

Our ref: HMS ID 10659

Your ref: REF-3729

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## Planning Proposal – Queanbeyan-Palerang Regional Local Environmental Plan 2022 – Housekeeping Amendments

Dear Mani

Thank you for the opportunity to provide comment on the Planning Proposal to make housekeeping amendments to *Queanbeyan-Palerang Regional Local Environmental Plan 2022* (LEP).

We have reviewed the Planning Proposal and note that many of the amendments which Council is proposing are positive, administrative or minor in nature, including:

- amending Clause 1.2 Aims of Plan to include the following aim “to ensure development reduces human influence on the climate and consider the impacts of climate change”
- including ‘street art’ within Schedule 2 Exempt Development
- correcting land zoning and lot size anomalies.

We note that the controls for exempt ‘street art’ which Council has proposed, include the following restriction:

- street art must not be located on a heritage item, within a heritage conservation area, or a special character area, unless appropriate Heritage DA approvals are sought and received.

This is a much-needed control, as it will ensure that impacts to heritage items from street art are properly assessed.

We recommend two additional controls for clarity and protection of State heritage items and Aboriginal Places or sites:

- street art must not be located on a State heritage item listed on the State Heritage Register, unless an exemption has been granted under Section 57(2) of the *Heritage Act 1977*

- street art must not be located on an Aboriginal Place or Site, as protected under the *National Parks and Wildlife Act 1974*, unless:
  - Aboriginal community consultation, in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents, has been undertaken
  - impact assessment and appropriate management or mitigation measures for any recorded Aboriginal objects on the land have been proposed, and
  - if necessary, an Aboriginal Heritage Impact Permit has been issued.

The proposal also includes housekeeping amendments to 10 Local heritage items, to address property descriptions, boundary adjustments, subdivision of land, and demolition. We consider that these amendments are also administrative in nature and encourage the amendments.

While Heritage NSW encourages amendments to LEPs which provide greater accuracy and clarity for existing Local heritage items, we note that the Heritage Council of NSW, and Heritage NSW as its Delegate, do not have a role in the approval of changes to Local heritage listings.

As local heritage is protected under the *Environmental Planning and Assessment Act 1979* and under Council LEPs, Council is the consent authority, and as such the assessment and consideration of impacts on the above four Local heritage items rests with Council.

Prior to finalisation of the planning proposal, Council should be satisfied that all necessary heritage assessments have been undertaken and that any impacts have been sufficiently addressed. Council's assessment should include, but not be limited to, a search of:

- the [State Heritage Inventory](#)
- the [Aboriginal Heritage Information Management System](#).

If you have any questions about the above, please contact James Sellwood, Senior Planning Officer at Heritage NSW on (02) 9873 8500 or [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au).

Yours sincerely

*Andreana Kennedy*

Andreana Kennedy

Practice Lead, Planning Referrals and Advice

Heritage NSW

As delegate of the Heritage Council of NSW and for Heritage NSW

3 July 2025