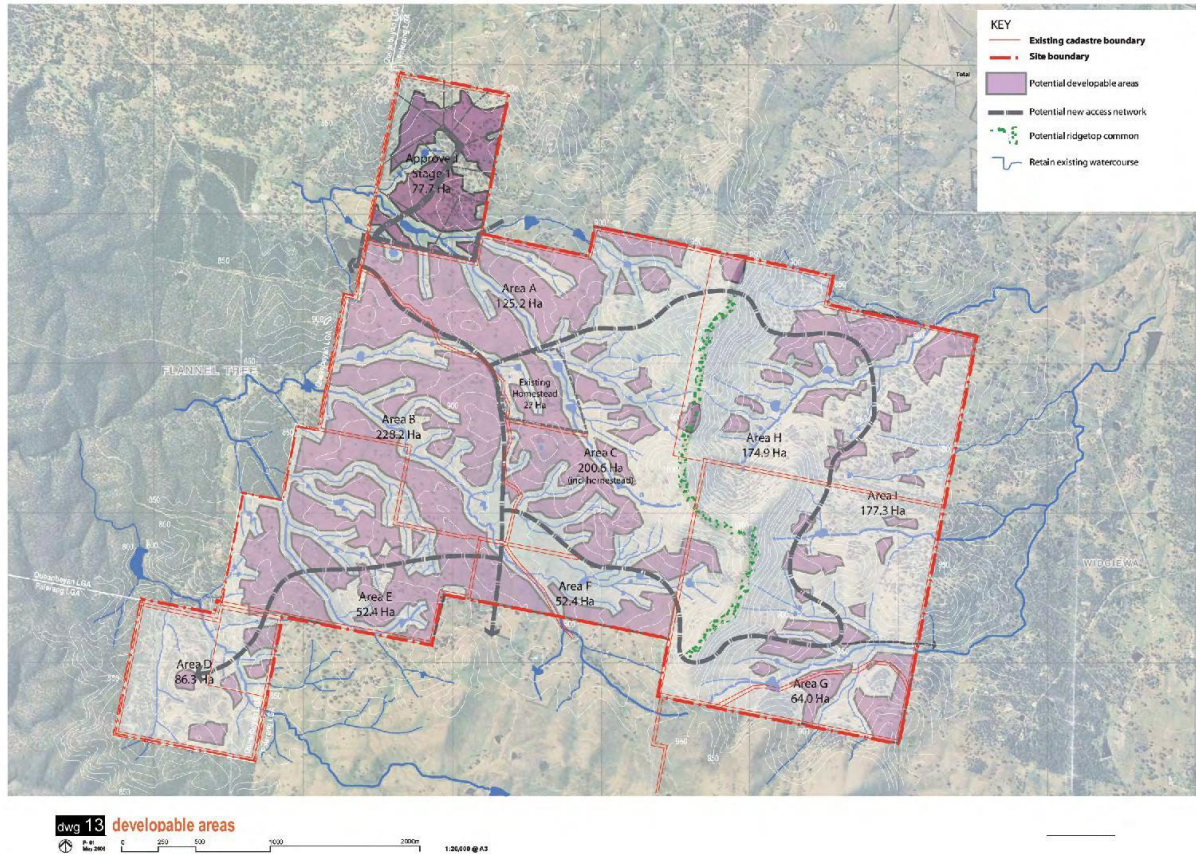


Fig. 10 - Developable areas

4.5 Rural Residential Analysis and Masterplan

The key opportunities for the Taliesin site are as follows:

- Lands not impacted by constraints.
- Establishing a new road network that:
 - Links the east and west zones of the site
 - Provides access to the adjacent properties
 - Provides access to isolated parts of the site such as the south western corner
 - Avoids traversing steep lands.
- Establish a ridge top 'common' that maximises the opportunity for the public to take advantage of the panoramic views from the Taliesin Hills. The 'common' would also provide a recreational resource such as a pony trail integrated with the road system

5.0 Proposed Zoning

EDG Capital Limited and the owners of Taliesin propose to sit with Palerang Council to discuss the viability of a large scale master planned estate on the site along the lines of the adjacent Googong estate www.googong.net.

A co-ordinated approach can provide for orderly development that can meet and make a "best practice" model for the region.

The zoning sought is a mix of zones within a carefully planned master planned estate.

The zones range from B2 neighbourhood shops, to R3 medium density, R2 low density, R5 large lot residential and RE1/RE2 public recreational space.

6.0 Summary and Conclusion

Palerang Council is undertaking strategic land use studies which will culminate in the preparation and adoption of new LEPs complying with the new LEP template.

Taliesin Rural Estates Pty Ltd proposes that the balance of the Taliesin property (approximately 1214 hectares in area, excluding the 13 rural residential lots which have already been approved) be rezoned after a masterplanning process has been completed in conjunction with Palerang Council.

Taliesin is primarily located within the Palerang Local Government Area (LGA) adjacent to the boundary of the Queanbeyan LGA. One small part located in the south west of Taliesin is within the Queanbeyan LGA. The adjoining areas to the east, north and west are dominated by rural residential development.

Taliesin is a large rural property with good access links to Canberra, Queanbeyan and Bungendore. From within the property there are extensive panoramic views of the region.

Residential lots in the area are in demand with Mirvac currently undertaking the Googong Development immediately adjacent to the subject property to the west.

Preliminary studies have been undertaken in relation to flora and fauna, archaeology, agriculture and bushfire risk. No environmental issues have been raised by these investigations that would preclude development.

The agricultural significance of the land is extremely low and considers the current use of the property for grazing is not viable.

Taliesin is considered to be suitable for residential development and will help to meet a strong demand for this type of accommodation in the Canberra/Queanbeyan area.

Palerang Council is requested to consider commencing dialogue with the current owners of the land with a view to commence a masterplan process to create a "best practice" model for residential development in the Palerang Shire.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

