



**Queanbeyan
City Council**

Planning Proposal

Queanbeyan Local Environmental Plan 2012 and Queanbeyan Local Environmental Plan (South Tralee) 2012 Amendments for small lots and separately titled studio dwellings

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Planning Proposal to Permit Small Lots and Studio Dwellings

Introduction

Demand for small lot housing is growing in the Sydney Growth Centres and evidence of this is the recent amendment to the *State Environmental Planning Policy (SEPP) (Growth Centres)*. This demand and interest has extended to new urban release areas in Queanbeyan. There have been a number of attempts by the local development industry to supply small lots through the development application process, however it was considered more appropriate to consider their delivery in a strategic context first.

Recently Queanbeyan City Council considered a change in policy on small lots and resolved to provide in relevant local environmental plans for small lots of 130m² and separately titled studio apartments (fonzie flats) within 200m of Zone B2 – Local Centre at Googong, within the Additional Development Areas at Googong and within 200m of Zone B4- Mixed Use at South Tralee.

Currently, the *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)* and the *Queanbeyan Local Environmental Plan (South Tralee) 2012 (QLEP (South Tralee) 2012)* make provision for the subdivision of land to create lots of 170m² if the development application proposes the creation of at least 4 lots and includes a dwelling design for each lot. Studio dwellings are not a defined land use and are not permitted.

Now that Council has resolved to amend the relevant QLEP's and support smaller lots of 130m² and separately titled studio dwellings, this planning proposal requests a Gateway Determination to progress amendments to the *QLEP 2012* and *QLEP (South Tralee) 2012*.

The planning proposal also incorporates an amendment to the *QLEP 2012* "Additional Development Area" Googong Map to rezone the Neighbourhood Centre 01 within one of the Additional Development Areas to Zone B1 -Neighbourhood Centre now that the extent of the area has been defined in recent development consents but not yet registered. Also it is further proposed to correct a drafting error on the *QLEP 2012* "Additional Development Area" Googong Map to amend the diameter of the Additional Development Area from 200m to 400m, and amend the shape of one of the Additional Development Areas (Stage 1) to follow a now defined street pattern.

In the event that a Gateway Determination is issued, amendments will be made to the *Googong Development Control Plan (GDGP)* and it is proposed that this will be exhibited at the same time as the planning proposal.

Planning Context

History

Separate to the current planning proposal, a development application was submitted by Googong Township Propriety Limited (GTPL) on land at Googong proposing:

- Torrens Title subdivision creating 93 x lots in Stage 6 of Neighbourhood 1A,
- Community Title subdivision creating 4 x Community Schemes with 76 x Development lots,
- Erection of 81 x dwellings including 14 x exhibition homes in Stage 3B of Neighbourhood 1A,

Planning Proposal QLEP 2012 and QLEP (South Tralee) 2012, Small lots

Some of these dwellings included studio apartments and small lots of 115m² outside the Additional Development Area identified in the *QLEP 2012*.

The subject application was considered by the Joint Regional Planning Panel ("the Panel") at a meeting held in Queanbeyan on 10 April 2014. A decision was deferred pending the preparation of a Supplementary Report.

The Panel resolved that:

1. *The application be deferred for the preparation of a supplementary report with conditions and recommendations confirming that;*
 - a) *All lots within the additional development area are to be no less than 170m²,*
 - b) *All lots outside the additional development area are to be no less than 330m²,*
 - c) *Type 11 dwellings ('Fonzie Flats') are excluded from any proposed consent,*
 - d) *No lots are to have direct access to Gorman Drive, and*
 - e) *All secondary dwellings are to be redesigned to comply with the Googong DCP.*
2. *The applicant discuss with Council opportunities to introduce smaller lot sizes and 'fonzie flat' type development within the appropriate policy framework, being an amendment to the Googong DCP to include development guidelines for smaller lot sizes and 'fonzie flat' type development.*
3. *The panel advise Council that it supports the introduction of an appropriate policy framework to accommodate smaller lot sizes and 'fonzie flat' type development in the Googong Urban Release Area.*
4. *That the supplementary report be considered as a matter of urgency.*

The applicant subsequently made amendments to the development application including removal of lots that did not comply with the *QLEP 2012*. A supplementary report was initially assessed by Council Officer's and then submitted to the Panel for determination. The DA as amended was approved subject to conditions.

The relevance of this development application to the planning proposal is resolution numbers 2 and 3 in relation to smaller lot sizes and studio apartments "fonzie flats". There appears to be mainstream support for the provision of this type of development but how it may be accommodated and its suitability was not dealt with.

Latter discussions were held with Queanbeyan City Council staff, Department of Planning and Environment and GTPL on 13 May 2014 to discuss GTPL desire to pursue smaller lot housing at Googong.

It was confirmed that:

- a) The matter was a local issue and not a matter for Department of Planning and Environment.
- b) Council must consider a change in policy position first.
- c) Decisions would have wider implications for all Urban Release areas within Queanbeyan, including South Jerrabomberra.
- d) The number of lots would remain at 5,550.
- e) A planning proposal should to be submitted to enable Council to consider this policy issue and resolve to amend the relevant QLEP's.

Subsequently, a draft planning proposal was received from Elton Consulting on behalf of GTPL on 23 May 2014 to amend the *QLEP 2012* to:

1. Allow subdivision of lots to a minimum of 115m² around the Town and Neighbourhood Centres at Googong.

Planning Proposal QLEP 2012 and QLEP (South Tralee) 2012, Small lots

2. Allow the creation of separately titled studio dwellings ("Fonzie flats") with a minimum floor area of 75m².
3. Adjust the "Additional Development Area" Googong Map around Neighbourhood Centre 01 to take into account two school sites as shown in Figure 6 of the planning proposal.

The report by Elton Consulting has instigated this planning proposal to facilitate the delivery of small lot housing in new urban release areas.

A Council workshop (preceded by a background paper) was held on 4 June 2014 to provide Council with a better understanding of the concept proposed in the Elton draft planning proposal and its implications. GTPL presented at the Council meeting. No resolutions were made at that workshop.

At the Ordinary Council Meeting on 23 July 2014 Council considered a report on small lot housing. At that meeting it was resolved:

166/14 RESOLVED

That Council undertake a planning proposal that:

1. **Supports minimum lot size of 130m² as an Integrated Development (design plans required for a group of four) in R1 zones within the Additional Development Areas and within 200m outside of the Town Centre.**
2. **Supports separately titled studio dwellings (one in a group of four) with a maximum floor area of 75m² on a lot of 225m² within Additional Development Areas and within 200m outside of the Town Centre.**
3. **Rezone the Neighbourhood Centre 01 from Zone R1 General Residential to Zone B1 Neighbourhood Centre.**
4. **Liaise with the Department of Planning and Environment to facilitate these policy directions.**
5. **Adjust the Additional Development Area Googong Map to that as shown in (Figure 6) of the planning proposal for Neighbourhood 01.**
6. **Amend QLEP 2012 Additional Development Area on the Googong Map to show a 400m diameter.**
7. **Requires 2 car parking spaces for 2 bedroom dwellings in Urban Release Areas.**

Based on the resolutions a planning proposal has been prepared as follows.

Part 1 – Objective and Intended Outcomes

This planning proposal has a number of objectives. Primarily it is intended to:

- Amend relevant LEPs, *QLEP 2012 and QLEP (South Tralee) 2012*, to make provision for small lots of 130m² in specified areas within new urban release areas Zoned R1 General Residential; and
- To provide for separately titled studio dwellings in conjunction with a primary dwelling with a minimum lot size of 225 m² in specified areas.

Further amendments to the *QLEP 2012* are proposed and these are outlined below:

- Amend the Googong Map – Sheet GNG_007 to show a 400m diameter for each Additional Development Area except for Neighbourhood Centre 01 (NC 01) which will now change in shape as a result of the dot point below.
- Change the shape of the Additional Development Area for NC 01 to follow a street pattern as indicated on proposed Googong Map – Sheet GNG_007. This will have

an area of approximately 9ha, excluding the Neighbourhood Centre of approximately 3ha.

- Rezone the NC01 from Zone R1 General Residential to Zone B1 Neighbourhood Centre as indicated on proposed Land Zoning Map – Sheet LZN_007.

Part 2 – Explanation of the Provisions

This planning proposal will amend the QLEP 2012 and QLEP (South Tralee) 2012:

- 1) To permit within specified areas, lots of 130m².
- 2) To permit within specified areas, separately titled studio dwellings.
- 3) Rezone an area within Additional Development Area (Stage 1 - Neighbourhood Centre 01) to B1 Neighbourhood Centre on the Googong Land Zoning Map LZN_007.
- 4) Change the shape of the Additional Development Area 01 at Googong from a sphere to a pattern based on street network Googong Map Sheet GNG_007 and
- 5) Amend the Googong map Sheet GNG_007 to show Additional Development Areas 3 4 and 5 with a 400m diameter (200 radius). (Area 2 is Stage 2 – Local Centre and is not an Additional Development Area).

