



New South Wales

# **Queanbeyan Local Environmental Plan 1998 (Amendment No 38)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q03/00268/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2007 No 332

Clause 1            Queanbeyan Local Environmental Plan 1998 (Amendment No 38)

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### **Queanbeyan Local Environmental Plan 1998 (Amendment No 38)**

under the

Environmental Planning and Assessment Act 1979

#### **1 Name of plan**

This plan is *Queanbeyan Local Environmental Plan 1998 (Amendment No 38)*.

#### **2 Aims of plan**

This plan aims to amend *Queanbeyan Local Environmental Plan 1998* as follows:

- (a) to identify certain buildings (or other structures), places and archaeological sites as heritage items,
- (b) to extend the boundaries of the existing heritage conservation areas and merge them into one heritage conservation area (namely, the Queanbeyan Heritage Conservation Area),
- (c) to replace the existing heritage provisions and heritage definitions with heritage provisions and relevant definitions set out in the standard instrument contained in the *Standard Instrument (Local Environmental Plans) Order 2006*,
- (d) to make other consequential amendments, including the addition of a savings provision relating to certain development applications.

#### **3 Land to which plan applies**

This plan applies to all land under *Queanbeyan Local Environmental Plan 1998*.

#### **4 Amendment of Queanbeyan Local Environmental Plan 1998**

*Queanbeyan Local Environmental Plan 1998* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 2 Aims and general objectives of plan**

Omit “, archaeological and natural heritage” from clause 2 (b).

Insert instead “and archaeological heritage”.

**[2] Clause 5 Dictionary**

Omit clause 5 (3). Insert instead:

- (3) Notes included in this plan do not form part of this plan.

**[3] Part 12**

Omit the Part. Insert instead:

### Part 12 Heritage conservation

#### 56 Heritage conservation

**(1) Objectives**

The objectives of this clause are:

- (a) to conserve the environmental heritage of the City of Queanbeyan, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

**(2) Requirement for consent**

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building, by making structural changes to its interior,

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- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) **When consent not required**

However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
  - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
  - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
  - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
  - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) **Heritage impact assessment**

The consent authority may, before granting consent to any development on land:

- (a) on which a heritage item is situated, or
- (b) within a heritage conservation area, or
- (c) within the vicinity of land referred to in paragraph (a) or (b),

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(5) **Heritage conservation management plans**

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(6) **Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(7) **Places of Aboriginal heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

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(8) **Demolition of item of State significance**

The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 4 as being of State heritage significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received within 28 days after the notice is sent.

(9) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this plan if the consent authority is satisfied that:

- (a) the conservation of the heritage item is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

**57 Saving of development applications under former Part 12**

Part 12, as in force immediately before the commencement of *Queanbeyan Local Environmental Plan 1998 (Amendment No 38)*, continues to apply to any development application made under the former Part if the application was made but not finally determined before that commencement.

**[4] Schedule 1 Dictionary**

Omit the definitions of *archaeological site*, *heritage conservation area*, *heritage item*, *heritage significance*, *natural heritage* and *potential archaeological site*.

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**[5] Schedule 1**

Insert in alphabetical order:

***Aboriginal object*** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

***archaeological site*** means the site (as shown on the Heritage Map and listed in Schedule 4) of one or more relics.

***curtilage***, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, which contributes to its heritage significance.

***demolish***, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

***heritage conservation area*** means:

- (a) an area of land that is shown as a heritage conservation area on the Heritage Map (including any heritage items situated on or within that conservation area), or
- (b) a place of Aboriginal heritage significance shown on the Heritage Map.

***heritage conservation management plan*** means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

***heritage impact statement*** means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

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**heritage item** means a building, work, archaeological site, tree, place or Aboriginal object specified in an inventory of heritage items that is available at the office of the Council and the site and nature of which is described in Schedule 4 (and shown on the Heritage Map).

**Heritage Map** means the Queanbeyan Local Environmental Plan 1998 Heritage Map.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**local heritage significance**, in relation to a place, building, work, archaeological site, tree or precinct, means its heritage significance to an area.