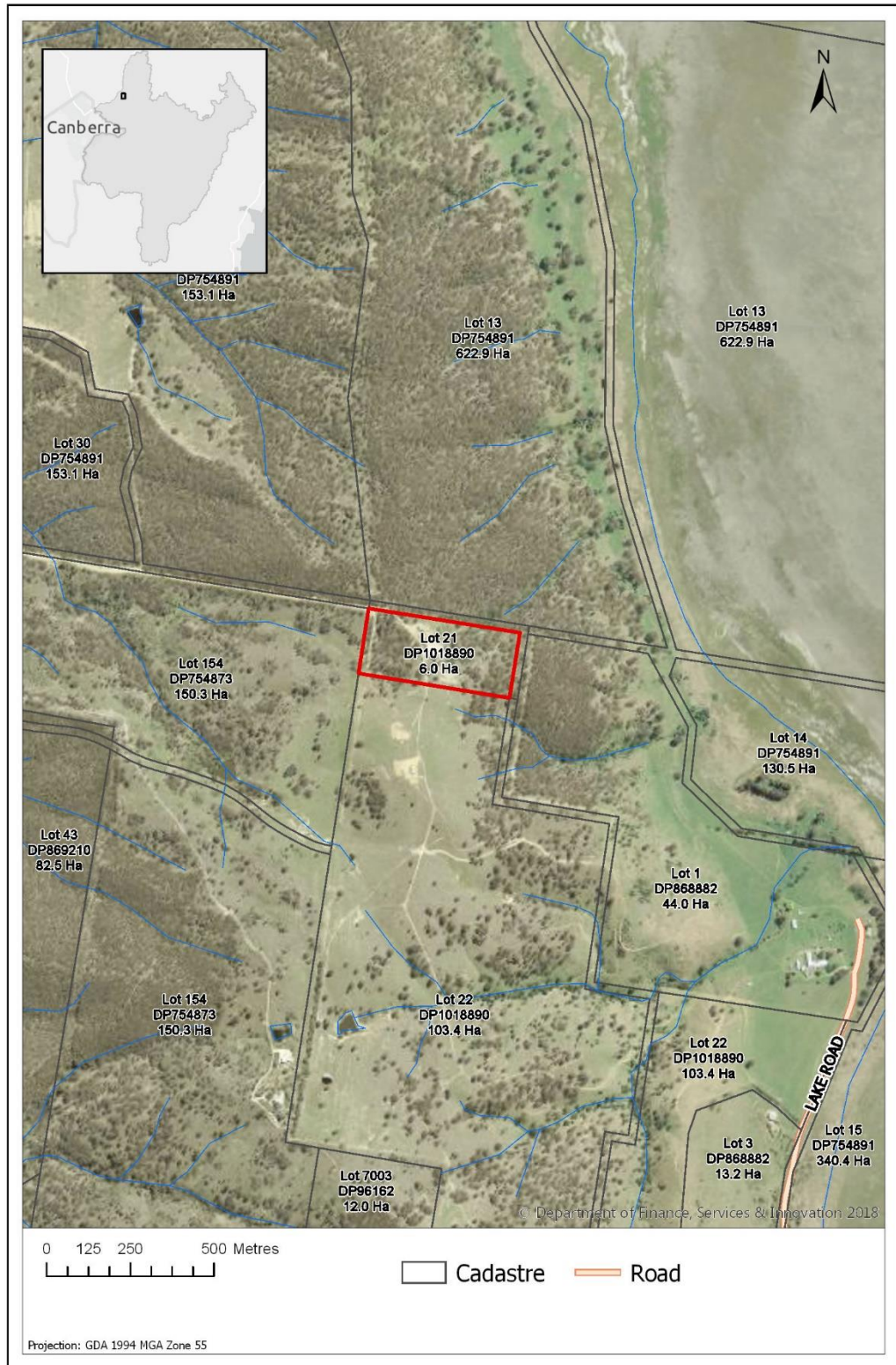
ITEM 12.3 RURAL LAND REQUESTS

ATTACHMENT 12 LOT 21 DP 1018890, GROVE ROAD, LAKE GEORGE -
 DETAILED ASSESSMENT

Attachment 12 - Lot 21 DP 1018890, Grove Road, Lake George – Detailed Assessment

Request

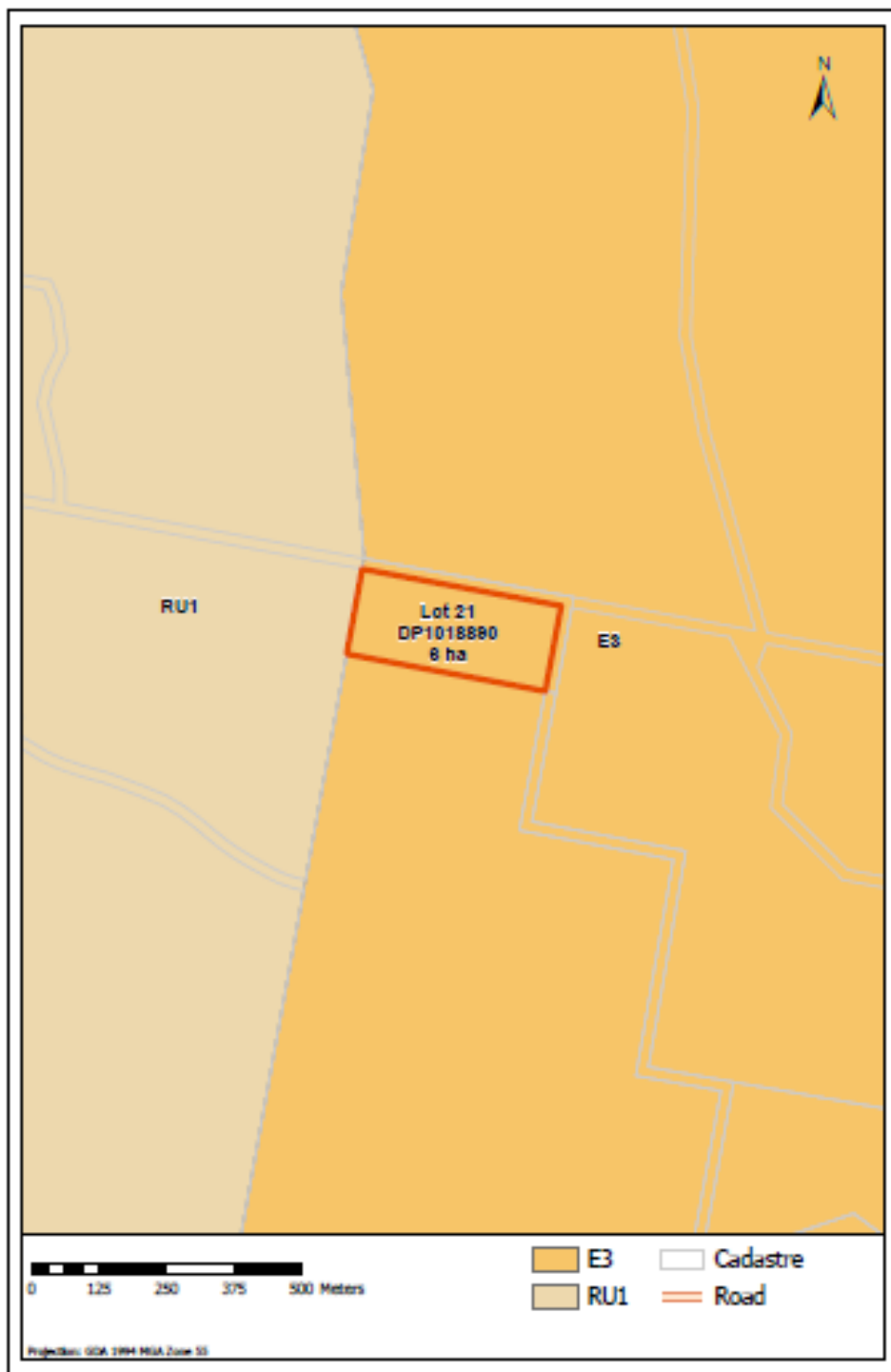
The property owner of Lot 21 DP 1018890 is seeking the removal of the environmental zone, E3 Environmental Management and to have the lot zoned to a landuse zone that allows for residential subdivision. The location of Lot 21 DP 1018890 is shown below. The zoning and topography of the lot is shown in Maps 14, 15 and 16 below. Map 18 shows the entire E3 Environmental Management landuse zone for the western part of the QPRC local government area.



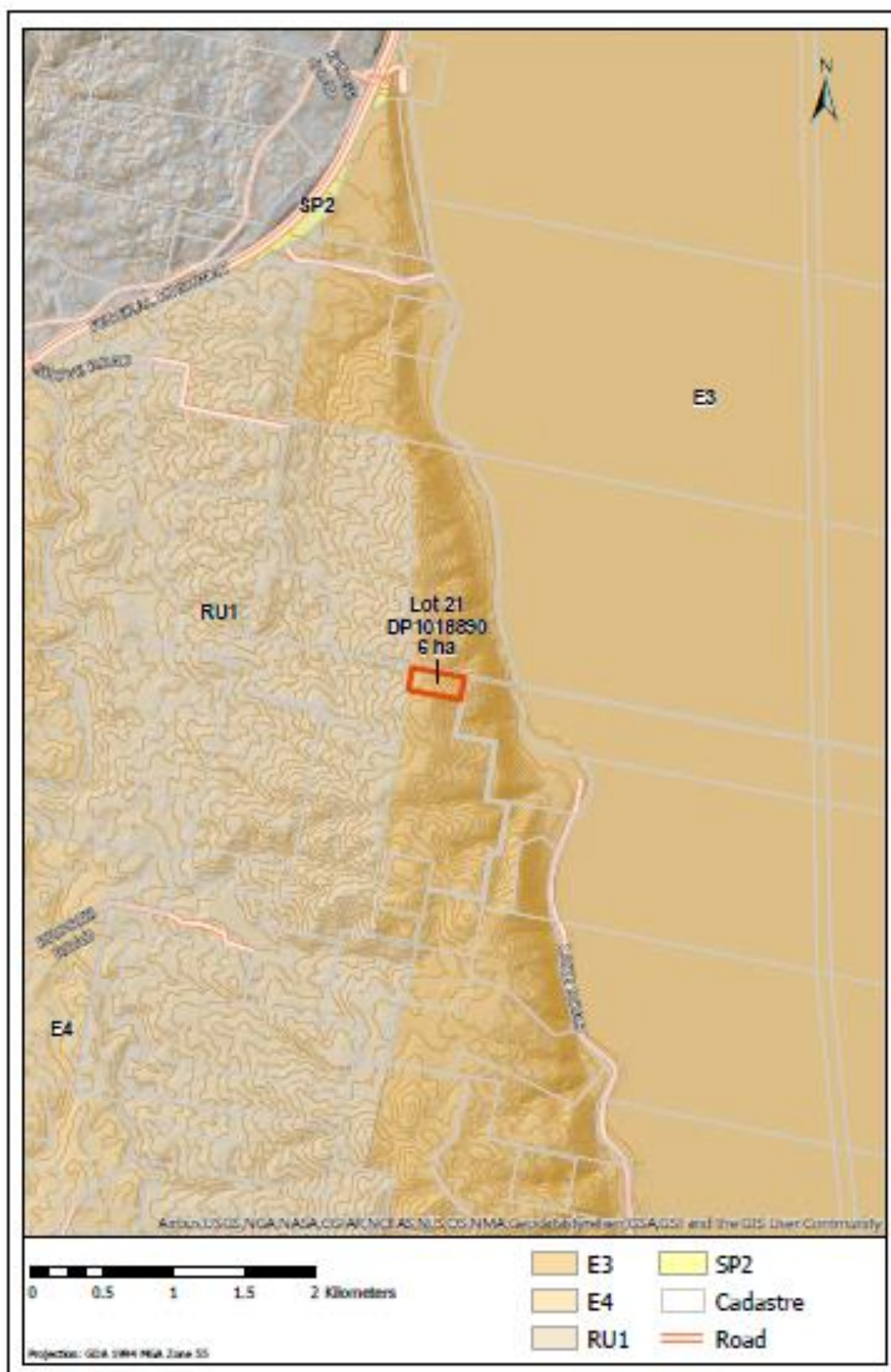
Map 14 Location and area of Lot 21 DP 1018890 and the area of the surrounding lots

