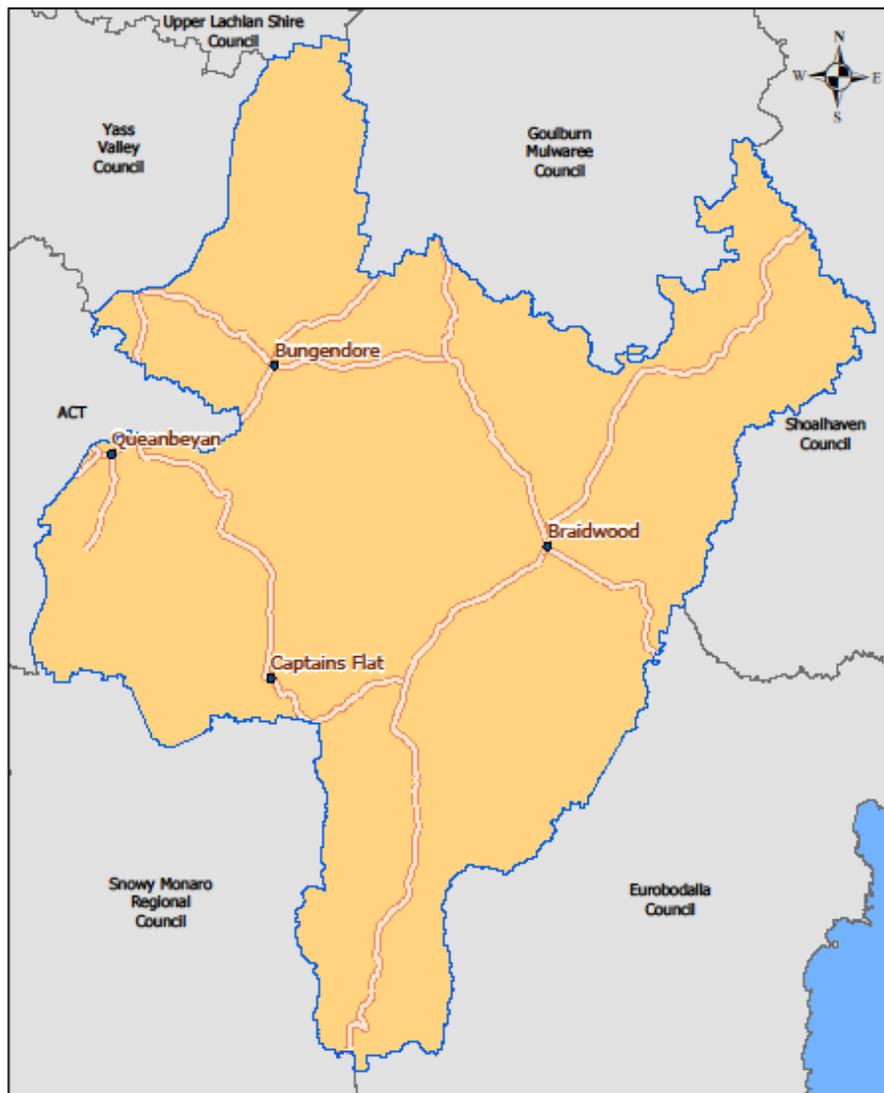

QPRC



Planning Proposal Comprehensive Local Environmental Plan 2020 Queanbeyan-Palerang Regional Council September 2019



Ref: Set ID 332574

Planning Proposal – QPRC Local Environmental Plan

Offices: Council headquarters – 256 Crawford St
Bungendore Office – 10 Majara St
Braidwood Office – 144 Wallace St

Contact: P: 1300 735 025
E: council@qprc.nsw.gov.au
W: www.qprc.nsw.gov.au

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Planning Proposal – QPRC Local Environmental Plan

