



New South Wales

## **Queanbeyan Local Environmental Plan 1998 (Amendment No 26)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q01/00011)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

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## 2003 No 326

Clause 1                      Queanbeyan Local Environmental Plan 1998 (Amendment No 26)

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# Queanbeyan Local Environmental Plan 1998 (Amendment No 26)

## 1 Name of plan

This plan is *Queanbeyan Local Environmental Plan 1998 (Amendment No 26)*.

## 2 Aims of plan

This plan aims:

- (a) to correct a number of minor anomalies relating to *Queanbeyan Local Environmental Plan 1998*, and
- (b) to alter and update a number of other provisions of *Queanbeyan Local Environmental Plan 1998*, and
- (c) to recognise the Karabar shopping centre as an important shopping centre while still continuing to recognise the Queanbeyan City central business district and the proposed Jerrabomberra shopping centre as the major shopping centres for the City.

## 3 Land to which plan applies

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

## 4 Amendment of Queanbeyan Local Environmental Plan 1998

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

## Schedule 1 Amendments

(Clause 4)

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

Omit clause 2 (f). Insert instead:

- (f) to recognise the main shopping centres of the City as the Queanbeyan City central business district and the proposed Jerrabomberra shopping centre as well as the importance of the Karabar shopping centre, and

**[2] Clause 11 Exceptions to the general development control clauses**

Omit “drive-in take-away food shops” from paragraph (b).

Insert instead “fast food take-away restaurants”.

**[3] Clause 13 Zone objectives and general development controls**

Omit clause 13 (3). Insert instead:

- (3) Except as otherwise provided by this plan, the Council must not consent to development on land within a zone unless it has taken into account the general aims and objectives of this plan and the Council is of the opinion that the development is consistent with one or more of the objectives of the zone.

**[4] Clause 14 General Development Controls—Zone 1 (a) Rural A**

Insert in clause 14 (3) before “Subdivision”:

Demolition

**[5] Clause 15 General Development Controls—Zone 1 (b) Rural B**

Insert in clause 15 (3) before “Subdivision”:

Demolition

**[6] Clause 16 General Development Controls—Zone 1 (c) Rural C**

Insert in clause 16 (3) before “Subdivision”:

Demolition

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- [7] Clause 19 General Development Controls—Zone 2 (a) Residential A**  
Omit “on floodprone land or within the 20–25 ANEF contour” from clause 19 (3).
- [8] Clause 19 (3)**  
Insert before “Subdivision”:  
Demolition
- [9] Clause 20 General Development Controls—Zone 2 (b) Residential B**  
Omit from clause 20 (4):  
Drive-in Take-away Food Shops  
Take-away Food Shops
- [10] Clause 20 (4)**  
Insert in alphabetical order:  
Fast Food Take-away Restaurants
- [11] Clause 21 General Development Controls—Zone 2 (c) Residential C**  
Omit “Drive-in Take-away Food Shops” from clause 21 (4).
- [12] Clause 21 (4)**  
Insert in alphabetical order:  
Fast Food Take-away Restaurants
- [13] Clause 22 General Development Controls—Zone 2 (d) Residential D**  
Omit “Drive-in Take-away Food Shops” from clause 22 (4).
- [14] Clause 22 (4)**  
Insert in alphabetical order:  
Fast Food Take-away Restaurants

**[15] Clause 27 General Development Controls—Zone 3 (a) Business A**

Insert in alphabetical order in clause 27 (3):

Advertisements  
Advertising Structures  
Fast Food Take-away Restaurants

**[16] Clause 27 (3)**

Omit:

Drive-in Take-away Food Shops  
Take-away Food Shops

**[17] Clause 27 (3)**

Insert before “Subdivision”:

Demolition

**[18] Clause 28 General Development Controls—Zone 3 (b) Business B**

Insert at the end of clause 28 (1) (d):

, and  
(e) to recognise the importance of the Karabar shopping centre.

**[19] Clause 28 (3)**

Insert in alphabetical order:

Advertisements  
Advertising Structures  
Fast Food Take-away Restaurants

**[20] Clause 28 (3)**

Omit “Take-away Food Shops”.

