

# Yarrowlumla Local Environmental Plan 2002

[2002-356]



New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **See also**  
[Planning Legislation Amendment Bill 2019](#)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Yarrowlumla Local Environmental Plan 2002



New South Wales

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# Yarrowlumla Local Environmental Plan 2002



New South Wales

## Part 1 Preliminary information

### 1 Name of this plan

This plan is called *Yarrowlumla Local Environmental Plan 2002*.

### 2 When this plan begins

This plan takes effect on and from the date of its publication in the Government Gazette.

### 3 What are the aims and objectives of this plan?

- (1) The aim of this plan is to introduce planning controls that will encourage ecologically sustainable development, being development which satisfies the principles of ecological (environmental, economic and social) sustainability set out in Schedule 1, taking into account the *ACT and Sub region Planning Strategy September 1998* and *Murrumbidgee Catchment Management Plan* copies of which are available from the office of the Council.
- (2) The objectives of this plan are as follows—
  - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
  - (a) for rural land—
    - (i) to ensure that rural land is developed in accordance with the principles of ecologically sustainable development, and
    - (ii) to encourage the management, development and conservation of productive agricultural and horticultural land, and
    - (iii) to encourage the proper management and development of natural resources, and
    - (iv) to encourage the siting and management of development to avoid, as far as practicable, conflict between adjoining and nearby land uses, both within and between zones and with regard to likely future land uses, and

- (v) to protect and conserve places of natural, historic and cultural significance, and
  - (vi) to enable provision of essential roads, transport and utilities infrastructure,
- (b) for urban land—
- (i) to ensure that urban land is developed in accordance with the principles of ecologically sustainable development, and
  - (ii) to encourage commercial, retail and professional services in established urban locations, and
  - (iii) to provide flexibility in residential living styles and increased urban amenity for residents, and
  - (iv) to protect and conserve places for natural, historic and cultural significance, and
  - (v) to protect and enhance the social welfare of residents, and
  - (vi) to enable provision of essential roads, transport and utilities infrastructure.

#### **4 Where does this plan apply?**

This plan applies to all land within the local government area of Yarrowlumla.

#### **5 How does this plan affect other plans?**

This plan—

- (a) amends *Yarrowlumla Local Environmental Plan 1993* by omitting from clause 3 the words “within the Shire of Yarrowlumla as” and by inserting instead the words “, except land within the area of Yarrowlumla,”,
- (b) amends *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development* by inserting the following words in alphabetical order in Schedule 2 (Land excepted from clauses 6–10)—

Yarrowlumla local government area

- (c) amends *State Environmental Planning Policy No 60—Exempt and Complying Development* by omitting from Part 2 of Schedule 1 (Where does this Policy apply?) the word “Yarrowlumla”.

#### **6 Does this plan affect covenants, agreements or other similar instruments?**

- (1) If any agreement, covenant or other similar instrument prohibits or restricts development allowed by or under this plan or carried out in accordance with a consent

granted under the Act, the agreement, covenant or instrument does not apply to that development to the extent necessary to allow that development to be carried out.

- (2) Nothing in subclause (1) affects the rights or interests of the Council or any other public authority under any registered instrument.
- (3) In accordance with section 28 of the Act, the Governor approved of subclauses (1) and (2) before this plan was made.

#### **7 Who is the consent authority and how are terms used in this plan?**

- (1) The Council is the consent authority for the purposes of development applications relating to land to which this plan applies, subject to the Act.
- (2) A term defined in the Dictionary has the same meaning when used in this plan.
- (3) In this plan—
  - (a) a reference to a use of land includes a reference to a proposed use of land of the same kind, and
  - (b) a reference to a map is to a map kept in the office of the Council.
- (4) The list of contents of this plan and any notes in this plan do not form part of this plan.

#### **8 Classification of land**

- (1) The public land described in Parts 1 and 2 of Schedule 2 was classified, or reclassified, as operational land or community land, respectively, for the purposes of the [Local Government Act 1993](#) before the appointed day.
- (2) The public land described in Part 3 or 4 of Schedule 2 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#), subject to this clause.
- (3) Land described in Part 3 of Schedule 2—
  - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (4) Land described in Columns 1 and 2 of Part 4 of Schedule 2, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting



the land or any part of the land except those (if any) specified for the land in Column 3 of Part 4 of Schedule 2.

- (5) In this clause, ***the relevant amending plan***, in relation to land described in Part 4 of Schedule 2, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.
- (6) The public land described in Part 5 of Schedule 2 is classified, or reclassified, as community land for the purposes of the [Local Government Act 1993](#).
- (7) Before the relevant amending plan inserted a description of land into Part 4 of Schedule 2, the Governor approved of subclause (4) applying to the land.
- (8) Nothing in this clause prevents the classification or reclassification of land under the [Local Government Act 1993](#) by the Council.

## **Part 2 General controls for zoned land**

### **9 What zones apply?**

For the purposes of this plan, land to which this plan applies is within a zone specified below if the land is shown on the zoning map as specified below—

Zone No 1 (a) (General Rural Zone)—edged heavy black and lettered “1 (a)”

Zone No 1 (d) (Rural Residential Zone)—edged heavy black and lettered “1 (d)”

Zone No 1 (f) (State Forest Zone)—edged heavy black and lettered “1 (f)”

Zone No 1 (g) (Rural Small Holdings Zone)—edged heavy black and lettered “1 (g)”

Zone No 2 (v) (Village Zone)—edged heavy black and lettered “2 (v)”

Zone No 5 (a) (Water Catchment Zone)—edged heavy black and lettered “5 (a)”

Zone No 6 (a) (Recreation Zone)—edged heavy black and lettered “6 (a)”

Zone No 7 (e) (Environmental Protection Zone)—edged heavy black and lettered “7 (e)”

Zone No 8 (a) (National Park Zone)—edged heavy black and lettered “8 (a)”

### **10 What are the zone objectives?**

(1) **Zone No 1 (a) (General Rural Zone)** The objectives of this zone are as follows—

- (a) to protect the agricultural potential of rural land and to prevent the fragmentation of viable rural holdings,
- (b) to prevent premature and sporadic subdivisions and to ensure consolidation of

urban areas, thus enhancing the prospect of the economic provision of public services,

- (c) to prevent the subdivision of land on the fringe of urban areas into small allotments that may prejudice the proper layout of future urban areas,
- (d) to ensure that development occurs only on land which is suitable for, and economically capable of, the proposed development and so as not to create conflicting uses,
- (e) to allow the use of land within the zone for agricultural purposes and for a range of other appropriate purposes, while minimising conflict between them,
- (f) to restrict the establishment of inappropriate traffic-generating uses along arterial and main road frontages,
- (g) to ensure sound management of land which has an extractive or mining industry potential and to ensure that development does not adversely affect the potential of any existing or future extractive industry,
- (h) to permit the development of industries that are appropriately located in the rural environment,
- (i) to ensure that any effect development will have on threatened plant and animal species or regionally significant grassland and grassy woodland communities is taken into account.

(2) **Zone No 1 (d) (Rural Residential Zone)** The objectives of this zone are as follows—

- (a) to provide the opportunity for development of integrated rural residential communities,
- (b) to promote an innovative and flexible approach to rural residential development,
- (c) to ensure that development is compatible with the environmental capabilities of the land and to encourage the conservation and enhancement of natural resources by means of appropriate land management techniques,
- (d) to assist in meeting the demand for rural residential development where it is consistent with the conservation of rural, agricultural, heritage and natural landscape qualities,
- (e) to ensure that attractive views from main roads and other vantage points are protected and enhanced,
- (f) to ensure that adequate provision has been made for water supply and disposal of effluent,

- (g) to ensure that development does not create unreasonable demands, now or in the future, for the provision or extension of public amenities or services,
- (h) to ensure that traffic-generating development is suitably located so as not to adversely affect the safety and efficiency of roads,
- (i) to ensure that development will not lead to excessive soil erosion or run-off,
- (j) to ensure that the form, siting and colours of buildings, building materials and landscaping complement the natural scenic quality of land within this zone,
- (k) to ensure that any effect development will have on threatened plant and animal species or regionally significant grassland and grassy woodland communities is taken into account,
- (l) to ensure that sites of Aboriginal archaeological significance in the zone are identified and protected.

(3) **Zone No 1 (f) (State Forest Zone)** The objectives of this zone are as follows—

- (a) to identify land within the local government area of Yarrowlumla dedicated as a State forest under the *Forestry Act 1916*,
- (b) to encourage the use of that land for the purposes permitted under that Act so as to provide employment opportunities in forestry and the timber industry and to promote the use and enjoyment of that land but, in all cases, having regard to the likely effect of forestry works on the environment within the local government area of Yarrowlumla.

(4) **Zone No 1 (g) (Rural Small Holdings Zone)** The objectives of this zone are as follows—

- (a) to provide opportunities for rural residential living in localities in close proximity to existing villages and urban areas where services are readily and economically accessible,
- (b) to protect and enhance the scenic quality and rural character of those localities,
- (c) to ensure that traffic-generating developments are suitably located so as not to adversely affect the safety and efficiency of roads,
- (d) to ensure that the form, siting and colours of buildings, building materials and landscaping complement the natural scenic quality of those localities,
- (e) to ensure that, where development is to be located on or near ridgetops, it will not significantly intrude into the skyline or detract from the scenic amenity of the locality.

(5) **Zone No 2 (v) (Village Zone)** The objectives of this zone are as follows—

- (a) to set aside areas in which a range of residential accommodation and urban facilities can be provided for the rural community,
  - (b) to recognise the natural and physical features of each village and to prevent development in unsuitable areas, such as flood-prone land,
  - (c) to control village development so as to achieve the most efficient use of existing utility services (such as water supply and sewerage services), roads and streets.
- (6) **Zone No 5 (a) (Water Catchment Zone)** The objective of this zone is to restrict development of land to such uses as are compatible with the water catchment area identified by this zone.
- (7) **Zone No 6 (a) (Recreation Zone)** The objective of this zone is to set aside areas in which recreation facilities for the general use of the community can be provided.
- (8) **Zone No 7 (e) (Environmental Protection Zone)** The objectives of this zone are as follows—
- (a) to protect various localities which are environmentally sensitive and which enhance the visual amenity of the local government area of Yarrowlumla,
  - (b) to protect various localities which are of scientific or social significance.
- (9) **Zone No 8 (a) (National Park Zone)** The objective of this zone is to identify national parks and nature reserves administered by the National Parks and Wildlife Service and to facilitate use of those lands for the purposes of the *National Parks and Wildlife Act 1974*.

## **11 What development is allowed or prohibited by zoning?**

- (1) Subject to clauses 12–15, the Table to this clause sets out for each zone—
- (a) development that may be carried out without development consent, by the letter “W” corresponding to that development, and
  - (b) development that may be carried out only with development consent, by the letter “C” corresponding to that development, and
  - (c) development that is prohibited, by the letter “P” corresponding to that development.
- (2) Consent may also be granted for land uses not specifically identified in the Table, if the use is consistent, in the consent authority’s opinion, with the objectives of this plan and the objectives of the zone within which the land on which the use will be carried out is situated.
- (3) Development that is prescribed as designated development by the *Environmental Planning and Assessment Regulation 2000* may be carried out only with development

consent even if it is incidental or ancillary to development that does not require consent.

(4) Subclause (3) does not apply to development carried out by public authorities.

### Table

<b>Development for the purpose of—</b>	<b>1 (a)</b>	<b>1 (d)</b>	<b>1 (f)</b>	<b>1 (g)</b>	<b>2 (v)</b>	<b>5 (a)</b>	<b>6 (a)</b>	<b>7 (e)</b>	<b>8 (a)</b>
abattoirs	C	P	P	P	P	P	P	P	P
advertisements	C	C	P	C	C	C	C	C	P
advertising structures	C	C	P	C	C	C	C	C	P
agriculture—general farming	W	W	P	W	P	P	P	W	P
agriculture—intensive animal husbandry	C	C	P	P	P	P	P	P	P
agriculture—intensive livestock keeping	C	P	P	P	P	P	P	P	P
agriculture—intensive plant cultivation	C	C	P	P	P	P	P	P	P
aircraft facilities	C	P	P	P	P	P	P	P	P
airline terminals	C	P	P	P	P	P	P	P	P
animal boarding establishments	C	P	P	P	P	P	P	P	P
animal breeding or training establishments	C	C	P	C	C	P	P	C	P
aquaculture	C	C	P	P	P	P	P	C	P
bed and breakfast	C	C	P	C	C	P	P	C	P
boarding houses	P	P	P	P	C	P	P	P	P
brothels	P	P	P	P	C	P	P	P	P
bulk stores	P	P	P	P	C	P	P	P	P
bulky goods salesrooms or showrooms	P	P	P	P	C	P	P	P	P
bus depots	C	C	P	P	C	P	P	P	P
bus stations	P	P	P	P	C	P	P	P	P
bush fire hazard reduction	W	W	W	W	W	W	W	W	P

caravan parks	P	P	P	P	C	P	P	P	P
cemeteries—private	C	C	P	P	P	P	P	P	P
cemeteries—private burial site	W	W	P	P	P	P	P	P	P
cemeteries—public	C	C	P	P	C	P	P	P	P
child care centres	C	C	P	C	C	P	P	P	P
churches	C	C	P	C	C	P	P	P	P
clubs	C	C	P	C	C	P	P	P	P
commercial premises	P	P	P	P	C	P	P	P	P
community facilities	C	C	P	C	C	P	C	C	P
dual occupancies	C	C	P	P	C	P	P	P	P
dwelling houses	C	C	P	C	C	P	P	C	P
earthworks	C	C	C	C	C	C	C	C	P
education establishments	P	P	P	P	C	P	P	P	P
entertainment facilities	C	C	P	C	C	P	P	P	P
exhibition homes	P	C	P	P	C	P	P	P	P
extractive industries	C	P	P	P	P	P	P	P	P
feed lots	C	P	P	P	P	P	P	P	P
forestry	C	C	W	P	P	P	P	P	P
garaging of plant and trucks	W	W	P	C	C	P	P	C	P
generating works	C	P	P	P	C	P	P	P	P
group homes	P	P	P	P	C	P	P	P	P
health consulting rooms	P	P	P	P	C	P	P	P	P
helipads	C	P	P	P	C	P	P	P	P
heliports	P	P	P	P	C	P	P	P	P
high technology industries	P	P	P	P	C	P	P	P	P
hire establishments	P	P	P	P	C	P	P	P	P
home activities	C	C	P	C	C	P	P	C	P
home occupations	W	W	P	W	W	P	P	W	P

hospitals	P	P	P	P	C	P	P	P	P
hotels	P	P	P	P	C	P	P	P	P
housing for aged or disabled persons	P	C	P	C	C	P	P	P	P
industries	P	P	P	P	P	P	P	P	P
institutions	C	P	P	P	C	P	P	P	P
junk yards	C	P	P	P	C	P	P	P	P
landfill	C	C	C	C	C	C	C	C	P
light industries	P	P	P	P	C	P	P	P	P
liquid fuel depots	C	P	P	P	C	P	P	P	P
manufactured home estates	P	P	P	P	C	P	P	P	P
markets	P	P	P	P	C	P	P	P	P
materials recycling facilities	C	P	P	P	C	P	P	P	P
medical centres	P	P	P	P	C	P	P	P	P
mines	C	P	P	P	P	P	P	P	P
mineral sand mines	C	P	P	P	P	P	P	P	P
motels	C	P	P	P	C	P	P	P	P
motor showrooms	P	P	P	P	C	P	P	P	P
offensive or hazardous industries	P	P	P	P	P	P	P	P	P
paintball establishments	P	P	P	P	P	P	P	P	P
parking stations	P	P	P	P	C	P	P	P	P
passenger transport terminals	C	P	P	P	C	P	P	P	P
periodic public entertainment	C	C	P	C	C	P	P	P	P
piggeries	C	P	P	P	P	P	P	P	P
places of assembly	C	C	P	P	C	P	P	P	P
places of public worship	C	C	P	C	C	P	P	P	P
plant depots	C	P	P	P	C	P	P	P	P

