



Planning and Strategy Committee of the Whole

8 November 2017

**UNDER SEPARATE COVER
ATTACHMENTS**

Items 5.2, 5.5 and 6.1

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
PLANNING AND STRATEGY COMMITTEE OF THE WHOLE**

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting
Attachment

8 NOVEMBER 2017

ITEM 5.2 PLANNING PROPOSAL - HOUSEKEEPING AMENDMENTS TO
QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012

ATTACHMENT 1 PLANNING PROPOSAL



Planning Proposal
Housekeeping
Amendments to
Queanbeyan Local
Environmental Plan
2012

Reference: SF170205
C1753006

Planning Proposal – Housekeeping Amendments to Queanbeyan LEP 2012

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Planning Proposal – Housekeeping Amendments to Queanbeyan LEP 2012

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Planning Proposal – Housekeeping Amendments to Queanbeyan LEP 2012

Introduction

This planning proposal has been prepared to update a number of operational matters in *Queanbeyan Local Environmental Plan (LEP) 2012* (QLEP 2012). These are set out below.

Part 1 – Objectives and Intended Outcomes

The objectives of this planning proposal are to undertake a number of housekeeping amendments to QLEP 2012 to:

1. correct a number of misdescriptions contained in Schedules One and Five to ensure the LEP is accurate,
2. ensure the Flood Planning Area set out in Council's LEP is updated to reflect the most recent information in respect of known flood planning levels,
3. include an additional heritage item that was assessed by Council's Heritage Advisor in September 2015 and recommended for inclusion in Schedule Five of the LEP, and
4. introduce evaporative cooling units (roof mounted) as exempt development.

The intended outcomes of the planning proposal are to amend the *Queanbeyan Local Environmental Plan 2012* (QLEP 2012) to:

1. update a number of incorrect property descriptions contained within Schedule One of QLEP 2012 and as set out at Appendix A,
2. correct an additional development use detailed at Schedule One of QLEP 2012 for item 22 (101 Alderson Place, Tralee) from 'dwelling house' to 'dual occupancy', including confirming the parcel of land upon which the additional development is permissible as set out at Appendix A,
3. amend the Flood Planning Maps currently contained within QLEP 2012 to correctly reflect the 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard as set out in Appendix B,
4. correct a reference in respect of a local heritage item in Schedule Five Environmental Heritage (Item 84) from '1 to 5 Hirst Avenue' to instead read '1 and 5 Hirst Avenue' which was incorrectly listed when the comprehensive LEP was gazetted, and, to also update the relevant property description so it refers to the correct land parcels as set out at Appendix A,
5. include a new local heritage item in Schedule Five Environmental Heritage (Shepherds Ruin - 1291 Old Cooma Road – see Appendix A) and to introduce an accompanying Heritage Map (HER_004) to reflect this proposed listing as set out in Appendix B, and
6. allowing evaporative cooling units (roof mounted) as exempt development by including these at Schedule Two of QLEP 2012 as set out at Appendix A.

Part 2 - Justification

Section A – Need for the Planning Proposal

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

Update incorrect property descriptions in Schedule One of QLEP 2012.

The incorrect property descriptions in Schedule One have been identified by staff during routine administration of the plan rather than through any study or report.

Item 1 - When QLEP 2012 was drafted, part of the relevant property description for 149 Wanna Wanna Road (ie, Lot 87 DP 1051143) was incorrectly described and should have instead referred to 'Lot 16 DP 259432'.

Item 1 - When QLEP 2012 was drafted the relevant property description for 101 Alderson Place as set out in Schedule 1 should have also included Lot 171 DP 1200349 in addition to the other parcels of land for that property.

Item 6 – This item currently refers to '64 Googong Road' however should correctly refer to '36 Googong Road'. This appears to have been an error when the QLEP 2012 was drafted.

Item 8 – This item currently refers to '23 Mol Crescent, Googong' however should refer to '19 Mol Crescent, Googong'. This appears to have been an error when the QLEP 2012 was drafted.

Correct the additional development use at Schedule One detailed for 101 Alderson Place, Tralee from 'dwelling house' to 'dual occupancy'.

This item (item 22) currently refers to additional development for the purposes of a 'dwelling house and farm buildings'. This was done when the QLEP 2012 was drafted in an attempt to ensure previous development options available to the owner were not removed when the subject property was subsequently zoned to E2 Environmental Conservation. This new zoning had the effect of prohibiting both dwellings and farm buildings in the zone, whereas both were permissible with consent prior to the introduction of QLEP 2012.

Accordingly, the landowner would have previously had the capacity to subdivide the property to allow for three dwellings in total given the area of the property (approximately 257 hectares with an 80 hectare subdivision minimum). The landowner made representations to the Council at the time that he wanted to erect one further dwelling house on the property, and that he should also be able to continue to erect farm buildings with consent. Whilst many parts of the property hold significant environmental values, there are also parts of the property that are largely cleared and suitable for agricultural uses. This was considered to be a reasonable request in the circumstances and Council sought to give this effect by permitting the uses under Schedule One of QLEP 2012.

However, Council staff have now determined that the existing reference may not provide for an additional dwelling as envisaged by the landowner given he has confirmed he is seeking to erect the additional dwelling on the same lot of land as the existing dwelling, with a view to it being occupied by a family member and with no intention the new dwelling would be on a separate lot. Accordingly, the reference will now be amended to refer to a 'dual occupancy' development on the specific parcel already containing the existing dwelling house (ie, Lot 1, DP 1001136). Further, to ensure 'farm buildings' can still be carried out with consent anywhere on the holding, it is now intended to insert this as a separate entry that applies to all the land within the holding.

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Amend the Flood Planning Maps to reflect the 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

The proposal to update the Flooding Maps in the LEP is based on the *draft Floodplain Risk Management Study and Plan* prepared for Council in 2008 by Lyall and Associates (Appendix G).

The current Flooding Maps in the LEP were carried forward from the previous LEP and only show those areas within the 1:100 ARI that were identified as 'high hazard' under previous studies. This is inconsistent with the definition of 'flood planning level' within both the LEP and the *NSW Floodplain Development Manual 2005*. The new flood planning levels are already considered by Council when assessing any development and it is considered appropriate the LEP now be updated to reflect.

Accordingly it is intended to update the maps to identify the flood planning level as the 1:100 ARI flood event plus 0.5m freeboard as confirmed by the 2008 Study.

Correct reference in respect of a local heritage item from '1 to 5 Hirst Avenue' to instead read '1 and 5 Hirst Avenue'.

This misdescription in Schedule Five has again been identified by staff during routine administration of the plan rather than through any study or report.

It is incorrect that 3 Hirst Avenue was ever listed as part of a heritage item in Schedule 5 and this appears to have been a drafting error when the existing reference in *Queanbeyan LEP 1998* (ie, 1 and 5 Hirst Avenue) was carried forward into the new LEP. This is also confirmed by 3 Hirst Avenue not being shown on the current heritage maps under QLEP 2012. No amendment to the heritage maps is required for this matter.

Include a new local heritage item Shepherds Ruin - 1291 Old Cooma Road.

The proposal to include an additional heritage item (Shepherds Ruin) is based on a report from Council's Heritage Advisor dated 28 September 2016. A copy of that report is shown at Appendix C.

Accordingly this will be a new local heritage item in Schedule Five of the LEP and a new heritage map prepared to reflect the listing.

Allowing evaporative cooling units (roof mounted) as exempt development.

Schedule Two has been amended to include evaporative cooling units (roof mounted) as exempt development. Currently evaporative cooling units (roof mounted) are only exempt under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* where they are erected in Climate Zone 4 (as identified by the Building Code of Australia) which excludes the former Queanbeyan local government area.

Council has previously received development applications for these developments and considers them to be suitable as exempt development provided they accompanied by similar controls as currently set out in the SEPP. The proposed wording of the clause is set out at Appendix A.

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

The planning proposal seeks to correct a number errors and anomalies in the QLEP 2012 as set out above.

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These matters can only be addressed by direct amendment of the LEP which requires a planning proposal.

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.

Providing more up to date flooding information will also assist in informing future development proposals and ensuring clarity around flooding impacts.

Identifying additional local heritage items protects those items from inappropriate development.

The amendment will also provide for additional exempt development which will reduce the need for unnecessary development applications.

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 is not considered to be inconsistent with this Strategy. There is no sub-regional strategy that is relevant to the LGA.

The planning proposal is not considered to be inconsistent with the *Queanbeyan Residential and Economic Strategy 2015-2031*.

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

The planning proposal was assessed against the (former) *Queanbeyan City Council Community Strategic Plan 2013-2031*. The following strategies outlined in the table below are considered relevant to this planning proposal:

The administration, regular review and ongoing update of the QLEP 2012 re-inforce these strategies.

Community Strategic Plan 2013-23	LEP Amendments
3.1 Recognise and conserve Queanbeyan’s heritage	Correct errors within Schedule Five and add an additional item in Schedule Five
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 QLEP 2012 to removed known errors and anomalies as well as add an additional item in Schedule Five

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

The planning proposal is not considered to be inconsistent with any SEPPs.

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

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The planning proposal is not considered to be inconsistent with any section 117 directions. Any inconsistency would be considered to be of minor significance only. An assessment against any potentially applicable section 117 directions is shown at Appendix D.

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?

No

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

No

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

The planning proposal is considered to be a minor amendment to the *QLEP 2012* and will not result in any adverse social and economic effects.

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?

Not applicable

Part 3 - Mapping

Draft maps to accompany the planning proposal are shown at Appendix B.

Part 4 - Community Consultation

Council intends to consult with the Office of Environment and Heritage in respect of the flooding and heritage matters relevant to the LEP.

It is intended to publicly exhibit the planning proposal for a 14 days.

Part 5 - Project Timeline

Task	Anticipated timeframes
Report to Council	May 2017
Planning Proposal preparation	June 2017
Gateway Determination	July 2017
Public Exhibition	August 2017
Report to Council including considerations of submissions	September 2017
Submission to Department to finalise the LEP	October 2017

Appendix A – Instructions to Amend QLEP 2012

Schedule 1 - Proposed changes

1 Use of certain land at Carwoola

- (1) This clause applies to the following properties at Carwoola:
 - (a) 149 Wanna Wanna Road, being Lot 16, DP 259432 and Lots 87, 88, 122, 126 and Lot 127, DP 754875,
 - (b) 352 Wanna Wanna Road, being Lot 89, DP 754875,
 - (c) 370 Wanna Wanna Road, being Lot 146, DP 48277,
 - (d) 517 Wanna Wanna Road, being Lot 83, DP 754922.
- (2) Development for the purpose of a dwelling house on each property is permitted with development consent.

6 Use of certain land at 36 Googong Road, Googong

- (1) This clause applies to 36 Googong Road, Googong, being Lot 10, DP 754881.
- (2) Development for the purpose of garden centres, horticulture, landscaping material supplies and plant nurseries is permitted with development consent.

8 Use of certain land at 19 Mol Crescent, Googong

- (1) This clause applies to 19 Mol Crescent, Googong, being Lot 2, DP 826105
- (2) Development for the purpose of a dwelling house is permitted with development consent.

22 Use of certain land at 101 Alderson Place, Tralee

- (1) This clause applies to land at 101 Alderson Place, Tralee, being Lots 3, 5, 6, 8,9,11 and 12, DP 17224, Lots 9-11, DP 130626, Lot 100, DP 131036, Lot 1, DP 1001136 and Lot 171, DP 1200349.
- (2) Development for the purpose of farm buildings is permitted with consent.

23 Use of certain land at 101 Alderson Place, Tralee

- (1) This clause applies to land at 101 Alderson Place, Tralee, being Lot 1, DP 1001136.
- (2) Development for the purpose of a dual occupancy is permitted with development consent.

24 Use of certain land at 223A Alderson Place, Tralee

- (1) This clause applies to land at 223A Alderson Place, Tralee, being Lot 2, DP 1039904.
- (2) Development for the purposes of a dwelling house is permitted with development consent.

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Schedule 2 Exempt development

Roof mounted evaporative cooling units

- (1) Must be for residential uses only, and
- (2) Must be located at least 3m from each side boundary, and
- (3) Must be not higher than 1.8m above the highest point of the roof of the building on which it is mounted, and
 - (a) be constructed or installed so that any opening created is adequately weather proofed, and
 - (b) not involve work that reduces the structural integrity of the building, and
- (6) Must be designed so as not to operate:
 - (a) during peak time—at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (b) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences, and
- (7) Must, if it is located on bush fire prone land—be constructed of non-combustible material and be adequately sealed or protected to prevent the entry of embers, and
- (8) Must, if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard and must not be visible from a public road.

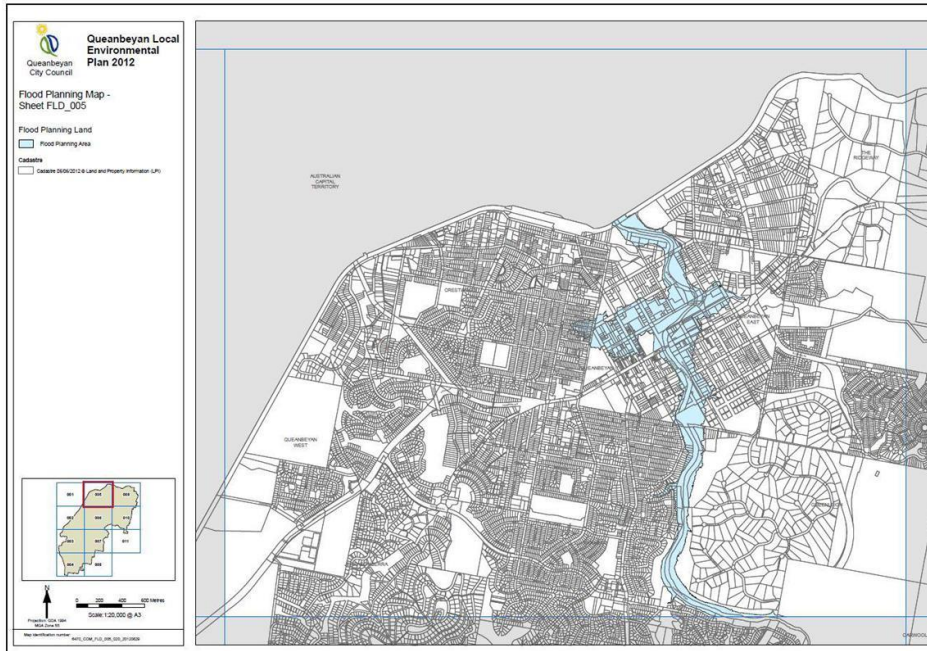
Schedule 5 - Additional Heritage Item and Correcting Existing Item

Suburb	Item Name	Address	Property Description	Significance	Item No
Queanbeyan	Group of Houses	1 and 5 Hirst Avenue	Lot 116 and 118, DP 13963	Local	184
Royalla	Shepherds Ruin	1291 Old Cooma Road	Part Lot 1 DP 613054	Local	179

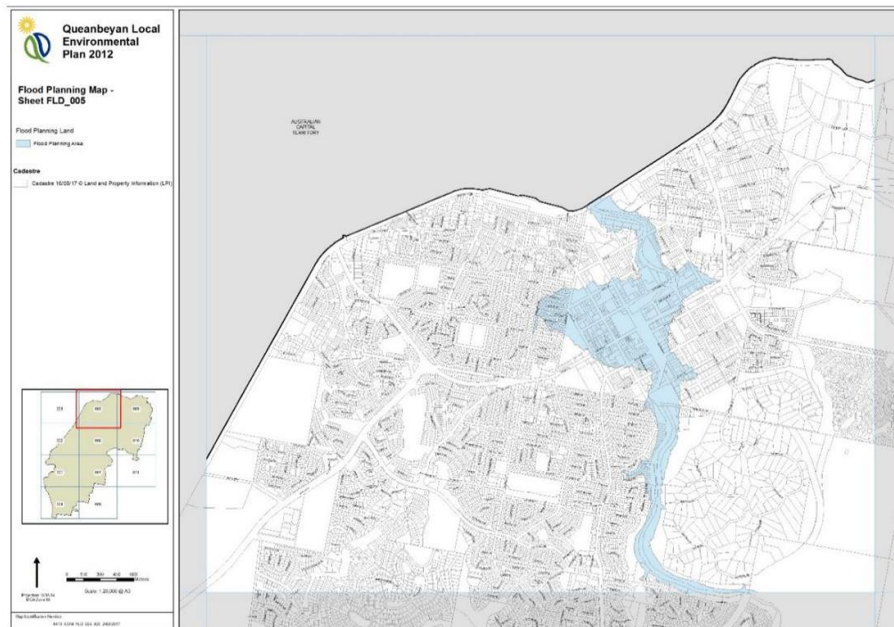
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Appendix B – Current and Proposed Maps