1) Small Lots

The current provisions in the QLEP 2012 and QLEP (South Tralee) 2012 permit small lots of 170m² in specific locations. It is suggested that these provisions be amended to enable small lots of 130m² within the specified locations (the proposed changes are shown in red, Table 1). It was argued in the Council report of 23 July 2014 and resolved at that meeting that a minimum lot size of 115 m² would not be supported but 130m² would be supported as the minimum private open space, two on-site car parking spaces and solar access to private open space could be achieved.

Table 1: Planning Provisions in Queanbeyan Local Environmental Plans

QLEP 2012	QLEP (South Tralee) 2012
4.1D Variation to minimum lot size 1) The objective of this clause is to provide opportunities for affordable medium density housing in appropriate locations. 2) This clause applies to the following land: (a) Land within 200 metres of any land within Zone B2 Local Centre, (b) Land identified as "Additional Development Area" on the <u>Googong Map</u>. 3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies to create lots with an area of at least 170130 square metres if the development application proposes the creation of at least 4 lots and includes a dwelling design for each lot.	4.1A Exceptions to minimum subdivision lot size 1) The objective of this clause is to provide opportunities for affordable medium density housing in appropriate locations. 2) Despite clause 4.1, the consent authority may grant consent to the subdivision of land to create lots with a minimum size of 170 130 square metres if: (a) the land to be subdivided is located within 200 metres of any land in Zone B4 Mixed Use, and (b) the subdivision development application: (i) propose the creation of a minimum of 4 lots, and (ii) includes a dwelling design for each lot.
When the South Jerrabomberra LEP is drafted it is intended that similar clauses are inserted into the draft LEP at the relevant time.	

2) Studio Dwellings

There are currently no provisions that permit separately titled studio dwellings in the *QLEP 2012* or *QLEP (South Tralee) 2012*. The aim of the planning proposal is to permit these in the same locations as small lots outlined in Table 1.

Studio dwellings are a new land use type undefined in the Standard Instrument. There has been general support for the introduction of studio dwellings (fonzie flats) across the development industry and this has been specifically articulated by local developers and the JRPP. However to allow this type of development the planning provisions require amendments to incorporate this particular type of land use. Recent amendments to the Sydney Growth Centres SEPP, 11 August 2014, introduce a definition of studio dwellings and Council look to this SEPP for guidance. In the *SEPP (Sydney Region Growth Centres) Amendment (Housing Diversity) 2014*

studio dwelling means a dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on its own lot of land, and*
- (c) is erected above a garage that is on the same lot of land as the principal dwelling, whether the garage is attached to, or is separate from, the principal dwelling,*
but does not include a semi-detached dwelling.

Consequently it is proposed to incorporate this definition into *QLEP 2012* and *QLEP (South Tralee) 2012*.

Other requirements specific to Queanbeyan are:

- studio dwellings and the principal dwelling must be on an original lot of 225m² before they are separately titled and therefore enabling different ownership.

Currently the minimum lot size is 170m² in the specified area however, as resolved by Council on 23 July 2014, the relevant LEP's can be amended to permit studio dwellings established in conjunction with the principal dwelling on a lot of 225m² which can afterwards be separately titled. Studio dwelling type developments cannot be established on lots of 130m² in those specified areas.

- studio dwelling's must be in conjunction with the principal dwelling only where the development application is a single development application for development consisting of
 - (i) One studio dwelling within a group of four dwellings

The aim of this subclause is to discourage a continual row of studio dwellings which dominates a streetscape and to encourage a "salt and peppered" approach throughout the specified area on lot sizes with good urban design characteristics.

There are number of ways studio dwellings can be introduced into the Queanbeyan planning instruments, however the following is preferred:

Insert a new clause for Studio Dwellings into *QLEP 2012* and *QLEP (South Tralee) 2012*.

- 1) The objective of this clause is to provide for separately titled studio dwellings in specified areas in a manner which will not dominate the streetscape but provide for casual surveillance to rear lanes
 - 2) The clause would apply to specified areas:
 - a) Land identified as “Additional Development Area” in *QLEP 2012*
 - b) Land within 200m of any land within Zone B2 Local Centre in *QLEP 2012*
 - c) Land within 200 metres of any land in Zone B4 Mixed Use in *QLEP (South Tralee) 2012*
 - 3) Development consent can be granted for development that contains a “studio dwelling”
 - 4) Council shall not grant consent of a studio dwelling unless:
 - a) it is in conjunction with a another dwelling (principal dwelling) with an original lot size of 225m²
 - b) a development application for a studio dwelling must be a single development application for development consisting of
 - (i) One studio dwelling within a group of four dwellings
- 3) Rezone area within Stage 1 Additional Development Area to Zone B1 – Neighbourhood Centre and Change the shape of the Additional Development Area.**

The draft planning proposal from Elton requests that the Additional Development Area is redrawn from a spherical shape to one that follows a street network pattern, as identified in Figure 6 of that document and as amended on Googong Map – Sheet GNG_007. It then seems logical that the Neighbourhood Centre 01 should also follow a street pattern consistent with recent development consents and be rezoned at the same time from Zone R1 – General Residential to Zone B1 – Neighbourhood Centre as amended on the Land Zoning Map Sheet LZN_007, Height of Buildings Map Sheet HOB_007 and Floor Space Ratio Map Sheet FSR_007 (Appendix A).

In addition to map amendments an amendment may be required to Schedule 1 – Additional permitted uses Item 4. This Schedule permits certain uses that are prohibited in Zone R1 – General Residential. It allows certain uses that would ultimately contribute to the functioning of a Neighbourhood Centre where it remained unzoned. Schedule 1 Additional permitted uses was used as an interim measure to permit certain uses until there was further development of the site. Now that Neighbourhood 1A and the Neighbourhood Centre 01 can be clearly defined the area can be zoned B1 – Neighbourhood Centre. All the land uses identified in Schedule 1 are permitted in the new zone. It was not intended that these types of uses would be broadly permissible throughout Zone R1 – General Residential. Therefore Schedule 1 is now obsolete for Stage 1 of the development.

In light of this, Schedule 1 Additional permitted uses item 4 would not apply to Stage 1 Neighbourhood Centre 01 at Googong but would still apply to the Additional Development Areas for stages 3, 4 and 5.

4) Mapping Anomaly

The Googong Map – Sheet GNG_007 shows 4 x Additional Development Area's each with a diameter of 200m. This is inconsistent with the Googong Master Plan, Structure Plan Maps, maps attached to the Local Planning Agreement and Googong DCP.

In a Council report (2 July 2008), staff were of the view that “lots of between 170m² and 330m² would be limited to areas of close proximity to neighbourhood centres being within a

radius of 200metres from the central most point of the neighbourhood centre...” however it appears that the associated maps were not updated to reflect this position.

Historically the Additional Development Area overlays were originally mapped as Zone B1 Neighbourhood Centre with a radius of 100m in early versions of the *Draft Queanbeyan Local Environmental Plan (Googong) 2009*. Later during the drafting stages of that LEP, at the request of the then Department of Planning’s Legal Office, the Neighbourhood Centre zones were removed (28/8/09) and replaced with Additional Development Area overlays.

At sometime between removing the B1 zones and replacing them with Additional Development Area’s the map changes did not follow suit. This resulted in an inconsistency with subsequent maps. To rectify this inconsistency the *QLEP 2012 Googong Map – Sheet GNG_007* should be amended to alter the radius to 200m for each Additional Development Area.

Part 3 - Justification

Section A – Need for the Planning Proposal

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

This planning proposal is a result of two studies:

- 1) A submission by Elton Consulting on behalf of GTPL “Googong Housing Diversity LEP and DCP Amendment” 2014, and
- 2) A Council report considering smaller lots in urban release areas.

There was no Structure Plan, Strategy or Local Environmental Study that previously supported studio dwellings or smaller lot sizes less than 170m² at Googong or within Queanbeyan. However the work from the Sydney Growth Centres team guided Council’s position particularly in relation to how studio dwellings and small lots were provided for.

Amendments to the *QLEP 2012* were initiated by Elton Consulting on behalf of Googong Township Pty Ltd. A comprehensive submission has been made for the land at Googong. However as there are further implications in the Queanbeyan LGA Council has extended the planning proposal to include other Zone R1 General Residential land at South Tralee and South Jerrabomberra (currently in progress). The supporting material prepared by the proponent is available under separate cover.

Elton Consulting propose various options to enable:

- a) subdivision of lots to 115m²
- b) separate titling of studio dwellings; and
- c) adjustment to “Additional Development areas”

Suggested amendments have been provided in the Elton submission. These have been carefully considered and Council’s preferred position is reflected in this planning proposal.

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

The planning proposal is the appropriate mechanism to achieve the objectives or intended outcomes.

GTPL submitted a development application for a number of developments one of which was to create smaller lots via a community title subdivision less than the current provisions permitted in Clause 4.1D of *QLEP 2012*. Council formed the view based on legal advice that

Planning Proposal QLEP 2012 and QLEP (South Tralee) 2012, Small lots

a community development lot needed to be created before a subdivision in the Community title scheme could be created and it was not appropriate to create lots less than the minimum lot size as a way of facilitating housing diversity and potentially increasing the overall number of dwellings. It was considered that this needed to be considered in a strategic context separate from a development application. As indicated earlier the development application was assessed by the JRPP.