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**[21] Clause 28 (3)**

Insert before “Subdivision”:

Demolition

**[22] Clause 29 General Development Controls—Zone 3 (c) Business C**

Insert in alphabetical order in clause 29 (3):

Advertisements

Advertising Structures

Fast Food Take-away Restaurants (with vehicular access from a road other than Bungendore Road or Crawford Street)

Fast Food Take-away Restaurants (other than drive-in)

**[23] Clause 29 (3)**

Omit:

Drive-in Take-away Food Shops (with vehicular access from a road other than Bungendore Road or Crawford Street)

Take-away Food Shops (other than drive-in)

**[24] Clause 29 (3)**

Insert before “Subdivision”:

Demolition

**[25] Clause 33 Fast food take-away restaurants with drive-in take-away facilities—minimum site area and landscaping requirements**

Omit “drive-in take-away food shops”.

Insert instead “fast food take-away restaurants with drive-in take-away facilities”.

**[26] Clause 34 General Development Controls—Zone 4 (a) Industrial A**

Insert in alphabetical order in clause 34 (3):

Advertisements

Advertising Structures

**[27] Clause 34 (3)**

Omit “Take-away Food Shops”.

**[28] Clause 34 (3)**

Insert before “Subdivision”:

Demolition

**[29] Clause 35 General Development Controls—Zone 4 (b) Industrial B**

Insert in alphabetical order in clause 35 (3):

Advertisements

Advertising Structures

**[30] Clause 35 (3)**

Omit “Take-away Food Shops”.

**[31] Clause 35 (3)**

Insert before “Subdivision”:

Demolition

**[32] Clause 37 Bulky goods salesrooms or showrooms—matters for consideration**

Insert at the end of clause 37 (c):

, and

- (d) the proposed bulky goods salesroom or showroom is to have a gross floor area of not less than 1,000 square metres.

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**[33] Clause 40 General Development Controls—Zone 5 (a) Special Uses A**

Insert in clause 40 (3) before “Subdivision”:

Demolition

**[34] Clause 42 General Development Controls—Zone 6 (a) Open Space A**

Insert in alphabetical order in clause 42 (3):

Fast Food Take-away Restaurants (other than drive-in)

**[35] Clause 42 (3)**

Omit “Take-away Food Shops (other than drive-in)”.

**[36] Clause 42 (3)**

Insert before “Subdivision”:

Demolition

**[37] Clause 43 General Development Controls—Zone 6 (b) Open Space B**

Insert in clause 43 (3) before “Subdivision”:

Demolition

**[38] Clause 44 General Development Controls—Zone 6 (c) Open Space C**

Insert in clause 44 (3) before “Subdivision”:

Demolition

**[39] Clause 45 General Development Controls—Zone 7 (a) Environmental Protection A**

Insert in clause 45 (3) before “Subdivision”:

Demolition

**[40] Clause 46 General Development Controls—Zone 7 (b) Environmental Protection B**

Insert in clause 46 (3) before “Subdivision”:

Demolition



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**[41] Clause 48 General Development Controls—Zone 9 (a) Road A**

Insert in clause 48 (3) before “Subdivision”:

Demolition

**[42] Clause 49 General Development Controls—Zone 9 (b) Road B**

Insert in clause 49 (3) before “Subdivision”:

Demolition

**[43] Clause 56 Identification of heritage items**

Omit item 7 of Part A of the Table to the clause. Insert instead:

7 Railway Worker’s Cottage 35 Henderson Street

**[44] Clause 56, Table**

Insert in appropriate order in Part A:

8A Railway Station Master’s Cottage 47 Henderson Street

**[45] Clause 66 Development along arterial and other specified roads—matters for consideration**

Omit clause 66 (5). Insert instead:

(5) The Council may grant development consent for the subdivision of the following land, or the erection of a dwelling requiring development consent on that land, only if it is satisfied that the development incorporates noise mitigation measures that are in accordance with the Environment Protection Authority’s *Environmental Criteria for Road Traffic Noise* (published in June 1999):

- (a) land adjoining Bungendore Road, Crawford Street, Edwin Land Parkway, Ellerton Drive, Lanyon Drive, Monaro Street, Southbar Road, Thompsitt Drive,
- (b) land adjoining land within Zone 9 (a),
- (c) land adjoining the proposed Edwin Land Parkway.

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- (6) Subclause (5) does not apply where, in the Council's opinion, the proposed development involves the reasonable repair, renovation, alteration, extension of, or addition to, an existing building.