Map 1: Existing Flood Planning Map FLD_005

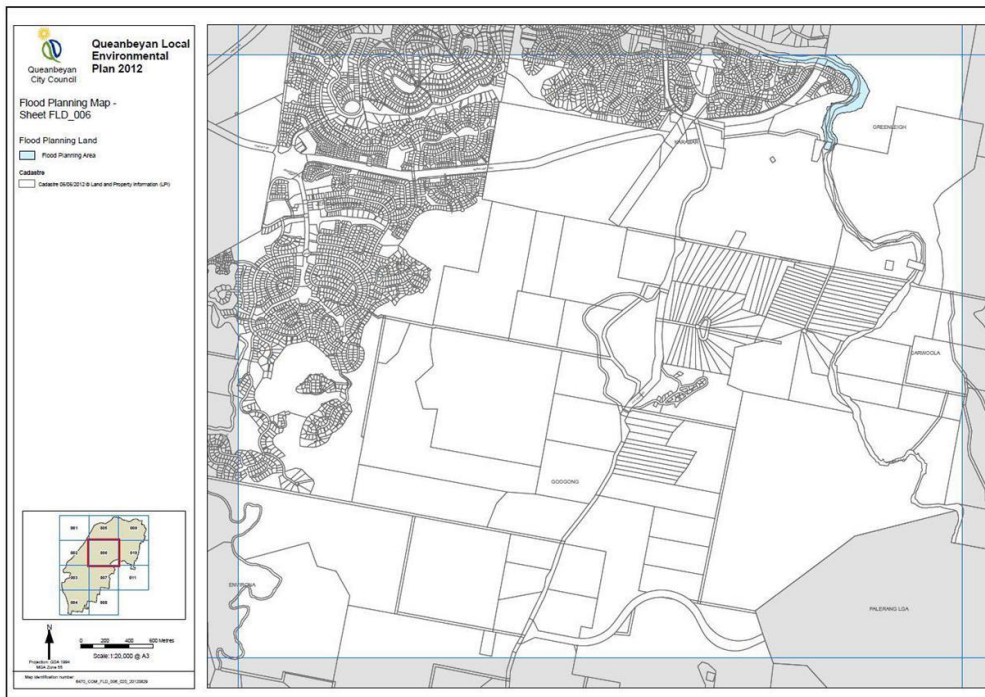


Map 2: Proposed Flood Planning Map FLD_005

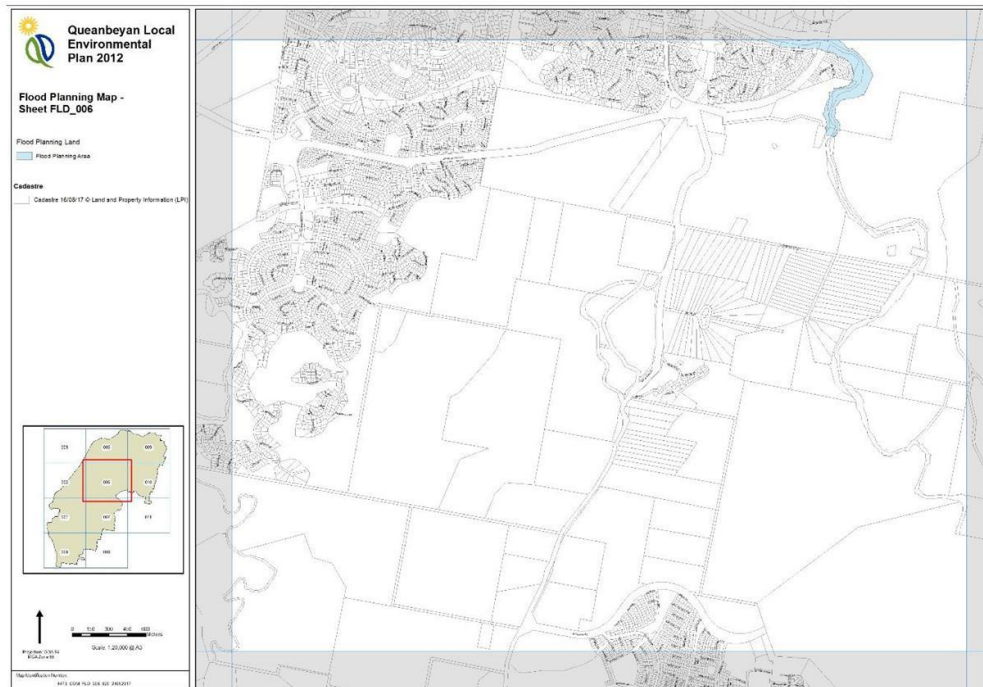


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Map 3: Existing Flood Planning Map FLD_006

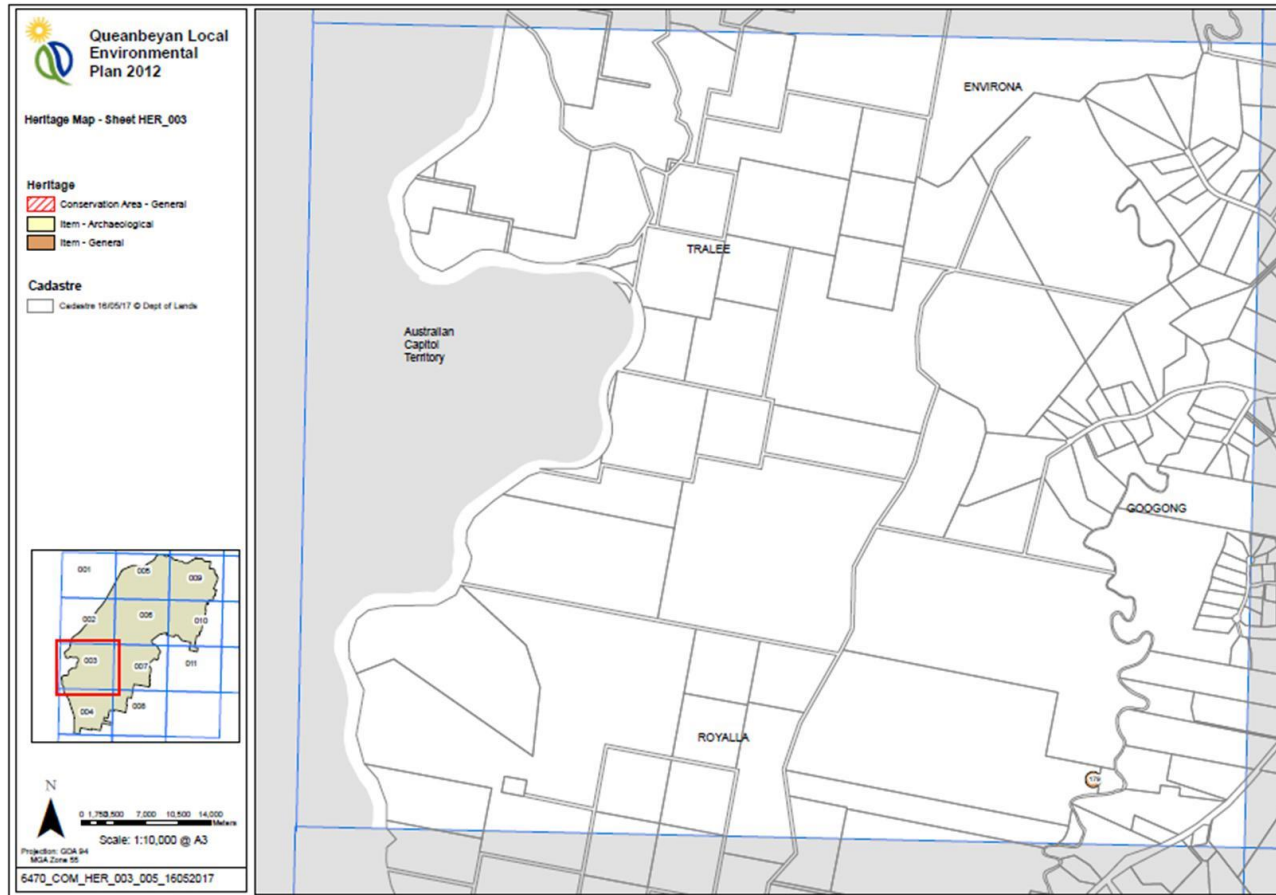


Map 4: Proposed Flood Planning Map FLD_006



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Map 5: Proposed New Heritage Map HER_004 Containing New Heritage Item I179



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Appendix C – Heritage Advice

Queanbeyan City Council Heritage Advisory Service

28/9/2015

The General Manager,

Queanbeyan City Council

Shepherds Ruin

Heritage assessment

Physical description

The ruin comprises walls of random rubble stone bedded in a clay or weak lime mortar. The structure is of a single 'room' approximately 4.5 m long x 3.3 m internally with walls approximately 450 mm thick. A 700mm wide opening located roughly in the centre of the east wall is the only entry to the space. What appears to be a former fireplace opening is located in the centre of the south wall. It has been filled in with stone and mortar however a log lintel is still in place. The two end walls (ie the south and north walls) incorporate a shallow gable.

The longer west and east walls are only 1.1 to 1.3 m high, however stones have fallen from the walls and there is no crisp edge or capping, so that the upper edge is somewhat irregular. There is what appears to have been a rough window opening in the east wall adjacent to the doorway.

About two metres from the centre of the west wall is a depression that looks like it may have been a former well, and about five metres from the east is a pile of stone that may have had a function in the structure's previous use.

There is no evidence of a roof or roof structure other than the gabled end walls.

Condition

The ruin appears to be relatively stable, most probably due to its low but thick wall height. There has been some loss of bedding mortar, and there is some indication of structural weakness at the corners however the structure is not in danger of collapse. An animal, probably a wombat, has been burrowing at an internal corner however this had not become a problem at the time of inspection in 2015.

Integrity

Integrity is surprisingly good and there is little evidence that the site has been tampered with since its historic use ended.

History

The history of this site has not been recorded, however Royalla Landcare, who nominated the site for heritage assessment, note that anecdotal information is that the ruin is what remains of a shepherd's hut. The group has been advised that "shepherd's huts were constructed in the past along the landscape and provided shelter and a temporary home to shepherds as they tendered their flocks and moved sheep through the area. Further,

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that the huts were constructed from local stone and a canvas roof was erected when the hut was occupied. The canvas roof was re-erected at the next hut when the flock was moved to a fresh grazing area”.

This scenario is quite feasible as it is recorded elsewhere that there was a shepherd’s hut at Mugga Mugga prior to the dwelling that is currently on that site. While the Mugga Mugga shepherd’s hut is understood to have been constructed from timber slabs, it indicates that the practice did occur and it is not unreasonable to consider one would be built in local stone.

There is no doubt that the ruin is of considerable age and used for human occupation, as indicated by its former fireplace. Given the low wall height it is assumed the structure was used on a temporary basis only, in much the same way in which one would use a tent.

The history of land ownership of the site has yet to be investigated and it may be that the research will not confirm the ruin’s specific origins as such information often goes unrecorded. However there has been an informal comment that the ruin may have been used by George Gibbs’ grandparents, although this has yet to be confirmed. The Tuggeranong Parish Map shows the land initially owned by James Gibbs and subsequently passed to Nathaniel H Gibbs. The land portion immediately north of the ruin was owned by ET Gibbs.

Other stone ruins in the area are of higher structural quality and suggest successful pastoral activity along the Jerrabomberra Creek from the mid-19th century. It is recorded that Kenneth McDonald *purchased an area of 1215 acres from the Campbell Estate situated on the Jerrabomberra Creek at Rob Roy. A Large portion of this was Campbell’s grant of 955 acres for which the deeds were issued in 1838.* MacDonald (The Warm Corner, Bruce Moore, page 203).

Assessment

Historic

The ruin is likely to be historically significant for its age and early European occupation of the Jerrabomberra Creek area in the mid-19th century. There is considerable potential for further research of this structure’s relationship to land ownership and practice.

Scientific

The ruin illustrates early vernacular building technologies employed in making basic habitation spaces.

Aesthetic

The use of found-stone walling in a simple form that is located within a natural landscape endows the structure with considerable aesthetic and evocative appeal.

Social

The ruin was nominated by a community group who consider it to be a valuable item. The fact it has not been damaged over the years further indicates its value to subsequent property owners.

Rarity

There are at least three stone ruins in the area, however the other two were once much more substantial, and presumably permanent, structures. The Shepherd’s Ruin is the only structure of its type in the Royalla/Jerrabomberra Creek area known to the nominators.

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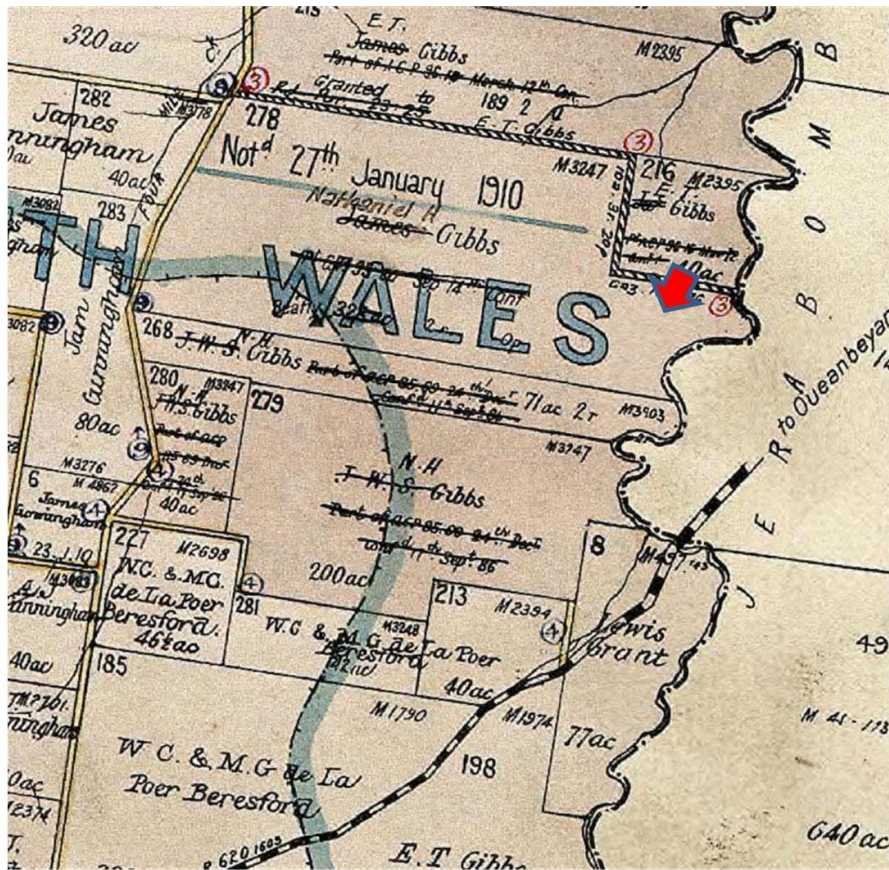
Summary Statement of Significance

The Shepherd’s ruin is locally significant for its potential to assist an understanding of the early occupation and use of Jerrabomberra Creek. It is technically interesting for its unusual height, form and vernacular use of field stone, and is aesthetically valued for its attractive patina and surviving rural setting. It also has social value to the group known as Royalla Landcare who nominated it for heritage listing.

Level of significance

Local

Images



Tuggeranong Parish Map. The red arrow marks the location of the Shepherd’s Ruin

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Appendix D – Section 117 Directions

2.1 Environment Protection Zones			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p>	<p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.</p>	<p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> a) justified by a strategy which: <ul style="list-style-type: none"> i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and iii .is approved by the Director-General of the Department of Planning, or b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or c) in accordance with the relevant Regional Strategy or Sub-Regional 	<p>Consistent.</p>

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		Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or d) is of minor significance.	
2.3 Heritage Conservation			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This direction applies when a relevant planning authority prepares a planning proposal.	A planning proposal must contain provisions that facilitate the conservation of: a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i> , and c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage	A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or b) the provisions of the planning proposal that are inconsistent are of minor significance.	Consistent.

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	significance to Aboriginal culture and people.		
3.5 Development Near Licensed Aerodromes			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
<p>The objectives of this direction are:</p> <p>a) to ensure the effective and safe operation of aerodromes, and</p> <p>b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</p> <p>c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a</p>	<p>In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:</p> <p>a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,</p> <p>b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,</p> <p>c) for land affected by the OLS:</p> <p>(i) prepare appropriate development standards, such as height, and</p> <p>(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome</p> <p>d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community</p>	<p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>a) justified by a strategy which:</p> <p>i. gives consideration to the objectives of this direction, and</p> <p>ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>iii. is approved by the Director-General of the Department of Planning, or</p> <p>b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives</p>	<p>Consistent.</p>

Planning Proposal – Housekeeping Amendments to Queanbeyan LEP 2012

<p>zone or a provision relating to land in the vicinity of a licensed aerodrome.</p>	<p>consultation in satisfaction of section 57 of the Act.</p> <p>A planning proposal must not rezone land:</p> <p>a) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or</p> <p>b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or</p> <p>c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.</p> <p>A planning proposal that rezones land:</p> <p>a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or</p> <p>b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or</p> <p>c) for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.</p>	<p>consideration to the objective of this direction, or</p> <p>d) of minor significance.</p>	
<p>4.3 Flood Prone Land</p>			
<p>Objective</p>	<p>What a relevant planning authority must do if this direction applies</p>	<p>Consistency</p>	<p>Response</p>

Planning Proposal – Housekeeping Amendments to Queanbeyan LEP 2012

<p>The objectives of this direction are:</p> <p>a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and</p> <p>b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	<p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <p>a) permit development in floodway areas,</p> <p>b) permit development that will result in significant flood impacts to other properties,</p> <p>c) permit a significant increase in the development of that land,</p> <p>d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p>	<p>A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:</p> <p>a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the <i>Floodplain Development Manual 2005</i>, or</p> <p>b) the provisions of the planning proposal that are inconsistent are of minor significance.</p>	<p>The PP is consistent with this direction. It is a minor amendment to the existing QLEP 2012 to correct an anomaly where the clause in the current LEP makes it clear that the flood planning area includes the 1:100 flood liable land plus the 0.5m freeboard, the map currently does not reflect this. The amendment will correct this anomaly.</p>
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Planning Proposal – Housekeeping Amendments to Queanbeyan LEP 2012

	<p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>		
5.1 Implementation of Regional Strategies			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p> <p>This direction applies to land contained within the Sydney–</p>	<p>Planning proposals must be consistent with a regional strategy released by the Minister for Planning.</p>	<p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),</p>	<p>Consistent.</p>

Planning Proposal – Housekeeping Amendments to Queanbeyan LEP 2012

Canberra Corridor Regional Strategy		that the extent of inconsistency with the regional strategy: a) is of minor significance, and b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	
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Planning Proposal – Housekeeping Amendments to Queanbeyan LEP 2012

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 NOVEMBER 2017

ITEM 5.2 PLANNING PROPOSAL - HOUSEKEEPING AMENDMENTS TO
QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012

ATTACHMENT 2 SUBMISSIONS

Hello

I would like to provide a submission regarding the proposed changes to the *Queanbeyan Local Environmental Plan 2012* in relation to the flood planning maps.

