

Key Updates to Planning Controls in QPRC from 14 November 2022

Below is a list of some of the key updates that will occur to Council's planning controls when the new *Queanbeyan-Palerang Regional Local Environmental Plan 2022* ('QPRLEP 2022') comes into effect on 14 November 2022.

Changes to Part 1 of LEP – Preliminary

Clause 1.2 Aims of Plan

- The aims of the LEP have been updated to rationalise and combine the existing aims of Council's respective LEPs.

Clause 1.9A Suspension of Covenants, Agreements and Instruments clause

- Note: The Department of Planning and Environment has advised Council that clause 1.9A *Suspension of covenants, agreements and instruments* will be re-inserted into the draft plan before it comes into effect on 14 November 2022.

Changes to Part 2 of LEP – Land-use Tables

'Dual Occupancy' Development in Rural and Environmental Zones

- 'Dual occupancy' developments will generally be permissible with consent within most rural and environmental zones under the new LEP, particularly where dwelling houses are already permitted.
- This reflects that such developments are already permissible with consent in rural and environmental zones under the *Palerang LEP 2014* whereas they are generally prohibited under *Queanbeyan LEP 2012*.
- Clause 4.1C of the new plan also provides additional lot size requirements for such developments which carry forward provisions under Council's existing LEPs.

'Home Businesses' and 'Home Occupations'

- The LEP has been drafted to allow for both 'home occupations' and 'home businesses' to be permitted without consent in zones where residential accommodation is allowed (or has been allowed in the past and where existing dwellings may be located).
- This is to reflect the permissibility of these uses under the Exempt and Complying SEPP.

'Studio Dwellings' at Googong

- 'Studio dwellings' will no longer be a permissible form of development within the R1 General Residential zone at Googong.
- The State Government have advised Council 'studio dwelling's are not a legitimate form of residential accommodation under NSW planning legislation, and accordingly, will no longer be a permitted form of residential accommodation.

'Dual Occupancy' Development in R2 Low Density Residential Zones

- 'Dual occupancy' developments will now be permissible in the R2 Low Density Residential zone across the LGA. 'Dual occupancy' developments are permissible

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with consent in R2 Low Density Residential zones under *Palerang LEP 2014* whereas they are prohibited under *Queanbeyan LEP 2012*.

- Clause 4.1C of the new plan also provides additional lot size requirements for such developments which reflect current provisions under existing LEPs.

Places of Public Worship in R2 Low Density Residential zone

- 'Places of Public Worship' will now be prohibited in the R2 Low Density Residential zone across the LGA.
- These developments are permissible with consent in the R2 Low Density Residential zone under *Queanbeyan LEP 2012*, however are prohibited under *Palerang LEP 2014*.
- 'Places of Public Worship' remain permissible in a number of other zones under the new plan.

'Animal Boarding and Training Establishments' in E3 Environmental Management Zone and E4 Environmental Living Zone

- 'Animal boarding or training establishments' will now be permissible with consent in all E3 Environmental Management and E4 Environmental Living zones across the LGA. This is consistent with this type of development currently being permissible under *Palerang LEP 2014*.
- A new clause (cl. 7.20) will also be included in the LEP that seeks to minimise the potential impacts of these forms of development on neighbours (particularly from noise and odour associated with the animal boarding use).

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

- 'Restaurants or Cafes' and 'Function Centres' will now be permissible in all E4 Environmental Living zones. This is consistent with these developments currently being permissible under *Palerang LEP 2014*.
- A new clause has also been included in the LEP (cl. 7.21) that seeks to minimise the potential impacts of these forms of development on neighbours (particularly noise, traffic, odour and amenity).

'Neighbourhood Shops' in E4 Environmental Living Zone

- 'Neighbourhood shops' will now be permissible with consent to in E4 the Environmental Living zone across the LGA.
- These developments are permissible with consent in E4 Environmental Living zone under *Palerang LEP 2014* whereas they are prohibited under *Queanbeyan LEP 2012*.

Changes to Part 3 of LEP – Exempt and Complying Development

3.3 Environmentally Sensitive Areas

- Restrictions preventing exempt and complying development under *Palerang LEP 2014* in certain circumstances (ie, E2 zone, flood prone land and with 40m of waterway) have all been removed from the clause.

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- The new plan carries forward the existing restriction in place under *Queanbeyan LEP 2012* that no complying development can be undertaken on land identified on Scenic Protection Maps. However, the restriction has been moved from clause 3.3(2A) to clause 7.14(4).

Changes to Part 4 of LEP – Principal Development Standards

Clause 4.1C Minimum Lot Sizes for Dual Occupancies and Secondary Dwellings

- As a consequence of Council's decision to make 'secondary dwellings' and 'dual occupancies' permissible with consent in relevant rural and environmental zones, and the need to maintain the existing policy restrictions for dual occupancies in urban areas, it was necessary to introduce a new clause that carried forward existing minimum lot size requirements for such developments under Council's current LEPs.
- Accordingly, any proposals for such developments will need to meet the lot size requirements shown on the new Secondary Dwelling and Dual Occupancy Maps that accompany the LEP.

