



**Queanbeyan  
Development  
Control Plan 2012  
Part 5**

**Rural and Environmental  
Zones and R5 Large Lot  
Residential Zones**

<b>Principal Plan Adopted by Council:</b>	<b>12/12/2012</b>
<b>Document ID:</b>	<b>889891</b>

## **Part 5 Rural and Environmental Zones and R5 Large Lot Residential Zones**

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## **Part 5 Rural, Environmental and R5 Large Lot Residential Zones**

### **5.1 Introduction**

#### **5.1.1 Purpose of Part**

This part of the development control plan outlines the requirements for development within areas zoned RU2 Rural Landscape, C3 Environmental Management, C4 Environmental Living and R5 Large Lot Residential under *Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPLEP 2022)*.

Although the Jumping Creek Estate is zoned C4 Environmental Living, the subdivision is residential in character and development for the purposes of a single dwelling or ancillary development needs to meet the requirements specified in the **Queanbeyan Development Control Plan 2012 Part 3A Single Dwelling Residential Development**.

The purpose of this chapter of the DCP is to provide detailed standards and guidelines for the preparation of development applications and to assist Council in its consideration and determination of those applications.

In the development of these standards, important matters for consideration were the future quality of lifestyle in rural and environmental zones and the protection of important environmental features. This part of the DCP aims to control development which has adverse effects on the environment and the amenity of the locality whilst at the same time providing flexibility and the opportunity for individuality when carrying out development.

#### **5.1.2 Aims of this Part**

Aims of this part of the DCP are to:

- a) Highlight to landowners and developers the need for full and proper consideration of environmental constraints and servicing requirements in relation to proposed development;
- b) Provide guidance to landholders for the protection of biodiversity values within the LGA; and
- c) Establish criteria to be applied which will determine the allotment density achievable in any area with regard to the subdivision of land.

#### **5.1.3 Objectives applicable to the Rural and Environmental and R5 Large Lot Residential Zones**

- 1) Ensure that development maintains the rural character of the locality and minimises disturbance to the landscape and the environment generally.
- 2) Ensure land use is ecologically sustainable, taking into account the environmental capabilities of the land and based on best management practices.

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- 3) Ensure that development does not create or exacerbate soil erosion.
- 4) Ensure that the wider community does not bear the cost of servicing rural residential development.
- 5) Ensure agricultural production is not jeopardised by the intensification of development in the rural areas.
- 6) Encourage a flexible approach to subdivision of land where appropriate to ensure that large lot productive holdings are not unnecessarily fragmented.
- 7) Ensure that dwelling house lots are suitably located so as to have minimum impact on agriculture in the locality and are not clustered to the extent that they form rural residential communities in inappropriate locations.
- 8) Ensure that allotments created in subdivisions have a suitable building envelope taking into consideration the potential for surface and ground water pollution and the risk of damage by bushfires or flooding.
- 9) Ensure that all allotments created by subdivision have coinciding legal and physical access to a road maintained by Council.
- 10) Minimise the creation of vehicular access points to major roads.
- 11) Ensure that development is based on catchment management principles and does not have an unsustainable impact on surface and groundwater resources.
- 12) Preserve prime agricultural land for long term sustainable production.

## 5.1.4 Relationship with other Plans, Council Policies and the Like

There are a number of clauses in the *QPRLEP 2022* that may need to be considered when developing in the Rural and Environmental Zones. This will depend on the nature and location of the development with examples including:

- Clause 4.1 Minimum subdivision lot size
- Clause 4.1AA Minimum subdivision lot size for community title schemes
- Clause 4.1A Minimum subdivision lot size for certain strata subdivisions
- Clause 4.1C Minimum lot sizes for dual occupancies and secondary dwellings
- Clause 4.1D Subdivision of certain land in Zones RU1 and C3
- Clause 4.1E Subdivision of certain land in Zones C3 and C4
- Clause 4.2 Rural subdivision
- Clause 4.2A Erection of dwelling houses on land in certain rural, residential, mixed use and conservation zones
- Clause 7.1 Earthworks
- Clause 7.2 Terrestrial biodiversity
- Clause 7.3 Drinking water catchments
- Clause 7.4 Riparian land and watercourses

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- Clause 7.5 Salinity
- Clause 7.6 Highly erodible soils
- Clause 7.7 Slopes over 18 degrees
- Clause 7.11 Development in areas near national parks and nature reserves
- Clause 7.20 Animal boarding or training establishments
- Clause 7.22 Erection of rural worker's dwellings on land in Zones RU1 and Zone C3

The *Queanbeyan Biodiversity Study 2008* provides a detailed background for the identification of Rural and Environmental zones:

<https://www.qprc.nsw.gov.au/Building-Development/Planning-Zoning/Planning-Studies-Strategies>

## 5.2 Subdivision

Subdivisions in the RU2, C3, C4 and R5 Zones are created for the following purposes:

- a) Agricultural lots – lots created for an agricultural purpose with a dwelling house as ancillary use. These lots should be of sufficient area to allow for continued agricultural use and the subdivision should be based on the creation of productive land units. This is to be derived from an overall farm plan of the property to be subdivided.
- b) Farm adjustments – Boundary adjustment for the purpose of selling land to an adjoining property owner which is then consolidated.
- c) Rural residential uses – Where the predominant use of the land is for residential and other ancillary purposes.

Detailed information on the characteristics and constraints of the land proposed to be subdivided is critical to the design process to ensure that such matters can be addressed in the subdivision design (Figure 2). As a consequence the design process should not commence until all the relevant information is available. This information is also required to be submitted with a development application for subdivision so that Council can properly evaluate the proposal and determine the application.

### Additional Requirements:

The following broad restrictions on development apply. Council may vary the restrictions or apply more specific restrictions after consideration of the environmental review and supporting documentation:

- a) Mature native trees are to be protected, especially Yellow Box (*Eucalyptus melliodora*) which provide habitat for the Regent Honeyeater.
- b) Council may require fencing of selected clumps of native trees to allow for regeneration.
- c) Subdivisions proposals must allow for the protection of woodland and forested area and appropriate vegetated corridors.

