

Amend Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions and other amendments in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending the Flood Planning Map and including an additional item in Schedule 2 Exempt Development (1 dwelling, 0 jobs).

Proposal Title :	Amend Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions and other amendments in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending the Flood Planning Map and including an additional item in Schedule 2 Exempt Development (1 dwelling, 0 jobs).		
Proposal Summary :	Amendment No. 1 - Make corrections to property descriptions and addresses contained within Schedule 1 Additional Permitted Uses: Item 1 - Change description to Lot 16 DP 259432 Item 6 - Change the address to 36 Googong Road, Googong Item 8 - Change the address to 19 Mol Crescent, Googong Item 22 - Include Lot 171 DP 1200349 in the property description to permit farm buildings on Lot 171. Amendment No. 2 - Amend Item 22 in Schedule 1 -split Item 22 into Item 22 and 23 - Additional Permitted Uses to specifically identify the lots where a farm building is permitted (Item 22) and where a 'dual occupancy' (replaces 'dwelling house') is permitted (Item 23 - Lot 1 DP 1001136). Land and Additional permitted uses currently identified in Item 23 will be re-numbered as Item 24. Amendment No. 3 - Amend Flood Planning Map to correctly reflect the 1:100 average recurrent interval flood event plus 0.5 metre freeboard consistent with the existing definition of 'flood level' in the clause 7.2 Flood Planning in the LEP and in the draft Queanbeyan Floodplain Risk Management Study and Plan. The flood maps currently do not include the 0.5 metre freeboard. Amendment No. 4 - Make a correction to Item 84 in Schedule 5 Environmental Heritage Conservation by changing the address from '1 to 5 Hirst Avenue' to '1 and 5 Hirst Avenue' Amendment No. 5 - Amend Schedule 5 Environmental Heritage Conservation and the Heritage Map (HER_004) to insert a new Heritage Item I179 - Shepherds Ruin - 1736 Old Cooma Road, Part Lot 1 DP 613054. Amendment No. 6 - Amend Schedule 2 - Exempt Development, to include 'evaporative cooling units (roof mounted)' as exempt development.		
PP Number :	PP_2017_QPREG_003_00	Dop File No :	17/07960

Proposal Details

Date Planning Proposal Received :	08-Jun-2017	LGA covered :	Queanbeyan-Palerang Regic
Region :	Southern	RPA :	Queanbeyan-Palerang Regional
State Electorate :	MONARO	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		
Location Details			

Amend Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions and other amendments in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending the Flood Planning Map and including an additional item in Schedule 2 Exempt Development (1 dwelling, 0 jobs).

Street :	Amendment No. 1 - Wanna Wanna Road		
Suburb :	Carwoola	City :	Postcode : 2620
Land Parcel :	Lot 16 DP 259432		
Street :	Amendment No. 1 - Googong Road		
Suburb :	Googong	City :	Postcode : 2620
Land Parcel :	Lot 10 DP 754881		
Street :	Amendment No. 1 - Mol Crescent		
Suburb :	Googong	City :	Postcode : 2620
Land Parcel :	Lot 2 DP 826105		
Street :	Amendment No. 2 - Alderson Place		
Suburb :	Tralee	City :	Postcode : 2620
Land Parcel :	Lots 3, 5, 6, 8, 9, 11 and 12 DP17224, Lots 9-11 DP 130626, Lot 100 DP131036, Lot 1 DP 1001136 and Lot 171 DP 1200349		
Street :	Amendment No. 4 - Hirst Avenue		
Suburb :	Queanbeyan	City :	Postcode : 2620
Land Parcel :	Lot 116 DP 13963		
Street :	Amendment No. 5 - Old Cooma Road		
Suburb :	Royalla	City :	Postcode : 2620
Land Parcel :	Part Lot 1 DP 613054		
Street :	Amendment No.s 3 and 6		
Suburb :		City :	Postcode :
Land Parcel :	Amendment 3 applies to land affected by changes to the Flood Planning Map and Amendment 6 potentially applies to all land in the LGA		

DoP Planning Officer Contact Details

Contact Name : Haydon Murdoch
 Contact Number : 0262297914
 Contact Email : haydon.murdoch@planning.nsw.gov.au

RPA Contact Details

Contact Name : Martin Brown
 Contact Number : 0262856277
 Contact Email : martin.brown@qprc.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Graham Judge
 Contact Number : 0262297906
 Contact Email : graham.judge@planning.nsw.gov.au

Amend Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions and other amendments in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending the Flood Planning Map and including an additional item in Schedule 2 Exempt Development (1 dwelling, 0 jobs).

