

# **Queanbeyan Comprehensive Development Control Plan 2012**



**Queanbeyan-Palerang Regional Council**



Comprehensive  
Development  
Control Plan 2012

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# Queanbeyan Development Control Plan 2012 **Part 1** About this DCP

Principal Plan Adopted by Council:	12/12/2012
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## Amendment Schedule

Amendment No.	Area subject to Amendment	Purpose	Resolution to exhibit	Adopt	Notification	Effective From
PRINCIPAL PLAN	New DCP	This DCP repeals and replaces a number of previous DCP's	25 July 2012  171/12	12 December 2012  PDRC103/12	21 December 2012	21 December 2012
Amendment No. 1	Part 4 Heritage and Conservation	Revised Heritage Controls	26 June 2013  0122/13	24 July 2013  0146/13	9 August 2013	9 August 2013
Amendment N. 2	Part 3B Secondary Dwellings in Residential Zones	Consequential amendments made as a result of amendments to Googong DCP for small lots and studio dwellings	PDRC 081/14 10 December 2014	PDRC 056/15 8 July 2015	24 July 2014	6 November 2015
Amendment No. 3	Review of DCP	Correction of errors and inconsistencies	PI Strategy Committee of the Whole 14 June 2017	8 November 2017	28 November 2017	28 November 2017
Amendment No. 4	Review of DCP	Update to reflect Biodiversity Conservation ACT 2016, drafting changes and correction of errors	PI Strategy Committee of the Whole 8 August 2018	PI Strategy Committee of the Whole 10 October 2018	30 October 2018	30 October 2018
Amendment No. 5	Part 1	Delete Clause 1.8 Notification of DA and replace with reference to QPRC Community Engagement and Participation Plan	Planning and Strategy Meeting 12 February 2020	Planning and Strategy Meeting 8 April 2020	29 April 2020	29 April 2020





## Part 1 About this Development Control Plan

### 1.1 Introduction

The *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)* was gazetted on 23 November 2012. It provides the statutory framework for land use management in Queanbeyan. This Development Control Plan (DCP) was prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulations 2000* (the Regulations).

This DCP was prepared to support the provisions of *QLEP 2012* and to provide a clear and concise structured set of DCP guidelines to replace the large group of DCP's that previously existed. The guidelines and development standards contained in this DCP outline an acceptable solution to development form and location. However, Council may consider variations to the guidelines should alternative acceptable solutions be proposed.

**Where variations to this DCP are proposed a written request needs to be made to Council. The onus is on the applicant to demonstrate by plans and written submissions that the design principles and/or relevant objectives will not be compromised by such a variation. Innovation and creativity in satisfying the design principles is encouraged. Each application will be assessed on its merits having regard to the relevant legislation. Developments that cannot substantiate the variations will result in a request for redesign to comply with the provisions of this DCP.**

### 1.2 Purpose of this DCP

The purpose of this DCP is to provide detailed to assist Council in exercising its environmental assessment and planning functions under the *Environmental Planning and Assessment Act 1979*.

The DCP:

1. Expands upon the aims, objectives and other provisions of the *Queanbeyan Local Environmental Plan 2012*.
2. Provides detailed criteria for the assessment of development applications.
3. Repeals and replaces former development control plans made under the previous *Queanbeyan Local Environmental Plan 1998* and *Yarrowlumla Local Environmental Plan 2002*.
4. Consolidates and condenses the contents of the previously existing development control plans within a single document.
5. Identifies certain development as advertised development and notification requirements in accordance with section 74C(c) of the *Environmental Planning and Assessment Act 1979*.

### 1.3 Statutory Context

#### 1.3.1 Title

This plan is called Queanbeyan Development Control Plan 2012 (QDCP 2012).

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## 1.3.2 Status

The DCP is:

1. A development control plan prepared under Section 3.6 of the *Environmental Planning and Assessment Act 1979*.
2. A policy of the Council that is required to be available under Schedule 1 of the *Government Information (Public Access) Regulation 2009*.

## 1.3.3 Relevant Local Environmental Plan

This DCP supplements the provisions of the *Queanbeyan Local Environmental Plan 2012*.

## 1.3.4 Relationship with any Environmental Planning Instrument (EPI)

The DCP generally conforms to the provisions of the *Queanbeyan Local Environmental Plan 2012*. This includes particular provisions which are noted in the relevant parts throughout the DCP. However in all cases development application also needs to comply with the relevant provision of *Queanbeyan Local Environmental Plan 2012*.

In the event of any inconsistency between this DCP and the *QLEP 2012* or other EPI including a *State Environmental Planning Policy (SEPP)* then the *QLEP 2012* or the other EPI will prevail to the extent of the inconsistency.

## 1.3.5 Relationship to Other Plans, Policies and the Like

Council currently has a number of other relevant policies in relation to undertaking developments in Queanbeyan. These policies should also be reviewed to ensure that any proposed development is consistent with the aims and objectives of those policies (for example, Council's Outdoor Dining Policy). All policies can be reviewed on Council's website at

<https://www.qprc.nsw.gov.au/Resources-Documents/Adopted-QPRC-policies>

In addition, parts of this DCP also rely on various publications which provide technical assistance. These are under separate cover and include Australian Standards, National, State or regional guidelines and the like.

## 1.3.6 Commencement

This DCP commenced on 21 December 2012 with the most recent amendments coming into effect on 30 October 2018 as set out in the amendment schedule on page 3.

## 1.3.7 Previous Development Control Plans

This DCP:

- a) Repeals:

DCP	Title
49	Exempt and Complying Development
26	Southbar Estate Stage VIII

- b) Repeals DCP and replaces:

DCP	Title
1	Car Parking Policy
3	Cookes Estate
10	Thornton's Estate
12A	Greenleigh Estate

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21A	Flood Management Policy
22	Lands above Delmar Crescent
27F	Jerrabomberra Heights, North Terrace and Jerrabomberra Park
28	Heritage and Conservation
31	Golf Links Estate, Golden Gardens Development & Extension of Ellerton Business Park
32	Industrial Development
34	Kingsway Estate
38	Subdivision Policy Part A and Parts B1 and B2
39	North Lochiel Street
41	Soil, Water and Vegetation Management Plans
42	Landscape Policy
43	Guidelines for the Design and Siting of Development – Commercial/Tourist Development, cnr. Lanyon Drive, McCrae Street & Furlong Road
44	Binowee Estate
46	Multi-Dwelling Housing
47	Interim Code for the Regulation of Brothels and Restricted Premises
48	Guidelines for Subdivision and Building in Bushfire Prone Areas
50	Advertised Development and Public Notification
51	Dodsworth
52	Safe Design Guidelines for the City of Queanbeyan
53	Queanbeyan Central Business District
54	Kensington Gardens
55	Contaminated Land Management
56	Residential Flat Buildings
57	Old Brickworks Estate Queanbeyan East

## 1.3.8 Where the DCP Applies

This DCP applies to all land within the City of Queanbeyan where *Queanbeyan Local Environmental Plan 2012* (Map 1) applies excluding land release areas which have their own DCP, such as Googong and South Jerrabomberra.

## 1.4 How the DCP Applies To Development

### 1.4.1 Development that Needs Consent

This DCP applies to all development that may only be carried out with development consent.

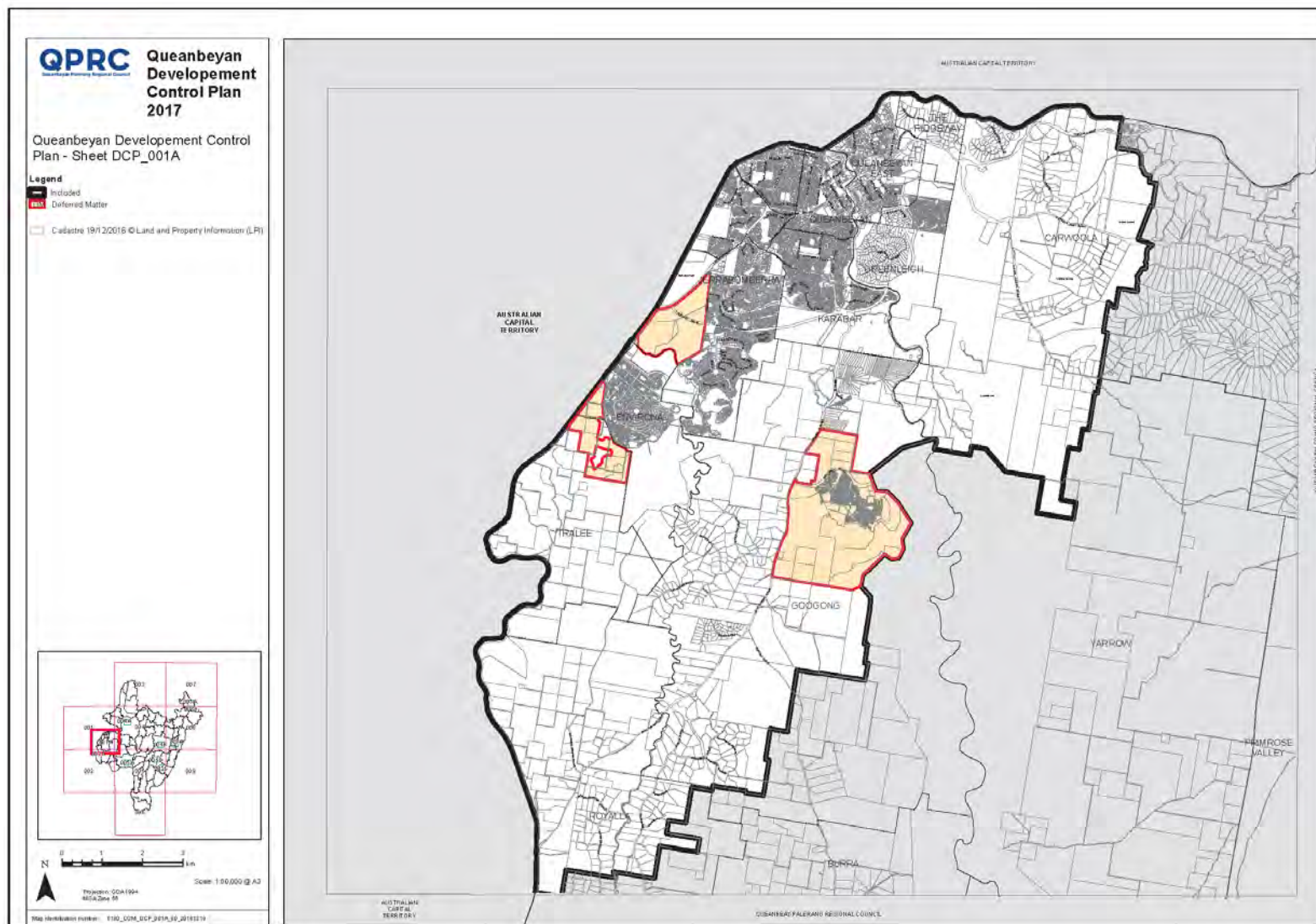
### 1.4.2 Development That Does Not Need Consent

It is the intention of Council to also take the provisions of this DCP into account when determining activities under Part 5 of the *Environmental Planning and Assessment Act 1979*.

Council similarly recommends that other public authorities should take this DCP into account when determining activities under Part 5 of the *Environmental Planning and Assessment Act 1979*.

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### Map 1 – Area to which this DCP applies



## 1.4.3 Variation to this DCP

The controls contained in this DCP should be complied with. However, there may be outstanding circumstances (context or site specific) where a minor variation in development standards may be justified.

Council may consider variations to developments standards where it is demonstrated that the objectives of the DCP and the objectives of the particular development standard can be achieved without detriment.

Any applicant wishing to vary a standard in this DCP must request a variation in writing, providing a detailed justification for the request and evidence that a better design outcome will result from the variation. Council will not approve any variation unless it is fully satisfied with the argument for non-compliance.

## 1.5 Contents of the DCP

### 1.5.1 DCP Structure

This DCP is divided into 7 Parts as follows:

- **Part 1 About This DCP** - Outlines the purpose, principal aims, statutory context, background and contents of this entire DCP.
- **Part 2 Development Provisions – All Zones** provides detailed objectives, and requirements relating to various development control elements for all development applications made under *Queanbeyan Local Environmental Plan 2012*. These elements include: car parking; access and servicing; contaminated land management; flood planning; landscaping; soil, water and vegetation management; environmental management; bush fire hazard reduction; safe designs; subdivisions; height of buildings; airspace operations; and development in areas subject to airport noise.
- **Part 3 Development Provisions – Residential Zones** provides detailed objectives, and requirements relating to various development control elements for certain forms of residential development and specific design requirements for specific locations within residential zones under *Queanbeyan Local Environmental Plan 2012*. This part contains four sub parts relating to:
  - single dwelling houses (Part 3A);
  - secondary dwellings (Part 3B);
  - dual occupancy, multi dwelling housing and residential flat buildings (Part 3C); and
  - shop top housing (Part 3D).
- **Part 4 Development Provisions – Heritage and Conservation** provides detailed objectives, and requirements relating to separate development control elements for all development applications made under *Queanbeyan Local Environmental Plan 2012* within Heritage and Conservation areas and on heritage sites listed in Schedule 5 Environmental Heritage of *Queanbeyan Local Environmental Plan 2012*.
- **Part 5 Development Provisions – Rural and Environmental Zones and R5 Large Lot Residential Zones** provides detailed objectives, and requirements relating to various development control elements for all development applications made under *Queanbeyan Local Environmental Plan 2012* on land within Rural, Environmental and R5 Large Lot Residential Zones.
- **Part 6 CBD and Other Business Zones** – provides detailed objectives, and requirements relating to development control elements for all development applications made under *Queanbeyan Local Environmental Plan 2012* within the Central Business District and other land zoned Business.
- **Part 7 Development Provisions – Industrial Zones** provides detailed objectives, and requirements relating to development control elements for all development applications made under *Queanbeyan Local Environmental Plan 2012* within Industrial Zones.



## 1.6 How to use this Development Control Plan

The following steps provide a guide for using this plan:

- 1) Check the zone and land use table within the *Queanbeyan Local Environmental Plan 2012*. This DCP applies to all development permissible with consent.
- 2) Check the proposal in terms of compliance with Part 2 of this plan. These provisions apply to all zones of the *Queanbeyan Local Environmental Plan 2012*.
- 3) Check the proposal in terms of Parts 3 and 4 (if applicable).
- 4) If the proposed development is located within the Central Business District, another Business Zone or an Industrial Zone – check the development in terms of Part 6 or 7 (whichever is relevant).

## 1.7 Information required for a Development Application

### 1.7.1 Development Application Form

All development applications must be accompanied by a completed application form and the following. In addition the information in clause 1.7.2 must also be supplied.

- 1) **Owners Consent**
  - a) The consent of all owners of the property must be lodged with the development application. If the owner is a company or owners corporation, the Managing Director must sign on behalf of the Company.
  - b) A fax copy followed up by an original owner's consent is acceptable. Council has an owner's authorisation form for this purpose.
- 2) **Development Application Fees**
  - a) All relevant fees must be paid within seven days of lodgement of the development application. A tax invoice will be provided to you upon acceptance of your Development Application.
- 3) **Disclosure of Political Donations and Gifts Statement to Council**
  - a) The reference on the development application form referring to 'Disclosure of Political Donations and Gifts Statement to Council' is to be completed by ALL applicants and owners.

More information and copies of relevant forms can be found on Council's webpage at <https://www.qprc.nsw.gov.au/Building-Development/The-DA-process>

### 1.7.2 Information Required for the Lodgement of a Development Application

The following plans and details are required with the lodgement of any development application:

- 1) **Site Plans** – (three copies plus three reduced A4 copies for notification purposes).
- 2) **Architectural Plans** – (three copies plus three reduced A4 copies (except floor plans) for notification purposes).
  - a) Floor Plan (existing and proposed).
  - b) Elevations, including angle of roof pitch and height of ridges.
  - c) Section views.
  - d) Schedule of external colours and materials.
  - e) Finished floor levels.
  - f) Proposed finished levels of the land.
- 3) **Contour Plan** – contour plan signed by a registered surveyor for new building work on vacant land.
- 4) **Stormwater/Drainage Details**
- 5) **Statement of Environmental Effects** – A Statement of Environmental Effects (SEE) is the written documentation which outlines the specifics of the development. For most types of developments Council has a standard pro-forma. These can be found on Council's website. In certain circumstances the development may require more specific

consideration and a written statement must be prepared. These must at minimum include:

- a) Description of the site including a property description.
- b) Description of the proposed development including all proposed works.
- c) Details of compliance with the relevant environmental planning instruments i.e. *Queanbeyan Local Environmental Plan 2012*.
- d) Describe how the development controls have been achieved or provide written justification to vary any development standard contained in the DCP.
- e) Details of how the development satisfies the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*.
- 6) **Driveway** – Provide a driveway long section on your plans where there is a one metre or more level difference between the garage and front boundary.
- 7) **BASIX** – Attach a current BASIX Certificate and show the commitments on the plans where required. More information can be obtained from the website – <http://www.basix.nsw.gov.au/iframe/about-basix/basix-assessment.html>
- 8) **Shadow Diagrams** – To be provided for residential development with two or more storeys and for any development that may impact on residential amenity for 9.00am, 12 noon and 3.00pm on 21 June.

### 1.7.3 Supplementary Information which may be required with Your Development Application

The following reports may be required depending on the nature of the proposed use, and the site. Advice can be provided at pre-lodgement stage as to which of the following are required with the application:

- a) Traffic Report.
- b) Parking Assessment.
- c) Heritage Impact Statement/Report.
- d) Archaeological Report.
- e) Flood Study.
- f) Landscape Plan.
- g) Flora and Fauna.
- h) Geotechnical Report (including non-potable water capability study)
- i) Preliminary Land Contamination Report.
- j) Waste Management Plan.
- k) Adequacy of Utility Services Report.
- l) Noise Impact Assessment.
- m) Bushfire Assessment.
- n) Detailed kitchen design for commercial kitchens
- o) Environmental Management Plan
- p) Environmental Impact Statement
- q) Details of proposed signage, including colours, elevations, locations, size and dimensions.
- r) **Model and Photo Montage** – The best way to convey information to members of the public who are unfamiliar with reading plans is by way of a model or photo montage. In addition a photo montage indicates how the new building will sit within the existing streetscape. For proposals where *SEPP 65 – Design Quality of Residential Flat Buildings* applies, a model is required and two photo montages indicating:
  - i) How the building will appear in the immediate streetscape.
  - ii) How the building will appear from a more distant vantage point (approximately 500m away).

## 1.7.4 Site Analysis Plan

A site analysis plan may also be required. A site analysis plan demonstrates a good understanding of the site and its surround. A site analysis puts the site in its context for both the design and evaluation of the proposal. A site analysis plan forms the basis for the Statement of Environmental Effects in providing evidence that the options investigated have resulted in the optimum use, rather than the maximum use of the site.

The extent of the information required will be dependent on the type and scale of the proposed development. Additional information may also be required for specific sites where there are particular opportunities and constraints caused by the characteristics of the site itself or the surrounding area.

The site analysis may be presented in a number of ways, depending on which method best presents site characteristics, e.g. a notated plan at a suitable scale or in text form with graphics and photographs. The site analysis will identify the opportunities and constraints of a particular site and the relevant surrounding area.

There also needs to be an explanatory statement. The explanatory statement must explain how the proposed development has responded to the Site Analysis.

**Information required for a site analysis** (Address where necessary and appropriate)

### Site survey

#### Plan information

- a) (scale 1:100 or 1:200),
- b) north point,
- c) name and qualification of person preparing site analysis

#### Existing site features

- a) location and use of buildings,
- b) structures showing those to be retained and removed,
- c) location and heights of walls and fences,
- d) Shaded areas from structures, trees, etc,
- e) archaeological and heritage sites,
- f) easements and rights of way and restrictions

#### Services

- a) overhead and underground utility services

#### Use of adjacent land and its features landform

- a) topography,
- b) contours at 1 metre intervals and spot levels,
- c) natural features,
- d) orientation of site

#### Soils (forming the basis of a Soil, Water and Vegetation Management Plan),

- a) depth of topsoil and subsoil,
- b) pH,
- c) condition (fertility, compacted, cut or filled),
- d) potential erosion problems,
- e) contamination

#### Plants

- a) individual or stands of trees, mass shrub planting with height and spread,
- b) condition and names,
- c) significance,



- d) ground levels,
- e) extent of weed infestation,
- f) any “endangered ecological community” on the site and nearby,
- g) how plants will be removed

## **Wildlife**

- a) habitats on the site and nearby,
- b) fauna habitat possibilities

## **Climate**

- a) direction of summer and winter winds,
- b) windbreaks,
- c) frost hollows,
- d) areas of shade during winter and summer at 9.00am, 12.00 midday and 3.00pm,
- e) bushfire threat
- f) Water (forming the basis of a Soil, Water and Vegetation Management Plan) sources of water flowing onto and off the site, quality, drainage patterns,
- g) areas of concentrated run-off, ponding, potential flooding
- h) adjoining riparian zones

## **Council controls**

- a) That is how the proposed development addresses Council’s controls such as Zoning, restrictions, setbacks, building envelopes or height restrictions.

### **1.7.5 Erosion and Sediment Control Plan (ESCP)**

An Erosion and Sediment Control Plan may be required to be submitted. An ESCP should contain a drawing that clearly shows the site layout and, where appropriate, the approximate location of BMP’s and other matters listed below. Where these drawings are to scale, the scale should be at least 1:500 or larger. A narrative should accompany the drawings that describes how erosions control and soil and water management will be achieved on site, including ongoing maintenance of structures.

The following background information should be presented on the drawing(s):

- location of site boundaries and adjoining roads,
- approximates grades and indications of direction(s) of fall,
- approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities),
- existing and proposed drainage patterns with stormwater discharge points,
- north point and scale.

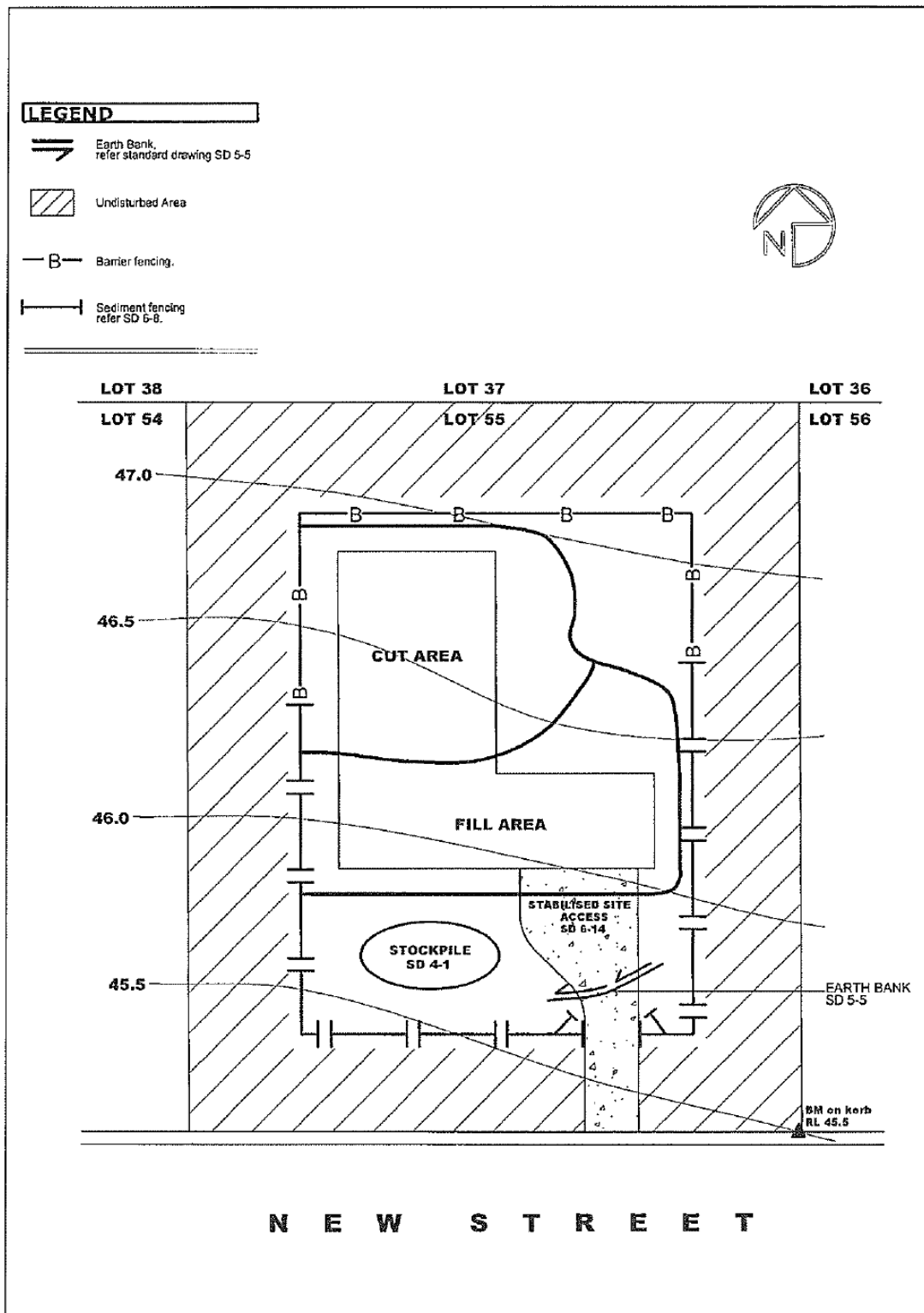
On the drawing or in a separate commentary, show how the various soil conservation measures will be carried out on site, including:

- timing of the works,
- location of lands where a protective ground cover will, as far as is practicable, be maintained,
- access protection measures,
- nature and extent of earthworks, including amount of any cut and fill,
- where applicable, the diversion of runoff from upslope lands around the disturbed areas,
- location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology,

## Queanbeyan Development Control Plan 2012

- location and type of proposed erosions and sediment control measures,
- site rehabilitation proposal, including schedules,
- other site-specific soil or water conservation structures.

### Example of Erosion and Sediment Control Plan for a residential dwelling



## 1.7.6 Construction Certificate

If you choose to use Council to issue the Construction Certificate you need to submit a completed Construction Certificate application form and three copies of plans, including structural engineering plans signed by a Practising Structural Engineer.

**Before submitting your development application to Council, please ensure the required information is provided at the time of lodgement. Failure to provide all information and attach the relevant supporting documents will cause unnecessary delays in the initial lodgement and ensuing assessment processes and may lead to rejection of the development application.**

## 1.8 Public Notification of a Development Application

Before considering a development application (this excludes complying development applications), Council will notify the proposal in accordance with the QPRC Engagement and Participation Plan adopted 27 November 2019.

## 1.9 Fees and Contributions

A number of fees and contributions may be required to be paid to Council at various stages of the assessment of the application as follows:

***Development Application fees*** are based on the estimated cost of the development and must be paid at the time of lodgement of the application.

***Advertising Fees*** meet the cost of advertising in the local press and providing written notification to nearby affected property owners, in accordance with Council's adopted notification policy. They must be paid at the time of lodgement of the application.

***Developer Contributions*** are a monetary contribution in lieu of the physical provision of public amenities and services. They must be paid prior to commencement of works.



# Queanbeyan Development Control Plan 2012 **Part 2** All Zones

Principal Plan Adopted by Council:	12/12/2012
Reference number:	SF160793/01
File No:	C1842163

## Part 2 All Zones

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## Part 2 All Zones

### 2.1 Introduction

#### 2.1.1. Purpose of This Part

This part of the DCP outlines the requirements for development in all zones. It covers the requirements for:

- 1) Parking
- 2) Contaminated Land Management
- 3) Flood Management
- 4) Landscaping
- 5) Erosion and Sediment Control
- 6) Guidelines for Bushfire Prone Areas
- 7) Safe Design
- 8) Subdivision
- 9) Airspace Operations and Airport Noise
- 10) Tree and Vegetation Preservation

#### 2.1.2. Objectives

- 1) To provide controls on general matters that do not relate to a specific zone or type of development
- 2) To maintain and improve the amenity of Queanbeyan

#### 2.1.3. Relationship to other Plans

The following clauses of the *Queanbeyan Local Environmental Plan 2012* (QLEP 2012) apply to this part:

- |      |                                                |
|------|------------------------------------------------|
| 4.3  | Height of buildings                            |
| 5.9  | Preservation of Trees or vegetation            |
| 5.11 | Bush fire hazard reduction                     |
| 7.1  | Earthworks                                     |
| 7.2  | Flood Planning                                 |
| 7.6  | Airspace Operations                            |
| 7.7  | Development in areas subject to aircraft noise |

For more detail refer to the QLEP 2012 at <https://www.legislation.nsw.gov.au/#/>

Various State Environmental Planning Policies, Australian Standards also apply to this part, which are explained in further detail in the section to which they apply.

## 2.2 Car Parking

### 2.2.1 Introduction

This part of the development control plan outlines requirements for the provision of car parking and service delivery facilities.

### 2.2.2 Objectives for Car Parking

- 1) Car parking is to be provided on-site which will cater for the increased demand brought about by the development of the site.
- 2) Adequate car parking for people with disabilities.
- 3) The provision of car parking which is functional, safe and attractive.
- 4) Functional loading and unloading facilities are provided to cater for the development of the site.
- 5) The construction of car parking areas, service areas and associated areas to be in accordance with good engineering practice.

### 2.2.3 General Principles

#### Objectives

- 1) To provide general standards for car parking.
- 2) To maintain the amenity of Queanbeyan by ensuring adequate parking is provided for members of the community and users of the development and reduces the impact of overflow to on street parking.

#### Controls

In determining the car parking requirements for a development proposal the following principles shall be followed:

- 1) The minimum standards as set out in this plan.
- 2) The likely demand for on-site parking to be generated by the development.
- 3) The availability of public transport in the vicinity to service the likely demands to be generated by the development.
- 4) Traffic volumes on the surrounding street network, including, where relevant, likely future traffic volumes.
- 5) The probable mode of transport of the users of the development.
- 6) The likely peak usage times of the development.
- 7) The provision of alternative private transport arrangements (e.g. courtesy buses to licensed premises at no charge to users).

### 2.2.4 Variations and Compliance

#### Objectives

- 1) To provide alternative options for the provision of car parking where the general standards cannot be met on the site.

#### Controls

- a) Onsite parking will be required in accordance with the standards of this plan except where good cause can be shown as to why strict compliance is unnecessary.

- b) Compliance with the provisions of this plan will not necessarily constitute sufficient reason for consenting to a development application. Each application must be treated on its individual merits in relation to the general principles and the Heads of Consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- c) For developments incorporating different categories of uses, a separate calculation will be made for each component. Parking needs will be calculated on peak time. However where peak demands for each land use component of the development are staggered, and this can be demonstrated to the satisfaction of Council, a reduction in the total number of spaces required may be accepted.
- d) Requests for variation must be supported by information and data to substantiate that an alternative standard is appropriate. Except for minor variations, this information should take the form of a Traffic Impact Statement and/or Parking Needs Survey carried out by suitably qualified consultants.

## 2.2.5 Existing Premises

### Objectives

- 1) To identify circumstances related to existing premises where no additional car parking is required for development.

### Controls for Various Types of Development

- a) **New Developments** – New developments and major redevelopment of existing sites i.e. where an existing building is demolished and a new building erected. Parking requirements for new developments shall be determined in accordance with Part 2.2.6 and Table 1 below.
- b) **Additions and Extensions to Existing Buildings** – Where existing premises are being extended and the proposal results in additional gross floor area, additional parking shall be provided in accordance with Part 2.2.6 and Table 1 below based on the additional floor area only.
- c) **Change of Use and Alterations that do not Involve Additional Floor Area**
  - i. *Premises with an Existing Floor Area Less Than or Equal to 600m<sup>2</sup>* – Where a Change of Use or alteration to an existing premises with a floor area of 600m<sup>2</sup> or less is proposed and no additional floor space is created then no additional car parking will be required. Any existing parking on the site, up to the number of spaces required under this plan for the existing development, or any requirement of the consent for the existing development must be maintained on the site.
  - ii. *Premises with an Existing Floor Area in Excess of 600m<sup>2</sup>* - Where a Change of Use or alteration to an existing premises has a floor areas in excess of 600m<sup>2</sup> an assessment will be made based on individual cases as to whether additional parking is required and Council will undertake a review of the parking requirements in accordance with this DCP based on previous and proposed use of the site where a change of use is proposed. Where there is an increase in parking demand as a result of the change of use, provision of additional car parking equal to the increase in demand will be required to be provided.

**Note 1:** In all of the above cases parking credit for existing premises will only be given for a lawful use or approved use that has commenced and continuously operated. Credit will also be given to any previous Section 94 parking contributions paid for the site. Where no contribution has been paid, the car parking rate will be calculated under this DCP having regard to the last lawfully operating or approved use. Council's first priority is for any car parking to be provided on-site.

**Note 2:** For sites within the CBD a monetary contribution paid in lieu of providing car parking on site may be acceptable.

## **2.2.6 Controls for Car Parking**

### **Objectives**

- 1) To ensure the appropriate number of car spaces is provided for the development types.
- 2) To ensure the appropriate design of car parking spaces and areas.

### **Controls**

- a) Car parking is to be provided for all development in accordance with Table 1. An assessment will be undertaken of development types that are not explicitly listed.
- b) In finalising the parking numbers required the total number is to be rounded up to the next whole number.
- c) In addition to providing the number of required car parking spaces as detailed in Table 1, all car parking shall be designed in accordance with the Australian Standard AS 2890 Parking Facilities.
- d) All car parking shall include the provision of car parking for delivery and service vehicles in accordance with Australian Standard AS 2890.2 -2002 and car parking for persons with disabilities in accordance with the Australian Standard AS 2890.

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**Table 1: Required Car Parking**

Land use	Parking Requirement
Shops and commercial uses	
Artisan Food and Drink Industry	<p>Requirements for car parking are to be assessed taking into account the exact proposed use components (ie. retail, food and drink premises, function centre), percentage of premises used for each component and proposed hours of operation.</p> <p>As a basic guide the following rates apply:</p> <p>Food and Drink premises - 1 space per 100m<sup>2</sup> GFA or 1 space per 3 seats</p> <p>Function Centre – 1 space per 20m<sup>2</sup> of GFA or 1 per 10 seats</p> <p>Retail premises:</p> <ul style="list-style-type: none"> <li>- 1 space per 60m<sup>2</sup> (&lt;120m<sup>2</sup> GFA)</li> <li>- 1 space per 40m<sup>2</sup> (GFA Between 120m<sup>2</sup> and 100-m<sup>2</sup>)</li> <li>- 1 space per 20m<sup>2</sup> (&gt; 100m<sup>2</sup> GFA)</li> </ul>
Bulky goods premises	3 car parks per 100 m2 of GFA.
Commercial premises	<p>Within in the CBD – 1 space per 60m2 of GFA.</p> <p>Outside of the CBD – 1 space per 60m2 of GFA.</p>
Food and drink premises (not including takeaway Food and drink premises)	Whichever is the greater of: 15 spaces per 100m2 GFA of restaurant, or 1 space per 3 seats.
Funeral Home	4 spaces per 100m2 of GFA plus 1 per 4 seats (chapel).
Office premises	<p>1 space per 60m2 &lt; 120m2</p> <p>1 space per 40m2 ( 120m2 to 1000m2)</p> <p>1 space per 20m2 &gt;1000m2</p>
Public Administration Building	1 per 100m2 Office Area
Retail premises	<p>1 space per 60m2 &lt; 120m2</p> <p>1 space per 40m2 ( 120m2 to 1000m2)</p> <p>1 space per 20m2 &gt;1000m2</p>

## Queanbeyan Development Control Plan 2012

Land use	Parking Requirement
Shop	<p>Within in the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside of the CBD – 1 space per 60m<sup>2</sup> of GFA.</p>
Service stations	Requirements are additive: 6 spaces per work bay 5 spaces per 100m <sup>2</sup> of GFA (if restaurant is present, then greater of: 15 spaces per 100m <sup>2</sup> of GFA, or 1 space per 3 seats.
Take-away food and drink premises	<p>Within in the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside of the CBD – Developments with on-site seating: 12 spaces per 100m<sup>2</sup> of GFA.</p> <p>Developments with on-site seating: 12 spaces per 100m<sup>2</sup> of GFA plus greater of – 1 space per 5 seats (internal and external), or 1 space per 2 seats (internal).</p> <p>Developments with on-site seating and drive through facilities: 1 space per 2 seats (internal), or 1 space per 3 seats (internal and external) plus queuing area for 5 to 12 cars.</p>
<b>Industrial uses</b>	
General industry, light industry and warehouse or distribution centre	<p>1.3 spaces per 100m<sup>2</sup> of GFA.</p> <p>1 space per 60m<sup>2</sup> of GFA for office space ancillary to the development.</p>
Landscaping material supplies	2 spaces per 100m <sup>2</sup> of GFA.
Resource Recovery Facility	1 space per 200m <sup>2</sup> of site area, or when largely combined within a building, requirement is 3 spaces per 100m <sup>2</sup> GFA.
Transport depots	Assess on a needs basis.
Vehicle body repair workshops Vehicle body repair stations	Whichever is the greater of: 2 spaces per 100m <sup>2</sup> of GFA, or 3 spaces per work bay.
Vehicle sales and hire premises	0.75 spaces per 100m <sup>2</sup> site area plus 6 spaces per work bay (for vehicle servicing facilities).
<b>Community</b>	

## Queanbeyan Development Control Plan 2012

Land use	Parking Requirement
Child Care Centres	As per <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i>
Community Facility	To be assessed on a needs basis.
Educational Establishment	As per <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i>
<b>Recreation and Entertainment</b>	
Entertainment facilities, Places of public Worship	<p>Within in the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside of the CBD – whichever is the greater of: 1 space per 20m<sup>2</sup> of GFA, or 1 space per 10 seats.</p> <p>For halls and places of worship on the same or adjoining land, car parking needs to be provided only for the church or the hall, whichever is greater.</p>
Gymnasium/Fitness studio	<p>Within the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside the CBD –</p> <ul style="list-style-type: none"> <li>Where scheduled group classes are proposed – 7.5 spaces per 100m<sup>2</sup> of GFA.</li> <li>Where no scheduled group classes are proposed – 4.5 spaces per 100m<sup>2</sup> of GFA.</li> </ul>
Recreation facility (indoor)	Within in the CBD – 1 space per 60m <sup>2</sup> of GFA.
Recreation facility (outdoor)	Outside the CBD:
Recreation area	<ul style="list-style-type: none"> <li>squash courts – 3 spaces per court</li> <li>tennis courts – 3 spaces per court</li> <li>bowling alleys – 3 spaces per alley</li> <li>bowling greens – 30 spaces for first greens plus 15 for each additional green</li> </ul>
Recreation Facilities (sporting Fields)	30 spaces



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Land use	Parking Requirement
Registered Clubs	<p>Within in the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside the CBD – whichever is the greater of: Comparisons with similar clubs, or 1 space per 3.5m<sup>2</sup> of licensed gross floor area, plus 1 space per 40m<sup>2</sup> of office floor area.</p>
<b>Medical</b>	
Health services facility	<p>Within in the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside the CBD – 10 spaces per 100 m<sup>2</sup> of GFA.</p>
Hospitals	2.5 spaces per bed.
Residential Care Facility	1 per 4 beds.
<b>Residential and Accommodation</b>	
Boarding houses	1 space for each room (to be located behind the building line).
Group Homes	1 space per 3 bedrooms plus 1 space per Resident/Manager.
Caravan parks	1 space per caravan site next to caravan site.
Dual Occupancy	2 spaces for each dwelling
Dwelling house	2 spaces per dwelling (to be located behind the building line).
Hotel or motel accommodation	<p><u>Hotels</u></p> <p>Within in the CBD – 1 space per 60m<sup>2</sup> of GFA.</p> <p>Outside the CBD – whichever is the greater of: Comparisons with similar club developments, or 1 space per 3.5m<sup>2</sup> of licensed gross floor area.</p> <p><u>Motels</u></p> <p>1 space for each motel unit plus 1 space per 2 employees.</p>

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Land use	Parking Requirement
Multi-dwelling housing and residential flat buildings and shop top housing	<p>1 space per 1 bedroom dwelling and with a Gross Floor Area (GFA) of not more than 60m<sup>2</sup></p> <p>2 spaces per dwelling for all other dwellings</p> <p>Visitor Parking: a minimum of 2 space plus 1 space per 4 dwellings (in excess of 4 dwellings).</p>
Home Businesses/Industries	<p>To be assessed on a needs basis.</p> <p>Note: The number of additional parking spaces required by the home business/industry shall not compromise the parking for the existing dwelling.</p>
Seniors Housing (in form of self contained Dwellings) as per SEPP (Housing for Seniors or people with a disability) 2004	<p>As per <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i></p> <p><a href="https://www.legislation.nsw.gov.au/#/">https://www.legislation.nsw.gov.au/#/</a></p>
Tourist and visitor accommodation (excluding hotel or motel accommodation), hostel	1 space per 3 beds.
Other	
Sex services premises	2 spaces per room used for the conduct of acts of prostitution plus a space for each full time staff member not involved in prostitution.
Restricted premises	1 space per 40m <sup>2</sup> of GFA.

**Table 2: Car Parking for Service and Delivery Vehicles**

Type of Development	Minimum Requirement
Commercial premises	One space per 4,000m <sup>2</sup> GFA up to 20,000m <sup>2</sup> GFA plus one space per 8,000m <sup>2</sup> thereafter (50% of spaces adequate for trucks)
Department Stores	One space per 1,500m <sup>2</sup> GFA up to 6,000m <sup>2</sup> GFA plus one space per 3,000m <sup>2</sup> thereafter (all spaces adequate for trucks)

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Supermarkets, shops and restaurants	One space per 400m2 GFA up to 2,000m2 GFA plus one space per 1,000m2 thereafter (all spaces adequate for trucks)
Wholesale, Industrial	One space per 800m2 GFA up to 8,000m2 GFA plus one space per 1,000m2 thereafter (all spaces adequate for trucks)
Hotels and Motels	One space per 50 bedrooms or bedroom suites up to 200 plus one per 100 thereafter plus one space per 1,000m2 of public area set aside for bar, tavern, lounge and restaurant, (50% of spaces adequate for trucks)
Residential flat buildings	One space per 50 flats or home units up to 200 plus one per 100 thereafter plus one space per 1,000m2 of public area set aside for bar, tavern, lounge and restaurant, (50% of spaces adequate for trucks)
Other uses	One space per 2,000m2 (50% of spaces adequate for trucks)

**Table 3: Car Parking for Persons with Disabilities**

Type of facility	Recommended number of disabled spaces
<p>Convenience stores and all types of Shops</p> <p>A shopping area with or without commercial premises (banks, credit unions, restaurants offices), or an office area. Includes strip shopping centres or CBD areas, shopping complexes, community, recreation venues and the like Tourist facilities</p>	<p>Whichever is the greater of:</p> <p>1 or 1-2% of total number of car parking spaces</p>
<p>Transport depots</p> <p>Railway stations, bus/rail or tram/rail interchanges</p>	<p>Whichever is the greater of:</p> <p>1 or 1-3% of total number of car parking spaces</p>
<p>Community</p> <p>Civic centres, town halls, community centres, senior citizens' clubs, health care</p>	<p>Whichever is the greater of:</p> <p>1 or 2-3% of total number of car parking spaces</p>

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Type of facility	Recommended number of disabled spaces
Recreational facilities  Leisure centres, gymnasiums, swimming pools, parks, gardens, foreshore, sporting venues	(see Note 1)
Educational Establishments	<i>As per State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.</i>
Entertainment facilities  Theatres, libraries, art galleries, sports centres, entertainment centres	Whichever is the greater of:  1 or 3-4% of total number of car parking spaces  (see Note 1)
Medical  Hospitals  Medical centres (including community health centres, radiology clinics, rehabilitation units)	Whichever is the greater of:  1 or 3-4% of total number of car parking spaces  3 % of total number of car parking spaces  (see Note 3)
Post office  Usually combined with retail/commercial	See Note 1
Place of worship  Individual churches or religious centres	See Note 3
Residential  Dual Occupancy  Multi Dwelling Housing  Residential Flat Building  Shop Top Housing	Parking provision shall be provided at a rate of not less than one disabled space per disability unit in accordance with <i>Australian Standard 2890.1</i> and Part D3.5 of the <i>Building Code of Australia</i> (BCA), either located in a basement having provision of lift access to the disabled unit or otherwise located on ground level

### Notes:

- 1) Where a facility of this type is located in a retail/commercial area, at least one space should be located next to that facility to maximise convenience for users of the parking space.

- 2) For all schools, TAFE, CAE or other institutions disabled parking is to be provided consistent with the requirements of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*.
- 3) To be provided as needed in consultation with management of centre or church.

## 2.2.7 Basement Parking

- Where Basement parking is provided the access ramp to the car parking area shall provide for either two way access or separate access ramps shall be provided for:
  - 1) access into the basement car park and
  - 2) exit from the basement car park
- Basement parking areas are to be located directly under building footprints to maximise opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.
- Along active frontages, basement parking must be located fully below the level of the footpath.
- Basement parking should be contained wholly beneath the ground level along public streets. Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2 m above ground level.
- Underground car parking shall be naturally ventilated where possible and shall be less than 1m above existing ground level. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.
- Constructed to preclude entry of floodwater at the Flood Planning Level. Additional requirement for basement levels to implement a failsafe means of evacuation, and a pump-out system to remove flood waters.
- All basement/underground car parks shall be designed to enter and leave the site in a forward direction.
- All sites shall have underground car parking and be fitted with a security door. Basement garage doors shall not tilt/swing or open in an outward direction.

## 2.2.8 Design of Service Vehicle Areas

### Objectives

- 1) To ensure service vehicle areas are appropriately designed for the vehicles using the area.

### Controls

- a) Service vehicle areas are to be designed in accordance with the principles and requirements of the Australian Standards - Parking Facilities (AS2890 Series).
- b) In relation to service vehicle dimensions, these are to be designed to cater for the largest vehicle servicing the site in accordance with AS/NZS 2890.2 - 2002 Off-street commercial vehicles facilities. Service vehicle areas for commercial and industrial type development are to be designed so that vehicles using them can enter and leave the site in a forward direction. Service vehicle areas are to be generally provided on-site. Only in exceptional cases will Council consider alternative arrangements.

## **2.2.9 Access Ways Associated with Car Parking Areas**

This section deals with the geometric design aspects of access requirements to developments, internal roads and parking areas within developments. Parking areas include tenant/customer car parking, public car parks, service delivery vehicles manoeuvring and parking, bicycle parking and bus and coach parking.

Council has adopted the Road and Maritime Services (RMS, formerly RTA Roads and Traffic Authority) Guide to Traffic Generating Developments Version 2.2 (2002) as its standard. The guide references relevant Australian standards for parking facilities. Parts of these standards relevant to this topic are:

AS 2890.1 – 2004	Off-street car parking
AS 2890.2 – 2002	Off-street commercial vehicles facilities
AS 2890.3 - 2015	Bicycle parking facilities
AS 2890.5 – 1993	On-street parking
AS 2890.6 – 2009	Off-street parking for people with disabilities

Applicants are advised to obtain copies of the relevant Australian Standards to be used in conjunction with these guidelines.

### **2.2.9.1 Access Requirements**

#### **Objectives**

- 1) To ensure appropriate access to developments and car parking facilities.

#### **Controls**

- a) All developments require access from the frontage road to car parking and service facilities. While in some instances access driveways may be sufficient some developments will require a higher standard of traffic control, such as a controlled intersection via a dedicated public roadway, auxiliary lanes and/or right turn bays to maintain efficiency and safety. Refer to Section 6 of the RMS Guide to Traffic Generating Developments Version 2.2 (2002).

### **2.2.9.2 Safety Considerations**

#### **Objectives**

- 1) Public safety is the main consideration when planning the location of access to a development. The location of access depends on the type of frontage road, sight distance, intersections, and potential conflicts.

#### **Controls**

- a) Direct access across the boundary with a major road is to be avoided wherever possible. For the purpose of this DCP major roads include:-
  - i) Bungendore Road
  - ii) Canberra Avenue
  - iii) Cooma Street
  - iv) Crawford Street (Monaro Street to Uriarra Road only)
  - v) Edwin Land Parkway
  - vi) Ellerton Drive

- vii) Farrer Place
- viii) Monaro Street
- ix) Tharwa Road
- x) Uriarra Road
- xi) Yass Road
- xii) Old Cooma Road
- xiii) Captains Flat Road
- xiv) Kings Highway
- xv) Burra Road
- xvi) Lanyon Drive
- xvii) Lowe Street (Monaro Street to Cooma Street only)
- xviii) Tomsitt Drive
- xix) Southbar Road (Donald Road to Lanyon Drive only)

All other roads are minor.

- b) Auxiliary lanes, (deceleration and acceleration lanes) in certain circumstances, may need to be provided to minimise conflicts between entering/leaving traffic and fast moving through traffic. In many cases, right turn movements into a site may need to be banned, unless an exclusive right turn bay is provided.

### 2.2.9.3 Sight Distance

#### Objectives

- 1) Access driveways need to be located so as to obtain minimum sight distance.
- 2) It is necessary that any vehicle entering or leaving the driveway is visible to approaching vehicles and pedestrians.

#### Controls

- a) Ideally, the sight distance required is that which enables the driver of a vehicle waiting to leave a driveway to select a gap in the through traffic and to join the street without causing a major disruption. This is the desirable sight distance (Entering Sight Distance).
- b) Driveways are to comply with AS/NZS 2890.1 - 2004: Off-street car parking.

### 2.2.9.4 Proximity to Intersections

#### Objectives

- 1) Access must be provided a safe distance from intersections to ensure the safety of all road users.

#### Controls

- a) Refer to AS/NZS 2890: Off-street car parking for requirements on the positioning of driveways near intersections.

### 2.2.9.5 Addressing Potential Conflicts

#### Objectives

- 1) Potential conflicts associated with driveways are often proportional to the traffic generating potential of the development which they serve.

## Controls

- a) Where possible, avoid positioning driveways with high traffic volumes in the following locations:
  - i) on major roads,
  - ii) close to intersections,
  - iii) opposite other developments generating a large amount of traffic (unless separated by a median),
  - iv) where there is a heavy and constant pedestrian movement along the footpath
  - v) where right turning traffic entering the facility may obstruct through traffic,
  - vi) where traffic using the driveways interferes with or blocks the operations of bus stops, taxi ranks, loading zones or pedestrian crossings.

### 2.2.10 Design of Access Driveways

#### 2.2.10.1 General Design Principles

##### Objectives

- 1) These general design principles are to be followed when planning access driveways for developments to avoid adverse impacts on users of the access driveways and the road.

##### Controls

- 1) position the entrance at the first vehicular driveway from the adjacent kerbside lane
- 2) avoid reversing movements into or out of public streets (except in the case of individual dwelling houses)
- 3) avoid arrangements which may result in on-street queuing
- 4) promote the use of physical pedestrian barriers to discourage motorists from parking on the opposite side of the development and crossing the road to get to the site
- 5) position each driveway so that it is clear of all obstructions, eg. poles, trees, which may prevent drivers from having a timely view of pedestrians
- 6) design each driveway so that it is relatively level within 6 metres of the site boundary or any pedestrian way; the recommended maximum grade is 5%
- 7) signpost each driveway with appropriate entry, exit and keep left signs.

#### 2.2.10.2 Selection of Driveway Types

##### Objectives

- 1) When selecting a driveway for a particular development, consider the following factors: type of land use, frontage road type, size of the parking facility, type of vehicles likely to enter the development.
- 2) The NSW RMS has adopted seven types of access driveways – type 1 to 5 for cars (or light vehicles) and type 6 and 7 for heavy vehicles. Types 1 to 5 driveways are the same as those adopted in AS2890.

##### Controls

- a) Applicants are referred to Section 6 of the RMS Guide to Traffic Generating Developments Version 2.2 for the design requirements for access driveways.



- b) Refer to Table 6.1 of the RMS guide for entry and exit driveway widths, and separation between the two where applicable.
- c) Refer to Table 6.2 for type of driveways to serve certain numbers of parking spaces.
- d) Council will specify the difference in level across the footway area for the development.

## **2.2.10.3 Splays and Kerb Returns**

### **Objectives**

- 1) The main advantages of using splays are: minimising driveway widths, which in turn reduces pedestrian risk; reducing driveway vehicle speed; and facilitating the needs of the disabled
- 2) A principal design objective is that vehicles are able to turn into the kerbside lane from the driveway and vice versa.

### **Controls**

- a) The use of kerb returns rather than splays is not supported and will only be considered in exceptional circumstances.
- b) Consider the following points when choosing splays for driveways:
  - i) type of frontage road
  - ii) volume of traffic
  - iii) nature of the adjacent land use
  - iv) volume of pedestrians crossing the driveway
- c) It is necessary in the instances where vehicles turn into the kerbside lane that all vehicles are able to complete turning manoeuvres without crossing the road centre line.
- d) For further information in regard to the use of splays and kerb returns refer to Section 6.2.2 of the *RMS Guide to Traffic Generating Developments Version 2.2.(2002)*.

## **2.2.10.4 Acceleration and Deceleration Lanes**

### **Objectives**

- 1) The design of access to a development from a high speed or high volume road, should avoid hazardous diverging or merging manoeuvres to occur on the through traffic lanes.
- 2) Particular attention must be paid to safe pedestrian movement in any design.

### **Controls**

- a) The construction of auxiliary speed-change lanes is an appropriate method to control slowing and merging manoeuvres.
- b) Deceleration and acceleration lanes are often provided as respective entry and exit points to high traffic generators. These measures are often implemented in areas where developments adjoin isolated sections of high speed rural roads.
- c) If pedestrian volumes on the footpath adjacent to the driveway are heavy, the design must minimise vehicle speeds at the point of conflict with pedestrians and ensure that adequate visibility is provided.

## **2.2.10.5 Right Turn Bays**

### **Objectives**

- 1) To ensure the safety of all road users by determining when circumstances require a right turn bay for vehicles.

## Controls

- a) Right turn bays for vehicle movement into proposed developments should be provided on major roads where the conflict between the right turn volume and any opposing major road traffic, may cause a substantial traffic delay or present danger. Refer to the Austroads publication *Guide to Traffic Engineering Practice, Part 5 - Intersections at Grade (2005)* for further design details.

### 2.2.10.6 Design of Internal Roads associated with Car Park Areas

#### Objectives

- 1) To ensure internal roads are designed to appropriately allow for traffic, both vehicle and pedestrian, to move around the development safely.

#### Controls

- a) All internal roads (or access roadways) should be designed for low speed environments. Generally vehicular speeds should be less than 30km/h, but where heavy pedestrian use is expected, design speeds should be 10km/h.
- b) For internal roads (or circulation roadways as defined in AS/NZS 2890.1 - 2004) between the driveway and parking area, the recommended minimum carriageway width is 5.5 metres for two way traffic. However where the circumstances of a development justifies it a greater minimum width is likely to be required.

With complex developments, particularly where shared use of the side roads by cars and service vehicles is anticipated, the design should be determined from a study of the site traffic generation and vehicle characteristics.

### 2.2.11 Traffic Control Within Developments

#### Objectives

- 1) To ensure the safety of all users of internal roads within developments through the provision of controls and calming devices.

#### Controls

- a) Internal roads etc within developments function as public streets and normal road traffic rules apply. Hence these roads are to be managed to minimise conflicts and maximise safety. For more details on this aspect refer to the Australian Standard AS 1742.11:2016 *Manual of Uniform Traffic Control Devices, Part 1 Parking Controls*.

### 2.2.12 Parking Area Design

#### Objectives

- 1) To ensure parking areas are designed in accordance with the relevant standard.

#### Controls

- a) Cars and service vehicles, as well as other vehicles (eg. Buses and bicycles) should be accommodated by on-site or off-street parking provision in close proximity to the

development. On-street parking or loading/truck zones do not meet these requirements.

- b) The design of these areas and tenant/customer parking areas is to conform to the relevant Australian Standards - Parking Facilities (AS/NZ 2890 series).

For more detailed design guidelines applicants are referred to the RMS *Guide to Traffic Generating Development Version 2.2 (2002)*.

## **2.2.13 Construction of Car Parking Areas**

### **Objectives**

- 1) To ensure parking areas meet relevant engineering standards.

### **Controls**

- a) All car parking areas are to be:
  - i) Suitably paved with concrete, hotmix, bitumen or paving blocks and shall be retained between suitable permanent concrete kerbing. The selected pavement should be constructed to engineering specifications for the particular materials to be used. Alternative surface treatments such as gravel may be acceptable in rural areas.
  - ii) Line marked into bays and sign posted as such in a reasonable permanent manner.
  - iii) Suitably drained - Where driveways or car parking areas fall towards the street alignment, stormwater runoff is to be trapped at the property boundary by means of a grated drain and pipe to Council's street gutter or stormwater system.
  - iv) Landscaping shall be provided in all car parking areas.

## **2.2.14 Service Vehicle Areas**

### **2.2.14.1 General Design Principles**

#### **Objectives**

- 1) The principles of design for service vehicle areas are similar to those for car parking areas with the exception that consideration must be given to the larger sizes of service vehicles and the types of goods being loaded/unloaded. However, it is not possible to specify dimensions which may be suitable for all service vehicles, because of the range of vehicles used in this respect. A service area may have to be designed to meet certain requirements which are peculiar to the vehicles or to the operations to be performed within the service area.

#### **Controls**

- a) The following design principles, however, are generally applicable to all service vehicle areas:
  - i) the layout of the service area should be designed to facilitate operations relevant to the development and to thus discourage on-street loading and unloading
  - ii) service area should be a physically defined location which is not used for other purposes, such as the storage of goods and equipment
  - iii) separation of service vehicle and car movements should be a design objective, although such an arrangement may not always be feasible

- iv) all vehicles are to enter and leave a site in a forward direction
- v) internal circulation roadways should be adequate for the largest vehicle anticipated to use the site.
- b) In the case of existing buildings being redeveloped, it may not be possible for all the design principles to be met. However, every effort must be made to ensure that public safety is not compromised in any way.

## **2.2.14.2 Dimensions of Service Areas**

### **Objectives**

- 1) To ensure provision of service bays in parking design.

### **Controls**

- a) The service vehicle area shall have dimensions to accommodate safely a range of service vehicle types, as specified in the table below. Please note this list is not exhaustive
- b) The dimensions of a service bay will depend on the vehicle to be accommodated. Generally, the minimum width should be 3.5 metres. For courier vehicles, standard car parking space dimensions are usually satisfactory.
- c) The service vehicle area shall have dimensions to accommodate safely a range of service vehicle types, as specified in Table 2.1 of AS2890.2 – 2002.
- d) For maximum height trucks, a bay height of 5,000mm is recommended where access to the top of the load is required. Bay height should be clear of sprinkler systems, air ducts and other protuberances.
- e) The heights of the loading platform in the service bay and of the service bay itself will vary with vehicle type and loading/unloading methods. The dimensions in Table 4.1 of AS2890.2 - 2002 are a minimum guide to be complied with.

## **2.2.14.3 Service Vehicle Manoeuvring Areas**

### **Objectives**

- 1) To ensure manoeuvring areas to meet the required standard.

### **Controls**

- a) Manoeuvring areas must comply with the Australian Standard *AS2890.2 -2002 Off-street Commercial Vehicle Facilities* should be used for the design of manoeuvring of service vehicles appropriate to particular developments. This standard also provides design templates for typical commercial and industrial situations.

## **2.2.15 Bus and Coach Parking**

### **Objectives**

- 1) To ensure provision of bus and coach parking.

