



Planning and Strategy Committee of the Whole

AGENDA

9 August 2017

Commencing at 5.30pm

**Council Chambers
253 Crawford St, Queanbeyan**

On-site Inspections

Nil

Council at its meeting of 23 November 2016 resolved (M/N 295/16) as follows:

The Planning and Strategy Committee of the Whole be delegated authority in accordance with Section 377 of the Local Government Act 1993 to determine matters pursuant to the:

- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- Swimming Pools Act 1992.
- Roads Act 1993
- Public Health Act 2010
- Heritage Act 1977
- Protection of the Environment Operations Act 1997

1 APOLOGIES

2 PRESENTATION / DEPUTATIONS / PETITIONS

Special Presentation – Googong Township Pty Limited – Development Application 123-2017 – Subdivision of Neighbourhood 2 – Googong (to be determined by the Joint Regional Planning Panel - JRPP)

3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS1

STAFF REPORTS

4 ENVIRONMENT, PLANNING AND DEVELOPMENT

- 4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong3
- 4.2 Development Application 170-2016 - Dwelling Additons - 39 Campbell Street, Queanbeyan.21
- 4.3 Request to Demolish Fire Damaged Dwelling - Cattle's Cottage - 3 Booth Street - Queanbeyan East - Attached to Queanbeyan Golf Club.....27
- 4.4 Request to Construct Carpark on Council Land for Joint Use Facilities - Lots 1362 DP1154538 - 5 McMahon Drive and Lot 1338 DP1112117 - 3 McMahon Drive, Bungendore33

5 STRATEGIC DEVELOPMENT

- 5.1 Amendment to Queanbeyan Development Control Plan 201239
- 5.2 Stronger Country Communities Fund.....43
- 5.3 Tourism Plan and Tourism Policy45
- 5.4 Easy To Do Business.....49

6 INFORMATION REPORTS

- 6.1 Land-Use Planning Projects / Activities - Status Report53
- 6.2 Release of the South East and Tablelands Regional Plan67

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
PLANNING AND STRATEGY COMMITTEE OF THE WHOLE**

BUSINESS PAPER AGENDA – 9 August 2017 Page ii

- 6.3 St Stephen's Church and Manse Nomination for State Heritage Listing - 2
Morisset Street, Queanbeyan 73

7 COMMITTEE REPORTS

- 7.1 Heritage Advisory Committee (Queanbeyan) Meeting - 17 July 2017..... 75

8 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION.. 78

9 REPORTS FOR CLOSED SESSION

Nil

LIST OF ATTACHMENTS –

(Copies available from General Manager's Office on request)

Open Attachments

- Item 4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong
- Attachment 1 DA 90-2016 - Small Lot Housing - Table 79C Matters for Consideration (Under Separate Cover)*
- Attachment 2 DA 90-2016 - Small Lot Housing - Advice on Plans (Under Separate Cover)*
- Attachment 3 DA 90-2016 - Draft Conditions - Small Lot Housing (Under Separate Cover)*
- Item 4.2 Development Application 170-2016 - Dwelling Additions - 39 Campbell Street, Queanbeyan.
- Attachment 1 Council Meeting - 9 August 2017 - 39 Campbell Street - DA 170-2016 - Dwelling additions - Attachment - 79C Table (Under Separate Cover)*
- Attachment 3 Council Meeting - 9 August 2017 - 39 Campbell Street - DA 170-2016 - Dwelling additions - Attachment - Draft conditions (Under Separate Cover)*
- Item 4.4 Request to Construct Carpark on Council Land for Joint Use Facilities - Lots 1362 DP1154538 - 5 McMahon Drive and Lot 1338 DP1112117 - 3 McMahon Drive, Bungendore
- Attachment 1 Elmslea Proposal - 5 McMahon Drive Bungendore (Under Separate Cover)*
- Item 5.1 Amendment to Queanbeyan Development Control Plan 2012
- Attachment 1 Queanbeyan Development Control Plan 2012 - Amendment 2017 Submission Summary (Under Separate Cover)*
- Attachment 2 Comprehensive Development Control Plan 2012 - Combined Table of Contents - Final August 2017 (Under Separate Cover)*
- Attachment 3 Section A Part 1 - Queanbeyan Development Control Plan 2012 - Final August 2017 (Under Separate Cover)*
- Attachment 4 Part 2 - All Zones - Queanbeyan Development Control Plan 2012 - Final August 2017 (Under Separate Cover)*
- Attachment 5 Part B 3a - Residential Zones - Queanbeyan Development Control Plan 2012 - Final August 2017 (Under Separate Cover)*

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
PLANNING AND STRATEGY COMMITTEE OF THE WHOLE**

BUSINESS PAPER AGENDA – 9 August 2017 Page iii

- Attachment 6 Part 3b - Secondary Dwellings in Residential Zones - Queanbeyan Development Control Plan 2012 - Final August 2017 (Under Separate Cover)*
- Attachment 7 QLEP 2012 Part 3 C - Dual Occupancies, Multi Dwelling Housing and Residential Flat Buildings - Final August 2017 (Under Separate Cover)*
- Attachment 8 Part 3d - Shop Top Housing - Queanbeyan Development Control Plan 2012 - Final August 2017 (Under Separate Cover)*
- Attachment 9 Part 4 - Heritage and Conservation - Queanbeyan Development Control Plan - Final August 2017 (Under Separate Cover)*
- Attachment 10 Queanbeyan Development Control Plan 2012 - Part 5 - DELETED Local Area Provisions - Final August 2017 (Under Separate Cover)*
- Attachment 11 Part 6 - Rural, Environmental and R5 Large Lot Residential - Queanbeyan Development Control Plan 2012 - Section B Part 6 - Rural and Environmental Zones - Final August 2017 (Under Separate Cover)*
- Attachment 12 Section B Part 7 - Central Business District - Queanbeyan Development Control Plan 2016 - Final August 2017 (Under Separate Cover)*
- Attachment 13 Section B Part 8 - Industrial Zones Queanbeyan Development Control Plan 2012 - Final August 2017 (Under Separate Cover)*
- Item 5.3 Tourism Plan and Tourism Policy
- Attachment 1 QPRC Tourism Plan - Summary of Engagement Report (Under Separate Cover)*
- Item 5.4 Easy To Do Business
- Attachment 1 Easy to Do Business Overview (Under Separate Cover)*

Closed Attachments

- Item 4.2 Development Application 170-2016 - Dwelling Additions - 39 Campbell Street, Queanbeyan.
- Attachment 2 Council Meeting - 9 August 2017 - 39 Campbell Street - DA 170-2016 - Dwelling additions - Attachment - Plans (Under Separate Cover)*
- Item 4.3 Request to Demolish Fire Damaged Dwelling - Cattle's Cottage - 3 Booth Street - Queanbeyan East - Attached to Queanbeyan Golf Club
- Attachment 1 Original Notice of Proposed Order (NOPO2016/1009) (Under Separate Cover)*
- Attachment 2 Heritage Report by Dr Peter Kabaila (Under Separate Cover)*
- Attachment 3 Scope Review Report by Mr Phil Guy (SCBC) (Under Separate Cover)*

ITEM 3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

The provisions of Chapter 14 of the Local Government Act, 1993 regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest

Recommendation

That the Administrator disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang)

Summary

Reason for Referral to Council

This application has been referred to Council because the application involves significant variations to requirements in the Googong Development Control Plan.

Proposal:	Subdivision of land to create 13 x Torrens Title lots, 2 x Strata lots, 1 residue lot and 1 x public laneway, and erection of 13 x dwellings (including 1 x dwelling house, 7 x attached dwellings, 4 x semi-detached dwellings and 1 studio dwelling)
Applicant/Owner:	Googong Township Pty Limited (GTPL)
Subject Property:	Lot 1329 DP 1217419 (formerly known as Lot 63 DP 1208211) Corner of Helen Circuit and Gorman Drive, Googong
Zoning and Permissibility:	R1 General Residential under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Nil
Issues Discussed:	Planning Requirements Variations to the requirements under Parts 4, 5 and 7 of the Googong DCP
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

1. That approval be granted to the following variations to the Googong DCP for the reasons detailed in this report and the attached *Sec79C Matters for Consideration*:
 - a) The non-compliance with the requirements of Part 4 of Googong DCP in relation to Lot 1 having a frontage less than the 10m requirement;
 - b) The proposal not satisfying the requirements of Part 5 of Googong DCP in relation to the verge width (less than 2m requirement) for laneways and the length of the proposed laneway exceeds 80m requirement.
 - c) The non-compliance with the requirements of Part 7 of the Googong DCP in relation to the proposed fencing forward of the building line of dwellings on lots 2 -12 which exceeds 1.2m high.
 - d) The non-compliance with the requirements of Part 7 of the Googong DCP in relation to the principal private open space (PPOS) of dwellings 3-12 located forward of the building line.
 - e) The various non-compliances with the requirements in Table 1 Assessment of Part 7 of Googong DCP in relation to width of articulation zone exceeding 60% of the dwelling width, the studio dwelling has a minimum side setback of 500mm from public laneway and the proposed balcony has a zero setback from the public laneway on Lot 1A and the landscaped area behind of the building line of dwellings on Lots 3, 5 and 10 is less than 50% requirement.
-

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

- 2. That development application 90-2016 for the Subdivision of land to create 13 x Torrens Title lots, 2 x Strata lots, 1 residue lot and 1 x public laneway, and erection of 13 x dwellings (including 1 x dwelling house, 7 x attached dwellings, 4 x semi-detached dwellings and 1 studio dwelling) on Lot 1329 DP 1217419 (formerly known as Lot 63 DP 1208211), Corner of Helen Circuit and Gorman Drive, Googong be granted conditional approval.**
-

Background

The development application was lodged with Council on 24 March 2016. During the assessment, a number of issues were identified in relation to the proposed public laneway and traffic generation, pedestrian access and safety, proposed residue Lot 13, minimum frontage of proposed Lot 1, waste management and vehicle manoeuvrability etc. The applicant was requested to address all issues above to enable Council to complete a comprehensive assessment of the proposed development. Additionally, the proposal was not supported in its current form.

The applicant was advised in writing that Council was unable to consent to the current design unless the main issues and major variations could be resolved and requirements in the QLEP and DCP could be met. Council also suggested that the proposed public laneway (Torrens title) should be redesigned to accommodate a private laneway (community title) as the lane's geometry is more suited for a private laneway. The submitted supporting documents, including amended plans, did not satisfactorily address many of Council's concerns. The applicant was not prepared to redesign the proposed public laneway (Torrens Title) to accommodate a private laneway (community title) as suggested.

The development application was subsequently considered at the Council meeting on 25 January 2017, with a recommendation for a refusal. Council resolved that:

"That this matter be deferred to enable further discussion between the proponent and Council, to explore options to redesign the proposal to accommodate community title".

However, the applicant decided not to explore options to redesign the proposal to accommodate community title as recommended by the Administrator.

On 9 May 2017 Council received advice from GTPL that they intended to appeal the matter to the Land and Environment Court on the basis of a deemed refusal (i.e. is situation that arises where Council has not determined an application within the statutory time frames). In that advice Council was given seven days to determine the matter.

Subsequent negotiations resulted in Council seeking additional time to have the matter determined by Council on the basis that it would seek additional independent traffic advice for this development to test whether Council's assessment, that the site poses risk and traffic generation outside the parameters within the DCP and design specifications, was fair and reasonable.

Council undertook to have the review completed and the matter placed before Council for further consideration by 28 June 2017.

The review was completed and the advice received was provided at the Council meeting on 28 June 2017 as part of the attachments. The independent advice confirms that Council's assessment is a sound and consistent review of the proposed development.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

The main issues identified in the advice were:

1. That traffic generation exceeds the design specification.
2. The design intent of a shared zone can only be approved by RMS and RMS do not support the laneways as shared zones. (APR 2016 LDC Meeting Minutes).
3. Due to the potential risks resulting from traffic generation and location of the proposal to adjoining development sites, the mix of pedestrian and vehicular traffic in the laneway has not been suitably justified.
4. The lane exceeds the DCP length requirement of 80m.
5. Turning paths into the laneway requires landscaping not exceeding 150mm to enable a compliant aisle width to be maintained, and no safety factor has been used in the design allowing for a 300mm clearance offset from the vehicle body.
6. The proposed design exceeds the requirement design length and maximum traffic generation, resulting in characteristics similar to that of an access street. This would require provision of two-way passing (6m carriageway width) and a dedicated footpath.
7. Given that the applicant seeks to dedicate the lane to Council without appropriate justification through appropriate traffic engineering processes, Council can only reject the application.

Given all of the above, Council's reassessment of the application in light of the additional advice did not change the assessment that the application should be refused. The potential legal consequences of refusing the application were considered in the Legal Implications section of the report. Notwithstanding a determination by Council for refusal, the applicant had the option of amending the plan to convert the development to Community Title which was likely to be supported by Council.

The development application was subsequently considered at the Council meeting on 28 June 2017, with a recommendation for a refusal. Council resolved that:

1. *"That Development Application 90-2016 be deferred to allow the applicant to give further consideration to any additional design measures and signage that would mitigate the potential conflict between pedestrians and vehicles using the laneway.*
2. *Council note the proposal is not inconsistent with the proposed Amendment to Queanbeyan Development Control Plan (QDCP) 2012 currently on exhibition."*

Submission of Revised Plans

Subsequent negotiations resulted in revised plans being submitted to Council on 20 July 2017 to address the Council's recommendation as follows:

1. *A low rendered masonry wall with associated laneway name signage is provided at either end of the laneway.*
2. *Tooled joints are provided to the crossovers at either end of the laneway.*
3. *Provide further delineation of the concrete finish with 3-5% oxide along the laneway edge, in front of the proposed garages and carports.*

Council's Development Engineer has reviewed the revised plans and advised that the revised plan as submitted is considered to address some of the issues for suitable and safe vehicular access and vehicle manoeuvrability. The proposed narrow public laneway has the potential to cause conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway. The development site is located in close proximity to a future neighbourhood centre. However, with some auditory and visual amendment to the design the application is consistent with previously approved public lanes in Googong.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

Given all of the above Council's reassessment of the application in the light of the additional information has determined that, on balance, the application should be approved.

The remainder of this report provides the detailed assessment of the application and is substantially the same as previous reports considered by Council.

Proposed Development

The development application is for the subdivision of super lot 1329 DP 1217419 within approved Stage 6D, Neighbourhood 1A to create:

- 13 x Torrens Title lots, 2 x Strata lots, 1 residue lot and 1 x public laneway;
- Erection of 13 x dwellings (including 1 x dwelling house, 7 x attached dwellings, 4 x semi- detached dwellings and 1 x studio dwelling);
- Ancillary landscaping, fencing and minor earthworks to accommodate the proposed development; and
- Principal private open space is proposed in front of proposed dwellings on Lots 3 – 12.

The proposed development is shown in Figure 1 below.



Figure 1 – Proposed development on site including a public laneway.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

Subject Property

The subject site is shown highlighted in red in Figures 2 and 3 below. The site is part of a super lot previously approved by the Joint Regional Planning Panel (Southern Regional) on 8 August 2014 (DA 186-2013) and is located within Stage 6D of Neighbourhood 1A, being super lot 1329 with a total land area of 3393m².

The site has frontages to Gorman Drive and Helen Circuit. The site is accessed from a proposed public laneway off Helen Circuit (one way street). The subject site is located entirely within the mapped Additional Development Area which allows for certain land in Googong Township to be subdivided to create lots that have a minimum size of 130m².

The site has been subject to earthworks and infrastructure provision associated with the previously approved subdivisions (DA 186-2013 and DA 233-2012), resulting in the benching of the proposed new lots.



Figure 2 – Location of subject site (Lot 1329) within Lot 63 DP 1208311

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)



Figure 3 – Location of subject site within the context of Googong NH1 Stage 6D

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

The following planning instruments have been considered in the planning assessment of the subject development application:

1. State Environmental Planning Policy No 55 – Remediation of Land
2. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
3. State Environmental Planning Policy (Infrastructure) 2007
4. Queanbeyan Local Environmental Plan 2012 (LEP).
5. Googong Development Control Plan
6. Queanbeyan Development Control Plan 2012 (DCP)

As mentioned elsewhere through this report, the development application was presented at the Council meetings on 25 January 2017 and 28 June 2017 with a recommendation for refusal. At the time the recommended reasons for refusal were related to the proposed development's inconsistency with the relevant provisions of the *Queanbeyan Local Environmental Plan 2012*, non-compliance with the relevant provisions of Part 2 of the Queanbeyan DCP and non-compliance with Part 4, 5 and 7 of the Googong DCP.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

Additionally the proposed narrow laneway without any suitable footpath was considered inappropriate for the site and scale of the development and was poorly designed. The proposal that includes a narrow public laneway without any suitable footpath was not considered compatible with the existing and future development in the locality. The proposal was not in the public interest as it has the potential to impact on the safety of the public and adverse impacts on adjoining land uses and will set an undesirable precedent for the future development.

The revised plans submitted on 20 July 2017 to address the Administrator's recommendation to provide additional design measures and signage that would mitigate the potential conflict between pedestrians and vehicles using the laneway results in the development generally satisfying the requirements and achieving the objectives of these planning instruments.

The significant issues relating to the proposal for Council's consideration are variations to the requirements under Part 4, 5 and 7 of the Googong DCP.

(a) Compliance with relevant provisions of QLEP 2012

The report presented at the Council meeting on 25 January 2017 and 28 June 2017 stated that the proposal does not meet the R1 General Residential zone objectives to ensure that new development provides for the housing needs and good amenity for residents as the proposed vehicular access/public laneway was unsatisfactory and was likely to generate traffic impact on the development on site and on the locality. Without a suitable footpath along the proposed narrow laneway that will connect the site to a network of footpaths in the area, the proposal does not promote a walkable neighbourhood and sense of community. The narrow public laneway was likely to cause conflict between pedestrians, vehicles, garbage vehicles and emergency services vehicles using the laneway. Also the proposal does not comply with Clause 4.1 of the QLEP 2012 as the proposed development will have adverse impact on the functions and safety of main roads in the area. The proposal was not well designed as a suitable vehicular access with acceptable footpath in the laneway verge cannot be provided for the proposed development which will have impacts on the safety and amenity of the residents and environment. Additionally the proposal does not satisfy the requirements under Clause 7.9 of the QLEP to ensure the development has a suitable vehicular access. The proposed narrow public laneway without any treatments such as footpath will give rise to increased conflict between pedestrian, vehicles, garbage vehicles and emergency services vehicles using the laneway and traffic impact in the locality. It represents poor design and unsuitable development on site and in the locality.

