

Appendix D

Report to Council & Resolution

15 November 2011

GENERAL MANAGER'S REPORT TO THE ORDINARY MEETING OF JUNEE SHIRE COUNCIL HELD ON 15 NOVEMBER 2011.

17[DDES] DRAFT ILLABO VILLAGE STRATEGY

In 2009, the Council commenced the process to amend the Junee LEP 1992 by Amendment No. 6.

The aim of the proposal was to prepare a Draft Junee Local Environmental Plan 1992 (Amendment No. 6) to rezone part of Lot 2 DP 1043524 to the west of Commins Street from 1(a) General Rural to 1(c) Rural Small Holdings. Note: This has been included in the current Planning Proposal as it was identified in the adopted Junee Residential Strategy August 2006. The proposal also sought to:

- a) Introduce a special provision into the plan to permit the erection of a dwelling on each existing lot on land bounded by Crowley Street West, Boree Street, Lawford Street, Morgan Street and Eurongilly Road.
- b) Introduce a special provision into the plan to permit the subdivision of land bounded by Morgan Street, Cowley Street East, Showground Road and Eurongilly Road into lots with a minimum area of two hectares.

The amended Draft Illabo Village Strategy 2011 is attached (Attachment 1) and it is requested that Councillors also refer to this document.

A report concerning this matter was referred to the Council's 20 October 2009 meeting. A copy of the report is attached (Attachment 2). All of the recommendations of the report were adopted by the Council. It is hoped that Resolution Items 1 and 2 will be done as part of the current Planning Proposal to amend the Junee LEP 1992. However, Resolution Items 3 and 4 must now be the subject of a separate Planning Proposal according to the Department of Planning and Infrastructure (DOPI) as they cannot be included in the current Planning Proposal. It can run in parallel with the current Planning Proposal, but as a separate proposal.

History

In discussions with the previous Manager of Planning, it would appear at the time that the Council had applied to the former Department of Planning for funding of \$50 000 under the Planning Reform Fund Round 6. If granted, the funding would have paid for the work required to "roll up" everything into a conversion LEP. However, despite a "wink and nod" from the Regional Office of the former Department of Planning that funding was forthcoming, the Council was, in fact, unsuccessful. The Council did not have the budget to fund the work, nor did it have the staff resources to undertake any strategic planning work as the previous Manager went to a "part-time" working arrangement in late July/early August 2010 and Mrs Nicole Hopkin's work arrangements with the Council had also come to an end.

The Council were only notified of their unsuccessful Planning Reform Fund Round 6 funding in April 2010. Therefore the proposal went no further.

What Do We Do Now?

According to SMEC Consultants, it is not possible to include the proposed Illabo changes in the current Planning Proposal as the Draft Illabo Village Strategy has not been publicly exhibited. Also the proposal will require an amendment to the Junee Residential Strategy 2006, which would also require public exhibition, as it was not included in this Strategy in 2006.

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It is beyond SMEC's scope of work under the LEP Acceleration Fund project to assist the Council in finalising draft strategies, draft floodplain management plans or amendments to strategies that require separate Council resolution to exhibit as well as separate endorsement from the DOPI under Section 117 Ministerial Directions.

Therefore, the amendment that the Council is seeking at Illabo must be run as a separate Planning Proposal to amend the current Junee LEP 1992, not the Draft LEP 2011. It may or may not be picked up with the Draft LEP 2011, owing to the time frame required for exhibition of the strategies and adoption of the Draft Floodplain Risk Management Study, the latter of which will probably not be adopted by the Council until March 2012.

Land at Illabo

The land at Illabo that we want to be included in the new LEP is land that is referred to as **"Proposal 3: Land to South-East of Railway Line"** beginning on page 24 of the Draft Illabo Village Strategy (Maps 10 and 11 on Page 26). Maps 10 and 11 together with Maps 7 and 9 of the Draft Illabo Village Strategy are the recommended short-term land use proposals immediately within and adjacent to Illabo.

The lots that constitute "Proposal 3" are as follows:

a) Lots 1, 2, 3, 4 5, 6 Section 14 in DP 758533 bounded by Boree Street, Morgan Street, Lawford Street and Eurongilly Road (Map 10)

All of the above lots are vacant "existing holdings" and therefore have a dwelling entitlement pursuant to Clause 18 of the Junee LEP 1992. Lot 6 is Crown Land but this should not represent a problem. The Section 14 range in size from 1979m² to 2059m².