### **Controls**

- a) Table 6.7 of the *RMS Guide to Traffic Generating Developments Version 2.2 (2002)* must be complied with when providing parking for buses and coaches.

## 2.2.16 Pedestrians and Cyclists

### Objectives

- 1) In the design of driveways, internal roads and parking areas every attempt must be made to resolve conflict with pedestrians.

### Controls

- a) Land uses in the Central Business District often generate heavy pedestrian traffic, including general pedestrian traffic across car parking areas. Where driveways are located for entry into underground parking areas, consideration should be given to diverting pedestrians around the entry and exit driveways. Often the organisation of appropriate landscaping at the conflict point of pedestrians and vehicles eradicates this problem.
- b) Consideration should also be given to diverting cyclists around the entry and exit driveways.
- c) Consideration of the use within developments of shared traffic zones, low speed limit signs and traffic calming devices that cater for pedestrians should be given to improve safety of pedestrians.

## 2.2.17 Bicycle Parking

### Objectives

- 1) To ensure provision of Bicycle Parking facilities in accordance with the relevant standard.

### Controls

- a) Each development is to provide appropriate bicycle parking facilities either on-site or close to the development.
- b) The Australian Standards *AS 2890.3: 2015 Bicycle Parking Facilities* must be complied with. This standard also provides information on the design of bicycle parking facilities.

## 2.3 Environmental Management

### 2.3.1 Introduction

This part of the development control plan relates to energy efficiency requirements of buildings, water use and conservation, solar impacts and waste management. The controls apply to all development in the Queanbeyan LGA.

### 2.3.2 Objectives

To satisfy the aims and zoning objectives of the *Queanbeyan Local Environmental Plan 2012* controls in this section aim to:

- 1) Facilitate the development of building design excellence appropriate to a regional city.
- 2) Ensure environmental impacts of new development are managed in a sustainable and economical way.
- 3) Ensure a healthy environment.
- 4) Provide an adequate and renewable supply of resources.
- 5) Ensure application, where appropriate, of the BASIX or Building Code of Australia energy efficiency provisions.

## 2.3.3 Energy Efficiency and Conservation

### Objectives

The ability of development to optimise thermal performance, thermal comfort and day lighting will contribute to the energy efficiency of the building, provide increased amenity to occupants and reduce greenhouse emissions and, with them, the cost of supplying energy.

- 1) To reduce the necessity for mechanical heating and cooling.
- 2) To minimise greenhouse gas emissions.
- 3) The use of natural climatic advantages of cooling summer breezes, and exposure to unobstructed winter sun.

### Controls

#### Residential

- a) New dwellings, alterations and additions to dwellings, and change of uses to create a dwelling, are to demonstrate compliance with *State Environmental Planning Policy Building Sustainability Index: (BASIX) 2004*.

#### Non-Residential

- b) Compliance with Section J of the National Construction Code.

## 2.3.4 Water Conservation

### Objectives

- 1) New development will be required to implement water saving measures to ensure efficient best practice management of water resources.
- 2) New development design can contribute to environmental sustainability by integrating measures for improved water quality, efficiency of use and utilisation of alternate water supplies by integrating water use efficiency and water collection into a building.
- 3) To reduce per capita mains consumption of potable water.
- 4) To harvest rainwater for use and reduce urban stormwater runoff.
- 5) To reduce wastewater discharge.
- 6) To reuse wastewater where appropriate.
- 7) To safeguard the environment by improving the quality of water runoff and to mimic pre development flows where appropriate.
- 8) To ensure infrastructure design is complementary to current and future water use.

### Controls

- a) New dwellings, or developments which contain a residential component within a mixed use building or serviced apartments intended or capable of being strata titled, are to demonstrate compliance with *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.
- b) Each dwelling shall be provided with an individual water meter.

## 2.3.5 Waste and Recycling

### Objectives

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The minimisation of waste from development can reduce impacts on the public domain, contribute to the amenity of the building and limit the potential harmful impacts to the environment. Waste management refers to all stages of development from construction and use through to demolition and the ongoing generation of waste. It also includes the way in which waste is accessed, stored and collected.

- 1) To minimise waste generation and disposal to landfill with careful source separation, reuse and recycling.
- 2) To minimise the generation of waste through design, material selection, building and best waste management practices.
- 3) To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development as well as the ongoing generation of waste.
- 4) To ensure efficient storage and collection of waste and quality design of facilities.

## **Note:**

Designers should be careful to ensure that heights to storage areas are not limited if bins are required to be collected by overhead lift vehicles.

## **Controls**

### Non Residential Development

- a) Development applications for all non- residential development must be accompanied by a waste management plan that addresses:
  - i) Best practice recycling and reuse of construction and demolition materials.
  - ii) Use of sustainable building materials that can be reused or recycled at the end of their life.
  - iii) Handling methods and location of waste storage areas such that handling and storage has no negative impact on the streetscape, building presentation or amenity of occupants and pedestrians.
  - iv) Storage areas need to be of sufficient size to store and provide access to bins capable of dealing with the types and quantities of waste for the development. For example, a small shop or office may be able to be serviced by Council's normal 240L kerbside collection service. At the opposite extreme a supermarket may require space for a paper/cardboard compactor and storage of bales produced, multiple overhead lift bulk containers and other containers for recyclables.
  - v) Storage areas for commercial premises which have larger quantities of putrescible waste e.g. food premises or supermarkets need to be provided with wash down facilities connected to sewer. These storage areas need to be roofed to prevent ingress of stormwater to the sewerage system.
  - vi) Procedures for the ongoing sustainable management of green waste; garbage and recyclables including glass, metals and paper; including access, estimated volumes; required bin capacity and onsite storage requirements.

### Residential Development

- 1) All residential development is to provide for storage of waste bins on site in an area of sufficient size to accommodate waste generated by the development in accordance with the following tables:



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Type of Waste	Quantity per dwelling
General Waste	140l for individual service or 240l if shared service litres/week/unit
Recycling	240l litres/ fortnight/ unit if individually used. Weekly collection if on a shared service
Green Waste	240 litres/fortnight or a communal waste bin of sufficient capacity to accept waste from any landscaped areas.

- 2) The storage area must accommodate the number of individual mobile bins required or accommodate sufficient larger bulk bins with the following minimum dimensions:

Bin Type	Length (metres)	Width (metres)
Mobile bin (240 litres)	0.75m x No of bins	2.75m (Single Row) 3.5m (double row)
Bulk bins (e.g. 1200 litres)	1.45m x No of bins	1.45 x No of bins + 1m corridor space

- 3) Storage bays shall be constructed as follows:

- i) Wall height shall be a minimum of 1200mm.
- ii) Where bays are informal and covered, floors shall be a minimum 100mm reinforced concrete graded to drain to the outside.
- iii) The opening to the storage area shall be a minimum of 2000mm wide and where practical located so that it does not open directly onto the street.
- iv) The opening shall be provided with a gate or roller style door. In larger developments a personal access door may also be required to allow occupiers ease of access to the storage area.
- v) A paved path 2000mm wide with a grade of no less than 1:14 shall be provided from the opening to the driveway or other paved area leading to the kerbside.
- vi) For a single row of bins the minimum internal width of the storage area shall be 2750mm. For a double row of bins (along each side of the enclosure) the minimum width is 3500mm.
- vii) An area 600mm wide x 750mm deep shall be provided for each MGB.
- viii) Provision shall be made for 1 x 240L MGB (red lid garbage) for every two units AND 1 x 240L MGB (yellow lid bin) for every two units.
- ix) Roofed storage areas are generally discouraged except where overlooking is likely to occur from balconies above. Roofed storage areas shall be provided with ventilation panels in external walls.



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- x) A graded wash down point connected to the sewer is permitted in the floor of roofed storage areas.
  - xi) It is recommended that a lay by be constructed as close as possible to the waste storage area to allow residents leaving the premises to park briefly to utilise the storage area.
- 4) The storage area must be located in a position which is:
- i) Visibly unobtrusive from the street and compatible with the design of the main building.
  - ii) Easily accessible to dwelling occupants.
  - iii) Accessible to waste collection vehicles and operators (or adequately managed by the Body Corporate to permit relocation of bins to an approved collection point within 6m of the block where serviced by Council's contractor).
  - iv) Does not adjoin private open space, windows or clothes drying areas.
  - v) Is separated from any waste storage area provided for commercial activities which may also form part of the development.
- 5) Provision is to be made to allow collection of the waste either directly from the waste storage area or by transfer to a waste collection point. The collection point will be:
- i) Where street frontage and Workcover requirements permit by placement of mobile bins in line at the kerbside, or
  - ii) On site. Council may request written confirmation from a reputable waste contractor that the storage area and access to it are capable of being serviced by modern waste collection vehicles. Designers should be careful to ensure that heights to storage areas are not limited if bins are required to be collected by overhead lift vehicles.
- 6) Where waste bins are to be transferred to the street for collection, the Body Corporate or a caretaker must be responsible for the movement of bins to their collection point prior to collection and returned on same day of collection.
- 7) Waste storage area is to be no more than 6m from the front boundary.

## 2.3.6 Noise and Vibration

### Objectives

- 1) To ensure development provides for effective management of noise and vibration through effective siting, building design, materials and layout, construction and engineering techniques, operational management.
- 2) Where a proposed development includes an activity which may generate unreasonable noise or which may be affected by an existing noise source, an acoustic study is to be undertaken to establish noise levels and provide a mitigation strategy demonstrating the measures to be taken to effectively mitigate noise.
- 3) Noise sensitive developments such as dwellings should be designed to reasonably protect the proposed development from noise sources such as arterial roads, entertainment venues and the like.

### Controls

- a) Development should be designed to minimise the potential for offensive noise.

- b) Noise buffering should not be provided by high fences, garages or blank walls to public streets. Where screening by these or similar methods is the only practical solution, the screen should be no greater than 50% of the street frontage. Such screening should have visual interest and retain some surveillance from the building behind the screen's entries, windows or balconies when practical.
- c) Where proposed noise sensitive development may be affected by existing noise generators the development should be designed to incorporate adequate shielding from those noise sources.
- d) Entertainment venues, hotels, clubs, cinemas and the like, either licensed or unlicensed, should prepare a plan of management including provisions to:
  - i) Ensure patrons enter and leave the premises in a quiet and orderly manner whenever the premises are open to the public.
  - ii) Manage noise levels within the premises to prevent an unreasonable effect on the amenity of the locality.
- e) Commercial and retail developments, or mixed use developments, should have suitably located and designed goods delivery and garbage collection areas, vehicle entry and exits and other noise sources so that amenity of residents both within the development and in nearby buildings is reasonably protected.
- f) To ensure development is designed so noise and vibration from new businesses, light industrial and leisure/cultural/entertainment venues and other noise generating activities do not unacceptably affect the amenity of nearby residential and other noise or vibration sensitive uses.
- g) Home based businesses should not generate unreasonable levels of noise beyond their property boundary.

## 2.4 Contaminated Land Management

### 2.4.1 Introduction

This part of the development control plan applies to all development and outlines requirements relating to the use and/or development of land that is or may be contaminated. This part should be read in conjunction with the *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land, Contaminated Land Management Act 1997* and the *Queanbeyan Local Environmental Plan 2012*, Clause 7.1 - Earthworks.

### 2.4.2 Objectives

- 1) Enable Council to more adequately identify record and manage known and potentially contaminated land.
- 2) Provide direction for Council in the gathering and assessment of information in relation to previous land use activities that may have resulted in contamination.
- 3) Assist Council in the discharge of its functions and responsibilities in relation to existing and potential land contamination with reasonable care and due diligence to minimise potential risk to both public health and the environment.
- 4) Inform the community, particularly those interested or involved in the planning and development process, of Council's procedures relating to existing or potential land contamination.
- 5) Ensure that all stakeholders are aware of their responsibilities for the ongoing management of contaminated land.

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## 2.4.3 Controls

- a) All development involving contaminated land must be undertaken consistent with the requirements of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land*, *Contaminated Land Management Act 1997* and the *Queanbeyan Local Environmental Plan 2012*, Clause 7.1 - Earthworks.
- b) In determining all rezoning, subdivision and development applications, Council must consider the possibility of land contamination and the implications it has for any proposed or permissible future uses of the land.

### Operating Hours

- c) Any remediation work associated with land contamination shall be conducted within the following hours:

Monday-Friday      7am to 6pm

Saturday      8am to 1pm

No work is permitted on Sundays or Public Holidays

### Soil and Water Management

- d) All remediation works shall be conducted in accordance with a soil and water management plan. A copy of the plan shall be kept on-site and made available to Council Officers on request. All erosion and sediment measures must be maintained in a functional condition throughout the remediation works.

### Stockpiles

- e) No stockpiles of soil or other materials shall be placed on footpaths or nature strips unless prior Council approval has been obtained.
- f) All stockpiles of soil or other materials shall be placed away from drainage lines, gutter or stormwater pits or inlets. All stockpiles of soil or other materials likely to generate dust or odours shall be covered. All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours.

### Site Access

- g) Vehicle access to the site shall be stabilised to prevent the tracking of sediment onto roads and footpaths. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling or a means other than washing, on a daily basis or as required. Soil washings from wheels shall be collected and disposed of in a manner that does not pollute waters.

### Excavation Pump-Out

- h) All excavation pump-out water must also be analysed for suspended solid concentrations, pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant EPA and ANZECC standards for water quality.

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## Land Rehabilitation

- i) All exposed areas shall be progressively stabilised and revegetated on the completion of remediation works.

## Bunding

- j) All land farming areas for hydrocarbon contaminated soils shall be bunded to contain surface water runoff from the land farm areas and to prevent the leaching of hydrocarbons into the subsurface. All surface water discharges from the bunded areas to Council's stormwater system shall not contain detectable levels of TPH or BTEX.

## Vibration

- k) The use of any plant and/or machinery shall not cause vibrations to be felt or capable of being measured at any premises.

## Noise

- l) Any Category 2 remediation work undertaken shall comply with the *NSW Industrial Noise Policy* (EPA, 1999).

## Air Quality

- m) Dust emissions shall be confined within the site boundary. The following dust control procedures may be employed to comply with this requirement:
  - i. Erection of dust screens around the perimeter of the site;
  - ii. Securely covering all loads entering and exiting the site;
  - iii. Use of water sprays across the site to suppress dust;
  - iv. Covering all stockpiles of contaminated soil remaining more than 24 hours;
  - v. Keeping excavation surfaces moist; and
  - vi. Enclosure of dust generating activities.

## Odour

- n) No odours shall be detected at any boundary of the site during remediation works by an authorised Council officer relying solely on sense of smell. The following procedures may be employed to comply with this requirement:
  - i. Use of appropriate covering techniques such as the use of plastic sheeting to cover excavation faces or stockpiles;
  - ii. Reduction of stockpiles on site;
  - iii. Use of fine mist sprays;
  - iv. Use of a hydrocarbon mitigating agent on the impacted areas/materials; and
  - v. Adequate maintenance of equipment and machinery to minimise exhaust emissions.
- o) Records of volatile emissions and odours shall be logged, kept on-site and made available to Council Officers on request.
- p) Discharges from soil vapour extraction systems shall be regularly monitored in order to determine the mass of hydrocarbons that are being discharged to the atmosphere.
- q) Volatile or semi-volatile compounds that could generate odours include: monocyclic aromatic hydrocarbons (styrene, benzene, toluene, xylene, ethyl benzene, butyl

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benzene), polycyclic aromatic hydrocarbons (PAHs), hydrogen sulphide, hydrogen cyanide, pesticides, PCBs, and herbicides.

- r) Contingency measures for the collection and treatment of hydrocarbon offgas shall be put in place prior to the commissioning of the soil vapour extraction systems.
- s) All discharge vents from soil vapour extraction systems shall be located a minimum of 50 metres from any residential property boundary, road or recreational area.
- t) No material shall be burnt on-site.

## Ground Water

- u) A licence shall be obtained from the Department of Primary Industries for approval to extract groundwater under the provisions of Part V of the *Water Act 1912*.
- v) Groundwater shall be analysed for pH and any contaminants of concern identified during preliminary or detailed site investigation, prior to discharge to the stormwater system.
- w) The analytical results must comply with relevant EPA and ANZECC standards for water quality.
- x) Other options for the disposal of groundwater include disposal to sewer with prior approval from Council or off-site disposal by a liquid waste transporter for treatment / disposal to an appropriate waste treatment/processing facility.

## Transport

- y) All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site shall be selected to meet the following objectives:
  - i. Comply with all road traffic rules;
  - ii. Minimise noise, vibration and odour to adjacent premises;
  - iii. Utilise State Roads and minimise use of local roads.
- z) Category 2 remediation work shall ensure that all site vehicles:
  - i. Conduct deliveries of soil, materials, equipment or machinery during the following hours of operation:

Monday-Friday	7am to 6pm
Saturday	8am to 1pm
  - ii. Securely cover all loads to prevent any dust or odour emissions during transportation;
  - iii. Exit the site in a forward direction; and
  - iv. Do not track soil, mud or sediment onto the road.

## Hazardous Materials

- a) Hazardous and/or intractable wastes arising from the remediation work shall be removed and disposed of in accordance with all relevant State legislation.

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## Site signage and site security

- b) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access.
- c) This sign shall be displayed throughout the duration of the remediation works.
- d) The site shall be secured by means of an appropriate fence to ensure against unauthorised access.

## Community Consultation

- e) Owners and/or occupants of premises adjoining, and across the road, from the site shall be notified at least two days prior to the commencement of Category 2 remediation works.

## 2.5 Flood Management

### 2.5.1 Introduction

This part of the development control plan provides development controls and guidelines in respect of flood prone land in Queanbeyan. It applies to all development subject to flooding and/or subject to clause 7.2 of the Queanbeyan Local Environmental Plan 2012. This part should be read in conjunction with the NSW Government *Floodplain Development Manual (2005)*, and the *Queanbeyan Local Environmental Plan 2012*, clause 7.2 – Flood Planning.

### 2.5.2 Relationship to Other Plans, Policies and the Like

The [New South Wales Floodplain Development Manual 2005](#) applies to land in the Flood Planning Area.

The applicable clause from the *Queanbeyan Local Environmental Plan 2012* is clause 7.2 – Flood Planning.

### 2.5.3 Objectives

The objectives of this plan are -

- 1) To reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce private and public losses resulting from flooding.
- 2) To encourage construction and development which is compatible with the flood risk of the area.
- 3) To ensure that buildings and other structures built in flood liable areas are designed and constructed to withstand the likely stresses of the 100yr flood.
- 4) To minimise the flood risk to life and property associated with the use of land,
- 5) To allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
- 6) To avoid significant adverse impacts on flood behaviour and the environment.

### 2.5.4 Definitions

'Flood Planning Area' means all land below the Flood Planning Level.

'Flood Planning Level' means the level of the 1:100 ARI (average recurrence interval) flood event plus 0.5 metre freeboard as shown in blue on Map 1.

'Floodway' means the area identified in red on Map 1.

### 2.5.5 Controls for Flooding

### 2.5.6 Land within Flood Planning Area

#### Objectives

- 1) To ensure development is compatible with the flood risk of the area.

#### Controls

- a) All development shall be subject to the following conditions:
  - i) Stream Flow Forces - A certificate from a suitably qualified Engineer will be required to show that all piers and other portions of the structure which are subject to the

force of flowing water or debris has been designed to resist the stresses thereby induced.

- ii) Foundations - A certificate from a suitably qualified Engineer will be required to show that forces transmitted by supports to the ground can be adequately withstood by the foundations and ground conditions existing on the site.
  - iii) Hydraulic Effects - A certificate from a suitably qualified Engineer will be required to show that the structure as designed will have virtually no effect on the flood levels at or upstream from the site of the subject building and will have no increase in stream velocity downstream of any part of the structure which will cause erosion or instability to any other structure or to the ground surface. If scouring is likely to occur the method of controlling such scourings is to be documented.
- b) Commercial/Industrial
- i) Floor Level – The floor level of any approved building shall not be sited more than 2m below the flood planning level set for such site provided that the floor area equivalent to 25% of the whole floor area of the building is sited at or above the flood planning level for such site. Electrical power connections, switch boards and transformers are to be set above the flood planning level. Floors will be self - draining after flood events.
  - ii) Access - means of escape shall be provided from premises constructed in designated flood planning area. Escape doorways from floors sited below the flood planning set for such site shall be the inwards opening type and access from the premises shall be via gradually rising ground, free from traps, (i.e. deep areas not discernible during inundation) to areas above the designated flood level. Means of escape shall also be provided from any floor sited less than 4.5 metres above the flood planning level by means of a large window opening onto an area of external wall away from the electricity connection to the building and free of projections which may prevent a rescue boat from approaching such flood escape window. Access doors and windows to be used during flood events are to be clearly marked by means of a suitable sign.
- c) Residential including Motels
- i) Floor Levels – All residential units shall be constructed so that their floor levels are at or above flood planning level.
  - ii) Access – All residential units shall be provided with an access at a level no lower than the 800mm below the flood planning level to firm ground at the same level at a place where rising ground access is available to flood free areas. In the event that a raised path is provided, a guide rail or handrail shall be provided thereto.
- d) Residential development – extension to existing dwelling
- i) Extensions with a floor area up to 30m<sup>2</sup> may be approved with floor levels below the flood planning level if the applicant can demonstrate that:
    - no practical alternative exists, and
    - the level of hazard will not increase.
- e) Existing buildings other than residential buildings set at levels below the flood planning level shall not be extended unless such extensions comply with this policy.
- f) No site shall be filled to a level higher than 2 metres below the flood planning level of such site.
- g) Dangerous Substances – The following items and products are extremely vulnerable to flood conditions. Their use in quantities, other than for isolated or occasional



household use, is prohibited from a designated flood area. Industrial, storage and retailing businesses dealing with these products shall not be permitted within the designated flood area:

- Acetone, Celluloid, Magnesium, Ammonia, Chlorine, Nitric Acid, Benzene, Petrol, Phosphorus, Sodium, Sulphur, Potassium, Carbon, Disulfide, Hydrochloric Acid.
- h) In the event of a dwelling or residential flat building located within floodway areas being destroyed by fire or flood, the Council will consider an application for the rebuilding, only if sufficient funds are not available to purchase the subject land by Council. In determining the value of the land, Council will seek to derive a land value which will assist the landowner in acquiring an alternated flood free building site.
- i) Should the building be damaged, even significantly, Council would permit their rebuilding and repair.

**Note:** Council advises that although the flood planning area is based upon the 1:100 year occurrence plus 0.5m freeboard, floods of frequency greater than this frequency may at times be experienced.

## 2.5.7 Floodways

### Objectives

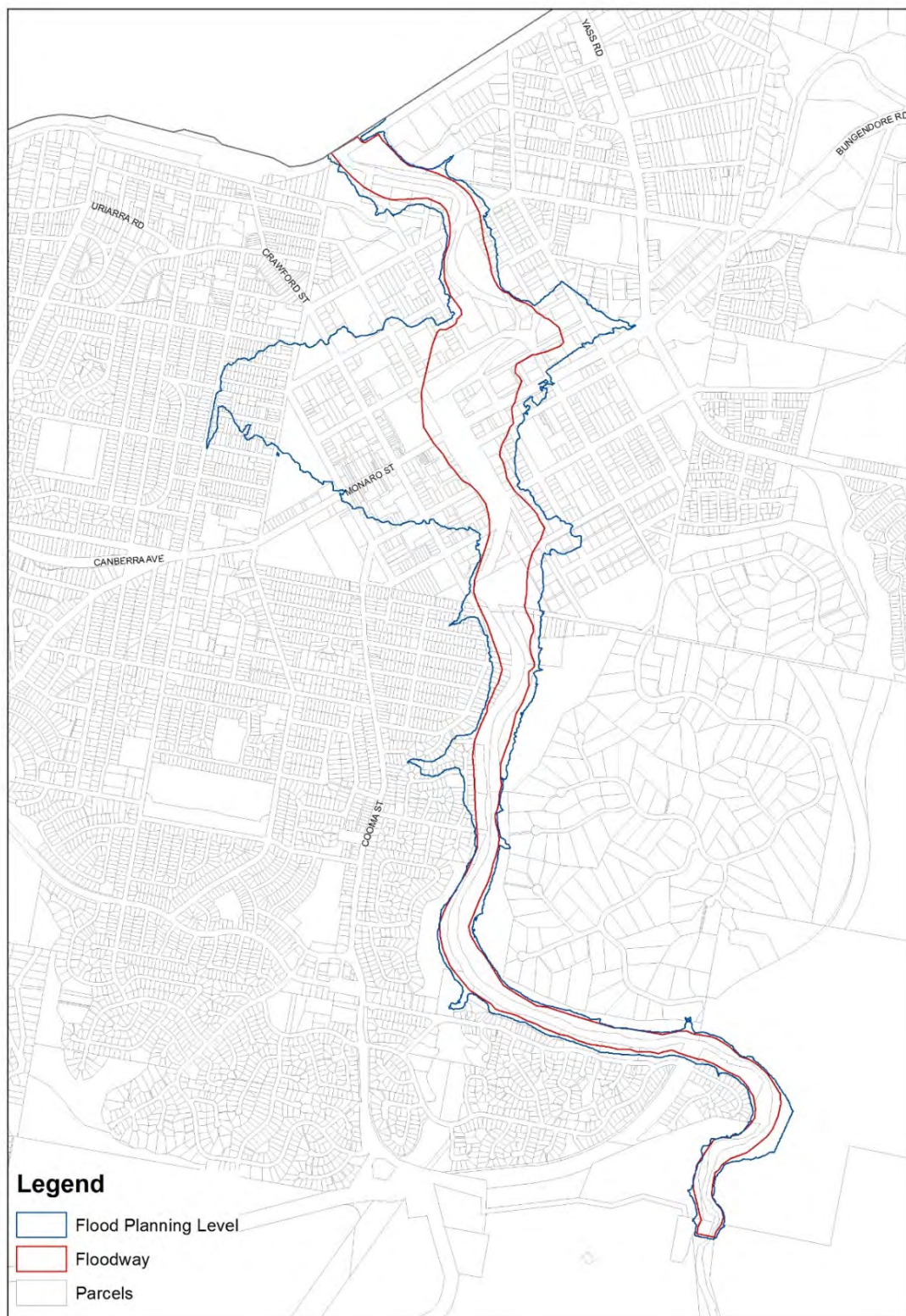
- 1) To ensure that development is sited and designed to minimise potentially adverse impacts of flooding on the proposed development, or on other properties.
- 2) To ensure that measures are implemented to reduce the impact of flooding and flood liability on owners and occupied.

### Controls

- a) The erection of new residential buildings and overnight accommodation buildings will not be supported in the floodway.
- b) The erection of Commercial/Industrial buildings (excluding overnight accommodation buildings) are permitted subject to the following conditions:
  - i) Clearance - the underside of the floor beams are to be set at a height sufficiently distant above the flood planning level to allow for the passing of any debris expected within the Queanbeyan River. The space below the floor beams shall be clear and not enclosed by walls or curtain walls which will prevent the easy inundation and flows through that area.
  - ii) Stream Flow Forces - A certificate from a suitably qualified Engineer will be required to show that all piers and other portions of the structure which are subject to the force of flowing water or debris has been designed to resist the stresses thereby induced.
  - iii) Foundations - A certificate from a suitably qualified Engineer will be required to show that forces transmitted by supports to the ground can be adequately withstood by the foundations and ground conditions existing on the site.
  - iv) Hydraulic Effects - A certificate from a suitably qualified Engineer will be required to show that the structure as designed will have virtually no effect on the flood levels at or upstream from the site of the subject building and will have no increase in stream velocity downstream of any part of the structure which will cause erosion or instability to any other structure or to the ground surface. If scouring is likely to occur the method of controlling such scourings is to be documented.



**Map 1: Flood Planning Area and Floodway**



## 2.6 Landscaping

### 2.6.1 Introduction

This part of the development control plan outlines requirements and procedures for landscape planning and design for development sites. This part seeks to ensure that new development enhances Queanbeyan by reinforcing the City's heritage and character, protecting the natural environment and improving the quality of the environment for the community. This part of the development control plan applies to all development in the Queanbeyan LGA previously regulated through DCP 42: Landscape Policy.

### 2.6.2 Relationship to Other Plans, Policies and the Like

This element must be read in conjunction with the part of the DCP relevant to the specific development zone.

### 2.6.3 Objectives:

- 1) Landscape plans to reflect good quality design and construction works to be of a high standard and in accordance with approved plans.
- 2) Landscape consultants and landscaping contractors, accredited by Council, to prepare plans and implement landscaping works.
- 3) Landscape design to be considered in association with proposed works, building and subdivision design as early as possible.
- 4) A living and working environment which is pleasant and safe to all people.
- 5) The guidelines to establish a framework for Council accredited landscape consultants to prepare landscape plans.
- 6) The guidelines to establish a framework for Council accredited landscape contractors to implement landscaping works;
- 7) The guidelines to set out requirements for consultants and contractors to register with Council; and
- 8) The guidelines for suspension, removal and withdrawal of consultants and contractors from registration with Council.

### 2.6.4 When is a Landscaping Plan Required?

Council requires the submission of a landscape plan for most development proposals.

For proposals with a scale or intensity greater than a single house in a residential zone, or minor industrial or minor commercial type development, a landscape consultant will be required to prepare landscaping plans to be submitted with a development application and a landscape contractor will be required to carry out the work on the approved plans.

Table 7 (over) summarises when a landscaping plan is required. It lists various development types and the types of landscaping plans that are expected to accompany a development application submission. The table also identifies the accreditation category level required by people preparing plans and people constructing the landscaping works depending on the development type. Consultants and contractors must be accredited by Council to undertake relevant work. Categories of Development

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There are two categories of development which determine the type and level of professional and practical experience required before a landscape consultant can prepare plans and a landscape contractor can carry out the works:

## **Category 1 Development**

Developments within Category 1 are small developments with potential visual significance.

## **Category 2 Development**

Developments within Category 2 are mid-range to large scale development with prominent visual significance.

**Council cannot recommend nor guarantee the quality of the work or workmanship of those listed on the Landscape Consultant/Contractor register.**

**Council recommends the developer, in selecting their landscape contractor, make enquiries as to the experience and workmanship of various consultants/contractors and view their relevant public liability and professional indemnity insurance cover.**

### **2.6.5 Who Can Prepare a Landscape Plan and Who Can Construct the Works?**

All landscape consultants/contractors need to formally apply to Council for inclusion on the Landscape Consultant/Contractor Register prior to undertaking any plan preparation or contract work.

### **2.6.6 How Can People Become Registered so they can Prepare Plans and/or Construct Works?**

- 1) Applicants should submit the required documentation as follows:
- 2) Completed application form.
- 3) Evidence of qualifications and experience
- 4) Resume and record of practical experience including addresses and/or contact details of owners or professionals willing to provide references.
- 5) Evidence of Australian residency if required.

Application forms are available by mail, over the counter or downloadable from Council's web page.

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**Table 4 – When is a landscaping plan required and who can prepare one?**

Development Type	Required plans to accompany DA	Plans prepared by land owner/ proponent/ other	Plans prepared by accredited landscape consultant		Construction implemented by accredited landscape contractor	
			Category 1	Category 2	Category 1	Category 2
Dwelling Houses (within the Scenic Protection Area identified in the QLEP 2012)	Landscape Plan	✓				
Secondary Dwellings	Landscape Plan	✓				
Development comprising 2 dwellings	Site Analysis Plan		✓		✓	
	Landscape Plan		✓			
Development comprising 3 - 9 dwellings	Site Analysis Plan		✓		✓	
	Landscape Plan		✓			
Development comprising 10 or more dwellings	Site Analysis Plan			✓		✓
	Landscape Plan			✓		
Industrial type development (generally large development) (except as described below)	Site Analysis Plan		✓		✓	
	Landscape Plan		✓			
Industrial type development (generally small development)	Landscape Plan	✓				

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Development Type	Required plans to accompany DA	Plans prepared by land owner/ proponent/ other	Plans prepared by accredited landscape consultant		Construction implemented by accredited landscape contractor	
			Category 1	Category 2	Category 1	Category 2
Change of use, eg a change to a less intensive use or does not alter;  Refurbishment  Extension to existing development; and  The like						
Educational Establishments, Tourist Facilities, Child Care Centres, Hospitals & the like	Site Analysis Plan  Landscape Plan			✓  ✓		✓
Commercial premises – Change of Use	Landscape Plan	✓				
Commercial premises where additional floor areas and/or car parking is required	Site Analysis Plan  Landscape Plan		✓  ✓		✓	
Subdivision where land includes future public nd	Site Analysis Plan  Landscape Plan			✓  ✓		✓



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Development Type	Required plans to accompany DA	Plans prepared by land owner/ proponent/ other	Plans prepared by accredited landscape consultant		Construction implemented by accredited landscape contractor	
			Category 1	Category 2	Category 1	Category 2
Development within the Scenic Protection Area identified in the QLEP 2012 (except as described above)	Site Analysis Plan  Landscape Plan		✓  ✓		✓	

Notes:

For development that is not covered sufficiently in the table contact Council.

Category 1 work can be constructed by category 1 or category 2 landscape contractor.

Construction implemented by category 2 landscape contractor should be in accordance with landscape plans prepared by category 2 landscape consultant.

Category 2 work shall be certified by a category 2 landscape consultant.



## 2.6.7 What are the Eligibility Criteria for Inclusion on Council's Landscape Consultant/Contractor Register?

Eligibility criteria for landscape consultants and landscape contractors are outlined in Tables 5 and 6 respectively.

Landscape consultants need to demonstrate professional design and documentation standards commensurate to the nature, scope, scale or type of development and landscape contractors need to demonstrate their experience for accreditation by Council.

**Table 5 Eligibility Criteria for Landscape Consultants**

Category 1	Category 2
<p>To be eligible for inclusion on Council's Category 1 Landscape Consultant/Contractor Register, the landscape consultant must meet one of the following criteria:</p> <p>Academic:</p> <p>Bachelor of Landscape Architecture or a Master of Landscape Architecture</p> <p>Associate Diploma in Landscape Design</p> <p>Diploma in Horticulture</p> <p>Degree in Environmental Science</p> <p>OR Professional membership</p> <p>The qualified person should be eligible for full membership of the Australian Institute of Landscape Architects, or other landscape professional institute.</p> <p>Merit Based Eligibility</p> <p>If the applicant does not have the above qualifications or is not eligible for membership then the following standard of experience may form the basis of a merit based eligibility:</p> <p>Experience</p> <p>Academic qualifications in a related design profession and eligibility for full professional membership or the related design professional institute and demonstrated 5 years experience in undertaking site analysis and landscape plan preparation.</p>	<p>To be eligible for inclusion on Council's Category 2 Landscape Consultant/Contractor Register, the landscape consultant must meet the following academic criteria, or have professional membership and meet the minimum experience:</p> <p>Academic</p> <p>Bachelor of Landscape Architecture or a Master of Landscape Architecture</p> <p>OR Professional membership</p> <p>The qualified person should be eligible for full professional membership of the Australian Institute of Landscape Architects, or other landscape professional institute.</p> <p>AND</p> <p>Demonstrated knowledge and understanding of the Queanbeyan Local Environmental Plan (LEP) and related documents and three (3) years experience in project supervision.</p>

**Table 6 - Eligibility Criteria for Landscape Consultants (Continued)**

<b>Category 1</b>	<b>Category 2</b>
<p>To be eligible for inclusion on Council's Category 1 Landscape Consultant/Contractor Register the landscape contractor must meet one of the following criteria:</p> <p>The contractor should be eligible for membership of the Landscape Contractors Association of NSW or other Australian landscape contractors' institute.</p> <p>AND</p> <p>Demonstrate a minimum of 2 years of practical experience in landscape construction work.</p> <p>OR Merit Based Eligibility</p> <p>Alternatively, the applicant may apply for merit based eligibility as outlined below:</p> <p>Experience</p> <p>Demonstrated experience in landscape construction for a minimum period of 3 years,</p> <p>Demonstrated understanding of environmental considerations applicable to the City of Queanbeyan,</p> <p>Demonstrated understanding and experience in the interpretation of landscape plans.</p>	<p>To be eligible for inclusion on Council's Category 2 Landscape Consultant/Contractor Register the landscape contractor must meet one of the following criteria:</p> <p>The contractor should be eligible for membership of the Landscape Contractors Association of NSW or other Australian landscape contractors' institute, eg Australian Institute of Landscape Designers and Managers.</p> <p>AND</p> <p>Demonstrate a minimum of 4 years of practical experience in landscape construction work.</p> <p>OR Merit Based Eligibility</p> <p>Alternatively, the applicant may apply for merit based eligibility as outlined below:</p> <p>Experience</p> <p>Demonstrated experience in landscape construction for a minimum period of 5 years,</p> <p>Demonstrated understanding of environmental considerations applicable to the City of Queanbeyan,</p> <p>Demonstrated understanding and experience in the interpretation of landscape plans.</p> <p>Demonstrated experience in:</p> <p>Contract and sub-contract administration and</p> <p>Project co-ordination</p>

## **2.6.8 What are the Procedures for Accrediting People for Inclusion on the Landscape Consultant/Contractor Register?**

Individuals will be assessed and accredited according to their qualifications/practical experiences.

Council delegate/s will assess applications seeking accreditation on the Landscape Consultant/Contractor Register. During the initial set up period, inspections will be undertaken to assess landscape plans submitted by each individually registered landscape consultant.

**Note:** Individuals who apply for a Category 2 accreditation but fail to meet these requirements will automatically be considered for a Category 1 accreditation subject to reassessment.

Council's Landscape Consultant/Contractor Register will be maintained by Council with an up to date list of registered landscape consultants and contractors. This list will be available for public use via request and on Council's web page.

Any disputes regarding the Council accreditation process will be determined by Council's Development Control Unit (or equivalent) on recommendation of the Service Manager of Urban Landscapes.

## **2.6.9 What are the Responsibilities and Requirements of Landscape Consultants and Landscape Contractors?**

The landscape contractor is to notify the landscape consultant that works have been completed, who in turn, will certify that landscape works have been completed in accordance with the approved landscape plan. The landscape contractor and consultant must then complete and sign a "Statement of Completed Landscape Works" form and submit it to Council prior to the issue of a Final Occupation Certificate. This form can be downloaded from Council's website.

If work is not completed by the landscape contractor in accordance with the landscape plan the landscape consultant is to enforce rectification of the landscaping works until satisfactory completion. If there is still a problem with the landscape contractor once all procedures are followed, the landscape consultant is to notify Council of this and the landscape contractor will be considered for a period of suspension from the Landscape Consultant/Contractor Register prior to complete removal if repeat occurrences of unsatisfactory works are carried out.

The "Statement of Completed Works" form should not be completed by the landscape consultant until landscape works are completed in accordance with the approved landscape plan, otherwise the landscape consultant may be considered for a period of suspension from the Landscape Consultant/Contractor Register prior to complete removal.

### **Note:**

- 1) The "Statement of Completed Landscape Works" form must not be altered in any way.
- 2) An accredited landscape consultant must be engaged for the duration of the project and until Council receives notice of the "Statement of Completed Landscape Works".

If the employed landscape consultant ceases to exist at the time of the completion of landscape works or their engagement is terminated, then another Council accredited landscape consultant must be engaged to certify the completion of landscape works in accordance with the approved landscape plan and Council notified immediately.

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An accredited consultant may hand over work to another accredited consultant only with Council consent.

## **2.6.10 Suspension and Removal from the Register**

Inspections to assess landscape “works as executed” will be undertaken periodically by Council. It is recommended that on completion of the landscape works photographic evidence is taken to substantiate that work has been completed in accordance with the approved plans.

If it is found that work is not being undertaken according to the approved landscape plan the individual will be notified in writing and may be subject to a period of suspension followed by removal from the Landscape Consultant/Contractor Register.

The period of suspension will be imposed in the following stages:

1st instance of non-compliance with this Policy: Notice of Warning.

2nd instance of non-compliance with this Policy: Written notification of 6 months suspension from Council’s Landscape Consultant/Contractor Register and possible penalty infringement notice issued to the developer under the provisions of the Environmental Planning and Assessment Act 1979 (as amended).

3rd instance of non-compliance with this Policy: Written notification of permanent removal from Council’s Landscape Consultant/Contractor Register.

Council will not accept any new landscape plans associated with a new Development Application from a suspended landscape consultant during this period. However the landscape consultant will be able to complete outstanding jobs where landscape plans have already been approved by Council.

On completion of the period of suspension the landscape consultant/contractor shall automatically be accepted as registered again and a letter to notify the completion of the period of suspension will be sent.

## **2.6.11 General Advice**

Depending on the complexity of the proposed development, landscape consultants may in some cases be requested as a condition of development consent to supervise the construction of the landscape works (by a Council accredited landscape contractor). It is advisable to refer to the Notice of Determination and Schedule of Conditions of Consent.

A Final Occupation Certificate shall not be issued by the Principle Certifying Authority until such time as the “Statement of Completed Landscape Works” is signed by the landscape consultant and contractor and accepted by Council.

## 2.6.12 Requesting Bonds for Public Land

A bond may be requested as a condition of development consent to protect and if necessary rehabilitate public land.

Where a bond has been submitted for the protection of public land; a Council Officer from Parks and Recreation shall undertake an inspection prior to landscape work beginning to assess the current condition. It is recommended that photographic evidence be taken to show the current condition of public land which will allow an accurate comparison for rehabilitation to be made on completion of landscape works.

On completion of landscape works an inspection must be undertaken by a Council Officer from Parks and Recreation to reassess the condition of public land and if not satisfied the area has been protected in its either former condition or necessary rehabilitation undertaken, bond monies may be used to rehabilitate the land to its former state.

Criteria for Requesting a Bond Concerning Public Land:

- 1) Where access/egress is required for vehicles/machinery through public land which may affect the current soft landscaping e.g., traffic wear in grass, soil erosion, etc.
- 2) Where landscaping works impact on the surrounding trees within public land eg, root disturbance, changes of soil level, structural damage, threat of tree removal/pruning.
- 3) Where landscaping works will impact on the immediate habitat within public land eg, endangered/protected species.

## Landscaping Controls

### 2.6.13 Landscape requirements for courtyards in multi dwelling housing

#### Objectives

- 1) To ensure courtyards in multi dwelling housing are landscaped to achieve good amenity, enhance the open space areas and achieve stormwater infiltration.

#### Controls

- a) No more than 50% of the Private Open Space area is to comprise paving with the remaining area being landscaped with suitable plant material in garden beds. Under no circumstances will fully concreted or mulched areas of POS areas be accepted.
- b) The pavement materials used in the courtyards must generally be constructed of porous pavement materials. If concrete slabs are to be used, they should drain directly to a garden bed or stormwater pit.
- c) Where courtyard walls are permitted in front of the existing multi unit developments or where an existing dwelling is retained in front of proposed multi unit developments a 2 metre landscape setback resulting in a minimum 4 metre width courtyard behind the wall.

### 2.6.14 What Should Be Submitted With a Development Application?

- 1) Written declaration

The landscape plan for Category 1 works shall be accompanied by a written declaration stating that the landscape design was prepared by the accredited landscape consultant.

The landscape plan for Category 2 works shall be accompanied by:

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- a) Statement of design intent which reflects how the proposed landscape proposal meets the relevant objectives of Queanbeyan's LEP 2012, Development Control Plans and related documents.
- b) Written declaration stating that the accredited landscape consultant prepared the plan.

## 2) Landscape Proposal

Council requires submission of a Site Analysis Plan and/or Detailed Landscape Plan, as listed in Table 1 to demonstrate the full and advanced understanding of:

- a) the existing site and its landscape features;
- b) the existing surrounding land use and neighbourhood character;
- c) the influence the existing and any proposed development may have on the amenity of the area; and
- d) future proposed surface treatment of the open space created by the development proposal.

When submitting applications for development approval the following information is required according to the type of development and the level of impact on the site and its surrounding environment:

### Detailed Landscape Plan

The landscape plan shall be concise, detailed, and suitable for tendering, contract and subsequent construction. Detailed landscape plans must be approved as part of the development consent. Substantial changes will require either a new Development Application or other approval for variation.

Information required for a detailed landscape plan: (Address where necessary and appropriate):

## 3) Elements of the natural environment

- a) Natural elements to be retained and/or removed including plants, habitats, rock platforms, other natural features
- b) Existing and proposed underground and overhead services and potential effect on canopy or root system
- c) Vegetation Management Plan that details methods proposed to protect vegetation during and after completion of the construction works
- d) Where these natural elements are to be relocated or removed the plan will justify this action

## 4) Management of Water on the Site (Preparation of a Soil, Water and Vegetation Management Plan)

- a) Protection from detrimental upstream effects
- b) Surface and subsurface site drainage details and location of pits, lines and water detention systems
- c) Impact of development on the volume of stormwater runoff leaving the site and the expected volume
- d) Measures to ensure that water leaving the site meets the water quality standards particularly during demolition and construction.
- e) Measures proposed to minimise water consumption, irrigation layout and/or tap location

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- 5) Ground treatments
  - a) Proposed design levels showing that changes of level will not have an adverse effect on the plants and natural features
  - b) Preparation, types and depths of existing and proposed soils
- 6) Soil and Erosion and sedimentation control plan showing measures to protect the site and adjoining land from erosion and to control sedimentation during and after construction period
- 7) Site layout
  - a) Details for special treatments (weed eradication, creek banks, roof gardens)
  - b) Location of utility areas and screening details (eg garbage and recyclable areas, play areas, common open space, staff recreation areas),
  - c) Location and details of lighting and other outdoor fixtures
- 8) Built structures
  - a) Existing and proposed buildings and other structures(including finished levels)
  - b) Roadways, driveways, carparks and other hard surface areas
  - c) Existing and proposed walls, fences and retaining walls (including materials, height and levels)
  - d) Overshadowing caused by proposed built structures
- 9) Plant selection
  - a) Plant layout plan showing location of species, size, maturity including street trees, trees on site, shrubs, groundcovers, grasses,
  - b) Planting schedule with botanical and common names, whether deciduous or evergreen and local, native, exotic species, container size, quantities, and staking and tying requirements for all species nominated
- 10) Construction detail
  - a) Standard construction and detail drawings (eg. sections through mass planting beds, tree planting and mulching details, paths, steps, retaining walls)
  - b) Detailing and location of all edge treatments (eg. concrete, brick, timber)
- 11) Construction site management
  - a) Noise and dust management
  - b) Storage of construction and landscaping material
  - c) Storage, handling and use of Dangerous and Hazardous goods and the disposal of containers
  - d) Emergency procedures (eg. materials, spill and pollution control, site flooding and mop-up)
- 12) Waste management plan that details daily waste and litter management and details of the reuse, recycling or disposal or excavated material, demolition and waste from builders and other contractors.
- 13) On-going maintenance
  - a) Replacement strategy for failures in plant material and built works
- 14) Maintenance schedule for watering, weeding and fertilising if required, of plants, for successful establishment for 12 months.



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- a) Methods to deal with green waste (eg mulching to reduce weed and herbicide use)

## 2.6.15 Plans

In some instances 'typical' details and/or 'typical' sections to illustrate design detailing ~~is~~ **are** useful to include (eg. planting detail, cut and fill, fencing and retaining walls on boundaries).

A landscape plan for Category 2 work shall be accompanied by a statement of design intent which reflects how the proposed landscaping meets the relevant objectives and provisions of the applicable LEP's, DCP's and the Site Analysis Plan, where appropriate.

## 2.7 Erosion and Sediment Control

### 2.7.1 Introduction

Sedimentation from development sites is a major pollutant for watercourses and drainage systems, causing significant environmental damage as it results in phosphorous, micro-organisms, and chemicals polluting waterways. It is therefore imperative to ensure that when a site is developed appropriate measures are implemented to prevent loss of sediment and to rehabilitate the site through interim and long term measures. To this end one of two kinds of plans is to be submitted with all development applications which require disturbance to soil:

- An Erosion and Sediment Control Plan; or
- A Soil and Water Management Plan.

Table 1 sets out the broad categories of type of development and the type of plan required. The requirements should be confirmed with Council at a pre lodgement meeting.

**Table 6 - Erosion and sediment control plan by activity type**

Area of disturbance	Nominal type of activity	Type of plan
<250m <sup>2</sup>	House extensions, small driveways and garages	Consult with Council as to whether a plan is required or not
250m <sup>2</sup> – 2,500m <sup>2</sup>	Most houses, long driveways, commercial developments, small subdivisions (less than 10 lots), small medium density housing, small civil works	Erosion and Sediment Control Plan
>2,500m <sup>2</sup>	Large subdivisions (more than 10 lots) large medium density housing and large civil works	Soil and Water Management Plan including calculations relating to the need for a sediment basin

### 2.7.2 Erosions and Sediment Control Plans

The Erosion and Sediment Control Plan shall include but not be limited to:

- a recognised scale, appropriate to the site



- a locality plan showing site boundaries and roads
- existing vegetation including what is to be retained
- existing and proposed site drainage, including any dams or artificial wetlands to be used
- contours and slope gradient – with particular attention being given to slopes of greater than 10%
- nature and extent of proposed earthworks, including cut and fill
- location of roads, driveways, access-ways and all impervious surfaces
- location of stockpiles
- erosion control measures
- sediment control measures
- details of site vegetation
- outline of the maintenance program for erosion and sediment control measures
- name of person responsible for implementing the plan
- supporting information may be required to be submitted with the Plan detailing:
  - any areas that may have the potential for serious erosion or sedimentation and the proposed management details
  - a brief description of the overall site rehabilitation program
- a plan showing how much Virgin Excavated Natural Material (VENM) the site will generate and the disposal method for waste VENM.

### 2.7.3 Soil and Water Management Plans

A Soil and Water Management Plan is to include all the matters required for an Erosion and Sediment Control Plan as well as the following information (as relevant):

- An assessment of the site constraints as per chapter 3 of the NSW Landcom publication titles *Managing Urban Stormwater: Soils and Construction Vol. 1 4th ed. March 2004* (Blue Book)
- location of lots, public open space, stormwater drainage systems, schools, shopping/community centres
- the location of land designated or zoned for special uses
- existing site contours
- the location and general diagrammatic representations of all sediment control measures
- location and engineering details with supporting design calculations for all necessary sediment basins
- location and basic details of any other facilities proposed to be included as part of the development or works, such as constructed wetlands, gross pollutant traps, trash racks or trash collection/separator units or water sensitive stormwater treatment measures (such as bio retention systems, vegetated swales and infiltration measures)
- a plan showing how much Virgin Excavated Natural Material (VENM) the site will generate and the disposal method for waste VENM.

A self-auditing program should be established for the site in accordance with chapter 8 of the Blue Book.

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The above plans should be prepared in accordance with the NSW Landcom publication titles *Managing Urban Stormwater: Soils and Construction Vol. 1 4th ed. March 2004* (Blue Book) and in particular chapter 7 of the Blue Book.

**Note: Where there is an inconsistency between this DCP and the Blue Book, the Blue Book shall prevail.**

## **2.7.3.1 Consultation with Council and Other Government Authorities.**

Consultation throughout the entire process is also necessary with the Council and other Government Authorities such as the NSW Office of Environment and Heritage (Soil Conservation Service) and the NSW Environment Protection Authority. The ACT authorities must also be consulted when stormwater discharges into environmentally sensitive areas of the ACT.

### **2.7.3.1.1 Specific Requirements for the Subdivision of Land Objectives**

To minimise the impact of site clearance.

#### **Controls**

- 1) Where subdivision involves site clearing the following principles apply:-
  - i) clearing and reshaping of land is to be integrated with layout design and the retention of vegetation. Consequently clearing is to be limited to the minimum.
  - ii) all cleared lands including those cleared prior to any subdivision works should be stabilised if they are to remain exposed for more than 14 days. Stabilisation includes the use temporary vegetation and mulch;
  - iii) each stage is to be progressively revegetated as it is completed;
  - iv) in most circumstances stick rakes are to be used for clearing in lieu of a dozer blade for minimal disturbance of topsoil; and
  - v) in critical areas and in vicinities close to drainage reserves, waterways and buffer areas, there should be the retention and stockpiling of small branches, leaf matter and other particulate residues collected from the disturbed areas which can be spread over disturbed soils as part of rehabilitation works.
- 2) Topsoils should be stripped from the areas that need to be disturbed and stockpiled for re-vegetation purposes after construction.
- 3) Other details to be included in the SWVM Plan shall detail:
  - i) Any temporary diversion works;
  - ii) Any temporary erosion and sediment control structures;
  - iii) Any permanent sediment and pollution control structures;
  - iv) Any other stormwater drainage facilities.

## **2.7.3.2 General Requirements**

### **Objectives**

- 1) To provide for rehabilitation and revegetation works.

#### **Controls**

- a) vegetation is not to be removed from the site until a start is imminent and then only for the areas approved by Council for the building, driveway and other hardstand areas;

- b) during excavation, vegetation above and below the cut and fill areas are to be retained as far as practicable;
- c) haybales (or other approved soil erosion control materials) are to be placed above and below the excavated site and along the sites boundaries;
- d) drainage channels are to be provided above and below the cut and fill area to minimise water entering the excavation;
- e) all excavated material is to be stockpiled and soil stockpiles must be stored within the approved areas of the site which are also protected by haybales or similar);
- f) all excess material is to be removed immediately after excavation;
- g) all materials delivered to the site are to be located within its surveyed boundaries and within areas protected by haybales or similar. Under no circumstances are materials to be stored on the footpath, roadway or on adjoining land;
- h) permanent measures for stormwater disposal are to be constructed and be operational as soon as the roof is finished;
- i) All SWVM measures are to be checked after rain and be maintained in working order;
- j) only one entry and exit is to be provided to each site with the maximum widths being
  - i) residential allotments - 4m; and
  - ii) commercial/industrial - by arrangement with Council's City Infrastructure Division, but generally not to exceed 6m.
- k) each entry/exit is to be constructed of a minimum depth of 100mm thick blue metal dust or other approved material;
- l) all sewer, water and drainage line trenches are to be backfilled within 24 hours of inspection and approval by Council;
- m) upon completion topsoil is to be respread, bare areas are to be revegetated and all waste building materials is to be properly disposed of;
- n) other general requirements include:
  - i) all work required to meet this Development Control Plan is to be at the owner/applicants full cost;
  - ii) any damage caused by the owner/applicant or his agent to any drainage structure, kerb and gutter, road pavement, concrete footway, water meter, or grassed footway is to be repaired at the owner/applicants full cost; and
  - iii) no material shall be placed in gutters to provide temporary accesses onto allotments.

## 2.8 Guidelines for Bushfire Prone Areas

### 2.8.1 Introduction

This part of the development control plan outlines the requirements for subdivisions and buildings in Bushfire Prone Areas and applies to all development in the Bushfire Prone Area. This part should be read in conjunction with the NSW Rural Fire Service's *Planning for Bushfire Protection 2006*.

### 2.8.2 Relationship to Other Plans, Policies and the Like

The NSW state policy for bushfire is *Planning for Bushfire Protection 2006*, which this element must be read in conjunction with.

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The applicable clause of the *Queanbeyan Local Environmental Plan 2012* is clause 5.11- Bushfire hazard reduction

Council's Bushfire prone land map as referred to in this element is available from Council.

## 2.8.3 Objectives

- 1) To ensure that all new allotments and buildings have measures sufficient to minimise the impact of bushfires.
- 2) To minimise the impact of fire protection measures on vegetation, fauna, views, watercourses and soil erosion, amenity and access.
- 3) To identify the potential bushfire threats to individual sites.
- 4) To reduce the risk to property and the community from bushfire.
- 5) To ensure that bushfires protection is afforded to all new building allotments and the likely future improvements.

## 2.8.4 Potential Bushfire Threat

Council's Bushfire Hazard Map identifies sites within the Queanbeyan Palerang LGA that are exposed to bushfire threat. The level of threat associated with individual sites varies throughout the Queanbeyan Palerang LGA depending on site specific factors such as; slope, types of vegetation and distances to vegetation on and around surrounding sites. The level of bushfire threat for an individual site will be assessed and determined during the development assessment process. The assessment will identify the standards relating to design and construction of buildings, as well as landscaping and management of vegetation on individual sites.

## 2.8.5 Planning For Bushfire Protection

All development on Bush Fire Prone Land must satisfy the aim and objectives of *Planning for Bushfire Protection 2006*. Applicants must demonstrate to the Rural Fire Service and Council that the proposal satisfies the broad aim and objectives of Planning for Bush Fire Prone Land, specific objectives for the development type and the performance criteria for the various proposed bushfire protection measures. Applicants are advised to consult the following publication: "*NSW Rural Fire Service, Planning for Bush Fire Protection, A Guide for Councils, Planners, Fire Authorities and Developers 2006*" (The document can be obtained on the Rural Fire Service's webpage: [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) )

## 2.8.6 Restrictions on Titles

To ensure effectiveness of the fire protection measures, restrictions may be placed upon the titles of the affected lots. These restrictions may relate to: habitable and storage structures being excluded from within the Asset Protection Zone, the level at which the fuel loading is to be maintained within the Fire Protection, the responsibility for and nature of maintenance of fire trails, hazard reduction and Asset Protection Zone.

## 2.9 Safe Design

### 2.9.1 Introduction

This part of the development control plan sets out guidelines for the creation of safer urban environment and it applies to all development (including applications for subdivision) including land in both public and private ownership.

### 2.9.2 Objectives

- 1) To afford maximum casual surveillance of developments from the street and other public areas, and, of the street or public areas from those developments.
- 2) To control access to developments through appropriate physical barriers - thereby increasing the effort required to commit a crime.
- 3) To ensure that there is a sense of ownership for both public and private development by the legitimate users of this space.
- 4) To ensure that areas have the appearance of being well cared for and 'defended' as a cared for environment can reduce the committal of crime and the fear of crime.

### 2.9.3 Controls

- a) Buildings are to be designed to overlook streets and other public areas to provide casual surveillance. Buildings adjacent to a public area must have at least one habitable room window with an outlook to that area.
- b) Pedestrians and cycle thoroughfares are reinforced as safe routes through:
  - i) appropriate lighting
  - ii) casual surveillance from the street
  - iii) minimised opportunities for concealment
  - iv) landscaping which allows clear sight-lines between buildings and the street
  - v) avoidance of blind corners
- c) Site planning, buildings, fences, landscaping and other features clearly define public, common, semi-private and private space.

#### **Note:**

Applicants must demonstrate compliance with the principles of *Crime Prevention through Environmental Design (CPTED)* when submitting development applications. These principles can be viewed at:

[http://www.police.nsw.gov.au/safety\\_and\\_prevention/policing\\_in\\_the\\_community/safer\\_by\\_design](http://www.police.nsw.gov.au/safety_and_prevention/policing_in_the_community/safer_by_design).

Discretion rests with the Council, however, as to which development applications will be referred to the NSW Police Service for comment; or jointly reviewed by Police and Council staff who have completed accredited CPTED training for crime risk depending on the size and nature of proposals and their likely impact on community safety.

The schedule of development proposals for referral is indicative only and is subject to variance, to reflect changes in crime patterns, localised crime and safety issues and the size / significance of proposals. This schedule includes NEW or SIGNIFICANTLY UPGRADED:

- 1) Multi-unit development and townhouse developments (6 units or more);

- 2) Mixed use developments (with 6 units or more);
- 3) Commercial / retail developments (major new works generally not including internal fit-outs);
- 4) Industrial complexes where these developments abut laneways, railways and any open access way;
- 5) Residential subdivisions of 10 lots or over or any residential subdivision where pedestrian walkways and laneways are proposed;
- 6) Educational Facilities (including schools, pre-schools, kindergartens etc);
- 7) Transport interchanges and railway stations;
- 8) Major sporting facilities;
- 9) Community facilities (including community centres, childcare and aged person's centres, major health, major medical facilities, public toilets etc);
- 10) Neighbourhood parks and public open space within estate subdivision;
- 11) Clubs/hotels/bottleshops (including extended hours, gaming rooms and other additions);
- 12) Service stations / convenience stores;
- 13) Hospitals and nursing homes; and
- 14) 'Unusual' developments (ie. arcades, brothels, amusement centres, major upgrade of Department of Housing properties and estates).

