



# **Planning and Strategy Committee of the Whole**

**9 September 2020**

**UNDER SEPARATE COVER  
ATTACHMENTS**

**ITEM 8.5**

**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**

**9 SEPTEMBER 2020**

ITEM 8.5 QUEANBEYAN-PALERANG DRAFT COMPREHENSIVE LOCAL  
ENVIRONMENTAL PLAN 2020

ATTACHMENT 1 SUMMARY AND ASSESSMENT OF GOVERNMENT AGENCY  
SUBMISSIONS

**Summary and Consideration of Government Agency Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

**Summary and Consideration of Government Agency Submissions  
Draft Comprehensive LEP 2020**

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Submission Name	Submission	Response	Action
<b>Submission No. 1</b>  Commonwealth Department of Infrastructure, Transport, Regional Development and Communications	<p>The Department has provided advice confirming that it supports the Council's proposal to update the existing Airspace Operations clause in Council's respective LEPs. This is to remove the current requirement to 'consult' and to replace it with a requirement to 'notify' where a development potentially penetrates protected airspace.</p> <p>The Department has also noted it may be appropriate to update the current drafting in respect of how 'protected airspace' is identified.</p>	<p>The Commonwealth's support on this proposal is welcomed and will significantly reduce the administrative burden on staff, and the delays being experienced by developers.</p> <p>The Department of Planning, Industry and Environment (DPIE) has now also agreed to Council incorporating this updated clause into the draft plan.</p>	<p>Update the current clause of the draft plan as set out in body of report.</p> <p>The final wording will be subject to the endorsement of DPIE.</p>
<b>Submission No. 2</b>  Department of Planning, Industry and Environment (DPIE) – Biodiversity and Conservation	<p>(DPIE) – Biodiversity and Conservation raised the following matters in its submission:</p> <p>1. <u>Permissibility of 'Extensive Agriculture' in the E2 Environmental Conservation zone</u> – 'Extensive agriculture' is currently permissible without consent in the E2 zone under the <i>Queanbeyan LEP 2012 (QLEP2012)</i> however is prohibited under <i>Palerang LEP 2014 (PLEP2014)</i>. DPIE has requested that extensive agriculture be prohibited in the zone under the draft plan</p>	<p>1. Staff had sought to make this use permissible without consent under the combined LEP. However having regard to representations from the Department, Council has agreed to instead maintain the current</p>	<p>1. Amend the draft plan to make 'extensive agriculture' prohibited in the E2 Environmental Conservation zone and amend Schedule 1 to make 'extensive agriculture' permissible</p>

**Summary and Consideration of Government Agency Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Submission Name	Submission	Response	Action
	<p>due to potential environmental impacts.</p> <p>2. <u>Request objective be removed from E2 Environmental Conservation Zone</u> – The Department has requested draft objective number 4 for the E2 zone be removed as it is considered to be inappropriate for the zone ie, <i>'To provide for a very limited range of ecologically sustainable development and land use activities that provide for small scale and low impact recreation and amenities'</i>.</p> <p>3. <u>Request Clause 3.3 Environmentally Sensitive Land include land zoned E2 Environmental Conservation</u> – The Department has requested that exempt and complying development not be allowed on land zoned E2 Environmental Conservation. Currently exempt and complying development cannot be carried out on land zoned E2 under <i>PLEP2014</i>, however can be undertaken on E2 zoned land under <i>QLEP2012</i>.</p>	<p>arrangements until such time as a comprehensive biodiversity study is undertaken at which time the suitability of the application of environmental zones will be reconsidered.</p> <p>2. This is an existing objective contained within PLEP2014 and reflects that a number of very limited existing land uses are permissible (such as 'bed and breakfast accommodation' and 'farm stay accommodation'). Council staff also made an internal submission on this matter. Accordingly it is recommended the clause be updated consistent with the wording suggested by internal staff.</p> <p>3. Exempt development identified under the <i>Exempt and Complying SEPP</i> has little potential to have negative effects on the environmental values of E2 land and is currently allowed under the <i>QLEP2012</i>. Owners of existing dwellings and other developments in the zone should</p>	<p>without consent in the former Queanbeyan LGA.</p> <p>2. Objective 4 of the draft plan to be amended to read: "To provide for a limited range of development and land use activities that support environmental conservation outcomes".</p> <p>3. No changes be made as a result of the submission.</p>

**Summary and Consideration of Government Agency Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Submission Name	Submission	Response	Action
	<p>4. <u>Update clause 3.3(j) to refer to updated legislation (<i>Biodiversity Conservation Act 2016</i> and <i>Fisheries Management Act 1994</i>).</u></p> <p>5. <u>Request further information to justify inclusion of Restaurants and Cafes in the E4 Environmental Living zone</u> – 'Restaurants and cafes' are permissible with consent in the E4 Environmental Living zone under <i>PLEP2014</i> however are prohibited under <i>QLEP2012</i>.</p> <p>6. <u>State Environmental Planning Policy (Koala Habitat Protection) 2019</u> – LEP should identify core Koala habitat.</p>	<p>be allowed to undertake minor exempt development and not be penalised due to the zoning. Most complying development with any potential risk to the environment cannot be undertaken in the zone in any event.</p> <p>4. Agreed. This is a change to the Standard Instrument wording and should be incorporated.</p> <p>5. In order to amalgamate, the LEPs must address inconsistencies between the respective zoning tables. Council in this instance has determined that is appropriate to allow 'restaurants and cafés' in the combined E4 zone and support this with an appropriate clause to manage potential impacts on neighbours.</p> <p>6. The draft LEP is predominantly an administrative merger of the existing LEPs. This request will be considered in the future as Council undertakes further biodiversity studies.</p>	<p>4. Update the relevant references in the draft plan.</p> <p>5. No changes be made as a result of the submission.</p> <p>6. No changes be made as a result of the submission.</p>

**Summary and Consideration of Government Agency Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Submission Name	Submission	Response	Action
	<p>7. <u>Aboriginal cultural heritage</u> - recommend additional wording Clause 7.1 Earthworks – Request the words 'and Aboriginal objects' be added to clause 7.1(3)(f).</p> <p>8. <u>Floodplain risk management</u> – The Department has requested that a number of policy changes be made to incorporate the findings of Council's various Floodplain Risk Management Plans, including:</p> <ul style="list-style-type: none"> <li>Remove the flood planning area map for Braidwood, and</li> <li>Adopting an additional Floodplain risk management clause for Queanbeyan area.</li> <li>The Department has also requested Council prepare Floodplain Risk Management Plans for the South Jerrabomberra and Poplars areas.</li> </ul>	<p>7. Council has no objections to including those additional words noting the final wording will need to be agreed by DPIE - Planning.</p> <p>8. These requested changes are considered to introduce new policy matters and actions beyond the scope or intent of the planning proposal. It is recommended these matters be further considered in a future policy review of the LEP.</p>	<p>7. Update the wording in draft plan.</p> <p>8. No changes be made as a result of the submission.</p>
<p><b>Submission No. 3</b></p> <p>ACT Government – Environment, Planning and Sustainable Development (EPSDD)</p>	<p>EPSDD has noted the following matters in its submission:</p> <p>1. The Conservator of Flora and Fauna has expressed concern that the Plan covers the next 10 years and does not refer to a biodiversity strategy for Queanbeyan-Palerang.</p>	<p>1. There is no timeframe of 10 years associated with the draft LEP. It will be reviewed regularly as required. Council intends to undertake a future Biodiversity Strategy for the LGA by 2025 as outlined in the recently adopted Local Strategic Planning Statement (LSPS).</p>	<p>1. No changes be made as a result of the submission.</p>

**Summary and Consideration of Government Agency Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Submission Name	Submission	Response	Action
	<p>2. Potential impacts of infill and further subdivision in the Environmental Conservation, Environmental Management and Environmental Living zones will impact on regional biodiversity.</p> <p>3. Location and density of new subdivisions close to the ACT border may relate to cross-border issue such as infrastructure and service use, water supply, etc and can have further direct and indirect impacts on biodiversity.</p> <p>4. Appreciate opportunity to comment on further proposals, and recommend specific reference to ACT Government consultation in Community Engagement and Participation Plan.</p>	<p>2. There is no additional infill or subdivision of these zones proposed under the draft LEP.</p> <p>3. There are no new subdivisions proposed under the draft LEP.</p> <p>4. Noted. Council staff are currently liaising with the ACT government staff on better methods of engagement.</p>	<p>2. No changes be made as a result of the submission.</p> <p>3. No changes be made as a result of the submission.</p> <p>4. No changes be made as a result of the submission.</p>
<p><b>Submission No. 4</b></p> <p>Department of Primary Industries - Agriculture</p>	<p>The Department notes the plan is primarily an administrative merger of the existing LEPs and has no objections.</p> <p>It has however raised a concern about the proposed increase in the size of 'secondary dwellings' to 50% of the area of the principle dwelling. DPI considers secondary dwellings have the potential to increase land use conflict and can be inconsistent with the objectives of rural zones. Any increase beyond 43% should be considered at a more strategic level.</p>	<p>The Department's concern is noted however it should be acknowledged that the recommended increase in area for 'secondary dwellings' to 50% has been balanced against the proposal to otherwise prohibit 'dual occupancies' in rural and environmental zones and the impacts this may have on further reducing the potential for land use conflict. In the event the recommendation to prohibit 'dual occupancies' in rural and</p>	<p>No changes be made as a result of the submission.</p>



**Summary and Consideration of Government Agency Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Submission Name	Submission	Response	Action
		environmental zones is not supported, Council staff will be recommending the maximum area for 'secondary dwellings' be reduced to 33% consistent with the existing standard in <i>PLEP2014</i> .	
<b>Submission No. 5</b>  Goulburn Mulwaree Council	The Council notes the plan is primarily an administrative merger of the existing LEPs and has no objections.  It has noted the intention to prohibit 'dual occupancies' in rural and environmental zones is supported and consistent with <i>Goulburn-Mulwaree LEP 2009</i> .  It has also noted it shares similar concerns to QPRC in respect of the standard instruments definition for 'animal boarding and training establishments'.	The comments are noted.	No changes be made as a result of the submission.
<b>Submission No. 6</b>  Eurobodalla Shire Council	The Council has noted that 'animal boarding and training establishments' are permissible in its RU1 Primary production and RU4 Primary Production Rural Small Holdings zones.  It has noted 'restaurants and cafes' are prohibited in its E4 Environmental Living zone.  'Dual occupancy developments' are permissible with consent in its rural zones and E4 Environmental living zones and are generally a popular form of development.	The comments are noted.	No changes be made as a result of the submission.

**Summary and Consideration of Government Agency Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Submission Name	Submission	Response	Action
	It is also seeking new arrangements to provide for 'pop-up' and community events similar to QPRC.		
<b>Submission No. 7</b>  NSW Rural Fire Service	<p>The RFS has noted the following matters in its submission.</p> <ol style="list-style-type: none"> <li>1. 'Secondary dwellings' and 'dual occupancy developments' are considered to increase residential densities and will need to satisfy relevant requirements at subdivision stage.</li> <li>2. 'Function centres' may be considered a Special Fire Protection Purpose and may require large Asset Protection Zones (APZs). These types of development may be inappropriate.</li> <li>3. Council should consider not allowing 'pop-up' and community events on bush fire prone land as exempt development as proposed under Schedule 2.</li> </ol>	<ol style="list-style-type: none"> <li>1. Either or both of these forms of development are already 'permissible with consent' in rural and environmental zones. The draft LEP proposes to not allow 'dual occupancies' in rural and environmental zones effectively reducing the existing risk.</li> <li>2. 'Function centres' are already permissible with consent across all rural zones and in the E4 Environmental Living Zone under <i>PLEP2014</i>. Any proposals for such developments will need to demonstrate they meet the relevant <i>Planning for Bushfire Protection 2019</i> provisions.</li> <li>3. The proposal in this instance only allows community events on Council owned land where authorised by the Council. Accordingly Council will have</li> </ol>	<ol style="list-style-type: none"> <li>1. No changes be made as a result of the submission.</li> <li>2. No changes be made as a result of the submission.</li> <li>3. No changes be made as a result of the submission.</li> </ol>



**Summary and Consideration of Government Agency Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Submission Name	Submission	Response	Action
		oversight of any such events when they occur. Given the predominantly rural and environmental character of the LGA it would be overly restrictive to allow these community activities in urban locations only. Potential risks of bushfire can be managed by Council as part of its authorisation for any uses.	
<b>Submission No. 8</b>  Shoalhaven City Council	The Council provided a short submission noting it had no objection to any elements of the draft LEP.	Noted.	No changes be made as a result of the submission.
<b>Submission No. 9</b>  Water NSW (incorporating former Sydney Catchment Authority)	WaterNSW raised no objections to the draft LEP and noted the plan is generally consistent with the requirements of planning direction 5.2 <i>Sydney Drinking Water Catchment</i> . The following matters were raised in its submission:  1. <u>Recommend proposed clause 7.22 <i>Development for the Purposes of Animal Boarding or Training Establishments</i> be amended to include a reference to 'waste' – The Department has suggested subclause 7.22(3)(a) be amended to read 'the impact of noise, waste and other emissions from the development on the surrounding land'. This is because animal boarding and</u>	1. The intent of the clause in this instance is specifically to manage potential land use conflict and amenity impacts between adjoining uses. The impacts of 'waste' on water quality is an environmental impact that would be considered	1. No changes be made as a result of the submission.

**Summary and Consideration of Government Agency Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Submission Name	Submission	Response	Action
	<p>training establishments can generate animal waste which can present water quality risks.</p> <p>2. <u>Recommend proposed clause 7.23 Development for the Purposes of Restaurants and Cafes or Function Centres in the E4 Environmental Living Zone be amended to include a reference to 'waste'</u> – The Department has suggested subclause 7.23(3)(a) be amended to read <i>'the impact of noise, waste, traffic and other emissions from the development on the surrounding land'</i>. This is because restaurants and cafes and function centres can increase risks to water quality.</p> <p>3. <u>'Secondary dwellings' and 'dual occupancies' in unsewered rural and environmental zones areas will require a development application in specific circumstances and demonstrate consistency with the</u></p>	<p>as part of any normal development application. Clauses 7.4 Drinking Water catchments and 7.5 Riparian Land and watercourses of the draft plan already provide for additional considerations to manage potential impacts of development on water quality.</p> <p>2. Again, the intent of the clause in this instance is specifically to manage potential land use conflict and amenity impacts between adjoining uses. The impacts of 'waste' on water quality is an environmental impact that would be considered as part of any development application. Clauses 7.4 Drinking water catchments and 7.5 Riparian land and water courses of the draft plan already specifically manage potential impacts of development on water quality.</p> <p>3. Noted.</p>	<p>2. No changes be made as a result of the submission.</p> <p>3. No changes be made as a result of the submission.</p>

**Summary and Consideration of Government Agency Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Submission Name	Submission	Response	Action
	<p><u>Sydney Drinking Water SEPP.</u></p> <p>4. <u>'Secondary dwellings' and 'dual occupancies' in unsewered residential zones areas will require a development application in specific circumstances and demonstrate consistency with the Sydney Drinking Water SEPP.</u></p> <p>5. <u>Request a number of State listed heritage items owned by WaterNSW have their descriptions updated.</u></p> <p>6. <u>WaterNSW has recommended that 'pop-up' and community events should not be allowed in the catchment area without a development consent, or alternatively, that an additional provision be added to the clause to ensure sewerage and waste management to the satisfaction of Council.</u></p> <p>7. <u>WaterNSW has noted that some existing aims contained in PLEP2014 in respect of protecting waterways, wetlands and water quality have been removed in the draft LEP – WaterNSW is requesting similar provisions be reinstated at clause 1.2 into the aims of the draft plan.</u></p>	<p>4. Noted.</p> <p>5. Council has received advice from the NSW Heritage Office in respect of the correct wording for State listed items the Heritage Schedule and has incorporated this wording into the draft LEP (see next submission).</p> <p>6. The appropriate management of sewerage and other waste will be key considerations for these types of activities. Council staff consider this to be a reasonable inclusion.</p> <p>7. These changes were made as part of rationalising and clarifying the existing aims across Council's various LEPs. On reflection, it is appropriate that some aims in respect of water related issues be reinstated.</p>	<p>4. No changes be made as a result of the submission.</p> <p>5. Update the draft plan to ensure all State items described are as per Heritage NSW advice.</p> <p>6. Update Schedule 2 Exempt Development of the draft plan to include consideration of sewerage and waste management for 'pop-up' and community events.</p> <p>7. An additional clause be included in the draft plan as follows – <i>"To provide for the protection of waterways, aquifers, wetlands and water quality"</i>.</p>

**Summary and Consideration of Government Agency Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Submission Name	Submission	Response	Action
	8. <u>WaterNSW has suggested amendments to clause 7.5 Riparian Lands and Watercourses to include in objectives 'hydrological functions and aquifers' to better reflect potential impacts on groundwater systems and wetlands.</u>	8. The Riparian Lands and Watercourses clause is consistent with the existing clauses in <i>QLEP2020</i> and <i>PLEP2020</i> . These are based on local clause provided by the Department of Planning at the time both plans were made. The changes may have merit, however are seen as potentially introducing new policy considerations not contained in the existing plans. This will be further considered in the next policy review of the LEP.	8. No changes be made as a result of the submission.
	9. <u>Stormwater Management Clause</u> – Council should consider including a stormwater management clause in the LEP.	9. This is considered to be introducing new policy. It will be considered as part of future policy review.	9. No changes be made as a result of the submission.
	10. <u>Mobile Abattoirs (LSPS Submission)</u> - WaterNSW seeks confirmation from Council regarding how mobile abattoirs are regulated under the <i>Palerang LEP 2014</i> .	10. This matter was raised in WaterNSW's submission on the draft LSPS. The draft plan introduces no provisions in respect of mobile abattoirs. Council has noted as part of the LSPS's implementation plan that it will investigate	10. No changes be made as a result of the submission.



**Summary and Consideration of Government Agency Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Submission Name	Submission	Response	Action
		opportunities for these type of activities and no decisions or work has been done in respect of that action.	
<b>Submission No. 10</b>  Heritage NSW	Heritage NSW had no objections to the draft LEP. The following matters were raised in its submission:  1. <u>Recommend amendment to point (2)(g) under '1.2 – Aims of the Plan'</u> – Heritage NSW has recommended expanding point (2)(g) under '1.2 – Aims of the Plan' to include reference to both 'Aboriginal cultural heritage' and 'natural heritage'.  2. <u>Recommend updating wording to Clause 4.3 – Height of Buildings</u> – Heritage NSW has suggested subclause 4.3(1)(f) be updated to refer to 'Queanbeyan-Palerang' instead of 'Queanbeyan'.  3. <u>Request additional wording be added to Schedule 2 – Exempt Development</u> – Heritage NSW has requested that additional wording be added to Schedule 2 to make it clear that exempt development cannot be undertaken in respect of State heritage items under the <i>Heritage Act 1977</i> .	1. This change is supported.  2. This change is supported.  3. Section 3.1 of the draft plan sets out the requirements for exempt and complying development including confirming exempt development cannot be undertaken on State listed items without an exemption.	1. Update clause 1.2(2)(g) to read <i>'to recognise and protect the area's natural, cultural, Aboriginal and built heritage'</i> .  2. Update clause 4.3(2)(f) to read <i>'to protect the heritage character of Queanbeyan-Palerang and the significance of heritage buildings and heritage items'</i> .  3. No changes be made as a result of the submission.

**Summary and Consideration of Government Agency Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Submission Name	Submission	Response	Action
	<p>4. <u>Provision of details in respect of all State listed items within Queanbeyan-Palerang</u> – Heritage NSW has provided Council with details of all State listed items and requested Council update these to be consistent with State Heritage Register.</p> <p>5. <u>Recommend Council undertake an Aboriginal Cultural Heritage Study in the future.</u></p>	<p>The wording of the Schedule is consistent with the Standard Instrument template and includes Note 2 confirming application of other Acts.</p> <p>4. Noted.</p> <p>5. Noted. This action is identified as a future work item in Council's Local Strategic Planning Statement.</p>	<p>4. Property descriptions for State listed heritage items to be updated in the draft plan and consistent with this advice where required.</p> <p>5. No changes be made as a result of the submission.</p>
<p><b>Submission No. 11</b></p> <p>Environmental Protection Authority (EPA)</p>	<p><u>LSPS submission</u> - The EPA has noted Council can set directions for enhanced planning controls in Local Environmental Plans (LEPs) and Development Control Plans (DCPs) to minimise water contamination, litter and urban stormwater flows and reduce impacts on environmentally sensitive waterways and human health. Councils LEP and supporting controls should ideally include a map of waterways, important aquatic ecosystems and riparian lands or corridors to highlight management areas at risk. The map should include the community's environmental values and uses determined through direct consultation.</p>	<p>Noted. The draft plan contains a number of these elements and is not seeking to introduce new policy at this time.</p>	<p>No changes be made as a result of the submission.</p>

# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Planning and Strategy Committee of the Whole Meeting Attachment**

**9 SEPTEMBER 2020**

ITEM 8.5 QUEANBEYAN-PALERANG DRAFT COMPREHENSIVE LOCAL  
ENVIRONMENTAL PLAN 2020

ATTACHMENT 2 SUMMARY AND ASSESSMENT OF COMMUNITY  
SUBMISSIONS

### Summary and Consideration of Community Submissions Draft Comprehensive LEP 2020

#### Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the *Environmental Planning and Assessment Act 1979*

Common Issue Topic	Submission Number	Submission Details	Response	Action
<b>Issues Raised In Respect of Land Use Permissibilities</b>				
<b>Dual Occupancy in the Rural and Environmental Zones including R5 Large Lot Residential.</b>	(2), (3), (6), (8), (9), (10), (11), (14), (20), (24), (25), (26), (32), (33), (34), (36), (37), (38), (39), (40), (41), (42), (45), (48), (52).	<p>25 out of 52 submissions received specifically raised the proposal to prohibit 'dual occupancy' developments in the rural and environmental zones (particularly the E4 Environmental Living zone). These submissions were predominantly against the proposal.</p> <p>Reasons given for this include:</p> <ul style="list-style-type: none"> <li>that these forms of housing work well in the landscape;</li> <li>allowing dual occupancies result in an economic and orderly use of the land;</li> <li>allowing dual occupancies provide an opportunity for a diversity of housing options;</li> <li>prohibiting them can lead to the ruin of livelihood and lifestyle and imposes additional economic burden and ignores day-to-day realities of resident's lives;</li> <li>that it has the potential to reduce property values as dual occupancies can no longer be undertaken;</li> </ul>	<p>'Dual occupancy' developments are currently permissible with consent in the rural and environmental zones under the existing <i>Palerang LEP 2014</i> however are 'prohibited' under the <i>Queanbeyan LEP 2012</i>.</p> <p>Having regard to the range submissions received staff recommend that the new comprehensive LEP adopt the position of the former <i>Queanbeyan LEP 2012</i>.</p> <p>The reasons for this are discussed in more detail in the body of the Council report. Allowing 'secondary dwellings' (ie 'granny flats') in the E4 Environmental Living zone as proposed is seen as providing a suitable alternative option for additional housing if required.</p>	No changes be made as a result of these submissions.



**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Common Issue Topic	Submission Number	Submission Details	Response	Action
		<ul style="list-style-type: none"> <li>• this form of development provides an option for accommodating elderly or disabled relatives;</li> <li>• dual occupancies provide tourist accommodation to support wineries;</li> <li>• provides housing flexibility for Wamboin rental housing, specifically housing for the elderly;</li> <li>• the issue of over capitalisation on a property and the ease of selling thereafter is not a matter of concern for Council or a matter for a Local Environmental Plan;</li> <li>• prohibiting dual occupancies on the land will impact on the amenity and future uses of this property with little consideration for the needs of elderly or disabled relatives. Intentions to develop a second dwelling for the care of elderly parents;</li> <li>• retain the existing controls to permit the construction of a 'granny flat';</li> <li>• dual occupancies provide housing for rural workers which are required to manage a 16 hectare property; and</li> <li>• that Council has not explained the implications of this change in a way that the community can understand. This may have significant financial implications to many residents.</li> </ul>		

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
<b>Home Businesses in the Rural and Environmental Zones.</b>	(3), (8), (9), (10), (24), (25), (33), (34), (36), (37), (39), (40), (41), (42).	<p>14 out of 52 submissions received objected to the proposal to require consent for 'home businesses' in the E4 Environmental Living zone.</p> <p>The arguments for this include:</p> <ul style="list-style-type: none"> <li>that it ignores the day-to-day realities of and reduces flexibility to operate a business;</li> <li>that the change impacts many existing and proposed businesses in the Wamboin area;</li> <li>that the change affects these areas having a resilient and sustainable economy; and</li> <li>that the use is otherwise permissible without consent under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</li> </ul>	<p>As noted in one of the submissions, 'home businesses' are already permissible without consent in all zones by virtue of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p> <p>In this context it is considered appropriate to revise the previous recommendation and instead allow 'home businesses' without consent in all zones where dwellings may be located.</p>	Amend the draft plan to include 'home businesses' as permitted without consent in all zones where dwelling houses may be located.
<b>Neighbourhood Shops in the E4 Environmental Living Zone</b>	(8), (9), (24), (25).	<p>4 out of 52 submissions specifically objected to the proposal to prohibit 'neighbourhood shops' in the E4 Environmental Living zone. The reasons for this are:</p> <ul style="list-style-type: none"> <li>such a form of development is seen as providing a community facility, including potentially a community shop;</li> <li>due to COVID, dispersed, lower density shopping amenities should be welcomed;</li> <li>allowing neighbourhood shops also reduces the need for people to travel long distances to shopping facilities so has a potential benefit to the environment;</li> <li>as there are no existing shops in the Wamboin area this provision should remain to potential</li> </ul>	<p>'Neighbourhood shop' developments are currently permissible with consent in the E4 Environmental Living zone under the existing <i>Palerang LEP 2014</i> however are 'prohibited' under the <i>Queanbeyan LEP 2012</i>.</p> <p>Staff have recommended that the new comprehensive LEP adopt the position of the former <i>Queanbeyan LEP 2012</i>.</p> <p>As noted in the body of the Council report, shops are considered best located in urban areas which also reinforces the retail hierarchy in QPRC's various settlements.</p>	No changes be made as a result of these submissions.

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
		vendors as it currently applies under the <i>Palering LEP 2014</i> ; and <ul style="list-style-type: none"> <li>more money is spent locally, there is a sense of community and food security.</li> </ul>		
<b>Requests to Amend Planning Controls in Urban Zones</b>				
Cassidy Street, Queanbeyan	(7)	Request to rezone land R2 Low Density Residential to R3 Medium Density Residential. This is to allow for townhouses to be constructed on the site.	Both the Cassidy Street and Callum Street/Tharwa Road areas currently comprise a mix of R2 Low Density and R3 Medium Density zones.	No changes be made as a result of these submissions.
Callum Street and Tharwa Road, Queanbeyan	(47)	Request to rezone 3 Callum St Queanbeyan to R3 Medium Residential and to consolidate with 76 Tharwa Rd, Queanbeyan.	<p>The planning proposal in this instance is seeking to merge the existing LEPs applying across the LGA and it is not intended to address new policy issues such as reducing minimum lot sizes or rezoning land.</p> <p>Any changes to planning controls or zonings need to be considered holistically as part of an appropriate strategy. Council staff are intending to undertake future investigations to identify areas in Queanbeyan potentially suitable for increased densities.</p> <p>The submissions in this instance have been recorded and will be considered further as part of those future investigations.</p>	

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
Duncan St Braidwood	(23)	Request to changes to the land use zone from RU1 Primary Production to R1 General Residential.	Any new rezonings in and around Braidwood need to be considered in the context of an endorsed structure plan for the town.  Council staff are intending to undertake such planning studies in the near future, and this matter can be further considered as part of that exercise.	No changes be made in respect of this submission.
<b>Requests to Amend Planning Controls in Rural and Environmental Zones</b>				
Collector Road, Collector	(1)	The submitter has requested that Council give consideration to reducing the minimum lot size for the land (currently zoned RU1 Primary Production) from 80ha to 40ha to allow for a building permit. Submitter has argued this is consistent with the lot size of adjoining land in Upper Lachlan Shire near Collector.	The planning proposal in this instance is seeking to merge the existing LEPs applying across the LGA and it is not intended to address new policy issues such as reducing minimum lot sizes on rural land.  Any changes to rural planning controls need to be considered holistically as part of an appropriate strategy for rural areas such as the adopted Rural Lands Strategy.	No changes be made as a result of this submission.
Summerhill Road, Bywong	(26)	The current zoning of this land as E4 Environmental Living is inappropriate as power lines cover the entire width of the property and vegetation is regularly cleared.	The planning proposal in this instance is seeking to merge the existing LEPs applying across the LGA and it is not intended to address new policy issues such as rezoning land.  As noted previously, changes to rural planning controls needs to be considered holistically and as part of an appropriate	No changes be made as a result of this submission.

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Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
			strategy for rural areas such as the adopted Rural Lands Strategy.  The zoning of land in the Wamboin/Bywong area is being considered as part of a separate planning proposal.	
Summerhill Rd, Bywong	(14)	The submitter objects to the land being zoned E4 as the submitter views the land as prime grazing land. The submitter has not received any written document from council subsequent to a consultant inspection of the land and a verbal exchange that the land did not have any environmental significance.	The planning proposal in this instance is seeking to merge the existing LEPs applying across the LGA and it is not intended to address new policy issues such as changing the zones in rural land.  The zoning of land in the Wamboin/Bywong area is being considered as part of a separate planning proposal.	No changes be made as a result of this submission.
Old Gold Mines Road	(2) +10 residents in the area	The submission in this instance has been made on behalf of a number of landowners in the Old Gold Mines road area.  The submission has requested that Council undertake future planning in the area (within 3 months of the finalisation of the LEP) to consider the potential to rezone land from RU1 Primary Production to E4 Environmental Living to allow for further settlement opportunities.	The request to undertake further planning work to identify potential rezoning opportunities needs to be considered having regard to the Council's priorities for future strategic planning across the LGA as identified by the adopted Local Strategic Planning Statement (LSPS).	No changes be made as a result of this submission.



**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Common Issue Topic	Submission Number	Submission Details	Response	Action
Ridgeway Rd, The Ridgeway	(13)	<p>The submitter in this instance has stated that their property is subject to three zones (R1 General Residential 'for rating purposes', E4 Environmental Living and RU2 Rural Landscape).</p> <p>The submitter also objects to 23 uses being permissible with consent in the area. The submitter believes that these developments are inappropriate and detrimental to the amenity of the area.</p>	<p>Council staff have reviewed this submission and note the property is wholly zoned E4 Environmental Living (though does adjoin two parcels of land zoned RU2 Rural Landscape and RE1 Public Recreation respectively).</p> <p>It may be that the submitter has confused the categories that apply for determining rates and the zones that apply in respect of regulating land uses.</p> <p>As noted, the property does adjoin two parcels of land zoned RU2 Rural Landscape and RE1 Public Recreation. Both of these are owned by Council and unlikely to be developed for any inappropriate or conflicting uses.</p> <p>The zone boundaries are existing and are not proposed to be changed in the draft plan.</p>	No changes be made as a result of this submission.
Land surrounding Braidwood	(16)	<p>Submission raised 2 key matters.</p> <p>The submitter proposed changes to the land use zones surrounding Braidwood. The submitter would like a change of land zone or dwelling entitlement from RU1 Primary Production to E4 Environmental Living and/or dwelling entitlement on Lots 88-89 DP 755911.</p>	<p>The land is located outside of the Braidwood settlement and close to a former landfill site.</p> <p>Any new rezonings on the urban fringe of Braidwood need to be considered in the context of an endorsed structure plan for the town.</p>	No changes be made as a result of this submission.

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
Half Moon Road, Mongarlowe	(18)	The submitter proposed changes to the land use zone from RU1 Primary Production to E2 Environmental Conservation.	<p>This request may have merit. Initial investigations by staff indicate the land is heavily forested and potentially worthy of long term protection.</p> <p>However, consistent with the advice in respect of other rezoning requests, the planning proposal in this instance is seeking to merge the existing LEPs applying across the LGA and it is not intended to address new policy issues such as rezoning land.</p> <p>Council will be undertaking a comprehensive biodiversity strategy in the near future and this request will be considered further as part of that exercise.</p>	No changes be made as a result of this submission.
Wamboin/Bywong Area	(29)	<p>The submitter objects to the draft QPLEP 2020 not addressing a former Council decision (PLA004/20) in respect of rezoning land at Wamboin/Bywong from E4 Environmental Living to R5 Large Lot Residential.</p> <p>Further that 'extensive agriculture' has not been included as permissible without consent in the R5 Large Lot Residential zone.</p>	<p>The Council resolution noted in this instance is being given effect by a separate planning proposal to rezone identified E4 Environmental Living land to R5 Large Lot Residential.</p> <p>Those matters are not part of this planning proposal as they represent significant policy changes.</p>	No changes be made as a result of this submission.

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
Joe Rocks Rd, Bungendore	(35)	<p>The submitter requested development 'cellar door premises' to be permitted with consent on E3 zoned land.</p> <p>The submitter operates a commercial vineyard and adjoins land zoned E4 Environmental Living where such uses are allowed with consent.</p>	<p>Potentially this request has merit but as it is a policy change cannot be done as part of the LEP merging exercise.</p> <p>Regardless Council staff will look at this matter at the next policy review of this LEP.</p>	No changes be made as a result of this submission.
The Ridgeway	(46)	<p>The submitter has raised a number of matters in this submission.</p> <ul style="list-style-type: none"> <li>Firstly the submitter has raised concerns in respect of some of the additional land uses proposed to be made permissible in the E4 Environmental Living zone. These are 'cellar door premises' 'function centres' 'intensive plant agriculture' and 'restaurants or cafes'. The submitter requests that these uses not be permitted in The Ridgeway Estate and on E4 lands that are bush-fire prone. They are considered to be commercial uses not desirable in the zone. Further consultation in respect of miscellaneous permissible uses under clause 5.4 was also requested.</li> <li>Secondly a request that 'animal boarding or training establishments' not to be permissible at the Ridgeway Estate as they are seen to potentially contribute to land use conflict.</li> <li>Thirdly a request to exclude 'places of worship' at the Ridgeway Estate, again, as it is seen to be a use that could generate land use conflict.</li> </ul>	<p>The planning proposal in this instance is seeking to merge the existing LEPs applying across the LGA and planning staff have had to merge zoning tables where they existed under previous plans. All of the nominated uses are permissible in the zone under <i>Palerang LEP 2014</i> however are prohibited under <i>Queanbeyan LEP 2012</i>.</p> <p>To address potential land use conflict additional clauses have been drafted in respect of developments for 'restaurants and cafes', 'function centres' and 'animal boarding or training establishments'.</p> <p>These and other developments will require consent if proposed and potential impacts in respect of land use conflict or bush fire will need to be addressed.</p>	No changes be made as a result of this submission.



**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Common Issue Topic	Submission Number	Submission Details	Response	Action
Kings Hwy Bungendore	(43)	<p>The submitter proposes that 'environment protection works' should be permitted without consent in RU1 Primary Production zone.</p> <p>This would be consistent with as the current controls for this type of development that will apply in the RU2 Rural Landscape zone.</p>	<p>Council staff note that there is an inconsistency between both broad acre rural zones and this reflects the manner in which it was drafted by the former councils.</p> <p>Whilst the inconsistency is noted, it is considered making this would constitute a policy change. This matter will be addressed in the next policy review of the LEP.</p>	No changes be made as a result of this submission.
Environa/Robin	(30)	<p>Submission from Knight Frank Town Planning on behalf of the respective land owners has raised a number of matters.</p> <ol style="list-style-type: none"> <li>Firstly, the submission objects to deferred land on Robin being zoned E2 Environmental Conservation under the draft plan, and instead request it be zoned RU2 Rural Landscape. Reasons given for this are that the area was not part of the Queanbeyan Biodiversity Study Findings Report (July 2008) prepared previously by Council. Further that the land continues to be used for rural and general grazing purposes and should be validated by future site specific studies.</li> <li>Secondly, the submitter intends to lodge a planning request that rezoning of North Environa to include employment uses.</li> </ol>	<p>The subject land is currently 'deferred' under Queanbeyan LEP 2012 and is instead zoned under either <i>Queanbeyan LEP 1998</i> or <i>Yarrowlumla LEP 2002</i>.</p> <ol style="list-style-type: none"> <li>The land to which this submission refers is currently zoned 7(b) Environmental Protection B under <i>Queanbeyan LEP 1998</i>. In this instance staff have recommended the land be zoned an 'equivalent zone' under the draft plan, and accordingly have recommended the land be zoned E2 Environmental Conservation. The draft plan will contain provisions that allow historical extensive agriculture uses to continue over this land.</li> <li>Parts of Environa are identified for future employment uses under Council's Local Strategic Planning</li> </ol>	<ol style="list-style-type: none"> <li>No changes be made as a result of this submission.</li> <li>No changes be made as a</li> </ol>

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
		3. Thirdly, the submitter requests Envrona and Robin lands are rezoned to RU2 Rural Landscape.	Statement. It should be noted Council prepares all planning proposals as required under the <i>Environmental Planning &amp; Assessment Act, 1979</i> .  3. The balance of Envrona and Robin lands are proposed to be zoned RU2 Rural Landscape under the draft plan.	result of this submission.  3. No changes be made as a result of this submission.
<b>Requests to Amend Planning Controls for dwelling entitlements</b>				
Lot 186 DP754873 Creekborough Rd Bywong	(31)	The submitter requests a change in planning controls to permit the construction of a dwelling on a specific lot in Bywong (Lot 186 DP754873).  This land is located north of the Bywong area and is zoned RU1 Primary Production. It is bordered to the west and south by an E4 Environmental Living zone.	The planning proposal is seeking to merge the existing LEPs applying across the LGA and it is not intended to address new policy changes. Any additional dwelling entitlements for rural land needs to be consistent with a rural settlement strategy which in this case is the adopted Rural Lands Strategy.	No changes be made as a result of this submission.

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Common Issue Topic	Submission Number	Submission Details	Response	Action
Weeroona Dr Wamboin	(12)	<p>The submitter has requested that Council remove a specific subclause [provision 5(b)(v)] from clause 4.2B 'Subdivision of land within zone E4 Environmental Living'.</p> <p>The submitter believes that this provision is unreasonable, unjust and ill adapted. An overview of the implications of the clause is given.</p> <p>The submitter believes that the lot averaging provisions that created the lot under the 1988 planning controls should not apply now in 2020.</p>	<p>The subclause referenced in this instance is intended to prevent the further subdivision of E4 Environmental Living land that has previously been subdivided under 'averaging' provisions.</p> <p>The planning proposal is seeking to merge the existing LEPs applying across the LGA and it is not intended to address new policy changes.</p> <p>As noted previously, changes to rural planning controls need to be considered holistically and as part of an appropriate strategy for rural areas which in this case is the adopted Rural Lands Strategy.</p>	No changes be made as a result of this submission.
<b>Requests to Amend Planning Controls by Developers</b>				
Poplars Neighbourhood Centre and West Jerrabomberra	(15)	<p>This submission on behalf of Poplars Developments Pty Ltd has raised a number of planning matters in respect of the Poplars Neighbourhood Centre at Jerrabomberra and its future land use and development options.</p> <p>In summary the submission provides information and background research indicating a desire to proceed with a wider range of permissible uses on the site, particularly retail uses, but also a potential dementia facility.</p> <p>Background information provided with the submission (prepared by East Coast Futures Pty</p>	<p>This submission is predominantly in respect of potential future uses of the land and is not asking for any particular changes to the draft plan at this time.</p> <p>Council will evaluate this submission and consider any policy changes as part of a separate planning proposal in the future if supported.</p>	No changes be made as a result of this submission.

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Common Issue Topic	Submission Number	Submission Details	Response	Action
		<p>Ltd) identifies the following matters for consideration:</p> <ul style="list-style-type: none"> <li>• More development types to be permissible with consent in the Poplars Neighbourhood Centre;</li> <li>• Land use zoning changes in the Poplars Neighbourhood Centre;</li> <li>• Controls that allow a development called a 'dementia care centre' that is proposed to be located in the Poplars Neighbourhood Centre.</li> </ul>		
South Tralee	(27)	<p>This is a submission from Village Building Company in respect of planning issues relevant to its land holdings and proposed developments at South Tralee.</p> <p>The following matters were raised in the submission:</p> <ol style="list-style-type: none"> <li>1. Firstly, the submission notes references in some of the supporting documentation to <i>Queanbeyan LEP (South Tralee) 2012</i> have not been updated to <i>Queanbeyan LEP (South Jerrabomberra) 2012</i> since that plan was updated.</li> </ol>	<ol style="list-style-type: none"> <li>1. This is noted. Since the documentation supporting the draft plan was prepared a number of planning proposals relating to the land have been amended and the background documentation was not subsequently updated to reflect this. As noted in the planning proposal the existing zonings for South Jerrabomberra are intended to be included in the new plan as currently gazetted. DPIE formally advised Council the planning proposal has met the requirements of the relevant</li> </ol>	<ol style="list-style-type: none"> <li>1. No changes be made as a result of this submission.</li> </ol>

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Common Issue Topic	Submission Number	Submission Details	Response	Action
		<p>2. Secondly, VBC has requested that Council give consideration to allowing additional uses within the RE2 Private Recreation buffer land located between South Jerrabomberra and Hume in the ACT. These uses include seniors living (including residential care facilities), tourist and visitor accommodation and veterinary hospitals.</p> <p>3. Thirdly, VBC has also requested that Council give consideration to rezoning a small parcel of land to R2 Low Density Residential. It is argued the current zoning arrangement results in a poor subdivision arrangement and doesn't reflect the known values on the ground. Advice from consultants Ecological has been provided to justify this position.</p>	<p>Gateway determination prior to it being exhibited.</p> <p>2. These requested changes are seen as introducing new policy issues and cannot be included at this time. Regardless, staff continue to discuss opportunities for additional land uses with VBC. Any uses would need to demonstrate they do not generate significant traffic or create potential land use conflict with industrial uses in Hume.</p> <p>3. The land in this instance is deferred under <i>Queanbeyan LEP 2012</i> and is instead zoned 1(a) Rural A under <i>Queanbeyan LEP 1998</i>. It is understood the land was not included in the South Tralee rezoning at the time as it was considered to have potential habitat or connectivity values. Under the draft plan, the land is identified to be zoned RU2 Rural Landscape, consistent with its existing zoning. This matter needs to be considered as part of a future planning exercise that includes input from relevant government agencies. At this time any such change would be seen as introducing new policy issues.</p>	<p>2. No changes be made as a result of this submission.</p> <p>3. No changes be made as a result of this submission.</p>



**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Common Issue Topic	Submission Number	Submission Details	Response	Action
		<p>4. Fourthly, VBC has requested that Council consider rezoning land zoned R2 Low Density Residential land to R1 General Residential where that land has a minimum lot size of 130sqm. It is argued this will facilitate a better design of proposed small lot housing.</p>	<p>4. Council was required by DPIE to rezone all land at South Tralee to R2 Low Density Residential when the balance of South Jerrabomberra was rezoned in 2018. This was to ensure the identified dwelling yield for the urban release area did not exceed 1,500 vehicles. Such a change is unlikely to be supported by DPIE and is seen as introducing new policy at this time.</p>	<p>4. No changes be made as a result of this submission.</p>
North Tralee	(27)	<p>This is a submission from Village Building Company in respect of planning issues relevant to its land holdings and proposed developments at North Tralee.</p> <p>The following matters were raised in the submission:</p> <p>1. Firstly, the submission notes references in some of the supporting documentation to <i>Queanbeyan LEP (South Tralee) 2012</i> have not been updated to <i>Queanbeyan LEP (South Jerrabomberra) 2012</i> since that plan was updated.</p>	<p>1. This is noted. Since the documentation supporting the draft plan was prepared a number of planning proposals relating to the land have been amended and the background documentation was not subsequently updated to reflect this. As noted in the planning proposal the existing zonings for South Jerrabomberra are intended to be</p>	<p>1. No changes be made as a result of this submission.</p>

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Common Issue Topic	Submission Number	Submission Details	Response	Action
		<p>2. Secondly, VBC supports the zonings and planning provisions in the draft plan for West Jerrabomberra being included in the draft plan in this instance.</p> <p>3. Thirdly, that the draft plan should be updated now to ensure the permissibility of the proposed Regional Sports Facility in the IN2 Light Industrial zone as proposed under the West Jerrabomberra draft plan.</p>	<p>included in the new plan as currently gazetted. DPIE formally advised Council the planning proposal met the requirements of the relevant Gateway determination prior to it being exhibited.</p> <p>2. Provided the West Jerrabomberra planning proposal is finalised before the draft comprehensive plan is made, it too will be included in the draft plan (or soon after when subsequently gazetted).</p> <p>3. This suggestion has merit. The exhibited zoning table had proposed that Council adopt the current provisions under <i>Palerang LEP 2014</i>, however in hindsight it is desirable that the IN2 Light Industrial zoning table be amended to identify recreation areas, recreation facilities (major) and recreation facilities (outdoor) as permissible with consent consistent with <i>Queanbeyan LEP 2012</i> and as proposed under the draft plan for West Jerrabomberra. This will ensure the permissibility of the proposed Regional Sports Fields at West Jerrabomberra.</p>	<p>2. No changes be made as a result of this submission.</p> <p>3. The IN2 Light Industrial zoning table be amended in the draft plan to identify 'recreation areas', 'recreation facilities (major)' and 'recreation facilities (outdoor)' as permissible with consent.</p>

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Common Issue Topic	Submission Number	Submission Details	Response	Action
		<p>4. Fourthly, that Council consider allowing 'registered clubs', markets' and 'food and drink premises' with consent in the proposed B7 Business Park zone for the area.</p> <p>5. VBC also raised a specific objection in respect of clause '5.3 Development near zone boundaries'. The draft clause is based on the <i>Palerang LEP 2014</i> and introduces additional restrictions in respect of what zones cannot use the provision compared to those contained in <i>Queanbeyan LEP 2012</i>.</p>	<p>4. These uses are considered to have the potential to create significant traffic movements. Given the restriction on the capacity of the road infrastructure servicing this area, it is important appropriate studies be undertaken to determine the potential traffic impacts. Regardless, these changes would be seen as new policy issues that beyond the scope of the planning proposal at this time.</p> <p>5. The submission by VBC on this issue is considered to have merit. It is considered reasonable that some flexibility be in place in urban areas, similar to that currently contained in the <i>Queanbeyan LEP 2012</i>.</p>	<p>4. No changes be made as a result of this submission.</p> <p>5. Amend the draft plan to remove the additional zones noted at clause 5.3(3)(aa).</p>
Talpa Estate Googong	(27)	This is a submission in respect of planning issues relevant to VBC's land holdings and proposed developments at Talpa north of Googong Rd. VBC has requested that the minimum lot size for the land be reduced consistent with the remainder of the Googong Urban Release Area (ie reduced from 1000sqm to 330sqm).	<p>The 1000sqm lot size north of Googong Road was established to provide for housing diversity in the area, as well as to have regard to potential topographical and environmental constraints.</p> <p>Such a change to lot sizes at this time is considered to be introducing new policy beyond the scope of the planning proposal.</p>	No changes be made as a result of this submission



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Common Issue Topic	Submission Number	Submission Details	Response	Action
Googong	(50)	<p>The submission by PEET in this instance has raised 3 key matters:</p> <ol style="list-style-type: none"> <li>1. The first matter is a request to change the minimum lot sizes of land along a 100 m strip along the southern boundary of Googong Township and Old Cooma Road.</li> <li>2. The second matter is to revise the boundaries of the RE1 zoned land along Montgomery Creek Googong to be consistent with the land shown as Googong Common.</li> <li>3. The third matter is to change the Googong Map of the draft QPLEP 2020 to revise the location of three Additional Development Areas in Googong Neighbourhoods 3, 4 and 5.</li> </ol>	<p>The matters raised by PEET in this submission are predominantly minor changes resulting from the final design of neighbourhoods 3, 4 and 5. However they do raise policy issues beyond the scope of the planning proposal in this instance.</p> <p>These changes are best collectively considered as part of a future housekeeping amendment to the draft plan when made.</p>	No changes be made as a result of this submission.
Googong Rd, Googong	(17)	<p>This is a submission on behalf of the developers of land known as Sunset Estate north of Googong Rd.</p> <p>The submission has requested that:</p> <ol style="list-style-type: none"> <li>1. the minimum lot size for the land be reduced from 1000sqm to 700sqm; and</li> <li>2. the current boundary of the R1 General Residential and E2 Environmental Conservation land be revisited to allow for a better subdivision design.</li> </ol>	<p>As previously noted, the 1000sqm lot size north of Googong Road was established to provide for housing diversity in the area.</p> <p>The current zoning boundaries were also determined based on environmental assessments undertaken at that time. New studies would be required to justify any changes.</p> <p>Regardless, the changes are considered to be introducing new policy beyond the scope of the planning proposal.</p>	No changes be made as a result of this submission.

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
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Common Issue Topic	Submission Number	Submission Details	Response	Action
<b>Issues Raised In Respect of LEP Process</b>				
<b>Issues Raised in respect of LEP process.</b>	(9), (26), (33), (34), (36), (37), (39), (40), (41), (42).	<p>10 out of 52 submissions raised issues in respect of the processes for exhibiting the draft plan including the length of the exhibition period and the approach to consultation.</p> <p>Some state this is particularly important given drought, bushfire and the Covid-19 impacts, and that meetings have been suspended because the community hall has been closed.</p>	<p>Council's consultation on the draft plan is consistent with the Gateway determination issued by DPIE and the requirements of QPRC's Community Engagement Policy.</p> <p>Further details in respect of consultation on the draft plan are contained in the body of the Council report.</p> <p>Council sought to provide additional time for submissions where requested by the community, with extensions of up to 2 weeks being granted. Staff were also available on all days during the exhibition period to answer questions and provide information as necessary.</p>	No changes be made as a result of this submission.
<b>Issues Raised In Respect of Heritage</b>				
<b>Heritage Braidwood</b>	(21), (28), (51).	<p>Issued raised in respect of heritage matters included the following:</p> <p>1. There needs to be clearer controls in respect of development within the Braidwood town centre and locally listed heritage buildings. The submitter requests independent heritage assessment for any development applications that impact on heritage listed buildings or heritage sites.</p>	<p>1. The planning proposal makes no changes to the planning controls for heritage matters in Braidwood, rather carries forward the existing provisions of the applicable planning documents. Council staff are intending to review the heritage guidelines currently set out in <i>Braidwood DCP 2006</i> in the future.</p>	1. No changes be made as a result of this submission.

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
		<p>2. There are no archaeological sites or Aboriginal places of heritage significance listed in the QPLEP 2020. The submitter requests that any such places receive the same respect and protection as heritage sites from our more recent past.</p> <p>3. One submission whilst supporting the Braidwood DCP considers that 'A frame signage' which is exempt should continue under exempt parts of QPLEP 2020.</p> <p>4. It also wants the words 'and cultural heritage' included in the objective of RU1 zone.</p> <p>5. The submitter requests that the correct property description (54 Butmaroo St Bungendore) is assigned to local heritage item I172.</p>	<p>2. The lack of Aboriginal sites reflects that there has not been a region wide cultural study done (although this is identified as a future work priority in the LSPS). Existing listings and provisions have been carried forward into the new plan consistent with the intent of the planning proposal.</p> <p>3. The exempt provisions in respect of 'A-Frame' signage are existing provisions within <i>Queanbeyan LEP 2020</i>. A-frame signage in Braidwood will need to be otherwise consistent with Braidwood DCP 2006 where located within the conservation area.</p> <p>4. Clause 5.10 Heritage conservation deals with heritage across all zones. Council has already updated the aims of the plan to include cultural heritage as requested by Heritage NSW. This is seen as a more appropriate approach rather than include heritage in all zones.</p> <p>5. The property address and relevant heritage maps will be updated for the site.</p>	<p>2. No changes be made as a result of this submission.</p> <p>3. No changes be made as a result of this submission.</p> <p>4. No changes be made as a result of this submission.</p> <p>5. Amend the property address and</p>

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
				heritage map in the draft plan.
<b>Heritage - Border Survey Marker Trees</b>	Submission On Survey	<p>This specific issue was raised in the survey made available when the draft plan was exhibited (accordingly there is no formal submission).</p> <p>The submission requests that a number of trees containing blazes (border survey markers) on eucalyptus trees on the QPRC side of the NSW/ACT border at the top of Brooks Hill Reserve be listed as heritage items.</p>	Council staff are aware of these trees and intend to consider the request further when the next policy review of the LEP occurs.	No changes be made as a result of this submission.
<b>Issues Raised In Respect of Housing Supply and Choice</b>				
<b>Housing Supply and Choice</b>	(21), (28).	<p>1. The submitter has noted the limits on the minimum size of blocks where dual and multiple occupancy residences can be built. The submitter asks that council considers more Braidwood properties that allow infill development for these types of accommodation.</p>	<p>1. The existing provisions of <i>Palerang LEP 2014</i> in respect of Braidwood have largely been carried forward into the draft plan. It is not intended to address new policy issues such as allowing higher density settlement at this time. However Council staff do intend to develop a Structure Plan for Braidwood and these issues can be further considered as part of that process as identified in the LSPS.</p>	<p>1. No changes be made in respect of the matter raised.</p>



**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
		2. A further submission raised a similar request that lot sizes should enable affordable accommodation and sustainable housing units in Braidwood.	2. As noted above, Council staff do intend to develop a Structure Plan for Braidwood and these issues can be further considered as part of that process.	2. No changes be made in respect of the matter raised.
<b>Issues Raised In Respect of Environmental Matters</b>				
<b>Environment</b>	(4)	<p>The submitter in this instance has provided a comprehensive submission raising a number of issues and questions in respect of the draft plan.</p> <p>Questions raised in the submission included the following:</p> <ul style="list-style-type: none"> <li>In RU1 Primary Production, is primitive camping considered 'farm stay' accommodation? Large numbers of people are regularly primitive camping and it is undesirable. In RU5 Village, does restrictions on non-residential uses include mining?</li> <li>In B7 Business Park, is conflict with managing natural temperate grassland possible to regulate?</li> <li>In E3 Environmental Management, does escarpment land include the Great Divide and Coastal Scarp?</li> <li>In E3 Environmental Management, does council want to promote ESD?</li> </ul>	<p>Council staff appreciate the detail the submitter has gone into while preparing this submission and will consider these questions and comments further when Council next reviews the LEP.</p> <p>Most comments raise issues relevant to environmental provisions within the draft plan.</p> <p>At this time the intent of the planning proposal is to merge the existing LEPs applying to QPRC and not to address new policy issues.</p> <p>Staff will record the submission and consider the issues in more detail when the next housekeeping amendment is made.</p>	No changes be made as a result of this submission.

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
		<ul style="list-style-type: none"> <li>In E4 Environmental Living, any specific measures to regulate trail bikes, dogs, cats, bare or weedy paddocks, exotic hedges?</li> <li>In E4 Environmental Living, could the last objective be clarified?</li> <li>Can Clause 3.3 Environmentally Sensitive Areas include wetlands (DIWA and RAMSAR); Lake George; and Natural Temperate Grasslands?</li> <li>Can Clause 3.3(g) include offsets and areas of high biodiversity value?</li> <li>Clause 4.1 Minimum lot size: is it possible to use Biodiversity Certification to fix lot size and exclude more development?</li> <li>Schedule 5, any opportunity to add to list of Environmental Heritage? Examples: Wilson's grave, Majors Creek leek orchid.</li> </ul> <p>The submitter also provided the following observations and suggestions:</p> <ul style="list-style-type: none"> <li>RU3 Forestry is incompatible with small adjacent RU1 lots due to bushfire, e.g. Nerriga.</li> <li>R2 Low Density Residential bushland character conflicts with clearing vegetation pressure and tree permit applications.</li> <li>Clause 7.3 Terrestrial biodiversity subclause 1 (a) suggest: 'protecting ecological communities, and their constituent flora and fauna'.</li> <li>Clause 7.3 Terrestrial biodiversity subclause 1 (d) suggestion: 'avoiding or minimising key</li> </ul>		



**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
		<p>threatening processes that apply to Schedule 4 and s7.7 of <i>Biodiversity Conservation Act 2016</i>.</p> <ul style="list-style-type: none"> <li>• Clause 7.3 Terrestrial biodiversity 3(b): include offsetting if applicable.</li> <li>• Clause 7.3 Terrestrial biodiversity 4(c): include offsetting if applicable.</li> <li>• Clause 7.3 Terrestrial biodiversity 4(b): clarify that this applies to the life of the development, not only the construction phase.</li> <li>• Clause 7.3 Terrestrial biodiversity: include that developments cannot be approved if the criteria for Serious and Irreversible Impacts are met.</li> <li>• Clause 7.4 Drinking water catchments 4b and 4c: what impacts are acceptable?</li> <li>• Clause 7.14: include conditions of ongoing use, e.g. Trail bike use in R5.</li> <li>• Clause 7.16 Short term rental accommodation: concern about the impact of primitive camping.</li> </ul>		
<b>Riparian Lands</b>	(26)	The submitter believes that the information about riparian corridor widths in the draft plan are outdated and inconsistent with relevant NSW legislation.	<p>The Riparian Land and Watercourse Maps have been prepared consistent with model clauses and mapping previously provided by the State Government (and consistent with surrounding Council areas). The maps have been used in both <i>Palerang LEP 2014</i> and <i>Queanbeyan LEP 2012</i>.</p> <p>These overlays do not introduce any restrictions on the development of the land. Instead they provide additional matters for</p>	No changes be made as a result of this submission.

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
			<p>consideration when assessing development applications on this land.</p> <p>They are not intended to give effect to any NSW legislation.</p> <p>It is appropriate the current maps remain in the draft plan.</p>	
<b>Scenic Protection Areas</b>	(28)	Scenic Protection Area maps are supported but there is no definition of Scenic Protection Areas in the dictionary.	<p>Scenic protection area maps already exist in <i>Queanbeyan LEP 2012</i>. The maps are given effect under clause 7.9 of the draft plan.</p> <p>These maps can potentially apply to any land the Council considers appropriate however only apply to the existing areas of Queanbeyan at this time.</p>	No changes be made as a result of this submission.
<b>Submissions In Respect of Other Single Issues</b>				

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
<b>Canberra Airport</b>	(5)	Canberra Airport has provided advice that it supports the Council's proposal to update the existing Airspace Operations clause in Council's respective LEPs. This is to remove the current requirement to 'consult' and to replace it with a requirement to 'notify' where a development potentially penetrates protected airspace.	The Airport's support on this proposal is welcomed and will significantly reduce the administrative burden on staff to address this issue. Staff have also written to DPIE seeking its support to incorporate this change.  Further details on this matter are included in the body of the Council report.	Update the Airspace Operations clause in the draft plan to reflect changes agreed by Canberra Airport and the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications.
<b>Minimum lot size Boro</b>	(19)	The submitter in this instance requested assistance to find information of the land use zone and minimum lot size of this 99 Silver Lane at Boro.	Council provided written advice and maps by direct email to the submitter and also invited a formal submission. No further contact was received.	No changes be made in respect of the matter raised.
<b>HMAS Harman</b>	(22)	The submitter questioned the accuracy of the street names of HMAS Harman in clause 7.21 of the draft QPLEP 2020. It is suggested the correct name is 'Philip Place' rather than 'Pharup Place'.	Council has confirmed this with Defence and the correct name is 'Philip Place'.	Update the clause in the draft plan to refer to 'Philip Place' rather than 'Pharup Place'.
<b>Rural Planning Matters</b>	(44)	The submission in this instance raised six key matters relevant to rural lands and planning.		

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
		<p>1. The first matter is in respect of the fifth objective in the land use table for RU1 Primary Production (ie 'To minimise the impact of any development on the natural environment'). The submitter believes that this objective is inappropriate and strongly requests that it be removed from QPLEP 2020.</p> <p>2. The second matter is an apparent inconsistency of uses in the RU2 Rural Landscape land use table; specifically 'extensive agriculture' being permitted without consent while 'agriculture' is permitted with consent.</p> <p>3. The third matter is the listing of three types of development listed as prohibited in the RU5 Village zone in addition to 'any other development in item 2 or 3'. The submitter thinks this is inconsistent with the wider approach and is unnecessary.</p>	<p>1. This is an existing objective under <i>Palerang LEP 2014</i> that has been carried forward into the draft plan. The objective does not preclude or override the use of the land for primary production, rather, seeks to ensure impacts are avoided where this can be achieved. It is considered appropriate to continue with the objective in the draft plan.</p> <p>2. This is a function of the manner in which 'group terms' are drafted under the standard instrument. For example 'extensive agriculture' is a sub-definition of 'agriculture'. The drafting is consistent with the current plans, however Parliamentary Counsel may wish to redraft to make consistent. Regardless there are no actual changes to permissible land uses as a result of this wording.</p> <p>3. These are mandated uses required under the Standard Instrument. The wording is consistent with the current RU5 Village zone under Palerang LEP 2014.</p>	<p>1. No changes be made in respect of the matter raised.</p> <p>2. No changes be made in respect of the matter raised.</p> <p>3. No changes be made in respect of the matter raised.</p>

**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
		<p>4. The fourth matter concerns requirements for consent in the land use table and other parts of the LEP. The submitter asks clarification on two specific developments: 'earthworks' and specified small scale 'livestock feedlots'.</p> <p>5. The fifth matter concerns the permissibility of 'crematoria'. Should this use be permissibility of this use include IN1 General Industry and IN2 Light Industry zones? At present, this use is only permissible in RU5 zones.</p> <p>6. The sixth matter is the permissibility without consent of 'extensive agriculture' in RE1 zones, whereas this use is permitted with consent in RE2 zones. This appears unusual to the submitter.</p>	<p>4. The consent requirements for 'earthworks' are set out at clause 7.1(2) in this instance. The consent requirements for small 'intensive feedlots' link to both the zoning table and at clause 5.18(4). 'Intensive feedlots' must be permissible in the zoning table before the additional permissibilities at 5.18(4) can be acted upon.</p> <p>5. 'Crematoria' are proposed to be permissible with consent in the RU1 Primary Production, RU2 Rural Landscape and RU5 Village zones as currently provided for under <i>Queanbeyan LEP 2012</i> and <i>Palerang LEP 2014</i>. Whilst not appropriate to make any changes at this time staff will consider this issue further in a future review of the LEP.</p> <p>6. RE1 Public Recreation land is held in public ownership whilst RE2 Private Recreation is privately owned. The draft zoning tables predominantly reflect the existing permissibilities under <i>Palerang LEP 2014</i>.</p>	<p>4. No changes be made in respect of the matter raised.</p> <p>5. No changes be made in respect of the matter raised.</p> <p>6. No changes be made in respect of the matter raised.</p>



**Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
Environmental Planning and Assessment Act 1979**

Common Issue Topic	Submission Number	Submission Details	Response	Action
<b>Places of Public Worship</b>	(49)	The submitter requests that 'places of public worship' be retained on R2 Low Density Residential zoned land. The submitter requests an opportunity to address council on this matter.	Staff have recommended that Council adopt the position of the <i>Palerang LEP 2014</i> and prohibit 'places of public worship' in the R2 Low Density Residential largely due to potential amenity impacts. 'Places of public worship' are otherwise permissible in the RU1 Primary Production, R1 General Residential, R2 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, IN1 General Industry, IN2 Light Industry and E4 Environmental Living zones.	No changes be made in respect of the matter raised.
	(46)	The submitter requests that 'places of public worship' be prohibited on E4 Environmental Living zoned land. It is argued such a use is incompatible with the rural residential nature of the zone, particularly potential bush fire impacts.	Staff have recommended Council adopt the position under <i>Palerang LEP 2014</i> and allow 'places of public worship' in the E4 Environmental Living zone.  Any proposal for such a use would be required to submit a development application and demonstrate it is suitable in the circumstances and that any potential amenity impacts or bush fire risks are mitigated.	No changes be made as a result of this submission.
<b>Secondary Dwellings</b>	(46)	Request that secondary dwellings are allowed on smaller lots on the Ridgeway.	The planning proposal does not intend to address new policy issues such as allowing additional developments on land or changing minimum lot sizes. 'Secondary	No changes be made as a result of this submission.



Summary and Consideration of Submissions Received Pursuant to Section 3.34 and Schedule 1 (Division 3.4) of the  
*Environmental Planning and Assessment Act 1979*

Common Issue Topic	Submission Number	Submission Details	Response	Action
			dwelling's' cannot be undertaken at this time at the Ridgeway under Queanbeyan LEP 2012 as the lots do not meet the minimum lot size requirements.	



# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Planning and Strategy Committee of the Whole Meeting Attachment**

**9 SEPTEMBER 2020**

ITEM 8.5                      QUEANBEYAN-PALERANG DRAFT COMPREHENSIVE LOCAL  
   ENVIRONMENTAL PLAN 2020

ATTACHMENT 3      DRAFT QPLEP 2020 - COMMUNITY SUBMISSIONS  
   (REDACTED)

## Submitter 1

**From:** [REDACTED]  
**Sent:** Fri, 3 Jul 2020 13:16:13 +1000  
**To:** [REDACTED]  
**Subject:** Draft LEP submission

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Hi [REDACTED]

Thank you for talking with me on Tuesday.

My submission re the QPRC draft LEP involves the area of the old Palerang Council and in particular the old Gunning Shire & Mulwaree shire LEPs.

I am a primary producer who lives at [REDACTED] Collector Rd E, Collector. The far North West of QPRC.

Our farm is still under 2 LEPs. We are split by the old Gunning shire and Mulwaree shire. There are anomalies and I believe incorrect rural residential zonings in this area. The Currawang/Collector area is a RU1 zoning and made up of agricultural, small business and rural residential.

The fastest growing area in the ULSC is the village of Collector and QPRC is right on its doorstep. The old Gunning shire portion of QPRC is still a 80ha minimum to attract a building permit. We are hoping this will be addressed in the new LEP as it is in contradiction to this whole region. ULSC have addressed the old Gunning portion of their council by allowing 40ha to attract a building permit. The 80ha rule which is current under QPRC is out of step with this fast growing region. This region is dominated by workers who commute to Canberra as it is a comfortable 30 min commute on a dual freeway.

The present situation in our area is similar to a reverse donut when it comes to planning. We have the village of Collector and then across the freeway ULSC are considering a small lot subdivision. right next door to this we have QPRC with a 80 ha minimum which only applies to an extremely small part of your Council area, this then moves to 40ha minimum.

My submission is that the portion of the old Gunning Shire in QPRC be allowed a 40ha minimum for a building permit which is the same as the old Mulwaree portion of QPRC. It is logical to align both areas

That is a straight forward fix which should be followed up with rural residential study for the area as this is an area with great possibilities. for this.

A fast growing area sitting right on a major transport route within 30 minutes of Canberra.

Thank you,

Regards

[REDACTED]  
[REDACTED]

**Submitter 2**

**2020 QUENBEYAN-PALERANG  
COMPREHENSIVE LOCAL ENVIRONMENTAL  
PLAN**

**COMMUNITY CONSULTATION PHASE**

**SUBMISSION FROM:**

**OLD GOLD MINES ROAD COMMUNITY**

**JUNE 2020**

### ***Purpose***

To provide Council with a summary of the views (and recommendations) proposed by the residents of Old Gold Mines Road, for consideration in the current development of the 2020 Queanbeyan - Palerang Local Environmental Plan (QPLEP).