Description of the land

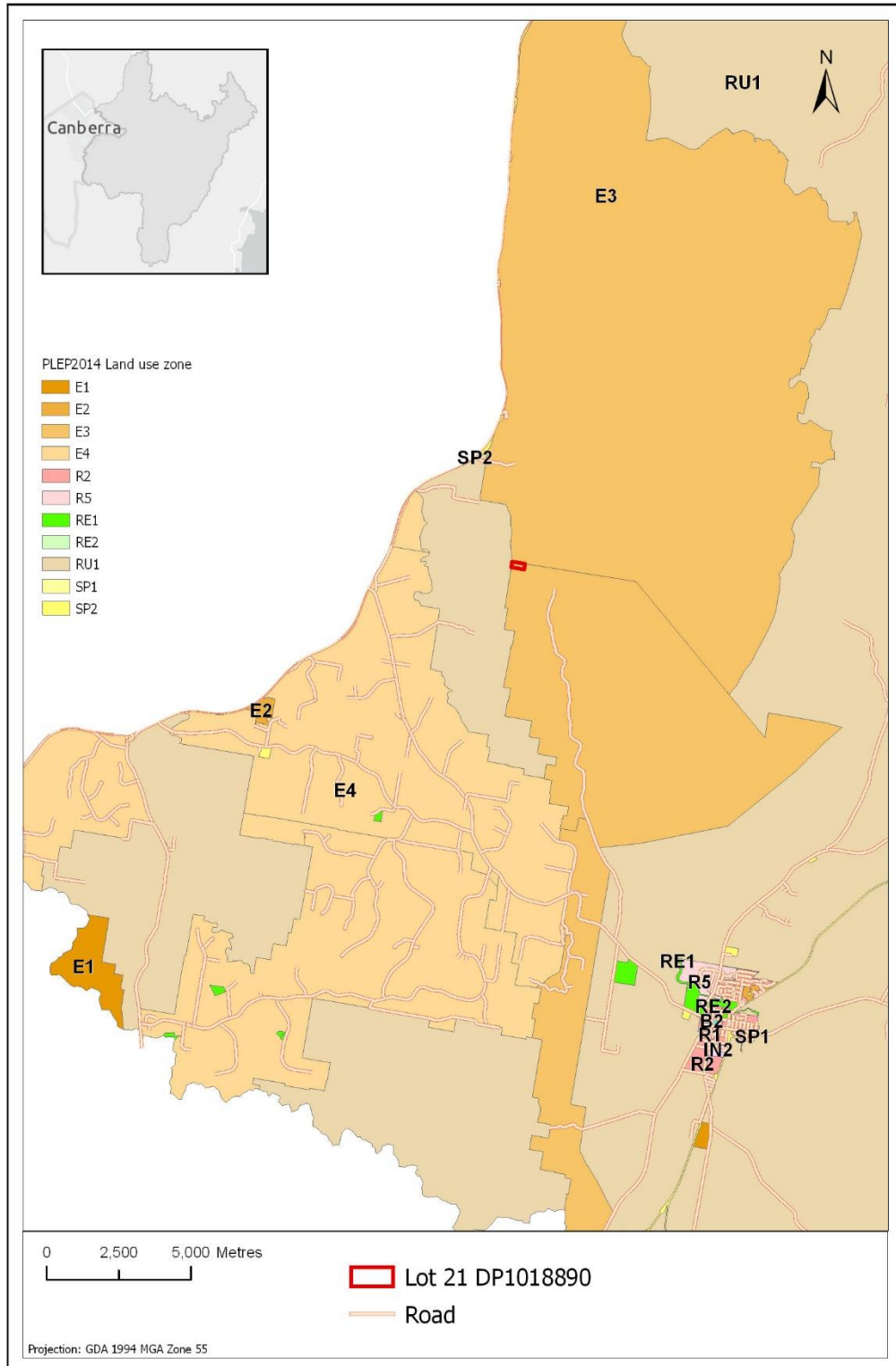
Lot 21 DP 1018890 is zoned E3 Environmental Management under the PLEP with a minimum lot size of 80 hectares. A small part of the lot has slope greater than 18 degrees. The area of the lot is 8.11 hectares and does not have direct access to a Council maintained road. As seen from Map 14 above there is a dwelling on the lot and over half the lot contains native vegetation. The entire lot is bushfire prone (Palerang bushfire prone land map). The lot is not within a drinking water catchment under the PLEP.



Map15 Landuse zoning of Lot 21 DP 1018890



Map 16 Landuse zoning and contours of Lot 21 DP 1018890 and the surrounding area



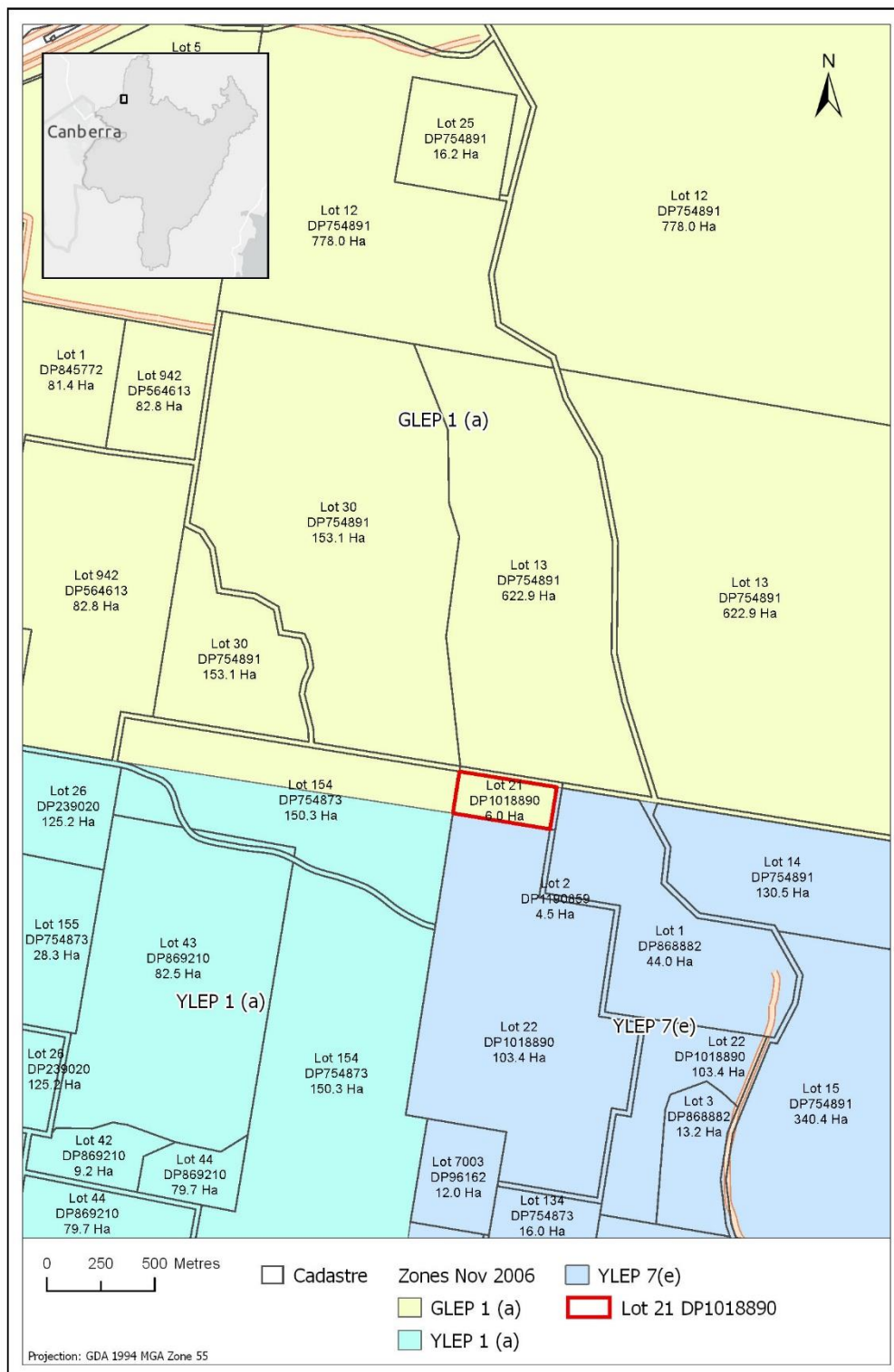
Map 17 The E3 Environmental Management landuse zone for the north-west part of the Queanbeyan-Palerang local government area