Subsequent negotiations between Council and the applicant and submission of revised plans on 20 July 2017 results in the proposal generally satisfying the relevant provisions of the Queanbeyan Local Environmental Plan 2012 as discussed in detail in the attached Section 79C(1) Matters for Consideration.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

(b) Compliance with the relevant provisions of the Googong DCP

The report presented at the Council meeting on 25 January 2017 and 28 June 2017 stated that the proposal does not comply with Clause 4.2 of the Googong DCP as the proposed narrow public laneway without a suitable footpath that will connect the site to a network of footpaths in the area will not promote a walkable neighbourhood. It will give rise to increased conflict and risk between resident pedestrians, vehicles, garbage vehicles and emergency services vehicles using the laneway. Also the proposal does not comply with Clause 5.2, Clause 5.8 and Clause 7.3 of the Googong DCP. The public laneway component of the proposal was not considered well designed as it does not provide for suitable and safe vehicular access and vehicle manoeuvrability that meet the requirements under Council policies. Additionally the proposal does not comply with Clause 7.9 of the Googong DCP as pedestrian and vehicle access ways of all dwellings were not separated and not clearly distinguishable, and with the proposed traffic generation, external traffic inputs and geometry of the lane it delivers a design that was not in the interest of Council as a public asset.

Subsequent negotiations between Council and the applicant and submission of revised plans on 20 July 2017 results in the proposal generally satisfying the relevant provisions of the Googong DCP as discussed in detail in the attached Section 79C(1) Matters for Consideration.

The significant issues relating to the proposal for Council's consideration are variations to the Googong DCP Part 4, Part 5 and Part 7 as follows:

(i) Variations to the Googong Development Control Plan

There are four minor variations to the Googong DCP relating to Parts 4, 5 and 7 which are supported as follows:

Variation 1 - Part 4 – Subdivision Controls - Clause 4.4 – Lot Orientation and Lot Size and Layout

The proposal does not comply with the provisions of clause 4.4 - Lot Orientation and Lot Size and Layout of the Googong DCP in relation to the minimum frontage dimension requirement. Controls for lot size and layout are:

- a) *Minimum lot size is to be in accordance with the LEP Lot Size Map and the lot dimensions are to be in accordance with the Table below.*

Lot Size	Minimum Frontage Dimension
170 < 250m ²	6.0m
250 < 300m ²	6.0m
300 < 450m ²	10m
450 < 600m ²	12m
600 < 900m ²	12m
900 < 1500m ²	15m
> 1500m ²	18m

All proposed lots comply with the minimum frontage dimension specified in the table above except Lot 1 (combination of Lot 1 – principal dwelling and Lot 1A – studio dwelling above garages). Lot 1 has a total area of 424m² and therefore is required to have a minimum lot width of 10m. Lot 1 has a minimum lot width of 8m at the front boundary facing Helen Circuit which is a variation to Council DCP.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

The applicant has submitted a variation request, stating that the variation has resulted from the irregular shape created by the approved subdivision of the parent lot (DA 186-2013) and is considered minor and does not adversely impact on the amenity of the lot and any adjacent properties. Furthermore, the variation responds to the site constraints.

The proposed variation is supported for the following reasons;

- a) No vehicle access is provided to Helen Circuit from this front boundary. Garages have direct access to the public laneway. Only pedestrian access is provided from this front boundary.
- b) The narrow lot width will not impact on the building appearance or streetscape and proposed landscaping at the front boundary.
- c) Narrow frontage will not reduce the natural surveillance to/from dwelling to/from the street.
- d) The proposed building complies with the front and side building setbacks.
- e) The proposed lot width was increased from 4.465m to 8m which is an improvement to the lot design and internal design of the proposed dwelling. Increase the lot width to 10m wide as required will result in a poor outcome of the public laneway design. This will reduce the width of the public laneway even further.

Variation 2 – Part 5 – Design Guidelines and Controls for Public Domain

Council has recently approved two other public lanes, DA 412-2015 and 71-2016, both these lanes had a reduced traffic generation and did not attract generation of outside development influences that this development proposal currently poses.

This application has also proposed a public laneway that will provide access to the rear loaded garage/carports of the 12 proposed dwellings within this application and include garbage collection within the verge of the laneway. The proposed public laneway will connect to the existing Helen Circuit and then loop to Helen Circuit and will therefore form a part of the existing street network. The proposed public laneway will be dedicated as a public road and will be a Council responsibility and risk. Increased widths of the road reserves are required to reduce public liability risks. The application of the DCP and Design Specification requirement should allow for satisfactory geometrical design if the requirements are interpreted and applied correctly.

The proposed public laneway has been designed in accordance with the requirements of Table 3 of the Googong Development Control Plan 2012. Notwithstanding this compliance with the quantitative requirements of the DCP the Local Development Committee and development engineering staff have indicated that the design specifications for public laneways require a greater verge width. A detailed analysis of the relationship between the DCP and the design specifications can be found in the Sec79C Matters for Consideration attachment. The variation of the width of the verge within the laneway has been treated as a variation to the DCP in this case.

The desirability of increasing the width of public laneways has been the subject of a recent report to Council which was deferred for further discussions between the Administrator, Council staff and the developer. This meeting has taken place and will result in agreed changes to the DCP which are more consistent with the engineering design objectives.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

The public laneway proposed in this application is supported by Council in this instance. The main reasons for supporting the public laneway within this application are:

- a) The size, orientation and location of the super lot was approved in DA 186-2013. As such there is limited opportunity within this application to change the orientation, shape, access of the lot to provide a different outcome for the laneway design, and
- b) The policy framework for laneways does not distinguish the application of the design requirements for a public or a private laneway. Limited direction is therefore provided for how to design the public laneway, to provide a different level of function/service provision than a private laneway. Council should note that this will be addressed through a future report to Council.

Variation 3 – Part 5 – Design Guidelines and Controls for Public Domain - Clause 5.8 – Local Street – Laneway

The proposed laneway has a length of 88m which exceeds the maximum length of a public laneway (maximum 80m) as mentioned in subclause (3). This is a variation to Council DCP. The applicant seeks to justify the variation to this requirement as follows:

Applicant's Justification - The proposed public laneway has a length of 84m due to the overall section depths and is staggered to minimise the straight length to 67m. This laneway represents the most effective and direct route through the lot.

It is considered that the design and length of the laneway at 84m is acceptable as it is generally consistent with the objectives and controls of the GDCP and Googong Design Specification. In particular the design:

- *Provides safe and convenient access to all allotments and for all service vehicles*
- *Promotes activation and safety with landscaping providing pedestrian refuges thereby activating the space and carports and fencing enabling casual surveillance of the laneway in addition to the studio dwellings*
- *Provides no opportunities for concealment with landscaping selected to accordingly and configuration minimising any areas that could be used for unintended uses*
- *Complies with the minimum carriageway and reserve width requirements*
- *Provides a visually acceptable streetscape through landscaping, articulation and setbacks along the length of the laneway.*

On 22 December 2016, GTPL submitted an additional written justification as follows;

In response to your concern and to further reduce any gun barrel affect along the laneway the design has been amended to provide a significant kink at the northern end of the laneway. This reduces the longest straight within the laneway to about 55m in compliance with the DCP. This kink also allows the introduction of a landscape zone on the sightline of the lane at the northern end thus visually closing off the laneway. In conjunction with this change to the laneway the garage setback of Lot 2 has been reduced from 1m to zero whilst the carport setback for Lot 3 has been changed from zero to 1m. This change provides for more area for vehicles to manoeuvre adjacent Lot 3. The length of the laneway reserve is 83m and is therefore only slightly greater than the 80m requirement of the DCP.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

Based on the submitted site plan, the length of the laneway was reduced to less than 60m on one side to reduce the gun barrel affect (slight bend/kink) but not on the opposite side (on garages/carport side). The proposed laneway contains decorative paving at each entry and in the pavement and is slightly staggered at the both entrances of Helen Circuit to break up the laneway surface. There are also some staggering effects with the build-up of various landscaping widths and articulation and setback of carports and garages within the laneway. The pavement is straight till lot 13 where a distinct curve has been designed to allow for a better lot shape for lot 1 and reduces the gun barrel affect.

The revised plans submitted on 20 July 2017 show further treatment provided to the laneway design through auditory surface treatment and visual delineation combined with landscaping to promote a community feel to the site to reduce potential of the lane to be used for parking and through traffic created by adjoining developments. Additionally it reduces the gun barrel affects. For the above reasons, the proposed variation to this clause is supported.

Variation 4 - Part 7 - Small Lots, Studio Dwellings, Dual Occupancies, Multi Dwelling Housing and Residential Flat Buildings - Clause 7.2 – Streetscape

The proposal does not comply with the provisions of clause 7.2 - Streetscape of the Googong DCP in relation to the proposed fencing.

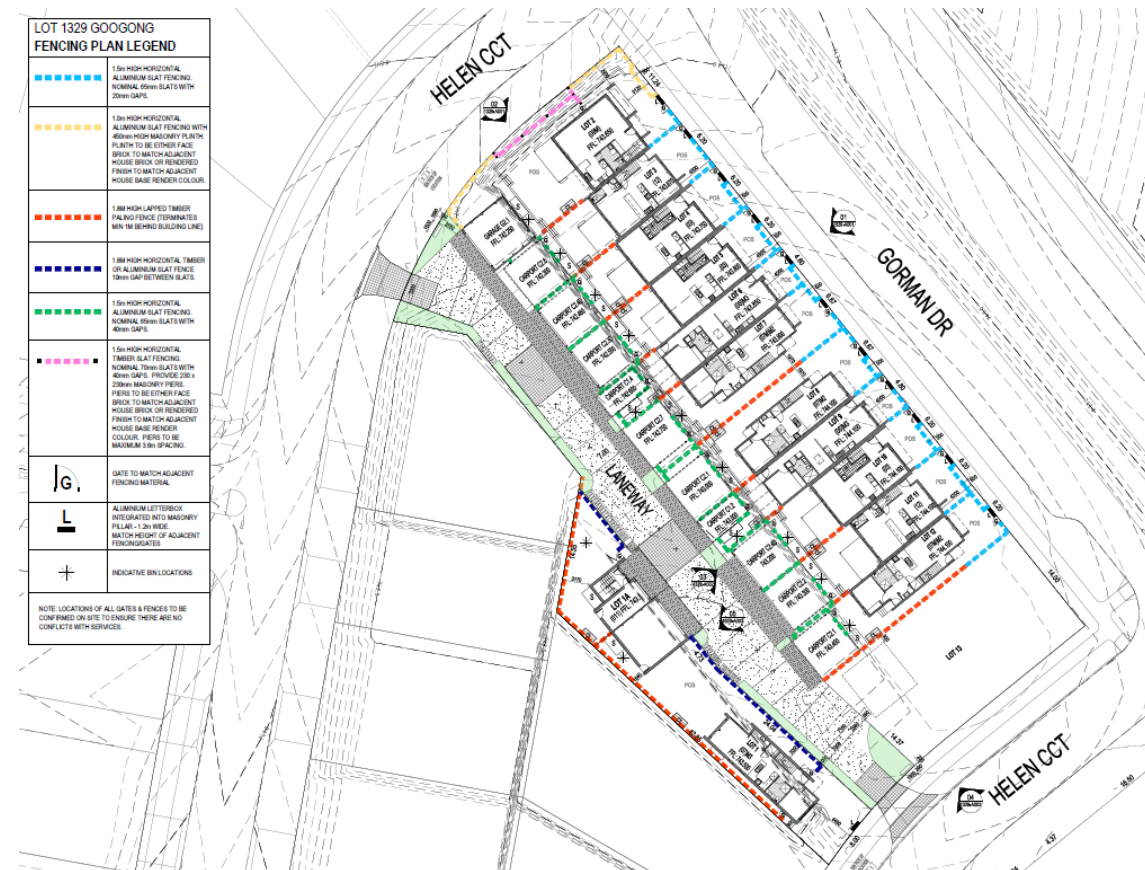


Figure 4 – Proposed fencing

Clauses (h) and (i) state that the maximum height of the front fence is 1.2m high and is to be predominately open in design. Clause (k) states that side fences between residential lots are to start at least 1m behind the primary building frontage of the dwelling.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

The proposed part of the front fencing and side corner of dwelling 2 will be consistent with the established pattern as it will be 1m in height and will be open style (gaps between slats). However, the front fencing including the side fence forward of the building line of dwelling 2 (part of front boundary) and dwellings 3–12 is 1.5m high. This is a variation to the DCP.

The proposed variation is supported for the following reasons:

- The proposed front fencing is open style and is unlikely to result in any negative visual impact to the streetscape. Additionally soft landscaping is provided in front of the fence to reduce the visibility and impact of the 1.5m fence to the streetscape.
- The fencing provides a clear definition of the boundaries including the primary front courtyard of each property and is consistent with the traditional character of terrace housing; and
- The open style fence will provide suitable natural surveillance to/from properties to/from the road as 1.5m high fencing is below adult eye height when standing.
- The fencing provides a good level of privacy to PPOS and living room windows.
- This specific variation has been supported previously for dwellings on corner lots within terrace style small-lot housing developments in Googong for the same reasons.

Variation 5 - Clause 7.10 – Principal Private Open Space and Landscape Design

This clause states that the principal private open space is to be located behind the building line to the main street frontage, is oriented to the north where possible and is directly accessible from and adjacent to a habitable room other than a bedroom. For studio dwellings the principal private open space shall be in the form of a balcony, directly accessed off living space, having a minimum size of 12m² with a minimum dimension of 2m. It must be north facing where possible with a minimum of 3 hours solar access between 9am-3pm on 21 June.

The principal private open spaces for the dwellings on lots 3 -12 do not comply with the requirement above as they are located forward of the building line to the main street frontage (facing Gorman Drive). However, they comply with other requirements as they are oriented to the north/north-east and are directly accessible from a habitable room being the living area and comply with minimum dimension/size requirements. PPOS of the dwelling on Lots 1 and 2 comply with the above requirement as they are located behind the building line to the main street frontage (Gorman Drive and Helen Circuit), are oriented to the north and is directly accessible from a habitable room being the living area.

The proposed studio dwelling is provided with a balcony directly accessed off a living area with a northern orientation. It has a minimum dimension of 2.5m and an area more than 12m² and receives at least three hours of solar access between 9am and 3pm on 21 June.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

On 13 April 2016 Council at its meeting supported the following recommendations to guide Council Assessing Officers and the developer to assess future small-lot housing development on the remaining undeveloped super-lots within the Additional Development Area (ADA) of Neighbourhood 1A.

- a) *Due to the noise impacts from Gorman Drive, any dwelling with PPOS proposed forward of the building line on a lot with frontage to Gorman Drive should be provided with a secondary area of private open space behind the building line that meets the minimum dimensions prescribed in the Googong DCP. This will mean that the affected dwellings will be provided with a functional secondary POS area that will be afforded greater acoustic privacy than the principal POS and, except for a period during mid-winter, will receive adequate amounts of solar access;*
- b) *Applications that propose PPOS forward of the building line should include shadow diagrams that show the length of time within the calendar year that the secondary POS behind the building line does not receive the minimum required solar access.*
- c) *The design must ensure that any overlooking into PPOS forward of the building line from within the development is avoided; and*
- d) *Consideration needs to be given to the cumulative impacts on the Gorman Drive streetscape from front fencing that is higher than 1.2m and less than 50% transparent. Visual impacts may be mitigated by such measures as the use of varying materials and varying heights.*

The applicant has submitted a variation request, stating that;

“North-facing lots provide opportunities for higher-than-average solar access to the front of dwellings. North-facing lots struggle to achieve the required levels of solar access to PPOS, when the open space is located at the rear of the dwelling or behind the building line. Locating PPOS behind the building line on north-facing lots and achieving the required levels of solar access to PPOS is not achievable without significantly widening the lots which prohibits the ability to propose and deliver smaller lots housing in the designated ADAs. The location of the PPOS is largely driven by the orientation of Gorman Drive which is set by topography and connectivity, and is defined in the approved structure plan and DA’s. It is also noted that the requirement to restrict direct vehicular access to dwellings from Gorman Drive creates the opportunity for ample useable open space at the Gorman Drive frontage. Positioning the PPOS forward of the building line in north facing lots with the exception of Lot 1 also contribute to the architectural variety of the streetscape through well-designed fencing and landscaping. It is recognised that the provision of PPOS forward of the building line presents a challenge for privacy. This is however, proposed to be addressed through a variety of measures without adversely impacting on the streetscape or for occupants. These measures include:

- Well-designed fencing that does not dominate the street;*
- Limiting fencing to a maximum height of 1.5m (eye height) (this exceeds the DCP requirements of maximum of 1.2m) whereby occupants, if seated, have complete privacy but when standing, have the opportunity to provide surveillance to the street; and*
- Landscaped hedges that work with the fencing to give visual privacy and softening of the streetscape. “*

Gorman Drive is a busy road with high volume traffic per day. Gorman Drive will generate noise impacts on the dwellings facing Gorman Drive.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

Variation to this clause in relation to the location of the principal private open space for the dwellings on lots 3-12 located forward of the building line is supported for the following reasons:

- a) It is impossible to provide the PPOS behind the building line that will receive adequate natural sunlight during mid-winter given the orientation of the allotments which resulted from the subdivision of the parent lot. All PPOS forward of the building line comply with the size, orientation and solar access mentioned above.
- b) Functional secondary POS areas have been provided behind the building line of the affected dwellings that act as an extension to the living area. Secondary POS areas have greater acoustic privacy than the principal POS.
- c) The development have been appropriately design to minimise any overlooking into PPOS forward of the building line from within the development. The dwellings have been designed to have low activity rooms or non-habitable rooms on the first floor, for dwellings 3, 4, 5, 7,8,10, 11 and 12. The rooms on the first floor of these dwellings consist of bedrooms, bathrooms and a study nook. All of these rooms have windows that will face directly to the north overlooking their own individual private open space, resulting in views from these windows to be oblique, therefore minimising any privacy impacts on the neighbouring private open space(s). Balconies have been provided with privacy screens to minimise the privacy impact.
- d) Maximum 1.5m high see-through fencing has been provided at the front boundary and around the PPOS areas facing Gorman Drive. The proposed see-through type fencing with landscaping within the courtyard areas will provides visual interest and complement the existing and desire future streetscape.

As mentioned above, the applicant is required to submit shadow diagrams showing the length of time within the calendar year that the secondary POS (SPOS) behind the building line does not receive the minimum required solar access. The shadow diagrams showing the minimum solar access to at least 50% of the secondary POS of dwellings on Lots 3 – 12 between 9am and 3pm have been submitted and summarised in tables below.

