



Planning and Strategy Committee of the Whole

AGENDA

14 November 2018

Commencing at 5.30pm

**Council Chambers
253 Crawford St, Queanbeyan**

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

4.00pm – 151 Crawford Street (Item 5.3)

4.30pm – Councillor Briefing – Council Chambers

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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Open Attachments

- Item 5.1 Development Application 177-2018 - Extension to Function Centre (Tourist Hotel) – 31 Monaro Street, Queanbeyan
- Attachment 1 Section 4.15 Table - Matters for Consideration - DA 177-2018 (Under Separate Cover)*
 - Attachment 2 Architectural Plans - 31 Monaro Street - DA 177-2018 (Under Separate Cover)*
 - Attachment 3 Draft Conditions of Consent - 31 Monaro Street Queanbeyan - DA 177-2018 (Under Separate Cover)*
- Item 5.2 Development Application 364-2018 - Gymnasium - 201 Gorman Drive, Googong
- Attachment 1 DA 364-2018 - Gymnasium - Section 4.15(1) Table - Matters for Consideration (Under Separate Cover)*
 - Attachment 2 DA 384-2018 - Gymnasium - Architectural Plans - 201 Gorman Drive (Under Separate Cover)*
 - Attachment 3 DA 364-2018 - Gymnasium - Draft Conditions of Consent (Under Separate Cover)*
- Item 5.3 Development Application 397-2018 - Demolition of Existing Dwelling and Garage – 151 Crawford Street, Queanbeyan
- Attachment 1 DA 397-2018 - Demolition of Dwelling - 151 Crawford Street - Section 4.15 Table Matters for Consideration (Under Separate Cover)*
 - Attachment 2 DA 397-2018 - Demolition of Dwelling - 151 Crawford Street - Submission from Applicant with Background Information and Support for Demolition (Under Separate Cover)*
 - Attachment 3 DA 397-2018 - Demolition of Dwelling - 151 Crawford Street - Plan (Under Separate Cover)*
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- Item 5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project
- Attachment 1 Ellerton Drive Extension Project - Addendum REF - September 2018 (Under Separate Cover)*
 - Attachment 2 Ellerton Drive Extension Project - Submissions Report - October 2018 (Under Separate Cover)*
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- Item 5.8 Report on the Management of Abandoned Shopping Trolleys
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 - Attachment 3 Woolworths submission to Queanbeyan-Palerang Regional Council 19 October 2018 (Under Separate Cover)*
 - Attachment 4 Draft Shopping Trolley and Litter Management Policy (Under Separate Cover)*

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

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- Item 6.1 Regional Economic Development Strategy
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- Item 8.1 Braidwood and Curtilage Heritage Advisory Committee Meeting of 13 September 2018
Attachment 1 Braidwood and Curtilage Heritage Advisory Committee Minutes for meeting of 13 September 2018 (Under Separate Cover)
- Item 8.2 Minutes of the QPRC Heritage Advisory Committee Meeting of 20 September 2018
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- Item 8.3 Minutes of the QPRC Heritage Advisory Committee Meeting held on 18 October 2018
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- Item 8.4 Minutes to the Environment and Sustainability Advisory Committee 3 October 2018
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- Item 5.5 Googong Urban Development Local Planning Agreement Review
Attachment 1 Proposed Changes to Googong Urban Development Local Planning Agreement (Under Separate Cover)
Attachment 2 Proposal from Googong Township Pty Ltd (Under Separate Cover)
- Item 5.6 Applicability of Developer Contributions Charges - Water and Sewer - Googong Neighbourhood Centre
Attachment 1 Legal Advice Summary - Googong DSP Charges (Under Separate Cover)
- Item 5.8 Report on the Management of Abandoned Shopping Trolleys
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- Item 9.1 Construction Tender - Contract 2019-02 - Old Cooma Road Duplication Stage 2
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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 177-2018 - Extension to Function Centre (Tourist Hotel) - 31 Monaro Street, Queanbeyan (Ref: C18142928; 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 that variation would have a significant environmental impact.

Proposal:	Alterations and Additions to the Function Centre & Café.
Applicant/Owner:	Stephen Bartlett/Benmarl Pty Limited.
Subject Property:	Lot 10 DP 530627, No. 31 Monaro Street, Queanbeyan
Zoning and Permissibility:	B3 Commercial Core under the <i>Queanbeyan Local Environmental Plan 2012</i> . A commercial premises/function centre is permitted with consent in the B3 zone.
Public Submissions:	Nil.
Issues Discussed:	Variation to Car Parking Requirements under Council's DCP 2012.
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

That Development Application 177-2018 for Alterations and Additions to the Function Centre/Café at the rear of the Tourist Hotel on Lot 10 DP 530627, No.31 Monaro Street be granted conditional approval, including a condition that a parking contribution be required in lieu of 24 car parking spaces being unable to be provided on site.

Background

Proposed Development

The proposal is for alterations and additions to the Function Centre/Café that was approved as a part of a previous development application (DA 14-2017) at the Tourist Hotel at 31 Monaro Street in the Queanbeyan Central Business District. Specifically, the proposal includes:

- Extension to the approved function centre/café at the rear of the lot,
- A proposed link between the extension and the existing Tourist Hotel building; and
- Removal of the existing car parking on site and reduction to two car spaces on site.

5.1 Development Application 177-2018 - Extension to Function Centre (Tourist Hotel) - 31 Monaro Street, Queanbeyan (Ref: C18142928; Author: Thompson/Glouftsis) (Continued)

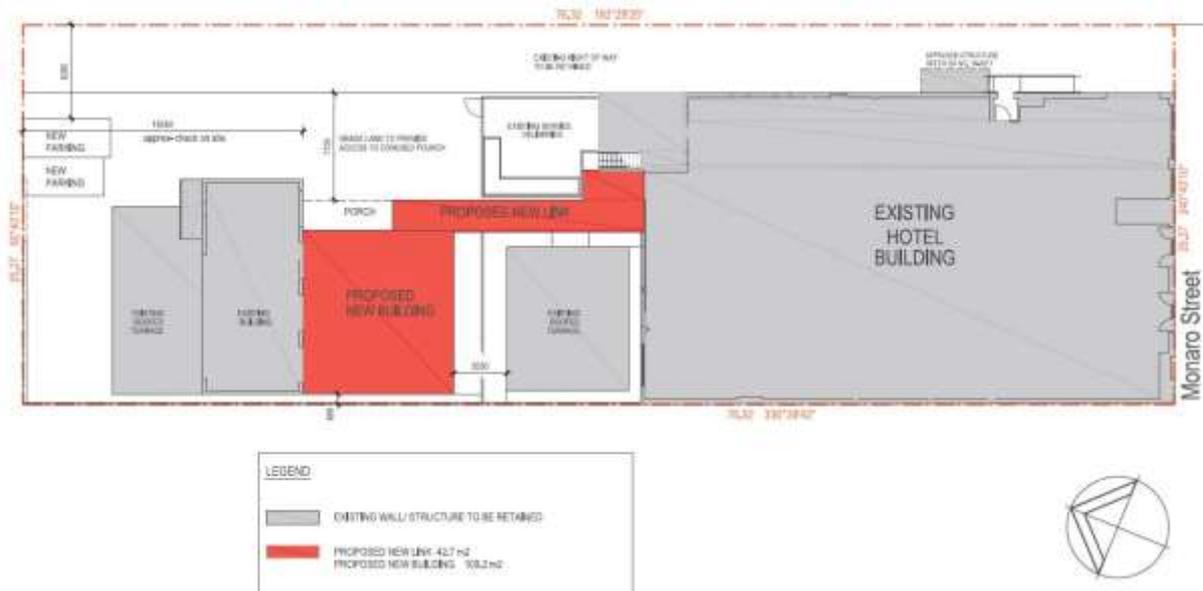


Figure 1: Site Plan (Source: dezignteam architectural projects)

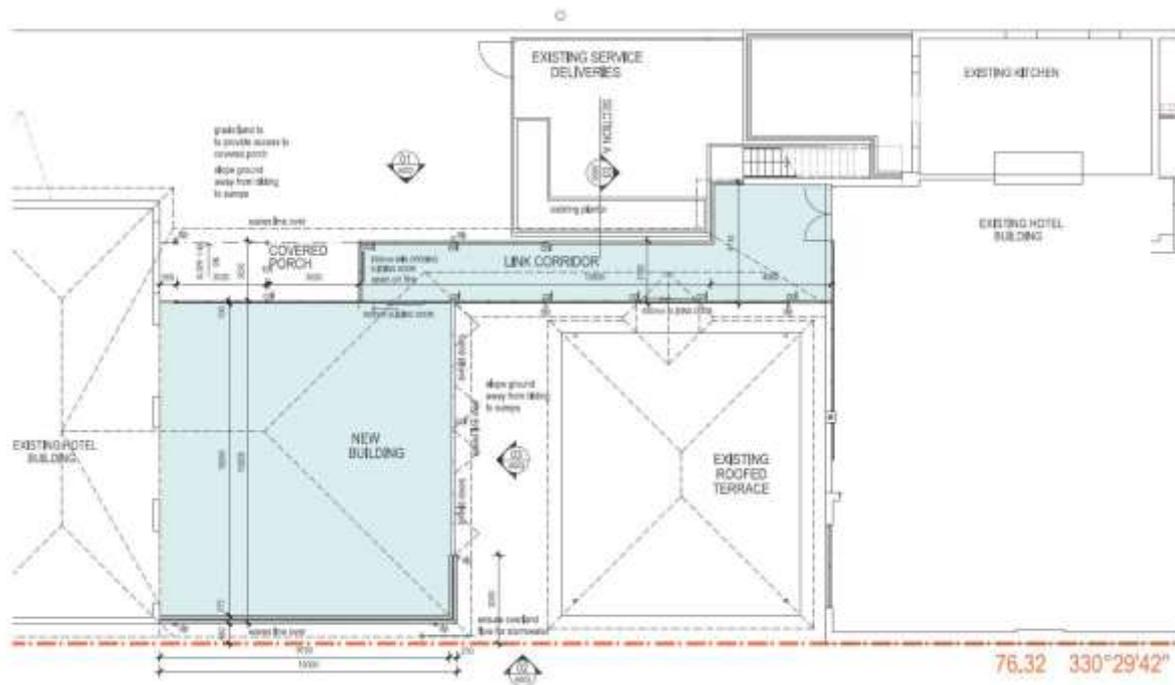


Figure 2: Proposed Additions (Source: dezignteam architectural projects)

5.1 Development Application 177-2018 - Extension to Function Centre (Tourist Hotel) - 31 Monaro Street, Queanbeyan (Ref: C18142928; Author: Thompson/Glouftsis) (Continued)

Subject Property

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

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



Figure 3: Site Locality Plan (Imagery: 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*.

5.1 Development Application 177-2018 - Extension to Function Centre (Tourist Hotel) - 31 Monaro Street, Queanbeyan (Ref: C18142928; Author: Thompson/Glouftsis) (Continued)

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. Queanbeyan Local Environmental Plan 2012 (LEP).
4. Queanbeyan Development Control Plan 2012 (DCP)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issue relating to the proposal for Council's consideration is the substantial variation to the car parking requirement within the Queanbeyan Development Control Plan 2012 (QDCP 2012).

(a) Compliance with LEP

The proposed development is consistent with the requirements of the *Queanbeyan Local Environmental Plan 2012*. For an assessment of the *Queanbeyan Local Environmental Plan 2012* see the attached Section 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 proposed development requires an additional 24 car parking spaces. The application proposes a major variation to the controls within Part 2 of the QDCP 2012 requesting that the requirement for any additional car parking be waived. The variation has been supported in the past for similar sites located within the Queanbeyan Central Business District.

The proposed variation is specifically to Part 2 clause 2.2.6 of the Queanbeyan Development Control Plan 2012 to allow the requirements of vehicle parking for the site to be waived. Section 2.2.4 Variations and Compliance, states that requests for variation must be supported by information and data to substantiate that an alternative standard is appropriate. This information should take the form of a Traffic Impact Statement and/or parking needs survey carried out by a suitably qualified consultant.

The applicant has submitted a traffic and parking impact statement for the proposal to support the variation. The applicant's justification is provided below followed by a review of traffic and parking and access from the Development Engineering Team. The variation and engineering comments are then considered by the assessing officer.

5.1 Development Application 177-2018 - Extension to Function Centre (Tourist Hotel) - 31 Monaro Street, Queanbeyan (Ref: C18142928; Author: Thompson/Glouftsis) (Continued)

Applicant's Justification

The applicant has provided a number of reasons to justify the variation. A summary of these is provided below:

- Operating hours of the premises are in line with the previous development application approval (DA 14-2017) for the café/function centre,
- The function centre component of the development is outside of business hours when more public car parking will be available.

Development Engineer's Comments***Traffic and Parking***

The site currently provides 6 car parking spaces at the rear of the Hotel, which is accessed via the Morisset Street Car Park and includes one disabled parking space. The proposal seeks to remove these spaces, with two new spaces proposed on the rear boundary of the allotment, including a disabled space.

As the proposed car parking spaces are located on the rear boundary, it is assumed they will require a revised vehicle crossing for access to be constructed and that the spaces will be accessed by vehicles in a forward in, reverse out direction (or vice versa) which is not supported.

The extension of the driveway crossover to cater for the parking would remove kerb side parking from the adjacent Morisset Street Car Park, which again is not supported.

The disabled parking space does not have the required geometric width to comply with relevant standards for a disabled parking space, thus the proposed car parking on the rear boundary is non-compliant on a number of matters and is not supported.

The site has been subject to a number of development applications in recent times which have required additional car parking spaces to be provided and have also been conditioned for contribution charges. The requirement to contribute to CBD parking was ultimately waived in the most recent development approval (DA 14-2017) which requested parking contributions for a deficit of 30 parking spaces on the site for the culmination of these recent developments.

The current development proposal seeks to extend the café/function area which was previously approved by Council by a further 109m² and increase the licensed area to virtually cover the entire lot. Clause 7.3.3 of the QDCP 2012 is not applicable as the development increases the floor area of the development. Therefore the new building attached to the function centre/café requires a total of 15 car parking spaces per 100m², or 16 parking spaces. The increase in licensed area also attracts an additional parking requirement, which within the CBD is 1 space per 60m², applied to approx. 92m² of increased area (this excludes service area to be maintained which should be excluded from the liquor license extension), requiring an additional 2 parking spaces.

This brings the total number of spaces required by the development to 18 and if the loss of 6 spaces is added (based on the two proposed spaces being non-compliant and omitted), the development has a shortfall of 24 parking spaces.

5.1 Development Application 177-2018 - Extension to Function Centre (Tourist Hotel) - 31 Monaro Street, Queanbeyan (Ref: C18142928; Author: Thompson/Glouftsis) (Continued)

As previously mentioned the development has previously had a 30 parking space Section 94 (now 7.11) contribution waived for the retro-fitting of the garages to a café/function centre. In recent times, Council has released a CBD parking strategy that identifies the Morisset Street Car Park as one of the most heavily used parking areas within the CBD and is earmarked for future development to accommodate a multideck car park. The strategy also identifies a significant differential in the current Section 94 Car Parking rate, compared to the actual projected cost of construction of at-grade car parking spaces of multi-deck construction. That is, the present Section 94 Contribution effectively is half the cost of constructing parking.

Council has also elected to waive contributions for car parking for other key developments including the Royal Hotel and the Cinema development. However, there are some key differences with these previous applications and the proposal herein.

In the case of the Royal Hotel, the historic and heritage listed building occupies almost all of the site which it is built on. There is no feasible way for construction of parking to be incorporated into the site.

The Cinema complex provided a comprehensive Traffic Study which identified that a short fall of parking would likely be encountered during peak cinema patronage times on Friday and Saturdays afternoon/evenings. The construction of a Cinema has also been a long standing objective that Council has been looking to facilitate.

Further, neither of these two developments increased the proposed floor area of the existing buildings for their respective developments. In contrast the proposed development, proposes a building extension and increase in licensed area both intensifying the parking demand for the site, thus previous decisions should not be used as a precedence.

The other difference with this proposal is that it will need to remove all the existing car parking spaces that are available on the site, noting that the upstairs of the existing hotel still comprises accommodation rooms.

In summary, to provide a further exemption to Car Parking Contributions, particularly in light of the Council's CBD Parking Strategy would make it very difficult to enforce car parking contributions in the future and if this is the policy direction that Council chooses to pursue, then it may be better for Council to review the current car parking policy that staff currently operate under.

Access

The primary existing vehicle access to the site is via the Council owned Morisset Street Car Park, which is not technically dedicated as road reserve. The legal vehicular access to the lot is via a right of way (ROW) off Monaro Street as shown in Figure 4 below. However, the ROW only extends 21.35m (70ft) along the existing hotel from the Monaro Street frontage. The remainder of this corridor is a Right of Footway (ROF) for pedestrian traffic only, thus should not /cannot be accessed by any vehicles (as is currently the case).

