



Queanbeyan-Palerang Regional Council



Planning Proposal

Housekeeping Planning Proposal 2019 - Amendments to *Queanbeyan Local Environmental Plan 2012*

Ref: Document Set ID 330558



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Introduction

Part 1 – Objectives and Intended Outcomes

The objectives of this planning proposal are to undertake a number of housekeeping amendments to *Queanbeyan Local Environmental Plan (LEP) 2012* as set out below.

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

The landowner of this property has recently provided Council with documentation confirming Lot 1 DP 555380 had a dwelling entitlement prior to *Queanbeyan LEP 2012* coming into effect. Appendix B shows correspondence provided to the landowner by the former Yarrowlunla Shire Council dated 16 May 1997. It confirms that this lot had the ability to contain a dwelling house at the time.

When the current *Queanbeyan LEP 2012* was being drafted, it was always intended that existing dwelling entitlements in rural areas would be carried forward into the new plan. It is an error that only one lot is listed in Schedule 1 at this time (ie Lot 2 DP 555380) as allowing a dwelling house with consent. Accordingly, 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 57.7 hectares zoned a combination of E2 Environmental Conservation, E4 Environmental Living and RE1 Public Recreation. This land will be subsequently dedicated to the Council for future management as public land and is shown 'hatched' on the indicative subdivision map below.

Proposed Land to Be Dedicated



The proposed site to be dedicated has a frontage of approximately 1km to the Queanbeyan River and contains various environmental, heritage and cultural values that are of significant interest to the broader community. Dedication of the land will give Council long-term ownership of the Jumping Creek tributary itself and the capacity to better manage existing sediment run-off into the Queanbeyan River.

The minimum lot size for E2 land in this area is currently 80 hectares. As such, the proposed lot to be dedicated cannot be subdivided and created at this time. To address this, it is intended to reduce the minimum lot size for the land from 80 hectares to 40 hectares. This will allow the land to be subdivided in accordance with the indicative subdivision plan shown above. Whilst the land is intended to be dedicated to Council, it is still considered appropriate that a suitable minimum lot size be applied to the land similar to all other E2 Environmental Conservation land currently zoned under *Queanbeyan LEP 2012*. This will confirm no further subdivision of the residue lot will occur in the future, regardless of its ownership.

Approximately 10.35ha of E2 Environmental Conservation land will also remain in private ownership and be incorporated into the rear of 7 large rural residential allotments of approximately 2ha each as illustrated in the indicative subdivision pattern above. Each would have a single dwelling entitlement the with the dwellings themselves located on that part of the land zoned E4 Environmental Living.

It is also intended to make a minor amendment to the lot size maps to reduce the lot size of a small area of land (approximately 2,000sqm) from 1.5 hectares to 600sqm. This change will not result in any additional new dwellings, rather will allow a more sensible subdivision pattern to be approved that does not require driveways to be constructed across land comprising a different lot size. This is illustrated on the draft Lot Size Map above and on the indicative subdivision plan shown below. This is considered a relatively minor change in the circumstances and will ensure a more sensible and coherent streetscape when developed.

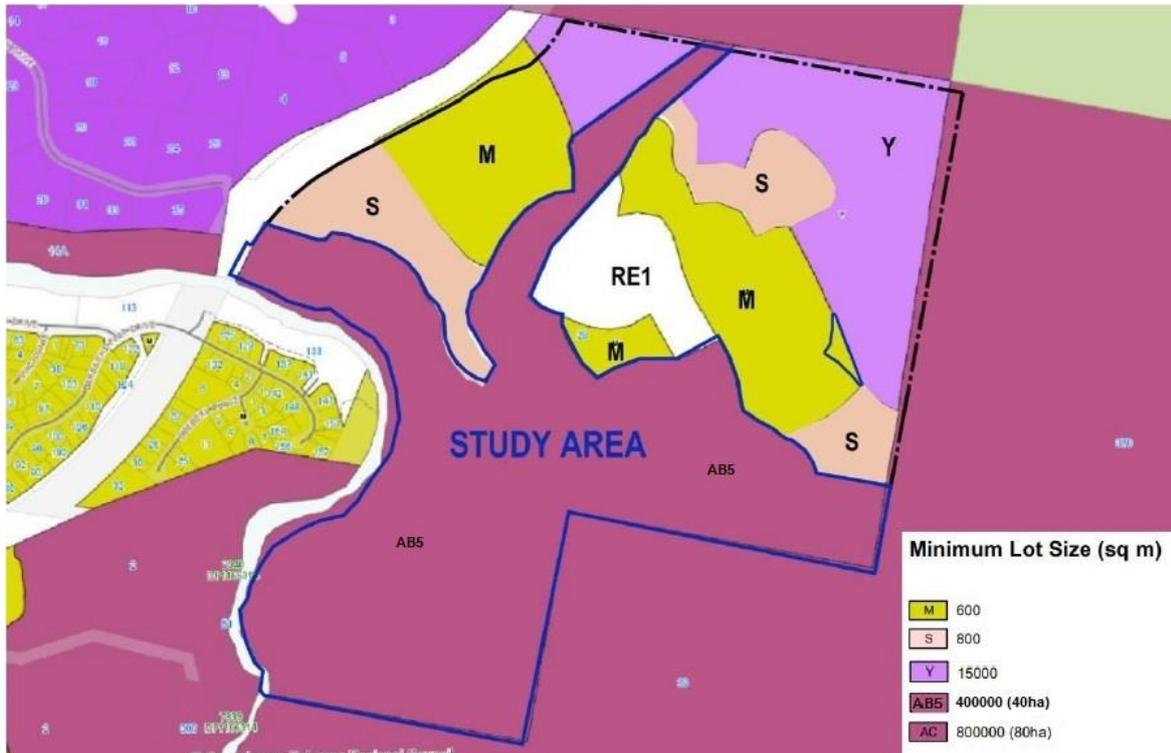
Indicative Subdivision Pattern



Accordingly, the Lot Size Maps applying to the land are to be amended as illustrated on the proposed Lot Size Map below to achieve two outcomes:

1. To reduce the minimum lot size applying to the E2 Environmental Conservation zone from 80 hectares to 40 hectares. This is to ensure that the land intended to be dedicated to the Council (approx 57.7ha) can be created as the area of the residue is currently less than the required minimum lot size.
2. To change the minimum lot size of a small area of land from 15,000sqm (1.5ha) to 600sqm in order to allow this area to be appropriately subdivided for smaller lot housing.