**maintenance**, in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

**place of Aboriginal heritage significance** means an area of land shown on the Heritage Map that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**relic** means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of the City of Queanbeyan, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.



**[6] Schedule 4**

Omit the Schedule. Insert instead:

**Schedule 4 Environmental heritage**

(Clause 56)

**Note.**

An asterisk (\*) indicates the heritage item is an archaeological site and a hash (#) indicates the heritage item is listed on the State Heritage Register and is subject to the provisions of the *Heritage Act 1977*.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Locality</b>	<b>Description</b>	<b>Address</b>	<b>Significance</b>
Environa (Tralee Homestead Complex)	H2: Open Air Motor Sport Track (shown on Sheet 3 of the Heritage Map)	Directly to the east of the Fraser Park Raceway complex	Local
Environa (Tralee Homestead Complex)	H5: Shed Ruins (shown on Sheet 3 of the Heritage Map)	On the southern bank of Jerrabomberra Creek	Local
Environa (Tralee Homestead Complex)	H8: Sheep Dip (shown on Sheet 3 of the Heritage Map)	200 metres to the northeast of the Tralee Homestead complex	Local
Environa (Tralee Homestead Complex)	H9: Tralee Landing Ground (shown on Sheet 3 of the Heritage Map)	Directly to the east of Tralee Homestead Complex	Local
Jerrabomberra	Mount Jerrabomberra (shown edged heavy black on Sheet 5 of the Heritage Map)	Jerrabomberra Hill Road	Local
Jerrabomberra	The Poplars, site of endangered button wrinkleworts <i>rutiodosis leptorhynchoides</i> (shown on Sheet 6 of the Heritage Map)	Near corner of Lanyon Drive and Tomsitt Drive	Local
Queanbeyan	Group of cottages	2-6 Alice Street	Local
Queanbeyan	Cottage	9 Alice Street	Local
Queanbeyan	House	12 Alice Street	Local

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Queanbeyan	Cottage	30 Atkinson Street	Local
Queanbeyan	Cottage	38 Atkinson Street	Local
Queanbeyan	House	57 Atkinson Street	Local
Queanbeyan	House known as "Coroda"	58 Atkinson Street	Local
Queanbeyan	"Sir Murray Tyrrell's Cottage"	11 Blundell Street	Local
Queanbeyan	"Cantle Cottage"	3 Booth Street	Local
Queanbeyan	"Gabriel's Cottage"	26 Booth Street	Local
Queanbeyan	Cottage	21 Buttle Street	Local
Queanbeyan	House	49 Cameron Road	Local
Queanbeyan	House	55 Cameron Road	Local
Queanbeyan	Duplex house	57–59 Cameron Road	Local
Queanbeyan	House	61 Cameron Road	Local
Queanbeyan	House known initially as "Mimosa" and now as "Karabar"	71 Cameron Road	Local
# Queanbeyan	Dwelling, part of complex known as "Kawaree"	50 Canberra Avenue	State
# Queanbeyan	"Byrne's Mill" (currently used partly as a restaurant)	55 Collett Street	State
# Queanbeyan	"Byrne's Mill" (currently used partly as a craft shop)	57 Collett Street	State
# Queanbeyan	House known as "Hibernia Lodge"	69 Collett Street	State
Queanbeyan	Cottage	72 Collett Street	Local
# Queanbeyan	Building (former hospital known as "Rusten House")	87–105 Collett Street	State

