



**Planning and Strategy
Committee of the Whole**

AGENDA

12 September 2018

Commencing at 5.30pm

**Council Chambers
253 Crawford St, Queanbeyan**

****On-site Inspections****

List any inspections or indicate “Nil”

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

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

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

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9 REPORTS FOR CLOSED SESSION

- 9.1 Selection of Community Representatives on the Environment and Sustainability Advisory Committee
- Item 9.1 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development - 31 Malbon Street, Bungendore
- Attachment 1 DA.2018.013 - Assessment Report - Matters for Consideration - 31 Malbon Street, Bungendore (Under Separate Cover)*
- Attachment 2 DA.2018.013 - Plans - 31 Malbon Street, Bungendore (Under Separate Cover)*
- Item 5.2 Development Application 169-2018 - Warehouse Conversion to Commercial Premises, Wholesale Supplies and Function Centre - 22 Stephens Road, Crestwood
- Attachment 1 DA 169-2018 - Section 4.15 Matters for Consideration Report - 22 Stephens Road, Crestwood (Under Separate Cover)*
- Attachment 2 DA 169-2018 - Architectural Plans - 22 Stephens Road Crestwood (Under Separate Cover)*
- Attachment 3 DA 169-2018 - Draft Conditions of Consent - 22 Stephens Road, Crestwood (Under Separate Cover)*
- Attachment 4 DA 169-2018 - Traffic and Parking Assessment - 22 Stephens Road, Crestwood (Under Separate Cover)*
- Item 5.3 Modification Application MOD.2018.074 - 14 Malbon Street, Bungendore - Modification of DA.2015.014 - Request to Remove Developer Contributions for Off-street Car Parking
- Attachment 1 MOD.2018.074 - 14 Malbon Street, Bungendore - Assessment Report (Under Separate Cover)*
- Attachment 2 MOD.2018.074 - 14 Malbon Street, Bungendore - Applicants Request (Under Separate Cover)*

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

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- Item 5.4 Review of Rezoning and Dwelling Eligibility Requests
- Attachment 1 Lot 162 DP 754873 and Lot 97 DP 754915, Lake Road, Lake George - Detailed assessment (Under Separate Cover)*
- Attachment 2 Lot 162 DP 754873 and Lot 97 DP 754915, Lake Road, Lake George - Submissions from the property owner and Council documents (Under Separate Cover)*
- Attachment 3 Lot 21 DP 1018890, Grove Road, Lake George - Detailed assessment (Under Separate Cover)*
- Attachment 4 Lot 21 DP 1018890, Grove Road, Lake George - Submissions from the property owner (Under Separate Cover)*
- Attachment 5 Lot 16 DP 846996, Williamsdale Road, Williamsdale, Detailed assessment (Under Separate Cover)*
- Attachment 6 Lot 16 DP 846996, Williamsdale - Submission from the property owner (Under Separate Cover)*
- Attachment 7 Lot 1 DP 1171081, Federal Highway Service Road, Sutton - Detailed assessment (Under Separate Cover)*
- Attachment 8 Lot 1 DP 1171081, Federal Highway Service Road, Sutton - Submission from the property owner's consultant, 30 April 2008 (Under Separate Cover)*
- Attachment 9 Lot 1 DP 1171081, Federal Highway Service Road, Sutton - Submission from the property owner's consultant, 7 March 2013 (Under Separate Cover)*
- Attachment 10 Lot 1 DP555380, Old Cooma Road, Royalla - Detailed assessment (Under Separate Cover)*
- Attachment 11 Lot 1 DP555380, Old Cooma Road, Royalla - Letter dated 16 May 1997 from the former Yarrawlumla Shire Council (Under Separate Cover)*
- Attachment 12 Methodology for Assessing Rezoning and Dwelling Eligibility Requests - Council Report 12 September 2018 (Under Separate Cover)*
- Item 5.5 Comprehensive Local Environmental Plan - Progress, Issues, Next Steps
- Attachment 1 QPRC Local Environmental Plan Program August 2018 - Background Paper (Under Separate Cover)*
- Attachment 2 QPRC Draft Comprehensive LEP Planning Proposal 29 August 2018 (Under Separate Cover)*
- Attachment 3 Indicative Provisions that Could be Included in the Draft Comprehensive Local Environmental Plan (Under Separate Cover)*
- Item 5.6 Queanbeyan CBD Car Parking Strategy
- Attachment 1 Executive Summary of consultation report - Queanbeyan Car Parking Strategy (Under Separate Cover)*
- Attachment 2 Draft Queanbeyan Car Parking Strategy 2018-2028 - as exhibited (Under Separate Cover)*
- Item 6.2 Six monthly Operational Plan update
- Attachment 1 Delivery Program Report - January-June 2018 (Under Separate Cover)*
- Item 7.1 Minutes of Environment and Sustainability Advisory Committee
- Attachment 1 Minutes of the Environment and Sustainability Advisory Committee (ESAC) 1 August 2018 (Under Separate Cover)*

Closed Attachments

- Item 5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development - 31 Malbon Street, Bungendore
- Attachment 3 DA.2018.013 - Floor Plans and Sections - 31 Malbon Street, Bungendore (Under Separate Cover)*
- Attachment 4 DA.2018.013 - Submissions - 31 Malbon Street, Bungendore (Under Separate Cover)*
- Item 9.1 Selection of Community Representatives on the Environment and Sustainability Advisory Committee
- Attachment 1 Details of Applicants Providing an Expression of Interest to the Environment and Sustainability Advisory Committee (Under Separate Cover)*
- Attachment 2 Summary and Assessment of Applicants (Under Separate Cover)*

ITEM 3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

**5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development –
31 Malbon Street, Bungendore (Ref: C18118122; Author: Thompson/Perkins)**

Summary

This application has been referred to Council because written submissions have been made to Council resulting from the exhibition/notification process and valid concerns have been raised which cannot be overcome with a condition of consent and where plans cannot or will not be amended to overcome such concerns.

Proposal:	Two (2) Storey Mixed Use Development
Applicant/Owner:	P.Carnivale/ P.Carnivale
Subject Property:	Lot 20 Section 23 DP758183, 31 Malbon Street, Bungendore
Zoning Permissibility:	and B2 Local Centre under Palerang Local Environmental Plan 2014
Public Submissions:	Initial Notification: (12) Second Notification: (34)
Issues Discussed:	Planning Requirements Streetscape
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 DA.2018.013 for a two (2) storey mixed use development comprised of three (3) commercial tenancies and seven (7) shop top housing units at 31 Malbon Street, Bungendore be refused for the following reasons.**

Reasons for Refusal:

- (a) The proposed development is incompatible with the character of existing development within the locality and as such fails to satisfy the objectives of the B2 Local Centre zone under the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) Environmental Planning and Assessment Act 1979).**
 - (b) The proposed development fails to satisfy the principles of Crime Prevention through Urban Design and as such is contrary to the requirements of Section B5 of the Palerang Development Control Plan 2015 (4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979).**
 - (c) The proposed two (2) storey development is of a bulk and scale that is incompatible with the character of existing single storey heritage listed cottages within the streetscape and as such is contrary to the requirements of Section B10.1.6 of the Palerang Development Control Plan 2015 (4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979).**
 - (d) The proposed development fails to provide functional load and unloading facilities for the proposed commercial use contrary to the requirements of Section B15.2 of the Palerang Development Control Plan 2015 (4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979).**
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5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development – 31 Malbon Street, Bungendore (Ref: C18118122; Author: Thompson/Perkins) (Continued)

- (e) The proposed development is incompatible with the character of existing development within the locality and as such fails to satisfy the requirements of Section B7.11 of the Palerang Development Control Plan 2015 (4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979).
 - (f) The proposed development is incompatible with the character of existing development within the locality and as such is considered to result in unacceptable impacts upon the built environment (4.15(1)(b) Environmental Planning and Assessment Act 1979).
 - (g) The proposed development was accompanied by insufficient information as to determine the likely impacts of additional traffic movements generated by the development upon the surrounding road network (4.15(1)(b) Environmental Planning and Assessment Act 1979).
 - (h) Throughout the public notification period a number of valid submissions were received raising concern in relation to the compatibility of the proposed development with the surrounding streetscape. As such, the proposed development is considered to be contrary to the public interest (4.15(1)(d) Environmental Planning and Assessment Act 1979).
2. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
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Background

Site History

Previous Applications – Development application 2004/DEV00257 for the construction of a single storey commercial development upon the site was refused by Council on 16 December 2008 for reasons relating to access, parking and insufficient information. It should be noted that at the time of determination 2004/DEV00257 had been amended to consist of only a single commercial tenancy occupying only a small portion of the eastern corner of the site.

Proposed Development

Original Application -The original development proposal consisted of a three (3) storey mixed use development comprised of three (3) ground floor commercial tenancies and eight (8) x two storey shop top units; however, the proposal was amended by the applicant to its current form in an effort to address concerns raised by Council staff relating to streetscape compatibility.

5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development – 31 Malbon Street, Bungendore (Ref: C18118122; Author: Thompson/Perkins) (Continued)

Present Application - The development application which is the subject of this report is for the demolition of the existing cottage on the site and construction of a two (2) storey mixed use development including strata subdivision. The specific elements of the proposal are as follows:

Ground Floor

- Three (3) commercial tenancies;
- Seven (7) double garages to accommodate residential parking;
- (20) off-street car parking spaces including two (2) accessible spaces;
- One (1) loading bay; and
- A bin storage area

First Floor

- Five x 2 bedroom units; and
- Two x 3 bedroom units

Below is an architectural render of the proposed structure as viewed from the intersection of Malbon Street and Butmaroo Street.



Figure 1: Architectural render of proposed development

Subject Property

The subject site is legally described as Lot 20 Section 23 DP 758183 and is commonly known as 31 Malbon Street, Bungendore. The site is located on the southern side of Malbon Street and is bound by Butmaroo Street to the east and Gordon Lane to the west and has an area of 1901.8m² (see Figure 2).

The site currently contains an existing single storey weatherboard cottage (see Figure 3) to the west of the site while the eastern portion of the site is currently vacant. Existing vehicular access is provided to the site via a driveway from Malbon Street, however it is proposed to decommission this access point as part of the subject application.

Existing development within the locality consists predominantly of single storey weatherboard cottage structures, a number of which have been repurposed for commercial uses in recognition of the localities B2 Local Centre zoning under the *Palerang Local Environmental Plan 2014*. While development immediately to the north of the subject site includes a supermarket development which is of a significantly larger bulk and scale than the surrounding cottage structures, this development also includes a significant front setback from Malbon Street and retention of single storey dwellings to part of the street frontage (see Figure 4 below).

5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development – 31 Malbon Street, Bungendore (Ref: C18118122; Author: Thompson/Perkins) (Continued)



Figure 2: Locality plan



Figure 3: Existing Dwelling

5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development –
31 Malbon Street, Bungendore (Ref: C18118122; Author: Thompson/Perkins)
(Continued)



Figure 4: Adjacent Development (34 Malbon Street, Bungendore)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 4.15(1) are summarised in the attached *Section 4.15(1) Table – Matters for Consideration*.

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

1. State Environmental Planning Policy No 55 – Remediation of Land
2. State Environmental Planning Policy (Infrastructure) 2007
3. State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
4. Palerang Local Environmental Plan 2014 (LEP).
5. Palerang Development Control Plan 2015 (DCP)

The proposed development fails to satisfy a number of objectives and development controls established under these planning instruments. The significant issues relating to the proposal for the Council's consideration are as follows.

5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development – 31 Malbon Street, Bungendore (Ref: C18118122; Author: Thompson/Perkins) (Continued)

(a) Compliance with LEP

Palerang Local Environmental Plan 2014

The subject site is zoned B2 Local Centre under *the Palerang Local Environmental Plan 2014*. Development for the purposes of commercial premises and shop top housing such as is proposed is permissible with consent within the Local Centre zone. However, the proposed development which is in stark contrast to the bulk, scale and built form or surrounding development fails to satisfy the objectives of the zone which seek to ensure that new development has regard to the character and amenity of the locality. **(b)**

Compliance with DCP

Palerang Development Control Plan 2015

The *Palerang Development Control Plan 2015* (PDCP) establishes a number of objectives and development controls which seek to ensure that development for the purposes of shop top housing within the B2 Local Centre zone are compatible with the character of the existing streetscape. The proposal being two (2) storeys in height, with minimal setbacks, an inactive street frontage including significant spans of blank wall, and being of a considerable bulk and scale is considered to be a stark contrast to the character of existing development within the streetscape which consists predominantly of single storey cottages and commercial premises and as such fails to satisfy a number of development controls established under the PDCP 2015 including Sections B5, B10.1.6, B15.2, C7.3 and C7.11. A detailed assessment of the proposed development against the provisions of the PDCP 2015 is provided in the attached 4.15 assessment report (see attachment 1).

(c) Other Matters

Environmental Impacts – Streetscape and character

Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 requires consideration to be given to the likely impacts of the development including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

The existing built environment within the surrounding streetscape consists primarily of single storey structures including a number of heritage listed cottages (see Figure 5 below), while larger scale development is significantly setback from the street to minimise visual impact (see Figure 4 above).

The subject site is located within a prominent location on the entry to the Bungendore Central Business District and as such any development upon the site will play an important role in bookmarking the town's commercial precinct. The proposed development is of a significant bulk and scale with a predominantly nil setback to Malbon Street which presents to the public domain as a highly repetitive and over scaled structure with little visual relief. The presence of significant spans of blank wall at ground level result in an inactive street frontage. The overall built form is a stark contrast to surrounding single storey developments and fails to adopt a sympathetic design approach. Further, the proposed palette of colours and finishes is inconsistent with surrounding development which use a small palette of materials including brick, stone and weatherboard in a consistent way. As such, the proposed development is considered to be incompatible with the existing streetscape and would result in unacceptable impacts upon the built environment.

5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development – 31 Malbon Street, Bungendore (Ref: C18118122; Author: Thompson/Perkins) (Continued)



Figure 3: Existing weatherboard cottage (40 Malbon Street, Bungendore)

Traffic Impacts

In recognition of the increased density introduced upon the site as a result of the proposed development additional traffic movements are likely to be generated, however, the subject application was accompanied by insufficient information to determine the likely impacts of such traffic upon the surrounding road network.

