

Planning and Assessment

IRF19/6904

Gateway determination report

LGA	Queanbeyan Palerang Regional Council	
PPA	Queanbeyan Palerang Regional Council	
NAME	Housekeeping Planning Proposal - Amendments to QLEP 2012 (1 Dwelling)	
NUMBER	PP_2019_QPREG_001_00	
LEP TO BE AMENDED	Queanbeyan Local Environmental Plan 2012	
ADDRESS	1738 Old Cooma Road, Royalla 28 Lonergan Drive, Greenleigh Googong Town Centre and Googong Common	
DESCRIPTION	Lot 1 DP 555380	Lot 299 DP1250266
	Lot 1 DP 1249543	Lot 2 DP 1246784
	Lot 461 DP1226692	Lot 799 DP1234249
	Lot 1366 DP1217419	Part Lot 900 & 901 1242930
	Lot 1365 DP1217419	Part Lot 5 DP 1246784
	Lot 678 DP1228382	Lot 3 DP1149329
	Lot 8 DP1228456	Part Lot 11 DP754881
	Part Lot 121 DP1240191	Part Lot 10 DP754881
	Part Lot 6 DP1246784	Part Lot 901 DP1242930
	Part Lot 46 DP1234248	Part Lot 31 DP1240191
	Part Lot 28 DP1234248	Part Lot 63 DP1240191
	Part Lot 73 DP1240191	Part Lot 83 DP1240191
	Part Lot 90 DP1240191	Part Lot 100 DP1240191
	Part Lot 107 DP1240191	Lots 29, 30, 63-68 DP1240191
	Lots 74-82, 91-99 and 108-117 DP1240191	Part Lots 3 & 4 DP1246784
RECEIVED	23 October 2019	
FILE NO.	IRF19/6904	
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required	
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal	

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to undertake a housekeeping amendment to the Queanbeyan Local Environmental Plan 2012. Specifically, the planning proposal seeks to:

1. Reinststate a dwelling entitlement to 1738 Old Cooma Road Royalla that was incorrectly removed by Council when Queanbeyan LEP 2012 was gazetted.
2. Amend Lot Size Maps for land at Jumping Creek (28 Lonergan Drive Greenleigh Lot 5 DP 1199045), to reduce the minimum lot size applying to the E2 Environmental Conservation zone from 80 hectares to 40 hectares and to reduce the minimum lot size from 1,500m² to 600m² to a small portion of E4 zoned land.
3. Update relevant LEP maps to reflect approved development framework for the Googong Town Centre and Googong Common
4. Introduce a new exempt development provision to allow for the development of fixed free-standing information signage at Googong for up to 2 years on Council's behalf.

1.2 Site description and existing controls

The planning proposal will impact a number of sites in the Queanbeyan Palerang Regional Council area. A description of each of the sites are below.

1738 Old Cooma Road Royalla

The land has an area of 176.9 hectares and is zoned E2 Environmental Conservation. The site is undulating and with scattered vegetation. The site is bounded by a railway line to the west and a mixture of environment and rural land to the north, south and east, as shown in Figure 1 and 2 below.



Figure 1– Aerial photo -1738 Old Cooma Road
Source: NSW Eplanning spatial viewer

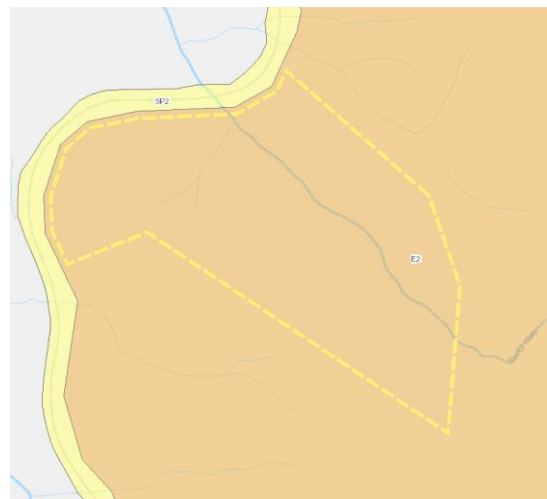


Figure 2 – Zoning map -1738 Old Cooma Road
Source: NSW Eplanning spatial viewer

28 Lonergan Drive Greenleigh

Forms part of the proposed subdivision of the Jumping Creek area, and is a combination of E2 Environmental Conservation, E4 Environmental Living and RE1