1. Shadow diagrams between 1st February – 1st November

<i>Dwelling (s)</i>	<i>Solar access received to 50% of Secondary POS</i>
3, 4, 5, 10, 11, 12	4 hours
6, 7, 9	2 hours
8	3 hours

2. Shadow diagrams between 15 April – 15 September

<i>Dwelling (s)</i>	<i>Solar access received to 50% of Secondary POS</i>
3, 4, 5, 8	3 hours
6, 7, 11, 12	2 hours
9	1.5 hours
10	2 hours to less than 50% of secondary POS

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

Based on the tables above, some SPOS areas received 4 hours sunlight and some received less than 3 hours sunlight to 50% of the SPOS and some dwellings received between 1 – 2 hours sunlight to less than 50% of the SPOS as shown on Table 3 above. This is a variation to the Council Resolution on 13 April 2016. This variation is supported for the following reasons:

- a) Dwellings on lots 3 – 12 have been provided with a PPOS area that received more than 3 hours sunlight, comply with the size and orientation which meet the requirements in the DCP. This SPOS is an additional area to the PPOS.
- b) The proposed SPOS will function/act as an extension to the living area and have greater acoustic privacy than the principal POS regardless the lack of the sunlight.
- c) Given the orientation of the lots resulted from the approved subdivision of the parent lot, it is impossible to provide all private open space behind the building line that receive more than 3 hours sunlight within the calendar year.

A landscape plan prepared by Spacelab Studio has been provided for each dwelling and studio proposed within this development. Each lot will receive three hours or more of solar access to 50% of their principal private open space on the 21st of June (Winter solstice) as per submitted shadow diagrams. At least one living area window in each dwelling receives at least three hours of sunlight between 9am and 3pm on the 21 June.

Solar access and privacy to the principal private open space of neighbouring lots (Lots 1330, 1350, 1351 & 1352) will not be significantly reduced or compromised. The submitted shadow diagrams show that each affected lot will receive three hours or more of solar access to 50% of their principal private open space on the 21st of June (Winter solstice).

Variation 6 - Variations to Part 7 – Table 1 – Setbacks, Articulation Areas and Landscaping requirements

The developer has also requested a number of other minor variations related to design and set out issues. They relate to minor encroachments into setbacks and articulation areas and are detailed in the attached *Sec79C Matters for Consideration*. The variations are supported as:

- a) The proposed variations are considered to be minor, especially when viewed in the context of the entire Gorman Drive, Helen Circuit and Saphira Street streetscape. The variations are not considered to reflect an overdevelopment of the site and can be supported in this instance.
- b) They will not reduce the architectural quality of the dwelling.
- c) The impact on the amenity of the residents is considered minimal.
- d) Minor encroachments of balconies will not adversely impact on adjoining properties by way of privacy or overshadowing, nor will it adversely affect the amenity of the locality.
- e) Variation to the landscaped area behind of the building line of dwellings on Lots 3, 5 and 10.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

(c) Other Matters

The report presented at the Council meeting on 25 January 2017 and 28 June 2017 stated that the proposal is considered inappropriate for the site and is poorly designed. Also the proposed narrow public laneway without any suitable footpath is not considered compatible with the existing and future development in the locality. Additionally the proposal was not in the public interest as it has the potential to impact on the safety of the public and adverse impacts on adjoining land uses and will set an undesirable precedent for the future development.

Subsequent negotiations between Council and the applicant and submission of revised plans on 20 July 2017 results in the proposed development generally satisfying the other relevant planning matters for consideration under section 79C(1) of the Environmental Planning and Assessment Act 1979 as discussed in detail in the attached Section 79C(1) Matters for Consideration.

(a) Building Surveyor's Comments

Council's Building Surveyor has assessed the proposal and has raised no objections subject to the imposition of relevant conditions (if granted).

(b) Development Engineer's Comments

Water Supply - The development and proposed lots are supplied with potable services from infrastructure constructed during works for CCSUB 05-2014, any strata development by the construction of "fonzie" style units will require an individual metering arrangement at the cost of the applicant.

Sewer - Each lot in the proposed development is supplied with a sewer tie. This was constructed during work for CCSUB 05-2014. Work as executed plans would form part of a Construction Certificate application.

Storm Water - A storm water main is constructed within the carriageway of the lane, with pits constructed to capture any overland flows. Each property is served with a storm water tie off this main. Work as executed plans for the work are pending and would form part of a Construction Certificate application.

Electricity - Public lighting to the lane is proposed with a shorter arm reach and lower illumine. The site has telecommunication and power available, which was constructed as part of stage 6D of neighbourhood 1A.

Other engineering comments related to access, transport and traffic have been incorporated into the attached Section 79C(1) Matters for Consideration.

(c) Environmental Health Comments

Council's Environmental Health officer has assessed the proposal and has raised no objections subject to the imposition of relevant conditions (if granted).

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

(d) Local Development Committee Comments

The Committee reviewed the application and could not support the application, due to safety, geometrical design and sustainability as a public asset. The concerns raised by the Committee are outlined below in more detail:

- a) Pedestrian safety with no identifiable facilities in the public laneway for pedestrians;
- b) Potential for the lanes to be used as thru traffic access which is not as per design. This concern was particularly noted with nearby development such as a school that might generate vehicle or foot traffic using the lane as alternate route or for parking during busy pick up and drop off school times.
- c) Safety concerns with garbage collection including pedestrian safety of residents and potential disruption to garbage collection service should vehicle's park in the laneway.
- d) Proposed lane widths permit only one-way direction traffic did raise safety concerns for vehicles in residences based towards the rear end of the lane that may illegally choose to exit the lane in the wrong direction rather than drive the full length of the lane in the correct direction.
- e) Concerns for speeding and thru traffic with the linkage of the public laneways and recommendation for a reasonable visual offset to be included in the design.
- f) Note the need for public laneways to be accessible by emergency services vehicles and concerns the current design might not always permit this access.
- g) Concerns that the location of the garage blocks pedestrian sight distances for vehicles traffic using the laneway.

Financial Implications

The proposed development is subject to the Googong Urban Development Planning Agreement. Contributions security and cash contributions are applicable under this agreement to the proposed development if the DA is approved. A condition will be placed on the development consent requiring the payments be made prior to the issuing of the subdivision certificate for this subdivision.

Financial implications for Council, should the proposal be approved, will arise from the requirement for the on-going maintenance of the public laneway, landscaping and street lighting along the proposed laneway. There is also the liability that will come to Council for any incidents that occur that result in the acceptance of a laneway that has not met Council's specifications.

Engagement

The proposal required notification under Queanbeyan DCP 2012. No submissions were received.

Compliance or Policy Implications

All legal and compliance considerations have been satisfactorily addressed within the report.

4.1 Development Application 90-2016 - Small Lot Housing and Subdivision - Lot 1329 DP 1217419 - Helen Circuit - Googong (Ref: C17115333; Author: Thompson/Kunang) (Continued)

Conclusion

The submitted proposal for the subdivision of land to create 13 x Torrens Title lots, 2 x Strata lots, 1 residue lot and 1 x public laneway, and erection of 13 x dwellings (including 1 x dwelling house, 7 x attached dwellings, 4 x semi-detached dwellings and 1 studio dwelling) on Lot 1329 DP 1217419 (formerly known as Lot 63 DP 1208211) Corner of Helen Circuit and Gorman Drive, Googong is a local development supported by a Statement of Environmental Effects. The proposal was notified to adjoining owners/occupiers and no submissions were received.

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012*, *Queanbeyan Development Control Plan 2012* and *Googong Development Control Plan*. The development satisfies the requirements and achieves the objectives of these instruments. There are some variations that are considered minor and have been supported in similar developments in the past and are in turn considered appropriate to support for this application.

The main issues arising during the assessment relate to requested variations. Staff have reviewed the requested variations and confirm that the following are supported:

- a) The non-compliance with the requirements of Part 4 of Googong DCP in relation to Lot 1 having a frontage less than the 10m requirement;
- b) The proposal not satisfying the requirements of Part 5 of Googong DCP in relation to the verge width (less than 2m requirement) for laneways and the length of the proposed laneway exceeds 80m requirement.
- c) The non-compliance with the requirements of Part 7 of the Googong DCP in relation to the proposed fencing forward of the building line of dwellings on lots 2 -12 which exceeds 1.2m high.
- d) The non-compliance with the requirements of Part 7 of the Googong DCP in relation to the principal private open space (PPOS) of dwellings 3-12 located forward of the building line.
- e) The various non-compliances with the requirements in Table 1 Assessment of Part 7 of Googong DCP in relation to width of articulation zone exceeding 60% of the dwelling width, the studio dwelling has a minimum side setback of 500mm from public laneway and the proposed balcony has a zero setback from the public laneway on Lot 1A and the landscaped area behind of the building line of dwellings on Lots 3, 5 and 10 is less than 50% requirement.

The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts.

Attachments

- | | |
|--------------|---|
| Attachment 1 | DA 90-2016 - Small Lot Housing - Table 79C Matters for Consideration
(<i>Under Separate Cover</i>) |
| Attachment 2 | DA 90-2016 - Small Lot Housing - Advice on Plans (<i>Under Separate Cover</i>) |
| Attachment 3 | DA 90-2016 - Draft Conditions - Small Lot Housing (<i>Under Separate Cover</i>) |

4.2 Development Application 170-2016 - Dwelling Additions - 39 Campbell Street,
Queanbeyan. (Ref: C17102989; Author: Thompson/Dixon)

Summary

Reason for Referral to Council

This application has been referred to Council because the application involves a significant variation to a requirement of Part 2, Clause 2.5 in the Queanbeyan Development Control Plan 2012.

Proposal:	Dwelling Additions
Applicant/Owner:	Grant Cameron & Meredith Cameron
Subject Property:	Lot 1 DP 38012, No. 39 Campbell Street, Queanbeyan
Zoning and Permissibility:	R2 Low Density Residential under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Nil
Issues Discussed:	Planning Requirements Flood Heritage
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

1. That approval be granted to a variation to Clause 2.5 of Part 2 of Queanbeyan Development Control Plan 2012 to allow the proposal to be assessed under the Draft Queanbeyan Flood Plan Risk Management Plan for the following reasons:
 - (a) The proposal is consistent with the Draft Flood Plan and the NSW Government Flood Policy
 - (b) The raised footings section of the extension has been designed to allow any potential flood water to pass through due to a vertical slat base. This base will have 100mm gaps.
 - (c) The subject site is in an area which has not previously experienced high velocity flows. As such a floor level that is at or above the 1:100 Flood level is acceptable in this case.
 - (d) The extension has been designed to meet the objective of this Clause by being designed to meet the flood risk of the area.
 - (e) In regards to the proposed extension at the existing floor level, the variation equates to only an extra 12m² than the 20% permitted within the QDCP2012.
 - (f) The proposal achieves an acceptable balance between the two conflicting site constraints of heritage and flooding.
 2. That development application 170-2016 for dwelling additions on Lot 1 DP 38012, No. 39 Campbell Street, QUEANBEYAN be granted conditional approval.
-

4.2 Development Application 170-2016 - Dwelling Additions - 39 Campbell Street, Queanbeyan. (Ref: C17102989; Author: Thompson/Dixon) (Continued)

Background***Proposed Development***

The development application is for:

- Demolition to part of the existing dwelling at the rear and ancillary structures which includes a garage and a small shed next to it.
- Part demolition of the existing dwelling and alterations and additions to the existing dwelling. The additions incorporate an area of 108.42m² which are proposed to the rear of the existing dwelling. The additions incorporate:
 - 78.48m² of floor area at floor level 576 metres (AHD). This includes bedrooms and bathrooms.
 - 29.94m² of floor area at the existing floor level being 574.61 metres which includes a bedroom, linen cupboard, powder room and laundry.
- A verandah on the northern side of the new raised section of the extension and an open alfresco dining area is proposed on the northern side of the existing dwelling. This is proposed to be attached the dwelling house and includes a fireplace.
- A detached carport on the southern side of the dwelling behind the building line.

Subject Property

The subject site has an area of 708m² and neighbours the Queanbeyan Fire Station located immediately to the south. It is within walking distance to the Queanbeyan CBD, Queanbeyan Park and Queanbeyan Pool. It has an existing vehicle kerb crossing (VKC) and is relatively flat. The existing dwelling is a small cottage with an existing floor area of 85.39m².

The subject site is identified as being within the Designated Flood Area of the Queanbeyan River. The flood planning level is calculated to be 576.50 metres (AHD). The existing dwelling has a finished floor level of 574.61 metres (AHD), meaning it is 1.89 metres below the flood planning level.

Flood planning level - means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

The dwelling house was constructed on the site in the 1980's and later a garage and pergola were approved behind the dwelling in 1995.

The site is also located within the Queanbeyan Heritage Conservation area.

4.2 Development Application 170-2016 - Dwelling Additons - 39 Campbell Street, Queanbeyan. (Ref: C17102989; Author: Thompson/Dixon) (Continued)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

The following planning instruments have been considered in the planning assessment of the subject development application:

1. State Environmental Planning Policy No 55 – Remediation of Land
2. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
3. State Environmental Planning Policy (Infrastructure) 2007.
4. Queanbeyan Local Environmental Plan 2012 (LEP).
5. Queanbeyan Development Control Plan 2012 (QDCP)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration relate to variations to flooding controls contained with the QDCP.

(a) Compliance with QDCP

The proposed extension does not meet the requirements of Part 2 of the QDCP2012, specifically the flooding controls under Clause 2.5.

The proposed development involves two variations to the DCP in regards to the percentage of the extension proposed to be built at the existing floor level, and the remainder of the extension proposed to be built 500mm below the flood planning level.

The controls prescribe that any extension to a dwelling-house on flood prone land greater than 20% of the existing floor area, needs to be constructed at, or above the flood planning level. The existing dwelling has a floor area of 85.39m². Under these controls only 17.08m² of an extension can be built at the existing floor level, with the remainder needing to be built 1.89 metres higher than the existing floor level.

The proposal is to erect a 108.42m² extension to the rear, of which 29.94m² is proposed to be built at the existing floor level, with the remainder proposed to be built 1.39 metres higher, which is 500mm below the flood planning level. The part of the extension proposed to be constructed at the existing floor level is approximately 35% of the existing floor area.

The subject site is also within a heritage conservation area. The two site constraints of heritage and flooding have proven to be conflicting in terms of building height, bulk and scale. Council's Heritage Advisor raised concerns about the impact of the flooding requirements on the appearance of the existing cottage and the heritage conservation area streetscape. Specifically the need to raise the floor level by up to 1.89 m above the existing floor level would have a detrimental impact on the heritage appearance because of the excessive bulk and scale required to meet the flood levels. As such negotiations were required between Council staff and the applicants to find a solution.

Council's Development Engineer researched the flood area further through the *Draft Queanbeyan Flood Plan Risk Management Plan* prepared in 2008 for Council. This document has not yet been adopted but contains more recent flood level data than the current QDCP2012. It also contains suggested development controls. Through this, it was determined that the 500mm freeboard requirement could be removed, reducing the required floor level height to 576 metres (AHD). This is because the flood water within the 500mm freeboard in this locality is highly unlikely to have a high velocity. The plan also allows 30m² of an extension to be permitted at the existing finished floor level.

4.2 Development Application 170-2016 - Dwelling Additons - 39 Campbell Street, Queanbeyan. (Ref: C17102989; Author: Thompson/Dixon) (Continued)

As such, the applicant has proposed the following:

- 78.48m² of floor area at 576 metres (AHD). This includes bedrooms and bathrooms.
- 29.94m² of floor area at the existing floor level being 574.61 metres which includes a bedroom, linen cupboard, powder room and laundry.

As the verandah, carport and alfresco are non-habitable structures they were not required to be raised.

Applicant's Justification

At a meeting held on the 19 July 2016, the owners made clear their view that the flood controls for a heritage area were unreasonable and requested these be varied. The applicant's written justifications to vary the DCP are listed below.

- *It is difficult trying to satisfy one constraint without compromising the controls of the other. The new proposed design meets NSW Government Flood Standards which is referred to within the Draft Queanbeyan Flood Plan Risk Management Plan. The standards within the QDCP2012 are out dated and as such the design of the extension should be assessed under the more recent Draft Plan.*
- *We as the applicants have made a conscious effort to design the extension to be safe if a flood was to occur and to also conform to the heritage areas streetscape.*

Assessing Officer's Recommendation

As per the assessment under *Clause 7.2* of the *QLEP2012* within this report, the application should be assessed against the controls within the *Draft Queanbeyan Flood Plan Risk Management Plan* prepared in 2008 instead of under the QDCP2012.

If an extension were to be built at 576.5 metres (AHD) it would be a dominant and unsightly structure within Queanbeyan's heritage area. Clearly however, ensuring that the flood risk is taken into account in any proposed development, it is necessary to maintain safety for not only the owners but also for surrounding neighbours.

The applicant has designed the extension to provide sufficient safety measures that if a flood were to occur the extension would keep themselves and those surrounding, safe. The raised section has been proposed at the 1:100 year Flood Level. They have also proposed vertical slats with 100mm gaps for the base of the raised extension to ensure flood waters would be able to pass through. The conflicting constraints imposed by the site being in both a heritage conservation area and flood control area mean that it is difficult to achieve 100% compliance with both flooding and heritage requirements.

The objective of this clause also states that any new residential buildings are to be designed to meet the flood risk of the area. As the site is on the edge of the flood area it would be unlikely that flood waters of a high velocity would reach the area. In saying this, the applicant has still designed the extension for this scenario and meets the objective of this clause.

It is recommended that the proposed extension be allowed to be constructed at the 1:100 flood level and that 29.94m² of the extension also be allowed at the existing floor level. The owners have designed the extension as best as possible to satisfy flood constraints and heritage constraints. It is also recommended that the Draft Flood Plan be revisited to ensure those properties located within a heritage area and flood area are not restricted in design in the future for further developments.

4.2 Development Application 170-2016 - Dwelling Additons - 39 Campbell Street, Queanbeyan. (Ref: C17102989; Author: Thompson/Dixon) (Continued)

The variation is recommended to be supported for the following reasons:

- The Draft Flood Plan, and the proposed plans, meet the requirements of the NSW Government Flood Policy;
- The raised footings section of the extension has been designed to allow any potential flood water to pass through due to a vertical slat base. This base will have 100mm gaps.
- The subject site is in an area which has not previously experienced high velocity flows. As such, a floor level that is at or above the 1:100 Flood level is acceptable in this case.
- The extension has been designed to meet the objective of this Clause by being designed to meet the flood risk of the area.
- In regards to the proposed extension at the existing floor level, the variation equates to only an extra 12m² than the 20% permitted within the QDCP2012.
- The proposal achieves an acceptable balance between the two conflicting site constraints of heritage and flooding.