4.1D Averaging Subdivision in RU1 and C3 (ie broadacre rural areas of former Palerang)

- Rural areas of the LGA that are subject to the subdivision averaging provisions will be shown as 'Lot Averaging A' on the Lot Averaging Maps.
- 'Resulting lots' have also been renamed 'relevant lots'.

4.1E Averaging Subdivision in C3 and C4 (ie rural residential land)

- Rural residential areas of the LGA that are subject to the subdivision averaging provisions will be shown as 'Lot Averaging B' on the Lot Averaging Maps.
- There will no longer be a map in the LEP that shows 'resulting lots' in former Queanbeyan (ie lots that have previously been subdivided using averaging provisions) as currently provided in *Queanbeyan LEP 2012*. These will now need to be determined having regard to known subdivision history, similar to the existing *Palerang LEP 2014*. 'Resulting lots' have also been renamed to 'relevant lots'.
- As a consequence of drafting changes, anyone proposing to subdivide rural residential land under the clause will now need to show all land that will be subdivided as part of first subdivision. The ability to undertake additional averaging subdivision as part of a subsequent subdivision application will no longer exist.

Changes to Part 5 of LEP – Miscellaneous Provisions

Clause 5.4 - Controls relating to miscellaneous permitted uses

- Clause 5.4 has been drafted to rationalise and consolidate the development standards for these uses currently contained in Council's various LEPs.

Clause 5.21 – Flood Planning

- This clause has been drafted in a manner that no longer requires any flood planning maps to be inserted in the LEP.
- The clause applies to all land below the flood planning level (1:100 ARI + 0.5m freeboard).

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Changes to Part 6 of LEP – Urban Release Areas

- There are no significant changes to this part of the plan.

Changes to Part 7 of LEP – Additional Local Provisions

- The relevant local provisions under Council's existing plans have been carried forward into Part 7 of the new plan.
- A number of new or amended clauses have also been introduced as set out below.

Clause 7.8 Airspace Operations

- An amended clause has been introduced into the LEP that now requires Council to 'notify' Canberra Airport about potential intrusions into the obstacle limitation surface (OLS) rather than having to 'consult'.

Clause 7.10 Airspace Noise at South Jerrabomberra URA

- The unique provisions managing aircraft noise at Sth Jerrabomberra have been carried forward to clause 7.10 of the new plan. Accordingly, all development is to be compliant with the noise levels set out at Table 3.3 of AS2021-2015.
- The aircraft noise provisions applying to the remainder of the LGA are provided at clause 7.9. These controls are consistent with elsewhere in NSW.

Clause 7.20 Animal Boarding or Training Establishments

- This is a new clause that seeks to minimise the potential impacts of these forms of development on neighbours and other surrounding land-uses (particularly from noise and odour associated with the animal boarding component).

Clause 7.21 Restaurants, Cafes or Function Centres in Zone C4

- This is a new clause that seeks to minimise the potential impacts of these forms of development on neighbours and other surrounding land-uses (particularly noise, traffic, odour and amenity).

Clause 7.25 Development on certain land at Braidwood, Bungendore and Googong

- This clause consolidates the 'integrated housing' provisions currently applying to Googong under clause 4.1D of *Queanbeyan LEP 2012*, and to Bungendore and Braidwood under clause 4.1C of *Palerang LEP 2014*.
- Applicants proposing subdivision below the minimum lot size will need to demonstrate the subsequent dwellings to be erected are consistent with the desired future character of the area.

South Jerrabomberra Integrated Housing Clause

- A new clause has been introduced into the plan in respect of integrated housing developments at South Jerrabomberra (clause 7.25).
- The clause requires development applications for the subdivision of small lots at South Jerrabomberra to also provide designs for the subsequent dwellings proposed to be erected on those lots.

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- This is to ensure small lot subdivisions are undertaken in a manner that is consistent with the desired future character of the area.

Changes to Schedule 1 - Additional Permitted Uses

- The various uses set out in Schedule 1 of the Councils respective LEPs have been carried forward into the new LEP.
- Where necessary the details of some items have been updated to reflect correct Lot and DP descriptions, or removed altogether where no longer relevant.
- A number of new items have also been added to the Schedule where necessary to carry forward existing permissibilities on land that have not be carried forward into the zoning table, but where those uses were considered warranted. This is particularly relevant for land-uses in Council's urban release areas such as Googong and South Jerrabomberra.
- As noted, 'studio dwellings' are no longer permissible at Googong under the schedule.

Changes to Schedule 5 – Environmental Heritage

- The respective heritage schedules from existing LEPs have been merged into a single new schedule. No new heritage items have been added.
- A number of updates and corrections have also be made to the details of these items where necessary.