Figure 6 - Aerial photo – Googong Town Centre
Source: NSW Six Maps

Googong Common – The amendment is part of the Googong masterplan and will redefine the Googong Common area as per an approved subdivision. The amendment will identify the following lots as the Googong Common area;

Lot 461 DP1226692	Lot 799 DP1234249
Lot 1366 DP1217419	Part Lot 900 & 901 1242930
Lot 1365 DP1217419	Part Lot 5 DP 1246784
Lot 678 DP1228382	Lot 3 DP1149329
Lot 8 DP1228456	Part Lot 11 DP754881
Part Lot 121 DP1240191	Part Lot 10 DP754881
Part Lot 6 DP1246784	Part Lot 901 DP1242930
Part Lot 46 DP1234248	Part Lot 31 DP1240191
Part Lot 28 DP1234248	Part Lot 63 DP1240191
Part Lot 73 DP1240191	Part Lot 83 DP1240191
Part Lot 90 DP1240191	Part Lot 100 DP1240191
Part Lot 107 DP1240191	Lots 29, 30, 63-68 DP1240191
Lots 74-82, 91-99 and 108-117 DP1240191	Part Lots 3 & 4 DP1246784

The area follows a natural watercourse and drainage line, relatively clear of vegetation and has been traditionally used for agricultural pursuits.

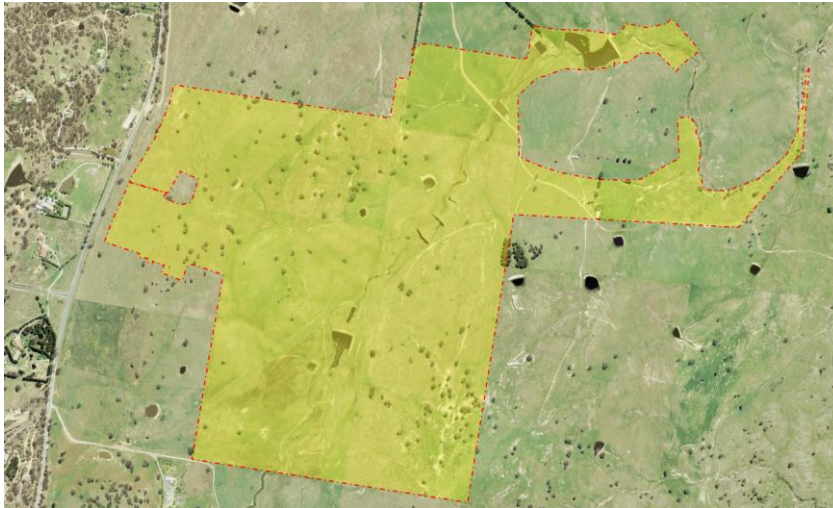


Figure 7 - Aerial photo – Googong Common
Source: NSW Six Maps

The Googong Town Centre and Common sites are a mixture of R1 General Residential, B2 Local Centre Zoned, RE1 Public Recreation and E2 Environmental Conservation zoned land under the QLEP 2012, as shown in Figure 8 below. The R1 General Residential zoned area has a minimum lot size of 330m² and there is no minimum lot size applicable to the B2 Local Centre zone. A range from 8.5m, 12m and 16m height provisions area also applicable and with the B2 Local Centre Zone having a floor space ratio of 2:1, as shown in the figures below.

