



**Queanbeyan  
Development  
Control Plan 2012  
Part 2  
All Zones**

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## Part 2 All Zones

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## Part 2 All Zones

### 2.1 Introduction

#### 2.1.1. Purpose of This Part

This part of the DCP outlines the requirements for development in all zones. It covers the requirements for:

- 1) Parking
- 2) Contaminated Land Management
- 3) Flood Management
- 4) Landscaping
- 5) Erosion and Sediment Control
- 6) Guidelines for Bushfire Prone Areas
- 7) Safe Design
- 8) Subdivision
- 9) Airspace Operations and Airport Noise
- 10) Tree and Vegetation Preservation

#### 2.1.2. Objectives

- 1) To provide controls on general matters that do not relate to a specific zone or type of development
- 2) To maintain and improve the amenity of the Local Government Area (LGA).

#### 2.1.3. Relationship to other Plans

The following clauses of the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* (QPRLEP 2022) apply to this part:

- |      |  |
|------|--|
| 4.3  | Height of buildings                            |
| 5.11 | Bush fire hazard reduction                     |
| 5.21 | Flood Planning                                 |
| 7.1  | Earthworks                                     |
| 7.8  | Airspace Operations                            |
| 7.9  | Development in areas subject to aircraft noise |

For more detail refer to the QPRLEP 2022 at <https://legislation.nsw.gov.au/>

Various State Environmental Planning Policies, Australian Standards also apply to this part, which are explained in further detail in the section to which they apply.

## 2.2 Car Parking

### 2.2.1 Introduction

This part of the development control plan outlines requirements for the provision of car parking and service delivery facilities.

### 2.2.2 Objectives for Car Parking

- 1) Car parking is to be provided on-site which will cater for the increased demand brought about by the development of the site.
- 2) Adequate car parking for people with disabilities.
- 3) The provision of car parking which is functional, safe and attractive.
- 4) Functional loading and unloading facilities are provided to cater for the development of the site.
- 5) The construction of car parking areas, service areas and associated areas to be in accordance with good engineering practice.

### 2.2.3 General Principles

#### Objectives

- 1) To provide general standards for car parking.
- 2) To maintain the amenity of Queanbeyan by ensuring adequate parking is provided for members of the community and users of the development and reduces the impact of overflow to on street parking.

#### Controls

In determining the car parking requirements for a development proposal the following principles shall be followed:

- 1) The minimum standards as set out in this plan.
- 2) The likely demand for on-site parking to be generated by the development.
- 3) The availability of public transport in the vicinity to service the likely demands to be generated by the development.
- 4) Traffic volumes on the surrounding street network, including, where relevant, likely future traffic volumes.
- 5) The probable mode of transport of the users of the development.
- 6) The likely peak usage times of the development.
- 7) The provision of alternative private transport arrangements (e.g. courtesy buses to licensed premises at no charge to users).

### 2.2.4 Variations and Compliance

#### Objectives

- 1) To provide alternative options for the provision of car parking where the general standards cannot be met on the site.

#### Controls

- a) Onsite parking will be required in accordance with the standards of this plan except where good cause can be shown as to why strict compliance is unnecessary.

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- b) Compliance with the provisions of this plan will not necessarily constitute sufficient reason for consenting to a development application. Each application must be treated on its individual merits in relation to the general principles and the Matters for Consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- c) For developments incorporating different categories of uses, a separate calculation will be made for each component. Parking needs will be calculated on peak time. However where peak demands for each land use component of the development are staggered, and this can be demonstrated to the satisfaction of Council, a reduction in the total number of spaces required may be accepted.
- d) Requests for variation must be supported by information and data to substantiate that an alternative standard is appropriate. Except for minor variations, this information should take the form of a Traffic Impact Statement and/or Parking Needs Survey carried out by suitably qualified consultants.

## 2.2.5 Existing Premises

### Objectives

- 1) To identify circumstances related to existing premises where no additional car parking is required for development.

### Controls for Various Types of Development

- a) **New Developments** – New developments and major redevelopment of existing sites i.e. where an existing building is demolished and a new building erected. Parking requirements for new developments shall be determined in accordance with Part 2.2.6 and Table 1 below.
- b) **Additions and Extensions to Existing Buildings** – Where existing premises are being extended and the proposal results in additional gross floor area, additional parking shall be provided in accordance with Part 2.2.6 and Table 1 below based on the additional floor area only.
- c) **Change of Use and Alterations that do not Involve Additional Floor Area**
  - i. *Premises with an Existing Floor Area Less Than or Equal to 600m<sup>2</sup>* – Where a Change of Use or alteration to an existing premises with a floor area of 600m<sup>2</sup> or less is proposed and no additional floor space is created then no additional car parking will be required. Any existing parking on the site, up to the number of spaces required under this plan for the existing development, or any requirement of the consent for the existing development must be maintained on the site.
  - ii. *Premises with an Existing Floor Area in Excess of 600m<sup>2</sup>* - Where a Change of Use or alteration to an existing premises has a floor areas in excess of 600m<sup>2</sup> an assessment will be made based on individual cases as to whether additional parking is required and Council will undertake a review of the parking requirements in accordance with this DCP based on previous and proposed use of the site where a change of use is proposed. Where there is an increase in parking demand as a result of the change of use, provision of additional car parking equal to the increase in demand will be required to be provided.

**Note 1:** In all of the above cases parking credit for existing premises will only be given for a lawful use or approved use that has commenced and continuously operated. Credit will also be given to any previous Section 7.11 parking contributions paid for the site. Where no contribution has been paid, the car parking rate will be calculated under this DCP having regard to the last lawfully operating or approved use. Council's first priority is for any car parking to be provided on-site.

**Note 2:** For sites within the CBD a monetary contribution paid in lieu of providing car parking on site may be acceptable.

## 2.2.6 Controls for Car Parking

### Objectives

- 1) To ensure the appropriate number of car spaces is provided for the development types.
- 2) To ensure the appropriate design of car parking spaces and areas.

### Controls

- a) Car parking is to be provided for all development in accordance with Table 1. An assessment will be undertaken of development types that are not explicitly listed.
- b) In finalising the parking numbers required the total number is to be rounded up to the next whole number.
- c) In addition to providing the number of required car parking spaces as detailed in Table 1, all car parking shall be designed in accordance with the Australian Standard *AS 2890 Parking Facilities*.
- d) All car parking shall include the provision of car parking for delivery and service vehicles in accordance with Australian Standard *AS 2890.2-2002* and car parking for persons with disabilities in accordance with the Australian Standard *AS 2890*.

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**Table 1: Required Car Parking**

Land use	Parking Requirement
Shops and commercial uses	
Artisan Food and Drink Industry	<p>Requirements for car parking are to be assessed taking into account the exact proposed use components (ie. retail, food and drink premises, function centre), percentage of premises used for each component and proposed hours of operation.</p> <p>As a basic guide the following rates apply:</p> <p>Food and Drink premises - 1 space per 100m<sup>2</sup> GFA or 1 space per 3 seats</p> <p>Function Centre – 1 space per 20m<sup>2</sup> of GFA or 1 per 10 seats</p> <p>Retail premises:</p> <ul style="list-style-type: none"> <li>- 1 space per 60m<sup>2</sup> (&lt;120m<sup>2</sup> GFA)</li> <li>- 1 space per 40m<sup>2</sup> (GFA Between 120m<sup>2</sup> and 100-m<sup>2</sup>)</li> <li>- 1 space per 20m<sup>2</sup> (&gt; 100m<sup>2</sup> GFA)</li> </ul>
Bulky goods premises	3 car parks per 100 m2 of GFA.
Commercial premises	<p>Within in the CBD – 1 space per 60m2 of GFA.</p> <p>Outside of the CBD – 1 space per 60m2 of GFA.</p>
Food and drink premises (not including takeaway Food and drink premises)	Whichever is the greater of: 15 spaces per 100m2 GFA of restaurant, or 1 space per 3 seats.
Funeral Home	4 spaces per 100m2 of GFA plus 1 per 4 seats (chapel).
Office premises	<p>1 space per 60m2 &lt; 120m2</p> <p>1 space per 40m2 ( 120m2 to 1000m2)</p> <p>1 space per 20m2 &gt;1000m2</p>
Public Administration Building	1 per 100m2 Office Area

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Land use	Parking Requirement
Retail premises	<p>1 space per 60m<sup>2</sup> &lt; 120m<sup>2</sup></p> <p>1 space per 40m<sup>2</sup> ( 120m<sup>2</sup> to 1000m<sup>2</sup>)</p> <p>1 space per 20m<sup>2</sup> &gt;1000m<sup>2</sup></p>
Shop	<p>Within in the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside of the CBD – 1 space per 60m<sup>2</sup> of GFA.</p>
Service stations	Requirements are additive: 6 spaces per work bay 5 spaces per 100m <sup>2</sup> of GFA (if restaurant is present, then greater of: 15 spaces per 100m <sup>2</sup> of GFA, or 1 space per 3 seats.
Take-away food and drink premises	<p>Within in the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside of the CBD – Developments with on-site seating: 12 spaces per 100m<sup>2</sup> of GFA.</p> <p>Developments with on-site seating: 12 spaces per 100m<sup>2</sup> of GFA plus greater of – 1 space per 5 seats (internal and external), or 1 space per 2 seats (internal).</p> <p>Developments with on-site seating and drive through facilities: 1 space per 2 seats (internal), or 1 space per 3 seats (internal and external) plus queuing area for 5 to 12 cars.</p>
Industrial uses	
General industry, light industry and warehouse or distribution centre	<p>1.3 spaces per 100m<sup>2</sup> of GFA.</p> <p>1 space per 60m<sup>2</sup> of GFA for office space ancillary to the development.</p>
Landscaping material supplies	2 spaces per 100m <sup>2</sup> of GFA.
Resource Recovery Facility	1 space per 200m <sup>2</sup> of site area, or when largely combined within a building, requirement is 3 spaces per 100m <sup>2</sup> GFA.
Transport depots	Assess on a needs basis.
Vehicle body repair workshops Vehicle body repair stations	Whichever is the greater of: 2 spaces per 100m <sup>2</sup> of GFA, or 3 spaces per work bay

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Land use	Parking Requirement
Vehicle sales and hire premises	0.75 spaces per 100m <sup>2</sup> site area plus 6 spaces per work bay (for vehicle servicing facilities).
<b>Community</b>	
Child Care Centres	As per <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
Community Facility	To be assessed on a needs basis.
Educational Establishment	As per <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
<b>Recreation and Entertainment</b>	
Entertainment facilities, Places of public Worship	<p>Within in the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside of the CBD – whichever is the greater of: 1 space per 20m<sup>2</sup> of GFA, or 1 space per 10 seats.</p> <p>For halls and places of worship on the same or adjoining land, car parking needs to be provided only for the church or the hall, whichever is greater.</p>
Gymnasium/Fitness studio	<p>Within the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside the CBD –</p> <ul style="list-style-type: none"> <li>• Where scheduled group classes are proposed – 7.5 spaces per 100m<sup>2</sup> of GFA.</li> <li>• Where no scheduled group classes are proposed – 4.5 spaces per 100m<sup>2</sup> of GFA.</li> </ul>
Recreation facility (indoor)	Within in the CBD – 1 space per 60m <sup>2</sup> of GFA.
Recreation facility (outdoor)	Outside the CBD:
Recreation area	<ul style="list-style-type: none"> <li>• squash courts – 3 spaces per court</li> <li>• tennis courts – 3 spaces per court</li> <li>• bowling alleys – 3 spaces per alley</li> <li>• bowling greens – 30 spaces for first greens plus 15 for each additional green</li> </ul>
Recreation Facilities (sporting Fields)	30 spaces

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Land use	Parking Requirement
Registered Clubs	<p>Within in the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside the CBD – whichever is the greater of: Comparisons with similar clubs, or 1 space per 3.5m<sup>2</sup> of licensed gross floor area, plus 1 space per 40m<sup>2</sup> of office floor area.</p>
Medical	
Health services facility	<p>Within in the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside the CBD – 10 spaces per 100 m<sup>2</sup> of GFA.</p>
Hospitals	2.5 spaces per bed.
Residential Care Facility	1 per 4 beds.
Residential and Accommodation	
Boarding houses	1 space for each room (to be located behind the building line).
Group Homes	1 space per 3 bedrooms plus 1 space per Resident/Manager.
Caravan parks	1 space per caravan site next to caravan site.
Dual Occupancy	2 spaces for each dwelling
Dwelling house	2 spaces per dwelling (to be located behind the building line).
Hotel or motel accommodation	<p><u>Hotels</u></p> <p>Within in the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside the CBD – whichever is the greater of: Comparisons with similar club developments, or 1 space per 3.5m<sup>2</sup> of licensed gross floor area.</p> <p><u>Motels</u></p> <p>1 space for each motel unit plus 1 space per 2 employees.</p>

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Land use	Parking Requirement
Multi-dwelling housing and residential flat buildings and shop top housing	1 space per 1 bedroom dwelling and with a Gross Floor Area (GFA) of not more than 60m <sup>2</sup>  2 spaces per dwelling for all other dwellings  Visitor Parking: a minimum of 2 space plus 1 space per 4 dwellings (in excess of 4 dwellings).
Home Businesses/Industries	To be assessed on a needs basis.  Note: The number of additional parking spaces required by the home business/industry shall not compromise the parking for the existing dwelling.
Seniors Housing (in form of self contained Dwellings) as per <i>State Environmental Planning Policy (Housing) 2021</i>	As per <i>State Environmental Planning Policy (Housing) 2021</i>  <a href="https://legislation.nsw.gov.au/">https://legislation.nsw.gov.au/</a>
Tourist and visitor accommodation (excluding hotel or motel accommodation), hostel	1 space per 3 beds.
Other	
Sex services premises	2 spaces per room used for the conduct of acts of prostitution plus a space for each full time staff member not involved in prostitution.
Restricted premises	1 space per 40m <sup>2</sup> of GFA.

