

Planning Proposal

30 Wanna Wanna Road

Carwoola NSW



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Planning Proposal - 30 Wanna Wanna Road Carwoola NSW

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Introduction

This is a planning proposal prepared under section 55 of the *Environmental Planning and Assessment Act 1979* (the legislation), in relation to a proposed amendment to the *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)*.

The planning proposal has been prepared to correct a mapping anomaly on land that has been incorrectly zoned Zone E1 National Parks and Nature Reserves and as a result of a request from the Office of Environment and Heritage (OEH) – **(Appendix C – Land Rezoning Request)**.

Subject Land

The subject site is located east of Queanbeyan off Wanna Wanna Road as indicated on the Subject Land Maps and Aerial Photograph below.

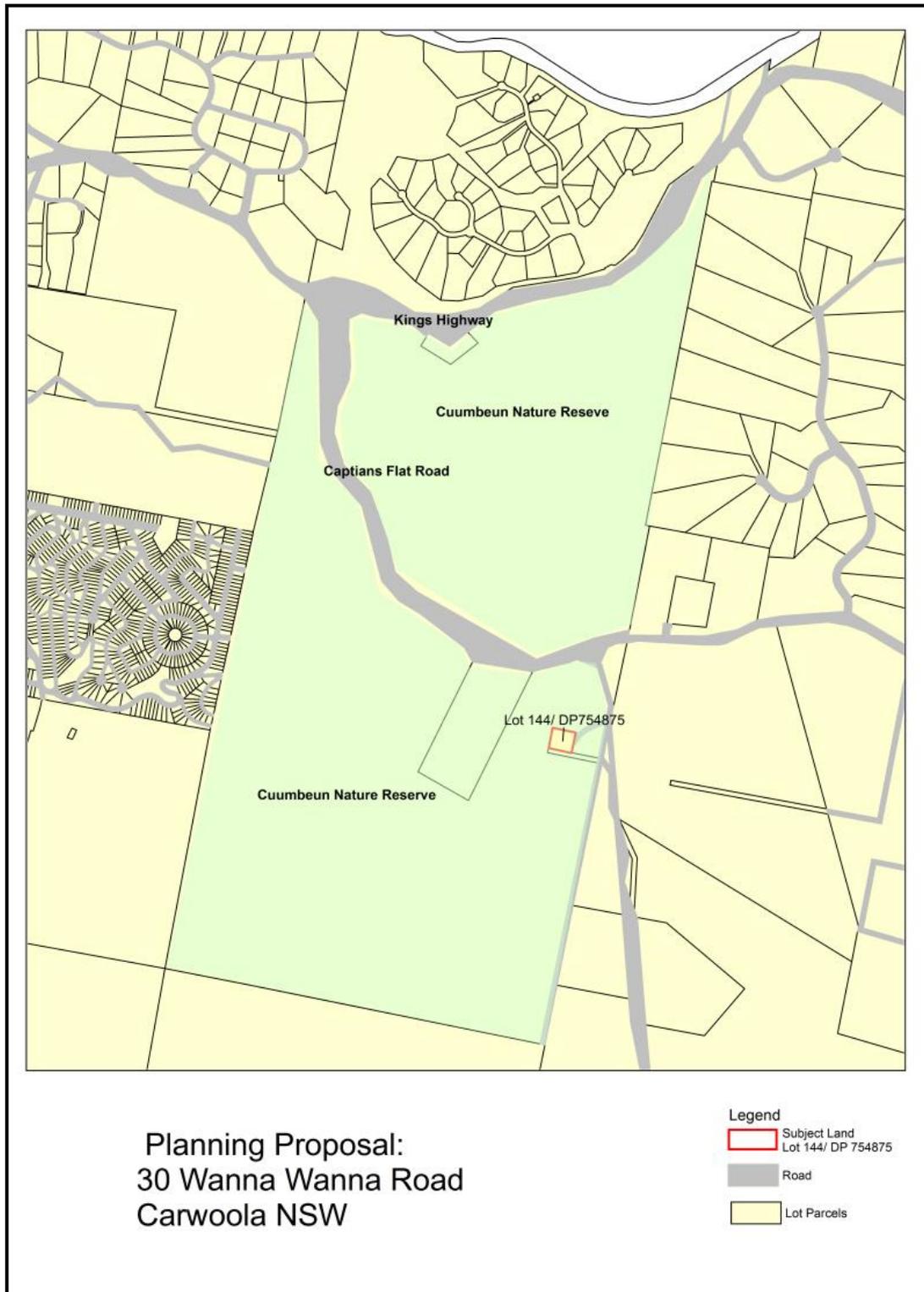


Figure 1 – Subject Land

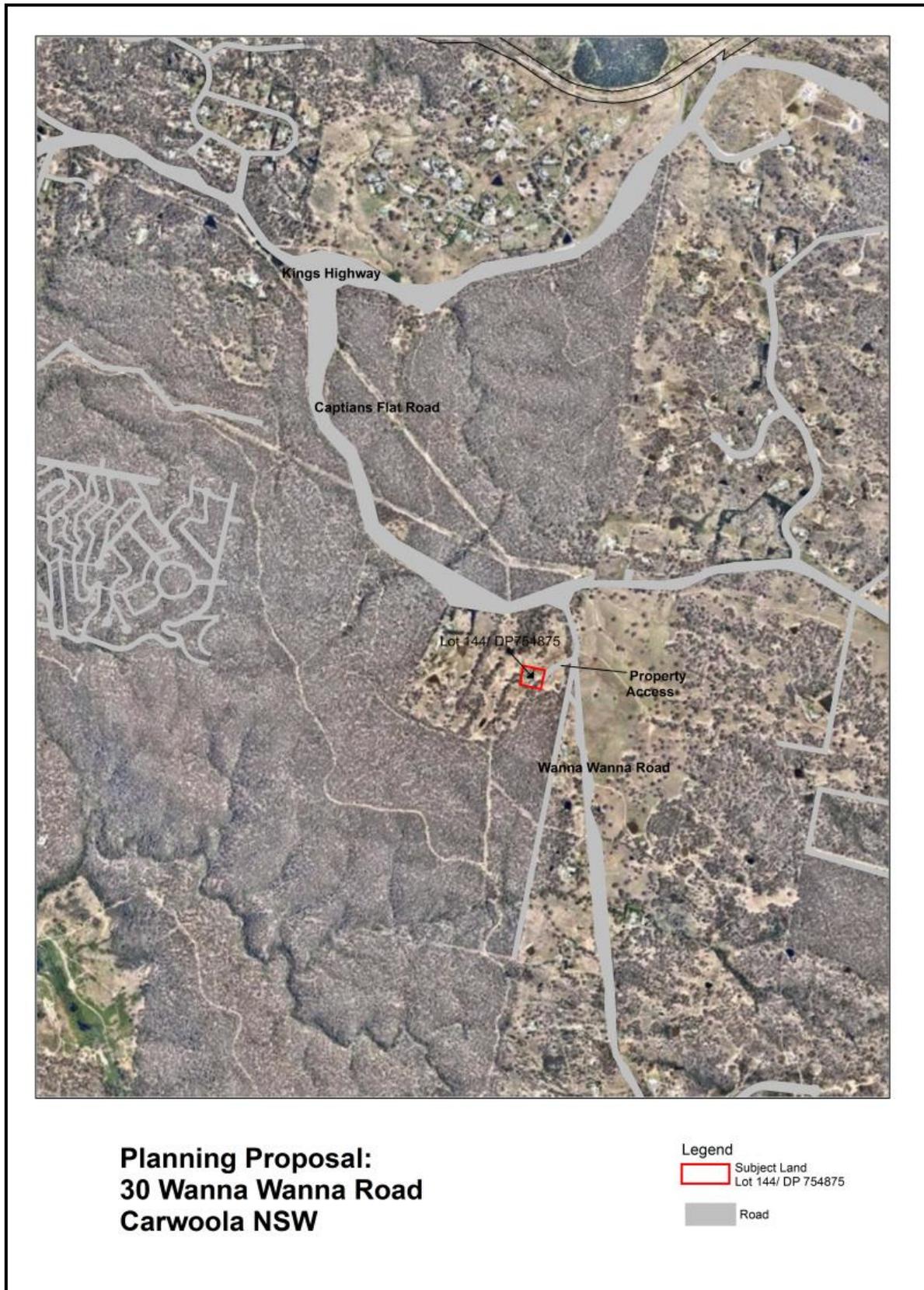