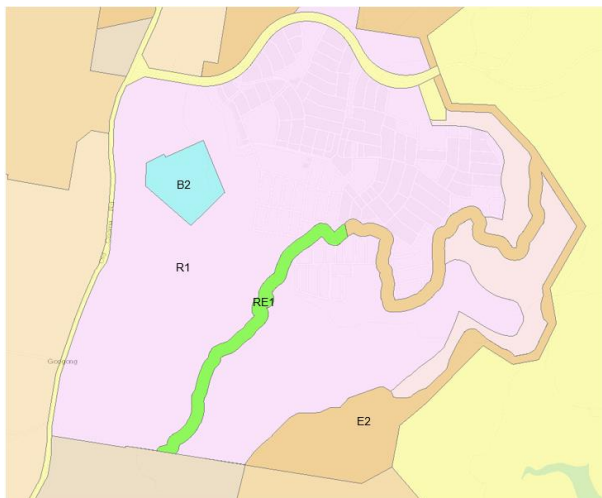


Figure 8 – Existing zoning map
Source: NSW Eplaning spatial viewer

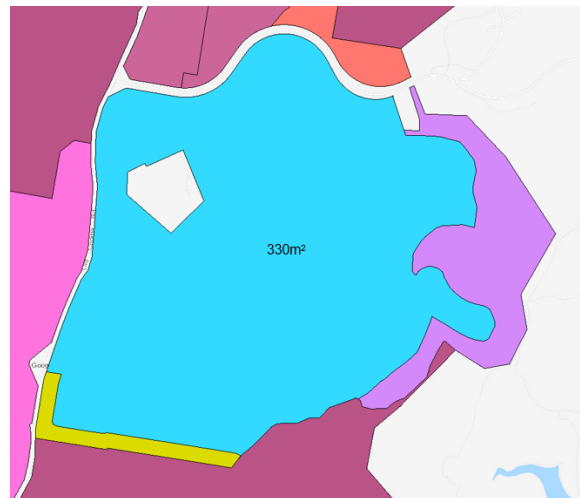


Figure 9 – Existing minimum lot size map
Source: NSW Eplaning spatial viewer

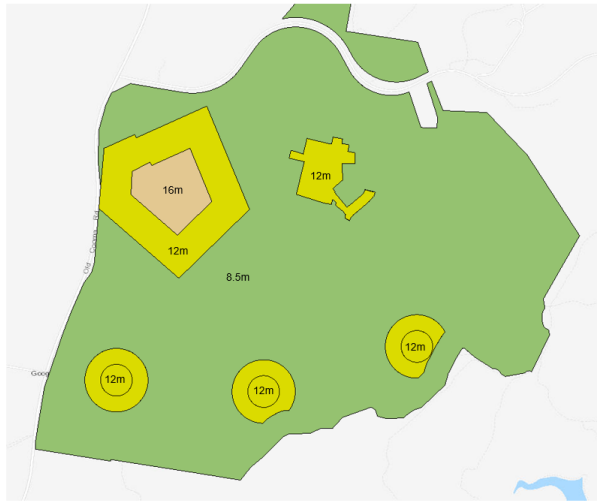


Figure 10– Existing Maximum Height Map
Source: NSW Eplanning spatial viewer

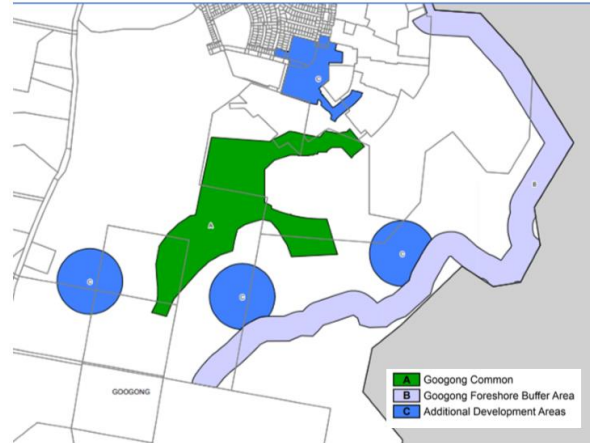


Figure 11 – Existing Googong Map
Source: NSW Legislation website

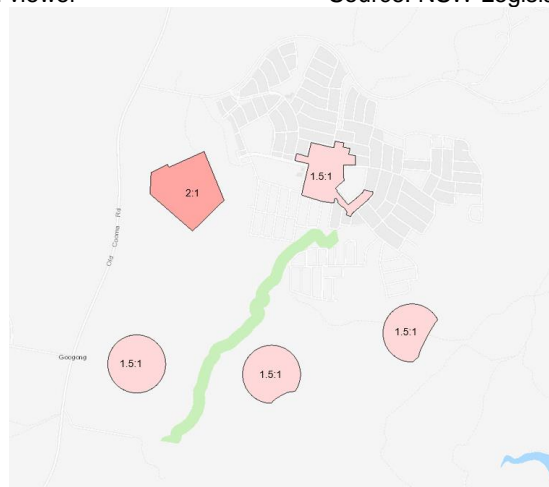


Figure 12 – Existing Floor Space Ratio Map
Source: Eplanning spatial viewer

Exempt Signage Development

The exempt development provision to allow a fixed free-standing information signage in Googong will only impact land within the Googong urban release area (identified in Figure 13 below). As identified in Figure 8 above the land is mixed use, largely cleared to accommodate the Googong masterplan development.