Introduction

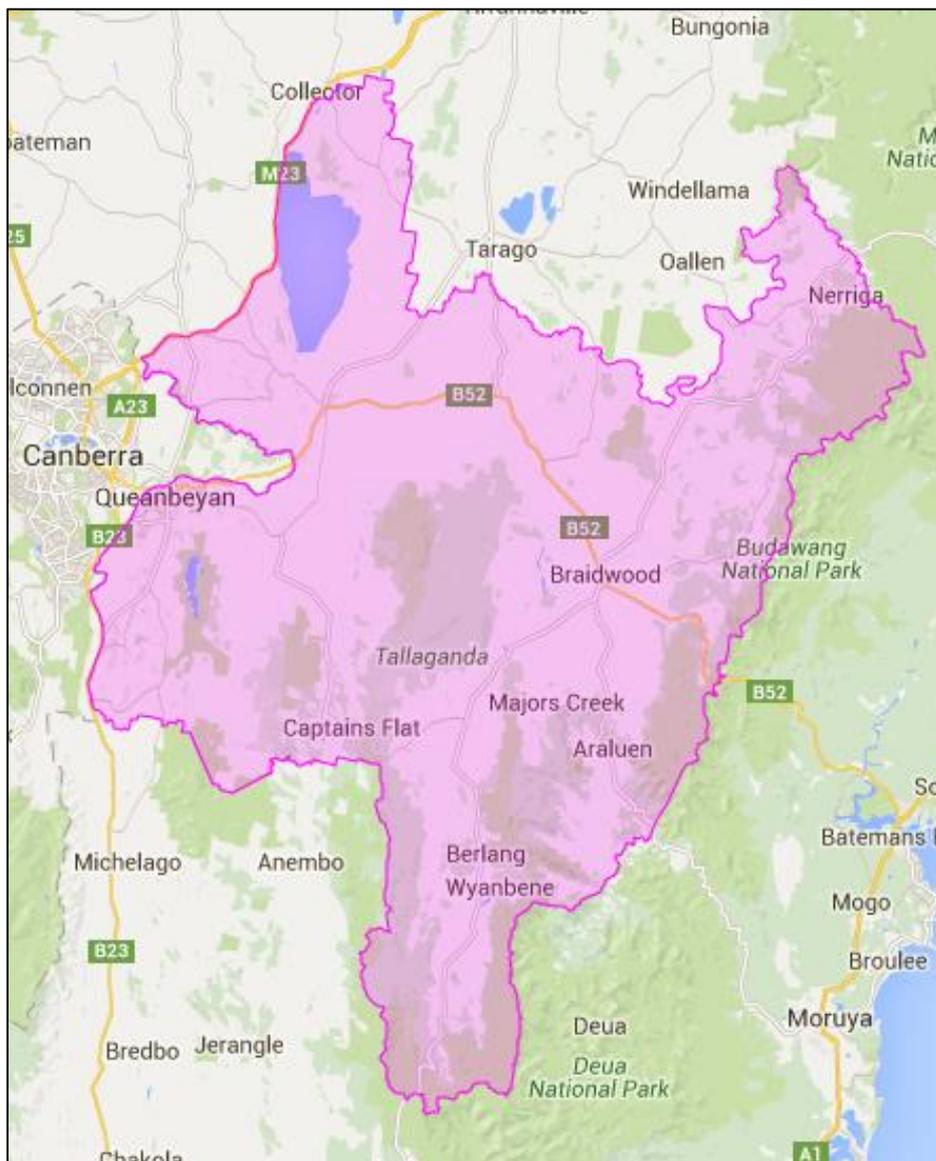
Purpose

The purpose of this planning proposal is to seek an amended Gateway determination in order for Queanbeyan-Palerang Regional Council (QPRC) to prepare a new comprehensive Local Environmental Plan (LEP) for the local government area (LGA) under the *NSW Environmental Planning and Assessment Act 1979*.

The former Queanbeyan City Council and Palerang Council were merged into a single LGA in 2016. As a consequence, Council now needs to combine the respective local environmental plans (LEPs) that applied to the former areas into one comprehensive plan.

Council has previously received a Gateway determination for this matter (PP_2018_QPREG_002_00 dated 23 November 2018) however Council is seeking a revised Gateway determination in order to address a number of additional planning matters precluded by the current determination when issued.