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- d) Development within areas of significant vegetation communities, (particularly natural grasslands, secondary grassland or grassy woodlands), identified in the environmental review is to be restricted to light grazing (preferably with no winter/spring grazing) or restricted to low impact recreation. Buildings or roads should not be constructed within areas supporting other vegetation communities identified as significant in the environmental review (eg. wetlands and riparian environments, or native pastures). A key factor in the assessment of significance is whether the vegetation communities are of high or low ecological quality as assessed in the review.

## Requirements for Jerrabomberra Creek

- a) Physical development other than light agricultural grazing or low impact recreation is not to occur within 40m of Jerrabomberra Creek to protect riparian ecological communities, to minimise pollution of the creek and to prevent further degradation of the stream banks.
- b) Additional riparian rights on Jerrabomberra Creek are not to be created by subdivision. A public reserve on each side of Jerrabomberra Creek extending a minimum of 10m from the edge of the undisturbed banks to be dedicated to Council.
- c) The NSW Department of Planning and Environment is to be consulted regarding development proposals on land near to or containing known populations of *Swainsona recta* adjoining the Canberra-Cooma railway line and shown on Figure 1. The recommendations of the NSW Department of Planning and Environment will be considered in Council's determination of development applications.

### 5.2.1 Roads

Applicants for developments will be required to provide new and upgraded roads within subdivisions based on the number of lots served and the traffic that will be generated.

Applicants will also be required to address impacts of new development on the existing road(s) leading to the development. This will involve:

- i. Upgrading the existing road(s) to a higher order road type when the development causes a level of extra traffic that together with the existing traffic will exceed the maximum traffic volumes allowed for the particular road type;
- ii. Paying a contribution under Council's relevant Development Contributions Plan towards upgrading of access roads leading to developments where existing roads are deficient in alignment pavement, drainage or safety aspects to cater for the new development; and
- iii. Sealing of sections of existing gravel roads where extra traffic generated will cause the need to address dust impacts adjacent to existing or proposed dwellings.

Applicants should also note that Council may have developed a provisional road network design for its area including for specific undeveloped rural residential and rural areas.

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Where a provisional network has not been developed, it may be necessary to discuss proposals at an early stage with adjoining land owners.

Road access must be designed in accordance with the QPRC Engineering Design and Construction Specifications. Roads should be designed to avoid the need for large cut and fill and should not be located on steep slopes or prominent hilltops. Roads should not form dams across gullies, creeks or drainage lines. Any blockage to fish passage requires approval under section 219 of the Fisheries Management Act 1994. Road alignments should satisfy the principles of road design, including the acknowledgement of speed environment and design speeds as set out in the relevant AUSTRROADS Guide to Traffic Engineering Practice document series standards. A road hierarchy will be established in accordance with the relevant AUSTRROADS standards.

Provided the standards set out by Council are met in relation to public roads Council will accept the dedication and subsequent maintenance of the subdivision roads. For all roads legal and physical access must coincide. Council will not accept maintenance responsibility for private roads or private accesses.

The standard of each road will be determined at the time of consideration of a Development Application having regard to the potential development within the area and Council's engineering specifications. For all but very minor developments the design and construction of roads and entrances will require the engagement of professionals experienced in such works activities to represent the applicant to ensure sufficient and accurate detail and input is provided to allow expeditious assessment and approval by Council staff. Prior to the issue of a construction certificate for civil works Council will require the preparation of engineering drawings and specifications by experienced professionals in compliance with the relevant standards.

The applicant will also need to engage a principal certifier who may be Council or a registered accredited certifier to audit the system and the works and at the completion of construction sign-off that all works have been completed to the plans and specifications and conditions of approval. This will be required prior to the issue of a Subdivision Certificate. Where the subdivision road connects to a local road the intersection shall be constructed in accordance with Council's requirements based on the AUSTRROADS Guide to Traffic Engineering Practice document series.

Where the subdivision road connects to a State Road or classified main roads the concurrence of the NSW Roads and Maritime Services (RMS) is required and the design must also comply with the *RMS Supplement for Guide to Road Design (2011)*.

Construction of the intersection shall involve full reconstruction of the existing Council road over the extent of the intersection unless deemed otherwise by the Council. Where gravel roads adjoin sealed roads, the gravel road branch shall be sealed for a minimum of 50m along the branch and any BAR treatment required opposite the branch road shall also be bitumen sealed. Contractors or others proposing to carry out intersection works shall be experienced and pre-qualified to the Council's and/or RMS's satisfaction.

Entrances to individual allotments from roads shall be constructed to Council or RMS standards in accordance with the road classification. Entrances shall be limited to one (1)

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per lot unless approved otherwise by Council. Unless approved otherwise the relocation of an entrance shall necessitate the complete removal of the existing entrance.

For subdivisions involving 2 or more lots along or in the vicinity of school bus routes, Council may require the provision of suitably sited and constructed bus lay-bys.

Consent is required under Section 138 of the *Roads Act 1993* before any work is undertaken on a public road. A security deposit will be required and public liability etc, insurances indemnifying Council and/or the RMS will be required before consent is given. Contractors or others proposing to carry out works on a public road shall be experienced and pre-qualified to Council's and/or RMS's satisfaction.

Council may require as a condition of subdivision, suitable arrangements to be made for the provision of verge tracks for pedestrians and horse riders to traverse along roadsides clear of vehicular traffic.

Council is responsible for the numbering of all lots within the rural area. Rural address numbers are allocated prior to the lodgement of any subdivision certificate when the location of driveway entrances is determined. All occupied properties shall be individually numbered. Numbers shall be displayed adjacent to the entrance driveways. Applicants for subdivisions will be required to pay a fee for Council to undertake a rural addressing exercise for the lots created.

New subdivision roads serving two or more lots shall be named at the applicant's Expense. Applicants are required to submit a suitable name or names prior to the issue of a construction certificate to allow the early commencement of the public comment phase of the road naming process.

Applicants undertaking developments will be subject to defects liability responsibility arrangements for roads constructed for six months from the date of practical completion and shall submit a bond as security under Council's policy to ensure road works have been constructed to a serviceable and durable standard.

## **5.2.2 On-site Effluent Disposal**

A site specific investigation of land capability and hydraulic/nutrient balance (undertaken by a person with qualifications satisfactory to the Council) indicating that the land has adequate capability for on-site effluent disposal without adversely affecting water quality or adjoining land through either surface or sub-surface flows is required. The report should detail geotechnical conditions, percolation rates of soils, hydraulic and nutrient balances (where treated effluent is proposed to be irrigated) and appropriate effluent disposal options for the proposed allotments. The report must be completed in accordance with the publication Environment and Health Protection Guidelines – On site Sewage management for Single Households.