Internal Referrals

(a) Development Engineer's Comments

Council's Development Engineer raised significant concern in relation to functionality of the proposed loading bay and bin facilities as service vehicles would be unable to traverse through the site due to insufficient clearance as a result of the first floor overhanging the driveway area and as such would be unable to enter and exit the site in a forward direction. Further the proposed bin storage area is located on the opposite side of the site to the proposed loading bay and provides no means of access for waste collection vehicles. As such, the proposed development cannot be supported in its current form. It is also noted that the proposed development was accompanied by insufficient information regarding the potential traffic impacts of the development upon the surrounding road network.

(b) Heritage Advisor's Comments

Comments were sought from Council's Heritage Advisor in relation to the heritage value of the existing cottage structure upon the site and in relation to the impacts of the proposed development upon the surrounding local heritage items including the overall streetscape and character implications of the development. These matters are discussed separately below.

5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development – 31 Malbon Street, Bungendore (Ref: C18118122; Author: Thompson/Perkins) (Continued)

Existing Cottage

With regard to the proposed demolition of the existing weatherboard cottage I confirm that this property was assessed as part of the Draft Bungendore Heritage Study 2018 and found not to meet the threshold for local heritage listing. It is a poor example of its type which has been extensively altered and has a low degree of integrity. This is one of the most common heritage building types in Bungendore and there are many better examples. I am willing to support demolition.

Streetscape

1. The almost blank walls of the garages backing onto Malbon St, with only horizontal highlight windows is not appropriate. This has a very blank “back of house” appearance which is not the desired character for Malbon St.
2. The building façade facing Malbon Street should be largely open to the street and activated by shopfronts, residential units or building entry points. Blank walls should be kept to a minimum.
3. The site layout is dominated by provision for parking and vehicle movements which is affecting the quality of the building form. The appearance of the upper levels hanging over the driveway supported by the two stair towers is monolithic and unwelcoming. I recommend that Council re-assesses whether so many car spaces are required and whether the number could be reduced with a view to moving the garages away from the Malbon Street frontage and allowing spaces here which can be activated to the street.
4. The dominance of hard paving severely limits the opportunity for high quality landscaping.
5. The Malbon Street frontage is highly repetitive and over scaled. The development should be broken down in scale to appear as a collection of buildings, rather than a long run of the same. This can be achieved using subtly varying setbacks, parapets, party walls and dormers which break the roofline, materials and roof forms and the variation of verandahs / awnings.

In summary I think the overall design quality and combination of materials is poor and a lot more work is required to achieve a building form and style which complements the character of the town.

Engagement

The proposal required notification under Part E of the Palerang DCP 2015. During the initial consultation period (12) submissions were received. During the subsequent re-notification following the amendment of the proposal (34) submissions were received. The relevant issues raised are as follows:

5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development – 31 Malbon Street, Bungendore (Ref: C18118122; Author: Thompson/Perkins) (Continued)

Issue: Streetscape

Concern was raised in relation to the compatibility of the proposed development with the existing and desired streetscape within the locality.

Comment: As discussed in detail throughout this report, the proposed development is considered to be inconsistent with the desired streetscape within the locality.

Issue: Heritage significance of the existing cottage

Concern was raised over the proposed demolition of the existing cottage upon the site and the heritage significance it may possess.

Comment: The existing cottage upon the site is not current listed under the PLEP as an item of local heritage significance. The heritage significance of the structure has been considered throughout numerous heritage studies undertaken by Council including the Draft Bungendore Heritage Study 2018 in which it was found not to meet the threshold for local heritage listing. Nonetheless, the subject application was referred to Council's Heritage Advisor who noted that structure as being a poor example of its type which has been extensively altered and has a low degree of integrity. As such, no objection is raised to the proposed demolition.

As a matter of completeness it is considered appropriate to note that while a number of submissions make reference to correspondence from Council's former Heritage Advisor regarding the existing cottage, this correspondence simply notes "There is a weatherboard cottage on the site that is proposed for demolition that notwithstanding the 1982 study, may nevertheless have heritage value – particularly for its streetscape contribution". The subsequent Draft Bungendore Heritage Study 2018 found these comments not to be substantiated as the structure does not meet the threshold for local heritage listing.

Issue: Traffic and access

Concern was raised over potential traffic generation as a result of the proposed development and potential impacts upon the surrounding road network along with the construction standard of the proposed access roads.

Comment: In recognition of the increased density introduced upon the site as a result of the proposed development additional traffic movements are likely to be generated, however, the subject application was accompanied by insufficient information to determine the likely impacts of such traffic upon the surrounding road network.

Issue: Parking

Concern was raised over the adequacy of the proposed off-street car parking arrangements.

Comment: The proposed development provides for (34) off-street parking spaces which exceed the requirements of the NSW RMS Guide to Traffic Generating Development (Refer to attached 4.15 assessment for detailed assessment)

Issue: Legislative Compliance

Concern was raised in relation to the compliance of the development with the relevant provisions of the PLEP and the Palerang Development Control Plan 2015.

Comment: As outlined throughout this report, the proposed development fails to satisfy a number of objectives and development controls established under the PLEP and PDCP planning instruments and as such it is recommended that the subject application be refused. A detailed assessment of the proposed development against the relevant planning instruments is included in the attached 4.15 assessment report.

5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development – 31 Malbon Street, Bungendore (Ref: C18118122; Author: Thompson/Perkins) (Continued)

Issue: Shop top housing

Concern was raised that the proposed development was not shop top housing.

Comment: Shop top housing is defined under the PLEP as follows:

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

The proposed development being comprised of seven (7) units (dwellings) above ground floor commercial tenancies and associated car parking is considered to satisfy the above definition. While it is noted that the proposed residential area is significantly larger than the proposed commercial tenancies this is not a matter for consideration under the above definition.

Issue: Previous applications

References were made to previous applications upon the subject site and Council's refusal of said applications.

Comment: The subject application is required to be assessed on its own individual merit and as such the previous application (2004/DEV00257) has no weight in Council's consideration of the subject application. It should also be noted that a number of key legislative instruments including the PLEP 2014 and PDCP 2015 were not in force at the time of lodgement of 2004/DEV00257.

Issue: Compatibility with adjoining development

Concern was raised that the proposed development was in compatible with existing residential land uses to the south of the subject site (47 Butmaroo Street).

Comment: The adjoining site to the south contains a single dwelling that is sited towards the south of the block. This siting ensures that the dwelling would retain a minimum of three (3) hours solar access as of the winter solstice (21 June). Further, in recognition of the site's B2 Local centre zoning it is likely to be redeveloped for commercial purposes in the future.

Issue: Human Health Risks

Concern was raised that the proposed development may result in unacceptable health risk due to its proximity to the adjacent service station.

Comment: The subject site is located more than 30m from the existing service station located at 42 Malbon Street. Under the Protection of the Environment Operations Act 1997 (Sections 124-126), the operators of the service station must maintain and operate equipment and deal with materials in a proper and efficient manner to prevent air pollution at all times. As such responsibility to ensure that all emissions from the service station are at acceptable levels lie with the site operator and it is therefore appropriate to expect that any surrounding property can be occupied without issue.

Issue: Environmentally Sustainable Development

Concern was raised that the proposed development fails to incorporate appropriate Environmental Design Principles.

Comment: The matter has been discussed in detail in the attached 4.15 report (See attachment 1).

5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development – 31 Malbon Street, Bungendore (Ref: C18118122; Author: Thompson/Perkins) (Continued)

Issue: Crime Prevention Through Environmental Design (CPTED)

Comment: Concern was raised that the proposed development fails to incorporate appropriate CPTED principles.

Comment: The matter has been discussed in detail in the attached 4.15 report (See attachment 1)

Issue: Notification Process

Concern was raised the notification process undertaken throughout the assessment of the subject application was insufficient.

Comment: The subject application was publically notified in accordance with Part E of the Palerang Development Control Plan 2015 including notification of three (3) properties adjoining and adjacent the subject site and advertisement in the local newspaper. Further, the subject application was renotified in the same manner following amendments to the proposal.

Issue: Tree Removal

Concern was raised that the proposed development includes the removal of three (3) trees including one (1) street tree.

Comment: The proposed tree removal accommodates for bulk earthworks to level the subject site, however these trees could be retained through minor amendments to landscape and awning design. As such, if Council was of a mind to approve the subject application appropriate conditions of consent could be imposed as to allow for the retention of the trees.

Issue: Minimum Lot Size

Concern was raised that the proposed strata subdivision undermines the minimum lot size within the locality.

Comment: It is common practice for shop top housing developments to be strata subdivided. Further, strata subdivision is permissible upon the subject site with no minimum lot size.

Issue: Noise

Concern was raised over potential noise generated as a result of the proposed development.

Comment: The proposed development being for the purposes of residential and commercial uses is considered unlikely to generate any significant noise emissions. Further any proposed use of ground floor commercial tenancies would require further development consent which would allow for further consideration of noise generating potential of the specific development.

Issue: Stormwater

Concern was raised that insufficient information regarding proposed means of stormwater disposal accompanied the subject application.

Comment: The subject site features frontage to Council's reticulated stormwater infrastructure. If Council was of a mind to approve the subject application a detailed stormwater design would be submitted and approved under the Construction Certificate Process.

5.1 Development Application DA.2018.013 - Two Storey Mixed Use Development – 31 Malbon Street, Bungendore (Ref: C18118122; Author: Thompson/Perkins) (Continued)

Conclusion

The submitted proposal for a two (2) storey mixed use development comprised of seven (7) units above three (3) commercial tenancies at 31 Malbon Street, Bungendore, has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

The development does not satisfy the requirements or achieves the objectives of these instruments.

The main issues relate to:

- Streetscape and Design;
- Vehicular Access; and
- Traffic Impacts

The proposed development is not considered suitable for the site, and is recommended for refusal.

Attachments

Attachment 1	DA.2018.013 - Assessment Report - Matters for Consideration – 31 Malbon Street, Bungendore (<i>Under Separate Cover</i>)
Attachment 2	DA.2018.013 - Plans - 31 Malbon Street, Bungendore (<i>Under Separate Cover</i>)
Attachment 3	DA.2018.013 - Floor Plans and Sections - 31 Malbon Street, Bungendore (<i>Under Separate Cover</i>) - CONFIDENTIAL
Attachment 4	DA.2018.013 - Submissions - 31 Malbon Street, Bungendore (<i>Under Separate Cover</i>) - CONFIDENTIAL

5.2 Development Application 169-2018 - Warehouse Conversion to Commercial Premises, Wholesale Supplies and Function Centre - 22 Stephens Road, Crestwood (Ref: C18107558; 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 and it is in the public interest to have the matter considered by Council.

Proposal:	Warehouse conversion to commercial premises, wholesale supplies and function centre.
Applicant/Owner:	Ace Simonovski/ Gft 6 Pty Limited
Subject Property:	Lot 515 DP 565803, No. 22 Stephens Road, Crestwood
Zoning and Permissibility:	IN1 – General Industrial under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Nil.
Issues Discussed:	Parking Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

- 1. That approval be granted to a variation to Part 2.2 of Queanbeyan Development Control Plan 2012 to allow a reduction in the overall number of car parking spaces provided for the following reasons:**
 - (a) The use of the site as a proposed function centre can be conditioned to be used out of business hours between Monday to Friday and on Weekends and Public Holidays reducing the number of car parking spaces required during core business hours of surrounding uses.**
 - (b) The use of the site as a food and drink premises (café) and as a function centre is ancillary to the predominant use of the site as a commercial kitchen and coffee roasting business. The demand for car parking will fluctuate and there will not be any impacts on sensitive land uses.**
 - (c) Timed street parking is available on Stephens Road.**
 - 2. That development application 169-2018 for a warehouse conversion to a commercial premises, wholesale supplies and function centre on Lot 515 DP 565803, No. 22 Stephens Road, Crestwood be granted conditional approval.**
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5.2 Development Application 169-2018 - Warehouse Conversion to Commercial Premises, Wholesale Supplies and Function Centre - 22 Stephens Road, Crestwood (Ref: C18107558; Author: Thompson/Glouftsis) (Continued)

Background

Proposed Development

The development application is for the conversion of an existing industrial warehouse to a commercial premises, wholesale supplies and function centre.

Specifically the proposal incorporates:

- A Music Recording Studio (Business Premises) (60m²).
- A split Commercial Kitchen (one half dedicated to the business Doughnut Department and the other to an events and catering company) (102m²).
- A coffee roasting business for wholesale supply (56m²).
- Extension to Unit 4, proposed entirely as storage.
- And the use of the seated area shown in Figure 1 below as a food and drink premises, essentially operating as a split between a café and a function/events space.

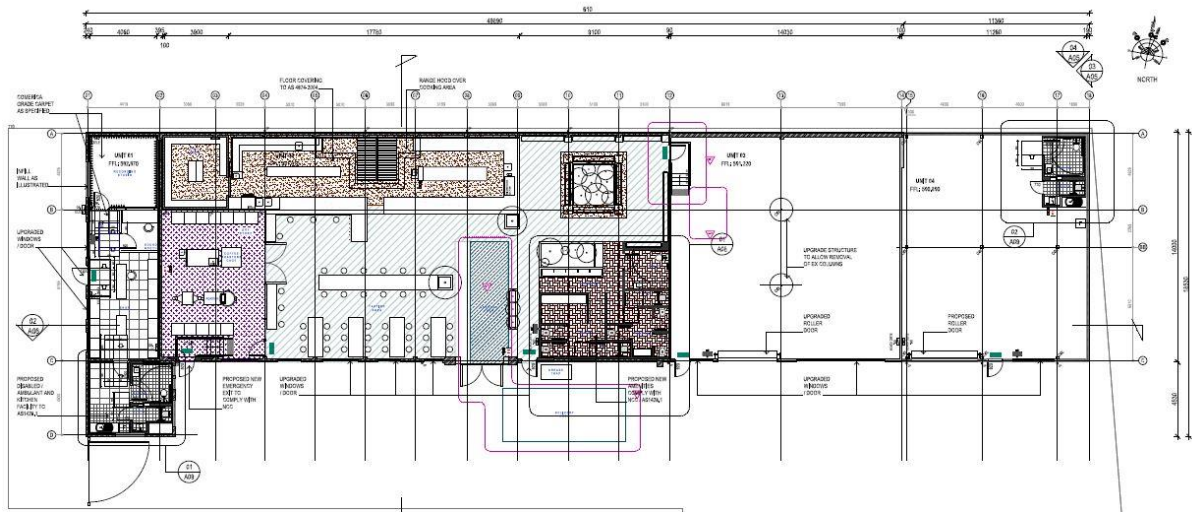


Figure 1: Proposed Floor Plan (Source: Ace Simonovski Design Studio)

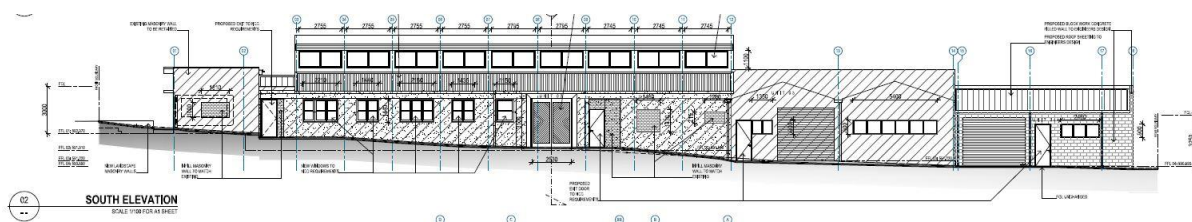


Figure 2: South Elevation Plan (Source: Ace Simonovski Design Studio)

The existing building comprises a number of units, these however, are not strata titled. Unit 3 towards the rear is proposed for overflow valet parking for special events and functions at the premises and Unit 4 is proposed to remain as storage with an extension forming a part of this development application.