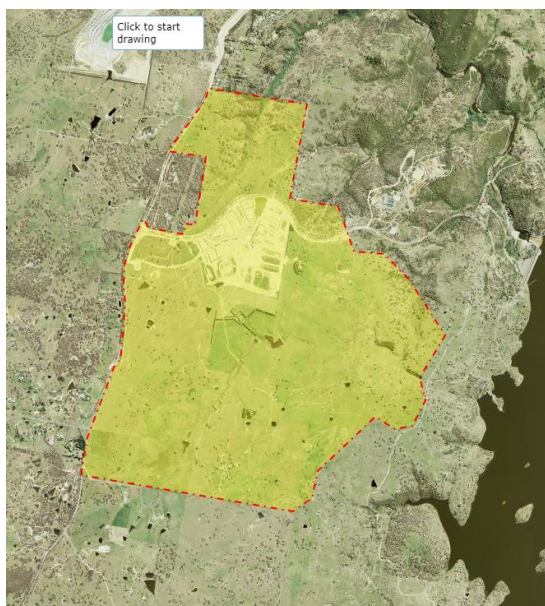


Figure 13 - Aerial photo Googong Urban Release Area
Source: NSW Six Maps

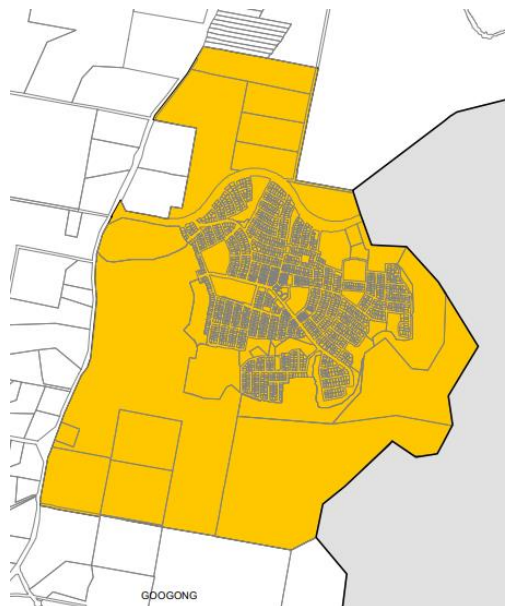


Figure 14 - Urban Release area map
Source: NSW Legislation Website

1.5 Summary of recommendation

Proceed with condition – The planning proposal has merit to proceed, subject to conditions requiring the planning proposal to be amended to address all relevant section 9.1 Directions and consult with the NSW RFS.

2. PROPOSAL

2.1 Objectives or intended outcomes

Queanbeyan-Palerang Regional Council seek to undertake four amendments to the QLEP 2012. The planning proposal adequately states the intended objective and outcomes as identified below;

1. Reinstate a dwelling entitlement to 1738 Old Cooma Road Royalla that was incorrectly removed by Council when Queanbeyan LEP 2012 was gazetted.
2. Amend Lot Size Maps for land at Jumping Creek (28 Lonergan Drive Greenleigh Lot 5 DP 1199045), to reduce the minimum lot size applying to the E2 Environmental Conservation zone from 80 hectares to 40 hectares and to reduce the minimum lot size from 1,500m² to 600m² to a small portion of E4 zoned land.
3. Update relevant LEP maps to reflect approved development framework for the Googong Town Centre and Googong Common.
4. Introduce a new exempt development provision to allow for the development of fixed free-standing information signage at Googong for up to 2 years on Council's behalf.

2.2 Explanation of provisions

Queanbeyan-Palerang provide the following explanation of provisions in the planning proposal;

1. To reinstate a dwelling entitlement to 1738 Old Cooma Road Royalla that was incorrectly removed by Council when Queanbeyan LEP 2012 was gazetted,

Item 20 in Schedule 1 Additional Permitted Uses will be amended to allow 2 dwellings as per below.