**Table 2: Car Parking for Service and Delivery Vehicles**

Type of Development	Minimum Requirement
Commercial premises	One space per 4,000m <sup>2</sup> GFA up to 20,000m <sup>2</sup> GFA plus one space per 8,000m <sup>2</sup> thereafter (50% of spaces adequate for trucks)

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Department Stores	One space per 1,500m <sup>2</sup> GFA up to 6,000m <sup>2</sup> GFA plus one space per 3,000m <sup>2</sup> thereafter (all spaces adequate for trucks)
Supermarkets, shops and restaurants	One space per 400m <sup>2</sup> GFA up to 2,000m <sup>2</sup> GFA plus one space per 1,000m <sup>2</sup> thereafter (all spaces adequate for trucks)
Wholesale, Industrial	One space per 800m <sup>2</sup> GFA up to 8,000m <sup>2</sup> GFA plus one space per 1,000m <sup>2</sup> thereafter (all spaces adequate for trucks)
Hotels and Motels	One space per 50 bedrooms or bedroom suites up to 200 plus one per 100 thereafter plus one space per 1,000m <sup>2</sup> of public area set aside for bar, tavern, lounge and restaurant, (50% of spaces adequate for trucks)
Residential flat buildings	One space per 50 flats or home units up to 200 plus one per 100 thereafter plus one space per 1,000m <sup>2</sup> of public area set aside for bar, tavern, lounge and restaurant , (50% of spaces adequate for trucks)
Other uses	One space per 2,000m <sup>2</sup> (50% of spaces adequate for trucks)

**Table 3: Car Parking for Persons with Disabilities**

Type of facility	Recommended number of disabled spaces
<p>Convenience stores and all types of Shops</p> <p>A shopping area with or without commercial premises (banks, credit unions, restaurants offices), or an office area. Includes strip shopping centres or CBD areas, shopping complexes, community, recreation venues and the like Tourist facilities</p>	<p>Whichever is the greater of:</p> <p>1 or 1-2% of total number of car parking spaces</p>
<p>Transport depots</p> <p>Railway stations, bus/rail or tram/rail interchanges</p>	<p>Whichever is the greater of:</p> <p>1 or 1-3% of total number of car parking spaces</p>
Community	Whichever is the greater of:

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Type of facility	Recommended number of disabled spaces
Civic centres, town halls, community centres, senior citizens' clubs, health care	1 or 2-3% of total number of car parking spaces
Recreational facilities	(see Note 1)
Leisure centres, gymnasiums, swimming pools, parks, gardens, foreshore, sporting venues	
Educational Establishments	As per <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> .
Entertainment facilities	Whichever is the greater of:
Theatres, libraries, art galleries, sports centres, entertainment centres	1 or 3-4% of total number of car parking spaces (see Note 1)
Medical	Whichever is the greater of:
Hospitals	1 or 3-4% of total number of car parking spaces
Medical centres (including community health centres, radiology clinics, rehabilitation units)	3 % of total number of car parking spaces (see Note 3)
Post office	See Note 1
Usually combined with retail/commercial	
Place of worship	See Note 3
Individual churches or religious centres	
Residential	Parking provision shall be provided at a rate of not less than one disabled space per disability unit in accordance with <i>Australian Standard 2890.1</i> and Part D3.5 of the <i>Building Code of Australia</i> (BCA), either located in a basement having provision of lift access to the disabled unit or otherwise located on ground level
Dual Occupancy	
Multi Dwelling Housing	
Residential Flat Building	
Shop Top Housing	

**Notes:**

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- 1) Where a facility of this type is located in a retail/commercial area, at least one space should be located next to that facility to maximise convenience for users of the parking space.
- 2) For all schools, TAFE, CAE or other institutions disabled parking is to be provided consistent with the requirements of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- 3) To be provided as needed in consultation with management of centre or church.

## 2.2.7 Basement Parking

- Where Basement parking is provided the access ramp to the car parking area shall provide for either two way access or separate access ramps shall be provided for:
  - 1) access into the basement car park and
  - 2) exit from the basement car park
- Basement parking areas are to be located directly under building footprints to maximise opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.
- Along active frontages, basement parking must be located fully below the level of the footpath.
- Basement parking should be contained wholly beneath the ground level along public streets. Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2 m above ground level.
- Underground car parking shall be naturally ventilated where possible and shall be less than 1m above existing ground level. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.
- Constructed to preclude entry of floodwater at the Flood Planning Level. Additional requirement for basement levels to implement a failsafe means of evacuation, and a pump-out system to remove flood waters.
- All basement/underground car parks shall be designed to enter and leave the site in a forward direction.
- All sites shall have underground car parking and be fitted with a security door. Basement garage doors shall not tilt/swing or open in an outward direction.

## 2.2.8 Design of Service Vehicle Areas

### Objectives

- 1) To ensure service vehicle areas are appropriately designed for the vehicles using the area.

### Controls

- a) Service vehicle areas are to be designed in accordance with the principles and requirements of the *Australian Standards - Parking Facilities (AS2890 Series)*.
- b) In relation to service vehicle dimensions, these are to be designed to cater for the largest vehicle servicing the site in accordance with *AS/NZS 2890.2 - 2002 Off-street commercial vehicles facilities*. Service vehicle areas for commercial and industrial type development are to be designed so that vehicles using them can enter and leave

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the site in a forward direction. Service vehicle areas are to be generally provided on-site. Only in exceptional cases will Council consider alternative arrangements.

## 2.2.9 Access Ways Associated with Car Parking Areas

This section deals with the geometric design aspects of access requirements to developments, internal roads and parking areas within developments. Parking areas include tenant/customer car parking, public car parks, service delivery vehicles manoeuvring and parking, bicycle parking and bus and coach parking.

Council has adopted the Road and Maritime Services (RMS, formerly RTA Roads and Traffic Authority) Guide to Traffic Generating Developments Version 2.2 (2002) as its standard. The guide references relevant Australian standards for parking facilities. Parts of these standards relevant to this topic are:

AS 2890.1 – 2004	<i>Off-street car parking</i>
AS 2890.2 – 2002	<i>Off-street commercial vehicles facilities</i>
AS 2890.3 - 2015	<i>Bicycle parking facilities</i>
AS 2890.5 – 1993	<i>On-street parking</i>
AS 2890.6 – 2009	<i>Off-street parking for people with disabilities</i>

Applicants are advised to obtain copies of the relevant Australian Standards to be used in conjunction with these guidelines.

### 2.2.9.1 Access Requirements

#### Objectives

- 1) To ensure appropriate access to developments and car parking facilities.

#### Controls

- a) All developments require access from the frontage road to car parking and service facilities. While in some instances access driveways may be sufficient some developments will require a higher standard of traffic control, such as a controlled intersection via a dedicated public roadway, auxiliary lanes and/or right turn bays to maintain efficiency and safety. Refer to Section 6 of the RMS *Guide to Traffic Generating Developments Version 2.2 (2002)*.

### 2.2.9.2 Safety Considerations

#### Objectives

- 1) Public safety is the main consideration when planning the location of access to a development. The location of access depends on the type of frontage road, sight distance, intersections, and potential conflicts.

#### Controls

- a) Direct access across the boundary with a major road is to be avoided wherever possible. For the purpose of this DCP major roads include:-
  - i) Bungendore Road
  - ii) Canberra Avenue
  - iii) Cooma Street

- iv) Crawford Street (Monaro Street to Uriarra Road only)
- v) Edwin Land Parkway
- vi) Ellerton Drive
- vii) Farrer Place
- viii) Monaro Street
- ix) Tharwa Road
- x) Uriarra Road
- xi) Yass Road
- xii) Old Cooma Road
- xiii) Captains Flat Road
- xiv) Kings Highway
- xv) Burra Road
- xvi) Lanyon Drive
- xvii) Lowe Street (Monaro Street to Cooma Street only)
- xviii) Tompsitt Drive
- xix) Southbar Road (Donald Road to Lanyon Drive only)

All other roads are minor.

- b) Auxiliary lanes, (deceleration and acceleration lanes) in certain circumstances, may need to be provided to minimise conflicts between entering/leaving traffic and fast moving through traffic. In many cases, right turn movements into a site may need to be banned, unless an exclusive right turn bay is provided.

### 2.2.9.3 Sight Distance

#### Objectives

- 1) Access driveways need to be located so as to obtain minimum sight distance.
- 2) It is necessary that any vehicle entering or leaving the driveway is visible to approaching vehicles and pedestrians.

#### Controls

- a) Ideally, the sight distance required is that which enables the driver of a vehicle waiting to leave a driveway to select a gap in the through traffic and to join the street without causing a major disruption. This is the desirable sight distance (Entering Sight Distance).
- b) Driveways are to comply with *AS/NZS 2890.1 - 2004: Off-street car parking*.

### 2.2.9.4 Proximity to Intersections

#### Objectives

- 1) Access must be provided a safe distance from intersections to ensure the safety of all road users.

#### Controls

- a) Refer to *AS/NZS 2890.1 - 2004: Off-street car parking* for requirements on the positioning of driveways near intersections.

## 2.2.9.5 Addressing Potential Conflicts

### Objectives

- 1) Potential conflicts associated with driveways are often proportional to the traffic generating potential of the development which they serve.

### Controls

- a) Where possible, avoid positioning driveways with high traffic volumes in the following locations:
  - i) on major roads,
  - ii) close to intersections,
  - iii) opposite other developments generating a large amount of traffic (unless separated by a median),
  - iv) where there is a heavy and constant pedestrian movement along the footpath
  - v) where right turning traffic entering the facility may obstruct through traffic,
  - vi) where traffic using the driveways interferes with or blocks the operations of bus stops, taxi ranks, loading zones or pedestrian crossings.

## 2.2.10 Design of Access Driveways

### 2.2.10.1 General Design Principles

#### Objectives

- 1) These general design principles are to be followed when planning access driveways for developments to avoid adverse impacts on users of the access driveways and the road.

#### Controls

- 1) position the entrance at the first vehicular driveway from the adjacent kerbside lane
- 2) avoid reversing movements into or out of public streets (except in the case of individual dwelling houses)
- 3) avoid arrangements which may result in on-street queuing
- 4) promote the use of physical pedestrian barriers to discourage motorists from parking on the opposite side of the development and crossing the road to get to the site
- 5) position each driveway so that it is clear of all obstructions, eg. poles, trees, which may prevent drivers from having a timely view of pedestrians
- 6) design each driveway so that it is relatively level within 6 metres of the site boundary or any pedestrian way; the recommended maximum grade is 5%
- 7) signpost each driveway with appropriate entry, exit and keep left signs.

### 2.2.10.2 Selection of Driveway Types

#### Objectives

- 1) When selecting a driveway for a particular development, consider the following factors: type of land use, frontage road type, size of the parking facility, type of vehicles likely to enter the development.

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- 2) The NSW RMS has adopted seven types of access driveways – type 1 to 5 for cars (or light vehicles) and type 6 and 7 for heavy vehicles. Types 1 to 5 driveways are the same as those adopted in AS2890.

## Controls

- a) Applicants are referred to Section 6 of the *RMS Guide to Traffic Generating Developments Version 2.2* for the design requirements for access driveways.
- b) Refer to Table 6.1 of the RMS guide for entry and exit driveway widths, and separation between the two where applicable.
- c) Refer to Table 6.2 for type of driveways to serve certain numbers of parking spaces.
- d) Council will specify the difference in level across the footway area for the development.

### 2.2.10.3 Splays and Kerb Returns

#### Objectives

- 1) The main advantages of using splays are: minimising driveway widths, which in turn reduces pedestrian risk; reducing driveway vehicle speed; and facilitating the needs of the disabled
- 2) A principal design objective is that vehicles are able to turn into the kerbside lane from the driveway and vice versa.

#### Controls

- a) The use of kerb returns rather than splays is not supported and will only be considered in exceptional circumstances.
- b) Consider the following points when choosing splays for driveways:
  - i) type of frontage road
  - ii) volume of traffic
  - iii) nature of the adjacent land use
  - iv) volume of pedestrians crossing the driveway
- c) It is necessary in the instances where vehicles turn into the kerbside lane that all vehicles are able to complete turning manoeuvres without crossing the road centre line.
- d) For further information in regard to the use of splays and kerb returns refer to Section 6.2.2 of the *RMS Guide to Traffic Generating Developments Version 2.2.(2002)*.

### 2.2.10.4 Acceleration and Deceleration Lanes

#### Objectives

- 1) The design of access to a development from a high speed or high volume road, should avoid hazardous diverging or merging manoeuvres to occur on the through traffic lanes.
- 2) Particular attention must be paid to safe pedestrian movement in any design.

#### Controls

- a) The construction of auxiliary speed-change lanes is an appropriate method to control slowing and merging manoeuvres.

- b) Deceleration and acceleration lanes are often provided as respective entry and exit points to high traffic generators. These measures are often implemented in areas where developments adjoin isolated sections of high speed rural roads.
- c) If pedestrian volumes on the footpath adjacent to the driveway are heavy, the design must minimise vehicle speeds at the point of conflict with pedestrians and ensure that adequate visibility is provided.

## 2.2.10.5 Right Turn Bays

### Objectives

- 1) To ensure the safety of all road users by determining when circumstances require a right turn bay for vehicles.

### Controls

- a) Right turn bays for vehicle movement into proposed developments should be provided on major roads where the conflict between the right turn volume and any opposing major road traffic, may cause a substantial traffic delay or present danger. Refer to the Austroads publication *Guide to Traffic Engineering Practice, Part 5 - Intersections at Grade (2005)* for further design details.

## 2.2.10.6 Design of Internal Roads associated with Car Park Areas

### Objectives

- 1) To ensure internal roads are designed to appropriately allow for traffic, both vehicle and pedestrian, to move around the development safely.

### Controls

- a) All internal roads (or access roadways) should be designed for low speed environments. Generally vehicular speeds should be less than 30km/h, but where heavy pedestrian use is expected, design speeds should be 10km/h.
- b) For internal roads (or circulation roadways as defined in *AS/NZS 2890.1 - 2004*) between the driveway and parking area, the recommended minimum carriageway width is 5.5 metres for two way traffic. However where the circumstances of a development justifies it a greater minimum width is likely to be required.

With complex developments, particularly where shared use of the side roads by cars and service vehicles is anticipated, the design should be determined from a study of the site traffic generation and vehicle characteristics.

## 2.2.11 Traffic Control Within Developments

### Objectives

- 1) To ensure the safety of all users of internal roads within developments through the provision of controls and calming devices.

### Controls

- a) Internal roads etc within developments function as public streets and normal road traffic rules apply. Hence these roads are to be managed to minimise conflicts and

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maximise safety. For more details on this aspect refer to the Australian Standard AS 1742.11:2016 *Manual of Uniform Traffic Control Devices, Part 1 Parking Controls*.

## 2.2.12 Parking Area Design

### Objectives

- 1) To ensure parking areas are designed in accordance with the relevant standard.

### Controls

- a) Cars and service vehicles, as well as other vehicles (eg. Buses and bicycles) should be accommodated by on-site or off-street parking provision in close proximity to the development. On-street parking or loading/truck zones do not meet these requirements.
- b) The design of these areas and tenant/customer parking areas is to conform to the relevant *Australian Standards - Parking Facilities (AS/NZ 2890 series)*.

For more detailed design guidelines applicants are referred to the RMS *Guide to Traffic Generating Development Version 2.2 (2002)*.

## 2.2.13 Construction of Car Parking Areas

### Objectives

- 1) To ensure parking areas meet relevant engineering standards.

### Controls

- a) All car parking areas are to be:
  - i) Suitably paved with concrete, hotmix, bitumen or paving blocks and shall be retained between suitable permanent concrete kerbing. The selected pavement should be constructed to engineering specifications for the particular materials to be used. Alternative surface treatments such as gravel may be acceptable in rural areas.
  - ii) Line marked into bays and sign posted as such in a reasonable permanent manner.
  - iii) Suitably drained - Where driveways or car parking areas fall towards the street alignment, stormwater runoff is to be trapped at the property boundary by means of a grated drain and pipe to Council's street gutter or stormwater system.
  - iv) Landscaping shall be provided in all car parking areas.

## 2.2.14 Service Vehicle Areas

### 2.2.14.1 General Design Principles

#### Objectives

- 1) The principles of design for service vehicle areas are similar to those for car parking areas with the exception that consideration must be given to the larger sizes of service vehicles and the types of goods being loaded/unloaded. However, it is not possible to specify dimensions which may be suitable for all service vehicles, because of the range of vehicles used in this respect. A service area may have to be designed to meet certain requirements which are peculiar to the vehicles or to the operations to be performed within the service area.

## Controls

- a) The following design principles, however, are generally applicable to all service vehicle areas:
  - i) the layout of the service area should be designed to facilitate operations relevant to the development and to thus discourage on-street loading and unloading
  - ii) service area should be a physically defined location which is not used for other purposes, such as the storage of goods and equipment
  - iii) separation of service vehicle and car movements should be a design objective, although such an arrangement may not always be feasible
  - iv) all vehicles are to enter and leave a site in a forward direction
  - v) internal circulation roadways should be adequate for the largest vehicle anticipated to use the site.
- b) In the case of existing buildings being redeveloped, it may not be possible for all the design principles to be met. However, every effort must be made to ensure that public safety is not compromised in any way.

