Queanbeyan-Palerang Regional Council

Combining Existing Local Environmental Plans

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Introduction

In May 2016 the New South Wales State Government announced the former Palerang and Queanbeyan Local Government Area's (LGA) were to be amalgamated to form Queanbeyan-Palerang Regional Council (QPRC).

The NSW Department of Planning and Environment (DPE) prepared a document at the time titled *Guidance for merged councils on planning functions* which sets out the land use planning matters for new council's to consider whilst implementing a merger.

In accordance with the DPE's guidance material, the harmonisation of local planning controls is an important action for newly amalgamated councils. Accordingly, QPRC's Land Use Planning team has now commenced the process of examining the actions required to prepare a new comprehensive LEP for the Queanbeyan-Palerang LGA.

Purpose

The purpose of this paper is to provide details in respect of the planning matters to be resolved between the existing planning instruments before a new comprehensive LEP for the amalgamated LGA can be established.

Local Environmental Plan Comparison

The purpose of this paper is to provide an analysis of the various standard instrument local environmental plans (LEPs) that currently apply to the newly amalgamated Queanbeyan-Palerang Regional Council (QPRC), with a view to making recommendations as to how the respective plans might be combined into a new comprehensive LEP.

The paper identifies both:

- inconsistencies in permissible land uses between any common zones contained in the various LEPs, and
- inconsistencies in any planning provisions or clauses contained in those respective instruments.

It is not the intent of this paper to consider broader strategic planning issues confronting the new LGA (although these are being considered as part of other research being undertaken). Rather this paper seeks to set out the existing differences between the respective LEPs and how those differences might be reconciled in the preparation of a new comprehensive plan for the combined LGA.

Local Environmental Plans applying to QPRC

The following LEPs are currently applicable to QPRC.

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	*Palerang LEP 2014*
Queanbeyan LEP (South Tralee) 2012	
Queanbeyan LEP (Poplars) 2013	

It should be noted that some small areas of Queanbeyan are still subject to older non-standard instrument LEPs (ie, *Queanbeyan LEP 1991*, *Queanbeyan LEP 1998* and *Yarrowlumla LEP 2002*) as a

consequence of land being deferred from LEPs in the past. Those planning instruments will be progressively repealed as the current LEPs for South Jerrabomberra and West Jerrabomberra are finalised. Any remaining land deferred under a previous non-standard instrument LEP will have the equivalent zone under the standard instrument LEP applied to that land.

In the circumstances where a particular zone exists in only one LEP, it is generally proposed to initially transfer the existing zoning table for that zone into a combined LEP with no changes.

Land Use Table Comparison

Rural Zones

At this time, there are no common rural zones between the various plans. Accordingly the current rural zones set out in the respective LEPs (ie, RU1 Primary Production, RU2 Rural Landscape and RU5 Village) can be merged into a new comprehensive LEP for the amalgamated area with little policy consequence.

However, as discussed earlier, it is recommended 'dual occupancies' no longer be permissible in rural and environmental zones (including the R5 Large Lot Residential zone). 'Secondary dwellings' will remain permissible in these zones to allow for granny flat type uses. The respective land use tables will be amended accordingly.

Residential Zones

R1 General Residential

The following LEPs currently include the R1 General Residential Zone:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

In the former Queanbeyan area the RI General Residential zone has previously for identified urban release areas. This is to ensure there is suitable flexibility as an urban release area proceeds with a view to refining the zoning when fully developed. Conversely, the R1 zone in the former Palerang area it is used to identify areas where residential development other than low density residential development is encouraged, particularly in Bungendore and Braidwood.

A comparison of the application of the R1 General Residential Zone under each of the respective LEPs has revealed the following inconsistencies.

Home business in R1 Zone

There are some differences in the permissible uses for **home business** under the respective LEPs. However under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* ('the *Exempt and Complying SEPP*') this land use is 'permissible without consent' in all zones regardless.

It is recommended **home business** be shown as 'permissible without consent' under a combined LEP consistent with the *Exempt and Complying SEPP*.

Home based childcare in R1 Zone

The permissibility of **home based childcare** is different in each LEP at this time. Regardless, it is 'permissible without consent' under the *Exempt and Complying SEPP* where not located within a bushfire prone area.

Accordingly, it is recommended **home based childcare** be shown as 'permissible with consent' to allow the use to occur within this zone, including bushfire prone land provided an assessment of bushfire risk is also undertaken.

Tourist and visitor accommodation in R1 Zone

In respect of tourist and visitor accommodation type uses, both **backpacker's accommodation** and **hotel and motel accommodation** are currently 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. Conversely **serviced apartments** are 'permissible with consent' under the Queanbeyan LEP but 'prohibited' under the Palerang LEP.

It is recommended **backpacker's accommodation, hotel and motel accommodation** and **serviced apartments** should be 'permissible with consent' under a combined LEP. These are not considered to be fundamentally inconsistent uses in the zones and would require a development application regardless. There is unlikely to be a backpacker's accommodation development in the urban release areas as there is limited tourism value.

Registered clubs** and **veterinary hospitals in R1 Zone

There is general consistency between the respective LEPs in regards to commercial uses in the R1 General Residential zone, with most uses being prohibited. However there are some differences, for example both **registered clubs** and **veterinary hospitals** are 'permissible with consent' under the Queanbeyan LEP whereas both are 'prohibited' under the Palerang LEP.

It is recommended that **registered clubs** and **veterinary hospitals** be made 'permissible with consent' under a combined LEP given the R1 zone is used for urban release areas.

Waste or resource management facilities in R1 Zone

Waste or resource management facilities are 'permissible with consent' under the Queanbeyan LEP but are 'prohibited' under the Palerang LEP in this zone. The permissibility of these facilities in this zone are also set out in *State Environmental Planning Policy (Infrastructure) 2007* ('the *Infrastructure SEPP*') where it is not permissible.

It is recommended that **waste or resource management facilities** be made 'prohibited' under a combined LEP for this zone given such uses could conflict with the residential intent of the zone. This use is best regulated by the provisions of the *Infrastructure SEPP*.

Water supply systems in R1 Zone

Water supply systems are permissible under the Palerang LEP but prohibited under the Queanbeyan LEP. Again, the permissibility of these facilities are also set out under the *Infrastructure SEPP*.

It is recommended that **water supply systems** be made 'permissible with consent' under a combined LEP recognising the R1 is primarily used for urban release areas, that it is key lead in infrastructure and may be undertaken by the proponents rather than Council.

Information and education facilities** and **public administration buildings in R1 Zone

Both **information and education facilities** and **public administration buildings** are 'permissible with consent' under the Queanbeyan LEP but are prohibited under the Palerang LEP. The permissibility of **public administration buildings** are set out in the *Infrastructure SEPP*. It is recommended that this use be made 'permissible with consent' as they would predominantly be carried out by public authorities in any event.

It is recommended that both **information and education facilities** and **public administration buildings** be made 'permissible with consent' as they would predominantly be carried out by public authorities.

Building identification signs** and **business identification signs in R1 Zone

In respect of signage, both **building identification signs** and **business identification signs** are 'permissible with consent' under the Palerang LEP but are both prohibited under the Queanbeyan LEP. Whilst commercial uses are generally restricted in the R1 General Residential zone, it is considered appropriate that existing business be able to have some signage. However, this should also require the consent of council.

Accordingly it is recommended both **building identification signs** and **business identification signs** be made 'permissible with consent' in this zone under a combined LEP.

Recreation areas, recreational facilities (indoor)** and **recreational facilities (outdoor) in R1 Zone

In respect of recreational land uses, **recreation areas**, **recreational facilities (indoor)** and **recreational facilities (outdoor)** all are permissible with consent under the Queanbeyan LEP but are prohibited under the Palerang LEP.

It is recommended **recreation areas**, **recreational facilities (indoor)** and **recreational facilities (outdoor)** be made 'permissible with consent' under a combined planning instrument given R1 zone is primarily used for urban release areas in the former Queanbeyan area. The uses are probably unlikely in the former Palerang R1 areas, regardless consent would be required for development in any circumstance.

Environmental protection works in R1 Zone

Finally, **environmental protection works** are permissible without consent under the Queanbeyan LEP but require consent under the Palerang LEP. It is unclear what environmental protection works would be required to be undertaken in an urban residential environment (more relevant to rural properties). Accordingly, it is recommended consent be required for such a use.

It is recommended **environmental protection works** be 'permissible with consent' under a combined planning instrument for this zone.

R2 Low Density Residential

There are three LEPs containing the R2 Low Density Residential Zone within the amalgamated area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014
Queanbeyan (South Jerrabomberra) LEP 2012	

Residential accommodation in R2 Zone

In respect of residential uses, there are some differences in permissible uses between the LEPs. **Dual occupancies** (both attached and detached) are 'prohibited' under both the Queanbeyan and South Jerrabomberra LEPs but are 'permissible with consent' under the Palerang plan. Further, **semi-detached dwellings** are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the South Jerrabomberra and Palerang LEP. Conversely, **shop-top housing** is permissible under the Palerang LEP but not under the respective Queanbeyan LEPs.

It is recommended that **dual occupancies** generally be permissible in this zone under a combined plan, and supported with additional provisions limiting the size of the lot on which it may be erected (similar controls already exist under the Queanbeyan and Palerang LEPs for different forms of multi-dwelling housing). This will ensure the density and aesthetics of these areas are generally preserved. It will also ensure the 1,500 dwelling cap at South Jerrabomberra is not exceeded (additional supported by clause 4.6(8)(ce) confirming these standards cannot be varied – see page 35-36).

It is also recommended **semi-detached dwellings** be made 'permissible with consent' under a combined plan as any lot would be required to meet the minimum lot size regardless.

Shop-top housing however should be 'prohibited' to remove the potential for unit style developments in this low density zone.

Home based childcare in R2 Zone

The permissibility of **home based childcare** is different in each LEP at this time ('prohibited' under Queanbeyan and 'permissible with consent' in Palerang). Regardless, it is permissible without consent under the *Education SEPP* where not located within a bushfire prone area.

It is recommended **home based childcare** be shown as 'permissible with consent' under a combined LEP to reflect the *Education SEPP* and to allow consideration of this use in this zone subject to bushfire assessment.

Home business in R2 Zone

Home business is also treated differently in the respective LEPs for this zone noting they are 'permissible without consent' in this zone under the *Exempt and Complying SEPP* regardless.

It is recommended **home business** be shown as 'permissible without consent' in a combined LEP to reflect the *Exempt and Complying SEPP*.

Tourist and visitor accommodation in R2 Zone

In respect of types of tourist and visitor accommodation, most uses are the same between the LEPs with the exception of **backpackers accommodation** which is 'permissible with consent' under Palerang but 'prohibited' in Queanbeyan.

Given the low density residential nature of the zone and the potential for land use conflict, it is recommended **backpackers accommodation** be 'prohibited' under a combined LEP. This would still allow **bed and breakfast** accommodation to be undertaken with consent and ensure there is both a restriction on occupant numbers, and, the property owner is on site to supervise the visitors and manage any impacts on neighbours.