## 2.10 Subdivision

### 2.10.1 Introduction

This part of the DCP outlines the requirements relating to the preparation of subdivisions and applies to all development within the Queanbeyan Palerang LGA. These controls should be read in conjunction with the Queanbeyan Palerang Regional Council Engineering Design Specifications and the Queanbeyan Palerang Regional Council Construction Specifications.

### 2.10.2 Relationship to Other Plans, Policies and the Like

This element must be read in conjunction with the other sections of this plan, as a SWVM Plan could be required for any development, as specified throughout this element.

The applicable clauses from the *Queanbeyan Local Environmental Plan 2012* are:

- 2.6 Subdivision —consent requirements
- 4.1B Subdivision using average lot sizes
- 4.2 Rural subdivision
- 4.2A Strata subdivisions in certain residential, rural and environmental zones

### 2.10.3 Objectives

The objectives that are to be complied with for subdivision are:

- 1) Provide for a range of allotment sizes to suit a variety of residential development.
- 2) Ensure that the size of an allotment is sufficient to provide a useable area for building, landscaping and access;
- 3) Minimise any likely impact of subdivision and development on the amenity of neighbouring properties;
- 4) Minimise any likely impact of subdivision and development on significant topographical and natural features of an allotment; and

- 5) Control the scale of development so that it is compatible with the housing characteristics of the locality.
- 6) Protect natural and cultural resources (e.g. native flora and fauna and places/items of Aboriginal and European heritage value) from land use or management practices which will lead to degradation or destruction.
- 7) Encourage the provision of useable open space which has the capacity for multi-use and is able to cater for a variety of recreational needs.

### **2.10.4 General Subdivision Submission Requirements for rural and environmental zones**

The following matters are to be addressed when seeking development consent to subdivide land in a rural or environmental zone:

- a) the proposal shall be shown on a contour map of scale 1:10,000 with contour intervals not greater than five (5) metres;
- b) existing cadastral boundaries must be shown on a map and all adjoining Crown land (including Crown roads) must be identified;
- c) the proposed lot boundaries, building envelopes and road centre lines shall be established on site and marked accurately. Proposed allotments shall be marked at each corner by one metre high stakes and the centres of building envelopes shall be identified by a one metre high stake with suitable highly visible tape. Road centre lines shall be marked with stakes at 100 metre intervals. This shall be done before the application is submitted;
- d) An application for subdivision must be accompanied by an environmental review, which is a full description of the proposal supported by maps, plans and diagrams, as well as separate specialist reports. Refer to Part 6 of this DCP for details on these requirements.

The environmental review must give a clear understanding of the development and its likely environmental impact, describe the proposal, the location, the local topography, adjacent development, adjacent land uses, lot size and layout pattern, land ownership and available services such as roads, electricity, transport, education facilities and emergency services. Layout of subdivisions should be based on an appreciation of the capability of the land to support the development.

An environmental review shall include a map of the constraints to development, clearly indicating:

- a) steeply sloping land, i.e. >20 per cent, above which house construction is not appropriate;
- b) floodplains and poorly drained land which are also unsuitable for building;
- c) prominent ridgelines visible from surrounding areas;
- d) vegetation cover, including environmentally sensitive areas supporting significant biodiversity, native vegetation, wildlife corridors, habitat for threatened species and endangered ecological communities;
- e) areas that would impinge on the privacy and agricultural operations of neighbouring properties;
- f) sites suitable for dams or artificial wetland areas that would catch sediments and nutrients emanating from the subdivision, particularly during the construction/development stage;



- g) any existing dwelling houses and ancillary buildings on the land and the setback distances from the proposed new lot lines.
- h) agricultural capability with particular attention being given to soils, agricultural land classification (refer to Department of Agriculture maps held by Council), slopes, current land use, extent of land degradation, areas suitable for improved pasture and topography; and
- i) property boundaries, size and shape.
- j) The location of any of the vegetation communities listed under the Threatened Species Conservation Act 1995 must be shown on the map.

If the subdivision is approved, a condition of consent will require the delineation of building restriction precincts (building envelopes) on the final surveyed plan of subdivision. An instrument under section 88B of the Conveyancing Act 1919 attaching to the title of the lots created and restricting building to within the precincts will be required, with Council being nominated as the authority with sole power to vary the restriction.

## **2.10.5 Controls**

The objectives and controls for each matter is listed below. The controls are general statements of the means of achieving the objectives. They are not limiting in nature, and provide designers/applicants with opportunities to develop a number of different design solutions that achieve the objectives of the relevant matter.

## **2.10.6 General Design**

### **Objectives**

- 1) Subdivision design and density reflects the land capability, natural constraints and hazard of the land and is consistent with and enhances the character of the surrounding residential development.

### **Controls**

- a) Consent must not be granted to a subdivision of land unless Council is satisfied that the density of the allotments to be created reflects the land capability, natural constraints and hazard of the land and is consistent with and enhances the character of the surrounding residential development.
- b) Land should not be divided:
  - i) in a manner which would prevent the satisfactory future division of land, or any part thereof;
  - ii) if the proposed use is likely to lead to undue erosion of the land and land in the vicinity thereof;
  - iii) unless wastes produced by the proposed use of the land can be managed so as to prevent pollution of a public water supply or any surface or underground water resources;
  - iv) unless the development achieves the most efficient use of existing utility services (such as water supply and sewerage services), roads and streets. Where connection to sewer is not possible, the allotment shall be suitable for on-site effluent disposal without adverse effect on ground or surface water quality.



- v) if the size, shape and location of, and the slope and nature of the land contained in each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used;
- vi) where the land is likely to be inundated by floodwaters;
- vii) where the proposed use of the land is the same as the proposed use of other existing allotments in the vicinity, and a substantial number of allotments have not been used for that purpose; and
- viii) if the division and subsequent use is likely to lead to the clearance of one or more significant trees.
- ix) where any lot being created in a subdivision is of mixed title, the land held under Old System Title within that lot shall be brought under the Real Property Act.

## 2.10.7 Lot Size and Design

### Objectives

- 1) To provide subdivisions which are generally compatible with the urban suitability and capability of the land on which it is to be carried out on.
- 2) To provide layouts which encourage development compatible with the maintenance and enhancement of the existing urban and scenic character of the Queanbeyan Palerang LGA.
- 3) To design subdivision layouts which maximise the potential use of public transport and non residential uses.

### Controls

- a) The density of allotments should maintain and promote the residential character of the area for infill subdivisions.
- b) Lot sizes should be compatible with the character of the surrounding area and are to comply with Clauses 2.6, 4.1, 4.1B, 4.2 and 4.2A in the *Queanbeyan Local Environmental Plan 2012* and the minimum area requirement as specified on the Lot Size Map.
- c) Lot sizes and lot layouts in urban release areas should take account of the environmental constraints of the area and be designed to conserve agricultural productive land (where applicable) and the retention of any significant natural features of the site.
- d) Lot sizes and lot layouts in urban release areas which increase potential resident density shall be sited in close proximity to public transport nodes and to commercial/community facilities.
- e) Lot size and lot layouts should reflect the servicing capacity of the area.

## 2.10.8 Flora and Fauna

### Objectives

- 1) To encourage subdivision which recognises the value of threatened species, populations and ecological communities and their habitats and which has a minimal impact on them.
- 2) To encourage subdivision design which recognises the value of native vegetation and which provides measures to conserve and enhance it where practicable.
- 3) To encourage subdivision which comply with all applicable legislative requirements.

## Controls

- a) Submission to Council of a biodiversity development assessment report which complies with the *NSW Biodiversity Conservation Act 2016*.
- b) Application of any measures or amelioration measures identified in the *NSW Biodiversity Conservation Act 2016*.
- c) Implementation of design and construction measures to achieve the relevant provisions of the applicable LEP.
- d) Native vegetation which adds to the visual amenity of the locality and /or which is environmentally significant should be preserved in the design of the subdivision proposal.

### 2.10.9 Natural Hazards

#### Objectives

- 1) To design and construct subdivisions which minimises the exposure of future residential development, residents and users to natural hazards such as slip, bushfire and flood.
- 2) To design and construct subdivisions which comply with all applicable legislative requirements.

#### Controls

- a) Application of measures which minimises risks to future development and users from slip, bushfire, flood and other natural hazards.
- b) Implementation of design and construction measures designed to achieve and comply with the relevant provisions of the *Queanbeyan LEP 2012*.

### 2.10.10 Contamination

#### Objectives

- 1) To require subdivisions which minimise the risk of contamination to future residents.

#### Controls

- a) Where required Implementation of measures designed to remediate land to a standard suitable for occupation.
- b) Implementation of measures designed to achieve and comply with the relevant provisions of the applicable local environmental plan.

### 2.10.11 Stormwater Management and Drainage

#### Objectives

- 1) To ensure that stormwater and drainage systems for subdivisions or new allotments have sufficient capacity to cater for peak demand.
- 2) To ensure that subdivisions in new release areas have stormwater and drainage systems that maintain or improve pre-development flows in terms of quality and volume.

#### Controls

- a) Stormwater and drainage systems shall be designed and engineered to meet the Objectives.

## **2.10.12 Aboriginal & European Heritage**

### **Objectives**

- 1) To ensure that subdivisions respect and do not compromise heritage items, archaeological site, potential archaeological deposits or sites within identified heritage conservation areas.

### **Controls**

- a) Subdivision layouts which respect the heritage significance or heritage items or sites within heritage conservation areas.
- b) Subdivisions which are designed to preserve archaeological sites or potential archaeological deposits by siting them in future public areas away from works likely to adversely affect them.
- c) Measures undertaken as part of the subdivision to ensure compliance with any applicable statutory requirements.

## **2.10.13 Roads, Traffic (vehicles, cyclists & pedestrians) and access**

### **Objectives**

- 1) To minimise the establishment of traffic generating development along main and arterial roads.
- 2) To provide safe and convenient access to all residential subdivisions and all allotments within a residential subdivision.
- 3) To provide safe facilities for pedestrians.
- 4) To provide safe facilities for cyclists.
- 5) To provide facilities for users of public transport.

### **Controls**

- a) Subdivisions designed so that allotments along a main and arterial road have access from a local or secondary road.
- b) Subdivisions designed to maximise the safety of pedestrians using the road reserve.
- c) Subdivisions which are designed to comply with any applicable legislative requirements.
- d) Provision of footpaths in accordance with the Queanbeyan Section 94 Contribution Plan 2012.
- e) Provision of an off road cycleway where required in accordance with the Queanbeyan Section 94 Contribution Plan 2012.
- f) Compliance with the Queanbeyan Palerang Regional Council design and engineering specifications applicable to roads, crossings, footpaths, cycleways, bus shelters and the like.
- g) Provision shall be made for coinciding physical and legal access to all proposed lots.

## **2.10.14 Solar Access and Lot Orientation**

### **Objectives**

- 1) To provide good solar opportunities internally and externally for future development and residents.

### **Controls**

- a) Subdivision blocks and allotments which are orientated and have lengths and widths which provide opportunities for maximum solar efficiency when developed.

## **2.10.15 Service Provision**

### **Objectives**

- 1) To ensure adequate services are available to cater for future development and peak demand.
- 2) To encourage subdivisions which are serviced by infrastructure designed to achieve sustainable outcomes.
- 3) To facilitate investment in a range of commercial and industrial activities with efficient land utilization and provision of infrastructure, including digital infrastructure. Such infrastructure should be planned for and integrated into the design of subdivisions (and subsequent buildings) rather than trying to retrofit subdivisions and buildings to accommodate such demands in the future.

### **Controls**

- a) Provision of all essential services including facilities for stormwater and sewerage disposal.
- b) Use of shared trenches.
- c) Use of infrastructure which reduces greenhouse gas emissions.
- d) Use of infrastructure which reduces water consumption.
- e) Subdivisions (and subsequent buildings) should allow for the incorporation of infrastructure for the use of digital and smart technology as an integral part of the overall design process.

## **2.11 Airspace Operations and Airport Noise**

### **2.11.1 Introduction**

This part of the development control plan outlines requirements to ensure the protection of surrounding airports and airspace. The controls apply to all development in areas subject to this DCP and shown on the Obstacle Limitation Surface Map for the Canberra Airport (as endorsed by the Department of the Commonwealth responsible for airports), and to developments subject to aircraft noise, as shown on the ANEF map in Queanbeyan Palerang Regional Council's Aircraft Noise Assessment Information Sheet.

### **2.11.2 Relationship to Other Plans, Council Policies and the Like**

The relevant clauses in the *Queanbeyan Local Environmental Plan 2012* are 7.6 Airspace Operations and 7.7 Development in areas subject to Airport Noise. The following documents may also need to be referred to:

- 1) AS 2021-2015 Acoustics-Aircraft noise intrusion- Building site and construction

- 2) The approved Canberra Airport 2014 Masterplan

The following maps are also relevant:

- 1) Australian Noise Exposure Forecast Contour (ANEF) Map for Canberra Airport as endorsed by the Department of the Commonwealth responsible for airports.
- 2) This ANEF map is reproduced in Queanbeyan Palerang Regional Council's Aircraft Noise Assessment Information Sheet.
- 3) Obstacle Limitation Surface Map for Canberra Airport (OLS Map) as endorsed by the Department of the Commonwealth responsible for airports and Noise sensitive developments in the Queanbeyan Palerang Local Government Area subject to aircraft noise.
- 4) Procedures for Air Navigations Systems Operations Surface Map for the Canberra Airport (PANSOps Map) as endorsed by the Department of the Commonwealth responsible for airports.

### 2.11.3 Airspace Operations

#### Objectives

- 1) To provide for the effective and ongoing operation of the Canberra Airport by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surface or the Procedures for Air Navigation Systems Operations Surface for that airport,
- 2) To protect the community from undue risk from airport operation.

#### Controls

- a) Development shall comply with clause 7.6 of the *Queanbeyan Local Environmental Plan 2012 – Airspace Operations*.
- b) Any structure, whether temporary or permanent, proposed to breach the obstacle limitation surface must be referred to the Canberra Airport and relevant authorities for assessment.

### 2.11.4 Airport Noise

#### Objectives

- 1) To prevent certain noise sensitive developments from being located near the Canberra Airport and its flight paths,
- 2) To assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
- 3) To ensure that land use and development in the vicinity of that airport does not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

#### Controls

- a) All development must comply with clause 7.7 of the *Queanbeyan Local Environmental Plan 2012 – Development in areas subject to aircraft noise*.

## 2.12 Tree and Vegetation Management

### 2.12.1 Introduction

The purpose of this Section is to declare trees and other vegetation under Part 3 of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (the Vegetation SEPP). Where a tree or other vegetation is declared in this Section, a person must not clear vegetation without a permit granted by Council (Clause 10(1) of the Vegetation SEPP).

This Section provides controls in respect of the preservation of trees and other vegetation. It outlines the circumstances in which trees and other vegetation can be removed without a permit, and those circumstances where a permit is required from Council. It is relevant to both the assessment of development applications, and, applications for permits to remove vegetation where required.

Relevant clauses of *Queanbeyan Local Environmental Plan 2012* that need to also be considered in respect of the management of vegetation are:

- Clause 5.10 – Heritage
- Clause 7.3 – Terrestrial Biodiversity
- Clause 7.4 – Riparian Land and Watercourses
- Clause 7.5 – Scenic Protection

Various community land Plans of Management are referenced in this document with regard to maintenance of vegetation on public land. More detailed maintenance for particular sites can be found on the Community Land Plans of Management section of Council's website.

Other sections of this DCP also deal with vegetation in certain circumstances, and these should also be referred to. These include:

- Part 4 – Heritage and Conservation
- Part 6 – Rural and Environmental Living Zones

### 2.12.2 Relationship to Other Legislation and Controls

The *Biodiversity Conservation Act 2016* is the overarching legislation governing the management of native vegetation in NSW. Any proposed activity or development that includes the removal of any native vegetation must be undertaken consistent with that legislation as well as the provisions set out in this plan.

The clearing of any native vegetation on land zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry or RU4 Primary Production Small Lots is wholly regulated by NSW Local Land Services under the *Biodiversity Conservation Act 2016*. Accordingly Council has no role in managing any clearing proposed in rural zones and any such proposals should be discussed with the relevant Local Land Services office.

*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (the 'Vegetation SEPP') is also relevant to the management of both native and non-native vegetation in non-rural areas (ie, all zones with the exception of land zoned RU1 to RU4). Any clearing of trees and vegetation in these non-rural zones that is below the thresholds set out in the *Biodiversity Conservation Act 2016*, is primarily regulated by Council. Any removal or pruning of trees and vegetation in these circumstances requires a permit from Council, unless it falls within the exemptions identified elsewhere in this Section.

The Commonwealth Government also administers the *Environment Protection and Biodiversity Conservation 1999* which also provides controls for the protection of various

native fauna and flora and which may also be relevant to any proposals to remove or damage native vegetation.

**Note:** Anyone proposing to pick, prune, damage or remove any native vegetation should ensure they discuss any proposals with the relevant State and Commonwealth Government agencies to confirm any other legal requirements in addition to the controls set out in this DCP.

### 2.12.3 Objectives

- 1) To declare trees and other vegetation under Part 3 of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*,
- 2) To protect significant trees and vegetation from inappropriate removal to enhance the amenity, streetscape and ecological values of land subject to *Queanbeyan Local Environmental Plan 2012*,
- 3) To preserve existing biodiversity values where possible through the preservation of trees and other vegetation that contribute to these values,
- 4) To minimise the loss of trees and other vegetation that contribute to the scenic character of Queanbeyan,
- 5) To provide suitable criteria for the assessment of development applications,
- 6) To provide appropriate controls for the management of trees and vegetation consistent with *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, and
- 7) To outline circumstances where the clearing of trees or other vegetation do and do not require a permit from Council.

### 2.12.4 Land To Which this Section Applies

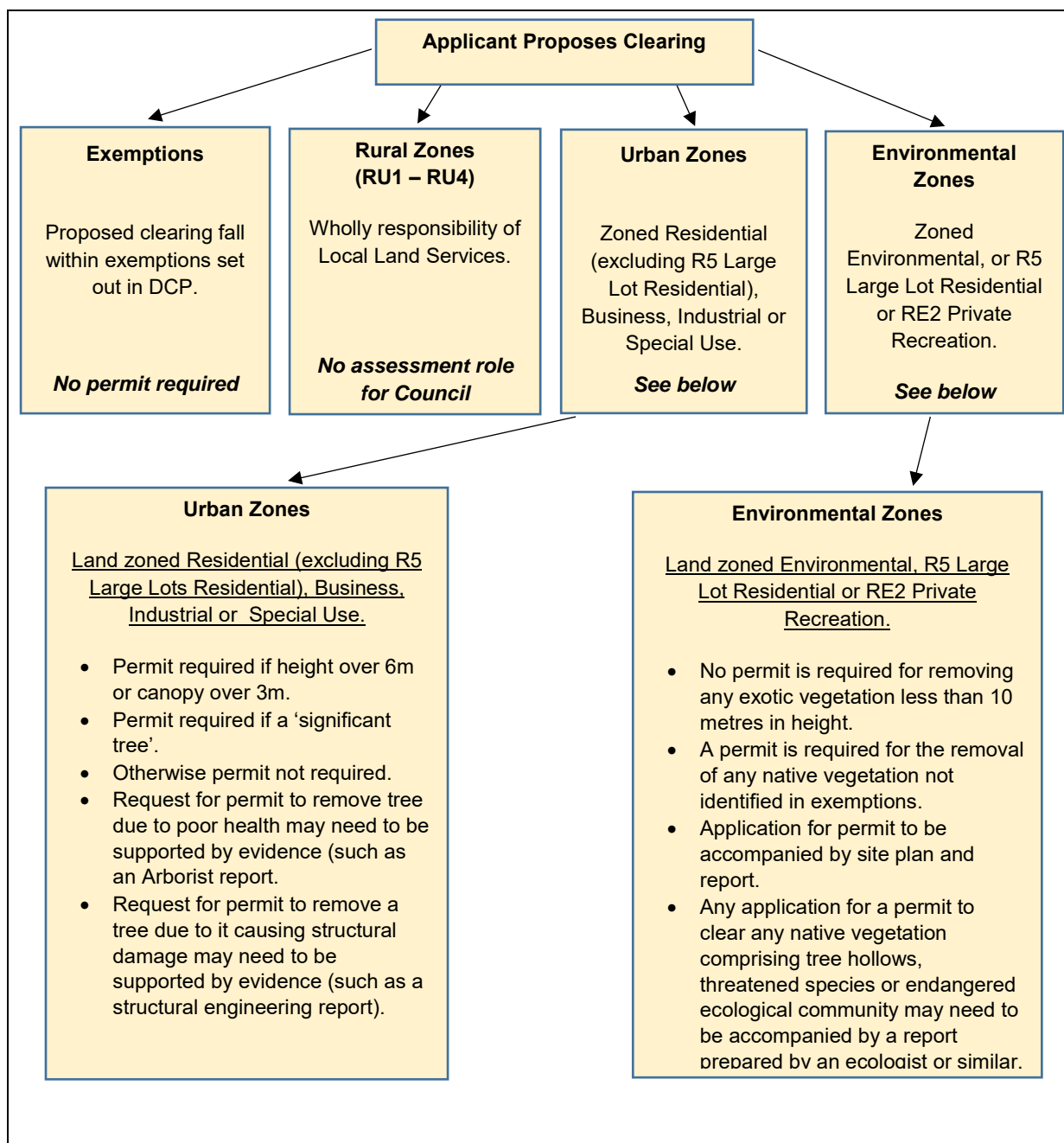
This Section applies to the removal or pruning of vegetation that is under the biodiversity offsets scheme threshold on non-rural land (land in any zone other than RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry or RU4 Primary Production Small Lots) subject to *Queanbeyan Local Environmental Plan 2012*.

**Note:** The proposed removal or pruning exceeds the biodiversity offsets scheme threshold if it is:

- the clearing of native vegetation of an area that exceeds the threshold (see Table below), or
- the clearing of native vegetation is on land mapped as 'Sensitive Values' on the Biodiversity Values Map prepared by the Office of Environment and Heritage (OEH) and located on their website.

If the proposed removal or pruning exceeds the biodiversity offsets scheme threshold, it requires an approval from the Native Vegetation Panel (refer to Part 4 of the Vegetation SEPP).

**Figure 3 - Vegetation Clearing Procedure – Summary Chart**





# Queanbeyan Development Control Plan 2012

**Table 7 - Thresholds for Clearing by Property Size**

Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply
Less than 1 ha	0.25 hectares or more
1 ha to less than 40 ha	0.5 hectares or more
40 ha to less than 1000 ha	1 hectares or more
1000 ha or more	2 hectares or more

The minimum lot size applicable to any land being cleared is as follows:

- the minimum lot size as shown on the *Queanbeyan LEP 2012* Lot Size Map, or
- if the Lot Size Map does not map a minimum lot size for the land, the actual size of the allotment of land on which the proposed development is to be carried out.

## 2.12.5 Exemptions

### Exclusions from Exemptions

#### Environmental Heritage including Aboriginal Heritage

None of the exemptions listed in this Section apply to any trees or other vegetation located on a heritage item, Aboriginal object, Aboriginal place of heritage significance, or on land within a heritage conservation area.

Council can only grant a permit for the removal or pruning of vegetation on land that is, or forms part of a heritage item; or is within a heritage conservation area; or that is or forms part of an Aboriginal object; or is within an Aboriginal place of heritage significance, if it is:

- of a minor nature; or
- is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, or heritage conservation area, and would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, or heritage conservation area.

Therefore, Council requires:

- i. a permit application for any removal or pruning of vegetation that is minor in nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, or heritage conservation area, and
- ii. a development application for any other removal or pruning of vegetation on a heritage item, Aboriginal object, Aboriginal place of heritage significance, or on land within a heritage conservation area.

Clause 10(3) of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Clause 5.10 of *Queanbeyan Local Environmental Plan 2012* contain specific requirements for trees and other vegetation located on heritage items and heritage conservation areas and should be read in conjunction with this Section.

# Queanbeyan Development Control Plan 2012

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## Consent Conditions and 88B Instruments

None of the exemptions listed in this Section apply to any trees or vegetation that are required to be retained by the conditions of a development consent or a Section 88B restriction to user instrument. The Vegetation SEPP, and subsequently this Section, do not affect authorisations under other Acts that are required to be obtained in connection with the clearing of vegetation.

## Clearing Requiring Approval Under State or Commonwealth Legislation

None of the exemptions listed in this section apply to any clearing of vegetation that requires an approval under any State or Commonwealth legislation, for example endangered ecological communities (EECs). It is the legal responsibility of the land owner to ensure this is considered. If unsure, further advice should be sought from the NSW Office of Environment and Heritage or Council.

## **Removal of Vegetation that Does Not Require a Permit**

Any tree or other vegetation may be removed without a permit where:

- Council is satisfied it presents an immediate risk to life or property,
- Council or the Native Vegetation Panel is satisfied the tree is dead or dying and is not required as the habitat of native animals,
- the clearing is authorised under Section 60O of the *Local Land Services Act 2013*,
- it is consistent with any approved development application issued by Council for the site,
- it is to be pruned as part of routine pruning of fruit trees, forestry work or commercial horticulture/viticulture,
- it is an environmental weed required to be removed under any relevant NSW legislation,
- it is an exotic environmental weed within the riparian zone of Queanbeyan River, Jerrabomberra Creek or their tributaries shown as a blue line on a topographical map,
- it is an exotic environmental weed within bushland subject to an adopted Plan of Management, including Mt Jerrabomberra, Hoover Road Conservation Area and Stringy Bark Ridge,
- it is located on Council Managed Lands (both Community and Operational) where the proposed works have been approved by the Service Manager – Urban Landscapes, or
- the land is zoned R5 Large Lot Residential, RE2 Private Recreation, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living, and it falls within any of the following circumstances:
  - i. clearing for permanent boundary fence - 5 metres on either side (adjoining landholder agreement is required),
  - ii. clearing for permanent internal fence - 3 metres on either side,
  - iii. clearing around buildings other than a residential building in a rural area - 10 metres from outer edge of the structure,
  - iv. clearing around a water tank - 3 metres from outer edge of the structure,
  - v. clearing around stockyards - 10 metres from outer edge of the structure,
  - vi. clearing around a water pump - 2 metres from outer edge of the structure,
  - vii. is clearing of native or exotic vegetation planted by the landowner less than 10 years old.

Where someone is clearing vegetation under any of these exemptions, Council recommends keeping photos of the clearing, both before and after, and retaining these for a period of one month in the event Council is requested to investigate the clearing.

# Queanbeyan Development Control Plan 2012

Vegetation clearance may be permitted in rural areas under the *Rural Fires Act 1997* under the 10/50 Vegetation Clearing Scheme (Further information is available from NSW Rural Fire Service at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)). This scheme allows for clearing in a designated areas to:

- i. clear trees within 10m of a home without seeking approval; and
- ii. clear underlying vegetation such as shrubs (but not trees) on a property within 50m of a home without seeking approval.

## 2.12.6 Controls

### **Land Zoned Rural (RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry or RU4 Primary Production Small Lots)**

As noted, the clearing of any native vegetation on land zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry or RU4 Primary Production Small Lots is wholly regulated by NSW Local Land Services under the *Biodiversity Conservation Act 2016*. Accordingly Council has no role in managing any clearing proposed in rural zones and any such proposals should be discussed with the relevant Local Land Services office.

### **Land Zoned Residential (R1 to R4 and RU5), Business (B1 to B8), Industrial (IN1 to IN3), Special Use (SP1 to SP3) and RE1 Public Recreation**

- a) No permit is required for the removal of any vegetation set out under the listed exemptions at 2.12.5 of this section.
- b) A permit is required for the removal, ringbarking, lopping, topping, poisoning, pruning or relocation of all existing trees, both native or exotic, having:
  - i. a height of 6 metres or greater, or
  - ii. a canopy spread of 3 metres or greater.
- c) A permit is also required for all works affecting a “significant” tree. All trees identified as “Significant” by Council, and nominated or registered as such on Council’s significant tree register, regardless of height, canopy or location, must be retained, preserved, protected and maintained. Special requirements apply for the removal or pruning of “significant” trees. For further information on these requirements, please contact Council’s Urban Landscapes Section.
- d) Any proposed removal of a tree that is a poor specimen and is in a state of decline that is prolonged and irreversible, may need to be supported by relevant evidence from a suitably qualified person (for example a report from an Arborist).
- e) Any proposed removal of trees that have caused or are likely to cause significant structural damage may need to be supported by relevant evidence from a suitably qualified person (for example a report from a Structural Engineer).
- f) For every tree removed from a site for construction of a building it should be replaced with either a tree of similar species, or an indigenous plant species which is better suited to the changed circumstances of the site.
- g) Trees or other vegetation proposed to be removed or pruned to facilitate solar access for the tree owner or their neighbours, are to be kept to the minimum necessary to ensure solar efficiency.

The permit application must be signed by the owner(s) of the property on which the trees are growing and accompanied by the relevant fee (refer to Council’s Fees and Charges).

### **Land Zoned R5 Large Lot Residential, RE2 Private Recreation, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living**

- a) No permit is required for the removal of any vegetation set out under the listed exemptions at 2.12.5 of this section.

## Queanbeyan Development Control Plan 2012

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- b) No permit is required for the removal of any exotic vegetation less than 10 metres tall.
- c) A permit is required for the removal of any native vegetation. All permit applications must be accompanied by a site plan which is drawn to scale and illustrates:
  - i. the property boundary, existing structures and access roads,
  - ii. the location of all trees and other vegetation on the lot and identification of those trees or vegetation proposed for removal or pruning with approximate heights and widths,
  - iii. the total area (in m<sup>2</sup>) of clearing being applied for, and total area (in m<sup>2</sup>) of previous clearing,
  - iv. the trees or vegetation, including species name, proposed for removal or pruning,
  - v. the distance of those trees or vegetation proposed for removal or pruning from the nearest boundary and/or structure,
  - vi. if relevant, placement of drainage and sewer mains, and overhead power lines,
  - vii. the location of any known watercourses on the property; and
  - viii. a north arrow.

The permit application must be signed by the owner(s) of the property on which the trees are growing and accompanied by the relevant fee (refer to Council's Fees and Charges).

- d) Any application for a permit to clear native vegetation comprising any trees containing hollows, threatened species or that is part of endangered ecological community, is to be accompanied by a report by a suitably qualified person. The following information is to be contained in the report:
  - i. the qualifications and experience of all person/s undertaking the report,
  - ii. a map of the subject property including a detailed map of the proposed clearing area,
  - iii. the date and time of any site inspections or surveys undertaken to inform the report, including the methodology of those surveys (the guidelines published by the NSW Office of Environment and Heritage are to be taken into account),
  - iv. a list of flora and fauna species identified by any survey,
  - v. a search of the NSW Wildlife Atlas and other government databases,
  - vi. the impact of the development proposal on native flora and fauna,
  - vii. recommendations in relation to any impacts on habitat corridors,
  - viii. comments in regard to the ecological significance of the study area,
  - ix. location and description of any hollow bearing trees, threatened species or endangered ecological communities,
  - x. proposed mitigation measures,
  - xi. species for replanting where proposed, and
  - xii. recommended biodiversity conservation strategies (if these are to be used).
- e) For every tree removed from a site for construction of a building it should be replaced with either a tree of similar species, or an indigenous plant species which is better suited to the changed circumstances of the site.



**Queanbeyan  
Development  
Control Plan 2012  
Part 3A  
Single Dwelling  
Residential  
Development**

<b>Principal Plan Adopted by Council:</b>	<b>12/12/2012</b>
<b>Reference number:</b>	<b>SF160793/01</b>
<b>File No:</b>	<b>C1842165</b>

## Part 3A Single Dwelling Residential Development

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## Part 3A Single Dwelling Residential Development

### 3A.1 Introduction

#### 3A.1.1 Purpose of this Part

This part of the development control plan outlines the requirements for the development of single dwellings where permissible in areas zoned Residential under *Queanbeyan Local Environmental Plan 2012* except for land zoned R5 Large Lot Residential.

#### 3A.1.2 Objectives for Single Dwelling Residential Development

- 1) Encourage development that complements and enhances the built environment and has minimal impact upon the existing amenity and the scenic protection areas as identified in the *Queanbeyan Local Environmental Plan 2012*.
- 2) Provide for a mix of housing and tenure choice, including affordable housing.
- 3) Encourage and promote development which is ecologically sustainable.
- 4) Ensure single dwellings and ancillary development are compatible with the scale and bulk of existing development and any likely future residential development on adjacent lands.
- 5) Ensure single dwellings are designed to provide their occupants with adequate levels of comfort, security and amenity.
- 6) Ensure single dwellings and ancillary development are designed to consider the topography of the site, minimise cut and fill, maintain the natural vegetation where possible and minimise the impact on streetscape. External colours and materials should be compatible with the local environment.

#### 3A.1.3 Relationship to Other Plans and Council Policies

There are a number of clauses in the *State Environmental Planning Policies* that may need to be considered. These will depend on the nature and location of the development with examples including:

- 1) [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#)
- 2) [State Environmental Planning Policy \(Building Sustainability Index :BASIX\) 2004](#)
- 3) [State Environmental Planning Policy \(Housing for Seniors or People with a disability\) 2004](#)
- 4) [State Environmental Planning Policy \(Infrastructure\) 2007](#)
- 5) [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#)
- 6) [State Environmental Planning Policy 55 \(Remediation of Land\)](#)

There are also a number of principal development standard clauses in *Queanbeyan Local Environmental Plan 2012* that may be relevant, namely, height of buildings clause and minimum lot size clause. These differ depending on whether a residential development is for a single dwelling, dual occupancy, multi dwelling housing or residential flat building.

A number of heritage requirements and additional local provisions may also apply, these are set out in Part 4 Heritage Conservation of this DCP.

Where a building is constructed prior to 1960 is proposed to be demolished, Council requires the building to be inspected by Council's Heritage Advisor to determine if there is potential heritage significance. If the building has potential heritage significance a Heritage Impact Statement is to be submitted with the Development Application. These records also help to



ensure that a record of Queanbeyan's building stock is retained for posterity (for more information refer to Part 4 of this DCP).

Residential development may also generate what is known as development contributions. Should the development be approved these are payable prior to work commencing. The *Queanbeyan City Council Section 94 Contributions Plan 2012* and the *Queanbeyan Development Services Plans for Water Supply and Sewerage* can be found at Council's website.

### **3A.2 Compatibility with Neighbourhood Character**

Design principles and objectives aim to ensure that new development should be designed to complement and harmonise with the positive elements of existing development on adjacent land and in the locality. Compatibility with neighbourhood character can be assessed in terms of:

- 1) the manner in which a building addresses the street
- 2) external material, patterns, textures and decorative elements
- 3) building height and roof form and pitch
- 4) building setbacks
- 5) fences, screen walls and vegetation
- 6) Significant planting may assist in signifying entry points

#### **3A.2.1 External Materials, Patterns, Textures and Decorative Elements**

##### **Objectives**

- 1) To ensure high amenity and continuity of design and character in residential areas.

##### **Controls**

- a) Residential development shall be compatible with existing development with regard to external materials, patterns, textures and decorative elements.
- b) All dwellings or extensions on or above the 640m contour level (AHD) shall have external materials dark in tone and non-reflective in nature.
- c) Development in scenic protection areas shall be compatible with the natural scenic qualities of the locality.

#### **3A.2.2 Siting and Building Setbacks**

**Note:** Building setback shall be in accordance with Table 1 below, Figures One, Two and Three and the following requirements:

##### **Objectives**

- 1) To ensure quality residential development by preventing overdevelopment and respecting the amenity of neighbours.

##### **Controls**

- a) The minimum building setbacks are to comply with Table 1. Note: No carport or garage is to be constructed forward of the building line of any dwelling already on the site.
- b) No clothes drying areas are to be located within the front setback area unless they are suitably screened from public view.



# Queanbeyan Development Control Plan 2012

**Table 1**

	Front Boundary		Rear Boundary
	Major Frontage	Minor Frontage	
Dwelling			
Single Storey *	6.0m	4.0m	4.0m
Two or more Storeys *	7.5m	4.0m	4.0m
Free standing garage/ carport	6.0m	5.5m	Nil
Attached pergola/deck	6.0m	4.0m	0.9m
Swimming pool or similar	6.0m	4.0m	Nil
Corner Allotments with Long Curved Frontages	5.0m	5.0m	4.0m (see Fig. 1)

**Figure 1**

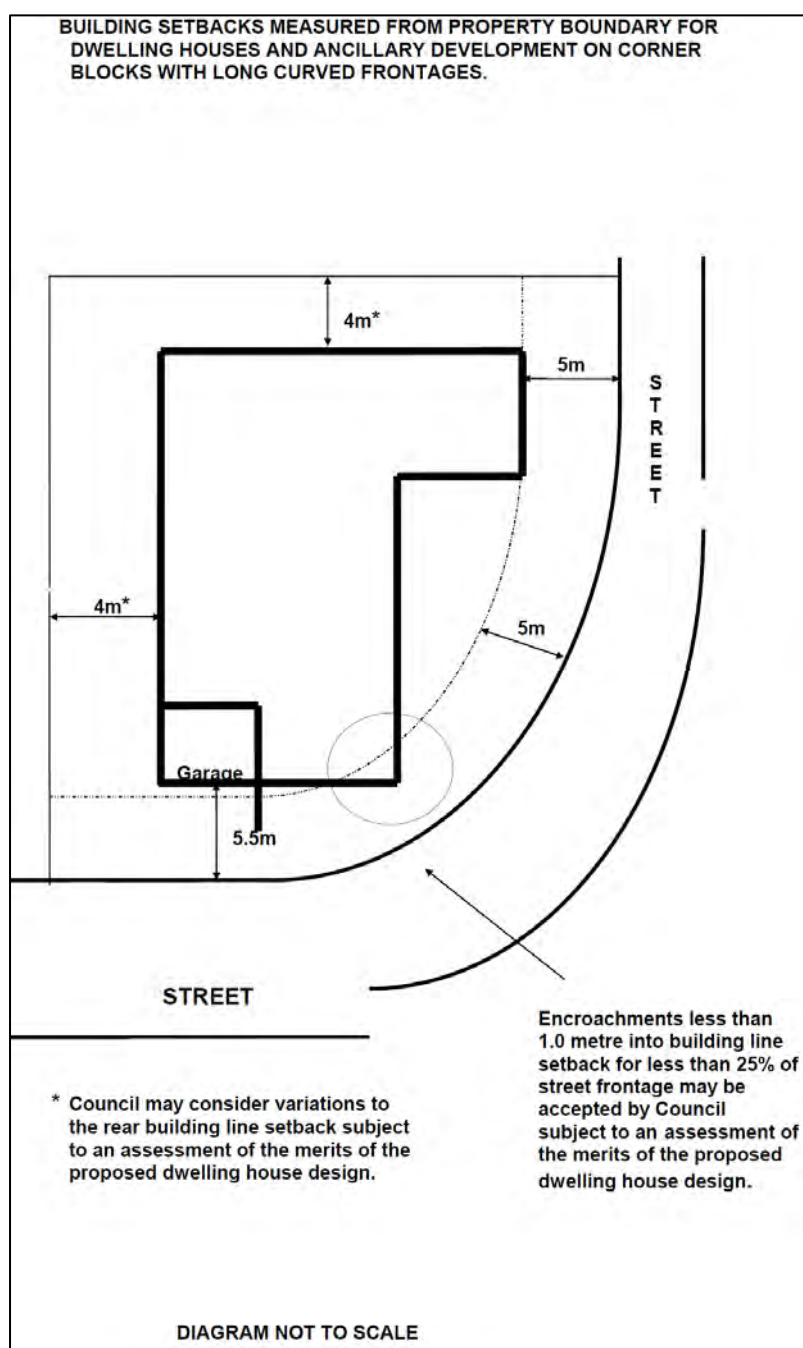


Figure 2

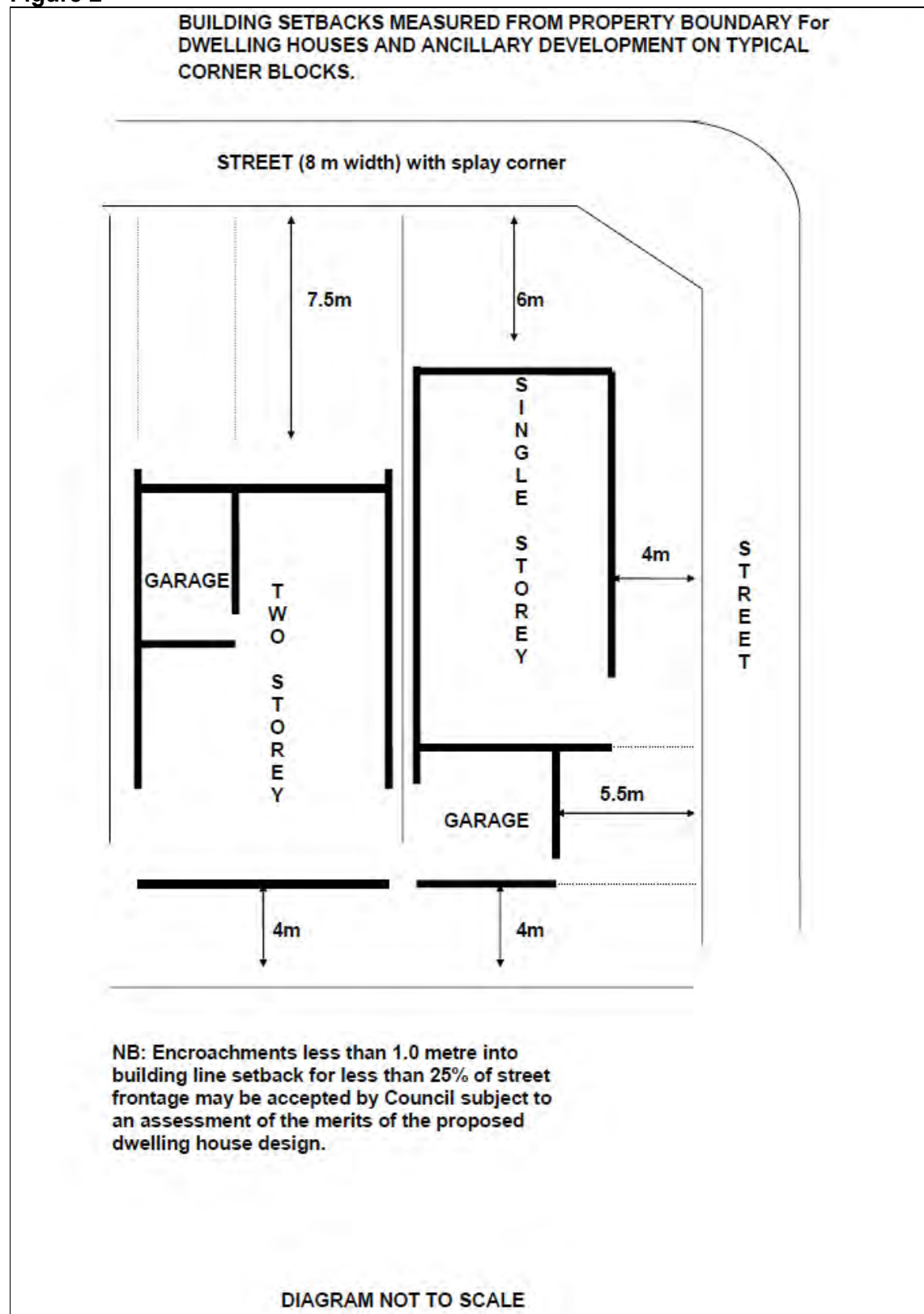
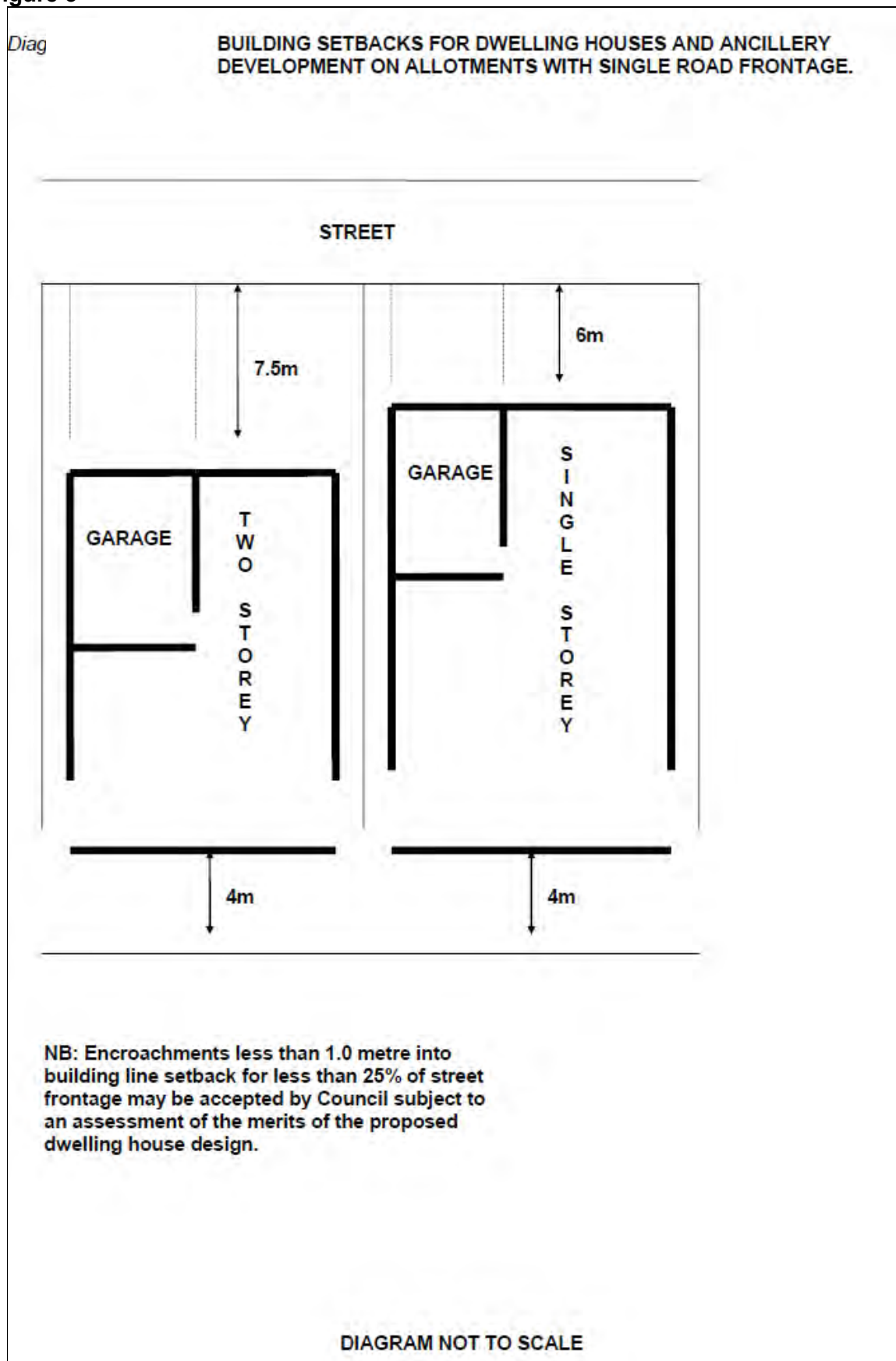


Figure 3



## 3A.2.3 Fences

The majority of fences are exempt development under State Environmental Planning Policy [\*State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008\*](#)

This policy needs to be checked in order to determine whether to lodge a Development Application or not for a fence or screen wall.

**Note:** If the property is a heritage item, adjacent to a heritage item or within a heritage conservation area, controls for the erection of fences can be found in Part 4 of this Plan.

### Definitions

For the purposes of this clause the following definitions apply:

**primary road frontage** means the road to which the front of a dwelling house, or a main building, on a lot faces or is proposed to face; and

**secondary road frontage** means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road.

### Objectives

- 1) To ensure that fences do not have a detrimental impact on the streetscape and adjacent buildings.
- 2) To maintain the visual amenity of the locality.

### Controls

- a) Fences – forward of the building line for the primary road frontage:
  - i) No higher than 1.8m above ground level (existing) for a maximum of 50% of the length of the frontage. Note: Parts of fences adjoining a driveway must be reduced in height to a maximum of 1.2m to allow for visibility when manoeuvring vehicles.
  - ii) Contain open elements to allow for passive surveillance of the street. *Note:* Council will not approve lengths of high, solid walls.
  - iii) Any gates are to swing open within the property.
  - iv) Must not interfere with the ability of vehicles to safely manoeuvre.
  - v) Be designed to be integrated with the design of the existing building in terms of materials, colours and finishes.
  - vi) Barbed wire and electric fencing is not permitted.
  - vii) Highly reflective materials are not supported.
- b) Fences behind the building line of the primary road frontage:
  - i) Side and rear boundary fences:
    - No higher than 2.1m above ground level (existing).
    - Barbed wire and electric fencing is not permitted.
    - Highly reflective materials will not be supported.
  - ii) Corner blocks (Secondary Street frontage):
    - If constructed of timber metal or lightweight materials – be not higher than 2.1m above ground level (existing). Open elements are required for the portion of fencing that is above 1.8m.

- If constructed using masonry materials – be not higher than 1.8 metres above ground level (existing), and must contain open elements to allow for passive surveillance of the street.
- Any gates are to swing open within the property.
- Must not interfere with the ability of vehicles to safely manoeuvre.
- Be designed to be integrated with the design of the existing building in terms of materials, colours and finishes.
- Barbed wire and electric fencing is not permitted.
- Highly reflective materials are not supported.

### **3A.2.4 Special Considerations in Relation to Fences for the Mitigation of Potential Road Impacts in Residential Areas**

#### **Objectives**

- 1) To allow for the erection of fencing to mitigate any impacts associated with being close to busy roads.

#### **Controls**

- a) Properties with frontages to the streets listed below, may apply to erect fences along those frontages to aid in the mitigation of potential road impacts:
  - i. Canberra Avenue
  - ii. Monaro Street
  - iii. Bungendore Road
  - iv. Yass Road
  - v. Lanyon Drive
  - vi. Cooma Street to Barracks Flat Drive
  - vii. Uriarra Road
  - viii. Crawford Street, Between Uriarra Road and Monaro Street
  - ix. Ellerton Drive
  - x. Limestone Drive
  - xi. Edwin Land Parkway
- b) No higher than 1.8 metres above ground level (existing) and can run along the entire length of the frontage.
- c) Can be constructed of solid materials to a height of 1.5m.
- d) Above 1.5m the fence must contain open elements to allow for passive surveillance of the street.
- e) Any gates are to swing open within the property.
- f) Must not interfere with the ability of vehicles to safely manoeuvre.
- g) Be designed to be integrated with the design of the existing building in terms of materials, colours and finishes.
- h) Barbed wire and electric fencing is not permitted.
- i) Highly reflective materials are not supported.

### **3A.3 Efficiency in layout**

#### **3A.3.1 Topography**

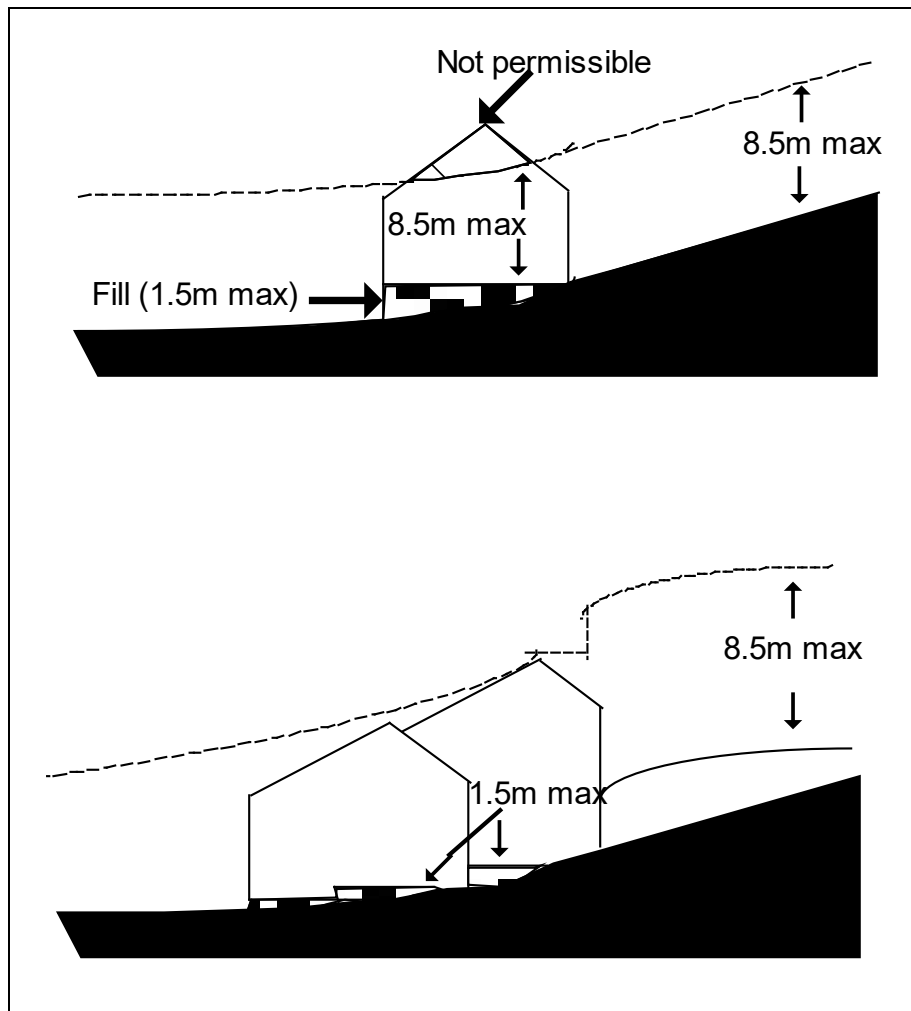
#### **Objectives**

- 1) New development is to be designed to take advantage of the positive attributes of the site which are often related to slope, aspect, trees and existing buildings.
- 2) To design buildings that sit into the landscape whilst avoiding excessive under-building and retaining walls.

## Controls

- a) Buildings are to be designed to relate to the existing contours of the site, with minimal excavation or fill and with the height of foundations kept to a minimum (refer to Fig 4 below).
- b) Cut and fill shall be limited to a maximum of 1.5m.
- c) Finished batters of cut and fill are limited to a maximum of 1 vertical 4 horizontal.
- d) Greater depths maybe considered provided they are not highly visible from the street.

**Figure 4**



### 3A.4 Specific Requirements for Lot 6 DP 837155

#### Objectives

Objectives 3A.4 apply.

#### Controls

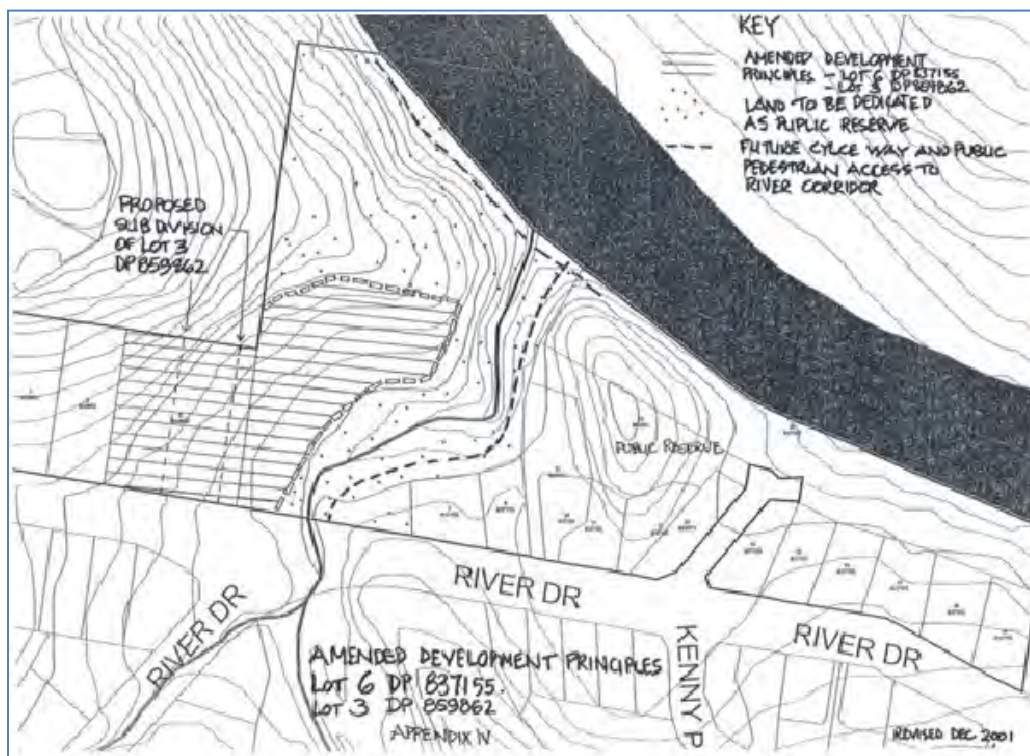
- a) With the development of two dwellings on Lot 3 DP 859862 as a result of the subdivision and creation of two 1,400m<sup>2</sup> allotments, a total of 12 dwellings only shall be allowed in the multi-unit development on Lot 6 DP 837155.
- b) Development principles, in respect of Lot 6, have been modified in accordance with the flora and fauna survey of this land, the associated site constraints, setbacks to



## Queanbeyan Development Control Plan 2012

- Barracks Flat Creek and the adoption of the Plan of Management for the Queanbeyan River Corridor. These constraints are shown on the relevant Plan of Management.
- c) The Queanbeyan River Corridor Plan of Management has identified a number of management units within the Queanbeyan River corridor. The land, subject to this plan, has been identified in Management Unit No. 3.
  - d) The desired outcome for Management Unit No. 3 is to:
    - i) “promote restoration of past environmental impacts, a semi-natural river corridor and small scale recreation facilities and focal points”.
  - e) To contribute to these outcomes the developer of Lot 6 DP 837155 will, by the following actions, and through the protection and enhancement of future public open space to be dedicated to Council:
    - i) Provide restricted access to the river corridor for authorised vehicles only;
    - ii) Prepare the eastern urban/riparian interface of Barracks Flat Creek to a surface and grade for the construction of a concrete footpath from River Drive to the reserve adjacent to the Queanbeyan River;
    - iii) Prepare the western urban/riparian interface of Barracks Flat Creek to a surface and grade for mowing;
    - iv) Provide suitably styled fencing, in consultation with Council, to protect Barracks Flat Creek and the area of significant flora and fauna. Fencing design is to permit the free movement of animals within the river corridor; and
    - v) Remove any waste material, noxious and woody weeds, including willows and associated bank stabilisation along the adjoining Barracks Flat Creek. This work is to occur in consultation with Council, the Queanbeyan River Corridor Committee and the NSW Office of Water.