### 2.2.14.2 Dimensions of Service Areas

#### Objectives

- 1) To ensure provision of service bays in parking design.

#### Controls

- a) The service vehicle area shall have dimensions to accommodate safely a range of service vehicle types, as specified in the table below. Please note this list is not exhaustive
- b) The dimensions of a service bay will depend on the vehicle to be accommodated. Generally, the minimum width should be 3.5 metres. For courier vehicles, standard car parking space dimensions are usually satisfactory.
- c) The service vehicle area shall have dimensions to accommodate safely a range of service vehicle types, as specified in Table 2.1 of *AS2890.2 – 2002*.
- d) For maximum height trucks, a bay height of 5,000mm is recommended where access to the top of the load is required. Bay height should be clear of sprinkler systems, air ducts and other protuberances.
- e) The heights of the loading platform in the service bay and of the service bay itself will vary with vehicle type and loading/unloading methods. The dimensions in Table 4.1 of *AS2890.2 - 2002* are a minimum guide to be complied with.

### 2.2.14.3 Service Vehicle Manoeuvring Areas

#### Objectives

- 1) To ensure manoeuvring areas to meet the required standard.

#### Controls

- a) Manoeuvring areas must comply with the Australian Standard *AS2890.2 -2002 Off-street Commercial Vehicle Facilities* should be used for the design of manoeuvring of service vehicles appropriate to particular developments. This standard also provides design templates for typical commercial and industrial situations.

## 2.2.15 Bus and Coach Parking

### Objectives

- 1) To ensure provision of bus and coach parking.

### Controls

- a) Table 6.7 of the RMS *Guide to Traffic Generating Developments Version 2.2 (2002)* must be complied with when providing parking for buses and coaches.

## 2.2.16 Pedestrians and Cyclists

### Objectives

- 1) In the design of driveways, internal roads and parking areas every attempt must be made to resolve conflict with pedestrians.

### Controls

- a) Land uses in the Central Business District often generate heavy pedestrian traffic, including general pedestrian traffic across car parking areas. Where driveways are located for entry into underground parking areas, consideration should be given to diverting pedestrians around the entry and exit driveways. Often the organisation of appropriate landscaping at the conflict point of pedestrians and vehicles eradicates this problem.
- b) Consideration should also be given to diverting cyclists around the entry and exit driveways.
- c) Consideration of the use within developments of shared traffic zones, low speed limit signs and traffic calming devices that cater for pedestrians should be given to improve safety of pedestrians.

## 2.2.17 Bicycle Parking

### Objectives

- 1) To ensure provision of Bicycle Parking facilities in accordance with the relevant standard.

### Controls

- a) Each development is to provide appropriate bicycle parking facilities either on-site or close to the development.
- b) The Australian Standards *AS 2890.3: 2015 Bicycle Parking Facilities* must be complied with. This standard also provides information on the design of bicycle parking facilities.

## 2.3 Environmental Management

### 2.3.1 Introduction

This part of the development control plan relates to energy efficiency requirements of buildings, water use and conservation, solar impacts and waste management.

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## 2.3.2 Objectives

To satisfy the aims and zoning objectives of the *QPRLEP 2022* controls in this section aim to:

- 1) Facilitate the development of building design excellence appropriate to a regional city.
- 2) Ensure environmental impacts of new development are managed in a sustainable and economical way.
- 3) Ensure a healthy environment.
- 4) Provide an adequate and renewable supply of resources.
- 5) Ensure application, where appropriate, of the BASIX or Building Code of Australia energy efficiency provisions.

## 2.3.3 Energy Efficiency and Conservation

### Objectives

The ability of development to optimise thermal performance, thermal comfort and day lighting will contribute to the energy efficiency of the building, provide increased amenity to occupants and reduce greenhouse emissions and, with them, the cost of supplying energy.

- 1) To reduce the necessity for mechanical heating and cooling.
- 2) To minimise greenhouse gas emissions.
- 3) The use of natural climatic advantages of cooling summer breezes, and exposure to unobstructed winter sun.

### Controls

#### Residential

- a) New dwellings, alterations and additions to dwellings, and change of uses to create a dwelling, are to demonstrate compliance with *State Environmental Planning Policy Building Sustainability Index: (BASIX) 2004*.

#### Non-Residential

- b) Compliance with Section J of the *National Construction Code*.

## 2.3.4 Water Conservation

### Objectives

- 1) New development will be required to implement water saving measures to ensure efficient best practice management of water resources.
- 2) New development design can contribute to environmental sustainability by integrating measures for improved water quality, efficiency of use and utilisation of alternate water supplies by integrating water use efficiency and water collection into a building.
- 3) To reduce per capita mains consumption of potable water.
- 4) To harvest rainwater for use and reduce urban stormwater runoff.
- 5) To reduce wastewater discharge.
- 6) To reuse wastewater where appropriate.
- 7) To safeguard the environment by improving the quality of water runoff and to mimic pre development flows where appropriate.

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- 8) To ensure infrastructure design is complementary to current and future water use.

## Controls

- a) New dwellings, or developments which contain a residential component within a mixed use building or serviced apartments intended or capable of being strata titled, are to demonstrate compliance with *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.
- b) Each dwelling shall be provided with an individual water meter.

### 2.3.5 Waste and Recycling

#### Objectives

The minimisation of waste from development can reduce impacts on the public domain, contribute to the amenity of the building and limit the potential harmful impacts to the environment. Waste management refers to all stages of development from construction and use through to demolition and the ongoing generation of waste. It also includes the way in which waste is accessed, stored and collected.

- 1) To minimise waste generation and disposal to landfill with careful source separation, reuse and recycling.
- 2) To minimise the generation of waste through design, material selection, building and best waste management practices.
- 3) To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development as well as the ongoing generation of waste.
- 4) To ensure efficient storage and collection of waste and quality design of facilities.

#### Note:

Designers should be careful to ensure that heights to storage areas are not limited if bins are required to be collected by overhead lift vehicles.

#### Controls

##### Non Residential Development

- a) Development applications for all non- residential development must be accompanied by a waste management plan that addresses:
  - i) Best practice recycling and reuse of construction and demolition materials.
  - ii) Use of sustainable building materials that can be reused or recycled at the end of their life.
  - iii) Handling methods and location of waste storage areas such that handling and storage has no negative impact on the streetscape, building presentation or amenity of occupants and pedestrians.
  - iv) Storage areas need to be of sufficient size to store and provide access to bins capable of dealing with the types and quantities of waste for the development. For example, a small shop or office may be able to be serviced by Council's normal 240L kerbside collection service. At the opposite extreme a supermarket may require space for a paper/cardboard compactor and storage of bales

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produced, multiple overhead lift bulk containers and other containers for recyclables.

- v) Storage areas for commercial premises which have larger quantities of putrescible waste e.g. food premises or supermarkets need to be provided with wash down facilities connected to sewer. These storage areas need to be roofed to prevent ingress of stormwater to the sewerage system.
- vi) Procedures for the ongoing sustainable management of green waste; garbage and recyclables including glass, metals and paper; including access, estimated volumes; required bin capacity and onsite storage requirements.

## Residential Development

- 1) All residential development is to provide for storage of waste bins on site in an area of sufficient size to accommodate waste generated by the development in accordance with the following tables:

Type of Waste	Quantity per dwelling
General Waste	140l for individual service or 240l if shared service litres/week/unit
Recycling	240l litres/ fortnight/ unit if individually used. Weekly collection if on a shared service
Green Waste	240 litres/fortnight or a communal waste bin of sufficient capacity to accept waste from any landscaped areas.

- 2) The storage area must accommodate the number of individual mobile bins required or accommodate sufficient larger bulk bins with the following minimum dimensions:

Bin Type	Length (metres)	Width (metres)
Mobile bin (240 litres)	0.75m x No of bins	2.75m (Single Row) 3.5m (double row)
Bulk bins (e.g. 1200 litres)	1.45m x No of bins	1.45 x No of bins + 1m corridor space

- 3) Storage bays shall be constructed as follows:

- i) Wall height shall be a minimum of 1200mm.
- ii) Where bays are informal and covered, floors shall be a minimum 100mm reinforced concrete graded to drain to the outside.
- iii) The opening to the storage area shall be a minimum of 2000mm wide and where practical located so that it does not open directly onto the street.

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- iv) The opening shall be provided with a gate or roller style door. In larger developments a personal access door may also be required to allow occupiers ease of access to the storage area.
  - v) A paved path 2000mm wide with a grade of no less than 1:14 shall be provided from the opening to the driveway or other paved area leading to the kerbside.
  - vi) For a single row of bins the minimum internal width of the storage area shall be 2750mm. For a double row of bins (along each side of the enclosure) the minimum width is 3500mm.
  - vii) An area 600mm wide x 750mm deep shall be provided for each MGB.
  - viii) Provision shall be made for 1 x 240L MGB (red lid garbage) for every two units AND 1 x 240L MGB (yellow lid bin) for every two units.
  - ix) Roofed storage areas are generally discouraged except where overlooking is likely to occur from balconies above. Roofed storage areas shall be provided with ventilation panels in external walls.
  - x) A graded wash down point connected to the sewer is permitted in the floor of roofed storage areas.
  - xi) It is recommended that a lay by be constructed as close as possible to the waste storage area to allow residents leaving the premises to park briefly to utilise the storage area.
- 4) The storage area must be located in a position which is:
- i) Visibly unobtrusive from the street and compatible with the design of the main building.
  - ii) Easily accessible to dwelling occupants.
  - iii) Accessible to waste collection vehicles and operators (or adequately managed by the Body Corporate to permit relocation of bins to an approved collection point within 6m of the block where serviced by Council's contractor).
  - iv) Does not adjoin private open space, windows or clothes drying areas.
  - v) Is separated from any waste storage area provided for commercial activities which may also form part of the development.
- 5) Provision is to be made to allow collection of the waste either directly from the waste storage area or by transfer to a waste collection point. The collection point will be:
- i) Where street frontage and Workcover requirements permit by placement of mobile bins in line at the kerbside, or
  - ii) On site. Council may request written confirmation from a reputable waste contractor that the storage area and access to it are capable of being serviced by modern waste collection vehicles. Designers should be careful to ensure that heights to storage areas are not limited if bins are required to be collected by overhead lift vehicles.
- 6) Where waste bins are to be transferred to the street for collection, the Body Corporate or a caretaker must be responsible for the movement of bins to their collection point prior to collection and returned on same day of collection.
- 7) Waste storage area is to be no more than 6m from the front boundary.

## 2.3.6 Noise and Vibration

### Objectives

- 1) To ensure development provides for effective management of noise and vibration through effective siting, building design, materials and layout, construction and engineering techniques, operational management.
- 2) Where a proposed development includes an activity which may generate unreasonable noise or which may be affected by an existing noise source, an acoustic study is to be undertaken to establish noise levels and provide a mitigation strategy demonstrating the measures to be taken to effectively mitigate noise.
- 3) Noise sensitive developments such as dwellings should be designed to reasonably protect the proposed development from noise sources such as arterial roads, entertainment venues and the like.

### Controls

- a) Development should be designed to minimise the potential for offensive noise.
- b) Noise buffering should not be provided by high fences, garages or blank walls to public streets. Where screening by these or similar methods is the only practical solution, the screen should be no greater than 50% of the street frontage. Such screening should have visual interest and retain some surveillance from the building behind the screen's entries, windows or balconies when practical.
- c) Where proposed noise sensitive development may be affected by existing noise generators the development should be designed to incorporate adequate shielding from those noise sources.
- d) Entertainment venues, hotels, clubs, cinemas and the like, either licensed or unlicensed, should prepare a plan of management including provisions to:
  - i) Ensure patrons enter and leave the premises in a quiet and orderly manner whenever the premises are open to the public.
  - ii) Manage noise levels within the premises to prevent an unreasonable effect on the amenity of the locality.
- e) Commercial and retail developments, or mixed use developments, should have suitably located and designed goods delivery and garbage collection areas, vehicle entry and exits and other noise sources so that amenity of residents both within the development and in nearby buildings is reasonably protected.
- f) To ensure development is designed so noise and vibration from new businesses, light industrial and leisure/cultural/entertainment venues and other noise generating activities do not unacceptably affect the amenity of nearby residential and other noise or vibration sensitive uses.
- g) Home based businesses should not generate unreasonable levels of noise beyond their property boundary.

## 2.4 Contaminated Land Management

### 2.4.1 Introduction

This part of the development control plan applies to all development and outlines requirements relating to the use and/or development of land that is or may be contaminated.

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This part should be read in conjunction with the *State Environmental Planning Policy (Resilience and Hazards) 2021* and the *QPRLEP 2022 Clause 7.1 - Earthworks*.

## 2.4.2 Objectives

- 1) Enable Council to more adequately identify record and manage known and potentially contaminated land.
- 2) Provide direction for Council in the gathering and assessment of information in relation to previous land use activities that may have resulted in contamination.
- 3) Assist Council in the discharge of its functions and responsibilities in relation to existing and potential land contamination with reasonable care and due diligence to minimise potential risk to both public health and the environment.
- 4) Inform the community, particularly those interested or involved in the planning and development process, of Council's procedures relating to existing or potential land contamination.
- 5) Ensure that all stakeholders are aware of their responsibilities for the ongoing management of contaminated land.

## 2.4.3 Controls

- a) All development involving contaminated land must be undertaken consistent with the requirements of *State Environmental Planning Policy (Resilience and Hazards) 2021* and the *QPRLEP 2022 Clause 7.1 - Earthworks*.
- b) In determining all rezoning, subdivision and development applications, Council must consider the possibility of land contamination and the implications it has for any proposed or permissible future uses of the land.

### Operating Hours

- c) Any remediation work associated with land contamination shall be conducted within the following hours:

Monday-Friday      7am to 6pm

Saturday      8am to 1pm

No work is permitted on Sundays or Public Holidays

### Soil and Water Management

- d) All remediation works shall be conducted in accordance with a soil and water management plan. A copy of the plan shall be kept on-site and made available to Council Officers on request. All erosion and sediment measures must be maintained in a functional condition throughout the remediation works.

### Stockpiles

- e) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior Council approval has been obtained.
- f) All stockpiles of soil or other materials shall be placed away from drainage lines, gutter or stormwater pits or inlets. All stockpiles of soil or other materials likely to generate dust or odours shall be covered. All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

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## Site Access

- g) Vehicle access to the site shall be stabilised to prevent the tracking of sediment onto roads and footpaths. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling or a means other than washing, on a daily basis or as required. Soil washings from wheels shall be collected and disposed of in a manner that does not pollute waters.

## Excavation Pump-Out

- h) All excavation pump-out water must also be analysed for suspended solid concentrations, pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant EPA and ANZECC standards for water quality.

## Land Rehabilitation

- i) All exposed areas shall be progressively stabilised and revegetated on the completion of remediation works.

## Bunding

- j) All land farming areas for hydrocarbon contaminated soils shall be banded to contain surface water runoff from the land farm areas and to prevent the leaching of hydrocarbons into the subsurface. All surface water discharges from the banded areas to Council's stormwater system shall not contain detectable levels of TPH or BTEX.

## Vibration

- k) The use of any plant and/or machinery shall not cause vibrations to be felt or capable of being measured at any premises.

## Noise

- l) Any Category 2 remediation work undertaken shall comply with the *NSW Industrial Noise Policy* (EPA, 1999).

## Air Quality

- m) Dust emissions shall be confined within the site boundary. The following dust control procedures may be employed to comply with this requirement:
  - i. Erection of dust screens around the perimeter of the site;
  - ii. Securely covering all loads entering and exiting the site;
  - iii. Use of water sprays across the site to suppress dust;
  - iv. Covering all stockpiles of contaminated soil remaining more than 24 hours;
  - v. Keeping excavation surfaces moist; and
  - vi. Enclosure of dust generating activities.