According to Development Control Plan No. 20 – On-Site Sewage and Wastewater Management, as these lots are below 4000m² in area, any subsequent Development Application for a dwelling will need to be accompanied by a Geotechnical Report/Land Capability Analysis prepared by a suitably qualified and experienced Geotechnical Engineer in accordance with AS/NZS 1547-2000-On-Site Sewage Domestic Wastewater Management. The land application would need to be an evapotranspiration area rather than an absorption trench, under Clause 4.2.1 of DCP No. 20.

Clause 4.2B of the new LEP will continue to allow dwelling entitlements on these lots as they will remain "existing holdings".

b) Lots 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Section 13, DP758533 bounded by Cowley Street West, Lawford Street and Eurongilly Road (Map 10).

Lots 3 and 4 are one "existing holding"; Lots 5, 6, 7 and 8 are one "existing holding"; Lots 9 and 10 are one "existing holding", however there is a dwelling on Lot 10 and therefore there are no further dwelling entitlements for this "existing holding"; Lot 11 is an "existing holding" and Lot 12 is also an "existing holding".

The lots range in size from 1255m² to 2141m². The same applies to these lots as the lots in Section 14 as far as on-site effluent disposal is concerned.

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- c) **Lots 136, 137, 138, 139, 140, 141, 142, 143 and 144, DP751398 bounded by Morgan Street, Cowley Street East, Showground Road and Eurongilly Road (Map 11).**

Lots 136, 137, 140, 141, 142, 143 and 144 constitute one "existing holding". There is a dwelling on Lot 143, and therefore no further dwelling entitlements for any of these lots.

Lot 138 is an "existing holding" and contains a dwelling. Lot 139 is an "existing holding".

The lots range in size from 3.24 hectares to 4.06 hectares.

The lots above are located in the Rural 1(a) Zone. Under the Junee LEP 1992, they cannot be subdivided as the minimum lot size for any subdivided lots is 100 hectares. Under the Draft LEP 2011, it is proposed that this land be zoned RUI Primary Production with a 100 hectare minimum lot size.

Review of Draft Illabo Village Strategy

A review of the Draft Illabo Village Strategy was undertaken by staff. This review has identified required changes to the Draft Illabo Village Strategy that should be made prior to any decision to proceed with the exhibition of the Draft Illabo Village Strategy. These are as follows:

- a) **Map 8, Page 23 – Stratton Street**

The Draft Illabo Village Strategy 2009 considered land to the north of Stratton Street (unformed) as having the potential for subdivision for small holdings development in the medium term. This was also suggested in the adopted Junee Residential Strategy 2006. Further discussions with Council's Engineering Department have indicated that this area would not be suitable for small holdings development due to runoff and drainage issues. As a result, it is recommended that this area of land be removed from the Draft Illabo Village Strategy as a potential area for future development.

The other area on Map 8 identified as "Potential 2(v)" has, however, been included in the current Planning Proposal.

- b) **Map 10, Page 26**

Introduction of a special provision (clause) into Junee LEP 1992 to permit a dwelling entitlement on existing lots in Sections 13 and 14 bounded by Cowley Street West, Lawford Street, Boree Street, Morgan Street and Eurongilly Road is still supported by staff. No further subdivision of these lots will be permitted, but the special provision will allow a dwelling to be erected on each existing vacant lot, not solely on "existing holdings". Therefore, no changes to Map 10 are proposed.

- c) **Map 11, Page 26**

This includes land bounded by Morgan Street, Cowley Street East, Showground Road and Eurongilly Road.

It is recommended that the Draft Illabo Village Strategy be amended to only permit the erection of a dwelling on each existing lot bounded by the above streets. The Draft

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Strategy prepared in 2009 had recommended that Council amend Junee LEP 1992 to permit the subdivision of this land for lots with a minimum area of two hectares and the erection of a dwelling on each lot. As these lots range in size from 3.2 hectares to 4.6 hectares, they are of a size and layout conducive to small holdings development and further subdivision of this land is not warranted. The retention of the existing lot layout with the ability for a dwelling to be erected on each lot would also provide flexibility in the location of future dwellings and ensure that sufficient setback from adjoining agricultural uses to minimise any potential land use conflicts can be achieved.

In regard to the above, if Council wishes to proceed with this recommendation, it is required to amend the resolution from its meeting held on 20 October 2009 which included a decision to prepare a draft plan to permit the subdivision of this land for two hectare development.

d) Flooding

At the time of the compilation of the Draft Illabo Village Strategy in 2009, Council had not yet prepared the Draft Jeralgambeth Creek Flood Study. As this flood study has now been prepared, amendment to the Draft Strategy has been required to bring the document into line with the recommendations of the Draft Flood Study. These amendments have been made where necessary and essentially relate to the need for the Council to consider the findings of the Draft Flood Study in the approval of any residential development, particularly in the area to the south of the Graincorp Silos through to Eurongilly Road.