Proposed effluent disposal areas must be located away from significant native vegetation, natural springs or other waterways/bodies. The Biodiversity Study 2008 may provide initial guidance.



## 5.2.3 Management of Flora and Fauna

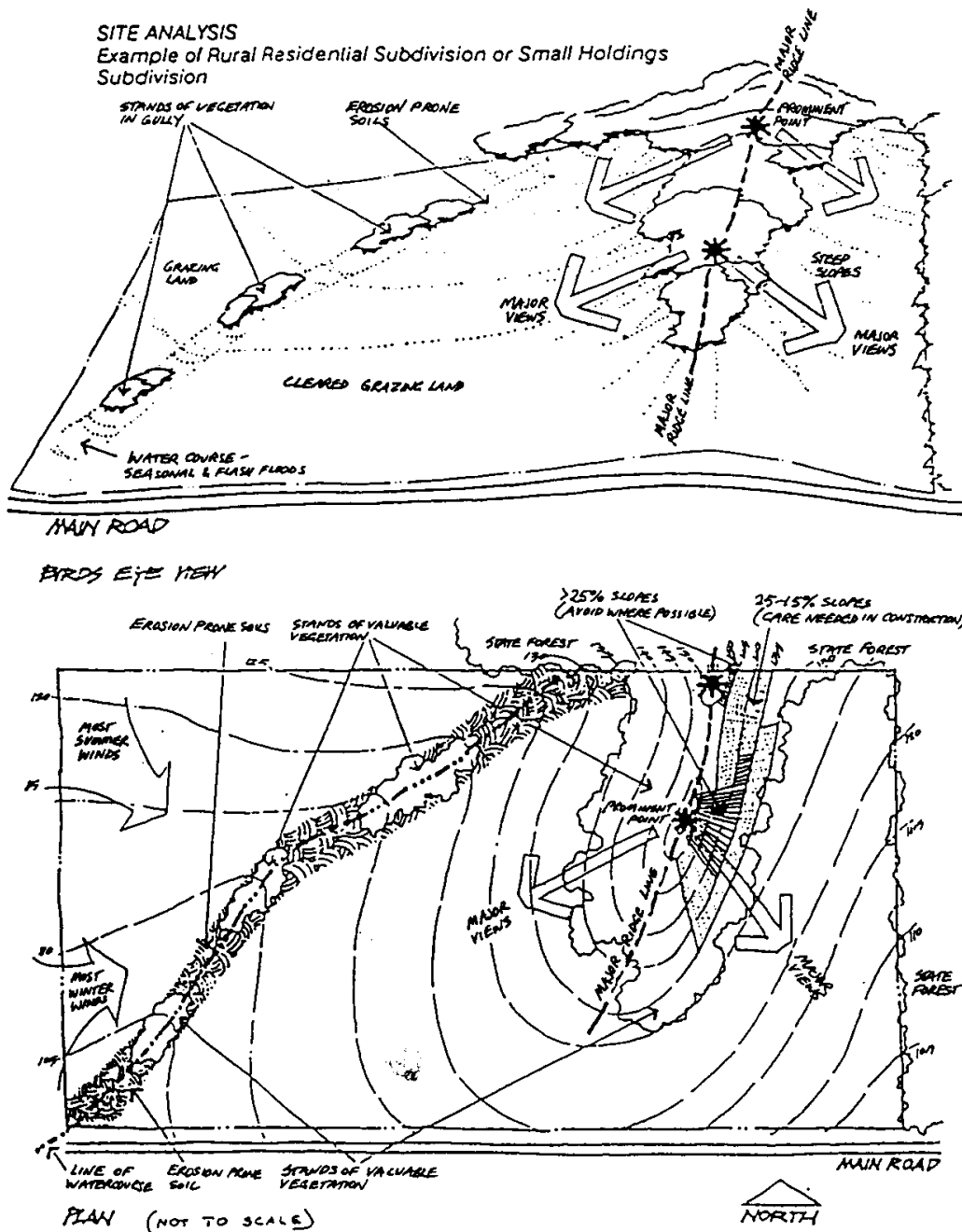
A suitably qualified person must prepare a preliminary flora and fauna report which determines whether the proposed development is likely to significantly affect threatened species, populations or ecological communities or their habitats. The report must be prepared in accordance with the provisions of section 5 of the *Environmental Planning and Assessment Act 1979*.

For further information please see the requirements outlined by the NSW Department of Planning and Environment <http://www.environment.nsw.gov.au>

## 5.2.4 Aboriginal Heritage

The Heritage NSW is responsible for the protection and preservation of all Aboriginal objects and places in NSW. The primary piece of legislation which protects Aboriginal cultural heritage in NSW is the *National Parks and Wildlife Act 1974* (NPW Act). Under the NPW Act it is an offence to harm (destroy, deface, or damage) or desecrate an Aboriginal object or Aboriginal place, or in relation to an object, move the object from the land on which it has been situated.

Figure 1: Site Analysis



The Heritage NSW and the Local Aboriginal Land Council should be consulted before a subdivision application is made. Unless Heritage NSW advises to the contrary, a survey of the land proposed to be subdivided, conducted by a qualified archaeologist in consultation with the Local Aboriginal Land Council, must be submitted with the subdivision application.

Any subdivision involving any impact on any aboriginal object is integrated development in accordance with the *Environmental Planning and Assessment Act 1979*.

## 5.2.5 Bush Fire Management

A subdivision of bushfire prone land for the creation of residential living is integrated development for the purposes of the *Environmental Planning and Assessment Act 1979*. For Council to determine a development application, the NSW Rural Fire Service is required to issue a Bush Fire Safety Authority.

A Bush Fire Safety Authority request must be supplied with the Development Application. A Bush Fire Report must be prepared in accordance with the following requirements:

- 1) a statement that the site is bush fire prone land,
- 2) the location, extent and vegetation formation of any bushland on or within 100 metres of the site,
- 3) the slope and aspect of the site and of any bush fire prone land within 100 metres of the site, which may determine the likely path of any bush fires,
- 4) any features on or adjoining the site that may mitigate the impact of a high intensity bush fire on the proposed development,
- 5) a statement assessing the likely environmental impact of any proposed bush fire protection measures,
- 6) whether any building is capable of complying with AS 3959/2009 in relation to the construction level for bush fire protection.