## Odour

- n) No odours shall be detected at any boundary of the site during remediation works by an authorised Council officer relying solely on sense of smell. The following procedures may be employed to comply with this requirement:

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- i. Use of appropriate covering techniques such as the use of plastic sheeting to cover excavation faces or stockpiles;
  - ii. Reduction of stockpiles on site;
  - iii. Use of fine mist sprays;
  - iv. Use of a hydrocarbon mitigating agent on the impacted areas/materials; and
  - v. Adequate maintenance of equipment and machinery to minimise exhaust emissions.
- o) Records of volatile emissions and odours shall be logged, kept on-site and made available to Council Officers on request.
  - p) Discharges from soil vapour extraction systems shall be regularly monitored in order to determine the mass of hydrocarbons that are being discharged to the atmosphere.
  - q) Volatile or semi-volatile compounds that could generate odours include: monocyclic aromatic hydrocarbons (styrene, benzene, toluene, xylene, ethyl benzene, butyl benzene), polycyclic aromatic hydrocarbons (PAHs), hydrogen sulphide, hydrogen cyanide, pesticides, PCBs, and herbicides.
  - r) Contingency measures for the collection and treatment of hydrocarbon offgas shall be put in place prior to the commissioning of the soil vapour extraction systems.
  - s) All discharge vents from soil vapour extraction systems shall be located a minimum of 50 metres from any residential property boundary, road or recreational area.
  - t) No material shall be burnt on-site.

## Ground Water

- u) A licence shall be obtained from the Department of Primary Industries for approval to extract groundwater under the provisions of Part V of the *Water Act 1912*.
- v) Groundwater shall be analysed for pH and any contaminants of concern identified during preliminary or detailed site investigation, prior to discharge to the stormwater system.
- w) The analytical results must comply with relevant EPA and ANZECC standards for water quality.
- x) Other options for the disposal of groundwater include disposal to sewer with prior approval from Council or off-site disposal by a liquid waste transporter for treatment / disposal to an appropriate waste treatment/processing facility.

## Transport

- y) All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site shall be selected to meet the following objectives:
  - i. Comply with all road traffic rules;
  - ii. Minimise noise, vibration and odour to adjacent premises;
  - iii. Utilise State Roads and minimise use of local roads.
- z) Category 2 remediation work shall ensure that all site vehicles:
  - i. Conduct deliveries of soil, materials, equipment or machinery during the following hours of operation:

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Monday-Friday 7am to 6pm

Saturday 8am to 1pm

- ii. Securely cover all loads to prevent any dust or odour emissions during transportation;
- iii. Exit the site in a forward direction; and
- iv. Do not track soil, mud or sediment onto the road.

## Hazardous Materials

- a) Hazardous and/or intractable wastes arising from the remediation work shall be removed and disposed of in accordance with all relevant State legislation.

## Site signage and site security

- b) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access.
- c) This sign shall be displayed throughout the duration of the remediation works.
- d) The site shall be secured by means of an appropriate fence to ensure against unauthorised access.

## Community Consultation

- e) Owners and/or occupants of premises adjoining, and across the road, from the site shall be notified at least two days prior to the commencement of Category 2 remediation works.

## 2.5 Flood Management

### 2.5.1 Introduction

This part of the development control plan provides development controls and guidelines in respect of flood prone land in Queanbeyan. It applies to all development subject to flooding and/or subject to clause 5.21 of the *QPRLEP 2022*. This part should be read in conjunction with the NSW Government *Floodplain Development Manual (2005)*, and the *Queanbeyan-Palerang Regional Local Environmental Plan 2022*, clause 5.21 – Flood Planning.

### 2.5.2 Relationship to Other Plans, Policies and the Like

The [New South Wales Floodplain Development Manual 2005](#) applies to land in the Flood Planning Area.

The applicable clause from the *QPRLEP 2022* is clause 5.21 – Flood Planning.

### 2.5.3 Objectives

The objectives of this plan are -

- 1) To reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce private and public losses resulting from flooding.
- 2) To encourage construction and development which is compatible with the flood risk of the area.
- 3) To ensure that buildings and other structures built in flood liable areas are designed and constructed to withstand the likely stresses of the 100yr flood.
- 4) To minimise the flood risk to life and property associated with the use of land,
- 5) 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,
- 6) To avoid significant adverse impacts on flood behaviour and the environment.

### 2.5.4 Definitions

'Flood Planning Area' means all land below the Flood Planning Level.

'Flood Planning Level' means the level of the 1:100 ARI (average recurrence interval) flood event plus 0.5 metre freeboard as shown in blue on Map 1.

'Floodway' means the area identified in red on Map 1.

### 2.5.5 Controls for Flooding

### 2.5.6 Land within Flood Planning Area

#### Objectives

- 1) To ensure development is compatible with the flood risk of the area.

#### Controls

- a) All development shall be subject to the following conditions:
  - i) Stream Flow Forces - A certificate from a suitably qualified Engineer will be required to show that all piers and other portions of the structure which are subject to the force of flowing water or debris has been designed to resist the stresses thereby induced.

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- ii) Foundations - A certificate from a suitably qualified Engineer will be required to show that forces transmitted by supports to the ground can be adequately withstood by the foundations and ground conditions existing on the site.
  - iii) Hydraulic Effects - A certificate from a suitably qualified Engineer will be required to show that the structure as designed will have virtually no effect on the flood levels at or upstream from the site of the subject building and will have no increase in stream velocity downstream of any part of the structure which will cause erosion or instability to any other structure or to the ground surface. If scouring is likely to occur the method of controlling such scourings is to be documented.
- b) Commercial/Industrial
- i) Floor Level – The floor level of any approved building shall not be sited more than 2m below the flood planning level set for such site provided that the floor area equivalent to 25% of the whole floor area of the building is sited at or above the flood planning level for such site. Electrical power connections, switch boards and transformers are to be set above the flood planning level. Floors will be self - draining after flood events.
  - ii) Access - means of escape shall be provided from premises constructed in designated flood planning area. Escape doorways from floors sited below the flood planning set for such site shall be the inwards opening type and access from the premises shall be via gradually rising ground, free from traps, (i.e. deep areas not discernible during inundation) to areas above the designated flood level. Means of escape shall also be provided from any floor sited less than 4.5 metres above the flood planning level by means of a large window opening onto an area of external wall away from the electricity connection to the building and free of projections which may prevent a rescue boat from approaching such flood escape window. Access doors and windows to be used during flood events are to be clearly marked by means of a suitable sign.
- c) Residential including Motels
- i) Floor Levels – All residential units shall be constructed so that their floor levels are at or above flood planning level.
  - ii) Access – All residential units shall be provided with an access at a level no lower than the 800mm below the flood planning level to firm ground at the same level at a place where rising ground access is available to flood free areas. In the event that a raised path is provided, a guide rail or handrail shall be provided thereto.
- d) Residential development – extension to existing dwelling
- i) Extensions with a floor area up to 30m<sup>2</sup> may be approved with floor levels below the flood planning level if the applicant can demonstrate that:
    - no practical alternative exists, and
    - the level of hazard will not increase.
- e) Existing buildings other than residential buildings set at levels below the flood planning level shall not be extended unless such extensions comply with this policy.
- f) No site shall be filled to a level higher than 2 metres below the flood planning level of such site.

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- g) Dangerous Substances – The following items and products are extremely vulnerable to flood conditions. Their use in quantities, other than for isolated or occasional household use, is prohibited from a designated flood area. Industrial, storage and retailing businesses dealing with these products shall not be permitted within the designated flood area:
- Acetone, Celluloid, Magnesium, Ammonia, Chlorine, Nitric Acid, Benzine, Petrol, Phosphorus, Sodium, Sulphur, Potassium, Carbon, Disulfide, Hydrochloric Acid.
- h) In the event of a dwelling or residential flat building located within floodway areas being destroyed by fire or flood, the Council will consider an application for the rebuilding, only if sufficient funds are not available to purchase the subject land by Council. In determining the value of the land, Council will seek to derive a land value which will assist the landowner in acquiring an alternated flood free building site.
- i) Should the building be damaged, even significantly, Council would permit their rebuilding and repair.

**Note:** Council advises that although the flood planning area is based upon the 1:100 year occurrence plus 0.5m freeboard, floods of frequency greater than this frequency may at times be experienced.

## 2.5.7 Floodways

### Objectives

- 1) To ensure that development is sited and designed to minimise potentially adverse impacts of flooding on the proposed development, or on other properties.
- 2) To ensure that measures are implemented to reduce the impact of flooding and flood liability on owners and occupied.

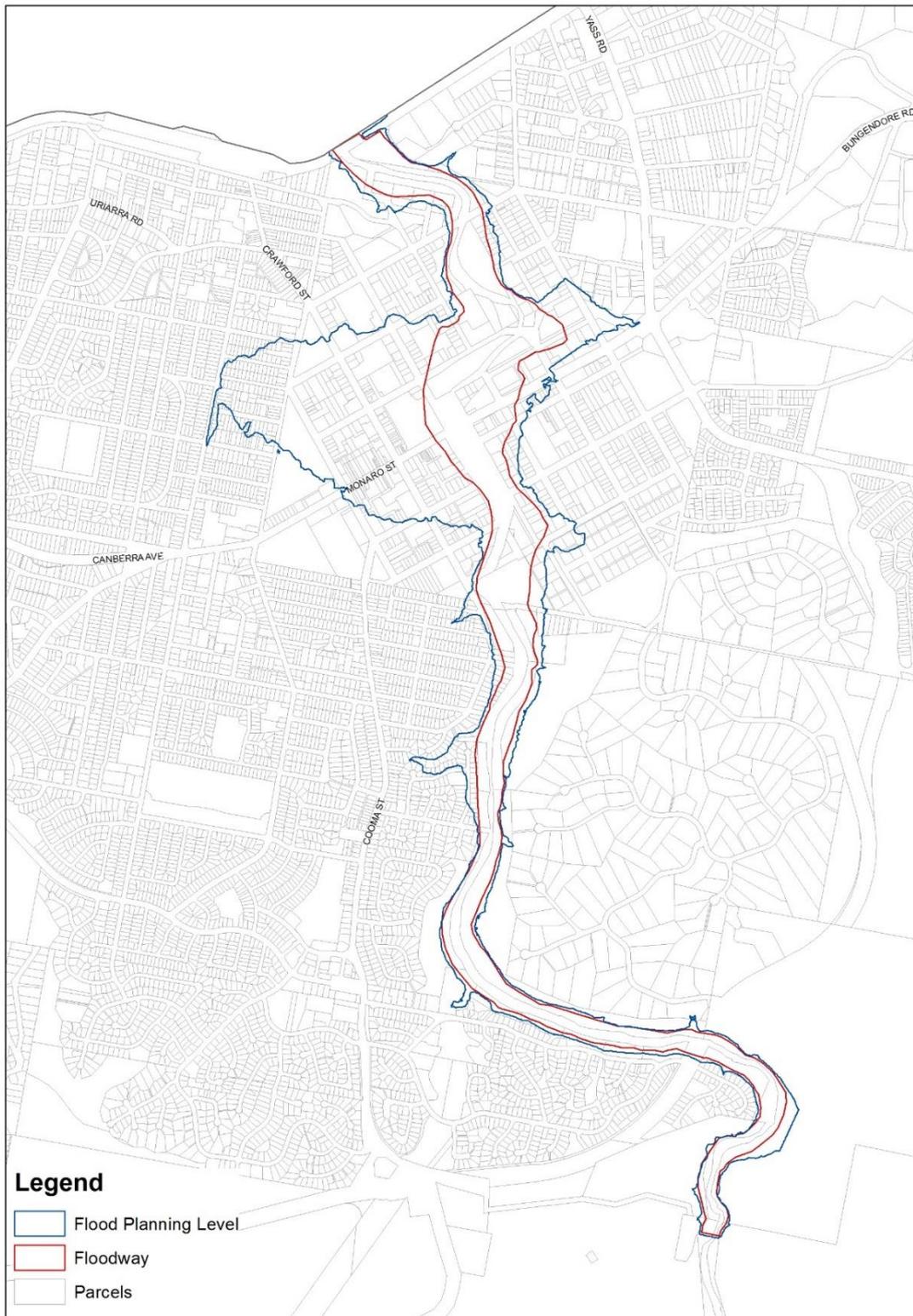
### Controls

- a) The erection of new residential buildings and overnight accommodation buildings will not be supported in the floodway.
- b) The erection of Commercial/Industrial buildings (excluding overnight accommodation buildings) are permitted subject to the following conditions:
  - i) Clearance - the underside of the floor beams are to be set at a height sufficiently distant above the flood planning level to allow for the passing of any debris expected within the Queanbeyan River. The space below the floor beams shall be clear and not enclosed by walls or curtain walls which will prevent the easy inundation and flows through that area.
  - ii) Stream Flow Forces - A certificate from a suitably qualified Engineer will be required to show that all piers and other portions of the structure which are subject to the force of flowing water or debris has been designed to resist the stresses thereby induced.
  - iii) Foundations - A certificate from a suitably qualified Engineer will be required to show that forces transmitted by supports to the ground can be adequately withstood by the foundations and ground conditions existing on the site.
  - iv) Hydraulic Effects - A certificate from a suitably qualified Engineer will be required to show that the structure as designed will have virtually no effect on the flood levels at or upstream from the site of the subject building and will have no

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increase in stream velocity downstream of any part of the structure which will cause erosion or instability to any other structure or to the ground surface. If scouring is likely to occur the method of controlling such scourings is to be documented.

**Map 1: Flood Planning Area and Floodway**



## 2.6 Landscaping

### 2.6.1 Introduction

This part of the development control plan outlines requirements and procedures for landscape planning and design for development sites. This part seeks to ensure that new development enhances Queanbeyan by reinforcing the City's heritage and character, protecting the natural environment and improving the quality of the environment for the community.

### 2.6.2 Relationship to Other Plans, Policies and the Like

This element must be read in conjunction with the part of the DCP relevant to the specific development zone.

### 2.6.3 Objectives:

- 1) Landscape plans to reflect good quality design and construction works to be of a high standard and in accordance with approved plans.
- 2) Landscape consultants and landscaping contractors, accredited by Council, to prepare plans and implement landscaping works.
- 3) Landscape design to be considered in association with proposed works, building and subdivision design as early as possible.
- 4) A living and working environment which is pleasant and safe to all people.
- 5) The guidelines to establish a framework for Council accredited landscape consultants to prepare landscape plans.
- 6) The guidelines to establish a framework for Council accredited landscape contractors to implement landscaping works;
- 7) The guidelines to set out requirements for consultants and contractors to register with Council; and
- 8) The guidelines for suspension, removal and withdrawal of consultants and contractors from registration with Council.

### 2.6.4 When is a Landscaping Plan Required?

Council requires the submission of a landscape plan for most development proposals.

For proposals with a scale or intensity greater than a single house in a residential zone, or minor industrial or minor commercial type development, a landscape consultant will be required to prepare landscaping plans to be submitted with a development application and a landscape contractor will be required to carry out the work on the approved plans.

Table 7 (over) summarises when a landscaping plan is required. It lists various development types and the types of landscaping plans that are expected to accompany a development application submission. The table also identifies the accreditation category level required by people preparing plans and people constructing the landscaping works depending on the development type. Consultants and contractors must be accredited by Council to undertake relevant work. Categories of Development

There are two categories of development which determine the type and level of professional and practical experience required before a landscape consultant can prepare plans and a landscape contractor can carry out the works:

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## **Category 1 Development**

Developments within Category 1 are small developments with potential visual significance.