### ***Introduction***

The resident community of Old Gold Mines Road thank Council and its staff for the opportunity to provide input to the development of the 2020 QPLEP, noting the significant impact this planning instrument (and related instruments) have on the lives of the residents in the areas covered by the plan.

\*\* It should be mentioned at the start of this submission, that **the QPRC's comparative land use matrix tool** is an excellent reference document and Council is to be commended on its development. The matrix is a key tool for providing the essential clarity and enhanced understanding central to effective community engagement and should be highlighted as a significant improvement in Council's community consultation and engagement through enhanced transparency.

### **Overview of Old Gold Mines Road – Location, Block Sizes, and current Status**

The Old Gold Mines Road area is in close proximity to a range of infrastructure and amenities including the Eagle Hawk Hotel, the Capital Country Holiday Park and the Eagle Hawk Tourist Park (Caravan and cabin parks), the United Service Station and café and the Ibis Styles Resort. The area is accessed via Bidges Road (a bitumen sealed road) only a short distance from the Old Federal Highway.

Current permissible activities (with council consent) include ***open cut mining, airstrips, hotels and motels*** – refer to the extract at the end of this document for the full range of current permissible activities.

The Old Gold Mines Road area is comprised of approximately 12 blocks, most of which range in size from 36 -50 acres, but also includes several smaller blocks of two acres and four acres (recently approved subdivisions).

There are currently, approximately three dual occupancies (approved and/or already built) on individual lots along Old Gold Mines road. There are two larger blocks at the very end of



the no through road Old Gold Mines Road. One is approximately 150 acres in size and the other is approximately 180 acres in size.

The Old Gold Mines Road area is bounded by the ACT on its back border (the Majura Firing Range) and is almost completely surrounded by land zoned E4 - Environmental Living. Whilst there are some minor changes in topography and vegetation cover between Bidges Road and Old Gold Mines Road, overall it is generally very similar – for example there are a range of cleared blocks and more treed blocks and some undulating areas in both.

#### Current and Proposed Zoning under the *Draft QPLEP 2020*

**Current Zoning:** RU 1 – Primary Production

**Proposed Zoning:** RU 1 – Primary Production

- No proposed change to the current Zoning of RU 1 – Primary Production

Whilst the proposed Zoning for the Old Gold Mines Road area remains unchanged in the Draft Proposed 2020 QPLEP, a significant change is proposed for the permissible uses of land within the RU 1 Zone. Specifically, the ***removal of dual occupancy entitlements*** and its ***replacement with a 'secondary dwellings' entitlement***. This change also includes a change in the ratio of the size of the secondary dwelling in relation to the size of the principle dwelling. It also ***imposes adoption of the minimum lot size (shown on the Lot Size Map) of 80 hectares***.

**Recommendation 1:** The Old Gold Mines Road community strongly objects to the removal of dual occupancy as an acceptable land use in the RU 1 Zone and recommends the dual occupancy entitlement remain and that there is no change to the existing lot size arrangements.

**Rationale:** Council's flyer advises that the intent of the new draft LEP is to harmonise the existing LEPs primarily through addressing the inconsistencies between the various planning instruments. It is recognised that removing inconsistencies has merit. However, 'blanket' removal of dual occupancy entitlements across the rural zones (RU1 - Primary Production, RU2 - Rural Landscape and RU5 -Village) and arbitrary adoption of the 80-hectare lot size minimum does not in itself result in harmonising planning controls. It fails to take into consideration the different purposes of zones and their individual characteristics in terms of infrastructure, topography, ecology, proximity to other services and relationship to adjacent land, and has a significant impact on the community living in these areas.

The move to replace dual occupancies more generally across zones appears to be more about reducing the demand for public services and facilities, and subsequent costs to Council. Dual occupancies bring income to council in terms of Section 94 contributions, rates

and other development payments. They are also an important part of community and housing development.

It is questionable whether the rationale outlined in the QPLEP Flyer, that people who develop dual occupancies and then have difficulty selling them, is a sound reason for prohibiting dual occupancies. This approach does not fit with appropriate and recognised planning principles. People are responsible for their own actions and financial circumstances and this rationale should not be used to influence planning decisions around dual occupancies

The dual occupancy provisions in the Old Gold Mines Road area have worked well over the duration of the current zoning (and previous zoning that also allowed dual occupancies). This is demonstrated by the various dual occupancies that have been approved by Council in the Old Gold Mines Road area. These dual occupancies have proved successful in minimising the impact of development on the natural environment, whilst at the same time not overly increasing the demand for public services and facilities. They have resulted in the orderly and economic use and development of land with regard to ecological sustainability, and the provision of a diversity of housing to meet the needs of the community.

This Submission's request to retain dual occupancies is also in alignment with the aim of Council's plan "to provide for a diversity of housing to meet the needs of the community into the future".

The current *range of permissible activities (with council consent) within the RU1 – Primary Production Zone ranges from airstrips to open cut mining to hotels and motels*. This, in itself would suggest that removal of dual occupancies and adoption of the 80-hectare lot size is incompatible with the intended purpose of this zone.

A key aim of the 2020 QLEP is: To provide for ***a diversity of housing to meet the needs of the community into the future*** and facilitate the orderly and economic use and development of land, having regard to ecological and sustainability principles.

**Recommendation 2:** Hold all changes to permitted entitlements (and lot size changes) in the RU1 – Primary Production zone and, as part of a future strategic planning exercise, undertake a detailed planning analysis (in consultation with residents). This planning exercise is to be commenced within three months of the finalisation of the current 2020 harmonisation of plans. Key focus areas for this review should be:

- Harmonising the current RU1 zone with adjacent land uses to provide for greater residential settlement and subdivision entitlements in the broader areas;
- Establishing a zoning regime that provides for greater flexibility and adaptive management to meet changing demographic trends and future housing needs.

**Rationale:** The future strategic planning process should commence within three months of the finalisation of the current draft 2020 QLEP process and should focus on aligning land uses so that they are more compatible with surrounding adjacent land uses. Adopting an evidence-based and sound planning approach to zoning and land uses will allow for a more realistic harmonisation and consolidation of plans, using fair and consistent planning principles and supporting evidence.

Land use entitlement (and zoning) should be considered firstly within the context of appropriateness of the overall zoning, other currently permitted land uses, and adjacent land zoning and their associated permitted uses. This requires a detailed analysis of the specific land area, its planning and development history and its compatibility with adjacent land zones and infrastructure. This analysis should be undertaken against the full set of appropriate planning principles and in consultation with the community. This approach should lead to better outcomes for residential development, environmental considerations and sustainability into the future.

It should be noted ***that other current permissible activities in the RU1 Zone, such as Airstrips, Open cut mining, Caravan Parks, Hotel and Motel accommodation***, suggest that dual occupancies are highly compatible with other permissible uses in this zone and therefore should not be singled out to be removed or as something that will unduly impact Council costs or the environment.

**Extracted below from the current LEP is a summary of the objectives of the current RU1-Primary Production Zone**

**Objectives of zone:**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To ***minimise conflict between land uses within this zone and land uses within adjoining zones.***
- To minimise the impact of any development on the natural environment. (new)
- To ensure that development does not unreasonably increase the demand for public services or facilities. (new)

**2 Permitted without consent:** Extensive agriculture; Home businesses; Home occupations,

**3 Permitted with consent:**

Airstrips;  
Animal boarding or training establishments;  
Aquaculture; Backpackers' accommodation;  
Bed and breakfast accommodation;

Biosolids treatment facilities;  
Building identification signs;  
Business identification signs;  
Caravan parks;  
Cellar door premises;  
Cemeteries;  
Community facilities;  
Crematoria; Depots;  
Dwelling houses;  
Eco-tourist facilities; Environmental facilities;  
Environmental protection works;  
Extractive industries;  
Farm buildings; Farm stay accommodation;  
Flood mitigation works;  
Forestry; Function centres;  
Garden centres;  
Helipads;  
Home-based child care;  
Home industries;  
Hotel or motel accommodation; Industrial training facilities;  
Information and education facilities; Intensive livestock agriculture;  
Intensive plant agriculture;  
Neighbourhood shops,  
Open cut mining;  
Places of public worship;  
Plant nurseries; Recreation areas;  
Recreation facilities (outdoor);  
Restaurants or cafes;  
Roadside stalls;  
Rural industries;  
Rural workers' dwellings;  
Secondary dwellings;  
Service stations;  
Sewage treatment plants;  
Truck depots.

## SIGNATURE PAGE

### OLD GOLD MINES ROAD SUBMISSION TO THE 2020 QPLEP

#### Signatories:

Name: [REDACTED]	Signature: [REDACTED]	Date: 30 June 2020
Name: [REDACTED]	Signature: [REDACTED]	Date: 30 June 2020
Name: [REDACTED]	Signature: [REDACTED]	Date: 30 June 2020
Name: [REDACTED]	Signature: [REDACTED]	Date: 30 June 2020
Name: [REDACTED]	Signature: [REDACTED]	Date: 30 June 2020
Name: [REDACTED]	Signature: [REDACTED]	Date: 30 June 2020
Name: [REDACTED]	Signature: [REDACTED]	Date: 30 June 2020
Name: [REDACTED]	Signature: [REDACTED]	Date: 30 June 2020
Name: [REDACTED]	Signature: [REDACTED]	Date: 30 June 2020
Name: [REDACTED]	Signature: [REDACTED]	Date: 30 June 2020
Name: [REDACTED]	Signature: [REDACTED]	Date: 30 June 2020

### Submitter 3

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 16:26:51 +1000  
**To:** Council Mailuser  
**Subject:** new LEP 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

To whom it may concern.

I wish to lodge my strongest objections to the new LEP, since my understanding of the new zoning arrangements is that I can no longer have a second house on my property, nor continue to run my current business, that I have successfully operated for the past 35years. This situation has arisen since arbitrary re-zoning of my property occurred without any consultation with myself, and despite my consequent public objections which I have since voiced.

I look forward to resolving this devastating situation which threatens to ruin both my livelihood and my lifestyle, in the very near future.

[REDACTED]

[REDACTED]

Founder/Director  
Equestrian Coach Education International  
Bungendore, NSW 2621  
Australia

[REDACTED]





## Submitter 4

### COMMENTS ON COMBINED LOCAL ENVIRONMENT PLAN

Page	Section	Comments
12	Land Use Table – Zone RU1	Welcome the addition of objectives to minimise impact of any development on the natural environment, and ensure development does not strain public services or facilities. Question (not theoretical) – is primitive camping (no toilet or water facilities provided) for 100 constitute caravan/ eco-tourism/ farm stay? This is becoming popular across the region, and locally very Unpopular from a resident’s perspective.
13	“ Zone RU3 Forestry	Not compatible if smaller RU1 lots nearby – massive bushfire impacts e.g. Nerriga
14	“ Zone RU5 Village	Welcome the addition of objectives that specify enhancement of streetscapes & character and restrict non-residential uses to those which impact existing and future amenity. Does this include mining? Has impacts over a wide catchment – e.g. Majors Creek (water, extensive roadworks, contamination issues).
14	R1 General Residential	Welcome the addition of objectives that ensure regard for character and amenity, and for bulk/ scale considerations.
15	R2 Low Density Residential	Welcome the addition of objectives that preserve low density amenity and bushland character BUT increasing pressures to clear large remnant trees/ bushland for increasingly large building envelopes/ APZs, and ongoing pressure once approvals granted. Deluge of tree permit applications this fire season.
17	R5 Large Lot Residential	Welcome the addition of objective to retain existing bushland and natural landscape features. See additional comment above.
18	B2 Local Centre	Welcome additional objectives to reinforce character and amenity, provision of facilities. High density residential (I think) should be balanced by commercial development, to ensure that Local centres employ people locally, reduce transport demands and don’t create dormitory suburbs.
19	B3 Commercial Core	Good to include some recognition of Queanbeyan as commercial centre of the entire LGA, and a more attractive destination for people who travel from rural areas for business and shopping than the ACT, thus reducing extent of private transport use.
20	B4	Welcome additional objectives to reinforce character and amenity, viability of local business and employment, and particularly support for cultural activity, which further contributes to character and amenity, and attracts patronage.
22,23	RE1 Public Recreation	Welcome the addition of objectives to protect and enhance the environment, particularly areas of significance. It would be good to specifically mention

		Heritage, as recent work in RE1 areas of Braidwood has blatantly disregarded this (30m, 12 lens light towers, removal of vegetation along Rec Ground Creek and redirecting through a concrete culvert, removal of 100+ year old elms and installation of play and other facilities that threaten survival of original plantings (– no issue with facilities – just the blatant disregard for what is/ was there!)
24	RE2	As above. Also welcome protection and enhancement of scenic values.
25	E2 Conservation	Welcome the addition of objectives to encourage rehabilitation and regeneration of ecosystems, restrict development to low impact ecologically sustainable land uses. What are the escarpment areas referred to? I'd like to think these would include Great Divide and Coastal Scarp, as well as other significant ranges (Cullerin Horst, Tallaganda Range, Gouroucks etc.). Coastal Scarp & Great Divide are particularly significant, as they mark boundaries between IBRA Bioregions, and as such, contain unique assemblages of native plants & animals, as well as several EECs. Maybe include other significant landscape features, such as Lake George/ Werriwa and discrete 'mountains' such as Mt Gibraltar, Mt Gillamatong – these areas are almost guaranteed to have cultural significance.
26	E3 Environmental Management	Welcome the addition of objectives to encourage visually compatible and sustainable development. Do you want to <b>promote</b> ecologically sustainable development, or ensure that a limited range of development is within sustainable limits? Good to see catchment protection as an objective.
26	E4 Environmental Living	Welcome the addition of objectives to encourage visually compatible development, minimise impacts, minimise conflict (although might want to specify that environmental considerations outweigh demands for more intensive development from neighbouring zones?). I'd like to see specific measures for protection mentioned – E4 areas are rife with trail bikes, dogs, cats, bare or weedy pony paddocks, leylandii cypress hedges etc., all of which seriously detract from and even jeopardise special ecological, scientific, cultural and aesthetic values. I don't understand what the final objective means – can this be clarified?
30	3.3 Environmentally sensitive areas	Are we allowed to include wetlands that are on the DIWA list as well as RAMSAR? Lake George is worthy of such protection, and does attract migratory species, as well as being one of three ephemeral lacustrine grasslands, a subset of the already critically endangered (EPBC only) Natural Temperate Grassland. I'm sure it also has significant cultural heritage.

		Good to see that Scenic Protection Areas are protected.
30	4.1 Minimum subdivision lot size	Great to see clause (c) protection of significant natural or cultural features, and (e), particularly in relation to bushfire hazard.
30	4.1A	Hooray for Clause (a) to prevent fragmentation and safeguarding of environmental values (b)!
42	5.3 (3aa) Development near zone boundaries	Good to see 'zone creep' quarantined from rural and environmental areas.
57	7.3 Terrestrial biodiversity	1(a) Preferable to state 'protecting <b>ecological communities</b> , and their constituent flora and fauna' – once the EC has been compromised, there's not much hope of sustaining flora and fauna in the long term, unfortunately.
58	7.4 Drinking water catchments	Maybe this comes under water allocations from DPI (?), but I'm concerned about water take (versus quality of discharge) for irrigated intensive horticulture in areas where it hitherto didn't exist, and where the catchment isn't of a size that will sustain more than a few such enterprises. This is a bit of a trend in my local area, and is the source of increasing conflict as creeks and rivers dry, and water for extended fire seasons literally dries up. 4(b) and 4(c) beg the question: what adverse impacts ARE acceptable? How can you mitigate adverse effects to a water supply shared by local environment and residents, and people and animals downstream? – Sorry – I see this is dealt with in the next section...
64	7.14 Development in areas near national parks and nature reserves	Should you also look at conditions of ongoing use? E.g. trailbike use in a supposedly compatible large lot residential area...
64	7.16 Short term rental accommodation	I'm concerned that primitive camping (e.g YouCamp) falls between categories. This can have substantial environmental and neighbourhood nuisance impacts (waterway pollution, unrestrained dogs in rural areas, fires/ firewood collection, lack of adequate drinking/ toilet facilities). They were even advertising sites in this LGA as suitable Covid "essential traveller accommodation"! Again, this is a source of conflict and consternation in my immediate area, where my neighbour has set up camping for 100+ people  along the Monglarlowe River (Drinking Water Catchment and home to several threatened species and ecological communities)
77	Schedule 5 Environmental Heritage	Any capacity to add to this? I'm thinking specific sites (e.g. Braidwood Wilson's grave, marked by entrance way/ stile on Solus St/ Kings Hwy and pines on hill to N of town, the many really significant old trees not

		<p>necessarily found within heritage curtilage or heritage listed properties, some pretty much intact hedgerows that indicate what the landscape looked like in the early days of settlement before the horrors of WW1 and barbed wire, and many incredible water races, flumes and gold-processing sites not otherwise mentioned, to say nothing of the cast-iron hitching posts removed for Wallace St roadworks and subsequently souvenired or relocated). And while the list is heavy on built heritage, I don't see much of Environmental concern. Can we add sites or refer to existing mapping of threatened spp/communities etc., or add environmental aspects to existing listings? For example, Majors Creek Cemetery maybe still has the only population of a critically endangered orchid (Majors Creek Leek Orchid), and a couple of other threatened spp still being mowed into oblivion, similarly Captains Flat and other small country cemeteries. There are also some pretty outstanding areas of biodiversity value, including what was once critical habitat for critically endangered plants and critturs, and patches of critically and otherwise endangered ecological communities.</p>
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17	R5 Large Lot Residential	Welcome the addition of objective to retain existing bushland and natural landscape features. See additional comment above.
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19	B3 Commercial Core	Good to include some recognition of Queanbeyan as commercial centre of the entire LGA, and a more attractive destination for people who travel from rural areas for business and shopping than the ACT, thus reducing extent of private transport use.
20	B4	Welcome additional objectives to reinforce character and amenity, viability of local business and employment, and particularly support for cultural activity, which further contributes to character and amenity, and attracts patronage.
21	B7 Business Park	Is minimising conflict with management of significant Natural Temperate Grassland remnants possible to

		regulate? I'm thinking development will result in even more problems with urban kangaroos and weeds.
22,23	RE1 Public Recreation	Welcome the addition of objectives to protect and enhance the environment, particularly areas of significance. It would be good to specifically mention Heritage, as recent work in RE1 areas of Braidwood has blatantly disregarded this (30m, 12 lens light towers, removal of vegetation along Rec Ground Creek and redirecting through a concrete culvert, removal of 100+ year old elms and installation of play and other facilities that threaten survival of original plantings (– no issue with facilities – just the blatant disregard for what is/ was there!))
24	RE2	As above. Also welcome protection and enhancement of scenic values.
25	E2 Conservation	<p>Welcome the addition of objectives to encourage rehabilitation and regeneration of ecosystems, restrict development to low impact ecologically sustainable land uses. What are the escarpment areas referred to? I'd like to think these would include Great Divide and Coastal Scarp, as well as other significant ranges (Cullerin Horst, Tallaganda Range, Gouroucks etc.). Coastal Scarp &amp; Great Divide are particularly significant, as they mark boundaries between IBRA Bioregions, and as such, contain unique assemblages of native plants &amp; animals, as well as several EECs. Maybe include other significant landscape features, such as Lake George/ Werriwa and discrete 'mountains' such as Mt Gibraltar, Mt Gillamatong – these areas are almost guaranteed to have cultural significance.</p> <p>Does this zoning automatically apply to areas where there is a Biodiversity Stewardship Agreement or similar covenant? If not, should this be specifically encouraged?</p>
26	E3 Environmental Management	Welcome the addition of objectives to encourage visually compatible and sustainable development. Do you want to <b>promote</b> ecologically sustainable development, or ensure that a limited range of development is within sustainable limits? Good to see catchment protection as an objective. See comment above in relation to BSAs.
26	E4 Environmental Living	Welcome the addition of objectives to encourage visually compatible development, minimise impacts, minimise conflict (although might want to specify that environmental considerations outweigh demands for more intensive development from neighbouring zones?). I'd like to see specific measures for protection mentioned – E4 areas are rife with trail bikes, dogs, cats, bare or weedy pony paddocks, leylandii cypress hedges etc., all of which seriously detract from and even jeopardise special ecological, scientific, cultural



		and aesthetic values. I don't understand what the final objective means – can this be clarified?
30	3.3 Environmentally sensitive areas	<p>Are we allowed to include wetlands that are on the DIWA list as well as RAMSAR? Lake George is worthy of such protection, and does attract migratory species, as well as being one of three ephemeral lacustrine grasslands, a subset of the already critically endangered (EPBC only) Natural Temperate Grassland. I'm sure it also has significant cultural heritage.</p> <p>Note that the <i>Threatened Species Conservation Act 1995</i> has now been repealed – relevant Act is the <i>Biodiversity Conservation Act 2016</i>. I think the relevant term would be Areas of Outstanding Biodiversity Value (Div 4 Part 3) – regrettably, critical habitat for a species seems to have been dropped.</p> <p>I guess logically that offsets and mapped areas of high biodiversity value (e.g. on the somewhat deficient Biodiversity Values Map) are included in clause (g)?</p> <p>Good to see that Scenic Protection Areas are (ahem) protected.</p>
30	4.1 Minimum subdivision lot size	<p>Great to see clause (c) protection of significant natural or cultural features, and (e), particularly in relation to bushfire hazard.</p> <p>Is there any capacity to use Biodiversity Certification as a means of locking in appropriate lot size and areas of particular significance to be quarantined from development?</p>
30	4.1A	Hooray for Clause (a) to prevent fragmentation and safeguarding of environmental values (b)!
42	5.3 (3aa) Development near zone boundaries	Good to see 'zone creep' quarantined from rural and environmental areas.
57	7.3 Terrestrial biodiversity	<p>1(a) Preferable to state 'protecting <b>ecological communities</b>, and their constituent flora and fauna' – once the EC has been compromised, there's not much hope of sustaining flora and fauna in the long term, unfortunately.</p> <p>I'd also add 1(d) avoiding or minimising relevant Key Threatening Processes (KTPs) that apply to threatened ecological communities or species (Schedule 4 BC Act) &amp;/or prescribed impacts for developments requiring a Biodiversity Assessment Report (S 7.7 BC Act).</p> <p>3(b) damage avoidance hierarchy used in the <i>Biodiversity Conservation Act 2016</i> is 1. Avoid; 2. Minimise, and 3. <b>Offset any residual impacts</b> that have not been addressed by the first two steps. Offsetting is the only permissible mitigation measure in circumstances where the Biodiversity Offsets Scheme applies (i.e. on the Biodiversity Values Map, above</p>

		<p>relevant clearing thresholds, or indicated by application of the 5 part test under S7.3 of the Act).</p> <p>4(c) see above. If it's an area of biodiversity value or above the area threshold, or provides habitat for threatened species, development must be offset (not mitigated) – this is technically wrong in these circumstances, although would apply if Biodiversity Offset Scheme Entry Threshold isn't met.</p> <p>4(b) should clarify that this applies to the life of the development, not just during the construction phase.</p> <p>Somewhere it should state that development cannot be approved if the criteria for Serious and Irreversible Impacts (SAII) are met (S6.5, 7.16 BC Act; <a href="https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/serious-and-irreversible-impacts">https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/serious-and-irreversible-impacts</a> )</p>
58	7.4 Drinking water catchments	<p>Maybe this comes under water allocations from DPI (?), but I'm concerned about water take (versus quality of discharge) for irrigated intensive horticulture in areas where it hitherto didn't exist, and where the catchment isn't of a size that will sustain more than a few such enterprises. This is a bit of a trend in my local area, and is the source of increasing conflict as creeks and rivers dry, and water for extended fire seasons literally dries up.</p> <p>4(b) and 4(c) beg the question: what adverse impacts ARE acceptable? How can you mitigate adverse effects to a water supply shared by local environment and residents, and people and animals downstream? – Sorry – I see this is dealt with in the next section...</p>
64	7.14 Development in areas near national parks and nature reserves	Should you also look at conditions of ongoing use? E.g. trailbike use in a supposedly compatible large lot residential area...
64	7.16 Short term rental accommodation	I'm concerned that primitive camping (e.g YouCamp) falls between categories. This can have substantial environmental and neighbourhood nuisance impacts (waterway pollution, unrestrained dogs in rural areas, fires/ firewood collection, lack of adequate drinking/ toilet facilities).
77	Schedule 5 Environmental Heritage	Any capacity to add to this? I'm thinking specific sites (e.g. Braidwood Wilson's grave, marked by entrance way/ stile on Solus St/ Kings Hwy and pines on hill to N of town, the many really significant old trees not necessarily found within heritage curtilage or heritage listed properties, some pretty much intact hedgerows that indicate what the landscape looked like in the early days of settlement before the horrors of WW1 and barbed wire, and many incredible water races, flumes

		<p>and gold-processing sites not otherwise mentioned, to say nothing of the cast-iron hitching posts removed for Wallace St roadworks and subsequently souvenired or relocated). And while the list is heavy on built heritage, I don't see much of Environmental concern. Can we add sites or refer to existing mapping of threatened spp/communities etc., or add environmental aspects to existing listings? For example, Majors Creek Cemetery maybe still has the only population of a critically endangered orchid (Majors Creek Leek Orchid), and a couple of other threatened spp still being mowed into oblivion, similarly Captains Flat and other small country cemeteries. There are also some pretty outstanding areas of biodiversity value, including what was once critical habitat for critically endangered plants and critturs, and patches of critically and otherwise endangered ecological communities.</p>
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Submitter 5



Queanbeyan- Palerang Regional Council

Via E-mail

Dear [REDACTED]



Level 4, 21 Terminal Avenue  
Plaza Offices - West  
Canberra Airport ACT 2609  
Phone: 02 6275 2222  
www.canberraairport.com.au

1 July 2020

**Draft Comprehensive Local Environmental Plan**

Thank you for your letter dated the 30<sup>th</sup> April 2020 in relation to the Draft Comprehensive Local Environmental Plan for Queanbeyan-Palerang Regional Council specifically in relation to Section 7.10. On the 29<sup>th</sup> May 2020 Canberra Airport provided comment in relation to Local Strategic Planning Statement and we look forward to working with QPRC into the future on their development.

**Airspace Management**

On the 4<sup>th</sup> of March 2020 the Department of Infrastructure, Transport, Regional Development and Communications wrote to QPRC with Canberra Airport cc'd stating that the Department is comfortable with the redrafting of the LEP clause. On the 23<sup>rd</sup> June 2020 Canberra Airport sent an e-mail to [REDACTED] Director Airspace Protection stating that Canberra Airport agrees with the Department and therefore will confirm acceptance of the QPRC LEP amended wording of clause 7.10 to:

**7.10 Airspace operations**

1. *...The objectives of this clause are as follows:*
  - a. *To provide for the effective and ongoing operation of Canberra Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,*
  - b. *To protect the community from undue risk from that operation*
2. *...If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has notified the operator of Canberra Airport.*

We note the Current Draft LEP on exhibition has section 7.10 worded differently from the detail supplied above. We support Section 7.10 1a, 1b and 2 as an amendment to the current draft on exhibition.

Canberra Airport is conscious that a direct consequence of accepting the change will mean an increase in the administrative workload for Canberra Airport assessing potential penetrations of the OLS with the proponent (members of the public/DA applicants) contacting Canberra Airport and The Department directly for OLS assessments and approvals. Proponents may not contact Canberra Airport for an OLS assessment and therefore the development may breach Canberra Airports OLS contrary to the DA approval issued by QPRC. A direct consequence is the extra liability to the landowner to undertake the OLS assessment and little recourse to monitor the landowner if unapproved structures are built in the OLS.



As a procedure, could QPRC agree to send all DA approvals which have a condition to assess a potential penetration of the OLS to Canberra Airport? This will allow for the airport to follow up with proponents for due diligence purposes.

In order to alleviate this potential issue into the future, Canberra Airport propose creation of a 'blanket' OLS ceiling (both in Metres but also in AHD height limit) for areas within the QPRC region similar to what is already in effect over Googong Town Centre. Canberra Airport believes this will provide a more efficient and smoother approval for the proponent and a better outcome for QPRC, The Department, CASA, Airservices Australia and Canberra Airport.

We will now need QPRC to provide topographical data for the Queanbeyan and Jerrabomberra area. Canberra Airport would like to have a meeting with QPRC in the next few weeks to keep this momentum going.

#### LEP General Comments

Canberra Airport is pleased to note the inclusion of Section 7.11 in its entirety and especially (3) (b) and (4) detailing the requirements of AS2021-2015 Table 3.3- Indoor Design Sound Levels for Determination of Aircraft Noise Reduction and Table 2.1 Building Site Acceptability Based on ANEF Zones. We will continue to advocate for the requirement for all buildings within the vicinity of Canberra Airport be built to the relevant noise attenuation standards.

In the section titled 'Zone B7- Business Park'- We would suggest the last added objective be amended to read, as follows:

- To provide for a well-designed business park development that appropriately responds to site constraints, aircraft noise and adjoining residential development.

This will ensure that buildings will be designed to the relevant standards taking into consideration AS2021-2015. Canberra Airport believes in a proactive approach to making the residents aware of aircraft noise, now and into the future, before they build their homes and extensions.

Canberra Airport also note the section titled 'home business and home occupations in the E2 Zone' details:

*'Home businesses and home occupations are 'prohibited' under the Queanbeyan, South Tralee and Poplars LEPs and 'permissible without consent' under the Palerang LEP. Whilst residential uses are 'prohibited' under all the plans for this zone, it is recommended home businesses and home occupations be 'permissible with consent' under a combined LEP to allow this use to occur where there are existing dwellings.'*

Canberra Airport support this new wording in the combined LEP, while still ensuring residential use is prohibited in the E2 zone.

We look forward to working with QPRC and the Department to create this height ceiling and we congratulate QPRC on the release of the Draft LEP.

Thank you,



Town Planner - Canberra Airport

## Submitter 6

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 14:52:48 +1000  
**To:** Council Mailuser  
**Subject:** Queanbeyan Palerang Comprehensive Local Environmental Plan 2020  
**Importance:** High

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

To whom it may concern:

RE: [REDACTED] Old Gold Mines Road, SUTTON NSW 2620 Lot 2 DP825818

We would like to reserve the right to create a dual occupancy on our property.

Thank you very much.

[REDACTED]

[REDACTED]  
[REDACTED]



Virus-free. [www.avast.com](http://www.avast.com)



## Submitter 7

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**From:** [REDACTED]  
**Sent:** Tuesday, 12 May 2020 9:32 AM  
**To:** [REDACTED]  
**Subject:** Planning Change Proposal

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear QPRC,

I am writing to seek advice regarding the rezoning of some land (from R2 to R3) on Cassidy St in Queanbeyan West so that we can develop it with townhouses. The land that rezoning is being sought for is adjacent to and opposite land that is already zoned as R3. Attached is a proposal regarding the rezoning. I would greatly appreciate any feedback or advice you are able to give regarding our wishes to rezone.

Please do not hesitate to contact me on [REDACTED] to discuss this matter further.

Thank you for your time and consideration.

Best Wishes,

[REDACTED]

[REDACTED]

Owner [REDACTED] Cassidy St Queanbeyan West

[REDACTED]

## PLANNING CHANGE PROPOSAL

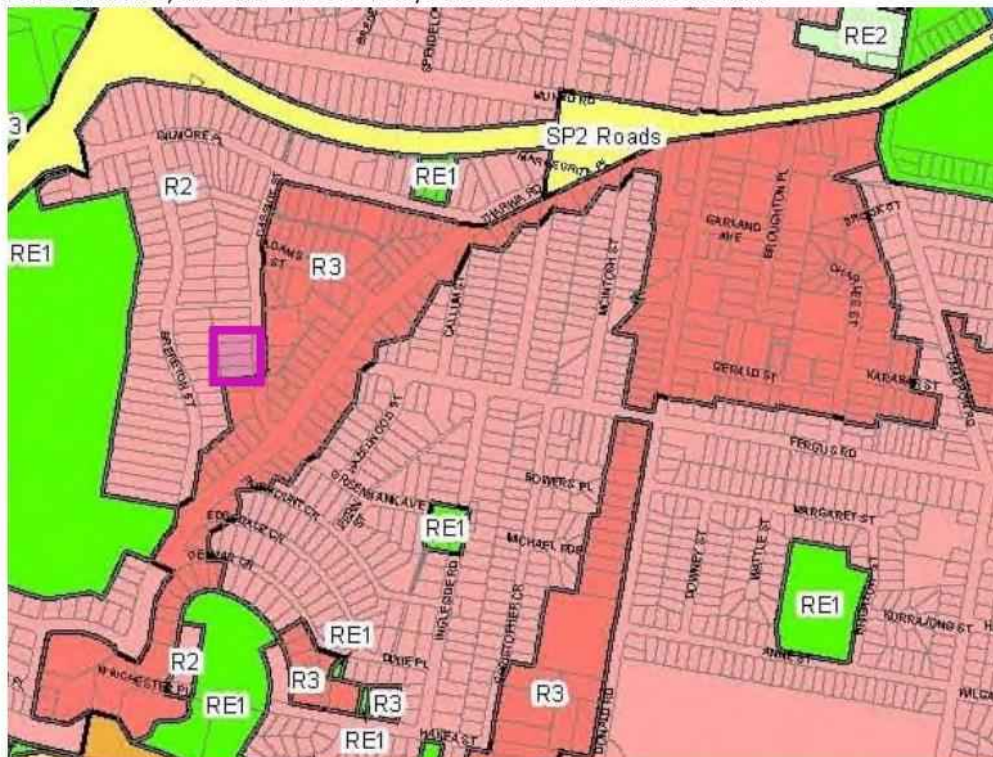
LOT 175 DP 8718 (12 CASSIDY STREET QUEANBEYAN NSW)

AND

LOT 176 DP 8718 (10 CASSIDY ST QUEANBEYAN NSW)

LOT 177 DP 8718 (8 CASSIDY ST QUEANBEYAN NSW)

In image 1 below, three blocks on Cassidy St Queanbeyan are highlighted in pink. These properties, lots 175, 176, and 177 DP 8718 (12, 10, and 8 Cassidy St Queanbeyan) are currently zoned R2 – low density residential. Adjacent to these three lots, 2 to 6 Cassidy Street are zoned R3 medium residential. Also, the other side of Cassidy St is zoned R3 medium residential.



**Image 1 - Relevant properties highlighted in pink on a snapshot of zoning surrounding Cassidy St**  
As per LZN\_005 - 6470\_COM\_LZN\_005\_020\_20180829 (823 kB) - 23 Nov 2018 to date Queanbeyan Local Environmental Plan 2012 (Amendment No 9).

[https://www.legislation.nsw.gov.au/maps/9a595c80-7b30-4ca7-b360-4438ea195689/6470\\_COM\\_LZN\\_005\\_020\\_20180829.pdf](https://www.legislation.nsw.gov.au/maps/9a595c80-7b30-4ca7-b360-4438ea195689/6470_COM_LZN_005_020_20180829.pdf)

We [REDACTED] are the owners of Lot 175 DP 8718 (12 Cassidy St Queanbeyan). We are seeking council advice regarding approval to rezone our lot to R3 medium residential so that we can build a series of 2 and 3 bedroom townhouses on our block. If we are only able to develop our block, our plan is to build 4-5 townhouses on it similar in design to 74 Uriarra Road in Queanbeyan (<http://mcnamee.com.au/projects/details/oxbury-74-uriarra-road-queanbeyan/#>).



**74 Uriarra Road – Street View**

There is already a precedence for developing low rise residential townhouses on single blocks in the immediate area. For example:

**6 Adam Street**



**115 Tharwa Road**



**11 Adams Street + 17 and 23 Gilmore Place (left)**



There is also already a precedence in the area for consolidating multiple blocks and developing them with townhouses. As pictured in image 2 below, on the same side of the street Lot 4 SP 82515 (4 Cassidy St) consists of 10 x 2 bedroom townhouses. On the opposite side of the street is Lot 1 SP 82069 (7-11 Cassidy St) which consists of 13 x 3 bedroom townhouses.



**Image 2 - Aerial View of 12 Cassidy St and Surrounding Area**

As such, we are also requesting council advice regarding the possibility of consolidating Lot 175 and Lot 176 (or potentially Lots 175, 176, and 177) and rezoning all blocks to R3 medium residential and jointly developing these blocks into a group of low rise residential townhouses. It is envisaged that these townhouses would:

- be no more than 2 stories in height
- be a mixture of 2 and 3 bedroom townhouses (perhaps 9 and 6 respectively if all three blocks were jointly developed)
- have double garages, some of which would be built underground beneath the townhouses
- have roofing at an angle that appears like a pitched roof
- have an underground watertank to collect water run off and service any landscaped areas
- be primarily located around the perimeter of the site
- consolidate driveways into a single entry driveway from Cassidy Street

Image 3 below shows possible housing layout options for the three blocks. A partial footprint would fit two blocks. The difference being that the proposed development for Cassidy Street would be 2 storey town houses, similar in floorplan design to 74 Uriarra Road in Queanbeyan (<http://mcnamee.com.au/projects/details/oxbury-74-uriarra-road-queanbeyan/#>). Cut into the ground, level with the street, the top level would still be lower than or similar height to the properties uphill on Brereton Street.



Image 3 – 5 Weir Place and 16 Telopea Place in Queanbeyan West

The area surrounding 8-12 Cassidy Street contains mostly houses built in the 1950s -1980s or townhouses built post 2000. The rezoning of 8, 10 and 12 Cassidy Street from R2 to R3 would be consistent with adjacent and surrounding properties. Furthermore, all three properties are reaching the end of their lifecycle and will either need considerable renovations or updating in the near future to remain habitable. Developing one or more of these properties would align with the Strategic Land Use Plan by helping to provide sustainable and affordable infrastructure in Queanbeyan.

Rezoning these properties would allow future developments to maximise the land potential and achieve urban consolidation objectives. Rezoning to medium density would enable the provision of additional housing in a central Queanbeyan area to help accommodate Queanbeyan's increasing population that was forecasted in the QCC Combined Residential Economic Strategy 2015-2031.

The proposed townhouses would be aimed at first homeowners or empty nesters that may wish to downsize but remain in the area. The townhouses would be low enough in price to be exempt from current NSW Stamp Duty for first home buyers. They would also be attractive to both young couples or young families and empty nesters due to the low maintenance nature of courtyard and landscaped areas.

This site is within easy walking distance to Bicentennial Park in Queanbeyan West which would provide ample parks for young children and local outdoor recreation and green space for residents of all ages. There are bus stops within walking distance on Tharwa road that provide public transport to both Queanbeyan Centre and Canberra.



MDipl, MStratAff, BBusCom



## Submitter 8

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 22:26:05 +1000  
**To:** Council Mailuser  
**Cc:** [REDACTED]  
**Subject:** FW: Queanbeyan Palerang Comprehensive Local Environmental Plan 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Good Afternoon

My name is [REDACTED] and I am a QPRC resident living in Wamboin. I am writing to express my grave concern at and my strongest possible opposition to three proposed changes to E4 zoning in the QPRC LEP as it moves on from the old Palerang LEP.

1. *Elimination of Dual Occupancy in E4 Zoning* – the proposal in the QPRC LEP to eliminate dual occupancy for E4 completely ignores the needs of those with elderly and/or disabled relatives. Given the rising costs of disability care within families (NDIS assistance notwithstanding) and the demographic shift towards an older population across the QPRC region (indeed, Australia as a whole), this is both an unfair change that imposes additional economic burdens on QPRC residents and also one that ignores the day-to-day realities of QPRC residents' lives. The current LEP setting of dual occupation with consent still provides Council with adequate controls over development in any case.
2. *New Requirement to Apply for Approval To Operate A Home Business in E4 Zoning* – the proposal to require approval to operate a home business, again, is unfair and ignores day-to-day realities. Many people already operate home businesses and, furthermore, given the COVID epidemic (plus the strong possibility of future similar disruptions), the need to be as flexible as possible about home/work/business must be preserved if the QPRC regional economy is to be both resilient and sustainable.
3. *Elimination of the Possibility of A Neighbourhood Shop in E4 Zoning* – something that seems to have been almost forgotten in the development of the E4 zoning within the new LEP is that, ultimately, there are well-established communities of people already living within and across the E4 zones in question. Surely those communities might reasonably expect (subject to the necessary Council consents being sought and given) to have some community facilities, including, potentially, a community shop? Additionally, given COVID (and potential future similar disruptions), the possibility of dispersed, lower density shopping amenities must surely be welcomed as a sensible local public health measure rather than something to be eliminated. Finally, there is a direct environmental consideration in at least allowing for the possibility of a suitably-sited community shop to which some nearby residents would be able to walk or cycle (rather than drive) and seeing corresponding reductions both in traffic movement and fuel used.

In light of all the above, I ask you to think again about these three changes and drop them.



Kind Regards,

[REDACTED]

[REDACTED]

[REDACTED] Weeroona Dr Wamboin NSW 2620

[REDACTED]

[REDACTED]

## Submitter 9



Address for all correspondence:  
The Secretary  
Wamboin Community Association Inc.  
[Redacted]  
[Redacted]

30 June 2020

[Redacted]  
[Redacted]

Queanbeyan-Palerang Regional Council  
PO Box 90,  
Queanbeyan NSW 2620

By email only to [council@qprc.nsw.gov.au](mailto:council@qprc.nsw.gov.au)

### Submission on the draft Queanbeyan Palerang Comprehensive Local Environmental Plan 2020 (LEP2020) on Behalf of the Wamboin Community Association Inc

Thank you for providing an opportunity for the Wamboin Community Association Inc. to provide a submission on the Draft Queanbeyan Palerang Comprehensive Local Environmental Plan 2020 (LEP2020)

We offer the following comments on key aspects of the proposed amalgamation of the Palerang and Queanbeyan LEP documents as exhibited.

#### Dual occupancies in the E4 Zone

The existing Palerang LEP includes dual occupancies as an activity permitted with consent within the E4 zone. We note with concern, however, that the draft Queanbeyan Palerang LEP 2020 excludes this provision.

Dual occupancies in our rural residential area has a number of significant benefits:

- Provide tourism accommodation such as Air BnB's and short break accommodation to support the emerging wineries in the area. The proposal to prevent dual occupancies is inconsistent with QPRC Tourism plan and will limit tourism opportunities in the Wamboin area.
- Limiting dual occupancies restricts the ability to provide diversity and flexibility of housing in the Wamboin area for rentals. It also allows housing for elderly members of families or the next generation of children to remain in place.
- Enabling a dual occupancy will have no impact the environmental values of the area as these can be considered in the Development Application.
- Enabling a dual occupancy will have no increased impact on the very poor values of agricultural lands of the area.

In our view, this change in clause appears to reflect an attempt to impose a Queanbeyan-centric, urban, approach to dual occupancies and a one size fits all approach. Many of the blocks in the E4 rural residential part of the LGA are large, enabling dual occupancies to be established without adverse impacts to the area. If they are allowed in urban areas why are they not allowed in rural areas?

We believe provision should remain as per the Palerang LEP.

#### Home Based Businesses in the E4 Zone

The WCA does not support the proposal that *"Home based child care and home businesses are not inappropriate uses provided consent is sought for any development. Home based child care and home businesses should be 'permissible with consent' in this zone under a combined LEP"*.

Many existing small home based businesses are active in the Wamboin and should not require DA consent to operate. This has been especially highlighted during the recent Covid-19 Crisis. We believe this is restrictive and would impact on many existing and proposed business operating in our area.

It is recommended home business be shown as 'permissible without consent' under a combined LEP consistent with the Exempt and Complying SEPP.

#### **Neighbourhood shops in the E4 Zone**

Neighbourhood shops are 'permissible with consent' under the Palerang LEP but are now recommended to be prohibited the proposed LEP2020.

Although there are currently no neighbourhood shops in the current Wamboin area and the WCA believes the provision should remain if a vendor wishes to provide this service. The Wamboin and Bywong area is a significant population base with no retail services.

A neighbourhood shop was once present at the corner of Norton Road and Bingley Way in the earlier years of the Canberra Country Estate.

We are not sure who made the comment that *"these should be 'prohibited' under a combined LEP as they are not considered appropriate or necessary in the zone. Neighbourhood shops should be 'prohibited' under a combined LEP"* as it does not reflect our communities views. We suggest QPRC may wish to consult with the local community association prior to making these statements.

We believe provision should remain as per the Palerang LEP.

#### **Exhibition Period**

Our community has been preoccupied with the challenges of drought, bushfire, and currently the Covid-19 epidemic. Our community meetings have been suspended as QPRC have closed our community hall and as per Federal and state Government restrictions we have not been able to thoroughly digest the proposed LEP.

Clearly, the draft LEP is a highly technical document which would not be understood by many members of the community, although it directly impacts upon them. Furthermore, so far as we are aware Council has not spelled out, in a way that the community can understand, the implications of removing dual occupancies as an activity permitted with consent within the E4 zone. This may have a significant financial impact to many residents.

Given all that, we recommend that the status quo of the issues outlined above be retained, with:

- Dual occupancies, being permitted with consent within the E4 rural residential zone.
- Home based businesses permitted without consent in the E4 Zone
- Neighbourhood shops permissible with consent in the E4 Zone

The Wamboin Community Association would welcome further consultation with the Wamboin Community Association on the above matters

Yours sincerely



Hon. Secretary



e-mail: [REDACTED]

30 June 2020

Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020

Yours sincerely,

11/11/2016

President

104

Secretary

QPRC Draft LEP 2020 - BCA Submission

## Submitter 11

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 16:28:41 +1000  
**To:** Council Mailuser  
**Subject:** QUEANBEYAN PALERANG COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear Council

Im writing regarding the proposed changes to planning provisions applying to dual occupancy under new QPLEP 2020. I am a property owner of a 20 acre subdivision Wamboin and I am very concerned the future provisions will not permit dual occupancies.

I consider this will unfairly impact my amenity on the property and will compromise my future intentions for the use of the property. I am planning a modest 2nd dwelling for my my parents to inhabit so I can care for them in their later years.

The proposed changes appear to be based on the intent to harmonise planning provisions between urban and rural areas under the QPLEP2020. However there appears to have been minimal consultation with local residents on the impact of the changes applying to dual occupancy and they appear unreasonable and unduly restrictive.

I wish to reserve my right to build my a 2nd dwelling in the future as afforded under the current PLEP provisions.

Could you please confirm receipt of this notice and i look forward to discussing this with you further.

Best regards

[REDACTED]

[REDACTED] Fernloff road Wamboin

## Submitter 12

To whom it may concern,

1. Thankyou for the opportunity to comment on the draft Queanbeyan Palerang Comprehensive Local Environmental Plan 2020 (hereafter referred to as QPCLEP 2020).

2. I request that you remove clause 4.2B subsection 5(b)(v) of the draft QPCLEP 2020. This subsection prevents subdivision of lots that were created under clause 14(4) of the *Yarrowlumla Local Environmental Plan 1986* (hereafter referred to as YLEP 1986). It is my submission that the inclusion of this clause is unreasonable, unjust and ill adapted for the following reasons:

- a. The YLEP 1986 contained no provision that lots created pursuant to clause 14(4) would be prohibited from future subdivision;
- b. The clause creates restrictions inconsistent with the objectives for subdivision in clause 4.1 of the draft QPCLEP 2020;
- c. The clause unreasonably restricts the use and amenity of land; and
- d. The clause relies on a Local Environment Plan (LEP) so old it is not publically available.

3. I would further submit that a minor alteration of the draft LEP, removal of this clause, can resolve this inequity.

4. In order to contextualise this scenario beyond “policy”, I would outline how this clause applies to our property. Our property was subdivided into a 12.85ha lot in 1988/9 pursuant to clause 14(4) of the YLEP 1986. Since that time, the minimum lot size for the relevant area has been reduced to 6ha and, if it were not for this clause, we would be able to subdivide consistent with every other aspect of the PLEP 2014 or draft QPCLEP 2020. However, according to correspondence from Council in November 2019 we are not able to do so as our property is now considered a ‘resulting lot’ due to LEPs implemented after the lot was created.

5. It is appropriate to note that of the 7 properties that adjoin our boundaries, only 3 are equal to or greater than the minimum lot size; indeed two of the adjoining properties are far less than the minimum at 2ha each. Furthermore, even the most cursory glance at the online planning tools in our area demonstrates that there are many, many, many properties significantly under the minimum lot size in our area! Whilst I accept these have been created as a result of lot averaging in the 1980s, the continued application of these restrictions in 2020 appears to be a highly technical application of policy that is not congruent with current planning, minimum lot sizes and intended land use for the area.

6. The following provides further detail on the submissions outline above for your consideration.

**The YLEP 1986 contained no provision that lots created pursuant to clause 14(4) would be prohibited from future subdivision**

7. The first reason I would request you remove the clause 4.2B subsection 5(b)(v) of the draft QPCLEP 2020 is that this clause applies a limitation on lots created under clause 14(4) of the YLEP 1986 even though the YLEP 1986 contained no provision that lots created



pursuant to clause 14(4) would be prohibited from future subdivision. Put simply, subsection 5(b)(v) retrospectively applies a significant limitation that was not present at the time the lot was created.

8. It is a fundamental aspect of law and policy that restrictions and limitations are almost never applied retrospectively. Retrospective application of laws is generally reserved for the most serious of matters such as war crimes or anti terrorism provisions; not local planning laws. If there was a perceived failing in the YLEP 1986, such a failing should not be corrected retrospectively; such errors are corrected in subsequent plans and only apply from that point forward – not retrospectively applied to existing lots.

9. It is indeterminable how subdivisions may have been conducted differently between 1986 and 1993 if a restriction was in place. It could be argued that there would have been an aversion to the use of a process that creates a permanent restriction on resulting lots; perhaps the alternative of minimum lots size would have therefore been used to avoid such an outcome. Alternatively, it could be argued that it would create no difference at all. The very fact that this is indeterminable, is the very reason that such restrictions should not apply retrospectively.

**The clause creates restrictions inconsistent with the objectives for subdivision**

10. The second reason I request you remove clause 4.2B subsection 5(b)(v) of the draft QPCLEP 2020 is that the restriction is inconsistent with the objectives for subdivision in clause 4.1 of the draft QPCLEP 2020.

11. The objectives for subdivision create a clear intent of the type of land use expected within the relevant area. However, clause 4.2B subsection 5 has no mechanism to assess whether or not these objectives may be met in appropriate circumstances; it simply excludes consideration based on the process used to create the lot. I understand and appreciate that this likely arises as lot averaging mechanisms require a restriction on resulting lots in order to prevent the system from being unfairly manipulated by unscrupulous individuals repeating numerous lot averaging subdivisions. The question that properly arises is how long should that restriction remain in place?

12. I would submit that a restriction on resulting lots should not remain in place once the minimum lot size for the area is modified. The minimum lot size is an essential tool in setting appropriate subdivision criteria to retain (or change) an area's character and I would imagine is not modified without due consideration for the entire area. As such, a change in the minimum lot size for the area is a clear and coherent policy metric to which lot averaging restrictions should be aligned with. A further feature of this approach is that individual properties or landowners' interests do not have to be considered; these interests are already taken into account at the time of determining whether to amend the minimum lot size.

13. Whilst an alternative metric may be considered appropriate, there is a clear inconsistency between the clause proposed for removal and the subdivision objectives which can further be demonstrated by considering a property such as mine.

**The restriction appears to be an unreasonable restriction of the use and amenity of land.**

14. The third reason I request you remove clause 4.2B subsection 5(b)(v) of the draft QPCLEP 2020 is that the restriction appears to be an unreasonable restriction of the use and

amenity of land. By this I simply mean that the restriction it creates it is not in line with any other lot averaging provision in the NSW.

15. In order to support this statement, I reviewed the NSW legislation website and conducted a search for all LEPs with “lot averaging” or “average lot” provisions. The results of this search identified 20 LEPs in NSW that utilise such provisions (a list is provided at annex A). After reviewing every section of those 20 LEPs that mention ‘lot averaging’ or ‘average lot’, it is apparent that no other LEP contains a restriction on the future subdivision of lots as set out in the PLEP2014 and the proposed draft. I would submit that to impose a planning restriction in a manner that no other LEP in NSW imposes is an unreasonable restriction on the use an amenity of land.

16. Unreasonableness in the Australian legal system is generally understood to mean where a decision maker has come to a conclusion “so unreasonable that no reasonable decision maker could come to it”. In this case, quite literally, there is no other example in NSW LEPs that purports to claim that lots created under a specific process under previous LEPs cannot be further subdivided under the present LEP. In other words no other decision maker in the NSW LEPs have come to this decision.

17. Whilst no council is obliged to follow the process set out in other jurisdictions, there should be consistency in State planning documents that prevents unreasonableness creeping into local planning laws. The fact that there are no other examples of this in other jurisdictions should be sufficient to provide some pause to review this decision and remove this clause.

18. I do note that Page 39 of the planning paper in relation to the draft QPCLEP 2020 states:

*Both LEPs, whilst having similar policy intent, contain different legal drafting in respect of the application of ‘averaging’ under each plan. This is a reflection of the difficulty of administering lot averaging in rural areas where significant record keeping is required to ensure previously subdivided land is not re-subdivided again. Under the Yass Valley approach this is not an issue as no lots area created that can be further subdivided in any case.*

19. However , I have reviewed the *Yass Valley Local Environmental Plan 2013* (NSW) however I have not been able to identify nay clause that supports this assertion. Clause 4.1B is the only provision of that LEP that contains average lot provisions and no part of that clause prevents further subdivision as claimed in the planning paper. I therefore remain of the view that there is no such provision in any NSW LEP that otherwise purports to create such a provision beyond.

**The clause relies on a Local Environment Plan so old it is not publically available.**

20. The fourth reason I would request you remove the clause 4.2B subsection 5(b)(v) of the draft QPCLEP 2020 is that the law must be capable of being known. In this case, the PLEP 1986 is not even publically available on the NSW legislative website. In additiona, the associated mapping is also not publically available and even once received it is barely sufficient to determine correlate the lots from 1986 to today.

21. As a result, it is difficult to assess whether or not a lot was created under this provision. Whilst the council does offer a QPRC section 10 certificate, when I requested this certificate for my property it does not include whether or not what LEP it was created under!

22. Even I will admit that this ground is somewhat trite – but realistically there is a reason no other LEP contains provisions linking to LEPs in the 1980s – this is just a simply example as to why.

#### **Impact of removal of clause 4.2B subsection 5(b)(v)**

23. Importantly, whilst I am not in a position to conduct any modelling of the proposed change, removal of this unjust and retrospective restriction is unlikely to have any significant impact on the essential character of the area as any subdivision would still be limited by minimum lot sizes.

#### **Conclusion**

24. In our circumstance, the present PLEP 2014, and the proposed QPCLEP 2020, result in the outcome that because our family property was a resulting lot from a lot averaging subdivision in 1988 it cannot be subdivided 32 years later. Considering the draft LEP will likely be in place for the next 10 years it is likely that this property will be unable to be subdivided for a period of at least 40 years even though it is twice the minimum lot size and considerably larger than many other properties in the near proximity.

25. Our family have purchased a home in Wamboin and intend to stay here long into the future because both my wife and I grew up in rural residential area (Tahmoor and Moss Vale respectively) and would like to provide that kind of upbringing for our children. However with a small child already and another one on the way, it would be unwise of us not to fully explore options to ensure our financial security enabling us to renovate the modest 3 bedroom 30 year old home.

26. I have chosen to include foregoing paragraph to illustrate that the continuation of this clause in 2020, ignoring the fact that it never should have been included, is not restricting unscrupulous developers attempting to exploit a niche in planning in the 1980s nor is it likely going to change the character of the surrounding area in the slightest as the minimum lot size would restrict this; it is likely only impacting individuals such as my family.

■ Weeroona Drive,  
Wamboin,  
NSW, 2620

30 Jun 20

Annex A

1. The following is a list of all NSW LEPs that contain 'lot averaging' or 'average lot' provisions:
  - a. Bega Valley Local Environmental Plan 2013;
  - b. Blue Mountains Local Environmental Plan 2015;
  - c. Blue Mountains Local Environmental Plan No 4;
  - d. Campbelltown Local Environmental Plan 2015;
  - e. Cooma-Monaro Local Environmental Plan 2013;
  - f. Deniliquin Local Environmental Plan 1997;
  - g. Eurobodalla Local Environmental Plan 2012;
  - h. Goulburn Mulwaree Local Environmental Plan 2009;
  - i. Griffith Local Environmental Plan 2014;
  - j. Hawkesbury Local Environmental Plan 2012;
  - k. Kiama Local Environmental Plan 1996;
  - l. Lockhart Local Environmental Plan 2012;
  - m. Oberon Local Environmental Plan 2013;
  - n. Palerang Local Environmental Plan 2014;
  - o. Queanbeyan Local Environmental Plan 2012;
  - p. Shellharbour Local Environmental Plan 2000;
  - q. Singleton Local Environmental Plan 2013;
  - r. Snowy River Local Environmental Plan 2013;
  - s. Wollongong Local Environmental Plan 2009;
  - t. Yass Valley Local Environmental Plan 2013.

## Submitter 13

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 15:41:18 +1000  
**To:** Council Mailuser  
**Subject:** Queanbeyan Palerang Draft Local Environment Plan

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

To whom it may concern,

We wish to object to some aspects of the draft LEP which, not being people who sit on the internet all day, we were unaware of until yesterday.

It appears that our block at [REDACTED] Ridgeway Road, The Ridgeway falls into three different zones - Residential General or R1 for rating purposes and E4 as well as RU2 according to your LEP viewer.

Given there are some variations between the three (see below) on what is and is not allowed by consent we find this confusing and suggest that a lot of clarification is needed.

### Zone R1 General Residential (combined)

#### 1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development has regard for the character and amenity of the locality.
- To ensure that buildings with non-residential uses have a bulk and scale that is compatible with the zone's predominantly residential character.

#### 2 Permitted without consent

Home businesses; Home occupations

#### 3 Permitted with consent

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Veterinary Hospitals; Water supply systems

#### 4 Prohibited

Any development not specified in item 2 or 3.

### Zone E4 Environmental Living (combined)

#### 1 Objectives of zone



- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To encourage development that is visually compatible with the landscape.
- To minimise the impact of any development on the natural environment.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure that rural residential development provides for integrated rural residential communities in its design.

2 Permitted without consent

Extensive agriculture; Home occupations

**3 Permitted with consent**

**Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Community facilities; Dwelling houses; Emergency services facilities; Environmental protection works; Farm buildings; Flood mitigation works; Function centres; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Secondary dwellings; Tank-based aquaculture; Water reticulation systems; Water storage facilities**

4 Prohibited

Industries; Service stations; Turf farming; Warehouse or distribution centres; any other development not specified in item 2 or 3.

**Zone RU2 Rural Landscape (former Queanbeyan)**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

**3 Permitted with consent**

**Agriculture; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dwelling houses; Entertainment facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Information and education facilities; Landscaping material supplies; Markets; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Transport depots; Veterinary hospitals; Water supply systems**

4 Prohibited

Any development not specified in item 2 or 3



We wish it to be noted that we strenuously object to any of the following uses ever being entertained for approved development with consent in this area:

Airstrips and helipads, cemeteries and crematoria, animal boarding and training establishments, Veterinary hospitals, entertainment facilities, function centres and recreational facilities, cellar door premises, places of public worship, registered clubs, plant nurseries, pond based aquaculture, restaurants or cafes, roadside stalls, markets, landscaping material supplies and rural industries/supplies, transport depots, serviced apartments, backpackers accommodation, boarding houses, group homes, residential flat buildings, centre based child care facilities and public administration buildings.

We appreciate that some of these uses are very unlikely to ever get approval in this area, nevertheless according to your own documents it is open for residents and/or developers to seek approval for these developments, which we believe are inappropriate and would be detrimental to the amenity of nearly every resident except the applicant.

Yours faithfully,

[Redacted Signature]



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## Submitter 14

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 15:30:46 +1000  
**To:** Council Mailuser  
**Subject:** QPRC Comprehensive Environmental Plan 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear Sirs,

**Re QPRC Comprehensive Environmental Plan 2020 and property at [REDACTED]  
Summerhill Rd Bywong, owner [REDACTED]**

I wish to make some comments on the consolidation and harmonising of the existing LEPs.

Firstly, I understood the time for harmonising and consolidation had long passed and the subsequent blanket zoning of all QPRC as E4 was evidence of that. This was why we have had consultant reports and many discussions about the advantages/disadvantages of being placed in an Environmental protection Zone. After all, Environment takes precedence over all.

From a talk with one of your staff members this afternoon I understand that this draft local environment plan is apparently not about E4 or R5 and the best fit of properties within these guidelines, it is about harmonising and consolidating the two LEPs. and that my block of prime grazing land is still in E4.

I strenuously object to having my property placed in E4. I have owned and farmed this 16ha block of land since 1981 and looked after my farm very carefully, planting trees and not overstocking. Further at the time the last lot of consultants inspected my block, they advised me that there was nothing of any environmental significance on it. To date I have not been advised in writing of this.

I also object to dual occupancy being disallowed in R5. I feel it is too late to stop residents from seeking dual occupancy, when so many owners of blocks in Palerang/QPRC have already availed themselves of this opportunity. Many owners who perhaps have not already done so may now find themselves in need of dual occupancy ,due to advancing age or ill health and even family blending. The option of dual occupancy should remain.

Please advise me if this idea of harmonising the 2 existing Plans will mean that we will all remain in E4,  
and I look forward to your comments on the above

Yours sincerely,

[REDACTED]  
[REDACTED] Summerhill Rd  
Bywong NSW 2621  
[REDACTED]

30/6/20

Submitter 15



Our ref: 18-018-01

30 June 2020

[REDACTED]  
Queanbeyan-Palerang Regional Council  
PO Box 90  
Queanbeyan NSW 2620

Dear Sir,

**Draft Queanbeyan Palerang Comprehensive Local Environment Plan**

We refer to the draft *Queanbeyan Palerang Comprehensive Local Environmental Plan* (draft LEP) currently on exhibition. On behalf of our clients, Poplars Developments Pty Ltd, we thank Council for the opportunity to make a submission on the draft LEP in relation to the land holdings referred to as Poplars in West Jerrabomberra. We wish to confirm our understanding that this draft LEP is principally a harmonisation LEP and not a review of planning policy. Nevertheless, we wish to take the opportunity to comment on a number of aspects of the draft LEP.

Poplars Developments Pty Ltd owns Lot 6 DP 1246134 at North Poplars in Jerrabomberra. For the purposes of this submission, this is referred to as the "Poplars Neighborhood Centre" (Neighbourhood Centre). Poplars Developments Pty Ltd also has development rights over Lot 1 DP 1243031 in North Poplars and the land south of Tompsett Drive to Jerrabomberra Creek generally comprising the Poplars Innovation Precinct, QPRC Innovation Hub, the Education Precinct, the potential rail intermodal and the proposed IN2 land.

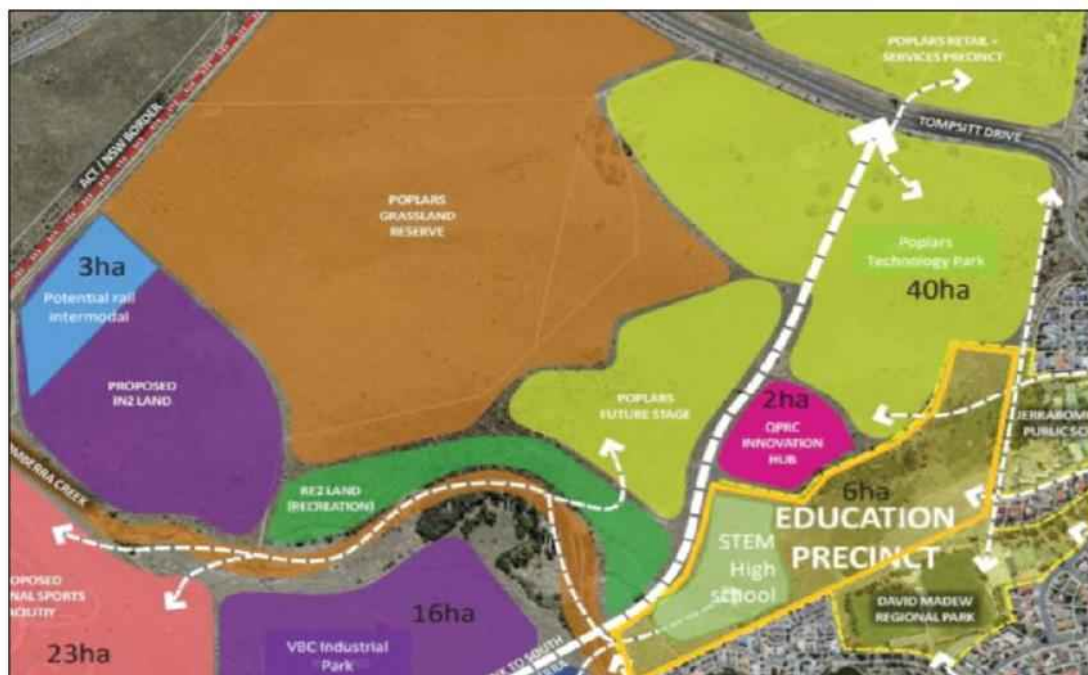


Figure 1: South Jerrabomberra Concept Plan (QPRC Draft LSPS)



In summary, we note and make the following comments:

1. We support the retaining of the existing zoning of the Neighbourhood Centre as *B1 Neighbourhood Centre* for the area which has currently been developed.
2. We confirm our understanding that whilst Lot 1 DP 1243031 is proposed to be zoned *RE 2 Private Recreation* zoning under the draft LEP, it will subsequently be rezoned to *B7 Business Park* under the Planning Proposal (PP\_2017\_QPREG\_002\_02) which is understood to be nearing finalisation.
3. A review of the range of future uses and the role of the Neighbourhood Centre (including the adjacent western lot) is appropriate and justified considering the emergence of the Poplars Innovation Precinct and the important role the Centre will play in supporting the Precinct.
4. In this regard, we support the Council draft LSPS response that additional uses in the Neighbourhood Centre (and adjacent western lot) can be considered *where it is demonstrated these do not compromise the local road network or detract from the economic activity in the Queanbeyan CBD*.
5. We recommend that Council confirm support to a reviewing of the Neighbourhood Centre (including the adjacent western lot) zonings by way of a site specific Planning Proposal.
6. We can confirm that there is interest in the establishment of a dementia facility by a service provider in the Poplars with consideration being given to alternate locations being at the rear of the now established neighbourhood shopping centre and the northern part of the Poplars Education Precinct. On behalf of our client, we look forward to the opportunity to discuss the planning potential of both sites and on the basis of those discussions, the support of Council to ensuring the dementia centre is a permitted use on either of the proposed sites.
7. That the range of uses anticipated by the *South Jerrabomberra Concept Plan* within the draft LSPS, be either provided for within the draft LEP or by way of a separate Planning Proposal.

### Background and draft LEP

The existing Neighbourhood Centre comprises of Lots 1- 5 DP1246134 with development consent for a number of commercial uses including a 7-Eleven Service Station, McDonalds, KFC and an Aldi supermarket. It is noted that a recent Planning Proposal by Council will rezone the adjacent land (Lot 1 DP1243031) from *RE2 Private Recreation* to *B7 Business Park*. This is not reflected in the draft LEP.

We note the proposed zoning of the existing Neighbourhood Centre is *B1 Neighbourhood Centre* and Lot 1 DP 1243031 as *RE2 Private Recreation*. in **Figure 2** below.