20 Use of certain land at 1738 Old Cooma Road, Royalla

- 1) *This clause applies to land at 1738 Old Cooma Road, Royalla as shown on the Additional Permitted Uses Map.*
 - 2) *Development for the purposes of a maximum of two dwelling houses is permitted with development consent on the land.*
2. To Amend Lot Size Maps for land at Jumping Creek (28 Lonergan Drive Greenleigh Lot 5 DP 1199045), to reduce the minimum lot size applying to the E2 Environmental Conservation zone from 80 hectares to 40 hectares and to reduce the minimum lot size from 1,500m² to 600m² to a small portion of E4 zoned land, will require amending Lot Size Maps LSZ_005 and LSZ_006. Council have provided the following proposed lot size map below.

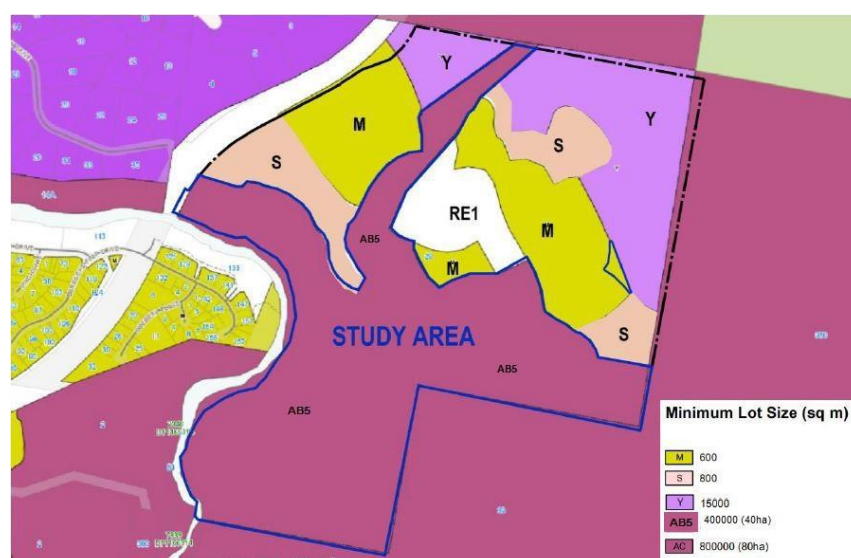


Figure 15 – Proposed lot size map – Source: Eplanning spatial viewer

3. Update relevant LEP maps to reflect approved development framework for the Googong Town Centre and Googong Common will require amendments to the following maps;

Land Zoning Map LZN_007

- Height of Buildings Map HOB_007,
- Floor Space Ratio Map FSR_007,
- Lot Size Map LSZ_007
- Googong Map GNG_007

Council have provided the following proposed map to identify the amendments.