## **Category 2 Development**

Developments within Category 2 are mid-range to large scale development with prominent visual significance.

**Council cannot recommend nor guarantee the quality of the work or workmanship of those listed on the Landscape Consultant/Contractor register.**

**Council recommends the developer, in selecting their landscape contractor, make enquiries as to the experience and workmanship of various consultants/contractors and view their relevant public liability and professional indemnity insurance cover.**

### **2.6.5 Who Can Prepare a Landscape Plan and Who Can Construct the Works?**

All landscape consultants/contractors need to formally apply to Council for inclusion on the Landscape Consultant/Contractor Register prior to undertaking any plan preparation or contract work.

### **2.6.6 How Can People Become Registered so they can Prepare Plans and/or Construct Works?**

- 1) Applicants should submit the required documentation as follows:
- 2) Completed application form.
- 3) Evidence of qualifications and experience
- 4) Resume and record of practical experience including addresses and/or contact details of owners or professionals willing to provide references.
- 5) Evidence of Australian residency if required.

Application forms are available by mail, over the counter or downloadable from Council's web page.

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**Table 4 – When is a landscaping plan required and who can prepare one?**

Development Type	Required plans to accompany DA	Plans prepared by land owner/ proponent/ other	Plans prepared by accredited landscape consultant		Construction implemented by accredited landscape contractor	
			Category 1	Category 2	Category 1	Category 2
Dwelling Houses (within the Scenic Protection Area identified in the <i>QRLEP 2022</i> )	Landscape Plan	✓				
Secondary Dwellings	Landscape Plan	✓				
Development comprising 2 dwellings	Site Analysis Plan		✓		✓	
	Landscape Plan		✓			
Development comprising 3 - 9 dwellings	Site Analysis Plan		✓		✓	
	Landscape Plan		✓			
Development comprising 10 or more dwellings	Site Analysis Plan			✓		✓
	Landscape Plan			✓		
Industrial type development (generally large development) (except as described below)	Site Analysis Plan		✓		✓	
	Landscape Plan		✓			
Industrial type development (generally small development)	Landscape Plan	✓				

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Development Type	Required plans to accompany DA	Plans prepared by land owner/ proponent/ other	Plans prepared by accredited landscape consultant		Construction implemented by accredited landscape contractor	
			Category 1	Category 2	Category 1	Category 2
Change of use, eg a change to a less intensive use or does not alter;  Refurbishment  Extension to existing development; and  The like						
Educational Establishments, Tourist Facilities, Child Care Centres, Hospitals & the like	Site Analysis Plan  Landscape Plan			✓  ✓		✓
Commercial premises – Change of Use	Landscape Plan	✓				
Commercial premises where additional floor areas and/or car parking is required	Site Analysis Plan  Landscape Plan		✓  ✓		✓	
Subdivision where land includes future public nd	Site Analysis Plan  Landscape Plan			✓  ✓		✓

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Development Type	Required plans to accompany DA	Plans prepared by land owner/ proponent/ other	Plans prepared by accredited landscape consultant		Construction implemented by accredited landscape contractor	
			Category 1	Category 2	Category 1	Category 2
Development within the Scenic Protection Area identified in the QLEP 2012 (except as described above)	Site Analysis Plan  Landscape Plan		✓		✓	

Notes:

For development that is not covered sufficiently in the table contact Council.

Category 1 work can be constructed by category 1 or category 2 landscape contractor.

Construction implemented by category 2 landscape contractor should be in accordance with landscape plans prepared by category 2 landscape consultant.

Category 2 work shall be certified by a category 2 landscape consultant.

## 2.6.7 What are the Eligibility Criteria for Inclusion on Council's Landscape Consultant/Contractor Register?

Eligibility criteria for landscape consultants and landscape contractors are outlined in Tables 5 and 6 respectively.

Landscape consultants need to demonstrate professional design and documentation standards commensurate to the nature, scope, scale or type of development and landscape contractors need to demonstrate their experience for accreditation by Council.

**Table 5 Eligibility Criteria for Landscape Consultants**

<b>Category 1</b>	<b>Category 2</b>
<p>To be eligible for inclusion on Council's Category 1 Landscape Consultant/Contractor Register, the landscape consultant must meet one of the following criteria:</p> <p>Academic:</p> <p>Bachelor of Landscape Architecture or a Master of Landscape Architecture</p> <p>Associate Diploma in Landscape Design</p> <p>Diploma in Horticulture</p> <p>Degree in Environmental Science</p> <p>OR Professional membership</p> <p>The qualified person should be eligible for full membership of the Australian Institute of Landscape Architects, or other landscape professional institute.</p> <p>Merit Based Eligibility</p> <p>If the applicant does not have the above qualifications or is not eligible for membership then the following standard of experience may form the basis of a merit based eligibility:</p> <p>Experience</p> <p>Academic qualifications in a related design profession and eligibility for full professional membership or the related design professional institute and demonstrated 5 years experience in undertaking site analysis and landscape plan preparation.</p>	<p>To be eligible for inclusion on Council's Category 2 Landscape Consultant/Contractor Register, the landscape consultant must meet the following academic criteria, or have professional membership and meet the minimum experience:</p> <p>Academic</p> <p>Bachelor of Landscape Architecture or a Master of Landscape Architecture</p> <p>OR Professional membership</p> <p>The qualified person should be eligible for full professional membership of the Australian Institute of Landscape Architects, or other landscape professional institute.</p> <p>AND</p> <p>Demonstrated knowledge and understanding of the <i>QPRLEP 2022</i> and related documents and three (3) years experience in project supervision.</p>

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**Table 6 - Eligibility Criteria for Landscape Consultants (Continued)**

<b>Category 1</b>	<b>Category 2</b>
<p>To be eligible for inclusion on Council's Category 1 Landscape Consultant/Contractor Register the landscape contractor must meet one of the following criteria:</p> <p>The contractor should be eligible for membership of the Landscape Contractors Association of NSW or other Australian landscape contractors' institute.</p> <p>AND</p> <p>Demonstrate a minimum of 2 years of practical experience in landscape construction work.</p> <p>OR Merit Based Eligibility</p> <p>Alternatively, the applicant may apply for merit based eligibility as outlined below:</p> <p>Experience</p> <p>Demonstrated experience in landscape construction for a minimum period of 3 years,</p> <p>Demonstrated understanding of environmental considerations applicable to the City of Queanbeyan,</p> <p>Demonstrated understanding and experience in the interpretation of landscape plans.</p>	<p>To be eligible for inclusion on Council's Category 2 Landscape Consultant/Contractor Register the landscape contractor must meet one of the following criteria:</p> <p>The contractor should be eligible for membership of the Landscape Contractors Association of NSW or other Australian landscape contractors' institute, eg Australian Institute of Landscape Designers and Managers.</p> <p>AND</p> <p>Demonstrate a minimum of 4 years of practical experience in landscape construction work.</p> <p>OR Merit Based Eligibility</p> <p>Alternatively, the applicant may apply for merit based eligibility as outlined below:</p> <p>Experience</p> <p>Demonstrated experience in landscape construction for a minimum period of 5years,</p> <p>Demonstrated understanding of environmental considerations applicable to the Local Government Area (LGA),</p> <p>Demonstrated understanding and experience in the interpretation of landscape plans.</p> <p>Demonstrated experience in:</p> <p>Contract and sub-contract administration and Project co-ordination</p>

## 2.6.8 What are the Procedures for Accrediting People for Inclusion on the Landscape Consultant/Contractor Register?

Individuals will be assessed and accredited according to their qualifications/practical experiences.

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Council delegate/s will assess applications seeking accreditation on the Landscape Consultant/Contractor Register. During the initial set up period, inspections will be undertaken to assess landscape plans submitted by each individually registered landscape consultant.

**Note:** Individuals who apply for a Category 2 accreditation but fail to meet these requirements will automatically be considered for a Category 1 accreditation subject to reassessment.

Council's Landscape Consultant/Contractor Register will be maintained by Council with an up to date list of registered landscape consultants and contractors. This list will be available for public use via request and on Council's web page.

Any disputes regarding the Council accreditation process will be determined by Council.

## **2.6.9 What are the Responsibilities and Requirements of Landscape Consultants and Landscape Contractors?**

The landscape contractor is to notify the landscape consultant that works have been completed, who in turn, will certify that landscape works have been completed in accordance with the approved landscape plan. The landscape contractor and consultant must then complete and sign a "Statement of Completed Landscape Works" form and submit it to Council prior to the issue of a Final Occupation Certificate. This form can be downloaded from Council's website.

If work is not completed by the landscape contractor in accordance with the landscape plan the landscape consultant is to enforce rectification of the landscaping works until satisfactory completion. If there is still a problem with the landscape contractor once all procedures are followed, the landscape consultant is to notify Council of this and the landscape contractor will be considered for a period of suspension from the Landscape Consultant/Contractor Register prior to complete removal if repeat occurrences of unsatisfactory works are carried out.

The "Statement of Completed Works" form should not be completed by the landscape consultant until landscape works are completed in accordance with the approved landscape plan, otherwise the landscape consultant may be considered for a period of suspension from the Landscape Consultant/Contractor Register prior to complete removal.

### **Note:**

- 1) The "Statement of Completed Landscape Works" form must not be altered in any way.
- 2) An accredited landscape consultant must be engaged for the duration of the project and until Council receives notice of the "Statement of Completed Landscape Works".

If the employed landscape consultant ceases to exist at the time of the completion of landscape works or their engagement is terminated, then another Council accredited landscape consultant must be engaged to certify the completion of landscape works in accordance with the approved landscape plan and Council notified immediately.

An accredited consultant may hand over work to another accredited consultant only with Council consent.

## 2.6.10 Suspension and Removal from the Register

Inspections to assess landscape “works as executed” will be undertaken periodically by Council. It is recommended that on completion of the landscape works photographic evidence is taken to substantiate that work has been completed in accordance with the approved plans.

If it is found that work is not being undertaken according to the approved landscape plan the individual will be notified in writing and may be subject to a period of suspension followed by removal from the Landscape Consultant/Contractor Register.

The period of suspension will be imposed in the following stages:

1st instance of non-compliance with this Policy: Notice of Warning.

2nd instance of non-compliance with this Policy: Written notification of 6 months suspension from Council’s Landscape Consultant/Contractor Register and possible penalty infringement notice issued to the developer under the provisions of the *Environmental Planning and Assessment Act 1979* (as amended).

3rd instance of non-compliance with this Policy: Written notification of permanent removal from Council’s Landscape Consultant/Contractor Register.

Council will not accept any new landscape plans associated with a new Development Application from a suspended landscape consultant during this period. However the landscape consultant will be able to complete outstanding jobs where landscape plans have already been approved by Council.

On completion of the period of suspension the landscape consultant/contractor shall automatically be accepted as registered again and a letter to notify the completion of the period of suspension will be sent.

## 2.6.11 General Advice

Depending on the complexity of the proposed development, landscape consultants may in some cases be requested as a condition of development consent to supervise the construction of the landscape works (by a Council accredited landscape contractor). It is advisable to refer to the Notice of Determination and Schedule of Conditions of Consent.

A Final Occupation Certificate shall not be issued by the Principle Certifying Authority until such time as the “Statement of Completed Landscape Works” is signed by the landscape consultant and contractor and accepted by Council.

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## 2.6.12 Requesting Bonds for Public Land

A bond may be requested as a condition of development consent to protect and if necessary rehabilitate public land.

Where a bond has been submitted for the protection of public land; a Council Officer from shall undertake an inspection prior to landscape work beginning to assess the current condition. It is recommended that photographic evidence be taken to show the current condition of public land which will allow an accurate comparison for rehabilitation to be made on completion of landscape works.

On completion of landscape works an inspection must be undertaken by a Council Officer to reassess the condition of public land and if not satisfied the area has been protected in its either former condition or necessary rehabilitation undertaken, bond monies may be used to rehabilitate the land to its former state.

Criteria for Requesting a Bond Concerning Public Land:

- 1) Where access/egress is required for vehicles/machinery through public land which may affect the current soft landscaping e.g., traffic wear in grass, soil erosion, etc.
- 2) Where landscaping works impact on the surrounding trees within public land eg, root disturbance, changes of soil level, structural damage, threat of tree removal/pruning.
- 3) Where landscaping works will impact on the immediate habitat within public land eg, endangered/protected species.

## Landscaping Controls

### 2.6.13 Landscape requirements for courtyards in multi dwelling housing

#### Objectives

- 1) To ensure courtyards in multi dwelling housing are landscaped to achieve good amenity, enhance the open space areas and achieve stormwater infiltration.

#### Controls

- a) No more than 50% of the Private Open Space area is to comprise paving with the remaining area being landscaped with suitable plant material in garden beds. Under no circumstances will fully concreted or mulched areas of POS areas be accepted.
- b) The pavement materials used in the courtyards must generally be constructed of porous pavement materials. If concrete slabs are to be used, they should drain directly to a garden bed or stormwater pit.
- c) Where courtyard walls are permitted in front of the existing multi-unit developments or where an existing dwelling is retained in front of proposed multi-unit developments a 2 metre landscape setback resulting in a minimum 4 metre width courtyard behind the wall.

### 2.6.14 What Should Be Submitted with a Development Application?

- 1) Written declaration

The landscape plan for Category 1 works shall be accompanied by a written declaration stating that the landscape design was prepared by the accredited landscape consultant.

The landscape plan for Category 2 works shall be accompanied by:

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- a) Statement of design intent which reflects how the proposed landscape proposal meets the relevant objectives of *QPRLEP 2022*, Development Control Plans and related documents.
- b) Written declaration stating that the accredited landscape consultant prepared the plan.

## 2) Landscape Proposal

Council requires submission of a Site Analysis Plan and/or Detailed Landscape Plan, as listed in Table 1 to demonstrate the full and advanced understanding of:

- a) the existing site and its landscape features;
- b) the existing surrounding land use and neighbourhood character;
- c) the influence the existing and any proposed development may have on the amenity of the area; and
- d) future proposed surface treatment of the open space created by the development proposal.

When submitting applications for development approval the following information is required according to the type of development and the level of impact on the site and its surrounding environment:

### Detailed Landscape Plan

The landscape plan shall be concise, detailed, and suitable for tendering, contract and subsequent construction. Detailed landscape plans must be approved as part of the development consent. Substantial changes will require either a new Development Application or other approval for variation.