**Figure 5 – Development Principles Lot 3 DP 859862 and Lot 6 DP 837155**



## **3A.5 Vehicular Access and Parking Objectives**

- 1) To ensure adequate parking and access arrangement exist appropriate for residential development

### **Controls**

- a) Parking spaces are not permitted between the front of the building(s) and the street with the exception of any access way immediately in front of the garage. The area between the dwelling and the verge should not be hardstand area used for parking of vehicles or storage of items.
- b) Where an existing allotment has vehicular access to a public lane, additional vehicular access from the lane will be considered where there is not adverse impact.
- c) The driveways are to be set back sufficiently from side boundaries to allow for effective screen planting along the boundary.
- d) The driveway width itself is to be at least 3.0m wide, with adequate turning area provided to allow for ease of access to garages.
- e) Driveways may need to be splayed, depending on volume and speed of traffic and footpaths width. The grade of a driveway is not to exceed 1:5 (as per engineer's advice) within the property boundary, with a suitable transition provided to the public road.

**Note:** The design of driveways shall comply with Council's Engineering standards and specifications.

## **3A.6 Landscaping in scenic protection areas Objectives**

- 1) To ensure that in areas of scenic protection, the existing landscape character is maintained or enhanced.

### **Controls**

- a) Landscaping shall be designed to enhance attractive site attributes; incorporate existing vegetation where practicable.
- b) All landscaping must be shown on the development plans to be a component of a development application lodged with Council. The landscaping must be compatible with the area and designed to complement the locality.
- c) It is recommended that native species be the predominant species planted.

## **3A.7 Consideration of Views, Shadowing and Privacy**

### **Objectives**

- 1) To ensure quality residential development by considering any impacts on views, shadowing and privacy of residents and neighbours.

### **Controls**

- a) New dwellings should be designed to safeguard privacy and minimise the extent of impact on the outlook of existing or potential dwellings in the proximity.
- b) Direct overlooking of internal living areas of neighbouring dwellings is to be minimised by building layout, location and design of windows and balconies, provision of screening devices and landscaping.



- c) Two storey dwellings will include design features to minimise potential impacts on privacy and loss of natural light to existing adjoining development
- d) Shadow diagrams will be required for all two storey development showing its impact at 9am, 12 noon and 3pm on 21 June (winter solstice). A minimum of 3 hours of natural light to the private open space and north facing living room windows of adjoining properties is required to be maintained between these hours.
- e) The proximity of dwellings to each other and the design of dwellings in terms of their layout, bulk, height and position of openings may have an impact on amenity. Privacy considerations are to be addressed through the careful layout of buildings and the activity which occurs in and around them, e.g. windows/decks to be elevated living areas may cause overlooking and be a source of noise nuisance.
- f) Where two storey development creates a privacy intrusion on adjoining single storey development, appropriate measures must be installed to minimise the impact. The measures can include obscured glazing or screening, but there are alternative options.

### 3A.8 Outbuildings, Sheds, Garages, etc

#### Objectives

- 1) To ensure that outbuildings, sheds and garages do not become the dominant landuse on a residential site.
- 2) Maintain the visual amenity of the locality.

#### Controls

- a) The total combined floor area of detached outbuildings shall not exceed 100m<sup>2</sup>.
- b) The wall height of the outbuilding shall not exceed 3m. The ridge height of the outbuilding shall not exceed 4m.

### 3A.9 Carwoola Heights

This section applies to Regent Drive and Birdwood Place

Figure 6



## Objectives

- 1) To promote rural/residential development which will not degrade the existing visual and geophysical environment by way of unauthorised clearance of land, excessive soil disturbance and inadequate erosion controls; and
- 2) To promote rural/residential development which will not intrude on the appearance of the area by the use of garish colours, unwieldy building bulk and form and high reflectivity?
- 3) To specify areas where only single storey dwelling-houses are permitted.
- 4) To encourage visual amenity by requiring landscaping.

## Controls

### a) Clearance of Land

- i) No lot or boundary of a lot shall be cleared for the purpose of fencing unless the clearing is a minimum width only to allow for the physical location and construction of the fence (maximum 1 metre).
- ii) The remainder of the site outside the allowable areas of clearance and area of driveway is to be conserved and maintained in its original condition.
- iii) See clause 2.12 - Tree and Vegetation Management of this DCP for further controls.

### b) Building Design and Siting

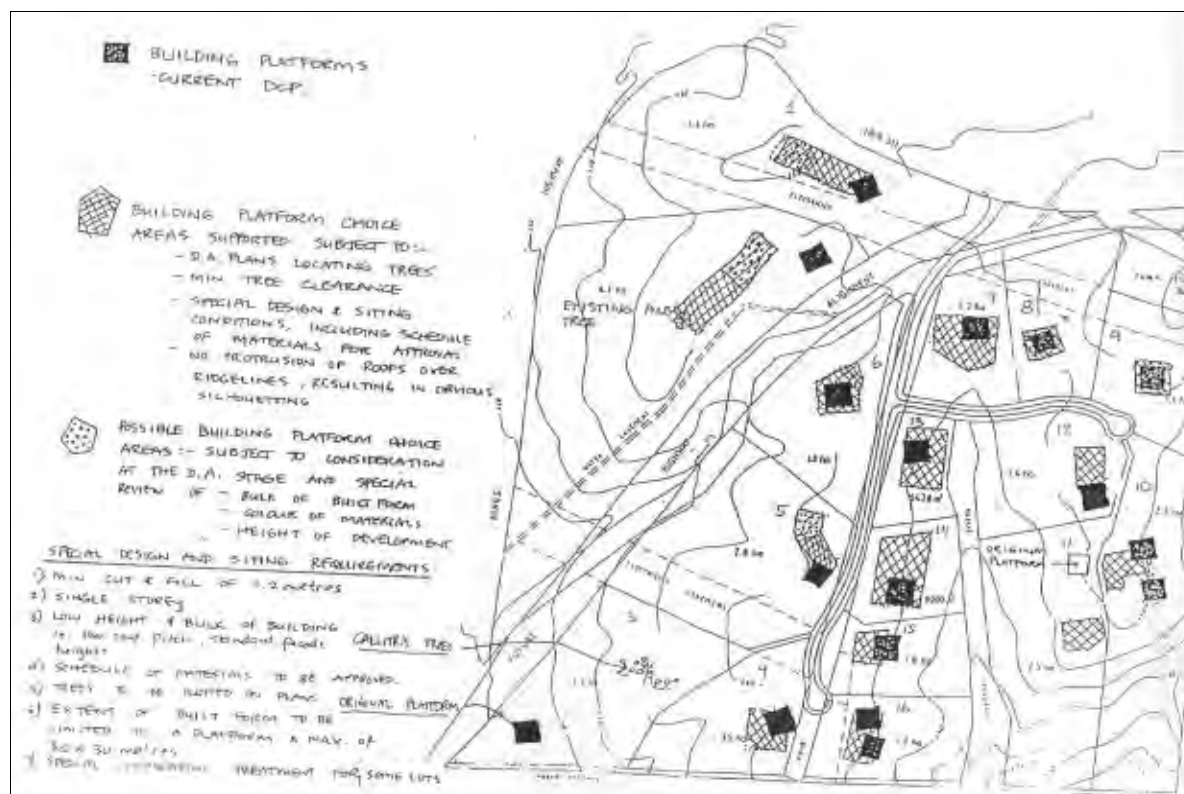
- i) For the allotments on the plan below, buildings shall be located on the platforms identified.
- ii) All buildings shall be constructed of external materials which are dark in tone and of low reflectivity.
- iii) Garden sheds and the like are to be located to the rear of the dwelling in close proximity to the building and outdoor private areas so as they are not readily visible from public areas.
- iv) Where further "ancillary" development to the dwelling house is proposed (e.g. swimming pool, tennis court) it should not, as far as practicable, interfere with existing vegetation.
- v) Council will not support construction, extension or alteration of the built upon area of a site, apart from the dwelling house itself, if it would involve removal of further trees (and ground clearance) of significance to the site and the general area.
- vi) Buildings should be conducive to the visual character of the locality and consideration will be given to bulk, scale and form of the development.
- vii) Where a site would be prominently visible, if not for the extent of existing tree cover, careful consideration will be given to the siting of any buildings on-site and the resultant visibility of buildings once trees have been removed. Landscaping may be required to ensure improved visual amenity and/or for screening purposes.

### c) Driveways

- i) Driveways shall be aligned and constructed so as to minimize driveway gradients, the extent of cut and fill, and the amount of site clearing.
- ii) Driveways shall be suitably constructed and drained in accordance with any requirements or directions of the Council to prevent any uncontrolled discharge of water or loose materials onto any land or roadway.

- iii) Driveway areas are to be limited in area to that which is practicable in as far as immediate access to a garage/carport and the appropriate turnaround areas.
- d) Fencing**
  - i) Fencing shall be of a rural type i.e. wire and post or rail and not paling or close boarded.
  - ii) Fencing shall not concentrate or obstruct run-off or natural drainage.
  - iii) Barbed wire fencing is not permitted. Chain mesh fencing with light posts may be permitted, where it will not be visually obtrusive as viewed from outside of the Carwoola Estate area.
- e) Cut and Fill**
  - i) The maximum depth of any cut and fill shall be 1.5m. Applicants should seek to utilise split level designs for dwellings, or incorporate pier and beam construction on steep slopes.
  - ii) Cut and fill batters shall not exceed a gradient of 1:4 unless otherwise approved by Council in writing. Batters in excess of this slope will require extra control strategies such as retaining walls or rock facing.
  - iii) Batters shall be planted with grasses, groundcovers and shrubs suited to the area.
- f) Other**
  - i) Clothes drying areas are to be screened so as not to be visible from outside of the site.

**Figure 7 - Plan Showing Building Platforms**





**Queanbeyan  
Development  
Control Plan 2012  
Part 3B  
Secondary Dwellings  
in Residential, Rural  
and Environmental  
Zones**

<b>Principal Plan Adopted by Council:</b>	<b>12/12/2012</b>
<b>Reference number:</b>	<b>SF160793/01</b>
<b>File No:</b>	<b>C1842168</b>

## Secondary Dwellings in Residential Zones

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## Part 3B Secondary Dwellings in Residential Zones

### 3B.1 Introduction – Secondary Dwellings

#### 3B.1.1 Purpose of this part

This part of the development control plan outlines the requirements for Secondary Dwellings within areas zoned Residential under *Queanbeyan Local Environmental Plan 2012*.

#### What is a 'Secondary Dwelling'?

A secondary dwelling means a self-contained dwelling that:

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

The size of a secondary dwelling is controlled by Clause 5.4 (9) of the *Queanbeyan Local Environmental Plan 2012*.

#### 3B.1.2 Objectives applicable for secondary dwellings

In the case of secondary dwellings the objectives to be complied with include:

- 1) Compliance the objectives and relevant provisions *Queanbeyan Local Environmental Plan 2012* as well as the objectives of the applicable Zone being:
  - RU2 Rural Landscape,
  - R2 Low Density Residential,
  - R3 Medium Density Residential,
  - R4 High Density Residential,
  - R5 Large Lot Residential,
  - E3 Environmental Management, and
  - E4 Environmental Living.
- 2) To provide an affordable housing option that respects the established streetscape and character of the neighbourhood and that is suitably integrated with existing development on a site, while not compromising the amenity of the site or adjoining properties.

#### 3B.1.3 Relationship to other Plans, Council Policies and the like

There are a number of clauses in the *Queanbeyan Local Environmental Plan 2012* and *State Environmental Planning Policy (Affordable Rental Housing) 2009* which include provisions that apply to secondary dwellings. These include:

- 1) *Queanbeyan Local Environmental Plan 2012*
  - a) Clause 5.4(9) Secondary Dwellings  
This applies to all secondary dwellings and restricts the size of the dwelling.
  - b) Clause 4.2A(4) Erection of Secondary Dwellings  
This applies to Rural and Environmental zones and requires the land to have the minimum lot size specified on the Minimum Lot Size map or Lot Averaging map if the land is identified as "Lot Averaging".



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- 2) *State Environmental Planning Policy (Affordable Rental Housing) 2009*  
The *State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Housing SEPP)* allows secondary dwellings in all residential zones identified under the *Queanbeyan Local Environmental Plan 2012*. Refer to “*Division 2 Secondary Dwellings*” and “*Schedule 1 - Development Standards for Secondary Dwellings within the SEPP*”.

A number of heritage requirements and additional local provisions may also apply, these are set out in Part 4 Heritage Conservation of this DCP.

## **3B.2 Approval for secondary dwellings**

### **3B.2.1 General Requirements of the Affordable Housing SEPP for secondary dwellings**

The Affordable Housing SEPP (at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)) allows secondary dwellings in residential zones as long as they meet the following requirements:

- 1) There is only one principal dwelling and one secondary dwelling on the lot.
- 2) The combined total floor area of the principal dwelling house and the secondary dwelling complies with the floor space area controls in the local environment plan.
- 3) The maximum floor area of the secondary dwelling is no greater than:
  - a) 60m<sup>2</sup>, or
  - b) The maximum floor area prescribed by Council in the *Local Environmental Plan*.
- 4) The lot is not subdivided.
- 5) The secondary dwelling meets the requirements of the *Building Code of Australia* which covers issues such as fire safety, building materials, ventilation and minimum ceiling heights.

There are no requirements under the policy to provide any additional parking for the secondary dwelling although this can voluntarily be done by the homeowner.

### **3B.2.2 Options for Approval of Secondary Dwellings**

There are two options to gain approval for a secondary dwelling.

The first is a Complying Development Approval which requires certain pre-determined conditions to be met.

Where these conditions cannot be met then the second option is a Development Application directly to the Council for determination. The requirements for a Development Application are outlined below (clause 3.3).

### **3B.2.3 How Can I Obtain a Complying Development Approval?**

If all general requirements for secondary dwellings in the Affordable Housing SEPP (listed above) are met and the provisions of Schedule 1 of the SEPP are complied with, a Complying Development approval can be obtained from Council or an accredited certifier without the need for a development application.

Particular Complying Development provisions apply for a:

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- 1) Secondary dwelling within existing housing where internal alterations are made to create a secondary dwelling, typically with a separate external entrance.
- 2) Secondary dwellings attached or detached to an existing house or garage where external alterations are made such as:
  - a) a new wing to the house.
  - b) a new floor added to the house.
  - c) new floor on top of the garage.
  - d) a cabin or studio in the back or side yard.
- 3) Secondary dwellings with a new house with a single application for both.

### 3B.2.4 When is a Development Application Required?

If the circumstances restrict an applicant from seeking Complying Development approval (due to non compliance with the SEPP) they can lodge a development application with Council. In residential zones a development application can be lodged with Council for a secondary dwelling. However, Council cannot refuse the application on the following grounds:

- *Parking* - If no additional parking is provided.
- *Site Area* - If the lot size is at least 450m<sup>2</sup> or if the secondary dwelling is attached to or within the principal dwelling.

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

- a) Satisfy the definition of a secondary dwelling, and
  - i. The total floor area of the secondary dwelling (excluding any area used for parking) must not exceed whichever of the following is greater:
  - ii. 60m<sup>2</sup>, or
  - iii. 30% of the total floor area of the principal dwelling

However, Council can refuse the application on a range of other grounds such as drainage, privacy, excessive height, overshadowing, urban design, heritage and tree loss if those impacts are considered to be unreasonable.

### 3B.3 Controls – Secondary Dwellings when a Development Application is required

#### 3B.3.1 Setbacks in Zones R2, R3, R4 and R5

##### Objectives

- 1) Protect the privacy and solar access of adjacent properties.
- 2) Maintain and enhance established streetscape and character of the neighbourhood.
- 3) To ensure there is access to the secondary dwelling for emergency personal when the main dwelling is locked.

##### Controls

- a) Secondary dwellings require minimum side setback of 900mm and 3m to a rear boundary.
- b) Where a secondary dwelling is proposed on a corner lot, a minimum secondary street setback of 4m is required.



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- c) If the Secondary dwelling is above a garage, the rear setback is to be the same as the garage setback. A 0m setback is permissible.

## 3B.3.2 Building Appearance

### Objectives

- 1) Maintain and enhance the established, character and amenity of the neighbourhood.
- 2) To ensure the building appearance of a secondary dwelling is of a high standard, the design and materials are regulated by this document.

### Controls

- a) The appearance, the position and the height of the secondary dwelling is to be designed to avoid adverse effects on the amenity of the site and the character of the neighbourhood.
- b) Generally prefabricated site sheds, moveable dwellings, transportable homes, prefabricated homes, converted shipping containers and the like would not meet the standards prescribed and are unlikely to be approved. They also do not require energy efficiency design measures required with the issue of a BASIX Certificate.

## 3B.3.3 External Design

### Objectives

- 1) Ensure that secondary dwelling development minimises impact on the amenity of neighbourhoods and is suitably integrated with existing principal dwelling on a site.

### Controls

- a) Building bulk and height, scale, massing, roof form and materials should be sympathetic to existing built forms and complement rather than detract from the existing principal dwelling on the site.
- b) Building design should be of a high quality and of architectural merit.
- c) Architects/designers should avoid a monolithic appearance created by large expanses of blank walls through the use of architectural design features, articulation and fenestration.
- d) The building appearance should preserve the visual amenity and residential quality that surrounding residents enjoy.
- e) An attached secondary dwelling must feature a physical/ structural attachment with the principal dwelling on a site and include sympathetic integration with the roof structure of the principal dwelling.

## 3B.3.4 Materials

### Objectives

- 1) Ensure building materials used for a secondary dwelling are sympathetic to the principal dwelling.
- 2) Ensure that secondary dwelling development minimises impact on the amenity of neighbourhoods and is suitably integrated with existing development on a site.
- 3) Construction should aim at maximum energy efficiency.

### Controls

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- a) Any new development, when viewed from the street should be compatible with the principal dwelling on site and the character of buildings in the site's visible locality by using similar shaped windows and similar building materials.
- b) Secondary dwellings shall not be prefabricated site sheds, moveable dwellings, cabins or converted shipping containers.
- c) External building materials and their colours should be compatible with the character of the locality. For example, use bricks and tiled roofs or weatherboard and sheet metal roofing, where these predominate.
- d) Where a garage, carport or outbuilding is proposed to be converted to a secondary dwelling, external building materials and their colours should be compatible with the principal dwelling on site and the character of the locality.
  - i. variations may be considered by Council where it can be demonstrated that the materials used meet construction standards relevant under the *Building Code of Australia* and will result in a building appearance which is compatible with existing development on the subject site and surrounding area.
  - ii. exemptions will also be considered in the case of heritage items where the design and materials utilised for construction are sympathetic with the heritage item and satisfy other heritage requirements specified by Council.
- e) The materials used in secondary dwelling housing must achieve the following outcomes:
  - i. Durable and robust construction, and
  - ii. Achieve adequate acoustic amenity, natural ventilation and access to sunlight for the occupants of the secondary dwelling.
  - iv. All new dwellings and renovated dwellings in NSW are required to meet minimum water and energy rating requirements specified by State Legislation – *BASIX* (Building Sustainability Index). Further details regarding *BASIX* can be found at <http://www.basix.nsw.gov.au/iframe/about-basix.html>
  - iv. Compliance with the *Building Code of Australia* is also required.
    - e) Where conversion of an existing structure is proposed to create a secondary dwelling, applicants need to be aware of construction standards specified under the Building Code of Australia and should seek technical advice to ensure compliance with the relevant Australian Standards.

### 3B.3.5 Internal Design

The internal design of a secondary dwelling facilitates a functional enriched environment for the occupancy. To ensure the internal design is of a high standard it is regulated.

#### Objectives

- 1) Maintain a high quality of amenity within the secondary dwelling.
- 2) Ensure room sizes are functional, are of sufficient size and cater for intended use.
- 3) Furnish secondary dwellings with basic amenities to ensure the occupants are provided with an acceptable standard of independent living.
- 4) Ensure private open space is easily accessible.

#### Controls

- a) The following minimum combined size requirements apply to secondary dwellings:

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- i. the main bedroom must have a minimum floor area of 11m<sup>2</sup>.
  - ii. a living room and kitchen must have a minimum floor area of 14m<sup>2</sup>.
  - iii. where the application is proposing a second bedroom the minimum floor area shall be 7.5m<sup>2</sup>.
- b) Dwelling entrances should create a sense of individuality and act as a transitional space between communal and private areas.
- c) Dwelling construction should minimise noise penetration between dwellings.
- d) Living areas should connect to private outdoor areas.
- e) Entries, doors and passageways should be wide enough to allow furniture movement.
- f) The secondary dwelling must contain a kitchen/bar, bathroom, living room and laundry facilities.

### 3B.3.6 Private Open Space

To ensure that all residents have access to private open space to meet their needs e.g. clothes drying, gardening and pet options, it is necessary to require a separate private open space for the secondary dwelling. To ensure private open space is provided for secondary dwellings, it is regulated.

#### Objectives

- 1) Ensure the private open space is usable, functional and easily accessible for residents.
- 2) Ensure private open space includes landscaping and soft areas.
- 3) Ensure direct access and a relationship between indoor and outdoor living areas.

#### Controls

- a) A secondary dwelling must have a minimum private open space of 24m<sup>2</sup> with at least one 4m x 4m portion of level ground. The principal dwelling shall retain a private open space areas as a separate courtyard with a minimum area of 50m<sup>2</sup>.
- b) In the calculation of private open space:
  - i. A minimum of 50% of the open space area must be a grassed or soft landscaped area located in the rear yard.
  - ii. No area is less than 2.5m in width.
  - iii. Outdoor clothes drying areas are included as private open space.
  - iv. Car parking spaces are not included in open space calculations.
- c) The private open space must have direct and level access to the dwelling's living areas, such as a lounge room, a family room, a dining room or a kitchen.
- d) An access path from the street to the secondary dwelling must be provided. The access path may pass through a carport/driveway or a path along the main dwelling. The path must demonstrate a clear path to the secondary dwelling from the street and is suggested to be 1.2m wide.
- e) The private open space has a grade of not more than 2.5% and is usable, functional and easily accessible for residents.

## 3B.3.7 Visual Privacy

### Objectives

- 1) To ensure that the secondary dwelling is arranged so that reasonable internal privacy and reasonable privacy in respect of proposed and existing adjoining dwellings and private open space are achieved.

### Controls

- a) The secondary dwelling should be sited to prevent direct views into habitable rooms from a public place, neighbouring properties or from any other dwelling within the development. This may be achieved by:
  - i. locating any proposed building or windows so that major living room windows do not directly face those of a neighbouring building;
  - ii. the use of long narrow windows that provide daylight and sunlight without significantly reducing privacy or use windows above 1700mm from floor level;
  - iii. provide screening by way of walls, fences or planting;
  - iv. planning a wall facing another habitable room to have no windows;
  - v. using slope or changes in level of the site to obscure views into the room;

## 3B.3.8 Solar Energy/Climate Control

### Objectives

- 1) Ensure a secondary dwelling achieves energy efficiency and minimises any overshadowing of existing dwellings.

### Controls

- a) The secondary dwelling should be designed to:
  - i. Minimise overshadowing of any other dwelling and particularly to avoid overshadowing any solar energy collectors.
  - ii. Limit exposure to summer sun yet admit winter sun (wherever practicable).
  - iii. Ensure reasonable access to sunlight for living spaces within dwellings and for open space around dwellings.

## 3B.3.9 Car Parking

### Objectives

- 1) Ensure existing on-site parking provisions for the principal dwelling are maintained and any parking structures for the secondary dwelling are minimised.

### Controls

- a) No additional on-site parking is required to be provided for the secondary dwelling. However, car parking is required to be provided for the principal dwelling in accordance with Council's parking requirements.
- b) Where a carport is proposed for a secondary dwelling it will only be supported with a maximum area of 25m<sup>2</sup> for the carport and other awning like structures.
- c) Attached garages to a secondary dwelling will not be supported.

### **3B.3.10 Adaptation of Existing Buildings:**

Council will only consider adaptation of an existing structure for the purpose of a secondary dwelling on a site where it meets the requirements of the *Building Code of Australia*, a *BASIX* certificate can be issued if necessary, it does not displace any existing onsite car parking requirements specified by Council, complies with the maximum floor space as specified in the *Queanbeyan Local Environmental Plan 2012* and the proposal meets the above objectives and controls relating to external appearance, visual privacy and solar energy.

### **3B.3.11 Contribution Charges**

Developer contribution charges under Section 94 of the *Environmental Planning and Assessment Act 1979* are not charged for Secondary Dwellings.

However Contributions under Section 64 of the *Local Government Act 1993* apply to all secondary dwellings. The contributions are required due to the extra demand from the development on Council's services i.e. water, sewer etc.

For further information relating to contributions contact Council.



**Queanbeyan  
Development  
Control Plan 2012  
Part 3C  
Dual Occupancy,  
Multi-Dwelling  
Housing, and  
Residential Flat  
Buildings**

Principal Plan Adopted by Council:	12/12/2012
Reference number:	SF160793/01
File No:	C1842171

## **Part 3C Dual Occupancy, Multi-Dwelling Housing, and Residential Flat Buildings**

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## **Part 3C Dual Occupancy, Multi-Dwelling Housing, and Residential Flat Buildings**

### **3C.1 Introduction**

#### **3C.1.1 Purpose of this Part**

Dual occupancy housing, multi-dwelling housing and residential flat buildings are becoming an increasingly popular choice of residential accommodation in the city as average household sizes decline. Council is committed to ensuring that these types of developments are high quality, well-designed and contribute to the aesthetics of the neighbourhood they are located in.

This part of the plan outlines requirements for the following types of development:

- Dual occupancy
- Multi dwelling housing; and
- Residential flat buildings;

on land zoned R3 Medium Density Residential, R4 High Density Residential, B3 Commercial Core and B4 Mixed Use under the *Queanbeyan Local Environmental Plan 2012*.

#### **3C.1.2 Objectives applicable to Dual Occupancies, Multi-Dwelling Housing, and Residential Flat Buildings**

Objectives of this part are:

- 1) To provide minimum standards that allow for innovative design in buildings;
- 2) To enhance the amenity for residents within dual occupancy houses, multi-dwelling houses, and residential flat buildings;
- 3) To promote urban design that contributes positively to the aesthetics of the streetscape and public domain;
- 4) To protect neighbouring residents from negative amenity impacts;
- 5) To provide a diversity of housing types to suit a range of people's needs; and
- 6) To support environmentally sustainable design principles.

#### **3C.1.3 Relationship to Other Plans, Council Policies and the Like**

There are a number of clauses in State Environmental Planning Policies that may need to be considered for dual occupancies, multi-dwelling housing, and residential flat building development.

*State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)* is a key State policy in respect of promoting high quality urban design, and this part of the plan has been prepared to be consistent with the SEPP to improve the design of residential flat developments of three or more storeys, containing four or more dwellings.

All applications for residential flat buildings of three or more storeys and containing four or more dwellings, must be prepared by a NSW Registered Architect. Further, all such applications must be accompanied by a Design Verification Statement indicating how the Design Quality Principles of SEPP 65 have been achieved, together with a statement that the development has been designed by a registered architect in accordance with the SEPP 65 Regulation.

SEPP 65 also requires that the development standards and guidelines in the Residential Flat Design Code (RFDC) and Residential Flat Pattern Book published by the Department of Planning (refer to: <http://www.planning.nsw.gov.au/~media/Files/DPE/Manuals-and-guides/residential-flat-design-code-2002-02.ashx>) are to be taken into consideration in the

design and assessment of residential flat buildings to which the SEPP applies. In assessing such applications, Council will have regard to those standards in the RFDC which are not covered by this Part of the DCP. The SEPP 65 – Design Quality Principles are shown at Section 3.7 of this Part.

A number of heritage requirements and additional local provisions may also apply, these are set out in Part 4 Heritage Conservation of this DCP.

Where a building is constructed prior to 1960 is proposed to be demolished, Council requires the building to be inspected by Council's Heritage Advisor to determine if there is potential heritage significance. If the building has potential heritage significance a Heritage Impact Statement is to be submitted with the Development Application. These records also help to ensure that a record of Queanbeyan's building stock is retained for posterity (for more information refer to Part 4 of this DCP).

Residential development may also generate what is known as development contributions. Should the development be approved these are payable prior to work commencing. The *Queanbeyan City Council Section 94 Contributions Plan 2012* and the *Queanbeyan Development Services Plans for Water Supply and Sewerage* can be found at Council's website.

### **3C.2 How Does this Part Work?**

The part is divided into various design components each of which contain objectives, performance criteria and prescriptive measures.

The objective may be implemented by meeting both the performance criteria and the prescriptive measures. Meeting performance criteria enables the development of innovative schemes that meet the particular characteristics of an individual site.

Prescriptive measures are requirements that Council consider are likely to meet the objectives and performance criteria of the particular control element. Compliance with the prescriptive measure does not guarantee approval of an application, the application must also achieve the element objectives and performance criteria.

### **3C.3 Definitions**

For definitions of terms refer to the *Queanbeyan Local Environmental Plan 2012*.

### **3C.4 What are Neighbourhood Character Areas**

Council has prepared a number of Neighbourhood Character Statements for a number of Neighbourhood Character Areas (Figure 1) to guide development outcomes in the R3 and R4 residential zones and the B3 and B4 business zones under the *Queanbeyan Local Environmental Plan 2012*.

Although the housing, built form, landscaping forms and styles vary from street to street and even within each block, recurrent themes have been identified in particular precincts and these are set out in the Neighbourhood Character Statements below and as identified on Figure 1 (over). New development should broadly continue the themes, forms and patterns that have helped to establish the character of the different localities and as set out in these Statements.

To achieve these outcomes for future development the following principles will apply:

- 1) New residential development is to be designed to be consistent with the landscape and streetscape character of the neighbourhood.
- 2) The appearance of new housing is to be visually compatible with the main themes and features that characterise the neighbourhood.

- 3) New residential flat buildings are to be designed to reflect site planning and building siting requirements outlined in this plan.
- 4) Where a proposed new building is adjacent to established areas characterised by other building types, the form and massing should be sympathetic to their character.
- 5) The height of development shall comply with relevant provisions of the *Queanbeyan Local Environmental Plan 2012*.

### **3C.4.1 Neighbourhood Character Statement - Precinct 1**

#### **Bounded by High Street, Erin Street, Lowe Street, Rutledge Street, Trinculo Street and Booth Street**

This central area of Queanbeyan includes the Central Business District, Queanbeyan River foreshore and parklands, and, established low and high rise residential flat development. Much of the land zoned R4 under the *Queanbeyan Local Environmental Plan 2012* been developed for residential flats. A number of motel buildings located in the precinct would be suitable for residential redevelopment at a future date.

Typically development in this precinct is four storeys in height (14m) given the large number of existing residential buildings in the locality.

High rise development should focus around the Central Business District and existing pedestrian and public transport networks should be encouraged.

New development to be designed and in accordance with the design elements of this plan and the landscape and streetscape character of the neighbourhood.







### **3C.4.2 Neighbourhood Character Statement - Precinct 2**

#### **Area bounded by Crawford Street, Henderson Road, Campbell Street, Collett Street and Erin Street**

This area comprises part of the Railway Height Subdivision Estate established in 1913. The area has retained much of its single storey detached housing character although few buildings of heritage significance remain.

This precinct is predominantly comprised of single storey older detached houses of weatherboard, fibro and brick construction with metal and tile roofs. Many of the houses have been substantially altered or renovated. Land along Crawford Street contains motel buildings and commercial premises. Some limited residential flat development infill has occurred within the area near the railway.

The land is within close walking distance to the Central Business District, railway station, hospital, parklands, bus routes and other community facilities.

A two storey height limit (8.5m) is recommended for the area to preserve the existing residential scale and character. A two storey height limit in Crawford Street in the vicinity of the Queanbeyan Hotel will ensure the heritage and iconic landmark prominence of this building is not undermined.

The form and massing (the arrangement of the building bulk and articulation of building parts) of new residential flat development should be sympathetic to the existing residential character.

Maintaining visual and acoustic privacy, protection of views and sunlight for existing residents is essential.

### **3C.4.3 Neighbourhood Character Statement - Precinct 3**

#### **Bounded by Henderson Road, Crawford Street and Uriarra Road**

This precinct is part of the old Davidson estate released in 1913, Bulls subdivision released in 1924, Walsh & Mason subdivision released in 1925 and the Killard Estate released in 1917. The majority of houses were built after 1913. Over the years these houses have been renovated, changed or demolished and new developments taken place. So the overall characteristics or particular style of the many houses of the early 1920's have been lost.

Those houses of any heritage significance remaining are characterised as follows:

*The houses represents free standing single storey Californian Bungalow Style (Inter War Period) in a suburban blocks, with informal lawns and gardens.*

*Typical characteristics are double fronted cottage form with low-pitched roofs (predominantly gabled) facing the streets.*

*Corrugated iron is the common roofing materials. The roof has wide overhanging eaves and simple sharp-ended bargeboards.*

*Structural elements expressed like exposed rafters are common in the area reflect the style of the inter war period. Gable ventilators are also very common in the area.*

*Favoured materials for walls are timber weatherboards and fibro, sometimes roughcast brickwork or plastered concrete. The base course for most of the houses is of bricks.*

*Exterior walls of some of the concrete houses are dressed ashlar and rock faces quoins or smooth quoins and rock-faced exterior wall.*

*Verandahs are usually under a separate skillion roof or broken back roof although many are now closed in.*

This area whilst currently developed for low and high rise residential development still has substantial areas remaining for further high density residential development.

The land is in close proximity to the Queanbeyan Railway Station, bus routes and within walking distance to the Central Business District.

Continued development at four storey height limit (14m) is appropriate given the high number of existing four storey residential buildings in the locality.

New development should be designed in accordance with the design elements of this plan and the landscape and streetscape character of the neighbourhood. Where new development is in close proximity to any heritage significant buildings the building should be designed with the above elements in mind.

The design elements relating to visual and acoustic privacy, protection of views and sunlight are critical. New building design should not mimic existing architectural styles of residential flat buildings that were established in the 1970's and 1980's.

High standard architectural designed buildings are encouraged complying with *State Environmental Planning Policy No. 65* and the provisions of this plan.

### **3C.4.4 Neighbourhood Character Statement - Precinct 4**

**Land bounded by Uriarra Road, Ross Road, Morton Street, Campbell Street & Crawford Street**

This area is part of the Killard Estate established in 1917. Within this area there are a small number of heritage significant dwelling houses built in the mid 1930's. These dwellings are of single storey construction of brick, weatherboard, fibro and corrugated iron roof construction. They generally contain separate skillion verandah roofs with slender timber columns and gable roofs.

The remainder of this area comprises commercial development along Crawford Street, a nursing home in Campbell Street, a number of residential flat buildings of single to four storey height and detached dwellings of various construction and design standards.

A four storey height limit (14m) is suitable in this area in keeping with existing two, three and four storey residential unit development that has occurred.

New development will need to take into account the critical design elements relating to privacy, solar access and amenity to minimise impact on adjoining residential occupants. Existing streetscape and landscape elements should be included in the design.

New building design should not mimic existing architectural styles of residential flat buildings.

High standard architectural designed buildings are encouraged complying with *State Environmental Planning Policy No. 65* and the provisions of this plan.

### **3C.4.5 Neighbourhood Character Statement - Precinct 5**

**Kawaree Gardens Retirement Village Canberra Avenue**

This land comprises the Kawaree Gardens Retirement Village. The land is fully developed comprising single and storey buildings. A maximum height of two storeys (7.5m) is recommended for this site.

### **3C.4.6 Neighbourhood Character Statement - Precinct 6**

**Area is generally bounded by Tharwa Road, between Brereton Street and McIntosh Street**

This area comprises a mix of detached dwelling houses and single and two storey multi unit dwellings. The dwelling houses consist of predominantly brick and tile roofs with a lesser number of weatherboard and fibro dwellings.

A two (2) storey height limit is recommended for the area to preserve the existing scale and character of this residential neighbourhood.

New development should be designed in accordance with the design elements of this plan and the landscape and streetscape character of the neighbourhood.

The design elements relating to design, visual and acoustic privacy, protection of views and sunlight are critical to protect the amenity of existing residents.

### **3C.4.7 Neighbourhood Character Statement - Precinct 7**

#### **Frontage to Oleria Street and Lily Place**

This area consists of modern brick and tile dwellings and one two storey townhouse development.

New development should be designed in accordance with the design elements of this plan and the landscape and streetscape character of the neighbourhood.

The design elements relating to design, visual and acoustic privacy, protection of views and sunlight are critical to protect existing residential amenity.

### **3C.4.8 Neighbourhood Character Statement - Precinct 8**

#### **Bungendore Road, Warroo Street and Carwoola Street**

This area consists of single and storey detached dwellings and a limited number of multi unit dwellings.

New development should be designed in accordance with the design elements of this plan and the landscape and streetscape character of the neighbourhood.

The design elements relating to design, visual and acoustic privacy, protection of views and sunlight are critical to protect existing residential amenity.

## **3C.5 Controls**

### **3C.5.1 Design**

#### **Objectives**

- 1) That the design of new residential development takes into account the relevant neighbourhood character statements.
- 2) New residential development should broadly continue the themes, forms and patterns that have helped establish the character of the different neighbourhood localities. To achieve these outcomes the following principles will apply:
  - i. Design new residential development that is consistent with the landscape and streetscape character of the neighbourhood including any emerging urban renewal character.
  - ii. Ensure the appearance of new residential development is visually compatible with the main themes and features that characterise the neighbourhood.
  - iii. Design new buildings to reflect the site planning and building siting requirements outlined in this plan as well as the surrounding design character of established built urban areas or adjacent heritage buildings.

#### **Controls**

##### Performance Criteria

##### *Design and Orientation*

- a) To ensure the appearance of new residential development is visually compatible with the main themes and features that characterise the neighbourhood.
- b) Dwellings with a street frontage shall orientate the main entrance and at least one living area towards the street.

- c) To promote variation of building facades (including addressing both streets for corner sites) and design through the choice of materials, detailing, window treatments, colour and finishes and add visual interest to the street. The inclusion of verandahs, balconies and awnings can help break up the bulk of the building. Justification will be required for 100% face brick facades or 100% rendered and painted brick and will be assessed on merit.
- d) Design is to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the façade orientation. A side wall must be articulated if it has a continuous length of over 10m. Exterior walls and windows facing south should be minimised
- e) To encourage the use of split level or stepped development on steep or sloping sites to minimise excessive external cut.
- f) That buildings enhance the streetscape through the use of suitable built form design and landscaping.
- g) Rooflines that have continuous long runs will not be supported. Rooflines should be provided with articulation and stepping and should be generally consistent with the existing roof forms within the street. Flat or skillion roofs for multi dwelling housing will not generally be permitted where the dominate roof form is of a pitched character. Roof materials and colours should complement the existing types in the locality.
- h) Buildings are not to exceed a total length of 45m. Wall planes are to be articulated every 10m in length. Buildings must be separated by a minimum distance of 6m unless in the case of dual occupancy and multi dwelling housing where the existing dwelling is retained, the setback may be reduced to 3m for new single storey development adjoining the nearest existing building and 4m for new two storey development adjoining the nearest existing dwelling.

### *Driveways, Garages and Parking*

- a) Driveways should avoid a “gun barrel” effect by suitable curving, siting of buildings and the incorporation of a variety of paving material and soft landscaping adjacent to the dwellings and alongside boundaries.
- b) To discourage garages and in particular garage doors and basements from visually dominating the streetscape.
- c) Basement car parking and the garage doors are not to exceed more than 50% of the street elevation of the building. Security grills/screens, ventilation louvres and car park entry doors are to be integrated with the overall façade design.

### *Fencing and Service Areas*

- a) Front fences should complement the streetscape, where a predominant pattern or style of fencing is established in the street. Details of fencing are to be submitted with the development application. Where development adjoins a heritage site the fencing is to complement that of the existing fencing of the heritage site fronting the street and along the adjoining side boundaries. Colorbond™ (metal) type fencing will not be permitted in these circumstances.
- b) Bin structures should be should well designed and considered as part of the appearance of the overall development and should not dominated the streetscape. They should be integrated with the streetscape and landscape of the proposed development.



## *Verandahs and balconies*

- a) Front verandahs and windows are to be situated to maximise observation of pedestrian and vehicle movements.
- b) Balconies on upper level of dwellings that have the potential to overlook adjoining properties must ensure adequate screening measures are incorporated to avoid loss of privacy to neighbouring property. Balconies are encouraged where they address public open space, communal open space, private driveways or the street. Balconies are not to overlook adjoining private open space areas without adequate screening measures.

A heritage analysis by a qualified architect/heritage advisor must be undertaken before designing any buildings adjoining or in the vicinity of heritage items. The design and façade treatment should be informed by a heritage assessment and a formal Heritage Impact Statement must accompany the final design to ensure the significance of the heritage item is protected.

### **3C.5.2 Site Size and Density**

#### **Objectives**

- 1) To control the density of development to promote a mix of housing and to control the scale of development to promote a medium to high density residential environment.
- 2) To ensure the development sites have sufficient area and width that maximises the development potential of land and improves the quality and variety of design through compliance with Council's DCP.

#### **Controls**

##### Performance Criteria

- a) Density of development should be in keeping with the medium to high density character of the area which promotes up to four storey multi-unit housing.
- b) Buildings should provide a mix of dwelling types.
- c) The area of the site covered by impervious surface (including roofed areas, paving, driveways etc.) should be minimised to reduce stormwater runoff from the site and maximise landscaped open space.

##### Prescriptive Measures

#### **a) Site Width and Size**

- i) Dual occupancy, multi dwelling housing and residential flat building development shall comply with Clause 4.1B of the *Queanbeyan Local Environmental Plan 2012*.
- ii) For multi dwelling housing and residential flat buildings the following minimum lot area and dimensions in Table 1 apply:

**Table 1 – Minimum Lot Areas for Multi Dwelling Housing and Residential Flat Buildings**

Dwelling Type	Minimum Width at Building Line	Minimum Area (as per QLEP 2012)
Multi Dwelling Housing	18 metres	750m <sup>2</sup>
Residential Flat Buildings	24 metres	1000m <sup>2</sup>

In Council's experience development sites having a width less than 18m and 24m are not capable of reasonable compliance with this Development Control Plan for the purpose of multi dwelling housing or residential flat development.

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- iii) Council requires the consolidation of more than one existing residential holding for residential flat or multi housing development in a way that improves both the quality and variety of design.
- iv) The consolidation of properties also enables development that maximises the potential of land to best achieve urban consolidation objectives. For this reason also Council does not permit individual properties being left between two developments in a manner that would limit its future development potential for development and/or otherwise impact on its value.
- v) Where consolidation has not been achieved through reasonable negotiation efforts lots of less than 18 metres width for multi dwelling housing or lots less than 24 metres width for residential flat buildings will have development density reduced in accordance with the provisions in Table 2.

## b) Site Density

The density of development should be consistent with Table 2 below:

**Table 2 - Density of Development**

Dwelling Size	Minimum Site Area per Dwelling							
	Precincts 1, 3, 4 and B3 and B4 zones not specified within a Precinct*				Precincts 2, 5, 6, 7, 8 and R3 zones not specified within a Precinct*			
	Medium Density Lot Width		High Density Lot Width		Medium Density Lot Width		High Density Lot Width	
	<18m	>18m	<24m	>24m	<18m	>18m	<24m	>24m
1 Bedroom	80m <sup>2</sup>	65m <sup>2</sup>	80m <sup>2</sup>	65m <sup>2</sup>	165m <sup>2</sup>	128m <sup>2</sup>	165m <sup>2</sup>	128m <sup>2</sup>
2 Bedroom	115m <sup>2</sup>	90m <sup>2</sup>	115m <sup>2</sup>	90m <sup>2</sup>	215m <sup>2</sup>	180m <sup>2</sup>	215m <sup>2</sup>	180m <sup>2</sup>
3 Bedroom	160m <sup>2</sup>	125m <sup>2</sup>	160m <sup>2</sup>	125m <sup>2</sup>	300m <sup>2</sup>	248m <sup>2</sup>	300m <sup>2</sup>	248m <sup>2</sup>
4 Bedroom	215m <sup>2</sup>	165m <sup>2</sup>	215m <sup>2</sup>	165m <sup>2</sup>	420m <sup>2</sup>	330m <sup>2</sup>	420m <sup>2</sup>	330m <sup>2</sup>
*Refer to Development Precinct Plan in Figure 1								

- i) Where individual 'isolated lots' are currently located between existing multi dwelling housing or residential flat buildings at the date on which these amendments become effective, Council will consider an application for units on merit based on the reduced density provisions above. The minimum lot area requirements specified above however must be satisfied.
- ii) All developments should provide a mix of dwelling sizes and types. The approximate number of dwellings that may be accommodated on a site is calculated by dividing the minimum site area per dwelling into the site area. Other requirements detailed in this plan such as setbacks; amenity; water and energy efficiency; carparking; landscaping and other statutory requirements must also be considered. These will generally limit the potential for development of the site, and in some cases the number of dwellings that can be accommodated on a development site.
- iii) For dual occupancy development requirements see Section 3.6.14 of this DCP.

## c) Battleaxe Lots

- i) Development (except dual occupancy) will not be permitted if the only access to the site is via a battle axe driveway or right of way.

## d) Site Coverage

- i) The site coverage of multi-dwelling housing and residential flat buildings should not exceed 40% of the site area.

## 3C.5.3 Setbacks

### Objectives

- 1) To preserve and enhance the existing streetscape;
- 2) To maintain adequate space between buildings and public places to allow for privacy;
- 3) To provide equitable access to light and sunshine; and
- 4) To accommodate landscaping and the deep planting of trees, particularly at the rear of the building.

### Controls

#### Performance Criteria

- a) Setbacks should complement the streetscape.
- b) Lower scale development may be permitted to encroach within the setback area where it enhances the design of buildings and complements the streetscape.
- c) Setbacks should provide for sufficient landscaping to reduce the bulk and scale of buildings.
- d) Building elements within a setback encroachment area should provide a transition in building form to reduce bulk and scale.

#### Prescriptive Measures

##### a) **Front Road Setbacks**

###### First 2 storeys (building height up to 8.5m):

- i. A minimum setback of 6 metres should be provided to the main street frontage.

###### 3 or more storeys (building height 11m-14m):

- ii. A minimum setback of 7.5m should be provided to the main street frontage.

###### Curved Frontages:

- iii. For development on a large curved frontage with two other boundaries, a building line of 5 metres for up to 2 storeys (*building height up to 8.5m*) and 6.5 metres for 3 to 4 storeys (*building height 11m-14m*) applies for the length of the curved frontage.

###### Corner sites:

- iv. The minimum setback to the side street shall be in accordance with the side setback table below (Table 3).

##### b) **Side and Rear Setbacks**

**Table 3 Side and Rear Setbacks**

Number of Storeys (height in metres)	Minimum Setback from Side and Rear Boundaries
1 (6m)	3.0m
2 (8.5m)	3.5m
3 (11m)	4.0m
4 (14m)	5.0m

## c) Setback Encroachments

- i) The building should incorporate modulated building elements, including roofed balconies, with transitional setbacks to reduce the bulk and scale of the building.
- ii) The only projections which will be permitted in the setback areas are roof eaves and sunhoods. Roof eaves and sunhoods may project into the setback by a maximum of 600mm.

## d) Setback Between Buildings

- i) Setbacks between separate internal buildings on a development site are to be a minimum of 6m to ensure solar energy, privacy, amenity, open space, landscaping and visual quality is maintained. The setbacks will also assist in breaking up the bulk and scale of buildings particularly for larger scale developments.
- ii) A minimum 3m setback (for single storey) and 4m setback (for 2 storeys) between buildings will be permitted for detached dual occupancy or for multi dwelling housing where the existing dwelling at the street frontage is retained. The reduced setback provisions will only apply between the existing dwelling and the new building nearest to it.

## e) Setback for Underground Parking

- i) To allow adequate soil depth for the growth of trees, underground car parking areas and excavation should reflect the front building setback and be a minimum of 3m from side and rear property boundaries.

### 3C.5.4 Height

#### Objectives

- 1) To control the height of residential flat buildings within each zone;
- 2) To be consistent with the future desired character of the locality;
- 3) To minimise disruption to views, ensure no loss of privacy and loss of sunlight to existing residential development;
- 4) To provide sunlight access to private open spaces within the development site and maintain adequate sunlight access to private open spaces and windows of living spaces of adjacent buildings.

#### Controls

##### Prescriptive Measures

- a) Maximum building heights within Residential Zones are prescribed by Clause 4.3 of *Queanbeyan Local Environmental Plan 2012* and shown on the Height of Buildings Map.
- b) Ceiling height for all floors is to have a minimum floor to ceiling height of 2.7m for all SEPP65 developments.
- c) Basement height shall be a minimum of 2.2 metres from floor to ceiling, to allow for sufficient clearance space for vehicles.
- d) Underground car parking areas are permitted to extend above ground level to a maximum of 1.2m to achieve natural ventilation. Any podium level resulting from the basement carpark extending above ground level is to be integrated into the building design.

## 3C.5.5 Solar Access

### Objectives

- 1) To facilitate energy efficient design and layout of residential flat building development through the use of energy efficient principles and practices;
- 2) To preserve solar access to north facing solar collectors, private open space and clothes drying facilities of multi-dwelling housing and residential flat building developments;
- 3) To encourage the use of renewable energy sources; and
- 4) To achieve landscape design that does not inhibit the energy and solar efficiency of individual dwellings.

### Controls

#### Performance Criteria

- a) Rooms generally used during the daytime should be capable of receiving adequate sunlight.
- b) Dwellings should be sited so that the long axis or length of the building faces to the north to maximise the amount of sunshine the dwellings and open space areas receive in winter.
- c) Dwellings should not unreasonably obscure sunlight to habitable rooms, solar collectors or open space of adjoining development during the winter months.
- d) The orientation, layout and shape of dwellings should take into account any overshadowing by adjacent buildings, structures or trees during the winter months.

#### Prescriptive Measures

- a) Development should not overshadow more than 50% of public open space areas including parks and recreational facilities between 9.00am and 3.00pm on 21 June (winter solstice).
- b) Unless site conditions dictate, buildings adjacent to existing residential development should be designed to allow at least three hours of sunshine to the primary private open space required for adjacent dwellings between 9.00am and 3.00pm on 21 June (winter solstice).
- c) Buildings should be designed to allow north facing windows to living areas of adjacent dwellings to receive three hours of sunshine between 9.00am and 3.00pm on 21 June over a portion of their surface (winter solstice)
- d) Shadow diagrams should be submitted for building of two storeys or more illustrating surrounding development and shadows cast at 9.00am, 12 noon and 3.00pm on 21 June. (Winter solstice) The shadow diagrams are to show the impact of the proposal on the site and on adjoining sites. Such diagrams should be prepared by an appropriate professional, be based on a survey of the site and buildings on adjoining sites and include details of finished ground levels.
- e) At least 50% of the primary private open space area for at least 80% of all dwellings within a development must receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm on 21 June (winter solstice).
- f) Living rooms for at least 80% of all dwellings within a development must receive a minimum of 3 hours direct sunlight hitting their primary window surfaces between 9.00am and 3.00pm on 21 June (winter solstice).

**Note:** True north should be used when preparing shadow diagrams and orientating buildings.

## 3C.5.6 Fencing

### Objectives

- 1) To ensure fencing defines the boundaries between public, private and communal land.
- 2) To ensure fencing contributes to the aesthetic qualities of the streetscape.
- 3) To enhance the usability of primary private open space (POS).
- 4) To offer acoustic and visual privacy on busy roads, where appropriate.
- 5) To avoid long expanses of solid masonry, timber paling or colourbond blank walls.
- 6) To require open elements within the fence design in some circumstances to enable passive surveillance of public, private and communal land.
- 7) To integrate landscaping into fencing design to minimise its visual impact.

### Definitions

For the purposes of this clause the following definitions apply:

- **primary road frontage** means the road to which the front of a building on a lot faces or is proposed to face; and
- **secondary road frontage** means, in the case of a corner lot that has boundaries with adjacent roads, the road that is not the primary road.

### Controls

#### Fences behind the building line of the primary road frontage

- a) Side and rear boundary fences:
  - i) No higher than 2.1m above ground level (existing).
  - ii) Barbed wire and electric fencing is not permitted.
    - Highly reflective materials will not be supported.
- b) Corner blocks (Secondary Street frontage):
  - i) Be not higher than 2.1m above ground level (existing) for 50% of the secondary street frontage. Open elements are required for the portion of fencing that is above 1.8m.
  - ii) Any gates are to swing open within the property.
  - iii) Must not interfere with the ability of vehicles to safely manoeuvre.
  - iv) Be designed to be integrated with the design of the existing building in terms of materials, colours and finishes.
  - v) Barbed wire and electric fencing is not permitted.
  - vi) Highly reflective materials are not supported.

#### Fences – forward of the building line for the primary road frontage

- a) Any fence located along the boundary of, or within the setback area to, a primary or secondary road must:
  - i) not be more than 1.2m above ground level (existing), and
  - ii) contain open elements for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with any individual solid element of the fence above this height being no more than 350mm in width with a minimum aperture of 25mm.
- b) Any gates are to swing open within the property.
- c) Must not interfere with the ability of vehicles to safely manoeuvre.

- d) Be designed to be integrated with the design of the existing building in terms of materials, colours and finishes.
- e) Barbed wire and electric fencing is not permitted.
- f) Highly reflective materials are not supported.

### Fencing/Walls For Primary Private Open Space (POS) In Front of Multi-Unit Development

- a) Where POS is provided in the front setback of a development, the fencing or walls for the POS must be designed to avoid negatively impacting the aesthetic qualities of the streetscape.
- b) Fencing or walls up to 1.8m may be erected to enclose the POS provided that:
  - i) the fence or wall is designed to reflect the design character of the development and is not incompatible with other fences and walls within the streetscape,
  - ii) the top 0.3m (minimum) of the fence is predominantly constructed of semi-open materials to provide for some surveillance,
  - iii) landscaping is incorporated into the fence or wall design to provide vegetation screening for a minimum of 50% of its length, and
  - iv) the fencing for the remaining aspects of the dwelling, including the entry to the dwelling, is designed consistent with the requirements set out in respect of dwellings fronting public areas including roads.
- c) The addition of screening materials that are not part of the constructed wall or fence (such as shade cloth, bamboo screening or similar) are not allowed.

### Fencing/Walls For Primary Private Open Space (POS) Facing Communal Areas

- a) Communal areas are defined as those parts of a development that are shared by the respective occupiers, such as common driveways, storage and landscaping areas.
- b) Where private open space fronts any communal areas of a development, fencing/walls up to 1.8m may be erected provided that the top 0.3m (minimum) of the fence is predominantly constructed of semi-open materials to provide for some surveillance.
- c) The fence/wall is to be integrated into the design of the building using similar materials.
- d) Landscaping is incorporated into the fence/wall design to provide vegetation screening of the fence where possible.

See figure 2 below for examples of fencing and the use of open elements.



**Figure 2: POS Examples of Open Elements for Fencing**

**Good Example (below)** – Fence a combination of metal and wooden finish that creates a sense of privacy for its full height, but also contains some open elements that allow for surveillance through the fence.



**Good Example (below)** – Fence a combination of masonry and metal finish, seeking to use construction materials similar to the building. Again creates sense of privacy for its full height while also allowing for open elements that provide surveillance through the fence.



**Bad Example (below)** – Fence constructed of inappropriate materials. Does not integrate with design of building. Presents poorly to the streetscape. Creates no sense of privacy for residents. Open elements excessive.



## 3C.5.7 Primary Private Open Space

### Objectives

- 1) To provide sufficient primary private open space (POS) for the reasonable recreation needs of residents and to locate open spaces to take advantage of natural features of the site.
- 2) To provide primary private open space areas that act as an extension to the living area and receive adequate sunlight.

### Controls

#### Performance Criteria

- a) Primary private open space areas should be of dimensions to suit the projected requirements of the residents and to accommodate both outdoor recreation needs as well as providing space for service functions such as clothes drying.
- b) Part of the primary private open space should be capable of enabling an extension of the living area of the dwelling.
- c) Orientation of primary private open space should provide for maximum year round use in terms of sunlight.

#### Prescriptive Measures

##### For dwellings located at ground level

- a) One part of the POS must have a minimum area of 25m<sup>2</sup>, including a minimum width of 4m.
- b) The POS must be directly accessible from a living area of the dwelling, and have a northerly aspect.
- c) Screening provided where necessary to ensure privacy to users of the open space.
- d) Courtyard areas shall not exceed a maximum grade of 1:14 to optimise useability for residents.
- e) The development application is to detail the treatment of the POS is to comprise a mix of paving and landscaping. Under no circumstances will Council accept the POS area to be fully concreted or mulched. A mix of paving and garden beds is acceptable.
- f) Wherever a dimension is less than the required minimum (i.e. 4m) it shall not be counted as part of the calculation for POS areas.
- g) Primary private open space is permitted in front of existing multi unit development (or where an existing dwelling is retained in front of proposed multi unit development) subject to:
  - i. A 2m landscape setback resulting in a minimum 4m width courtyard behind the wall.
  - ii. That a living area directly opens onto the courtyard.
  - iii. That the courtyard does not encroach within designated common open space areas.
  - iv. That the courtyard has a northerly aspect.
- h) Primary Private Open Space is permitted in front of new multi unit developments subject to:
  - i. A 7m building setback for the development allowing for a 3m landscaped wall setback and 4m width courtyard behind the wall.
  - ii. That the living area directly opens onto a courtyard.

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- iii. That the courtyard does not encroach within designated common open space areas.
- iv. That the courtyard has a northerly aspect.

## Erection of covered structures within new development

- a) The erection of roofed structures within the POS areas will only be considered by Council where:
  - a) The structures are integrated with the overall building design and submitted with the application;
  - b) A minimum 2m setback to the side or rear boundary is retained;
  - c) No more than 50% of the POS is covered;
  - d) The structures are not enclosed; and
  - e) Are not permitted within a courtyard with a street frontage

## For construction of roofed structures within existing multi unit residential developments

- a) Council will only consider such structures where an integrated architectural design plan for all dwellings is endorsed by the Body Corporate or the land owner satisfying the above criteria and has been endorsed by Council. Individual applications from owners will only be considered by Council adhering to the overall plan and the criteria above.

## For dwellings located above ground level

- a) A balcony or roof top area conveniently accessible from the main area of each dwelling having a minimum area of 12m<sup>2</sup> with a minimum dimension of 2m.
- b) Privacy screening of the balcony must be provided where adjacent private dwellings may be adversely affected.
- c) Balcony balustrades are to be constructed of materials that provide some contrast with the main wall of any building so that the appearance of such buildings is made more interesting. Clothes hanging/drying are not permitted on balconies.

## Shared Open Space

- a) Total minimum area of 20% of the site area (including Private Open Space areas) is to be set aside for open space. Such area is to be landscaped and include the provision of facilities including outdoor seating and the like where appropriate.
- b) A minimum 25% of the ground level open space area of the site shall be a deep soil zone. This is to be achieved by optimising:
  - i) The design of basement and sub-basement car parking so as not to fully occupy the site;
  - ii) The use of front and side set backs for deep soil planting.

## **3C.5.8 Visual And Acoustic Privacy**

### **Objectives**

- 1) To provide the visual and acoustic privacy of residents within the development site and of nearby residents in their dwellings and private open space.
- 2) To ensure the transmission of noise between dwellings in the development is minimised.
- 3) To ensure the control of noise sources from new development to minimise effects on neighbours.