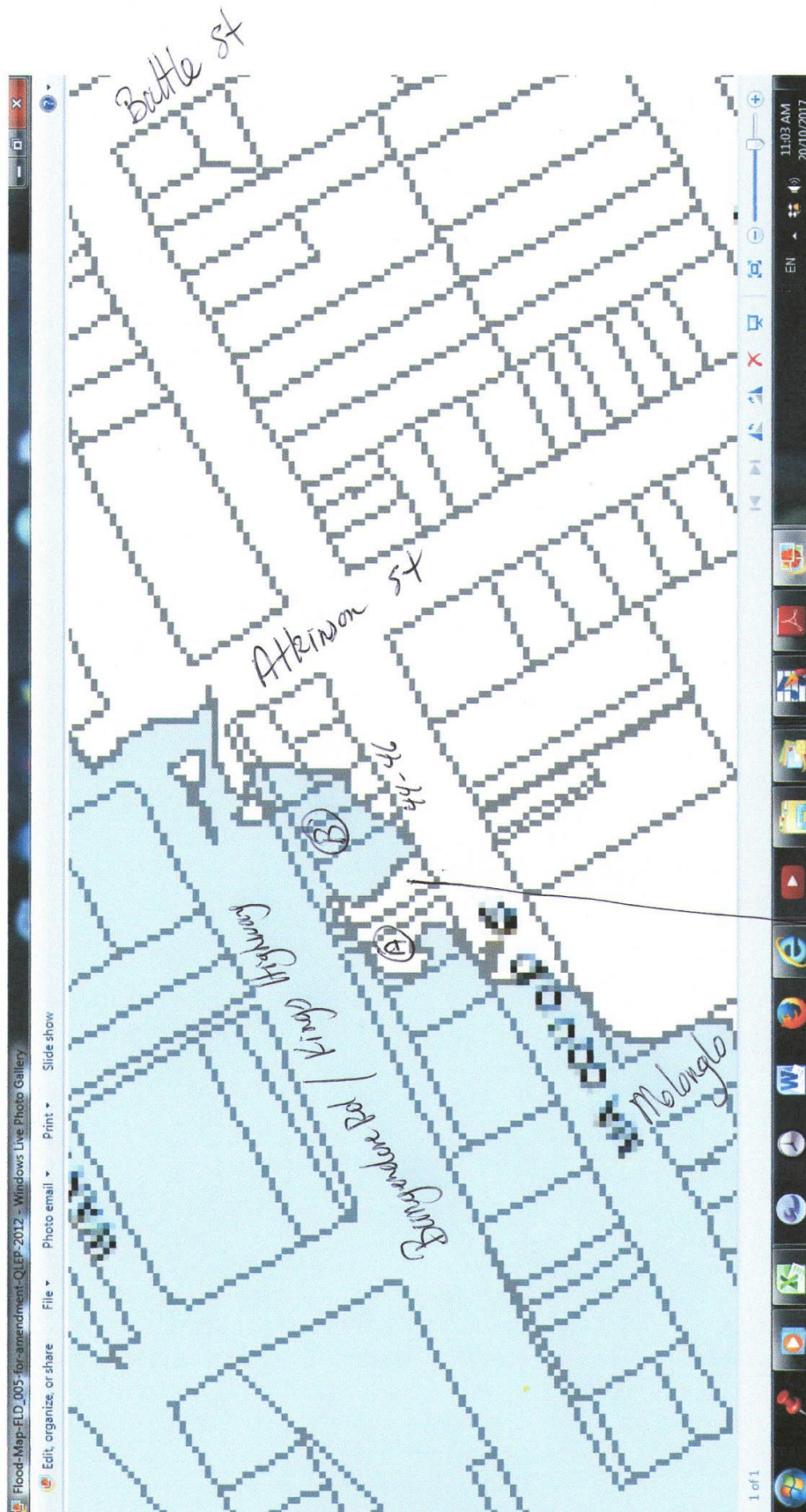
Attached is a section of the map with the proposed changes. There appears to be some inconsistency with the way the flood line traces along the northern side of MacQuoid Street particularly in the vicinity of 44 and 46 MacQuoid Street.

I have marked section A and B on the map. Section A is closer than section B to the river and to the dip in the Kings Highway. Yet it is not in the floodzone. Section B is further from the river and appears to be slightly higher in elevation than section A. Is it correct that section B should be included in the floodzone?

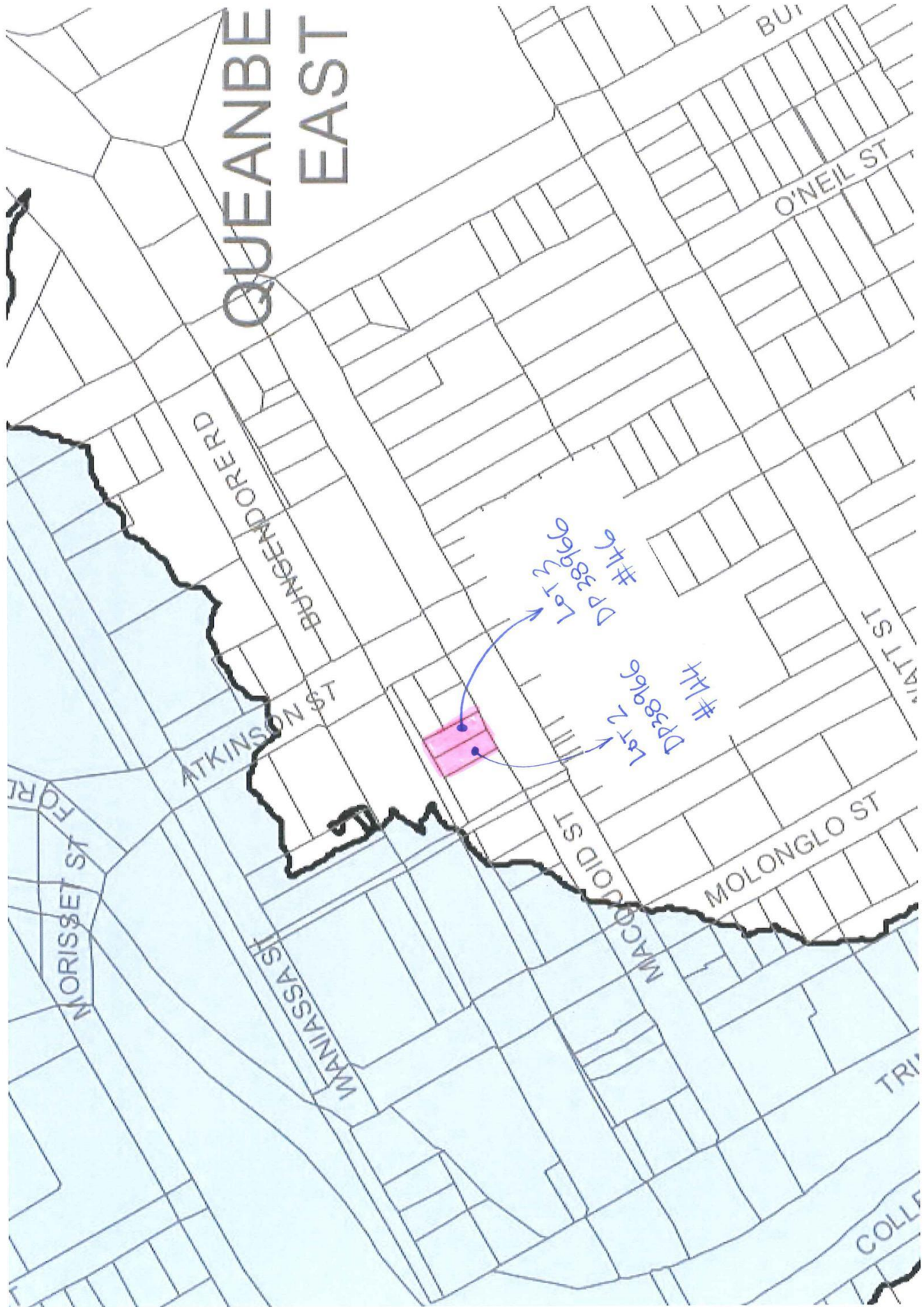
Comparison with a previous map provided by Council (Attachment: QCC Flood Map Markup) shows the contour line pattern as a different shape and quite a distance from that section of MacQuoid Street. Could you confirm if this difference is correct and is as intended by the changes.

Is it possible for the flood contour line around section B be investigated and revised?

Thank you for the opportunity to make a submission.



Y
A is closer to river and not in flood zone.
B is further from river + higher in elevation. Should it be in flood zone?



18 October 2017



David Carswell
CC – Tim Overall, Peter Tegart and Bill Warne
Queanbeyan- Palerang Regional Council

Dear David,

We received your letter dated 18 September 2017 regarding the proposed changes to Local Planning Controls, specifically the amendment to the flood planning maps. Due to what we believe to be very limited information provided by Council, we have numerous questions and concerns regarding the proposed changes which we have outlined below.

We would appreciate a written response to all of our questions regarding these proposed changes within the next 30 days.

General questions regarding the 1 in 100 year flood plan

1. What is the purpose of the 1 in 100 year flood plan?
2. What height would Queanbeyan river have to peak to reach these predicted flood levels?
3. How much water in applicable units would it take to fulfil both existing and proposed flood maps predicted high levels?
4. What recognised methodology did Council use to calculate the existing flood boundaries?
5. What recognised methodology did Council use to calculate the new boundaries show in the new proposed map?
6. Did Council use topographical analysis to measure the newly impacted properties? If not, why not?
7. What are the main reasons why Council seeks to amend the one in one hundred year flood plan?
8. What errors were identified by Council in the current plan?
9. Who is responsible for the current flood plan?
10. Who is responsible for the new flood plan?
11. Was the current flood plan inconsistent with the state policy? If so, in what areas was it inconsistent?
12. Why did Council issue the public consultation process for the new flood plan?
13. Why didn't Council include the technical reports to support the new map boundaries?
14. How many technical reports have been prepared for the new map boundaries?
15. How many additional properties have been included in the updated plan?
16. What mitigation measures does Council have in place to ameliorate the risks to properties in the new flood plan that were not included in the original flood plan?
17. Does Council intend to install supplementary stormwater drains to mitigate the impact of the occurrence of a flood?
18. How many properties in the flood impacted area have no access to stormwater drainage?

19. If there are no stormwater drains to support properties, what is Council going to do to mitigate the risk and damage to these impacted properties?
20. What is the current capacity of the stormwater drains within the Stornaway Rd, Meredith St and Surveyor St area?
21. Can a current map of the stormwater drains in Stornaway Rd, Meredith St, Surveyor St and surrounding area be supplied?
22. Are there 20 and 50 year flood maps? And if so have/will they also be updated in accordance with state policies?
23. Has Queanbeyan-Palerang Council consulted insurance companies on the cost impact and insurable risk of the new map on the effected newly included properties?
24. Will property values of the newly included properties fall as a result of the proposed plan? If so, by how much approximately?
25. Can Queanbeyan- Palerang Council list any infrastructure that has been built to mitigate flooding of the Queanbeyan River since it highest recorded level? (Recorded floods of 10.7m in 1925, 9.5m in 1975 or more recently 8.4m 2010)
26. What role does Googong Dam play within both the existing and new flood plans of the Queanbeyan River/Molonglo River system?
27. Does the current flood map pre date the construction of Googong Dam?
28. Does the new flood map take into consideration the role Googong Dam plays in regards to flooding counter measures?
29. Are there any concerns with the overall condition of the Googong Dam wall?
30. Is Googong Dam capable of withstanding the levels of water represented with this new flood map?
31. Doe the new flood map take into account the possibility of Googong Dam breaking?
32. What procedures are in place to ensure Googong Dam wall doesn't break?
33. How long would it take for the water to recede to normal levels after the flood event's peak?
34. What is the spill capacity of Googong Dam?
35. As Queanbeyan River is part of the Molonglo River system, does this new flood map integrate with flood maps issued within the A.C.T?
36. What is the spill capacity of Scrivener Dam?
37. Is Scrivener Dam capable of withstanding the levels of water represented in this new flood map?

Questions specific to 62 Stornaway Rd's inclusion in 1 in 100 year flood plan

1. We purchased our property in the first quarter of 2015. During the purchase we inquired with Council regarding whether our intended property was within the flood zone. We were assured that that property was not within the 1 in 100 year flood zone as per the current flood map. Why was the updated plan not brought to our attention, although it had been used by Council internally for a number of years?
2. We then met with employees of Queanbeyan Council (Andre Pretorius and Bill Warne) in 2016 regarding ongoing water issues at our property; we were again assured we were not within the flood zone using the current flood map. However your letter states that Council had been applying the correct flood planning levels for a number of years. Why was this 'correct' flood plan, not discussed, shown to us or referred to, at any point?
3. The new flood map is clearly dated 2012, why has it taken until 2017 for the public to be shown this new map?
4. Our block is not level with street level. It has a definite slope from the road to the back of the block. However the updated flood map shows that the high point of our block will flood, however the low half of our block will not flood. How is this possible? *See attached map*

5. We have no access to stormwater at our property. If we are to be included in the amended flood map, what does Council propose to do to mitigate the risk of damage to our property? Will stormwater drains be installed?
6. What future building restrictions will be put in place for our property if we are to be included in the new flood plan?
7. How does the flood water just stop at the corner of Stornaway Rd and Surveyor St? Where does the water go?
8. The omission of certain sections of both Meredith and Surveyor Streets from the new map is very confusing. Can Council explain how this is the case, when the topography of the sections omitted is not different to the flood affected areas?

The issues listed below are not in direct relation to the amended 100 year flood map. They are however ongoing water issues facing our property 62 Stornaway Road, we would also like them answered.

- We are still pumping approximately 1200 litres a day from the trench beside our house to our back lawn;
 - When the water was first tested by Council in 2016 with a chlorine test, the water came back positive for chlorine;
 - The further lab tests concluded the water was not 'recent' town water;
1. Our property was subdivided in 1923 as part of the Meredith Estate subdivision. It pre dates any subdivision/construction on the eastern side of Stornaway Rd, including any subdivision or construction further up Garryowen Hill. Can Council provide the supporting documentation including maps that show sufficient stormwater drainage plan was planned for and subsequently installed for those subsequent developments, in relation to our section of Stornaway Rd?

The rumours from older residents around Queanbeyan regarding our area claim that a creek ran down from the top of Garryowen Hill to Stornaway Rd.

- 1 Does Council have any record/evidence of this creek?
- 2 If this creek did exist, where was it?
- 3 Did Queanbeyan Council ever construct a timber bridge over the creek?
- 4 Are there any records or plans for this alleged creek to be built or developed over?
- 5 If a creek was over developed over, how would that have been done?
- 6 Is the creek running into stormwater drains?
- 7 Where would this creek water go?
- 8 Finally, has there been any further information found by Council regarding our water issues, since our last meeting in mid 2016?

Please do not hesitate to contact either of us if you would like any further information or clarification regarding any of our queries. We look forward to your response.

Kind regards,



19/10/2017

Queanbeyan Council

Re: Proposed changes to QLEP 2012 – Flood Planning Map Amendments, and impact on 3 Church Lane Queanbeyan.

I have received notification of the proposed changes flood planning level (FPL) in the Queanbeyan Local Area Plan 2012 (QLEP 2012) flood planning maps, and have confirmed with Queanbeyan Council (^5) that the changes to the flood planning maps will result in my property at **3 Church Lane Queanbeyan** being within the FPL (Figure 2). In the existing map, published in 2012, my property is wholly *outside* the flood planning zone (Figure 1).

Do to the proposed change resulting in my property being mapped within the FPL, **I am requesting a site specific survey be carried out in the area of 3 Church lane to determine accurately the boundaries of the FPL and the elevation of my property**, PRIOR to change of the Flood Planning Map. I have detailed my reasons, and other concerns I have, below.

REQUEST FOR SITE SPECIFIC SURVEYS and FURTHER INFORMATION

1. The Queanbeyan Development Control Plan 2012 (QDCP 2012) contains a map of the 100yr ARI flood fringe. Notes about the map state that *“the extents of flooding shown ... are approximate only”* and *“the extent of inundation of individual allotments near the flood fringe should be confirmed by site specific survey”* (^4). The FPL is based on the 100yr ARI (^8) so is also an approximation, with the highest potential for error existing at the boundary (fringe).

My property is adjacent to the FPL (Figure 2) so is potentially misclassified due to the approximations in the 100yr ARI. Therefore I am requesting that, as per the Floodplain Development Manual 2005 (DIPNR), a site specific survey is be carried out to determine a more accurate FPL boundary in this location. This is particularly important due to the financial and usage implications of the property being reclassified into the flood planning zone.

2. QDCP 2012 lists the peak 100yr ARI at the two river stations nearest 3 Church Lane as around 575.7 mAHD (^9), so the 100yr ARI (the currently mapped FPL) boundary should be at this elevation. Elevations obtained from an online resource (^10) match this elevation at some locations opposite 3 Church Lane, between Trinculo Place and Molonglo Street, but not at others. Elevations on the western side along Collett St are all different by +1-2m (Figure 3). It is possible that the online resource is not accurate, however it is unusual that it matches in some places and not others, and this may indicate an error in the 100yr ARI boundary.

The properties to the south east on Church lane have the same elevation as 3 Church Lane (to 1m accuracy) yet these are not classified in the new flood development zone (Figure 4).

Due to the above, **I request that the elevation of 3 Church Lane is reviewed to determine height mAHD by a site specific survey**, prior to being included in the flood planning zone.

3. While the 100yr ARI flood was calculated by a specialist consultant, there is no indication that the addition of the freeboard has been applied by a specialist. The map supplied to residents is coarse and does not match the detail of the QLEP 2012 map, which indicates the freeboard may not have been applied professionally and therefore may not be accurate (Figure 2). This also makes it difficult for property owners to identify whether their property is affected by the change. **I request that when a site specific survey has been carried out to determine accurate flood levels and property elevation, a more accurate map is produced to identify the FPL.**
4. QDCP 2012 Section 2.5 Flood Management lists limitations for “Designated flood” areas, and provides a definition of these areas as the zone within 100yr ARI Flood Fringe. The proposed amendments to QLEP 2012 do not specify whether the designated flood areas will remain at the 100yr ARI flood level or will be modified to match the new FPLs. This has many implications for properties involved as the controls for designated flood areas (^11) are extensive. **Please clarify whether the FPL or the 100yr ARI will be used to determine the designated flood area.**


CONCERNS

5. I purchased 3 Church Lane in January 2013. Information supplied by council stated that the property was NOT in the flood planning zone, plus the information did not list flood planning zone reclassification as an upcoming change. Prior to settlement, I confirmed via Council’s online maps, and via a visit to the council offices where I spoke with staff, that the property, was not in the FPZ. Council would have known at this time that the property was about to/had just been reclassified, as QLEP2012 would have been drafted or released, the Floodplain Development Manual was released in 2005 and the flood modelling would already have been carried out. I am unhappy that this information was not provided to me when I purchased the property, as it should have been as per Schedule 4 of the Environmental Planning and Assessment Regulation 2000, and also unhappy that information that would have allowed me to discover this for myself (such as the flood modelling and risk management study) were not made publicly available, nor made available to me when I queried flood levels at council offices.
6. My valuation and hence purchase price of the property was made using the outdated council supplied flood zone advice. This may result in significant reduction to the resale value of my property (^3). This is particularly the case as so few residential properties are affected by the change, leaving nearly all other residential properties of the same type in the same area outside the flood planning zone as a more attractive option to purchasers. Both potential purchasers who want to further develop an older property, and who interpret the zoning as an indication of likelihood of flooding (a common misconception ^1) will be affected by this change.