Information required for a detailed landscape plan: (Address where necessary and appropriate):

## 3) Elements of the natural environment

- a) Natural elements to be retained and/or removed including plants, habitats, rock platforms, other natural features
- b) Existing and proposed underground and overhead services and potential effect on canopy or root system
- c) Vegetation Management Plan that details methods proposed to protect vegetation during and after completion of the construction works
- d) Where these natural elements are to be relocated or removed the plan will justify this action

## 4) Management of Water on the Site (Preparation of a Soil, Water and Vegetation Management Plan)

- a) Protection from detrimental upstream effects
- b) Surface and subsurface site drainage details and location of pits, lines and water detention systems
- c) Impact of development on the volume of stormwater runoff leaving the site and the expected volume
- d) Measures to ensure that water leaving the site meets the water quality standards particularly during demolition and construction.
- e) Measures proposed to minimise water consumption, irrigation layout and/or tap location

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- 5) Ground treatments
  - a) Proposed design levels showing that changes of level will not have an adverse effect on the plants and natural features
  - b) Preparation, types and depths of existing and proposed soils
- 6) Soil and Erosion and sedimentation control plan showing measures to protect the site and adjoining land from erosion and to control sedimentation during and after construction period
- 7) Site layout
  - a) Details for special treatments (weed eradication, creek banks, roof gardens)
  - b) Location of utility areas and screening details (eg garbage and recyclable areas, play areas, common open space, staff recreation areas),
  - c) Location and details of lighting and other outdoor fixtures
- 8) Built structures
  - a) Existing and proposed buildings and other structures(including finished levels)
  - b) Roadways, driveways, carparks and other hard surface areas
  - c) Existing and proposed walls, fences and retaining walls (including materials, height and levels)
  - d) Overshadowing caused by proposed built structures
- 9) Plant selection
  - a) Plant layout plan showing location of species, size, maturity including street trees, trees on site, shrubs, groundcovers, grasses,
  - b) Planting schedule with botanical and common names, whether deciduous or evergreen and local, native, exotic species, container size, quantities, and staking and tying requirements for all species nominated
- 10) Construction detail
  - a) Standard construction and detail drawings (eg. sections through mass planting beds, tree planting and mulching details, paths, steps, retaining walls)
  - b) Detailing and location of all edge treatments (eg. concrete, brick, timber)
- 11) Construction site management
  - a) Noise and dust management
  - b) Storage of construction and landscaping material
  - c) Storage, handling and use of Dangerous and Hazardous goods and the disposal of containers
  - d) Emergency procedures (eg. materials, spill and pollution control, site flooding and mop-up)
- 12) Waste management plan that details daily waste and litter management and details of the reuse, recycling or disposal or excavated material, demolition and waste from builders and other contractors.
- 13) On-going maintenance
  - a) Replacement strategy for failures in plant material and built works
- 14) Maintenance schedule for watering, weeding and fertilising if required, of plants, for successful establishment for 12 months.

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- a) Methods to deal with green waste (eg mulching to reduce weed and herbicide use)

## 2.6.15 Plans

In some instances 'typical' details and/or 'typical' sections to illustrate design detailing are useful to include (eg. planting detail, cut and fill, fencing and retaining walls on boundaries).

A landscape plan for Category 2 work shall be accompanied by a statement of design intent which reflects how the proposed landscaping meets the relevant objectives and provisions of the applicable *QPRLEP 2022*, DCP's and the Site Analysis Plan, where appropriate.

## 2.7 Erosion and Sediment Control

### 2.7.1 Introduction

Sedimentation from development sites is a major pollutant for watercourses and drainage systems, causing significant environmental damage as it results in phosphorous, micro-organisms, and chemicals polluting waterways. It is therefore imperative to ensure that when a site is developed appropriate measures are implemented to prevent loss of sediment and to rehabilitate the site through interim and long term measures. To this end one of two kinds of plans is to be submitted with all development applications which require disturbance to soil:

- An Erosion and Sediment Control Plan; or
- A Soil and Water Management Plan.

Table 1 sets out the broad categories of type of development and the type of plan required. The requirements should be confirmed with Council at a pre lodgement meeting.

**Table 6 - Erosion and sediment control plan by activity type**

Area of disturbance	Nominal type of activity	Type of plan
<250m <sup>2</sup>	House extensions, small driveways and garages	Consult with Council as to whether a plan is required or not
250m <sup>2</sup> – 2,500m <sup>2</sup>	Most houses, long driveways, commercial developments, small subdivisions (less than 10 lots), small medium density housing, small civil works	Erosion and Sediment Control Plan
>2,500m <sup>2</sup>	Large subdivisions (more than 10 lots) large medium density housing and large civil works	Soil and Water Management Plan including calculations relating to the need for a sediment basin

### 2.7.2 Erosions and Sediment Control Plans

The Erosion and Sediment Control Plan shall include but not be limited to:

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- a recognised scale, appropriate to the site
- a locality plan showing site boundaries and roads
- existing vegetation including what is to be retained
- existing and proposed site drainage, including any dams or artificial wetlands to be used
- contours and slope gradient – with particular attention being given to slopes of greater than 10%
- nature and extent of proposed earthworks, including cut and fill
- location of roads, driveways, access-ways and all impervious surfaces
- location of stockpiles
- erosion control measures
- sediment control measures
- details of site vegetation
- outline of the maintenance program for erosion and sediment control measures
- name of person responsible for implementing the plan
- supporting information may be required to be submitted with the Plan detailing:
  - any areas that may have the potential for serious erosion or sedimentation and the proposed management details
  - a brief description of the overall site rehabilitation program
- a plan showing how much Virgin Excavated Natural Material (VENM) the site will generate and the disposal method for waste VENM.

## 2.7.3 Soil and Water Management Plans

A Soil and Water Management Plan is to include all the matters required for an Erosion and Sediment Control Plan as well as the following information (as relevant):

- An assessment of the site constraints as per chapter 3 of the NSW Landcom publication titles *Managing Urban Stormwater: Soils and Construction Vol. 1 4th ed. March 2004* (Blue Book)
- location of lots, public open space, stormwater drainage systems, schools, shopping/community centres
- the location of land designated or zoned for special uses
- existing site contours
- the location and general diagrammatic representations of all sediment control measures
- location and engineering details with supporting design calculations for all necessary sediment basins
- location and basic details of any other facilities proposed to be included as part of the development or works, such as constructed wetlands, gross pollutant traps, trash racks or trash collection/separator units or water sensitive stormwater treatment measures (such as bio retention systems, vegetated swales and infiltration measures)
- a plan showing how much Virgin Excavated Natural Material (VENM) the site will generate and the disposal method for waste VENM.

A self-auditing program should be established for the site in accordance with chapter 8 of the Blue Book.

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The above plans should be prepared in accordance with the NSW Landcom publication titles *Managing Urban Stormwater: Soils and Construction Vol. 1 4th ed. March 2004* (Blue Book) and in particular chapter 7 of the Blue Book.

**Note: Where there is an inconsistency between this DCP and the Blue Book, the Blue Book shall prevail.**

## **2.7.3.1 Consultation with Council and Other Government Authorities.**

Consultation throughout the entire process is also necessary with the Council and other Government Authorities such as the NSW Office of Environment and Heritage (Soil Conservation Service) and the NSW Environment Protection Authority. The ACT authorities must also be consulted when stormwater discharges into environmentally sensitive areas of the ACT.

### **2.7.3.1.1 Specific Requirements for the Subdivision of Land Objectives**

To minimise the impact of site clearance.

#### **Controls**

- 1) Where subdivision involves site clearing the following principles apply:-
  - i) clearing and reshaping of land is to be integrated with layout design and the retention of vegetation. Consequently clearing is to be limited to the minimum.
  - ii) all cleared lands including those cleared prior to any subdivision works should be stabilised if they are to remain exposed for more than 14 days. Stabilisation includes the use temporary vegetation and mulch;
  - iii) each stage is to be progressively revegetated as it is completed;
  - iv) in most circumstances stick rakes are to be used for clearing in lieu of a dozer blade for minimal disturbance of topsoil; and
  - v) in critical areas and in vicinities close to drainage reserves, waterways and buffer areas, there should be the retention and stockpiling of small branches, leaf matter and other particulate residues collected from the disturbed areas which can be spread over disturbed soils as part of rehabilitation works.
- 2) Topsoils should be stripped from the areas that need to be disturbed and stockpiled for re-vegetation purposes after construction.
- 3) Other details to be included in the SWVM Plan shall detail:
  - i) Any temporary diversion works;
  - ii) Any temporary erosion and sediment control structures;
  - iii) Any permanent sediment and pollution control structures;
  - iv) Any other stormwater drainage facilities.

### **2.7.3.2 General Requirements**

#### **Objectives**

- 1) To provide for rehabilitation and revegetation works.

#### **Controls**

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- a) vegetation is not to be removed from the site until a start is imminent and then only for the areas approved by Council for the building, driveway and other hardstand areas;
- b) during excavation, vegetation above and below the cut and fill areas are to be retained as far as practicable;
- c) haybales (or other approved soil erosion control materials) are to be placed above and below the excavated site and along the sites boundaries;
- d) drainage channels are to be provided above and below the cut and fill area to minimise water entering the excavation;
- e) all excavated material is to be stockpiled and soil stockpiles must be stored within the approved areas of the site which are also protected by haybales or similar);
- f) all excess material is to be removed immediately after excavation;
- g) all materials delivered to the site are to be located within its surveyed boundaries and within areas protected by haybales or similar. Under no circumstances are materials to be stored on the footpath, roadway or on adjoining land;
- h) permanent measures for stormwater disposal are to be constructed and be operational as soon as the roof is finished;
- i) All SWVM measures are to be checked after rain and be maintained in working order;
- j) only one entry and exit is to be provided to each site with the maximum widths being
  - i) residential allotments - 4m; and
  - ii) commercial/industrial - by arrangement with Council's City Infrastructure Division, but generally not to exceed 6m.
- k) each entry/exit is to be constructed of a minimum depth of 100mm thick blue metal dust or other approved material;
- l) all sewer, water and drainage line trenches are to be backfilled within 24 hours of inspection and approval by Council;
- m) upon completion topsoil is to be respread, bare areas are to be revegetated and all waste building materials is to be properly disposed of;
- n) other general requirements include:
  - i) all work required to meet this Development Control Plan is to be at the owner/applicants full cost;
  - ii) any damage caused by the owner/applicant or his agent to any drainage structure, kerb and gutter, road pavement, concrete footway, water meter, or grassed footway is to be repaired at the owner/applicants full cost; and
  - iii) no material shall be placed in gutters to provide temporary accesses onto allotments.

## 2.8 Guidelines for Bushfire Prone Areas

### 2.8.1 Introduction

This part of the development control plan outlines the requirements for subdivisions and buildings in Bushfire Prone Areas and applies to all development in the Bushfire Prone Area. This part should be read in conjunction with the NSW Rural Fire Service's *Planning for Bushfire Protection 2019*.

## 2.8.2 Relationship to Other Plans, Policies and the Like

The NSW state policy for bushfire is *Planning for Bushfire Protection 2019*, which this element must be read in conjunction with.

The applicable clause of the *QPRLEP 2022* is clause 5.11- Bush fire hazard reduction

Council's Bushfire prone land map as referred to in this element is available from Council.

## 2.8.3 Objectives

- 1) To ensure that all new allotments and buildings have measures sufficient to minimise the impact of bushfires.
- 2) To minimise the impact of fire protection measures on vegetation, fauna, views, watercourses and soil erosion, amenity and access.
- 3) To identify the potential bushfire threats to individual sites.
- 4) To reduce the risk to property and the community from bushfire.
- 5) To ensure that bushfires protection is afforded to all new building allotments and the likely future improvements.

## 2.8.4 Potential Bushfire Threat

Council's Bushfire Hazard Map identifies sites within the Queanbeyan Palerang LGA that are exposed to bushfire threat. The level of threat associated with individual sites varies throughout the Queanbeyan Palerang LGA depending on site specific factors such as; slope, types of vegetation and distances to vegetation on and around surrounding sites. The level of bushfire threat for an individual site will be assessed and determined during the development assessment process. The assessment will identify the standards relating to design and construction of buildings, as well as landscaping and management of vegetation on individual sites.

## 2.8.5 Planning for Bushfire Protection

All development on Bush Fire Prone Land must satisfy the aim and objectives of *Planning for Bushfire Protection 2006*. Applicants must demonstrate to the Rural Fire Service and Council that the proposal satisfies the broad aim and objectives of Planning for Bush Fire Prone Land, specific objectives for the development type and the performance criteria for the various proposed bushfire protection measures. Applicants are advised to consult the following publication: "*NSW Rural Fire Service, Planning for Bush Fire Protection, A Guide for Councils, Planners, Fire Authorities and Developers 2019* (The document can be obtained on the Rural Fire Service's webpage: [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) )

## 2.8.6 Restrictions on Titles

To ensure effectiveness of the fire protection measures, restrictions may be placed upon the titles of the affected lots. These restrictions may relate to: habitable and storage structures being excluded from within the Asset Protection Zone, the level at which the fuel loading is to be maintained within the Fire Protection, the responsibility for and nature of maintenance of fire trails, hazard reduction and Asset Protection Zone.

## 2.9 Safe Design

### 2.9.1 Introduction

This part of the development control plan sets out guidelines for the creation of safer urban environment and it applies to all development (including applications for subdivision) including land in both public and private ownership.

### 2.9.2 Objectives

- 1) To afford maximum casual surveillance of developments from the street and other public areas, and, of the street or public areas from those developments.
- 2) To control access to developments through appropriate physical barriers - thereby increasing the effort required to commit a crime.
- 3) To ensure that there is a sense of ownership for both public and private development by the legitimate users of this space.
- 4) To ensure that areas have the appearance of being well cared for and 'defended' as a cared for environment can reduce the committal of crime and the fear of crime.

### 2.9.3 Controls

- a) Buildings are to be designed to overlook streets and other public areas to provide casual surveillance. Buildings adjacent to a public area must have at least one habitable room window with an outlook to that area.
- b) Pedestrians and cycle thoroughfares are reinforced as safe routes through:
  - i) appropriate lighting
  - ii) casual surveillance from the street
  - iii) minimised opportunities for concealment
  - iv) landscaping which allows clear sight-lines between buildings and the street
  - v) avoidance of blind corners
- c) Site planning, buildings, fences, landscaping and other features clearly define public, common, semi-private and private space.

**Note:**

Applicants must demonstrate compliance with the principles of *Crime Prevention through Environmental Design (CPTED)* when submitting development applications. These principles can be viewed at:

[http://www.police.nsw.gov.au/safety\\_and\\_prevention/policing\\_in\\_the\\_community/safer\\_by\\_design](http://www.police.nsw.gov.au/safety_and_prevention/policing_in_the_community/safer_by_design).

Discretion rests with the Council, however, as to which development applications will be referred to the NSW Police Service for comment; or jointly reviewed by Police and Council staff who have completed accredited CPTED training for crime risk depending on the size and nature of proposals and their likely impact on community safety.

The schedule of development proposals for referral is indicative only and is subject to variance, to reflect changes in crime patterns, localised crime and safety issues and the size / significance of proposals. This schedule includes NEW or SIGNIFICANTLY UPGRADED:

- 1) Multi-unit development and townhouse developments (6 units or more);

- 2) Mixed use developments (with 6 units or more);
- 3) Commercial / retail developments (major new works generally not including internal fit-outs);
- 4) Industrial complexes where these developments abut laneways, railways and any open access way;
- 5) Residential subdivisions of 10 lots or over or any residential subdivision where pedestrian walkways and laneways are proposed;
- 6) Educational Facilities (including schools, pre-schools, kindergartens etc);
- 7) Transport interchanges and railway stations;
- 8) Major sporting facilities;
- 9) Community facilities (including community centres, childcare and aged person's centres, major health, major medical facilities, public toilets etc);
- 10) Neighbourhood parks and public open space within estate subdivision;
- 11) Clubs/hotels/bottleshops (including extended hours, gaming rooms and other additions);
- 12) Service stations / convenience stores;
- 13) Hospitals and nursing homes; and
- 14) 'Unusual' developments (ie. arcades, brothels, amusement centres, major upgrade of Department of Housing properties and estates).

## 2.10 Subdivision

### 2.10.1 Introduction

This part of the DCP outlines the requirements relating to the preparation of subdivisions and applies to all development within the Queanbeyan Palerang LGA. These controls should be read in conjunction with the QPRCP Engineering Design and Construction Specifications.

### 2.10.2 Relationship to Other Plans, Policies and the Like

This element must be read in conjunction with the other sections of this plan, as a SWVM Plan could be required for any development, as specified throughout this element.

