

# Queanbeyan Local Environmental Plan 1991

[1991-6]



New South Wales

## Status Information

### Currency of version

Repealed version for 4 March 2022 to 13 November 2022 (accessed 22 December 2024 at 21:02)

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—

- **Does not include amendments by**  
[State Environmental Planning Policy Amendment \(Water Catchments\) 2022 \(629\)](#) (not commenced — to commence on 21.11.2022)
- **Repeal**  
This Plan was repealed by [Queanbeyan-Palerang Regional Local Environmental Plan 2022 \(600\)](#), cl 1.8(1) with effect from 14.11.2022.

### 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](#).

File last modified 14 November 2022

# Queanbeyan Local Environmental Plan 1991



New South Wales

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# Queanbeyan Local Environmental Plan 1991



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Queanbeyan Local Environmental Plan 1991*.

### 2 Aims, objectives etc

- (1) The principal aim of this plan is to consolidate and update existing planning controls in the City of Queanbeyan.
- (1A) The plan also has the objective to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts
- (2) The particular objectives, policies and strategies applicable to land within a zone referred to in this plan are set out in relation to the respective zones in the Table to clause 9.

### 3 Land to which this plan applies

This plan applies to any land within the local government area of City of Queanbeyan that is shown edged heavy black and marked “excluded land” on the map marked *Queanbeyan Local Environmental Plan 1998* and that is not land to which that plan applies.

### 4 Relationship to other environmental planning instruments

This plan repeals—

- (a) the *City of Queanbeyan Planning Scheme Ordinance*,
- (b) *Interim Development Order No 1—Shire of Yarrawlumla*,
- (c) Queanbeyan Local Environmental Plan Nos1–79 and I00, and
- (d) such other deemed environmental planning instruments and local environmental plans as, immediately before the appointed day, applied to the land to which this plan applies but to the extent only to which those instruments applied to that land.

## 5 Model provisions

The *Environmental Planning and Assessment Model Provisions 1980* (except the definitions of **home industry**, **home occupation**, **map**, **public utility undertaking**, **residential flat building** and **utility installation** in clause 4 (1) and clauses 15, 16 and 17) are adopted for the purposes of this plan.

### 5A Exempt development and complying development

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.

### 5B (Repealed)

## 6 Definitions

(1) In this plan—

**“A” frame sign** means a moveable stand that displays an advertisement in front of a site on a public footway which—

- (a) is not more than 1.2 metres in height or 750 millimetres in width, and
- (b) displays an advertisement with wording that does no more than describe the place or premises comprising or situated on the site or a person residing or carrying out an occupation there or describe or depict an occupation being carried out there or give directions, cautions or notifications, or particulars relating to goods, commodities, services, activities, trades, professions or other businesses dealt with or provided at the place or premises.

**advertisement** has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.

**advertising structure** has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.

**alter**, in relation to a heritage item or to a building or work within a heritage conservation area, means—

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, not including maintenance.

**animal establishment** means a building or place used intensively for the purposes of animal husbandry or the boarding, training or keeping of animals, birds, fish, crustaceans, insects or the like, generally requiring the importation of feed, other than feed produced on the land on which the establishment is conducted.

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

**area of an advertisement** in the form of a sign means—

- (a) for a sign with only one side occupied by the matter displayed, the area within the outline of that sign, or
- (b) for a sign with two sides occupied by the matter displayed, the area within the outline of that sign or, where one side is larger than the other, the area within the outline of the larger side, or
- (c) for any other sign, one-third of the total surface area of the sign.

**awning** means a fixed or retractable canvas or metal roof-like covering to shelter

persons or protect parts of a building from the effects of sun or rain, usually erected in front of a window or door, or over a balcony or deck.

**balcony** means an open or covered elevated horizontal platform attached to the upper floor of a building, projecting from or recessed into the face of the wall, accessible from an adjacent room, and protected by a railing or balustrade.

**barbecue** means an outdoor facility, located in a backyard or courtyard, for domestic cooking.

**brothel** means premises habitually used for the purpose of prostitution. Premises may constitute a brothel even though used by only one prostitute for the purpose of prostitution.

**Building Code of Australia** has the same meaning as it has in the [Environmental Planning and Assessment Act 1979](#).

**bushfire hazard reduction** means a reduction (by controlled burning or mechanical or manual means) of material that constitutes a bushfire hazard.

**business identification sign** means a sign—

(a) that indicates—

- (i) the name of the person, and
- (ii) the business carried on by the person,

at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

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

**cabana** means a covered structure which is often but not always used as a pool-side shelter or change room or both.

**canopy** means an ornamental roof-like covering or projection, which may be for the purpose of providing shade or shelter, either suspended or supported on brackets, corbels or columns, over a door, window, niche or balcony.

**carport** means a roofed, open or semi-enclosed structure for the sheltering of motor vehicles, attached to, adjacent to, or near a dwelling-house.

**cladding** means the outer non-load bearing covering of the external walls or roof of a framed building or structure, applied for weather-proofing or decorative purposes or both.



**clearing**, in relation to land, means any manner of destruction of native trees, shrubs, or plants (being trees, shrubs or plants that are indigenous to the State) on the land, but does not include—

- (a) the destruction of any tree, shrub or plant that is required or expressly authorised by or in pursuance of the provisions of any Act or statutory instrument or by any statutory authority in pursuance of any Act or statutory instrument, or
- (b) the destruction of trees, shrubs or plants if it is necessary in the event of an emergency to prevent the spread of fire or in circumstances where the tree, shrub or plant presents a danger to life or property.

**cluster housing** means a group of buildings each containing no more than 2 dwellings.

**commercial premises** means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere defined in this clause.

**complying development** has the same meaning as it has in the [Environmental Planning and Assessment Act 1979](#).

**contaminate** has the same meaning as it has in the [Contaminated Land Management Act 1997](#).

**contamination** has the same meaning as it has in the [Contaminated Land Management Act 1997](#).

**Council** means the Council of the City of Queanbeyan.

**craft shop** means a building or place used for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials of an artistic or historical nature.

**cubby house** means a small scale replica of a dwelling-house, usually of simple construction and located in the backyard or courtyard, which is used primarily by children for the purposes of play.

**deck** means a horizontal platform which may or may not be roofed and, usually at or slightly above ground level, attached to, or forming part of, a building.

**demolition**, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of the building or work, in whole or in part.

**driveway** means a defined area within a property used by vehicles travelling between a carriageway and a property adjacent to or near a road.

**dual occupancy building** means a building containing 2 dwellings only;

**excavation** or **filling** means works which alter the ground level.

**exempt development** has the same meaning as it has in Part 7B of the *Environmental Planning and Assessment Act 1979*.

**garden shed** means a small building, usually of metal or timber construction, for the storage of garden implements and the like.

**gazebo** means a structure, usually roofed, and used for outdoor activities or entertaining, particularly during warm weather.

**greenhouse** means a building, usually constructed chiefly of glass or other transparent material, for the cultivation or protection of plants that will not survive in outdoor conditions.

**ground level** means the level of a site prior to any development, including any excavation, filling or grading, that has taken place and, where the ground level has been altered after the appointed day, the ground level is taken to be that level of the site as determined by the Council.

**heritage conservation area**, means an area so identified on the map marked *Queanbeyan Local Environmental Plan 1991 (Amendment No 7)*.

**heritage item** means a building, work, relic, tree or place that is identified or described in Schedule 1.

**home industry** means an industry carried on in a building (not being a dwelling-house or a dwelling in a residential flat building) which—

- (a) does not occupy a gross floor space (whether on one or more floors or in one or more buildings) exceeding 30 square metres,
- (b) is conducted on the land on which is erected a dwelling-house or dwelling in a residential flat building occupied by the person carrying on the industry or on adjoining land in the same ownership,
- (c) does not 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, oil or otherwise or create any hazard in the locality,
- (d) does not involve the exposure to view from any adjacent premises or from any public place or any unsightly matter, and
- (e) does not require the provision of any essential service main of a greater capacity than that available in the locality.

**home occupation** means any occupation or pursuit carried out in a room or a number of rooms forming part of, or within the curtilage of, a dwelling-house on an

allotment, or in another building for which consent has been granted situated on the same allotment as a dwelling-house, where—

- (a) only goods made or produced, or services offered, as a result of the occupation or pursuit are displayed, sold or provided, and
- (b) the primary use of the dwelling is residential, and
- (c) the gross floor area where the occupation or pursuit is carried out does not exceed 30 square metres, and
- (d) the occupation or pursuit 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 public place of any matter, or
  - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
  - (iv) involve the exhibition of an advertising structure and the display of an advertisement on it or an advertisement that is not an advertising structure other than as exempt development, or
  - (v) involve a change in the appearance of the dwelling-house, or the land on which the dwelling-house is erected, that is, in the opinion of the Council, out of character with the appearance of the adjoining area, or
  - (vi) involve prostitution, and
- (e) any retail sales are ancillary to the occupation or pursuit.