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Queanbeyan	Greek Orthodox Church	120 Collett Street (northeast corner of Campbell and Collett Streets)	Local
Queanbeyan	Remnant house	126 Collett Street	Local
Queanbeyan	Remnant house	145 Collett Street	Local
Queanbeyan	Cottage	5 Collins Street	Local
Queanbeyan	House	22 Collins Street	Local
* Queanbeyan	Limestone Kilns (shown as HS3 on Sheet 4 of the Heritage Map)	Land bounded by Cooma Street and Wickerslack Lane, known as the Gale Precinct	Local
* Queanbeyan	Scarred tree sites (shown as GP8 on Sheet 4 of the Heritage Map)	Land bounded by Cooma Street and Wickerslack Lane, known as the Gale Precinct	Local
* Queanbeyan	Site GP8 (shown on Sheet 4 of the Heritage Map)	Land bounded by Cooma Street and Wickerslack Lane, known as the Gale Precinct	Local
Queanbeyan	Remnant house	46 Cooma Street	Local
Queanbeyan	Remnant house	48 Cooma Street	Local
Queanbeyan	Remnant house	58 Cooma Street	Local
Queanbeyan	Cottages	22–24 Crawford Street	Local
Queanbeyan	Hotel Queanbeyan	63 Crawford Street	Local
Queanbeyan	Building	76 Crawford Street	Local
Queanbeyan	Queanbeyan Recreation and Leisure Centre	121–147 Crawford Street	Local
Queanbeyan	Cottage	11 and 13 Derrima Road	Local
Queanbeyan	Cottage	21 Derrima Road	Local
Queanbeyan	Cottage	23 Derrima Road	Local

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Queanbeyan	House	25 Derrima Road	Local
Queanbeyan	House	35 Derrima Road	Local
Queanbeyan	House	82 Derrima Road	Local
Queanbeyan	Homestead known as "Langdene"	17 Donald Road	Local
Queanbeyan	Cottage	25 Donald Road	Local
Queanbeyan	Cottage	36 Donald Road	Local
Queanbeyan	House	38 Donald Road	Local
Queanbeyan	House	41 Donald Road	Local
Queanbeyan	House	43 Donald Road	Local
Queanbeyan	House	12 Early Street	Local
Queanbeyan	Riverside Cemetery	Erin Street	Local
Queanbeyan	Tourist information centre (former municipal chambers) Lazarus sundial World War I Memorial William Farrer Memorial	1-3 Farrer Place	Local
Queanbeyan	Queanbeyan and District Historical Society Museum	8 Farrer Place	Local
Queanbeyan	Queanbeyan Showground	19-41 Farrer Place	Local
Queanbeyan	Remnant house	2 Federal Avenue	Local
Queanbeyan	Homestead	15 Fergus Road	Local
Queanbeyan	Cottage	31 Fergus Road	Local
Queanbeyan	Building	19 Hayes Street	Local
Queanbeyan	Group of cottages	21-25 Hayes Street	Local
Queanbeyan	Group of houses	34-36 Hayes Street	Local
Queanbeyan	Bull's Cottage	24 Henderson Road	Local
Queanbeyan	Railway worker's cottage	37 Henderson Road	Local

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# Queanbeyan	Queanbeyan Railway Station	43 Henderson Road	State
# Queanbeyan	Station Master's Cottage	47 Henderson Road	State
Queanbeyan	House	76 Henderson Road	Local
Queanbeyan	House	101 Henderson Road	Local
Queanbeyan	Group of houses	1 and 5 Hirst Avenue	Local
Queanbeyan	Houses	6 and 8 Hirst Avenue	Local
Queanbeyan	Group of houses	26–30 Hirst Avenue	Local
Queanbeyan	Suspension bridge	Isabella Street	Local
Queanbeyan	House	11 Isabella Street	Local
Queanbeyan	Public schoolhouse	35 Isabella Street	Local
Queanbeyan	St Benedict's Convent	39 Isabella Street	Local
Queanbeyan	Houses	4–6 Kathleen Street	Local
Queanbeyan	Building	17–19 Kathleen Street	Local
Queanbeyan	Group of dwellings	28–34 Kathleen Street	Local
Queanbeyan	Boer War Memorial	Lowe Street	Local
Queanbeyan	St Raphael's Roman Catholic Church and St Gregory's School complex	47–59 Lowe Street	Local
Queanbeyan	Ye Olde Kent Hotel	2 MacQuoid Street	Local
Queanbeyan	Cottage known as "Dog and Stile Inn"	11–13 MacQuoid Street	Local
Queanbeyan	St Gregory's Roman Catholic Church	15–21 MacQuoid Street	Local
Queanbeyan	Cottage	33 MacQuoid Street	Local
Queanbeyan	"Lazarus Cottage"	38 MacQuoid Street	Local
Queanbeyan	"Torpy's Cottage"	51 MacQuoid Street	Local
Queanbeyan	Group of semi-detached dwellings	70–80 MacQuoid Street	Local