The applicable clauses from the *QPRLEP 2022* are:

- 2.6 Subdivision —consent requirements
- 4.1 Minimum subdivision lot size
  - 4.1AA Minimum subdivision lot size for community title scheme
  - 4.1A Minimum subdivision lot size for certain strata subdivisions
  - 4.1B Minimum lot size for multi dwelling housing and residential flat buildings
  - 4.1C Minimum lot size for dual occupancies and secondary dwellings
  - 4.1D Subdivision of certain land in Zones RU1 and C3
  - 4.1E Subdivision of certain lands in Zones C3 and C4
- 4.2 Rural subdivision
  - 4.2A Erection of dwelling houses on land in certain rural, residential, mixed use and conservation zones

### 2.10.3 Objectives

The objectives that are to be complied with for subdivision are:

- 1) Provide for a range of allotment sizes to suit a variety of residential development.

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- 2) Ensure that the size of an allotment is sufficient to provide a useable area for building, landscaping and access;
- 3) Minimise any likely impact of subdivision and development on the amenity of neighbouring properties;
- 4) Minimise any likely impact of subdivision and development on significant topographical and natural features of an allotment; and
- 5) Control the scale of development so that it is compatible with the housing characteristics of the locality.
- 6) Protect natural and cultural resources (e.g. native flora and fauna and places/items of Aboriginal and European heritage value) from land use or management practices which will lead to degradation or destruction.
- 7) Encourage the provision of useable open space which has the capacity for multi-use and is able to cater for a variety of recreational needs.

## **2.10.4 General Subdivision Submission Requirements for rural and environmental zones**

The following matters are to be addressed when seeking development consent to subdivide land in a rural or environmental zone:

- a) the proposal shall be shown on a contour map of scale 1:10,000 with contour intervals not greater than five (5) metres;
- b) existing cadastral boundaries must be shown on a map and all adjoining Crown land (including Crown roads) must be identified;
- c) the proposed lot boundaries, building envelopes and road centre lines shall be established on site and marked accurately. Proposed allotments shall be marked at each corner by one metre high stakes and the centres of building envelopes shall be identified by a one metre high stake with suitable highly visible tape. Road centre lines shall be marked with stakes at 100 metre intervals. This shall be done before the application is submitted;
- d) An application for subdivision must be accompanied by an environmental review, which is a full description of the proposal supported by maps, plans and diagrams, as well as separate specialist reports. Refer to Part 6 of this DCP for details on these requirements.

The environmental review must give a clear understanding of the development and its likely environmental impact, describe the proposal, the location, the local topography, adjacent development, adjacent land uses, lot size and layout pattern, land ownership and available services such as roads, electricity, transport, education facilities and emergency services. Layout of subdivisions should be based on an appreciation of the capability of the land to support the development.

An environmental review shall include a map of the constraints to development, clearly indicating:

- a) steeply sloping land, i.e. >20 per cent, above which house construction is not appropriate;
- b) floodplains and poorly drained land which are also unsuitable for building;
- c) prominent ridgelines visible from surrounding areas;

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- d) vegetation cover, including environmentally sensitive areas supporting significant biodiversity, native vegetation, wildlife corridors, habitat for threatened species and endangered ecological communities;
- e) areas that would impinge on the privacy and agricultural operations of neighbouring properties;
- f) sites suitable for dams or artificial wetland areas that would catch sediments and nutrients emanating from the subdivision, particularly during the construction/development stage;
- g) any existing dwelling houses and ancillary buildings on the land and the setback distances from the proposed new lot lines.
- h) agricultural capability with particular attention being given to soils, agricultural land classification (refer to Department of Agriculture maps held by Council), slopes, current land use, extent of land degradation, areas suitable for improved pasture and topography; and
- i) property boundaries, size and shape.
- j) The location of any of the vegetation communities listed under the *Threatened Species Conservation Act 1995* must be shown on the map.

If the subdivision is approved, a condition of consent will require the delineation of building restriction precincts (building envelopes) on the final surveyed plan of subdivision. An instrument under section 88B of the *Conveyancing Act 1919* attaching to the title of the lots created and restricting building to within the precincts will be required, with Council being nominated as the authority with sole power to vary the restriction.

## 2.10.5 Controls

The objectives and controls for each matter is listed below. The controls are general statements of the means of achieving the objectives. They are not limiting in nature, and provide designers/applicants with opportunities to develop a number of different design solutions that achieve the objectives of the relevant matter.

## 2.10.6 General Design

### Objectives

- 1) Subdivision design and density reflects the land capability, natural constraints and hazard of the land and is consistent with and enhances the character of the surrounding residential development.

### Controls

- a) Consent must not be granted to a subdivision of land unless Council is satisfied that the density of the allotments to be created reflects the land capability, natural constraints and hazard of the land and is consistent with and enhances the character of the surrounding residential development.
- b) Land should not be divided:
  - i) in a manner which would prevent the satisfactory future division of land, or any part thereof;
  - ii) if the proposed use is likely to lead to undue erosion of the land and land in the vicinity thereof;

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- iii) unless wastes produced by the proposed use of the land can be managed so as to prevent pollution of a public water supply or any surface or underground water resources;
- iv) unless the development achieves the most efficient use of existing utility services (such as water supply and sewerage services), roads and streets. Where connection to sewer is not possible, the allotment shall be suitable for on-site effluent disposal without adverse effect on ground or surface water quality.
- v) if the size, shape and location of, and the slope and nature of the land contained in each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used;
- vi) where the land is likely to be inundated by floodwaters;
- vii) where the proposed use of the land is the same as the proposed use of other existing allotments in the vicinity, and a substantial number of allotments have not been used for that purpose; and
- viii) if the division and subsequent use is likely to lead to the clearance of one or more significant trees.
- ix) where any lot being created in a subdivision is of mixed title, the land held under Old System Title within that lot shall be brought under the *Real Property Act*.

## 2.10.7 Lot Size and Design

### Objectives

- 1) To provide subdivisions which are generally compatible with the urban suitability and capability of the land on which it is to be carried out on.
- 2) To provide layouts which encourage development compatible with the maintenance and enhancement of the existing urban and scenic character of the Queanbeyan-Palerang LGA.
- 3) To design subdivision layouts which maximise the potential use of public transport and non residential uses.

### Controls

- a) The density of allotments should maintain and promote the residential character of the area for infill subdivisions.
- b) Lot sizes should be compatible with the character of the surrounding area and are to comply with Clauses 2.6, 4.1, 4.1AA, 4.1A, 4.1B, 4.1C, 4.1D, 4.1E, 4.2 and 4.2A in the *QPRLEP 2022* and the minimum area requirement as specified on the Lot Size Map.
- c) Lot sizes and lot layouts in urban release areas should take account of the environmental constraints of the area and be designed to conserve agricultural productive land (where applicable) and the retention of any significant natural features of the site.
- d) Lot sizes and lot layouts in urban release areas which increase potential resident density shall be sited in close proximity to public transport nodes and to commercial/community facilities.
- e) Lot size and lot layouts should reflect the servicing capacity of the area.

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## 2.10.8 Flora and Fauna

### Objectives

- 1) To encourage subdivision which recognises the value of threatened species, populations and ecological communities and their habitats and which has a minimal impact on them.
- 2) To encourage subdivision design which recognises the value of native vegetation and which provides measures to conserve and enhance it where practicable.
- 3) To encourage subdivision which comply with all applicable legislative requirements.

### Controls

- a) Submission to Council of a biodiversity development assessment report which complies with the *NSW Biodiversity Conservation Act 2016*.
- b) Application of any measures or amelioration measures identified in the *NSW Biodiversity Conservation Act 2016*.
- c) Implementation of design and construction measures to achieve the relevant provisions of the applicable LEP.
- d) Native vegetation which adds to the visual amenity of the locality and /or which is environmentally significant should be preserved in the design of the subdivision proposal.

## 2.10.9 Natural Hazards

### Objectives

- 1) To design and construct subdivisions which minimises the exposure of future residential development, residents and users to natural hazards such as slip, bushfire and flood.
- 2) To design and construct subdivisions which comply with all applicable legislative requirements.

### Controls

- a) Application of measures which minimises risks to future development and users from slip, bushfire, flood and other natural hazards.
- b) Implementation of design and construction measures designed to achieve and comply with the relevant provisions of the *QPRLEP 2022*.

## 2.10.10 Contamination

### Objectives

- 1) To require subdivisions which minimise the risk of contamination to future residents.

### Controls

- a) Where required Implementation of measures designed to remediate land to a standard suitable for occupation.
- b) Implementation of measures designed to achieve and comply with the relevant provisions of the applicable local environmental plan.

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## **2.10.11 Stormwater Management and Drainage**

### **Objectives**

- 1) To ensure that stormwater and drainage systems for subdivisions or new allotments have sufficient capacity to cater for peak demand.
- 2) To ensure that subdivisions in new release areas have stormwater and drainage systems that maintain or improve pre-development flows in terms of quality and volume.

### **Controls**

- a) Stormwater and drainage systems shall be designed and engineered to meet the Objectives.

## **2.10.12 Aboriginal & European Heritage**

### **Objectives**

- 1) To ensure that subdivisions respect and do not compromise heritage items, archaeological site, potential archaeological deposits or sites within identified heritage conservation areas.

### **Controls**

- a) Subdivision layouts which respect the heritage significance or heritage items or sites within heritage conservation areas.
- b) Subdivisions which are designed to preserve archaeological sites or potential archaeological deposits by siting them in future public areas away from works likely to adversely affect them.
- c) Measures undertaken as part of the subdivision to ensure compliance with any applicable statutory requirements.

## **2.10.13 Roads, Traffic (vehicles, cyclists & pedestrians) and access**

### **Objectives**

- 1) To minimise the establishment of traffic generating development along main and arterial roads.
- 2) To provide safe and convenient access to all residential subdivisions and all allotments within a residential subdivision.
- 3) To provide safe facilities for pedestrians.
- 4) To provide safe facilities for cyclists.
- 5) To provide facilities for users of public transport.

### **Controls**

- a) Subdivisions designed so that allotments along a main and arterial road have access from a local or secondary road.
- b) Subdivisions designed to maximise the safety of pedestrians using the road reserve.

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- c) Subdivisions which are designed to comply with any applicable legislative requirements.
- d) Provision of footpaths in accordance with the applicable Development Contribution Plan.
- e) Provision of an off road cycleway where required in accordance with the applicable Development Contribution Plan
- f) Compliance with the QPRC Engineering Design and Construction Specifications applicable to roads, crossings, footpaths, cycleways, bus shelters and the like.
- g) Provision shall be made for coinciding physical and legal access to all proposed lots.

## **2.10.14 Solar Access and Lot Orientation**

### **Objectives**

- 1) To provide good solar opportunities internally and externally for future development and residents.

### **Controls**

- a) Subdivision blocks and allotments which are orientated and have lengths and widths which provide opportunities for maximum solar efficiency when developed.

## **2.10.15 Service Provision**

### **Objectives**

- 1) To ensure adequate services are available to cater for future development and peak demand.
- 2) To encourage subdivisions which are serviced by infrastructure designed to achieve sustainable outcomes.
- 3) To facilitate investment in a range of commercial and industrial activities with efficient land utilization and provision of infrastructure, including digital infrastructure. Such infrastructure should be planned for and integrated into the design of subdivisions (and subsequent buildings) rather than trying to retrofit subdivisions and buildings to accommodate such demands in the future.

### **Controls**

- a) Provision of all essential services including facilities for stormwater and sewerage disposal.
- b) Use of shared trenches.
- c) Use of infrastructure which reduces greenhouse gas emissions.
- d) Use of infrastructure which reduces water consumption.
- e) Subdivisions (and subsequent buildings) should allow for the incorporation of infrastructure for the use of digital and smart technology as an integral part of the overall design process.

## **2.11 Airspace Operations and Airport Noise**

### **2.11.1 Introduction**

This part of the development control plan outlines requirements to ensure the protection of surrounding airports and airspace. The controls apply to all development in areas subject to

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this DCP and shown on the Obstacle Limitation Surface Map for the Canberra Airport (as endorsed by the Department of the Commonwealth responsible for airports), and to developments subject to aircraft noise, as shown on the ANEF map in Queanbeyan Palerang Regional Council's Aircraft Noise Assessment Information Sheet.

## 2.11.2 Relationship to Other Plans, Council Policies and the Like

The relevant clauses in the *QPRLEP 2022* are 7.8 Airspace Operations and 7.10 Aircraft noise - Development in the South Jerrabomberra Urban Release Area. The following documents may also need to be referred to:

- 1) *AS 2021-2015 Acoustics-Aircraft noise intrusion- Building site and construction*
- 2) The approved Canberra Airport 2020 Master Plan.

The following maps are also relevant:

- 1) Australian Noise Exposure Forecast Contour (ANEF) Map for Canberra Airport as endorsed by the Department of the Commonwealth responsible for airports.
- 2) This ANEF map is reproduced in Queanbeyan Palerang Regional Council's Aircraft Noise Assessment Information Sheet.
- 3) Obstacle Limitation Surface Map for Canberra Airport (OLS Map) as endorsed by the Department of the Commonwealth responsible for airports and Noise sensitive developments in the Queanbeyan Palerang Local Government Area subject to aircraft noise.
- 4) Procedures for Air Navigations Systems Operations Surface Map for the Canberra Airport (PANSOps Map) as endorsed by the Department of the Commonwealth responsible for airports.

## 2.11.3 Airspace Operations

### Objectives

- 1) To provide for the effective and ongoing operation of the Canberra Airport by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface for that airport,
- 2) To protect the community from undue risk from airport operation.

### Controls

- a) Development shall comply with clause 7.8 of the *QPRLEP 2022*– Airspace Operations.
- b) Any structure, whether temporary or permanent, proposed to breach the obstacle limitation surface must be referred to the Canberra Airport and relevant authorities for assessment.

## 2.11.4 Airport Noise

### Objectives

- 1) To prevent certain noise sensitive developments from being located near the Canberra Airport and its flight paths,
- 2) 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,

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- 3) To ensure that land use and development in the vicinity of that airport does not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

## Controls

- a) All development must comply with clauses 7.9 and 7.10 of the *QPRLEP 2022* (as relevant).

## 2.12 Tree and Vegetation Management

### 2.12.1 Introduction

The purpose of this Section is to declare trees and other vegetation under Part 2.3 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. Where a tree or other vegetation is declared in this Section, a person must not clear vegetation without a permit granted by Council.

This Section provides controls in respect of the preservation of trees and other vegetation. It outlines the circumstances in which trees and other vegetation can be removed without a permit, and those circumstances where a permit is required from Council. It is relevant to both the assessment of development applications, and, applications for permits to remove vegetation where required.

Relevant clauses of *QPRLEP 2022* that need to also be considered in respect of the management of vegetation are:

- Clause 5.10 – Heritage conservation
- Clause 7.2 – Terrestrial biodiversity
- Clause 7.4 – Riparian land and watercourses
- Clause 7.14 – Scenic protection

Various community land Plans of Management are referenced in this document with regard to maintenance of vegetation on public land. More detailed maintenance for particular sites can be found on the Community Land Plans of Management section of Council's website.

Other sections of this DCP also deal with vegetation in certain circumstances, and these should also be referred to. These include:

- Part 4 – Heritage and Conservation
- Part 6 – Rural and Environmental Living Zones

### 2.12.2 Relationship to Other Legislation and Controls

The *Biodiversity Conservation Act 2016* is the overarching legislation governing the management of native vegetation in NSW. Any proposed activity or development that includes the removal of any native vegetation must be undertaken consistent with that legislation as well as the provisions set out in this plan.

The clearing of any native vegetation on land zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry or RU4 Primary Production Small Lots is wholly regulated by NSW Local Land Services under the *Biodiversity Conservation Act 2016*. Accordingly Council has no role in managing any clearing proposed in rural zones and any such proposals should be discussed with the relevant Local Land Services office.