Along with making recommendation for the development application the JRPP resolved that:

- “The applicant discuss with Council opportunities to introduce smaller lot sizes and “Fonzie flat” type development within the appropriate policy framework, being an amendment to the Googong DCP to include development guidelines for smaller lot sizes and “Fonzie flat” type development” and
- “The panel advised Council that it supports the introduction of an appropriate policy framework to accommodate smaller lot sizes and “Fonzie flat” type development in the Googong Urban Release”.

These notes prompted the further consideration of smaller lot housing at Googong and elsewhere.

Further in a Gateway Determination issued on 14 March 2014 for a separate planning proposal it was stated:

- “Given there is an expressed demand from the development industry to develop residential lots smaller than that provided for by the LEP (by utilising community title subdivision), Council may wish to give consideration to the potential to accommodate lots smaller than 170m² in certain locations where appropriate.

Subsequently a draft planning proposal was submitted by Elton Consulting requesting studio apartments, small lots of 115m² and change to “Additional Development Area” at Googong. Council extended the application of the planning proposal to apply to all urban release areas. In this regard the planning proposal process is the best means of achieving the objectives.

3. Is there a net community benefit?

The Amendments proposed give developers flexibility in delivering smaller homes on smaller lots and as a result can deliver homes at a more affordable price. Given the cost of housing has made it difficult for lower income earners to own their own home, small lot housing and studio dwellings will provide this opportunity and therefore provide a community benefit.

Through good urban design and appropriate dispersal of smaller lots throughout development sites and close to retail and commercial uses, a vibrant neighbourhood can be created which contributes to a net community benefit.

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?

Broadly the planning proposal is consistent with the objectives contained within the applicable strategies. Relevant strategies are addressed below:

Sydney Canberra Corridor Growth Strategy

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In July 2008 the then lemma Government finalised the strategy for the future of Sydney-Canberra Corridor. The Strategy aims to guide growth, improve housing affordability, deliver additional employment lands and protect valuable natural resources along the regional corridor between Sydney and Canberra which includes the Queanbeyan Local Government Area.

It was identified in that strategy that the average cost of housing in Queanbeyan was considered unaffordable by the NSW Centres for Affordable Housing. To address this high cost of housing the government recognised that there was a need to provide greenfield housing choice and this was partly offered when Googong was released. The Strategy relied on the Queanbeyan Residential and Economic Strategy where new residential and employment land was identified to “provide a range of housing choices to ensure a broad population can be housed” with two development fronts.

In this regard the planning proposal is consistent with the Sydney Canberra Corridor Growth Strategy in that:

- it provides a diversity of residential development types within Queanbeyan
- creates smaller housing options close to services and amenities
- broadens the mix of housing choice within the Googong and South Tralee development

Queanbeyan Residential and Economic Strategy 2006-2031

After an inquiry to investigate various land releases sites in Queanbeyan, this Strategy identified sufficient employment and residential land to meet future demand for 25 years. It contains a housing capacity target for the Queanbeyan local government area of approximately 10,000 new dwellings to 2031, specifically 5,550 dwellings at Googong and 4,860 dwellings in South Jerrabomberra. Subsequent decisions, largely based on aircraft noise, restricted some areas from potential residential development at South Jerrabomberra and the numbers of dwelling has since been reduced to about 2,350.

The planning proposal is consistent with the Residential and Economic Strategy in that it provides for:

- residential development at Googong
- residential development at South Tralee
- offers a diversity of residential development types

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

Queanbeyan's Community Strategic Plan identifies the community's main priorities and expectations for the future and forms the foundation for all Council operations and subsequent plans over the next 10 years.

A number of principles, desired outcomes and strategies embodied in the plan support the planning proposal. For example:

- Image and Influence directions include “1.7 Create a place where people chose to live”. The proposal achieves this direction by increasing the diversity of housing types offered at Googong and Tralee within reasonable proximity to retail and commercial uses.
- Infrastructure, Access and Transport directions include “4.1 Undertake planning to ensure infrastructure is prepared for future growth”. The proposal achieves this direction by consideration of overall dwelling yield. Elton Consulting submit that “it does not seek a change to the 5,550 dwellings threshold in the local planning Agreement and Googong Development Control Plan” and “the 5,550 dwelling target

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will remain in the GDCP as an overarching control that may be considered to assess future development". The 5,550 dwelling yield is agreed and is specified in the Residential and Economic Strategy, the Local Planning Agreement and the 2009 Master Plan and GDCP. Should the overall dwelling yield increase then a major planning review would be required involving detailed consideration on infrastructure and servicing and developer contributions and other associated issues.

- Culture and Leisure directions include "5.3 Provide quality services to the community" with the following strategy: "Promote high quality, affordable, diverse and accessible private and public housing to meet the directed socio-economic demands". The planning proposal achieves this direction by increasing the supply and range of housing types close to facilities and services. However it is important to note that the planning proposal does not contribute to the long term availability of housing stock for "affordable housing", in that the dwellings are not managed by a community housing provider, except that by virtue of providing smaller dwellings on smaller lots they become more affordable.

3. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Council has considered all the State Environmental Planning Policies (SEPP's) that are applicable to the development of land and does not consider that they are relevant to the planning proposal (Appendix B) except for one SEPP identified in Table 2:

Table 2: Relevant SEPP's

Relevant SEPP	Consistency of Planning Proposal
SEPP (Sydney Region Growth Centres) Amendment (Housing Diversity) 2014 2006	Though this SEPP is not directly related to this planning proposal it contains planning provisions that have guided Council in supporting small lots including: • Definition of studio dwellings • Separate titling of studio dwellings • Clauses relating to minimum lot sizes

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

Each applicable s117 Ministerial Direction is listed in Appendix C with an annotation stating whether it is relevant to the Planning Proposal and confirming its consistency.

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.

In the Googong LES, the area identified for the Googong township is "generally free of substantial development constraints and is suited to a robust variety of development densities and building forms". The *QLEP (Googong) 2009* and subsequently the *QLEP 2012* identified area available for development. Investigations for any biodiversity characteristics were undertaken at these stages and during the 2009 Master Planning Stages. Additional studies would not be required as a result of this planning proposal.

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In a similar vein the *QLEP (South Tralee) 2012* was prepared based on a Local Environmental Study and various reports. This planning proposal applies to land already zoned for Residential purposes and will not impact land that is or has potential critical habitat or threatened species populations or ecological communities. Only a small area is available at South Tralee for development of small lots and studio dwellings being 200m of any land from Zone B4 Mixed Use that is zoned R1 General Residential.

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

No.

Initial background studies were prepared as part of the LES's, LEP's and Master Plans. Additional studies will not be required as a result of this planning proposal in relation to likely environmental effects.

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

Elton Consulting has submitted a social planning assessment of the planning proposal. It concludes that "based on the LGA's demographic profile, the provision of a small proportion of small lot housing and studio dwellings is entirely appropriate and necessary to meet the affordability and housing needs of residents – both current and future". It is agreed that the demographics of Queanbeyan's population is changing. In 2011, nearly 60% of household sizes comprised 1 or 2 persons with 40% comprising greater than 3 persons. This reflects the way people live is changing and the supply of housing types should be able to meet this market trend (ABS, 2011). ABS data reveals that 1 and 2 bedroom dwellings are in a low supply and do not match the changes in demand reflected in the demographic profile. As evidenced by the number of persons per household, at 1 or 2 persons, then it is reasonable to conclude that the supply and demand for smaller dwellings is not synchronised. The planning proposal will in part provide for this mismatch in the market therefore addressing some social and economic effects.

One of the justifications relied heavily upon by GTPL for the provision of smaller dwellings on smaller lots is based on delivering affordable house packages. The Googong Urban Development Local Planning Agreement (GLPA) contains a provision for affordable house and land packages requiring 10% of all dwellings for Googong to be sold as "Affordable Housing Packages" (being 555 dwellings) with a price point of not more than \$337,000 (indexed) although GTPL have proposed varying this to include a range of price points used in the ACT for affordable housing.

The proposed new housing options offer scope to address affordability. Elton submits the following price estimates:

- home on small lots of 115m² – 170m² from \$285,000 (house and land); and
- studio dwellings (separately title) from \$171,000.

The provision of smaller dwellings enables the delivery of more affordable dwellings and therefore will go some way to addressing the high cost of housing in Queanbeyan. In this regard some of the social and economic effects identified in the market have been addressed.

There is an issue that small lot housing may bring negative social problems with it. This has been carefully considered by Council and it is of the view that if good urban design controls are implemented and enforced negative social impacts will be minimised. For this reason a

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minimum lot size of 130m² is supported as lots of this size can accommodate Council's minimum requirement of 2 car parking spaces for 2 bedroom dwellings, generally meet minimum private open space and solar access requirements.

Section D – State and Commonwealth Interest

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

Yes.

Public Infrastructure was considered in the early stages of land rezoning of Googong for a dwelling threshold of 5,550 dwellings.