7. My home and contents insurer (AAMI) have indicated that the change in documented FPL may have an impact on the cost of insurance premiums on the property (^2)
8. Development work on my property will be uncertain under the proposed change, as it will be required to meet specific criteria as outlined in QLEP 2012 7.2.3 (^7). An application for development may involve additional costs such as requiring a flood study (^6).

ISSUES WITH DOCUMENTATION

9. There are also errors in the Queanbeyan Development Control Plan 2012 where the flood management section states that it is applicable to QLEP 2012 clause 7.5, however this clause is on "Scenic Protection". Section 7.2 is on flood planning.
10. Neither the Queanbeyan Development Control Plan 2012 nor the Queanbeyan Local Area Plan 2012 attempt to explain the Flood Planning Level or Flood Planning Zone and their differences to a flood event. This means it is highly likely that the general public will interpret the FPZ as an indication that the area has been or is subject to flooding (and conversely that the area outside the FPZ is not subject to flooding). This has an impact on the value of my property, and on other factors such as time to sell. **Please consider including an appropriate explanation of the difference between the planning zones and terms such as 'subject to flooding' in the relevant documentation.** Advice of public misconceptions which can affect property values is given in the Floodplain Development Manual 2005 Appendix K.


3 Church Lane
Queanbeyan NSW

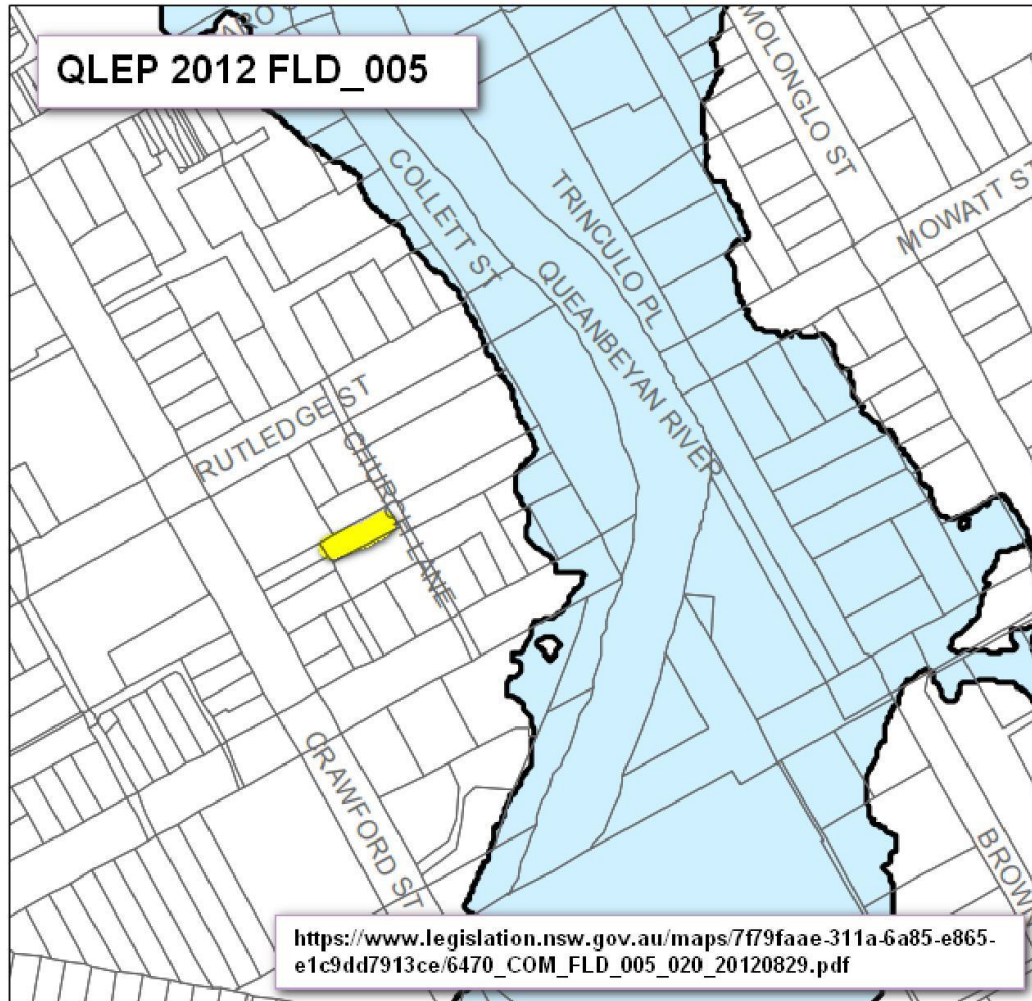


Figure 1 QLEP 2012 Flood Planning Map (current) showing 3 Church Lane.



Figure 2 Map of 3 Church lane (yellow), proposed FPL (dark blue), existing mapped FPL (light blue)

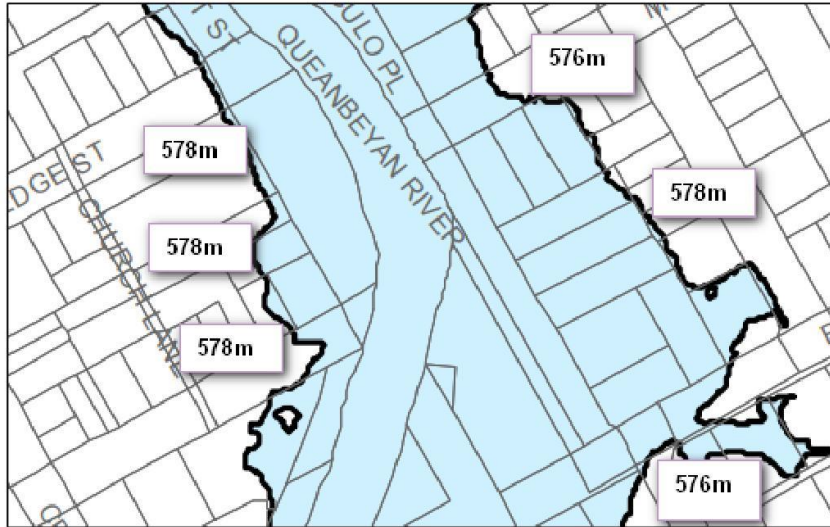


Figure 3 Elevation along 100yr ARI

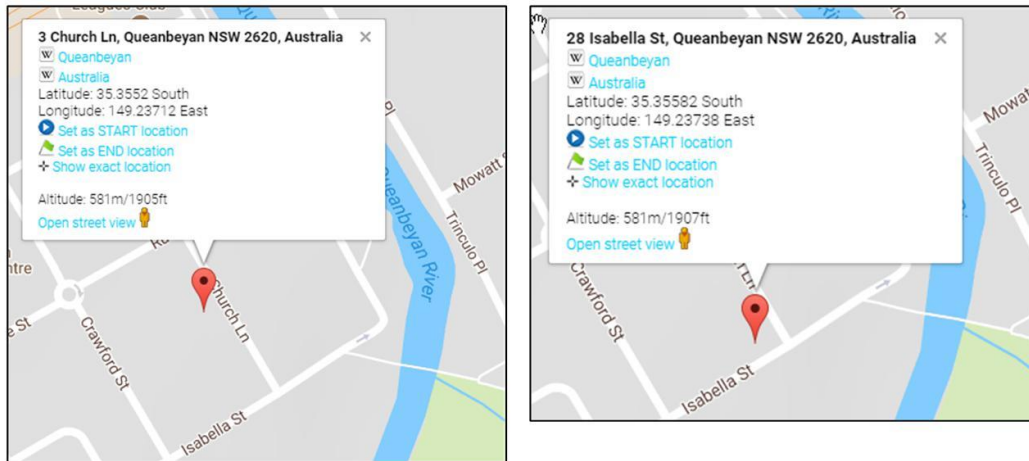
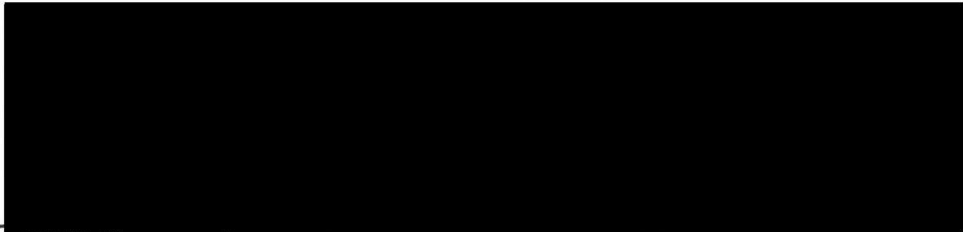


Figure 4 Elevation of 3 Church Lane and 28 Isabella St

REFERENCES

- ¹ Floodplain Development Manual
- ² Phone call to AAMI at 1:15pm 19/10/2017.
Company stated that the change to the documented FPL may have an impact on my premiums for home and contents insurance, but they will not know if or by how much until the premium is due for renewal.
- ³ Floodplain Development Manual, K4.3.4 Land Values and Social Equity states that (a) public perception that specific estimates of the likelihood of flooding have a much greater impact on land values than general community awareness of flooding exists, (b) Because of this, decision about the FPL must recognise the associated social equity issues (c) This is particularly relevant if the decision about the FPL limits the type of development that can occur.
- ⁴ Queanbeyan Development Control Plan 2012 Figure C5.3
- ⁵ Emails from Beate Jansen, Senior Strategic Planner, dated 22/9/2017 at 13:51 and 15:11.
- ⁶ Queanbeyan Development Control Plan 2012 1.7.3
- ⁷ (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
- (a) is compatible with the flood hazard of the land, and
 - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- ⁸ QLEP 2012: *"flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard."*
- ⁹ Queanbeyan Development Control Plan 2012 HEC-RAS Model Results 100 Year ARI 24 Hour Design Flood Event Queanbeyan River.
- ¹⁰ <http://elevationmap.net/>
- ¹¹ Queanbeyan Development Control Plan 2012 2.4, 2.5.7



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20 October 2017

**Queanbeyan LEP 2012
Flood Planning Map Amendment
COMMENTS & SPECIFIC OBJECTION.**

Introduction

These comments are made as recent purchasers of No.64 Stornaway Rd Queanbeyan and refer to the way the proposed amendments affect that specific locality. We understand, and fully support the “precautionary principle” behind the proposed amendments for a flood buffer-zone, and appreciate that such “freeboard” is already referred to in the text of the QPRC LEP 2012

However, while realising that this is only a MAP change, we urge Council to reconsider what is proposed in regard to Stornaway Rd between Meredith and Surveyor Sts. As shown, the freeboard line for that area is not just anomalous, it bears no relation to the facts on the ground.

Current situation

The new map line shows an expansion of the overall flood affectation area over Meredith St, and diagonally down towards the corner of Surveyor and Campbell Sts. No problem here - this seems to match the slope of the land.

However, a long narrow “tongue” of affectation is also shown as extending out along Stornaway Rd from Meredith to the intersection at Surveyor St. This strip seems to start in the middle of the actual roadway, and take in about the front half (approx.) of the adjoining “downside” blocks – the corner shop at Meredith, No’s 62 and 64 in Stornaway, and No.23 Surveyor. The affectation runs parallel to the Stornaway footpath (which is itself has at some time be raised above ground level) and affects the upper half of each lot.

Problem arising

One look at the topography of this area shows the problem instantly, certainly in regard to the Meredith corner and No’s 62 and 64. While these lots might be on the lower or “downhill” of Stornaway, they also SLOPE DOWNWARDS towards Campbell St. In fact, the street-front is their HIGHEST point.

As part of due-diligence in the purchase, we have commissioned a formal Contour Survey Map but this is not yet available. In the meantime, a landscaper has indicated that the fall at No.64 Stornaway from front to rear is in the region of half a metre. Visual inspection suggests a similar slope applies next door, on both sides.

It defies gravity to suggest that floodwaters will run, and remain, uphill

UPHILL
Queanbeyan - Palerang Regional Council
20 OCT 2017
Received by
.....

1/2

Accordingly, we object to this part of the proposed Flood Planning Map. The mystery is how such a situation has been included in the proposed Amendment. We can only guess that there has been some lapse in inspection inputs by outside consultants, possibly exacerbated by misunderstanding of drone data and/or aerial photography.

Whatever the cause, and whatever the correction needed, such obvious anomaly cannot be allowed to remain on the new Flood Planning Map. As-is, it's so silly as to be an insult to Council's commonsense.

An easy answer

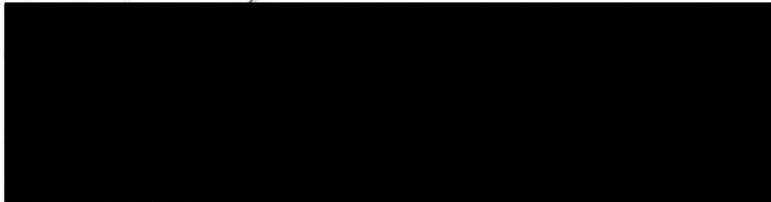
First step would be for QPRC to examine the actual area, to assess how a sensible flood "buffer zone" would work in and for this section of Stornaway. It may be that a re-drawing of the whole freeboard line between Surveyor and Campbell Sts is required – a considerable change for multiple home-owners, meaning LEP/community ramifications that may require re-exhibition etc.

Assuming safety factors support such a move, a more logical solution would be to simply remove the "tongue". Unless Council can give some other rationale on why an uphill floodpath must be retained, we suggest a small "delete" is the easiest, and most logical way to resolve things. This involves a minimum of change, and affects just four owners.

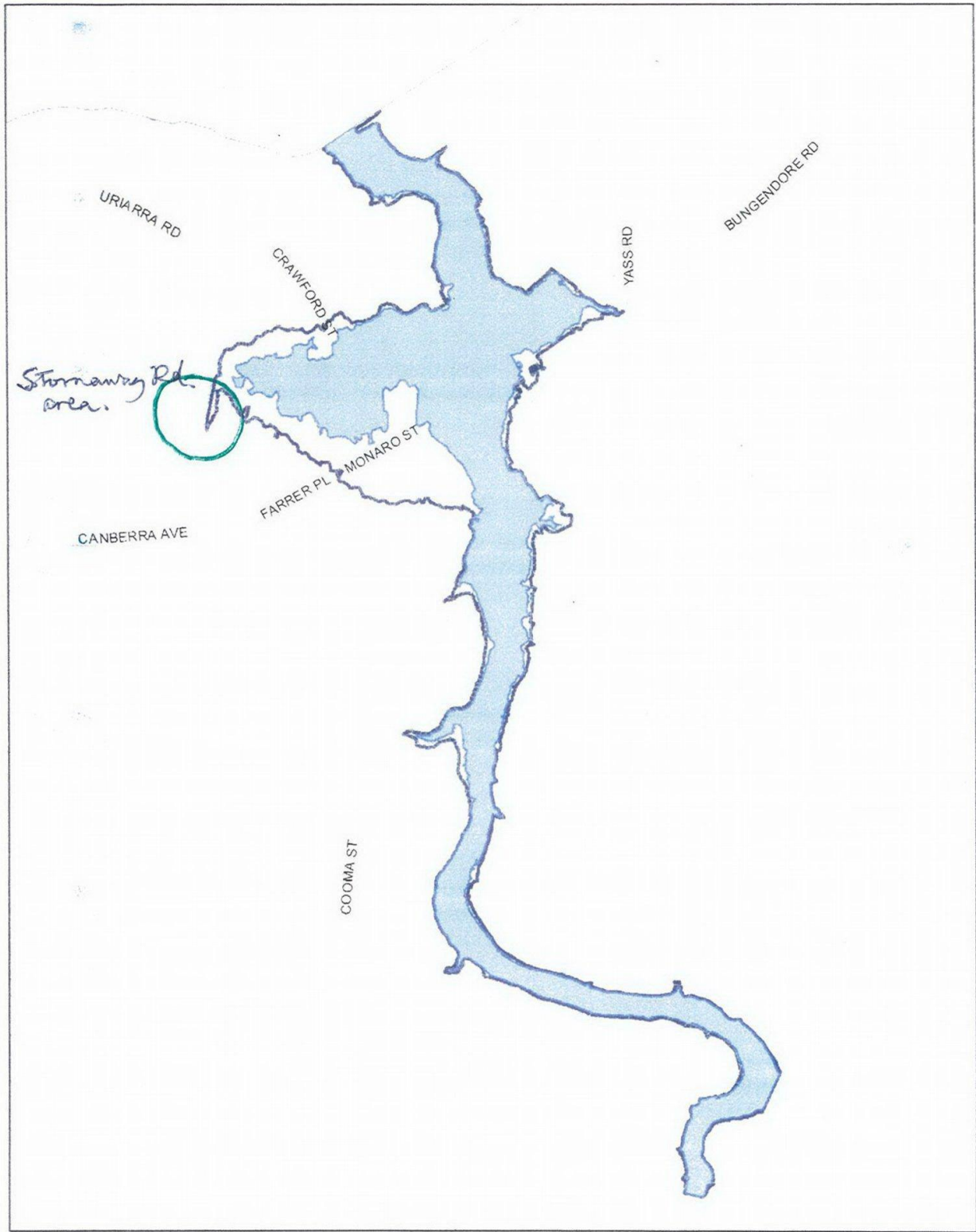
Conclusion

These comments are offered in good faith, and we trust QPRC will act on them ASAP as we will soon be making work-plans for our home at No.64, and look forward to having a Flood Planning Map finalised as soon as possible.