public buildings	P	P	P	P	C	P	P	P	P
public utility undertakings	C	C	C	C	C	C	C	C	P
reception establishments	C	P	P	P	C	P	P	P	P
recreation areas	C	C	P	C	C	P	C	P	P
recreation establishments	C	C	P	P	C	P	P	P	P
recreation facilities	P	P	P	P	C	P	P	P	P
refreshment rooms	C	C	C	C	C	P	P	C	P
residential flat buildings	P	P	P	P	C	P	P	P	P
restaurants	P	P	P	P	C	P	P	P	P
retail plant nurseries	C	C	P	P	C	P	P	C	P
retail wineries	C	C	P	P	P	P	P	P	P
roads	C	C	C	C	C	C	C	C	P
roadside stalls	C	C	P	P	C	P	P	C	P
road transport terminals	C	P	P	P	C	P	P	P	P
rural home industries	C	C	P	C	P	P	P	P	P
rural industries	C	C	P	C	P	P	P	P	P
rural tourist facilities	C	P	P	P	P	P	P	P	P
rural workers' dwellings	C	P	P	P	P	P	P	P	P
sawmills	C	P	P	P	P	P	P	P	P
service stations	C	P	P	P	C	P	P	P	P
shops	P	P	P	P	C	P	P	P	P
stock and sale yards	C	P	P	P	P	P	P	P	P
stores, convenience	C	C	P	C	C	P	P	P	P
stores, general	C	C	P	C	C	P	P	P	P
stores, produce	C	P	P	P	C	P	P	P	P
telecommunications facilities	C	C	C	C	C	C	C	C	P
tourist facilities	C	C	C	C	P	P	P	P	P
transport depots	C	P	P	P	P	P	P	P	P



transport terminals	C	P	P	P	P	P	P	P	P
tree farming	W	W	P	W	P	P	P	C	P
units for aged persons	P	P	P	P	C	P	P	P	P
utility installations	C	C	C	C	C	C	C	C	P
vehicle body repair workshops	P	P	P	P	C	P	P	P	P
vehicle repair stations	P	P	P	P	C	P	P	P	P
veterinary hospitals	C	P	P	P	C	P	P	P	P
warehouses or distribution centres	P	P	P	P	C	P	P	P	P

**Note—**

**C** = development consent required

**W** = allowed without consent

**P** = prohibited development

**12 What activities do not require consent and are not prohibited by this plan?**

Nothing in this plan prohibits or requires development consent for—

- (a) the use by the Crown of buildings that were in existence on the commencement of this plan and that were under the control of the Crown at that date, or
- (b) any activity listed in Schedule 3.

**13 What is exempt development?**

- (1) Development listed in Schedule 4 is exempt development, except as provided by subclauses (2) and (3).
- (2) Development is exempt development only if it is of minimal environmental impact and—
  - (a) it does not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, and
  - (b) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
  - (c) it complies with the relevant requirements and standards set for the development in Part 3, and

- (d) it does not contravene any condition of a development consent applying to the land, and
  - (e) it does not obstruct drainage of the site on which it is carried out, and
  - (f) it does not restrict any vehicular or pedestrian access to or from the site, and
  - (g) it is carried out at least one metre from any easement or public sewer main and complies with any building over sewer requirements of the local sewer authority, and
  - (h) it does not require any exotic tree above 4 metres high, or any native tree, shrub or heath to be removed, and
  - (i) it is consistent with any plan of management approved under *State Environmental Planning Policy No 44—Koala Habitat Protection*, and with any recovery plan or threat abatement plan in force under the *Threatened Species Conservation Act 1995* that apply to the land.
- (3) Development is not exempt development if it is carried out on land—
- (a) that is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
  - (b) that is within a wilderness area (under the *Wilderness Act 1987*), or
  - (c) that is—
    - (i) the site or adjacent to the site of a heritage item identified in Schedule 7, or
    - (ii) an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
    - (iii) within Zone No 7 (e) or is Murrumbidgee River corridor land as defined in clause 42, or
    - (iv) within 40 metres of a perennial watercourse, or
    - (v) reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes.
- (4) This clause does not apply to land to which clause 14A applies.

#### **14 What is complying development?**

- (1) Subject to section 76A (6) of the Act, development listed in Part 1 of Schedule 5 is complying development if—
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and

- (b) it is not an existing use, as defined in section 106 of the Act, except as provided by subclauses (2) and (3).
- (2) Development is complying development only if—
- (a) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
  - (b) it will achieve the outcomes listed for the development in Part 2 of Schedule 5, and
  - (c) it complies with any development standards set for the development in this plan, and
  - (d) it is consistent with any plan of management approved under *State Environmental Planning Policy No 44—Koala Habitat Protection*, and with any recovery plan or threat abatement plan in force under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*, that apply to the land, and
  - (e) it does not contravene any condition of a development consent applying to the land,
  - (f) a certificate of compliance has been obtained for the development, if required, from the local water supply and sewer authority.
- (3) Development is not complying development if it is carried out on land that—
- (a) is floodplain land or within the **flood planning area** as defined in clause 39, or
  - (b) is identified on a map held at the Council's office as bush fire prone, or contaminated land, or land subject to subsidence, slip or erosion, or
  - (c) is a site that has previously been used as a service station or a sheep or cattle dip, for intensive agriculture, mining or extractive industry, waste storage or waste treatment, or for the manufacture of chemicals, asbestos or asbestos products, and a notice of completion of remediation work for the proposed use has not been given to the Council in accordance with *State Environmental Planning Policy No 55—Remediation of Land*, or
  - (d) is an Aboriginal place within the meaning of the *National Parks and Wildlife Act 1974* or an Aboriginal relic recorded by the Council, or is dedicated or reserved under that Act, or
  - (e) is the site or is adjacent to the site of a heritage item identified in Schedule 7, or
  - (f) is located within Zone No 7 (e), or
  - (g) is reserved or dedicated under the *Crown Land Management Act 2016* for the

preservation of flora, fauna or geological formations or for other environmental protection purposes, or

(h) is an aquatic reserve declared under the *Fisheries Management Act 1994*, or

(i) is State protected land within the meaning of the *Native Vegetation Conservation Act 1997*, or

(j) is protected land within the meaning of the *Rivers and Foreshores Improvement Act 1948*.

(4) A complying development certificate issued for any such development is to be subject to the conditions for the development specified in Part 3 of Schedule 5.

(5) A permit or a development consent is not required by any environmental planning instrument to remove an exotic tree under 4 metres high if the carrying out of the development allowed to be carried out by a complying development certificate necessitates the removal of the tree.

(6) This clause does not apply to land to which clause 14A applies.

**14A Exempt development and complying development within the area of the City of Queanbeyan**

(1) This clause applies to land to which this plan applies that is within the area of the City of Queanbeyan.

(2) Development of minimal environmental impact listed as exempt development in *Development Control Plan No 49—Exempt and Complying Development* as adopted by the Council on 28 February 2007 is exempt development, despite any other provision of this plan.

(3) Development listed as complying development in *Development Control Plan No 49—Exempt and Complying Development* as adopted by the Council on 28 February 2007 is complying development if—

(a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and

(b) it is not an existing use, as defined in section 106 of the Act, and

(c) it complies with the current deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and

(d) it does not involve a change of classification under the *Building Code of Australia* of any building or part of any building on the land, and

(e) it does not contravene any condition of a development consent applying to the land, and

- (f) it is not integrated development, as defined in section 91 of the Act, and
  - (g) it complies with any applicable manufacturer's instructions and any applicable Australian standard published by Standards Australia.
- (4) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan No 49—Exempt and Complying Development* as adopted by the Council on 28 February 2007.
- (5) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan No 49—Exempt and Complying Development* adopted by the Council, as in force when the certificate is issued.

### **15 Development of land near adjoining zone boundaries**

- (1) Where land is located within 50 metres of a boundary between two zones, consent may be granted to development on the land that is permissible in the adjoining zone.
- (2) Consent must not be granted to the carrying out of development allowed by subclause (1) unless the consent authority is satisfied that the carrying out of the development is desirable due to planning, design, servicing or similar requirements relating to the development of the land concerned and will not adversely affect the relevant planning objectives or the amenity of the locality.
- (3) The provisions of subclauses (1) and (2) do not apply to Murrumbidgee River corridor land or any land within Zone No 7 (e).

## **Part 3 Special controls for all land**

### **Division 1 Matters to be considered before consent is granted**

#### **16 What must be considered before granting consent to development?**

- (1) Before consenting to development of land, the consent authority must be satisfied that the carrying out of the development is consistent with the objectives of this plan and the objectives of the zone in which the land is situated.
- (2) Before consenting to development of land, the consent authority must also consider—
  - (a) the present use of the land and the potential of the land as productive agriculture land, and
  - (b) the vegetation cover, land capability (including soil resources and soil stability) and water resources (including the quality and stability of watercourses and ground water storage and riparian rights), and

- (c) the future recovery, from known or prospective areas, of valuable deposits of minerals, sand, gravel or other extractive materials, and
  - (d) the protection of areas of significance for nature conservation or areas of high scenic or recreational value, and places and buildings of archaeological or heritage significance (including Aboriginal relics and places), and the conservation of native flora and fauna, and
  - (e) the cost of providing, extending and maintaining public amenities and services to any buildings or works that will result from carrying out the development, and
  - (f) future expansion of urban areas in the locality and the impact on any existing village, and
  - (g) vulnerability and exposure to natural disasters such as bush fires and floods, and
  - (h) in the case of subdivision, whether each allotment to be created has a practical building precinct.
- (3) This clause does not apply to development that is complying development under clause 14.

## **Division 2 Subdivision**

### **17 When is consent required for the subdivision of land?**

Consent must be obtained for all subdivisions other than the following—

- (a) subdivisions that only effect minor boundary adjustments which do not create any additional allotments and which do not alter the area of any allotment more than 10%,  
or
- (b) subdivisions only for the purpose of road widening.

### **18 What must be considered before consenting to a subdivision of land in the Rural zones and the Environmental Protection zone?**

- (1) Consent must not be granted to a subdivision of land within Zone No 1 (a), 1 (d), 1 (g) or 7 (e) unless the consent authority is satisfied that—
  - (a) the density of the allotments proposed to be created reflects the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided, and
  - (b) a range and mixture of allotment sizes will be provided, and
  - (c) essential services, including access roads, and electricity and telephone services, can be economically provided, and

- (d) a site specific investigation of land capability and hydraulic/nutrient balance (undertaken by a person with qualifications satisfactory to the Council) ascertains that the land has adequate capability for on-site effluent disposal and that such disposal will not adversely affect water quality on adjoining land through either surface or sub-surface flows, and
- (e) where 5 allotments or more are proposed to be created, each allotment will be provided with a reticulated non-potable water supply from a communal source, being one or more dams or bores (or dams and bores), subject to the total volume of water provided being within the limits of the maximum harvestable rights dam capacity and current Department of Land and Water Conservation policy relating to ground water access which last applied to the land prior to subdivision, and
- (f) where less than 5 allotments are proposed to be created or the provision of a reticulated non-potable water supply system is proved to be not practicable, an adequate non-potable water supply will be available to each allotment, being either—
  - (i) a dam on each allotment with a capacity of at least 0.75 megalitre and a catchment area of at least 8 hectares, or
  - (ii) a ground water supply with a flow rate of 0.5 litre per second to provide a minimum annual supply of 0.75 megalitre,subject to the total volume of water provided being within the limits of the maximum harvestable rights dam capacity and current Department of Land and Water Conservation policy relating to ground water access which last applied to the land prior to subdivision, and
- (g) the proposed locations of dwellings conform to the topography of the land, complement each other and take into account the visual impact of the development on the amenity of the area, and
- (h) having regard to a site assessment carried out by a person with qualifications satisfactory to the Council, the development will not adversely impact on flora and fauna, including regionally significant species and communities, or the Aboriginal cultural heritage, including “Aboriginal objects” of the locality, and
- (i) each proposed allotment has a depth to width ratio not exceeding 4:1, and
- (j) each proposed allotment having an area of less than 16 hectares has frontage to a road other than a main or arterial road, and
- (k) where the land proposed to be subdivided is identified as Class 1, 2 or 3 on the map prepared by the Department of Agriculture and held in the office of the Council, the agricultural potential of the land has been taken into account in the subdivision design and the size of the proposed allotments is appropriate for

ongoing agricultural use, and

- (l) if the land proposed to be subdivided is Murrumbidgee River corridor land, the matters listed in clause 43 have been taken into account in the subdivision design.
- (2) Consent must not be granted to a subdivision of land within Zone No 1 (a) where—
  - (a) the development will lead to the clustering of more than 5 allotments having an area of less than 80 hectares, or
  - (b) in the opinion of the consent authority, the subdivision will adversely impact on the agricultural operation of the holding or neighbouring properties.
- (3) Consent must not be granted to a subdivision of land within Zone No 7 (e) unless the consent authority is satisfied that subsequent development of the subdivided land will not detrimentally impact on the scientific, environmental or social significance or visual amenity of the area.

**19 What are the allotment size requirements that apply to subdivision in the General Rural zone?**

- (1) Consent may be granted to the subdivision of land within Zone No 1 (a) only if the consent authority is satisfied that—
  - (a) each allotment proposed to be created by the subdivision will have an area of not less than 8 hectares, and
  - (b) the average area of all lots into which the land comprising each 1995 holding affected by the subdivision is divided will be not less than 80 hectares at any time, and
  - (c) where lots having an area of less than 80 hectares are proposed to be created, the total number of allotments having an area of less than 80 hectares created through successive subdivisions of the land comprising each 1995 holding affected by the subdivision will not exceed 5, and
  - (d) each proposed allotment which will have a frontage to a main or arterial road will have a frontage to that road of not less than 200 metres or one entry point to that road for vehicles, and
  - (e) each proposed allotment which will have a frontage to a lake or river will have a frontage to that lake or river of not less than 200 metres, and
  - (f) the land to which the development application applies has not previously been subdivided in accordance with this clause, unless it is the land nominated by the owner to the Council as the residue lot in the last subdivision which involved the land.



- (2) Despite subclause (1) (b), consent may be granted to the subdivision of a 1995 holding between 88 hectares and 159 hectares in area so as to create 2 allotments if the subdivision was permissible immediately prior to the gazettal of *Yarrowlumla Local Environmental Plan 1993 (Amendment No 6)*.
- (3) Land identified as Class 1, 2 or 3 on the map prepared by the Department of Agriculture and held in the office of the Council is not to be subdivided so as to create an allotment of less than 16 hectares.
- (4) Consent may be granted to the subdivision of land within Zone No 1 (a) to create an allotment of any size that will be used otherwise than for the purpose of agriculture or a dwelling (the proposed use being development that may be carried out under Part 2), if—
  - (a) in the opinion of the consent authority, the area of the allotment to be created is appropriate for the development for which it is intended to be used, and
  - (b) where the land is identified as Class 1, 2 or 3 on the map prepared by the Department of Agriculture and held in the office of the Council, the consent authority is satisfied that there is no reasonable alternative to using the allotment for the proposed development.

