

5.1 Minor Amendments to the Queanbeyan Local Environmental Plan 2012 - Section 73A Planning Proposal (Ref: C13120235; Author: Carswell/Tonner)

Summary

The purpose of this report is to seek Council's agreement to prepare a number of minor amendments to the *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)* and negotiate with the Department of Planning and Infrastructure the best way to progress these amendments anticipating that some amendments will require public consultation while others may not.

Recommendation

1. That Council agree to make minor amendments to the *Queanbeyan Local Environmental Plan 2012*.
 2. That staff negotiate with the Department of Planning the best way to progress the amendments to the *Queanbeyan Local Environmental Plan 2012*, either through a fast tracked process which may not require exhibition and/or a planning proposal process that will require exhibition.
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Background

Usually in making an amendment to a local environmental planning instrument (LEP), a planning proposal is prepared under section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*. However, under section 73A of the same Act certain types of minor amendments can be made without following the usual procedures for preparing an LEP (including public exhibition).

Before proceeding with the amendments to the LEP, a Council resolution is first needed to prepare minor LEP amendments. Following the resolution Council should then advise the Department of Planning of the proposed amendments and negotiate how to progress the amendments.

The following items are listed for consideration:

1. Mapping Anomalies and Inconsistencies (refer Map 1 in Attachment 1)

At the time of preparing the *QLEP 2012* a number of mapping anomalies or mapping inconsistencies resulted. Amendments need to be made to the *QLEP 2012* maps to correct these.

The properties include:

17 Kavanagh Street - The *QLEP 12* map shows 17 Kavanagh Street, Lot 37 DP 1063759, zoned R2 Low Density Residential. It is Council owned "Community" land and should be zoned RE1 Public Recreation. The proposed amendment will reflect the situation on "the ground".

What needs to be done to rectify the problem?
• Adjust the <i>QLEP 2012</i> Land Zoning Map Sheet LZN 005 to show 17 Kavanagh, Lot 37 DP1063759 zoned RE1 Public Recreation • Delete the area on the Lot Size Map - Sheet LSZ 005 • Delete the height on the Height of Buildings Map - Sheet HOB 005

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8 Hamilton Place - The QLEP 2012 map shows this property zoned RE1 Public Recreation. It is private land with a dwelling house on it. This land should be zoned R2 Low Density Residential. Under the previous environmental planning instrument this land was zoned 2(e) Residential E under the QLEP 1998 (Amendment No. 23). Zone 2(e) Residential E corresponds with zone R2 Low Density Residential under the standard instrument as justified in the *Queanbeyan Local Environmental Study 2010 (QLES, 2010)*. The amendment will reflect the situation "on the ground".

What needs to be done to rectify the problem?

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| <ul style="list-style-type: none"> Adjust the QLEP 2012 Land Zoning Map Sheet LZN 005 to show 8 Hamilton Place zoned as R2 Low Density Residential |
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63 & 64 Carolyn Jackson Drive - Lot 36 DP1063754 and Lot 64 DP1067568. The QLEP 2012 map shows these properties zoned R2 Low Density Residential. They are Council owned drainage reserves identified as "Operational" land. The land should be zoned RE1 Public Recreation. The amendment will resolve a mapping anomaly.

What needs to be done to rectify the problem?

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| <ul style="list-style-type: none"> Adjust the QLEP 2012 Land Zone Map Sheet LZN 005 to show Lot 36 DP1063754 and Lot 64 DP1067568 zoned RE1 Public Recreation Delete the area on the Lot Size Map - Sheet LSZ 005 Delete the height on the Height of Buildings Map - Sheet HOB 005 |
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5 Isabella Street (Map 2 in Attachment 1) - Lot 95 DP 13963 is shown in Schedule 5 Environmental heritage as a local listed item and mapped as such. However, the heritage item "Falklands" straddles two lots and inadvertently Lot 94 DP 13963 was omitted from the Schedule and associated map. As such the heritage listing should be amended to include Lots 94 & 95 DP13963.

What needs to be done to rectify the problem?

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| <ul style="list-style-type: none"> Change the property description for Item 88 "Falklands" in Schedule 5 Environmental heritage to read as Lots 94 and 95 DP 13963. Amend the Heritage Map Sheet HER 005A to extend the heritage listing over both Lots 94 and 95 DP 13963. |
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Lot 2 DP1048621 - paper road reserve, north of Googong Dam Road (Map 3 Attachment 1) - The Queanbeyan Local Environmental Plan (Googong) 2009 was transferred to the QLEP 2012 when it was gazetted on 23 November 2012. During the transfer a mapping anomaly occurred in that a portion of road reserve (running east west) north of Googong Dam Road was zoned incorrectly to E2 Environmental Conservation. The zoning should have been transferred to zone R1 General Residential (similar to the adjacent road reserve running north south).

