

# Planning and Strategy Committee of the Whole

14 August 2019

## UNDER SEPARATE COVER ATTACHMENTS

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

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## QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

### 14 AUGUST 2019

ITEM 6.1 DEVELOPMENT APPLICATION 289-2018 - PROPOSED BOARDING HOUSE - 288 CRAWFORD STREET

**QUEANBEYAN** 

ATTACHMENT 1 DA-289-2018 -TABLE 4.15 MATTERS FOR CONSIDERATION - -

PROPOSED BOARDING HOUSE - 288 CRAWFORD

STREET, QUEANBEYAN

### ATTACHMENT - SECTION4.15 TABLE - Matters For Consideration

This application has been assessed under Section 4.15 of the *Environmental Planning and Assessment Act* 1979 and the following matters are of relevance to **Development Application No 289-2018.** Overall, Council remains unsupportive of the development which is detailed in the assessment below.

### State Environmental Planning Policies

The proposed development has been assessed in accordance with the requirements of the relevant State Environmental Planning Policies (SEPPs) including any draft SEPPs and a summary is provided in the following table:

SEPP COMMENTS	COMPLIES (Yes/No)
State Environmental Planning Policy No 55 - Remediation of Land	
Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. There are no records of the site being previously used for any potentially contaminating purposes.	Yes
State Environmental Planning Policy (Infrastructure) 2007	
The provisions of this Policy have been considered in the assessment of the application. The site is not located in or adjacent to road corridor nor does it have a frontage to a classified road. The site is not located within or immediately adjacent to an easement for electricity purposes or immediately adjacent to an electricity substation. No development is proposed within 5m of an overhead powerline and no ground penetrating work is proposed within 2m of any underground electricity services.	Yes
State Environmental Planning Policy (Affordable Rental Housing) 200	9
Division 3 Clause 25 Definition  The SEPP does not separately define a Boarding House. The defined use as outlined in the QLEP (discussed below) applies. The proposal can be defined as a Boarding House.	Complies
Division 3 Clause 26 Land to which Division applies	
Division 3 applies to land within the R2 Low Density Residential zone. The site is within the R2 Low Density Residential zone in the QLEP and complies.	Complies
Division 3 Clause 27 Development to which Division applies	
Clause 27 (1) applies development standards to development for boarding houses. The clause applies development standards to sites in certain locations.	Compliance not required - this clause outlines the
Clause 27 (2) relates to the applicability of standards in the Sydney region, which is not applicable.	application of relevant provisions only.
Clause 27 (3) states that 'despite subclause (1), clauses 29, 30 and 30A	

SEPP COMMENTS	COMPLIES (Yes/No)
do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones'.	
In this instance, the proposed boarding house is in the R2 zone but is not within 400m walking distance of land within a B2 or B3 zone, or an equivalent zone. Therefore clauses 29, 30 and 30A do not apply.	
Clause 28 Development may be carried out with consent	
Development to which this Division applies may be carried out with consent.  An application for a Boarding House has been lodged and is permissible with consent in the R2 Low Density Zone.	Complies
Clauses 29, 30 & 30A	Not applicable
Clause 30AA Boarding houses in Zone R2 Low Density Residential	
A consent authority must not grant development consent to a boarding house on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12 boarding rooms.	Complies – the Boarding House is proposed to have 9 boarding rooms.
State Environmental Planning Policy (Building Sustainability Index: BA	ASIX) 2004.
The Applicant has suggested the cost of works would be less than \$50,000. The cost of works is less than the threshold required to demonstrate compliance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.	Not applicable

### Local Environmental Plans

The proposed development has been assessed in accordance with the relevant requirements of the *Queanbeyan Local Environmental Plan 2012* and no relevant draft LEPs apply to the land. A summary is provided as follows:

	QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Part 1 Preliminary		
Claus	se 1.2 Aims of Plan	
The r	elevant aims of the Plan to the proposed development are as follows:	
a)	to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles;	
Spec	application has been unable to demonstrate that the use can operate in an orderly way. ifically, Further, the use would be managed solely by the land owner and despite a of support from a Social Housing Provider, it would be privately run.	
b)	to provide for a diversity of housing throughout Queanbeyan;	
The u	se would provide an additional type of housing in the local area.	
c)	to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community;	
The s	subject site is not in a retail, commercial or industrial zone. Not applicable.	No
d)	to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek;	
	proposal does not recognise or protect the built heritage of the conservation area gh the impact of car parking forward of the building line.	
e)	to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra; and	
The p	proposal is not on land referred to in this clause. Not applicable.	
f)	to maintain the unique identity and country character of Queanbeyan.	
the b	proposed development has failed to satisfactorily recognise the impact it would have on uilt heritage values of the local area. The proposal would not contribute to the renance of the identity and character of Queanbeyan.	
Claus	se 1.4 Definitions	
•	proposed development is defined as <b>Boarding House</b> . A <b>Boarding House</b> as a building that:	
(b) p	s wholly or partly let in lodgings, and rovides lodgers with a principal place of residence for 3 months or more, and nay have shared facilities, such as a communal living room, bathroom, kitchen or	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
laundry, and (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.  The proposal complies with this definition.	

Clause 1.9A Suspension of Covenants, Agreements and Instruments	
No covenants, agreements and instruments restricting the development have been identified.	Not Applicable
Part 2 Permitted or Prohibited Development	
Clause 2.1 Land Use Zones	
The subject site is zoned R2 Low Density Residential. The proposal is permitted with consent in the zone.	Yes
Clause 2.3 Zone Objectives and Land Use Tables	
The objectives of the zone are specified below. It is considered that the proposed development does not satisfy the objectives of the zone:	
<ul> <li>To provide for the housing needs of the community within a low density residential environment.</li> </ul>	
The proposal would cater to the housing needs of part of the community with this low density location.	
<ul> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	
Not applicable	No
<ul> <li>To encourage development that considers the low density amenity of existing and future residents.</li> </ul>	NO
The application has not satisfactorily considered or attempted to mitigate the amenity of existing and future residents.	
<ul> <li>To encourage development that is designed to recognise the bushland character of the locality where appropriate and to minimize the impact of urban development, particularly on the edge of the urban area.</li> </ul>	
Not applicable	
The proposal does not satisfy the objectives of the R2 Low Density.	
Clause 2.7 Demolition requires development consent	I
The proposal does involve demolition of existing structures. The minor demolition to the garage doors and entrance modifications is not able to be supported by Council's Heritage Advisor.	No – not supported i Heritage

### Clause 4.3 Height of buildings

The maximum building height permitted on the subject site is 8.5m. The height to the roof gable is 9.8m.

Despite non-compliance with the existing QLEP height limit, the proposal seeks to re-use an existing building and no increase to the height is proposed. Non-compliance with this development control does not warrant refusal.

No – the height exceeds the current QLEP limit however no change to the existing building height is proposed.

### Part 5 Miscellaneous Provisions

### Clause 5.10 Heritage conservation

The property is located with a Heritage Conservation Area. Under Clause 5.10, Council must consider the effect of the proposed development on the following relevant objectives;

### (1) Objectives

The objectives of this clause are as follows:

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

The proposal is not considered to (a) conserve the environmental heritage of Queanbeyan, nor (b) conserve the heritage significance of heritage conservation areas including associated fabric, settings and views.

The proposal would include modifications to the dwelling to remove an existing double garage. This will avoid that part of the site being able to be used for carparking. Further, car parking is proposed within the front building setback which is inconsistent with Council's Development Controls in the Development Control Plan as outlined below.

### (4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The proposal was referred to Council's Heritage Advisor who advises the proposed development would have a negative impact on the heritage significance of the local area and is inconsistent with the intent of the Heritage Conservation Area.

### (10) Conservation incentives

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

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

No

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.		
The proposal has not been able to demonstrate that it would not have a significant adverse effect on the amenity of the surrounding area.		
Further discussion on the potential impact of the proposal including comments from Council's Heritage Advisor are outlined in the Report attached.		
Clause 5.11 Bush fire hazard reduction		
The application does not involve any bush fire hazard reduction works.	N/A	
Part 7 Additional Local Provisions		
Clause 7.1 Earthworks		
Earthworks are not associated with the application as the structure has already been built.	Not Applicable	
Clause 7.2 Flood Planning		
The site is not identified as a 'flood planning area'. Council's Engineer has confirmed the site is not included in Council's record of land subject to flooding.	Yes	
Clause 7.3 Terrestrial biodiversity		
This clause is not considered relevant to the proposed development as the site is not identified as "Biodiversity" on the Terrestrial Biodiversity Map.	Not Applicable	
Clause 7.4 Riparian land and watercourses		
This clause is not considered relevant to the proposed development as the site is not identified as "Watercourse" on the Riparian Land and Watercourses Map".	Not Applicable	
Clause 7.5 Scenic protection		
This clause is not considered relevant to the proposed development as the site is not identified as "Scenic Protection Area" on the Scenic Protection Map.	Not Applicable	
Clause 7.6 Airspace operations		
The proposed development will not penetrate the Obstacle Limitations Surface Map for the Canberra Airport. Therefore the application was not required to be referred to the relevant Commonwealth body for comment.	Not Applicable	
Clause 7.7 Development in areas subject to aircraft noise		
This clause is not considered relevant to the proposed development as the site is not located near the Canberra Airport or within an ANEF contour of 20 or greater.	Not Applicable	

6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan
Attachment 1 - DA-289-2018 - Table 4.15 Matters for Consideration - - Proposed Boarding House - 288 Crawford Street, Queanbeyan
(Continued)

Clause 7.8 Active street frontages	
This clause is not considered relevant to the proposed development as the site is not identified as "Active street frontage" on the Active Street Frontages Map".	Not Applicable
Clause 7.9 Essential services	
Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:  (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.  Council's Engineer advises that the current water supply infrastructure may be inadequate given the increased number of fixtures proposed, however this is likely to be able to be resolved. Further, that vehicle access is not satisfactory for two parking spaces in the front building set back. The access is narrow for two spaces side by side and is not supported.	No
Clause 7.10 Development near Cooma Road Quarry	
This clause is not considered relevant to the proposed development as the site is not identified as "Buffer Area" on the Quarry Buffer Area Map".	Not Applicable
Clause 7.11 Development near HMAS Harman	
This clause is not considered relevant to the proposed development as the site is not located within 2 kilometres of HMAS Harman or within Zone IN1 General Industrial or Zone IN2 Light Industrial.	Not Applicable

### **Development Control Plan**

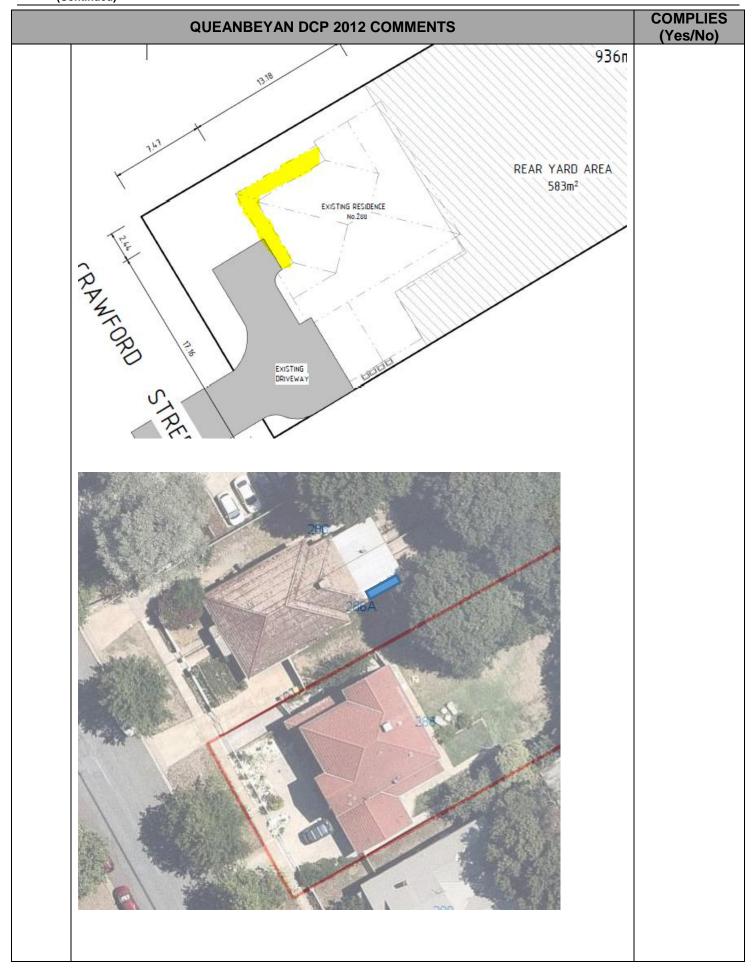
The Queanbeyan Development Control Plan (DCP) 2012 applies to the development and a summary of the relevant provisions is provided in the following table.

	QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
Part 2	All Zones	
1.8 Pub	lic Notification Of A Development Application	
The dev	elopment application was notified to adjoining owners and six (6) submissions were	Yes, public notification undertaken
Part 2 A	II Zones	
Objecti	/es	
2) To ma	ovide controls on general matters that do not relate to a specific zone or type of develo aintain and improve the amenity of Queanbeyan the DCP includes general controls for all development in Queanbeyan. The proposal o	does not meet
	elevant Objectives or Development Controls as outlined below. As a result the proposed by to be able to maintain or improve the amenity of Queanbeyan as sought.	d development
2.2	Car Parking – Objectives	No

	QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
	<ol> <li>Car parking is to be provided on-site which will cater for the increased demand brought about by the development of the site.</li> <li>Adequate car parking for people with disabilities.</li> <li>The provision of car parking which is functional, safe and attractive.</li> <li>Functional loading and unloading facilities are provided to cater for the development of the site.</li> <li>The construction of car parking areas, service areas and associated areas to be in accordance with good engineering practice.</li> <li>The proposed development has not demonstrated that sufficient car parking spaces can be provided on site for the increased demand. Also, the proposed car parking spaces have been assessed by Council's Engineer to not be functional. Further, Council's Heritage Advisor does not support the use of the site forward of the building for car parking. The proposal does not comply with the Objectives for car parking in the DCP.</li> </ol>	
2.2.3	<ol> <li>General Principles – Objectives</li> <li>To provide general standards for car parking.</li> <li>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.</li> <li>Compliance with general standards have not all been met, as identified in this assessment. The proposal would result in additional use of on-street parking given parking on site is not considered adequate. The proposal is likely to have an unreasonable impact as a result of inadequate car parking numbers and their proposed location on site. Current amenity is not expected to be maintained.</li> </ol>	No
2.2.6	<ul> <li>Car parking - Objectives</li> <li>1) To ensure the appropriate number of car spaces is provided for the development types.</li> <li>2) To ensure the appropriate design of car parking spaces and areas.</li> <li>The Development Controls in Council's Development Control Plan are relied upon to ascertain an appropriate number of spaces in this instance.</li> <li>The proposal has not demonstrated that it can provide 4 car parking spaces on site.</li> <li>Further, the design of the proposed spaces to the front of the site are not able to be supported in terms of their functionality nor impact on the heritage conservation area.</li> </ul>	No
	<ul> <li>Car Parking - Controls</li> <li>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.</li> <li>b) In finalising the parking numbers required the total number is to be rounded up to the next whole number.</li> <li>c) In addition to providing the number of required car parking spaces, all car parking shall be designed in accordance with the Australian Standard</li> </ul>	No

	QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
	AS 2890 Parking Facilities.	(100,110)
	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.	
	Council's Engineer has confirmed that vehicles will not be able to enter and exit in a forward direction. Also, manoeuvrability into the proposed spaces is likely to be questionable without widening of the verge crossing and fencing to at least 5.5m, increasing from the existing 4.5m. The proposal does not comply with AS2890.	
	Site Distance - Objectives	
2.2.9.3	<ol> <li>Access driveways need to be located so as to obtain minimum sight distance.</li> <li>It is necessary that any vehicle entering or leaving the driveway is visible to approaching vehicles and pedestrians.</li> </ol>	No
	The proposal includes car parking to the front of the site only. Cars would be required to reverse out across the footpath and onto the street. The proposal does not meet the objectives as sight distance given reversing onto the street is required.	
	Site Distance - Controls	
	<ul> <li>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).</li> <li>b) Driveways are to comply with AS/NZS 2890.1 - 2004: Off-street car parking.</li> </ul>	
	Council's Engineer notes that parking spaces are proposed in the frontage of lot due to the retro fitting of the existing double garage to a self contained studio. As a result, vehicles will not be able to enter and exit in a forward direction. This section of Crawford Street sees a high rate of on-street parking particularly due to its proximity to Child Care and the Queanbeyan Primary School.	No
	This location and these existing uses emphases the importance of vehicles being able to enter and exit in a forward direction given the lack of visibility when reversing out of driveways and increased likelihood of young children in the vicinity.	
2.3	Environmental Management  A BASIX certificate has not been provided as the Applicant has advised the cost of works will be less than \$50,000 so the Certificate is not required.	Not applicable
	Waste and Recycling	
2.3.5	The application included a waste management plan, however the storage and quantity of bins would need to be further addressed should the use be approved.	Complies
2.3.6	Noise - Relevant Objectives  1) To ensure development provides for effective management of noise and vibration through effective siting, building design, materials and layout,	Unable to confirm compliance

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
construction and engineering techniques, operational managem	ent.
The proposal would allow up to 12 adults to reside on site. This include of an existing balcony and the rear yard for recreation. Noise generation been addressed in the application, except to say that as no changes to external portions of the existing building is proposed, therefore there we change to the current situation in terms of privacy, views, overshadowing	n has not the Ill be no
The proposal is an intensification of use. It is possible that additional no impacts will be generated above that which currently exists for the use dwelling. Noise management has not been specifically addressed in the	as a
Noise - Relevant Controls	
a) Development should be designed to minimise the potential in noise.	or offensive
Within the Protection of the Environment Operations Act 1997, offensive defined as:	e noise is
(a) that, by reason of its level, nature, character or quality, or the time made, or any other circumstances:	e at which it is
(i) is harmful to (or is likely to be harmful to) a person who is outside from which it is emitted, or	Unable to
(ii) interferes unreasonably with (or is likely to interfere unreasonably comfort or repose of a person who is outside the premises from which or	
(b) that is of a level, nature, character or quality prescribed by the reg that is made at a time, or in other circumstances, prescribed by the reg	
Noise measures have not been addressed as part of this proposal by the Compliance with the control cannot be determined.	ne applicant.
The use appears able to accommodate residents in the rear yard area existing balcony that wraps around the house on the north west (side) west (frontage).	



	QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
	Lodgers would be able to entertain themselves, spend leisurely time or use the space for outdoor dining and recreation. Due to the close proximity of these spaces to both private open space areas and living areas of 286A Crawford Street, it is highly likely that the use of these spaces has the potential to affect the neighbours by noise.	(100,110)
	This noise would not necessarily be <i>offensive</i> however could create an impact to adjoining residents. Some conditions could be imposed to manage noise to prevent offensive noise should the use proceed.	
2.4	Contaminated Land Management Refer to SEPP 55 assessment.	Yes
2.5	Flood Management The subject site is not identified as "flood planning area" on the Flood Planning Map.	Yes
2.6	Landscaping A landscaping plan has not been submitted and no additional landscaping is proposed.	Not applicable
2.7	Soil, Water and Vegetation Management Plan (SWVM Plans) It is anticipated that should the use be approved, conditions relating to site management could be imposed to manage any potential impacts.	Yes
2.8	Guidelines for Bushfire Prone Areas The site is not identified as bushfire prone land	Not applicable
2.9	Safe Design The proposed development will continue to allow access to the property from the street and passive surveillance to or from the street.	Yes
2.11	Airspace and Aircraft Noise The site is not impacted on by aircraft noise	Not applicable
2.12	Preservation of Trees and Vegetation The proposed development does not require the removal of any existing vegetation.	Yes
	PART 4 – HERITAGE	
4.7	Demolition	
	<ul> <li>a) Full demolition of a listed or contributory item is only appropriate where, in the opinion of Council, the building is damaged or has decayed to such an extent that its restoration is not feasible.</li> <li>b) Elements of a building that do not contribute to its heritage significance may be considered for demolition. Proponents must demonstrate that partial demolition does not affect the heritage significance of the building.</li> <li>c) The demolition of ancillary structures that detract from the significance of a place is likely to be supported.</li> <li>d) The demolition of structures, including habitable dwellings, that are in the Conservation Area and do not contribute to the Area significance are likely to be supported.</li> <li>e) Significant fabric (for example period windows, or historic bricks) that is removed in the process of permissible demolition should be set aside for use in future repairs or possible reinstatement.</li> <li>f) Buildings that replace listed and contributory structures shall adopt a similar external form and appearance as the significant part of the building that is being demolished. The replacement building may be extended in accordance with this Part as if it were the existing building (Figure 22).</li> <li>Minor demolition of parts of the front of the dwelling are proposed. The building is not a heritage item. Council's Heritage Advisor has confirmed that minor demolition in itself if not a significant issue, the re-location of car parking into the front building setback is not supported by the DCP.</li> </ul>	No

### 6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan Attachment 1 - DA-289-2018 - Table 4.15 Matters for Consideration - - Proposed Boarding House - 288 Crawford Street, Queanbeyan (Continued)

QUEANBEYAN DCP 2012 COMMENTS		COMPLIES (Yes/No)
4.8	Change of Use	
	<ul> <li>a) In certain circumstances Council may grant consent to certain development for any purpose of a building that has heritage significance even though development for that purpose would otherwise not be allowed by the QLEP 2012. The new use must facilitate conservation of the item, be in accordance with a heritage conservation management plan and not adversely impact on the amenity of the surrounding area. For further detail refer QLEP 2012 Part 5 Clause 10 (10)</li> <li>b) A new use that requires substantial and irreversible modification of significant fabric or setting is unlikely to meet the intention of these controls.</li> <li>c) New uses should require minimal change to the external fabric of the building.</li> <li>d) Changes to landscaping or car parking should not have an adverse impact on the character or significance of the item and will need to satisfy other relevant clauses in this DCP.</li> <li>e) A new use should not increase the risk or likelihood of cumulative changes that could reduce the heritage significance of the item over time.</li> <li>The proposal includes changes in car parking, from a double garage associated with an existing dwelling, to proposing car and motorcycle parking in front of the building line. The proposed change does not satisfy the other relevant clauses of this DCP, therefore Clause (d) is also not considered to be met.</li> </ul>	No

### Additional Planning Considerations

The following additional planning matters apply to the development:

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
Environmental Planning and Assessment Act Regulation 2000	
The provisions of any matters prescribed by the Regulations, which apply to the land to which the development application relates, must be considered.	Yes
Clause 92 - Australian Standard AS 2601-1991 (Demolition of Structures). Clause 93 - Fire Safety Considerations (change of use of an existing building). Clause 94 - Fire Safety Considerations (rebuilding/altering/enlarging/extending existing building).	
Clause 94A Fire Safety Considerations (temporary structures).	
It is anticipated that essential fire safety considerations could be adequately met.	
The Likely Impacts of the Development	
Context and Setting – The subject site is located within the heritage conservation area which is dominated by single detached dwelling-houses.	
The proposed development is not anticipated to be able to operate without unreasonable impacts on the local area, including relating to heritage conservation, impacts on amenity, access to and from the site by vehicles and safe operation of the local roads including for pedestrians.	No
The use in this location is not able to be supported.	
Access, Transport and Traffic - The proposed development's impact in relation to access, transport and traffic is not considered to be acceptable as assessed by Council's Development Engineer.	No
Public Domain – The public domain refers to public spaces. The proposed use of the site forward of the building line for car parking has the potential to undermine Council's Heritage Conservation objectives. The impact on the public domain in terms of visual impact is not considered to be acceptable.	No
Utilities - The site is serviced with water, sewer, electricity and telecommunications.	Yes
Heritage – The subject site is within the heritage conservation area. The proposal does not conserve the heritage values of the heritage conservation area and is not supported.	No
Other Land Resources - The proposed development will not adversely impact on valuable land resources for productive agricultural land and mineral and extractive resources.	Yes
Water - The proposed development will have minimal impact on the conservation of water resources and the water cycle.	Yes

### 6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan Attachment 1 - DA-289-2018 - Table 4.15 Matters for Consideration - - Proposed Boarding House - 288 Crawford Street, Queanbeyan (Continued)

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
Soils - The proposed development will have minimal impact on soils.	Yes
Air and Microclimate - The proposed development will have minimal impact on air quality and microclimatic conditions and will be conditions to prevent air pollution such as dust where required.	Yes
Flora and Fauna - (8 point test from Threatened Species Act to be completed where relevant). The proposed development will have a minimal impact in relation to the maintenance of biodiversity in the area. There are no known listings of critical habitat, threatened or endangered species, populations, ecological communities or their habitats on or in close proximity to the site.	Yes
Waste – It is anticipated that adequate waste facilities could be made available should the use proceed.	Yes
Energy - a BASIX certificate was not required with the proposal.	Not applicable
Noise and Vibration - The intensification of the use and the use of outdoor spaces in relation to existing adjoining dwellings has the potential to create a noise impact to adjoining properties. Attenuation of noise has not been addressed in the application.	No
Natural Hazards – The proposal is not likely to be impacted on by natural hazards.	Yes
Technological Hazards - No technological hazards are known to affect the site.	Yes
Safety, Security and Crime Prevention - The proposed development complies with the relevant section of the QDCP 2012 on crime prevention through environmental design.	Yes

### 6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan Attachment 1 - DA-289-2018 -Table 4.15 Matters for Consideration - - Proposed Boarding House - 288 Crawford Street, Queanbeyan (Continued)

Social Impact in the Locality – Six (6) submissions were received which raise general amenity concerns, identifies issues of traffic management and potential deterioration of the heritage conservation area. These issues are unable to be managed through conditions. Accordingly, the proposal is likely to have an unreasonable social impact on the locality.	No	
Economic Impact in the Locality - The proposal is for affordable short term housing, and if it could be managed with conditions on this site, could achieve broad economic benefit to the lodgers and operator.	Yes	
Site Design and Internal Design - The site design and internal design of the development has been assessed under the QDCP 2012. The proposed design is not considered to be satisfactory which is emphasised throughout this report.	No	
Construction - Generally construction impacts would be short term and could be able to be managed through conditions.	Yes	
Cumulative Impacts - Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment.	No	
The incremental issues of non-compliance raised throughout this assessment has demonstrated that the use of this site as proposed cannot be supported.	No	
The Suitability of the Site for the Development	,	
Does the proposal fit in the locality? – The proposal is not compatible with the site and its location within the heritage conservation area.		
The State Environmental Planning Policy Affordable Housing can be used as a guide on how these uses should relate to the urban environment within an R2 Low Density setting. Council cannot apply the majority of the provisions of that SEPP to this assessment, however it is relevant as an industry guide.		
In June 2018, the ARHSEPP was amended to increase car parking numbers for boarding houses. Car parking standards for boarding houses, except where provided by a Social Housing Provider, are now 0.5 spaces per room in all locations. This rate is consistent with Council's current DCP controls.		
As a guide, the proposal is also inconsistent with the provisions of the SEPP in relation to the following	,	
<ol> <li>minimum size of bedrooms - Bedroom 5 could accommodate (2) lodgers however is only proposed at 14m2 and does not meet the intended minimum of 16m2;</li> </ol>	No	
<ol> <li>outdoor open space – despite a large rear yard, the Applicant has failed to show a suitable landscaped area for lodgers which could also avoid overlooking to neighbours; and</li> </ol>		
3) the design of the development is not considered compatible with the character of the local area in terms of heritage conservation and maintenance of amenity values for existing residents and local road users.		
The site is not considered suitable for the proposed development.		

### 6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan Attachment 1 - DA-289-2018 -Table 4.15 Matters for Consideration - - Proposed Boarding House - 288 Crawford Street, Queanbeyan (Continued)

Are the site attributes conducive to development? – The site accommodates an existing building which is proposed to be used, however insufficient and inadequate provision has been made to accommodate the use. The site is not considered conducive for the use as proposed.	No
The Public Interest	
It is considered that the public interest will be adversely affected by the proposed development. The adjoining neighbours will be impacted through noise and privacy concerns if the development is to proceed. The local community will be impacted on through on-street parking and the impact of vehicles reversing onto the street. The visual impact on the heritage conservation area has also been assessed as being unsatisfactory.	No
Government and Community Interests	
It is considered that, on balance, community interests are not able to be sufficiently met by the proposed development. Despite a Boarding House being able to provide short term accommodation, this proposal would be privately run and not managed by a social housing provider who could target needy and disadvantaged lodgers who would particularly benefit from the use.	No
Section 7.11 & 64 Development Contributions	
Section 7.11 & 64 Contributions  Development contributions would be required should the proposal be supported, however have not been calculated at this stage. There are no exemptions for this specific form of development under the Queanbeyan City Council Section 94 Development Contribution Plan.	Applicable if the use was to be approved

## QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting
Attachment

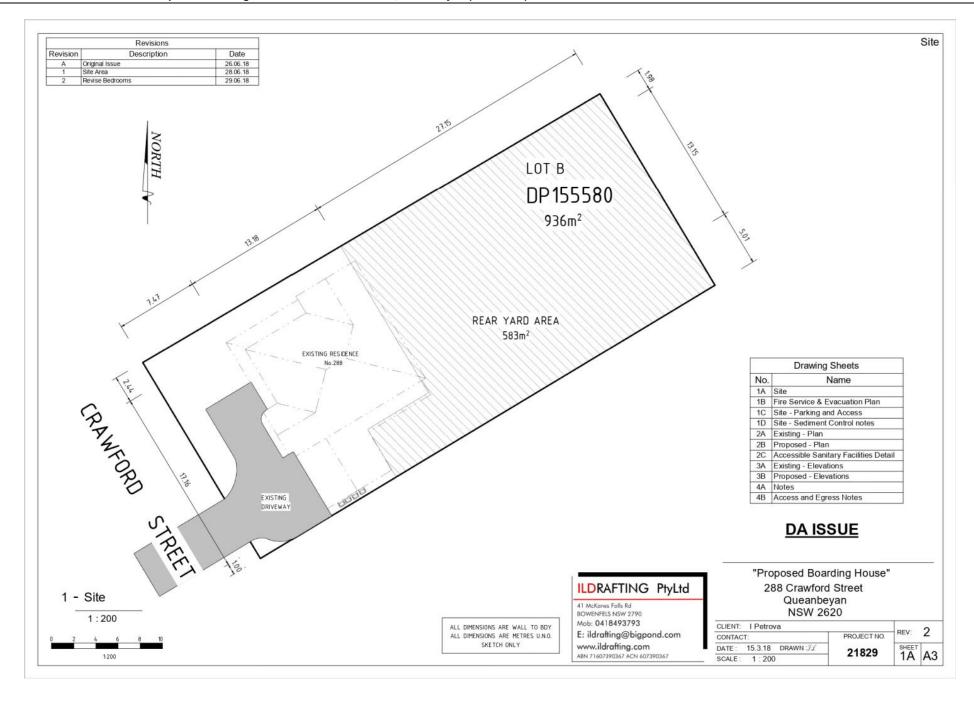
### 14 AUGUST 2019

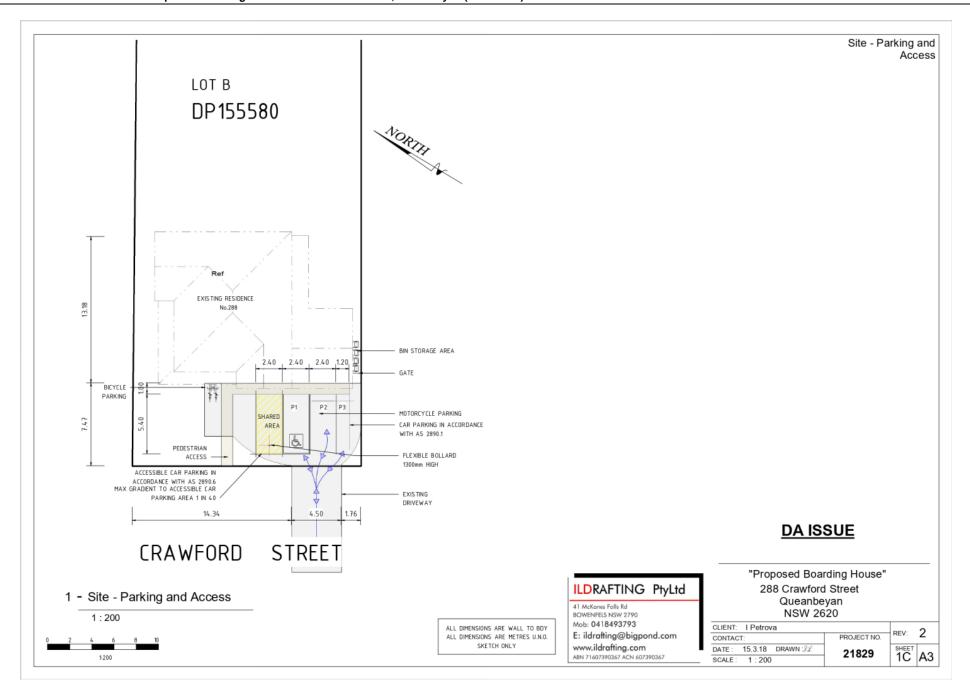
ITEM 6.1 DEVELOPMENT APPLICATION 289-2018 - PROPOSED BOARDING HOUSE - 288 CRAWFORD STREET

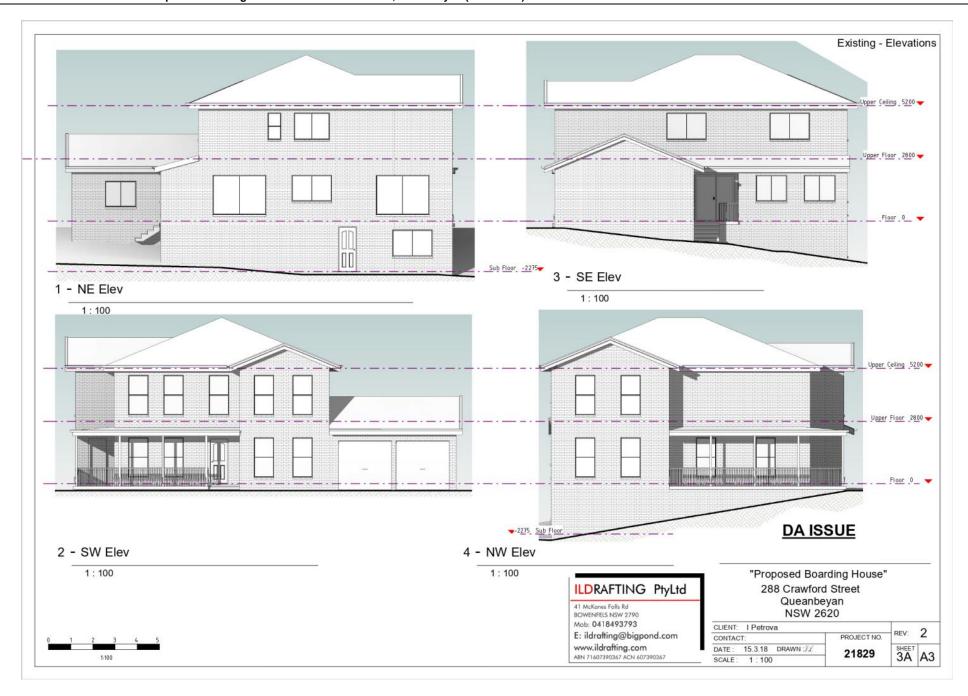
**QUEANBEYAN** 

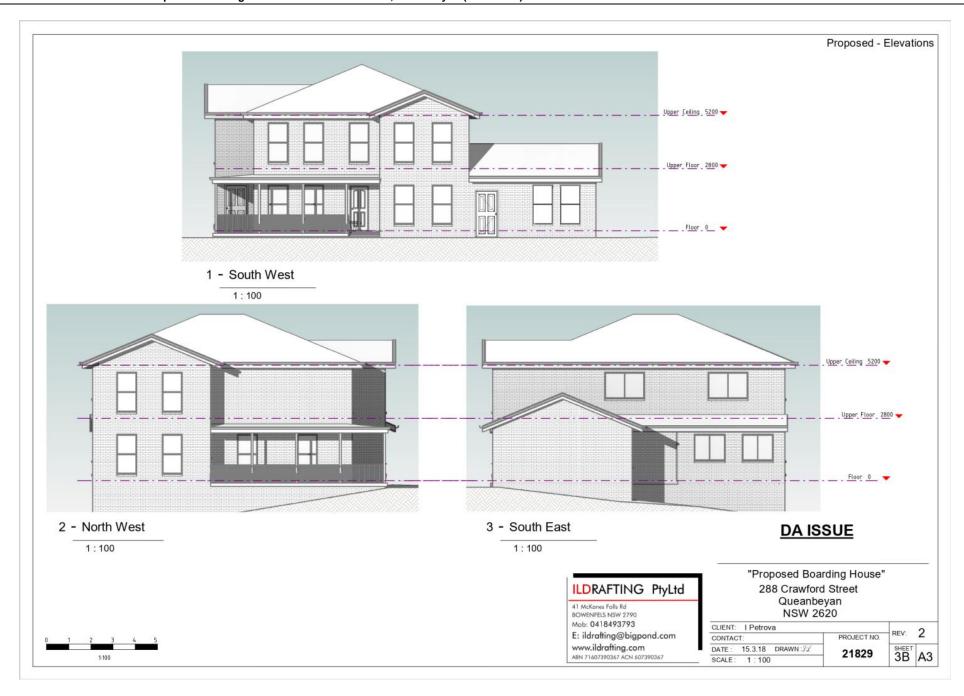
ATTACHMENT 2 DA-289-2018 - PLANS - PROPOSED BOARDING HOUSE - 288

CRAWFORD STREET, QUEANBEYAN









## QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting
Attachment

### 14 AUGUST 2019

ITEM 6.1 DEVELOPMENT APPLICATION 289-2018 - PROPOSED BOARDING HOUSE - 288 CRAWFORD STREET

**QUEANBEYAN** 

ATTACHMENT 3 DA-289-2018 - SUBMISSIONS - PROPOSED BOARDING HOUSE - 288 CRAWFORD STREET, QUEANBEYAN From: Council Mailuser < Council.Mailuser@qprc.nsw.gov.au>

Sent: Monday, 13 August 2018 11:20 AM
To: Environment Planning and Development
Subject: FW: 288 Crawford Street - comments

From:

Sent: Monday, 13 August 2018 9:23 AM

To: Cc:

Subject: RE: 288 Crawford Street - comments

Good morning,

I would like to aks Queanbeyan-Palerang Council to accept my late comments to the proposed boarding house, 288 Crawford Street, Queanbeyan.

My sincere apologies for the lateness of my submission. In a very busy life a two week turnaround time was too tight for me. Please use my private email for future communications.

My address is and my backyard borders directly onto the backyard of 288 Crawford Street.

After careful consideration I would like to raise following concerns with council:

### 1. Management of the boarding house

The boarding house is envisaged to have 11 residents – a high density for what is a family home in a residential area of Queanbeyan.

Good management of tenants and the house would be the key factor to the preservation of the amenity of my current living environment.

I have experienced the effect of failed management of high density living for 38 Isabella Street, across the lane from my house. Prior to the sale of 38 Isabella Street and it consequently being strata titled, I would wake at night to the frightening sounds of tenants fighting and window panes shattering. There were burnt out car wrecks in the car park belonging to the block of flats, providing a visual signal to the community of toleration of antisocial behavior at this site.

I note that the boarding house has no manager living on site. I am concerned that the consequences of failure to manage tenants may occur across my back fence at some stage in the life of the boarding house. Please provide me with information on the power that Queanbeyan Council has to close down a boarding house with failed management of tenant behavior and which process neighbours need to undertake to raise issues.

#### 2. Car parking

The 11 tenants of the boarding house will require car parking and I note that the boarding house plan does not provide 11 car parks.

Currently cars belonging to tenants from 38 Isabella Street are parked in Church Lane because the block of flats does not provide parking for all tenants. In view of Queanbeyan's poor provision of public transport it is

likely that all 11 tenants have vehicles that require parking. I am concerned that some of these cars too may be parked in Church Lane, congesting what is already a very narrow lane.

I am sorry to provide my feedback late, If you are not the right recipient for my comments, please be so kind to pass them on to the appropriate officer.

Regards

12 August 2018

G Harlor Service Manger – Development Natural and Built Character Queanbeyan and Palerang Regional Council 256 Crawford Street Queanbeyan NSW 2620



Dear Sir/Madam.

### Re: Lot B DP 155580 288 Crawford Street Queanbeyan: Development Application for Boarding House No. 289-2018

As one of the adjoining properties to the proposed development, we have given the proposal considerable thought and for the following reasons, find ourselves objecting to it.

### (1) Parking:

The parking situation on this end of Crawford Street is already difficult for residents and visitors alike. School periods are particularly difficult with pickup and drop times even more congested. As the photo in Figure 1 shows even outside of these times, the street remains fully occupied.

The application and the Statement of Environment Effects ('SoEE') on the other hand argue that just two car spots (and one accessible spot) are required for up to 11 lodgers (SoEE p.11), with "substantial on-street parking available along both sides of Crawford Street" (SoEE p.8). Again, the photo in Figure 1 indicates that this is clearly not the case. Therefore the assessment of sufficient parking falls back on what is proposed within the property boundaries and in this case the proposal seems to fall far short of any reasonable assessment of needs.

Furthermore, the SoEE seems to have ignored the new requirements that came into force on 1 June 2018, that increased car parking requirements for boarding houses in all locations under the *State Environmental Planning Policy (Affordable Rental Housing)* 2009 (ARHSEPP). This new requirement increases the number of spaces to 0.5 per room, which would require the current proposal to have at least 5 parking spaces for the 9 proposed rooms.

We note also that Table 1 of the Queanbeyan Development Control Plan 2012 ('QDCP') seems to provide for an even higher standard, being one 1 space for each room, and for the parking to be located behind the building line.

While it is not clear to us which of the exact requirements apply, it seems that in all applicable cases, the current proposal fails to provide sufficient parking.



Figure 1: Image of Crawford Street parking situation taken approx .11.30am on a school day.

### (2) Heritage considerations

The Plans show that the existing garage will be modified to include a new entrance way and two windows (Plans, Sheet 3B, 1 South West), which the SoEE describes as the 'conversion (of) the existing garage to create a new accessible front entry, bedroom and bathroom" (SoEE p.7). Notwithstanding that the SoEE also incorrectly claims there are "No changes... proposed to the external portions of the existing approved building" (SoEE p.7), there will clearly be changes to the front façade of the premises. This, and the addition of parking in the front setback of the property, will clearly change the presentation of the property that is located within Queanbeyan's Heritage Conservation Area.

This change in the way the property is presented would seem to be at odds with Clause 4.5.6 of the QDCP, namely the objective of "(2) ensuring that site coverage remains consistent with the predominate pattern (that) exists in the area". The planned amendments are in stark contrast to this requirement. Surrounding houses have worked and continue to work, to establish attractive front vistas and gardens consistent with the heritage nature of the area.

We note that the objective of the guidelines (as set out in the QLEP 2012 Clause 5.10) is to "conserve the...heritage conservation areas, including associated fabric, settings and views...". This objective "aims to continue to demonstrate the historic and aesthetic characteristics of a Heritage Conservation Area well into the future." It is therefore difficult to reconcile these objectives with the presence of a boarding house with signage advertising this fact and multiple cars parked up to front of the building. It just doesn't seem to fit with "maintaining the Conservation Area's low-scale residential character and encouraging the retention and/or enhancement of streetscapes" (QCCP 2012, Clause 4.3.3).

Furthermore, the proposed plans include hard paving between the front boundary and the house for the purposes of parking, while control (b) in section 4.5.6 of QDCP 2012 explicitly prohibits this:

"(b) Hard paving between the dwelling and front boundary, shall be limited to a pedestrian path and a driveway. The front garden area shall not be hard surfaced for any purpose including car-parking, vehicle turning etc."

#### (3) Lack on on-site supervision/manager

The SoEE states on p.11 that "(n)o onsite manager is proposed". The lack of on onsite manager calls into question how other statements in the SoEE can be believed, since there will be nobody present to ensure that they are enforced. For example, the SoEE states that there will no noise impact (p.7) from the development, but who will enforce noise discipline when there is no onsite manager?

Furthermore, how will the proposed 11 person maximum even be enforced without an onsite manager to prevent other unauthorized guests from remaining on the premises?

In such cases, the burden of the development will fall on neighbors and not the owners – since they will not be living there - and on other local community services such as the Police which seems unreasonable for a commercial development.

#### (4) Potential Fire Risks

As can be seen from the photos below in Figure 2, the property has barred windows upstairs and down, and as the SoEE states on page 7 – that "(n)o changes are proposed to the external portions of the approved house" one assumes that these would remain. In the event of a downstairs fire, we wonder how would the lodgers be able to escape the building – particularly those in the upstairs rooms?

Other commercial operations are required to have external fire escapes, and we wonder why, considering that this development will be a commercial one, why such issues have not been included in the plans considering that there is no obvious exit points from the top floor.

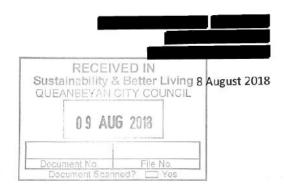


Figure 2a & 2b: Side and back views of the house showing the barred windows.

In view of the points raised above, we strongly object to the proposed development application at 288 Crawford Street.



G Harlor Service Manager – Development Natural and Built Character Queanbeyan and Palerang Regional Council 256 Crawford Street Queanbeyan NSW 2620



Dear Sir/Madam,

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#### Re: Lot B DP 155580 288 Crawford Street Queanbeyan

We are writing to strongly object to the development application to change the use of the property at 288 Crawford Street from a dwelling to a boarding house. In this submission of objection we detail several problems, inconsistencies and inaccuracies with the Statement of Environmental Effects by Fragar Planning and Development, 2 July 2018 (see detailed comments in pages 3-6).

Foremost, the proposed change in use to a boarding house accommodating up to 11 'lodgers' will have major implications for parking in the immediate vicinity. The SoEE does not take into account new statutory requirements as outlined in 'Amended car parking rates for boarding house developments' (1 June 2018; see <a href="https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies-review/draft-amendment-to-parking-provisions-for-boarding-houses">https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies-review/draft-amendment-to-parking-provisions-for-boarding-houses</a>) that requires the provision of 0.5 car parking spaces per room. For the proposed development that would require provision of 5 car parking spaces onsite for a boarding house of 9 rooms, rather than the 2 currently proposed. Furthermore, there is already parking congestion along this stretch of Crawford Street at certain times of day, especially associated with local childcare and school drop-offs and pick-ups, as well as the standard requirements for residents and their guests.

Second, the proposed management of waste and recycling is clearly inadequate. One 240 litre general waste bin is clearly insufficient to take the waste for 11 lodgers for a one week period. Additionally, one 240 litre recycling bin is clearly insufficient to take recycling for 11 lodgers over a two week period, given that recycling is collected on a fortnightly basis. Given the need to provide additional bins for proposed lodgers, how are these to be accommodated onsite in line with statutory bin storage requirements? Furthermore, the SoEE states there will be no onsite manager for the proposed boarding house; consequently, who will be the responsible person for the movement of bins to/from their collection and storage points?

Third, contrary to assertions throughout the SoEE, the proposed boarding house development will have negative impacts upon the streetscape and upon the heritage conservation values of the Queanbeyan Conservation Area (within which 288 Crawford Street is located). Although the building itself has no individual heritage significance, it is situated within the Queanbeyan Conservation Area and as such any proposed development should accord with the objectives of Queanbeyan's Local

Environment Plan (QPEP 2012, see Clause 5.10) to 'conserve the...heritage conservation areas, including associated fabric, settings and views...This is achieved by maintaining the Conservation Area's low-scale residential character and encouraging the retention and/or enhancement of streetscapes'. The proposed redesign of the facade of 288 Crawford Street (as indicated in the plans, even though the SoEE incorrectly states that there will be no changes to the facade) is not problematic in itself; however, the proposed changes to the parking area onsite – as well as likely parking congestion on the road and verge given the shortfall in allocated onsite parking (as indicated by NSW policy and legislation – as raised above, and detailed below) – will have adverse impacts to the aesthetic and utility values of the streetscape. Furthermore, we – along with many neighbouring and nearby residents within the Queanbeyan Conservation Area - have invested heavily in their properties to enhance the heritage and conservation values of our properties and the streetscape. These investments of time and resources benefit the individual landowners and the Queanbeyan Community as a whole. The proposed change in use of 288 Crawford Street from a dwelling to boarding house would severely undermine these efforts because, in our view, it will degrade the aesthetic values of the streetscape.

Based on the points discussed above, as well as those detailed in the following four pages, we strongly object to the proposed development application for a boarding house at 288 Crawford Street.

Can you please address the detailed points below, which we believe require a response from QPRC.

We look forward to hearing from you.