## **20 What are the allotment size requirements that apply to subdivision in the Rural Residential Zone?**

- (1) **Land within Zone No 1 (d)** Consent must not be granted to a subdivision of land within Zone No 1 (d) otherwise than in accordance with subclauses (2)–(5).
- (2) Consent may be granted to such a subdivision if the consent authority is satisfied that—
  - (a) allotments having an area of less than 16 hectares proposed to be created by the subdivision will have an average area of not less than 6 hectares, and
  - (b) none of the allotments proposed to be created by the subdivision will have an area of less than 2 hectares, and
  - (c) allotments having an area of less than 4 hectares will comprise not more than 15 per cent of the land being subdivided, and
  - (d) any allotment having an area of less than 4 hectares will not adjoin or be adjacent to any other allotment having an area of less than 4 hectares, and
  - (e) each allotment having an area of less than 4 hectares will have frontage to a public road other than a main or arterial road.
- (3) The Council must not grant consent to a subdivision of land within Zone No 1 (d) if the land has been previously subdivided in accordance with this clause or clause 13A of

*Yarrowlumla Local Environmental Plan 1993.*

- (4) The Council must not grant consent to a subdivision of an allotment of land with an area of 16 hectares or less within Zone No 1 (d) if the allotment has been previously subdivided in accordance with clause 13 (4) of *Yarrowlumla Local Environmental Plan 1993*, clause 14 (4) of *Yarrowlumla Local Environmental Plan 1986* or clause 11B (3) or 11C of *Interim Development Order No 1—Shire of Yarrowlumla*.
- (5) Despite subclause (3), consent may be granted to the subdivision of land within Zone No 1 (d) to create an allotment of any size that will be used otherwise than for the purpose of agriculture or a dwelling (the proposed use being development that may be carried out under Part 2), if—
  - (a) in the opinion of the consent authority, the area of the allotment to be created is appropriate for the development for which it is intended to be used, and
  - (b) where the land is identified as Class 1, 2 or 3 on the map prepared by the Department of Agriculture and held in the office of the Council, the consent authority is satisfied that there is no reasonable alternative to using the allotment for the proposed development.
- (6) **Land within Zone No 1 (g)** Consent may be granted to a subdivision of land within Zone No 1 (g) if the subdivision will create a title for an existing dwelling by excising an allotment from the land on which it is situated.

**21 What must be considered before consent is granted to subdivision in the Village Zone?**

Consent must not be granted to a subdivision of land within Zone No 2 (v) unless the consent authority is satisfied—

- (a) that the subdivision is consistent with the character of the area in which it is proposed having regard to existing density, landscape and nearby development, and
- (b) that the subdivision does not take in unsuitable areas such as floodplain land, and
- (c) that the development achieves the most efficient use of existing utility services (such as water supply and sewerage services), roads and streets, and
- (d) that, where connection of a proposed allotment to a sewer is not possible, the allotment will be suitable for on-site effluent disposal without adverse effect on ground or surface water quality.

**21A What special requirement applies to subdivision in the Village Zone in the local government area of Palerang?**

Despite any other provision of this plan, consent must not be granted to the subdivision of so much of the land within Zone No 2 (v) as is in the local government area of Palerang unless the consent authority is satisfied that the lots created by the subdivision will be

connected to a reticulated sewerage system that is owned and operated by Palerang Council.

**22 What are the allotment size requirements that apply to subdivision in the Village Zone?**

- (1) Consent may be granted to the subdivision of land within Zone No 2 (v) so as to create an allotment that the consent authority is satisfied is intended to be used for the purpose of a dwelling only if the allotment has an area of 450 square metres or more in the sewered areas of Zone No 2 (v) and 2,000 square metres or more in the unsewered areas of Zone No 2 (v).
- (2) Consent may be granted to a subdivision of land so as to create an allotment of less than 450 square metres in the sewered areas of Zone No 2 (v) that the consent authority is satisfied is intended to be used for any permissible development (other than the erection of dwellings, residential flat buildings, boarding houses, motels and the like) if the consent authority is satisfied that such an allotment is appropriate having due regard to the purpose for which it is being created.
- (3) Despite subclause (1), consent may be granted to a subdivision of land within Zone No 2 (v) to create allotments of less than 2,000 square metres, but not less than 1,000 square metres, in the unsewered areas of Zone No 2 (v), but only if the consent authority has had regard to a detailed analysis, including consideration of—
  - (a) slope, and
  - (b) ground cover, and
  - (c) soil permeability, and
  - (d) transpiration factors, and
  - (e) proximity of proposed dwellings to flow lines, and
  - (f) the location of proposed dwellings in relation to proposed waste disposal systems and to each other.
- (4) Despite subclauses (1)–(3), consent may not be granted to the subdivision of land within Zone No 2 (v) and shown hatched on the zoning map.

**23 What are the allotment size requirements that apply to subdivision in Zone No 7 (e)?**

- (1) Allotments proposed in Zone No 7 (e) must meet the following standards—
  - (a) where there is a dwelling on the land, the allotment on which it will be situated must have an area of not less than 80 hectares,
  - (b) where the allotment will be created for the purpose of erecting a dwelling, the allotment must have an area of not less than 80 hectares.

- (2) Consent may be granted to a subdivision of land within Zone No 7 (e) to create an allotment of any size that will be used otherwise than for the purpose of agriculture or a dwelling (the proposed use being development that can be carried out under Part 2), if—
  - (a) the area of the allotment to be created is appropriate for the development for which it is intended to be used, and
  - (b) where the land is identified as Class 1, 2 or 3 on the map prepared by the Department of Agriculture and held in the office of the Council, there is no reasonable alternative to using the allotment for the proposed development.

### **Division 3 Erection of dwellings**

#### **24 What requirements apply for the erection of a dwelling house on land within Zone No 1 (a)?**

- (1) The land on which it is proposed to erect a dwelling house within Zone No 1 (a) must—
  - (a) be a vacant allotment having an area of not less than 80 hectares. However, this paragraph allows the erection of a dwelling house only if it will not generate demands for the provision of services which, in the opinion of the Council, cannot be economically provided, or
  - (b) be a vacant 1995 holding on which a dwelling house could have been lawfully erected immediately before the appointed day, or
  - (c) be a lot in a subdivision consented to in accordance with clauses 18 and 19, or
  - (d) be a lot in a subdivision which was consented to or approved by the Council before the appointed day and which met the requirements for erecting a dwelling house that applied at the date the subdivision was consented to or approved.
- (2) Before granting consent to the erection of a dwelling house on land within Zone No 1 (a), the consent authority must be satisfied that—
  - (a) an on-site effluent disposal report indicates that the parcel of land has an adequate capability for on-site effluent disposal and that such disposal will not adversely affect the water quality on adjoining land through either surface or sub-surface flows, and
  - (b) an adequate water supply for domestic, land management and firefighting purposes is provided.
- (3) In the case of an allotment created pursuant to clause 19 (1), the consent authority must be satisfied that the dwelling house is ancillary to the use of the allotment for some other purpose for which development may lawfully be carried out on the

allotment.

- (4) Not more than one dwelling house may be erected on an area of land referred to in subclause (1). This does not, however, prevent a second dwelling house being erected which is intended to replace an existing dwelling house and which is not occupied prior to the removal of the existing dwelling house, nor does it prevent the erection of a dual occupancy.
- (5) Despite subclause (4), a rural worker's dwelling may be erected on an allotment of land within Zone No 1 (a) having an area of not less than 80 hectares.

**25 What requirements apply for the erection of a dwelling house on land within Zone No 1 (d)?**

- (1) The land on which it is proposed to erect a dwelling house within Zone No 1 (d) must—
  - (a) be a vacant lot having an area of not less than 8 hectares. However this paragraph allows the erection of a dwelling house only if it will not generate demands for the provision of services which, in the opinion of the Council, cannot be economically provided, or
  - (b) be a lot in a subdivision consented to in accordance with clauses 18 and 20, or
  - (c) be a lot in a subdivision which was consented to or approved by the Council before the appointed day and which met the requirements for erecting a dwelling house that applied at the date the subdivision was consented to or approved.
- (2) Before granting consent to the erection of a dwelling house on land within Zone No 1 (d), the consent authority must be satisfied that—
  - (a) an on-site effluent disposal report indicates that the parcel of land has an adequate capability for on-site effluent disposal and that such disposal will not adversely affect the water quality on adjoining land through either surface or sub-surface flows, and
  - (b) an adequate water supply for domestic, land management and firefighting purposes is provided.
- (3) Not more than one dwelling house may be erected on an area of land referred to in subclause (1). This does not, however, prevent a second dwelling house being erected which is intended to replace an existing dwelling house and which is not occupied prior to the removal of the existing dwelling house, nor does it prevent the erection of a dual occupancy.

**26 What requirements apply for the erection of a dwelling house on land within Zone No 1**

**(g)?**

- (1) The land on which it is proposed to erect a dwelling house within Zone No 1 (g) must—
  - (a) be a holding having an area of not less than one hectare, or
  - (b) be a lot in a subdivision which was consented to or approved by the Council before the appointed day and which met the requirements for erecting a dwelling house that applied at the date the subdivision was consented to or approved.
- (2) Before granting consent to the erection of a dwelling house on land within Zone No 1 (g), the consent authority must be satisfied that—
  - (a) an on-site effluent disposal report indicates that the parcel of land has an adequate capability for on-site effluent disposal and that such disposal will not adversely affect the water quality on adjoining land through either surface or sub-surface flows, and
  - (b) an adequate water supply for domestic, land management and firefighting purposes is provided.
- (3) Not more than one dwelling house may be erected on an area of land referred to in subclause (1). This does not, however, prevent a second dwelling house being erected which is intended to replace an existing dwelling house and which is not occupied prior to the removal of the existing dwelling house.

**27 What requirements apply for the erection of a dwelling house on land within Zone No 2 (v)?**

- (1) The land on which it is proposed to erect a dwelling house within Zone No 2 (v) must—
  - (a) be a holding having an area of not less than 450 square metres, or
  - (b) be a lot in a subdivision consented to in accordance with clauses 21 and 22, or
  - (c) be a lot in a subdivision which was consented to or approved by the Council before the appointed day and which met the requirements for erecting a dwelling house that applied at the date the subdivision was consented to or approved.
- (2) Before granting consent to the erection of a dwelling house on land within Zone 2 (v) that does not have access to reticulated water and sewerage infrastructure, the consent authority must be satisfied that—
  - (a) an on-site effluent disposal report indicates that the parcel of land has an adequate capability for on-site effluent disposal and that such disposal will not adversely affect the water quality on adjoining land through either surface or sub-surface flows, and

- (b) an adequate water supply for domestic, land management and firefighting purposes is provided.

**28 What requirements apply for the erection of a dwelling house on land within Zone No 7 (e)?**

- (1) The land on which it is proposed to erect a dwelling house within Zone No 7 (e) must—
  - (a) be a vacant allotment having an area of not less than 80 hectares, that in the consent authority's opinion, is suitable for on-site disposal of waste water. However, this paragraph allows the erection of a dwelling house only if, in the opinion of the Council, it will not generate demands for the provision of services which, in the opinion of the Council, cannot be economically provided, or
  - (b) be a lot in a subdivision consented to in accordance with clauses 18 and 23, or
  - (c) be a lot in a subdivision which was consented to or approved by the Council before the appointed day and which met the requirements for erecting a dwelling house that applied at the date the subdivision was consented to or approved.
- (2) Before granting consent to the erection of a dwelling house on land within Zone No 7 (e), the consent authority must be satisfied that—
  - (a) an on-site effluent disposal report indicates that the parcel of land has an adequate capability for on-site effluent disposal and that such disposal will not adversely affect the water quality on adjoining land through either surface or sub-surface flows, and
  - (b) an adequate water supply for domestic, land management and firefighting purposes is provided.
- (3) Not more than one dwelling house may be erected on an area of land referred to in subclause (1). This does not, however, prevent a second dwelling house being erected which is intended to replace an existing dwelling house and which is not occupied prior to the removal of the existing dwelling house.

**29 What requirements apply to dual occupancy development?**

- (1) In this clause, **dual occupancy development** means development which results in the erection of two dwellings, one of which has a floor area (excluding vehicle accommodation and verandahs) of not more than 150 square metres, on one allotment of land.
- (2) Consent may be granted to dual occupancy development on land within Zone No 1 (a) or 1 (d) only if—
  - (a) a dwelling house can be or has been lawfully erected on the land, and

- (b) the proposed development will not substantially interfere with the primary purpose for which the land is intended to be used, and
  - (c) no additional access to a public road will be required from the land because of the dual occupancy development, and
  - (d) domestic waste water can be effectively disposed of within the boundaries of the land.
- (3) Consent may be granted to dual occupancy development on an allotment within Zone No 2 (v) only where the allotment can be connected to a sewerage system.

**30 What requirements apply to cluster housing development?**

- (1) A person may, with development consent, carry out cluster housing development on land within Zone No 1 (d) and on land referred to in Schedule 6.
- (2) For the purposes of this clause, **cluster housing development** means—
  - (a) the subdivision of land under the *Community Land Development Act 1989*, and
  - (b) the erection of a single dwelling house on one or more of the lots created by the subdivision.
- (3) Consent must not be granted to the subdivision forming part of cluster housing development unless the consent authority has taken into account the following matters relating to the size and number of allotments to be created—
  - (a) the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided, in regard to the density of the allotments proposed to be created,
  - (b) the desirability of providing a range and mixture of allotment sizes,
  - (c) whether the design of each allotment to be created by the subdivision is satisfactory for the economical provision of services,
  - (d) the findings of an on-site effluent disposal report confirming that the land has an adequate capability for on-site effluent disposal and that such disposal will not adversely affect water quality on adjoining land through either surface or sub-surface flows,
  - (e) the visual impact of the development from arterial roads, and
  - (f) whether an adequate water supply is available to each allotment.
- (4) After land to which this clause applies has been subdivided for the purpose of cluster housing development, further subdivision of the land to create a separate land title for a dwelling is prohibited.



**31 What is the minimum allotment area on which cluster housing development is permitted?**

Consent must not be granted to the carrying out of cluster housing development on land within Zone No 1 (d) or referred to in Schedule 6 unless—

- (a) the land has an area of not less than 16 hectares, and
- (b) each lot to be created by the development has an area of not less than 1,000 square metres, and
- (c) not more than 1 dwelling house is proposed to be erected—
  - (i) in the case of land within Zone No 1 (d)—for each 6 hectares of land on which the development is proposed to be carried out, or
  - (ii) in the case of land referred to in Schedule 6—on each lot created by the subdivision, and
- (d) in the case of land referred to in Schedule 6—the development complies with the conditions (if any) specified in that Schedule in relation to that land.

**Division 4 Roads**

**32 When do roads not require development consent?**

- (1) Development comprising the construction of roads and associated works, including bridges, roadside furniture, bus shelters, landscaping, drainage and the like, may be carried out without development consent if it is carried out by or on behalf of a public authority.
- (2) Maintenance and repair of an existing constructed road may be carried out without development consent.

**33 What are the requirements for access?**

In deciding whether to grant development consent, the consent authority must consider—

- (a) whether the standard of the roads providing access (including stormwater drainage) to the site of the proposed development is adequate to cater for existing and potential traffic, and
- (b) whether traffic associated with the proposed development will cause the condition of the roads to deteriorate, and
- (c) the maximisation of sight distances for drivers using the road, including visibility of points of access from the road and the adequacy of the view of the road from the points of access.