What needs to be done to rectify the problem?

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| <ul style="list-style-type: none"> Adjust the QLEP 2012 Land Zoning Map Sheet LZN 006 to show the paper road reserve Lot 2 DP1048621 zoned R1 General Residential. |
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2. Wording in the QLEP 2012

Some wording in the QLEP 2012 was erroneously omitted or requires updating. Minor amendments to the QLEP 2012 will correct these issues. The following amendments are required:

Amendment to Schedule 5 Environmental Heritage - The Queanbeyan Showground 19-41 Farrer Place, was listed on the State Heritage Register and published in Government Gazette No 35 on the 15 March 2013. The listing for this site needs to be changed from local significance to state significance.

What needs to be done to rectify the problem?
Change the listing for Item 70 "Queanbeyan Showgrounds" from local to state significance in Schedule 5 Environmental heritage to reflect the change of status of significance.

47 – 59 Lowe Street – St Raphael's church and school complex (Refer Map 4 in Attachment 1) - St Raphael's Roman Catholic Church and St Gregory's school complex in Lowe Street is heritage listed in Schedule 5 Environmental Heritage, Item 98 of the QLEP 2012. The property description in Schedule 5 is inaccurate and needs to be amended. The complex is only partly identified as a heritage item on the Heritage Map with the presbytery No 47 Lowe Street, Lot 7 DP 758862 being erroneously omitted. This needs to be extended to reflect the listing in the Environmental Heritage schedule.

What needs to be done to rectify the problem?
- Delete Lot 1 DP610990 from the property description of Schedule 5 Item 98 - Insert Lot 7 Section 56 DP758862 into the property description of Schedule 5 for Item 98 - Extend the listing of No 47 Lowe Street on the Heritage Map Sheet HER 005A to reflect the listing in the Environmental Heritage schedule

Community Title - Clause 4.1 - In the QLEP 2012 the minimum subdivision lot size clause 4.1 applies to a subdivision of any land shown on the Lot Size Map that requires development consent. The size of any lot resulting from a subdivision of land is not to be less than the minimum size shown on the Lot Size Map. However, this clause does not apply to the subdivision of lots in a strata plan or community title scheme.

Adherence to minimum lot sizes is important particularly in urban release areas as supporting infrastructure and agreements to provide these and/or developer contributions are linked.

Variations to minimum lot sizes can result in increased densities having infrastructure, social and economic implications which in turn may result in the reconsideration of various strategies and Planning Agreements.

This has occurred at Googong with a current application with some 18 community title lots less than the minimum area of 170m².

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To correct this position and to re-emphasise the basic planning principle it is recommended that clause 4.1AA "Minimum subdivision lot size for community title schemes" from the *Standard Instrument - Principal Local Environmental Plan* is adopted. It is also recommended that the clause apply to zones: R1 General Residential and R2 Low Density Residential

What needs to be done to rectify the problem?
- Insert clause 4.1AA Minimum subdivision lot size for community title schemes from the <i>Standard Instrument - Principal Local Environmental Plan</i>. - Insert the following zones into clause 4.1AA: R1 General Residential and R2 Low Density Residential - Develop objectives for clause 4.1AA.

101 Alderson Place, Tralee - In Schedule 1 Additional permitted uses, 101 Alderson Place, Tralee (various lots) shows that farm *buildings are a permitted use*. It should also show that a dwelling house is permitted. This was justified in the QLES, 2010 exhibited at the same time as the draft QLEP 2012 but erroneously omitted.

In the QLES, 2010 lengthy research was undertaken and documented the permissible uses in Schedule 1 relating to dwelling house entitlements and farm buildings. The Schedule of permitted uses was carried over into an early section 62 version of the QLEP 2012 (October 2010) but later was erroneously omitted from an updated section 62 version (December 2010). The amendment will accurately reflect the QLES, 2010 which was publically exhibited with the draft QLEP 2012.

What needs to be done to rectify the problem?
Insert "a dwelling house and" before "farm buildings" in Item 22 (2), 101 Alderson Place, Tralee of Schedule 1 Additional permitted uses.

3. Land Use Tables

In drafting the land use tables for the QLEP 2012 a number of land use types were inadvertently omitted. These are addressed below:

Zone IN1 General Industrial - Transport depots should be included into Zone IN1 General Industrial. It is reasonable to expect that a transport depot be permitted in a IN1 zone as it is also included in zone RU2 Rural Landscape.

What needs to be done to rectify the problem?
Insert transport depots into Zone IN1 General Industrial

In the Standard Instrument the definitions are:

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

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Under the corresponding *Queanbeyan Local Environmental Plan 1998 (QLEP 1998)* zone 4(a) Industrial A, similar land use types being road transport terminals and transport depots were permitted.