**Figure 2:** Proposed Zoning – Draft QPRC Comprehensive LEP

The changing nature of local retailing and the emergence of the Poplars Innovation Precinct provides the basis for a review of the remaining areas to be developed at North Poplars.

- ◆ Continue to provide for local and convenience shopping.
- ◆ Aim to provide a high level of amenity for visitors and shoppers.
- ◆ Be of a design standard that complements the gateway to the Innovation Precinct and business park.
- ◆ Not compete with the Queenbeyan CBD.
- ◆ Aim to supply the day to day needs of workers in the business park and Innovation Precinct

#### a. Innovation Precincts

As outlined also by the Innovation and Productivity Council, consumer and worker preferences are shifting toward more urban-oriented environments with more employees placing a high priority on walkability and proximity to health care, entertainment facilities, cultural infrastructure, social contacts and urban amenities such as eateries, retail, cultural, and social venues. These are all services and amenities that could be provided at North Poplars in an integrated fashion with office space. For those reasons, the Poplars Neighbourhood Centre will form part of the wider Poplars Innovation Precinct as much as it will serve a local neighbourhood function.

By way of further example, the Australian Technology Park located in South Eveleigh/Redfern has been designed as an integrated place for workers and local community supported by retail, creative spaces, and commercial uses – see **Figure 3**.



**Figure 3:** Range of uses in the Australian Technology Park South Eveleigh





We note also the *Monash National Employment and Innovation Cluster Framework* which states (with bolding added) that “By concentrating a range of **retail**, business accommodation, community services and public open space within the heart of the employment areas, there will be greater potential to **deliver the amenity, vibrancy and interest** that is lacking in areas such as the Monash Technology Precinct. There is also increasing need to serve the employment areas with commercial, retail and entertainment opportunities which are complemented with high-quality housing nearby catalyzing change” (Monash National Employment and Innovation Cluster Draft Framework Plan 2017).

#### **b. Economic role and contribution of the Poplars Neighbourhood Centre**

An Economic Review of the future role of North Poplars has been undertaken by Retail Economic Consultant Deep End Services (see **Appendix 2**) and concludes the following:

*The market demand and strategic arguments that support a review of the size and land configuration of the Poplars Neighbourhood Centre relate to:*

- ◆ *Improved road connections to the site.*
- ◆ *Queanbeyan's projected long-term population growth which is being directed to Googong and the Jerrabomberra Valley urban release areas.*
- ◆ *Favourable demographics which support a higher level of supermarket and neighbourhood-level retailing.*
- ◆ *Low rates of existing and projected supermarket floorspace provision in the Poplars catchment area that can be addressed with additional supermarkets at Googong and Poplars Neighbourhood Centre in the next 5-6 years.*
- ◆ *A lack of expansion opportunities at existing neighbourhood centres.*
- ◆ *Strong commercial interest in the Poplars.*
- ◆ *The future workforce of the proposed Poplars Innovation Precinct which will bring new retail and service demands to the area.*
- ◆ *Better visibility of future retail where it has a frontage to Tomsitt Drive.*
- ◆ *The benefits flowing from integrated office and retail uses as opposed to distinctly zoned areas.*

#### **c. The Dementia Centre**

Poplar Developments Pty Ltd have been approached by *The Neighbourhood* seeking to establish a dementia care facility. It is a concept for a unique residential village which will transform care for people with dementia in the Capital Region. It will be designed specifically for people with Alzheimer's disease and other forms of dementia who need 24-hour supportive care. The Neighbourhood will be based on global best-practice models for dementia care including the well-known De Hogeweyk village in the Netherlands and Korongee Village in Hobart. The primary requirement to facilitate the intended outcome is to find a site to undertake the development. The required site will be circa 1 hectare in a location that is connected to community and has a nurturing and positive relationship with established and future development.

**Figure 4** shows the two locations identified as potentially suitable for the centre as being located either in the north or southern parts of Poplars. It is acknowledged that detailed site investigations will be required to confirm the suitability of either site. It is also acknowledged that both locations have site specific planning constraints and features. Noted also is the relevant Local Planning Direction for aircraft noise and sensitive land uses that will need to be addressed in any rezoning.



Figure 4: Proposed locations for the Dementia Centre

#### d. South Jerrabomberra Concept Plan

It is noted that the *South Jerrabomberra Concept Plan* (Concept Plan) as part of the draft LSPS includes all of the Poplars. Accordingly, we wish to confirm that all the uses identified in the Concept Plan are supported by Council. It is noted however that a number of those uses are not included within the draft LEP nor within the current Planning Proposal (PP\_2017\_QPREG\_002\_02). Accordingly, we seek the assurance of Council that the range of uses anticipated by the Concept Plan, will be either provided for within the draft LEP or by way of a separate Planning Proposal.

#### Summary

The Poplars land comprising of North Poplars and South Poplars as described in this submission, will make a major contribution to the future development of both Jerrabomberra and more generally Queanbeyan. We thank Council for the opportunity to make this submission in relation to the Draft LEP and in summary note the following:

1. That Council acknowledge the potential for a wider mix of land uses in North Poplars both in the existing neighbourhood centre and on the adjoining lands to the west consistent with a review of the role of the neighbourhood centre
2. That Council notes that a separate Planning Proposal will be submitted for that wider range of uses that reflect the changing role of the neighbourhood centre as confirmed by the Deep End Services Economic Report
3. That the range of future land uses for the Poplars landholding will be generally in accordance with the South Jerrabomberra Concept Plan
4. That Council notes that separate Planning Proposals will be submitted for that wider range of uses as set out in the South Jerrabomberra Concept Plan
5. That the Draft LEP make provisions for the locating of the proposed Dementia Centre on either Poplars North or Poplars South subject to detailed design and siting

Yours sincerely,

[Redacted Signature]

Director  
Knight Frank Town Planning

[Redacted Contact Information]



## **APPENDIX 1**

### Poplars LSPS Submission

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Our ref: 18-018-01

28 May 2020

[REDACTED]  
Queanbeyan-Palerang Regional Council  
PO Box 90  
Queanbeyan NSW 2620

Dear Sir

**Queanbeyan-Palerang draft Local Strategic Planning Statement**

We refer to Council's draft Local Strategic Planning Statement (draft LSPS) currently on exhibition. On behalf of our clients, Poplars Developments Pty Ltd, we thank Council for the opportunity to make a submission on the draft LSPS in relation to the land holdings referred to as Poplars in West Jerrabomberra. Forming part of our submission on the draft LSPS is the Poplars *Strategic Planning Statement (Poplars Statement)* of 16 March 2020 (**see attached**) and as previously lodged with Council. In addition to the recommendations within the *Poplars Statement* and in response to the draft LSPS, the following additional comments are provided:

1. We note the structure plan within the draft LSPS has identified North Poplars as '*future business park*'. This is not correct. The established Poplars neighbourhood shopping centre is zoned B1 Neighbourhood Centre by the Queanbeyan LEP 2012 (Poplars). Accordingly, we seek an assurance from Council that the draft LSPS structure plan will be amended accordingly.
2. We note that the western side of the Poplars neighbourhood centre is subject to a Planning Proposal to rezone the land from RE2 Private Recreation to B7 Business Park.
3. We support the identifying of the proposed intermodal freight facility noting that it is subject to detailed design and siting and;
4. We note and generally support the *South Jerrabomberra Concept Plan* within the draft LSPS subject to future detailed master planning and infrastructure requirements in terms of availability, capacity and funding.

For completeness, also set out below are the recommendations from the prior *Poplars Statement*. They are recommendations still relevant to this submission:

1. The identifying of the Poplars Neighbourhood Centre (Centre) site as an important gateway location to the City, Jerrabomberra, Poplars business park and the Poplars Innovation Precinct.
2. That the LSPS acknowledge the need to review the range of uses and role of the Centre to ensure it complements and supports the Poplars Innovation Precinct.
3. That the above review extend to the location of future uses in the Centre in order to better relate to the Poplars Innovation Precinct and the supporting of further investment in the Centre.
4. That the plan acknowledge the benefits (both social and economic) of mixed use development areas where retail and services space is integrated with business park development and not two distinct separate areas.
5. That the above review of the role and layout of the Centre extend more generally to the area as indicated on the plan attached (refer to plan within the *Poplars Statement*).

We thank Council for the opportunity to make a submission and happy to discuss.

Yours sincerely,

**Knight Frank Town Planning**

[REDACTED]  
**Director**

[REDACTED]



## **APPENDIX 2**

### Retail Economic Review – Deep End Services

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1 of 15



29 June 2020

[REDACTED]  
Queanbeyan-Palerang Regional Council  
PO Box 90  
Queanbeyan NSW 2620

Dear Sir,

## Submission to draft QPRC Comprehensive LEP. Poplars Neighbourhood Centre.

This letter accompanies a broader submission to the draft *Queanbeyan-Palerang Comprehensive Local Environmental Plan* on behalf of Poplars Developments Pty Ltd, the land owner and developer of the Poplars Neighbourhood Centre and Poplars Innovation Precinct off Tomsitt Drive at Jerrabomberra.

A catchment analysis of the Poplars Neighbourhood Centre and the progress of the Innovation Precinct suggests there is a strong market-driven case to support an expansion of the neighbourhood shopping functions of the centre onto adjoining land over the next 5-6 years, without adversely affecting the Queanbeyan CBD.

### Background

The current planning and development status of the Poplars Neighbourhood Centre and adjoining land is as follows (refer Figure 1):

- The staged development of the Poplars Neighbourhood Centre is occurring on 7.6 hectares of land zoned Business 1 – Neighbourhood Centre.
- The *South Jerrabomberra DCP 2015 (Amended) Part 3 The Master Plan* sets out the objectives and controls for neighbourhood centres at The Poplars and South Tralee. Clause 3.7.13 states that “Until such time as a Retail and Business Hierarchy Strategy is prepared for the Queanbeyan Local Government Area: The total retail GFA within the Poplars Neighbourhood Centre shall not exceed 7,000 sqm (excluding office and business premises)”.
- Four of the first five lots in the neighbourhood centre have been developed with a 7-Eleven fuel outlet, McDonalds, KFC and ALDI store (opening 27 June 2020).
- The existing B1 zoned land is to be retained in the exhibited LEP.
- An adjoining 4.9 hectare lot to the west (Lot 1 DP 1243031) zoned RE2 – Private Recreation is retained in the exhibited LEP however a current Planning Proposal for West Jerrabomberra will rezone the land and another 8.7 hectare parcel of land on the south side of Tomsitt Drive to B7 – Business Park.
- A new link road (Environa Drive) is under construction from Tomsitt Drive, extending south through the future Innovation Precinct to the South Jerrabomberra residential development.

- Negotiations with tenants are well advanced for Stage 1 of the Poplars Innovation Precinct where the first buildings should be occupied in 2022/23.
- The South Jerrabomberra Concept Plan within the recently exhibited draft *Local Strategic Planning Statement* (LSPS) identifies a broader 'Retail Services Precinct' at North Poplars (refer Figure 2).
- Poplars Developments Pty Ltd made submissions to the draft LSPS noting the growing importance of the Poplars Neighbourhood Centre to Jerrabomberra and the Poplars Innovation Precinct and a need to expand the range of retail uses at the centre. Furthermore, it was noted that contemporary workspaces have an integrated offering of employment and retail uses, as opposed to the distinct zoning under the current plan. Council has responded that additional uses could be considered where it is demonstrated that these do not compromise the local road network or detract from the Queanbeyan CBD.

Figure 1— Poplars Neighbourhood Centre & existing LEP zones



Source: Nearmap image (4 June 2020)



**Basis to review  
Poplars  
Neighbourhood  
Centre**

The market demand and strategic arguments that support a review of the size and land configuration of the Poplars Neighbourhood Centre relate to:

- Improved road connections to the site.
- Queanbeyan's projected long-term population growth which is being directed to Googong and the Jerrabomberra Valley urban release areas.
- Favourable demographics which support a higher level of supermarket and neighbourhood-level retailing.
- Low rates of existing and projected supermarket floorspace provision in the Poplars catchment area that can be addressed with additional supermarkets at Googong and Poplars Neighbourhood Centre in the next 5-6 years.
- A lack of expansion opportunities at existing neighbourhood centres.
- Strong commercial interest in the Poplars.
- The future workforce of the proposed Poplars Technology Park which will bring new retail and service demands to the area.
- Better visibility of future retail where it has a frontage to Tomsitt Drive.
- The benefits flowing from integrated office and retail uses as opposed to distinctly zoned areas.

Each of these is considered in turn.

**Improved road  
connections**

Since Jerrabomberra was subdivided from the late 1980's and the Woolworths-based Jerrabomberra Village centre was built in 2002, several road connections have increased the catchment area and raised the level of through and passing traffic.

In 2012, Edwin Land Parkway was extended west to Cooma Street, opening up the southern areas of Karabar as a secondary catchment for Jerrabomberra Village and allowing a more direct road connection to Queanbeyan CBD for Jerrabomberra residents.

The \$86 million Ellerton Drive extension is a 4.6 km alternative route around the CBD to the southern growth areas, connecting with the eastern section of Edwin Land Parkway. When the road opens shortly, it will complete a ring road around Greater Queanbeyan, drawing more traffic past the neighbourhood centre sites in Jerrabomberra.

The third significant link, now under construction, is the 3.2 km South Jerrabomberra road link (Environs Drive) from Tomsitt Drive, where it will have a controlled intersection at the Poplars Neighbourhood Centre, through the Innovation Park to the new housing estate of 1,250 dwellings at South Jerrabomberra.

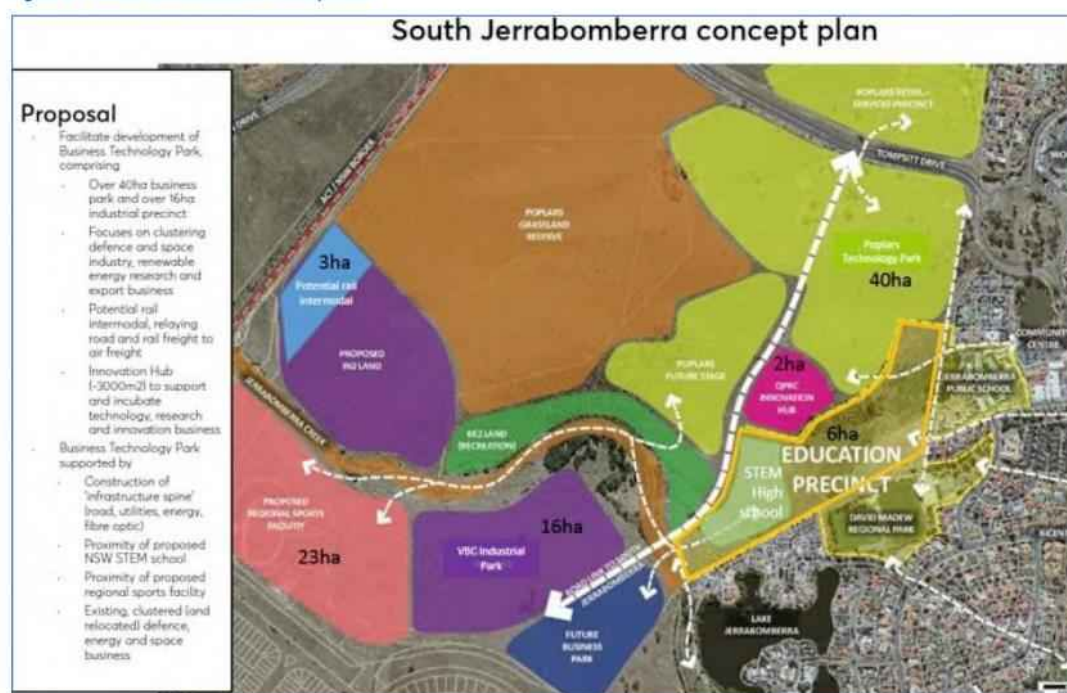
These roads have enhanced Jerrabomberra's 'gateway' position for traffic entering, leaving or circulating within the southern and central parts of the Greater Queanbeyan area. The Poplars Neighbourhood Centre has an opportunity to improve its role and services to existing and future residents but also the growing levels of local and through traffic.

**Proposed  
Innovation  
Precinct**

The South Jerrabomberra Concept Plan within the draft LSPS confirms the vision for a major business precinct south of Tomsitt Drive including:

- Poplars Innovation Precinct (40 ha).
- QPRC Innovation Hub (2 ha).
- An education precinct with a STEM-based high school (6 ha.)
- Industrial Park (16 ha).
- Other industrial land with a potential intermodal rail hub.

Figure 2— South Jerrabomberra Concept Plan



Source: draft LSPS

The draft LSPS states the vision for the South Jerrabomberra Innovation Precinct by 2040 will be "a 'silicon valley' of business technology precincts, linked to the ACT eastern broadacre, focussed on defence, space, energy and waste renewables technology and associated government enterprise".

Initial concept planning for the Poplars Innovation Precinct suggests the 40 hectare site shown in the concept plan could support a subdivision of low rise commercial and industrial buildings in excess of 100,000 sqm GFA. Depending on the mix of office and warehouse floorspace, the Technology Park could generate in excess of 2,000 jobs.

Poplar Developments Pty Ltd are well advanced with a range of tenants for the first office and office-warehouse buildings in Stage 1 (8.7 ha) of the Innovation Precinct. There is currently strong interest in various buildings with a combined floor area of

approximately 25,000 sqm. Subdivision works should be completed by the end of 2021 with buildings occupied by 2022/23.

The progressive development of the Innovation Precinct and a rising workforce will bring demands for local retailing and services including:

- Fresh food and groceries.
- Cafes and restaurants.
- Pharmacy, newsagency and other daily or weekly non-food items.
- Health, beauty and other personal services.
- Retail services such as dry cleaning.
- Child care.
- Fitness clubs.

These will be new demands in the local area from a wide regional workforce, many of which will be Canberra-based commuters. These workforce needs, if met at Poplars Neighbourhood Centre, are not likely to divert spending from Queanbeyan CBD.

#### Catchment analysis

##### Catchment area & population growth

A catchment area for the existing Jerrabomberra Village and Poplars Neighbourhood Centre is shown in Figure 3.

The primary catchment is the suburb of Jerrabomberra and a small section of Queanbeyan West off Lanyon Drive. The secondary trade sectors include:

- A secondary east catchment comprising the southern half of Karabar, from where there is good access to Jerrabomberra along Edwin Land Parkway.
- A secondary south-east catchment covering the rural area and developing satellite suburb of Googong. Until such time, as a major supermarket is established at Googong, Jerrabomberra's supermarkets would be well-used by Googong residents. In later years as Googong establishes its own town centre, The Poplars and Jerrabomberra will still be convenient centres for home-bound traffic to Googong.
- A secondary south catchment over the existing rural areas of Environa and Tralee. The South Jerrabomberra housing area is located in this sector with a direct future road link to The Poplars.



Figure 3— Poplars catchment area & supermarkets

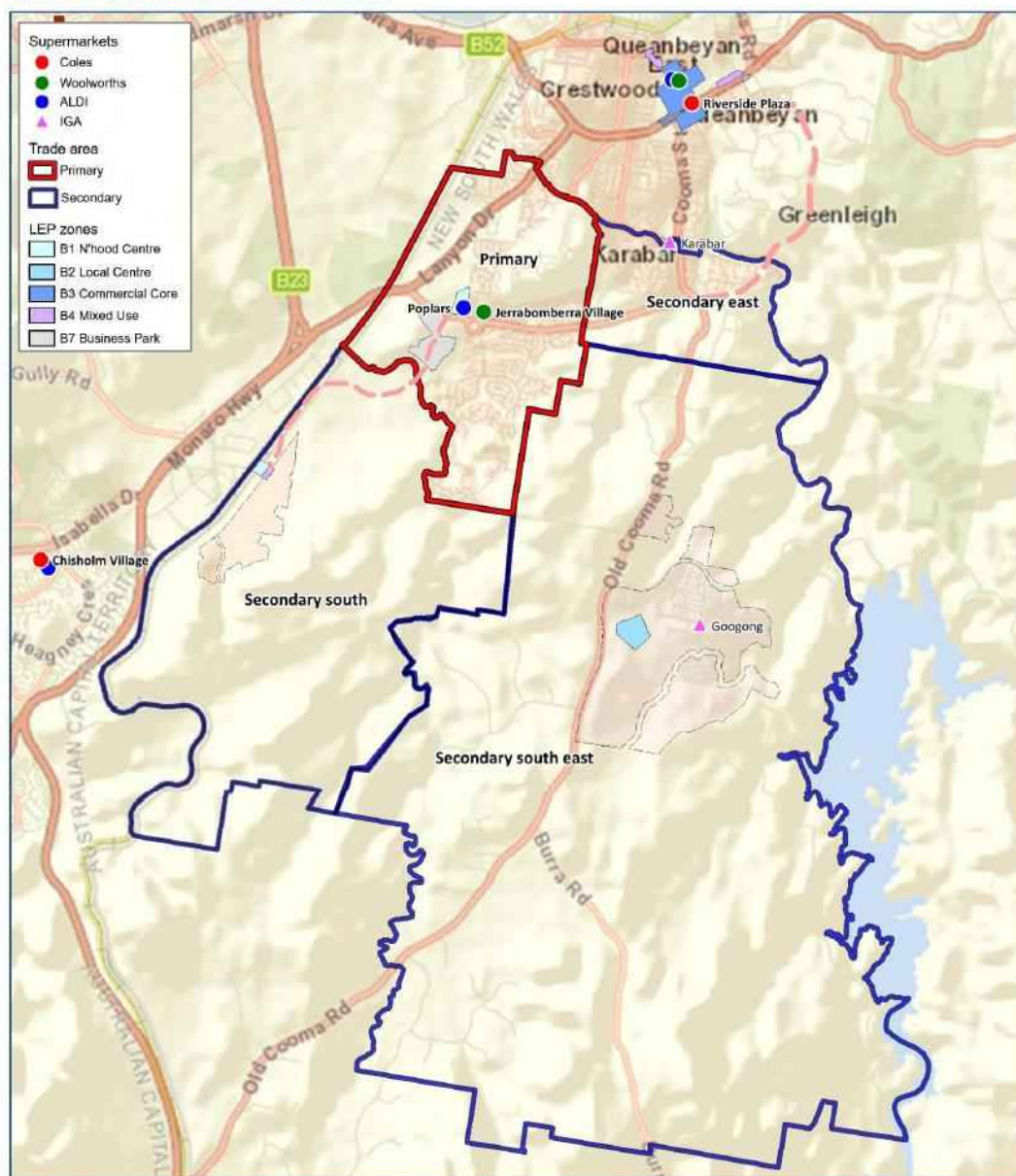


Table 1— Trade area population (Y/E Dec.)

Catchment area	2016	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Primary	10,906	10,963	10,983	11,003	11,023	11,043	11,063	11,083	11,103	11,123	11,143	11,163	11,183
Secondary sectors													
East (Karabar)	4,281	4,231	4,226	4,221	4,216	4,211	4,208	4,208	4,208	4,208	4,208	4,208	4,208
South east (Googong)	3,056	5,828	7,200	8,000	8,800	9,600	10,400	11,200	12,000	12,800	13,600	14,400	15,200
South (Sth Jerrabomberra)	10	10	60	310	760	1,260	1,760	2,210	2,598	2,973	3,348	3,723	4,010
Total secondary	7,347	10,069	11,486	12,531	13,776	15,071	16,368	17,618	18,806	19,981	21,156	22,331	23,418
<b>Total</b>	<b>18,253</b>	<b>21,032</b>	<b>22,469</b>	<b>23,534</b>	<b>24,799</b>	<b>26,114</b>	<b>27,431</b>	<b>28,701</b>	<b>29,909</b>	<b>31,104</b>	<b>32,299</b>	<b>33,494</b>	<b>34,601</b>

Source: Deep End Services, ABS Census & estimated resident population to 2019

The trade area had an estimated December 2016 population of 18,253 which is expected to rise to 22,469 by December 2020. By 2026, the likely time frame for a second supermarket at the Poplars Neighbourhood Centre (with ALDI), the trade area population will be almost 30,000 people.

Jerrabomberra and Karabar (south) are mature suburbs with stable population levels.

The Googong urban release area has an estimated capacity of approximately 18,000 people. It includes 5,500 lots in the master-planned suburb by Peet and Mirvac and another 640 lots under separate ownership.

The LEP amendment enabling the Googong growth area was gazetted in 2009 with the first homes emerging in 2014. By December 2020, the Googong growth area will have a population of close to 5,000 people. The average annual growth rate since 2014 of about 800 people per annum (or 250-300 occupied dwellings per annum) is assumed to continue at this average rate until 2030. Like most areas, rates will vary according to economic conditions and land release programs by the developer however the long-term average assumption appears sound based on recent history.

The South Jerrabomberra Urban Release Area, formerly known as South Tralee, has been reduced to about 1,250 dwellings in the estates being developed by Village Building Company. Estate works have commenced, lots are being sold and the first homes should be occupied by late 2021.

A further 250 dwellings are expected in the area known as the Forrest Morrison land.

South Jerrabomberra has only a small existing rural population base. The capacity of 1,500 dwellings is expected to be close to complete and occupied by 2030.

#### Favourable demographics

The profile of the area is strongly influenced by its attraction for families who have settled in one of the few greenfield development areas on the east side of Canberra in the last 30 years. The workforce and income profile is also strongly associated with white collar jobs in the ACT.

While the geographic separation of the Jerrabomberra Valley from Queanbeyan lends itself to a higher provision of neighbourhood retailing, other supporting and favourable demographic factors are:

- A high proportion of 'detached dwellings' (87%) which attracts 'couples with children' (52%) leading to a larger-than-average household size (3.0 persons).
- A young population with 32% aged 0-19 years and just 6% 65+ years. Large established families with a high proportion of teenage children have high weekly spending on food and groceries.
- Low unemployment and high workforce participation levels.
- Average individual income levels in Jerrabomberra are 18% above the ACT average and 51% above the NSW average.
- A large public service workforce with 37% employed in 'public administration and safety' (above the ACT average of 32%) and a high proportion in managerial and clerical and administration roles (41%).
- A high proportion of mortgaged dwellings and high car ownership with 30% of dwellings with 3 or more cars.

The profile reveals a 'middle Australian' suburban profile of large and well established families on above average income levels. The geographic setting and the dominant family characteristics would place high demands on well provisioned neighbourhood shopping facilities.

**Table 2—  
Catchment area  
demographic  
profile**

Source: ABS (2016  
Census)

Demographic characteristic: (2016 Census)	Primary	Secondary east	Secondary south east	Secondary south	Total catchment	ACT	NSW
<b>Dwelling &amp; household size</b>							
Total private dwellings	3,681	1,540	776	-	6,110	163,286	3,059,106
- % unoccupied	7%	6%	7%	0%	7%	8%	9%
Average household size	3.01	2.87	3.15	3.25	3.00	2.54	2.65
<b>Economic indicators</b>							
Workforce participation rate	79%	72%	77%	70%	77%	67%	59%
Unemployment rate	3.1%	3.8%	2.0%	4.2%	3.1%	4.7%	6.3%
White collar workers	65%	51%	63%	62%	61%	65%	52%
Bachelor degree or higher	29%	14%	29%	19%	25%	37%	23%
SEIFA score	1,139	1,029	1,163	1,130	1,116	1,090	1,012
<b>Age group</b>							
0-9	15%	13%	20%	10%	15%	13%	13%
10-19	17%	15%	12%	24%	16%	12%	12%
20-34	16%	19%	25%	8%	18%	25%	21%
35-49	26%	22%	24%	25%	25%	21%	20%
50-64	19%	22%	14%	29%	19%	17%	18%
65+	6%	9%	6%	5%	7%	13%	16%
Average age	34.0	36.3	31.1	36.7	34.2	36.6	39.0
<b>Average individual income</b>							
	\$75,764	\$56,480	\$73,021	\$69,685	\$70,101	\$64,480	\$49,883
Variation from ACT average	18%	-12%	13%	8%	9%	-	-
<b>Average household income</b>							
	\$157,801	\$124,724	\$157,400	\$186,997	\$149,822	\$122,853	\$98,452
Variation from ACT average	28%	2%	28%	52%	22%	-	-
<b>Country of birth</b>							
Australia	85%	86%	81%	92%	85%	72%	70%
England	4%	2%	4%	2%	3%	3%	3%
<b>Occupied private dwelling tenure</b>							
Fully owned	25%	31%	20%	33%	26%	28%	33%
Being purchased	52%	45%	72%	56%	53%	40%	34%
Rented	23%	24%	8%	11%	21%	33%	33%
<b>Dwelling type</b>							
Separate house	85%	85%	100%	100%	87%	67%	67%
Townhouse/semi-detached	14%	15%	0%	0%	13%	18%	12%
Apartment	0%	0%	0%	0%	0%	15%	20%
<b>Household composition</b>							
Couples with children	52%	42%	57%	53%	50%	34%	34%
Couples without children	24%	25%	29%	24%	25%	26%	26%
One parent family	9%	14%	7%	4%	10%	10%	12%
Lone person	13%	17%	7%	14%	14%	25%	24%
Group	1%	2%	0%	4%	1%	5%	4%
<b>Motor vehicles per dwelling</b>							
None	0%	4%	0%	3%	1%	6%	10%
One	21%	25%	14%	7%	21%	38%	38%
Two	49%	42%	56%	36%	48%	40%	35%
Three or more	29%	30%	29%	54%	30%	16%	17%



### Food & grocery spending

The large families in the Poplars catchment area with above average income levels have high rates of spending on food & groceries. Per capita spending levels in Jerrabomberra are 4% higher than the NSW average while the secondary sectors range from 4% to 10% above average (refer Figure 4).

Population growth and small increases in per capita spending growth rates will drive strong growth in the overall volume of food and grocery spending. In 2020, the catchment spends an estimated \$135 million on food & groceries. This will increase to \$189 million by 2026 and \$219 million by 2030.

Figure 4— Food & grocery spending

Source: ABS Household Expenditure Survey, Market Data Systems



### Competition & centre expansion capacity

**Jerrabomberra Village** was built in 2001, at a time when the suburb of Jerrabomberra had about 6,000 people (or 60% of its capacity of 10,000) and before the later, easterly road connections to Karabar and Queanbeyan.

The centre is small by the standards of neighbourhood centres of that time with just 16 retail specialty, retail services and office tenancies developed with Woolworths. The retail GLA is just 4,858 sqm and the total GLA 5,358 sqm. The latest published moving annual turnover for the centre was \$52 million<sup>1</sup> indicating that Woolworths is trading at relatively strong levels. A Caltex fuel site, car wash, Jerrabomberra Hotel and real estate office are located on external sites.

The centre is laid out on a relatively small 1.8 hectare site with a tight building and car parking configuration. Residential uses abut the property on its non-street boundaries. There is little or no prospect of a meaningful expansion to the centre.

The **Karabar Centre** on Cooma Street is a small neighbourhood centre serving a localised catchment in Queanbeyan, 4.5 km by road from the Poplars. It has a small IGA (1,120 sqm) and 10 shops with a total centre GLA of 3,485 sm. The centre is dated, built in 1985, and has little prospect of expansion.

The urban release areas of Googong and South Jerrabomberra have land set aside for future centres.

<sup>1</sup> PCA Shopping Centre Directory (December 2019)

**Googong** has a large Town Centre site of approximately 16.8 hectares zoned B2 - Local Centre. The current population of the Googong master planned area is about 5,000 people. The Googong website indicates that a first stage centre and supermarket will be developed by 2024/25.

**South Jerrabomberra** has a 3.2 hectare site zoned B1-Neighbourhood Centre, identified in the South Jerrabomberra DCP as the South Tralee Neighbourhood Centre. It is located at the northern end of the planned residential area, backing onto the railway line. Under the DCP the total commercial area within the neighbourhood centre shall not exceed 5,000 sqm GFA.

Given the expected maximum capacity of the housing area at just 1,500 dwellings, the size of this centre will be small and unlikely to be developed early due to its isolation and lack of secondary catchments. A small independent supermarket could be anticipated here in the long term.

#### Supermarket floorspace provision

The rate of supermarket floorspace provision in a catchment or other defined area is made by dividing the resident population into the total supply of supermarket floorspace (sqm) and expressing this as a rate (sqm) per person. When compared with city or state-wide benchmarks, the current or projected rate for a given area is a simple guide as to whether retail floorspace supply levels are relatively high or low, before or after a proposed development.

The floorspace provisioning analysis (refer Table 3 and Figure 5) is calculated for the Jerrabomberra (Poplars) catchment area, defined in Figure 3.

In 2019, Woolworths at Jerrabomberra Village, IGA Karabar and IGA Googong produced a supermarket floorspace provision of **0.23 sqm** per capita. This was a low rate compared to regional averages of 0.37 sqm per capita in the ACT and 0.4 sqm across the Greater Queanbeyan urban area. With an additional year of population growth and the opening of ALDI at Poplars Neighbourhood Centre, the catchment provision in 2020 has increased to **0.28 sqm** per capita – a rate still 25-30% below the broader ACT and Queanbeyan averages.

With no supermarkets expected to be developed in the next 4 years, the rate of provision falls again as population levels rise. By 2024, it is nearly back to its 2019 level at **0.23 sqm** per capita. The additional floorspace attributed to ALDI is therefore absorbed in 4 years and the area returns to an apparent deficiency.

In 2024, a major supermarket is assumed at Googong which raises the catchment area provision to **0.36 sqm** – a rate similar to the ACT average and 10% below the 2020 Queanbeyan average.

With a second major supermarket at The Poplars in 2026, the rate rises to **0.45 sqm** per capita. This is just over 10% above the Queanbeyan average in 2020. With ongoing population growth, the rate of provision falls to the current average within 2-3 years.



These rates are similar to large parts of Canberra where the central and inner suburbs have a supermarket rate of provision of 0.45 sqm per capita and the Gungahlin District has 0.4 sqm per capita.

The conclusions from this analysis are:

- There has been a looming deficiency in supermarket floorspace in the Jerrabomberra Valley catchment which has been only partly addressed with the new ALDI store.
- There is sufficient population to support a full-line supermarket at Googong by 2024 and a second supermarket at the Poplars Neighbourhood centre by 2026.
- The supermarket rate of provision from 2026 is slightly above the benchmarks but is supportable based on the higher average spending per capita by catchment residents, the isolated nature of the catchment which should retain a high proportion of supermarket spending and ongoing growth which quickly absorbs the proposed floorspace.

Table 3— Supermarket assumptions and supermarket floorspace per capita

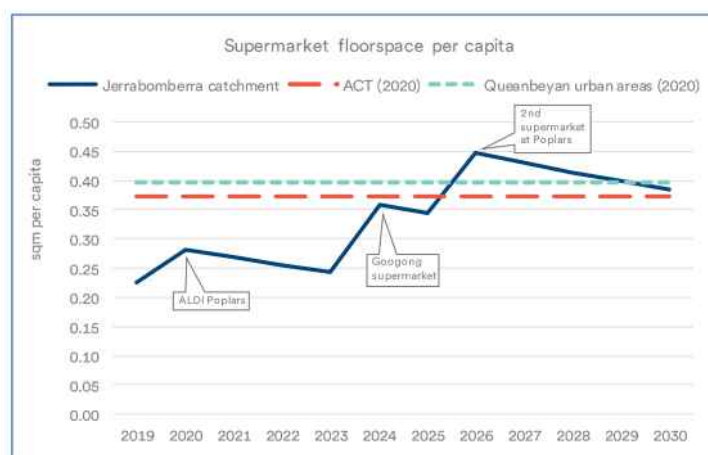
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
<b>Supermarket floorspace</b>												
Woolworths Jerrabomberra	3,200	3,200	3,200	3,200	3,200	3,200	3,200	3,200	3,200	3,200	3,200	3,200
ALDI Poplars Jerrabomberra		1,583	1,583	1,583	1,583	1,583	1,583	1,583	1,583	1,583	1,583	1,583
IGA Karabar <sup>1</sup>	560	560	560	560	560	560	560	560	560	560	560	560
IGA Googong	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Googong Town Centre	-	-	-	-	-	3,500	3,500	3,500	3,500	3,500	3,500	3,500
Poplars 2nd supermarket	-	-	-	-	-	-	-	3,500	3,500	3,500	3,500	3,500
<b>Total</b>	<b>4,760</b>	<b>6,343</b>	<b>6,343</b>	<b>6,343</b>	<b>6,343</b>	<b>9,843</b>	<b>9,843</b>	<b>13,343</b>	<b>13,343</b>	<b>13,343</b>	<b>13,343</b>	<b>13,343</b>
<b>Smkt. floorspace per capita (sqm)</b>												
Jerrabomberra catchment	0.23	0.28	0.27	0.26	0.24	0.36	0.34	0.45	0.43	0.41	0.40	0.39

<sup>1</sup> 50% of IGA Karabar's floorspace is credited to the floorspace provisioning as the IGA sits on the trade area boundary.

Source: Deep End Services

Figure 5—  
Supermarket  
floorspace per  
capita projections

Source: Deep End  
Services



#### No effect on Googong

My analysis concludes there is a sufficient market to support a supermarket in the short term at Poplars Neighbourhood centre while still allowing for a major supermarket at Googong in a similar time frame.

#### Expanded role & floorspace for the Poplars Neighbourhood Centre

The initial stages of the Poplars Neighbourhood Centre (fuel, McDonalds, KFC and ALDI) are the first retail and commercial additions to the area since Jerrabomberra Village was developed nearly 20 years ago.

In that time, Jerrabomberra has filled out, the area is better connected to Greater Queanbeyan and new urban release areas have been approved and commenced on a scale not contemplated in 2001. The proposed Innovation Precinct will be a focus for emerging businesses and a significant employment generator for QPRC.

Looking forward, there is a growing body of opinion of lasting changes to working patterns and practices, consumer behaviour and the nature of centres, emerging from the COVID-19 pandemic. These include:

- Increased working from home, particularly in white-collar office-based occupations.
- Employees seeking reduced commuting time.
- Business relocations (and more job opportunities) in suburban or low density built environments.
- Increased self-reliance and catering at home, resulting in higher demands for packaged and fresh food for home consumption.
- An aversion to large regional shopping complexes combined with a shift to neighbourhood and local level retailing close to home.

These trends could accelerate demand for business park working environments, a larger day-time population in outer areas (partly reversing the daily exodus to inner city workplaces) and place greater demands for a better and wider range of neighbourhood retailing and associated services. Jerrabomberra is a model area where these trends could take hold and reshape the day time population and workforce and needs of its neighbourhood retailing.

Based on the gateway location of the Poplars Neighbourhood Centre land, the unique spatial features of the catchment and its projected population levels and our initial high-level analysis on supportable supermarket floorspace, an expanded retail and commercial role for the Poplars could include:

- A second supermarket to the centre and third for Jerrabomberra bringing additional competition and choice.
- Complementary specialty shops servicing daily and weekly needs of catchment residents.
- A range of medical and health related services including a medical centre and offices for para-health services and specialists.
- Food and beverage outlets for residents and the Innovation Precinct workforce.
- Large gymnasium / fitness club.

- Child care centre.
- Flexible commercial space for service businesses supporting the Innovation Precinct.

The 5-hectare site zoned RE2 – Private Recreation adjoining the Poplars Neighbourhood Centre land is subject to a planning proposal to rezone the land to B7 Business Park. In my view, the site is a better location for the expansion of retail uses than the residual northern section of the existing B1 Neighbourhood Centre land.

The larger western block has the advantages of:

- Facilitating a more efficient and better connected, lateral extension of the centre along Tomsitt Drive than the narrow northern part of the existing zoned land.
- Enhancing the gateway function with high quality buildings and active retail uses.
- A strategic position at the intersection formed by the new Environs Drive to the south.
- Enabling better pedestrian connections to the Innovation Precinct.
- Greater flexibility to meet tenant needs.

If an expanded role and floorspace of the Poplars Neighbourhood Centre progresses to a Planning Proposal, then a more detailed schedule of uses would be considered and assessed with an Economic Impact Analysis (EIA), as required under the *South Jerrabomberra DCP*.

#### Effects on Queanbeyan CBD

Provided that an expanded retail presence at the Poplars Centre retains its neighbourhood retail and service function, incorporating many of the services needed for the Innovation Precinct workforce, the likely trading effects on the Queanbeyan CBD should be negligible.

The Queanbeyan CBD is a broad-based activity centre serving an urban area of 38,000 people and a wider regional catchment through the Southern Tablelands of up to 18,000 people.

Population forecasts by id. for QPRC indicate the Council area will increase its population by over 20,000 people between 2016 to 2036 – at an average rate of 1.53% per annum. The CBD is therefore central to an area with long term spending growth and higher demands for services at all levels.

The functions and activities of the CBD are far wider than a district retail role, extending to civic and administration uses, offices and professional services, sport and recreation, hospitality, leisure, entertainment and community and spiritual uses. The aggregation of uses creates a wide economic and employment base and strong inter-dependency between activities, ensuring the Queanbeyan CBD will maintain its primacy in the growing region.

QPRC is actively supporting the CBD with streetscape and improvement programs and the release of key sites for redevelopment.



Retailing in the Queanbeyan CBD is dispersed between traditional main street blocks, mall based centres and large stand alone retailers. Like many traditional street-based centres, Queanbeyan retailing faces its challenges, but particularly in discretionary or comparison items from regional centres in Canberra and from broader trends occurring in the retail sector, such as on-line shopping. The closure of Target in Riverside Plaza was a visible sign of the weakening discount department store sector however the decision by Target was not influenced in any way by neighbourhood retailing in Jerrabomberra.

The complex market forces influencing Queanbeyan CBD are regional, industry wide and retail sector specific in the case of Target. Queanbeyan's geographic and economic relationship to Canberra is important as the centre is not an isolated market but part of a larger network of activity centres.

A particular strength of the Queanbeyan CBD is its three major supermarkets – Coles, Woolworths and ALDI. All are thought to be trading at strong levels and generate important daily customers and traffic for other retailers and businesses in the centre. These stores and the broader CBD with its higher level and more specialised services should gradually benefit from regional population growth and improved road connections.

Generally, the outlook for Queanbeyan CBD should be positive based on:

- Council's proactive strategies and actions to manage and improve the centre.
- An expected pause, if not major delays, in major centre expansions in Canberra.
- Ongoing growth in areas such as Googong and South Jerrabomberra.

An expansion of neighbourhood retailing at Poplars will not undermine or adversely affect the Queanbeyan CBD because:

- The local need in Jerrabomberra is driven and sustained by projected population and workforce growth.
- Existing neighbourhood shopping since 2002 has already established a catchment for the area which will not expand further into Queanbeyan's primary trading area.
- While road links to Queanbeyan have improved the physical distance and pre-existing shopping patterns would suggest there is unlikely to be a significant shift in spending between the two areas.
- Supermarket and neighbourhood retailing will have only minor impacts on Queanbeyan supermarkets and little or no effects on other CBD retailing or other non-retail activities.

15 of 15



#### Benefits

The benefits of an extended neighbourhood retail presence at the Poplars will be:

- Improved choice, range and convenience of neighbourhood retailing.
- New retail and services employment opportunities.
- New small business opportunities.
- Services and amenities to encourage tenants and investment in the Innovation Precinct.
- An active gateway to the residential and employment areas.
- Greater use of significant road and business park infrastructure.

This report finds there is a strong case to review the floor area and land allocation of the Poplars Neighbourhood Centre. While further and more detailed investigations may be required, the growth of neighbourhood retailing at Jerrabomberra is unlikely to have any material or lasting effects on the Queanbeyan CBD. Instead, it should have significant benefits for the population and workforce of the Jerrabomberra area.

Thank you for your consideration of this submission. I would be happy to expand on any matters raised.

Kind regards



Director



## Submitter 16

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 15:11:57 +1000  
**To:** Council Mailuser  
**Subject:** Queanbeyan Palerang Comprehensive Local Environmental Plan 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Good Afternoon,

I am writing in response to the Draft Queanbeyan Palerang Comprehensive Local Environmental Plan 2020, I am hoping you can take this submission into account. Currently I own Lots 88-89 DP 755911 totalling 26.4ha.

The Lots are currently zoned RU1 Primary Production with a minimal Lot Size of 40ha, the Lots are located 3km from the centre of township and are adjoining Zone E4 which has a minimal Lot Size of 20000m<sup>2</sup>.

I am hoping the council could review the minimum lot size surrounding Braidwood and the zones on these parcels. I have lived in Braidwood my whole life and would like to be able to build on my parcel of land, currently I have livestock grazing on the property and would like to continue to graze and breed livestock on my property which would be more easier if we could have a dwelling to be able to monitor and improve the land.

I understand any change in zoning requires an assessment of the strategic merit of the proposal along with assessment against several Strategic Plans and Studies. However, we believe reducing the minimum Lot Size or changing the zone to E4 (same as adjoining parcel) will add benefit to the Queanbeyan-Palerang LGA (QPRC). [REDACTED]

[REDACTED]  
[REDACTED] There is current main road access of Bombay Road and power access traverses parcels of land, we believe these factors will warrant one-off support and help us stay in the township of Braidwood and if the zone could be changed to existing parcel this would only extend the existing small property zone.

Thank you  
[REDACTED]

Submitter 17



Data

Email

30 June 2020

Queanbeyan-Palerang Regional Council  
PO Box 90  
QUEANBEYAN NSW 2620

SUBMISSION

QUEANBEYAN-PALERANG LOCAL ENVIRONMENTAL PLAN 2020

Dear Sir/Madam,

This submission on the draft combined Queanbeyan-Palerang Local Environmental Plan 2020 (QPLEP 2020) is made in relation to Lot 17 DP 754881, Lot 18 DP 754881 and Lot 2 DP 255492 being 141 Googong Road, Googong ("the site"). It has been prepared on behalf of the land owner, Tyban Pty Ltd, for the Cooke family.

PLANNING CONTEXT

ZONING

The site is known as the Sunset Estate and is located north of Googong Road within the Googong Urban Release Area. It is zoned R1 – General Residential, E2 – Environmental Conservation, and R5 – Large Lot Residential under the QLEP 2012.

Figure 1 below identifies the site and its land use zones.



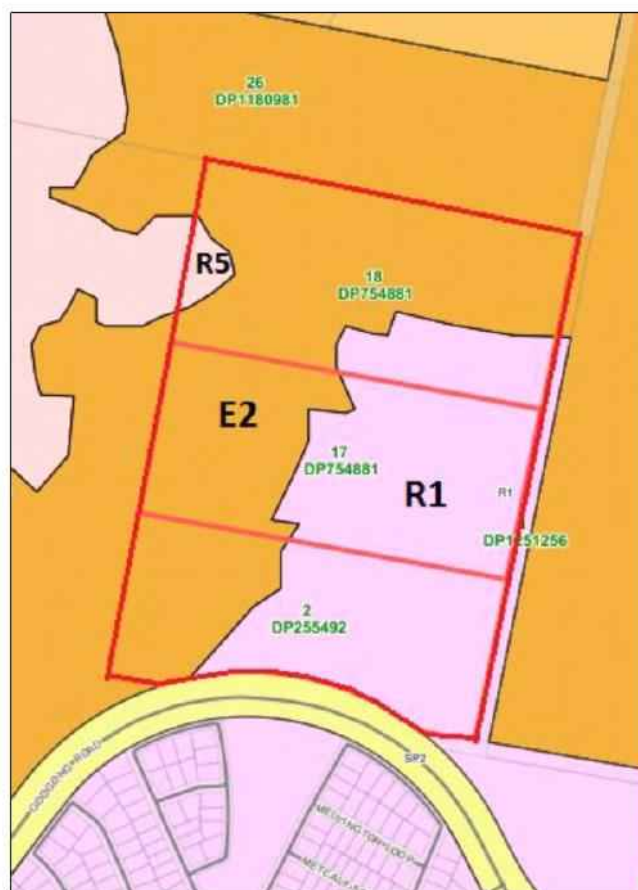
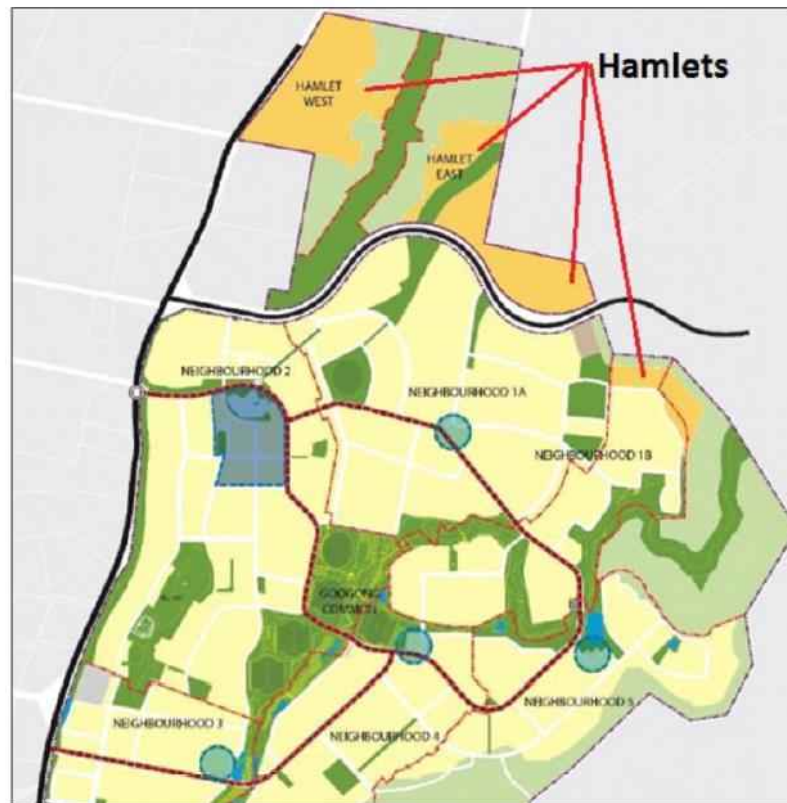


Figure 1 – Site and Zoning

#### GOOGONG MASTER PLAN

Figure 2 below shows the Googong Master Plan. It includes two 'hamlets' that have been identified for larger residential lot sizes – Hamlet East and Hamlet West.



**Figure 2 – Googong Master Plan**

#### *Hamlet East*

- The R1 zoned portion of the site is within Hamlet East, which also extends to the east and south-east of the site.
- Some relevant information about Hamlet East is listed below:
  - the larger section north of Googong Road is zoned R1 – General Residential;

- the smaller section south of Googong Road that is not connected to the rest of the hamlet, is zoned R5 – Large Lot Residential;
- the R1 zoned land is subject to a minimum lot size of 1,000m<sup>2</sup>; and
- the R5 zoned land is subject to a minimum lot size of 15,000m<sup>2</sup> (1.5ha).

#### *Hamlet West*

- All land within Hamlet West is zoned R5 – Large Lot Residential and is subject to a minimum lot size of 15,000m<sup>2</sup> (1.5ha).

### DEVELOPMENT OF THE SITE – SUNSET ESTATE

The R1 zoned land will be developed in two stages, collectively known as Sunset Estate. Stage 1 adjoins Googong Road. Stage 2 is to the north of Stage 1 separated from it by an open space corridor and riparian zone.

Based on a 1,000m<sup>2</sup> minimum lot size, it is anticipated that the Sunset Estate will contain approximately 100 lots, with about 60 of those within Stage 2.

#### STAGE 1

Development consent 67-2018 was approved on 23 July 2019 for the creation of 21 residential lots (all approximately 1,000m<sup>2</sup>). A Subdivision Works Certificate was issued in March 2020, with site works expected to commence in the near future.

Currently under consideration by Council is a modification application to create an additional 16 residential lots, known as Stage 1A.

#### STAGE 2

There have been no development applications submitted for Stage 2 yet, however, engineering and design work has commenced.

#### INFRASTRUCTURE

Infrastructure required to be constructed to service Sunset Estate includes:

- a sewage pump station and mains;
- two bridges over a creek to connect Stage 1 with Stage 2;
- new intersection with Googong Road;





- local road network; and
- storm water mains.

## REDUCTION TO MINIMUM LOT SIZE

This submission principally relates to the 1,000m<sup>2</sup> minimum lot size for subdivision currently applicable to the part of the site to be developed for Stage 2 of Sunset Estate. It is considered appropriate that this should be reduced to 700m<sup>2</sup> for the reasons outlined below.

### 1. Consistency with Googong Master Plan

The overwhelming majority of residential land in the Googong Urban Release Area is zoned R1 – General Residential and is subject to a 330m<sup>2</sup> minimum lot size for a single residential lot. This relatively small lot size, when compared to the established residential areas of Queanbeyan and other NSW towns, reflects the current costs of developing Greenfield subdivisions and other market influences. For example, single lots in Queanbeyan have a minimum lot size of 600m<sup>2</sup>.

- ➔ If subject to a minimum lot size of 700m<sup>2</sup> the land would still be developed in accordance with the Googong Master Plan vision of larger residential lot sizes in Hamlet East, being more than twice the size of the minimum applicable to the majority of Googong and larger than the minimum applicable in Queanbeyan.
- ➔ Density would not be substantially increased. This change would potentially increase the total amount of lots within the Sunset Estate from 100 to 125 (approx.).
- ➔ A reduction to the minimum lot size will not create a precedent for reducing lot sizes within Hamlet West. Firstly, land within Hamlet West is zoned large lot residential, not general residential – hence it's much larger 15,000m<sup>2</sup> minimum lot size. Secondly, unlike Hamlet East, Hamlet West is remote from the rest of Googong Township.

2. Amenity and Environmental Impacts

The proposed change to minimum lot size is unlikely to result in any negative impacts to the amenity of future residents or the environment.

- ➔ Engineering work carried out for Stage 2 demonstrates that the infrastructure already identified for Sunset Estate, such as the road network and sewer pump station, will be able to satisfactorily service additional lots.

3. Infrastructure Costs

The location and physical constraints of the land within Sunset Estate results in the need for significant infrastructure to be constructed in relation to the size of the development – most notably a sewer pump station, two bridges and a new intersection with Googong Road.

- ➔ Any increase in potential lot yield for Stage 2 of Sunset Estate will improve the feasibility of a future subdivision.

Note: It is understood that the changes to minimum lot size proposed in this submission may not be incorporated into the first gazetted version of the QPLEP 2020. However, some preliminary discussions have been held with Council's strategic planners who advised that a submission to the QPLEP 2020 would bring the matter to Council's attention and be an opportunity for staff to advise Council as to whether such an amendment could potentially be supported.

## ADDITIONAL COMMENT – ZONE BOUNDARY

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As shown in Figure 1, the zone boundary between the residential and environmental zoned land is very irregular in parts. While this undoubtedly reflects various environmental constraints identified during the re-zoning process, such irregular boundaries can be very difficult to incorporate into a workable subdivision design, and can also result in not insubstantial amounts of otherwise suitable land remaining undeveloped.

- ➔ It is understood that any changes to the zone boundary between the R1 and E2 zoned land will need to be supported by appropriate environmental investigations in the first instance. However, if the investigations are supportive, there should be no reason why the boundary could not be refined to facilitate a more practical and efficient residential subdivision.



Should you require any further information regarding this submission please do not hesitate to get in contact.

Yours sincerely

[Redacted Signature]

[Redacted Name]

Hugh Dennett Pty Ltd

Tel: [Redacted]

E: [Redacted]



## Submitter 18

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 14:33:46 +1000  
**To:** Council Mailuser  
**Cc:** [REDACTED]  
**Subject:** Queanbeyan Palerang Comprehensive Local Environmental Plan 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Hello QPRC,

We received our copy of the June 2020 QPRC newsletter a few days ago and noticed that the draft LEP 2020 is on display for comment.

With reference to our property ([REDACTED] Half Moon Road Mongarlowe Lot 2 DP 248143) we note that it is classified as RU1 primary production which I suspect is a carry over from the Palerang LEP.

This property and most of those surrounding it (those within the Half Moon wildlife refuge) have been classed as wildlife refuges by the NPWS for some decades now, definitely since the 70s and possibly earlier by the former owner [REDACTED]

Given that most of the land within the refuge, and certainly the land at 174 Half Moon Road, is in no way suitable for primary production and that it has had long standing wildlife refuge status along with considerable conservation value, we would consider that the E2 environmental conservation zoning would be a better fit to the past, current and future land use.

We would therefore request that the block [REDACTED] Half Moon Road Mongarlowe Lot 2 DP 248143 be reclassified as E2 environmental conservation, and that consideration be given to classifying the remainder of the refuge similarly.

More detailed information on specific conservation values can be provided if necessary.

Thanks for you this opportunity to comment on the draft LEP.

[REDACTED]

## Submitter 19

Hi,

The draft plan references the "Queanbeyan-Palerang Local Environmental Plan 2020 Lot Size Map" but I can't find it in the documents and the LEP maps (only 1 map) on your website. The draft plan (part 4) references minimum size lots shown on the Lot Size Maps.

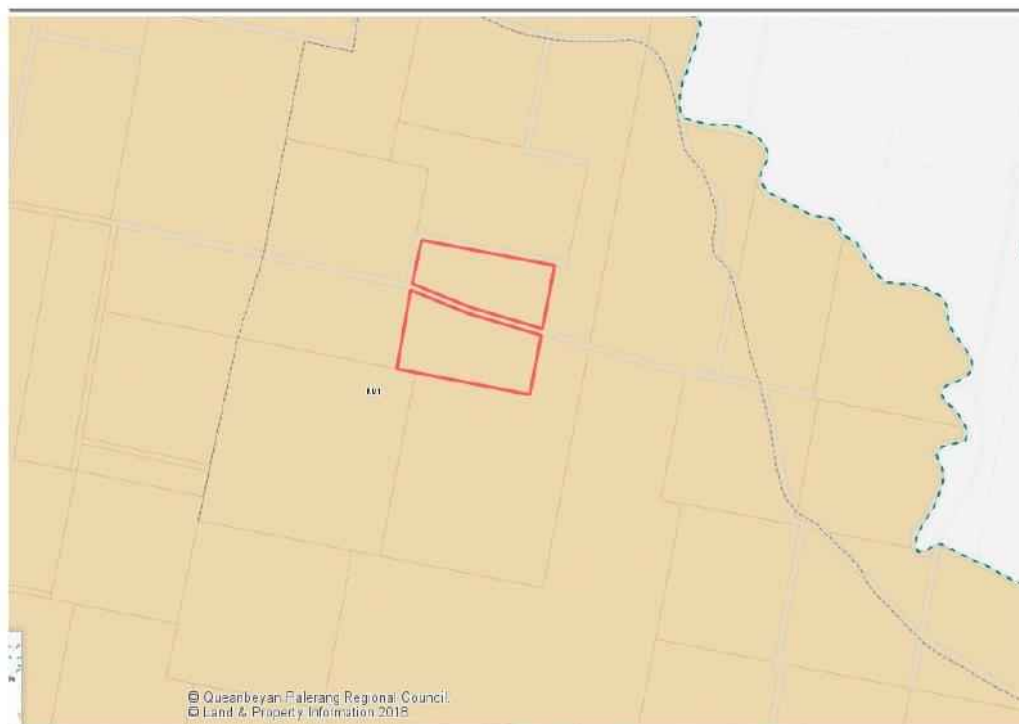
Could you please show me where I can find the Queanbeyan-Palerang Local Environmental Plan 2020 Lot Size Map.

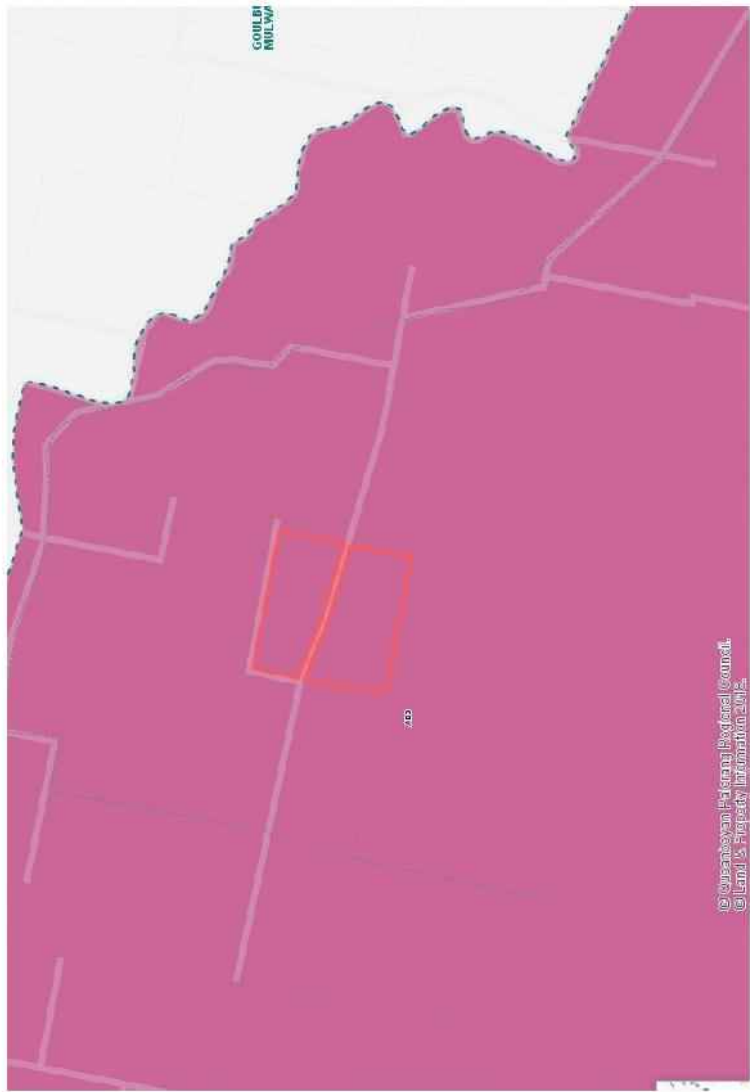
Cheers

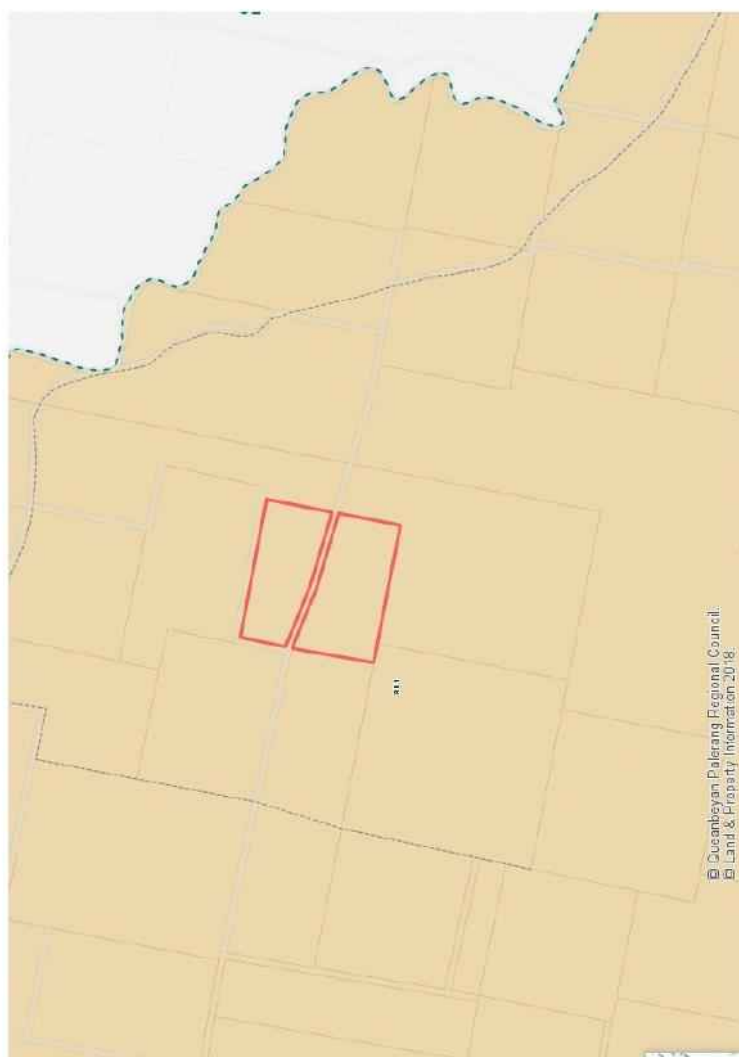
Property address: Silver Lane Boro 2622











## Submitter 20

**From:** Your Voice  
**Sent:** Tue, 30 Jun 2020 16:31:36 +1000  
**To:** [REDACTED]  
**Subject:** FW: URGENT: Changes to dual occupancy in the E4 zone

Hi [REDACTED]

This email below was sent as submission to the Your Voice inbox on the Queanbeyan-Palerang LEP. Please record as a submission.

Regards,

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

Web: [www.qprc.nsw.gov.au](http://www.qprc.nsw.gov.au)  
Mail: PO Box 90 Queanbeyan NSW 2620

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Tuesday, June 30, 2020 1:03 PM  
**To:** Your Voice <[yourvoice@qprc.nsw.gov.au](mailto:yourvoice@qprc.nsw.gov.au)>  
**Subject:** URGENT: Changes to dual occupancy in the E4 zone

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

The existing Palerang LEP includes dual occupancies as an activity permitted with consent within the E4 zone. I note with concern that the draft Queanbeyan Palerang LEP 2020 excludes this provision. As a land owner who wishes to establish a dual occupancy dwelling on our average I strongly object to this change and ask that the QPRC consider retaining the status quo - that is that dual occupancies be permitted with consent within the E4 residential zone.

[REDACTED]  
[REDACTED] Norton Road Wamboin

Submitted at 1pm 30 June 2020.

## Submitter 21

  
Braidwood 2622

To: The Mayor, Councillors and QPRC Planning Staff

### Submission on Draft Queanbeyan-Palerang Local Environment Plan 2020

Thank you for the opportunity to comment on the Draft LEP for Queanbeyan-Palerang LGA

I was not aware of this LEP consultation until very recently. I have been unable to organise a submission from the Braidwood Community Association in the time available, given that we haven't been able to meet in person. We were able to use member surveys for recent consultations but this one can't be handled that way.

There have been a lot of QPRC consultations affecting Braidwood recently. We are still in the process of bushfire recovery and dealing with the impact of Covid-9, so our attention has been focussed on these as a priority.

The following comments are therefore my own but informed by discussions held at previous BCA meetings.

The Draft LEP is a very important document, and our community would have liked the opportunity to discuss it in detail and ask questions of the Council Planners. Perhaps that can be arranged in the future. There is a lot to take in and expert knowledge is required to fully understand all the implications for future development in QPRC.

Regarding the impact of the draft LEP on development in and around Braidwood, my focus is on two main issues.

#### **1. Diversity of housing options to suit our changing population demographics.**

One of the Planning Outcomes in the draft Local Strategic Planning Statement "Towards 2040" is:

*"Housing supply meets the growing and changing needs of the Braidwood community, including options for short-term, aged housing and caravan park accommodation." (p 50)*

One of the Aims of the draft LEP is

**c) to provide for a diversity of housing to meet the needs of the community into the future.**

At present, detached housing represents 91.9% of all housing stock in Braidwood "Towards 2040", p 49.)



As our population ages, there is a greater need for smaller, cheaper homes, where older residents can live independently as long as they are able to do so. For some people, this will need to be rental accommodation. Dual and multiple occupancy housing developments close to the town centre will be needed.