Clause	Provision	Comment/Question
25	Definition of communal living room means a room within a boarding house such as lounge, dining, recreation room or games	What is this room? Seeing that the SoEE states that the dining room and family room are being converted into bedrooms. Does the stated 'shared' kitchen/dining/lounge meet the requirements of the provision?
29	room.  2(b) landscaped area, namely the front setback area and streetscape	The SoEE states that there will be no changes to the existing streetscape. This is incorrect as the proposed development proposes that the front yard be altered to increase car park spaces and include spaces for motorbikes and bicycles. Note that we also have concerns about this how will impact the streetscape in regards to Queanbeyan Conservation Area.
29	2(d,ii) onsite manager	If no onsite manager is proposed then who will take care of the property, empty bins, maintain gardens and ensure proper care of building and its surrounds?
29	2(e,i) car parking	The SoEE incorrectly states compliance with statutory requirements. The SoEE does not take into account recent amendments to the AHSEPP policy.  The SoEE states that the required parking spaces are 0.2 per room. On 1 June 2018 the AHSEPP policy was amended to increase car parking requirements to 0.5 spaces per room. This therefore increases the required number of car parking spaces to 5 (0.5 X 9 = 4.5).  'Car parking standards for boarding houses, except where provided by a Social Housing Provider, are now 0.5 spaces per room in all locations The new car parking provisions for boarding houses were effective from the day they were notified on the NSW Legislation website. The amendments were notified on 1 June 2018The increased car parking standard responds to increasingly varied car ownership rates among residents of boarding houses and the impacts this can have on on-street parking ir some areas'.  (https://www.planning.nsw.gov.au/policy-and-legislation/state-environmental-planning-policies-review/draft-amendment-to-parking-provisions-for-
		boarding-houses)  The SoEE states that there will be an accessible

		bathroom. Can Council please confirm this proposed Boarding House is either a General Boarding House or an Assisted Boarding House (given that there a
- U		slight changes in requirement for each).
30	1(a)	Please confirm if the proposed shared
		kitchen/dining/lounge meets the definition of a
		'communal living room'.
30A		SoEE states that there are no external building works
		proposed. This is incorrect, as the presented plans
		propose changes to the garage to 'covert the
	9	existing garage to create a new accessible front
		entry' by modifying the current two vehicle entry to
		an entry door and two windows.
		The proposed radovalanment to increase the
		The proposed redevelopment to increase the
		parking space for vehicles, motorbikes and bicycles,
		and further delineation and signage to indicate the
		parking space provided for a mobility
		impaired/disabled resident, including a flexible
		bollard, will have an adverse impact on the character
		of Crawford Street and diminish the streetscape of
		this section of Crawford Street which is part of the
		Queanbeyan Heritage Conservation Area. An
		objective of Queanbeyan's Local Environment Plan
		(QPEP 2012, Clause 5.10) is to 'conserve
		theheritage conservation areas, including
		associated fabric, settings and viewsThis is
		achieved by maintaining the Conservation Area's
		low-scale residential character and encouraging the
		retention and/or enhancement of streetscapes' (and
		see Queanbeyan Development Plan, Heritage and
Comments i	n regards to the Quear	Conservation Part 4, 2012).  hbeyan Local Environment Plan 2012
1.2(2)	(d)	The proposed redevelopment is not consistent with
	a tributa a tabuta	this provision. It does not recognise and protect
	A Pear to build the	Queanbeyan's built heritage, namely the retention
		of Crawford Streets streetscape as part of
975	hithurine recent	Queanbeyan's Conservation Area.
5.10	(4)	The presented plans propose changes to the garage
		to 'covert the existing garage to create a new
	71	accessible front entry' by modifying the current two
		vehicle entry to an entry door and two windows.
		The proposed redevelopment to increase the
		parking spaces for vehicles, motorbikes and bicycles
		and increase the parking footprint at the front of the
	, , , , , ,	property (namely, alter the front setback) will have
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	the potential to compromise and weaken Crawford
		Streets overall streetscape character.
omments in	regards to the Quean	beyan Development Control Plan 2012 (DCP 2012)
.2.3	General Principles	The SoEE states that the required parking spaces are
	- energia / inicipies	The social states that the required parking spaces are

		0.2 per room. On 1 June 2018 the AHSEPP policy was amended to increase car parking requirements to 0.5 spaces per room. This therefore increases the
		required car parking spaces to a required 5 car parking spaces (0.5 X 9 = 4.5).
		'Car parking standards for boarding houses, except where provided by a Social Housing Provider, are now 0.5 spaces per room in all locations The new car parking provisions for boarding houses were effective from the day they were notified on the NSW Legislation website. The amendments were notified on 1 June 2018The increased car parking standard responds to increasingly varied car ownership rates among residents of boarding houses and the impacts this can have on on-street parking in some areas'.
		(https://www.planning.nsw.gov.au/policy-and- legislation/state-environmental-planning-policies- review/draft-amendment-to-parking-provisions-for- boarding-houses)
2.2.6	Car Parking	As above
2.3.5	Waste and Recycling	The SoEE report states that the proposed Boarding
	1)	House will supply 240 litre general waste and recycling bins. This is clearly insufficient to adequately dispose of the waste for 11 lodgers. Further, the SoEE states weekly collection, which is the case for general waste, but recycling is collected fortnightly.
-	6)	The SoEE states that there will be no onsite manager. Who is therefore responsible for the movement of the bins to their collection point prior to collection and then returned on the same day of collection, as required?
2.6	Landscaping	The SoEE states that there will be no changes to the existing onsite landscaping. The presented plans show proposed changes to the front landscaping with additional motorbike and bicycle parking spaces, placement of a flexible bollard and demarked parking signage for mobility impaired persons.
4.3.3	Heritage Conservation Area	The proposed redevelopment is not consistent with this provision. It does not recognise and protect Queanbeyan's built heritage, namely the retention of Crawford Streets streetscape as part of Queanbeyan's Conservation Area.
		The proposed development will have an adverse impact on the character of Crawford Street and

diminish the streetscape which is part of the Queanbeyan Heritage Conservation Area. An objective of Queanbeyan's Local Environment Plan is to 'conserve theheritage conservation areas, including associated fabric, settings and viewsThis is achieved by maintaining the Conservation Area's low-scale residential character and encouraging the retention and/or enhancement of streetscapes'.  4.5  Alterations and additions to All Places in the Heritage Conservation Area  This control is relevant as the proposed changes to the property at 288 Crawford street include altering the façade, and increasing parking onsite (front setback). These proposed changes do not recognise and protect Queanbeyan's Conservation Area.  This control is relevant as the proposed change of use to the property at 288 Crawford street include altering the façade, and increasing parking onsite (at the front setback). These proposed changes do not recognise and protect Queanbeyan's built heritage, namely the retention of Crawford Streets streetscape as part of Queanbeyan's built heritage, namely the retention of Crawford Streets streetscape as part of Queanbeyan's Conservation Area. The increase in vehicle parking onsite (car, motorbike and bicycle) will have an adverse impact on the character and streetscape impact of the Conservation Area.			
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			motorbike and bicycle) will have an adverse impact
			on the character and streetscape impact of the
Conservation Area.			Conservation Area.

Mr Graeme Harlor Service Manager – Development Natural and Built Character Queanbeyan Palerang Regional Council QUEANBEYAN NSW 2620



Dear Sir,

#### References:

- A. QPRC Correspondence: Inspection of Plans / Documentation Development Application No 289-2018
- B. Correspondence from Dr I Petrova 07 August 2018

In regards to your notification of proposed change of use 288 Crawford Street, reference A, from dwelling to boarding house, we would like to make the following submission <u>against</u> this application on two grounds, firstly local infrastructure and secondly community.

The current parking along Crawford Street is already beyond capacity, negatively impacting residents. During the work week, from 0730 – 1830, there is no ability to park outside our home. The development of 288 Crawford Street into a boarding house and subsequent increase in resident vehicles, will see increased pressures on the local area, further exacerbating the situation.

The primary draw of the local area is the presence of families and absence of multiple occupation dwellings, this is one of the reasons we purchased the proposed change of designation of 288 Crawford Street from dwelling to boarding house will see the introduction of a transient population, reference B. Since moving to Queanbeyan with our children we have enjoyed the feeling of community offered by the presence of and interaction with families in the local area. We feel that a transient population does not support the development of community, rather the continued rotation of residents is more likely to undermine the communal identity. As the boarding house would overlook our backyard this in itself is of concern to us.

We see the potential redesignation of 288 Crawford Street as negatively impacting residents while undermining community identity. For these reasons we are <u>against</u> the application for the development of 288 Crawford Street as a boarding house.

Kind regards,

₹9 Aug 2018





10 August 2018

Mr Graeme Harlor Manager (Development) Queanbeyan & Palerang Regional Council PO Box 90, Queanbeyan NSW 2620

Dear Mr Harlor,

# Re: Development Application, 288 Crawford Street, Queanbeyan

Firstly, please express our thanks to your staff for spending the time this week to explain to interested residents the details and implications of this DA.

We have to say, however, that it was disappointing that many residents, including close neighbours to the property concerned, were not informed of the DA until just before the closure of the time for comments, and others not so proximate not informed at all by Council. Could we ask you to examine your processes for notifying residents of development applications to ensure that all residents who may be impacted, for example by traffic effects, be contacted with sufficient time to respond. In this context, we are hoping our comments may still receive consideration.

Our concerns for this change of usage application to a boarding house are twofold:

- The Statement of Environmental Effects seems to imply that because the footprint
  of the dwelling is not changing, heritage issues will not be relevant. Given that the
  house is in the Queanbeyan Conservation Area the fact that the façade is to be
  altered, with garages being replaced by fixed walls, is important. Obviously the
  Heritage Advisor and Heritage Committee will be asked to comment and we look
  forward to the public release of their assessments.
- 2. The plans on display suggest only one actual normal designated carparking space. There is additionally one space for disabled parking and one for motorcycle parking. This would appear to be in contravention of the *Amended car parking rates for boarding house developments* which the NSW Department of Planning & Environment introduced on 1 June 2018 which state that:

"Car parking standards for boarding houses, except where provided by a Social Housing Provider, are now 0.5 spaces per room in all locations."

With 9 proposed rooms to let this would translate to 4.5 parking spaces. It is assumed that the previous stipulation that there should be a designated parking space for a supervisor/manager has not been revoked as the Department's announced amendments do not address this requirement. This would give a requirement of 5.5 parking spaces for the development.

Council will be well aware of the current significant parking difficulties in Crawford and Isabella Streets on school days, with residents of Isabella Street and parents collecting children from Queanbeyan Public School needing to park in Crawford Street creating increased hazards around the Kindy Patch Childcare Centre which itself has insufficient parking. This does not even address other less-than-daily parking demands, such as when funerals occur at the Uniting Church. Of course the Council's Traffic Committee will need to do a thorough assessment, and again we look forward to the publication of their comments.

Thank you for accepting this submission. We would be grateful if you could inform us of any developments, such as assessments by Council officers.



7<sup>TH</sup> August, 2018

G. Harlor Service Manager – Development Natural and Built Character Queanbeyan Palerang Regional Council 256 Crawford Street QUEANBEYAN NSW 2620



Dear Sir/Madam,

Re: Lot B DP 155580

288 Crawford Street Queanbeyan

We refer to the development application to change the use from dwelling to boarding house at 288 Crawford Street.

We purchased our home at the child minding centre was next door and Benedict House was on the corner. We have since accepted the "Home in Queanbeyan" development as being something good for the town. However, we do not believe a nine bedroom "boarding house" is going to enhance or benefit our immediate area. On a visual aspect, carparks in the front yard and erection of signage will be detrimental to the heritage appeal of the street.

The area is currently zoned "low density residential" which can be defined as " where the planning objective is to protect the locality's single dwelling character and landscape setting" this seems to suggest a single family living there, not a boarding house.

Our primary concern is the lack of parking currently available in Crawford Street, it is impossible to obtain a park outside of our house during the week. Nine bedrooms means more cars that need to be accommodated. The development only allows for two cars plus a disabled carpark. The balance of possibly six cars is of real concern as they will need to be parked "somewhere".

We believe that privacy for all surrounding neighbours will be severely affected with the possibility of nine groups of people coming and going at all hours. A number of our neighbours have small children and they, like us, bought into the area in good faith. It is very much a community minded neighbourhood and it's discomforting to think that strangers (some good some not so good) in the neighbourhood could be a common occurrence. How can QPRC guarantee that the prospective tenants will be adequately vetted to ensure that they do not have adverse backgrounds with respect to the large number of daycare/school children in the area?

Based on the few points raised above, we STRONGLY object to the development application.



# QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

# 14 AUGUST 2019

ITEM 6.2 APPLICATION FOR RENEWAL OF CARAVAN PARK

APPROVAL - CAPITAL COUNTRY HOLIDAY PARK - 47

BIDGES ROAD, SUTTON

ATTACHMENT 1 DRAFT CONDITIONS OF CONSENT

#### DRAFT GENERAL CONDITIONS

- 1. This approval relates to the use of the land for the purpose of a caravan park only. The use of the land for any other purpose is not permitted without Council approval. The approval relates to the provision of 175 sites.
  - Long Term Sites 50
  - Short Term Sites 100
  - Camp Sites 25

<u>REASON</u>: These matters are required to be specified in the approval by Clause 72 of the Local Government (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

- 2. Within three months of the date of approval the proprietor of the caravan park shall submit to Council an updated Community Map providing the following details:
  - Accurate site numbers as approved from 1 175, or alternatively L1-50, S1-100 and C1–25
  - Access roads, community amenities and community buildings within the caravan park or camping ground, and
  - The number, size, location and dimensions of dwelling sites or camp sites within the caravan park or camping ground, and
  - Location of fire services

<u>REASON</u>: To comply with Clause 126 of the Local Government (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

- 3. The proprietor shall display in a prominent position a copy of the current community map and make the following documents readily available for inspection without cost in the main reception office:
  - The approval for the caravan park;
  - The current community map;
  - A copy of the Local Government (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

<u>REASON</u>: To comply with Clause 126 of the Local Government (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

4. The provisions of the Local Government (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005 shall be observed at all times. It is the proprietor's responsibility to be familiar with all requirements of the Regulation.

<u>REASON</u>: To ensure that caravan park is operated within the requirements of the Local Government Act and Regulations.

5. All dwelling sites and camp sites must be appropriately numbered in accordance with the community map and identified by having the boundaries clearly delineated.

<u>REASON</u>: To comply with Clause 86 of the Local Government (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

- 6. Within 30 days of the date of approval and annually thereafter, the proprietor of the caravan park shall submit to Council a copy of the fire hose reel certificate which states that:
  - the fire hose reel has been inspected and tested by a person who is properly qualified to carry out such and inspection and test; and
  - the date on which the fire hose reel was inspected and tested, the fire hose reel was found to have been capable of performing to a standard not less that required by the Regulation.

<u>REASON</u>: To ensure that fire hose reels are regularly inspected to ensure they are working and to comply with Clause 129 of the Local Government (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

- 7. Within 30 days of the date of approval and annually thereafter the owner of the caravan park must provide an annual Fire Safety Statement to Council and the Fire Commissioner. An annual fire safety statement is a statement issued by or on behalf of the owner of a building to the effect that:
  - each essential fire safety measure specified in the statement has been assessed by a suitably qualified person and was found, when it was assessed, to be capable of performing to a standard no less than that specified in the current fire safety schedule.
  - the building has been inspected by a properly qualified person and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7 of the Environmental Planning and Assessment Regulation 2000.

<u>REASON</u>: To ensure compliance with the Environmental Planning and Assessment Regulation 2000 and Clause 129 of the Local Government (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

- 8. On replacement of any existing cabin on its present approved site, the proprietor shall submit to Council a written notice of installation for any relocatable home (including a cabin) or associated structures installed at the caravan park within 7 days of completion of the installation. The notice should indicate:
  - The site on which the work is carried out;
  - The particulars contained on the compliance plate;
  - A copy of the engineer's certificate for the structure; and
  - A fully dimensioned diagram of the site sufficient to indicate whether or not the setback, density and site delineation requirements of the Regulation have been meet.

<u>REASON</u>: To ensure that the relocatable home or associated structure is installed in accordance with Clause 160 of the Local Government (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

- 9. Prior to the existing cabins on any site being replaced, the proprietor shall ensure the size and layout of any proposed cabins meet the requirements of the Regulation.
  - <u>REASON</u>: To ensure that the new cabins are installed to the relevant requirements of the Local Government (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.
- 10. The proprietor shall inspect the subfloor area of all cabins annually to determine if the dwellings have been affected by termite activity. Where activity is noted appropriate steps to prevent any further termite activity are to be undertaken as well as any repairs necessary to mend any damage done.
  - <u>REASON</u>: To ensure that there is appropriate measures in place to ensure that the cabins will not be damaged be termites.
- 11. Within 3 months of the date of this approval the proprietor must supply to Council a Sewerage Treatment Performance Report. The report must be prepared by a suitably qualified person and should include but need not be limited to:
  - a) The disposal method for biosolids and total amounts of biosolids, disposed of on-site, off-site and to landfill;
  - b) A diagram showing the major process elements, discharge points and monitoring points at the premises' sewage treatment plant(s),
  - c) Results from monitoring over the last 12 month period.
  - d) The number of dry and wet weather bypasses recorded over the reporting period (recorded in accordance with condition
  - e) A summary of observed, reported or recorded wet weather overflows and observed, reported or recorded dry weather overflows and sewage treatment plant bypasses. These data are to be for the previous twelvemonth period, for which data has been collected. Any significant actions taken to address bypasses or overflows are to be noted
  - f) A detailed summary of the performance of the system, potential impact on water quality; and
  - g) Recommendation for improvements to the system.

REASON: To ensure the system continues to meet performance standards.

# 12. The discharge point of the sewerage system must be monitored (by sampling and obtaining results) the concentration of each pollutant specified in the table below:

Pollutant	Units	Frequency	Sampling method
Biochemical Oxygen demand (BOD)	Milligrams per litre	Monthly	Grab sample
Faecal Coliforms	Colony forming units per 100ml	Monthly	Grab sample
Nitrogen (ammonia)	Milligrams per litre	Monthly	Grab sample
Nitrogen (total)	Milligrams per litre	Monthly	Grab sample
Oil & Grease	Milligrams per litre	Monthly	Grab sample
рН	pH	Monthly	Grab sample
Phosphorus (total)	Milligrams per litre	Monthly	Grab sample
Total Suspended Solids	Milligrams per litre	Monthly	Grab sample

# The concentration of pollutant discharged must not exceed the concentration limits specified in the table below:

Pollutant	Units	Concentration limit
Biochemical Oxygen demand (BOD)	Milligrams per litre	30
Faecal Coliforms	Colony forming units per 100ml	200
Nitrogen (total)	Milligrams per litre	20
Oil & Grease	Milligrams per litre	10
pH	pH	6.0 - 9.0
Phosphorus (total)	Milligrams per litre	10
Total Suspended Solids	Milligrams per litre	30

The results of monitoring must be retained and presented for the next approval to operate the system or available to Council Officers on request.

<u>REASON</u>: To ensure compliance with the Protection of the Environment Operations Act 1997 and the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.

13. Within 3 months of the date of this approval, the proprietor must supply to Council a Drinking Water Quality Assurance Program. The report must be prepared by a suitably qualified person and should be prepared in accordance with the quality assurance program template provided by the NSW Public Health Unit.

<u>REASON</u>: To comply with the NSW Public Health Act 2010 and Public Health Regulation 2012 and the Australian Drinking Water Guidelines.

14. Within 3 months of the date of this approval the proprietor shall provide to Council an electrical compliance report which assesses the electrical supply to sites for compliance with the requirements of the Electricity Code of Practice, in the case of a long-term site, and AS/NZS 3001:2001, Electrical installations—Relocatable premises (including caravans and tents) and their site installations, as in force on 1 September 2005, in the case of a short-term site.

<u>REASON</u>: To ensure compliance with Electrical standard and Clause 104 of the Local Government (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005

Note: Prior to lodging any future renewal for an approval of the caravan park the proprietor is to apply for a s82 objection to NSW Department of Planning seeking a variation for those sites where the structures do not comply with the setback requirements of the regulation under Clause 91 of the Local Government (Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

Alternatively the proprietor may submit a schedule of works for completion over a mutually acceptable time frame to develop plans for improving the fire separation between non complying cabins to meet the objectives of the Regulation.

REASON: To ensure compliance with Clause 91 of the Local Government (Caravan Parks, Camping

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

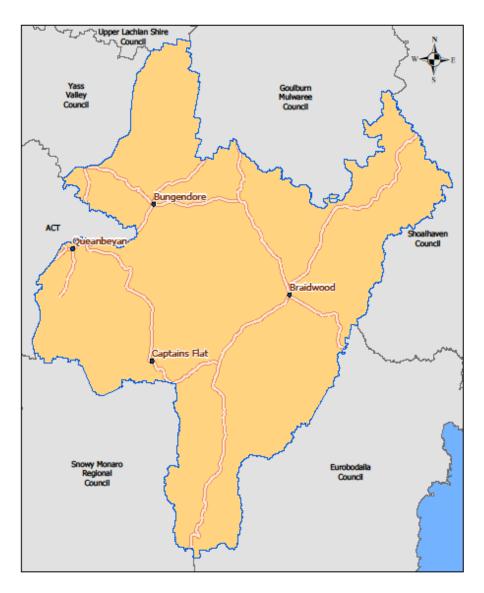
# 14 AUGUST 2019

ITEM 6.3 DRAFT PLANNING PROPOSAL - COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN 2020

ATTACHMENT 1 DRAFT PLANNING PROPOSAL COMPREHENSIVE LEP 2020



# Planning Proposal Comprehensive Local Environmental Plan Queanbeyan-Palerang Regional Council August 2019



Ref: Set ID 332574

Offices: Council headquarters – 256 Crawford St Bungendore Office – 10 Majara St

Braidwood Office – 144 Wallace St

**Contact: P:** 1300 735 025

E: council@qprc.nsw.gov.au

W: www.qprc.nsw.gov.au

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# Introduction

# **Purpose**

The purpose of this planning proposal is to seek an amended Gateway determination in order for Queanbeyan-Palerang Regional Council (QPRC) to prepare a new comprehensive Local Environmental Plan (LEP) for the local government area (LGA) under the NSW Environmental Planning and Assessment Act 1979.

The former Queanbeyan City Council and Palerang Council were merged into a single LGA in 2016. As a consequence, Council now needs to combine the respective local environmental plans (LEPs) that applied to the former areas into one comprehensive plan.

Council has previously received a Gateway determination for this matter (PP\_2018\_QPREG\_002\_00 dated 23 November 2018) however Council is seeking a revised Gateway determination in order to address a number of additional planning matters precluded by the current determination when issued.



Figure 1: Map of Queanbeyan-Palerang Regional Council local government area

The planning proposal seeks to primarily address existing inconsistencies between *Queanbeyan LEP 2012* and *Palerang LEP 2014* in order for the two plans to be combined into a single comprehensive planning instrument. These inconsistencies are largely in respect of permissible development in the land use tables under the two plans, but also include differences in various provisions in some instances.

As a general approach, Council will be seeking to minimise the number of new policy matters in the proposed comprehensive plan, and seek to transfer existing provisions with as little planning/policy change as possible. Where certain zones or provisions are unique to a particular plan, Council intends to wholly carry forward those provisions into the new plan. It is only where there is some difference in common provisions between the various instruments that changes will be made. Council has now prepared a background paper comparing the respective planning instruments applying to the LGA, the differences between LEPs and Council's intended approach to addressing these. The background paper has been attached to this planning proposal.

As noted, the NSW Government announced the merger of the former Queanbeyan City and Palerang Councils on 12 May 2016. On 12 October 2016, the new Council adopted the following Interim Policy:

"Where the former Palerang or Queanbeyan City Councils had an adopted policy on the same matter, those policies apply to their respective Local Government Areas;

Where one of the former Councils had an adopted policy on a given matter, and the other did not, the adopted policy apply to the whole of the new Queanbeyan-Palerang Regional Council Local Government Area."

The proposed approach is considered consistent with that resolution.

Whilst Council is seeking to minimise introducing new policy matters as part of the merger of the two plans, there are a number of operational planning matters Council staff are keen to resolve as part of the new comprehensive plan. There are:

**Animal Boarding and Training Establishments -** Given that the standard instrument LEP has now combined both of these uses into a single definition, a new clause is proposed to be included in the draft LEP that seeks to minimise potential impacts on neighbours (particularly from the animal boarding component).

'Restaurants or Cafes' and 'Function Centres' in E4 Environmental Living Zone - Both of these uses are currently permissible with consent in this zone under the *Palerang LEP 2014* whereas they are prohibited under *Queanbeyan LEP 2012*. It is recommended these uses be made permissible with consent under the new LEP but that an appropriate clause be inserted into the plan to manage potential impacts on neighbours.

**Dual Occupancy Development in Rural and Environmental Zones -** One unresolved policy matter arising from the comparison of LEPs has been the suitability of dual occupancy developments in rural and environmental zones across the combined LGA. These uses are generally 'permissible with consent' in the former Palerang area but are 'prohibited' in the former Queanbeyan area. However both plans also provide for secondary dwellings. Council staff are recommending 'dual occupancies' be prohibited in rural and environmental zones (including the R5 Large Lot Residential zone) across the LGA. It is proposed 'secondary dwellings' be permissible in all these zones where dwellings are permissible and that these can be up to 50% the size of the principle dwelling to give some additional flexibility in respect of size.

**Dual Occupancy Development in Residential Zones** - Another unresolved policy matter arising from the comparison of LEPs is the suitability of dual occupancy developments in low density and village residential zones across the combined LGA. Similar to above, these uses are generally 'permissible with consent' under the Palerang LEP but are 'prohibited' under the Queanbeyan plan. However both plans also provide for secondary dwellings.

Accordingly, Council staff are recommending 'dual occupancies' be permitted in the village and low density residential zones but supported with local provisions requiring a minimum lot area before such development can be undertaken.

**Signage in Rural Areas -** Council staff are aware there are a number of instances of unapproved signage that have been erected in rural areas. In some instances these represent 'business identification signs' that provide information in respect of the land upon which they are erected, however in other instances they are 'advertising signs' that advertise products/services not directly related to the land. Council staff are intending to consider this issue further during the development of the new LEP and intend to provide the Council with a discussion paper on this issue in the near future.

**Updating Heritage Schedule -** It is intended that the respective heritage schedules from each LEP will now be merged into a single new schedule. Council staff will continue to monitor any new proposed listings and consider these for inclusion when the new LEP is drafted.

**Popup events -** Staff have been discussing the permissibility of various 'pop-up' and other social/community events across the LGA. Often these can be prohibited by the relevant planning instruments (or require significant approvals) which have the effect of discouraging this events. Such events contribute significant social and economic benefits for communities. Whilst no specific controls have been drafted at this time, Council staff will continue to work with Council's Community Choice team with a view to including any necessary amendments to assist in allowing such uses with suitable controls as required. Again, Council staff are intending to consider this issue further during the development of the new LEP and intend to provide the Council with a discussion paper on this issue in the near future.

Matters raised during West Jerrabomberra Planning Proposal - During the exhibition of the West Jerrabomberra Planning Proposal a number of submissions were made by landowners and developers in respect of introducing a number of additional permitted uses in some of the zones. Specifically the following matters were raised:

- Including 'registered clubs', 'markets' and 'food and drink premises' to the B7 Business Park zone.
- Allowing 'places of public worship' in the RE2 Private Recreation zone.

Council staff are off the view these may not be incompatible land uses in the zone but that each has the potential to generate significant vehicle movements. Allowing 'food and drink premises' will also allow for additional fast food takeaways similar to those already proposed on the Poplars. Further traffic analysis will be required to demonstrate such uses can be accommodated within the zone without compromising the road network.

'Places of public worship' are not considered to be an appropriate use more broadly in the RE2 Private Recreation zone. Such land is predominantly to provide for recreational activities in an open space environment.

Where possible Council will include any amendments relating to these matters in the draft LEP however, it is not intended to delay the LEP whilst these matters are resolved.

Council has begun to prepare a draft plan and accompanying GIS layers, however the final contents of these will be determined by ongoing Council research, community feedback and engagement with public authorities. Accordingly, Council notes there will likely be a need to refine the planning proposal at a future date when final draft versions of the plan and GIS layers are prepared.

# **Current Local Environmental Plans**

There are currently seven LEPs in force in the Queanbeyan-Palerang LGA. These are:

Palerang Local Environmental Plan 2014

- Queanbeyan Local Environmental Plan (Poplars) 2013
- Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012
- Queanbeyan Local Environmental Plan 2012
- Yarrowlumla Local Environmental Plan 2002
- Queanbeyan Local Environmental Plan 1998
- Queanbeyan Local Environmental Plan 1991

Council is seeking to have all these instruments combined into a single comprehensive plan. However, this will depend on the progress of a number of other planning proposals currently applying to land covered by these various instruments. Some may be removed in the interim as a consequence of these other planning proposals being completed. Again, this will be confirmed by any future updates to this planning proposal.

# Part 1 - Objectives or Intended Outcomes

The objective of the planning proposal is to provide for a single comprehensive planning instrument for the Queanbeyan-Palerang Local Government Area (LGA), and, to establish common provisions in respect of land use zone permissibilities and other clauses.

# Part 2 - Explanation of Provisions

# Consolidating Planning Instruments Applying to Queanbeyan-Palerang

As noted, Council is seeking to consolidate the various planning instruments applying to the LGA whilst minimising the number of new policy issues to be resolved.

This will require various inconsistencies in permissibilities between Land Use Zones to be addressed, and, respective provisions in each plan transferred to a new combined LEP. Council has prepared a background paper to accompany this planning proposal that sets out these changes and Council's intended approach to dealing with each.

Depending on the outcomes of other planning proposals currently being progressed by the Council, all land within the LGA is intended to be covered by this one plan. However, this is to be finally determined as the planning proposal progresses.

Council also intends to include provisions to give effect to the additional planning matters discussed in the previous section.

# Part 3 - Justification

# Section A - Need for the planning proposal

The planning proposal is required to initiate the preparation of a new comprehensive LEP.

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

As noted Council has produced a background document comparing the permissibility of zones and local provisions under the respective LEPs applying to the LGA. This has been endorsed by the Council as the agreed approach to rationalising the plans.

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

The planning proposal is the only means of delivering a new comprehensive LEP for the new local government area.

# Section B - Relationship to strategic planning framework

3) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including any exhibited draft plans or strategies)?

The South East and Tablelands Regional Plan 2036 is the relevant regional strategy. The planning proposal is considered to be consistent with the Strategy. An extract of the planning narrative from the Strategy is shown at Appendix A.

4) Is the planning proposal consistent with a council's local strategy, or other local strategic plan?

The planning proposal is not considered to be inconsistent with any of Council's local strategies.

5) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is not considered to be inconsistent with any SEPPs at this time. Council will have regard to the content of all SEPPs as the draft plan evolves to ensure consistency.

6) Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

The planning proposal is not considered to be inconsistent with any s9.1 directions. Council will have regard to the content of all 9.1 directions as the draft plan evolves to ensure consistency.

# Section C - Environmental, social and economic impact

7) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. As noted it is anticipated there will be few new policy changes introduced in the new combined plan. It is not intended to identify any new land for development or to change any provisions that would increase impacts on the environment.

It is intended to consult the Office of Environment & Heritage and other public authorities whilst preparing the new LEP.

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

Not at this time.

9) Has the planning proposal adequately addressed any social and economic effects?

No. As noted it is anticipated there will be few new policy changes introduced in the new combined plan.

# **Section D - State and Commonwealth interests**

10) Is there adequate public infrastructure for the planning proposal?

Yes. There should be no additional impacts in any infrastructure as a consequence of the proposed combined plan.

# 11) What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council intends to consult with relevant State and Commonwealth authorities during the preparation of the planning proposal.

# Part 4 - Mapping

The respective maps under the existing LEPs will need to be combined into a single set of GIS layers and possibly LEP maps. Any maps will be prepared consistent with the Department of Planning and Environment's relevant guidelines and in consultation with the Department's GIS unit. Council is currently discussing the option of not preparing LEP pdfs using only GIS layers with the eBusiness section of the NSW Department of Planning and Industry.

# **Part 5 - Community Consultation**

It is intended to publicly exhibit the draft plan for a period of 28 days.

Council intends to consult with the following agencies in respect of the planning proposal:

- NSW Premier and Cabinet
- Office of Environment and Heritage
- NSW Rural Fire Service
- NSW Department of Primary Industries
- NSW Office of Water
- ACT Government
- National Capital Authority

# Part 6 - Project Timeline

It is anticipated the planning proposal will take a minimum of **18** months to finalise. An indicative project timeline for this minimum period is provided below.

Action	Timeframe
Agency consultation	September – October 2019
Public exhibition 28 days	November 2019
Report to Council	February 2020
Forwarded to DPE/Made by delegate	April 2020

# Appendix A - NSW South East and Tablelands Regional Plan Local Government Narrative for QPRC — page 63

http://www.planning.nsw.gov.au/~/media/Files/DPE/Plans-and-policies/south-east-and-tableland-regional-plan-2017-07.ashx

# Queanbeyan-Palerang

Queanbeyan-Palerang Local Government Area is home to historic towns and villages, productive rural activities, modern urban centres and high quality natural environments. It is adjacent to the ACT and is influenced by the activities of the ACT and Australian governments.

The rural character of Bungendore and Braidwood contrast with the largely suburban character of Queanbeyan. Proximity to Canberra means many residents live in NSW while travelling to the ACT for work. Queanbeyan-Palerang Regional Council has formalised its relationship with the ACT to facilitate joint efforts such as an integrated transport strategy.

Natural areas include pristine streams and forests containing a diversity of flora and fauna, high-value grasslands and woodlands, and important biodiversity corridors linking to the ACT and beyond. High wind paths suit wind farms for renewable energy generation. The increasing interest in solar power generation is similar to that underway in the ACT, as well, interest in wind power continues.

Employment in public administration, defence, transport, professional, scientific and technical services is expected to continue, particularly given the relationship with Canberra. Traditional industries include sheep and cattle grazing, stone fruit production and newer niche rural industries such as viticulture, organic farming, olive production, truffle growing and alpaca breeding.

Queanbeyan-Palerang Local Government Area is expected to require an additional 12,050 dwellings to accommodate 25,050 more people by 2036. Residential growth areas include Googong and Bungendore, and the proposed South Jerrabomberra. The availability of water will continue to influence the amount and location of additional urban development, particularly in areas such as Bungendore.

#### **Priorities**

- Work with the ACT Government to improve road and active transport connectivity and public transport integration; manage water, sewage, waste and renewable energy on a regional scale; plan and collaborate on major contiguous developments; plan for infrastructure requirements to support population growth; and support major events.
- Protect and enhance the area's high environmental value lands, waterways and water catchments.

# Economy and employment

- Continue to identify opportunities for economic growth flowing from the activities of the ACT, NSW and Australian governments.
- Diversify the agriculture industry, including opportunities for value-added activities and access to national and international markets.
- Encourage small-scale intensive animal production where this can be done without compromising the Sydney Drinking Water Catchment.
- Leverage the area's existing expertise in renewable energy to foster innovative economic development opportunities.

#### Housing

- Coordinate the delivery of infrastructure for new release areas.
- Provide further opportunities for residential development where it is supported by a strategic approach to housing.
- Limit proposals for rural residential development to areas identified through an appropriate strategic planning process.
- Work with stakeholders to secure suitable services, including water, to support residential development in approved locations.
- Improve the attractiveness and amenity of main streets in towns and villages while retaining the rural ambience.

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

# 14 AUGUST 2019

ITEM 6.3 DRAFT PLANNING PROPOSAL - COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN 2020

ATTACHMENT 2 DRAFT COMPRENSIVE LEP 2020

# **Queanbeyan-Palerang Local Environmental Plan 2020**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, pursuant to section 33A of the *Environmental Planning* and Assessment Act 1979, adopt the mandatory provisions of the Standard Instrument (Local Environmental Plans) Order 2006 and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows:

Minister for Planning

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# Part 1 Preliminary

# 1.1 Name of Plan [compulsory]

This Plan is Queanbeyan-Palerang Local Environmental Plan 2018.

# 1.1AA Commencement [compulsory]

This Plan commences on the day on which it is published on the NSW legislation website.

# 1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in Queanbeyan-Palerang in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) to protect and improve the economic, environmental, social and cultural resources and prospects of the community,
  - (b) to facilitate the orderly and economic use and development of land based on ecological sustainability principles,
  - (c) to provide for a diversity of housing to meet the needs of the community into the future,
  - (d) to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community,
  - (e) to retain and protect important biodiversity and natural habitat,
  - (f) to retain, protect and encourage sustainable primary industry and commerce in rural areas,
  - (g) to recognise and protect the area's cultural and built heritage,
  - (h) to protect important scenic qualities, views and vistas,
  - (i) to facilitate the orderly growth of the urban release areas,
  - (j) to ensure development does not unreasonably increase the demand for public services or public facilities, and
  - (k) to identify, protect and provide areas used for community health and recreational activities.

#### 1.3 Land to which Plan applies [compulsory]

This Plan applies to the land identified on the Land Application Map.

#### 1.4 Definitions [compulsory]

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

# 1.5 Notes [compulsory]

Notes in this Plan are provided for guidance and do not form part of this Plan.

# 1.6 Consent authority [compulsory]

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

## 1.7 Maps [compulsory]

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Infrastructure.

## 1.8 Repeal of planning instruments applying to land [compulsory]

(1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

Note. The following local environmental plans are repealed under this provision:

Queanbeyan LEP 1991???

Queanbeyan LEP 1998

Queanbeyan LEP 2012

Queanbeyan LEP (South Jerrabomberra) 2018

Queanbeyan LEP (West Jerrabomberra) 2018

Yarrowlumla LEP 2002

Palerang LEP 2014

(2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

## 1.8A Savings provisions relating to pending development approvals [local]

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Note. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development

application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

# 1.9 Application of SEPPs [compulsory]

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:
  - State Environmental Planning Policy No 1—Development Standards

## 1.9A Suspension of covenants, agreements and instruments [local]

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks* and *Wildlife Act 1974*, or
  - (d) to any trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act, or
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)-(3).

# Part 2 Permitted or prohibited development

# 2.1 Land use zones [compulsory]

The land use zones under this Plan are as follows:

#### **Rural Zones**

**RU1** Primary Production

**RU2** Rural Landscape

**RU3** Forestry

**RU5 Village** 

#### **Residential Zones**

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- **R4** High Density Residential
- **R5** Large Lot Residential

#### **Business Zones**

- B1 Neighbourhood Centre
- **B2** Local Centre
- **B3** Commercial Core
- **B4** Mixed Use
- **B5** Business Development

# B7 Business Park (West Jerrabomberra)

#### **Industrial Zones**

- IN1 General Industrial
- **IN2 Light Industrial**

# **Special Purpose Zones**

- SP1 Special Activities
- SP2 Infrastructure

## **Recreation Zones**

- **RE1 Public Recreation**
- **RE2 Private Recreation**

# **Environment Protection Zones**

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- **E4** Environmental Living

#### 2.2 Zoning of land to which Plan applies [compulsory]

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

# 2.3 Zone objectives and Land Use Table [compulsory]

- (1) The Land Use Table at the end of this Part specifies for each zone:
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

- (3) In the Land Use Table at the end of this Part:
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

#### Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

## 2.4 Unzoned land [compulsory]

- (1) Development may be carried out on unzoned land only with development consent.
- (2) Before granting development consent, the consent authority:
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

## 2.5 Additional permitted uses for particular land [compulsory]

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,
  - in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

## 2.6 Subdivision—consent requirements [compulsory]

(1) Land to which this Plan applies may be subdivided, but only with development consent.

#### Notes.

 If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.

- 2. Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.
- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

**Note.** The definition of *secondary dwelling* in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## 2.7 Demolition requires development consent [compulsory]

The demolition of a building or work may be carried out only with development consent.

**Note.** If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

## 2.8 Temporary use of land [optional]

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## Land Use Table

Note.

A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

# **Zone RU1 Primary Production (former Palerang)**

# 1 Objectives of zone

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

## 2 Permitted without consent

Extensive agriculture; Home businesses; Home occupations

## 3 Permitted with consent

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

hospitals; Water recycling facilities; Water supply systems

## 4 Prohibited

Any development not specified in item 2 or 3.

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

# 1 Objectives of zone

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

#### 2 Permitted without consent

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

## 3 Permitted with consent

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

## 4 Prohibited

Any development not specified in item 2 or 3

## **Zone RU3 Forestry (former Palerang)**

## 1 Objectives of zone

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

#### 2 Permitted without consent

Roads; Uses authorised under the Forestry Act 2012

## 3 Permitted with consent

Nil

## 4 Prohibited

Any development not specified in item 2.

# **Zone RU5 Village (former Palerang)**

## 1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To encourage design and development that enhances the streetscape and village character.
- To ensure that development has regard to the character and amenity of the locality.
- To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises.

## 2 Permitted without consent

Home businesses; Home occupations

#### 3 Permitted with consent

Amusement centres; Attached dwellings; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Electricity generating works; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Function centres; Group homes; Home-based child care; Home industries; Industrial training facilities; Information and education facilities; Light industries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Schools; Secondary dwellings; Self-storage units; Semi-detached dwellings; Service stations; Sewage treatment plants; Shop top housing; Signage; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recycling facilities; Water supply systems; Wholesale supplies

## 4 Prohibited

Serviced apartments; Waste disposal facilities; Any other development not specified in item 2 or 3.

# Zone R1 General Residential (combined)

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

Home businesses; Home occupations

## 3 Permitted with consent

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

#### 4 Prohibited

Any development not specified in item 2 or 3.

## Zone R2 Low Density Residential (combined)

## 1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that new development complements the scale, density and form of existing development.
- To encourage development which considers the low density amenity of existing and future residents.
- To encourage development that is designed to recognise the bushland character of the locality where appropriate and to minimise the impact of urban development particularly on the edge of the urban area.

#### 2 Permitted without consent

Home business; Home occupations

#### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home based child care; Home industries; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached housing; Seniors housing; Water reticulation systems

## 4 Prohibited

Any development not specified in item 2 or 3.

# Zone R3 Medium Density Residential (former Queanbeyan)

## 1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage development which considers the medium density amenity of existing and future residents.

## 2 Permitted without consent

Nil

#### 3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home businesses; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Water reticulation systems

#### 4 Prohibited

Any development not specified in item 2 or 3

# Zone R4 High Density Residential (former Queanbeyan)

# 1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage development which considers the high density amenity of existing and future residents.

#### 2 Permitted without consent

Nil

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Home businesses; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Water reticulation systems

## 4 Prohibited

Any development not specified in item 2 or 3

# Zone R5 Large Lot Residential (combined)

# 1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To retain existing bush land and natural landscape features to preserve the rural character of the locality.

#### 2 Permitted without consent

Home businesses; Home occupations;

#### 3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Group homes; Home-based child care; Home industries; Horticulture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Viticulture;

#### 4 Prohibited

Any development not specified in item 2 or 3.

# Zone B1 Neighbourhood Centre (former Queanbeyan)

## 1 Objectives of zone

To provide a range of small-scale retail, business and community uses that serve

the needs of people who live or work in the surrounding neighbourhood.

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

Boarding houses; Business premises; Car parks; Cellar door premises; Centre-based child care facilities; Community facilities; Environmental protection works; Flood mitigation works; Garden centres; Group homes; Hardware and building supplies; Health consulting rooms; Hotel or motel accommodation; Information and education facilities; Kiosks; Landscaping material supplies; Markets; Medical centres; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Plant nurseries; Pubs; Public administration buildings; Recreational areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Seniors housing; Service stations; Serviced apartments; Shop top housing; Shops; Signage; Take away food and drink premises; Veterinary hospitals

## 4 Prohibited

Any development not specified in item 2 or 3

## Zone B2 Local Centre (combined)

#### 1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that new development has regard to the character and amenity of the locality.
- To support business development by way of the provision of parking and other civic facilities.
- To encourage some limited high density residential uses to create vitality in town centres.

## 2 Permitted without consent

Home occupations

## 3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Home-based child care; Home business; Home occupations (sex services); Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Signage; Tourist and visitor

accommodation; Vehicle repair stations; Veterinary hospitals

## 4 Prohibited

Any development not specified in item 2 or 3.

# **Zone B3** Commercial Core (former Queanbeyan)

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To recognise the Queanbeyan central business district as the main commercial and retail centre of Queanbeyan and to reinforce its commercial and retail primacy.
- To encourage some high density residential uses in conjunction with retail or employment uses where appropriate.

Nil

#### 3 Permitted with consent

Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Any other development not specified in item 2 or 4

## 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hostels; Industrial retail outlets; Industries: Jetties: Marinas: Mooring pens: Moorings: Mortuaries: Multi dwelling housing; Open cut mining; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Resource recovery facilities; Rural industries; Rural workers' dwellings; Secondary dwellings; Semidetached dwellings; Seniors housing; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems

## Zone B4 Mixed Use (combined)

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure that new development has regard to the character and amenity of the locality.
- To strengthen the viability of existing business centres as places for investment, employment and cultural activity.
- To support business development by way of the provision of parking and other civic facilities.

Home occupations; Home businesses;

## 3 Permitted with consent

Amusement centres; Attached dwellings; Backpackers accommodation; Bed and breakfast accommodation; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Dwelling houses; Educational establishments; Electricity generating works; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Home-based child care; Home industries; Home occupation (sex services); Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Shop top housing; Signage

#### 4 Prohibited

Any development not specified in item 2 or 3.

# Zone B5 Business Development (former Queanbeyan)

## 1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To maintain the economic strength of existing business centres by limiting the retailing of food or clothing.

#### 2 Permitted without consent

Environment protection works

## 3 Permitted with consent

Bulky goods premises; Car parks; Centre-based child care facilities; Community facilities; Flood mitigation works; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Markets; Passenger transport facilities; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Vehicle sales or hire premises; Warehouse or distribution centres

#### 4 Prohibited

Any development not specified in item 2 or 3

## Zone B7 Business Park (former West Jerrabomberra LEP)

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.

- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To provide for a well-designed business park development that appropriately responds to site constraints and adjoining residential development.

Environmental protection works

## 3 Permitted with consent

Business premises; Centre-based child care facilities; Community facilities; Educational establishments; Freight transport facilities; Garden centres; Hardware and building supplies; Kiosks; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Recreation facilities (indoor); Respite day care centres; Roads; Signage; Take away food and drink premises; Warehouse or distribution centres; Water recycling facilities

## 4 Prohibited

Any development not specified in item 2 or 3

# Zone IN1 General Industrial (former Queanbeyan)

## 1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

#### 2 Permitted without consent

**Environmental Protection Works** 

Boat building and repair facilities; Bulky goods premises; Business premises; Car parks; Centre-based child care facilities; Community facilities; Depots; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Health consulting rooms; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Light industries; Markets; Medical centres; Mortuaries; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Resource recovery facilities; Roads; Self-storage units; Signage; Take away food and drink premises; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres

## 4 Prohibited

Any development not specified in item 2 or 3.

# Zone IN2 Light Industrial (combined)

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To ensure that new development has regard to the character and amenity of the locality.

Home occupations; Home business

#### 3 Permitted with consent

Agricultural produce industries; Aquaculture; Boat building and repair facilities; Bulky goods premises; Business premises; Car parks; Centre based child care facility; Community facilities; Depots; Emergency services facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; Hardware and building supplies; Health consulting rooms; Home-based child care; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Medical centres; Mortuaries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation facilities (indoor); Research stations; Respite day care centres; Restricted premises; Roads; Rural supplies; Self-storage units; Service stations; Sex services premises; Signage; Take-away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sale or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water supply systems; Wholesale supplies

## 4 Prohibited

Any development not specified in item 2 or 3.

## **Zone SP1 Special Activities (combined)**

## 1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

## 2 Permitted without consent

Nil

#### 3 Permitted with consent

Environmental protection works; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

## 4 Prohibited

Any development not specified in item 2 or 3.

## **Zone SP2 Infrastructure (combined)**

- To provide for infrastructure and related uses.
- · To prevent development that is not compatible with or that may detract from the

provision of infrastructure.

#### 2 Permitted without consent

Nil

#### 3 Permitted with consent

Environmental protection works; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

#### 4 Prohibited

Any development not specified in item 2 or 3.

# **Zone RE1 Public Recreation (combined)**

## 1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and enhance the environment generally, and to ensure that areas of high
  ecological, scientific, cultural or aesthetic values are protected, managed and
  restored.

#### 2 Permitted without consent

Extensive agriculture

## 3 Permitted with consent

Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Information and education facilities; Kiosks; Markets; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Water recreation structures

## 4 Prohibited

Any development not specified in item 2 or 3

# Zone RE2 Private Recreation (combined)

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and enhance the scenic and environmental resources of the land.
- To ensure the scale and character of private recreational development is compatible with the established land uses of the locality.

Nil

#### 3 Permitted with consent

Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restaurants and cafes; Roads; Take away food and drink premises; Water recreation structures; Water recycling facilities

## 4 Prohibited

Any development not specified in item 2 or 3.

## **Zone E1** National Parks and Nature Reserves (combined)

## 1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the National Parks and Wildlife Act 1974.
- To identify land that is to be reserved under the *National Parks and Wildlife Act* 1974 and to protect the environmental significance of that land.

## 2 Permitted without consent

Uses authorised under the National Parks and Wildlife Act 1974

#### 3 Permitted with consent

Nil

## 4 Prohibited

Any development not specified in item 2 or 3

## **Zone E2** Environmental Conservation (combined)

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To encourage rehabilitation and regeneration of ecosystems in this zone.
- To provide for a very limited range of ecologically sustainable development and land use activities that provide for small scale and low impact recreation and amenities.
- To identify and protect escarpment areas which enhance the visual amenity of the Local Government Area and possess special aesthetic or conservational value.

 To protect water quality by preventing inappropriate development within catchment areas.

#### 2 Permitted without consent

Extensive agriculture; Home businesses; Home occupations

#### 3 Permitted with consent

Bed and breakfast accommodation; Building identification sign; Business identification sign; Business premises; Environmental protection works; Farm stay accommodation; Flood mitigation works; Home based child care; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## 4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

# **Zone E3** Environmental Management (combined)

#### 1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To encourage development that is visually compatible with the landscape.
- To promote ecologically sustainable development.
- To protect water quality by preventing inappropriate development within catchment areas.

## 2 Permitted without consent

Extensive agriculture; Home occupations

#### 3 Permitted with consent

Agriculture; Animal boarding or training establishments; Building identification signs; Business identification signs; Camping grounds; Community facilities; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Information and educational facilities; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Research stations; Restaurants or cafes; Roads; Rural workers dwellings; Secondary dwellings; Tourist and visitor accommodation; Water reticulation systems; Water storage facilities

## 4 Prohibited

Hotel or motel accommodation; Industries; Intensive livestock agriculture; Multi

dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Serviced apartments; Turf farming; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## **Zone E4** Environmental Living (combined)

## 1 Objectives of zone

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

## 2 Permitted without consent

Extensive agriculture; Home businesses; Home occupations

## 3 Permitted with consent

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

#### 4 Prohibited

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

## **Zone W1 Natural Waterways (former Queanbeyan)**

## 1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

#### 2 Permitted without consent

Environmental protection works

Environmental facilities; Flood mitigation works; Water recreation structures; Water reticulation systems; Water storage facilities; Water treatment facilities; Water supply systems

## 4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

# Part 3 Exempt and complying development

## 3.1 Exempt development [compulsory]

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
- (c) cannot be carried out in a wilderness area (identified under the Wilderness Act 1987).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development:
  - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code* of *Australia* or, if there are no such relevant provisions, must be structurally adequate, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act* 1977 or that is subject to an interim heritage order under the *Heritage Act* 1977.
  - (e) (Repealed)
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
  - (a) the building has a current fire safety certificate or fire safety statement, or
  - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) To be exempt development, the development must:

- (a) be installed in accordance with the manufacturer's specifications, if applicable, and
- (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.

(6) A heading to an item in Schedule 2 is part of that Schedule.

## 3.2 Complying development [compulsory]

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) it is on land within a wilderness area (identified under the Wilderness Act 1987), or
- (c) the development is designated development, or
- (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
- (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act* 1995)), or
- (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
  - (a) the development standards specified in relation to that development, and
  - (b) the requirements of this Part,

is complying development.

Note. See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must:
  - (a) be permissible, with development consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of

that Schedule.

(5) A heading to an item in Schedule 3 is part of that Schedule.

## 3.3 Environmentally sensitive areas excluded [compulsory]

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:

environmentally sensitive area for exempt or complying development means any of the following:

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which State Environmental Planning Policy No 14—Coastal Wetlands or State Environmental Planning Policy No 26—Littoral Rainforests applies,
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act* 1994 or as a marine park under the *Marine Parks Act* 1997,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act.
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.
- (2A) Complying development must not be carried out on land identified as "Scenic Protection Area" on the <u>Scenic Protection Map</u>.

# Part 4 Principal development standards

## 4.1 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows:
  - (a) to ensure that lot sizes and dimensions are appropriate having regard to the objectives of this Plan and the relevant zone and the likely future use of the land,
  - (b) to create lots that are compatible with the existing predominant lot pattern or desired future character of the locality and to minimise the likely adverse impact on the amenity of adjoining developments.
  - (c) to ensure that lot sizes and dimensions allow dwellings to be sited to

- protect significant natural or cultural features,
- (d) to ensure subdivision does not adversely impact on the functions and safety of main roads,
- (e) to minimise and avoid the threat of natural hazards (including bush fire, soil instability and flooding), and
- (f) to ensure new lots are adequately serviced.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

# 4.1A Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]

- (1) The objectives of this clause are as follows:
  - (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements;
  - (b) to achieve lot sizes that meet community and economic needs, while ensuring that environmental and social values are safeguarded.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
  - (a) Zone RU1 Primary Production
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU5 Village
  - (d) Zone R1 General Residential,
  - (e) Zone R2 Low Density Residential,
  - (f) Zone R5 Large Lot Residential,
  - (e) Zone E3 Environmental Management
  - (e) Zone E3 Environmental Management (but only if the land is land to which clause 4.1C does not apply),
  - (f) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause applies despite clause 4.1.