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	1
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment :			

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : There are 6 separate groups of amendments in the planning proposal. The statement of Objectives for each have been adequately identified in the planning proposal.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The planning proposal has provided sufficient information explaining the proposed amendments to the Queanbeyan LEP 2012.

Amendment No. 1 - Correction of minor property descriptions/addresses errors in Schedule 1 - Additional Permitted Uses.

Item 1 - was incorrectly described as Lot 87 DP 1051143 and should have been instead referred to as Lot 16 DP 259432.

Item 6 - was incorrectly identified as 64 Googong Road and should have been instead

Amend Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions and other amendments in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending the Flood Planning Map and including an additional item in Schedule 2 Exempt Development (1 dwelling, 0 jobs).

referred to as 36 Googong Road.
 Item 8 - was incorrectly identified as 23 Mol Crescent and should have been instead referred to as 19 Mol Crescent.
 Item 22 - should have included Lot 171 DP 1200349 in addition to the other parcels of land.

Amendment No. 2 - Split Item 22 into Item 22 and 23 in Additional Permitted Uses to specifically identify lots where a 'farm building' is permitted (Item 22) and where a 'dual occupancy' is permitted (Item 23 - Lot 1 DP 1001136). Land and Additional permitted uses currently identified in Item 23 will be re-numbered as Item 24.

Amendment No. 3 - Amend the Flood Planning Map to correctly reflect the 1:100 average recurrent interval flood event plus 0.5 metre freeboard consistent with with the existing definition of 'flood level' in the clause 7.2 Flood Planning in the LEP and in the draft Queanbeyan Floodplain Risk Management Study and Plan.

Amendment No. 4 - Correct the address for a local heritage item No. 84 in Schedule 5 from '1 to 5 Hirst Avenue' to '1 and 5 Hirst Avenue'.

Amendment No. 5 - Amend Schedule 5 Environmental Heritage Conservation and the Heritage Map (HER_004) to insert a new Heritage Item I179 - Shepherds Ruin - 1736 Old Cooma Road, Part Lot 1 DP 613054.

Amendment No. 6 - Allow 'Roof mounted evaporative cooling units' as exempt development in Schedule 2 Exempt Development of the QLEP 2012. Council has received a number of development applications for roof mounted evaporative cooling units because they are not included as exempt development under SEPP (Exempt and Complying Development Codes) 2008.

Council considers roof mounted evaporative coolers should be exempt development provided they are accompanied by similar controls set out in the SEPP (Exempt and Complying Development Codes) 2008.

Justification - s55 (2)(c)

- a) Has Council's strategy been agreed to by the Director General? **No**
- b) S.117 directions identified by RPA :
 - 2.1 Environment Protection Zones**
 - 2.3 Heritage Conservation**
 - 3.5 Development Near Licensed Aerodromes**
 - 4.3 Flood Prone Land**
 - 4.4 Planning for Bushfire Protection**
 - 5.1 Implementation of Regional Strategies**
- * May need the Director General's agreement

Is the Director General's agreement required? **Yes**

- c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**
- d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

2.1 ENVIRONMENT PROTECTION ZONES: This Direction does apply to the planning proposal as it will affect land within an environment protection zone or land otherwise identified for environment protection purposes.

The proposed changes to the LEP that affect environmentally zoned land are considered of minor significance and are unlikely to have any significant impact on environmental values of land. It is not proposed to amend current environmental zones or add additional environmental zones.

Amend Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions and other amendments in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending the Flood Planning Map and including an additional item in Schedule 2 Exempt Development (1 dwelling, 0 jobs).

The proposal is considered to be consistent with this Direction.

2.3 HERITAGE CONSERVATION: This Direction does apply to the planning proposal as it affects items, places, buildings, works, relics moveable objects or precincts of environmental heritage significance.

The planning proposal is making corrections to property descriptions in Schedule 5 and has provided justification for including 'Shepherds Ruin' as an additional heritage item at 1291 Cooma Road.