The GLPA sets out public infrastructure requirements including:

- Dedication of land for open space, and embellishment of playgrounds and sportsfields.
- Dedication of land and construction of a multipurpose centre.
- Dedication of land and construction of neighbourhood community facilities.
- Dedication of land and construction of Indoor Sports and Aquatic Centres.
- Various monetary contributions for offsite community facilities, local roads.
- Dedication of land and construction of local roads.
- Provision of local bus infrastructure.
- Drainage and stormwater facilities.
- Water Recycling Plant.
- Provision of affordable home packages – 10% of all dwelling in the development are to be sold as affordable home Packages as defined (with a price of not more than \$337,000 indexed with Cordell Housing Index Price).

The South Tralee VPA is currently being negotiated and may include the following:

- On – site and off site local roads, design and construction.
- Local bus infrastructure and Park and Ride facility.
- Dedication and embellishment of land for open space, sports fields and recreation facilities.
- Dedication of land for multipurpose community centre and its design and construction.
- Monetary contribution towards Queanbeyan cultural centre.
- Dedication of land for drainage and stormwater and associated detention basins and associated pipe network.
- Land for sewer and potable water infrastructure.

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

State and Commonwealth public authorities, other than the local Department of Planning and Environment office, have not been consulted at this stage of the process. If required as part of the Gateway Determination they will be consulted, eg ACT Government.

An overview of early comments made by the JRPP and the NSW Department of Planning and Environment are provided in earlier sections of this report.

Part 4 - Mapping

Planning Proposal QLEP 2012 and QLEP (South Tralee) 2012, Small lots

The following maps (Appendix A) have been prepared to support this planning proposal and the development outcomes:

- Map 1 – Existing Googong Map – Sheet GNG_007
- Map 2 – Proposed Googong Map – Sheet GNG_007
- Map 3 – Existing Googong Land Zone Map – LZN_007
- Map 4 – Proposed Googong Land Zone Map – LZN_007
- Map 5 – Existing Height of Buildings Map – HOB_007
- Map 6 – Proposed Height of Buildings Map – HOB_007
- Map 7 – Existing Floor Space Ratio Map FSR_007
- Map 8 – Proposed Floor Space Ratio Map FSR_007

The maps have been prepared on the basis of the proponent's proposal and expansion of the planning proposal to apply to other urban release areas within the Queanbeyan Local Government Area. The mapping is subject to change based on the outcomes of further assessment and public exhibition.

Part 5 - Community Consultation

It is proposed that this planning proposal will be exhibited for a period of 28 days with the community and relevant State Agencies at the same time and in accordance with the Gateway Determination and the terms of the *Environmental Planning and Assessment Act 1979*.

Part 6 - Project Timeline

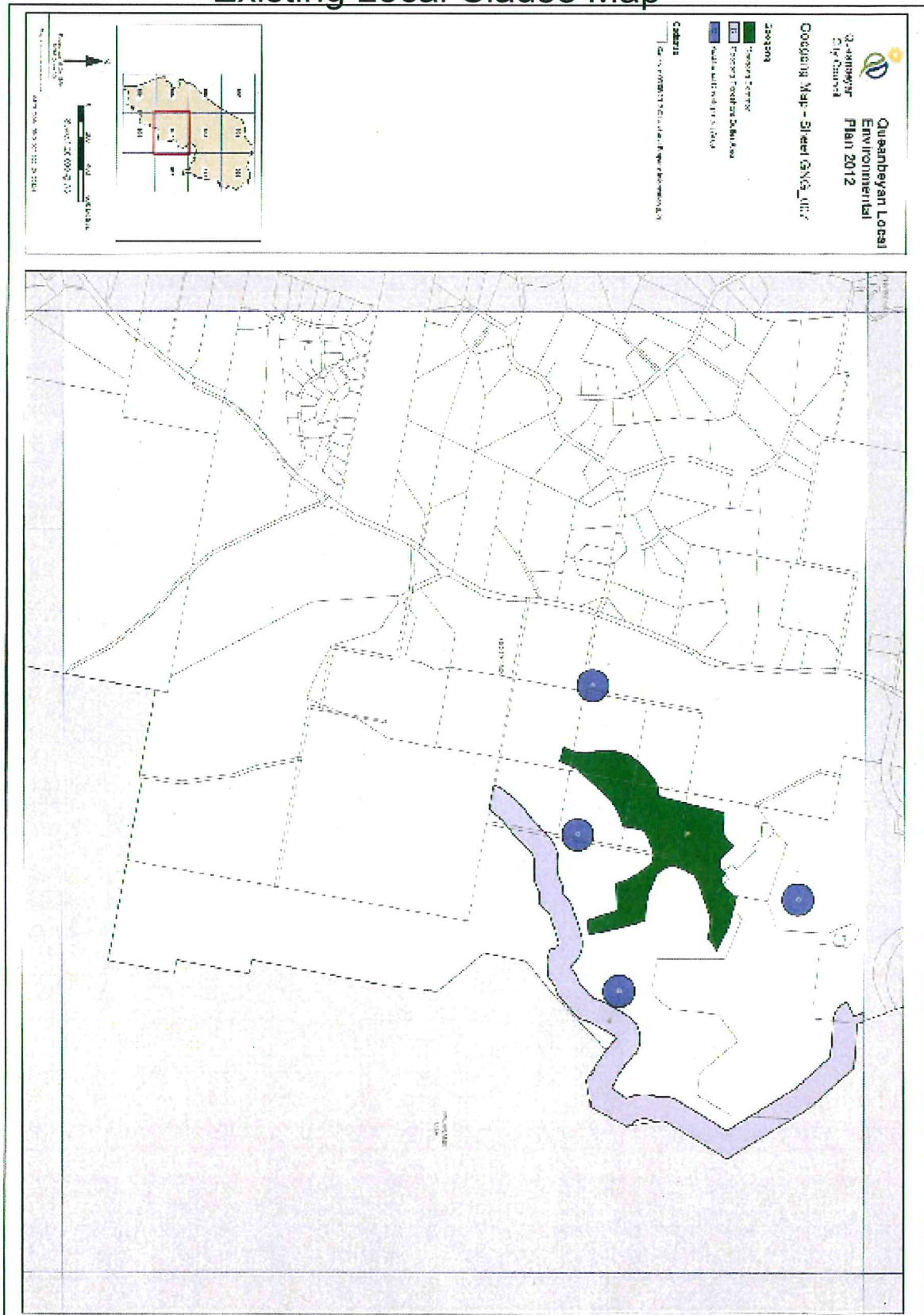
The proposed timeline for completion of the planning proposal is outlined in Table 3.

Table 3: Project Timeline

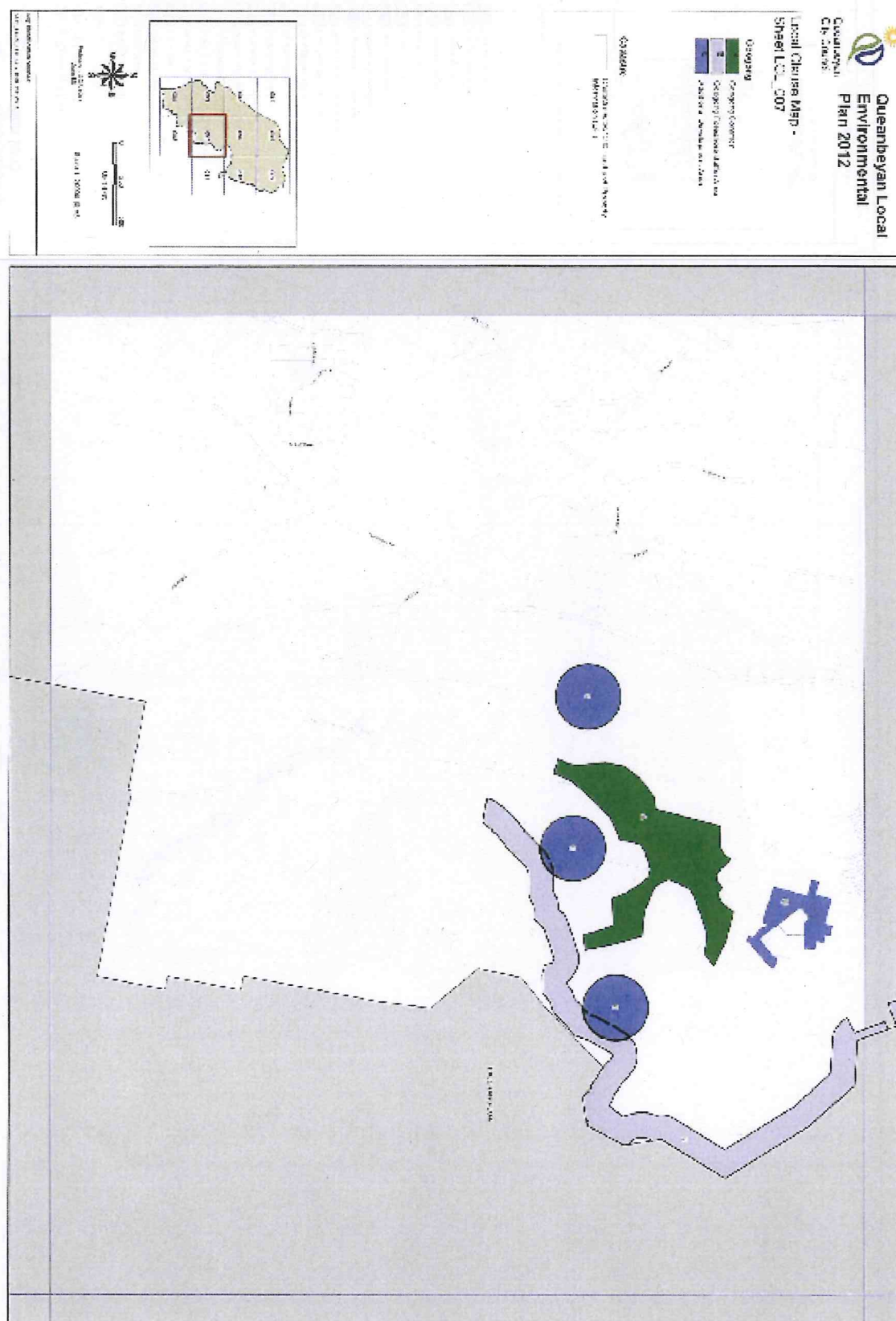
Task	Estimated completion
Report to Council (PDRC)	July 2014
Planning Proposal preparation	August/September 2014
Gateway Determination	September/October 2014
RPA Assessment of Gateway Determination and Proposed DCP	October 2014 Ordinary Council – 22 October (due 7 October) PDRC - 12 November (due 28 October)
Public Exhibition Period	November 2014
Public Hearing	N/A
Submissions Assessment	November 2014
RPA Assessment of Planning Proposal and Exhibition Outcomes	December 2014
Submission of Endorsed LEP to DP&E for finalisation	January 2015
RPA Decision to make the LEP Amendment (if delegated)	February 2015
Forwarding of LEP Amendment to DP&E for Notification (if delegated)	January 2015