### **34 What general controls apply to earthworks on land?**

- (1) Earthworks may be carried out only with development consent.
- (2) Where erosion gully rehabilitation is to be addressed by way of backfilling, the material used is to be restricted to clean material such as soil, sand, concrete crushed to a maximum diameter of 300 mm and bricks, and is not to include putrescible waste, timber or other biodegradable material.
- (3) Despite subclause (1), development consent is not required—
  - (a) for the construction of dams or access tracks on holdings having an area of 80 hectares or more within Zone No 1 (a), or
  - (b) for the construction of dams within Zone No 1 (d) in accordance with a water management plan approved by the Council and the Department of Land and Water Conservation.

## **Division 5 Vegetation protection**

### **35 Where does vegetation protection control apply?**

With the exception of land within Zone No 1 (f), this Division applies to all land in the local government area of Yarrowlumla.

### **36 When is consent required?**

- (1) Development consent is required before a person takes, or allows any action to be taken which ringbarks, cuts down, tops, lops, removes, injures, poisons or wilfully destroys—
  - (a) any area of native vegetation, or
  - (b) any live tree having an overall height of 3 metres or more above ground, or a branch span at any height in excess of 3 metres, or
  - (c) any dead tree having an overall height of 6 metres or more above ground.
- (2) This clause does not affect any requirement for consent made by the [Native Vegetation Conservation Act 1997](#) or the [Environment Protection and Biodiversity Conservation Act 1999](#) of the Commonwealth.

### **37 When is consent not required?**

Development consent is not required by clause 36 where—

- (a) the tree's condition constitutes an immediate threat to life or property, or
- (b) the trunk of the tree is located no more than 3 metres from any part of any habitable building or no more than 3 metres from any underground utility service main, or

- (c) the work involves only minor pruning which is necessary to promote growth or fruit production, or to improve the shape of the tree's canopy, and is not likely to jeopardise the tree's existence, or
- (d) the action with respect to the tree or native vegetation is required by or under any Act, or
- (e) the removal of the native vegetation is for the purposes of creating or maintaining landscaped and lawn areas where—
  - (i) the work does not involve the removal, injury or destruction of trees, and
  - (ii) the area to be cleared is within the curtilage of a dwelling for which development consent has been granted or is within a building precinct created under subdivision and is less than 2,000 square metres in total, and
  - (iii) the slope of the land is not in excess of 18 degrees,
  - (iv) the work does not involve the disturbance of native vegetation which is habitat for species listed in Schedule 1 or 2 to the *Threatened Species Conservation Act 1995*, or
- (f) the tree or native vegetation is being cleared for the purposes of fence construction or maintenance and the total area cleared for these purposes does not exceed 5 metres in width, or
- (g) on holdings within Zone No 1 (a) with an area greater than 80 hectares, the work is ancillary to an agricultural activity and directly related to land management provided such work does not contravene the *Native Vegetation Conservation Act 1997* or any other Act.

### **38 What matters must be considered before granting consent?**

Before granting a consent required by this Division, the consent authority must consider the following—

- (a) the reason for the proposed work,
- (b) whether the tree or vegetation to be destroyed provides habitat to threatened or endangered flora or fauna,
- (c) the contribution of the tree to the local landscape or streetscape,
- (d) the type and rarity of the species concerned,
- (e) the number of trees in the vicinity,
- (f) whether the tree to be affected may become dangerous or damage property or utility services,

- (g) whether new plantings are proposed or are desirable,
- (h) the effect of the proposed work on local views, on solar access to properties and on local amenity,
- (i) any heritage significance of the tree to be affected,
- (j) the effect of the proposed work on soil conservation and erosion.

## **Part 4 Special controls for localities**

### **Division 1 Flood hazard**

#### **39 What are floodplain land and flood planning area?**

For the purposes of this plan—

***floodplain land*** means—

- (a) land that is susceptible to inundation by a probable maximum flood (PMF) event, being the largest flood that could conceivably occur at a location based on current knowledge, or
- (b) land considered by the Council to be subject to local stormwater flooding whether or not it is recorded as such on maps held by the Council.

***flood planning area*** means land below the flood planning level (FPL) mapped for the purposes of defining a flood standard that has been adopted by the Council and is identified on the map marked "*Bungendore Flood Map*".

***flood planning level*** means the annual exceedance probability (AEP) level of a 1% (1 in 100 year) flood.

#### **40 What special controls apply to development of floodplain land?**

- (1) Before granting consent to development of floodplain land, the consent authority must consider the following—
  - (a) the extent and nature of the flooding or inundation hazard affecting the land,
  - (b) whether or not the proposed development would increase the risk or severity of flooding or inundation affecting other land or buildings, works or other land uses in the vicinity,
  - (c) whether the risk of flooding or inundation affecting the proposed development could be reasonably mitigated and whether conditions should be imposed on any consent to further the objectives of this plan,
  - (d) the social impact of flooding on occupants, including the ability of emergency and

support services to access, rescue and support residents of flood prone areas,

(e) the provision of any floodplain management plan, interim local flood policy or relevant development control plan adopted by the Council.

(2) Despite any other provision of this plan, development which includes the erection of a building is prohibited on land within a floodway area identified on the map marked "*Bungendore Flood Map*".

#### **41 What special controls apply to development within the flood planning area?**

- (1) A person must not, except with development consent, erect a building or carry out a work for any purpose on land that is within a flood planning area.
- (2) Before granting consent to development of land within a flood planning area, the consent authority must be satisfied that adequate measures are taken to—
  - (a) reduce the impact of flooding on the land, and
  - (b) prevent the incidence of structural damage likely to be caused to any buildings to be located on the land, and
  - (c) enable the evacuation of people and limit any cost to the community of evacuation, and
  - (d) prevent any cumulative adverse effect the development will have on flood behaviour.
- (3) Conditions of a development consent may require the habitable floor of a building to be erected to a height which is sufficient, in the consent authority's opinion, to obviate the frequent flooding of the habitable floor.

## **Division 2 Murrumbidgee River corridor land**

#### **42 What is Murrumbidgee River corridor land?**

For the purposes of this plan, ***Murrumbidgee River corridor land*** means land shown stippled on the zoning map.

#### **43 What must be considered before granting consent to the development of Murrumbidgee River corridor land?**

Despite any other clause, consent must not be granted to the development of Murrumbidgee River corridor land unless the consent authority has considered the following impacts and is satisfied that they can be minimised—

- (a) soil erosion or other land degradation,
- (b) loss of scenic amenity,

- (c) loss of important vegetation systems or wildlife habitats,
- (d) cumulative impact of development.

### **Division 3 Protection of rivers and streams**

#### **44 What is a perennial watercourse?**

For the purposes of this plan, **perennial watercourse** means land shown as such on the latest version 1:25,000 scale topographic map for the land to which this clause applies produced by Land and Property Information NSW and available for public inspection at the office of the Council.

#### **45 When is development consent required?**

Despite any clause other than clause 55, development consent is required—

- (a) for any development (other than routine agricultural activities, including cropping and pasture improvement) within 40 metres of a perennial watercourse, and
- (b) for agricultural activities that involve soil disturbance within 10 metres of the banks of a perennial watercourse.

#### **46 What must be considered before granting development consent?**

- (1) Before granting a consent required by clause 45, the consent authority must take into account the impact of the proposed development on the following—
  - (a) water quality and quantity,
  - (b) aquatic habitats and riparian communities,
  - (c) the function of the perennial watercourse and its associated vegetation as a habitat corridor,
  - (d) the scenic and recreational values of the perennial watercourse and its associated vegetation communities.
- (2) The consent authority must also take into account the adequacy of the measures proposed by the applicant to avoid, mitigate or remedy any adverse effects of the proposed development on the ecological and aesthetic values of the perennial watercourse concerned and of land in the vicinity.

### **Division 4 Heritage conservation**

#### **47 What controls apply to the development of heritage items and relics?**

- (1) The following development may be carried out only with development consent—
  - (a) demolishing, defacing, damaging or moving a heritage item, or

- (b) altering a heritage item by making structural changes to its exterior, or
  - (c) altering a heritage item by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which do not adversely affect its heritage significance, or
  - (d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic, or
  - (e) erecting a building on, or subdividing, land on which a heritage item is located.
- (2) Development consent is not required by this clause if the consent authority is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item.
- (3) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.

**Note—**

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

**48 What restrictions apply to development near heritage items?**

The consent authority must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item and on its setting, when determining an application for consent to carry out development on land in its vicinity.

**49 Notice of development applications relating to heritage items**

- (1) Demolishing, defacing or damaging a heritage item (and a use of a building or land referred to in clause 51 which, but for that clause, would be prohibited by this plan) is advertised development.
- (2) Subclause (1) does not apply to the partial demolition of a heritage item, where in the consent authority's opinion the development will be of a minor nature and will not adversely affect the heritage significance of the heritage item.

**50 (Repealed)**

**51 Are there conservation incentives for heritage items?**

Consent may be granted to the use, for any purpose, of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise be prohibited by this plan, if the consent authority is satisfied that—

- (a) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
- (b) the conservation of the heritage item depends on the granting of the consent.

## **Division 5 Soil, water, domestic waste and effluent management**

### **52 What controls apply to soil, water and effluent management?**

- (1) A person must not carry out development that relates to the habitation of land by humans unless and until arrangements satisfactory to the Council have been made by the applicant (and, if the applicant is not the owner, the owner also) for the provision of a water supply, for facilities for the removal of sewage, and for the drainage of stormwater and other surface water from the land and for the treatment and disposal of effluent and solid domestic waste.
- (2) In deciding whether arrangements for drainage of stormwater and other surface water and the treatment and disposal of effluent and solid domestic waste are satisfactory, the Council must take into account whether the proposed systems can be accomplished in a manner which meets the following objectives—
  - (a) economical feasibility and practicality in terms of design, installation and maintenance,
  - (b) protection of public health,
  - (c) protection of surface water,
  - (d) protection of ground water,
  - (e) encouragement of the utilisation of waste water as a resource rather than a waste for disposal, and
  - (f) protection of community amenity.
- (3) Despite any other provision of this plan, taking into account the objectives of the zone in which development the subject of this clause is proposed, consent may be granted to the construction of devices which, in the opinion of the consent authority, are to be used principally for the purpose of soil and water management or water pollution control.
- (4) Despite any other provision of this plan, on-site domestic waste disposal is permitted without development consent in Zone No 1 (a) subject to—
  - (a) the holding being 80 hectares or greater,
  - (b) only domestic solid waste generated on the property being disposed of on the site,



- (c) the disposal site being a minimum 100 metres from any watercourse,
- (d) the ground water table being not within 3 metres of the ground surface,
- (e) stormwater and seepage being excluded from the disposal area, and
- (f) the disposal area being fenced off to exclude stock and the area being progressively vegetated.

## **Part 5 Miscellaneous**

### **53 What special provisions apply to a home activity?**

- (1) Consent may be granted for—
  - (a) the use of a building within Zone No 1 (a), 1 (d), 1 (g), 2 (v) or 7 (e) for the purpose of a home activity occupying a gross floor area of up to but not exceeding 100 square metres, and
  - (b) the sale from the building of artefacts or produce manufactured or grown on the premises or on the land on which the building is erected.
- (2) For the purposes of subclause (1), the consent authority must be satisfied before granting consent to development for the purpose of a home activity that the activity or pursuit does not—
  - (a) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise,
  - (b) involve exposure to view from any public place of any unsightly matter,
  - (c) require the provision of any essential service main of greater capacity than that available in the locality,
  - (d) if the dwelling house or dwelling concerned is situated within Zone No 2 (v), involve the employment of persons other than residents of the dwelling house or dwelling,
  - (e) if the dwelling house or dwelling concerned is not situated within Zone No 2 (v), involve the employment of more than one person who is not a resident of the dwelling house or dwelling, or
  - (f) involve the exhibition of any notice, advertisement or sign other than a notice or sign (not exceeding 1 metre by 0.75 metre) indicating the nature of the activity or pursuit carried out by the resident of the dwelling house or dwelling.

**54 What special provisions apply to the temporary use of land?**

Despite any other provision of this plan, consent may be granted to the carrying out of any development on land (not being designated development) for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year.

**55 What Council development does not require development consent?**

The Council is not required to obtain consent to carry out development, in any zone, for development for the purpose of the following—

- (a) roads and bridges,
- (b) stormwater drainage,
- (c) recreation areas,
- (d) bush fire hazard reduction,
- (e) parking,
- (f) landscaping,
- (g) gardening,
- (h) water and sewerage infrastructure,
- (i) traffic facilities.

**56 What are the restrictions on development fronting main roads?**

(1) Before granting consent to development of land which—

- (a) fronts a main road, or
- (b) relies solely on a main road for its access, or
- (c) has access to a road which intersects with a main road, where the point of access is within 90 metres of the intersection of the road and the main road,

the consent authority must consider—

- (d) whether the traffic likely to be generated by the development will cause a traffic hazard or reduce the capacity of the main road, and
- (e) whether it is important for the development to be located near the main road, and
- (f) the access points and on-site arrangements for vehicle movements and parking, and
- (g) the effect the development will have on future improvements or realignment of

the main road.

- (2) Consent must not be granted to the carrying out of development described in Schedule 8 on or with respect to land within Zone No 1 (a), 1 (d), 1 (g) or 7 (e) if the granting of that consent will result in persons using the land having direct access to a main road.

**57 What are the restrictions on development on ridgelines in rural areas?**

- (1) For the purposes of this clause, **ridgeline** means a long narrow hilltop, mountain range or watershed.
- (2) Consent may be granted to the carrying out of development on or near any ridgeline visible from any public road only if, in the opinion of the consent authority, the development is not likely to detract from the visual amenity of the rural area and is not in conflict with the community interest.
- (3) In determining whether to grant such a consent, the consent authority must consider the following—
  - (a) the height and location of any building that will result from carrying out the development,
  - (b) the reflectivity of materials to be used in carrying out the development,
  - (c) the likely effect of carrying out the development on the stability of the land,
  - (d) any bush fire hazard,
  - (e) whether landscaping proposals satisfactory to the consent authority have been made,
  - (f) whether the development is essential to the viable use of the land concerned.

**58 What are the special provisions applying to major visual corridors?**

- (1) This clause applies to all land within 400 metres of, or such greater distance as, in the opinion of the consent authority, is within the visual corridor of—
  - (a) the Monaro Highway, or
  - (b) the Kings Highway, or
  - (c) the Federal Highway, or
  - (d) the Barton Highway.
- (2) Before granting consent to development of land to which this plan applies, the consent authority shall have regard to—

- (a) the significance of the land as part of a visual corridor of regional importance, and
  - (b) the visual impact of the proposed development as viewed from the roads identified in subclause (1), and
  - (c) what measures are available to minimise any adverse visual impacts, and
  - (d) the matters referred to in clause 57 (3) (a), (b), (e) and (f).
- (3) Where the development sought relates to subdivision, the consent authority shall have regard to—
- (a) whether the lots proposed to be created will have a site for a dwelling house that, in the opinion of the consent authority, will be satisfactory, having regard to matters referred to in subclause (2) (a)-(c), and
  - (b) whether the site or sites for dwellings should be restricted by a condition of consent, if it is granted.

#### **59 Development of unzoned land**

Despite any other provision of this plan, development must not be carried out on any land that is unzoned without development consent.

#### **60 Development for certain additional purposes**

- (1) Nothing in this plan prevents a person, with development consent, from carrying out development on land referred to in Schedule 9 as specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.
- (2) Any land described in Schedule 9 as being part of a lot or portion may be identified from a map kept at the office of the Council.