Figure 2 – Aerial Photograph

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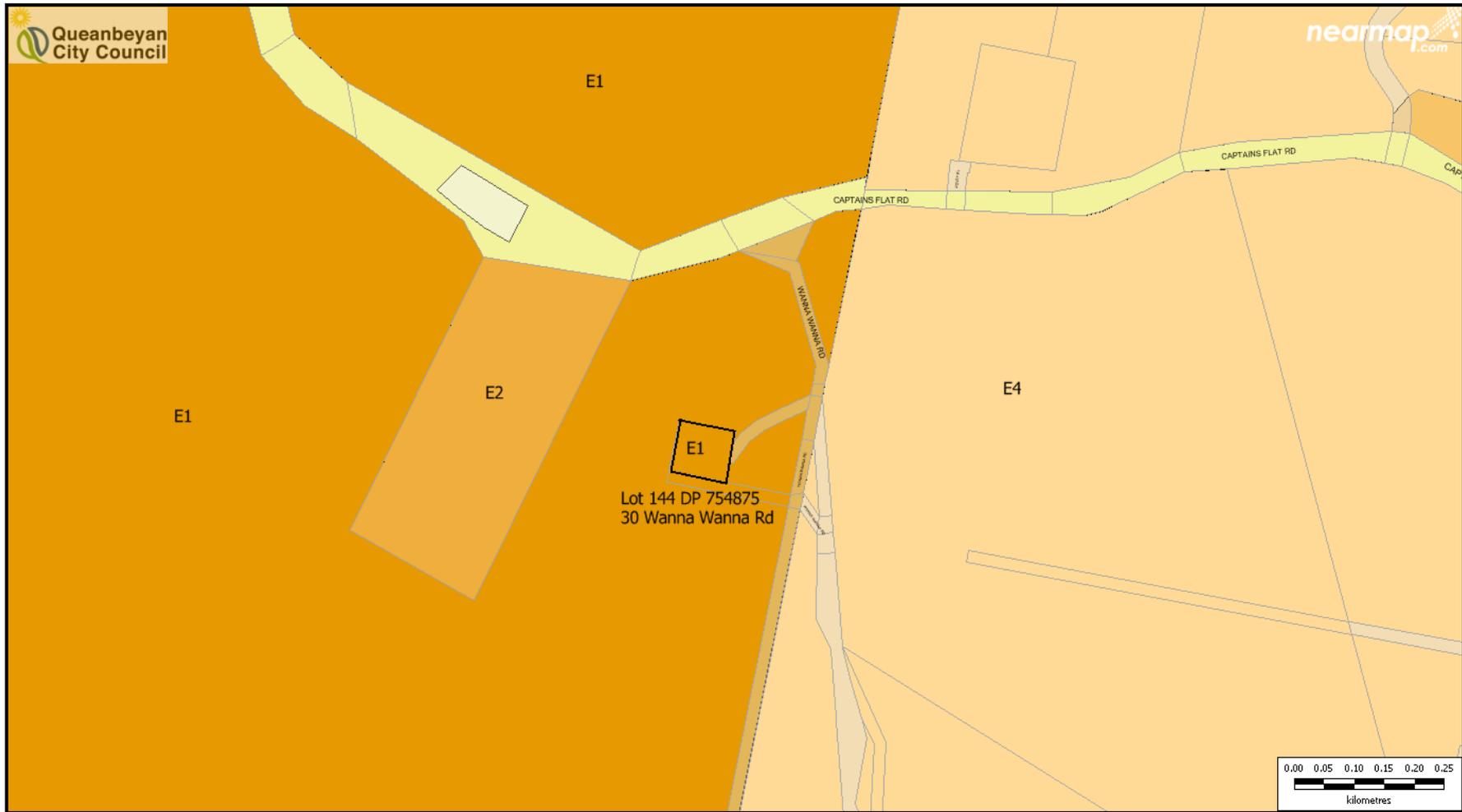


Figure 3 – Land Subject to the planning proposal (Current Zones - QLEP 2012)

Part 1 – Objective or Intended Outcomes

The objective of this planning proposal is to amend the *QLEP 2012* by correcting a mapping anomaly to rezone the land at 30 Wanna Wanna Road Carwoola from Zone E1 National Parks and Nature Reserves to Zone E2 Environmental Conservation.