## 4.1B Minimum subdivision lot size for strata title schemes [local]

(1) The objective of this clause is to ensure that land to which this clause applies is

not fragmented by subdivisions that would create additional dwelling entitlements.

- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape
  - (c) Zone R5 Large Lot Residential,
  - (d) Zone E3 Environmental Management, and
  - (e) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan that would create lots below the minimum size shown on the Lot Size Map for that land.

**Note.** Part 6 of *State Environmental Planning Policy (Exempt and Complying Development) Codes 2008* provides that the strata subdivision of a building in certain circumstances is specified complying development.

## 4.1C Exceptions to minimum lot size [local]

- (1) The objective of this clause is to enable the subdivision of land to create lots of a size that is less than the minimum size shown on the Lot Size Map in certain circumstances.
- (2) Despite clause 4.1, land may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land, where the consent authority is satisfied that the land could have been subdivided under clause 4.1 had it not been affected by any one or more of the following:
  - (a) a minor realignment of its boundaries that did not create an additional lot,
  - (b) a subdivision creating or widening a public road or public reserve or for another public purpose,
  - (c) a consolidation with an adjoining public road or public reserve or for another public purpose.
- (3) Development consent must not be granted for the subdivision of land to which this clause applies unless the number of lots to be created will not exceed the number of lots that could have been created under clause 4.1 had the land not been affected by a matter referred to in subclause (2) (a), (b) or (c).

# 4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,

- (d) Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note.** A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

## 4.2A Lot averaging subdivision of certain land in Zone RU1 and Zone E3 [local]

- (1) The objectives of this clause are as follows:
  - (a) to prevent the fragmentation of certain land in Zone RU1 Primary Production and Zone E3 Environmental Management,
  - (b) to enable appropriate subdivision design of that land having regard to topographical constraints, agricultural productivity, biodiversity values and environmental impacts.
- (2) This clause applies to land within Zone RU1 Primary Production or Zone E3 Environmental Management that is identified as "Y" or "C-M" on the Lot Averaging Map
- (3) Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies if:
  - (a) the average size of all of the lots created by the subdivision will not be less than the minimum size shown on the Lot Size Map in relation to that land, and
  - (b) each lot created by the subdivision will be at least 8 hectares, and
  - (c) the total number of lots created by the subdivision having an area less than the minimum size shown on the Lot Size Map in relation to that land will not be more than 5.
- (4) Development consent must not be granted for the subdivision of a resulting lot for the purposes of residential accommodation.
- (5) In this clause:

*resulting lot* means a lot able to be used for residential accommodation that:

- (a) was created by a subdivision under this clause (other than for a public purpose), or
- (b) in the case of land identified as "Y" on the Lot Averaging Map—was created under clause 12 of Yarrowlumla Local Environmental Plan 1993 or clause 19 of Yarrowlumla Local Environmental Plan 2002 by a subdivision that created at least one lot of less than 80 hectares for the purpose of residential accommodation, or
- (c) in the case of land identified as "C-M" on the Lot Averaging Map—was created by a subdivision under clause 14 (2A) of Cooma-Monaro Local Environmental Plan 1999—(Rural),

and includes a lot that would have been a resulting lot had it not been affected by:

- (d) a minor realignment of its boundaries that did not create an additional lot, or
- (e) a consolidation with adjoining land, or
- (f) a subdivision creating or widening a public road or public reserve or for another public purpose, or
- (g) a consolidation with an adjoining public road or public reserve or for another public purpose.

# 4.2B Subdivision of land within zone E4 Environmental Living [local]

- (1) The objectives of this clause is to ensure that the subdivision of land to which this clause applies is undertaken in a manner that has regard to the topographical constraints, biodiversity values and environmental constraints of the land.
- (2) This clause applies to land zoned E4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies, other than under the *Community Land Development*Act 1989, if:
  - (a) the average size of all the lots created will not be less than the minimum lot size for that land shown on the Lot Size Map, and
  - (b) none of the lots will have an area of less than 2 hectares.
- (4) Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies, under the *Community Land Development Act 1989*, if:
  - (a) the average size of all the lots created will be not less than the minimum lot size for that land shown on the Lot Size Map, and
- (b) none of the lots created will have an area of less than 1 hectare, and
- (c) the association property lot will include land identified as having significant ecological, agricultural or cultural values, and
- (d) the consent authority is satisfied that the association property lot will be used for the purpose of an environmental facility or a recreation area or will be subject in perpetuity to a Conservation Agreement under the NSW National Parks and Wildlife Act 1974 or a conservation property vegetation plan.
- (4) Development consent must not be granted to the subdivision of land that includes a resulting lot unless the consent authority is satisfied that:
  - (a) the lots that would be created will not be used for the purposes of residential accommodation, and
  - (b) the subdivision will not result in any significant adverse environmental impacts on the land being subdivided.
- (5) in this clause:

# resulting lot means a lot created under:

- (a) this clause, or
- (b) any of the following provisions:
  - (i) clause 4.1B of Palerang Local Environmental Plan 2014,
  - (ii) clause 4.1C of *Queanbeyan Local Environmental Plan 2012*,
  - (iii) clause 20 of the Yarrowlumla Local Environmental Plan 2002,

- (iv) clause 13(4) or 13A of the *Yarrowlumla Local Environmental Plan* 1993,
- (v) clause 14(4) of the Yarrowlumla Local Environmental Plan 1986,
- (vi) clauses 11B(3) or 11C of *Interim Development order No 1 Shire of Yarrowlumla*, or
- (vii) clause 16(3) of the Tallaganda Local Environmental Plan 1991.

but does not include any lot not previously included in any subdivision to calculate the average size of any lots subsequently created by that subdivision.

association property lot has the same meaning as in the Community land Management Act 1989.

# 4.2C Exceptions to minimum lot size residential development [local]

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land within zone R1 General Residential.
- (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following:
  - (a) the subdivision of land into three or more lots,
  - (b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 350m<sup>2</sup>.
- (4) Despite clauses ??, ??, and ??, development consent may be granted for the subdivision of land at Googong where land is zoned R1 General Residential and located within either 200 metres of land zoned B2 Local Centre, or, as shown as "Additional Development Area" on the Googong Map, if:
  - (a) there will be at least 4 lots resulting from the subdivision, and
  - (b) the minimum lot size of each lot resulting from the subdivision is 130m<sup>2</sup>, and
  - (c) the development application for the subdivision includes a dwelling design for each lot.

# 4.2D Minimum lot sizes for certain split zones [local]

- (1) The objectives of this clause are as follows:
  - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
  - (b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.
- (2) This clause applies to each lot (an original lot) that contains:
  - (a) land in a residential, business or industrial zone or in Zone E3 Environmental Management or in Zone E4 Environmental Living, and
  - (b) land in a rural zone, E3 Environmental Management Zone or Zone E2 Environmental Conservation.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the residual lots) if:

- one of the resulting lots will contain: (a)
  - land in a residential, business, industrial or E4 Environmental Living zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
  - all of the land in a rural zone or Zone E2 Environmental (ii) Conservation that was in the original lot, and
- all other resulting lots will contain land that has an area that is not less (b) than the minimum size shown on the Lot Size Map in relation to that land.

#### 4.2E Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings [local]

- The objective of this clause is to achieve planned residential density in certain (1) zones and localities.
- Development consent may be granted for development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.

Column 1	Column 2	Column 3
Dual occupancy (connected to a reticulated sewerage system owned and operated by the Council)	Zone RU5 Village	1,500m <sup>2</sup>
Dual occupancy (not connected to a reticulated sewerage system owned and operated by the Council)	Zone RU5 Village	8,000m <sup>2</sup>
Dual occupancies	Zone R3 Medium Density	600m²
Dual occupancies	Zone R4 High Density	600m²
Multi dwelling housing	Zone R3 Medium Density	750m²
Multi dwelling housing	Zone R4 High Density	750m²
Residential flat buildings	Zone R4 High Density	1,000m <sup>2</sup>

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# f dwellings on land in certain residential, rural and environmental protection zones [local]

- (1) The objectives of this clause are as follows:
- (a) to minimise unplanned residential and rural residential development, and,
- (b) to enable the replacement of lawfully erected dwellings.
- (2) This clause applies to land in the following zones:
  - Zone RU1 Primary Production, (a)
  - (b) Zone RU5 Village,
  - (c) Zone R1 General Residential
  - Zone R2 Low Density Residential

- (e) Zone R5 Large Lot Residential,
- (f) Zone B4 Mixed Use,
- (g) Zone E3 Environmental Management,
- (h) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling on land in a zone to which this clause applies, and on which no dwelling has been lawfully erected, unless the land is:
  - (a) a lot that is at least the minimum lot size specified for that lot by the Lot Size Map, or
  - (b) a lot created in accordance with clause 4.1, 4.1A, 4.1AA, or 4.1B of this Plan, or
  - (c) a lot created before this Plan commenced and on which the erection of a dwelling was permissible immediately before that commencement, or
  - (d) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling would have been permissible if the plan of subdivision had been registered before that commencement, or
  - (e) an existing holding.

**Note.** A dwelling cannot be erected on a lot created under clause 9 of *State Environmental Planning Policy* (*Rural Lands*) 2008 or clause 4.2.

- (4) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling on land in a zone to which this clause applies if:
  - (a) there is a lawfully erected dwelling on the land and the dwelling to be erected is intended only to replace the existing dwelling, or
  - (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by:
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road, public reserve or for another public purpose, or
    - (iii) a consolidation with adjoining public road, a public reserve or for another public purpose.
- (5) In this clause:

*existing holding* means all adjoining land, even if separated by a road, railway or watercourse, held in the same ownership:

- (a) in relation to land to which the *Cooma-Monaro Local Environmental Plan 1999 (Rural)* applied—on 3 March 1997, or
- (b) in relation to land to which the *Goulburn Mulwaree Local Environmental Plan 2009* or the *Mulwaree Local Environmental Plan 1995* applied—on 15 May 1970, or
- (c) in relation to land to which the *Gunning Local Environmental Plan 1997* applied—on 15 July 1966, or
- (d) in relation to land to which the *Tallaganda Local Environmental Plan* 1991 applied—on 14 June 1974, or

(e) in relation to land to which the *Yarrowlumla Local Environmental Plan* 2002 applied—on 13 October 1995.

**Note.** The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

# 4.2G Replacement of lawfully erected dwelling houses on land within Zones B2 Local Centre and IN2 Light Industrial [local]

Despite any other provision of this plan, development consent may be granted for the erection of a dwelling house on within Zone B2 Local Centre or Zone IN2 Light Industrial if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.

# 4.3 Height of buildings [optional]

- (1) The objectives of this clause are as follows:
  - (a) To enhance the natural character and landscape of Queanbeyan-Palerang;
  - (b) To protect residential amenity and solar access;
  - (c) To manage the visual impact of development;
  - (d) To reflect the predominantly low rise character of development in Queanbeyan-Palerang.
  - (e) to ensure that the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,
  - (f) to protect the heritage character of Queanbeyan and the significance of heritage buildings and heritage items,
  - (g) to nominate heights that will provide a transition in built form between varying land use intensities.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

# 4.4 Floor space ratio [optional]

Not adopted

## 4.5 Calculation of floor space ratio and site area [optional]

Not adopted

## 4.6 Exceptions to development standards [compulsory]

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,

- (c) clause 5.4.
- (ca) clause 6.1 or 6.2.

# Part 5 Miscellaneous provisions

## 5.1 Relevant acquisition authority [compulsory]

(1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

**Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone SP2 Infrastructure and marked "Public car park"	Council
Zone SP2 Infrastructure and marked "Waste or resource management facility and depot"	Council
	Minister administering the <i>National Parks</i> and Wildlife Act 1974

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

## 5.2 Classification and reclassification of public land [compulsory]

(1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note. Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act* 1993.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act* 1989).

**Note.** In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

## 5.3 Development near zone boundaries [optional]

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to:
  - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
  - (a1) land in Zone RU1 Primary Production, RU2 Rural Landscape, RU5 Village, Zone R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential, SP1 Special Activities, SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation, IN1 General Industrial, IN2 Light Industrial, or Zone E4 Environmental Living,
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted

premises.

- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

## 5.4 Controls relating to miscellaneous permissible uses [compulsory]

#### (1) Bed and breakfast accommodation

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

**Note.** Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

#### (2) Home businesses

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

## (3) Home industries

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

## (4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 50% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
- (b) 300 square metres,

whichever is the lesser.

## (5) Farm stay accommodation

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

## (6) Kiosks

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.

## (7) Neighbourhood shops

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

## (8) Roadside stalls

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 square metres.

#### (9) Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 50% of the total floor area of the principal dwelling.

# 5.5 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]

Not applicable.

# 5.6 Architectural roof features [optional]

Not adopted

# 5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]

Not applicable.

## 5.8 Conversion of fire alarms [compulsory]

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than  $450 \text{mm} \times 100 \text{mm}$ .

(4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

## (5) In this clause:

*private service provider* means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

## 5.9 Preservation of trees or vegetation [repealed]

## 5.9AA Trees or vegetation not prescribed by development control plan [repealed]

# 5.10 Heritage conservation [compulsory]

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

#### (1) Objectives

The objectives of this clause are as follows:

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

#### (2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

- (f) subdividing land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

#### (3) When consent not required

However, development consent under this clause is not required if:

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

## (4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

#### (5) Heritage assessment

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

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

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

#### (6) Heritage conservation management plans

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

## (7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

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

#### (8) Aboriginal places of heritage significance

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

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

#### (9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

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

#### (10) Conservation incentives

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

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is

carried out, and

- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

# 5.11 Bush fire hazard reduction [compulsory]

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

# 5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure)* 2007.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

# 5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]

- (1) The objectives of this clause are as follows:
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
  - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural

- environment, and
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

## Part 6 Urban release areas

## 6.1 Arrangements for designated State and Territory public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State and Territory public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before:
  - (a) in relation to land shown as "Googong" on the Urban Release Area Map—24 December 2009,
  - (b) in relation to land shown as "South Jerrabomberra" on the Urban Release Area Map 29 March 2019,
  - (b) in any other case—the land became, or became part of, an urban release area,
    - unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to

the provision of designated State and Territory public infrastructure in relation to that lot.

- (3) Subclause (2) does not apply to:
  - (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

## 6.2 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

#### 6.3 Development control plan

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
  - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of active and passive recreation areas,
  - (e) stormwater and water quality management controls,
  - (f) amelioration of natural and environmental hazards, including bush fire,

- flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
- (g) detailed urban design controls for significant development sites,
- (h) measures to encourage higher density living around transport, open space and service nodes,
- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to any of the following developments:
  - (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if all of the lots proposed to be created are to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
  - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

#### 6.4 Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

# 6.5 Development near Googong Dam foreshores

- (1) The objective of this clause is to protect the Googong Dam water supply catchment from inappropriate development that may compromise water supply and quality.
- (2) Development consent must not be granted to the erection of a building on land identified as "Googong Foreshore Buffer Area" on the Googong Map unless the consent authority is satisfied that:
  - the building and associated infrastructure envelope identified for each lot will be appropriate, having regard to the land capability and objective of this clause, and
  - (b) the development will incorporate an appropriate management regime relating to bush fire control, vegetation clearing, access provision, fencing controls, recreational uses, feral animal and weed control, management of grazing, keeping of animals and landscaping with indigenous species.

# Part 7 Additional local provisions

## 7.1 Earthworks

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental

functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

- (2) Development consent is required for earthworks unless:
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:
  - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note. The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.

# 7.2 Flood planning

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
  - (a) land identified as "Flood planning area" on the Flood Planning Map, and
  - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) will not significantly adversely affect flood behaviour resulting in

- detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.
- (5) In this clause:

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

#### 7.3 Terrestrial biodiversity

- (1) The objective of this clause is to maintain terrestrial biodiversity by:
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as "Biodiversity" on the <u>Terrestrial Biodiversity Map</u>.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:
  - (a) whether the development is likely to have:
    - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
    - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
    - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

# 7.4 Drinking water catchments

- (1) The objectives of this clause are as follows:
  - (a) to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages,
  - (b) to maintain water quality and the natural environment in the Sydney, Googong and Captains Flat drinking water catchments.
- (2) This clause applies to land identified as "Drinking water catchment" on the <u>Drinking Water Catchment Map</u>.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following:
  - (a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:
    - (i) the distance between the development and any waterway that feeds into the drinking water storage,
    - (ii) the on-site use, storage and disposal of any chemicals on the land,
    - (iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

# 7.5 Riparian land and watercourses

- (1) The objective of this clause is to protect and maintain the following:
  - (a) water quality within watercourses,
  - (b) the stability of the bed and banks of watercourses,
  - (c) aquatic and riparian habitats,
  - (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to all of the following:
  - (a) land identified as "Riparian land" on the <u>Riparian Lands and Watercourses Map</u>,
  - (b) land identified as "Watercourse" on that map,

- (c) all land that is within 40 metres of the top of the bank of each watercourse on land identified as "Watercourse" on that map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:
  - (a) whether or not the development is likely to have any adverse impact on the following:
    - (i) the water quality and flows within the watercourse,
    - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
    - (iii) the stability of the bed and banks of the watercourse,
    - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
    - (v) any future rehabilitation of the watercourse and riparian areas, and
  - (b) whether or not the development is likely to increase water extraction from the watercourse, and
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### 7.6 Salinity

- (1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.
- (2) This clause applies to land identified as "Salinity" on the Landscape Map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following:
  - (a) whether the development is likely to have any adverse impact on salinity processes on the land,
  - (b) whether salinity is likely to have an impact on the development,
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

## 7.7 Highly erodible soils

- (1) The objective of this clause is to provide for the appropriate management of land that has highly erodible soils or has the potential to be affected by the process of soil erosion.
- (2) This clause applies to land identified as "Erodible Lands" on the <u>Landscape</u> <u>Map</u>.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:
  - (a) whether the development is likely to have an impact on soil erosion processes,
  - (b) whether soil erosion processes are likely to have an impact on the development,
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### 7.8 Slopes over 18 degrees

- (1) The objective of this clause is to provide for the appropriate management of land that has a slope of over 18 degrees.
- (2) This clause applies to land identified as "Slopes over 18 degrees" on the Landscape Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered:
  - (a) whether the development is likely to have an impact on surrounding vegetation, the movement of water and soil erosion, and
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to

mitigate that impact.

# 7.9 Scenic protection

- (1) The objectives of this clause are as follows:
  - (a) to recognise and protect the natural and visual environment of the land to which this clause applies,
  - (b) to ensure development on land to which this clause applies is located and designed to minimise its visual impact on those environments.
- (2) This clause applies to land identified as "Scenic Protection Area" on the <u>Scenic Protection Map</u>.
- (3) Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development on the natural and visual environment of the land, and
  - (b) the development will incorporate conservation and rehabilitation measures to preserve the scenic qualities of the land.

#### 7.10 Airspace operations

- (1) The objectives of this clause are as follows:
  - (a) to provide for the effective and ongoing operation of the Canberra Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
  - (b) to protect the community from undue risk from that operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:
  - (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
  - (b) the development will not penetrate the Limitation or Operations Surface.
- (4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be carried out.
- (5) In this clause:

Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Canberra Airport.

*relevant Commonwealth body* means the body, under Commonwealth legislation, that is responsible for development approvals for development that

penetrates the Limitation or Operations Surface for the Canberra Airport.

#### 7.11 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows:
  - (a) to prevent certain noise sensitive developments from being located near the Canberra Airport and its flight paths,
  - (b) To provide specific controls in respect of noise sensitive development for the South Jerrabomberra urban release area,
  - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
  - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.
- (2) This clause applies to development that:
  - (a) is on land that:
    - (i) is near the Canberra Airport, and
    - (ii) is in an ANEF contour of 20 or greater, and
  - (b) the consent authority considers is likely to be adversely affected by aircraft noise.
- (3) In deciding whether to grant development consent to development to which this clause applies, the consent authority:
  - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
  - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2015, and
  - (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2015.
- (4) Regardless of any other provisions set out in this clause, all development at the South Jerrabomberra urban release area must meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in *AS* 2021—2015.
- (5) In this clause:

**ANEF contour** means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Canberra Airport prepared by the Department of the Commonwealth responsible for airports.

AS 2021—2015 means AS 2021—2015, Acoustics—Aircraft noise intrusion—Building siting and construction.

**South Jerrabomberra Urban Release Area** refers to land identified as "South Jerrabomberra" on the <u>Urban Release Area Map</u>.

# 7.12 Land in the vicinity of proposed arterial roads

- (1) The objectives of this clause are as follows:
  - (a) to minimise any visual or acoustic impacts on development proposed in the vicinity of the land to which this clause applies,
  - (b) to ensure that development proposed in the vicinity of that land will not compromise, restrict or otherwise prevent the future use of that land as an arterial road.
- (2) This clause applies to the land identified as "Arterial Road Area" on the Local Clauses Map.
- (3) Despite any other provision of this Plan, development consent must not be granted for development within 30 metres of the land to which this clause applies unless the consent authority has considered the following:
  - (a) the impact of noise, vibrations and other emissions on the development from any construction associated with an arterial road and from its ongoing use as an arterial road,
  - (b) if the development is a subdivision, whether the development would prejudice or otherwise restrict the construction or operation of an arterial road (including the provision of any public utility infrastructure).
- (4) Subclause (3) does not apply to development within 30 metres of the land to which this clause applies if the consent authority is satisfied that the development will not be situated within 30 metres of an existing or proposed arterial road.

#### 7.13 Land adjoining Hume Industrial Area and Goulburn/Bombala Railway Line

- (1) The objectives of this clause are to:
  - (a) minimise the impact of any noise, vibration or other emissions on the land to which this clause applies, and
  - (b) require certain land uses on the land to which this clause applies to include, or to be the subject of, appropriate noise mitigation measures.
- (2) This clause applies to the land identified as "Visual and Acoustic Buffer Land" on the Local Clauses Map.
- (3) Despite any other provision of this Plan, the consent authority must not grant consent to any development on the land to which this clause applies, unless the consent authority has assessed the following matters:
  - (a) the impact of any noise from any nearby land uses, having regard to any noise attenuation measures proposed,
  - (b) the visual impact that any nearby land uses would have on the proposed development,
  - (c) the impact that noise and other emissions from any nearby industrial land uses and associated activities would have on the proposed development.

**Note.** Clause 87 (Impact of rail noise or vibration on non-rail development) of the *State Environmental Planning Policy (Infrastructure)* 2007 also applies to this land.

#### 7.14 Development in areas near national parks and nature reserves

(1) The objective of this clause is to protect the aesthetic, conservation, recreational

and scientific values of national parks and nature reserves.

- (2) This clause applies to land adjoining a national park or nature reserve.
- (3) In determining whether to grant development consent to development on land to which this clause applies, the consent authority must consider the following:
  - (a) whether the development is compatible with and does not detract from the values of the national park or nature reserve,
  - (b) any management plans applicable to nearby areas within the national park or nature reserve,
  - (c) whether the development has been designed and sited to minimise visual intrusion when viewed from vantage points within the national park or nature reserve.

#### 7.15 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

#### 7.16 Short-term rental accommodation

- (1) The objective of this clause is to ensure that residential accommodation may be used as tourist and visitor accommodation for a short term without requiring development consent.
- (2) Despite any other provision of this Plan, development consent is not required for the use of residential accommodation for the purposes of tourist and visitor accommodation (except backpackers' accommodation or bed and breakfast accommodation) if the use is only short-term and does not interfere generally with the amenity of the neighbourhood in any way, including by noise or traffic generation.
- (3) In this clause, short-term means for a maximum period of 45 consecutive days in any 12 month period.

#### 7.17 Location of sex services premises

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:
  - (a) whether the premises will be located on land that adjoins, is directly

opposite or is separated only by a local road from land:

- (i) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone RE1 Public Recreation, or
- (ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,
- (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:
  - (i) that adjoins the development, or
  - (ii) that can be viewed from the development, or
  - (iii) from which a person can view the development.

## 7.18 Access to Jumping Creek

- (1) The objective of this clause is to ensure that vehicular access to and from Jumping Creek is provided by the Edwin Land Parkway—Ellerton Drive extension.
- (2) This clause applies to Lot 5, DP 1199045, 28 Lonergan Drive, Greenleigh.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that vehicular access to and from the development will be provided by the Edwin Land Parkway—Ellerton Drive extension.

# 7.19 Active street frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B3 Commercial Core.
- (2) This clause applies to land identified as "Active street frontage" on the <u>Active Street Frontages Map.</u>
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:
  - (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services.
  - (c) vehicular access.
- (5) In this clause, a building has an *active street frontage* if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

#### 7.20 Development near Cooma Road Quarry

- (1) The objective of this clause is to protect the operational environment of the Cooma Road Quarry.
- (2) This clause applies to land identified as "Buffer Area" on the Quarry Buffer Area Map.

- (3) Before granting development consent to development on land to which this clause applies, the consent authority must consider the following:
  - (a) the impact of noise, vibration and other emissions from the quarry on the development,
  - (b) whether any opportunities exist to carry out the development on other land,
  - (c) whether the development will adversely affect the operational environment of the quarry.

#### 7.21 Development near HMAS Harman

- (1) The objective of this clause is to contribute to the protection of the operational environment of HMAS Harman and its role as a national defence facility.
- (2) This clause applies to land within 2 kilometres of HMAS Harman, measured from the intersection of Waller Road and Pharup Place, that is also within Zone IN1 General Industrial or Zone IN2 Light Industrial.
- (3) Development consent may be granted to the erection of a building with a height exceeding 8.5 metres on land to which this clause applies if the consent authority has referred the development application to the Commonwealth Department of Defence and has considered any comments received from that Department within 28 days after the Department was notified.

#### 7.22 Development for the purposes of animal boarding or training establishments

- (1) The objective of this clause is to ensure development for the purposes of animal boarding or training establishments does not have an impact on the amenity of nearby land uses.
- (2) This clause applies to all development for the purposes of animal boarding or training establishment.
- (3) Before granting development for the purposes of animal boarding or training establishments, the consent authority must consider the following:
  - (a) the impact of noise and other emissions from the development on surrounding land, and
  - (b) whether the development will unreasonably impact upon the amenity of surrounding land uses.

# 7.23 Development for the purposes of restaurants or cafes or function centres in the E4 Environmental Living Zone

- (1) The objective of this clause is to ensure development for the purposes of restaurants or cafes or function centres do not have an impact on the amenity of existing residents.
- (2) This clause applies to all development for the purposes of restaurants or cafes or function centres in the E4 Environmental Living zone.
- (3) Before granting development for the purposes of restaurants or cafes or function centres on land to which this clause applies, the consent authority must consider the following:
  - (a) the impact of noise, traffic and other emissions from the development on surrounding land, and

(b) whether the development will unreasonably impact upon the amenity of surrounding land uses.

# 7.24 Erection of rural workers' dwellings on land in Zone RU1 and Zone E3

- (1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.
- (2) This clause applies to land in Zone RU1 Primary Production and Zone E3 Environmental Management.
- (3) Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that:
  - (a) the development will be on the same lot as an existing lawfully erected dwelling house, and
  - (b) the development will not impair the use of the land for agricultural or rural industries, and
  - (c) the agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and
  - (d) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land, and
  - (e) the size of the lot is not less than the minimum size shown on the Lot Size Map in relation to that land, and
  - (f) no more than one such dwelling will be erected for each area of the lot that is equal to the minimum size shown on the Lot Size Map in relation to that land, and
  - (g) no more than three such dwellings will be erected on any such lot.

# Schedule 1 Additional permitted uses (New)

(Clause 2.5)

# Additional Development at Googong in B2 Local Centre Zone

- (1) This clause applies to land zoned B2 Local Centre within the Googong urban release area.
- (2) Development for the purpose of hostels, multi-dwelling housing, residential flat buildings and seniors housing are permitted with development consent.

# Additional Development at Sth Tralee B1 Zone

- (1) This clause applies to land B1 Neighbourhood Centre within the South Jerrabomberra urban release area.
- (2) Development for the purpose of cellar door premises, pubs, landscaping material supplies and roadside stalls are permitted with development consent.

# Schedule 1 Additional permitted uses (Poplars LEP)

(Clause 2.5)

- 1 Use of certain land at 300 Lanyon Drive, Jerrabomberra
  - (1) This clause applies to land at 300 Lanyon Drive, Jerrabomberra, being Lot 3, DP 819333.
  - (2) Development for the purpose of a sewage treatment plant is permitted with development consent.

# Schedule 1 Additional permitted uses (South Tralee LEP)

(Clause 2.5)

- 1 Use of certain land adjoining Goulburn/Bombala Railway Line
  - (1) This clause applies to land adjoining the Goulburn/Bombala Railway Line, identified as "Additional Development Area 1" on the Local Clauses Map.
  - (2) Development for the purposes of food and drink premises, hotel or motel accommodation, office premises, service stations and signage is permitted with development consent.

## 2 Use of certain land for studio dwellings

- (1) This clause applies to land within a residential zone that is within 200m of any land in Zone B4 Mixed Use.
- (2) Development consent may be granted to a single development application for development on land to which this clause applies that is both:

- (a) the subdivision of land in accordance with clause 4.1A (2), and
- (b) the erection of a studio dwelling on a lot resulting from the subdivision.
- (3) Development consent must not be granted under this clause if:
- (a) the ratio of studio dwellings to lots resulting from the subdivision is greater than 1:3, and
- (b) the dwelling in conjunction with which the studio dwelling is to be established is located on a lot that has an area of less than 225m<sup>2</sup>.

# Schedule 1 Additional permitted uses (Palerang LEP)

(Clause 2.5)

# 1 Use of certain land at Bombay Road, Braidwood

- (1) This clause applies to land at Bombay Road, Braidwood, being Lot 4, DP 841326.
- (2) Development for the purpose of self-storage units is permitted with development consent.

# 2 Use of certain land at 4-6 Majara Street, Bungendore

- (1) This clause applies to land at 4–6 Majara Street, Bungendore, being Lot 13, DP 1139067 and Lot 14, DP 1139067.
- (2) Development for the purpose of seniors housing is permitted with development consent.

# Schedule 1 Additional permitted uses (Queanbeyan LEP)

(Clause 2.5)

#### 1 Use of certain land at Carwoola

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

#### 2 Use of certain land at 67 Lorn Road, Crestwood

- (1) This clause applies to land at 67 Lorn Road, Crestwood, being Lots 21 and 22, DP 225012.
- (2) Development for the purpose of an educational establishment is permitted with development consent.

## 3 Use of certain land at 135 Uriarra Road, Crestwood

- (1) This clause applies to land at 135 Uriarra Road, Crestwood, being Lot 4, DP 1060200.
- (2) Development for the purposes of commercial premises is permitted with development consent.

# 4 Use of certain land at Googong

- (1) This clause applies to land identified as "Additional Development Area" on the Googong Map.
- (2) Development for the purposes of advertising structures, business identification signs, business premises, food and drink premises, hotel or motel accommodation, kiosks, markets, office premises, service stations and shops is permitted with development consent.

# 5 Use of certain land at Googong Common, Googong

- (1) This clause applies to land identified as "Googong Common" on the Googong Map.
- (2) Development for the purposes of cellar door premises, depots, entertainment facilities, function centres, garden centres, horticulture, landscaping material supplies, plant nurseries, resource recovery facilities, viticulture, waste or resource transfer stations and water recreation structures is permitted with development consent.

## 5A Use of certain land at Googong for studio dwellings

- (1) This clause applies to land to which clause 4.1D applies.
- (2) Development consent may be granted to a single development application for development on land to which this clause applies that is both:
  - (a) the subdivision of land in accordance with subclause 4.1D (3), and
  - (b) the erection of a studio dwelling on a lot resulting from the subdivision.
- (3) Development consent must not be granted under this clause if:
  - (a) the ratio of studio dwellings to lots resulting from the subdivision is greater than 1:3, and

(b) the dwelling in conjunction with which the studio dwelling is to be established is located on a lot that has an area of less than 225m2.

# 6 Use of certain land at 36 Googong Road, Googong

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

# 7 Use of certain land at 140 Googong Road, Googong

- (1) This clause applies to land at 140 Googong Road, Googong, being Lot 12, DP 1164687.
- (2) Development for the purposes of advertising structures and real estate signs within 10m of the boundary of Old Cooma Road, with a maximum area of 20m2 and a maximum height of 8m from the ground (existing) is permitted with development consent.

## 8 Use of certain land at 19 Mol Crescent, Googong

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

# 9 Use of certain land at 663 and 1368 Old Cooma Road, Googong

- (1) This clause applies to land at 663 and 1368 Old Cooma Road, Googong, being Lots 8 and 13, DP 219695.
- (2) Development for the purpose of a dwelling house on each lot is permitted with development consent.

## 10 Use of certain land at 1400 Old Cooma Road, Googong

- (1) This clause applies to land at 1400 Old Cooma Road, Googong, being Lot 3, DP 827344.
- (2) Development for the purposes of a high technology industry is permitted with development consent.

# 11 Use of certain land at 229 Wickerslack Lane, Googong

- (1) This clause applies to land at 229 Wickerslack Lane, Googong, being Lots 7, 32, 92, 102, 104, 111 and 112, DP 754875 and Lot 2, DP 375866.
- (2) Development for the purposes of farm buildings is permitted with development consent.

## 12 Use of certain land at 250 Lanyon Drive, Jerrabomberra

- (1) This clause applies to Lots 7328–7332, DP 1153148 and Lot 1, DP 1111489, being Crown Land reserved for a cemetery.
- (2) Development for the purposes of a kiosk is permitted with development consent.

## 13 Use of certain land at Jerrabomberra

- (1) This clause applies to the following land at Jerrabomberra:
  - (a) 12 Balcombe Street, being Lot 10, DP 1101885,
  - (b) 63 Ironbark Circuit, being Lot 118, DP 1007170,
  - (c) 2 Sweetgum Place, being Lot 179, DP 1007170,
  - (d) 4 Walter Close, being Lot 1378, DP 1051143,
  - (e) 127 Waterfall Drive, being Lot 126, DP 1041324.
- (2) Development for the purposes of dual occupancies is permitted with development consent.

## 14 Use of certain land at Jerrabomberra

- (1) This clause applies to the following land at Jerrabomberra:
  - (a) 61, 65 and 68 Brudenell Drive, being Lots 65, 66 and 77, DP 775666,
  - (b) 1, 3, 5, 7, 9 and 11 Coachwood Avenue, being Lots 759–761 and 763–765, DP 829470,
  - (c) 13, 15 and 22–26 Coral Drive, being Lots 739–743, 757 and 758, DP 835596,
  - (d) 3–6, 8, 10, 12, 14 and 20 Laurel Place, being Lots 745–750 and 753–755, DP 835596,
  - (e) 8 and 32 Walker Crescent, being Lots 39 and 51, DP 775666.
- (2) Development for the purposes of dual occupancies (attached) is permitted with development consent.

## 15 Use of certain land at 59 Cooma Street, Queanbeyan

- (1) This clause applies to land at 59 Cooma Street, Queanbeyan, being Lot 2, DP 815688.
- (2) Development for the purposes of business premises and office premises is permitted with development consent.
- 16 Use of certain land at 1 Bungendore Road, Queanbeyan East

- (1) This clause applies to land at 1 Bungendore Road, Queanbeyan East, being Lot 1, DP 835570.
- (2) Development for the purposes of a take away food and drink premises is permitted with development consent.

# 17 Use of certain land at 1 Buttle Street, Queanbeyan East

- (1) This clause applies to land at 1 Buttle Street, Queanbeyan East, being Lots 1–6, SP 40615.
- (2) Development for the purposes of commercial premises is permitted with development consent.

## 18 Use of certain land at 53 Tharwa Road, Queanbeyan West

- (1) This clause applies to land at 53 Tharwa Road, Queanbeyan West, being Lot 441, DP 623510.
- (2) Development for the purposes of hotel or motel accommodation is permitted with development consent.

## 19 Use of certain land at 1738 Old Cooma Road, Royalla

- (1) This clause applies to land at 1738 Old Cooma Road, Royalla, being Lots 1 and 2, DP 555380 and Lot 152, DP 754912.
- (2) Development for the purposes of farm buildings is permitted with development consent.

## 20 Use of certain land at 1738 Old Cooma Road, Royalla

- (1) This clause applies to land at 1738 Old Cooma Road, Royalla, being Lot, 2 DP 555380.
- (2) Development for the purposes of a dwelling house is permitted with development consent.

## 21 Use of certain land at 1865A Old Cooma Road, Royalla

- (1) This clause applies to land at 1865A Old Cooma Road, Royalla, being Lot 186, DP 754871.
- (2) Development for the purposes of a dwelling house is permitted with development consent.

# 22 Use of certain land at 101 Alderson Place, Tralee

(1) This clause applies to land at 101 Alderson Place, Tralee, being Lots 3, 5, 6, 8, 9, 11 and 12, DP 17224, Lots 9–11, DP 130626, Lot 100, DP 131036, Lot 171, DP 1200349 and Lot 1, DP 1001136.

- (2) Development for the purposes of farm buildings is permitted with development consent.
- (3) Development for the purposes of a dual occupancy is permitted on Lot 1, DP 1001136 with development consent.

# 23 Use of certain land at 223A Alderson Place, Tralee

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

# Schedule 2 Exempt development

(Clause 3.1)

- Note 1. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.
- Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

# A-frame signs relating to properties (QLEP)

- (1) Must not obstruct access to any premises or property or to any adjacent premises or property.
- (2) Maximum display area (on each side)— $1m \times 900mm$ .
- (3) Must be stable.
- (4) Must be temporary and must be removed at the close of business each day.
- (5) Maximum—1 per premises or property.
- (6) If it relates to the sale, auction or lease of a property—must only contain directions to the location of the property.

# Bus shelter advertising (QLEP)

- (1) Must not extend beyond the perimeter of the bus shelter.
- (2) Maximum—1 advertising panel per bus shelter (but the panel may have an advertisement on each side).
- (3) Must not be illuminated.
- (4) Must be erected by or on behalf of a public authority.

## **Evaporative cooling units (roof mounted) (QLEP)**

- (1) Must be for residential uses only.
- (2) Must be located at least 3m from each side boundary.
- (3) Must be not higher than 1.8m above the highest point of the roof of the building

on which it is mounted.

- (4) Must be constructed or installed so that any opening created is adequately weather proofed.
- (5) Must not involve work that reduces the structural integrity of the building.
- (6) Must be designed so as not to operate:
  - (a) during peak time—at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, or
  - (b) during off peak time—at a noise level that is audible in habitable rooms of adjoining residences.
- (7) If it is located on bush fire prone land—must be constructed of non-combustible material and be adequately sealed or protected to prevent the entry of embers.
- (8) If it is constructed or installed in a heritage conservation area or a draft heritage conservation area—must be located in the rear yard and must not be visible from a public road.
- (9) Must not be carried out on or in a heritage item.

## Property identification signs in rural and environmental zones (QLEP)

- (1) Must be located wholly within the property boundary.
- (2) Maximum size—1.5m<sup>2</sup> or 2m high.
- (3) Must not cause interference with local traffic conditions or impede the line of sight for traffic.
- (4) Must be erected adjacent to the property entrance.
- (5) Maximum—1 per property.

## Street banners and sails on or over roads (QLEP)

Must be installed by or on behalf of the Council or Roads and Maritime Services.

# Fixed Free Standing Information Structures - Urban Release Areas (New)

- (1) Must be erected in an identified Urban Release Area under this plan.
- (2) Must be installed by or on behalf of the Council and gifted to the Council upon installation.
- (3) Maximum size -1.2 metres tall by 0.5m wide.
- (4) Signage on these structures advertising any development or land release will be limited to 2 years from date of erection (or any other timeframe the Council considers appropriate in the circumstances).
- (5) All structures are to be removed on Council's behalf by the respective developer when requested and at the developers cost.

# Advertising structures and displays (Sth Tralee LEP)

Erection of an advertising structure and display of an advertisement on it, or the display of an advertisement that is not an advertising structure (other than an

illuminated sign in a residential zone), in any of the following circumstances:

- (a) the advertisement and any structure are not visible from outside the site on which they are displayed,
- (b) the advertisement is behind the glass line of a window,
- (c) the advertisement is a public notice displayed by a public authority giving information about a service,
- (d) the advertisement is a real estate sign advertising that the premises on which it is displayed are for sale or lease, if the advertisement and any associated structure together do not exceed a maximum of 2 signs and have a maximum area of 2.5m2 within an environmental protection zone, or 3.5m2 within all other zones,
- (e) the advertisement is of the same dimensions and replaces one lawfully displayed on the same structure,
- (f) the advertisement displays a message relating to the lawful use of the land or premises on which it is situated, and the advertisement and any associated structure together have:
  - (i) a maximum area of:
    - (A) 0.75m<sup>2</sup> in Zone R1 General Residential, or
    - (B) 25% of the front elevation of a building on which it is displayed in Zone B1 Neighbourhood Centre or Zone B4 Mixed Use, or
    - (C) 2.5m<sup>2</sup> in Zone RE2 Private recreation or Zone E2 Environmental Conservation, and
  - (ii) a maximum height of either 3m above ground level (existing) or the height of the underside of any awning, whichever is the greater, and if the advertisement is suspended from an awning along a public road, it is not lower than 2.6m above ground or pavement level.

## Farm dams in Zone RU1 (PLEP)

- (1) Must have a means of managing water overflow.
- (2) Must be a minimum of 50m from each property boundary.
- (3) Must not involve works within 40m of the bank of a named watercourse.
- (4) Must not contain a spillway more than 1m in height.
- (5) Must comply with the *Water Management Act 2000*.

# Schedule 3 Complying development

(Clause 3.2)

Note. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

# Part 1 Types of development

# Part 2 Complying development certificate conditions

Note. Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

#### **General conditions**

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

# Schedule 4 Classification and reclassification of public land

(Clause 5.2)

# Part 1 Land classified, or reclassified, as operational land no interests changed

Column 1	Column 2
Locality	Description

# Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3	

# Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description

# Schedule 5 Environmental heritage

(Clause 5.10)

# Part 1 Heritage items

Insert combined heritage schedule

# Note St Stephen's Queanbeyan is now a State Heritage item – update schedule accordingly

# Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on Heritage Map	Significance
Braidwood and its setting	Labelled as "C1"	State
	Shown by a red outline with red hatching	
Queanbeyan Conservation Area	and labelled "C1"	Local

# Part 3 Archeological sites

Suburb	Item name	Address 1.8km from turn off from Kings Highway (in road reserve to the	Property description	Significance	Item No
	Mason Brothers'	left of Captains Flat	Adjacent to Lot 4, DP		
Carwoola	Brickworks	Road)	821756	Local	A1
	Marchiori's Lime	South east corner of	Part of Lot 1, DP	T 1	4.0
Greenleigh	Kiln and quarry	Jumping Creek	711905	Local	A2
	Moses Morley's	Quarry, 501 Cooma	Part of Lots 103 and		
Googong	Lime Kiln	Road	104, DP 754881	Local	A3
		On the Queanbeyan			
	White Rocks	River, Gale, 300	Part of Lot 86, DP		
Queanbeyan	Limestone Kilns	Cooma Street	45240	Local	A4

# **Dictionary**

(Clause 1.4)

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

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

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

Note. The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

*Acid Sulfate Soils Manual* means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement. Advertising structures are a type of *signage*—see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act.

Note. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

Note. Agricultural produce industries are a type of *rural industry*—see the definition of that term in this Dictionary.

agriculture means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,

(d) intensive plant agriculture.

Note. Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

*airport* means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

Note. Airports are a type of *air transport facility*—see the definition of that term in this Dictionary.

*airstrip* means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

*amusement centre* means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

aquaculture has the same meaning as in the Fisheries Management Act 1994.

Note. Aquaculture is a type of *agriculture*—see the definition of that term in this Dictionary.

archaeological site means a place that contains one or more relics.

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

Note. Attached dwellings are a type of residential accommodation—see the definition of that term in this Dictionary.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers' accommodation means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

Note. Backpackers' accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms,

and

(c) dormitory-style accommodation is not provided.

Note. See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

Note. Bee keeping is a type of extensive agriculture—see the definition of that term in this Dictionary.

biodiversity means biological diversity.

biological diversity has the same meaning as in the Threatened Species Conservation Act 1995.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

Note. Biosolids treatment facilities are a type of sewerage system—see the definition of that term in this Dictionary.

**boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note. Boarding houses are a type of residential accommodation—see the definition of that term in this Dictionary.

boat building and repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

brothel has the same meaning as in the Act.

Note. This definition is relevant to the definitions of *home occupation (sex services)* and *sex services premises* in this Dictionary.

**building** has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height** (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but

excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Note. Building identification signs are a type of signage—see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

**bulky goods premises** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note. Bulky goods premises are a type of *retail premises*—see the definition of that term in this Dictionary.

bush fire hazard reduction work has the same meaning as in the Rural Fires Act 1997.

Note. The term is defined as follows:

#### bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

#### bush fire prone land has the same meaning as in the Act.

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the Rural Fires Act 1997 for the purpose referred to in section 54 of that Act.

# business identification sign means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note. Business identification signs are a type of signage—see the definition of that term in this Dictionary.

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of *commercial premises*—see the definition of that term in this Dictionary.

*camping ground* means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

*car park* means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

*caravan park* means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment action plan has the same meaning as in the Catchment Management Authorities Act 2003.

Note. The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

*cellar door premises* means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note. Cellar door premises are a type of *retail premises*—see the definition of that term in this Dictionary.

*cemetery* means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the

foreshore and the waterway, but does not include a marina.

*child care centre* means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

#### but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

classified road has the same meaning as in the Roads Act 1993.

Note. The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- a State work.

(See Roads Act 1993 for meanings of these terms.)

clearing native vegetation has the same meaning as in the Native Vegetation Act 2003.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

(a) cutting down, felling, thinning, logging or removing native vegetation,

(b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal hazard has the same meaning as in the Coastal Protection Act 1979.

coastal lake means a body of water specified in Schedule 1 to State Environmental Planning Policy No 71—Coastal Protection.

coastal protection works has the same meaning as in the Coastal Protection Act 1979.

coastal waters of the State—see section 58 of the Interpretation Act 1987.

coastal zone has the same meaning as in the Coastal Protection Act 1979.

Note. The term is defined as follows:

#### coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

# commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

## community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the Local Government Act 1993.

#### correctional centre means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

*Council* means the Queanbeyan-Palerang Regional Council.

*crematorium* means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

#### Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the Crown Lands Act 1989, or
- (b) a common within the meaning of the Commons Management Act 1989, or
- (c) lands within the meaning of the Trustees of Schools of Arts Enabling Act 1902,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

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

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Note. Dairies (pasture-based) are a type of *extensive agriculture*—see the definition of that term in this Dictionary.

dairy (restricted) means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note. Dairies (restricted) are a type of *intensive livestock agriculture*—see the definition of that term in this Dictionary. *demolish*, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

*depot* means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

*Drinking Water Catchment Map* means the <u>Queanbeyan-Palerang Local Environmental Plan 2018 Drinking Water Catchment Map</u>.

*dual occupancy* means a dual occupancy (attached) or a dual occupancy (detached).

Note. Dual occupancies are a type of *residential accommodation*—see the definition of that term in this Dictionary. *dual occupancy (attached)* means 2 dwellings on one lot of land that are attached to each

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of *dual occupancy*—see the definition of that term in this Dictionary.

*dual occupancy (detached)* means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note. Dual occupancies (detached) are a type of *dual occupancy*—see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

Note. Dwelling houses are a type of *residential accommodation*—see the definition of that term in this Dictionary. *earthworks* means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note. See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

*electricity generating works* means a building or place used for the purpose of making or generating electricity.

*emergency services facility* means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act* 2001,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

*environmental facility* means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

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

estuary has the same meaning as in the Water Management Act 2000.

Note. The term is defined as follows:

estuary means:

(a) any part of a river whose level is periodically or intermittently affected by coastal tides, or

- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the Water Management Act 2000) to be an estuary,

but does not include anything declared by the regulations (under the Water Management Act 2000) not to be an estuary.

*excavation* means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

extensive agriculture means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

Note. Extensive agriculture is a type of agriculture—see the definition of that term in this Dictionary.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note. Extractive industries are not a type of *industry*—see the definition of that term in this Dictionary.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the Mining Act 1992.

*farm building* means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

*farm stay accommodation* means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

Note. Feedlots are a type of *intensive livestock agriculture*—see the definition of that term in this Dictionary.

*fill* means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

(a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that

does not significantly alter the shape, natural form or drainage of the land, or

(b) the use of land as a waste disposal facility.

*filming* means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

fish has the same meaning as in the Fisheries Management Act 1994.

Note. The term is defined as follows:

#### Definition of "fish"

- (1) Fish means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) Fish includes:
  - (a) oysters and other aquatic molluses, and
  - (b) crustaceans, and
  - (c) echinoderms, and
  - (d) beachworms and other aquatic polychaetes.
- (3) Fish also includes any part of a fish.
- (4) However, *fish* does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

*flood planning area* means the land shown as "Flood Planning Area" on the Flood Planning Map.

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

*Flood Planning Map* means the Queanbeyan-Palerang Local Environment Plan 2018 Flood Planning Map.

*floor space ratio*—see clause 4.5.

Floor Space Ratio Map—not adopted.

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub.

Note. Food and drink premises are a type of *retail premises*—see the definition of that term in this Dictionary.

*forestry* has the same meaning as *forestry operations* has for the purposes of Part 5A of the *Forestry Act 2012*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) the harvesting of forest products, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning and other silvicultural activities such as bee-keeping, grazing and bush fire hazard reduction, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note. Funeral homes are a type of business premises—see the definition of that term in this Dictionary.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note. Garden centres are a type of *retail premises*—see the definition of that term in this Dictionary.

*general industry* means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note. General industries are a type of *industry*—see the definition of that term in this Dictionary.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:

- (i) storage, and
- (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

group home means a permanent group home or a transitional group home.

Note. Group homes are a type of *residential accommodation*—see the definition of that term in this Dictionary.

group home (permanent) or permanent group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note. Permanent group homes are a type of *group home*—see the definition of that term in this Dictionary.

### group home (transitional) or transitional group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

Note. Transitional group homes are a type of *group home*—see the definition of that term in this Dictionary.

*hardware and building supplies* means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note. Hardware and building supplies are a type of *retail premises*—see the definition of that term in this Dictionary.

*hazardous industry* means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on

the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note. Hazardous industries are a type of *heavy industry*—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note. Hazardous storage establishments are a type of *heavy industrial storage establishment*—see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

*health care professional* means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note. Health consulting rooms are a type of *health services facility*—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

*heavy industry* means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note. Heavy industries are a type of *industry*—see the definition of that term in this Dictionary.

*Height of Buildings Map* means the Queanbeyan-Palerang Local Environmental Plan 2018 Height of Buildings Map.