Figure 1: Map of Queanbeyan-Palerang Regional Council local government area



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The planning proposal seeks to primarily address existing inconsistencies between *Queanbeyan LEP 2012* and *Palerang LEP 2014* in order for the two plans to be combined into a single comprehensive planning instrument. These inconsistencies are largely in respect of permissible development in the land use tables under the two plans, but also include differences in various provisions in some instances.

As a general approach, Council will be seeking to minimise the number of new policy matters in the proposed comprehensive plan, and seek to transfer existing provisions with as little planning/policy change as possible. Where certain zones or provisions are unique to a particular plan, Council intends to wholly carry forward those provisions into the new plan. It is only where there is some difference in common provisions between the various instruments that changes will be made. Council has now prepared a background paper comparing the respective planning instruments applying to the LGA, the differences between LEPs and Council's intended approach to addressing these. The background paper has been attached to this planning proposal.

As noted, the NSW Government announced the merger of the former Queanbeyan City and Palerang Councils on 12 May 2016. On 12 October 2016, the new Council adopted the following Interim Policy:

"Where the former Palerang or Queanbeyan City Councils had an adopted policy on the same matter, those policies apply to their respective Local Government Areas;

Where one of the former Councils had an adopted policy on a given matter, and the other did not, the adopted policy apply to the whole of the new Queanbeyan-Palerang Regional Council Local Government Area."

The proposed approach is considered consistent with that resolution.

Whilst Council is seeking to minimise introducing new policy matters as part of the merger of the two plans, there are a number of operational planning matters Council staff are keen to resolve as part of the new comprehensive plan. There are:

Animal Boarding and Training Establishments - Given that the standard instrument LEP has now combined both of these uses into a single definition, a new clause is proposed to be included in the draft LEP that seeks to minimise potential impacts on neighbours (particularly from the animal boarding component). Whilst 'animal training establishments' have operated in many rural areas without significant objections, there is a concern that the 'boarding' component of this type of development has the potential to introduce significant land use conflict (dog barking, etc), particularly in rural residential locations.

'Restaurants or Cafes' and 'Function Centres' in E4 Environmental Living Zone - Both of these uses are currently permissible with consent in this zone under the *Palerang LEP 2014* whereas they are prohibited under *Queanbeyan LEP 2012*. It is recommended these uses be made permissible with consent under the new LEP but that an appropriate clause be inserted into the plan to manage potential impacts on neighbours.

Dual Occupancy Development in Rural and Environmental Zones - One unresolved policy matter arising from the comparison of LEPs has been the suitability of dual occupancy developments in rural and environmental zones across the combined LGA. These uses are generally 'permissible with consent' in the former Palerang area but are 'prohibited' in the former Queanbeyan area. However both plans also provide for secondary dwellings. Council staff are recommending 'dual occupancies' be prohibited in rural and environmental zones (including the R5 Large Lot Residential zone) across the LGA. It is proposed 'secondary dwellings' be permissible in all these zones where dwellings are permissible and that these can be up to 50% the size of the principle dwelling to give some additional flexibility in respect of size.

Dual Occupancy Development in Residential Zones - Another unresolved policy matter arising from the comparison of LEPs is the suitability of dual occupancy developments in low

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density and village residential zones across the combined LGA. Similar to above, these uses are generally ‘permissible with consent’ under the Palerang LEP but are ‘prohibited’ under the Queanbeyan plan. However both plans also provide for secondary dwellings. Accordingly, Council staff are recommending ‘dual occupancies’ be permitted in the village and low density residential zones but supported with local provisions requiring a minimum lot area before such development can be undertaken.

Signage in Rural Areas - Council staff are aware there are a number of instances of unapproved signage that have been erected in rural areas. In some instances these represent ‘business identification signs’ that provide information in respect of the land upon which they are erected, however in other instances they are ‘advertising signs’ that advertise products/services not directly related to the land. Council staff are intending to consider this issue further during the development of the new LEP and intend to provide the Council with a discussion paper on this issue in the near future.