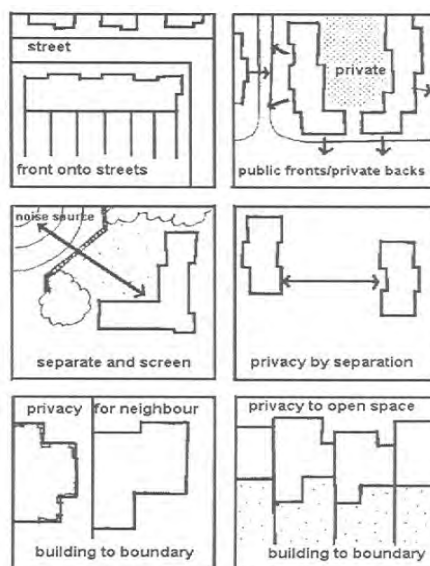
### **Controls**

## Performance Criteria

### Visual Privacy

- a) Dual occupancy housing, multiple dwelling housing and residential flat buildings shall be designed to avoid overlooking to and from private open space and the main habitable areas of dwellings through building layout and location, design and location of windows and screening devices, balcony design and distance.
- b) Direct views between habitable and private open space areas of adjacent dwellings shall be screened in a permanent and visually appropriate manner.
  - i) The view of the area overlooked must be obscured within 9m and beyond a 45° angle from the plane of the wall containing the opening, measured from a height of 1.7m above floor level.
  - ii) Direct views between habitable and private open space areas of adjacent dwellings may be obscured by solid translucent screen or perforated panels or trellises which have a maximum of 25% of openings and which are:
    - Permanent and fixed;
    - Of durable materials; and
    - Designed and painted or coloured to blend in with the development.
- c) No screening is required where:
  - i) Windows are in bathrooms, toilets, laundries, storage rooms or other non-habitable rooms and they have translucent glazing or sill heights of at least 1.7m.
  - ii) Windows are in habitable rooms and they have sill heights of 1.7m or more above floor level or fixed translucent glazing to any part of a window less than 1.7m above ground level.
  - iii) Windows and balconies of an upper-level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower-level dwelling directly below and within the same development.
  - iv) Narrow or opaque windows may be used to reduce overlooking as opposed to large windows that occupy the majority of a wall.
  - v) Screening of opposing windows, or balconies overlooking adjoining courtyards or adjoining properties are to incorporate fixed screens or other suitable alternative means.
- d) On ground separation and screening from common use areas:
  - i) Windows and balconies of dwellings should be separated or screened from common use areas such as paths, driveways, common open space, etc. Screens could include courtyard walls, hedges and fences, whilst separation could be achieved by either distance or changes in level.

Figure 3: Privacy is a key consideration at the site planning and layout stage



## Prescriptive Measures

### Visual Privacy

- a) The recommended minimum separation distances between buildings shall be 6m.
- b) Habitable room windows with a direct outlook to the habitable room windows in an adjacent dwelling within 9m:
  - i) Shall be offset from the edge of one window to the edge of the other by a distance sufficient to limit views into the adjacent windows;
  - ii) Shall have sill heights of 1.7m above floor level; and
  - iii) Shall have fixed obscure glazing in any part of the window below 1.7m above floor level.

## Performance Criteria

### Acoustic Privacy

- a) The transmission of noise may be minimised by:
  - i) Locating living rooms or garages of dwellings to not abut bedrooms of adjacent dwellings.
  - ii) Separating plumbing for each dwelling and containing them to prevent transmission of noise between dwellings.
  - iii) Using appropriate noise-resistant wall, ceiling and floor materials to the requirements of the Building Code of Australia.
- b) Dwellings abutting major roads or other uses that emit high levels of noise shall be designed to locate noise sensitive uses away from the source and are protected by appropriate noise-shielding techniques. This may be achieved by:
  - i) Locating bedroom and other noise-sensitive rooms away from the road;
  - ii) Using thick glass panes or double glazing to windows fronting the road;
  - iii) Using solid-core doors and other appropriate seals to vents and other openings;
  - iv) Mounding (within landscape setback); or
  - v) Using solid wall construction.



- c) Noise sources from new development may be controlled by locating active recreation areas (eg swimming pools and barbecue areas); services such as garbage collection, pumps and air conditioners; and access ways, garages and parking areas away from bedrooms of adjacent dwellings.
- d) Driveways and parking areas shall be located away from bedroom windows of neighbouring dwellings.
- e) Maximum noise levels from plant and equipment:
  - i) No electrical, mechanical or hydraulic plant or equipment shall generate a noise level greater than 5dBA above the ambient L90 sound level at the boundaries of any allotment at any time of day.

## Prescriptive Measures

### Acoustic Privacy

- a) Bedrooms of one dwelling should not be adjoining the activity areas of adjoining dwellings.
- b) External noise from major roads or surrounding development can be minimised by:
  - i) Location of bedrooms and other noise sensitive rooms away from the road;
  - ii) Double glazing or thick glass panes to windows facing the road;
  - iii) Landscaping or mounding; or
  - iv) Solid wall construction.
- c) Site layouts are to ensure that visitor parking areas have a line of sight separation of at least 3m from bedroom windows.

**Figure 4: Privacy and Open Space Considerations**

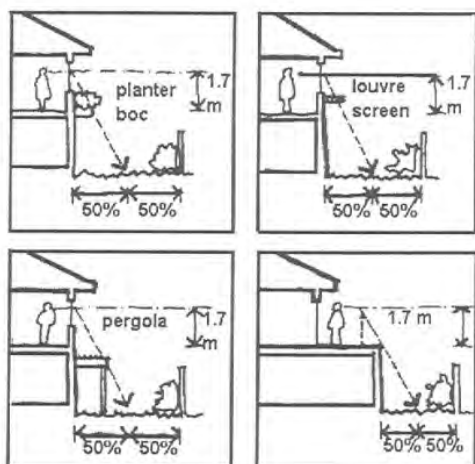


Figure 3 above shows techniques for providing privacy to a lower dwelling's private open space.

## **3C.5.9 Safety And Security**

### **Objectives**

- 1) To provide personal and property security for residents and visitors and enhance perceptions of community safety.
- 2) To provide each dwelling with an entry that creates a sense of individual identity.

### **Controls**

#### Performance Criteria

- a) Buildings shall be designed to overlook public and communal streets and other public areas to provide casual surveillance. Buildings adjacent to public or communal streets or open space shall have at least one habitable room window with an outlook to that area.
- b) Site planning, buildings, fences, landscaping and other features shall clearly define territory and ownership of all public, common, semi-private and private spaces.
- c) Appropriate lighting shall be provided to all pedestrian paths between public and shaded areas, parking areas and building entries. Building entries shall provide a sense of security for both residents and visitors. Shared entries serving dwellings shall be able to be locked.
- d) Movement sensitive light switches shall be installed outside residential flat building walls near pedestrian paths, shaded areas, parking areas and building entries.
- e) Entries to dwellings:
  - i) shall be clearly visible from streets or internal driveways;
  - ii) shall provide a sense of personal address shelter and transitional space around the entry, eg porch/awning.
  - iii) shall be located at ground level and are or can be easily accessible to people with disabilities.
- f) All entries shall be generally not set back more than 10 metres from the street frontage. Residents and visitors should be able to see into an entry foyer prior to entering.
- g) Buildings shall be designed to minimise access between roofs, balconies and windows of adjoining dwellings.
- h) Major pedestrian, cycle and vehicle thoroughfare areas shall identify and be reinforced as “safe routes” through:
  - i) appropriate lighting;
  - ii) the potential for casual surveillance from houses;
  - iii) minimised opportunities for concealment;
  - iv) landscaping which allows long-distance sight lines; and
  - v) avoidance of “blind corners”.
- i) Landscape and fencing shall not be of security risk. Where security is an issue, paths shall not be screened. Planting may consist of low ground covers and where taller tree species are proposed trees with clean trunks to a height of two metres are encouraged.
- j) Front fencing shall be predominately open in design such as picket or palisade fences.
- k) Carparking shall be designed to enhance safety for all users through:
  - i) using appropriate lighting;
  - ii) allowing maximum opportunities for casual surveillance; and
  - iii) using appropriate security measures.



## **3C.5.10 Access And Mobility Objectives**

- 1) To provide a diversity of apartment types, which cater for different household requirements now and in the future.
- 2) To maintain equitable access to new housing by cultural and socio-economic groups.
- 3) To encourage housing designs which meet the broadest range of the occupants' needs as possible.
- 4) To encourage adaptive re-use.

## **Controls**

### Performance Criteria

- a) A variety of dwelling types is encouraged between 1, 2, 3 and 4 bedroom apartments; particularly in large residential flat developments and on the ground floor.
- b) 10% of units in multiple dwelling housing and residential flat developments shall be designed as suitable for adaptation for occupation by disabled/aged persons.

### Prescriptive Measures

- a) The design of all new development must address the provision of access for people with special access needs. This includes access to and from public foyer areas, parking areas and private open space areas (for dwellings that have been nominated as adaptable dwellings).
- b) Multiple dwelling housing and residential flat building developments must provide dwellings that comply with *AS4299 – 1995 Adaptable Housing* on the following ratio:
  - i) One adaptable dwelling for every 10 dwellings in the development.
  - ii) Where the number of dwellings is less than 10 dwellings and not less than five dwellings, provision is to be made to providing at least one adaptable dwelling
- c) The design of dwellings should ensure that the shape and dimensions of a room allow flexibility in its use and furniture arrangement. Entries, doors and passageways must be wide enough to allow for furniture movement and wheelchair access.
- d) Each adaptive dwelling is to be provided with a minimum 3.8m wide car parking space located close to an accessible entrance to a building or facility (refer to *AS 1428.1*) or to a wheelchair accessible parking space and an accessible entrance to a building or facility or to a wheelchair accessible lift (refer to *AS 1735.12*). A continuous accessible path of travel (refer to *AS 1428.1*) shall be provided.
- e) Notwithstanding the above, Council may require a higher number of designated accessible parking spaces over and above the requirements set out in the *BCA*, depending on the specific circumstances.
- f) Designated accessible spaces shall consist of an unobstructed area having a firm, plane surface with a fall not exceeding 1 in 40 (or 1 in 33 for outdoor bituminous seal surface).
- g) Provide headroom of at least 2.5m. (Headroom refers to the vertical distance between the floor level and the lowest point of any overhead structure/obstruction).
- h) Accessible parking shall be well lit.
- i) In buildings having no lifts adaptable dwellings must be located on the ground floor and be accessible by a safe path of travel to the main entrance to the street in accordance with the *Building Code of Australia* Part D 3.2.

**Table 4 - Lift requirements for Residential Flat Buildings**

Storeys	Lift Required
1	No
2	No
3 (no basement)	No
3 (with basement)	Yes
4	Yes

### **3C.5.11 Car Parking, Driveways And Manoeuvring Areas**

#### **Objectives**

- 1) To ensure adequate provision of secure and accessible on-site parking for residents and visitors;
- 2) To ensure vehicular and pedestrian safety;
- 3) To ensure that parking areas are designed carefully so that they do not detract from the appearance of the development and the surrounding streetscape;
- 4) To ensure that the design of parking areas limit the amount of impervious surfaces over a site;
- 5) To ensure that the design of parking areas limit the amount of site excavation in order to avoid site instability and the interruption to ground water flows.

#### **Controls**

##### Performance Criteria

- a) Parking spaces are not permitted between the front of the building(s) and the street with the exception of any access way immediately in front of the garage. The area between the dwelling and the verge shall not be a hardstand area used for parking of vehicles or storage of items.
- b) Parking spaces (including visitor spaces) will only be permitted within the rear building setbacks where they are visible from the street or internal driveways. Where parking is provided in such circumstances a minimum landscaped area of one metre is to be provided adjacent to the rear boundary and at least 60% of the rear setback is to be maintained for common open space or private open space.
- c) Garage doors shall not dominate the front elevation of the dual occupancy housing, multiple dwelling housing or residential flat buildings.
- d) Garages should be of a scale and position so as not to conflict with the character of other residential dwellings in the street. Garage entrances shall be located to the side wall behind the façade main wall of the building, or to the rear of the allotment.
- e) All car parking spaces, garages and vehicle manoeuvring driveways shall be designed so that vehicles can easily enter and leave the premises by movement in a forward direction.
- f) Where large areas of paving are required for driveways, turning and parking areas, these shall be treated with a variation of paving, inter-planting with grass in perforated cellular slabs or landscaping to give a visual break to such areas.
- g) Differing surface treatments such as paving or stencilling is to be used to highlight entrances, visitor parking spaces and to break up the driveway (create visual appeal through the use of different driveway treatments).
- h) Landscaping shall be used to break up parking and driveways.

- i) Long straight driveways (gun barrel developments) are to be avoided.
- j) Parking may be provided in tandem where 2 spaces are provided for one dwelling and form part of a strata title lot.
- k) Visitor parking spaces shall be freely accessible at all times by their intended users, and preferably located in front of security grills. Where they are located behind any security grills or controlled access doors, provision must be made for an intercom system to allow access.
- l) Visitor parking spaces must be clearly designated and signposted. They should be easily visible when entering the site and cars must be able to enter and leave the site in a forward direction.

## Prescriptive Measures

- a) On-site car parking for is to be provided in accordance with the Required Car Parking tables in Part 2 of this DCP.
- b) All car parking spaces required by Council in excess of the number quoted above, shall remain as common property and shall be kept available for the use of visitors to the building.
- c) Minimum dimensions for car parking spaces and aisle widths to be in accordance with *AS/NZS 2890.1:2004 – Parking Facilities Part 1 – Off Street Car Parking*. Refer Part 2 of this DCP.
- d) Visitor parking spaces shall be freely accessible at all times by their intended users, and preferably located in front of security grills. Where they are located behind any security grills or controlled access doors, provision must be made for an intercom system to allow access.

## **Car Parking for Delivery and Service Vehicles**

- a) Additional parking for delivery/service vehicles will be required by Council for larger scale developments. Council's requirements will be discussed with an applicant at a pre-lodgement meeting. Refer to Part 2 of this DCP.

## **3C.5.12 Stormwater Management**

### **Objectives**

- 1) To control stormwater runoff and minimise discharge impacts on adjoining properties and into natural drainage systems before, during and after construction.
- 2) To prevent flood damage to the built and natural environment, inundation of dwellings and stormwater damage to properties.
- 3) To ensure that proposed development does not adversely affect the operational capacity of the downstream stormwater system.
- 4) To encourage re-use, recycling and harvesting of stormwater to reduce wastage consumption.

### **Controls**

#### Performance Criteria

- a) Site drainage schemes shall utilise on-site detention and infiltration mechanisms wherever possible.
- b) Building design and landscaping treatment shall allow for the minimisation of water consumption.
- c) On-site detention shall be used to trap and remove waterborne contaminants.

## Prescriptive Measures

- a) Where any development will result in an increase in stormwater runoff, Council may require the developer to make satisfactory arrangements for the efficient disposal of stormwater from the site. These arrangements may include (but not be limited to) on-site detention of stormwater and/or appropriate augmentation of Council's stormwater disposal system.
- b) The stormwater discharge for development sites shall not exceed the 5 year ARI storm event. Typically an on-site stormwater detention system will be required to reduce the velocity of stormwater discharge.
- c) On-site stormwater and drainage control should be designed to the requirements specified in Council's Engineering Specifications for Subdivisions.
- d) Stormwater should be gravity drained to Council's drainage system, which may require interallotment drainage.
- e) The collection and mechanical pumping of stormwater upslope will not be considered by Council.
- f) Proponents may require the creation of easements over downstream properties for drainage purposes. In this circumstance a letter of agreement from the owner(s) of the downstream properties is to be submitted with the development application.
- g) Such agreement must state that they have no objection to the discharge of stormwater through their properties to reach Council's drainage system nor do they have objection to the creation of necessary easements over the pipelines.
- h) If an easement is necessary over downstream properties this must be created prior to the development consent becoming active, that is, *deferred commencement consent would be issued* in such cases where an easement is outstanding.

### **3C.5.13 Site Facilities**

#### **3.5.13.1 General Site Facility Controls**

##### **Objectives**

- 1) To ensure facilities, such as waste bin enclosures, mail boxes, clothes drying areas and storage facilities are designed to be conveniently reached, are visually attractive, require minimal maintenance and to have minimal adverse impacts on the amenity of the development and locality.

##### **Controls**

##### Performance Criteria

- a) Waste management for all types of multiunit dwellings should comply with the requirements under the Better Practice Guide for Waste Management in Multi-Unit Dwellings published by the NSW Environment Protection Agency ([www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)).

#### **3.5.13.2 Waste Storage**

##### **Objectives**

- 1) Acceptable Collection and Storage Methods.

##### **Controls**

- a) In determining the location of storage areas for bins the applicant must first consider the method of collection required.

- b) For up to 6 units each dwelling in the development will be provided with waste, recycling and green waste bins. Storage areas need to be provided within the curtilage of each unit and may include garages or courtyards that provide external access. Residents shall be responsible for wheeling the mobile garbage bins to the kerbside for weekly/fortnightly collection.
- c) For 7 or more units a communal waste enclosure will be required to be located immediately adjacent to the front boundary and no further than 6.0m from the front boundary. Where bins are stored in a common area, bins will generally be collected by the waste contractor from the storage area, emptied and returned to the storage area.
- d) For 6-12 units either of the above collection methods may be practical and selection of the best method should be done in conjunction with Council staff.
- e) If bins are to be placed at kerbside, consideration needs to be given as to whether there is sufficient space for collection and whether the location will pose a traffic hazard. Wheeled bins should not be placed near intersections, roundabouts, slow points or along busy arterial roads. In these circumstances applicants should investigate whether collection is available from side or rear streets, and whether sufficient frontage is available to service the number of bins/units.

### 3.5.13.3 Location of Storage Areas

#### Objectives

- 1) Appropriate siting and storage of waste bins.

#### Controls

- a) Communal waste bin enclosure areas are to be located so as to:
  - i) conceal their contents from view from public places and adjacent properties;
  - ii) avoid creating an odour nuisance for dwellings on property and adjoining properties; and
  - iii) avoid creating a noise nuisance during servicing for dwellings on the property and on adjoining properties.
- b) Waste bin enclosure areas should be designed to:
  - i) be uncovered and constructed of materials matching materials of the main building. For development 3 storeys or more waste bin areas are to be roofed, with provision for ventilation;
  - ii) be incorporated into the landscaping if provided at ground level; and
  - iii) be well ventilated and accessible where located in under floor areas of the building.
- c) Distance and slope are important considerations in the relationship between the storage area and collection point for individual bins; particularly for elderly residents. As a general rule, bins should not need to be wheeled more than 50 metres, and should not need to be wheeled over steps or through a dwelling. The bin-carting grade should not exceed 1:14.
- d) Collection of bins within a development will not generally be considered favourably. In larger developments (>30 units) Council may consider internally located collection bays after consultation with its waste contractor. Where waste bins are to be collected from a point within the site, adequate space shall be provided within the site to accommodate the collection vehicle.
- e) Turning circles must comply with the AUSTROADS single unit truck/bus design. Internal road pavements will be required to be upgraded to meet Council's subdivision standards for roads and shall have a minimum width of 6.0m.

- f) Pedestrian and traffic safety must be considered in the design of the storage and collection points for bins. It is essential that bins be stored as close to the entry of the development as practical to avoid service trucks having to enter or traverse the site to collect the waste. Wherever possible waste collection vehicle movement should be in a forward direction.

### **3.5.13.4 Ongoing Management**

#### **Objectives**

- 1) Ongoing management of waste/waste collection.

#### **Controls**

- a) It is important to establish and delegate responsibility for the following ongoing management tasks:
  - i) Transporting bins between the storage area and collection point on collection day and returning bins promptly to the storage area following collection;
  - ii) Washing the bins and the storage area regularly;
  - iii) Monitoring and maintaining the chute system, where proposed;
  - iv) Maintaining the development free of litter and dumped rubbish; and
  - v) Ensuring communication of waste management issues to residents.
- b) For high-rise residential flat buildings a caretaker or manager is required to undertake these responsibilities. Ongoing management must be addressed in the Waste Management Plan submitted with the development application.
- c) In addition the Waste Management Plan shall detail:
  - i. The type and amount of waste/recyclable materials to be generated;
  - ii. How waste/recyclable materials are to be stored and treated on site;
  - iii. How residual waste/recyclable material is to be disposed of; and
  - iv. How ongoing waste management will operate.

### **3.5.13.5 Other Facilities**

#### **Objectives**

- 1) Ensure appropriate location of other site facilities.

#### **Controls**

##### *Antennae*

- a) One television antenna is provided to serve all dwellings in a residential flat building. Likewise for other communication antennae or dishes.

##### *Storage*

- a) Each dwelling is provided with a lockable external store of waterproof construction with a minimum volume of 6 m<sup>3</sup>. A lockable garage or locker in a carport is acceptable.
- b) In developments of 10 or more dwellings, a storeroom with toilet and wash basin is to be provided for use by persons providing maintenance services.

##### *Building Identification*

- a) Appropriately designed, clearly visible signage is to be provided indicating the address (and name) of the building for ease of identification.

##### *Clothes Drying*

- a) Clothes drying facilities are to be appropriately screened from public view. An adequate area is to be provided with good solar access and installed with adequate drying facilities.
- b) Developments are encouraged to provide secure, open air clothes drying facilities screened from street view.
- c) If open air, common clothes drying facilities are provided, they are to be easily accessible to all residents and visually screened from streets and other public areas.
- d) If clothes drying facilities are located on private balconies, 2m<sup>2</sup> is to be provided in addition to the minimum private open space requirements and screened when viewed from outside the development.

### *Mechanical Plant*

- a) Mechanical plant design it to be designed as integral to the building and structure. Mechanical plant for individual apartments (such as air conditioner heat pumps) is to be visually and acoustically screened from public spaces and neighbouring dwellings. *Refer to Acoustic Privacy.* Any area occupied by mechanical plant is to be in addition to minimum required private open space areas. Air conditioning condenser units are to be plumbed.

### *Mailboxes*

- a) Mailboxes are to be convenient for residents and delivery services. They should be provided in a safe, secure, well-lit location. For strata subdivisions an additional mailbox for a Body Corporate must be provided.

### **3.5.13.6 Water Meters**

#### **Objectives**

- 1) Ensure appropriate location of water meters.

#### **Controls**

- a) With most multi-dwelling housing developments the site has an existing domestic service which will require an upgrade to enable the development to be serviced sufficiently. Below are the water meter requirements for each type of development:
  - i) **Dual Occupancy Torrens Title** – 2 water meters are required (one 20mm meter for each dwelling)
  - ii) **Dual Occupancy Strata/Other** – 1 main meter plus sub meters for each unit.
  - iii) **Other Multi-Dwelling Housing and Residential Flat Buildings** – a main meter is required to be connected to Council's water supply (please see the table below for the size of the mains meter required). In addition a 20mm sub meter must be supplied for each unit within the development.

**Table 5 – Mains Meter Requirements**

Number of Units	Size of Mains Meter
1-2	20mm
3-6	25mm
7-12	32mm
13-50	50mm
51-100	80mm

The Cost of installation of water meters is to be met by the applicant.



## 3C.5.14 Landscaping

### Objectives

- 1) To provide attractive landscapes which reinforce the function of a street and enhance the amenity of dwellings and to preserve significant stands of trees and vegetation.

### Controls

#### Performance Criteria

- a) Landscaping should be considered as a component of the site planning process and reflect the scale of development.
- b) Landscaping should compliment existing streetscapes, urban landscape, bushland and be in scale with the height of buildings.
- c) Landscaping should be sensitive to site attributes such as existing landscape features, streetscape, land capability, micro-climate, views and vistas.
- d) Development should be designed to maximise the number of trees retained on the site.

#### Prescriptive Measures

- a) Development proposals should be accompanied by a landscape plan prepared by a qualified landscape architect or designer, in accordance with the Landscaping section in Part 2.6 of this DCP. Demonstrate an advanced understanding of the opportunities and constraints identified by the prevailing site conditions (including the agreed site analysis, where appropriate), local development and building controls.
- b) The landscape plan should demonstrate consistency with all relevant Australian Standard and the relevant objectives of *Queanbeyan Local Environmental Plan 2012*.
- c) Indicate the proposed surface treatment of the private, communal or public open space, as applicable, including details such as (but not limited to):
  - i) The location of all existing and proposed building and structures, Proposed soft and hard landscape treatment,
  - ii) Existing contours, finished spot levels,
  - iii) Proposed methods of addressing changes of level,
  - iv) The location of all existing and proposed underground/above ground urban servicing demonstrating an integrated approach between their location and any surface embellishments,
  - v) Existing vegetation (including vegetation proposed to be removed) providing detailed notes of tree species greater than 3m in height or remnant vegetation.
- d) Provide sufficient information to demonstrate how the proposed development will be embellished and contribute to the amenity of the local area.
- e) The Landscape Plan shall include a planting plan which shall address any issues that concern the proposed development and its relationship to:
  - i) The existing streetscape and local landscape character,
  - ii) Adjoining (existing) developments or land uses,
  - iii) Existing site features, and
  - iv) Adjoining public land, urban bush reserves or land of a sensitive nature.
- f) For complex development involving multiple buildings and/or lots, the Landscape Plan shall include:
  - i) a 'statement of design intent' i.e. the purpose of the landscape embellishment; and a statement confirming the proposed landscape plan has been developed during the initial site planning and concept design stages for the proposed development.

- g) The Landscape Consultant is responsible to either:
  - i) Advise Council in writing of the completion of landscape work in a manner consistent with the plan submitted to Council as part of Development Application; or
  - ii) Provide details as to any variation from the plan submitted to Council for approval.

## **Fencing**

- a) Courtyard walls which face a road, pedestrian walkway, reserve or public place shall be staggered and constructed of brick or open style palisade fence. The screen wall may incorporate other building materials provided, in the opinion of Council, such materials enhance the physical appearance of the development.
- b) Side and rear boundaries and courtyard areas shall be fenced of new materials to a height of 1.8m and consist of lapped and capped timber paling fence or decorative steel fencing (i.e. colorbond). Council may require the fence height to be increased in some circumstances to protect the privacy and amenity of neighbours.

## **3C.5.15 Dual Occupancy Housing**

### **Types of Dual Occupancy**

Dual occupancy housing includes:

- 1) The alteration or addition to an existing dwelling-house erected on an allotment so as to create 2 dwellings; or
- 2) The erection of another detached dwelling-house in addition to one already erected on an allotment (but not in the rural zones), but only if not more than 2 dwellings will be created as a result of the development being carried out; or
- 3) The erection of 2 attached dwellings on an allotment; or
- 4) The erection of 2 detached dwelling-houses on an allotment.

### **3.5.15.1 Dual Occupancy General Controls**

#### **Objectives**

- 1) Encourage a high standard of aesthetically pleasing and functional residential developments that sympathetically relate to adjoining and nearby developments.
- 2) Ensure that development will not detrimentally affect the existing amenity of any adjoining lands and ensure that satisfactory measures are incorporated to ameliorate any impacts arising from the proposed development.
- 3) Encourage good design with particular emphasis on the integration of buildings and landscaped areas that add to the character of the neighbourhood.
- 4) Provide high levels of amenity for future residents of any residential development.

#### **Controls**

##### **Prescriptive Measures**

##### *Location*

- a) The permissibility of dual occupancy housing is governed by the *Queanbeyan Local Environmental Plan 2012*.

##### *Minimum Area*

- a) The minimum area for dual occupancy is specified by Clause 4.1B in *Queanbeyan Local Environmental Plan 2012*.

- b) In calculating the area of the lot, hatchet shaped lots are to exclude the area of the access handle.

## *Height*

- a) The maximum height of buildings is specified in Clause 4.3 *Queanbeyan Local Environmental Plan 2012* and shown on the Height of Buildings. The maximum height is not appropriate in all circumstances and the height of developments must take into account the existing character of the neighbourhood.

### **3.5.15.2 Dual Occupancy Design Requirements**

#### **Objectives**

##### *External Appearance*

- 1) Encourage a high standard of aesthetically pleasing and functional residential developments that sympathetically relate to adjoining and nearby developments.
- 2) Ensure that development will not detrimentally affect the existing amenity of any adjoining lands and ensure that satisfactory measures are incorporated to ameliorate any impacts arising from the proposed development.
- 3) Encourage good design with particular emphasis on the integration of buildings and landscaped areas that add to the character of the neighbourhood.

##### *Private Open Space (POS)*

- 1) Provide high levels of amenity for future residents of any residential development.

#### **Controls**

##### Prescriptive Measures

##### *External Appearance*

- a) All dual occupancies should be designed and constructed so as to be compatible with (and not detract from) existing residential development on and surrounding the site.
- b) All dual occupancy dwellings that directly adjoin a public street must be orientated towards that street, by way of front door, verandah, awning or other similar structure, in order to provide an aesthetically pleasing front façade. Blank walls facing the street will not be accepted. If a dwelling is proposed on a corner allotment, relief in the building façade must also be provided on the non-entry side.
- c) Details of the building materials and façade design of both the existing (where applicable) and proposed buildings are to be included in any application.
- d) Where a dual occupancy is created by an addition above an existing dwelling or by lateral extension to an existing dwelling, this extension should be designed so as to visually blend with and complement the existing building.

##### *Private Open Space (POS)*

- a) Council will require, for each dwelling, the provision of a private open space area for recreation purposes.
- b) An area of private open space is to be provided for each dwelling at the following rate:
  - i) 30 square metres for one-bedroom dwelling
  - ii) 40 square metres for two-bedroom dwelling
  - iii) 50 square metres for three-or-more-bedroom dwelling.

- c) The following dimensions for the private open space area for each dwelling are required to be complied with:
  - i) Minimum width of 2.5m; and
  - ii) One part of the private open space area is to be capable of containing a rectangle of 4m x 6m which is directly accessible from the dwelling.
  - iii) The development application is to detail the treatment of the POS which is to comprise a mix of paving and landscaping. Under no circumstances will Council accept the POS area to be fully concreted or mulched. A mix of paving and garden beds is acceptable.
  - iv) Each courtyard is to be provided with a lockable storage area of 6 cubic m.
- d) The private courtyard areas shall have direct access to the internal living areas of the dwelling and have a northerly aspect. For north/south oriented lots, the courtyard may be located to the rear of the dwelling.
- e) Fences separating courtyard areas are to be 1.8m in height and consist of lapped and capped timber paling fence or decorative steel fencing (i.e. colorbond).
- f) Courtyards may be erected forward of the building for new development on vacant land where the wall is staggered and constructed of brick or is rendered with open elements for surveillance. Brick pillar and open style palisade fencing may also be permitted. The wall should be setback from the front boundary a minimum distance of 3m with landscaping included on the street side.

### *Car Parking*

- a) In accordance with the Car Parking section of Part 2 of this DCP.

### *Other Design Elements*

- a) Dual Occupancy proposals are to satisfy all other relevant design elements of this Part.

### **3C.6 State Environmental Planning Policy 65 – Design Quality of Residential Apartments**

State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartments aims to improve the design quality of residential apartment developments and set out a number of design quality principles for such developments. These need to be considered when designing residential apartment developments. The SEPP can be found on the NSW legislation website:

<https://www.legislation.nsw.gov.au/#/view/EPI/2002/530/sch1>

### **3C.7 Specific Requirements for Dual Occupancy, Multi Dwelling Housing and Residential Flat Building Applications**

#### **3C.7.1 Site Analysis Plan**

The design process begins with a site analysis. Site analysis identifies the key features of the site and its surrounds and the impacts of the development proposal to those features. A Site Analysis Plan (SAP) shall be prepared and lodged with all dual occupancy housing, multi-dwelling housing and residential flat buildings DAs. A SAP should also be prepared for the pre-application discussion. An example of a SAP is provided in Figure 5.

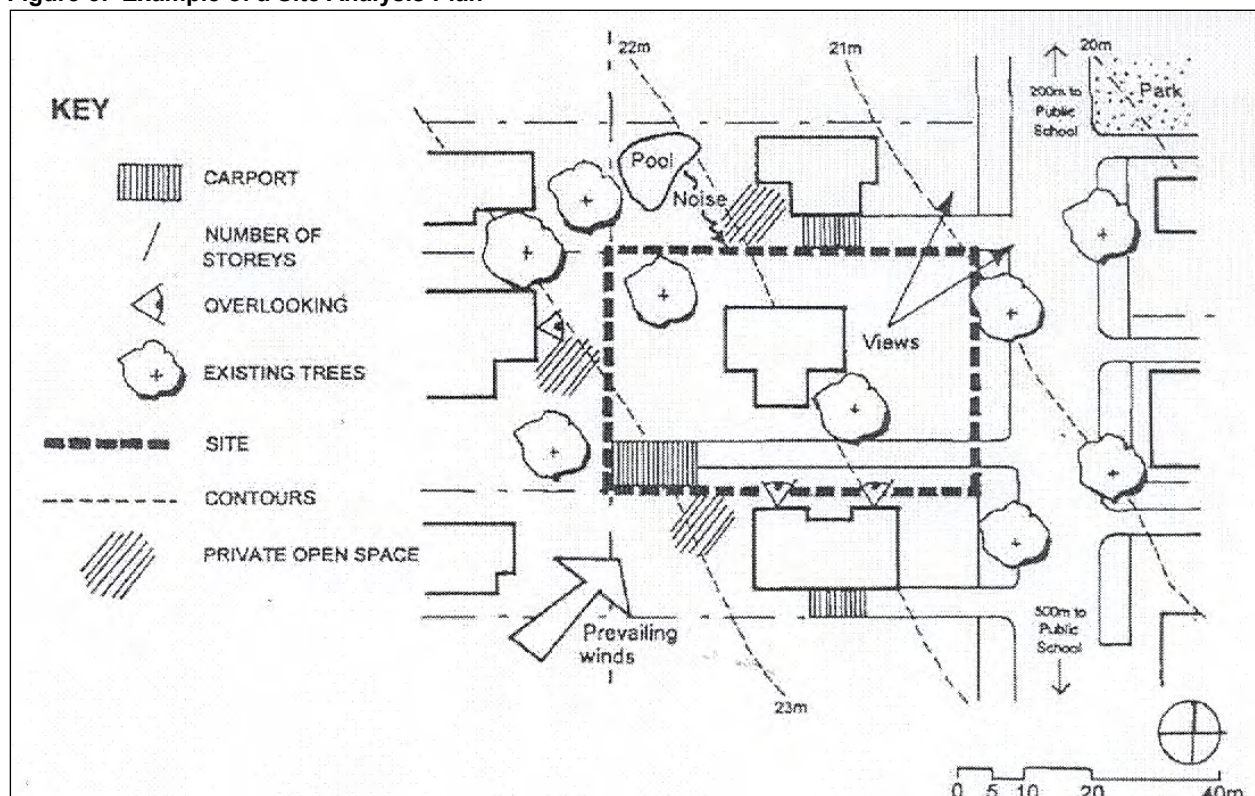
The extent of information required for the site analysis will vary depending on the scale of development. For example, a full site analysis may not be necessary for minor alterations and additions to residential flat buildings. For all other DAs for residential flat building, a site analysis shall consider the wider impacts on the locality.

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A SAP must be drawn to scale and should identify opportunities and constraints. It should influence the design to minimise negative impacts on the amenity of adjoining developments and to complement neighbourhood character. Figure 1 provides an example of a SAP.

It is important that a written statement be prepared to accompany the SAP, which explains how the design has responded to the analysis. This written statement shall form part of the Statement of Environmental Effects that must be lodged with all DAs.

**Figure 5: Example of a Site Analysis Plan**



## 3C.7.2 What to Include in a Site Analysis Plan and Statement of Environmental Effects?

A Site Analysis Plan shall indicate:

- The location of any proposed buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development;
- Any buildings/structures to be demolished;
- Floor plans of any proposed building showing layout, partitioning, room sizes and intended uses of each part of the building;
- Elevations and sections showing proposed external finishes and heights of any proposed buildings;
- Proposed finished levels of the land in relation to existing and proposed building and roads;
- Proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate);
- Proposed landscaping and treatment of the land (indicating plant types and their height and maturity);
- Proposed methods of draining the land;
- The location, boundary dimensions, site area of the land and north point of the land;
- Existing vegetation and trees on the land;



- k) The location and uses of existing buildings on the land;
- l) Existing levels of the land in relation to buildings and roads;
- m) The location and uses of buildings on sites adjoining the land; and
- n) Location of utilities and infrastructure and any easements.

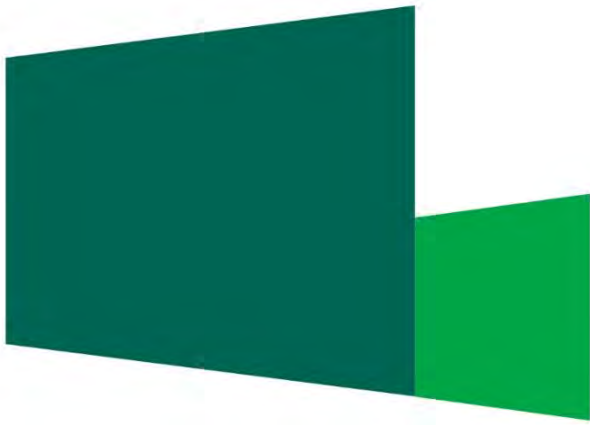
### **3C.7.3 Model and Photo Montage**

The best way to convey information to members of the public who are unfamiliar with reading plans is by way of a model. In addition, a photo montage indicates how the new building will sit within the existing streetscape. For these reasons, a model is required and two photo montages for SEPP 65 proposals indicating:

- a) How the building will appear in the immediate streetscape;
- b) How the building will appear from a more distant vantage point (approximately 500m away).

### **3C.8 Energy Performance and Sustainability**

A BASIX index of sustainability for dual occupancy housing, multi-dwelling housing and residential flat developments, shall apply to all new development. A BASIX Certificate is to accompany the application.



**QPRC**



**Queanbeyan  
Development  
Control Plan 2012  
Part 3D  
Shop Top  
Housing**

<b>Principal Plan Adopted by Council:</b>	<b>12/12/2012</b>
<b>Reference number:</b>	<b>SF160793/01</b>
<b>File No:</b>	<b>C1842174</b>



## Part 3D - Shop Top Housing

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## Part 3D Shop Top Housing

### 3D.1 Introduction – Shop Top Housing

#### 3D.1.1 Purpose of this part

This section applies to land where, under the provisions of the *Queanbeyan Local Environmental Plan (QLEP) 2012*, shop top housing is a permissible use.

The controls set out in this part of the DCP seek to ensure that shop top housing developments provide for an appropriate balance of business and residential uses, are of suitable scale and density for their location, and maintain the amenity of surrounding neighbourhoods.

Shop Top Housing is defined under the QLEP 2012 as “*one or more dwellings located above ground floor retail premises or business premises*”.

This section of the DCP provides specific guidelines for Shop Top Housing and is to be read in conjunction with other relevant Parts of this DCP including;

- Part 2 - All Zones, and
- Part 6 - Central Business District and other Business Zones.

*State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* also applies to Shop Top Housing in specific circumstances. These provisions apply if the building concerned is at least 3 or more storeys and contains at least 4 or more dwellings. Refer to SEPP 65 for further information on the application of the Policy to Shop Top Housing.

#### 3D.1.2 General Objectives

- 1) To encourage lively business centres capable of accommodating a mix of retail, commercial and community activities that caters to the community, relative to their size and intended function.
- 2) To ensure long-term social and economic viability of business of business centres is maintained and they remain significant to the community for their individual character, ease of access and urban character.
- 3) To maintain commercial activity at ground level to promote pedestrian activity and contribute to lively streets in the centres.
- 4) To ensure development provides for the amenity of, and minimise impacts on, residents living within or surrounding the developments.
- 5) To ensure developments are of a high design quality and provide an attractive visual presentation to the street and other surrounding development.

#### 3D.1.3 Relationship to Other Plans and Council Policies

There are a number of clauses in the *State Environmental Planning Policies* that may need to be considered. These will depend on the nature and location of the development with examples including:

- 1) *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- 2) *State Environmental Planning Policy (Building Sustainability Index :BASIX) 2004*
- 3) *State Environmental Planning Policy (Housing for Seniors or People with a disability) 2004*

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- 4) State Environmental Planning Policy (Infrastructure) 2007
- 5) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- 6) State Environmental Planning Policy 55 (Remediation of Land)

There are also a number of principal development standard clauses in *Queanbeyan Local Environmental Plan 2012* that may be relevant, namely, height of buildings clause and minimum lot size clause. These differ depending on whether a residential development is for a single dwelling, dual occupancy, multi dwelling housing or residential flat building.

A number of heritage requirements and additional local provisions may also apply, these are set out in Part 4 Heritage Conservation of this DCP.

Where a building is constructed prior to 1960 is proposed to be demolished, Council requires the building to be inspected by Council's Heritage Advisor to determine if there is potential heritage significance. If the building has potential heritage significance a Heritage Impact Statement is to be submitted with the Development Application. These records also help to ensure that a record of Queanbeyan's building stock is retained for posterity (for more information refer to Part 4 of this DCP).

Residential development may also generate what is known as development contributions. Should the development be approved these are payable prior to work commencing. The *Queanbeyan City Council Section 94 Contributions Plan 2012* and the *Queanbeyan Development Services Plans for Water Supply and Sewerage* can be found at Council's website.

## 3D.2 Shop Top Housing

### Objectives

- 1) Shop top housing is encouraged, particularly adjacent to or overlooking public spaces so as to provide 24/7 activity, surveillance, and perceived safety.
- 2) Residential development is generally located to take advantage of high amenity spaces, such as the River, Park, or other civic spaces.
- 3) Residents have a high level of comfort and appropriate amenity.
- 4) Residential buildings provide a mix of dwelling types and sizes.

### Controls

- a) Setbacks for shop top housing within the CBD shall comply with the setback requirements set out in Part 7 of this DCP.
- b) Provide flexible building layouts which allow variable tenancies or uses on the first two floors of a building above the ground floor.
- c) Minimum floor to ceiling heights are 3.3 metres for commercial office and 3.6 metres for active public uses, such as retail and restaurants.
- d) Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook.
- e) Locate clearly demarcated residential entries directly from the public street.
- f) Clearly separate and distinguish commercial and residential entries and vertical circulation.

- g) Ensure a separate entry is provided for vehicle and residential uses.
- h) Provide security access controls to all entrances into private areas, including car parks and internal courtyards.
- i) All development must be provided with designated secure storage space for each unit.
- j) Provide safe pedestrian routes through the site, where required.
- k) Front buildings onto major streets with active uses.
- l) Avoid the use of blank building walls at the ground level.

### 3D.3 Design

#### Objectives

- 1) To ensure developments are compatible with the character and form of existing and future development in the locality.
- 2) To encourage design quality and which utilises a combination of materials, articulation, fenestration and landscaping when designing buildings.
- 3) To encourage energy efficiency, Environmentally Sustainable Development (ESD) and Safer by Design Principles.

#### Controls

- a) New buildings facades shall include articulation such as awnings, balconies and other architectural elements to reduce the perceived depth and bulk of the development.
- b) Awnings are to be provided along streets where active street frontages are promoted.
- c) Awnings must have sufficient depth but also be setback sufficiently to allow for street trees, furniture etc.

### 3D.4 Parking

#### Objectives

- 1) To ensure parking is provided at a rate which recognises the location of the Queanbeyan CBD as appropriate for the development of shop top housing, in particular due to the access to services and facilities.

#### Controls

- a) Parking is provided at the rate of 2 spaces per dwelling, such parking to be in addition to the commercial requirements of the building.

### 3D.5 Services

#### Objectives

- 1) To ensure adequate services and facilities are provided.

#### Controls

- a) Mechanical drying facilities are provided.
- b) Common garbage facilities are provided, at ground level, screened from any street (lane or alternate).

- c) Letter boxes are provided in accordance with Australia Post requirements.

## 3D.6 Private Open Space

### Objectives

- 1) To ensure usable private open space is provided, noting that this may not be secluded.

### Controls

- a) Private open space is provided for each dwelling at a minimum rate of 12m<sup>2</sup> per dwelling, with a minimum depth of 2.4m.

**Note:** Private open space would generally be provided by way of a balcony or deck at the first floor level.

## 3D.7 Residential Balconies Associated with Shop Top Housing

### Objectives

- 1) To provide all dwellings with private open space.
- 2) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents.
- 3) To ensure that balconies are integrated into the overall architectural form and detail of buildings with shop top housing.
- 4) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.

### Controls

- a) Where other private open space is not provided, at least one primary balcony should be provided.
- b) Primary balconies shall be:
  - i) Located adjacent to the main living areas; and
  - ii) Sufficiently large and well proportioned.
- c) Secondary balconies, including Juliet balconies and the like should be considered for additional amenity and choice.
- d) Design solutions should be considered to ameliorate the effect of noise and wind. This could be achieved by:
  - i) Locating balconies facing predominantly north, east or west to provide solar access;
  - ii) Utilising sun screens, pergolas, shutters and operable walls to control sunlight and wind;
  - iii) Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions on busy roads or in tower buildings;

- iv) Choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy; and
  - v) Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.
- e) Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include:
- i) Detailing balustrades using a proportion of solid to transparent materials to address sight lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the apartment's interior, especially at night.
  - ii) Detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units.
  - iii) Co-ordinate and integrate building services, such as drainage pipes, with overall façade and balcony design, for example, drainage pipes under balconies are often visible from below in taller buildings and negatively impact on the overall façade appearance.
  - iv) Choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy; and
  - v) Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.

### 3D.8 Size of dwelling

#### Objectives

- 1) To ensure developments are designed and constructed to provide for the health and safety of occupants.

#### Controls

- a) Each dwelling has a minimum area of 50m<sup>2</sup>.
- b) Access at ground level is separate from the access to any commercial building and does not exceed 1.8m width across the frontage of the building.
- c) All construction complies with the BCA.

Note: All relevant construction shall address the heritage chapter of this DCP.

### 3D.9 Utilities

#### Objectives

- 1) To ensure development is served by necessary utilities and services, including telephone/data; water, sewer, power and gas; on-site storage and drainage.

#### Controls

- a) Separately metered power and water is to be provided to each dwelling.



# Queanbeyan Development Control Plan 2012 **Part 4** Heritage and Conservation

Principal Plan adopted by Council:	12/12/2012
Reference number:	SF160793/01
File No:	C1842179



Office of  
Environment  
& Heritage





# Queanbeyan Development Control Plan 2012

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## Part 4 - Heritage and Conservation

### 4.1 Introduction

#### 4.1.1 What is Heritage and Why is it Important?

Our heritage helps to tell the story of our past and can include public buildings, private houses, housing estates, archaeological sites, industrial complexes, cemeteries, memorials, streetscapes and landscapes. These physical reminders are valued because they are associated with important phases of Queanbeyan's history, or important people or events. They inform us about our cultural history, connect us with our past, and give the community a sense of identity.

Conserving our heritage protects the individual character and values that are represented in heritage items and Heritage Conservation Areas, and assists us in understanding the evolution of Queanbeyan, the surrounding area and its community.

This Part applies to all heritage items, the Heritage Conservation Area, development in the vicinity of heritage items and places of potential heritage value in the Queanbeyan Palerang Regional Council Local Government Area (LGA).

#### 4.1.2 Purpose of this Part

The principal purpose of this Part is to provide guidance to people who are proposing to undertake development on land and to staff where this part applies.

This Part gives effect to the following specific heritage objectives in clause 5.10 of the *Queanbeyan Local Environmental Plan (QLEP) 2012*:

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

The controls in this Part aim to protect and enhance heritage items, Heritage Conservation Areas and places of potential heritage value, while providing flexibility for owners to adapt properties to meet their changing needs. Heritage protection does not aim to freeze development in time. The right to upgrade older homes to modern standards is recognised. It is a matter of ensuring that what is proposed is sensitive and appropriate.

### 4.2 How to Use this Part

There are a number of clauses in QLEP 2012 and Queanbeyan Development Control Plan 2012 (QDCP 2012) that may need to be considered when developing a heritage item, or within the Conservation Area or in the vicinity of a heritage item or the vicinity of a Conservation Area. These will depend on the nature and location of the development.

In circumstances where this Part may be inconsistent with any other Part of the QDCP 2012 this Part takes precedence.

This Part applies to the "Types of heritage" listed below.

## 4.3 Types of Heritage

Heritage properties, items, buildings and landscapes in Queanbeyan fall into one or more of the following categories:

- a) Places of **State** significance.
- b) Places of **local** significance.
- c) Places in the **Heritage Conservation Area**, including local, contributory and non-contributory places.
- d) Places **in the vicinity** of a heritage item (or Heritage Conservation Area).
- e) Places of **potential** heritage significance.

Each of these categories is addressed further below.

### 4.3.1 State Heritage Items

Listing on the State Heritage Register indicates that the heritage item:

- a) Is of particular importance to the people of NSW and enriches our understanding of the State's history and identity.
- b) Is legally protected as a heritage item under the *NSW Heritage Act 1977*.
- c) Requires approval for development from the Heritage Council of NSW for major changes.

Development Applications for State heritage items are assessed both by local Council and the NSW Heritage Office. Local government will consider local planning issues whereas the State Heritage Office will consider the impacts that the proposal might have on State heritage values.

State listed items are generally identified in Schedule 5 of the *QLEP 2012*. The most up to date listing can be searched on the NSW Heritage Branch Website <http://www.environment.nsw.gov.au/Heritage/listings/stateheritageregister.htm>

Some works to State items are exempt from the need to refer to the Heritage Office. The full list of exempt works and the associated approvals process is also available on the Heritage Office website.

### 4.3.2 Local Heritage Items

Local heritage items are those items of heritage significance in the local area of Queanbeyan. Heritage significance is determined by assessing a place against a range of heritage criteria including historic, scientific, social and/or aesthetic, as well as archaeological, architectural and natural value. Places may also be important as good examples of their type, or because they are rare or possibly because of their important associations. These items contribute to the individuality, streetscape, townscape, landscape or natural character of Queanbeyan Palerang Regional Council's environmental heritage.

Local heritage items are assessed by the local consent authority/or Council. The current *QLEP 2012 Heritage Schedule 5* identifies all listed heritage items in the Queanbeyan LGA. In some instances a heritage place may be identified and endorsed for listing by Council, but not yet formally entered onto Schedule 5. In this circumstance refer to 4.3.5 Potential Heritage Significance later in this section.

## 4.3.3 Heritage Conservation Areas

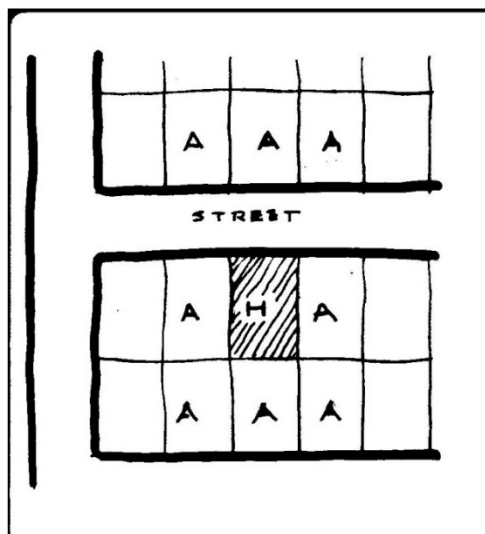
The Queanbeyan Heritage Conservation Area (Map 1) predominantly contains low-density residential buildings from some of the key phases of Queanbeyan's development, notably the mid to late 19th century, the early 20th century, and the Inter War period up to approximately 1945-50. Many places in the Conservation Area have "contributory value" - that is they have some degree of heritage significance, but have not been assessed as reaching the threshold for individual listing. There are also a small number of non-contributory places that have little or no heritage value at all.

An objective of these guidelines (as set out in the QLEP 2012 Clause 5.10) is to "conserve the...heritage conservation areas, including associated fabric, settings and views...". This objective aims to continue to demonstrate the historic and aesthetic characteristics of a Heritage Conservation Area well into the future. This is achieved by maintaining the Conservation Area's low-scale residential character and encouraging the retention and/or enhancement of streetscapes. The controls primarily apply to those parts of places that are visible from the public domain.

## 4.3.4 Vicinity of a Heritage Item

These guidelines include controls to ensure that development in the vicinity of a heritage item addresses the heritage values of that item. A place is defined as 'in the vicinity' if it shares a common boundary with the heritage item or is across the road from it (Figure 1.)

Figure 1: Places shown as "A" are "in the vicinity of a heritage item" shown as "H".



## 4.3.5 Potential Heritage Significance

In some instances it may become apparent that a place has potential heritage value even though it is not entered in a heritage schedule or in a draft heritage list. Where Council's

# Queanbeyan Development Control Plan 2012

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Heritage Adviser assesses an item as having potential heritage significance, that item may be considered under these provisions.

Where a building constructed prior to 1960 is proposed to be demolished, Council requires the building to be inspected by Council's Heritage Adviser to determine if there is potential heritage significance. If the building has potential heritage significance a *Heritage Impact Statement* is to be submitted with the Development Application. These records also help to ensure that a record of Queanbeyan's building stock is retained for posterity.

Where development such as excavation has the potential to damage or destroy sub-surface material that may have significance, it may be necessary to undertake additional measures to protect the potential heritage values. In some instances the disturbance of *relics* may require approval from the NSW Heritage Office.

## 4.3.6 Definitions

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the [Heritage Act 1977](#) that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of:

- a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- b) an assessment of the impact that proposed development will have on that significance, and
- c) proposals for measures to minimise that impact.

**heritage management document** means:

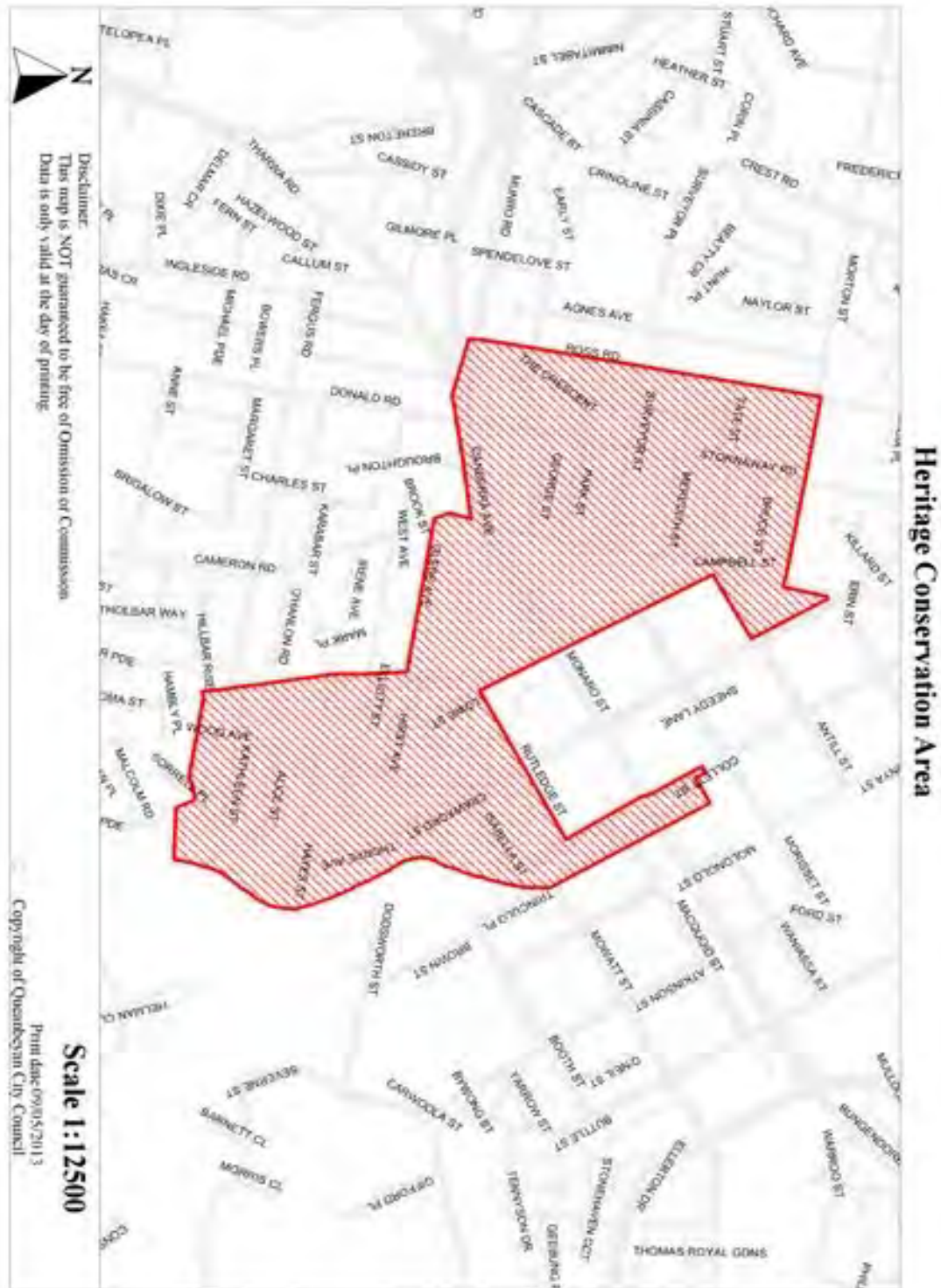
- a) a heritage conservation management plan, or
- b) a heritage impact statement, or
- c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**relics** means: Refer NSW Heritage Act 1977, Section 4.



# Queanbeyan Development Control Plan 2012

Map 1 – Queanbeyan Heritage Conservation Area



## 4.4 The Controls

### 4.4.1 Ancillary Development

Ancillary development includes: garages and carports; sheds and structures such as bird aviaries and mail boxes; decks and patios; pergolas, trellises and gazebos; driveways; fences; skylights, solar panels, satellite dishes, air conditioning units, signage, utilities like electricity substations and fire hydrants.

### 4.4.2 Garages

Garages were historically located at the rear of the property, were often for one car only and used a roof pitch and cladding that was similar to the main dwelling. As a result they had a minimal impact on the streetscape. The trend for large double garages forward of the building line of the main building is not appropriate for heritage buildings or Conservation Areas.

#### Objectives

- 1) To encourage garages to be designed and located so that they harmonise with the historic building and/or streetscape.

#### Controls

##### Existing Garages – Replacement and Alterations

- a) An existing “period” garage is generally considered to be part of the site’s historic fabric to be conserved.
- b) Demolition is only appropriate where the garage has decayed to the extent that its conservation is no longer prudent or feasible.
- c) Existing and reconstructed garages may be extended by constructing a skillion off the side, or by constructing a carport in front that has the same roof pitch as the existing garage.
- d) Extensions to existing garages should be compatible with the existing garage in terms of materials, façade treatment etc., especially where visible from the street.

##### New Garages

- a) New garages should be freestanding and set back behind the rear wall of the building.
- b) In some instances new garages may be integrated with extensions to the rear of the building (Figure 2).
- c) The style, size and location of a new garage must complement the heritage characteristics of the significant building. In most instances the materials and details of the garage should match those of the main building (Figure 3).
- d) The pitch of a new garage roof should match or be close to that of the house. The pitch of double garage roofs may be shallower to reduce overall height. Note that roof pitches of 11 degrees are usually **not** appropriate.
- e) The colour of the garage shall be appropriate for its heritage context. The use of blue, purple or similar body colours is generally not appropriate. If using Colorbond™, different colours are to be chosen for the roof, wall and trim.
- f) Pre-manufactured metal garages shall be located at the very rear of the property and not be visible from the public domain. Modern ribbed metal cladding is generally not appropriate; however traditional corrugated iron (custom orb) is usually acceptable.

## Queanbeyan Development Control Plan 2012

Figure 2: Garage in left image is freestanding and behind the dwelling. The garage on the right hand image is connected to the rear extension of the cottage. Both solutions may be acceptable if suitably designed.