*helipad* means a place not open to the public used for the taking off and landing of helicopters.

*heliport* means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

Note. Heliports are a type of *air transport facility*—see the definition of that term in this Dictionary.

*heritage conservation area* means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the Heritage Act 1977 that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

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

*heritage item* means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note. An inventory of heritage items is also available at the office of the Council.

### *heritage management document* means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Heritage Map means the Queanbeyan-Palerang Local Environmental Plan 2018 Heritage Map.

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

*high technology industry* means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),

- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature.
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field.

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note. High technology industries are a type of *light industry*—see the definition of that term in this Dictionary.

*highway service centre* means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

**home-based child care** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons* (Care and Protection) Act 1998,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

*home business* means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of *light industry*—see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation** (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

*horticulture* means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

Note. Horticulture is a type of *intensive plant agriculture*—see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note. Hospitals are a type of *health services facility*—see the definition of that term in this Dictionary.

*hostel* means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note. Hostels are a type of *residential accommodation*—see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. Hotel or motel accommodation is a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

*industrial activity* means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

*industrial retail outlet* means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

Note. See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not

include an educational establishment, business premises or retail premises.

*industry* means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

*information and education facility* means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

*intensive livestock agriculture* means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note. Intensive livestock agriculture is a type of *agriculture*—see the definition of that term in this Dictionary.

intensive plant agriculture means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

Note. Intensive plant agriculture is a type of *agriculture*—see the definition of that term in this Dictionary.

*jetty* means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of *retail premises*—see the definition of that term in this Dictionary.

*Land Application Map* means the Queanbeyan-Palerang Local Environmental Plan 2018 Land Application Map.

*Land Reservation Acquisition Map* means the <u>Queanbeyan-Palerang Local Environmental</u> Plan 2018 Land Reservation Acquisition Map.

*Land Zoning Map* means the <u>Queanbeyan-Palerang Local Environmental Plan 2018 Land Zoning Map</u>.

*Landscape Map* means the <u>Queanbeyan-Palerang Local Environmental Plan 2018</u> Landscape Map.

*landscaped area* means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

*landscaping material supplies* means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note. Landscaping material supplies are a type of *retail premises*—see the definition of that term in this Dictionary.

*light industry* means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

Note. Light industries are a type of *industry*—see the definition of that term in this Dictionary.

*liquid fuel depot* means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

Note. Liquid fuel depots are a type of *heavy industrial storage establishment*—see the definition of that term in this Dictionary.

*livestock processing industry* means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

Note. Livestock processing industries are a type of *rural industry*—see the definition of that term in this Dictionary.

Lot Size Map means the Queanbeyan-Palerang Local Environmental Plan 2018 Lot Size Map.

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

*marina* means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

*market* means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note. Markets are a type of *retail premises*—see the definition of that term in this Dictionary.

*mean high water mark* means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

*medical centre* means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note. Medical centres are a type of health services facility—see the definition of that term in this Dictionary.

*mezzanine* means an intermediate floor within a room.

*mine* means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

*mine subsidence district* means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

*mining* means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

Note. Mining is not a type of *industry*—see the definition of that term in this Dictionary.

mixed use development means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

*mortuary* means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the Local Government Act 1993.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

*multi dwelling housing* means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note. Multi dwelling housing is a type of *residential accommodation*—see the definition of that term in this Dictionary.

*native fauna* means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

*native flora* means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in the Native Vegetation Act 2003.

Note. The term is defined as follows:

Meaning of "native vegetation"

- (1) Native vegetation means any of the following types of indigenous vegetation:
  - (a) trees (including any sapling or shrub, or any scrub),

- (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.
- (2) Vegetation is *indigenous* if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) Native vegetation does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the Fisheries Management Act 1994 applies.

*navigable waterway* means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of shop—see the definition of that term in this Dictionary.

nominated State heritage item means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

*non-potable water* means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**NSW Coastal Policy** means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive industries are a type of *heavy industry*—see the definition of that term in this Dictionary.

offensive storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive storage establishments are a type of *heavy industrial storage establishment*—see the definition of that term in this Dictionary.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note. Office premises are a type of commercial premises—see the definition of that term in this Dictionary.

open cut mining means mining carried out on, and by excavating, the earth's surface, but

does not include underground mining.

operational land has the same meaning as in the Local Government Act 1993.

*parking space* means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

### people who are socially disadvantaged means:

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

*people with a disability* means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

*place of public worship* means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

*plant nursery* means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note. Plant nurseries are a type of *retail premises*—see the definition of that term in this Dictionary.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

*potable water* means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

*private open space* means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan has the same meaning as in the Native Vegetation Act 2003.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the Native Vegetation Act 2003.

pub means licensed premises under the Liquor Act 2007 the principal purpose of which is the

retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note. Pubs are a type of *food and drink premises*—see the definition of that term in this Dictionary.

*public administration building* means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

public land has the same meaning as in the Local Government Act 1993.

Note. The term is defined as follows:

*public land* means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the Crown Lands Act 1989 applies, or
- (c) a common, or
- (d) land subject to the Trustees of Schools of Arts Enabling Act 1902, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the Local Government Act 1993.

*public utility undertaking* means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

*rainwater tank* means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used

predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a club that holds a club licence under the Liquor Act 2007.

relic has the same meaning as in the Heritage Act 1977.

Note. The term is defined as follows:

relic means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement,
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (1) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note. Residential care facilities are a type of seniors housing—see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat buildings are a type of *residential accommodation*—see the definition of that term in this Dictionary.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note. Resource recovery facilities are a type of *waste or resource management facility*—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant** or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of *food and drink premises*—see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction** facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (i) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,

(n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of *commercial premises*—see the definition of that term in this Dictionary.

**Riparian Lands and Watercourses Map** means the <u>Queanbeyan-Palerang Local</u> Environmental Plan 2018 Riparian Lands and Watercourse Map.

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

*roadside stall* means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of *retail premises*—see the definition of that term in this Dictionary.

*rural industry* means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note. Rural industries are not a type of *industry*—see the definition of that term in this Dictionary.

*rural supplies* means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note. Rural supplies are a type of retail premises—see the definition of that term in this Dictionary.

**rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note. Rural workers' dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note. Sawmill or log processing works are a type of *rural industry*—see the definition of that term in this Dictionary. *school* means a government school or non-government school within the meaning of the *Education Act 1990*.

Note. Schools are a type of *educational establishment*—see the definition of that term in this Dictionary.

secondary dwelling means a self-contained dwelling that:

- (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. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.

*self-storage units* means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note. Self-storage units are a type of storage premises—see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note. Semi-detached dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note. Seniors housing is a type of *residential accommodation*—see the definition of that term in this Dictionary.

*service station* means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note. Serviced apartments are a type of *tourist and visitor accommodation*—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and

- (e) sewage overflow structures, and
- (f) vent stacks.

Note. Sewage reticulation systems are a type of sewerage system—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note. Sewage treatment plants are a type of sewerage system—see the definition of that term in this Dictionary.

sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Note. Shops are a type of *retail premises*—see the definition of that term in this Dictionary.

*shop top housing* means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of *residential accommodation*—see the definition of that term in this Dictionary.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

*site area* means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

*site coverage* means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

*spa pool* has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note. Stock and sale yards are a type of *rural industry*—see the definition of that term in this Dictionary.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

*storey* means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the Swimming Pools Act 1992.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note. Take away food and drink premises are a type of *food and drink premises*—see the definition of that term in this Dictionary.

### telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

*telecommunications network* means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note. The term is defined as follows:

*temporary structure* includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

*Terrestrial Biodiversity Map* means the <u>Queanbeyan-Palerang Local Environmental Plan</u> 2018 Terrestrial Biodiversity Map.

the Act means the Environmental Planning and Assessment Act 1979.

*timber yard* means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note. Timber yards are a type of *retail premises*—see the definition of that term in this Dictionary.

*tourist and visitor accommodation* means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

*transport depot* means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

*truck depot* means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

*turf farming* means the commercial cultivation of turf for sale and the removal of turf for that purpose.

Note. Turf farming is a type of *intensive plant agriculture*—see the definition of that term in this Dictionary.

### underground mining means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

*vehicle body repair workshop* means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

*vehicle repair station* means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

*vehicle sales or hire premises* means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note. Vehicle sales or hire premises are a type of *retail premises*—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

viticulture means the cultivation of grapes for use in the commercial production of fresh or

dried fruit or wine.

Note. Viticulture is a type of *intensive plant agriculture*—see the definition of that term in this Dictionary.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note. Waste disposal facilities are a type of *waste or resource management facility*—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note. Waste or resource transfer stations are a type of *waste or resource management facility*—see the definition of that term in this Dictionary.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

Note. Water recycling facilities are a type of *sewerage system*—see the definition of that term in this Dictionary.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

Note. Water reticulation systems are a type of water supply system—see the definition of that term in this Dictionary.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note. Water storage facilities are a type of water supply system—see the definition of that term in this Dictionary.

water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,

- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note. Water treatment facilities are a type of water supply system—see the definition of that term in this Dictionary.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or artificial waterbody means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or natural waterbody means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

#### wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wharf or boating facilities means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number

registered under the A New Tax System (Australian Business Number) Act 1999 of the Commonwealth.

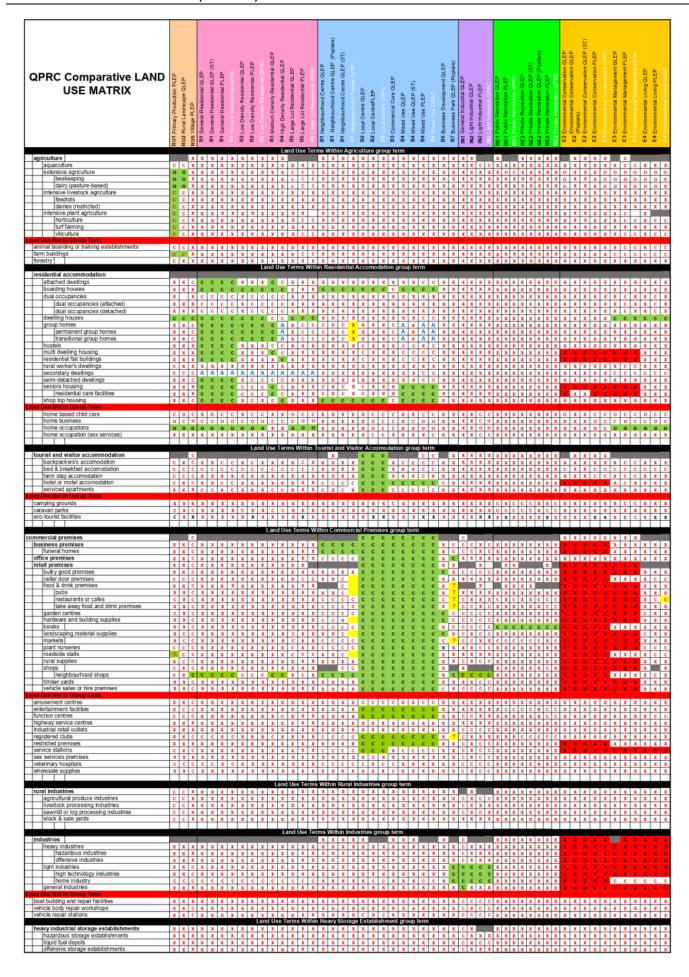
# QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

### 14 AUGUST 2019

ITEM 6.3 DRAFT PLANNING PROPOSAL - COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN 2020

ATTACHMENT 3 DRAFT LAND USE MATRIX



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# QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

## 14 AUGUST 2019

ITEM 6.3 DRAFT PLANNING PROPOSAL - COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN 2020

ATTACHMENT 4 COMPREHENSIVE LEP PROGRAM 2019

Queanbeyan-Palerang Regional Council
New Comprehensive Local Environmental Plan Program
June 2019

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# Introduction

In May 2016 the New South Wales State Government announced the former Palerang and Queanbeyan Local Government Area's (LGA) were to be amalgamated to form Queanbeyan-Palerang Regional Council (QPRC).

The NSW Department of Planning and Environment (DPE) prepared a document at the time titled *Guidance for merged councils on planning functions* which sets out the land use planning matters for new council's to consider whilst implementing a merger.

In accordance with the DPE's guidance material, the harmonisation of local planning controls is an important action for newly amalgamated councils. Accordingly, QPRC's Land Use Planning team has now commenced the process of examining the actions required to prepare a new comprehensive LEP for the Queanbeyan-Palerang LGA.

# **Purpose**

The purpose of this paper is to provide details in respect of the planning issues to be resolved before a new comprehensive LEP can be established. These planning issues are broadly broken into two main categories:

- 1. Outstanding policy matters to be resolved including making amendments to zones where required, considering the appropriateness of certain zones in particular circumstances, requests for dwelling entitlements and other matters detailed later in this paper, and
- 2. Issues associated with differences between the respective LEPs that apply in terms of both the permissibility of land uses in different zones and the application of local provisions.

# Section One - Planning Policy Issues to Be Addressed in New LEP

As noted above, this section of the paper seeks to identify new and outstanding policy matters that will be addressed during the preparation of the new LEP. These matters include making amendments to zones where required, considering the appropriateness of certain zones in particular circumstances, requests for dwelling entitlements and other matters detailed below.

# **Averaging Subdivision**

Council staff suggest that the application of the 'averaging' provisions and minimum lot sizes in the rural and E4 Environmental Living landuse zones require a fundamental review to achieve:

- consistency in planning provisions across the newly combined area, and
- consider the planning merits of continuing the current approach.

However, given the substantial task of preparing a draft comprehensive LEP, that the Palerang Rural Lands Study has only been relatively recently adopted by Council and the review is a considerable task it is felt that this matter should be postponed until after the new LEP has been gazetted.

#### Scenic Protection

During the development of the *Palerang Local Environmental Plan 2014*, the inclusion of a scenic protection area being included in the LEP or DCP was discussed. It was agreed that it would be considered following the gazettal of the LEP. No work has been undertaken on this matter. The *Queanbeyan Local Environmental Plan 2012* does contain a scenic protection map. It is suggested that staff review the planning merits of including a scenic protection map in the former Palerang area, but that this be considered for inclusion after the comprehensive LEP have been gazetted.

# E4 Environmental Living Zoning Wamboin and Bywong Areas

Council has resolved to review the E4 Environmental Living landuse zone in the localities of Bywong and Wamboin. It is recommended that this matter be progressed as a stand alone planning proposal, with possible inclusion in the comprehensive LEP if the timeframes coincide. This to ensure the matters does not unreasonably delay the making of the new comprehensive LEP and to ensure there is a clear and distinct process for the E4 issue.

# Animal Boarding and Training Establishments

Given that the standard instrument LEP has now combined both of these uses into a single definition, a new clause is proposed to be included in the draft LEP that seeks to minimise potential impacts on neighbours (particularly from the animal boarding component).

# 'Restaurants or Cafes' and 'Function Centres' in E4 Environmental Living Zone

Both of these uses are currently permissible with consent in this zone under the *Palerang LEP 2014* whereas they are prohibited under *Queanbeyan LEP 2012*. It is recommended these uses be made permissible with consent under the new LEP but that an appropriate clause be inserted into the plan to manage potential impacts on neighbours.

# Dual Occupancy Development in Rural and Environmental Zones

One unresolved policy matter arising from the comparison of LEPs has been the suitability of dual occupancy developments in rural and environmental zones across the combined LGA. These uses are generally 'permissible with consent' in the former Palerang area but are 'prohibited' in the former Queanbeyan area. However both plans also provide for secondary dwellings.

The key distinction between each land use is that there is no limit on the size of a dwelling that may be constructed as a dual occupancy, whereas a secondary dwellings are regulated to be smaller in size than the principal dwelling (ie, to provide for a 'granny flat' type development).

Dual occupancy development is a form of medium density housing. There is a concern that allowing two large properties to be built on one parcel of land is not a desirable planning outcome. Where two large dwellings are constructed on a lot in rural areas, it has been Council's experience that owners can find it difficult to then sell land in the future due to its high price relative to other rural properties. In these circumstances owners often approach the Council asking for the land to be subdivided below the minimum lot area so it can be sold.

This problem was previously acknowledged under Yarrowlumla LEP 2002 where a second dwelling could only have a maximum area of 150sqm. In effect, the Yarrowlumla LEP 2002 only provided for 'secondary dwellings' (where one dwelling is smaller than the other) not for' dual occupancies' (where both dwellings can be of unlimited size).

Accordingly, Council staff are recommending 'dual occupancies' be prohibited in rural and environmental zones (including the R5 Large Lot Residential zone) across the LGA. It is proposed 'secondary dwellings' be permissible in all these zones where dwellings are permissible and that these can be up to 50% the size of the principle dwelling to give some additional flexibility in respect of size.

# Dual Occupancy Development in Residential Zones

Another unresolved policy matter arising from the comparison of LEPs is the suitability of dual occupancy developments in low density and village residential zones across the combined LGA.

Similar to above, these uses are generally 'permissible with consent' under the Palerang LEP but are 'prohibited' under the Queanbeyan plan. However both plans also provide for secondary dwellings.

Accordingly, Council staff are recommending 'dual occupancies' be permitted in the village and low density residential zones but supported with local provisions requiring a minimum lot area before such development can be undertaken.

# Signage in Rural Areas

Council staff are aware there are a number of instances of unapproved signage that have been erected in rural areas. In some instances these represent 'business identification signs' that provide information in respect of the land upon which they are erected, however in other instances they are 'advertising signs' that advertise products/services not directly related to the land.

Council staff are intending to consider this issue further during the development of the new LEP and intend to provide the Council with a discussion paper on this issue in the near future.

# Updating Heritage schedule

It is intended that the respective heritage schedules from each LEP will now be merged into a single new schedule. Council staff will continue to monitor any new proposed listings and consider these for inclusion when the new LEP is drafted.

# Popup events

Staff have been discussing the permissibility of various 'pop-up' and other social/community events across the LGA. Often these can be prohibited by the relevant planning instruments (or require significant approvals) which have the effect of discouraging this events. Such events contribute significant social and economic benefits for communities.

Whilst no specific controls have been drafted at this time, Council staff will continue to work with Council's Community Choice team with a view to including any necessary amendments to assist in allowing such uses with suitable controls as required.

Again, Council staff are intending to consider this issue further during the development of the new LEP and intend to provide the Council with a discussion paper on this issue in the near future.

# Matters raised during West Jerrabomberra Planning Proposal

During the exhibition of the West Jerrabomberra Planning Proposal a number of submissions were made by landowners and developers in respect of introducing a number of additional permitted uses in some of the zones. Specifically the following matters were raised

- Including 'registered clubs', 'markets' and 'food and drink premises' to the B7 Business Park zone.
- Allowing 'places of public worship' in the RE2 Private Recreation zone.

Council staff are off the view these may not be incompatible land uses in the zone but that each has the potential to generate significant vehicle movements. Allowing 'food and drink premises' will also allow for additional fast food takeaways similar to those already proposed on the Poplars. Further traffic analysis will be required to demonstrate such uses can be accommodated within the zone without compromising the road network.

'Places of public worship' are not considered to be an appropriate use more broadly in the RE2 Private Recreation zone. Such land is predominantly to provide for recreational activities in an open space environment. When the West Jerrabomberra Planning Proposal was endorsed by Council, the

Council also agreed to allow 'places of public worship' in the B7 Business Park Zone. Accordingly 'places of public worship' are already permissible on those parts of West Jerrabomberra zoned B1 Local Centre and B7 Business Park. Council already allows 'places of public worship' in most residential and business zones with consent so there are already existing opportunities for such developments to occur.

# Section Two – Local Environmental Plan Comparison

The purpose of this paper is to provide an analysis of the various standard instrument local environmental plans (LEPs) that currently apply to the newly amalgamated Queanbeyan-Palerang Regional Council (QPRC), with a view to making recommendations as to how the respective plans might be combined into a new comprehensive LEP.

The paper identifies both:

- inconsistencies in permissible land uses between any common zones contained in the various LEPs, and
- inconsistencies in any planning provisions or clauses contained in those respective instruments.

It is not the intent of this paper to consider broader strategic planning issues confronting the new LGA (although these are being considered as part of other research being undertaken). Rather this paper seeks to set out the existing differences between the respective LEPs and how those differences might be reconciled in the preparation of a new comprehensive plan for the combined LGA.

# Local Environmental Plans applying to QPRC

The following LEPs are currently applicable to QPRC.

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014
Queanbeyan LEP (South Tralee) 2012	
Queanbeyan LEP (Poplars) 2013	

It should be noted that some small areas of Queanbeyan are still subject to older LEPs (ie, *Queanbeyan LEP 1991*, *Queanbeyan LEP 1998* and *Yarrowlumla LEP 2002*) as a consequence of land being deferred from LEPs in the past. Those planning instruments will be progressively repealed as the current LEPs for South Jerrabomberra, North Tralee and Jumping Creek are finalised, and when a new combined LEP for Queanbeyan-Palerang is gazetted. Accordingly those plans have not been reviewed as part of this report.

In the circumstances where a particular zone exists in only one LEP, it is proposed to initially transfer the existing zoning table for that zone into a combined LEP with no changes.

# Land Use Table Comparison

# **Rural Zones**

At this time, there are no common rural zones between the various plans. Accordingly the current rural zones set out in the respective LEPs (ie, RU1 Primary Production, RU2 Rural Landscape and RU5

Village) can be merged into a new comprehensive LEP for the amalgamated area with little policy consequence.

However, as discussed earlier, it is recommended 'dual occupancies' no longer be permissible in rural and environmental zones (including the R5 Large Lot Residential zone). 'Secondary dwellings' will remain permissible in these zones to allow for granny flat type uses. The respective land use tables will be amended accordingly.

#### Residential Zones

#### R1 General Residential

The following LEPs currently include the R1 General Residential Zone:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014
Queanbeyan LEP (South Tralee) 2012	

In the former Queanbeyan area the RI General Residential zone is used exclusively for identified urban release areas (for example Googong and South Jerrabomberra). This is to ensure there is suitable flexibility as an urban release area proceeds with a view to refining the zoning when fully developed. Conversely, the R1 zone in the former Palerang area it is used to identify areas where residential development other than low density residential development is encouraged, particularly in Bungendore and Braidwood.

A comparison of the application of the R1 General Residential Zone under each of the respective LEPs has revealed the following inconsistencies.

#### **Home business in R1 Zone**

There are some differences in the permissible uses for **home business** under the respective LEPs. However under *State Environmental Planning Policy (Exempt and Complying Development Codes)* 2008 ('the *Exempt and Complying SEPP'*) this land use is 'permissible without consent' in all zones regardless.

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

# Home based childcare in R1 Zone

The permissibility of **home based childcare** is different in each LEP at this time. Regardless, it is 'permissible without consent' under the *Exempt and Complying SEPP* where not located within a bushfire prone area.

Accordingly, it is recommended **home based childcare** be shown as 'permissible with consent' to allow the use to occur within this zone, including bushfire prone land provided an assessment of bushfire risk is also undertaken.

#### **Tourist and visitor accommodation in R1 Zone**

In respect of tourist and visitor accommodation type uses, both **backpacker's accommodation** and **hotel and motel accommodation** are currently 'prohibited' in this zone under the respective Queanbeyan LEPs but are 'permissible with consent' under the Palerang LEP. Conversely **serviced apartments** are 'permissible with consent' under the Queanbeyan LEPs but 'prohibited' under the Palerang LEP.

It is recommended **backpacker's accommodation, hotel and motel accommodation** and **serviced apartments** should be 'permissible with consent' under a combined LEP. These are not considered to be fundamentally inconsistent uses in the zones and would require a development application regardless. There is unlikely to be a backpacker's accommodation development in the urban release areas as there is limited tourism value.

# Registered clubs and veterinary hospitals in R1 Zone

There is general consistency between the respective LEPs in regards to commercial uses in the R1 General Residential zone, with most uses being prohibited. However there are some differences, for example both **registered clubs** and **veterinary hospitals** are 'permissible with consent' under the respective Queanbeyan LEPs whereas both are 'prohibited' under the Palerang LEP.

It is recommended that **registered clubs** and **veterinary hospitals** be made 'permissible with consent' under a combined LEP given the R1 zone is used for urban release areas.

# Waste or resource management facilities in R1 Zone

**Waste or resource management facilities** are 'permissible with consent' under the respective Queanbeyan LEPs but are 'prohibited' under the Palerang LEP in this zone. The permissibility of these facilities in this zone are also set out in *State Environmental Planning Policy (Infrastructure)* 2007 ('the *Infrastructure SEPP'*) where it is not permissible.

It is recommended that **waste or resource management facilities** be made 'prohibited' under a combined LEP for this zone given such uses could conflict with the residential intent of the zone. This use is best regulated by the provisions of the *Infrastructure SEPP*.

# Water supply systems in R1 Zone

**Water supply systems** are permissible under the Palerang LEP but prohibited under the respective Queanbeyan LEPs. Again, the permissibility of these facilities are also set out under the *Infrastructure SEPP*.

It is recommended that **water supply systems** be made 'permissible with consent' under a combined LEP recognising the R1 is primarily used for urban release areas, that it is key lead in infrastructure and may be undertaken by the proponents rather than Council.

# Information and education facilities and public administration buildings in R1 Zone

Both **information and education facilities** and **public administration buildings** are 'permissible with consent' under the Queanbeyan LEPs but are prohibited under the Palerang LEP. The permissibility of **public administration buildings** are set out in the *Infrastructure SEPP*. It is recommended that

this use be made 'permissible with consent' as they would predominantly be carried out by public authorities in any event.

It is recommended that both **information and education facilities** and **public administration buildings** be made 'permissible with consent' as they would predominantly be carried out by public authorities.

## Building identification signs and business identification signs in R1 Zone

In respect of signage, both **building identification signs** and **business identification signs** are 'permissible with consent' under the Palerang LEP but are both prohibited under the respective Queanbeyan LEPs. Whilst commercial uses are generally restricted in the R1 General Residential zone, it is considered appropriate that existing business be able to have some signage. However, this should also require the consent of council.

Accordingly it is recommended both **building identification signs** and **business identification signs** be made 'permissible with consent' in this zone under a combined LEP.

# Recreation areas, recreational facilities (indoor) and recreational facilities (outdoor) in R1 Zone

In respect of recreational land uses, recreation areas, recreational facilities (indoor) and recreational facilities (outdoor) all are permissible with consent under the respective Queanbeyan LEPs but are prohibited under the Palerang LEP.

It is recommended recreation areas, recreational facilities (indoor) and recreational facilities (outdoor) be made 'permissible with consent' under a combined planning instrument given R1 zone is primarily used for urban release areas in the former Queanbeyan area. The uses are probably unlikely in the former Palerang R1 areas, regardless consent would be required for development in any circumstance.

# **Environmental protection works in R1 Zone**

Finally, **environmental protection works** are permissible without consent under the Queanbeyan LEPs but require consent under the Palerang LEP. It is unclear what environmental protection works would be required to be undertaken in an urban residential environment (more relevant to rural properties). Accordingly, it is recommended consent be required for such a use.

It is recommended **environmental protection works** be 'permissible with consent' under a combined planning instrument for this zone.

#### R2 Low Density Residential

There are two LEPs containing the R2 Low Density Residential Zone within the amalgamated area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

#### Residential accommodation in R2 Zone

In respect of residential uses, there are some differences in permissible uses between the LEPs. **Dual occupancies** (both attached and detached) are 'prohibited' under the Queanbeyan plan but are 'permissible with consent' under the Palerang plan. Similarly, both **semi-detached dwellings** and **shop-top housing** are 'prohibited' under the Queanbeyan plan but are 'permissible with consent' under the Palerang plan.

It is recommended that **dual occupancies** be made 'permissible with consent' under a combined plan, and supported with additional provisions limiting the size of the lot on which it may be erected (these controls already exist for R3 and R4 zones).

It is also recommended **semi-detached dwellings** be made 'permissible with consent' under a combined plan as any lot would be required to meet the minimum lot size regardless.

**Shop-top housing** however should be 'prohibited' to remove the potential for unit style developments in this low density zone.

# Home based childcare in R2 Zone

The permissibility of **home based childcare** is different in each LEP at this time ('prohibited' under Queanbeyan and 'permissible with consent' in Palerang). Regardless, it is permissible without consent under the *Education SEPP* where not located within a bushfire prone area.

It is recommended **home based childcare** be shown as 'permissible with consent' under a combined LEP to reflect the *Education SEPP* and to allow consideration of this use in this zone subject to bushfire assessment.

# Home business in R2 Zone

**Home business** is also treated differently in the respective LEPs for this zone noting they are 'permissible without consent' in this zone under the *Exempt and Complying SEPP* regardless.

It is recommended **home business** be shown as 'permissible without consent' in a combined LEP to reflect the *Exempt and Complying SEPP*.

#### Tourist and visitor accommodation in R2 Zone

In respect of types of tourist and visitor accommodation, most uses are the same between the LEPs with the exception of **backpackers accommodation** which is 'permissible with consent' under Palerang but 'prohibited' in Queanbeyan.

Given the low density residential nature of the zone and the potential for land use conflict, it is recommended **backpackers accommodation** be 'prohibited' under a combined LEP. This would still allow **bed and breakfast** accommodation to be undertaken with consent and ensure there is both a restriction on occupant numbers, and, the property owner is on site to supervise the visitors and manage any impacts on neighbours.

Further **caravan parks** are 'permissible with consent' under the Queanbeyan LEP but 'prohibited' under Palerang.

Given the potential for land use conflict it is recommended **caravan parks** be 'prohibited' in this zone. Existing public caravan parks should be zoned RE1 Public Recreation. Existing private caravan parks should instead be zoned RE2 Private Recreation.

# Sewerage treatment plants in R2 Zone

**Sewerage treatment plants** are currently prohibited under the Queanbeyan LEP but 'permissible with consent' under the Palerang LEP. These are also regulated under the *Infrastructure SEPP* where they are not permissible in this zone.

Given the potential for land use conflict it is recommended **sewerage treatment plants** be 'prohibited' under a combined LEP for this zone. The use is best regulated by the provisions of the *Infrastructure SEPP*.

# Water storage facilities in R2 Zone

Water storage facilities are also currently prohibited under the Queanbeyan LEP but 'permissible with consent' under the Palerang LEP. Again, these are also regulated under the *Infrastructure SEPP* where they are not permissible in this zone.

Given the potential for land use conflict it is recommended **water storage facilities** be 'prohibited' under a combined LEP in this zone. The use is best regulated by the provisions of the *Infrastructure SEPP*. This would not restrict the use of a water tank as an ancillary use to any residence.

# Places of public worship and information and educational facilities in R2 Zone

Places of public worship and information and educational facilities are currently 'prohibited' under the Palerang LEP but 'permissible with consent' under the Queanbeyan LEP.

Given the potential for land use conflict in what is primarily a residential zone it is recommended both uses be 'prohibited' under a combined LEP for this zone. Existing developments of this nature (if any) would retain existing use rights to continue however new establishments of this type are best placed in a different zone.

# Boat sheds, moorings, jetties and water recreation structures in R2 Zone

In respect of recreational type land uses, there are some differences between the LEPs. **Boat sheds, moorings, water recreation structures, jetties** and **boat launching ramps** are 'permissible with consent' in Queanbeyan but 'prohibited' in Palerang. There is unlikely to be a demand for these uses in the low density areas of former Queanbeyan. Accordingly it is recommended these uses be prohibited under a combined LEP.

**Boat sheds, moorings, water recreation structures, jetties** and **boat launching ramps** should be 'prohibited' under a combined plan as they are unlikely to occur in the zone in any event.

#### R5 Large Lot Residential

There are two LEPs containing the R5 Large Lot Residential Zone within the amalgamated area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

Under *Queanbeyan LEP 2012* this zoning applies to the Weetalabah subdivision and small areas of rural residential land to the north of Googong township. Under *Palerang LEP 2014* this zoning applies to the large lot subdivision to the north west of Bungendore which has town water but not reticulated sewer.

#### Intensive plant agriculture and farm buildings in R5 Zone

In respect of agricultural type land uses, **horticulture**, **viticulture** and **farm buildings** are 'permissible with consent' under Palerang but are 'prohibited' in Queanbeyan.

It is recommended all should be made 'permissible with consent' for this zone as the zone provides for small scale agricultural opportunities and these types of development would require a development application in any event.

#### Residential accommodation in R5 Zone

In respect of residential type uses, **dual occupancies** and **group homes** are both 'prohibited' under Queanbeyan LEP in this zone but are 'permissible with consent' under the Palerang LEP. These are not considered to be inappropriate uses in a large lot zone, however there is the potential for residents to over capitalise the property and find it difficult to sell in the future with two large dwellings. This then leads to requests to subdivide the land.

It is recommended **group homes** be made 'permissible with consent' as the zones are generally located at the edge of existing urban areas and are not considered fundamentally inappropriate land uses.

It is recommended that **dual occupancies** be prohibited in in this zone but that **secondary dwellings** remain 'permissible with consent'.

# Home-based childcare in R5 Zone

The permissibility of **home-based childcare** within this zone is different in each LEP ('prohibited' under Queanbeyan and 'permissible with consent' in Palerang). Regardless, the use is 'permissible without consent' under the *Education SEPP* where not located within a bushfire prone area.

It is recommended it be shown as 'permissible with consent' under each LEP to reflect the *Education SEPP* and to allow consideration of the use if located in a bush fire prone area.

#### Home business in R5 Zone

**Home business** is also treated differently in the respective LEPs for this zone (consent required under Queanbeyan – no consent required under Palerang) noting the use is 'permissible without consent' in this zone under the *Exempt and Complying SEPP* regardless.

It is recommended it be shown as 'permissible without consent' under a combined plan to be consistent the *Exempt and Complying SEPP*.

#### Tourist and visitor accommodation in R5 Zone

In respect of types of tourist and visitor accommodation, most uses are the same between the LEPs with the exception of **backpackers accommodation** which is 'permissible with consent' under Palerang but 'prohibited' in Queanbeyan.

Given the residential nature of the zone and the potential for land use conflict it is recommended **backpackers accommodation** be 'prohibited' under a combined LEP. This would still allow **bed and breakfast** accommodation to be undertaken with consent and ensure there is both a restriction on occupant numbers, and, the property owner is on site to supervise the use.

#### Retail premises in R5 Zone

In respect of commercial type land uses, there are a number of differences between the LEPs. Both **cellar door premises** and **neighbourhood shops** are 'permissible with consent' under the Palerang LEP but are 'prohibited' under Queanbeyan.

It is recommended **cellar door premises** be made 'permissible with consent' (given **horticulture** and **viticulture** are also permissible developments) but that **neighbourhood shops** be 'prohibited' in this zone given its predominantly residential character.

Conversely **landscape material supplies**, **markets** and **plant nurseries** are 'permissible with consent' under the Queanbeyan LEP but are 'prohibited' in Palerang.

None are considered to be suitable uses in a predominantly residential area. Accordingly it is recommended all be made 'prohibited' under a combined plan in this zone.

# Water supply systems in R5 Zone

Both water storage facilities and water treatment facilities are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. They are also regulated under the State Government's *Infrastructure SEPP* (ISEPP).

Both should be made 'prohibited' under a combined LEP and regulated under the *Infrastructure* SEPP.

#### Sewerage systems in R5 Zone

Both sewerage treatment plants and water recycling facilities are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. They are also regulated under the State Government's *Infrastructure SEPP* (ISEPP).

Both should be made 'prohibited' under a combined LEP and regulated under the *Infrastructure* SEPP.

# Child care centres in R5 Zone

**Child care centres** are 'prohibited' under the Queanbeyan LEP in this zone but are 'permissible with consent' under the Palerang LEP. They are also regulated by the *Education SEPP*. They are not considered to be an inappropriate use in the zone with appropriate design controls.

It is recommended **child care centres** be 'permissible with consent' under a combined LEP in this zone.

# Recreational facilities (indoor) in R5 Zone

In respect of recreational type uses, **recreation facilities (indoor)** are 'permissible with consent' under the Palerang LEP but are 'prohibited' under the Queanbeyan LEP.

It is recommended **recreation facilities (indoor)** be 'permissible with consent' under a combined LEP as any development would require a development application in any event.

# **Environmental protection works in R5 Zone**

The last remaining inconsistency for this zone is **environmental protection works**. These are 'permissible without consent' under the Queanbeyan LEP but require consent under the Palerang LEP. It is appropriate works be allowed with the consent of council to ensure they are carried out correctly.

It is recommended **environmental protection works** be 'permissible with consent' under a combined plan for this zone.

#### Commercial Zones

#### B1 Neighbourhood Centre

There are three LEPs containing the B1 Neighbourhood Centre zone within the amalgamated council area, however all of these are located within the former Queanbeyan area. These are:

# Former Queanbeyan SI LEPs

# **Former Palerang SI LEPs**

Queanbeyan LEP 2012

Queanbeyan LEP (South Tralee) 2012

Queanbeyan LEP (Poplars) 2013

In the case of *Queanbeyan LEP 2012* this applies to Karabar and Jerrabomberra centres. For *Queanbeyan (South Tralee) LEP 2012* this applies to the proposed commercial centre and for *Queanbeyan (Poplars) LEP 2013* this applies to the proposed commercial centre.

#### Residential accommodation and serviced apartments in B1 Zone

**Group homes**, **seniors housing and serviced apartments** are all 'permissible with consent' under the Queanbeyan and South Tralee LEPs but are 'prohibited' under the Poplars LEP. These uses were prohibited under the Poplars LEP due to aircraft noise concerns from Canberra Airport. The Poplars is located between the ANEF 20 and 25 contours.

Given the State Government's position in respect of not allowing ay noise sensitive uses between the ANEF 20 and 25 contours, it is recommended all three uses be made 'prohibited' under all three LEPs. Council will add these uses to Schedule 1 for land at South Tralee recognising they are currently permissible.

# Certain retail premises in B1 Zone

**Cellar doors, pubs, landscaping material supplies** and **roadside stalls** are all 'permissible with consent' under the South Tralee LEP but 'prohibited' under the Queanbeyan and Poplars LEP.

Council will add these uses to Schedule 1 for land at South Tralee recognising they are currently permissible.

**Hardware and building supplies** premises are 'permissible with consent' under the Queanbeyan and Poplars LEPs but 'prohibited' under the South Tralee LEP.

Council will add these uses to Schedule 1 for land at South Tralee recognising they are currently permissible.

#### Car parks in B1 Zone

**Car parks** are 'permissible with consent' under the Queanbeyan and South Tralee plans but 'prohibited' in The Poplars. Car parks are an appropriate use to support business and other uses (including community).

It is recommended **car parks** be 'permissible with consent' under all of the respective plans for this zone.

# Roads in B1 Zone

**Roads** are required to be either 'permitted without consent' or 'permitted with consent' for this zone under the Standard Instrument. **Roads** are also regulated under the ISEPP where they are 'permissible without consent' for a public authority.

It is recommended **roads** should be 'permitted with consent' to allow roads to be constructed by the private sector with consent if required.

#### Information and education facilities in B1 Zone

**Information and education facilities** are not considered to be inappropriate developments in a commercial area.

It is recommended **information and education facilities** be 'permitted with consent' in this zone under the Poplars plan similar to both Queanbeyan and South Tralee.

# Signage in B1 Zone

**Signage** is considered to be an appropriate use in a commercial area.

It is recommended **signage** be 'permitted with consent' in this zone under the South Tralee plan as it is for both Queanbeyan and the Poplars plans.

#### **Environmental facilities in B1 Zone**

**Environmental facilities** are unlikely to occur in this zone.

Therefore, it is recommended **environmental facilities** be 'prohibited' in the Poplars LEP as it is for Queanbeyan and South Tralee LEPs (currently 'prohibited' under both).

#### Recreation areas in B1 Zone

Recreation areas are not considered to be an inappropriate use for the zone if desirable (swings, parks, etc)

**Recreation areas** should be 'permitted with consent' in the Queanbeyan and South Tralee LEPs as it is for the Poplars LEP (currently 'prohibited' under both).

#### **B2** Local Centre

There are two LEPs containing the B2 Local Centre zone. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

Under *Queanbeyan LEP 2012*, the B2 zone applies to the proposed town centre at Googong, while under *Palerang LEP 2014* it applies to much of the commercial areas of Bungendore and Braidwood with frontage to a main street.

#### Residential accommodation in B2 Zone

In respect of residential type land uses, hostels, multi dwelling housing, residential flat buildings and seniors housing are all 'permissible with consent' under Queanbeyan but are 'prohibited' under Palerang. B2 zone in Queanbeyan is the Googong whilst the B2 in Palerang is located in Bungendore and Braidwood.

It is recommended that all these uses be made 'prohibited' in the zone, but, with an amendment to Schedule One to provide for these uses specifically at Googong if required.

#### Home business, home based child care and home occupation (sex services) in B2 Zone

Home business, home based child care and home occupation (sex services) are 'prohibited' under the Queanbeyan LEP but 'permissible with consent' under the Palerang LEP. They are not considered to be an inappropriate use for the zone provided consent is required to address any local impacts.

It is recommended these uses be 'permitted with consent' under the comprehensive LEP in this zone.

# Sex service premises in B2 Zone

**Sex service premises** are 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under Palerang. Home occupation (sex services) has been permitted in this zone however stand-alone brothels would not be considered desirable or necessary.

It is recommended sex service premises be 'prohibited' under a combined plan in this zone.

# **Veterinary hospitals in B2 Zone**

Conversely **veterinary hospitals** are 'permissible with consent' under the Queanbeyan LEP but 'prohibited' under the Palerang LEP. This is not considered to be an inappropriate use in a commercial zone.

It is recommended **veterinary hospitals** be 'permissible with consent' in this zone under a combined plan.

# Home industries in B2 Zone

**Home industries** are 'permissible with consent' under Palerang but are 'prohibited' under Queanbeyan. They are considered an appropriate use in the zone with consent.

It is recommended home industries be 'permissible with consent' under a combined plan.

#### **Vehicle repair stations in B2 Zone**

**Vehicle repair stations** are 'prohibited' under Palerang but are 'permissible with consent' under Queanbeyan. They are considered an appropriate use in the zone with consent.

It is recommended **vehicle repair stations** be made 'permissible with consent' under a combined plan.

#### Water recycling facilities and water treatment facilities in B2 Zone

Water recycling facilities and water treatment facilities are both 'permissible with consent' under Palerang but 'prohibited' under Queanbeyan in this zone. These uses are also regulated under the *Infrastructure SEPP*.

It is recommended water recycling facilities and water treatment facilities be 'prohibited' under

a combined plan in this zone and regulated by the *Infrastructure SEPP*.

#### **Environmental facilities in B2 Zone**

**Environmental facilities** are currently 'prohibited' under the Palerang LEP for this zone but are 'permissible with consent' under the Queanbeyan LEP. They are considered to be an unlikely use in the zone.

**Environmental facilities** should be made 'prohibited' under a combined plan for this zone.

#### **B4** Mixed Use

There are three LEPs containing the B4 Mixed Use Zone within the amalgamated council area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

Queanbeyan (South Tralee) LEP 2012

In the case of Queanbeyan LEP 2012 this zone covers an area in Crawford Street north of the CBD and the areas containing the existing fast food outlets, while for Queanbeyan (South Tralee) LEP 2012 it covers an area adjoining the future commercial area. For Palerang LEP 2014 it applies to an area adjoining the B2 Local Centre areas both at Bungendore and at Braidwood.

#### Residential accommodation in B4 Zone

**Attached dwellings, dwelling houses, secondary dwellings** and **semi-detached dwellings** are all 'permitted with consent' under the Palerang LEP but are 'prohibited' under the Queanbeyan and South Tralee LEPs.

It is recommended these be made 'permissible with consent' under a combined plan. These are not considered to be inappropriate use having regard to the other residential type uses already permissible in the zone.

Conversely, **hostels** and **residential flat buildings** are both 'permitted with consent' under the Queanbeyan and South Tralee plans but are 'prohibited' under the Palerang LEP.

It is recommended these also be made 'permissible with consent' under a combined plan. These are not considered to be inappropriate use having regard to the other residential type uses already permissible in the zone.

# <u>Home based child care, home business, home occupations and home occupation (sex services) in</u> <u>B4 Zone</u>

**Home based child care**, and **home occupation (sex services)** are all dealt with differently in this zone under each LEP.

It is recommended **home business** and **home occupations** be 'permissible without consent' and that **home-based childcare** and **home occupation (sex services)** be permissible with consent.

# Tourist and visitor accommodation in B4 Zone

**Bed and breakfast accommodation** is 'prohibited' under both Queanbeyan LEPs but is 'permissible with consent' for this zone under the Palerang LEP.

It is recommended **bed and breakfast accommodation** be made 'permissible with consent' under a combined plan as it is not considered to be an inappropriate use for the zone where there is an existing dwelling.

Similarly, **farm stay accommodation** is 'prohibited' under both Queanbeyan LEPs but is 'permissible with consent' for this zone under the Palerang LEP.

It is recommended this use be made 'prohibited' under a combined plan recognising it is unlikely any farms are located within this zone.

Further it is recommended all **tourist and visitor accommodation** uses be 'permissible with consent' as they are not considered to be an inappropriate use in the zone.

#### Amusement centres in B4 Zone

**Amusement centres** are 'prohibited' under both Queanbeyan LEPs but are 'permissible with consent' for this zone under the Palerang LEP.

It is recommended **amusement centres** be made 'permissible with consent' under a combined plan as this is not considered to be an inappropriate use for this zone.

# Home industries in B4 Zone

Similarly, **home industries** are 'prohibited' under both Queanbeyan LEPs but are 'permissible with consent' for this zone under Palerang LEP. Again this is not considered an inappropriate use in the zone with consent.

It is recommended **home industries** be made 'permissible with consent' for this zone under a combined plan.

# Water recycling facilities and water storage facilities in B4 Zone

Water recycling facilities and water storage facilities are both 'permissible with consent' under Palerang but 'prohibited' under the Queanbeyan LEPs in this zone. These uses are also regulated under the *Infrastructure SEPP*.

It is recommended both water recycling facilities and water storage facilities uses be made 'prohibited' under a combined plan and regulated by the Infrastructure SEPP.

# **Electricity generating works in B4 Zone**

**Electricity generating works** are 'prohibited' under both Queanbeyan LEPs but are 'permissible with consent' for this zone under Palerang LEP. These uses are also regulated under the *Infrastructure SEPP*.

It is recommended **electricity generating works** be made 'permissible with consent' under a combined plan .

#### Roads in B4 Zone

**Roads** are 'permissible with consent' under all plans except South Tralee where they are 'permissible without consent'. It is considered appropriate that any road works should require consent.

**Roads** should be 'permissible with consent' under a combined plan.

#### Recreation areas in B4 Zone

**Recreation areas** are 'permissible with consent' under the Palerang LEP but 'prohibited' in this zone under the Queanbeyan and South Tralee LEPs. Given the nature of the zone it is appropriate for playgrounds, sporting facilities and parks to be permissible subject to development consent in order to allow local impacts to be assessed.

It is recommended recreation areas be made 'permissible with consent' under a combined plan .

#### Recreation facilities (outdoor) in B4 Zone

**Recreation facilities (outdoor)** are currently shown as 'permissible with consent' under Palerang but 'prohibited' in this zone under the Queanbeyan and South Tralee LEPs. It is appropriate that proposals for any uses can be considered but that any development require consent to address local impacts.

It is recommended recreation facilities (outdoor) be made 'permissible with consent'.

#### **Environmental protection works in B4 Zone**

**Environmental protection works** are 'permissible without consent' under the Queanbeyan LEP but require consent under the Palerang LEP. It is appropriate works be allowed with the consent of council to ensure they are carried out correctly.

**Environmental protection works** should be 'permissible with consent' in this zone under a combined plan.

#### **Mortuaries in B4 Zone**

**Mortuaries** are 'prohibited' under both Queanbeyan LEPs but are 'permissible with consent' for this zone under the Palerang LEP. Mortuaries may promote land use conflict in a semi-residential zone and can be accommodated elsewhere.

It is recommended this use be made 'prohibited' under a combined plan for this zone.

#### **B5** Business Development

This zone only applies under the Queanbeyan LEP 2012 and will be carried forward into the new plan unamended at this time.

#### **B7** Business Park

This zone only applies under the Queanbeyan LEP (West Jerrabomberra) 2013 and will be carried forward into the new plan. As noted Council staff will in the meantime consider the merits the 3 additional permitted uses discussed earlier being 'registered clubs', 'markets' and 'food and drink premises' having regard to the capacity of the road network to accommodate such uses and the desirability of allowing additional takeaway food and drink premises at The Poplars .

#### **Industrial Zones**

#### **IN2** Light Industrial

There are two LEPs containing the IN2 Light Industrial Zone within the amalgamated council area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

In the case of both LEPs this applies to areas which adjoin residential zoned land.

#### Aquaculture in IN2 Zone

In respect of agricultural uses, most are prohibited under both LEPs in this zone with the exception of **aquaculture** which is 'permissible with consent' under the Palerang LEP.

Whilst considered to be unlikely land use, it is not considered to be an inappropriate use and should be 'permissible with consent' under a combined LEP.

# <u>Home based child care, home business, home occupations and home occupation (sex services) IN2</u> <u>Zone</u>

In respect of residential type uses, all are prohibited under both LEPs in this zone. However, home based child care, home business, home occupations and home occupation (sex services) are all 'prohibited' under Queanbeyan but are 'permissible with consent' under Palerang (noting home occupation can be done without consent). This recognises there are some existing dwellings in the IN2 zone under Palerang, even though they are no longer a permissible or desirable use in the zone. This allows these land uses to be undertaken in those dwellings where they exist.

It is recommended **home business** and **home occupations** be 'permissible without consent' and that **home-based childcare** and **home occupation (sex services)** be 'permissible with consent'.

#### Business, retail and food and drink premises IN2 Zone

In respect of commercial type land uses, there are many differences between the LEPs for this zone. **Business premises** are 'permissible with consent' under Queanbeyan but are 'prohibited' under the Palerang LEP. Many existing business premises are located in the IN2 zone in Queanbeyan. In respect of retailing type uses, **take away food and drink premises** are permissible in Queanbeyan but are 'prohibited' under Palerang in this zone.

It is recommended **business premises** and **take away food and drink premises** be made 'permissible with consent' under a combined LEP as this is considered an appropriate use in the zone.

# Markets and function centres IN2 Zone

**Markets** and **function centres** are also 'permissible with consent' in this zone under the Queanbeyan LEP but are 'prohibited' under the Palerang LEP.

It is recommended these uses be made 'prohibited' under a combined plan as they are considered more appropriate in designated commercial or open space areas.

# <u>Certain retail premises, restricted premises, sex services premises, vehicle body repair workshops</u> <u>and wholesale supplies IN2 Zone</u>

Landscape material supplies, plant nurseries, restricted premises, sex service premises, service stations, timber yards, rural supplies, vehicle body repair workshops and wholesale supplies are 'permissible with consent' under the Palerang LEP but are 'prohibited' in this zone under the Queanbeyan LEP.

It is recommended these be made 'permissible with consent' under a combined plan as they are generally considered suitable uses for this zone provided amenity impacts can be addressed.

#### **Rural Industries IN2 Zone**

In respect of rural industries, all are 'prohibited' under the Queanbeyan LEP however **agricultural produce industries** and **sawmill or log processing works** are 'permissible' in this zone under Palerang.

