



**Queanbeyan
City Council**

Planning Proposal Number 3

Minor Amendments to Queanbeyan LEP 2012

Minor Amendments - Planning Proposal Number 3

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Minor Amendments to Queanbeyan Local Environmental Plan 2012

Introduction

This is a planning proposal prepared under section 55 of the *Environmental Planning and Assessment Act 1979*, in relation to proposed amendments to the *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)*.

Part 1 and Part 2

Objectives and Intended Outcomes and Explanation of Provisions

The objective of the planning proposal is to prepare a number of minor amendments to the *QLEP 2012* relating to various properties, maps, schedules, clauses and zones to accurately reflect ownership and classification of land, the location and significance of heritage items and the intention of the Queanbeyan Local Environmental Study in terms of permitted land uses, subdivision controls as well as the zoning of land at Googong. The intended outcome for each variation is described below.

1. Land Zoning Maps

- (a) LZN_005 shows land at 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" (Map 1 Appendix B). Currently, the corresponding Lot Size Map LSZ_005 identifies a minimum lot size of 1000m² which is incorrect. The land should be identified on the lot size map as having no minimum lot size (Map 2 Appendix B). Similarly, the current Height of Building Map LSZ_005 identifies a maximum building height of 8.5m. The land should be identified on the Height of Building Map HOB_005 as having no maximum building height (Map 3 Appendix B).

The following corrections are required:

- Adjust the Land Zoning Map LZN_005 to show 17 Kavanagh, Lot 37 DP1063759 zoned RE1 Public Recreation.
 - Adjust the Lot Size Map LSZ_005 to show the land as having no minimum lot size.
 - Adjust the Height of Buildings Map HOB_005 to show the land as having no maximum building height.
- (b) LZN_005 shows 8 Hamilton Place, 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 *Queanbeyan Local Environmental Plan 1998 (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*

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Study 2010 (QLES, 2010). The amendment will reflect the situation “on the ground” (Map 1 Appendix B). It is not necessary to amend the corresponding Lot Size Map LSZ_005 and the Height of Buildings Map HOB_005 as it currently reflects the correct minimum lot size and maximum height of building for that land.

The following correction is required:

- Adjust the Land Zoning Map LZN_005 to show 8 Hamilton Place, Lot 35 DP 1067568 zoned R2 Low Density Residential.
- (c) LZN_005 shows 63 and 64 Carolyn Jackson Drive, Lot 36 DP1063754 and Lot 64 DP1067568, zoned R2 Low Density Residential. The land is a Council owned drainage reserve identified as “Operational” land. The land should be zoned RE1 Public Recreation. The amendment will resolve a mapping anomaly. Currently, the corresponding Lot Size Map LSZ_005 identifies a minimum lot size of 1000m² which is incorrect (Map 1 Appendix B). The land should be identified on the lot size map as having no minimum lot size (Map 2 Appendix B). Similarly, the corresponding Height of Building Map LSZ_005 identifies a maximum building height of 8.5m. The land should be identified on the Height of Building Map HOB_005 as having no maximum building height (Map 3 Appendix B).

The following corrections are required:

- Adjust the Land Zone Map LZN_005 to show Lot 36 DP1063754 and Lot 64 DP1067568 zoned RE1 Public Recreation.
- Adjust the Lot Size Map - LSZ_005 to show the land as having no minimum lot size.
- Adjust the Height of Buildings Map HOB_005 to show the land as having no maximum building height.
- (d) LZN_006 shows Lot 2 DP1048621, a paper road reserve north of Googong Dam Road zoned E2 Environmental Conservation. 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 land should have been transferred to R1 General Residential (similar to the adjacent road reserve running north south) (Map 4 Appendix B).

The following correction is required:

- Adjust the Land Zoning Map LZN_006 to show the paper road reserve Lot 2 DP1048621 zoned as R1 General Residential.