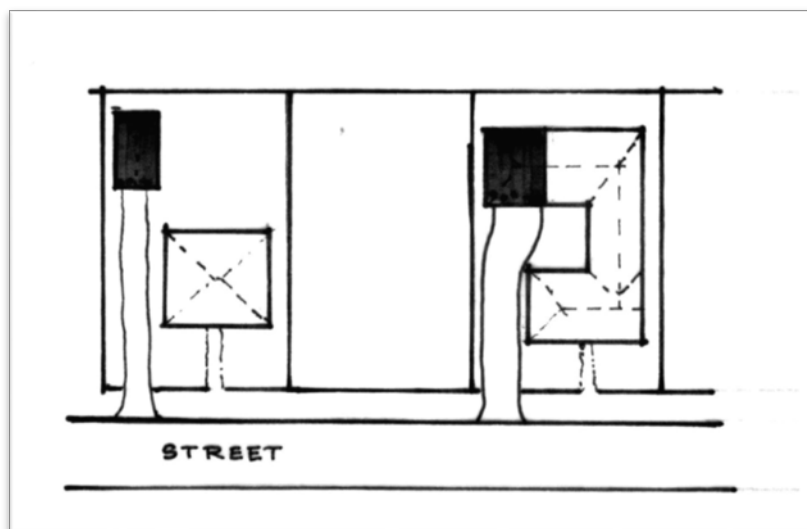


Figure 3: This garage has a similar roof pitch and eaves overhang to the main dwelling. The weatherboards closely match the house in profile and colour and the tilt door is suitably patterned.



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## Metal Garages – Specific Controls

A garage that is in accordance with the following points will meet the objective of encouraging garages to be designed and located so that they harmonise with the historic building and streetscape.

- a) Walls shall be corrugated iron, weatherboard or fibre-cement sheet with cover battens. Weatherboard to a height of approximately 0.9m above ground level, with fibre-cement sheet and battens above is also acceptable.
- b) Roof material shall be galvanised iron or tiles to match the principal building
- c) The roof pitch shall match that of the principal building or be 25-27 degrees. The roof pitch can be broken with a 10 -12.5 degree pitch side skillion.
- d) The roofs ends shall be detailed with a barge roll.
- e) Gutters shall have a quad or ogee profile.
- f) Downpipes should be round in profile.
- g) Garages doors shall be hinged on their side, or be tilt doors with vertical timber boarding to resemble traditional doors.
- h) Roller doors are generally unacceptable, unless concealed from view or set well back on the block.
- i) Garage doors should not exceed: 2.7m wide. Double span doors do not match traditional proportions so if a double car entrance is required, then two x 2.4m wide or 2.7m wide doors are acceptable provided they are in equal wall bays with wall returns either side, and a wall between the doors, each with a minimum width of 300mm. Double span doors may be acceptable providing they are not readily visible from the street.
- j) Pedestrian doors and windows in a garage should be in traditional proportions similar to those in the adjacent dwelling.
- k) Garage walls shall be no higher than 2.4m above ground level.
- l) Development Application drawings should note the detail of the above items as well as wall height and colour.
- m) The colour of walls, roof, doors and trim shall match or be compatible with those of the principal building.

### **4.4.3 Carports**

As it is possible to see through a carport, they have a relatively lower visual impact if suitably designed, compared to a garage.

## **Objectives**

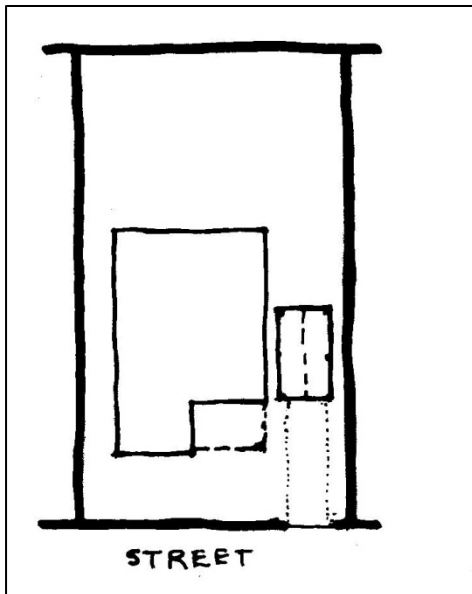
- 1) To ensure that the design and location of a carport will not have an adverse impact on the historic building and/or streetscape.

## **Controls**

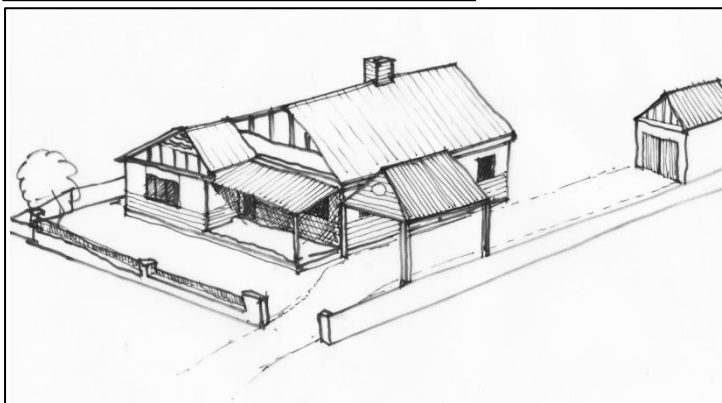
- a) A carport should be constructed no further forward than 1.5m behind the main front wall of the dwelling and must be behind any adjacent front verandah (Figure 4).
- b) Carports shall have the same roof pitch as the main dwelling.
- c) Carports shall be detailed the same as (or similar to) the dwelling.

- d) A flat roofed carport is generally not acceptable on dwellings with pitched roofs unless there is no feasible alternative, or there is insufficient room between the dwelling and boundary to accommodate a freestanding carport.
- e) If a flat-roofed carport is to be allowed it must be consistent with the original style of the building and may use corrugated iron or clear corrugated polycarbonate roofing material. The use of modern roof sheet profiles such as “cliplock” etc is inconsistent with these guidelines if they can be seen from the public domain.

**Figure 4: Carports to be behind the verandah or a minimum of 1.5m behind the adjoining building corner.**



Carport located behind verandah



Carport located behind verandah

#### 4.4.4 Driveways

Traditionally, a driveway consisted of paired strips of gravel that were later upgraded to paired strips of concrete or similar hard material. There was usually soft landscaping between the house and driveway and the driveway and fence. Large areas of concrete were rarely used and when used today can have an adverse impact on the character of a place.



## Objectives

- 1) To ensure that the design of driveways and the construction material are not overly bright or excessively scaled, and that the driveway harmonises with the historic character of the dwelling and/or streetscape.

## Controls

- a) The retention of traditional driveways of gravel, paired concrete strips, recycled brick and similar materials is encouraged.
- b) Existing single-width driveways should be retained, with widening only occurring behind the building line.
- c) Existing wheel strips forward of the building line should be retained.
- d) Driveway turning areas should not be installed in the front of the building (between the building and road).
- e) Driveways should not extend the full width between the dwelling and the boundary; rather they should be set back a minimum of 450mm from either side to allow for planting beds etc.
- f) Plain concrete is highly reflective and generally not consistent with Queanbeyan's historic cottages when used other than as paired strips. Large expanses of concrete used for driveways and turning circles are not appropriate and are to be avoided.
- g) Suitable driveway surfaces include: gravel, paired concrete strips, recycled or new bricks, clay or other pavers and bitumen (tarmac). Tinted concrete and surfaces using several materials, for example brick or paver edging with bitumen infill, may meet the objective if suitably designed. Patterned and stamped concrete is not a traditional process and is not appropriate in the Conservation Area.

### 4.4.5 Sheds and Outbuildings

Many of Queanbeyan's historic dwellings include sheds, outbuildings, bird aviaries etc in the backyard. In most instances these structures are not individually significant and were built of second-hand material without the intention that they would survive for any great length of time.

## Objectives

- 1) To ensure that sheds and outbuildings don't have an adverse impact by virtue of their location, scale or material.

## Controls

- a) New structures are to be located behind the main dwelling or away from the public domain.
- b) New structures do not need to replicate the features of the significant building/item but will need to be sympathetic with it.
- c) Height of new structures shall be less than the heritage item unless located well away from it.
- d) Site coverage and bulk of new structures shall be less than the heritage item.
- e) In exceptional circumstances where the design and material of a new structure is not able to be sympathetic to the original, it should be suitably screened with lattice, hedging, trellis etc.

- f) Structures that have a similar proportion, form and roof pitch as the heritage item, but with smaller scale and bulk, are more likely to meet the intentions of this guideline than poorly designed, large-scaled, bulky buildings.

### 4.4.6 Decks and Patios

Decks and patios, if inappropriately designed or located, can have an adverse impact on a heritage place or Conservation Area.

#### Objectives

- 1) To ensure that the design and location of decks and patios is sympathetic to heritage values.

#### Controls

- a) All proposed decks and patios on listed items, and in the Conservation Area if not located in the rear yard, should have minimal adverse visual impact on the place's heritage values or those of the streetscape.
- b) New decks and patios, including handrails etc should be in a style and material that is sympathetic to the building. For example, welded steel decks on timber cottages are unlikely to be supported.
- c) The proportions of new decks and patios shall be in harmony with the dwelling and where located on the front of buildings shall be consistent with good relevant historic examples.
- d) Large or elevated decks and patios should be located at the rear of the dwelling or where they are not readily visible from the public realm.

### 4.4.7 Pergolas, Trellises and Gazebos

Pergolas and trellises are unroofed structures designed to support climbing shade plants over and beside decks, walkways and driveways. Gazebos are free-standing garden structures that are sometimes roofed.

#### Objectives

- 1) To ensure that pergolas, trellises and gazebos are designed, detailed and located in a manner that will not adversely impact on the historic character of the dwelling and/or streetscape.

#### Controls

- a) All proposed pergolas, trellises and gazebos on listed items and in the Conservation Area should have minimal adverse visual impact on the heritage values of the place or streetscape.
- b) Pergolas and trellises over footpaths and driveway between the front boundary and dwelling may be acceptable if designed to suit the character of the dwelling. In most instances this will imply the use of similar materials and dimensions that are apparent on the dwelling, as if it was designed and built at the same time as the dwelling.
- c) Gazebos and free-standing or large pergolas should not be erected between the house and the front boundary, unless on rural-sized allotments.



## 4.4.8 Fences

There is considerable variation in the style and appearance of fences to be seen in front of heritage items, and throughout the Conservation Area. Historically, the fences in front of a dwelling were of a low height and able to be seen through. Front, side and rear fences can all contribute to the appearance and overall character of a streetscape.

### Objectives

- 1) To ensure that new fences remain consistent with the character of the dwelling and continue to reinforce the positive attributes of a heritage item and the Conservation Area.
- 2) To retain original existing fencing and provide for new fencing that is consistent with established patterns.
- 3) To allow for modern fence styles (e.g. Colorbond™ fences) only in areas where they will not have a potential visual impact on heritage significance and streetscape character.
- 4) To ensure that fences of new development in the vicinity of a heritage item or Conservation Area will not have an adverse impact on its values.

### Controls

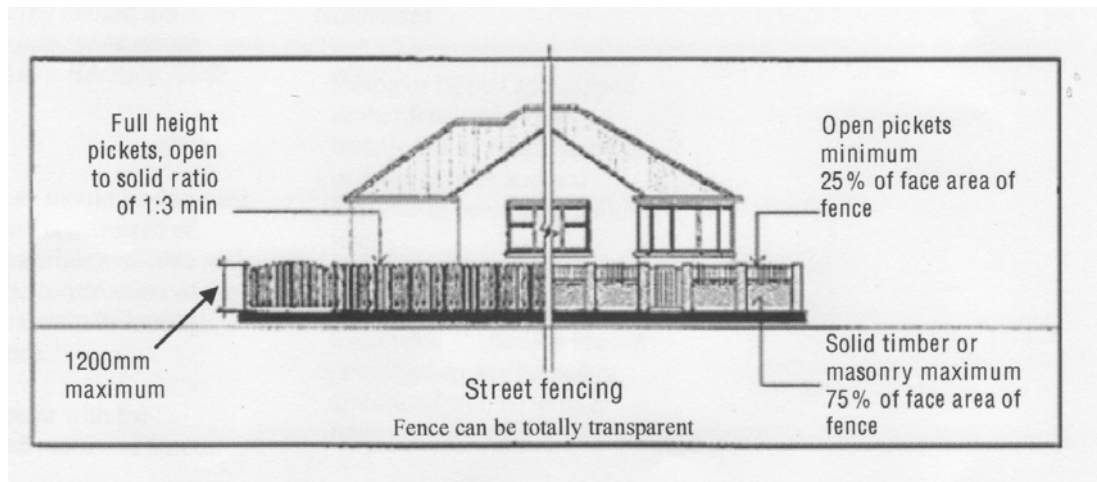
#### Generally

- a) Original fences and gates should be retained and restored.
- b) Replacement fencing that is visible from the street should reflect the architecture and style of the house or significant building and be sympathetic to nearby historic fencing in terms of height, type and material.
- c) Replacement of existing unauthorised fencing should be carried out in accordance with these guidelines

#### Front Fences Forward of the Building Line

- d) Solid metal panels and pre-painted metal fencing (e.g. Colorbond™) are not supported by Council in front of the building for all heritage items and all buildings in the Conservation Area.
- e) Solid fences that can't be seen through (such as masonry and brushwood) shall not exceed 900mm above ground level.
- f) Visually transparent fences (such as metal grill and timber picket) shall not exceed 1.2m above ground level.
- g) Where new fences incorporate pickets, slats, palings or the like they shall have a minimum aperture of 25mm.
- h) Where solid and slatted (see-through) fences are combined, the slatted (see-through) fence shall be a minimum of 25% of the face area of the fence and the solid fence is to be a maximum 75% of the face area of the fence.

Figure 5: Street fencing examples



## Side Fences Forward of the Building Line:

- i) Visually solid fences (including timber palings) shall be restricted to 1.2m above ground level. Tapering from a higher rear fence may be permitted where it is not visually obtrusive.
- j) Solid metal panels, Colorbond™ sheeting and the like are not supported.
- k) Styles of fence complying with the guidelines for front fences are also suitable for side fences in front of the building line.

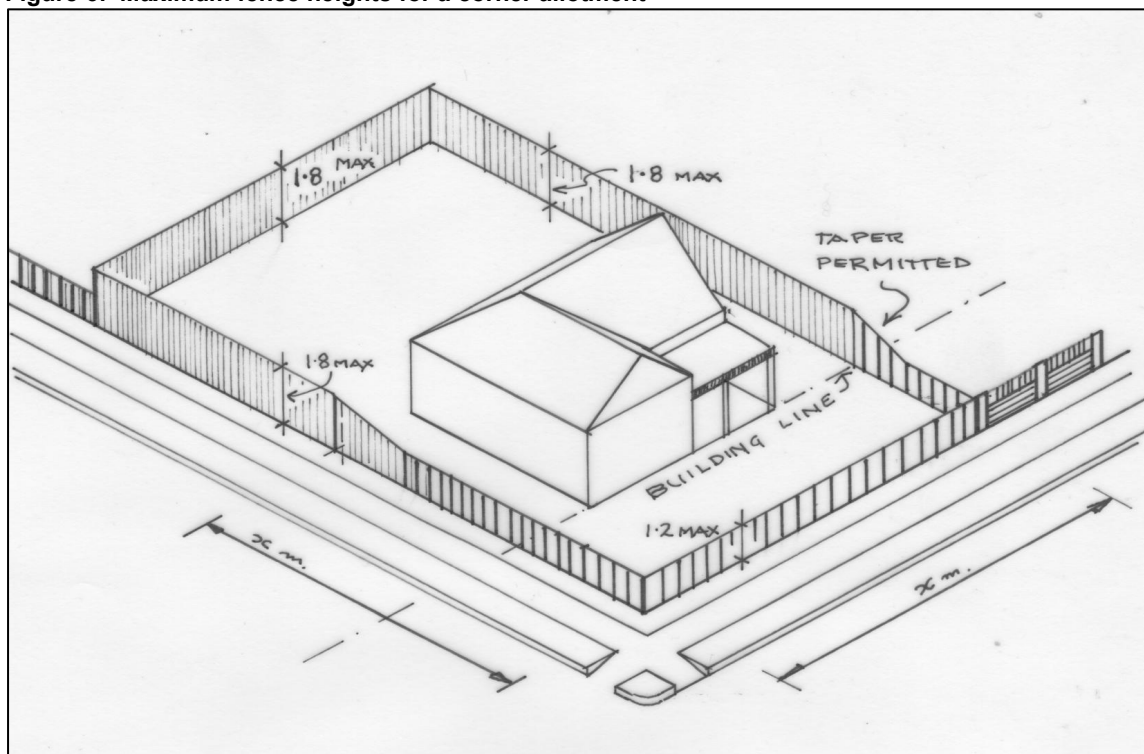
## Fences Behind the Building Line (Side and Rear Fences Behind the Building)

- l) The use of solid metal panels and pre-painted metal fencing (eg Colorbond™) is not appropriate on any boundary where it is visible from the street or on a common boundary with a heritage item.
- m) Paling or lapped-and-capped timber fencing is allowed to a maximum height of 1.8m on side and rear boundaries behind the building line.

## Corner Allotments

- h) In the case of corner allotments both the narrow frontage and the equivalent length of the side frontage shall be subject to the front fence guidelines (Figure 6.)

Figure 6: Maximum fence heights for a corner allotment



## 4.4.9 Vegetation Screens

Removal of vegetation can have a significant impact on the overall characteristics of a heritage place. This includes vegetation on places adjacent to and in the vicinity of a heritage item.

### Objectives:

- 1) To ensure that vegetation which makes an important contribution to a heritage place is not removed unnecessarily as part of development.

### Controls:

- a) Trees and vegetation screens on land adjacent to heritage items should be retained to provide a visual filter between the old and new.
- b) Vegetation screens are not to be used as an excuse to permit poor or unsympathetic development within close proximity of a heritage boundary.

## 4.4.10 External Fixtures

External fixtures like oil tanks, gas heaters, gas tanks, solar power inverter units, rainwater tanks, etc) can detract from the historic and aesthetic character of a heritage item and/or Conservation Area. Where possible such items should be located out of public view, or otherwise screened so that they don't detract from the appearance of the place.

### Objectives

- 1) To encourage the suitable location of external fixtures.

- 2) To minimise any obtrusive effect of new building services and technical equipment in Conservation Areas and on heritage items.

### Controls

- a) External fixtures should not be located on primary (front) or publicly visible facades.
- b) Where location on a primary (front) façade is unavoidable and may have an adverse visual impact, the item is to be enclosed in, or behind, a suitably designed screen.

#### 4.4.11 Skylights, Solar Panels and other Technology on Roofs

In certain circumstances the installation and location of modern technology can have an adverse impact on significant building fabric and on the aesthetic appearance of a heritage item or Conservation Area.

### Objectives

- 1) To minimise the heritage impact of modern technology that is fixed to the exterior of a building.

### Controls

- a) Skylights, solar panels, solar hot water heaters, satellite dishes, etc. should be designed, selected and located so as to have a minimal impact on the fabric of the building and on its appearance.
- b) The items above should be located on a non-prominent elevation or roof plane, or on a free-standing structure or garage roof.
- c) An alternative should be found in those circumstances where new technology would adversely impact on a roof that is considered to be of exceptional significance (e.g. prominent church or a historic slate roof).
- d) Where there is no feasible alternative to installing solar panels in a prominent location, the items shall sit flush to the roof surface, cover no more than 50% of the prominent roof plane and be set well back (e.g. 0.9m) from ridges, gutters, valleys and barge.

#### 4.4.12 Automatic Teller Machines, Utility Installations and the Like

The installation of Automatic Teller Machines (ATMs), utility installations, and the like can have a significant adverse impact on a historic façade, especially if original or significant fabric is destroyed in the process.

### Objectives

- 1) To minimise the adverse impact that can result from the installation of ATMs, utility installations and the like.

### Controls

- a) Automatic Teller Machines, utility installations and the like should not be installed in a manner that would compromise the place's historic appearance or character, destroy significant fabric or compromise the building's proportions or other streetscape value.

## 4.4.13 Signage Panels

Signage can have an adverse impact on an individual building and on a streetscape due to excessive visual impact, inappropriate location or damage to the fabric of a building.

### Objectives

- 1) To ensure that signage is of a suitable size, appearance and location to minimise its adverse visual impact on the heritage values of the building and/or streetscape.
- 2) To ensure that signage is fixed to a building in a manner that will not scar significant fabric if the signage is removed or altered.

### Controls

- a) Corporate colours should not be applied to the whole of the building's exterior, and where approved by Council, will be confined to the non-significant parts of the façade. Corporate signs and colours that do not harmonise with the building's historic character shall be controlled for size and set within a border stripe to separate the sign from the building's body colour.
- b) Commercial signage, whether painted directly onto the building or to panels that are fixed to the building, needs to be designed in size and proportion to fit with the building's architectural styling. Most commercial buildings include areas on the awning and parapet that are suitable for signage. Signage beyond those areas may not meet the objectives of these guidelines.
- c) Signs on the edge or face of awnings shall be no greater in height than 50% of the height of the awning and set in from the edge. The surrounding background colour shall be continuous across the whole of the awning. The height of awnings shall not be increased by the addition of false panels etc.(Figure 7)
- d) Signage panels, brackets, lettering and the like that are attached to a building should be fixed in a manner that can be reversed without scarring or damaging significant building fabric. For example, anchors in a face brick wall should be inserted into the mortar joint rather than the brick.
- e) Where fixing of signage etc will compromise fabric or the overall appearance of the structure, the signage etc should be attached to a free-standing frame rather than the building itself.
- f) Signage will also need to comply with *State Environment Planning Policy No 64 - Advertising and Signage* (SEPP 64).  
<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+199+2001+cd+0+N>
- g) Signage is not to cover/obscure architectural detailing or elements.

Figure 7: Signage requirements for awnings



## 4.5 Alterations and Additions to Heritage Items and to All Places in the Heritage Conservation Area and the vicinity

The following controls apply to heritage items and to all places in the Conservation Area. The controls may also apply to places in the vicinity of a heritage item if it is considered that development may impact on the heritage values of a listed place.

As a general guideline, the controls apply to the outside of a listed item, to the publically visible elevations of contributory items and to the streetscape impacts of non-contributory items. A contributory item is a place that has some heritage value, but has not been listed in QLEP 2012 Heritage Schedule 5.

### General Objectives

- 1) The primary objective is to manage the development of heritage items and the Conservation Area, including all places within it, so that significant heritage values are retained.
- 2) To allow for the upgrading, adaptation, restoration and extension of listed items and all places in the Conservation Area so that places can be modernised without losing their distinctive characteristics.
- 3) To allow for contemporary architectural design where the outcome will not adversely impact on the listed item and/or streetscape character.

### 4.5.1 Character

The character of a place is a function of its style, siting and orientation, form, materials, detailing, colour, scale and setting. When these attributes are in keeping with the original building then its historic character is reinforced. If these attributes are at odds with the original building then its historic character is degraded.

Several styles of historic building are apparent in Queanbeyan including Georgian, Victorian and Federation (Figures 8). The majority of dwellings in the Conservation Area are from the Inter War period (circa 1915 – 1945) (Figure 9 and 10) with many adopting a “Bungalow” form and character. There are also good examples of mid-20<sup>th</sup> century brick dwellings. Similar styles are reflected in the commercial areas.

### Objectives



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- 1) To ensure the overall heritage characteristics of a place are not compromised as a result of alterations and additions.
- 2) To ensure that new alterations and additions respect the architectural character and style of the building and area concerned.
- 3) To maintain and enhance the existing character of the street and the surrounding locality.

## Controls

- a) Alterations and additions shall have a style and character similar to the existing. This shall include materials, proportions and details.
- b) Aspects of work that are not consistent with prevailing character should be confined to parts of the building that are not significant or will not have an impact on the appearance of the place when viewed from the public realm.
- c) Building additions that have a different character from the existing shall be done as a separate “pavilion” that may be “linked” or sensitively connected to the significant structure.
- d) Verandah’s on the primary face of the building or visible from the public domain shall not be enclosed.
- e) Alterations and additions should not require the destruction of important elements such as chimneys, windows and gables. Demolition of such elements may not meet the objectives of these guidelines.
- f) Distinctive elements that contribute to a place’s character shall be retained.



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**Figure 8: Federation style cottage with small gables in roof, finials and decorative barge boards**



**Figure 9: Inter War bungalow with shallow roof pitch, paired verandah columns and weatherboards to lower walls.**



**Figure 10: Inter-War Modernist style with flat roof, decorative parapets and large windows with horizontal glazing bars.**



## 4.5.2 Siting and Orientation

Most historic buildings in Queanbeyan are square to their boundaries and designed to face the street.

### Objectives:

- 1) To retain traditional streetscape patterns and ensure that alterations and additions to individual items do not detract from their initial designed character.

### Controls:

- a) Additions and alterations should be sited and orientated in a manner that is consistent with the original. For most historic structures in Queanbeyan this will mean additions and new structures should be aligned orthogonally (ie using straight lines and right angles rather than oblique angles and curves).
- b) Extensions should not be made to the front of heritage items.

## 4.5.3 Form

The overall form or shape of a building is part of its heritage characteristic.

### Objectives:

- 1) To ensure that the form of the original building is not lost, subsumed or compromised by new additions.



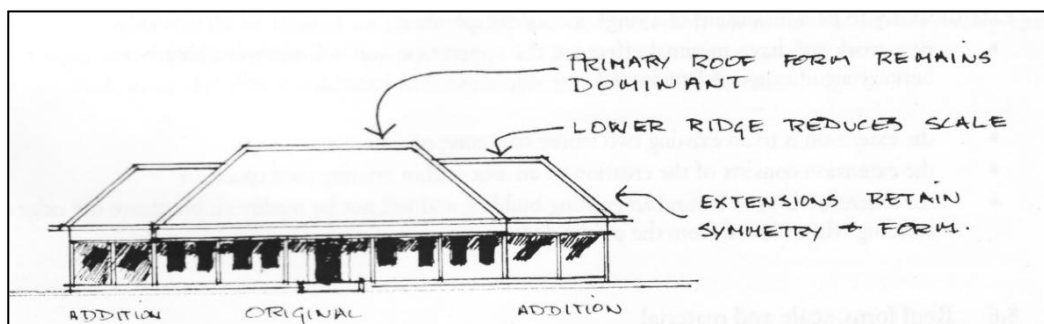
# Queanbeyan Development Control Plan 2012

- 2) To ensure that the form of additions is sympathetic to the form of the original.

## Controls:

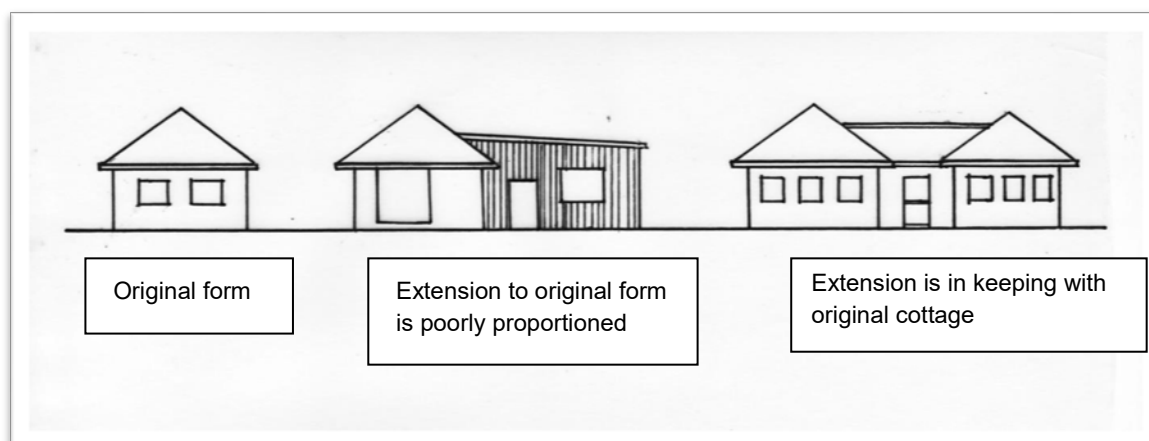
- a) The form of the original building should remain evident or “legible” after the additions have been completed (Figure 11).

- b) Figure 11: Extensions should have a lower roof form and set back from the primary building



- c) New work should have similar overall proportions and a similar roof pitch to the original. For example, new windows in a building that has vertical sashes should also have vertical sashes, and extensions to a dwelling with a 25 degree roof pitch should be designed with the same pitch.
- d) The form of additions should draw on that of the parent structure so that the new work is in harmony with the original (Figure 12).
- e) Where the form of the addition is not similar to the original, it shall be designed as a separate entity that is linked back to the heritage building.

Figure 12: Diagram showing unsympathetic and acceptable examples of additions.



## 4.5.4 Scale, Height and Bulk

Most of Queanbeyan’s historic dwellings were single storey and of a relatively small scale and bulk. Commercial buildings rarely exceeded two storeys. As a consequence the residential

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and commercial areas historically had a very “human” scale that differs markedly from modern higher rise development.

## **Objectives:**

- 1) To reduce adverse visual impacts on scale, bulk and character that may arise from alterations and additions.

## **Controls:**

- a) The ridgeline of new development shall generally be no higher than existing.
- b) Minor increases in ridge height (to a maximum of 750mm) may be acceptable if designed to harmonise with the main roof and not have an adverse impact on the building’s aesthetic proportions when viewed from the street (Figure 13).
- c) Proposed additions with roof heights higher than the existing should be designed as a separate structure that may be linked to the parent building (Figure 14).
- d) New work that may increase the apparent scale or bulk of the building or component elements shall be “broken up” and articulated through the use of varied materials, change of colour and tone, use of string-courses, rebates and the like. This is especially important where new work connects to the existing building.
- e) Second storey additions or freestanding pavilions will generally not meet the objectives of these guidelines. Undercrofts on sloping land may be acceptable if other planning conditions can be met. Materials and colours of undercroft walls shall vary from the wall above to reduce apparent scale.

Figure 13: Minor increase to ridge height must be sympathetic with the roof form and no greater than 750mm

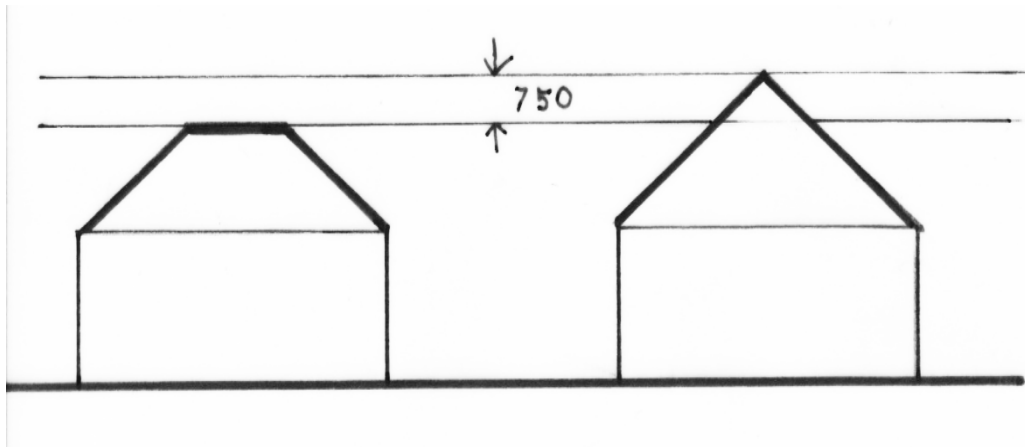
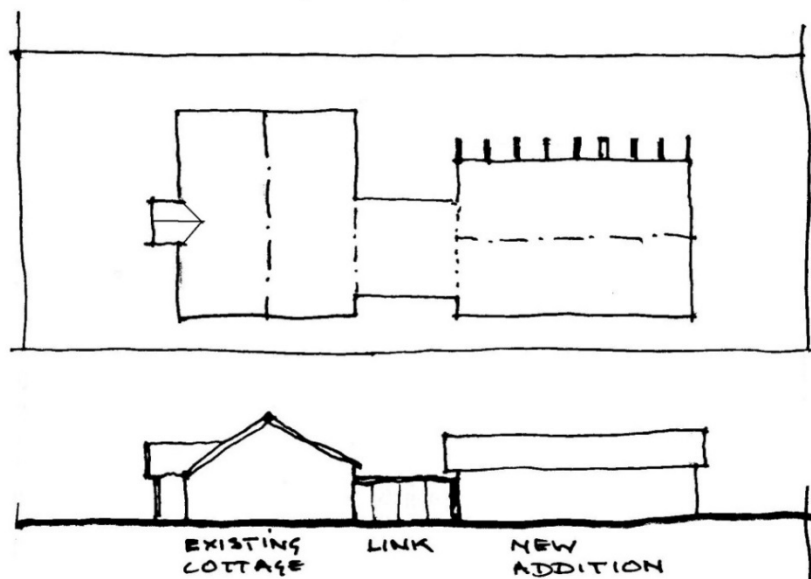


Figure 14: Large additions should be built as a separate pavilion that is linked back to the original building. Note that the link is rebated where the new connects to the old. This helps to reduce or “break up” scale and bulk.



## 4.5.5 Setbacks

### Front Setback

The front, or streetscape, elevation usually has the most architectural merit and makes the major contribution to the streetscape. As a consequence alterations and additions to the front of a building have the potential to compromise the historic façade and weaken its overall streetscape character. Such additions are unlikely to meet the objective.

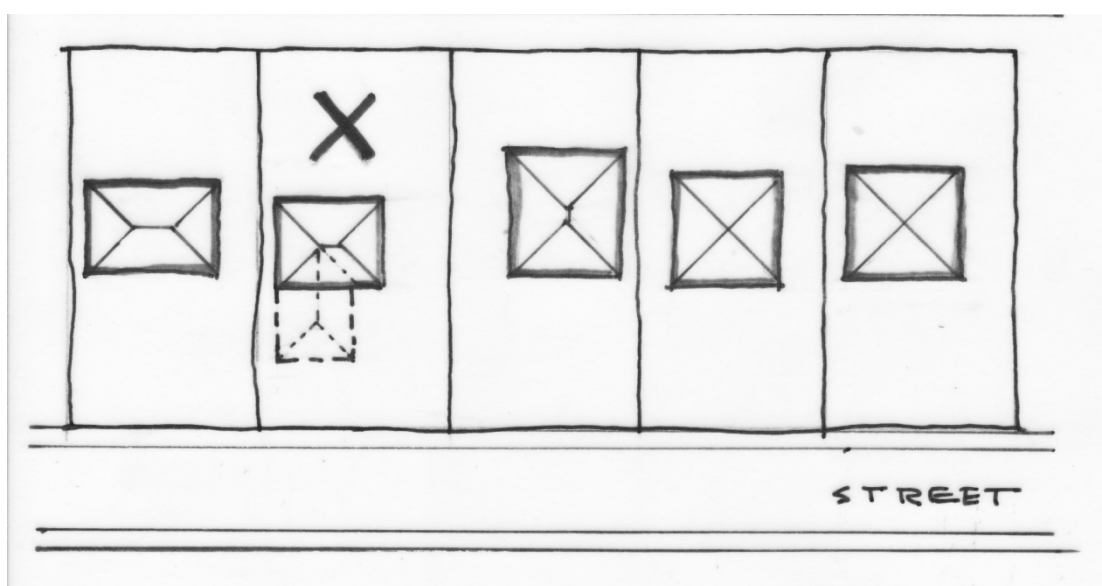
## Objectives

- 1) To retain the historic form of the street elevation of buildings.

## Controls

- a) Additions shall not be made to the front of individually listed heritage items and/or contributory buildings whether or not in a Conservation Area, other than in exceptional circumstances such as the reinstatement of the building's original form (Figure 15).
- b) Additions to the street frontage of non-listed buildings shall be consistent with adjacent buildings in the street in terms of setback and streetscape impact.

**Figure 15: Diagram showing development to the front of an existing building is not appropriate**



## Side Setbacks

Extensions to the side of buildings should not 'compete' with the historic front elevation. This is usually achieved by setting the extension back from the front of the building. The larger the extension is the greater the setback should be.

## Objectives

- 1) To reduce the visual impact of building extensions on the proportions of a building and on the streetscape generally.

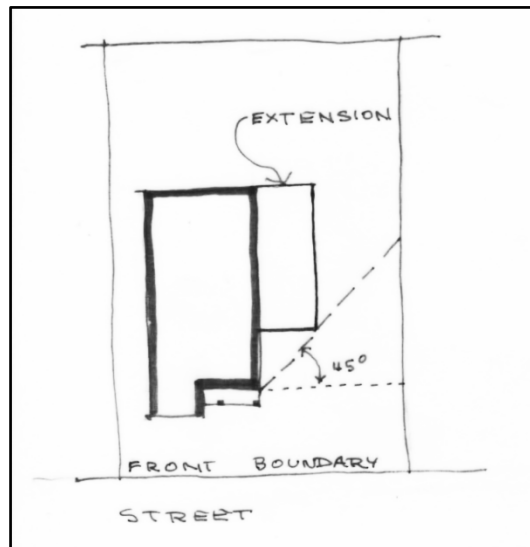
## Controls

- a) Additions to the sides of buildings should be set back from the front façade so that it remains the primary face of the building.

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- b) As a general guide new walls should be set back 900mm or more behind the adjacent front wall and sit behind a line drawn at 45 degrees from the front corner of the dwelling (not including the verandah) (Figure 16).

**Figure 16: Acceptable set back of side extensions**



## Setbacks and Street Pattern

Front and side boundary setbacks can impact on the character and significance of a heritage place.

### **Objectives**

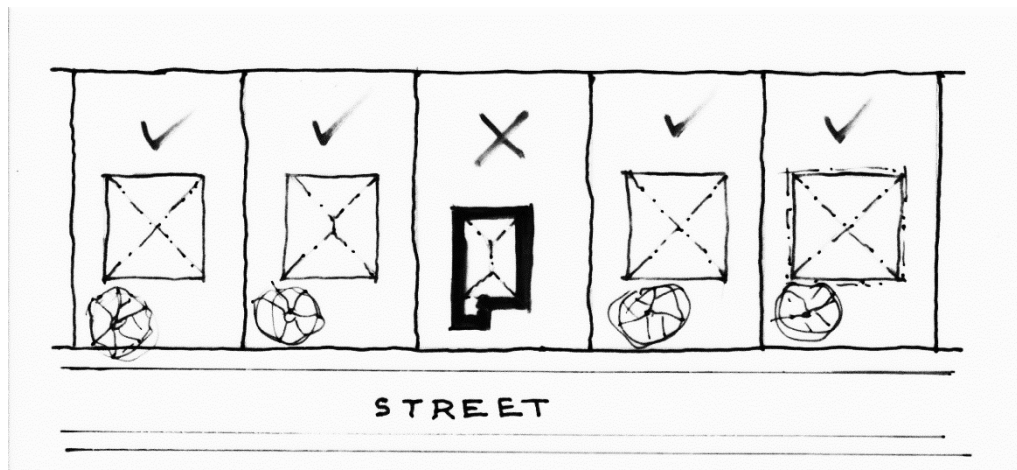
- 1) To ensure that historic streetscape patterns are maintained.

### **Controls**

- a) Front and side setbacks should be consistent with the predominant street pattern (Figure 17).



Figure 17: Inappropriate front setbacks



## 4.5.6 Site Coverage

Most of Queanbeyan's historic housing was freestanding on the allotment with opportunities for gardening at the front, sides and rear of the property. Many heritage places have relatively low site-coverage and enjoy the benefit of attractive front and rear gardens.

### Objectives

- 1) To retain the opportunity for vegetation landscaping around heritage places.
- 2) To ensure that site coverage remains consistent with the predominant pattern that exists in the area.
- 3) To allow for domestic gardens to continue to contribute to the attractive streetscapes.

### Controls

- a) The built area should not cover more than 50% of the site area for allotments that are 1,000 square metres or less, and 33% for allotments over 1,000 square metres.
- b) Hard paving between the dwelling and front boundary shall be limited to a pedestrian path and a driveway. The front garden area shall not be hard-surfaced for any purpose including car parking, vehicle turning, etc

## 4.5.7 Building Materials

The materials that were used to construct a heritage place are often an important part of its overall character and significance. In some instances the construction materials may be the primary reason for a place being heritage listed.

### Objectives

- 1) To encourage the conservation of significant fabric.
- 2) To ensure that new materials are appropriate to the building, bearing in mind the time in which it was built, its style and its details.

### Controls

- a) Significant fabric should be retained or restored wherever feasible.
- b) Materials used for alterations should be very similar to the existing. Where materials have been changed over time, new materials should be consistent with what was likely to have been used historically.
- c) Materials should be chosen so that alterations blend seamlessly with the original. For example, decayed timber windows should be replaced with new timber windows, not aluminium. Similarly, asbestos fibro sheeting should be replaced with modern fibre cement sheeting, also with battens over the joints if previously existing.
- d) False brick, “hardiplank” and metal or vinyl weatherboards are unlikely to be original fabric and can be removed and replaced with more sympathetic materials that compliment the heritage values. Note that some versions of false brick are bonded onto an asbestos-rich substrate and should only be removed in an approved manner.
- e) In the case of linked additions there is more latitude in the selection of new materials although they should be sympathetic to building materials used in the original building or those typically used on the same type of structure (for example a weatherboard extension to an existing brick house can be considered appropriate).
- f) Full brick extensions to timber-framed cottages are unlikely to be considered “sympathetic” to the original and are unlikely to meet the objectives of these guidelines unless built as a “linked pavilion” not readily visible from the public realm.
- g) Materials should not be altered unnecessarily. For example, historic face brick walls should not be rendered with cement.

### 4.5.8 Roofs

In most instances a building’s roof is a major part of its appearance and is a strong indicator of a place’s age, style, design intent etc.

The profile of gutters and downpipes can also be an important part of a building’s character. ‘Ogee’ gutter was used up to about 1915 – 1920 and is appropriate for Victorian and Federation period houses. ‘Quad’ or ‘D’ gutter profile was used from about 1920 and is suitable for Inter War bungalows typically found in Queanbeyan (Figure 18). Note that modern Quad gutters that have ribs or slots are not appropriate on traditional buildings.

### Objectives

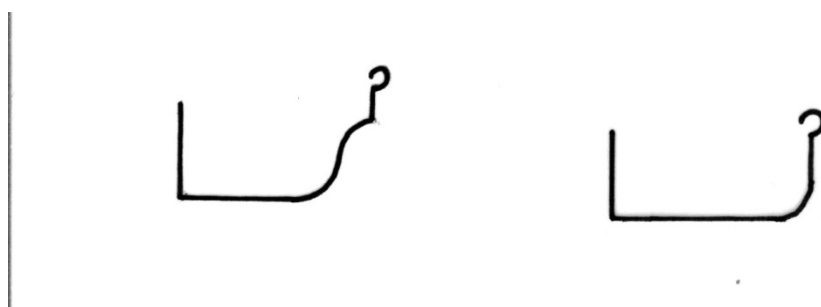
- 1) To ensure that new roofs and gutters maintain the building’s character.

### Controls

- a) New roofs should match the original in profile, material, pitch and details.
- b) Extensions to galvanised iron roofs should continue to use galvanised iron. Note that the use of galvanised iron enables existing lead flashing to be re-used and is the preferred heritage conservation product.
- c) Unpainted galvanised iron should not be replaced with unpainted Zincalume as the latter does not dull down over time or ‘patinate’ to the same degree as galvanised iron.
- d) Colorbond™ colours need to be carefully selected to ensure that they are appropriate to the building’s period and style.
- e) Barge boards, barge capping, finials etc should follow details that were used at the time of construction.

- f) Decorative details such as acroteria (metal scrolls, brackets etc) should be reinstated as part of roof replacement.
- g) Gutter profiles (half round, ogee or quad) and downpipes (round or rectangular) are important parts of the building's detailing and should closely match those used at the time of construction. Many of the modern quad and square profile gutters are not appropriate for a heritage building.
- h) Round plastic down-pipes should be painted and should be selected so that they are indistinguishable from traditional round soldered metal downpipes once installed. PVC stormwater pipe is not considered to be appropriate as a downpipe for a historic building.

Figure 18: 'Ogee' profile gutter shown on left and traditional 'Quad' profile gutter on right



### 4.5.9 Windows and Doors

The scale, proportion and materials used in windows and doors can have a major impact on the success of new work in terms of its impact on the heritage significance of the building and the streetscape. Historic window sashes often used fine glazing bars and mullions that should, if possible, be restored rather than replaced. Some historic buildings from the Inter-War period used steel-framed windows that are considered to be significant.

#### Objectives

- 1) To retain the important contribution that windows and doors make to listed items and to other dwellings in the Conservation Area especially where visible from the public domain.
- 2) To encourage the reinstatement of historically appropriate windows in street elevations of all dwellings in the Conservation Area.

#### Controls

- a) Where relevant, timber windows should be replaced with new timber windows of similar proportions and design. Cottages that have timber windows in need of replacement shall use new timber windows on the front and publically visible sides of the house.
- b) Where visible from the street, the original window and door arrangements within the wall should be retained or reinstated, especially on the front elevation. There is more latitude for variation further back on side elevations.
- c) On prominent historic elevations where additional windows are desired to obtain extra light in a room, two windows of the original proportion should be installed rather than one large window of modern proportion.

- d) Windows and doors on extensions should reflect the same proportion and relationship to the wall as the original and be appropriate to the style of the house.
- e) Windows and doors on linked pavilions may be in a contemporary style if otherwise compatible.
- f) Contemporary materials such as aluminium framing to windows are not appropriate for heritage items unless in a contemporary styled extension, and preferably to the rear of the listed dwelling.

### 4.5.10 Paint and Colour

The choice of colour, the overall colour scheme, and the parts of the building to which paint is applied can all impact on the heritage value of a building. A well-chosen colour scheme reinforces a building's heritage character and appeal.

#### Objectives

- 1) To encourage a colour scheme that is sympathetic to a building's heritage attributes and to the Conservation Area.
- 2) To discourage the application of paint to surfaces that were designed or built to remain unpainted such as historic face-brick or stone.

#### Controls

- a) External colour schemes must be sympathetic to the heritage characteristics of the building. This includes both the colours chosen and the parts of the building to which they are applied. Owners may develop their own sympathetic colour scheme or use one based on established literature such as *Colour Schemes for Old Australian Houses* by Evans Lucas Stapleton, or *The Californian Bungalow in Australia* by Graeme Butler.
- b) Previously painted fabric may be repainted in a colour that is appropriate to the period of the building. Painting options include:
  - i. Repaint the building based on its original colour scheme following investigation, analysis of paint scapes and historic photos etc,
  - ii. Repaint the building based on a colour scheme that was typical of the period,
  - iii. Repaint the building in a colour scheme that harmonises with its context and is consistent with its character.
- c) The use of highly reflective, overly bright colour schemes is inappropriate on a historic building and within the Conservation Area.
- d) On commercial buildings the use of corporate colour schemes needs to be sensitively tailored to the architectural character of the building. Broad-scaled application of bright or corporate colours is not appropriate above the awning or on the parapet and is unlikely to meet the objectives of these guidelines.
- e) Historic building fabric that has not previously been painted should not be painted. Face brick and stone, in particular, should not be painted. Timber that has been oiled and/or shellacked should be treated with a clear finish.

### 4.5.11 Controls on Commercial Heritage Buildings

A number of buildings within the Central Business District (CBD) are heritage listed or have important heritage attributes. This is particularly evident in many of the historic facades and parapet treatments above the shop awnings in Monaro and Crawford streets, as well as in the

scale and character of historic cottages, dwellings and other buildings now used for commercial purposes.

In most instances the controls in this Part will apply to the commercial heritage buildings. Additional controls, for example on heights and setbacks, are set out in Part 7 of the QDCP 2012 and the *QLEP 2012*.

## Objectives

- 1) To retain significant attributes of commercial buildings and streetscapes within the CBD.

## Controls

- a) Significant elements of commercial facades shall be retained and conserved. Where relevant, this will include the awning and façade above the awning up to the top of the parapet. In some instances the side elevations have retained their historic integrity and are also to be conserved.

## 4.6 New Buildings (Dwellings and Commercial)

This section relates to the construction of new buildings, both residential and commercial, that are in the Conservation Area and/or in the vicinity of a heritage item or the vicinity of a Conservation Area. It also relates to the construction of a secondary dwelling or a dual occupancy on the same parcel of land as a heritage item.

### 4.6.1 New Buildings in Heritage Conservation Area

#### Objectives

- 1) To ensure that a new building fits seamlessly into its streetscape and is designed to complement the predominant character of the local built environment.
- 2) To achieve an architectural style, character, scale and bulk of new design that harmonises with that of the Conservation Area.

#### Controls

- a) The design of a new building in the Conservation Area shall have due regard to its context and shall be sympathetic in terms of character, scale, height, form, siting, materials, colour and detailing. Design shall be preceded by detailed analysis of context, and Development Applications shall include street elevations of adjacent properties to demonstrate how the proposal fits with its context.
- b) Where a new building is replacing a listed item or a contributory place then it is to be designed so that its appearance from the street is very similar to the significant parts of the contributory item. The new building may be larger than the original, as if the previous building had been extended in accordance with the controls in these guidelines.
- c) Where a new building is on vacant land, or replaces a non-significant building, then two approaches may be adopted in the design:

- i. The building style and appearance may draw strongly on its neighbours so that it fits seamlessly into its context and is not readily obvious as recent or modern development, or
  - ii. The building may adopt a modern style but in a manner that compliments its neighbours. Typically such buildings adopt a form, scale and roof pitch that is similar to its neighbours, but may interpret and detail these in a more contemporary manner. With this approach buildings will usually need to be specifically designed for their allotment. As a consequence, most project and kit homes fail to meet this control.
- d) Transportable housing is not appropriate for the Conservation Area as it is unlikely to address the specific design and character guidelines for infill development in a heritage area.
- e) Siting and set back are to be consistent with the predominant patterns in the street.
- f) Windows and doors visible from the street shall be constructed from timber, but may be painted.

### **4.6.2 New buildings in the Vicinity of a Heritage Item and/or the Vicinity of a Conservation Area**

New buildings in the vicinity of listed items and/or in the vicinity of a Conservation Area may range in scale from single dwellings to commercial buildings to multi-level residential unit blocks.

#### **Objectives**

- 1) To ensure that new buildings are designed and sited so that they do not have an adverse impact on the heritage item and/or the Conservation Area.

#### **Controls**

- a) Development in the vicinity of a heritage item and/or in the vicinity of a conservation area should be preceded by a detailed analysis demonstrating how character, scale, height, form, siting, materials, colour and detailing of the new building have been sympathetically addressed.
- b) For multi-unit development a heritage impact statement must be undertaken before designing any buildings in the vicinity of heritage items and/or vicinity of a conservation area to ensure their significant attributes are protected. The design and façade treatment should be informed by the heritage impact statement.
- c) New buildings may "borrow" architectural elements or design attributes from their historic neighbours, such as roof pitch and form, corrugated iron roofing and weatherboard walls may be of the time and architectural style in which it is designed and built.
- d) In some instances it may be acceptable to interpret traditional design concepts in a modern way so that new development is of the time and architectural style in which it is designed and built.



- e) New buildings in commercial areas should extend primary design lines from the existing to the new development and/or incorporate a modern parapet where appropriate to maintain consistency in the streetscape.

For more detail see the publication *Design in Context – Guidelines for Infill Development in the Historic Environment* available free from the NSW Heritage Office website.

### 4.6.3 Scale, Proportion and Bulk of New Buildings

The height, scale and bulk of a new building has the potential to impact on a heritage item/ Conservation Area within its vicinity. The impacts can apply not only to individual buildings but also to significant parks and open spaces.

#### Objectives

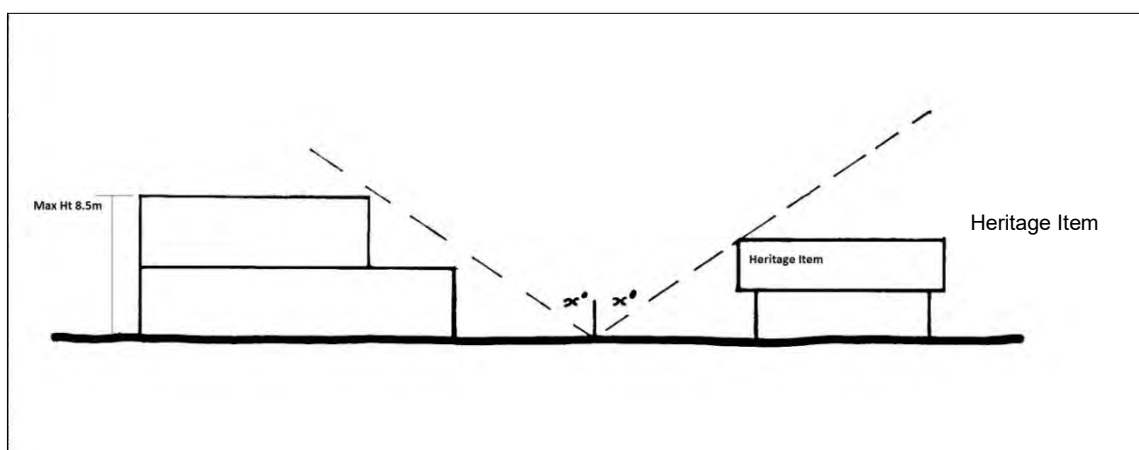
- 1) To ensure that the scale and bulk of new buildings does not adversely impact on a heritage item, park, open space or Conservation Area.
- 2)

#### Controls

- a) A new building in the vicinity of a heritage item and/or Conservation Area must not dominate the heritage item by virtue of its height, scale, bulk or proximity and in general will be of a similar height or less than the neighbouring heritage item.
- b) The height of new buildings that are within proximity of the boundary to the listed item should be scaled down to be approximately the same as the heritage item.
- c) New external brick walls shall show an appropriate change or banding at ground floor and first floor level, or alternatively at approximately window sill height, to assist in reducing the apparent scale of a proposal. Similar changes may be necessary for other surface materials.
- d) Multi-unit development that is adjacent to a heritage item (i.e. where the boundaries are in common, as opposed to over the road) should be stepped back at first storey so that upper storeys do not dominate the heritage place. (Figure 19).
- e) Vegetation screens are not to be used as an excuse to permit poor or unsympathetic development within close proximity of a heritage boundary.



Figure 19: Multi-storey units to be stepped back if adjacent to a heritage item



## 4.6.4 Setbacks of New Buildings

In managing streetscapes it is generally acknowledged that the heritage item should remain the dominant item in the streetscape and that in most instances new buildings should have a greater set back to achieve this goal.

### Objectives

- 1) Ensure the heritage item/s remain the predominant building in the streetscape.
- 2) Ensure the height, scale or bulk of new buildings does not dominate a heritage item.
- 3) Retain historic and consistent setback patterns where relevant, such as in certain commercial areas.

### Controls

- a) New buildings shall not obstruct important views or vistas to buildings and places of historic and aesthetic significance.
- b) In residential areas the front setback of the new building should be greater than the adjacent heritage building so that the heritage building remains prominent within the streetscape.
- c) Side, front and rear setbacks of new buildings shall be increased where new development is higher than the heritage place or likely to have an adverse impact on its character, amenity or setting by virtue of its height, scale or bulk (Figures 20 and 21).

Figure 20: Taller new buildings should be located further from the boundary than lower heritage items.

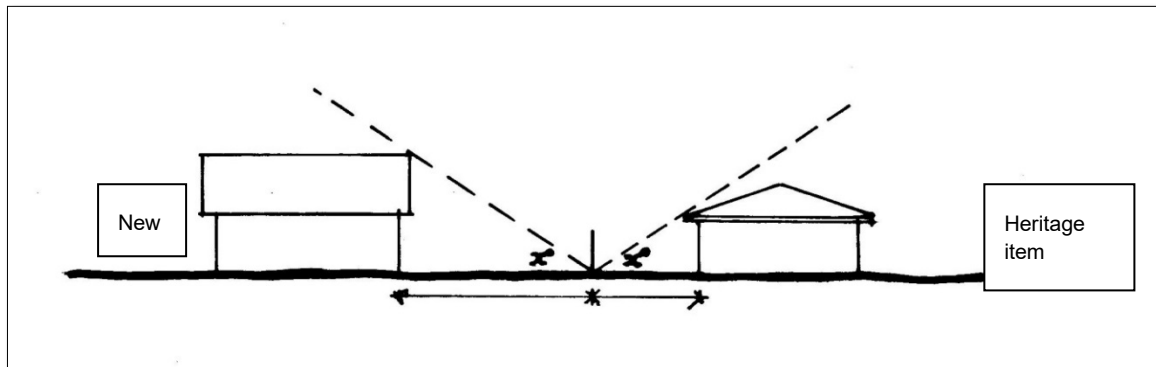
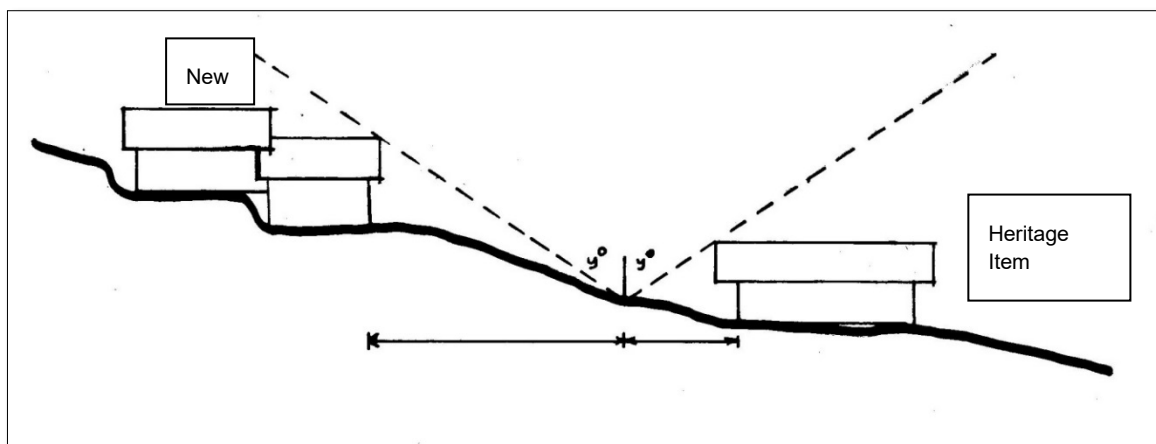


Figure 21: New buildings located higher up a slope should have a greater setback



#### 4.6.5 New Secondary Dwellings and New Dual Occupancies

Development applications for a new building that is part of either a secondary dwelling or a dual occupancy (as defined in QLEP 2012) must consider the impact on overall heritage values where applicable.

##### Objectives

- 1) To ensure that the new buildings constructed as part of secondary dwelling and/or dual occupancy development do not compromise the heritage values of an individual place, its landscape setting or its streetscape.

##### Controls

In these controls “*additional dwelling*” means the new dwelling proposed as part of a secondary dwelling or dual occupancy development and may include the principle dwelling of a secondary dwelling development.

- a) An *additional dwelling* should not have an adverse impact on a heritage item, its curtilage or setting including significant trees, gardens, outbuildings and other elements that may contribute to a place’s overall heritage value. Note that in general, prefabricated site sheds, moveable dwellings, transportable homes, prefabricated

homes, converted shipping containers and the like would not meet the objectives of these guidelines.

- b) An *additional dwelling* in urban areas should avoid being readily visible from the public domain.
- c) An *additional dwelling* within the Conservation Area or on the same allotment as single storey listed item shall generally be restricted to single storey.
- d) An *additional dwelling* may be designed as a free-standing structure, or as a 'pavilion' that is linked back to the existing dwelling or structure.
- e) An *additional dwelling* that is attached to the existing dwelling or structure shall be suitably articulated to avoid a monolithic appearance. For example, by using stepped or rebated connections, compound roof forms etc.
- f) The form and style of an *additional dwelling* shall be derived from the existing dwelling or structure.
- g) The scale and bulk of new building shall not dominate the existing dwelling or structure.

## 4.7 Demolition

Demolition of all or part of a heritage place has the potential to cause irreversible impact. At the same time, demolition of an unsympathetic part of a listed place can lead to an enhancement of heritage value.