5.2 Development Application 169-2018 - Warehouse Conversion to Commercial Premises, Wholesale Supplies and Function Centre - 22 Stephens Road, Crestwood (Ref: C18107558; Author: Thompson/Glouftsis) (Continued)***Subject Property***

The subject site is located in the West Queanbeyan industrial area on Lot 515 DP 565803, known commonly as 22 Stephens Road, Crestwood. The subject site is zoned IN1 – General Industrial under the *Queanbeyan Local Environmental Plan 2012*, with adjacent IN2 – Light Industrial zoning present on the eastern side of the subject site.

The surrounding locality and streetscape is made up of a range of industrial and commercial uses. To the east of the adjacent IN2 zoning shown on Figure 3 below, and separated by Lorn Road, is R2 low density residential zoning. The subject site is at least 150 metres from this land use. The proposed development is not anticipated to have a negative effect on adjoining land uses as it is a lower impact use in comparison with surrounding industrial uses.



Figure 3: Subject Site (Imagery Source: Nearmap)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 4.15 are summarised in the attached *Section 4.15 Table – Matters for Consideration*.

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

1. State Environmental Planning Policy No 55 Remediation of Land
2. Queanbeyan Local Environmental Plan 2012 (LEP).
3. Queanbeyan Development Control Plan 2012 (DCP)

5.2 Development Application 169-2018 - Warehouse Conversion to Commercial Premises, Wholesale Supplies and Function Centre - 22 Stephens Road, Crestwood (Ref: C18107558; Author: Thompson/Glouftsis) (Continued)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issue relating to the proposal for the Council's consideration is compliance with the Queanbeyan Development Control Plan 2012 in regards to a major variation to on-site car parking requirements under Part 2.2. The proposed variation is discussed in the section on compliance with the DCP below.

(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 4.15 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 4.15 Table-Matters for Consideration*.

The application proposes a major variation to the controls contained within Part 2 of the QDCP 2012.

Proposed Variation to the Parking Requirements within Table 1 under Section 2.2.6 Controls for Car Parking.

Required Car Parking

The car parking required has been calculated using the *commercial premises* rate (1 space per 60m² of Gross Floor Area) with the seating area to be utilised as a *food and drink premises* and *function centre* area calculated at the *food and drink premises* rate (15 spaces per 100m² of gross floor area).

The following information presents a further breakdown of the calculation of car parking.

- The general area for the coffee roasting business, wholesale commercial kitchen and music studio are calculated at the commercial premises rate (285m² of GFA = 4.75 spaces)
- The seated area, ancillary to the food and drink premises is calculated at the rate of 15 spaces per 100m² of GFA (proposed 140m² GFA = 21.5 spaces).

Therefore final parking numbers required are shown in Table 1 below.

Table 1 – Car Parking Requirements

Total car parking spaces required	26
Total car parking spaces provided	15
Number of spaces not provided (variation)	11

Please note that the car parking calculation presented in the Development Engineer's comments below is based on the interpretation of different parking rates for the various components of the site and the floor areas that these uses occupy. That calculation recommends that the car parking requirement be assessed as a total of 36 spaces. While the interpretations used in preparing both calculations are valid a strict interpretation of the land use definitions associated with the development as defined under the *QLEP 2012* has been used and the figure of 26 spaces has been determined as the requirement.

5.2 Development Application 169-2018 - Warehouse Conversion to Commercial Premises, Wholesale Supplies and Function Centre - 22 Stephens Road, Crestwood (Ref: C18107558; Author: Thompson/Glouftsis) (Continued)

The intensification of the site through extending the existing unit at the rear of the property, unit 4, is not seen as an impediment to the development occurring as it is designated to be used as storage. Storage is excluded under the definition of gross floor area within the QLEP 2012.

However, the current development will create an obstacle to further development or any future proposed change of use applications to unit 4 as the car parking requirement is already proposed to be substantially varied.

Proposed Carparking

The planned development proposes a total of 21 car parking spaces.

Three proposed spaces within Unit 3 (V16, V17 and V18, Drawing A01 Site Plan prepared by Ace Simonovski Design Studio) that are designed to be a stacked valet system are not supported due to being impractical and non-compliant with relevant standards.

In addition the three car parking spaces adjacent the existing car park (referred to as spaces V19, V20 and V21, Drawing A01 Site Plan prepared by Ace Simonovski Design Studio) are equally impractical or non-compliant.

The angled parking (V7 to V11), although non-compliant, is existing and is to be retained and can be utilised by small cars.

Therefore, the proposed development does not comply with the requirements of the provisions for car parking under the Queanbeyan Development Control Plan 2012. As indicated above the proposal only provides 15 of the 26 spaces required and of these, four spaces, while existing, are not strictly compliant. If the four non-compliant existing spaces are permitted to remain then the shortfall is 11 spaces.

Proposed Variation to Section 2.2.4 'Variations and Compliance Objectives'

The applicant has submitted a Traffic and Parking Impact Statement (Attachment 4) in support of their application and proposed variation. This Statement proposes that the overall calculation of parking requirements be made against the general industry rate of 1.3 spaces/100m². This would generate a requirement of only 11 parking spaces. However, this assessment is not supported as it is clear that substantial portions of the proposed use are more appropriately classified to uses other than general industry.

As a result the proposal will require a variation to the DCP parking requirements which would mean only 15 of the 26 spaces would be provided. The following assessment under clause 2.2.4 provides a rationale for varying the standard.

The proposed hours of operation are 7am to 10pm Monday to Friday and 7am to 10pm on weekends and public holidays. Generally the hours of operation are satisfactory given the proposed development is located within an existing industrial area. The industrial area is busiest during weekday business hours, with considerable use of available on-street parking and some parking on the verge.

Therefore, if the highest traffic generating uses of the proposed development (events and functions) could be restricted to outside business hours it is likely parking impacts would not be as significant. As a result it is proposed that the development be conditioned that events and functions are held out of business hours on Monday to Friday, but allowed during the proposed opening hours on weekends and public. This will reduce the impact of overflow parking on the street and surrounding businesses.

5.2 Development Application 169-2018 - Warehouse Conversion to Commercial Premises, Wholesale Supplies and Function Centre - 22 Stephens Road, Crestwood (Ref: C18107558; Author: Thompson/Glouftsis) (Continued)

The traffic and parking assessment states that drop off/ pick-up services will be offered on a case by case basis for special events/functions. However, it is impractical for Council to condition or implement this provision. The onus will be on the applicant to provide this service when necessary. Nonetheless, this does not subsequently reduce the overall variation.

The site is also serviced by a bus stop on Kendall Avenue North within 200 metres of the subject site. Additionally, there is on street, timed, two hour parking on the eastern side of Stephens Road. Please refer to Figure 4 below. The opposite side of the street is signposted as no parking, however, verge parking is common on this side of the road/verge due to existing businesses.



Figure 4: On Street Parking and Public Transport (Imagery Source: Nearmap)

Given all of the above the variation is supported for the following reasons:

- The use of the site as a proposed function centre can be conditioned to be used out of business hours between Monday to Friday and on Weekends and Public Holidays reducing the number of car parking spaces required during the core business hours of surrounding uses.
- The use of the site as a food and drink premises (café) and as a function centre is ancillary to the predominant use of the site as a commercial kitchen and coffee roasting business. The demand for car parking will fluctuate and impacts on sensitive land uses will be acceptable.
- Timed street parking is available on Stephens Road.

5.2 Development Application 169-2018 - Warehouse Conversion to Commercial Premises, Wholesale Supplies and Function Centre - 22 Stephens Road, Crestwood (Ref: C18107558; Author: Thompson/Glouftsis) (Continued)

(a) Development Engineer’s Comments

The following rates of car parking were used by the Development Engineering Team in calculating required parking rates.

- 1 space per 40m² for kitchen areas,
- 15 spaces per 100m² for café/function areas, and
- 1 space per 60m² for shops.

The Music Studio and Coffee roasting areas were considered to not fall within any specific use category. Therefore, the Coffee Roasting area would be akin to light industrial, where the majority of floor area would be occupied by equipment that would potentially be operated/overseen by one or two people. The music studio is also likely to attract a minimum of two parking spaces one being for the operator and the second for artist(s). Therefore the total parking requirement calculated by the Development Engineering Team was 36 broken down as shown in Table 2 below

Table 2 – Carparking Rates Using Development Engineers Methodology.

Music Studio	2.0
Coffee Roasting Area	0.7
Kitchen Area	2.4
Café/Function Area	30.6
Shop Front	0.5
Total	36

Comments

A traffic report was submitted supporting the development. The authors of the report used the light industrial zoning of the area to apply the parking rate typically applied to light industrial uses (1.3spaces/100m²). This rate results in a significantly less number of spaces required, due to a lack of detail in assessing the proposed uses of the development, it is considered to provide no evidence of substance in support of the application.

Site Plan AO1, indicates the site can facilitate 21 parking spaces, however when tested against AS2890.1, minimum requirements for site manoeuvring including aisle access widths, parking spaces V7 to V11 do not have sufficient aisle width to enter and exit, valet and special event spaces V12 to V21 do not have sufficient manoeuvrability. The valet system has been proposed as a method to enable stacked parking within Unit 3 during events however, the practicalities of such a method are likely to pose challenges during operation and difficult for Council to enforce in conditioning of a consent and thus are not supported.

Based on AS2890.1, the site comprises 6 compliant parking spaces, which could be further increased to 8 if the waste area was relocated to the rear of Unit 4 rather than extending. This excludes possible compliant parking (V11 to V15) that could be facilitated within Unit 3, which may provide an additional 3 to 4 spaces depending on locations of columns.

5.2 Development Application 169-2018 - Warehouse Conversion to Commercial Premises, Wholesale Supplies and Function Centre - 22 Stephens Road, Crestwood (Ref: C18107558; Author: Thompson/Glouftsis) (Continued)

If the site were assessed against light industrial parking requirements it would otherwise be required to provide 11 parking spaces, which it currently cannot provide. On this basis, the proposed mixed use of the site increases the expected parking demand of the site.

The site is located within a relatively narrow industrial area. Due to the width of the road, on street parking is prohibited on one side of the road. There are a number of motor vehicle workshops on the street which contribute to congestion and during business hours vehicles parked on the verge of the street is common. The intersection of Canberra Avenue and Stephens Road is a “black spot” for vehicles turning right out of Stephens Road due to poor visibility. The development is likely to contribute to an increase in traffic generation, though the majority of these movements are likely to utilise the signalised intersection of Gilmore Road/Canberra Avenue.

The significant contributing use proposed is the café/function aspect of the proposal. Café’s in industrial areas can be significant consumers of on and off street parking particularly during business hours. Whilst some customers are likely to be within walking distance, it is not uncommon for popular café’s to generate vehicle movements from nearby areas within short driving distance. Thus the operation of the café/function centre is not supported during business hours.

The function centre aspect of the application should only be undertaken outside business hours when industrial areas are relatively quiet and there is sufficient on street parking to accommodate the development.

Water, sewer, stormwater and access to the site can all be provided and are all deemed adequate for the proposed development.

(b) Building Surveyor’s Comments

Council’s Building Surveyor has no objections to the development and the development can be conditioned accordingly in regards to any issues relating to the Building Code of Australia.

(c) Environmental Health Comments

The proposed development will need to comply with the Food Act 2003, food standards code and Australian Standard AS1668.2 for ventilation. The proposed development will be conditioned accordingly. The hours of operation are also deemed acceptable.

Financial Implications

Section 64 Contributions are applicable to the proposed development.

Engagement

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

5.2 Development Application 169-2018 - Warehouse Conversion to Commercial Premises, Wholesale Supplies and Function Centre - 22 Stephens Road, Crestwood (Ref: C18107558; Author: Thompson/Glouftsis) (Continued)

Conclusion

The submitted proposal for a warehouse conversion to commercial premises, wholesale supplies and function centre on Lot 515 DP 565803, No. 22 Stephens Road, Crestwood 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 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of the *Queanbeyan Local Environmental Plan 2012* and the *Queanbeyan Development Control Plan 2012*.

The development generally satisfies the requirements and achieves the objectives of these instruments, except where variation has been sought. In this instance a variation against Part 2, 2.2 of the *Queanbeyan Development Control Plan 2012* in regards to parking has been sought. The variation is supported for the following reasons:

- The use of the site as a proposed function centre can be conditioned to be used out of business hours between Monday to Friday and on Weekends and Public Holidays reducing the number of car parking spaces required during the core business hours of surrounding uses.
- The use of the site as a food and drink premises (café) and as a function centre is ancillary to the predominant use of the site as a commercial kitchen and coffee roasting business. The demand for car parking will fluctuate and there will not be any impacts on sensitive land uses.
- Timed street parking is available on Stephens Road.

The development application 169-2018 for a Warehouse conversion to a commercial premises, wholesale supplies and function centre on lot 515 DP 565803, No. 22 Stephens Road, Crestwood, NSW is recommended to be granted conditional approval.

