



**Planning and Strategy
Committee of the Whole**

AGENDA

14 June 2017

Commencing at 5.30pm

**Council Chambers
253 Crawford St, Queanbeyan**

On-site Inspections

4.30pm - Queanbeyan Indoor Sports, Yass Road, Queanbeyan

5.00pm - 31 Monaro Street, Queanbeyan

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

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Confidential - Not for Publication

8 REPORTS FOR CLOSED SESSION

- 8.1 Appeal to the Land and Environment Court - Cannchar Pty Ltd Compensation for Just Terms Acquisition of EDE Road Corridor.

Item 8.1 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla

- Attachment 1 DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (Under Separate Cover)*
- Attachment 2 DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision - Amended Plan of Subdivision (Under Separate Cover)*
- Attachment 3 DA.2016.203 - 8360 Royalla Drive - Submissions - Redacted - First Notification (Under Separate Cover)*
- Attachment 4 DA.2016.203 - 8360 Monaro Highway - Submissions - redacted - Second Notification (Under Separate Cover)*
- Attachment 5 DA.2016.203 - 8360 Monaro Highway - Draft Conditions of Consent (Under Separate Cover)*
- Attachment 6 DA.2016.203 - 8360 Monaro Highway - Detail Survey dated 19 May 2017 - Lot 29 DP 1015516 (002) (Under Separate Cover)*

- Item 4.2 Development Application 14/2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan

- Attachment 1 DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street (Under Separate Cover)*
- Attachment 2 DA 14-2017 - Architectural Plans - 31 Monaro Street - Tourist Hotel - ATTACHMENT (Under Separate Cover)*
- Attachment 3 DA 14-2017 - Traffic and Parking Statement - 31 Monaro Street (Under Separate Cover)*
- Attachment 4 DA 17-2017 - Draft Conditions of Consent 31 Monaro Street (Under Separate Cover)*

- Item 4.3 Development Application 131-2017 - Queanbeyan Indoor Sports Centre Extension - 1A & 1B Yass Road, Queanbeyan East

- Attachment 1 DA 131-2017 - s 79C(1) Matters of Consideration - Indoor Sports Centre - 1A & 1B Yass Road, Queanbeyan East (Under Separate Cover)*
- Attachment 2 DA 131-2017 - Architectural Drawings - Queanbeyan Indoor Sports Centre - 1A & 1B Yass Road (Under Separate Cover)*
- Attachment 3 DA 131-2017 - Draft Conditions of Consent - Queanbeyan Indoor Sports Centre - 1A & 1B Yass Road (Under Separate Cover)*

Item 4.4 Preparation of a Planning Proposal for the Proposed Memorial Park (Cemetery) - Corner Old Cooma Road and Burra Road

Attachment 1 Flow chart for planning process (Under Separate Cover)

Item 4.5 Amendment to Queanbeyan Development Control Plan 2012

Attachment 1 Draft QDCP 2017 Combined Table of Contents (Under Separate Cover)

Attachment 2 Draft QDCP 2017 Part 1 (Under Separate Cover)

Attachment 3 Draft QDCP 2017 Part 2 (Under Separate Cover)

Attachment 4 Draft QDCP 2017 Part 3a (Under Separate Cover)

Attachment 5 Draft QDCP 2017 Part 3b (Under Separate Cover)

Attachment 6 Draft QDCP 2017 Part 3c (Under Separate Cover)

Attachment 7 Draft QDCP 2017 Part 3d (Under Separate Cover)

Attachment 8 Draft QDCP 2017 Part 4 (Under Separate Cover)

Attachment 9 Draft QDCP 2017 - Part 5 (Under Separate Cover)

Attachment 10 Draft QDCP 2017 Part 6 (Under Separate Cover)

Attachment 11 Draft QDCP 2017 Part 7 (Under Separate Cover)

Attachment 12 Draft QDCP 2017 Part 8 (Under Separate Cover)

Item 6.1 Sports Facilities Strategic Plan

Attachment 1 Sports Facilities Strategic Plan Consultation Report (Under Separate Cover)

Closed Attachments

Item 6.3 Queanbeyan Intergrated Water Cycle Management Strategy - Tender Approval

Attachment 1 Queanbeyan IWCM Strategy - Tender Report

Item 6.4 Tender Report - QISC Extension

Attachment 1 QISC Extension 17/2017 - Tender Report

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 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla (Ref: C1786433; Author: Thompson/Thompson)

Summary

Reason for Referral to Council

This application has been referred to Council as Council has a direct interest as the owner of land being Lot 29 DP 1015516 identified as Operational land where the applicant proposes to extend Booth Road to provide public road access to their proposed subdivision site.

Proposal:	Six (6) lot subdivision and roads. Integrated development under section 91 Environmental Planning & Assessment Act 1979 and requiring approval under section 100B of Rural Fires Act 1997.
Applicant/Owner:	Fraish Consulting/ Vernon J Drew
Subject Property:	8360 Monaro Highway, Royalla being Lots 1 & 2 DP 456367, Lot 1 DP 1067259 and Lot 2 DP 131294. Part of Council owned land Lot 29 DP 1015516 being also included in the development as a public road.
Zoning and Permissibility:	Zone RU1 Primary Production & Zone E4 Environmental Living under Palerang Local Environmental Plan 2014 (PLEP2014). The adjoining Council land being former public reserve land to be used for a public road to serve the subdivision is zoned E2 Environmental Conservation under PLEP2014.
Public Submissions:	Five submissions (first notification period) Three submissions (second notification period)
Issues Discussed:	<ul style="list-style-type: none">• Written submissions• Road access/Operational land• Environmental• Encroachment onto Council's land
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

1. That Council agree to the use of Council owned land being part of Lot 29 DP 1015516 classified as Operational Land for construction and use as a road to serve the proposed subdivision.
 2. That the applicant be responsible for paying market value of the land required for the road over Council's land being part Lot 29 DP 1015516 and the agreed costs being paid prior the release of the Subdivision Certificate.
 3. That Council accept the road over part of Lot 29 DP 1015516 as a public road by dedication on registration of the Subdivision Certificate for the 6 lot subdivision with legal, surveying, registration and any other ancillary costs associated with the dedication being met by the applicant.
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4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla (Ref: C1786433; Author: Thompson/Thompson) (Continued)

4. That development application 2016.203 for a six (6) lot subdivision on Lots 1 & 2 DP 456367, Lot 2 DP 131294, Lot 1 DP 1067259 and road on part Lot 29 DP 1015516, No. 8360 Monaro Highway, Royalla be granted conditional approval.
 5. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
 6. That Council continue negotiations with the owners of Lot 24 DP 1015516 with a view to their possible purchase of a portion of Council's operational land to preserve existing plantings.
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Background***Planning and Strategy Committee Meeting held on 10 May 2017***

Council previously considered this matter at its meeting held on 10 May 2017. Council resolved:

1. *That Council defer determination of DA.2016.203 for a six (6) lot subdivision on Lots 1 & 2 DP 456367, Lot 2 DP 131294, Lot 1 DP 1067259 and road on part Lot 29 DP 1015516, No. 8360 Monaro Highway, Royalla until Council carries out an independent survey of Lot 29 DP1015516 to ascertain whether there are any fencing or other improvements encroaching onto that land.*
2. *That on receipt of the above information, the determination report be bought back to Council for consideration.*

Council deferred the application pending survey of the boundary between Lot 29 DP 1015516 (being Council owned land) and adjoining privately owned Lot 24 DP 1015516. There was dispute by the owner of the adjoining land at the on-site meeting as to the correct location of the common boundary of the two properties.

Council staff subsequently organised an independent survey of the boundary which showed the existing fence line and trees located on an incorrect alignment and encroaching within Council owned land by up to 12.3 metres (see survey certificate in Attachment).

Council contacted the adjoining owner to ascertain their appetite for purchasing some of Council's land to preserve part of their existing plantings. The owners indicated a willingness to consider purchase which would of course be subject to reaching a satisfactory agreement on costs.

Discussions were also held with the developer to determine if the proposed extension to Booth Road could be re-aligned to facilitate some of Council's land being available for sale to the neighbour.

The developer indicated that upon receiving approval for the application they would be pleased to review the design of the road across Lot 29 with a view to preserving as much of the planting on the neighbour's property as possible subject to the road being able to be constructed within the bounds of the operational land. It is estimated that between 66% and 75% of the existing boundary may be able to be maintained.

It is proposed to condition the consent requiring that a revised road layout over Lot 29 be submitted prior to release of the subdivision construction certificate.

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla (Ref: C1786433; Author: Thompson/Thompson) (Continued)

The construction of the proposed road on Lot 29 DP 1015516 will require the fence line to be reconstructed on the finalised alignment between the road and the adjoining property at the applicant's cost. Erection of fencing and their costs along the boundary of new roads are the responsibility of an applicant when subdividing and will be conditioned accordingly with any consent granted.

Additionally, the application was renotified for further public comment. Re-notification was necessary to avoid any confusion for residents as to the extent of the proposed development land involved. Refer to the *Engagement* heading below for further details relating to the re-notification and further submissions received.

The Council officer's report to the Planning and Strategy meeting held on 10 May 2017 is reproduced below together with amendments resulting from further notification and receipt of agency submissions.

Proposed Development

The development application is for:

- a. Six (6) lot subdivision
 - Lot 1 – 6.014ha
 - Lot 2 – 7.57ha
 - Lot 3 – 8.21ha
 - Lot 4 – 3.501ha
 - Lot 5 – 4.92ha
 - Lot 6 (Residue) - 152ha
- b. Building envelopes are identified on the smaller Lots 1 to 5. The larger residue lot 6 will permit with consent a future dwelling house. No further subdivision is permitted over this land.
- c. It is proposed to extend Booth Road to provide public road access to the proposed subdivided lots.
- d. The proposed road will have a road reserve width of 20m, sealed pavement width of 7.2m and formation width 9.2m.
- e. Part of the road is proposed over part of Council land formerly public reserve land (now classified as operational land) being part of lot 29 DP 1015516.
- f. The proposed road extension of Booth Road and within the subdivision site is to be dedicated as a public road.
- g. A secondary road is proposed off the principal subdivision road 1. The road will only serve the residual Lot 6 which has potential for a dwelling house. The access is unable to attach to the lot as an access handle as it does not comply with the minimum subdivision lot size for the zone. Whilst the road has no public benefit other than for the owner of Lot 6 the applicant proposes to construct the road to the same formation as the Road 1 however without the bitumen sealing. The road will be dedicated as a public road.

Note: Council's Development Engineer recommends that a notation on the Section 88B Instrument advise any future owner of Lot 6 that Council will not maintain the road and it will be the responsibility of the owner to maintain.

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla (Ref: C1786433; Author: Thompson/Thompson) (Continued)

Reclassification of Part of the Public Reserve to Operational land

As previously advised part of the proposed road will extend from Booth Road to serve the development. The land between Booth Road and the subject land is Operational land with an area 5.11ha dedicated to Council in 2000 as part of the Royalla subdivision comprising 28 small rural lots. The reserve land has a 20m frontage to Booth Road.

The public reserve land is zoned E2 Environmental Conservation under the PLEP 2014. Roads are permitted in this zone with Councils consent.

The public reserve land adjoining Booth Road was classified as Operational land in preparation of the draft PLEP2014.

An Extraordinary Meeting (public hearing) was held by Council on 27 February 2014 to consider a significant number of submissions relating the draft PLEP2014.

One submission was received from property owners of Lots 1 & 2 DP456367, Lot 2 DP 131294 and Lot 1 DP1067259 (being the land the subject of this application). Staff advised in their report to the hearing the owners of this land were seeking to undertake rural residential subdivision of this land for over a decade.

Staff commented in the report to the public hearing that if the area zoned E4 Environmental Living in the draft PLEP is to be developed, the most appropriate road access was for Booth Road to be extended. This would require a section of public reserve (Lot 29 DP 1015516) to be reclassified to Operational land under the NSW Local Government Act 1993. The reclassification process was commenced by including part of Lot 29 DP 1015516 in Schedule 4 of the draft PLEP.

The draft PLEP proposed to zone part of Lots 1&2 DP 456367, Lot 2 DP 131294 and Lot 1 DP 1067259 to E4 Environmental Living with a minimum lot size of 6ha (consistent with the Royalla rural residential area to the north and east) and the minimum lot size for RU1 being 80ha.

A number of submissions were also received by residents objecting to the reclassification of part of the public reserve Lot 29 DP 1015516 for reasons of amenity, traffic safety and conflict from any future road. These submissions were reported on to Councils Extraordinary Meeting (public hearing).

The recommendation by staff to the Council Meeting included a meeting with Booth Road residents in March 2014 to explain the draft plan provisions in relation to:

- *The reclassification of part of Lot 29 DP 1015516*
- *Subdivision and dwelling provisions in relation to Lots 1 & 2 DP 45636, Lot 2 DP 131294 and Lot 1 DP 1067259*
- *The development application requirements in relation to the above land*

The recommendation of all submissions from the public hearing was:

- *That the recommendations from the Extraordinary Meeting (public hearing) be addressed in final amendments to the draft PLEP 2013*
- *That Council submit the draft PLEP 2013 (with amendments) and report to the Council meeting of 27 February 2014 to the Director General of NSW Department of Planning and Infrastructure as required under section 68(4) of the Environmental Planning and assessment Act 1979 for the making of the plan.*

The section 68 submission to the Director General included the reclassification of part Lot 29 DP 1015516 to Operational Land under the NSW Local Government Act 1993.

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla (Ref: C1786433; Author: Thompson/Thompson) (Continued)

The reclassification was subsequently included in Schedule 4 *Classification and reclassification of public land*, in the Palerang Local Environmental Plan 2014 which commenced operation 31 October 2014. The land ceased to be public reserve on the making of the PLEP 2014.

There is no Plan of Management prepared by Council for the public reserve. The requirement for a Plan of Management over the reclassified section of Operational land is not required.

A Plan of Management is required to be prepared at some time over the remainder of the public reserve land.

Subject Property

The property has an area of 165.7ha and is located immediately east of the NSW-ACT border along the Monaro Highway and the Bombala - Goulburn Railway Line and south of Queanbeyan and Canberra. The land extends south of Booth Street within the Royalla Estate.

There are no dwellings located on the property. A small stable and shed are located on the property. Old sheep yards are also located on the land.

An easement for electricity supply 42.75m wide is located over the land in a north south direction.