Under the *QLEP 1998* the following definitions applied:

transport depot means a building or place used for the parking or storage of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop and includes a bus depot or a road transport terminal.

The *Model Provisions* defined "bus depot" as a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

The *Model Provisions* defined "road transport terminal" as a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

Should Council resolve to make the minor amendments outlined above and resolve to negotiate with the Department of Planning how best to progress these matters, the Department of Planning will be notified of the proposed amendments. It is anticipated that the amendments can be processed through either a fast track process under section 73A or through a planning proposal process under section 55 of the *EP&A Act 1979*. For those fast tracked under section 73A public consultation will not occur while for the others it is likely that public exhibition will be required and Council will be advised of this in the Gateway Determination.

Consultation

It is likely that some of these minor amendments to the *QLEP 2012* will not require public consultation. However, the Minister of Planning may require that other proposed amendments be publically exhibited. If this is the case Council will be notified in the Gateway Determination.

Compliance or Policy Implications

These amendments are prepared in accordance with the relevant sections of *EP&A Act 1979*.

Attachments

Attachment 1 PDRC - 11 December 2013 - Minor Amendments Planning Proposal Report - Attachment 1 - Maps (*Under Separate Cover*)

5. STRATEGIC DEVELOPMENT**5.1 Minor Amendments to the Queanbeyan Local Environmental Plan 2012 - Section 73A Planning Proposal**

PDRC082/13

RESOLVED (Whelan/Taylor)

1. That Council agree to make minor amendments to the Queanbeyan Local Environmental Plan 2012.
2. That staff negotiate with the Department of Planning the best way to progress the amendments to the Queanbeyan Local Environmental Plan 2012, either through a fast tracked process which may not require exhibition and/or a planning proposal process that will require exhibition.

A **DIVISION** was called and resulted as follows:

The 'Ayes' Councillors Overall, Whelan, Cregan, Burfoot, Brown, Winchester, Taylor, Trajanoski and McLennan

The 'Nayes' Nil

Absent Cr Bray

6. INFORMATION ITEMS**Report of the Site Inspection carried out on 10 December 2013.**

The following item was tabled for information:

S.1 Report of the site Inspection at 30 Thorpe Avenue Queanbeyan.

PDRC083/13

RESOLVED (Whelan/Taylor)

That item S.1 be received for information.

At this stage in the proceedings, the time being 6.07pm Cr Overall announced that the Agenda for the meeting had now been completed and declared the meeting closed.