Attachments

- | | |
|--------------|---|
| Attachment 1 | DA 169-2018 - Section 4.15 Matters for Consideration Report – 22 Stephens Road, Crestwood (<i>Under Separate Cover</i>) |
| Attachment 2 | DA 169-2018 - Architectural Plans - 22 Stephens Road Crestwood (<i>Under Separate Cover</i>) |
| Attachment 3 | DA 169-2018 - Draft Conditions of Consent - 22 Stephens Road, Crestwood (<i>Under Separate Cover</i>) |
| Attachment 4 | DA 169-2018 - Traffic and Parking Assessment - 22 Stephens Road, Crestwood (<i>Under Separate Cover</i>) |

5.3 Modification Application MOD.2018.074 - 14 Malbon Street, Bungendore - Modification of DA.2015.014 - Request to Remove Developer Contributions for Off-street Car Parking (Ref: C18116852; Author: Thompson/Perkins)

Summary

Reason for Referral to Council

This application has been referred to Council as the original application was determined by Council and the Portfolio General Manager – Natural and Built Character has determined it is in the public interest to have the matter considered by Council.

Proposal:	4.55(1A) – Modify Developer Contributions
Applicant/Owner:	A.Burnett / A.Burnett and A.Beith
Subject Property:	Lot 1 DP1198404, 14 Malbon Street, Bungendore
Zoning and Permissibility:	B2 Local Centre – Palerang Local Environmental Plan 2014
Public Submissions:	Nil
Issues Discussed:	Developer Contributions
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

- 1. That modification application MOD.2018.074 as to delete the requirement for the payment of developer contributions for the purposes of off-street car parking at 14 Malbon Street, Bungendore be refused for the following reasons:**
 - (a) The development as modified, results in an unreasonable economic impact to the community as the additional demand for off-street parking generated by the development would need to be off-set by public funding (4.15(b) Environmental Planning and Assessment Act 1979);**
 - (b) The subject site fails to provide for or offsets the additional demand for off-street parking generated by the development and as such is unsuitable for the development as modified (4.15(c) Environmental Planning and Assessment Act 1979);**
 - (c) The proposed development as modified, by way of generating additional demand for public infrastructure without making provision for suitable financial contribution, is contrary to the public interest (4.15(e) Environmental Planning and Assessment Act 1979).**
-

5.3 Modification Application MOD.2018.074 - 14 Malbon Street, Bungendore - Modification of DA.2015.014 - Request to Remove Developer Contributions for Off-street Car Parking (Ref: C18116852; Author: Thompson/Perkins) (Continued)**Background*****Previous Applications***

DA.2015.014 was approved by Council at its meeting of 3 September 2015 for the use of the existing cottage and shed upon the site as a commercial premises (retail / and or office) including restoration works to the cottage. The approved development failed to provide for four (4) off-street parking spaces and one (1) loading bay on site. In recognition of this shortfall in off-street parking Condition 63 of DA.2015.014 required the payment of developer contributions to the value of \$59,203.91 under Council's Local Infrastructure Contributions Plan No.11 for the provision of public car parking at Bungendore.

DA.2015.014 was subsequently modified under MOD.2017.58 on 8 August 2017 to remove the use of the shed structure for commercial purposes. As a result of this modification Condition 63 was modified to reduce the value of developer contributions payable for off-street parking from \$59,203.91 to \$48,709.00 being the equivalent of three (3) off-street parking spaces and one (1) loading bay.

Works relating to DA.2015.014 have since commenced; however developer contributions for the purposes of off-street car parking as required by condition 63 of DA.2015.014 and MOD.2017.058 remain unpaid to date as the development has not reached Occupation Certificate stage.

Proposed Development

The subject application was lodged under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 and seeks to modify condition 63 of DA.2015.014 to delete the requirement for the payment of developer contributions for the purpose of off-street car parking. Condition 63 of DA.2015.014 (as modified under MOD.2017.058) currently reads as follows:

Section 94 Contributions – Off-street Car Parking at Bungendore

63. *Pay Palerang Council \$48,709.00 for parking spaces not provided on the development site, (3 car spaces plus one space to be used for loading/unloading of goods) towards the provision of public off-street car parking at Bungendore, in accordance with Palerang Section 94 Plan No. 11. The amount payable is subject to quarterly adjustment in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices (10 Majara Street, Bungendore and 144 Wallace Street, Braidwood) during normal office hours.*

Reason: Provision of car parking spaces to accommodate the increased demand generated by the development.

5.3 Modification Application MOD.2018.074 - 14 Malbon Street, Bungendore - Modification of DA.2015.014 - Request to Remove Developer Contributions for Off-street Car Parking (Ref: C18116852; Author: Thompson/Perkins) (Continued)

The applicant seeks to justify the proposed modification on the following grounds (Note: a copy of the applicant's request and reasoning is attached):

- While the commercial-use floor area of the development was reduced significantly in MOD.2017.58 the S94 car parking levy has not been reduced;
- The site is small and has limited ability to generate car parking demand;
- This site is located in the CBD close to other 'strip' development where tourists and locals stop to visit a range of shops, businesses and cafes. It is unlikely to be a destination itself;
- The property adjoins the proposed Bungendore carpark and features direct pedestrian access to the proposed carpark;
- The Bungendore central carpark is a priority for Council and will alleviate much need for car parking levy such as has been levied on the small development proposed for 14 Malbon Street;
- The building at 14 Malbon Street is an original 1890's timber cottage and is heritage listed under the Palerang Local Environmental Plan 2014. The proposed development is for the adaptive reuse of this historic cottage;
- The RMS Guide to Traffic Generating Development provides a specific ability to remove the requirement for S94 contributions in lieu of car parking on site for small developments (less than 200m² gross floor area) particularly in the adaptive reuse of historic buildings;
- There are no environmental impacts that outweigh on-site provision of car parking;
- The QPRC S94 car parking contribution levy on Bungendore places an unreasonable and disproportionate burden on new businesses in Bungendore compared with a similar new development in Queanbeyan;
- We do not consider that the very small development at Malbon Street will place an additional demand for car parking over the current demand; and
- The costs of completing this development in Bungendore are greater compared to Queanbeyan due to a number of other factors.

Subject Property

The subject site is legally described as Lot 1 DP1198404 and is commonly known as 14 Malbon Street. The site is located on the northern side of Malbon Street and has an area of 518.9m².

Existing development on the site comprises a single storey cottage and detached shed structure. The existing cottage structure spans the majority of the site's Malbon street frontage, as such the site features no vehicular access from Malbon or on-site car parking facilities.

5.3 Modification Application MOD.2018.074 - 14 Malbon Street, Bungendore - Modification of DA.2015.014 - Request to Remove Developer Contributions for Off-street Car Parking (Ref: C18116852; Author: Thompson/Perkins) (Continued)



Figure 1: Locality plan

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 4.55(1A) are summarised in the attached *Section 4.55(1A) Table*.

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

1. Palerang Local Environmental Plan 2014 (LEP);
2. Palerang Development Control Plan 2015 (DCP);
3. Local Infrastructure Contributions Plan No.11 for the provision of public car parking at Bungendore.

The significant issues relating to the proposal for the Council's consideration are:

(a) Compliance with DCP

Section B7.1(1) of the Palerang Development Control Plan (PDCP) 2015 establishes that where land is zoned B2 or B4, off-street car parking is to be provided either upon the subject site or within a centralised carpark. As the proposed development fails to provide for onsite car parking the development relies solely upon the future provision of a centralised public car park to achieve compliance with the provisions of the PDCP. In recognition of the additional burden such reliance is placing upon public assets for the commercial benefit of a private operator it is considered to be appropriate that a contribution be made by the private entity to offset the demand that is being created

5.3 Modification Application MOD.2018.074 - 14 Malbon Street, Bungendore - Modification of DA.2015.014 - Request to Remove Developer Contributions for Off-street Car Parking (Ref: C18116852; Author: Thompson/Perkins) (Continued)**(b) Local Infrastructure Contributions Plan No.11 for the provision of public car parking at Bungendore**

Council's Local Infrastructure Contributions Plan No.11 for the provision of public car parking at Bungendore seeks to levy developer contributions for the purposes of off-street car parking within Bungendore to provide a centralised public carpark. The specific objectives of the Plan are to:

- Ensure that adequate parking is available within convenient walking distance of business developments as the business centre of Bungendore develops as the town and surrounds grow; and
- Ensure that new developments pay a fair and reasonable contribution towards car parking that will be needed to serve the business that will occupy the central business district of Bungendore.

The subject application seeks exemption from the payment of developer contributions on the grounds of the heritage listed nature of the existing cottage upon the site. While the Plan notes that exemptions may be appropriate for certain types of development, such as residential development and nursing homes, which do not generate a demand on public facilities, a heritage listing is not established as a means for exemption. Further, if recognising the heritage nature of a significant number of sites within the Bungendore CBD were considered grounds for an exemption, granting such an exemption purely on heritage grounds would likely undermine the overall intent of the plan in providing a centralised public carpark.

(c) Other Matters***Likely impacts***

The subject site provides no off-street car parking, as such, the proposed development results in a shortfall of three (3) off street car parking spaces and one (1) loading zone. At present, through the imposition of Condition 63 of DA.2015.014 (as modified by MOD.2017.054) this shortfall is to be off-set by way of payment of developer contribution under Section 7.11 of the Environmental Planning and Assessment Act 1979. Approval of the subject modification application would see the additional demand for off-street parking generated by the development go unresolved placing an additional demand upon public infrastructure. In such an instance the subject site must therefore be considered as being unsuitable for the purposes of the proposed development as it is not capable of accommodating for the demand for off-street parking spaces generated by the development. Further, the additional burden placed upon public infrastructure without financial contribution is considered to be contrary to the public interest.

Similarly each time Council grants an exemption to paying such contributions it delays the ability of Council to begin construction of the carpark. A certain threshold of funds needs to be collected from contributions before work commences. Providing an exemption reduces the funds available and delays the eventual construction of the public carpark.

5.3 Modification Application MOD.2018.074 - 14 Malbon Street, Bungendore - Modification of DA.2015.014 - Request to Remove Developer Contributions for Off-street Car Parking (Ref: C18116852; Author: Thompson/Perkins) (Continued)

Other Comments (a) Development Engineer's Comments

Council's Development Engineer noted that they were not in support of the proposed modification as it would allow for a development that is entirely reliant upon Council parking infrastructure without any financial contribution to the construction and upkeep of such infrastructure. Further, it was noted that a 50% reduction had already been applied to the applicable development contributions for the purposes of off-street parking.

As a matter of clarity, Council's Development Engineer also wished to confirm that contrary to the applicant's suggestion, appropriate consideration was given to the reduction in gross floor area between DA.2015.014 and MOD.2017.054 and the developer contribution recalculations were modified appropriately hence the reduction in the amount payable from \$59,203.91 to \$48,709.00 under MOD.2017.054.

Financial Implications

Approval of the subject modification would generate additional pressure for the construction of the Bungendore central carpark, while requiring Council to contribute an additional \$48,709.00 towards the project that would otherwise have been acquired through developer contribution funding.

Council has the power to dispense with the requirement for the payment of contributions by approving deletion of Condition 63, however in doing so any such resolution should include the reasons as to why the exemption from the need to pay the contribution would be applied in this case.

Engagement

In accordance with Part E of the Palerang Development Control Plan 2015, the proposed modification was not required to be publically notified.

Compliance or Policy Implications

Approval of the subject modification application to remove the requirement for the payment of developer contributions for the purposes of off-street car parking would establish an undesirable precedent for similar future development within Bungendore's central business district and would likely compromise Council's ability to deliver the Bungendore Central Carpark without further funding being obtained from alternate sources.

Conclusion

The submitted proposal seeks the modification of DA.2015.014 for the use of the existing cottage at 14 Malbon Street, Bungendore for commercial purposes under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, to remove the requirement for the payment of developer contributions for off-street car parking.

The proposal as modified has been assessed under Section 4.55(1A) *Environmental Planning & Assessment Act* 1979 including the relevant provisions of Palerang *Local Environmental Plan 2014*, the Palerang Development Control Plan 2015 and Council's *Local Infrastructure Contributions Plan No. 11 for the provision of public car parking at Bungendore*.

5.3 Modification Application MOD.2018.074 - 14 Malbon Street, Bungendore - Modification of DA.2015.014 - Request to Remove Developer Contributions for Off-street Car Parking (Ref: C18116852; Author: Thompson/Perkins) (Continued)

The development does not satisfy the requirements or achieve the objectives of these instruments. Specifically, the proposed modification fails to satisfy Section B7.1(1) of the Palerang Development Control Plan (PDCP) 2015 and the objectives of Council's *Local Infrastructure Contributions Plan No.11 for the provision of public car parking at Bungendore* as the increased demand for off-street parking generated as a result of the proposed use of the site for commercial purposes is in no way accommodated for by the development either through the provision of physical parking infrastructure on site or monetary contribution to allow for the construction of further public off-street parking facilities.

Further, the proposed development as modified is not considered to be suitable for the site and is considered to be contrary to the public interest. As such, MOD.2018.074 is recommended for refusal.

Attachments

- Attachment 1 MOD.2018.074 - 14 Malbon Street, Bungendore - Assessment Report
(Under Separate Cover)
- Attachment 2 MOD.2018.074 - 14 Malbon Street, Bungendore - Applicants Request
(Under Separate Cover)

5.4 Review of Rezoning and Dwelling Eligibility Requests (Ref: C18115166; Author: Thompson/Robb)

Summary

The purpose of this report is to assess four of the rural land requests being considered within the context of the Rural Lands Study. These requests relate to the following lots:

1. Lot 162 DP 754873 and Lot 97 DP 754915, Lake Road, Lake George
2. Lot 21 DP 1018890, Grove Road, Lake George
3. Lot 16 DP 846996, Williamsdale Road, Williamsdale
4. Lot 1 DP 1171081, Federal Highway Service Road, Sutton.

Additionally, a request to consider the ability to erect a dwelling on Lot 1 DP 555380, Old Cooma Road, Royalla (outside of the Rural Lands Study area) is included.