Further **caravan parks** are 'permissible with consent' under the Queanbeyan LEP but 'prohibited' under Palerang.

Given the potential for land use conflict it is recommended **caravan parks** be 'prohibited' in this zone. Existing public caravan parks should be zoned RE1 Public Recreation. Existing private caravan parks should instead be zoned RE2 Private Recreation.

Sewerage treatment plants in R2 Zone

Sewerage treatment plants are currently prohibited under the Queanbeyan LEP but 'permissible with consent' under the Palerang LEP. These are also regulated under the *Infrastructure SEPP* where they are not permissible in this zone.

Given the potential for land use conflict it is recommended **sewerage treatment plants** be 'prohibited' under a combined LEP for this zone. The use is best regulated by the provisions of the *Infrastructure SEPP*.

Water storage facilities in R2 Zone

Water storage facilities are also currently prohibited under the Queanbeyan LEP but 'permissible with consent' under the Palerang LEP. Again, these are also regulated under the *Infrastructure SEPP* where they are not permissible in this zone.

Given the potential for land use conflict it is recommended **water storage facilities** be 'prohibited' under a combined LEP in this zone. The use is best regulated by the provisions of the *Infrastructure SEPP*. This would not restrict the use of a water tank as an ancillary use to any residence.

Places of public worship** and **information and educational facilities in R2 Zone

Places of public worship and **information and educational facilities** are currently 'prohibited' under the Palerang LEP but 'permissible with consent' under the Queanbeyan LEP.

Given the potential for land use conflict in what is primarily a residential zone it is recommended both uses be 'prohibited' under a combined LEP for this zone. Existing developments of this nature (if any) would retain existing use rights to continue however new establishments of this type are best placed in a different zone.

Boat sheds, moorings, jetties** and **water recreation structures in R2 Zone

In respect of recreational type land uses, there are some differences between the LEPs. **Boat sheds, moorings, water recreation structures, jetties** and **boat launching ramps** are 'permissible with consent' in Queanbeyan but 'prohibited' in Palerang. There is unlikely to be a demand for these uses in the low density areas of former Queanbeyan. Accordingly it is recommended these uses be prohibited under a combined LEP.

Boat sheds, moorings, water recreation structures, jetties and **boat launching ramps** should be 'prohibited' under a combined plan as they are unlikely to occur in the zone in any event.

R5 Large Lot Residential

There are two LEPs containing the R5 Large Lot Residential Zone within the amalgamated area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

Under *Queanbeyan LEP 2012* this zoning applies to the Weetalabah subdivision and small areas of rural residential land to the north of Googong township. Under *Palerang LEP 2014* this zoning applies to the large lot subdivision to the north west of Bungendore which has town water but not reticulated sewer.

Intensive plant agriculture and farm buildings in R5 Zone

In respect of agricultural type land uses, **horticulture**, **viticulture** and **farm buildings** are 'permissible with consent' under Palerang but are 'prohibited' in Queanbeyan.

It is recommended all should be made 'permissible with consent' for this zone as the zone provides for small scale agricultural opportunities and these types of development would require a development application in any event.

Residential accommodation in R5 Zone

In respect of residential type uses, **dual occupancies** and **group homes** are both 'prohibited' under Queanbeyan LEP in this zone but are 'permissible with consent' under the Palerang LEP. These are not considered to be inappropriate uses in a large lot zone, however there is the potential for residents to over capitalise the property and find it difficult to sell in the future with two large dwellings. This then leads to requests to subdivide the land.

It is recommended **group homes** be made 'permissible with consent' as the zones are generally located at the edge of existing urban areas and are not considered fundamentally inappropriate land uses.

It is recommended that **dual occupancies** be prohibited in in this zone but that **secondary dwellings** remain 'permissible with consent'.

Home-based childcare in R5 Zone

The permissibility of **home-based childcare** within this zone is different in each LEP ('prohibited' under Queanbeyan and 'permissible with consent' in Palerang). Regardless, the use is 'permissible without consent' under the *Education SEPP* where not located within a bushfire prone area.

It is recommended it be shown as 'permissible with consent' under each LEP to reflect the *Education SEPP* and to allow consideration of the use if located in a bush fire prone area.

Home business in R5 Zone

Home business is also treated differently in the respective LEPs for this zone (consent required under Queanbeyan – no consent required under Palerang) noting the use is 'permissible without consent' in this zone under the *Exempt and Complying SEPP* regardless.

It is recommended it be shown as 'permissible without consent' under a combined plan to be consistent the *Exempt and Complying SEPP*.

Tourist and visitor accommodation in R5 Zone

In respect of types of tourist and visitor accommodation, most uses are the same between the LEPs with the exception of **backpackers accommodation** which is 'permissible with consent' under Palerang but 'prohibited' in Queanbeyan.

Given the residential nature of the zone and the potential for land use conflict it is recommended **backpackers accommodation** be 'prohibited' under a combined LEP. This would still allow **bed and breakfast** accommodation to be undertaken with consent and ensure there is both a restriction on occupant numbers, and, the property owner is on site to supervise the use.

Retail premises in R5 Zone

In respect of commercial type land uses, there are a number of differences between the LEPs. Both **cellar door premises** and **neighbourhood shops** are 'permissible with consent' under the Palerang LEP but are 'prohibited' under Queanbeyan.

It is recommended **cellar door premises** be made 'permissible with consent' (given **horticulture** and **viticulture** are also permissible developments) but that **neighbourhood shops** be 'prohibited' in this zone given its predominantly residential character.

Conversely **landscape material supplies**, **markets** and **plant nurseries** are 'permissible with consent' under the Queanbeyan LEP but are 'prohibited' in Palerang.

None are considered to be suitable uses in a predominantly residential area. Accordingly it is recommended all be made 'prohibited' under a combined plan in this zone.

Water supply systems in R5 Zone

Both **water storage facilities** and **water treatment facilities** are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. They are also regulated under the State Government's *Infrastructure SEPP* (ISEPP).

Both should be made 'prohibited' under a combined LEP and regulated under the *Infrastructure* SEPP.

Sewerage systems in R5 Zone

Both **sewerage treatment plants** and **water recycling facilities** are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. They are also regulated under the State Government's *Infrastructure SEPP* (ISEPP).

Both should be made 'prohibited' under a combined LEP and regulated under the *Infrastructure* SEPP.

Child care centres in R5 Zone

Both home-based child care and **centre-based child care facilities** are 'prohibited' under the Queanbeyan LEP in this zone but are 'permissible with consent' under the Palerang LEP. They are also regulated by the *Education SEPP*. They are not considered to be an inappropriate use in the zone with appropriate design controls.

It is recommended both **home-based child care** and **centre-based child care facilities** be 'permissible with consent' under a combined LEP in this zone.

Recreational facilities (indoor) in R5 Zone

In respect of recreational type uses, **recreation facilities (indoor)** are 'permissible with consent' under the Palerang LEP but are 'prohibited' under the Queanbeyan LEP.

It is recommended **recreation facilities (indoor)** be 'permissible with consent' under a combined LEP as any development would require a development application in any event.

Environmental protection works in R5 Zone

The last remaining inconsistency for this zone is **environmental protection works**. These are 'permissible without consent' under the Queanbeyan LEP but require consent under the Palerang LEP. It is appropriate works be allowed with the consent of council to ensure they are carried out correctly.

It is recommended **environmental protection works** be 'permissible with consent' under a combined plan for this zone.

Commercial Zones

B1 Neighbourhood Centre

There are three LEPs containing the B1 Neighbourhood Centre zone within the amalgamated council area, however all of these are located within the former Queanbeyan area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	

Queanbeyan LEP (South Tralee) 2012

Queanbeyan LEP (Poplars) 2013

In the case of *Queanbeyan LEP 2012* this applies to Karabar and Jerrabomberra centres. For *Queanbeyan (South Tralee) LEP 2012* this applies to the proposed commercial centre and for *Queanbeyan (Poplars) LEP 2013* this applies to the proposed commercial centre.

Residential accommodation and serviced apartments in B1 Zone

Group homes, **seniors housing and serviced apartments** are all 'permissible with consent' under the Queanbeyan and South Tralee LEPs but are 'prohibited' under the Poplars LEP. These uses were prohibited under the Poplars LEP due to aircraft noise concerns from Canberra Airport. The Poplars is located between the ANEF 20 and 25 contours.

Given the State Government's position in respect of not allowing any noise sensitive uses between the ANEF 20 and 25 contours, it is recommended all three uses be made 'prohibited' under the combined LEP. Council will add these uses to Schedule 1 for land at South Tralee recognising they are currently permissible.

Certain retail premises in B1 Zone

Cellar doors, pubs, landscaping material supplies and **roadside stalls** are all 'permissible with consent' under the South Tralee LEP but 'prohibited' under the Queanbeyan and Poplars LEP.

Council will add these uses to Schedule 1 for land at South Tralee recognising they are currently permissible.

Hardware and building supplies premises are 'permissible with consent' under the Queanbeyan and Poplars LEPs but 'prohibited' under the South Tralee LEP.

It is recommended **hardware and building supplies** be 'permissible with consent' under a combined LEP.

Car parks in B1 Zone

Car parks are 'permissible with consent' under the Queanbeyan and South Tralee plans but 'prohibited' in The Poplars. Car parks are an appropriate use to support business and other uses (including community).

It is recommended **car parks** be 'permissible with consent' under a combined LEP.

Roads in B1 Zone

Roads are required to be either 'permitted without consent' or 'permitted with consent' for this zone under the Standard Instrument. **Roads** are also regulated under the ISEPP where they are 'permissible without consent' for a public authority.

It is recommended **roads** should be 'permitted with consent' to allow roads to be constructed by the private sector with consent if required.

Information and education facilities in B1 Zone

Information and education facilities are not considered to be inappropriate developments in a commercial area.

It is recommended **information and education facilities** be 'permitted with consent' in this zone under the Poplars plan similar to both Queanbeyan and South Tralee.

Signage in B1 Zone

Signage is considered to be an appropriate use in a commercial area.

It is recommended **signage** be 'permitted with consent' in this zone under the South Tralee plan as it is for both Queanbeyan and the Poplars plans.

Environmental facilities in B1 Zone

Environmental facilities are unlikely to occur in this zone.

Therefore, it is recommended **environmental facilities** be 'prohibited' in the Poplars LEP as it is for Queanbeyan and South Tralee LEPs (currently 'prohibited' under both).

Recreation areas in B1 Zone

Recreation areas are not considered to be an inappropriate use for the zone if desirable (swings, parks, etc)

Recreation areas should be 'permitted with consent' in the Queanbeyan and South Tralee LEPs as it is for the Poplars LEP (currently 'prohibited' under both).

B2 Local Centre

There are two LEPs containing the B2 Local Centre zone. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

Under *Queanbeyan LEP 2012*, the B2 zone applies to the proposed town centre at Googong, while under *Palerang LEP 2014* it applies to much of the commercial areas of Bungendore and Braidwood with frontage to a main street.