(a) Building Surveyor's Comments

The building must comply with the requirements of the Australian Building Code Board's Standards for Construction of Buildings in Flood Hazard Areas. Structural engineer's plans to be provided to address the requirements of the above Standard.

Decks and verandahs in excess of 1.0m in height require balustrades to comply with the Building Code of Australia (BCA) and a smoke detector is required outside bedroom 4.

No objection subject to standard conditions.

(b) Development Engineer's Comments

The proposed residential additions at Lot 1 DP 38012, while located in an identified flood zone, have been suitably designed to ensure the DCP requirements have been accommodated to ensure that the additions meet the flood planning level requirements.

The development along with appropriate engineering conditions of consent will supply a development that has satisfactory aesthetics while meeting engineering and planning requirements.

(c) Heritage Advisor's Comments

The plans are consistent with discussions and are sympathetic to the character of the existing cottage. They won't have an adverse heritage impact and are a good resolution of the need to address the 100 year food level issues. The modifications are supported.

Engagement

The proposal required notification under Queanbeyan DCP 2012. No submissions were received.

Compliance or Policy Implications

It is also recommended that the Draft Flood Plan be revisited to ensure those properties located within a heritage area and flood area are not restricted in design in the future for further developments.

4.2 Development Application 170-2016 - Dwelling Additions - 39 Campbell Street, Queanbeyan. (Ref: C17102989; Author: Thompson/Dixon) (Continued)

Conclusion

The submitted proposal for dwelling additions on Lot 1 DP 38012, No. 39 Campbell Street, Queanbeyan is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

The development satisfies the requirements and achieves the objectives of these instruments except for the requirements of Clause 2.5 of the QDCP 2012. The applicants have sought a variation to the flood control requirements contained within that clause. The variation is supported by the assessment. The proposal is recommended to be approved given the recommended conditions imposed. The proposal has been designed as best as possible to meet flood and heritage constraints.

The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Council Meeting - 9 August 2017 - 39 Campbell Street - DA 170-2016 - Dwelling additions - Attachment - 79C Table (<i>Under Separate Cover</i>) |
| Attachment 2 | Council Meeting - 9 August 2017 - 39 Campbell Street - DA 170-2016 - Dwelling additions - Attachment - Plans (<i>Under Separate Cover</i>) - CONFIDENTIAL |
| Attachment 3 | Council Meeting - 9 August 2017 - 39 Campbell Street - DA 170-2016 - Dwelling additions - Attachment - Draft conditions (<i>Under Separate Cover</i>) |

4.3 Request to Demolish Fire Damaged Dwelling - Cattle's Cottage - 3 Booth Street - Queanbeyan East - Attached to Queanbeyan Golf Club (Ref: C17111923; Author: Thompson/Cheung)

Summary

Cattle's Cottage is a local heritage item under the *Queanbeyan Local Environmental Plan 2012* (QLEP 2012) located at 3 Booth Street, Queanbeyan East. The small dwelling had been unoccupied for a number of years before suffering severe fire damage on 29 December 2015. Council subsequently issued a Notice of Proposed Order (NOPO 2016/1009) under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to the owners, the Queanbeyan Golf Club Limited (Golf Club). The NOPO advised that it was Council's intention to issue an Order for its demolition subject to a Heritage Report and demolition plan being received.

A Heritage Report by Dr Peter Kabaila was received and recommended the reconstruction of the cottage or the retention of the three remaining brick chimneys. The Golf Club has subsequently made representations to Council requesting the full demolition and clean-up of the burnt cottage. This is supported by a consultant report from South Coast Building Consultants P/L (SCBC).

The matter was referred to the Heritage Committee (Committee) on 17 July 2017 for comment and the Committee recommended the chimneys be retained. This report considers the Golf Club's request for complete demolition and removal of the damaged structure.

Recommendation

- 1. That Council note that it has reviewed and heard representations on the Notice of Proposed Order (NOPO 2016/1009) issued in relation to the fire damaged dwelling located at 3 Booth Street, Queanbeyan East.**
 - 2. That Council finalise an Order under *the Environmental Planning and Assessment Act 1979* with the following changes to NOPO 2016/1009:**
 - a. Remove the requirement for a Heritage Report**
 - b. Retain the requirement for a set of photographs of the complete exterior and interior of Cattle's Cottage.**
 - c. Provide the following clarification on the matters required to be addressed by the Demolition and Remediation Plan:**
 - i. Retain the chimneys along with the building footprint or demarcation of the site.**
 - ii. Identify appropriate methods that can clean and remediate the site without further damage to the chimneys.**
 - iii. The Demolition and Remediation Plan must be approved by Council prior to commencement of demolition work.**
 - 3. That Council note the following reasons for keeping the chimneys:**
 - a. Cattle's Cottage was a significant item in terms of its location on the Queanbeyan River.**
 - b. The chimneys are the most enduring marker of the occupation phase.**
-

4.3 Request to Demolish Fire Damaged Dwelling - Cattle's Cottage - 3 Booth Street - Queanbeyan East - Attached to Queanbeyan Golf Club (Ref: C17111923; Author: Thompson/Cheung) (Continued)

- c. There is considerable potential to interpret the history of the site.**
 - 4. Council note that it has no objection for the cellar to be backfilled as part of the remediation of the site or for the demolition of the adjoining garage.**
-

4.3 Request to Demolish Fire Damaged Dwelling - Cattle's Cottage - 3 Booth Street - Queanbeyan East - Attached to Queanbeyan Golf Club (Ref: C17111923; Author: Thompson/Cheung) (Continued)

Background

Cattle's Cottage is a small dwelling listed as a Local Heritage Item (I16) under the QLEP 2016. It is owned by the Golf Club.

The cottage suffered severe damage from a fire on 29 December 2015. While masonry components such as brick fireplaces, a concrete slab and cellar are intact; the timber frame has been completely destroyed. The adjoining garage, not considered to be significant, was undamaged.

Council staff had initial discussions with a representative from the Golf Club following the fire and was advised that the bonded asbestos cement sheeting in the building was severely damaged resulting in the building rubble being contaminated with asbestos material. As a result it was the owner's preference to demolish and remediate the site.

Under normal circumstances a development application would be required to demolish the remains of the building. However, to facilitate removal Council can issue an Order for demolition which obviates the need for a DA. However, in doing so an Order cannot be issued unless a heritage report as to the impacts of the demolition is provided.

As a result a NOPO under the EP&A Act was issued to the owners advising them of Council's intention of issuing an Order for its demolition subject to a Heritage Report and demolition plan being received because there was concern about the risk to public safety.

A heritage report by Dr Peter Kabaila was received by Council on 21 April 2016. It recommended three potential options for the site:

1. Reconstruction of the whole building.
2. Retain the fireplace ruins in a golf course setting.
3. Retain the fireplace ruins in a carpark setting.

It is Council's understanding that the Report was commissioned by the insurer and it did not indicate the owner's preferred option for complete demolition.

No clear direction was provided to Council from either the Golf Club or the insurer as to the preferred option. It appears this lack of direction may have resulted from a dispute between them as to which option should be pursued. On one hand, the Golf Club preferred to demolish the structure while the insurer indicated a preference to rebuild the cottage.

It is understood that the dispute has recently been settled and the Golf Club now has full control of the site. The Club have advised their desire to fully demolish the cottage including the chimneys. As such the matter has been brought before the Council for consideration with a request that an Order now be issued requiring the complete demolition and removal of all materials from the site.

4.3 Request to Demolish Fire Damaged Dwelling - Cattle's Cottage - 3 Booth Street - Queanbeyan East - Attached to Queanbeyan Golf Club (Ref: C17111923; Author: Thompson/Cheung) (Continued)

In support of the request for complete demolition and removal the Club sought an assessment of the site by a building consulting company, SCBC. The consultant's report recommended that complete demolition and removal be pursued because:

1. *All building rubble and remaining structures are contaminated with asbestos fibres; and*
2. *These chimneys are to be demolished as part of the total demolition as the original masonry construction for the chimneys are more than 100yrs old, they have been exposed to a fire and that the lime mortar would be susceptible to breaking down and becoming powdery, leaving the structural adequacy of the chimneys to be suspect."*

If the chimneys are demolished it may be possible to recover and clean the bricks so that they could be used at this site or another site on the Golf Course with an appropriate notation as to their significance.

Implications***Heritage Committee – Feedback***

The request for complete demolition of the building was considered by the Heritage Committee on 17 July 2017 to consider the heritage aspects of the proposed demolition and remediation of the site. The Committee did not support the demolition of the remaining chimneys and resolved the following:

- a) *The Committee does not support the demolition of the existing chimneys. They should be retained along with the building footprint or demarcation of the site for the following reasons.*
 - i) *Cattle's Cottage was a significant item in terms of its location on the Queanbeyan River.*
 - ii) *The chimneys are the most enduring marker of the occupation phase.*
 - iii) *There is considerable potential to interpret the history of the site.*
- b) *The cleaning method of the chimneys should be undertaken in such a way that the chimneys are not degraded and are safe for the general public.*
- c) *The Committee have no objection to the back-filling of the cellar as part of the general clean up and remediation of the site.*

Based on this recommendation the Committee indicates that the chimneys should remain in situ, in perpetuity, either in a carpark or reserve setting for future generations.

Legal

By referring the representation of the Order to the Heritage Committee for consideration, Council has complied with Section 121S Orders affecting heritage items of the EP&A Act. Referral to the NSW Heritage Council is not required as the item is not listed on the State Heritage Register under the *Heritage Act 1977*.

The Golf Club has made representations on the NOPO requesting the full demolition of the cottage (including the chimneys). This has to be taken into consideration when the NOPO is reviewed and the Order is finalised. Council now needs to determine whether it wishes to issue an Order permitting the full removal of the dwelling remains or whether the Order should provide for the retention of the brick chimneys and slab footprint.

4.3 Request to Demolish Fire Damaged Dwelling - Cattle's Cottage - 3 Booth Street - Queanbeyan East - Attached to Queanbeyan Golf Club (Ref: C17111923; Author: Thompson/Cheung) (Continued)

After reviewing the Heritage Report by Dr Peter Kabaila, representations from the Golf Club supported by the building consultant and the recommendations from the Heritage Committee; the following options are available to Council to direct the Demolition Plan:

Option 1 - Full demolition of the site (including the chimneys) as per the request from the Golf Club and all materials can be disposed of as wastes.

Option 2 - Full demolition of the site (including the chimneys) as per the request from the Golf Club but the bricks are to be recovered and cleaned for future use to construct an interpretive device on, or as near as possible to the existing building's footprint, explaining the significance of the site in the context of the early history of European Queanbeyan and the significance of the bricks.

Option 3 - Partial demolition of the site that retains the existing chimneys along with the building footprint or demarcation of the site as per the recommendation of the Heritage Committee. The cellar may be filled and made good.

In all of the above options there is no objection proposed to the demolition of the existing adjoining garage.

Assessment of Options

The Golf Club considers the full demolition as the most viable option because of the potential risk to the structural integrity of the chimneys and contamination from asbestos as detailed in SCBC's report. There are also concerns about the ongoing maintenance of the free standing chimneys and potential for vandalism.

Notwithstanding the above Cattle's Cottage was a significant item in terms of its location on the Queanbeyan River and its chimneys are the most enduring marker of the occupation phase. In addition, the chimneys are built to endure high temperature, therefore they should be stable enough if care is taken during their clean-up and demolition of the surrounding materials. Further bracing or reinforcement may be required after the clean-up to ensure they can last well into the future.

SCBC's report expressed preference to Asbestos Assessment ACT's proposal of removing soil to a minimum depth of 100 to 150mm to remove potential asbestos contamination in the existing soil layer. With this moderate level of soil removal the chimneys are expected to be fine if care is taken when 100 to 150mm of soil is removed within the vicinity.

It is considered, that the chimneys can survive if care and appropriate cleaning methods by suitably qualified professionals are employed; therefore, full demolition including the chimneys is not supported.

Therefore Options 1 and 2 are not considered acceptable and Option 3 is the preferred option.

Policy

Council's Development Compliance Policy (the Policy) has been followed in investigating, considering and resolving this matter.

4.3 Request to Demolish Fire Damaged Dwelling - Cattle's Cottage - 3 Booth Street - Queanbeyan East - Attached to Queanbeyan Golf Club (Ref: C17111923; Author: Thompson/Cheung) (Continued)

Social / Cultural

Cattle's Cottage is described as a "*weatherboard walled cottage with iron roof. Victorian Georgian style weatherboard cottage with corrugated iron roof. Brick base course. Gable end walls with barge board and finials. Double hung 6 pane window sashes. Verandah with timber floor and cast iron post and railing. Two brick chimneys with moulding at the top. Old mature garden*" in the NSW Heritage Register.

Its heritage significance is that it is "*part of the surviving nineteenth century building fabric of the town.*"

While the Cottage has suffered severe fire damage, its remnant, namely the chimneys, are significant as they are "markers of occupation" linking the place back to the early pioneers of Queanbeyan.

Retention of chimneys will allow a possible interpretive pathway of the bridge and along the river corridor, which incorporates the site of Cattle's Cottage; thus preserving this history for future generations.

Engagement

Council staff have met with representatives from the Golf Club on a few occasions prior to the meeting of the Heritage Committee on 17 July 2017, where they expressed their request for the full demolition of the entire damaged cottage. No public consultation was warranted in relation to this matter.

Conclusion

The Golf Course's request for the full demolition of Cattle Cottage to allow for its clean-up is not supported by Council's Heritage Committee and it is considered the chimneys should be retained along with the building footprint or demarcation of the site. This is because:

- Cattle's Cottage was a significant item in terms of its location on the Queanbeyan River.
- The chimneys are the most enduring marker of the occupation phase.
- There is considerable potential to interpret the history of the site.

The Golf Course should seek professionals who can employ cleaning method that the chimneys are not degraded and are safe for the general public.

Attachments

- | | |
|--------------|---|
| Attachment 1 | Original Notice of Proposed Order (NOPO2016/1009) (<i>Under Separate Cover</i>) - CONFIDENTIAL |
| Attachment 2 | Heritage Report by Dr Peter Kabaila (<i>Under Separate Cover</i>) - CONFIDENTIAL |
| Attachment 3 | Scope Review Report by Mr Phil Guy (SCBC) (<i>Under Separate Cover</i>) - CONFIDENTIAL |

**4.4 Request to Construct Carpark on Council Land for Joint Use Facilities - Lots
1362 DP1154538 - 5 McMahon Drive and Lot 1338 DP1112117 - 3 McMahon Drive,
Bungendore (Ref: C17118239; Author: Thompson/Thompson)**

Summary

Council has received advice from Elmslea Land Developments that they would like to develop a 146 place child care centre at 5 McMahon Drive, Bungendore. In pre-lodgement discussions with the applicant, Council advised that a child care centre of the proposed size could not be accommodated on the site due to the required onsite parking required.

Adjacent to the child care centre site is a Council reserve that incorporates a skate park, half basketball court, playground equipment and passive recreation space around ponds within the reserve.

The applicant has proposed that the developer construct at their own cost a carpark to current Council standards (i.e. sealed, kerb and guttered and line marked) that would be jointly utilised by both the childcare centre during business hours and residents who wish to utilise the facilities at the reserve at any hours.

This report requests Council's consideration of the proposal as it will determine whether the applicant will continue to progress the child care centre application.

Recommendation

- 1. That Council agree in principle to Council's community land on Lot 1338 DP1112117, 3 McMahon Drive, Bungendore being used for the purposes of shared carpark for childcare purposes and community use subject to the following:
 - a) Any such carpark to be constructed at the full cost of the proponent.**
 - b) The carpark to be constructed to standards as determined by Council.**
 - c) On completion the carpark to be handed to Council as a Council asset.**
 - d) The applicant to enter into an agreement with Council for the shared use of the carpark: such agreement to include provision for a contribution to future maintenance of the carpark based on rejuvenation of the asphalt service in 15-20 years.****
- 2. That the General Manager be authorised to enter into negotiations with the proponent based on the above, including investigating whether Council would benefit from contributing additional Council funds to boost the overall numbers of carparking spaces available in the area.**

Background

Lot 1362 DP1154538, No. 5 McMahon Drive is a 2422m² lot located on the corner of McMahon and McCusker Drives, Bungendore. Following completion of the surrounding residential subdivision the allotment was retained by the developer of Elmslea Estate with the possible intention of developing the site for a future neighbourhood store or child care centre. The site is shown in Figure 1 below.

4.4 Request to Construct Carpark on Council Land for Joint Use Facilities - Lots 1362 DP1154538 - 5 McMahon Drive and Lot 1338 DP1112117 - 3 McMahon Drive, Bungendore (Ref: C17118239; Author: Thompson/Thompson) (Continued)



Figure 1 - Lot 1362 – No.5 McMahon Place shown outlined in red (Source: Intramaps – QPRC)

On 15 June the proponents presented a proposal to Council's Development Control and Review Panel (an internal pre-DA Lodgement service) for a proposed 146 place child care centre to be located on the site. During discussions it was determined that a facility this size would require 36 carparking spaces on site to service the development.

Providing this number of carparking spaces would clearly not be possible on the site and as such the applicant proposed to locate the required carparking on the adjacent Council reserve. Figure 2 below shows the proposed childcare configuration presented at the meeting.