Proposed Lot Size Map



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

It is also intended to update 5 LEP maps to reflect the final known footprints for both the Googong Town Centre and the Googong Common. These were only ever indicative when the site was rezoned in 2010 and Council now has information that confirms the final development concepts for each.

Subdivisions for neighbourhoods 1A, 1B and 2 of the Googong development have already been approved, and Council is currently reviewing proposed Neighbourhood Structure Plans for remaining neighbourhoods 3 to 5. An extract of the Googong Neighbourhood Structure Plan is shown over. Accordingly, the final known boundaries for the Town Centre and the Common have been confirmed and the relevant LEP maps and accompanying development controls plans (DCPs) will now be updated to reflect this.

Googong Neighbourhood Structure



At this time, parts of the Common are incorrectly contained within private residential properties that have been created and these potentially have additional permitted uses as a consequence of Schedule 1(5) of *Queanbeyan LEP 2012*. This needs to be corrected.

In respect of the Googong Town Centre this will involve updating the dimensions of the B2 Local Centre zone to reflect the agreed subdivision plan as shown at Page 11. 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 has also 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.

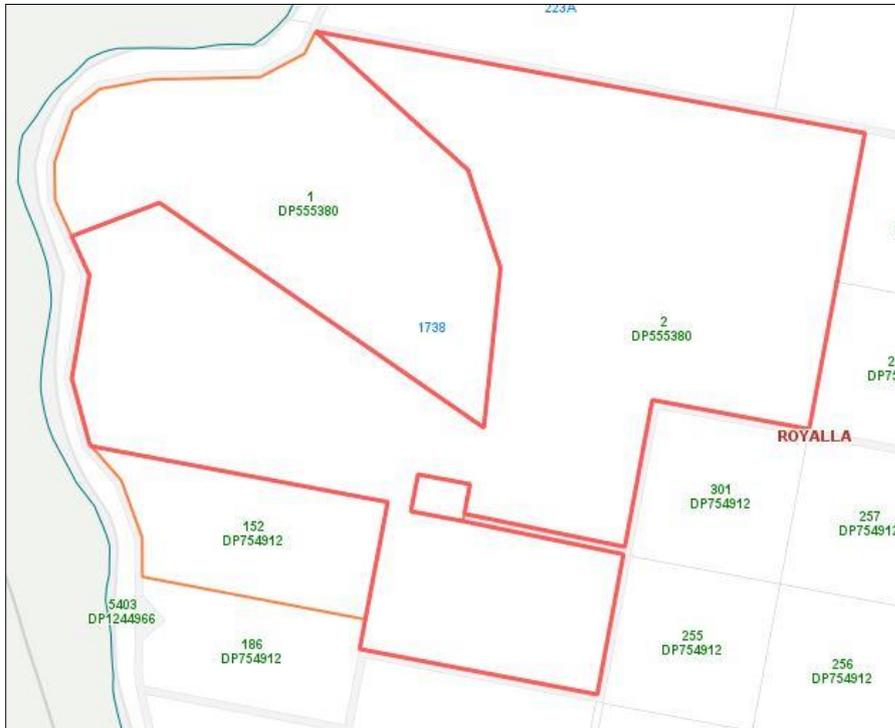
Part 2 – Explanation of Provisions

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

The subject land known as 1738 Old Cooma Road comprises 4 lots as shown below:

- Lot 1 DP 555380,
- Lot 2 DP 555380,
- Lot 152 DP 754912, and
- LOT 7002 DP 1019607 (Crown Licence 536050).

1738 Old Cooma Road



The land has an area of 176.9 hectares and is zoned E2 Environmental Conservation. Dwelling houses are not permissible in the E2 Environmental Conservation zone.

Currently, a dwelling house may be erected on Lot 2 DP 555380 by virtue of this being listed under Schedule 1 of *Queanbeyan LEP 2012* (Additional Permitted Uses). The other 3 lots do not currently have dwelling entitlements.

The landowner has recently provided information to Council confirming Lot 1 DP 555380 also previously had a dwelling entitlement prior to *Queanbeyan LEP 2012* coming into effect. Appendix B shows correspondence provided to the landowner by the former Yarrowlumla Shire Council dated 16 May 1997 confirming both Lot 1 and Lot 2 DP 555380 had the ability to contain a dwelling house at the time.

When the current *Queanbeyan Local Environmental Plan 2012* was being drafted, Council transferred the former 7(e) Environmental Protection zone under *Yarrowlumla Local Environmental Plan 2002* to the E2 Environmental Conservation zone. The E2 Environmental Conservation zone does not normally permit dwellings, however it was Council's intention at the time to maintain any permissible development provided under the former planning controls. This was done by adding the Lot, DP and the address of each property to Schedule 1 Additional Permitted Uses of the *Queanbeyan Local Environmental Plan 2012*.

It is an error in that only one dwelling was listed in Schedule 1 as permissible instead of two dwellings for the combined property. This planning proposal seeks to reinstate that additional dwelling entitlement to the property. This will be achieved by amending Schedule 1 Additional Permitted Uses of *Queanbeyan LEP 2012* to confirm two dwelling houses are permissible with consent on the property. See example text 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.

To ensure there is no ambiguity associated with the permissibility of an additional dwelling house on the subject land (in the event the property descriptions change due to any subsequent subdivision of the land), it will be mapped on an Additional Permitted Uses Map.