Sincerely





Queanbeyan LEP 2012 Flood Planning Map Amendment



Map Date: 6/092017
Data Source: QPRC, LPI
Map Projection:
MGA94(Zone 55)

Legend

-  Incorrect Flood Planning Level shown on current Plan
 -  Corrected Flood Planning Level proposed in amended Plan
- Parcels

Dear QPRC

I am writing in response to the planning proposal 'Housekeeping amendments to Queanbeyan Local Environmental Plan 2012' which affects my property of 39 Malcolm Road, Karabar.

I understand council wrote to a number of affected properties for this proposal to advise them of the 100 year flood line changing and to give them an opportunity to comment and make inquiries. I was advised this consultation was done as a result of modelling indicating that properties that were previously not subject to the 100 year flood line but now would be affected. Unfortunately I have only recently become aware of this as I was not notified.

My property is currently partially subject to the existing flood line, with the lower part of my block affected. The proposed new flood line would result in my property entirely being within the new flood line. In particular, my house would be submerged, where it is currently now not subject to flooding. Attachment A (IMG_4609.jpg) is a photo of the area of my block subject to the current flood line. Behind the fence there is a creek at the rear of the property. The photo demonstrates the lower part of my block is well below the house level where the photo was taken, and illustrates the massive difference in flood level change for my property.

Below are arguments I submit against proceeding with the changes to the 100 year flood line, at least for my property and surrounding properties on Malcolm Road.

Lack of evidence to support a changed flood line

I submit there is a lack of evidence warranting a change to the 100 year flood line. If there is evidence, this has not been provided to the community in support of the change. For example, what is the basis for changing flood line put in place in 2012 and applied by council before that time? What flood has occurred since the 100 year flood line was introduced in the 1980s to warrant changing the line?

My understanding is that key flood events are as follows:

-

Queanbeyan Flood Level History			
Year	Date	Peak (m)	
1925	1925	10.7	(Approx)
1974	Aug 1974	9.5	
1976	Oct 1976	9.2	(Approx)
1988	Jul 1988	7.6	
1989	Apr 1989	6.2	
1991	Thu, 11 Jul 1991	6.9	
1995	Sat, 21 Jan 1991	6.5	(Approx)
1998	Sat, 22 Aug 1998	4.5	(Approx)
2010	Thu, 09 Dec 2010	8.4	
2012	Thu, 01 Mar 2012	6.2	(Approx)
2016	Mon, 06 Jun 2016	6.6	(Approx)

-

- (source <http://pmyers.pcug.org.au/General/QueanbeyanFloodLevelHistory.htm>)

Googong Dam not taken into account as a flood mitigation

I seek information on the basis for the modelling of the 100 year flood event which informs the line being on my property. I submit that using modelling of flood levels before the Googong Dam was erected is flawed and does not take into account the flood risks that Googong, as an extreme consequence dam, is designed to mitigate.

Googong Dam was built in 1978, **after** the three most significant Queanbeyan flood events. By 2010 it had been upgraded. ICON Water advises that on "9 December 2010, the spillway managed 550 cubic metres of water per second, the Googong Dam's highest water level for 20 years and one of the highest daily inflow volumes on record since 1870" (see <https://www.iconwater.com.au/Water-and-Sewerage-System/Our-projects/Other-Projects/Molonglo%20Valley%20Development.aspx>).

Given the flow of water through Googong in 2010 was the highest recorded since 1870, the 100 year flood line should not be higher than the 2010 flood line.

In addition, a significant issue for the 2010 flood was dead trees and debris in the river limiting water flow at the weir. Just as in fire prevention, flood mitigation measures of cleaning debris should limit the build-up of water warranting a higher flood line.

Local mitigations not taken into account

I submit that the 100 year flood line does not account for work council has done to mitigate flood risks on Malcolm Road and Woodger Parade.

In the mid-1980s council excavated Glenrock Creek to mitigate flood risks. As a result of this excavation, the once small creek is now massive - approximately 4m deep and wide. As a result, the creek provides a mitigation against flooding and should be taken into account in setting the 100 year flood line. Attachments B and C (IMG_4607.jpg and IMG_4608.jpg) are images of the creek that illustrate the size. Unfortunately it is difficult to see the creek aerially, as it is shrouded under the treeline. I would appreciate confirmation whether the modelling took into account this creek.

Attachments D, E, F and G (101.jpg, 142.jpg, 623.jpg and 642.jpg) are newspaper articles setting out concerns at the time of council's excavation of the creek for background, in part on grounds the excavation posed a risk to safety because it was too large.

In addition, I understand other stormwater mitigation efforts were made further up the creek to reduce the flow of water rushing down the creek, for example, at Queanbeyan South Public School oval. Together, these mitigations should not result in additional flooding arising from stormwater warranting shifting the 100 year flood line.

Impacts and meaningful consultation

The premise of this 'housekeeping' LEP change is that these flood line changes have no substantive impact as council is already applying the higher levels.

I submit that council has been in error in applying a different standard to the one it publically provided for over the past several years. Council should have consulted before it adopted a different flood line for planning purposes and reflected that into the LEP after consulting with the community. To apply one standard and come back now, years later, and do community consultation is far too late as the decision to shift the line has already been made in private.

In addition, QPRC has represented to me that this change will not affect insurance premiums. I would like to understand how insurance companies are provided with a map different to that of residents in the local plan, that is the official flood map for the council. Does an insurance company receive a different flood map from the council than residents?

Finally, a prospective property buyer who reviews the local map after this change is more likely to offer a lower price to purchase property that is wholly within a flood zone due to the likelihood of limitations on insurance, higher premiums and restrictions on development. They are unlikely to ask the council whether its recently published flood map is accurate. As a result, the change to the floodline will impact resale values of affected properties and a significant number of purchasers since 2012 will be affected.

Notification of adverse impacts

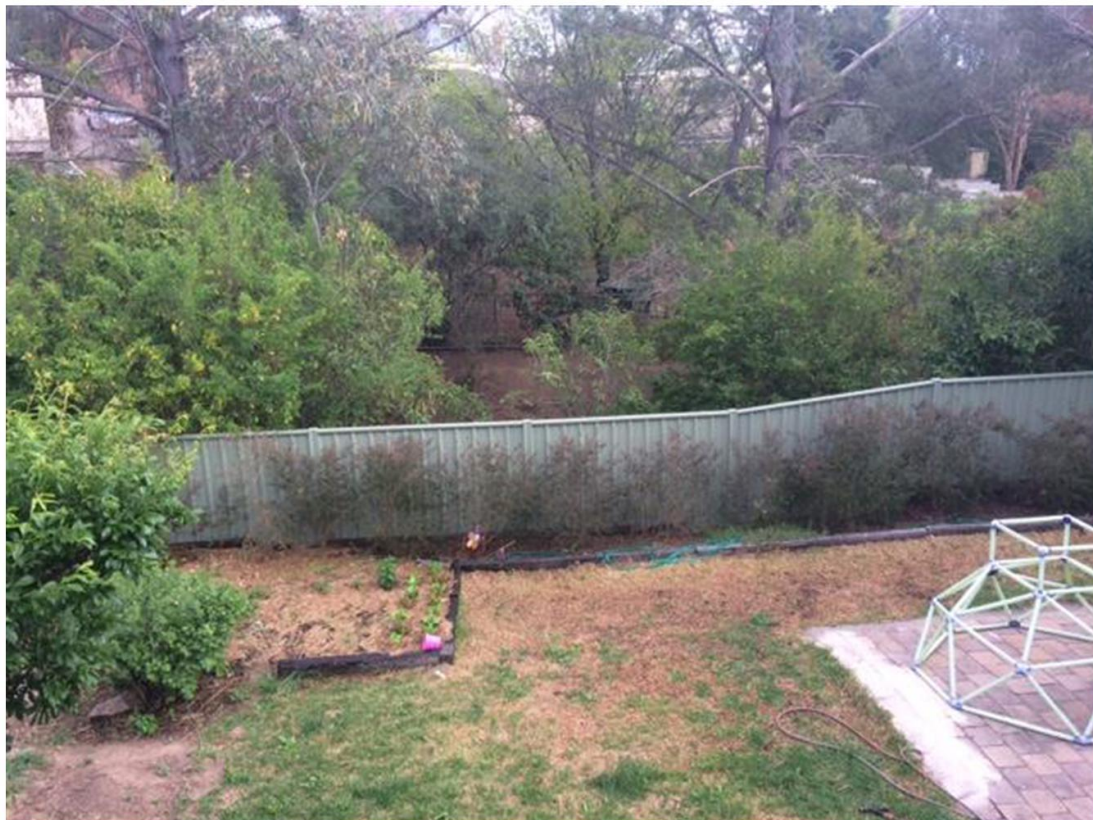
I am concerned with the consultation involved in changes to the LEP concerning the 100 year flood line.

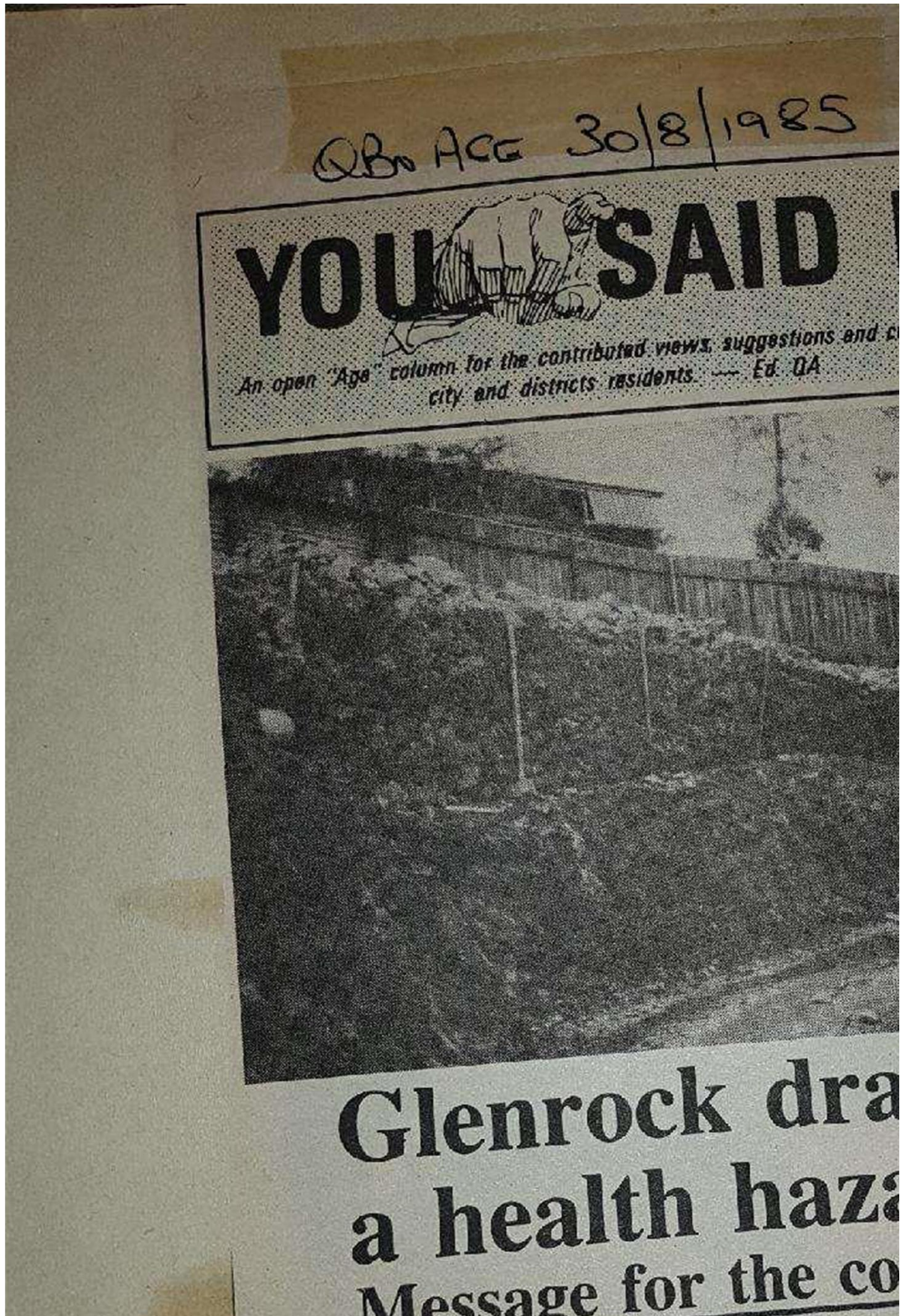
I was not advised by council by mail of this change. As there is an adverse impact to my property from this change, I submit that council should have advised me and other residents who are affected of the change, even if they are already subject to the existing flood line. At least four properties on Malcolm Road are in this position. There is likely to be a significant number of other residents unaware of changes that impact on them.

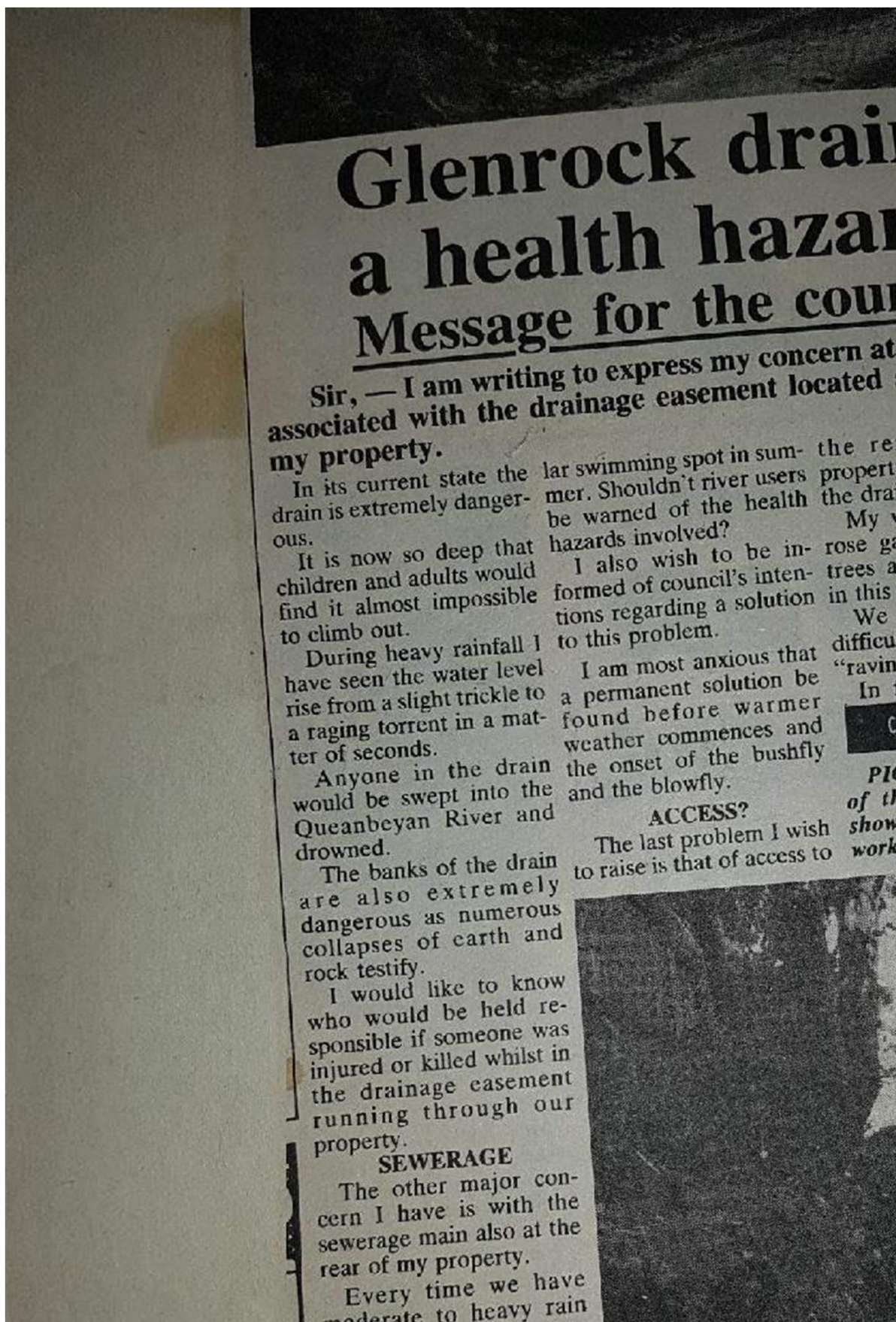
Additional time could then be provided to meet with the community to discuss these issues further, provide evidence supporting the change, and allow everyone affected to review the additional evidence.