4.4 Request to Construct Carpark on Council Land for Joint Use Facilities - Lots 1362 DP1154538 - 5 McMahon Drive and Lot 1338 DP1112117 - 3 McMahon Drive, Bungendore (Ref: C17118239; Author: Thompson/Thompson) (Continued)

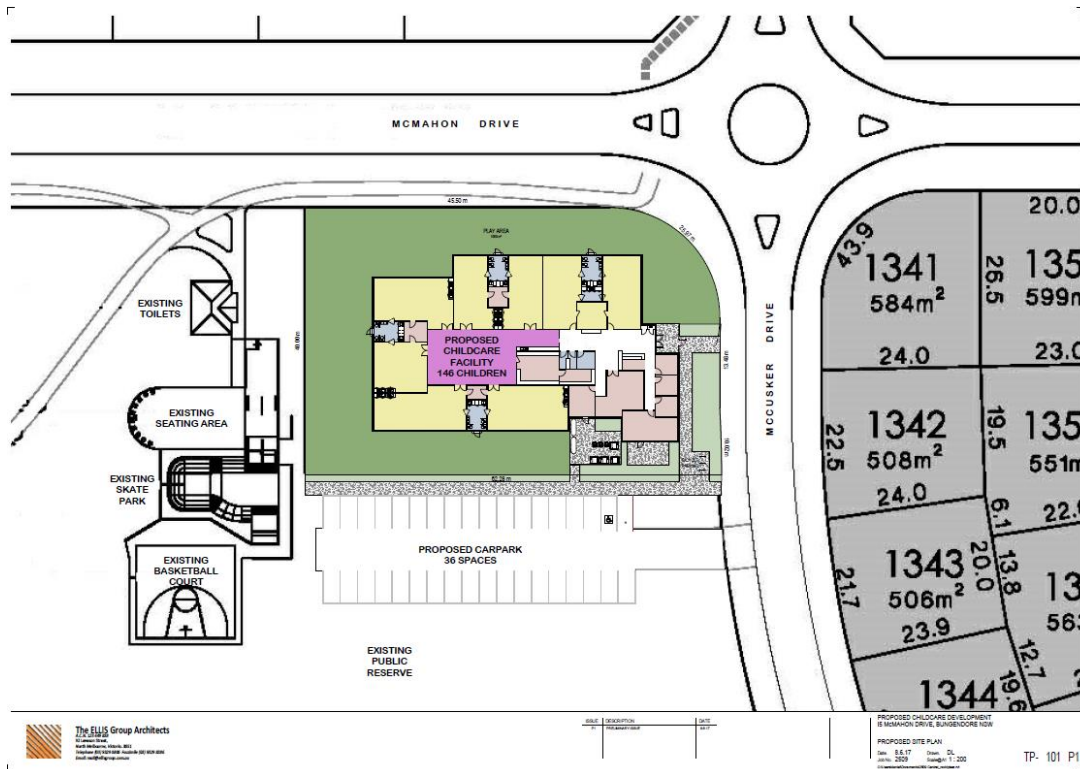


Figure 2 – Proposed Childcare Centre – 5 McMahon Drive and carpark on adjacent Council land (Source: Ellis Group)

The land surrounding the proposed childcare site is a Council owned reserve which formed part of the subdividers commitment to providing community open space for the residential subdivision. Figure 3 below shows the Council reserve surrounding the proposed childcare site.



Figure 3 – Council Reserves shown outlined in red and orange (Source: Intramaps QPRC)

4.4 Request to Construct Carpark on Council Land for Joint Use Facilities - Lots 1362 DP1154538 - 5 McMahon Drive and Lot 1338 DP1112117 - 3 McMahon Drive, Bungendore (Ref: C17118239; Author: Thompson/Thompson) (Continued)

Lot 1338 DP 1112117 3 McMahon Drive forms one of the lots immediately adjacent to the proposed childcare centre site. It incorporates a skate park, half basketball court, toilets, some playground equipment and an informal gravel carpark used for off street parking. Figure 4 shows an enlarged aerial view of the immediate area.



Figure 4 – Lot 1338 – 3 McMahon Drive – Existing reserve facilities (Source: QPRC Intramaps)

The applicants were advised that unless Council supported the location of the proposed carpark on Council land then it was unlikely the proposal could progress.

As a result the proponents have submitted a formal request to upgrade the informal gravel carpark on 3 McMahon Drive to a fully constructed, sealed, kerbed and line marked carpark for 36 vehicles including two disabled spaces. The carpark would be constructed at the applicant's cost. The applicant's request is provided in Attachment 1.

The applicant states the *car park would be of great benefit for public use, especially during weekends and after hours when the Child Care Centre would not be open. Also, it would service the adjoining skate park, the basketball court and the public walking facilities around the ponds and park. It would also take any possible parking congestion away from McMahon Drive.*

4.4 Request to Construct Carpark on Council Land for Joint Use Facilities - Lots 1362 DP1154538 - 5 McMahon Drive and Lot 1338 DP1112117 - 3 McMahon Drive, Bungendore (Ref: C17118239; Author: Thompson/Thompson) (Continued)

So the intent is that if Council allows its land to be used for the carpark to service the childcare centre Council will receive a completed high quality asset that can also be used to service the carparking needs for the community reserve.

Asset, Social and Financial Implications

Feedback was sought from staff on the proposal and the following comments were received.

Value of the construction – Constructing a carpark for 36 spaces to an appropriate Council standard would likely cost the applicant in the vicinity of \$270,000.

Tenure and Maintenance – It is proposed the carpark would become a Council asset on completion. Council would then need to enter into an agreement with the childcare centre for their shared ongoing use. This could be in the form of a lease or licence at whatever cost Council determines. It is proposed that Council would accept the ongoing maintenance in perpetuity on the basis that Council would include a maintenance contribution as part of the lease or licence agreement. This would be based on a cost to cover asphalt rejuvenation in 15-20 years. The lease or licence would need to be structured so that it could be transferred to a new lease should the childcare centre change hands.

Should the land be simply transferred to the applicant – This is not recommended. The appeal of the proposal is that Council receives a practical and useful asset to service the needs of the community utilising the reserve. Selling the site back to the developer who provided the land in the first place does not achieve the needs of the community. It would also have to go through the complex reclassification and subdivision process.

Is it equitable to allow a developer to utilise Council's land in this way – There is little doubt that if there was no benefit to Council in allowing the carpark to be constructed on Council land then this would not be an equitable use of the land. However, in this case Council needs to be cognisant that the area proposed for the carpark is already used informally as a gravel carpark (as can be seen from the aerial photos) and that the formal construction of the carpark would provide a needed, modern, aesthetically pleasing and practical asset that has a benefit to the community as well as to the proponent. Ultimately it is decision for Council to determine whether the use of the land by the proponent is balanced by the benefit provided to the community. Council should be aware that another childcare centre in Bungendore was recently refused (and is on appeal) on the basis that carparking could not be provided on site. However, in this case there was no community benefit offered in relation to providing any offsite parking.

Recommended Upgrade – Council could use the opportunity to pay for an additional nominal 5 carparks for when a group starts to do a “boot camp” nearby during the preschool drop off time. If this idea is proceeded with Council would need to contribute to the cost of the additional carparks.

Engagement

No consultation with the community has been undertaken at this stage. Should a DA be lodged the usual notification process will be put in place.

4.4 Request to Construct Carpark on Council Land for Joint Use Facilities - Lots 1362 DP1154538 - 5 McMahon Drive and Lot 1338 DP1112117 - 3 McMahon Drive, Bungendore (Ref: C17118239; Author: Thompson/Thompson) (Continued)

Conclusion

The proponent of the childcare centre would like to utilise adjoining land on Council's reserve to construct a carpark for combined childcare centre and community use at their own cost. There appears to be a need for carparking servicing the various facilities located on Council's reserve as evidenced by the existing gravel carpark presently on the site. There appears to be benefits to both parties in considering the proposal.

Attachments

Attachment 1 Elmslea Proposal - 5 McMahon Drive Bungendore (*Under Separate Cover*)

5.1 Amendment to Queanbeyan Development Control Plan 2012 (Ref: C17110996;
Author: Thompson/Jansen)

Summary

The amendments to the Queanbeyan Development Control Plan (QDCP) 2012 were exhibited from 27 June until 27 July 2017 and are now being referred back to Council for adoption. Two informal internal submissions were received during the exhibition period.

Recommendation

That Council adopt pursuant to the *Environmental Planning and Assessment Act 1979* and the *Regulations 2000*, the draft amendments to the Queanbeyan Development Control Plan 2012 with the inclusion of the amendments as set out in the Submissions Summary and in this report.

Background

The Queanbeyan Development Control Plan (QDCP) 2012 was originally adopted in December 2012. At the time it incorporated all previous DCP's that applied to the former Queanbeyan Local Government Area with the exception of Googong and South Jerrabomberra. In order to keep the document current and accurate a review has been undertaken and amendments are recommended to the document. The main changes are:

1. Updating the flood map in Part 2 of the QDCP to include the 0.5m freeboard. The provisions of the controls already set out requirements for the flood planning area which includes the 1:100 flood liable land, plus the 0.5m freeboard, however the map currently does not reflect this.
2. Deleting Part 5. Part 5 formerly contained site specific controls for areas like Cooks Estate, Jerrabomberra Heights, Golf Links Estate and a number of other areas. These areas are now all developed and separate controls are no longer required. The relevant provisions which need to be retained have been incorporated into the residential sections of the QDCP.
3. A new Part 3D has been incorporated to address shop top housing. Some controls for shop top housing were previously contained in Part 7 CBD. These are now contained within the new Part 3D together with several new provisions.
4. Previously the QDCP allowed for temporary occupancy in a shed on site whilst building a dwelling. This is now prohibited to bring the controls in Queanbeyan in line with the controls contained in the Palerang DCP.
5. A new map has been incorporated showing the area where the QDCP applies.
6. The introduction of new objectives and controls in Part 8 for the railways lands adjacent to Oaks Estate zoned IN2. This is to address previous representations to the Council from the Oaks Estate Progress Association. Council staff did write directly to the Association inviting any comments, however no submission was received during exhibition.
7. Updating the provisions for car parking requirements within Part 2 of the QDCP to provide concessions for some forms of change of use and refurbishment in the Queanbeyan CBD.

The draft document was placed on public exhibition from 27 June to 27 July 2017. Two internal submissions were received. Both submissions requested a change in relation to the wording

5.1 Amendment to Queanbeyan Development Control Plan 2012 (Ref: C17110996; Author: Thompson/Jansen) (Continued)

of the controls contained within clause 2.5.7 Floodways suggesting a re-wording to ensure the controls also address overnight accommodation developments within the floodway. This change is supported.

In addition a change of wording to Clause 2.2.7 Basement Parking (dot pint six) was recommended to refer to the "Flood Planning Level", rather than "1 in 100 year probable flood level + 500mm freeboard". This will avoid confusion and ensure consistency and the change is supported.

The submission also requested inclusion of a car parking rate for "Recreation Facilities (Sporting Fields)" and suggested that a requirement of 30 spaces is appropriate. This change is also supported.

Additional internal comments were also received after the exhibition period requesting the following changes:

1. Clause 2.7 Erosion and Sediment Control – It was suggested the format of this section should be written in terms of objectives and controls. The wording in the document was suggested by Environmental staff in consultation with Engineering staff and Development Assessment staff. The wording is based on the DCP of the former Palerang. Objectives and controls are not considered the best and clearest approach in this context which spells out requirements for Erosion and Sediment Control Plans and Soil and Water Management Plans.
2. Correcting Table 7 in Part 2 and updating the reference for contact from "Council's Sustainability and Better Living Section" to "Council".
3. Clause 3.2.2 – separating out the setback requirements for free standing carports and garages and swimming pools contained in Table 1 and changing the setback for carports/garages from the minor frontage to 5.5m (from 4.0m).
4. Clause 3.2.3 – removing previously proposed controls in respect of fencing.
5. Clause 3.6.6 – Deleting previously proposed for private open space.
6. Clause 3.6.10 – Deletion of control (j) in respect of car parking.
7. Part 3a Clause 3.2.4 – move the fencing requirement for Greenleigh Estate to part 6.
8. Part 3c Clause 3.7 – remove and replace with referencing SEPP 65.

These changes are considered appropriate in the circumstances and are of a minor nature only.

Implications***Legal***

The amendments to the QDCP were made in accordance with the *Environmental Planning and Assessment Act 1979* and *Environment Planning and Assessment Regulations 2000*.

Policy

The amendments to the QDCP are consistent with relevant Council policies.

**5.1 Amendment to Queanbeyan Development Control Plan 2012 (Ref: C17110996;
Author: Thompson/Jansen) (Continued)**

Environmental

The amendments to the QDCP will have a positive environmental impact and will ensure development is compatible with the amenity of the area.

Economic

Amendments to the car parking requirements within Part 2 of the QDCP are intended to act as an incentive for investment in the CBD.

Strategic

Updating the QDCP will ensure that the objectives and controls to the former Queanbeyan LGA remain relevant.

Engagement

The draft amendments to QDCP were placed on exhibition from 27 June to 27 July 2012. Two internal submissions were received requesting a number of minor amendments which are supported (see Attachment 1). Council also wrote directly to the Oaks Estate Progress Association to seek further comment in respect of the changes proposed in regard to the additional objectives and clauses covering any development for the railways lands.

Financial

The costs associated with this amendment to the QDCP will be covered from the relevant budget.

Resources (including staff)

This project predominantly involves two staff members.

Integrated Plan

The review and preparation of part of the draft QDCP is included in the Delivery Program 2013 -17 of the former Queanbeyan City Council. This related to preparing a DCP for the railway lands off Henderson Road.

Conclusion

The draft amendments to Queanbeyan Development Control Plan 2012 addresses a number of anomalies and ambiguities and is part of a regular review of the document. It is therefore recommended that the draft amendments be supported with the inclusion of the amendment to the controls contained within clause 2.5.7.

Attachments

Attachment 1	Queanbeyan Development Control Plan 2012 - Amendment 2017 Submission Summary (<i>Under Separate Cover</i>)
Attachment 2	Comprehensive Development Control Plan 2012 - Combined Table of Contents - Final August 2017 (<i>Under Separate Cover</i>)
Attachment 3	Section A Part 1 - Queanbeyan Development Control Plan 2012 - Final August 2017 (<i>Under Separate Cover</i>)
Attachment 4	Part 2 - All Zones - Queanbeyan Development Control Plan 2012 - Final August 2017 (<i>Under Separate Cover</i>)
Attachment 5	Part B 3a - Residential Zones - Queanbeyan Development Control Plan 2012 - Final August 2017 (<i>Under Separate Cover</i>)

**5.1 Amendment to Queanbeyan Development Control Plan 2012 (Ref: C17110996;
Author: Thompson/Jansen) (Continued)**

Attachment 6	Part 3b - Secondary Dwellings in Residential Zones - Queanbeyan Development Control Plan 2012 - Final August 2017 (<i>Under Separate Cover</i>)
Attachment 7	QLEP 2012 Part 3 C - Dual Occupancies, Multi Dwelling Housing and Residential Flat Buildings - Final August 2017 (<i>Under Separate Cover</i>)
Attachment 8	Part 3d - Shop Top Housing - Queanbeyan Development Control Plan 2012 - Final August 2017 (<i>Under Separate Cover</i>)
Attachment 9	Part 4 - Heritage and Conservation - Queanbeyan Development Control Plan - Final August 2017 (<i>Under Separate Cover</i>)
Attachment 10	Queanbeyan Development Control Plan 2012 - Part 5 -DELETED Local Area Provisions - Final August 2017 (<i>Under Separate Cover</i>)
Attachment 11	Part 6 - Rural, Environmental and R5 Large Lot Residential - Queanbeyan Development Control Plan 2012 - Section B Part 6 - Rural and Environmental Zones - Final August 2017 (<i>Under Separate Cover</i>)
Attachment 12	Section B Part 7 - Central Business District - Queanbeyan Development Control Plan 2016 - Final August 2017 (<i>Under Separate Cover</i>)
Attachment 13	Section B Part 8 - Industrial Zones Queanbeyan Development Control Plan 2012 - Final August 2017 (<i>Under Separate Cover</i>)

5.2 Stronger Country Communities Fund (Ref: C17118371; Author: Thompson/Geyer)

Summary

At the ordinary meeting of Council on 26 July 2017, a report was considered regarding the NSW Government's Stronger Country Communities Fund which was recently announced. At that meeting Council resolved;

- 1. Council's priority projects for the Stronger Country Communities Fund be the Queanbeyan River Walk and High Street Sports Field new amenities building with canteen, storage, club and referee rooms.*
- 2. A further report be received on further project options given the balance of funding available to QPRC under the Stronger Country Communities Fund.*

Council has been advised that the total available funds in 2017-2018 for QPRC are \$1,770,000, with a similar amount available in 2018-19.

Recommendation

That Council add Mick Sherd Oval Change Rooms and Braidwood Oval Flood Light Upgrade, to its priorities for grant funding under the Stronger Country Communities Fund.

Background

The Stronger Country Communities Fund is open to applications for projects valued at a minimum \$100,000, with projects ideally estimated between \$250,000 and \$1,000,000 and will have two rounds. The report to 26 July Council meeting, identified two projects that fit the criteria, being the Queanbeyan River Walk and High Street Sports Field amenities. These two projects are still considered high priorities.

Following notification that the potential funding available to Council is \$1,770,000 per round, and representation from community groups, the following priority projects are now put forward for additional inclusions in round one.

1. Braidwood Recreation Area - Flood Lighting is of low standard and only just meets training requirements. Requests from the sporting community came through the consultation for the Sports Facilities Strategic Plan, to upgrade the lights to allow a higher standard and potential night games. Initial estimates, based on previous projects indicate \$230,000-\$250,000 would achieve the desired results.
2. Mick Sherd Oval - is a popular sporting facility in the centre of Bungendore. At present the sports clubs share change rooms with the Aquatic Centre and these facilities are antiquated. There has been a reluctance to invest major funding into upgrading the Aquatic Centre change rooms, as the preferred outcome is a new facility at the proposed Bungendore Sporting Hub. However, even after the new complex is opened, Bungendore Park will still have a sporting presence on Mick Sherd Oval and will need their own change rooms. Staff are currently investigating where these are best located near the current aquatic centre or with the main amenities and canteen building.

5.2 Stronger Country Communities Fund (Ref: C17118371; Author: Thompson/Geyer) (Continued)

Implications***Asset***

In each project the proposed works will either upgrade, enhance or create a much needed community asset. Where ever possible emphasis is placed on asset renewal or upgrade.

Social / Cultural

The Stronger Country Communities Fund is designed to support regional communities to improve services and assets. The projects proposed for inclusion in this round of applications are all previously identified through community consultation and will deliver direct social benefits.

Strategic

The proposed projects have been identified through consultation, in the development of various strategic plans. Sporting facilities are included in the Sports Facilities Strategic Plan, while the River Walk has been identified through the Queanbeyan River Corridor Strategic plan.

Engagement

Extensive community engagement has occurred to develop the relevant Strategic Plans, from which the various projects have been identified.

Financial

Estimates for a new amenities building at High Street are around \$400,000, while upgraded flood lights at Braidwood are estimated at \$230,000-\$250,000. The importance of new amenities at Mick Sherd Oval are clearly identified and staff are currently finalising estimates of cost and locations within Bungendore Park. These estimates will be complete before the tranche, covering QPRC, opens in mid-August 2017.

As previously reported, budget estimates of between \$350,000 and \$450,000 would fill in missing links and complete a walking loop on the river walk, although this project has a number of sections that could be included in the larger two rounds of grant funding to extending beyond the CBD including the pinch point at Isabella Street, or extended paths onto Barracks Flat and below Greenleigh. With funding being limited to two rounds, it is important Council secure the maximum available to QPRC. It is proposed that staff finalise detailed estimates and lodge applications for the full \$1,770,000. If on completing estimates for the sporting facilities Council find there are still funds available, these could be added to the River Walk project and increase the number of sections that can be completed in this round and into the next round.