***integrated housing development*** means development that consists of—

- (a) the subdivision of land into 5 or more allotments, the minimum allotment size being 450 sq m, and
- (b) the erection of a single dwelling-house on each of the allotments created by that subdivision, which allotments may have a “zero side boundary setback” nominated by the Council upon which an external wall is to be built.

***native vegetation*** has the same meaning as it has in the [Native Vegetation Conservation Act 1997](#).

***patio*** means a ground level, unroofed paved area, surrounded by portions of a dwelling or building, and forming part of the living area.

**pergola** means an open-roofed framework over a path, terrace or patio, supported on posts or columns, and sometimes covered with plants trained over members.

**playground equipment** means equipment such as swings and slides, designed primarily for use by children for the purposes of play.

**prostitution** means sexual acts or sexual services engaged in for payment or other gain.

**real estate exhibition sign** means a free-standing advertising structure, and the display of an advertisement on it, on a public footway, where the structure and advertisement—

- (a) have dimensions of not more than 750 millimetres in height or 600 millimetres in width, and
- (b) only display a direction to the location of a property for sale, auction or lease, or of an exhibition home.

**real estate sign** means a free-standing advertising structure and the display of an advertisement on it in respect of a place or premises to which it is fixed which contains only a notice that the premises are for sale or letting together with particulars of the sale or letting and which—

- (a) in the case of a free-standing advertising structure and the display on it in respect of residential or rural premises relating to letting, sale by private treaty or sale by auction—
  - (i) does not exceed 2.5 square metres in area, and
  - (ii) has returns not exceeding 180 millimetres,
- (b) in the case of a free-standing advertising structure and the display of an advertisement on it in respect of commercial and industrial premises, does not exceed 4.5 square metres in area, and
- (c) is not displayed for more than 14 days after letting or completion of the sale of the premises to which the sign relates.

**recreation area** means—

- (a) a children's playground,
- (b) an area used for sporting activities or sporting facilities,
- (c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated for the purposes of the physical,

cultural or intellectual welfare of the community to provide recreational facilities for those purposes,

but does not include a racecourse or showground.

**relic** means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the area of the City of Queanbeyan and which is 50 or more years old.

**renovation**, in relation to a building or work, means—

- (a) the making of structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, such as changes that involve the repair, or the painting, plastering or other decoration of the building or work.

**residential flat building** means a building or group of buildings containing 2 or more flats.

**residential flat building Class A** means a residential flat building containing 2 flats only and includes buildings commonly known as duplex flats, maisonettes or semi-detached cottages.

**residential flat building Class B** means a residential flat building containing more than 2 flats in a group commonly known as group dwellings, villa homes, townhouses, terrace buildings, or the like.

**restricted premises** means premises where—

- (a) publications classified Category 1 restricted, Category 2 restricted or RC (Refused Classification) under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public, or
  - (b) a business to which section 578E of the *Crimes Act 1900* applies is conducted,
- but does not include a newsagency or pharmacy.

**statutory fire safety measure** has the same meaning as it has in the *Environmental Planning and Assessment Regulation 1994*.

**temporary sign** means an advertisement of a temporary nature which—

- (a) announces any local event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event,

(b) does not include advertising of a commercial nature (except for the name of an event's sponsor), and

(c) is displayed for a period of not more than 28 days.

**the map** means the map marked *Queanbeyan Local Environmental Plan 1991*, as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows—

**Editorial note—**

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

*Queanbeyan Local Environmental Plan 1991 (Amendment No 1)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 2)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 3)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 4)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 8)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 9)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 10)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 11)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 12)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 13)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 14)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 16)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 17)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 18)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 21)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 23)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 29)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 30)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 32)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 33)*

*Queanbeyan Local Environmental Plan 1991 (Amendment No 42)*

**utility installation** means a building or work used for a utility undertaking.

**utility undertaking** means any undertaking carried on by or by authority of any Government Department, or in pursuance of any Commonwealth or State Act, for the purposes of—

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

(2) In this plan—

- (a) a reference to a map is a reference to a map deposited in the office of the Council,
- (b) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
- (c) a reference to land within a zone specified in the Table to clause 9 is a reference to land shown on the map in the manner specified in clause 8 as the means of identifying land of the zone as specified.

(3) Notes included in this plan do not form part of this plan.

## **7 Consent authority**

The Council shall be the consent authority for the purposes of this plan.

### **7A Development that does not require development consent**

(1) A person may carry out the following development on any land to which this plan applies without development consent—

- (a) exempt development,
- (b) development of any description specified in Schedule 1 to the *Environmental Planning and Assessment Model Provisions 1980*,
- (c) use of existing buildings of the Crown by the Crown.

(2) Nothing in this plan affects the requirement for determining authorities to consider the impact on the environment of an activity in accordance with Part 5 of the

*Environmental Planning and Assessment Act 1979.*

## **Part 2 General restrictions on development**

### **8 Zones indicated on the map**

For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to that zone—

Zone No 1 (a) (Rural “A” Zone)—coloured light brown.

Zone No 1 (b) (Rural “B”—Escarpment Protection Zone)—coloured light brown with dark red edging and lettered “1 (b)”.

Zone No 1 (c1) (Rural “C1” (Small Holdings) Zone)—coloured light brown with dark red edging and lettered “1 (c1)”.

Zone No 2 (a) (Residential “A” Zone)—coloured pink.

Zone No 2 (b) (Residential “B” Zone)—coloured pink with dark red edging and lettered “2 (b)”.

Zone No 2 (c1) (Residential “C1” Zone)—coloured pink with dark red edging and lettered “2 (c1)”.

Zone No 2 (c2) (Residential “C2” Zone)—coloured pink with dark red edging and lettered “2 (c2)”.

Zone No 2 (d) (Residential “D” Zone)—coloured pink with dark red edging and lettered “2 (d)”.

Zone No 2 (d1) (Residential “D1” Zone)—coloured pink with dark red edging and lettered “2 (d1)”.

Zone No 3 (a) (General Business Zone)—coloured light blue.

Zone No 3 (b) (Special Business Zone)—coloured light blue with dark red edging and lettered “3 (b)”.

Zone No 3 (b2) (Special Business (Historical) Zone)—coloured light blue with dark red edging and lettered “3 (b2)”.

Zone No 3 (c) (Business Park Zone)—coloured light blue with dark red edging and lettered “3 (c)”.

Zone No 4 (a) (General Industrial Zone)—coloured purple.

Zone No 5 (a) (Special Uses “A” Zone)—coloured yellow with red lettering identifying



the specific use.

Zone No 5 (b) (Special Uses “B” Railways Zone)—coloured blue-purple.

Zone No 6 (a) (Open Space Zone)—coloured dark green.

Zone No 6 (b) (Open Space “B”—Proposed Recreation Zone)—coloured light green with dark green edging.

Zone No 6 (c) (Open Space “C”—Private Recreation Zone)—coloured dark green with yellow edging.

Zone No 7 (d) (Rural Environmental Protection “D” (Scenic) Zone)—coloured orange.

Zone No 7 (f) (Rural Environmental Protection “F” (Flora) Zone)—coloured orange with dark red edging and lettered “7 (f)”.

Zone No 8 (a) (Nature Reserve Zone)—uncoloured with dark green edging.

Zone No 9 (a) (Arterial Road Reservation Zone)—a broken red band between black lines.

Zone No 9 (b) (Local Road Reservation Zone)—coloured grey.

## **9 Zone objectives and development control table**

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of Zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which—
  - (a) development may be carried out without development consent,
  - (b) development may be carried out only with development consent, and
  - (c) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

### **Table**

#### **Zone No 1 (a) (Rural “A” Zone)**

### **1 Objectives of Zone**

The objectives are—

- (a) to enable the continuation of existing forms of agricultural land use and occupation, and
- (b) to ensure that the type and intensity of development will not prejudice future use of the land for urban purposes.

### **2 Without development consent**

Development for the purpose of—

Agriculture (other than animal boarding, breeding or training establishments, pig keeping establishments, feed lots or poultry farming establishments); stables.

Exempt development.

### **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

### **4 Prohibited**

Advertisements (other than those for tourist facilities or for places of scientific, historic or scenic interest); boarding houses; boat showrooms; brothels; bulk stores; car repair stations; caravan parks; caravan showrooms; child care centres; commercial premises; health care professional premises; industries (other than rural industries, extractive industries or home industries); junk yards; liquid fuel depots; motels; motor showrooms; offensive or hazardous industries; refreshment rooms; residential flat buildings; restricted premises; roadside stalls; road transport terminals; service stations; shops; taverns; timber yards; transport terminals; warehouses.

## **Zone No 1 (b) (Rural “B”—Escarpment Protection Zone)**

### **1 Objectives of Zone**

The objectives are—

- (a) to identify and provide for the protection of land which is environmentally sensitive or of visual significance, or both, and
- (b) to ensure that the land retains its predominant natural character.