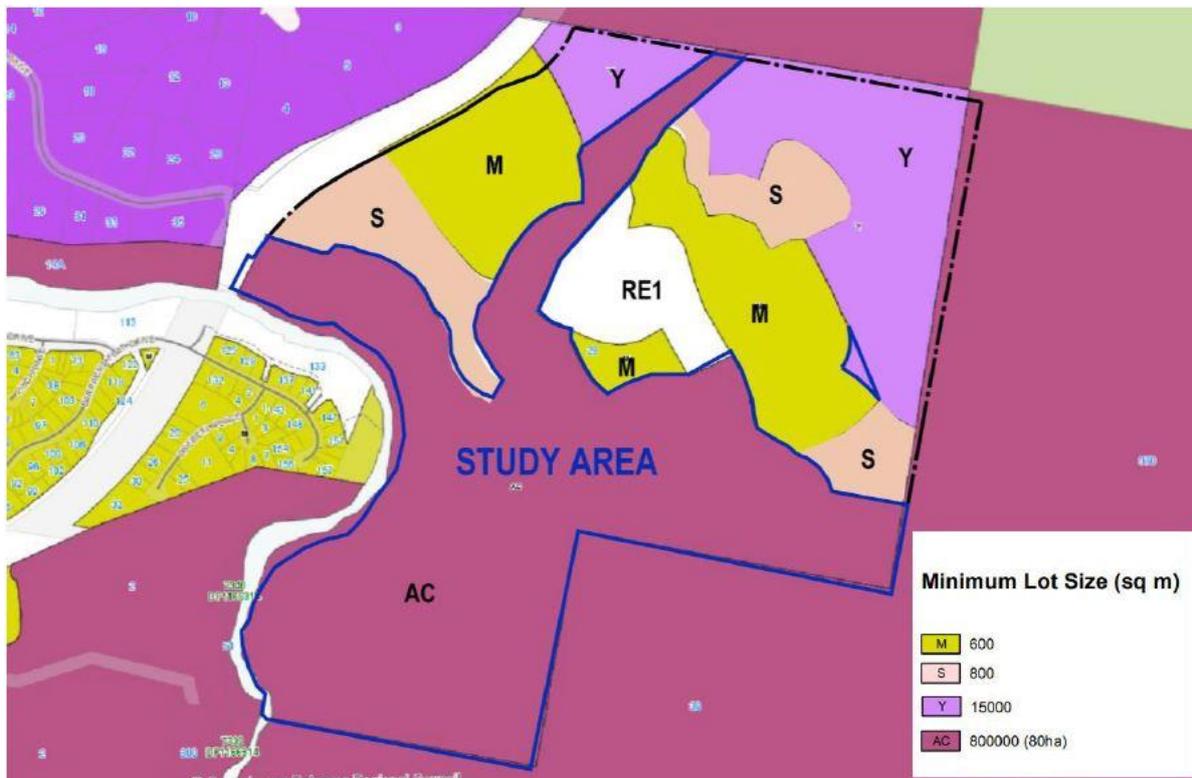
2. Amend Lot Size Maps for Land At Jumping Creek (28 Lonergan Drive Greenleigh Lot 5 DP 1199045)

As noted, it is intended the lot size maps applying to the land be amended to achieve two outcomes:

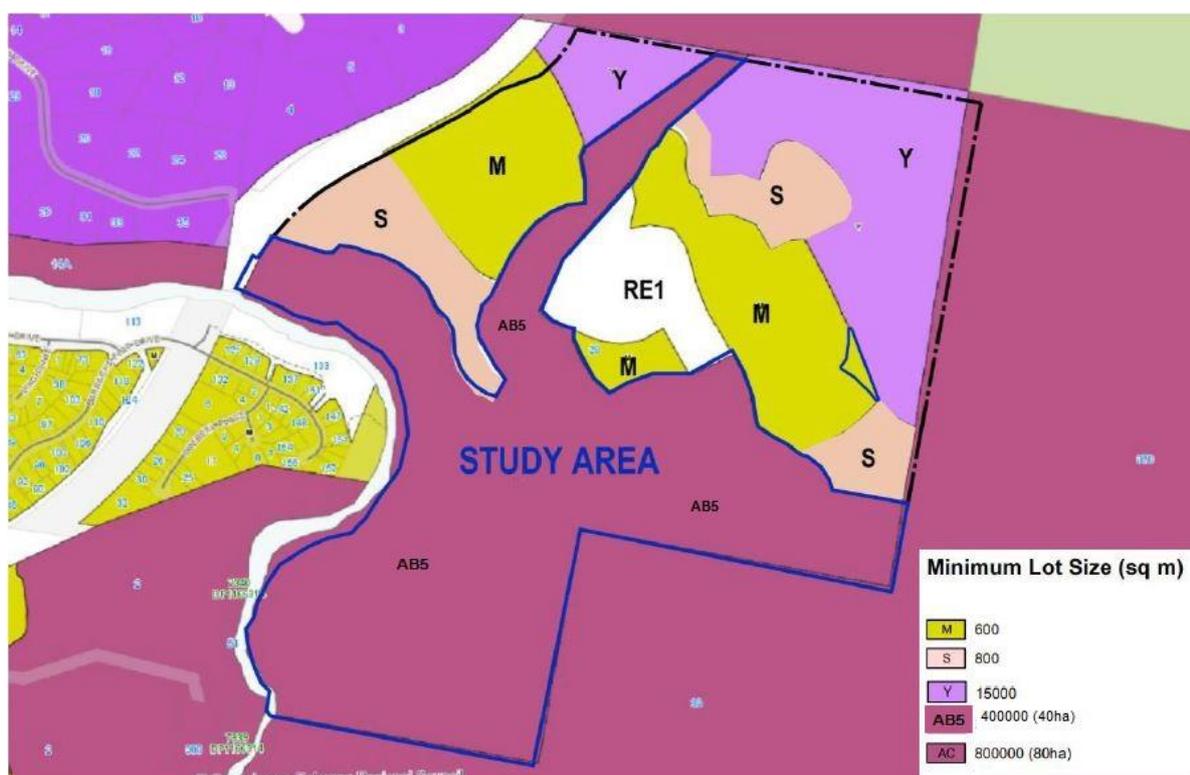
1. To reduce the minimum lot size applying to the E2 Environmental Conservation zone from 80 hectares to 40 hectares. This is to ensure that the residue E2 land intended to be dedicated to the Council (approx 57.7ha) can be created as the area of the residue will be less land than the required minimum lot size.
2. The planning proposal also seeks to amend a small area of land (approximately 2000sqm) with a current minimum lot size of 15,000sqm (1.5ha) and reduce this to 600sqm in order to allow this small area to be used for smaller lot housing.