2. Schedule 5 Environmental Heritage

- a) Number 5 Isabella Street, Lot 95 DP 13963 is 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

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Lots 94 and 95 DP13963 in Schedule 5 and both lots should be identified as one item on the Heritage Map HER_005A (Map 5 in Appendix B).

To update the *QLEP 2012* the following is required:

- Amend the property description in Schedule 5 Environmental Heritage for Item 88 “Falklands” at address 5 Isabella Street to read as Lots 94 and 95 DP 13963.
- Amend the Heritage Map HER_005A to extend the heritage listing over both Lots 94 and 95 DP 13963.

b) The Queanbeyan Show ground at 19-41 Farrer Place is listed as having Local Significance. However the land 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 to reflect its listing on the State Heritage Register.

To update the *QLEP 2012* the following is required:

- Change the listing for Item 70 “Queanbeyan Showgrounds” from Local to State significance in Schedule 5 Environmental Heritage to reflect the change to the listing on the State Heritage Register.
- c) St Raphael’s Roman Catholic Church and St Gregory’s school complex, Item 98 at 47 – 59 Lowe Street is heritage listed. The property description in Schedule 5 is inaccurate in that the complex is only partly identified as a heritage item on the Heritage Map with the presbytery No 47 Lowe Street, Lot 7 Section 56 DP 758862 being erroneously omitted. An adjustment needs to be made to reflect the listing in the Environmental Heritage schedule (Map 5 in Appendix B).

To update the *QLEP 2012* the following is required:

- Delete Lot 1 DP610990 from the property description in Schedule 5 Environmental Heritage.
- Insert Lot 7 Section 56 DP758862 into the property description.
- Extend the listing of 47 Lowe Street on the Heritage Map HER_005A to reflect the address in the Environmental Heritage Schedule 5.

3. Clause 4.1 of the Written Instrument - Community Title

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 where supporting infrastructure and agreements to provide these and/or development 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 need for the reconsideration of various strategies and Planning Agreements.

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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

To update the *QLEP 2012* the following is required:

- Insert clause 4.1AA Minimum subdivision lot size for community title schemes from the Standard Instrument - Principal Local Environmental Plan.
- Insert the following zones into clause 4.1AA: R1 General Residential and R2 Low Density Residential.
- Develop objectives for clause 4.1AA.

4. Schedule 1 Additional Permitted Uses

This schedule shows that development for the purposes of farm buildings is permitted with development consent on land at 101 Alderson Place, Tralee. It does not indicate that a dwelling house is permitted. This is incorrect as it should show that a dwelling house is permitted on that land.

Lengthy research was undertaken in preparing the Additional Permitted Uses Schedule in the *QLEP 2012* and the justification for this in the *Queanbeyan Local Environmental Study, 2010 (QLES 2010)* relating to dwelling house entitlements and farm buildings.

When preparing the comprehensive *QLEP 2012* dwelling entitlements for the 7(e) zoned land under the Yarrowlumla LEP 2002 were proposed to be preserved through Schedule 1 – Additional Permitted Uses and not by the land use table. However when transferring this entitlement the land use "dwelling house" was erroneously omitted from the Schedule for 101 Alderson Place, Tralee.

An amendment to the *QLEP 2012* will accurately reflect the *QLES 2010*. The following is an extract from this study:

The following land achieves an 80ha minimum lot size (findings of dwelling entitlement research for 7(e) zoned land)

Lot & DP	Address	Total Area	Max. No of dwellings
Lots 5,6,9,11 and 12 DP 17224, Lot 1 DP 1001136, Lot 100 DP131036	101 Alderson Place Tralee	226ha	2

Note: These areas (Map 4 and 5 of QLES, 2010) are permitted to have a maximum of 2 dwellings on any part of the land.

The *QLES, 2010* was publically exhibited at the same time as the draft *QLEP 2012*. The inconsistency between the two documents was unnoticed at the time until well after the gazettal of the *QLEP 2012*.