It is considered **sawmill or log processing works** are not suitable in a light industrial zone given the potential for significant off site impacts and should be 'prohibited' under a combined plan.

Conversely, there is the potential for **agricultural produce industries** to be suitable with appropriate controls and therefore it is recommended these be 'permissible with consent'.

# Liquid fuel depots IN2 Zone

In regards to heavy industrial storage, **liquid fuel depots** are 'prohibited' under Queanbeyan but are 'permissible with consent' under Palerang. This is not considered to be an inappropriate use in a light industrial zone with appropriate controls.

It is recommended **liquid fuel depots** be made 'permissible with consent' in this zone under a combined LEP.

#### Resource recovery facilities IN2 Zone

**Resource recovery facilities** are 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP in this zone.

It is recommended **resource recovery facilities** be made 'prohibited' in this zone given the potential for offsite impacts. However they should be made permissible in the IN1 General Zone to ensure there is some opportunity for this land use.

#### Water supply systems IN2 Zone

Water supply systems are also 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP in this zone. Water supply systems are also regulated under the ISEPP.

It is recommended water supply systems be made 'permissible with consent' in this zone.

#### Sewerage systems IN2 Zone

Water recycling facilities are also 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. Water recycling facilities are also regulated under the ISEPP.

It is recommended water recycling facilities be made 'prohibited' in this zone.

# Freight transport facilities, passenger transport facilities, transport depots and truck depots IN2 Zone

In respect of other infrastructure type uses, **freight transport facilities**, **passenger transport facilities**, **transport depots** and **truck depots** are all 'permissible with consent' under the Palerang LEP but are 'prohibited' under the Queanbeyan LEP.

These are not considered to be inappropriate uses for the zone provided amenity impacts can be addressed. Accordingly it is recommended all be made 'permissible with consent' under a combined LEP.

# Health consulting rooms, child care centres, information and education facilities and respite day care centres IN2 Zone

In respect of other community infrastructure, health consulting rooms, child care centres, information and education facilities and respite day care centres are 'permissible with consent' under the Queanbeyan LEP but are 'prohibited' under the Palerang LEP.

These are not considered to be inappropriate uses for the zone provided amenity impacts can be addressed. Accordingly it is recommended all be made 'permissible with consent' under a combined LEP.

Recreation areas, recreation facilities (outdoor) and recreation facilities (major) IN2 Zone

In respect of recreational type land uses, recreation areas, recreation facilities (outdoor) and recreation facilities (major) are all prohibited under the Palerang LEP but are 'permissible with consent' under the Queanbeyan LEP.

It is recommended these be uses be 'prohibited' under a combined plan. Land containing these uses should have a recreation zoning. **Recreational facilities (indoor)** will remain permissible in the zone regardless.

# **Research stations IN2 Zone**

**Research stations** are prohibited under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP.

It is recommended research stations be 'permitted with consent' under the comprehensive LEP.

#### **Environmental protection works IN2 Zone**

**Environmental protection works** are 'permitted without consent' under the Queanbeyan LEP and 'permissible with consent' under the Palerang LEP. **Environmental protection works** may be required in this zone but should only be undertaken with consent to ensure it is carried out appropriately

It is recommended **environmental protection works** be 'permitted with consent' under the comprehensive LEP.

#### **Recreational Zones**

#### RE1 Public Recreation Zone

There are two LEPs containing the RE1 Public Recreation Zone within the amalgamated council area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

#### Extensive agriculture in the RE1 Zone

In respect of agricultural type uses, all are 'prohibited' under Queanbeyan LEP, however **extensive agriculture** is 'permissible without consent' under the Palerang LEP. **Extensive agriculture** is a commercial activity whilst this zoning is intended to apply to publicly owned land. However at the same time it is recognised that the grazing of stock on public land used for recreation is a means of bushfire management. As it is public land, permission is required for the grazing of stock, for instance from Council and this is considered sufficient. Also stock are usually only placed on the land for short periods.

It is recommended this use should be 'permissible without consent' under a combined plan.

#### Camping grounds in the RE1 Zone

**Camping grounds** are 'permissible with consent' under the Queanbeyan LEP in this zone whereas it is 'prohibited' under the Palerang LEP.

It is recommended **camping grounds** be 'permissible with consent' under a combined plan. This zone is for publicly owned land and any development would require owners (ie, Council) consent and would need to be consistent with a management plan for that site.

# Restaurants or cafes' in the RE1 Zone

**Restaurants or cafes'** are 'permissible with consent' under the Queanbeyan LEP in this zone whereas they are 'prohibited' under the Palerang LEP.

It is recommended **restaurants or cafes'** be 'permissible with consent' under a combined plan. This is publicly owned land and any development would require owners consent (ie, Council consent) and would need to be consistent with a management plan for that site.

# **Entertainment facilities in the RE1 Zone**

Conversely, **entertainment facilities** are 'permissible with consent' under the Palerang LEP in this zone whereas they are 'prohibited' under the Queanbeyan LEP.

It is recommended **entertainment facilities** be 'permissible with consent' under a combined plan. Again, this is publicly owned land and any development would require owners consent and would need to be consistent with a management plan.

# Water recycling facilities and waste or resource transfer stations in the RE1 Zone

Both water recycling facilities and waste or resource transfer stations are 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. These uses are also regulated by the State Government's *Infrastructure SEPP*.

It is recommended these uses be prohibited a combined plan as they are best regulated in accordance with the *Infrastructure SEPP*.

#### Car parks in the RE1 Zone

**Car parks** are 'permissible with consent' under the Queanbeyan LEP but are 'prohibited' under Palerang LEP in this zone.

It is recommended **car parks** be made 'permissible with consent' under a combined plan. Again, this is publicly owned land and any development would require owners consent and would need to be consistent with a management plan.

# <u>Child care centres, respite day care centres and education and information facilities in the RE1</u> <u>Zone</u>

Child care centres, respite day care centres and education and information facilities are 'permissible with consent' under Queanbeyan but are 'prohibited' under Palerang in this zone.

It is recommended **all** be 'permissible with consent' under a combined plan. Again, this is publicly owned land and any development would require owners consent and would need to be consistent with a management plan.

# Information and education facilities in the RE1 Zone

Conversely, **information and education facilities** are 'permissible with consent' under Palerang but are 'prohibited' under Queanbeyan in this zone.

It is recommended **information and education facilities** be 'permissible with consent' under a combined plan. Again, this is publicly owned land and any development would require owners consent and would need to be consistent with a management plan. Consideration will also be given to adding an objective to the zone regarding allowing this and other community type uses.

#### **Business identification signs in the RE1 Zone**

**Business identification signs** are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP.

It is recommended **business identification signs** be 'permissible with consent' under each LEP. Again, this is publicly owned land and any development would require owners consent and would need to be consistent with a management plan.

#### Water recreation structures in the RE1 Zone

Finally, water recreation structures are 'permissible with consent' under the Queanbeyan LEP but are 'prohibited' in Palerang.

It is recommended water recreation structures be 'permissible with consent' under each LEP. Again, this is publicly owned land and any development would require owners consent and would need to be consistent with a management plan.

# RE2 Private Recreation Zone

This zone is contained in all LEPs applying to the newly amalgamated council area. That is:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014
Queanbeyan (South Tralee) LEP 2012	
Queanbeyan (Poplars) LEP 2013	

All agricultural type uses are consistent between the respective plans for this zone.

All residential type uses are consistent between the respective plans for this zone.

#### Restaurants or cafes' and take away food and drink premises in the RE2 Zone

In respect of retailing type uses, **restaurants or cafes'** and **take away food and drink premises** are both 'permissible with consent' under the Poplars and Palerang LEPs but are 'prohibited' under the Queanbeyan and South Tralee LEPs.

It is recommended both uses be made 'permitted with consent' under a combined LEP noting a development application would be required in any event.

# Markets in the RE2 Zone

**Markets** are 'permissible with consent' in this zone under all the respective Queanbeyan LEPs but are 'prohibited' under the Palerang LEP.

It is recommended markets be made 'permissible with consent' under a combined LEPs.

#### Shops in the RE2 Zone

Conversely, **shops** are 'permissible with consent' under Palerang but are 'prohibited' under Queanbeyan in this zone.

It is recommended **shops** be 'prohibited' under a combined LEP as this use is best placed in commercial zones. **Kiosks** are already permissible in the zone and these would allow for sale of goods relating to any activity being undertaken on the site as well as food and drink refreshments.

# **Entertainment facilities in the RE2 Zone**

**Entertainment facilities** are 'permissible with consent' under a combined LEP except the Poplars LEP. Such uses may be appropriate for private recreational land subject to consent.

It is recommended entertainment facilities be 'permissible with consent' under a combined LEP.

#### Function centres in the RE2 Zone

**Function centres** are 'prohibited' under all the respective Queanbeyan LEPs but are 'permissible with consent' under the Palerang LEP for this zone. Such uses may be appropriate for private recreational land with consent.

It is recommended function centres be 'permissible with consent' in this zone under all the plans.

# Water recycling facilities in the RE2 Zone

Water recycling facilities are 'prohibited' under all the respective Queanbeyan LEPs but are 'permissible with consent' under the Palerang LEP for this zone. Such a use may be desirable for private recreational developments (eg, golf course) but should require consent.

It is recommended water recycling facilities be 'permissible with consent' in this zone.

#### Car parks in the RE2 Zone

**Car parks** are 'permissible with consent' under all the Queanbeyan LEPs but are 'prohibited' under Palerang LEP in this zone. There is no reason to clearly preclude this use but it should require consent.

It is recommended car parks be 'permissible with consent' under a combined LEP.

# Child care centres and respite day care centres in the RE2 Zone

**Child care centres** and **respite day care centres** are 'permissible with consent' under all the Queanbeyan LEPs but are 'prohibited' under the Palerang LEP in this zone. There is no reason to clearly preclude this use but it should require consent.

It is recommended **child care centres** and **respite day care centres** be 'permissible with consent' under a combined plan.

# Recreation facilities (major) in the RE2 Zone

**Recreation facilities (major)** are 'permissible with consent' under the Palerang LEP but are 'prohibited' under the respective Queanbeyan LEPs. Such a use is considered unlikely and would need to be considered from a strategic perspective before considering any development.

It is recommended these be 'prohibited' for this zone under all the LEPs.

# Water recreation structures in the RE2 Zone

Conversely, water recreation structures are 'permissible' under the respective Queanbeyan LEPs but are 'prohibited' under the Palerang LEP.

It is recommended water recreation structures be 'prohibited' under a combined LEP as they are unlikely to occur in this zone in any event.

# Camping grounds in the RE2 Zone

**Camping grounds** are 'permissible with consent' under the Queanbeyan and South Tralee LEPs but 'prohibited' under the Palerang and Poplars LEPs in this zone.

It is recommended camping grounds be 'permissible with consent' under the comprehensive LEP.

# Caravan parks in the RE2 Zone

**Caravan parks** are 'permissible with consent' under the Queanbeyan, South Tralee and Palerang LEPs but 'prohibited' under the Poplars LEP in this zone.

It is recommended caravan parks be 'permissible with consent' under the comprehensive LEP.

#### **Environmental Zones**

#### E2 Environmental Conservation Zone

Queanbeyan (Poplars) LEP 2013

This zone is contained in all LEPs applying to the newly amalgamated council area. That is:

# Former Queanbeyan SI LEPs Queanbeyan LEP 2012 Palerang LEP 2014 Queanbeyan (South Tralee) LEP 2012

This zone represents the highest level of environmental protection for privately owned land.

For Queanbeyan LEP 2012 this zoning applies to lands along the Eastern Escarpment, adjoining Queanbeyan River, on Mt Jerrabomberra and to land to the south and east of Jerrabomberra Park, over much of Gale precinct, to land south of Gale precinct as well as to land along the eastern boundary of Googong, the higher lands of Royalla as well as the higher lands of Tralee Station and lands further south adjoining the ACT border.

For Queanbeyan (South Tralee) LEP 2012 this zoning applies to the higher lands to the south and east of the area while for Queanbeyan (Poplars) LEP 2013 this zoning applies to the western half of the site.

For Palerang LEP 2014 this zoning applies to a site in Wamboin, sites north of Lake George, a site at Warri, two sites in Bungendore, sites to the south of Captains Flat, sites at Majors Creek and sites adjoining Mongarlowe.

# Extensive agriculture in the E2 Zone

In respect of agricultural type uses, **extensive agriculture** is 'permitted without consent' under the Queanbeyan LEP but is 'prohibited' under the remaining LEPs.

It is recommended this use should be 'permitted without consent' for this zone under a combined LEP to ensure grazing can occur on private lands if suitable.

#### Home business and home occupations in the E2 Zone

**Home businesses** and **home occupations** are 'prohibited' under the Queanbeyan, South Tralee and Poplars LEPs and 'permissible without consent' under the Palerang LEP.

Whilst residential uses are 'prohibited' under all the plans for this zone, it is recommended **home businesses** and **home occupations** be 'permissible with consent' under a combined LEP to allow this use to occur where there are existing dwellings.

**Home based child care** is 'permissible without consent' under the Queanbeyan LEP, it is 'permissible with consent' under the Palerang LEP, and, is 'prohibited' under both the Poplars and South Tralee LEPs for this zone.

Whilst residential uses are 'prohibited' under all the plans for this zone, it is recommended **home** based child care be 'permissible with consent' under a combined LEP to allow this use to occur

where there are existing dwellings.

#### Bed and breakfast accommodation and farm stay accommodation in the E2 Zone

Similar to previous, **bed and breakfast accommodation** and **farm stay accommodation** should be 'permissible with consent' under all plans to accommodate these uses in any existing dwellings.

#### Community facilities in the E2 Zone

**Community facilities** are 'prohibited' under the respective Queanbeyan LEPs but are 'permissible with consent' under the Palerang LEP. Generally it is considered there are more appropriate zones for any community facilities.

It is recommended community facilities be 'prohibited' under a combined LEP.

# Information and educational facilities and research stations in the E2 Zone

Both **information and educational facilities** and **research stations** are 'permissible with consent' under the Queanbeyan and Poplars plans but are 'prohibited' under the South Tralee and Palerang LEPs. Generally it is considered there are more appropriate zones for these uses.

It is recommended both be made 'prohibited' under a combined LEP.

#### Building identification signs and business identification signs in the E2 Zone

**Building identification signs** and **business identification signs** are 'permissible with consent' under Palerang but are 'prohibited' under the respective Queanbeyan LEPs. It is not inappropriate that any existing businesses in the zone be allowed to display this form of signage.

It is recommended **building identification signs** and **business identification signs** be 'permissible with consent' under all the LEPs.

#### Flood mitigation works in the E2 Zone

**Flood mitigation works** may be required in this zone but should only be undertaken with consent to ensure it is carried out appropriately. When carried out by or on behalf of a public authority, the Infrastructure SEPP provides that flood mitigation work may be undertaken without consent on any land.

**Flood mitigation works** should be 'permissible with consent' under the comprehensive LEP for this zone.

#### **Environmental protection works in the E2 Zone**

**Environmental protection works** may be required in this zone but should only be undertaken with consent to ensure it is carried out appropriately.

Environmental protection works should be 'permissible with consent' under all the LEPs for this

zone.

#### E3 Environmental Management Zone

There are two LEPs containing the E3 Environmental Management Zone within the amalgamated council area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

For Queanbeyan LEP 2012 this zoning applies to scattered areas to the south of Jumping Creek, to the east of Gale precinct, south of Tempe Crescent, to lands adjoining the Cooma Road Quarry as well as to land west and south of Googong and parts of Royalla.

For Palerang LEP 2014 this zoning applies to areas of Lake George and east of Wamboin.

# Aquaculture, intensive plant agriculture (except turf farming) and animal boarding or training establishments in the E3 Zone

In respect of agricultural type uses, aquaculture, intensive plant agriculture (except turf farming) and animal boarding or training establishments are all 'prohibited' under the Queanbeyan plan but are 'permissible with consent' under the Palerang LEP. This may be appropriate uses in the zones with suitable controls.

It is recommended these uses all be made 'permissible with consent' in this zone.

# Dual occupancies and rural workers dwellings in the E3 Zone

In respect of residential uses, **dual occupancies** and **rural workers dwellings** are both 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP.

It is recommended that dual occupancies be 'prohibited' under a combined LEP. However it is recommended 'rural workers dwellings' remain permissible with consent given the application of this zone to some farmland in the LGA.

# Home based child care and home businesses in the E3 Zone

The respective LEPs identify each of these uses differently at this time. These are not considered to be inappropriate uses subject to consent.

**Home based child care** and **home businesses** should be 'permissible with consent' under a combined plan.

#### Tourist and visitor accommodation in the E3 Zone

In respect of **tourist and visitor accommodation**, all uses (except **serviced apartments**) are permissible under the Palerang LEP but only **bed and breakfast** is permissible under the Queanbeyan LEP.

It is recommended tourist and visitor accommodation (except 'serviced apartments' and 'hotel

and motel accommodation') be 'permissible with consent' as these are not considered to be inappropriate uses with consent.

# Camping grounds and eco-tourist facilities in the E3 Zone

**Camping grounds** and **eco-tourist facilities** are 'permissible with consent' under Palerang LEP but 'prohibited' under the Queanbeyan LEP for this zone. These are not considered to be inappropriate uses with consent in the zone.

It is recommended both uses be 'permissible with consent' under a combined plan.

#### Water recycling facilities in the E3 Zone

**Water recycling facilities** are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP for this zone. Also regulated under the *Infrastructure SEPP*.

It is recommended water recycling facilities be 'prohibited' in this zone and regulated in accordance with the *Infrastructure SEPP*.

# Water storage facilities and water reticulation systems in the E3 Zone

Water storage facilities and water reticulation systems should be 'permissible with consent' under a combined plan noting the land is generally unserviced and that *Infrastructure SEPP* does not provide for either use in this zone.

# Community facilities in the E3 Zone

**Community facilities** are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP.

It is recommended **community facilities** be 'permissible with consent' under a combined LEP noting they can only be run by public or non-for-profit organisations.

# Information and educational facilities and research stations in the E3 Zone

Both **information and educational facilities** and **research stations** are 'permissible with consent' under the Queanbeyan LEP but are 'prohibited' under Palerang. Not an inappropriate use with consent.

It is recommended **information and educational facilities** and **research stations** be 'permissible with consent' under a combined LEP.

# Building identification signs and business identification signs in the E3 Zone

**Building identification signs** and **business identification signs** are 'permissible with consent' under Palerang but are 'prohibited' under the Queanbeyan LEP. Not considered inappropriate that a business be allowed to display this form of signage.

It is recommended building identification signs and business identification signs be made

'permissible with consent' under all the LEPs.

#### Environmental protection works in the E3 Zone

**Environmental protection works** may be required in this zone but should only be undertaken with consent to ensure it is carried out appropriately.

**Environmental protection works** should be 'permissible with consent' under all the LEPs for this zone.

# E4 Environmental Living Zone

There are two LEPs containing the E4 Environmental Living Zone within the amalgamated council area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

For Queanbeyan LEP 2012 this zoning applies to the Ridgeway, to Greenleigh, to Jumping Creek, to Talpa and land north of Googong, to Fernleigh Park, to Mt Campbell and to Royalla.

For Palerang LEP 2014 this applies to Wamboin and Bywong as well as to Carwoola, Royalla and areas to the west and south of Braidwood, sites at Araluen and sites adjoining Mongarlowe and Nerriga.

#### Intensive plant agriculture in the E4 Zone

In respect of intensive plant uses, **horticulture** and **viticulture** are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. Note turf farming is 'prohibited' under the Palerang LEP.

It is recommended these uses be 'permissible with consent' under a combined LEP, particularly given the number of wineries already operating in this zone.

# <u>Animal boarding or training establishments in the E4 Zone</u>

**Animal boarding or training establishments** are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP.

It is recommended this use be 'permissible with consent' under a combined LEP, given there are animal training facilities already occurring in this zone. It is recommended that an appropriate local clause be inserted into the LEP to manage the potential impacts of boarding facilities on the amenity of the surrounding area.

#### Dual occupancies in the E4 Zone

In respect of residential uses, **dual occupancies** are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP.

It is recommended dual occupancies be 'prohibited' in this zone under a combined LEP but that

'secondary dwellings' be permissible with consent.

#### Home based child care and home businesses in the E4 Zone

**Home based child care** and **home businesses** are not inappropriate uses provided consent is sought for any development.

**Home based child care** and **home businesses** should be 'permissible with consent' in this zone under a combined LEP.

# Cellar door premises and roadside stalls in the E4 Zone

**Cellar door premises** and **roadside stalls** are not inappropriate uses provided consent is sought for any development.

Cellar door premises and roadside stalls should be 'permissible with consent'.

# Restaurants or cafes in the E4 Zone

**Restaurants or cafes** are permissible in the E4 zone under the Palerang LEP but 'prohibited' under the Queanbeyan LEP.

It is recommended **Restaurants or cafes** be 'permitted with consent' but that an appropriate local clause be inserted into the LEP to prevent amenity impacts on neighbours.

#### Neighbourhood shops in the E4 Zone

**Neighbourhood shops** are 'permissible with consent' under the Palerang LEP but are 'prohibited' under Queanbeyan. These should be 'prohibited' under a combined LEP as they are not considered appropriate or necessary in the zone.

**Neighbourhood shops** should be 'prohibited' under a combined LEP.

# Garden centres and landscape material supplies in the E4 Zone

**Garden centres** and **landscape material supplies** are 'permissible with consent' under the Queanbeyan LEP but are 'prohibited' in Palerang. These should be 'prohibited' under a combined LEP as they are not considered appropriate or necessary in the zone and could promote land use conflict.

Garden centres and landscape material supplies should be 'prohibited' under a combined LEP.

# Function centres in the E4 Zone

**Function centres** are 'permissible with consent' under the Palerang LEP but are 'prohibited' under the Queanbeyan LEP.

It is recommended function centres be made permissible with consent under a combined plan but that an appropriate local clause be inserted into the LEP to prevent amenity impacts on

neighbours.

# Water recycling facilities in the E4 Zone

**Water recycling facilities** are 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. This use is also regulated by the *Infrastructure SEPP*.

It is recommended this use be made prohibited' under a combined LEP and regulated consistent with the *Infrastructure SEPP*.

#### Waste or resource transfer stations in the E4 Zone

**Waste or resource transfer stations** are 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. These uses are also regulated by the *Infrastructure SEPP*.

It is recommended this use be made prohibited' under a combined LEP and regulated consistent with the *Infrastructure SEPP*.

#### Water storage facilities and water reticulation systems in the E4 Zone

Conversely, water storage facilities and water reticulation systems should be 'permissible with consent' under a combined plan noting the land is generally unserviced and that *Infrastructure SEPP* does not provide for either use in this zone.

It is recommended this use be made 'permissible with consent' under a combined LEP and regulated consistent with the *Infrastructure SEPP*.

#### Emergency service facilities and places of public worship in the E4 Zone

In respect of other community infrastructure type uses, **emergency service facilities** and **places of public worship** are 'permissible with consent' under the Palerang LEP but are 'prohibited' under the Queanbeyan LEP.

It is recommended both these uses be 'permissible with consent' under a combined LEP.

#### Research stations in the E4 Zone

Conversely **research stations** are 'permissible with consent under the Queanbeyan LEP but are 'prohibited' under Palerang.

It is recommended **research stations** be 'prohibited' under a combined plan in this zone as other zones are more appropriate for this use.

#### Recreation areas in the E4 Zone

Finally, **recreation areas** are 'permissible with consent' in this zone under the Palerang LEP but are 'prohibited' under the Queanbeyan LEP.

It is recommended this use be 'permissible with consent' under a combined plan recognising such a use would likely only be carried out by a public authority in any event.

# **Environmental protection works in the E4 Zone**

**Environmental protection works** may be required in this zone but should only be undertaken with consent to ensure it is carried out appropriately.

**Environmental protection works** should be 'permissible with consent' under all the LEPs for this zone.

#### Special Purpose Zones

It is recommended all existing Special Purpose zones be carried forward from the respective plans. Further, it is recommended all uses currently permitted require consent consistent with the draft zoning table set out below.

#### SP2 Infrastructure Zone

'Permitted without consent' - Nil

'Permitted with consent' - Environmental Protection Works, Roads, Community Facilities, The use shown on the land zoning map including any development that is ordinarily incidental or ancillary to development for that purpose.

'Prohibited' - Any development not specified in item 2 or 3

#### Comparison of Local Provisions

Many of the clauses in the respective LEPs are similar given they are all based on the Standard Instrument LEP issued by the State Government. However, each of the LEPs has also introduced local clauses where relevant to further inform various development outcomes either in specific circumstances or more generally through the LEP.

Inconsistent provisions and recommended approaches to resolving these are discussed below.

# Part 3 Exempt and complying development

# Clause 3.1 Exempt Development & Clause 3.2 Complying Development

These are compulsory clauses in accordance with the Standard Instrument LEP that allow councils to include additional forms of development as exempt and/or complying development where not currently provided for under the *Exempt and Complying SEPP*.

It is recommended all exempt matters set out under any existing LEP be carried forward into a combined LEP where not currently provided for under the *Exempt and Complying SEPP*.

# Clause 3.3 Environmentally Sensitive Areas (Areas excluded from exempt and/or complying development)

This clause allows councils to nominate particular areas that should not be subject to exempt or complying development due to environmental concerns. Both Queanbeyan LEP 2012 and Palerang LEP 2014 have different provisions in respect of identifying areas where exempt and/or complying

development cannot be undertaken. In the case of the Queanbeyan LEP 2012, complying development cannot be undertaken in a scenic protection area. Conversely, under Palerang LEP 2012, neither exempt nor complying development can be undertaken in an E2 zone, within the flood planning area or within 40metres of the bank of a waterway.

Most of the restrictions in the Palerang LEP are already regulated by the Exempt and Complying SEPP (flood planning land and E2 zone type) or by other State Government legislation (within 40 metres of waterway).

#### It is recommended a combined LEP:

- 1. Continue with the restriction on complying development in scenic protection areas in Queanbeyan noting it can potentially be expanded to cover the former Palerang area in the future if considered desirable,
- 2. Remove the restriction on exempt or complying development in E2 zones given limited exempt and complying development that can be undertaken in that zone,
- 3. Remove the restriction on undertaking exempt or complying development within 40 metres of the bank of a waterway given such development requires a separate approval from the State Government, and
- 4. Remove the restriction on undertaking exempt or complying development within the flood planning area as this is already regulated by the Exempt and Complying SEPP.

# Part 4 Principal development standards

#### Clause 4.1 Minimum Subdivision Lot Size

Each LEP has adopted this clause but the three Queanbeyan LEPs include different objectives to the Palerang LEP. It is recommended that the respective objectives be combined and rationalised to read as follows:

- a) to ensure that lot sizes and dimensions are appropriate having regard to the objectives of this Plan and the relevant zone and the likely future use of the land,
- b) to create lots that are compatible with the existing predominant lot pattern or desired future character of the locality and to minimise the likely adverse impact on the amenity of adjoining developments.
- c) to ensure that lot sizes and dimensions allow dwellings to be sited to protect significant natural or cultural features,
- d) to ensure subdivision does not adversely impact on the functions and safety of main roads,
- e) to minimise and avoid the threat of natural hazards (including bush fire, soil instability and flooding), and
- f) to ensure new lots are adequately serviced.

# Clauses 4.1AA and 4.2B (Queanbeyan) and clause 4.2C (Palerang) - Minimum Lot Sizes for Community and Strata Subdivisions

By virtue of the drafting of clause '4.1 Minimum Subdivision Lot Size' (which states minimum lot sizes on LEP maps do not apply to community or strata title subdivisions), it is necessary to introduce local controls that ensure these types of subdivisions meet minimum lot sizes in certain zones, particularly rural and environmental zones where inappropriate subdivision and fragmentation may occur.

At this time both LEPs contain clause 4.1AA which requires community title subdivisions to create lots that meet the minimum lot size for certain residential, rural and environmental zones. Both

plans also contain clauses that requires strata subdivisions to create lots that meet the minimum lot size for certain residential, rural and environmental zones.

It is recommended similar clauses to this effect be carried forward into a combined LEP. Shown as 4.1A and 4.1B in draft LEP.

# Clause 4.1A Queanbeyan LEP 2012 - Exceptions to Minimum Lot Size

This clause seeks to protect subdivision entitlements where a previous entitlement may have been extinguished by virtue of road widening or a minor realignment of boundaries. No similar clause exists in the Palerang LEP.

It is recommended a similar clause be carried forward into a combined LEP. Shown as clause 4.1C in draft LEP.

Clause 4.1B (QLEP 2012) Minimum lot sizes for medium density housing and 4.1D (PLEP 2014) Minimum lot sizes for dual occupancies.

Both clauses in this instance seek to ensure that any land proposed for medium density type housing has a minimum area before these types of developments can be undertaken.

It is recommended a similar clause be contained in a new combined LEP however will need to distinguish the respective standards by locality. Shown as clause 4.2E in draft LEP.

Clause 4.1C Subdivision using average lot size (QLEP 2012) and clause 4.1A Lot Averaging subdivision of land in Zone E4 (PLEP 2014)

Both plans contain provisions that allow for averaging of subdivision in broad acre rural and some environmental zones. This applies to all lands within the former Palerang area that were part of Yarrowlumla Shire and to those parts of the former Queanbeyan area that were previously part of Yarrowlumla Shire.

Traditionally most LEPs in the State have a minimum lot size requirement where there is a proposal to subdivide land and erect a dwelling house (for example 80 hectares). Under both the Queanbeyan and Palerang comprehensive plans however, there are provisions that allow for 'averaging' whereby lots of varying sizes can be created provided the 'average' lot size is met across all lots.

Averaging can be undertaken in two main ways:

- One option is to allow for relatively small lots to be created where this is then balanced against the creation of a large single allotment, provided that the average area of all is not less than the average lot size set out on the lot size map. For example, rather than subdividing a 800ha lot into ten lots of 80ha each (as would occur where there is only a 80 ha minimum lot size requirement) a parcel could instead be subdivided into nine 8ha lots and one parcel of 728ha. This large parcel cannot then be further subdivided. An advantage of this approach is that it potentially keeps a larger area of land in primary production which is unlikely to occur with an 80ha minimum lot size. This is the current approach set out in both the Queanbeyan and Palerang LEPs for their respective broad acre rural lands.
- The second option is to still have an average of 80ha but to only allow limited deviation from the average lot size (say to create lots between 50ha and 150ha). This is the approach set out in Yass Valley LEP for its broad acre rural lands. It is also the approach set out in the Queanbeyan and Palerang LEPs for their respective rural residential areas (ie, with a 6ha average in the E4 zone).

The advantages and disadvantages of each are discussed in the table below.

#### **Option One**

#### Advantages

- Keeps most land in large potentially productive rural holding.
- Can also be used to protect large areas with environmental values.
- Provides an option for farmers to generate some alternative income.
- Allows lots to be sited near infrastructure such as sealed roads.

#### Disadvantages

- Creates small 'lifestyle' lots near genuine rural producers. This can lead to significant land use conflict.
- Potentially allows subdivision entitlements where these would otherwise be unlikely to be realised due to topographical and environmental constraints.
- Difficult to administer from a legal perspective to ensure large parcels are not subsequently resubdivided.

#### **Option Two**

#### Advantages

- Lots created are still relatively large lots.
- Less potential for rural lifestyle purchasers to be located near genuine producers.
- Allows subdivision to accommodate topographical and geological features such are creeks or environmentally sensitive land.
- Simpler to administer from a legal and operational perspective.

#### Disadvantages

- Can result in rural lands being progressively subdivided into nonproductive parcels.
- Larger areas of land are acquired to meet demands for hobby farming.
- More difficult to plan subdivision around infrastructure such as locating near sealed roads to reduce maintenance liabilities.

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

The policy issues to be resolved in respect of averaging subdivision and rural lots sizes are considered to be difficult issues that will require significant time and resourcing to resolve. Accordingly it is recommended these matters be held in abeyance until after the new LEP is made, and the current provisions in each instrument be carried forward into the new combined plan.

In respect of agricultural land, the RU1 and E3 areas of the former Palerang will retain averaging subdivision, whilst the RU2 and E3 areas of the former Queanbeyan will generally retain the standard minimum area subdivision approach.

In respect of rural residential land, most land will retain averaging subdivision with the exception of some E4 land in Queanbeyan that has already been developed.

Council staff are recommending the existing subclauses in respect of subdividing land for the purposes of community title subdivision be removed as these are rarely utilised and add unnecessary complexity to the provisions.

As noted, it is intended to revisit the respective approaches to subdivision after a new LEP has been gazetted with a view to developing a consistent approach across the LGA.

Shown as clauses 4.2A and 4.2B in draft LEP.

#### Clause 4.1D Variation to Minimum Lot Size

This is a clause contained in the QLEP and South Tralee LEPs. It seeks to allow further subdivision potential within areas close to neighbourhood centres at Googong and South Tralee.

A similar clause will need to be included in a combined LEP and will need to be given locality specific application by reference to a local clauses map. Shown as clause 4.2C in draft LEP.

#### Clause 4.2 Rural Subdivision

This is a standard clause and will be carried forward into a combined LEP.

Clause 4.2A Erection of dwelling houses and secondary dwellings on land in certain rural and environmental protection zones (QLEP 2012) and Clause 4.2A Erection of dwelling houses and on land in certain rural, residential and environmental protection zones (PLEP 2014)

These clauses essentially seek to have the same effect, which is to establish controls in respect of what land dwellings can be erected upon. In the case of the Queanbeyan LEP, the clause also provides controls in respect of secondary dwellings. Shown as clause 4.2F in draft LEP.

## Clause 4.2B (PLEP 2014) Replacement of lawfully erected dwelling houses in land in Zone B2 and Zone IN2

This clause seeks to ensure that in the event an existing dwelling exists within either of these zones it can be replaced with a new dwelling (given dwellings are otherwise prohibited in the zone). This will be carried forward into the new combined plan. Shown as clause 4.2G in draft LEP.

#### Clause 4.2D Erection of Rural Worker's Dwellings on land in Zone RU1 and Zone E3

This is an existing clause in *Palerang LEP 2014* and will be carried forward into a combined LEP (however moved to Part 7 of the plan). Shown at clause 7.24 of the draft plan.

#### Clause 4.3 Height of buildings

This is a standard clause and will be carried forward into a combined LEP.

#### Clause 4.4 Floor space ratio

This is a standard clause and will be carried forward into a combined LEP.

#### Clause 4.5 Calculation of floor space ratio and site area

This is a standard clause and will be carried forward into a combined LEP.

#### Clause 4.6 Exceptions to development standards

This is a compulsory clause as per the Standard Instrument LEP. The only difference in the application of this clause between the LEPs is the QLEP and QLEP (South Tralee), which do not provide for any variation to clauses relating to arrangements for designated State public infrastructure and public utility infrastructure (clauses 6.1 and 6.2). This can be carried forward into a combined LEP.

#### Part 5 Miscellaneous provisions

#### Clause 5.1 Relevant acquisition authority

This is a compulsory clause as per the Standard Instrument LEP. There are no differences in application between the LEPs.

#### Clause 5.2 Classification and reclassification of public land

This is a compulsory clause as per the Standard Instrument LEP. There are no differences in application between the LEPs.

#### Clause 5.3 Development near zone boundaries

Under the Palerang LEP this clause applies to commercial zones only. It is proposed that the comprehensive LEP adopt the same approach as the Palerang LEP.

#### Clause 5.4 Controls relating to miscellaneous permissible uses

This is a compulsory clause as per the Standard Instrument LEP. The differences in the application of this clause between the LEPs are detailed below.

#### **Comparison of Development Standards**

Land Use	QLEP	PLEP	QLEP (South Tralee)	Recommendation
Industrial retail outlets	If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:	If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:	If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:	If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:
	- 30% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or - 400 square metres, whichever is the lesser.	- 67% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or - 150 square metres, whichever is the lesser.	<ul> <li>43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or</li> <li>400 square metres, whichever is the lesser.</li> </ul>	- 50% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or 300 square metres, whichever is the lesser.
Farm stay accommodation	If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.	If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than <b>5 bedrooms</b> .	Same as QLEP	It is recommended the PLEP development standard be adopted.
Kiosks	If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 40 square metres.	If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed <b>20</b> square	Same as QLEP	It is recommended the QLEP development standard be adopted.

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Roadside stalls	If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.	If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 10 square metres.	Same as QLEP	It is recommended the PLEP development standard be adopted.
Secondary dwellings	If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:  - 60 square metres,  - 30% of the total floor area of the principal dwelling.	If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:  - 60 square metres, - 33% of the total floor area of the principal dwelling.	If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:  - 60 square metres, - 43% of the total floor area of the principal dwelling.	It is recommended that the PLEP development standard be adopted but that the percentage of the principle dwelling be increased to 50% to give some flexibility to the size of the secondary dwelling.

#### Clause 5.6 Architectural roof features

This is optional clause under the Standard Instrument LEP which was not adopted in any of QPRCs current LEPs. It is proposed that this clause not be adopted in the comprehensive LEP.

#### Clause 5.7 Development below mean high water mark

This clause does not apply to the Queanbeyan-Palerang LGA and will not be adopted in the comprehensive LEP.

#### Clause 5.10 Heritage conservation

This is a compulsory clause as per the Standard Instrument LEP. There are no differences in application between the LEPs.

#### Clause 5.11 Bush fire hazard reduction

This is a compulsory clause as per the Standard Instrument LEP. There are no differences in application between the LEPs.

#### Clause 5.12 Infrastructure development and use of existing buildings of the crown

This is a compulsory clause as per the Standard Instrument LEP. There are no differences in application between the LEPs.

#### Clause 5.13 Eco-tourist facilities

This is a compulsory clause where eco-tourist facilities are permitted with consent under an LEP. Accordingly, this clause only applies under the PLEP and QLEP (Poplars). It is proposed that the comprehensive LEP adopt this clause.

#### Clause 5.14 Siding Spring Observatory – maintaining dark sky

This clause does not apply to the Queanbeyan-Palerang LGA and will not be adopted in the comprehensive LEP.

#### Clause 5.15 Defence communications facility

This clause does not apply to the Queanbeyan-Palerang LGA and will not be adopted in the comprehensive LEP.

#### Part 6 Urban Release Areas (QLEP 2012 & QLEP (South Tralee) 2012)

#### Clause 6.1 Arrangements for designated State and Territory public infrastructure

This clause requires satisfactory arrangements to be made for the provision of designated State and Territory public infrastructure before the subdivision of land in a designated urban release area.

This clause applies to the 'Googong' and 'South Tralee' urban release areas. It is proposed that the comprehensive LEP adopt this clause.

#### Clause 6.2 Public utility infrastructure

This clause requires that development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

This clause applies to the 'Googong' and 'South Tralee' urban release areas. It is proposed that the comprehensive LEP adopt this clause.

#### Clause 6.3 Development control plan

This clause ensures that development on land in an urban release area occurs in a logical and costeffective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.

This clause applies to the 'Googong' and 'South Tralee' urban release areas. It is proposed that the comprehensive LEP adopt this clause

#### Clause 6.4 Relationship between part and remainder of plan

This clause applies to the 'Googong' and 'South Tralee' urban release areas. It is proposed that the comprehensive LEP adopt this clause

#### Clause 6.5 Development near Googong Dam foreshores (QLEP 2012)

This clause applies to the 'Googong' and 'South Tralee' urban release areas. It is proposed that the comprehensive LEP adopt this clause

#### Clause 6.6 Access to Jumping Creek (QLEP 2012)

This clause requires that any future access to Jumping Creek be provided from the proposed Ellerton Drive Extension. Need to retain clause however moved to Part 7 as Land-Use Planning staff are in the process of removing the area known as 'Jumping Creek' from the QLEP Urban Release Area Map (at DPE's request).

#### Part 7 Additional Local Provisions

#### Clause 7.1 Earthworks

This clause is common to each of QPRCs LEPs. The application of this clause is the same across the LEPs with the exception of an additional sub-clause in the QLEP requiring council to consider the potential impacts of earthworks on heritage items, archaeological sites and heritage conservation areas. It is proposed that the QLEP version of this clause be adopted in the comprehensive LEP.

#### Clause 7.2 Flood planning

This clause applies to the QLEP and PLEP. It is proposed this clause be adopted in the comprehensive LEP. The clause may need to be reviewed having regard to current flood plain risk management plans being prepared throughout the LGA.

#### Clause 7.3 Terrestrial biodiversity

This clause applies to the QLEP and PLEP. It is proposed this clause be adopted in the comprehensive LEP.

#### Clause 6.4 Drinking water catchments (PLEP)

This clause applies under the PLEP only. The purpose of the clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering the Sydney, Googong and Captains Flat drinking water catchments. It is proposed this clause be adopted in the comprehensive LEP. Shown at clause 7.4 of draft LEP.

#### Clause 7.4 Riparian land and watercourses

This clause applies to the QLEP, PLEP and QLEP (Poplars). The purpose of this clause is to protect and maintain the water quality, habitat values and ecology of watercourses and riparian areas. It is proposed this clause be adopted in the comprehensive LEP. Shown at clause 7.5 of draft LEP.

#### Clause 7.5 Scenic protection (QLEP)

This clause applies to the QLEP. The purpose of the clause is to recognise and protect land with significant amenity values in the LGA. Land to which the clause applies is identified on the 'Scenic Protection' map.

This clause and the associated map are proposed to be applied to land in the former Palerang LGA and will therefore be adopted in the comprehensive LEP. Shown at clause 7.9 of draft LEP.

#### Clause 7.5 Land in the vicinity of proposed arterial roads (QLEP South Tralee)

This clause applies to the QLEP (South Tralee). The purpose of this clause is to minimise any visual or acoustic impacts on development in the vicinity of a proposed arterial road and ensure development does not impede the future use of land identified on the associated 'Local Clauses' map as an arterial road.

It is proposed this clause be adopted in the comprehensive LEP. The 'Local Clauses' map will continue to apply so as to illustrate the areas to which the clause will apply. Shown as clause 7.12 in draft LEP.

#### Clause 6.6 Salinity (PLEP)

This clause applies to the PLEP. The purpose of this clause is to ensure land subject to salinity is appropriately managed and development does not cause adverse impacts to the landscape. The clause will be retained. Shown at clause 7.6 of the draft LEP.

#### Clause 6.7 Highly erodible soils (PLEP)

This clause applies to the PLEP. The purpose of this clause is to ensure land subject to erodible soils is appropriately managed and development does not cause adverse impacts to the landscape. The clause will be retained. Shown at clause 7.7 of the draft LEP.

#### Clause 6.7 Slopes over 18 degrees (PLEP)

This clause applies to the PLEP. The purpose of this clause is to ensure land subject to steep land is appropriately managed and development does not cause adverse impacts to the landscape. The clause will be retained. Shown at clause 7.8 of the draft LEP.

## Clause 6.7 Land adjoining Hume Industrial Area and Goulburn/Bombala Railway Line (QLEP (Poplars) & QLEP (South Tralee))

This clause is included in the QLEP (Poplars) and QLEP (South Tralee). The clause applies to land identified on the associated 'Visual and Acoustic Buffer' map and stipulates that the visual, noise and emissions impacts of nearby land uses are to be assessed by the consent authority prior to issuing development consent for development on land to which the clause applies.

It is recommended this clause be included in the comprehensive LEP and continue to apply. Shown at clause 7.13 of draft LEP.

#### Clause 7.6 Airspace operations

This clause applies to the QLEP and PLEP. It is proposed this clause be adopted in the comprehensive LEP. Shown at clause 7.10 of draft LEP.

#### Clause 7.7 Development in areas subject to aircraft noise

This clause is common to each of QPRCs Standard Instrument LEPs with the exception of QLEP (South Tralee) 2012. The primary objectives of the clause are to prevent adverse impacts on the operations of Canberra Airport and prevent certain development (particularly residential development) from being located in areas subject to aircraft noise.

QLEP (Sth Tralee) includes an additional requirement that all development must meet the noise levels set out in the relevant Australian Standard irrespective of its location in respect of any ANEF contour. Under the remaining LEPs this is only required where located between the ANEF 20 and 25 contours.

It is recommended the respective clauses be carried forward and given effect under a new combined plan. Shown as clause 7.11 of draft LEP.

#### Clause 7.8 Active street frontages (QLEP)

This clause only applies to certain areas of the Queanbeyan CBD. The clause aims to promote uses that attract pedestrian traffic along street frontages in the B3 Commercial Core zone.

It is recommended this clause be included in the comprehensive LEP and continue to apply to the areas identified on the QLEP 2012 Active Street Frontages Map. Shown as clause 7.19 of draft LEP.

#### Clause 7.9 Essential services

This clause is common to the QLEP, PLEP and QLEP (Poplars). It stipulates that development consent must not be granted unless the consent authority is satisfied that essential services are available or adequate arrangements have been made to make them available for the development.

It is recommended this clause be included under a new combined LEP. Shown as clause 7.15 of draft LEP.

#### Clause 6.10 Development in areas near national parks and nature reserves (PLEP)

This clause provides for the protection of aesthetic, conservation, recreational and scientific values of national parks and nature reserves. It is recommended this clause be included under a new combined LEP. Shown as clause 7.14 in draft LEP.

#### Clause 7.10 Development near Cooma Road Quarry (QLEP)

This clause provides for the protection of the operational environment of the Cooma Road Quarry. It is recommended this clause be included under a new combined LEP. Shown as clause 7.20 in draft LEP.

#### Clause 7.11 Development near HMAS Harman (QLEP)

This clause provides for the protection of the operational environment of the HMAS Harman defence facility. It is recommended this clause be included under a new combined LEP. Shown as clause 7.21 in draft LEP.

#### Clause 7.11 Development near HMAS Harman (QLEP)

This clause provides for the protection of the operational environment of the HMAS Harman defence facility. It is recommended this clause be included under a new combined LEP. Shown as clause 7.21 in draft LEP.

#### Clause 6.12 Short-term rental accommodation (PLEP)

The objective of this clause is to ensure that residential accommodation may be used as tourist and visitor accommodation for a short term (maximum period of 45 consecutive days in any 12 month period) without requiring development consent.

It is recommended this clause be included in the comprehensive LEP and its application be extended to the former Queanbeyan component of the LGA. Shown as clause 7.16 in draft LEP.

#### Clause 6.13 Location of sex services premises (PLEP)

This clause aims to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

It is recommended this clause be included under a new combined LEP. Shown as clause 7.17

#### Schedule 1 Additional permitted uses

Additional permitted uses under all plans will be carried forward into a new combined LEP.

#### Schedule 2 Exempt development

All existing exempt development under the respective LEPs will be carried forward into a new combined LEP.

#### Schedule 3 Complying development

All existing complying development under the respective LEPs will be carried forward into a new combined LEP.

#### Schedule 4 Classification and reclassification of public land

It is not intended to reclassify any new public land as part of the development of the new combined LEP.

#### Schedule 5 Environmental heritage

All existing heritage items under the respective LEPs will be carried forward into a new combined LEP.

#### **SUMMARY**

#### Queanbeyan LEP (South Jerrabomberra) 2012

The clauses contained in this LEP (with one key exception) are generally Standard Instrument clauses that can be carried into any new combined LEP. The LEP shares a common local clause with The Poplars LEP in respect of noise and visual impacts from the Hume Industrial Area and the Goulburn-Bombala Railway Line, and this clause can be carried forward into a combined plan. The plan also contains a clause in respect of dealing with development near the proposed Dunns Creek arterial alignment that can be carried into a combined LEP.

The key exception is the clause dealing with aircraft noise impacts (clause 7.3). This differs from the standard model clause that is contained in the remaining plans (and most throughout the State). They key difference is it reflects the State Government's policy position of no new noise sensitive development within the ANEF 20 (though this is only given effect by the zoning map — not the clause itself). The clause then goes on to require all development at South Tralee to meet the indoor noise standards set out in Table 3.3 of the Australian Standard *AS2021-2000 Acoustics- Aircraft noise-Building siting and construction*. Ordinarily, this is only required when development is proposed between the ANEF 20 and ANEF 25 contours.

It will be possible to accommodate this clause, however two will require a separate clauses under a combined LEP, one for the South Tralee/Jerrabomberra) area and another for the remainder of the LGA.

#### Queanbeyan LEP (West Jerrabomberra) 2013

The clauses contained in this LEP are all generally Standard Instrument clauses that can be carried into any new combined LEP. As noted the LEP shares a common local clause with the South Tralee LEP in respect of noise and visual impacts from the Hume Industrial Area and the Goulburn-Bombala Railway Line, and this clause can be carried forward into a combined plan.

The key matter for consideration in respect of this LEP will be how to accommodate the B1 zone at the Poplars. As noted earlier in this paper, **Group homes**, **seniors housing and serviced apartments** are all 'permissible with consent' in the B1 zone under the Queanbeyan and South Tralee LEPs but are 'prohibited' under the Poplars LEP due to potential aircraft noise concerns from Canberra Airport. The Poplars is located between the ANEF 20 and 25 contours. Given the State Government's position in respect of not allowing ay noise sensitive uses between the ANEF 20 and 25 contours, it is recommended all three uses be made 'prohibited' under all three LEPs.

In the event there is an argument these uses should continue to be permissible in the B1 zone at South Tralee (or elsewhere), this could potentially be accommodated by making an amendment to Schedule 1.

#### Queanbeyan LEP 2012 and Palerang LEP 2014

The majority of clauses contained in these LEPs are generally Standard Instrument clauses and model clauses that can be carried forward into a new combined LEP. Both LEPs contain specific local clauses relevant to particular local circumstances, however a combined LEP can be drafted that includes all of these (supported with appropriate mapping in some cases).

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting
Attachment

## 14 AUGUST 2019

ITEM 6.4 PROPOSED HOUSEKEEPING AMENDMENTS TO QUEANBEYAN LOCAL ENVIRONMNETAL PLAN 2012

ATTACHMENT 1 HOUSEKEEPING AMENDMENTS 2019 TO QUEANBEYAN LEP 2012



## **Queanbeyan-Palerang Regional Council**



**Planning Proposal** 

## Housekeeping Planning Proposal 2019 -Amendments to Queanbeyan Local Environmental Plan 2012

Ref: Document Set ID 330558



Housekeeping Planning Proposal 2019 – Amendments to Queanbeyan LEP 2012

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Housekeeping Planning Proposal 2019 – Amendments to Queanbeyan LEP 2012

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#### Introduction

#### Part 1 – Objectives and Intended Outcomes

The objectives of this planning proposal are to undertake a number of housekeeping amendments to Queanbeyan Local Environmental Plan (LEP) 2012 as set out below.

 Reinstate a dwelling entitlement to 1738 Old Cooma Road Royalla that was incorrectly removed by Council when Queanbeyan LEP 2012 was gazetted.

The landowner of this property has recently provided Council with documentation confirming Lot 1 DP 555380 had a dwelling entitlement prior to *Queanbeyan LEP 2012* coming into effect. Appendix B shows correspondence provided to the landowner by the former Yarrowlumla Shire Council dated 16 May 1997. It confirms that this lot had the ability to contain a dwelling house at the time.

When the current *Queanbeyan Local Environmental Plan 2012* was being drafted, it was always intended that existing dwelling entitlements in rural areas would be carried forward into the new plan. It is an error that only one lot is listed in Schedule 1 at this time (ie Lot 2 DP 555380) as allowing a dwelling house with consent. Accordingly, this planning proposal seeks to reinstate an additional dwelling entitlement to the property.