Braidwood is about to lose a much-loved aged care facility called Narbethong House. This has provided semi-supported accommodation for many of our older residents for over 30 years. Most of those residents were local, or closely related to locals. Narbethong House was built as a result of a local initiative. It will soon be demolished as part of the 'Multi-Purpose Centre' redevelopment. The residents will move into an aged care facility in a hospital setting, with less independence than they enjoy now eg they will have no kitchen facilities in their rooms, as is currently the case at Narbethong.

As a community we would like our ageing residents to have other options. Summerfield Estate on the eastern edge of the town is a successful over-50's development, but most of the residents there are not locals. They are from Canberra and other places. Our long-term local residents generally can't afford that type of facility. They will need homes where they can manage independently or with some help, as they "age in place". This is one of the Federal Govt's signature policies on aged care. You can't 'age in place' if you can't afford to maintain your family home, or if it has become too big for your needs. A 'downsized' option for older residents would also provide more family homes in the residences vacated as a result.

Other residents would also benefit from more dual and multiple occupancy residential development. Young people on low incomes, and single people of all ages, do not always want a free-standing 3 bedroom home with a garden to maintain. Single mothers find it very hard to secure suitable and affordable accommodation in Braidwood at present. Workers at Dargues Gold Mine have occupied much of our available rental accommodation.

The draft LEP has limits on the minimum size of blocks where dual and multiple occupancy residences can be built. Before confirming these limits, can I ask that the planning staff look at what blocks in the Braidwood township are suitable for this type of development? If there aren't many, that will limit the opportunities for "creating a housing supply to meet the changing needs of the Braidwood community". More residents could be accommodated within the town limits if more dual and multiple housing options were provided. Many Braidwood town blocks are suitable for this, as they have long backyards which could be used for infill development of this type. If they don't meet the current minimum size for these types of accommodation, opportunities to fill that could be lost.

## **2. Protection of our Heritage buildings and the Heritage Town Centre**

Many QPRC documents acknowledge the importance of the State-listed Heritage Town status of Braidwood. It's front and centre of the QPRC Tourism strategy. Yet the planning instruments do not appear to provide clear controls over development within that Heritage Town Centre, and other locally listed heritage buildings.

Many Braidwood residents are confused about what the actual “Heritage management controls” are.

Most of us had assumed that these planning controls already existed, as a result of the State Heritage listing of the town. We are not clear as to the status of the Braidwood DCP 2006 in relation to the former Palerang LEP and the draft Queanbeyan-Palerang LEP.

The Draft LEP talks about Heritage controls under Item 5 “miscellaneous provisions”

**Item 5.10** discusses Heritage Conservation (Compulsory). Item 5.10.1 (b) states that one of the objectives of the draft LEP is “to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric and views”. All of what follows under Item 5.10 relates directly to the issues of Heritage Conservation in Braidwood, and indeed in the entire LGA.

As our economic future will rely partly on tourism as a growth industry, employing many people, I hope that the provisions within the new LEP for Heritage conservation will be applied, in accordance with the following aims of the LEP.

(g) to recognise and protect the area’s cultural and built heritage,

(h) to protect important scenic qualities, views and vistas,

These aims accord with Planning Priority 4.1.2 in the “Towards 2040” Local Strategic Planning Statement (p 51)

*“Draft appropriate heritage management controls for Braidwood Township.*

When DA’s are received which impact on any Heritage listed building, or any Heritage site, including ‘scenic qualities, views and vistas’, I hope that QPRC will conduct a Heritage Assessment independently of the applicant/developer. It is imperative that we preserve what we still have of our cultural and built heritage.

I note that there are no listed ‘Aboriginal places of heritage significance’ in the Palerang area, and no Archaeological sites. If discovered in the future, I trust they will receive the same respect and protection as the Heritage sites from our more recent past.

Thank you for considering my submission.

██████████

██████████ Bombay Rd, Braidwood NSW

## Submitter 22

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 13:50:57 +1000  
**To:** Council Mailuser  
**Subject:** Submission - Queanbeyan Palerang Comprehensive Local Environmental Plan 2020 - (Clause 7.21)

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

This submission on the draft combined Queanbeyan Palerang Comprehensive Local Environmental Plan 2020 relates to Clause 7.21 - Development near HMAS Harman. The clause refers to the intersection of "Waller Road and Pharup Place". Using publicly available mapping, Pharup Place does not appear to exist. Should the clause instead refer to "Philip Place"?

Thank you.

Regards,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



**Submitter 23**

  
Braidwood NSW 2622

28 June 2020

Attention: QPRC Mayor, Councillors  
and Planning Staff (attention Luke Perkins)  
QPRC  
PO Box 90  
Queanbeyan NSW 2620

**Draft Combined Queanbeyan- Palerang Local  
Environmental Plan (Q-P LEP)**

Dear Sir/Madam

We are writing seeking a change in the current zoning for the 10 hectare block of land at 123 Duncan St Braidwood, Lot 4, DP 839479.

The land adjoins Braidwood township and would provide an ideal location for future additional housing in Braidwood as a continuation of Duncan St.

Currently the land is within Zone RU1 and we ask that the zoning be changed to R1 General Residential in order to allow subdivision of the land. The land is subject to a heritage curtilage which precludes construction of any sort other than 1 dwelling on the 10 hectares.

Regarding the heritage curtilage much has changed since it was applied. Summerfield retirement village has been built on the northern boundary of Lot 4/DP 839479 and with further extensions of the dwellings at Summerfield, it now impacts on the view cone from Duncan St. These additional dwellings now extend much further to the south than shown on QPRC zoning map (see photo below).

Photos 1- 6 provide explanatory evidence for this submission.

Photo 1: View from Duncan Street:



Photo 2: Entrance from Duncan Street:



2



Views of northern boundary of Lot 4/DP 839479 (adjacent to Summerfield retirement village): Photos 3, 4, 5:



Note the stone retaining wall is the boundary line between the villas and Lot 4



Summerfield Estate adjacent to Lot 4 DP839479 impacting the curtilage.



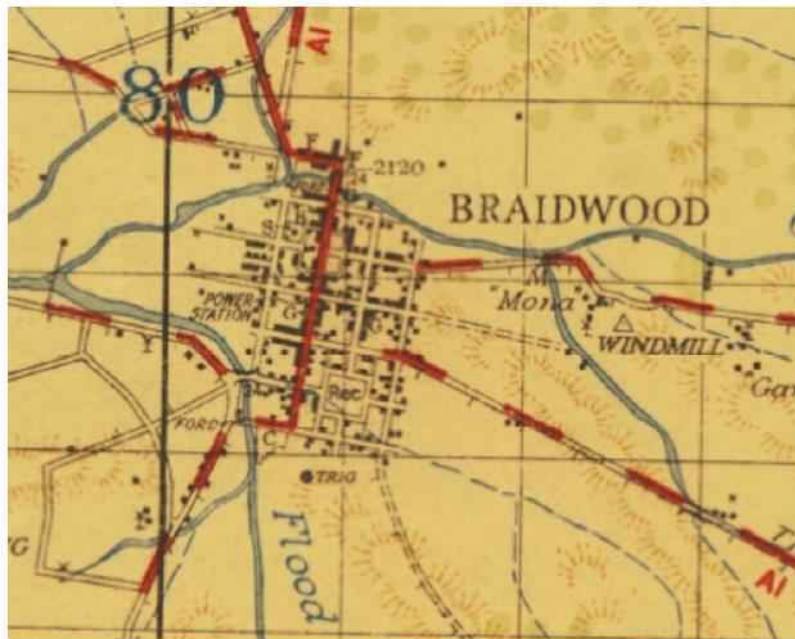
4

While fully supporting the aims of the Draft Combined Q-P LEP one of the objectives of RU1 Zone is *to minimise conflict between land uses within adjoining zones*. The location of the block is adjacent to the town of Braidwood to the west, the Special Purpose Lot 2 DP818279 Zone type infrastructure to the north west (Braidwood Hospital MPS) and Summerfield Estate (retirement village) to the north. Given the permitted uses in these adjoining zones it seems anomalous and inequitable to retain Lot 4/DP 839479 as solely for Primary Production on the basis of the heritage values which have been greatly diminished since the heritage listing in 2006. The southern boundary of Lot 4 DP839479 is the Kings Highway. The eastern boundary of Lot 4 DP 839479 is Mona Farm.

In 2005 we provided the Summerfield retirement development with a 3m easement along our boundary which allowed that development to have access to the town sewerage system.

We have attached a photograph (Photo 7) from a 1942 Australian Army map (<http://nla.gov.au/nla.obj-324272787>) showing the road continuing on from Duncan Street through Lot 4/DP 839479 to the Mona property.

Photo 7: Thorough fare through Lot 4 DP839479 indicating previous land use.



Furthermore the boundaries of the block were established with evergreen trees well before the heritage listing so again the view cones are no longer relevant. Indeed, the boundary trees will provide any future housing (if allowed) with shelter and privacy and will mean there will be no visual impact on the approach into Braidwood. Rezoning could make good use of land that is no longer used for primary production (RU1).

We would like to invite the Councillors to come and inspect the site of DP 839479 and have further discussion with us regarding this submission.

In addition below are:

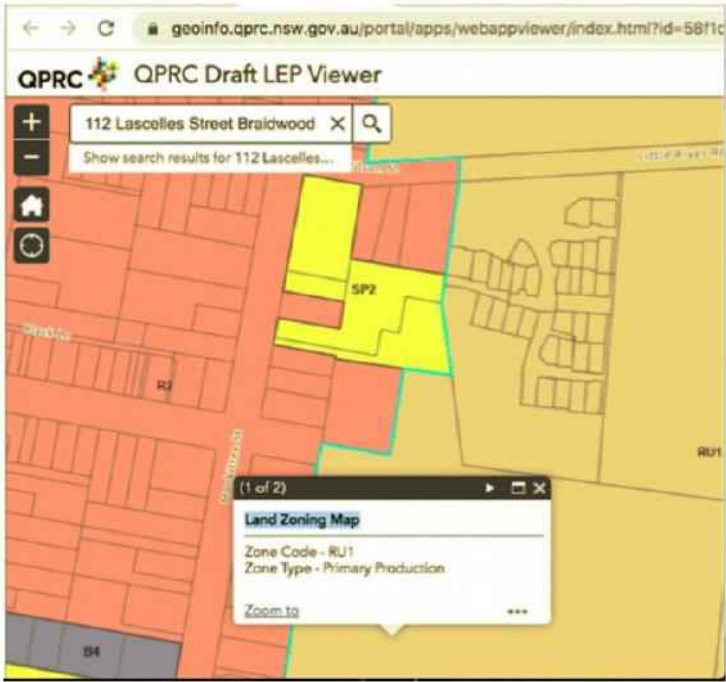
1. aerial photos Lot 4 839479 adjacent to Summerfield Estate. Note: the extent of the increased building footprint at Summerfield which is not shown in the draft LEP.





2. View of draft QPRC land zoning map showing a smaller footprint than the current footprint of Summerfield Estate.

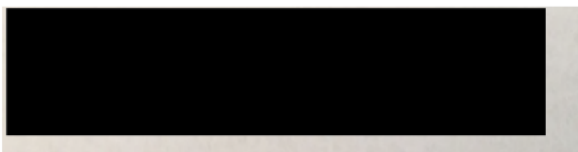




3. Aerial view of Lot 4 DP 839479 adjacent to Summerfield Estate (top) and the Kings Highway (bottom).



Yours sincerely



And on behalf of [REDACTED]  
[REDACTED] (owners of Lot 4 DP 839479)

## Submitter 24

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 11:45:09 +1000  
**To:** Council Mailuser  
**Cc:** [REDACTED]  
**Subject:** Submission to Draft Queanbeyan Palerang Comprehensive Local Environmental Plan 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear Council

We would like to make a submission to the Draft Queanbeyan Palerang Comprehensive Local Environmental Plan 2020.

We live in Wamboin. We understand that this area continues to be zoned as E4.

We would like to object to some of the proposed changes to the LEP.

### **Home Based Businesses in the E4 Zone**

Home based businesses should continue to be allowed without consent and not require a DA. Many people living in Wamboin have active businesses in the area and these are not inappropriate for the area or cause any issues for the environmental objectives of the zone. We believe it is vital for the economic survival of many people in our area that people continue to be allowed to run home based businesses without requiring consent. The proposal is highly restrictive, bad for the local economy and completely unnecessary.

**We ask that home businesses should continue to be permitted without consent under the new LEP.**

### **Neighbourhood shops in the E4 Zone**

At current there are no neighbourhood shops in Wamboin and Bywong but we believe this should be encouraged rather than prohibited. It would be beneficial for the wider community if such a facility existed (more money spent locally, greater sense of community, food security through local food shops) and definitely should not be prohibited.

**We ask that neighbourhood shops, cafes and the like be permitted with consent.**

### **Dual occupancy**

Dual occupancies are currently allowed within the E4 zone in Wamboin and Bywong and should be retained with consent. It would cause great inequity between neighbours where some have already established dual occupancy and the neighbour next door would now not be allowed to do the same. In our own case, we would like to continue living here beyond retirement age and had chosen a block with dual occupancy allowed so that one of our children might later live on the same property with us. Changing the zoning from the current status quo to not allowing dual occupancy takes away that option. This is unnecessary, unfair and disruptive.

**We ask that dual occupancy continues to be permitted with consent.**

With kind regards

[REDACTED]  
[REDACTED] Sarah Reef Road  
Wamboin

## Submitter 25

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 12:26:03 +1000  
**To:** Council Mailuser  
**Subject:** Queanbeyan Palerang Comprehensive Local Environmental Plan 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Hello,

My name is [REDACTED] and I am a QPRC resident living in Wamboin. I am writing to express my grave concern at and my strongest possible opposition to three proposed changes to E4 zoning in the QPRC LEP as it moves on from the old Palerang LEP.

1. *Elimination of Dual Occupancy in E4 Zoning* – the proposal in the QPRC LEP to eliminate dual occupancy for E4 completely ignores the needs of those with elderly and/or disabled relatives. Given the rising costs of disability care within families (NDIS assistance notwithstanding) and the demographic shift towards an older population across the QPRC region (indeed, Australia as a whole), this is both an unfair change that imposes additional economic burdens on QPRC residents and also one that ignores the day-to-day realities of QPRC residents' lives. The current LEP setting of dual occupation with consent still provides Council with adequate controls over development in any case.
2. *New Requirement to Apply for Approval To Operate A Home Business in E4 Zoning* – the proposal to require approval to operate a home business, again, is unfair and ignores day-to-day realities. Many people already operate home businesses and, furthermore, given the COVID epidemic (plus the strong possibility of future similar disruptions), the need to be as flexible as possible about home/work/business must be preserved if the QPRC regional economy is to be both resilient and sustainable.
3. *Elimination of the Possibility of A Neighbourhood Shop in E4 Zoning* – something that seems to have been almost forgotten in the development of the E4 zoning within the new LEP is that, ultimately, there are well-established communities of people already living within and across the E4 zones in question. Surely those communities might reasonably expect (subject to the necessary Council consents being sought and given) to have some community facilities, including, potentially, a community shop? Additionally, given COVID (and potential future similar disruptions), the possibility of dispersed, lower density shopping amenities must surely be welcomed as a sensible local public health measure rather than something to be eliminated. Finally, there is a direct environmental consideration in at least allowing for the possibility of a suitably-sited community shop to which some nearby residents would be able to walk or cycle (rather than drive) and seeing corresponding reductions both in traffic movement and fuel used.

In light of all the above, I ask you to think again about these three changes and drop them.

Kind Regards,

[REDACTED]



## Submitter 26

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 11:22:46 +1000  
**To:** Council Mailuser  
**Cc:** [REDACTED]  
**Subject:** Comprehensive Local Environment Plan LEP 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Attention Council,

My name is [REDACTED] and my residential address is [REDACTED] Summerhill Road Bywong.

I wish to express my concern that, this superseded draft LEP 2020 document has yet again arisen from the dead to be comprehensively consolidated. I express my concern as this document by its sheer title has the dubious potential of becoming the pseudo overarching document. The original document was inaccurate and not based on scientific evidence.

I am concerned on several grounds;

the information about riparian zones contained with this document is out dated on not in sync with NSW Government Planning. According to Department of Primary Industries, Office of Water the riparian zone for the creek, a 1st Order Creek such as ours, would be as follows: 10 metres each side of the water channel not the 40metres that this document falsely claims.

10:48 am Tue 30 Jun industry.nsw.gov.au 94%

### Riparian corridor widths

The Officer of Water recommends a VRZ width based on watercourse order as classified under the Strahler System of ordering watercourses and using current 1:25 000 topographic maps (see Figure 2 and Table 1). The width of the VRZ should be measured from the top of the highest bank on both sides of the watercourse.

**Figure 2. The Strahler System**

**Table 1. Recommended riparian corridor (RC) widths**

Watercourse type	VRZ width (each side of watercourse)	Total RC width
1 <sup>st</sup> order	10 metres	20 m + channel width
2 <sup>nd</sup> order	20 metres	40 m + channel width
3 <sup>rd</sup> order	30 metres	60 m + channel width
4 <sup>th</sup> order and greater (includes estuaries, wetlands and any parts of rivers influenced by tidal waters)	40 metres	80 m + channel width

Note: where a watercourse does not exhibit the features of a defined channel with bed and banks, the Office of Water may determine that the watercourse is not waterfront land for the purposes of the WM Act

I am additionally concerned as we have high voltage powerlines that cover the entire width of our property. Under these powerlines is cleared by the relevant authority to ground level every second or third year. This clearing width is substantial 50 plus metres. Under these powerlines can never be E4 and it is ludicrous to make that blanket assumption. I have photographic evidence of the last clearing that I would be happy to provide if required. I am sure that NSW Primary Industries would find an E4 zoning of these areas laughable.

And finally, my entire family live in Bywong. My mother is terminally ill and my father quite elderly. The longer term vision for us was to perhaps build a small second dwelling for my father once my mother passes. Under this superseded document Dual occupancy would not be permitted. This makes no logical sense and is out of sync with other nearby jurisdictions.

I am extremely concerned that there remains a small cohort of former Palerang Councillors that have vested biased interest in this document. Their involvement goes beyond any logical or scientific reasoning. I firmly believe that those with conflicts of interest should have no part in planning and development of any LEP documents for our Shire.

Yours kindly

[Redacted Signature]

Sent from my iPad

Submitter 27

## Village

[REDACTED]  
[REDACTED]  
Queanbeyan Palerang Regional Council  
PO Box 90  
QUEANBEYAN NSW 2620

Dear Sir,

### Submission on Queanbeyan Palerang Comprehensive Local Environmental Plan 2020

Thank you for the opportunity to comment on the Draft Queanbeyan Palerang Comprehensive Local Environmental Plan (LEP) 2020, currently on exhibition. VBC appreciates the intent of the draft LEP is to merge the various LEPs that currently apply to the local government area (LGA) to ensure a single LEP with consistent planning provisions across the LGA. It is also acknowledged that the planning proposal seeks to minimise the number of new policy matters in the comprehensive LEP and intends to transfer existing provisions with as little planning/policy change as possible.

VBC provides the following comments on the draft LEP which relate primarily to the South Jerrabomberra urban release area, the West Jerrabomberra Innovation Precinct and the Talpa estate within the Googong urban release area.

### West Jerrabomberra Innovation Precinct

It is understood that when the Department of Planning, Industry and Environment (the Department) originally approved the Gateway Determination for the draft LEP on 23 November 2018 that they required the South Jerrabomberra and West Jerrabomberra draft LEPs to be omitted, on the basis that they had not been substantially progressed. Since this time an amended Gateway Determination was issued on 12 December 2019 which required Council to "clearly explain how the provisions specific to the Queanbeyan LEP (Poplars) 2013 and Queanbeyan LEP (South Jerrabomberra) 2012 will be incorporated into the new comprehensive LEP."

It is assumed that the reference to the Queanbeyan LEP (Poplars) 2013 in the Department's Determination relates to the Planning Proposal for West Jerrabomberra however this is not clear in the documentation on exhibition. The *Queanbeyan-Palerang Regional Council Combining Existing Local Environmental Plans February 2020* references the Queanbeyan LEP (West Jerrabomberra) 2013 in relation to the B7 Business Park zone but doesn't include it in relation to IN2 Light Industrial zones, which will be applied in North Tralee. It also states that the Queanbeyan LEP (Poplars) 2013 will be repealed as the West Jerrabomberra LEP is finalised. Further, the uncertainty as to whether it has been considered and included is demonstrated in relation to North Tralee in the draft LEP written statement and maps and in the *Queanbeyan-Palerang Regional Council Combined LEP Land Use Matrix – February 2020* where it is not referenced.

VBC supports the inclusion of the provisions in the current West Jerrabomberra Planning Proposal into the draft LEP and urges Council to ensure that any recommendations in the *Queanbeyan-Palerang Regional Council Combining Existing Local Environmental Plans February 2020* relating to the IN2 Light Industrial or B7 Business Park zones do not have an adverse impact on the provisions of the West Jerrabomberra Planning Proposal.

Of particular importance is:

Canberra – Head Office  
Argyle Corner, 92 Hoskins Street  
Mitchell ACT 2911

P 02 6241 6844  
E [info@villagebuilding.com.au](mailto:info@villagebuilding.com.au)  
[villagebuilding.com.au](http://villagebuilding.com.au)



## Village

- the draft QLEP proposes to prohibit recreation areas, recreation facilities (major) and recreation facilities (outdoor) in the IN2 Light Industrial zone, which is the land use zone proposed for Council's Regional Sports Complex proposed in North Tralee under the West Jerrabomberra Planning Proposal
- considering allowing 'registered clubs', 'markets' and 'food and drink premises' with consent in the B7 Business Park zone would also apply to the B7 zone proposed for North Tralee.

### South Jerrabomberra

As mentioned in the previous section the Gateway Determination required Council to "clearly explain how the provisions specific to the Queanbeyan LEP (Poplars) 2013 and Queanbeyan LEP (South Jerrabomberra) 2012 will be incorporated into the new comprehensive LEP." The Queanbeyan LEP (South Jerrabomberra) 2012 was gazetted on 28 March 2018, however the term QLEP (ST) 2012, instead of QLEP (SJ) 2012, is used throughout all documentation and the *Queanbeyan-Palerang Regional Council Combined LEP Land Use Matrix – February 2020* does not include the QLEP (SJ) 2012 for the R2 Low Density Residential zone in South Jerrabomberra but instead provides a comparison in relation to R1 General Residential for the QLEP (ST) 2012.

### Land Use Permissibility

VBC support the following aspects of the draft LEP in relation to permissible land uses:

- hardware and building supplies - B1 Neighbourhood Centre
- additional residential accommodation, including attached dwellings, dwelling houses, secondary dwellings and semi-detached dwellings - B4 Mixed Use zone
- tourist and visitor accommodation - B4 Mixed Use zone
- freight transport facilities, passenger transport facilities, transport depots and truck depots, health consulting rooms, information and education facilities and respite day care centres – IN2 Light Industrial zone, assuming it will also be applied to the West Jerrabomberra Planning Proposal
- restaurants, cafes and take away food and drink establishments and function centres - RE2 Private Recreation zone

It is noted that that the *Queanbeyan-Palerang Regional Council Combining Existing Local Environmental Plans February 2020* indicates the intention to prohibit group homes, seniors living and serviced apartments in all B1 Neighbourhood Centre zones but has included in Schedule 1 to the draft LEP these uses as additional permissible uses in South Jerrabomberra, consistent with the current QLEP (SJ) 2012.

### Additional Uses in Buffer Area RE2 Private Recreation zone

The QLEP (SJ) 2012 currently makes provision for a range of additional land within the buffer area south of the proposed neighbourhood centre. It is requested that Council give consideration to the following uses as additional uses in this area, as they are considered to be compatible with the adjacent residential zone and the neighbourhood centre:

- Seniors living, including residential care facilities
- Tourist and visitor accommodation, including those not in the group term (eco-tourist facility)
- Veterinary hospital

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[villagebuilding.com.au](http://villagebuilding.com.au)

## Village

The request for these additional uses in this location responds to their supporting role in the functioning/viability of the adjacent neighbourhood centre, in much the same way that a B4 Mixed Use zone does. In the case of South Jerrabomberra, the B4 Mixed Use zone is located to the east of the neighbourhood centre, the bulk of which is located in the road reserve of Environs Drive and therefore not usable. Transferring a number of the permissible uses from this zone to the buffer area to the south of the centre will ensure a range of compatible uses that support the centre by providing vitality in close proximity, without impacting the dwelling yield of the estate.

The inclusion of tourist accommodation may also provide the opportunity for accommodation facilities to support the Regional Sports Complex to be located in North Tralee.

### Rezoning

A small area on the eastern boundary of the Jerrabomberra estate was excluded from the QLEP (SJ) 2012 and was a deferred matter under the Queanbeyan LEP 1998. The draft LEP has reinstate its original RU2 Rural Landscape zone (see area circled in red in Figure 1 below). It is not entirely clear why this area was excluded from the South Jerrabomberra urban release area however, it appears that this may have been on the basis of ecological values associated with native grassland as assessed by Kevin Mills and Associates at the time (although it is noted that it is not definitively identified as an area of significant vegetation). Figure 1 below shows an image of vegetation from said assessment.

Figure 1: Area to be considered for realignment



The exclusion of this area from the South Jerrabomberra urban release area has resulted in an awkward road alignment, and resultant lots, within Stage 1 of the estate. In October 2019, VBC sought expert advice from EcoLogical Australia in relation to the biodiversity values in this locality with a view to seeking a rezoning of the land for residential uses, enabling the orderly and efficient subdivision of the South Jerrabomberra estate. EcoLogical Australia advised that the site comprises highly degraded vegetation under the *Biodiversity Conservation Act 2016* (BC Act), with a lack of significant fauna habitat and that the rezoning of the land for urban uses would not have significant impacts on matters listed under the BC Act. EcoLogical Australia's report is at Attachment 1.

In the former Queanbeyan LGA the R1 General Residential zone was used to identify urban release areas and to ensure suitable flexibility as an urban release area proceeds. The residential areas of South Jerrabomberra under QLEP (ST) 2012 were initially zoned R1 General Residential, consistent with this direction, the objective of which is 'to provide for the housing needs of the community'. In preparing the

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[villagebuilding.com.au](http://villagebuilding.com.au)



## Village

QLEP (SJ) 2012 to include the Forrest/Morrison and Walsh land into the South Jerrabomberra urban release area, the residential lands were back zoned to R2 Low Density Residential. It is understood that this change was an attempt to manage the maximum dwelling yield of 1,500, however the result has been to restrict the permissible land uses on approved lots in Stage 1. It is requested Council rezone land to which the minimum lot size of 130sqm applies to R1 General Residential zone as this will enable these sites to be developed in the manner anticipated under the development consent and better align with the zone objectives.

### Other provisions

Clause 5.3 Development near zone boundaries has been amended to be consistent with the current Palerang LEP. As such it will be restricted to a very narrow application which is inconsistent with the provisions of the current QLEP (J) 2012. VBC object to this and request Council ensure the current provisions continue to apply in South Jerrabomberra. This will ensure a degree of flexibility in the urban release area where fixed zone boundaries do not necessarily enable efficient and orderly development of a site. An example of where this is an issue is on two super lots where the B4 and R2 zonings apply. Without the Development near zone boundaries provision applying to these zones the resultant development of the sites would be awkward and deliver substandard outcomes from an urban design perspective. This clause enables the economic and efficient development of the sites.

It is noted that the Local Clauses provision and Clause 7.5 land in the vicinity of proposed arterial roads are included in the draft LEP and that the 'arterial road area' as it applies to the proposed Dunns Creek Road extension has been retained to the north of the residential area in South Jerrabomberra. This is supported as it will enable the efficient development of the estate and creation of a cohesive community whilst preserving an option to connect into the ACT in the future.

### **Talpa Estate**

Land known as the Talpa estate, located on the northern side of Googong Road, forms part of the Googong urban release area. The reduction of the buffer zone to the Googong Sewerage Treatment Plant to 200 metres, results in the majority of the land now being free from this encumbrance. As such, it is requested Council reconsider the minimum lot size with a view to reducing it in line with the average block size in the rest of the Googong urban release area. This will enable the efficient development of land as a natural progression of Googong.

Thank you again for the opportunity to comment on the draft LEP. Should you have any enquiries regarding any matters raised please contact the undersigned on [REDACTED] or [REDACTED]

Yours sincerely,

[REDACTED]  
Senior Development Manager  
30 June 2020

Canberra – Head Office  
Argyle Corner, 92 Hoskins Street  
Mitchell ACT 2911

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[villagebuilding.com.au](http://villagebuilding.com.au)



Level 2  
11 London Circuit  
Canberra ACT 2601  
t: (02) 6103 2313

17 October 2019

Our ref: 13982

Village Building

via email: [REDACTED]

Attention: [REDACTED]

Dear [REDACTED]

#### **South Jerrabomberra Biodiversity Constraints – Final – Road Straightening**

Eco Logical Australia (ELA) was engaged by Village Building Company (VBC) to conduct a biodiversity assessment to support a proposed road re-alignment of the RU1 boundary within the South Jerrabomberra Stage 1 lands (Figure 1 and Figure 2).

This letter reports on the biodiversity values within the study area and assesses these values in relation to the *Biodiversity Conservation Act 2016* (BC Act).

#### **BACKGROUND**

##### **Biodiversity Conservation Act 2016**

In November 2016, the NSW Government passed the BC Act and *Local Land Services Amendment Act 2016* (LLS Act), changing the way biodiversity impacts are assessed and approved in NSW. This new legislation has now repealed the *Threatened Species Conservation Act 1995* (TSC Act), *Native Vegetation Act 2003* (NV Act) and parts of the *NSW National Parks and Wildlife Act 1974* (NP&W Act).

The NSW BC Act provides a mandatory framework for addressing impacts on biodiversity from development and clearing, including the BOS and the Biodiversity Assessment Method (BAM). Where the BOS is triggered, a detailed Biodiversity Development Assessment Report (BDAR) is required and the BAM must be undertaken to support a Development Application (DA).

Triggers for the BOS include:

- Clearing over a threshold of native vegetation based on minimum lot size.
- Impacts to land mapped on the Biodiversity Value Map.
- Significant impacts to matters listed under the BC Act as assessed using s7.3 of that Act.

It is acknowledged that this letter report is to support a rezoning request for the LEP rather than a Development Application (DA). Therefore, the triggers of the BOS do not apply and assessment using the BAM (as part of the BC Act) is not required. However, the BAM does provide a useful method to assess vegetation condition and to identify potential threatened species habitat. Furthermore, consideration under the LLS Act can be used to assist approval pathways for any future DAs.

### **Local Land Services Act 2013**

The study area occurs on land that would be classified as Category 1 Exempt Land under the Native Vegetation Regulation (NVR) Map, which is currently being reviewed and finalised as part of the NSW biodiversity reforms process. The NVR Map generally covers rural land in NSW. Its intent is to categorise land where management of native vegetation can occur without approval or where management of native vegetation may be carried out as per Part 5A of the LLS Act.

The transitional arrangements for the LLS Act allow landowners to determine the categorisation of their land. Section 60F ('Transitional arrangement until preparation of maps') of the LLS Act states:

*(4) A provision of this Part that determines the relevant categorisation of land by reference to a reasonable belief of the Environment Agency Head about a particular matter is to be construed, for the purposes of this section, as a reference to what a reasonable person would believe about the matter.*

It is noted that clearing of Native Vegetation (as defined by the LLS Act) on land that meets the definition of Category 1 Exempt Land does not require assessment or offsetting under the BAM or BOS. Section 6.8 of the BC Act ('Matters to be dealt with by the biodiversity assessment method') states:

*(3) The biodiversity assessment method is to exclude the assessment of the impacts of any clearing of native vegetation and loss of habitat on category 1-exempt land (within the meaning of Part 5A of the Local Land Services Act 2013), other than any impacts prescribed by the regulations under section 6.3.*

### **South Jerrabomberra**

Previous biodiversity assessments have been conducted across much of the South Tralee lands (including South Jerrabomberra), which have informed the current LEP and land zonings (see references for list of previous assessments), including detailed assessments for the occurrence of threatened species and threatened ecological communities. This letter does not seek to replicate these detailed assessments, but rather reviews the conclusions of the previous work through an independent site inspection and provides a summary of the findings with reference to the BC Act.

The study area was surveyed by Kevin Mills and Associates (KMA 2014b & 2014c, Figure 1) to determine the presence and extent of native ground cover, as mapped in Figure 2 (light green). During the assessments, no threatened flora was observed, and the site was not considered to provide important habitat for threatened fauna. The assessments determined that the majority of the study area was dominated by exotic species, which was confirmed during the recent site inspection.

As part of the previous assessments, KMA undertook six transects (#T15 to #T21) and a single floristic plot. The floristic plot identified the native species *Austrostipa scabra*, *Austrostipa bigeniculata*, *Bothriochloa macra* and *Panicum effusum* as being dominant, with exotic species having a low cover (KMA 2014b). This was not observed during the recent site inspection (ELA 2019); in fact, native species were almost absent, and the study area was highly exotic.

The transect surveys T15, T17, T18, T19 & T20, as part of KMA 2014c, identified the study area as dominated by exotic species – only T16 and T21 were dominated by native species. Transect T16 corresponds to the area mapped as Carex / Lomandra vegetation in Figure 2 (dark green). Transect 21 aligns with a small patch of Box-Gum Woodland (Figure 2; plot B), which forms part of a separate assessment associated with the nominated E2 zoned lands.



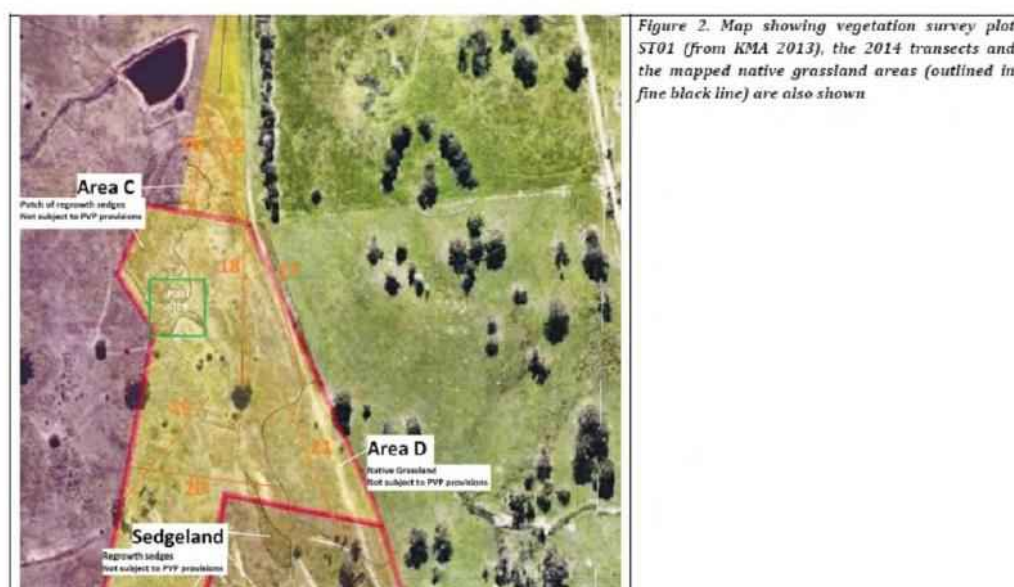


Figure 1: Previous assessment results from KMA 2014b

#### FIELD SURVEY METHODOLOGY

A site inspection of the study area was conducted on 19 September 2019 by Eco Logical Australia (ELA) ecologists Dr Matthew Dowle and Clare Duck. Matt is an accredited assessor (#BAAS 17043) under the BC Act and Biodiversity Offset Scheme (BOS). The survey included a meander of the study area, a full floristic biometric plot, observations of important habitat features and opportunistic observations.

#### EXISTING ENVIRONMENT

The proposed road re-alignment (**Photo 1 & 2** and **Figure 2**) occurs on land that is highly degraded, heavily modified and consists predominantly of exotic vegetation. The area has been moderately to heavily grazed by kangaroos, and recent weed control efforts for *Nassella trichotoma* (Serrated Tussock) was evident. The area was dominated by exotic grasses, shrubs, forbs and noxious weeds including *Eragrostis curvula* (African Lovegrass), *Phalaris aquatica* (Phalaris), *Erodium botrys* (Long Stork's Bill), *Hypericum perforatum* (St John's Wort), *Echium plantagineum* (Patterson's Curse), *Hypochaeris radicata* (Cat's ear) and *Rubus fruticosus* (Blackberry). The native species identified within KMA (2014b) report were not identified during the recent surveys and are no longer considered to be present, due to the extent of exotic species and high level of land disturbance.

For the purposes of the BC Act, the vegetation within the subject site does not represent a Plant Community Type (PCT) and is considered to be cleared of native vegetation. No native trees or shrubs occur within the proposed road re-alignment area; however, native species were observed in small isolated occurrences, including *Lomandra longifolia* (Mat-rush) and *Carex appressa* (Tall Sedge), which were locally dominant and are mapped in Figure 2. No threatened flora was observed during the site inspection and the site is not considered to provide important habitat for threatened fauna nor represent a Threatened Ecological Community under the BC or EPBC Acts.

The study area could be classified as either low conservation grasslands or land containing only low conservation ground cover, as defined under the LLS Act. The site was likely cleared of intact native vegetation prior to 1 January 1990. The site has been subject to many years of disturbance (such as grazing), which has modified the natural soil profile and removed remnant vegetation (**Photos 1 and 2**).

Based on the position of the subject site within the landscape, the vegetation prior to disturbance would likely have represented PCT 1330 (*Yellow Box - Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion*). However, in its current state, it is in a derived form where the vegetation is dominated by exotic species and no longer comprises characteristic species from one or more structural layers (canopy, mid-storey or ground layer) that would be present in the undisturbed form of the PCT.

As part of the field surveys, a single biometric plot consistent with the BAM was conducted and assigned to PCT 1330. The vegetation integrity score (as determined by the online BAM Calculator) for this plot was 9.5 (out of 100), indicating a very low condition of vegetation. The integrity score is consistent with a site that has been cleared of intact vegetation, heavily modified and contains limited native diversity.

It is noted that two Diamond Firetails (*Stagonopleura guttata*) and a single Dusky Woodswallow (*artamus cyanopterus*), listed as Vulnerable under the BC Act, were observed flying in the east of study area. Diamond Firetails nest in shrubby understorey or up higher in the canopy, and feed exclusively on the ground. The Dusky Woodswallow inhabits dry, open eucalypt forests and woodlands with an open or sparse understorey and ground-cover of grasses or sedges and fallen woody debris. However, no breeding habitat or nests were observed within the study area for either species. These birds are likely foraging within the eastern part of the study area due to the stand of planted eucalypts and prominent foraging resources in the grassy ground layer.

#### CONCLUSION

It is noted that the subject site is likely considered Category 1 Exempt Land under LLS Act and comprises highly degraded vegetation (condition score 9.5 out of 100) under the BC Act. Furthermore, considering the highly degraded nature of the site and lack of significant fauna habitat features such as hollow-bearing trees, partially embedded rock, fallen logs, litter and intact vegetation, the study area does not represent important habitat for threatened species. Therefore, significant impacts on matters listed under the BC Act, such as threatened flora and fauna, will not occur as a result of the road re-alignment.

Further or more detailed biodiversity assessment is not considered to be required to support the rezoning of the study area.

If you have any questions in relation to this brief letter, please do not hesitate to contact me at

[REDACTED]

Regards,

[REDACTED]

Senior Ecologist / Canberra Office Manager

[REDACTED]





Figure 2: Biodiversity constraints within the study area. Light green represents previously mapped native grasslands.



*Photo 1: Carex / Lomandra vegetation community within the study area. Note high exotic occurrence*



*Photo 2: Looking north along the proposed road re-alignment. Predominantly exotic vegetation.*



#### References – preference assessment in and nearby the study area

Biosis Research. 2003. *Natural Heritage Assessment of Tralee, Queanbeyan, NSW*. Prepared for Queanbeyan City Council.

Kevin Mills & Associates. 2004. *Survey of the Grasslands on South Tralee, City of Queanbeyan*. Prepared for the Village Building Company.

Kevin Mills & Associates. 2013. *Ecological Assessment of Rezoned Land at South Tralee, Queanbeyan*. Prepared for the Village Building Company.

Kevin Mills & Associates. 2014a. Response to request for further information: DA No. 263-2013.

Kevin Mills & Associates. 2014b. Development Application, South Tralee Urban Release Area.

Kevin Mills & Associates. 2014c. *South Tralee Vegetation Assessment: Land Outside Development*. Prepared for the Village Building Company.

Kevin Mills & Associates. 2016. South Tralee Stage 2 Development Application: Responses to Council's Request for Further Information.

Kevin Mills & Associates. 2017. *Revised South Tralee Development Application – Stage 1 August 2017*. Prepared for the Village Building Company.

NSW Office of Environment and Heritage. 2016. Attachment A: Detailed Information on Biodiversity for South Tralee Stage 2 466-2015.

Rowell, A. 2016. Brief Habitat Assessment of Golden Sun Moth Habitat at Tralee South in Vicinity of 2003 Sighting. Prepared for the Village Building Company.

URS. 2005. *Tralee Local Environmental Study*. Prepared for Queanbeyan City Council.

## Submitter 28

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 10:08:07 +1000  
**To:** Council Mailuser  
**Subject:** 'Queanbeyan Palerang Comprehensive Local Environmental Plan 2020'  
**Attachments:** Draft LEP Comments [REDACTED].docx

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Good morning  
Please find attached my comments on the 'Queanbeyan Palerang Comprehensive Local Environmental Plan 2020'.  
Cheers  
[REDACTED]

## Draft Combined QPRC Local Environmental Plan Comments

### General comments

- Reference to Development Control Plan (page 54) relates only to development on land in an urban release area. While the QUESTIONS AND ANSWERS ABOUT THE Queanbeyan Palerang Comprehensive Local Environmental Plan 2020 state that Development Control Plans will be developed in a later process it is important that the Braidwood DCP be revised and updated. Written in 2006 it is a very useful document for the community and administration by providing clear guidelines for managing the State Heritage listing Braidwood and its Setting.
- Braidwood's population is aging. The population was estimated to be 1,783 (2018 ABS ERP) in 2018. The number<sup>[T]</sup><sub>[SEP]</sub> of people of post-retirement age in Braidwood is a higher proportion than the LGA average, and also the regional NSW average. Weekly household income is less than the NSW and Regional NSW averages. 25.5% of households were in the lowest quartile of less than \$650 per week, compared to Regional NSW's average of 22%. Social housing and small scale, sustainable housing units for the elderly are required. For example, elderly residents currently living in rural areas are seeking affordable accommodation when they move and downsize into town. Lot sizes should be permissible to enable and encourage the construction of sustainable housing units.

### Specific comments

Zone RU1 Primary Production (page 12) Objectives of Zone

- **To minimise the impact of any development on the natural environment**  
Include the words, *and cultural heritage* after the word environment.

- Exempt Development (page 73) includes A Frame signs with a maximum area of 1metre x 900mm.

The Braidwood Development Control Plan s. 16.13 Portable footpath sign  
Portable footpath signs shall not exceed 1 metre in height and 0.75 metres in width. Only one such sign shall be permitted per business premises. The location of portable footpath signs shall be by agreement with Council. It would be good to know whether the guidelines will fit within this new LEP exemptions.

- 7.9 The inclusion of Scenic protection areas is welcome (page 61). However there is no definition or explanation in the Dictionary about Scenic protection areas.



30 June 2020



## Submitter 29

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 09:18:11 +1000  
**To:** Council Mailuser  
**Cc:** [REDACTED]  
**Subject:** FW: Draft QPLEP 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

To whom it may concern

**Submission to QPRC in response to the QPRC Comprehensive LEP 2020,  
currently on public exhibition.**

I bring to your urgent attention a gross oversight and error in the draft QPRC Comprehensive LEP 2020 in relation to

- i. the draft land use matrix relating to QPRC zone R5
- ii. Schedule 1 Additional Permitted Uses (pg 68)

At the Planning and Strategic Committee meeting 12 February item 6.1, council resolved (PLA004/20) that, and I quote....

"1. Council endorse the draft planning proposal to rezone part of Bywong and Wamboin from E4 Environmental Living to R5 Large Lot Residential subject to;


1.(b) The inclusion of extensive agriculture as a permitted use without consent pursuant to Schedule 1 of PLEP 2014 as it appears in the planning proposal"

Both the draft QPRC Comprehensive LEP 2020 land use matrix and the associated Schedule 1 fails to reflect this decision of Council. Schedule 1 of this draft should identify this Council resolution by specifying the additional permitted land use (extensive agriculture) for Bywong and Wamboin R5 landholdings. However, this has clearly been omitted in error. This will have catastrophic effects for land holders as extensive agriculture is currently permitted without consent under their current zoning (for both PLEP and QLEP), and they were assured by the Council decision at the 12 February Planning and Strategy Committee meeting that this would continue under the proposed zoning change.

This represents a significant error in the draft document and requires immediate correction as, in its current form, the draft document clearly is at odds with the associated Council decision and documented minutes.

Due to the serious nature of my submission and associated consequences, could your office please reply to me at your earliest convenience.

Sincerely,

  
Bywong

Submitter 30



30 June 2020

Our ref: 18-018-02

[REDACTED]  
Queanbeyan-Palerang Regional Council  
PO Box 90  
Queanbeyan NSW 2620

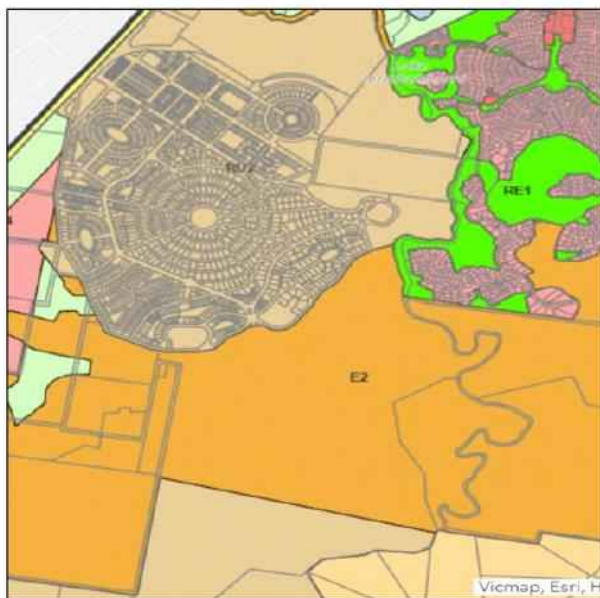
Dear Sir,

**Draft Queanbeyan Palerang Comprehensive Local Environmental Plan**

We refer to the Draft Queanbeyan Palerang Comprehensive Local Environmental Plan (Draft LEP) as exhibited by Council. Knight Frank Town Planning has been engaged by David Larcombe & Robin Pty Ltd to prepare this submission in relation to land at South Jerrabomberra otherwise referred to as Environa and Robin. We thank Council for the opportunity to make a submission.

Our client owns Environa which was subdivided in the early 1900's as well as lots 10, 11 / DP 565362, lot 2 / DP 530354 and lot 74 / DP 775098 South Jerrabomberra and otherwise referred to as Environa and Robin. Environa and Robin are the key land holdings in what might otherwise be described as the Queanbeyan south west growth corridor. A prior submission in relation to the Environa/Robin land holdings has been made to Council in response to the draft Local Strategic Planning Statement (draft LSPS). In recently considering the draft LSPS, we note that Council has agreed to amend the draft LSPS structure plan to acknowledge the current rural uses and zoning of the land holdings.

We note the proposed zoning of Environa under the draft LEP is *RU2 Rural Landscape* and for Robin, *E2 Environmental Conservation* – refer to **Figure 1** below.



**Figure 1:** Proposed Zoning – Draft Queanbeyan Palerang LEP

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GPO Box 187, Sydney NSW 2001  
Level 22, Angel Place, 123 Pitt Street  
Sydney NSW 2000

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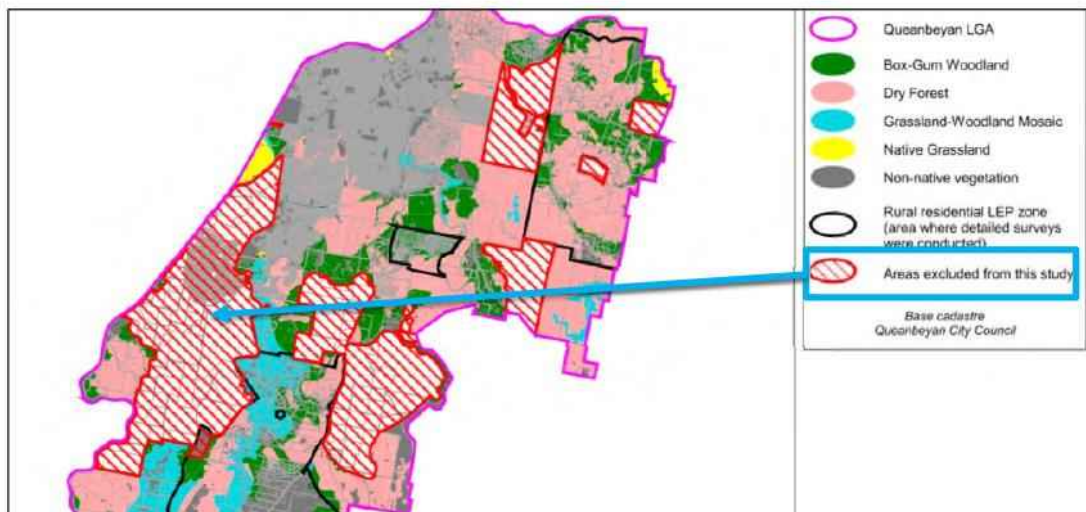
Document Set ID: 783685

Version: 1, Version Date: 30/06/2020

In relation to the proposed RU2 zoning, we note Council's comments in the draft LEP exhibition material that, "the existing rural zones between the various plans can be merged into a new comprehensive LEP for the amalgamated area with little policy consequence." In this regard, we wish to confirm our understanding that extensive agriculture will continue to be permitted without consent.

In relation to the draft LEP zonings we make the following comments:

1. Whilst we note the proposed *E2 Environmental Conservation* zoning of the Wandiyali – Environa Wildlife Sanctuary, we strongly object to the proposed *E2 Environmental Conservation* of the remainder of the Environa and Robin land holding for the following reasons:
  - ♦ There are no site specific ecological studies that provide the basis for a conservation zone. By way of reference, we note that the land holdings were excluded from the *Queanbeyan Biodiversity Study Findings Report* (July 2008) prepared for Council. By reference to Figure 4 from that Report (see **Figure 2** below), we note the land holdings were excluded from the *Validated Vegetation Mapping*. In other words, there is no reliable basis on which to zone the land *E2 Environmental Conservation*.



**Figure 2:** Extract from the Queanbeyan Biodiversity Study Findings Report (2008)

- ♦ The landholdings continue to be used for rural and general grazing uses.
  - ♦ In the event there is a review of the long term range of uses such as employment and residential as indicated by Council in its own response to the draft LSPS, then that would be the appropriate time and opportunity to undertake detailed site specific ecological studies.
2. In terms of the Environa land holding, we note that draft LSPS structure plan identifies the northern part of the land holding as a 'future employment area'. Whilst we note the purpose of this draft LEP is not to undertake planning policy changes we do seek the assurance of Council that a rezoning of the land to employment will be considered by way of a separate Planning Proposal.





We thank Council for the opportunity to make this submission in relation to the Draft LEP and in summary note the following:

1. That Council acknowledge the potential for employment lands at North Envirova in accordance with the draft LSPS structure plan and note that a separate Planning Proposal to rezone the land for employment uses will be submitted;
2. The proposed *E2 Environmental Conservation* zoning of part Envirova and Robin lands is strongly objected to; and
3. That the Envirova and Robin lands be rezoned to *RU2 Rural Landscape* as part of the draft LEP.

We would be happy to discuss at your convenience.

Yours sincerely,

[Redacted signature]

[Redacted name]

Director  
Knight Frank Town Planning

[Redacted contact information]

[Redacted contact information]



## Submitter 31

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 08:31:43 +1000  
**To:** [REDACTED]  
**Cc:** Council Mailuser  
**Subject:** [REDACTED] - Dwelling Entitlement Lot 186 DP754873  
**Attachments:** doc02162120200630083612.pdf

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Good morning [REDACTED]

Attached is a letter following up on our discussions.

Regards,



Director  
BSurv(Hons) GradDip UrbRegPlan  
Bungendore NSW 2621





13 Gibraltar Street  
PO Box 372  
Bungendore NSW 2621  
Phone (02) 6238 0144

115 Yambill Street  
PO Box 735  
Griffith NSW 2680  
Phone (02) 6964 3192

ARL.LW.PN13310

29<sup>th</sup> June 2020

Attention: [REDACTED]  
Queanbeyan-Palerang Regional Council  
PO Box 348  
BUNGENDORE NSW 2621

email to: [REDACTED]

Dear [REDACTED]

RE: [REDACTED]  
LOT 186 DP 754873

I act for the owner in this matter.

It is noted that the combined QPRC Local Environmental Plan is presently being advertised. Further to our discussions in November 2019 we formally request that Council considers appropriate means to permit a dwelling to be constructed upon Lot 186 DP 754873 owned by my client.

This land is zoned RU1 and has an area of about 19 hectares. Brooks Creek forms the northern and eastern boundaries of the land and with the exception of vegetation along the creek banks, the subject land is clear, open grassland, consistent with the adjoining E4 properties.

Access to the property is along a Right of Carriageway through Lot 7 DP1142698 however there is also access to the unformed Shinglehouse Road which is a Crown road.

Adjoining the subject land to the west and south is E4 land with a minimum lot size of 6 hectares for dwelling rights. Lot 186 is the only parcel of land in this Bywong area, west of Brooks Creek, that is not E4 zoned land and is a remnant portion from previous larger rural holdings. There is no access to the land across Brooks Creek.

Lot 11 DP 245149 is the subject of a Development Application for a 3 lot subdivision and this application proposes to upgrade/extend the formation of Shinglehouse Road.

We request that Council considers appropriate means within the new LEP that will permit a dwelling to be constructed on Lot 186 with an appropriate application.

Yours faithfully

[REDACTED]  
Registered Surveyor  
B.Surv (Hons) GradDip UrbRegPlan

## Submitter 32

**From:** [REDACTED]  
**Sent:** Tue, 30 Jun 2020 08:00:28 +1000  
**To:** Council Mailuser  
**Subject:** E4 Zone

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

We write this in support of the Wamboin Community Association (WCA) submission to the Draft Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan 2020 in relation to the following item which we believe should be retained as is for E4 zones, particularly in regard to ***Dual occupancies in the E4 Zone***

The existing LEP includes dual occupancies as an activity permitted with consent within the E4 zone. We note with concern, however, that the draft Queanbeyan Palerang LEP 2020 excludes this provision. We wish to see the existing provisions retained.

Regards

[REDACTED]  
[REDACTED] Birchmans Grove  
Wamboin.

## Submitter 33

**From:** [REDACTED]  
**Sent:** Mon, 29 Jun 2020 21:55:05 +1000  
**To:** Council Mailuser  
**Subject:** Queanbeyan Palerang Comprehensive Local Environmental Plan 2020  
**Importance:** Normal

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

As a semi-retired long-term resident of Bywong, I support the Wamboin Community Association (WCA) submission to the Draft Queanbeyan-Palerang Regional Council Comprehensive Local Environment Plan 2020 in relation to my own circumstances that mirror the WCA concerns for the following items which I believe should be retained as is for E4 zones.

1. Dual Occupancy. Noting it has direct relevance to my own property, as the previous owner had a Dual Occupancy DA in place that expired, and I am in the process of resubmission.

I consider the current LEP provisions that include dual occupancies as an activity permitted with consent within the E4 zone, to be wholly appropriate for particularly our very much rural-residential area. I and the WCA note with serious concern, that the draft Queanbeyan-Palerang LEP 2020 excludes this provision. I support the WCA objections and wish to retain this provision as it currently exists on my, and our surrounding properties in Bywong and Wamboin.

2. Home Based Businesses in the E4 Zone

I consider the current LEP provisions that include home based businesses should remain 'permissible with consent' throughout this zone under a combined LEP. This is particularly relevant considering the devastating effects that COVID-19 and the preceding bushfires have had on our immediate and surrounding regions. Stifling home based businesses will further burden our already crippled regional and national Economy. Any council that considers penalising any business in this environment is siting itself as detached from the best interests of its citizens and would be seen as acting irresponsibly and not in the best interest of the region.

3. Exhibition Period

I am concerned that the extremely short timeframe available for community discussion and debate in this limited exhibition period, noting the range of consecutive hardships faced by our (your) community are being perceived as restricting the debate and fair community discussion on the QPRC LEP 2020. Noting the closure of the community hall for meetings as a focal point. I believe it would be in the QPRC best interest to extend the period of exhibition and encourage at least online (via ZOOM, SKYPE, TEAMS as alternatives) the opportunity to have community group participation with Council on these topics. Or alternatively and noting the improving NSW COVID-19 situation, extending the period of exhibition by two months to allow community group involvement and discussion. I look forward to your acknowledgement of this submission. Take care.

Yours sincerely,

[REDACTED]  
Resident of Bywong, NSW



Sent from [Mail](#) for Windows 10

## Submitter 34

**From:** [REDACTED]  
**Sent:** Mon, 29 Jun 2020 21:18:59 +1000  
**To:** Council Mailuser  
**Subject:** Queanbeyan Palerang Comprehensive Local Environmental Plan 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear Councillors,

I support the submission of the Wamboin Community Association in response to the QPRC Local Environmental Plan 2020. I support the submission in its entirety and request that the WCA submission is strongly considered. As a new resident, a landowner and ratepayer of the area I am particularly unsupportive of the proposed changes to Dual Occupancy, home business, and animal husbandry in E4 zoned areas. The proposed changes are not reflective of the entire community, they diminish the value and flexibility of use and when selling these zones. The argument to rezone only some areas is unsound. The steps to further degrade the value and enjoyment of those remaining with E4 zoning is even less so.

I do not support the proposed changes to E4 zoning freedoms.

Best Regards,

[REDACTED]  
[REDACTED] Weeroona Drive Wamboin NSW 2620

Sent from my iPhone

## Submitter 35

**From:** [REDACTED]  
**Sent:** Mon, 29 Jun 2020 21:08:33 +1000  
**To:** Council Mailuser  
**Cc:** [REDACTED]  
**Subject:** Submission to Draft Comprehensive Local Environmental Plan 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear [REDACTED]

I wish to make the following submission to the Draft Comprehensive Local Environmental Plan 2020

I have a small family run vineyard at [REDACTED] Joe Rocks Road, Bungendore. The area is zoned E3. We are next door to Lark Hill Winery which was given an exemption from E3 in the 2014 Palerang Environmental Plan. We are not permitted to have a cellar door as retail ventures are not allowed under the E3 classification.

We are now producing wine from our grapes with the aid of Canberra Region winemakers and have been successful in winning several gold medals for our wines.

Our brand "Enotria Wines" emphasises that the wine is produced in the Bungendore Region.

I have been in contact with other small producers in the local area and we are keen on developing a Bungendore and Lake George Wine and Food trail as distinct from being identified as a Canberra Wine Region. We have partnered with Le Tres Bon Restaurant in Bungendore and Norton Road Wines in the last 2 years to have local wine and food events. These were accepted very well by the public.

I wish to be considered for our vineyard to be given permission to have cellar door sales so as to participate more actively in the local wine and food tourism ventures. We are only seeking limited permission for opening on weekends and public holidays. There are already people attending our neighbour, Lark Hill Wines' for tastings. By having more than one destination, there is the opportunity of attracting a larger number of visitors.

The wine and food trail could include (not a complete list);

Vineyards/Wineries

Enotria Wines  
Affleck Wines  
Contentious Character

Norton Road Wines  
Lake George Wines  
Lerida Estate  
Braidwood Wines

Food/Eating

Le Tres Bon Restaurant  
The Gathering, Bungendore  
Gunna Doo Bakery, Bungendore  
Norton Road Wines  
Contentious Character  
Lake George and Royal Hotels, Bungendore  
Wordwork Gallery Cafe  
Truffle Farm

There also the possibility of accommodation at The Carrington Inn, Lake George Hotel, The Old Stone House, and caravan sites at the Bungendore Showgrounds

On Saturday mornings the Bungendore Farmers Market could also be included.

I am also aware of interest in providing minibus tours for those wanting to avoid driving.

Thank you for taking this submission into consideration.

██████████  
Enotria Wines

**Submitter 36**

**From:** [REDACTED]  
**Sent:** Mon, 29 Jun 2020 20:26:47 +1000  
**To:** Council Mailuser  
**Subject:** Queanbeyan Palerang Comprehensive Local Environmental Plan 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear Sir/Madam,  
We support the Wamboin Community Association (WCA) submission to the Draft Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan 2020 in relation to the following items:

- (1) Dual occupancies in the E4 Zone should be retained.
- (2) Home Based Businesses in the E4 Zone should be retained.
- (3) Exhibition Period is inadequate given the COVID-19 pandemic shutdown and recent bushfire impact.

Yours sincerely,

[REDACTED]

( [REDACTED] Canning Close, Wamboin)



## Submitter 37

**From:** [REDACTED]  
**Sent:** Mon, 29 Jun 2020 20:19:54 +1000  
**To:** Council Mailuser  
**Subject:** Queanbeyan Palerang Comprehensive Local Environmental Plan 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

For your attention,

As residents and land owners at [REDACTED] Warramunga Close, Wamboin, we wish to submit our support with the Wamboin Community Association (WCA) submission to the Draft Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan 2020 in relation to the following items which we believe should be retained as is for E4 zones.

(a) Dual occupancies in the E4 Zone

The existing LEP includes dual occupancies as an activity permitted with consent within the E4 zone. We note with concern, however, that the draft Queanbeyan Palerang LEP 2020 excludes this provision. We wish to see the existing provisions retained.

(b) Home Based Businesses in the E4 Zone

We disagree with the proposal that "Home based child care and home businesses are not inappropriate uses provided consent is sought for any development. Home based businesses should be 'permissible with consent' in this zone under a combined LEP".

Our existing home-based businesses (office-based consultancy, studio-based artistic practice) should not require DA consent to operate. We believe this is restrictive and would impact on us as for many existing and proposed business operating in our area. We argue that home businesses be shown as 'permissible without consent' under a combined LEP consistent with the Exempt and Complying SEPP.

(c) Exhibition Period

Given that our community has been preoccupied with the challenges of drought, bushfire, and currently the Covid-19 epidemic, the short period of time available for examination of the proposals and potential community discussion and debate has been inappropriately restrictive.

Community meetings have been suspended as QPRC have closed our community hall and as per Federal and state Government restrictions we have not been able to thoroughly digest or debate the proposed LEP.

Given all that, and until circumstances return to normal, we agree with the WCA that the status quo of the issues outlined above be retained, with:

- Dual occupancy, being permitted with consent within the E4 rural residential zone.
- Home based businesses permitted without consent in the E4 Zone

Regards

██████████  
■ Warramunga close  
Wamboin NSW 2620

Submitter 38

**From:** [REDACTED]  
**Sent:** Mon, 29 Jun 2020 19:49:34 +1000  
**To:** Council Mailuser  
**Subject:** Queanbeyan Palerang Comprehensive Local Environmental Plan 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Hello,

I am wanting to make a comment on the the draft QPLEP.

It is proposed that dual occupancy developments will no longer be permitted outside of the urban areas. We live in Wamboin and it has always been our intention to provide for my mother-in-law once she is no longer able to look after herself. The plan is for a small dual occupancy development on our 10 hectare property. We deliberately bought a property with a building envelope that is big enough to locate this "granny flat". Our family strongly opposes this proposed change.

Regards,

[REDACTED]  
[REDACTED] Denley Drive  
Wamboin

## Submitter 39

**From:** [REDACTED]  
**Sent:** Mon, 29 Jun 2020 19:01:36 +1000  
**To:** Council Mailuser  
**Subject:** LEP feedback

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

We support the Wamboin Community Association (WCA) submission to the Draft Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan 2020 in relation to the following items which we believe should be retained as is for E4 zones.

(a) Dual occupancies in the E4 Zone

The existing LEP includes dual occupancies as an activity permitted with consent within the E4 zone. We note with concern, however, that the draft Queanbeyan Palerang LEP 2020 excludes this provision. We wish to see the existing provisions retained.

(b) Home Based Businesses in the E4 Zone

We disagree with the proposal that "Home based child care and home businesses are not inappropriate uses provided consent is sought for any development. Home based businesses should be 'permissible with consent' in this zone under a combined LEP".

Our existing home-based businesses (office-based consultancy, studio-based artistic practice) should not require DA consent to operate. We believe this is restrictive and would impact on us as for many existing and proposed business operating in our area. We argue that home businesses be shown as 'permissible without consent' under a combined LEP consistent with the Exempt and Complying SEPP.

(c) Exhibition Period

Given that our community has been preoccupied with the challenges of drought, bushfire, and currently the Covid-19 epidemic, the short period of time available for examination of the proposals and potential community discussion and debate has been inappropriately restrictive. Community meetings have been suspended as QPRC have closed our community hall and as per Federal and state Government restrictions we have not been able to thoroughly digest or debate the proposed LEP.

Given all that, and until circumstances return to normal, we agree with the WCA that the status quo of the issues outlined above be retained, with:

- Dual occupancie, being permitted with consent within the E4 rural residential zone.
- Home based businesses permitted without consent in the E4 Zone

Please submit these well supported review comments to your draft

Ratepayers and voters from

[REDACTED] Creekborough Road, Bywong

## Submitter 40

**From:** [REDACTED]  
**Sent:** Mon, 29 Jun 2020 19:00:10 +1000  
**To:** Council Mailuser  
**Subject:** Objection to changes to the LEP

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear Sir/Madam,

We support the Wamboin Community Association (WCA) submission to the Draft Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan 2020 in relation to the following items which we believe should be retained as is for E4 zones.

(a) Dual occupancies in the E4 Zone

The existing LEP includes dual occupancies as an activity permitted with consent within the E4 zone. We note with concern, however, that the draft Queanbeyan Palerang LEP 2020 excludes this provision. We wish to see the existing provisions retained.

(b) Home Based Businesses in the E4 Zone

We disagree with the proposal that "Home based child care and home businesses are not inappropriate uses provided consent is sought for any development. Home based businesses should be 'permissible with consent' in this zone under a combined LEP".

We believe any existing or new home-based businesses should not require DA consent to operate. We believe this is restrictive and would impact on local businesses and shops which are supported locally by staying in the area during the day. The proposal does little to build businesses and create jobs within the community.

[REDACTED]  
[REDACTED]

[REDACTED] Norton Road WAMBOIN



## Submitter 41

**From:** [REDACTED]  
**Sent:** Mon, 29 Jun 2020 18:45:22 +1000  
**To:** Council Mailuser  
**Subject:** Submission to 'Queanbeyan Palerang Comprehensive Local Environmental Plan 2020'

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

We support the Wamboin Community Association (WCA) submission to the Draft Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan 2020 in relation to the following items which we believe should be retained as is for E4 zones.

(a) Dual occupancies in the E4 Zone

The existing LEP includes dual occupancies as an activity permitted with consent within the E4 zone. We note with concern, however, that the draft Queanbeyan Palerang LEP 2020 excludes this provision. We wish to see the existing provisions retained.

