



PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Queanbeyan Local Environmental Plan (South Tralee) 2012 (Amendment No 3)

Your ref: PP 2013_QUEAN_001_00
Our ref: e2019-007.d07

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in black ink, appearing to read 'A O'Callaghan'.

(A O'CALLAGHAN)
Parliamentary Counsel
28 February 2019



New South Wales

Queanbeyan Local Environmental Plan (South Tralee) 2012 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

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20 March 2019.

SERVICE MANAGER LAND-USE PLANNING - QUEANBEYAN - PALERANG
REGIONAL COUNCIL, AS DELEGATE FOR QUEANBEYAN - PALERANG
REGIONAL COUNCIL, THE LOCAL PLAN MAKING AUTHORITY.

Queanbeyan Local Environmental Plan (South Tralee) 2012 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Queanbeyan Local Environmental Plan (South Tralee) 2012 (Amendment No 3)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land to which *Queanbeyan Local Environmental Plan (South Tralee) 2012* applies.

4 Maps

The maps adopted by *Queanbeyan Local Environmental Plan (South Tralee) 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

5 Maps under Queanbeyan Local Environmental Plan 2012

The maps adopted by *Queanbeyan Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Queanbeyan Local Environmental Plan (South Tralee) 2012

[1] Clause 1.1 Name of Plan

Omit "(South Tralee)". Insert instead "(South Jerrabomberra)".

[2] Clauses 1.2 (1), (2) (b) and (c) and 5.10 (1) (a)

Omit "South Tralee" wherever occurring. Insert instead "South Jerrabomberra".

[3] Clause 1.2 (2) (a)

Omit "to rezone certain land at South Tralee".

[4] Clause 1.2 (2) (a)

Insert "within South Jerrabomberra" after "urban development".

[5] Clause 1.2 (2) (g)

Insert after clause 1.2 (2) (f):

- (g) to ensure development does not exceed the capacity of infrastructure to service the land.

[6] Clause 2.1 Land Use Zones

Omit "R1 General Residential". Insert instead "R2 Low Density Residential".

[7] Land Use Table

Omit the matter relating to Zone R1 General Residential.

[8] Land Use Table, Zone R2

Insert in appropriate order in the Land Use Table:

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that infrastructure can adequately service proposed residential development in the area.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Caravan parks; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Jetties; Moorings; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities

(outdoor); Respite day care centres; Roads; Secondary dwellings;
Semi-detached dwellings; Seniors housing; Water recreation structures; Water
reticulation systems

4 Prohibited

Any development not specified in item 2 or 3

[9] Clause 4.1A Exceptions to minimum subdivision lot size

Omit the clause.

[10] Clause 7.6

Insert after clause 7.5:

7.6 Riparian land and watercourses

- (1) The objective of this clause is to protect and maintain the following:
 - (a) water quality within watercourses,
 - (b) the stability of the bed and banks of watercourses,
 - (c) aquatic and riparian habitats,
 - (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to all of the following:
 - (a) land identified as "Riparian land" on the Riparian Lands and Watercourses Map,
 - (b) land identified as "Watercourse" on that map,
 - (c) all land that is within 40 metres of the top of the bank of each watercourse on land identified as "Watercourse" on that map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:
 - (a) whether or not the development is likely to have any adverse impact on the following:
 - (i) the water quality and flows within the watercourse,
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) any future rehabilitation of the watercourse and riparian areas, and
 - (b) whether or not the development is likely to increase water extraction from the watercourse, and
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

[11] Schedule 1 Additional permitted uses

Omit clause 2.

[12] Dictionary

Omit “(South Tralee)” wherever occurring in the definitions of *Floor Space Ratio Map*, *Height of Buildings Map*, *Heritage Map*, *Land Application Map*, *Land Reservation Acquisition Map*, *Land Zoning Map*, *Local Clauses Map*, *Lot Size Map* and *Urban Release Area Map*.

Insert instead “(South Jerrabomberra)”.

[13] Dictionary

Insert in alphabetical order:

Riparian Lands and Watercourses Map means the Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012 Riparian Lands and Watercourses Map.

Environmental Planning and Assessment Act 1979

Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012

Queanbeyan-Palerang Regional Council

PO Box 90

QUEANBEYAN NSW 2620

Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Floor Space Ratio Map FSR_001	6470_CEN_FSR_001_010_20121016
Height of Buildings Map HOB_001	6470_CEN_HOB_001_010_20121016
Land Application Map LAP_001	6470_CEN_LAP_001_020_20120808
Land Zoning Map LZN_001	6470_CEN_LZN_001_010_20120808
Lot Size Map LSZ_001	6470_CEN_LSZ_001_010_20121008
Land Reservation Acquisition Map LRA_001	6470_CEN_LRA_001_010_20121016
Urban Release Area Map URA_001	6470_CEN_URA_001_010_20120808
Local Clauses Map LOC_001	6470_CEN_LOC_001_010_20160127

The following map sheets are adopted:

Map Sheet	Map Identification Number
Floor Space Ratio Map FSR_002	6470_COM_FSR_002_020_20190228
Land Application Map LAP_002	6470_COM_LAP_002_020_20190228
Land Reservation Acquisition Map LRA_002	6470_COM_LRA_002_020_20190228
Land Zoning Map LZN_002	6470_COM_LZN_002_020_20190228
Local Clauses Map LOC_002	6470_COM_LOC_002_020_20190228

Lot Size Map
LSZ_002

6470_COM_LSZ_002_020_20190228

Height of Buildings Map
HOB_002

6470_COM_HOB_002_020_20190228

**Riparian Lands and Watercourses
Map**
WCL_002

6470_COM_WCL_002_020_20190228

Urban Release Area Map
URA_002

6470_COM_URA_002_020_20190228

Certified

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Date 20 March 2019

Signed by **David Carswell**, Service Manager Land-Use Planning - Queanbeyan-Palerang Regional Council, as delegate for Queanbeyan-Palerang Regional Council, the local plan making authority.

Queanbeyan Local Environmental Plan 2012 (Amendment No 10)

Queanbeyan-Palerang Regional Council

PO Box 90

QUEANBEYAN NSW 2620

Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Land Zoning Map LZN_002	6470_COM_LZN_002_020_20120717

Lot Size Map LSZ_002	6470_COM_LSZ_002_020_20120829
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Land Application Map LAP_001	6470_COM_LAP_001_080_20180829
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The following map sheets are adopted:

Map Sheet	Map Identification Number
Land Zoning Map LZN_002	6470_COM_LZN_002_020_20190228

Lot Size Map LSZ_002	6470_COM_LSZ_002_020_20190228
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Land Application Map LAP_001	6470_COM_LAP_001_080_20190228
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Certified



Date 20 March 2019

Signed by **David Carswell**, Service Manager Land-Use Planning - Queanbeyan-Palerang Regional Council, as delegate for Queanbeyan-Palerang Regional Council, the local plan making authority.