It is intended to give effect to these changes by amending the respective Lot Size Maps (LSZ_005 and LSZ_006) to allow lots to be created for Environmental Conservation and to accommodate minor boundary adjustments for proposed Environmental Living land uses.

Existing Lot Sizes



Proposed Lot Sizes



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

The *Queanbeyan Local Environmental Plan 2012* commenced on 23 November 2012. At that time, the final development layouts for both the town centre and the Googong Common were unknown. Accordingly the zonings were indicative only.

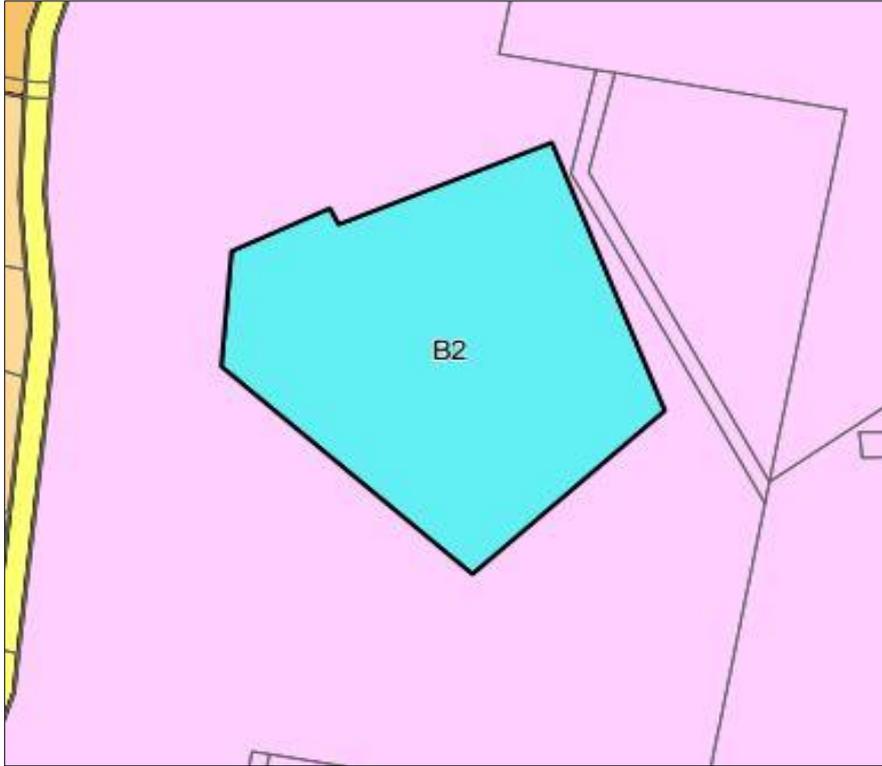
Council and the respective developers have now confirmed the final zoning frameworks and layout for both areas and these will also be updated in LEP.

The mapping changes will apply to the following:

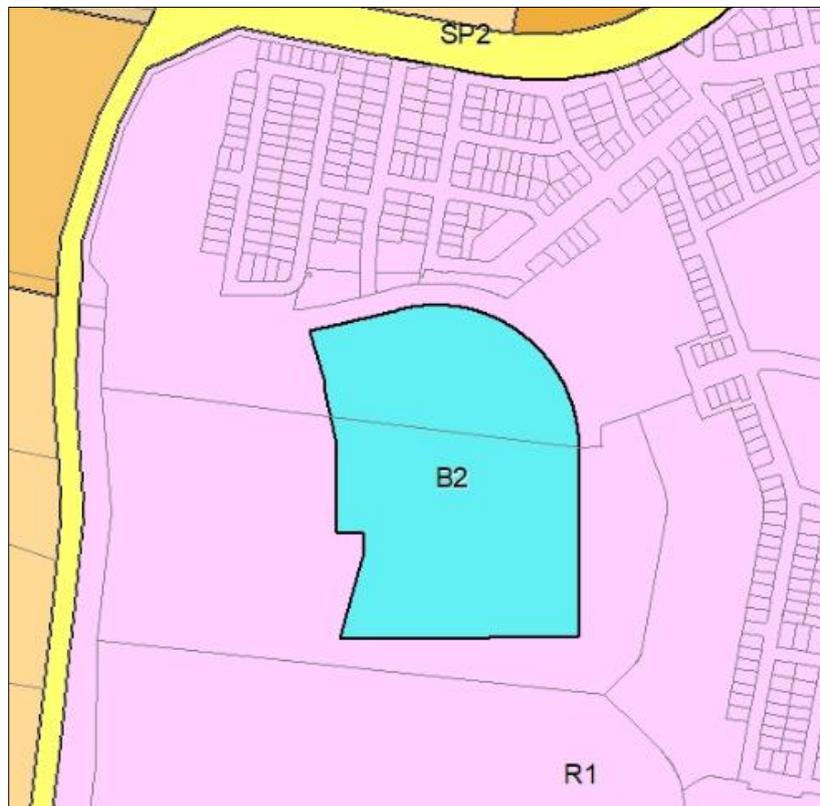
- Land Zoning Map LZN_007
- Height of Buildings Map HOB_007,
- Floor Space Ratio Map FSR_007,
- Lot Size Map LSZ_007
- Googong Map GNG_007