Review of Junee Residential Strategy 2006

As part of this second Planning Proposal, staff are required to amend Section 13.2 "Illabo" of the Junee Residential Strategy 2006 and to also exhibit this amended section of the Strategy with the Draft Illabo Village Strategy.

Recommendation:

- 1. That the Council resolve to amend the Junee Local Environmental Plan 1992 to introduce a special provision into this plan to permit the erection of a dwelling on each existing vacant lot on land bounded by Cowley Street West, Lawford Street, Boree Street, Morgan Street and Eurongilly Road.**
- 2. That the Council resolve to amend the Junee Local Environmental Plan 1992 to introduce a special provision into this plan to permit the erection of a dwelling on each existing vacant lot on land bounded by Cowley Street East, Showground Road, Eurongilly Road and Morgan Street.**
- 3. That the Council consider the findings and recommendations of the Draft Jeralgambeth Creek Flood Study 2011 in the assessment of any application for development on land bounded by Cowley Street West, Lawford Street, Boree Street, Morgan Street and Eurongilly Road.**
- 4. That the Council resolve to place on public exhibition for a period of 28 days the amended Draft Illabo Village Strategy and the amendment to Section 13.2 Illabo of the Junee Residential Strategy 2006.**

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5. *That the Council endorse the proposed amendments to the Draft Illabo Village Strategy.*
6. *That the Council rescind its resolution from its 20 October 2009 Ordinary Meeting (Resolution Item Number 4) regarding the creation of a special provision to permit the subdivision of land bounded by Cowley Street East, Showground Road, Eurongilly Road and Morgan Street into lots with a minimum area of two hectares.*
7. *That the Council prepare and submit the required Planning Proposal and documentation to the Department of Planning and Infrastructure for their consideration.*

17[DDES] DRAFT ILLABO VILLAGE STRATEGY

21.11.11 **RESOLVED** on the motion of Cr R Callow seconded Cr N Smith that:

1. *The Council resolve to amend the Junee Local Environmental Plan 1992 to introduce a special provision into this plan to permit the erection of a dwelling on each existing vacant lot on land bounded by Cowley Street West, Lawford Street, Boree Street, Morgan Street and Eurongilly Road.*
2. *The Council resolve to amend the Junee Local Environmental Plan 1992 to introduce a special provision into this plan to permit the erection of a dwelling on each existing vacant lot on land bounded by Cowley Street East, Showground Road, Eurongilly Road and Morgan Street.*
3. *The Council consider the findings and recommendations of the Draft Jeralgambeth Creek Flood Study 2011 in the assessment of any application for development on land bounded by Cowley Street West, Lawford Street, Boree Street, Morgan Street and Eurongilly Road.*
4. *The Council resolve to place on public exhibition for a period of 28 days the amended Draft Illabo Village Strategy and the amendment to Section 13.2 Illabo of the Junee Residential Strategy 2006.*
5. *The Council endorse the proposed amendments to the Draft Illabo Village Strategy.*
6. *The Council rescind its resolution from its 20 October 2009 Ordinary Meeting (Resolution Item Number 4) regarding the creation of a special provision to permit the subdivision of land bounded by Cowley Street East, Showground Road, Eurongilly Road and Morgan Street into lots with a minimum area of two hectares.*
7. *The Council prepare and submit the required Planning Proposal and documentation to the Department of Planning and Infrastructure for their consideration.*

As required under Section 375A of the Local Government Act, the following is the record of voting for this planning matter.

FOR: Cr L Cummins, Cr N Bray, Cr R Callow, Cr A Clinton, Cr R Cuttle, Cr J Macaulay, Cr R MacPherson and Cr N Smith.

AGAINST: NIL

Appendix E

Report to Council & Resolution

17 January 2012

6[DDES] PLANNING PROPOSAL FOR ILLABO

Previous advice from the SMEC Planning Consultant suggested that the Illabo planning amendments were to be dealt with as an amendment to the Junee Local Environmental Plan 1992.