The landform is broad, shallow open depression, ranging from 767m to 820m and forming the upper headwaters of an unnamed tributary to Guises Creek, a tributary of the upper Murrumbidgee River.

The small lot subdivision site contains grasslands on the lower slopes which has been generally cleared and used for agriculture purposes for many years. An artificial wetland surrounds the dam on the property, downstream of this there is natural wetland characteristics with a dominance of native tussock sedge.

The hill country to the east and south east is hilly and has good cover of Box-Gum Grassy Woodland (refer to Section 79C Table report for details of all vegetation types).

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla (Ref: C1786433; Author: Thompson/Thompson) (Continued)

Figure 1 – Development Site

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 5A, 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 Policies:
 - a. State Environmental Planning Policy No 55 – Remediation of Land
 - b. State Environmental Planning Policy (Infrastructure 2007)
 - c. State Environmental Planning Policy (Rural lands) 2008
2. Palerang Local Environmental Plan 2014 (PLEP2014).
3. Palerang Development Control Plan 2015 (PDCP2015)

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 are:

- Written submissions
- Environmental
- Road access/Operational land

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla (Ref: C1786433; Author: Thompson/Thompson) (Continued)

Comment on the public submissions is made in the engagement section of this report.

The environmental constraints applying to the land have been considered in the section 79C report attached. Appropriate mitigation conditions of consent will apply regarding these constraints should approval be granted.

Road access and Operational land matters are discussed in this report including the Development Engineer's comments and within the attached section 79C report.

(a) Compliance with relevant State Environmental Planning Policies

The development proposal complies with the SEPPs that are applicable to the site. For a detailed assessment of the SEPPs see the attached section 79C (1) *Table – Matters for Consideration*.

(b) Compliance with Palerang LEP 2014

The development proposal complies with the Palerang Local Environmental Plan 2014. For a detailed assessment of the PLEP 2014 see the attached section 79C (1) *Table – Matters for Consideration*.

(c) Compliance with PDCP 2015

The development proposal complies with the Palerang Development Plan 2015. For a detailed assessment of the PDCP 2015 see the attached section 79C (1) *Table – Matters for Consideration*.

(d) Other Matters

Referrals were received from:

- Rural Fire Service (RFS)
- Essential Energy
- NSW Transport - Roads and Maritime Services (RMS)
- John Holland Rail Pty Ltd

Council has received feedback from all four authorities. None raised objections and matters raised by them have been included as recommended conditions of consent which will be added should consent be granted.

(e) Building Surveyor's Comments

Council's Building Surveyor advises the effluent disposal management plan submitted with the application is satisfactory.

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla (Ref: C1786433; Author: Thompson/Thompson) (Continued)

(f) Development Engineer's Comments:

Council's Development Engineer has assessed the proposed development and is satisfied that conditional approval is able to be provided.

The following items were noted during the engineering assessment and have been addressed through appropriate conditions:

- The extension of Booth Road into the development site is proposed to be accessed over the existing Council owned Public Reserve (Lot 29 DP 1015516). The part of the Public Reserve over which the road is proposed has been re-classified as Operational Land and as such the construction of a road is permissible. Whilst this is the case, the land is owned by Council. To allow for the applicant to construct the road over this land, it should first be subdivided from the Public Reserve and purchased by the applicant at market value. All costs associated with the subdivision, sale of the land and public road dedication should be covered by the applicant at no expense to Council.
- The alignment of Booth Road through the operational land portion of the existing public reserve is such that the access to the public reserve will be lost unless a new vehicular access is provided. It has been conditioned that an access and gated entrance shall be provided to the Council Reserve on the northern side of the proposed Lot 5. The access shall be designed in accordance with the Standard Drawing PAL-SD-101.
- A stormwater drainage culvert is proposed under Road 1 that discharges into the road reserve adjacent to 54 Booth Road (Lot 24 DP1015516). It has been conditioned that details shall be provided that indicate that the direct concentration of flows onto this allotment will not have a detrimental impact on the property nor flood the adjacent dwelling or structures.
- There are a number of new property accesses proposed as part of this development. It has been conditioned that the entrance gates to each of the new allotments shall be consistent with those of the surrounding Royalla area. The end of Road 2 (at the property boundary) shall be fenced and provided with the same gated entrance as the other property accesses in the development. The reason being to ensure that all property boundaries are appropriately fenced and are consistent with the surrounding development area.
- The proposed Road 2 only serves the residual Lot 6 which has potential for a dwelling house. The access is unable to be attached to the lot as an access handle as it does not comply with the minimum subdivision lot size for the zone. Whilst the road has no public benefit other than for the owner of Lot 6, the applicant proposes to construct the road to the same formation as the Road 1 however without the bitumen sealing. The road will be dedicated as a public road. As Road 2 will have no benefit to the broader community it has been conditioned that a notation be placed on the Subdivision 88B instrument that states that Road 2 is an unmaintained Council Road and that all ongoing maintenance of Road 2 shall be the responsibility of the property owner of Lot 6. The reason for this is to ensure that the future maintenance of Road 2 does not become the responsibility of Council.
- The NSW Roads and Maritime Services have advised that the proposed Lots 1 and 2 are not to be provided with access to the Monaro Highway. As such it has been conditioned that a "Restriction to User" shall be placed on the Subdivision 88B instrument stating that Lots 1 and 2 are not able to access the Monaro Highway for egress to and from their properties.

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla (Ref: C1786433; Author: Thompson/Thompson) (Continued)

- The proposed road design for the extension of Booth Road incorporated the existing cul-de-sac as a roundabout treatment. Due to the geometry of the proposal and the sight distance implications for the existing properties in this location, this was not seen as a suitable option. As such it has been conditioned that the existing cul-de-sac at the end of Booth Road is to be removed and revegetated. Road 1 shall be designed such that it continues on a straight alignment from Booth Road without the need for any roundabout configuration. The existing accesses at this location are to be designed such that they join Booth Road at a perpendicular angle (or as close as possible) in accordance with the Standard Drawing SD-PAL-101 as specified in Palerang Council Development Control Plan 2015 (PDCP).

Financial Implications

There will be no financial implications to Council should approval be granted to subdivision. Upgrading of Council's infrastructure to serve the development will be at the applicants cost. The operational land to be used for public road purposes will be fully constructed and dedicated at the applicants cost. The applicant will also be responsible for paying the market value of the land required for road purposes. Section 94 contributions will be levied against the development.

Engagement

The proposal required notification as integrated development and was exhibited from 15 November to 1 December 2016. A total of 5 written submissions were received. The submissions raised the following relevant issues and are provided in Attachment 3:

Issue: No legal access to the site, development application doesn't include the road over the public reserve and the application should be renotified

Comment: The development application includes Lot 29 DP1015516 which will accommodate part of the new road. The application which includes the road over Lot 29 has been signed by the Public Officer of Council to allow Council consideration of the construction of the proposed road and its subsequent dedication as a public road. The proposed road if consented to by Council will provide legal and public access to the subdivision as well as the adjoining public reserve land Lot 29 DP 1015516.

The application has shown the proposed road over the public reserve land. The road forms part of the development application for which the applicant seeks consent.

Further notification of the development application is not necessary or required as the application has been properly completed including all relevant properties and signed by all respective owners.

Issue: The development application should be assessed independently

Comment: The need for independent assessment of the application is not necessary. The reclassification of this land to operational land to permit the use of the land for non- public reserve purposes has previously gone through a public consultation process required under the Act.

Following Council's decision to reclassify the land a meeting was held with residents to outline the effect of the reclassification and the subsequent development application process.

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla (Ref: C1786433; Author: Thompson/Thompson) (Continued)

Issue: Entry gates, swamp area, purpose of Lot 6 and distraction to motorists on Monaro Highway

Comment: The proposed entry gates will be conditioned as per Clause 30.2 of the PDCP 2015.

The proposed building envelopes and on site effluent disposal areas will be situated outside the wetland/swamp area.

Lot 6 the residue lot cannot be further subdivided however can accommodate a future dwelling house subject to Councils' further consent.

The proposed building envelopes are sited well back from the Monaro Highway and unlikely to distract motorists.

Issue: Doesn't comply with Lot Averaging provisions, applicant should get ACT government to reassess access from Monaro Highway, under the flight path and Royalla Estate subdivision didn't allow for road access off Booth Road

Comment: The subdivision does comply with the Lot Averaging Map. The smaller lots average 6ha and the minimum lot size of 2ha is complied with.

NSW Traffic Roads and Maritime Services raised no objection to the development and have requested that Council's consent prohibit access to the Monaro Highway.

The development is not located under an identified flight path under the PLEP 2014.

Whilst the Royalla subdivision did not provide a road corridor/reserve at the end of Booth Road the land is suitable for such purpose and has been reclassified for operational purposes allowing for the road. The proposed road retains access to the public reserve for Booth Road residents and other surrounding residents.

Issue: Funding of new road, reclassification by Palerang Council and request for meeting

Comment: The applicant will construct the road and all road construction costs will be met by the applicant and not Council.

The reclassification process undertaken by Palerang Council complied with relevant statutory processes under the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000.

The reclassification was determined by Council at a public hearing after considering public submissions. The reclassification was carried out through the making of the PLEP 2014. An onsite meeting subsequently took place between staff and residents to explain the process and implications of reclassification and the development application process.

An onsite meeting is requested prior to Council's determination of the development application.

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla (Ref: C1786433; Author: Thompson/Thompson) (Continued)

Issue: Fencing in poor condition and requires maintenance, weed control required over the land, cultural report ignores significance of early road formation crossing Lots 1& 2, can Lot 6 be further subdivided and section 94 contributions required.

Comment: A condition will require that all existing boundary fencing be upgraded to prevent stock access to adjoining public reserve lands.

Council's weed control officers undertake routine inspections of both Council owned land and privately owned land. The matter is not a development application consideration.

The Cultural Heritage Report prepared by Alister Bowen dated June 2016 makes no recommendation for the need to identify the early road formation crossing over Lots 1&2 and therefore should not be pursued further with the development application. The submitter may need to explore other appropriate avenues regarding this matter.

The proposed residue Lot 6 will be unable to be further subdivided under the PLEP 2014. It will permit with consent a dwelling house. To reinforce this requirement a sec 88B restriction will be required to be placed on the Title of Lot 6 preventing it from being further subdivided.

Section 94 contributions will be required for road upgrading and upgrading of public reserves/community facilities should the subdivision be approved.

The application was further notified from 17 May to 31 May 2017. The re-notification attracted an additional three written submissions. The submissions are summarised below.

Issue: The development should not impact on the operation of the agricultural activities on adjoining land and should be separated by an adequate distance.

Comment: The subdivision results in residual Lot 6 separating the smaller rural residential lots from agricultural lands to the south, a distance of approximately 1000m.

Issue: The development should have strict animal control procedures (especially dogs) included in the consent.

Comment: The Companion Animals Act is the appropriate legislative tool for ensuring that dog and cat owners take responsibility for the animals under their control. Council does not have the staff resources to enforce any covenants prohibiting cats and dogs over the proposed lots. Where dogs are a nuisance or danger to livestock or people Council has relevant powers to pursue offences under the Companion Animal Act.

Notwithstanding this, much of the surrounding land is already similarly subdivided for rural residential use without development controls being placed on the keeping of animals, so to single this six lot subdivision out would not be appropriate.

Issue: Control over entry points off Monaro Highway is required. Concern that residual Lot 6 will be resubdivided in the future and that the proposed access to it provides for such.

Comment: The NSW Roads & Maritime Services and John Holland Rail have requested future access to all lots be prohibited from the Monaro Highway including Lot 6. A restriction on use is proposed on the land titles by condition of consent. As a result access to Lot 6 is required off the extension to Booth Road.

The residue Lot 6 is unable to be further subdivided under the Palerang LEP 2014. The land is also considered unsuitable for any future subdivision due to a number of environmental and physical constraints. A dwelling house can be permitted on the land with Council's consent.

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla (Ref: C1786433; Author: Thompson/Thompson) (Continued)

Notwithstanding the above a sec 88B covenant will be required to be placed on the land title to prevent further subdivision.

Issue: Fence along common boundary to the south is not on the correct alignment and is in poor condition.

Comment: The adjoining property to the south has a common boundary with the development. No change to this area is proposed or required as the entire area is contained within the residual Lot 6 of the development. The matter of the fence location and its condition is a matter between adjoining owners.

Issue: Location of Sheep dip on lot 1 DP 10144802

Comment - The location of a potential sheep dip site is noted by Council as the landowners of Swainsona reserve. Council also notes that the site has been filled in. These matters will be addressed by Council in the future preparation of a Management Plan for the reserve. They do not impact on the proposed development.

Issue – Removal of cul-de-sac head will encourage speeding.

Comment: The proposed road design for the extension of Booth Road incorporated the existing cul-de-sac as a roundabout treatment. Due to the geometry of the proposal and the sight distance implications for the existing properties in this location, this was not seen as a suitable option. As such it has been conditioned that the existing cul-de-sac at the end of Booth Road is to be removed and revegetated.

Issue: Concern that development includes the whole of the Council reserve including community land.

Comment: The land identified as Operational Land under the Palerang LEPP 2014 is to be purchased by the applicant for road purposes. The remainder of the public reserve land will continue to be owned and managed by Council.

Issue; Potential Impacts from aircraft noise.

Comment: Whilst it is acknowledged that aircraft flying over the land may give rise to noise, Council has no statutory obligation to require noise mitigation measures on future housing for this land.

Compliance or Policy Implications

The application has been assessed under the requirements of the Environmental Planning and Assessment Act 1979, related Acts, Regulations and Council policies. Refer to the attached section 79C Attachment.

Conclusion

The proposal is integrated development and has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

The development satisfies the requirements and achieves the objectives of these instruments.

The use of Council land, part Lot 29 DP 1015516, for road access and extension of Booth Road is permitted with Council's approval as the land is classified as operational land under the Local Government Act 1993. The recommendation includes the granting of Council

4.1 Development Application 2016.203 - Six Lot Subdivision - 8360 Monaro Highway, Royalla (Ref: C1786433; Author: Thompson/Thompson) (Continued)

approval over this land and the acceptance of the road on completion as a public dedicated road.

The road over Council land will maintain access to the public reserve from the Booth Road extension.

A bushfire authority has been issued by NSW Rural Fire Service under section 100B Rural Fires Act 1997.

The applicant's ecological consultant has concluded under Section 5A of the Environmental Planning and Assessment Act 1979 that it is unlikely there will be any significant effect on threatened species, populations or ecological communities, or their habitats as a result of the development.