(b) Home Based Businesses in the E4 Zone

We disagree with the proposal that "Home based child care and home businesses are not inappropriate uses provided consent is sought for any development. Home based businesses should be 'permissible with consent' in this zone under a combined LEP". Our existing home-based businesses (office-based consultancy, studio-based artistic practice) should not require DA consent to operate. We believe this is restrictive and would impact on us as for many existing and proposed business operating in our area. We argue that home businesses be shown as 'permissible without consent' under a combined LEP consistent with the Exempt and Complying SEPP.

(c) Exhibition Period

Given that our community has been preoccupied with the challenges of drought, bushfire, and currently the Covid-19 epidemic, the short period of time available for examination of the proposals and potential community discussion and debate has been inappropriately restrictive. Community meetings have been suspended as QPRC have closed our community hall and as per Federal and state Government restrictions we have not been able to thoroughly digest or debate the proposed LEP.

Given all that, and until circumstances return to normal, we agree with the WCA that the status quo of the issues outlined above be retained, with:

- Dual occupancy, being permitted with consent within the E4 rural residential zone.
- Home based businesses permitted without consent in the E4 Zone

Yours sincerely

[REDACTED]  
[REDACTED] Ryans Road, Wamboin, NSW 2620

[REDACTED]  
[REDACTED]

[REDACTED]  
Bungendore NSW  
Australia 2621

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Submitter 42

**From:** [REDACTED]  
**Sent:** Mon, 29 Jun 2020 17:29:46 +1000  
**To:** Council Mailuser  
**Subject:** Queanbeyan Palerang Comprehensive Local Environmental Plan 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear Sir/Madam,

Thank you for the opportunity, unfortunately brief, to comment on the draft Queanbeyan Palerang Comprehensive Local Environmental Plan 2020.

### **1. Comment Period of only 1 month - too short**

I am unimpressed that the community has been given only 30 days to comment on the Draft Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan 2020. The development of a merged LEP has presumably been underway since the forced Council amalgamations in 2016. So your staff have 4 years to write it and your ratepayers have 1 month to review and comment on it. Not acceptable. This is especially restrictive and unfair considering the current COVID-19 restrictions which have prevented any in person community based discussions.

**RESPONSE: The community comment period needs to be extended to 30/9/20.**

### **2. Dual Occupancy**

Council is proposing that 'Dual Occupancy' housing developments be generally prohibited in the rural and environmental zones under the draft LEP 2020. This use is generally permissible with consent in these zones in the former Palerang LGA whereas it is generally prohibited in the former Queanbeyan LGA.

**RESPONSE: Disagree. Current planning mechanisms should remain.**

Dual occupancy is an established and attractive feature in the former Palerang LGA and the area is well known as a place where this is both permissible and common. Disallowing dual occupancy would discriminate against landholders who do not currently have such arrangements in place and changes the rules for properties already purchased where owners may have

selected a specific property with a view to introducing such arrangements at some time in the future.

Size restrictions on secondary dwellings have always been problematic, though I note the proposal to ease floor space from 33% to 50% of primary dwelling. In my case, my dwelling has approximately 160 square metres of floor space so the new 50% proposal would restrict any secondary dwelling to 80 square metres - better than 33% but actually not even the size of a standard Wamboin shed. Alternatively under the 50% rule, I would have to build another dwelling of at least 320 square metres, call it the primary and my current home the secondary. This is a ridiculous, environmentally unfriendly and unaffordable proposition.

The concept of inter-generational living is becoming more widely utilised. In some cases such arrangements are forced upon families whose younger members cannot afford to get in to the market, or whose older members are forced to remain living in their homes and often remaining in the workforce longer due to the current worldwide health pandemic and its impact on local economy, jobs and incomes, or who may require family to move to the property to provide live-in assistance.

Contrary to the unsubstantiated claim cited as a supporting reason for this proposal in documents relating to the draft LEP "*Council's experience is that owners of properties in these areas often experience difficulty selling properties with two large existing dwellings.*", I think the more likely scenario is that Council staff have been harangued by people who believe that dual occupancy entitles them to subdivision. Council has many instruments to administer and should be able to adequately explain the difference.

In fact, the experience of vendors is quite the opposite, with dual occupancy properties being marketed as such and in many cases attracting higher prices than single occupancy. See examples:

██████████, Wamboin = currently on market

**\$1,480,000-\$1,550,000**

Add to watchlist ☆

Wamboin NSW 2620

House • 6  2  2  5  2 

Block size: **3.95 Hectares** approx.

### Two beautiful homes, One outstanding property

It can be hard to find good dual occupancy properties that have two comfortable homes let alone in a convenient and also aesthetically beautiful location. This is that ideal package, the dream for those needing additional accommodation for the extended family while offering the space and tranquility of a lovely rural block.

=====

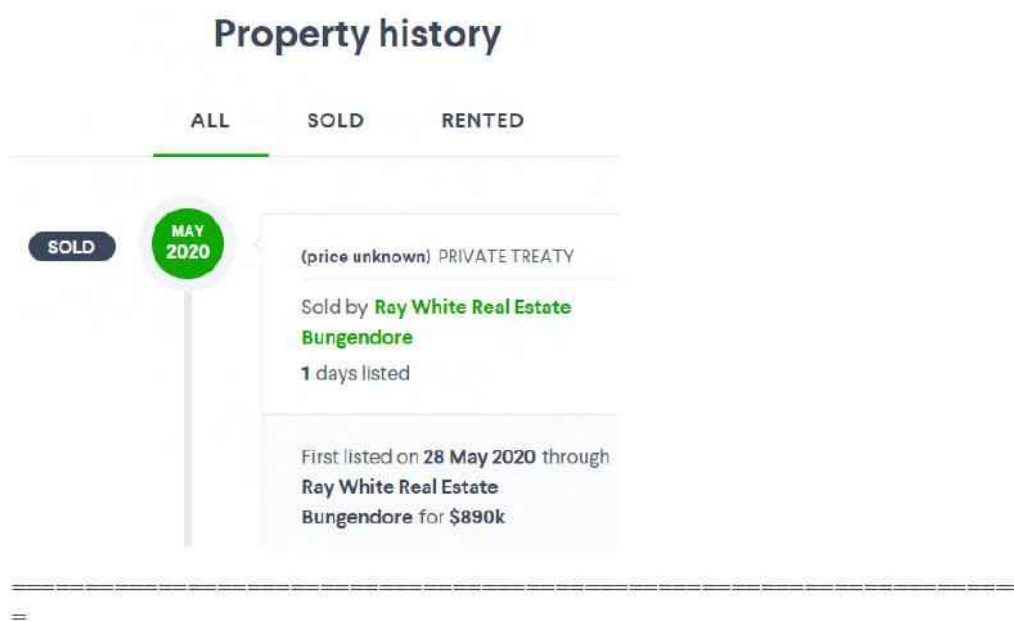
Wamboin - Time on market = 1 day

### Double the potential - Dual Occupancy

60 LUMLEY ROAD, WAMBOIN

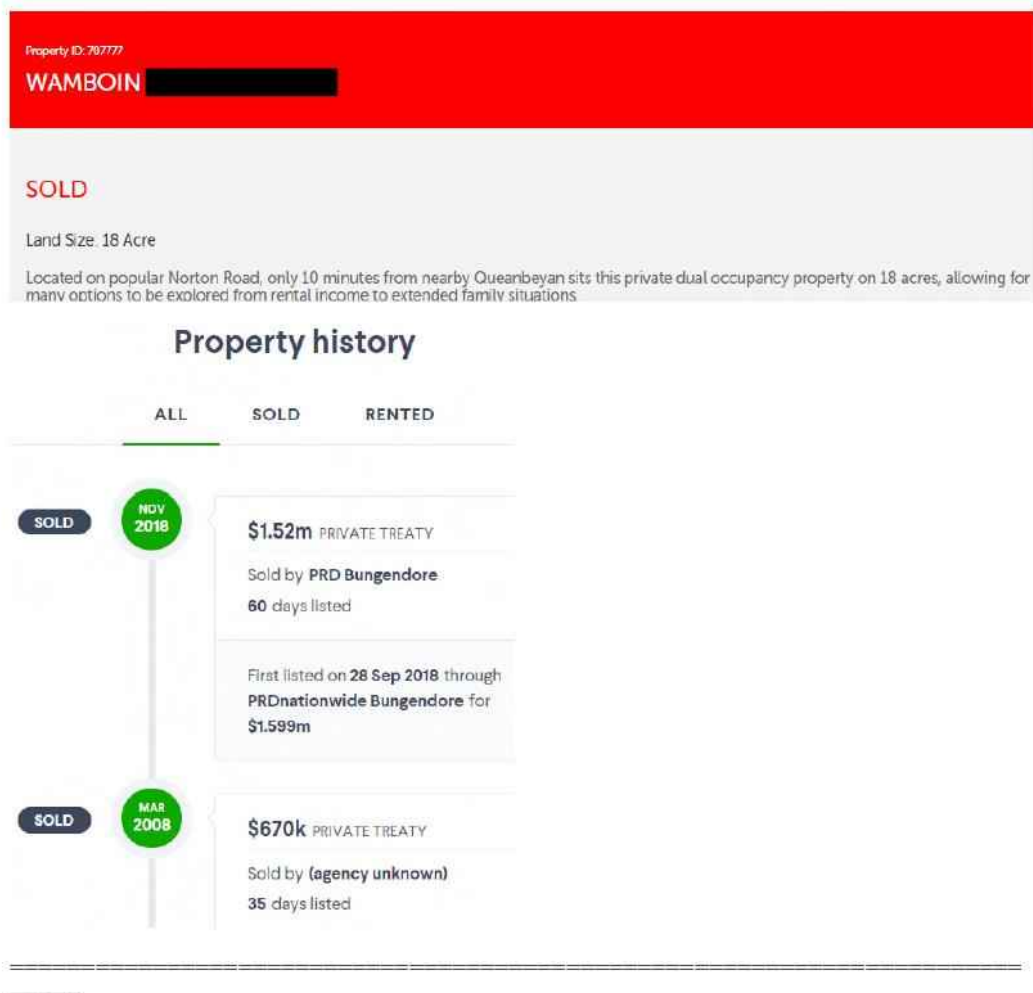
Positioned in a gently undulating landscape with views back to the Brindabellas, this 6.3ha (15.5ac) property comprises of a three bedroom two storey house and a self contained Cedarspan cottage. The property has been set up for horses, there are





██████████, Wamboin - Time on market = 35 & 60 days (2007 & 2018)

## Dual Occupancy



### 3. Home Based Businesses in the E4 Zone

Many existing small home based businesses are active in the E4 zones and should not require DA consent to operate.

This would be very restrictive and would significantly discriminate against residents in the E4 zones, both in terms of their ability to continue or commence to produce their income via current business operations, and as a negative factor when they go to sell their property, compared to the other zones.

With so many people losing their jobs and health concerns abounding in the broader community, the ability to operate a small business from home is both necessary and desirable and should not be made harder and more expensive because someone lives in an E4 zone.

**RESPONSE: Within the E4 Zone, home based business should continue to be 'permissible without consent'.**

#### **4. Neighbourhood shops in the E4 Zone**

Neighbourhood shops are currently 'permissible with consent' under the Palerang LEP. The proposal is to prohibit them....totally.

Really? The Wamboin and Bywong area is a significant population base with no retail services. A neighbourhood shop was once present at the corner of Norton Road and Bingley Way in the earlier years of the Canberra Country Estate. Why would Council envisage a time that people who live in E4 zones might never again need or want to have a neighbourhood shop?

**RESPONSE: Within the E4 Zone, neighbourhood shops should be permissible with consent, as per the Palerang LEP.**

Please consider my feedback on these 4 items and I look forward to reviewing an appropriately amended document.

Regards,

[REDACTED]

[REDACTED] Weeroona Drive  
Wamboin NSW 2620

E: [REDACTED]

Submitter 43

**From:** [REDACTED]  
**Sent:** Mon, 29 Jun 2020 14:42:09 +1000  
**To:** Council Mailuser  
**Subject:** Queanbeyan Palerang comprehensive Local Environmental Plan 2020  
**Attachments:** Mulloon Institute Submission to QPRC LEP Review.pdf

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Hello

Please find attached The Mulloon Institute's submission to the Queanbeyan Palerang Comprehensive Local Environmental Review 2020. If you have any questions please do not hesitate to contact me.

Best regards

[REDACTED]

[REDACTED]  
*Project Coordinator*  
*Mulloon Rehydration Initiative*



[REDACTED] / [www.themullooninstitute.org](http://www.themullooninstitute.org)



Proud finalist of the 2018  
**BANKSIA** NFP & NGO  
**AWARD**





Queanbeyan Palerang Regional Council  
(PO Box 90)  
256 Crawford St  
Queanbeyan NSW, 2620

29<sup>th</sup> June 2020

**Re: Queanbeyan Palerang Comprehensive Local Environment Plan Review 2020**

Dear sir/madam

We refer to page 12 – Land use Table – Zone RU1 Primary Production – 3. Permitted with consent.

*Environmental protection works.*

We believe that *environmental protection works* should be **permitted without consent** in Land Use Zone RU1 Primary Production. *Environmental protection works* is permitted without consent in Land Use Zone RU2 Rural Landscape. We do not understand the difference.

According to the LEP, ***environmental protection works*** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

The Mulloon Institute undertakes *environmental protection works* in a range of settings throughout QPRC, and indeed throughout Australia. As far as we are aware, only a handful of Councils within NSW require consent prior to *environmental protection works* taking place. No other Council on the Southern Tablelands requires it.

Unfortunately the requirement within the QPRC (former Palerang) LEP that *environmental protection works* require consent causes a great, and we believe unnecessary, administrative cost to us and to the landholders with whom we work. In fact, this cost burden, we believe, even has the potential to drive further degradation because landholders are baulking at the costs and therefore choosing not to undertake the *environmental protection works* that they would otherwise consider necessary.

For example, if we undertake *environmental protection works* within or near a stream that is regulated under the *NSW Water Management Act 2000*, we are required to apply for a Controlled Activity Approval (CAA). The CAA requires that we either provide a letter from the local council stating that no consent is required, or, in the case of QPRC, we seek consent through a DA process. This in itself can trigger further consent requirements.



Our Patron is Major General [Redacted]







We already have to demonstrate through the CAA process 'minimal harm.' We have to undertake environmental studies, provide designs and vegetation management plans to the level which the Natural Resource Access Regulator (NRAR) requires. NRAR also automatically seeks concurrence with other legislative instruments, such as the *Fisheries Management Act 1994*.

We think that a simple change to the consent requirements for *environmental protection works* within Land Use Zone RU1 Primary Production from 'Permitted with consent' to 'Permitted without consent' will be highly beneficial to the environment within this land use zone.

Should you wish to discuss this submission in more detail, please do not hesitate to contact me on [REDACTED]

Best regards

[REDACTED]

[REDACTED]

(Chief Executive Officer)

[REDACTED]

[REDACTED] King's Highway, Bungendore, NSW 2621 Australia

Our Patron is [REDACTED]

Document Set ID: 780658  
Version: 1, Version Date: 29/06/2020



**Submitter 44**

██████████  
██████████ Narranghi Rd  
BRAIDWOOD NSW 2622  
29 June 2020

The General Manager  
Queanbeyan-Palerang Regional Council  
PO Box 90  
QUEANBEYAN NSW 2620

**Re: Draft QPRC Comprehensive Local Environmental Plan 2020**

I am writing in relation to the draft QPRC Comprehensive Local Environmental Plan 2020.

First I want to put on record my appreciation for the work that has been done by staff in its paper identifying the planning matters to be resolved between the existing plans and the draft of the amalgamated plans that has been prepared. The papers provide a simple and understandable documentation of action required.

I am extremely pleased to note that clause 5.18(5) – page 51 provides for small scale intensive agriculture activities such as feedlots to be undertaken without consent. This will help recognise the difficulties of undertaking agricultural activities in changing climactic conditions and provide flexibility that is essential for farmers to maintain their businesses.

I assume that the Environmental Planning and Assessment Act provisions providing for the continuation of existing uses of land prior to commencement of this Comprehensive LEP will also apply. If this is altered in any way that change does need to be made known as part of this consultation process.

There are a small number of issues where I believe the LEP should be revised. These are set out below.

**1. Zone RU1 Primary Production objectives - page 12**

The Department of Planning Practice Note PN11-002 which provided the State Government guidance for the preparation of LEPs states;

. ‘The zone (RU1) is aimed at utilising the natural resource base in a sustainable manner - page 4’.

The list of objectives included in the QPRC Comprehensive LEP for land zoned RU1 addresses this aim but there are a number of additional objectives that include;

. ‘To minimise the impact of any development on the natural environment’ - dot point 5.

I note that this objective was included in the existing Palerang LEP 2014, being inserted very late in the discussion process for that LEP. I did not think it was appropriate then, nor has my view changed.

Exactly what function the objective is aimed to achieve is not clear. If it was intended to only apply to building development it needs to be amended to reflect this. As it currently is worded it would appear to also apply to all agricultural activities.

The objective as it applies to undertaking agricultural development is not compatible with the aim for the RU1 zone as stated by the State Government. It is difficult to understand how this could sit with the actual practice of agriculture which by its very nature must impact on the natural environment. At best it will add nothing but has potential to hinder agricultural activities. The objective for farming to be carried out in a sustainable manner is sufficient and will ensure the best possible outcome to prevent deterioration of the landscape.

From my examination of other LEPS, and including the adjoining shires of Eurobodalla, Bega Valley, Cooma Snowy Mountains and Mulwaree, this objective has not been included in any of the other LEPS.

Although the main function of this comprehensive QPRC LEP is merely to amalgamate the existing LEPS, I note that in a number of areas changes have been suggested to be made where the existing provisions are regarded as inappropriate.

I strongly urge that this dot point be removed from the list of objectives of the QPRC Comprehensive LEP.

## **2. Zone RU2 uses permitted with consent, Agriculture - page 13**

There is an inconsistency in the reference to agriculture as a use permitted with consent for this Zone. The term agriculture covers extensive and intensive livestock and intensive plant agriculture and aquaculture.

However Extensive Agriculture is also permitted without consent for this zone. Perhaps the more specific terms should be used rather than the generic term agriculture for uses permitted with consent.

## **3. RU5 Zone Village prohibited uses – page 14**

The QPRC Comprehensive LEP states:

‘4 Prohibited

Serviced apartments, Waste disposal facilities, Pond-based aquaculture, any other development not specified in item 2 or 3’

The approach adopted throughout the Comprehensive LEP is to specify uses permitted without consent and those permitted with consent and for all other uses to be prohibited.

Specification of any particular uses as prohibited as has been done for this zone is inconsistent with the wider approach and unnecessary.

## **4. Part 7 Additional Local Provisions - Consent and Development Consent – page 56**

As I understand the LEP it sets out the uses of land where consent may or may not be required from Council and the uses for which consent cannot be given. I had assumed that this encompassed obligations for development consent to be obtained from council.

However, the provisions included in Part 7 (eg 7.1 (1) Earthworks) refer specifically to circumstances where development consent will be required. Is this an additional requirement or are the terms interchangeable?

Similarly, in clause 5.18 (4) page 51 there is a reference to development not being required for the specified smallscale livestock feedlots.

Neither the term consent nor development consent is defined in the Dictionary.

#### **5. Specific Use – Crematoria**

Surprisingly, the list of uses for the Zone RU5 Village – Page 14, includes Crematoria. This use is not however, in the list of permitted uses for any other zone, so far as I can see.

I would have expected that this use might be a permitted use with consent in the General Industrial or Light Industrial Zones IN1 and IN2.

As the Comprehensive LEP stands such use would be prohibited anywhere but in a village.

#### **6. Zone RE2 Private Recreation**

No uses are permitted without consent in this zone. However extensive agriculture is permitted without consent for the Zone RE1 Public Recreation. This appears anomalous.

Yours sincerely

[Redacted Signature]

## Submitter 45

**From:** [REDACTED]  
**Sent:** Mon, 29 Jun 2020 12:04:34 +1000  
**To:** Council Mailuser  
**Subject:** Draft Comprehensive Local Environmental Plan 2020

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear Councillors,

I live in E3 zone at [REDACTED] Joe Rocks Road, Bungendore. I am writing to express my objection to a change that proposes to "prohibit dual occupancy" on my property.

It is a 40acre property which requires constant work. For young farm hands and staff quarters it would be ideal for them to be housed in something other than a farm machinery shed or the main house or "a secondary dwelling less than 50% of the principle dwelling".

On the 'Draft Local Environmental Plan 2020 Summary' Council Staff have been quoted as saying "owners in properties in these areas often experience difficulty selling properties with two large existing dwellings and subsequently seek to subdivide these developments in a manner not permissible under Council's respective planning controls". This expressed view is anecdotal and in no way is informative of the desire of many owners on the area covered by E3 and E4 who may not want to sell for profit and subdivide, but for practical purposes of managing the land to which they chosen to live on, for themselves and their future generations. A large property like mine requires the ability for a dwelling for staff apart from the main house. I certainly, when purchasing the property, knew the rules upon which I purchased, for and on behalf of our family trust, with a view to the property being available to our growing family for the uses that existed when I purchased it.

For the council to be motivated by some other person (and there wouldn't be many) who wanted to subdivide an environmental zoned property, who basically want to leave the area, is short sighted, unfair and ignores the practical ramifications of managing environmentally zoned land, particularly a large one like mine. Real Estate agents in the area are constantly contacting me and say that there is a huge demand for rural setting style land in our area and additional dwellings on the land are what some buyers are looking for. It might make sense on a 5 acre E Zoned land to prohibit a dual occupancy, but certainly not on my size land, which is very hilly, heavily wooded and requires constant work. I have a genuine requirement for additional dwellings and occupancy to successfully continue management of our environmental land and its extensive agriculture.

I urge the Council to understand the proposal is unjust and is an impractical change upon the use of my land, arising purely as a result of an administrative change (the amalgamation).

Yours faithfully,

[REDACTED]



[REDACTED] | Freewater Accountants Pty Limited | 38/59-61 Wollongong Street, Fyshwick ACT 2609  
|  
PO Box 1213, Fyshwick ACT 2609 | [REDACTED]  
[REDACTED]



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**Submitter 46**

Response to:

**Queanbeyan-Palerang Regional Council Draft Local  
Environmental Plan 2020**

29 June 2020

Submission from:

[REDACTED]

[REDACTED] Ridgeway Rd, The Ridgeway NSW 2620

[REDACTED]

[REDACTED]

1

147

## INTRODUCTION

This submission is a response to the Queanbeyan-Palerang Regional Council (QPRC) Draft Local Environmental Plan (LEP) 2020. All views expressed are my own and only refer to aspects which may impact **The Ridgeway estate** (Qbn 2620), **zoned E4 Environmental Living**.

While the need to consolidate the respective LEPs for Palerang Council and the former Queanbeyan City Council is acknowledged, there is little justification for a number of proposed changes and amendments to E4 zones, outlined in this document, given E4 zones are overwhelmingly concentrated around Queanbeyan. Refer maps in Appendix B (pages 6-7).

## KEY ISSUE 1: PERMITTED USES

### ITEM 1:

Below is a screenshot of page 27 in the draft 2020 Plan with 4 items identified that currently are not permitted in E4 zones in The Ridgeway estate, with no argument provided by QPRC for the additional, and potentially divisive, business uses in E4 zones in the Qbn region other than seeking to achieve consistency with the former Palerang Council LEP.

#### Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Community facilities; Dwelling houses; Emergency services facilities; Environmental protection works; Farm buildings; Flood mitigation works; Function centres; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Secondary dwellings; Tank-based aquaculture; Water reticulation systems; Water storage facilities

Should QPRC choose to go ahead with the proposed changes it is suggested that three of the items become a subset of the fourth and are not independent of each other. To be clear:

- Intensive plant agriculture (while not exclusively referring to vineyards/wineries it is this type of establishment that may seek approval for the following):
  - Cellar door premises
  - Function centres
  - Restaurants or cafes

In addition, I would suggest clear guidelines are provided in the draft 2020 LEP before it is endorsed, such as:

- Minimum block size
- Vehicular access from residential streets, with a strong preference for these establishments to have direct access from a major arterial road (for example B52 Kings Hwy)

#### Recommendation

Exclude The Ridgeway estate from these potentially this type of business, and in other E4 zones designated by the Rural Fire Service as being a bush-fire prone area (refer Appendix A for The Ridgeway) or a clause identifying exclusion zones such as The Ridgeway estate which has a single entry and exit point.

For QPRC to make clear the controls relating to miscellaneous permissible uses, such as the items identified above, under Clause 5.4 (page 43) in the draft 2020 LEP and share with residents for their input PRIOR to QPRC endorsing the LEP.

#### ITEM 2: ANIMAL BOARDING OR TRAINING ESTABLISHMENTS

Animal boarding establishments are inappropriate in a rural residential area where a significant amount of properties is on small lot sizes. Noise is the constant factor.

##### Recommendation

Exclude The Ridgeway estate from permitting this type of business.

#### ITEM 3: PLACES OF PUBLIC WORSHIP

It is inconceivable that a place of public worship would be permitted in a rural residential area, *regardless of lot size* it seems from the draft 2020 LEP. A relatively quick Google search can uncover an overwhelming dismay of rural residential communities across Australia where an application for the establishment of a place of worship has been submitted to Council. Arguments to disallow places of public worship in The Ridgeway estate include:

- Located in an RFS designated bush-fire prone zone. The single consideration in favour of permitting a place of worship in a bush-fire prone zone is direct accessibility to a major arterial road, and for The Ridgeway estate this would be B52 Kings Hwy. Direct access would assist in circumventing issues caused by residents vacating the estate in the event of fire.
- It would have a detrimental visual impact on the natural features and character of the area
- Lead to significant increase in traffic. Depending on the type of faith, services could be operating daily from 5.30am – 9.00pm seven days a week.
- Likely require the need for QPRC to upgrade the road to accommodate increased traffic
- Pose a potential risk to the safety of children living in the vicinity
- Some 'churches' are exclusive and reclusive (with security guards employed) which would not provide any tangible benefits to residents.

##### Recommendation

Remove places of worship from 'permitted use' in Zone E4 where the RFS deems to be a bush-fire prone zone. Alternatively, exclude The Ridgeway estate from permitting a place of worship.

For QPRC make clear the controls relating to miscellaneous permissible uses, such as places of worship under Clause 5.4 (page 43) in the draft 2020 LEP and share with residents for their input PRIOR to QPRC endorsing the LEP.

#### KEY ISSUE 2: SECONDARY DWELLINGS

- It is instead proposed that 'secondary dwellings' be permissible in all these zones where dwellings are permissible, and that these secondary dwellings can be built up to 50% the size of the principle dwelling to give some additional flexibility in respect of size.

On reading the above screenshot (taken from <file:///C:/Users/s420852/Downloads/Draft%20Local%20Environmental%20Plan%202020%20Summary%20Flyer.pdf>) the casual reader might celebrate this positive change. However, on careful reading of the draft 2020 LEP it's clear there are restrictions in place for E4 zones, namely that the minimum lot size for a secondary dwelling is 2 hectares. Refer Clause 4.2 (f), item 4 (a) – screenshot on page 4.

Development consent must not be granted for the erection of a secondary dwelling on land to which this clause applies unless the land—

- (a) in the case of land zoned E4 Environmental Living – is at least 2 hectares, or
- (b) in the case of all other land – has an area not below the minimum lot size shown on the Lot Size Map.

Clause 5.4: Controls relating to miscellaneous permissible uses (compulsory) expand on this:

#### **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 50% of the total floor area of the principal dwelling.

In light of the suggested changes to permitted uses in E4 zones (animal boarding; cafes/restaurant and function centres) in the draft 2020 LEP do not outline any special conditions such as minimum lot size, it is unclear why some residents in rural residential areas are to be penalised for wanting/planning on accommodating aging, yet independent, family members.

#### **Recommendation**

That residents are permitted to erect a secondary dwelling on smaller lots but with tighter controls, such as:

- a. Land less than 2 hectares will not be permitted to construct a secondary dwelling greater than 60 square metres.

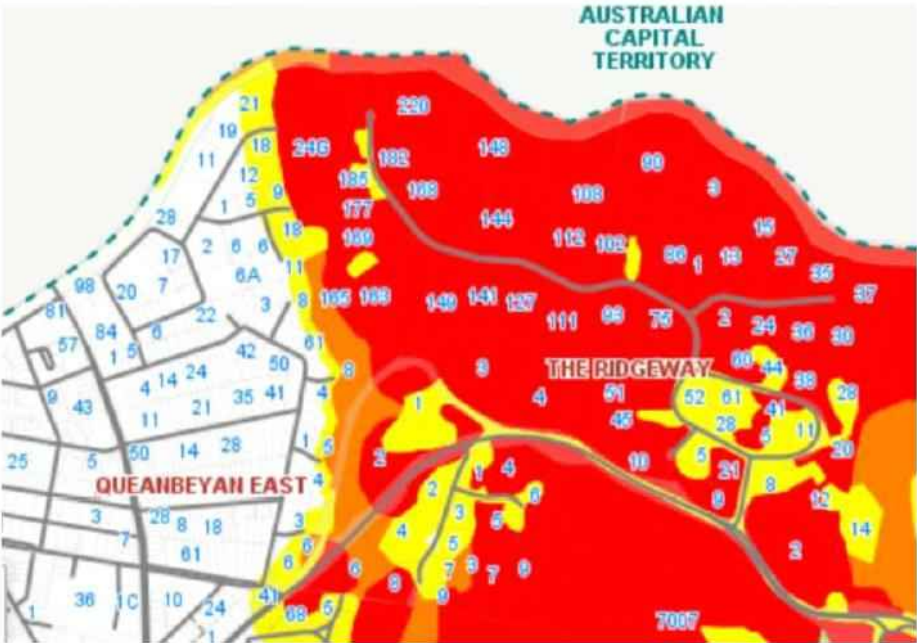
There is unlikely a need to state a minimum lot size since E4 = *rural* residential with generous block sizes and land sub-division tightly regulated.



APPENDIX A

Images from: <https://publicmaps.qprc.nsw.gov.au/intramaps80/?project=QPRC%20Public#>

Image 1: Bush-fire zone in The Ridgeway estate



## APPENDIX B

Images from: <https://publicmaps.qprc.nsw.gov.au/intramaps80/?project=QPRC%20Public#>

**Image 1: Zone E4 in Braidwood (in former Palerang Council)**



**Image 2: Zone E4 in Bungendore (in former Palerang Council) – it appears E4 does not exist**



Images 3-5: Zones E4 in former Queanbeyan Council

Image 3



Image 4



Image 5



Submitter 47

**PLANNING CHANGE PROPOSAL**  
**LOT 110 DP 12658 (3 CALLUM STREET QUEANBEYAN NSW) AND**  
**LOT 1 DP 1056330 (76 THARWA ROAD QUEANBEYAN NSW)**

Lot 1 DP 1056330 – 76 Tharwa Road Queanbeyan is currently zoned Medium Density in Precinct 6 of the Queanbeyan Development Control Plan 2012. Both adjacent properties ie 74 and 78 Tharwa Road are also included in the Precinct 6 zoning. Lot 110 DP 12658 – 3 Callum Street, Queanbeyan is currently zoned Residential. 3 Callum Street property backs onto 76 Tharwa Road and also shares a common boundary fence with 74 Tharwa Road Queanbeyan. 3 Callum Street shares 2 borders with the current Precinct 6 zone.



Aerial View of sites

The [REDACTED] family (various members) who own Units 1, 2, 3 & 4/76 Tharwa Road and 3 Callum Street wish to have the 2 sites consolidated and rezoned for Low Rise Residential Apartments, approximately 18 units being a combination of 1, 2 & 3 bedroom units. It is envisaged that the proposed development would have underground carparking with the entrance from 3 Callum Street. 7 Units would be located on Ground Level, 7 Units with to be located on Level One and 4 Units on Level 3 with a roof top garden on Level 3. Roofing to be at an angle to appear like a pitched roof. The development would have a water tank contained within the Underground Parking area for water run off purposes and servicing landscaped gardens as well as Solar Panels on the Units on Level 3. The units would be located around the perimeter of the site with appropriate setbacks and have an inner courtyard. The total overall height of the development would be a similar height to the already existing 2 storey residential house at 5 Callum Street.

The proposed development would be similar in finishes to 36 Anthill Street (cnr Anthill & Collette Streets) Queanbeyan – refer photos below.



1 of 2



Queanbeyan has recently undergone quite significant Urban Renewal especially around the Riverside Mall area. Ribbon development is now occurring on arterial roads of which Tharwa Road is one such road.

Precinct 6, of which 76 Tharwa Road is located within, already has a residential flat dwelling at 7-9 Cassidy Street – refer photo below



Existing residential flat building at 13-15 Callum Street – refer photo below



The surrounding area contains mostly townhouses & houses built in the 1960-1980's. The rezoning of this consolidated site would promote a mix of housing and would significantly improve the quality and variety of design for the area. It would maximise the potential of the land to best achieve urban consolidation objectives. The proposed residential apartments are aimed at the 1<sup>st</sup> home owner and end sale prices would be within the Stamp Duty exemption brackets set by the NSW Government.

All the units at 76 Tharwa Road & the old weatherboard house at 3 Callum Street will require renovations and updating in the near future to remain habitable.

There are currently 4 driveways from 76 Tharwa Road onto this busy arterial road. There is also a bus stop outside 74 Tharwa Road. By consolidating the site, these 4 driveways on the busy street will no longer exist, creating a much safer area for the buses to stop and traffic flow on Tharwa Road. The entrance to the site will be from 3 Callum Street. There is also a Metro Service station opposite 74 Tharwa Road and the removal of these driveways would also help with the egress of vehicles from the Service Station.

The site is within easy walking distance to a small local park, Earnie Beaver Park, in Gilmore Street and also the main park of Brad Haddin Oval and sunken gardens cnr Campbell & Lowe Streets, Queanbeyan, to ensure that the residents have sufficient green space for recreation purposes.

The bus stop at 74 Tharwa Road provides public transport to Queanbeyan Centre and Canberra.

There are already existing precedents for low rise residential apartments within 1 km of the site. The proposed consolidation and zoning will provide a much needed rejuvenation to the area.



2 of 2



## Submitter 48

**From:** [REDACTED]  
**Sent:** Mon, 29 Jun 2020 09:17:05 +1000  
**To:** Council Mailuser  
**Subject:** PLEP submission

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Dear Council, re the draft QPRC PLEP, we are not happy about the changes to dual occupancy arrangements for rural blocks. There was no reason given for this change. We can only assume that this is an attempt by Council to encourage subdivision and development (which will increase the rate base) at the expense of the existing dual occupancy arrangements. Could you please elaborate on the reasons for these changes?

[REDACTED]  
[REDACTED] The Mountain Road Bungendore NSW 2621

**Submitter 49**

**From:** [REDACTED]  
**Sent:** Thu, 25 Jun 2020 10:38:11 +1000  
**To:** Council Mailuser  
**Subject:** Draft Queanbeyan Palerang Comprehensive Local Environmental Plan 2020  
Submission  
**Attachments:** Submission R2 Zoning\_word.docx

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

[REDACTED]  
Jerrabomberra NSW 2619

[REDACTED]  
25<sup>th</sup> June

2020

The General Manager  
Queanbeyan-Palerang Regional Council

Dear Sir

Council has kindly invited submissions from local citizens on the Draft Comprehensive Local Environmental Plan 2020, to be submitted by 30<sup>th</sup> June.

Attached is a submission relating to the draft R2 zoning. This draft omits a use which is permitted in the current R2 zoning for Queanbeyan, and which we submit needs to be retained.

We look forward to discussions with yourself, staff and council in due course at your convenience.

Kindly acknowledge receipt of this submission.

Yours Sincerely  
[REDACTED]

## SUBMISSION

As Elders of the Plymouth Brethren Christian Church (PBCC) we wish to make a submission re the 2020 LEP Draft Plan, for council consideration.

Our church is not just a local church but part of a global church located in approximately 300 cities throughout the western world, all owned by local church trustees. Our main church halls such as at Ellerton Drive Queanbeyan, (approved by Council and built in 1999-2000) serves as the main gathering point for all members in Queanbeyan and visitors as invited, and in addition we own small house size meeting rooms designed for small numbers only. This is to serve principally to celebrate Holy Communion (the Lord's Supper), as set out in Holy Scripture by the Lord Jesus Himself when He said, "this do in remembrance of me". These gatherings, being small, are normally of 35 persons approximately. There is also a prayer meeting held of an evening. Worldwide there are approximately 1500 such small meeting rooms.

We have 3 such small meeting rooms in Queanbeyan and have applied for a 4th at 128 Bicentennial Drive Jerrabomberra close to where brethren live: a R2 zoned residential house to be converted to a meeting room, submitted to Council recently. A 5th one will also be required within the next 5 years.

The new draft makes no provision for R2 zoning to include places of public worship, whereas the current 2012 LEP does make such provision.

Ownership of our own meeting halls is a universal standard and as such we do not hire public halls for church meetings. Having small gatherings of law abiding, sober Christians, meeting in small church rooms such as we do is a benefit to society and a stabilising influence because it is 'where the people live'.

We submit that the current R2 zoning including "places of public worship" be retained in the new 2020 LEP.

We also make application to briefly address in person a meeting of all council members to more clearly explain our position, the reasons for it, and to answer questions.

Kind Regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**Submitter 50**

23 June 2020



Queanbeyan-Palerang Regional Council  
PO Box 90, Queanbeyan NSW 2620



**Draft Queanbeyan Palerang Comprehensive Local Environmental Plan 2012**

Dear [REDACTED]

As discussed we like to take the opportunity to make this submission on the above LEP currently on exhibition.

**1. Minimum Lot Size Map – GOOGONG**

The current LEP map has a 100 m wide strip of land along the southern boundary of the Googong Township and the Old Cooma Road with a minimum lot size of 600 m<sup>2</sup>.

It seems this has been put in place to ensure lower residential density interfacing between residential development and the RU2 and E4 zoned land to the south and south east.

At the same time, under provision of *Section 7.14 of the Googong DCP*, dual occupancy is allowed where the minimum lot size is at least 600 m<sup>2</sup>. This will provide an opportunity for these lots to be further subdivided in future, and therefore may result in higher density in this zone contrary to what has been envisaged by the minimum lot size map.

Furthermore, Queanbeyan's Residential and Economic Strategy 2015-2031 identifies the land to the south of Googong as an area for Future Investigation for possible residential development.



It is proposed to reduce the width of the of the 600 m<sup>2</sup> minimum lot size zone from 100m to 35m. In effect this would mean that only the lots immediately adjacent to the RU2 land and Old Cooma Rd would be greater than 600 m<sup>2</sup>.

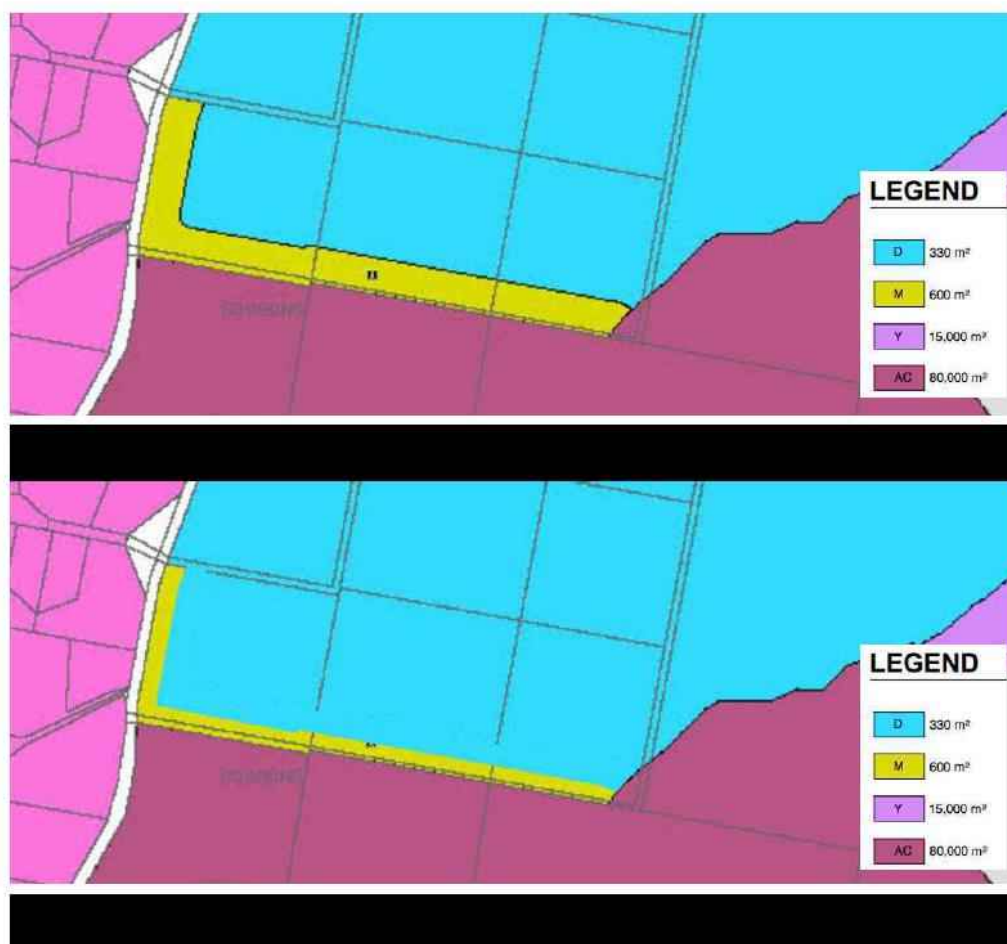
**GOOGONG TOWNSHIP PTY LIMITED**



159

The proposed structure plan for Googong Neighbourhood 3-5 proposes an edge road along the southern and western boundary of the township to provide a degree of separation between the RU2 zone and buffer from with Old Cooma Road. Combined with the reduced depth of the 600 m<sup>2</sup> minimum lot size strip, this approach will achieve the underlying objectives of the minimum lot size map.

This change is considered minor and allows the creation of appropriately sized lots in the circumstances.





## 2. RE1 Zone along Montgomery Creek

It is noted that in the Housekeeping LEP amendment the shape of the Googong Common shown on the Googong map was amended to be consistent with current detailed planning at Googong. Unfortunately, this now means that the amended shape of Googong Common is now not consistent with the RE1 Zone along Montgomery Creek as shown in Fig 1 below.



Figure 1| Googong Common and RE1 zone comparison

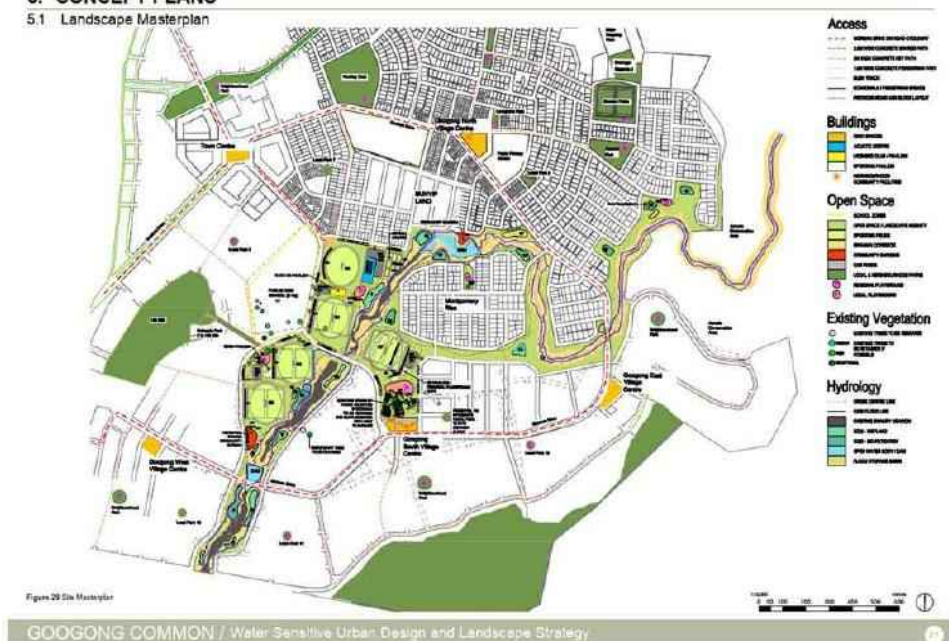
To ensure consistency between different LEP maps (zoning and Googong Map), it is proposed to amend the RE1 zone maps to match the Googong Common given the Googong Common map is a result of more recent and much more detailed studies. This proposed change is considered relatively minor and will not result in any impact on the recreational areas provided for Googong.

The proposed amendment is supported by approved Structure Plans, DA's and the Common Study. The Common Study was commissioned by GTPL in 2014 to establish a project wide water sensitive urban design (WSUD) & Landscape Strategy for the Montgomery Creek corridor (below) and was endorsed by Council.

The study included a detail survey of the Montgomery Creek bank as well as detailed flood studies including Q2, Q5 and Q100 modelling, and establishment of an appropriate riparian corridor (2nd order watercourse type) in consultation with the Office of Water and in accordance with their guidelines for riparian corridors.

## 5. CONCEPT PLANS

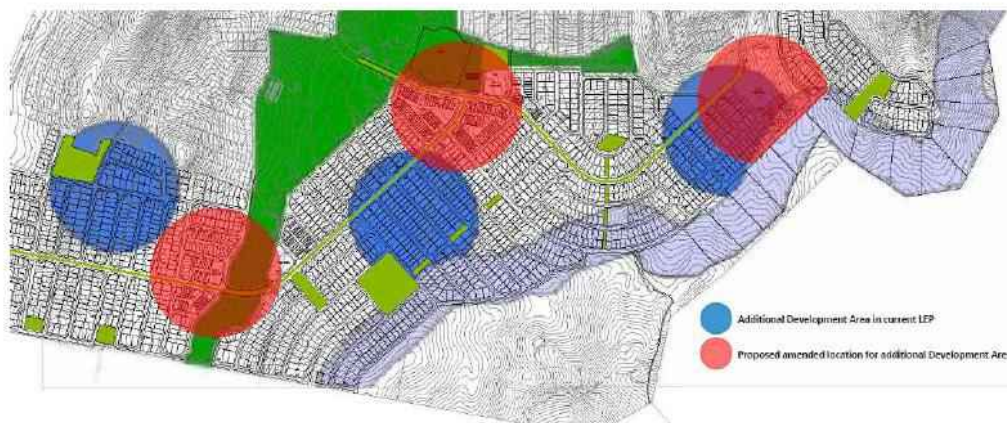
### 5.1 Landscape Masterplan



### 3. Googong Map - Additional Development Areas

QPRC has recently endorsed an amendment to the Googong DCP to include a Structure Plan for Neighbourhoods 3, 4 and 5 and amendments to the Googong Masterplans to be consistent with the Structure Plan.

The Additional Development Areas associated with the Neighbourhood centres of NH3, 4 & 5 and shown on the Googong Map are based on the now superseded masterplan. The Structure Plan for NH 3, 4 and 5 shows the neighbourhood centres in different locations to the Googong Map and in order to bring the LEP into line with the current Googong DCP it is proposed to amend the Googong Map as shown in the figure below.



Thankyou for the opportunity to put forward these minor amendments to the Queanbeyan Palerang Comprehensive Local Environmental Plan 2012. Please do not hesitate to contact me should you have any queries.

Yours sincerely,

A large black rectangular redaction box covering the signature of the person.A black rectangular redaction box covering the name of the person.

**Googong Township Pty Ltd**

## Submitter 51

From: [REDACTED]  
Sent: Wednesday, 10 June 2020 7:15 AM  
To: Council Mailuser  
Subject: 'Queanbeyan Palerang Comprehensive Local Environmental Plan 2020'  
Attachments: DP.pdf

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Good Morning

Could you please ensure the correct legal description of [REDACTED] Butmaroo St BUNGENDORE is correctly listed in the item of local heritage ( item number I172)

The lot is now know as lot 1 DP 1249941.

Thank you

[REDACTED] | Building Surveyor

P: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email by mistake, please let us know via email and delete it from your system. You may not copy this message or disclose its contents to anyone.






Reg:R916479 /Doc:DP 1249941 P /Rev:01-Feb-2019 /Sts:SC.OK /Pgs:ALL /Prt:06-Feb-2019 15:53 /Seq:2 of 4  
Ref:19014 /Src:M DP1249941

PLAN FORM 6 (2013)

WARNING: Creasing or folding will lead to rejection


ePlan

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 3 sheet(s)
<p>Registered:  01.02.2019</p> <p>Title System: TORRENS</p> <p>Purpose: SUBDIVISION</p>	<p>Office Use Only</p> <p><b>DP1249941</b></p>	
<p><b>PLAN OF SUBDIVISION OF LOTS 6 &amp; 7</b></p> <p><b>SEC 22 DP758183</b></p>	<p>LGA: QUEANBEYAN PALERANG REGIONAL</p> <p>Locality: BUNGENDORE</p> <p>Parish: WAMBOIN</p> <p>County: MURRAY</p>	
<p><del>Crown Lands NSW/Western Lands Office Approval</del></p> <p>I, <del>.....</del> (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature: <del>.....</del></p> <p>Date: <del>.....</del></p> <p>File Number: <del>.....</del></p> <p>Office: <del>.....</del></p>	<p>Survey Certificate</p> <p>I, STEVEN BELJANSKI of CLARKE &amp; DI PAULI P/L of PO BOX 88 QUEANBEYAN NSW 2620 ph 62991836 a surveyor registered under the Surveying and Spatial Information Act 2002, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on 18/10/2017</p> <p>*(b) <del>The part of the land shown in the plan ("being" excluding A.....) was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on..... the part not surveyed was compiled in accordance with that Regulation.</del></p> <p>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017.</p> <p>Signature: <i>Steven Beljanski</i> Dated: 20/10/2017</p> <p>Surveyor ID: 451</p> <p>Datum Line: X-Y</p> <p>Type: Urban</p> <p>The terrain is *Level-Undulating</p> <p>*Strike through if inapplicable. *Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	
<p>Subdivision Certificate</p> <p>I, <i>Greene Harlor</i> *Authorised Person/General Manager/Accredited Certifier, certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision, new road reserve set out herein.</p> <p>Signature: <i>Greene Harlor</i></p> <p>Accreditation number: <i>N/A</i></p> <p>Consent Authority: <i>Queanbeyan Palerang Regional Council</i></p> <p>Date of endorsement: <i>2nd November 2018</i></p> <p>Subdivision Certificate number: <i>SDC 2018.015</i></p> <p>File number: <i>DA 2013.097 and DA 2013.283</i></p> <p>*Strike through if inapplicable.</p>	<p>Statements of intention to dedicate public roads create public reserves and drainage reserves, acquire/resume land.</p> <p>IT IS INTENDED TO DEDICATE LOT 5 TO THE PUBLIC AS PUBLIC ROAD</p>	
<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	<p>Plans used in the preparation of survey/compilation. DP226923, DP758183, DP813077, DP1138606, DP1172336</p> <p>Surveyor's Reference: 12278_DP01</p>	

Req:R916479 /Doc:DP 1249941 P /Rev:01-Feb-2019 /Sts:SC.OK /Pgs:ALL /Prt:06-Feb-2019 15:53 /Seq:3 of 4  
Ref:19014 /Src:M LP1249941

PLAN FORM 6A (2012) WARNING: Creasing or folding will lead to rejection ePlan

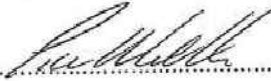
**DEPOSITED PLAN ADMINISTRATION SHEET** Sheet 2 of 3 sheet(s)


<p>Office Use Only</p> <p>Registered:  01.02.2019</p> <p><b>PLAN OF SUBDIVISION OF LOTS 6 &amp; 7</b> <b>SEC 22 DP758183</b></p> <p>Subdivision Certificate No.: <u>SDC 2018 015</u></p> <p>Date of Endorsement: <u>2nd November 2018</u></p>	<p>Office Use Only</p> <p style="font-size: 24pt; text-align: center;"><b>DP1249941</b></p> <p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none"> <li>A schedule of lots and addresses- See 60(c) SS Regulation 2017</li> <li>Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919</li> <li>Signatures and seals- see 195D Conveyancing Act 1919</li> <li>Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.</li> </ul>
--	---

LOT No	Street No	Street Name	Street Type	Locality
1	54	BUTMAROO	STREET	BUNGENDORE
2	5	CHAMPION	LANE	BUNGENDORE
3	53	CHAMPION	LANE	BUNGENDORE
4	56	BUTMAROO	STREET	BUNGENDORE
5	NOT APPLICABLE			

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919 AS AMENDED, IT IS INTENDED TO CREATE:

1. EASEMENT FOR SERVICES 3 WIDE
2. RESTRICTION ON USE OF LAND


  
 .....  
 ERIC MULLIS

  
 .....  
 KIM LOUISE CATLEY

EXECUTED by  
BENDIGO and ADELAIDE BANK LTD  
ABN 51 088 040 176  
by being signed by its Attorney


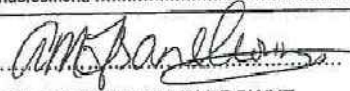

who certify that they are the  
**KERRY ANNE PARKER**  
for the said Bank of the Company under Power  
of Attorney dated 7 March 2016 registered in  
Book 4707 Number 729 in the presence of:-  
**LOAN SERVICES OFFICER**

I certify that the attorney(s) signing opposite,  
with whom I am personally acquainted or as to  
whose identity I am otherwise satisfied, signed  
this instrument in my presence.

  
 .....  
**Shelby Maddison McQuilty**  
 Witness Name  
114 Brisbane Street  
 Ipswich Q 4305  
 Witness Address

Surveyor's Reference: 12278\_DP01

Req:R916479 /Doc:DP 1249941 P /Rev:01-Feb-2019 /Sts:SC.OK /Pgs:ALL /Prt:06-Feb-2019 15:53 /Seq:4 of 4  
Ref:19014 /Src:M DP1249941

PLAN FORM 6A (2012)		WARNING: Creasing or folding will lead to rejection		ePlan	
DEPOSITED PLAN ADMINISTRATION SHEET					
Office Use Only			Office Use Only		
Registered:  01.02.2019			<b>DP1249941</b>		
PLAN OF SUBDIVISION OF LOTS 6 & 7 SEC 22 DP758183					
Subdivision Certificate No.: <u>SDC 2018 015</u>			<p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none"><li>• A schedule of lots and addresses- See 60(c) SSI Regulation 2017</li><li>• Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919</li><li>• Signatures and seals- see 195D Conveyancing Act 1919</li><li>• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.</li></ul>		
Date of Endorsement: <u>2nd November 2018</u>					
<p> AILSAS MARY FRANKLIN-BROWNE</p>					
<p>Certified correct for the purposes of the Real Property Act 1900 by the mortgagee, as attorney for St. George - A division of Westpac Banking Corporation ABN 33 007 457 141 under power of attorney dated 17 January 2001 registered Book 4299 No.332</p> <p><u>Nell Kelly</u> Tier 3</p>			<p>Signature of witness:  Name of witness: Paula Gazi Address of witness: <u>1 King Street</u> <u>Concord West NSW 2138</u></p>		
<p>By executing this instrument the attorney states that the attorney has received no notice of the revocation of the power of attorney.</p>					
Surveyor's Reference: 12278_DP01					



Req:R916481 /Doc:DP 1249941 B /Rev:01-Feb-2019 /Sts:SC,OK /Pgs:ALL /Prt:06-Feb-2019 15:53 /Seq:1 of 7  
Ref:19014 /Src:M DP1249941

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS FOR PROFITS APRENDRE  
INTENDED TO BE CREATED OR RELEASED AND OR RESTRICTIONS ON THE USE  
OF LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO  
SECTION 88B CONVEYANCING ACT 1919**

(Sheet 1 of 7 sheets)

**Plan:** Subdivision of lots 6 & 7, Section 22 DP758183, being  
the land referred to in Council Clerk's Certificate reference  
**DP1249941** subdivision number SDC.2018.015 and dated  
2 November 2018 duly endorsed on the said Plan.

**Full name and address of the owner of the land:** KIM LOUISE CATLEY & ERIC MULLIS OF 7  
GREENVALE AVENUE WALLAN VICTORIA 3756,  
AND AILSA MARY FRANKLIN-BROWNE OF 119  
CREEKBOROUGH ROAD BYWONG NSW 2621.

**PART 1 (CREATION)**

Number of item shown in the intention panel on the Plan	Identity of easement, profit aprendre, restriction or positive covenant to be created and referred to in the Plan	Burdened lots or parcel(s)	Benefited lot(s), road(s), bodies or prescribed authorities
1.	Easement for Services 3 wide.	Lot 1 & Lot 2	Queanbeyan Palerang Regional Council
2.	Restriction on Use of Land.	Lot 2 & Lot 3	Queanbeyan Palerang Regional Council

**PART 2**

1. TERMS OF EASEMENT FOR SERVICES 3 WIDE NUMBERED 1 IN THE ABOVEMENTIONED PLAN
  1. Easement to drain sewage as defined in Part 4 of the Schedule 4A of the Conveyancing Act 1919 and easement to drain water as defined in Part 3 of the Schedule 4A of the said Act.
  2. The person or persons having the right to release or vary or modify these restrictions is Queanbeyan Palerang Regional Council.

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Req:R916481 /Doc:DP 1249941 B /Rev:01-Feb-2019 /Sts:SC.OK /Pgs:ALL /Prt:06-Feb-2019 15:53 /Seq:2 of 7  
Ref:19014 /Src:M DP1249941

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS FOR PROFITS APRENDRE  
INTENDED TO BE CREATED OR RELEASED AND OR RESTRICTIONS ON THE USE  
OF LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO  
SECTION 88B CONVEYANCING ACT 1919**

(Sheet 2 of 7 sheets)

**Plan:** Subdivision of lots 6 & 7, Section 22 DP758183, being  
**DP1249941** the land referred to in Council Clerk's Certificate reference  
subdivision number SDC.2018.015 and dated  
2 November 2018 duly endorsed on the said Plan.

2. TERMS OF RESTRICTIONS ON USE OF LAND NUMBERED 3 IN THE  
ABOVEMENTIONED PLAN
3. No dwelling with three (3) or more bedrooms will be constructed on Lots burdened unless a water tank with a minimum capacity of 22,500 litres is installed as part of the development consent of any such dwelling.
  4. The person or persons having the right to release or vary or modify these restrictions is Queanbeyan Palerang Regional Council.

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# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Planning and Strategy Committee of the Whole Meeting Attachment**

**9 SEPTEMBER 2020**

ITEM 8.5                      QUEANBEYAN-PALERANG DRAFT COMPREHENSIVE LOCAL  
   ENVIRONMENTAL PLAN 2020

ATTACHMENT 4    EXHIBITION SURVEY OUTCOMES

## Survey Results - Draft QPLEP 2020



### Purpose of Survey

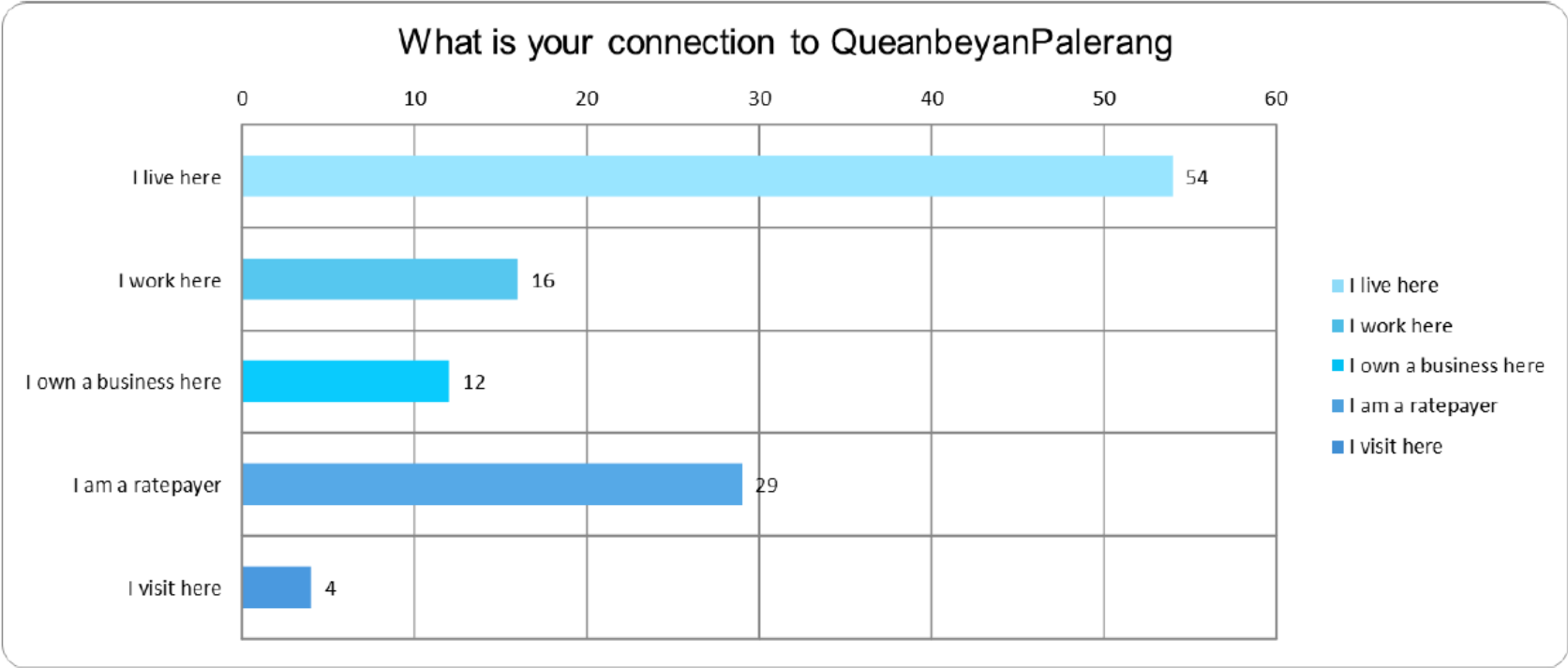
- A basic survey was included with the exhibition documents for draft QLEP 2020.
- Provided an additional opportunity for the community to comment on key planning issues arising from draft plan.
- Voluntary – Results reflect the views of those that chose to undertake the survey (rather than the community more broadly). 56 individuals undertook survey – however not all completed all questions.
- Confidential – Names and detailed addresses of respondents not collected, however basic demographics available (see over).



# Survey Results - Draft QPLEP 2020



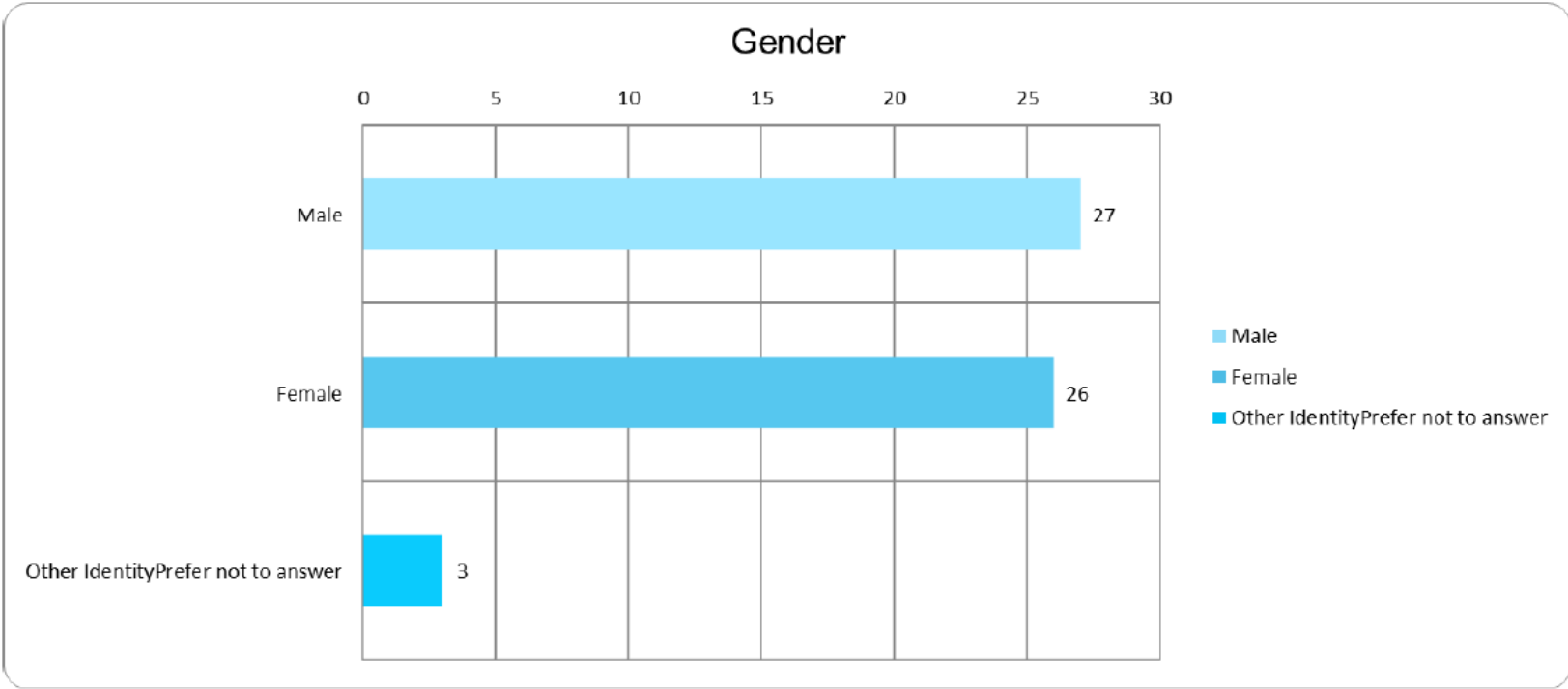
## Basic Demographics - Connection



# Survey Results - Draft QPLEP 2020



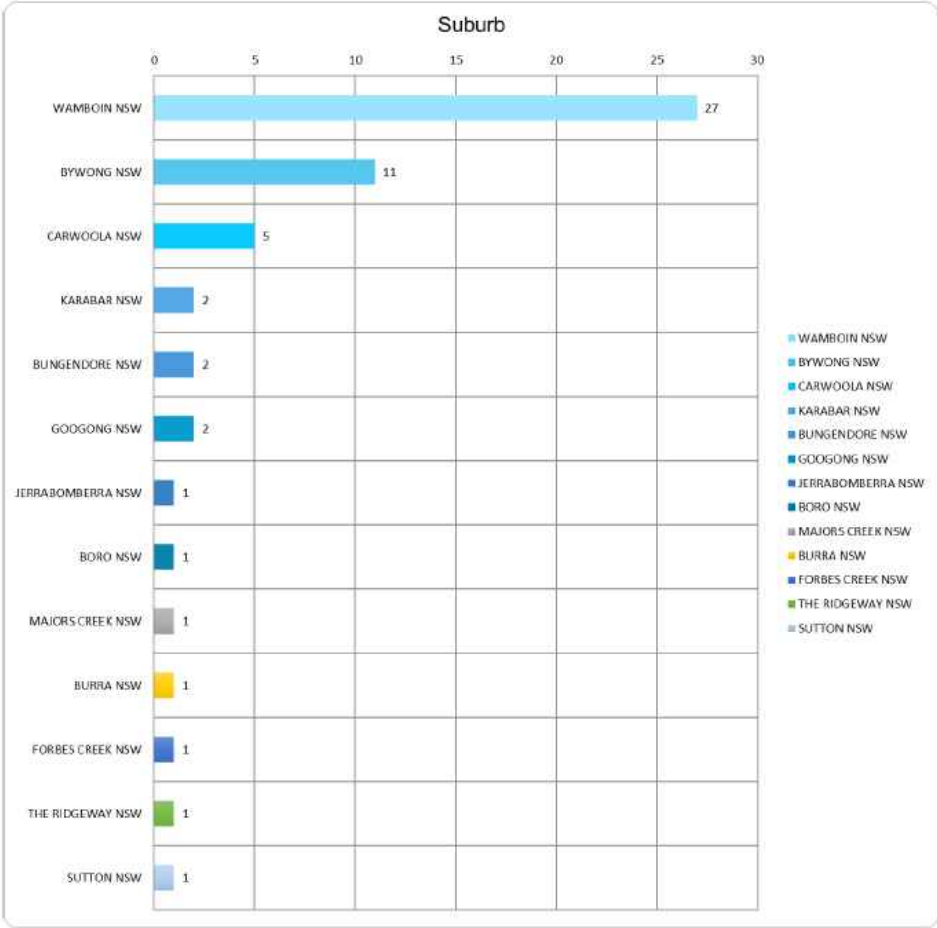
## Basic Demographics - Gender



# Survey Results - Draft QPLEP 2020



## Basic Demographics - Location

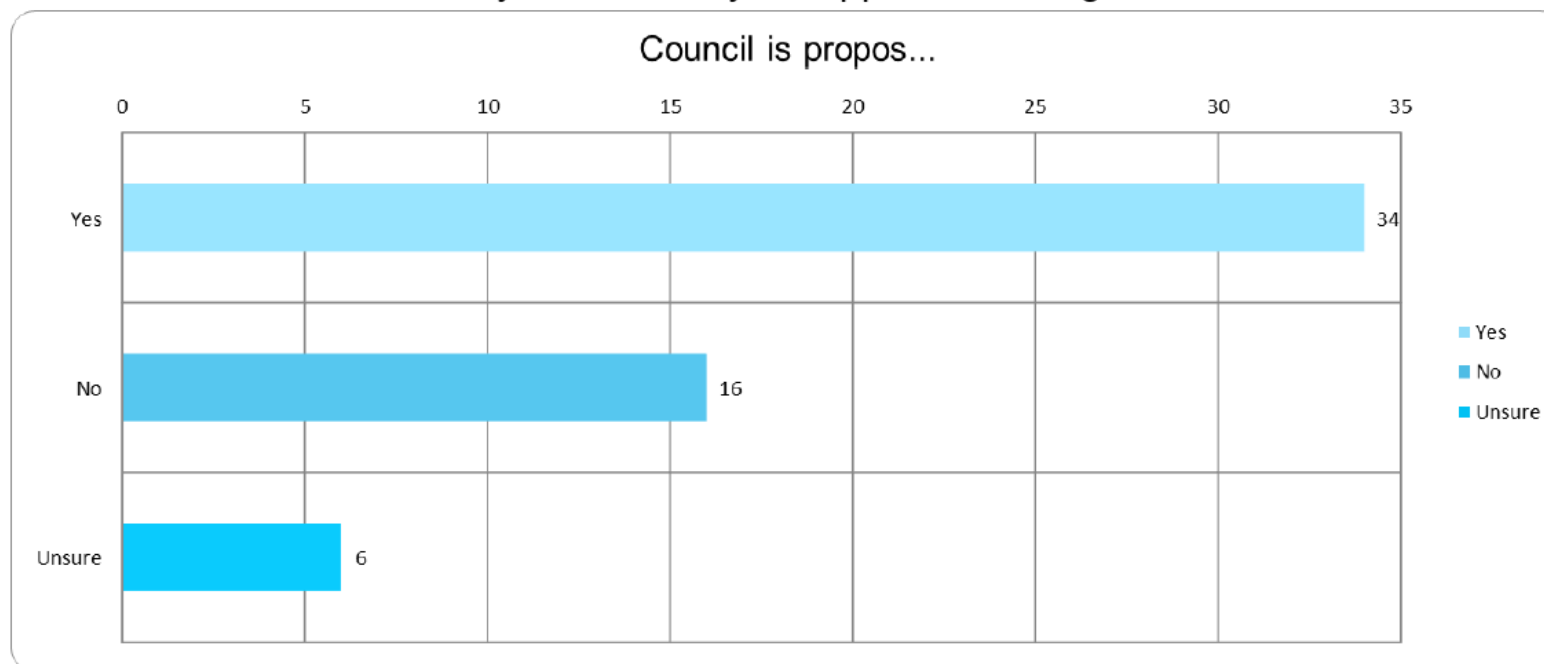




## Survey Results - Draft QPLEP 2020



Council is proposing that '**Animal Boarding and Training Establishments**' be allowed with consent in all E3 Environmental Management Zones and the E4 Environmental Living Zones under the draft LEP 2020. Council is also proposing a new clause (clause 7.22) to manage potential impacts on neighbours. This use is already permissible with consent in these zones in the former Palerang LGA whereas it is prohibited in the former Queanbeyan LGA. Do you support this change?