Conclusion

The additional projects will achieve some much needed priority works spread across the wider QPRC area. Any remnant funds from round one will assist in completing further sections of the very popular and important River Walk, with further allocation to the next stage of the Walk considered in the 2018-19 allocation, together with further town centre improvements in Bungendore and Braidwood.

Attachments

Nil

5.3 Tourism Plan and Tourism Policy (Ref: C17115740; Author: Richards/Darcy)

Summary

The draft Tourism Plan and draft Tourism Policy were considered by Council at the 26 April 2017 meeting, where it was resolved to seek community feedback for 28 days. This report provides a summary of feedback received and recommended amendments to the Tourism Plan.

Recommendation

That Council

1. **Note the feedback received during the public exhibition period.**
 2. **Adopt the Tourism Plan, as amended.**
 3. **Adopt the Tourism Policy.**
-

Background

The Draft Tourism Plan and Draft Tourism Policy were endorsed at the Ordinary Meeting of Council on 26th April (110/17) after which the documents were placed on exhibition for 28 days.

Delivery and implementation of the Tourism Plan and Tourism Policy supports the NSW South East Tablelands (SET) Regional Plan 2036:

- Direction 9 - specifies Tourism as a priority growth sector for the region and provides Action 9.1 to "enhance the broader tourism offering by collaborating with Visit Canberra and the ACT Government" to showcase the diversity of experiences offered across the region.
- Direction 12 – promote business activities in urban centres which are identified as supporting local tourism and places for community and recreational activity that encourage visitors.

A summary of the feedback received during the exhibition period is attached. The following amendments are recommended to the Draft Tourism Plan:

- Include reference to developing an Event Support and Promotion Policy in the "Key Marketing Initiatives" section under *Develop a Five Year Marketing Plan*.
- Include a new Action Item in the Action Plan:
 - Item 4.7 - Develop an Event Support and Promotion Policy to provide guidance on availability of financial support for eligible events and promotion.
- Amend Action Plan Item 3.3 to include drive itineraries including the Braidwood to Captains Flat route and potential for promotion of circular routes :

There are no changes recommended for the Tourism Policy.

**5.3 Tourism Plan and Tourism Policy (Ref: C17115740; Author: Richards/Darcy)
(Continued)**

Implications***Policy***

The Tourism Policy is a new policy for the Queanbeyan-Palerang Regional Council. Further policy development will be explored to guide tourism and events support and may be brought to Council for consideration in the future.

Social / Cultural

The Tourism Plan recognises that any tourism development is sustainable including any impact on the social and cultural fabric of a community. Successful tourism planning will deliver benefits to the community and contribute to a more vibrant place to live and work

Economic

The Tourism Plan and Tourism Policy provide a strategic approach to growing the visitor economy. A key aspect is the integrated approach that the Plan adopts to ensure that tourism is integrated into the broader economic development agenda of Queanbeyan-Palerang Regional Council and destination marketing programs of the ACT and Southern NSW.

Local Representation Committee – Feedback

A workshop was held with the Local Representation Committee to provide input into the initial Tourism Plan. This was followed by a presentation of the draft Tourism Plan in which further feedback was received and incorporated into the final version.

Engagement

The initial Draft Tourism Plan was developed following community consultation workshops in Queanbeyan, Bungendore and Braidwood and additional small group consultations were held with Visit Canberra, Ngambri Land Council, Pedal Power, Molonglo Rail Trail, Monaro Rail Trail, Regional Development Australia (ACT), food and wine representatives and Braidwood and Villages Tourism Association.

After endorsement on the 26th April, the Draft Tourism Plan and Draft Tourism Policy were placed on exhibition for 28 days. A summary of community feedback is attached.

Financial

The Tourism Policy recognises that a financial commitment is required for tourism projects to realise potential benefits of growing the visitor economy to the region.

The Tourism Plan includes actions that will need to be considered for funding in forthcoming Delivery Plans and through actively seeking grant funding.

Resourcing

The Council is yet to revise service levels for Tourism, currently limited to operation of the VIC in Queanbeyan, and coordinating some events and festivals. Following the review of events last year, the placement of the SE NSW Destination Network office in Queanbeyan, and expansion of some events into Bungendore and Braidwood such as the Christmas and

**5.3 Tourism Plan and Tourism Policy (Ref: C17115740; Author: Richards/Darcy)
(Continued)**

Business Connect forums, a dedicated staff resource will be considered as part of the organisation restructure.

Integrated Plan

The Tourism Plan and Tourism Policy addresses the key strategic directions of Choice and Connection from Councils Strategic Plan.

Conclusion

The Tourism Plan provides a united vision and strategic direction for tourism in the Queanbeyan-Palerang Region. The Tourism Policy recognises Council's role and commitment to tourism as one of the sectors that can sustain economic growth and contribute to the delivery of social and lifestyle benefits and that Local Government plays a major role in tourism and is engaged in tourism in many ways.

Attachments

Attachment 1 QPRC Tourism Plan - Summary of Engagement Report (*Under Separate Cover*)

5.4 Easy To Do Business (Ref: C17117523; Author: Richards/Darcy)

Summary

Council is proposing to participate in the Easy to do Business proof of concept program through a Service Partnership Agreement with Service NSW and the Outdoor Dining Trial managed through the Office of the NSW Small Business Commissioner.

Recommendation

That Council

1. **Endorse Queanbeyan-Palerang Regional Council's participation in the Easy to do Business Proof of Concept until 30th June 2018.**
 2. **Delegate the relevant customer service functions related to the administration of the 'Easy to do Business' program to the Chief Executive Officer, Service NSW in accordance with the Service Partnership Agreement as required under the Service NSW (One-stop Access to Government Services) Act 2013.**
 3. **Endorse Queanbeyan-Palerang Regional Council's participation in the Outdoor Dining Trial from September 4th 2017 through to June 30th 2018.**
 4. **Note the Easy to Do Business Program service fee of \$5,000 p.a**
-

Background

Easy to Do Business

The 'Easy to Do Business Proof of Concept' is supported by a Service Partnership Agreement with Service NSW. This program is a joint initiative between the Department of Premier and Cabinet, the Customer Service Commissioner, the Office of the NSW Small Business Commissioner and Service NSW

The Easy to Do Business program focuses on coordinating and navigating through all of the government approvals required to be obtained by a new business owner in respect of a particular development sector. The Easy to Do Business program offers a single online portal for customers to transact across three levels of government to obtain the information, registrations and approvals they need to start or grow their business.

Service NSW provides a digital platform and detailed information upfront as to what is required by a potential new business owner from all of the approval authorities including Council.

The focus of the Service Partnership Agreement is to reduce research time required by small business, reduced administration effort (red tape) to prepare applications, removal of duplicate fields (single input form), digital rather than paper based form for ease of access and submission, create a single point of contact for queries / status updates and deliver faster application assessment timeframes for the complete process.

This initiative brings agencies, local councils and industry bodies together, to make the process of opening or expanding a small business simpler and faster. The intent is creating an online, one-stop shop for business customers and reducing the time it takes to open or grow a business.

5.4 Easy To Do Business (Ref: C17117523; Author: Richards/Darcy) (Continued)

The focus is small business, initially targeting solutions for the following sub sectors:

- Cafes, Small bars and Restaurants
- Housing Construction
- Clothing retail
- Road Freight
- Print Business

The Easy to Do Business program has been adopted by four participating councils to date including City of Parramatta, Dubbo Regional, Georges River and Northern Beaches. Progress to date with the program includes:

- One application replaces 30 forms spanning 3 levels of government. Streamlined process with 43% reduction in customer data entry.
- One web site, one phone number for support.
- Business Concierge team provide proactive, supporting case management service.
- Federal government integration via ABR for customer ABN and business details and DIIS with Business Registration Services (9 federal forms).
- Time to open a Café, Small bar or Restaurant reduced from up to 18 months to less than 90 days.

Council has ensured approval timeframes and quality of development under its legislative authority will not be compromised through a whole of government approach.

The areas of Council that interact with the small business community have been consulted and been able to participate in developing the Easy to Do Business Proof of Concept. Areas of Council involved include Customer Service and Communications, Business and Innovation Natural Landscapes and Health and Digital Specialist functional areas.

Outdoor Dining Trial

The Outdoor Dining Trial forms part of a wider Office of the NSW Small Business Commissioner 'Easy to Do Business' initiative, which seeks to provide support for small businesses in partnership with local Councils.

The Outdoor Dining Trial provides a simple, easy and streamlined online application and process that reduces the complexity and cost for cafes, restaurants and small bars to expand their business to the public footpath. The trial will commence in September 2017 and will run until July 2018. The trial is open to for new participants to come on board from the restaurant, café and small bars sector across the Queanbeyan CBD area as well as the Braidwood and Bungendore town centres.

Implications

Legal

Council has been advised by Service NSW that it seeks to launch the "Easy to Do Business" program in Queanbeyan-Palerang in September 2017. However there is a legislative requirement within the *Service NSW Act 2013*, which requires a Council resolution to empower a Service Partnership Agreement.

As part of such resolution it is necessary that Council resolves to delegate customer service functions related to the administration of the Easy to Do Business program to the Chief

5.4 Easy To Do Business (Ref: C17117523; Author: Richards/Darcy) (Continued)

Executive Officer, Service NSW until 30 June 2018 as required under the *Service NSW (One-stop Access to Government Services) Act 2013*.

Economic

Involvement in the Easy to Do Business program and Outdoor Dining Trial will deliver economic benefits in the form of:

- A decrease in 'red tape' encountered to open a business
- Implementation of simplified steps to start or expand a business
- Redirection of proponents effort from red tape into productive business tasks to get their business started and running
- An easier process may generate an intent for more proponents to start a business
- An anticipated reduction in frontline staff effort in processing applications that can be reinvested in other areas.

The Outdoor Dining Trial aims to provide small businesses with the opportunity to reinvest the cost savings into their business, to employ more staff, buy new furniture, improve the streetscape and support the local community.

Strategic

Adopting the Easy to Do Business program and the Outdoor Dining Trial contributes to Queanbeyan-Palerang Regional Council commitment to the objectives of the NSW Small Business Strategy to make NSW the easiest state to start a business and the objectives of the South East and Tablelands Regional Plan 2036 – Directive 12: Promote business activities in urban centres.

The Outdoor Dining Trial aims to promote vibrancy, culture, vitality, amenity and ambience in the street environment which is meeting the objectives in the Queanbeyan CBD Transformation Strategy.

Engagement

Members of staff from the Natural and Built Character portfolio and the Community Choice portfolio attended an in-service workshop on the Easy to Do Business Program to introduce the program and discuss Queanbeyan-Palerang participation. Staff are working with the Easy to do Business program staff on the ongoing integration of Queanbeyan-Palerang Regional Council processes and procedures into the Easy to do Business platform.

Staff are also working with Office of the NSW Small Business Commissioner on the Outdoor Dining Trial to finalise the Policy and implementation guidelines to be used by all Councils participating in the trial.

Financial

The service fee for participation in the Easy to Do Business Program is \$5,000 p.a. As additional sub-sectors are added to the Easy to Do Business service, additional fees will be negotiated and agreed separately. There is no allocation in the 17/18 budget for participation. The fee will be required to be funded from reserves.

5.4 Easy To Do Business (Ref: C17117523; Author: Richards/Darcy) (Continued)

At the 10 May Council Meeting, it was resolved (125/17) to reduce the per square metre Outdoor Dining fee to nil for existing permit holders with the \$62 annual application fee still applicable. Since then Queanbeyan-Palerang Regional Council is seeking to be part of the Office of the NSW Small Business Commissioner Outdoor Dining Trial program. New applications received under the Outdoor Dining Trial will be assessed free of charge and not be subject to an annual application fee during the trial. There is no cost to Council participate in the Outdoor Dining Trial.

Integrated Plan

Adopting the Easy to do Business program addresses the key strategic directions of Choice from Council's Strategic Plan.

Conclusion

Queanbeyan-Palerang Regional Council is seeking to participate in the Easy to Do Business program through Service NSW and the Outdoor Dining Trial being coordinated by the Office of the NSW Small Business Commissioner. A resolution and endorsement of Council is required to empower a Service Partnership Agreement under the *Service NSW Act 2013* for the Easy to Do Business program.

Attachments

Attachment 1 Easy to Do Business Overview (*Under Separate Cover*)

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334; Author: Thompson/Carswell)

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334); Author: Thompson/Carswell

Report

The Land-Use Planning status focuses mainly on the land-use planning projects of the branch. Prior to this report three status reports for various land-use (strategic) planning projects and activities have been considered at the Council meetings of 19 May 2016 (Minute No. 012/16), 22 June 2016 (Minute No. 077/16) and on 9 November (Minute No. 282/16).

Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan

At its meeting of 28 September 2016 Council considered a report on a major program to consolidate the principal local environmental plans current applying to the LGA and adopted a series of recommendations, which when implemented, will help to achieve a comprehensive local environmental plan i.e. *Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan (Minute No. 206/16)*.

This report included a staged work program from September 2016 to July 2019 with work being limited to preliminary matters until a new Council is elected in September 2017. The proposed program also included work continuing on a number of existing projects including those within this report.

As previously advised, an internal discussion paper has been produced which provides analysis of the five standard instrument local environmental plans (LEPs) applicable to the LGA. In particular the paper identifies both:

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

The recommendations of this paper continue to be worked through.

Other Planning Proposals and Associated Work

The following is an update of Planning Proposals within the western part of the LGA:

1. South Jerrabomberra Planning Proposal (LEP)

This is a Delivery Program project and its purpose is to rezone the balance of South Jerrabomberra to specific zones including residential, recreational and environmental uses.

As previously reported this Planning Proposal and associated material was forwarded to NSW Planning and Environment with a request for the draft local environmental plan to be finalised and notified. A draft planning instrument has been prepared by that Department, reviewed by Council and comments forwarded. This planning proposal is still with NSW Planning and Environment for final determination. The reason for the delay in finalising the Proposal has been the necessity to undertake further traffic work in relation to having a single Northern Entry Road access and egress which has also involved a whole series of meetings with that Department and the NSW Roads and Maritime Service.

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334; Author: Thompson/Carswell) (Continued)

2. North Tralee Planning Proposal (LEP)

This is a Delivery Program project and was last reported to Council's meeting of 14 December 2016 where it was recommended:

That Council endorse the amended Planning Proposal and that all necessary steps be taken to progress and finalise the Planning Proposal for the rezoning of the land at North Tralee.

Its primary purpose is to rezone the area known as North Tralee to specific zones with these generally being suitable for employment type land uses.

The necessary documentation was forwarded to NSW Planning and Environment. Subsequently a Gateway determination was issued by the Department on 10 May 2017 subject to the following changes being made to the planning proposal prior to community consultation:

- *A statement that the proposal will be implemented by an amendment to Queanbeyan Local Environmental Plan (Poplars) 2013.*
- *Outlining the permissible and prohibited land uses within the proposed zones.*
- *Applying an appropriate minimum lot size (Lot Size Map) that minimises the subdivision potential of land proposed to be zoned RU2 Rural Landscape Zone.*
- *Outlining the decision by Council on listing the former canteen at Fraser Park Speedway as a local heritage item.*
- *Including any additional information Council may receive on land contamination in accordance with the response to State Environmental Planning Policy 55 Remediation of Land outlined in Attachment 1 of the Planning Proposal.*
- *Including all of the relevant LEP Maps.*

Following receipt of the Gateway determination further work is currently being done on the heritage and contamination issues outlined above as well as on the LEP maps.

3. Jumping Creek Planning Proposal (LEP)

This Planning Proposal is to rezone the two deferred areas of Jumping Creek the majority of the site being rezoned as part of *Queanbeyan Local Environmental Plan 2012*. It was last reported to Council's meeting of 24 August 2016 where the Administrator resolved (Minute No. 162/16):

...that Council forward the draft planning proposal for Jumping Creek to the NSW Department of Planning & Environment requesting a Gateway determination be issued in order to progress the draft plan.

Following this resolution, NSW Planning and Environment were requested to issue a Gateway determination. This was subsequently issued on 10 November 2016 and required consultation with 12 public authorities prior to community consultation. This was done and as a result further work became necessary and this is currently being pursued.

4. Planning Proposal for 239 Old Cooma Road

This is an Operational Plan project and has been in train for a number of years and has included a change in ownership.

Since last reporting there have been a number of meetings with the proponents as well as internal meetings which have resulted in refinement of their proposal. It is intended to report on this to a Council meeting in October 2017.

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334; Author: Thompson/Carswell) (Continued)

5. Planning Proposal to reclassify certain land

Amongst other things this project included a Planning Proposal which sought to reclassify five sites from Community Land to Operational Land. It was last reported to Council at the meeting of 14 December 2016 (Item 8.4) where amongst other things it was recommended that the Planning Proposal be finalised. The relevant material was subsequently drafted and forwarded to NSW Planning and Environment and the resultant draft local environmental plan notified on 10 March 2017.

6. Planning Proposal to amend Queanbeyan Local Environmental Plan 2012

The purpose of this Planning Proposal is to amend *Queanbeyan Local Environmental Plan 2012* in regard to corrections to property descriptions and other amendments in Schedule 1 Additional Permitted Uses and in Schedule 5 Heritage Conservation, amending the Flood Planning Map and including an additional item in Schedule 2 Exempt Development.

It was considered at Council's meeting of 24 May 2017 whereby the Administrator resolved:

That Council submit the subject planning proposal to the Department of Environment and Planning to implement the proposed draft amendments to QLEP 2012 (Minute No. 140/17).

Following this the necessary documents were drafted and sent to NSW Planning and Environment for a Gateway determination. This was issued on 22 June 2017 and amongst other things required consultation with three public authorities. This is currently being carried out.

7. Planning Proposal for Proposed Memorial Park

This was reported to Council's meeting of 28 June 2017 (Item 8.15) and as a result, amongst other things, the Administrator resolved:

That in order to progress the planning and assessment, stakeholder and community engagement processes for a proposed memorial park on the corner of Old Cooma Road and Burra Road, Council:

a. Prepare a Planning Proposal for Lot 2 DP 112382 and Lot 126 DP 754881 to amend the Queanbeyan Local Environmental Plan 2012 to provide for additional permitted uses, being that of a 'cemetery' and 'crematorium', in Schedule 1 Additional Permitted Uses, for this site.

b. Request the Minister to make the final determination on whether the Planning Proposal should proceed (to ensure the independence of the process).