5.1 Development Application 177-2018 - Extension to Function Centre (Tourist Hotel) - 31 Monaro Street, Queanbeyan (Ref: C18142928; Author: Thompson/Glouftsis) (Continued)

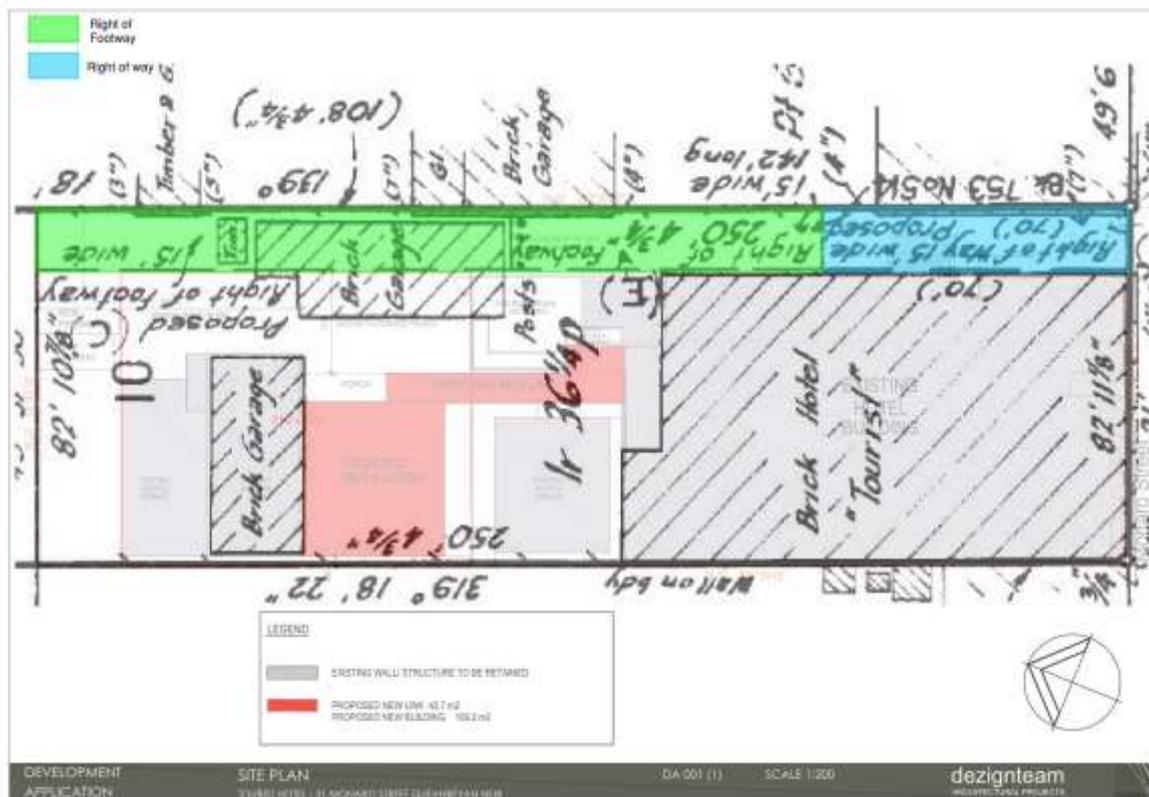


Figure 4: Overlay of Deposited Plan and Proposed Development

The current arrangements have been in place for a significant period of time and effects a number of properties which back onto the carpark. Ultimately resolving this issue requires action by Council as a separate matter and thus not considered for this application.

Landscape plans indicate the area to the east of the proposed new building, porch and link will be landscaped with several trees and paving. To this end, it appears the landscaping will delineate the ability for service vehicles to access the delivery area that is located at the rear of a former extension to the existing building. It is assumed that this has been undertaken on the assumption that access can be attained via the ROW/ROF adjacent to the structure.

Discussion in regards to vehicles accessing the right of footway during a meeting of the Local Development Committee, raised that the end of the ROW should be provided with bollards to stop vehicles from accessing the ROF as enforcement restricting vehicular access to the laneway has been lax in the past. This will be included as a condition of the consent if the development is approved.

The right of footway is identified as a key connectivity route for pedestrians in Council's CBD plan and parking strategy. Therefore, Council should be uncompromising in its use as anything other than a footway. The Section 88B Instrument over the ROF is clear in stating its use is solely for pedestrian traffic. The same sentiment was echoed at the LDC for the former proposal to create a shared zone over the ROF. Thus, the landscaped area and parking spaces which are located in a position disrupting the existing service vehicle access are not supported and should be deleted to reflect this if an approval is forthcoming. See Figure 5 below.

**5.1 Development Application 177-2018 - Extension to Function Centre (Tourist Hotel)
- 31 Monaro Street, Queanbeyan (Ref: C18142928; Author: Thompson/Glouftsis)
(Continued)**

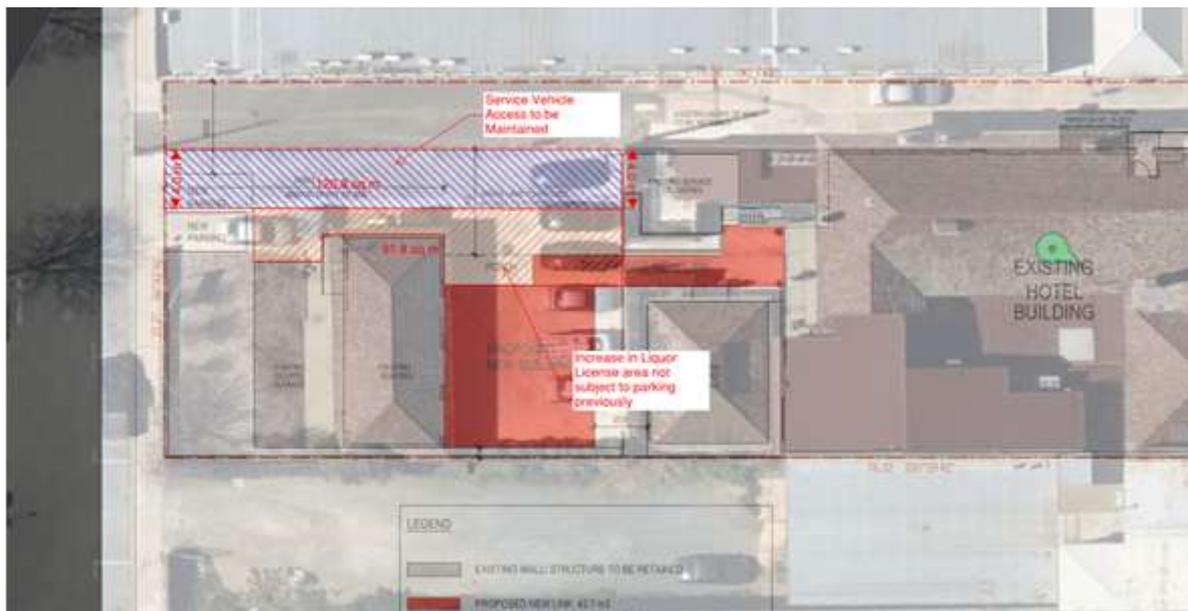


Figure 5: Service Vehicle Access

Further, the licensed and landscaping plans should be amended or re-submitted to include the maintenance of a service corridor allowing access for service vehicles to the delivery area at the rear of the building, as identified in Figure 5 above. This service area/corridor should be line marked and sign posted accordingly to delineate it from pedestrian ways/circulation associated with the hotel and function centres operation.

Assessing Officer's Comments

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

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

The applicant has provided justification for why it would be unreasonable for the development to provide the required car parking, which is generally in accordance with the previous justification provided for DA 14-2017 for the conversion/expansion of the existing garage at the rear of the lot into a café/function centre. The justification includes the proposed operating hours and the intended use of the site/ proposed building. As a café during the day, it is more likely to generate patronage through pedestrian traffic this having less impact on existing parking. The function centre will only operate outside of business hours when more public parking will be available within the vicinity of the proposed development, including the adjacent public car park.

The previous development application for the conversion of the garage into a café/function centre (DA 14-2017) was also in deficit of car parking, at a total at 30 spaces. In this instance, Council waived the requirement for the payment of parking contribution fees that were recommended.

5.1 Development Application 177-2018 - Extension to Function Centre (Tourist Hotel) - 31 Monaro Street, Queanbeyan (Ref: C18142928; Author: Thompson/Glouftsis) (Continued)

As a result of the previous development application (DA 14-2017) and the current application, the site will be in deficit a total of 54 car parking spaces. The variation to remove the requirement for the provision of on-site car parking is supported, however, it is strongly recommended that parking contribution charges be enforced in line with Council's Section 7.11 (formerly Section 94) contribution plan due the increase in floor area and overall intensification of the site leading to further pressure on the adjacent Morisset Street car park and the loss of 6 on-site car parking spaces, which serviced the hotel and the associated accommodation rooms.

Based on the detailed assessment above, the proposed development requires an additional 24 car parking spaces to be provided to be compliant with the current QDCP 2012. These spaces cannot be provided on site. However, where parking for commercial premises in the CBD cannot be provided on site the applicant may make a contribution for car parking under the provisions of Council's Section 7.11 Contributions Plan. The present contribution rate is \$11,847.12 per carpark, which equals \$284,331.26 for 24 parking spaces. Should the application be approved it is recommended that the consent be conditioned accordingly.

Summary of Assessment of Parking Issues

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

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

Option 1 - Impose a condition of consent requiring a contribution of \$11,847.12 (indexed) for each of the 24 car parking spaces which cannot be provided on site in accordance with Council's Section 7.11 Developer Contribution Plan.

Option 2 – Note the requirement for an additional 24 car parking spaces and waive the requirement for any payment of Section 7.11 Developer Contributions for the reasons stated below.

- i. Councils DCP – Parking, Clause 2.2 permits variation to parking standards where justified by a Traffic and Parking Impact Study. The applicant has submitted a consultants Traffic and Parking Statement giving their reasons why variation of the DCP is warranted.
- ii. As the major new use that generates additional car parking is the café operating during the day, it is more likely to generate patronage through pedestrian traffic. While the same building and the proposed increase in floor area will be used as a function centre in the evenings and will generate a greater need for parking its core business will be outside of business hours when more public parking will be available within the vicinity of the proposed development, including the adjacent public car park.
- iii. Council's long term promotion of active businesses in the CBD through its planning controls and community business support forums particularly where development encourages more people in the shopping centre during business hours and particularly at night.

5.1 Development Application 177-2018 - Extension to Function Centre (Tourist Hotel) - 31 Monaro Street, Queanbeyan (Ref: C18142928; Author: Thompson/Glouftsis) (Continued)

Option 3 – Impose a condition of consent requiring a contribution of \$11,847.12 (indexed) for each of the 6 existing on-site car parking spaces which will be lost as a result of the development and waive the requirement for any payment of Section 7.11 Developer Contributions for the remaining 18 required car parking spaces which cannot be provided on site for the reasons stated below.

- i. Councils DCP – Parking, Clause 2.2 permits variation to parking standards where justified by a Traffic and Parking Impact Study. The applicant has submitted a consultants Traffic and Parking Statement giving their reasons why variation of the DCP is warranted.
- ii. While Council notes that the majority of parking will occur outside core business hours as indicated in point iii below and should vary the policy accordingly, the loss of the six existing carparks is a direct result of the development and a reduction in car parking in the CBD as a whole and as such should be retained or a contribution paid.
- iii. As the major new use that generates additional car parking is the café operating during the day, it is more likely to generate patronage through pedestrian traffic. While the same building and the proposed increase in floor area will be used as a function centre in the evenings and will generate a greater need for parking its core business will be outside of business hours when more public parking will be available within the vicinity of the proposed development, including the adjacent public car park.
- iv. Councils long term promotion of active businesses in the CBD through its planning controls and community business support forums particularly where development encourages more people in the shopping centre during business hours and particularly at night.

Option 1 is recommended given the previous DA already waived contribution payments for 30 car parking spaces. Only Council has the authority to reduce or waive developer contributions.

(a) Building Surveyor's Comments

No objections subject to the imposition of appropriate conditions.

(b) Environmental Health Comments

The food premises must be constructed to comply with the *Food Act 2003*, Food Standards Code and Ventilation standards. Relevant conditions will be added to the consent.

(c) Heritage Advisor's Comments

There are no concerns with the development from a heritage perspective, the historic garage at the rear is retained and the proposed new building has a low profile.

Financial Implications

Section 7.11 Contributions are applicable to the proposed development for car parking. The present contribution rate is \$11,847.12 per carpark, which equals \$284,331.26 for 24 parking spaces.

Section 64 contributions of \$25,367.23 for water and sewer augmentation are also applicable to the proposed development.

**5.1 Development Application 177-2018 - Extension to Function Centre (Tourist Hotel)
- 31 Monaro Street, Queanbeyan (Ref: C18142928; Author: Thompson/Glouftsis)
(Continued)**

Engagement

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

Conclusion

The submitted proposal for the extension to the café/function centre on Lot 10 DP 530627, No. 31 Monaro Street is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

The development generally satisfies the requirements and achieves the objectives of these instruments with the exception of a major departure from a requirement in the DCP in regards to the provision of car parking is proposed. The applicant has requested that Council vary the car parking requirements to dispense with the need for an additional 24 car parking spaces generated as a result of this development. This variation is not supported. As the car parking cannot be provided on-site the applicant should make a contribution to CBD car parking via the s94 plan for that purpose. The application has been conditioned accordingly.

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

Attachments

- | | |
|--------------|---|
| Attachment 1 | Section 4.15 Table - Matters for Consideration - DA 177-2018 (<i>Under Separate Cover</i>) |
| Attachment 2 | Architectural Plans - 31 Monaro Street - DA 177-2018 (<i>Under Separate Cover</i>) |
| Attachment 3 | Draft Conditions of Consent - 31 Monaro Street Queanbeyan - DA 177-2018 (<i>Under Separate Cover</i>) |

5.2 Development Application 364-2018 - Gymnasium - 201 Gorman Drive, Googong
(Ref: C18138341; Author: Thompson/Rousell)

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 that variation would have a significant environmental impact.

Proposal:	Recreation Facility (Indoor) gymnasium and signage
Applicant/Owner:	Spacelab Studio Pty Limited/Googong Projects Pty Limited
Subject Property:	Lot 621 DP 1208212, 201 Gorman Drive, Googong
Zoning and Permissibility:	R1 General Residential under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Nil
Issues Discussed:	Car Parking
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

1. That approval be granted to a variation to Clause 1.8 and Clause 10.4 of Googong Development Control Plan (which requires compliance with Section 2.2 of Part 2 of Queanbeyan Development Control Plan 2012) to allow for a reduction of parking spaces for the following reasons:
 - (a) The applicant's Traffic Impact Assessment demonstrates that the car parking proposed is able to accommodate peak parking demand for the uses proposed on site.
 2. That development application DA-364-2018 for a recreational facility (indoor) on Lot 621 DP 1208212, 201 Gorman Drive, Googong be granted conditional approval.
-

Background

Proposed Development

The development application is for the first use and fitout of a recreation facility (indoor) gymnasium and associated signage. The gymnasium is proposed to operate twenty-four hours a day, seven days a week.

Permissibility

The subject site is located at 201 Gorman Drive within the recently completed Neighbourhood Centre of Googong Township, and is Zoned R1 General Residential. A recreation facility (indoor) is permissible with consent within the R1 Zone under the Queanbeyan Local Environmental Plan 2012 (QLEP 2012).

**5.2 Development Application 364-2018 - Gymnasium - 201 Gorman Drive, Googong
(Ref: C18138341; Author: Thompson/Rousell) (Continued)*****Site Locality***

The subject site is adjacent to a mix of development including standard residential development, small lot housing and the future school site as shown in Figure 1. The subject site contains three buildings and car parking areas.



Figure 1: Locality Plan

Previous Applications***Development Application 390-2015***

The Neighbourhood Centre was approved as a mixed-use development under DA-390-2015 on the 11 May 2016. The development consists of shop-top housing with 20 dwellings, 10 commercial tenancies (including a shop, retail premises and food and drink premises), health services facility, childcare centre, community centre and car parking.

Car parking requirements for the development were assessed as part of this application under the QDCP 2012. As there were no uses identified for the retail and commercial tenancies, a base car parking rate of 1/60m² was applied under Part 2 QDCP 2012. The total car parking required was 160 spaces, with 144 spaces provided, resulting in a shortfall of 16 spaces.

Modification Application 390-2015A

Modification 390-2015/A consisted of changes to the approved Community and Strata Plan layouts for the Neighbourhood Centre and was approved on 22 August 2017. This application did not change the required car parking.

**5.2 Development Application 364-2018 - Gymnasium - 201 Gorman Drive, Googong
(Ref: C18138341; Author: Thompson/Rousell) (Continued)**

Modification Application 390-2015/B

Modification 390-2015/B consisted of a change in floor area and operating hours for the café and supermarket and was approved on 15 March 2018. The total required car parking was re-calculated to be 158 spaces with 142 spaces provided, resulting in a shortfall of 16 car spaces.

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 No 64 – Advertising and Signage
3. State Environmental Planning Policy (Infrastructure) 2007
4. Queanbeyan Local Environmental Plan 2012 (LEP)
5. Googong Development Control Plan
6. Queanbeyan Development Control Plan 2012 (DCP)

The proposed development is consistent with the requirements of the *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)*. For a detailed assessment of the QLEP 2012 see attached *Section 4.15 Table – Matters for Consideration*. The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issue relating to the proposal for Council's consideration is compliance with the Queanbeyan Development Control Plan 2012 in regards to a variation to on-site car parking requirements under Part 2.2.

(a) Compliance with DCP

The application has been assessed against the relevant parts of the *Queanbeyan Development Control Plan 2012 (QDCP 2012)* and the relevant parts of the *Googong Development Control Plan (GDCP)*. To view a detailed assessment of the QDCP 2012 and GDCP, see attached *Section 4.15 Table – Matters for Consideration*. Part 1.8 of GDCP states that Part 2 Section 2.2 (car parking) of the QDCP 2012 is adopted by the GDCP.

The application proposes a major variation to the controls contained within Part 2.2 Car Parking of the QDCP 2012.

Proposed Variation to Car Parking Requirements of Part 2 of the Queanbeyan Development Control Plan 2012

This application proposes an indoor recreational facility (gymnasium) and is the first use in this newly constructed commercial tenancy. At the time of approving the Neighbourhood Centre the demand for parking for this tenancy was based on its use as a commercial tenancy i.e. 1 space/60m². With a floor area of 385m² this equates to 7 spaces. However, a gymnasium generates a higher car parking demand than a commercial premises.

**5.2 Development Application 364-2018 - Gymnasium - 201 Gorman Drive, Googong
(Ref: C18138341; Author: Thompson/Rousell) (Continued)**

The car parking rate for a gymnasium as specified in Part 2.2.6 of QDCP 2012 is 4.5 spaces/100m² where no scheduled group classes are proposed, or 7.5 spaces/100m² where scheduled group classes are proposed. For this application the lower rate was applied as the applicant advised that no group classes are proposed.

Using this figure the gymnasium generates 17.35 (18) spaces, an additional 11 spaces compared to its use as a commercial premises. In this location there is no opportunity to provide the additional car parking spaces. There is also no provision to make a monetary contribution to the provision of future car parking at Googong as the section 94 plans providing for this only relate to the Queanbeyan and Bungendore CBDs.

As such the applicant has sought a variation to have the need for the additional 11 car parking spaces to be waived. If the variation is not granted then the only other option for Council is to refuse the application based on the grounds that inadequate car parking is provided.