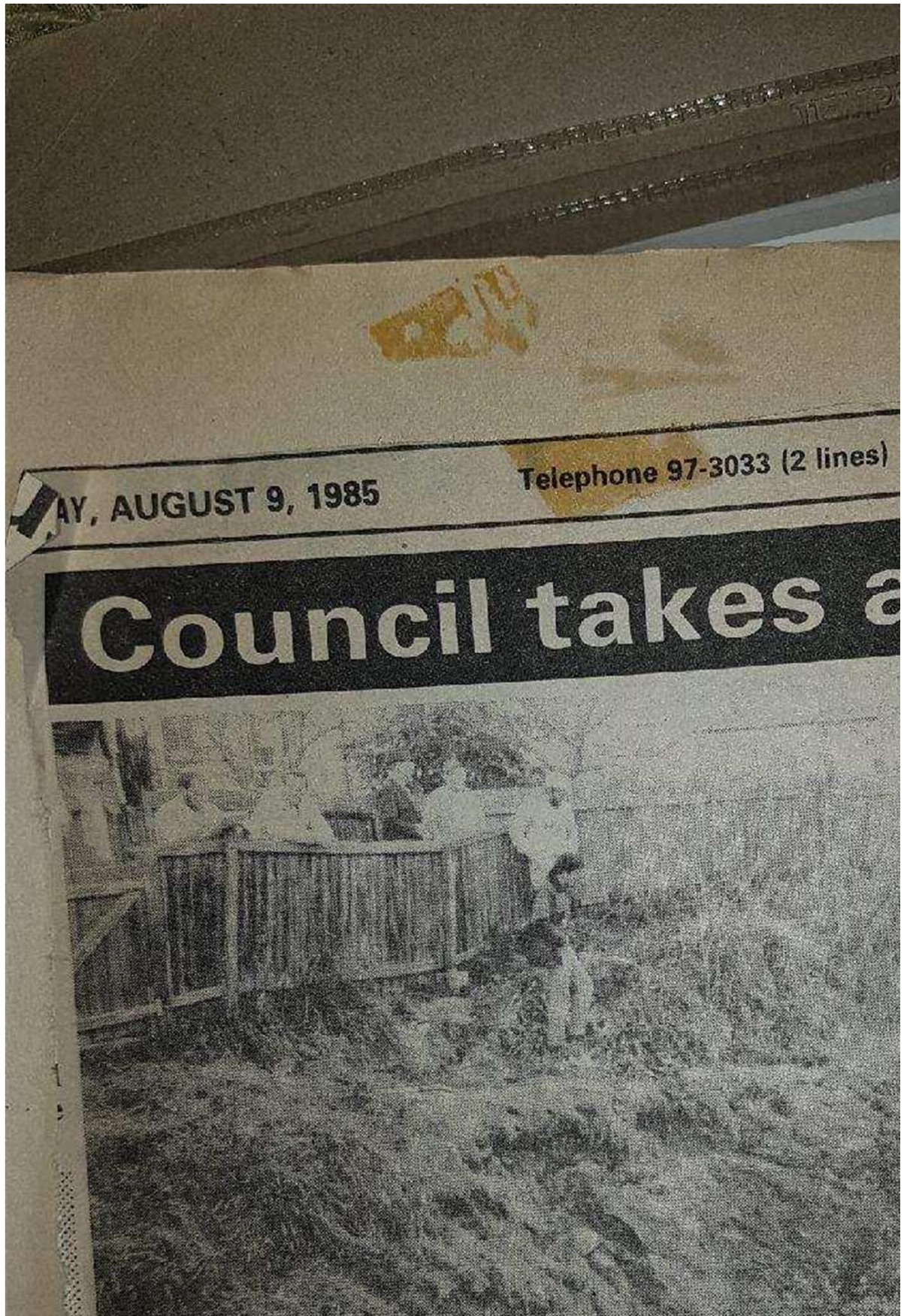
I trust this submission assists in considering the impacts of the proposal and look forward to receiving a response addressing the points I have raised.

██████████













SUBMISSION TO QPRC – AMENDMENT TO QLEP 2012 PLANNING PROPOSAL

Reference:

A. QPRC Letter to Residents, Proposed Changes To Local Planning Controls, of 18 Sep 17.

I am writing in complaint regarding the proposed correction to the Flood Planning Map within the Local Environmental Plan 2012. The Community Consultation and proposed amendments to the map have not been advised to all affected residents and property owners. No real detail has been provided as to how incorrect the map is, or how the proposed changes were derived. There are a number of other aspects to the proposal that need to be considered before any decision is made.

Council has only sent letters to residents who were 'newly affected' by the proposal, not those deemed to be 'already affected' by the 2012, One Hundred Year Flood mark. In our case, we did not receive a letter and were alerted to the proposal by our neighbour. On investigation, the proposed change appears to engulf our house and entire property boundary where previously, it merely touched the rear boundary.

The maps of the proposed changes quoted in the QPRC Letter to Residents (reference A) and displayed on-line, are very poor, lacking in detail and inappropriate for the purpose of Community Consultation. The on-line map shows a thick pencil drawn flood marking that, based on the scale of the map, covers a width of approximately 30m on the ground. The flood line could be interpreted, rightly or wrongly, to be anywhere within that 30m.

No detail has been provided as to how the proposed changes have been derived or whether flood mitigation works have been factored in. Following the 1974 flood, the Googong Dam was built in 1979. Additionally, in relation to our specific area, the Council excavated the creek between Sorrell Place and Malcolm Road to a depth of approximately 4m however, that detail can't be seen from an aerial view. These are just two examples of flood mitigation works around Queanbeyan since 1974.

We purchased our property, at 41 Malcolm Road, KARABAR, in December 2011. Prior to purchasing the property we were advised by the Realtor that the house was above the 100 year flood line and this line was at the very rear of the property. I confirmed this myself based on what is now stated to be an incorrect map which I viewed at the Queanbeyan Council. We were later advised by a number of our neighbours that in the 2010 Queanbeyan flood, the 4m deep creek at the back of our property rose to the top of our back retaining wall and very little water if any, actually entered our property.

Essentially, after purchasing our property in good faith, with due consideration to a now incorrect map, we have been informed by chance, of proposed changes to the 100 Year flood level that will likely be detrimental to our property value and house insurance. The maps provided by the QPRC have left us in no position to make an informed decision as to the actual affect that the proposed changes will have in relation to our property. A physical investigation should be undertaken, with a surveyor, council representative and property owner present, as no access to our property has previously been requested.

Submission to QPRC – Planning Proposal QLEP 2012



The current overall situation is unfortunately not what could be considered to be fair and reasonable. The Community Consultation has not included all affected residents and has not provided appropriate detail as to the effect of the proposed changes and how they were derived. We purchased our property based in part, on a now incorrect map and we were informed of the proposed changes solely by chance. Strongly suggest that more Council consideration and action is required in relation to these proposed changes, prior to any decisions being made.

We request that we be advised directly (via mail, email or phone) of any meetings, or proposals with regard to the local planning controls that affect our property and would like to meet with council before any further action is taken.

We look forward to Council's response.

Yours Sincerely



19 Oct 17.

41 Malcolm Road,
KARABAR, NSW, 2620





DOC17/385713
SF170205; C1798660

David Carswell
Service Manager Land Use Planning
Queanbeyan-Palerang Regional Council
PO Box 90
QUEANBEYAN NSW 2620

Attention Beate Jansen

Dear Ms Jansen,

Planning Proposal PP_2017_QPREG_003_00 to amend Queanbeyan LEP 2012 Minor matters.

I refer to your letter of 28 July 2017 referring the above planning proposal to amend the Queanbeyan Local Environment Plan 2012 (LEP) to the Office of Environmental and Heritage (OEH). The Gateway determination issued for this matter requires Council to consult with OEH in respect of both the historic heritage and flood aspects of the planning proposal.

OEH is not objecting to the proposal but is seeking clarification of amending the Flood Planning Map given the status of flood planning in Queanbeyan. OEH would like to meet with Council and other relevant State government agencies on this issue.

Flooding

The stated purpose of the planning proposal is to amend the Flood Planning Maps contained within Queanbeyan LEP 2012 to include the 1:100 year flood level plus a 0.5m freeboard to the Flood Planning Area. The flood planning maps will be updated to reflect the relevant clause in the QLEP 2012. Whilst the clause makes it clear that the Flood Planning Area includes the 1:100 flood liable land plus 0.5m freeboard, the map does not currently reflect this.

The justification provided by Council to support the amendment is the current Flooding Maps in the LEP were carried forward from the previous LEP and only show those areas within the 1:100 ARI that were identified as 'high hazard' under previous studies. This is inconsistent with the definition of 'flood planning level' within both the LEP and the NSW Floodplain Development Manual 2005. The new flood planning levels are already considered by Council when assessing any development and it is considered appropriate the LEP now be updated to reflect this.

According it is intended to update the LEP Flood Planning Maps based on the *Draft Queanbeyan Floodplain Risk Management Study and Plan* October 2008 prepared by Lyell and Associates.

In the circumstances OEH recommends that:

1. That Council seek clarification from Department of Planning and Environment (DPE) as to whether the proposed Flood Planning Area information contained in the *Draft Queanbeyan Floodplain Risk Management Study and Plan 2008* can be used as the basis for the Flood

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Planning Area map in the LEP, prior to adoption of the Draft Queanbeyan Floodplain Risk Management Plan.

Clarification should also be sought on the appropriateness of such a map and any qualifiers. As it does not cover all flood prone land and/or land identified as a flood control lot for the purposes of the Exempt and Complying Development Codes SEPP 2008.

2. Council reviews the application of its flood related development control planning mechanisms across the whole LGA (including its LEP, Development Control Plan (DCP) and flood control lots) as rapidly as practical. This would assist with managing issues around consistency in applying flood related development considerations on flood prone land including areas that are not currently identified in LEP flood maps. The identification of these unstudied areas would also enable the efficient prioritisation, completion and review of Floodplain Risk Management Plans.
3. Council consider the merit of amending its flood related planning provisions to not require inclusion of Flood Planning Maps within its LEP(s). Such an approach could reduce the potential for omissions and statutory requirements to continuously prepare planning proposals to amend its Flood Planning Maps as improved flood information is made available.

Given the complexity of this issue, it may be useful for Council to facilitate a workshop to enable co-ordinated inputs from the range of relevant agencies including DPE, State Emergency Services (SES) and OEH as part of its review of flood related development controls in council's LEPs and DCPs.

Historic Heritage

OEH Heritage Division will reply separately on the proposed amendments relating to historic heritage items listed in Schedule 5 of the LEP.

Should you require further information on the issues raised in this letter and attachments, please contact John Murtagh Senior Natural Resource Officer on telephone (02) 4224 4154.

Yours sincerely


ALLISON TREWEEK 24/7/17
Senior Team Leader Planning
South East Region



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Ms Beate Jansen
Senior Strategic Planner
Queanbeyan-Palerang Regional Council
PO Box 90
QUEANBEYAN NSW 2620

File No: SF17/35764
Ref No: DOC17/371285
Your Ref: (PP_2017_QPREG_003_00)

By email: Beate.Jansen@qprc.nsw.gov.au

Dear Ms Jansen

Planning Proposal to amend Queanbeyan Local Environmental Plan (QLEP) 2012

Thank you for referring the above Planning Proposal which seeks to amend QLEP 2012 to undertake several housekeeping matters, including the following which are relevant to heritage:

1. Correction to the property description of a locally listed heritage item in Schedule 5 'Environmental Heritage' of QLEP 2012.
2. Inclusion of a new local heritage item within Schedule 5 – 'Environmental heritage' of QLEP 2012 to be known as 'Shepherds Ruin.'
3. Allow roof-mounted evaporative cooling units as exempt development within Schedule 2 of QLEP 2012.

The following comments are provided:

1. No objection is raised to the correction of the property description of the locally listed heritage item at 1 and 5 Hirst Ave, Queanbeyan.
2. No objection is raised to the proposed local listing of Shepherds Ruin at 1291 Old Cooma Road, Royalla. It is noted that Shepherds Ruin has been assessed to have local heritage significance based on its historic, scientific, aesthetic, social and rarity values, as outlined in the Heritage Assessment, prepared by Queanbeyan City Council Heritage Advisory Service, dated 28 September 2015.
3. The proposed wording of the exempt development control for roof-mounted evaporative cooling units is not supported given that locally listed heritage items will not be safeguarded. Currently, Clause 3.1 provisions of QLEP 2012 stipulates that exempt development does not apply to items listed on the State Heritage Register or land that is subject to the Interim Heritage Order, however, it is silent in relation to locally listed items.

The proposed wording of the exempt development control will allow the installation of roof-mounted evaporative cooling units on a locally listed heritage item, which could have adverse visual and physical impacts on the significance of the item. It is therefore suggested that the wording be modified to clearly specify that the roof-mounted cooling units are not to be considered as exempt development for locally listed heritage items.

Helping the community conserve our heritage

If you have any questions regarding the above matter please contact Lily Chu, Heritage Officer at the Heritage Division on 9873 8595 or at lily.chu@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rajeev Maini', with a horizontal line underneath.

Rajeev Maini
Manager, Conservation
Heritage Division
Office of Environment & Heritage
As Delegate of the NSW Heritage Council
9 August 2017

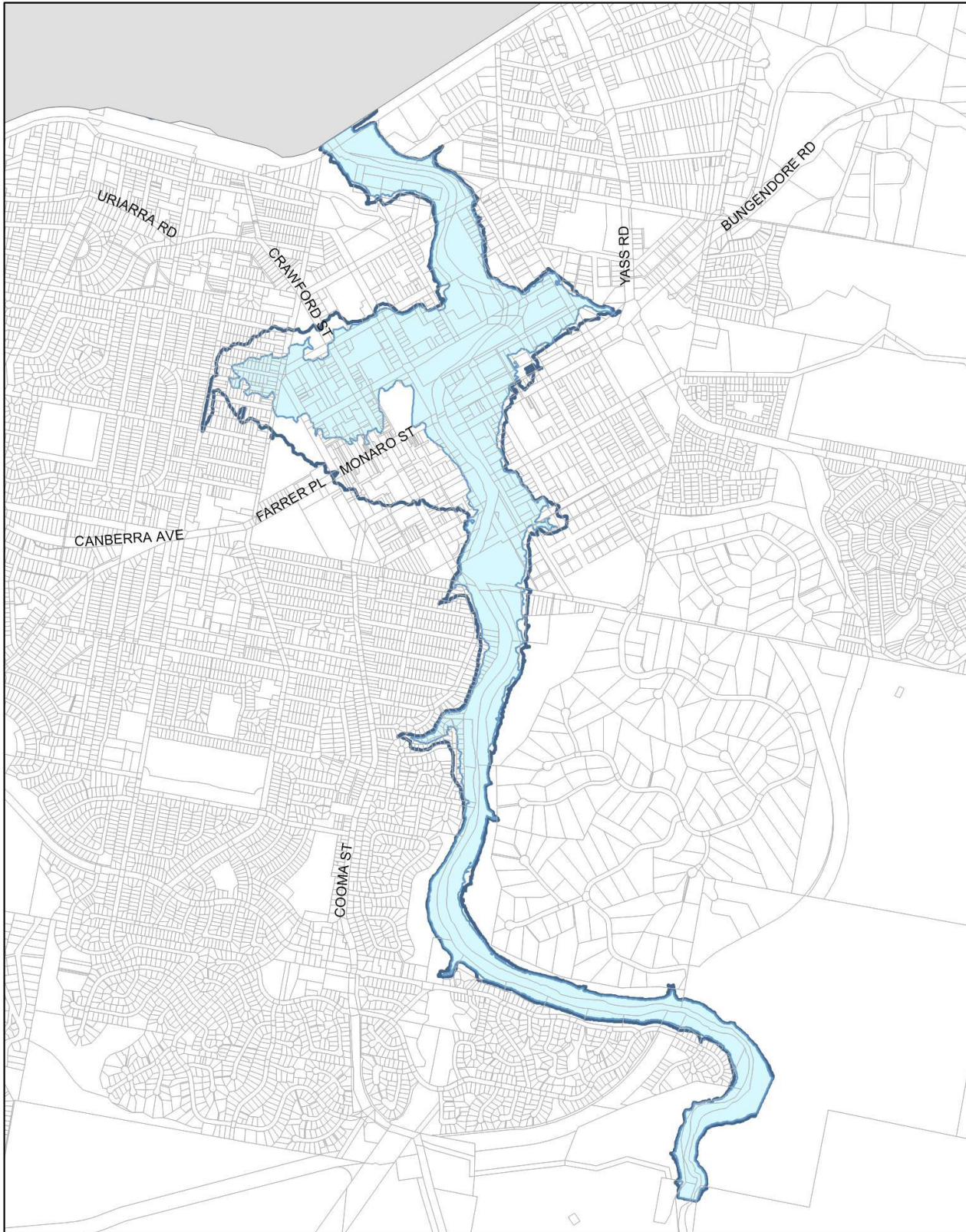
QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment




8 NOVEMBER 2017

- | | |
|--------------|---|
| ITEM 5.2 | PLANNING PROPOSAL - HOUSEKEEPING AMENDMENTS TO QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 |
| ATTACHMENT 3 | MAP ILLUSTRATING CURRENT AND CORRECT FLOOD PLANNING MAPS |

Queanbeyan LEP 2012 Flood Amendment



Legend

-  Current Flood Planning Level
-  New Flood Planning Level
-  Parcels



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 NOVEMBER 2017

- | | |
|--------------|---|
| ITEM 5.5 | MINOR AMENDMENT - SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN NO 11 FOR THE PROVISION OF PUBLIC OFF-STREET CARPARKING AT BUNGENDORE |
| ATTACHMENT 1 | DRAFT AMENDMENT NO. 2 SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN NO 11 FOR THE PUBLIC OFF-STREET CARPARKING AT BUNGENDORE |

**SECTION 94 DEVELOPMENT
CONTRIBUTIONS
PLAN NO 11
FOR THE PROVISION OF PUBLIC OFF-
STREET CARPARKING AT BUNGENDORE**
(Draft amendments shown in red font)



ORIGINAL PLAN ADOPTED BY COUNCIL:

5 May 2011

THIS PLAN CAME INTO EFFECT ON:

11 May 2011

Ref: SF170386
C17154904

Amendment 1 (Came into effect 18/12/2013) – Revised sub-clause 2.13: Criteria for businesses, in relation to carpark spaces required, reduced to 50% of the RTA Guideline requirements for the first 200m² of Gross Floor Area (GFA). – The exemption made under this sub-clause will be re-assessed prior to 30 June 2017.

Amendment 2 (Came into effect .../.../....) – Includes a revised sub-clause 2.13.

The Clause has been reviewed in accordance with Amendment 1 and extended for two years to 2019. Additionally, the Plan has been amended to reflect the repeal of the *Yarrowlumla Local Environmental Plan 2002* and the gazettal of the *Palerang Local Environmental Plan 2014* and the amalgamation of the former Palerang Council. In May 2016, the former Palerang was amalgamated with the former Queanbeyan City Council to form Queanbeyan Palerang Regional Council.

Other amendments renames the Plan, includes a new cover sheet and structure as well as other minor amendments.

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10 Majara St
Braidwood Office – 144 Wallace St

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1. SUMMARY

This Contributions Plan has determined that the costs to purchase land and construct the planned off-street public carpark at Bungendore will be ~~\$11,000~~ **\$12,485** per carpark space. The facility will be provided in stages as the town develops over the next 20 years.