Mr Graham Judge of the Queanbeyan Regional Office of the Department of Planning and Infrastructure (DOPI) has now advised that it is more appropriate for the matter to be included as part of the new Junee Local Environmental Plan 2012 process rather than an amendment to the LEP 1992, as an amendment to the Junee LEP 1992 would overlap the processing of the new LEP 2012 that will repeal the LEP 1992. This would present issues regarding the timing of the amendment to the LEP 1992 and the LEP 2012.

Staff are now busy working on a revised Planning Proposal for the DOPI. The only difference now will be that the nominated areas at Illabo will be rezoned from the new RUI Primary Production Zone to an R5 Large Lot Residential Zone, notwithstanding the fact that the lots in Section 13 and Section 14 will be below the new minimum lot size of 4000 sq metres proposed for the R5 Large Lot Residential Zone.

It is still proposed that each of the existing lots in Section 13 and Section 14 bounded by Cowley Street West, Lawford Street, Boree Street, Morgan Street and Eurongilly Road and existing lots bounded by Morgan Street, Cowley Street East, Showground Road and Eurongilly Road, be given a dwelling entitlement but no further subdivision potential.

An amended Council resolution is therefore required.

Recommendation:

- 1. That the Council resolve to amend the proposed Junee Local Environmental Plan 2012 to permit the erection of a dwelling, but no further subdivision, on each existing vacant lot on land bounded by Cowley Street West, Lawford Street, Boree Street, Morgan Street and Eurongilly Road, Illabo.***
- 2. That the Council resolve to amend the proposed Junee Local Environmental Plan 2012 to permit the erection of a dwelling, but no further subdivision, on each existing vacant lot on land bounded by Cowley Street East, Showground Road, Eurongilly Road and Morgan Street, Illabo.***

6[DDES] PLANNING PROPOSAL FOR ILLABO

07.01.12 **RESOLVED** on the motion of Cr P Holdsworth seconded Cr N Smith that:

1. *The Council resolve to amend the proposed June Local Environmental Plan 2012 to permit the erection of a dwelling, but no further subdivision, on each existing vacant lot on land bounded by Cowley Street West, Lawford Street, Boree Street, Morgan Street and Eurongilly Road, Illabo.*
2. *The Council resolve to amend the proposed June Local Environmental Plan 2012 to permit the erection of a dwelling, but no further subdivision, on each existing vacant lot on land bounded by Cowley Street East, Showground Road, Eurongilly Road and Morgan Street, Illabo.*

As required under Section 375A of the Local Government Act, the following is the record of voting for this planning matter.