Applicant's Justification

In support of the variation, the applicant submitted a Traffic Impact Assessment (TIA) showing that the peak demand for parking on the site is 102 spaces at 6pm, equal to the existing 102 commercial spaces provided on site (excluding the 40 spaces for the residential units located in the basement car park). Based on this information from the submitted TIA, the applicant considers that the variation is minor in nature and will have a minor impact on the functionality of the site.

Development Engineering Comments

Before assessing the validity of the variation request comments from Council's Development Engineering Team were sought. While the section 4.15 *Matters for Consideration* provides the Team's comments in detail the following pertinent issues are raised.

Parking requirements for the development on the whole Neighbourhood Centre were assessed as part of DA 390-2015. As previously discussed, this application included commercial and retail tenancies that were proposed without the knowledge of the specific future use, and therefore generic parking rates for retail premises and commercial premises were applied. These rates being 1 space/60m² of Gross Floor Area (GFA).

Excluding the parking for the residential portion of the development the required parking for the commercial components of the Neighbourhood Centre as originally proposed was assessed as 120 spaces. However, only 104 spaces were provided. The shortfall of 16 car parking spaces in DA 390-2015 was justified through temporal usage patterns in a Traffic Impact Assessment submitted at that time which Council accepted.

Modified DA 390-2015/B was lodged in October 2016 and consisted of a number of minor changes to floor area of tenancies and operating hours. This application reduced proposed car parking by 2 spaces and was offset by a small reduction in floor area. This resulted in Council requiring a minimum of 102 commercial spaces to be provided.

In relation to the application presently before Council, the car parking rates originally applied to the commercial tenancy which the gymnasium is intended to occupy resulted in a requirement of 6.7 parking spaces (1/60m²). However, when the gymnasium rate of 4.5 spaces/100m² is applied, 18 parking spaces would be required. This is a shortfall of 11 spaces.

**5.2 Development Application 364-2018 - Gymnasium - 201 Gorman Drive, Googong
(Ref: C18138341; Author: Thompson/Rousell) (Continued)**

The Traffic Impact Assessment (TIA) submitted by the applicant in support of their request for variation, attempts to justify the shortfall through a temporal analysis showing peak parking demand for the various uses. The proposed gymnasium is expected to have a high peak parking usage that coincides with other uses on the site, particularly the child care centre, health care centre and on certain days of the week, the supermarket. In the assessing officer's experience, gymnasiums typically experience higher usage early in the morning, and from mid-afternoon to late in the evening. This profile is broadly replicated within the applicant's TIA. The overlapping of peak parking demand with other uses is likely to test the parking availability at the site.

Gymnasiums generally experience an evening peak after 5pm, though some gyms which have been monitored by Council have medium to high parking demand beginning as early as 3pm. Observations of similar sized gymnasiums in the ACT and Goulburn showed that from 3pm-6pm, an average of 15-25 spaces were occupied. Child care centres and health care centres also typically experience peak parking demand from 3pm-6pm.

The submitted TIA indicates that peak parking demand of 102 spaces will occur at 6pm. Due to the TIA underestimating actual parking demand, Council staff believe that on-site parking is under-supplied to cope with this demand. The expected parking issues are amplified by the surrounding development including the Anglican School located on the opposite side of Gorman Drive to the west and the future public primary school site to the east of the subject site. These developments will also experience peak parking demand around 3pm leaving minimal available on street parking for overflow exacerbated by the creation of "No Stopping Zones" around the site due to poor manoeuvrability and sight distance.

In addition to the above the TIA has attempted to recalculate the actual number of spaces required based on the actual uses that are presently on site. A revised TIA was submitted and included updated parking rates for a number of approved uses and expected uses yet to be approved. Whilst some of these rates are not agreed, the TIA calculates a total of 149 required spaces not including the residential units. This is a total shortfall of 47 spaces compared to the number approved in DA 390-2015/B.

The development Engineer's traffic assessment also impacts on car parking. The streets surrounding 201 Gorman Drive (Aprasia Avenue and Caragh Avenue) have been acknowledged by Googong Township Pty Ltd and its designer Calibre Consulting as not functioning as intended with poor sight distance and manoeuvrability. Council is continuing to liaise with the relevant parties to rectify these shortcomings, and any intensification of the uses on the subject site require rigorous assessment as safety issues of the surrounding intersections have been encountered previous to the fit-out and occupation of the site.

Council has implemented "No Stopping Zones" on Aprasia Avenue and Caragh Avenue around the site that were previously intended as parking. It is noted that these zones and a Taxi Rank on Caragh Avenue immediately out the front of the subject site have not been considered as part of the submitted Traffic Impact Assessment and have been counted as on-street parking.

**5.2 Development Application 364-2018 - Gymnasium - 201 Gorman Drive, Googong
(Ref: C18138341; Author: Thompson/Rousell) (Continued)**

Whilst the submitted Traffic Impact Assessment indicates that the proposed gymnasium will not increase traffic generation significantly, the additional parking requirements associated with this application combined with the existing shortfall of parking (which is exacerbated by the nearby school) is likely to increase congestion and promote poor driver behaviour and hazardous conditions. The surrounding intersections are under designed for the development and the intensification of the uses on site means that future rectification strategies are limited.

In summary, whilst the submitted TIA indicates the site will not exceed its on-site parking allowance, the values used to estimate peak parking are not considered to be indicative of the actual peak values. The previous approvals resulted in a shortfall of 16 spaces, and the submitted TIA indicates the development on the whole will be 47 spaces short. The surrounding road geometry has been found to be insufficient and not capable of accommodating the existing traffic, and it is considered that traffic and congestion issues will increase as a number of tenancies are occupied combined with the development of the adjoining school site. Therefore, the proposal is not supported by Council's Development Engineer on the basis of car parking.

Assessing Officer's Comments

This application provides a unique situation where the site has been constructed prior to knowing the nature of the tenancies being occupied. This creates an issue where proposals which generate an additional car parking demand, such as this gymnasium, are unable to provide further required parking. This is because applying minimum generic rates results in subsequent applications requiring more parking, and developers unable to provide this parking as the site is constrained.

It should be noted that this is not a preferred situation and should be avoided in future, specifically for the future Town Centre of Googong Township. While it is not relevant to this particular DA it is suggested that future development applications considered in Neighbourhood 2 Town Centre should require the intended uses to be specified at the initial DA stage to ensure suitable and adequate parking arrangements are provided. Alternately, a higher parking rate could be applied as a minimum or provision for monetary contributions in lieu of on-site parking could be provided for in a future developer contributions plan.

This case leaves Council in a difficult position. On the one hand a viable business has found a suitable tenancy in a new Neighbourhood Centre that greatly needs such economic development to ensure its vibrancy and provide services to the local community. On the other hand there is a genuine concern that such developments will increase parking demand over and above the quantity of car parking that can be provided on site. Undoubtedly, as with most shopping precincts, there will be occasions where the peak demand for parking outstrips its supply, however these are by no means the norm.

As there is no opportunity for Council to require a monetary contribution in lieu of on-site parking at this location Council really only has the options of approving the development with the shortfall in parking (supported by the applicant's TIA) or refuse the application based on insufficient car parking being provided.

Besides the variation to the car parking requirements, the proposed development complies with relevant state and local policies and from a planning perspective is considered to be an appropriate development on the whole.

**5.2 Development Application 364-2018 - Gymnasium - 201 Gorman Drive, Googong
(Ref: C18138341; Author: Thompson/Rousell) (Continued)**

Taking into account all of the above, on balance, the variation to car parking is recommended for approval noting that strict compliance with the DCP's parking requirements in this case would be fatal to the development proceeding.

Other Comments**(a) Building Surveyor's Comments**

No objections raised subject to imposed conditions.

(b) Environmental Health Comments

Council's Environmental Health Officer raised no objection to the proposed development.

Financial Implications

Section 64 Contributions are applicable to the proposed development in accordance with *Queanbeyan City Council Development Servicing Plans for Water Supply and Sewerage 2015/16 Googong*.

Sewer – 3.21ET x \$9,318.01 = \$29,910.81

Water – 1.83ET x \$2,434.69 = \$4,455.48

Engagement

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

Compliance or Policy Implications

Council may approve this variation. In doing so it will be acknowledging that future uses at this site which increase the demand for car parking are also likely to be recommended for approval.

A refusal of the application has the potential to result in an appeal to the Land and Environment Court.

Conclusion

The submitted proposal is for a recreation facility (indoor) on Lot 621 DP 1208212, 201 Gorman Drive, Googong. The application 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(1) *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012*, *Queanbeyan Development Control Plan 2012* and the *Googong Development Control Plan*.

The development generally satisfies the requirements and achieves the objectives of these instruments with the exception of a variation to car parking requirements within the *Googong Development Control Plan* and *Queanbeyan Development Control Plan 2012* which are supported as outlined in this report and assessed in detail in the attached *Section 4.15(1) Table – Matters for Consideration*.

**5.2 Development Application 364-2018 - Gymnasium - 201 Gorman Drive, Googong
(Ref: C18138341; Author: Thompson/Rousell) (Continued)**

The proposal seeks a variation to reduce the number of parking spaces generated by the development. The variation and proposal on the whole is supported based upon expected parking use and the developer's inability to provide additional parking as the site is fully developed and Section 94 (7.11) Contributions cannot be levied as there is no provision for this in the Queanbeyan S94 Plan (Googong) 2015 and the Googong Local Planning Agreement.

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

Attachments

- | | |
|--------------|---|
| Attachment 1 | DA 364-2018 - Gymnasium - Section 4.15(1) Table - Matters for Consideration (<i>Under Separate Cover</i>) |
| Attachment 2 | DA 384-2018 - Gymnasium - Architectural Plans - 201 Gorman Drive (<i>Under Separate Cover</i>) |
| Attachment 3 | DA 364-2018 - Gymnasium - Draft Conditions of Consent (<i>Under Separate Cover</i>) |

5.3 Development Application 397-2018 - Demolition of Existing Dwelling and Garage - 151 Crawford Street, Queanbeyan (Ref: C18142052; Author: Thompson/Dixon)

Summary

Reason for Referral to Council

This application has been referred to Council as it relates to the demolition of a potentially significant building within the Queanbeyan CBD.

Proposal:	Demolition of existing dwelling and garage
Applicant/Owner:	Jimbo Pty Limited / 151 Crawford Street Pty Limited
Subject Property:	Lot 11 DP 715626, 151 Crawford Street, Queanbeyan
Zoning and Permissibility:	B3 Commercial Core under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Nil
Issues Discussed:	Planning requirements Heritage value of the dwelling
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

That development application 397-2018 for the demolition of a dwelling house and detached garage on Lot 11 DP 715626, 151 Crawford Street, Queanbeyan be granted conditional approval for the following reasons:

- a) The dwelling is not heritage listed or within a heritage conservation area.
 - b) It is considered that the proposed development generally satisfies the objectives of the zone; specifically, the proposal is removing a low density residential use from the subject site. This promotes new opportunities for commercial development within the B3 Commercial Core zone.
 - c) Currently, the site is unviable for commercial purposes as it was designed to be used as a dwelling and not as a commercial building. As such, to fully utilise the commercial potential of the site it is economically viable to demolish the structure and place a commercial building in its place.
 - d) There are cubist forms of architecture still remnant in Queanbeyan and pure forms within Canberra.
 - e) Council's Heritage Advisor notes the poor condition and significant damage to the dwelling and the fact that what is remaining of it could be re-purposed for other structures.
-

**5.3 Development Application 397-2018 - Demolition of Existing Dwelling and Garage
- 151 Crawford Street, Queanbeyan (Ref: C18142052; Author: Thompson/Dixon)
(Continued)**

Background

Proposed Development

The development application is for the demolition of an existing single storey dwelling house and detached garage.

Subject Property

The property is located at 151 Crawford Street, Queanbeyan. Neighbouring premises include Kingsleys Chicken and carwash to the south and the Olympia Motel to the north.

This dwelling was approved in the 1940's and is an example of the cubist design which was a result of the artistic movement during the early 20th Century. The dwelling is thought to have finished construction in 1942. The dwelling is single storey in nature and is completely detached from ancillary structures. It is the only pure cubist form of the Inter-War Functionalist architectural style in Queanbeyan which evolved in the 1930's in Australia following the evolution of modernism in Europe.

The architectural features of the dwelling contain light coloured red bricks and metal framed windows that wrap around the corners of the dwelling. The high brick parapet has a protruding brick capping which conceals the flat roof behind it. Landscaping conceals it from the streetscape and it is not a dominating structure. True to the cubist era, the dwelling is symmetrical in design with the windows placed to be mirrored on each elevation and the proportions of these features placed in a manner that they do not compromise this symmetry.



Figure 1 – Dwelling elevation looking from south east,

5.3 Development Application 397-2018 - Demolition of Existing Dwelling and Garage - 151 Crawford Street, Queanbeyan (Ref: C18142052; Author: Thompson/Dixon) (Continued)

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. State Environmental Planning Policy No (Infrastructure) 2007
3. Queanbeyan Local Environmental Plan 2012 (LEP).
4. Queanbeyan Development Control Plan 2012 (DCP)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for Council's consideration are as follows.

(a) Other Matters

The reason for the application requiring a Council determination is due to the fact that the QPRC Heritage Advisory Committee did not support the demolition of the dwelling at this time. As such an assessment was undertaken to determine the heritage value of the dwelling comprising sections of the QLEP 2012.

Queanbeyan Local Environmental Plan 2012***Clause 1.2 Aims of Plan***

The relevant aims of the Plan in relation to the proposed development are as follows:

- a) *to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles;*
- b) *to provide for a diversity of housing throughout Queanbeyan;*
- c) *to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community;*
- d) *to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek;*
- e) *to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra; and*
- f) *to maintain the unique identity and country character of Queanbeyan.*

The demolition of this dwelling is supported under this clause on the basis of the removal of a residential use from a commercial core zone. Currently, the site is unviable for commercial purposes due to the residence. The applicant/owner have chosen to not repurpose the dwelling due to its small size and costs associated with renovating.

The site has a height limit of 30 metres and building on top of this dwelling is not possible due to its structural elements. It was designed to be used as a dwelling and not as a commercial building. As such, to fully utilise the commercial potential of the site it is economically viable to demolish the structure and place a commercial building in its place.

5.3 Development Application 397-2018 - Demolition of Existing Dwelling and Garage - 151 Crawford Street, Queanbeyan (Ref: C18142052; Author: Thompson/Dixon) (Continued)

If the demolition is not supported by Council it is not providing the hierarchy of commercial premises within the B3 Commercial Core zone and would not meet the aims of a) or c) within this clause. In relation to meeting the aims of d) in this clause please see the discussion on heritage values below.

Clause 2.3 Zone Objectives and Land Use Tables

The objectives of the zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To recognise the Queanbeyan central business district as the main commercial and retail centre of Queanbeyan and to reinforce its commercial and retail primacy in Queanbeyan.*
- *To encourage some high density residential uses in conjunction with retail or employment uses where appropriate.*

It is considered that the proposed development generally satisfies the objectives of the zone; specifically, as the proposal is removing a low density residential use from the subject site. This promotes new opportunities for commercial development within the B3 Commercial Core zone.

Clause 5.10 Heritage Conservation

Under Clause 5.10, Council must consider the effect of the proposed development on the environmental heritage of Queanbeyan. The dwelling is not a heritage item under the QLEP, is not next to a heritage item and is not within a heritage conservation area.

Nonetheless, the proposal was sent to Council's Heritage Advisor and Heritage Advisory Committee due to the fact that it was erected prior to 1960. The dwelling was proposed to be listed as a heritage item during the preparation of the 2012 QLEP, however Council did not support the nomination at that time.

Council's Heritage Advisor has provided the following comments:

The building was recommended for heritage listing several years ago however this did not proceed because of the owner's concerns that development opportunities for the site would be constrained. At that time the building was in good condition. The more recent heritage assessment by Brendan O'Keefe confirmed the building's heritage value and noted that although there had been partial removal of the roof, the interior was still in fairly good condition.

I inspected the site on 27 September 2018 and found that it was now in very poor condition. The roof had been almost fully removed and the ceilings were starting to collapse presumably due to water damage. The front door was open and although not yet vandalised it is likely to be the building's fate.

5.3 Development Application 397-2018 - Demolition of Existing Dwelling and Garage - 151 Crawford Street, Queanbeyan (Ref: C18142052; Author: Thompson/Dixon) (Continued)

There appears to be little enthusiasm for this building's retention and it is hard to imagine it being restored from its current condition and being incorporated into the fabric of Queanbeyan's CBD. Some of the fittings and fixtures of the interior relate to its period of construction and are possibly of value. These include some of the architraves, veneer faced doors, door handles and lights and some of the metal framed windows. The texture faced bricks on the exterior and around the internal fireplace may also be of value to persons restoring buildings from this period. In the event that council permit demolition it is recommended that a condition of consent require that these items be made available for recycling. This would include demolishing the brick walls by hand and carefully cleaning and stacking them on pallets rather than undertaking bulk demolition. Items available for recycling should be advertised on Gumtree, and in print media in Queanbeyan and Canberra.

In regards to the above, it is important to note that developers/owners do not determine what gets listed as a heritage item and that Council makes the final decision. As such this makes it very difficult justifying a refusal for this demolition. Additionally, it is difficult for Council to police features from the dwelling being recycled through a condition.

It is acknowledged that there is heritage significance in the design of this dwelling as it appears to be the only pure cubist form of architecture within the local government area. There are other designs within Queanbeyan that partially demonstrate the architecture including 5 Albert Street (Figure 2) however, this is more the cruise liner style of architecture which encompasses a small portion of cubist features.



Figure 2 – 5 Albert Street

Within Canberra there are more cubist dwellings including 107 Limestone Avenue (Figure 3) and one on Canberra Avenue near St Edmunds College (Figure 4). The purpose of stating this is that there are still protected cubist dwellings within the region and the removal of this dwelling will not completely eliminate the presence of the cubist form within the general Queanbeyan/Canberra region.

5.3 Development Application 397-2018 - Demolition of Existing Dwelling and Garage
- 151 Crawford Street, Queanbeyan (Ref: C18142052; Author: Thompson/Dixon)
(Continued)



Figure 3 - Canberra Avenue Cube Dwelling



Figure 4 - Limestone Avenue Cube Dwelling

The application was also referred to the QPRC Heritage Advisory Committee who did not support the dwelling's demolition for the following reasons:

1. Demolition is premature as it is unknown what is proposed to replace the dwelling;
2. It is unclear as to why the dwelling is not being restored and repurposed;
3. The dwelling has heritage significance in that the Statement of Heritage Impact assessed the dwelling in terms of Criteria 6 and 7 of the NSW Office of Environment and Heritage rating system as being exceptional.