#### Amend Lot Size Maps For Land At Jumping Creek (28 Lonergan Drive Greenleigh Lot 5 DP 1199045)

As part of the proposed subdivision of the Jumping Creek area it is intended to create a lot of approximately 55 hectares (zoned E2 Environmental Conservation) that will be subsequently dedicated to the Council for future management as public land. However as the minimum lot size for the proposed E2 land is currently 80 hectares, the creation of this lot cannot occur at this time. To address this it is intended to reduce the minimum lot size for the land proposed to be dedicated from 80 hectares to 40 hectares.

It is also intended to make a minor amendment to the minimum lot size maps to reduce the lot size of a small area of land (approximately 2,000sqm) from 1.5 hectares to 600sqm. This is to ensure the proposed subdivision design for the site can be approved. This is considered a relatively minor change in the circumstances.

Accordingly, the Lot Size Maps applying to the land are to be amended to achieve two outcomes:

- To reduce the minimum lot size applying to the E2 Environmental Conservation zone from 80 hectares to 40 hectares. This is to ensure that the residue E2 land intended to be dedicated to the Council (approx 55.5ha) can be created as the area of the residue is currently less than the required minimum lot size.
- To change the minimum lot size of a small area of land from 15,000sqm (1.5ha) to 600sqm in order to allow this area to be used for smaller lot housing.
- 3. Update relevant LEP maps to reflect approved development framework for the Googong Town Centre and Googong Common

It is also intended to update 5 LEP maps to reflect the final known footprints for both the Googong Town Centre and the Googong Common. Council has now approved the final development concepts for both areas and the relevant LEP maps will now be updated to reflect this.



In respect of the Googong Town Centre this will involve updating the dimensions of the B2 Local Centre zone. Amendments will be required to applicable Land Zoning, Lot Size, Height of Buildings and Floor Space Ratio maps applying to the subject land.

In respect of the Googong Common, this will be given effect by updating the Googong Common Map in the LEP.

4. Introduce a new exempt development provision to allow for the development of fixed free standing information signage at Googong for up to 2 years on Council's behalf

Council has also agreed to the erection of fixed free standing information signage at the Googong urban release area for up to 2 years where undertaken on the Council's behalf. Council intends to amend Schedule 1 Additional Permitted Uses of the LEP to confirm this type of signage is permissible.

#### Part 2 - Explanation of Provisions

 Reinstate a dwelling entitlement to 1738 Old Cooma Road Royalla that was incorrectly removed by Council when Queanbeyan LEP 2012 was gazetted.

1738 Old Cooma Road comprises 4 lots which are:

- Lot 1 DP 555380,
- Lot 2 DP 555380,
- Lot 152 DP 754912, and
- LOT 7002 DP 1019607 (Crown Licence 536050)

The land has an area of 176.9 hectares and is zoned E2 Environmental Conservation. Dwelling houses are not permissible in the E2 Environmental Conservation zone.

Currently, a dwelling house may be erected on Lot 2 DP 555380 by virtue of this being listed under Schedule 1 of *Queanbeyan LEP 2012* (Additional Permitted Uses). The other 3 lots do not currently have dwelling entitlements. The subject land is shown below.





The landowner has recently provided information to Council confirming Lot 1 DP 555380 also previously had a dwelling entitlement prior to *Queanbeyan LEP 2012* coming into effect. Appendix B shows correspondence provided to the landowner by the former Yarrowlumla Shire Council dated 16 May 1997 confirming both Lot 1 and Lot 2 DP 555380 had the ability to contain a dwelling house at the time.

When the current *Queanbeyan Local Environmental Plan 2012* was being drafted, Council transferred the former 7(e) Environmental Protection zone under *Yarrowlumla Local Environmental Plan 2002* to the E2 Environmental Conservation zone. The E2 Environmental Conservation zone does not normally permit dwellings, however it was Council's intention at the time to maintain any permissible development provided under the former planning controls. This was done by adding the Lot, DP and the address of each property to Schedule 1 Additional Permitted Uses of the *Queanbeyan Local Environmental Plan 2012*.

It is an error in that only one dwelling was listed in Schedule 1 as permissible instead of two dwellings for the combined property. This planning proposal seeks to reinstate that additional dwelling entitlement to the property. This will be achieved by amending Schedule 1 Additional Permitted Uses of *Queanbeyan LEP 2012* to confirm two dwelling houses are permissible with consent on the property. See example text below.

#### 20 Use of certain land at 1738 Old Cooma Road, Royalla

- (1) This clause applies to land at 1738 Old Cooma Road, Royalla as shown on the Additional Permitted Uses Map.
- (2) Development for the purposes of a maximum of two dwelling houses is permitted with development consent on the land.

To ensure there is no ambiguity associated with the permissibility of an additional dwelling house on the subject land (in the event the property descriptions change due to any subsequent subdivision of the land), it will be mapped on an Additional Permitted Uses Map.

#### Amend Lot Size Maps for Land At Jumping Creek (28 Lonergan Drive Greenleigh Lot 5 DP 1199045)

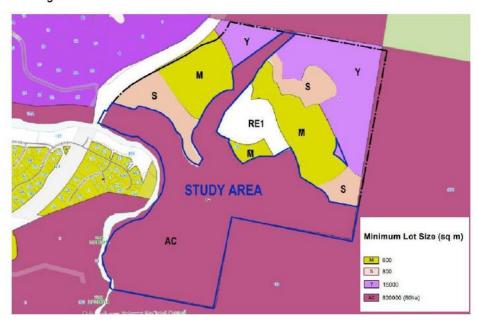
As noted, it is intended the lot size maps applying to the land be amended to achieve two outcomes:

- 1. To reduce the minimum lot size applying to the E2 Environmental Conservation zone from 80 hectares to 40 hectares. This is to ensure that the residue E2 land intended to be dedicated to the Council (approx 55.5ha) can be created as the area of the residue will be less land than the required minimum lot size.
- 2. The planning proposal also seeks to amend a small area of land (approximately 2000sqm) with a current minimum lot size of 15,000sqm (1.5ha) and reduce this to 600sqm in order to allow this small area to be used for smaller lot housing.

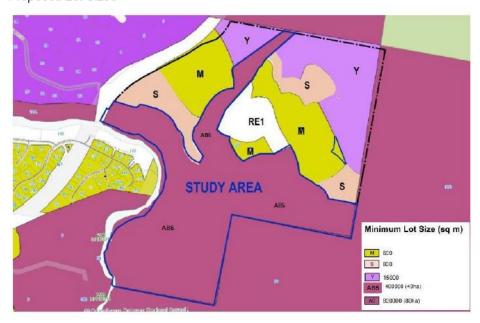
It is intended to give effect to these changes by amending the respective Lot Size Maps (LSZ\_005 and LSZ\_006) to allow lots to be created for Environmental Conservation and to accommodate minor boundary adjustments for proposed Environmental Living land uses.



#### Existing Lot Sizes



#### Proposed Lot Sizes





#### Update relevant LEP maps to reflect approved development framework for the Googong Town Centre and Googong Common

The Queanbeyan Local Environmental Plan 2012 commenced on 23 November 2012. At that time, the final development layouts for both the town centre and the Googong Common were unknown. Accordingly the zonings were indicative only.

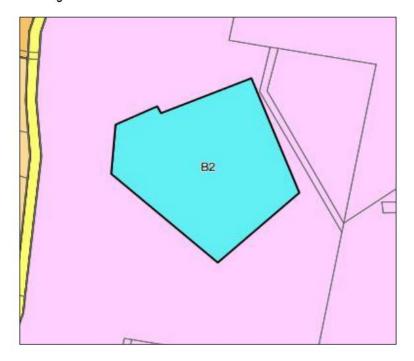
Council and the respective developers have now confirmed the final zoning frameworks and layout for both areas and these will also be updated in LEP.

The mapping changes will apply to the following:

- Land Zoning Map LZN 007
- Height of Buildings Map HOB\_007,
- Floor Space Ratio Map FSR\_007,
- Lot Size Map LSZ 007
- Googong Map GNG 007

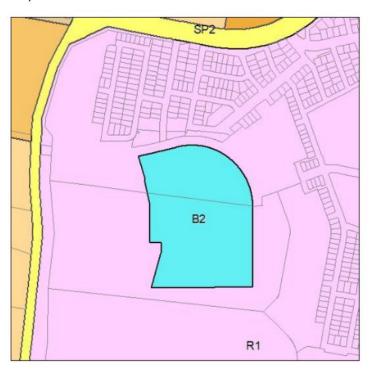
#### **Land Zoning Maps**

Existing Zones



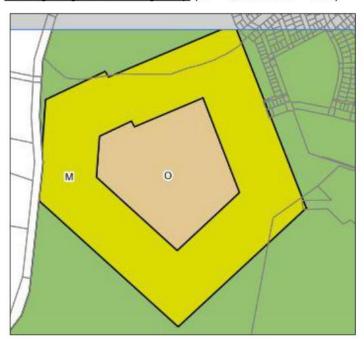


#### Proposed Zones

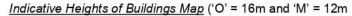


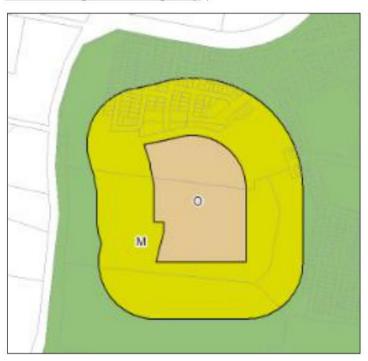
#### **Height of Building Maps**

Existing Heights of Buildings Map ('O' = 16m and 'M' = 12m)



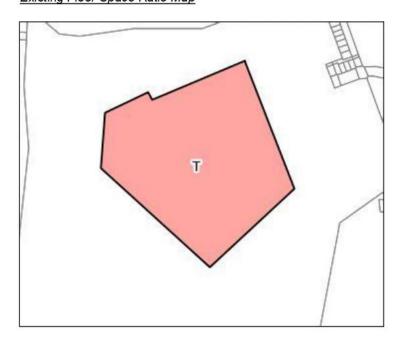






Floor Space Ratio Maps

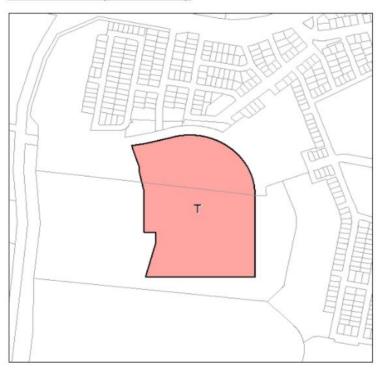
Existing Floor Space Ratio Map





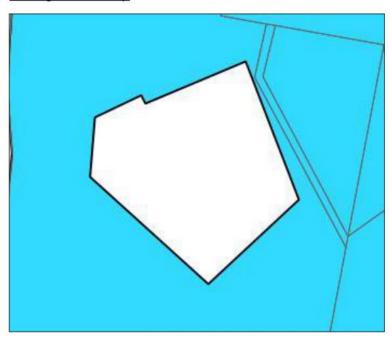
Housekeeping Planning Proposal 2019 – Amendments to Queanbeyan LEP 2012

#### Indicative Floor Space Ratio Map



#### Lot Size Maps

#### Existing Lot Size Map



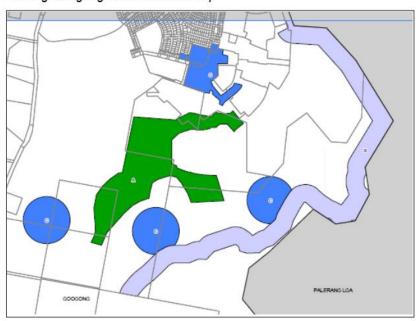


#### Indicative Lot Size Map

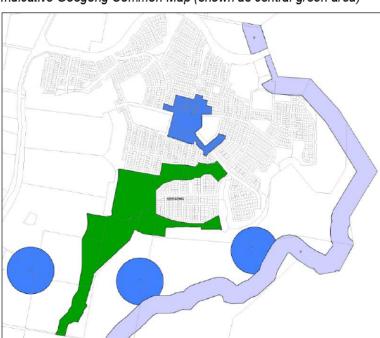


#### **Googong Map**

#### Existing Googong Common Area Map







#### Indicative Googong Common Map (shown as central green area)

## 4. Introduce a new exempt development provision to allow for the development of fixed free standing information signage at Googong for up to 2 years on Council's behalf

Council has agreed to the erection of fixed free standing information signage at the Googong urban release area for up to 2 years where undertaken on the Council's behalf. An example of this form of information signage is shown below. The signs are intended to provide directional assistance to key features or lands within the Googong urban release area. Council intends to amend Schedule 1 of the LEP to confirm this type of signage is permissible. An example of the proposed signage is shown over.

It is proposed to add the following clause to Schedule 2 of *Queanbeyan Local Environmental Plan 2012*:

#### Fixed Free Standing Information Signage

- (1) Must be undertaken within the Googong Urban Release Area as shown on the Urban Release Area Map (URA\_001) under Queanbeyan LEP 2012.
- (2) Must be installed by or on behalf of the Council.
- (3) Must not be erected on private land.
- (4) Must have approval under Section 138 of the Local Government Act 1993.
- (5) Must not obstruct access to any premises or property or to any adjacent premises or property.
- (6) Maximum display area 1.5m high × 1.2m wide.
- (7) Must be removed within 2 years from the date of installation (or as otherwise agreed with Council) at the proponent's cost.





Figure 1 - Proposed Fixed Standing Signage

#### Part 3 - Justification

#### Section A - Need for the Planning Proposal

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

This planning proposal is not based on the results of any strategic study or report. It is based on the operational needs of the existing *Queanbeyan Local Environmental Plan 2012*.

It is intended that these changes will be incorporated into a new shire-wide Local Environmental Plan (PP\_2018\_QPREG\_002\_00) that is also being prepared by Council in parallel with this planning proposal.

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

The planning proposal seeks to correct a number errors and anomalies in the *Queanbeyan Local Environmental Plan 2012* as set out above. These matters can only be addressed by direct amendment of the LEP which requires a planning proposal.

#### 3. Is there a net community benefit?

The net community benefit in preparing the planning proposal is to ensure that the *Queanbeyan Local Environmental Plan 2012* is correct and up to date and any errors or anomalies that may confuse or complicate future planning matters are addressed.

#### Section B - Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The relevant sub-regional strategy is the *South East and Tablelands Regional Plan 2017*. This planning proposal is not inconsistent with this strategy.



4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?

The planning proposal is considered to be consistant with the *Queanbeyan Residential and Economic Strategy 2015-2031*. The planning proposal is not inconsistent with the *Queanbeyan-Palerang Community Strategic Plan 2018-2028*, specifically the following:

- Provision and maintenance of public areas, including pedestrian and bike paths.
- Protection of the natural environment.
- A fair, transparent and accountable council that creates opportunities for engagement and responds to the community's aspirations.
- 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

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

6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The planning proposal is not considered to be inconsistent with any section 117 directions, or, any inconsistencies are considered to be minor in the circumstances An assessment against relevant section 9.1 directions is shown at Appendix A.

#### Section C - Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal)?

No.

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

No.

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is considered to be minor amendments to the *Queanbeyan Local Environmental Plan 2012* and will not result in any adverse social and economic effects.

#### Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Not applicable to these minor changes to the operation of *Queanbeyan Local Environmental Plan 2012*.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Not applicable at this stage.

#### Part 4 - Mapping

Draft LEP maps will be prepared prior to finalising the draft plan. Council intends to prepare indicative maps for the purposes of any agency consultation or community consultation. Final maps will be prepared consistent with the technical guidelines.



#### Part 5 - Community consultation

Council intends to consult with the community in respect of the planning proposal for a period of 14 days.

Council is of the view no consultation is required with any government authorities in respect of the draft planning proposal. Extensive consultation has been undertaken in the past for both Googong and Jumping Creek and no changes are proposed to the core development concepts presented for those areas, or, the controls that facilitate their respective development. The planning proposal is to allow the long standing development concepts for each area to now be finalised.

#### Part 6 - Project Timeline

Task	Anticipated timeframes		
Report to Council	August 2019		
Gateway Determination	September 2019		
Public Exhibition	October 2019		
Report to Council including considerations of November 2019 submissions			
Submission to Department to finalise the amended Local Environmental Plan	December 2019		



## Appendix A — Section 117 Directions

1.4 Rural Lands			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
protect the agricultural production value of rural land facilitate the orderly and economic development of rural lands for rural and related purposes.	A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.  A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.	A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:  a) justified by a strategy which:  i. gives consideration to the objectives of this direction,  ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and  iii is approved by the Secretary of the Department of Planning, or  b) of minor significance.	The minimum lot size for a small area of land zoned E4 Environmental Living is proposed to be reduced from 15,000sqm to 600sqm. This is to facilitate the current subdivision pattern proposed for the land. This is considered to be of minor significance only.  It is also proposed to reduce the minimum lot size for land zoned E2 Environmental Conservation from 80ha to 40ha in order to allow a residue lot of 55ha to be created. It is intended this residue be subsequently dedicated to Council as public land. Again this change is considered to be of minor significance only in the circumstances



2.1 Environment Protection	2.1 Environment Protection Zones			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response	
The objective of this direction is to protect and conserve environmentally sensitive areas.  This direction applies when a relevant planning authority prepares a planning proposal.	A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.  A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".	A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:  a) justified by a strategy which: i. gives consideration to the objectives of this direction, ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and iii .is approved by the Secretary of the Department of Planning, or b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or d) is of minor significance.	The minimum lot size for a small area of land zoned E4 Environmental Living is proposed to be reduced from 15,000sqm to 600sqm. This is to facilitate the current subdivision pattern proposed for the land. This is considered to be of minor significance only.  It is also proposed to reduce the minimum lot size for land zoned E2 Environmental Conservation from 80ha to 40ha in order to allow a residue lot of 55ha to be created. It is intended this residue be subsequently dedicated to Council as public land. Again this change is considered to be of minor significance only in the circumstances	



2.3 Heritage Conservation			
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response
The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.  This direction applies when a relevant planning authority prepares a planning proposal.	A planning proposal must contain provisions that facilitate the conservation of:  a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,  b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and  c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	,	Consistent as the Googong Common land provides for protection of an area of environmental heritage.



5.1 Implementation of Regional Strategies				
Objective	What a relevant planning authority must do if this direction applies	Consistency	Response	
The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.  This direction applies to land contained within the South East and Tablelands Regional Plan 2017.	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the regional strategy:  a) is of minor significance, and b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.		



## Appendix B

Yarrowlumla Council letter 16 May 1997

## Shire Council

"Planning and Providing for the Best in Rural Living"

File: Folio: P15261 & 15270

Contact:

034074 M Winters

16 May 1997

Mr B Lamont PO Box 760 QUEANBEYAN 2620

Dear Sir

RE: LOT 1, DP 555380 & LOT 152, DP 754912, PARISH OF TUGGERANONG

Reference your letter received 8 May 1997 regarding building entitlements on the above-mentioned land please be advised of the following:

Lot 1, DP 555380:

This lot does have a building entitlement as it was created through a subdivision with the consent of Council and a dwelling could have been lawfully erected with the consent of Council prior to the gazettal of Amendment No. 6. (Clause 17(7)(C))

Lot 152, DP 754912:

This allotment is an existing portion and was held with other land between 1960 through to 1985 when you purchased the allotment with Lot 2, DP 555380. Ever since 1985 this lot 152 has been held with lot 2 by yourself. As it has been held with other land and is within the 7(e) zone and is less than 80 hectares it does not have a building entitlement.

Should you wish to discuss this matter further please contact Melissa Winters of Council's Environment & Development Division on (06) 297 9663.

Yours faithfully

D R ROUSE

Director of Environment & Development

YARROWLUMLA SHIRE COUNCIL is the corporate name of YARROWLUMLA COUNCIL ADMINISTRATION OFFICE: 11 Farrer Place, Queanbeyan 2620 POSTAL ADDRESS: PO Box 112, Queanbeyan NSW 2620 TELEPHONE: (06) 297-1311 • FAX: (06) 297-5854

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

## 14 AUGUST 2019

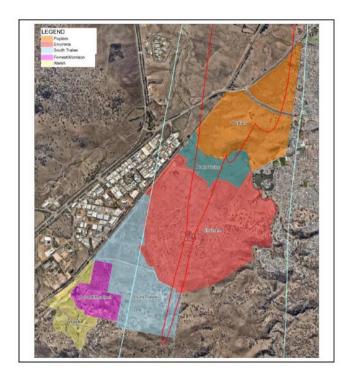
ITEM 6.5 PROPOSED AMENDMENTS TO SOUTH JERRABOMBERRA LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2018

ATTACHMENT 1 DRAFT AMENDED SOUTH JERRABOMBERRA LOCAL CONTRIBUTIONS PLAN 2018





# South Jerrabomberra Local Infrastructure Contributions Plan 2018



Notified:

Ref: ECM 286674

South Jerrabomberra Local Infrastructure Contributions Plan

Offices: Council Headquarters – 256 Crawford St

Bungendore Office – 10 Majara St Braidwood Office – 144 Wallace St

Contact: Queanbeyan:

Ph: 02 6285 6000 Fax: 02 6285 6666 Bungendore/Braidwood: Ph: 02 6238 8111 Fax: 02 6238 1290

**E:** council@qprc.nsw.gov.au **W:** www.qprc.nsw.gov.au



#### **List of Amendments**

Adopted by Queanbeyan Palerang Regional Council on 26 April 2018 and came into effect on 15 May 2018, as amended by Council on the following dates:

Amendment	Amendment Summary	Adopted by Council	Notified
1.	Plan amended, including;		
	<ul> <li>to reflect the 2018 monies received though the Growing Local Economies Grant,</li> <li>to update land areas and embellishment costs for open space,</li> <li>to update scope and costs for community facilities,</li> <li>to update net developable area (NDA) figures for proposed commercial and light industrial development, and</li> <li>to update the works schedule with appropriate CPI/PPI Indexes to reflect current costs at time of amendment.</li> </ul>		



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## **Executive Summary**

This plan has been prepared under Section 7.11 the NSW *Environmental Planning and Assessment Act*, 1979, and provides for Queanbeyan-Palerang Regional Council ('Council') to collect contributions from development at South Jerrabomberra to fund local infrastructure that will service the urban release area into the future. These contributions can take the form of money, land (or both) depending on the circumstances.

#### The plan describes:

- where contributions are required.
- what development contributions apply to,
- how the contribution rates have been determined,
- what infrastructure the contributions will fund, and
- how to calculate and pay the relevant contributions where required.

The key steps applicants need to follow in using this plan are summarised both below and at Figure 1.

#### Demand for local infrastructure

The South Jerrabomberra urban release area is expected to have 1,500 new dwellings constructed to house 4,275 residents between 2018 and 2038. There will also be approximately 1,204 jobs created from the identified employment lands in the area.

Significant new infrastructure will be needed to support this anticipated population and it is appropriate that developments accommodating these new residents and workforce contribute to the costs associated with providing this new infrastructure.

If Council does not invest in new and upgraded local infrastructure to meet the needs of the people who live and work in the area, the infrastructure service levels for both the existing and future population will decline into the future.

#### Where this plan applies

This plan applies to certain land within the South Jerrabomberra urban release area, as shown at Figure 2 (page 12).

The total area comprises seven (7) precincts, reflecting the different ownership, development patterns and subsequent demands for infrastructure. However, the plan only applies to six of the precincts – Walsh, Forrest/Morrison, South Tralee, North Tralee, South Poplars and North Poplars. The plan applies to all precincts once they are rezoned for urban development.

The Environa precinct is not included as the land is not expected to be developed within the 20-year timeframe of the plan.

#### Development to which plan applies

This plan applies to new development that generates an increase in the demand for local infrastructure, including:

- Residential development (including subdivision) that would result in a net increase in resident population on the site once the land is developed and occupied, and
- Retail, commercial and other non-residential development (including subdivision of land), where that development would create a net increase in demand for the public amenities and services to be provided under this plan.



This plan applies to new development requiring consent from Council and complying development approved by accredited certifiers. Section 1.4 of this plan identifies development that is excluded from making contributions under this plan.

The contributions that have been determined in respect of residential development are set out below.

#### Residential Contribution Rates Per Lot

	South Tralee	Forrest Morrison	Walsh
Dwelling Type 1 > 400m2			
Larger Detached Housing	\$31,393.06	\$38,466.50	\$38,466.50
Dwelling Type 2 < 400m2 Smaller Detached Housing, Multi-Unit Developments and Residential Flat			
Buildings	\$23,840.53	\$29,212.24	\$29,212.24
Average All Dwellings	\$25,825.42	\$31,803.43	\$31,803.43

The contributions that have been determined in respect of non-residential development are set out below.

#### Non Residential Contribution Rates Per Hectare

Sc	outh Tralee	North Poplars	South Poplars	North Tralee
\$	37,343.12	\$83,931.42	\$28,674.30	\$37,560.61

#### Non-monetary contributions

Contributions may also be settled if Council agrees to works-in-kind or a dedication of land to deliver infrastructure in the works schedule which either fully or partly satisfies a condition of consent to pay contributions.

Details on the conditions of non-monetary contribution arrangements are set out in section 2.4.

#### Calculating the contribution

Consent authorities, including Council and accredited certifiers, are responsible for determining any contribution in accordance with this plan. The consent authority will calculate the contribution using the following formula:

Residential development contribution equals:	The net population increase of residents <u>multiplied by</u> the contribution rate per resident
Where the net population increase equals:	The proposed residential population <u>minus</u> the previous residential development population
Non-residential development contribution equals:	The contribution payable per hectare multiplied by the net developable area (NDA) of the proposed development.

For residential development contributions, the consent authority will determine the populations using the occupancy rates set out in Table 6 (see Section 2.1).



Figure 1: Key Steps in determining and paying the contribution

#### 1. Application

The applicant lodges a development application with Council or a complying development application with an accredited certifier.



#### 2. Determination

The Consent Authority (Council or Accredited Certifier) calculates the contribution in accordance with Section 2.1 of this plan and, if a contribution is required, imposes a condition in the consent.

Contributions are indexed in accordance Section 2.2.



#### 3. Request for Final Contribution Amount

When the applicant is ready to pay their contribution, they e-mail Council at council@qprc.nsw.gov.au to confirm the indexed contribution payable.



#### 4. Payment

The applicant presents Council's letter and pays their contribution at any of Council's Customer Service Offices and obtains a payment receipt. For development applications, applicants must pay their contribution before obtaining a construction certificate. For complying development, applicants must pay their contribution prior to beginning any complying development works.



#### Requiring the contribution

If a contribution is payable, the consent authority will include a requirement to pay the contribution amount as a condition of consent in the approval for the development.

Contributions will generally be levied when the land is subdivided for its intended purpose.

Council will determine the contribution rates in this plan to address the effects of inflation at the time of consent and again at the time of payment using quarterly updates to the Consumer Price Index (All Groups Index) for Sydney.

#### Paying the contribution

Further advice in respect of the procedures for paying any relevant contribution is set out in Section 2.4 of this plan.

#### Complying development

Accredited certifiers must ensure any relevant contribution is included as a condition of consent in any complying development certificate that is issued.

Accredited certifiers must notify Council of any determination within two (2) days of making that determination, in accordance with section 130(4) of the *Environmental Planning and Assessment Regulation 2000*. Applicants must then ensure they pay their contribution before commencing the complying development works.



## 1.Background

South Jerrabomberra contains a number of parcels of land in separate ownership that have recently been rezoned, or are in the process of being rezoned for urban purposes. The area consists of both North and South Poplars, North Tralee, South Tralee, Forrest/Morrison, Walsh and Environa (see Figure 2). The plan applies to all precincts except Environa, as it is anticipated this area will not be developed within the 20-year timeframe of the plan.

Ultimately, both the dwelling yield and the number of workers/jobs created by the employment lands are limited by the capacity of both the Lanyon Drive/Tompsitt Drive intersection and the proposed Northern Entry Road servicing the area. Traffic modelling has indicated the capacity of this road (and therefore development at South Jerrabomberra) is limited. Accordingly this plan has been prepared to provide for a maximum of 1,500 dwellings and 1,204 workers/jobs over 20 years at South Jerrabomberra.

Table 1 below sets out the anticipated development yield for the site and forecast population over the life of this plan.

Table 1: Projected	Development	Yield and	Population Growth

Year No.	Total Dwellings	Dwellings/year	Total Population
1		75	214
2		75	428
3		75	642
4		100	927
5	425	100	1,212
6		120	1,554
7		120	1,896
8		120	2,238
9		120	2,580
10	1,025	120	2,922
11		100	3,207
12	•	100	3,492
13		50	3,635
14		50	3,778
15	1,375	50	3,921
16		25	3,992
17		25	4,063
18		25	4,134
19		25	4,205
20	1,500	25	4,275
Total	1,500	1,500	4,275

It is unlikely that the full extent of the employment lands will be developed within the timeframe of this plan and therefore the anticipated employment development over the next 20 years has been used for the purposes of calculating reasonable contributions and



providing facilities in a reasonable timeframe. It is assumed that the residential development will take place well within this timeframe and the employment land take up will be approximately 1.5ha per year.

This section describes the plan's purpose, where it applies, the development it applies to, how Council will use the contributions, how Council proposes to ensure accountability of the plan, and when the plan will be reviewed.

#### 1.1 Name of Plan

This plan shall be referred to as the *Queanbeyan-Palerang Regional Council South Jerrabomberra Local Infrastructure Contributions Plan 2018* ('the plan'). The plan has been prepared by the Queanbeyan and Palerang Regional Council ('the Council') under section 7.11 of the *Environmental Planning and Assessment Act 1979* ('the Act') and the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulations).* 

The plan has been prepared having regard to relevant Ministerial directions, the Department of Planning and Environment's practice notes and planning circulars relating to the NSW development contribution system.

#### 1.2 Purpose of this plan

The plan's primary purpose is to authorise the Council (or an accredited certifier) to require a contribution be made towards the provision, extension or augmentation of local infrastructure required as a consequence of development at South Jerrabomberra.

The contributions that have been determined in respect of residential development are set out below in Table 2:

Table 2 - Residential Contribution Rates Per Lot

	South Tralee	Forrest Morrison	Walsh
Dwelling Type 1 > 400m2 Larger Detached Housing	\$31,393.06	\$38,466.50	\$38,466.50
Dwelling Type 2 < 400m2 Smaller Detached Housing, Multi-Unit Developments and Residential Flat Buildings	\$23,840.53	\$29,212.24	\$29,212.24
Average All Dwellings	\$25,825.42	\$31,803.43	\$31,803.43

The contributions that have been determined in respect of non-residential development are set out below in Table 3:

Table 3 – Non Residential Contribution Rates Per Hectare

South Tralee	North Poplars	South Poplars	North Tralee
\$37,343.12	\$83,931.42	\$28,674.30	\$37,560.61

The plan provides the framework for the efficient and equitable determination, collection and management of development contributions for the area.

The development requires a range of local infrastructure to service the future population including open space, recreation facilities, community facilities and roadworks.



The plan authorises these bodies to require a contribution in the following circumstances:

- a) The Council, when granting consent to an application to carry out development to which this plan applies;
- b) An accredited certifier, when issuing a complying development certificate for development to which this plan applies.

The plan's other purposes are to:

- a) Provide a framework for the efficient and equitable determination, collection and management of contributions towards local infrastructure;
- b) Ensure developers make a reasonable contribution toward the provision of local infrastructure required for development anticipated to occur up to 2038;
- Ensure the existing community is not unreasonably burdened by the provision of local infrastructure required either partly or fully as a result of development in the area; and
- d) Ensure Council's management of local infrastructure contributions complies with relevant legislation and practice notes.

#### 1.3 Where this plan applies

This plan applies to certain land at South Jerrabomberra within the Queanbeyan-Palerang Regional Council local government area.

The South Jerrabomberra Urban Release Area covers seven precincts, as shown in Figure 2 over – North Poplars, South Poplars, North Tralee, South Tralee, Forrest Morrison, Walsh and Environa. The different precincts recognise the varying development types and infrastructure demands across the release area, which are reflected in the contributions specific to each precinct.

However, the plan only applies to six of the precincts – ie, Walsh, Forrest/Morrison, South Tralee, North Tralee, South Poplars and North Poplars. The plan applies to those precincts once they are rezoned for urban development.

The Environa precinct is not included as the land is not expected to be developed within the 20-year timeframe of the plan.

The development of proposed employment lands at Environa are considered unlikely to occur within the timeframe of this plan and the Environa land has been excluded from the plan. Development of these lands will however trigger contributions under other contribution plans applying to Queanbeyan-Palerang in the future.

#### 1.4 Development this plan applies to

<u>Applicable development</u> - This plan applies to development requiring consent including complying development and Crown development. All development that results in a net population increase in accordance with section 2.1 must pay a contribution (with the exception of exempt development).



Lanyon Drive Goulburn Bombala Railway SOUTH POPLARS Monaro Highway NORTH TRALEE ENVIRONA SOUTH TRALEE FORREST/MORRISON NSW

Figure 2: South Jerrabomberra Urban Release Area



0.25 0.5 0.75

Kilometers

1.25 1.5

Legend

South Jerrabomberra Urban Release

Goulburn Bombala Railway State Border <u>Development that is exempt</u> - Development exempt from the need to pay a contribution is listed below in Table 4. Applicants must demonstrate how their development is consistent with the relevant exemption in their development application. If Council is satisfied the development is consistent with the relevant exemption, it will not levy a contribution as a condition of consent. In the case of complying development, Council must first verify any exemptions in writing to the accredited certifier.

#### Table 4: Development exempt from the need to pay a contribution1

- 1. Subdivision of land that does not involve building work, including the creation of residue lots or super lots, where the final demand for public amenities or public services will be generated after a further subdivision of land.
- 2. Development where a contribution has previously been paid for the same development at the subdivision stage under a predecessor plan.
- 3. Alterations and additions to an existing attached dwelling, dual occupancy or dwelling house.
- 4. Places of public worship and child care centres by or on behalf of a charity or not-for-profit organisation<sup>2</sup>.
- 5. Emergency services facilities.
- 6. Affordable housing or social housing by a social housing provider3.
- 7. Government schools4.
- 8. Development undertaken by or on behalf of Council, including works listed in the works program in Appendix C of this plan.
- 9. Development exempted from local contributions by a Ministerial direction made under the *Environmental Planning and Assessment Act 1979*<sup>5</sup>.
- 10. Any other development that in the opinion of Council does not increase the demand for the categories of public amenities or public services addressed by this plan.

#### 1.5 Complying development

As noted, this plan applies to all development, including complying development. Accredited certifiers who issue complying development certificates are responsible for calculating the contribution in accordance with this plan and, if a contribution is required, imposing a condition requiring the contribution. Applicants must pay their contribution before commencing any complying development works approved by the certifier.

#### 1.6 Establishment of a General Nexus

Under the *Environmental Planning & Assessment Regulation 2000* the "relationship between the expected types of development in the area to which the plan applies and the demand for additional public amenities and services to meet that development", must be articulated in the plan. This is the establishment of "nexus" or relationship of the development to the demand for that infrastructure.

<sup>&</sup>lt;sup>5</sup> Ministerial directions are available on the Department's website.



<sup>&</sup>lt;sup>1</sup> All land use terms in this document have the same meanings as in the Standard Instrument (Local Environmental Plans) Order 2006.

<sup>&</sup>lt;sup>2</sup> As registered with the Australian Charities and Not-for-profits Commission.

<sup>&</sup>lt;sup>3</sup> Affordable housing has the same meaning as the Environmental Planning & Assessment Act 1979. Social housing provider has the same meaning as in State Environmental Planning Policy (Affordable Rental Housing) 2009. If the development is mixed-use, only the affordable/social housing component will be excluded.

<sup>&</sup>lt;sup>4</sup> Established under the Education Act 1990 by the Minister for Education.

The establishment of "nexus" (or link/relationship) is a fundamental premise of local contribution plans and includes:

- Causal Nexus the development subject to a contribution must create an additional demand for the public amenity or service for which a contribution is being levied:
- Physical Nexus the facility or service must be near enough in geographical terms to provide benefit to the development; and
- Temporal Nexus the facility or service must be provided within a "reasonable" time

Council has determined that there is a clear nexus between the proposed development of land at South Jerrabomberra and the proposed infrastructure set out in the works schedule shown at Appendix C. The proposed infrastructure is considered necessary to ensure the social, economic and environmental well-being of the future community. Further information in respect of the proposed development, and the infrastructure identified to support its future population, is set out in the appendices to this plan.

#### 1.7 Cap on Monetary Local Infrastructure Contributions for Residential Development

On 28 July 2017, the Minister for Planning issued *The Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2017* which carried forward a \$20,000 cap on local infrastructure contributions for residential development.

Council has since been advised that that direction was amended on 18 January 2019 to list South Jerrabomberra as an urban release area in order to allow local infrastructure contributions of up to \$30,000 to now be collected for residential development<sup>6</sup>.

Any contribution amounts of over \$30,000 can only be collected if the Independent Pricing and Regulatory Tribunal (IPART) has formally reviewed the plan and the Minister agrees the contribution amounts are reasonable in the circumstances. Council will be seeking such a review in respect of this plan.

#### 1.8 Administration

- a) Relationship to previous plans As of this plan's commencement date, all other local infrastructure contributions plans applying to the land ('the predecessor plans') are repealed to the extent they apply to the land covered by this plan. This plan does not affect any conditions of consent that were granted under a predecessor plan
- b) <u>Transitional arrangements</u> If a development application has been made before the commencement of this plan in relation to land to which this plan applies and the application has not been finally determined before that commencement, that development application will be subject to the provisions of this plan. Applications to modify a development consent made before this plan's commencement date, will be determined against the provisions of the plan that applied at the date the original application was submitted. Development applications made on or after this plan's commencement date will be determined under the provisions of this plan.
- c) <u>Use of contributions</u> Council will allocate contributions to local infrastructure in accordance with the works program in Appendix C. Contributions will generally be proportionately allocated and held against the various infrastructure items identified in Appendix C. Council may 'pool' contributions so it can deliver the works in an

<sup>&</sup>lt;sup>6</sup> Schedule 2 of the 2012 Ministerial Direction identified greenfield release areas where the \$30,000 per dwelling/lot cap would automatically apply but councils can also apply to the Minister to approve the \$30,000 cap in other greenfield release areas.



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orderly and timely manner. Council will generally use development contributions received under repealed plans for the same infrastructure purpose for which they were collected.

- d) <u>Accountability and public access to information</u> Council is required to comply with a range of financial accountability and public access requirements. These include:
  - i. maintenance of, and public access to, a contributions register,
  - ii. maintenance of, and public access to, accounting records for contributions receipts and expenditure, and
  - iii. annual financial reporting of contributions, and public access to contributions plans and supporting documents.
- e) The life of this plan This plan is based on forecast population growth at South Jerrabomberra from 2018 until 2038. Council will operate this plan until either:
  - i. 30 June 2038,
  - ii. Council has collected contributions for all works items in the works program in Appendix C, or
  - iii. Council repeals the plan.
- f) Review of this plan Council will generally review this plan every five years or as required to ensure it addresses community needs, Council priorities and relevant legislation.
- g) Plan Administration Costs Costs borne by Council in administering this plan have been included as an item in the relevant works schedule. This has been determined at 1.5% of the total value of the works set out under the plan.



## 2. How contributions will be calculated and levied

This section describes how to calculate and pay any relevant contribution. This includes how to index the contribution (to allow for inflation) and when it needs to be paid. It also outlines Council's policy where developers offer works-in-kind instead of a monetary contribution.

#### 2.1 Calculating the residential development contribution

The consent authority (either the Council or an accredited certifier) will calculate the contribution by multiplying the per person contributions rate in Table 5 by the relevant occupancy rate in Table 6.

Where there is an existing dwelling or dwellings on the site, this contribution will be reduced to reflect the existing demand for local infrastructure. The contribution amount will be calculated by multiplying the net increase in each Type 1 and Type 2 dwelling by the respective contribution rate for these dwelling types in Table 5.

Residential development contribution equals:	The net population increase of residents <u>multiplied by</u> the contribution rate per resident
Where the net population increase equals:	The proposed residential population <u>minus</u> the previous residential development population

Table 5: Residential contribution rates

	South Tralee	Forrest Morrison	Walsh
Per person	\$9,099.44	\$11,149.71	\$11,149.71
Dwelling Type 1 > 400m2			
Larger Detached Housing	\$31,393.06	\$38,466.50	\$38,466.50
Dwelling Type 2 < 400m2 Smaller Detached Housing, Multi-Unit Developments and Residential Flat Buildings	\$23,840.53	\$29,212.24	\$29,212.24
Average All Dwellings	\$25,825.42	\$31,803.43	\$31,803.43

Table 6: Residential occupancy rates – residential accommodation 789

This includes all dwellings, dual occupancy, secondary	Type 1 - Dwelling on a lot > 400m <sup>2</sup>	3.45 residents/dwelling
dwellings and shop top housing.	Type 2 - Dwelling on a lot < 400m², multi- unit dwellings and residential flat buildings.	2.62 residents/dwelling

#### 2.2 Calculating the non-residential development contribution

The consent authority (either the Council or an accredited certifier) will calculate the

<sup>&</sup>lt;sup>9</sup> Includes studios and bedsits.



<sup>&</sup>lt;sup>7</sup> Land use terms have the same meaning as in *Queanbeyan Local Environmental Plan 2012*.

<sup>&</sup>lt;sup>8</sup> Residential occupancy rates derived from recent developments in Gunghalin in the ACT

non-residential development contribution by multiplying the contributions rate in Table 7 by the Net Developable Area (NDA) of the development. (See definition in Appendix E).

Non-residential development

The contribution payable per hectare multiplied by the net developable area (NDA) of the proposed development.

Table 7: Non-residential contribution rates per hectare, as at December 2018<sup>10</sup>

South Tralee	North Poplars	South Poplars	North Tralee
\$37,343.12	\$83,931.42	\$28,674.30	\$37,560.61

#### 2.3 Imposing the contribution

If the consent authority determines a contribution is required, the consent authority will impose a condition in the consent or complying development certificate requiring the contribution. The condition must specify the contribution amount payable and how the contribution amount will be indexed.

<u>Indexation</u> - The consent authority will index the contribution rates and any contribution imposed under this plan for inflation at the time of consent and again at the time of payment using the following formulas:

Cconsent = Cplan × (CPlconsent ÷ 115.2)								
Where:								
Cconsent	=	Contribution at time of consent						
Cplan	=	Contribution calculated using the rates in Table 3 of this Plan						
CPIconsent	=	Consumer Price Index (All Groups Index) for Sydney at the time of calculation						
115.2	=	The December 2018 value of the Consumer Price Index (All Groups Index) for Sydney						

And:

Cpayment = Cconsent × (CPIpayment ÷ CPIconsent)

Where:

<sup>&</sup>lt;sup>10</sup> The consent authority will index the contribution rates and associated contribution at the time of the consent and again at the time of payment using quarterly updates to the Consumer Price Index (All Groups Index) for Sydney in accordance with Section 2.3.



Cpayment = Contribution at time of payment

Cconsent = Contribution at time of consent, as calculated above

CPIpayment = Consumer Price Index (All Groups Index) for Sydney at the time of payment

CPIconsent = Consumer Price Index (All Groups Index) for Sydney at the time of calculation for the consent, as above.

<u>Modifying consents</u> - if a consent authority grants consent to a modification application under Section 4.55 of the Act and the applicant has already paid the original contribution, Council will only index the contribution required for the modified part of the development. If the original contribution has not been paid, Council will index the contribution for the whole development (including the modification)<sup>11</sup>.

#### 2.4 Paying the contribution

When to pay - In the case of an approved development application for subdivision, applicants must pay their contribution on the release of the subdivision certificate for the residential lots.

In the case of other development were no subdivision is proposed, the contributions must be payed prior to obtaining a construction certificate. If a development requires multiple construction certificates, Council will require payment prior to the release of the first construction certificate that relates to the development consent on which the contributions were levied.

In the case of development that is complying development, applicants must pay their contribution before commencing the complying development works. Payments cannot be deferred.

<u>How to pay</u> - When applicants are required to pay their contribution, they should email Council at council@qprc.nsw.gov.au to confirm the indexed contribution. The confirmed indexed contribution will be valid until the next quarterly update to the Consumer Price Index. If applicants don't pay their contribution by this date, they will need to again confirm the indexed contribution amount with Council.

The applicant can then pay their contribution at any of Council's Customer Service Offices, located at Queanbeyan, Bungendore and Braidwood. Acceptable payment methods are EFTPOS (debit card only), cash or a bank cheque made payable to Queanbeyan Palerang Regional Council. Personal or company cheques are not accepted.

Council will provide a receipt confirming receipt of payment. In the case of a development application, applicants can provide a copy of the receipt to their accredited certifier to assist with obtaining a construction certificate.

#### 2.5 Alternatives to monetary contributions

Applicants can offer to provide an alternative to a monetary contribution under this plan.

<sup>11</sup> Any application to amend a consent that will alter the contribution payable will be taken to authorise an amendment to the condition(s) relating to the development contribution.



Specifically, applicants can offer to dedicate land free of cost, provide works in kind or provide another material public benefit, or any combination of these, to be used for or applied towards a public purpose in full or partial satisfaction of a monetary contribution under this plan.

Council may choose to accept any such offer but is not obliged to do so. Applicants considering alternatives to monetary contributions should discuss this with Council as early as possible, and before lodging a development application.

Generally, the dedication of land will not be accepted as a means of fully or partially satisfying the need to pay a monetary contribution under this plan unless the land dedication is specifically identified in the works schedule (Appendix C) of this plan.

#### 2.6 Offers and agreements generally

A person may make an offer to the Council to carry out works or provide another kind of material public benefit or dedicate land, in part or full satisfaction of a local infrastructure contribution required by a condition of consent imposed under this plan.

Council will only accept offers of works or land included in the works schedule (Appendix C) of this plan.

Each party to an agreement will be responsible for their own legal costs in the preparation and implementation of any formalised agreement.

Any offer for works in kind or other material public benefit shall be made in writing to the Council prior to the commencement of any works proposed as part of that offer. Retrospective works in kind agreements will not be accepted.

In assessing any developer offer, Council will consider the following matters as a minimum:

- The standard and timing of delivery of, and security arrangements applying to, the works the subject of the offer are to Council's satisfaction;
- The conditions applying to the transfer of the asset are to Council's satisfaction; and
- The provision of the material public benefit will not unduly prejudice the timing or the manner of the provision of the public facilities included in the infrastructure schedule and program.

#### 2.7 Works in kind and other material public benefits

If a developer wishes to deliver infrastructure that is included in this Plan instead of the Council delivering that infrastructure, then the developer can approach this in either one of two ways.

The developer may offer to enter into a Planning Agreement to undertake works, make monetary contributions, dedicate land, or provide some other material public benefit. Planning Agreements are the most appropriate mechanism for offers made prior to the issue of a Development Consent for the development.

If the developer has already received a Development Consent containing a condition requiring a local infrastructure contribution, the developer may offer to undertake works in kind through a works in kind agreement, or offer to dedicate land through a land dedication agreement.



The value of any land or works in kind offered by a developer will be determined by a process agreed to between the Council and the developer. This will be undertaken prior to the entering of any agreement or the commencement of any works included in the offer. Council will usually require the developer to provide evidence that an independent quantity surveyor supports the valuation of work.

Whilst Council is under no obligation to accept Works-in-Kind proposals, the benefits to the Council and to the community should be assessed. Due consideration will be given to:

- a) The Works-in-Kind being facilities which are already included in the contributions plan.
- b) The impending need to construct the works for which the contributions are to be offset.
- The value of the Works-in-Kind to be determined in accordance with the provisions of the contributions plan.
- d) The impact on provision of other facilities in a timely and orderly manner.
- The extent to which the works satisfies the purpose for which the contribution was sought.

If the proposal is accepted, the following conditions are to be satisfied:

- a) Proposed works must be in accordance with Council's designs, functional brief, specifications, standards or intentions for the works/facilities.
- Submission of relevant applications and plans prior to works commencing, for approval by Council.
- c) Submission of a suitable bank guarantee, the amount of which to be determined by Council. If the works are not completed to the satisfaction of Council, the Bank Guarantee will be called up by Council.
- d) The quality of the works to be of a standard acceptable to Council verified by regular inspection by Council Officers.
- e) Payment of a suitable supervision fee for inspections (note that Council accepts no supervisory construction role or responsibility in this regard).
- Dedication of the facility to Council after satisfactory completion and/or agreed handover period.
- g) Entry into a deed of agreement outlining the terms of acceptance of the proposed facility.

#### 2.8 Provision of land and works in excess of contribution requirements

Variations between the estimated cost of any infrastructure item contained in the contributions plan and the actual construction cost of that infrastructure item are to be entirely the developer's responsibility.

Where the value of any works in kind is less than the value of the required contribution for that infrastructure item set out in this plan, the applicant will be required to settle the balance of the contribution by way of a monetary contribution to the Council.

Where the value of any works in kind is more than the value of the required contribution for that infrastructure item set out in this plan, the developer is required to wholly meet any difference in those costs.

Where a developer constructs an infrastructure item as a works in kind, and it can be demonstrated that infrastructure item provides a benefit to other land to which this plan applies in addition to the developer's land, Council may (but is not obliged to) enter into a Planning Agreement to reimburse the developer constructing the infrastructure item up to the value of that infrastructure item as set out in the works schedule (Appendix C).

As noted, applicants considering alternatives to monetary contributions should discuss this with Council as early as possible, and before lodging a development application.



#### **APPENDICES**

The following appendices describe how the contribution rates set out under this plan have been determined and what infrastructure Council will provide using the collected contributions. A summary of each appendix is provided below.

#### Appendix A: Anticipated development

Appendix A describes the forecast new population from anticipated development in South Jerrabomberra from 2018 until 2038<sup>12</sup>. This includes forecast changes to the population (residents and workers), age, household sizes and dwelling occupancy rates.

#### Appendix B: Infrastructure strategies

Appendix B describes the overarching approach to providing for the four key categories of local infrastructure set out in this plan. The categories are:

- 1. open space and recreation,
- 2. community facilities,
- 3. road network, and
- 4. community services.

For each category, the appendices set out:

- 1. the new population's demand for the infrastructure
- 2. what infrastructure Council will provide to address the new population's demand, and
- 3. how much the infrastructure will cost and how much of the cost Council will fund using contributions.

The appendices also show how the contribution rates were calculated.

As noted, contribution rates are calculated using the following formula:

Contribution rates (\$/equivalent		Cost of works attributed to new population
resident)	=	New population from 2018 – 2038

#### Appendix C: Works Schedule

Appendix C contains the relevant works program for South Jerrabomberra showing the identified works this plan partially or fully apportions to the new population, and, that Council will partially or fully fund using collected contributions.

This plan apportions approximately \$46.7 million of infrastructure works and land to the new population.

The cost apportioned in each infrastructure category is approximately:

- \$10.09 million for open space and recreation,
- \$2.71 million for community facilities,
- \$32.53 million for roads,
- \$0.67 million for community services, and
- \$0.69 million for plan administration.

#### Appendix D: Local Infrastructure Map

This map identifies the various on-site infrastructure identified under the plan.