#### **61 Bush fire prevention**

Before granting consent to any development on land which in its opinion is likely to be affected by bush fire, the consent authority must take into account whether—

- (a) the development is likely to have a significant adverse effect on the implementation of any strategies for bush fire control and fuel management adopted by the Council, and
- (b) a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development or the access arrangements to and from the site of the development, and
- (c) the increased demand for emergency services during bush fire events created by the development would lead to a significant decrease in the ability of the emergency services to effectively control major bush fires, and

- (d) the measures proposed to avoid or mitigate the threat from bush fire, including siting of the development, design of structures and materials used, clearing of vegetation, fuel free and fuel reduced areas and landscaping and fire control aids such as roads and water supplies, are inadequate or impractical for the locality or would result in unacceptable environmental impacts.

## **62 Land degradation**

- (1) The objective of this clause is to promote sustainable land management by ensuring that the intensity of any development carried out on a holding does not result in noxious weed infestation or excessive loss of vegetative ground cover which may lead to erosion, sedimentation or land degradation.
- (2) Despite any other clause, activities are to be carried out on a holding so that their impact on that land avoids land degradation.

## **63 Removal of bush rock**

A person must not, from land to which this plan applies, remove bush rock of a size greater than or equal to 200 millimetres at its widest point without development consent except in the following circumstances—

- (a) where the removal occurs during mining or quarrying for which development consent or an approval within the meaning of Part 5 of the Act has been granted, or
- (b) where it is necessary to remove the rock to carry out other development for which consent has been granted or an activity for which such an approval has been granted, or
- (c) where the removal of the rock constitutes a necessary part of the carrying out of a routine agricultural activity and the rock will be retained on that farm, or
- (d) where the removal is licensed under the [Threatened Species Conservation Act 1995](#) or the [National Parks and Wildlife Act 1974](#).

## **64 Temporary occupancy**

- (1) Consent may be granted for the temporary occupancy of land on which an approved dwelling house is being constructed for a maximum period of twelve months.
- (2) Before granting consent under subclause (1), the consent authority must consider—
  - (a) the proposed timetable for construction and expected completion date, and
  - (b) the suitability of the type of accommodation proposed, and
  - (c) the proposed kitchen, washing, bathing and toilet facilities, including effluent disposal arrangements, and

- (d) the number of persons proposed to be accommodated in the temporary occupancy, and
  - (e) the impact of the proposal on the amenity of the area.
- (3) The structure used as temporary occupancy must be returned to its original use on completion of the dwelling house.

## **65 Exceptions to development standards**

- (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 Planning Secretary has been obtained.

- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone No 1 (a) (General Rural Zone), Zone No 1 (d) (Rural Residential Zone) or Zone No 7 (e) (Environmental Protection Zone) 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.

## **66 Demolition requires development consent**

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.

## **67 Conversion of fire alarms**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—

- (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of—
- (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause—

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

#### **68 Standards that cannot be used to refuse consent—playing and performing music**

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
- (a) the playing or performance of music, including the following—
    - (i) the genre of music played or performed, or
    - (ii) whether the music played or performed is live or amplified, or
    - (iii) whether the music played or performed is original music, or
    - (iv) the number of musicians or live entertainment acts playing or performing, or
    - (v) the type of instruments played,
  - (b) whether dancing occurs,



- (c) the presence or use of a dance floor or another area ordinarily used for dancing,
- (d) the direction in which a stage for players or performers faces,
- (e) the decoration to be used, including, for example, mirror balls, or lighting used by players or performers.

(2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.

(3) In this clause—

**licensed premises** has the same meaning as in the [Liquor Act 2007](#).

## Schedule 1 Principles of ecological sustainability

(Clause 3 (1), Dictionary)

The following are principles of ecological sustainability—

### 1 The precautionary principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by—

- (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
- (b) an assessment of the risk-weighted consequences of various options.

The principle requires decision-making to give the environment the benefit of the doubt.

### 2 Intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations which may use or expect to benefit from the nation's resources).

### 3 Conservation of biological diversity and ecological integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

#### **4 Improved valuation, pricing and incentive mechanisms**

Environmental factors should be included in the valuation of assets and services in accordance with the following principles—

- (a) the polluter pays principle (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and
- (b) the users of goods and services should pay prices based on the full cycle costs of providing the goods and services, including the use of natural resources and assets and the ultimate disposal of any wastes, and
- (c) environmental goals having been established should be pursued in the most cost effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

### **Schedule 2 Classification and reclassification of public land**

(Clause 8)

#### **Part 1 Operational land at appointed day**

Lot 11 DP 712053, Rutledge Street, Bungendore, Parish of Wamboin (vacant land)

Lot 12 DP 712053, Rutledge Street, Bungendore, Parish of Wamboin (vacant land)

Lot 13 DP 712053, Rutledge Street, Bungendore, Parish of Wamboin (vacant land)

Lot 14 DP 712053, Rutledge Street, Bungendore, Parish of Wamboin (vacant land)

Lot 9 DP 577667, Ellendon Street, Bungendore, Parish of Wamboin (vacant land)

Lot 24 Section 6 and lots 1 and 2 DP 252149, Foxlow Street, Captains Flat, Parish of Ballallaba (vacant land)

Lot 12 DP 242462, Ellendon Street, Bungendore, Parish of Wamboin (Bungendore Depot)

Lot 20 DP 242462, Ellendon Street, Bungendore, Parish of Wamboin (Bungendore Depot)

All land associated with the Bungendore and Captains Flat Water and Sewage Treatment Works

Lot 41 DP 251886, Parish of Urialla (road widening)

Lot 14 DP 239309, Parish of Wallaroo (road widening)

Lot 13 DP 239309, Parish of Wallaroo (road widening)

Lot 12 DP 239309, Parish of Wallaroo (road widening)

Lot 32 DP 248084, Parish of Keewong

Lot 20 DP 251090, Parish of Burra (road—extension of London Bridge Road)

Lot 13 Section 4, Foxlow Street, Captains Flat, Parish of Ballallaba (Captains Flat Bush Fire Shed)

Lot 121 DP 754895, Parish of Molonglo (Hoskinstown Bush Fire Shed)

Michelago, Stoney Creek, Sutton and Wallaroo Bush Fire Sheds

Captains Flat Swimming Pool

Bungendore Swimming Pool

Lot 5 DP 248184, Parish of Googong (Gravel Pit—Gibbs Pit MR 584)

Lot 1 DP 593226, Parish of Burra (Little Burra Gravel Pit)

Lot 4 DP 606552, Parish of Ginninderra (Spring Range Gravel Pit)

Lot 2 DP 600527, Parish of Urialla (Urialla Road Gravel Pit)

Lot 185 DP 754871, Parish of Burra (Scotty's Pinch Gravel)

Smiths Gap Gravel Pit

Lot A (part portion 1) DP 15478, Parish of Yanununbeyan (Woolcara Lane Gravel Pit)

Lot 1 DP 222274, Parish of Bullongong (Mine Area—Captains Flat)

Lot 15 DP 575330, Parish of Thurrallilly (Rossi Gravel Pit)

Part lots 11–14 Section 3, Cnr Majura Street and Turallo Terrace, Bungendore, Parish of Wamboin (Bungendore Community Centre)

## **Part 2 Community land at appointed day**

Lot 4 Section 9, Gibraltar Street, Bungendore, Parish of Wamboin (Bungendore School of Arts)

Lot 78 DP 754870 Captains Flat, Parish of Bullongong (Captains Flat Memorial (community) Hall)

Lot 1 Section 26, West Street, Sutton, Parish of Goorooyaroo (Sutton Community Hall)

Part lot 153 DP 754895, Parish of Molonglo (Hoskinstown Hall)

Part lot 1 DP 787635, Bingley Way, Parish of Wamboin (Community Hall)

Part lot 2 DP 264387, Birriwa Road, Parish of Bywong (Community Hall)

Part lot 69 DP 775098, Swan Drive Parish of Googong (Community Hall)

Part lot 104 DP 705692 Douglas Close, Parish of Carwoola (Stoney Creek Community Hall)

Lot 19 DP 11158, Parish of Monkellan (Michelago Hall)

Reserve Number 31941 gazetted 29 December 1900 (Burra Hall)

- Lot 52 DP 818916, Clare Valley, Parish of Wamboin (Reserve—Clare link trail)
- Lot 28 DP 917665, Parish of Wamboin (Reserve Clare link trail)
- Lot 75 DP 826558, Parish of Wamboin (Reserve—Clare link trail)
- Lot 42 DP 806126, Parish of Currandooly (Reserve—Elmslea)
- Lot 43 DP 806126, Parish of Currandooly (Reserve—Elmslea)
- Lot 5 DP 773627, Parish of Carwoola (Reserve—Molonglo River Park)
- Lot 104 DP 705692, Parish of Carwoola (Reserve—Douglas Close)
- Lot 2 DP 264387, Parish of Bywong (Reserve—Les Reardon)
- Lot 1 DP 787635, Parish of Wamboin (Reserve—Bingley Way)
- Lot 31 DP 226218, Parish of Googong (Reserve—Tempe Crescent)
- Lot 6 DP 241065, Parish of Queanbeyan (Reserve—Ridgeway)
- Lot 10 DP 241065, Parish of Queanbeyan (Reserve—Ridgeway)
- Lot 38 DP 226218, Parish of Googong (Reserve—Wickerslack River Corridor)
- Lot 34 DP 226218, Parish of Googong (Reserve—Wickerslack)
- Lot C DP 321861, Parish of Ballallaba (Wilkins Park Reserve)
- Lot 58 DP 262709, Parish of Carwoola (Reserve—Bowen Street)
- Lot 59 DP 261482, Parish of Wamboin (Reserve—Mathews Place)
- Lot 50 DP 258033, Parish of Goorooyaroo (Reserve—Canning Close)
- Lot 13 DP 243616, Parish of Wallaroo (Reserve—Wallaroo Road)
- Lot 42 DP 251586, Parish of Urialla (Reserve—Cargill Park)
- Lot 30 DP 244439, Parish of Amungula (Reserve—Cooper Road)
- Lot 23 DP 800095, Parish of Currandooly (Reserve—Elmslea Creek Corridor)
- Lot 41 DP 736646 Parish of Wamboin (Reserve—Weeroona Drive link)
- Lot 37 DP 715389, Parish of Wamboin (Reserve—Weeroona Drive link)
- Lot 36 DP 715389, Parish of Wamboin (Reserve—Weeroona Drive link)
- Lot 5 DP 701582, Parish of Wallaroo (Reserve—Brooklands Road)
- Lot 42 DP 244439, Parish of Amungula (Reserve—Sutton Road)
- Lot 43 DP 244439, Parish of Amungula (Reserve—Sutton Road)

Reserve Number 94996, Parish of Wamboin—"The Common" Bungendore  
 Reserve Number 88844, Parish of Goorooyaroo—Sutton Recreation Reserve  
 Reserve Number 31941, Parish of Urialla (Burra Park)  
 Reserve Number 70568, Parish of Monkellan (Michelago Recreation Reserve)  
 Reserve Number 95480, Parish of Brindabella (Recreation Reserve)  
 Reserve Number 89964, being portion 73, Parish of Carwoola (Reserve—Radcliffe)  
 Reserve Number 85577, Parish of Majura (Reserve)  
 Captains Flat Park, Foxlow Street, Captains Flat  
 "Frog Hollow", Bungendore  
 Lot 18 Section 2 DP 18452, Captains Flat, Parish of Ballallaba (Baby Health Centre)  
 Section 26 Bungendore (Reserve—Bungendore Park)

### **Part 3 Land classified, or reclassified, as operational land—no interests changed**

<b>Locality</b>	<b>Description</b>
<b>Bungendore</b>	
Majara Street	Lot 3 DP 830878, Parish of Wamboin, as shown edged heavy black on the map marked "Yarrowlumla Local Environmental Plan 2002 (Amendment No 9)".

### **Part 4 Land classified, or reclassified, as operational land—interests changed**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
<b>Bungendore</b>		
Land adjacent to Turallo Creek	Part of Lot 27, DP 855517, Parish of Currandooly, as shown edged heavy black on the map marked "Yarrowlumla Local Environmental Plan 2002 (Amendment No 6)"	Nil.

### **Part 5 Land classified, or reclassified, as community land**

<b>Column 1</b>	<b>Column 2</b>
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**Locality**

**Description**

**Schedule 3 Activities not requiring consent and not prohibited by plan**

(Clause 12)

- 1** The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of—
  - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
  - (b) the erection within the limits of a railway station, of buildings for any purpose, but excluding—
  - (c) the construction of new railways, railway stations and bridges over roads, or
  - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, or
  - (e) the formation or alteration of any means of access to a road, or
  - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes, where such buildings have direct access to a public place.
  
- 2** The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings—
  - (a) development of any description at or below the surface of the ground,
  - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation,
  - (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,
  - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
  - (e) the erection of service reservoirs on land acquired or in process of being acquired for the purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council, or

- (f) any other development, except—
  - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect their design or external appearance, of buildings, or
  - (ii) the formation or alteration of any means of access to a road.
- 3 The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.
- 4 The carrying out of any activity authorised under the *National Parks and Wildlife Act 1974* by or on behalf of the National Parks and Wildlife Service on land under its control.
- 5 The carrying out of any forestry work by the Forestry Commission, a school forest trust empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or on any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.
- 6 The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except—
  - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purposes, or
  - (b) any development designed to change the use or purpose of any such reserve.
- 7 The carrying out or causing to be carried out by a council engaged in flood mitigation works or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reafforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Farm Water Supplies Act 1946*, the *Soil Conservation Act 1938* or the *Water Management Act 2000*, except—
  - (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance,
  - (b) the formation or alteration of any means of access to a road.

## Schedule 4 Exempt development

(Clause 13)

### 1 Advertising structures and displays

Erection of an advertising structure and display of an advertisement on it, or the display of an advertisement that is not on an advertising structure (other than an illuminated sign in Zone No 1 (d), 1 (g) or 2 (v)) in any of the following cases—

- (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 shop window.
- (c) The advertisement is a temporary advertisement for a social, cultural, political or recreational event that is displayed no more than 28 days before the event. Use of the sign is exempt development only for up to 14 days after the event.
- (d) The advertisement is a public notice displayed by a public authority giving information about a service.
- (e) The advertisement is a real estate sign advertising that the premises on which it is displayed are for sale or lease, and the advertisement and any structure together have a maximum area of 2.5 square metres on residential or rural premises, or 4.5 square metres on commercial or industrial premises. Use of the sign is exempt development only for up to 14 days after the date of sale.
- (f) The advertisement replaces one lawfully displayed on the same structure.
- (g) The advertisement displays a message relating to the premises on which it is situated and the advertisement and any structure together have a maximum area of—
  - (i) 0.75 square metre, except where in an industrial precinct or a commercial business precinct, or
  - (ii) 10 square metres, in an industrial precinct, or
  - (iii) 25% of the front elevation of a building on which it is displayed, in a commercial business precinct,and a maximum height of either 4.5 metres above ground level or the height of a first floor window sill (whatever is the lesser) and, if suspended from an awning along a public road, the advertisement is not lower than 2.6 metres above ground level.