Residential accommodation in B2 Zone

In respect of residential type land uses, **hostels**, **multi dwelling housing, residential flat buildings** and **seniors housing** are all 'permissible with consent' under Queanbeyan but are 'prohibited' under

Palerang. B2 zone in Queanbeyan is the Googong whilst the B2 in Palerang is located in Bungendore and Braidwood.

It is recommended that all these uses be made 'prohibited' in the zone, but, with an amendment to Schedule One to provide for these uses specifically at Googong if required.

Home business, home based child care, centre-based child care facilities and home occupation (sex services) in B2 Zone

Home business, home based child care, centre-based child care facilities and **home occupation (sex services)** are 'prohibited' under the Queanbeyan LEP but 'permissible with consent' under the Palerang LEP. They are not considered to be an inappropriate use for the zone provided consent is required to address any local impacts.

It is recommended these uses be 'permitted with consent' under the comprehensive LEP in this zone.

Sex service premises in B2 Zone

Sex service premises are 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under Palerang. Home occupation (sex services) has been permitted in this zone however stand-alone brothels would not be considered desirable or necessary.

It is recommended **sex service premises** be 'prohibited' under a combined plan in this zone.

Veterinary hospitals in B2 Zone

Conversely **veterinary hospitals** are 'permissible with consent' under the Queanbeyan LEP but 'prohibited' under the Palerang LEP. This is not considered to be an inappropriate use in a commercial zone.

It is recommended **veterinary hospitals** be 'permissible with consent' in this zone under a combined plan.

Home industries in B2 Zone

Home industries are 'permissible with consent' under Palerang but are 'prohibited' under Queanbeyan. They are considered an appropriate use in the zone with consent.

It is recommended **home industries** be 'permissible with consent' under a combined plan.

Vehicle repair stations in B2 Zone

Vehicle repair stations are 'prohibited' under Palerang but are 'permissible with consent' under Queanbeyan. They are considered an appropriate use in the zone with consent.

It is recommended **vehicle repair stations** be made 'permissible with consent' under a combined plan.

Water recycling facilities and water treatment facilities in B2 Zone

Water recycling facilities and **water treatment facilities** are both 'permissible with consent' under Palerang but 'prohibited' under Queanbeyan in this zone. These uses are also regulated under the *Infrastructure SEPP*.

It is recommended **water recycling facilities** and **water treatment facilities** be 'prohibited' under a combined plan in this zone and regulated by the *Infrastructure SEPP*.

Environmental facilities in B2 Zone

Environmental facilities are currently 'prohibited' under the Palerang LEP for this zone but are 'permissible with consent' under the Queanbeyan LEP. They are considered to be an unlikely use in the zone.

Environmental facilities should be made 'prohibited' under a combined plan for this zone.

B4 Mixed Use

There are three LEPs containing the B4 Mixed Use Zone within the amalgamated council area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014
Queanbeyan (South Tralee) LEP 2012	

In the case of Queanbeyan LEP 2012 this zone covers an area in Crawford Street north of the CBD and the areas containing the existing fast food outlets, while for Queanbeyan (South Tralee) LEP 2012 it covers an area adjoining the future commercial area. For Palerang LEP 2014 it applies to an area adjoining the B2 Local Centre areas both at Bungendore and at Braidwood.

Residential accommodation in B4 Zone

Attached dwellings, **dwelling houses**, **secondary dwellings** and **semi-detached dwellings** are all 'permitted with consent' under the Palerang LEP but are 'prohibited' under the Queanbeyan and South Tralee LEPs.

It is recommended these be made 'permissible with consent' under a combined plan. These are not considered to be inappropriate use having regard to the other residential type uses already permissible in the zone.

Conversely, **hostels** and **residential flat buildings** are both 'permitted with consent' under the Queanbeyan and South Tralee plans but are 'prohibited' under the Palerang LEP.

It is recommended these also be made 'permissible with consent' under a combined plan. These are not considered to be inappropriate use having regard to the other residential type uses already permissible in the zone.

Home based child care, centre-based child care facilities, home business, home occupations and home occupation (sex services) in B4 Zone

Home based child care, **centre-based child care facilities** and **home occupation (sex services)** are all dealt with differently in this zone under each LEP.

It is recommended **home business** and **home occupations** be 'permissible without consent' and that **home-based childcare, centre-based child care facilities** and **home occupation (sex services)** be 'permissible with consent'.

Tourist and visitor accommodation in B4 Zone

Bed and breakfast accommodation is 'prohibited' under both Queanbeyan LEPs but is 'permissible with consent' for this zone under the Palerang LEP.

It is recommended **bed and breakfast accommodation** be made 'permissible with consent' under a combined plan as it is not considered to be an inappropriate use for the zone where there is an existing dwelling.

Similarly, **farm stay accommodation** is 'prohibited' under both Queanbeyan LEPs but is 'permissible with consent' for this zone under the Palerang LEP.

It is recommended this use be made 'prohibited' under a combined plan recognising it is unlikely any farms are located within this zone.

Further it is recommended all **tourist and visitor accommodation** uses be 'permissible with consent' as they are not considered to be an inappropriate use in the zone.

Amusement centres in B4 Zone

Amusement centres are 'prohibited' under both Queanbeyan LEPs but are 'permissible with consent' for this zone under the Palerang LEP.

It is recommended **amusement centres** be made 'permissible with consent' under a combined plan as this is not considered to be an inappropriate use for this zone.

Home industries in B4 Zone

Similarly, **home industries** are 'prohibited' under both Queanbeyan LEPs but are 'permissible with consent' for this zone under Palerang LEP. Again this is not considered an inappropriate use in the zone with consent.

It is recommended **home industries** be made 'permissible with consent' for this zone under a combined plan.

Water recycling facilities and water storage facilities in B4 Zone

Water recycling facilities and **water storage facilities** are both 'permissible with consent' under Palerang but 'prohibited' under the Queanbeyan LEPs in this zone. These uses are also regulated under the *Infrastructure SEPP*.

It is recommended both **water recycling facilities** and **water storage facilities** uses be made 'prohibited' under a combined plan and regulated by the Infrastructure SEPP.

Electricity generating works in B4 Zone

Electricity generating works are 'prohibited' under both Queanbeyan LEPs but are 'permissible with consent' for this zone under Palerang LEP. These uses are also regulated under the *Infrastructure SEPP*.

It is recommended **electricity generating works** be made 'permissible with consent' under a combined plan .

Roads in B4 Zone

Roads are 'permissible with consent' under all plans except South Tralee where they are 'permissible without consent'. It is considered appropriate that any road works should require consent.

Roads should be 'permissible with consent' under a combined plan.

Recreation areas in B4 Zone

Recreation areas are 'permissible with consent' under the Palerang LEP but 'prohibited' in this zone under the Queanbeyan and South Tralee LEPs. Given the nature of the zone it is appropriate for playgrounds, sporting facilities and parks to be permissible subject to development consent in order to allow local impacts to be assessed.

It is recommended **recreation areas** be made 'permissible with consent' under a combined plan .

Recreation facilities (outdoor) in B4 Zone

Recreation facilities (outdoor) are currently shown as 'permissible with consent' under Palerang but 'prohibited' in this zone under the Queanbeyan and South Tralee LEPs. It is appropriate that proposals for any uses can be considered but that any development require consent to address local impacts.

It is recommended **recreation facilities (outdoor)** be made 'permissible with consent'.

Environmental protection works in B4 Zone

Environmental protection works are 'permissible without consent' under the Queanbeyan LEP but require consent under the Palerang LEP. It is appropriate works be allowed with the consent of council to ensure they are carried out correctly.

Environmental protection works should be 'permissible with consent' in this zone under a combined plan.

Mortuaries in B4 Zone

Mortuaries are 'prohibited' under both Queanbeyan LEPs but are 'permissible with consent' for this zone under the Palerang LEP. Mortuaries may promote land use conflict in a semi-residential zone and can be accommodated elsewhere.

It is recommended this use be made 'prohibited' under a combined plan for this zone.

B5 Business Development

This zone only applies under the Queanbeyan LEP 2012 and will be carried forward into the new plan unamended at this time.

B7 Business Park

This zone only applies under the Queanbeyan LEP (West Jerrabomberra) 2013 and will be carried forward into the new plan. As noted Council staff will in the meantime consider the merits the 3 additional permitted uses discussed earlier being 'registered clubs', 'markets' and 'food and drink premises' having regard to the capacity of the road network to accommodate such uses and the desirability of allowing additional takeaway food and drink premises at The Poplars .

Industrial Zones

IN2 Light Industrial

There are two LEPs containing the IN2 Light Industrial Zone within the amalgamated council area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

In the case of both LEPs this applies to areas which adjoin residential zoned land.

Aquaculture in IN2 Zone

In respect of agricultural uses, most are prohibited under both LEPs in this zone with the exception of **aquaculture** which is 'permissible with consent' under the Palerang LEP.

Whilst considered to be unlikely land use, it is not considered to be an inappropriate use and should be 'permissible with consent' under a combined LEP.

Home based child care, centre-based child care facilities, home business, home occupations and home occupation (sex services) IN2 Zone

In respect of residential type uses, all are prohibited under both LEPs in this zone. However, **home based child care**, **home business**, **home occupations** and **home occupation (sex services)** are all 'prohibited' under Queanbeyan but are 'permissible with consent' under Palerang (noting **home occupation** can be done without consent). This recognises there are some existing dwellings in the IN2 zone under Palerang, even though they are no longer a permissible or desirable use in the zone. This allows these land uses to be undertaken in those dwellings where they exist.

It is recommended **home business** and **home occupations** be 'permissible without consent' and that **home-based childcare, centre based child care facilities** and **home occupation (sex services)** be 'permissible with consent'.

Business, retail and food and drink premises IN2 Zone

In respect of commercial type land uses, there are many differences between the LEPs for this zone. **Business premises** are 'permissible with consent' under Queanbeyan but are 'prohibited' under the Palerang LEP. Many existing business premises are located in the IN2 zone in Queanbeyan. In respect of retailing type uses, **take away food and drink premises** are permissible in Queanbeyan but are 'prohibited' under Palerang in this zone.

It is recommended **business premises** and **take away food and drink premises** be made 'permissible with consent' under a combined LEP as this is considered an appropriate use in the zone.

Markets and function centres IN2 Zone

Markets and **function centres** are also 'permissible with consent' in this zone under the Queanbeyan LEP but are 'prohibited' under the Palerang LEP.

It is recommended these uses be made 'prohibited' under a combined plan as they are considered more appropriate in designated commercial or open space areas.

Certain retail premises, restricted premises, sex services premises, vehicle body repair workshops and wholesale supplies IN2 Zone

Landscape material supplies, **plant nurseries, restricted premises, sex service premises, service stations, timber yards, rural supplies, vehicle body repair workshops** and **wholesale supplies** are 'permissible with consent' under the Palerang LEP but are 'prohibited' in this zone under the Queanbeyan LEP.

It is recommended these be made 'permissible with consent' under a combined plan as they are generally considered suitable uses for this zone provided amenity impacts can be addressed.