The ecologist report further concludes the subdivision and associated works is unlikely to have a significant impact on relevant threatened species listed under the Commonwealth Environment Protection and Biodiversity Act 1999 and referral to the Australian Government Department of Environment and Energy is not required.

The applicant's Cultural Heritage consultant has concluded that the development will not impact on any known Aboriginal or European cultural heritage matters.

The public submissions received during both notification periods have been considered. The concerns raised have been addressed in the design or conditions can be applied to mitigate against these concerns. The issues raised do not warrant rejection of the application or any redesign of the application.

The requirements of relevant agencies being NSW Roads and Maritime Services, Essential Energy and John Holland Rail have been considered and their requirements are imposed as recommended conditions of consent where relevant.

The site is considered suitable for the proposed subdivision, in keeping with the character and density of adjoining environmental living properties and can be appropriately conditioned to mitigate against any potential environmental harm.

Attachments

- Attachment 1 DA.2016.203 - 8360 Monaro Highway - Sec 79C Matters for Consideration (*Under Separate Cover*)
- Attachment 2 DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision - Amended Plan of Subdivision (*Under Separate Cover*)
- Attachment 3 DA.2016.203 - 8360 Royalla Drive - Submissions - Redacted - First Notification (*Under Separate Cover*)
- Attachment 4 DA.2016.203 - 8360 Monaro Highway - Submissions - redacted - Second Notification (*Under Separate Cover*)
- Attachment 5 DA.2016.203 - 8360 Monaro Highway - Draft Conditions of Consent (*Under Separate Cover*)
- Attachment 6 DA.2016.203 - 8360 Monaros Highway - Detail Survey dated 19 May 2017 - Lot 29 DP 1015516 (002) (*Under Separate Cover*)

4.2 Development Application 14/2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan (Ref: C1780102; Author: Thompson/Glouftsis)

Summary

Reason for Referral to Council

This application has been referred to Council because the application involves a significant variation to a requirement in a Development Control Plan.

Proposal:	Commercial Alterations and Additions, including new Café/Function Centre at the Tourist Hotel.
Applicant/Owner:	Benmarl Pty Ltd / Benmarl Pty Ltd
Subject Property:	Lot 10 DP 530627, No. 31 Monaro Street, Queanbeyan
Zoning and Permissibility:	B3 Commercial Core under Queanbeyan Local Environmental Plan 2012. Commercial premises permitted with consent in the zone.
Public Submissions:	Nil.
Issues Discussed:	Variation to Car Parking Requirements under Council's DCP 2012.
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

- 1. That Development Application 14-2017 for Commercial Alterations and Additions to the Tourist Hotel on Lot 10 DP 530627, No.31 Monaro Street be granted conditional approval, including a condition that a parking contribution be required in lieu of 30 car parking spaces, being unable to be provided on site.**

Background

Proposed Development

The proposal is for alterations and additions to the Tourist Hotel at 31 Monaro Street in the Queanbeyan Central Business District. The proposal includes a number of changes to the existing building, as well as the change of use to an existing garage at the rear of the property.

Specifically, the proposal includes:

- The removal of three first floor accommodation rooms to enable the construction of en-suite bathrooms for adjacent rooms;
- Demolition and relocation of the existing cool room and a part of the kitchen storage area to allow extension to the gaming area;

4.2 Development Application 14/2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan (Ref: C1780102; Author: Thompson/Glouftsis) (Continued)

- The installation of an awning over the right of way adjacent to the side entry;
- The installation of a lift at the rear of the existing building to provide access to the upper floor.
- The conversion of the existing garage at the rear of the property into a café/function room, with a kitchen and the construction of a covered deck area to the rear. Nominated hours of business for the function centre are 6pm – midnight, Monday-Friday, 12 noon to midnight (as required) Saturday and 12 noon to 10pm (as required) on Sunday. The café will function during regular business hours.

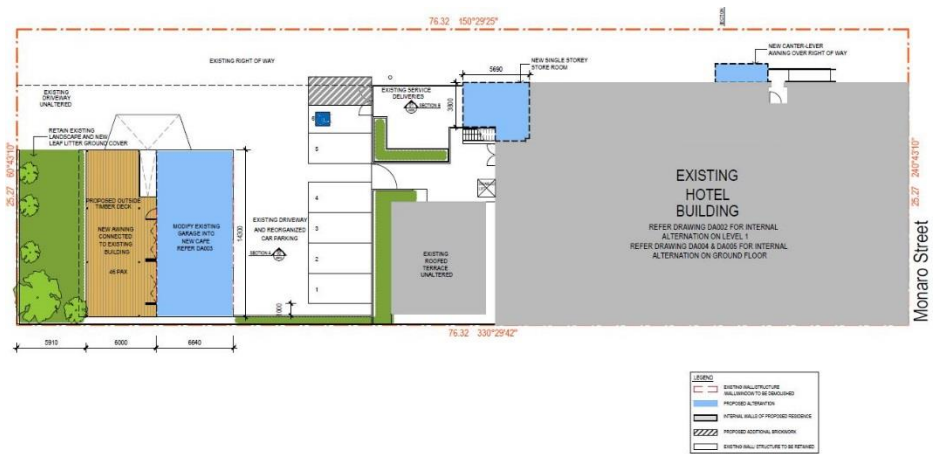


Figure 1: Site Plan 31 Monaro Street (Source: dezignteam)

4.2 Development Application 14/2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan (Ref: C1780102; Author: Thompson/Glouftsis) (Continued)

Subject Property

The subject site is located within the Queanbeyan Central Business District at 31 Monaro Street, (Lot 10 DP 530627). It is a 1929m² rectangular shaped block that currently contains the existing Tourist Hotel, which is local heritage item. The block also contains on-site parking, an existing garage at the rear, a beer garden, a manager’s flat and associated landscaping.

The immediate locality is characterised by similar development, with commercial premises, hotels, cafés, and restaurants common in the area. A public car park is located immediately adjacent to the rear of the site. Although ancillary structures at the rear of adjoining blocks are not common, some particular sites contain much greater site coverage, whilst others contain large amounts of hard stand space. The immediate adjoining blocks on both sides of the subject site contain heritage items, with other various heritage items located within the vicinity of the subject site on both Monaro and Crawford Street.



Figure 2: Subject Site and Locality (Source: Intramaps)

4.2 Development Application 14/2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan (Ref: C1780102; Author: Thompson/Glouftsis) (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:

- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy – (Infrastructure 2007);
- Queanbeyan Local Environmental Plan 2012 (LEP).
- Queanbeyan Development Control Plan 2012 (DCP).

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 the request to vary/waiver the number of car parking spaces required for the proposed development as per the Queanbeyan Development Control Plan 2012.

(a) Compliance with LEP

The proposed development is consistent with the requirements of the Queanbeyan Local Environmental Plan 2012. For an assessment of the Queanbeyan Local Environmental Plan 2012 see the attached *Section 79C(1) – Table-Matters for Consideration*. **(b) Compliance with DCP**

The application has been assessed against the relevant parts of the Queanbeyan Development Control Plan 2012. To view the detailed assessment of the DCP see the attached *Section 79C(1) Table-Matters for Consideration*.

The proposed development requires an additional 30 car parking spaces. The application proposes a major variation to the controls within Part 2 of the QDCP 2012 requesting that the requirement for any additional car parking be waived. The variation has been supported in the past for similar sites located within the Queanbeyan Central Business District.

Variation to Part 2 clause 2.2.6 of Queanbeyan Development Control Plan 2012 to allow the requirements of vehicle parking for the site to be waived.

Applicant's Justification – the applicant has provided a number of reasons to justify the variation. A summary of these is provided below:

- a) The time of use for the café will be during business hours and is more likely to attract patrons from pedestrian traffic who are already in the city.
- b) The time of use for functions will be outside business hours and as a result parking provided in surrounding areas should be sufficient to accommodate vehicles.
- c) The proposed development will increase the amenity of the Queanbeyan CBD.
- d) The proposed development is not viable with the number of parking spaces required or the inclusion of a parking levy/contributions.

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Assessing Officer's Comments –The applicant has provided justification for why it would be unreasonable for the development to provide the required car parking. The justification includes operating hours and the use of the site. As a café during the day, it is more likely to generate patronage through pedestrian traffic. Meanwhile the site will only operate as a function centre outside of business hours when more public parking will be available within the vicinity of the proposed development, including the adjacent public car park.

Under Part 2 of the Queanbeyan Development Control Plan 2012 clause 2.2.4 provides alternative options for the provision of car parking where the general standards cannot be met on the site. Under the clause requests for variation must be supported by information and data to substantiate that an alternative standard is appropriate. A traffic impact statement has been provided by the applicant in accordance with the clause. A detailed assessment of the car parking requirements is provided within the Development Engineer's comments below and includes an analysis of the Traffic Impact Statement. The variation to clause 2.2.6 of Part 2 of the QDCP 2012 to vary the number of parking spaces provided is not supported. However, should Council choose to vary the car parking requirements an option with appropriate wording is contained within the body of this report.

(c) Development Engineer's Comments***Traffic and Parking Calculation***

The site at present provides six parking spaces at the rear of the Hotel via Morisset Street Car Park, which includes one disabled parking space. The existing car parking spaces are proposed to be retained.

The existing car parking layout is not consistent with the plans which were approved for DA 232-2013 or DA 50-2010. Of particular interest is the approval for DA 50-2010, which included construction of an outdoor terrace.

DA 50-2010 was approved with a condition of consent for car parking, requiring the provision of a minimum of 11 off-street parking spaces, which were red amended on the approved plans (Condition No. 21). As there are only six spaces on site there is presently a deficit of five spaces.

A review of historical aerial photography shows that this condition of consent has never been complied with by the applicant. Subsequent to this approval, in 2013, an application for alterations to the existing hotel and the demolition of the existing garages and construction of a new motel in its place was lodged. It was determined by Council at the time that the application was otherwise acceptable, however, the proposed new motel was to be withdrawn from the application. The approved plans show the motel crossed out, thus the previously approved parking arrangements are not shown on the plans.

Clause 7.3 of the Queanbeyan Development Control Plan (DCP) 2012 provides for some concessions for parking in the CBD where there is no increase in floor area of the proposal. However, on both the previous applications and the current application, the proposals have involved an increase in floor area to the existing hotel use. Thus the concessions available in clause 7.3 of the DCP are not applicable.

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The car parking requirements for the proposed work are derived from the additional floor area of the various uses:

<i>Use</i>	<i>Additional Floor Area</i>	<i>Rate Carparks</i>	<i>No. Spaces Required</i>
Gaming Room	16m ²	1 per 3.5m ²	4.
Kitchen	46m ²	1 per 40m ²	1
Café/Function	135m ² or 81 seats	15 per 100m ² or One space per seat (whichever is greater)	20 or 27
<i>Total Required</i>			<i>25 or 32</i>

Based on the above the proposed development would require in the order of 25 additional parking spaces (based on floor area) or 32 additional car parking spaces based on the number of seats (33 indoor seats and 48 terrace seats).

This requirement may be lessened by three, due to the number of accommodation rooms being removed by the addition of en-suite bathrooms. As the accommodation rooms are more similar to hostel type accommodation, crediting the development with 1 parking space per room is considered a generous credit, as hostel style accommodation typically requires less parking than this.

The applicant also makes the case that as there are no additional poker machines in the gaming area that floor area should be discounted as there will be no likely increase in patronage. This is accepted so a further reduction of four spaces is supported.

Based on the above the number of spaces required is 32 with a reduction of seven spaces being 3 credits for the reduction in the number of accommodation rooms and a concession of four spaces for the gaming area. This leaves a requirement for 25 additional spaces to which must be added the five spaces which were never provided under previous approvals. The development must therefore provide an additional 30 car parking spaces.

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Assessment of Traffic and Parking Statement

A Traffic and Parking Statement was subsequently provided in support of the development proposal. The Statement asserts the notion that Clause 7.3.3 of the Queanbeyan DCP is applicable to the proposed development as the garage is an existing building, which would not require additional parking for the nominated uses in the Clause. This notion takes the intent of Clause 7.3.3 out of context. The garage is an existing structure which would otherwise be used for storage of goods or parking purposes. The intent of clause 7.3.3 is for re-development of existing commercial premises where no increase in floor area is created, not the re-development of ancillary buildings to existing commercial premises.

In fact it could be demonstrated that re-development of the garage is removing a further four parking spaces from a development site lacking in parking. In addition the development is not limited to the garage and thus involves an increase in floor area in other parts of the building. Further, a function room is a not a defined use prescribed in Section 7.3.3 (b) of the Queanbeyan DCP exempting car park requirements.

The proposed function centre/café represents a significant intensification of the parking requirements on-site, which also eliminates existing parking requirements which have not been complied with from current approved uses and does not attempt to provide any additional on-site parking for the current proposal.

The Statement identifies a parking requirement of 1 space per 60m², which is applied to a number of uses within the CBD and attempts to stretch these land use categories to cover the proposed development. Under the DCP this value does not apply to café/restaurants or function centres in that Food and Drink premises (excl. take away stores, which the proposed is not) require 15 spaces per 100m² or 1 space per 3 seats, whichever is greater. This applies to the proposed use as a café and has been applied to the use as a function centre for other function centre applications though not nominated within the DCP document. Hence, the general rate of 1 parking space per 60m² that is used generally for a number of uses within the CBD is not applicable to the proposed use(s).

The Statement identifies that on street parking on Monaro Street is limited and heavily used most hours during the day and evening. It identifies the Morisset Street Car Park as the main area that would cater for parking and pedestrian access for the development. The statement attempts to reference previous approvals for uses at the site as justification for the proposed development in terms of hours of operation and traffic generation, however, it fails to address the proposed development in terms of additional development to the site and thus additional traffic/parking requirements over the existing approvals/use.

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It is also noted that the Statement “expects” occupancy rates within the Morisset Street Car Park to be “not less than 130 car spaces if 50% occupied during these times”, which suggests a study of the parking availability for the development was limited, particularly as no data has been presented to justify the comments. Further, the proposed development is proposed to operate during normal business hours and during the evening, thus parking requirements are not limited to out of hours use. The Morisset Street Car Park is a heavily utilised public asset with a number of business drawing on this facility within the precinct. A number of the parking spaces are reserved for surrounding offices, some of which have paid a contribution in the past to Council and the availability of parking in this car park is considered to be overstated.