Updating Heritage Schedule - It is intended that the respective heritage schedules from each LEP will now be merged into a single new schedule. Council staff will continue to monitor any new proposed listings and consider these for inclusion when the new LEP is drafted.

Popup/community events - Staff have been discussing the permissibility of various ‘pop-up’ and other social/community events across the LGA. Often these can be prohibited by the relevant planning instruments (or require significant approvals) which have the effect of discouraging this events. Such events contribute significant social and economic benefits for communities.

Subdivision of Lot 16 DP 846996, Williamsdale - This is to allow for the subdivision of an existing dual occupancy development at Williamsdale. The subject property has an area of 104.7 hectares of land in total, and is zoned RU1 Primary Production under *Palerang LEP 2014*. It is proposed to subdivide the lot into two lots of 8.2 hectares and 96.5 hectares with the existing dual occupancy dwellings subsequently located on each allotment.

Council has begun to prepare a draft plan and accompanying GIS layers, however the final contents of these will be determined by ongoing Council research, community feedback and engagement with public authorities. Accordingly, Council notes there may be a need to refine the planning proposal at a future date when final draft versions of the plan and GIS layers are prepared.

Current Local Environmental Plans

There are currently seven LEPs in force in the Queanbeyan-Palerang LGA. These are:

- *Palerang Local Environmental Plan 2014*
- *Queanbeyan Local Environmental Plan (Poplars) 2013*
- *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012*
- *Queanbeyan Local Environmental Plan 2012*
- *Yarrowlumla Local Environmental Plan 2002*
- *Queanbeyan Local Environmental Plan 1998*
- *Queanbeyan Local Environmental Plan 1991*

Council is seeking to have all these instruments combined into a single comprehensive plan.

Part 1 - Objectives or Intended Outcomes

The objective of the planning proposal is to provide for a single comprehensive planning instrument for the Queanbeyan-Palerang Local Government Area (LGA), and, to establish common provisions in respect of land use zone permissibilities and other clauses.

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The planning proposal will also address a number of minor and local planning matters as previously discussed and set out in more detail below.

Part 2 - Explanation of Provisions

Consolidating Planning Instruments Applying to Queanbeyan-Palerang

As noted, Council is seeking to consolidate the various planning instruments applying to the LGA whilst minimising the number of new policy issues to be resolved.

This will require various inconsistencies in permissibilities between Land Use Zones to be addressed, and, respective provisions in each plan transferred to a new combined LEP. Council has prepared a background paper to accompany this planning proposal that sets out these changes and Council's intended approach to dealing with each.

All land within the LGA is intended to be covered by this one LEP.

Animal Boarding and Training Establishments

Given that the standard instrument LEP has now combined 'animal of these uses into a single definition, a new clause is proposed to be included in the draft LEP that seeks to minimise potential impacts on neighbours (particularly from the animal boarding component).

The objective of the clause is to ensure development for the purposes of animal boarding or training establishments does not have an impact on the amenity of nearby land uses by requiring consideration of potential noise and other emissions. The draft clause is set out below:

7.22 *Development for the purposes of animal boarding or training establishments*

- (1) *The objective of this clause is to ensure development for the purposes of animal boarding or training establishments does not have an impact on the amenity of nearby land uses.*
- (2) *This clause applies to all development for the purposes of animal boarding or training establishment.*
- (3) *Before granting development for the purposes of animal boarding or training establishments, the consent authority must consider the following:*
 - (a) *the impact of noise and other emissions from the development on surrounding land, and*
 - (b) *whether the development will unreasonably impact upon the amenity of surrounding land uses.*

'Restaurants or Cafes' and 'Function Centres' in E4 Environmental Living Zone

Both of these uses are currently permissible with consent in this zone under the *Palering LEP 2014* whereas they are prohibited under *Queanbeyan LEP 2012*. It is recommended these uses be made permissible with consent under the new LEP but that an appropriate clause be inserted into the plan to manage potential impacts on neighbours as set out below:

7.23 *Development for the purposes of restaurants or cafes or function centres in the E4 Environmental Living Zone*

- (1) *The objective of this clause is to ensure development for the purposes of restaurants or cafes or function centres do not have an impact on the amenity of existing residents.*
- (2) *This clause applies to all development for the purposes of restaurants or cafes or function centres in the E4 Environmental Living zone.*
- (3) *Before granting development for the purposes of restaurants or cafes or function centres on land to which this clause applies, the consent authority must consider the*

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following:

- (a) the impact of noise, traffic and other emissions from the development on surrounding land, and
- (b) whether the development will unreasonably impact upon the amenity of surrounding land uses.