**2 Without development consent**

Nil.

**3 Only with development consent**

Advertisements for tourist facilities or for places of scientific, historic or scenic interest; agriculture; forestry; open space; roads; service mains; transmission lines; utility installations (other than gas holders and generating works).

**4 Prohibited**

Any purpose other than a purpose included in item 3.

**Zone No 1 (c1) (Rural “C1” (Small Holdings) Zone)**

**1 Objectives of Zone**

The objectives are—

- (a) to create opportunities for the development of small holdings on land of suitable slope and elevation,
- (b) to encourage the planning of the size and shape of allotments, having regard to existing stands of trees, views, urban capability, microclimatic conditions, location of services, drainage and access,
- (c) to encourage development that will act as a transition between urban development and environmental protection zones,
- (d) to ensure that development is in harmony with the environment, maintains the rural character of the locality and minimises disturbances to the landscape, and
- (e) to allow detailed provision to be made by means of a development control plan to specify the location of dwelling-houses and associated structures and the height, scale, bulk, construction material and colours of all structures.

**2 Without development consent**

Exempt development.

**3 Only with development consent**

Advertisements for tourist facilities or for places of scientific, historic or scenic interest; child care centres; community centres; dwelling-houses; home

occupations; picnic grounds; professional consulting rooms; utility installations.

#### **4 Prohibited**

Any purpose other than a purpose included in item 2 or 3.

### **Zone No 2 (a) (Residential “A” Zone)**

#### **1 Objectives of Zone**

The objectives are—

- (a) to make general provision to set aside land to be used for the purposes of single dwelling-houses and associated facilities,
- (b) to protect and improve the amenity of existing residential areas for the enjoyment and benefit of present and future residents,
- (c) to preserve and maintain the character of existing single dwelling areas as a desirable environment for family living, and
- (d) to allow development for purposes other than housing within the zone only if it does not detrimentally affect the character or amenity of the locality.

#### **2 Without development consent**

Exempt development.

#### **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

#### **4 Prohibited**

Advertisements (other than those for tourist facilities or for places of scientific, historic or scenic interest); airline terminals; boarding-houses; brothels; bulk stores; car repair stations; caravan parks; clubs; commercial premises; extractive industries; generating works; health care professional premises; helipads; heliports; hotels; industries; institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; professional consulting rooms; quarries; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings (other than residential flat buildings Class A or units, not exceeding 2 storeys, for aged persons); restricted premises; retail plant nurseries; roadside stalls, sawmills; service stations; shops, stock and sale yards; taverns; timber yards; tourist facilities; transport terminals; warehouses.

### **Zone No 2 (b) (Residential “B” Zone)**

## **1 Objectives of Zone**

The objectives are—

- (a) to encourage redevelopment for medium density housing forms in locations with an existing mixed residential character,
- (b) to provide for medium density housing as well as single dwelling-houses and dual occupancy buildings subject to different requirements from place to place as may be specified by the Council in a development control plan, and
- (c) to allow development for purposes other than housing within the zone which may be appropriately located in a residential zone.

## **2 Without development consent**

Exempt development.

## **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Advertisements (other than those for tourist facilities or for places of scientific, historic or scenic interest); airline terminals; brothels; bulk stores; car repair stations; caravan parks; clubs; commercial premises; extractive industries; generating works; health care professional premises; helipads; heliports; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motor showrooms; places of assembly; quarries; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings (other than residential flat buildings Class A, residential flat buildings Class B or units, not exceeding 2 storeys, for aged persons); restricted premises; retail plant nurseries; roadside stalls; sawmills; service stations; shops (other than general stores); stock and sale yards; taverns; timber yards; tourist facilities; transport terminals; warehouses.

## **Zone No 2 (c1) (Residential “C1” Zone)**

### **1 Objectives of Zone**

The objectives are—

- (a) to encourage redevelopment for flats or other higher density housing forms in locations with an existing mixed residential character,

- (b) to provide for medium density housing and residential flat buildings, as well as areas where only single dwelling-houses and duplex buildings or residential flat buildings Class A and B are permitted subject to different requirements from place to place as may be specified, and
- (c) to allow development for purposes other than housing within the zone only if it does not detrimentally affect the character or amenity of the locality.

## **2 Without development consent**

Exempt development.

## **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Advertisements (other than those for tourist facilities or for places of scientific, historic or scenic interest); airline terminals; brothels; bulk stores; car repair stations; caravan parks; clubs; commercial premises; extractive industries; generating works; helipads; heliports; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motor showrooms; places of assembly; quarries; recreation establishments; recreation facilities; refreshment rooms; restricted premises; retail plant nurseries; roadside stalls; sawmills; service stations; shops (other than general stores); stock and sale yards; taverns; timber yards; tourist facilities; transport terminals; warehouses.

## **Zone No 2 (c2) (Residential “C2” Zone)**

### **1 Objectives of Zone**

The objectives are—

- (a) to encourage redevelopment for flats or other higher density housing forms in locations with an existing mixed residential character not exceeding 2 storeys,
- (b) to provide for medium density housing, residential flat buildings, as well as areas where only single dwelling-houses and duplex buildings or residential flat buildings Class A and B are permitted subject to different requirements from place to place as may be specified, and
- (c) to allow development for purposes other than housing within the zone only

if it does not detrimentally affect the character or amenity of the locality.

**2 Without development consent**

Exempt development.

**3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

**4 Prohibited**

Advertisements (other than those for tourist facilities or for places of scientific, historic or scenic interest); airline terminals; brothels; bulk stores; car repair stations; caravan parks; clubs; commercial premises; extractive industries; generating works; helipads; heliports; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motor showrooms; places of assembly; quarries; recreation establishments; recreation facilities; refreshment rooms; restricted premises; retail plant nurseries; roadside stalls; sawmills; service stations; shops (other than general stores); stock and sale yards; taverns; timber yards; tourist facilities; transport terminals; warehouses.

**Zone No 2 (d) (Residential “D” Zone)**

**1 Objectives of Zone**

The objectives are—

- (a) to identify land to be used for the purposes of housing and associated facilities,
- (b) to allow detailed provision to be made by means of a development control plan to specify the size of allotments and to set aside specific areas within the zone for medium density housing and integrated housing development as well as areas where only single dwelling-houses and dual occupancy buildings are permitted,
- (c) to allow a variety of housing types,
- (d) to encourage greater visual amenity by requiring landscaping,
- (e) to encourage the planning of the size and shape of allotments and to have regard to existing stands of trees, views, urban capability, microclimatic conditions, location of services, open space, drainage and access, and

- (f) to allow development for purposes (other than housing) within the zone only if it enhances the character, appearance and living standard of the zone.

## **2 Without development consent**

Exempt development.

## **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Advertisements (other than those for tourist facilities or for places of scientific, historic or scenic interest); boat showrooms; brothels; bulk stores; car repair stations; caravan showrooms; clubs; extractive industries; gas holders; generating works; helipads; heliports; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motor showrooms; quarries; restricted premises; roadside stalls; sawmills; shops (other than those that provide a convenience to residential areas); stock and sale yards; timber yards; transport terminals; warehouses.

## **Zone No 2 (d1) (Residential “D1” Zone)**

### **1 Objectives of Zone**

The objectives are—

- (a) to identify land to be used for the purposes of housing and associated facilities within a very sensitive area,
- (b) to allow detailed provision to be made by means of a development control plan to specify the size of allotments and to set aside specific areas within the zone for medium density housing and integrated housing development as well as areas where only single dwelling-houses and dual occupancy buildings are permitted,
- (c) to allow a variety of housing types,
- (d) to encourage greater visual amenity by requiring landscaping,
- (e) to encourage the planning of the size and shape of allotments and to have regard to existing stands of trees, views, urban capability, microclimatic conditions, location of services, open space, drainage and access, and
- (f) to allow development for purposes (other than housing) within the zone only



if it enhances the character, appearance and living standard of the zone.

**2 Without development consent**

Exempt development.

**3 Only with development consent**

Dwelling-houses; home industries; home occupations; professional consulting rooms; residential flat buildings; utility installations.

**4 Prohibited**

Any purpose other than a purpose included in item 2 or 3.

**Zone No 3 (a) (General Business Zone)**

**1 Objectives of Zone**

The objectives are—

- (a) to encourage the provision of retail, commercial and other business services, and associated development such as parking, dwellings, service industries and the like,
- (b) to encourage development associated with tourism,
- (c) to encourage the concentration of retailing and other related uses and services, and
- (d) to encourage improvements in pedestrian networks and pedestrian amenity in business centres.

**2 Without development consent**

Nil.

**3 Only with development consent**

Any purpose other than a purpose included in item 4.