## Survey Results - Draft QPLEP 2020



### Comments - 'Animal Boarding and Training Establishments'

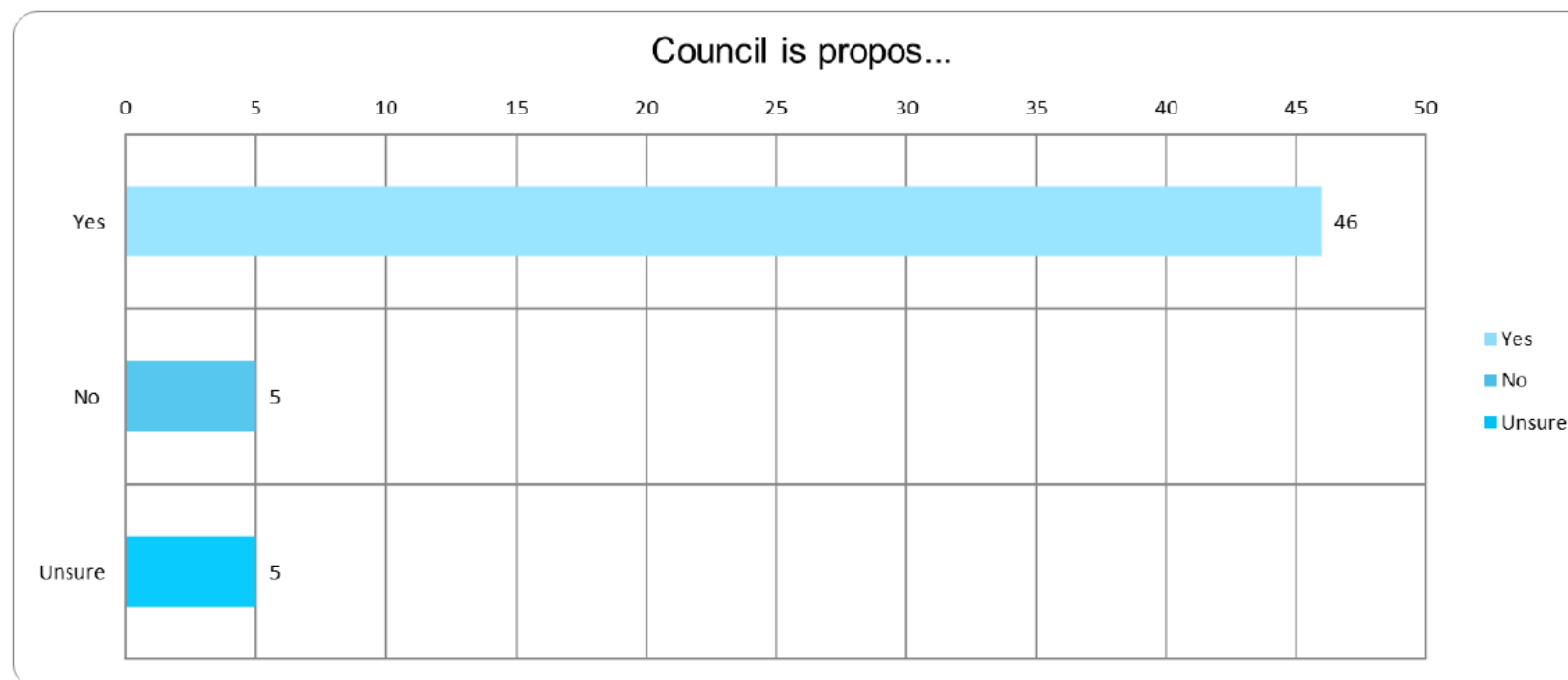
- *"Animal boarding in E4 and E3 ... is inconsistent with the rural and natural attributes of these areas....."*
- *"Boarding kennels should be located in industrial areas only. People should not be subject to excess animal noise, mainly barking dogs....."*
- *"If the kennels are a respectable distance away from neighbours then I think it should be allowed....."*
- *"Rural residential does not need the noise of dog boarding kennels to ruin the peace and quiet enjoyment of daily life here".*
- *"I have no concerns about animal training facilities but boarding could be a serious noise problem (esp dogs) ... should strict consultation and noise abatement plans".*
- *"The Ridgeway is a residential development - noise pollution with boarding kennels would be a concern.., also bushfire prone zone....."*
- *"As long as the addition of clause 7.22 has sufficient enforcement aspect, I believe this is sensible....appropriately sized properties and sufficient distance from neighbouring dwellings could be added to clause....."*



## Survey Results - Draft QPLEP 2020



Council is proposing that both '**Restaurants or Cafes**' and '**Function Centres**' be allowed with consent in the E4 Environmental Living Zone. Council is also proposing a new clause (clause 7.23) to manage potential impacts on neighbours. Both of these uses are already permissible with consent in the zone in the former Palerang LGA whereas they are prohibited in the former Queanbeyan LGA. Do you support his proposed change?



## Survey Results - Draft QPLEP 2020



### Comments - 'Restaurants or Cafes' and 'Function Centres'

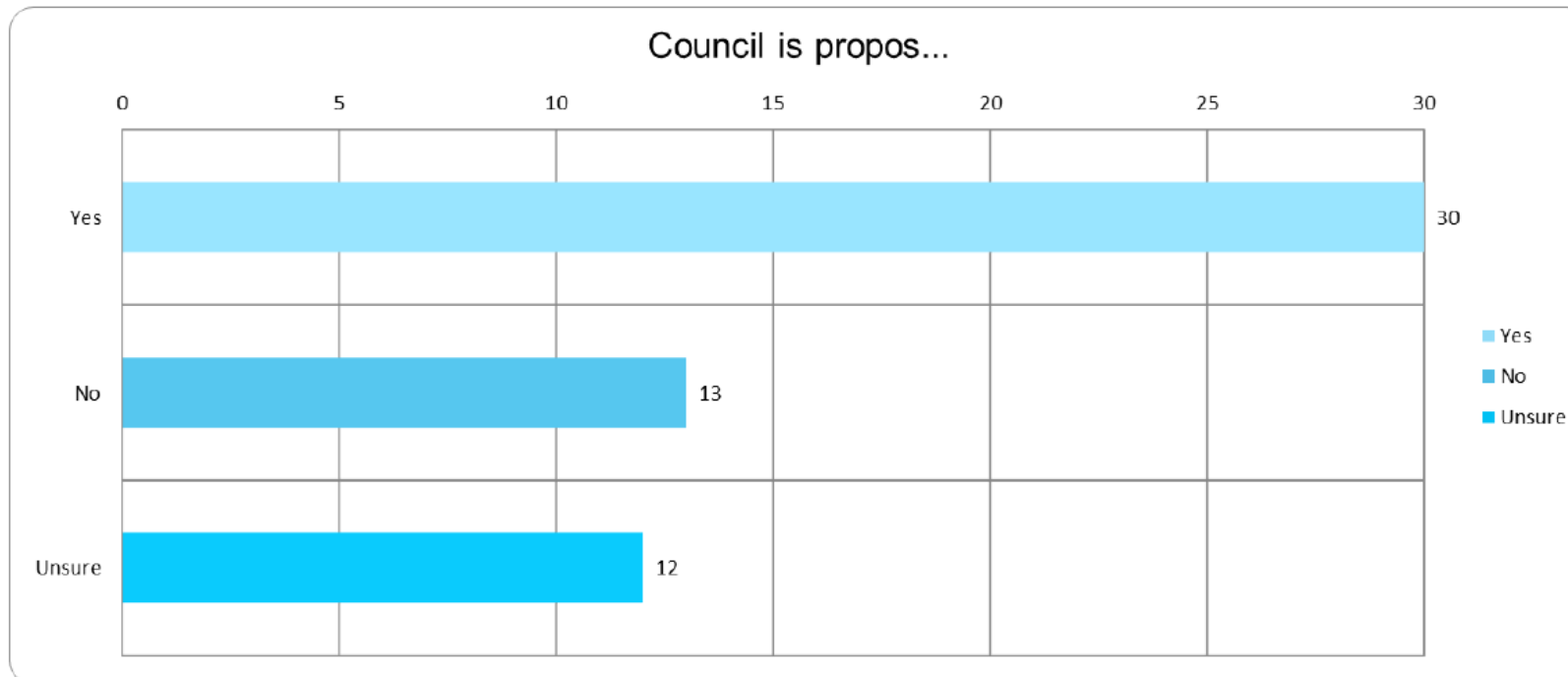
- *"The council should be permitting more business and business types".*
- *'Low impact on neighbours'.*
- *"Support local businesses".*
- *"Rural residential does not need the additional vehicles and noises associated with such commercial activities. It will ruin the peace and quiet enjoyment of daily life here".*
- *"These additions will support increases in tourism and visitors to the council region and support other local businesses as feeders".*
- *"Several already exist".*
- *"The Ridgeway is a housing development - not a commercial one..... This is a bushfire zone".*



## Survey Results - Draft QPLEP 2020



Council is proposing that **‘Dual Occupancy’** housing developments be allowed with consent in the R2 Low Density Residential Zone. Council is also proposing a new clause (clause 4.2D) to ensure housing densities do not increase overall in this zone. This use is already permissible with consent in this zone in the former Palerang LGA whereas it is prohibited in the former Queanbeyan LGA. Do you support this proposed change?





## Survey Results - Draft QPLEP 2020



### Comments – Dual Occupancies R2 Zone

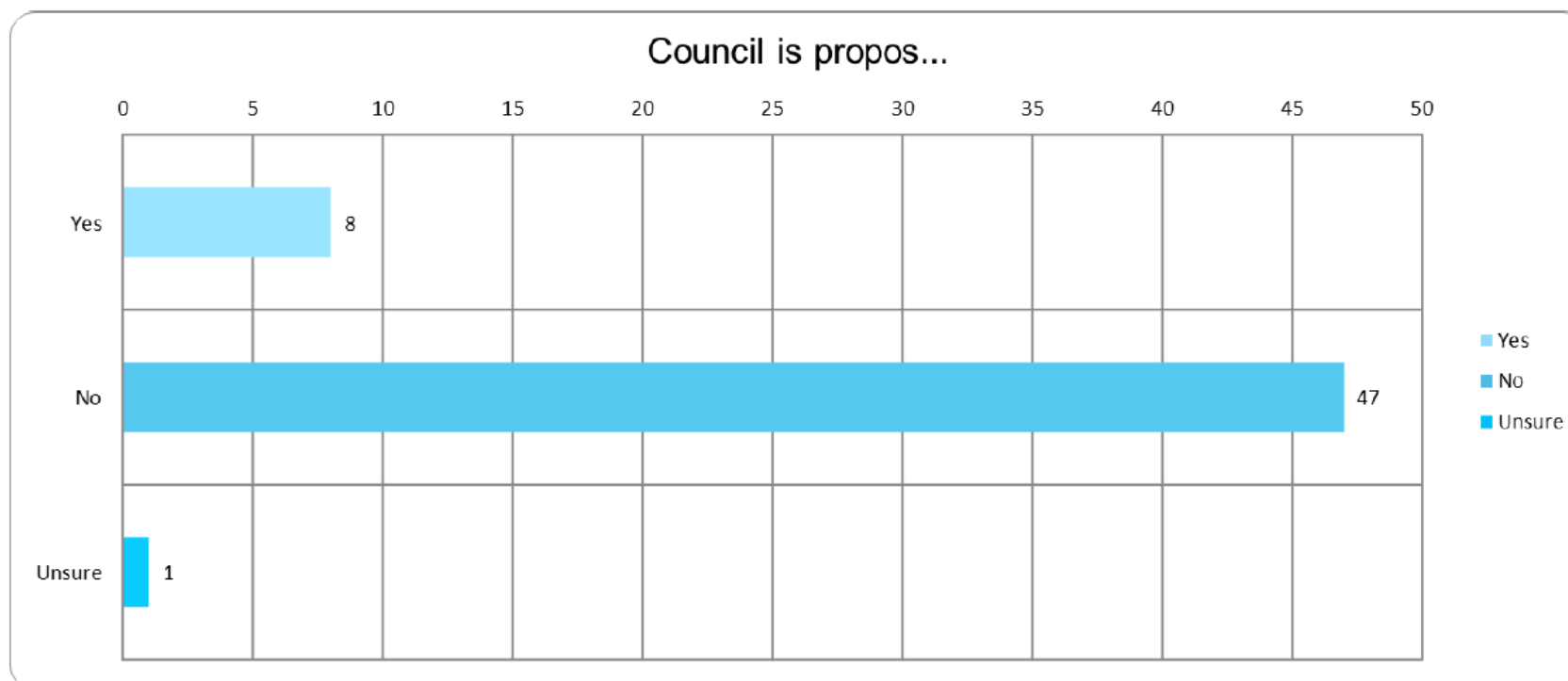
- *“Great initiative. Dual occupancy are far better than cramped townhouses and units. Minimum lot size for these blocks need to be consistent across LGA. Please make sure that some R2 blocks are more than 2,000 sqm in size where the just neighbouring block is just 700 or less..... “.*
- *“In general the price of land has become a major issue for many people. Older people are looking for cheaper and family supported environments”.*
- *“No council wants housing densities to go up but the fact is that there are more people needing housing. Everyone has to give a little”.*
- *“Dual occupancies are a good way to support families as they can live a more affordable life style with supports”.*
- *“Seems illogical to allow it in R2 and remove completely from E4”.*
- *“It doesn’t make sense. Allowed with consent but no change in density suggests to build you/someone has to first demolish..”.*
- *“Dual Occupancy should be allowed under ALL of the different zones”.*



## Survey Results - Draft QPLEP 2020



Council is proposing that '**Dual Occupancy**' housing developments be generally prohibited in the rural and environmental zones under the draft LEP 2020. This use is generally permissible with consent in these zones in the former Palerang LGA whereas it is generally prohibited in the former Queanbeyan LGA. Do you support this proposed change?



## Survey Results - Draft QPLEP 2020



### Comments – Dual Occupancies Rural and Environmental Zones

- *“I am strongly against council removing any land uses for people”.*
- *“This change could be financially disadvantageous to property owners who currently are allowed dual occupancy”.*
- *“This is strongly not supported. Ageing in place, multigenerational and other forms of housing are becoming the norm. With appropriate requirement this would continue to work....”.*
- *“I wish to retain my existing right to build a second dwelling on my property. When we purchased our property, this was one of the factors in our deciding”.*
- *“Dual occupancies are a good and affordable way for families to support each other. It should be permitted”.*
- *“It should be an individual’s choice to create a dual occupancy, they should consider the market impacts when making the decision”.*
- *“We, and I know other locals, have ideas of creating a 2nd residence on their land for ageing parents. We have no plans of subdividing our land but want the flexibility to have a 2nd residence that could house my parents in the shorter term...”*



## Survey Results - Draft QPLEP 2020



### Comments – Dual Occupancies Rural and Environmental Zones

- *“I don't think "owners of properties in these areas often experience difficulty selling properties with two large existing dwellings" is a good enough reason to prohibit this. I strongly oppose that change”.*
- *‘Council should consider allowing attached dual occupancy development in the rural zones, which is how many other Councils with rural zones have allowed dual occupancy to occur”.*
- *‘When we moved out to our E4 zoned property 11 years ago.....knowing that we had the option for a dual occupancy....if it is passed it would force us to leave our property as our current house is too small for our growing family and limits us from caring for our aging parents”.*
- *“Rate payers should not be prevented from subdividing properties if it is permitted by the LEP”.*
- *“There are no "difficulties" in selling a property with 2 dwellings. Some sellers just believe that 2 dwelling means the property is worth twice as much. It is clearly not the case. Why penalise other people who want to build a dual occupancy to suit their needs and lifestyle”.*

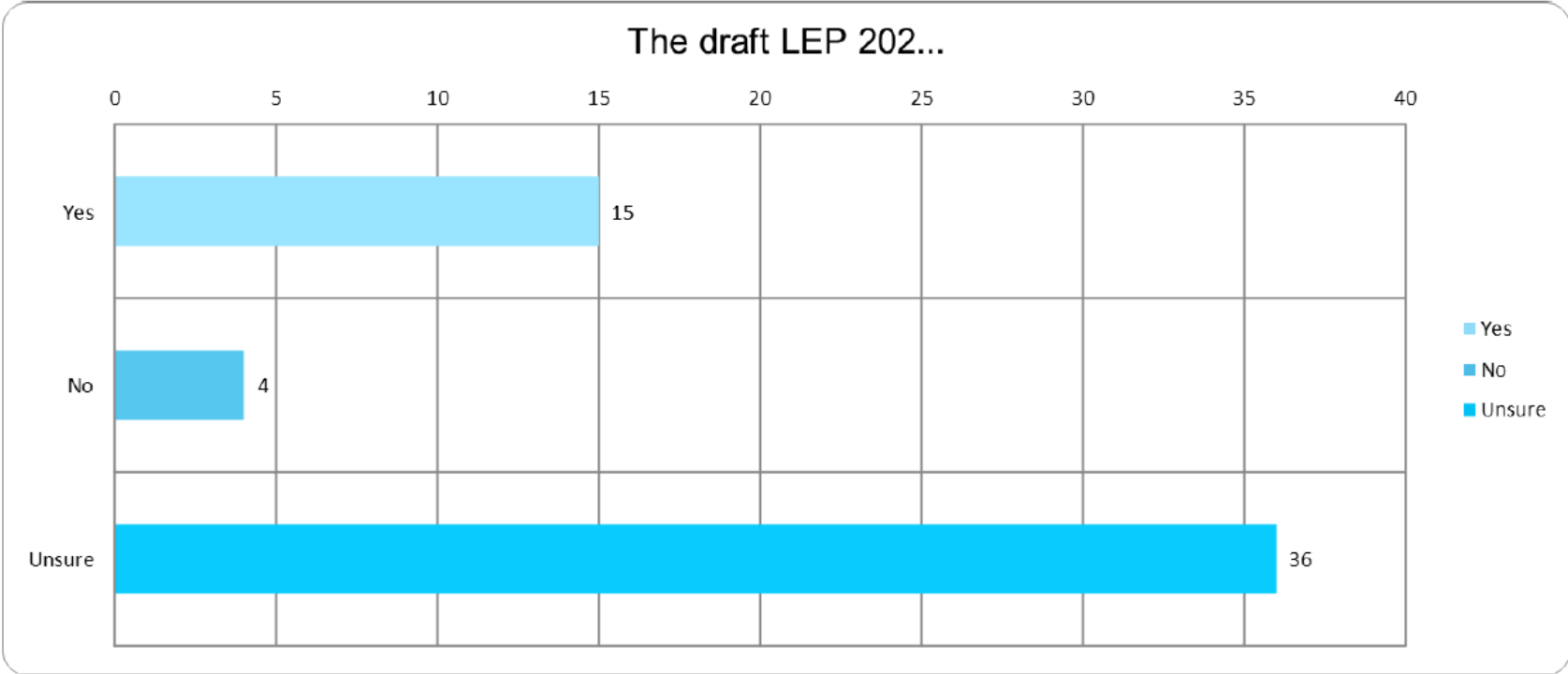




# Survey Results - Draft QPLEP 2020



The draft LEP 2020 contains specific controls for heritage listed properties (Clause 5.10). Are these controls suitable?





## Survey Results - Draft QPLEP 2020



### Comments – Heritage Controls

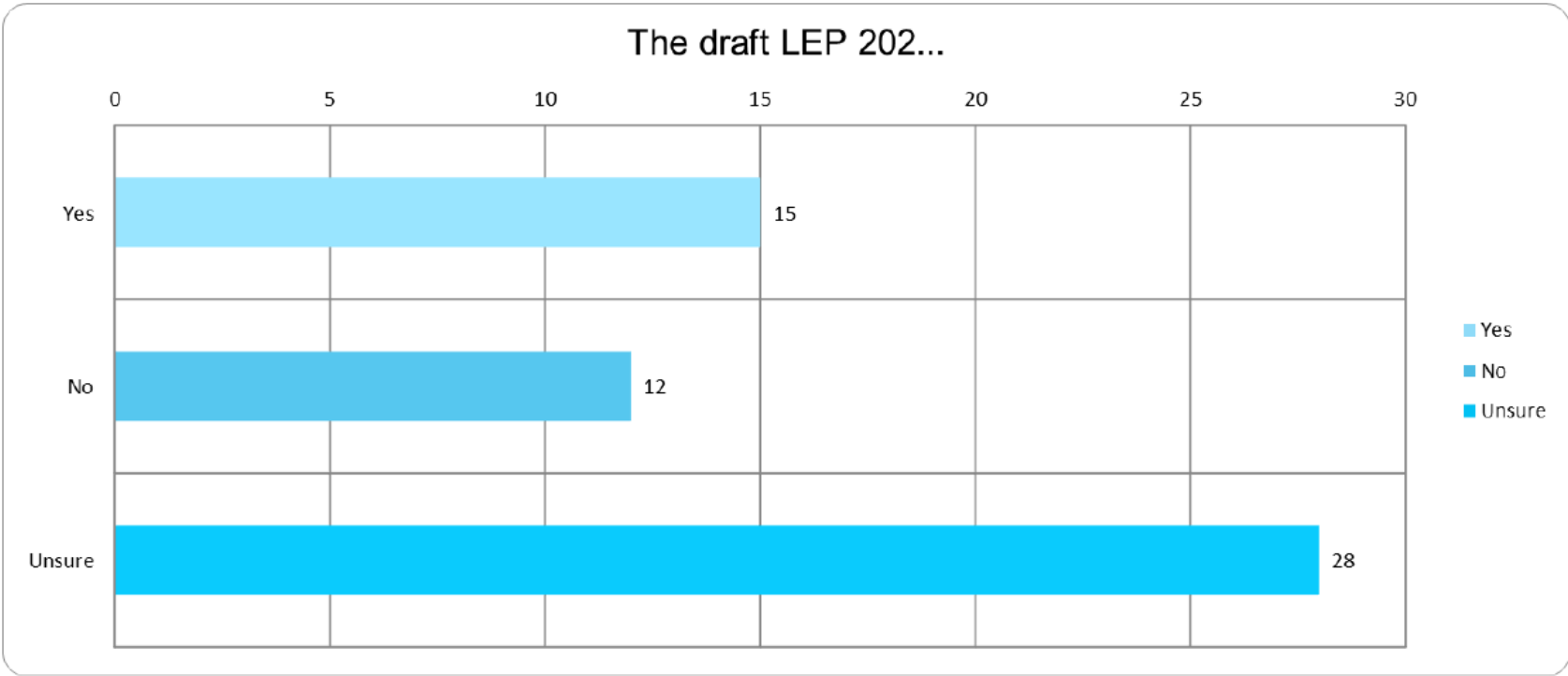
- *“When is Council going to update the Braidwood Development Control Plan”?*
- *“These requirements are important for tracking and preserving artefacts as development of the region continues over the long term”.*
- *“This submission concerns the blazes (border survey markers) on eucalyptus trees on the QPRC side of the NSW/ACT border at the top of Brooks Hill Reserve. I will be grateful if Council's Heritage staff will investigate these items of great heritage/historical importance with a view to placing them on the Heritage Register”.*
- *“Heritage listings can reduce building affordability and prevent individual building in sites as there are restrictions on external cladding and design, for example”.*
- *“Sensible approach, nothing extreme”.*
- *“Heritage issues are property specific and should be considered that way by Council. No set general Council controls are preferred”.*



# Survey Results - Draft QPLEP 2020



The draft LEP 2020 contains specific controls to minimise the impacts of development on the environment (Part 7). Are these controls suitable?



## Survey Results - Draft QPLEP 2020



### Comments – Planning/Environmental Controls

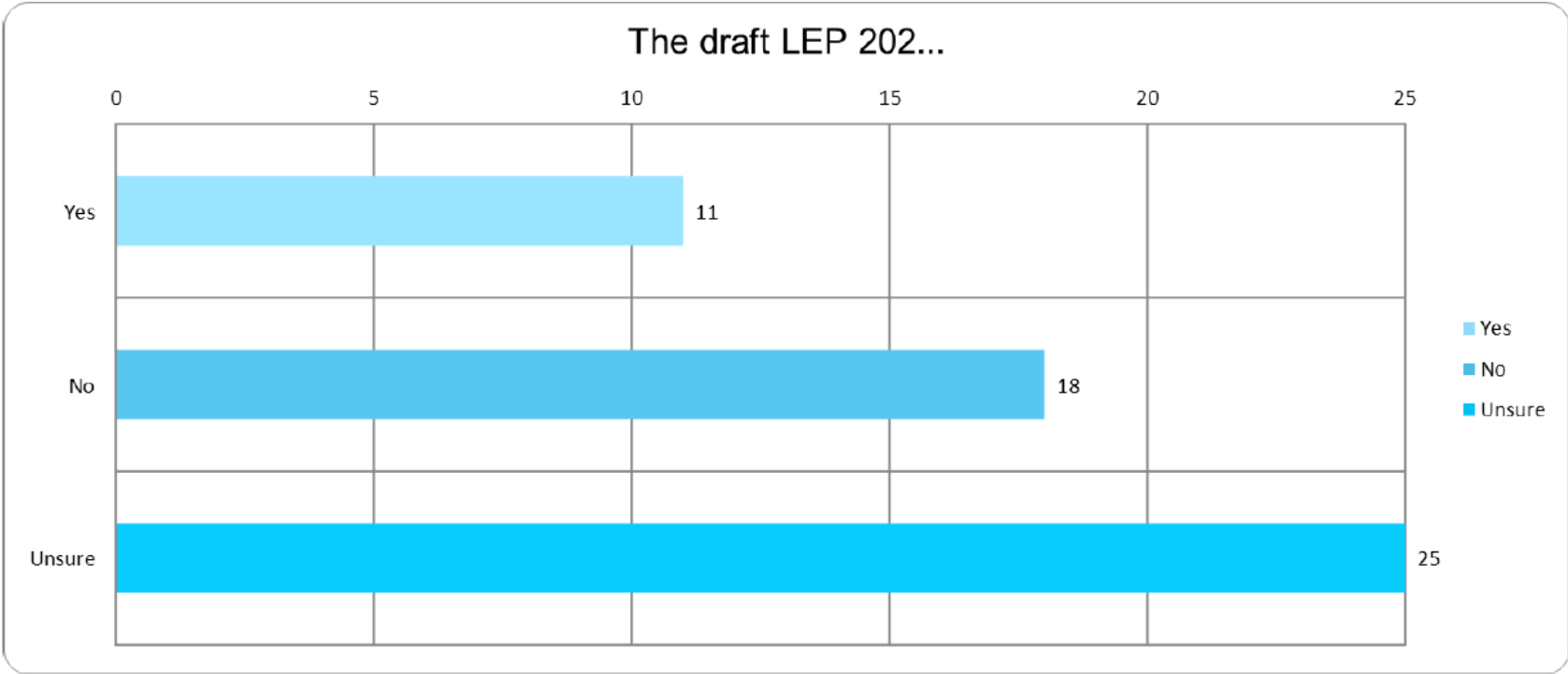
- *“The council must take a supportive approach to approvals..... support ratepayers in finding a path to practical development”.*
- *“The Palerang Local Environmental Plan 2014 contains onerous and outdated requirements for land holders to plant only local native plants.....deters healthy lifestyles, please consider removing this requirement”.*
- *“7.6 Salinity - provision should be made for updating the map where areas previously identified as saline have been rehabilitated and are no longer saline”.*
- *“Impacts of development on the environment are property specific and should be considered that way by Council. No set general Council controls are required and become restrictive top the owner of the property. Council should not dictate to land owners”.*
- *“I very much hope that the environment will be protected, but developers tend to get their way”.*



# Survey Results - Draft QPLEP 2020



The draft LEP 2020 contains controls in respect of the subdivision of land and the erection of dwellings and other buildings (Part 4). Are these controls suitable?



## Survey Results - Draft QPLEP 2020



### Comments – Dwelling and Subdivision Controls

- *“Again the combative nature of the rulings do not make the case for this level of development control being required”.*
- *“With aging parents, a dual occupancy would be suitable for us as we live in a small modest cottage and a secondary dwelling with a maximum size of 50% would simply be to small”.*
- *“Historical permissions must be recognised to avoid financial disadvantages to property owners, i.e. there must be no retrospective application of these controls”.*
- *I believe it is unreasonable to place a blanket ruling over E4 zoned properties that they cannot be subdivided with dwelling entitlements even if they meet all the environmental criteria as well as the minimum lot size”*
- *“On a case by case basis, subdivision of rural properties should be considered and the 'averaging lot provision' should be abolished as it is archaic and not in line with any other council or government in Australia”.*





## Survey Results - Draft QPLEP 2020



### Other General Comments

- *“Why did Council not attempt to incorporate any of the Actions within the Palerang Rural Lands Study into this LEP. Specific actions were adopted by Council as part of this document and many of these are due to be completed”.*
- *“Consistently in minimum lot size for the same zone is important”.*
- *“Persisting with lot sizes of 80Ha or even 40Ha without providing a practical path for approval of appropriate agriculture is both counter to the mandated development approach and poor land management. Need to facilitate local agricultural business on properties of 40-80Ha”.*
- *“The southern end of Brereton St was due to be rezoned to R3 in this LEP session to match the surrounding streets. The surrounding streets are already R3”.*
- *“Leave the E4 zone in Wamboin alone - R5 is not suitable. The only people who want R5 are developers. The area is RURAL NOT RESIDENTIAL IN NATURE”.*



## Survey Results - Draft QPLEP 2020



### Other General Comments

- *“The consultants reports commissioned over the past few years have identified areas which do not require to be placed in E4 Zones and these areas must not be placed in E4, but either in RU4 or R5.*
- *“When we purchased our property it was under existing zoning. “We were happy with this zoning, we feel that it is unfair for the council to change zoning post purchase. Change of zone should only apply if property is sold”.*
- *“This latest LEP amendment only has some clearly identified deficiencies but overall appears balanced and in general aligns with the majority of the community’s interests”.*
- *“There is distinct discrimination with regard to rural residential property ownership and the ability to build reasonable second dwellings at the required size of the property owners”.*
- *“I understand the common sense in combining local environment plans, but think that appropriate regard has not been given to fringe urban estates such as Kingsway, Weetalabah, Greenleigh, The Ridgeway, etc - the people who live in these areas chose these estates because they were environmentally pleasing and commerce- free”.*



## Survey Results - Draft QPLEP 2020



### Other General Comments

- *“Land has been purchased based on a zoning and inherent land usages at the time of purchase.....Any changes that alter those conditions should not be enforceable upon current land owners...”*
- *“Council needs to amend the LEP to allow flexibility to modify an E2 boundary adjoining a R1 zone which was set many years ago under outdated information. If there is no current (environmental or other) reason for expanding an R1 zone by reducing the E2 area then that should be allowed”.*
- *“Zoning needs to be fair, transparent and consistent with the flora and fauna of particular areas. Arbitrary lines on maps really do not cut it. Could current zonings be added to rate notices?”*
- *“How can extractive industries be permitted in an area zoned for primary production? The rumours about mining may be true?!”.*





## Survey Results - Draft QPLEP 2020



### Other General Comments

- *“I think that Artisan Food and Drink Industries should be permissible with consent in the B2 zone. This type of development within the villages of Braidwood and Bungendore would help highlight the growing paddock to plate movement in the area”.*
- *“Managed urbanisation with good quality homes with green space (not crappy And sensible townhouse And units) should be the guiding principles of LEP from my view to bring balance between growth and sustainability”.*
- *“Many existing small home based businesses .... should not require DA consent to operate. We believe this is restrictive and would impact on many existing and proposed business operating in our area”.*



## Survey Results - Draft QPLEP 2020



### Other General Comments

- *"I would like to see limited retail sales in E3 with restrictions to protect environment. ....I would like to be able to open on weekends and public holidays for cellar door sales. My Neighbour, Lark Hill Wines, is able to have a cellar door...."*
- *"Home business should be shown as 'permissible without consent' under a combined LEP consistent with the Exempt and Complying SEPP".*
- *"I'm still concerned with the previous reasoning exercise...I also don't understand why lot averaging doesn't have a sunset period".*
- *"Ensure that the lands uses in all rural zones including R5 and E4 include farm tours/visits and farm gate sales. This is consistent with the QPRC Tourism Strategy. Whether this activity is classified as Information and Education Facilities or something else, make sure that it is possible".*





## Survey Results - Draft QPLEP 2020



### Other General Comments

- *“Rural residential property owners are already not receiving the services that our town counterparts enjoy. Forcing us to build extremely large new dwellings is absolutely unacceptable”.*
- *“Home business should be shown as ‘permissible without consent’ under a combined LEP consistent with the Exempt and Complying SEPP”.*
- *“I would like to see the vegetation clearing laws actually enforced and people given more than a slap on the wrist for knocking over mature trees and destroying habitat”.*
- *“Rather than prohibiting additional waste or resource management facilities I would like to see Council be innovative, visionary and creative in creating local opportunities for plastic and other resource reuse and re purposing”.*





# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Planning and Strategy Committee of the Whole Meeting Attachment**

**9 SEPTEMBER 2020**

ITEM 8.5 QUEANBEYAN-PALERANG DRAFT COMPREHENSIVE LOCAL  
ENVIRONMENTAL PLAN 2020

ATTACHMENT 5 INTERNAL CONSULTATION COUNCIL STAFF

Internal Staff Comments on the Draft Comprehensive LEP 2020			
Comment Number /Page Number In the Draft LEP	Submission	Response	Action
Comments Received During Exhibition			
1 Page 20	<b>B5 Business Development objective:</b> Internal submission recommending objective 2 <i>'To maintain the economic strength of existing business centres by limiting the retailing of food and clothing'</i> be amended to remove references to consent uses (eg, retail), and to address the intent of the objective to protect the hierarchy of the CBD.	This is an existing objective in <i>Queanbeyan LEP 2012</i> . Whilst it is not the intention of this planning proposal to introduce new policy issues, it is acknowledged the current wording of this objective is somewhat unclear.  Accordingly, Council staff are recommending the clause be rewritten to instead address protection of retail hierarchy in the Queanbeyan CBD.	Amend the draft plan to redraft objective 2 as follows;  <i>"To provide for a range of suitable land uses that maintain the existing retail hierarchy of Queanbeyan".</i>
2 Page 25	<b>E2 Environmental Conservation objectives:</b> Internal submission recommending a number of objectives (4, 5 and 6) for the E2 Environmental Living zone be reworded.  1. Submission requests that Objective 4: "To provide for a very limited range of ecologically sustainable development and land use activities that provide for small scale and low impact recreation and amenities" be amended to delete reference to Ecologically Sustainable Development because the <i>Environmental Planning &amp; Assessment Act</i> ,	1. This is an existing objective in <i>Palerang LEP 2014</i> . However the change is relatively minor and can be accommodated at this time.	1. Objective 4 be amended to read: <i>"To provide for a limited range of development and land use activities that support environmental conservation outcomes"</i> .

	<p>1979, specifically requires consideration of ecological sustainable development. Also remove references to recreation or amenities.</p>		
	<p>2. Submission requests that Objective 5: <i>"To identify and protect escarpment areas which enhance the visual amenity of the Local Government Area and possess special aesthetic or conservational value"</i> be reconsidered given extensive agriculture is permitted without consent in this zone which includes escarpment areas.</p>	<p>2. This is an existing objective in <i>Queanbeyan LEP 2012</i>. 'Extensive agriculture' can still occur in areas with scenic protection values and does at this time in. It is not considered necessary to change a zone objective at this time.</p>	<p>2. No change be made as a result of this comment.</p>
	<p>3. Submission requests that Objective 6: "To protect water quality by preventing inappropriate development within catchment areas" be reconsidered as it is unclear what it is intended to cover.</p>	<p>3. This is an existing objective in <i>Queanbeyan LEP 2012</i>. It is intended to ensure any development in the zone does not impact on water quality within catchments. It is considered appropriate to carry forward the objective at this time.</p>	<p>3. No change be made as a result of this comment.</p>



Page 26/27	<p><b>E4 Environmental Living objectives:</b> Internal submission recommending a number of objectives (6 and 7)) for the E4 Environmental Living zone be reworded.</p> <ol style="list-style-type: none"> <li>1. Submission requests Objective 6: <i>"To minimise conflict between land uses within the zone and land uses within adjoining zones"</i> be reconsidered as the objective is already covered by clause 5.16.</li> <li>2. Submission requests Objective 7: "To ensure that rural residential development provides for integrated rural residential communities in its design" be reconsidered as it is not clear what the intent of the clause is</li> </ol>	<ol style="list-style-type: none"> <li>1. This is an existing objective in <i>Palerang LEP 2014</i>. Since the LEP was gazetted in 2014, DPIE has added clause 5.16 to the standard instrument which specifically addresses the potential for land use conflict in the zone. Accordingly, it is considered appropriate to now remove the objective from the zone.</li> <li>2. This is an existing objective in the <i>Queanbeyan LEP 2012</i>. It is agreed that the intent of the clause is ambiguous. This objective is unclear in regard to what is meant. Removing the objective is considered a minor change.</li> </ol>	<ol style="list-style-type: none"> <li>1. That Objective 6 be removed from the draft plan.</li> <li>2. That Objective 7 be removed from the draft plan.</li> </ol>
4 Page 31	<p><b>Clause 4.1B Minimum subdivision lot size for strata title scheme:</b> Submission requests the clause be amended to also include application to the RU5 Village zone. Concerned with the ability of strata subdivision to create lots less than the minimum lot size, particularly where unsewered.</p>	<p>Clauses dealing with strata subdivision are contained in both <i>Queanbeyan LEP 2012</i> and <i>Palerang LEP 2014</i> however neither includes a reference to the RU5 Village zone. Including the change at this time is seen as incorporating new policy.</p>	<p>No change be made as a result of this comment.</p>

<p>5 Page 34</p>	<p><b>Clause 4.2C Exceptions to minimum lot size residential development</b></p> <p>Submission has noted a minor drafting error in respect of subclause (3).</p> <p>(3) Development consent may be granted to a single development application for development to which this clause applies that is <b>both</b> of the following—</p> <p>(a) the subdivision of land into three or more lots,</p> <p>(b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 350m<sup>2</sup>, and</p> <p>(c) the development application for the subdivision includes a dwelling design for each lot.</p> <p>Suggest rewording subclause (3) from '<b>is both</b>' to '<b>includes each</b>'.</p>	<p>Agreed.</p>	<p>Amend the text. Replace "is both" with "includes each" this subclause.</p>
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6 Page 34	<p><b>Clause 4.2C Exceptions to minimum lot size residential development</b></p> <p>Submission has requested that previous provisions contained in <i>Queanbeyan LEP (South Jerrabomberra) 2012</i> in respect of requiring the subdivision of small lots to be accompanied by respective dwellings designs, be reinserted into the draft plan.</p> <p>Clause 4.2C of the draft plan already contains provisions in respect of R1 General Residential land at Bungendore and R1 General Residential land at Googong. Similar provisions were also contained in previous versions of the <i>Queanbeyan LEP (South Jerrabomberra) 2012</i>, however were removed in the most recent iteration of the plan as the land identified for smaller lot housing has had the lot size on the lot size map reduced to 130sqm.</p> <p>It has now come to Council's attention that in order to ensure appropriate housing forms are delivered at South Jerrabomberra, it is highly desirable to see those dwelling designs at the time that consent for subdivision is being considered.</p>	<p>It is considered desirable that suitable controls be reinserted into the draft plan to address the creation of small lots at South Jerrabomberra. These provisions were previously in place and are necessary to ensure a suitable housing form is delivered.</p> <p>It is considered a relatively minor change that these former controls be reinserted into the plan at the time.</p> <p>It will be necessary to give effect to this in a new specific clause.</p>	<p>That a new clause 4.2CA Subdivision of Attached Dwellings at South Jerrabomberra be included in the draft plan and accompanied by the following provisions:</p> <p>(1) <i>This clause applies to land zoned R2 Low Density Residential with a minimum lot size of 130m<sup>2</sup> located in the South Jerrabomberra urban release area.</i></p> <p>(2) <i>Regardless of any other provision of this plan, development consent may only be granted to a development application for development to which this clause applies if—</i></p> <p>(a) <i>the subdivision of land includes four or more lots, and</i></p> <p>(b) <i>the development application for subdivision includes a dwelling design for each lot.</i></p>
7 Page 38	<p><b>Clause 4.3 Height of buildings</b></p> <p>Submission suggests objective (f) be reworded to include a reference to Palerang also.</p>	Agreed.	Amend the draft plan to add after Queanbeyan the word "Palerang".
8 Page 42	<p><b>Clause 5.3 Development near zone boundaries</b></p> <p>Submission has noted the proposed inclusion of clause 5.3(3)(aa) from <i>Palerang LEP 2014</i> into the draft plan.</p> <p>Requested advice as to whether this introduces potential issues for future development.</p>	Staff are now recommending this additional wording under the clause be removed. This will be consistent with current wording in <i>Queanbeyan LEP 2012</i> .	Amend the draft plan to remove subclause (3)(aa) from Clause 5.3.

9 Page 61	<b>Clause 7.10 Airspace Operations</b> Submission has requested subclause (2) be amended to require a specified number of days be included for the referral before determination can occur.	See Government Agency Submission No 1. Both Canberra Airport and the Commonwealth Government have now agreed that in the future only 'notification' will be required under the clause. Accordingly a maximum number of days is no longer required.	This subclause will be updated in the draft plan prior to submission to DPIE.
10 Page 64	<b>Clause 7.16 Short-term rental accommodation</b> Submission suggests clause be removed and that these matters be regulated in accordance with any subsequent development consent.	This is an existing clause in <i>Palerang LEP 2014</i> .  It is noted that the NSW Government has proposed an accepted definition for Short term Rental Accommodation and standard regulations that will apply across the State. At this time those provisions have not been enacted.  In the meantime it is appropriate the clause remain in the draft plan.	No change be made as a result of this comment.
11 Page 66	<b>Clause 7.22 Development for the purposes of animal boarding or training establishments</b> The submission in this instance notes proposed clause 7.22 'Development for the purposes of animal boarding or training establishments' is probably unnecessary and can be considered during any development assessment rather than be included in the LEP.	The clause is to address the specific concern about the definition for such uses covering both the 'training' and 'boarding' elements and the concerns in respect of potential land use conflict in rural residential areas.  The clause is to ensure amenity impacts are acknowledged and clear to any party proposing such a use.	No change be made as a result of this comment.

12 Page 68	<b>Schedule 1 Additional permitted uses</b> Does Lot 16 DP 846996 Williamsdale needed to be added to Schedule 1?.	No. The Gateway determination from the Department of Planning, Industry and Environment required this matter to be removed from the planning proposal and this proposal was not supported by Council at its Planning and Strategy Committee meeting of 11 March 2020 (PLA 021/20).	No change be made as a result of this comment.
13 Page 77	<b>Schedule 5 Environmental Heritage</b> Cross check <i>Queanbeyan LEP 1991</i> and <i>Queanbeyan LEP 1998</i> heritage items for consistency.	All heritage items given effect under Council's existing LEPs have been carried forward into the draft plan.  It should be noted some properties have updated names, addresses, and property descriptions where relevant and there have been altered as appropriate.  See also Submission No. 10 of Government Agency submissions.	No change be made as a result of this comment.
14 Page 77	<b>Part 1 Heritage items.</b> Confirm heritage mapping of 6-14 Butmaroo St Bungendore (Mick Sherd Oval) is correct.	This has been done.	No change be made as a result of this comment.
15 Page 134	<b>Zoning Confirmation</b> Council depot Ellerton Rd appears to be included in B5 zone. Is this correct?	Yes. The depot is included in the B5 Business Development zone. This is consistent with the current zoning.	No change be made as a result of this comment.



Other Comments Previously Received During Preparation of Draft Plan			
1	<p>Consider allowing 'artisan food and drink industry' in additional land use zones.</p> <p><i>artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following— a retail area for the sale of the products, a restaurant or cafe, facilities for holding tastings, tours or workshops.</i></p> <p><b>Note.</b> Artisan food and drink industries are a type of <b>light industry</b>—see the definition of that term in this Dictionary.</p>	<p>This land use definition was introduced after both <i>Queanbeyan LEP 2012</i> and <i>Palerang LEP 2014</i> were gazetted and is not included under either plan.</p> <p>This is potentially an appropriate use in many zones, however its inclusion at this time is seen as introducing new policy.</p> <p>This change will be considered in the next policy review of the LEP.</p>	<p>No change at this time. This change has merit and will be considered in a future review that includes policy changes.</p>
2	<p><b>Schedule 1 Additional Uses</b> Staff have identified an error in the detail of the address for Item 9. Should refer to '633' Old Cooma Road, not '663' Old Cooma Rd Googong.</p>	<p>Agreed.</p>	<p>Delete "663" and replace with "633" for its address at Old Cooma Rd Googong in Schedule 1.</p>
3	<p><b>Schedule 5 Environmental Heritage</b> Staff have identified a mistake in the detail of the address of the Queanbeyan Public School listed as 35 Isabella Street. Please amend to 15-33 Isabella Street Queanbeyan.</p>	<p>Agreed.</p>	<p>Change property description and address for Queanbeyan Public School to Part Lot 1, Section 21, DP 758862 and 15-33 Isabella Street Queanbeyan in this Schedule of the draft plan.</p>
4	<p><b>Schedule 5 Environmental Heritage</b> Staff have identified a mistake in the property description of 9 The Crescent Queanbeyan.</p>	<p>Agreed. The proposed changes as outlined below and opposite are not considered to be policy changes and are supported.</p>	<p>Change property description of 9 The Crescent Queanbeyan to Lot 4 Sec D DP 13427 in this Schedule of the draft plan.</p>

5	<b>Schedule 5 Environmental Heritage</b> Staff requested the property descriptions and mapping or heritage items at 10 Farrer Place, 2 Farrer Place and 2A Farrer Place Queanbeyan be checked and confirmed.	Staff have checked the descriptions and mapping of these items and the changes are proposed.	Update description of Tourist Information Centre at 1–3 Farrer Place to Lot 1 Sec 56 DP 758862 in the draft plan. Update description of Queanbeyan and District Historical Society Museum to 10 Farrer Place, Pt Lot 124 DP 1011230 and update heritage map to apply to museum building only of the draft plan.
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# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Planning and Strategy Committee of the Whole Meeting Attachment**

**9 SEPTEMBER 2020**

ITEM 8.5                      QUEANBEYAN-PALERANG DRAFT COMPREHENSIVE LOCAL  
   ENVIRONMENTAL PLAN 2020

ATTACHMENT 6    QPLEP HERITAGE ITEMS TO BE CORRECTED

**8.5 Queanbeyan-Palerang Draft Comprehensive Local Environmental Plan 2020**  
**Attachment 6 - QPLEP Heritage Items to be Corrected (Continued)**

Existing LEP	Suburb	Item name	Address	Correct Description	Significance	Action
Queanbeyan	Googong	Shearing shed complex	Old Cooma Road	Part Lot 901, DP 1242930; Part Lot 2, DP 1231713	Local	Update property description in LEP
Queanbeyan	Queanbeyan	The Grotto	Riverside Oval, 14–22 Carinya Street	Part Lot 100, DP 1184186	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Old Queanbeyan Hospital	87–105 Collett Street	87 Collett Street - Part Lot 2, DP 1203239	State	Update street address and property description in LEP and correct map to align heritage feature with boundaries excluding SW component
Queanbeyan	Queanbeyan	Building	76 Crawford Street	Lot CP, 1 and 2 SP 23106	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Queanbeyan Recreation and Leisure Centre	121–147 Crawford Street	Lot 261, DP 1127509	Local	Update property description in LEP and check map is correctly aligned to boundaries
Queanbeyan	Queanbeyan	Queanbeyan City Council Chambers (former School of Arts building)	253 Crawford Street	Part Lot 1, DP 1179998	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Fire station (former)	261–257 Crawford Street	Part Lot 2, DP 1179998	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Dutton's Cottage	263 257 Crawford Street	Part Lot 2, DP 1179998	Local	Update property description in LEP
Queanbeyan	Queanbeyan	House	25 Derrima Road	Lot 32, Section A, DP 7255	Local	Update property description in LEP
Queanbeyan	Queanbeyan	House	12 Early Street	Lot 24, Section H, DP 13427	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Riverside Cemetery	40 Erin Street	Crown Reserve R 95617 - Part Lot 18, DP 1167880; Lot 1, DP 658607; Lots 54–56, DP 754907; Lots 7334 and 7335, DP 1154175; Lot 7303, DP 1137732; Part Lot 1, Section 33, DP 758862	Local	Update property description in LEP and also include Lot 7303 DP 1137732 in heritage maps
Queanbeyan	Queanbeyan	Tourist Information Centre (former municipal chambers), Lazarus	1–3 Farrer Place	Lot 1, Section 56, DP 758862	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Owelling, part of complex known as "Kawaree"	48 George Street 50 Canberra Avenue	50 Canberra Avenue - Part Lot 1, DP 1256702	State	Update street address and property description in LEP
Queanbeyan	Queanbeyan	Group of cottages	21–25 Hayes Street	Lots 70, 71, and 72, DP 32640	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Bull's Cottage	24 Henderson Road	Lots 10 and 11, Section P, DP 2207	Local	Update property description in LEP and check map is correctly aligned to boundaries
Queanbeyan	Queanbeyan	Queanbeyan Railway Station group	43–47 Henderson Road	Part Lot 2, DP 1002170	State	Update property description in LEP
Queanbeyan	Queanbeyan	House	401 Henderson Road 1 Crest Road	1 Crest Road	Local	Update street address
Queanbeyan	Queanbeyan	Group of houses	26–30 Hirst Avenue	Lots 5, 6 and 7, DP 14068	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Public schoolhouse	35 Isabella Street	Part Lot 1, Section 21, DP 758862	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Group of dwellings	28–34 Kathleen Street	Lots 113, 114, 115 and 116, DP 32640	Local	Update property description in LEP
Queanbeyan	Queanbeyan	St Raphael's Roman Catholic Church and St Gregory's School complex	47–59 Lowe Street	Lot 1, DP 319352; Lot 7, Section 56, DP 758862	Local	Update property description in LEP
Queanbeyan	Queanbeyan	St Gregory's Roman Catholic Church	15 MacQuoid Street	Part Lot 1, DP 1182699	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Group of houses	70–80 MacQuoid Street	Lot 3, DP 735030; Lot 6, DP 792815; Lots CP, 1 and 2, SP 31573; Lots CP, 1 and 2, SP 40564	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Raine and Home Real Estate (formerly Temperance Hall)	6–8 Monaro Street 2 Monaro St	2 Monaro Street - Part Lot 2, DP 745806	Local	Update street address and property description and heritage map to only apply to part of Lot 2 containing item
Queanbeyan	Queanbeyan	Former Bradbury's Brewery site	146–164 164 Monaro Street	Part Lot 1, DP 1165483	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Cottage	15 Moore Street	Lot B, Section C, DP 7255	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Furlong House	15 Morisset Street	Part Lot CP, 1 to 46, SP 90193	Local	Update property description in LEP
Queanbeyan	Queanbeyan	House	27 Ross Road	Lots CP, 1 and 2, SP 97074	Local	Update property description in LEP
Queanbeyan	Queanbeyan	House	18 Ruffedge Street	Lot 1, DP 710825	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Parish hall—Anglican Parish of Queanbeyan	19 Ruffedge Street	Lot 1, DP 1153649	Local	Update property description in LEP
Queanbeyan	Queanbeyan	House (former Kinkora Private Hospital)	5 Stormaway Road	Lot 162, DP 1140021	Local	Update property description in LEP
Queanbeyan	Queanbeyan	O'Neill's Cottage	6 Trinculo Place	Lot 1, DP 597143	Local	Update property description in LEP
Queanbeyan	Queanbeyan	House	24 Uriama Road	Lot 37, DP 8874	Local	Update property description in LEP
Queanbeyan	Queanbeyan	Houses	57–59 Uriama Road	Lot C, DP 359762; Lot D, DP 383194	Local	Update property description in LEP
Queanbeyan	Queanbeyan	House	96 Uriama Road	Lot CP, 1, 2 and 3, SP 90394	Local	Update property description in LEP
Queanbeyan	Queanbeyan	House	47 White Avenue	Lot 24, DP 14068	Local	Update property description in LEP
Queanbeyan	Queanbeyan	House	10 Young Street	Lot 2, DP 1138974	Local	Update property description in LEP
Queanbeyan	Royal	Shepherds Ruin	1291 Old Cooma Road	Part Lot 1, DP 613054	Local	Reduce cutledge to 35m from centre of item so wholly located on Lot 1 DP 613054
Queanbeyan	Queanbeyan	Federation free style shops	130–134 Monaro Street	Lot 1A, DP 162360; Lot 2B, DP 162361; Lot 1, DP 778814	Local	Update map to remove Lot 5 DP 1075174 - not part of item
Palering	Bungendore	House	10 Malbon Street	Lot 1 DP 1062845	Local	Update heritage map to only apply to lot containing item
Palering	Bungendore	Dwelling, including bargeboards and fireplaces	12 Malbon street	Lot 4 DP 1264393	Local	Update property description in LEP and amend map to only apply to relevant lot
Palering	Bungendore	Cottage	14 Malbon Street	Lot 1 DP 1198404	Local	Update property description in LEP and amend map to only apply to relevant lot
Palering	Bungendore	Weatherboard cottage	54 Butmaroo Street	Lot 1 DP 1269941	Local	Update property description in LEP and amend map to only apply to relevant lot
Palering	Bungendore	St Johns Uniting Church (former)	48 Butmaroo Street	Lot 1 DP 1172336	Local	Amend map to only apply to relevant lot
Palering	Captains Flat	Captains Flat Hotel including bar	49 Foxlow Street	31 Foxlow Street	Local	Update street address
Queanbeyan	Queanbeyan	Boer War Memorial	Lowe Street	121–147 Crawford Street, Part Lot 261, DP 1127509	Local	Update street address and property description
Palering	Bungendore	Old Royal Inn	33 Turallo Terrace	Part Lot 1 DP 1246680	Local	Update map (remove from 31) and property description

# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Planning and Strategy Committee of the Whole Meeting Attachment**

**9 SEPTEMBER 2020**

ITEM 8.5                      QUEANBEYAN-PALERANG DRAFT COMPREHENSIVE LOCAL  
   ENVIRONMENTAL PLAN 2020

ATTACHMENT 7      DRAFT QPRC LEP 2020 - POST EXHIBITION VERSION AS  
   AMENDED



## **Queanbeyan-Palerang Local Environmental Plan 2020**

under the  
Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Public Spaces, pursuant to section 3.20 of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows—

Minister for Planning and Public Spaces

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## Part 1 Preliminary

### 1.1 Name of Plan [compulsory]

This Plan is **Queanbeyan-Palerang Local Environmental Plan 2020**.

### 1.1AA Commencement [compulsory]

This Plan commences on the day on which it is published on the NSW legislation website.

### 1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in **Queanbeyan-Palerang** in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
  - (a) to protect and improve the economic, environmental, social and cultural resources and prospects of the community,
  - (b) to facilitate the orderly and economic use and development of land having regard to ecological sustainability principles,
  - (c) to provide for a diversity of housing to meet the needs of the community into the future,
  - (d) to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community,
  - (e) to retain and protect important biodiversity and natural habitat,
  - (f) to provide for the protection of waterways, aquifers, wetlands and water quality,
  - (g) to retain, protect and encourage sustainable primary industry and associated commerce in rural areas,
  - (h) to recognise and protect the area's natural, cultural, Aboriginal and built heritage,
  - (i) to protect important scenic qualities, views and vistas,
  - (j) to facilitate the orderly growth of identified urban release areas,
  - (k) to ensure development does not unreasonably increase the demand for public services or public facilities, and
  - (l) to identify, protect and provide areas used for community health and recreational activities.

### 1.3 Land to which Plan applies [compulsory]

This Plan applies to the land identified on the Land Application Map.

### 1.4 Definitions [compulsory]

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

**1.5 Notes [compulsory]**

Notes in this Plan are provided for guidance and do not form part of this Plan.

**1.6 Consent authority [compulsory]**

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

**1.7 Maps [compulsory]**

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note.** The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning, Industry and Environment.

**1.8 Repeal of planning instruments applying to land [compulsory]**

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

**Note.** The following local environmental plans are repealed under this provision—

*Queanbeyan Local Environmental Plan 1991*  
*Queanbeyan Local Environmental Plan 1998*  
*Queanbeyan Local Environmental Plan 2012*  
*Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012*  
*Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013*  
*Yarrowlumla Local Environmental Plan 2002*  
*Palerang Local Environmental Plan 2014*

- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

**1.8A Savings provisions relating to pending development approvals [local]**

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

**Note.** However, under Division 3.5 of Part 3 of the Act, a development application may be made for

consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

#### **1.9 Application of SEPPs [compulsory]**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

*State Environmental Planning Policy No 1—Development Standards*

#### **1.9A Suspension of covenants, agreements and instruments [local]**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any trust agreement within the meaning of the *Biodiversity Conservation Act 2016*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 7.1 of Part 7 of the Act, or
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)-(3).

## **Part 2 Permitted or prohibited development**

#### **2.1 Land use zones [compulsory]**

The land use zones under this Plan are as follows—

**Rural Zones**

**RUI Primary Production**

RU2 Rural Landscape

RU3 Forestry

RU5 Village

**Residential Zones**

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

R5 Large Lot Residential

**Business Zones**

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B5 Business Development

B7 Business Park

**Industrial Zones**

IN1 General Industrial

IN2 Light Industrial

**Special Purpose Zones**

SP1 Special Activities

SP2 Infrastructure

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Environment Protection Zones**

E1 National Parks and Nature Reserves

E2 Environmental Conservation

E3 Environmental Management

E4 Environmental Living

**Waterway Zones**

W1 Natural Waterways

**2.2 Zoning of land to which Plan applies [compulsory]**

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

**2.3 Zone objectives and Land Use Table [compulsory]**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and



- (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part—
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

**Notes.**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

**2.4 Unzoned land [compulsory]**

- (1) Development may be carried out on unzoned land only with development consent.
- (2) Before granting development consent, the consent authority—
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

**2.5 Additional permitted uses for particular land [compulsory]**

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.



## 2.6 Subdivision—consent requirements [compulsory]

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

### Notes.

1. If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
2. Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

**Note.** The definition of *secondary dwelling* in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## 2.7 Demolition requires development consent [compulsory]

The demolition of a building or work may be carried out only with development consent.

**Note.** If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

## 2.8 Temporary use of land [optional]

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of **52 days** (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new

release area or a new housing estate may exceed the maximum number of days specified in that subclause.

- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## Land Use Table

**Note.** A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies—

*State Environmental Planning Policy (Affordable Rental Housing) 2009* (including provision for secondary dwellings)

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

*State Environmental Planning Policy (Infrastructure) 2007*—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

*State Environmental Planning Policy No 33—Hazardous and Offensive Development*

*State Environmental Planning Policy No 50—Canal Estate Development*

*State Environmental Planning Policy No 64—Advertising and Signage*

*State Environmental Planning Policy (Primary Production and Rural Development) 2019*

### Zone RU1 Primary Production

#### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To minimise the impact of any development on the natural environment.
- To ensure that development does not unreasonably increase the demand for public services or facilities.

#### 2 Permitted without consent

Extensive agriculture; Home businesses; Home occupations

#### 3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Biosolids treatment facilities; Building identification signs; Business identification signs; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Function centres; Garden centres; Helipads; Home-based child care;

Home industries; Hotel or motel accommodation; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Neighbourhood shops, Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Secondary dwellings; Service stations; Sewage treatment plants; Truck depots; Veterinary hospitals; Water recycling facilities; Water supply systems

**4 Prohibited**

Any development not specified in item 2 or 3.

**Zone RU2 Rural Landscape**

**1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

**2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations

**3 Permitted with consent**

Agriculture; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dwelling houses; Entertainment facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Helipads; Home industries; Information and education facilities; Landscaping material supplies; Markets; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Transport depots; Veterinary hospitals; Water supply systems

**4 Prohibited**

Any development not specified in item 2 or 3.

**Zone RU3 Forestry**

**1 Objectives of zone**

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

**2 Permitted without consent**

Roads; Uses authorised under the *Forestry Act 2012* or under Part 5B (Private native forestry) of the *Local Land Services Act 2013*



**3 Permitted with consent**

Aquaculture

**4 Prohibited**

Any development not specified in item 2.

**Zone RU5 Village**

**1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To encourage design and development that enhances the streetscape and village character.
- To ensure that development has regard to the character and amenity of the locality.
- To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises.

**2 Permitted without consent**

Home businesses; Home occupations

**3 Permitted with consent**

Amusement centres; Attached dwellings; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Electricity generating works; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Function centres; Group homes; Home-based child care; Home industries; Industrial training facilities; Information and education facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Schools; Secondary dwellings; Self-storage units; Semi-detached dwellings; Service stations; Sewage treatment plants; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recycling facilities; Water supply systems; Wholesale supplies

**4 Prohibited**

Serviced apartments; Waste disposal facilities; Pond-based aquaculture; Any other development not specified in item 2 or 3.

**Zone R1 General Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To ensure that development has regard for the character and amenity of the locality.
- To ensure that buildings with non-residential uses have a bulk and scale that is compatible with the zone's predominantly residential character.

**2 Permitted without consent**

Home businesses; Home occupations

**3 Permitted with consent**

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Veterinary Hospitals; Water supply systems

**4 Prohibited**

Any development not specified in item 2 or 3.

**Zone R2 Low Density Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that new development complements the scale, density and form of existing development.
- To encourage development which considers the low density amenity of existing and future residents.
- To encourage development that is designed to recognise the bushland character of the locality where appropriate and to minimise the impact of urban development particularly on the edge of the urban area.

**2 Permitted without consent**

Home business; Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home based child care; Home industries; Neighbourhood



shops; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Tank-based aquaculture; Water reticulation systems

**4 Prohibited**

Any development not specified in item 2 or 3.

**Zone R3 Medium Density Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage development which considers the medium density amenity of existing and future residents.

**2 Permitted without consent**

Home businesses; Home occupations

**3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Water reticulation systems

**4 Prohibited**

Pond-based aquaculture; Any other development not specified in item 2 or 3

**Zone R4 High Density Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage development which considers the high density amenity of existing and future residents.

**2 Permitted without consent**

Home businesses; Home occupations

**3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Water reticulation systems

**4 Prohibited**

Pond-based aquaculture; Tank-based aquaculture; Any other development not specified in item 2 or 3

**Zone R5 Large Lot Residential**

**1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To retain existing bush land and natural landscape features to preserve the rural character of the locality.