Rural Industries IN2 Zone

In respect of rural industries, all are 'prohibited' under the Queanbeyan LEP however **agricultural produce industries** and **sawmill or log processing works** are 'permissible' in this zone under Palerang.

It is considered **sawmill or log processing works** are not suitable in a light industrial zone given the potential for significant off site impacts and should be 'prohibited' under a combined plan.

Conversely, there is the potential for **agricultural produce industries** to be suitable with appropriate controls and therefore it is recommended these be 'permissible with consent'.

Liquid fuel depots IN2 Zone

In regards to heavy industrial storage, **liquid fuel depots** are 'prohibited' under Queanbeyan but are 'permissible with consent' under Palerang. This is not considered to be an inappropriate use in a light industrial zone with appropriate controls.

It is recommended **liquid fuel depots** be made 'permissible with consent' in this zone under a combined LEP.

Resource recovery facilities IN2 Zone

Resource recovery facilities are 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP in this zone.

It is recommended **resource recovery facilities** be made 'prohibited' in this zone given the potential for offsite impacts. However they should be made permissible in the IN1 General Zone to ensure there is some opportunity for this land use.

Water supply systems IN2 Zone

Water supply systems are also 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP in this zone. **Water supply systems** are also regulated under the ISEPP.

It is recommended **water supply systems** be made 'permissible with consent' in this zone.

Sewerage systems IN2 Zone

Water recycling facilities are also 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. **Water recycling facilities** are also regulated under the ISEPP.

It is recommended **water recycling facilities** be made 'prohibited' in this zone.

Freight transport facilities, passenger transport facilities, transport depots and truck depots IN2 Zone

In respect of other infrastructure type uses, **freight transport facilities**, **passenger transport facilities**, **transport depots** and **truck depots** are all 'permissible with consent' under the Palerang LEP but are 'prohibited' under the Queanbeyan LEP.

These are not considered to be inappropriate uses for the zone provided amenity impacts can be addressed. Accordingly it is recommended all be made 'permissible with consent' under a combined LEP.

Health consulting rooms, information and education facilities and respite day care centres IN2 Zone

In respect of other community infrastructure, **health consulting rooms**, **information and education facilities** and **respite day care centres** are 'permissible with consent' under the Queanbeyan LEP but are 'prohibited' under the Palerang LEP.

These are not considered to be inappropriate uses for the zone provided amenity impacts can be addressed. Accordingly it is recommended all be made 'permissible with consent' under a combined LEP.

Recreation areas, recreation facilities (outdoor) and recreation facilities (major) IN2 Zone

In respect of recreational type land uses, **recreation areas**, **recreation facilities (outdoor)** and **recreation facilities (major)** are all prohibited under the Palerang LEP but are 'permissible with consent' under the Queanbeyan LEP.

It is recommended these be uses be 'prohibited' under a combined plan. Land containing these uses should have a recreation zoning. **Recreational facilities (indoor)** will remain permissible in the zone regardless.

Research stations IN2 Zone

Research stations are prohibited under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP.

It is recommended **research stations** be 'permitted with consent' under the comprehensive LEP.

Environmental protection works IN2 Zone

Environmental protection works are 'permitted without consent' under the Queanbeyan LEP and 'permissible with consent' under the Palerang LEP. **Environmental protection works** may be required in this zone but should only be undertaken with consent to ensure it is carried out appropriately

It is recommended **environmental protection works** be 'permitted with consent' under the comprehensive LEP.

Recreational Zones

RE1 Public Recreation Zone

There are two LEPs containing the RE1 Public Recreation Zone within the amalgamated council area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

Extensive agriculture in the RE1 Zone

In respect of agricultural type uses, all are 'prohibited' under Queanbeyan LEP, however **extensive agriculture** is 'permissible without consent' under the Palerang LEP. **Extensive agriculture** is a commercial activity whilst this zoning is intended to apply to publicly owned land. However at the same time it is recognised that the grazing of stock on public land used for recreation is a means of bushfire management. As it is public land, permission is required for the grazing of stock, for instance from Council and this is considered sufficient. Also stock are usually only placed on the land for short periods.

It is recommended this use should be 'permissible without consent' under a combined plan.

Camping grounds in the RE1 Zone

Camping grounds are 'permissible with consent' under the Queanbeyan LEP in this zone whereas it is 'prohibited' under the Palerang LEP.

It is recommended **camping grounds** be 'permissible with consent' under a combined plan. This zone is for publicly owned land and any development would require owners (ie, Council) consent and would need to be consistent with a management plan for that site.

Restaurants or cafes' in the RE1 Zone

Restaurants or cafes' are 'permissible with consent' under the Queanbeyan LEP in this zone whereas they are 'prohibited' under the Palerang LEP.

It is recommended **restaurants or cafes'** be 'permissible with consent' under a combined plan. This is publicly owned land and any development would require owners consent (ie, Council consent) and would need to be consistent with a management plan for that site.

Entertainment facilities in the RE1 Zone

Conversely, **entertainment facilities** are 'permissible with consent' under the Palerang LEP in this zone whereas they are 'prohibited' under the Queanbeyan LEP.

It is recommended **entertainment facilities** be 'permissible with consent' under a combined plan. Again, this is publicly owned land and any development would require owners consent and would need to be consistent with a management plan.

Water recycling facilities and waste or resource transfer stations in the RE1 Zone

Both **water recycling facilities** and **waste or resource transfer stations** are 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. These uses are also regulated by the State Government's *Infrastructure SEPP*.

It is recommended these uses be prohibited a combined plan as they are best regulated in accordance with the *Infrastructure SEPP*.

Car parks in the RE1 Zone

Car parks are 'permissible with consent' under the Queanbeyan LEP but are 'prohibited' under Palerang LEP in this zone.

It is recommended **car parks** be made 'permissible with consent' under a combined plan. Again, this is publicly owned land and any development would require owners consent and would need to be consistent with a management plan.

Home-based child care, centre-based child care facilities, respite day care centres and education and information facilities in the RE1 Zone

Child care centres, **respite day care centres** and **education and information facilities** are 'permissible with consent' under Queanbeyan but are 'prohibited' under Palerang in this zone.

It is recommended **centre-based child care facilities, respite day care centres and education and information facilities** be 'permissible with consent' under a combined plan. Again, this is publicly owned land and any development would require owners consent and would need to be consistent with a management plan.
It is recommended **home-based child care facilities** be prohibited as there are no dwellings in the RE1 zone.

Information and education facilities in the RE1 Zone

Conversely, **information and education facilities** are 'permissible with consent' under Palerang but are 'prohibited' under Queanbeyan in this zone.

It is recommended **information and education facilities** be 'permissible with consent' under a combined plan. Again, this is publicly owned land and any development would require owners consent and would need to be consistent with a management plan. Consideration will also be given to adding an objective to the zone regarding allowing this and other community type uses.

Business identification signs in the RE1 Zone

Business identification signs are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP.

It is recommended **business identification signs** be 'permissible with consent' under each LEP. Again, this is publicly owned land and any development would require owners consent and would need to be consistent with a management plan.

Water recreation structures in the RE1 Zone

Finally, **water recreation structures** are 'permissible with consent' under the Queanbeyan LEP but are 'prohibited' in Palerang.

It is recommended **water recreation structures** be 'permissible with consent' under each LEP. Again, this is publicly owned land and any development would require owners consent and would need to be consistent with a management plan.

RE2 Private Recreation Zone

This zone is contained in all LEPs applying to the newly amalgamated council area. That is:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014
Queanbeyan (South Tralee) LEP 2012	
Queanbeyan (Poplars) LEP 2013	

All agricultural type uses are consistent between the respective plans for this zone.

All residential type uses are consistent between the respective plans for this zone.

Restaurants or cafes' and take away food and drink premises in the RE2 Zone

In respect of retailing type uses, **restaurants or cafes'** and **take away food and drink premises** are both 'permissible with consent' under the Poplars and Palerang LEPs but are 'prohibited' under the Queanbeyan and South Tralee LEPs.

It is recommended both uses be made 'permitted with consent' under a combined LEP noting a development application would be required in any event.

Markets in the RE2 Zone

Markets are 'permissible with consent' in this zone under all the respective Queanbeyan LEPs but are 'prohibited' under the Palerang LEP.

It is recommended **markets** be made 'permissible with consent' under a combined LEPs.

Shops in the RE2 Zone

Conversely, **shops** are 'permissible with consent' under Palerang but are 'prohibited' under Queanbeyan in this zone.

It is recommended **shops** be 'prohibited' under a combined LEP as this use is best placed in commercial zones. **Kiosks** are already permissible in the zone and these would allow for sale of goods relating to any activity being undertaken on the site as well as food and drink refreshments.

Entertainment facilities in the RE2 Zone

Entertainment facilities are 'permissible with consent' under a combined LEP except the Poplars LEP. Such uses may be appropriate for private recreational land subject to consent.

It is recommended **entertainment facilities** be 'permissible with consent' under a combined LEP.

Function centres in the RE2 Zone

Function centres are 'prohibited' under all the respective Queanbeyan LEPs but are 'permissible with consent' under the Palerang LEP for this zone. Such uses may be appropriate for private recreational land with consent.

It is recommended **function centres** be 'permissible with consent' in this zone under all the plans.

Water recycling facilities in the RE2 Zone

Water recycling facilities are 'prohibited' under all the respective Queanbeyan LEPs but are 'permissible with consent' under the Palerang LEP for this zone. Such a use may be desirable for private recreational developments (eg, golf course) but should require consent.

It is recommended **water recycling facilities** be 'permissible with consent' in this zone.

Car parks in the RE2 Zone

Car parks are 'permissible with consent' under all the Queanbeyan LEPs but are 'prohibited' under Palerang LEP in this zone. There is no reason to clearly preclude this use but it should require consent.

It is recommended **car parks** be 'permissible with consent' under a combined LEP.

Home based childcare, centre-based child care facilities centres and respite day care centres in the RE2 Zone

Child care centres and **respite day care centres** are 'permissible with consent' under all the Queanbeyan LEPs but are 'prohibited' under the Palerang LEP in this zone. There is no reason to clearly preclude this use but it should require consent.

It is recommended **centre-based child care facilities** and **respite day care centres** be 'permissible with consent' under a combined plan.

Recreation facilities (major) in the RE2 Zone

Recreation facilities (major) are 'permissible with consent' under the Palerang LEP but are 'prohibited' under the respective Queanbeyan LEPs. Such a use is considered unlikely and would need to be considered from a strategic perspective before considering any development.

It is recommended these be 'prohibited' for this zone under all the LEPs.

Water recreation structures in the RE2 Zone

Conversely, **water recreation structures** are 'permissible' under the respective Queanbeyan LEPs but are 'prohibited' under the Palerang LEP.

It is recommended **water recreation structures** be 'prohibited' under a combined LEP as they are unlikely to occur in this zone in any event.

