

6.4 Proposed Housekeeping Amendments to Queanbeyan Local Environmental Plan 2012 (Ref: ; Author: Thompson/Brown)

File Reference: 26.1.19

Summary

The purpose of this report is to seek Council's endorsement to proceed with a number of housekeeping amendments to *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)*.

Recommendation

That Council:

- 1. Note the report and attached draft planning proposal.**
 - 2. Seek a Gateway determination from the Department of Planning, Industry and Environment to proceed with the proposed amendments set out in the draft planning proposal.**
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Background

Council currently has a number of planning matters that need to be resolved by amendments to the *QLEP 2012*. Most of these matters are intended to be dealt with as part of the preparation of the new comprehensive local environmental plan (LEP) for the Queanbeyan-Palerang Local Government Area (LGA).

However, staff have identified a number of changes that are best resolved in the immediate future in order to address current development issues or concerns. It is considered desirable these issues are resolved in advance of the new comprehensive LEP so that they are not inadvertently delayed during the development of that plan.

Accordingly staff are seeking to undertake a number of housekeeping amendments to *QLEP 2012* as set out below and as detailed in the attached draft planning proposal (Attachment 1).

- 1. Reinstate a dwelling entitlement to 1738 Old Cooma Road Royalla that was incorrectly removed by Council when Queanbeyan Local Environmental Plan 2012 was gazetted.**

When the current *QLEP 2012* was being drafted, it was always intended that existing dwelling entitlements in rural areas would be carried forward into the new plan. The landowner of this property has recently provided Council with documentation confirming Lot 1 DP 555380 had a dwelling entitlement prior to *QLEP 2012* coming into effect and that this has incorrectly been removed. Appendix B of the attached draft planning proposal shows correspondence provided to the landowner by the former Yarrowlunla Shire Council dated 16 May 1997 confirming that this lot had also the ability to contain a dwelling house at the time. It is intended to reinstate this dwelling entitlement to the subject land. It is an error that only one lot is currently listed in Schedule 1 at this time as having a dwelling entitlement and this planning proposal seeks to reinstate an additional dwelling entitlement to the property.

- 2. Amend Lot Size Maps For Land At Jumping Creek (28 Lonergan Drive Greenleigh Lot 5 DP 1199045).**

As part of the proposed subdivision of the Jumping Creek area it is intended to create a lot of approximately 55.5 hectares (zoned E2 Environmental Conservation) that will be subsequently dedicated to the Council for future management as public land. However, as the minimum lot size for the proposed E2 land is currently 80 hectares, the creation

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of this lot cannot occur at this time. To address this, it is intended to reduce the minimum lot size for the land proposed to be dedicated from 80 hectares to 40 hectares.

It is also intended to make a minor amendment to the minimum lot size maps to reduce a small area of land (approximately 2000m² in total) from 15,000m² to 600m². This is to ensure the proposed subdivision design for the area can be achieved. This is considered a relatively minor change in the circumstances.

Accordingly, the Lot Size Maps applying to the land are to be amended to achieve these two outcomes.

It is important to note that the amendments are consistent with the existing development application currently before Council which cannot be determined until the planning proposal (if approved) is finalised. Neither amendment allows for the creation of additional allotments over and above those already shown in that development application.

3. *Update relevant LEP maps to reflect approved development framework for the Googong Town Centre and Googong Common*

It is also intended to update relevant LEP maps to reflect the final known footprints for both the Googong Town Centre and the Googong Common. Council has now approved the final development concepts for both areas and the relevant LEP maps will now be updated to reflect this. In respect of the Googong Town Centre this will involve updating the dimensions of the B2 Local Centre zone. Amendments will be required to applicable Land Zoning, Lot Size, Height of Buildings and Floor Space Ratio maps applying to the subject land. In respect of the Googong Common, this will be given effect by updating the Googong Common Map in the LEP.

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*

Council have agreed to the erection of fixed free standing information signage at the Googong urban release area for up to 2 years where undertaken on the Council's behalf. Council intends to amend Schedule 1 Additional Permitted Uses of the LEP to confirm this type of signage is permissible. Further details in respect of the proposed signage are shown in the attached planning proposal (Attachment 1).

Implications

Environmental

The draft planning proposal does propose to reduce the minimum lot size for respective lands zoned for environmental purposes.

In respect of the proposal to reduce the minimum lot size from 80 hectares to 40 hectares for land zoned E2 Environmental Conservation at Jumping Creek, it is argued this will facilitate a better environmental outcome by allowing the creation of significant land intended to be dedicated to Council for future environmental management after being improved.

In respect of the proposal to reduce the minimum lot size for approximately 2000m² of land from 15,000m² to 600m² for land zoned E4 Environmental Living at Jumping Creek, this change is considered relatively minor and allows the creation of appropriately sized lots in the circumstances.

The draft planning proposal also provides for the creation of an additional dwelling entitlement on land zoned E2 Environmental Conservation on Old Cooma Rd. As noted, the proposed changes are to correct an error when QLEP2012 was made and it is considered appropriate that this now be corrected.

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Social / Cultural

The draft planning proposal includes amendments to ensure land proposed to be dedicated to the Council for long term management can be created. This is considered to be of benefit to the QPRC community.

Strategic

Development of land at Jumping Creek and Googong are considered to be consistent with the *Queanbeyan Residential and Economic Strategy 2015-2031*.

Engagement

It is intended to exhibit the draft plan for a period of 14 days or as otherwise directed by the Gateway determination.

Financial

The draft planning proposal falls within the program area of Land-Use Planning and relevant costs will be covered by the budget for that program area. Should this draft planning proposal be supported by Council part of the processing costs will be collected through a planning proposal fee.

Resources (including staff)

The draft planning proposal has been prepared by Council staff.

Conclusion

The proposed changes set out in the draft planning proposal are considered to be appropriate to proceed in advance of the Comprehensive LEP. This will ensure existing development proposals are not unreasonably delayed, that sensible updates to LEP maps in respect of Googong are made, that an existing error in respect of a dwelling entitlement is resolved, and finally, that additional short-term flexibility is provided in respect of marketing signage options at Googong.

Attachments

Attachment 1 Housekeeping Amendments 2019 to Queanbeyan LEP 2012 (*Under Separate Cover*)