Land Zoning Maps

Existing Zones

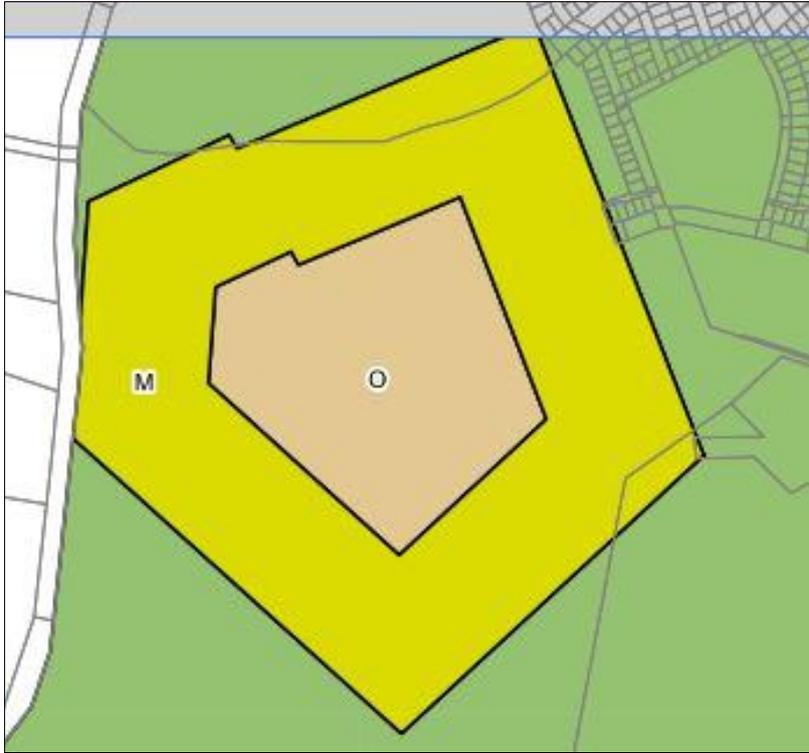


Proposed Zones

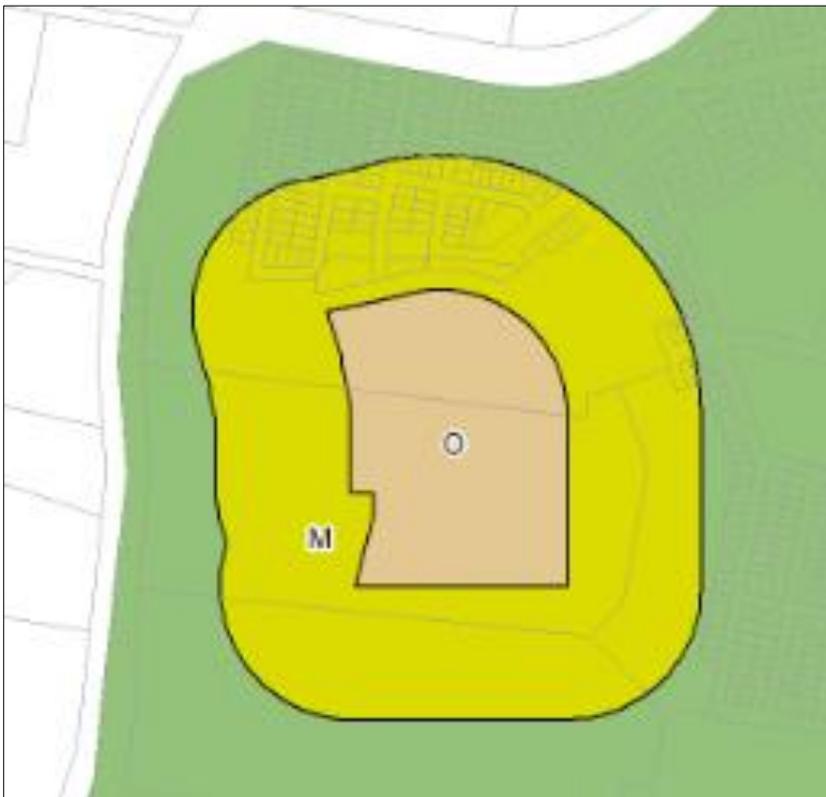


Height of Building Maps

Existing Heights of Buildings Map ('O' = 16m and 'M' = 12m)

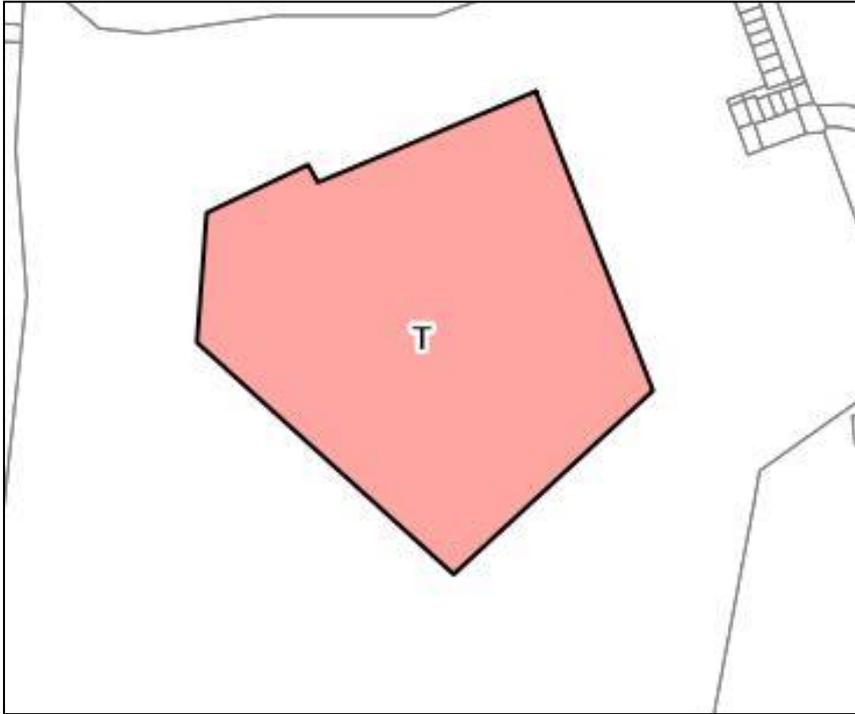


Indicative Heights of Buildings Map ('O' = 16m and 'M' = 12m)

