

**6.3 Draft Planning Proposal - Comprehensive Local Environmental Plan 2020
(Ref: ; Author: Thompson/Brown)**

File Reference: 26.4.41

Summary

The purpose of this report is to seek the Council's support to submit a revised planning proposal to the Department of Planning, Industry and Environment (DPIE) in order to progress the proposed new comprehensive local environmental plan for the Queanbeyan-Palerang local government area.

Recommendation

That Council forward the draft planning proposal for the Comprehensive Local Environment Plan to the Department of Planning, Industry and Environment seeking an amended Gateway determination.

Background

The former Queanbeyan City Council and Palerang Council were merged into a single local government area (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 from DPIE for this matter (dated 23 November 2018), however Council is now seeking a revised Gateway determination in order to address a number of additional planning issues, and to include other matters precluded by the current determination when issued. This is particularly relevant in respect of DPIE's direction that both South Jerrabomberra and West Jerrabomberra not be incorporated into the proposed single comprehensive plan. It is suggested that combining all instruments into a single comprehensive plan represents the most desirable outcome for staff, industry and the community.

Council staff are continuing to draft and refine the various documents to progress a new comprehensive LEP for the amalgamated LGA. Current versions of these documents are attached including:

- a draft planning proposal (Attachment 1);
- a draft LEP (Attachment 2);
- a draft land use planning matrix (Attachment 3); and
- a background paper setting out how it is intended to merge the respective instruments into a single plan (Attachment 4).

Council staff are also continuing to progress the preparation of LEP maps to accompany the draft plan.

Subject to Council's endorsement the comprehensive LEP is likely to go to the Department for a gateway determination within the next month with completion by April 2020 or as otherwise directed in the gateway determination.

Generally the planning proposal seeks to minimise the number of new policy matters in the comprehensive LEP and intend to transfer existing provisions with as little planning/policy change as possible. Where certain zones or provisions are unique to a particular plan, it is intended to generally 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.

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As noted, Council has now prepared a background paper comparing the respective planning instruments applying to the LGA, the differences between the LEPs and Council's intended approach to resolving these (Attachment 4).

Whilst Council is seeking to minimise introducing new policy matters as part of the merger of the various plans, there are a number of operational planning matters that should be resolved as part of the new comprehensive plan. These matters have now been updated in respect of the previous planning issues resolved for inclusion by Council at its Planning & Strategy Meeting of 12 September 2018 (PLA110/18). These are set out in the draft planning proposal and outlined below.

What's Been Removed from the Former Program?

- *E4 Environmental Living Zone* - The issue of the zoning of E4 Environmental Living land in Wamboin and Bywong will now be dealt with as a separate planning proposal to the comprehensive LEP (Minute No. 163/19 – 22 May 2019).
- *Restoring Dwelling Entitlement Lot 1 DP 555380 Old Cooma Rd* - This matter will now be progressed in the short term as part of a separate 'housekeeping' planning proposal as reported elsewhere in this Business Paper.
- *Amending B2 Zone and Common Land Googong* - This matter will now be progressed in the short term as part of a separate 'housekeeping' planning proposal as reported elsewhere in this Business Paper.
- *Introducing Split Zone Subdivision Clause* – A suitable clause has not been able to be drafted which can be applied to the Council area as a whole. Where issues with minimum lot sizes for split zones continue to arise from time to time they will be dealt with as housekeeping planning proposals.

What's Been Included in the Current Program?

- *Subdivision of Lot 16 DP 846996, Williamsdale* – This will allow an existing dual occupancy to be subdivided with dwellings located on separate lots (Minute No. 443/18 – 19 December 2018). This is included in the Draft LEP attached.
- *Animal Boarding and Training Establishments* - 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). This is included in the Draft LEP attached.
- *'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. This is included in the Draft LEP attached.
- *Dual Occupancy Development in Rural and Environmental Zones* – As discussed at the Council workshop it is recommended that 'dual occupancies' be prohibited in rural and environmental zones (including the R5 Large Lot Residential zone) across the LGA. It is instead 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. This is included in the Draft LEP attached.
- *Dual Occupancy Development in Residential Zones* - As discussed at the Council workshop it is recommended that 'dual occupancies' be permitted in the village and low density residential zones, but supported with local provisions requiring a minimum lot

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area before such development can be undertaken. This is included in the Draft LEP attached.