## 5.2.6 Areas Visible from Arterial Roads

In the case of subdivisions exceeding 2 lots if proposed building envelopes are visible from the Monaro or Kings Highways or Old Cooma Road a visual analysis must be provided with the development application.

This must address:

- 1) degree silhouetted against skyline; and
- 2) nominated maximum roof line height.

## 5.3 Design Principles for Subdivision

Subdivision of land is NOT a mathematical exercise in obtaining the maximum number of lots or minimum areas with straight boundaries and square corners. To create a good subdivision layout where the boundaries are determined using sound land use planning techniques. This recognises that topographic, ecological or other constraints may make the theoretical maximum lot yield unachievable. To create a good subdivision layout where the boundaries are determined using sound land use planning techniques. This recognises that topographic, ecological or other constraints may make the theoretical maximum lot yield unachievable. Figure 2 provide examples of layouts that respond to the site's attributes, and Figure 3 shows an unsatisfactory subdivision layout. The following design practices and strategies must be followed in the subdivision design process and reflected in the subdivision plan submitted for approval.

Figure 2: Site Responsive Layout

SITE RESPONSIVE LAYOUT  
Rural Residential Subdivision

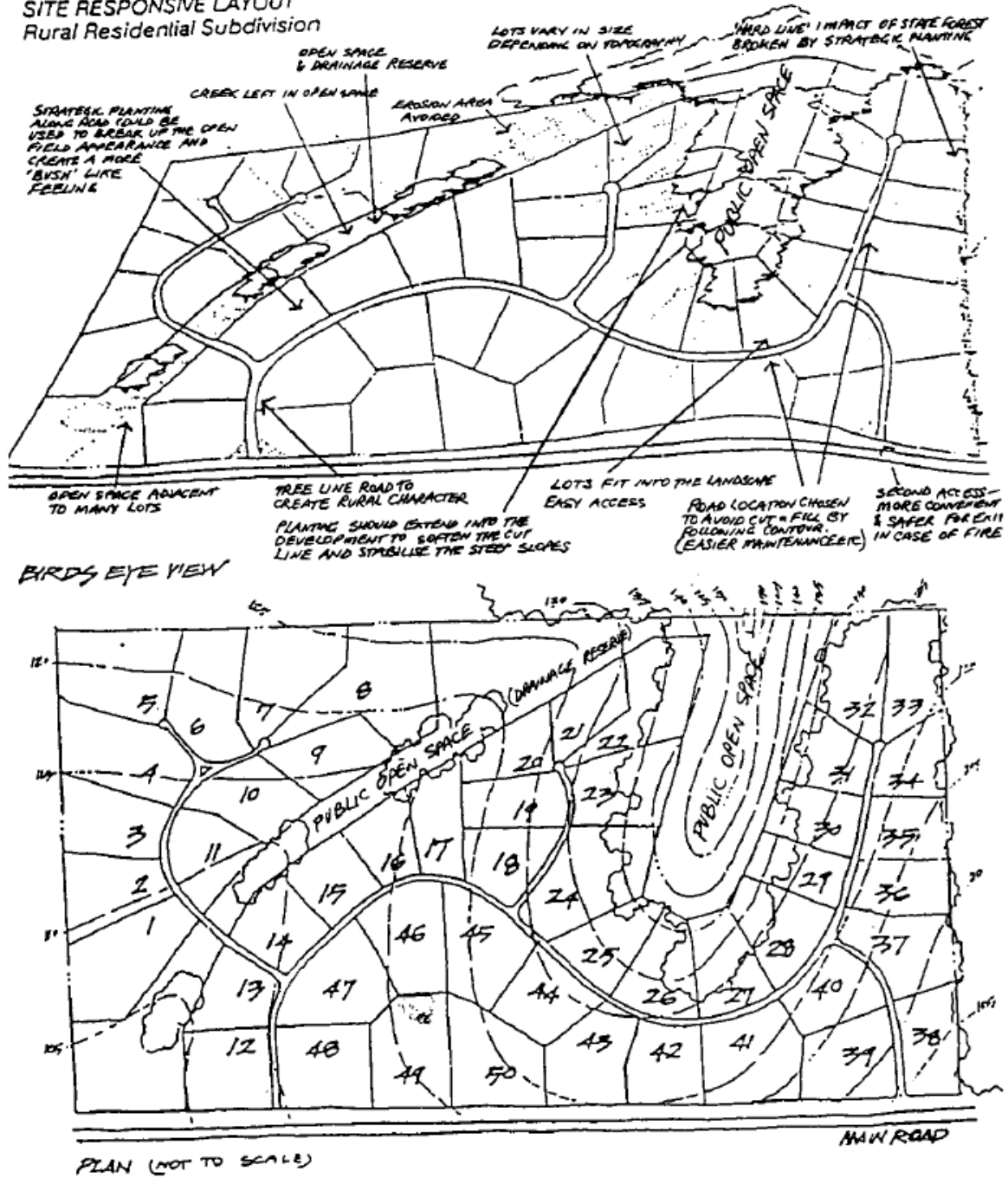
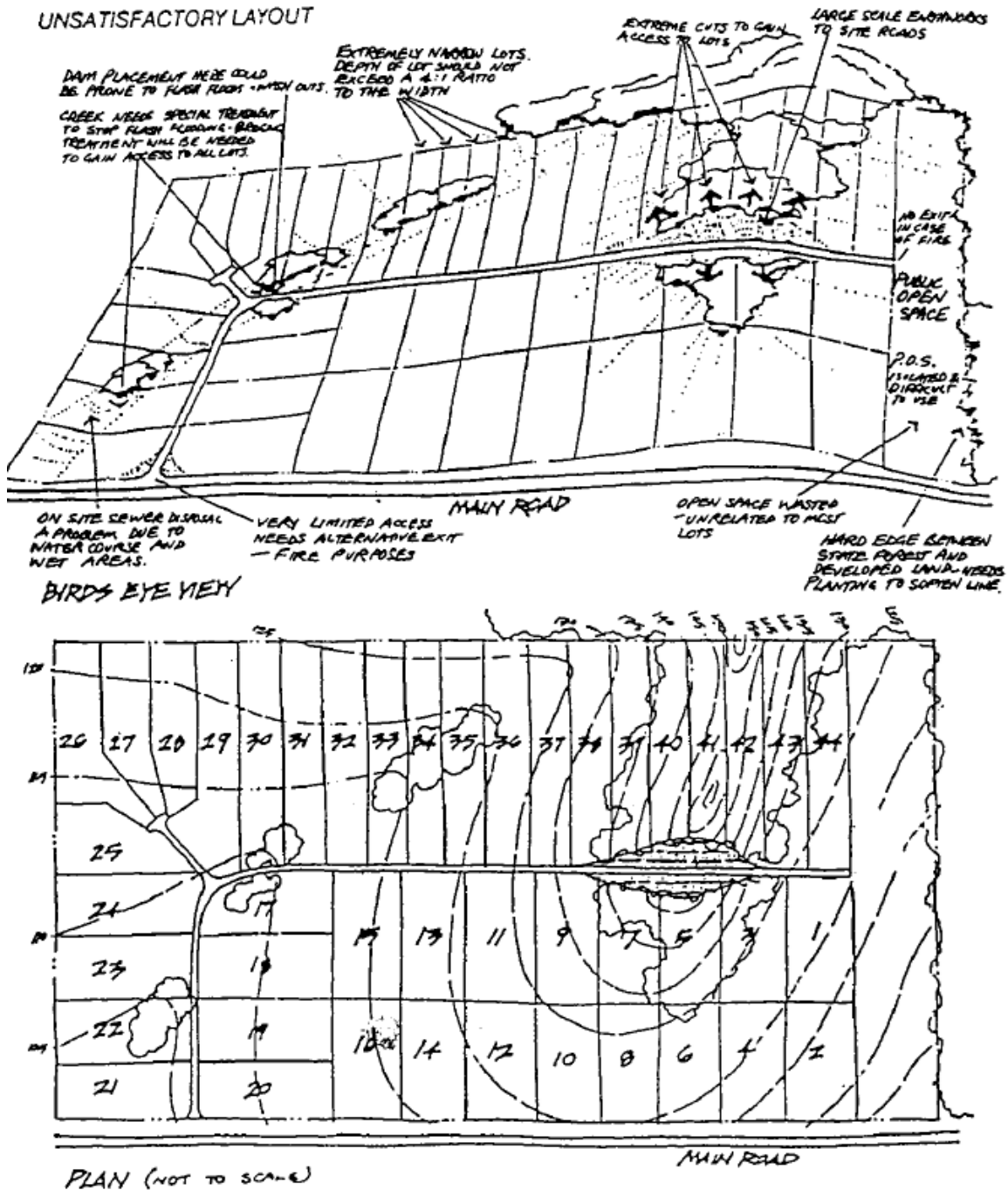