The report has been divided into two broad sections:

1. Former Palerang local government area requests
 2. Former Queanbeyan local government area requests
-

Recommendation

1. That Council advise the owner of Lot 162 DP 754873 and Lot 97 DP 754915, Lake Road that the combination of these lots constitutes a '1995' holding and that under clause 4.2A(3)(e) a dwelling is permissible with consent.
 2. That Council retain the E3 Environmental landuse zone on Lot 21 DP 1018890.
 3. That the planning provisions relating to Lot 16 DP 846996, Williamsdale not be amended to allow subdivision of the allotment to permit an existing dwelling to be on a separate lot.
 4. That Lot 1 DP 1171081, Federal Highway Service Road, Sutton not be rezoned to E4 Environmental Living.
 5. That the previous dwelling entitlement for Lot 1 DP555380 (Old Cooma Road), Royalla be recognised in the preparation of the new comprehensive local environmental plan and advise the owner accordingly.
-

Background

During the preparation of the draft *Palerang Local Environmental Plan 2014* (PLEP) and the *Palerang Rural Lands Strategy 2016-2036*, Council received numerous requests for amendments to the local environmental plan (LEP) land use planning provisions. Most commonly the requests were for the lowering of minimum lot sizes to allow the subdivision of dual occupancies and the rezoning of land. This report considers four of the requests and makes a recommendation for each in addition to reporting on a request considered at the Council workshop on 28 March 2018.

5.4 Review of Rezoning and Dwelling Eligibility Requests (Ref: C18115166; Author: Thompson/Robb) (Continued)

Background in relation to the former Palerang local government area requests

The PLEP was gazetted in late 2014. The preparation of it was a substantial project which took ten years and included the amalgamation of six local environmental plans (LEPs) and extensive community consultation. During this time, there were numerous policy issues and requests for the rezoning of land or the ability to erect a dwelling with development consent in the rural area.

As it was not possible to encompass this work and progress the draft PLEP in a timely manner, Council resolved to undertake a Rural Lands Study. Recommendations were adopted by Council in both reports on the draft PLEP exhibition to include requests in the Study. On 6 February 2014, Council resolved to commence the Palerang Rural Lands Study. Further requests were received in the period between the gazettal of the PLEP and the adoption of the Rural Lands Strategy in February 2017. The Rural Lands Study Committee and later Council agreed that the requests would be considered once the Rural Lands Strategy had been adopted by Council.

The Rural Lands Strategy was adopted by Council in early 2017. It contains criteria against which each of the requests will be considered. The Rural Lands Study, Strategy and associated reports is available on the Council website.

The methodology for assessing the requests against the objectives of the Rural Land Studies and other relevant documents is provided in Attachment 12.

Requests for Land Within the Former Palerang Local Government Area

The following summarises each of the landowner's requests, Council assessment and recommendations. Background information on each of these requests was provided at a workshop held for Councillors on 29 August 2018. Detailed assessments for the sites are provided in the Attachments as indicated.

1. Lot 162 DP 754873 and Lot 97 DP 754915, Lake Road, Lake George

The owner of Lot 162 DP 754873 and Lot 97 DP 754915, Lake Road, Lake George is seeking the ability to erect a dwelling on either of the lots or both (refer to Attachment 2). The request has a long and complex history and is detailed in Attachment 1.

Following an analysis of the history of the lots and the *Palerang Local Environmental Plan 2014*, it is recommended that Council advise the owner of Lot 162 DP 754873 and Lot 97 DP 754915, Lake Road, Lake George in writing that the combination of these lots constitutes a '1995' holding and that under clause 4.2A(3)(e) a dwelling is permissible with consent.

2. Lot 21 DP 1018890, Grove Road, Lake George

The owner of Lot 21 DP 1018890 is seeking the removal of the environmental landuse zone, E3 Environmental Management and to have the lot rezoned to a landuse zone that allows for residential subdivision.

Refer to Attachment 3 for a detailed assessment of the application and to Attachment 4 for the submissions from the property owner and Council documentation. It is recommended that the request not be progressed and that Council retain the E3 Environmental landuse zone on Lot 21 DP 1018890.

5.4 Review of Rezoning and Dwelling Eligibility Requests (Ref: C18115166; Author: Thompson/Robb) (Continued)

3. Lot 16 DP 846996, Williamsdale Road, Williamsdale

The property owners have requested that Lot 16 DP 846996, Williamsdale Road, Williamsdale be subdivided to create an 8.2 hectare lot so that an existing dwelling (part of a dual occupancy) would be on a separate lot (refer to Attachment 6 for the submission from the property owners including the proposed subdivision plan). Attachment 5 provides a detailed assessment and it is recommended that Lot 16 DP 846996, Williamsdale not be subdivided to allow an existing dwelling to be on a separate lot.

4. Lot 1 DP 1171081, Federal Highway Service Road, Sutton

The owner of Lot 1 DP 1171081's consultant has requested that the lot be rezoned E4 Environmental Living with a minimum lot size of 6 hectares (refer to Attachments 8 and 9). A detailed assessment of the request is provided in Attachment 7. It is recommended that Lot 1 DP 1171081, Federal Highway Service Road, Sutton not be rezoned E4 Environmental Living

Requests for land within the former Queanbeyan City Local Government Area**5. Lot 1 DP 555380, Old Cooma Rd, Royalla**

Council staff have also recently become aware of an additional matter under the *Queanbeyan Local Environmental Plan 2012* in respect of a dwelling entitlement for a lot in the Royalla area that is also submitted for consideration in this instance. A detailed assessment is provided in Attachment 10 and Attachment 11 contains a submission from the property owner.

It is recommended that Lot 1 DP 555380 retains its current zoning as E2 Environmental Conservation and be listed with a single dwelling house as a permitted use in Schedule 1 of the new comprehensive Queanbeyan-Palerang Local Environmental Plan when drafted.

Implications***Legal***

The decision to amend a local environmental planning provision generally rests with Council. However, it is possible for property owners to request a review of Council's decision concerning a proposed rezoning. In regard to a planning proposal, an applicant such as a developer or landowner may ask for a Rezoning Review if:

- A council has notified them that it does not support their plans.
- A council has failed to indicate its support 90 days after the proponent has submitted a request.
- A council has failed to submit a planning proposal for a Gateway determination within a reasonable time after it has indicated its support.

This would be subject to a fee payable to the Department and if granted a Rezoning Review would be carried out independently by the Southern Regional Joint Regional Planning Panel for this Region.

Council has sound reasons for refusing the following requests and nothing in the assessments appears likely to lend weight to overturning Council's determination:

- Lot 21 DP 1018890, Grove Road, Lake George
- Lot 16 DP 846996, Williamsdale Road, Williamsdale
- Lot 1 DP 1171081, Federal Highway Service Road, Sutton,

5.4 Review of Rezoning and Dwelling Eligibility Requests (Ref: C18115166; Author: Thompson/Robb) (Continued)

Policy

The assessment of each request relating to the Palerang Rural Lands Study has involved the consideration of it against the *Palerang Rural Lands Strategy 2016-2036*, the *South East and Tablelands Regional Plan 2036*, Ministerial Directions and SEPPs and a draft SEPP. The assessment of the requests has found that a departure from the principles and requirements of these documents does not have merit.

Environmental/Social/Economic

The assessment of each request has considered each of the environmental; social, economic, infrastructure and natural matters.

Sustainability

It is suggested that the creation of additional small lots in rural areas is not sustainable as it will not only fragment rural land but will also create a precedent which will lead to further requests for small lots in the rural zone. This will increase the demand for both hard and soft infrastructure in addition to the need to manage natural hazards such as bushfire on the community.

Strategic

Allowing the following requests to proceed and the likely increase in further requests for small lots will create a circumstance where it will be difficult to plan for hard and soft infrastructure. Strategic land use and infrastructure planning allows for the co-ordinated planning of services and infrastructure. For instance the cost of constructing and maintaining rural roads is substantial and a large portion of the Council funds spent outside of urban areas.

- Lot 16 DP 846996, Williamsdale Road, Williamsdale
- Lot 1 DP 1171081, Federal Highway Service Road, Sutton;

Engagement

There has been no specific community or government agency consultation on the requests relating to:

- Lot 21 DP 1018890, Grove Road, Lake George
- Lot 1 DP 1171081, Federal Highway Service Road, Sutton.

However, they were included in the report to Council on the exhibition of the draft PLEP. It is also noted that the draft Rural Lands Strategy was exhibited.

5.4 Review of Rezoning and Dwelling Eligibility Requests (Ref: C18115166; Author: Thompson/Robb) (Continued)

Financial

Whilst there would be some development contributions payable to Council if the following requests were progressed, it is suggested that they, and income from rates, would not adequately fund the provision of hard and soft infrastructure particularly if further requests were agreed to:

- Lot 16 DP 846996, Williamsdale Road, Williamsdale
- Lot 1 DP 1171081, Federal Highway Service Road, Sutton

Resources (including staff)

The cost to Council in staff time assessing the requests is included in the current Land-Use Planning budget.

Integrated Plan

The final recommendations relevant to each of the requests considered in this report will feed into the new comprehensive Queanbeyan-Palerang Local Environmental Plan. This is, and continues to be a major project for the Land-Use Planning Branch in the 2018 – 19 Operational Plan.

For the information of Councillors the following outstanding request are still to come before Council in the future.

1. Lot 9 DP 754867, Boro Road
2. Lot 15 DP 1044797, Little River Road
3. Lot 1 DP 48576, Wirreandra Road, Wamboin
4. Lot 1 DP 669141, Lot 2 DP 821751, Lot 82 DP 754922 and Lot 83 DP 54992, Yarrow
5. Lot 5 DP 846794, Bywong
6. Lot 11 DP 1058499, Llewellyn Drive, Braidwood.

Conclusion

It is acknowledged that some of the rural land surrounding the lots which are the subject of this report have been fragmented over time and that in some cases the lot sizes are similar to that found in a rural residential area that is not adjacent to an urban area. However, the precedent that is likely to be set by allowing the proposed amendments relating to the following properties would probably result in the further fragmentation of land resulting in a loss of agricultural land and the creation of unplanned rural residential areas.

- Lot 16 DP 846996, Williamsdale Road, Williamsdale
- Lot 1 DP 1171081, Federal Highway Service Road, Sutton
- Lot 21 DP 1018890, Grove Road, Lake George

The externalities of this, such as the demand for hard and soft infrastructure and possible land use conflicts, does not warrant an amendment to the current PLEP provisions and land use zones or variations in the draft comprehensive local environmental plan currently being prepared by Council. Other than providing an economic benefit to the individuals requesting the LEP amendments there is little from a planning perspective to support these applications.

5.4 Review of Rezoning and Dwelling Eligibility Requests (Ref: C18115166; Author: Thompson/Robb) (Continued)

Attachments

- Attachment 1 Lot 162 DP 754873 and Lot 97 DP 754915, Lake Road, Lake George - Detailed assessment (*Under Separate Cover*)
- Attachment 2 Lot 162 DP 754873 and Lot 97 DP 754915, Lake Road, Lake George - Submissions from the property owner and Council documents (*Under Separate Cover*)
- Attachment 3 Lot 21 DP 1018890, Grove Road, Lake George - Detailed assessment (*Under Separate Cover*)
- Attachment 4 Lot 21 DP 1018890, Grove Road, Lake George - Submissions from the property owner (*Under Separate Cover*)
- Attachment 5 Lot 16 DP 846996, Williamsdale Road, Williamsdale, Detailed assessment (*Under Separate Cover*)
- Attachment 6 Lot 16 DP 846996, Williamsdale - Submission from the property owner (*Under Separate Cover*)
- Attachment 7 Lot 1 DP 1171081, Federal Highway Service Road, Sutton - Detailed assessment (*Under Separate Cover*)
- Attachment 8 Lot 1 DP 1171081, Federal Highway Service Road, Sutton - Submission from the property owner's consultant, 30 April 2008 (*Under Separate Cover*)
- Attachment 9 Lot 1 DP 1171081, Federal Highway Service Road, Sutton - Submission from the property owner's consultant, 7 March 2013 (*Under Separate Cover*)
- Attachment 10 Lot 1 DP555380, Old Cooma Road, Royalla - Detailed assessment (*Under Separate Cover*)
- Attachment 11 Lot 1 DP555380, Old Cooma Road, Royalla - Letter dated 16 May 1997 from the former Yarrowlumla Shire Council (*Under Separate Cover*)
- Attachment 12 Methodology for Assessing Rezoning and Dwelling Eligibility Requests - Council Report 12 September 2018 (*Under Separate Cover*)

5.5 Comprehensive Local Environmental Plan - Progress, Issues, Next Steps (Ref: C18116248; Author: Thompson/Brown)

Summary

The purpose of this report is to seek Council's endorsement to forward a draft planning proposal to the NSW Department of Planning and Environment seeking a Gateway determination in order to formally begin the process of preparing a new comprehensive local environmental plan (comprehensive LEP) for the Queanbeyan-Palerang Local Government Area (LGA).

Recommendation

- 1. That Council endorse the draft planning proposal for the new comprehensive local environmental plan for the Queanbeyan-Palerang local government area; and**
 - 2. That the draft planning proposal be forwarded to the NSW Department of Planning seeking a Gateway determination under Section 3.34 of the *Environmental Planning & Assessment Act, 1979*.**
-

Background

The former Queanbeyan City and Palerang Councils were merged into a single LGA in May 2016. As a consequence, Council now needs to combine the respective local environmental plans (LEPs) that applied to the former areas into one comprehensive local environmental plan.

There are currently seven LEPs in force in the Queanbeyan-Palerang LGA. These are:

- *Palerang Local Environmental Plan 2014*
- *Queanbeyan Local Environmental Plan (Poplars) 2013*
- *Queanbeyan Local Environmental Plan (South Tralee) 2012*
- *Queanbeyan Local Environmental Plan 2012*
- *Yarrowlumla Local Environmental Plan 2002*
- *Queanbeyan Local Environmental Plan 1998*
- *Queanbeyan Local Environmental Plan 1991*

As noted, Council is now seeking to have all these planning instruments combined into a single comprehensive local environmental plan (comprehensive LEP). However, this will depend on the progress of a number of other planning proposals currently applying to land covered by these various instruments. Some may be removed in the interim as a consequence of these other planning proposals being completed (for example South Jerrabomberra, West Jerrabomberra and Jumping Creek). This will be finally confirmed prior to the new plan coming into effect.