Camping grounds in the RE2 Zone

Camping grounds are 'permissible with consent' under the Queanbeyan and South Tralee LEPs but 'prohibited' under the Palerang and Poplars LEPs in this zone.

It is recommended **camping grounds** be 'permissible with consent' under the comprehensive LEP.

Caravan parks in the RE2 Zone

Caravan parks are 'permissible with consent' under the Queanbeyan, South Tralee and Palerang LEPs but 'prohibited' under the Poplars LEP in this zone.

It is recommended **caravan parks** be 'permissible with consent' under the comprehensive LEP.

Environmental Zones

E2 Environmental Conservation Zone

This zone is contained in all LEPs applying to the newly amalgamated council area. That is:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014
Queanbeyan (South Tralee) LEP 2012	
Queanbeyan (Poplars) LEP 2013	

This zone represents the highest level of environmental protection for privately owned land.

For Queanbeyan LEP 2012 this zoning applies to lands along the Eastern Escarpment, adjoining Queanbeyan River, on Mt Jerrabomberra and to land to the south and east of Jerrabomberra Park, over much of Gale precinct, to land south of Gale precinct as well as to land along the eastern boundary of Googong, the higher lands of Royalla as well as the higher lands of Tralee Station and lands further south adjoining the ACT border.

For Queanbeyan (South Tralee) LEP 2012 this zoning applies to the higher lands to the south and east of the area while for Queanbeyan (Poplars) LEP 2013 this zoning applies to the western half of the site.

For Palerang LEP 2014 this zoning applies to a site in Wamboin, sites north of Lake George, a site at Warri, two sites in Bungendore, sites to the south of Captains Flat, sites at Majors Creek and sites adjoining Mongarlowe.

Extensive agriculture in the E2 Zone

In respect of agricultural type uses, **extensive agriculture** is 'permitted without consent' under the Queanbeyan LEP but is 'prohibited' under the remaining LEPs.

It is recommended this use should be 'permitted without consent' for this zone under a combined LEP to ensure grazing can occur on private lands if suitable.

Home business and home occupations in the E2 Zone

Home businesses and **home occupations** are 'prohibited' under the Queanbeyan, South Tralee and Poplars LEPs and 'permissible without consent' under the Palerang LEP.

Whilst residential uses are 'prohibited' under all the plans for this zone, it is recommended **home businesses** and **home occupations** be 'permissible with consent' under a combined LEP to allow this use to occur where there are existing dwellings.

Home based child care is 'permissible without consent' under the Queanbeyan LEP, it is 'permissible with consent' under the Palerang LEP, and, is 'prohibited' under both the Poplars and South Tralee LEPs for this zone.

Whilst residential uses are 'prohibited' under all the plans for this zone, it is recommended **home based child care** be 'permissible with consent' under a combined LEP to allow this use to occur

where there are existing dwellings. However centre-based child care facilities are to be prohibited.

Bed and breakfast accommodation and farm stay accommodation in the E2 Zone

Similar to previous, **bed and breakfast accommodation** and **farm stay accommodation** should be 'permissible with consent' under all plans to accommodate these uses in any existing dwellings.

Community facilities in the E2 Zone

Community facilities are 'prohibited' under the respective Queanbeyan LEPs but are 'permissible with consent' under the Palerang LEP. Generally it is considered there are more appropriate zones for any community facilities.

It is recommended **community facilities** be 'prohibited' under a combined LEP.

Information and educational facilities and research stations in the E2 Zone

Both **information and educational facilities** and **research stations** are 'permissible with consent' under the Queanbeyan and Poplars plans but are 'prohibited' under the South Tralee and Palerang LEPs. Generally it is considered there are more appropriate zones for these uses.

It is recommended both be made 'prohibited' under a combined LEP.

Building identification signs and business identification signs in the E2 Zone

Building identification signs and **business identification signs** are 'permissible with consent' under Palerang but are 'prohibited' under the respective Queanbeyan LEPs. It is not inappropriate that any existing businesses in the zone be allowed to display this form of signage.

It is recommended **building identification signs** and **business identification signs** be 'permissible with consent' under all the LEPs.

Flood mitigation works in the E2 Zone

Flood mitigation works may be required in this zone but should only be undertaken with consent to ensure it is carried out appropriately. When carried out by or on behalf of a public authority, the Infrastructure SEPP provides that flood mitigation work may be undertaken without consent on any land.

Flood mitigation works should be 'permissible with consent' under the comprehensive LEP for this zone.

Environmental protection works in the E2 Zone

Environmental protection works may be required in this zone but should only be undertaken with consent to ensure it is carried out appropriately.

Environmental protection works should be 'permissible with consent' under all the LEPs for this zone.

E3 Environmental Management Zone

There are two LEPs containing the E3 Environmental Management Zone within the amalgamated council area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

For Queanbeyan LEP 2012 this zoning applies to scattered areas to the south of Jumping Creek, to the east of Gale precinct, south of Tempe Crescent, to lands adjoining the Cooma Road Quarry as well as to land west and south of Googong and parts of Royalla.

For Palerang LEP 2014 this zoning applies to areas of Lake George and east of Wamboin.

Aquaculture, intensive plant agriculture (except turf farming) and animal boarding or training establishments in the E3 Zone

In respect of agricultural type uses, **aquaculture**, **intensive plant agriculture (except turf farming)** and **animal boarding or training establishments** are all 'prohibited' under the Queanbeyan plan but are 'permissible with consent' under the Palerang LEP. This may be appropriate uses in the zones with suitable controls.

It is recommended these uses all be made 'permissible with consent' in this zone.

Dual occupancies and rural workers dwellings in the E3 Zone

In respect of residential uses, **dual occupancies** and **rural workers dwellings** are both 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP.

It is recommended that dual occupancies be 'prohibited' under a combined LEP. However it is recommended 'rural workers dwellings' remain permissible with consent given the application of this zone to some farmland in the LGA.

Home based child care and home businesses in the E3 Zone

The respective LEPs identify each of these uses differently at this time. These are not considered to be inappropriate uses subject to consent.

Home based child care and **home businesses** should be 'permissible with consent' under a combined plan.

Tourist and visitor accommodation in the E3 Zone

In respect of **tourist and visitor accommodation**, all uses (except **serviced apartments**) are permissible under the Palerang LEP but only **bed and breakfast** is permissible under the Queanbeyan LEP.

It is recommended **tourist and visitor accommodation** (except 'serviced apartments' and 'hotel and motel accommodation') be 'permissible with consent' as these are not considered to be inappropriate uses with consent.

Camping grounds and eco-tourist facilities in the E3 Zone

Camping grounds and **eco-tourist facilities** are 'permissible with consent' under Palerang LEP but 'prohibited' under the Queanbeyan LEP for this zone. These are not considered to be inappropriate uses with consent in the zone.

It is recommended both uses be 'permissible with consent' under a combined plan.

Water recycling facilities in the E3 Zone

Water recycling facilities are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP for this zone. Also regulated under the *Infrastructure SEPP*.

It is recommended **water recycling facilities** be 'prohibited' in this zone and regulated in accordance with the *Infrastructure SEPP*.

Water storage facilities and water reticulation systems in the E3 Zone

Water storage facilities and **water reticulation systems** should be 'permissible with consent' under a combined plan noting the land is generally unserviced and that *Infrastructure SEPP* does not provide for either use in this zone.

Community facilities in the E3 Zone

Community facilities are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP.

It is recommended **community facilities** be 'permissible with consent' under a combined LEP noting they can only be run by public or non-for-profit organisations.

Information and educational facilities and research stations in the E3 Zone

Both **information and educational facilities** and **research stations** are 'permissible with consent' under the Queanbeyan LEP but are 'prohibited' under Palerang. Not an inappropriate use with consent.

It is recommended **information and educational facilities** and **research stations** be 'permissible with consent' under a combined LEP.

Building identification signs and business identification signs in the E3 Zone

Building identification signs and **business identification signs** are 'permissible with consent' under Palerang but are 'prohibited' under the Queanbeyan LEP. Not considered inappropriate that a business be allowed to display this form of signage.

It is recommended **building identification signs** and **business identification signs** be made 'permissible with consent' under all the LEPs.

Environmental protection works in the E3 Zone

Environmental protection works may be required in this zone but should only be undertaken with consent to ensure it is carried out appropriately.

Environmental protection works should be 'permissible with consent' under all the LEPs for this zone.

E4 Environmental Living Zone

There are two LEPs containing the E4 Environmental Living Zone within the amalgamated council area. These are:

Former Queanbeyan SI LEPs	Former Palerang SI LEPs
Queanbeyan LEP 2012	Palerang LEP 2014

For Queanbeyan LEP 2012 this zoning applies to the Ridgeway, to Greenleigh, to Jumping Creek, to Talpa and land north of Googong, to Fernleigh Park, to Mt Campbell and to Royalla.

For Palerang LEP 2014 this applies to Wamboin and Bywong as well as to Carwoola, Royalla and areas to the west and south of Braidwood, sites at Araluen and sites adjoining Mongarlowe and Nerriga.

Intensive plant agriculture in the E4 Zone

In respect of intensive plant uses, **horticulture** and **viticulture** are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. Note turf farming is 'prohibited' under the Palerang LEP.

It is recommended these uses be 'permissible with consent' under a combined LEP, particularly given the number of wineries already operating in this zone.

Animal boarding or training establishments in the E4 Zone

Animal boarding or training establishments are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP.

It is recommended this use be 'permissible with consent' under a combined LEP, given there are animal training facilities already occurring in this zone. It is recommended that an appropriate local clause be inserted into the LEP to manage the potential impacts of boarding facilities on the amenity of the surrounding area.

Dual occupancies in the E4 Zone

In respect of residential uses, **dual occupancies** are 'prohibited' under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP.

It is recommended **dual occupancies** be 'prohibited' in this zone under a combined LEP but that 'secondary dwellings' be permissible with consent.

Home based child care and home businesses in the E4 Zone

Home based child care and **home businesses** are not inappropriate uses provided consent is sought for any development.

Home based child care and **home businesses** should be 'permissible with consent' in this zone under a combined LEP.

Cellar door premises and roadside stalls in the E4 Zone

Cellar door premises and **roadside stalls** are not inappropriate uses provided consent is sought for any development.

Cellar door premises and **roadside stalls** should be 'permissible with consent'.

Restaurants or cafes in the E4 Zone

Restaurants or cafes are permissible in the E4 zone under the Palerang LEP but 'prohibited' under the Queanbeyan LEP.

It is recommended **Restaurants or cafes** be 'permitted with consent' but that an appropriate local clause be inserted into the LEP to prevent amenity impacts on neighbours.

Neighbourhood shops in the E4 Zone

Neighbourhood shops are 'permissible with consent' under the Palerang LEP but are 'prohibited' under Queanbeyan. These should be 'prohibited' under a combined LEP as they are not considered appropriate or necessary in the zone.

Neighbourhood shops should be 'prohibited' under a combined LEP.

Garden centres and landscape material supplies in the E4 Zone

Garden centres and **landscape material supplies** are 'permissible with consent' under the Queanbeyan LEP but are 'prohibited' in Palerang. These should be 'prohibited' under a combined LEP as they are not considered appropriate or necessary in the zone and could promote land use conflict.