Figure 3: Layout which is not Site Responsive



## Objectives

- 1) Subdivision design and density should reflect the land capability taking into account natural constraints of the site and hazards.
- 2) Subdivision design is consistent with and enhances the character of the locality.

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## Controls

- a) **Natural Environment** - Wetlands, water bodies and other sensitive habitats identified in the environmental review must be taken into account in the selection of building envelopes, access tracks and driveways, road locations and boundary fences. Development should be located as far as possible away from significant areas of native vegetation. The integrity of remnant vegetation areas and wildlife corridors must be preserved and enhanced where possible through fencing and/or supplementary planting.
- b) **Historic Relics and Places** – Areas of Aboriginal archaeological or European heritage significance must be protected and subdivisions should be designed to accommodate the preservation of heritage sites wherever possible. If an Aboriginal relic that is known to exist on land will be destroyed, defaced or damaged, consent will be required from the Heritage NSW and the proposal will be integrated development.
- c) **Visual Impact** – to minimise the visual impact of the subdivision, visually prominent locations such as scenic hilltops, escarpments, and ridges should be avoided and tree cover preserved wherever possible.
- d) **Lot Design**
  - i. Subdivisions must be in accordance with the relevant provisions of the *QPRLEP 2022* in regard to minimum lot sizes.
  - ii. Lot boundaries should relate to land features such as creeks.
  - iii. Boundaries should be located parallel or perpendicular to the slope but not diagonally across it.
  - iv. Existing fences should be used for lot boundaries where this does not result in inappropriately shaped lots.
  - v. Long narrow lots are to be avoided. The width of the lots shall not be less than 100m and the depth of the lot shall not exceed the width of the lot by more than 4:1.
  - vi. Battle axe allotments should be kept to a minimum, but when incorporated within a subdivision the following restrictions shall apply:
    - a) the maximum length of access corridor shall be 250m
    - b) the maximum width of access corridor shall be 15m
  - vii. Wedge shaped allotments are to be kept to a minimum, but when incorporated within a subdivision shall have a minimum road frontage of 15m and shall achieve a minimum width of 100m at a maximum distance of 100m from the subdivision road boundary.
  - viii. Each proposed lot shall be provided with legal access to a public road.
- e) **Building Envelopes** – Every lot must contain at least one building envelope free of major environmental and servicing constraints and having good solar access. The location of building envelopes should reflect the findings of the various investigations carried out in the preparation of the subdivision application including the flora and

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fauna and effluent disposal reports. Where possible building envelopes should be located in areas that have previously been disturbed and should be selected in the context of house sites on adjoining and nearby lots to maximise privacy and maintain the rural character of the area. Ridge tops should be avoided, as should flood plains, drainage depressions, areas with poor foundation conditions, extreme fire risk, erosion and other natural hazard areas. Building envelopes within which a house, ancillary buildings (other than animal shelters with a floor area of not more than 25m<sup>2</sup>), and the like could be located shall:

- i. be a minimum size of 2,000m<sup>2</sup>,
- ii. have a slope not greater than 15 percent,
- iii. take into account the constraints identified in the environmental review,
- iv. be located a minimum setback of 50m from the front boundary,
- v. be located a minimum side and rear setback of 15m for lots with an area of 2-4 hectare,
- vi. be located a minimum side and rear setback of 25m for lots with an area greater than 4ha,
- vii. be accessible by a track which does not have a grade exceeding 15 per cent (unless it is proposed to be constructed and sealed by the applicants, in which case the grade must not exceed 20 per cent), and it does not traverse terrain with a grade exceeding 20 per cent,
- viii. Properties that are identified on a bushfire prone land map will be required to satisfy the aims and objectives of *Planning for Bushfire Protection 2019*, including providing an appropriate asset protection zone around buildings.

