

Appendix E – Report to Council and Resolution 14 May 2014

PLANNING AND DEVELOPMENT REVIEW COMMITTEE

14 MAY 2014

STRATEGIC DEVELOPMENT

5.1 Amendment to Planning Proposal to Amend the QLEP 2012 (Ref: C1448313; Author: Carswell/Tonner)

Summary

The purpose of this report is to seek Council's agreement to amend a current planning proposal and subsequently request a new Gateway Determination to expand the list of zones applicable to proposed Clause 4.1AA "Minimum lot size for community title schemes" as well as to correct some anomalies in the *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)*.

Recommendation

1. That Council agree to amend a current planning proposal and subsequently request a revised Gateway Determination to expand the list of zones applicable to proposed Clause 4.1AA, "Minimum subdivision lot size for community title schemes" to be inserted into *QLEP 2012* and also to correct minor anomalies in the *QLEP 2012*.
2. That Council agree to further consider the issue of small lots and their implications at Googong and other new urban areas.

Background

On 11 December 2013 Council resolved to make a number of minor amendments to the *QLEP 2012* including the introduction of a new clause that requires a subdivision of land for community title schemes to comply with minimum lot sizes. In the original planning proposal it was considered that zones R1 General Residential and R2 Low Density Residential would apply to the clause. A Gateway Determination was issued by the then NSW Planning and Infrastructure on 14 March 2014.

Since this time a number of further matters have arisen. These include:

Minimum Subdivision Lot Size for Community Title Schemes

It is now apparent that the clause relating to minimum lot size for community title schemes should be expanded to include R5 Large Lot Residential, RU2 Rural Landscape, E3 Environmental Management and E4 Environmental Living zones (where land is not subject to the lot averaging map and clause 4.1C of the *QLEP 2012*). Developers are utilising the Community Land Development Act 1989 to subdivide land as a means of obtaining small residential allotments, less than the lot sizes shown on the *QLEP 2012* Lot Size Map, thereby achieving higher development yields and potentially having undesirable social, environmental and economic implications. The proposed clause will close this avenue in the *QLEP 2012*.

Having said this Googong Township Pty Ltd is concerned that this new clause will prevent any further consideration of small lots i.e. smaller than the current minimum of 170m² permissible in certain areas under the lot size map and has provided one option for dealing with this issue as part of this planning proposal. However the issue has implications beyond Googong.

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Cr Tim Overall – Mayor, Chairperson

Amendment to Planning Proposal No. 3

PLANNING AND DEVELOPMENT REVIEW COMMITTEE

14 MAY 2014

5.1 Amendment to Planning Proposal to Amend the QLEP 2012 (Ref: C1448313; Author: Carswell/Tonner) (Continued)

Consequently, as a separate exercise, the issue of small lots in new urban areas will be considered outside this current planning proposal process. In a strategic context small lots need to be considered in new urban areas including: infrastructure, servicing, amenity, design, density, traffic, and housing affordability implications. At this stage Council have no policy position on this matter and until this is established small lot consideration is not included in the current planning proposal.

If amendments to the QLEP 2012 are required then these will be dealt with at the relevant time.

What needs to be done to rectify the problem?
Amend the planning proposal and seek a revised Gateway Determination to expand the zones that apply to proposed Clause 4.1AA of the QLEP 2012 "Minimum subdivision lot size for Community Title schemes" to now include: R5 Large Lot Residential, RU2 Rural Landscape, E3 Environmental Management and E4 Environmental Living (where land is not subject to the Lot Averaging Map and Clause 4.1C of QLEP 2012).

Minor QLEP 2012 Mapping Anomaly and Inconsistencies with Schedule 5 Environmental Heritage

Development at 33-37 Macquoid Street comprises 15 strata titled units and Schedule 5 Environmental Heritage incorrectly identifies the whole property as a heritage item. Only one of the strata title units (Lot 15 SP 78396) is heritage listed and thus the Heritage Map and Schedule 5 Environmental Heritage needs to be amended to accurately reflect this.

What needs to be done to rectify the problem?
Change the Property description from Lot 1 DP 1101285 to Lot 15 SP 78396 Amend the Property Address to 33-37 Macquoid Street Amend the Heritage Map Sheet HER 005A to show part lot as a Heritage Item

Consultation

The Gateway Determination issued on 14 March 2014 authorised Queanbeyan City Council to exercise delegation in relation to this matter. It is not expected that an amended Gateway Determination will alter this.

Further the Gateway Determination required that the planning proposal be made publically available for 14 days. It is not expected that an amended Gateway Determination will alter this consultation period.

Compliance or Policy Implications

The amended planning proposal is prepared in accordance with the relevant sections of the *Environmental Planning and Assessment Act 1979*.

Attachments

Nil

Amendment to Planning Proposal No. 3

MINUTES - PLANNING AND DEVELOPMENT REVIEW COMMITTEE

14 MAY 2014

5. STRATEGIC DEVELOPMENT

5.1 Amendment to Planning Proposal to Amend the QLEP 2012

PDRC020/14

RESOLVED (Cregan/Bray)

1. That Council agree to amend a current planning proposal and subsequently request a revised Gateway Determination to expand the list of zones applicable to proposed Clause 4.1AA, "Minimum subdivision lot size for community title schemes" to be inserted into QLEP 2012 and also to correct minor anomalies in the QLEP 2012.
2. That Council agree to further consider the issue of small lots and their implications at Googong and other new urban areas.

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Cr Tim Overall – Mayor, Chairperson

A DIVISION was called and resulted as follows:

The 'Ayes' Crs Overall, Cregan, Burfoot, Brown, Winchester, Trajanoski and Bray

The 'Nayes' Nil

Absent Crs Whelan, Taylor and McLennan

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Cr Tim Overall – Mayor, Chairperson