Garden centres and **landscape material supplies** should be 'prohibited' under a combined LEP.

Function centres in the E4 Zone

Function centres are 'permissible with consent' under the Palerang LEP but are 'prohibited' under the Queanbeyan LEP.

It is recommended function centres be made permissible with consent under a combined plan but that an appropriate local clause be inserted into the LEP to prevent amenity impacts on neighbours.

Water recycling facilities in the E4 Zone

Water recycling facilities are 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. This use is also regulated by the *Infrastructure SEPP*.

It is recommended this use be made prohibited' under a combined LEP and regulated consistent with the *Infrastructure SEPP*.

Waste or resource transfer stations in the E4 Zone

Waste or resource transfer stations are 'prohibited' in this zone under the Queanbeyan LEP but are 'permissible with consent' under the Palerang LEP. These uses are also regulated by the *Infrastructure SEPP*.

It is recommended this use be made prohibited' under a combined LEP and regulated consistent with the *Infrastructure SEPP*.

Water storage facilities and water reticulation systems in the E4 Zone

Conversely, **water storage facilities** and **water reticulation systems** should be 'permissible with consent' under a combined plan noting the land is generally unserviced and that *Infrastructure SEPP* does not provide for either use in this zone.

It is recommended this use be made 'permissible with consent' under a combined LEP and regulated consistent with the *Infrastructure SEPP*.

Emergency service facilities and places of public worship in the E4 Zone

In respect of other community infrastructure type uses, **emergency service facilities** and **places of public worship** are 'permissible with consent' under the Palerang LEP but are 'prohibited' under the Queanbeyan LEP.

It is recommended both these uses be 'permissible with consent' under a combined LEP.

Research stations in the E4 Zone

Conversely **research stations** are 'permissible with consent under the Queanbeyan LEP but are 'prohibited' under Palerang.

It is recommended **research stations** be 'prohibited' under a combined plan in this zone as other zones are more appropriate for this use.

Recreation areas in the E4 Zone

Finally, **recreation areas** are 'permissible with consent' in this zone under the Palerang LEP but are 'prohibited' under the Queanbeyan LEP.

It is recommended this use be 'permissible with consent' under a combined plan recognising such a use would likely only be carried out by a public authority in any event.

Environmental protection works in the E4 Zone

Environmental protection works may be required in this zone but should only be undertaken with consent to ensure it is carried out appropriately.

Environmental protection works should be 'permissible with consent' under all the LEPs for this zone.

Special Purpose Zones

It is recommended all existing Special Purpose zones be carried forward from the respective plans. Further, it is recommended all uses currently permitted require consent consistent with the draft zoning table set out below.

SP2 Infrastructure Zone

'Permitted without consent' - Nil

'Permitted with consent' - Environmental Protection Works, Roads, Community Facilities, The use shown on the land zoning map including any development that is ordinarily incidental or ancillary to development for that purpose.

'Prohibited' - Any development not specified in item 2 or 3

Comparison of Local Provisions

Many of the clauses in the respective LEPs are similar given they are all based on the Standard Instrument LEP issued by the State Government. However, each of the LEPs has also introduced local clauses where relevant to further inform various development outcomes either in specific circumstances or more generally through the LEP.

Inconsistent provisions and recommended approaches to resolving these are discussed below.

Part 3 Exempt and complying development

Clause 3.1 Exempt Development & Clause 3.2 Complying Development

These are compulsory clauses in accordance with the Standard Instrument LEP that allow councils to include additional forms of development as exempt and/or complying development where not currently provided for under the *Exempt and Complying SEPP*.

It is recommended all exempt matters set out under any existing LEP be carried forward into a combined LEP where not currently provided for under the *Exempt and Complying SEPP*.

Clause 3.3 Environmentally Sensitive Areas (Areas excluded from exempt and/or complying development)

This clause allows councils to nominate particular areas that should not be subject to exempt or complying development due to environmental concerns. Both Queanbeyan LEP 2012 and Palerang LEP 2014 have different provisions in respect of identifying areas where exempt and/or complying development cannot be undertaken. In the case of the Queanbeyan LEP 2012, complying development cannot be undertaken in a scenic protection area. Conversely, under Palerang LEP 2012, neither exempt nor complying development can be undertaken in an E2 zone, within the flood planning area or within 40metres of the bank of a waterway.

Most of the restrictions in the Palerang LEP are already regulated by the Exempt and Complying SEPP (flood planning land and E2 zone type) or by other State Government legislation (within 40 metres of waterway).

It is recommended a combined LEP:

1. Continue with the restriction on complying development in scenic protection areas in Queanbeyan noting it can potentially be expanded to cover the former Palerang area in the future if considered desirable,
2. Remove the restriction on exempt or complying development in E2 zones given limited exempt and complying development that can be undertaken in that zone,
3. Remove the restriction on undertaking exempt or complying development within 40 metres of the bank of a waterway given such development requires a separate approval from the State Government, and
4. Remove the restriction on undertaking exempt or complying development within the flood planning area as this is already regulated by the Exempt and Complying SEPP.

Part 4 Principal development standards

Clause 4.1 Minimum Subdivision Lot Size

Each LEP has adopted this clause but the three Queanbeyan LEPs include different objectives to the Palerang LEP. It is recommended that the respective objectives be combined and rationalised to read as follows:

a) to ensure that lot sizes and dimensions are appropriate having regard to the objectives of this Plan and the relevant zone and the likely future use of the land,
b) to create lots that are compatible with the existing predominant lot pattern or desired future character of the locality and to minimise the likely adverse impact on the amenity of adjoining developments.
c) to ensure that lot sizes and dimensions allow dwellings to be sited to protect significant natural or cultural features,
d) to ensure subdivision does not adversely impact on the functions and safety of main roads,
e) to minimise and avoid the threat of natural hazards (including bush fire, soil instability and flooding), and
f) to ensure new lots are adequately serviced.

Clauses 4.1AA and 4.2B (Queanbeyan) and clause 4.2C (Palerang) - Minimum Lot Sizes for Community and Strata Subdivisions

By virtue of the drafting of clause '4.1 Minimum Subdivision Lot Size' (which states minimum lot sizes on LEP maps do not apply to community or strata title subdivisions), it is necessary to introduce local

controls that ensure these types of subdivisions meet minimum lot sizes in certain zones, particularly rural and environmental zones where inappropriate subdivision and fragmentation may occur.

At this time both LEPs contain clause 4.1AA which requires community title subdivisions to create lots that meet the minimum lot size for certain residential, rural and environmental zones. Both plans also contain clauses that requires strata subdivisions to create lots that meet the minimum lot size for certain residential, rural and environmental zones.

It is recommended similar clauses to this effect be carried forward into a combined LEP. Shown as 4.1A and 4.1B in draft LEP.

Clause 4.1A Queanbeyan LEP 2012 - Exceptions to Minimum Lot Size

This clause seeks to protect subdivision entitlements where a previous entitlement may have been extinguished by virtue of road widening or a minor realignment of boundaries. No similar clause exists in the Palerang LEP.

It is recommended a similar clause be carried forward into a combined LEP. Shown as clause 4.1C in draft LEP.

Clause 4.1B (QLEP 2012) Minimum lot sizes for medium density housing and 4.1D (PLEP 2014) Minimum lot sizes for dual occupancies

Both clauses in this instance seek to ensure that any land proposed for medium density type housing has a minimum area before these types of developments can be undertaken.

It is recommended a similar clause be contained in a new combined LEP however will need to distinguish the respective standards by locality. Shown as clause 4.2D in draft LEP.

It is also recommended that additional standards also be drafted in respect of multi-dwelling housing and residential flat buildings in other locations to ensure consistency in this approach across the LGA as set out below:

- Crestwood, Karabar, Jerrabomberra, Queanbeyan, Queanbeyan East and Queanbeyan West – It is intended to introduce a minimum lot size of 1200m² for dual occupancy development in the R2 Low Density Residential zone in order to maintain the existing low density character of the area.
- Googong - It is intended to introduce minimum lot sizes for dual occupancies, multi-dwelling housing and residential flat buildings in the R1 General Residential Zones similar those provisions already included in Part 7 of Googong DCP 2010.
- Bungendore and Braidwood – It is intended to introduce a minimum lot size for multi-dwelling housing and residential flat buildings for serviced areas of 2250m² and 3000m² respectively. For unserviced land it is intended to introduce minimum lot sizes of 12,000m² (multi-dwelling housing) and 16,000m² (residential flat buildings). These minimum lot sizes have been determined by extrapolating the existing minimum lot sizes currently required for dual occupancy development under the Palerang LEP 2014 Clause 4.1D, and, assuming a minimum of 3 dwellings for a multi-dwelling development and minimum of 4 dwellings for a residential flat building.

As noted on page 7, it is also recommended that an minimum lot size of 2000m² for dual occupancy at South Jerrabomberra (Tralee/Environa) be established to prevent dwelling numbers in that area exceeding the agreed cap of 1,500 dwellings.

The table below illustrates the respective minimum lot sizes for proposed across the different locations and zones.

Column 1	**Column 2**	**Column 3**
Dual occupancies (connected to a reticulated sewerage system owned and operated by the Council) – Bungendore and Braidwood.	Zone RU5 Village Zone R1 General Residential Zone R2 Low Density Residential	1500m²
Dual occupancies (not connected to a reticulated sewerage system owned and operated by the Council) – Bungendore and Braidwood.	Zone RU5 Village Zone R1 General Residential Zone R2 Low Density Residential	8000m²
Dual occupancies – Googong.	Zone R1 General Residential	600m²
Dual occupancies – Crestwood, Karabar, Jerrabomberra, Queanbeyan, Queanbeyan East and Queanbeyan West.	Zone R2 Low Density Residential	1200m²
Dual occupancies – Tralee and Environa.	Zone R2 Low Density Residential	2000m²
Dual occupancies.	Zone R3 Medium Density Residential	600m²
Dual occupancies.	Zone R4 High Density Residential	600m²
Multi dwelling housing – Googong.	Zone R1 General Residential	750m²
Multi dwelling housing – (connected to a reticulated sewerage system owned and operated by the Council) – Bungendore and Braidwood.	Zone R1 General Residential	2250m²
Multi dwelling housing – (not connected to a reticulated sewerage system owned and operated by the Council) – Bungendore and Braidwood.	Zone R1 General Residential	12000m²
Multi dwelling housing.	Zone R3 Medium Density Residential	750m²
Multi dwelling housing.	Zone R4 High Density Residential	750m²
Residential flat building – Googong.	Zone R1 General Residential	1000m²
Residential flat building – (connected to a reticulated sewerage system owned and operated by the Council) – Bungendore and Braidwood.	Zone R1 General Residential	3000m²
Residential flat building– (not connected to a reticulated sewerage system owned and operated by the Council) – Bungendore and Braidwood.	Zone R1 General Residential	16000m²

Residential flat building.	Zone R4 High Density Residential	1000m²

Clause 4.1C Subdivision using average lot size (QLEP 2012) and clause 4.1A Lot Averaging subdivision of land in Zone E4 (PLEP 2014)

Both plans contain provisions that allow for averaging of subdivision in broad acre rural and some environmental zones. This applies to all lands within the former Palerang area that were part of Yarrowlumla Shire and to those parts of the former Queanbeyan area that were previously part of Yarrowlumla Shire.

