

Consultation Report

Planning Scheme Major Amendment Package 03/2017

Introduction

This report summarises the consultation activities undertaken during the public notification period for Planning Scheme Amendment Package 03/2017.

It provides a summary of the key issues raised in the submissions and outcomes reached.

Background

At its meeting of 22 August 2017, Council resolved to amend the Ipswich Planning Scheme by adopting the proposed amendments outlined in the Team Coordinator (Strategic Planning) report dated 7 August 2017. The proposed Planning Scheme Major Amendment Package was forwarded to the Department of Infrastructure, Local Government and Planning (DILGP) on 25 August 2017 seeking the Minister's agreement to proceed to public consultation of the amendment package in accordance with the *Planning Act (PA)* and Minister's Guidelines and Rules (MGR). During the state interest review process, DILGP met with Council officers to clarify the intent of the amendments relating to auxiliary units, with further clarifying changes to the wording of the amendments provided to DILGP on 11 October 2017.

The 'State interest review' was completed on 30 January 2018, with the granting of Ministerial approval (by correspondence on this date) for Council to publicly consult the proposed amendments without any Ministerial conditions. DILGP advised that the proposed amendments to be consulted on should include the changes submitted on 11 October 2017.

The purpose and general effects of the proposed planning scheme amendments are as follows:

- Amendment to the Single Residential (Auxiliary Unit) accepted development triggers for Auxiliary Unit locations and consequential amendments;
- Amendment to make 'restaurant' a consistent use within the Special Opportunity Zone, Sub Area SA15 – Powells Road, Yamanto;
- Amendment to the parking space provisions for single residential use in the Parking Code to remove duplication and ensure consistency with the Ipswich Planning Scheme and Queensland Development Code;
- Amendment to the Reconfiguring a Lot Code to clarify footpath provision for a Collector Street;
- Amendment to Zoning Map Z15 for 25 Kendall Street, East Ipswich;
- Amendment to Overlay Map OV2 – Key Resource Areas, Buffers and Haul Routes at Pine Mountain and Muirlea to remove the Kholo Sands Key Resource Area consistent with state government mapping; and
- Amendment to Schedule 2 – Character Places to remove a listing at Kraatzs Road, Tallegalla and include a listing at Grandchester Mt Mort Road, Grandchester.

Consultation

The public consultation process commenced on 5 March 2018 and concluded on 4 April 2018.

The public consultation process included the following elements in accordance with the approved communications strategy:

- a statutory public notice published on 5 March 2018 in the Queensland Times newspaper;
- displaying a copy of the public notice on the ground level of the Council Administration Building at 45 Roderick Street, from 5 March 2018 to 4 April 2018 inclusive;
- availability to view the public notice and entire amendment package on Council's Planning and Development Department web page;
- a copy of the proposed planning scheme amendments available for inspection and purchase at the Planning and Development Customer Service Counter on the ground level of the Council Administration Building at 45 Roderick Street, from 5 March 2018 to 4 April 2018 inclusive;
- professional Strategic Planning staff available for counter and phone enquiries during the notification period;
- emailing of an e@lert on 5 March 2018 to all subscribed Planning and Development Department e@lert members;
- social media posts on Council's Facebook and Twitter accounts; and
- individual notification letters sent to the rateable address of property owners significantly affected by the amendments, including property owners affected by the amendments to Overlay Map OV2 – Key Resource Areas, Buffers and Haul Routes, and zoning and Schedule 2 amendments.

Submissions

The **Submission Summary Table** provides a summary of the key issues raised in the submissions and outcomes reached.

Two properly made submissions were received during the consultation period. In accordance with the *Planning Act*, all properly made submissions have been considered. After consideration of the issues raised in the submissions, no changes are proposed to the amendments.

Following Council's consideration of the issues raised in submissions and the publication of this report, each submitter will be contacted in writing to provide reference to the location of this report on Council's website.

Submission Summary Table

The table below provides a summary of the issues raised in submissions with comments in response to issues raised. The table does not document every individual issue, instead providing a summary of the key issues raised by multiple submitters in the submissions.