Appendix A - Maps

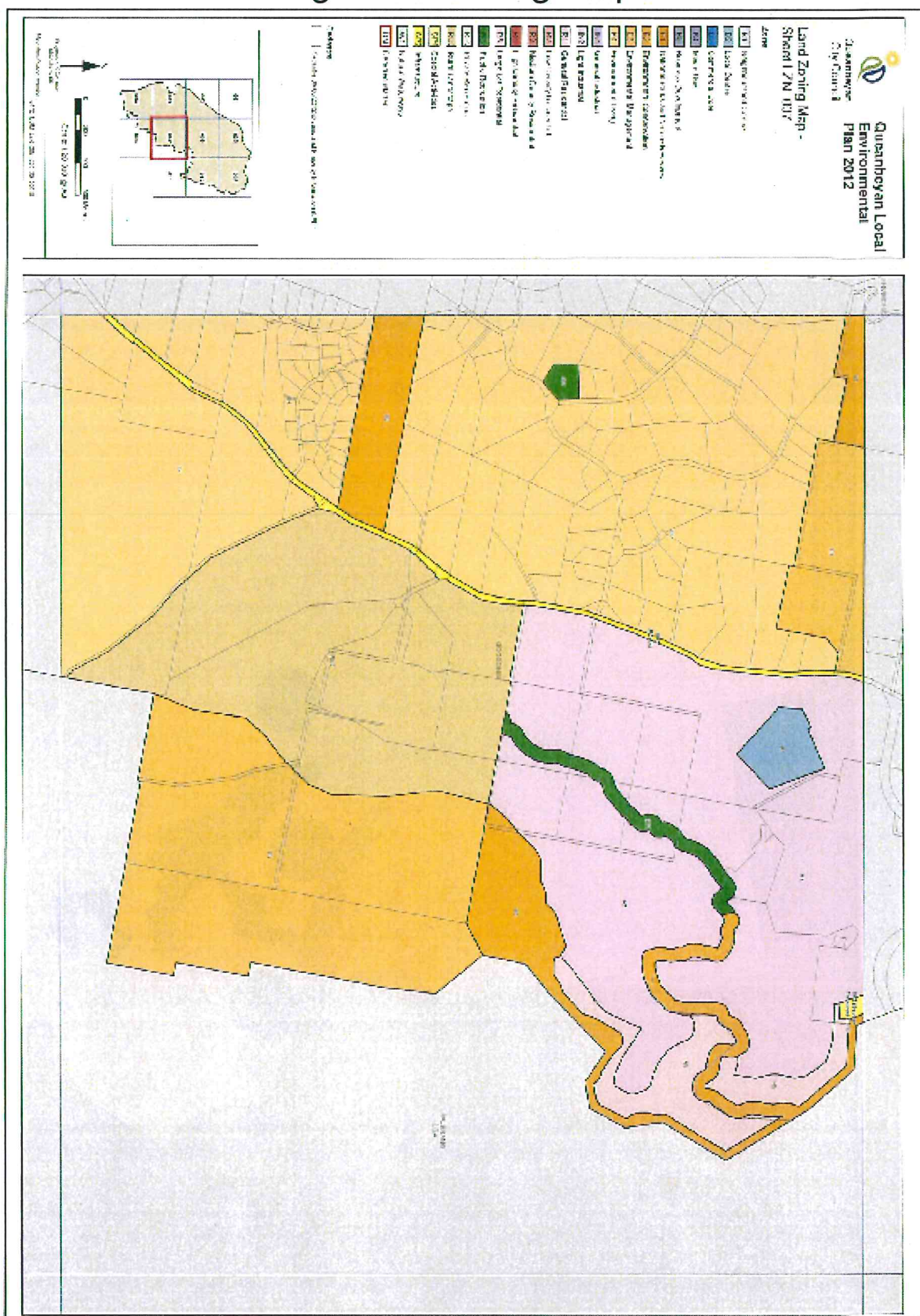
Existing Local Clause Map



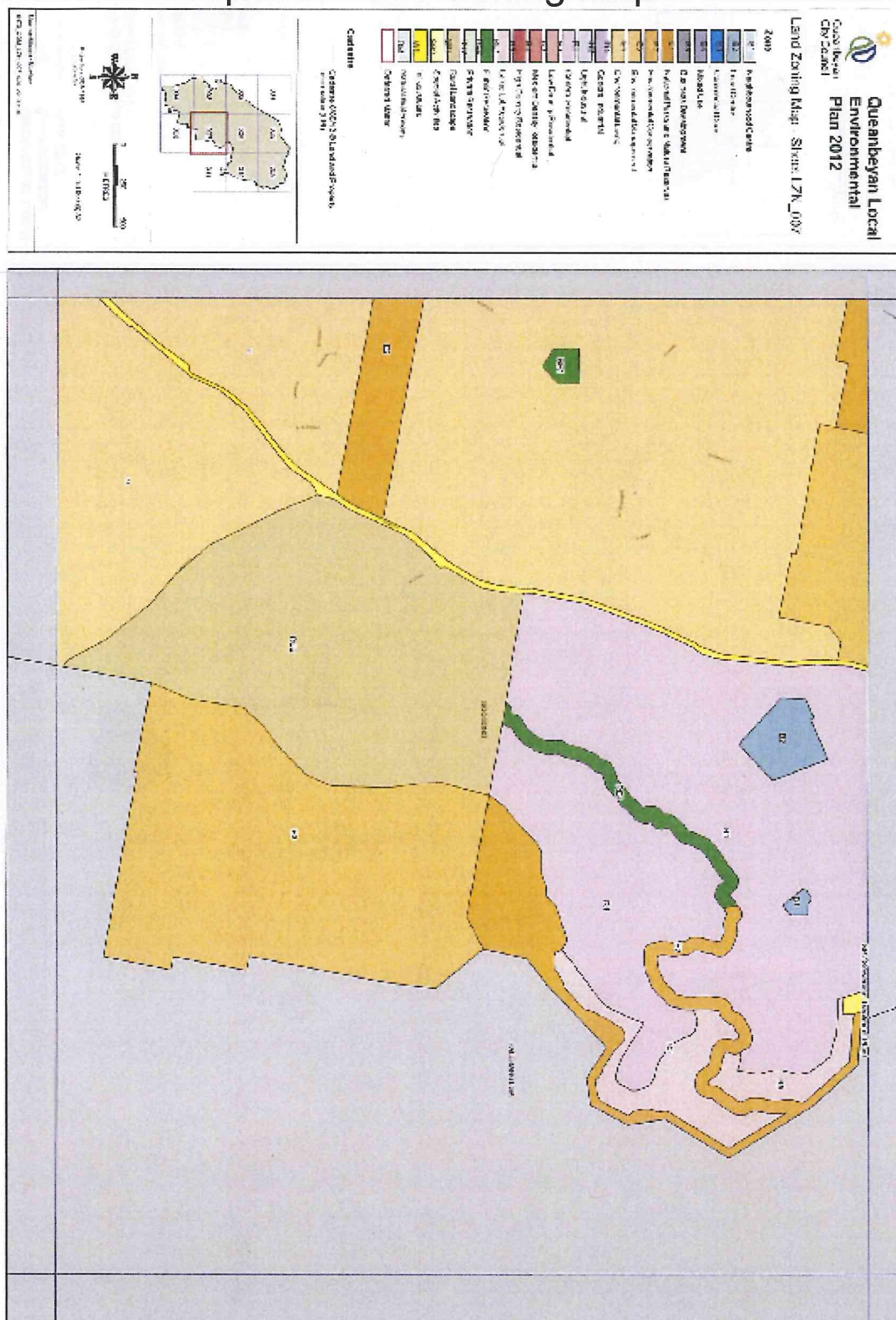
Proposed Local Clause Map



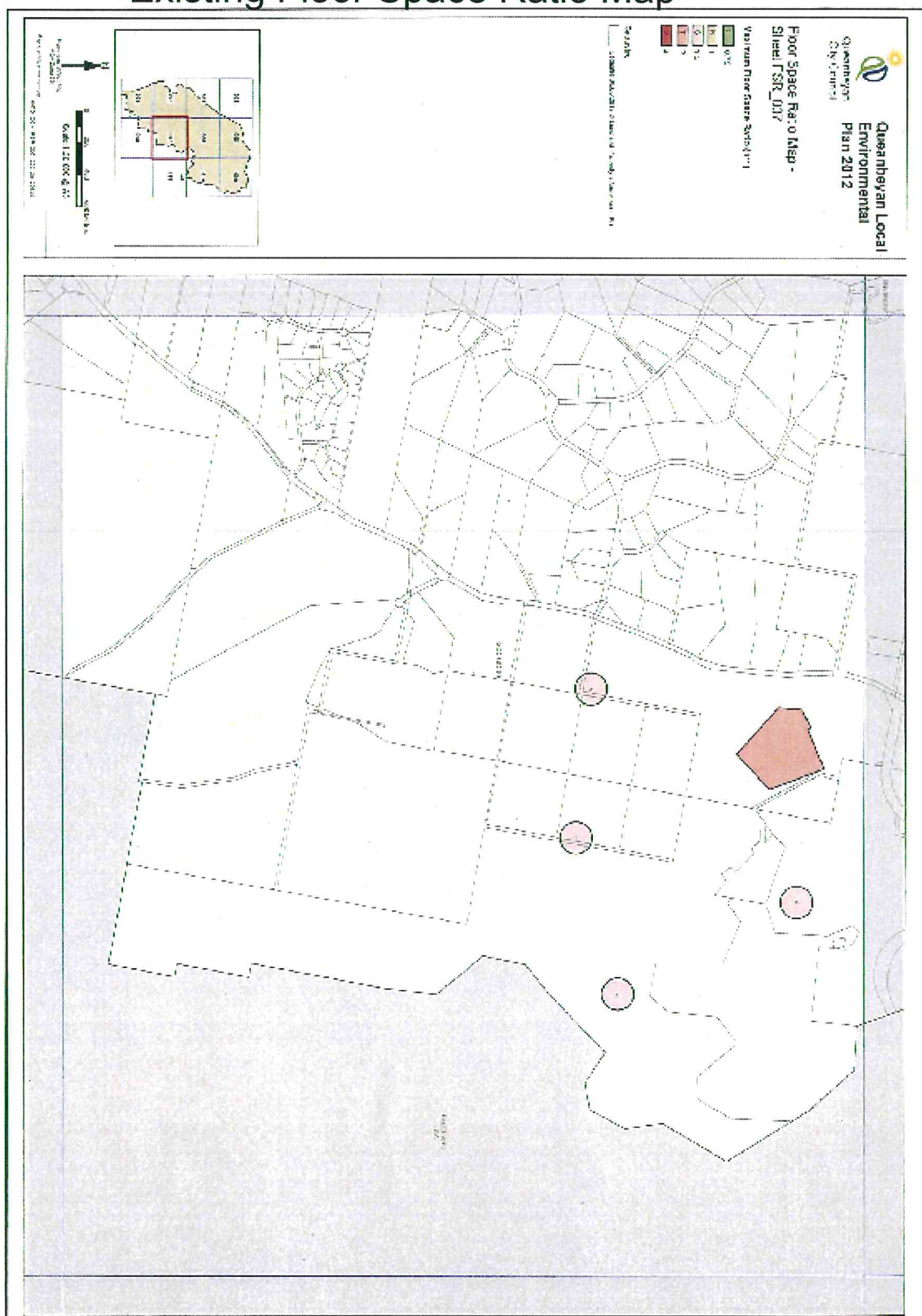
Existing Land Zoning Map



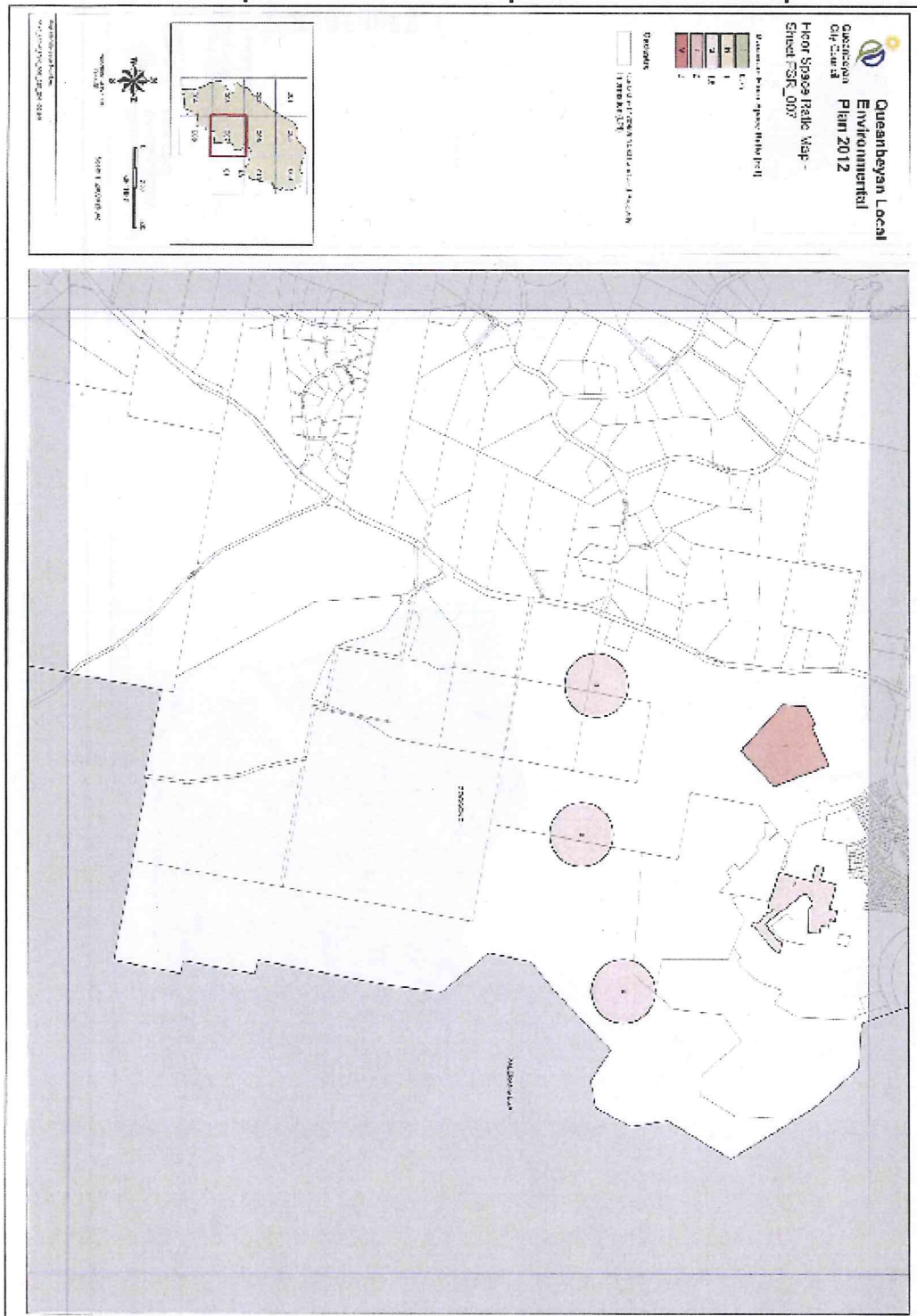
Proposed Land Zoning Map



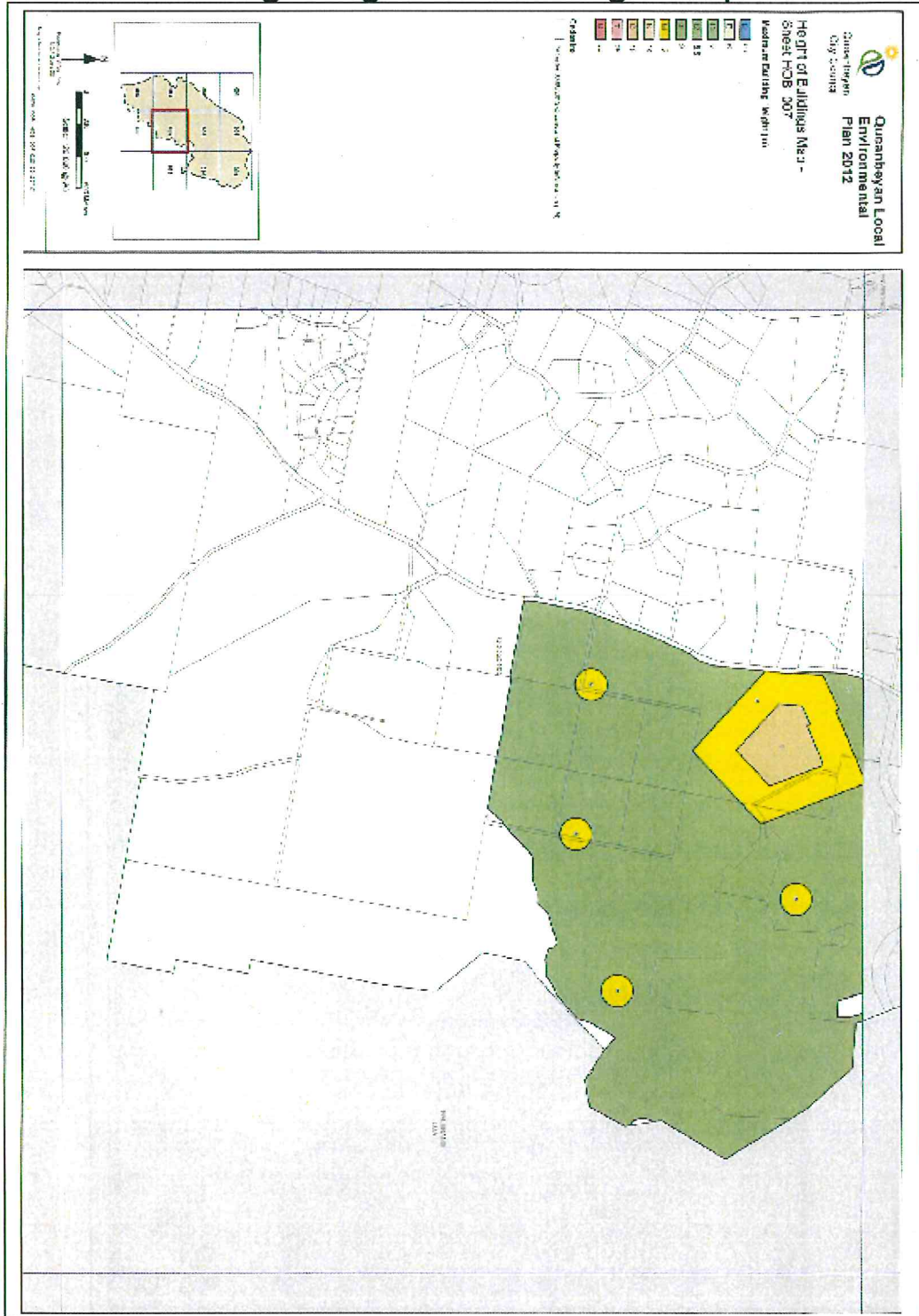
Existing Floor Space Ratio Map



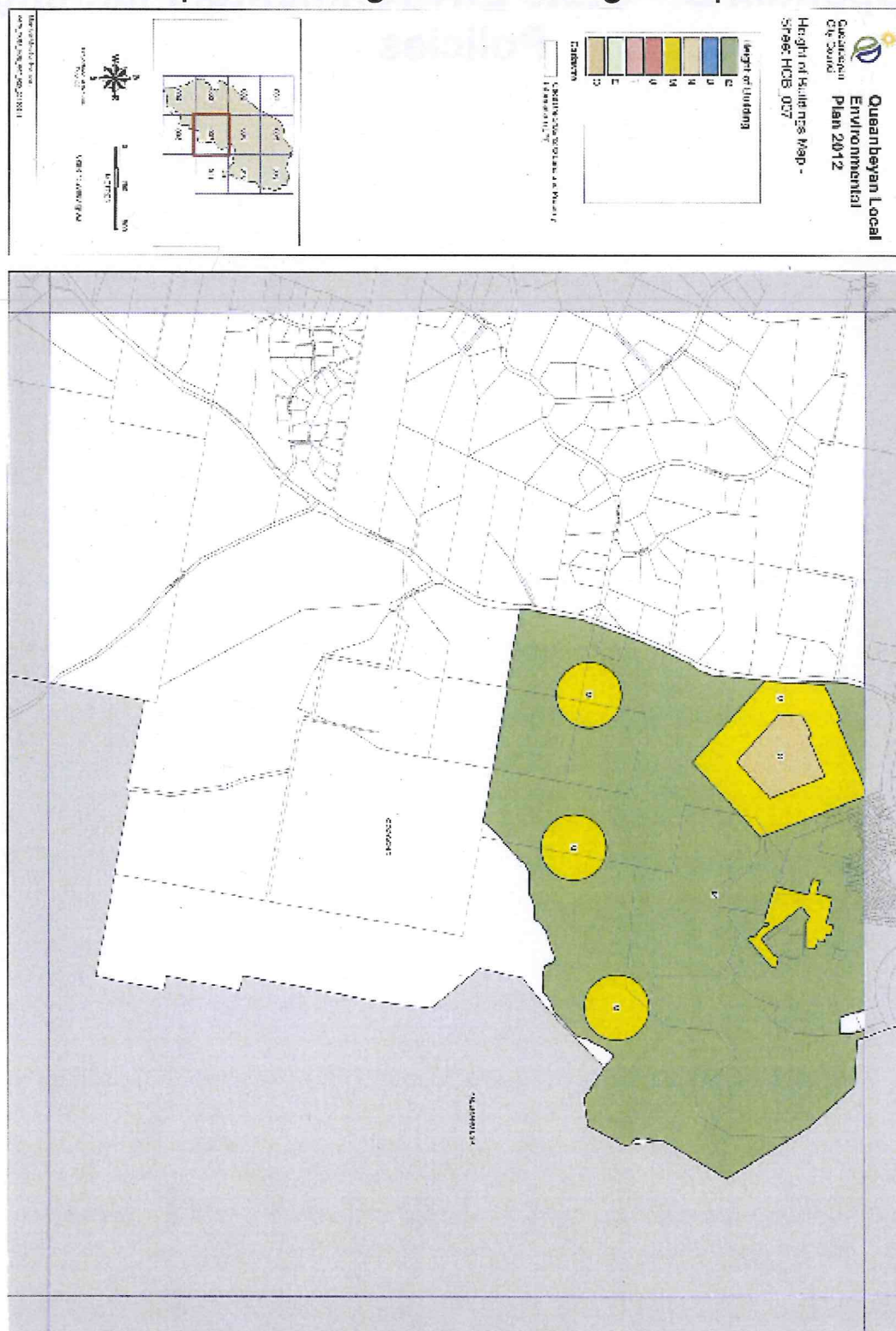
Proposed Floor Space Ratio Map



Existing Height of Buildings Map



Proposed Height of Buildings Map



Appendix B – State Environmental Planning Policies

Planning Proposal QLEP 2012 and QLEP (South Tralee) 2012, Small lots

The following relevant Environmental Planning Instruments (EPI) have been considered in the preparation of this planning proposal:

SEPP No.	SEPP Title	Applicable	Relevant	Consistent	Comment
1	Development Standards	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.
21	Caravan Parks	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.