The adopted contribution below will be subject to cost adjustment each quarter based on the Consumer Price (All Groups) Index for ~~Ganberra~~ **Sydney**.

SCHEDULE OF CONTRIBUTIONS

For developments causing the need for extra carparking in the Bungendore commercial/business zone	\$11,000 \$12,485 per carpark space
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The assessment of parking required for each development shall be based on the NSW Roads and Traffic Authority's document Guide to Traffic Generating Developments 2002 and any updates of this document.

2. ADMINISTRATION AND OPERATION OF THE PLAN

2.1 What is the name of this plan?

The name of this Plan is **the Section 94 Development Contributions Plan No 11 for the Provision of Off-street Public Carparking at Bungendore**. **It was formerly known as the Palerang Council Section 94 Development Contributions Plan No11 for the Provision of Off-Street Carparking at Bungendore.**

2.2 Where does this Plan apply?

This plan applies to all land in the Commercial Precinct as identified in the *Palerang Local Environmental Plan 2014 as B2 Local Centre and B4 Mixed Use landuse zones*. ~~Development Control Plan Yarrowlumla LEP 2002 2(V) Village Zone adopted in May 2009~~. The area is shown on Attachment 2 and indicates where commercial and retail businesses will be concentrated. It is expected that this commercial area will be maintained into the future with a designation as a **of B2 Local Centre and B4 Mixed Use** one in the **updated new Queanbeyan-Palerang Local Environmental Plan** which is **currently** under development.

2.3 What is the purpose of this development contributions plan?

The purpose of this Plan is to:

- a) provide an administrative framework and ensure that adequate public facilities are provided as part of any new development

- b) to authorise the Council to impose conditions under section 94 (s94) of the *Environmental Planning and Assessment Act 1979* when granting consent to development on land to which this plan applies
- c) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis
- d) ensure that the existing community is not burdened by the provision of public amenities and public services required as a result of future development
- e) enable the Council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

2.4 What are the specific objectives of this Plan?

The specific objectives of this Plan are to ensure that:

Adequate car parking spaces are available within convenient walking distance of business developments as the business centre of Bungendore develops as the town and its surrounds grow.

New developments pay a fair and reasonable contribution towards carparking that will be needed to serve the businesses that will occupy the central business district of Bungendore.

2.5 Commencement of the plan

This Plan has been prepared pursuant to the provisions of s94 of the EP&A Act and Part 4 of the EP&A Regulation and takes effect from the date on which public notice was published, pursuant to clause 31(4) of the EP&A Regulation.

2.6 Relationship with other plans and policies

This development contributions plan supplements the provisions of the *Palerang Local Environmental Plan 2014* ~~Yarrowlumla Local Environmental Plan 2002~~ and any subsequent amendments.

2.7 Definitions

Applicant Means the person, company or organisation submitting a development application.

Community facility Means a building or place owned or controlled by the Council or a body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place elsewhere defined in this section.

<i>Contribution</i>	Means the dedication of land, the making of a monetary contribution or the provision of a material public benefit, as referred to in Section 94 of the EP&A Act.
<i>Contributions Plan</i>	Means a contributions plan referred to in Section 94EA of the EP&A Act.
<i>Council</i>	Means the Queanbeyan Palerang Regional Council or any successor Council name.
<i>EP&A Act</i>	Means the Environmental Planning and Assessment Act, 1979, as amended.
<i>EP&A Regulations</i>	Means the Environmental Planning and Assessment Regulation, 2000, as amended.
<i>LEP</i>	Means the local environment plan for the area made by the Minister under Section 70 of the EP&A Act.
<i>LGA</i>	Means the Local Government Area.
<i>Public Facilities</i>	Means any public amenity or public service as referred to in Section 94 of the EP&A Act, including a Community Facility and a Recreation Facility, the need for which has increased or been created by Development.
<i>Recreation Facility</i>	Means a building or place used for sporting activities, recreation or leisure activities, whether or not operated for the purpose of gain, but does not include a building or place elsewhere defined in this section.

<i>Recoupment</i>	Means payment of a monetary contribution to the Council to offset the cost (plus any interest) which the Council has already incurred in providing public facilities in anticipation of development.
<i>Settlement</i>	Means the payment of a monetary contribution, the undertaking of a work in kind, or the exchange of documents for the dedication of land required as a result of new development.
<i>Works in Kind</i>	Has the same meaning as a 'Material Public Benefit' as referred to in Section 94(5) (b) of the EP&A Act and means the undertaking of any work associated with the provision of a public facility.
<i>Works Program</i>	Means the schedule of the specific public facilities for which contributions may be required, and the likely timing of provision of those public facilities based on projected rates of development, the collection of development contributions and the availability of funds from supplementary sources.

2.8 When is the contribution payable?

A contribution must be paid to the Council at the time specified in the condition that imposes the contribution. If no such time is specified, the contribution must be paid as follows:

- a) For DAs involving subdivision - prior to the release of the subdivision linen plan (i.e. issue of subdivision certificate)
- b) For DAs involving building works – prior to the issue of a construction certificate
- c) For DAs where no building work is involved – prior to occupation or commencement of the approved development.

2.9 Construction certificates and the obligation of accredited certifiers

In accordance with section 94EC of the EP&A Act and Clause 146 of the EP&A Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by the Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2.10 Complying development and the obligation of accredited certifiers

In accordance with s94EC (1) of the EP&A Act, accredited certifiers must impose a condition requiring monetary contributions in accordance with this development contributions plan.

The conditions imposed must be consistent with Council's standard section 94 consent conditions and be strictly in accordance with this development contributions plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the section 94 condition correctly.

2.11 Deferred/periodic payments

Deferred or periodic payments may be permitted in the following circumstances:

- a) compliance with the provisions of Clause 2.8 is unreasonable or unnecessary in the circumstances of the case,
- b) deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program,
- c) where the applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and Council and the applicant have a legally binding agreement for the provision of the works or land dedication,
- d) There are circumstances justifying the deferred or periodic payment of the contribution.

If Council does decide to accept deferred or periodic payment, Council may require the applicant to provide a bank guarantee by a bank for the full amount of the contribution or the outstanding balance on condition that:

- the bank guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security,
- the bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development
- the bank's obligations are discharged when payment to Council is made in accordance with this guarantee or when council notifies the bank in writing that the guarantee is no longer required
- Where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.

2.12 Can the contribution be settled “in-kind” or through a material public benefit?

Council may accept an offer by the applicant to provide an “in-kind” contribution (i.e. the applicant completes part or all of work/s identified in the plan) or through provision of another material public benefit in lieu of the applicant satisfying its obligations under this plan.

Council may accept such alternatives in the following circumstances:

- a) the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan; and
- b) the standard of the works is to Council's full satisfaction; and
- c) The provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program.

The value of the works to be substituted must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Council will require the applicant to enter into a written agreement for the provision of the works.

Acceptance of any such alternative is at the sole discretion of the Council. Council may review the valuation of works or land to be dedicated, and may seek the services of an independent person to verify their value. In these cases, all costs and expenses borne by the Council in determining the value of the works or land will be paid for by the applicant.

2.13 Exemptions

2.13.1 General

Council may consider exempting developments, or components of developments from the requirement for a contribution. These may include nursing homes and residential developments that do not cause a demand on the public facility for which the contribution has been set. For such claims to be considered, a development application will need to include a comprehensive submission arguing the case for exemption.

2.13.2 Specific Exemption resulting from Amendment 1 of this Plan, approved by Council on 5 December 2013 and came into effect from 18 December 2013.

This clause applies to new applications received following the adoption of Amendment 1.

The following revised methodology will be applied, up to 30 June 2019, to the assessment of carparking requirements for development applications in the **area proposed for B2 Local Centre and B4 Mixed Use landuse zones** (~~business zoning~~) in Bungendore:

- a) Reduce the criteria for businesses in relation to carpark spaces required to 50% of the RTA Guideline requirements for the first 200m² of Gross Floor Area (GFA). For change of use of premises, calculate the number of carpark spaces required for the existing development and deduct this number from the number of carpark spaces calculated for the new development with inclusion of the above exemption;
- b) Restrict application of this exemption to new development applications and recent development approvals where the development has not proceeded to operation/occupation stage.

5.5 Minor amendment - Section 94 Development Contributions Plan No 11 for the provision of public off-street carparking at Bungendore
Attachment 1 - Draft Amendment No. 2 Section 94 Development Contributions Plan No 11 for the Public Off-Street Carparking at Bungendore (Continued)

The exemption made under this sub-clause will be re-assessed prior to 30 June 2019 unless reviewed earlier.

2.14 Review of contribution rates

To ensure that the value of contributions are not eroded over time by movements in CPI, land values, the capital costs of administration of the plan or through changes in the costs of studies used to support the Plan, the Council will periodically review the contribution rate.

The contribution rate will be reviewed by reference to the following:

- construction costs by the Consumer Price Index (CPI) for Canberra Sydney prepared by the Australian Bureau of Statistics.
- specific valuations for parcels of land that are identified in the s94 plan

In accordance with clause 32(3)(b) of the EP&A Regulation, the following sets out the means by which the council will make changes to the rates set out in this plan.

For changes to the CPI, the contribution rates within the plan will be reviewed on a quarterly basis in accordance with the following formula:

$$\text{\$C}_c = \text{\$C}_A + \frac{\text{\$C}_A \times (\text{Current Index} - \text{Base Index})}{\text{Base Index}}$$

Where

\\$C_c	Is the current contribution rate (i.e. that applies at the time of review);
\\$C_A	is the contribution at the time of adoption of the plan;
Current_Index	is the CPI for Canberra as published by the Bureau of Statistics at the time of review of the contribution rate;
Base Index	is the CPI for Canberra as published by the Bureau of Statistics at the date of adoption of this Plan, which was 176.8 at Mar 2011 .

Notes: 1. In the event that the current CPI is less than the previous CPI, the current CPI shall be taken as not less than the previous CPI.

2.15 How are contributions adjusted at the time of payment?

The contributions stated in a consent are calculated on the basis of the s94 contribution rate determined in accordance with this plan. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rate that is applicable at time of payment taking into account any rises in the Consumer Price Index. These will be determined by applying the formula contained in Clause 2.14 above at the date of payment.

The current contribution is calculated by Council and is available from Council offices.

2.16 Are there allowances for existing development?

Contributions will be levied according to the estimated increase in demand.

This means that contributions will be levied on new developments based on the number of extra carpark spaces required. The number of extra carpark spaces required will be determined with reference to the RTA Guide to Traffic Generating Developments where the number of carpark spaces required for the existing development (if any) will be calculated and deducted from the number of carpark spaces calculated for the new development.

2.17 Pooling of contributions

This plan expressly authorises monetary s94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

3. WHAT IS NEXUS AND WHY IS IT IMPORTANT?

The provisions of Section 94 of the Environmental Planning and Assessment Act enables Council to obtain development contributions as a means for funding local public amenities and infrastructure that are required as a result of new development.

Section 94B (1) of the Act requires that a contribution can be imposed only if a development contribution plan is prepared and adopted. Further, the contribution can only be imposed if it is in accordance with that contribution plan.

The power of Council to levy Section 94 contributions relies upon Council's ability to establish clear nexus between the proposed development and the need for increased amenities and infrastructure.

The three aspects of nexus which must be considered are causal, physical and temporal.

- Causal nexus requires that the need for the service or facility being levied must be a result of the development to which the levy is applied.
- Physical nexus requires that the service or facility be near enough in physical terms to provide benefit to that development.
- Temporal nexus requires that the service or facility must be provided within a reasonable time.

In this Plan, these aspects will be demonstrated through:

- a) determination of the need for additional carpark spaces caused by new development (the causal relationship);
- b) the extra carparking required for new developments in the Bungendore CBD being located in the public carpark located in the Bungendore CBD (the physical nexus);
- c) the extra carparking required being provided progressively as the contributions are received by Council (the temporal relationship)

4. WHAT GROWTH IN BUSINESS ACTIVITY IS EXPECTED IN THE BUNGENDORE CBD?

A substantial growth in new and enlarged businesses is expected in Bungendore to service the town as it and its surrounds grow significantly over the next 10-20 years. From ABS figures, Bungendore is recognised as one of the fastest growing towns in Australia.

Between the 1996 census and the 2001 census the population of Bungendore and adjacent areas increased from 1353 to 1681 people. This is an average increase of about 4.4% per annum. Between the 2001 census and the 2006 census the population further increased to 2182 which is a 5.4% annual growth rate. **Between 2006 and 2011, the population increased from 2183 to 2754 which is an annual growth rate of 4.8%. The 2016 census recorded a population of 2850 people.**

~~Applying a similar percentage increase indicates that the current population of the greater Bungendore town area would be about 2600.~~

The last of the stages of the Elmslea Estate ~~is being~~ **have been** developed, **Trucking Yard Lane at the southern end of Bungendore is almost complete, the subdivisions in the Majara Street and Ellendon Street area continue** and there are a number of other infill subdivision applications **across Bungendore that have been approved** and under construction, while others are being processed by Council. From many indicators therefore, a similar growth rate can be expected over the next decade provided that an adequate water source is available for the ~~town~~**village**. The ~~construction of the new~~ Defence Force Headquarters just south of the ~~village~~**town** will ensure continued interest in **Bungendore** ~~the town~~. ~~An increase to 4500-5000 can be projected well within a 20-year timeframe.~~

The demand on business services especially cafes and tourist shops will also be increased by the many visitors to Bungendore including day trippers from the ACT and tourists stopping off on their way to Canberra or the coast.

5. WHAT IS THE DEMAND FOR PUBLIC CARPARKING WITHIN THE BUNGENDORE CBD?

Up until to now carparking requirements in Bungendore's CBD have largely been satisfied through the parking available on the streets adjacent to businesses. This has been supplemented by some off-street carparking on private property associated with some of the developments.

These arrangements however are not going to be adequate into the future as the town continues to grow. Already on-street parking spaces are becoming increasingly difficult to find during peak times. Small isolated private carparking is generally satisfactory for staff parking but is not so suitable for customer parking when the availability of spaces behind shops is not obvious from the street. Constructing carparks on each property is considered to be inefficient and requires numerous driveway entrances that reduce on street carpark spaces.

To address the need for carparking in the future Council has taken steps to establish a centrally located off-street public carpark that can be developed in stages in keeping with the demand for extra carparking as it occurs. The site for the public carpark is illustrated in the plan at Attachment 1. At this location, behind existing premises in Ellendon/Malbon/Gibraltar Streets, convenient access will be provided to businesses.

Based on the remaining stocks of undeveloped properties it is predicted that at least 200 new off-street carpark spaces will be required within a 20 year timeframe.

The need to provide a central carpark has been recognised in the Bungendore Discussion Paper 2006.

6. HOW ARE CONTRIBUTIONS CALCULATED?

The formula below recognises that the new carparking facilities are required for future business developments.

$$\text{S94 Contribution per off-street carpark space} = \frac{C}{N}$$

Where

C = Cost of providing the public off-street carpark
(refer to Part 8)

N = Total number of off-street carpark spaces that are expected to be required and provided

7. WHAT APPORTIONMENT FACTORS APPLY?

No apportionment factor will be applied under this plan. At the time of preparation, parking requirements for existing businesses have been satisfied without this planned off-street public carpark. The new facility will be constructed to cater for future developments. It is not intended therefore that Council will sink any of its funds into the facility but it will need to borrow funds to purchase the necessary land and to construct the facilities. These loans will be repaid by the S94 contributions that are received over time.

8. WORKS SCHEDULE

• Purchase land in stages	\$1,000,000
• Access and Carpark Construction in stages	\$1,000,000
• Interest on short term 'bridging' loans	<u>\$200,000</u>
TOTAL	\$2,200,000

Is more detail about stages and costs required?