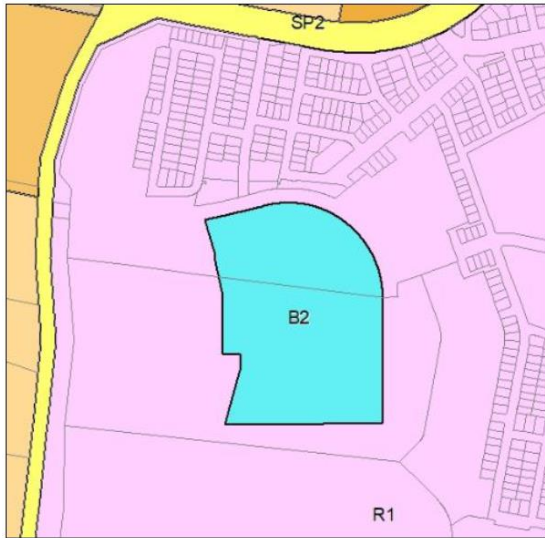


Figure 16 – Proposed Zoning Map
Source: QPRC Planning Proposal

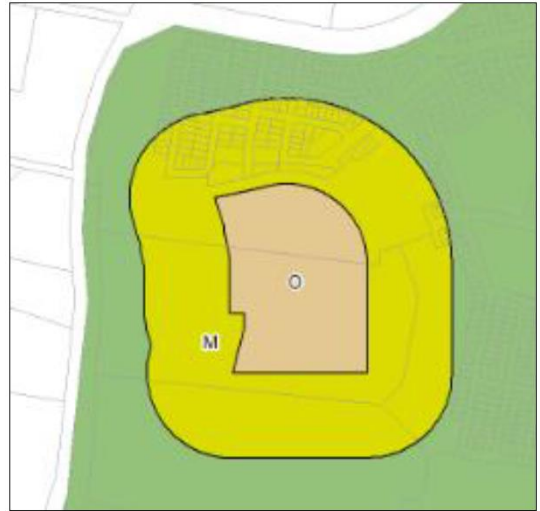


Figure 17 – Proposed Maximum Height Map
Source: QPRC Planning Proposal

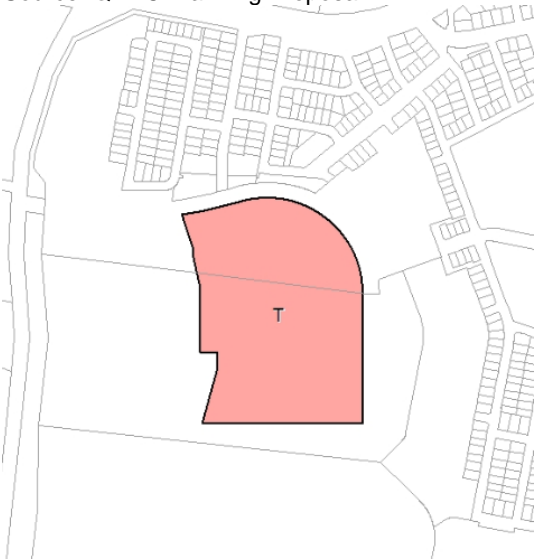


Figure 18 – Proposed Floor Space Ratio Map
Source: QPRC Planning Proposal

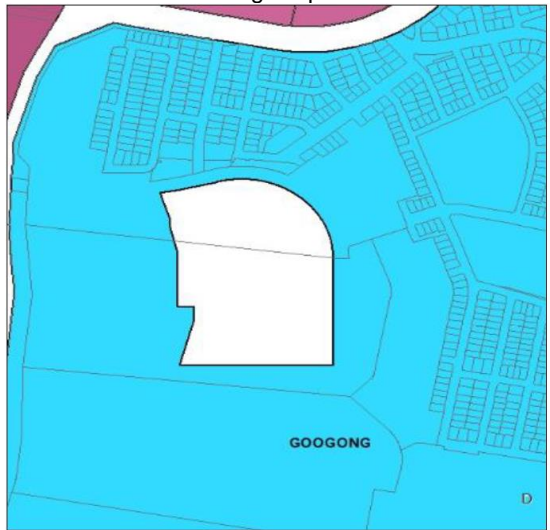


Figure 19 – Proposed Minimum Lot Size Map
Source: QPRC Planning Proposal

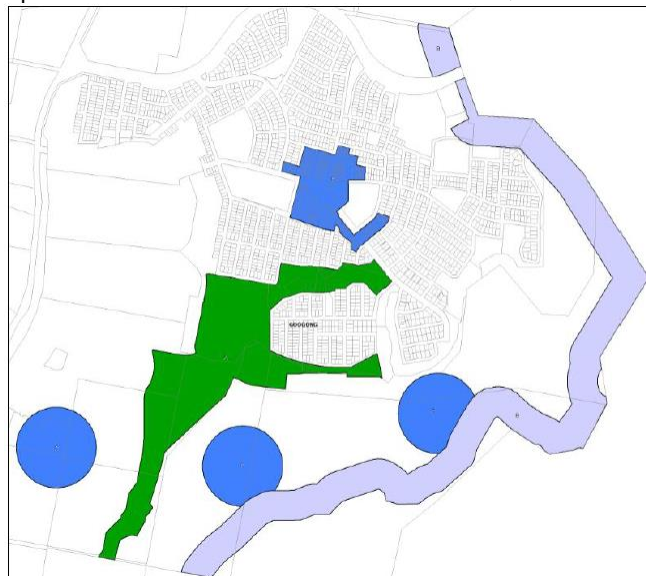


Figure 20 – Proposed Googong Common Map
Source: QPRC Planning Proposal

4. To introduce a new exempt development provision to allow for the development of fixed free-standing information signage at Googong for up to 2 years on Council's behalf, Council have provided the following explanation:

It is proposed to add the following clause to Schedule 2 of Queanbeyan Local Environmental Plan 2012:

Fixed Free Standing Information Signage

- (1) Must be undertaken within the Googong Urban Release Area as shown on the Urban Release Area Map (URA_001) under Queanbeyan LEP 2012.*
- (2) Must be installed by or on behalf of the Council.*
- (3) Must not be erected on private land.*
- (4) Must have approval under Section 138 of the Local Government Act 1993.*
- (5) Must not obstruct access to any premises or property or to any adjacent premises or property.*
- (6) Maximum display area — 1.5m high x 1.2m wide.*
- (7) Must be removed within 2 years from the date of installation (or as otherwise agreed with Council) at the proponent's cost.*

The explanation and associated mapping provided in the planning proposal are acceptable and suitable for public consultation.

2.3 Mapping

The above mapping has been provided as part of the planning proposal and is considered to be acceptable for consultation.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal intends to rectify a minor dwelling entitlement error; amend land zoning, minimum lot sizes, maximum height, floor space ratio, the Googong maps to respond to proposed subdivisions and future detailed site investigations; and allow the temporary erection of fixed free-standing information signage in the Googong urban release area.

The planning proposal is the best means to achieve the desired outcome.

4. STRATEGIC ASSESSMENT

4.1 State

There are no relevant state strategies that apply to the planning proposal.

4.2 Regional – South East and Tablelands Regional Plan 2036

The planning proposal states that it is not inconsistent with the South East and Tablelands Regional Plan 2036. Specifically, it states that it is consistent with the housing priorities on page 63 of the plan.

The planning proposal is considered to be consistent with the overarching Goals of the regional plan. The nature of the planning proposal, being a minor housekeeping planning proposal, responds to an error, detailed studies and subdivision designs and a directional signage matter and therefore does not contravene any of the policy directions in the regional plan.

4.3 Local

Queanbeyan-Palerang Regional Council have identified that the planning proposal is consistent with the Queanbeyan Residential Strategy 2015-2031 and the

Queanbeyan-Palerang Community Strategic Plan 2018-2028 as the amendments ensure provision of public areas, protects the natural environment and responds to community aspirations. Given the nature of the amendments, the planning proposal is considered to be consistent with Council's strategies.

4.4 Section 9.1 Ministerial Directions

Council have listed the relevant section 9.1 Directions under the former section 117 Directions. A condition is recommended to update the planning proposal to ensure the directions are correctly referenced.

1.1 Business and Industrial Zones:

This Direction applies to the planning proposal as it will affect land within an existing and proposed business zone. Council have not identified it as being applicable to the planning proposal.

The proposal is considered to be consistent with this direction as the amendment responds to detailed investigations, the final known boundaries for the Town Centre and the Common have been confirmed and the relevant LEP maps are now able to be updated to reflect this.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with the Direction and it is recommended that a condition is placed on the Gateway Determination to update the planning proposal to include this Direction.

1.5 Rural Lands:

This Direction applies to the planning proposal as it will affect land within an existing rural and environmental protection zones and proposes to change the existing minimum lot size on land within an environmental protection zone. The planning proposal will reduce lot sizes to facilitate the subdivision of land in accordance with a masterplan.

The proposal is considered to be consistent with this Direction as it will provide opportunity to improve the environmental values of the land and reflects further detailed investigations (i.e. subdivision design).

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with the Direction.

2.1 Environment Protection Zones:

This Direction applies to the planning proposal as it will affect land within an environment protection zone.

As identified above the planning proposal will not result in the reduction of the environmental protection standards that apply to the land. As such the proposal is considered to be consistent with this Direction.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with this Direction.

2.3 Heritage Conservation:

This Direction applies to the planning proposal as it affects precincts of environmental heritage significance.

The proposal does not reduce the area of the Googong Common and therefore considered to be consistent with this Direction.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with the Direction.

3.1 Residential Zones:

The planning proposal has not identified this Direction as being applicable. However, this Direction does apply to the planning proposal as it will affect land within an existing residential zone.

While the amendments in the planning proposal are minor mapping reconfigurations to reflect additional work and subdivision layout, these amendments will alter existing residential zone boundaries.