*State Environmental Planning Policy (Biodiversity and Conservation) 2021* is also relevant to the management of both native and non-native vegetation in non-rural areas (ie, all zones

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with the exception of land zoned RU1 to RU4). Any clearing of trees and vegetation in these non-rural zones that is below the thresholds set out in the *Biodiversity Conservation Act 2016*, is primarily regulated by Council. Any removal or pruning of trees and vegetation in these circumstances requires a permit from Council, unless it falls within the exemptions identified elsewhere in this Section.

The Commonwealth Government also administers the *Environment Protection and Biodiversity Conservation 1999* which also provides controls for the protection of various native fauna and flora and which may also be relevant to any proposals to remove or damage native vegetation.

**Note:** Anyone proposing to pick, prune, damage or remove any native vegetation should ensure they discuss any proposals with the relevant State and Commonwealth Government agencies to confirm any other legal requirements in addition to the controls set out in this DCP.

### 2.12.3 Objectives

- 1) To declare trees and other vegetation under Part 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*,
- 2) To protect significant trees and vegetation from inappropriate removal to enhance the amenity, streetscape and ecological values of land subject to *Queanbeyan-Palerang Local Environmental Plan 2022*,
- 3) To preserve existing biodiversity values where possible through the preservation of trees and other vegetation that contribute to these values,
- 4) To minimise the loss of trees and other vegetation that contribute to the scenic character of Queanbeyan,
- 5) To provide suitable criteria for the assessment of development applications,
- 6) To provide appropriate controls for the management of trees and vegetation consistent with *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, and
- 7) To outline circumstances where the clearing of trees or other vegetation do and do not require a permit from Council.

### 2.12.4 Land To Which this Section Applies

This Section applies to the removal or pruning of vegetation that is under the biodiversity offsets scheme threshold on non-rural land (land in any zone other than RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry or RU4 Primary Production Small Lots) subject to *Queanbeyan-Palerang Regional Local Environmental Plan 2022*.

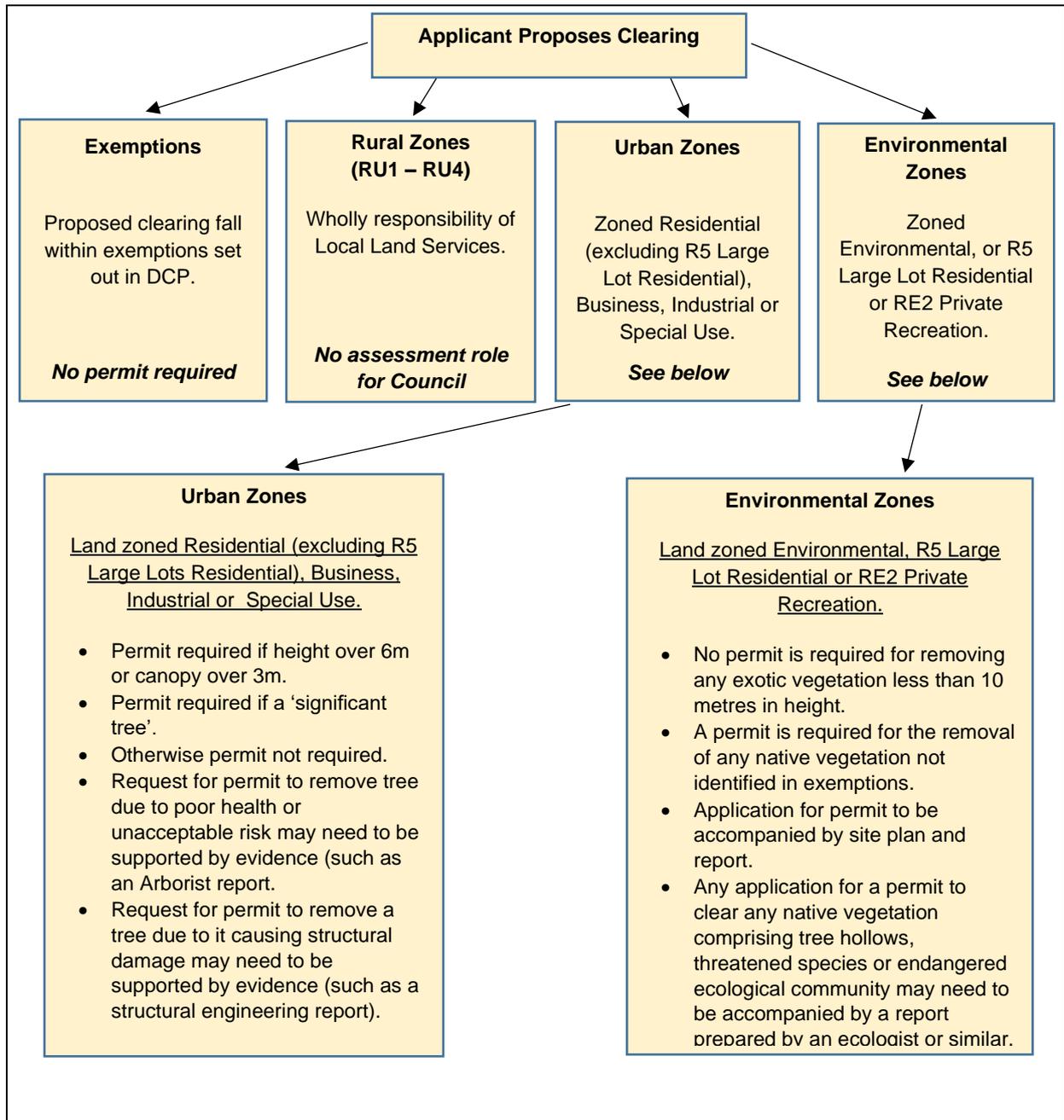
**Note:** The proposed removal or pruning exceeds the biodiversity offsets scheme threshold if it is:

- the clearing of native vegetation of an area that exceeds the threshold (see Table below), or
- the clearing of native vegetation is on land mapped as 'Sensitive Values' on the Biodiversity Values Map prepared by NSW Environment and Heritage and located on their website.

If the proposed removal or pruning exceeds the biodiversity offsets scheme threshold, it requires an approval from the Native Vegetation Panel (refer to Part 2.4 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*).

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Figure 3 - Vegetation Clearing Procedure – Summary Chart



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**Table 7 - Thresholds for Clearing by Property Size**

Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply
Less than 1 ha	0.25 hectares or more
1 ha to less than 40 ha	0.5 hectares or more
40 ha to less than 1000 ha	1 hectares or more
1000 ha or more	2 hectares or more

The minimum lot size applicable to any land being cleared is as follows:

- the minimum lot size as shown on the *QPRLEP 2022* Lot Size Map, or
- if the Lot Size Map does not map a minimum lot size for the land, the actual size of the allotment of land on which the proposed development is to be carried out.

## 2.12.5 Exemptions

### Exclusions from Exemptions

#### Environmental Heritage including Aboriginal Heritage

None of the exemptions listed in this Section apply to any trees or other vegetation located on a heritage item, Aboriginal object, Aboriginal place of heritage significance, or on land within a heritage conservation area.

Council can only grant a permit for the removal or pruning of vegetation on land that is, or forms part of a heritage item; or is within a heritage conservation area; or that is or forms part of an Aboriginal object; or is within an Aboriginal place of heritage significance, if it is:

- of a minor nature; or
- is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, or heritage conservation area, and would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, or heritage conservation area.

Therefore, Council requires:

- i. a permit application for any removal or pruning of vegetation that is minor in nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, or heritage conservation area, and
- ii. a development application for any other removal or pruning of vegetation on a heritage item, Aboriginal object, Aboriginal place of heritage significance, or on land within a heritage conservation area.

Clause 2.8 of *State Environmental Planning Policy ( Biodiversity and Conservation) 2021* and Clause 5.10 of *QPRLEP 2022* contain specific requirements for trees and other vegetation located on heritage items and heritage conservation areas and should be read in conjunction with this Section.

# Queanbeyan Development Control Plan 2012

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## Consent Conditions and 88B Instruments

None of the exemptions listed in this Section apply to any trees or vegetation that are required to be retained by the conditions of a development consent or a Section 88B restriction to user instrument. The *State Environmental Planning Policy ( Biodiversity and Conservation) 2021*, and subsequently this Section, do not affect authorisations under other Acts that are required to be obtained in connection with the clearing of vegetation.

## Clearing Requiring Approval Under State or Commonwealth Legislation

None of the exemptions listed in this section apply to any clearing of vegetation that requires an approval under any State or Commonwealth legislation, for example endangered ecological communities (EECs). It is the legal responsibility of the land owner to ensure this is considered. If unsure, further advice should be sought from NSW Heritage or Council.

## **Removal of Vegetation that Does Not Require a Permit**

Any tree or other vegetation may be removed without a permit where:

- Council is satisfied it presents an immediate risk to life or property,
- Council or the Native Vegetation Panel is satisfied the tree is dead or dying and is not required as the habitat of native animals,
- the clearing is authorised under Section 60O of the *Local Land Services Act 2013*,
- it is consistent with any approved development application issued by Council for the site,
- it is to be pruned as part of routine pruning of fruit trees, forestry work or commercial horticulture/viticulture,
- it is an environmental weed required to be removed under any relevant NSW legislation,
- it is an exotic environmental weed within the riparian zone of Queanbeyan River, Jerrabomberra Creek or their tributaries shown as a blue line on a topographical map,
- it is an exotic environmental weed within bushland subject to an adopted Plan of Management, including Mt Jerrabomberra, Hoover Road Conservation Area and Stringy Bark Ridge,
- it is located on Council Managed Lands (both Community and Operational) where the proposed works have been approved by the Service Manager – Urban Landscapes, or
- the land is zoned R5 Large Lot Residential, RE2 Private Recreation, C2 Environmental Conservation, C3 Environmental Management or C4 Environmental Living, and it falls within any of the following circumstances:
  - i. clearing for permanent boundary fence - 5 metres on either side (adjoining landholder agreement is required),
  - ii. clearing for permanent internal fence - 3 metres on either side,
  - iii. clearing around buildings other than a residential building in a rural area - 10 metres from outer edge of the structure,
  - iv. clearing around a water tank - 3 metres from outer edge of the structure,
  - v. clearing around stockyards - 10 metres from outer edge of the structure,
  - vi. clearing around a water pump - 2 metres from outer edge of the structure,
  - vii. is clearing of native or exotic vegetation planted by the landowner less than 10 years old.

Where someone is clearing vegetation under any of these exemptions, Council recommends keeping photos of the clearing, both before and after, and retaining these for a period of six months in the event Council is requested to investigate the clearing.

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Vegetation clearance may be permitted in rural areas under the *Rural Fires Act 1997* under the 10/50 Vegetation Clearing Scheme (Further information is available from NSW Rural Fire Service at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) ). This scheme allows for clearing in a designated areas to:

- i. trees within 10m of a home without seeking approval; and
- ii. underlying vegetation such as shrubs (but not trees) on a property within 50m of a home without seeking approval.

## 2.12.6 Controls

### **Land Zoned Rural (RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry or RU4 Primary Production Small Lots)**

As noted, the clearing of any native vegetation on land zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry or RU4 Primary Production Small Lots is wholly regulated by NSW Local Land Services under the *Biodiversity Conservation Act 2016*. Accordingly Council has no role in managing any clearing proposed in rural zones and any such proposals should be discussed with the relevant Local Land Services office.

### **Land Zoned Residential (R1 to R4 and RU5), Business (B1 to B8), Industrial (IN1 to IN3), Special Use (SP1 to SP3) and RE1 Public Recreation**

- a) No permit is required for the removal of any vegetation set out under the listed exemptions at 2.12.5 of this section.
- b) A permit is required for the removal, ringbarking, lopping, topping, poisoning, pruning or relocation of all existing trees, both native or exotic, having:
  - i. a height of 6 metres or greater, or
  - ii. a canopy spread of 3 metres or greater.
- c) A permit is also required for all works affecting a “significant” tree. All trees identified as “Significant” by Council, and nominated or registered as such on Council’s significant tree register, regardless of height, canopy or location, must be retained, preserved, protected and maintained. Special requirements apply for the removal or pruning of “significant” trees. For further information on these requirements, please contact Council’s Urban Landscapes Section.
- d) Any proposed removal of a tree on the basis of posing an unacceptable risk to public or private safety, may need to be supported by relevant evidence from a suitably qualified person ( for example report from an expert arborist).
- e) Any proposed removal of trees that have caused or are likely to cause significant structural damage may need to be supported by relevant evidence from a suitably qualified person (for example a report from a Structural Engineer).
- f) For every tree removed from a site for construction of a building it should be replaced with either a tree of similar species, or an indigenous plant species which is better suited to the changed circumstances of the site. It must be planted within the property boundary and nurtured to maturity.
- g) Trees or other vegetation proposed to be removed or pruned to facilitate solar access for the tree owner or their neighbours, are to be kept to the minimum necessary to ensure solar efficiency.
- h) The removal of trees to enable views or outlook are not generally permitted.

The permit application must be signed by the owner(s) of the property on which the trees are growing and accompanied by the relevant fee (refer to Council’s Fees and Charges).

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## **Land Zoned R5 Large Lot Residential, RE2 Private Recreation, C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living**

- a) No permit is required for the removal of any vegetation set out under the listed exemptions at 2.12.5 of this section.
- b) No permit is required for the removal of any exotic vegetation less than 10 metres tall.
- c) A permit is required for the removal of any native vegetation. All permit applications must be accompanied by a site plan which is drawn to scale and illustrates:
  - i. the property boundary, existing structures and access roads,
  - ii. the location of all trees and other vegetation on the lot and identification of those trees or vegetation proposed for removal or pruning with approximate heights and widths,
  - iii. the total area (in m<sup>2</sup>) of clearing being applied for, and total area (in m<sup>2</sup>) of previous clearing,
  - iv. the trees or vegetation, including species name, proposed for removal or pruning,
  - v. the distance of those trees or vegetation proposed for removal or pruning from the nearest boundary and/or structure,
  - vi. if relevant, placement of drainage and sewer mains, and overhead power lines,
  - vii. the location of any known watercourses on the property; and
  - viii. a north arrow.

The permit application must be signed by the owner(s) of the property on which the trees are growing and accompanied by the relevant fee (refer to Council's Fees and Charges).

- d) Any application for a permit to clear native vegetation comprising any trees containing hollows, threatened species or that is part of endangered ecological community, is to be accompanied by a report by a suitably qualified person. The following information is to be contained in the report:
  - i. the qualifications and experience of all person/s undertaking the report,
  - ii. a map of the subject property including a detailed map of the proposed clearing area,
  - iii. the date and time of any site inspections or surveys undertaken to inform the report, including the methodology of those surveys (the guidelines published by the NSW Office of Environment and Heritage are to be taken into account),
  - iv. a list of flora and fauna species identified by any survey,
  - v. a search of the NSW Wildlife Atlas and other government databases,
  - vi. the impact of the development proposal on native flora and fauna,
  - vii. recommendations in relation to any impacts on habitat corridors,
  - viii. comments in regard to the ecological significance of the study area,
  - ix. location and description of any hollow bearing trees, threatened species or endangered ecological communities,
  - x. proposed mitigation measures,
  - xi. species for replanting where proposed, and
  - xii. recommended biodiversity conservation strategies (if these are to be used).
- e) For every tree removed from a site for construction of a building it should be replaced with either a tree of similar species, or an indigenous plant species which is better suited to the changed circumstances of the site and nurtured to maturity.
- f) For every tree permitted for removal by Council it must be replaced with a new tree suited to the site. It must be planted within the property boundary and nurtured to maturity.