Submission Reference	Submitter's feedback	Comments	Proposed Outcomes
Issue 1: Auxiliary Units – Minimum Lot Size			
01 02	<p>Opposition to a minimum lot size of 800m² for the following reasons:</p> <ul style="list-style-type: none"> - a minimum lot size should be removed or reduced from 800m² to 450m²; - a 450m² lot enables main dwelling and auxiliary unit relationships to be maintained; - an 800m² minimum lot size is counterintuitive to providing a diversity of housing particularly affordable housing and multigenerational living; - an 800m² minimum lot size is excessive given auxiliary units are restricted in size and number of bedrooms; - design controls are preferred to determine locations of auxiliary units rather than minimum lot size and to ensure that traditional detached house street character can be maintained; - if the Dual Occupancy and Auxiliary Unit minimum lot size are the same, it is likely that Dual Occupancy development will be preferred, thereby reducing the number of Auxiliary Units and impacting housing diversity; 	<p>The nomination and approval of an 'Auxiliary Unit Lot' type during subdivision (reconfiguration) is appropriate as this is when the lots in the subdivision that are optimal for auxiliary unit development can be identified and appropriately provided for in the subdivision design stage. This approach provides the opportunity for improved design outcomes at well-chosen sites, and a more efficient distribution of auxiliary units across the land release as a whole delivering housing diversity whilst avoiding problematic concentrations of auxiliary units.</p> <p>Whilst the proposed special characteristics requirements identified in the Reconfiguring a Lot Code provide appropriate benchmarks for the assessment of Auxiliary Unit development proposals, the 800m² lot size of Auxiliary Unit Lots acts as a good primary indicator (trigger) of whether the proposal should be subject to assessment for its impact on the surrounding uses and is considered to be a size that can contain associated impacts associated with the auxiliary unit and the 'primary dwelling unit' (which isn't limited in size). A development application can be submitted for Council's</p>	No change

	<ul style="list-style-type: none"> - if the dwelling and auxiliary unit have adequate private open space and onsite car parking provision there should be no minimum lot size. 	consideration where a lot is less than 800m ² having regard to the Auxiliary Unit location requirements proposed by the amendments which will be assessed on its merits.	
Issue 2: Auxiliary Units – Special Characteristics – 100m separation			
01 02	<p>Opposition to the proposed requirement Special Characteristics (c) (iv) “..provide a minimum 100m separation to any other auxiliary unit lot in the same street”. Request that it be removed or reduced as:</p> <ul style="list-style-type: none"> - it is unclear (the term ‘in the same street’ can be easily confused regarding where a street ends and begins), and is repetitive of the other special characteristics -Conformity with the other special characteristics will prevent over-concentrations of auxiliary units <p>The separation requirements are the same as for dual occupancy development however auxiliary units should be treated differently owing to the difference in scale between the development types.</p>	<p>Analysis and investigations have identified that the main problems associated with the over concentration of auxiliary units are occurring in new housing estates where these are being concentrated in contiguous rows. This is generally not occurring in older estates or infill areas owing to the less likelihood of assembling or marketing the land.</p> <p>Proximity to another auxiliary unit provides a good indicator of whether an auxiliary unit development proposal should be subject to assessment for its impact on surrounding land uses, as concentrations of auxiliary units can result in amenity, streetscape character and density inconsistent with the intent of the zone.</p> <p>In practice auxiliary units have experienced similar impacts as for dual occupancy uses such as car parking and visual amenity issues and have resulted in the creation of defacto duplex dwelling estates (that do not conform to the planning scheme requirements in terms of clustering and separation distances). In some instances more than 90% of a street or entire subdivision are being developed with auxiliary units. The use of similar separation distance criteria to dual occupancy uses is therefore appropriate.</p>	No change