The Traffic and Parking Statement concludes that the effect of the development on local traffic and pedestrian movements would be minimal, which is generally concurred with. However, the Statement provides little in the way of evidence or factual data to arrive at the recommendations that sufficient parking is available for the development overall. Further, the statement relies on the application of Clause 7.3.3, which is not seen as the intent of the clause in the application.

Given all of the above the development should provide an additional 30 car parking spaces.

Summary of Parking Issues and Recommendations

Based on the detailed assessment above, the proposed development requires 30 spaces to be provided to be compliant with the current QDCP 2012 and past conditions of consent. These spaces cannot be provided on site. However, where parking for commercial premises in the CBD cannot be provided on site the applicant may make a contribution for car parking under the provisions of Council’s Section 94 plan. The present contribution rate is \$11,474.93 per carpark which equals \$344,247.90 for 30 parking spaces. Should the application be approved it is recommended that the consent be conditioned accordingly.

Enforcing the full parking contribution may be considered to be uneconomic in the context of promoting business within the CBD although it is considered some form of parking contribution should be negotiated/agreed.

Under the DCP for parking, Clause 2.2.4 allows a variation of development standards for onsite parking. In considering any variation to the parking controls Council should have regard to the objective of the clause which is to provide alternative options for the provision of parking where general standards cannot be met on site. The controls further state that variations should only be considered:

- Where an applicant can show good cause why strict compliance with the parking standard is unnecessary
- Where peak demands for parking are staggered and it is demonstrated to the satisfaction of Council, a reduction in parking may be accepted; and
- Where any variation of the controls is supported by a Traffic Impact Statement

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The assessment indicates that the Traffic Impact Statement does not make a strong case for why a variation should be granted although it is accepted that the effect of the development on local traffic and pedestrian movements would be minimal and that despite the increase in floor area to the gaming room, the same number of machines would be present and thus this should not be subject to additional parking requirements.

In the event that Council approves the application Council's options in relation to the provision of parking are as follows:

Option 1 - Impose a condition of consent requiring a contribution of \$11,474.93 (indexed) for each of the 30 car parking spaces which cannot be provided on site in accordance with Council's Section 94 Developer Contribution Plan.

Option 2 – Note the requirement for an additional 30 car parking spaces and waive the requirement for any payment of Section 94 Developer Contributions for the reasons stated below:

- i. Councils DCP – Parking, Clause 2.2 permits variation to parking standards where justified by a Traffic and Parking Impact Study. The applicant has submitted a consultants Traffic and Parking Statement giving their reasons why variation of the DCP is warranted.
- ii. As the major new use that generates additional car parking is the café operating during the day, it is more likely to generate patronage through pedestrian traffic. While the same building will be used as a function centre in the evenings and will generate a greater need for parking its core business will be outside of business hours when more public parking will be available within the vicinity of the proposed development, including the adjacent public car park.
- iii. Councils long term promotion of active businesses in the CBD through its planning controls and community business support forums particularly where development encourages more people in the shopping centre during business hours and particularly at night.
- iv. Council's DCP Clause 7.3.3 - Change of Use provisions encourage continued use and reuse of existing commercial premises in the CBD to make it more financially viable for landowners, purchasers and lessees to establish their proposed business and promote continued commercial uses, to avoid empty premises and encourage establishment of a vibrant Queanbeyan commercial centre.

Option 1 is recommended. Only Council has the authority to reduce or waive developer contributions.

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Water - Existing water service is assumed to be sufficient for required usage. Applicant to advise otherwise.

Sewer - Existing sewer connection to be used. Trade waste devices are proposed to be renewed and may require enhancement due to additional kitchen areas. The application should be conditioned accordingly.

The deposited plan for the property does not indicate a sewer easement is present over the property. However, if the development was to be approved the deck structure must demonstrate that it complies with Council’s policy for development adjacent to mains.

The location of Council’s sewer main has been approximately drawn in red in Figure 3 below, with manholes indicated by the filled circles. The main appears to run parallel with the rear boundary of the lot, approximately 5.5m off the rear boundary. The main was measured to be 1.6m below ground level at the rear of No. 27 and 1.9m below ground level at the rear of No. 55.

The plans provided indicate that the proposed timber deck structure is to extend 6m off the existing garage structure, approximately 5.9m off the rear boundary. This places the structure approximately 0.4m off the centreline of the sewer main. As mentioned previously, the sewer main is of significant age and as the development will restrict access to the main in the future, the deck structure must be constructed in a manner that allows it to be dismantled. The footings for the deck structure will need to be extended to below the invert level of the sewer main (approximately 1.6m below ground level) to avoid placing any imposed loads on the main.



Figure 3: Sewer Main Location

4.2 Development Application 14/2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan (Ref: C1780102; Author: Thompson/Glouftsis) (Continued)

Stormwater - Existing stormwater connections most likely comprise kerb outlets that flow into the kerb and gutter of the rear Morisset Street Car Park and Monaro Street, which the property fronts. The new deck, whilst replacing existing landscaped (permeable) surface does not increase hard stand areas above previous approvals where the rear of the Hotel is approved for a largely sealed car park to accommodate previous extensions to the hotel. If approved the roof and hardstand areas must be trapped and piped into existing connections.

Access - The existing vehicle access to the site is over private (Council) owned Morisset Street Car Park. Whilst legal access to the lot is not present, the current arrangement has been in place for a significant period of time and affects a number of properties which back onto the car park. In approving the application Council is accepting that it will in the longer term need to provide a legal means of access to all properties having rear access off Morrisett Street Carpark.

Flooding - The flood planning level (1% occurrence event plus 0.5m freeboard) is 575.89m AHD, which is applicable to the Café/Function Room development. The provided a survey plan of the lot which indicated that the existing floor level in the garage is 574.9m, which is approximately 1m below the designated flood planning level. Given the relatively small size of the structure, it is not considered feasible to site 25% of the floor area above the flood planning level in accordance with DCP (2.5.7(b)) requirement. However, other controls required by the DCP will need to be implemented. These include such electrical connections being above the flood planning level, means of escape and direction of door openings.

(d) Building Surveyor's Comments

No objections to the proposal have been raised. Reports relating to BCA compliance and the accessibility of the development have been provided and indicate that compliance can be achieved. These matters will need to be more closely assessed at Construction Certificate stage, but it does not appear that any changes would be needed that would impact on the proposal.

(e) Environmental Health Comments

No objection to the proposed development, standard conditions in regards to food and soil and erosion control to be added. Trade waste facilities to be upgraded to cater for additional trade waste from new café area.

(f) Heritage Advisor's Comments

The proposed changes are relatively minor from a heritage perspective. The cantilevered awning in the laneway will have minimal heritage impact, and the adaptation of the rear garage is an appropriate example of adaptive re use. Removal of window to laneway is unfortunate but is accepted as necessary to enable the building to operate as planned. The lift and skillion addition to rear will not impact on the building's significant elevations. The Heritage Impact Statement is acceptable and overall the proposed alterations are supported from a heritage perspective.

4.2 Development Application 14/2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan (Ref: C1780102; Author: Thompson/Glouftsis) (Continued)

(g) NSW Police Comments

Site Risk Rating - The NSW Police Safer by Design Evaluation process is based upon Australia and New Zealand Risk Management Standard ISO 31000:2009. It is a contextually flexible, transparent process that identifies and quantifies crime hazards and location risk. Evaluation measures include crime likelihood (statistical probability), consequence (Crime outcome), distributions of reported crime (hotspot analysis), socio-economic conditions (relative disadvantage), situational hazards and crime opportunity.

After conducting this process the rating for this development has been identified as a moderate crime risk.

Financial Implications

Section 94 Contributions are applicable to the proposed development for car parking. The present contribution rate is \$11,474.93 per carpark, which equals \$344,247.90 for 30 parking spaces.

Section 64 Contributions are applicable to the proposed development.

Engagement

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

Conclusion

The submitted proposal for alterations and the addition of a café/function centre on Lot 10 DP 530627, No. 31 Monaro Street 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. However, a major departure from a requirement in the DCP in regards to the provision of car parking is proposed, with a request that vehicle parking spaces be waived. If the request for a variation is not granted and the application is approved then contributions are payable for the deficit of 30 car parking spaces. Council may consider *Option 2* mentioned in the body of the report to waive car parking requirements and parking contribution charges to improve the viability of the proposed development in the Queanbeyan Central Business District.

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

4.2 Development Application 14/2017 - Commercial Alterations and Additions to the Tourist Hotel - 31 Monaro Street, Queanbeyan (Ref: C1780102; Author: Thompson/Glouftsis) (Continued)

Attachments

- Attachment 1 DA 14-2017 - Section 79C Matters for Consideration - 31 Monaro Street (*Under Separate Cover*)
- Attachment 2 DA 14-2017 - Architectural Plans - 31 Monaro Street - Tourist Hotel - ATTACHMENT (*Under Separate Cover*)
- Attachment 3 DA 14-2017 - Traffic and Parking Statement - 31 Monaro Street (*Under Separate Cover*)
- Attachment 4 DA 17-2017 - Draft Conditions of Consent 31 Monaro Street (*Under Separate Cover*)

Summary

Reason for Referral to Council

This application has been referred to Council because the application involves development by Council on Council controlled and managed land. Due to the development being a Council project the application has been assessed by an independent consultant town planner.

Proposal:	Queanbeyan Indoor Sports Centre extensions and new car parking arrangements including upgrade of Seiffert Oval car park. Demolition of ticketing booth to Seiffert Oval.
Applicant/Owner:	Queanbeyan-Palerang Regional Council.
Subject Property:	Crown Reserves RR83463 and R85019, Lots 7 to 10 inclusive, Section 51, DP 758862 & Lot 7305 DP 1137212 Taylor Park, being 1A and 1B Yass Road and Lot 117 DP 823483, Seiffert Oval being 36 Thurrallilly Street, Queanbeyan.
Zoning and Permissibility:	RE1 Public Recreation Zone under Queanbeyan Local Environmental Plan 2012. Permitted development with consent.
Public Submissions:	Nil
Issues Discussed:	<ul style="list-style-type: none">• Car parking• Access• Heritage
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

- 1. That Council accept a variation to Clause 2.2.6 QDCP 2012 to the on-site car parking requirements for the existing indoor sports centre building and the proposed extensions from a total of 144 vehicle spaces to 92 vehicle spaces for the following reasons:**
 - a) The existing indoor sports centre parking was assessed on the basis of 3 spaces per 100m² of Gross Floor Area and it is considered appropriate that this same parking rate apply to the combined existing and proposed extensions i.e. 92 spaces which includes two disabled spaces. Based on the current usage of the QISC this is considered to be adequate onsite parking for both buildings. Note: six additional spaces will be required should the two proposed squash courts proceed.**
 - b) During times when full operation of Seiffert Oval is being used for major sporting events, the Queanbeyan Indoor Sports Centre will not operate allowing these events to utilise car parking spaces at Seiffert Oval.**
 - c) The development satisfies the parking control objectives of the QDCP 20012:**
-

- To provide general standards for car parking
 - To maintain the amenity of Queanbeyan by ensuring adequate parking is provided for.
2. That Council agree with the alternative access to Seiffert Oval for service, emergency and heavy vehicles from Thurrallilly Street that will comply with AS2890.1 and remove traffic safety concerns by NSW Roads and Maritime Services with the use of Yass Road access for heavy and service vehicles to the site.
 3. That Council agree that the existing J W Seiffert Memorial Gates and entrance to Seiffert Oval remain in place without any alteration to protect their heritage significance.
 4. That development application 131-2017 for extensions to the Queanbeyan Indoor Sports Centre, New Carpark arrangements on Crown Reserve R 83463 & R85019 being Lots 7-10 inclusive DP 758862, and Lot 7305 DP 1137212, Taylor Park being 1A & 1B Yass Road and Lot 117 DP 823483, Seiffert Oval being 36 Thurrallilly Street, Queanbeyan be granted conditional approval.
 5. That NSW Roads and Maritime Services be advised of Council's determination.
-

Background

Council has been successful in obtaining a Community Development Grant from the Department of Infrastructure and Rural Development for extensions to the existing Queanbeyan Indoor Sports Centre (QISC) located in Yass Road, Queanbeyan East.

Council determination was made on 25 January 2017 to accept the grant funding Deed of Agreement and to allocate funding for the project in accordance with the Deed.

The QISC project includes:

- Relocation and construction of additional car parking at Seiffert Oval.
- Construction of an extension to include 3 additional multi- purpose sports courts.
- Modification of existing sporting courts to include a new indoor cricket facility.
- Modification of existing amenities to meet additional patronage.
- Provision of 2 squash courts pending budget constraints.
- Demolition of existing ticketing booth at Seiffert Oval.

Under the conditions of the Deed, the QISC Extension is required to be in operation by September 2018.

Proposed Development

The development application is for:

Overall Proposal:

- An extension to the Queanbeyan Indoor Sports Centre (QISC) and provision of new car parking arrangements for both the existing and proposed buildings.
- The existing and proposed extensions will be physically connected.

Car Parking:

- Approval has been obtained from the Queanbeyan Reserves Reserve Trust Committee for the extension of the carpark within the Seiffert Oval precinct, Lot 117 DP 823483. The upgraded car park will accommodate 79 car spaces and will be made available to sporting users of Taylor Park.
- The carpark however, will be closed occasionally and made available only to those persons attending major football games and other sporting events using Seiffert Oval. Currently full utilisation of Seiffert Oval occurs on 3-4 days per year and is generally restricted to either Friday night or weekend usage when patronage at the QISC is lowest.
- The carpark accommodating 37 spaces for the existing sports stadium will be demolished. A new park next to the existing and proposed buildings will be constructed to accommodate 13 spaces including 2 disabled bays. A small bus bay will also be provided within this car park.
- A total of 92 spaces is proposed to be provided for the existing and proposed development when Seiffert Oval is not in use.

Extended Building and Refurbishment of Existing Sports Stadium:

- The new and existing buildings will be connected via a new entrance way and existing foyer area.
- The facility has been designed to allow 3 multi-purpose courts. The entire area of the 3 courts will be able to be reconfigured into one space when required.
- Two squash courts will be provided subject to available funding.
- The existing stadium will be refurbished to install 1 permanent indoor cricket net over 1 existing multi-purpose court and the existing mezzanine area will be extended to the southern wall depending on structural engineering designs.
- The height of the new building has been designed to allow the usage of the existing inflatable equipment at all locations.
- The height will be similar to the height of the existing QISC.
- The new building will match the tones of the existing building.
- The existing amenities will be upgraded to meet the requirements of the larger facility.
- The existing canteen and office will not be modified.
- No on site cooking will be permitted.
- The collection of sporting memorabilia will be maintained at the centre. A new entrance way will be utilised for the display of the collection.
- No additional signage is proposed.