CR TIM OVERALL**MAYOR****CHAIRPERSON**

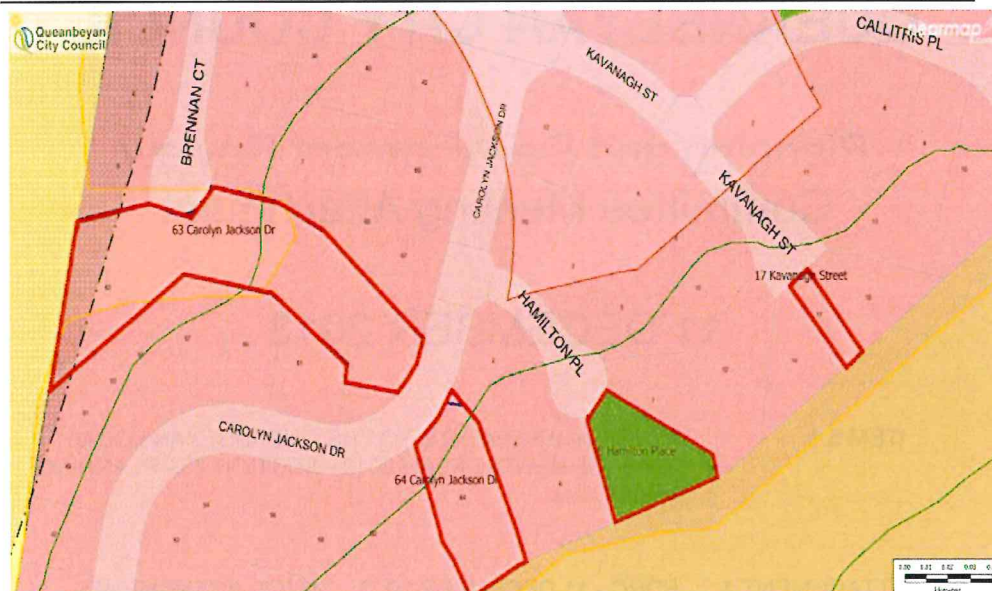
QUEANBEYAN CITY COUNCIL

Planning and Development Review Committee Meeting Attachment

11 DECEMBER 2013

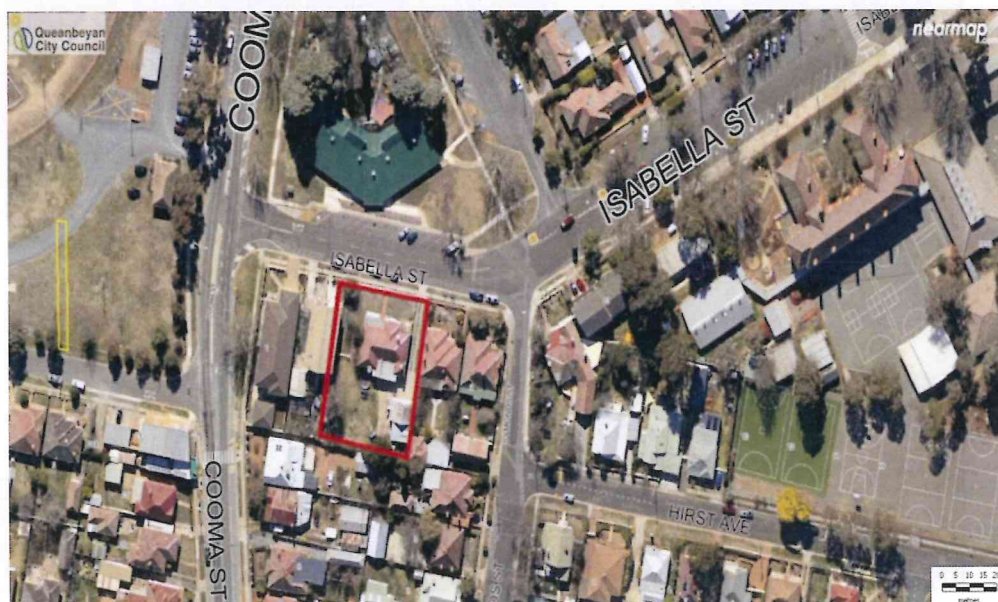
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| ITEM 5.1 | MINOR AMENDMENTS TO THE QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 - SECTION 73A PLANNING PROPOSAL |
| ATTACHMENT 1 | PDRC - 11 DECEMBER 2013 - MINOR AMENDMENTS PLANNING PROPOSAL REPORT - ATTACHMENT 1 - MAPS |

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Planning Proposal
Attachment 1 - PDRC - 11 December 2013 - Minor Amendments Planning Proposal Report -
Attachment 1 - Maps(Continued)**



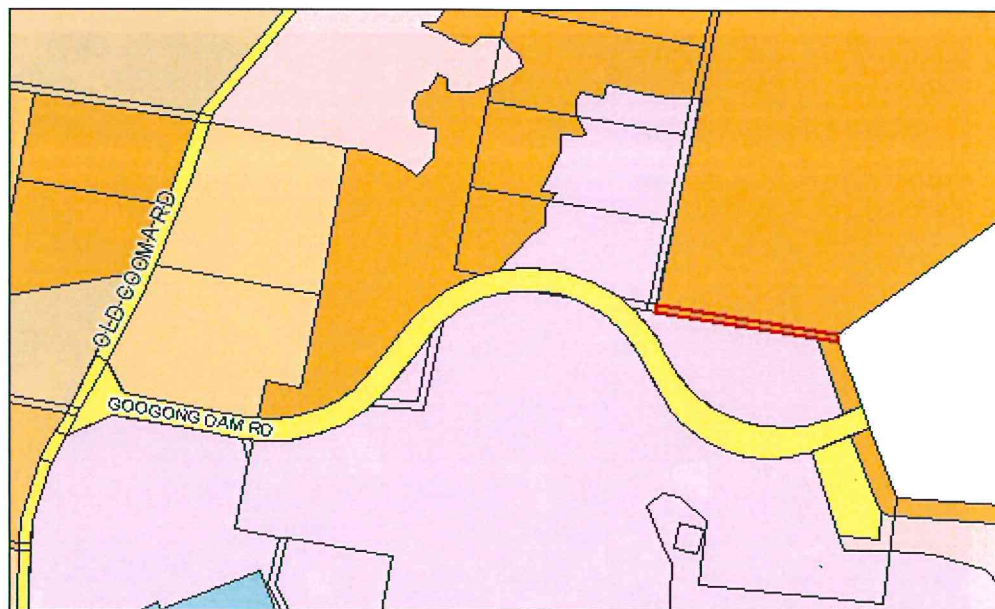
Map 1: Various properties with mapping inconsistencies

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Attachment 1 - Maps(Continued)**



Map 2: 5 Isabella Street

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Attachment 1 - Maps(Continued)**



Map 3: Paper road reserve north of Googong Dam Road

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Map 4: St Raphael Church and School Heritage layer