		The proposed auxiliary unit provisions will operate in the same way as the existing dual occupancy provisions in regard to determining whether they are in the same street. Where one street meets another, it would be possible under the special characteristics requirements as proposed for two auxiliary unit developments closer than 100 metres apart to be considered accepted development as they are in different streets.	
Issue 3: Auxiliary Units - Nomination of auxiliary unit lots at reconfiguration stage			
02	Opposition to the requirement for nomination of auxiliary unit lots at reconfiguration of a lot stage. The requirement would limit the provision of this accommodation type in new estates and will effectively not allow families the discretion to provide auxiliary unit accommodation as and when they need it.	The requirement ensures that at the reconfiguration of a lot stage, the arrangement of Auxiliary Unit Lots is optimised and Auxiliary Units will be appropriately dispersed rather than concentrated in any stage of a reconfiguration to ensure amenity, streetscape character and density is consistent with the intent of the zone. Rather than preventing further development of Auxiliary Unit sites, the requirement ensures that any additional Auxiliary Units in proximity of the originally approved Auxiliary Unit Lots are subject to assessment in order to maintain the intended density, character and amenity of newly established areas.	No change
Issue 4: Auxiliary Units – Limiting siting relaxations			
02	No support for limiting auxiliary units by limiting siting relaxations.	The amendments do not include changes to siting requirements or siting relaxation requirements.	No change
Issue 5: Auxiliary Units – Auxiliary Units are now treated as Dual Occupancy development			
02	The proposed amendments will apply dual occupancy rules to auxiliary units however are not of the same land use intensity and appearance, and should not be treated as	The requirements for Auxiliary Unit and a Dual Occupancy development continue to be different. In practice auxiliary units have experienced similar concerns	No change

	<p>such.</p> <p>The Planning Act regulation definition of ‘Secondary Dwelling’ should be adopted by the planning scheme.</p>	<p>to dual occupancy uses such as car parking and visual amenity issues and have resulted in the creation of defacto duplex dwelling estates (that do not conform to the planning scheme requirements in terms of clustering and separation distances). The use of similar separation distance criteria to dual occupancy uses is therefore appropriate.</p> <p>The Ipswich Planning Scheme was not prepared under the <i>Planning Act 2016</i> and therefore does not contain the Planning Regulation 2017 definitions.</p>	
Issue 6: Auxiliary Units – Further Matters			
01 02	<p>No evidence or investigations have been provided to explain the rationale behind the proposed amendments.</p> <p>Developers can implement their own design controls which uphold similar design standards to the proposed amendments.</p> <p>The proposed design changes to ensure integrated house and auxiliary unit development is supported.</p> <p>Adequate car parking provision (bringing the number to 3 on-site car parking spaces in an ordinary situation) is supported.</p> <p>Meeting private outdoor open space requirements is supported.</p> <p>Allotments for auxiliary units that do not comply with the proposed amendments have already been sold to auxiliary unit builders off the plan and advice is requested as to how this situation will be addressed by Council.</p>	<p>Analysis was undertaken with regard to distribution and concentration of auxiliary units which found over concentration of auxiliary units in some new housing estates causing impacts principally related to car parking and visual amenity, the creation of defacto duplex dwelling estates (that do not conform to the planning scheme requirements in terms of clustering and separation distances), over concentrations of rental housing and infrastructure contributions not being levied to pay for the additional demand placed on the trunk infrastructure networks (as auxiliary units form part of a single residential use).</p> <p>The purpose of the proposed amendments is to prevent problematic concentrations and an appropriate distribution and location of Auxiliary Unit development by providing additional requirements for the location of Auxiliary Units. Removing ‘clusters’ of Auxiliary Units will remove pockets of density higher than that supported by</p>	No change

		<p>the zone particularly in locations that don't have good access to facilities and services, and potential negative impacts of the development type, particularly impacts on recreation space and on-street parking.</p> <p>The existing Planning Scheme requirements for the design of Auxiliary Units remain, and are not changed by the proposed amendments.</p> <p>In relation to where 'contractual' arrangements have been entered into between a land developer and a purchaser, the proposed amendments will apply in accordance with relevant statutory provisions upon commencement of the amendments, including those relating to a superseded planning scheme.</p>	
--	--	---	--