The access track should avoid areas of significant vegetation and large waterways. The length of driveways and soil disturbance should be minimised. Where a major creek crossing cannot be avoided, the developer shall provide a stable crossing, to the satisfaction of Council. In the event that crossing a prescribed stream is necessary, the NSW Office of Water will have to be consulted as the development may be integrated.

- f) **Erosion and Sedimentation** - Construction on slopes in excess of 15 per cent should be avoided. Natural drainage systems should be preserved and vegetation removal during construction must be minimised. All construction debris must be contained and disturbed areas must be stabilised and revegetated. All exposed batters and table drains must be stabilised, re-planted and/or top dressed and slope stability on all earthworks must be maintained. Council will require an erosion and sediment control plan to be submitted with the development application. Farm dams proposed to be built as part of the subdivision should be constructed in the initial stages so that they may act as sediment retention ponds during the construction phases.
- g) **Greenway and Road Reserves** - Applicants should consult with the Council concerning any proposed or existing Greenway networks in the area. A Greenway may consist of a horse trail or pedestrian links etc. If applicable the subdivision

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design should provide links to existing Greenways on adjoining land or provide links in accordance with the proposed future development of the network. Where not required as part of the Greenway network or for other community purposes all Crown Road Reserves within the subdivision shall be closed and consolidated with the allotments being created. Greenway areas must form part of a Community Association for the purpose of public use and not limited to resident's use only.

- h) **Extension of Surrounding Developments** - Logical, efficient and environmentally sensitive extensions to electricity supply networks should be planned in consultation with relevant energy authority. Roads should be extended logically from existing roads so that development will create a road hierarchy. Conflict with major arterial and distributor roads should be avoided. Extension to existing development shall facilitate social cohesion and provide for recreation facilities in consultation with Council.
- i) **Design of Effluent Disposal System** – An effluent disposal report must be prepared by a suitably qualified consultant for the development. System selection must be consistent with the findings of the effluent report. Effluent should not be disposed on areas supporting significant native vegetation or where run-off to these areas is possible. Consideration should be given to alternative treatment systems in particularly sensitive areas. Advice should be sought from Council's Sustainability and Better Living Section.
- j) **Non-potable Water Supply** - Before granting consent to the subdivision of land, Council must be satisfied that all allotments have the potential to obtain an adequate non-potable water supply. The provision of a reticulated non-potable water supply from a communal source (water storage dam or bore) represents a far more efficient use of limited surface and groundwater resources and can avoid potential groundwater contamination problems associated with the proliferation of bores in closely settled rural residential areas. The benefits of such schemes are recognised by the NSW Office of Water as well as Council. Subdivision proposals involving five or more lots must include a reticulated non-potable water supply system capable of providing 0.75 megalitres per annum to each lot at the rate of 0.5 litres per second, unless it is proven that the provision of such a system is not practical. For subdivisions creating less than five lots (or where it is proven that a reticulated system is not practical) each lot must have the potential for either:
  - i. a dam with a capacity of 0.75 megalitres and a catchment area of at least 8ha, or
  - ii. where an allotment cannot be provided with a practical dam site due to topographic constraints or the take-up of the harvestable rights for the parent property, a ground water supply with a flow rate of 0.5 litres per second providing a minimum annual supply of 0.75 megalitres.

A licence from the NSW Office of Water will be required if the dam size exceeds the harvestable right for the allotment under the NSW Farm Dams Policy, or if a bore is proposed. Such applications will be integrated development in accordance with the provisions of the Section 91 of the *Environmental Planning & Assessment Act 1979*. The cumulative impacts of additional dams on the environmental flows in



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downstream creeks and rivers must be taken into account. Where bores are proposed, it will be necessary to demonstrate that there will be no adverse impacts on the groundwater resource in the area.

- k) **Provision of Services** – Soil and vegetation disturbance should be minimised by coordinating the placement of driveways, telecommunications, underground electricity and other infrastructure in the one area.
- l) **Fencing** – The developer shall provide a stock proof fence to all boundaries, road frontages and public open space areas to the following standard unless Council agrees to a variation prior to erection:
  - i. Fence height of 1.2m.
  - ii. Strainers spaced 100m to 120m depending on terrain.
  - iii. Steel post at 6m centres.
  - iv. Steel droppers, one at centre of span between steel posts.
  - v. One 2.5mm high tensile wire on top.
  - vi. One carry 2.5mm high tensile wire.
  - vii. One bottom 2.5mm high tensile wire.
  - viii. 8/90/30 hinged joint netting each horizontal wire tied to each post and dropper. This is not required for internal boundary fences.
  - ix. One standard galvanised steel farm gate with steel mesh (minimum 3.65m) at approved entrance.
  - x. A post and rail fence on the front boundary shall have a maximum height of 1.2m.
  - xi. Use of a colorbond fence as a windbreak will not be supported.
- m) **Electricity** – High tension power shall be provided by the developer to the boundary of all additional lots created in accordance with the requirements of relevant energy supplier, Council may require the electricity mains to be underground where visual intrusion or public safety necessitate. If the route identified requires clearing Council's Sustainability and Better Living Division must be consulted before work commences.
- n) **Dwelling houses** – Internal connections to the dwelling house site should be underground except in cases where tree removal is not required and overhead lines do not visually detract from the landscape. The relevant energy supplier should be contacted regarding the ability to service the land in an early stage of the application.

## 5.4 Building Setbacks and Fencing

### Objectives

- 1) To provide setback guidelines for dwellings that protect the character and amenity of the locality.

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- 2) To provide specific provisions in respect of Greenleigh Estate, to ensure that adequate buffers are provided between build form to maintain the bushland character of the area and to ensure that fencing is rural in type.