## **2 Ancillary development**

Development (such as landscaping, gardening, paving or the erection of minor structures) that is ordinarily incidental or ancillary either to a use allowed by a development consent or to a lawful existing use (as defined in section 106 of the Act), but only if—

- (a) any ancillary structure is erected at least 1 metre from each boundary of the site and extends no more than 3 metres above natural ground level, and
- (b) any ancillary structure covers not more than 25 square metres, and
- (c) the development does not involve excavation beyond 600 millimetres below natural ground level, and
- (d) it does not involve handling, storing or using hazardous chemicals or materials otherwise than on a domestic scale (except on farms and at a distance of more than 25 metres from any habitable building and at a distance of more than 40 metres from



a watercourse), and does not release any hazardous chemicals or materials or any pollutants into the environment, and

- (e) it does not involve a display of an advertisement, unless allowed by some other provision, and
- (f) any ancillary structure located in a fire protection zone or an asset protection zone identified in a bush fire risk management plan in force under the *Rural Fires Act 1997* is made of non-combustible materials.

### **3 Boundary adjustments**

An adjustment to the boundary of an allotment that—

- (a) will not result in any building contravening the deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (b) will not create any additional allotments, and
- (c) will not result in any allotment being within more than one zone, and
- (d) will not change the area of any allotment by more than 10%.

### **4 Building alterations**

Building alterations (other than the making of, or an alteration to the size of, any opening in a wall or roof of a building, such as a doorway, window or skylight) comprising—

- (a) non-structural alterations to the exterior of a building, such as painting, plastering, cement rendering, cladding, attaching fittings and decorative work, and
- (b) interior alterations to a building that do not affect the load-bearing capacity of any load-bearing component of the building.

### **5 Demolition**

Demolition that is carried out in accordance with AS 2601—2001, *Demolition of structures*, of any structure—

- (a) the erection of which would be exempt development under this plan, or being a temporary building the erection of which would be complying development under this plan, and
- (b) covering an area of not more than 25 square metres.

### **6 Different use of a building**

A new use of an existing lawful building in any of the following cases—

- (a) the new use is consistent with the classification of the building under the *Building*

*Code of Australia* and replaces a former use being carried out in accordance with a development consent, and—

- (i) it is not actually or potentially a hazardous or offensive industry, and
  - (ii) it does not involve the preparation of food for sale or consumption, and
  - (iii) it is not prohibited by any provision,
- (b) the new use results from a change of building use from a shop to an office or from an office to a shop that is not in the business of preparing food for sale or consumption, where—
- (i) the new use replaces a former use being carried out in accordance with a development consent, and
  - (ii) the use of not more than 200 square metres of floor space is changed, and
  - (iii) the new use is not prohibited by any provision,
- (c) the new use is a temporary use of a building that does not exceed 25 metres in height for public entertainment over a period not exceeding 72 hours.

**Note—**

A separate approval may be required from the Council under the [Local Government Act 1993](#) for a place of public entertainment.

## **7 Fences**

Erection of boundary fences that comply with any relevant covenant or Council policy and—

- (a) are no more than 1.8 metres high if either in a rural zone or behind the building line in Zone No 2 (v), but do not include any masonry construction over 900 millimetres above ground level, or

- (b) are no more than 900 millimetres high if forward of the building line in Zone No 2 (v),

and are made of non-combustible materials if located in a fire protection zone or an asset protection zone identified in a bush fire risk management plan in force under the [Rural Fires Act 1997](#).

## **8 Flagpoles**

Erection of flagpoles not more than 6 metres high that are structurally adequate, but only one per site.

## **9 Home occupations**

The use of premises for an occupation carried on only by the permanent residents of a

dwelling that is not bed and breakfast accommodation.

## 10 Public meetings

The use of a building that is a class 9b building under the *Building Code of Australia* for the purpose of a public meeting.

## Schedule 5 Complying development

(Clause 14)

### Part 1 Instances of complying development

Use	Outcome
<p><b>1 Bed and breakfast accommodation</b></p> <p>The use of an existing lawful dwelling by its permanent residents for the temporary accommodation of visitors for commercial purposes.</p>	<p>(a) A maximum of 3 guest bedrooms.</p> <p>(b) A minimum of 2 bathrooms.</p> <p>(c) A smoke detection system that complies with AS 3786—1993, <i>Smoke alarms</i> and AS/NZS 3000:2000, <i>Electrical installations</i> (known as the Australian/New Zealand Wiring Rules) is in the dwelling.</p> <p>(d) A fire extinguisher and fire blanket are in the kitchen.</p> <p>(e) Approval has been obtained from the owners' corporation, or the community, precinct or neighbourhood association, where a dwelling is subject to the <a href="#">Strata Schemes Management Act 1996</a> or the <a href="#">Community Land Management Act 1989</a>.</p>
<p><b>2 Commercial uses and building alterations</b></p> <p>Development consisting of either or both of the following—</p> <p>(a) a change of building use from a shop to an office, or from an office to a shop,</p> <p>(b) internal alterations to a shop or an office that alter the load-bearing capacity of load-bearing components.</p>	<p>(a) No increase to the total floor area of the building.</p> <p>(b) No more than 2,000 square metres of floor area is changed from an office to a shop.</p> <p>(c) If a change of building use, the new use must replace a former use carried out in accordance with a development consent.</p> <p><b>Note—</b></p> <p>A change to a food shop will need to comply with the <a href="#">Food Act 1989</a> and associated regulations.</p>
<p><b>3 Houses and extensions</b></p>	

Development on lots within Zone No 2 (v) serviced by water and sewer infrastructure consisting of—

- (a) erection of detached single storey dwellings (including single storey alterations and additions to detached single storey dwellings),  
or

Group A in Part 2 below.

- (b) development ordinarily ancillary or incidental to detached single storey dwellings (for example, erection of carports and garages),

but excluding dual occupancy development.

Development on lots having defined building precincts within a plan of subdivision of land in Zone No 1 (a), 1 (d) or 1 (g) consisting of—

- (a) erection of detached single storey dwellings (including single storey alterations and additions to detached single storey dwellings),  
or

Group B in Part 2 below.

- (b) development ordinarily ancillary or incidental to detached single storey dwellings (for example, erection of carports and garages),

but excluding dual occupancy development.

#### **4 Swimming pools**

Development for the purpose of swimming pools on lots over 450 square metres in area if the pool will be ordinarily ancillary to a dwelling occupied for private use only.

Group C in Part 2 below.

## **Part 2 Outcomes**

### **Group A**

#### **Streetscape**

- (1) Each part of the structure—
- (a) complies with any relevant building line provided in an environmental planning instrument or development control plan applying to the land, or
  - (b) is set back at least 4 metres from the front boundary or at least to the average of the setbacks of any like structures on land either side of the subject property, whichever is the greater.
- (2) Carports and garages facing a public street or accessway are no more than 6 metres or 50 per cent of the frontage wide, whichever is the lesser.

#### **Energy efficiency**

The dwelling has at least a 3.5 star rating under the *Nationwide House Energy Rating Scheme*

(NatHERS).

### **Bulk and scale**

- (1) The ground floor level of the structure at any point is no more than 500 millimetres above natural ground level.
- (2) The distance between the floor level and the underside of the eaves is no more than 2.7 metres.
- (3) The roof openings are flush with the roof pitch.
- (4) The next door property's main area of private open space, and any habitable rooms in that property, are not in shadow between 10 am and 3 pm on 21 June, as a result of the development.
- (5) The external wall of each structure affected by the proposed development is at least 900 millimetres from the nearest side and the rear boundaries.

### **Privacy and security**

Windows in a habitable room that are within 9 metres of and that allow an outlook to another window of a habitable room in the neighbour's house—

- (a) are offset from the edge of one window to the edge of the other by a distance of at least 0.5 metre, or
- (b) have sill heights of at least 1.7 metres above floor level, or
- (c) have fixed obscure glazing in any part of the window below 1.7 metres above floor level.

### **Open space and landscaping**

- (1) A minimum of 20 per cent of the site must be soft landscaped, that is, not a hard surface.
- (2) Not more than one-third of the front setback area is to be paved or sealed.

### **Group B**

#### **Streetscape**

Each part of the structure is located within the building precinct as depicted on the plan of subdivision relating to the registered title.

#### **Potable water**

A minimum potable water supply storage of 90,000 litres shall be provided on-site for each dwelling erected on an allotment or provided partly on-site and the remainder from an additional supply of potable water available from a permanent watercourse or bore having a minimum output of 0.5 litre per second.

#### **Firefighting resources**

- (1) With regard to firefighting reserves, a minimum water supply of 20,000 litres shall be maintained in a location accessible to fire vehicles. This can be in the form of any one or more of the following—

- (a) above or underground tanks,
  - (b) a permanent dam,
  - (c) a permanent creek/river,
  - (d) a swimming pool.
- (2) Above or underground tanks used for domestic supply shall provide for the refilling of fire tankers as follows—
- (a) aboveground tanks—a 50 mm BSP outlet (male) at base of tank with gate or ball valve. The house service may branch off this outlet.
  - (b) underground tanks—an access hole of at least 200 mm diameter.

### **Energy efficiency**

The dwelling has at least a 3.5 star rating under the *Nationwide House Energy Rating Scheme* (NatHERS).

### **Bulk and scale**

- (1) The ground floor level of the structure at any point is no more than 500 millimetres above natural ground level.
- (2) The distance between the floor level and the underside of the eaves is no more than 2.7 metres for a single storey house and 5.5 metres for a double storey house.
- (3) The aggregate floor area of ancillary buildings is less than 200 square metres.
- (4) The distance between the floor level and the roof apex of an ancillary building is no more than 3.6 metres.

### **Group C Swimming pools**

#### **Streetscape**

The pool is not between the dwelling and front boundary.

#### **Bulk and scale**

- (1) All coping or decking around the pool is not more than 500 millimetres above natural ground level.
- (2) The pool is at least 1.5 metres from the nearest side and the rear boundaries.

#### **Privacy and security**

The noise level of any filtration equipment or pumps does not exceed 5 dB(A) above the ambient background level measured at the property boundary.

#### **Open space and landscaping**

A minimum of 20 per cent of the site must be soft landscaped, that is, not a hard surface.

### **Installation and construction**

The installation and construction of the pool complies, where relevant, with—

- (a) AS/NZS 1838:1994, *Swimming pools—Premoulded fibre-reinforced plastics—Design and fabrication* and AS/NZS 1839:1994, *Swimming pools—Premoulded fibre-reinforced plastics—Installation*, or
- (b) AS 2783—1992, *Use of reinforced concrete for small swimming pools*.

### **The pool and surrounding structures**

The pool and surrounding structures comply with AS 1926.2—1995, *Swimming pool safety—Location of fencing for private swimming pools*.

## **Part 3 Complying development conditions**

### **Before you begin work**

- (1) Two days before any site works, building or demolition begins, the applicant must—
  - (a) forward notice of commencement of work and appointment of Principal Certifying Authority to the Council, and
  - (b) notify the adjoining owners that work will commence.
- (2) Before any site works, building or demolition begins, the applicant must—
  - (a) notify the Council of the name, address, phone number and licence number of the builder, and
  - (b) erect a sign at the front of the property with the builder's name, licence number, site address and consent number, and
  - (c) provide a temporary on-site toilet, and
  - (d) protect and support any neighbouring buildings, and
  - (e) protect any public place from obstruction or inconvenience due to the carrying out of the development, and
  - (f) prevent any substance from falling onto any public land or place, and
  - (g) follow any other conditions prescribed by the [Environmental Planning and Assessment Regulation 2000](#).

This item does not impose a requirement on an applicant if it is complied with by the builder.

### **Site management**

- (1) Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows—
  - (a) uncontaminated run-off must be diverted around cleared or disturbed areas, and
  - (b) a silt fence must be erected to prevent debris escaping into drainage systems or waterways, and

- (c) tracking of sediment by vehicles onto roads must be prevented, and
  - (d) top soil, excavated material, construction and landscaping supplies and debris must be stockpiled within the site.
- (2) Removal or disturbance of vegetation and topsoil must be confined to within 3 metres of the proposed building.

### **Drainage**

- (1) The land surrounding any structure must be graded to divert surface water to the street, and surface water must be kept clear of existing and proposed structures and adjoining premises.
- (2) Where the water falls to the rear of the property, it must be collected and drained via a gravity system, a Council stormwater line or otherwise disposed of in a manner consistent with the Council's *Soil and Water Management Policy*.

### **Inspections during construction**

The applicant must notify either the Council or an accredited certifier in advance (at least 48 hours in writing or 24 hours by phone) to inspect the following—

- (a) erosion controls, site works and site set out, before building starts,
- (b) placement of piers or foundation, before placing footings,
- (c) steel reinforcing, before pouring concrete,
- (d) framework of structure, before lining or cladding is fixed,
- (e) stormwater drainage and on-site detention, before backfilling,
- (f) wet areas treatment, before lining or tiling.

### **Hours of work**

Any building work must be carried out between 7 am and 6 pm Monday to Friday and 8 am to 5 pm Saturdays, but not on public holidays.

### **Survey certificate**

The following survey certificate must be given to the principal certifying authority, at the following stages—

- (a) on completion of floor slab framework before concrete is poured, detailing the location of the structure to the boundaries, and
- (b) at completion of the lowest floor, confirming that levels are in accordance with the certificate (which levels must relate to the datum shown on the certificate).

### **Safety**

Fire safety measures must be included.

### **Site access**



- (1) Where kerb and gutter is provided, driveways are to be a minimum of 500 millimetres clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including Council drainage structures, unless prior approval is obtained from the relevant authority.
- (2) Where kerb and gutter is not provided, a gravel vehicular entrance incorporating a 375 millimetre diameter stormwater pipe and concrete headwalls or a 6 metre by 6 metre concrete slab dish drain must be constructed to provide access to the lot.
- (3) Driveways are to be a minimum of 6 metres from a road intersection.
- (4) Driveways are to be constructed in accordance with AS 2890.1—1993, *Parking facilities—Off-street car parking*, with appropriate transition zones.

## Schedule 6 Cluster housing

(Clause 31)

Land being lot 33, DP 226218, part portion 5 and portion 114, Parish of Googong—each lot created having an area of not less than 1,000 square metres and not more than 1 dwelling house to be erected for each 2 hectares of the land on which the development is to be carried out.

Land being lots 1–3, DP 587805, Parish of Currandooly—not more than 52 lots each having an area of not less than 0.8 hectare and one lot having an area of not less than 90 hectares being open space and the erection of not more than 1 dwelling house on each of the first-mentioned lots.

Land being lots 1 and 2, DP 772168, Parish of Carwoola—subdivision into allotments (each having an area of not less than 0.2 hectare) and common property under the [Community Land Development Act 1989](#) and use of the allotments for rural residential purposes and the common property for open space purposes, subject to the conditions that—

- (a) consent to the carrying out of the development is granted within five years from the day on which *Yarrowlumla Local Environmental Plan 1993 (Amendment No 2)* took effect or within such longer period as the Minister may, before the expiration of that period of five years, notify by order published in the Gazette, and
- (b) consent must not be granted to such a subdivision unless the Council is satisfied that the land has an adequate capability for on-site effluent disposal and that such disposal will not affect the quality of surface water.

Land being part lot 61, lot 132, part lot 133, part lot 192 and lot 193, DP 754893, Kings Highway, Parish of Majura—subdivision under the [Community Land Development Act 1989](#) into not more than 29 allotments (each having an area of not less than 0.7 hectare) and neighbourhood property and use of the allotments for rural residential purposes and the neighbourhood property for open space and agricultural purposes, subject to the conditions that—

- (a) consent to the carrying out of the development is granted within five years from the day on which *Yarrowlumla Local Environmental Plan 1993 (Amendment No 16)* took effect or within such longer period as the Minister may, before the expiration of that period of five years, notify by order published in the Gazette, and

- (b) consent must not be granted to such a subdivision unless the Council is satisfied that—
- (i) the land has an adequate capability for on-site effluent disposal and that such disposal will not affect the quality of surface or ground water,
  - (ii) the proposed methods of on-site effluent disposal will be consistent with the publication entitled *Environment and Health Protection Guidelines: On-site Sewage Management for Single Households* dated January 1998, a copy of which may be inspected at the office of the Council, and
  - (iii) the subdivision makes provision for a reticulated, non-potable water supply to each neighbourhood lot with sufficient capacity to be used for firefighting, toilet flushing and garden irrigation purposes.