9. CALCULATION OF CONTRIBUTIONS

S94 Contribution = $C/N = \$2,200,000/200 = \$11,000$ per carpark space

Where

C = Total cost of off-street carpark

N = Total number of carpark spaces to be provided

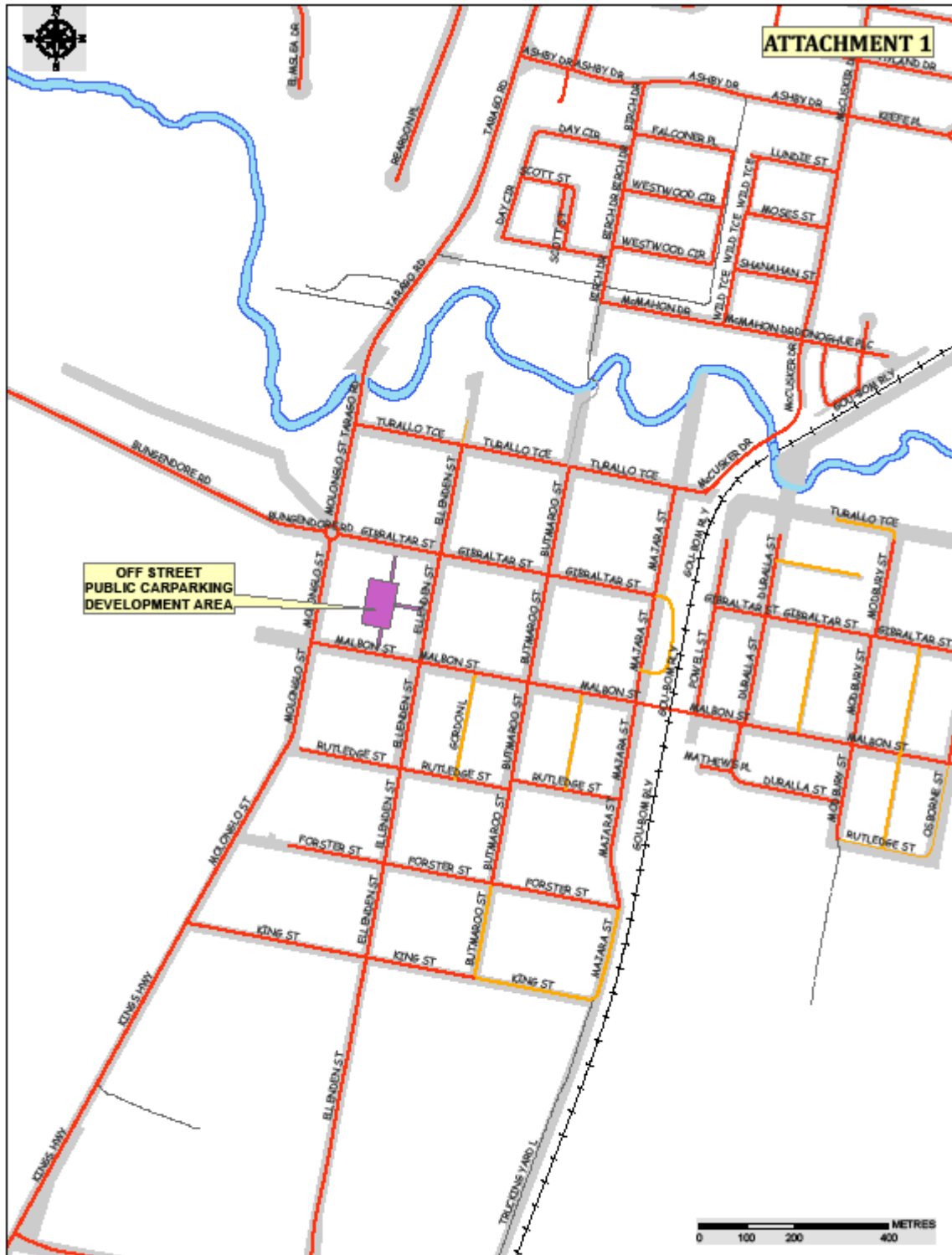
10. REFERENCES

NSW Department of Planning Practice Note – Template for a section 94 development contributions plan (Issued July 2005)

Bungendore Discussion Paper 2006 (Palerang Council July 2006)

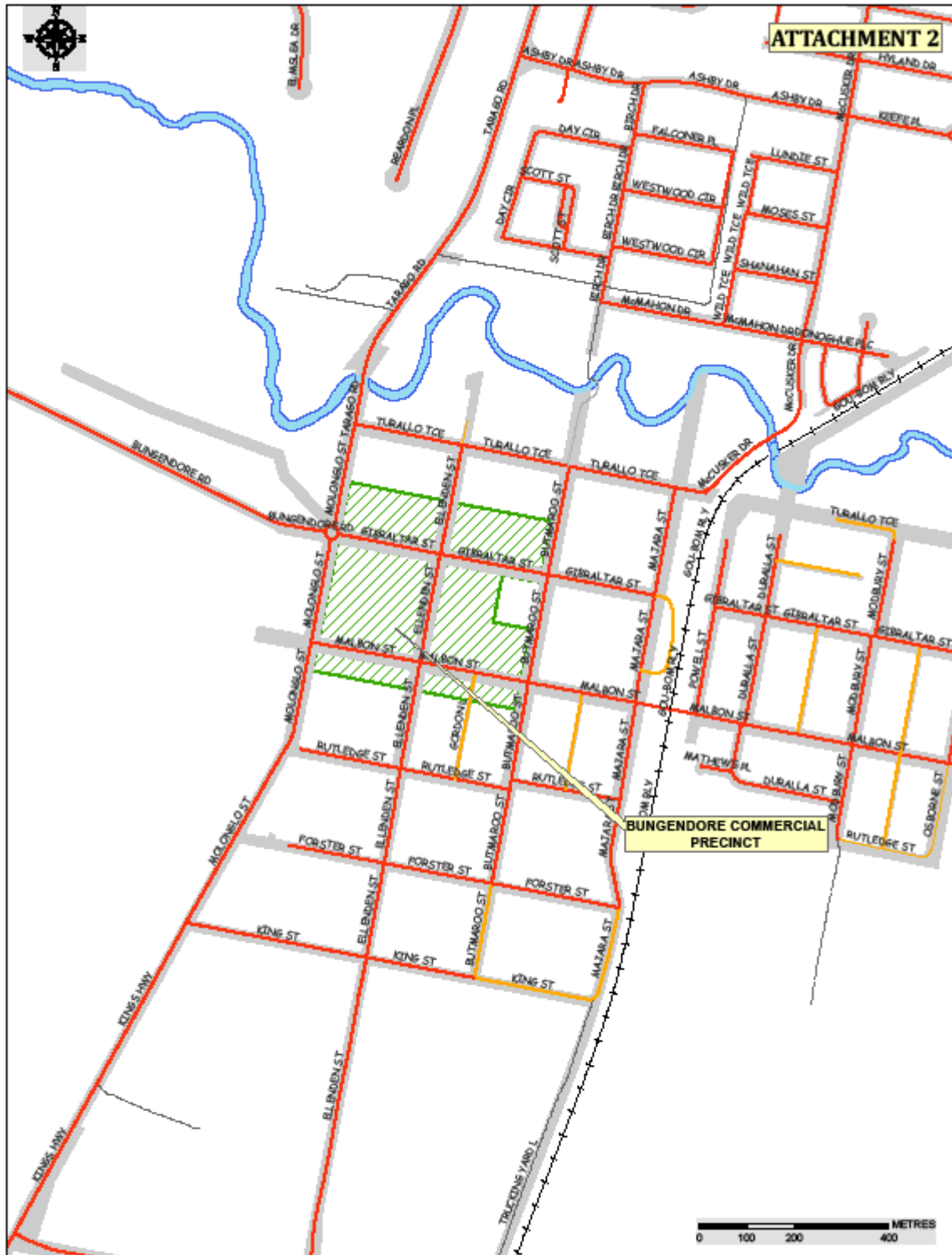
NSW RTA Guide to Traffic Generating Developments 2002.

Attachment 1



SITE FOR BUNGENDORE PUBLIC CARPARK

Attachment 2





Department
of Industry

Lands & Forestry

MANAGING CROWN LANDS

An update for councils

JUNE 2017

With the new legislation coming into effect next year, this update will provide information on how we will work with you to deliver improved management of the State's vast Crown land.

Overview

Following the passing of the *Crown Land Management Act 2016* (the Act) in November 2016 and the *Crown Land Legislation Amendment Act 2017* in May 2017, a consolidated, modern piece of legislation will govern the management of Crown land in NSW.

The legislation implements reforms identified through the comprehensive review of Crown land management and follows over four years of engagement with the community on the future of Crown land.

The new framework will ensure that the Crown Estate continues to support and generate significant social, environmental and cultural benefits to the people of NSW.

What does it mean for councils?

The new Act will reduce red tape, duplication and the administrative burden on councils in their public land management role. It also provides councils with greater certainty about the legal requirements for managing Crown land.

It is anticipated that the majority of the Act will commence in early 2018.

There are no immediate changes. All current legislation remains in place until the new Act commences. Crown land and all Crown reserves will continue to be

administered in accordance with current legislation.

The Department of Industry, Lands & Forestry Division will regularly communicate with councils prior to the commencement of the Act.

Council management of Crown land

In response to concerns from councils about inconsistencies between management of Crown land and council owned land, the new Act allows councils to manage Crown land under the provisions of the *Local Government Act 1993* (LGA) for public land.

This will reduce the duplication and drain on resources experienced by councils resulting from the current dual legislative frameworks.

Categorising land use

Crown reserves managed by councils will generally be classified as community land under the LGA and categorised under the LGA, with the Minister for Lands' approval.



Figure 1. Council Crown land managers will be authorised to manage land in accordance with the *Local Government Act 1993*

Managing Crown land – an update for councils

With the Minister's consent councils may seek to classify Crown land which they manage as operational, where the land does fall within the categories of community land under the LGA or where classification as operational is required to allow the current land use to continue. This may be required in circumstances such as where Crown land is being used for long term residential accommodation or cemeteries.

Generally, councils will not need the Minister for Lands and Forestry's approval for dealings on Crown reserves. Instead, in most cases local councils will manage these reserves under the requirements for community land under the LGA.

Plans of management

The requirement under the LGA to have plans of management for each reserve will be phased in over time. Additionally, financial assistance will be available to assist with the costs of preparing plans of management. Further information about the funding assistance will be provided in the coming months.

Ministerial powers

Although local councils will generally be managing land under the LGA, the Minister for Lands and Forestry will retain important rights and powers including the ability to:

- make rules with which local councils must comply
- put conditions in local councils' appointment instruments, when appointing them as reserve managers
- remove local council managers.

Funding

To support the management and up-keep of reserves, councils will continue to be eligible to apply for grants from the Crown Reserves Improvement Fund (formerly the Public Reserve Management Fund Program).

Local ownership of Crown land

A key finding of the Crown Lands Management Review was that the NSW Government should continue to manage land of State significance. However, land of local importance should be subject to local level decision-making and this is best achieved by transferring these lands to local councils.

The new legislation allows land that is identified as being primarily land of local community value, for example local parks and sporting grounds, to be vested in councils.

The identification of land of local significance will be guided by local land criteria which is available on the website. It will also be detailed in regulations published later this year.

There are a number of safeguards associated with these legislative provisions.

- The Act explicitly requires council consent to any transfers. There will be no forced transfers of Crown land to council ownership – it will be entirely voluntary and by agreement. Councils will have the opportunity to consider the values of the land, including any resourcing implications, before agreeing to any voluntary land transfers.



Figure 2. Crown land that is considered likely to be local land includes land used mainly by the local community, such as parks, local sports fields and recreation centres.

Managing Crown land – an update for councils

- Any land subject to an undetermined Aboriginal land claim may only be vested in a local council with the consent of the claimant (either Local Aboriginal Land Council or the NSW Aboriginal Land Council).
- The Act allows for covenants to be placed on title to land. There may be circumstances where it is appropriate to put covenants on title to land that is vested in councils to restrict how the land is used and managed into the future. This will be considered on a case by case basis, as land is put forward for transfer of ownership, and will be subject to council agreement.

Once land is transferred, it is no longer Crown land and is held by council in freehold. Any income generated by that land will then be retained by the council.

Land negotiation program

In practice, vesting of local land to councils will be progressed through voluntary three-way negotiations involving the state, local councils and Aboriginal land councils under the Land Negotiation Program. This program is built on the findings of a Local Land Pilot program conducted in 2015.

Under the Land Negotiation Program, local councils and Aboriginal land councils will be invited to participate through an expression of interest process. Further details regarding the Land Negotiation Program will be provided as the program develops.

Upcoming updates

Our next update will include information on:

- native title
- provisions in the *Roads Act 1993* for Crown roads and council roads
- engaging the community on key decisions
- how we will engage with councils on implementation arrangements.

More information

For more information contact the Department of Industry, Lands & Forestry Division on 1300 886 235 or email legislation@crowmland.nsw.gov.au.

The Lands & Forestry Division website www.crowmland.nsw.gov.au also has updated information on the legislation.

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Disclaimer: The content of this publication does not constitute legal advice. You should seek legal or other professional advice before acting or relying on any of the content. The information contained in this publication is based on knowledge and understanding at the time of writing (June 2017). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Industry or the user's independent adviser.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

8 NOVEMBER 2017

ITEM 6.1 INFORMATION FORUMS - CROWN LANDS MANAGEMENT
ACT 2016

ATTACHMENT 2 LOCAL COUNCIL'S UPDATE 2 - CROWN LAND MANAGEMENT
ACT 2016



MANAGING CROWN LANDS

An update for local councils

SEPTEMBER 2017

With new *Crown Land Management Act 2016* coming into effect early next year, this update provides information on how we will work with you to deliver improved management of the state's vast area of Crown land.

Managing Crown reserves

Plans of management

The *Crown Land Management Act 2016* (CLM Act) allows councils to manage Crown land under the provisions of the *Local Government Act 1993* for public land. It is anticipated this will reduce the duplication and drain on resources experienced by councils resulting from the current dual legislative frameworks.

Councils will generally no longer have to seek consent for dealings on Crown land and will also benefit from the removal of reporting requirements. Instead, they will be able to manage Crown reserves in the same way that council-owned land is managed.

As part of this streamlined process councils will be required to have plans of management for most Crown reserves that they manage. Some exceptions will apply for truly operational Crown land, such as waste depots.

In order to make the implementation of the plan of management requirement as straightforward as possible, the following will apply:

- the requirement to have plans of management will be phased in over three years from the time the new legislation commences
- councils can amend existing plans of management so that they apply to Crown reserves, where this is appropriate given the use of the Crown reserve
- where new plans are required, councils will be able to follow a simplified process (for example, councils will not be required to hold public hearings)
- some financial assistance will be available to help with the costs of preparing plans of management.

More information and guidance on the requirements for plans of management, including the available funding, will be provided to councils in the coming months.

Native title obligations

Native title refers to the rights and interests in relation to land and waters held continuously by Aboriginal people under their traditional laws and customs, recognised by Australian law.

As the Reserve Trust Handbook makes clear, all Crown land managers are currently responsible for complying with native title legislation in their management of Crown land and must ensure that their dealings are valid and comply with all procedural requirements of the Commonwealth *Native Title Act 1993* (NT Act).

In response to calls from councils for more autonomy and a streamlined approach to council Crown land management, the CLM Act allows councils to deal with Crown land without the oversight of the Minister for Lands and Forestry or the Department of Industry—Crown Land and Water. This makes it essential that councils clearly understand and comply with their native title obligations.



The CLM Act contains provisions to facilitate compliance by councils with the NT Act, including requiring councils to employ or engage trained native title managers who will be responsible for providing advice on certain dealings for land that may be affected by native title. It also clarifies responsibilities where native title has not been extinguished or determined.

The NSW Government will provide training for nominees from each local council to become accredited as Native Title Managers.

More information will be provided to councils in the coming months and councils will be invited to nominate representatives to participate in the training. Training is planned to occur in November this year.

Regulations

As the next step towards commencement of the new legislation in early 2018, the Government has released the draft Crown Land Management Regulation 2017 for public comment.

The Regulation provides clarity and certainty for Crown land managers, tenure holders, and users of Crown land. It provides information about how certain parts of the CLM Act are to be implemented and protects the Crown land estate for future generations. The Regulation consolidates various existing regulations and introduces some new regulatory provisions appropriate to support new concepts in the new legislation.

A regulatory impact statement (RIS) for the draft regulation has been prepared by the Centre for International Economics, an independent specialist. The RIS identifies and assesses the direct and indirect costs and benefits of each regulation to ensure they are necessary, appropriate and proportionate to risk.

The draft Regulation and the RIS, together with supporting documentation such as Frequently Asked Questions and factsheets are available on the Crown Land and Water website and the NSW Government 'Have Your Say' website.

The public exhibition period commenced on 4 September 2017 and closes on 1 October 2017.

Submissions can be made:

Online: By using the online submission form

Email: legislation@crowmland.nsw.gov.au

Post: Draft Crown Land Management Regulation comments
Department of Industry—Crown Land and Water
PO Box 2185
Dangar NSW 2309

All submissions and comments will be treated as public and may be published unless the author indicates that it is to be treated as confidential.

Engaging with the community on key issues

The CLM Act commits to community engagement and involvement in Crown land decisions by requiring the preparation of a Community Engagement Strategy for proposals that could affect public use of Crown land. Examples of proposals that would trigger the need for community engagement include sales, leases, and licences if they would affect public use, or changes to the reserve purpose that would affect public use.

Both the NSW Government and non-council Crown land managers who manage reserves will be required to comply with the Community Engagement Strategy.

The strategy will not apply to councils acting as Crown land managers—instead, councils must comply with community engagement obligations under the *Local Government Act 1993*.



The Community Engagement Strategy will provide the framework for community engagement to be tailored to specific situations to ensure proposals that most affect the community are subject to genuine engagement. For example, where a change in purpose is proposed for a reserve that is highly used by the community, engagement would be required so that the public could contribute to informing the decision making process. The type of engagement could include focus groups, surveys or workshops.

This new process will deliver transparent decision making and more effective community engagement than the current system of placing advertisements in local papers and notices in the Government Gazette.

The draft Community Engagement Strategy will be released in coming months for public consideration and feedback.

The Community Engagement Strategy is supported by guidance and resource material.

If you would like to be kept informed on developments about the Strategy, register your interest by sending an email to: community.engagement@crownland.nsw.gov.au

Amendments to the *Roads Act 1993*

As part of addressing the recommendations of the comprehensive review of Crown land, amendments to the *Roads Act 1993* were passed by Parliament and are due to commence in early 2018.

Council roads

For the first time, local councils have been given the power to close council roads. The Minister for Lands and Forestry will no longer be required to close council public Roads on council's behalf

This will allow councils to make strategic decisions about their roads and also help to reduce red tape and double handling. In acknowledging councils' responsibility for maintaining and operating these roads it is appropriate that councils decide when they should be closed. This change is a direct response to councils' submissions to the Crown Lands Management Review white paper.

The new powers are supported by stringent safeguards to ensure a closure of a council road is appropriate and does not deny access to a property.

One such safeguard is the requirement for consultation - councils must advertise proposed closures before closing a road and must notify landowners whose properties adjoin the road. Relevant public authorities must also be notified. This includes transport authorities such as Roads and Maritime Services, fire services and the Department of Planning and Environment.

The reforms also include important appeal rights that can be exercised in appropriate circumstances—they are available to owners of land whose access is materially affected and certain public authorities. These parties will have the right to appeal to the Land and Environment Court against a council road closure decision.

Crown roads

Crown roads continue to be regulated under the *Roads Act 1993* (Roads Act) and will remain the responsibility of the Minister for Lands and Forestry.

The legislative framework governing the maintenance, closure, transfer and sale of Crown roads has been updated to streamline administrative processes and address duplication and time delays. Under the Roads Act, Crown roads will not be required to be converted into Crown land before being sold.

The safeguards in the Roads Act around community consultation and notification have been strengthened. Current consultation and notification rights and periods have been retained, including advertisement of any proposed road closure. In addition, notification of adjoining landholders is specifically required in the Roads Act.



The current process of closing and selling Crown roads is lengthy and time consuming resulting in delays associated with road closure applications.

More information

We understand that you have questions about the management of Crown land and changes under the CLM Act. We will continue to provide updates on key features of the Act through these newsletters, LGNSW updates and direct correspondence. We are also planning a scheduled program of briefings for councils, and will present at various council sector conferences over the coming months.

For more information contact the Department of Industry—Crown Land and Water on 1300 886 235 or email legislation@crowmland.nsw.gov.au. The Crown Land website www.crowmland.nsw.gov.au also has updated information on the legislation.

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