5.3 Development Application 397-2018 - Demolition of Existing Dwelling and Garage - 151 Crawford Street, Queanbeyan (Ref: C18142052; Author: Thompson/Dixon) (Continued)

The applicant has specified that he is predicting the site will be used as a commercial style building permitted in the zone and may include a hotel. Other proposals have been discussed including a multi commercial site and serviced apartments however, these were not financially viable. The reasons for not repurposing the dwelling were addressed in Clause 1.2. Until the owner can determine a viable use for the site, nothing can be definite apart from the fact it will be a permissible use within the zone.

Summary of Heritage Assessment

Given all of the above the demolition of the dwelling is supported for the following reasons:

1. It is considered that the proposed development generally satisfies the objectives of the zone; specifically, the proposal is removing a low density residential use from the subject site. This promotes new opportunities for commercial development within the B3 Commercial Core zone.
2. Currently, the site is unviable for commercial purposes as it was designed to be used as a dwelling and not as a commercial building. As such, to fully utilise the commercial potential of the site it is economically viable to demolish the structure and place a commercial building in its place.
3. The dwelling is not heritage listed or within a heritage conservation area.
4. There are cubist forms of architecture still remnant in Queanbeyan and pure forms within Canberra.
5. Council's Heritage Advisor notes the poor condition and significant damage to the dwelling and the fact that what is remaining of it could be re-purposed for other structures.

It is recommended that a note be added on the consent encouraging the owner to recover fittings and fixtures that could be utilised to repair and refurbish other dwellings. Further the structure should be thoroughly photographed prior to any further demolition with photos provided to Council for inclusion in archival records.

(a) Building Surveyor's Comments

No objections raised subject to the imposition of standard conditions in any consent.

(b) Environmental Health Comments

Relevant condition in regards to asbestos removal have been imposed by the assessing officer.

(c) Heritage Advisor's Comments

See Clause 5.10 for the Heritage Advisor's comments.

(d) Heritage Advisory Committee Comments

See Clause 5.10 for the Heritage Advisory Committee comments.

5.3 Development Application 397-2018 - Demolition of Existing Dwelling and Garage - 151 Crawford Street, Queanbeyan (Ref: C18142052; Author: Thompson/Dixon) (Continued)

Financial Implications

There is always the possibility that Council's determination may be appealed in the Land and Environment Court.

Engagement

The proposal did not require notification under Queanbeyan DCP 2012.

Conclusion

The submitted proposal for a demolition of the existing dwelling and garage on Lot 11 DP 715626, 151 Crawford Street, Queanbeyan is supported by a Statement of Environmental Effects. The proposal was not required to be notified to adjoining owner/occupiers. The proposal has been assessed under Section 4.15 *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

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

The proposed development is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts.

Attachments

- | | |
|--------------|---|
| Attachment 1 | DA 397-2018 - Demolition of Dwelling - 151 Crawford Street - Section 4.15 Table Matters for Consideration (<i>Under Separate Cover</i>) |
| Attachment 2 | DA 397-2018 - Demolition of Dwelling - 151 Crawford Street - Submission from Applicant with Background Information and Support for Demolition (<i>Under Separate Cover</i>) |
| Attachment 3 | DA 397-2018 - Demolition of Dwelling - 151 Crawford Street - Plan (<i>Under Separate Cover</i>) |
| Attachment 4 | DA 397-2018 - Demolition of Dwelling - 151 Crawford Street - Statement of Heritage Impact (<i>Under Separate Cover</i>) |
| Attachment 5 | DA 397-2018 - Demolition of Dwelling - 151 Crawford Street - Draft Conditions of Consent (<i>Under Separate Cover</i>) |

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel)

Summary

Reason for Referral to Council

Queanbeyan-Palerang Regional Council (QPRC) is both the proponent and the determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the proposed addendum REF.

The purpose of this addendum REF is to describe the proposed minor modification and to address mitigation measures of associated impacts on the environment. The proposed modification is to introduce light vehicle access to the bridge launching site via the local road network, namely Severne Street and Lonergan Drive, due to changes to design and construction methodology of the bridge over the Queanbeyan River.

The REF has identified and assessed the short and long term impacts of the proposed modification and identified measures to minimise or negate potential environmental impacts.

The addendum REF concluded that the proposed scheme is unlikely to have a significant environmental impact; concluding that the preparation of an Environmental Impact Statement (EIS) is not considered necessary on the basis of the supporting information, and provided the mitigation measures identified in this addendum are satisfactorily implemented. Further to this, assessing staff have included conditions that will apply to the determination as a result of the assessment.

Recommendation

That Council grant approval to the proposed addendum REF for the Ellerton Drive Extension dated 28 September 2018, subject to the implementation of the additional safeguards and management measures proposed in the addendum REF and conditions QPRC1 to 4 in the conclusion of this report.

Background

The original REF (construction of Ellerton Drive Extension), which was determined in June 2016.

An addendum Review of Environmental Factors (REF) for the Ellerton Drive Extension (EDE) has subsequently been submitted to Council for determination (Attachment 1).

The addendum was prepared by WBHO Infrastructure Pty Limited on behalf of Council's Community Connections portfolio, and was submitted to Council's Development branch for determination on 11 October 2018.

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

The assessment of the addendum REF should take into account the following considerations:

- Whether the proposed modification is likely to result in a significant impact on the environment, and therefore the necessity for an Environmental Impact Statement (EIS) to be prepared and approval to be sought from the Minister for Planning, under Division 5.2 of the EP&A Act.
- The significance of any impact on threatened species as defined by the Biodiversity Conservation Act and/or Fisheries Management Act, in section 1.7 of the EP&A Act and therefore the requirement for a Species Impact Statement or a Biodiversity Development Assessment Report.
- The significance of any impact on nationally listed biodiversity matters under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), including whether there is a real possibility that the activity may threaten long-term survival, and whether offsets are required and able to be secured.
- The potential for the proposed modification to significantly impact any other matters of national environmental significance or Commonwealth land, and therefore the need to make a referral to the Department of Environment and Energy for a decision by the Minister for the Environment, on whether assessment and approval is required under the EPBC Act.

The addendum REF includes feedback from the community on the proposed amendment. A notification letter (Attachment 3) regarding the proposed new access arrangements was distributed to the residents of Lonergan Drive (15 August 2018) and Severne Street and Atkinson Street (16 August 2018).

In addition the Addendum REF (Final v1) was placed on QPRC's 'Your Voice' website between 15 August and 29 August 2018, and responses received from the community during the consultation period have been examined and summarised within a submissions report. The Addendum REF was then updated to Final v2, incorporating additional mitigation measures and controls based on the outcomes of the community feedback.

This report outlines the findings of the assessment and issues raised during the public exhibition and makes a final determination on whether the proposal should proceed, based on environmental impacts.

Proposal

The Ellerton Drive Extension Review of Environmental Factors (REF) (SMEC, 2016) allows for construction access to the northern section of the Project from the Ellerton Drive entrance only. Section 3.1 of the determined REF (SMEC, 2016) describes the site access arrangements during construction: "All access on the northern section would be off Ellerton Drive. All access for the southern section would be from Old Cooma Road".

Section 3.1 also states: "QCC would continue to investigate opportunities for suitable access points, stockpile sites and compound areas to facilitate effective and efficient delivery of the Project".

The proposed modification involves one additional light vehicle site access point located at the end of Lonergan Drive, Greenleigh (Figure 1). An existing gate at the end of Lonergan Drive would be used to gain access to the bridge launching site on the northern side of the Queanbeyan River (Figure 2).

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

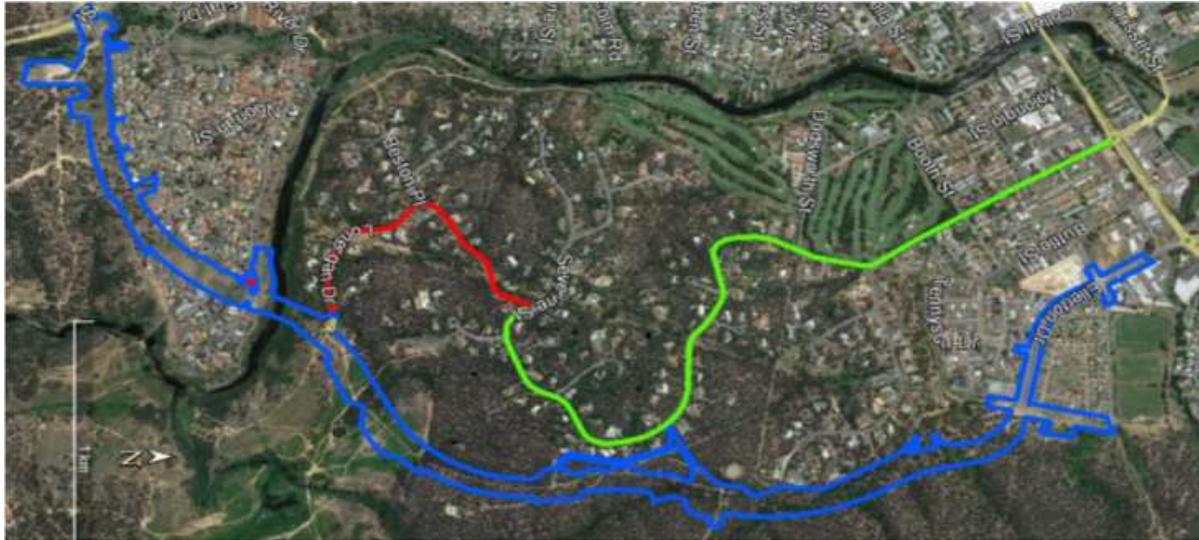


Figure 1 - Project area (blue), proposed access via Atkinson/Severne Street (green) and Lonergan Drive (red) (Source: page 3 Addendum REF)



Figure 2 - Existing gate at the end of Lonergan Drive. (Source: page 4 Addendum REF)

This additional access point would be used by workers to access the bridge launching site to commence and finish work each day. Hence, the vehicle movements would be concentrated in the early morning and late afternoon. It is acknowledged that some vehicle movements would occur at intervals through the day.

An estimated 20 vehicles would access the bridge site per day through the Lonergan Drive access point (resulting in approximately 40 to 50 light vehicle traffic movements per day).

From the Kings Highway, vehicles would utilise Atkinson Street, Severne Street, and Lonergan Drive. Figure 1 shows the proposed access route from the Kings Highway to the Project off Lonergan Drive. There would be no heavy vehicle access or deliveries to the construction site via this access point.

All vehicles accessing the site from Lonergan Drive would be required to drive into the construction site to park. There would be no vehicles parking on Lonergan Drive or impeding access to the construction site or to private property driveways on Lonergan Drive.

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

The primary objectives of the proposed modification are to:

- provide a safer access route to the bridge launching site for the bridge construction workers, easing the congestion within an already confined and high risk construction site; and
- improve the effective and efficient delivery of the Ellerton Drive Extension Project.

Assessment**Consideration of Alternative Options*****Necessity for the proposed modification***

The determined REF addresses the strategic need for the Project, the Project objectives and the options that were considered. The proposed modification described and assessed in this addendum REF is consistent with the strategic need for the Project.

In June 2017, QPRC approved a modification to the bridge design and construction methodology of the Queanbeyan River Bridge. The new bridge design includes construction of a continuous post-tensioned box girder bridge. The bridge will be constructed and launched from the northern side of the Queanbeyan River, and requires that the main bridge construction site and compound be located on the northern side of the Queanbeyan River.

At present, the only approved point of access to the northern section of the Project is via Ellerton Drive. The Ellerton Drive Project access point is located approximately 2.8km from the bridge launching site. Active construction work is occurring along this 2.8km length of the Project, including bulk earthworks, culvert and drainage construction, and service relocations. The Project site is narrow in many locations, and there are limited opportunities to provide light and heavy vehicle separation. There is a significant amount of heavy plant operating within the Project site, often resulting in traffic congestion.

Under the current arrangements, bridge construction crews must travel the entire length of the northern portion of the Project (2.8 km), through heavily congested work areas containing heavy plant and equipment, to reach the bridge launching site. The workers that require access to and from the bridge launching site on a daily basis experience significant safety risks due to the amount of time that they must spend interacting with large plant and navigating through high risk work areas. Additionally, these traffic movements have the potential to contribute to dust emissions from the Project; impacting on worker safety and residential amenity.

The purpose of the current proposal is to provide a safer and more efficient access route to the bridge launching site for the bridge construction workers; easing congestion within an already confined construction site.

The Contractor has identified that the interaction of light and heavy vehicles onsite is a significantly high safety risk. Bridge site access from Lonergan Drive will eliminate the need for the majority of the bridge workers to travel the 2.8km length of the construction site, to and from Ellerton Drive. This will significantly reduce the number of light vehicles travelling through active work areas, thereby reducing the risks associated with light and heavy vehicle interaction on site.

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

Remain as is

Under this option, access to the bridge site for bridge construction workers would continue to be via the Ellerton Drive access gate. The bridge crew would be required to travel to and from the bridge site through 2.8km of active construction works. The workers that require access to and from the bridge launching site on a daily basis would experience significant safety risks due to the amount of time that they must spend interacting with large plant and navigating through high risk work areas. There would also be significant time lost due to the time that workers must spend travelling to and from the bridge site.

Provide access to the bridge site via Lonergan Drive

Under this option, access to the bridge construction site for a limited number of workers would be provided via an existing gate at the end of Lonergan Drive, Greenleigh. Bridge site access from Lonergan Drive would eliminate the need for some of the bridge workers to travel the 2.8km length of the construction site, to and from Ellerton Drive. This would significantly reduce the number of light vehicles travelling through active work areas; thereby reducing the risks associated with light and heavy vehicle interaction on site.

This option would provide a more efficient and safe access route to the bridge construction site for the bridge construction workers, easing congestion within an already confined construction site. Additionally, this option would facilitate improved effectiveness and efficiency in Project delivery.

Legislative context***Environmental Planning and Assessment Act 1979***

QPRC is the determining authority for the proposal. Although development consent is not required for the proposal, section 5.5 EP&A Act (*Duty to Consider Environmental Impact*) prescribes that a determining authority must examine, and take into account to the fullest extent possible, all matters affecting, or likely to affect the environment, by reason of a proposed activity that is assessed under Part 5. Council has determined that the proposal is not subject to an EIS and requires determination under Part 5 of the EP&A Act.

State Environmental Planning Policy (Infrastructure) 2007

The proposed works are characterised as road construction works under the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). Such works conducted on behalf of a public authority do not require consent via a development application process but instead are assessed under Part 5 of the Environmental Planning and Assessment Act 1979.

NSW Environmental Planning and Assessment Regulation 2000

Clause 228 of the NSW *Environmental Planning and Assessment Regulation 2000* identifies factors to be taken into account concerning impact of an activity on the environment. The proponent (QPRC) is obliged to consider clause 228 of this regulation with regard to identification of environmental impacts of the proposal. The factors specified under this regulation to be taken into account, concerning the impact of an activity on the environment, form the scope of this Addendum REF.

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

Queanbeyan Local Environmental Plan 2012 (QLEP)

The proposed modification site is entirely within the Queanbeyan LEP area. Council has been, and will continue to be consulted on the proposal throughout the development and construction phases.

Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Under the environmental assessment provisions of the EPBC Act, the following matters of national environmental significance (MNES) and impacts on Commonwealth land are required to be considered for the proposed modification. Appendix B contains an analysis of the proposed modification against the EPBC Act factors.

Other Relevant Legislation

Other legislation that applies to the proposed works is the *Threatened Species Conservation Act 1995*, *National Parks and Wildlife Act 1974*, *Heritage Act 1997*, *Protection of the Environment Operations Act 1997* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.

Many of these Acts do not materially impact on the outcomes of the addendum REF, but where they do, they are indicated in the assessment of the Environmental Impacts below.

Environmental Assessment

Traffic and Transport

Lonergan Drive and Severne Street are both sealed public roads with posted speed limits of 50km/h. There are no pedestrian footpaths along either of these roads, and the roads are not kerbed.

The roads through Greenleigh are primarily used by local residents and property owners in vehicles. Pedestrians are also known to walk along the road, including children walking to and from school bus stops. Wildlife is common on the streets in Greenleigh, including Kangaroos and Wombats.

The Annual Average Daily Traffic Counts (AADTs) for these roads are presented in the table below. Although some of this data was collected as early as 2009, the population of Greenleigh has only increased slightly in this time, so the current traffic counts would be very similar. In addition, there are two school bus services that operate through Greenleigh in the morning, and three in the afternoon.

Street (location)	Average Daily Traffic Volume	Year measured
Severne Street (Considine Close to Woodman Place)	753	2009
Severne Street (Morris Close to Considine Close)	1021	2015
Lonergan Drive (Severne Street to Beston Place)	345	2015
Lonergan Drive (Beston Place to end)	100	2012

Table 1 - (Average daily traffic volumes for streets in Greenleigh, Queanbeyan)

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

An estimated 20 light vehicles are likely to enter the Project site via the Lonergan Drive access per day. This would result in approximately 40 to 50 additional light vehicle movements per day along Lonergan Drive and Severne Street, as a small number of vehicles may leave and re-enter the site during the daytime. This is based on an understanding of the lunch habits of most workers on this Project, who remain on site for the duration of the day until they leave to go home. The vehicle movements would be concentrated in the early morning (prior to 7am) and late afternoon (generally after 6pm) as workers arrive for work and leave at the end of their working day.

The additional vehicle traffic associated with the modification would be consistent with the type of traffic that currently uses these local roads (ie. light vehicles). These roads are designed for light vehicles and the proposed modification is unlikely to exceed the existing traffic volume capacity of these two local roads. Subsequently, it is not anticipated that the proposed modification would result in substantial impacts to the condition of the existing road or result in any significant damage.

No heavy vehicle access or deliveries will be permitted to the construction site via the proposed access point.

Mitigation Measure - All Project related vehicles using the Lonergan Drive access point would be required to park inside the Ellerton Drive Extension Project at designated parking areas. The use of the Lonergan Drive access point by a limited number of Project-related light vehicles would likely result in low traffic, transportation and access impacts. The extent and magnitude of impacts associated with the proposal are considered to be minor in comparison to the determined Project.