To update the *QLEP 2012* the following is required:

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- Insert “a dwelling house” before “farm buildings” in Item 22 (2), 101 Alderson Place, Tralee of Schedule 1 Additional permitted uses.

5. Land Use Table: Zone IN1 General Industrial

Land use type “transport depots” currently does not include the land use type “transport depots” to be permitted with development consent. The same land use type is permitted with consent in Zone RU2 Rural Landscape.

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.

The equivalent zone to IN1 General Industrial under the pre-existing Queanbeyan Local Environmental Plan 1998 (QLEP 1998) was Zone 4(a) Industrial A. A similar land use type “transport depot” was permitted with development consent.

Under the *QLEP 1998* the following definition 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.

bus depot and **road transport terminal** are elsewhere defined.

As like for like land use types were transferred to similar zones from the pre-existing *QLEP 1998* to *QLEP 2012* it is reasonable that transport depot is inserted into Zone IN1 General Industrial.

To update the *QLEP 2012* the following is required:

- Insert “transport depots” into Zone IN1 General Industrial land use table.

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Part 3 – Justification

Section A – Need for the Planning

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

The planning proposal does not result from any strategic study or report.

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

The planning proposal seeks to correct errors in *QLEP 2012*. Due to the number and variation of amendments required it is more efficient to submit the one planning proposal for all the amendments and address as a whole rather than submit numerous section 73A Application for minor amendments.

3. Is there a net community benefit?

The net community benefit in preparing the planning proposal is to ensure that the *QLEP 2012* is correct and up to date and any errors or anomalies that may confuse or complicate future planning matters are addressed.

Section B – Relationship to Strategic Planning Framework

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, sub-regional strategy or local strategy?

The relevant regional strategy is the *Sydney-Canberra Corridor Strategy 2006-31*. The planning proposal is consistent with this Strategy. There is no sub-regional strategy that is relevant to Queanbeyan City Council. The planning proposal is consistent with the local *Residential and Economic Strategy 2031*.

2. Is the planning proposal consistent with Council's Community Strategic Plan?

The planning proposal was assessed against the *Queanbeyan City Council Community Strategic Plan 2013-2023* specifically the relevant strategies relating to plans and policies and recognising Queanbeyan's heritage. These strategies are outlined in column 1 of the table below and Column 2 shows how the amendments in the planning proposal are consistent with the strategy.

The administration, regular review and ongoing maintenance of the *QLEP 2012* enforce these strategies.

Community Strategic Plan 2013- 23		LEP Amendments
3.1	Recognise and conserve Queanbeyan's heritage	Update Schedule 5 Environmental heritage and ensure the corresponding Heritage Map is accurate with listed properties; Ensure the listed items accurately reflect the Heritage Map to avoid confusion and difficult planning decisions.

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5.1	Implementing the plans Queanbeyan already has – A strategy to achieve this direction is ‘review Council plans, policies and strategies to meet changing factors in the community’	Make minor amendments to LEP 2012 to remove known errors, anomalies and unforeseen loopholes.
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3. Is the planning proposal consistent with applicable State Environmental Planning Policies?

As the planning proposal relates to minor amendments to various maps, clauses and schedules and correction of a number of errors it is not considered to be inconsistent with applicable State Environmental Planning Policies.

4. Is the planning proposal consistent with applicable Minister Directions (s. 117 Directions)?

The planning proposal is consistent with all applicable section 117 Directions.

Section C – Environmental, Social and Economic Impact

1. Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No

2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No

3. How has the planning proposal adequately addressed any social and economic effects?

1) The planning proposal outlines an issue related to minimum lot sizes. It is proposed to insert Clause 4.1AA Minimum subdivision lot size for community title schemes from the *Standard Instrument - Principal Local Environmental Plan* into the QLEP 2012. Currently under Clause 4.1 a community title subdivision is not restricted to the minimum lot size map and as a result there is potential for community title lots to be less than the minimum lot size. Though this position can impact on affordability of housing it can undermine the strategic planning principles of recommended minimum lot sizes and adversely affect the efficient and effective provision of services and infrastructure having negative social and economic effects on planned neighborhoods. If a variation to a specific minimum lot size is requested then this can be dealt with as a planning proposal and the strategic context of that variation will be considered at a future date.