## Controls

- a) Setbacks which are prescribed as part of a building envelope prevail over any other controls set out below.
- b) Building setbacks from the front boundary setback shall be a minimum of 50m. Where this cannot be achieved due to the physical dimensions or constraints of any property, the front setbacks shall be assessed on merit and having regard to the objectives of this clause.
- c) Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners, and be consistent with the minimum setbacks set out below:

**Table 1 – Minimum Setback Requirements (not including Greenleigh Estate)**

Lot Size	Setback
Less than 2ha	6m
Less than 4ha	15m
Between 4ha and 80ha	25m
Greater than 80ha	50m

- d) Within Greenleigh Estate the following minimum setback requirements apply:

**Table 2 – Minimum Setback Requirements for Greenleigh Estate**

	Front Boundary	Rear Boundary	Side Boundary
<b>Dwelling</b>			
Single storey	6.0m	10m	10m
Two or more storeys	7.5m	10m	10m

- e) Fences within Greenleigh Estate are to be rural in nature i.e. post and wire. Barbed wire or chain mesh is not permitted within this Estate.

## 5.5 Height

### Objectives

- 1) To ensure that the height of buildings complement the character of the area in which buildings are located.
- 2) To ensure the scenic and landscape qualities of the area are not compromised by visually intrusive structures.

## Controls

- a) On any land not identified on the Height of Buildings Map in the *QPRLEP 2022* the maximum height of any building shall not exceed 8.5m.

**Note:** Building Height is measured according to the definition within the *QPRLEP 2022*.

- b) Buildings shall be designed and constructed to be consistent with the surrounding height and character of the area.

## 5.6 Material and Appearance

### Objectives

- 1) To ensure the design of dwellings is of a high architectural standard that responds to and reinforces the positive aspects of the local environment and built form.

### Controls

- a) All structures should be designed so as to be compatible with the rural character and landscape of the locality. In this regard, particular attention should be given to building location, form, colour and materials used on construction.

Council may require the use of certain colours or materials, if in Council's opinion their usage will provide the development with an appearance compatible with the landscape. Metal clad structures (including roof) shall not be highly-reflective unless well screened from view or in an appropriate location. The use of recycled materials is encouraged by Council. Applicants should use materials that are structurally sound and appropriate to the locality of the development.

## 5.7 Erosion and Sediment Control on Building Sites

To ensure adequate erosion and sedimentation controls during construction applicants need to meet the requirements specified in Part 2.7 of this DCP.

## 5.8 Water Supply

### Objectives

- 1) To ensure each dwelling has adequate water supply to meet the needs of residents and for fire fighting purposes.

### Controls

- a) **Non-potable Water** – Council considers that a suitable non-potable water supply is necessary for land management purposes. A suitable supply is one that provides a storage capacity of 0.75ML or that can deliver 0.75ML per annum at the rate of 0.5 litres per second.
- b) **Potable Water** – Minimum potable water supply storage of 90,000 litres shall be provided on site for each dwelling erected on an allotment. Above ground water tanks shall be sited, coloured, and suitably landscaped so as to minimise their visual impact.

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- c) **Fire Fighting Resources** – With regards to fire fighting reserves a minimum water supply of 20,000 litres should be maintained with an accessible location to fire vehicles. This can be in the form of:
- i. Above or underground tanks;
  - ii. Permanent dam;
  - iii. Permanent creek,/river; and/or
  - iv. Swimming pool

Above or underground tanks used for domestic supply shall provide for the refilling of fire tankers through an access hole at least 200mm diameter. An access hole of 200mm is required for underground tanks and 65mm storz fitting is to be provided to above ground tanks.

## 5.9 Waste Management

### Objectives

- 1) To minimise the generation of waste from development.

### Controls

- a) An average household produces about one tonne of solid waste per year. Approximately one half to two thirds of domestic waste by weight is organic. Another one third is potentially recyclable. Council encourages the minimisation of waste and composting/use of worm farms to reduce the amount of household and commercial waste going into landfill. Items for recycling may be taken to the recycling areas of Council's Waste Resource Recovery facility. On site waste disposal is not permitted in the rural and environmental zones.

## 5.10 Internal Driveways

### Objectives

- 1) To ensure internal driveways comply with the Queanbeyan Palerang Regional Council Engineering Design Specifications and Queanbeyan Palerang Regional Council Construction Specifications.

### Controls

- a) Internal driveways shall be constructed in accordance with the QPRC Engineering Design and Construction Specifications. A maximum grade of 1 in 10 (10 per cent) applies from the intersection with the access road to the lot boundary. Development approval is required for constructed access tracks other than access tracks on holdings having an area of 80 ha or more. Approval for the internal access should be sought at the dwelling house development application stage, unless the access was approved when the lot was created. Council should be consulted prior to any construction commencing on site.

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## 5.11 Land Management – Dogs

Guidelines on the keeping of dogs are set out in Council's *Keeping of Animals Policy*.

## 5.12 Sheds

A shed does not include garage or carport structures attached to and under the same roof as the dwelling house, but includes all other outbuildings including stables and other sheds used for the housing of animals or pets and machinery and other materials but excludes **shipping containers**.

### Objectives

- 1) To enable the erection of sheds on rural properties within the Queanbeyan Palerang Regional Council area in a manner which complements the rural and residential scale of the landscape and has minimal impact on the scenic qualities of the area.
- 2) To provide design principles for the erection of sheds in Rural and Environmental Zones.

### Controls

- a) Sheds shall be designed and constructed so as to not be visually prominent or intrude into the skyline.
- b) Sheds shall be sited to minimise unnecessary disturbance to the natural environment. This includes any driveway or other works required to service the shed.
- c) Sheds shall be sited to involve minimal disturbance to native vegetation.
- d) Sheds shall be designed and constructed to be consistent with the surrounding height and character of the area.
- e) Sheds shall be located within the property's registered building envelope or in a location permitted by a Community Management Statement for the Association in the case of community title subdivision i.e. Mt Campbell Estate, Little Burra Estate.
- f) Sheds shall be located no closer to the road than the existing dwelling house on the property unless it is demonstrated this cannot be achieved due to topography or otherwise. Where no dwelling or building envelope exists the setback shall be a minimum of 50m or located in accordance with an approved Community Management Statement for the Association in the case of community title subdivision.
- g) Where no building envelope or Community Management Statement for the Association under the Community Title exists the side and rear boundary setbacks shall be assessed on merit taking into account impacts on adjoining properties, topography and landscape setting.
- h) Cut and fill shall be kept to a minimum. Maximum cut is 1.5m and maximum fill is 1m. Under no circumstances is cut and fill to take place without prior approval of Council. Such work will be considered for approval as part of the consent for the shed.

