

Queanbeyan LEP 2012 Planning Proposal 1 - Identify certain signage as Exempt Development and permit of Home Businesses and Home Industries with dwellings

Proposal Title :	Queanbeyan LEP 2012 Planning Proposal 1 - Identify certain signage as Exempt Development and permit of Home Businesses and Home Industries with dwellings		
Proposal Summary :	Proposal to list additional exempt development for certain signage and to permit home businesses and home industries in zones where dwellings are permitted.		
PP Number :	PP_2013_QUEAN_002_00	Dop File No :	13/16524

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **3.1 Residential Zones**

Additional Information : The Deputy Director General, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to Queanbeyan Local Environmental Plan 2012 to both list additional exempt development for certain signage and, to allow for home business and home industry in zones where dwellings are permitted should proceed subject to the following conditions:

1. The planning proposal is to be amended prior to community consultation to remove 'Signs on motor vehicles' as this is controlled under other legislation.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.2 of 'A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013)'.
3. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:
 - * Roads and Maritime Services (under provisions of SEPP 64)

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. The public authority may request additional information or additional matters to be addressed in the planning proposal.
4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be made within 6 months from the week following the date of the Gateway determination.
6. It is noted that the Council has not provided a timeline for the planning proposal. Council is to prepare a timeline for the completing the planning proposal within 6 months and include it in the planning proposal for exhibition.

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7. Council is authorised to use its delegation of the Minister's plan making functions.

8. The Director General can be satisfied that any inconsistencies of the planning proposal with any s117 Directions are minor significance.

9. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form.

10. Consultation with the RMS satisfies the requirements of SEPP64.

Supporting Reasons : This is a minor matter that increases the amount of exempt development for signage and permits home businesses and industries wherever dwellings are permitted.

Panel Recommendation

Recommendation Date : 24-Oct-2013

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to remove the proposal to include 'signs on motor vehicles' within Schedule 2 Exempt Development because 'signs on motor vehicles' is controlled under other legislation.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include all relevant information consistent with the A Guide to Preparing Planning Proposals including a project timeline consistent with Section 2.6 Part 6.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
4. Consultation is required with the Roads and Maritime Services (RMS) under section 56(2)(d) of the EP&A Act. RMS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has not requested to be issued with delegations for this planning proposal. Council should be issued with plan making delegation because the proposal is considered to be a matter of local planning significance.

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Signature:

M. Simon

Printed Name:

Mark Simon

Date:

5/11/13