<sup>12</sup> In this plan, 'new population' refers to forecast residents from 2018 to 2038 as shown in Table 10 Appendix A.



#### Appendix E: Definitions Under This Plan

Sets out definitions for the various terms used in this document.



## Appendix A – Anticipated Development

This appendix describes the forecast changes to population, age, household sizes and household occupancy rates expected at South Jerrabomberra into the future. These affect how much and what type of local infrastructure the new population will demand in the area.

#### Forecast population

Council has engaged demographer id Forecast to prepare population forecasts for the local government area. However, the id Forecast information was calculated using higher than anticipated dwelling yields for South Jerrabomberra area and doesn't accurately reflect the reduced **dwelling yield of 1,500 dwellings** that has now been determined.

Ultimately, both the dwelling yield and the number of workers/jobs created by the employment lands are limited by the capacity of the proposed design of the intersection of Tompsitt Drive and Lanyon Drive. Traffic modelling undertaken by Roads and Maritime Services and Council's engineers has indicated the intersection's capacity (and therefore development at South Jerrabomberra) is limited. Accordingly, this plan provides for a maximum of 1,500 dwellings and 1,204 workers/jobs.

In regards to the future demographics of the population at South Jerrabomberra, it is considered appropriate to apply an occupancy rate similar to that for similar developments in the ACT where smaller lot housing has been undertaken. Accordingly, the average occupancy rate in Gungahlin has been adopted, representing **2.85 persons per dwelling**. Given there are more separate dwellings and attached and terraced housing proposed at South Jerrabomberra (and some residential flat buildings) compared to Gungahlin, this occupancy rate is considered to be generally conservative.

Table 8: Projected Population Growth

Year	Total Dwellings	Dwellings/year	Total Population
1		75	214
2		75	428
3		75	642
4		100	927
5	425	100	1212
6		120	1554
7		120	1896
8		120	2238
9		120	2580
10	1,025	120	2922
11		100	3207
12		100	3492
13		50	3635
14		50	3778
15	1,375	50	3921
16		25	3992
17		25	4063



18		25	4134
19		25	4205
20	1,500	25	4276
Total	1,500	1500	4275

Table 9: Anticipated housing mix for South Jerrabomberra

Year	Number	Percent
Dwelling Type 1 – Detached Housing Conventional lot >400m²	418	27.9
Dwelling Type 2 – Smaller detached housing including terrace townhouse/multi-unit /residential flat building<400m²	1,082	72.1

As a result, the anticipated population in South Jerrabomberra will be (1,500 dwellings x 2.85 occupancy) which results in **4,275 new residents**. For modelling purposes, it has been assumed that 1,500 dwellings will be delivered at the average rate of 100-150 dwellings per year over approximately 10-12 years (subject to market conditions).

Population forecasts have been based on the indicative housing yield and mix discussed with the main developer for South Tralee, and although indicative, the following assumptions can be made:

- Larger lots over 400m<sup>2</sup> are more likely to be occupied by established families with children than by single people, while the opposite situation applies to studios, apartments and multi-unit dwellings (i.e., more single persons in the smaller dwellings).
- An area's age structure changes over time. Initial residents in South Jerrabomberra are likely to include single persons, couples and couples with young families who will grow older over time.

External factors affect the average number of people occupying each dwelling such as the cost of housing, the supply of housing demanded in a geographical area, and the age and household structure of the area.

With these assumptions it is likely that the residential population will increase mainly in the younger age groups reflecting that of a new greenfield development. As such household sizes and dwelling occupancy rates are likely to be relatively high as it is not unreasonable to anticipate that young people will share dwellings in response to the lack of affordable housing in the wider region.

Table 10 : Projected Number of Residents In South Jerrabomberra

	South Tralee	Forrest Morrison	Walsh	Total	Average Household size <sup>13</sup>	Population
Dwelling Type 1 > 400m <sup>2</sup>	210	140	70	420	3.45	1447
Dwelling Type 2 <400m² and multi-unit and residential flat buildings	540	360	180	1080	2.62	2828
Total	750	500	250	1500	2.85 (4275 residents / 1500 dwellings)	4275

<sup>&</sup>lt;sup>13</sup> Residential occupancy rates derived from recent developments in Gungahlin in the ACT (ABS 2016).



#### Forecast number of workers

The South Jerrabomberra urban release area includes employments lands at the Poplars, North Tralee and South Tralee.

Environa will be rezoned in future years but has been discounted for the purposes of this contributions plan which has assumed a life of 20 years to 2038.

The take-up of employment lands has been calculated at 1.5ha per year.14

Out of the 84.66ha of employment lands included at the Poplars, North Tralee and South Tralee it is reasonable to estimate that at 1.5ha per year, or about 30ha of the land will be taken up to 2038.

As per Table 11 the number of jobs per hectare for the B7 Business Park land has been calculated at 32 job per hectare and 20 jobs per hectare for the IN2 Light Industrial land<sup>15</sup>.

The assumptions below will be reviewed after 5 years to ensure they accurately reflect the development of employment lands.

Table 11: Projected number of workers in South Jerrabomberra

Year	Expected jobs	Notes / comment
South Tralee		
2018 – 2038	40 jobs in zoned B1 and B4 areas	B1 Neighbourhood Centre
	15 jobs child care centre	B4 Mixed Use
		Additional Development Area
North Tralee		
2018 – 2038	10ha @ 20 jobs per ha = <b>200</b> jobs	IN2 Light Industrial zone
2018 – 2038	0ha @ 32 jobs per ha = <b>0</b> jobs	B7 Business Park zone
North Poplars		
2018 – 2038	7,000m2 @1 job per 100m2 = <b>70</b> jobs	B1 Neighbourhood Centre zone commercial floor space
2018 – 2038	6ha @ 32 jobs per ha = <b>192</b> jobs	B1 Neighbourhood Centre zone
2018 – 2038	4.9ha @ 32 jobs per ha = <b>157</b> jobs	B7 Business Park
South Poplars		
2018 – 2038	15ha @ 32 jobs per ha = <b>480</b> jobs	B7 Business Park zone
	<b>50</b> jobs school	
Total	1,204 jobs	

<sup>&</sup>lt;sup>15</sup> Indicative Land Release at South Jerrabomberra @ 1.5ha of employment land / year (SD 2).



<sup>&</sup>lt;sup>14</sup> This has been calculated from the number of jobs per hectare in the industrial land at West Queanbeyan.

## Appendix B - Infrastructure Strategies

This appendix describes how Council will use the contributions collected under this plan to address the new population's demand for community facilities, open space and recreation, roads and other infrastructure.

Both the open space/recreation and community facilities have been informed by the South Tralee Strategic Social Plan<sup>16</sup> prepared by GHD/Heather Nesbitt in August 2013. This report was prepared at the time with dwelling yields at South Tralee of 1,348 and the southern area (Forrest Morrison and Walsh) of 1,400.

Since this time, the dwelling yields for the whole of South Jerrabomberra have been reduced largely as a result of both the capacity of the Northern Entry Road (NER) into the urban release area, and to address advice from Roads and Maritime Services in respect of the design of the intersection of Tompsitt Drive and Lanyon Drive. Accordingly, the infrastructure set out in the works schedule has been amended to reflect the reduction in dwellings since that original study.

Using an average dwelling occupancy number of 2.85 persons per dwelling the resulting population of South Jerrabomberra will be approximately 4,275 persons.

#### Open Space and Recreation

As noted, the demand for open space and recreational facilities has still been determined having regard to both the GHD/Heather Nesbitt Study (subsequently adjusted to reflect the reduced dwellings yields), and Council's benchmark for open space and recreation provision which is based on the provision of other similar LGA's and good practice guidelines (NSW Department of Planning 2010). The costs of providing these parks have been calculated using actual Council costs for comparable parks (where possible) or, if actual costs are unavailable, the *Local Infrastructure Benchmark Costs* produced by the Independent Pricing and Regulatory Tribunal Report 2014 have been used.

The costs for open space and recreation facilities have only been apportioned to the proposed residential development set out under this plan. Proposed commercial and industrial development makes no contribution to these facilities as they are considered unlikely to use them on a regular basis.

Open space provides opportunities for physical activities and is desirable for the health and wellbeing of the community. An equitable distribution of appropriate and quality open space is required for South Jerrabomberra and it is appropriate that the new population who will use this open space, contribute to the demand for its use. There is a large elevated area totalling 79.07ha zoned E2 Environmental Conservation which can provide for passive recreation by way of walking tracks.

Council has established a benchmark of 2.83 hectares of active open space per 1,000 persons. Accordingly, a total of approximately 12 hectares of open space would normally be required to service the South Jerrabomberra urban release area. The open space provision

<sup>&</sup>lt;sup>16</sup> South Tralee Strategic Social Plan August 2013 (SD 3)



is less than this standard (8ha) but it is considered acceptable having regard to existing open space provision in Queanbeyan, Canberra and Sydney.

The key thresholds for facilities set out in the document are reproduced below:

- Playgrounds Every dwelling within 400m walk or 1:1,500 persons.
- Neighbourhood Park (Local Parks 1, 2, 3 @ 1ha each) 1:1,500 persons
- Local Parks (Local Park 4 @ 2ha) 1:3,625 persons.
- District Parks N/A.
- Sports Fields (2 Sports Fields Totalling 7ha) 1 per 2,450 persons
- Courts Multi- purpose courts (2 located in Local Park 4) 1:2,450 persons
- Courts Tennis 1:2,450 persons (2 located in Local Park 4).

This Plan apportions approximately \$10.09 million of open space provision to the new population. Council will encourage the main developer to dedicate land to Council and embellish the acquired land to Councils standards. Council will acquire 8ha of land and its cost and embellishment will be apportioned 100% to the new population from 2018 – 2038.

#### **Community Facilities**

#### New facilities required

The key thresholds for facilities as set out in the South Tralee Strategic Social Plan document are reproduced below:

Local Neighbourhood Centre – 1:3,500 – 6000 (0.3164m² – 2.25m² land per additional person.

To accommodate a 500m² local neighbourhood centre an area of 2500m² is required to house the centre and to provide appropriate landscaping and parking. The local neighbourhood centre will require to be located in or close to the neighbourhood centre in South Tralee.

 Multi-Purpose Centre – The reduction in population in the South Jerrabomberra land release area has meant that the multi- purpose centre identified in the Social Plan is no longer required.

#### Existing "Regional" facilities

In accordance with the City wide Local Infrastructure Contributions Plan for Queanbeyan there is a contribution levied on all new residential development across the former Queanbeyan City Council local government area for facilities that cater for more than 'a local population'. Such facilities include the Queanbeyan City Cultural centre (The Q) and the Queanbeyan Library.

The Queanbeyan Cultural centre (The Q) requires the cost of the facility to be recouped to Council as it has already been constructed. This has been calculated by deducting grant monies and income which has already been received to date under previous contributions plans and the monies committed to the project under the Local Planning Agreement for Googong. The contribution has been calculated by apportioning the remaining costs of the facility to new population at South Jerrabomberra as a percentage the existing population in the former Queanbeyan City Council area<sup>17</sup>.

<sup>&</sup>lt;sup>17</sup> Calculation for the Q Cultural Centre (SD 5)



The new Queanbeyan library equally serves all residents in the Queanbeyan area. Again, the contribution has been calculated by apportioning the remaining costs of the facility to new population at South Jerrabomberra as a percentage the existing population in the former Queanbeyan City Council area<sup>18</sup>.

For both these regional items it could be argued that the benefit population spreads beyond the former Queanbeyan Local Government area into the former Palerang area but at present no contributions plans in Palerang collect for these items.

The costs for community facilities have only been apportioned to the proposed residential development set out under this plan. Proposed commercial and industrial development makes no contribution to these facilities as they are considered unlikely to use them on a regular basis.

#### **Road and Traffic Facilities**

Traffic and transport facilities include pedestrian, cycling and traffic calming (PCTC) works, intersection upgrades, traffic lights, and proposed new roads. The new population will walk, cycle, use public transport and drive, and therefore contribute to the demand for traffic and transport facilities that enable travel by these modes.

As more people walk, cycle, use public transport and drive, competition between the various modes of travel increases as road space is limited. This increases demand for infrastructure works to better manage transport needs including:

- Traffic lights and intersection upgrades to reduce conflicts and improve reliability and safety; and
- New roads to increase connectivity of the road network.

If Council does not adequately cater for the new population's transport needs, amenity and accessibility levels will decline for both the existing and new population.

Council needs developers to pay a reasonable share of the cost to provide new and upgraded Council traffic and transport facilities relevant to the proposed population and workforce at South Jerrabomberra. The costs for both on-site and off-site roads are to be apportioned to all development at South Jerrabomberra, including commercial and industrial.

#### Off-site Roads

The demand for off-site road and traffic facilities has been determined having regard to the *South Jerrabomberra and Queanbeyan Traffic Analysis 2014* prepared by TDG with particular regard to "Part 4 Selected Road Network Improvements Contributions Analysis Report" updated in June 2015<sup>19</sup>. This traffic analysis was based on the *Googong and Tralee Traffic Study 2031* carried out by Gabites Porter in 2010.

Part 4 of the report details the tracking of modelled traffic on roads within the Queanbeyan and ACT system enabling Council to determine what percentage of traffic each South Jerrabomberra sub catchment contributes to each improvement project.

<sup>&</sup>lt;sup>19</sup> Part Part 4 Selected Road Network Improvements Contributions Analysis Report" June 2015 (SD 7)



<sup>&</sup>lt;sup>18</sup> Calculations for both the Q and Library with CPI adjustment (SD 6)

In March 2016 this was revised to reflect a smaller development in the South Jerrabomberra area, reduced to 2221 dwellings with 24ha of employment lands with a take up spread over 20 years. It also assumed a link to Sheppard Street as opposed to Isabella Drive. This formed the basis of a roads costing spreadsheet which lists each off-site road's total cost spread across all development fronts in the former Queanbeyan local government area.

More recently (March 2018) the dwelling numbers at South Jerrabomberra have been reduced again to 1,500 dwellings as a result of the capacity of the intersection upgrade required for this new release area at Tompsitt/Lanyon Drive. The consequences of this reduced dwelling number now mean that the apportionments for the off-site roads across this development have again changed.

Council has now updated the traffic model to take account of the reduced number of dwellings at South Jerrabomberra<sup>20</sup>. This has resulted in updated apportionments for the various road infrastructure across the commercial areas, South Tralee, Forrest Morrison and Walsh.

Council cannot use contributions to provide new and upgraded State roads provided by State authorities; therefore monies will not go towards the intersection upgrade of Lanyon and Tompsitt Drive.

#### On-site roads

The on-site roads are those located within the development area that are required to provide access to the proposed dwellings and employment lands. These include the main access road into the South Jerrabomberra area otherwise known as the Northern Entry Road (NER).

The road construction has been split into stages as follows and, as shown in Appendix D – Location Infrastructure Map:

- a) NER Stage 1 The bridge over Jerrabomberra Creek,
- b) NER Stage 2 Jerrabomberra Creek bridge through North Tralee to the start of South Tralee,
- c) NER Stage 3A Tompsitt Drive to Jerrabomberra Creek bridge,
- d) NER Stage 4 Through extent of South Tralee, and
- e) NER Stage 5 South Tralee through the Forrest Morrison property to Walsh access

As a consequence of grant funding received from the State Government in December 2018 under the 'Growing Local Economies Fund', Council now intends to wholly fund Stage 3A of the NER. Accordingly any costs associated with this work item have now been removed from the plan.

The on-site road costs have been apportioned on the basis of 'equivalent dwellings', assuming each residential dwelling will contribute 10 traffic movements per day, and that commercial/industrial development will contribute 2 movements per day per job.

The developer of South Tralee which is the first area to be subdivided for residential development will likely be constructing components the NER road on behalf of Council (ie, those parts of the NER road not proposed to be funded by public grants).

<sup>&</sup>lt;sup>20</sup> South Jerrabomberra and Queanbeyan Traffic Analysis 2018 (SD 9)



It will be necessary for all the developers at South Jerrabomberra to contribute their identified share of the road and land costs.

Each development front has been named as a precinct and six precincts exist as follows:

- Precinct 1 South Tralee
- Precinct 2 Forrest/Morrison
- Precinct 3 Walsh
- Precinct 4 North Tralee
- Precinct 5 South Poplars
- Precinct 6 North Poplars

The contributions amounts for each precinct can be seen in the Works Schedule at Appendix C

Council will collect the contribution from on-site roads from each developer and recoup the amount back to this lead developer.

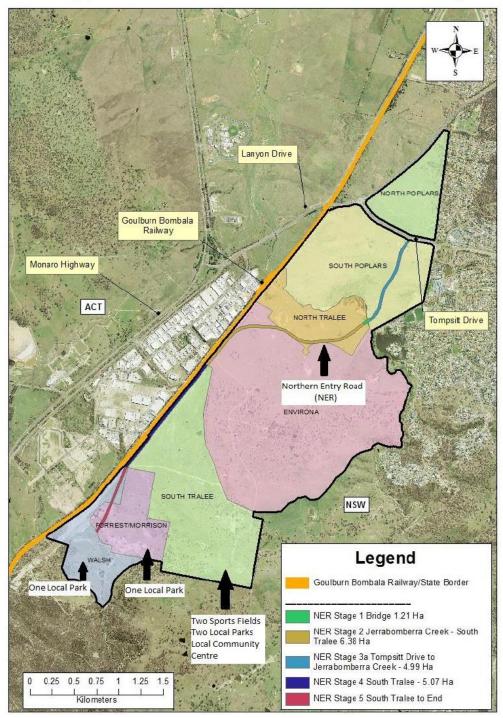


## Appendix C - Works Schedule

Located separately on the web.



## **Appendix D - Local Infrastructure Map**





## **Appendix E – Definitions Under This Plan**

- "Applicant" means the person, company or organisation submitting a development application.
- "Apportionment" means the adjustment of a contribution (usually a percentage) to ensure the contributing population only pays for its share of the total demand for the facility.
- "Community facility" means a building or place owned or controlled by the Council or a body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place elsewhere defined in this section.
- "Complying development" means development that can be approved by an accredited certifier.
- "Contribution" means the dedication of land, the making of a monetary contribution or the provision of a material public benefit, as referred to in the EP&A Act.
- "Contributions Plan" means a contributions plan referred to in the EP&A Act.
- "Council" means the Queanbeyan-Palerang Regional Council.
- "Development contribution" means the payment of a monetary contribution or the dedication of land free of cost.
- **"DPE"** means the NSW Department of Planning and Environment (or its predecessor or subsequent bodies).
- "EP&A Act" means the Environmental Planning & Assessment Act, 1979, as amended.
- "EP&A Regulations" means the Environmental Planning & Assessment Regulation 2000, as amended.
- **"Equivalent Dwelling"** means a single allotment or equivalent demand being a 3-bedroom dwelling.
- "LEP" means a local environmental plan made by the Minister under the EP&A Act.
- "LGA" means the Queanbeyan-Palerang local government area.
- "Net Developable Area" means the total area of any land the subject of a development consent (including any land the development consent authorises, or requires, to be used as a road, or reserved or dedicated as a public road) but excludes:
- (a) existing roads to be used as part of the proposed road network
- (b) any part of the land that is below the level of a 1:100 ARI flood event, if that part of the land is unsuitable for development by virtue of it being at or below that level
- (c) any land to be reserved, dedicated or otherwise set aside as, or for the purpose of, any of the following:
  - (i) a government school (within the meaning of the *Education Act 1990*)
  - (ii) a tertiary institution, including a university or TAFE establishment, that provides formal education and is constituted by or under an Act
  - (iii) an emergency services facility
  - (iv) a health services facility owned and operated by a public authority
  - (v) a golf course
  - (vi) a passenger transport facility
  - (vii) a public reserve or a drainage reserve (within the meaning of the Local Government Act 1993)



- (viii) an easement for an above-ground electricity transmission line
- (ix) a public transport corridor (other than a road corridor)
- (x) a public utility undertaking
- (xi) roads or other public amenities or public services, in connection with which development contributions have been imposed under the relevant contributions sections of the Act or may be imposed in accordance with a contributions plan approved under the EP&A Act roads or other infrastructure in connection with which SICs have been, or may be, imposed in accordance with those particular sections of the EP&A Act.

"Precinct" is the geographic or other defined area that the infrastructure is deemed to service as an apportioned cost.

**"Public facilities"** means any public amenity or public service, as referred to in the EP&A Act, including a "community facility" and a "recreation facility", the need for which has increased or been created by development.

"Works in kind" are a kind of "material public benefit" as referred to in the EP&A Act and means the undertaking of any work associated with the provision of a public facility included in this plan.

"Works schedule" means the schedule of the specific public facilities for which contributions may be required, and the likely timing of provision of those public facilities based on projected rates of development, the collection of development contributions and the availability of funds from supplementary sources.



# QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

## 14 AUGUST 2019

ITEM 6.5 PROPOSED AMENDMENTS TO SOUTH JERRABOMBERRA
LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2018

ATTACHMENT 2 DRAFT AMENDED WORKS SCHEDULE C SOUTH JERRABOMBERRA CONTIBUTIONS PLAN 2018

	South Jerrabomberra Local Infrastructure Contributions Plan 2018										
	Works Schedule										
	1. Open Space & Recreation										
Category	Item	Description	Threshold	\$ (CPI adjusted) (December 2018)	Supporting Document (SD) Number / notes	South Tralee Precinct 1	Forrest/ Morrison Precinct 2	Walsh Precinct 3	N Poplars Precinct 6	S Poplars Precinct 5	N Tralee Precinct
	Local Park 1	5000sqm (small local park)	Land to be dedicated upon completion of	\$53,681		\$26,841	\$17,894	\$8,947	N/A	N/A	N/A
	Local Park 2	5000sqm (small local park)	embellishment works (if undertaken by	\$53,681	SD 11.'Sth Tralee land	\$26,841	\$17,894	\$8,947	N/A	N/A	N/A
Land Dedication	District Park 1	2ha (district park)	developer) OR relevant subdivision approval (if	\$214,725	valuation report (C1522718) (Feb 2015)	\$107,363	\$71,575	\$35,788	N/A	N/A	N/A
	Sports Fields 1 & 2	5ha	undertaken by council). Calculated at 2.83ha per	\$536,813		\$268,406	\$178,938	\$89,469	N/A	N/A	
		TOTAL LAND DEDICATION COSTS	1,000 person	\$858,900		\$429,450	\$286,300	\$143,150	\$0.00	\$0.00	\$0.00
	Local Park 1	5000sqm (small local park)	To be delivered upon subdivision approval of lot accommodating dwelling 521 Works to be commenced upon approval of stage	\$389,289	SD15: Indicative VBC	\$194,645	\$129,763	\$64,882	N/A	N/A	N/A
Embellishment	Local Park 2	5000sqm (small local park)	containing lot accommodating dwelling 1042 Works to be	\$389,289	reference to Googong	\$194,645	\$129,763	\$64,882	N/A	N/A	N/A
Lindianicii	District Park 1	2ha (district park)	commenced upon approval of stage containing lot accommodating dwelling 850	\$2,057,671	(Beltana Park) cost rates & other benchmarks. Updated having regard to recent comparative costs (C1943817).	\$1,028,835	\$685,890	\$342,945	N/A	N/A	N/A
	Sports Fields 1 & 2	5ha	Works to be commenced upon approval of stage containing lot accommodating dwelling 850	\$6,395,463		\$3,197,732	\$2,131,821	\$1,065,911	N/A	N/A	N/A
		TOTAL EMBELLISHMENT COSTS	-	\$9,231,712		\$4,615,856	\$3,077,237	\$1,538,619	\$0.00	\$0.00	
		TOTAL		\$10,090,612		\$5,045,306	\$3,363,537	\$1,681,769	\$0.00	\$0.00	\$0.00
			2. Community Faciliti	es (only Land is Essent \$ (CPI adjusted)	al Works)	South Tralee	Forrest/ Morrison	Walsh Precinct	N Poplars	S Poplars	N Tralee Precinct
Category	Item	Description	Threshold	(March 2017-Sydney)	notes	Precinct 1	Precinct 2	3	Precinct 6	Precinct 5	4
Land Dedication	Local Neighbourhood Community Centre	2500sqm	Land to be dedicated upon completion of embellishment works (if undertaken by developer) OR relevant subdivision approval (if works are to be undertaken by council)	\$26,841	SD 11. 'Sth Tralee land valuation report (C1522718) (Feb 2015)	\$13,420	\$8,947	\$4,473	N/A	N/A	N/A
Embellishment	Local Neighbourhood Community Centre	500sqm	Works to be commenced upon approval of stage containing lot accomodating dwelling 1215	\$2,685,418 \$2,712,259	SD 13. WTP 'Googang Neighbourhood Centre' value (April 2016) (C1661324)		\$895,139 \$304.095	\$447,570 \$459,043	N/A \$0.00	N/A	
		IUIAL		\$2,712,259		\$1,356,129	\$904,086	\$452,043	\$0.00	\$0.00	\$

			3.	Road Network							
Category	Item	Description	Threshold	\$ (CPI adjusted) (March 2017-Sydney)	notes	South Tralee Precinct 1	Forrest/ Morrison Precinct 2	Walsh Precinct	N Poplars Precinct 6	S Poplars Precinct 5	N Tralee Precinct 4
		Bridge Over Jerrabomberra Creek (1)	As required to to	\$89,530		\$43,928			\$0	\$0	\$2,309
		Jerrabomberra Creek to South Tralee (2)	facilitate development.	\$1,374,783	SD 14. NER land valuation	\$674,539	\$443,192	\$221,596	\$0	\$0	\$35,455
Land Dedication	Northern Entry Road	Through the extent of South Tralee	Contribution required	\$883,826	rep[ort (July 2016)	\$445,130	\$292,464		\$0	\$0	\$0
		Through the extent of Forrest/ Morrison	upon each subdivision	\$301,565	(C16125099)	\$0	\$201,043	\$100,522	\$0	\$0	\$0
		TOTAL.	approval	\$2,649,704	(=======,	\$1,163,597	\$965,562	\$482,781	\$0	\$0	\$37,764
		Bridge Over Jerrabomberra Creek (1)		\$6,531,597		\$3,204,736	\$2,105,608		\$0	\$0	
		Jerrabomberra Creek to South Tralee (2)	As required to to	\$8,628,464	SD 15. Indicative VBC	\$4,233,566	\$2,781,581	\$1,390,791	\$0	\$0	\$222,526
			facilitate development.		engineering costings (March	4.,,===,===	4-11111	4.12.21.21	7.	**	4=== -==
	Northern Entry Road	Through the extent of South Tralee	Contribution required	\$6,523,766	2016) (C1658083).	\$3,285,629	\$2,158,758	\$1,079,379	\$0	\$0	\$0
		Through the extent of Forrest/ Morrison	upon each subdivision approval	\$3,911,283		\$0	\$2,607,522	\$1,303,760	\$0	\$0	\$0
		TOTAL		\$25,595,111	(C1837342).	\$10,723,932	\$9,653,469	\$4,826,733	\$0	\$0	\$390,975
		Edwin Land Parkway (9.30%)	1	\$518,105		\$39,554			\$167.688	\$196.970	\$74,339
		Edwin Parkway Loan Costs (9.30%)	1	\$223,200	SD 15. Indicative VBC	\$17,040	\$11,360		\$72,240	\$84.855	\$32,025
		Ellerton Drive Extension (1.09%)	1		engineering costings (March	\$18,345	\$0	\$0	\$190,784	\$138,509	\$52,275
Roadworks		Ellerton Drive Extension Loan Costs (1.09%)	1	\$174,400	2016) (C1658083). SD 9.	\$8,000	\$0		\$83,200	\$60,403	\$22,797
		Lanyon Drive/Canberra Avenue (16.46%)	1	\$2,932,262	Apportionments generated	\$639,541	\$548,682	\$274,341	\$498,807	\$704,867	\$266,024
		Yass Road/Hincksman Street (0.96%)	1		using updated traffic model						
					(C1837342). Does not						
					include any Tompsitt/Lanyon						
			1		intersection works which is						
			1		part of State Planning						
			1		Agreement.						
				\$41,635.56		\$5,638	\$7,517	\$3,759	\$8,240	\$11,965	\$4,516
		TOTAL	1	\$4,289,514		\$728,118	\$593,928	\$296,964	\$1,020,959	\$1,197,570	\$451,975
											\$880,715
		TOTAL	4. Community Se	\$32,534,329	orks)	\$12,615,647	\$11,212,960	\$5,606,478	\$1,020,959	\$1,197,570	
	I	TOTAL	1	rvices (Non Essential W	orks)	\$12,615,647 South Tralee	\$11,212,960 Forrest/ Morrison			\$1,197,570	\$880,715
Category	Item		4. Community Se	rvices (Non Essential W \$ (CPI adjusted)	orks)	South Tralee			N Poplars		
Category	Item	Description	1	rvices (Non Essential W			Forrest/ Morrison			\$1,197,570 S Poplars	\$880,715
Category	item		1	rvices (Non Essential W \$ (CPI adjusted)	notes	South Tralee	Forrest/ Morrison		N Poplars	\$1,197,570 S Poplars	\$880,715
			Threshold	ervices (Non Essential W \$ (CPI adjusted) (March 2017-Sydney)	notes  SD 5. Contribution to Cultural Centre (Doc ID 286801)	South Tralee	Forrest/ Morrison Precinct 2	Walsh Precinct	N Poplars Precinct 6	\$1,197,570 S Poplars	\$880,715
Category  Community Services	Item  Queanbeyan Cultural Centre	Description	New infrastructure. Contribution required	rvices (Non Essential W \$ (CPI adjusted)	notes  SD 5. Contribution to Cultural Centre (Doc ID 286801)	South Tralee Precinct 1	Forrest/ Morrison	Walsh Precinct	N Poplars Precinct 6	\$1,197,570 S Poplars Precinct 5	\$880,715  N Tralee Precinct 4
		Description	Threshold  New infrastructure.	ervices (Non Essential W \$ (CPI adjusted) (March 2017-Sydney)	notes  SD 5. Contribution to Cultural Centre (Doc ID 286801)  SD 6. Contribution to Library	South Tralee Precinct 1	Forrest/ Morrison Precinct 2	Walsh Precinct	N Poplars Precinct 6	\$1,197,570 S Poplars Precinct 5	\$880,715  N Tralee Precinct 4
	Queanbeyan Cultural Centre	Description  Per lot contribution.	New infrastructure. Contribution required upon each subdivision	rvices (Non Essential W \$ (CPI adjusted) (March 2017-Sydney) \$577,659	notes SD 5. Contribution to Cultural Centre (Doc ID 286801) SD 6. Contribution to Library (Doc ID 286801)	South Tralee Precinct 1 \$288,830	Forrest/ Morrison Precinct 2 \$192,553	Walsh	N Poplars Precinct 6	\$1,197,570 S Poplars Precinct 5	N Tralee Precinct 4
		Description	New infrastructure. Contribution required upon each subdivision	ervices (Non Essential W \$ (CPI adjusted) (March 2017-Sydney)	notes SD 5. Contribution to Cultural Centre (Doc ID 286801) SD 6. Contribution to Library (Doc ID 286801)	South Tralee Precinct 1	Forrest/ Morrison Precinct 2 \$192,553	Walsh	N Poplars Precinct 6	\$1,197,570 S Poplars Precinct 5	N Traige Precinct 4 N/A
	Queanbeyan Cultural Centre	Description  Per lot contribution.  Per lot contribution.	Threshold  New infrastructure. Contribution required upon each subdivision approval	rvices (Non Essential W \$ (CPI adjusted) (March 2017-Sydney) \$577,659 \$91,110 \$666,770	notes SD 5. Contribution to Cultural Centre (Doc ID 286801) SD 6. Contribution to Library (Doc ID 286801)	South Tralee Precinct 1 \$288,830	Forrest/ Morrison Precinct 2 \$192,553	Walsh   Precinct   3	N Poplars Precinct 6	\$1,197,570  \$ Poplars Precinct 5	N Traige Precinct 4 N/A
	Queanbeyan Cultural Centre	Description  Per lot contribution.  Per lot contribution.	Threshold  New infrastructure. Contribution required upon each subdivision approval	(March 2017-Sydney) \$577,659 \$91,110 \$668,770 an Administration	notes SD 5. Contribution to Cultural Centre (Doc ID 286801) SD 6. Contribution to Library (Doc ID 286801)	South Tralee Precinct 1 \$288,830	Forrest/ Morrison Precinct 2 \$192,553	Walsh   Precinct   3	N Poplars Precinct 6	\$1,197,570  \$ Poplars Precinct 5	N Traige Precinct 4 N/A
Community Services	Queenbeyan Cultural Centre  Queenbeyan Library	Per lot contribution.  Per lot contribution.  TOTAL	Threshold  New infrastructure. Contribution required upon each subdivision approval	rvices (Non Essential W \$ (CPI adjusted) (March 2017-Sydney) \$577,659 \$91,110 \$666,770 an Administration \$ (CPI adjusted) (September 2017-	notes  SD 5. Contribution to Cultural Centre (Doc ID 286801)  SD 6. Contribution to Library (Doc ID 286801)	South Tralee Precinct 1 \$288,830 \$45,555 \$334,8365	Forrest/ Morrison Precinct 2  \$192,553  \$30,370  \$7272,923	Walsh   Precinct   3	N Poplars Precinct 6  N/A  N/A  SO	\$1,997,570  \$ Poplars Precinct 5  N/A  \$ Poplars	N Traige Precinct 4 N/A
	Queanbeyan Cultural Centre	Description  Per lot contribution.  Per lot contribution.	Threshold  New infrastructure. Contribution required upon each subdivision approval  5. Pti Threshold	rvices (Non Essential W \$ (CPI adjusted) (March 2017-Sydney) \$577,659 \$91,110 \$666,770 an Administration \$ (CPI adjusted)	notes  SD 5. Contribution to Cultural Centre (Doc ID 286801)  SD 6. Contribution to Library (Doc ID 286801)  notes	South Tralee Precinct 1 \$288,830 \$45,555 \$334,385	Forrest/ Morrison Precinct 2 \$192,553 \$30,370 \$7222,923	Walsh	N Poplars Precinct 6  N/A  N/A  \$0	\$1,197,570  \$ Poplars Precinct 5	NTralee Precinct  N/A  N/A  N/Tralee Precinct
Community Services	Queenbeyan Cultural Centre  Queenbeyan Library	Per lot contribution.  Per lot contribution.  TOTAL	Threshold  New infrastructure. Contribution required upon each subdivision approval  5. Pit Threshold  Contribution required	rvices (Non Essential W \$ (CPI adjusted) (March 2017-Sydney) \$577,659 \$91,110 \$666,770 an Administration \$ (CPI adjusted) (September 2017-	notes SD 5. Contribution to Cultural Centre (Doc ID 286801) SD 6. Contribution to Library (Doc ID 286801)  notes SD 12. IPART Local	South Tralee Precinct 1 \$288,830 \$45,555 \$334,8365	Forrest/ Morrison Precinct 2  \$192,553  \$30,370  \$7272,923	Walsh	N Poplars Precinct 6  N/A  N/A  SO	\$1,997,570  \$ Poplars Precinct 5  N/A  \$ Poplars	NTralee Precinct  N/A  N/A  N/Tralee Precinct
Category  Administration and	Queenbeyan Cultural Centre  Queenbeyan Library	Per lot contribution.  Per lot contribution.  TOTAL  Description	Threshold  New infrastructure. Contribution required upon each subdvision approval  5, Pit Threshold  Contribution required upon each subdivision	rvices (Non Essential W \$ (CPI adjusted) (March 2017-Sydney) \$577,659 \$91,110 \$666,770 an Administration \$ (CPI adjusted) (September 2017-	notes  SD 5. Contribution to Cultural Centre (Doc ID 286801)  SD 6. Contribution to Library (Doc ID 286801)  notes  SD 12. TPART Local Infrastructure Benchmark	South Tralee Precinct 1 \$288,830 \$45,555 \$334,8365	Forrest/ Morrison Precinct 2  \$192,553  \$30,370  \$7272,923	Walsh	N Poplars Precinct 6  N/A  N/A  SO	\$1,997,570  \$ Poplars Precinct 5  N/A  \$ Poplars	NTralee Precinct  N/A  N/A  N/Tralee Precinct
Community Services	Queanbeyan Cultural Centre  Queanbeyan Library	Per lot contribution.  Per lot contribution.  TOTAL  Description  Per lot contribution calculated at 1.5% of total value of	Threshold  New infrastructure. Contribution required upon each subdivision approval  5. Pit Threshold  Contribution required	Solution	notes  SD 5. Contribution to Cultural Centre (Doc ID 286801)  SD 6. Contribution to Library (Doc ID 286801)  notes  SD 12. "PART Local Infrastructure Benchmark Costs (April 2014)	South Tralee Precinct 1  \$288,830  \$45,555  \$334,385  South Tralee Precinct 1	Forrest/Morrison Precinct 2 \$192,553 \$30,370 \$222,923 Forrest/Morrison Precinct 2	\$96,277  \$15,185 \$111,467  Walsh Precinct	N Poplars Precinct 6  N/A  N/A  S0  N Poplars Precinct 6	S Poplars Precinct 5  NUA  S Poplars Precinct 5  NUA  S Poplars Precinct 5	N Traice Precinct  N/A  N/A  N/Traice Precinct
Category  Administration and	Queenbeyan Cultural Centre  Queenbeyan Library	Per lot contribution.  Per lot contribution.  TOTAL  Description	Threshold  New infrastructure. Contribution required upon each subdvision approval  5, Pit Threshold  Contribution required upon each subdivision	rvices (Non Essential W \$ (CPI adjusted) (March 2017-Sydney) \$577,659 \$91,110 \$666,770 an Administration \$ (CPI adjusted) (September 2017-	notes  SD 5. Contribution to Cultural Centre (Doc ID 286801)  SD 6. Contribution to Library (Doc ID 286801)  notes  SD 12. TPART Local Infrastructure Benchmark	South Tralee Precinct 1 \$288,830 \$45,555 \$334,8365	Forrest/Morrison Precinct 2 \$192,553 \$30,370 \$222,923 Forrest/Morrison Precinct 2	\$96,277  \$15,185 \$111,467  Walsh Precinct	N Poplars Precinct 6  N/A  N/A  S0  N Poplars Precinct 6	\$1,997,570  \$ Poplars Precinct 5  N/A  \$ Poplars	NTralee Precinct  N/A  N/A  N/Tralee Precinct

								Total
Occ rate = 2.85	Dwellings	750	500	250	N/A	N/A	N/A	1500
	Jobs	55	0	0	419	530	200	1204
10 movements/ dwelling	Equivalent dwellings							
2 movements/ job	(apportionment of NER							
2 Illovernerits/ Job	stages 1, 2 & 3a)	761	500	250	84	106	40	1741
	% open space and							
	community facilities	50.0000						
	% NER (Intersection)	43.7155	28.7224	14.3612	4.8139	6.0892	2.2978	100.0000
	% NER (Stages 3a Road							
	Through Sth Poplars)	45.9264	30.1750	15.0875	0.0000	6.3971	2.4140	100.0000
	% NER (Stages 1 Bridge and							
	2 Creek to Sth Tralee)	49.0651	32.2373					
	% NER (Sth Tralee)	50.3640	33.0907	16.5453				100.0000
	% NER (Forrest/Morrison)	0.0000	66.6667	33.3333	0.0000	0.0000	0.0000	100.0000
	\$ (inc admin)	\$19,653,144	\$15,901,717	\$7,950,857	\$1,054,179	\$1,239,590	\$896,572	\$46,696,058
	\$ PER LOT (inc admin)	\$26,222	\$32,200	\$32,200	\$12,976	\$12,091	\$22,811	\$31,130.71

Residential development contribution rates (per person)								
	South Tralee	Forrest/ Morrison	Walsh Precinct					
	Precinct 1	Precinct 2	3					
Open space per person	\$2,358.39	\$2,358.39	\$2,358.39					
Community facilities per								
person	\$633.91	\$633.91	\$633.91					
Transport per person	\$5,811.85	\$7,862.12	\$7,862.12					
Community services per	\$156.31	\$156.31	\$156.31					
Admin per person	\$138.98	\$138.98	\$138.98					
Total	\$9,099.44	\$11,149.71	\$11,149.71					

	South Tralee	Forrest/ Morrison	Walsh Precinct
	Precinct 1	Precinct 2	3
Dwelling Type 1 > 400m2	\$31,393.06	\$38,466.50	\$38,466.49
Dwelling Type 2 <400m2 and multi-unit and residential flat			
buildings	\$23,840.53	\$29,212.24	\$29,212.24
Average All Dwellings	\$25,825,42	\$31,803.43	\$31,803.43

Non residential development contribution rates (per hectare)								
	South Tralee Precinct 1	Forrest/ Morrison Precinct 2	Walsh Precinct	N Poplars Precinct 6	S Poplars Precinct 5	N Tralee Precinct		
Transport per hectare	\$36,470.99		NA NA			\$36,896.31		
Admin per hectare	\$872.13	NA	NA NA	\$2,644.91	\$972.02	\$664.30		
Total	\$37,343.12			\$83,931.42	\$28,674.30	\$37,560.61		

## QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

#### 14 AUGUST 2019

ITEM 6.6 POOLING OF LOCAL ROADS CONTRIBUTIONS

ATTACHMENT 1 RESPONSE TO BRIEF - NON URBAN ROADS CONTRIBUTIONS - 30 MAY 2019

## Response to Brief – Pooling of Developer Contributions for Non-Urban Roads

То:	David Carswell	From:	Luceille Yeomans
Re:	Pooling of Developer Contributions f	or Non-Url	oan Roads

#### **Background**

This paper is in response to a request to consider Council's ability to pool existing development contributions collected for non-urban roads. It also provides a review of the two options for the collection of future contributions and recommendations for Council. A copy of the Brief is attached (refer Schedule 1).

Specifically this papers seeks to respond to Council's resolution of 13 June 2018 to 'Agree in principle to the pooling of road and associated works developer contributions into a 'local infrastructure contributions plan' subject to initial community consultation being undertaken and the results being reported back to Council.'

Given the term 'local roads' have a specific technical mean in terms of road classifications, they are referred to in this paper as non-urban roads. They are roads in the Council area not within urban areas.

The study area includes the previous Palerang Shire Council and Queanbeyan City Council areas which were amalgamated to became Queanbeyan Palerang Regional Council on 12 May 2016. Specifically, the rural land, including rural villages beyond the boundary of the City of Queanbeyan. A map of the study area is attached (refer Schedule 2).

#### **Purpose of Development Contributions**

The funding of local infrastructure is assisted in part by developer contributions known as Section 7.11 (formerly Section 94) or Section 7.12 (formerly Section 94A) contributions.

Councils in NSW have the ability to levy developers for contributions towards local infrastructure under the *Environmental and Planning Assessment Act 1979* (EP&A 1979). The Contributions Plans addresses how Council will assess, collect, spend and administer the developer contributions.

These contributions are required to be authorised by a Development Contributions Plan prepared in accordance with the EPA 1979 and its *Environmental Planning and Assessment Regulations*, 2000 (Regulations 2000).

Council's development contributions plans describe anticipated development, infrastructure needed by the development and the contribution to be paid by a development towards the infrastructure costs.

#### Contribution plans for non-urban roads in the study area

Development Contributions for roads in non-urban areas are levied under the following plans;

- Queanbeyan City Section 94 Contribution Plan Non-Urban Roads (March 2012)
- Mulwaree Section 94 Development Contributions Plan 2003-2008
- Tallaganda Section 94 Contributions Plan No.3 Roadworks (November 2003)
- Yarrowlumla Council Section 94 Contributions Plan (No.2) for Provision of Access Road (December 2007)
- Cooma Monaro Section 94 Contributions Plan (Roads & Open Space) and
- Gunning Section 94 Provision of Public Amenities and Services Plan

Council does not currently funds acquired under all of these policies such as the last two, however they continue to apply and could be applied to development in the Council area.

These plans were all adopted some time ago and it is appropriate to review their currency and effectiveness.

Other plans exist which authorise contributions for a range of public amenities and services. These are outside the scope of this brief, including for the Village of Bungendore.

#### **Relevant Legislation authorising contributions**

Council is authorises to impose development contributions under Section 7.11 and Section 7.12 of the EPA 1979. Prior to the amendments to the Act of 1 March 2018, local infrastructure contributions were referred to as Section 94 and Section 94A accordingly.

Section 7.11 allows Council to impose a condition for the payment of a contribution based on a proportion of the anticipated cost of public services. Section 7.12 allows Council to impose a condition for the payment of a contribution based on the cost of carrying out the development.

The Regulations 2000 guide the preparation of a plan. Specifically, Clause 26(2) allows one or more plan to be prepared, for all or part of Council's area and in relation to one or more public services. This is relevant for the stage 1 recommendation of this project.

Clause 27(1)(i) allows a plan for levies paid for different purposes to be pooled and applied progressively for those purposes, with the priorities for expenditure of the contributions to b outlined in a works schedule. This is relevant for recommendations relating to future stages.

#### Expected development and demand for public facilities (non-urban roads)

The Queanbeyan Palerang area is one of the fastest growing in the state (ABS 2016-17). This includes increased in population local growth areas which are covered by specific plans, for example Googong and South Jerrabomberra. These are also subject to voluntary planning agreements.

Existing development contribution plans identify significant road projects and acknowledge that the infrastructure is ageing. Council will have to make significant financial investments in infrastructure and public facilities to meet demand.

It is reasonable therefore that development should contribute to the provision of infrastructure. IPART have recently confirmed that contributions based on additional lots is still an appropriate way

to levy contributions. Further, plans may seek to utilise catchment or localities to identify geographic areas for road projects and as the basis for contributions (IPART Fact Sheet April 2019: Refer C1976856 and IPART Discussion Paper Refer C1976854).

#### **Development Contribution Charging Options**

The EPA 1979 provides two options as the basis for collecting funds as a consequence of development. Generally, Section 7.11 are used for high growth areas where a contribution is based on specific development as a portion of the cost of the provision of facilities. Section 7.12 plans are often used for lower growth areas where one levy is paid to cover a range of facilities Council provides without being specifically apportioned when consent is issued. The range of public works is broadly applied in a plan.

Section 7.11 plans are well established as an appropriate basis for the calculation and collection of contributions. Payment rates are set by Council as an apportionment of given community facilities, including roads, within a defined catchment.

The contributions payable under a levy scheme are based on a percentage of the estimated cost of development. The maximum percentage levy has been established in legislation by the NSW State Government. Clause 25K of the Regulations 2000 sets the maximum percentage of that levy at:

Estimated Cost of Works	Maximum percentage of the levy
\$0 - \$100,000	nil
\$100,000 - \$200,000	0.5%
Greater than \$200,000	1%

#### **Mechanism for Pooling Funds**

Division 7.1 of the *Environmental Planning and Assessment Act 1979* outlines provisions relevant to Development Contributions. These current provisions were introduced on 8 July 2005 when the *Environmental Planning and Assessment Amendment (Development Contributions) Act 2005* came into force.

The amendments introduce measures to improve the operation, accountability and flexibility of the existing development contributions system by authorising the borrowing or pooling of funds between contribution accounts.

Further, the Act authorises that monetary contributions paid for different purposes (other than under a voluntary planning agreement) may be pooled and applied towards any other purpose for which a contribution is required to be paid. This change is designed to promote the efficient use of funds and timely provision of priority infrastructure while ensuring that all borrowed funds are ultimately paid back to the source development contributions fund.

Specifically, Section 7.3(1) requires Council to hold any monetary contribution or levy paid as a condition of consent for the purpose for which the payment was required.

In respect to Section 7.3(2) of the Act, contributions paid for different purposes in accordance with the conditions of consent may be pooled and applied progressively for those purposes, subject to the requirements of a relevant contributions plan.

Funds acquired under repealed Section 7.11 and/ or Section 7.12 plans may be pooled in order to achieve the objectives and projects nominated within a new plan prepared and adopted by Council, for the purpose they were initially required.

Clause 35 of the *Environmental Planning and Assessment Regulation 2000* outlines Council's obligations for accounting for contributions and levies. This includes the keeping of appropriate records, clearly identifying accounting opportunities. Specifically;

(2)(a) the various kinds of public amenities or services for which expenditure is authorised by the plan,

(2)(b) the monetary section 7.11 contributions or section 7.12 levies received under the plan, by reference to the various kinds of public amenities or services for which they have been received,

(2)(ba) in respect of section 7.11 contributions or section 7.12 levies paid for different purposes, the pooling or progressive application of the contributions or levies for those purposes, in accordance with any requirements of the plan or any ministerial direction under Division 7.1 of the Act.

Section 7.12 levies are contributions where there does not need to be a demonstrated link between the development and the infrastructure funded from the contribution. Here, the contribution rate is charged as a percentage of the estimated cost of the development.

#### **Existing Funds & Works to Date**

Development contributions have been paid for works associated with roads under the various existing plans. Council currently hold funds for roads projects which corresponds with the projects listed in the Section 94 plans listed above.

Key staff in Council's Community Connections Portfolio have confirmed that funds have been expended on each local road project identified in the various plans. A note against each road project on the work conducted to date has been prepared (refer Local Road Balances TRIM C1928130). Additional details can be supplied by Mr Gordon Cunningham of Council if required.

#### **Extractive Industries**

The study area includes a number of operational Extractive Industries. A review into the conditions of consent has not been undertaken as part of this study. However, they typically operate under a consent which includes a condition requiring the payment of development contribution. The funds collected contribute to road work along the haulage route.

Council currently has a Section 94 Contributions Plan for Extractive Industries which covers the former Queanbeyan area only. For completeness, this policy could be extended to cover the current Council area.

#### **Future Works**

Any development contribution plan is required to outline the works to be undertaken and funded by those contributions.

A works schedule is to be attached to any development contribution plan which outlines priorities for non-urban road projects. This schedule should be prepared in consultation with Council's Transport & Facilities and Finance staff.

Funds acquired under repealed Section 7.11 (s94) and/ or Section 7.12 (s94A) plans may be pooled in order to achieve the objectives and projects nominated within a new contributions plan. The priorities for expenditure are to be shown in a works schedule.

#### Review of Section 7.11 Contributions Payable by

According to the Department of Planning, Section 7.11 contribution are appropriate where there is a demonstrated link between the development and the infrastructure that the contribution is funding. The contribution rate is typically applied per additional dwelling and charged when a lot is created by subdivision or where additional dwelling units are approved as a dual occupancy or multi-unit development. Queanbeyan – Palerang Council applies contributions as a condition of consent.

This study reviewed the development contributions attached to the Notice of Determination for approved uses in the Palerang area between 2015-2018. The average contributions per lot or additional dwelling were;

Table 1

Locality	Average local road contribution applied		
	as condition of consent		
Braidwood	\$5,170		
Captains Flat-Hoskingtown-	\$6,622		
Primrose Valley-Rural East			
Carwoola-Greenleigh-The	\$17,041		
Ridgeway			
Royalla-Burra	\$10,562		
Wamboin-Bywong-Sutton	\$8,106		

#### Note:

1. Localities correspond with areas identified in Idprofile (refer Schedule 2).

Contributions for local roads make up the largest proportion of funds paid. Other contributions include for open space and recreation facilities, library resources, bushfire control and suppression and community facilities. These are considerably lower than the contribution to local roads.