Part 2 – Explanation of Provisions

This planning proposal will amend the *QLEP 2012* in the following manner:

- The Land Zone Map LZN_009 applying to 30 Wanna Wanna Road (Lot 144 DP 754875) will be amended from Zone E1 National Parks and Nature Reserves to Zone E2 Environmental Conservation (**Appendix D - Proposed Land Zone Map LZN_009**).
- No changes are required to the written instrument at this time.
- No changes are required to the Lot Size Map LSZ_009 or any other map.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

- a) The planning proposal is the result of a letter received from NSW Office of Environment and Heritage (OEH) notifying Council that the subject land has erroneously been Zoned E1 National Parks and Nature Reserves (**Appendix C - Land Rezoning Request**).
- b) Queanbeyan City Council considered a report at its meeting of 24 September 2014 which advised Council of a proposal to amend the *QLEP 2012* under section 73A of the *Environmental Planning and Assessment Act 1979* to correct a parcel of land that was incorrectly zoned Zone E1 National Parks and Nature Reserves to Zone E2 Environmental Conservation as requested by the Office of Environment and Heritage (OEH). Council did not raise any objections or issues with the correction to the zone map (**Appendix E - Ordinary Meeting of Council including Identified Land Map and Appendix F - Minutes Ordinary Meeting of Council**).
- c) The parcel of land is surrounded by the Cuumbeun Nature Reserve. The area is known to be dominated by a dry sclerophyll forest with areas of yellow box woodland and grassy understorey, a community listed as an endangered ecological community under the *Threatened Species Conservation Act, 1995* (NSW National Parks and Wildlife service, Cuumbeun Plan of Management, 2006).
- d) It is considered that Zone E2 Environmental Conservation is appropriate given these high biodiversity values. These values are not dissimilar to other land zoned Zone

E2 Environmental Conservation in the same locality that also adjoins Zone E1 National Parks and Nature Reserves.

- e) It appears that the mapping anomaly resulted from a pre-existing Zone 8(a) National Parks under the *Yarrowlumla Local Environmental Plan 2002* and incorrectly transferred to the *QLEP 2012*. However, under the *Yarrowlumla Local Environmental Plan 1993*, the land was zoned No. 7(e) Environmental Protection Scenic. Dwelling houses were permitted in Zone No. 7(e) Environmental Protection Scenic (*Yarrowlumla Local Environmental Plan 1993*) - **(Appendix G - Extract of Yarrowlumla Local Environmental Plan 1993 and 2002 including close up maps of zones for Lot 144 DP 754875)**.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The local office of the NSW Department of Planning and Environment advised that the mapping anomaly would be better addressed as a planning proposal under section 55 rather than as an expedited amendment under Section 73A of the legislation.

3. Is there a net community benefit?

The net community benefit in preparing the planning proposal is to ensure that the *QLEP 2012* is correct and up to date and any errors or anomalies that may confuse or complicate future planning matters are addressed.

Section B – Relationship to Strategic Planning Framework

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, sub-regional strategy or local strategy?

The relevant regional strategy is the *Sydney-Canberra Corridor Strategy 2006-31*. The planning proposal is consistent with this Strategy. There is no sub-regional strategy that is relevant to Queanbeyan City Council. The planning proposal is consistent with the *Queanbeyan Residential and Economic Strategy 2031*. The proposed re-zoning will have no impact on the strategy as a dwelling exists on the land.

2. Is the planning proposal consistent with Council's Community Strategic Plan?

The planning proposal was assessed against the *Queanbeyan City Council Community Strategic Plan 2013-2023* specifically the relevant strategies relating to plans and policies.

This strategy is outlined in column 1 of the table below and shows how the amendment in the planning proposal is consistent with the strategy.

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The administration, regular review and ongoing maintenance of the *QLEP 2012* enforces this strategy.

Community Strategic Plan 2013-23	LEP Amendments
5.1 Implementing the plans Queanbeyan already has – A strategy to achieve this direction is “review Council plans, policies and strategies to meet changing factors in the community”	Make minor amendments to <i>QLEP 2012</i> to remove known errors, anomalies and unforeseen loopholes.

3. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal applies to circumstances which will not change the existing land use. As such a number of State Environmental Planning Policies (SEPP’s) have been considered although they are strictly not relevant. The major SEPP’s are detailed in the section below. For a complete checklist of applicable SEPPs refer to **Appendix A**.

SEPP No. 55 – Remediation of Land

The planning proposal does not contain provisions that will alter the existing residential use of the subject land therefore the SEPP is not relevant. As such the planning proposal is not inconsistent with the SEPP.

SEPP (Building Sustainability Index: BASIX) 2004

The SEPP is not relevant as no buildings are proposed as part of the planning proposal. As such the planning proposal is not inconsistent with the SEPP.

SEPP (Exempt and Complying Development Codes) 2008

The planning proposal is not inconsistent with the SEPP as no works are proposed as part of the planning proposal.