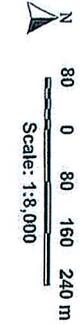
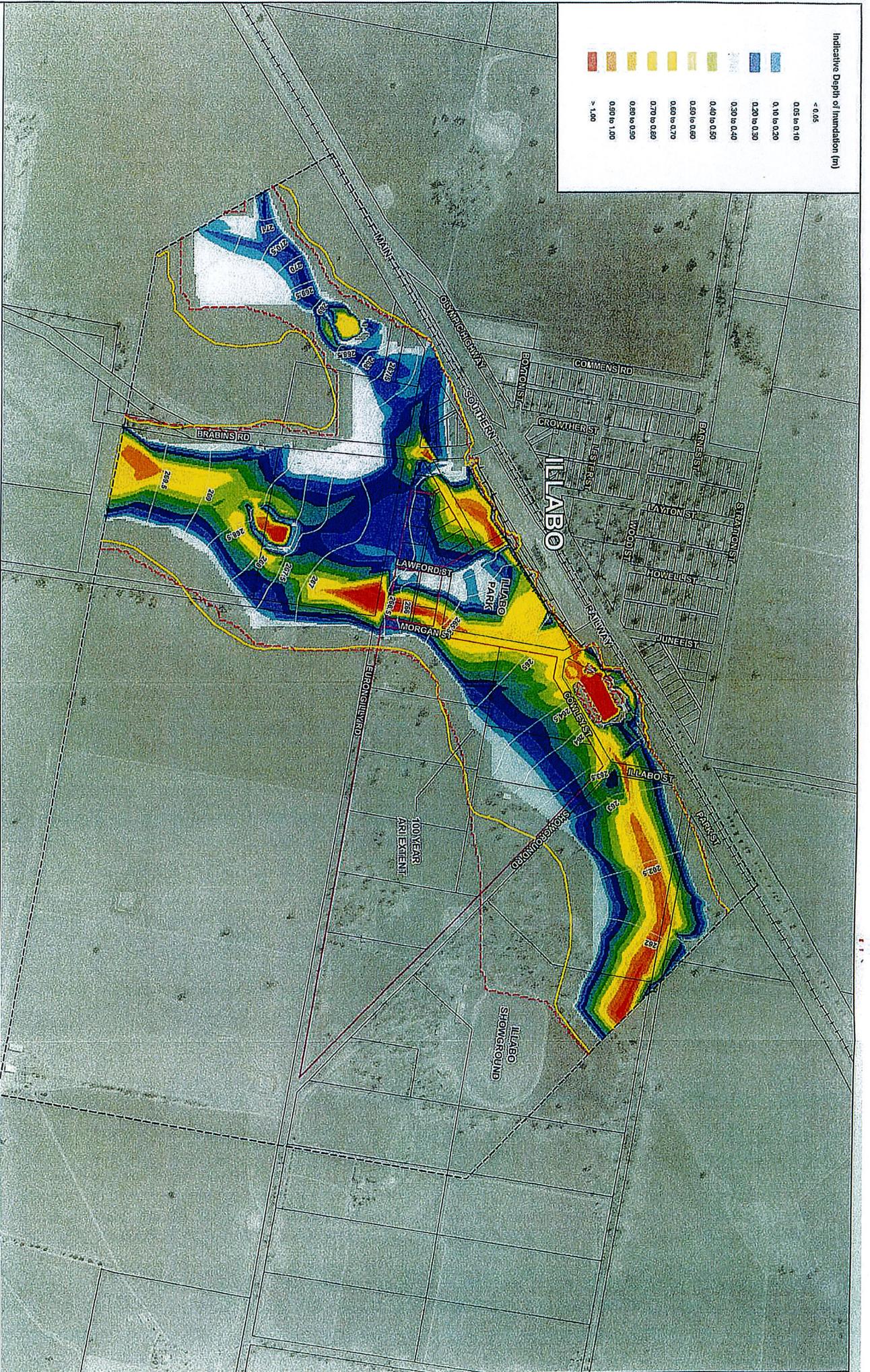
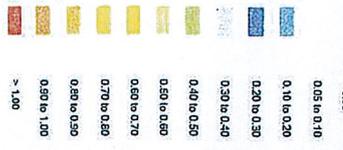
FOR: Cr L Cummins, Cr N Bray, Cr R Callow, Cr A Clinton, Cr R Cuttle,
Cr P Holdsworth, Cr J Macaulay, Cr R MacPherson and Cr N Smith.

AGAINST: NIL

Appendix F

Map Showing Indicative Extents of Inundation

Indicative Depth of Inundation (m)



NOTE:
THE EXTENTS OF INUNDATION SHOWN WERE DETERMINED FROM SURVEYED CROSS SECTIONS OF THE CREEK AND FLOODPLAIN AND AVAILABLE DATA AND ARE APPROXIMATE ONLY. THE EXTENT OF INUNDATION OF INDIVIDUALS NEAR THE FLOOD FRINGE SHOULD BE CONFIRMED BY SITE SPECIFIC SURVEY.

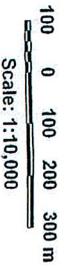
LEGEND

- Two Dimensional Model Boundary
- Peak Water Surface Elevation Contour (m AHD) - 100 Year ARI
- Boundary of Area Subject to Council's Planning Proposal for a Dwelling Entitlement (Proposed RU1 Primary Production Zone)
- Extent of Flood Planning Area (100 Year ARI + 500 mm)
- Extent of PMF
- Levee

JERALGAMBETH CREEK AT ILLABO FLOODPLAIN RISK MANAGEMENT STUDY
INDICATIVE EXTENTS OF INUNDATION
Figure 2.3

Appendix G

Map Showing the Area Under Consideration for the Rezoning



LEGEND

Zone 2V - Village

Zone 1A - General Rural

Levee

* Existing Residence

Area subject to Council's Planning Proposal for a Dwelling Extension (Proposed RUT Primary Production Zone)