Dual Occupancy Development in Rural and Environmental Zones

Council intends to give effect to this provision by prohibiting 'dual occupancies' in the respective land use tables for all rural and environmental zones. Conversely, 'secondary dwellings' be made permissible in all these zones where dwellings are permissible. Clause 5.4 of the LEP will be drafted to provide for a floor area for secondary dwellings up to 50% of the floor area of the principal dwelling.

Dual Occupancy Development in Residential Zones

Council intends to give effect to this provision by making 'dual occupancies' permissible with consent in the respective land use tables for the RU5 Village and R2 Low Density Residential zones. This will be supported by the introduction of a local clause requiring a minimum lot area in certain zones or locations before such development can be undertaken as set out below:

4.2D Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings [local]

- (1) The objective of this clause is to achieve planned residential density in certain zones and localities.
- (2) Development consent may be granted for development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose and at any location shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.

| Column 1 | Column 2 | Column 3 |
|--|---|--------------------------|
| <i>Dual occupancy (connected to a reticulated sewerage system owned and operated by the Council) – Bungendore and Braidwood</i> | <i>Zone RU5 Village Zone R1 General Residential Zone R2 Low Density</i> | <i>1500m²</i> |
| <i>Dual occupancy (not connected to a reticulated sewerage system owned and operated by the Council) – Bungendore and Braidwood.</i> | <i>Zone RU5 Village Zone R1 General Residential Zone R2 Low Density</i> | <i>8000m²</i> |
| <i>Dual occupancy – Crestwood, Karabar, Jerrabomberra, Tralee, Queanbeyan, Queanbeyan East and Queanbeyan West.</i> | <i>Zone R2 Low Density</i> | <i>1000m²</i> |
| <i>Dual occupancy</i> | <i>Zone R3 Medium Density</i> | <i>600m²</i> |
| <i>Dual occupancy</i> | <i>Zone R4 High Density</i> | <i>600m²</i> |
| <i>Multi dwelling housing</i> | <i>Zone R3 Medium Density</i> | <i>750m²</i> |
| <i>Multi dwelling housing</i> | <i>Zone R4 High Density</i> | <i>750m²</i> |
| <i>Residential flat building</i> | <i>Zone R4 High Density</i> | <i>1000m²</i> |

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Signage in Rural Areas

No changes are proposed to rural signage controls at this time. However, if during the preparation of the draft plan Council proposes any changes in respect of the existing controls, the planning proposal will be updated to reflect these changes and a new Gateway determination sought.

Updating Heritage Schedule

As noted, it is intended that the respective heritage schedules from each LEP will now be merged into a single new schedule. In the event any new listings are proposed as a consequence of community or agency consultation, the planning proposal will be updated to reflect these changes and a new Gateway determination sought.

Popup/community events

Council staff intend to give effect to this outcome by including ‘community events’ as exempt development under Schedule 2 of the draft LEP on certain lands in the LGA as set out below:

Community events on council land

Note. If on community land, the use may need to be approved under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993.

- (1) *Must be on land owned by, or under the care or control of, the Council.*
- (2) *Must be formally authorised by the Council.*
- (3) *Must not be inconsistent with any Plan of Management applying to the land.*

Subdivision of Lot 16 DP 846996, Williamsdale

It is intended to give effect to this outcome by including a new item in Schedule 1 Additional permitted development as set out below:

28 Use of certain land at Lot 16 DP 846996, Williamsdale Road, Williamsdale

- (1) *This clause applies to land at Lot 16 DP 846996, Williamsdale Road, Williamsdale.*
- (2) *Development for the purposes of subdivision to create 2 lots is permitted with development consent if:*
 - (a) *none of the resulting lots are less than 8 hectare, and*
 - (b) *an existing dwelling house is located on each lot.*

As noted, Council has begun to prepare a draft plan and accompanying GIS layers, recognising the final contents of these will be determined by ongoing Council research, community feedback and engagement with public authorities. Accordingly, Council notes there may be a need to refine the planning proposal at a future date when final draft versions of the plan and GIS layers are prepared.