To ensure that potential traffic and transportation impacts are minimised and avoided, the following mitigation measures would be implemented by the Contractor:

1. Within the first month of the operation of this access, the Contractor will contact and consult with residents along Lonergan Drive regarding the use of this access route to ensure the potential impacts of using this road are well mitigated and managed.
2. The use of the Lonergan Drive access route will be limited to light vehicles only. No heavy vehicles are to use Lonergan Drive to access the Project site.
3. Access will only be provided to selected staff involved in bridge construction.
4. A permit system will be implemented whereby the Contractor will provide individual inductions, site instruction and management tools to staff using this access point. The induction will include, but not be limited to the following elements:
 - a. description of the subject roads and their condition;
 - b. speed limits of each road;
 - c. the locations of school bus stops and approximate hours of operation through Greenleigh;
 - d. reminder that pedestrians and children often walk on the road in the area;
 - e. reminder about the unpredictable nature of animals, and types of wild animals that are likely to occur on these roads; and
 - f. all other relevant site instructions and management measures that apply to the use of this access point.

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

5. The use of the Lonergan Drive access point will be restricted to the following hours:
 - a. 7:30am to 1:30pm, Saturdays.
 - b. 6:30am to 6:30pm, Monday to Friday.
6. No access via Lonergan Drive will be permitted on Sundays or Public Holidays.
7. The Contractor will provide a secure and stabilised site access point. A lockable gate is already installed at the end of Lonergan Drive. The Contractor will ensure that access can be controlled at all times.
8. Adequate signage will be provided on the gate/fence at the site entry point to ensure that people can identify the site as a construction site and that relevant Project contact phone numbers are available.
9. Environmental controls will be implemented to minimise mud/dirt tracking from the Project onto Lonergan Drive and other public roads.
10. The contractor will provide increased surveillance at the Lonergan Drive access point to monitor the volume of traffic during the progress of works. If it is found that the traffic movements consistently exceeded 50 per day, then investigations will be carried out, and strategies developed and implemented, to lower this to a maximum of 50 movements per day on average over a one week period.
11. The Contractor will develop a Traffic Control Plan (TCP) for this access point. The TCP will identify additional traffic controls on Lonergan Drive to ensure that pedestrian traffic can be safely separated from vehicle traffic, safe speeds are maintained, and that no road users park at the gate outside of nominated hours. The TCP will be reviewed at least weekly, throughout the operation of the Lonergan Drive access point.
12. Prior to commencement of the modification, the contractor will complete a basic dilapidation survey to record the existing condition of the subject roads (Atkinson Street, Severne Street and Lonergan Drive). This will involve collection of photographs and video footage.

It is considered that these mitigation measures adequately address the potential environmental impacts resulting from traffic utilising the proposed route.

Noise and vibration

The proposed site access off Lonergan Drive would result in the movement of additional light vehicle traffic through Greenleigh, along Severne Street and Lonergan Drive. There will be some traffic noise associated with the movement of these vehicles along the proposed access route. Given the small number of vehicle movements (40-50) per day, and the restricted use of the route to light vehicles only, it is anticipated that Lonergan Drive would remain a low traffic and low noise environment.

Mitigation Measure - The recommended noise and vibration mitigation measures of the determined REF; which includes the implementation of the Construction Noise and Vibration Management Plan, are still applicable. The mitigation measures, outlined in the Traffic, Transportation and Access section above, will assist to avoid and minimise any potential traffic noise impacts. No additional noise or vibration mitigation measures are proposed.

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

Biodiversity

The proposal will not require any additional land clearing to be undertaken. There is an existing unsealed road from the end of Lonergan Drive into the construction site (Figure 1). The determined Project includes sealing of this access road, and the potential impacts have already been assessed in the determined REF. There would be no additional impacts on any vegetation, waterways or other habitats as a result of the current proposal.

Mitigation Measure - All Project related vehicles using the Lonergan Drive access point would be required to park inside the Ellerton Drive Extension Project at designated parking areas. There is no change in biodiversity impacts from the determined REF, and no changes or additional measures are required.

Socio-economic issues

The Project boundaries would not be changed as a result of the proposal. As such, no change in the assessment of impacts on land use and property is identified. The use of Lonergan Drive as a point of access for the bridge construction workers will improve the effective and efficient delivery of the Project. There will be significant time savings for workers, who will be able to reach their work site more efficiently, compared to travelling 2.8 km through the active construction site to and from Ellerton Drive entrance.

Mitigation Measure - There is no change in socio-economic impacts from the determined REF, and no changes or additional measures are needed.

Geology, Soils and Water

The proposed access point off Lonergan Drive would not change the Project footprint. Risks to soils and water would be managed through standard environmental controls which are implemented elsewhere on the Project. This would include a stabilised access and suitable erosion and sediment control measures to prevent offsite pollution.

Mitigation Measure - There is no change in geology, soil and water impacts from the determined REF, and no changes or additional measures are required.

Air Quality

The proposal will not change the overall volume of vehicles that access the Project site. However, there would be a minor decrease in the volume of bridge construction related traffic movements, along the unsealed access roads, through the Project site north of the river. Instead, this traffic would be travelling to the bridge site along Severne Street and Lonergan Drive, which are sealed public roads. This would result in a minor reduction in dust emissions from the reduced traffic movements along the unsealed site roads. There would be an overall reduction in negative air quality impacts as a result of the proposal.

Mitigation Measure - The recommended air quality mitigation measures of the determined REF are still applicable, and no changes or additional measures are needed.

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

Aboriginal and non-Aboriginal heritage

The construction footprint, alignment, and location of the roadwork footprint does not change as a result of the modification. The Lonergan Drive access point uses already disturbed areas. The works will remain entirely within the approved Project boundary.

Mitigation Measure - There is no change in Aboriginal and non-Aboriginal heritage impacts from the determined REF, and no changes or additional measures are required.

Lighting

The additional access point off Lonergan Drive may require the use of lighting at the entrance point outside daylight saving hours. Lighting will need to be orientated so that it does not affect any of the nearby residences, which are either located uphill from the entrance point or are shielded by vegetation along their property boundary. During daylight savings, there would be no requirement for lighting at the site entry. The assessment of significance of temporary and short term negative impacts from light spill, in the determined REF does not change as a result of the proposal.

Mitigation Measure - The recommended mitigation measures identified in the determined REF are still applicable, and no changes or additional measures are needed. Further; a Light Pollution Management Plan exists for this Project and this plan would be implemented for any lighting that may be associated with the Lonergan Drive access point.

Waste

The proposed modification will not alter the waste and resource management streams. There would be no additional waste impacts associated with the proposed modification. The assessment of significance of temporary and short term negative impacts on waste and resource use in the determined REF remain unchanged.

Mitigation Measure - The recommended waste mitigation measures identified in the determined REF are still applicable, and no changes or additional measures are needed.

Climate Change

The proposed modification will not result in an increase to emissions resulting from the Project. Overall there will be no changes in the assessment of significance of negative impacts on climate change as a result of the construction of the alternative bridge.

Mitigation Measure - The recommended mitigation measures identified in the determined REF are still applicable, and no changes or additional measures are needed.

Cumulative impacts

There will potentially be some minor and short term cumulative noise impacts to residents of Lonergan Drive, who are already experiencing some noise impacts from the active construction works. The potential additional noise impacts from the Project-related traffic movements would be minor and short term.

Mitigation Measure - The recommended mitigation measures identified in the determined REF are still applicable and no changes or additional measures are needed.

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

Community Consultation

QPRC are the proponent and the determining authority for the Project and this proposed modification. A community consultation strategy report was presented to QPRC Planning and Strategy Committee meeting held 8 August 2018. The report was adopted by QPRC without change.

The addendum REF was posted on Councils "Your Voice" website between 15 and 29 August 2018. In addition a notification letter regarding the proposed new access arrangements was distributed to the residents of Lonergan Drive, Severne Street and Atkinson Street. Feedback was received from a total of 23 residents.

Additionally, face to face consultation was undertaken with residents of 16 properties who were home at the time of doorknocking. Of the people who were contacted during the door knocking process, 15 residents expressed positive or neutral sentiment toward the proposal (ie. a remark or comment which neither supported nor objected to the proposed modification). One resident expressed negative sentiment.

Submissions were received from four separate residents via the 'Your Voice' website. Two of these residents expressed negative sentiment toward the proposal, one resident expressed positive sentiment and one expressed neutral sentiment. Six emails were received via the Project email address, which expressed negative sentiment toward the proposal.

Responses received from the community during the consultation period have been examined and summarised within a submissions report (Attachment 2). The Addendum REF was then updated to Final v2, with additional mitigation measures and controls included, based on the outcomes of the community feedback.

The substantive issues raised during the exhibition period were as follows:

Issue 1

What has changed regarding the actual conduct of the Project that requires this change to be made? Why were suitable transportation strategies not developed before starting the Project?

Proponent's response - The design and methodology for the construction of the bridge over the Queanbeyan River has been amended since the Project approval.

Section 2.1 of the Addendum REF describes the need for the proposed modification; Section 2.2 describes the options considered. The changed design allows for segments of the bridge to be incrementally constructed and launched from the north to the south side of the Queanbeyan River.

As the bridge is now largely being constructed from the northern side of the River (near Lonergan Drive), there will be increased construction activity and more construction workers required in this area to complete the work. Section 2.1 of the Addendum REF identifies the need for an alternative access to the bridge construction to facilitate the safe, effective and efficient delivery of the Project.

Assessment Comment - Original strategies had been developed by the proponent and had been determined and approved by QPRC. However, due to changes in the construction methodology, the scope requires amendments and as a result, an addendum REF is required to address the environmental impacts due to this modification.

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

The proposed modification is minor and does not result in significant environmental impacts. However, the transport strategies require updating, as the Project has progressed and encountered new modifications. These have been included in the addendum REF as additional mitigation measures.

Issue 2

The distance of 2.8kms through the Project site is a shorter and more direct travel route to the bridge site than through Greenleigh. Can a time and distance study be provided to demonstrate savings in travel time?

Proponent's response - The distance that workers would travel through the site is generally a shorter distance when compared to the route along Severne Street and Lonergan Drive. However, other active construction works through the entire length of the Project site remain in progress during bridge construction influencing the time of travel through the site and the safety risk to personnel from plant interaction which can be suitably avoided through an alternative access location.

Conditions on the construction site have the potential to change significantly each day, and often multiple times per day, due to the nature of the works being undertaken. Any time and distance study undertaken would soon become outdated due to the ever-changing nature of the work, including works and activities that are often weather-dependent.

Assessment Comment - Lonergan Drive is a sealed, public road that provides better access from safety aspect and ease of travel for light vehicles/private cars. Provided the vehicle movements are limited to 40-50 per day, it would not have a significant impact on the local roads and associated residents.

Issue 3

The safety requirements for vehicles entering the Ellerton Drive extension Project - for the bridge workers to access the site through the EDE they will be required to have lights and/or flags on their vehicles. Providing lights/flags for all bridge workers' vehicles will cost the contractor money (and possibly create some issues with the workers who may not want items attached to their vehicles). Can the contractor confirm that all vehicles accessing the site must have such equipment?

Proponent's response - The contractor makes safety equipment such as flags and flashing lights available to workers who drive an appropriate site vehicle, and require such equipment to access the Project site and perform their work.

Some of the bridge workers will have private vehicles that are not suitable for driving through a construction site (e.g. sedans, 2WD vehicles). The access via Lonergan Drive will provide an access point for workers who do not drive vehicles suitable for travelling right through the construction site. The access via Lonergan Drive will be provided such that permitted bridge workers are able to access the construction site in their private vehicles, without the need for flashing lights, flags and 4WD capabilities.

A safe, delineated parking area within the Project site will be provided for these workers. Similar parking facilities for workers in private vehicles are provided at the main site entry off Ellerton Drive.

Assessment Comment – How safety equipment is provided to vehicles on the Project is not a relevant environmental consideration in the REF.

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

Issue 4

If access is only needed at the start and end of the working day, how is the construction work disrupted if the workers are on their way to the site to start work? The Addendum REF does not indicate what times heavy plant operation would impact travel of workers to the bridge site.

Proponent's response - Not all site staff and contractors are required to enter or exit the site at the start or end of the standard construction hours. Generally, most workers would be arriving/leaving site at the start/end of the standard construction hours. However, some bridge workers will arrive after construction has commenced, or leave before construction has finished for the day. The specific times that heavy plant might affect the travel of light vehicles to the bridge site varies each day and can be unpredictable. Mobile plant is generally in operation across the site between 7am and 6pm Monday to Friday, and 8am to 1pm on Saturdays.

To minimise the use of Lonergan Drive by the Project, bridge workers who are issued permits to access the site via Lonergan Drive (and who drive an appropriately equipped 4WD site vehicle), will be instructed to utilise the main site entry off Ellerton Drive if they arrive on site prior to the standard construction hours, prior to mobilisation of heavy machinery and operation of restricted work zones (i.e. prior to 7am weekdays and 8am Saturdays). They will also be instructed to leave the site via Ellerton Drive if they are finishing work at the end of the standard construction hours (i.e. after 6pm weekdays, and 1pm Saturdays).

Assessment Comment - To reduce the traffic movement on Lonergan Drive, permits and passes would be issued with a condition to access this route within working hours. This strategy would assist to reduce the traffic movement on Lonergan Drive.

Issue 5

The notification claims that a 'minibus' may be used to transport workers to the site via Lonergan Drive. This potentially indicates that using a minibus on the EDE route could be another option for transporting workers?

Proponent's response - A minibus is currently used on site to transport teams to certain work areas. Use of a minibus to transport workers to and from the bridge site has been considered as an option. However, there are several contractors and teams working at the bridge construction site, who often do not arrive and leave the site at the same time.

Furthermore, the bridge workers are frequently required to bring specific equipment and tools to their work site to complete their activities, which require transportation by a light vehicle or trailer. It is impractical to transport these kinds of tools and equipment on a minibus and therefore it is not practicable or feasible to transport all of the bridge workers via minibus. However, minibuses will be deployed by the Project team where appropriate to reduce on site traffic interface.

Assessment Comment - To utilise a minibus within the construction site would require a dedicated route; increasing the foot print and creating a potential disturbance of established natural areas.

However, a local council road already in place, with access potential, would be more appropriate and could be utilised for limited traffic movements without disturbing natural ground. Additionally, the response by the proponent also explains the practicality of having light vehicles close to the bridge site.

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

Issue 6

The notification letter claims that the proposal would "...minimise the risk of light vehicles and heavy construction vehicles coming into contact with one another" - suggesting that the work site is possibly not as safe as it could be. There are many protocols for accessing such construction sites that, if followed, will increase site safety. Why is an alternative access point required to increase the safety for personnel within the construction site?

Proponent's response - Detailed Safety and Traffic Management Plans and protocols have been developed for the Ellerton Drive extension construction Project and these are enforced on the site. The plans and protocols provide various strategies for managing the interaction of light and heavy vehicles and for making the construction site safe. These include strict vehicle compliance standards, vehicle movement plans, internal Project traffic site signage, speed limit restrictions, and strict vehicle/plant operator communication protocols. Controls have been implemented onsite to address the high risk nature of plant interactions. The high risk nature of construction sites is recognised in law and monitored by Safe Work Method Statements applicable to high risk activities.

Although these safety strategies and protocols are established on site, the interaction of light vehicles and mobile plant in any form is still deemed to be a high risk to workers safety (as described in the Code of Practice for Moving Plant on Construction Sites 2004). This risk can be minimised or eliminated through the implementation of an alternative access point for bridge construction workers. The Contractor is committed to providing additional ways of managing the risks to the health and safety of workers.

Assessment Comment - To mitigate the risk of collision between two vehicles, hierarchy of control is always considered, and safety measures are to be incorporated. Isolation is one of the best ways to eliminate the risk of collision and the proponent has described details of how this will be managed to satisfactory level.

Following determination of this Addendum REF, and prior to the use of the Lonergan Drive access point, a second notification would be provided to the same group of residents to inform them of the outcomes of the QPRC determination.

Should a determination be made to proceed, the notification will include an approximate date from which use of the access point would commence.

Conclusion

The proposed addendum is permitted without consent and is subject to assessment under Part 5 of the EP&A Act. QPRC is the determining authority.

The addendum Review of Environmental Factors (REF) under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) prepared by WBHO (The contractor) on behalf of Community Connections Portfolio in QPRC, concluded that subject to the mitigation measures identified in the addendum and original REF being satisfactorily implemented, the proposed addendum is unlikely to have a significant environmental impact and that the preparation of an EIS is considered unnecessary.

5.4 Assessment of Addendum Review of Environmental Factors (REF) September 2018 - Ellerton Drive Extension Project (Ref: C18149218; Author: Thompson/Patel) (Continued)

Environmental impacts associated with the proposed modification have been avoided, minimised, or mitigated wherever possible, through safeguards and management measures. The proposed modification does not alter the Project objectives (to construct and operate an extension of Ellerton Drive). It also does not result in a substantive change to the objectives and functions of the determined Project. However, this proposal would facilitate the effective and efficient delivery of the Project.

Whilst it is acknowledged that some environmental impacts may result from the proposed modification, they can be avoided or minimised where possible through site-specific safeguards. The benefits of the proposal are considered to outweigh the adverse impacts that may be generated by the proposal, which are mostly temporary and localised.

As such it is recommended that the Addendum REF be approved subject to the mitigation measures specified being put in place and with the addition of the following conditions of approval:

QPRC1 – Amend Construction Management Plan

The existing Construction Management Plan (associated with the original REF for the Ellerton Drive Extension Project) requires the incorporation of a statement of commitments, as detailed in the proposed addendum REF, for consistency and approval.

QPRC2 - Submit Traffic Management Plan

Prior to proposed access commencement, a Traffic Management Plan for the access must be submitted to, and approved by, Council under the provisions of Section 138 of the Roads Act 1993.

QPRC3 - Protection & Maintenance of Public Roads (Lonergan Drive)

Lighting, fencing, traffic control advanced warning signs must be provided for the protection of works and for the safety and convenience of the public, in accordance with Council's *Queanbeyan Design and Construction Specifications* (Version 3.2, dated January 2013).

Traffic movement in both directions on public roads and vehicular access to private properties must be maintained at all times during the currency of the works.