Demolition of a contributory item within a Conservation Area also has the potential to cause negative impacts on the streetscape.

### Objectives

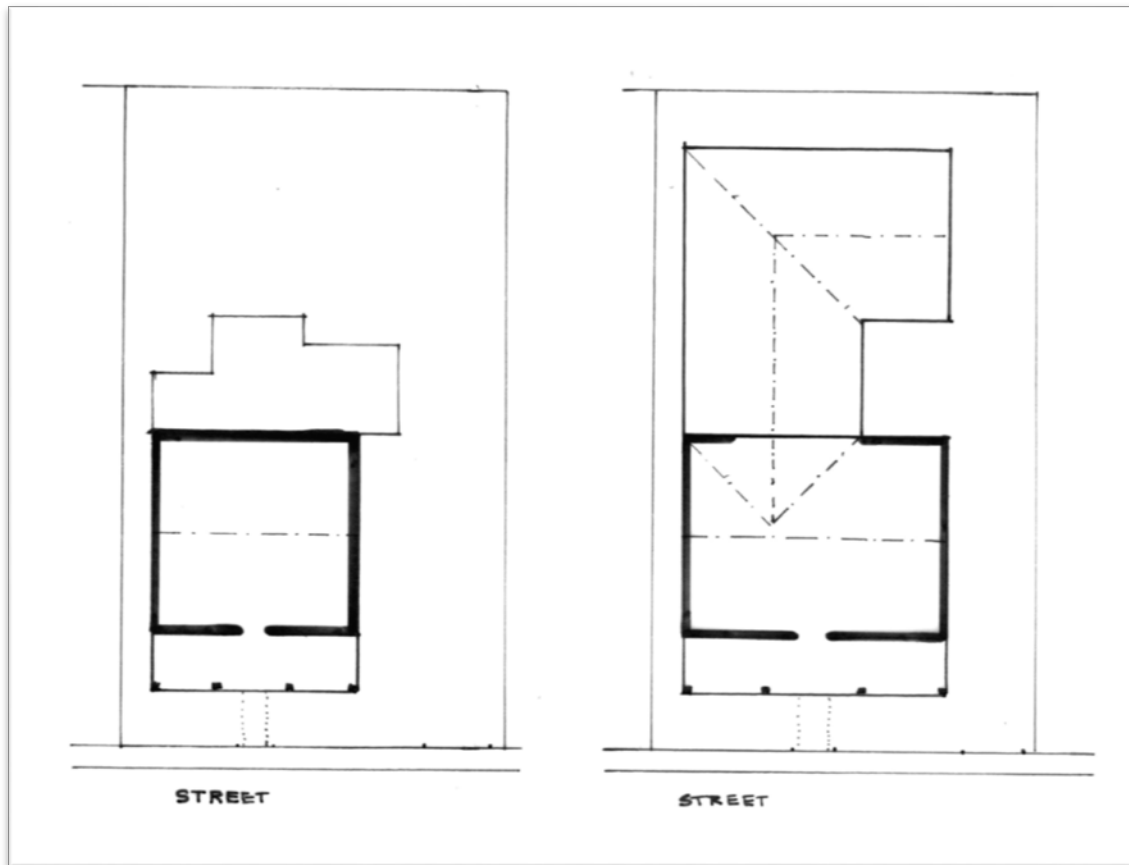
- 1) To discourage full demolition of a heritage listed or contributory item.
- 2) To allow for demolition of a non-significant part of a place.
- 3) To record places of significance prior to their demolition.
- 4) To minimise adverse impacts arising from the demolition and replacement of heritage and contributory items.

### Controls

- a) Full demolition of a listed or contributory item is only appropriate where, in the opinion of Council, the building is damaged or has decayed to such an extent that its restoration is not feasible.
- b) Elements of a building that do not contribute to its heritage significance may be considered for demolition. Proponents must demonstrate that partial demolition does not affect the heritage significance of the building.
- c) The demolition of ancillary structures that detract from the significance of a place is likely to be supported.
- d) The demolition of structures, including habitable dwellings, that are in the Conservation Area and do not contribute to the Area significance are likely to be supported.
- e) Significant fabric (for example period windows, or historic bricks) that is removed in the process of permissible demolition should be set aside for use in future repairs or possible reinstatement.
- f) Buildings that replace listed and contributory structures shall adopt a similar external form and appearance as the significant part of the building that is being demolished. The replacement building may be extended in accordance with this Part as if it were the existing building (Figure 22).

## Queanbeyan Development Control Plan 2012

**Figure 22:** The original building footprint is shown on the left, with the verandah towards the street and some unsympathetic additions to the rear. The reconstructed building on the right adopts the same form as the original when seen from the street. However it has been built slightly wider to allow for larger rooms, and has been extended to the rear in accordance with other guidelines in this DCP.



## 4.8 Change of Use

In some instances a change of use can facilitate the long term conservation of a heritage item. However it is important that the new use does not require changes to the building that would adversely impact on its appearance and heritage character, or on the amenity of the surrounding area.

### Objectives

- 1) To allow for new uses that are appropriate to the structure and will not have an adverse impact on its significance.

### Controls

- a) In certain circumstances Council may grant consent to certain development for any purpose of a building that has heritage significance even though development for that purpose would otherwise not be allowed by the *QLEP 2012*. The new use must facilitate conservation of the item, be in accordance with a heritage conservation management plan and not adversely impact on the amenity of the surrounding area. For further detail refer *QLEP 2012* Part 5 Clause 10 (10)  
<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+576+2012+cd+0+N>
- b) A new use that requires substantial and irreversible modification of significant fabric or setting is unlikely to meet the intention of these controls.
- c) New uses should require minimal change to the external fabric of the building.
- d) Changes to landscaping or car parking should not have an adverse impact on the character or significance of the item and will need to satisfy other relevant clauses in this DCP.
- e) A new use should not increase the risk or likelihood of cumulative changes that could reduce the heritage significance of the item over time.

## 4.9 Subdivision of Land

Many heritage places were constructed on generous allotments and subsequently developed attractive gardens or settings that contribute to the place's heritage significance. Subdivision has the potential to destroy the garden or rural setting and encourage infill buildings that encroach upon the heritage item in a manner that can weaken the heritage place's special values.

Subdivision can increase the number of driveways and cross-overs and, as a consequence, have a significant adverse impact on a traditional streetscape.

### Objectives

- 1) To ensure that subdivision does not destroy the significant setting, landscape or curtilage of a heritage place.
- 2) To ensure that subdivision, including the resultant parcel shape and/or size allows for infill development that does not compromise the heritage place.
- 3) To ensure that subdivision is consistent with, and does not compromise traditional subdivision patterns/rural landscape.

- 4) To ensure that subdivision does not adversely impact on streetscapes/rural landscape due to increased driveways, cross-overs or inappropriate density of development.

### Controls

Subdivision boundaries should be designed so that they will not have an adverse impact on a heritage item, its curtilage or setting including gardens, outbuildings and other elements that may contribute to a place's overall heritage value.

- a) Subdivision should be consistent with the predominant historic subdivision pattern in the locality or street.
- b) Battleaxe subdivision is not appropriate for listed items or places within the Conservation Area as it leads to a concentration of driveways that is inconsistent with the historic subdivision pattern.
- c) Subdivision in rural areas should retain a suitably sized curtilage surrounding the heritage item.
- d) Subdivision should not lead to, or have the potential to result in, a degradation of the heritage values of items or streetscapes.
- e) Proposed subdivision should be preceded by a heritage impact statement that identifies all heritage and landscape attributes and shows how the proposal will respect the significance of the heritage item.



# Queanbeyan Development Control Plan 2012 **Part 5**

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

Principal Plan Adopted by Council:	12/12/2012
Reference number:	SF160793/01
File No:	C1842223



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

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

### **5.1 Introduction**

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

This part of the development control plan outlines the requirements for development within areas zoned RU2 Rural Landscape, E3 Environmental Management, E4 Environmental Living and R5 Large Lot Residential under *Queanbeyan Local Environmental Plan 2012*.

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

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

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

Aims of this part of the DCP are to:

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

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

- 1) Ensure that development maintains the rural character of the locality and minimises disturbance to the landscape and the environment generally.
- 2) Ensure land use is ecologically sustainable, taking into account the environmental capabilities of the land and based on best management practices.
- 3) Ensure that development does not create or exacerbate soil erosion.
- 4) Ensure that the wider community does not bear the cost of servicing rural residential development.
- 5) Ensure agricultural production is not jeopardised by the intensification of development in the rural areas.

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

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

There are a number of clauses in the *Queanbeyan Local Environmental Plan 2012* that may need to be considered when developing in the Rural and Environmental Zones. This will depend on the nature and location of the development with examples including:

- Clause 4.1 Minimum subdivision lot size
- Clause 4.1C Subdivision using average lot size (local)
- Clause 4.2A Erection of dwelling houses and secondary dwellings on land in certain rural and environmental protection zones
- Clause 4.2B Strata subdivisions in certain residential, rural and environmental zones
- Clause 7.1 Earthworks
- Clause 7.3 Terrestrial biodiversity (local)
- Clause 7.4 Riparian and Waterways (local)

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

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

## 5.2 Subdivision

Subdivisions in the RU2, E3, E4 and R5 Zones are created for the following purposes:

- a) Agricultural lots – lots created for an agricultural purpose with a dwelling house as ancillary use. These lots should be of sufficient area to allow for continued agricultural use and the subdivision should be based on the creation of productive

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land units. This is to be derived from an overall farm plan of the property to be subdivided.

- b) Farm adjustments – Boundary adjustment for the purpose of selling land to an adjoining property owner which is then consolidated.
- c) Rural residential uses – Where the predominant use of the land is for residential and other ancillary purposes.

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

## **Additional Requirements:**

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

- a) Mature native trees are to be protected, especially Yellow Box (*Eucalyptus melliodora*) which provide habitat for the Regent Honeyeater.
- b) Council may require fencing of selected clumps of native trees to allow for regeneration.
- c) Subdivisions proposals must allow for the protection of woodland and forested area and appropriate vegetated corridors.
- d) Development within areas of significant vegetation communities, (particularly natural grasslands, secondary grassland or grassy woodlands), identified in the environmental review is to be restricted to light grazing (preferably with no winter/spring grazing) or restricted to low impact recreation. Buildings or roads should not be constructed within areas supporting other vegetation communities identified as significant in the environmental review (eg. wetlands and riparian environments, or native pastures). A key factor in the assessment of significance is whether the vegetation communities are of high or low ecological quality as assessed in the review.

## **Requirements for Jerrabomberra Creek**

- a) Physical development other than light agricultural grazing or low impact recreation is not to occur within 40m of Jerrabomberra Creek to protect riparian ecological communities, to minimise pollution of the creek and to prevent further degradation of the stream banks.
- b) Additional riparian rights on Jerrabomberra Creek are not to be created by subdivision. A public reserve on each side of Jerrabomberra Creek extending a minimum of 10m from the edge of the undisturbed banks to be dedicated to Council

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as a contribution under section 94 of the *Environmental Planning and Assessment Act 1979*.

- c) The NSW Office of Environment and Heritage is to be consulted regarding development proposals on land near to or containing known populations of *Swainsona recta* adjoining the Canberra-Cooma railway line and shown on Figure 1. The recommendations of the NSW Office of Environment and Heritage will be considered in Council's determination of development applications.

## 5.2.1 Roads

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

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

- i. Upgrading the existing road(s) to a higher order road type when the development causes a level of extra traffic that together with the existing traffic will exceed the maximum traffic volumes allowed for the particular road type;
- ii. Paying a contribution under Council's Section 94 Plan towards upgrading of access roads leading to developments where existing roads are deficient in alignment pavement, drainage or safety aspects to cater for the new development; and
- iii. Sealing of sections of existing gravel roads where extra traffic generated will cause the need to address dust impacts adjacent to existing or proposed dwellings.

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

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

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

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

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

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

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

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

Entrances to individual allotments from roads shall be constructed to Council or RMS standards in accordance with the road classification. Entrances shall be limited to one (1) per lot unless approved otherwise by Council. Unless approved otherwise the relocation of an entrance shall necessitate the complete removal of the existing entrance.

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

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

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

Council is responsible for the numbering of all lots within the rural area. Rural address numbers are allocated prior to the lodgement of any subdivision certificate when the location of driveway entrances is determined. All occupied properties shall be individually numbered.

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Numbers shall be displayed adjacent to the entrance driveways. Applicants for subdivisions will be required to pay a fee for Council to undertake a rural addressing exercise for the lots created.

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

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

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

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

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

## **5.2.3 Management of Flora and Fauna**

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

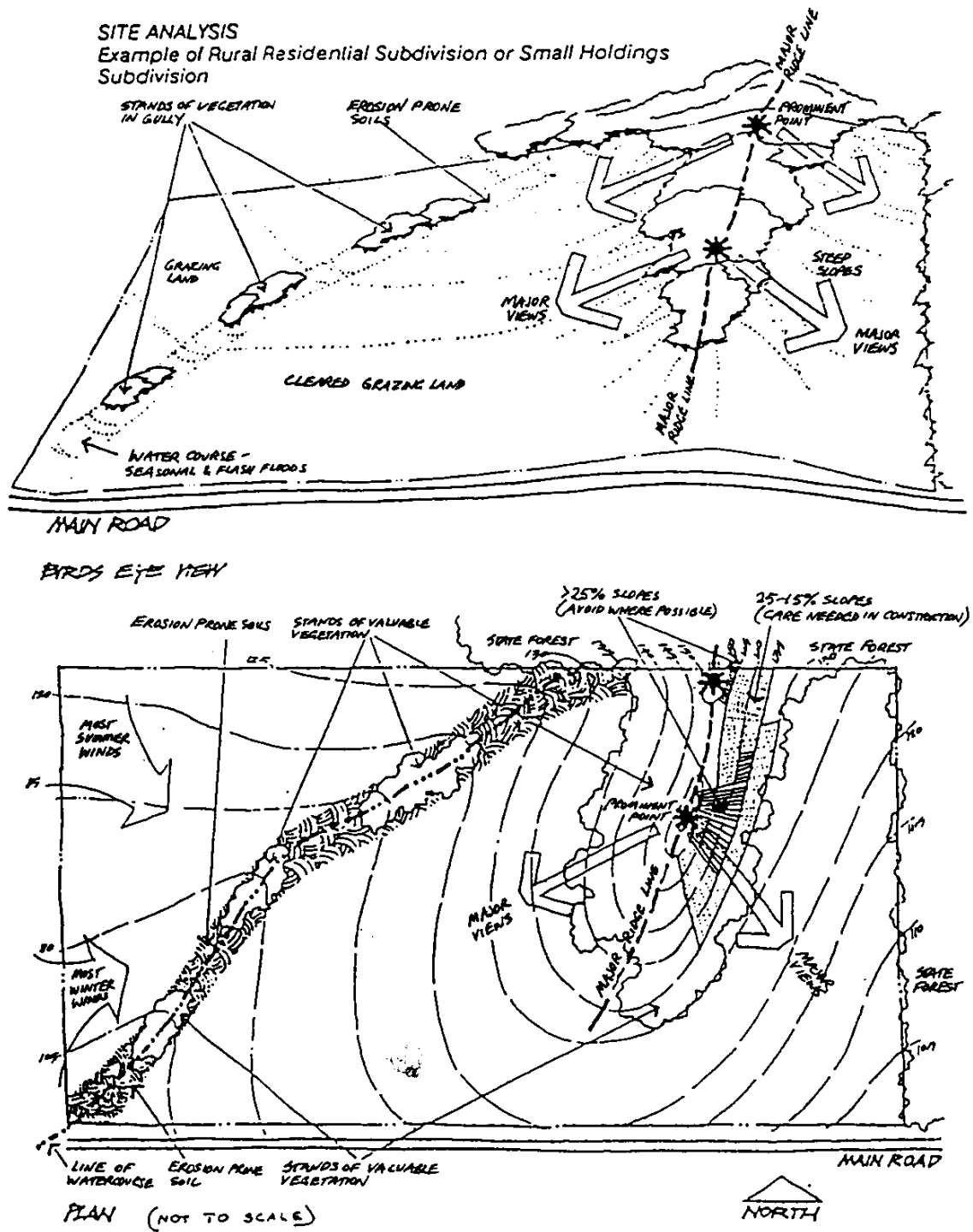
For further information please see the requirements outlined by the NSW Office of Environment and Heritage <http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species>

## **5.2.4 Aboriginal Heritage**

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



Figure 1: Site Analysis



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

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

## 5.2.5 Bush Fire Management

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

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

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

## 5.2.6 Areas Visible from Arterial Roads

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

This must address:

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

## 5.3 Design Principles for Subdivision

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

Figure 2: Site Responsive Layout

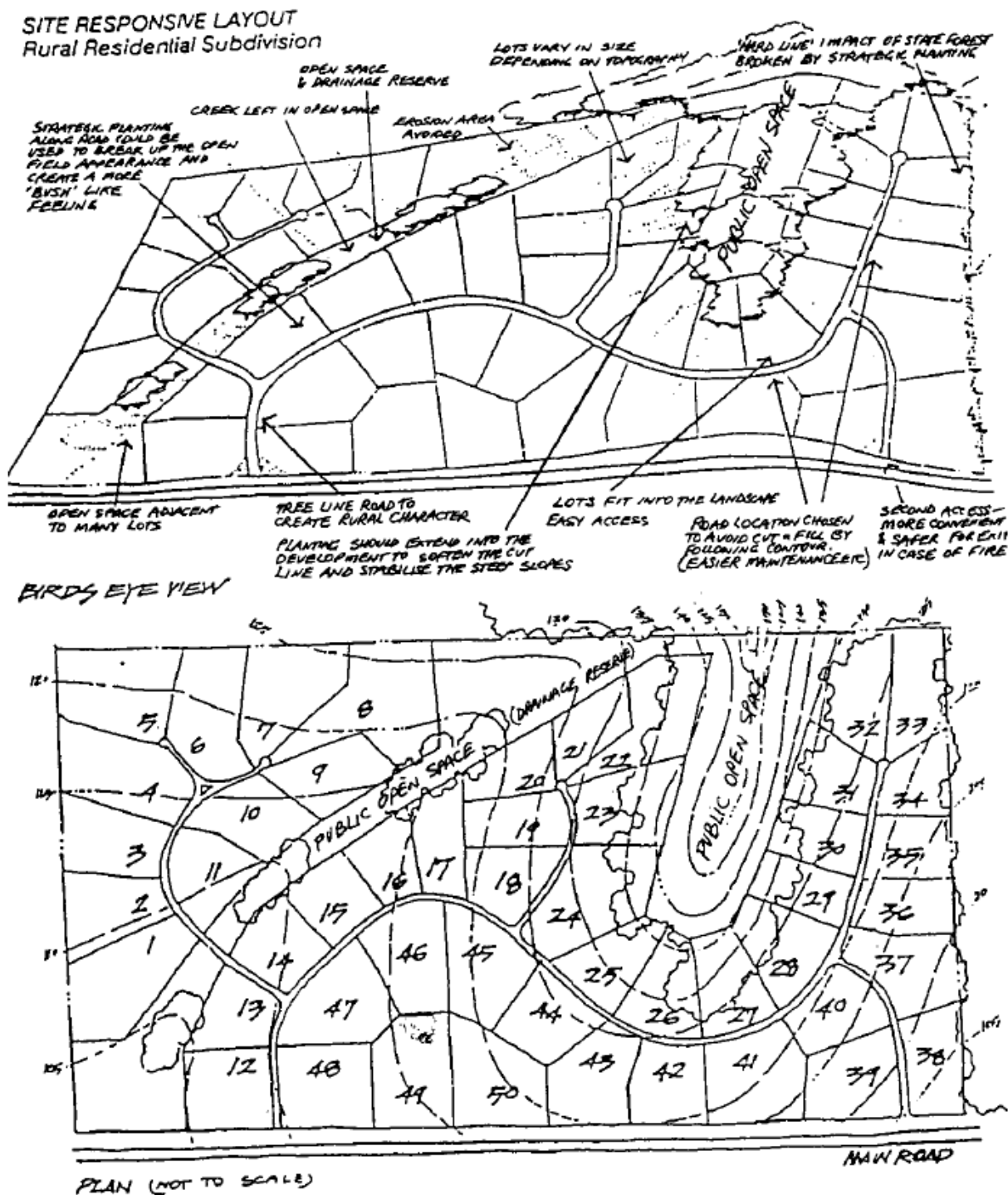
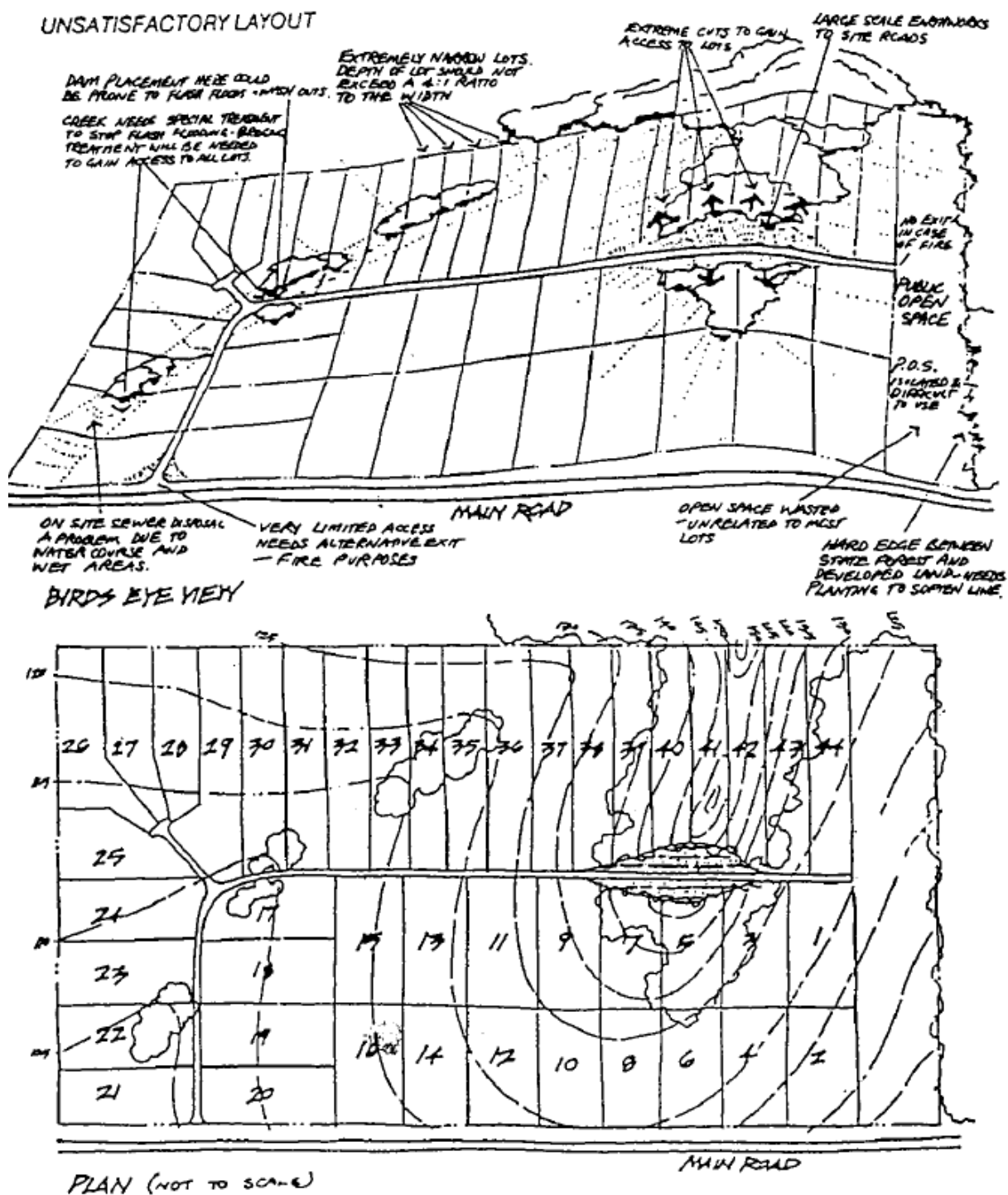


Figure 3: Layout which is not Site Responsive



## Objectives

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

## Controls

- a) **Natural Environment** - Wetlands, water bodies and other sensitive habitats identified in the environmental review must be taken into account in the selection of building envelopes, access tracks and driveways, road locations and boundary fences. Development should be located as far as possible away from significant areas of native vegetation. The integrity of remnant vegetation areas and wildlife corridors must be preserved and enhanced where possible through fencing and/or supplementary planting.
- b) **Historic Relics and Places** – Areas of Aboriginal archaeological or European heritage significance must be protected and subdivisions should be designed to accommodate the preservation of heritage sites wherever possible. If an Aboriginal relic that is known to exist on land will be destroyed, defaced or damaged, consent will be required from the NSW Office of Environment and Heritage and the proposal will be integrated development.
- c) **Visual Impact** – to minimise the visual impact of the subdivision, visually prominent locations such as scenic hilltops, escarpments, and ridges should be avoided and tree cover preserved wherever possible.
- d) **Lot Design**
  - i. Subdivisions must be in accordance with the relevant provisions of the QLEP 2012 in regard to minimum lot sizes.
  - ii. Lot boundaries should relate to land features such as creeks.
  - iii. Boundaries should be located parallel or perpendicular to the slope but not diagonally across it.
  - iv. Existing fences should be used for lot boundaries where this does not result in inappropriately shaped lots.
  - v. Long narrow lots are to be avoided. The width of the lots shall not be less than 100m and the depth of the lot shall not exceed the width of the lot by more than 4:1.
  - vi. Battle axe allotments should be kept to a minimum, but when incorporated within a subdivision the following restrictions shall apply:
    - a) the maximum length of access corridor shall be 250m
    - b) the maximum width of access corridor shall be 15m
  - vii. Wedge shaped allotments are to be kept to a minimum, but when incorporated within a subdivision shall have a minimum road frontage of 15m and shall achieve a minimum width of 100m at a maximum distance of 100m from the subdivision road boundary.
  - viii. Each proposed lot shall be provided with legal access to a public road.



- e) **Building Envelopes** – Every lot must contain at least one building envelope free of major environmental and servicing constraints and having good solar access. The location of building envelopes should reflect the findings of the various investigations carried out in the preparation of the subdivision application including the flora and fauna and effluent disposal reports. Where possible building envelopes should be located in areas that have previously been disturbed and should be selected in the context of house sites on adjoining and nearby lots to maximise privacy and maintain the rural character of the area. Ridge tops should be avoided, as should flood plains, drainage depressions, areas with poor foundation conditions, extreme fire risk, erosion and other natural hazard areas. Building envelopes within which a house, ancillary buildings (other than animal shelters with a floor area of not more than 25m<sup>2</sup>), and the like could be located shall:
- i. be a minimum size of 2,000m<sup>2</sup>,
  - ii. have a slope not greater than 15 percent,
  - iii. take into account the constraints identified in the environmental review,
  - iv. be located a minimum setback of 50m from the front boundary,
  - v. be located a minimum side and rear setback of 15m for lots with an area of 2-4 hectare,
  - vi. be located a minimum side and rear setback of 25m for lots with an area greater than 4ha,
  - vii. be accessible by a track which does not have a grade exceeding 15 per cent (unless it is proposed to be constructed and sealed by the applicants, in which case the grade must not exceed 20 per cent), and it does not traverse terrain with a grade exceeding 20 per cent,
  - viii. Properties that are identified on a bushfire prone land map will be required to satisfy the aims and objectives of *Planning for Bushfire Protection 2006* (see clause 2.8.5), including providing an appropriate asset protection zone around buildings.

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

- f) **Erosion and Sedimentation** - Construction on slopes in excess of 15 per cent should be avoided. Natural drainage systems should be preserved and vegetation removal during construction must be minimised. All construction debris must be contained and disturbed areas must be stabilised and revegetated. All exposed batters and table drains must be stabilised, re-planted and/or top dressed and slope stability on all earthworks must be maintained. Council will require an erosion and sediment control plan to be submitted with the development application. Farm dams proposed to be built as part of the subdivision should be constructed in the initial

stages so that they may act as sediment retention ponds during the construction phases.

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



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A licence from the NSW Office of Water will be required if the dam size exceeds the harvestable right for the allotment under the NSW Farm Dams Policy, or if a bore is proposed. Such applications will be integrated development in accordance with the provisions of the Section 91 of the *Environmental Planning & Assessment Act 1979*. The cumulative impacts of additional dams on the environmental flows in downstream creeks and rivers must be taken into account. Where bores are proposed, it will be necessary to demonstrate that there will be no adverse impacts on the groundwater resource in the area.

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

## 5.4 Building Setbacks and Fencing

### Objectives

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

### Controls

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

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

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

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

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

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

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

## 5.5 Height

## Objectives

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

## Controls

- a) On any land not identified on the Height of Buildings Map in the Queanbeyan Local Environmental Plan (QLEP) 2012 the maximum height of any building shall not exceed 8.5m.

**Note:** Building Height is measured according to the definition within the QLEP 2012.

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

## 5.6 Material and Appearance

### Objectives

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

### Controls

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

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

## 5.7 Erosion and Sediment Control on Building Sites

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

## 5.8 Water Supply

### Objectives

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

### Controls

- a) **Non-potable Water** – Council considers that a suitable non-potable water supply is necessary for land management purposes. A suitable supply is one that provides a

# Queanbeyan Development Control Plan 2012

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storage capacity of 0.75ML or that can deliver 0.75ML per annum at the rate of 0.5 litres per second.

- b) **Potable Water** – Minimum potable water supply storage of 90,000 litres shall be provided on site for each dwelling erected on an allotment. Above ground water tanks shall be sited, coloured, and suitably landscaped so as to minimise their visual impact.
- c) **Fire Fighting Resources** – With regards to fire fighting reserves a minimum water supply of 20,000 litres should be maintained with an accessible location to fire vehicles. This can be in the form of:
  - i. Above or underground tanks;
  - ii. Permanent dam;
  - iii. Permanent creek,/river; and/or
  - iv. Swimming pool

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

## 5.9 Waste Management

### Objectives

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

### Controls

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

## 5.10 Internal Driveways

### Objectives

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

### Controls

- a) Internal driveways shall be constructed in accordance with the Queanbeyan Palerang Regional Council Engineering Design Specifications and the Queanbeyan Palerang Regional Council Engineering Construction Specifications. A maximum grade of 1 in

10 (10 per cent) applies from the intersection with the access road to the lot boundary. Development approval is required for constructed access tracks other than access tracks on holdings having an area of 80 ha or more. Approval for the internal access should be sought at the dwelling house development application stage, unless the access was approved when the lot was created. Council's Sustainability and Better Living Section should be consulted prior to any construction commencing on site.

## 5.11 Land Management – Dogs

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

## 5.12 Sheds

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

### Objectives

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

### Controls

- a) Sheds shall be designed and constructed so as to not be visually prominent or intrude into the skyline.
- b) Sheds shall be sited to minimise unnecessary disturbance to the natural environment. This includes any driveway or other works required to service the shed.
- c) Sheds shall be sited to involve minimal disturbance to native vegetation.
- d) Sheds shall be designed and constructed to be consistent with the surrounding height and character of the area.
- e) Sheds shall be located within the property's registered building envelope or in a location permitted by a Community Management Statement for the Association in the case of community title subdivision i.e. Mt Campbell Estate, Little Burra Estate.
- f) Sheds shall be located no closer to the road than the existing dwelling house on the property unless it is demonstrated this cannot be achieved due to topography or otherwise. Where no dwelling or building envelope exists the setback shall be a minimum of 50m or located in accordance with an approved Community Management Statement for the Association in the case of community title subdivision.

- g) Where no building envelope or Community Management Statement for the Association under the Community Title exists the side and rear boundary setbacks shall be assessed on merit taking into account impacts on adjoining properties, topography and landscape setting.
- h) Cut and fill shall be kept to a minimum. Maximum cut is 1.5m and maximum fill is 1m. Under no circumstances is cut and fill to take place without prior approval of Council. Such work will be considered for approval as part of the consent for the shed.

## 5.12.1 Size of Sheds

### Objectives

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

### Controls

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

## 5.12.2 Use of Sheds

### Objectives

- 1) The commercial use of sheds is only permitted subject to Council's approval in accordance with the QLEP 2012.

### Controls

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

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

- b) For ancillary purposes used in conjunction with the rural or rural residential use of the property i.e. farming equipment, farm storage or similar; and

# Queanbeyan Development Control Plan 2012

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- c) Garaging of plant or trucks which involves the storage and maintenance of up to two pieces of plant or trucks (e.g. truck and trailer, two trucks or similar but not two trucks and one or more trailers or the like) other than agricultural machinery, on a property where operated only by the occupier/s of the property, but does not include a truck depot.

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

- i. A truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like (as defined under the QLEP 2012).
- ii. The use of a shed for industry (as defined under the QLEP 2012) is prohibited.
- iii. The use of sheds for rural industries is only permitted with Council's consent in the RU2 Rural Landscape Zone. Rural home industries (as defined under the QLEP 2012) are only permitted with Council's consent in the RU2 Rural Landscape Zone, the R5 Large Lot Residential Zone and the E4 Zone Environmental Living under the QLEP 2012.
- iv. The use of a shed and its curtilage for a resource recovery facility (as defined under the QLEP 2012) is prohibited in Rural and Environmental Zones.
- v. The use of a shed for an animal boarding or training establishment (as defined under the QLEP 2012) is only permitted with Council consent in the RU2 Rural Landscape Zone. An animal boarding establishment is prohibited in all other Rural and Environmental Zones.

## 5.12.3 Shipping containers

Shipping containers are considered a 'building' under the *NSW Environmental Planning and Assessment Act 1979* and they will require development consent. However, in some circumstances they may be exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. The purpose for which the shipping container is to be used is required to be permissible under the QLEP 2012.

### Objectives

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

### Controls

- a) Containers must not be located over utility areas or over effluent treatment disposal areas or systems.
- b) Containers must not be located any closer than one metre to any side or rear boundary.
- c) Where the lot has a building envelope, the entire shipping container must be located within the building envelope.



- d) Containers must be painted in neutral colours to blend with the surrounding natural environment and built structures. Details of colours are to be included with the development application.
- e) Containers must not be located within any flood planning areas.
- f) Containers that are proposed to be used for storage are not to be stacked.

### 5.12.4 Secondary Dwellings

A secondary dwelling means a self-contained dwelling that:

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

**Note: The provisions of the QLEP 2012 apply and may not allow the development of secondary dwellings.** Refer to *Clause 4.2A – Erection of dwelling houses and secondary dwellings on land in certain rural and environmental protection zones* of the QLEP 2012. This applies to Rural and Environmental zones and requires the land to have the minimum lot size specified on the Minimum Lot Size map or Lot Averaging map if the land is identified as “Lot Averaging”.

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

- a) Satisfy the definition of a secondary dwelling, and
- b) The total floor area of the secondary dwelling (excluding any area used for parking) must not exceed whichever of the following is greater:
  - i. 60m<sup>2</sup>, or
  - ii. 30% of the total floor area of the principal dwelling.

### Objectives

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

### Controls

- a) Setbacks which are prescribed as part of a building envelope prevail over any other controls set out below.
- b) Building setbacks from the front boundary setback shall be a minimum of 50m. Where this cannot be achieved due to the physical dimensions or constraints of any property, the front setbacks shall be assessed on merit and having regard to the objectives of this clause.

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- c) Building setbacks from the side and rear boundaries shall have careful regard to the impact of proposed structures on adjoining landowners, and be consistent with the minimum setbacks set out below:

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

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

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

**Note:** Developer contribution charges under Section 94 of the *Environmental Planning and Assessment Act 1979* and are not charged for Secondary Dwellings. However, if the site is connected to Council's water and sewer supply contributions under Section 64 of the *Local Government Act 1993* apply to all secondary dwellings. The contributions are required due to the extra demand from the development on Council's services i.e. water, sewer etc.



**Queanbeyan  
Development  
Control Plan 2012  
Part 6  
Central Business District  
and Other Business  
Zones**

Principal Plan Adopted by Council:	12/12/2012
Reference number:	SF160793/01
File No:	C1842236

## **Part 6 Central Business District and Other Business Zones**

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## Part 6 Central Business District and Other Business Zones

### 6.1 Introduction

#### 6.1.1 Purpose of this Part

This part of the development control plan outlines the requirements for development within areas zoned Business under *Queanbeyan Local Environmental Plan 2012*. The primary focus is on the Central Business District (CBD) which is shown on Map 1. However it also includes provisions which are applicable to development proposed in other areas zoned Business.

#### 6.1.2 Objectives applicable to the Central Business District

In the case of the Central Business District objectives which need to be complied with include:

- 1) Compliance with clause 1.2 (c) the objectives to Zone B3 Commercial Core as well as with the objectives and relevant provisions of other applicable clauses in *Queanbeyan Local Environmental Plan 2012*.
- 2) Retain the country town feel and human scale of the centre whilst maintaining and strengthening the status of the CBD as the major commercial centre for Queanbeyan and surrounding districts.
- 3) Implement the key planning and urban design guidelines outlined in the adopted Queanbeyan CBD Master Plan 2009.
- 4) Retain the streetscape qualities and retailing function of Monaro and Crawford Streets.
- 5) Maintain, Protect and enhance heritage buildings.
- 6) Acknowledge the river setting and civic precincts as part of future development.
- 7) Facilitate shop top housing within the CBD.
- 8) Maintain existing streetscape attributes and unify the built form with consistent materials and finishes.
- 9) Ensure that the height of buildings complements the streetscape or the historic character of the area in which the buildings are located.

#### 6.1.3 Relationship to Other Plans, Council Policies and the Like

There are a number of clauses in *State Environmental Planning Policies* that may need to be considered when developing within the Central Business District and other Business zones.

These will depend on the nature and location of the development with examples including:

- a) [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).
- b) [State Environmental Planning Policy No 64—Advertising and Signage](#).
- c) [State Environmental Planning Policy No 65—Design Quality of Residential Flat Development](#).

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There are also a number of clauses in *Queanbeyan Local Environmental Plan 2012* that may need to be considered when developing within the Central Business District and other Business zones. This will depend on the nature and location of the development with examples including:

- 7.3 Active Street Frontages [local]
- 7.5 Flood planning [local]

There are also a number of information sheets that may be relevant and so should be referred to when undertaking development within the Central Business District and other Business zones. These can be found at:

<http://www.qcc.nsw.gov.au/Building-and-Planning/Information-Sheet>

Chapter 11 of the Queanbeyan CBD Master Plan also contains design guidelines that should be referred to initially when considering the design of development within the CBD. This can be found at:

<http://www.qcc.nsw.gov.au/Growing-Our-City/CBD-Master-Plan>

If developing within the Karabar Community and Commercial Precinct there is also an adopted Master Plan which applies to development within that precinct and is found at Appendix 1 of this development control plan.

It is also possible that development within a Business zone will generate what are known as development contributions. Should the development be approved these will form conditions of the development consent. In this case the relevant plans are the *Queanbeyan City Council Section 94 Contributions Plan 2012* (found at:

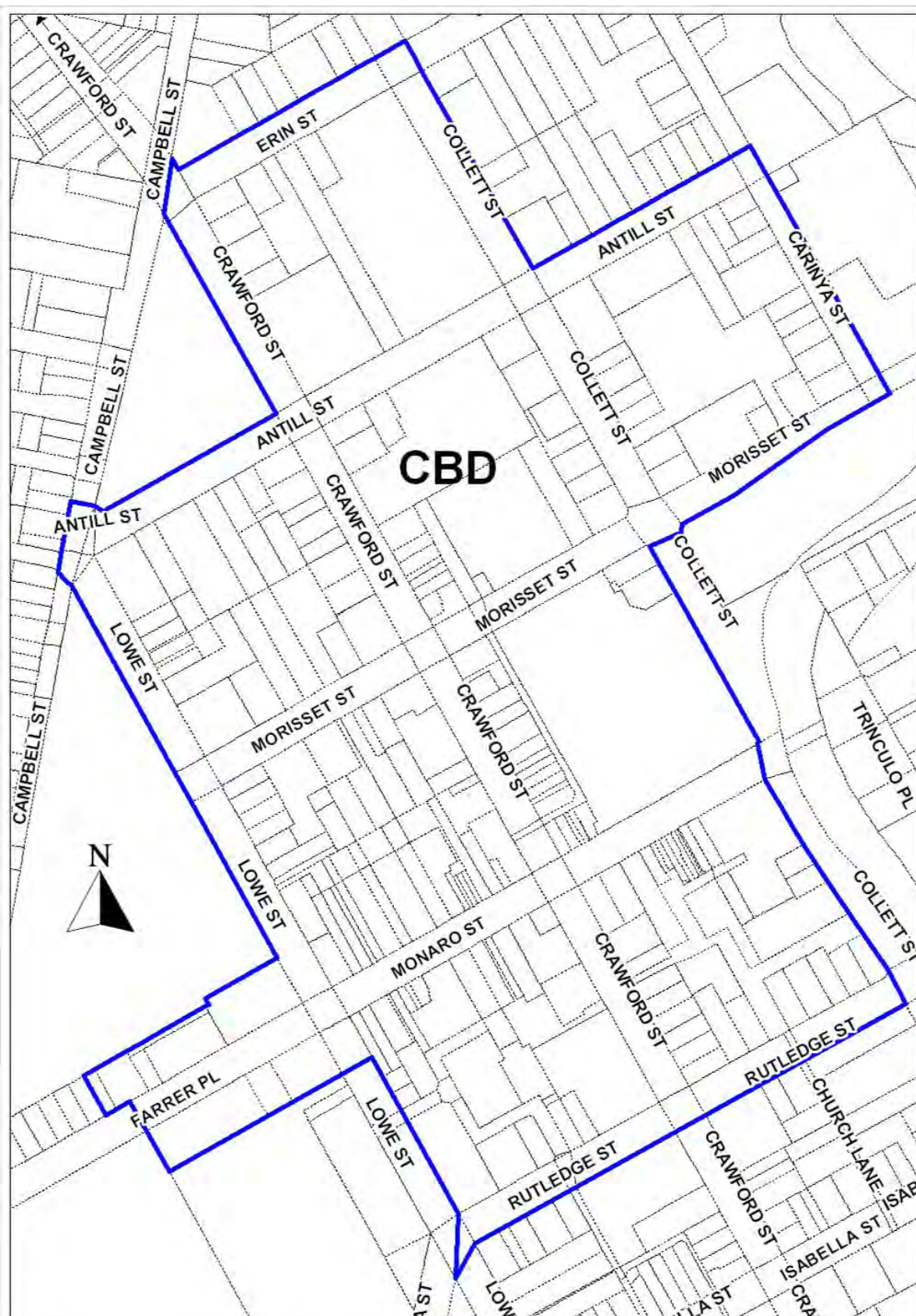
<http://www.qcc.nsw.gov.au/Building-and-Planning/Strategic-Land-Use-Planning/Development-Contribution-Plans>) and the *Queanbeyan Development Services Plans for Water Supply and Sewerage*.

In relation to all of the above plans it is strongly recommended that prior to lodging a development application you check with staff from Council to see if they will apply.



# Queanbeyan Development Control Plan 2012

Map 1 Central Business District



# Queanbeyan Development Control Plan 2012

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## 6.2 Building Form within the CBD

### 6.2.1 Site Design and Sense of Place

#### Objectives

- 1) To create a distinct identity specific to Queanbeyan Central Business District.
- 2) To create an urban landscape that is enjoyable, legible, and comfortable for residents and visitors alike.

#### Controls

- a) Buildings are appropriately designed to respond to their site and surroundings.
- b) New development in nearby locations is to contribute to the creation of a civic precinct centred around the Council administrative centre in Crawford Street and the Queanbeyan Performing Arts Centre.
- c) 'Gateway' development is provided at nominated locations at the entry points to Queanbeyan from the north, east, and west.
- d) Landmark development is encouraged at key or prominent locations, including south-east corner of Lowe and Monaro Streets; north-west corner of Morisset and Collett Streets; Collett Street frontage to Rutledge Street Car Park.
- e) Vehicular routes, movements, and speeds (especially heavy vehicles) are managed to support high pedestrian amenity, particularly on Crawford, Monaro, and Morisset Streets.
- f) New development contributes to upgrades and updating of existing civic spaces.
- g) Crawford Street (between Morisset and Monaro) and Collett Street, in addition to Monaro Street become a key focus of town activity.

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## 6.2.2 Building Height Limits and Setbacks Design for buildings

### Objectives

- 1) To ensure that the height of buildings complement the streetscape or the historic character of the area in which the buildings are located.
- 2) To protect the heritage character of the Heritage Conservation Area and the significance of heritage buildings and heritage items.
- 3) To nominate heights that will provide a transition in built form between varying land use intensities.

### Street setbacks:

- 1) To maintain the 'country town' feel of Queanbeyan buildings along the main street. Retain a human scale (2-3 storeys) with taller buildings well set back.
- 2) Avoid the impression of excessive scale and bulk to the street and maintain a cohesive building line.
- 3) Ensure incidental setback which mark entries are acceptable but not at the expense of a continuous frontage at pedestrian level.
- 4) Where there is no building setback, allow for a landscaping zone within the development that contributes visually to the public domain, as well as providing a privacy buffer and noise attenuation.
- 5) Minimise bulk and overshadowing of the street by having the upper levels/storeys setback.
- 6) Buildings are designed to also provide a sense of scale comfortable to pedestrians, with higher development located so as to not be visually dominant while having an inherent legibility and contributing to people's understanding of Queanbeyan.
- 7) Buildings do not overshadow civic spaces or residential development for long periods of time, or intrude upon residential privacy.

### Boundary setbacks:

- 1) Provide acoustic and visual privacy and improve amenity for residents.
- 2) Minimise overshadowing of adjacent properties and open space.
- 3) Encourage the provision of open spaces for recreational uses and soft landscaping and deep soil zones for trees.
- 4) Maintain potential development rights between adjoining properties.
- 5) To provide suitable areas with adequate solar access.

### Controls

- a) Building heights shall comply with the Height of Buildings Map – Sheet HOB\_005 of *Queanbeyan Local Environmental Plan 2012* as well as the following.
- b) Ground and first floor levels (floor to ceilings) have a minimum height of 3.3m for potential future changes in use.
- c) All other levels have minimum floor to ceiling heights of 2.7m.

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- d) Buildings in the CBD (Monaro Street and Crawford Street) maintain a visual perception of 2 storey development along the street frontages with defined podiums no higher than 2 storeys (allowing for additional roofline articulation).
- e) Height and setback limits for specific areas are summarised in Table 1 and in Figures 1 to 4 below. A development site fronting two or more specified areas will be limited in height and the maximum podium level to the lesser numerical standard applying between the areas.
- f) Higher structures should be set well back to avoid overshadowing and impression of bulk.

**Figure 1 Monaro Street**

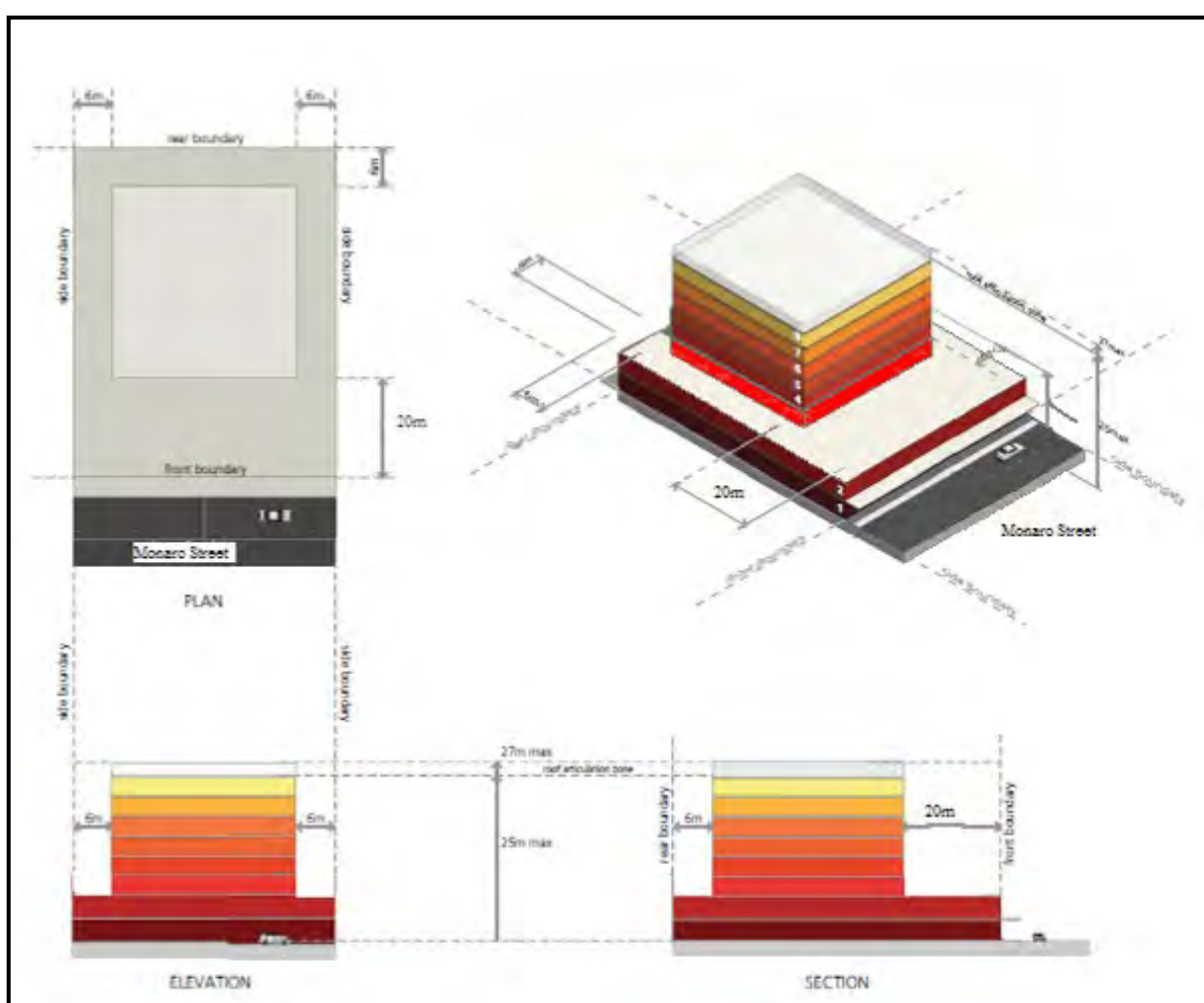




Figure 2 Crawford Street

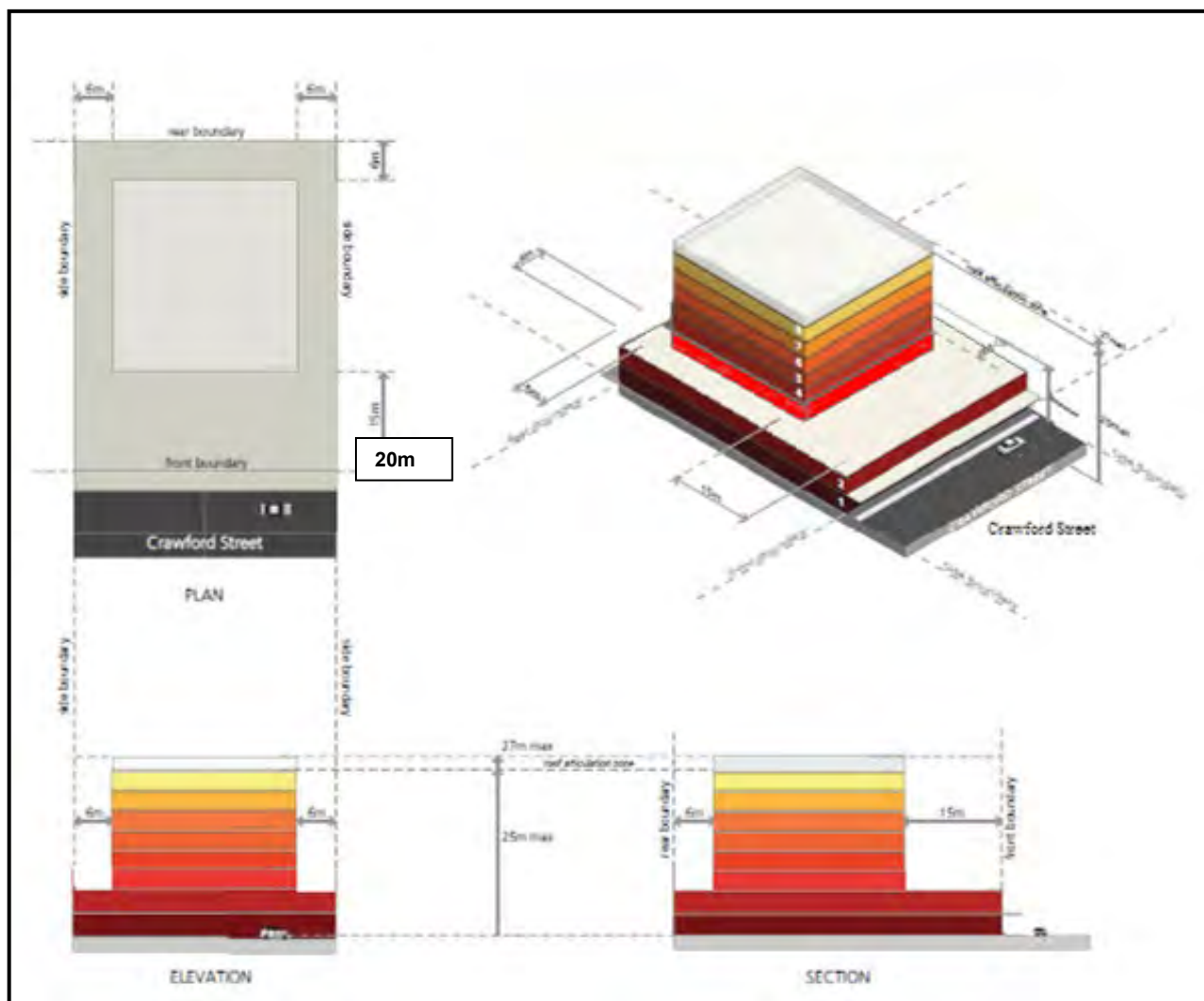
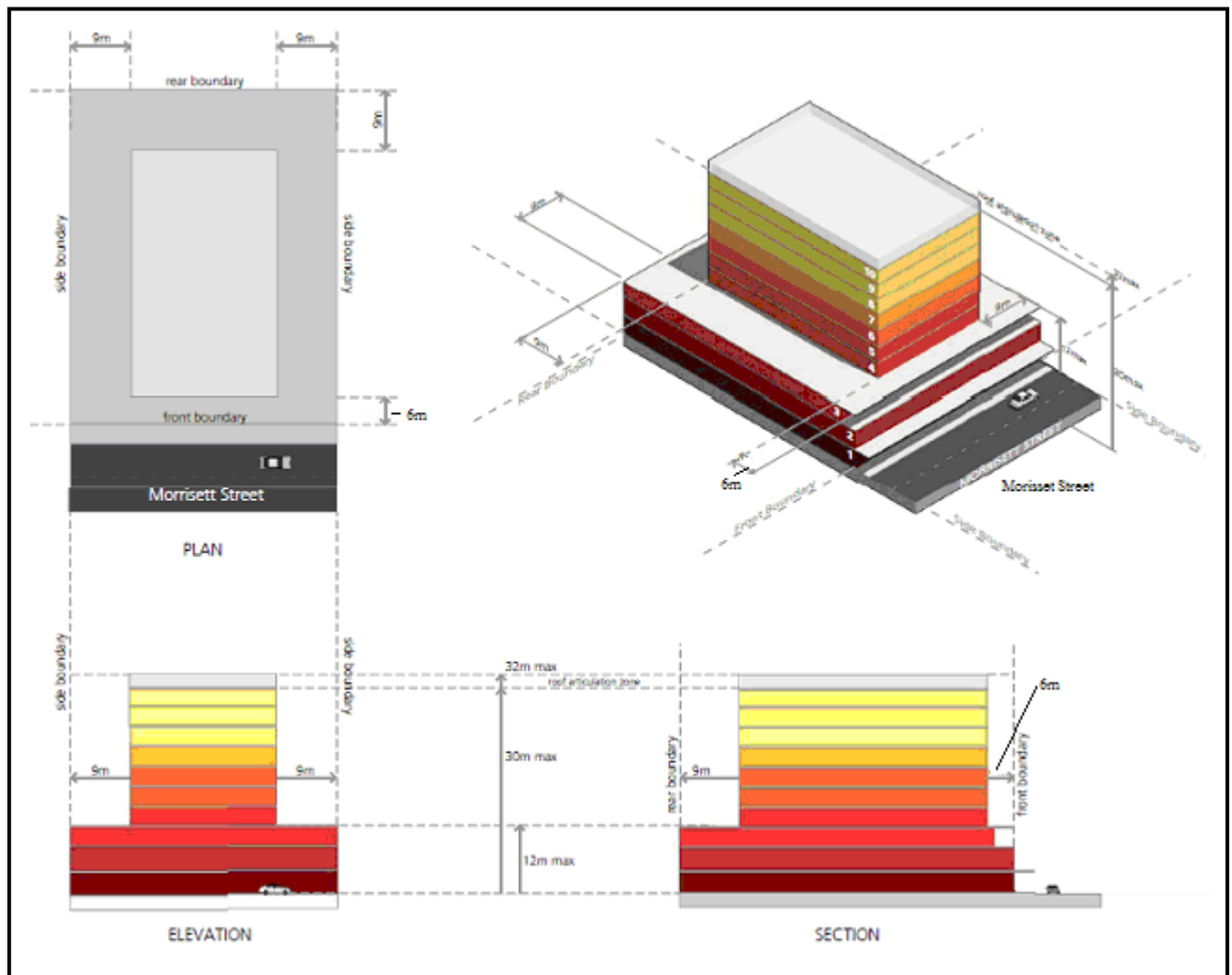


Figure 3 Morisset Street



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Figure 4: Building Heights and Setbacks



1. — Monaro Street Setbacks and Heights
2. — Crawford Street Setbacks and Heights
3. — Morisset Street Setbacks and Heights
4. — Rutledge Street (Collett Street to Crawford Street) Setbacks and Heights
5. — Rutledge Street (Crawford Street to Lowe Street) Setbacks and Heights
6. — Collett Street and Lowe Street Setbacks and Heights
7. — Antill Street (Crawford Street to Collett Street) Setbacks and Heights
8. — Antill Street (Lowe Street to Crawford Street) Setbacks and Heights
9. - - - - - Residential Frontages – refer to Table 1
10. — Queanbeyan Hospital Site
- - - - - Gateway/Landmark Developments



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**Table 1 Summary of applicable Building Heights and setbacks\***

		<b>Street Height And Setbacks</b>	<b>Above Street Height</b>	<b>Maximum Height On Remainder Of Land</b>
1.	Monaro Street	2 Storeys Zero (street) Zero (rear/side)	3-8 Storeys 20m (street) 6m (rear/side)	25 metres 8 storeys
2.	Crawford Street	2 Storeys Zero (street) Zero (rear/side)	3-8 Storeys 20m (street) 6m (rear/side)	25 metres 8 storeys
3.	Morisset Street	3 Storeys Zero (street) Zero (rear/side)	4-10 Storeys 6m (street) 9m (rear/side)	30 metres 10 storeys
4.	Rutledge Street (between Collett and Crawford Streets)	2 Storeys 6m (street) Zero (rear/side)	3-10 Storeys 40m (street) 9m (rear/side)	30 metres 10 storeys (Behind 40 metre setback to street)
5.	Rutledge Street (between Crawford and Lowe Streets)	2 Storeys Zero (street) Zero (rear/side)	3 Storey (limit) 6m (street) Zero (rear/side)	12 metres 3 Storeys
6.	Collett Street (between Morisset and Rutledge Streets) Lowe Street (between Rutledge and Morisset Streets)	3 Storeys 6m (street) Zero (rear/side)	4-10 Storeys 10m (street) 9m (rear/side)	30 metres 10 storeys
7.	Antill Street (Crawford to Collett Streets)	3 Storeys Zero (street) Zero (rear/side)	4-10 Storeys 6m (street) 9m (rear/side)	30 metres 10 storeys
8.	Antill Street (between Lowe and Crawford Streets)	3 Storeys 6m (street) Zero (rear/side)	4-10 Storeys 10m (street) 9m (rear/side)	30 metres 10 storeys
9.	Residential development such as shop top housing, serviced apartments etc	To comply with clauses 3.6.3 and 3.6.4 of Part 3C of this DCP		
10.	10. Queanbeyan Hospital 3 Storeys	3 storeys 6m (street) 3m (rear/side)	N/A	12 metres 3 storeys

**Note:** 2 storeys = 8.5 metres  
3 storeys = 12 metres

## Queanbeyan Development Control Plan 2012

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### 6.2.3 Architectural Character

#### Objectives

- 1) To promote high architectural quality (appropriate composition of building elements, textures.
- 2) To ensure that new developments have facades which define and enhance the public domain and desired street character.
- 3) To ensure that building elements are integrated into the overall building form and façade design.
- 4) To incorporate the design elements which complement the 'good' design elements of adjoining buildings;
- 5) To strengthen the relationship between the building and the street/public domain.
- 6) To encourage buildings which respond to the local context and environmental conditions.
- 7) To improve the silhouette of the Central Business District's skyline with varied, well articulated and appropriately scaled roof forms.
- 8) To encourage development which contributes to the existing character and identity of Queanbeyan, through maintenance of heritage, the 'country town' feel, and compact form;
- 9) To integrate the design of the roof into the overall façade, building composition and desired contextual response.
- 10) An interesting and complementary roofscape and skyline is achieved when viewed from the street and nearby buildings.