Part 3 - Justification

Section A - Need for the planning proposal

The planning proposal is required to initiate the preparation of a new comprehensive LEP.

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

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As noted Council has produced a background document comparing the permissibility of zones and local provisions under the respective LEPs applying to the LGA (*Combining Existing Local Environmental Plan - September 2019*). That document accompanies this planning proposal as a background study and has been endorsed by the Council as the agreed approach to rationalising the existing plans.

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 only means of delivering a new comprehensive LEP for the amalgamated local government area.

Again, Council is of the view that incorporating the respective LEPs across the LGA into a single comprehensive plan provides the best outcome for Council's staff, the community and the development industry.

Whilst some of the existing LEPs applying to the former Queanbeyan LGA contain complex and specific planning provisions, there are no legal or drafting impediments that prevent the instruments being amalgamated at this time.

A single comprehensive plan provides other benefits to Council such as simplifying automated planning certificate systems and development assessment procedures.

Section B - Relationship to strategic planning framework

3) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including any exhibited draft plans or strategies)?

The *South East and Tablelands Regional Plan 2036* is the relevant regional strategy. An extract of the planning narrative from the Strategy is shown at Appendix A.

The planning proposal is considered to be consistent with the Strategy as it is primarily an administrative merger of planning instruments applying to the amalgamated LGA and does not trigger any of the specific directions or actions set out in the Strategy.

The other proposed policy changes in the planning proposal are considered to be of local and minor significance only and again, do not trigger any directions or actions under the Strategy.

No inconsistencies with the *South East and Tablelands Regional Plan 2036* have been identified.

4) Is the planning proposal consistent with a council's local strategy, or other local strategic plan?

The planning proposal is not considered to be inconsistent with any of Council's existing local strategies. Council is currently preparing its Local Strategic Planning Statement, which will become the primary strategic land use planning document for the LGA.

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

The planning proposal is considered to be consistent with all SEPPs as, again, it is primarily an administrative merger of planning instruments applying to the amalgamated LGA and does not trigger any of the specific directions or actions set out in the respective SEPPs.

The other proposed policy changes in the planning proposal are considered to be of local and minor significance only and again, do not trigger any provisions under the various SEPPs.

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No inconsistencies with any SEPPs have been identified.

6) Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

The planning proposal is potentially inconsistent with Section 9.1 Direction *1.2 Rural Zones* in respect of the proposed subdivision of land at Lot 16 DP 846996, Williamsdale, as it includes provisions that will increase the permissible density of land within a rural zone. However, Council is of the view that given the change applies to one parcel of land only and is being undertaken in the context of a comprehensive local environmental plan, this inconsistency is considered to be of minor significance only.

All other elements of the planning proposal are considered to be consistent with Section 9.1 Directions as again, the proposal is primarily an administrative merger of planning instruments applying to the amalgamated LGA and does not trigger any of the specific directions or actions set out in the respective 9.1 directions.

The other proposed policy changes in the planning proposal are considered to be of local and minor significance only and again, do not trigger any provisions under the various Section 9.1 Directions.

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. As noted it is anticipated there will be few new policy changes introduced in the new combined plan. It is not intended to identify any new land for development or to change any provisions that would increase impacts on the environment.

It is intended to consult the Office of Environment & Heritage and other public authorities whilst preparing the new LEP.

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

Not at this time.

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

No. As noted it is anticipated there will be few new policy changes introduced in the new combined plan.

Section D - State and Commonwealth interests

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

Yes. There should be no additional impacts in any infrastructure as a consequence of the proposed combined plan.