QPRC4 - Monitoring Plans

Monitoring plans for road condition, traffic counts, dust and noise pollution for Lonergan Drive shall be developed by the proponent and approved by Council prior to proposed work commencing.

Attachments

- Attachment 1 Ellerton Drive Extension Project - Addendum REF - September 2018
(Under Separate Cover)
- Attachment 2 Ellerton Drive Extension Project - Submissions Report - October 2018
(Under Separate Cover)
- Attachment 3 Ellerton Drive Extension Project - Appendix C - Notification of Consultation - August 2018 *(Under Separate Cover)*

5.5 Googong Urban Development Local Planning Agreement Review (Ref: C1885087; Author: Thompson/Carswell)

Summary

This report proposes a number of changes or variations to the Googong Urban Development Local Planning Agreement (GLPA). These have been contemplated over a number of years and have now reached the stage where further variations are proposed following discussions and a submission from the developers Googong Township Pty Ltd (GTPL). Council's view on the proposed changes is being sought and if supported will progress through a statutory community consultation phase.

The suggested changes and new proposal for the GLPA are provided as confidential attachments until Councillors determine which elements are supported and then commence community engagement, or for further negotiation with GTPL.

Recommendation

That Council:

- a) **Agree in principle to vary the Googong Urban Development Local Planning Agreement with the proposed changes identified in Attachment 1 to this report.**
 - b) **Commence the statutory steps to vary that Agreement, including community engagement for 28 days and a joint presentation to the Googong Residents Association.**
 - c) **Endorse the proposal in principle as outlined in Attachment 2 to this report.**
-

Background

This matter was last considered by Council at its meeting of 26 September 2018 where it was resolved (Minute No.345/18) that Council:

1. *Defer this item for consideration at a future meeting.*
2. *Hold a further workshop for Councillors on this topic during October.*

Consequently a councillor workshop was held on 31 October and this report is resubmitted for further consideration.

The Googong Urban Development Local Planning Agreement (GLPA) was negotiated between 2008 and 2011 and executed by both parties after community engagement in January 2012.

It has been in operation for nearly six and half years and a number of changes have occurred e.g. the gazettal of *Queanbeyan Local Environmental Plan 2012* in November 2012 which impacts on it. As such it has become apparent to both Council and to Googong Township Pty Ltd (GTPL) that a number of changes and updates are necessary to maintain its currency.

5.5 Googong Urban Development Local Planning Agreement Review (Ref: C1885087; Author: Thompson/Carswell) (Continued)

The proposed changes fall into broad categories of routine changes including:

- Definitional changes arising from the gazettal of *Queanbeyan Local Environmental Plan 2012*
- Changes affecting the contribution values of Offsite Roads, and
- Changes to the provision of Community and Open Space infrastructure which are detailed in Attachment 1.

They also include a further *proposal* (subject to conditions) which is the subject of Attachment 2.

The key drivers of the changes and proposal are:

- Increases to the cost of construction of offsite roads, in excess of the CPI;
- Better estimation of those costs now that firmer designs are in hand, or the works have been tendered;
- Grant funding for the Old Cooma Road Stage 2 and Lanyon Drive intersection;
- Reduction in scope and scale of some off-site roads and intersections, following review of traffic modelling and assumption of responsibility of some works by RMS (e.g. Yass Rd roundabout);
- Adoption of the Sporting Facilities Strategic Plan;
- Reassessment of the social plan for Googong; and
- GTPL's position on future ownership and operation of the Club Googong facility.

These *changes* and the *proposal* are recommended to be supported in principle with further consideration following community engagement.

Implications***Legal***

The proposed changes in Attachment 1 and the proposal in Attachment 2 will require legal review and advice.

In addition, the *Environmental Planning and Assessment Regulation 2000* requires the proposed changes to be advertised for community comment for a minimum of 28 days.

Policy

The GLPA ties the release of necessary supporting physical and community and open space infrastructure to various stages of the development of Council's largest urban release area. As such its currency should be maintained.

Asset

The GLPA progressively provides for the construction of physical, community and open space infrastructure as development occurs. Following maintenance periods these become Council's assets.

Social / Cultural

The GLPA includes both community and open space infrastructure.

5.5 Googong Urban Development Local Planning Agreement Review (Ref: C1885087; Author: Thompson/Carswell) (Continued)

Economic

The construction of the necessary supporting physical, community and open space infrastructure provided through the GLPA provides employment opportunities.

Strategic

This Agreement provides for the progressive provision of the necessary infrastructure to support the new community of Googong which is one of the major urban release areas identified by Council's *Queanbeyan Residential and Economic Strategy 2031*.

Engagement

The relevant legislation requires the community to be engaged for a minimum period of 28 days. However, in this case it is considered that in addition to this period other methods of engagement should be used such as briefing the Googong Resident's Association. In addition as a partner in the GLPA, GTPL will also be requested to participate in this consultation process and have agreed to do so.

Financial

Should the recommendations of this report be supported, this will necessitate costs associated with obtaining legal advice, community engagement and other associated costs. These will be covered by the appropriate budget in the Land Use Branch.

There would also be some changes to the contribution values for offsite roads and community and open space infrastructure as well as to the mix of these.

Integrated Plan

The GLPA assists in achieving Community Strategic Plan Key Goal 3.5 *We ensure the future planning for the region is well coordinated and for and provides for its sustainable management*.

Conclusion

The proposed changes or variations to the Googong Urban Development Local Planning Agreement (GLPA) have been developed over a number of years after careful consideration by both parties to the Agreement. They are considered to be important to maintain the currency of the GLPA. In addition GTPL have presented a further proposal which is worthy of consideration by Council. Accordingly it is recommended that these be agreed to in principle and pursued with community engagement and further report to Council.

Attachments

- Attachment 1 Proposed Changes to Googong Urban Development Local Planning Agreement (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 2 Proposal from Googong Township Pty Ltd (*Under Separate Cover*) - **CONFIDENTIAL**

5.6 **Applicability of Developer Contributions Charges - Water and Sewer -
Googong Neighbourhood Centre (Ref: C18149211; Author:
Thompson/Thompson)**

Summary

The construction of the first Neighbourhood Centre at Googong has highlighted an issue related to the imposition of section 64 developer contributions for water and sewer on commercial developments in the new Googong Urban release area.

This report provides an outline of the issues raised and seeks Council's direction on how to proceed with the matter.

Recommendation

1. That Council note the report on the imposition of Developer Services Plan (DSP) charges on commercial development at Googong.
 2. That Council note that any such charges levied are to be passed on to Googong Township Pty Ltd as per the requirements of the Googong Urban Development Local Planning Agreement in place.
 3. That Council note that Googong Township Pty Ltd have indicated that it was not their intention to recover the costs of water and sewer infrastructure through the imposition of DSP charges on commercial development in Googong.
 4. That in view of the above Council enter into an agreement with GTPL to dispense with the need to levy DSP charges on commercial development at 201 Gorman Drive, Googong.
 5. That subject to an agreement being reached with GTPL:
 - a) Any DSP charges already paid to Council for commercial development in Googong be refunded.
 - b) Any conditions imposed on existing development consents requiring the payment of DSP charges be determined as being satisfied.
 6. That a review of the DSP for Googong be undertaken to provide clarity around how DSP charges will be levied against other commercial development in the proposed Googong Town Centre.
-

Background

What Does a s.64 Developer Services Plan Do?

A section 64 Developer Services Plan (DSP) is prepared when Council needs to recover the cost of water and sewer infrastructure constructed in response to increased demand from development.

Generally the DSP defines the type and cost of the water and sewer infrastructure that Council is required to build to service or augment new development. The cost of this work is then recovered from the developers who benefit from the construction of the infrastructure typically through a charge on each allotment created.

5.6 Applicability of Developer Contributions Charges - Water and Sewer - Googong Neighbourhood Centre (Ref: C18149211; Author: Thompson/Thompson) (Continued)

For example a new subdivision of 1,000 equivalent tenements might require a \$10M upgrade of a sewage treatment plant. Council builds the upgrade then recovers the \$10M by dividing the cost amongst the 1,000 new tenements created i.e. \$10,000 per tenement.

The DSP provides the legal mechanism by which these costs can be recovered.

What is the Situation at Googong?

The DSP for water and sewer prepared for the Googong urban release area is slightly different. In this case all of the water and sewer infrastructure set out in the DSP is being constructed at the cost of the developers, Googong Township Pty Ltd (GTPL). So the question is if Council isn't responsible for the cost of the constructing the infrastructure, why is a DSP required?

The answer relates to the fact that while GTPL is building the water and sewer infrastructure for 100% of the Googong urban release area, it is only constructing 90% of the new lots. The remaining 10% of lots are being developed by three private developers who own the remaining 10% of the land at Googong. But there is no mechanism for GTPL to recover the private developer's 10% share of the cost of the infrastructure. Only Council can recover costs.

So the DSP for Googong has been prepared to specifically allow Council to recoup the contributions for 10% of the infrastructure from those private developers and then pay that amount to GTPL as per the Googong Urban Development Local Planning Agreement (GLPA).

In this way all parties pay their fair share of the new water and sewer infrastructure at Googong.

So What is the Problem at Googong?

Typically the costs recovered in a DSP apply to more than new dwellings. For instance a commercial development that imposes additional demands on water and sewer infrastructure will also attract DSP charges. This is because some types of commercial development impose significantly more demand on water and sewer infrastructure than say a basic shop. An example is a takeaway food premises. It uses more water and generates more sewage than a normal shop. Therefore it should contribute to the cost of upgrading the water and sewer infrastructure. This is the case with most DSP's applying in the QPRC area.

The recent completion of the Neighbourhood Centre at Googong means that for the first time commercial development is occurring. The development consists of shop-top housing with 20 dwellings, 10 commercial tenancies, a health services facility, a childcare centre, a community centre and a supermarket.

Some of the new premises moving into the commercial tenancies place a demand on the water and sewer infrastructure above what would be typical of a normal shop. This includes café's, takeaway food premises and a gymnasium. As a result staff have been applying the DSP charges to these more intensive uses. The fees in the Googong DSP are significantly higher than the rest of QPRC because of the costs of building the high technology water recycling plant at Googong. As a consequence some applicants have been surprised by the quantum of the charges applied particularly as they can be a significant proportion of the costs of commencing the new business.

5.6 Applicability of Developer Contributions Charges - Water and Sewer - Googong Neighbourhood Centre (Ref: C18149211; Author: Thompson/Thompson) (Continued)

Charges levied to date include:

<i>Type of Development</i>	<i>Value of Work</i>	<i>DSP Charge</i>
Takeaway Food and Drink Premises	\$220,000	\$15,885
Cafe	\$213,000	\$10,224
Café and Bakery	\$120,000	\$8,461
Gymnasium	\$145,000	\$34,366
Hairdresser	\$107,800	\$16,218

Following the imposition of these charges representations from several applicants were made to the Mayor, Chief Executive Officer and Local State member stating that the fees were unexpected, unreasonable, unfair and effected the viability of establishing the business.

Further representations were also made by GTPL saying that the DSP charges had effectively already been captured through the payments made for dwellings throughout the Googong Development.

These representations raised a number of questions for which Council sought legal advice.

What did the Legal Advice Say?

A summary of the legal advice is provided in Attachment 1.

The first question answered was whether the DSP applied to commercial premises. The DSP clearly indicates that in calculating the demands on the sewer and water systems at Googong it did include the demands imposed by commercial development. So the answer to this question was yes.

The next question was whether the charges could be recovered from commercial development. The DSP clearly indicates that *“The developer charges will be levied on all land within the DSP areas for new development and redevelopment (i.e. change of use)”*. Clearly these new commercial uses are new development or a change of use, so there appears little doubt that the charges could be made.

The next important question is if the charges are collected by Council what happens to the money. The advice indicates that it is not appropriate for Council to keep the money because Council has not borne the cost of constructing the water and sewer infrastructure. This cost was borne entirely by GTPL and as provided in the GLPA with GTPL any charges made under the DSP are required to be paid to them. So if Council levies the charge it must be passed onto GTPL.

However, in discussions with GTPL they have indicated that it was never their intent to recover the cost of water and sewer infrastructure from small commercial businesses. They consider that they will recoup all their costs through the DSP charges levied on dwellings. As a result they have asked Council to dispense with levying DSP charges for commercial development.

Council would need to enter into some form of agreement with GTPL to reflect this to ensure they would not make a claim on Council at a later date. This could be achieved.

**5.6 Applicability of Developer Contributions Charges - Water and Sewer - Googong Neighbourhood Centre (Ref: C18149211; Author: Thompson/Thompson)
(Continued)**

What Does this Mean for the Applications Already Approved?

Several businesses have already paid their DSP charges or have DSP charges imposed as part of their conditions of consent. If Council and GTPL agree not to levy the DSP charges on commercial development then those fees paid should be refunded and those who have not paid but have a condition imposed should consider those conditions satisfied.

Conclusion

Council is able to levy DSP charges for commercial development that impose an additional demand on water and sewer infrastructure at Googong. However, those funds collected are required to be passed onto GTPL who expended the cost in constructing that infrastructure.

GTPL have indicated that it is not their intention to recover water and sewer infrastructure costs from commercial development at Googong. If this is the case there appears to be little value in Council collecting the charges which would eventually make their way back to the applicant in any case. If Council was to reach an agreement with GTPL that released Council from the requirement to recoup costs on their behalf then Council could dispense with the DSP charges. If that agreement is achieved charges collected to date should be refunded.

Attachments

Attachment 1 Legal Advice Summary - Googong DSP Charges (*Under Separate Cover*) - **CONFIDENTIAL**

5.7 Proposed New Street Name - Subdivision of Lot 3 DP 1167872 - Bungendore
(Ref: C18150481; Author: Thompson/Bateman)

Summary

Connected Projects has lodged a request to name a new road that will be created by an approved subdivision. The applicant would like to use the name Davis Close, in honour of a local War Veteran. The Geographical Names Board concur with the proposed name.

Recommendation

That Council:

1. **Adopt in principle the name 'Davis Close' as the proposed name for the new road created by the subdivision of Lot 3 DP 1167872, Bungendore.**
 2. **Advertise the name for public comment for 30 days.**
 3. **Publish a notice in the NSW Government Gazette if no objections are received.**
 4. **Include on the street sign a commemoration to the individual's contribution to World War 1.**
-

Background

The applicant has requested consideration of the name Davis Close as part of the subdivision of Lot 3 DP 1167872 in Bungendore. The location is shown in Figure 1 below.

The subject road as shown in Attachment 1 will run in an easterly direction off Modbury Street.

The chosen name will honour a World War 1 soldier that is commemorated on the Bungendore Memorial Roll of Honour. Private William James Davis was killed in action on the Western Front, 1917. The name Davis references local history and comprises an unambiguous word that is easy to spell and pronounce and is therefore recommended for adoption.

Implications

Policy

The Code of Practice requires the recommended road names to be reported to Council and then advertised for public comment. If supported by Council and the Geographical Names Board and there are no objections received from notifications then the notice will be published in the NSW Government Gazette. If any objections are received then a further report will be brought back to Council.

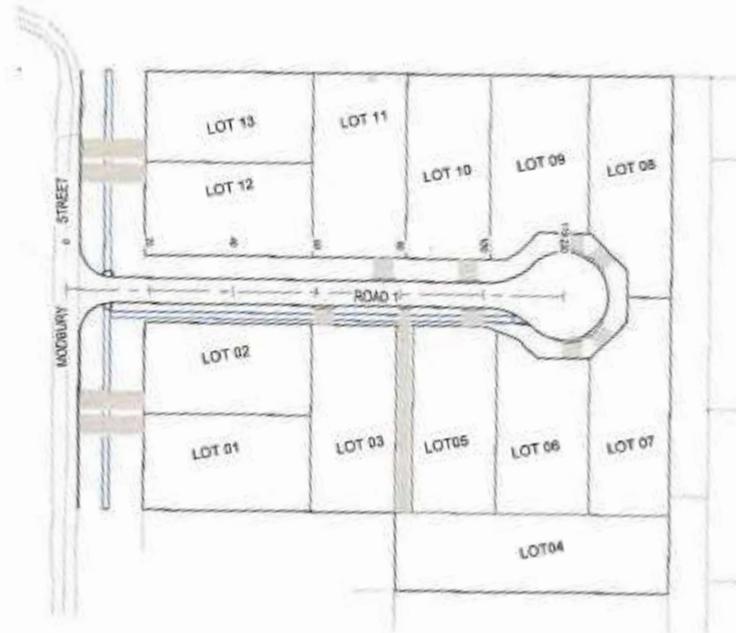
Consultation

The proposed name will be exhibited for 30 days for public comment.

Financial

All costs associated with advertising of the road name and supply of road name plates are to be borne by the applicant in accordance with Council's adopted fees and charges and the conditions of the development consent issued for the subdivision.

5.7 Proposed New Street Name - Subdivision of Lot 3 DP 1167872 - Bungendore
(Ref: C18150481; Author: Thompson/Bateman) (Continued)



Conclusion

The name chosen is a unique and interesting name appropriate to local history of the area concerned. It incorporates the use of a local historical name in accordance with the Geographical Names Board guidelines for the naming of roads.

Attachments

Nil

5.8 Report on the Management of Abandoned Shopping Trolleys (Ref: C18144201; Author: Thompson/Abbott)

Summary

As requested by Council, options have been explored to reduce the number of abandoned shopping trolleys across Queanbeyan urban areas. This report explores those options.