SEPP (Rural Lands) 2008

The planning proposal does not include development of rural lands or any agricultural land and therefore is not relevant. The Zone E2 Environmental Conservation protects the existing land from inappropriate development. As such the planning proposal is consistent with the SEPP.

4. Is the planning proposal consistent with applicable Minister Directions (s.117 Directions)?

This planning proposal is consistent with the applicable Section 117 Ministerial Directions. For a complete checklist of Section 117 Ministerial Directions that have been considered for to this planning proposal refer to **Appendix B**.

Section C – Environmental, Social and Economic Impact

- 1. Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

There is no critical habitat or threatened species, population or ecological communities, or their habitats that will be adversely affected as a result of the planning proposal as a dwelling currently exists on the land. However if further development is proposed in the future any environmental impact will be assessed at development application stage.

- 2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The planning proposal is not considered to have any other likely environmental effects.

- 3. How has the planning proposal adequately addressed any social and economic effects?**

There are unlikely to be any social or economic effects due to the minor nature of the amendment.

Dwelling houses are not permitted in Zone E2 Environmental Conservation. However a dwelling house does exist on the subject land. Building consent was granted on 12 January 1971 (Application No. 66/70) by the then Yarrowlumla Shire Council and thereby the dwelling exists under existing use rights.

Section D – State and Commonwealth Interest

- 1. Is there adequate public infrastructure for the planning proposal?**

Not Applicable.

- 2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Consultation with State and Commonwealth public authorities has not yet been undertaken. The level of consultation will be determined by the NSW Department of Planning and Environment when it makes its Gateway Determination. The NSW Rural Fire Service (RFS) will be consulted. The NSW Office of Environment and Heritage (OEH) are aware of the matter and further consultation is not required.

Part 4 – Mapping

Changes to the proposed map sheet will be undertaken in a suitable format for public exhibition should the Gateway Determination be issued.

The planning proposal will result in a change to the following *QLEP 2012* map:

- Amend map sheet LZN_009 by applying zone E2 Environmental Conservation Zone to Lot 144 DP 754875 – 30 Wanna Wanna Road Carwoola.

Part 5 – Community Consultation

The Gateway Determination will confirm community consultation requirements. If this planning proposal is supported, it is likely that the proposal will be exhibited as a 'low' impact proposal for 14 days in accordance with Section 5.5.2 of *A Guide to Preparing LEPs*, because it is:

- *Consistent with the pattern of surrounding land use zones and/or land uses.*
- *Consistent with the strategic planning framework.*
- *Presents no issues with regard to infrastructure servicing.*
- *Not a principle LEP.*
- *Does not re-classify public land.*

Council received a submission from the land owner, 30 Wanna Wanna Road, requesting the amendment to proceed.

Part 6 – Project Timeline

The Project Timeline will assist with tracking the progress of the planning proposal through the various stages of consultation and approval. It is estimated that this amendment to *QLEP 2012* will be completed by November 2015.

Council requests delegation to carry out certain plan-making functions in relation to this proposal. Delegation would be exercised by Council's General Manager or Director of Environment, Planning and Development.

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Task	Anticipated 2015 timeframes
Report to Council (PDRC)	24 September 2014
Planning Proposal preparation	May 2015
Gateway Determination	June/July 2015
Public Exhibition	July/August 2015
Report to Council including considerations of submissions	September 2015
Submission to Department to finalise the LEP	October/November 2015

Appendix A – State Environmental Planning Policies

The following relevant Environmental Planning Instruments (EPI) have been considered in the preparation of this planning proposal:

SEPP No.	SEPP Title	Applicable	Relevant	Consistent
1	Development Standards	Yes	No	Yes
21	Caravan Parks	Yes	No	Yes
30	Intensive Agriculture	Yes	No	Yes
33	Hazardous and Offensive Development	Yes	No	Yes
36	Manufactured Home Estates	Yes	No	Yes
44	Koala Habitat Protection	Yes	No	Yes
55	Remediation of Land	Yes	No	Yes
64	Advertising and Signage	Yes	No	Yes
65	Design Quality of Residential Flat Development	Yes	No	Yes
-	SEPP (Affordable Rental Housing) 2009	Yes	No	Yes
-	SEPP (Building Sustainability Index: BASIX) 2004	Yes	No	Yes
-	SEPP (Exempt and Complying Development Codes) 2008	Yes	No	Yes
-	SEPP (Housing for Seniors or People with a Disability) 2004	Yes	No	Yes
-	SEPP (Infrastructure) 2007	Yes	No	Yes
-	SEPP (Major Development) 2005	Yes	No	Yes
-	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	No	Yes
	SEPP (Miscellaneous Consent Provisions) 2007	Yes	No	Yes
-	SEPP (Rural Lands) 2008	Yes	No	Yes
-	SEPP (State and Regional Development) 2011	Yes	No	Yes