#### Controls

- a) Horizontal elements are incorporated into the design of each level to give a sense of legible scale to the building.
- b) Openings such as windows are recessed rather than being on the same plane as the main façade. This provides depth and shadowing that adds to visual interest.
- c) Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.
- d) Materials, texture, vertical and horizontal elements, and colour are also used to complement the articulated façade.
- e) Roofs are an integral part of the building design and do not appear as an 'ad hoc' addition to the overall façade. Visual interest and variation through architectural articulation is provided to parapets or rooftops and may include sloping roofs.
- f) Sloping roofs where visible should be profiled metal, painted non-reflective. Double storey verandahs should match the existing verandahs in Monaro Street.
- g) Plant equipment or other rooftop necessities are disguised within the rooftop structure and or are not visible from the street.

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- h) Rooftop treatments are encouraged where they are visible from nearby buildings. Such treatments may include gravel artwork and designs or green roofs.
- i) Adaptive reuse of existing buildings is encouraged.
- j) Building mass and bulk is appropriate to its context.
- k) Blank or opaque walls of greater than 10m or 30% of the site frontage, whichever is the lesser, are not acceptable in retail streets.
- l) Unsightly streetscape elements such as garage doors and other service infrastructure should generally not be visible from the street/footpath.
- m) External walls should be constructed of high quality and durable materials and finishes with 'self cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.
- n) Finishes with high maintenance costs, those susceptible to degradation or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.
- o) Expanses of any single material is to be avoided to assist articulation and visual interest.
- p) Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.
- q) New or infill development is modern and contemporary, but respects and reflects the established streetscape and built form, matching the prevailing scale, colours, materials, and proportions of these buildings.
- r) New buildings in the Central Business District should provide for a continuous building façade which blends into the streetscape.
- s) Visual interest is provided through articulation of the façade. Such architectural treatment may be provided through stepping built form, emphasised entries, separation of the façade into separate sections by means of vertical elements, or other similar architectural treatments.
- t) Facades should be designed with an appropriate scale, rhythm and proportion which responds to the building's use and the designed contextual character.

### 6.2.4 Floor Space

#### Objectives

- 1) To ensure that the density, bulk and scale of development is appropriate for a site;
- 2) To ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located; and
- 3) To facilitate development that contributes to the economic growth of the Queanbeyan City Central Business District and the city's neighbourhood centres.

#### Controls

- a) Floor space ratios of development need to comply with clause 4.4 and Floor Space Ratio Map – FSR\_005 of *Queanbeyan Local Environmental Plan 2012*.

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- b) A maximum Floor Space Ratio of 3:1 is permitted for the mixed use buildings in Zone B3 Commercial core which applies to the Central Business District.

### 6.2.5 Robust Building Design

#### Objectives

- 1) To encourage a variety of retail, commercial, community, and residential uses that add to the vitality and long-term viability of Queanbeyan.

#### Controls

- a) Buildings are suited to their purpose, but are designed so as to accommodate a variety of different uses over time, particularly at ground and first levels.
- b) Adaptive re-use of buildings is encouraged.
- c) A proportion of residential dwellings have layout and access that adapts to changing needs of residents over time.

### 6.2.6 Corner Sites

#### Objectives

- 1) Corner sites are particularly important to the CBD as they often have the potential to define entry points and should therefore address the corner and be well articulated and constructed of high quality materials.

#### Controls

- a) Architectural features emphasise the corner, and building height may be increased up to an additional 4m at the discretion of Council.
- b) The building is built to boundary but also provides a truncation or 'cutoff' (generally at a 45 degree angle) at pedestrian or ground level to ensure safe and comfortable movement and sight lines.
- c) Building setbacks on corner sites may be varied to enable enhancement of and to retain prominence of street corners.
- d) Buildings are to be designed to address both frontages with entries and active frontages, or a single main entry being provided at the corner.

### 6.2.7 Awnings and Verandahs

#### Objectives

- 1) Pedestrian comfort and shelter, streetscape continuity, and legibility is provided by awnings.

#### Controls

- a) Continuous street frontage awnings are to be provided for all new developments.
- b) Awnings (or overhangs or verandahs) are provided to shape the pedestrian space on the street and to provide for all weather cover.
- c) Awnings are consistent in height to adjoining existing awnings, and of a complementary design, colour, or material.

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- d) As an indicative standard, where no awning line has yet been established, awnings should be a minimum of 3.3m above ground level (consistent with minimum ground floor height) and minimum setback of 600mm from the curblineline. They should match the existing proportions of the existing verandahs in Monaro Street.
- e) Two storey verandahs are appropriate where suitable to the proposed building use and location.
- f) Posts used to support the lightweight elements are not dominant, and may consist of profiled metal or timber. Other materials may be acceptable where they appear as lightweight features within the overall streetscape. The second storey balcony/verandah may not be permanently or fully enclosed, except by temporary and transparent materials if required for weather protection.
- g) Provide under awning lighting in a consistent manner and/or overall scheme to facilitate night use and to improve public safety recessed into the soffit of the awning or wall mounted into the building.

### 6.2.8 Active Street Frontages

#### Objectives

- 1) To promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B3 Commercial Core.
- 2) Active street frontages are encouraged through pedestrian activity and movement promoted by non-residential ground floor uses such as shops, cafes, and recreation.

#### Controls

- a) The ground floor design of new development within parts of Morisset, Crawford and Monaro Streets is to comply with clause 7.8 Active Street Frontages and the Active Street Frontage Map – Sheet ASF\_005A of *Queanbeyan Local Environmental Plan 2012*.
- b) Active street frontages can be achieved by a combination of the following at street level:
  - i) Entries to retail/commercial uses;
  - ii) Well designed shop fronts;
  - iii) Glazed entries to residential lobbies on the ground floor associated with shop top housing occupying less than 50% of the street frontage;
  - iv) Café or restaurant if accompanied by an entry from the street;
  - v) Active office uses such as reception if visible from the street; and
  - vi) Public buildings if accompanied by an entry.
- c) Pedestrian comfort is provided through safe, well-lit, and sheltered street frontages.
- d) Roller doors, security grills and other similar devices which obscure shop fronts on either a temporary or permanent basis will not be supported.
- e) Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.

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- f) Where car parking is proposed at ground level for new development, it is located behind active uses such as shops, or is disguised by means of screens, landscaping, artwork, or architectural articulation.
- g) Vehicular entrances are minimised and pedestrian safety and awareness of it are promoted through appropriate designs.

### 6.2.9 Colour and Materials

#### Objectives

- 1) Detailing is of fine grain, especially at pedestrian level, and echo historical colours and patterns.
- 2) Buildings are of high architectural quality, with durable and easy-to maintain materials and finishes.
- 3) Highly reflective materials are not encouraged above ground level.

#### Controls

- a) Use colours and materials already found in the streetscape.
- b) Favoured materials and colours: render lighter neutral colours, darker reveals, strong accents. Further detail on colour is given in the Queanbeyan Main Street Study (Colin Stewart Urban Design 1993) report which may be taken as advisory.
- c) Strong primary colours should be limited to accent and highlight.
- d) Avoid sombre brown/beige colours.
- e) Materials not favoured include: metal siding, heavy timber frame, exposed concrete, manganese and klinker brick.

### 6.2.10 Private Open Space

#### Objectives

- 1) Efficient use of unbuilt land within private curtilage.

#### Controls

- a) Unused land in private title should where appropriate be utilised as an effective part of the public realm. Such spaces should be visible, accessible, sheltered and well lit.
- b) Private open space as part of service areas or staff/resident amenity should be minimal in area and screened from public view.
- c) Private open space intended for public use should meet the guidelines for meeting places and allow for surveillance from public places.
- d) All private open space to be addressed and treated according to its public access, e.g. visual and/or physical and/or other use.

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### 6.2.11 Open Space and Civic Spaces

#### Objectives

- 1) To encourage passive recreational opportunities within the Central Business District.

#### Controls

- a) Opportunities for passive and active recreation are to be provided.
- b) Civic areas are designed at selected intervals throughout the City, and are connected by clear links.
- c) A Town Square or equivalent space is proposed by the Central Business District Master Plan along Crawford Street, immediately south of its intersection with Monaro Street. Where this is achieved, recognition of contribution to the public purposes may be provided at the discretion of Council, and there may be relaxations to contributions or design provisions as long as the overall and overriding urban design outcomes (such as 'country town' character) are achieved or not compromised.
- d) Public open space areas are to be designed to encourage events such as markets, sports, cultural fairs, or community gatherings.
- e) Overshadowing of open space areas is to be minimised, particularly private open space for residential premises.
- f) Rooftop areas may be utilised for recreation and open space for employees or residents, but must not be in a form that constitutes GFA or habitable space. Rooftop structures are not to be enclosed and be lightweight in form, and are not to be visible from the street.

### 6.2.12 Streetscape and Frontage Works

#### Objectives

- 1) To ensure a satisfactory finish to the adjoining public roadway and footpath areas.

#### Controls

- a) Provide replacement or construction of a full width footpath of suitable finish and in accordance with Councils nominated design materials.
- b) Provide kerb and gutter along the total road frontage of the site, including road shoulder construction where necessary.
- c) Provide heavy duty vehicle crossing/s where vehicle access is provided.
- d) Before any demolition or construction work is carried out on site Council may require security for the payment of the cost of making any good any damage caused to any Council property as a consequence of the implementation of the consent.
- e) Street tree planting is to be provided and not impeded by any structure such as awnings.
- f) Significant tree plantings and boulevards are maintained and protected from new development.
- g) Streets are designed to be safe, with minimal obstacles unless for safety purposes.



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- h) Existing mature street plantings in Rutledge, Crawford, Lowe and Morisset Streets are to be retained.

### 6.2.13 Advertisements and Signage

#### Definitions:

**Advertisement** means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

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

Note: Building identification signs are a type of signage.

**Business identification** sign means a sign:

(a) that indicates:

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note: Business identification signs are a type of signage.

**Signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

(a) an advertising structure,

(b) a building identification sign,

(c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

This section applies to advertisements and signage which do not meet exemption requirements under the following environmental planning instruments:

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *Queanbeyan Local Environmental Plan 2012*

Prior to reading this section, please refer to the relevant section/s of the above planning instruments to determine if your proposal for advertising or signage meets the relevant exemption criteria. If the proposal for advertising or signage does not comply with the relevant exemption criteria, development consent will be required from council.

#### Objectives

- 1) To ensure the design and content of signage is compatible with the character of the surrounding locality.

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- 2) To ensure the design and content of signage is compatible with the character of the building to which it is affixed or associated.
- 3) To ensure that new signage does not lead to visual clutter by contributing to a proliferation of signs.
- 4) To ensure signage does not create a hazard to motorists and pedestrians by interfering with the operation and effectiveness of traffic control signs and signals.

**Figure 5: Location and Types of Signage**



### Controls

- a) Compliance with the relevant requirements of *State Environmental Planning Policy No. 64 – Advertising and Signage* for all advertisements and signage other than building identification signs and business identification signs.

**Note:** *State Environmental Planning Policy No. 64 – Advertising and Signage* sets out a number of requirements for advertisements and signage which must be adhered to. Please refer to the relevant section/s of this planning instrument when preparing a development application.

- b) Signage shall be designed in a manner which is compatible with architectural style of the building to which it is affixed or associated.
- c) Signage shall be designed in a manner which is sympathetic to character of the streetscape.

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- d) Signage affixed or associated to a building listed as a heritage item in a relevant Local Environmental Plan shall compliment the character of the building and not result in any alteration to significant elements of the building including colours and materials.
- e) Signage shall not obscure or detract from a building's architectural features.
- f) Signage shall accurately reflect the lawful use of the site.
- g) Signage shall be designed in a manner which is distinct from traffic control signs and signals.
- h) Signage shall be located in areas which do not create a hazard to motorists and pedestrians.
- i) Where possible, existing signage shall be rationalised to avoid visual clutter caused by a proliferation of signs.
- j) Pole or pylon signs (erected on a pole or pylon independent of any building or other structure):
  - Shall be limited to one per premises.
  - Shall not project over a road alignment.
  - Shall have a maximum overall height of 6m and a minimum overall height of 2.6m.
  - Shall have a maximum area of 6m<sup>2</sup>.
  - Shall not be supported in the following areas:
    - Along Crawford Street between Morisset Street and Rutledge Street.
    - Monaro Street between Lowe Street and Collett Street.
    - Rutledge Street between Lowe Street and Collett Street.
    - Collett Street between Monaro Street and Rutledge Street.

### **The following types of signs are prohibited (see Figure 5):**

- a) Signs that contain additional advertising promoting products or services not related to the approved use of the premises (such as logos or brands of products e.g. soft drinks, brewers etc are prohibited),
- b) Roof Signs,
- c) Above awning signs, and
- d) Projecting wall signs.

### **6.2.14 Heritage Sites**

#### **Objectives**

- 1) To conserve the environmental heritage of Queanbeyan.
- 2) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

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- 3) To conserve archaeological sites,
- 4) To conserve Aboriginal objects and Aboriginal places of heritage significance.
- 5) The heritage of Queanbeyan is celebrated and recognised.
- 6) Buildings of heritage value are preserved and conversions utilise earlier elements
- 7) Infill development adjacent to a heritage building to be sympathetic to the significance of the item in both scale and design.

### Controls

- a) Compliance with the requirements of clause 5.10 of *Queanbeyan Local Environmental Plan 2012*.
- b) Buildings that are listed as items of environmental heritage are to be protected.
- c) New architecture should be of good quality contemporary design, but should reflect old elements where possible such as scale, parapet and roof shapes or detail.
- d) In the case of redevelopment, the significant fabric (e.g. façade, window awnings) should be retained and sympathetically incorporated into the new development.
- e) Important landscapes should also be protected.
- f) Preserve the “Tree of Knowledge” and incorporate into streetscape enhancement in that area.
- g) Heritage Assessment to be submitted with a Development Application for demolition or partial demolition where buildings are built prior to 1960. Information sheets detail the requirements for this type of development and are available at: <http://www.qcc.nsw.gov.au/Building-and-Planning/Information-Sheet>
- h) New development should respect the scale and architectural themes of nearby or adjacent heritage buildings, while still being modern and contemporary.
- i) The traditional grid pattern of Queanbeyan streets is to be maintained in the urban pattern and maintained for connectivity, whether vehicular, pedestrian, or combined.
- j) Views to Queens Bridge are to be maintained or facilitated wherever possible.
- k) Local monuments and statues are to be retained in locations that maximise their relevance to the public (whether resident or visitor). New development should not adversely affect their significance, whether by impeding views, causing overshadowing, or other amenity impacts such as increased noise.

### 6.2.15 Connectivity

#### Objectives

- 1) Where permanent public links cannot be provided, create attractive landscaped pedestrian links, through or beside private developments, linking main streets to car parks.

#### Controls

- a) 24 hour access is preferred but lockable arcades etc are better than no links.
- b) Links should “look” as public as possible.

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- c) Desirable, direct, mid-block connections are to be provided and are to be maintained to achieve permeability and 24 hour public access between key landmarks and civic spaces or buildings within Queanbeyan, including the Q, the Showgrounds, the River, and Queanbeyan Park.
- d) New mid-block connections are to have a minimum width of 3m, have active frontages, and are to be designed for safe and secure usage.
- e) New mid-block connections are particularly encouraged east-west between Lowe and Collett Streets.
- f) All existing connections and pathways through sites are to be maintained or replaced.
- g) Activity along the links is welcome to add interest, generate pedestrian numbers, (a reason to be there) and provide safety.
- h) Clear lines of sight, active frontage, access to natural light and short length.
- i) Allow for surveillance from public places, through well lit, sheltered and the use of other devices to discourage anti social and/or criminal behaviour.
- j) Boulevard planting encourages pedestrian movement towards and along the River and is to be pursued on sites where this is appropriate.

### 6.2.16 Safety and Security

#### Objectives

- 1) Comply with the applicable objectives of clause 2.9 of this DCP.
- 2) To create an environment in which people feel safe to walk during the day and night.

#### Control

- a) Compliance with the applicable provisions of clause 2.9 of this DCP.

### 6.2.17 Buildings Near Public Places

#### Objectives

- 1) No building to be treated a “rear end” where visible to the public.

#### Controls

- a) As the main off-street car parks are major pedestrian generators, there should be active uses fronting these areas where possible, but not at the expense of primary frontage to the main street.
- b) Service areas delivery and entering/storage including waste service areas should be screened from public view.
- c) Buildings and open spaces are designed to face or have views to the Queanbeyan River, Queanbeyan Park, or distant mountain ranges, where achievable. In particular, development on Collett Street and Morisset Street maximises its relationship to the River including the use of terraces and open plazas.
- d) Buildings adjoining or facing public open space are stepped in height to transition between the land uses.

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- e) Sunlight access to public spaces is protected and enhanced.

### 6.2.18 Hazards

#### Objectives

- 1) To ensure any potential hazards affecting the land are considered and taken into account in the design of the development.

#### Controls

- a) **Flooding** – Where the land is identified as flood prone, on Map FLD\_ 005 of *Queanbeyan Local Environmental Plan 2012* design compliance is required in accordance clause 7.5 of *Queanbeyan Local Environmental Plan 2012* as well as in accordance with clause 2.3 of this development control plan. A Flood Risk Report (which identifies proposed measures to evacuate and protect goods, property, equipment and electrical outlets) may need to accompany an application showing compliance with Council's standards.
- b) **Geotechnical** – A preliminary geotechnical assessment undertaken by a qualified consultant may be required for certain developments to determine foundation suitability.
- c) **Contamination** – Contaminated land is land which represents or potentially represents an adverse health or environmental impact because of the presence of potentially hazardous substance. Development Applications for contaminated land will be assessed in accordance with clause 2.2 of this development control plan provisions of the *Contaminated Land Management Act 1997*, *State Environmental Planning Policy No. 55 – Remediation of Land* and Managing Land Contamination Planning Guidelines 1998 by Department of Urban Affairs & Planning & Environment Protection Authority. Contaminated land may be required to be remediated prior to development proceeding on site. Remediation shall involve the treatment, mitigation, remediation and validation of the contaminants. You will need to submit with your application information to identify any past or present potentially contamination activities, provide a preliminary assessment of any site contamination and, if required, provide a basis for a more detailed investigation. A preliminary investigation is not necessary where it can be demonstrated that the past and present use of the site is unlikely to have resulted in contamination.

### 6.2.19 Solar Access and Overshadowing

#### Objectives

- 1) To maximise direct penetration of sunlight to pedestrian areas and windows and balconies.

#### Controls

- a) Development is to minimise any overshadowing of public or civic spaces such as outdoor eating areas.
- b) Development is to maximise solar exposure of windows in new buildings.

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- c) New structures should not cast a shadow on pedestrian main street footpaths or other public areas for more than 4 hours on June 21 (winter solstice) unless such locations are already in shadow at that time.

### 6.2.20 Acoustic and Visual Amenity

#### Objectives

- 1) To ensure a high level of amenity by providing adequate acoustic and visual privacy for residents, both within the building or in private open spaces.

#### Controls

- a) Provide adequate building separation to maximise acoustic and visual privacy between buildings on site and adjacent buildings.
- b) Design building and internal layout to reduce noise within and between dwellings;
- c) Locate windows and walls away from noise sources or use buffers where separation cannot be achieved;
- d) Locate windows to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.
- e) Provide suitable screening structures or plantings to minimise overlooking from proposed dwellings to the windows, balconies or private open space of adjacent dwellings or those within the same development.
- f) Provide visual separation between non-residential use and dwellings.
- g) Arrange dwellings within a development to minimise noise transmission between units.
- h) Development fronting Monaro or Crawford Street must incorporate noise mitigation measures in accordance with Environment Protection authority – Environmental Criteria for Road Traffic Noise 1999.
- i) Building design mitigates acoustic issues where possible through strategic location of nonhabitable spaces, unless habitable rooms are desirable in that location due to overriding considerations such as casual surveillance, amenity, views and outlook.
- j) Where building design cannot mitigate acoustic impacts, soundproofing is provided in accordance with the Building Code of Australia, and may include double glazing and insulation.
- k) New residential development is not to have a adverse amenity effect upon existing nonresidential uses. For example, new residential development should not occur nearby to existing high noise-generating uses unless sufficient evidence is provided to demonstrate that the new residential building can sufficiently mitigate noise impacts.
- l) New non-residential uses with longer operating hours (i.e. café or restaurant) establishing near residential development shall incorporate acoustic measures to ensure no adverse impact upon residential amenity. An acoustic report may be required to be provided to document and prove this mitigation as part of the development application.



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### 6.2.21 Landscaping Acoustic and Visual Amenity

#### Objectives

- 1) Provide useable areas of outdoor space (including roof gardens) that can be used by the residents and leisure.
- 2) Provide a buffer between buildings.
- 3) Allow light to penetrate between buildings.
- 4) Contribute to streetscape and amenity.
- 5) Ensure that landscaping and planting is sustainable and appropriate for the site.

#### Controls

- a) Comply with the general principles outlined in clause 2.6 of this DCP whilst using low maintenance trees and shrubs.
- b) Provide for deep rooted tree planting along side boundaries.
- c) Provide for a minimum 50% of landscaped areas as soft landscaping elements such as gardens, lawns shrubs and trees.
- d) Provide appropriate landscaped areas by roof terraces, balconies etc;
- e) Use planting to create a buffer against cold winter winds or to direct cooling breezes in summer in to living spaces and outdoor recreation and leisure spaces.
- f) Design front gardens/planting zones that will soften and complement the view of the buildings from the street;
- g) Use landscape and planting to define dwelling entries in a way that does not obscure them;
- h) Plant new trees where possible to complement the streetscape.
- i) Provide opportunities for deep planting onsite where screening car parking, or for street trees and these deep planting zones are to be protected as part of the development.
- j) Use planting to create favourable microclimate conditions and to reduce required energy use through heating or cooling.
- k) Apply selective use of vegetation to provide screening for privacy purposes and to mitigate and soften hardscape areas and/or to provide desirable shade.
- l) Protect existing mature trees and their canopies as part of the development.

### 6.2.22 Amalgamation and Staging of Development

#### Objectives

- 1) Where lots are amalgamated as part of redevelopment consider the impact on public domain elements (such as pedestrian walkways and open space) and the building type and scale (including footprint size and building articulation at street level).

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- 2) Consideration shall ensure that new development blends into the streetscape and expresses/reinforces the characteristic subdivision pattern of the area in the built form detail.

### Controls

- a) Development shall not leave isolated sites unable to be developed in the future (due to limited access, narrow frontage – less than 20m, etc) unless the longevity of the remaining isolated building can be demonstrated (i.e. heritage building). If the isolated site cannot be integrated, documentation must be provided to demonstrate attempts to purchase and integrate the site, as well as identifying how the isolated development could develop in the future.
- b) Redevelopment shall consider the need for integration with adjoining future development, including access. A structure plan or concept plan may be required for initial development sites to ensure that appropriate consideration has been given to future development potential and this DCP or related Central Business District Master Plan.
- c) The commercial reality of the side boundary setbacks outlined above means that amalgamation of sites less than 30m in width is effectively rewarded by means of achievable height and floor space. On sites less than 20m in width, feasible tower development cannot be achieved within the required setbacks.
- d) Any further subdivision of existing allotments in the CBD should be discouraged for the reasons outlined above, rather consolidation is encouraged. Any such proposal will be considered upon merit.

### 6.3 Car Parking, Access and Servicing

#### 6.3.1 Required on Site Car Parking

##### Objectives

- 1) Comply with the relevant objectives in clause 2.2 of this DCP.

##### Controls

- a) Compliance with the relevant controls in clause 2.2 of this DCP.

#### 6.3.2 Vehicular Access and Loading/Unloading

##### Objectives

- 1) Comply with the relevant objectives in clause 2.2 of this DCP.

##### Controls

- b) Compliance with the relevant controls in clause 2.2 of this DCP.

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### 6.3.3 Change of Use

#### Objectives

- 1) To encourage continued use and reuse of existing commercial premises in the CBD to make it more financially viable for prospective lessees, landowners and purchasers to establish their proposed business and to promote continued commercial uses and avoid empty premises.
- 2) To encourage establishment of a vibrant Queanbeyan commercial centre.

#### Controls

- a) Where the use of an existing building is to be changed Council will require that additional car parking (if any) be provided on the basis of the difference between the requirements for the approved/authorised existing use and the proposed use.
- b) Notwithstanding the above control nothing in this plan shall be applied to require that additional parking is required for the change of use of existing lawful commercial premises within the CBD (where there is no increase in floor space proposed) to:
  - i. Business premises
  - ii. Food and drink premises
  - iii. Restaurants
  - iv. Retail premises
  - v. Takeaway food & drink premises
  - vi. Kiosksas defined under the Standard Instrument
- c) Car Parking will not be required by Council for the establishment of footpath cafes within the CBD.

### 6.3.4 Pedestrian Access and Mobility

#### Objectives

- 1) To provide safe and easy access to buildings to enable better use and enjoyment by people regardless of age and physical condition whilst also contributing to the vitality and vibrancy of the public domain.
- 2) To ensure buildings and places are accessible to people with a disability.
- 3) To provide a safe and accessible public domain.

#### Controls

- a) To assist people with a disability the main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.
- b) The design of facilities (including car parking requirements) for disabled persons shall comply with the relevant Australian Standard (AS 1428 Pt 1 and 2 or as amended) and the *Disability Discrimination Act 1992* (as amended).

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- c) The development shall provide at least one main pedestrian entrance with convenient barrier free access to the ground floor and/or street level.
- d) The development shall provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.
- e) The development shall provide visually distinctive accessible internal access linking to building entry points and the public domain.
- f) Pedestrian access ways, entry paths and lobbies shall use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.
- g) Any new development providing basement car parks shall make provision for access for persons with a disability.

### 6.3.5 Site Facilities and Services

#### Objectives

- 1) To ensure that site facilities (such as clothes drying areas, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units and communication structures) are effectively integrated into the development and are unobtrusive.
- 2) To ensure that site services and facilities are adequate for the nature and quantum of development.
- 3) To establish appropriate access and location requirements for servicing.
- 4) To ensure service requirements do not have adverse amenity impacts.

#### Controls

- a) Mailboxes
  - i) Provide letterboxes for residential building and/or commercial tenancies in one accessible location adjacent to the main entrance of the development. They should be integrated into the wall where possible and be constructed of materials consistent with appearance of the building; and
  - ii) Letter boxes shall be secure and large enough to accommodate articles such as newspapers.
- b) Communication structures, air conditioners and service vents
  - i) Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures to be:
    - Away from the street frontage;
    - Integrated into the roofscape design and in a position where such facilities will not become a skyline feature at the top of any building; and
    - Adequately setback from the perimeter wall or roof edge of buildings.

## Queanbeyan Development Control Plan 2012

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- ii) A master antenna/satellite dish shall be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas.
- c) Waste and Recycling Storage and Collection General (all development)
  - i) All development is to adequately accommodate waste handling and storage on site. The size, location and handling procedures for all waste, including recyclables, is to be determined by advice from Council.
  - ii) Waste storage areas are to be designed to:
    - Ensure adequate driveway access and manoeuvrability for any required service vehicles;
    - Located so as not to create any adverse noise impacts on the existing developments or sensitive noise receptors such as habitable rooms of residential developments; and
    - Screened from the public way and adjacent development that may overlook the area.
  - iii) The storage facility must be well lit, easily accessible on grade for movement of bins, free of obstructions that may restrict movement and servicing bins or containers and designed to minimise noise impacts.
- d) Location requirements for Waste Storage Areas and Access
  - iv) Where waste volumes require a common collection, storage and handling area, this is to be located:
    - For residential flat buildings, enclosed within a basement or enclosed car park;
    - For commercial, retail and other development, on site in basements or at ground within discrete service areas not visible from main street frontages;
    - Where above ground garbage collection is prohibitive or impractical due to limited street frontage, or would create an unsafe environment, an on-site basement storage area must be provided; and
    - Where a waste vehicle is required to enter the site, the access and circulation area shall be designed to accommodate a vehicle with the following dimensions:
      - Vehicle length    10 metres
      - Vehicle height    4 metres
      - Ramp width        4 metres
      - Turning circle    AUSTROADS template for HRV  
R=12.5m, Speed=5kph
      - Axle height        9 tonne/axle

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## 6.4 Residential Development Controls

All residential housing such as shop top housing, serviced apartments etc. must comply with Part 3 C and 3D of this DCP.

## 6.5 Other Business Zones (excepting those in South Jerrabomberra and Googong)

### 6.5.1 Objectives and Planning Controls Applicable to Development within the Karabar Community and Commercial Precinct

#### Objectives

- 1) Comply with the objectives of Zone B1 Neighbourhood Centre of *Queanbeyan Local Environmental Plan 2012*.
- 2) Provide guidelines for redevelopment that are appropriate in scale, form and design, which enhance the townscape/streetscape of the Precinct.
- 3) Formulate urban design solutions which will enable the expansion of the Karabar Community and Commercial Precinct in a way which enhances the Precinct.
- 4) Improve vehicle, pedestrian and bicycle traffic and access (including access points) within the Precinct and integrate it with existing transport nodes (public transport).
- 5) Address the physical and social inter-relationship between the Precinct's redevelopment and the surrounding community which it serves.
- 6) Ensure that the density, bulk and scale of development is appropriate for a site.
- 7) Ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located.
- 8) Comply with the objectives of clauses 7.2.4., 7.2.9, 7.2.15, 7.2.18, 7.2.22, 7.3.1, 7.3.2, 7.3.3, 7.3.4, and 7.4.1 of this part of this DCP
- 9) Facilitate development that contributes to the economic growth of the city's neighbourhood centres.

#### Controls

- a) Compliance with the provisions of Zone B1 Neighbourhood Centre of *Queanbeyan Local Environmental Plan 2012*.
- b) Building heights shall comply with the Height of Buildings Map – Sheet HOB\_005 of *Queanbeyan Local Environmental Plan 2012*.
- c) Floor space ratios of development need to comply with clause 4.4 and Floor Space Ratio Map – FSR\_006 of *Queanbeyan Local Environmental Plan 2012*. A maximum Floor Space Ratio of 1:1 is permitted for the mixed use buildings in Zone B3 Commercial core which applies to the Karabar Community and Commercial Precinct.
- d) Compliance with the provisions of Option 2 of the adopted Karabar Master Plan (see Page 44) or an amended plan as approved by Council as well as the relevant provisions of the supporting report. In the event of any inconsistencies with the provisions of *Queanbeyan Local Environmental Plan 2012* then the provisions of the latter shall prevail to the extent of any inconsistency.

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- e) Compliance with the relevant controls in clauses 7.2.4., 7.2.9, 7.2.15, 7.2.18, 7.2.22, 7.3.1, 7.3.2, 7.3.3, 7.3.4 and 7.4.1 of this part of this DCP.
- f) Expanses of any single material is to be avoided to assist articulation and visual interest.

### 6.5.2. Objectives Applicable to Development in Other Business Zones

The broad objectives of these provisions for development proposed in all other Business zones are to:

- 1) Compliance with the objectives of the applicable zone as well as with the objectives and relevant provisions of other applicable clauses in *Queanbeyan Local Environmental Plan 2012*.
- 2) Good quality development which has regard to adjoining development in minimising any adverse impacts.

### 6.5.3 Planning Controls for Development in Other Business Zones (excepting Karabar)

#### Objectives

- 1) Comply with the objectives of applicable clauses of *Queanbeyan Local Environmental Plan 2012*.
- 2) Comply with the objectives in clauses 7.2.15., 7.2.18, 7.3.1, 7.3.3, 7.3.4 and 7.4.1 of this part of this DCP.
- 3) Comply with the objectives in clauses 7.2.4 and 7.2.9, of this development control plan in Business zones where shop top housing is permitted with consent.

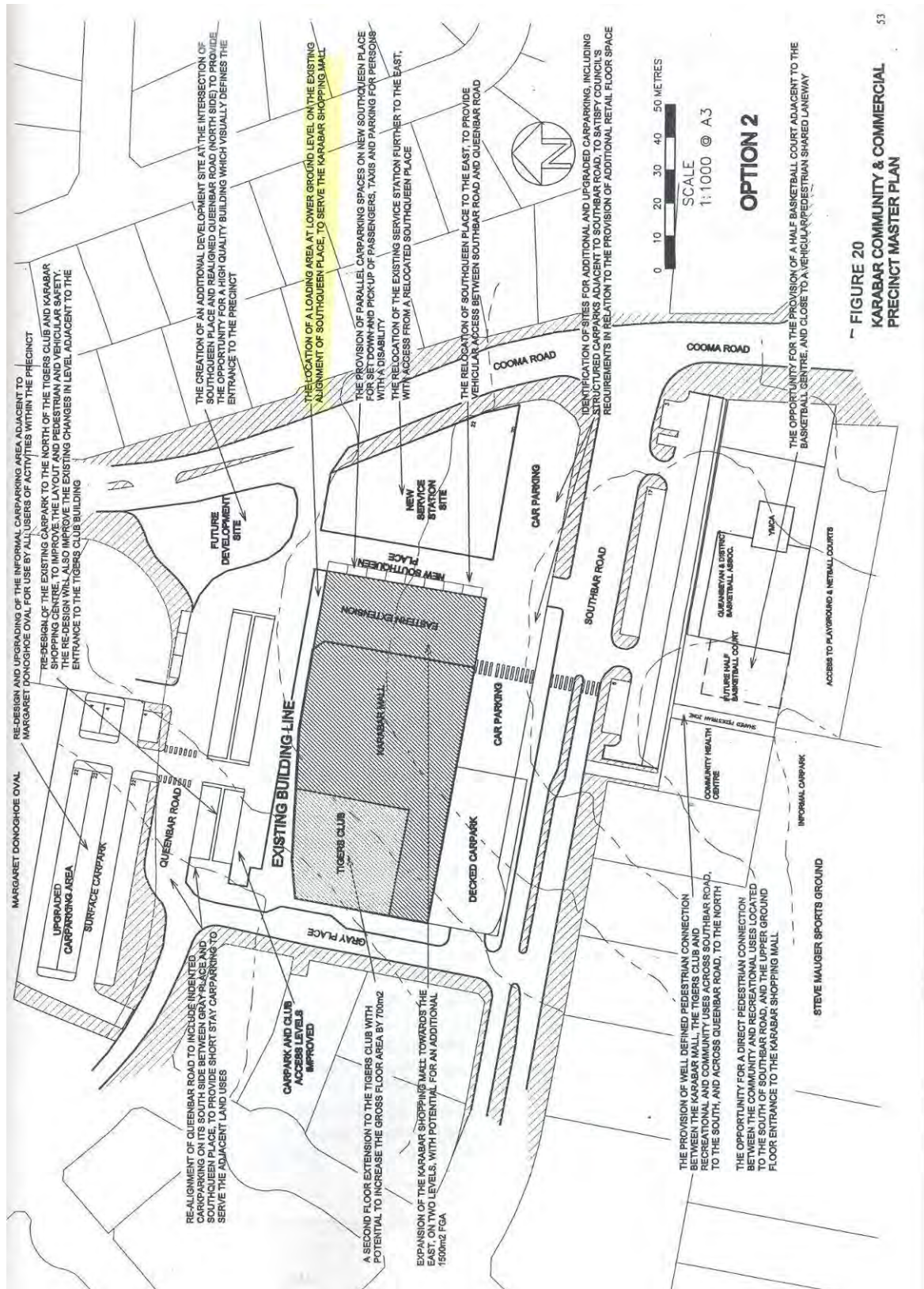
#### Controls

- a) Compliance with the objectives of applicable clauses of *Queanbeyan Local Environmental Plan 2012*.
- b) Compliance with the relevant controls in clauses 7.2.15., 7.2.18, 7.3.1, 7.3.3, 7.3.4 and 7.4.1 of the part of this DCP.
- c) Compliance with the relevant controls in clauses 7.2.4 and 7.2.9 of this part of the development control plan in Business zones where shop top housing is permitted with consent.



# Queanbeyan Development Control Plan 2012

## Appendix 1 – Karabar Master Plan





# Queanbeyan Development Control Plan 2012 **Part 7** Industrial Development

Principal Plan Adopted by Council:	12/12/2012
Reference number:	SF160793/01
File No:	C1842239

## Part 7 Industrial Development

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## Part 7 Industrial Development

### 7.1 Introduction

#### 7.1.1 Purpose of this Part

This part of the development control plan outlines the requirements for industrial and other development types of a similar impact.

#### 7.1.2 Overall Objectives for Industrial Development

- 1) Provide development guidelines for industrial development.
- 2) Protect the amenity of existing residences within and close to industrial development.
- 3) To prevent incompatible land uses being located in proximity to one another.
- 4) Encourage best practice in environmental management.
- 5) Ensure development has a visually appealing appearance to the street.

### 7.2 General Controls for Industrial Development

#### 7.2.1 Setbacks

##### Objectives

- 1) Provide adequate land for landscaping, parking and vehicle circulation.
- 2) Provide flexibility in building location and design.
- 3) Provide buffers to adjoining land uses to reduce adverse impacts on surrounding land.
- 4) To preserve residential amenity of adjoining land uses.

##### Controls

- a) The setback requirements listed below apply to all development. In established industrial areas where existing setbacks may be less than those prescribed, the setback should be consistent with existing setbacks along the street.

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**Table 1 Setback Requirements**

Street Frontage	Building Line Setback	Minimum Landscaped Width	Other Requirements
Main Street frontage	7.5m	7.5m	Landscaped with no parking.
Secondary Street frontage	3m	3m	Landscaped with no parking.
Side and rear boundaries	From zero	Not applicable	Walls and openings are fire rated as per National Construction Code requirements.
<b>Queanbeyan East</b>			
Faunce Street	10m	10m	Landscaping with high canopy, native species of trees. No parking.
Australis Place, Cooper Place and Dominion Place	6m	6m	Landscaped with no parking.
<b>Queanbeyan West</b>			
John Bull Street	7.5m	3m	Car parking behind the landscaped area.
<b>Crestwood</b>			
Kendall Avenue North	10m	5m	Car Parking behind the landscaped area.
Lorn Road	6m	6m	Landscaped with no parking.
Morton Street	8m	8m	Landscaped with no parking.
Adjoining Residential Zone	12m	12m	A landscape buffer is required to protect the amenity of adjoining residential properties

**Note:** Setbacks are also dependent on access width and service requirements needed for development, the location of Council's services and the requirements of the National Construction Code – Refer Part 2 of the DCP and the required National Construction Code.

## 7.2.2 Building Design

### Objectives

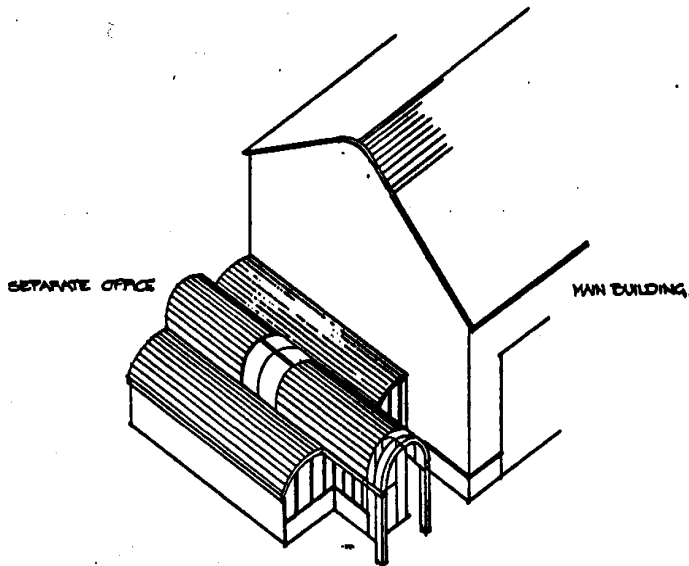
- 1) Promote buildings that enhance the quality of the streetscape.
- 2) Encourage innovative, contemporary and sustainable building design.
- 3) Encourage design that is compatible with the type, scale, height, bulk and character of surrounding industrial development, and which enhances the streetscape
- 4) Ensure noise emissions are mitigated.
- 5) Protect and enhance the visual amenity of entry points into Queanbeyan.

### Controls

- a) The façade of buildings facing the street should be of a high design quality. Monotonous facades consisting of one plain colour are to be avoided.

- b) Buildings in John Bull Street are to be of brick or non-reflective cladding including roof.
- c) Office accommodation for industrial development should be located at the front of buildings to ensure that blank facades are broken up (i.e. office style windows and access). The office area should be positioned as an attached structure to the main building to give identity and point of entry to the overall development form. (See Figure 1)

Figure 1 - Example of Office Accommodation



- d) Colours and materials shall be compatible with the natural scenic qualities of the locality. Visually prominent buildings with incompatible colours will not be supported.
- e) New materials for construction are to be used. New industrial buildings should be constructed from low maintenance materials and incorporate energy efficient design principles.
- f) The extensive use of reflective glazed windows will not be supported.
- g) The appearance of industrial sites, when viewed from nearby residential areas should be addressed through the location of plants and trees that break up the mass of buildings and reduce the potential for glare. This will generally be achieved by a landscape buffer zone between residential and industrial areas and the provision of a wall for noise attenuation. See Figure 2 below as an example.

Figure 2 – Example of Vegetation Planting to Reduce Glare





## 7.2.3 Site Works

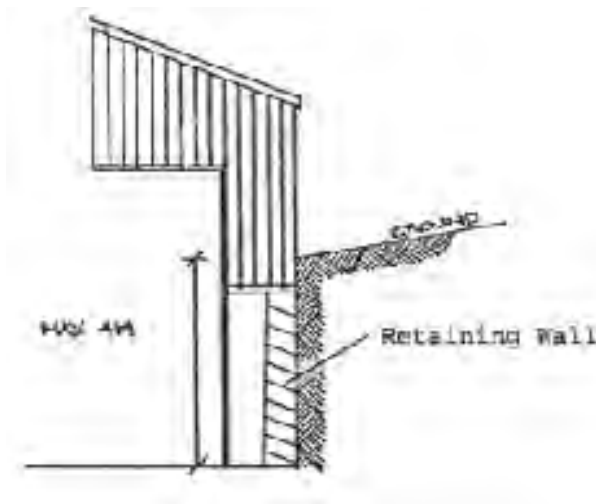
### Objectives

- 1) Restrict and control excessive earthworks in order to preserve as much as is practicable the existing topography and amenity of the locality.
- 2) Prevent siltation of materials and erosion of land.
- 3) Ensure building design is appropriate for site conditions (stability and privacy).

### Controls

- a) The maximum permissible cut and fill to accommodate any building or associated structure is limited to 2m, except in those circumstances referred to below. All exposed cut and fill is to be suitably retained to structural engineers detail or battered.
- b) Council will consider, in case of particularly undulating sites, a cut of up to 4m in depths where the abutting wall of the buildings serves the purpose of a retaining wall. This provision is subject to the wall of the building satisfying the National Construction Code requirements in regard to structural integrity and drainage (see Figure 3).

Figure 3 – Example of Abutting Building Wall as Retaining Wall



- c) Excavation and filling of the site, except to accommodate building platform, car parking, driveways and storage areas is to be kept to a minimum. On steeper allotments, the tiering of car parks and external storage areas is recommended.
- d) All batters are not to exceed a gradient of 1:4 and shall be suitably stabilised with vegetation.

**Note:** Site works, including clearing of existing vegetation, cut and fill, retaining walls, batters and the like require the written consent of Council except for development that is exempt under the *State Environmental Planning Policy (Exempt and Complying Development Code) 2008*.

**Note:** Development is to be carried out in accordance to erosion and sediment control measures. Refer to Part 2 of the DCP (2.7 Erosion and Sediment Control).



**Note:** Any retaining wall greater than 1m in height is required to be designed by a structural engineer in accordance with the Building Code of Australia.

## 7.2.4 Materials Storage

### Objectives

- 1) Avoid unsightly or visually intrusive development.
- 2) To minimise the impact of materials storage when viewed from the street.

### Controls

- a) All efforts should be made to avoid external storage areas being visible from the street or when viewed from strategic locations throughout Queanbeyan.
- b) Storage areas that can be seen from the street and neighbouring areas shall be screened.
- c) Designated outdoor storage areas are to be indicated on the Site Plan submitted to Council as part of the Development Application.
- d) The use of storage units/facilities will be required in order to keep storage areas in a tidy state. The type of storage unit/facility to be provided will be dependent on the materials to be stored. Typical provisions may include:
  - i. Racking devices for timber and steel products; or
  - ii. Storage bins for soil and mulching products.
  - iii. In some instances, roofing of storage areas may be required to lessen the visual impact on surrounding land uses and/or the visibility from elevated areas outside the estate.
- e) Where storage is located to the front of the building, screen fencing or vegetation is to be used to improve the streetscape. High continuous solid fencing should be softened by appropriate planting and indentations of the fence. High solid fences should have open elements above 1.2m to maintain surveillance.
- f) Storage areas are not to impede exit doors/paths from the building.

**Note:** Car spaces and designated driveway areas shall not be used for storage of materials.

## 7.2.5 Fencing

### Objectives

- 1) Improve safety and security of the site.
- 2) Improve visual amenity.
- 3) Enhance the streetscape.

### Controls

- a) All fencing is to begin behind the landscaped area along the street frontage. Fencing is not generally permitted along the front boundary of allotments.
- b) The preferred type of fencing is a galvanised or PVC coated wire mesh, not less than 1.8m above ground level and anchored into concrete footing.
- c) Electric fences shall not be supported unless council is satisfied the development or proposed development requires this type of fencing. Council may require additional information which demonstrates the need for an electric fence.

- d) Barbed Wire fences shall not be supported unless council is satisfied the development or proposed development requires this type of fencing. Council may require additional information which demonstrates the need for a barbed wire fence.

## 7.2.6 Pollution Control

### Objectives

- 1) Ensure that the use of land does not create offensive noise.
- 2) To ensure adequate protection against environmental degradation due to pollution discharge.
- 3) Minimise interference to existing and future amenity.
- 4) Ensure satisfactory measures are incorporated to alleviate negative environmental impacts associated with industrial land uses.

### Controls

#### a) Waste

- i) Provision shall be made for the storage and disposal of all trade waste, refuse, etc., that can be adequately accessed by service vehicles, so that it is not exposed to public view or likely to create a health nuisance.
- ii) A written Waste Management Plan is to be submitted with the Development Application.

**Note:** A Waste Management Plan should address the following matters:

- The quantity and type of waste generated by the ongoing use of the development,
- How the generation of waste will be minimised and how recycling/reuse will be maximised,
- How waste and the reusable and recyclable components are to be separated and stored,
- The accessibility and use of waste storage and recycling areas by the occupants,
- The collection/servicing of waste containers,
- The ongoing use, maintenance and general management of the waste facilities:
- The size of bin storage areas, indicating the number of bins to be accommodated, means of ventilation and cleaning, and paths of travel for collection points.

#### b) Noise and Vibrations

- i) Buildings shall generally be designed to prevent noise from plant machinery and operations associated with the development exceeding 5dBA above the background noise level at any time, measured at the boundaries of the site.
- ii) All machinery shall be installed to ensure that no vibration is transmitted beyond the development site.
- iii) Council may require acoustic information be submitted with a development application in order to assess the potential noise impacts of a proposal on surrounding uses and residential areas.

**Note:** Council may impose restrictions to mitigate potential noise impacts (Refer Part 2 of the DCP).

#### c) Emissions

**Note:** Industrial activity must comply with the relevant pollution control legislation administered by the Environment Protection Authority and Council, such as the *Protection of the Environment Operations Act 1997*.

**d) Trade and Effluent Wastes**

- i) No sewerage, sullage or trade effluent shall be permitted to flow into Council's stormwater system, or any other water way.
- ii) Formal approval must be obtained from Council for the disposal of trade effluent into Council's sewer from industrial premises. Depending on the composition of the effluent entering the Council's sewer, conditions may be imposed to ensure prior treatment before discharge (i.e. Plate Separator or other traps).
- iii) Council's consent to discharge trade effluent to Council's sewer is conditional upon the applicant obtaining all other necessary approvals from the relevant statutory authorities.

**e) Storage of Hazardous or Toxic Material**

- i) To ensure hazardous and toxic materials are not a threat to the environment, they must be stored in accordance with Workcover Authority requirements.
- ii) All tanks, drum and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious material and shall be of sufficient size to contain 110% of the volume of the largest tanks plus the volume displaced by any additional tanks within the bunded area.

**f) Drainage**

- i) A plan shall detail methods of stormwater collection and control, including all downpipes, drains and pits, site levels and nearest Council main. An interlot drainage easement will be required over adjoining properties where necessary. Adjoining owners consent will need to be submitted with your application where such easement does not exist.
- ii) All stormwater generated on-site is to be discharged to the kerb and gutter or Council's stormwater main to the satisfaction of Council's Development Engineers.
- iii) Appropriate facilities are to be provided and maintained by the developer/owner on site to contain and treat spillage, including washing and surface water, harmful to stream or sub-surface water quality.
- iv) Council will encourage, where appropriate, the use of porous surface material and soakage pits to reduce stormwater loads.

**g) Contaminated Land**

- i) Contaminated land is land which represents or potentially represents an adverse health or environmental impact because of the presence of potentially hazardous substance. Development Applications for contaminated land will be assessed in accordance with the provisions of the *Contaminated Land Management Act 1997* and State Environmental Planning Policy No. 55 (Remediation of Land).
- ii) Contaminated land may be required to be remediated prior to development proceeding on site. Remediation shall involve the treating and or mitigation of the contaminants.
- iii) An application on potentially contaminated land must identify any past or present potentially contaminating activities, provide a preliminary assessment of any site contamination and, if required, provide a basis for a more detailed investigation.
- iv) Refer Part 2.4 Contaminated Land Management

## 7.3 Special Land Use Controls

### 7.3.1 Waste or Resource Management Facility

#### Objectives

- 1) To ensure waste or resource management facilities are designed and maintained to contribute positively to the streetscape and amenity of the surrounding area.

#### Controls

- a) Solid fencing shall be erected around the full perimeter of a Waste or Resource Management Facility. This fencing is to be:
  - i) Between 1.8 and 2.4 metres high.
  - ii) Constructed of non-reflective cladding metal or timber palings (corrugated iron will not be supported).
  - iii) Dark in tone.
- b) Where the Waste or Resource Management Facility has an ancillary office or workshop with street frontage, the solid fence is to be setback to a position behind the building line of the office or workshop. High solid fences should have open elements above 1.2m to maintain natural surveillance.
- c) Customer parking is to be provided in front of the associated buildings and fences.
- d) Fencing should be softened by appropriate planting. A planting bed 2m wide (minimum) in front of the section of the fence with street frontage is to be provided.
- e) The stacking of car bodies and other material to a height above the fence will not be permitted.
- f) Car bodies and other material may have to be screened with roofing if in direct view from surrounding land uses and vantage points within and outside the locality.

### 7.3.2 Vehicle Sales and Hire Premises

#### Objectives

- 1) To ensure vehicle sales and hire premises are designed and maintained to contribute positively to the streetscape and amenity of the locality.

#### Controls

- a) Fencing in front of the building line will be supported if it is:
  - i) Constructed of steel.
  - ii) No higher than 1.8m.
  - iii) Painted in a dark tone.
- b) A 2m, low level landscaping strip is to be in front of any fencing to soften its appearance.
- c) The area used for parking and display of cars is to be suitably paved.

## 7.3.3 Landscaping Materials Supplies

### Objectives

- 1) To ensure landscaping materials supplies are designed and maintained to contribute positively to the streetscape and amenity of the locality.

### Controls

- a) The storage of all materials such as soil, sand and gravel are to be within designated storage bays.
- b) Adequate loading and unloading facilities for customers and suppliers are to be provided so that it does not affect the circulation of other vehicles within the development.
- c) Parking is to be provided for all plant and equipment used in the business.
- d) An Environmental Management Plan (EMP) is to be submitted with the Development Application for review and approval by Council. The EMP is to address:
  - i) Bin storage of materials.
  - ii) Dust controls through sprinkler systems etc.
  - iii) Hours and days of operation.
  - iv) Loading/Unloading on the site.
  - v) Customer car parking.
  - vi) Stormwater/drainage controls.
  - vii) Screening of unsightly activities.
  - viii) Plant/machinery/equipment/amplified telephones.
  - ix) Any water recycling initiatives.
  - x) Ongoing monitoring of EMP.
  - xi) Complaints register.

## 7.3.4 Sex Services Premises and Restricted Premises

### Objectives

- 1) To ensure sex services and restricted premises are located away from places frequented by children.
- 2) To ensure the scale and design of these premises is compatible with the area.
- 3) To ensure any advertising associated with these premises does not interfere with the amenity of the locality.
- 4) To ensure these premises are operated in a manner that does not interfere with the amenity of the locality.

### Controls

- a) Must be located at least 200m from the nearest boundary of any allotment developed, or proposed to be developed, for a place of public worship, school, dwelling, a place frequented by children, or from the nearest boundary of Yass Road or Canberra Avenue.
- b) Adequate reception/waiting areas are to be provided so as to prevent clients loitering outside premises.
- c) Any new building or refurbishment of an existing building to function as a sex services or restricted premises is to be designed so as to be compatible with the built form of adjoining premises.

- d) Any advertisement for a sex services or restricted premises must comply with the following:
- i. Include the words “RESTRICTED PREMISES” in capital letters being no less than 100mm and not exceeding 150mm in height.
  - ii. Include 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.
  - iii. There is no more than one advertisement 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.
  - iv. Not illuminated by flashing lights, changing images or the like.

**Note:** Council may initially limit any development consent for a sex service and restricted premises to 12 months as well as limit the hours of operation. Operation of the premises will be reviewed at that time especially in relation to any complaints received.

**Note:** A *restricted premises* means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

### 7.3.5 Railway Lands – Oaks Estate

The following additional controls apply to the section of railway lands located within Queanbeyan-Palerang LGA (and adjacent to Oaks Estate in the ACT) currently zoned IN2 Light Industrial as shown on Figure 1.

The purpose of this section of the DCP is to acknowledge the unique nature of Oaks Estate, particularly its heritage value. The controls seek to ensure that any development is undertaken in a manner that has regard to potential impacts on the Oaks Estate community.

It should be noted that any development of this land needs to be compatible with the nearby residential uses at Oaks Estate and must comply with all relevant parts of this DCP, not just this clause. Accordingly, applicants should ensure that all relevant parts of this DCP have been considered when preparing any application.

#### Objectives

- 1) To ensure development contributes to the social, economic and environmental qualities of Oaks Estate.
- 2) To ensure development has regard to the *Oaks Estate Master Plan* adopted by the ACT Government in December 2014 and any other relevant ACT Government Policy.
- 3) To ensure that development of land in the vicinity to any heritage items listed under the ACT Heritage Register is undertaken in a manner that has regard to the significance of the heritage item, particularly its setting and context.
- 4) To ensure development does not compromise the heritage qualities of Oaks Estate (consistent with Part 4 of this DCP).
- 5) To ensure any development does not have an adverse impact on the setting and views to the Queanbeyan Railway Station Precinct.
- 6) To ensure the scale and design of any development is compatible with the existing Oaks Estate area.

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- 7) To ensure any development is undertaken and operated in a manner that does not interfere with the amenity of the locality.
- 8) To promote development that enhances the quality of the site and surrounding streetscape.

### Controls

- a) Any development of these lands must be consistent with other relevant controls set out in this DCP, in addition to those set out below.
- b) The ACT Government and the Oaks Estate Resident's Association are to be notified in respect of any proposed development on these lands.
- c) Any development must consider and address potential impacts on any heritage items located in Oaks Estate as listed under the *ACT Heritage Act 2004*.
- d) Buildings are to be of brick or non-reflective cladding including roof. Storage areas are to be screened.
- e) The height of any development is to be restricted to a maximum height of 9 metres consistent with the *Queanbeyan Local Environmental Plan 2012*.
- f) In considering development applications, Council shall have regard to the visual impacts of any proposed development when viewed from Oaks Estate.
- g) Any light industrial uses on the land are to be limited to operating between 7.00am and 6.00pm on Monday to Saturday with no activity to be carried out on Sundays or public holidays, except where otherwise approved by Council.
- h) Any access to the lands shall ensure the existing traffic function of Railway Street is not compromised.
- i) Lighting associated with any development is to be designed so as not to create any light spill on residential development in Oaks Estate.
- j) Sex Service Premises and Restricted Premises are not permissible on the land consistent with the *Queanbeyan Local Environmental Plan 2012*.
- k) Industries other than Light Industries are not permissible on the land consistent with the *Queanbeyan Local Environmental Plan 2012*.
- l) Any new development will require appropriate arrangements for pollution control and stormwater management as covered under Part 8.2.7 Pollution Control of Part 8 of this DCP.
- m) Colours and materials shall be compatible with the natural scenic qualities of the locality. Visually prominent buildings with incompatible colours will not be supported.
- n) The extensive use of reflective glazed windows is not permitted.
- o) New materials for construction are to be used.
- p) Scale and proportion of a development can be influenced (reduced) by appropriate planting. In general large, bulky buildings will be visually reduced to the human scale by using larger plants (trees). Similarly, large expanses of hardstand areas e.g. car parks, can be broken down by the use of shade trees.
- q) The appearance of industrial sites, when viewed from nearby residential areas should be addressed through the location of plants and trees that break up the mass of buildings and reduce the potential for glare. This will generally be achieved by a landscape buffer zone between residential and industrial areas and the provision of a wall for noise attenuation.
- r) Any building should have setbacks consistent with Table 1 in Part 8 of this DCP.



**Figure 1:** IN2 Light Industrial Land opposite Oaks Estate