Traditionally most LEPs in the State have a minimum lot size requirement where there is a proposal to subdivide land and erect a dwelling house (for example 80 hectares). Under both the Queanbeyan and Palerang comprehensive plans however, there are provisions that allow for 'averaging' whereby lots of varying sizes can be created provided the 'average' lot size is met across all lots.

Averaging can be undertaken in two main ways:

- One option is to allow for relatively small lots to be created where this is then balanced against the creation of a large single allotment, provided that the average area of all is not less than the average lot size set out on the lot size map. For example, rather than subdividing a 800ha lot into ten lots of 80ha each (as would occur where there is only a 80 ha minimum lot size requirement) a parcel could instead be subdivided into nine 8ha lots and one parcel of 728ha. This large parcel cannot then be further subdivided. An advantage of this approach is that it potentially keeps a larger area of land in primary production which is unlikely to occur with an 80ha minimum lot size. This is the current approach set out in both the Queanbeyan and Palerang LEPs for their respective broad acre rural lands.
- The second option is to still have an average of 80ha but to only allow limited deviation from the average lot size (say to create lots between 50ha and 150ha). This is the approach set out in Yass Valley LEP for its broad acre rural lands. It is also the approach set out in the Queanbeyan and Palerang LEPs for their respective rural residential areas (ie, with a 6ha average in the E4 zone).

The advantages and disadvantages of each are discussed in the table below.

Option One		**Option Two**	
Advantages	Disadvantages	Advantages	Disadvantages
• Keeps most land in large potentially productive rural holding. • Can also be used to protect large areas with environmental values. • Provides an option for farmers to generate some alternative income. • Allows lots to be sited near infrastructure such as sealed roads.	• Creates small 'lifestyle' lots near genuine rural producers. This can lead to significant land use conflict. • Potentially allows subdivision entitlements where these would otherwise be unlikely to be realised due to topographical and environmental constraints. • Difficult to administer from a legal perspective to ensure large parcels are not subsequently resubdivided.	• Lots created are still relatively large lots. • Less potential for rural lifestyle purchasers to be located near genuine producers. • Allows subdivision to accommodate topographical and geological features such are creeks or environmentally sensitive land. • Simpler to administer from a legal and operational perspective.	• Can result in rural lands being progressively subdivided into non-productive parcels. • Larger areas of land are acquired to meet demands for hobby farming. • More difficult to plan subdivision around infrastructure such as locating near sealed roads to reduce maintenance liabilities.

Both LEPs, whilst having similar policy intent, contain different legal drafting in respect of the application of 'averaging' under each plan. This is a reflection of the difficulty of administering lot averaging in rural areas where significant record keeping is required to ensure previously subdivided

land is not re-subdivided again. Under the Yass Valley approach this is not an issue as no lots area created that can be further subdivided in any case.

The policy issues to be resolved in respect of averaging subdivision and rural lots sizes are considered to be difficult issues that will require significant time and resourcing to resolve. Accordingly it is recommended these matters be held in abeyance until after the new LEP is made, and the current provisions in each instrument be carried forward into the new combined plan.

In respect of agricultural land, the RU1 and E3 areas of the former Palerang will retain averaging subdivision, whilst the RU2 and E3 areas of the former Queanbeyan will generally retain the standard minimum area subdivision approach (except those areas currently subject to averaging provisions under QLEP at this time).

In respect of rural residential land, it is intended to apply the averaging provisions under the existing plans to all E4 Environmental Living land.

Council staff are recommending the existing subclauses in respect of subdividing land for the purposes of community title subdivision be removed as these are rarely utilised and add unnecessary complexity to the provisions.

As noted, it is intended to revisit the respective approaches to subdivision after a new LEP has been gazetted with a view to developing a consistent approach across the LGA.

Shown as clauses 4.2A and 4.2B in draft LEP.

Clause 4.1D Variation to Minimum Lot Size (QLEP) and Clause 4.1C Exceptions to Minimum Subdivision Lot Sizes for Certain Residential Development (PLEP)

Clauses are contained in both QLEP and PLEP that allow for variations to minimum lot sizes where part of an integrated development application. It seeks to allow further subdivision potential within areas close to neighbourhood centres at Googong and commercial areas of Bungendore and Braidwood.

A similar clause will need to be included in a combined LEP and will need to be given locality specific application by reference to a local clauses map. Shown as clause 4.2C in draft LEP.

Clause 4.2A Erection of dwelling houses and secondary dwellings on land in certain rural and environmental protection zones (QLEP 2012) and Clause 4.2A Erection of dwelling houses and on land in certain rural, residential and environmental protection zones (PLEP 2014)

These clauses essentially seek to have the same effect, which is to establish controls in respect of what land dwellings can be erected upon. In the case of the Queanbeyan LEP, the clause also provides controls in respect of secondary dwellings. Shown as clause 4.2F in draft LEP.

Clause 4.2B (PLEP 2014) Replacement of lawfully erected dwelling houses in land in Zone B2 and Zone IN2

This clause seeks to ensure that in the event an existing dwelling exists within either of these zones it can be replaced with a new dwelling (given dwellings are otherwise prohibited in the zone). This will be carried forward into the new combined plan. Shown as clause 4.2G in draft LEP.

Clause 4.2D Erection of Rural Worker's Dwellings on land in Zone RU1 and Zone E3

This is an existing clause in *Palerang LEP 2014* and will be carried forward into a combined LEP (however moved to Part 7 of the plan). Shown at clause 7.24 of the draft plan.

Clause 4.3 Height of buildings

This is a standard clause and will be carried forward into a combined LEP. Palerang LEP 2014 currently applies a maximum height to both its rural residential and broad acre rural areas, whist QLEP 2012 does not. It is intended to apply these height limits to all lands under a combined plan.

Clause 4.4 Floor space ratio

This is a standard clause and will be carried forward into a combined LEP.

Clause 4.5 Calculation of floor space ratio and site area

This is a standard clause and will be carried forward into a combined LEP.

Clause 4.6 Exceptions to development standards

This is a compulsory clause as per the Standard Instrument LEP. The only difference in the application of this clause between the LEPs is the QLEP and QLEP (South Tralee), which do not provide for any variation to clauses relating to arrangements for designated State public infrastructure and public utility infrastructure (clauses 6.1 and 6.2). This can be carried forward into a combined LEP.

It is further recommended that the provisions set out at clause 4.2D (Minimum Lot Sizes for dual occupancies, multi-dwelling housing and residential flat buildings) be subject to this clause. This will ensure the identified standards cannot be varied to ensure density and aesthetics of these areas are preserved. It will also ensure the 1,500 dwelling cap at South Jerrabomberra is not exceeded.

Part 5 Miscellaneous provisions

Clause 5.1 Relevant acquisition authority

This is a compulsory clause as per the Standard Instrument LEP. There are no differences in application between the LEPs.

Clause 5.2 Classification and reclassification of public land

This is a compulsory clause as per the Standard Instrument LEP. There are no differences in application between the LEPs.

Clause 5.3 Development near zone boundaries

Under the Palerang LEP this clause applies to commercial zones only. It is proposed that the comprehensive LEP adopt the same approach as the Palerang LEP.

Clause 5.4 Controls relating to miscellaneous permissible uses

This is a compulsory clause as per the Standard Instrument LEP. The differences in the application of this clause between the LEPs are detailed below.

Comparison of Development Standards

Land Use	QLEP	PLEP	QLEP (South Tralee)	Recommendation
Industrial retail outlets	If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed: - **30% of the gross floor area of the industry**	If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed: - **67% of the gross floor**	If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed: - **43% of the gross floor area of the industry or rural**	If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed: - **50% of the gross floor area of the industry or rural**

	or rural industry located on the same land as the retail outlet, or - **400 square metres, whichever is the lesser**.	**area of the industry or rural industry located on the same land as the retail outlet, or** - **150 square metres, whichever is the lesser**.	**industry located on the same land as the retail outlet, or** - **400 square metres, whichever is the lesser.**	**industry located on the same land as the retail outlet, or** **300 square metres, whichever is the lesser.**
Farm stay accommodation	If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than **3 bedrooms**.	If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than **5 bedrooms**.	Same as QLEP	It is recommended the PLEP development standard be adopted.
Kiosks	If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed **40 square metres**.	If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed **20 square metres**.	Same as QLEP	It is recommended the QLEP development standard be adopted.
Roadside stalls	If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed **8 square metres**.	If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed **10 square metres**.	Same as QLEP	It is recommended the PLEP development standard be adopted.
Secondary dwellings	If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever	If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not	If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the	It is recommended that the PLEP development standard be adopted but that the percentage of the principle dwelling be increased to **50%** to give some flexibility

of the following is the greater: - 60 square metres, - **30% of the total floor area of the principal dwelling.**	exceed whichever of the following is the greater: - 60 square metres, - **33% of the total floor area of the principal dwelling.**	following is the greater: - 60 square metres, - **43% of the total floor area of the principal dwelling.**	to the size of the secondary dwelling.

Clause 5.6 Architectural roof features

This is optional clause under the Standard Instrument LEP which was not adopted in any of QPRCs current LEPs. It is proposed that this clause not be adopted in the comprehensive LEP.

Clause 5.7 Development below mean high water mark

This clause does not apply to the Queanbeyan-Palerang LGA and will not be adopted in the comprehensive LEP.

Clause 5.10 Heritage conservation

This is a compulsory clause as per the Standard Instrument LEP. There are no differences in application between the LEPs.

Clause 5.11 Bush fire hazard reduction

This is a compulsory clause as per the Standard Instrument LEP. There are no differences in application between the LEPs.

Clause 5.12 Infrastructure development and use of existing buildings of the crown

This is a compulsory clause as per the Standard Instrument LEP. There are no differences in application between the LEPs.

Clause 5.13 Eco-tourist facilities

This is a compulsory clause where eco-tourist facilities are permitted with consent under an LEP. Accordingly, this clause only applies under the PLEP and QLEP (Poplars). It is proposed that the comprehensive LEP adopt this clause.

Clause 5.14 Siding Spring Observatory – maintaining dark sky

This clause does not apply to the Queanbeyan-Palerang LGA and will not be adopted in the comprehensive LEP.

Clause 5.15 Defence communications facility

This clause does not apply to the Queanbeyan-Palerang LGA and will not be adopted in the comprehensive LEP.

Part 6 Urban Release Areas (QLEP 2012 & QLEP (South Tralee) 2012)

Clause 6.1 Arrangements for designated State and Territory public infrastructure

This clause requires satisfactory arrangements to be made for the provision of designated State and Territory public infrastructure before the subdivision of land in a designated urban release area.