Ongoing Management:

- There are no planned changes to the current operating times. During times when full operation of Seiffert Oval is required the sporting centre will not operate.

- Existing trees will be protected during construction. Additional landscape works are proposed.
- Vehicle access will be retained with the existing driveway modified for access to the entrance and car parking areas.
- During construction access to the site from Yass Road will be temporarily closed. Temporary parking will be provided to provide safe pedestrian access the sports stadium. The contractor will be required to provide an approved temporary traffic management plan to include pedestrian and cycle management arrangements.

Subject Property

The proposed sports stadium extension is located at the northern end of Taylor Park adjacent to the existing sports stadium (QISC).

The development also involves the upgrading of the existing carpark within the Seiffert Oval grounds.

Access to the sports stadium and the proposed extensions is from Yass Road via the existing entrance. The entrance was proposed to be modified to allow access by heavy vehicles and emergency vehicles. However, due to the heritage significance of the Seiffert Oval Memorial gates it is recommended by staff that access for heavy and emergency vehicles be from Thurrallilly Street. The Seiffert Oval Memorial Gates will then remain intact and the NSW Roads and Maritime Services concerns with the use of the Yass Street access for heavy vehicles will be alleviated.

The development will not impact on any of the existing playing fields in Taylor Park.

Adjoining land use comprises recreation fields, the Yass Road bowling club and residential development opposite.



Figure 1: Subject Site – Area of Work Outlined in Red

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:

State Environmental Planning Policies

State Environmental Planning Policy No.55 - Remediation of land

Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. There are no records of the site being previously used for any potentially contaminating purposes. The site has a long history of recreational use.

Having regard to the SEPP provisions no remediation works are required.

State Environmental Planning Policy (Infrastructure) 2007

The provisions of this Policy have been considered in the assessment of the application.

Road Corridor - The site is located in or adjacent to road corridor and has frontage to a classified road.

The application required referral to NSW Transport, Roads and Maritime Services (RMS) who have given concurrence to the development subject to:

1. Council being satisfied with the proposed onsite parking arrangements for the development.
2. Sufficient manoeuvring space is provided at the sites entrance for the largest service vehicle that will access the site so it is able to enter and leave the site in a forward direction ; and
3. Sufficient sight distances are available at the site's entrance (i.e. distance requirements outlined in Section 3.2 of Austroads Guide to Road Design - Part 4A: Signalised and Signalised Intersections):

so as not to result in traffic issues on the adjoining State Classified Road (Yass Road) RMS does not object to the DA in principle.

RMS does however, recommend that Council is satisfied that anyone requiring access to the site through the new entrance/lockable gates outside of operating hours (e.g. during emergency situations) is consulted and has keys to the new gates. This is to reduce the risk of incidents relating to this restricted access, at the junction of the entrance and Yass Road.

Having regard to RMS and heritage concerns it is recommended the existing Seiffert Oval Memorial Gates not be altered and that alternative access for heavy vehicles be made available from Thurrallilly Street.

Electricity Infrastructure - Essential Energy has no objection to the development, provided that:

1. If the proposal changes, Essential Energy would need to be informed for further comment; and
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with.

In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

The provisions of the SEPP Infrastructure are satisfied.

Queanbeyan Local Environmental Plan 2012 (QLEP 2012).

The development is permitted with consent in the RE1 Public Recreation zone under the Queanbeyan Local Environmental Plan 2012 subject to Council's consent.

The development complies with the relevant QLEP 2012 provisions.

Queanbeyan Development Control Plan 2012 (QDCP 2012)

The development generally satisfies the requirements and achieves the objectives of QDCP 2012.

Variation of Council's QDCP 2012 is required in respect of onsite car parking requirements for the existing and proposed buildings. Refer to Recommendation 1 above and the reasons for varying the parking standard.

It is considered adequate car parking will be provided on site to serve both the existing and proposed extensions to the QISC and major sporting events held on Seiffert Oval. The QISC will be closed when a major sporting event takes place on Seiffert Oval. The number of major sporting events on the oval are expected to be about 3-4 per annum. A condition is recommended ensuring the QISC is closed during these major sporting events.

(a) Building Surveyor's Comments

No objection subject to standard building conditions

(b) Development Engineer's Comments

Water, Sewer and Stormwater - The proposed development is able to be easily serviced with connections available to the existing water, sewer and stormwater infrastructure at the site.

Traffic and Parking - The proposal includes the removal of the existing bitumen sealed carpark that is located to the west of the existing indoor sports centre, to allow for the construction of the new facility. The proposal includes a new 13 space carpark (including 2 disabled spaces) between the existing facility and the extension, resulting in a deficit of 25 parking spaces on site. A total of 79 parking spaces are proposed to be located within the existing Seiffert Oval facility, which is located directly north-west of the development site, on a Council controlled Crown Reserve.

In accordance with Part 2.2 of the 2012 Queanbeyan DCP a total of 138 parking spaces should be provided for the extension (excluding the squash courts). With the addition of 2 squash courts (that require 6 parking spaces) a total of 144 parking spaces would need to be provided. This is a shortfall of 52 spaces.

Car parking for the DA for the existing indoor sports centre (DA 289-2009) was assessed on the basis of providing 3 spaces per 100m². Using this ratio (based on a GFA of 3062m² – excluding the squash courts) a total of 92 spaces should be provided, two of which are disabled spaces. Given that the previous DA was conditioned on this basis it is considered an appropriate ratio to be used for the assessment of the parking for this proposal.

The proposal also includes a potential for two squash courts if funding permits. This will generate an additional six parking spaces. It is recommended that the application be conditioned requiring a total of 98 parking spaces to be provided for this development if the two squash courts are proceeded with.

Control a) of *Clause 2.2.13 Construction of Car Parking Areas* of the QDCP states that:

All car parking areas are to be:

- i. *Suitably paved with concrete, hotmix, bitumen or paving blocks and shall be retained between suitable permanent concrete kerbing. The selected pavement should be constructed to engineering specifications for the particular materials to be used.*
- ii. *Line marked into bays and sign posted as such in a reasonable permanent manner.*

The existing area inside Seiffert Oval where the car parking is proposed is not sealed. As such it is to be conditioned that all car parking areas are to be suitably paved with concrete, hotmix, bitumen or paving.

Page 11 of the Statement of Environmental Effects submitted with the proposal states that: *“During times when full operation of Seiffert Oval is required, the QISC will not operate allowing other events to utilise car parking space at Seiffert Oval.”* As such, a condition should be applied that formalises this arrangement as it will be critical to ensuring that the proposed parking will operate as intended.

Access - The access into the site is to be made from Yass Road, through the existing J.W Seiffert Memorial gates. These gates are not compliant with a two way access road as they are restricted to an opening (in each direction) of approximately 2.9m. AS 2890.1 states that for one way traffic with vertical obstructions higher than 150mm adjacent to the road, the clear width of the road should be 3.6m. The ‘Vehicular Access’ clause on Page 11 of the Statement of Environmental Effects for this proposal states that:

“Vehicular access to the site will be retained with the existing driveway modified for access to the entrance and car parking areas. The proposal includes the demolition and removal of the existing gates and structures facing Yass Road. At present, the gates restrict access to the site by heavy vehicles that include fire and rescue trucks, waste removal and other general maintenance trucks. The existing gates will be replaced with new lockable gates that will be open during hours of operation only.”

To comply with AS890.1, the central pillar of the gates should be removed and/or relocated. Whilst this is the case, it is the preference of Council’s Heritage Advisor that the gates remain in their current location due to their heritage significance. It is the opinion of the Heritage Advisor that the gates would most likely meet the threshold for entry to the local heritage schedule.

Given that provision should be made for service and heavy vehicles, an appropriate alternate access into the site should be provided. As such, it is recommended that an alternative service/heavy vehicle access be provided off Thurrallilly Street at the end of the proposed carpark cul-de-sac.

Flooding - The proposal is located clear of any identified flood areas.

Section 64 Headworks Contribution Calculations - Due to the increased number of proposed fixtures and fittings, Section 64 contributions will be applicable to this development.

(c) Environmental Health Comments

No objection to the proposal subject to standard environmental health conditions.

Financial Implications

The proposed development is to be funded through a Community Development Grant from the Department of Infrastructure and Rural Development. Council on 25 January 2017 accepted the CDG funding Deed of Agreement (the Deed) and to allocate funding towards the project in accordance with the Deed. Under the condition of the Deed, the QISC extension is required to be in operation by September 2018.

Other Comments

The concept plans were presented to the Queanbeyan Reserves Reserve Trust Management Committee, 2 February 2017. The Committee minutes being:

5.1 Queanbeyan Indoor Sports Stadium Complex – Stage 2 Concept Plans:

“Tim Geyer requested that the Trust consider the concept plans for Stage 2 of the Queanbeyan Indoor Sports Complex, which includes an extension to the building and car parking arrangements in the Taylor Park/Seiffert Oval location. The Administrator agreed to support the concept plans and suggested that planting/screening of the southern side of the new building extension be examined as part of the concept plan process”

Engagement

Preliminary Community Consultation

Prior to the development application being lodged Council undertook community consultation on the proposed QISC Extension between 3 February 2017 and 3 March 2017 using Council's "Have Your Say" web page. In addition the Queanbeyan East Public School, Raiders Group, Queanbeyan RSL Bowls Club and Queanbeyan Rugby Club were notified.

A total of 15 submissions were received during the preliminary consultation phase. A summary of the submissions is as follows:

- Has Council considered integrating the car parking with the RSL car park adjoining?
- Very strong support for squash courts. Presently Queanbeyan/Jerrabomberra club members travel to Canberra University to play.
- Need to make sure pathways and amenities are designed for disabled persons.
- Current courts in the QSIC are not safe for use.
- The development will cause further parking problems in Taylor Park.
- Current toilet facilities within the park are not adequate for sporting users.
- Current amenities building could be retrofitted to enhance canteen facilities.

4.3 Development Application 131-2017 - Queanbeyan Indoor Sports Centre Extension - 1A & 1B Yass Road, Queanbeyan East (Ref: C1787117; Author: Thompson/Gibbons) (Continued)

- Additional seating required for Taylor Park.
- QSIC is not fully utilised. New development potential “white elephant”.
- Opening up the proposed 3 court area could allow other sports such as archery.
- Shortage of parking in Taylor Park for all sports.

Following lodgement of the development application the proposal required notification under Queanbeyan DCP 2012. Adjoining neighbours were notified and an advertisement was placed in the Queanbeyan Age. No written submissions were received.

Government Agencies

NSW Department of Industry – Lands advised whilst the development has encroached over the lot boundaries the Department has no requirement for development on Crown Reserve land to remain within the lot boundaries.

NSW Transport – Roads and Maritime Services and Essential Energy concerns have been addressed including in the recommended conditions of consent.

NSW Police considered the proposal under Safer by Design Evaluation (CPTED). They assessed the rating for the development as Low-crime risk. NSW Police have advised Council a number of CPTED treatments should be considered for the development. These treatments are advised in their submission and will attach to Council’s consent as *Advisory Notes* for preparing the Construction Certificate plans.

Compliance or Policy Implications

There are no compliance or policy implications involved with the development. The development meets all relevant statutory and local policy planning requirements.

Conclusion

The submitted proposal for demolition of the ticketing booth to Seiffert Oval, extensions to the Queanbeyan Indoor Sports Centre (QISC), new car park arrangements and upgrading of the Seiffert Oval carpark on Crown Reserves RR83463 and R85019, Lots 7 to 10 inclusive, Section 51, DP 758862 & Lot 7305 DP 1137212 Taylor Park, being 1A & 1B Yass Road and Lot 117 DP 823483, Seiffert Oval being 36 Thurrallilly Street, Queanbeyan is supported by a Statement of Environmental Effects.

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 with variation to the parking requirements to the QDCP 2012. A variation to the car parking standards is required. Council’s DCP permits variations to standards within the plan:

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

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

The parking standards of Clause 2.2.6 QDCP 2012 require 144 onsite parking spaces. The applicant seeks variation of the standard to 92 spaces for the following reasons:

- a) The existing indoor sports centre parking was assessed on the basis of 3 spaces per 100m² of Gross Floor Area and it is considered appropriate that this same parking rate apply to the combined existing and proposed extensions i.e. 92 spaces including two disabled spaces. An additional 6 parking spaces will be required if the two proposed squash courts proceed. Based on the current usage of the QISC this is considered to be adequate onsite parking for both buildings.
- b) During times when full operation of Seiffert Oval is being used for major sporting events, the Queanbeyan Indoor Sports Centre will not operate allowing these events to utilise car parking spaces at Seiffert Oval.
- c) The development satisfies the parking control objectives of the QDCP 20012:
 - To provide general standards for car parking
 - To maintain the amenity of Queanbeyan by ensuring adequate parking is provided for

The justification for varying the parking standards is supported by Council staff for the reasons outlined.

Heavy and emergency vehicle access is recommended from Thurrallilly Street to avoid undertaking any alterations to the existing heritage Seiffert Oval Memorial Gates as well as satisfying RMS concerns over traffic safety with the use of the Yass Street access for heavy vehicles.

Relevant government agencies have been contacted and their requirements have been met through changes to the development plan or recommended conditions of consent.

The development will utilise safe design principles such as lighting of the car parks and pedestrian ways, locking the car park gates after hours, clear directional signage be provided and landscaping be provided to ensure passive surveillance of the facility can be maintained.

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

Conditional approval is recommended.

Attachments

- | | |
|--------------|---|
| Attachment 1 | DA 131-2017 - s 79C(1) Matters of Consideration - Indoor Sports Centre - 1A & 1B Yass Road, Queanbeyan East (<i>Under Separate Cover</i>) |
| Attachment 2 | DA 131-2017 - Architectural Drawings - Queanbeyan Indoor Sports Centre - 1A & 1B Yass Road (<i>Under Separate Cover</i>) |
| Attachment 3 | DA 131-2017 - Draft Conditions of Consent - Queanbeyan Indoor Sports Centre - 1A & 1B Yass Road (<i>Under Separate Cover</i>) |

4.4 Preparation of a Planning Proposal for the Proposed Memorial Park (Cemetery) - Corner Old Cooma Road and Burra Road (Ref: C1764241; Author: Thompson/McBride)

Summary

The purpose of this report is to seek endorsement to commence work on the Planning Proposal to allow the process for consideration of a potential memorial park (cemetery) to proceed on the corner of Old Cooma Road and Burra Road. Acquisition of the site has settled in June. The first step will be to amend Schedule 1 of *Queanbeyan Local Environmental Plan 2012* whilst acknowledging that all the details of design, landscaping and visual amenity will be confirmed at a later stage in the project. These later stages can only begin if and when Council receives a Gateway determination from the NSW Minister for Planning to proceed. This is reflected in the attached flow chart which provides a broad overview of the process with an indicative timeline.