The intention is to minimise the number of new policy matters in the new comprehensive plan in order to progress it as quickly as possible and the process will look to generally merge existing provisions with as little planning/policy change as possible. Where certain zones or provisions are unique to a particular plan, the intention is to wholly carry forward those provisions into the new comprehensive LEP. It is only where there is some difference in common provisions between the various instruments that changes will be made. However, before this is done further Council workshops will be held as well as reports being submitted to Council for endorsement.

5.5 Comprehensive Local Environmental Plan - Progress, Issues, Next Steps (Ref: C18116248; Author: Thompson/Brown) (Continued)

A limited number of policy matters have also been identified which it is intended to resolve as part of the new LEP as indicated in previous reports.

A background paper has been prepared comparing the respective planning instruments applying to the LGA, the differences between these LEPs, and, the intended approach to addressing these and other policy issues (Attachment 1). This background paper was the subject of a recent workshop with Council.

Council staff have also prepared a draft planning proposal to be forwarded to the State Government (Department of Planning) in order to seek a Gateway determination under the *Environmental Planning & Assessment Act, 1979*, to formally begin the process of developing the new comprehensive LEP (Attachment 2).

Staff have also begun to prepare a draft plan and accompanying GIS layers/mapping. However, the final contents of these will be determined by ongoing staff research, community feedback and engagement with public authorities. Any draft comprehensive LEP and maps will be put to the Council for endorsement prior to any formal consultation beginning. Notwithstanding this, Attachment 3 provides an indicative overview of the provisions that might be contained in the draft comprehensive LEP.

Implications***Policy***

The proposed development of a new comprehensive LEP is consistent with the State Government requirements to merge planning controls into a single instrument. A single merged instrument with common controls will be beneficial to staff, industry and the community.

Environmental

No new environmental impacts are likely as no new areas are proposed for development. Existing environmental controls are intended to be carried forward into the new comprehensive LEP.

Sustainability

The principles of ecologically sustainable development will underpin the objectives and provisions set out in the new comprehensive LEP.

Strategic

The proposed new comprehensive LEP will provide the statutory frame work for implementing Council's strategic position in respect of land use planning and development.

Engagement

At this stage consultation has been focussed internally with four Councillor Workshops being held so far on this project and three on dwelling eligibility applications with decisions on these feeding into the comprehensive LEP. The intention is that both government agencies and the community will be consulted during the development of the new comprehensive LEP.

Part 5 of Attachment 2 identifies the approach to community and agency consultation.

5.5 Comprehensive Local Environmental Plan - Progress, Issues, Next Steps (Ref: C18116248; Author: Thompson/Brown) (Continued)

Financial

This is a merger transition project and has its own project budget.

Resources (including staff)

The new comprehensive LEP is being prepared in-house by Council's Land Use Planning Team.

Conclusion

Progressing the development of a new comprehensive local environmental plan for the Queanbeyan-Palerang LGA is considered to be a priority for the Council over the next 12 months, and will provide considerable benefits for staff, industry and the community.

It is recommended Council now seek a Gateway determination to formally begin progressing the new comprehensive LEP.

Attachments

- Attachment 1 QPRC Local Environmental Plan Program August 2018 - Background Paper (*Under Separate Cover*)
- Attachment 2 QPRC Draft Comprehensive LEP Planning Proposal 29 August 2018 (*Under Separate Cover*)
- Attachment 3 Indicative Provisions that Could be Included in the Draft Comprehensive Local Environmental Plan (*Under Separate Cover*)

5.6 Queanbeyan CBD Car Parking Strategy (Ref: C18114521; Author: Tegart/Tozer)

Summary

The draft Queanbeyan CBD Car Parking Strategy had been prepared with regard for the 2009 CBD Masterplan, 2015 Car Parking Strategy, 2017 CBD Transformation Strategy and 2017 Digital Economy and Smart Community Strategy. The draft Strategy includes options to consolidate Queanbeyan CBD off street car parking, repurposing existing car parks and developing a park and ride system. It will inform the CBD Masterplan review currently underway.

Following public exhibition, the Car Parking Strategy is presented to Council along with public submissions for consideration and adoption. The draft Strategy, as presented to the community, is attached to this report.

Recommendation

That Council:

- 1. Consider the submissions and responses**
 - 2. Adopt the Queanbeyan CBD Car Parking Strategy**
 - 3. Refer the Strategy for consideration with the CBD Masterplan**
 - 4. Consider the estimates in the next Delivery Program.**
-

Background

Council considered the draft Queanbeyan CBD Car Parking Strategy at its November 2017 meeting, resolving the following:

RESOLVED (Overall/Biscotti)

That Council:

- 1. Receive and note the report on Queanbeyan CBD Car Parking.*
- 2. Name the draft document the "Queanbeyan CBD Car Parking Strategy 2018-2028".*
- 3. Delete from the draft, references to formalised at-grade parking at the showground and old nursery site.*
- 4. Include in the draft a section on the indicative phasing of the various Car Parking initiatives.*
- 5. Seek business and community feedback on the draft Queanbeyan CBD Car Parking Strategy 2018-2020, Car Park sites and pedestrian connections, in conjunction with community engagement on the QCBD Masterplan and Transport Strategy.*
- 6. Consider the Plan's Principles, Options and Financing in the respective DCP, Capital Plan and Financial Plan.*
- 7. Include 'smart parking' principles and infrastructure in the design of redeveloped Car Parks.*
- 8. Include the smart parking and construction estimates of those Car Parks in revised development contribution plans and voluntary planning agreements, and car space leasing agreements.*

**5.6 Queanbeyan CBD Car Parking Strategy (Ref: C18114521; Author: Tegart/Tozer)
(Continued)**

9. *Consider in the revision of the Car Parking DCP, options to share car spaces for different uses outside core hours, mechanisms to free up high turnover public car spaces, and reduction of car space requirements for expansion of current developed uses or residential apartments close to public transport nodes.*
10. *Consider commissioning reports on the:*
 - a. *feasibility of aggregating car spaces into Morisset and Crawford Car Parks and subsequent offsets on demand for new commercial space/year*
 - b. *impact of higher or lower s94 contributions in different development types*
 - c. *impact of more timed parking on patronage and business*
 - d. *likelihood of employees utilising untimed Car Parks on CBD perimeter*

Since then, Council has also decided in March 2018 to commence a smart parking trial in the Morisset car park, installing smart parking and electroboards to guide the public to available car spaces in the Queanbeyan CBD, and to improve turnover of car spaces by increasing the surveillance of CBD car parks to ensure timed car spaces are not overstayed.

Then, in considering the staging of the CBD transformation, Council also resolved at its May 2018 meeting to retain more at-grade car spaces at the Lowe car park and to seek expressions of interest, at the appropriate time, to construct and operate a multistorey parking facility in Morisset car park.

Implications***Strategic***

Adopted at the March 2017 meeting, the QCBD Transformation Strategy notes much of the CBD congestion emanates from drivers circulating in the CBD looking for parking spaces. Installation of 'smart parking' technology into carparks, vehicle count sensors into street lighting poles and use of parking apps could be explored to ease the congestion. That position was reinforced in the Digital Economy and Smart Community Strategy recently adopted.

Many of Council's public car parks are fully occupied during business hours by employees and owners, limiting access by shoppers and visitors, then are left mostly vacant out of hours. Options to share car spaces for different uses outside core hours should be explored and mechanisms to free up high turnover public car spaces.

The QCBD Transformation Strategy proposed the Car Parking Strategy to review the current parking regime, and local concerns that parking restriction and parking patrol times are affecting business opportunities and economic activity. The Strategy explores options for employee and patron parking, free timed parking and dual use parking to support economic activity and the needs of visitors and shoppers. The Car Parking Strategy will work in unison with the objectives of the Property Plan and Transport Plan to deliver a holistic approach to people and traffic movements in the CBD transformation.

Residential redevelopments on CBD sites must provide car parking on site in accord with the car parking code, however some smaller commercial car parking demand may be aggregated into a central carpark such as Morisset Street, by acquisition or contribution to that carpark.

Provision of all-day parking on the CBD fringe may be used to encourage employees to park at those sites rather than occupy central CBD car spaces that may otherwise be available to retail and commercial patrons.

**5.6 Queanbeyan CBD Car Parking Strategy (Ref: C18114521; Author: Tegart/Tozer)
(Continued)**

Economic

While the Strategy proposes creation of additional timed and untimed car parks near the retail and lifestyle core and CBD perimeter respectively, and the conversion of some of the existing carparks into new public domain to connect green spaces and create places for people to congregate and interact, the increase of carspaces will not fully offset the current (Code-based) shortfall.

The Strategy is aimed at recycling assets into public domain, turning over high-demand spaces for patron use, connecting carparks by pedestrian corridors, and aggregating car parks into more efficient, safe and smart facilities as decked or basement carparks. That aggregation into Morisset and Crawford carparks for example, places patrons at the centre of the retail and lifestyle core identified in the CBD Masterplan.

However, the feasibility of aggregating car parks at a relatively high cost (ie as some car parks are lost to public domain and replaced as decked or basement car parks at \$35k and \$40k respectively), should be assessed against the likely annual demand for new commercial space generated by new or redevelopments in the CBD.

Then, should the s94 contributions increase from \$10k to \$30k for example, will that incentivise developers to provide commercial-based car parks on their own sites rather than pay a contribution to a central CBD facility such as the Morisset or Crawford carparks, or dampen new investment interest. Council may choose to phase the increase or discount those contributions in certain development scenarios

Engagement

The draft Strategy was placed on exhibition between 20 July and 20 August. Council received 14 submissions, which have been listed and responded to in the attached report. Most submissions were positive and in support of the Strategy.

Integrated Plan

Throughout the development of Council's recently adopted Integrated Plans and in past Community Satisfaction Surveys, the issue of car parking in the Queanbeyan CBD has been raised continuously by residents and businesses.

Conclusion

Following the public exhibition, the Queanbeyan CBD Car Parking Strategy is presented to Council for review and adoption.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Executive Summary of consultation report - Queanbeyan Car Parking Strategy (<i>Under Separate Cover</i>) |
| Attachment 2 | Draft Queanbeyan Car Parking Strategy 2018-2028 - as exhibited (<i>Under Separate Cover</i>) |

5.7 Just Terms Land Acquisition - Cooma Road Ballalaba (Ref: C18107084; Author: Neil/Warne)

Summary

The Council has been advised that a small section of land at Ballalaba that has been earmarked for acquisition is not designated as road reserve. It is Crown Land and must be acquired in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

A Council decision to progress the acquisition is required.

Recommendation

That Council agree to acquire a small section of Crown land at Ballalaba in accordance with the procedures laid down in the *Land Acquisition (Just Terms Compensation) Act 1991*.

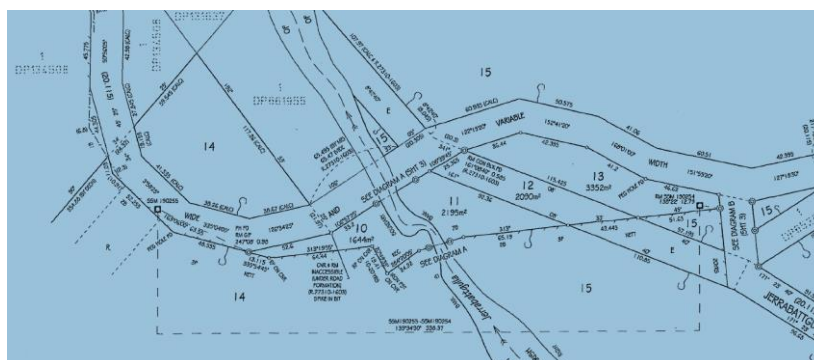
Background

In August 2017 a report was presented to the Council regarding the acquisition by the Council of a small parcel of land at Ballalaba.

By way of background, in 2003 the then Tallanganda Council re-routed a small section of the Braidwood – Cooma road over the Jerrabattgulla Creek and built a new bridge. Unfortunately, the legal processes for the acquisition of the land had not been finalised.

A plan of subdivision was created for the land acquisition which included an unused road reserve. The relevant approvals had been obtained but upon finalisation it has been discovered that the road reserve portion of the area (2,090 m²) will need be acquired in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

The road reserve area is identified as lot 12 on the plan shown hereunder:



It has been advised by the Crown Lands section of the NSW Department of Industry that lot 12 was previously a crown road but it was closed in 1966 to be transferred to the adjoining owner, but the transfer did not occur and it is now regarded as “Crown Land”.

5.7 Just Terms Land Acquisition - Cooma Road Ballalba (Ref: C18107084; Author: Neil/Warne) (Continued)

Crown Land can only be acquired in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*. Accordingly, the “*Just Terms*” process must be used for the acquisition.

An amended plan of subdivision is being prepared and progressed for the acquisition of lots 10, 11 & 13 which is freehold land and will become part of the road reserve. Upon the completion of the “*Just Terms*” process, title to the land (Lot 12) will be issued to the Council. At that time the land can be declared as road reserve in accordance with S10 of the *Roads Act 1993*.

It is a cumbersome process, but it must be undertaken.

Implications

Policy

There is no Council policy in respect of these matters. It is appropriate to finalise the land ownership and legal issues associated with the bridge replacement project.

Asset

Upon acquisition, the land will become an asset of the Council and will need to be recognised in the Asset Register.

Financial

This is a minor acquisition, so we should be able to handle it in house. Compensation will need to be paid for the land. Accordingly, the land will need to be valued by the Valuer General but the compensation amount should be minimal. Compensation paid for the other areas was \$3,600.

Any aboriginal land claim or native title associated with the land will also need to be determined.

It is expected that the costs can be funded from existing budgets. All up it is expected that with legal costs, additional subdivision costs and compensation a budget in the \$6K -7K range would be appropriate.

Program Code	Expense Type	Funding source	Amount
		General Fund	\$ 7,000

Conclusion

The Crown Land issue associated with this acquisition has been frustrating, but needs to be sorted. Unfortunately, the *Just Terms* acquisition process will be required to finalise the matter.

Attachments

Nil

5.8 Classification of Land -Weatherstone Circuit, Googong (Ref: C18110208; Author: Neil/Warne)

Summary

Section 31(2) of the *Local Government Act 1993* states that “Before a Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land.” This report proposes to classify Lot 799 DP 1234249 at Googong as operational land.