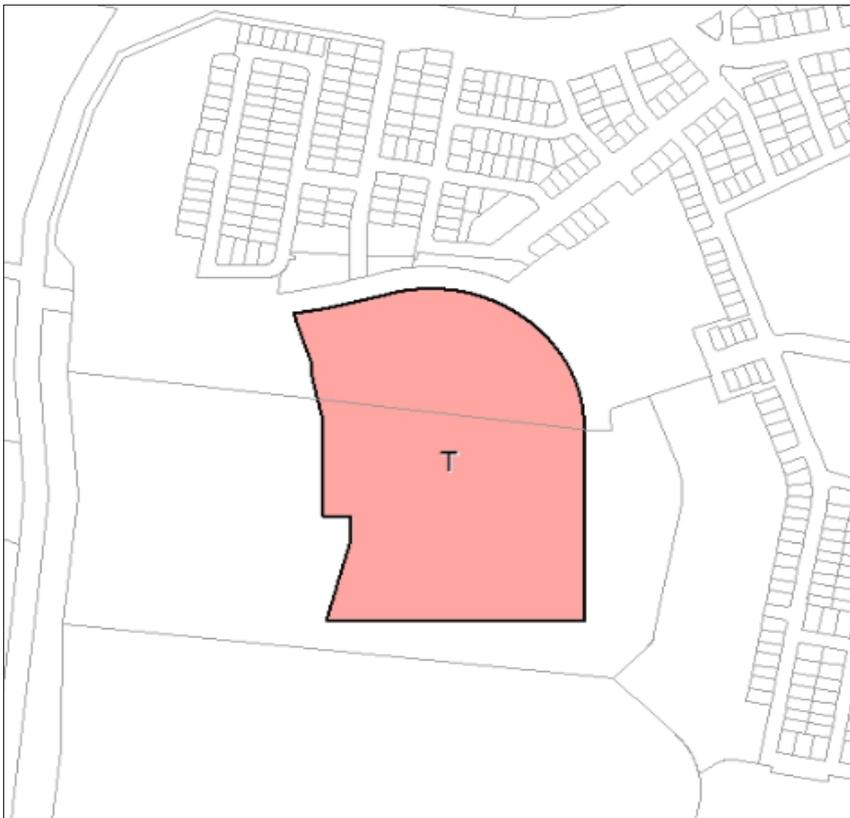


Floor Space Ratio Maps

Existing Floor Space Ratio Map

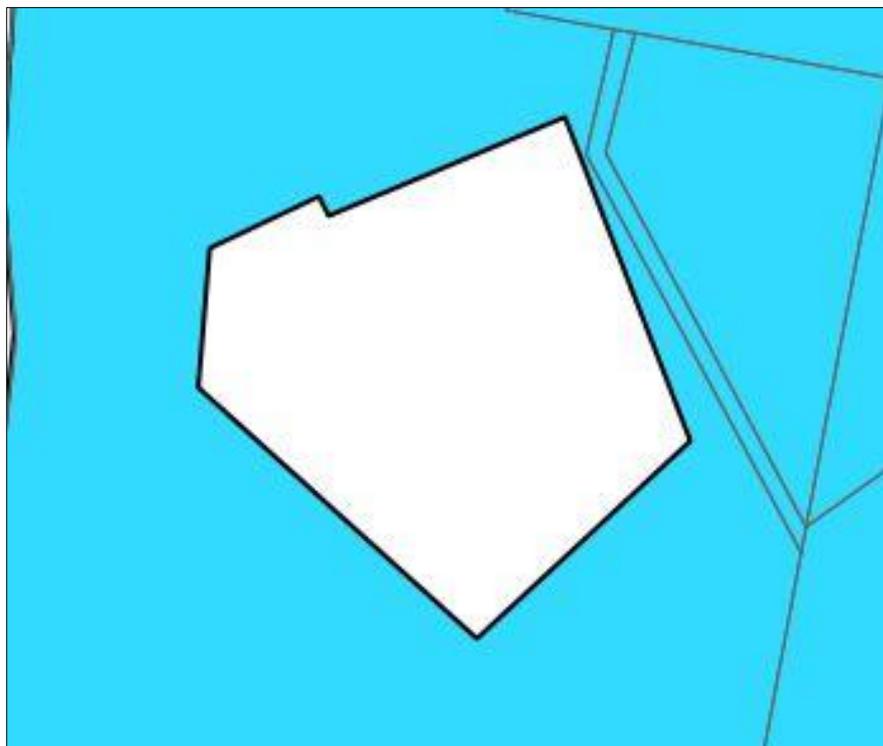


Indicative Floor Space Ratio Map

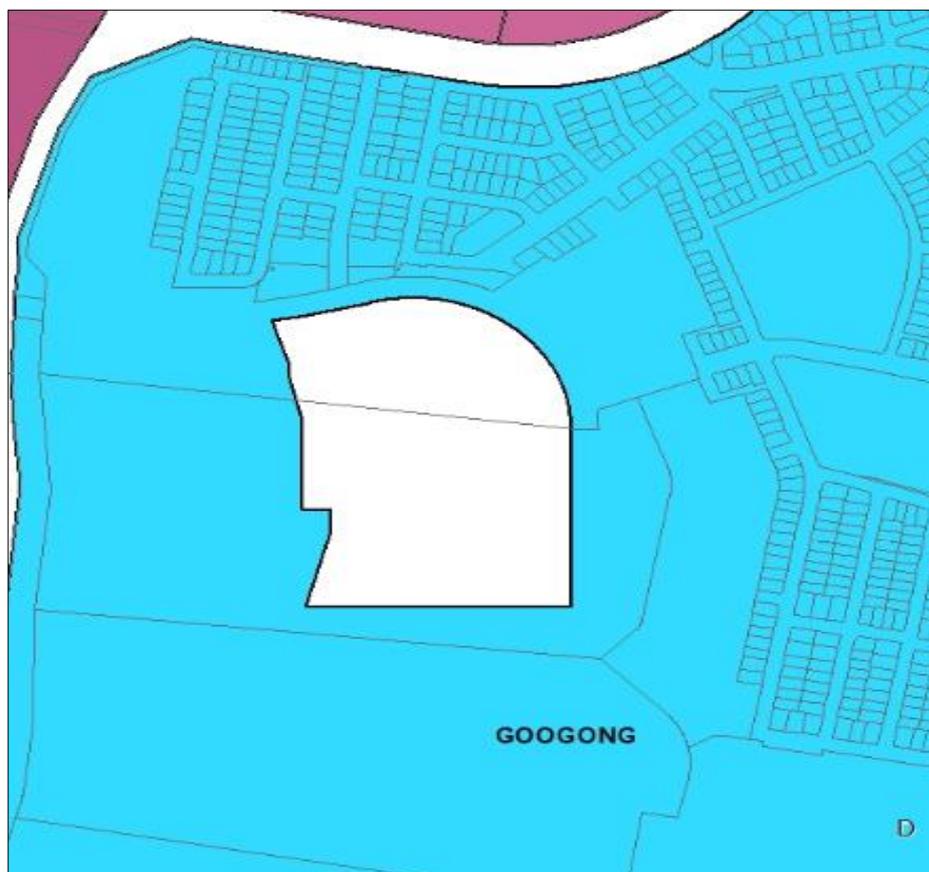


Lot Size Maps

Existing Lot Size Map

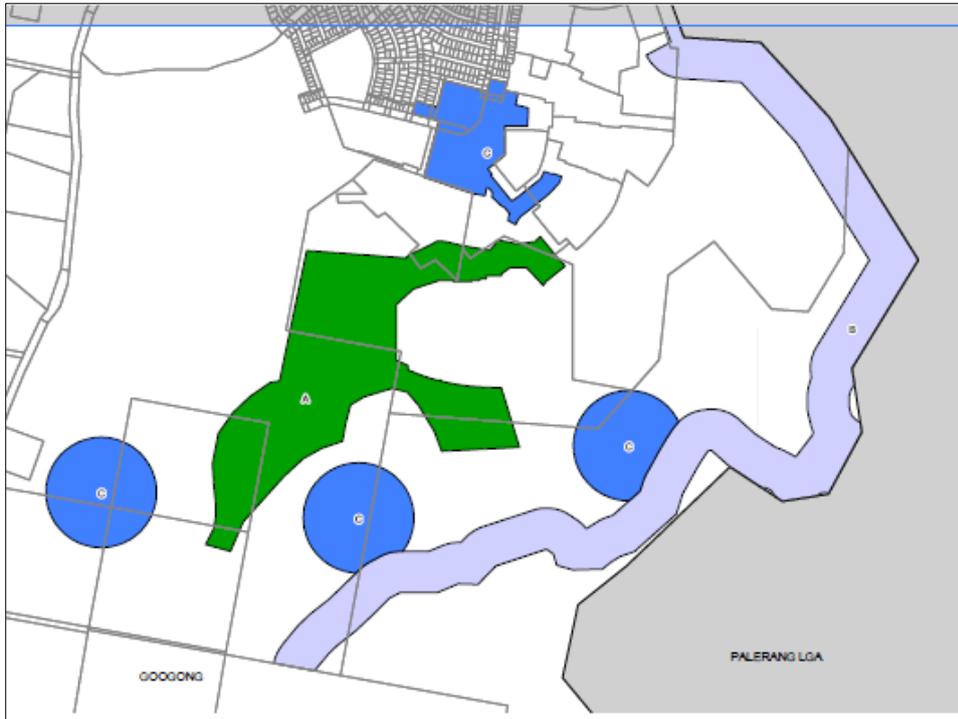


Indicative Lot Size Map

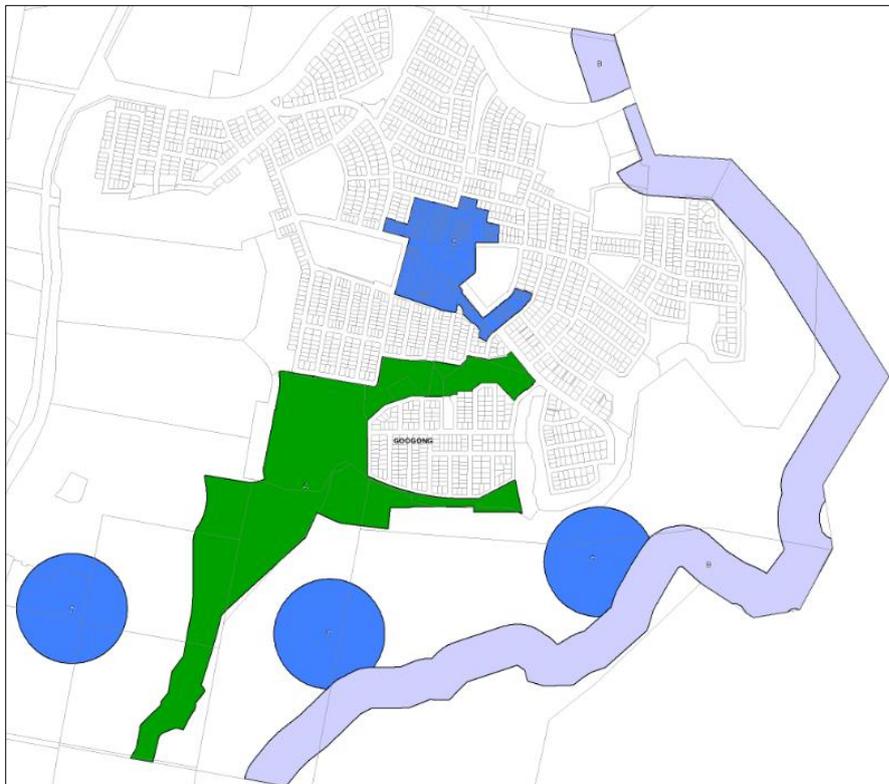


Googong Map

Existing Googong Common Area Map



Indicative Googong Common Map (shown as central green area)



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 has 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. An example of this form of information signage is shown below. The signs are intended to provide directional assistance to key features or lands within the Googong urban release area. Council intends to amend Schedule 1 of the LEP to confirm this type of signage is permissible. An example of the proposed signage is shown over.

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.*



Figure 1 - Proposed Fixed Standing Signage

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 not based on the results of any strategic study or report. It is based on the operational needs of the existing *Queanbeyan Local Environmental Plan 2012*.

It is intended that these changes will be incorporated into a new shire-wide Local Environmental Plan (PP_2018_QPREG_002_00) that is also being prepared by Council in parallel with 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 seeks to correct a number of errors and anomalies in the *Queanbeyan Local Environmental Plan 2012* as set out above. These matters can only be addressed by direct amendment of the LEP which requires a planning proposal.