What is Proposed to be Included in the Program?

The following matters are intended to be addressed in the comprehensive LEP but require the Department to approve their inclusion in the Gateway determination before they can be considered in detail. Once this occurs the necessary discussion papers can be prepared and workshops held.

- *Signage in Rural Areas* - intending to consider this issue further during the development of the new comprehensive LEP and intend to provide the Council with a discussion paper on this issue in the near future.
- *Popup events* - 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* - 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 comprehensive LEP is drafted, however there are no additional listings proposed at this time.
- *Matters raised during West Jerrabomberra Planning Proposal* – Including allowing 'registered clubs', 'markets' and 'food and drink premises' with consent in the B7 Business Park zone. This will be subject to the relevant landowners providing additional traffic analysis to confirm these uses can be accommodated within the proposed road network.

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

Staff will prepare background papers on a number of the planning matters discussed above (such as rural signage). These will be put to the Council for consideration prior to finalising the draft plan.

Implications***Legal***

Council needs to prepare the new plan consistent with the requirements of the *Environmental Planning and Assessment Act, 1979*.

Policy

A new plan will ensure consistent planning policy applies across the newly combined Council area as well as complying with the State Government's policy of harmonising comprehensive LEPs for amalgamated councils.

Environmental

The new plan will ensure consistent planning policy applies across the newly combined Council area in regards to the management of environmental issues.

Social / Cultural

A single combined local environmental plan will be of benefit to Council staff, industry and the community by ensuring common planning rules apply across the Council area.

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Strategic

Preparing a single comprehensive LEP is consistent with providing a clear strategic framework for land use planning for the Council area.

Engagement

The Gateway determination issued by the Department of Planning, Industry & Environment will prescribe the consultation that will be required in respect of the new plan. This will likely require significant consultation with both government agencies and the community.

Financial

This is covered by the relevant project budget.

Resources (including staff)

Significant staff resources will be required to prepare the new plan, including town planning and GIS/LIS staff.

Conclusion

Progressing the implementation of a new comprehensive LEP for the Queanbeyan-Palerang LGA has significant benefits for assessment staff, the development industry and the community. Reducing the number of planning instruments also reduces the complexity associated with Council's development assessment system (including generating planning certificates).

It is recommended Council now seek an amended Gateway determination to progress the draft plan as outlined.

Attachments

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| Attachment 1 | Draft Planning Proposal Comprehensive LEP 2020 (<i>Under Separate Cover</i>) |
|  Attachment 2 | Draft Comprehensive LEP 2020 (<i>Under Separate Cover</i>) |
|  Attachment 3 | Draft Land Use Matrix (<i>Under Separate Cover</i>) |
|  Attachment 4 | Comprehensive LEP Program 2019 (<i>Under Separate Cover</i>) |
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Planning and Assessment Act 1979:

- i) Context & Setting
- ii) Access, Transport & Traffic
- iii) Public domain
- iv) Heritage
- v) Noise
- vi) Social impact in the locality
- vii) Site design and internal design
- viii) Cumulative impacts
- ix) Suitability of the site
- x) The public interest
- xi) Government and Community interests

2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.

The resolution was carried unanimously.

6.2 Application for Renewal of Caravan Park Approval - Capital Country Holiday Park - 47 Bidges Road, Sutton

PLA078/19

RESOLVED (Harrison/Bray)

That:

1. The Section 68, F2 activity approval application for a caravan park at Lot 2 DP 246156, 47 Bidges Road, Sutton be granted conditional approval.
2. Subject to satisfying all the conditions of the abovementioned activity approval, the owners of the Capital Country Holiday Park be invited to submit a Planning Proposal to seek amendment to the appropriate Local Environmental Plan that will allow for the continued use of up to 50 existing long term sites for permanent residential accommodation.

The resolution was carried unanimously.

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PLA079/19

RESOLVED (Harrison/Taylor)

That Council forward the draft planning proposal for the Comprehensive Local Environment Plan to the Department of Planning, Industry and Environment seeking an amended Gateway determination.

The resolution was carried unanimously.