The proposal is considered to be consistent with this Direction because it is updating Schedule 5 to facilitate the conservation of an item identified as having heritage significance in a heritage study by Council's heritage adviser dated 29 September 2015.

3.5 DEVELOPMENT NEAR LICENSED AERODROMES: This Direction does apply to the planning proposal as it will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome (Canberra Airport).

The relevant planning authority must consult with the relevant Department of the Commonwealth and the lessee of the airport when preparing a planning proposal that sets controls for development of land in the vicinity of the aerodrome. This s117 Direction is triggered by changes to the LEP to exempt 'roof mounted evaporative coolers.

The planning proposal is inconsistent with this direction because Council has not consulted with relevant Department of the Commonwealth and the lessee of the airport when preparing a planning proposal. However the inconsistency with this Direction is justified because the proposed changes of minor significance and will not impact on the operation of Canberra Airport.

RECOMMENDATION: The Secretary approve the inconsistency with s117 Direction 3.5 Development near Licensed Aerodromes because the inconsistency is of minor significance.

4.3 FLOOD PRONE LAND: This Direction does apply to the planning proposal as it will create, remove or alter a zone or a provision that affects flood prone land.

The proposal is considered to be consistent with this Direction because it is consistent with objectives of the Direction, including consistency with NSW Government's Flood Prone Land Policy.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES: This Direction does apply to the planning proposal as the Sydney-Canberra Corridor Regional Strategy applies to the land.

The proposal is considered to be consistent with this Direction.

4.4 PLANNING FOR BUSHFIRE PROTECTION: Council has not identified that this Direction applies to the planning proposal, however it does apply as it will affect Amendment No. 2 which is land mapped as bushfire prone land.

RECOMMENDATION: The Secretary can be satisfied that the requirements of the Direction have been met once Council complies with a Gateway Determination requiring consultation with the NSW Rural Fire Service. A condition that consultation should be undertaken with the Rural Fire Service in accordance with the Direction has been included in the recommended conditions.

STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal is not inconsistent with an SEPPs. The changes are considered to be of minor significance and not relevant to any of the current SEPPs.

Amend Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions and other amendments in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending the Flood Planning Map and including an additional item in Schedule 2 Exempt Development (1 dwelling, 0 jobs).

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Mapping is adequate. Council have provided maps illustrating changes to the Flood Planning Maps (Amendment No. 3) and Heritage Map (Amendment No. 5)

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes 14 day exhibition. However, a 28 day consultation period is recommended because Amendment No.s 3 and 5 are not housekeeping amendments and are considered significant enough to warrant a 28 day consultation period.

In addition to the public consultation, it is recommended that Council notify each property holder affected by Amendment No.s 2 and 5 during community consultation:

Amendment No. 2 - Split Item 22 into Item 22 and 23 in Additional Permitted Uses to specifically identify lots where a 'farm building' is permitted (Item 22) and where a 'dual occupancy' is permitted (Item 23 - Lot 1 DP 1001136). Land and Additional permitted uses currently identified in Item 23 will be re-numbered as Item 24.

Amendment No. 5 - Amend Schedule 5 Environmental Heritage Conservation and the Heritage Map (HER_004) to insert a new Heritage Item I179 - Shepherds Ruin - 1736 Old Cooma Road, Part Lot 1 DP 613054.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Queanbeyan Local Environmental Plan 2012 standard instrument LEP was notified in 2012.

Assessment Criteria

Need for planning proposal : The planning proposal outlines a number of relatively minor amendments and corrections. These changes correct errors, update the flood planning map to correctly identify the flood planning area and identify 'roof mounted evaporating cooling units' as exempt development. These are considered to be minor 'housekeeping' changes to the LEP.

The planning proposal will also insert a new heritage item, Shepard's Ruin Cooma Road,

Amend Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions and other amendments in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending the Flood Planning Map and including an additional item in Schedule 2 Exempt Development (1 dwelling, 0 jobs).

into Schedule 5 and on the Heritage Map consistent with a report from Council's Heritage adviser.

Council has justified the need to include all 6 groups of amendments to Queanbeyan LEP 2012.

Consistency with strategic planning framework :

The proposal is not inconsistent with any strategic planning framework including the Queanbeyan Residential and Economic Strategy and the Sydney Canberra Corridor Regional Strategy.