Background

Prior to the 2004 local government amalgamations, Lot 21 DP 1018890 was in Gunning Shire and was zoned 1(a) General Rural under the *Gunning Local Environmental Plan 1997* (now repealed). The lot was adjacent to land zoned 7(e) Environmental Protection under the *Yarrowlumla Local Environmental Plan 2002*. In preparing the PLEP, land zoned 7(e) Environmental Protection was zoned E3 Environmental Management. As Lot 21 DP 1018890 was adjacent to this land and topographically similar it was also zoned E3 Environmental Management. In the first exhibition of the draft PLEP, some land was zoned RU2 Rural Landscape. This landuse was removed in the second draft PLEP and the draft was re-exhibited.

12.3 Rural Land Requests

Attachment 12 - Lot 21 DP 1018890, Grove Road, Lake George - Detailed Assessment (Continued)



Map 18 The zoning of Lot 21 DP 1018890 at November 2006

Note:

The blue area is land zoned 7(e) under the *Yarrowlumla Local Environmental Plan 2002*, the blue/green area is land that is zoned 1(a) General Rural under the *Gunning Local Environmental Plan 1997* and the grey colour land that is zoned 1(a) General Rural under the *Yarrowlumla Local Environmental Plan 2002*.

Discussion

The objectives and permissible landuses of a landuse zone need to be considered in determining the zoning of the land. The objectives and landuses of the E3 Environmental Management and RU1 Primary Production landuse zones in the PLEP are provided below:

E3 Environmental Management objectives

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To encourage the retention of the remaining evidence of significant historical and social values expressed in existing landscape and land use patterns.*
- *To encourage development that is visually compatible with the landscape.*
- *To promote ecologically sustainable development.*
- *To minimise the impact of any development on the natural environment.*

Landuses

2 Permitted without consent

Extensive agriculture; Home businesses; Home occupations

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Building identification signs; Business identification signs; Camping grounds; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Home-based child care; Home industries; Research stations; Roads; Rural workers' dwellings; Secondary dwellings; Tourist and visitor accommodation; Water recycling facilities; Water storage facilities

4 Prohibited

Industries; Intensive livestock agriculture; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Serviced apartments; Turf farming; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

RU1 Primary Production objectives

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To minimise the impact of any development on the natural environment.*
- *To ensure that development does not unreasonably increase the demand for public services or facilities.*

Landuses

2 Permitted without consent

Extensive agriculture; Home businesses; Home occupations

3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Biosolids treatment facilities; Building identification signs; Business identification signs; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Function centres; Garden centres; Helipads; Home-based child care; Home industries; Hotel or motel accommodation; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Neighbourhood shops, Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Secondary dwellings; Service stations; Sewage treatment plants; Truck depots; Veterinary hospitals; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3.

Comment

As seen from above the objectives of the landuse Zones differ in regard to the broad use of the land. However, Extensive agriculture; Home businesses; Home occupations are permissible without consent in both zones. The RU1 landuse zone provides for a greater number of landuses although, it should be noted that many of these landuses would be expensive and probably not practicable to construct given the topography (refer to Map 16 above) of the land within in the E3 Environmental Management landuse zone.

Assessment against the Rural Lands Strategy

Is the land an anomaly with regard to the current land use or are there other factors that warrant one-off support?

The land is not an anomaly in regard to land use, it contains a dwelling, some native vegetation and areas that have been cleared. This is typical of the surrounding land. In the property owners submission it is stated in paragraph 4 that a 'commercial operation breeding goats' is occurring. It is suggested that the lot is appropriately zoned as topographically as part of the area known as Lake George escarpment and that the objectives of the E3 Environmental Management landuse zone afford protection for this area. Extensive agriculture does not require consent in either the E3 Environmental Management or RU1 Primary Production land use zones.

Extensive agriculture is defined in the PLEP as being:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

If the proposal is not an anomaly or justified on special grounds as an ad hoc rezoning, the proposal must fit a broader pattern of logical extension of development. For example, fit a logical extension of an existing small properties zone or form part of a potential new zone

As seen from the above maps, Lot 21 DP 1018890 currently fits a pattern of land associated with the Lake George escarpment being zoned E3 Environmental Management.

If it is possible to support the proposal, what ranking and timeline should be set for the particular proposal? Is there sufficient data from the applicant or should more be supplied to finalise a decision?

It is recommended that the proposal not be supported.

Will the development of the land be self-funding with regard to adequate road access, power and bushfire protection measures?

This section is not applicable to this request.

Does the proposal add benefit to the Queanbeyan-Palerang LGA i.e. not just a commuter satellite for Canberra?

No. If it was zoned RU1 Primary Production a greater number of landuses are permissible with development consent as shown in the landuse tables above, however, given the location, topography and lack of direct access to a Council maintained road it is unlikely that consent would be given. As previously stated extensive agriculture is permitted without consent in the current landuse zone.

Post 12 September 2018 Council report

It is understood that councillors requested further information regarding exempt and complying development in relation to the landuse zones E3 Environmental Management and RU1 Primary Production.

Exempt and Complying Development is generally managed through the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. There following are codes under this policy:

- Commercial and Industrial (New Buildings and Additions) Code
- Commercial and Industrial Alterations Code
- Demolition Code
- Fire Safety Code
- General Development Code
- General Housing Code
- Housing Alterations Code
- Rural Housing Code
- Subdivisions Code
- Greenfield Housing Code
- Low Rise Medium Density Housing Code

In 1 January 2019, the Inland Housing Code will commence which will in two years supersede the Rural Housing Code and Housing Code. This may increase the opportunity for exempt and complying development in rural areas in some circumstances.

Whether exempt or complying development is possible depends on the nature of the land, the type of development proposed and whether there are matters in Clause 1.19 which

prevent it from being undertaken, for example if the land is subject to a bio banking agreement or is identified in a local environmental plan as being environmentally sensitive it is not possible. The list is extensive.

Council staff have contacted the property owner for clarification on the potential landuses in E3 Environmental Management where it was felt that the landuse could be managed through exempt and complying development. It was suggested by the property owner that farm sheds were an example where the cost of development using the exempt development provisions was less than a development application.

3.3 Environmentally sensitive areas excluded

(1) *Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.*

(2) *For the purposes of this clause:*

environmentally sensitive area for exempt or complying development means any of the following:

- (a) the coastal waters of the State,*
- (b) a coastal lake,*
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the Coastal Management Act 2016),*
- (d) land reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997,*
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,*
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,*
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,*
- (h) land reserved under the National Parks and Wildlife Act 1974 or land acquired under Part 11 of that Act,*
- (i) land reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna, geological formations or for other environmental protection purposes,*
- (j) land that is a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016 or declared critical habitat under Part 7A of the Fisheries Management Act 1994,*
- (ja) land in Zone E2 Environmental Conservation,*
- (jb) land identified as "Flood planning area" on the Flood Planning Map,*
- (jc) land within 40 metres of the bank of a waterway*

To consider the matter of exempt and complying development in the RU1 Primary Production and E3 Environmental Management landuse zones a comparison is made using the example of farm buildings and a dwelling.