## **Schedule 7 Heritage items**

(Dictionary)

- (1) Anglican Church, Gibraltar Street, Bungendore
- (2) Court House, Gibraltar Street, Bungendore
- (3) Railway Station, Bungendore
- (4) Original buildings of the Bungendore Public School
- (5) Catholic Church, Turallo Terrace, Bungendore
- (6) Uniting Church, Butmaroo Street, Bungendore
- (7) St Thomas Anglican Church, Captains Flat Road
- (8) "Carwoola" Homestead, Captains Flat Road
- (9) "Parkwood" Homestead and Church and their curtilage, Parkwood Road

## **Schedule 8 Restricted development along main roads**

(Clause 56)

Development for the purpose of—

- bulk stores
- caravan parks
- car repair stations
- clubs
- commercial premises
- education establishments

hospitals

industries (other than rural home industries or rural industries)

institutions

junk yards

liquid fuel depots

mines

motels

places of assembly

places of public worship

recreation establishments

recreation facilities

refreshment rooms

retail plant nurseries

roadside stalls

sawmills

service stations

stock and sale yards

transport terminals

warehouses or distribution centres

## **Schedule 9 Development for additional purposes**

(Clause 60)

Land being lot 2, DP 787796, Parish of Googong—development for the purpose of a precision engineering works.

Land being lot 10, DP 264443, lot 1, DP 421614 and portion 225, Parish of Bywong—erection of a dwelling house.

Land being lot 2, DP 218721, Wickerslack Lane, Parish of Googong—development for the purpose of a bakery.

Land being lot 103, DP 705692, Parish of Carwoola—development for the purpose of commercial premises and a service station.

Land being lot 18, DP 793294, Parish of Wamboin—development for the purpose of a bus depot.

Land being lot 2, DP 703432, Mountain Creek Road, Parish of Urayarra—development for the purpose of a logging equipment workshop.

Land being part of lot J, DP 38379, Parish of Currandooly—development for the purpose of an access road to an extractive industry site.

Land being lots 5 and 6, DP 800637 and lot 96, DP 754880, Parish of Ginninderra—subdivision into 3 lots (each having an area of no more than 80 hectares), the erection of a dwelling house on each of the lots so created and the creation of a road reserve.

Land being lot 15, DP 264443, Parish of Bywong—erection of a dwelling house.

Land being lot 5, DP 219695, Parish of Googong—erection of a dwelling house.

Land being lots 1-4, DP 249946, Parish of Goorooyarroo—erection of a dwelling house.

Land being part lot 22, DP 715621, Parish of Currandooly—development for the purpose of an access road to an extractive industry located on lot 21, DP 715621, Parish of Currandooly.

Land being lot 31, DP 561406, Parish of Wamboin—development for the purpose of a retail winery and manager's residence.

Land being lot 15, DP 976557, Parish of Currandooly—development for the purpose of an antique shop.

Land being lot 2, DP 703432, Mountain Creek Road, Parish of Urayarra—development for the purpose of a dwelling house.

Land being lot 105, DP 754881, Parish of Googong—development for the purpose of a dwelling house.

Land being lot 17 and part lot 29, DP 751806, Parish of Bumbalong—development for the purpose of a youth camp and caretaker's cottage.

Land being lot 9, DP 245149, Parish of Bywong—development for the purpose of a retail winery.

Land being lot 31 and part lot 32 (access), DP 634213, Parish of Currandooly—development for the purpose of an extractive industry.

Land being lot 7, DP 261221, Parish of Carwoola—development for the purpose of housing, servicing and repair of not more than four trucks.

Land being lot 2, DP 740249, Parish of Queanbeyan—development for the purpose of a youth training centre.

Land being lot 2, DP 253616, McCarthy Road, Parish of Wallaroo—development for the purpose of a bed and breakfast establishment.

Land being lot 4, DP 846794, Macs Reef Road, Parish of Bywong—development for the purpose of a computer technology enterprise.

Land in Millpost Lane, Parish of Majura, being portions 170-175, 184 and 213, lot 40, DP 976607, lots 1 and 2, DP 743928 and portion 206—erection of a dwelling house on each parcel of land, but only if the

Council is satisfied that—

- (a) each site for a dwelling house is suitable for the economical provision of services and that an all-weather access is available to provide safe entrance to and exit from the land, and
- (b) after its consideration of an on-site effluent disposal report, each parcel of land has an adequate capability for on-site effluent disposal and that such disposal will not affect water quality on adjoining land through either surface or sub-surface flows, and
- (c) the water supply to the dwelling house will not have a significant adverse impact on ground water resources, and
- (d) the dwelling house will not form part of a dual occupancy building.

Land being part portions 110 and 124 and part lot 1, DP 808393, Parish of Googong—development for the purpose of an extractive industry involving—

- (a) placing of overburden, relocation of the primary crusher and water management works on part of portion 110 and lot 1, DP 808393, and
- (b) construction of a workshop and water management works on part of portion 124.

Land being parts of lot 3, DP 700781, Joe Rocks Road, Parish of Wamboin—breeding and selling of exotic and native birds.

Land being portions 1, 3, 21 and 44, DP 751806, Parish of Bumbalong—development for the purpose of an access to a youth camp situated on lot 1, DP 841149.

Land being lot 5, DP 252074, The Forest Road, Parish of Wamboin, Gearys Gap—development for the purpose of a retail winery.

Land being lot 101, DP 802461 and lot 57, DP 754914, Brooklands Road, Parish of Wallaroo—subdivision under the [Community Land Development Act 1989](#) for the purpose of a vineyard and the erection of not more than two dwelling houses.

Land being lot 100, DP 878557 and lots 1 and 2, DP 883055, McKeahnie Lane Road, Parish of Goorooyaroo—erection of a dwelling house.

Land being lot 7, DP 592796, Parishes of Googong, Burra, Urialla, Yarrow and Carwoola, as shown edged heavy black on the map marked “*Yarrowlumla Local Environmental Plan 1993 (Amendment No 35)*”—development for the purpose of a hydroelectricity generating station.

Land being part of lot 108, DP 878557, Parish of Goorooyaroo, Federal Highway, Sutton, as shown edged heavy black on the map marked “*Yarrowlumla Local Environmental Plan 2002 (Amendment No 1)*”—development for the purpose of a transport terminal.

Land being lot 99, DP 754895, Forbes Creek Road, Hoskinstown, Parish of Molonglo, as shown edged heavy black on Sheet 2 of the map marked “*Yarrowlumla Local Environmental Plan 2002 (Amendment No 3)*”—erection of a dwelling house.

Land being lot 276, DP 754915, 462 Bungendore Road, Bungendore, Parish of Wamboin—erection of a dwelling house.

## Dictionary

(Clause 7 (2))

**abattoir** means a building or place used for the slaughter of animals, whether or not animal by-products are processed, manufactured or distributed at or from the building or place, and includes a knackery.

**Aboriginal Sites Survey** means a report on Aboriginal sites found on land within the local government area of Yarrowlumla, deposited in the office of the Council.

**access track** means a vehicular track constructed on privately owned land.

**activity** has the same meaning as in Part 5 of the Act.

**advertisement** means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or carrying out of a work.

**advertising structure** means a structure used or to be used principally for the display of an advertisement.

**agriculture—general farming** means the use of land for any purpose of animal husbandry, including the keeping or breeding of livestock, poultry or bees and for the growing of crops, but does not include the use of land for intensive animal husbandry, intensive livestock keeping establishments, intensive plant cultivation, aquaculture, the erection of buildings or activities which are incidental or ancillary to a primarily residential use of the land concerned.

**agriculture—intensive animal husbandry** means the keeping or nurturing of cattle, rabbits, alpaca, deer, goats, horses, poultry, sheep or other livestock for commercial purposes where the method of feeding is reliant on supplementary feeding as the primary method of feeding, but does not include—

- (a) the use of a building or land for the purpose of feed lots, piggeries, poultry farms or animal boarding establishments, or
- (b) the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the building or land in or on which they are kept, or
- (c) intensive hand feeding of livestock as a result of a State declared natural disaster or during drought declared periods.

**agriculture—intensive livestock keeping** means the use of a building or place in which or on which cattle, sheep, goats, poultry or other livestock are held for the purposes of nurturing by a feeding method other than natural grazing and, without limiting the generality of the foregoing, includes the use of—

- (a) piggeries,
- (b) poultry farms, and
- (c) fish farms (including farms cultivating crustaceans),

but does not include the use of an animal boarding establishment or an animal breeding or training establishment or the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land.

**agriculture—intensive plant cultivation** means agriculture involving the irrigated cultivation of crops, including cereals, fruit, flowers, nuts, vegetables, mushrooms, or turf, or the use of land for wholesale plant nurseries or the use of hydroponics for commercial purposes.

**aircraft facility** means a place used for the taking off and landing of aircraft, whether or not it includes—

- (a) a terminal building, or
- (b) facilities for the parking, storage, refuelling, maintenance or repair of aircraft.

**airline terminal** means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport or an aerodrome.

**alter**, in relation to a heritage item, means—

- (a) make structural changes to the interior or the outside of the heritage item, if it is not identified by this plan as being of State significance, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the interior or the outside of the heritage item, or
- (c) make structural changes to the interior of the heritage item, if it is identified in this plan as being of State significance.

**ANEF** means Australian Noise Exposure Forecast within the meaning of Australian Standard AS 2021.

**animal boarding establishment** means a building or place used for the purpose of boarding animals for fee or reward and includes a veterinary clinic.

**animal breeding or training establishment** means a building or place used for the purpose of breeding or training animals for fee or reward, otherwise than in the course of agriculture, and includes the keeping of more than four dogs aged six months or more whether or not for fee or reward and a building or place used as a riding school, but does not include an animal boarding establishment or intensive animal husbandry.

**appointed day** means the day on which this plan took effect.

**aquaculture** means the cultivation (including propagation and rearing) of the living resources of the sea, or of estuarine or inland waters, whether or not that cultivation is carried out at a farm established for that purpose using an artificially created body of water.

**AS 2021** means Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* published by Standards Australia on 10 August 2000.

**attached dual occupancy** means a dual occupancy where the two dwellings are contained within the one building and share at least one common wall (or ceiling and floor, in the case of a multi-storey building) and have a common roof line.

**bed and breakfast** means a dwelling that—

- (a) provides temporary overnight accommodation for travellers, and
- (b) offers at least one breakfast for guests, and
- (c) does not contain facilities in rooms for the preparation of meals by guests, and
- (d) is not used for the permanent or long-term accommodation of any persons other than those, and the family of those, who operate and manage the facility and who would normally reside on the land.

**boarding house** means a building or place—

- (a) where accommodation, meals and laundry facilities in return for payment are provided to the resident, and
- (b) which is not licensed to sell liquor within the meaning of the [Liquor Act 1982](#).

**brothel** means a building or place designed to be used or habitually used for prostitution.

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

**bulk store** means a building or place used for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

**bulky goods salesroom or showroom** means a building or place used for the sale by retail or auction of 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,

but does not include a building or place used predominantly for the sale of foodstuffs or clothing.

**bus depot** means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purpose of a bus transport undertaking.

**bus station** means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

**bush fire hazard reduction** means a reduction or modification (by controlled burning or by mechanical, chemical or manual means) of material that constitutes a bush fire hazard carried out in accordance with a plan of operations approved by the rural fires authority for the area.

**bush rock** means natural surface deposits of rock, including loose rocks on rock surfaces or on the soil surface and rocks removed from rock outcrops by excavation or blasting.

**caravan park** means land (including a camping ground, but not a primitive camping ground) on which caravans or other moveable dwellings are located.



**cemetery—private** means an area of land used for the burial of more than 2 corpses within an allotment with an area greater than 5 hectares that is not owned by the Council.

**cemetery—private burial site** means an area of land used for the burial of up to 2 corpses within an allotment with an area greater than 5 hectares that is not owned by the Council.

**cemetery—public** means a building or place designed to be used for the burial, cremation or other processing of corpses that is owned by the Council, and includes an ancillary chapel.

**Note—**

All requirements for disposal of corpses made by or under the [Public Health Act 1991](#) must be complied with.

**child care centre** means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied—

- (a) the children number 6 or more, are under the age of 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the [Education Act 1990](#),
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

**church** means any place of public worship, whether in the Christian faith or not.

**classified road** means a road or work or a proposed road or work declared under the [Roads Act 1993](#) to be—

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

**club** means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or a different kind and whether or not the whole or a part of such building is the premises of a club registered under the [Registered Clubs Act 1976](#).

**commercial premises** means a building or place used as an office or for other business or commercial purposes, but (in the zoning table) does not include a building or place elsewhere defined in this Dictionary or a building or place used for a purpose elsewhere defined in this Dictionary.

**community facility** means a building or place owned or controlled by a public authority or community organisation which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but (in the zoning table) does not include a building or place elsewhere defined in this Dictionary.

**contaminated soil** means soil that contains a concentration of chemical substances (such as substances listed in the *Australian Dangerous Goods Code*) that are likely to pose an immediate or long-term hazard to human health or the environment. Soil is considered to pose such a hazard if the land in which it is located is—

- (a) unsafe or unfit for habitation or occupation by people or animals, or
- (b) degraded in its capacity to support plant life, or
- (c) otherwise environmentally degraded.

**Council** means—

- (a) in relation to land within the area of the City of Queanbeyan—Queanbeyan City Council, or
- (b) in relation to any other land—Yarrowlumla Shire Council.

**curtilage** of a dwelling house means land within 25 metres of a dwelling house.

**demolish**, in relation to a heritage item, means wholly or partly destroy, deface or dismantle the heritage item.

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

**dredging** means the removal of material from the bed of a river or waterway.

**dual occupancy** means two dwellings on a single allotment of land one of which has a floor area (excluding vehicle accommodation and verandahs) of not more than 120 square metres.

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

**dwelling house** means a dwelling that is the only dwelling erected on an allotment of land.

**early childhood centre** means a pre-school, kindergarten or child minding centre.

**earthworks** means filling or excavating land to the extent that existing drainage patterns or the use to which the land may be put, or both, are changed, and includes the construction of dams and access tracks and the rehabilitation of erosion gullies by backfilling.

**ecologically sustainable development** means development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs (as derived from *Our Common Future, The Report of the World Commission on Environment and Development* (December, 1987) (the Brundtland Report)). The principles of ecological sustainability are set out in Schedule 1.

**education establishment** means a building or place used principally for education and includes—

(a) a school or tertiary institution, whether or not accommodation for staff and students is provided and whether or not used for the purpose of gain, and

(b) an art gallery or museum,

whether or not it has ancillary facilities such as shops and restaurants.

**entertainment facility** means a building or place used for the purpose of sport, entertainment, exhibitions, displays or cultural events and includes—

(a) sports stadiums, showgrounds, racecourses and the like, and

(b) theatres, cinemas, music halls, concert halls, open air theatres, drive-in theatres and the like.

**exhibition home** means a dwelling used temporarily for display purposes.

**extractive industry** means—

(a) the winning of extractive material, or

(b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land on which it is carried on, and includes any washing, crushing, grinding, milling, sawing or separating into different sizes of that extractive material on that land.

**extractive material** means sand, gravel, clay, soil, rock, stone or similar substances not obtained from mining operations.