Recommendation

That in accordance with Section 31(2) of the Local Government Act 1993 (NSW), Council resolve that Lot 799 DP 1234249 (54 Weatherstone Circuit, Googong) the land classified as Operational Land.

Background

As part of the development of Googong, specific land is vested in the Council for public purposes. Ownership of Lot 799 DP 1234249 (54 Weatherstone Circuit, Googong) has transferred to the Council. The property was dedicated under the Googong Voluntary Planning Agreement

The land is a long strip adjacent to the Weatherstone Circuit road reserve in a developing area of Googong and contains electrical infrastructure as shown hereunder:



For all intents and purposes, the land will for part of the road reserve but it will have freehold status.

The Council can classify the land as either “operational land” or “community land”. The land classification should reflect the status of the land. It is not proposed that the land be managed as a community land but will form part of the road reserve. Accordingly, it is appropriate that it be classified as “operational land”.

The Certificate of Title was issued on 13 June 2018. The Council must make an “operational land” classification within 3 months of the title issue otherwise the classification will default to a “community” land classification. The report therefore is submitted to this meeting to achieve this timeframe.

5.8 Classification of Land -Weathstone Circuit, Googong (Ref: C18110208; Author: Neil/Warne) (Continued)

Implications***Legal/Policy***

Section 31(2) of the *Local Government Act* states that “before a Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land.”

Asset

The above land will be recognised in the Council’s asset management data base.

Conclusion

It is now appropriate that the land be classified in accordance with the *Local Government Act 1993*.

Attachments

Nil

**6.1 Land-Use Planning Projects / Activities - Status Report (Ref: C18109810);
Author: Thompson/Carswell**

Report

This report focuses mainly on the current status of land-use planning projects of the Branch. Prior to this report a series of status reports for various land-use (strategic) planning projects and activities have been considered at a number of Council meetings with the last one being considered at the Planning and Strategy Meeting of 9 May 2018 (Minute No. PLA052/18).

Queanbeyan-Palerang Regional Council Comprehensive Local Environmental Plan

As confirmed by Council at its meeting of 28 February 2018 this is a priority project for the Branch (Minute No. 057/18).

Following this resolution a Council report was prepared for Council's meeting of 23 May in relation to five applications on rezoning eligibility requests. As a result of submissions at the meeting a decision on these was deferred and further submissions invited. A number of further submissions were received and assessed and meetings held with applicants and these were reported to Council's meeting of 25 July (Minute No. 246/18).

Other work on this project since last reported includes the updating of an issues paper, the preparation of a draft planning proposal and the holding of a fourth Councillor workshop on 29 August.

At this time six reports have been prepared and considered by Council. These include a report recommending progression of the project (8 November 2017), a report on rezoning eligibility requests (13 December 2017), a report on the review of E4 zoning – Bywong and Wamboin (13 December 2017) and a report in regard to requests for spot rezonings (28 February 2018 and two reports on rezoning/ dwelling eligibility requests (23 May and 25 July).

Two further reports on matters relevant to progressing the comprehensive local environmental plan are also included elsewhere in this Business Paper.

This includes one on progressing the LEP itself and one on a further five dwelling eligibility applications

Staff also have had a preliminary discussion with NSW Department and Planning e-planning staff regarding the draft local environmental plan mapping. As a result there is the opportunity to prepare only on-line maps and to not have pdfs. If on-line mapping is the only means of showing local environmental plan data for example landuse zoning and heritage items this would save considerable staff time. The next stage is for the Department to confirm this approach and for Council staff to consider the technical requirements of it.

Other Planning Proposals and Associated Work

1. South Jerrabomberra Planning Proposal (LEP)

The purpose of this project is to rezone the balance of South Jerrabomberra to specific zones including residential, recreational and environmental uses.

A fresh planning proposal as well as a report seeking a fresh Gateway determination for this project was prepared and considered by Council at its Planning and Strategy meeting of 8 August (Item 4.6). As a result Council resolved (PLA090/18):

That Council:

1. *Forward the draft planning proposal to the NSW Department of Planning and Environment seeking a Gateway determination,*
2. *Authorise staff to publicly exhibit the draft planning proposal, and*
3. *Take all other necessary actions to progress the draft planning proposal.*

Since this time the revised planning proposal has been forwarded to the Department of Planning and Environment with a request for a fresh Gateway determination. The Gateway determination has recently been received.

2. West Jerrabomberra (North Tralee) Planning Proposal (LEP)

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

The necessary documentation was forwarded to NSW Planning and Environment. Subsequently a Gateway determination was made subject to the following changes being made to the planning proposal prior to community consultation:

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

A Gateway determination was issued by the Department on 10 May 2017 and further work was necessary on the heritage and contamination issues outlined above as well as on the LEP maps. This has involved commissioning appropriate consultants and the further work is largely completed.

Also North Tralee has been identified as the site for a Regional Sports Facility and Council considered a report on this at its meeting of 22 August (Item No. 12.2).

In addition a site on the Poplars has been identified as a possible school or expanded school site.

An updated planning proposal has been prepared as a result and this will be submitted to the Department of Planning and Environment for an amended Gateway determination.

3. Jumping Creek Planning Proposal (LEP) - Greenleigh

The original purpose of this planning proposal was to rezone the two deferred areas of Jumping Creek to enable residential development on them with the majority of the site being rezoned as part of *Queanbeyan Local Environmental Plan 2012*. However, after consultation with the Rural Fire Service (RFS) and the applicants, it became apparent that the egress and ingress requirements couldn't be practically and feasibly provided. As a result and after a number of meetings it was decided to amend this planning proposal so that the previous proposal to zone the deferred areas as residential would no longer be pursued. These deferred areas will now be zoned for environmental or recreational purposes.

This was reported to the Planning and Strategy meeting of 14 February 2018 where it was resolved (PLA 007/18) to amend the planning proposal and seek a revised Gateway determination. The Gateway determination was subsequently issued and the revised planning proposal was exhibited during May to June. The results of community consultation were reported to the Planning and Strategy meeting of 8 August and as result Council resolved (PLA089/18):

That Council:

- 1. Note the outcomes of the recent public exhibition of the planning proposal for Jumping Creek, and*
- 2. Make the draft plan as exhibited.*

Work is currently being done in order to submit this planning proposal to the Department of Planning and Environment for notification (finalisation).

4. Planning Proposal for 239 Old Cooma Road - Karabar

This project has been in train for a number of years and has included a change in ownership. Since last reporting this project has been in abeyance awaiting further action from the applicants.

5. Planning Proposal for Proposed Memorial Park - Googong

At its Planning and Strategy meeting of 9 May Council resolved (PLA052/18):

- 1. The report be received for information.*
- 2. Council submit an amended plan proposal to the NSW Minister of Planning in relation to Lot 2 DP112382 and Lot 126 DP754881, removing the crematorium as a proposed additional use in Schedule 1.*

An amendment to the Gateway determination was subsequently sought and issued on 5 June 2018.

The required background studies have been undertaken and are close to completion. A Councillor workshop on this project has been organised for 19 September.

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

This planning proposal seeks to amend *the Palerang Local Environmental Plan 2014* to allow approximately 760 low and medium density residential lots, a high school, community hub, open space and active recreation areas. At the December 2015 meeting of the former Council it was resolved to forward the planning proposal to the Minister of Planning for a Gateway determination. The planning proposal was forwarded to the Department of Planning and Environment.

The Department of Planning and Environment would not issue a Gateway determination requiring the resolution of two outstanding matters before proceeding to Gateway. These issues were:

- Certainty over the ability to supply water to the new subdivision.
- Completion of the review of the Bungendore Structure Plan.

Since last reporting a meeting was held in November 2017 with the Department of Planning and Environment and the proponents and an amended letter issued setting out the Department's position which has not materially altered from the above.

The major considerations in both the Bungendore East proposal and the following North Bungendore proposal remains the requirement for additional potable water. To expand beyond the existing town boundaries, Council and state government agencies will need to be satisfied that additional groundwater is available within the system. Progress on finding suitable water sources is covered in the IWCM section of this report.

The applicant has also made a submission which addressed one of the relevant Ministerial Directions and this has been responded to.

7. North Bungendore (Part Lot 1 DP 798111) Planning Proposal

This proposal would potentially allow the creation of approximately 300 residential lots on the northern edge of Bungendore (adjacent to Tarago Road in the area known as Elmslea). A Gateway determination was issued by the Minister for Planning's delegate on 27 April 2015 and this requires consultation with 13 government agencies, community consultation and numerous studies (identified in the planning proposal) to be undertaken.

A consultant planner was engaged by Council (at the expense of the developer) to prepare the briefs for the studies, manage the consultants, prepare a report (amended planning proposal) which will collate the studies and make recommendations and to assist with the community and government agency consultation. The following studies have been completed:

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

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

These have been submitted to the relevant government agencies and Council has received written responses from them on the above reports and planning proposal. A report on these will be prepared by staff.

This site is also constrained by its proximity to the former Bungendore Landfill. Council has finalised a closure plan and risk assessment for gas generation and migration from the landfill. To progress the planning proposal, a conservative buffer of 500m around the landfill has been applied and all land within the buffer has been excluded from the planning proposal.

However, finalising this project will not occur until an additional water allocation for Bungendore is available.

The applicant and his consultant has recently been briefed on the current situation.

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

This Planning Proposal seeks to amend Schedule 1 to allow a subdivision application for Lot 3 DP 1074706 into six residential lots varying in lot size from 4-8 hectares and one residual lot which will include an existing tourist/convention centre. The lot is zoned E4 Environmental Living. The Planning Proposal was referred to government agencies for comment and has received a Gateway determination. A revised bushfire, flora and fauna and Aboriginal cultural report are required.

The reports have been finalised and discussed with the proponents' consultant.

Once a revised planning proposal has been prepared, a report for Council will be tabled with a view to forwarding the revised planning proposal to the government agencies for comment.

9. Expanding Exempt and Complying Development in E4, RU5 and RU1 zones

It is now considered that this planning proposal is not necessary. Given this, a report for Council will be prepared recommending that the planning proposal not be progressed.

10. Lot 3 DP 1195030 (now part Lot 47 DP1229434), rezoning from IN2 Light Industrial to R2 Low Density Residential - Bungendore

A planning proposal for the rezoning of part Lot 47 DP 1229434 (formerly Lot 3 DP 11930) in Majara Street, Bungendore from IN2 Light Industrial to R2 Low Density Residential was supported by Council at its meeting on 25 January 2017.

At the meeting of Council on 28 February 2018, Council resolved to progress the Planning Proposal to gazettal. The draft local environmental plan was notified (gazetted) on 22 June. This project has now been completed.

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

Council received a planning proposal from the former owner of 7 Turallo Terrace, Bungendore requesting that the original dwelling be listed as a local item in the environmental heritage schedule of the *Palerang Local Environmental Plan 2014*.

At its meeting of 22 November 2017 Council resolved to list the cottage as a local heritage item.

The draft local environmental plan was notified (gazetted) on 1 June. This project has now been completed.

12. *Abbeyfield Planning Proposal - Bungendore*

This planning proposal was last reported to Council's Planning and Strategy meeting of 11 July (Item No. 4.1) following community consultation held during May and June. As a result Council resolved (PLA077/18):

That Council take the necessary actions to finalise the planning proposal as exhibited which will result in a draft plan to amend Schedule 1 (Additional Permitted Uses) of Palerang Local Environmental Plan 2014, to allow for seniors housing as a permissible use with consent at 4-6 Majara Street Bungendore (Lots 13 & 14 DP 1139067).

The necessary material was subsequently prepared and submitted and the draft local environmental plan was notified (gazetted) on 10 August. This project has now been completed.

13. *Securing Additional Water for Council's Reticulated Water Scheme in Bungendore and the Integrated Water Cycle Management Strategy (IWCM)*

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

Options have been considered at an Integrated Water Cycle Management Strategy (IWCM) Project Reference Group meeting held in August 2018.

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

The former Palerang Council was one of the first local water utilities in the state to embark on this IWCM process. The Project Reference Group includes community members, government agency and Council staff.

The Project Reference Group fulfil the following roles:

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

It is anticipated that a report on the Palerang IWCM will be tabled at the October 2018 Ordinary Council meeting.

Until the options for water supply have been considered and a preferred option adopted new urban release areas at Bungendore will not progress.

Future Planning Proposals

1. Amendment of clause 4.6 of the Palerang LEP

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

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

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

2. Amendment of Schedule 5 Environmental Heritage – Palerang LEP

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

3. Terrestrial Biodiversity and Landscape maps and associated text – Palerang LEP

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

Additionally, as the current terrestrial biodiversity map contains karst areas these will be removed and included in the landscape map. A clause will be inserted in to the comprehensive local environmental plan requiring the consideration of karst areas.

4. Animal boarding or training establishments – Palerang LEP

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

5. Capital Country Holiday Village – Palerang LEP

Staff continue to work with the business Capital Country Holiday Village to address the permissibility of some aspects of that development. Recent action includes inspections by staff to ascertain and record what is currently on site.

6. Review of land zoned E4 Environmental Living in the localities of Bywong and Wamboin

As resolved at the meeting of Council on 13 December 2017, the E4 Environmental Living landuse zoning of the majority of the localities of Bywong and Wamboin will be reviewed. The Department of Planning has subsequently advised that further studies would be required before considering any proposal to rezone E4 land. A consultant brief has been prepared and invitations to quote have been sent to selected consultants. A report recommending a consultant(s) will be prepared for Council.

Development Control Plans

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

As the Palerang DCP has been in effect for over two years it is necessary to review some of its provisions and correct typographical errors. The provisions requiring review include laneways and sheds in the land use zones outside of the towns and villages. Staff have commenced this review.

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

Also as part of this process consideration will have to be given to the Braidwood CBD & Ryrie Park design principles as resolved by Council (Minute No. 188/18 – Point 2 of Item 12.4) at Council's meeting of 27 June.

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

2. Amendment of Queanbeyan Development Control Plan 2012

A further amendment of the Queanbeyan Development Control Plan 2012 has commenced with a draft development control plan (DCP) being produced and this was reported to Council's Planning and Strategy meeting of 8 August 2018. As a result Council resolved (PLA091/18):

That Council publicly exhibit the proposed amendments to the Queanbeyan Development Control Plan 2012.

The amended DCP is currently on exhibition.