3. Is there a net community benefit?

The net community benefit in preparing the planning proposal is to ensure that the *Queanbeyan Local Environmental Plan 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

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The relevant sub-regional strategy is the *South East and Tablelands Regional Plan 2017*. This planning proposal is not inconsistent with this strategy.

4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?

The planning proposal is considered to be consistent with the *Queanbeyan Residential and Economic Strategy 2015-2031*. The planning proposal is not inconsistent with the *Queanbeyan-Palerang Community Strategic Plan 2018-2028*, specifically the following:

- Provision and maintenance of public areas, including pedestrian and bike paths.
- Protection of the natural environment.
- A fair, transparent and accountable council that creates opportunities for engagement and responds to the community's aspirations.

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

The planning proposal is not considered to be inconsistent with any SEPPs.

6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The planning proposal is not considered to be inconsistent with any section 117 directions, or, any inconsistencies are considered to be minor in the circumstances. An assessment against relevant section 9.1 directions is shown at Appendix A.

Section C – Environmental, social and economic impact

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

No.

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

No.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is considered to be minor amendments to the *Queanbeyan Local Environmental Plan 2012* and will not result in any adverse social and economic effects.

Section D – State and Commonwealth interests

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

Not applicable to these minor changes to the operation of *Queanbeyan Local Environmental Plan 2012*.

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

Not applicable at this stage.

Part 4 – Mapping

Draft LEP maps will be prepared prior to finalising the draft plan. Council intends to prepare indicative maps for the purposes of any agency consultation or community consultation. Final maps will be prepared consistent with the technical guidelines.

Part 5 – Community consultation

Council intends to consult with the community in respect of the planning proposal for a period of 14 days.

Council is of the view no consultation is required with any government authorities in respect of the draft planning proposal. Extensive consultation has been undertaken in the past for both Googong and Jumping Creek and no changes are proposed to the core development concepts presented for those areas, or, the controls that facilitate their respective development. The planning proposal is to allow the long standing development concepts for each area to now be finalised.

Part 6 – Project Timeline

Task	Anticipated timeframes
Report to Council	August 2019
Gateway Determination	November 2019
Public Exhibition	November 2019
Report to Council including considerations of submissions	February 2019
Submission to Department to finalise the amended Local Environmental Plan	April 2019

Appendix A — Section 117 Directions

1.4 Rural Lands			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
<p>protect the agricultural production value of rural land</p> <p>facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	<p>A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	<p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <p>a) justified by a strategy which:</p> <ul style="list-style-type: none"> i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and iii is approved by the Secretary of the Department of Planning, or <p>b) of minor significance.</p>	<p>The minimum lot size for a small area of land zoned E4 Environmental Living is proposed to be reduced from 15,000sqm to 600sqm. This is to facilitate the current subdivision pattern proposed for the land. This is considered to be of minor significance only.</p> <p>It is also proposed to reduce the minimum lot size for land zoned E2 Environmental Conservation from 80ha to 40ha in order to allow a residue lot of 55ha to be created. It is intended this residue be subsequently dedicated to Council as public land. Again this change is considered to be of minor significance only in the circumstances</p>

2.1 Environment Protection Zones			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p>	<p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.</p>	<p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> a) justified by a strategy which: <ul style="list-style-type: none"> i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and iii. is approved by the Secretary of the Department of Planning, or b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or d) is of minor significance. 	<p>The minimum lot size for a small area of land zoned E4 Environmental Living is proposed to be reduced from 15,000sqm to 600sqm. This is to facilitate the current subdivision pattern proposed for the land. This is considered to be of minor significance only.</p> <p>It is also proposed to reduce the minimum lot size for land zoned E2 Environmental Conservation from 80ha to 40ha in order to allow a residue lot of 55ha to be created. It is intended this residue be subsequently dedicated to Council as public land. Again this change is considered to be of minor significance only in the circumstances</p>

2.3 Heritage Conservation			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p>	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. 	<p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning (or an officer of the Department nominated by the Secretary) that:</p> <ul style="list-style-type: none"> a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or b) the provisions of the planning proposal that are inconsistent are of minor significance. 	<p>Consistent as the Googong Common land provides for protection of an area of environmental heritage.</p>

5.1 Implementation of Regional Strategies			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p> <p>This direction applies to land contained within the <i>South East and Tablelands Regional Plan 2017</i>.</p>	<p>Planning proposals must be consistent with a regional strategy released by the Minister for Planning.</p>	<p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the regional strategy:</p> <ul style="list-style-type: none"> a) is of minor significance, and b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions. 	<p>Consistent with the delivery of housing priorities listed on page 63 of the <i>South East and Tablelands Regional Plan 2017</i>.</p>

Appendix B

Yarrowlumla Council letter 16 May 1997

Yarrowlumla Shire Council

"Planning and Providing for the Best in Rural Living"

File: P15261 & 15270
Folio: 034074
Contact: M Winters

16 May 1997

Mr B Lamont
PO Box 760
QUEANBEYAN 2620

Dear Sir

RE: LOT 1, DP 555380 & LOT 152, DP 754912, PARISH OF TUGGERANONG

Reference your letter received 8 May 1997 regarding building entitlements on the above-mentioned land please be advised of the following:

Lot 1, DP 555380: This lot does have a building entitlement as it was created through a subdivision with the consent of Council and a dwelling could have been lawfully erected with the consent of Council prior to the gazettal of Amendment No. 6. (Clause 17(7)(C))

Lot 152, DP 754912: This allotment is an existing portion and was held with other land between 1960 through to 1985 when you purchased the allotment with Lot 2, DP 555380. Ever since 1985 this lot 152 has been held with lot 2 by yourself. As it has been held with other land and is within the 7(e) zone and is less than 80 hectares it does not have a building entitlement.

Should you wish to discuss this matter further please contact Melissa Winters of Council's Environment & Development Division on (06) 297 9663.

Yours faithfully



D R ROUSE
Director of Environment & Development

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YARROWLUMLA SHIRE COUNCIL is the corporate name of YARROWLUMLA COUNCIL
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TELEPHONE: (06) 297 1311 • FAX: (06) 297 5854