**feed lot** means a building or place in which or on which cattle, sheep or other livestock are held for the purpose of nurturing by a feeding method other than natural grazing, but does not include a piggery, poultry farm, animal boarding establishment or animal breeding or training establishment.

**forestry** includes arboriculture, silviculture and the cutting, dressing and preparation (otherwise than in a sawmill) of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection, but does not include tree farming.

**garaging of plant and trucks** means the storage and maintenance of up to 2 pieces of plant or trucks other than agricultural machinery, on a property where the plant or trucks are operated only by the occupier or occupiers of the property, but does not include a plant depot.

**generating works** means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

**gross floor area** means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, but does not include—

(a) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall, or

(b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts, or

(c) car parking needed to meet any requirements of the Council and any internal access to it, or

(d) space for the loading or unloading of goods.

**ground cover** means all plant material that covers the ground, including crops, stubble, pasture plants and their residues, leaf litter, bark and twigs.

**group home** means a dwelling—

(a) that is used to provide temporary or permanent accommodation in a household environment, for the purpose of relief or rehabilitation, for people with disabilities or socially disadvantaged people, whether they are related or not, and

(b) that is occupied by those persons as a single household, either with or without paid or unpaid supervision or care and with or without payment for board and lodging being required,

but does not include a building to which [State Environmental Planning Policy No 5—Housing for Older People or People with a Disability](#) applies.

**health care professional** means a person who provides professional health services to members of the public, and includes—

(a) a podiatrist registered under the [Podiatrists Act 1989](#), and

(b) a chiropractor or osteopath or a chiropractor and osteopath registered under the [Chiropractors and Osteopaths Act 1991](#), and

(c) a physiotherapist registered under the [Physiotherapists Registration Act 1945](#), and

(d) an optometrist registered under the [Optometrists Act 1930](#).

**health consulting rooms** means a room, or a number of rooms, within a building used by not more than three health care professionals, to provide professional health care services to members of the public, but does not include a hospital or a medical centre.

**helipad** means an area or place not open to public use and which is set apart for the taking off and landing of helicopters.

**heliport** means a place open to the public regularly 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.

**heritage conservation plan** means a document identifying the heritage significance of a building, work, relic, tree or place and proposing controls on its future development and use.

**heritage item** means a building, work, relic, tree or place described in Schedule 7.

**high technology industry** means an industry or associated commercial activity which is directly associated with the activities of a research establishment or tertiary education establishment or which involves the use, development or production of advanced technologies.

**hire establishment** means a building or place used for the hire of vehicles, boats, caravans,

equipment, machinery or the like.

**holding** means one or more adjoining or adjacent allotments in the one ownership.

**home activity** means an activity or pursuit carried out in a building or room or number of rooms forming part of, attached to, or within the curtilage of a dwelling where—

- (a) the primary use of the dwelling is for residential purposes,
- (b) the activity or pursuit does not or is not likely to—
  - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise,
  - (ii) involve exposure to view from any public place of any matter,
  - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
  - (iv) generate traffic out of keeping with the surrounding locality, and
- (c) the activity or pursuit is undertaken by the permanent residents of the dwelling.

**home occupation** means an occupation carried out in a dwelling by the permanent residents of the dwelling which does not involve—

- (a) the licensing of the premises under the [Dangerous Goods Act 1975](#), or
- (b) the employment of persons other than those residents, or
- (c) 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, or otherwise, or
- (d) the display of goods, whether in a window or otherwise, or
- (e) the exhibition of any notice or advertisement (other than a notice or advertisement exhibited on that dwelling to indicate the name and occupation of the resident), or
- (f) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail.

**hospital** means a building or place (other than a penal or reformatory establishment) used for providing professional health care services to people whether or not they are admitted as inpatients and includes—

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or restaurants and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers and whether or not any such use is a commercial use,

and includes a building or place used exclusively as a day surgery or day procedure centre, but does not include health consulting rooms or a medical centre.

**hotel** means premises for the lawful operation of which a hotelier's licence is required under the [Liquor Act 1982](#).

**housing for aged or disabled persons** means residential accommodation which may take any residential building form, and which is or is intended to be used as housing for the permanent accommodation of aged persons or disabled persons.

**industry** means—

- (a) any manufacturing process, or
- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or in a process ancillary to any business,

but (in the Table to clause 11) does not include an extractive industry, a high technology industry, a home industry, a light industry, a rural home industry or a rural industry.

**institution** means a penal or reformatory establishment.

**junk yard** means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap metals or goods or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of their parts.

**land degradation** means the decline in the quality of natural land resources caused through improper use of land by humans.

**landfill** means the filling of land with materials such as earth, soil, sand, concrete crushed to a maximum diameter of 300 mm and bricks, but does not include putrescible waste or timber.

**landscape** means character or visual quality of the environment of a particular location or area and may include both natural and built elements.

**light industry** means an industry in which the processes carried on, or the transportation involved or the machinery or materials used do not interfere unreasonably with the amenity of the neighbourhood, being small scale manufacturing, furniture manufacturing, restoration work and the like.

**liquid fuel depot** means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

**main road** means a road declared to be a main road under the [Roads Act 1993](#).

**major road frontage**, in relation to land, means the frontage of that land to—

- (a) a main or arterial road, or
- (b) a road connecting with a main or arterial road, if the whole or any part of the frontage is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the main or arterial road.

**manufactured home** means a self-contained dwelling (that includes at least one kitchen, bathroom,

bedroom and living area and also includes toilet and laundry facilities), being a dwelling—

- (a) that comprises one or more major sections that are each constructed, and assembled, away from a manufactured home estate and transported to the estate for installation on the estate, and
- (b) that is not capable of being registered under the [Road Transport \(Vehicle Registration\) Act 1997](#).

**manufactured home estate** means land on which manufactured homes are, or are to be, erected.

**market** means an open air area or building used for the selling, exposing or offering for sale by retail of goods, merchandise or materials and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**materials recycling facility** means a building or place used for collecting, dismantling, storing or recycling of second-hand or scrap materials for the purpose of resale, reuse or transfer.

**medical centre** means a building or place used for providing professional health services to outpatients only, but does not include a hospital or health consulting rooms.

**mine** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on, in or by which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any method and any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

**mineral** means any mineral within the meaning of the [Mining Act 1992](#).

**mineral sand mine** means a mine for or in connection with the purpose of obtaining ilmenite, monazite, rutile, zircon or similar minerals.

**motel** means premises used for the temporary or short-term accommodation of travellers, but (in the zoning table) does not include premises elsewhere defined in this Dictionary.

**motor showroom** means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not accessories are also sold or displayed at the building or place.

**Murrumbidgee River corridor land** means the land shown stippled on the zoning map.

**native plants** means plants indigenous to the State, including trees, shrubs, ferns, vines, herbs and grasses indigenous to the State.

**offensive or hazardous industry** means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

**offensive storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which would have a significant adverse impact on the locality or on the existing or likely future development on other land.

**paintball establishment** means a building or place used for the purpose of providing facilities for

recreational field games such as paintball skirmish or the like.

**parking space** includes any garage or court available for use by vehicles.

**parking station** means a building or place, whether operated for gain or not, used for parking vehicles otherwise than only as a use that is ordinarily ancillary or incidental to another use, and includes any manoeuvring space and access from or to the building or place.

**passenger transport terminal** means any building or place used for the assembly and dispersal of passengers travelling by any form of passenger transport, and includes any facilities required for parking, manoeuvring, storage or routine servicing of any vehicle forming part of that undertaking.

**periodic public entertainment** means a fete, show, fireworks display or the like conducted from time to time by a service club or similar body, but does not include a major commercial entertainment.

**piggery** means a building or place where 3 or more pigs over 8 months of age are kept, but does not include an abattoir or slaughterhouse.

**place of assembly** means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purpose of gain or not, but does not include a place of public worship, an institution or an educational establishment.

**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 depot** means a building or place used for the parking or servicing of moveable plant and motor vehicles by the owner or lessee of that building or place, being plant used in an occupation or business carried on at some other location.

**potential dam site** means an excavation in which water is stored by the use of earthen walls or walls made of other materials.

**poultry farm** means—

- (a) a building or place in which or on which more than 500 hens are kept, or
- (b) a building or place that is used for commercial poultry breeding purposes.

**professional consulting rooms** means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of a dwelling house and used by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the [Dentists Act 1989](#), or by not more than three health care professionals, who practise therein the profession of medicine, dentistry or health care respectively, and if more than one practise in partnership, and who employ not more than three employees in connection with that practice.

**public 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.

**public land** has the same meaning as in the [Local Government Act 1993](#).



**public utility undertaking** means a building, work or undertaking carried out under the authority of any Government agency or other public authority (including the Council), or in pursuance of any Commonwealth or State Act for the purpose of—

- (a) railways or roads, or
- (b) railway, road, water or air transport, or wharf or river undertakings, or
- (c) the provision of sewerage or drainage services, or
- (d) the supply of water, hydraulic power, electricity or gas, or
- (e) telecommunications facilities.

**reception establishment** means a building or place used for the purpose of wedding receptions, birthday parties or the like, but does not include a refreshment room or hotel.

**recreation area** means—

- (a) a children's playground,
- (b) a place used for sporting activities or sporting facilities, or
- (c) a place used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by—
  - (i) a public authority, or
  - (ii) a body of persons associated for the purpose of promoting the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse, showground or paintball establishment.

**recreation establishment** means a health farm, religious retreat house, rest home, youth hostel, guest house or the like but, (in the zoning table) does not include a building or place elsewhere specifically defined in this Dictionary.

**recreation facility** means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly.

**refreshment room** means a café, tearoom, eating room or the like, but does not include a restaurant.

**relic** means—

- (a) any deposit, object or material evidence (which may consist of human remains) relating to the use or settlement of the local government area of Yarrowlumla, not being Aboriginal habitation, which is more than 50 years old, or
- (b) any deposit, object or material evidence (which may consist of human remains) relating to Aboriginal habitation of the local government area of Yarrowlumla whether before or after its occupation by persons of European extraction.

**residential flat building** means a building containing two or more dwellings.

**restaurant** means a building or place, the principal purpose of which is the provision of food to paying customers for consumption on the premises.

**retail plant nursery** means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are sold there.

**retail winery** means a building erected or proposed to be erected for the purpose of manufacturing, storing and offering for sale viticultural products.

**road** means a public road within the meaning of the [Roads Act 1993](#).

**road transport terminal** means a building or place used principally for the bulk handling of goods for transport by road, and includes facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

**roadside stall** means a place or temporary structure used for selling by retail agricultural produce or hand-crafted goods from the property of which the place forms part or on which the structure is located.

**rural home industry** means a rural industry carried on in a building (other than a dwelling house) under the following circumstances—

- (a) the building has a gross floor area not exceeding 200 square metres and is erected within the curtilage of a dwelling house occupied by the person carrying on the rural industry, or on adjoining land owned by that person,
- (b) the rural industry does not—
  - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
  - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
  - (iii) require the provision of any essential service main of a greater capacity than that available in the locality.

**rural industry** means—

- (a) the handling, treating, processing or packing of primary products, or
- (b) the servicing in a workshop of plant or equipment used for rural purposes, or
- (c) a combination of the activities referred to in paragraphs (a) and (b).

**rural tourist facility** means a building or place on a farm (which may include a refreshment room and limited tourist accommodation) which is used to provide tourists with a rural education and experience concerning the growing, production or processing of rural products which are grown or cultivated on that farm. (For the purposes of this definition, a **farm** means an area of adjoining or adjacent land held in the same ownership and in continuous use for agricultural or forestry purposes.)

**rural worker's dwelling** means a dwelling located on land on which a dwelling house is or is intended to be situated and used as the principal place of residence by persons employed for the purpose of agriculture, aquaculture or a rural industry on that land.

**sawmill** means a mill handling, cutting and processing timber from logs or baulks.

**service station** means a building or place used for the fuelling of vehicles involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following—

- (a) the hiring of vehicles,
- (b) the retail selling or the installing of spare parts and accessories for vehicles,
- (c) the repairing or servicing of vehicles (not involving body building, panel beating or spray painting),
- (d) the retail selling or hiring of small consumer goods.

**shop** means a building or place used for the purpose of selling, exposing or offering for sale goods, merchandise or materials, but (in the zoning table) does not include a building or place elsewhere defined in this Dictionary.

**site area** means the area of land to which an application for consent under the Act relates, excluding any land on which the development to which the application relates is not permitted by or under this plan.

**stock and sale yard** means a building or place used for the purpose of offering livestock or poultry for sale.

**store, convenience** means a building or place which—

- (a) trades principally in the retail sale of groceries, take-away foods, smallgoods and household items and services, and
- (b) may be attached to or form part of a dwelling, and
- (c) does not have an area devoted to retailing that exceeds 75 square metres, and
- (d) is not located closer than 400 metres to another such shop.

**store, general** means a building or place used for the sale by retail of general merchandise, petroleum products, rural and landscaping supplies, and may include the facilities of a post office, but does not include a service station.

**store, produce** means a building or place used for the sale by retail of grain, stock feed, fertiliser or veterinary medicine.

**telecommunications facility** means a building, structure, work or place (such as a radio mast, tower, earth station, cable, satellite dish or the like) used specifically for transmitting, receiving or passing on signals, but does not include a domestic structure.

**the Act** means the [Environmental Planning and Assessment Act 1979](#).

**the Department** means the Department of Planning.

**tourist facility** means an establishment providing for holiday accommodation or recreation and may include a boatshed, boat handling facilities, camping ground, caravan park, holiday cabins, hotel, houseboat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any tourist activities.

**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 passenger transport undertaking, business, industry or shop.

**transport terminal** means a building or place used as an airline terminal, a road transport terminal, a bus station or a bus depot.

**tree farming** means the planting of trees on land for firewood or other purposes incidental to the farming of that land.

**units for aged persons** means a residential flat building used to house eligible persons as defined in the *Aged or Disabled Persons Care Act 1954* of the Commonwealth, erected or to be erected by an eligible organisation as defined in that Act, the Department of Housing or any other government agency or instrumentality.

**utility installation** means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom or a road.

**vacant**, in reference to an allotment or a holding, means an allotment or a holding on which no dwelling is erected.

**vehicle body repair workshop** means a building or place used for the repair of vehicles, involving body painting, panel beating or spray painting.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs (other than repairs involving body building, panel beating or spray painting), or the selling and fitting of accessories, to vehicles.

**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 and may include related laboratory facilities.

**warehouse or distribution centre** means a building or place used mainly for storing, handling, or displaying items (whether goods or materials) which have been produced or manufactured for sale, other than retail sale to the public from the building or place.

**zoning map** means the map marked "*Yarrowlumla Local Environmental Plan 2002*", as amended by the maps (or sheets of the maps) marked as follows—

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*Yarrowlumla Local Environmental Plan 2002 (Amendment No 3)—Sheet 1*

*Yarrowlumla Local Environmental Plan 2002 (Amendment No 11)*

**1995 holding** means—

- (a) except as provided by paragraph (b)—an allotment, portion or parcel of land in existence at the date of gazettal of *Yarrowlumla Local Environmental Plan 1993 (Amendment No 6)* (13 October 1995), as a separate allotment, portion or parcel, or
- (b) where, as at the date of gazettal of *Yarrowlumla Local Environmental Plan 1993 (Amendment No 6)*, a person owned 2 or more adjoining or adjacent allotments, portions or parcels of land having access to a public road—the land comprised of the aggregation of the areas of those allotments, portions or parcels,

but does not include land held under the [Crown Land Management Act 2016](#).