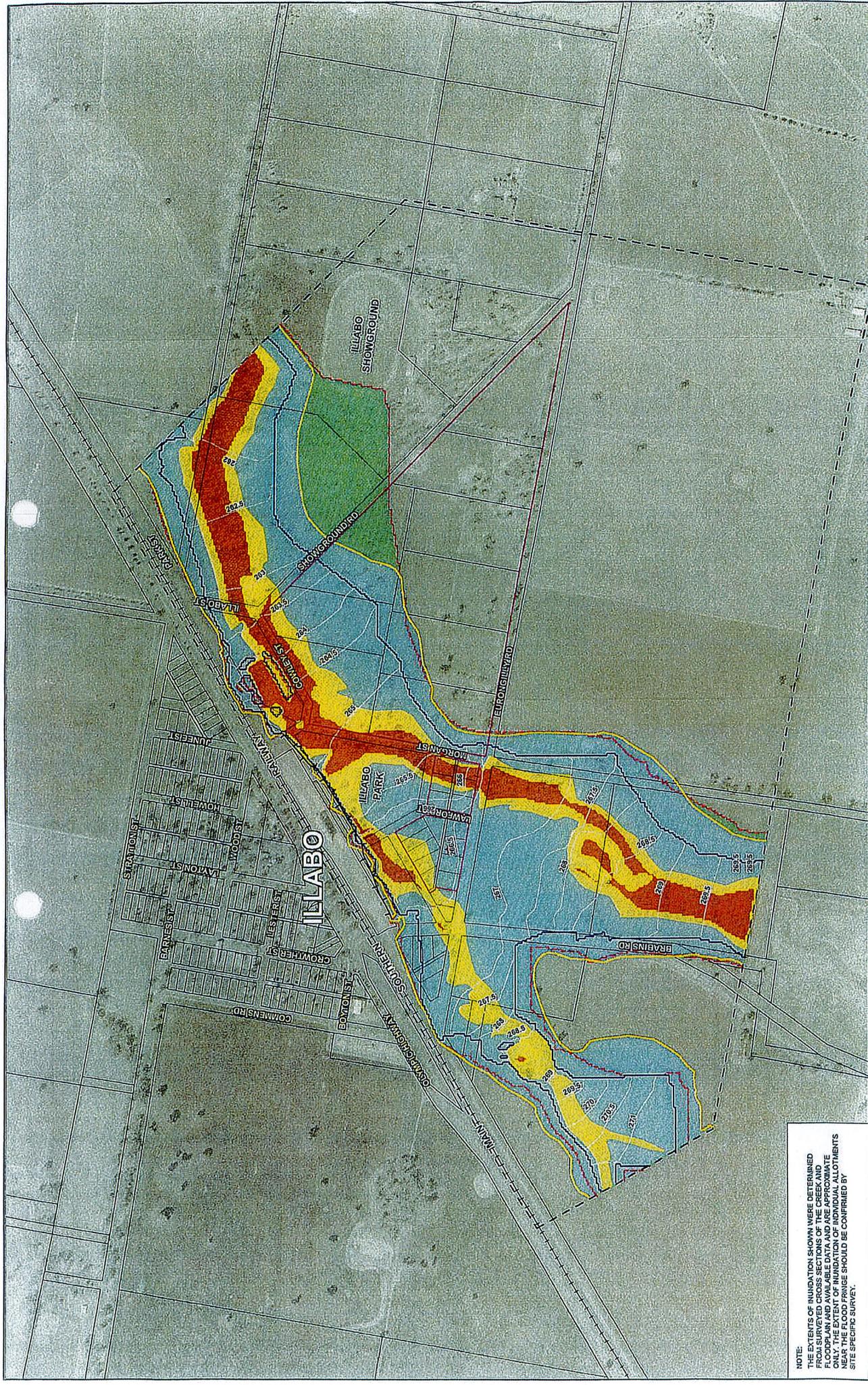
**JERAL GAMBETH CREEK AT ILLABO
FLOODPLAIN RISK MANAGEMENT STUDY**

Figure 2.1

LOCATION PLAN

Appendix H

Map Showing the Floodway – Flood Planning Area



NOTE:
 THE EXTENTS OF INUNDATION SHOWN WERE DETERMINED FROM SURVEYED CROSS SECTIONS OF THE CREEK AND FLOODPLAIN AND AVAILABLE DATA AND ARE APPROXIMATE. THE FLOOD FRINGE IS NOT GUARANTEED AND ALLOTMENTS NEAR THE FLOOD FRINGE SHOULD BE CONFIRMED BY SITE SPECIFIC SURVEY.

LEGEND

- High Hazard Floodway
- Low Hazard Overland Floodpath
- Intermediate Floodplain
- Outer Floodplain
- Extent of Hydraulic Modelling
- Extent of 100 Year ARI
- Extent of Flood Planning Area (100 Year ARI + 500 mm)
- Levee
- Extent of PMF
- Peak Water Surface Elevation Contour (m.AHD)
- Existing Residence
- Boundary of Area Subject to Council's Planning Proposal for a Rezoning (Proposed *RS Large Lot Residential Zone*)

80 0 80 160 240 m
 Scale: 1:8,000