Environmental social economic impacts :

Council does not anticipate any adverse environmental, social or economic impacts as a result of the proposed changes because the proposed housekeeping amendments and new heritage item are of minor significance.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Rural Fire Service		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Covering_Letter_QPRC.pdf	Proposal Covering Letter	Yes
Tab A Planning Proposal 20160607.pdf	Proposal	Yes
Report and Minutes 24 May 2017 - Housekeeping Amendment QLEP 2012.pdf	Proposal	Yes

Amend Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions and other amendments in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending the Flood Planning Map and including an additional item in Schedule 2 Exempt Development (1 dwelling, 0 jobs).

Updated Flood Map for amendment to QLEP 2012 - updated 24 May 2017.jpg	Map	Yes
Updated Flood Map for amendment to QLEP 2012 - Map No 2 updated 24 May 2017.jpg	Map	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.5 Development Near Licensed Aerodromes
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Additional Information : **RECOMMEND** that the Director Regions, Southern, at the Department of Planning and Environment as delegate of the Minister for Planning, determine under Section 56(2) of the Environmental Planning and Assessment Act, 1979 that an amendment to Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending item 22 in Schedule 1 Additional Permitted Uses, amending the Flood Planning Map, including a new heritage item in Schedule 5 and on the Heritage Map and including an additional item in Schedule 2 Exempt Development should proceed subject to the following conditions:

CONSULTATION

1. Community consultation is required under Sections 56(2)(c) and 57 of the EP&A Act as follows:

- (a) the Planning Proposal must be made publicly available for a minimum of 28 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 local environmental plans (Department of Planning and Environment 2016).

2. The relevant planning authority must provide notification to land owners in writing affected by Amendment No.s 2 and 5 within the planning proposal.

3. Consultation is required with the following public authorities and / organisations under Section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant Section 117 Directions:

- Office of Environment and Heritage – Heritage
- Office of Environment and Heritage – Flood Unit
- NSW Rural Fire Service (s117 Direction 4.4 Planning for Bushfire Protection).

Each public authority/organisation 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.

4. 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).

TIMEFRAME

Amend Queanbeyan Local Environmental Plan 2012 relating to making corrections to property descriptions and other amendments in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending the Flood Planning Map and including an additional item in Schedule 2 Exempt Development (1 dwelling, 0 jobs).

5. The timeframe for completing the LEP is to be 12 months following the date of the Gateway determination.

DELEGATION

The Council is authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

MAPPING

The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Vers: 1.0 November 2015.

SECTION 117 DIRECTIONS

It is recommended that:

(a) The Secretary approve the inconsistency with s117 Direction 3.5 Development near Licensed Aerodromes because the inconsistency is of minor significance.

(b) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

SEPPS

The planning proposal is considered to be consistent with all relevant SEPPs.

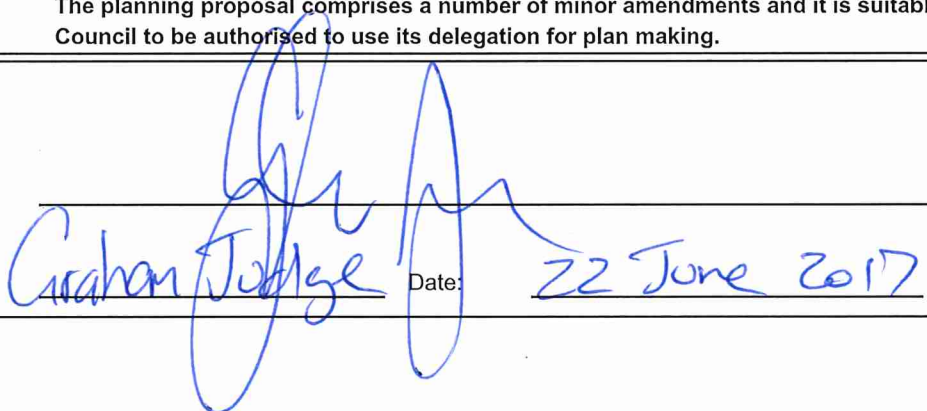
Supporting Reasons :

The planning proposal comprises a number of minor amendments and it is suitable for Council to be authorised to use its delegation for plan making.

Signature:

Printed Name:

Date:


Graham Judge 22 June 2017