Appendix B – Section 117 Directions

S117 Direction		Consistency of planning proposal
1. Employment and Resources		
1.1	Business and Industrial Zones	Not applicable.
1.2	Rural Zones	Consistent. This planning proposal is consistent with this Direction as it does not seek to increase the permissible density of land within a rural zone nor does it rezone land from a rural zone. This planning proposal will have no impact on the existing or future agricultural production value of rural land as none currently exists with an area of 8,064 square metres.
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Consistent. The proposed correction of the mapping anomaly in this planning proposal is consistent with this Direction because it has no impact on rural lands or state significant agricultural land. The Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i> , have been considered and council is of the view that they are satisfied. In particular principle (e) in that zone E2 aims to protect the existing environmental values of the site and particularly given its proximity to the adjoining E1 land.
2. Environment and Heritage		
2.1	Environment Protection Zones	Consistent. This planning proposal is consistent with this Direction as it continues to protect and to conserve this environmentally sensitive area.
2.2	Coastal Protection	Not applicable.
2.3	Heritage Conservation	Consistent. The planning proposal does not impact on areas of heritage or indigenous heritage significance.
2.4	Recreation Vehicle Areas	Consistent. The planning proposal does not impact on areas for recreational vehicle use.
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	Consistent. The planning proposal does not include land within an existing or proposed residential zone or a zone that permits significant residential development.

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S117 Direction		Consistency of planning proposal
3.2	Caravan Parks and Manufactured Home Estates	Consistent. The planning proposal does not contain any items relating to caravan parks or manufactured home estates.
3.3	Home Occupations	Consistent. This planning proposal does not prohibit home occupations as defined in SEPP (Exempt and Complying Development Codes) 2008 and is therefore consistent with this direction.
3.4	Integrating Land Use and Transport	Consistent. The planning proposal does not impact on existing provisions as a dwelling exists on the land.
3.5	Development Near Licensed Aerodromes	Not applicable.
3.6	Shooting Ranges	Not applicable.
4. Hazard and Risk		
4.1	Acid Sulphate Soils	Not applicable.
4.2	Mine Subsidence and Unstable Land	Not applicable.
a.	Flood Prone Land	Not applicable.
b.	Planning for Bushfire Protection	Consistent. The property that is the subject of this planning proposal is mapped as bushfire prone and therefore, consultation with the NSW Rural Fire Service under Section 56 of the <i>Environmental Planning and Assessment Act 1979</i> must be undertaken. However, as development is not proposed Council is not encouraging the establishment of an incompatible land use. In this regard the planning proposal is consistent. Consultation with the RFS will identify if the planning proposal must have regard to Planning for Bushfire Protection 2006.
5. Regional Planning		
5.1	Implementation of Regional Strategies	Consistent. The planning proposal does not undermine its vision, strategy or policy of the Sydney – Canberra Corridor Regional Strategy.
5.2	Sydney Drinking Water Catchment	Not applicable.
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.
5.4	Commercial and Retail development along the Pacific Highway, North Coast	Not applicable.

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S117 Direction	Consistency of planning proposal
5.5 5.6 5.7 Revoked	
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.
5.9 North West Rail Link Corridor Strategy	Not applicable.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The planning proposal does not contain provisions that require referral's to public authorities or the minister.
6.2 Reserving Land for Public Purposes	Consistent. The planning proposal does not remove land for public purpose.
6.3 Site Specific Provisions	Consistent. The planning proposal will not amend an Environmental Planning Instrument (EPI) to allow a particular development prepared to be carried out.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Not applicable.

The following appendices are separate documents.

Appendix C – Office of Environment & Heritage – Land Rezoning Request

Appendix D – Proposed *Queanbeyan Local Environmental Plan 2012* – Land Zone Map LZN_009

Appendix E – Ordinary Meeting of Council including Identified Land Map – 24 September 2014

Appendix F – Minutes Ordinary Meeting of Council – 24 September 2014

Appendix G – Extract of *Yarrowlumla Local Environmental Plan 1993 and 2002* including close up maps of zones for Lot 144 DP 754875