2) There is a positive economic impact of allowing transport depots in industrial areas. It is the preferred zone for the land use type and was previously

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permitted in the equivalent IN1 General Industrial zone under the pre-existing QLEP 1998.

Section D – State and Commonwealth Interest

1. Is there adequate public infrastructure for the planning proposal?

Not applicable

2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Not applicable

Part 4 - Mapping

Maps contained in Appendix B are sufficient for exhibition purposes with formal amendments to the relevant maps sheets conducted post-exhibition if required.

Part 5 - Community Consultation

The planning proposal aims to correct minor anomalies in *QLEP 2012* including zoning and mapping anomalies, inserting new land use types into land tables and inserting a new clause in the *QLEP 2012* to prevent subdivision of lots through community title being less than the minimum lot size.

The DOPI (local office) recommends that the best way to proceed would be through the planning proposal process.

A preliminary consultation letter has been sent to affected landowners outlining the proposed amendments to the *QLEP 2012*.

Part 6 – Project Timeline

Task	Anticipated timeframe
Report to Council	11 December 2013
Planning Proposal preparation	January 2014
Gateway Determination	February/March 2014
Public Exhibition	March/April 2014
Report to Council including considerations of submissions	9 April 2014 (report due 25 March) or 14 May (reports due 29 April)
Submission to Department to finalise the LEP	April/May 2014

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Appendix A – Instructions to amend QLEP 2012

1(a) Land Zoning Map LZN_005 17 Kavanagh St – Appendix B

1(b) Land Zoning Map LZN_005 - 8 Hamilton Place – Appendix B

1(c) Land Zoning Map LZN_005 - 63 and 64 Carolyn Jackson Drive – Appendix B

1(d) Land Zoning Map LZN_006-Lot 2 DP1048621, paper road reserve – Appendix B

2. Schedule 5 Environmental Heritage (see red inserts)

	Suburb	Item name	Address	Property description	Significance	Item No
2(a)	Queanbeyan	"Falklands"	5 Isabella Street	Lot 94 and Lot 95, DP 13963	Local	188
2(b)	Queanbeyan	Queanbeyan Showground	19–41 Farrer Place	Lot 1, DP 13963; Lot 4, DP 758862	State	170
2(c)	Queanbeyan	St Raphael's Roman Catholic Church and St Gregory's School complex	47–59 Lowe Street	Lot 1, DP 610990; Lot 1, DP 319352; Lot 7, Section 56, DP 7588862; Lot 8 Section 56, DP 758862	Local	198

3. Insert new clause 4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]

(1) The objectives of this clause are as follows:

(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlement; and

(b) to achieve lot sizes that meet community and economic needs, while ensuring that environmental and social values are safeguarded.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:

(a) Zone R1 General Residential

(b) Zone R2 Low Density Residential

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

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Direction. An exception to the minimum size shown on the Lot Size Map may be provided in certain circumstances, for example, in the case of land that is to be used for attached dwellings.

4. Schedule 1 Additional Permitted Uses

Insert “a dwelling house” before “farm buildings” in Item 22 (2), 101 Alderson Place, Tralee of Schedule 1 Additional permitted uses.

5. Land Use Table: Zone IN1 General Industrial

Insert “transport depots” into Zone IN1 General Industrial

Appendix B – Maps as amended

Map 1: Land Zoning Map 005
Map 2: Lot Size Map LSZ 005
Map 3: Height of Buildings Map HOB 005
Map 4: Land Zoning Map LZN 006
Map 5: Heritage Map HER 005A