Progressing the work also requires Council to classify the land as 'operational' land.

Recommendation

That in order to progress the proposal to establish a potential memorial park (cemetery) 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 an additional permitted use, being that of a 'cemetery', in Schedule 1 Additional Permitted Uses, for this site.**
- b. Request the Minister not to issue Council with the delegation to make this draft local environmental plan.**

Background

The Queanbeyan Lanyon Drive Cemetery is expected to reach capacity within the next five years. Over the past 8 years, the former Queanbeyan City Council has been reviewing the need for a new cemetery to replace the existing Lanyon Drive Cemetery. In 2013 Council included the project in its 2013-2017 Delivery Plan.

Investigations were carried out during 2014-2015 and following a workshop with councillors in July 2015 two potential localities were identified in the Burra and Carwoola areas. The Burra location was considered superior, due to its easy access for a large proportion of the Queanbeyan, Jerrabomberra and Googong populations and future residential investigation lands to the south.

4.4 Preparation of a Planning Proposal for the Proposed Memorial Park (Cemetery) - Corner Old Cooma Road and Burra Road (Ref: C1764241; Author: Thompson/McBride) (Continued)

While Council initially endorsed taking up options on the preferred site, the owner would only proceed on the basis of a full acquisition. In February 2017 (in closed session), Council resolved to progress the acquisition of the site on the corner of Old Cooma Road and Burra Road pending the outcome of preliminary investigations. The preliminary environmental assessment and geotechnical investigation found the land had potential for a cemetery site and Council subsequently began proceedings to purchase the land.

It is proposed to construct a modern-style memorial park (cemetery) on a portion of the 36ha property. The details of the memorial park will be determined with the development of a concept design. This will be developed after consultation with the community. The concept design and an Environmental Impact Statement will form part of a future Development Application but these stages cannot be progressed until the *Queanbeyan Local Environmental Plan 2012* is amended to provide for an additional permitted use, being that of a 'cemetery', in Schedule 1 Additional Permitted Uses, for this site.

An amendment to a local environmental plan is done through a Planning Proposal. It is a document that explains the intended effect of the proposed amendment and sets out the justification for making the proposed amendment. This is then forwarded to the NSW Department of Planning and Environment seeking a Gateway determination for the proposed amendment to proceed. The Gateway determination, if issued, will set out the consultation requirements for the draft amendment and any studies that need to be undertaken. It is likely that studies will include the following investigations:

1. Flora and Fauna
2. Traffic
3. Visual Amenity
4. Geotechnical
5. Hydrology

As noted above, if the Gateway determination to proceed it will also contain conditions. For example these will include details on community consultation, what public authorities are required to be consulted, whether a public hearing will be required or not and will set the timeframe for the completion of the draft Local Environmental Plan.

If a Gateway determination to proceed is approved, Council will not request delegation to make the final decision. Rather, the Minister for Planning will be asked to make it.

Implications

Legal

The classification of the acquired Council land will be done under section 31 of the *Local Government Act 1993*. In accordance with the Act, the Council must within three months of acquiring a property classify the land as either "operational" or "community". The use proposed is more appropriate to an operational land classification, and this classification will provide flexibility in the future if needed regarding land use. It is now appropriate to classify the land as "operational land". However, this will need to be done at a full meeting of Council as classification of land is not a matter which can be delegated to a Committee.

4.4 Preparation of a Planning Proposal for the Proposed Memorial Park (Cemetery) - Corner Old Cooma Road and Burra Road (Ref: C1764241; Author: Thompson/McBride) (Continued)

The preparation of a Planning Proposal to amend a local environmental plan is contained under the provisions of section 55 of the *Environmental Planning and Assessment Act 1979*.

Policy

There is no Council policy regarding the management of Planning Proposals in the Queanbeyan-Palerang Regional Council area.

Environmental

Environmental matters will be considered in the Planning Proposal and will be the subject of any required detailed background studies. These studies will inform the newly elected Council as to the suitability of the site for a memorial park (cemetery) and these will be considered in future reports.

Sustainability

Sustainability of the Planning Proposal will be a consideration by the Minister for Planning if the proposal progresses. If the project proceeds to the development application stage it will be covered by Council's Sustainable Design Policy for Council Buildings, being a Showcase Infrastructure Project.

Asset

The Council has an additional 36ha of land which it is acquiring. The resolution to classify the land as 'operational' will allow for Council to go out to tender for a business partner for the day to day running of the memorial park (cemetery) if required and subject to it getting the necessary approvals. The operational classification also allows Council to re-sell the land should the Planning Proposal not proceed.

Social / Cultural

The provision of a new memorial park (cemetery) is needed given that the Queanbeyan Lanyon cemetery is nearing capacity. The risk of not providing such a facility would mean that the wider Queanbeyan community would have to travel to other end of life facilities including those over the border in the ACT.

Economic

There may be some economic benefit to Council. However, this would require a partnership with the private sector who are in the funeral directing business and this will be a decision of a future Council.

Strategic

At present the land is zoned E4 Environmental Living which does not list a memorial park (cemetery) as a land use permitted with consent. Consequently, the Planning Proposal will identify a memorial park (cemetery) as an 'additional use' at this specific site specifying the Lot and DP in Schedule 1 Additional permitted uses

4.4 Preparation of a Planning Proposal for the Proposed Memorial Park (Cemetery) - Corner Old Cooma Road and Burra Road (Ref: C1764241; Author: Thompson/McBride) (Continued)

Engagement

A letter dated 20 April 2017 was sent out to nearby residents outlining the need for the memorial park (cemetery) and the fact that the Old Cooma/Burra Road site was being purchased in the first stages of the project. The letter ensures nearby residents that there will be significant engagement with community at both the Planning Proposal stage and the stages of concept design and development application. Residents were encouraged to register with the Council on line 'your voice' service. A community forum was held in May 2017 where the strategy and process to consider and potentially develop the site as a memorial park was outlined. Community and other stakeholders will be engaged at various stages in the exploration, concept design and DA process. The community may have further forums to express their views with the JRPP, should the proposal progress to DA.

Financial

Reserves of \$149k have set aside to assist the exploration and concept studies for the proposed memorial park.

Resources (including staff)

Council staff will be involved in further legal proceedings and drafting the Planning Proposal to amend Schedule 1 of the *Queanbeyan Local Environmental Plan 2012*. The background studies required to support the Planning Proposal will need to be undertaken and a consultant will be engaged with the project being managed by Council staff.

Integrated Plan

The need for a new cemetery was indicated first in Council's 2009 - 2013 Delivery Program. It was also identified as a major project in the 2013 - 2017 Delivery Program with construction planned for 2017 -18. This timeframe has been delayed.

Conclusion

It is necessary to provide the community with a new cemetery as the existing facility at Lanyon Drive is nearing capacity. Initial site investigations have identified land at Old Cooma Road/ Burra Road as being suitable and Council is purchasing the land. Council now needs to prepare a Planning Proposal to amend Schedule 1 of *Queanbeyan Local Environmental Plan 2012* and this process will require detailed studies to be done to support the proposal. If Council receives a Gateway determination from the Minister of Planning to proceed then *Queanbeyan Local Environmental Plan 2012* can be amended. This is necessary in the early stages and before any concept plan or Development Application can be considered. Council also requires the land acquired to be operational and this report seeks to do that under section 31 of the *Local Government Act 1993*.

Subject to the various studies, concept designs and approvals, the use of the site may not be feasible and Council may choose not to proceed. In that case, the site may be sold or developed into another use available under the existing zone.

4.4 Preparation of a Planning Proposal for the Proposed Memorial Park (Cemetery) -
Corner Old Cooma Road and Burra Road (Ref: C1764241; Author:
Thompson/McBride) (Continued)

Attachments

Attachment 1 Flow chart for planning process (*Under Separate Cover*)

**4.5 Amendment to Queanbeyan Development Control Plan 2012 (Ref: C1773065;
Author: Thompson/Jansen)**

Summary

The purpose of the report is to seek endorsement for a number of amendments to the Queanbeyan Development Control Plan (DCP) 2012 to be placed on public exhibition.

Recommendation

- 1. That Council endorse the draft amendments to the Queanbeyan Development Control Plan 2012 for placement on public exhibition for a period of 28 days.**
 - 2. That the Oaks Estate Progress Association be advised in regard to the draft DCP.**
-

Background

The Queanbeyan Development Control Plan (DCP) 2012 was originally adopted in December 2012. 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 DCP 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 DCP.
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 DCP 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 DCP 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.
7. Updating the provisions for car parking requirements within Part 2 of the draft DCP to provide concessions for some forms of change of use and refurbishment in the Queanbeyan CBD.

**4.5 Amendment to Queanbeyan Development Control Plan 2012 (Ref: C1773065;
Author: Thompson/Jansen) (Continued)**

Implications

Legal

The draft DCP has been prepared in accordance with the *Environmental Planning and Assessment Act 1979*.

Policy

The draft DCP is consistent with relevant Council policies.

Environmental

The draft DCP 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 draft DCP are intended to act as an incentive for investment in the CBD.

Strategic

The draft DCP will ensure that the objectives and controls to the former Queanbeyan LGA remain relevant.

Engagement

The draft DCP will be placed on public exhibition for 28 days and it is recommended that Council write directly to the Oaks Estate Progress Association to seek further comment in respect of the changes proposed.

Financial

The costs associated with this amendment to the Queanbeyan DCP 2012 will be covered from the relevant project budget.

Resources (including staff)

This project predominantly involves two staff members.

Integrated Plan

The review and preparation of the draft DCP 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.

**4.5 Amendment to Queanbeyan Development Control Plan 2012 (Ref: C1773065;
Author: Thompson/Jansen) (Continued)**

Conclusion

The draft amendment to the Queanbeyan DCP 2012 will address 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 and the document be placed on exhibition for 28 days. It is also recommended that Council write directly to the Oaks Estate Progress Association to seek any further comment it has in respect of the changes proposed.

Attachments

Attachment 1	Draft QDCP 2017 Combined Table of Contents <i>(Under Separate Cover)</i>
Attachment 2	Draft QDCP 2017 Part 1 <i>(Under Separate Cover)</i>
Attachment 3	Draft QDCP 2017 Part 2 <i>(Under Separate Cover)</i>
Attachment 4	Draft QDCP 2017 Part 3a <i>(Under Separate Cover)</i>
Attachment 5	Draft QDCP 2017 Part 3b <i>(Under Separate Cover)</i>
Attachment 6	Draft QDCP 2017 Part 3c <i>(Under Separate Cover)</i>
Attachment 7	Draft QDCP 2017 Part 3d <i>(Under Separate Cover)</i>
Attachment 8	Draft QDCP 2017 Part 4 <i>(Under Separate Cover)</i>
Attachment 9	Draft QDCP 2017 - Part 5 <i>(Under Separate Cover)</i>
Attachment 10	Draft QDCP 2017 Part 6 <i>(Under Separate Cover)</i>
Attachment 11	Draft QDCP 2017 Part 7 <i>(Under Separate Cover)</i>
Attachment 12	Draft QDCP 2017 Part 8 <i>(Under Separate Cover)</i>

Summary

On infrequent occasions, circumstances arise where relatively minor commercial developments in rural areas generate disproportionately high contributions under existing Section 94 Developer Contribution Plans. This report recommends that Council apply the \$20,000 cap applicable to residential contributions to commercial developments under certain circumstances.

Recommendation

- 1. That Council apply the \$20,000 section 94 contribution cap to small scale commercial developments fitting the following criteria:**
 - **An estimated cost of works less than \$250,000.**
 - **Where the contribution would be levied under a section 94 plan adopted by the former Tallaganda or Yarrawlumla Shire Councils.**
 - 2. That this concession only apply until Council's section 94 plans are reviewed and consolidated.**
-

Background

A recent assessment of a development application for a small café and gift shop proposal in the Nerriga area has highlighted an unusual situation relating to the imposition of section 94 developer contributions. Because the proposal is located some distance from Nerriga Road, an arterial, for which the contribution is being sought it attracts a higher section 94 contribution. The further a proposal is an arterial road in the former Tallaganda LGA, the higher the contribution. This is the way that many section 94 plans for the rural areas in the former Tallaganda LGA are structured. Generally section 94 contributions for roads make up more than 95% of the proportion of the contribution (the remainder being for community facilities and the like).

This often occurs for new residential developments as well, but under state legislation section 94 contributions are capped at \$20,000, so this is the maximum most people are required to pay.

However, a Planning Circular issued by the NSW Department Planning makes it clear that under section 94E of the Environmental Planning and Assessment Act 1979 the cap only applies to residential premises. So commercial premises do not benefit from this concession.

In some cases where commercial developments are more significant this can be an important source of funds for Council and given the demands placed on Council services by such developments this is more than appropriate.

However, in the case of the small café and gift shop the contributions made up approximately 25% of the cost of the development. Clearly such a significant contribution as a proportion of the setup costs could have a significant impact on the business' viability and could act as a deterrent to similar development in the future.

For this reason it is recommended that Council adopt, as a matter of policy, a maximum contribution of \$20,000 for small scale commercial developments. It is suggested that the concession only be offered to commercial activities with an estimated cost of works less than \$250,000. Developments over this size are likely to generate more significant demands on Council's roads and other services and should be charged the full contribution calculated.

Implications

Policy

This proposal would be an interim arrangement until Council's myriad of section 94 plans are reviewed during the term of the next Council. It would only apply to plans prepared under the former Tallaganda and Yarrawlumla Shires.

Economic

Limiting the contributions payable for smaller commercial endeavours is likely to act as an incentive for more economic development.

Engagement

None proposed. This is a minor change affecting only a small number of developments for a short period of time until existing section 94 plans can be reviewed.