3. Googong Development Control Plan 2018

Proposed changes to a number of provisions to the DCP have involved staff in a number of meetings and site inspections. However, at this stage these are still under consideration.

Development Contributions Plans and Planning Agreements

1. South Tralee Essential Infrastructure Agreement

As previously reported Council, in May 2017 an amended draft Local Planning Agreement (LPA) was received but it only included contributions for water and sewer, whereas the previous version covered a wide range of contribution types.

This latest LPA has been the subject of legal advice, internal meetings as well as meetings with Village Building Company and was exhibited for community comment.

Following the exhibition period Council considered the matter further at its meeting of 26 April 2018 (Item No. 12.2) where Council resolved to execute the agreement. This has since been done by both parties. This project is now completed.

2. Googong Local Planning Agreement Review

Provisions of this local planning agreement need to be upgraded. Since October 2017 discussions have been ongoing and staff have met with representatives of GTPL to discuss variations to the local planning agreement and have discussed these internally. These were considered at a Council workshop on 5 September.

3. South Jerrabomberra Draft Local Planning Agreement 2018

Discussions have recently commenced between Council and the developers of the Poplars and South Tralee with the view to negotiating a Local Planning Agreement. These are at a very preliminary stage though some of the issues that it might cover include contributions towards the intersection of Tompsitt Drive and the Northern Entry Road (NER) and contributions towards the cost of the NER. Should these progress they will be included in a future report to Council.

4. Pooling Local Road Infrastructure Contributions

At its Planning and Strategy Meeting of 13 June (Item No. 5.1) Council received a report on a multipart body of work involving local infrastructure contributions. As a result Council resolved (PLA066/18):

- 1. Receive and note the report on consolidating and pooling local infrastructure contributions.*
- 2. Agree in principle to the pooling of road and associated works developer contributions into a 'local infrastructure contributions plan' subject to initial community consultation being undertaken and the results being reported back to Council.*

Preliminary action has been undertaken on this.

Review of Bungendore Structure Plan

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

As this work is reliant on a significant amount of in-house knowledge and data, the work is being undertaken by Council staff. An early draft of the structure plan technical report was completed and discussed at a former Palerang Council workshop in November 2015. The project has been progressed through two Councillor workshops on the technical report and following feedback from Councillors a third workshop will be held on 5 September 2018.

Once a final draft of the structure plan has been completed, it will be exhibited. Funds for this work have been allocated in the 2018/19 financial year budget. Work will include an analysis of stormwater in the southern area of Bungendore, the consideration of commercial and industrial opportunities and the development of a recreation plan to include pedestrian/bike paths, playing fields and a swimming pool. Recent decisions of Council to explore sites for the proposed bypass and ambulance station will also be considered.

Other actions include background research into economic, heritage and other matters and the development of a draft Structure Plan discussion paper which is well underway.

Community Plans of Management under the NSW Local Government Act 1993

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

Moreover this area of work is likely to increase with the commencement of the *Crown Land Management Act 2016* which commenced in June and which provides the opportunity for Council to take sole responsibility for certain types of Crown lands. This is reported on separately in this Business paper.

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

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

A draft management plan for the Captains Flat cemetery is being completed and it is anticipated that it would be exhibited in late 2018. The cemetery contains both marked and unmarked graves. However, there have not been any burials for at least ten years. The vegetation in the cemetery is predominantly native including two listed species within the cemetery area, *Prasophyllum petilum* (Tarengo Leek Orchid), which is classified as endangered under both NSW and Commonwealth legislation. The second listed species is *Eucalyptus aggregate* (Black Gum) which is listed as vulnerable under NSW legislation. The cemetery is listed as a heritage item under the *Palerang Local Environmental Plan 2014*.

Reclassification of Council Land

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

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

Maintenance of the Heritage database

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

In the case of the *Queanbeyan Local Environmental Plan 2012* the database is updated periodically as new information comes in. The database for the eastern part (former Palerang) of the local government area requires substantial updating. This will be undertaken following the completion of the Bungendore heritage review project and the preparation of the comprehensive local environmental plan.

Special Heritage Fund

This is a special heritage grant fund that applies to “public type buildings” which are listed as heritage items in the LGA’s local environmental plans.

This was last reported on to Council’s Planning and Strategy meeting of 13 June (Item No. 5.2) in relation to two applications.

Applications for the 2018-2019 grants under this fund have recently been advertised and staff are currently assessing these. Once this has been done a further report to Council will be submitted.

Local Places Heritage Grants

Applications are called for local places heritage grants annually and like special heritage grants involve preparing and exhibiting notices inviting applications, assessing these, reporting to Council with recommendations on funding as well as advising successful applicants and monitoring the work.

This was last reported on to Council’s Meeting of 23 May (Item No. 12.2) also in relation to two applications.

Applications for 2018-2019 grants under this fund are currently being advertised and once applications are received staff will assess them and report back to Council.

Heritage Advisors

The Branch continues to manage two heritage advisors one for the western part of the LGA and one for the eastern part including the State listed Braidwood. An information report on the two Heritage Advisors’ annual reports and reappointment was considered at Council’s meeting of 27 June 2017 (Item No. 13.1). These positions are to be reviewed over the next 12 months (Minute No. 229/18).

Administration of Committees

The Branch provides administrative support to two committees – the Queanbeyan Palerang Heritage Advisory Committee and the Braidwood and Curtilage Heritage Advisory Committee.

Regular meetings of the committees are taking place. This requires the preparation of Agendas and Minutes and these are also reported regularly to Council.

Bungendore Heritage Review

The review is the first for thirty years in Bungendore and the draft is almost complete. It is anticipated that it will be exhibited in mid to late 2018. A councillor workshop will be held on 3 October 2018 to discuss the draft.

Braidwood Archaeological Study

A modified project brief has been prepared in consultation with the Office of Environment and Heritage and this project has been let out and started. Actions include the consultants visiting Braidwood on 8 and 9 August to talk with community members and staff. The next stage is the preparation of a draft report and draft Geographical Information Systems layer.

Participation in Regional Land Use Forums

Attendance at these by staff is ongoing. Currently the branch regularly attends meetings of the ACT Commercial Advisory Committee, the ACT Residential Advisory Committee and the Canberra Airport Community Consultative Group as well as the group which inputs into the Regional Plan.

Since last reporting staff have attended meetings of these forums/groups or have met their representatives.

Input into Other Portfolio/Branches Projects

At the current time the Branch provides support and assistance (along with other Portfolios of Council) for the Queanbeyan Excellence Awards. These have been running for many years and are now run by Southern Region and Canberra BEC.

Input has also been provided in relation to a number of community land sites where particular groups have expressed an interest in acquiring the land.

Submissions on Discussion Papers

A report was considered by Council at its 23 May meeting (Item No. 13.1) which proposed a submission on the draft Discussion Paper on Planning for Retail. This was done and Council has recently been notified that a number of the changes proposed in the discussion paper relating to the definitions of various retail activities in the Standard Local Environmental Plan template took effect on 31 August 2018.

Other Work

Following meetings and a review of materials submitted in relation to the redevelopment of the Queanbeyan Police Station, an information report was made to Council's Planning and Strategy meeting of 13 June (Item No. 7.1).

Recommendation

That the report be received for information.

Attachments

Nil

6.2 Six monthly Operational Plan update (Ref: C18115594; Author: Tegart/Tozer)

Summary

In usual reporting cycles, Council is required to report every six months on its progress against the Delivery Program. Due to the amalgamation, QPRC did not have a Delivery Program commencing in 2017 and is operating in the unique state of having a standalone Operational Plan.

A report was presented to Council in February covering the first six months of the 2017-18 financial year. This report captures actions undertaken between January and June 2018. Information contained in this report will be replicated in the 17-18 Annual Report.

Progress reports against the 2018-21 Delivery Program adopted with the elected council will commence after the December 2018 period.

Recommendation

That Council note the six monthly Operational Plan update.

Background

Council's Operational Plan was adopted in June 2017 and contains the actions and services that Council would undertake during the financial year.

Due to the implementation of the transition organisational structure, many areas of Council were still forming at the time of adoption. Therefore reporting is largely focused on capital and operational projects contained in the Operational Plan. The adopted Operational Plan included two service performance indicators per service. Where appropriate, staff have reported against these measures with some comments. Those measures that staff weren't able to obtain data have not been included.

Council has purchased a licence for the CAMMS performance reporting software which should enable full reporting capabilities following the adoption of the Delivery Program 2018-21.

The attached report will be customised over the coming months to include more relevant information, including financials. The current report includes information on the status of the action, including percentage complete and a comment from the relevant Service Manager.

Conclusion

The six-monthly update on the Operational Plan provides Council and the community with a snapshot of progress as at 30 June 2018

Attachments

Attachment 1 Delivery Program Report - January-June 2018 (*Under Separate Cover*)

6.3 Transfer of Crown Land to Local Government (Ref: C18108827); Author: Thompson/Kurzyniec

Report

The new *Crown Land Management Act 2016 (CLM Act)* commenced on 1 July 2018. As a consequence, approximately 100 lots of Crown land within the Queanbeyan-Palerang area, totalling 777ha, have been identified for potential changes to their management by Council. This Crown land is defined as either currently devolved to Council for management or Council has been appointed to become the Crown land manager.

No Crown roads are to be transferred to Council.

Council must review this land for two primary outcomes:

1. The identification of land suitable for transfer of ownership to Council under the Land Negotiation Program; and
2. The development of Plans of Management for community land (PoMs)

Land Negotiation Program (LNP)

The transfer of identified Crown land to local government is to be managed under the Land Negotiation Program (LNP). This program provides that all transfers of Crown land to local government will be voluntary and there will be no forced transfers. While Council already has the care and control of many of the Crown land parcels on the transfer list, Council will need to consider the liabilities associated with managing the land before agreeing to any transfers.

However, some lands may also provide opportunities for further community or commercial uses, subject to appropriate feasibilities and assessments.

Crown land that is identified as 'State land', that is land that is of significance to all peoples of NSW, will not be available for transfer under this program.

The negotiation process will run in partnership with councils and Aboriginal Land Councils.

Plans of Management (PoMs)

The majority of Council-managed Crown land will need to be classified as 'community land' and be included in appropriate PoMs under the *Local Government Act 1993 (LG Act 1993)*. Councils will require written Ministerial consent to classify any Crown land as 'operational'.

In order to make implementation as straight forward as possible:

- Councils will be granted a 3 year period from the Act's commencement to determine the most appropriate PoMs for new Crown land to be managed.
- Council can amend existing PoMs to apply to new Crown land where this is appropriate given the use of Crown land.
- Where new PoMs are required, Council will be able to follow a simplified process (for example, Council will not be required to hold public hearings for the first PoMs).
- Financial assistance, administered by the Office of Local Government (OLG), will be available to help with the costs of preparing PoMs.

The first step is to review all of the Crown land and ensure that it is appropriate to be managed by Council as Community Land. As soon as practicable, Council must then assign one or more initial categories that most closely relate to the purposes for which the land is dedicated or reserved and notify the Minister. These categories are Natural Area, Sportsground, Park, Area of Cultural Significance or General Community Use (as per section 36 of the *Local Government Act 1993*). The Department will then review the proposed categorisation and either acknowledge them or direct an alternative categorisation.

Native Title

The new legislation requires that Council engages or trains a Native Title Manager who will be responsible for providing advice on certain dealings for land that may be affected by Native Title. Council currently has two staff members who have undergone training and it is intended to train further staff if further training is offered. The CRJO may also contemplate engaging NT expertise to share amongst the member councils.

Current Position

Council staff have begun the process of assessing the classification, categories and purpose for each parcel of Crown land identified for transfer to Queanbeyan-Palerang Regional Council. Council will also need to consider Crown land lots which it does not want to be transferred.

The following Council teams are involved in the process:

- Land-Use Planning.
- Natural Landscapes and Health.
- Urban Landscapes.
- Legal/Infrastructure Teams.

Once this review has been completed, Council will provide advice to the Minister for Lands and Forestry in respect of the proposed categorisation of the transferred Crown land.

Each lot is also being assessed for the potential benefit of the ownership being transferred to Council.

Future Work

A number of future actions are proposed. These include:

- Identifying strategically sited parcels and investigating if some parcels may be capable of developed uses e.g. caravan park.
- Investigating resources to assist the transfer processes and the preparation of PoMs, as well as any subsequent business cases/funding to assist the development of suitable lands.
- Determining whether there are any allotments of Crown land that Council has or wishes to have control over which have not been included on the transfer list.

When the above preliminary work has been prepared a further report will come before Council recommending which Crown land properties should be accepted by Council and the consequences of doing so.

Recommendation

That the report be received for information.

Attachments

Nil

7.1 Minutes of Environment and Sustainability Advisory Committee (Ref: C18119143; Author: Thompson/Abbott)

Summary:

The QPRC Environment and Sustainability Advisory Committee has submitted minutes for the meeting held on Wednesday 1 August 2018 in Committee Room for Councilors' information.

Recommendation

That Council:

- 1. Note the minutes of Environment and Sustainability Advisory Committee held on 1 August 2018.**
- 2. Consider recommendations (QPRC ESAC 07/18) to (QPRC ESAC 09/18) from the meeting held on 1 August 2018.**

(QPRC ESAC 07/18) That Council:

- Continue to provide practical support for National Tree Day activities in communities across the local government area each year.**
- Work with the local environment and other groups to coordinate and plan National Tree Day activities.**
- Identify sources to top up Council funds to provide practical support for National Tree Day in the local government area.**

(QPRC ESAC 08/18) That Council:

- Request a staff report by 30 November 2018 on the viability and cost to establish tool libraries.**
- Seek community views on the type of items to include in its tool libraries**
- Identify potential funding sources, both within Council and external to fund tool libraries.**

(QPRC ESAC 09/18) That Council:

- Support a 12-months trial of repair cafes for QPRC communities.**
 - 2 events in each of 3 centres.**
- Seek expressions of interest from community groups interested in organising repair cafes in Queanbeyan, Bungendore and Braidwood in 2019.**
- Forward the concept to the Waste Working Group for consideration as part of the new QPRC waste management strategy.**

Attachments

Attachment 1 Minutes of the Environment and Sustainability Advisory Committee (ESAC) 1 August 2018 *(Under Separate Cover)*

8 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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

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 9.1 Selection of Community Representatives on the Environment and Sustainability Advisory Committee

Item 9.1 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.