The necessary documentation is currently being prepared with a view to requesting the Department of Planning and Environment to issue a Gateway determination.

Since the gazettal of the *Palerang Local Environmental Plan 2014* which applies to the Eastern part of the LGA, nine planning proposals have been considered by Council. The following is an update on each of the Planning Proposals that have not been gazetted.

8. North Bungendore (part Lot 1 DP 798111) Planning Proposal

As previously reported a Planning Proposal was submitted to the former Palerang Council in late 2014 for the rezoning of Lot 1 DP 798111 from RU1 Primary Production to R2 Low Density Residential and RE1 Public Recreation. The proposal would potentially allow the creation of approximately 300 residential lots on the northern edge of Bungendore (adjacent to Tarago Road in the area known as Elmslea). A Gateway determination was issued by the Minister for Planning's delegate on 27 April 2015 and this requires consultation with 13 government agencies, community consultation and numerous studies (identified in the planning proposal) to be undertaken.

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334; Author: Thompson/Carswell) (Continued)

A consultant planner has been engaged by Council (at the expense of the developer) to prepare the briefs for the studies, manage the consultants, prepare a report which will collate the studies and make recommendations and to assist with the community and government agency consultation. Consultants have been engaged for the following studies and it is anticipated that a final report will be completed by August 2017. The studies that were undertaken include:

- Aboriginal cultural heritage
- bushfire
- water (network analysis)
- sewer (network analysis)
- transport and traffic
- stormwater
- soil capability
- contaminated lands.

The flora and fauna assessment for the subject site was previously undertaken.

This site is constrained by its proximity to the former Bungendore Landfill. Council has finalised a closure plan and risk assessment for gas generation and migration from the landfill. A report to Council is expected in the coming months regarding the appropriate buffer distance around the landfill. To progress the Planning Proposal, a conservative buffer of 500m around the landfill has been applied and all land within the buffer has been excluded from the Planning Proposal.

9. Bungendore East (Lot 1 DP 747767 and others) Planning Proposal

As previously reported a Planning Proposal for Lot 1 DP 747767, Lots 275, 279 and 273 DP 754915, Lots 7301 and 7302 DP 1168137 and Lot 1 DP 193988, Bungendore has been submitted to Council. The planning proposal seeks to amend the *Palerang Local Environmental Plan 2014* to allow approximately 760 low and medium density residential lots, a high school, community hub, open space and active recreation areas. At the December 2015 meeting of the former Palerang Council it was resolved to forward the planning proposal to the Minister of Planning for a Gateway determination. The Planning Proposal was forwarded to the Department of Planning and Environment. However, it has not been forwarded to the Gateway panel as the Department of Planning and Environment would like the need for potable water and a revised structure plan addressed first.

One of the major considerations in both the Bungendore East and North Bungendore Planning Proposals is the requirement for additional potable water. To expand beyond the existing town boundaries, Council and state government agencies will need to be satisfied that additional groundwater is available within the system. The following two sections provide an update on this matter:

10. Securing Additional Water for Council's Reticulated Water Scheme

Potable water for Bungendore is provided by a Council managed reticulated water scheme. The water is sourced from a number of groundwater bores situated around the town. Council has a current groundwater allocation of 472ML per annum, with 272ML available per annum from the Turallo bore field and 200ML per annum from Butmaroo bore field. Utilities staff have discussed the requirement for more potable water and range of options with the NSW Department of Primary Industries, Water.

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334; Author: Thompson/Carswell) (Continued)

Council has engaged a contractor to undertake drilling for water in the fractured rock surrounding Bungendore. Test drilling has been completed and two production bores have been established. The water from these bores is currently undergoing testing to determine if it meets the required standard.

If it is determined that additional potable water is available and of a suitable quality, it will be necessary for Council to apply for a licence under the *Water Management Act 2000*. Aligned with locating additional potable water is the need for Council to prepare an Integrated Water Cycle Management Strategy (see below). This approach will enable the NSW Department of Primary Industry, Water to consider any amendment to the town water supply entitlement in a co-ordinated and holistic manner.

11. Integrated Water Cycle Management Strategy (IWCM)

The IWCM is a thirty year strategy which incorporates a total asset management plan and financial plan for Council's water and sewerage businesses. New government guidelines require this process to be reviewed on a four-yearly program with each second review to be a major IWCM review, and each alternate to be a more moderate review of the strategic business plan. The project is being managed by the Utilities branch.

The former Palerang Council was one of the first local water utilities in the state to embark on this recently revised IWCM process. An issues paper has been prepared and discussed by the project Reference Group which has met once. The Reference Group includes community members, government agency and Council staff.

The Project Reference Group fulfil the following roles:

- Provide input on all existing and potential issues that affect the community relating to provision of the urban water service over the next thirty years.
- Help identify suitable options for managing these issues.
- Evaluate and compare scenarios built from mixes of options on the basis of their social, environmental and economic impacts.
- Review the evaluation and comparison of scenarios in the IWCM Strategy to determine the preferred scenario to recommend for adoption and implementation by the water utility.

The next stage is to address the identified data gaps and to consider the identified issues.

12. Bungendore Central Carpark

The proposed Bungendore Central Carpark is located on Lot 5, DP 1204393. A Gateway determination for a planning proposal to rezone the parts of Lot 5 that are currently zoned B2 Local Centre (the access handle from Malbon Street and a small area behind No 10 Malbon Street) to SP2 Infrastructure – Public Carpark has been exhibited. The submissions were considered by the former Palerang Council. A further report was considered at the 12 April 2017 Planning and Strategy meeting whereby the Administrator resolved:

That Council adopt and take all actions necessary to make the draft local environmental plan to allow the rezoning of Part of Lot 5 DP 1204393 (Malbon Street, Bungendore) from B2 Local Centre to SP2 Infrastructure (public car park) (PLA033/17).

Following this a report was prepared for the Department of Planning and Environment and the amendment has now been notified (gazetted).

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334; Author: Thompson/Carswell) (Continued)

13. Amendment of Schedule 1 to allow the subdivision of Lot 3 DP 1074706, Sutton to create residential lots

The Planning Proposal seeks to amend schedule 1 to allow a subdivision application for Lot 3 DP 1074706 into six residential lots varying in lot size from 4-8 hectares and one residual lot which will include an existing tourist/convention centre. The lot is zoned E4 Environmental Living. The Planning Proposal was referred to government agencies for comment and has received a Gateway determination. A revised bushfire, flora and fauna and aboriginal cultural report are required. Quotations for these have been obtained and it is expected that consultants will be engaged shortly.

14. The inclusion of the Captains Flat Flood Planning Map in the Palerang Local Environmental Plan 2014 and minor amendments concerning heritage and the numbering of clauses in the Palerang Local Environmental Plan 2014

A further report was considered at Council's Planning and Strategy meeting on 12 April 2017 whereby the Administrator resolved:

That Council adopt and take all actions necessary to make the draft local environmental plan to allow the insertion of Captains Flat flood planning area map, the amendment of the heritage schedule and heritage map no. 4 and the renumbering of a clause (PLA034/17).

Following this the required material was drafted and forwarded to NSW Planning and Environment. This Planning Proposal has been notified (gazetted).

15. Expanding exempt and complying development in E4, RU5 and RU1 zones

This Planning Proposal will be considered as part of the preparation of the comprehensive local environmental plan.

16. Lot 3 DP 1195030, rezoning from IN2 Light Industrial to R2 Low Density Residential

A Planning Proposal for the rezoning of Lot 3 DP 11950 in Majara Street, Bungendore from IN2 Light Industrial to R2 Low Density Residential was considered at the meeting of Council on 25 January 2017. Following the recommendation from Council that it be referred to the Minister for Planning for Gateway determination it was sent to the Department of Planning. A Gateway determination has been received. A requirement was that an acoustic assessment be undertaken. It is expected that a report on the assessment will be received within two weeks. Following this public exhibition of the Planning Proposal will be undertaken.

17. The inclusion of a dwelling on Lot 6 Section 1 DP 758183, 7 Turallo Terrace, Bungendore as a local heritage item in the Palerang Local Environmental Plan 2014

Council has received a Planning Proposal from the owner of Lot 6 Section 1 DP 758183, 7 Turallo Terrace, Bungendore requesting that the original dwelling be listed as a local item in the environmental heritage schedule of the *Palerang Local Environmental Plan 2014*. Staff are currently preparing a report for Council and a revised Planning Proposal.

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334; Author: Thompson/Carswell) (Continued)

Proposed Planning Proposals***1. Amendment of clause 4.6.***

As previously reported the former Palerang Council resolved at its meeting of 28 April 2016 that:

Council prepare a planning proposal to amend the Palerang Local Environmental Plan 2014 to prevent the use of clause 4.6 Exceptions to development standards in relation to clause 4.2A (3) (a) Erection of dwelling houses on land in certain rural, residential and environment protection zones, where the allotment area is less than 90% of the minimum area specified in the development standard."

This Planning Proposal has not yet been prepared. This matter will be considered as part of the preparation of the draft comprehensive local environmental plan.

2. Amendment of Schedule 5 Environmental Heritage

There are numerous amendments required to Schedule 5 Environmental Heritage and the associated maps. This matter is being addressed as part of the preparation of the comprehensive local environmental plan.

3. Terrestrial Biodiversity and Landscape maps and associated text

The revised native vegetation Geographic Information System (GIS) layer has been finalised. The *Palerang Local Environmental Plan 2014* terrestrial biodiversity map will be amended to reflect the new layer as part of the preparation of the draft Queanbeyan-Palerang Local Environmental Plan.

Additionally, as the current terrestrial biodiversity map contains karst areas these will be removed and included in the landscape map. A clause will need to be inserted in the local environmental plan requiring the consideration of karst areas. This matter is also being considered as part of the preparation of the comprehensive local environmental plan.

4. Animal boarding or training establishments

The former Palerang Council had discussed the land use 'animal boarding or training establishments' several times and had requested that a report be prepared concerning the appropriateness of the land use in each of the rural land use zones and the potential separation of the two via a planning proposal. This matter will be considered as part of the preparation of the comprehensive local environmental plan.

5. Capital Country Holiday Village

Staff will continue to work with the business Capital Country Holiday Village to address the permissibility of some aspects of that development.

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334; Author: Thompson/Carswell) (Continued)

Palerang Rural Lands Study

A twenty year strategic direction for rural, rural residential and environmental land in the former Palerang local government area was adopted by Council in February. The strategy does not include the villages, towns and land managed by State Government agencies such as the National Parks and Wildlife Service and Forestry Corporation of NSW. The requests for the rezoning of land and the ability to erect a dwelling on certain non-urban land will be assessed against criteria in the strategy and a report with recommendations concerning the requests will be provided to Council later this year.

Development Control Plans***1. Googong Structure Plan for Neighbourhood 2***

As previously reported Stage 2 includes the Town Centre (although this will be subject to further detailed work).

It was last reported to Council's meeting of 14 December 2016 where (Minute No 310/16) the administrator resolved:

That Council adopt pursuant to the Environmental Planning and Assessment Act 1979 and Regulations 2000 the draft amendments to the Googong Development Control Plan.

This completes this part of the project.

2. Obstacle Height Limitations Project

This project is a joint project with the Commonwealth and Canberra Airport.

As previously reported it relates to clauses (Airspace operations) in *Queanbeyan Local Environmental Plan 2012*, *Queanbeyan Local Environmental Plan (South Tralee) 2012* and *Queanbeyan Local Environmental Plan (Poplars) 2013* which require referral to a Commonwealth body when a development breaches the Limitation or Operations Surface of Canberra Airport. The purpose of it is to speed up the assessment of development applications and so reduce costs by arriving at agreed circumstances.

As previously reported it was anticipated that an amended section would be put into *Queanbeyan Development Control Plan 2012*. However, this is no longer the case and after consideration by the Commonwealth and their obtaining legal advice, it is now the case that a slightly different process of referral for affected development applications will occur. The exact process is still being negotiated.

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334; Author: Thompson/Carswell) (Continued)

3. Palerang and Braidwood and it's setting Development Control Plans

As the Palerang DCP has been in effect for almost twelve months it is necessary to review some of its provisions and correct typographical errors. The provisions requiring review include laneways and sheds in the land use zones outside of the towns and villages.

A draft Braidwood DCP was exhibited in early 2015. The draft has been discussed with the NSW Heritage Council and provisions agreed on. The submissions from the exhibition require consideration by Council, subsequent amendment if required followed by adoption by Council. As part of this process, discussions with the legal section of the NSW Office of Environment and Heritage need to continue regarding the status of the DCP and whether a new gazettal notice including the new DCP needs to occur.

Following the approval of the Braidwood DCP, the engineering requirements for new development and major maintenance work (pertaining to both Council and the community) for the conservation area need to be revised to include heritage provisions such as the material to be used for kerb and gutter. This work needs to be undertaken in association with NSW Roads and Maritime Services, the Heritage Division and internal stakeholders.

4. Amendment of Queanbeyan Development Control Plan 2012

A report on this amendment was considered at the 14 June 2017 Planning and Strategy meeting whereby the Administrator resolved:

1. *That Council place the proposed draft amendments to the Queanbeyan Development Control Plan 2012 on public exhibition for a period of 28 days.*
2. *That the Oaks Estate Progress Association be advised in regard to the draft DCP.*
3. *That following receipt of submissions, a report on the Draft DCP be submitted to the Council for determination (PLA063/17).*

The amended DCP was subsequently advertised and a report on the will be considered by Council shortly.

Development Contributions Plans and Planning Agreements**1. South Tralee Local Planning Agreement**

This project is also a Delivery Program project. Council last considered it at its meeting of 22 June 2016 following its exhibition for public comment whereby the Administrator resolved (Minute No. 061/16):

... to execute the South Tralee Local Planning Agreement subject to incorporating the recommended changes specified in Attachment 1 to this report and any other minor administrative or housekeeping changes identified noting that the recommended action for Item 29 has been amended to read "no change be made to the LPA as a result of this submission."

Following this resolution a number of minor changes were sought and discussed with the proponent Canberra Estates Consortium No 4 Pty Limited (CEC 4) and legal advice obtained on them.

However, in November 2016, CEC 4 advised Council that it was unable to execute the Local Planning Agreement in its current form.

In May 2017 Council received an amended draft Local Planning Agreement (LPA) but only including contributions for water and sewer whereas the previous version covered a wide range of contribution types.

This latest LPA has been the subject of legal advice and is currently being reviewed.

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334; Author: Thompson/Carswell) (Continued)

2. South Jerrabomberra Section 94 Contribution Plan

Since last reporting work on this project has recommenced. This has involved considerable preliminary work including but not limited to producing a revised brief and re-engaging the consultant, meeting with the consultant, commissioning fresh valuations, holding a series of internal meetings, working through various issues and other actions. This has been unable to be finished for the same reasons as indicated under the section of the report on the South Jerrabomberra Planning Proposal i.e. the necessity to undertake further traffic work in relation to having a single Northern Entry Road access and egress which has also involved a whole series of meetings with that Department and the NSW Roads and Maritime Service.

3. Queanbeyan Section 94A Plan

This is an Operational Plan project and is intended for the commercial and industrial areas of Queanbeyan. Preliminary work has commenced on this and no further action has been taken since last reporting.

Bungendore Structure Plan

A detailed report to the Extraordinary Meeting of the Queanbeyan-Palerang Regional Council held 19 May 2016 provides a detailed background to the development of the Bungendore Structure Plan.

As this work is reliant on a significant amount of in-house knowledge and data, the work is being undertaken by Council staff. An early draft of the structure plan technical report has been completed and discussed at a former Palerang Council workshop in November 2015. Once a final draft of the structure plan has been completed, it will be exhibited. Funds for this work have been allocated in the 2017/18 financial year budget. Work will include an analysis of stormwater in the southern area of Bungendore, the consideration of commercial and industrial opportunities and the development of a recreation plan to include pedestrian/bike paths, playing fields and a swimming pool. The next stage in the process is discussion with government agencies. Recent decisions of Council to explore sites for the proposed bypass and ambulance station will be considered.

Integral to the development of Bungendore in addition to the Structure Plan is the development of the Integrated Water Cycle Management Strategy (IWCM) (see above), securing additional water for Council's reticulated water scheme and the preparation of revised section 94 and section 64 plans. Section 64 of the *Local Government Act 1993* allows contributions to be levied towards the provision of water, sewerage and stormwater infrastructure. Council must have a Developer Servicing Plan in order to levy a Section 64 contribution.

Community Plans of Management Plans under the NSW Local Government Act 1993

Under Division 2 of the *NSW Local Government Act 1993*, Council is required to have a management plan in place for all community land in the local government area and to manage the land in accordance with the applicable plan.

These reviews are part of an ongoing program and are identified in the Delivery Program. Moreover this area of work is likely to increase when the *Crown Land Management Act 2016* takes effect next year.

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334; Author: Thompson/Carswell) (Continued)

Currently, there are few areas of community land in the former Palerang local government area that have a site specific management plan that would comply with the legislation, although generic plans that apply to most reserves were prepared in the past. The plans would detail management strategies such as the timing of slashing and any burning. The following areas of community land have been identified as being most in need of a management plan:

- The Swainsona reserve at Royalla
- Captains Flat cemetery
- Majors Creek cemetery
- Days Hill Reserve
- Bowen Park.

Work has commenced on a draft management plan for the Captains Flat cemetery and it is anticipated that a draft management plan will be exhibited in late 2017. The cemetery contains both marked and unmarked graves. However, there have not been any burials for at least the last ten years. The vegetation in the cemetery is predominantly native including two listed species within the cemetery area, *Prasophyllum petilum* (Tarengo Leek Orchid), which is classified as endangered under both the NSW Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999. The second listed species is *Eucalyptus aggregate* (Black Gum) which is listed as vulnerable under the NSW Threatened Species Conservation Act 1995. The cemetery is listed as a heritage item under the Palerang Local Environmental Plan 2014.

Reclassification of Council Land

Under clause 25 of the NSW *Local Government Act 1993*, all Council land must be classified either community or operational land.

The asset management process and the making of the *Palerang Local Environmental Plan 2014* identified land owned by Council that is incorrectly classified. For instance land that contains Council infrastructure should be classified operational but several sites are classified as community land as this is the default classification. It is intended that an assessment of Council land is undertaken to determine its classification and any amendments would be made as part of the preparation of the comprehensive local environmental plan.

Heritage matters including maintenance of the Heritage database

The branch generally manages the two Heritage Advisors and provides administrative support to the both the Queanbeyan and Palerang Heritage Advisory Committees. Since last reporting a number of meetings of both Committees have been held.