**2 Permitted without consent**

Home businesses; Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Group homes; Home-based child care; Home industries; Horticulture; Intensive plant agriculture; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Tank-based aquaculture; Viticulture

**4 Prohibited**

Turf farming; Any other development not specified in item 2 or 3.

## Zone B1 Neighbourhood Centre

### 1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

### 2 Permitted without consent

Nil

### 3 Permitted with consent

Boarding houses; Business premises; Car parks; Cellar door premises; Centre-based child care facilities; Community facilities; Environmental protection works; Flood mitigation works; Garden centres; Hardware and building supplies; Health consulting rooms; Hotel or motel accommodation; Information and education facilities; Kiosks; Landscaping material supplies; Markets; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Pubs; Public administration buildings; Recreational areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Service stations; Shop top housing; Shops; Signage; Take away food and drink premises; Tank-based aquaculture; Veterinary hospitals

### 4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3.

## Zone B2 Local Centre

### 1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that new development has regard to the character and amenity of the locality.
- To support business development by way of the provision of parking and other civic facilities.
- To encourage some limited high density residential uses to create vitality in town centres.

### 2 Permitted without consent

Home business; Home occupations

### 3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Home-based child care; Home occupations (sex services); Home industries; Information and education facilities; Medical centres;



Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals

**4 Prohibited**

Pond-based aquaculture; Any other development not specified in item 2 or 3.

**Zone B3 Commercial Core**

**1 Objectives of zone**

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To recognise the Queanbeyan central business district as the main commercial and retail centre of Queanbeyan and to reinforce its commercial and retail primacy.
- To encourage some high density residential uses in conjunction with retail or employment uses where appropriate.

**2 Permitted without consent**

Home business; Home occupations

**3 Permitted with consent**

Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Tank-based aquaculture; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hostels; Industrial retail outlets; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Open cut mining; Pond-based aquaculture; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Resource recovery facilities; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or

distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems

## **Zone B4 Mixed Use**

### **1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure that new development has regard to the character and amenity of the locality.
- To strengthen the viability of existing business centres as places for investment, employment and cultural activity.
- To support business development by way of the provision of parking and other civic facilities.

### **2 Permitted without consent**

Home businesses; Home occupations

### **3 Permitted with consent**

Amusement centres; Attached dwellings; Backpackers accommodation; Bed and breakfast accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Dwelling houses; Educational establishments; Electricity generating works; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Home-based child care; Home industries; Home occupation (sex services); Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Shop top housing; Signage; Tank-based aquaculture.

### **4 Prohibited**

Pond-based aquaculture; Any other development not specified in item 2 or 3.

## **Zone B5 Business Development**

### **1 Objectives of zone**

- To enable a mix of business and warehouse uses, and specialised bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To provide for a range of suitable land uses that maintain the existing retail hierarchy of Queanbeyan

### **2 Permitted without consent**

Environment protection works



**3 Permitted with consent**

Bulky goods premises; Car parks; Centre-based child care facilities; Community facilities; Flood mitigation works; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Markets; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Specialised retail premises; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres

**4 Prohibited**

Pond-based aquaculture; Any other development not specified in item 2 or 3

**Zone B7 Business Park**

**1 Objectives of zone**

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To provide for a well-designed business park development that appropriately responds to site constraints and adjoining residential development.

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Freight transport facilities; Garden centres; Hardware and building supplies; Kiosks; Light industries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Respite day care centres; Roads; Signage; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres; Water recycling facilities

**4 Prohibited**

Pond-based aquaculture; Any other development not specified in item 2 or 3

**Zone IN1 General Industrial**

**1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Boat building and repair facilities; Bulky goods premises; Business premises; Car parks; Centre-based child care facilities; Community facilities; Depots; Flood mitigation works; Freight transport facilities; Function centres; Garden centres; General industries; Hardware and building supplies; Health consulting rooms; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Light industries; Markets; Medical centres; Mortuaries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Resource recovery facilities; Roads; Self-storage units; Signage; Take away food and drink premises; Tank-based aquaculture; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres

**4 Prohibited**

Pond-based aquaculture; Any other development not specified in item 2 or 3.

**Zone IN2 Light Industrial**

**1 Objectives of zone**

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To ensure that new development has regard to the character and amenity of the locality.

**2 Permitted without consent**

Home occupations; Home business

**3 Permitted with consent**

Agricultural produce industries; Aquaculture; Boat building and repair facilities; Bulky goods premises; Business premises; Car parks; Centre based child care facility; Community facilities; Depots; Emergency services facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; Hardware and building supplies; Health consulting rooms; Home-based child care; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Medical centres; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restricted premises; Roads; Rural supplies; Self-storage units; Service stations; Sex services premises; Signage; Take-away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sale or hire

premises; Veterinary hospitals; Warehouse or distribution centres; Water supply systems; Wholesale supplies

**4 Prohibited**

Pond-based aquaculture; Any other development not specified in item 2 or 3.

**Zone SP1 Special Activities**

**1 Objectives of zone**

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Aquaculture; Environmental protection works; Roads; the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

**4 Prohibited**

Any development not specified in item 2 or 3.

**Zone SP2 Infrastructure**

**1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Environmental protection works; Roads; the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

**4 Prohibited**

Any development not specified in item 2 or 3.

**Zone RE1 Public Recreation**

**1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.



- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and enhance the environment generally, and to ensure that areas of high ecological, scientific, cultural or aesthetic values are protected, managed and restored.

**2 Permitted without consent**

Extensive agriculture

**3 Permitted with consent**

Aquaculture; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks; Markets; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Water recreation structures

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RE2 Private Recreation**

**1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and enhance the scenic and environmental resources of the land.
- To ensure the scale and character of private recreational development is compatible with the established land uses of the locality.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Aquaculture; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants and cafes; Roads; Take away food and drink premises; Water recreation structures; Water recycling facilities

**4 Prohibited**

Any development not specified in item 2 or 3.

## Zone E1 National Parks and Nature Reserves

### 1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

### 2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

### 3 Permitted with consent

Nil

### 4 Prohibited

Any development not specified in item 2 or 3.

## Zone E2 Environmental Conservation

### 1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To encourage rehabilitation and regeneration of ecosystems in this zone.
- To provide for a limited range of development and land use activities that support environmental conservation outcomes.
- To identify and protect escarpment areas which enhance the visual amenity of the Local Government Area and possess special aesthetic or conservational value.
- To protect water quality by preventing inappropriate development within catchment areas.

### 2 Permitted without consent

Home businesses; Home occupations

### 3 Permitted with consent

Bed and breakfast accommodation; Building identification sign; Business identification sign; Environmental Facilities; Environmental protection works; Farm stay accommodation; Flood mitigation works; Home-based child care; Oyster aquaculture; Roads.

### 4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development



not specified in item 2 or 3.

## **Zone E3 Environmental Management**

### **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To encourage development that is visually compatible with the landscape.
- To promote ecologically sustainable development.
- To protect water quality by preventing inappropriate development within catchment areas.

### **2 Permitted without consent**

Extensive agriculture; Home businesses; Home occupations

### **3 Permitted with consent**

Agriculture; Animal boarding or training establishments; Building identification signs; Business identification signs; Camping grounds; Community facilities; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Information and educational facilities; Home-based child care; Home industries; Intensive plant agriculture; Oyster aquaculture; Pond-based aquaculture; Research stations; Restaurants or cafes; Roads; Rural workers dwellings; Secondary dwellings; Tank-based aquaculture; Tourist and visitor accommodation; Water reticulation systems; Water storage facilities.

### **4 Prohibited**

Hotel or motel accommodation; Industries; Intensive livestock agriculture; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Serviced apartments; Turf farming; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

## **Zone E4 Environmental Living**

### **1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To encourage development that is visually compatible with the landscape.
- To minimise the impact of any development on the natural environment.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.

### **2 Permitted without consent**

Extensive agriculture; Home businesses; Home occupations

### 3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Community facilities; Dwelling houses; Emergency services facilities; Environmental protection works; Farm buildings; Flood mitigation works; Function centres; Home-based child care; Home industries; Information and education facilities; Intensive plant agriculture; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Secondary dwellings; Tank-based aquaculture; Water reticulation systems; Water storage facilities

### 4 Prohibited

Industries; Service stations; Turf farming; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

## Zone W1 Natural Waterways (former Queanbeyan)

### 1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

### 2 Permitted without consent

Environmental protection works

### 3 Permitted with consent

Aquaculture; Environmental facilities; Environmental protection works; Flood mitigation works; Water recreation structures; Water reticulation systems; Water storage facilities; Water treatment facilities; Water supply systems

### 4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

## Part 3 Exempt and complying development

### 3.1 Exempt development [compulsory]

Note. Under section 4.1 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development—

- (a) must be of minimal environmental impact, and
  - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
  - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental

impact as exempt development.

- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
  - (3) To be exempt development, the development—
    - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
    - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
    - (c) must not be designated development, and
    - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
    - (e) (Repealed)
  - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if—
    - (a) the building has a current fire safety certificate or fire safety statement, or
    - (b) no fire safety measures are currently implemented, required or proposed for the building.
  - (5) To be exempt development, the development must—
    - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
    - (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.
- Note.** See *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Part 5A of the *Local Land Services Act 2013*.
- (6) A heading to an item in Schedule 2 is part of that Schedule.

### 3.2 Complying development [compulsory]

- (1) The objective of this clause is to identify development as complying development.
  - (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with—
    - (a) the development standards specified in relation to that development, and
    - (b) the requirements of this Part,is complying development.
- Note.** See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.
- (3) To be complying development, the development must—
    - (a) be permissible, with development consent, in the zone in which it is carried



- out, and
- (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### 3.3 Environmentally sensitive areas excluded [compulsory]

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause—  
*environmentally sensitive area for exempt or complying development* means any of the following—
  - (a) the coastal waters of the State,
  - (b) a coastal lake,
  - (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
  - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
  - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
  - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
  - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
  - (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
  - (i) land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
  - (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.
- (2A) Complying development must not be carried out on land identified as “Scenic Protection Area” on the Scenic Protection Map.

## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows—
  - (a) to ensure that lot sizes and dimensions are appropriate having regard to the objectives of this Plan and the relevant zone and the likely future use of the land,
  - (b) to create lots that are compatible with the existing predominant lot pattern or desired future character of the locality and to minimise the likely adverse impact on the amenity of adjoining developments.
  - (c) to ensure that lot sizes and dimensions allow dwellings to be sited to protect significant natural or cultural features,
  - (d) to ensure subdivision does not adversely impact on the functions and safety of main roads,
  - (e) to minimise and avoid the threat of natural hazards (including bush fire, soil instability and flooding), and
  - (f) to ensure new lots are adequately serviced.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of any land —
  - (a) by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015*, or
  - (b) by any kind of subdivision under the *Community Land Development Act 1989*.

### 4.1A Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]

- (1) The objectives of this clause are as follows—
  - (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements;
  - (b) to achieve lot sizes that meet community and economic needs, while ensuring that environmental and social values are safeguarded.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones—
  - (a) Zone RU1 Primary Production
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU5 Village
  - (d) Zone R1 General Residential,
  - (e) Zone R2 Low Density Residential,



- (f) Zone R5 Large Lot Residential,
  - (e) Zone E3 Environmental Management, and
  - (f) Zone E4 Environmental Living,
- but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
  - (4) This clause applies despite clause 4.1.

**4.1B Minimum subdivision lot size for strata title schemes [local]**

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape
  - (c) Zone R5 Large Lot Residential,
  - (d) Zone E3 Environmental Management, and
  - (e) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan that would create lots below the minimum size shown on the Lot Size Map for that land.

**Note.** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development) Codes 2008* provides that the strata subdivision of a building in certain circumstances is specified complying development.

**4.1C Exceptions to minimum lot size [local]**

- (1) The objective of this clause is to enable the subdivision of land to create lots of a size that is less than the minimum size shown on the Lot Size Map in certain circumstances.
- (2) Despite clause 4.1, land may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land, where the consent authority is satisfied that the land could have been subdivided under clause 4.1 had it not been affected by any one or more of the following—
  - (a) a minor realignment of its boundaries that did not create an additional lot,
  - (b) a subdivision creating or widening a public road or public reserve or for another public purpose,
  - (c) a consolidation with an adjoining public road or public reserve or for another public purpose.
- (3) Development consent must not be granted for the subdivision of land to which this clause applies unless the number of lots to be created will not exceed the

number of lots that could have been created under clause 4.1 had the land not been affected by a matter referred to in subclause (2) (a), (b) or (c).

**4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]**

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (baa) Zone RU3 Forestry
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note.** A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

**4.2A Lot averaging subdivision of certain land in Zone RU1 and Zone E3 [local]**

- (1) The objectives of this clause are as follows—
  - (a) to prevent the fragmentation of certain land in Zone RU1 Primary Production and Zone E3 Environmental Management,
  - (b) to enable appropriate subdivision design of that land having regard to topographical constraints, agricultural productivity, biodiversity values and environmental impacts.
- (2) This clause applies to land within Zone RU1 Primary Production or Zone E3 Environmental Management that is identified as "Y" or "C-M" on the Lot Averaging Map
- (3) Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies if—
  - (a) the average size of all of the lots created by the subdivision will not be less than the minimum size shown on the Lot Size Map in relation to that land, and
  - (b) each lot created by the subdivision will be at least 8 hectares, and
  - (c) the total number of lots created by the subdivision having an area less than the minimum size shown on the Lot Size Map in relation to that land will not be more than 5.
- (4) Development consent must not be granted for the subdivision of a resulting lot for the purposes of residential accommodation.



(5) In this clause—

**resulting lot** means a lot able to be used for residential accommodation that—

- (a) was created by a subdivision under this clause (other than for a public purpose), or
- (b) in the case of land identified as “Y” on the Lot Averaging Map—was created under clause 12 of *Yarrowlumla Local Environmental Plan 1993* or clause 19 of *Yarrowlumla Local Environmental Plan 2002* by a subdivision that created at least one lot of less than 80 hectares for the purpose of residential accommodation, or
- (c) in the case of land identified as “C-M” on the Lot Averaging Map—was created by a subdivision under clause 14 (2A) of *Cooma-Monaro Local Environmental Plan 1999—(Rural)*,

and includes a lot that would have been a resulting lot had it not been affected by—

- (a) a minor realignment of its boundaries that did not create an additional lot, or
- (b) a consolidation with adjoining land, or
- (c) a subdivision creating or widening a public road or public reserve or for another public purpose, or
- (d) a consolidation with an adjoining public road or public reserve or for another public purpose.

#### **4.2B Subdivision of land within zone E4 Environmental Living [local]**

- (1) The objectives of this clause is to ensure that the subdivision of land to which this clause applies is undertaken in a manner that has regard to the topographical constraints, biodiversity values and environmental constraints of the land.
- (2) This clause applies to land zoned E4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies if—
  - (a) the average size of all the lots created will not be less than the minimum lot size for that land shown on the Lot Size Map, and
  - (b) none of the lots will have an area of less than 2 hectares.
- (4) Development consent must not be granted to the subdivision of land that includes a resulting lot unless the consent authority is satisfied that—
  - (a) the lots that would be created will not be used for the purposes of residential accommodation, and
  - (b) the subdivision will not result in any significant adverse environmental impacts on the land being subdivided.
- (5) in this clause—

**resulting lot** means a lot created under—

- (a) this clause, or
- (b) any of the following provisions—
  - (i) clause 4.1B of *Palerang Local Environmental Plan 2014*,
  - (ii) clause 4.1C of *Queanbeyan Local Environmental Plan 2012*,
  - (iii) clause 20 of the *Yarrowlumla Local Environmental Plan 2002*,

- (iv) clause 13(4) or 13A of the *Yarrowlumla Local Environmental Plan 1993*,
  - (v) clause 14(4) of the *Yarrowlumla Local Environmental Plan 1986*,
  - (vi) clauses 11B(3) or 11C of *Interim Development order No 1 – Shire of Yarrowlumla*, or
  - (vii) clause 16(3) of the *Tallaganda Local Environmental Plan 1991*.
- but does not include any lot not previously included in any subdivision to calculate the average size of any lots subsequently created by that subdivision.

**4.2C Exceptions to minimum lot size residential development [local]**

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land within zone R1 General Residential.
- (3) Development consent may be granted to a single development application for development to which this clause applies that includes each of the following—
  - (a) the subdivision of land into three or more lots,
  - (b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 350m<sup>2</sup>, and
  - (c) the development application for the subdivision includes a dwelling design for each lot.
- (4) Despite clauses 4.1, 4.1A, 4.1B and 4.1C development consent may be granted for the subdivision of land at Googong zoned R1 General Residential and located within either 200 metres of land zoned B2 Local Centre, or, as shown as “Additional Development Area” on the Googong Map, if—
  - (a) there will be at least four lots resulting from the subdivision, and
  - (b) the minimum lot size of each lot resulting from the subdivision is 130m<sup>2</sup>, and
  - (c) the development application for the subdivision includes a dwelling design for each lot.

**4.2CA Subdivision of Attached Dwellings at South Jerrabomberra**

- (1) This clause applies to land zoned R2 Low Density Residential with a minimum lot size of 130m<sup>2</sup> located in the South Jerrabomberra urban release area.
- (2) Despite any other provision of this plan, development consent may only be granted to a development application for the purposes of attached dwellings if—
  - (a) the subdivision of land includes four or more lots, and
  - (b) the development application for subdivision includes a dwelling design for each lot.

**4.2D Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings [local]**

- (1) The objective of this clause is to achieve planned residential density in certain zones and localities.



- (2) Development consent may be granted for development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose and at any location shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.

Column 1	Column 2	Column 3
Dual occupancies (connected to a reticulated sewerage system owned and operated by the Council) – Bungendore and Braidwood.	Zone RU5 Village Zone R1 General Residential Zone R2 Low Density	1500m <sup>2</sup>
Dual occupancies (not connected to a reticulated sewerage system owned and operated by the Council) – Bungendore and Braidwood.	Zone RU5 Village Zone R1 General Residential Zone R2 Low Density	8000m <sup>2</sup>
Dual occupancies – Googong	Zone R1 General Residential	600m <sup>2</sup>
Dual occupancies – Crestwood, Karabar, Terrabomberra, Queanbeyan, Queanbeyan East and Queanbeyan West.	Zone R2 Low Density	1200m <sup>2</sup>
Dual occupancies – Tralee and Environa	Zone R2 Low Density	2000m <sup>2</sup>
Dual occupancies	Zone R3 Medium Density	600m <sup>2</sup>
Dual occupancies	Zone R4 High Density	600m <sup>2</sup>
Multi dwelling housing – Googong	Zone R1 General Residential	750m <sup>2</sup>
Multi dwelling housing – (connected to a reticulated sewerage system owned and operated by the Council) – Bungendore and Braidwood.	Zone R1 General Residential	2250m <sup>2</sup>
Multi dwelling housing – (not connected to a reticulated sewerage system owned and operated by the Council) – Bungendore and Braidwood.	Zone R1 General Residential	12000m <sup>2</sup>
Multi dwelling housing	Zone R3 Medium Density	750m <sup>2</sup>
Multi dwelling housing	Zone R4 High Density	750m <sup>2</sup>
Residential Flat Building – Googong	Zone R1 General Residential	1000m <sup>2</sup>
Residential Flat Building (connected to a reticulated sewerage system owned and	Zone R1 General Residential	3000m <sup>2</sup>



operated by the Council) – Bungendore and Braidwood.		
Residential Flat Building (not connected to a reticulated sewerage system owned and operated by the Council) – Bungendore and Braidwood.	Zone R1 General Residential	16000m <sup>2</sup>
Residential flat building	Zone R4 High Density	1000m <sup>2</sup>

**4.2F Erection of dwellings on land in certain residential, rural and environmental protection zones [local]**

- (1) The objectives of this clause are as follows—
  - (a) to minimise unplanned residential and rural residential development, and,
  - (b) to enable the replacement of lawfully erected dwellings.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (b) Zone RU5 Village,
  - (c) Zone R1 General Residential
  - (d) Zone R2 Low Density Residential
  - (e) Zone R5 Large Lot Residential,
  - (f) Zone B4 Mixed Use,
  - (g) Zone E3 Environmental Management,
  - (h) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling on land in a zone to which this clause applies, and on which no dwelling has been lawfully erected, unless the land is—
  - (a) a lot that is at least the minimum lot size specified for that lot by the Lot Size Map, or
  - (b) a lot created in accordance with clause 4.1, 4.2A, 4.2B, 4.2C or 4.2D of this Plan, or
  - (c) a lot created before this Plan commenced and on which the erection of a dwelling was permissible immediately before that commencement, or
  - (d) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling would have been permissible if the plan of subdivision had been registered before that commencement, or
  - (e) an existing holding.

**Note.** A dwelling cannot be erected on a lot created under clause 9 of *State Environmental Planning Policy (Rural Lands) 2008* or clause 4.2.

- (4) Development consent must not be granted for the erection of a secondary dwelling on land to which this clause applies unless the land—

- (a) in the case of land zoned E4 Environmental Living – is at least 2 hectares, or
  - (b) in the case of all other land – has an area not below the minimum lot size shown on the Lot Size Map.
- (5) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling on land in a zone to which this clause applies if—
  - (a) there is a lawfully erected dwelling on the land and the dwelling to be erected is intended only to replace the existing dwelling, or
  - (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by—
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road, public reserve or for another public purpose, or
    - (iii) a consolidation with adjoining public road, a public reserve or for another public purpose.
- (6) In this clause—

**existing holding** means all adjoining land, even if separated by a road, railway or watercourse, held in the same ownership—

  - (a) in relation to land to which the *Cooma-Monaro Local Environmental Plan 1999 – (Rural)* applied—on 3 March 1997, or
  - (b) in relation to land to which the *Goulburn Mulwaree Local Environmental Plan 2009* or the *Mulwaree Local Environmental Plan 1995* applied—on 15 May 1970, or
  - (c) in relation to land to which the *Gunning Local Environmental Plan 1997* applied—on 15 July 1966, or
  - (d) in relation to land to which the *Tallaganda Local Environmental Plan 1991* applied—on 14 June 1974, or
  - (e) in relation to land to which the *Yarrowlumla Local Environmental Plan 2002* applied—on 13 October 1995.

**Note.** The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

#### **4.2G Replacement of lawfully erected dwelling houses on land within Zones B2 Local Centre and IN2 Light Industrial [local]**

Despite any other provision of this plan, development consent may be granted for the erection of a dwelling house on within Zone B2 Local Centre or Zone IN2 Light Industrial if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.

#### **4.3 Height of buildings [optional]**

- (1) The objectives of this clause are as follows—
  - (a) to enhance the natural character and landscape of Queanbeyan-Palerang;
  - (b) to protect residential amenity and solar access;
  - (c) to manage the visual impact of development;



- (d) to reflect the predominantly low rise character of development in Queanbeyan-Palerang;
  - (e) to ensure that the height of buildings complement the streetscape or the historic character of the area in which the buildings are located;
  - (f) to protect the heritage character of Queanbeyan-Palerang and the significance of heritage buildings and heritage items; and
  - (g) to nominate heights that will provide a transition in built form between varying land use intensities.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

#### 4.4 Floor space ratio [optional]

- (1) The objectives of this clause are as follows—
- (a) to ensure that the density, bulk and scale of development is appropriate for a site,
  - (b) to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located;
  - (c) to facilitate development that contributes to the economic growth of the Queanbeyan central business district, Googong town centre and Queanbeyan's neighbourhood centres.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

#### 4.5 Calculation of floor space ratio and site area [optional]

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to define *floor space ratio*,
  - (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
    - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
    - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
    - (iii) require community land and public places to be dealt with separately.
- (2) **Definition of “floor space ratio”** The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.
- (3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be—
- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
  - (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

**(4) Exclusions from site area**

The following land must be excluded from the site area—

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

**(5) Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

**(6) Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

**(7) Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

**(8) Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

**(9) Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

**(10) Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

**(11) Definition** In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

**4.6 Exceptions to development standards [compulsory]**

(1) The objectives of this clause are as follows—

- (a) to provide an appropriate degree of flexibility in applying certain

- development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
  - (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
    - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
    - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
  - (4) Development consent must not be granted for development that contravenes a development standard unless—
    - (a) the consent authority is satisfied that—
      - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
      - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
    - (b) the concurrence of the Secretary has been obtained.
  - (5) In deciding whether to grant concurrence, the Secretary must consider—
    - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
    - (b) the public benefit of maintaining the development standard, and
    - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
  - (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—
    - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
    - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
  - (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).



- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index—BASIX) 2004* applies or for the land on which such a building is situated,
  - (c) clause 5.4.
  - (ca) clause 4.2D, 6.1 or 6.2.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority [compulsory]

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the owner-initiated acquisition provisions).

**Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5, 2.6 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

### 5.2 Classification and reclassification of public land [compulsory]

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

**Note.** Under the *Local Government Act 1993*, "public land" is generally land vested in or under the

control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

**Note.** In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

### 5.3 Development near zone boundaries [optional]

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to—
  - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development

may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

- (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

#### 5.4 Controls relating to miscellaneous permissible uses [compulsory]

(1) **Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

**Note.** Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—

- (a) 50% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 300 square metres,
- whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 40 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

**(8) Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 10 square metres.

**(9) Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 50% of the total floor area of the principal dwelling.

**5.5 (Repealed)**

**5.6 Architectural roof features [optional]**

Not adopted

**5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]**

Not applicable.

**5.8 Conversion of fire alarms [compulsory]**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of—
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause—  
*private service provider* means a person or body that has entered into an



agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

**5.9, 5.9AA (Repealed)**

**5.10 Heritage conservation [compulsory]**

**Note.** Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

**(1) Objectives**

The objectives of this clause are as follows—

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

**(2) Requirement for consent**

Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) 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,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

**(3) When consent not required**

However, development 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, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, 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 an Aboriginal place of 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) Effect of proposed development on heritage significance**
- The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) Heritage assessment**
- The consent authority may, before granting consent to any development—
- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document 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.
- (6) Heritage conservation management plans**
- The consent authority may require, after considering the heritage 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.
- (7) 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 under the *Heritage Act 1977* 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.

**(8) Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of 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 by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

**(9) Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

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

**(10) 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, or for any purpose on an Aboriginal place of heritage significance, 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 or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document 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 management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

**5.11 Bush fire hazard reduction [compulsory]**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on

bush fire prone land.

**5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

**5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]**

- (1) The objectives of this clause are as follows—
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—
  - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
  - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
  - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and
  - (h) any infrastructure services to the site will be provided without significant modification to the environment, and
  - (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and

- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

**5.14 Siding Spring Observatory—maintaining dark sky [optional]**

Not adopted.

**5.15 Defence communications facility [optional]**

Not adopted.

**5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones [compulsory if land to which Plan applies includes land to which clause applies and Plan is referred to in Direction 1 to clause]**

- (1) The objectives of this clause are as follows—
  - (a) to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environmental protection zones concerned (particularly between residential land uses and other rural land uses).
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU3 Forestry,
  - (d) Zone RU4 Primary Production Small Lots,
  - (e) Zone RU6 Transition,
  - (f) Zone R5 Large Lot Residential,
  - (g) Zone E2 Environmental Conservation,
  - (h) Zone E3 Environmental Management,
  - (i) Zone E4 Environmental Living
- (3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant consent to development on land to which this clause applies for either of the following purposes—
  - (a) subdivision of land proposed to be used for the purposes of a dwelling,

- (b) erection of a dwelling.
- (4) The following matters are to be taken into account—
  - (a) the existing uses and approved uses of land in the vicinity of the development,
  - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

**5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations [compulsory if land to which Plan applies includes land to which clause applies]**

Not adopted.

**5.18 Intensive livestock agriculture [compulsory if intensive livestock agriculture permitted with consent]**

- (1) The objectives of this clause are—
  - (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
  - (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.
- (2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.
- (3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—
  - (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,
  - (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,
  - (c) the potential for the pollution of surface water and ground water,
  - (d) the potential for the degradation of soils,
  - (e) the measures proposed to mitigate any potential adverse impacts,
  - (f) the suitability of the site in the circumstances,
  - (g) whether the applicant has indicated an intention to comply with the relevant industry codes of practice for the health and welfare of animals,
  - (h) the consistency of the proposal with, and any reasons for departing from,



the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.

- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—
- (a) the development is of a type specified in subclause (5), and
  - (b) the consent authority is satisfied that the development will not be located—
    - (i) in an environmentally sensitive area, or
    - (ii) within 100 metres of a natural watercourse, or
    - (iii) in a drinking water catchment, or
    - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
    - (v) if the development is a poultry farm—within 500 metres of another poultry farm.
- (5) The following types of development are specified for the purposes of subclause (4)—
- (a) a cattle feedlot having the capacity to accommodate fewer than 50 head of cattle,
  - (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
  - (c) a sheep feedlot having the capacity to accommodate fewer than 200 sheep,
  - (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),
  - (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
  - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.
- (7) In this clause—

*environmentally sensitive area* has the same meaning as in clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

*residential zone* means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, R5 Large Lot Residential, Zone B4 Mixed Use, Zone B6 Enterprise Corridor, Zone E3 Environmental Management or Zone E4 Environmental Living.

#### 5.19 Pond-based, tank-based and oyster aquaculture [compulsory]

- (1) **Objectives** The objectives of this clause are as follows—

- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
  - (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.
- (2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—
  - (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
  - (b) in the case of—
    - (i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and
    - (ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of extensive aquaculture, and,
    - (iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
    - (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.
- (3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—
- (4) **Extensive pond-based aquaculture permitted with consent in certain zones** Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—
  - (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
  - (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.
- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for the purpose of oyster aquaculture, the consent authority must consider—
  - (a) any provisions of any aquaculture industry development plan that are

- relevant to the subject of the development application, and
- (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.
- (6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas** Development for the purpose of oyster aquaculture may be carried out without development consent—
- (a) on land that is wholly within a priority oyster aquaculture area, or
- (b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.
- (7) **Definitions** In this clause—
- aquaculture industry development plan* means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.
- extensive aquaculture* has the same meaning as in the *Fisheries Management (Aquaculture) Regulation 2017*.
- NSW Oyster Industry Sustainable Aquaculture Strategy* means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).
- priority oyster aquaculture area* means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on the Department's website.

## Part 6 Urban release areas

### 6.1 Arrangements for designated State and Territory public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State and Territory public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before—
- (a) in relation to land shown as “Googong” on the Urban Release Area Map—24 December 2009,
- (b) in relation to land shown as “South Jerrabomberra” on the Urban Release Area Map – 29 March 2019,
- (b) in any other case—the land became, or became part of, an urban release area,
- unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State and Territory public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to—

- (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

#### **6.2 Public utility infrastructure**

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

#### **6.3 Development control plan**

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following—
  - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of active and passive recreation areas,
  - (e) stormwater and water quality management controls,
  - (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space

- and service nodes,
- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to any of the following developments—
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if all of the lots proposed to be created are to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
  - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

#### **6.4 Relationship between Part and remainder of Plan**

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

#### **6.5 Development near Googong Dam foreshores**

- (1) The objective of this clause is to protect the Googong Dam water supply catchment from inappropriate development that may compromise water supply and quality.
- (2) Development consent must not be granted to the erection of a building on land identified as “Googong Foreshore Buffer Area” on the Googong Map unless the consent authority is satisfied that—
  - (a) the building and associated infrastructure envelope identified for each lot will be appropriate, having regard to the land capability and objective of this clause, and
  - (b) the development will incorporate an appropriate management regime relating to bush fire control, vegetation clearing, access provision, fencing controls, recreational uses, feral animal and weed control, management of grazing, keeping of animals and landscaping with indigenous species.

### **Part 7 Additional local provisions**

#### **7.1 Earthworks**

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
  - (a) the earthworks are exempt development under this Plan or another



- applicable environmental planning instrument, or
- (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—
- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics and Aboriginal objects,
  - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note.** *The National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects.

## 7.2 Flood planning

- (1) The objectives of this clause are as follows—
- (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to—
- (a) land identified as “Flood planning area” on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
- (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) will not 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) will not 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.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.
- (5) In this clause—  
***flood planning level*** means the level of a 1—100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

### 7.3 Terrestrial biodiversity

- (1) The objective of this clause is to maintain terrestrial biodiversity by—
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
  - (a) whether the development is likely to have—
    - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
    - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
    - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

### 7.4 Drinking water catchments

- (1) The objectives of this clause are as follows—
  - (a) to protect drinking water catchments by minimising the adverse impacts of



- development on the quality and quantity of water entering drinking water storages,
- (b) to maintain water quality and the natural environment in the Sydney, Googong and Captains Flat drinking water catchments.
- (2) This clause applies to land identified as “Drinking water catchment” on the Drinking Water Catchment Map.
  - (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—
    - (a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following—
      - (i) the distance between the development and any waterway that feeds into the drinking water storage,
      - (ii) the on-site use, storage and disposal of any chemicals on the land,
      - (iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development.
    - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
  - (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
    - (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or
    - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
    - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### **7.5 Riparian land and watercourses**

- (1) The objective of this clause is to protect and maintain the following—
  - (a) water quality within watercourses,
  - (b) the stability of the bed and banks of watercourses,
  - (c) aquatic and riparian habitats,
  - (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to all of the following—
  - (a) land identified as “Riparian land” on the Riparian Lands and Watercourses Map,
  - (b) land identified as “Watercourse” on that map,
  - (c) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Watercourse” on that map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
  - (a) whether or not the development is likely to have any adverse impact on the following—

- (i) the water quality and flows within the watercourse,
  - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
  - (iii) the stability of the bed and banks of the watercourse,
  - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
  - (v) any future rehabilitation of the watercourse and riparian areas, and
- (b) whether or not the development is likely to increase water extraction from the watercourse, and
- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### **7.6 Salinity**

- (1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.
- (2) This clause applies to land identified as “Salinity” on the Landscape Map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—
  - (a) whether the development is likely to have any adverse impact on salinity processes on the land,
  - (b) whether salinity is likely to have an impact on the development,
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### **7.7 Highly erodible soils**

- (1) The objective of this clause is to provide for the appropriate management of land that has highly erodible soils or has the potential to be affected by the process of



soil erosion.

- (2) This clause applies to land identified as “Erodible Lands” on the Landscape Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—
  - (a) whether the development is likely to have an impact on soil erosion processes,
  - (b) whether soil erosion processes are likely to have an impact on the development,
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### **7.8 Slopes over 18 degrees**

- (1) The objective of this clause is to provide for the appropriate management of land that has a slope of over 18 degrees.
- (2) This clause applies to land identified as “Slopes over 18 degrees” on the Landscape Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—
  - (a) whether the development is likely to have an impact on surrounding vegetation, the movement of water and soil erosion, and
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### **7.9 Scenic protection**

- (1) The objectives of this clause are as follows—
  - (a) to recognise and protect the natural and visual environment of the land to which this clause applies,



- (b) to ensure development on land to which this clause applies is located and designed to minimise its visual impact on those environments.
- (2) This clause applies to land identified as “Scenic Protection Area” on the Scenic Protection Map.
- (3) Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied that—
  - (a) measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development on the natural and visual environment of the land, and
  - (b) the development will incorporate conservation and rehabilitation measures to preserve the scenic qualities of the land.

#### 7.10 Airspace operations

- (1) The objectives of this clause are as follows:
  - (a) to provide for the effective and ongoing operation of Canberra Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
  - (b) to protect the community from undue risk from that operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has notified the operator of Canberra Airport.
- (3) In this clause:  
*Limitation or Operations Surface* means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for Canberra Airport.

#### 7.11 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows—
  - (a) to prevent certain noise sensitive developments from being located near the Canberra Airport and its flight paths,
  - (b) To provide specific controls in respect of noise sensitive development for the South Jerrabomberra urban release area,
  - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
  - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.
- (2) This clause applies to development that—
  - (a) is on land that—
    - (i) is near the Canberra Airport, and
    - (ii) is in an ANEF contour of 20 or greater, and

- (b) the consent authority considers is likely to be adversely affected by aircraft noise.
- (3) In deciding whether to grant development consent to development to which this clause applies, the consent authority—
  - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
  - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2015, and
  - (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2015.
- (4) Regardless of any other provisions set out in this clause, all development within the South Jerrabomberra urban release area must meet the indoor design sound levels set out in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2015.
- (5) In this clause—

***ANEF contour*** means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Canberra Airport prepared by the Department of the Commonwealth responsible for airports.

***AS 2021—2015*** means *AS 2021—2015, Acoustics—Aircraft noise intrusion—Building siting and construction*.

***South Jerrabomberra Urban Release Area*** refers to land identified as “South Jerrabomberra” on the *Urban Release Area Map*.

#### **7.12 Land in the vicinity of proposed arterial roads**

- (1) The objectives of this clause are as follows—
  - (a) to minimise any visual or acoustic impacts on development proposed in the vicinity of the land to which this clause applies,
  - (b) to ensure that development proposed in the vicinity of that land will not compromise, restrict or otherwise prevent the future use of that land as an arterial road.
- (2) This clause applies to the land identified as “Arterial Road Area” on the Local Clauses Map.
- (3) Despite any other provision of this Plan, development consent must not be granted for development within 30 metres of the land to which this clause applies unless the consent authority has considered the following—
  - (a) the impact of noise, vibrations and other emissions on the development from any construction associated with an arterial road and from its ongoing use as an arterial road,
  - (b) if the development is a subdivision, whether the development would prejudice or otherwise restrict the construction or operation of an arterial road (including the provision of any public utility infrastructure).
- (4) Subclause (3) does not apply to development within 30 metres of the land to



which this clause applies if the consent authority is satisfied that the development will not be situated within 30 metres of an existing or proposed arterial road.

**7.13 Land adjoining Hume Industrial Area and Goulburn/Bombala Railway Line**

- (1) The objectives of this clause are to—
  - (a) minimise the impact of any noise, vibration or other emissions on the land to which this clause applies, and
  - (b) require certain land uses on the land to which this clause applies to include, or to be the subject of, appropriate noise mitigation measures.
- (2) This clause applies to the land identified as “Visual and Acoustic Buffer Land” on the Local Clauses Map.
- (3) Despite any other provision of this Plan, the consent authority must not grant consent to any development on the land to which this clause applies, unless the consent authority has assessed the following matters—
  - (a) the impact of any noise from any nearby land uses, having regard to any noise attenuation measures proposed,
  - (b) the visual impact that any nearby land uses would have on the proposed development,
  - (c) the impact that noise and other emissions from any nearby industrial land uses and associated activities would have on the proposed development.

**Note.** Clause 87 (Impact of rail noise or vibration on non-rail development) of the *State Environmental Planning Policy (Infrastructure) 2007* also applies to this land.

**7.14 Development in areas near national parks and nature reserves**

- (1) The objective of this clause is to protect the aesthetic, conservation, recreational and scientific values of national parks and nature reserves.
- (2) This clause applies to land adjoining a national park or nature reserve.
- (3) In determining whether to grant development consent to development on land to which this clause applies, the consent authority must consider the following—
  - (a) whether the development is compatible with and does not detract from the values of the national park or nature reserve,
  - (b) any management plans applicable to nearby areas within the national park or nature reserve,
  - (c) whether the development has been designed and sited to minimise visual intrusion when viewed from vantage points within the national park or nature reserve.

**7.15 Essential services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,

- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

**7.16 Short-term rental accommodation**

- (1) The objective of this clause is to ensure that residential accommodation may be used as tourist and visitor accommodation for a short term without requiring development consent.
- (2) Despite any other provision of this Plan, development consent is not required for the use of residential accommodation for the purposes of tourist and visitor accommodation (except backpackers' accommodation or bed and breakfast accommodation) if the use is only short-term and does not interfere generally with the amenity of the neighbourhood in any way, including by noise or traffic generation.
- (3) In this clause, short-term means for a maximum period of 45 consecutive days in any 12 month period.

**7.17 Location of sex services premises**

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following—
  - (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land—
    - (i) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone RE1 Public Recreation, or
    - (ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,
  - (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children—
    - (i) that adjoins the development, or
    - (ii) that can be viewed from the development, or
    - (iii) from which a person can view the development.

**7.18 Active street frontages**

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B3 Commercial Core.
- (2) This clause applies to land identified as "Active Street Frontage" on the Active Street Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a



building that is used for any of the following—

- (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,
  - (c) vehicular access.
- (5) In this clause, a building has an *active street frontage* if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

**7.19 Development near Cooma Road Quarry**

- (1) The objective of this clause is to protect the operational environment of the Cooma Road Quarry.
- (2) This clause applies to land identified as “Buffer Area” on the Quarry Buffer Area Map.
- (3) Before granting development consent to development on land to which this clause applies, the consent authority must consider the following—
  - (a) the impact of noise, vibration and other emissions from the quarry on the development,
  - (b) whether any opportunities exist to carry out the development on other land,
  - (c) whether the development will adversely affect the operational environment of the quarry.

**7.20 Development near HMAS Harman**

- (1) The objective of this clause is to contribute to the protection of the operational environment of HMAS Harman and its role as a national defence facility.
- (2) This clause applies to land within 2 kilometres of HMAS Harman, measured from the intersection of Waller Road and Philip Place, that is also within Zone IN1 General Industrial or Zone IN2 Light Industrial.
- (3) Development consent may be granted to the erection of a building with a height exceeding 8.5 metres on land to which this clause applies if the consent authority has referred the development application to the Commonwealth Department of Defence and has considered any comments received from that Department within 28 days after the Department was notified.

**7.21 Development for the purposes of animal boarding or training establishments**

- (1) The objective of this clause is to ensure development for the purposes of animal boarding or training establishments does not have an impact on the amenity of nearby land uses.
- (2) This clause applies to all development for the purposes of animal boarding or training establishment.
- (3) Before granting development for the purposes of animal boarding or training establishments, the consent authority must consider the following—
  - (a) the impact of noise and other emissions from the development on surrounding land, and
  - (b) whether the development will unreasonably impact upon the amenity of



surrounding land uses.

**7.22 Development for the purposes of restaurants or cafes or function centres in the E4 Environmental Living Zone**

- (1) The objective of this clause is to ensure development for the purposes of restaurants or cafes or function centres do not have an impact on the amenity of existing residents.
- (2) This clause applies to all development for the purposes of restaurants or cafes or function centres in the E4 Environmental Living zone.
- (3) Before granting development for the purposes of restaurants or cafes or function centres on land to which this clause applies, the consent authority must consider the following—
  - (a) the impact of noise, traffic and other emissions from the development on surrounding land, and
  - (b) whether the development will unreasonably impact upon the amenity of surrounding land uses.

**7.23 Erection of rural workers' dwellings on land in Zone RU1 and Zone E3**

- (1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.
- (2) This clause applies to land in Zone RU1 Primary Production and Zone E3 Environmental Management.
- (3) Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that—
  - (a) the development will be on the same lot as an existing lawfully erected dwelling house, and
  - (b) the development will not impair the use of the land for agricultural or rural industries, and
  - (c) the agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and
  - (d) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land, and
  - (e) the size of the lot is not less than the minimum size shown on the Lot Size Map in relation to that land, and
  - (f) no more than one such dwelling will be erected for each area of the lot that is equal to the minimum size shown on the Lot Size Map in relation to that land, and
  - (g) no more than three such dwellings will be erected on any such lot.

## **Schedule 1 Additional permitted uses**

(Clause 2.5)

### **1 Additional Development at Googong in B2 Local Centre Zone**

- (1) This clause applies to land zoned B2 Local Centre within the Googong urban release area.
- (2) Development for the purpose of hostels, multi-dwelling housing, residential flat buildings and seniors housing are permitted with development consent.

### **2 Additional Development at Sth Tralee in B1 Local Centre Zone**

- (1) This clause applies to land B1 Neighbourhood Centre within the South Jerrabomberra urban release area.
- (2) Development for the purpose of cellar door premises, group homes, pubs, landscaping material supplies, hardware and building supplies, roadside stalls, seniors housing and serviced apartments are permitted with development consent.

### **3 Use of certain land at Bombay Road, Braidwood**

- (1) This clause applies to land at Bombay Road, Braidwood, being Lot 4, DP 841326.
- (2) Development for the purpose of self-storage units is permitted with development consent.

### **4 Use of certain land at 4–6 Majara Street, Bungendore**

- (1) This clause applies to land at 4–6 Majara Street, Bungendore, being Lot 13, DP 1139067 and Lot 14, DP 1139067.
- (2) Development for the purpose of seniors housing is permitted with development consent.

### **5 Use of certain land at Carwoola**

- (1) This clause applies to the following land at Carwoola—
  - (a) 149 Wanna Wanna Road, being Lot 16, DP 259432 and Lots 87, 88, 122, 126 and 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 is permitted on each lot with development consent.

#### **6 Use of certain land at 67 Lorn Road, Crestwood**

- (1) This clause applies to land at 67 Lorn Road, Crestwood, being Lots 21 and 22, DP 225012.
- (2) Development for the purpose of an educational establishment is permitted with development consent.

#### **7 Use of certain land at 135 Uriarra Road, Crestwood**

- (1) This clause applies to land at 135 Uriarra Road, Crestwood, being Lot 4, DP 1060200.
- (2) Development for the purposes of commercial premises is permitted with development consent.

#### **8 Use of certain land at Googong**

- (1) This clause applies to land identified as “Additional Development Area” on the Googong Map.
- (2) Development for the purposes of advertising structures, business identification signs, business premises, food and drink premises, hotel or motel accommodation, kiosks, markets, office premises, service stations and shops is permitted with development consent.

#### **9 Use of certain land at Googong Common, Googong**

- (1) This clause applies to land identified as “Googong Common” on the Googong Map.
- (2) Development for the purposes of cellar door premises, depots, entertainment facilities, function centres, garden centres, horticulture, landscaping material supplies, plant nurseries, resource recovery facilities, viticulture, waste or resource transfer stations and water recreation structures is permitted with development consent.

#### **10 Use of certain land at Googong for studio dwellings**

- (1) This clause applies to land in the Googong urban release area to which clause 4.2C (4) applies.
- (2) Development consent may be granted to a single development application for development on land to which this clause applies that is both—
  - (a) the subdivision of land in accordance with subclause 4.2C (4), and
  - (b) the erection of a studio dwelling on a lot resulting from the subdivision.
- (3) Development consent must not be granted under this clause if—



- (a) the ratio of studio dwellings to lots resulting from the subdivision is greater than 1—3, and
- (b) the dwelling in conjunction with which the studio dwelling is to be established is located on a lot that has an area of less than 225m<sup>2</sup>.

**11 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 purposes of garden centres, horticulture, landscaping material supplies and plant nurseries is permitted with development consent.

**12 Use of certain land at 140 Googong Road, Googong**

- (1) This clause applies to land at 140 Googong Road, Googong, being Lot 12, DP 1164687.
- (2) Development for the purposes of advertising structures and real estate signs within 10m of the boundary of Old Cooma Road, with a maximum area of 20m<sup>2</sup> and a maximum height of 8m from the ground (existing) is permitted with development consent.

**13 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 purposes of a dwelling house is permitted with development consent.

**14 Use of certain land at 633 and 1368 Old Cooma Road, Googong**

- (1) This clause applies to land at 633 and 1368 Old Cooma Road, Googong, being Lots 8 and 13, DP 219695.
- (2) Development for the purpose of a dwelling house on each lot is permitted with development consent.

**15 Use of certain land at 1400 Old Cooma Road, Googong**

- (1) This clause applies to land at 1400 Old Cooma Road, Googong, being Lot 3, DP 827344.
- (2) Development for the purposes of a high technology industry is permitted with development consent.

**16 Use of certain land at 229 Wickerslack Lane, Googong**

- (1) This clause applies to land at 229 Wickerslack Lane, Googong, being Lots 7, 32, 92, 102, 104, 111 and 112, DP 754875 and Lot 2, DP 375866.

- (2) Development for the purposes of farm buildings is permitted with development consent.

**17 Use of certain land at 250 Lanyon Drive, Jerrabomberra**

- (1) This clause applies to Lots 7328–7332, DP 1153148 and Lot 1, DP 1111489, being Crown Land reserved for a cemetery.
- (2) Development for the purposes of a kiosk is permitted with development consent.

**18 Use of certain land at 59 Cooma Street, Queanbeyan**

- (1) This clause applies to land at 59 Cooma Street, Queanbeyan, being Lot 2, DP 815688.
- (2) Development for the purposes of business premises and office premises is permitted with development consent.

**19 Use of certain land at 1 Bungendore Road, Queanbeyan East**

- (1) This clause applies to land at 1 Bungendore Road, Queanbeyan East, being Lot 1, DP 835570.
- (2) Development for the purposes of a take away food and drink premises is permitted with development consent.

**20 Use of certain land at 1 Buttle Street, Queanbeyan East**

- (1) This clause applies to land at 1 Buttle Street, Queanbeyan East, being Lots 1–6, SP 40615.
- (2) Development for the purposes of commercial premises is permitted with development consent.

**21 Use of certain land at 53 Tharwa Road, Queanbeyan West**

- (1) This clause applies to land at 53 Tharwa Road, Queanbeyan West, being Lot 441, DP 623510.
- (2) Development for the purposes of hotel or motel accommodation is permitted with development consent.

**22 Use of certain land at 1738 Old Cooma Road, Royalla**

- (1) This clause applies to land at 1738 Old Cooma Road, Royalla, being Lots 1 and 2, DP 555380 and Lot 152, DP 754912.
- (2) Development for the purposes of farm buildings is permitted with development consent.



**23 Use of certain land at 1738 Old Cooma Road, Royalla**

- (1) This clause applies to land at 1738 Old Cooma Road, Royalla, being the land shaded purple on the Additional Permitted Uses Map.
- (2) Development for the purposes of a dwelling house is permitted with development consent, but only if the development does not result in more than two dwellings houses on the land to which this clause applies.

**24 Use of certain land at 1865A Old Cooma Road, Royalla**

- (1) This clause applies to land at 1865A Old Cooma Road, Royalla, being Lot 186, DP 754871.
- (2) Development for the purposes of a dwelling house is permitted with development consent.

**25 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 171, DP 1200349 and Lot 1, DP 1001136.
- (2) Development for the purposes of farm buildings is permitted with development consent.
- (3) Development for the purposes of a dual occupancy is permitted on Lot 1, DP 1001136 with development consent.

**26 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.

**27 Use of certain land adjoining Goulburn/Bombala Railway Line**

- (1) This clause applies to land adjoining the Goulburn/Bombala Railway Line, identified as “Additional Development Area 1” on the Local Clauses Map.
- (2) Development for the purposes of food and drink premises, hotel or motel accommodation, office premises, service stations and signage is permitted with development consent.

**28 Use of land zoned E2 Environmental Conservation in former Queanbeyan LGA**

- (1) This clause applies to certain land zoned E2 Environmental Conservation, identified as “Additional Development Area 2” on the Local Clauses Map.

- (2) Development for the purposes of extensive agriculture is permitted without development consent.

**29 Use of certain land at 300 Lanyon Drive, Jerrabomberra**

- (1) This clause applies to land at 300 Lanyon Drive, Jerrabomberra, as shown on the Additional Permitted Uses Map.
- (2) Development for the purpose of educational establishments is permitted with development consent.

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## Schedule 2 Exempt development

(Clause 3.1)

- Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.
- Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

### A-frame signs relating to properties

- (1) Must not obstruct access to any premises or property or to any adjacent premises or property.
- (2) Maximum display area (on each side)—1m × 900mm.
- (3) Must be stable.
- (4) Must be temporary and must be removed at the close of business each day.
- (5) Maximum—1 per premises or property.
- (6) If it relates to the sale, auction or lease of a property—must only contain directions to the location of the property.

### Bus shelter advertising

- (1) Must not extend beyond the perimeter of the bus shelter.
- (2) Maximum—1 advertising panel per bus shelter (but the panel may have an advertisement on each side).
- (3) Must not be illuminated.
- (4) Must be erected by or on behalf of a public authority.

### Evaporative cooling units (roof mounted)

- (1) Must be for residential uses only.
- (2) Must be located at least 3m from each side boundary.
- (3) Must be not higher than 1.8m above the highest point of the roof of the building on which it is mounted.
- (4) Must be constructed or installed so that any opening created is adequately weather proofed.
- (5) Must not involve work that reduces the structural integrity of the building.
- (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.
- (7) If it is located on bush fire prone land—must be constructed of non-combustible material and be adequately sealed or protected to prevent the entry of embers.
- (8) If it is constructed or installed in a heritage conservation area or a draft heritage

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conservation area—must be located in the rear yard and must not be visible from a public road.

- (9) Must not be carried out on or in a heritage item.

#### **Property identification signs in rural and environmental zones**

- (1) Must be located wholly within the property boundary.
- (2) Maximum size—1.5m<sup>2</sup> or 2m high.
- (3) Must not cause interference with local traffic conditions or impede the line of sight for traffic.
- (4) Must be erected adjacent to the property entrance.
- (5) Maximum—1 per property.

#### **Street banners and sails on or over roads**

Must be installed by or on behalf of the Council or Roads and Maritime Services.

#### **Fixed free-standing information signage**

- (1) Must be installed on land in the urban release area.
- (2) Must be installed by or on behalf of the Council.
- (3) Must be installed on land owned or held by the Council.  
**Note.** A person must not erect a structure or carry out a work in, on or over a public road otherwise than with the consent of the appropriate roads authority: see section 138(1)(a) of the *Roads Act 1993*.
- (4) Must not obstruct access to any premises or property or to any adjacent premises or property.
- (5) Maximum display area—1.5m high × 1.2m wide.
- (6) Must be removed within 2 years of date of installation (or such later date as may be agreed to by the Council).

#### **Farm dams in Zone RU1**

- (1) Must have a means of managing water overflow.
- (2) Must be a minimum of 50m from each property boundary.
- (3) Must not involve works within 40m of the bank of a named watercourse.
- (4) Must not contain a spillway more than 1m in height.
- (5) Must comply with the *Water Management Act 2000*.

#### **Community events on council land**

**Note.** If on community land, the use may need to be approved under Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993*.

- (1) Must be on land owned by, or under the care or control of, the Council.
- (2) Must be formally authorised by the Council.
- (3) Must not be inconsistent with any Plan of Management applying to the land.
- (4) Must include suitable arrangements for the management of sewage and other waste.

## **Schedule 3 Complying development**

(Clause 3.2)

*Note.* *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

### **Part 1 Types of development**

### **Part 2 Complying development certificate conditions**

*Note.* Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

#### **General conditions**

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.



## **Schedule 4 Classification and reclassification of public land**

(Clause 5.2)

### **Part 1 Land classified, or reclassified, as operational land— no interests changed**

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>

### **Part 2 Land classified, or reclassified, as operational land— interests changed**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
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### **Part 3 Land classified, or reclassified, as community land**

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item Number
Araluen	Court House (former), including garden and Bunya pine	5894 Araluen Road	Lot 21, DP 1141849	Local	I1
Araluen	War Memorial (1914–18)	6086 Araluen Road	Lot B, DP 410512	Local	I2
Araluen	Roman Catholic Cemetery	136 Catholic Cemetery Road	Lot 1, DP 1119030	Local	I3
Araluen	Anglican Cemetery	76 Church of England Cemetery Road	Lot 7009, DP 92828	Local	I4
Back Creek	Bentley's Point mining site	1308 Back Creek Road	Lots 26, 100 and 191, DP 755949	Local	I5
Ballalaba	Nithsdale Homestead, bam, outbuildings and garden	1081 Wallaces Gap Road	Lot 11, DP 852907	Local	I6
Bombay	Jinglemoney Homestead and weatherboard cottage	619 Farrington Road	Lot 1, DP 1118818	Local	I7
Bombay	Eucalyptus still	198 Tally Ho Road	Lot 1, DP 830602	Local	I8
Bombay	Bombay pipeclay sites and races	198 Tally Ho Road	Lot 1, DP 830602	Local	I9
Braidwood	House	9 Bowler Street	Lot 27, Section 14, DP 758152	Local	I10
Braidwood	House	17 Coghill Street	Lot 2, DP 809425	Local	I11
Braidwood	Cottage	33 Coghill Street	Lot 17, Section 14, DP 758152	Local	I12
Braidwood	House, including verandah and garden	1 Coronation Avenue	Lots 6–10, DP 2100	Local	I13
Braidwood	House, including verandah	48 Coronation Avenue	Lot 7, Section B, DP 2726	Local	I14
Braidwood	Braidwood Cemetery	Cowper Street	Lot 1, DP 194644; Lots 7301 and 7302, DP 1160871; Lot 1 DP 345157; Lot 1 DP 947748; Lot 13, Section 12, DP 758152; Lot 14, Section 12, DP 758152; Lot 15, Section 12, DP 758152; Lot 16, Section 12, DP 758152; Lot 17, Section 12, DP 758152; Lot 18, Section 12, DP 758152; Lot 19,	Local	I15

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Suburb	Item name	Address	Property description	Significance	Item Number
			Section 12, DP 758152		
Braidwood	House, including stone quoins	51 Cowper Street	Lots 4–5, Section 17, DP 758152	Local	I16
Braidwood	Athol and outbuilding, including verandah and iron picket fence	59 Cowper Street	Lot 11, DP 1008982	Local	I17
Braidwood	House	74 Cowper Street	Lot 7, Section 14, DP 758152	Local	I18
Braidwood	Cottage, including verandah and timber fretwork	50 Duncan Street	Lot 2, DP 529841	Local	I19
Braidwood	Cottage	58 Duncan Street	Lot B, DP 160139	Local	I20
Braidwood	Cottage, including door panelling	65 Duncan Street	Lot B, DP 154340	Local	I21
Braidwood	The Villa	80 Duncan Street	Lot 3, DP 596527	Local	I22
Braidwood	Former Wesleyan Chapel, including gothic arches, windows and doors	82 Duncan Street	Lot 1, DP 829063	Local	I23
Braidwood	Semi-detached cottage	87 Duncan Street	Lot 2, DP 813921	Local	I24
Braidwood	Semi-detached cottage	89 Duncan Street	Lot 1, DP 813921 and Lot 81 DP 1139631	Local	I25
Braidwood	Cottage	91 Duncan Street	Lot 8, DP 1115123	Local	I26
Braidwood	Alf Thorley Automotive Engineering, including pressed metal walling	95 Duncan Street	Lot 2, DP 850984	Local	I27
Braidwood	Cottages	96 Duncan Street	Lot 4, DP 847717	Local	I28
Braidwood	House and cottage	97–99 Duncan Street	Lot 1, DP 850984	Local	I29
Braidwood	House	110 Duncan Street	Lot B, DP 158059	Local	I30
Braidwood	Myona	116 Duncan Street	Lot 12, DP 829963	Local	I31
Braidwood	Cottage	23 Elrington Street	Lot 1, DP 1094114	Local	I32
Braidwood	The Patch, including box hedges, garden and detailed verandah posts	24 Elrington Street	Lot 3, DP 65952	Local	I33
Braidwood	Cottage, including dormer window and cast iron verandah	25 Elrington Street	Lot 16, Section 10, DP 758152	Local	I34
Braidwood	House	29 Elrington Street	Lot 14, Section 10, DP 758152	Local	I35
Braidwood	House, including verandah with timber fretwork	31 Elrington Street	Lot B, DP 323905	Local	I36
Braidwood	House	33 Elrington Street	Lot A, DP 323905	Local	I37
Braidwood	House, including verandah and picket fence	35 Elrington Street	Lot 1, DP 840605	Local	I38

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Suburb	Item name	Address	Property description	Significance	Item Number
Braidwood	House	37 Elrington Street	Lot 1, DP 986731	Local	139
Braidwood	Amarsham	38 Elrington Street	Lot 10, DP 557240	Local	140
Braidwood	Cottage	39 Elrington Street	Lot 18, DP 1154315	Local	141
Braidwood	House	45 Elrington Street	Lot 2, DP 869933	Local	142
Braidwood	St Andrew's Anglican Church, including leadlight windows and belltower gargoyles	47 Elrington Street	Lot 1, DP 869933	Local	143
Braidwood	Badgery's Cottage	48 Elrington Street	Lot B, DP 153324	Local	144
Braidwood	Masonic Hall	51 Elrington Street	Lot 1 DP 599468	Local	145
Braidwood	Cottage, including chimneys	63 Elrington Street	Lot 1, DP 568393	Local	146
Braidwood	House	64 Elrington Street	Lot 7, Section 3, DP 758152	Local	147
Braidwood	Cottage	6 Keder Street	Lot 25, Section 34, DP 758152	Local	148
Braidwood	Cottage, including 12 pane windows	8 Keder Street	Lot 26, Section 34, DP 758152	Local	149
Braidwood	Cottage	16 Keder Street	Lot 25, Section 15, DP 758152	Local	150
Braidwood	Commemorative Poplar avenue	Kings Highway		Local	151
Braidwood	Braidwood Racecourse, including grandstand and track fencing	6185 Kings Highway	Lot 290, DP 727632	Local	152
Braidwood	Braidwood Showground, including pavilion, ticket box, canteen, wood-chopping arena, sheep pavilion and arena fencing	6247 Kings Highway	Lot 12, DP 755954	Local	153
Braidwood	Berridale, including 12 pane windows	42 Lascelles Street	Lot D, DP 158857	Local	154
Braidwood	Cottage, including 12 pane windows	47 Lascelles Street	Lot 1, DP 38747	Local	155
Braidwood	Cottage, including 12 pane windows	49 Lascelles Street	Lot 2, DP 38747	Local	156
Braidwood	Hillington, including 12 pane windows	50 Lascelles Street	Lot 1, DP 794118	Local	157
Braidwood	Cottage	51 Lascelles Street	Lot 3, DP 38747	Local	158
Braidwood	Cottage	53 Lascelles Street	Lot 4, DP 38747	Local	159
Braidwood	Cottages	60 Lascelles Street	Lot A, DP 157611	Local	160
Braidwood	House, including fretwork bargeboard and verandah detailing	59 Lascelles Street	Lot 1, DP 742058	Local	161
Braidwood	Cottage	61 Lascelles Street	Lot 1, DP 197933	Local	162

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Suburb	Item name	Address	Property description	Significance	Item Number
Braidwood	Cottage, including 12 pane windows and finials	62 Lascelles Street	Lot B, DP 157611	Local	I63
Braidwood	Cottage, including 12 pane windows	64 Lascelles Street	Lot C, DP 157611	Local	I64
Braidwood	Cottage	77 Lascelles Street	Lots 1 and 2, DP 797286	Local	I65
Braidwood	Rose Cottage	112 Lascelles Street	Lot 12, DP 576767	Local	I66
Braidwood	Ardstrath House and remnant garden plantings	203 Little River Road	Lot 2, DP 705593	Local	I67
Braidwood	Cottage	1 McKellar Street	Lot 21, DP 826283	Local	I68
Braidwood	Cottage	12 McKellar Street	Lot 1, DP 65782	Local	I69
Braidwood	The Gables, including gables and verandah	18 McKellar Street	Lot 2, DP 852560	Local	I70
Braidwood	The Mill Centre	19 McKellar Street and 200 Wallace Street	Lot 1 and 2, DP 846907	State	I71
Braidwood	Cottage	33 McKellar Street	Lot 4, DP 1097166	Local	I72
Braidwood	Bedervale	1 - 1a, 2-1a Monkitee Street, 78 and 80 Araluen Road	Lot 30 DP 1210066; Lot 31 DP 1210066; Lot 32 DP 1210066; Lot 331 DP 1210066	State	I73
Braidwood	Gatekeeper's Cottage	1 Monkitee Street	Lot 1, DP 799533	Local	I74
Braidwood	Cottage	15 Monkitee Street	Lot 7, Section 32, DP 758152	Local	I75
Braidwood	Yately	25 Monkitee Street	Lots 1 and 2, Section 32, DP 758152	Local	I76
Braidwood	Cottage	35 Monkitee Street	Lot 5, Section 31, DP 758152	Local	I77
Braidwood	Cottage, including verandah with timber detailing	51 Monkitee Street	Lot 6, Section 30, DP 758152	Local	I78
Braidwood	Cottages	52 Monkitee Street	Lot 22, DP 1023674	Local	I79
Braidwood	House, including verandah with decorative trim	59 Monkitee Street	Lot 3, Section 30, DP 758152	Local	I80
Braidwood	House	61 Monkitee Street	Lots 1 and 2, DP 797362	Local	I81
Braidwood	Cottage	63 Monkitee Street	Lot 1, Section 30, DP 758152	Local	I82
Braidwood	St Andrew's Uniting Church, including gothic joinery to timber windows and timber finials	68 Monkitee Street	Lot 8, Section 10, DP 758152	Local	I83
Braidwood	Cottage	72 Monkitee Street	Lot 1, DP 194131	Local	I84
Braidwood	House, including leadlight windows, oak	76 Monkitee Street	Lot 1, DP 719449	Local	I85

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Suburb	Item name	Address	Property description	Significance	Item Number
	profiles and cedar trims				
Braidwood	Cottage, including verandah detailing	90 Monkittie Street	Lot 2, DP 563161	Local	I86
Braidwood	Cottage	94 Monkittie Street	Lot 1, DP 1048843	Local	I87
Braidwood	St Omer Homestead, including main fireplace and chimney, plaster ceiling centre rose, 12 pane windows and pressed metal soffit	10586 Nerriga Road	Lot 4, DP 790531	Local	I88
Braidwood	Bunn Cottage, including external features of building	11210 Nerriga Road	Lot 41, DP 755954	Local	I89
Braidwood	Doncaster	1 Park Lane	Lots 1 and 2, DP 219650	Local	I90
Braidwood	Bee-hive stores (former)	3 Park Lane	Lot 11, DP 630272	Local	I91
Braidwood	Cottage, including verandah and remnant iron lacework	5 Park Lane	Lot 10, DP 630272	Local	I92
Braidwood	Hawthorn Hollow, including verandah	7A Park Lane	Lot 1, DP 255840	Local	I93
Braidwood	Calderwood	18 Park Lane	Lot 2, DP 1029125	Local	I94
Braidwood	Cottage	45 Ryrie Street	Lot 1, DP 817348	Local	I95
Braidwood	Tidmarsh, including dormers and verandah with timber valance	50 Ryrie Street	Lot 1, DP 209874; Lot 10, DP 1102342	Local	I96
Braidwood	Arcona	60 Ryrie Street	Lot 1, DP 712453	Local	I97
Braidwood	Mount Gillamatong	245 and 247 Sandholes Road	Lots 11 and 12, DP 1037053; Lot 487, DP 823488	Local	I98
Braidwood	House and 2 slab outbuildings	3 Solus Street	Lot 2, DP 1029102	Local	I99
Braidwood	Cottage	5 Solus Street	Lot 1, DP 795425	Local	I100
Braidwood	House	14 Solus Street	Lots 7, 8, 9 and 10, Section 6, DP 758152	Local	I101
Braidwood	War Memorial	Intersection of Wilson and Wallace Streets	Road reserve	Local	I102
Braidwood	Rock outcrops	Wallace Street (southern end)	Lot 1, DP 1129342; Lot 11, DP 605235; Lot 2, DP 625654; Lot 1, Section 12, DP 758152; Lots 8 and 9, Section 13, DP 758152	Local	I103
Braidwood	Cottage, including well	14 Wallace Street	Lot 3, Section 12, DP 758152	Local	I104