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<b>Locality</b>	<b>Description</b>	<b>Address</b>	<b>Significance</b>
Queanbeyan	“Glenrock Cottage”	26 Malcolm Road	Local
Queanbeyan	House	1 McEwan Street	Local
Queanbeyan	Remnant cottage	3 McKeahnie Street	Local
Queanbeyan	House	14 McKeahnie Street	Local
Queanbeyan	Cottage	8 Moore Street	Local
Queanbeyan	Cottage	15 Moore Street	Local
Queanbeyan	St Stephen’s Presbyterian Church	2 Morisset Street	Local
Queanbeyan	“Furlong House”	15 Morisset Street	Local
Queanbeyan	House	32 Morton Street	Local
Queanbeyan	House	33 Morton Street	Local
Queanbeyan	“Mill Thorpe House”	7 Mowatt Street	Local
# Queanbeyan	Queanbeyan Rail Bridge (over Queanbeyan River)	East of Queanbeyan Railway Station	State
Queanbeyan	Cottage	26 Ross Road	Local
Queanbeyan	House	27 Ross Road	Local
Queanbeyan	House	29 Ross Road	Local
Queanbeyan	House	66 Ross Road	Local
Queanbeyan	House	88 Ross Road	Local
Queanbeyan	House	132 Ross Road	Local
Queanbeyan	Parish Hall—Anglican Parish of Queanbeyan	19 Rutledge Street	Local
# Queanbeyan	Christ Church Anglican Church group, including rectory, former school and first extension, church hall and landscape	39 Rutledge Street	State
Queanbeyan	House (former Kinkora Private Hospital)	5 Stornaway Road	Local
Queanbeyan	Houses	17–19 Stornaway Road	Local
Queanbeyan	House	39 Stornaway Road	Local

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<b>Locality</b>	<b>Description</b>	<b>Address</b>	<b>Significance</b>
Queanbeyan	Group of houses	41–45 Stornaway Road	Local
Queanbeyan	Group of houses	51–55 Stornaway Road	Local
Queanbeyan	House	57 Stornaway Road	Local
Queanbeyan	House	59 Stornaway Road	Local
Queanbeyan	House	73 Stornaway Road	Local
Queanbeyan	House	75 Stornaway Road	Local
Queanbeyan	House	91 Stornaway Road	Local
Queanbeyan	House	95 Stornaway Road	Local
Queanbeyan	House	97 Stornaway Road	Local
Queanbeyan	House	99 Stornaway Road	Local
Queanbeyan	House	105 Stornaway Road	Local
Queanbeyan	House	31 Surveyor Street	Local
Queanbeyan	Houses	1 and 3 Symonds Street	Local
Queanbeyan	Houses	5 and 7 Symonds Street	Local
Queanbeyan	House	1 The Crescent	Local
Queanbeyan	House	9 The Crescent	Local
Queanbeyan	House	19 The Crescent	Local
Queanbeyan	House	43 The Crescent	Local
Queanbeyan	“O’Neill’s Cottage”	6 Trinculo Place	Local
Queanbeyan	House	24 Uriarra Road	Local
Queanbeyan	House	44 Uriarra Road	Local
Queanbeyan	House	57–59 Uriarra Road	Local
Queanbeyan	House	96 Uriarra Road	Local
Queanbeyan	House	17 White Avenue	Local
Queanbeyan	House	27 White Avenue	Local
Queanbeyan	Group of houses	36–38 White Avenue	Local
Queanbeyan	Group of houses	37–41 White Avenue	Local

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Queanbeyan	House	42 White Avenue	Local
Queanbeyan	House	47 White Avenue	Local
Queanbeyan	House	48 White Avenue	Local
Queanbeyan	House	10 Young Street	Local
Queanbeyan	House	14 Young Street	Local

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BY AUTHORITY