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## 5.12.1 Size of Sheds

### Objectives

- 1) To control the number and size of sheds so as to minimise their visual dominance and bulk in the landscape.
- 2) The size of sheds will reflect the rural or rural residential use of land and the size of the property.

### Controls

- a) On lots with an area of 16ha or less) sheds shall have a maximum total floor area of 300m<sup>2</sup> - i.e. the total cumulative floor area of all sheds on any one property shall not exceed 300m<sup>2</sup>. For the purposes of this clause the floor area is to be measured under the outside perimeter of the roof.
- b) Larger sheds may be permitted on lots that are greater than 16ha, provided the applicant can substantiate the rural use of the shed having regard for the size of the land and its agricultural use as well as measures taken to minimise the impact on neighbours and the locality.

## 5.12.2 Use of Sheds

### Objectives

- 1) The commercial use of sheds is only permitted subject to Council's approval in accordance with the *QPRLEP 2022*.

### Controls

- a) Sheds may only be erected on rural and environmental zoned land and R5 Large Lot Residential land where:
  - i. A dwelling house is approved and under construction;
  - ii. A dwelling house is existing; or
  - iii. On vacant land where the shed is demonstrated to be used for rural/agriculture purposes.

**Note:** The following uses do not require Council's Consent:

- b) For ancillary purposes used in conjunction with the rural or rural residential use of the property i.e. farming equipment, farm storage or similar; and
- c) Garaging of plant or trucks which involves the storage and maintenance of up to two pieces of plant or trucks (e.g. truck and trailer, two trucks or similar but not two trucks and one or more trailers or the like) other than agricultural machinery, on a property where operated only by the occupier/s of the property, but does not include a truck depot.

**Note:** The following uses will require Council's Consent:

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- i. A truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like (as defined under the *QPRLEP 2022*).
- ii. The use of a shed for industry (as defined under the *QPRLEP 2022*) is prohibited.
- iii. The use of sheds for rural industries is only permitted with Council's consent in the RU2 Rural Landscape Zone. Rural home industries (as defined under the *QPRLEP 2022*) are only permitted with Council's consent in the RU2 Rural Landscape Zone, the R5 Large Lot Residential Zone and the C4 Zone Environmental Living under the *QPRLEP 2022*.
- iv. The use of a shed and its curtilage for a resource recovery facility (as defined under the *QPRLEP 2022*) is prohibited in Rural and Environmental Zones.
- v. The use of a shed for an animal boarding or training establishment (as defined under the *QPRLEP 2022*) is only permitted with Council consent in certain Rural and Environmental Zones. Refer to the *QPRLEP 2022* for details.

### 5.12.3 Shipping containers

Shipping containers are considered a 'building' under the *NSW Environmental Planning and Assessment Act 1979* and they will require development consent. However, in some circumstances they may be exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. The purpose for which the shipping container is to be used is required to be permissible under the *QPRLEP 2022*.

#### Objectives

- 1) To maintain the amenity of the area.
- 2) To ensure that the use of the containers is appropriate for the location.

#### Controls

- a) Containers must not be located over utility areas or over effluent treatment disposal areas or systems.
- b) Containers must not be located any closer than one metre to any side or rear boundary.
- c) Where the lot has a building envelope, the entire shipping container must be located within the building envelope.
- d) Containers must be painted in neutral colours to blend with the surrounding natural environment and built structures. Details of colours are to be included with the development application.
- e) Containers must not be located within any flood planning areas.
- f) Containers that are proposed to be used for storage are not to be stacked.

## 5.12.4 Secondary Dwellings

A secondary dwelling means a self-contained dwelling that:

- a) is established in conjunction with another dwelling (the principal dwelling), and
- b) is on the same lot of land as the principal dwelling, and
- c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note: The provisions of the QPRLEP 2022 apply and may not allow the development of secondary dwellings.** Refer to *Clause 4.2A – Erection of dwellings on land in certain rural, residential, mixed use and conservation zones* of the QPRLEP 2022. This applies to Rural and Environmental zones and requires the land to have the minimum lot size specified on the Minimum Lot Size map or Lot Averaging map if the land is identified as “Lot Averaging”.

To consent to the development for the purpose of a secondary dwelling the development must:

- a) Satisfy the definition of a secondary dwelling, and
- b) The total floor area of the secondary dwelling (excluding any area used for parking) must not exceed whichever of the following is greater:
  - i. 60m<sup>2</sup>, or
  - ii. 33% of the total floor area of the principal dwelling.

### Objectives

- 1) Maintain and enhance the established character and amenity of the locality.
- 2) Ensure that the external appearance of secondary dwellings are sympathetic to the principal dwelling.

### Controls

- a) Setbacks which are prescribed as part of a building envelope prevail over any other controls set out below.
- b) Building setbacks from the front boundary setback shall be a minimum of 50m. Where this cannot be achieved due to the physical dimensions or constraints of any property, the front setbacks shall be assessed on merit and having regard to the objectives of this clause.
- c) Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners, and be consistent with the minimum setbacks set out below:



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**Table 3 – Minimum Setback Requirements for Secondary Dwellings**

<b>Lot Size</b>	<b>Setback</b>
Less than 2ha	6m
Less than 4ha	15m
Between 4ha and 80ha	25m
Greater than 80ha	50m

- d) Building bulk and height, scale, massing, roof form and materials should be sympathetic to existing built forms and complement, rather than detract, from the existing principal dwelling on the site.
- e) Avoid a monolithic appearance created by large expanses of blank walls through the use of architectural design features, articulation and fenestration.
- f) An attached secondary dwelling must feature a physical/ structural attachment with the principal dwelling on a site and include sympathetic integration with the roof structure of the principal dwelling.
- g) Where a garage, carport or outbuilding is proposed to be converted to a secondary dwelling, external building materials and their colours should be compatible with the principal dwelling on site and the character of the locality.
- h) No additional on-site parking is required to be provided for the secondary dwelling. However, car parking is required to be provided for the principal dwelling in accordance with Council's parking requirements.