30	Intensive Agriculture	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.
33	Hazardous and Offensive Development	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.
36	Manufactured Home Estates	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.
44	Koala Habitat Protection	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.
55	Remediation of Land	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.
64	Advertising and Signage	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.
65	Design Quality of Residential Flat Development	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.
-	SEPP (Affordable Rental Housing) 2009	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.
-	SEPP (Building Sustainability Index: BASIX) 2004	Yes	No	Yes	This SEPP is not relevant in relation to the PP will not affect the operation of the SEPP. It will be relevant at future development application.

Planning Proposal QLEP 2012 and QLEP (South Tralee) 2012, Small lots

SEPP No.	SEPP Title	Applicable	Relevant	Consistent	Comment
-	SEPP (Exempt and Complying Development Codes) 2008	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP at future stages, post rezoning.
-	SEPP (Housing for Seniors or People with a Disability) 2004	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.
-	SEPP (Infrastructure) 2007	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.
-	SEPP (Major Development) 2005	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.
-	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of this SEPP.
	SEPP (Miscellaneous Consent Provisions) 2007	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of this SEPP.
-	SEPP (Rural Lands) 2008	Yes	No	Yes	This PP reinforces the Rural Subdivision Principles by ensuring that Community Title subdivision does not undermine the existing minimum lot size for land in zones R1 General Residential.
-	SEPP (State and Regional Development) 2011	Yes	No	Yes	This SEPP will apply to all development of the land to which the PP applies. This PP will not affect the operation of the SEPP.