**4 Prohibited**

Brothels; caravan parks; dwelling-houses (other than those used in conjunction with shops or commercial premises); extractive industries; generating works; hospitals; industries specified in Schedule 2; institutions; junk yards; liquid fuel depots; mines; residential flat buildings (other than those situated above shops); restricted premises; service stations; stock and sale yards; timber

yards; transport terminals (other than airline terminals or bus stations).

### **Zone No 3 (b) (Special Business Zone)**

#### **1 Objectives of Zone**

The objectives are—

- (a) to identify land suited for limited commercial development on the fringe of the Central Business District, and
- (b) to ensure that compatible non-residential development is facilitated where this is justified functionally and aesthetically.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Advertisements; antique shops; art galleries; bowling alleys; child care centres; home industries; hotels; liquor shops; motels; museums; office buildings; professional chambers; professional consulting rooms; refreshment rooms; residential flat buildings; squash courts; tourist offices.

#### **4 Prohibited**

Any purpose other than a purpose included in item 3.

### **Zone No 3 (b2) (Special Business (Historical) Zone)**

#### **1 Objectives of Zone**

The objectives are—

- (a) to conserve the historical character of the precinct centered on Macquoid Street, Queanbeyan, and
- (b) to ensure that the heritage significance is not affected by intrusive development within the precinct.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Advertisements for tourist facilities or for places of scientific, historic or scenic

interest; antique shops; art galleries; child care centres; craft shops; cultural exhibitions; dwelling-houses; homes for aged persons; home industries; hotels; motels; museums; office buildings; professional chambers; professional consulting rooms; refreshment rooms; residential flat buildings; tourist offices.

#### **4 Prohibited**

Any purpose other than a purpose included in item 3.

### **Zone No 3 (c) (Business Park Zone)**

#### **1 Objectives of Zone**

The objectives are—

- (a) to enable the development of the land for the purpose of an employment area (business park) together with associated drainage works, open space and community uses areas and facilities and roads and to utilise development control plans as the mechanisms by which such development is controlled, and
- (b) to create a framework of controls for the land and create the opportunity for detailed provisions to be contained in development control plans made by the Council.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Administration; advanced technology research and manufacture; advertisements; car parking; commercial premises; educational establishments; industries (other than offensive or hazardous industries); light industries; offices; recreational facilities; refreshment rooms; retailing of bulky goods; roads; social or community facilities; utility installations; warehouses.

#### **4 Prohibited**

Any purpose other than a purpose included in item 3.

### **Zone No 4 (a) (General Industrial Zone)**

#### **1 Objectives of Zone**

The objectives are—

- (a) to encourage development which will generate employment and contribute to the needs of the City of Queanbeyan,
- (b) to provide opportunities for non-industrial commercial activities that may reasonably be located in an industrial zone,
- (c) to ensure that industrial or other permitted development is carried out in a manner which is compatible with any residential development in the vicinity and consistent with the provisions of any development control plan adopted by the Council for areas within this zone,
- (d) to ensure adequate access to all properties and that proper provision is made for off-street loading and unloading and carparking, and
- (e) to apply urban design principles, particularly in regard to the City approaches.

**2 Without development consent**

Nil.

**3 Only with development consent**

Any purpose other than a purpose included in item 4.

**4 Prohibited**

Caravan parks; commercial premises (other than banks, dry cleaners, hairdressers, kiosks or those used in conjunction with an industry and situated on the land on which the industry is conducted); dwelling-houses or residential buildings (other than dwelling-houses or residential buildings used in conjunction with an industry, and situated on the land on which the industry is conducted); educational establishments; extractive industries; health care professional premises; helipads; heliports; hospitals; hotels; institutions; mines; motels; offensive or hazardous industries; places of assembly; roadside stalls; shops; stock and sale yards; taverns.

**Zone No 5 (a) (Special Uses "A" Zone)**

**1 Objectives of Zone**

The objective is to make provision for particular specialised uses.

**2 Without development consent**

Utility installations (other than gas holders or generating works).

**3 Only with development consent**

The particular use, or any purpose ordinarily incidental or subsidiary to a use, indicated by red lettering on the map; advertisements for tourist facilities or for places of scientific, historic or scenic interest.

**4 Prohibited**

Any purpose other than a purpose included in item 2 or 3.

**Zone No 5 (b) (Special Uses “B” (Railways) Zone)**

**1 Objectives of Zone**

The objective is to enable development for railways and related purposes on railway land, whether in public or private ownership.

**2 Without development consent**

Nil.

**3 Only with development consent**

Advertisements for tourist facilities or for places of scientific, historic or scenic interest; drainage; railways; roads; utility installations (other than gas holders or generating works).

**4 Prohibited**

Any purpose other than a purpose included in item 3.

**Zone No 6 (a) (Open Space Zone)**

**1 Objectives of Zone**

The objective is to recognise existing public land used or capable of being used for public recreation purposes.

**2 Without development consent**

Works for the purposes of landscaping, gardening and bushfire hazard reduction.

**3 Only with development consent**

Advertisements for tourist facilities or for places of scientific, historic or scenic interest; agriculture (other than animal boarding, breeding or training establishments, pig keeping establishments, feed lots or poultry farming

establishments); buildings for the purposes of landscaping, gardening or bushfire hazard reduction; caravan parks; community centres; kiosks; racecourses; recreation areas; recreation facilities; showgrounds; stables; utility installations.

**4 Prohibited**

Any purpose other than a purpose included in item 2 or 3.

**Zone No 6 (b) (Open Space “B”—Proposed Recreation Zone)**

**1 Objectives of Zone**

The objective is to identify and protect land intended to be acquired for public open space.

**2 Without development consent**

Exempt development.

**3 Only with development consent**

Advertisements for tourist facilities or for places of scientific, historic or scenic interest; agriculture (other than animal boarding, breeding or training establishments, pig keeping establishments, feed lots or poultry farming establishments); buildings for the purposes of landscaping, gardening or bushfire hazard reduction; caravan parks; community centres; kiosks; racecourses; recreation areas; recreation facilities; showgrounds; stables; utility installations.

**4 Prohibited**

Any purpose other than a purpose included in item 2 or 3.

**Zone No 6 (c) (Open Space “C”—Private Recreation Zone)**

**1 Objectives of Zone**

The objective is to enable private recreation facilities on privately owned land or on land where general public access may be restricted.

**2 Without development consent**

Nil.

### **3 Only with development consent**

Advertisements for tourist facilities or for places of scientific, historic or scenic interest; bowling greens; golf courses; racecourses; recreation areas; roads; sportsgrounds; training tracks; utility installations (other than gas holders or generating works).

### **4 Prohibited**

Any purpose other than a purpose included in item 3.

## **Zone No 7 (d) (Rural Environmental Protection “D” (Scenic) Zone)**

### **1 Objectives of Zone**

The objectives are—

- (a) to identify and provide for the protection of land which is environmentally sensitive and of visual significance,
- (b) to provide for the inclusion of detailed management controls in a development control plan, and
- (c) to ensure that the land retains its predominant natural character.

### **2 Without development consent**

Exempt development.

### **3 Only with development consent**

Advertisements for tourist facilities or for places of scientific, historic or scenic interest; agriculture; forestry; recreation areas; roads; utility installations; works for the purpose of bushfire hazard reduction.

### **4 Prohibited**

Any purpose other than a purpose included in item 2 or 3.

## **Zone No 7 (f) (Rural Environmental Protection “F” (Flora) Zone)**

### **1 Objectives of Zone**

The objectives are—

- (a) to provide for the protection of identified unique flora on the land,
- (b) to provide for the inclusion of detailed management controls in a

development control plan, and

(c) to ensure that the land retains its predominant natural character.

**2 Without development consent**

Nil.

**3 Only with development consent**

Advertisements for tourist facilities or for places of scientific, historic or scenic interest; works for the purpose of preserving the flora and habitat; utility installations.

**4 Prohibited**

Any purpose other than a purpose included in item 3.

**Zone No 8 (a)—Nature Reserve Zone**

**1 Objectives of Zone**

The objective is to protect endangered species of flora found almost exclusively within the Queanbeyan region.

**2 Without development consent**

Nil.

**3 Only with development consent**

Advertisements for tourist facilities or for places of scientific, historic or scenic interest; any purpose related to the protection of the endangered plant species *Rutidosis Leptorrhynchoides*.

**4 Prohibited**

Any purpose other than a purpose included in item 3.

**Zone No 9 (a)—Arterial Road Reservation Zone**

**1 Objectives of Zone**

The objective is to allow the establishment of the arterial road network outlined in the document described as the City of Queanbeyan Structure Plan, a copy of which is deposited in the office of the Council.



**2 Without development consent**

Nil.

**3 Only with development consent**

Advertisements for tourist facilities or for places of scientific, historic or scenic interest; arterial road construction and associated works.

**4 Prohibited**

Any purpose other than a purpose included in item 3.

**Zone No 9 (b)—Local Road Reservation Zone**

**1 Objectives of Zone**

The objective is to allow the establishment of local roads or laneways and local road widening.