Financial

The number of developments captured by this disproportionate application of contributions is small. In the last 12 months there have only been one or two cases where this proposed change would have been applied. As such Council would be forgoing only a small amount of revenue. In the case of the small café and gift shop it would be in the vicinity of \$35,000.

Of course if the contributions are a significant proportion of the setup costs then the development may not proceed at all meaning Council receives neither the benefit of the new business or the maximum \$20,000 under the cap.

Conclusion

On infrequent occasions circumstances arise where relatively small scale commercial developments in rural areas generate disproportionately high contributions under existing Section 94 Developer Contribution Plans. This can act as a significant deterrent to such businesses which ultimately impacts on the economy of the region.

While similar scale residential developments benefit from having a maximum \$20,000 cap on the payment of contribution fees, this does not apply to commercial developments. This report recommends that on an interim basis Council apply the \$20,000 cap applicable to residential contributions to commercial developments under a value of \$250,000.

Attachments

Nil

Summary

Since 1999 Council has sponsored the Housing Industry Association ACT/Southern NSW Housing Awards. Generally the award that Council has sponsored relates to one of the residential dwelling categories.

Council has again been approached to enter into a sponsorship arrangement for the awards to be held over the next three years. It has been three years since sponsorship of this award has been reviewed and this Report details the commitment Council makes and the opportunities it receives by sponsoring the award for Council's reconfirmation.

Recommendation

- 1. That Council accept the offer to partner the Housing Industry Association in the ACT and Southern NSW Housing Awards in a residential home category at a cost of \$4400 per year for the next three years.**
 - 2. That support for Council's participation in the awards be further reviewed in 2020.**
-

Background

The HIA ACT and Southern NSW Housing Awards have been run for many years and are recognised as among the most prestigious awards for residential development in the local region. Council has been sponsoring the Awards since the late 1990's. Council has been offered an opportunity to act as a partner to sponsor one of the Major Award Categories at the 2017 Awards.

The Awards night attracts over 800 key members and guests from industry including residential builders, building designers, architects and industry professionals. Partnering with the HIA identifies Queanbeyan-Palerang Regional Council as a key supporter of the residential building industry.

The HIA advise that by entering into a partnership agreement Council receives the following promotional opportunities:

- Naming rights to the award and all publicity associated with the award.
- Recognition on audio visual footage and opportunity to run a 30 second promotional video to be shown at the introduction of the Award.
- A company representative invited to present the award on stage to the winner.
- Acknowledgement on the Award night program.
- Recognition in the Canberra Times, Building News and Top Homes magazine.
- Two complimentary tickets to awards evening.
- Pre, during and post event promotion.

Council will also be entitled to receive the following HIA publications:

- HIA – JELD-WEN Kitchens and Bathrooms Report
- HIA – JELD-WEN Housing Report
- HIA – JELD-WEN Population & Residential Building Hotspots Report
- HIA-RP Data Residential Land Report
- HIA Trades Report
- HIA – Commonwealth Affordability Report
- HIA – JELD-WEN New Home Sales Report

Available categories include:

- Townhouse | Villa of the Year
- Renovation | Additional Project of the Year
- Affordable Home of the Year
- Apartment of the Year
- Heritage Renovation of the Year

It is recommended that Council seek to sponsor the award for the Affordable Home of the Year.

Engagement

No community consultation has been carried out as part of this Report. There would be some positive benefit to Council in that its support for the home building industry will be well advertised among the building community.

Financial Implications

The cost of the sponsorship is \$4400 per year (inclusive of GST). Funds have been included in the 2017-18 budget if Council determines to continue supporting the awards.

It is important that builders are encouraged to provide top quality housing at a reasonable price and awards such as those offered by the HIA provide that impetus. Council has supported the HIA Awards for many years and receives significant exposure in the local region.

The Awards are recognised as one of the most prestigious in the housing sector and for a moderate outlay Council receives good exposure and is seen to be supporting the local building industry. As such it is recommended that Council support the HIA Awards.

Attachments

Nil

INFORMATION REPORTS

5.1 Shop Local Christmas Promotion Campaign in Bungendore and Braidwood (Ref: C1779527; Author: Thompson/Darcy)

Summary

Funding assistance is sought to partner with the Bungendore Chamber of Commerce and Industry, the Bungendore and Braidwood Community Bank and businesses in Bungendore and Braidwood to deliver a separate incentivised shop local Christmas promotion in each town.

Recommendation

That Council approve funding of \$17,500 towards the 2017 Shop Local Christmas campaign in Bungendore and Braidwood, for inclusion in the 2017/18 Operational Plan

Background

Queanbeyan-Palerang Regional Council has developed an incentivised 'shop local' Christmas promotion to be run separately in each of Bungendore and Braidwood in 2017.

Partners in this campaign will be the Bungendore Chamber of Commerce and Industry, the Bungendore and Braidwood Community Bank and businesses in Bungendore and Braidwood.

The campaign is an incentivised competition where local businesses register to participate through their contribution of a fee. Shoppers are eligible to receive a ticket in the draw by spending a minimum \$20 with any of the registered businesses. Shoppers can originate from anywhere. A prize pool of \$10,000 in each town (total \$20,000) will be offered as prizes, with the allocation expected to be:

- 1st Prize - \$8,000
- 2nd Prize - \$1,000
- 3rd Prize - \$500
- 4th Prize - \$500

Prizemoney can only be re-spent in the town with the businesses that registered to be part of the campaign so that all investment can be retained within the local town. There will be additional controls placed on how much the first prize winner can spend in any one business so that benefits can be distributed amongst as many businesses as possible. The campaign is expected to run from September 1 to early December when the prize winners will be drawn at the community Christmas parties in each town. This will also provide ample time for the winners to spend prizemoney leading up to Christmas.

5.1 Shop Local Christmas Promotion Campaign in Bungendore and Braidwood (Ref: C1779527; Author: Thompson/Darcy) (Continued)

QPRC staff will facilitate and administer the campaign, monies collected and liaison with prize winners and businesses regarding purchases. QPRC staff will provide a written report to sponsoring partners and Council on the outcomes of the 2017 campaign once all administration is complete.

This campaign is based on similar Christmas Promotions run in other Council areas where they have been running for over 10 years with great success with up to 30,000 tickets being allocated in one town alone during the promotion and docket sales totalling in the millions of dollars. It has also attracted shoppers from neighbouring towns to visit so they can enter in the prize draw.

Implications

Legal

As the campaign is classified as a game of chance from the Department of Liquor and Gaming, permits for each town campaigns will be required and will be organised by QPRC staff.

Economic

The Shop Local Christmas Campaign is expected to deliver positive results for participating businesses and raise the profile of the importance of supporting local businesses. It will also provide opportunity for the sponsoring partners to promote their support for local business. All prize money will be required to be re-spent with participating businesses so all investment will be retained within the local community.

Engagement

Initial discussions have been had with a sample of businesses in both Bungendore and Braidwood to test the idea and propensity to participate. All businesses were positive to the idea. A proposal and presentation was made to the Bungendore Chamber of Commerce and Industry and the Bendigo Bank

Financial

The proposed draft budget is below:

Income	
Source	Amount
QPRC	\$17,500
Partners	\$10,750
Total Income	\$28,250
Expenses	
Item	Amount
Marketing, printing and permits	\$7,000
Prizemoney	\$20,000
Contingency	\$1,250
Total Expenses	\$28,250

The final budget will be determined by the number of participating businesses who register and contribute. Any residual funds will be accumulated to be reinvested in the 2018 campaign.

5.1 Shop Local Christmas Promotion Campaign in Bungendore and Braidwood (Ref: C1779527; Author: Thompson/Darcy) (Continued)

A considerable percentage of the campaign costs have been funded by external funding through sponsorships and participation fees. A QPRC contribution of funding is required to be delivered through the 2017/18 Operational Plan

Integrated Plan

The Shop Local Christmas campaign supports the SD2 strategic direction of:

- A diverse, resilient and smart economy that creates choice and job opportunities

Conclusion

Funding of \$17,500 is sought to collaborate with sponsoring partners and local businesses implement an incentivised Christmas Promotion Campaign in the towns of Bungendore and Braidwood. The campaign will promote the benefits of shop local but may also attract new shoppers to the town. Prizemoney will be required to be re-spent in the town with participating businesses

Attachments

Nil

6.1 Sports Facilities Strategic Plan (Ref: C1759686; Author: Thompson/Geyer)

Summary

At its ordinary meeting of 22 February 2017 Council endorsed the Draft Sports Facilities Strategic Plan to be placed on public exhibition. The plan was exhibited over March 2017 and a number of responses received from the community and sporting groups on varying aspects of the Plan. The outcomes of the exhibition period are included in this report for Council's consideration.

Recommendation

That Council

- 1. Adopt the Sports Facilities Strategic Plan and its recommendations**
-

Background

The Sports Facilities Strategic Plan contains six key strategies developed for the future provision of sporting facilities in Queanbeyan-Palerang. Its recommendations aim to ensure sporting needs are addressed and opportunities for recreation, health and well-being are covered for the whole community.

Strategy 1 – Sporting Clusters or Hubs

Goal: Establishment and careful management of integrated sporting hubs strategically located throughout the LGA

Strategy 2 - Facility Rationalisation

Goal: Optimised land use and return on investment for capital and operational funds

Strategy 3 – Provide high level sporting opportunities

Goal: Increase capacity for QPRC based clubs and reduce the cross border drain of sporting talent

Strategy 4 – Provide a home facility for all QPRC based clubs

Goal: Eliminate the need for QPRC based clubs to transfer home games into the ACT

Strategy 5 – Provide accessible and equitably distributed unstructured recreational facilities throughout QPRC area.

Goal: Provide opportunities for recreation, health and well-being for the whole community

Strategy 6 – Economic Development through Sports

Goal: Sports and Recreational events and activities contribute an ongoing economic return to the community

**6.1 Sports Facilities Strategic Plan (Ref: C1759686; Author: Thompson/Geyer)
(Continued)**

Public submissions were received from a number of sporting groups, developers and individuals (see attachment). Some were in support of proposed strategies, some provided additional data to inform the document and others raised concerns about parts of the draft Plan. The additional data provided has been incorporated into the needs analysis and data base for future use. Feedback on the Key Strategies is addressed below.

Strategy 1 – Sporting Clusters or Hubs

- Continue acquisition and development of Bungendore Road property to establish the Bungendore sporting hub.

The Bungendore Sporting Hub is proposed to be located on land off Bungendore Road, adjoining Turralo Creek, and is zoned RE1 Public Recreation under the Palerang LEP 2014. The site was listed for acquisition. At its ordinary meeting on 4 February 2016, the former Palerang Council resolved (CW5/2016) that Council:

1. *Approach the owners of Lot 2 DP548291 to discuss purchase of a lot, based on the payment of compensation for the land to be acquired in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.*
2. *Receive a further report with recommendations on the outcomes of the contact and negotiations with the owners.*

Council had commenced the process in accordance with resolution CW5/2016, however the matter stalled following the amalgamation proclamation. One submission received, from consultants representing developers, requested Council look at fields within other developments. A great deal of work was carried out by the former Palerang Council and the Bungendore Road option was considered the best for the sporting community. The site also aligns with the concept of sporting hubs, rather than single or double fields in isolation.

A combined letter was received, signed by all sporting codes in the Bungendore area, fully supporting the proposed Bungendore Sporting Hub and encouraging Council to continue with the project. It is recommended the acquisition process commenced by Palerang Council be reinstated.

Within Strategy 1, it also recommends the five proposed sports fields and sports courts for Googong be designed and managed as a Sporting Hub.

Strategy 2 - Facility Rationalisation

- Focus Aquatic sports at the future Regional Sports Complex, allowing Queanbeyan and Googong Aquatic Centres to provide for family leisure activities
- Negotiate an amendment to the Googong VPA to divert resources from the proposed Aquatic Centre to indoor and outdoor sports facilities.

Based on submissions received and chatter on social media during the exhibition period, it appears a misunderstanding of these recommendations was circulating within the community. The Googong Voluntary Planning Agreement does not provide for a 50m Olympic size aquatic centre in Googong. Rather it allows for a 25m x 8 lane pool with 50m² toddlers pool and 2 indoor sports courts. The facilities are to be delivered when the town reaches 75% of full population.

**6.1 Sports Facilities Strategic Plan (Ref: C1759686; Author: Thompson/Geyer)
(Continued)**

Based on current sales and occupancy rates that population is expected to be reached around late 2025. An amended VPA, subject to formal agreement, has the potential of converting the existing Club Googong pool into a public pool and expanded recreational facilities at the Googong indoor sports facility, or converting other infrastructure elements towards regional sporting facilities for example. If adopted, this recommendation only allows for negotiations to commence. Any amendment to the VPA will require separate community consultation and exhibition before formal approval can be issued in accordance with the Environment and Planning Assessment Act.

Strategy 3 – Provide high level sporting opportunities

- Establish the Regional Sports Complex, catering for Premier and W League Soccer, A Grade Hockey, Basketball, Aquatics and ancillary sports and activities.

The Regional Sports Complex gained strong support from the sports community throughout the Sports Council meetings and community engagement process. The complex will allow for a level of sports currently not available to clubs within the Queanbeyan-Palerang region and will pave the way for an increase in sports development. The complex will also provide a much needed home base for clubs currently travelling over the border or using lower standard facilities.

Implications***Legal***

The Sports Facilities Strategic Plan has been prepared and exhibited in accordance with the requirements of the Local Government Act 1993. Strategies contained within the document are in keeping with that Act and the requirements of the Crown Lands Act 1989.

Asset

The recommended improvements within the Plan are designed to renew, or decommission, certain existing assets and provide new assets in a rational manner to meet future community needs.

Consideration was given to ongoing management and impact on the long term budgetary requirements for asset management.

Social / Cultural

Sports and recreation are very important to the community for health and wellbeing, and for social interaction. Easily accessed, affordable and well-presented sports facilities significantly contribute to the liveability of the QPRC region.

Economic

Sports facilities and sports tourism can significantly contribute to the economic development of a region. Sporting events attract visiting sports teams and spectators, as well as encouraging local sports enthusiasts to support the event. Modelling of economic impacts on a community for a single day event of regional significance, eg Raiders v Knights, is in the order of \$900,000 total impact. These events also provide a level of sport residents would normally need to travel out of the district for or settle for media viewing.

**6.1 Sports Facilities Strategic Plan (Ref: C1759686; Author: Thompson/Geyer)
(Continued)**

Strategic

The Plan was developed considering both the former Queanbeyan and Palerang strategic priorities for Culture and Leisure and Recreation and Open Space, respectively.