The aim of the heritage database of the Office of Environment and Heritage is to hold detailed information on all the items listed in the *Queanbeyan Local Environmental Plan 2012* (179 items) and *Palerang Local Environmental Plan 2014* (over 300 items).

In the case of the *Queanbeyan Local Environmental Plan 2012* the database is updated periodically as new information comes in. Some work has been done on this recently and is reported on earlier in this report.

The database for the former Palerang local government area requires substantial updating. This will be undertaken as part of the Bungendore heritage review project and the preparation of the comprehensive local environmental plan.

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334; Author: Thompson/Carswell) (Continued)

Special Heritage Funds

At its meeting of 26 October 2016 after considering a report where the Administrator resolved:

That Council amend the Special Heritage Fund Guidelines to:

- a. expand the coverage to also include certain types of items listed in the heritage schedule in the Palerang Local Environmental Plan 2014*
- b. allow funding being limited to one grant of assistance per site per financial year (Minute No. 260/16).*

Applications were subsequently called for, assessed by an assessment panel and reported to Council's meeting of 25 January 2017 whereby it was resolved that:

- 1. Council endorse the recommendations by the Assessment Panel in regard to the Special Heritage Fund and funding be allocated as follows:*
 - (a) Farrer Place, Queanbeyan (Queanbeyan Croquet Club) – Replace current windows - \$23,300*
 - (b) 186 Wallace Street, Braidwood (Braidwood Museum) – Repair works to the front elevation \$26,114.60;*
 - (c) 1290 Old Cooma Road, Googong (St. Paul's Church) – Replace floor and carpeting - \$15,000*
- 2. Council consider allocating \$150,000 per annum in the 2017/18 budget towards the Special Heritage Fund and subsequent budgets.*
- 3. A further report be brought back to Council detailing how the Queanbeyan-Palerang Council's Special Heritage Fund Information and Guidelines could be amended to specify the circumstances in which Council might consider providing a proportion of any grant to be used for professional services.*

Items 1 and 2 of the resolution have been activated.

Heritage Advisors

The branch manages two heritage advisors one for the western part of the LGA and one for the eastern part including the State listed Braidwood. An information report on the two Heritage Advisors' annual reports and reappointment was considered at Council's meeting of 28 June 2017 (Item No. 9.3).

Administration of Committees

The branch provides administrative support to three committees – Heritage Advisory Committee (Queanbeyan), Heritage Advisory Committee (Palerang) and the Bungendore Town Centre and Environs s 355 Committee. Amongst other things this involves reporting the minutes of each committee to Council with minutes of the latter committee being reported to Council's meeting of 26 July 2017 (Item Nos. 10.1 and 10.2).

Participation in Regional Land Use Forums

This is a Delivery Program project and attendance at these by staff is ongoing. Currently the branch regularly attends meetings of the ACT Commercial Advisory Committee, the ACT Residential Advisory Committee and the Canberra Airport Community Consultative Group as well as the group which fed into the Regional Plan. Since last reporting staff have attended meetings of these forums/groups.

Planning staff will also be involved in discussions with DPE and CBRJO to activate recommendations of the recently released South East and Tablelands (SET) regional Plan.

6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C17116334; Author: Thompson/Carswell) (Continued)

Input into Other Portfolio's Projects

At the current time the branch's input into other Portfolio's projects include:

- Unsolicited Expressions of Interest into development opportunities within the Central Business District of Queanbeyan.
- Input into future traffic work relevant to South Jerrabomberra development.
- Oaks Estate Sewerage Treatment Works upgrade.

In addition, support and assistance (along with other Portfolios of Council) is provided for the Queanbeyan Excellence Awards. These have been running for more than four years and are now run by Southern Region and Canberra BEC.

Submissions on Discussion Papers

Submissions during the period include one on the government's proposed changes to Voluntary Planning Agreements. This was detailed in an information report to Council's meeting of 25 January 2017 (Item No. 9.2) and the governments reforms to these are still to be finalised.

Another submission made was in relation to the government's proposal to update *Environmental Planning and Assessment Act 1979*. This was reported to Council's meeting of 22 March 2017 (Item No. 8.2) where amongst other things the Administrator resolved that Council:

- 1. Make a submission on the proposed changes to the Environmental Planning and Assessment Act 1979 generally based on the comments contained in this report.*

In the period commencing November 2016 – June 2017, submissions were made in regard to the following development proposals in the ACT:

- a scoping document for proposed Liquid Waste Facility in Hume, ACT (DA201600068) (23 December 2016)
- a Development Application for the subdivision of an industrial estate and associated works in Hume, ACT (DA201731157) (30 March 2017)
- a revised EIS for proposed Waste Plastic to Fuel Facility in Hume, ACT (EIS-201600038) (7 March and 7 April 2017)
- A draft EIS for proposed Liquid Waste Facility in Hume, ACT (DA201600068) (14 July 2017).

In addition a further submission was made during this period on the Draft South East and Tablelands Regional Plan. A full report on this is found elsewhere in this Business Paper.

Recommendation

That the report be received for information.

Attachments

Nil

**6.2 Release of the South East and Tablelands Regional Plan (Ref: C17116435;
Author: Thompson/Carswell)**

**6.2 Release of the South East and Tablelands Regional Plan (Ref:
C17116435); Author: Thompson/Carswell**

Report

Background

The Minister for Planning, The Hon. Anthony Roberts MP, recently launched the South East and Tablelands (SET) Regional Plan on Friday 7 July 2017 at Eden. The Administrator attended the launch and Council staff have been part of the regional group which has provided feedback into the Regional Plan over the last 18 months or so. A further meeting of the regional group is scheduled for September.

The Regional Plan supersedes the Sydney-Canberra Corridor Regional Strategy 2006-31 and applies to a region which includes additional LGA's.

The South West and Tablelands region consists of 9 local government areas: Bega Valley, Eurobodalla, Goulburn Mulwaree, Hilltops, Queanbeyan-Palerang, Snowy Monaro, Upper Lachlan, Wingecarribee and Yass Valley.

The Regional Plan is accompanied by an Implementation Plan.

Regional Plan

The Regional Plan sets out four goals for the South East and Tablelands region:

- A connected and prosperous economy;
- A diverse environment interconnected by biodiversity corridors;
- Healthy and connected communities; and
- Environmentally sustainable housing choices.

These are to be achieved by 28 directions with actions for each.

The Plan will guide the NSW Government's land-use planning priorities and decisions over the next twenty years but has applications beyond land-use planning matters. It is described as being "an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions." (p4, *South East and Tablelands Regional Plan 2036*).

The NSW Government has established new governance arrangements to oversee the implementation of the vision, goals and actions in the Regional Plan and the release of an Annual Monitoring Report.

The Governance arrangement is the establishment of a Delivery, Coordination and Monitoring Committee which includes:

- Department of Planning & Environment.
- Canberra Region Joint Organisation.
- Department of Industry.
- Department of Premier & Cabinet.
- Transport for NSW.

Responsibility for implementing actions and monitoring the intended outcomes in the Regional Plan is shared with our important regional stakeholders, including councils, other State agencies, service providers and the development industry. All stakeholders need to have a good understanding of the priorities and the deliverables.

**6.2 Release of the South East and Tablelands Regional Plan (Ref: C17116435;
Author: Thompson/Carswell) (Continued)**

On page 63, the Plan includes a description of the Queanbeyan-Palerang local government area with priorities. The priorities include working with the ACT government, providing opportunities for residential development where it is supported by a strategic approach to housing and protecting the area's natural assets.

Appendix A of the Plan sets out the Neighbourhood Planning Principles. These will apply to greenfield and infill developments. The application of the principles will depend on the context of the proposed development. The principles address matters such as public transport, biodiversity, housing diversity and local employment.

It is also understood that a Ministerial Section 117 Direction is currently being drafted. This will ensure that Planning Proposals have appropriate consideration of the actions in the Regional Plan and/or the Implementation Plan and give effect to them.

Implementation Plan

The purpose of this Implementation Plan is to:

1. Ensure ongoing collaboration and agreement on the implementation of actions;
2. Assign accountabilities for the implementation of actions;
3. Explain the role of different groups and committees involved in implementation;
4. Guide the South East and Tablelands Delivery, Coordination and Monitoring Committee in its role of overseeing delivery of the Regional Plan; and
5. Inform the Annual Monitoring Report.

The Implementation Plan has identified 9 Priorities for 2017-2019. These include

1. Develop a Visitor Economy Strategy for the Snowy Mountains.
2. Map important agricultural land to better inform local and strategic planning processes.
3. Develop profile of the leading agricultural industries to guide future investment and decisions.
4. Develop a strategy to encourage marine based tourism along the South Coast and Illawarra-Shoalhaven.
5. Prepare guidelines for local housing strategies.
6. Coordinate the provisions of services and infrastructure to support housing delivery in the Yass Valley and Queanbeyan-Palerang Local Government Areas including South Jerrabomberra and Parkwood.
7. Develop best-practice guidelines for planning, designing and developing healthy built environments.
8. Work with the ACT Government to develop a cross-border land and housing monitor.
9. Improve Planning authority access to regional biodiversity corridor mapping and methodology.

Of the nine priorities for the 2017-2019 period, it is suggested that seven will directly involve Council:

1. Map important agricultural land to better inform local and strategic planning processes.
2. Develop profiles of the leading agricultural industries to guide future investment and decisions.
3. Prepare guidelines for local housing strategies.
4. Coordinate the provisions of services and infrastructure to support housing delivery in the Yass Valley and Queanbeyan-Palerang Local Government Areas including South Jerrabomberra and Parkwood.
5. Develop best-practice guidelines for planning, designing and developing healthy built environments.

6.2 Release of the South East and Tablelands Regional Plan (Ref: C17116435; Author: Thompson/Carswell) (Continued)

- 6. Work with the ACT Government to develop a cross-border land and housing monitor.
- 7. Improve Planning authority access to regional biodiversity corridor mapping and methodology.

While Council has been working on all these priorities to some degree, it will be necessary to give higher priority to some of the actions in Council’s Operational Plan to ensure that Council can contribute to achieving these priorities.

The Implementation Plan also includes the same 28 directions as the Regional Plan though in this case with the associated priority actions. These range from leveraging access to the global gateway of Canberra Airport to delivering greater housing supply and choice.

Some of the directions and priority actions directly applicable to Council are as follows:

<i>Direction no.</i>	<i>Direction</i>	<i>Action</i>
1	Leverage access to the global gateway of Canberra Airport	
1.1		Protect Canberra Airport’s current and future operations by maintaining restrictions on the location of nearby residential development*
1.2		Enhance data sharing on freight movements between the NSW and ACT Governments to improve freight planning and management
4	Leverage growth opportunities from Western Sydney	
5	Promote agricultural innovation, sustainability and value-add opportunities	
6	Position the region as a hub of renewable energy excellence	
8	Protect important agricultural land	
9	Grow tourism in the region	
10	Strengthen the economic self-determination of Aboriginal communities	
11	Enhance strategic transport links to support economic growth	

6.2 Release of the South East and Tablelands Regional Plan (Ref: C17116435;
Author: Thompson/Carswell) (Continued)

<i>Direction no.</i>	<i>Direction</i>	<i>Action</i>
12	Promote business activities in urban centres	
13	Manage the ongoing use of mineral resources	
14	Protect important environmental assets	
15	Enhance biodiversity connections	
17	Mitigate and adapt to climate change	
18	Secure water resources	
18.3		Prepare or review integrated water cycle management strategies to ascertain long-term infrastructure needs to accommodate population growth
19	Strengthen cross-border connectivity	
20	Enhance access to goods and services by improving transport connections	
21	Increase access to health and education services	
22	Build socially inclusive, safe and healthy communities	
23	Protect the region's heritage	
24	Deliver greater housing supply and choice	
24.2		Prepare local housing strategies consistent with the Settlement Planning Principles to provide a surplus supply of residential land to meet projected housing needs*
25	Focus housing growth in locations that maximise infrastructure and services	

**6.2 Release of the South East and Tablelands Regional Plan (Ref: C17116435;
Author: Thompson/Carswell) (Continued)**

<i>Direction no.</i>	<i>Direction</i>	<i>Action</i>
26	Coordinate infrastructure and water supply in a cross-border setting	
26.3		Develop a regional water strategy for the Yass Valley and Queanbeyan-Palerang local government areas that clarifies the requirements, available volumes and quality of water supplies and defines the optimal level of water use
26.4		Enhance cross-jurisdictional collaboration to develop a coordinated strategic approach to water supply and investigate water supply options for growth area
27	Delivers more opportunities for affordable housing	
28	Manage rural lifestyles	

*those that Council is required to lead investigation, assessment and decision making.

These have wide ranging impacts not only affecting land-use planning outputs such as Planning Proposals, development control plans, but also such things as regional relationships, economic promotion activities and the like.

Several of the Actions are in play as a result of the MoU executed between ACT and QPRC, and the work of CBRJO with the state agencies.

The Plan and Implementation can be viewed at the following location:

<http://www.planning.nsw.gov.au/~media/Files/DPE/Plans-and-policies/south-east-and-tableland-regional-plan-2017-07.ashx>

<http://www.planning.nsw.gov.au/~media/Files/DPE/Plans-and-policies/south-east-and-tableland-regional-plan-implementation-plan-2017-07.ashx>

Recommendation

That the report be received for information.

Attachments

Nil

**6.3 St Stephen's Church and Manse Nomination for State Heritage Listing - 2
Morisset Street, Queanbeyan (Ref: C17119359; Author: Thompson/Mitchell)**

**6.3 St Stephen's Church and Manse Nomination for State Heritage Listing - 2
Morisset Street, Queanbeyan (Ref: C17119359); Author: Thompson/Mitchell**

Report

The Office of Environment and Heritage have recently advised Council that the NSW Heritage Council has determined to proceed to the next stage of nominating St Stephen's Presbyterian Church and manse for State Heritage Listing. The process termed a Notice of Intention to List will occur in the upcoming months. During this time the public will have an opportunity to provide comment on the listing during an exhibition period. Advertisements on the proposed listing seeking public comment will feature in the major newspapers plus the local newspaper, The Queanbeyan Age. This follows Council's application to list these buildings lodged in March 2015.

Recommendation

That the report be received for information.

Attachments

Nil

7.1 Heritage Advisory Committee (Queanbeyan) Meeting - 17 July 2017 (Ref: C17109871; Author: Thompson/Mitchell)

Present: Mike Thompson (Acting Chair), Heather Thomson, Jane Underwood, Pip Giovanelli, David Loft

Also Present: David Carswell, Jordana Mitchell

Others Present: Nil

The Committee recommends the Minutes be noted and endorse the Resolutions contained therein:

Apologies: Brendan O'Keefe

1. **Confirmation of Report of previous meeting held on 19 June 2017**

The minutes of the previous meeting did not record that one part of the meeting minutes from 15 May 2017 was not completely accurate. Consequently that part under 5. Heritage Signs, the 3rd paragraph should be amended to read "The Committee's preference was for the second style. The artwork for the signs will be looked at and Tim Geyer will obtain quotations."

Recommendation (D Loft / J Underwood)

HAC 007/17 That with the above alterations the Report of the meeting of the Committee held on 19 June 2017 be confirmed.

2. **Business arising from Minutes**

Boer War Memorial Relocation

Following the previous meeting and after being contacted, the RSL Club President advised Council that they have formed a sub-committee to look at relocation of the Boer War Memorial. They will consider new locations over the next 12 months and be in touch again when they have further ideas. The President was very appreciative of the support in principle from the Heritage Advisory Committee.

Demolition of the Toddler's Pool and Kiosk at the Queanbeyan Aquatic Centre

Mr Thompson advised that Council did not adopt the recommendation of the Committee moved at the meeting of 19 June 2017. Instead the tender for the works at the Queanbeyan Aquatic Centre will include two options, one of which will include a toddler's pool. These two options will go on exhibition and be open for public comment.

Declaration of Conflicts of Interest

Nil

7.1 Heritage Advisory Committee (Queanbeyan) Meeting - 17 July 2017 (Ref: C17109871; Author: Thompson/Mitchell) (Continued)

3. 13 Meredith Street – Proposed Dwelling – DA 197-2017

Mr Thompson gave an overview of previous difficulties with development applications for this site due to it being landlocked and having drainage issues. The current proposal is for a single story dwelling and the main variation required at this stage is for the building to be raised to a height of 1400mm off the ground. Pip Giovanelli spoke about the character of the building in the proposal and advised the form of the building was fine and in keeping with the area.

Recommendation (D Loft / H Thomson)

HAC 008/17 That the Committee have no objection to the proposal.

4. Cantle's Cottage – Request to Demolish Fire Damaged Dwelling

Mr Thompson spoke to the background of Cantle's Cottage, which burnt down in 2015. It has been the subject of three reports two of which address heritage matters to a certain degree. These include a heritage report commissioned by the insurers of the Golf Club and one more recently by a building consultant commissioned by the Golf Club. The first report recommended reconstruction of the building and failing that, keeping the chimneys. The second report raises issues of contamination of the chimneys by asbestos fibres and the structural adequacy of them following exposure to fire. It also notes that the site is in a flood zone and also zoned for recreation and observes that a new dwelling is unlikely to be approved on the site.

Pip Giovanelli spoke about the importance of the site historically and the interpretive pathway of the bridge which incorporates the site of Cantle's Cottage. David Loft suggested the importance of putting a sign in the area that showed the history of the site.

Recommendation (D Loft / J Underwood)

- HAC 009/17 a) The Committee does not support the demolition of the existing chimneys. They should be retained along with the building footprint or demarcation of the site for the following reasons.**
- i) Cantle's Cottage was a significant item in terms of its location on the Queanbeyan River.**
 - ii) The chimneys are the most enduring marker of the occupation phase.**
 - iii) There is considerable potential to interpret the history of the site.**
- b) The cleaning method of the chimneys should be undertaken in such a way that the chimneys are not degraded and are safe for the general public.**
- c) The Committee have no objection to the back-filling of the cellar as part of the general clean up and remediation of the site.**

7.1 Heritage Advisory Committee (Queanbeyan) Meeting - 17 July 2017 (Ref: C17109871; Author: Thompson/Mitchell) (Continued)

5. Restored Buggy

Mr Carswell reported that he had received a suggestion that the restored buggy be displayed in the Bungendore QPRC Office Foyer and that the possibility be explored. This was well received and generally supported by the Committee.

6. Committee Future

With the election of a new Council in September the tenure of the existing members of the Committee will come to a close. Mr Thompson thanked the Committee on behalf of the Council for their years of service.

7. Next Meeting

The future of the Committee and the next meeting will be determined after the new Council is elected in September.

There being no further business, the meeting closed at 6.33pm.

Attachments

Nil

8 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “confidential” business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.