**2 Without development consent**

Nil.

**3 Only with development consent**

Advertisements for tourist facilities or for places of scientific, historic or scenic interest; local road construction and associated works.

**4 Prohibited**

Any purpose other than a purpose included in item 3.

**Part 3 Special provisions**

**Division 1 Subdivision**

**10 Subdivision generally**

- (1) Except as provided in subclause (2), a person shall not subdivide land to which this plan applies without the consent of the Council.
- (2) The consent of the Council is not required for subdivision for any one or more of the following purposes—
  - (a) to rectify any encroachment on an existing allotment or lot,
  - (b) to alter the boundaries of existing allotments or lots to positions considered by the Council to be more appropriate for the purposes for which the land is intended to

be developed, or

(c) for the purpose of opening a new road.

(3) The Council shall not grant consent to the subdivision of land unless it is satisfied that—

(a) the ratio of depth to frontage of each allotment to be created is adequate having regard to—

(i) the purpose for which the allotment is intended to be used,

(ii) any requirement of the Council for buildings to be set back from a road, and

(iii) the desirability of minimising the creation of vehicular access points to main or arterial roads,

(b) the subdivision will not create or increase the potential for ribbon development along any road, particularly a main or arterial road (whether existing or proposed),

(c) access roads are located to minimise the risk of soil erosion,

(d) each allotment to be created by the subdivision provides potential development sites with minimum risk of damage by bushfires or soil instability,

(e) adequate provision is made for soil erosion control measures to be carried out, including measures to be carried out prior to the subdivision taking place,

(f) adequate provision is made for drainage and stormwater control, and

(g) adequate supply of water and adequate facilities for sewerage and drainage are provided, or unless arrangements satisfactory to the Council have been made for the provision of that supply and those facilities.

**11 Subdivision of land—Zones Nos 1 (a), 1 (b), 1 (c1), 2 (d), 2 (d1), 7 (d) and 7 (f)**

(1) This clause applies to land within Zones Nos 1 (a), 1 (b), 1 (c1), 2 (d), 2 (d1), 7 (d) and 7 (f).

(2) Except as provided in subclauses (3) and (4), the Council shall not consent to the subdivision of land within Zone No 1 (a) unless each allotment to be created has an area of at least 80 hectares.

(3) The Council may consent to the subdivision of land within Zone No 1 (a) shown hatched black on the map if each allotment to be created has an area of not less than 40 hectares.

(4) The Council may consent to the subdivision of land within Zone No 1 (a) so as to create an allotment of any area where the Council is satisfied that the allotment is

intended to be used for a permissible purpose other than agriculture, forestry or a dwelling-house.

- (5) The Council shall not consent to the subdivision of land within Zone No 1 (b), 7 (d) or 7 (f) unless the Council is satisfied that each allotment to be created is intended to be used for a permissible purpose other than agriculture or forestry.
- (6) The Council shall not grant consent to the subdivision of land within Zone No 1 (c1) unless each allotment to be created, that the Council is satisfied will be used for the purpose of erecting a dwelling-house has an area of not less than 0.8 hectares.
- (7) Notwithstanding subclause (6), the Council may consent to—
  - (a) the subdivision of land, being portions 26, 35, 36, 37, 71 and 112, Parish of Googong, County of Murray, and within Zone No 1 (c1), into allotments having an area of not less than 0.5 hectares for the purpose of erecting a dwelling-house where—
    - (i) the lots so created are below the 650 metre contour level, and
    - (ii) the average size of allotments created is not less than 0.8 hectares, and
  - (b) the subdivision of land, being Lot 41 and 42, DP 603681, Parish of Queanbeyan, County of Murray and within Zone No 1 (c1), into allotments having an average area of not less than 2 hectares,
  - (c) the subdivision of land known as Jumping Creek—being part of Lot 1, DP 711905, Parish of Queanbeyan and County of Murray, being the footslopes of Mt Jerrabomberra, and within Zone No 1 (c1), as shown coloured light brown with dark red edging and lettered “1 (c1)” on the map marked *Queanbeyan Local Environmental Plan 1991 (Amendment No 33)*—into lots having an area of not less than 0.3 hectare that the Council is satisfied will be used for the purpose of erecting a dwelling-house and where the average size of lots created is not less than 0.4 hectare.
- (8) Notwithstanding subclause 7 (c), the Council may consent to the subdivision of land shown by black hatching on the map provided that any allotment so created has an area of not less than 1 hectare and has sufficient area within Zone No 1 (c1) to enable the erection of a dwelling-house on land within that zone.
- (9) A person shall not erect a dwelling-house on an allotment referred to in subclause (8) unless the dwelling-house is situated on land within Zone No 1 (c1).
- (10) The Council shall not consent to the subdivision of land to which this clause applies if the Council considers the land is intended to be used for the purpose of erecting a dwelling-house unless—
  - (a) the Council is satisfied that the ratio of depth to frontage of each allotment to be

created is adequate having regard to—

- (i) the purpose for which the allotment is intended to be used,
  - (ii) any requirement of the Council for buildings to be set back from a road, and
  - (iii) the desirability of minimising the creation of vehicular access points to main or arterial roads,
- (b) access roads and driveways are located to minimise the risk of soil erosion,
- (c) each allotment to be created by the subdivision provides potential development sites with minimum risk of damage by bushfire or soil instability, and
- (d) adequate provision is made for soil erosion control measures to be carried out, including measures to be carried out prior to the subdivision taking place.
- (11) The Council shall not consent to subdivision of land within Zone No 2 (d) or 2 (d1) if the Council is satisfied that any allotment to be created is intended to be used for the purpose of erecting a dwelling or associated facilities and the natural slope of the land about the proposed dwelling and associated facilities exceeds 20 per cent.
- (12) The Council shall not grant consent to an application for the subdivision of land within Zone No 2 (d) without first evaluating the existing stands of vegetation and the natural drainageways, to ensure that there is suitable retention of significant trees and drainageways in open space reserves.

#### **11A Subdivision of land shown hatched red on the map**

- (1) This clause applies to the land within Zone No 2 (d) shown hatched red on the map marked "*Queanbeyan Local Environmental Plan 1991 (Amendment No 2)*" deposited in the office of the Council, being land to be developed for the purposes of single storey residential flat buildings or single allotments of a minimum size of 4 000 square metres.
- (2) The Council shall not consent to the carrying out of development for the purposes of residential flat buildings on land to which this clause applies, unless—
- (a) the natural slope of the land about the dwellings and associated facilities is less than 20%, and
  - (b) the density of development is restricted to one dwelling per 4 000 sq m.
- (3) Where development for the purposes of residential flat buildings has been carried out on land to which this clause applies, further subdivision of the land (otherwise than under the *Strata Titles Act 1973* or the *Community Land Development Act 1989*) is prohibited.

## **12 Submission of plans**

The Council may, before dealing with an application to carry out development (including subdivision) on land to which this plan applies, require the applicant to submit a geophysical report on the stability of the land, prepared by consultants acceptable to the Council, indicating which part of the land is sufficiently stable and suitable for development for residential purposes.

## **13 Land subject to bushfire hazards**

The Council shall not grant consent to the subdivision of land, or to the erection of a building on land which, in the opinion of the Council, is subject to bushfire hazards by reason of the vegetation on the land or on any adjacent land unless, in the opinion of the Council—

- (a) adequate provision is made for access for fire fighting vehicles,
- (b) adequate safeguards are adopted in the form of fire breaks, reserves and fire radiation zones, and
- (c) adequate water supplies are available for fire fighting purposes.

## **Division 2 Residential dwellings**

### **14 Dwelling-houses—Zone No 1 (a)**

The Council may consent to the erection of one, but not more than one, dwelling-house on an allotment of land within Zone No 1 (a) where the land—

- (a) has an area of not less than 80 hectares, or
- (b) has an area of not less than 40 hectares and is land shown broken hatched black on the map.

### **15 Dwelling-houses—Zone No 1 (c1)**

The Council may consent to the erection of one, but not more than one, dwelling-house on an allotment of land within Zone No 1 (c1) where that allotment has been created in accordance with clause 11 (6), (7) (if appropriate) and (8).

### **16 Minimum size of allotments—Zones Nos 2 (a), 2 (b), 2 (c1), 2 (c2) and 2 (d)**

- (1) A dwelling-house or a residential flat building class “A” shall not be erected in Zone No 2 (a), 2 (b), 2 (c1), 2 (c2) or 2 (d) on any parcel of land which has an area of less than 604 square metres and a minimum width of less than 15.2 metres at the front alignment of the building.
- (2) A residential flat building (other than a residential flat building Class A) shall not be erected in Zone No 2 (b), 2 (c1), 2 (c2) or 2 (d) on any parcel of land which has an

area of less than 743 square metres and a minimum width of less than 18.29 metres at the front alignment of the building.