### [46] Clauses 76–79

Omit the clauses. Insert instead:

#### **76 Air, water and noise pollution and disposal of stormwater and other liquid discharges**

- (1) The Council may grant consent for the development of land that is not exclusively for the purpose of residential use only if:
- (a) it has considered whether conditions should be imposed on the consent for the purpose of:
    - (i) reducing, improving the quality of, or controlling, all emissions to air (such as conditions concerning the use of pollution control equipment), or
    - (ii) reducing or minimising noise impacts, or
    - (iii) reducing or improving the quality of stormwater disposal from the site as well as any pollution arising as a result of stormwater disposal, or
    - (iv) reducing, improving the quality of, or controlling, liquid discharges to the sewer, and
  - (b) it is satisfied that:
    - (i) the development is not likely to give rise to significant air, water or noise pollution, and
    - (ii) stormwater and other liquid discharges will be properly discharged.
- (2) Despite subclause (1), the Council may grant consent for the development of land if it has had regard to information that addresses the following matters:
- (a) the composition and quantity of all emissions to air likely to result from the development of the site (including emissions to air from any building, plant, activity or equipment on the site),

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- (b) the noise impacts likely to result from the development of the site (including noise emissions arising during construction and from any building, plant, equipment or activity on the site),
  - (c) the measures proposed to dispose of stormwater and any liquid discharges from the site,
  - (d) the measures proposed to minimise the occurrence of polluting incidents arising from emissions to air or from discharge of stormwater or any liquid discharges to sewer as well as the measures proposed to attenuate noise emissions.

**77 Land which may be contaminated by virtue of previous development**

The Council may grant consent for the development of land only if it is satisfied that clause 7 of *State Environmental Planning Policy No 55—Remediation of Land* has been complied with.

**78 Greenhouse emissions and global warming**

The Council may grant development consent for development that has an estimated value in excess of \$500,000 and that will result in the consumption of non-renewable energy and the production of greenhouse gases only if it has made an assessment of:

- (a) details of the possible measures that could be incorporated in the development to reduce the consumption of non-renewable energy and the production of greenhouse gases, and
- (b) any measures incorporated in the proposed development to minimise the energy requirements of the proposed development, including building design, construction methods, materials, solar orientation, plant and equipment technology, space heating, cooling and lighting systems, and landscaping, and
- (c) whether conditions should be imposed on the consent aimed at reducing the consumption of non-renewable energy or the production of greenhouse gases.

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### 79 Waste minimisation and disposal

- (1) The Council may grant consent for development only if it is satisfied that the person proposing to carry out the development:
  - (a) has, in the Council's opinion, taken all reasonable measures to minimise the quantities of waste likely to be generated by the development through waste avoidance, recycling or reuse, and
  - (b) has made or intends to make arrangements for the proper collection and disposal of wastes to an appropriate landfill site or reprocessing facility, and
  - (c) has made adequate provision on site for the storage of waste materials prior to their collection and removal.
- (2) However, if the Council cannot satisfy itself of the matters referred to in subclause (1) or the development has an estimated value in excess of \$500,000, the Council may grant consent for development only if:
  - (a) it has taken into account a statement of environmental effects that details:
    - (i) the types of wastes likely to be generated by the construction and future users of the proposed development, and
    - (ii) the likely waste disposal methods, including any measures that might be taken to recycle materials or by-products or to minimise pollution, and
  - (b) it has considered whether conditions should be imposed on the consent aimed at waste minimisation, or the collection, disposal or minimising of pollution.

#### [47] Schedule 1 Dictionary

Omit the definitions of *background levels*, *drive-in take-away food shop* and *take-away food shop*.

**[48] Schedule 1, definition of “bulky goods salesroom or showroom”**

Omit the definition. Insert instead:

*bulky goods salesroom or showroom* means a building or place used for the sale (by retail or auction), hire or display of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading items into their vehicles after purchase (for example a building or place used for the sale or display of automotive equipment and spares, floor coverings, tiles and paving, garden equipment and furniture, hardware, household fittings and furniture, plants, swimming pools and spas and whitegoods),

but does not include a building or place used for the sale of foodstuffs or clothing or, where the term is used in the general development controls, a building or place defined elsewhere in this Schedule.

**[49] Schedule 1, definition of “fast food take-away restaurant”**

Insert in alphabetical order:

*fast food take-away restaurant* means a building or place (including a take-away restaurant, drive-in take-away restaurant or the like) where food or drink is prepared or offered for sale, whether or not the food or drink is consumed in that building or place or elsewhere, but, where the term is used in the general development controls, does not include a building or place specifically defined elsewhere in this Schedule.

**[50] Schedule 1, definition of “shop”**

Omit the definition. Insert instead:

*shop* means a building or place used for the purpose of selling items (whether goods or materials) whether by retail or auction,

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for hiring items or for displaying items for the purpose of selling or hiring them, but, where the term is used in the general development controls, does not include a building or place specifically defined elsewhere in this Schedule.

BY AUTHORITY