Recommendation

1. That Council place the Draft Shopping Trolley and Litter Management Policy on public exhibition for 28 days.
 2. That the Draft Shopping Trolley and Litter Management Policy be sent to the retailer network during the public exhibition period, advising that should the Policy be adopted by Council in the future, they may be issued with a Prevention Notice under the Protection of the Environment Operation Act 1997 if they fail to comply with that Policy.
 3. That comments on the Draft Shopping Trolley and Litter Management Policy be considered at a future meeting of Council.
 4. That a further report be bought back to Council on the costs and issues associated with employing a Council staff member to carry out trolley collections within Queanbeyan.
 5. That Council retain the charge for release of impounded trolleys at \$80.00.
 6. That Council work with Strata Managers to install trolley return signage on multi-unit shared waste facility enclosures.
 7. That Council consider allocating funds in the 2019-20 Operational Plan for the installation of trolley collection bays at the following three locations:
 - At the taxi rank on Morisset Street;
 - Outside Blooms Chemist;
 - Bus stop on Morisset St.
-

Background

At its meeting of 27 June 2018, Council resolved to:

1. *Note the ongoing proliferation of abandoned shopping trolleys across Queanbeyan urban areas, the impact of abandoned shopping trolleys on the visual environment, the danger presented to the natural habitat of the Queanbeyan River (particularly the platypus) and the propensity for improper use by some in the community.*
2. *Explore options to dramatically reduce abandoned shopping trolleys, including the option of retail outlets implementing coin operated shopping trolley systems.*
3. *Increase the Impounded Items Release Fee for shopping trolleys from \$80.00 to \$120.00 in the Fees and Charges from 2018/19.*
4. *Receive a report on the matter within two months.*

5.8 Report on the Management of Abandoned Shopping Trolleys (Ref: C18144201; Author: Thompson/Abbott) (Continued)

In preparing this report the following aims were used as a guide:

- Minimise the potential safety hazards posed by abandoned shopping trolleys;
- Protect the visual amenity of Queanbeyan's CBD and surrounds by removing the trolleys; and
- Maintain the balance between the convenience of the provision of trolleys and the responsible use and return of trolleys by building relationships with local retail shopping trolley providers and the users of trolleys.

The Nature of the Problem

Abandoned shopping trolleys have been the source of ongoing complaints from residents and business owners for many years. There have been meetings with retail management, Impounding Blitz's, media, and Trolley Tracker campaigns. The trolley problem has been an issue on recent media, with a segment on the Morning Show on Monday 10 September 2018 from a campaigner in Melbourne demanding Coles and Woolworths take action on trolleys.

Generally the complaints, primarily verbal in nature, concern the impact on the visual amenity of Queanbeyan, river corridor pollution, pedestrian safety in laneways, footpaths and nature strips, improper use by some members of the community associated with antisocial behaviour and damage to vehicles and other infrastructure when they roll across footways. Longer term abandoned trolleys are often used as waste collection bins and accumulate litter.

The trolleys also cause environmental impacts. They create a hazard to the natural habitat of the Queanbeyan River and the propensity for improper use by some in the community. The last SES trolley cleanout on the River was in September 2017 when 24 trolleys were dragged from the water. These were in various condition from totally rusted to almost new. Jagged metal edges can harm wildlife, including platypus which could also be trapped and drown in them.

Council has invested in projects to improve the CBD and River with precinct improvements and public domain works and it is very difficult to present the best possible image when trolleys are detracting from local amenity.

Generally those stores which have a \$2 trolley return bay have less abandoned trolleys around the vicinity or surrounding streets.

The Extent of the Problem

Council staff have been undertaking abandoned trolley survey patrols since early July 2018 to identify hot spots where retailers are not recovering trolleys (see appendix to Attachment 1).

While trolleys could be found anywhere in the community (sometimes several kilometres from their originating store) the overwhelming majority were on Morisset St and adjacent to bus stops and taxi ranks.

The frequency with which the trolleys were collected was very dependent on the originating store and the commitment that store has to collection. Some had good contractors in place that carried out regular collections while others were less well-resourced sharing collection contractors with stores in the ACT. In one case a large group of trolleys from one local department store were not collected in the CBD for a number of weeks suggesting they had no collection process in place at all.

5.8 Report on the Management of Abandoned Shopping Trolleys (Ref: C18144201; Author: Thompson/Abbott) (Continued)

Discussions with Retailers

Following Council's request for a report a meeting was held with local retailers that utilise trolleys on 14 August 2018. Three retailers were represented at the meeting. These were: Woolworths, Coles and Dan Murphy. A representative of Trolley Trackers, who manage the collection App for Woolworths retailers nationwide, was also in attendance.

A copy of the issues discussed is provided in Attachment 1 and summarised below.

Coin Operated Trolley Returns

The view of Council that all retailers should have coin operated trolleys and better collection systems was put to the group.

The general consensus of the retailers present was that the introduction of coin operated trolleys infuriates shoppers and that as a result customers take and use trolleys from non-coin operated retailers and refuse to shop at that store. One retailer stated that many store managers "unlock" trolleys to prevent any aggression of customers.

Other systems like wheel locks at the exit of premises are expensive and every exit must be covered.

In the end they conceded that if required and all retailers were made to comply, then they would introduce coin operated locks on shopping trolleys.

Impounding Fees

Retailers advised a fee of \$80 is considered reasonable and something they would be likely to pay. At a \$120 it is almost the same cost as replacement with a new trolley, particularly if it is aged and due for replacement.

In terms of increasing the impounding fee, the consensus was that it is better to make it more affordable to pay the fee than replace the trolley with a new one. In the past Council has collected and impounded trolleys and some retailers have failed to pay the impounding fee or collect the trolleys.

Recommendations from Meeting

- Woolworths to extend collection hours to 9pm.
- Coles to purchase a new collection vehicle.
- Coles advised they were reviewing their current collection contract.
- Retailers and Council to advertise use of trolley collection Apps.
- Staff should be encouraged to report trolleys on either Trolley Tracker or Coles Apps.
- Council to provide list of hot spots.
- Council to consider installing trolley bay at taxi rank and bus stop in Morisset Street.
- Council to continue monitoring performance.
- Council to provide regular communications with store managers on their trolley collection performance.
- Council to talk to Strata Managers about providing collection signage to tenants in hot spot units.
- Retailers agreed that they need to advertise the use of Trolley Tracker and Coles' collection Apps. Once notified contractors have 24 hours to collect the trolleys.

5.8 Report on the Management of Abandoned Shopping Trolleys (Ref: C18144201; Author: Thompson/Abbott) (Continued)

The Legal Position

Council sought legal advice on the various options that may be available. That advice is provided in Attachment 3.

Council has no power to direct retail operators to implement a coin operated trolley return system or wheel lock system. This power would need to be enacted in State legislation. As the retailers indicated, it would need to apply to all retailers as their own studies have shown that there is a significant economic disadvantage to implementing a coin return system.

Council can impound trolleys but as previous blitzes have shown the retailers seldom recover the impounded trolleys and Council ends up wearing the significant cost of collecting the trolleys as well as the expense of housing and disposing of them.

As an alternative Council's legal advisers recommend that Council develop a policy for managing shopping trolleys which retailers will be required to adopt as part of an agreement between Council and themselves. This agreement will be given force through the Protection of the Environment Operations Act (PoEO Act) and the issue of a Prevention Notice under that Act.

Given the above a Draft Shopping Trolley and Litter Management Policy has been prepared as suggested in the Code of Practice for the Management of Shopping Trolleys and with legal advice prepared by BAL Lawyers. A copy of the Policy is provided in Attachment 4.

The Policy requires all businesses providing the use of shopping trolleys for use by their customers to implement an approved shopping trolley management system. This means that retailers are required to introduce a system specifically designed for that business to take all reasonable and practical means to adequately manage the supply and retrieval of shopping trolleys.

General litter must also be addressed in the Shopping Trolley and Litter Management Plan. This will include details on the provision of an adequate number of litter bins and the objectives for preventing and managing litter and how the retailer plans to achieve these objectives.

This option will result in retailers who are providing trolleys without appropriate management system being issued with a Prevention Notice on the basis that the trolleys constitute 'littering' within the meaning of the PoEO Act. A Prevention Notice rather than a LG order, provides a greater incentive for the retailers to comply.

A key benefit of issuing a Prevention Notice is that the failure to comply is an offence that is subject to large maximum penalties (in the case of a corporation \$1,000,000 and in the case of a continuing offence, a further penalty of \$120,000 for each day the offence continues: s.97). In the case of a breach to an order given under the LG Act, a maximum penalty of only 20 penalty units (currently \$2,200) can be applied. In addition the POEO Act can also require the person to pay all or any reasonable costs and expenses incurred by it in connection with monitoring and ensuring compliance with the notice and any other associated matters by issuing the person with a costs compliance notice; s104(3).

The community is asked to recognise that shopping trolleys are provided by retailers as a courtesy and a service. Technically the trolleys are being abandoned by customers and not the retailers themselves. Individuals should be warned that may be liable for a \$250 fine for general littering.

The Policy will also require the retailers to have in place detailed educational campaigns as to how trolleys should be used and returned. Details are also provided in the Policy.

**5.8 Report on the Management of Abandoned Shopping Trolleys (Ref: C18144201;
Author: Thompson/Abbott) (Continued)**

Other Options

As an alternative to the impoundment of trolleys, Council could employ its own staff to patrol the CBD, Council parks, streets and reserves and return them to the retailers. The position would be funded by the retailers in lieu of hiring their own contractors for the role.

This option was forwarded to retailers and one response was received (included in Attachment 4). While several concerns were raised, none appear to be insurmountable with a co-operative approach from retailers and it is considered this option is worthy of further investigation.

Conclusion

All local retailers claim to have a commitment to appropriately managing their shopping trolleys and using appropriate collection services to return trolleys to their store. Notwithstanding this, abandoned shopping trolleys continue to have unacceptable amenity and environmental impacts on the community.

As a consequence it is considered that some more formal arrangement for managing and collecting trolleys is put in place. Such an arrangement should have consequences for the retailers if they do not abide by that arrangement.

To that end it is recommended that Council introduce a Shopping Trolley and Litter Management Policy which sets out the expectations Council has of its retailers in managing shopping trolleys. Where that Policy is not adhered to enforcement proceedings under the POEO Act should be implemented. It is recommended that the draft Policy be placed on public exhibition for feedback from the community and retailers.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Minutes Trolley Meeting 14 August 2018 (<i>Under Separate Cover</i>) |
| Attachment 2 | Legal Advice - Shopping Trolleys (<i>Under Separate Cover</i>) -
CONFIDENTIAL |
| Attachment 3 | Woolworths submission to Queanbeyan-Palerang Regional Council
19 October 2018 (<i>Under Separate Cover</i>) |
| Attachment 4 | Draft Shopping Trolley and Litter Management Policy (<i>Under Separate
Cover</i>) |

6.1 **Regional Economic Development Strategy (Ref: C18144701; Author: Richards/Darcy)**

Summary

The draft Regional Economic Development Strategy was developed and placed on public exhibition for comment and feedback. The community Engagement Summary Report has been prepared and a number changes to the Strategy are recommended.

Recommendation

That Council:

- 1. Note and receive the Community Engagement Report;**
 - 2. Endorse the Regional Economic Development Strategy.**
-

Background

A Draft Regional Economic Development Strategy was presented to Council on 26th September 2018 before going out on public exhibition for community feedback.

The Strategy articulates a framework for identifying actions crucial to achieving the regional vision and emphasises the distinctive and unique strengths of the region - determined through a review of:

- The Queanbeyan-Palerang region today
- Endowments – ie key features of the natural environment, built environment, geography and society specific to the region or location
- Specialisations – including ‘engines of growth’ industries, enabling industries and population serving industries
- Stakeholder consultation

These strengths suggest some key strategic imperatives including to:

1. Improve the digital connectivity and access to harness the innovative capacity of the workforce
2. Re-establish the town centres as ‘Places for People’
3. Grow the population and internal markets of the region
4. Further develop specialised agriculture and food, and cultural tourism.

The Regional Economic Development Strategy will facilitate faster access to NSW Government funding such as the Growing Local Economies Fund which is a tranche under the Regional Growth Fund that aims to support growing regional centres, activate local economies and improve services in communities through investing a further \$1.3 billion in infrastructure.

The Strategy is presented in two documents:

1. Queanbeyan-Palerang Regional Economic Development Strategy 2018-2022 which allows the reader to quickly and easily determine key content
2. Queanbeyan-Palerang Regional Economic Development Strategy 2018-2022 - Supporting Analysis, which details the methodology, evidence and the development process.

6.1 Regional Economic Development Strategy (Ref: C18144701; Author: Richards/Darcy) (Continued)

Implications***Social / Cultural***

This Strategy recognises that the economic wellbeing of the community is closely tied to the social and cultural health of the community. The Regional Economic Development Strategy shares the objective of living and working in a place providing strong social, environmental and economic connections associated with regional and rural communities.

Economic

The Regional Economic Development Strategy will provide a clearly articulated economic development strategy for the region which can be used to inform and guide economic development activity and may be used to support economic development grant applications to the NSW and Commonwealth Governments.

Engagement

This Strategy is the culmination of collaboration between the Queanbeyan-Palerang Regional Council (QPRC), the community and the NSW Government's Centre for Economic and Regional Development (CERD).

The strategic imperatives in the draft strategy were informed by stakeholder feedback gained during community consultation workshops held in Queanbeyan, Bungendore and Braidwood with additional focused consultation including:

- Regional Development Australia ACT
- Regional Development Australia Southern Inland
- Queanbeyan business traders
- Queanbeyan Manufacturers
- ACT Government
- NSW/ACT Cross Border Commissioner
- Braidwood Agribusiness stakeholders

The draft Strategy was open for community consultation from the 28th September 2018 to the 28th October 2018. It was available through Councils *Your Voice* on-line portal with hardcopies available at Council Customer Service offices and Libraries in Queanbeyan, Bungendore and Braidwood.

There was a total of 155 visits to the *Your Voice* portal and 109 downloads of the documents. A total of two submissions were made through the online portal and one written submission was received. A Community Engagement Report is attached.

Key recommendations from the feedback received are to:

- Include specific reference to renewable energy in relevant action items where the reference was previously only inferred.
- Further outline relevant ACT Government policies and plans aligned to the Strategy
- Reinforce the opportunity for transport accessibility and connectivity to support cross border travel flow
- Reinforce the importance of the Canberra International Airport to freight network and tourism opportunities by adding in the following Actions to the Section - Further Develop Specialised Agriculture and Food and Cultural Tourism:

6.1 Regional Economic Development Strategy (Ref: C18144701; Author: Richards/Darcy) (Continued)

- **Action:** With the CRJO and Canberra Airport:
 - Investigate the opportunity for Canberra Region produce and products placement in the Canberra airport to support the QPRC Tourism Plan objectives
 - further ongoing development of export freight opportunities in agriculture and general industry
- Acknowledge the importance of rail networks and advocate for a Fast Train network from Sydney to Canberra by adding in the following Actions to the Section - Improve Digital Connectivity and Access to Harness the Innovative Capacity of the Workforce:
 - **Action:** Continue to advocate for a Fast Train network from Sydney to Canberra
- Correct the ACT population figure from 350,000 to 416,000

Other recommended changes include:

- Add the following Action to the Section - Re-establish the Town Centres as 'Places for People'
 - **Action:** Implement the Retail Growth Strategy and Queanbeyan CBD Spatial Business Plan to support the development of an authentic 'main street' retail experience as differentiator for the local economy
- Add the following Actions to the Section - Further Develop Specialised Agriculture and Food and Cultural Tourism
 - **Action:** Explore opportunities that ag-tech advancements may offer the region to boost capacity, efficiency and innovation in the sector
 - **Action:** Work with the Canberra Region Joint Organisation (CRJO) and Visit Canberra to develop or leverage joint marketing initiatives to promote the region

Financial

Adoption of any projects listed in this draft Strategy would be subject to further evaluative processes and consideration by Council

Resources (including staff)

Resourcing projects identified in the Strategy will be subject to further assessment.

Integrated Plan

The Regional Economic Development Strategy is a key strategic document to guide activity and projects under the following Strategic Pillars in the Community Strategic Plan:

1. Community – a vibrant and active Queanbeyan-Palerang
2. Choice – a prosperous Queanbeyan- Palerang
3. Character – A sustainable Queanbeyan-Palerang
4. Connection – A connected Queanbeyan-Palerang

6.1 Regional Economic Development Strategy (Ref: C18144701; Author: Richards/Darcy) (Continued)

Some candidate projects in the draft strategy have already been identified in the QPRC Delivery Program, including:

- Queanbeyan CBD Transformation
- Queanbeyan Head Office and Smart Hub
- Regional Sports Precinct
- Queanbeyan Sewerage Treatment Plant
- Technology Innovation Park support

Conclusion

The Regional Economic Development Strategy provides a key framework for guiding economic activity and policy in QPRC and provides an instrument in which to attract funding and investment for regional projects. The Strategy has been developed in close consultation with the NSW Government and the QPRC community and is designed around the regions strengths.

Attachments

- | | |
|--------------|---|
| Attachment 1 | ACT Government officials' Submission to the QPRC draft Regional Economic Development Strategy (<i>Under Separate Cover</i>) |
| Attachment 2 | Executive Summary of engagement report - REDS (<i>Under Separate Cover</i>) |
| Attachment 3 | Regional Economic Development Strategy - Final (<i>Under Separate Cover</i>) |
| Attachment 4 | Regional Economic Development Strategy - Supporting Analysis (<i>Under Separate Cover</i>) |

6.2 Easy To Do Business (Ref: C18144757; Author: Richards/Darcy)

Summary

This report provides background information on the Service NSW Easy to do Business program and seeks support to enter into an agreement with Service NSW.

Recommendation

That Council:

1. **Delegate authority to the CEO to enter into an agreement with Service NSW; and,**
 2. **Approve that any necessary documents be authorised for execution under the Common Seal of Council.**
-

Background

QPRC is a participant in the Small Business Friendly Councils (SBFC) initiative which is managed through the Office of the Small Business Commissioner. This initiative provides the opportunity for participating Councils to implement programs that support small business, share resources and information with other participating Councils and promote this offering to the local business community.

Further to SBFC initiative, the Small Business Commissioner and Service NSW have developed the "Easy to do Business" program. In August 2017, QPRC resolved to be a participant in the Easy to do Business pilot program.

As the pilot program has now completed, a new resolution of Council is required to continue QPRC's participation. In accordance with the Service NSW (One-stop access to Government Services) Act 2013, a resolution of Council is required to allow Council to enter into a Service Partnership Agreement and to delegate the relevant customer service functions related to the administration of the Easy to do Business program to the Chief Executive Officer, Service NSW.

More about the Easy To Do Business Program

The Easy to do Business program is a joint initiative between the Department of Premier and Cabinet, the Office of NSW Small Business Commissioner and Service NSW. It brings together agencies, local councils, and industry bodies to make the process of opening or expanding a small business simpler and faster.

The initiative was initially piloted at the City of Parramatta Council in May 2016 focusing on the café, restaurant and small bar sector and in 2017 the pilot program was expanded to incorporate a number of other Councils including QPRC.