- (3) Nothing in subclause (1) shall operate to prohibit the erection of a dwelling-house in Zone No 2 (a), 2 (b), 2 (c1), 2 (c2) or 2 (d) on any parcel of land if that parcel of land was in existence as a separate parcel of land on the appointed day.

## 17 Exhibition homes

Nothing in this plan shall prevent the use, with the consent of the Council, of a dwelling-house within Zone No 1 (c1) or 2 (d) as an exhibition home if the dwelling-house is not situated on land having a major road frontage.

## 18 Dual occupancy

- (1) In this clause—

**dual occupancy building** means a building containing 2 dwellings only.

**floor space ratio**, in relation to a building, means the ratio of the gross floor area of the building, exclusive of the area of any carport or garage, to the area of the allotment on which the building is erected.

- (2) On an allotment of land within Zone No 1 (c1), 2 (a), 2 (b), 2 (c1), 2 (c2) or 2 (d), and on Lots 2-21, DP 241159, a person may, with the consent of the Council—
- (a) where a dwelling-house exists on that allotment—alter or add to the dwelling-house so as to create a dual occupancy building, or
- (b) where a dwelling-house does not exist on that allotment, but is permitted to be erected under the provisions of this plan—erect a dual occupancy building on that allotment
- (3) The consent of the Council shall not be granted as referred to in subclause (2) unless—
- (a) the area of the allotment referred to in that subclause is not less than 600 square metres,
- (b) where a dwelling-house may be altered or added to pursuant to the consent, the floor space ratio of the dwelling-house as altered or added to will not be greater than—
- (i) where the floor space ratio of the dwelling-house before it is altered or added to exceeds 0.5:1—the floor space ratio of the dwelling-house before it is altered or added to, or
- (ii) 0.5:1 where the floor space ratio of the dwelling-house before it is altered or added to does not exceed 0.5:1,

- (c) where a dual occupancy building may be erected pursuant to the consent, the floor space ratio of the building will not be greater than 0.5:1, and
  - (d) arrangements satisfactory to the Council have been made for the provision of water supply to each dwelling and for the disposal of sewage and stormwater from each dwelling.
- (4) A person shall not occupy a dwelling contained in a dual occupancy building created or erected in accordance with subclause (2) unless the owner of the allotment on which the building is erected occupies one of the dwellings contained in the building.
- (5) The provisions of this plan relating to residential flat buildings do not apply to a dual occupancy building created or erected, or proposed to be created or erected, in accordance with this clause.
- (6) Where, in accordance with this clause, a dual occupancy building is created or erected, or is proposed to be created or erected, on land in respect of which development for the purposes of a residential flat building is prohibited, the separate occupation of the several lots illustrated by a proposed strata plan relating to the building is prohibited.

#### **19 Integrated housing development (courtyard housing)**

- (1) This clause applies to land within Zone No 2 (b), 2 (c1), 2 (c2), 2 (d) or 2 (d1).
- (2) A person may, with the consent of the Council—
- (a) subdivide land to which this clause applies so as to create 5 or more allotments (each of which has an area of not less than 450 square metres), and
  - (b) erect a dwelling-house on each of the allotments so created, being a dwelling-house which has an external wall (not containing windows) built on a nominated side boundary of the property concerned,
- but only if the Council is satisfied that the development—
- (c) will encourage diversified subdivision patterns, site layout and building designs,
  - (d) provide sufficient open space and landscaping, and
  - (e) ensure that an equitable and feasible housing mix is achieved within the City of Queanbeyan.
- (3) The Council shall not consent to the carrying out of development referred to in subclause (2) unless it has made an assessment, where relevant, of the effect of the carrying out of that development on—
- (a) reducing consumption of land for residential purposes,

- (b) reducing conflict between vehicular and pedestrian circulation patterns,
- (c) affording appropriate privacy for each dwelling-house and private open space area,
- (d) providing adequate solar access for each dwelling and private open space area,
- (e) maintaining the existing landscape quality of the City, and
- (f) promoting the consideration and integration of built form with the streetscape and subdivision pattern.

### **Division 3 Heritage items and environmental protection**

#### **20 Environmental protection**

- (1) A person shall not carry out development (including development for the purposes of a dwelling-house) on land within Zone No 2 (d) shown hatched orange on the map without the consent of the Council.
- (2) The Council shall not consent to development on land shown hatched orange on the map or on land within Zone No 7 (d) or 7 (f) unless it has made an assessment of—
  - (a) whether the height, scale, bulk, construction materials and colours of all structures will accord with the visual character of the locality,
  - (b) whether landscaping, particularly around structures, is to be provided for screening purposes and to enhance the visual character of the locality,
  - (c) whether all structures are to be sited unobtrusively,
  - (d) the stability of the land, and
  - (e) the effect of development on the erosion of any land or the siltation of any waterway.
- (3) The Council shall not grant consent to a subdivision of land within Zone No7 (d) or 7 (f) unless it has first consulted and considered any representations received from the Director of National Parks and Wildlife in respect of appropriate conservation measures to protect rare and endangered flora.
- (4) The Council may before dealing with an application for consent to the carrying out of development on land shown hatched orange on the map or on land within Zone No 7 (d) or 7 (f), require the applicant to submit a plan showing the location of trees on the land and the vegetation likely to be affected by the development.

#### **21 Preservation of trees**

A tree preservation order in force under an environmental planning instrument



immediately before the appointed day in relation to any land to which this plan applies shall be deemed to be a tree preservation order made pursuant to clause 8 of the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by this plan.

## **22 Clearing**

Land within Zone No 1 (a), 1 (b), 1 (c1), 7 (d) or 7 (f), and any land shown hatched orange on the map, shall not be cleared for any purpose without the consent of the Council, otherwise than in a bushfire or other emergency.

## **23 Heritage items**

(1) A person shall not, in respect of a building, work, relic or place that is a heritage item—

- (a) demolish, renovate or extend the building or work,
- (b) damage or despoil the relic or place, or any part of the relic or place,
- (c) excavate any land for the purpose of exposing or removing the relic,
- (d) erect a building on the land on which the building, work or relic is situated, or on the land which comprises that place, or
- (e) subdivide the land on which the building, work or relic is situated or the land which comprises that place,

except with the consent of the Council.

(2) The Council shall not consent to the carrying out of development as referred to in subclause (1) unless it has made an assessment of—

- (a) the significance of the item as a heritage item,
- (b) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site,
- (c) whether the setting of the item, and in particular whether any stylistic, horticultural or archaeological features of the setting, should be retained, and
- (d) whether the item constitutes a danger to the users or occupiers of the item or to the public.

(3) Without limiting the generality of subclause (2), the Council shall not consent to the renovation of a building that is a heritage item unless it has made an assessment of—

- (a) the colour, texture, style, size and type of finish of any materials to be used on the exterior of the building and the effect that the use of those materials will have on

the appearance of the exterior of the building and of any other building in its immediate vicinity,

(b) the style, size, proportion and position of openings for any doors and windows that will result from, or be affected by, the renovation of the building, and

(c) the pitch and form of the roof, if any, of the building.

(4) Notwithstanding subclauses (2) and (3), the Council shall not consent to the carrying out of any development in respect of a heritage item unless it has made an assessment of—

(a) the desirability of conserving the item as a heritage item, and

(b) steps that are to be taken to mitigate any adverse impact on the significance of the item that may result from the carrying out of the development.

## **24 Development in the vicinity of heritage items**

The Council shall not consent to the carrying out of development in the vicinity of a heritage item unless it has made an assessment of the effect that the development will have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site.

### **24A Heritage conservation areas**

A person must not, in respect of a heritage conservation area—

(a) demolish or alter a building or work within the area, or

(b) damage or move a relic within the area, or

(c) excavate for the purpose of exposing a relic within the area, or

(d) damage or despoil a place within the area, or

(e) erect a building on or subdivide land within the area,

except with the consent of the Council.

### **24B (Repealed)**

### **24C Notification of demolition to the Heritage Council**

Before granting consent for the demolition of a heritage item identified in this plan as being of State significance, the consent authority must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

## **Division 4 Miscellaneous**

### **25 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) (Rural “A” Zone), Zone No 1 (b) (Rural “B”—Escarpment Protection Zone), Zone No 1 (c1) (Rural “C1” (Small Holdings) Zone), Zone No 7 (d) (Rural Environmental Protection “D” (Scenic) Zone) or Zone No 7 (f) (Rural Environmental Protection “F” (Flora) 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.

## **26 Building lines**

Where land within a zone has frontage to a road, a building erected on the land shall be set back from the nearest alignment of the road at a distance determined by the Council, having regard to—

- (a) the nature, scale and function of the building,
- (b) the maximisation of sight distances for drivers using the road, including visibility of points of access to the road,
- (c) the minimisation of distractions to drivers using the road, and
- (d) any possible future need to alter the road alignment.

## **27 Access**

A road or other means of access to an existing public road shall not be opened without the

consent of the Council.