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

Council intends to consult with relevant State and Commonwealth authorities during the preparation of the planning proposal.

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Part 4 – Mapping

The respective maps under the existing LEPs will need to be combined into a single set of GIS layers and possibly LEP maps.

Any maps will be prepared consistent with the Department of Planning and Environment's relevant guidelines and in consultation with the Department's GIS unit.

Council is currently discussing the option of not preparing LEP pdfs and instead using only GIS layers with the eBusiness section of the NSW Department of Planning, Industry and Environment.

Part 5 - Community Consultation

It is intended to publicly exhibit the draft plan for a period of **28** days.

Council intends to consult with the following agencies in respect of the planning proposal:

- NSW Premier and Cabinet
- Office of Environment and Heritage
- NSW Rural Fire Service
- NSW Department of Primary Industries
- NSW Office of Water
- ACT Government
- National Capital Authority

Part 6 - Project Timeline

It is anticipated the planning proposal will take a minimum of **18** months to finalise. An indicative project timeline for this minimum period is provided below.

| Action | Timeframe |
|-----------------------------------|------------------------------|
| Agency consultation | December 2019 – January 2020 |
| Public exhibition 28 days | March 2020 |
| Report to Council | May 2020 |
| Forwarded to DPE/Made by delegate | June 2020 |

Appendix A - NSW South East and Tablelands Regional Plan

Local Government Narrative for QPRC — page 63

<http://www.planning.nsw.gov.au/~media/Files/DPE/Plans-and-policies/south-east-and-tableland-regional-plan-2017-07.ashx>

Queanbeyan-Palerang

Queanbeyan-Palerang Local Government Area is home to historic towns and villages, productive rural activities, modern urban centres and high quality natural environments. It is adjacent to the ACT and is influenced by the activities of the ACT and Australian governments.

The rural character of Bungendore and Braidwood contrast with the largely suburban character of Queanbeyan. Proximity to Canberra means many residents live in NSW while travelling to the ACT for work. Queanbeyan-Palerang Regional Council has formalised its relationship with the ACT to facilitate joint efforts such as an integrated transport strategy.

Natural areas include pristine streams and forests containing a diversity of flora and fauna, high-value grasslands and woodlands, and important biodiversity corridors linking to the ACT and beyond. High wind paths suit wind farms for renewable energy generation. The increasing interest in solar power generation is similar to that underway in the ACT, as well, interest in wind power continues.

Employment in public administration, defence, transport, professional, scientific and technical services is expected to continue, particularly given the relationship with Canberra. Traditional industries include sheep and cattle grazing, stone fruit production and newer niche rural industries such as viticulture, organic farming, olive production, truffle growing and alpaca breeding.

Queanbeyan-Palerang Local Government Area is expected to require an additional 12,050 dwellings to accommodate 25,050 more people by 2036. Residential growth areas include Googong and Bungendore, and the proposed South Jerrabomberra. The availability of water will continue to influence the amount and location of additional urban development, particularly in areas such as Bungendore.

Priorities

- Work with the ACT Government to improve road and active transport connectivity and public transport integration; manage water, sewage, waste and renewable energy on a regional scale; plan and collaborate on major contiguous developments; plan for infrastructure requirements to support population growth; and support major events.
- Protect and enhance the area's high environmental value lands, waterways and water catchments.

Economy and employment

- Continue to identify opportunities for economic growth flowing from the activities of the ACT, NSW and Australian governments.
- Diversify the agriculture industry, including opportunities for value-added activities and access to national and international markets.
- Encourage small-scale intensive animal production where this can be done without compromising the Sydney Drinking Water Catchment.
- Leverage the area's existing expertise in renewable energy to foster innovative economic development opportunities.

Housing

- Coordinate the delivery of infrastructure for new release areas.
 - Provide further opportunities for residential development where it is supported by a strategic approach to housing.
 - Limit proposals for rural residential development to areas identified through an appropriate strategic planning process.
 - Work with stakeholders to secure suitable services, including water, to support residential development in approved locations.
 - Improve the attractiveness and amenity of main streets in towns and villages while retaining the rural ambience.
-