#### **Maximum Local Infrastructure Contribution Amounts**

In 2010, the NSW Government introduced a cap on the amount councils can charge for local infrastructure contributions, unless otherwise authorised by the Minister. The cap was set at \$30,000 for any new lot created through subdivision or development for additional dwelling entitlements in a greenfield area, or \$20,000 in other areas.

On 28 August 2012, the Minister agreed to remove the cap for part of the Bungendore and Bywong areas including Summerhill Road, Matthews Lane, Clare Lane, Joe Rocks Road and Fernloff Road. Also, the Wanna Road precinct in Carwoola. No cap for local infrastructure contributions applies in those locations.

That Direction also authorised a maximum contribution of \$30,000 for new lots or additional dwellings in the Royalla and Fernleigh areas.

A review of developer contributions applied to development consent notices issued in Palerang from 2015-2018 found that the total contributions are rarely close to the permissible maximum

contributions amount. This suggests it is timely to review the works schedule, costs and calculations to update these in a new contributions plan.

#### **Comparison of Potential Contributions**

The value of development applications over \$100,000 and \$200,000 have been collated over the past 3 financial years in order to calculate the potential amount of money that could be collected over a 10 year period under a fixed levy in the non-urban study area.

In this regard, Bungendore has been considered an urban area. Also, the calculation compares contributions for an additional dwelling or lot under either options.

The cost of works has been obtained from the Development Application Form lodged for the approved work. The average cost of works for each locality has been applied for each of the financial years.

The cost of development below \$100,000 were few and no contribution can be levied, so were not included in these calculations.

The average developer contributions was obtained by using the actual Developer Contribution which was issued as part of the Development Consent. Only contributions for local roads contributions has been included.

The table below shows a comparison of local development contribution plan and fixed levy plan which could be obtained over the next 10 years, based on projected increases in non-urban localities.

Table 2: Forecast Household increases and Non – Urban Road Contributions 2019-2029

Locality/Suburb	Forecasted change of Dwellings between 2019 to 2029	Estimated contributions under a Local Infrastructure Contributions Plan (7.11)	Estimated contributions under a Fixed Development Consent Levy Plan (7.12)
Braidwood	137	\$708,244	\$147,070
Captains Flat- Hoskingtown- Primrose Valley- Rural East	119	\$788,018	\$204,300
Carwoola- Greenleigh-The Ridgeway (*)	118	\$2,010,838	\$61,000
Royalla-Burra	23	\$242,943	\$100,200
Wamboin-Bywong- Sutton	43	\$348,592	\$145,070
TOTAL	440	\$4,098,635	\$657,640

#### Notes:

- 1. Forecasts based on Idprofile data.
- 2. Bungendore and Queanbeyan localities are urban therefore not included.
- Section 7.11 is average contribution allocated to Notice of Determination at approval using 2015-2018 figures.
- 4. Section 7.12 is average levy based on works over \$100,000 where not previously charged at subdivision stage. No CPI allocated. Figures are as calculated on the Schedule attached to a Notice of Determination and not funds

received.

5. Note \* Part of the land included in the Carwoola – Greenleigh – The Ridgeway area may be subject to a Voluntary Planning Agreement for development in the Jumping Creek area.

This study has found that contributions under Section 7.11, applied for a new lot or additional dwelling, would be greater than should a levy be imposed under Section 7.12.

As a levy, applied as a percentage based on cost of works, the amount received would need to cater for the provision of a range of facilities. The levy payment would not be allocated to a specific public good, e.g. local roads, at that time.

#### **Current Charging Arrangement**

Any new single residence being constructed on a vacant lot for which a development contribution for roads has already been paid at the subdivision stage is exempt from paying any further contribution.

The levy option under Section 7.12 does not distinguish between forms of development. Therefore, should contributions be paid under that option, a policy position of Council would need to be established which agrees to all development being subject to the levy where the cost of that work exceeds \$100,000, or exclude certain development, for example additions and alterations to an existing dwelling.

As noted in the table, Section 7.12 contributions can only be applied once and those funds would need to contribute to a range of Council services. Section 7.11 contributions can be allocated to particular purposes, including for non-urban roads.

#### **Catchments**

This project has mapped current funds available for each road project identified in the various roads contribution plans (refer C1950605 Bungendore area, C1950604 Braidwood- Nerriga and C1950603 Queanbeyan Majors Creek). These may assist Council with prioritising works to be included in a future contributions plan and in identifying catchments for the collection and delivery of non-urban road infrastructure. The plans boundaries are indicative only.

IPART held a workshop on 1 April 2019 to discuss the nexus for transport items (local and collector roads) in infrastructure contribution plans and the apportionment of the cost of those items across development subject to contribution plans. Stakeholders agreed that the benefits of apportioning road costs across a broad catchment outweighs the costs and complexity of accurately apportioning the costs within smaller catchment.

#### **Ongoing Financial Management**

While funds may be pooled the funds must still be applied for the purpose for which they were collected and within a reasonable time. A review of the currency of plans which applied to non-urban areas under the former Palerang Council is timely.

#### **Finalising current Contribution Plans**

There is an opportunity to review existing contribution plans with a view to consolidating them, increasing the base contribution for road works, applying them to the new QPRC area, pooling existing contributions, consider priorities for road projects and to repeal redundant plans.

This could be staged to consolidate local road plans in the first instance then a more comprehensive review of contributions for the provision of all relevant facilities across the entire QPRC area.

For example, comprehensive plans under both Section 7.11 and Section 7.12 are typical as opposed to plans designed to allocate funds for the delivery of one particular facility only, i.e. non-urban roads. The following table provides an overview of plan format adopted by a selection of NSW Councils.

**Table 3: Overview of Plans** 

Location	Section 7.11	Section 7.12		
Goulburn Mulwaree	<ul> <li>Subdivision and additional dwellings in urban growth areas e.g. Marys Mount only</li> <li>Extractive Industries</li> </ul>	All other locations and uses		
Wagga Wagga	<ul> <li>Subdivision and additional dwellings all land</li> </ul>	All other uses		
Dubbo	<ul> <li>Separate Plans for Roads, Open space and Stormwater Drainage Headworks</li> <li>Dubbo area</li> </ul>	All development former Wellington Council area		
Campbelltown	A consolidated 'contributions' plan which covers location and development under both s7.11 or s7.12			
	<ul> <li>Separate Plan for a car parking and road &amp; parking in Glenfield</li> <li>Separate Plan for urban release area of Menangle Park</li> <li>Separate Plan for Urban release areas</li> </ul>			

Based on the above examples in other NSW Council areas, subdivision and urban growth areas typically have contributions charged under a Section 7.11 scheme. However, there is also a great deal of flexibility in the plan choices available to Council.

#### **Contributions Plan for Non-Local Roads**

Experience in other NSW Council suggests that contributions collected for a range of work or facilities exist under a comprehensive Section 7.11 or Section 7.12 plan. Separate plans for the collection of contributions for different purposes are becoming less common.

There are examples of plans only for a single purpose, including the Palerang Section 94 Contributions Plan for the Provision of Pathway Network at Bungendore. Also, the Queanbeyan Section 94 Contributions Plan for Extractive Industry 2014.

That plan, adopted by Council on 11 June 2014, is similar to one that could be adopted for non-local roads. It is a modern plan, it is designed to be applied to one form of development and collects contributions under Section 7.11 (s94).

That plan specifically states and authorises the pooling of contributions. That is,

'Council's ability to undertake road maintenance in sufficiently large sections to achieve a reasonable economy of scale is very limited where it is based on contributions received on an annual basis. To provide a strategy for the orderly delivery of the infrastructure, this plan authorises monetary contributions paid under this or any other contributions plan approved by the council to be pooled and applied progressively for those purposes. The priorities for the expenditure of pooled monetary contributions under this plan are the priorities for works set out in the Works Schedule.'

In the first instance a non-urban roads contribution plan could be prepared which adapts this approach previously endorsed by Council.

Subsequently, Council could develop one or more comprehensive plans, as opposed to plans which collect contributions for a specific purpose, which appears to be the approach being adopted by Council's in NSW more broadly.

#### **Summary**

Of the two development contribution options, a fixed levy under Section 7.12 is more flexible in when contributions can be used. Where a Section 7.12 identifies a summary of work for the provision or augmentation of public facilities, Council can prioritise those projects.

Any plan will aim to identify public services and amenities required to be provided as a result of the increase in development in the Council area, or catchments. The expected demand for public services and amenities will form the basis for applying contributions on new development.

A comparison of contributions which could be charged for additional dwellings in non-urban areas found that Section 7.11 would result in a greater financial return on that type of development than should a Section 7.12 levy be imposed.

This review does not incorporate all developments and a levy could be imposed on development, other than for additional lots or dwellings. The estimated contributions does not reflect the total contributions that could be paid to Council.

#### Stage 1 Recommendations for Non-Urban Roads Contributions

- Prepare a development contribution plan for non-urban roads under Clause 26(2) of the Regulations;
- 2) Charge a contribution for development resulting in new dwellings or new lots using a contribution under Section 7.11;
- 3) The plan is to authorise monetary contributions received under that or previous plans, where approved by the Council, to be pooled.

- 4) A Works Schedule based on projects within catchments to be prepared and form part of the plan;
- 5) Existing development contribution plans be reviewed and consolidated into one plan, including
  - a. Queanbeyan City Section 94 Contribution Plan Non-Urban Roads 2012
  - b. Mulwaree Section 94 Development Contributions Plan 2003-2008
  - c. Tallaganda Section 94 Contributions Plan No.3 Roadworks
  - d. Yarrowlumla Council Section 94 Contributions Plan (No.2) for Provision of Access Road
  - e. Cooma Monaro Section 94 Contributions Plan (Roads & Open Space)
  - f. Gunning Section 94 Provision of Public Amenities and Services
- 6) The new development contribution plan for non-urban roads to repeal those listed in Recommendation 5 above where found to be redundant.

#### **Future Stages Recommendations for Non-Urban Contributions Plan**

- 1) Prepare a comprehensive Development Contribution plan for the entire Queanbeyan Palerang Regional Council area for the provision of all public facilities;
- 2) One plan can be prepared which authorises contributions under either Section 7.11 or Section 7.12 for separate types of development;
- 3) The plan to authorise monetary contributions to be pooled and applied progressively for the purposes identified in a works schedule;
- 4) Section 7.11 could be applied to;
  - entire Queanbeyan-Palerang Regional Council area
  - Subdivision which creates new lots
  - Additional dwellings
  - Incorporates Extractive Industries
- 5) Section 7.12 could be applied to;
  - entire Queanbeyan Palerang Regional Council area
  - all uses excluding where covered by a S7.11 contribution, Ministerial Direction or other exemptions.

Luceille Yeomans

Luceille Yeomans

Date: 30 May 2019

#### SCHEDULE 1 - PROJECT BRIEF



#### Land Use Planning

#### Project Brief for Pooling of Local Road Contributions and the repeal of their Contribution Plans

#### 1. Purpose

This stage of the project involves undertaking background research and producing a short report with recommendations in regard to local roads contribution plans as well as the pooling of these.

The purpose of this project is to:

- Review the current section 94 local roads contribution plans and associated reserves which apply to the eastern part of the local government area with a view to pooling them into one local roads and associated works local infrastructure contribution plan.
- Review the non-urban roads part of Queanbeyan City Section 94 Contributions Plan and associated reserves with a view to pooling this part into one local roads and associated works local infrastructure contribution plan.
- Identify and recommend the repeal of any redundant contribution plan or part of a plan.

The intention is that this work will form the basis of a new local infrastructure or fixed levy contributions plan for local roads which preferably complements Community Connections work program.

#### 4. Background (including study area if relevant)

This project follows a report to Council's Planning and Strategy Meeting of 13 June 2018 (Item No. 5.1). As a result Council resolved:

Agree in principle to the pooling of road and associated works developer contributions into a 'local infrastructure contributions plan' subject to initial community consultation being undertaken and the results being reported back to Council.

The background report can be found at C1863473 or at:

https://www.qprc.nsw.gov.au/Council/Council-business/Minutes-Agendas?dlv\_OC%20CL%20Public%20Meetings=(pageindex=2)

#### 3. Tasks

These include:

- 1. Review the relevant legislation for local infrastructure and fixed levy contributions plans.
- Identify key stakeholders (Phil Hansen, and Nathan Cooke) and advise them of the brief and its information needs. This could involve an inception meeting.

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- Attend fortnightly meetings with the Service Manager to discuss issues/provide an update on progress.
- 4. Review the following Section 94 contribution plans:
  - Mulwaree Section 94 Development Contributions Plan 2003-2008
  - Tallaganda Section 94 Contributions Plan No.3 Roadworks
  - Yarrowlumla Council Section 94 Contribution Plan (No. 2) for Provision of Access Roads
  - d. Queanbeyan City Section 94 Contributions Plan the non-urban roads section. This plan is also currently being reviewed by Arthean McBride and Beate Jansen and it may be necessary to communicate with them during the project.

These can be found at:

https://www.qprc.nsw.gov.au/Building-Development/Planning-Zoning/Planning-controls#section-6

- 5. For each of the above and their associated reserves identify:
  - a. those roads which still need to be upgraded and those which have been upgraded. This will involve input from Community Connections.
  - those plans or parts of those plans which should continue to apply to QPRC in terms of them still being within its boundaries and still having development potential to satisfy the stated nexus within the particular plan.
  - c. those plans (or their parts) which no longer apply and should be repealed.
- For contributions that could be pooled identify if any of these are in or could be used for projects identified in Community Connections local roads capital works program and what the required nexus would be. This will involve input from Community Connections.
- 7. Undertake fieldwork as necessary.
- 8. Produce a short report with recommendations.

If these areas have no further development potential and/or a nexus cannot be established then a fixed levy contribution plan for local roads may be pursued rather than a contributions plan

#### 4. Project Management

The project will be managed by Luceille Yeomans.

#### 5. Outcomes

The outcomes of the project will be:

- A short report which identifies the findings of the above tasks and makes recommendations.
- Recommendations which can be used as the basis for a Stage 2 of the project which is the drafting of a local roads or a fixed levy contributions plan.

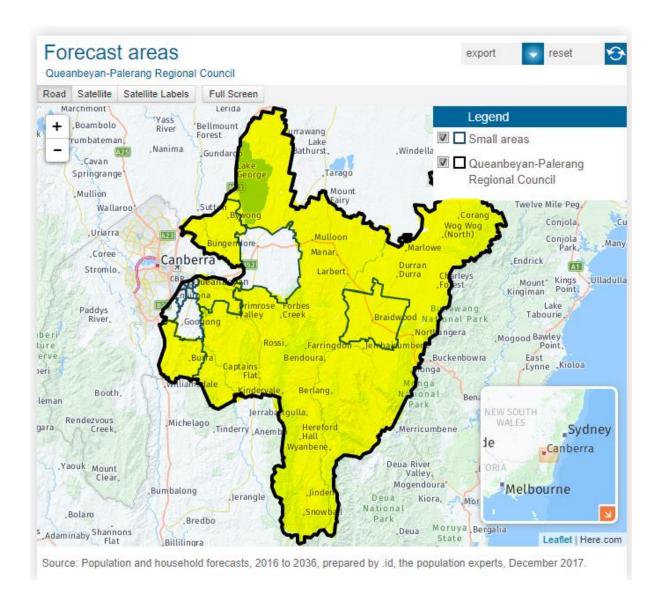
#### 6. Timing

The project is to commence February and be completed by the end of April.

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#### **SCHEDULE 2 – STUDY AREA**



## QUEANBEYAN-PALERANG REGIONAL COUNCIL

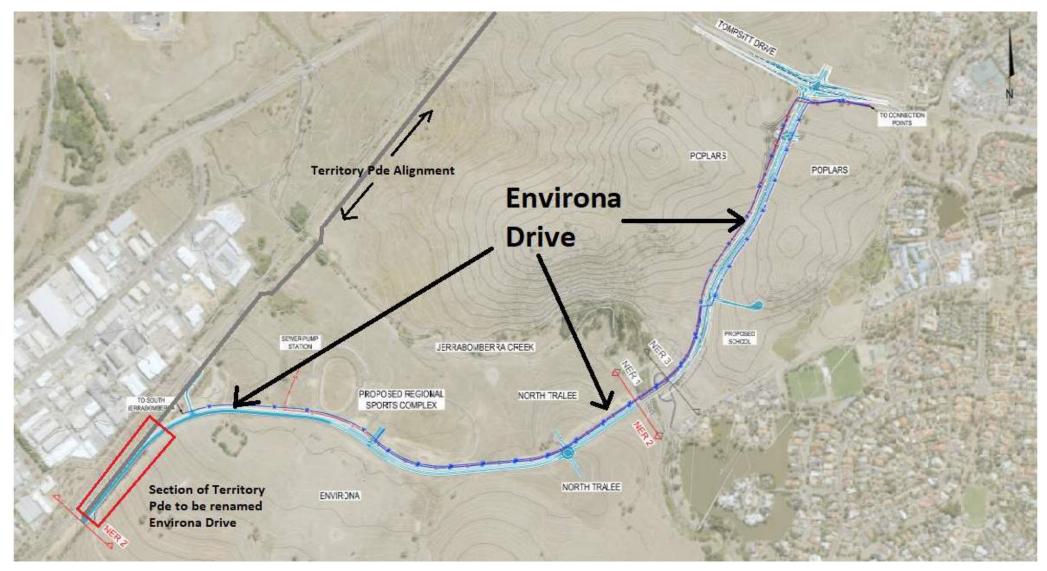
Planning and Strategy Committee of the Whole Meeting
Attachment

#### 14 AUGUST 2019

ITEM 6.7 PROPOSED NEW STREET NAME - ENVIRONA DRIVE (JERRABOMBERRA AND ENVIRONA)

ATTACHMENT 1 LOCATION PLAN SHOWING PROPOSED ENVIRONA DRIVE

#### Attachment 1 – Extent of Proposed Environa Drive



Environa Drive shown blue.

Territory Parade alignment shown grey.

Area of Territory Parade to be renamed Environa Drive shown in red outline.

## QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

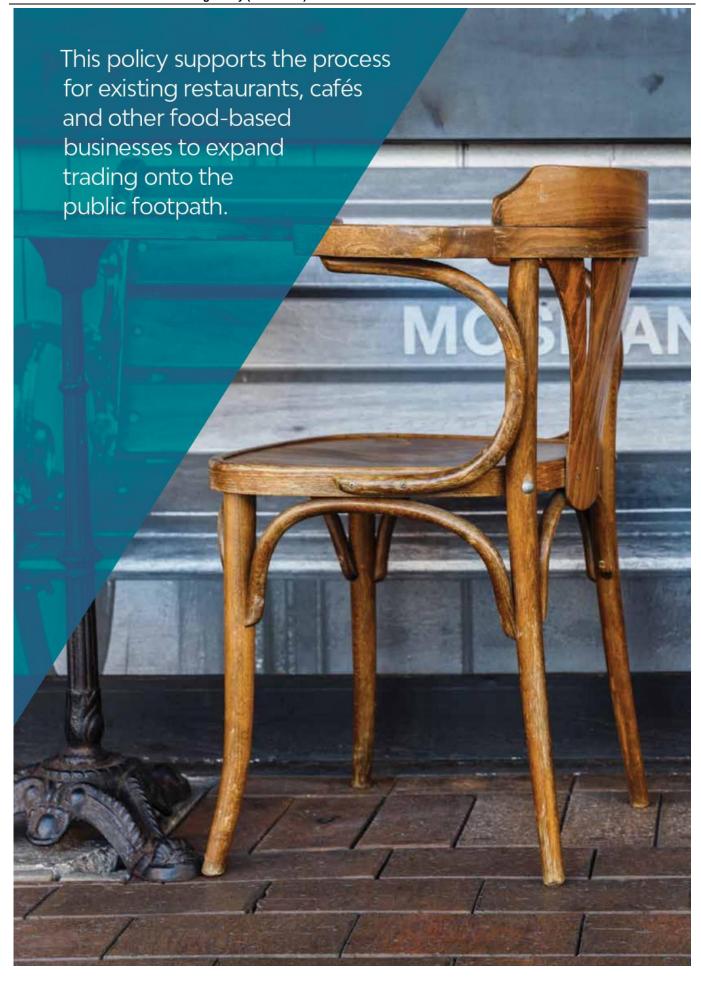
#### 14 AUGUST 2019

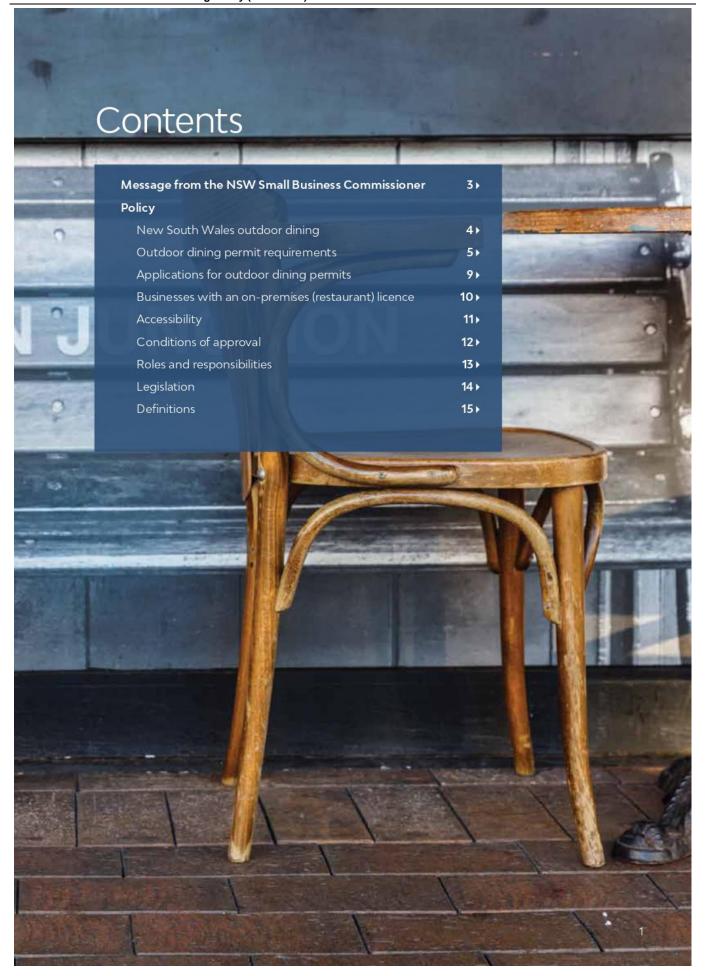
ITEM 6.9 OUTDOOR DINING POLICY

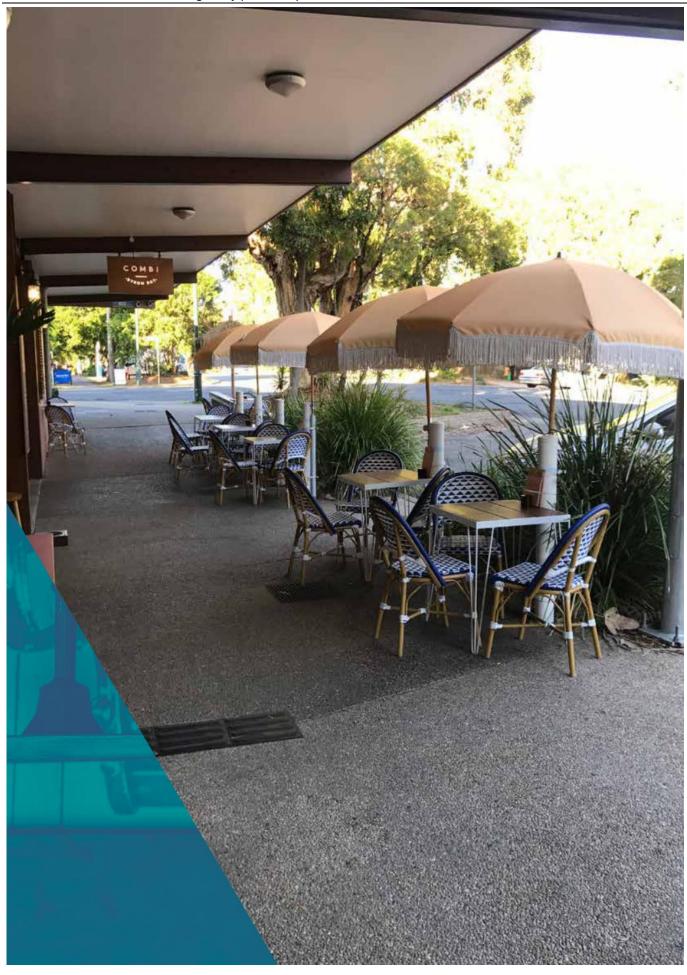
ATTACHMENT 1 NSWBC OUTDOOR DINING POLICY

## NSW Outdoor Dining Policy









## Message from the NSW Small Business Commissioner



#### As the NSW Small Business Commissioner, my job is to make it easier for small businesses to get on with doing business.

My office works with small businesses to reduce burdens on their operations and strengthen local economies through regulatory reform and policy harmonisation.

The NSW Outdoor Dining Policy 2019 builds on the successful Easy to do Business program, run in partnership with Service NSW, to make it easy for retail food businesses to expand into outdoor dining activities.

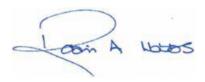
Key benefits include:

- · a streamlined and simplified approach for outdoor dining approvals
- · cutting red tape for small businesses and local Councils
- · user-friendly, online assessment and approval
- · lower costs and compliance burdens on small businesses.

In developing this policy, we have consulted with many small businesses and Councils, and worked closely with our policy trial participants, the City of Parramatta, Canterbury-Bankstown, Snowy Valleys, Liverpool Plains Shire, Queanbeyan-Palerang Regional, Maitland City and Port Stephens Councils.

I thank these Councils for their willingness to be involved, their leadership and their commitment to improving the operating environment for our small business operators.

We look forward to seeing our small business sector thrive and our communities enjoy the wonderful social benefits of a vibrant outdoor dining culture.



Robyn Hobbs OAM
NSW Small Business Commissioner

NSW Small Business Commissioner NSW Outdoor Dining Policy 2019

# The policy New South Wales outdoor dining

#### 1. Purpose of this policy

The aim of the NSW Outdoor Dining Policy 2019 is to establish a framework to make it easy for food-based businesses to expand their existing dining activities outdoors onto public land adjacent to their existing premises.

The policy is designed to:

- provide a framework for establishing and operating an outdoor dining area, including:
  - determining the suitability of a site
  - managing public safety including road safety
  - ensuring operations do not detract from the visual appeal of an area
  - meeting ongoing operational requirements
  - meeting all necessary state and federal legislative requirements
- reduce the time and complexity of the approval process for businesses by outlining the steps a business must take to be granted an outdoor dining permit
- encourage the use of public places for outdoor dining as a means of stimulating business growth and development in NSW
- ensure any outdoor dining activities have minimal disruption to neighbours, pedestrians and other street users
- promote vibrancy, culture, vitality, amenity and ambience in the street environment of commercial areas while also protecting the existing local character of an area.

#### 2. Scope

This policy only applies to existing, approved, foodbased businesses located within the identified outdoor dining locations in participating local government areas that:

- have seating inside. A business cannot solely rely on outdoor seating on a public footway
- do not currently offer outdoor dining and would like to expand their existing dining activities outdoors and may increase their overall capacity by doing so
- meet all five permit requirements outlined within this policy
- meet the liquor requirements outlined within this policy (if required)
- do not require approval for any permanent structure
- meet the sanitary facilities requirements under the Building Code of Australia
- will not have their outdoor dining areas located on Crown land
- the dining area does not cause any impediment to road safety or traffic network efficiency
- if the dining area is adjacent to a state-managed road, the road has a speed zone (limit) of 50 km/h or less and has a defined kerb and guttering or other suitable delineation.

Where a permit is issued under this policy to a business operating on a state-managed road with a speed limit of 50 km/h or less, the permit is issued with the concurrence of Roads and Maritime Services or Transport for NSW, which has been delegated to Councils for outdoor dining applications made on the Easy to do Business platform. Businesses operating on state-managed roads with a speed limit in excess of 60 km/h should contact their Council to discuss the possibility of outdoor dining.

# The policy Outdoor dining permit requirements

Table 1. Overview of permit requirements

Ca	tegory	Key considerations
1	Location/site suitability  Facilitate the appropriate use of footpaths and public places for outdoor dining activities.	<ul><li>Minimum distances</li><li>Neighbours</li></ul>
2	Safety  Maintain an equitable and safe thoroughfare around outdoor dining areas for all users.	<ul> <li>Public safety, including road safety</li> <li>Accessibility</li> <li>Line of sight</li> <li>Management of animals</li> <li>Engagement with public</li> </ul>
3	Amenity Facilitate improvement to the local character, street vitality and economic viability.	<ul><li>Local character</li><li>Attractiveness</li><li>Local vitality</li></ul>
4	Function Ensure the design, furniture, fixtures and day-to-day requirements of the outdoor dining space reflect the local area.	<ul><li>Design of space</li><li>Furniture</li><li>Fixtures</li><li>Daily operations</li></ul>
5	Legal and compliance Ensure that the management of outdoor dining activities avoids nuisance, endangerment or inconvenience to neighbours and the general public.  Address public liability and manage risks, and ensure compliance with state legislation including liquor laws.	<ul> <li>Noise</li> <li>Waste</li> <li>Operational conditions</li> <li>Council inspections</li> <li>Insurance</li> <li>Compliance with legislation</li> </ul>

NSW Small Business Commissioner NSW Outdoor Dining Policy 2019

#### 3. Important information

Before making an application under this policy, businesses should read the *Outdoor Dining User Guide 2019*, referred to throughout this policy as the *User Guide*.

All businesses undertaking outdoor dining activities must have a valid permit. The relevant local Council will issue the permit once the outdoor dining application has been processed through the Easy to do Business online platform.

To be granted a permit for outdoor dining activities under this policy, a business must self-assess its proposed outdoor dining area against the five requirement areas outlined in Table 1 and ensure it meets all of the prerequisites detailed in the subsequent sections.

Once granted a permit, a business must maintain compliance with these requirements and the permit terms.

#### 4. Permit requirements

#### 1: Location/site suitability

When using footpaths and other public places for outdoor dining activities, reasonable consideration should be given to the suitability of the site and all users of the location.

An outdoor dining area is only permitted where:

- a. the outdoor dining area is directly related to the operation of an existing food business and operates on the same basis as the existing food business
- b. the applicant is the owner or proprietor of that business premises
- c. the ground surface of the outdoor dining area has additional clearance widths to allow for easy movement by staff and customers. Pedestrians must not be forced onto the road by the outdoor dining area or other non-permanent items on the footpath
- d. the ground surface of the outdoor dining area is suitably constructed and sufficiently level to accommodate outdoor dining furniture and enable the area to be used safely and without inconvenience to pedestrians or vehicles
- e. the outdoor dining area presents no hazard to pedestrians, diners or vehicular traffic
- f. the outdoor dining operator calculates clearance widths of the outdoor dining area, taking into account pedestrian volumes and any existing or proposed landscaping, vegetation, garden beds or street furniture that may impact on the clearance
- g. the location and operation of the outdoor dining area has taken into consideration the amenity of neighbours and other users of the public space

- h. the service of alcohol is limited to the applicant's business frontage only
- i. the outdoor dining area is contained within the frontage of the business premises, with an allowable expansion of up to 50% of the adjoining businesses' frontages, subject to revocable Outdoor Dining Adjoining Business Permission from the adjoining business owner. It is a requirement that this permission can be revoked at any time without notice and any approval will automatically lapse on change of ownership of the adjoining businesses or the applicant business
- j. any relevant Local Street Guide issued by the appropriate local Council for the locality where the outdoor dining will take place is taken into consideration
- k. the outdoor dining area complies with AUSTROADS Guide to Road Design Part 6A – Paths for Walking and Cycling (Section 5 Design Criteria) and Australian Standard AS2890

**Permanent structures:** Separate local Council approval is needed to erect permanent structures in a public space, including awnings that are not defined as temporary. This policy does not cover approval for permanent structures.

For guidance, see the User Guide.

#### 2: Safety

A food business expanding their premises to an outdoor dining area must ensure that an equitable and safe environment is maintained for all users.

An outdoor dining area is only permitted where:

- a. a suitable risk assessment has been undertaken to ensure the safety of diners, and that other vulnerable road users are appropriately considered and there is no detrimental impact for road safety. If the dining area is adjacent to a state-managed road, the road's speed zone must be 50 km/h or less the area must have defined kerb and guttering, or other suitable delineation to separate diners from vehicles
- an equitable, clear and safe throughway is maintained on footpaths for all pedestrians including those using mobility aids, prams and motorised scooters
- c. the outdoor dining area is integrated with existing streetscape, pedestrian circulation and traffic safety by maintaining adequate clearances.
   This is further outlined in the *User Guide*
- d. the safety and convenience of road users and cycleway users is not compromised. The line of sight at intersections must be maintained, so outdoor dining must be set back at a 45-degree angle from the corner of the building, equating to a three to five metre clearance from the corner to the edge of the outdoor dining area
- e. the number of tables and chairs in the outdoor dining area allows unobstructed access and circulation for patrons and staff
- f. if the business owner agrees that dogs are permitted, dogs are kept on leashes, suitably restrained and remain on the floor
- g. a high standard of public safety and amenity, including cleanliness, is established and maintained
- h. all furniture, including temporary bollards, is stored inside after hours

For further guidance see the User Guide.

NSW Small Business Commissioner NSW Outdoor Dining Policy 2019

#### 3: Amenity

Improve the local character, street vitality, amenity and economic viability of the local/surrounding area/locality.

An outdoor dining area is only permitted where:

- a. it is attractive, inviting and contributes to the amenity of the locality
- b. it is compliant with any relevant Local Street Guide prepared by the Council
- c. the business owner has regard to the existing urban character, cultural significance and street quality, and whether other existing outdoor dining is located along the building line or kerbside.

A Council may specify whether outdoor dining should be placed kerbside or along the building line. An applicant should check if there is a local street guide provided for their area. If there is no specified requirement, any dining should be aligned with the placement of other existing outdoor dining in neighbouring areas, so that the thoroughfare is not obstructed. If the site adjoins reverse angle parking, any dining must meet clearance requirements specified in the *User Guide*. The kerbside parking lane may be included as part of the minimum clear zone where parking is permitted, provided that tables and chairs located kerbside are set back a minimum of one metre from the kerb.

#### Local Street Guide

A Council may develop a Local Street Guide to ensure outdoor dining activities reflect the local character, heritage, and environment of a particular commercial area or precinct in a local government area. Outdoor dining activities approved under this policy must comply with any Local Street Guide that is in effect at the time of their application. If a Council introduces a local street guide, businesses that already have an approved permit will be notified by the Council and have 12 months to comply with any new requirements.

For further guidance see the User Guide.

#### 4: Function

A food business expanding their premises to an outdoor dining area must ensure that the design of the outdoor dining space, furniture, fixtures and day-to-day requirements reflect the local area, and that the outdoor dining area is kept clean.

An outdoor dining area is only permitted where:

- a. the outdoor dining area is compliant with the User Guide and relevant Local Street Guide in respect to the use of umbrellas, screens, planter boxes and gas heaters
- b. furniture and fixtures are easy to clean and maintain
- the outdoor dining operator is satisfied that furniture used is suitable and safe for outdoor dining
- d. the business owner ensures that their outdoor dining area is cleaned and maintained on a regular basis. This includes ensuring tables are promptly cleared, and that all waste generated by the business and its customers is picked up and disposed of regularly.

For further guidance see the User Guide.

#### 5: Legal and compliance

A food business expanding their premises to an outdoor dining area must ensure management of outdoor dining activities avoids nuisance, endangerment or inconvenience and there is compliance with all requirements.

An outdoor dining area will only be considered where:

- a. outdoor dining activities operate no later than midnight Monday to Saturday and 10pm on Sunday
- noise and music are appropriately managed to not be a nuisance to patrons, surrounding businesses, pedestrians and motorists and follow the state noise pollution requirements
- c. the business meets the waste management requirements of the local Council
- d. the business owner complies with the conditions in this policy, and all other relevant local, state and federal requirements for food-based businesses
- e. the business owner has public liability insurance required by their local Council, usually \$20 million.

For restaurants and cafés provisionally approved to serve liquor, the sale of liquor in the outdoor area and the operation of that area must comply with the licence conditions under the *Liquor Act* 2007 that apply in relation to a licensed restaurant.

For further guidance see the User Guide.

# The policy Applications for outdoor dining permits

#### 5. How to apply

Businesses can apply for a permit through the Service NSW Easy to do Business Concierge Service at mybusiness.service.nsw.gov.au/crsb/od

#### 6. Application fees

Council and state government agency fees will be waived for businesses that obtain a permit under this policy.

NSW Small Business Commissioner NSW Outdoor Dining Policy 2019

# The policy Businesses with an on-premises (restaurant) licence

## 7. Criteria for change of boundary for on-premises liquor licence

Restaurants and cafés that have an existing onpremises liquor licence will need to meet the following criteria for their on-premises licence to extend their boundary to include the outdoor dining area:

- a. The restaurant or café has standard trading hours and is only authorised to serve liquor with meals, i.e. no extended trading authorisation (ETA) or primary service authorisation (PSA).
- b. Within the past 12 months, the premises has not been listed under Schedule 4 of the *Liquor Act* 2007 as a violent venue, or has not incurred a strike under the Three Strikes scheme.
- c. The business provides consent for Service NSW to notify Liquor & Gaming NSW and the relevant local Council of its application to change liquor licence boundary.
- d. Where the above criteria are met, the restaurant or café will be provisionally approved to extend the licenced boundary to the outdoor dining area.
- e. Liquor & Gaming NSW will continue to assess the change of boundary application as per existing arrangements for expansion of liquor licence boundary.

- f. If no valid objections are received during consultation, Liquor & Gaming NSW will approve the change of boundary application. If Liquor & Gaming NSW refuses the application in accordance with its existing policies for change of liquor boundary, no alcohol may be consumed in the restaurant's or café's outdoor dining area.
- g. Any outdoor dining areas that fall within a designated alcohol-free zone must be cordoned off.
- h. Venues other than restaurants and cafés that have liquor licences that are not standard onpremises licences (including, on-premises with PSA or ETA, small bar or hotel) will still be able to apply for an outdoor dining permit under this policy. However, if/when approved, these businesses will not automatically be able to serve liquor on the footpath. They will need to apply to Liquor & Gaming NSW separately to extend their liquor licence boundary to include the footpath (please refer to the Liquor & Gaming NSW website (www.liquorandgaming.nsw.gov.au) for instructions on how to extend a licence boundary).

## The policy Accessibility

Over 4 million people in Australia experience disability. That's around 1 in 5 Australians. People with disability, as well as their friends, relations and colleagues, constitute a significant group of consumers.

- Consider how people with a disability may enter and maneuver around your outdoor dining area and ensure there is enough space for someone to sit comfortably at a table in a wheelchair or mobility scooter.
- Uneven pavers can create a trip hazard for those less able. You should contact your local Council have the issue fixed.
- Ensure you provide adequate lighting for those with vision impairment.
- Consider using large font sizes on menus.

Following these tips will not only reduce the likelihood of discrimination complaints against your business, but will also increase your access to the market, and benefit the community, through greater economic participation of people with disability.







<sup>1</sup>Australian Bureau of Statistics, Disability, Ageing and Carers, Australia: Summary of Findings, 2012 ABS cat no 4430.0 (2013).

NSW Small Business Commissioner NSW Outdoor Dining Policy 2019

## The policy Conditions of approval

#### 8. The outdoor dining permit

A permit will be issued to each applicant if they satisfy the requirements of this policy. The permit will detail the conditions of approval that apply to the business, its location and the outdoor dining activities.

The permit holder will be responsible for ensuring the outdoor dining area is operated in accordance with the requirements outlined in this policy and the *User Guide* and complies with details submitted as part of the application.

The permit must be displayed at the business to which the permit refers, or produced on request.

The application may be revoked or suspended at any time during the approval period if a government agency:

- determines that an unacceptable safety risk is created by the outdoor dining operation
- · the agency's contractors
  - undertake works in the approved footway area, or
  - undertakes or propose to undertake works or an event that otherwise impacts access to adjoining footways, roadways, transport infrastructure, parks or public places.

Footway seating or structures are not to cover or impede access to public utilities and drainage pits. Access is to be made available at any time and at no cost, if required.

#### 9. Commencement of a permit

The applicant will undertake a self-assessment to determine if their proposed outdoor dining activities meet the five permit requirements outlined in this policy, the *User Guide* and any Local Street Guide If the applicant determines that all requirements are met and expected conditions of operations will be fulfilled, then they will provide a signed declaration, and a permit will be issued.

The permit holder can then operate the outdoor dining area in accordance with the conditions of the outdoor dining permit.

#### 10. Permit period

The term of a permit will be seven years from the date of approval.

The permit is not transferrable. Outdoor dining approvals are given to the operator of a premises, not a business or location.

#### 11. Compliance

Compliance is undertaken by the Council in the local government area where the business is conducting outdoor dining activities, in accordance with the relevant Council's compliance policies and processes.

Running an outdoor dining area without a permit or not in accordance with a permit is an offence and may result in the issue of an infringement notice or other regulatory action by the local Council including cancellation of the business' permit.

## The policy Roles and responsibilities

#### 12. Dispute resolution

Any dispute about an outdoor dining area, except for disputes about liquor licences, will be handled by the relevant local council in accordance with its policies and processes. Disputes about liquor licences will be handled by Liquor & Gaming NSW through its policies and procedures.

#### 13. Failing to remove and reinstate

In the event of the permit holder failing to remove furniture or other property from the outdoor dining area following the lapsing or cancellation of their permit, the Council may remove and dispose of such property at its discretion, if not claimed within 28 days of notification to the permit holder.

In the event of the permit holder failing to remove furniture and/or to reinstate the footpath to its original condition within 14 days from the date of expiration or cancellation of the permit, the Council may carry out the works at the permit holder's expense.

#### 14. Terrorism

Applicants must comply with 'Australia's Strategy for Protecting Crowded Places from Terrorism', released in August 2017. This strategy and the supporting guidelines address a number of specific security risks for crowded places, including in relation to hostile vehicles. Documents are available at www.nationalsecurity.gov.au

#### 15. Who is responsible for what

- Food-based businesses, including restaurants and cafés, provide a significant contribution to the vibrancy and economy of local communities. Businesses are responsible for meeting permit approval and operating requirements during the term of an approved permit.
- NSW Small Business Commission has co-ordinated development of the policy in consultation with Councils, small businesses, and other government agencies.
- Local Councils have a key role in promoting
  economic development and the vibrancy of their
  local community. Under the policy, Councils
  retain responsibility for final approval and
  issuance of the outdoor dining permit, in
  accordance with section 125 of the
  Roads Act 1993. They are responsible for ensuring
  compliance with outdoor dining permit
  requirements, all relevant legislation and heritage
  restrictions, and for defining any Local Street
  Guide for cafés and restaurants within their local
  government area.
- Service NSW is an integral part of the state's
   Easy to do Business initiative. Service NSW is
   responsible for administering the approval
   process for permits using its Concierge Service.
   It is developing an online digital platform for
   outdoor dining applications.
- Liquor & Gaming NSW administers liquor licencing in NSW. It is responsible for issuing licences and ensuring compliance with license requirements.

NSW Small Business Commissioner NSW Outdoor Dining Policy 2019

## The policy Legislation

## 16. Compliance with legislation and regulations

This policy will be endorsed as an approved local policy by each participating local Council under section 68 and Part 3 of the *Local Government Act 1993*.

In so doing, permitting any outdoor dining activity that is an exempt development does not require development consent under the *Environmental Planning and Assessment Act 1979*.

The State Environment Planning Policy (Exempt and Complying Codes) 2008 makes footpath dining an exempt development if it is:

- not associated with a pub or a small bar, and is carried out in accordance with an approval granted under section 125 of the Roads Act 1993, including any hours of operation to which the approval is subject
- carried out in accordance with any approval granted under section 68 of the Local Government Act 1993.

The State Environment Planning Policy (Exempt and Complying Codes) 2008 also makes the installation of bollards 'exempt development' if a business has a liquor licence and is located within an alcohol-free zone. See subdivision 8A Bollards of the State Environment Planning Policy (Exempt and Complying Codes) 2008 for development standards.

Where a permit is issued under this policy to a business operating on a state-managed road with a speed limit of 50 km/h or less, the permit is issued with the concurrence of Transport for NSW, which has been delegated to Councils for outdoor dining applications made on the Easy to do Business platform. Businesses operating on state-managed roads with a speed limit in excess of 60 km/h should contact their Council to discuss the possibility of outdoor dining.

This policy does not apply to the following land types:

- Outdoor dining on Crown Land requires approval under the Crown Lands Management Act 2016.
- Outdoor dining that is located on private land (i.e. land that is not on the public footpath) will require the approval of the local Council that administers the land on which the activity is proposed.

### Policy Definitions

The following definitions apply to this policy document.

- Outdoor dining area: is limited to public footpaths, nature strips and any other council-managed public spaces used by an adjacent approved restaurant, café or food-based business for temporary commercial dining activities. These activities include the serving of food or beverages, and the erection of associated temporary furniture and signs.
- Outdoor dining operator: the permit holder that exercises management and control over an outdoor dining area.
- Outdoor dining activities: the provision of suitable seating and tables and the performance of other activities directed at the consumption of food and beverages in an outdoor dining area.
- Outdoor dining permit: a permit issued under this policy authorising outdoor dining in a particular area.
- Outdoor furniture: items such as tables and chairs to accommodate outdoor dining patrons.
- Permanent structure: any outdoor structure not intended to be moved around frequently and that would be difficult to move without mechanical or other assistance within a 24 hour period.
- State-managed road: any road classified as 'State Road' by Roads and Maritime Services, under the Roads Act 1993 S163 (4). State Roads are managed and financed by Roads & Maritime Services.
- Temporary structure: any outdoor structure intended to be removed from an outdoor dining area or packed away when the area is not in use, including removable umbrellas, sign boards and other decorative features such as storage units.

© State of New South Wales through Department of Industry 2019 The information contained in this publication is based on knowledge and understanding at the time of writing (June 2019). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Industry or the user's independent adviser.

## QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting
Attachment

#### 14 AUGUST 2019

ITEM 6.10 ANNUAL COMMUNITY GRANTS PROGRAM

ATTACHMENT 1 ANNUAL COMMUNITY GRANTS PROGRAM - ASSESSMENT OF REMAINING APPLICATIONS

#### ATTACHMENT A

#### ASSESSOR SCORING SHEET QPRC ANNUAL GRANTS PROGRAM 2019-20

Assessor Name:

Liz Mirowski

Assessor Work Title: Grants Officer, Queanbeyan-Palerang Regional Council

No	Applicant	Cat	Criterion 1 score	Criterion 2 score	Criterion 3 score	Criterion 4 score	Total score (1 + 2 + 3 + 4)	Notes
45	Wamboin Social Club	В	4	4	2	3	13	Evidence of hall hire booking included in application. Cash book extract is provided. It shows that the organisation is funded through small regular donations from members.
49	Bungendore War Memorial Committee	A	4	4	2	2	12	Application not on an Application form, but does contain a reasonable level of information, justification of need and a detailed budget. Ongoing funding of \$2,000 to \$2,500 a year is requested. The 2019/2020 Annual Grants program does not provide ongoing funding. This is a Council s355 Committee.

confirm that to the best of my knowledge I have no real or p	erceived conflict of interest in rela	ition to the assessment of the above	applications for the
QPRC Grants Program 2019-20			
Signature leMy signature	Date 1/08/2019		

## QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

#### 14 AUGUST 2019

ITEM 8.1 MINUTES OF THE QPRC HERITAGE ADVISORY COMMITTEE MEETING HELD ON 18 JULY 2019

ATTACHMENT 1 QPRC HERITAGE ADVISORY COMMITTEE MINUTES - 18
JULY 2019

**Present:** Cr Peter Marshall (Chair), Andrew Riley, Jane Underwood, Judith

Bedford, David Loft.

Also Present: Pip Giovanelli, Mike Thompson, Tanja Hogg

Others Present: Nil

**Apologies:** Cr Mark Schweikert, Sue Whelan OAM

The Committee Recommends:

#### 1. Confirmation of the Report of Previous Meeting

#### Recommendation (Riley/Loft)

That the report of the meeting of the Committee held on 16 May 2019 be confirmed.

#### 2. Business arising from the minutes

Nil

#### 3. <u>Declaration of Conflicts of Interest</u>

Nil

#### 4. DA 13 Stornaway Road

Mr Thompson provided an outline of the proposal for the construction of an apartment building at 13 Stornaway Road, Queanbeyan. The Committee's attention was drawn to the second storey setback in the south eastern corner of the development and its relationship to the heritage item on 17 Stornaway Road. That front corner of the building had been lowered and use of materials was complementary to materials used in the adjoining heritage cottage.

The proposal was generally supported, however, the roof cover over the entry and lift along the southern boundary raised concerns with regards to its size and location next to the heritage cottage and the impact it had on reducing the effect of the separation between the two buildings. It was suggested that the canopy be relocated away from the heritage cottage and be reduced in size.

#### Recommendation (Riley/Loft)

**QPRC HAC 06/19** 

That the Committee does not object to the proposal in general, other than the location and size of the awning over the lift and stairs which it considers will negatively impact on the adjoining heritage cottage at 17 Stornaway Road.

#### 5. Proposed Local Heritage listing of Stone Kiosk at North Tralee

The Committee was asked to consider the long term plans for the stone kiosk adjacent to the old speedway at North Tralee. The building is in a poor state of repair but has been recommended for listing as a local heritage item in the West Jerrabomberra Planning proposal.

Mr Thompson gave a brief history of the building including the fact that a demolition request had previously been refused. The building is located on land that is proposed to be dedicated to Council as part of the Regional Sporting Complex and as such will likely come into Council ownership.

Mr Giovanelli advised the Committee that the building is in severe disrepair, including collapsed roof timbers and an undersized concrete slab. Options include reconstructing in-situ, reconstruct elsewhere, record appropriately and reuse materials in a reinterpretation of structure or no action.

It was noted that options should be considered with regard to future heritage management cost, for example the roof tiles are specific to this building and a number of tiles would need to be replaced should the structure be rebuilt further increasing the cost of a rebuild. It was also noted that while stonewalls within the Environa property are of similar stonework to the kiosk it is not part of the bigger vision of the grand entrance to the Environa Estate.

#### Recommendation (Riley/Loft)

**QPRC HAC 07/19** 

- 1. That the Committee recognise that the building has heritage value to the local area but also has significant structural issues to manage. Therefore prior to listing the stone kiosk as a heritage item, the Committee suggests that Council engage a structural engineer to provide a report on the viability of repairing the stone kiosk.
- 2. That should the structural report find that the kiosk is not in a suitable state to be salvaged the Committee would support the kiosk material being re-used/ reinterpreted in a new structure.

#### 6. Other Business

In response to a question on the status of Furlong House, Mr Thompson advised the Committee that a development application had been approved for use of the building but had yet to be activated by the applicant. As a result of security issues, doors on the ground and first floors have been boarded up.

#### 7. Next Meeting

The next meeting will be held at 4.30pm on **Thursday 15 August 2019** in the Committee Room at Queanbeyan Council Chambers.

There being no further business, the meeting closed at 5.30 pm.