## **28 Height of buildings**

A building erected on any allotment of land within Zone No 2 (c2) or 3 (b2) shall not contain more than 2 storeys.

## **29 Floor space ratios in business zones**

A person shall not add to or erect a building on land within Zone No 3 (a) or 3 (b) if the ratio of the gross floor area of the building to the site area of the land on which the building is or is to be erected will exceed 3:1.

## **30 Development on main and arterial road frontages**

- (1) This clause applies to land within Zone No 1 (a), 1 (c1), 2 (a), 2 (b), 2 (c1), 2 (c2) or 2 (d)—
  - (a) having frontage to a main or arterial road,
  - (b) which otherwise relies on a main or arterial road for its sole means of access, or
  - (c) which has access to a road which intersects with a main or arterial road, where the point of access is within 90 metres of the intersection of the road and the main or arterial road.
- (2) The Council shall not consent to the carrying out of development on land to which this clause applies unless it is satisfied that—
  - (a) access to that land cannot be provided by a road other than a main road wherever practicable,
  - (b) the development is of a type that (whether or not because of the characteristics of the land on which it is proposed to be carried out) justifies a location in proximity to a main or arterial road,
  - (c) the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on the main or arterial road are not impeded, and
  - (d) the development will not prejudice future improvements to, or realignment of, the main or arterial road as may be indicated to the Council from time to time by the Roads and Traffic Authority.
- (3) Notwithstanding the provisions of clause 9 but subject to this clause, the Council may consent to the carrying out of development on land to which this clause applies which has frontage to a main or arterial road for the purposes of providing services to motorists, tourists and the travelling public, including development for the purposes of a motel, general store, refreshment room, tourist recreation facility, transport terminal

or service station, where—

- (a) the Council is satisfied that demand for the development exists, having regard to the nature and volume of traffic using the road, the location of and distance from existing development of a similar type and the location of and distance from other land on which development of a similar type may be carried out, and
  - (b) the development comprises or is part of a planned roadside service area that has been located and designed so as to minimise interference with the free flow of traffic on the road and to minimise traffic hazards.
- (4) The Council shall not grant consent to an application to carry out development on land in any zone if the development proposes direct vehicular access or pedestrian access to the following major roads—
- (a) Southbar Road from Donald Road to the Western Distributor,
  - (b) Tomsitt Drive,
  - (c) the Edwin Land Parkway.
- (5) Notwithstanding subclause (4), the Council may consent to the carrying out of development involving one point of direct vehicular access from Southbar Road to Lot 2, DP 811147, but only if the location and engineering design of the access meet the requirements of the Director, Engineering Services, Queanbeyan City Council.

### **31 Development in flight paths**

- (1) A person shall not erect a building on land that is within the flight path of an airport to a height above the obstacle height limitation surface for that airport, as determined by the Commonwealth Department of Defence from time to time, except with the consent of the Council.
- (2) The Council shall not consent to the carrying out of development as referred to in subclause (1) unless it is satisfied, after consultation with the Commonwealth Department of Defence, that the building will not constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity.
- (3) In granting consent referred to in subclause (1), the Council shall give consideration to any noise exposure forecasts prepared by the Commonwealth Department of Defence and to whether the proposed use of the building will be adversely affected by exposure to aircraft noise.
- (4) For the purposes of this clause, the flight path of an airport shall include such land as is determined by that Department and communicated to the Council.

### **32 Development along the Queanbeyan River**

- (1) A person shall not erect a building or carry out development for any purposes within 40 metres of the top of the bank of the Queanbeyan River without the consent of the Council.
- (2) The Council shall not consent to the carrying out of development referred to in subclause (1) unless it is satisfied that the building or work is acceptable to the Water Administration Ministerial Corporation and will not detrimentally affect the water quality of the river or cause erosion to the banks.

### **33 Flood liable land**

A person shall not erect a building or carry out work for any purpose on flood liable land shown between unbroken blue lines on the map, except with the consent of the Council.

### **34 Minor variation of zoning boundaries**

- (1) This clause applies to land which is within 20 metres of a boundary between any 2 zones, excepting land within Zone No 7 (d) or 7 (f).
- (2) Subject to subclause (3), development may, with the consent of the Council, be carried out on land to which this clause applies for any purpose for which development may be carried out in the adjoining zone on the other side of the boundary.
- (3) The Council shall not consent to the carrying out of development referred to in subclause (2) unless, in the opinion of the Council, the carrying out of the development is desirable due to planning, design, ownership, servicing or similar requirements relating to the optimum development of land to which this plan applies.

### **35 Retailing of bulky goods in Zone No 4 (a)**

- (1) This clause applies to land within Zone No 4 (a).
- (2) In this clause—  
**bulky goods** means large goods which, in the opinion of the Council, are of such a size and shape as to require—
  - (a) a large area of handling, storage or display, and
  - (b) easy and direct vehicular access to enable the goods to be collected by customers after sale.
- (3) Subject to subclauses (4) and (5), nothing in this plan shall prevent a person, with the consent of the Council, from carrying out development on land to which this clause applies for the purpose of display and sale of bulky goods.

- (4) The Council shall not consent to the carrying out of development referred to in subclause (3) unless it is satisfied that—
- (a) suitable land for the development is not available in any nearby business centre,
  - (b) development in accordance with the consent would not, by reason of the number of retail outlets which exist or are proposed on land within Zone No 4 (a), defeat the predominantly industrial nature of the zone, and
  - (c) the proposed development will not detrimentally affect the viability of any business centre.
- (5) This clause does not apply to development for the purposes of shops selling food or clothing.

### **36 General stores**

A general store shall not be erected on any parcel of land within Zone No 2 (b), 2 (c1) or 2 (c2) if the parcel of land is located less than 400 metres from a general store erected, or any site in respect of which the Council has consented to the erection of a general store where such consent is still valid.

### **37 Development of land within Zone No 3 (b2)**

- (1) This clause applies to land within Zone No 3 (b2).
- (2) A person shall not erect a building on land to which this clause applies where the height of the building exceeds 2 storeys.
- (3) When deciding whether to grant an application for the erection of a building or the extension, enlargement or alteration of an existing building on land to which this clause applies, the Council shall take into account—
- (a) the height, bulk and massing of the buildings in relation to the scale of existing buildings on adjacent sites used for similar purposes,
  - (b) the pitch and form of the roof of the building,
  - (c) the size, proportion and position of openings for windows and doors,
  - (d) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building, and
  - (e) the location of the site of the building in relation to—
    - (i) the trees and buildings existing on the site, and
    - (ii) the setback of the building from both the road alignment and the side boundaries of the site considering the setback of buildings on adjoining and



adjacent lands.

### **38 Development for certain additional purposes**

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 3, for a purpose specified in relation to that land in that Schedule, subject to such conditions (if any) as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that clause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.

### **38A Suspension of certain covenants etc**

- (1) For the purpose of enabling development of land within Zones Nos 3 (a) (General Business), 3 (b) (Special Business), 3 (b2) (Special Business (Historical)), 3 (c) (Business Park) and 4 (a) (General Industrial) to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with any consent granted under the Act, the operation of any covenant, agreement or similar instrument imposing restrictions on that development, to the extent necessary to serve that purpose, shall not apply to the development.
- (2) Pursuant to section 28 of the Act, before the making of this plan, the governor approved of subclause (1).

### **39 Acquisition of land within Zone No 6 (b), 9 (a) or 9 (b)**

- (1) The owner of any land within Zone No 6 (b), 9 (a) or 9 (b) may, by notice in writing, require the Council to acquire the land.
- (2) On the receipt of a notice referred to in subclause (1), the Council shall acquire the land.
- (3) Land to which this clause applies may, with the consent of the Council, be developed for any purpose until the land is acquired by the Council.
- (4) The Council shall not be required to acquire the land, the subject of a notice referred to in subclause (1), if the land is required to be dedicated to the Council as a condition of development consent.

### **40 Development on certain land at rear of properties fronting Buttle Street, Queanbeyan**

- (1) This clause applies to land within Zone No 3 (c) and shown hatched green on the map.
- (2) A person shall not erect a building or carry out any work on land to which this clause applies unless the building is erected or the work is carried out or used for one or more of the purposes specified in Schedule 4.

#### **41 Development control plans**

- (1) The Council shall not grant consent to the carrying out of development on any land in respect of which a development control plan applies, unless it has first considered the provisions of that development control plan.
- (2) The development control plan may include among other matters detailed provisions outlining the following—
  - (a) specific areas within a zone for residential flat buildings Class B, residential flat buildings Class A and integrated housing developments,
  - (b) localities where only single dwelling-houses and dual occupancy buildings are permitted,
  - (c) the specific location of dwelling-houses and structures,
  - (d) specific localities where layout of allotments and building setbacks are required to ensure the satisfactory retention of trees and other vegetation,
  - (e) localities where specific allotment size and shape need to be maintained to minimise environmental impact,
  - (f) management guidelines and controls for open space and remnant bushland areas,
  - (g) bushfire hazard reduction works required for open space and remnant bushland areas.