This clause applies to the 'Googong' and 'South Tralee' urban release areas. It is proposed that the comprehensive LEP adopt this clause.

Clause 6.2 Public utility infrastructure

This clause requires that development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

This clause applies to the 'Googong' and 'South Tralee' urban release areas. It is proposed that the comprehensive LEP adopt this clause.

Clause 6.3 Development control plan

This clause ensures that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.

This clause applies to the 'Googong' and 'South Tralee' urban release areas. It is proposed that the comprehensive LEP adopt this clause

Clause 6.4 Relationship between part and remainder of plan

This clause applies to the 'Googong' and 'South Tralee' urban release areas. It is proposed that the comprehensive LEP adopt this clause

Clause 6.5 Development near Googong Dam foreshores (QLEP 2012)

This clause applies to the 'Googong' and 'South Tralee' urban release areas. It is proposed that the comprehensive LEP adopt this clause

Clause 6.6 Access to Jumping Creek (QLEP 2012)

This clause requires that any future access to Jumping Creek be provided from the proposed Ellerton Drive Extension. Need to retain clause however moved to Part 7 as Land-Use Planning staff are in the process of removing the area known as 'Jumping Creek' from the QLEP Urban Release Area Map (at DPE's request). Now at clause 7.18.

Part 7 Additional Local Provisions

Clause 7.1 Earthworks

This clause is common to each of QPRCs LEPs. The application of this clause is the same across the LEPs with the exception of an additional sub-clause in the QLEP requiring council to consider the potential impacts of earthworks on heritage items, archaeological sites and heritage conservation areas. It is proposed that the QLEP version of this clause be adopted in the comprehensive LEP.

Clause 7.2 Flood planning

This clause applies to the QLEP and PLEP. It is proposed this clause be adopted in the comprehensive LEP. The clause may need to be reviewed having regard to current flood plain risk management plans being prepared throughout the LGA.

Clause 7.3 Terrestrial biodiversity

This clause applies to the QLEP and PLEP. It is proposed this clause be adopted in the comprehensive LEP.

Clause 6.4 Drinking water catchments (PLEP)

This clause applies under the PLEP only. The purpose of the clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering the Sydney, Googong and Captains Flat drinking water catchments. It is proposed this

clause be adopted in the comprehensive LEP and also applied to the former Queanbeyan area. Shown at clause 7.4 of draft LEP.

Clause 7.4 Riparian land and watercourses

This clause applies to the QLEP, PLEP and QLEP (Poplars). The purpose of this clause is to protect and maintain the water quality, habitat values and ecology of watercourses and riparian areas. It is proposed this clause be adopted in the comprehensive LEP. Shown at clause 7.5 of draft LEP.

Clause 7.5 Scenic protection (QLEP)

This clause applies to the QLEP. The purpose of the clause is to recognise and protect land with significant amenity values in the LGA. Land to which the clause applies is identified on the 'Scenic Protection' map.

This clause and the associated map are proposed to be applied to land in the former Palerang LGA and will therefore be adopted in the comprehensive LEP. Shown at clause 7.9 of draft LEP.

Clause 7.5 Land in the vicinity of proposed arterial roads (QLEP South Tralee)

This clause applies to the QLEP (South Tralee). The purpose of this clause is to minimise any visual or acoustic impacts on development in the vicinity of a proposed arterial road and ensure development does not impede the future use of land identified on the associated 'Local Clauses' map as an arterial road.

It is proposed this clause be adopted in the comprehensive LEP. The 'Local Clauses' map will continue to apply so as to illustrate the areas to which the clause will apply. Shown as clause 7.12 in draft LEP.

Clause 6.6 Salinity (PLEP)

This clause applies to the PLEP. The purpose of this clause is to ensure land subject to salinity is appropriately managed and development does not cause adverse impacts to the landscape. The clause will be retained. Shown at clause 7.6 of the draft LEP.

Clause 6.7 Highly erodible soils (PLEP)

This clause applies to the PLEP. The purpose of this clause is to ensure land subject to erodible soils is appropriately managed and development does not cause adverse impacts to the landscape. The clause will be retained. Shown at clause 7.7 of the draft LEP.

Clause 6.7 Slopes over 18 degrees (PLEP)

This clause applies to the PLEP. The purpose of this clause is to ensure land subject to steep land is appropriately managed and development does not cause adverse impacts to the landscape. The clause will be retained. Shown at clause 7.8 of the draft LEP.

Clause 6.7 Land adjoining Hume Industrial Area and Goulburn/ Bombala Railway Line (QLEP (Poplars) & QLEP (South Tralee))

This clause is included in the QLEP (Poplars) and QLEP (South Tralee). The clause applies to land identified on the associated 'Visual and Acoustic Buffer' map and stipulates that the visual, noise and emissions impacts of nearby land uses are to be assessed by the consent authority prior to issuing development consent for development on land to which the clause applies.

It is recommended this clause be included in the comprehensive LEP and continue to apply. Shown at clause 7.13 of draft LEP.

Clause 7.6 Airspace operations

This clause applies to the QLEP and PLEP. It is proposed this clause be adopted in the comprehensive LEP. Shown at clause 7.10 of draft LEP.

Clause 7.7 Development in areas subject to aircraft noise

This clause is common to each of QPRCs Standard Instrument LEPs with the exception of QLEP (South Tralee) 2012. The primary objectives of the clause are to prevent adverse impacts on the operations of Canberra Airport and prevent certain development (particularly residential development) from being located in areas subject to aircraft noise.

QLEP (Sth Tralee) includes an additional requirement that all development must meet the noise levels set out in the relevant Australian Standard irrespective of its location in respect of any ANEF contour. Under the remaining LEPs this is only required where located between the ANEF 20 and 25 contours.

It is recommended the respective clauses be carried forward and given effect under a new combined plan. Shown as clause 7.11 of draft LEP.

Clause 7.8 Active street frontages (QLEP)

This clause only applies to certain areas of the Queanbeyan CBD. The clause aims to promote uses that attract pedestrian traffic along street frontages in the B3 Commercial Core zone.

It is recommended this clause be included in the comprehensive LEP and continue to apply to the areas identified on the QLEP 2012 Active Street Frontages Map. Shown as clause 7.19 of draft LEP.

Clause 7.9 Essential services

This clause is common to the QLEP, PLEP and QLEP (Poplars). It stipulates that development consent must not be granted unless the consent authority is satisfied that essential services are available or adequate arrangements have been made to make them available for the development.

It is recommended this clause be included under a new combined LEP. Shown as clause 7.15 of draft LEP.

Clause 6.10 Development in areas near national parks and nature reserves (PLEP)

This clause provides for the protection of aesthetic, conservation, recreational and scientific values of national parks and nature reserves. It is recommended this clause be included under a new combined LEP. Shown as clause 7.14 in draft LEP.

Clause 7.10 Development near Cooma Road Quarry (QLEP)

This clause provides for the protection of the operational environment of the Cooma Road Quarry. It is recommended this clause be included under a new combined LEP. Shown as clause 7.20 in draft LEP.

Clause 7.11 Development near HMAS Harman (QLEP)

This clause provides for the protection of the operational environment of the HMAS Harman defence facility. It is recommended this clause be included under a new combined LEP. Shown as clause 7.21 in draft LEP.

Clause 6.12 Short-term rental accommodation (PLEP)

The objective of this clause is to ensure that residential accommodation may be used as tourist and visitor accommodation for a short term (maximum period of 45 consecutive days in any 12 month period) without requiring development consent.

It is recommended this clause be included in the comprehensive LEP and its application be extended to the former Queanbeyan component of the LGA. Shown as clause 7.16 in draft LEP.

Clause 6.13 Location of sex services premises (PLEP)

This clause aims to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

It is recommended this clause be included under a new combined LEP. Shown as clause 7.17

Schedule 1 Additional permitted uses

Additional permitted uses under all plans will be carried forward into a new combined LEP.

Schedule 2 Exempt development

All existing exempt development under the respective LEPs will be carried forward into a new combined LEP.

Schedule 3 Complying development

All existing complying development under the respective LEPs will be carried forward into a new combined LEP.

Schedule 4 Classification and reclassification of public land

It is not intended to reclassify any new public land as part of the development of the new combined LEP.

Schedule 5 Environmental heritage

All existing heritage items under the respective LEPs will be carried forward into a new combined LEP.

SUMMARY

Queanbeyan LEP (South Jerrabomberra) 2012

The clauses contained in this LEP (with one key exception) are generally Standard Instrument clauses that can be carried into any new combined LEP. The LEP shares a common local clause with The Poplars LEP in respect of noise and visual impacts from the Hume Industrial Area and the Goulburn-Bombala Railway Line, and this clause can be carried forward into a combined plan. The plan also contains a clause in respect of dealing with development near the proposed Dunns Creek arterial alignment that can be carried into a combined LEP.

The key exception is the clause dealing with aircraft noise impacts (clause 7.3). This differs from the standard model clause that is contained in the remaining plans (and most throughout the State). They key difference is it reflects the State Government's policy position of no new noise sensitive development within the ANEF 20 (though this is only given effect by the zoning map – not the clause itself). The clause then goes on to require all development at South Tralee to meet the indoor noise standards set out in Table 3.3 of the Australian Standard *AS2021-2000 Acoustics- Aircraft noise-Building siting and construction*. Ordinarily, this is only required when development is proposed between the ANEF 20 and ANEF 25 contours.

It will be possible to accommodate this clause, however two will require a separate clauses under a combined LEP, one for the South Tralee/Jerrabomberra) area and another for the remainder of the LGA.

Queanbeyan LEP (Poplars) 2013

The clauses contained in this LEP are all generally Standard Instrument clauses that can be carried into any new combined LEP. As noted the LEP shares a common local clause with the South Tralee LEP in respect of noise and visual impacts from the Hume Industrial Area and the Goulburn-Bombala Railway Line, and this clause can be carried forward into a combined plan.

The key matter for consideration in respect of this LEP will be how to accommodate the B1 zone at the Poplars. As noted earlier in this paper, **Group homes**, **seniors housing and serviced apartments** are all 'permissible with consent' in the B1 zone under the Queanbeyan and South Tralee LEPs but are 'prohibited' under the Poplars LEP due to potential aircraft noise concerns from Canberra Airport. The Poplars is located between the ANEF 20 and 25 contours. Given the State Government's position in respect of not allowing ay noise sensitive uses between the ANEF 20 and 25 contours, it is recommended all three uses be made 'prohibited' under all three LEPs.

In the event there is an argument these uses should continue to be permissible in the B1 zone at South Tralee (or elsewhere), this could potentially be accommodated by making an amendment to Schedule 1.

Queanbeyan LEP 2012 and Palerang LEP 2014

The majority of clauses contained in these LEPs are generally Standard Instrument clauses and model clauses that can be carried forward into a new combined LEP. Both LEPs contain specific local clauses relevant to particular local circumstances, however a combined LEP can be drafted that includes all of these (supported with appropriate mapping in some cases).