The proposal is considered to be consistent with this Direction as it does not reduce the housing choice in the area and will make better use of existing and proposed infrastructure and services.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with this Direction. It is recommended that a condition is placed on the Gateway determination to update the planning proposal to include the Direction.

4.4 Planning for Bushfire Protection:

The planning proposal has not identified this Direction as being applicable. However, this Direction does apply to the planning proposal as it will affect land mapped as bushfire prone land.

While the amendments are minor mapping reconfigurations to reflect additional work and subdivision layout, these amendments are on land mapped as bushfire prone land.

RECOMMENDATION: To ensure the Secretary can be satisfied that the requirements of the Direction have been met, a condition is included in the Gateway determination that consultation should be undertaken with the Rural Fire Service in accordance with the Direction. It is also recommended that a condition is placed on the Gateway determination to update the planning proposal to include the Direction.

5.10 Implementation of Regional Plans:

This Direction does apply to the planning proposal as the South-East and Tablelands Regional Plan 2036 applies to the land.

As demonstrated above the planning proposal is considered to be not inconsistent with the regional plan as the planning proposal is a minor housekeeping amendment. The proposal is therefore considered to be consistent with this Direction.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with this Direction and the overall goals of the South-East and Tablelands Regional Plan 2036. The planning proposal refers to the previous Direction (5.1 Implementation of Regional Strategies) a condition is recommended to ensure that the planning proposal is amended to reference the correct Direction.

4.5 State environmental planning policies (SEPPs)

The planning proposal has stated that it is not inconsistent with any SEPPs. As the amendments are minor, it is considered that no SEPPs apply to the planning proposal.

5. SITE-SPECIFIC ASSESSMENT

Social, Environmental and Economic

The planning proposal is for a number of housekeeping amendments that will rectify a minor dwelling entitlement error; amend land zoning, minimum lot sizes, maximum height, floor space ratio, on the Googong maps to respond to proposed subdivisions and future detailed site investigations; and allow the temporary erection of fixed free-standing information signage in the Googong urban release area. As a result, it is considered that the planning proposal will not have any detrimental impacts on the social, environmental and economic values in the area.

6. CONSULTATION

6.1 Community

Council intended to have a 14-day consultation period with the community. The planning proposal can be classified as a low impact planning proposal as it;

- is consistent with the pattern of surrounding land use zones and/or land uses;
- is consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- is not a principal LEP; and
- does not reclassify public land.

6.2 Agencies

Council have stated that they do not intend to consult with agencies as extensive consultation has been undertaken through the development of both rezoning's for Googong and Jumping Creek. However, to comply with ministerial Direction 4.4 Planning for Bushfire Prone Land, consultation is required with the NSW RFS to satisfy the Direction. A condition is recommended to be placed on the Gateway Determination requiring consultation with the NSW RFS.

7. TIME FRAME

Council have identified a timeframe whereby the LEP will be made in April 2020. Given the nature of the planning proposal a 12-month timeframe is considered to be appropriate.

8. LOCAL PLAN-MAKING AUTHORITY

Council have requested to be the local-plan-making authority to make the plan. Given the nature of the planning proposal, it is considered appropriate to issue authority in this instance.

9. CONCLUSION

The planning proposal is supported to proceed subject to conditions requiring the planning proposal to be amended prior to consultation with public authorities and the community. The intended outcome of the planning proposal is considered suitable given the proposed zones and lot layouts are consistent with existing and surrounding land uses and subdivision pattern.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that the planning proposal is consistent with section 9.1 Directions, 1.1 Business and Industrial Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones and 5.10 Implementation of Regional Plans;
2. and note that to be consistent with section 9.1 Direction 4.4 Planning for Bushfire Protection, the planning proposal is required to be amended and consultation with the NSW RFS to occur:

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Consultation is required with the following public authorities:
 - NSW RFS
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. The planning proposal is required to be amended to include an analysis against section 9.1 Directions, 1.1 Business and Industrial Zones, 3.1 Residential Zones and 4.4 Planning for Bushfire protection.
6. The planning proposal is required to be amended to correctly reference section 9.1 Direction 5.10 Implementation of Regional Plans.
7. The planning proposal is to be amended to remove any S117 Direction reference and replace with section 9.1 Directions.



06/11/2019

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7/11/2019

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