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Suburb	Item name	Address	Property description	Significance	Item Number
Braidwood	Cottage	16 Wallace Street	Lots 4 and 5, Section 12, DP 758152	Local	I105
Braidwood	Cottage	21 Wallace Street	Lot 1, DP 732815	Local	I106
Braidwood	Cottage	22 Wallace Street	Lot 7, Section 12, DP 758152	Local	I107
Braidwood	Cottage	25 Wallace Street	Lot 16, Section 13, DP 758152	Local	I108
Braidwood	Shop (former)	27 Wallace Street	Lot 17, Section 13, DP 758152	Local	I109
Braidwood	Hotel (former)	30 Wallace Street	Lot 11, DP 1109798	Local	I110
Braidwood	Store (former)	35 Wallace Street	Lot 14, Section 34, DP 758152	Local	I111
Braidwood	Chez Nous	39 Wallace Street	Lot 2, DP 1149369	Local	I112
Braidwood	Stone building	42 Wallace Street	Lot 6, Section 11, DP 758152	Local	I113
Braidwood	Shop-ezy bottle shop and associated buildings	50 Wallace Street	Lot 8, DP 1138990	Local	I114
Braidwood	Criterion Gallery	56 Wallace Street	Lot 1, DP 70806	Local	I115
Braidwood	Shops and residences	68-70 Wallace Street	Lot 1, DP 780651	Local	I116
Braidwood	Weiby's Shop (former)	72 Wallace Street	Lot 1, DP 784306	Local	I117
Braidwood	Avonhurst Gallery, including decorative parapet	78 Wallace Street	Lot 1, DP 744550	Local	I118
Braidwood	Nomchong shops	80 Wallace Street	Lot B, DP 151504	Local	I119
Braidwood	St Bede's Catholic Church and Presbytery, including bell tower, grave and cast iron picket fence	83 Wallace Street	Lots 6, 7 and 8, DP 113033	Local	I120
Braidwood	Hannah Fyre Gallery and residence	84 Wallace Street	Lot 1, DP 711583	Local	I121
Braidwood	Shop and residence, including rear outbuildings	91 Wallace Street	Lot 14, DP 75439	Local	I122
Braidwood	National Theatre, including facade and entry	100 Wallace Street	Lot 2, DP 212019	Local	I123
Braidwood	Braidwood Bakery	101 Wallace Street	Lot 1, DP 1141292	Local	I124
Braidwood	The Altenburg, including rear outbuildings and gardens	102 Wallace Street	Lot 1, DP 797181	Local	I125
Braidwood	Corner shop	114 Wallace Street	Lot 2 DP 1199437	Local	I126
Braidwood	Tallaganda Pottery (former)	116 Wallace Street	Lot 5, DP 38769	Local	I127
Braidwood	Albion Hotel, 3 adjoining shops and stables	119 Wallace Street	Lot 1, DP 598830	State	I128
Braidwood	Dalgety building	121 Wallace Street	Lot 1, DP 995410	Local	I129

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Suburb	Item name	Address	Property description	Significance	Item Number
Braidwood	Bakery and restaurant (former)	123 Wallace Street	Lot 1, DP 784958	Local	I130
Braidwood	Len Mutton and Co	124 - 126 Wallace Street	Lot 9, DP 629625	Local	I131
Braidwood	Commercial premises	125 Wallace Street	Lot 1, DP 713618	Local	I132
Braidwood	2-storey shop	130 Wallace Street	Lot 1, DP 198353	Local	I133
Braidwood	Top supermarket	132 Wallace Street	Lot 1, DP 736314	Local	I134
Braidwood	Hotel (former), including verandah and cast iron lacework	133 Wallace Street	Lot 6, DP 51945	Local	I135
Braidwood	Westpac Bank	138 Wallace Street	Lot 2, DP 790199	Local	I136
Braidwood	Commercial shops, including verandah and cast iron lacework	139 Wallace Street	Lot 1, DP 799427	Local	I137
Braidwood	2-storey Victorian shop (South)	141 Wallace Street	Lot 1, DP 1016987	Local	I138
Braidwood	2-storey Victorian shop (North), including verandah, cast iron lacework and leadlight windows	143 Wallace Street	Lot A, DP 152313	Local	I139
Braidwood	Council Chambers Literary Institute	144 Wallace Street	Lots 32 and 34, Section 5, DP 758152	Local	I140
Braidwood	Royal Mail Hotel	145 Wallace Street	Lot 1, DP 1014250	Local	I141
Braidwood	Ryrie Park Pavilion, including finial	147 Wallace Street (Ryrie Park)	Lot 7300, DP 1153930	Local	I142
Braidwood	Post Office, residence and outbuilding	154 Wallace Street	Lot 12, DP 1017257	Local	I143
Braidwood	Court House	170 Wallace Street	Lot 7004, DP 1020633	Local	I144
Braidwood	Police residences	172 and 174 Wallace Street	Lots 1 and 2, DP 1153688	Local	I145
Braidwood	Braidwood Hotel, including verandah and cast iron lacework	180 Wallace Street	Lot 1, DP 711400	Local	I146
Braidwood	Australian Joint Stock Bank (former)	185 Wallace Street	Lot 1, DP 1039618	Local	I147
Braidwood	Braidwood District Historical Society Museum	186 Wallace Street	Lot 1, DP 86338	State	I148
Braidwood	Torpy's, including corner entrance	202 Wallace Street	Lot 1, DP 852560	Local	I149
Braidwood	House	222 Wallace Street	Lot 1, DP 195098	Local	I150
Braidwood	Cottage	224 Wallace Street	Lot 1, DP 1028900	Local	I151
Braidwood	Cottage	226 Wallace Street	Lot 1, DP 770283	Local	I152
Braidwood	School buildings—1878 headmaster's residence, 1854 classroom, including timber fretwork brackets and picket fence	9 Wilson Street	Lots 18, 19 and 20, Section 5, DP 758152	Local	I153

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Suburb	Item name	Address	Property description	Significance	Item Number
Braidwood	House	33 Wilson Street	Lot 1, DP 325274	Local	I154
Braidwood	Cottage	35 Wilson Street	Lot 2, DP 325274	Local	I155
Braidwood	Cottage	37 Wilson Street	Lot 4, Section A, DP 2726	Local	I156
Braidwood	House, including outbuilding, fretwork bargeboards and round head windows	47 Wilson Street	Lot 1, DP 1144110	Local	I157
Braidwood	House, including verandah with timber detailing	53 Wilson Street	Lot 1, DP 609431	Local	I158
Braidwood	House, including double story verandah with ornate fretwork	58 Wilson Street	Lot 3, DP 1114513	Local	I159
Braidwood	Cottage	60 Wilson Street	Lot 1, DP 783434	Local	I160
Braidwood	Church of England Rectory (former), including garden	62 Wilson Street	Lot 2, DP 706093	Local	I161
Braidwood	Church of England Hall, including pressed metal cladding	68 Wilson Street	Lot 4, DP 582379	Local	I162
Braidwood	Cottage	70 Wilson Street	Lot 1, DP 714762	Local	I163
Braidwood	Cottage	73 Wilson Street	Lots 2 and 3, DP 741184	Local	I164
Braidwood	Cottage	74 Wilson Street	Lot 1, DP 799844	Local	I165
Braidwood	House, including decorative fretwork bargeboard	75 Wilson Street	Lot 1, DP 633530	Local	I166
Bungendore	Cottage	9 Butmaroo Street	Lot 202, DP 530664	Local	I167
Bungendore	St Philip's Anglican Church, including stained glass windows and 4 gargoyles	19-23 Butmaroo Street	Lot 3, Section 10, DP 758183	Local	I168
Bungendore	Church hall, including decorative treatments	29 Butmaroo Street	Lot 1, Section 10, DP 758183	Local	I169
Bungendore	St Johns Uniting Church (former)	48 Butmaroo Street	Lot 1, DP 1172336	Local	I170
Bungendore	Weatherboard cottage	54 Butmaroo Street	Lot 6, Section 22, DP 758183	Local	I171
Bungendore	Rendered cottage, including iron columns on verandah	65 Butmaroo Street	Lot 2, DP 717190	Local	I172
Bungendore	P.J.B. Osborne Memorial Fountain	Corner of Butmaroo and Gibraltar Streets	Road reserve adjacent to Lot 701, DP 1027107	Local	I173
Bungendore	Corner shop	42 Ellendon Street	Lot 1, DP 788661	Local	I174
Bungendore	Dwelling	62 Ellendon Street	Lot 1, DP 612225	Local	I175
Bungendore	Stone dwelling	64 Ellendon Street	Lot 2, DP 612225	Local	I176
Bungendore	St Michael	71 Ellendon Street	Lot 2, Section 1, DP 976608	Local	I177

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Suburb	Item name	Address	Property description	Significance	Item Number
Bungendore	Weatherboard cottage	78 Ellendon Street	Lot 10, Section 2, DP 976608	Local	I178
Bungendore	Thornleigh	21 Forster Street	Lot 1, DP 709437	Local	I179
Bungendore	Weatherboard cottage	38 Forster Street	Lot 15, Section 2, DP 976608	Local	I180
Bungendore	Weatherboard cottage	40 Forster Street	Lot 3 DP 1228105	Local	I181
Bungendore	Former stone barn	5 Gibraltar Street	Lot 22, DP 584107	Local	I182
Bungendore	Duart, including windows and door	10 Gibraltar Street	Lot 14, Section 1, DP 758183	Local	I183
Bungendore	Brick dwelling	11 Gibraltar Street	Lot 4, Section 11, DP 758183	Local	I184
Bungendore	Single-storey shop	12 Gibraltar Street	Lot 1, DP 827246	Local	I185
Bungendore	Strathmore, including iron columns, balustrade and frieze	13 Gibraltar Street	Lot 1, DP 817205	Local	I186
Bungendore	2-storey stone shop	18 Gibraltar Street	Lot 22, DP 800525	Local	I187
Bungendore	Royal Hotel, including iron lacework	34 Gibraltar Street	Lot 14, DP 774930	Local	I188
Bungendore	CWA building	40 Gibraltar Street	Lot 17, Section 2, DP 758183	Local	I189
Bungendore	Stone stables	42 Gibraltar Street	Lot 20, DP 852614	Local	I190
Bungendore	Courthouse	45 Gibraltar Street	Lot 1, Section 9, DP 758183	Local	I191
Bungendore	Police residence, including windows and arched lintels	45–49 Gibraltar Street	Lot 7303, DP 1153763	Local	I192
Bungendore	Post Office and shop	55 Gibraltar Street	Lot 16, DP 608516	Local	I193
Bungendore	School of Arts	57 Gibraltar Street	Lot 4, Section 9, DP 758183	Local	I194
Bungendore	Public school—original buildings	59–65 Gibraltar Street	Lot 2, Section 9, DP 758183	Local	I195
Bungendore	Stone barn (former)	82 Gibraltar Street	Lot 13, DP 629788	Local	I196
Bungendore	Bungendore Soldiers Memorial	Gibraltar Street	Lot 701, DP 1027107	Local	I197
Bungendore	Woodlands, including cast iron verandahs, finials and bargeboard	660 Hoskinstown Road	Lot 118, DP 754893	Local	I198
Bungendore	Bungendore Railway Station and yard group	Gibraltar Street	Lots 1-2, DP 814518 and railway land to the south along Majara Street to Rutledge Street	State	I199
Bungendore	Karingal, including decorative verandah trim and weatherboard cladding	6 Malbon Street	Lot 4, DP 1062845	Local	I200
Bungendore	Dwelling, including verandah	9 Malbon Street	Lot 2, DP 1223872	Local	I201
Bungendore	House	10 Malbon Street	Lot 1, DP 1062845	Local	I202

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Suburb	Item name	Address	Property description	Significance	Item Number
Bungendore	Dwelling, including bargeboards and fireplaces	12 Malbon Street	Lot 5, DP 1204393; Lot 4, on 1204393	Local	I203
Bungendore	Cottage	14 Malbon Street	Lot 1, DP 1198404	Local	I204
Bungendore	Carrington Inn, including brickwork	21 Malbon Street	Lot 11, Section 24, DP 758183	Local	I205
Bungendore	Village Square, including complex of buildings	23-25 Malbon Street	Lot 1, DP 1074821	Local	I206
Bungendore	Weatherboard cottage	29 Malbon Street	Lot 1, DP 199874	Local	I207
Bungendore	Inter-war weatherboard cottage	36 Malbon Street	Lot 15, Section 10, DP 758183	Local	I208
Bungendore	Weatherboard cottage	53 Malbon Street	Lot 4, DP 949519	Local	I209
Bungendore	Weatherboard Federation cottage, including verandahs, chimneys and windows	68 Malbon Street	Lot 1, DP 714417	Local	I210
Bungendore	Auverne	119 Millpost Lane	Lots 180 and 205, DP 754893	Local	I211
Bungendore	Millpost, including dairy/meathouse	312 Millpost Lane	Lots 14 and 121, DP 754893	Local	I212
Bungendore	Cottage, including bush pole posts and roof structure	15 Modbury Street	Lot 19, Section 4, DP 758183	Local	I213
Bungendore	Deniston, including verandah	16 Molonglo Street	Lot 2, DP 807552	Local	I214
Bungendore	Beehive Hotel (former), including chimneys and french doors	22 Molonglo Street	Lot 42, DP 587972; Lot 1, DP 731702	Local	I215
Bungendore	Commercial Bank (former)	23 Molonglo Street	Lot 9, Section 12, DP 758183	Local	I216
Bungendore	Elms Villa	41 Molonglo Street	Lot 2, Section 12, DP 758183	Local	I217
Bungendore	Brick semi-detached cottages	45 Molonglo Street	Lots A and B, DP 150816	Local	I218
Bungendore	House	3 Rutledge Street	Lot 1, DP 884309	Local	I219
Bungendore	Doctor's house (former), including leadlight windows	21 Rutledge Street	Lot 3, DP 1061391	Local	I220
Bungendore	Cottage	32 Rutledge Street	Lot 1, DP 1050568	Local	I221
Bungendore	Weatherboard cottage, including internal pressed tin panelling	35 Rutledge Street	Lot 5, DP 809730	Local	I222
Bungendore	The Atelier, including verandah and frieze	47 Rutledge Street	Lot 13, DP 236634	Local	I223
Bungendore	Cottage	55 Rutledge Street	Lot 7, Section 3, DP 976608	Local	I224
Bungendore	Elmslea, including leadlighting and art deco glazing	80 Tarago Road	Lot 21, DP 1176100	Local	I225

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Suburb	Item name	Address	Property description	Significance	Item Number
Bungendore	Ashby, including outbuildings	175 Tarago Road	Lot 1, DP 794724	Local	I226
Bungendore	Minarry	307 Tarago Road	Lot 2, DP 880087	Local	I227
Bungendore	Werriwa, including gardens and outbuildings	866 Tarago Road	Lot 1, DP 1173605	Local	I228
Bungendore	Weatherboard cottage	7 Turallo Terrace	Lot 6, Section 1, DP 758183	Local	I229
Bungendore	Bungendore Common	18 Turallo Terrace	Lot 701, DP 96238; Lot 701, DP 96239; Lot 701, DP 96240; Lot 1, DP 46300	Local	I230
Bungendore	Catholic Presbytery	26 Turallo Terrace	Lot 7, Section 15, DP 758183	Local	I231
Bungendore	Weatherboard cottage	29 Turallo Terrace	Lot 6, Section 2, DP 758183	Local	I232
Bungendore	St Mary's Catholic Church	30 Turallo Terrace	Lot 8, Section 15, DP 758183	Local	I233
Bungendore	Roman Catholic Church Hall	32 Turallo Terrace	Lot 9, Section 15, DP 758183	Local	I234
Bungendore	Old Royal Inn	33 Turallo Terrace	Lot 4, Section 2, DP 758183	Local	I235
Bungendore	Birchfield	34 Turallo Terrace	Lot 1, DP 882770	Local	I236
Bungendore	St Joseph's Convent (former)	52 Turallo Terrace	Lot 3, DP 1007969	Local	I237
Bungendore	Railway signalman's cottage	63 Turallo Terrace	Lot 1, DP 814520	Local	I238
Bungendore	Preschool	64 Turallo Terrace	Lots 8 and 9, Section 16, DP 758183	Local	I239
Burra	Old Burra Schoolhouse	1196 Burra Road	Lot 167, DP 727590	Local	I240
Burra	Burra Station boundary marker	114 Keewong Lane	Lot 11, DP 700016	Local	I241
Bywong	Bywong Gold Mining Town, including numerous corrugated iron, timber and pise buildings, several battery stampers, a poppet head, stone lined well and a horse whim	35 Bywong Town Road	Lots 2, 3 and 4, DP 726680; Lots 268 and 269, DP 726679; Lot 1, DP 754873; Lots 118 and 119, DP 754873; Lots 1–7, Section 1, DP 758209; Lots 1–7, Section 2, DP 758209; Lots 1–8, Section 3, DP 758209; Lots 1–11, Section 4, DP 758209	Local	I242
Bywong	Johnstons Battery	21 Schofield Road	Lot 1, DP 252132	Local	I243
Captains Flat	Captains Flat Hospital	1 Blatchford Street	Lot 165, DP 754866	Local	I244
Captains Flat	Railway station (former)	1 Captains Flat Road	Lot 1, DP 189797 and adjacent land	Local	I245
Captains Flat	Captains Flat Cemetery	Captains Flat Road	Lots 7013–7016, DP 1126795; Lots 7301	Local	I246

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Suburb	Item name	Address	Property description	Significance	Item Number
			and 7302, DP 1143521		
Captains Flat	Station Masters residence (former)	2 Copper Creek Road	Lot 1, DP 572636	Local	I247
Captains Flat	Roscommon	8 Copper Creek Road	Lot 2, DP 369062; Lot 192, DP 754870	Local	I248
Captains Flat	Bills' Trough, including granite plaque and dog water bowl	Foxlow Street	Road reserve adjacent to Lot C, DP 321861	Local	I249
Captains Flat	The Bollard House	2 Foxlow Street	Lot 254, DP 754870	Local	I250
Captains Flat	Captains Flat Hotel, including bar	51 Foxlow Street	Lots 71 and 117, DP 754870	Local	I251
Captains Flat	Captains Flat Community Centre	53 Foxlow Street	Lot 78, DP 754870	Local	I252
Captains Flat	Captains Flat Post Office (former)	55 Foxlow Street	Lot 2, DP 585090	Local	I253
Captains Flat	Captains Flat Miners Memorial, including 4 dioramas and a jenny wheel	65 Foxlow Street	Lot C, DP 321861	Local	I254
Captains Flat	Shop	70 - 78 Foxlow Street	Lot 3, DP 786505	Local	I255
Captains Flat	The Outsider	86 Foxlow Street	Lot B, DP 396566	Local	I256
Captains Flat	Captains Flat Police Station	198 Foxlow Street	Lot 3, DP 667593	Local	I257
Captains Flat	RSL Club (former)	212 Foxlow Street	Lots 6 and 7, Section 6, DP 758223	Local	I258
Captains Flat	Captains Flat Public School—original buildings	14 Montgomery Street	Lots 12 and 14, Section 1, DP 758223	Local	I259
Captains Flat	Miners Cottage	1 Mulga Street	Lot 56, DP 216396	Local	I260
Captains Flat	Miners Cottage	11 Mulga Street	Lot 7, Section 2, DP 18452	Local	I261
Captains Flat	Captains Flat railway goods shed, weighbridge, gantry and turntable	Miners Road	Railway land adjacent to Lots 155, 194 and 319, DP 754870; Lot 1, DP 189797; Lot 1, DP 36902	Local	I262
Captains Flat	Lake George Mine, including smelter site, mine processing sites, railway precinct, Fosters Gulley and Keatings Collapse	5 Old Mines Road	Lot 2, DP229690; Lot 1, DP222274; Lot C, DP172630; Lot 319, DP 754870; Lot 2, DP 1033184 and adjacent Crown land	Local	I263
Carwoola	Homestead	149 Wanna Wanna Road	Lot 16, DP 259432	Local	I264
Carwoola	Burbong Homestead	6547 Kings Highway	Lot 1, DP 956848	Local	I265
Carwoola	Carwoola Homestead	1071 Captains Flat Road	Lot 30, DP 596573	State	I266



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Suburb	Item name	Address	Property description	Significance	Item Number
Charleys Forest	Ah Hak's Diggings, including tailings mounds	669 Charleys Forest Road	Lot 217, DP 720152; Lot 7307, DP 1147845	Local	I267
Collector	Winderadeen homestead, outbuildings and garden	5178 Federal Highway	Lot 5, DP 717984	Local	I268
Currawang	Cooper's Vault	1197 and 1235 Collector Road	Lot 131, DP 750056; Lot 11, DP 754919	Local	I269
Currawang	Willeroo, including outbuildings	1235 Collector Road	Lot 11, DP 754919	Local	I270
Currawang	St Matthias' Anglican Church	2535 Currawang Road	Lot 81, DP 1140664	Local	I271
Currawang	Telegraph Hill, including windows	2407 Currawang Road	Lot 81, DP 1140664	Local	I272
Currawang	Currawang House, including doors and pigsty	2508 Currawang Road	Lot 3, DP 874516	Local	I273
Currawang	Currawang Mine	2508 Currawang Road	Lot 11, DP 800267	Local	I274
Currawang	Baxter's House	2667 Currawang Road	Lot 1, DP 775837	Local	I275
Currawang	Ivanhoe	189 Telegraph Hill Road	Lot 169, DP 750013	Local	I276
Durran Durra	Wattle Park homestead	9618 Nerriga Road	Lot 144, DP 755932	Local	I277
Farrington	Mt Elrington homestead, outbuildings and garden, including doors and verandahs	312 Mt Elrington Road	Lot 31, DP 1055709	Local	I278
Farrington	Lowden Forest Park	Lowden		State	I279
Googong	Shearing shed complex	Old Cooma Road	Part of Lot 9, DP 255493	Local	I280
Googong	Mount Campbell	1260 Old Cooma Road	Lot 18, DP 270301	Local	I281
Googong	St Paul's Church of England	1290 Old Cooma Road	Lot 1, DP 151940	Local	I282
Googong	McCawley "Sunset" Homestead complex	141 Googong Dam Road	Lot 2, DP 255492	Local	I283
Harolds Cross	Ballalaba Barn	6271 Captains Flat Road	Lot 41, DP 883226	Local	I284
Hoskinstown	The Briars Cemetery	137 Briars Sharrow Road	Lot 1, DP 814804	Local	I285
Hoskinstown	The Briars, including 2 houses and glassed doors	187 Briars Sharrow Road	Lot 2, DP 814804	Local	I286
Hoskinstown	St Mark's Anglican Church, including 10 pews and cemetery	73 Forbes Creek Road	Lot 88, DP 754895	Local	I287
Hoskinstown	Molonglo Observatory Synthesis Telescope	1152 Hoskinstown Road	Lots 1, 2 and 5, DP 216202	Local	I288

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Suburb	Item name	Address	Property description	Significance	Item Number
Hoskinstown	Hoskins Place	1692 Hoskinstown Road	Lot 48, DP 231519	Local	I289
Hoskinstown	Hoskinstown Memorial Hall	1697 Hoskinstown Road	Lot 2, DP 190698	Local	I290
Hoskinstown	Post Office (former)	1712 Hoskinstown Road	Lot 1, DP 864389	Local	I291
Hoskinstown	Victoria Hotel	1753 Hoskinstown Road	Lot 1, DP 904441	Local	I292
Hoskinstown	St Peter and St Paul's Catholic Church, including cemetery	1786 Hoskinstown Road	Lot 41, DP 664584	Local	I293
Jembaicumbene	Chinese Cemetery	254 Majors Creek Road	Lot 2, DP755911	Local	I294
Jembaicumbene	Exeter Farm Homestead and outbuildings, including kitchen and servants quarters	662 Majors Creek Road	Lot 106, DP 755934	Local	I295
Jembaicumbene	Belle Vue Homestead and outbuildings	665 Majors Creek Road	Lot 1, DP 1104271	Local	I296
Jembaicumbene	Bells Paddock Dredge site, including remains of equipment and 3 dredges	665 Majors Creek Road	Lot 1, DP 125724	Local	I297
Jembaicumbene	Upper Jembaicumbene Dredge site, including remains of dredging machinery	665 Majors Creek Road	Lot 1, DP 1104271	Local	I298
Jembaicumbene	Lower Jembaicumbene Dredge sites, including 2 dredge pontoons	666 Majors Creek Road	Lot 2 DP 1134457 and Lot 2 DP1234825	Local	I299
Jembaicumbene	Durham Hall homestead and garden, including outbuildings	666 Majors Creek Road	Lot 2 DP 1134457	Local	I300
Jerrabomberra	Mount Jerrabomberra	Jerrabomberra Hill Road	DP 17204; DP 17205; DP 17206; Lots 1, 2 and 4, DP 595527; Lot 536, DP 8708; Lot 177, DP 832788; Lot 186, DP 811146; Lot 357, DP 864750; Lot 872, DP 1060706; Lot 1, DP 1061667	Local	I301
Krawarree	Boiler site	5810 Cooma Road	Lot 54, DP 752141	Local	I302
Lake George	Currandooley, including stables and garden	494 Currandooley Road	Lot 11, DP 237079	Local	I303
Larbert	Durran Durra Ruin	1170 Euradux Road	Lot 2, DP 755932	Local	I304

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Suburb	Item name	Address	Property description	Significance	Item Number
Larbert	La Vista, including doors and outbuildings	212 - 288 Larbert Road	Lot 67, DP 755915	Local	I305
Larbert	Khama-lea Homestead and outbuildings	212 - 288 Larbert Road	Lots 10 and 11, DP 806191	Local	I306
Larbert	Arnprior	603 Mayfield Road	Lot 1, DP745022; Lot 7, Section 12, DP 758602; Lots G and H, DP 393436; part Lot 158, DP 754892	State	I307
Majors Creek	Cemetery, including monuments	103 and 105 Berlang Forest Road	Lot 1, DP 1105069; Lot 1, DP 1105070; Lot 1, DP 105071; Lot 1, DP 1105072; Lot 7303, DP 1148082; Lot 7304, DP 1148082; Lot 7318 DP 1167097	Local	I308
Majors Creek	St Stephen's Anglican Church, including leadlight windows, pews and pulpit	16 Hill Street	Lot 7 Sec 15 DP 758636	Local	I309
Majors Creek	Steam flour mill, (former), including stables and shearing shed	664 Majors Creek Road	Lot 7, DP 758636	Local	I310
Majors Creek	Majors Creek Road Bridge	Majors Creek Road	adjacent to Lot 106 DP 1170553	Local	I311
Majors Creek	Chlorination works, including remains of various buildings and structures	920 Majors Creek Road	Lot 102, DP 1170553	Local	I312
Majors Creek	Elrington Hotel	2 Seymour Street	Lot 4, Section 18, DP 758636	Local	I313
Manar	Manar House, outbuildings and garden	306 Manar Road	Lot 3 DP 1154119	Local	I314
Marlowe	Charleyong Bridge over Mongarlowe River	Nerriga Road		Local	I315
Marlowe	Marlow Village and cemetery, including remains of several buildings	9127 Nerriga Road	Lot 2, DP 832458	Local	I316
Mayfield	Limekilns, Limekilns 1-4 mining sites and race system, including remains of buildings and Limekilns homestead and outbuildings	1200 Mayfield Road	Lot 1, DP 868299	Local	I317
Mayfield	Limekilns, Limekilns 1-4 mining sites and	1458 Mayfield Road	Lot 2, DP 868299	Local	I318



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Suburb	Item name	Address	Property description	Significance	Item Number
	race system, including remains of buildings				
Mayfield	Mayfield	1746 Mayfield Road	Lots 6, 12, 35, 36, 43, 49, 63–65, 101, 102, 117, 118 and 120, DP 754892; Lot 13, DP 709322	State	I319
Mayfield	Virginia	495 Stewarts Crossing Road	Lot 1, DP 743169; Lot 133, DP 754892	State	I320
Mongarlowe	Mongarlowe River Bridge	Little River Road	adjacent to Lot 1 DP 875181	Local	I321
Mongarlowe	The Huts	1313 Little River Road	Lot 231, DP 755918	Local	I322
Mongarlowe	Tantulean Creek workings and races	Back Creek Road	Lot 200, DP 755918	Local	I323
Mongarlowe	Half Moon Mining sites	Half Moon Road	Lots 1, 2, 20, 21 and 53, DP 755949; Lot 7302, DP 1148198; Lot 216, DP 720152	Local	I324
Mongarlowe	Half Moon Farm House	196 Half Moon Road	Lot 1, DP 1010279	State	I325
Mongarlowe	Feagan's Creek settlements	341 and 411 Half Moon Road	Lots 218 and 219, DP 720153; Lot 52, DP 755949	Local	I326
Mongarlowe	Chinese Cemetery	Little River Road	Lot 134, DP 755918	Local	I327
Mongarlowe	Chinese Joss House site	1313 Little River Road	Lot 1, DP 875181	Local	I328
Mulloon	Palerang Homestead, Palerang Cottage, including garden and outbuildings	154 Hazeldell Road	Lot 2, DP 1046553	Local	I329
Mulloon	Currency Lass Hotel and outbuildings	369 Hazeldell Road	Lot 1, DP 1046553	Local	I330
Mulloon	Hyland's Cemetery, including headstones adjacent to vault	369 Hazeldell Road	Lot 1, DP 1046553	Local	I331
Mulloon	Cold store (former)	369 Hazeldell Road	Lot 1, DP 1046553	Local	I332
Mulloon	Scott Family Cemetery	3585 Kings Highway	Lot 119, DP 754897	Local	I333
Mulloon	Mulloon Copper Mines and Smelter, including hut sites	3585 Kings Highway	Lot 10 and 11, DP 1081634	Local	I334
Nerriga	Anglican Cemetery	20 Willow Forest Road	Lot 7007, DP 1031116	Local	I335
Nerriga	Foot bridge	Nerriga Road	Road reserve adjacent to Lot 149, DP 726675	Local	I336
Nerriga	Commercial Hotel	6124 Nerriga Road	Lot 5, DP 1109042	Local	I337
Nerriga	Roman Catholic Cemetery	6221 Nerriga Road	Lot 99, DP 755944	Local	I338
Nerriga	Phoenix Mines, including remains of buildings	332 Old Timberlight Road	Lot 133, DP 755944	Local	I339

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Suburb	Item name	Address	Property description	Significance	Item Number
Nerriga	Timberlight Mines	617 Old Timberlight Road	Lot 7304, DP 1148363; Lot 55, DP 755944	Local	I340
Nerriga	Timberlight Village, including remains of huts	617 Old Timberlight Road	Lot 7305, DP 1148363; Lots 53 and 55, DP 755944	Local	I341
Oallen	Corang Water Race	668 and 482 Oallen Road; 78 and 149 Welcome Reef Road; 7292 Nerriga Road; 519 Corang Post Office Road; and Crown Land	Lots 331 and 332, DP 1016930; Lots 111 and 112, DP 1055010; Lots 4, 24 and 37, DP 755940; Lot 161, DP 874279	Local	I342
Oallen	Jerricknorra Creek inverted siphon	668 and 482 Oallen Road; 78 and 149 Welcome Reef Road; 7292 Nerriga Road; 519 Corang Post Office Road; and Crown Land	Lot 4, DP 755940	Local	I343
Primrose Valley	St Thomas Anglican Church, including cemetery	1909 Captains Flat Road	Lot 1, DP 955120	Local	I344
Primrose Valley	Foxlow Bridge	Hoskinstown Road	Road reserve adjacent to Lot 162, DP 754910	Local	I345
Queanbeyan	House	5 Albert Street	Lots 11 and 12, DP 38054	Local	I346
Queanbeyan	Cottage	2 Alice Street	Lot 29, DP 13806	Local	I347
Queanbeyan	Cottage	4 Alice Street	Lot 30, DP 13806	Local	I348
Queanbeyan	Cottage	6 Alice Street	Lot 31, DP 13806	Local	I349
Queanbeyan	Cottage	9 Alice Street	Lot 44, DP 13806	Local	I350
Queanbeyan	House	12 Alice Street	Lot 2, DP 1095519	Local	I351
Queanbeyan	Cottage	30 Atkinson Street	Lot A, DP 164331	Local	I352
Queanbeyan	Cottage	38 Atkinson Street	Lot B, DP 367816	Local	I353
Queanbeyan	House	57 Atkinson Street	Lot 1, DP 513431	Local	I354
Queanbeyan	"Coroda"	58 Atkinson Street	Lot 3, DP 587190	Local	I355
Queanbeyan	"Sir Murray Tyrrell's Cottage"	11 Blundell Street	Lot 17, DP 548458	Local	I356
Queanbeyan	"Cattle Cottage"	3 Booth Street	Lot 9, DP 758862	Local	I357
Queanbeyan	"Gabriel's Cottage"	26 Booth Street	Lot 4, DP 24371	Local	I358
Queanbeyan	Cottage	21 Buttle Street	Lot 1, DP 150744	Local	I359
Queanbeyan	House	49 Cameron Road	Lot 2, DP 215849	Local	I360
Queanbeyan	House	55 Cameron Road	Lot 13, DP 7491	Local	I361
Queanbeyan	Duplex	57-59 Cameron Road	Lots A and B, DP 351079	Local	I362
Queanbeyan	House	61 Cameron Road	Lot 11, DP 7491	Local	I363
Queanbeyan	House known initially as "Mimosa" and now as "Karabar"	71 Cameron Road	Lot 421, DP 553344	Local	I364

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Suburb	Item name	Address	Property description	Significance	Item Number
Queanbeyan	The Grotto	Riverside Oval, 14–22 Carinya Street	Lot 1, DP 835901	Local	I365
Queanbeyan	House	23 Carinya Street	Lot 1, DP 220459	Local	I366
Queanbeyan	Mill and Millhouse	55–57 Collett Street	Lots 11 and 12, DP 815597	State	I367
Queanbeyan	Hibernia Lodge	69 Collett Street	Lot 1, DP 349095	State	I368
Queanbeyan	Cottage	72 Collett Street	Lot 1, DP 714734	Local	I369
Queanbeyan	Old Queanbeyan Hospital – Rusten House	87–105 Collett Street	Part Lot 2, DP 226590	State	I370
Queanbeyan	Greek Orthodox Church	120 Collett Street (northeast corner of Campbell and Collett Streets)	Lot 63, DP 754907	Local	I371
Queanbeyan	Remnant house	126 Collett Street	Lot 18, Section A, DP 7255	Local	I372
Queanbeyan	Remnant house	145 Collett Street	Lot 27, Section B, DP 7255	Local	I373
Queanbeyan	Cottage	5 Collins Street	Lot 18, Section A, DP 13427	Local	I374
Queanbeyan	House	22 Collins Street	Lot 3, Section B, DP 13427	Local	I375
Queanbeyan	Remnant house	46 Cooma Street	Lot 49, DP 32640	Local	I376
Queanbeyan	Remnant house	48 Cooma Street	Lot 6, DP 37240	Local	I377
Queanbeyan	Remnant house	58 Cooma Street	Lot 1, DP 37240	Local	I378
Queanbeyan	Cottages	22–24 Crawford Street	Lots 2 and 3, Section A, DP 7255	Local	I379
Queanbeyan	Hotel Queanbeyan	63 Crawford Street	Lots 4 and 5, DP 13869	Local	I380
Queanbeyan	Building	76 Crawford Street	Lot 2, Section C, DP 7255	Local	I381
Queanbeyan	Queanbeyan Recreation and Leisure Centre	121–147 Crawford Street	Lot 1, DP 758862	Local	I382
Queanbeyan	Cottage	182 Crawford Street	Lot 1, DP 556014	Local	I383
Queanbeyan	Wright Building	200 Crawford Street	Lot A, DP 157292	Local	I384
Queanbeyan	Queanbeyan City Council Chambers (former School of Arts building)	251 Crawford Street	Lot 2, DP 735700	Local	I385
Queanbeyan	Masonic Hall	258 Crawford Street	Lot 3, DP 507909	Local	I386
Queanbeyan	House (Baker Deane and Nutt offices)	260 Crawford Street	Lot A, DP 389447	Local	I387
Queanbeyan	Fire station (former)	261 Crawford Street	Lot 2, DP 806157	Local	I388
Queanbeyan	Dutton's Cottage	263 Crawford Street	Lot 2, DP 806157	Local	I389



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Suburb	Item name	Address	Property description	Significance	Item Number
Queanbeyan	Weatherboard cottage	274 Crawford Street	Lot B, DP 157512	Local	I390
Queanbeyan	Weatherboard cottage	276 Crawford Street	Lot C, DP 157512	Local	I391
Queanbeyan	Cottage	11–13 Derrima Road	Lots 25 and 26, Section A, DP 7255	Local	I392
Queanbeyan	Cottage	21 Derrima Road	Lot A, DP 37890	Local	I393
Queanbeyan	Cottage	23 Derrima Road	Lot 31, Section A, DP 7255	Local	I394
Queanbeyan	House	25 Derrima Road	Lots 32 and 33, Section A, DP 7255	Local	I395
Queanbeyan	House	35 Derrima Road	Lot A, DP 364414	Local	I396
Queanbeyan	House	82 Derrima Road	Lot 15, DP 12593	Local	I397
Queanbeyan	"Langdene"	17 Donald Road	Lot 2, DP 12658	Local	I398
Queanbeyan	Cottage	25 Donald Road	Lot 5, DP 12658	Local	I399
Queanbeyan	Cottage	36 Donald Road	Lot 23, DP 516114	Local	I400
Queanbeyan	House	38 Donald Road	Lot 1, DP 660144	Local	I401
Queanbeyan	House	41 Donald Road	Lot 13, DP 12658	Local	I402
Queanbeyan	House	43 Donald Road	Lot 14, DP 12658	Local	I403
Queanbeyan	House	12 Early Street	Lot 24, Section H, DP 13427; Lot 5, DP 253405	Local	I404
Queanbeyan	Riverside Cemetery	40 Erin Street	Crown Reserve R 95617; Lots 54–56, DP 754907; Lots 7334 and 7335, DP 1154175; Lot 7303, DP 1137732; Part Lot 1, Section 33, DP 758862	Local	I405
Queanbeyan	Memorial to William James Farrer	Farrer Place	Part of Farrer Place road reserve	Local	I406
Queanbeyan	Tourist Information Centre (former municipal chambers), Lazarus sundial and World War I memorial	1–3 Farrer Place	Lot 1, Section 56, DP 758862	Local	I407
Queanbeyan	Queanbeyan and District Historical Society Museum	10 Farrer Place	Part Lot 124, DP 1011230	Local	I408
Queanbeyan	Queanbeyan Showground	19–41 Farrer Place	Lots 1–24, DP 13963; Lot 6, DP 1116082; Lot 4, Section 56, DP 758862	State	I409
Queanbeyan	Remnant house	2 Federal Avenue	Lot 131, DP 832565	Local	I410
Queanbeyan	Homestead	15 Fergus Road	Lot 2, DP 505146	Local	I411
Queanbeyan	Cottage	31 Fergus Road	Lot 37, DP 13295	Local	I412
Queanbeyan	Kawaree	50 Canberra Avenue	Part Lot 1, DP 1256702	State	I413

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Suburb	Item name	Address	Property description	Significance	Item Number
Queanbeyan	Building	19 Hayes Street	Lot 25, DP 13806	Local	I414
Queanbeyan	Group of cottages	21–25 Hayes Street	Lots 70 and 71, DP 32640	Local	I415
Queanbeyan	Group of houses	34–36 Hayes Street	Lots 62 and 63, DP 32640	Local	I416
Queanbeyan	Bull's Cottage	24 Henderson Road	Lots 10 and 11, DP 2207	Local	I417
Queanbeyan	Railway worker's cottage	37 Henderson Road	Lot 1, DP 828793	Local	I418
Queanbeyan	Queanbeyan Railway Station group	43–47 Henderson Road	Lot 2, DP 1002170; Lot 79, Section B, DP 910710	State	I419
Queanbeyan	House	76 Henderson Road	Lot 27, DP 12593	Local	I420
Queanbeyan	House	101 Henderson Road	Lot 2, DP 816124	Local	I421
Queanbeyan	Group of houses	1 and 5 Hirst Avenue	Lots 116 and 118, DP 13963	Local	I422
Queanbeyan	Houses	6–8 Hirst Avenue	Lots 101 and 102, DP 13963	Local	I423
Queanbeyan	Group of houses	26–30 Hirst Avenue	Lots 5 and 6, DP 14068	Local	I424
Queanbeyan	Suspension bridge	Isabella Street	Intersection of Isabella and Collett Streets	Local	I425
Queanbeyan	Trees planted for Avenue of Memory	Isabella Street	Isabella Street road reserve from Crawford to Lowe Streets	Local	I426
Queanbeyan	"Falklands"	5 Isabella Street	Lots 94 and 95, DP 13963	Local	I427
Queanbeyan	House	11 Isabella Street	Lot C, DP 334918; Part Lot 98, DP 1014785; Lot 99, DP 13963	Local	I428
Queanbeyan	Public schoolhouse	15–33 Isabella Street	Part Lot 1, Section 21, DP 758862	Local	I429
Queanbeyan	Former St Benedict's Convent	39 Isabella Street	Lot 1, DP 801099	Local	I430
Queanbeyan	Houses	4–6 Kathleen Street	Lots 51 and 52, DP 32640	Local	I431
Queanbeyan	Building	17–19 Kathleen Street	Lots 19 and 20, DP 37240	Local	I432
Queanbeyan	Group of dwellings	28–34 Kathleen Street	Lots 113 and 114, DP 32640	Local	I433
Queanbeyan	Boer War memorial	Lowe Street	Lowe Street road reserve	Local	I434
Queanbeyan	Building house, Thai restaurant,	24 Lowe Street	Lots 3 and 4, DP 14686	Local	I435
Queanbeyan	St Raphael's Roman Catholic Church and St Gregory's School complex	47–59 Lowe Street	Lot 1, DP 319352; Lots 7 and 8, Section 56, DP 758862	Local	I436
Queanbeyan	Ye Olde Kent Hotel	2 MacQuoid Street	Lot 112, DP 788863	Local	I437

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Suburb	Item name	Address	Property description	Significance	Item Number
Queanbeyan	Dog and Stile Inn	11–13 MacQuoid Street	Lots A and B, DP 161553	Local	I438
Queanbeyan	St Gregory's Roman Catholic Church	15 MacQuoid Street	Lot 19 and 20, Section 4, DP 758862	Local	I439
Queanbeyan	Cottage	33–37 MacQuoid Street	Lot 15, SP 78396	Local	I440
Queanbeyan	Lazarus Cottage	38 MacQuoid Street	Lot 1, DP 136856	Local	I441
Queanbeyan	Torpy's Cottage	51 MacQuoid Street	Lot B, DP 377563	Local	I442
Queanbeyan	Group of houses	70–80 MacQuoid Street	Lots 1–3, DP 735030; Lot 6, DP 792815	Local	I443
Queanbeyan	Glenrock Cottage	26 Malcolm Road	Lot 36, DP 228415	Local	I444
Queanbeyan	House	1 McEwan Avenue	Lot 11, DP 881552	Local	I445
Queanbeyan	Weatherboard cottage	29 McIntosh Street	Lot 49, DP 12658	Local	I446
Queanbeyan	Remnant cottage	3 McKeahnie Street	Lot 13, Section A, DP 8211	Local	I447
Queanbeyan	House	14 McKeahnie Street	Lot C, DP 381891	Local	I448
Queanbeyan	Raine and Horne Real Estate (formerly Temperance Hall)	6–8 Monaro Street	Lot 2, DP 745806	Local	I449
Queanbeyan	Shop	9–11 Monaro Street	Lot 6, DP 239955	Local	I450
Queanbeyan	Shop (Oz Property Services)	27–29 Monaro Street	Lot 4, DP 239955	Local	I451
Queanbeyan	Tourist Hotel	31–43 Monaro Street	Lot 10, DP 530627	Local	I452
Queanbeyan	Black's Chambers	45–53 Monaro Street	Lot 16, DP 543424	Local	I453
Queanbeyan	Dudley Building	55–59 Monaro Street	Lot 14, DP 816328	Local	I454
Queanbeyan	Royal Hotel	85–93 Monaro Street	Lot 1, DP 624770	Local	I455
Queanbeyan	Fallick's Building	95–99 Monaro Street	Lot 1, DP 131589	Local	I456
Queanbeyan	Federation free style shops	130–134 Monaro Street	Lot 1A, DP 162360; Lot 2B, DP 162361; Lot 1, DP 778814	Local	I457
Queanbeyan	Spackman Real Estate	138–140 Monaro Street	Lot 3, DP 32660	Local	I458
Queanbeyan	Former Bradbury's Brewery site	146–154 Monaro Street	Lot A, DP 38752	Local	I459
Queanbeyan	Cottage	8 Moore Street	Lot 9, Section B, DP 7255	Local	I460
Queanbeyan	Cottage	15 Moore Street	Lot 1, Section C, DP 7255	Local	I461
Queanbeyan	St Stephen's Presbyterian Church and Manse	2 Morisset Street	Lot 2, DP 810937	State	I462
Queanbeyan	Furlong House	13 Morisset Street	Part SP 90193	Local	I463
Queanbeyan	House	32 Morton Street	Lot 1, DP 834558	Local	I464

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Suburb	Item name	Address	Property description	Significance	Item Number
Queanbeyan	House	33 Morton Street	Lot 11, DP 14045	Local	I465
Queanbeyan	Mill Thorpe House	7 Mowatt Street	Lot 12, DP 507908	Local	I466
Queanbeyan	Queanbeyan rail bridges over Queanbeyan and Burbong Rivers	Goulburn-Bombala Railway	Railway land	State	I467
Queanbeyan	Cottage	26 Ross Road	Lot 8, DP 549515	Local	I468
Queanbeyan	House	27 Ross Road	Lot 10, Section 1, DP 8396	Local	I469
Queanbeyan	House	29 Ross Road	Lot A, DP 439589	Local	I470
Queanbeyan	House	66 Ross Road	Lot 24, Section D, DP 13427	Local	I471
Queanbeyan	House	88 Ross Road	Lot 25, Section F, DP 13427	Local	I472
Queanbeyan	House	132 Ross Road	Lot 68, DP 12658	Local	I473
Queanbeyan	House	18 Rutledge Street	Lot 2, DP 710825	Local	I474
Queanbeyan	Parish hall— Anglican Parish of Queanbeyan	19 Rutledge Street	Lots 3–7, DP 37235	Local	I475
Queanbeyan	Hereford House	32 Rutledge Street	Lot 5, DP 551214	Local	I476
Queanbeyan	Christ Church Anglican Group	39 Rutledge Street	Lots 1–3, DP 199191	State	I477
Queanbeyan	House (former Kinkora Private Hospital)	5 Stornaway Road	Lot 2, DP 1091874	Local	I478
Queanbeyan	Houses	17–19 Stornaway Road	Lots 7 and 8, DP 13098	Local	I479
Queanbeyan	House	39 Stornaway Road	Lot 4, Section A, DP 13427	Local	I480
Queanbeyan	Group of houses	41–45 Stornaway Road	Lots 5 and 6, Section A, DP 13427; Lot A, DP 373070	Local	I481
Queanbeyan	Group of houses	51–55 Stornaway Road	Lots 10–12, Section A, DP 13427	Local	I482
Queanbeyan	House	57 Stornaway Road	Lot 13, Section A, DP 13427	Local	I483
Queanbeyan	House	59 Stornaway Road	Lot 1, Section C, DP 13427	Local	I484
Queanbeyan	House	73 Stornaway Road	Lot 8, Section C, DP 13427	Local	I485
Queanbeyan	House	75 Stornaway Road	Lot 9, Section C, DP 13427	Local	I486
Queanbeyan	House	91 Stornaway Road	Lot 3, DP 13427	Local	I487
Queanbeyan	House	95 Stornaway Road	Lot 5, Section E, DP 13427	Local	I488
Queanbeyan	House	97 Stornaway Road	Lot 6, Section E, DP 13427	Local	I489
Queanbeyan	House	99 Stornaway Road	Lot 7, Section C, DP 13427	Local	I490
Queanbeyan	House	105 Stornaway Road	Lot 2, Section G, DP 13427	Local	I491



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Suburb	Item name	Address	Property description	Significance	Item Number
Queanbeyan	House	31 Surveyor Street	Lot 17, Section C, DP 13427	Local	1492
Queanbeyan	Houses	1–3 Symonds Street	Lots 112 and 113, DP 13963	Local	1493
Queanbeyan	Houses	5–7 Symonds Street	Lots 114 and 115, DP 13963	Local	1494
Queanbeyan	House	1 The Crescent	Lot 1, Section D, DP 13427	Local	1495
Queanbeyan	House	9 The Crescent	Lot 4 Section D, DP 13427	Local	1496
Queanbeyan	House	19 The Crescent	Lot 8, Section D, DP 13427	Local	1497
Queanbeyan	House	43 The Crescent	Lot 6, Section F, DP 13427	Local	1498
Queanbeyan	O'Neill's Cottage	6 Trinculo Place	Lot 6, DP 1099164; Part Lot 1, DP 597143; Lot 2, DP 749033	Local	1499
Queanbeyan	House	24 Uriarra Road	Part Lot 37, DP 8874	Local	1500
Queanbeyan	House	44 Uriarra Road	Lot 44, DP 8874	Local	1501
Queanbeyan	Houses	57–59 Uriarra Road	Lots C and D, DP 383194	Local	1502
Queanbeyan	House	96 Uriarra Road	Lot 132, DP 8874	Local	1503
Queanbeyan	House	17 White Avenue	Lot 128, DP 13963	Local	1504
Queanbeyan	House	27 White Avenue	Lot 33, DP 14068	Local	1505
Queanbeyan	Group of houses	36–38 White Avenue	Lots 39 and 40, DP 14068	Local	1506
Queanbeyan	Group of houses	37–41 White Avenue	Lots 26–28, DP 14068	Local	1507
Queanbeyan	House	42 White Avenue	Lot 42, DP 14068	Local	1508
Queanbeyan	House	47 White Avenue	Lot 24, DP 14068; Lot B, DP 393952	Local	1509
Queanbeyan	House	48 White Avenue	Lot 45, DP 14068	Local	1510
Queanbeyan	House	10 Young Street	Lot 22, DP 505796	Local	1511
Queanbeyan	House	14 Young Street	Lot 11, Section A, DP 332819	Local	1512
Queanbeyan	Aboriginal item—scarred tree site	Gale Precinct	Part Lot 100, DP 727522	Local	1513
Queanbeyan	Aboriginal item—artefact scattering	Gale Precinct	Part Lot 60, DP 754907	Local	1514
Reidsdale	Jembacumbene Creek Bridges	Araluen Road	adjacent to Lot 1 DP 1104271	Local	1515
Reidsdale	Fox Hill Homestead, including 2 outbuildings	6748 Araluen Road	Lot 31, DP 755901	Local	1516
Reidsdale	Fairy Tree, including dolls, letters and childrens' decorations	Monga Road	Road reserve adjacent to Lot 1, DP 125724	Local	1517
Reidsdale	Tomboye Homestead, including outbuildings	147 Reidsdale Road	Lot 7, DP 755964	Local	1518
Reidsdale	Brookside, including outbuildings	Sawyers Ridge Road	Lot 1, DP 997401	Local	1519

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Suburb	Item name	Address	Property description	Significance	Item Number
Reidsdale	Reidsdale Cemetery	90 Sawyers Ridge Road	Lot 2 DP 226430	Local	I520
Reidsdale	Reidsdale Co-operative Cheese Factory (former), including engine shed	92 Sawyers Ridge Road	Lot 1, DP 328052	Local	I521
Reidsdale	St Bernhard's Roman Catholic Church (former)	153 Sawyers Ridge Road	Lot 680, DP 115560	Local	I522
Reidsdale	Moorong Homestead	655 Tudor Valley Road	Lots 50 and 51, DP 755922	Local	I523
Rossi	Little Snowball Creek alluvials, reefs and huts	786 Rossi Road	Lot 151, DP 720183	Local	I524
Royalla	Shepherds Ruin	1291 Old Cooma Road	Part Lot 1, DP 613054	Local	I525
Royalla	Green Gables Homestead	1866 Old Cooma Road	Part of Lot 22, DP 556417	Local	I526
Snowball	Olivers	Cooma Road	Crown land south of Lot 54, DP 752141	Local	I527
Tomboye	Curradux Mining site, including remains of buildings and water races	Nerriga Road	Lot 85, DP 755964	Local	I528
Tomboye	Newbury's Point mining site	321 Tomboye Road	Lot 73, DP 755964	Local	I529
Urila	Cressbrook	562 Urila Road	Lot 1, DP 251886	Local	I530
Warri	Flour mill (former)	7340 Kings Highway	Lot 1090, DP 1138078	Local	I531
Warri	Bushranger's grave	67 Watsons Road	Lot 3, DP 1060430	Local	I532
Yarrow	London Bridge arch	1103 Googong Road	Lot 7, DP 592796	Local	I533
Yarrow	London Bridge Homestead, including outbuildings	1103 Googong Road	Lot 7, DP 592796	Local	I534

## Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on Heritage Map	Significance
Braidwood and its setting	Shown by a red outline with red hatching and labelled "C1"	State
Queanbeyan conservation area	Shown by a red outline with red hatching and labelled "C2"	Local



### Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item No
Carwoola	Mason Brothers' Brickworks	1.8km from turn off from Kings Highway (in road reserve to the left of Captains Flat Road)	Adjacent to Lot 4, DP 821756	Local	A1
Greenleigh	Marchiori's Lime Kiln and quarry	South east corner of Jumping Creek	Part of Lot 1, DP 711905	Local	A2
Googong	Moses Morley's Lime Kiln	Quarry, 501 Cooma Road	Part of Lots 103 and 104, DP 754881	Local	A3
Queanbeyan	White Rocks Limestone Kilns	On the Queanbeyan River, Gale, 300 Cooma Street	Part of Lot 86, DP 45240	Local	A4

## Dictionary

(Clause 1.4)

**Aboriginal object** means any deposit, object or other material evidence (not being a handcraft 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.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be 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 may (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.

Note. The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**Active Street Frontages Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Active Street Frontages Map](#).

**Additional Permitted Uses Map** means [the Queanbeyan Local Environmental Plan 2012 Additional Permitted Uses Map](#).

**advertisement** has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**advertising structure** has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement. Advertising structures are a type of *signage*—see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act.

Note. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

Note. Agricultural produce industries are a type of *rural industry*—see the definition of that term in this Dictionary.

**agriculture** means any of the following—

- (a) aquaculture,

- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

Note. Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

Note. Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

**aquaculture** has the same meaning as in the *Fisheries Management Act 1994*.

Note. Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**archaeological site** means a place that contains one or more relics.

**attached dwelling** means a building containing 3 or more dwellings, where—

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

Note. Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**backpackers' accommodation** means a building or place that—

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

Note. Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

- (a) meals are provided for guests only, and

- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and

- (c) dormitory-style accommodation is not provided.

Note. See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

Note. Bee keeping is a type of *extensive agriculture*—see the definition of that term in this Dictionary.

**biodiversity** means biological diversity.

**biological diversity** has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows—

**biological diversity** means the diversity of life and is made up of the following 3 components—

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

Note. Biosolids treatment facilities are a type of *sewerage system*—see the definition of that term in this Dictionary.

**boarding house** means a building that—

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note. Boarding houses are a type of *residential accommodation*—see the definition of that term in this Dictionary.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

Note. This definition is relevant to the definitions of *home occupation (sex services)* and *sex services premises* in this Dictionary.

**building** has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height** (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the



like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Note. Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bulky goods premises** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require—

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note. Bulky goods premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**bush fire hazard reduction work** has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows—

**bush fire hazard reduction work** means—

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign—

- (a) that indicates—
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note. Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
  - (b) a service is provided directly to members of the public on a regular basis,
- and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of *commercial premises*—see the definition of that term in this Dictionary.

**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either—

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to—
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note. The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note. Cellar door premises are a type of *retail premises*—see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**child care centre** means a building or place used for the supervision and care of children that—

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours

- care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,
- but does not include—
- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of—
- (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
- (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**classified road** has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows—

**classified road** means any of the following—

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

**clearing native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows—

**clearing native vegetation** means any one or more of the following—

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

**coastal foreshore** means land with frontage to a beach, estuary, coastal lake, headland, cliff or

rock platform.

**coastal hazard** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal lake** means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

**coastal protection works** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal waters of the State**—see section 58 of the *Interpretation Act 1987*.

**coastal zone** has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows—

**coastal zone** means—

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

**commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the *Local Government Act 1993*.

**correctional centre** means—

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the Queanbeyan-Palerang Regional Council.

**crematorium** means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

**Crown reserve** means—

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act*



1989 provided for accommodation.

**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, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Note. Dairies (pasture-based) are a type of *extensive agriculture*—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note. Dairies (restricted) are a type of *intensive livestock agriculture*—see the definition of that term in this Dictionary.

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

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**Drinking Water Catchment Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Drinking Water Catchment Map](#).

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

Note. Dual occupancies are a type of *residential accommodation*—see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of *dual occupancy*—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note. Dual occupancies (detached) are a type of *dual occupancy*—see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling house** means a building containing only one dwelling.

Note. Dwelling houses are a type of *residential accommodation*—see the definition of that term in this Dictionary.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

**eco-tourist facility** means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to

exhibit or display items.

Note. See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of making or generating electricity.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following—

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows—

**estuary** means—

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place

used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

Note. Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note. Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm stay accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

Note. Feedlots are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include—

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include—

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or

- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows—

**Definition of “fish”**

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes—
- (a) oysters and other aquatic molluscs, and
  - (b) crustaceans, and
  - (c) echinoderms, and
  - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**flood planning area** means the land shown as “Flood Planning Area” on the Flood Planning Map.

**flood planning level** means the level of a 1—100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

**Flood Planning Map** means the [Queanbeyan-Palerang Local Environment Plan 2020 Flood Planning Map](#).

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** [Queanbeyan-Palerang Local Environment Plan 2020 Floor Space Ratio Map](#).

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub.

Note. Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**forestry** has the same meaning as **forestry operations** has for the purposes of Part 5A of the *Forestry Act 2012*.

Note. The term is defined as follows—

**forestry operations** means—

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) the harvesting of forest products, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning and other silvicultural activities such as bee-keeping, grazing and bush fire hazard reduction, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing



railways, to enable or assist in the above operations.

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note. Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note. Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note. General industries are a type of **industry**—see the definition of that term in this Dictionary.

**Googong Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Googong Map](#).

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—
  - (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement—
    - (i) storage, and
    - (ii) vehicular access, loading areas, garbage and services, and
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a permanent group home or a transitional group home.

Note. Group homes are a type of *residential accommodation*—see the definition of that term in this Dictionary.

**group home (permanent) or permanent group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note. Permanent group homes are a type of *group home*—see the definition of that term in this Dictionary.

**group home (transitional) or transitional group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note. Transitional group homes are a type of *group home*—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note. Hardware and building supplies are a type of *retail premises*—see the definition of that term in this Dictionary.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note. Hazardous industries are a type of *heavy industry*—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development

on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note. Hazardous storage establishments are a type of *heavy industrial storage establishment*—see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note. Health consulting rooms are a type of *health services facility*—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note. Heavy industries are a type of *industry*—see the definition of that term in this Dictionary.

**Height of Buildings Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Height of Buildings Map](#).

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes—

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

Note. Heliports are a type of *air transport facility*—see the definition of that term in this Dictionary.



**heritage conservation area** means an area of land of heritage significance—

- (a) shown on the Heritage Map as a heritage conservation area, and
  - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the *Heritage Act 1977* 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 or 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.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note. An inventory of heritage items is also available at the office of the Council.

**heritage management document** means—

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Heritage Map](#).

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

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.



Note. High technology industries are a type of *light industry*—see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

**home-based child care** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions—

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve—

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following—

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of *light industry*—see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve—

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

Note. Horticulture is a type of *intensive plant agriculture*—see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following—

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

- Note. Hospitals are a type of *health services facility*—see the definition of that term in this Dictionary.
- hostel** means premises that are generally staffed by social workers or support providers and at which—
- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
  - (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.
- Note. Hostels are a type of *residential accommodation*—see the definition of that term in this Dictionary.
- hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that—
- (a) comprises rooms or self-contained suites, and
  - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.
- Note. Hotel or motel accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.
- industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.
- industrial retail outlet** means a building or place that—
- (a) is used in conjunction with an industry or rural industry, and
  - (b) is situated on the land on which the industry or rural industry is located, and
  - (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,
- but does not include a warehouse or distribution centre.
- Note. See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.
- industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.
- industry** means any of the following—
- (a) general industry,
  - (b) heavy industry,
  - (c) light industry,
- but does not include—
- (d) rural industry, or
  - (e) extractive industry, or
  - (f) mining.
- information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.
- intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of

cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note. Intensive livestock agriculture is a type of *agriculture*—see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following—

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

Note. Intensive plant agriculture is a type of *agriculture*—see the definition of that term in this Dictionary.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of *retail premises*—see the definition of that term in this Dictionary.

**Land Application Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Land Application Map](#).

**Land Reservation Acquisition Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Land Zoning Map](#).

**Landscape Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Landscape Map](#).

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note. Landscaping material supplies are a type of *retail premises*—see the definition of that term in this Dictionary.

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry.

Note. Light industries are a type of *industry*—see the definition of that term in this Dictionary.

**liquid fuel depot** means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.



Note. Liquid fuel depots are a type of *heavy industrial storage establishment*—see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

Note. Livestock processing industries are a type of *rural industry*—see the definition of that term in this Dictionary.

**Lot Averaging Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Lot Averaging Map](#).

**Lot Size Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Lot Size Map](#).

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but 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.

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note. Markets are a type of *retail premises*—see the definition of that term in this Dictionary.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note. Medical centres are a type of *health services facility*—see the definition of that term in this Dictionary.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

**mining** means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes—

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

- Note. Mining is not a type of *industry*—see the definition of that term in this Dictionary.
- mixed use development** means a building or place comprising 2 or more different land uses.
- mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.
- mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.
- mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.
- moveable dwelling** has the same meaning as in the *Local Government Act 1993*.
- Note. The term is defined as follows—
- moveable dwelling** means—
- any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
  - a manufactured home, or
  - any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.
- multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.
- Note. Multi dwelling housing is a type of *residential accommodation*—see the definition of that term in this Dictionary.
- native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.
- native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.
- native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.
- Note. The term is defined as follows—
- Meaning of “native vegetation”**
- Native vegetation** means any of the following types of indigenous vegetation—
    - trees (including any sapling or shrub, or any scrub),
    - understorey plants,
    - groundcover (being any type of herbaceous vegetation),
    - plants occurring in a wetland.
  - Vegetation is *indigenous* if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
  - Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.
- navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.
- neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.
- Note. See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.
- Neighbourhood shops are a type of *shop*—see the definition of that term in this Dictionary.
- nominated State heritage item** means a heritage item that—
- has been identified as an item of State significance in a publicly exhibited heritage study

adopted by the Council, and

- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**NSW Coastal Policy** means the publication titled *NSW Coastal Policy 1997—A Sustainable Future for the New South Wales Coast*, published by the Government.

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note. Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the *Local Government Act 1993*.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**people who are socially disadvantaged** means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

**people with a disability** means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note. Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows—

**property vegetation plan** means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note. Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows—

**public land** means any land (including a public reserve) vested in or under the control of the council, but does not include—

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

**public reserve** has the same meaning as in the *Local Government Act 1993*.

**public utility undertaking** means any of the following undertakings carried on or permitted to



be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act—

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

**Quarry Buffer Area Map** means the Queanbeyan-Palerang Local Environmental Plan 2020 Quarry Buffer Area Map.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the *Liquor Act 2007*.

**relic** has the same meaning as in the *Heritage Act 1977*.

Note. The term is defined as follows—

**relic** means any deposit, artefact, object or material evidence that—

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note. Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note. Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services

premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of *commercial premises*—see the definition of that term in this Dictionary.

**Riparian Lands and Watercourses Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Riparian Lands and Watercourse Map](#).

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of *retail premises*—see the definition of that term in this Dictionary.

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural



enterprise.

- Note. Rural industries are not a type of *industry*—see the definition of that term in this Dictionary.
- rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.
- Note. Rural supplies are a type of *retail premises*—see the definition of that term in this Dictionary.
- rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.
- Note. Rural workers' dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.
- sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.
- Note. Sawmill or log processing works are a type of *rural industry*—see the definition of that term in this Dictionary.
- Scenic Protection Area Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Scenic Protection Area Map](#).
- school** means a government school or non-government school within the meaning of the *Education Act 1990*.
- Note. Schools are a type of *educational establishment*—see the definition of that term in this Dictionary.
- secondary dwelling** means a self-contained dwelling that—
- is established in conjunction with another dwelling (the *principal dwelling*), and
  - is on the same lot of land as the principal dwelling, and
  - is located within, or is attached to, or is separate from, the principal dwelling.
- Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.
- Secondary dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.
- self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).
- Note. Self-storage units are a type of *storage premises*—see the definition of that term in this Dictionary.
- semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.
- Note. Semi-detached dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.
- seniors housing** means a building or place that is—
- a residential care facility, or
  - a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
  - a group of self-contained dwellings, or
  - a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for—
  - seniors or people who have a disability, or
  - people who live in the same household with seniors or people who have a disability, or
  - staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,



but does not include a hospital.

Note. Seniors housing is a type of *residential accommodation*—see the definition of that term in this Dictionary.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note. Serviced apartments are a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated—

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note. Sewage reticulation systems are a type of *sewerage system*—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note. Sewage treatment plants are a type of *sewerage system*—see the definition of that term in this Dictionary.

**sewerage system** means any of the following—

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

- Note. Shops are a type of *retail premises*—see the definition of that term in this Dictionary.
- shop top housing** means one or more dwellings located above ground floor retail premises or business premises.
- Note. Shop top housing is a type of *residential accommodation*—see the definition of that term in this Dictionary.
- signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—
- (a) an advertising structure,
  - (b) a building identification sign,
  - (c) a business identification sign,
- but does not include a traffic sign or traffic control facilities.
- site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.
- Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.
- site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—
- (a) any basement,
  - (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
  - (c) any eaves,
  - (d) unenclosed balconies, decks, pergolas and the like.
- spa pool** has the same meaning as in the *Swimming Pools Act 1992*.
- Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.
- stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.
- Note. Stock and sale yards are a type of *rural industry*—see the definition of that term in this Dictionary.
- storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.
- storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—
- (a) a space that contains only a lift shaft, stairway or meter room, or
  - (b) a mezzanine, or
  - (c) an attic.
- studio dwelling** means a dwelling that—
- (a) is established in conjunction with another dwelling (the principal dwelling), and
  - (b) is on its own lot of land, and
  - (c) is erected above a garage that is on the same lot of land as the principal dwelling,

whether the garage is attached to, or is separate from, the principal dwelling,  
but does not include a semi-detached dwelling.

**swimming pool** has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows—

**swimming pool** means an excavation, structure or vessel—

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note. Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**telecommunications facility** means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**temporary structure** has the same meaning as in the Act.

Note. The term is defined as follows—

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**Terrestrial Biodiversity Map** means the Queanbeyan-Palerang Local Environmental Plan 2020 Terrestrial Biodiversity Map

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note. Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include—

- (f) camping grounds, or
- (g) caravan parks, or



(h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

Note. Turf farming is a type of *intensive plant agriculture*—see the definition of that term in this Dictionary.

**underground mining** means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface), but does not include open cut mining.

**Urban Release Area Map** means the [Queanbeyan-Palerang Local Environmental Plan 2020 Urban Release Area Map](#).

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note. Vehicle sales or hire premises are a type of *retail premises*—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

Note. Viticulture is a type of *intensive plant agriculture*—see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note. Waste disposal facilities are a type of *waste or resource management facility*—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,



- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note. Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated—

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

Note. Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

Note. Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note. Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following—

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note. Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means—

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wharf or boating facilities** means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.