

8 May 2013

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Proposed Planning Policy – Canberra Airport
Department of Planning and Infrastructure
PO Box 5474
Wollongong NSW 2540

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Dear Sir/Madam,

Draft Ministerial Direction –development near Canberra Airport

We act on behalf of Mr L Pastrello as owner of a 200 hectare property at Eaglehawk, located on the Federal Highway at Sutton. Our client's property is adjacent to the NSW and ACT border. Approximately half our client's property is affected by the 20 ANEF contour.

On behalf of our client we strongly object to the draft Ministerial s117 Direction – development near Canberra Airport. Our objection is based on the following concerns. In summary, the draft Direction under no circumstances is either reasonable or justifiable. It is not reasonable to effectively prohibit any future housing in this area nor has there been any justification as to why this should occur.

Our client has made previous representations to the prior Yarrowlumla Shire Council concerning the potential residential rezoning of the property. Planning studies justifying that rezoning have been previously prepared. The residential rezoning of the property has however been dependent on the availability of reticulated water from the ACT and subject to that being resolved, we expect that request to rezone the land will progress.

The effective prohibition on any future dwellings in terms of a residential rezoning will significantly compromise a balanced approach that may in effect be an otherwise preferred and appropriate planning outcome for the land. The absence of any discretion to be justifiably inconsistent with the draft s117 Direction will preclude that from occurring. That is an unreasonable burden that has not been justified by the Department.

Relevantly, we note that the location of the property does have considerable strategic merit consistent with a planned approach to regional cross border settlement. We also understand that the NSW and ACT Governments are jointly preparing a regional settlement strategy otherwise referred to as the C + 1 Strategy. With that Strategy currently under preparation and with our clients land well placed in terms of future settlements, the proposed imposing of the draft s117 Direction will unreasonably prejudice and compromise the preparing of the Strategy. Accordingly, will unreasonably prejudice and compromise the proper planning for housing in the region. This draft s117 Direction effectively takes precedence over all other planning grounds irrespective of their merit. This is both inappropriate and completely at odds

with a proper balanced approach to planning. In this instance, it will have the practical effect of fettering the Governments own current planning for housing in the region.

Accordingly, it is both reasonable and appropriate to rely on the existing planning controls and s117 Direction for aircraft noise in terms of any requirements for say noise attenuation and at the very least to otherwise allow for a departure from the draft s117 Direction where it can be justified. Those departures will be where it results in an acceptable planning outcome and the continued safeguarding of residential amenity by way of the AS 2021 standards for aircraft noise. This is expected to be the case with the rezoning of our clients land.

There is no certainty in the proposed s117 Direction for Council, State Government, land holders or the broader community. This is an unacceptable outcome that will only hinder decisions on long term planning, and provides no confidence or certainty for investments in the development of new release areas.

By not referring to a particular ANEF contour nor providing any strategic discretion for any variation the proposed s117 Direction will effectively fetter and constrain the role and ability of Government to make proper long term planning decisions and/or rezone land for future housing. That is, the proposed s117 Direction effectively 'delegates' the decision on where housing should be located to those who have the authority to adjust, revise and adopt new ANEF contours with no reference at all to either NSW State Government, Council or land holders. In practice, this is a right of veto to the Commonwealth and Canberra Airport. This cannot be regarded as an acceptable outcome for NSW.

There is no justification for the draft s117 Direction. There is no justification nor any valid argument as to why the current s117 Direction on aircraft noise that is deemed suitable for every other airport across the state is not suitable for Canberra Airport

In conclusion there is no justifiable basis for the draft s117 Direction. It is excessively onerous and completely inconsistent with the Departments own current policy position that applies to the rest of NSW in terms of managing land use and aircraft noise. There is no reasonable basis for its adoption.

On behalf of our client we thank the Department for the opportunity to comment and look forward to your advice on the matters raised.

Yours sincerely,
CBRE (V) Pty Ltd



Mark Grayson
Regional Director - CBRE Town Planning

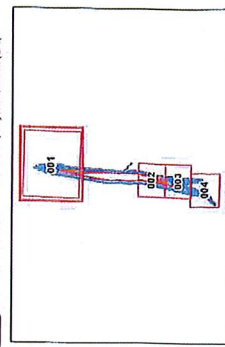
Land Zoning Map with Canberra Airport Air Noise Exposure Forecast

Air Noise Exposure Forecast

ANEF 20
ANEF 25

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU2 Rural Landscape
- SP1 Special Activities
- SP2 Infrastructure
- WI1 Natural Waterways
- DM Deferred Matter
- Conservation Areas
- Future Investigation
- Residential Areas
- Buffer/OpenSpace
- Local Centres
- Employment Areas
- Schools
- Community/Recreation Area
- Cadastral
- Cadastral 03/1/2013 © Land and Property Information (LPI)



Scale: 1:140,000 @ A3
Projection: GCS, 1984
Datum: GDA 1984