Farm buildings

Sheds (up to 200 square metres), silo or stockyards used for the purpose of an agricultural activity are exempt development in the RU1 Primary Production landuse zone provided they

meet the provisions. A development application is required for these landuses in the E3 Environmental Management landuse zone.

Dwelling

Part 3A Rural Housing Code applies to the RU1 landuse zone. One of the provisions (Clause 3A.1) requires that the lot meet minimum lot size in the applicable local environmental plan - 80 hectares in this instance. It is noted that the lot is 8.11 hectares.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* does not allow complying development for dwellings in the E3 Environmental Management landuse zone.

It should be noted that the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* including clause 1.19 (as stated above) or clause 3.3 of the PLEP and the attributes of the land may not allow these landuses to be exempt or complying development.

There are no provisions in the PLEP which allow either of these landuses to be exempt or complying development.

As seen above the objectives of the E3 Environmental Management land zone include to encourage development that is generally compatible with the physical characteristics of the area zoned.

This landuse zone has been applied to the Lake George escarpment to manage the visual aspects of this landscape. The application of a RU1 Primary Production landuse zone could have unintended outcomes in this regard.

It is noted that Lot 21 DP 1018890 does not have direct access to a road maintained by a roads authority (Council or the Roads and Maritime Service). One of the matters considered in the assessment of a development application for a dwelling is coinciding legal and practical access. The legal right to drive on land, the suitability of the access for two wheel drive vehicles and the maintenance of the road are issues which require addressing.

Clause 3A.9 (2) of the Rural Housing Code states:

(2) A lot on which a new single storey or two storey dwelling house is erected must have lawful direct frontage access or a right of carriageway to a public road or a road vested in or maintained by the council (other than a Crown road reserve).

Recommendation

It is recommended that the request to rezone Lot 21 DP 1018890, Grove Road, Lake George not be progressed.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

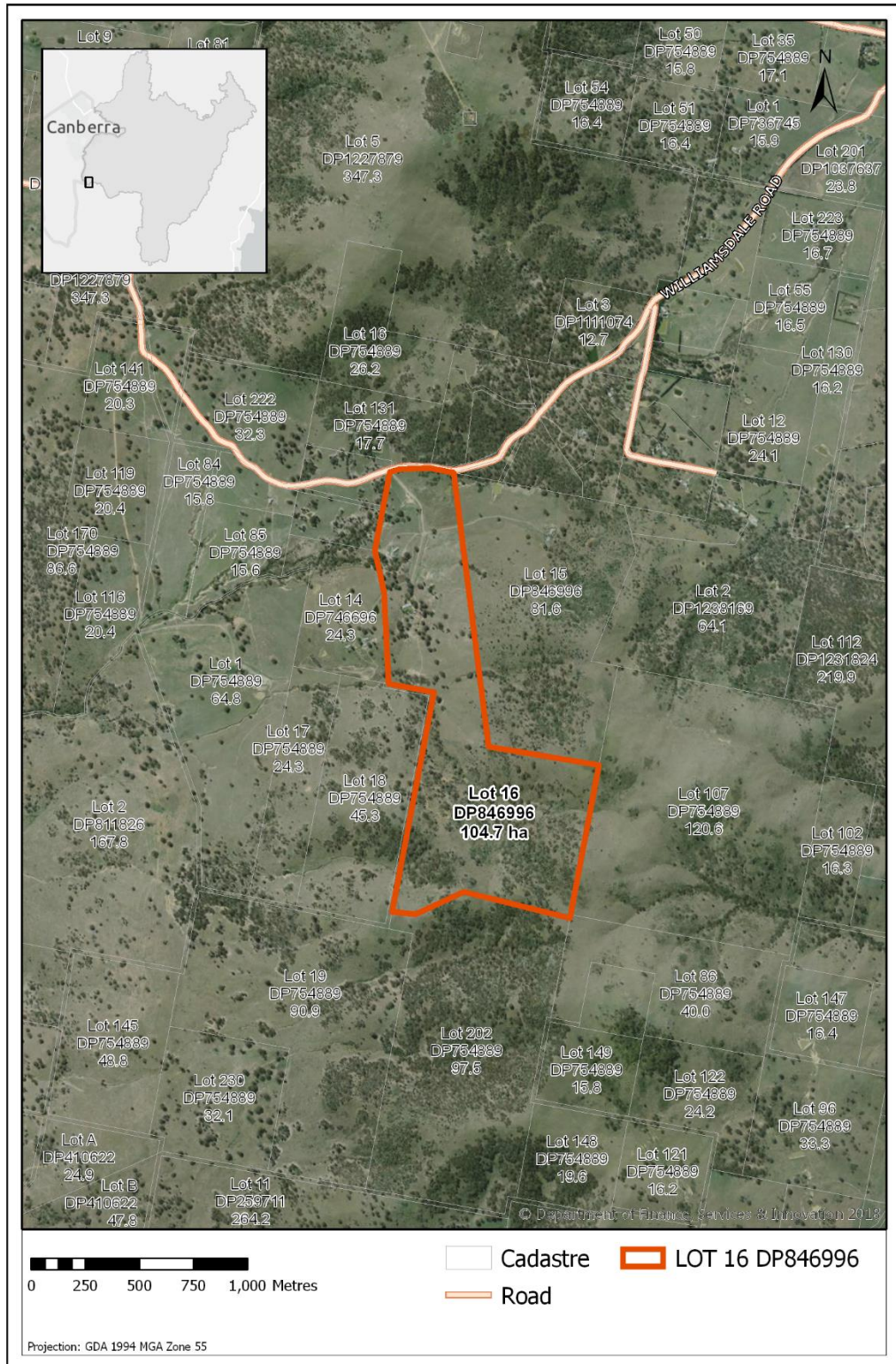
ITEM 12.3 RURAL LAND REQUESTS

ATTACHMENT 13 LOT 16 DP 846996, WILLIAMSDALE ROAD - DETAILED
ASSESSMENT

Attachment 13 - Lot 16 DP 846996, Williamsdale Road, Williamsdale – Detailed Assessment

Request

The property owners have requested that Lot 16 DP 846996, Williamsdale Road, Williamsdale be subdivided to create a 8.2 hectare lot so that an existing dwelling (part of a dual occupancy) would be on a separate lot (refer to the submission from the property owners including the proposed subdivision plan). The location and size of the lot is shown in Map 19 below:

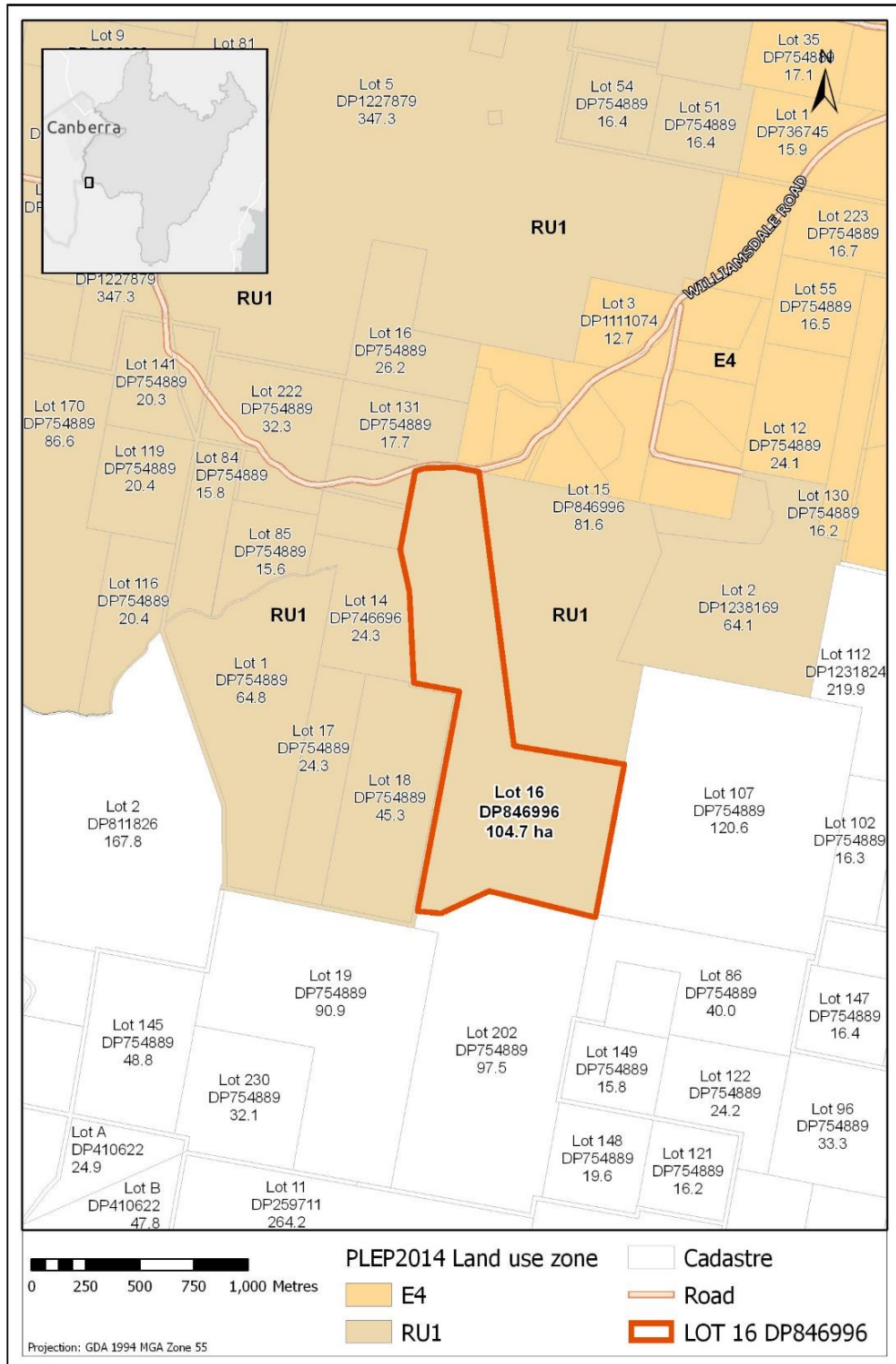


Map 19 The location and size of Lot 16 DP 846996

Description of the land

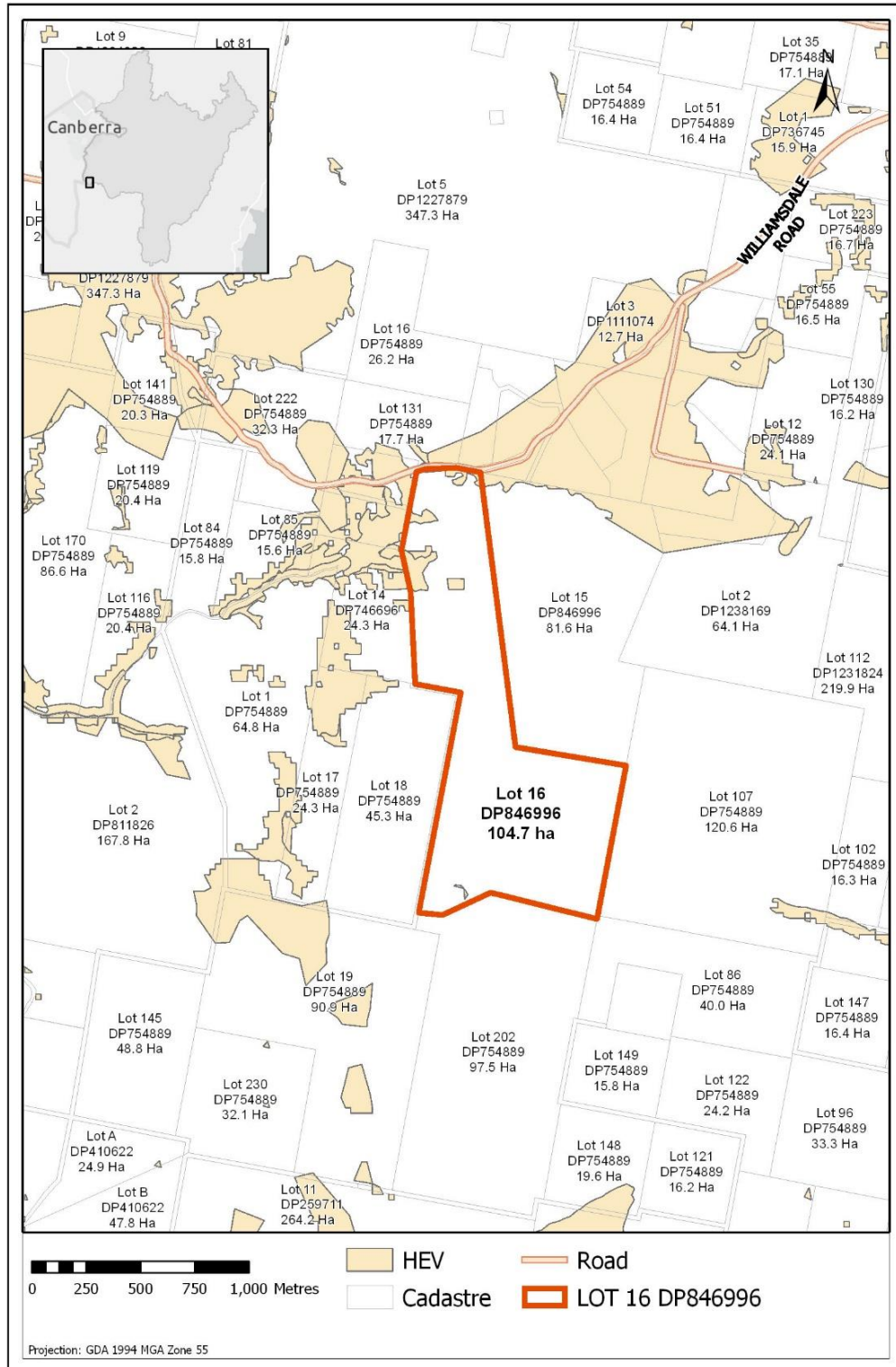
Lot 16 DP 846996 is located in the south-western part of the local government area and is accessed from Williamsdale Road off the Monaro Highway. The property entrance is just over five kilometres from the Monaro Highway on an unsealed section of Williamsdale Road.

The lot is 104.7 hectares and is zoned RU1 Primary Production under the PLEP as shown in Map 20. It is in close proximity to land zoned E4 Environmental Living. The minimum lot size is 80 hectares.



Map 20 Lot 16 DP 846996 landuse zones

There are no heritage items on the lot that are listed in the PLEP heritage schedule or NSW state heritage register. The entire lot is shown on the Palerang bushfire prone land map as being bushfire prone. There are no major watercourses on the lot and it is not within a drinking water catchment. The map below shows that the lot contains a small amount of High Environmental Value native vegetation.



Map 21 Lot 16 DP 846996 High Environmental Value native vegetation

Background

Lot 16 DP 846996 was created from a two lot subdivision of Lot 13 DP 746696 in 1995 under the *Yarrowlumla Local Environmental Plan 1993* (Subdivision 28/93). At the time of the subdivision the land was zoned 1(a) General Rural. There are currently two dwellings (dual occupancy) on Lot 16 DP 846996.

In response to a request regarding the ability to subdivide the land (the proposed lot size and layout being the same as in Attachment 6) Council stated the following (29 July 2014 – refer to Attachment 6):

Clause 19 of the Yarrowlumla Local Environmental Plan 2002 governs the permissibility of a subdivision within the Yarrowlumla 1(a) General Rural zone. Your request relates to Clause 19(2) within the Yarrowlumla Local Environmental Plan 2002, which states:

- (2) *Despite subclause (1)(b) consent may be granted to the subdivision of a 1995 holding between 88 hectares and 159 hectares in area so as to create 2 allotments if the subdivision was permissible immediately prior to the gazettal of Yarrowlumla Local Environmental Plan 1993 (Amendment No. 6).*

It is Council's opinion, that it is not possible to subdivide the subject land to create an additional lot with a dwelling entitlement under clause 19(2) of the YLEP as this was not permissible immediately prior to the gazettal of the Yarrowlumla Local Environmental Plan 1993 (Amendment No.6).