#### **42 Classification and reclassification of public land as operational land**

The public land described in Schedule 5 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).

#### **43 Location of brothels and restricted premises**

The Council shall not grant consent to the carrying out of development for the purpose of a brothel or restricted premises unless it is satisfied that the site is not less than 200 metres from the nearest boundary of any allotment developed or proposed to be developed for a place of public worship, school or dwelling or a place frequented by children or the nearest boundary of Yass Road or Canberra Avenue.

#### **44 Advertisements for restricted premises**

The Council shall not grant consent to the carrying out of development for the purpose of an advertisement for restricted premises unless it is satisfied that—

- (a) the advertisement will not be likely to interfere with the amenity of the locality,
- (b) the advertisement will have an advertising area of not more than 3 square metres and

include—

- (i) the words “RESTRICTED PREMISES” in capital letters being not less than 100 millimetres and not exceeding 150 millimetres in height, and
- (ii) the name of the person who conducts the business at those restricted premises or the registered name of the business carried out on those restricted premises,
- (c) not more than one such advertisement will be erected, displayed or exhibited to public view in a window or an entrance of the restricted premises or in, outside or directly above the door to the premises, and
- (d) the advertisement will neither be illuminated by flashing lights nor include changing images or the like.

#### **45 (Repealed)**

#### **46 Advertising structures and displays requiring development consent**

- (1) Notwithstanding any other clause in this plan, development consent is required for the erection of any advertising structure and the display of an advertisement on it, and for the display of an advertisement that is not on an advertising structure, which—
  - (a) covers any mechanical ventilation inlet or outlet, or
  - (b) is less than 600 millimetres from the kerb or edge of the carriageway of any road.
- (2) Nothing in this plan affects *State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 3.

#### **47 General restrictions on granting development consent for advertising structures and displays**

The Council may grant development consent for the carrying out of development for the purpose of an advertising structure and display of an advertisement on it, or for the display of an advertisement that is not an advertising structure, only if it is satisfied that—

- (a) the structure and the advertisement or the advertisement will not detract from any scenic quality of the locality, and
- (b) the advertisement does not significantly add or contribute to any signage clutter in the locality, and
- (c) where the advertisement or structure is to be fixed to a building, the advertisement or advertising structure has been designed to be an integral part of the building, both structurally and aesthetically, and
- (d) the advertisement will not distract motorists using an intersection or interfere with the efficient operation of any traffic control device.

#### **48 Advertising structures and displays for tourist facilities and places of scientific, historic or scenic interest**

Notwithstanding any other provision of this plan, the Council may grant development consent for the erection of an advertising structure and display of an advertisement on it, or the display of an advertisement that is not an advertising structure, on any land for the specific purpose of directing the travelling public to tourist facilities or places of scientific, historic or scenic interest, where it is satisfied that—

- (a) the advertisement relates to a specific building or place,
- (b) the principal purpose of the advertisement is to direct the travelling public to that building or place, and
- (c) the dimensions and overall size of the advertisement and or structure are not larger than would reasonably be required to so direct the travelling public.

#### **49 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.

#### **50 Temporary use of land**

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

- (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## 51 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.

## 52 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 Heritage items

(Clause 6 (1))

Address/location	Item
QUEANBEYAN	
26 Malcolm Road	Dwelling “Glenrock”
251 Crawford Street	School of Arts Building (Council Chambers)
49/55 Collett Street	Mill and Millhouse
69 Collett Street	“Hibernia Lodge” Craft Shop
Collett Street	Old Hospital
24 Henderson Road	Dwelling “Bulls Cottage”

Henderson Road	Railway Station and Station Master's Residence
3 Canberra Avenue	Dwelling "Kawaree" (Aged persons home)
26 Farrer Place	Old Police Residence
39 Isabella Street	St. Benedict's Convent
35 Isabella Street	Public School House
Molonglo Street	Roman Catholic Church
58 Atkinson Street	Dwelling
Morisset Street	St. Stephen's Presbyterian Church
15 Morisset Street	Dwelling "Furlong"
Isabella Street	Suspension Bridge
Rutledge Street	Christ Church Anglican Church
2 Macquoid Street	Ye Olde Kent House

## Schedule 2

(Clause 9)

Abattoirs

Agricultural machinery manufacture

Aluminium products manufacture

Asbestos cement products manufacture

Bag and sack (textile) manufacture

Boiler manufacture

Boot or shoe manufacture

Bottle factory

Brass foundry

Brick, tile, pipe or pottery manufacture

Cement manufacture

Electrical machinery manufacture

Fibrous plaster manufacture

Fireclay products manufacture

Glass products manufacture

Grain milling

Hardboard manufacture

Heavy engineering

Hotmix (bitumen) manufacture

Iron foundry

Machinery manufacture (heavy)

Match manufacture

Metal founding

Motor body building

Motor vehicle manufacture or assembly

Offensive or hazardous industries

Panel beating or spray painting

Plastics manufacture

Ready-mixed concrete manufacture

Sawmilling

Steel products manufacture (heavy)

Stone cutting and crushing

Welding works

Wire manufacture

Wool scouring

### **Schedule 3 Development for certain additional purposes**

(Clause 38)

Lots 2, 3 and 4, DP 749783, Carrington Street, Queanbeyan—motel

Lot 1, DP 710673 Furlong Road, Queanbeyan—winery for the sale of wine products produced solely on the land

Lot 34, DP 553860, Lorn Road—club

Lots 1 to 4, DP 417039 and Lots 1 and 2, DP 229887, Cnr Yass Road and Bungendore Road, Queanbeyan—motor showrooms and refreshment rooms

Lot 2, DP 739287, Canberra Avenue, Queanbeyan—professional offices or professional consulting



rooms

Lots 2 and 3, DP 236636, Gordon Avenue, Queanbeyan—plant nursery

Lots 115 and 116, DP 12658, Cnr Callum St and Fergus Road, Queanbeyan—boarding-house

SP 33253 Cnr Endurance Avenue and Yass Road, Queanbeyan—bottle shop

Lot 441, DP 623510, Tharwa Road, Queanbeyan—motel

Lot 2, DP 40101, Erin Street, Queanbeyan—scout hall

Lot 3, DP 714829, Southqueen Place—service station

Lots 1, 2 and 3, DP 724807, Lot 10, DP 739846 and Part Lot 5, Section 45, Bungendore Street, Queanbeyan—service station

Lot 52, DP 572290, Morisset Street, Queanbeyan—professional offices or professional consulting rooms

Part Lot 743, DP 814725, foreshores of Lake Jerrabomberra, Queanbeyan as shown edged heavy black on the map marked *Queanbeyan Local Environmental Plan 1991 (Amendment No 5)*—club.

Lot 270, DP 550830, Uriarra Road, Queanbeyan, as shown edged heavy black on the map marked *Queanbeyan Local Environmental Plan 1991 (Amendment No 6)*—glassworks.

Lots 1 to 10, Sec 11, Lot 1, DP 250449 and Lot 1, DP 256149, 80 Morisset Street, Queanbeyan, as shown edged heavy black on the map marked *Queanbeyan Local Environmental Plan 1991 (Amendment No 15)*—caravan park.

Lot 2, SP 30211, Unit 2, 5–9 High Street, Queanbeyan, as shown edged heavy black on the map marked *Queanbeyan Local Environmental Plan 1991 (Amendment No 24)*—recreation facility.

Part Lot 2, DP 828793, 43 Henderson Road, Queanbeyan, as shown edged heavy black on the map marked *Queanbeyan Local Environmental Plan 1991 (Amendment No 28)*—scout hall.

Crown Land Reserved for Cemetery No 250 Lanyon Drive, Queanbeyan, as shown edged heavy black on the map marked *Queanbeyan Local Environmental Plan 1991 (Amendment No 26)*—sale of flowers.

Lots 399 to 404, 408 to 423 and Lots 433 to 461, DP 17204 and part Lot 408, DP 854142, Limestone Drive, Queanbeyan, as shown edged heavy black on the map marked *Queanbeyan Local Environmental Plan 1991 (Amendment No 36)*—service station.

Lot 2, Section 1, DP 1892, 39 Crawford Street, Queanbeyan, as shown edged heavy black on the map marked *Queanbeyan Local Environmental Plan 1991 (Amendment No 37)*—manufacture of outdoor clothing and equipment.

Lot 118, DP 710557, Cattle Place, Queanbeyan—home printing business in association with the residential use of the land.

## Schedule 4

(Clause 40)

Bush fire protection

Fencing

Gardening

Landscaping

Tree Planting

## **Schedule 5 Classification and reclassification of public land as operational land**

(Clause 42)

### **Queanbeyan**

2 Southbar Road—Lots 514-518, DP 244051.