Appendix C – Section 117 Directions

S117 Direction		Consistency of planning proposal
1. Employment and Resources		
1.1	Business and Industrial Zones	Consistent. The planning proposal is consistent as there will be no adverse impact on viability of business zones in Googong and Queanbeyan.
1.2	Rural Zones	Not applicable.
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable.
2. Environment and Heritage		
2.1	Environment Protection Zones	Not applicable.
2.2	Coastal Protection	Not applicable.
2.3	Heritage Conservation	Consistent. There are clauses within the current QLEP 2012 (Clause 5.10) with the objective to conserve the environmental heritage of Queanbeyan, heritage items, archaeological sites, and Aboriginal objects and Aboriginal places. Any DA to develop land will be assessed against this clause. The planning proposal is consistent with this direction as it does not propose alteration of the existing clause. There are also controls in the Googong DCP to address Heritage. In the Neighbourhood 1A area there are remains of a small 19th century hut structure identified as having heritage value; a dwelling and outbuildings are located in the east portion and a cottage is located in the north western portion. Archaeological investigations have been carried out for Neighbourhood 1A and reports submitted for (DA#1). There are no archaeological sites identified within the (DA#3) subject site. As a note a number of Aboriginal objects have been identified within "Neighbourhood 1A" by an Aboriginal Archaeological Report prepared by Navin Officer Heritage consultants, February 2010. The local Aboriginal communities were notified as part of this work. Pursuant to Section 87 of the <i>National Parks and Wildlife Act 1974</i>, an Aboriginal Heritage Impact Permit (AHIP) No. 1116438 AHIMS No. 3299 was issued to the applicant by the NSW Office of Environment and Heritage (OEH) dated 13 July 2010, and variation AHIP No. 1116438. The AHIPs required the salvage of visible surface artefacts and allowed for the destruction of other Aboriginal objects

S117 Direction		Consistency of planning proposal
		identified in the permit. The OEH further advised that there are another 17 recorded Aboriginal sites elsewhere within the Googong Township development area (outside Neighbourhood 1A) for which no AHIP has been issued. Further AHIPs will need to be obtained for future development outside of Neighbourhood 1A.
2.4	Recreation Vehicle Areas	Not applicable
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	Consistent. The planning proposal is consistent with this Ministerial Direction. The Proposal seeks to modify the <i>QLEP 2012</i> and <i>QLEP (South Tralee) 2012</i> on land zoned R1 – General Residential to enable a greater housing diversity and housing choice including residential lots of 130m² and separately titled studio dwellings. In this regard the planning proposal is consistent with the objectives of this direction specifically: to encourage a variety and choice of housing types to provide for existing and future housing needs. A part of this planning proposal includes the rezoning of land within R1 – General Residential to Zone B1 – Neighbourhood Centre. This will affect an area of 3 ha of land where residential development was permitted but will be limited to shop top housing. It was always intended that the Neighbourhood Centres be appropriately zoned at the relevant time. It was not an opportunity for the unzoned neighbourhood centre to have high density dwellings. This part of the planning proposal is inconsistent with the terms of this direction but is of minor significance. Dwellings on smaller lot sizes and studio dwellings in the Additional Development Area zoned R1 – General Residential makes more efficient use of infrastructure and services and could reduce the consumption of land for housing and associated urban development on the urban fringe. Good design principles will be implemented through a DCP. The <i>QLEP 2012</i> and <i>QLEP (South Tralee) 2012</i> includes existing provisions (CI 6.3) that requires adequate servicing or arrangements for public utility infrastructure before development proceeds and in this regard the planning proposal is consistent with objective (b) of this direction: to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.
3.2	Caravan Parks and Manufactured Home Estates	Consistent. Caravan parks are not permitted under Zone R1 General Residential or Zone B1 Neighbourhood Centre. The planning proposal does not specifically relate to the provisions of caravan parks or manufactured home

Planning Proposal QLEP 2012 and QLEP (South Tralee) 2012, Small lots

S117 Direction		Consistency of planning proposal
		estates.
3.3	Home Occupations	Consistent. Home occupations are permitted without consent in R1 – General Residential Zones
3.4	Integrating Land Use and Transport	Consistent. The planning proposal will not impact transport options including public transport. Principles and objectives set out under this Direction were part of the early considerations of Googong in the LES.
3.5	Development Near Licensed Aerodromes	Consistent. This planning proposal will not remove existing provisions relating to airspace operations. The objectives of CI 7.6 provide for the effective and ongoing operation of Canberra Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport. The subject land is not affected by ANEF contours of 20 or greater.
3.6	Shooting Ranges	Not applicable to planning proposal.
4. Hazard and Risk		
4.1	Acid Sulphate Soils	Not applicable to planning proposal.
4.2	Mine Subsidence and Unstable Land	Not applicable to planning proposal.
4.3	Flood Prone Land	Not applicable to planning proposal as the land is not flood prone.
4.4	Planning for Bushfire Protection	This direction does not apply to the planning proposal as land to which the planning proposal is not in proximity to land mapped as bushfire prone land.
5. Regional Planning		
5.1	Implementation of Regional Strategies	Consistent. The planning proposal is consistent with the Sydney-Canberra Corridor Regional Strategy in that it achieves the overall intent of the regional strategy being new residential and employment land providing a range of housing choices to ensure a broad population can be housed. This planning proposal provides a mix of housing choice and through smaller lots and introducing a new type of housing “studio dwellings” a diversity of residential types will be offered at affordable prices. The planning proposal does not undermine any land use strategy, policies, outcomes or actions of any strategy.
5.2	Sydney Drinking Water Catchment	Not applicable to planning proposal.
5.3	Farmland of State and Regional Significance on the NSW Far North	Not applicable to planning proposal.

Planning Proposal QLEP 2012 and QLEP (South Tralee) 2012, Small lots

S117 Direction		Consistency of planning proposal
Coast		
5.4	Commercial and Retail development along the Pacific Highway, North Coast	Not applicable to planning proposal.
5.5 5.6 5.7	Revoked	
5.8	Second Sydney Airport: Badgerys Creek	Not applicable to planning proposal.
5.9	North West Rail Link Corridor Strategy	Not applicable to planning proposal.
6. Local Plan Making		
6.1	Approval and Referral Requirements	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2	Reserving Land for Public Purposes	The planning proposal does not propose land for open space purposes for dedication to authorities other than Council, or at the request to the State Government.
6.3	Site Specific Provisions	Inconsistent. The planning proposal does implement restrictive site specific planning controls that will allow a particular type of development to be carried out. This applies in two situations: 1) To amend an existing clauses 4.1D <i>QLEP 2012</i> and Clause 4.1A <i>QLEP (South Tralee) 2012</i> to change the 170m² to 130m². 2) Permit studio dwellings within the Additional Development Area in conjunction with principal dwelling on a lot of 225m² and within 200m of B2 Local Centre <i>QLEP 2012</i> and B4 Mixed Use <i>QLEP (South Tralee) 2012</i>. Though the proposed provisions in the planning proposal are inconsistent with this Section 117 Direction it is of minor significance.
7. Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Not applicable to planning proposal.



Queanbeyan Local Environmental Plan 2012

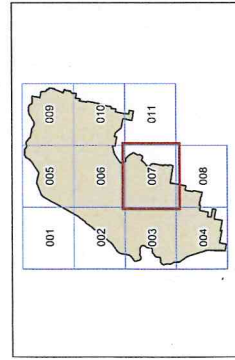
Queanbeyan City Council

Land Zoning Map - Sheet LZN_007

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	Special Activities	
WI1	Infrastructure	
DM	Natural Waterways	
	Deferred Matter	

Cadastre

Cadastre 6/06/12 © Land and Property Information (LPI)



0 250 500
METRES

Projection: GDA 1984
Zone 55

Scale 1:20 000 @ A3

Map Identification Number:
6470_CON_LZN_007_20120615



Queanbeyan Local Environmental Plan 2012

Queanbeyan City Council

Local Clause Map - Sheet LCL_007

- Googong**
- Googong Common
 - Googong Foreshore Buffer Area
 - Additional Development Area

Cadastral

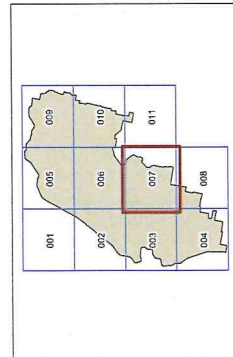
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METRES

Projection: GDA 1994
Zone 55

Scale 1: 20000 @ A3

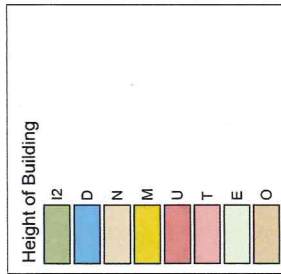




Queanbeyan Local Environmental Plan 2012

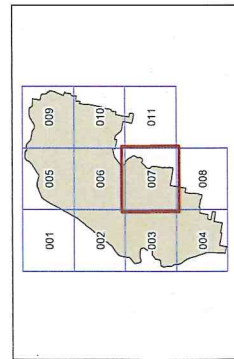
Queanbeyan
City Council

Height of Buildings Map - Sheet HOB_007



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Cadastre 6/06/12 © Land and Property
Information (LPI)



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METRES

Scale 1: 20000 @ A3

Projection GDA 1984
Zone 55

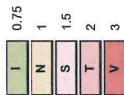
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Queanbeyan
City Council

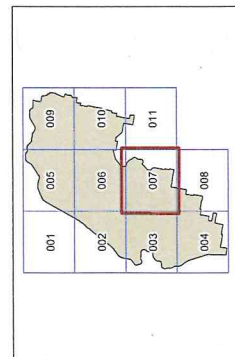
Floor Space Ratio Map -
Sheet FSR_007

Maximum Floor Space Ratio (n:1)



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Projection: GDA 1994
Zone 55

Scale 1: 20000 @ A3

Map Identification Number:
0470_COM_FSR_007_020_201409195