Immediately prior to the gazettal of Yarrowlumla Local Environmental Plan 1993 (Amendment No.6) the subdivision of the subject land was governed by clause 12 of the Yarrowlumla Local Environmental Plan 1993 (YLEP 1993). This clause generally required a minimum allotment size of 80 ha (Clause 12(3) (a)) but allowed for a subdivision to a minimum of 8 ha in circumstances set out in Clause 12(4) and 12(5).

Under YLEP 1993 the erection of a dwelling house on the subject land was governed by clause 17. That clause generally required a minimum allotment size of 80 ha for a dwelling house. Under clause 17(1) (b), however, a dwelling was possible on an allotment created under clause 12(4) (i.e. less than 80 ha) but only if the dwelling would be ancillary to another permissible use of the land.

Under the PLEP, the subdivision of land with a landuse zone of RU1 Primary Production is controlled by the following provisions:

- *Clause 4.1 Minimum subdivision lot size – this clause states that the lots created are to be no smaller than the minimum lot size, 80 hectares in this instance. Given this, the lot would need to be a minimum of 160 hectares. As stated above it is 104.7 hectares*
- *Clause 4.1A Lot averaging subdivision of certain land in Zone RU1 and Zone E3 (2). The subclause states. This clause applies to land within Zone RU1 Primary Production or Zone E3 Environmental Management that is identified as “Y” or “C-M” on the Lot Averaging Map. Lot 16 DP 846996 is shown on the Lot Averaging Map.*

However, subclause 4(a) of this clause prevents a resulting lot being further subdivided.

- *Development consent must not be granted for the subdivision of a resulting lot for the purpose of residential accommodation.*

resulting lot means a lot able to be used for residential accommodation that:

- (a) was created by a subdivision under this clause (other than for a public purpose), or
- (b) in the case of land identified as “Y” on the [Lot Averaging Map](#)—was created under clause 12 of [Yarrowlumla Local Environmental Plan 1993](#) or clause 19 of [Yarrowlumla Local Environmental Plan 2002](#) by a subdivision that created

- at least one lot of less than 80 hectares for the purpose of residential accommodation, or
- (c) in the case of land identified as “C-M” on the [Lot Averaging Map](#)—was created by a subdivision under clause 14 (2A) of [Cooma-Monaro Local Environmental Plan 1999—\(Rural\)](#), and includes a lot that would have been a resulting lot had it not been affected by:
 - (d) a minor realignment of its boundaries that did not create an additional lot, or
 - (e) a consolidation with adjoining land, or
 - (f) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (g) a consolidation with an adjoining public road or public reserve or for another public purpose.
- Clause 4.2 Rural Subdivision – is not able to be used as subclause 4.2(4) prevents this due there being an existing dwelling

4.2 Rural subdivision

- (1) *The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.*
- (2) *This clause applies to the following rural zones:*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (c) *Zone RU4 Primary Production Small Lots,*
 - (d) *Zone RU6 Transition.*

Note:

When this Plan was made it did not include all of these zones.

- (3) *Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.*
- (4) *However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.*
- (5) *A dwelling cannot be erected on such a lot.*

In summary, Lot 16 DP 846996 cannot be subdivided under the PLEP. It is suggested that the only means of creating a separate lot for the existing dwelling (the subject of the request) is to amend the PLEP Minimum Lot Size map to allow a smaller minimum lot size, for example 50 hectares. Given, that it has already been subdivided and one of the aims of the landuse zone and subdivision provisions is to limit the fragmentation of rural land this approach is not recommended.

Discussion

At the 14 October 2010 meeting of Council, two requests for the subdivision of existing dual occupancies were considered. These were:

- Lot 1 DP 791113, Joe Rocks Road, Wamboin – 7(e) Environmental Protection under the Yarrowlumla LEP 2002
- Lot 11 DP 700016, Keewong Lane, Burra – 1(a) General Rural under the Yarrowlumla LEP 2002

It was recommended that these be included in the draft PLEP. It is suggested that whilst these two proposals were considered minor and able to be accommodated in the PLEP it has set a

precedent in relation to the subdivision of dual occupancies. The consideration of matters such as the additional demands on hard and soft infrastructure and unplanned rural residential development has been raised in this report and previous rural lands requests reports.

Several of the previous requests being considered under the Palerang Rural Lands Study have concerned the property owner wanting to either subdivide existing dual occupancies or to amend the minimum lot size or zoning to allow for smaller lots which would provide the opportunity for a second dwelling on the land. Council has resolved in all instances not to proceed with these requests.

The Council reports detailing these requests have discussed the precedent created if these were to proceed, the demand for additional hard and soft infrastructure and that a dual occupancy may be possible if the requests were agreed to.

Assessment against the Rural Lands Strategy

The Rural Lands Study criteria are:

Is the land an anomaly with regard to the current land use or are there other factors that warrant one-off support?

The land is not an anomaly in regard to the current land use. It has previously been subdivided and contains a dual occupancy.

If the proposal is not an anomaly or justified on special grounds as an ad hoc rezoning, the proposal must fit a broader pattern of logical extension of development. For example, fit a logical extension of an existing small properties zone or form part of a potential new zone

As mentioned above, the land is adjacent to an existing E4 Environmental Living land use zone however, it is not considered that additional rural residential land is required.

If it is possible to support the proposal, what ranking and timeline should be set for the particular proposal? Is there sufficient data from the applicant or should more be supplied to finalise a decision?

It is recommended that the proposal is not supported.

Will the development of the land be self-funding with regard to adequate road access, power and bushfire protection measures.

There is a dual occupancy on the lot. These matters were considered with the approval of the second dwelling.

Does the proposal add benefit to the Queanbeyan-Palerang LGA i.e. not just a commuter satellite for Canberra?

The proposal does not add benefit to the local government area as the income from rates will not cover the cost of providing hard and soft infrastructure.

Post 12 September 2018, meeting of Council

The property owner provided a submission which has been included as Attachment 14 in this report and reviewed.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

19 DECEMBER 2018

ITEM 12.3 RURAL LAND REQUESTS

ATTACHMENT 14 LOT 16 DP 846996, WILLIAMSDALE ROAD - SUBMISSION

Attachment 14 - Lot 16 DP 846996, Williamsdale Road, Williamsdale - Submission

C18157397



Subdivision of land under the minimum lot size request for Lot 16 D846996, Williamsdale Rd, Williamsdale

Prepared by [REDACTED]

Rationale behind request to vary minimum lot size

The Johanson family has been farming this land for the past 35 years, and since the erection of the dual occupancy, family members have resided in the second dwelling to assist in the maintenance and operations of the rural property.

As Mr and Mrs Johanson are reaching an older age, they would like to be able to remain on the family property, however would also like to be able to provide some surety to their family members, and allow them to invest in the property, whilst having the comfort and security of owning their own dwelling. As the two dwellings have been on the property for over twenty years it is considered that a proposed subdivision of 8.2 hectares would not significantly alter the use or viability of the land.

History of the Site

In August 1983 Val and John Johanson Purchased 560 acres at 257 Williamsdale Road Williamsdale comprising 4 portions 155, 21, 228 and Lot 12 DP746696.

In 1984 Portion 155 of 70 acres was subdivided to form Lot 1, subject to the Council condition that the remaining 3 portions be combined under the one title Lot 13 DP 746696.

In 1993: caretaker/duplex dwelling was built on lot 13 with Council Approval and advice that this block could be subdivided after the dwelling was erected, due to the second dwelling being ancillary to the extensive agricultural activities that were occurring on the land.

In 1995 Lot 13 was subdivided under YLEP 1993 forming Lot 15 and Lot 16 of 104.7 hectares.

In 2009 the owners met with Palerang Officers to discuss our options of subdividing an 8.2ha block with an existing dwelling from the current total 104.7ha and were advised that this would be possible.

[REDACTED]

[REDACTED]

In May 2010 the owners had a follow up meeting with Council staff in Palerang offices and were advised that "Consent may be granted as a concessional block pursuant to Clause 19(2) of the YLEP 2001", and we would need a more detailed plan showing existing buildings with the Building precinct prepared by a registered surveyor, a Report for non-potable water and a Bushfire report. These were all obtained at considerable expense.

We were then further advised by staff to lodge a Subdivision Application under Clause 19(2) of the YLEP.