Engagement

As the plan is a culmination of work carried out by both former councils, community engagement has occurred through various avenues throughout 2015 and early 2016. Each council conducted sporting community surveys and conducted needs analysis for sporting facilities. Appropriately the Sports Facilities Strategic Plan was placed on public exhibition and community feedback is included in this report for Council's consideration.

Financial

The Plan is designed to inform future Councils during Delivery Plan and budget preparations. The final document, after community feedback, will be able to be fully costed and factored into a 20 year asset plan and its companion 10 year financial plan.

Conclusion

The Sports Facilities Strategic Plan contains broad strategies and recommendations to guide QPRC in provision of sporting facilities for the next 20 years. The six strategies consider existing and future needs in an economically sustainable manner. Clustering and rationalising facilities, and provision of a higher level of sports, will ensure the QPRC community are adequately serviced at home and eliminate the talent drain into the ACT or further afield. Economic development and sports tourism, the Regional Sports Complex and higher standard playing surfaces, will deliver a quality of sports not presently available, but well warranted in a rapidly growing community.

Feedback received mostly supported the strategies and contributed additional supporting evidence to assist future planning.

Attachments

Attachment 1 Sports Facilities Strategic Plan Consultation Report (*Under Separate Cover*)

6.2 Pencil Pines Farrer Place Queanbeyan (Ref: C1773162; Author: Thompson/Geyer)

Summary

Council has been undertaking a number of landscape improvement projects to enhance the town approaches to the Queanbeyan CBD. Some of these works have involved median strip planting along Farrer Place. In 2016 Council considered a report and proposal to remove Pencil Pines, *Cupressus sempervirens*, along the Farrer Place median and replacing them with Manchurian Pears, *Pyrus ussuriensis*. Council resolved to advertise the proposal and report back on community feedback. During the engagement process, evidence came to light, which identified a level of heritage value associated with the trees.

Recommendation

That Council retain the pencil pines in Farrer Place, infill missing trees with the same species and reinstate low shrub and ground cover plantings along the Farrer Place median.

Background

Council, over the past few years has engaged in an exercise to improve the town approaches and the Queanbeyan CBD. These programmes have resulted in the five "Queanbeyan – Country Living, City Benefits" entrance signs and extensive landscaping along the major town entrances including Yass Road, Canberra Avenue, part of Bungendore Road and part of Farrer Place.

Additionally CBD beautification has seen the transformation of Crawford Street, Monaro Street median strip and the Collett Street precinct. This ongoing program is currently looking at options for Bungendore Road - Yass Road to Queens Bridge and Farrer Place - Cameron Road to the Showground entrance.

During these design investigations, the issue of pencil pines causing pedestrian hazards was brought to staff's attention. Crawford Street – Morisset to Antill Streets was a good example, where earlier planting with pencil pines and shrubs in small squares cut out of the concrete median had out grown the location and presented a visual block to pedestrians in this street. These four pencil pines and concrete were removed and replaced with advanced Manchurian pears, *Pyrus calleryana* – *Chanticleer* in mulch. These landscape works were designed to continue the town approach and CBD beautification along Crawford Street, from the Lifestyle Precinct and improve pedestrian visibility for the new pedestrian refuges soon to be installed.

Farrer Place – Cameron Road to the Showground entrance, is the missing link between works already complete in Farrer Place and the median further along Canberra Ave. In this section, there are approximately sixteen (16) pencil pines, some of which are in poor condition. These trees were part of an earlier landscaping dating back to the 1930s.

During the community consultation process, the heritage value of these trees were raised and were identified as being planted as part of the William Farrer Memorial. Early photographs, from 1938, show the trees well established and a low shrub ground cover along the median. In light of this heritage value, and association with the William Farrer Memorial, it is proposed to retain the pencil

**6.2 Pencil Pines Farrer Place Queanbeyan (Ref: C1773162; Author: Thompson/Geyer)
(Continued)**

pinus at this location. It is also proposed to infill the missing trees, with the same species, and under plant with low shrubs.

Implications***Environmental***

The proposal will still achieve the desired result of enhancing the town approach with greenery, while preserving the landscapes heritage value.

Social / Cultural

Preserving the local heritage of this site will contribute to Queanbeyan's rich cultural values.

Engagement

The proposal was exhibited for a 28 day period. Feedback was provided by the Heritage Advisory Committee, Council's Heritage Advisor and the Historical Society. All submissions encouraged Council to retain the trees and reinstate the ground cover planting.

Financial

The works are part of the Town Approach budget. Not removing the trees and only planting some infill missing trees will cost significantly less than removal and replacement, with the savings being applied to cover the cost of the understory planting

Conclusion

Unlike the very large pencil pines in Crawford St, the trees in Farrer Place do not restrict pedestrian vision to the point of being dangerous. Retaining the trees will not adversely affect to works being carried out to enhance the town and CBD approaches, but will preserve a small area of local heritage.

Attachments

Nil

6.3 Queanbeyan Intergrated Water Cycle Management Strategy - Tender Approval (Ref: C1781443; Author: Hansen/Grant)

Summary

Select tenders were sought from pre-qualified consultants under the NSW Local Government Procurement Panel to submit proposals to develop an Integrated Water Cycle Management Strategy for Council. Five consultants were invited to submit tenders. Only two submissions were received.

Under the NSW Department of Primary Industry's "Best Practice" guidelines, Council is required to develop and prepare an Integrated Water Cycle Management Strategy that ensures right sizing of future infrastructure investments, assists access to government grants and guides pricing frameworks for water and sewer charging.

Recommendation

That Council:

- 1. Award the contract for Part A of the IWCM Strategy development to Tenderer 1.**
- 2. Approve, subject to additional council report to extend the contract to include Parts 2, 3 and 4 subject to successful completion of previous work and agree fixed fee amounts.**
- 3. Approve a total project budget for the full development of the IWCM strategy, Strategic Business Plan and Financial Plan of \$1,800,000 (ex GST)**

Background

Queanbeyan Palerang Regional Council (QPRC) is seeking to develop an Integrated Water Cycle Management Strategy (IWCM) for the former Queanbeyan City Council LGA and a Strategic Business Plan that covers the entire Queanbeyan-Palerang Regional Council LGA. A separate IWCM had been commissioned for the former Palerang Council.

Under the NSW Government's 'Best Practice Management of Water Supply and Sewerage Framework', QPRC is required to develop an Integrated Water Cycle Management Strategy that will guide investment decisions over a 30 year planning horizon and a Strategic Business Plan that incorporates a detailed financial plan.

A detailed tender brief was prepared detailing the required works to be undertaken to ensure the IWCM meets concurrence requirements from the NSW Department of Primary Industry's Office of Water and the long term requirements for Council.

6.3 Queanbeyan Intergrated Water Cycle Management Strategy - Tender Approval (Ref: C1781443; Author: Hansen/Grant) (Continued)

The brief required consultants to provide a fixed price lump sum fee to undertake Part 1 of the project only with indicative pricing provided for the remaining parts. This was undertaken due to the uncertainty of scope for completing Parts 2, 3 and 4 and the ability of the consultants to provide fixed pricing. The aim was to gain an understanding of the Consultant's overall approach to the project and consistency in QPRC's understanding of the overall project objectives.

A tender evaluation plan was prepared prior to tenders being received for evaluation on Technical, Financial and other risks.

Two tenders were received and evaluated by a Tender Evaluation Team consisting of Council staff.

Each member of the evaluation team evaluated and scored the technical proposals independently and the individual scores were combined to give a final technical score and ranking. All Tenders ranked very closely and tenders were assessed in more detail and clarifications were sought from Tenderers. A sensitivity analyses was also conducted on quantities and provided prices.

This approach meant that the final score would represent the relative merit of the bids in relation to achieving value for money.

The contractor that best satisfied the evaluation panel both on technical and financial merit was Tenderer A. Tenderer A also provided indicative prices for Parts 2, 3 and 4 which will assist during the budgeting process.

Full details of the process and assessment for the proposed project can be found in the confidential attachment - Tender Evaluation Report.

Implications***Legal***

Council has an obligation to conduct its water and sewerage business according to current best practices.

Council will be entering into a legally binding contract with the preferred tenderer if this contract is awarded.

Sustainability

The development of the Queanbeyan IWCM will demonstrate sustainable development of future water, sewerage and stormwater services for QPRC that include triple bottom line assessments and value for money analysis that will be developed to assist prioritizing actions and projects from the strategy.

Asset

The adoption of the Queanbeyan IWCM Strategy will commit Council to deliver, operate and maintain water, sewerage and stormwater assets to meet agreed levels of service and best practice principles of asset management.

6.3 Queanbeyan Intergrated Water Cycle Management Strategy - Tender Approval (Ref: C1781443; Author: Hansen/Grant) (Continued)

Engagement

Community, and key stakeholders including NSW State Government agencies, ACT Government Directorates and Australian Government agencies will be engaged in the preparation of the IWCMP Strategy as agreed by with the preferred tenderer proposal and as set out in Council’s project brief.

Financial

The current budget does not include provision for this work. The budget will be revised during the 1st quarter budget review process with funds provided from the water and sewerage funding reserves.

It is estimated that the budget for fully implementing Parts 1, 2, 3 and 4 of the project and will be delivered over an 18 – 24 month period. Council has adequate funding in reserves for the purpose of completing the entire project scope.

The financial requirements derived for the Queanbeyan and Palerang plans will inform Council LTFP. Completing the IWCMP is a pre-requisite to access government grants for capital works, such as QSTP.

Program Code	Expense Type	Funding source	Amount
PJ 100245		Reserve funding	\$ 1.8Million

Resources

Council will manage the engagement of the preferred Tenderer utilising existing staff resources and through the use of additional contract staff to deliver the project.

Conclusion

In completing the QPRC Integrated Water Cycle Management Plan Strategy, Council will demonstrate sustainable asset management practices including the development and creation of new assets associated with the Water, Sewerage and Storm water systems.

Attachments

- Attachment 1 Queanbeyan IWCMP Strategy - Tender Report – **CONFIDENTIAL** (*Under Separate Cover*)

Summary

As reported previously, Council received a funding commitment from the Commonwealth Government to assist the extension of the Queanbeyan Indoor Sports Centre (QISC). Council exhibited a concept design for the QISC between 3 Feb 2017 and 3 Mar 2017. During the exhibition period, Council received 15 submissions that raised a number of suggestions and concerns. Of the 15 submissions, 7 submissions requested the QISC extension include 3 squash courts.

A review of the business case was completed as a response to the submissions and the concept design was modified to include squash courts. The modified design and site constraints were only able to support 2 squash courts and these were incorporated into the design following discussions with the Queanbeyan Squash Club.

Tenders were sought for the Design and Construction of the proposed Extension to the existing (QISC) in accordance with Council's approved concept design and the conditions of the Community Development Grant funding provided by the Department of Infrastructure and Regional Development.

Council received 5 tenders. All Tenders were assessed as being conforming and progressed to further assessment.

The tenders were assessed in accordance with Council's procurement policy and the preferred contractor was selected based on the agreed evaluation criteria and the provision of best value for money for Council.

Recommendation

That Council

- 1. Award the contract to extend the QISC to Tenderer 3 with a total project budget of \$4,950,000 (Inclusive of GST)**

Background

At its meeting on 25 January 2017 Council resolved to:

- 1. Endorse the execution of the agreement with the Commonwealth under Community Development Grants program to extend the Queanbeyan Indoor Sports Centre (QISC).*
- 2. Borrow \$2.25m for the extension of the QISC.*
- 3. Adopt the QISC long term business financial forecast and associated business model.*
- 4. Engage relevant stakeholders on the proposed QISC design and exhibit the plan and model for community comment.*

Under the terms of the Commonwealth agreement, the construction works are required to commence by 30 September 2017 with the facility completed by 31 August 2018.

Council engaged an architect to produce a concept design. The concept was exhibited during February 2017. The feedback received was generally positive towards the proposal with the

bulk of the comments relating to the provision of squash courts. Subsequently the design was modified to reflect this feedback.

Based on the timeframe requirements of the Commonwealth grant funding (delivery by August 2018) the building will be delivered by via a Design and Construct contract which will be managed by Council's Contracts and Projects Branch.

Implications

Legal

Council will enter into a legally binding contract with the preferred tenderer if this contract is awarded.

Policy

The development of the project seeks Council to exempt the facility from achieving a 5 Star Sustainability rating under the QPRC Sustainability Policy, as the works are an extension to an existing large open space type facility which would require significant upgrading to meet the requirements under the Policy.

Indications are that the facility will be able to obtain a 4 star rating however, due to the nature of the facility, obtaining a 5 star rating is unlikely to be achieved.

Environmental

The facility will be managed in accordance with the prepared Statement of Environmental Effects and Development Approval conditions.

Sustainability

The new facility has been developed with the aim of providing a long term sustainable development that meets the recreational aspirations of Council, as supported by the Sports Facility Strategy. During the design, sustainability features will be reviewed to ensure sustainability goals are met.

Once completed, the facility will be assessed for accreditation of sustainability under the Green Building Council of Australia's GreenStar accreditation system for design and build projects.

Asset

On completion of the project, the asset registers will be updated to reflect the extension and ongoing maintenance financial costs associated with the asset.

Engagement

Prior to finalising the concept plans for the facility, a public consultation process was undertaken. The responses received recommended consideration be given to the inclusion of squash facilities within the extension.

Two squash courts were included in the final tender documentation and the preferred contractor has included the works in their tender price.

Financial

The total project budget of \$4,950,000 (incl GST) has been approved by Council. The proposed budget includes the construction of 2 squash courts which will bring in additional income to that already included in the original business case.

Program Code	Expense Type	Funding source	Amount (Excl GST)
		Community Development Grant	\$ 2,249,999
		Loan Funding (Agreed CDG Contribution by Council)	\$ 2,250,001

Resources (including staff)

Council will manage the engagement of the Contractor utilising existing staff resources and through the use of additional contract staff to deliver the project.

Conclusion

The tender that has been assessed to offer the best value for money to Council in delivering the project is Tenderer 3.

Attachments

Attachment 1 QISC Extension 17/2017 - Tender Report –
CONFIDENTIAL

7 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.

Recommendation

That pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

Item 8.1 Appeal to the Land and Environment Court - Cannchar Pty Ltd Compensation for Just Terms Acquisition of EDE Road Corridor.

“Item 8.1 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.”