On subsequent contact with the Bungendore Office in relation to lodging the Application the owners were advised **not** to lodge the application for subdivision until the revised draft LEP was gazetted.

Accordingly the owners delayed lodgement until 2014 when they visited the Bungendore office again to discuss lodgement of the application and submitted a Permissibility inquiry and paid the relevant fee of \$236.00 on 26 June 2014.

The owners then received a letter dated 29 July 2014, signed by John Wright, advising that in Council's opinion "it is not possible to subdivide land to create an additional lot with a dwelling entitlement under clause 19/20 of the YLEP as this was not permissible immediately prior to the gazettal of Yarrowluma Local Environmental Plan 1993 (Amendment No. 6)

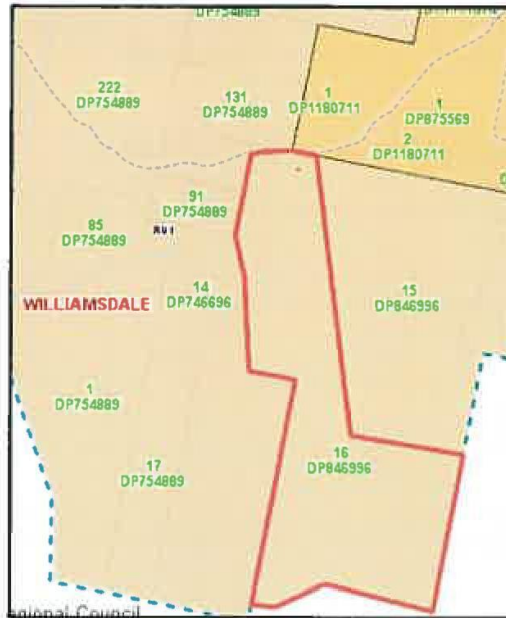
Unfortunately by following staff advice, the owners have missed the opportunity to lodge a development application for a subdivision and utilise the SEPP 1 provisions which would have allowed them to make a request to vary the lot size under the State Environmental Planning Policy No. 1. The provisions of this instrument have now been replaced by Clause 4.6 of the PLEP2014 which allows a landowner to request to vary a development standard, but only by 10% for subdivision in the rural area, whereas SEPP1 allowed the landowner to request a variation of any size.

Particulars of the Site

The land in question is Lot 16 DP846946, Williamsdale Road, Williamsdale. The lot is irregular in shape and is 104.7 hectares. Access to the property is off Williamsdale Rd, which is unsealed. Currently on the land are two dwellings (dual occupancy) and associated farm infrastructure. The land is zoned RU1 and is adjacent to E4 zoned land. The minimum lot size for this parcel of land is 80 hectares.

[REDACTED]

Figure 1: Zoning of the property under the PLEP2014.



Palerang Local Environment Plan 2014

Lot 16 DP846946 is zoned RU1 Low Density Residential under the *Palerang Local Environment Plan 2014*. The objectives of the land are as follows:-

Zone RU1 Primary Production

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To minimise the impact of any development on the natural environment.*
- *To ensure that development does not unreasonably increase the demand for public services or facilities.*

The proposal complies with the objectives of the zone as it would allow the Johannson family to continue their extensive agricultural activities on their land as a family enterprise. The proposal would not conflict with the land uses in the RU1 zone and the adjoining E4 zone as the development is for residential purposes.

By allowing the small amount of land to be excised from the larger part of the property enables farm facilitation to occur within the family and therefore the continuation of a 35 year farming enterprise. As there is no built form proposed, there would be no increase on the demand for public services or facilities and no detrimental impact on the natural environment.

Review of the request against the Rural Lands Strategy

Due to the recent amalgamation of Palerang and Queanbeyan Councils to create Queanbeyan Palerang Regional Council, a review of planning instruments and the consolidation of a number of Local Environment Plans is currently underway by the Council. The Council also recently adopted the Palerang Rural Lands Study and therefore this request has been assessed against the Rural Lands Strategy criteria as follows:

Is the land an anomaly with regard to the current land use or are there other factors that warrant one-off support?

Whilst the land is not an anomaly with regard to the current land use, there are other factors that warrant one-off support for this proposal. As has been described within this report, the request from the Johanson family relates to their desire to stay on the property whilst also providing some surety and farm facilitation within the family to continue to operate their 35 year family farming operations. This can be demonstrated by the fact that family members have resided in the dual occupancy for many years and as there is a social and emotional connection to the land, this development would allow the family farming enterprise to continue. The proposal will not set a precedent as it has been demonstrated within this report that Council has granted similar requests to two other dual occupancy developments under the PLEP2014 formulation process.

If the proposal is not an anomaly or justified on special grounds as an ad hoc rezoning, the proposal must fit a broader pattern of logical extension of development. For example, fit a logical extension of an existing small properties zone or form part of a potential new zone

It is considered that the proposal is justified on special grounds and is not requesting a rezoning, rather a change to the minimum lot size for this land.

If it is possible to support the proposal, what ranging and timeline should be set for the particular proposal? Is there sufficient data from the applicant or should more be supplied to finalise a decision?

If Council chooses to support this request, it would be appropriate to amend the minimum lot size map for this land to allow a subdivision at the time of the review of the PLEP2014.

Will the development of the land be self-funding with regard to adequate road access, power and bushfire protection measures?

As there is an existing dual occupancy on the lot, these matters were addressed at the time of construction of the dwellings. Legal access is available to the land, power is connected and both dwellings have appropriate bushfire protection measures in place. The owners of the land are prepared to place a covenant over the smaller allotment of land (8.2 hectares) to prevent any further

dwelling being erected on the land, which then mitigates the potential for any further residential development and an increase in the need for services.

Does the proposal add benefit to the Queanbeyan-Palerang LGA ie not just a commuter satellite for Canberra?

The proposal, if approved would not create a commuter satellite for Canberra as the request is not for a rezoning, rather a change to the minimum lot size. There will be no further development potential attached to the smaller allotment.

Precedent set by previous approvals for minimum lot size changes

This request is not dissimilar two others which was approved during the formulation of the PLEP2014 which set different minimum lot sizes for two parcels of land, less than the minimum lot size for the surrounding land within the same zone so as a subdivision could occur on the land where there was a dual occupancy development.

The first example is at 116 Keewong Lane, Burra. This land was zoned 1(a) under the YLEP, and this zoning was carried over into the PLEP2014. However, rather than have the 80ha minimum lot size that the surrounding RU1 land carries, this land was given a 35 hectares minimum lot size, which allowed 9 hectares to be subdivided off the land, and two lots created under DP1238169, both below the previous minimum lot size of 80 hectares and both containing a dwelling.

The second example is at Lot 1 DP791113 on Joe Rocks Rd, which has an approved dual occupancy development located on it. This land was previously zoned 7(e) under the YLEP with a minimum lot size of 80 hectares. Under the PLEP2014 this land was zoned E3, however unlike the E3 land that surrounds it and has a minimum lot size of 80 hectares, this land was given a minimum lot size of 10 hectares which allows it to be subdivided in two and a dwelling will then sit on each allotment which is well below the lot size of adjoining land within the same zone.

The rationale behind both these requests at the time of consideration was that as there was a dual occupancy development on the land, the request was effectively a "line on a map" and therefore created no major impacts on the land, adjoining properties or the locality.

This request is very similar to the two examples above, however the owners are not seeking a blanket lot size amendment to the whole property as it is appreciated that would create further subdivision potential. Rather, the owners are seeking the ability for a one-off subdivision to create an 8.2 ha lot around the second dwelling on the property to help facilitate the ability to continue farming the property. The owners are happy to offer a 'Restriction to User' over the 8.2ha allotment to prevent a further dwelling to be constructed on the land under the dual occupancy provisions, which would then mitigate any further development potential on this land.



Summary

The request to subdivide 8.2 hectares from Lot 16 DP 846996 to allow for farm facilitation within a family complies with the objectives of the RU1 Zone and has been assessed against the criteria listed in the Palerang Rural Land Strategy. Previous examples of where Council has approved similar requests have also been provided for Council's consideration to demonstrate that this particular request would not create an undesirable precedent, as Council has already determined minimum lot size requests under the consideration of the PLEP2014. There will be no additional demand for hard and soft infrastructure as the dwellings are constructed with appropriate services in place. The owners are prepared to offer a 'Restriction to User' over the land, in favour of Council so as no further dwellings can be built on the land therefore negating any need for any further hard or soft infrastructure.