The pilot program has been a success and demonstrated that a business can open in 90 days rather than 18 months. The program is now available for other councils to join as partners.

6.2 Easy To Do Business (Ref: C18144757; Author: Richards/Darcy) (Continued)

This free program provides a number of benefits for Councils, including:

- The *Easy to do Business* program aims to streamline the process of opening a new business, which typically requires a business owner to deal with up to 13 agencies (including Council) and to complete 48 forms, with the entire process taking up to 18 months.
- Service NSW provides a digital platform and upfront information regarding what is required of a potential new business owner from all the approval authorities, including Council.
- A single digital form replaces the 48 existing forms. A business concierge service (staffed by Service NSW), via a single phone number, is also provided to support customers through the process.
- Improved support and a single source of information regarding what is required by a potential new business owner from all of the approval authorities.
- A business concierge team to provide support for businesses with new business ideas which should promote economic activity within the area.

The pilot program was focused on the café, restaurant and small bar industry but will expand to support housing construction, retail, print manufacturing and road freight transport. Council will be advised on the addition of any further prioritised industries that are supported within the Easy to do Business initiative.

The intention of the program is to build awareness of specialist advice services available, ensure Council staff can direct enquiries to these services and provide applicants with the skills to be better informed and researched prior to lodging any applications.

As of early October 2018, the following customer activity in QPRC has been recorded under the Easy to Do Business trial.

Suburbs	Active	Closed - No response	Closed - Business Open	Closed - Assistance Provided	Closed - Withdrawn	Grand Total
Bungendore			1			1
Queanbeyan	1			1	1	3

Business Type	Active	Closed - No response	Closed - Business Open	Closed - Assistance Provided	Closed - Withdrawn	Grand Total
Queanbeyan-Palerang Regional Council	1		1	1	1	4
Café			1			1
café/second hand shop				1		1
Home Computer Service					1	1
Hooka Lounge and Restaurant	1					1

Throughout NSW, almost 900 customers have contacted a business concierge since February 2018 and the numbers are increasing.

Implications***Legal***

Council would still undertake all assessments as per appropriate legislation.

Economic

In supporting this initiative, the local business community and potential business investors can have some confidence that Council is supportive of small business and is actively trying to reduce the costs associated with small business start-up.

Engagement

In August 2017, QPRC staff from the Natural and Built Character and Community Choice portfolios attended an in-service workshop on the Easy to Do Business program. This was followed by further in-depth consultation with staff regarding QPRC processes and procedures relating to on-boarding onto the Easy to do Business platform. Service NSW will re-engage with QPRC in relation to any additional industry sectors into the program.

Financial

There is no cost to Council for participating in this program. Support material, training and advice is provided by Service NSW, again at no cost. Implementation of the program should lead to reduced processing times and costs relating to applications to Council.

Resources (including staff)

As the program uses specialist advice services through a concierge and an online platform, Council staff can direct enquiries to these services and provide applicants with the skills to be better informed and researched prior to lodging any applications.

Integrated Plan

Participating in the Easy to do Business program contributes to meeting objectives under the key strategic directions of Choice from Councils Strategic Plan.

Conclusion

QPRC is seeking to formally participate in the Easy to do Business program and requires a resolution by Council to enter into a Service Partnership Agreement and to delegate the relevant customer service functions related to the administration of the Easy to do Business program to the Chief Executive Officer, Service NSW

Attachments

Nil

6.3 Cross Border Smart Parking App Development with the ACT Government
(Ref: C18143661; Author: Richards/Darcy)

Summary

Queanbeyan-Palerang Regional Council and the ACT Government are seeking to create a cross border Smart Parking app providing a better experience for users. Both the ACT and Queanbeyan-Palerang Regional Council use the same smart parking provider allowing the integration to take place and resulting in the visibility of parking spaces for the public on the one App across both jurisdictions.

Recommendation

That Council endorse the development of a cross border Smart Parking App with the ACT.

Background

Queanbeyan–Palering Regional Council (QPRC) is installing a smart parking sensor network into the Collet Street carpark and surface carparks in Crawford Street in Queanbeyan (by May 2019), as part of the Australian Government funded Smart Cities and Suburbs program.

As part of the Queanbeyan Smart City Precinct project, QPRC is working with Telstra and its team of suppliers including Smart Parking Ltd (SPL) as the supplier for our Smart Parking service. SPL is the same vendor that ACT Government contracted to deliver the Smart Parking Manuka service.

This situation presents QPRC with the opportunity to collaborate with the ACT Government and deliver a FREE Smart Parking app for Queanbeyan and Canberra end-users, with dual real-time data feeds from both precincts. The new app will feature improved end-user experience, with the potential for capability upgrades.

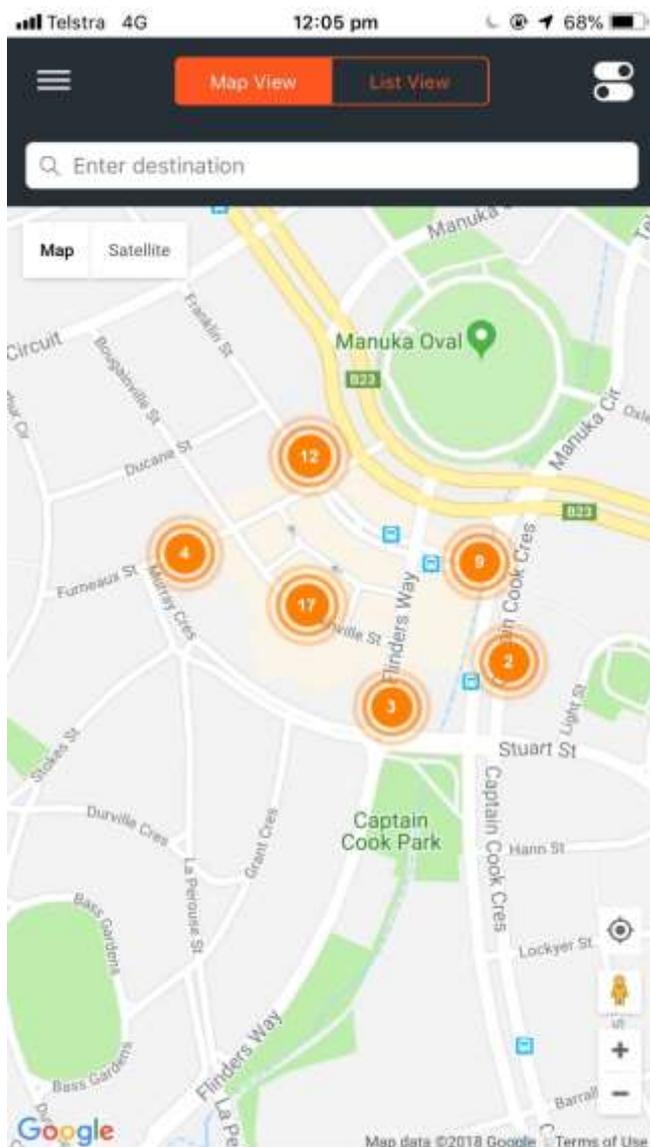
The potential cross border Smart Parking app would be delivered as part of the Letter of Intent between ACT Government and QPRC.

The new app would eventually replace the current 'Trial app' ParkCBR (supported by a 3rd party – Parkopedia) which the ACT Government is wanting to move away from to deploy the SPL developed and maintained Smart Parking app. No integration with QPRC Smart Parking could be performed using the current trial ParkCBR app.

The new minimal cost cross border Smart Parking app would use SPL's in-house app, which is currently being used by ten other councils in Australia (e.g. Adelaide City Council) and would not involve any significant development other than 'reskinning' the current SPL app and the integration of the two live data API feeds from both Manuka and Queanbeyan.

6.3 Cross Border Smart Parking App Development with the ACT Government (Ref: C18143661; Author: Richards/Darcy) (Continued)

The cross border smart parking app may be called ParkCBRRegion (this is not finalised) and may look like the image below.



Current ParkCBR App statistics and key points

The current ParkCBR app has delivered the following outcomes for the ACT Government:

- over 2500 downloads since April 2016
- driver surveying reports saving drivers between 1-5 minutes, which is 10-25% of travel time (way above the world average of 2% time saving) by showing current parking availability and providing wayfinding
- reduces emissions from shorter travel times
- free to download.
- no safety issues from usage of the app, with no accidents from 'perceived risk' of driver distraction. Users agree as part of Terms and Conditions not to interact with the app while driving.

6.3 Cross Border Smart Parking App Development with the ACT Government (Ref: C18143661; Author: Richards/Darcy) (Continued)

Policy

The potential Cross Border Smart Parking app would be delivered as part of the Letter of Intent between ACT Government and QPRC and provides an opportunity to work together with the ACT to provide a functional cross border service.

Social / Cultural

A cross border Smart Parking app will provide an ability for users to save travel time in both Queanbeyan and Canberra.

Economic

The development of the cross border Smart Parking app is a positive step in the development and implementation of QPRC's Smart City Agenda. Smart City infrastructure will be implemented in the CBD by May 2019.

Financial

At this stage, there will be no cost to QPRC as the ACT Government will be meeting the estimated \$10,000 cost, which would be published by the ACT Government on the app stores and be supplied and maintained by Smart Parking Limited.

Resources (including staff)

The project will involve small amount of QPRC project management time (approval, testing, acceptance, monitoring etc.).

Integrated Plan

The cross border Smart Parking app will meet objectives under the Digital Economy and Smart Community Strategy and contribute to outcomes under the following pillars of the Community Strategic Plan:

1. Community – a vibrant and active Queanbeyan-Palerang
2. Choice – a prosperous Queanbeyan-Palerang
3. Connection – a connected Queanbeyan-Palerang

Conclusion

There is an opportunity for QPRC to collaborate with the ACT Government and deliver a free Smart Parking app for Queanbeyan and Canberra end-users. Both jurisdictions use the same Smart Parking provider in Smart Parking Limited and the ACT government is redeveloping its current Smart Parking app with a new version to be developed by Smart Parking Limited. There is no anticipated costs to QPRC as the ACT government will meet all costs. This outcome will help deliver QPRC's Smart City agenda and be a positive step in QPRC and the ACT working together on cross border service delivery solutions.

Attachments

Nil

**7.1 Delay to Planning Proposal for Proposed Memorial Park - Old Cooma Road,
Googong (Ref: C18147023); Author: Thompson/McBride**

Report

This matter was last considered on 10 October 2018 at Council's Planning and Strategy meeting (Item 5.1) where Council set out the framework for how the community engagement process for the project will proceed.

Since that time consultation with public authorities has continued. On 22 October 2018 Council received a letter from the NSW Government Natural Resource Access Regulator concerning groundwater at the proposed memorial park. In order for Council to make an informed decision on the suitability of the site for use as a cemetery 'the regulator' has advised that Council requires further investigation of the baseline groundwater levels and groundwater quality for a minimum of twelve months to ensure there is sufficient depth in the water table.

This will involve installing three monitoring boreholes to obtain information on the depth and variation of water levels by using automated water level loggers for a period of twelve months. This letter has been passed on to Council's hydrology/hydrogeology consultant to discuss with the Regulator and to provide a quote for this work.

The groundwater investigations are considered to be vital in ensuring that Council and the community are confident that there will be no contamination of groundwater as a result of a cemetery being located on any part of the proposed site.

As such it is critical that this information be available before the community engagement process proceeds. Consequently the community engagement process will have to be postponed for approximately 12 months until all information required is available.

In the interim the Social Impact Assessment will progress and staff are in the process of engaging a consultant that has experience in this kind of project. The consultant plans to develop a short online survey and phone survey over the next few weeks and this will be done in consultation with Council's communications team.

Recommendation

That the report be received for information.

Attachments

Nil

8.1 **Braidwood and Curtilage Heritage Advisory Committee Meeting of 13
September 2018 (Ref: C18149205; Author: Thompson/McCauley)**

Summary:

The Minutes of the Braidwood and Curtilage Heritage Advisory Committee of 13 September 2018 are presented to Council for consideration.

Recommendation

That Council note the minutes of Braidwood and Curtilage Heritage Advisory Committee Meeting held on 13 September 2018.

Attachments

Attachment 1 Braidwood and Curtilage Heritage Advisory Committee Minutes for
meeting of 13 September 2018 (*Under Separate Cover*)

8.2 Minutes of the QPRC Heritage Advisory Committee Meeting of 20 September 2018 (Ref: C18143940; Author: Thompson/Carswell)

Summary:

The Queanbeyan-Palerang Regional Council Heritage Advisory Committee have submitted the Minutes of the meeting held on the 20 September 2018 for Council's information and consideration.

Recommendation

That Council:

1. Note the minutes of Queanbeyan-Palerang Heritage Advisory Committee meeting held on 20 September 2018.
2. Note the recommendations QPRC HAC 09/18 to QPRC HAC 011/18 from the meeting held on 20 September.

QPRC HAC 09/18 1. That the Committee generally supports the replacement dwelling, subject to the submission of a satisfactory heritage impact statement in regard to the demolition of the existing dwelling.

2. That subject to the overall height and other features of the tabled plans not changing, the Committee does not require the application to be resubmitted to a future meeting of the Committee.

QPRC HAC 010/18 That the Committee to supplied with application details to review and approve in an out of session meeting for the October Council meeting.

QPRC HAC 011/18 The Committee to be supplied with application details on the 18 October meeting.

Attachments

Attachment 1 Minutes of the QPRC Heritage Advisory Committee meeting held on 20 September 2018 (*Under Separate Cover*)

8.3 Minutes of the QPRC Heritage Advisory Committee Meeting held on 18 October 2018 (Ref: C18143961; Author: Thompson/Carswell)

Summary:

The Queanbeyan-Palerang Regional Council Heritage Advisory Committee have submitted the Minutes of the meeting held on the 18 October 2018 for Council's information and consideration.

Recommendation

That Council:

1. Note the minutes of the Queanbeyan-Palerang Heritage Advisory Committee meeting held on 20 October 2018.
2. Note the recommendations QPRC HAC 012/18 to QPRC HAC 014/18 from the meeting held on 18 October 2018.

QPRC HAC 12/18 That the apology be received and noted.

QPRC HAC 13/18 That the Committee be supplied with the heritage impact statement for 46 Alice Street.

QPRC HAC 14/18 1. That the Committee does not support the application for demolition plan as a replacement development has not been identified.

2. The Committee noted that the Statement of Heritage Impact assessed the dwelling in terms of Criteria 6 and 7 of the NSW Office of Environment and History rating system as being exceptional.

Attachments

Attachment 1 Minutes of the QPRC Heritage Advisory Committee meeting held on 18 October 2018 (*Under Separate Cover*)

8.4 Minutes to the Environment and Sustainability Advisory Committee 3 October 2018 (Ref: C18148722; Author: Thompson/Abbott)

Summary:

The QPRC Environment and Sustainability Committee has submitted minutes for the meeting held on Wednesday 3 October 2018 for Councillor information.

Recommendation

That Council note the minutes of the Environment and Sustainability Committee held on 3 October 2018.

Attachments

Attachment 1 ESAC Minutes 3 October 2018 (*Under Separate Cover*)

**9.1 Construction Tender - Contract 2019-02 - Old Cooma Road Duplication Stage 2
(Ref: C18140342; Author: Hansen/Pyke)**

Summary

This report contains background information on the tender process undertaken for the construction contract for the Old Cooma Road Duplication – Stage 2 and recommends the appointment of a Contractor to undertake the works.

Recommendation

That Council accept the tender from <Tenderer 2> for the provision of works under Contract 2019-02, being for the construction of Old Cooma Road Duplication – Stage 2, for the schedule of rates price of <insert price> (including GST).

Background

Council has received 100% funding for the Project from the NSW State Government as part of the \$70 million (exclusive of GST) Monaro Palerang Program.

The funding Program includes the sealing and upgrade of Nerriga Road from Braidwood to Nerriga, the duplication of Old Cooma Road from Edwin Land Parkway to Googong Road, and the upgrade of the Molonglo Street and Malbon Street intersection in Bungendore to a roundabout.

The Project budget for the duplication of Old Cooma Road, as designated in the funding agreement is \$38,072,336 (exclusive of GST). This value includes design, construction, project management, land acquisitions, and a large contingency. The recommended tender came in well under this budget however this is not a surprise as we have estimated and been working within a budget of \$31 million (exclusive of GST) for all components of the project including design and management. The difference in funding is expected to be transferred to the Nerriga Road Upgrade.

The acceptance of tenders by the Planning & Strategy Committee is not usual practice however this item has been brought forward to provide adequate time for some construction activity to take place before the Christmas break. This is seen as an important milestone to show the frequent users of Old Cooma Road that this much needed infrastructure upgrade has commenced. It's expected only minor work such as establishing a site compound, temporary fencing, and some clearing will occur before the Christmas break. The initial contract duration is 68 weeks however this time is expected to be extended by wet weather. Therefore the estimated completion date for this contract is April 2020.

At the Ordinary Meeting of Council on 26 September 2018, it was resolved that Council delegate to the Planning and Strategy Committee of the Whole the authority to award the construction tender for the Duplication of Old Cooma Road - Stage 2.

Details of the tender process, submissions, assessment and recommendations are contained in the attached confidential report. The tender process has been conducted in accordance with the provisions of the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council's internal policies.

**9.1 Construction Tender - Contract 2019-02 - Old Cooma Road Duplication Stage 2
(Ref: C18140342; Author: Hansen/Pyke) (Continued)**

Implications***Environmental***

The clearing of vegetation and overall impact to the environment has been minimised by following the existing road alignment. Much of the new road will be constructed on already disturbed land and the width of the road through vegetated areas has been minimised.

A Review of Environmental Factors (REF) and Species Impact Statement (SIS) were prepared in 2010 covering both the Stage 1 & 2 upgrades of Old Cooma Rd. These documents were placed on public exhibition with 35 comments being received.

Subsequently a Determination Report was prepared in 2011 based on the REF, SIS, and comments received to assist Council in its consideration of the project under Part 5 of the EP&A Act 1979. Council approved the project in March 2011 including the 30 recommended approval conditions from the determination report.

In November 2011, Council received concurrence from the Office of Environment & Heritage on Council's decision to approve the project. This included 11 additional approval conditions to minimise the impact of the project on the environment.

Sustainability

In road construction, sustainability is usually achieved by the efficient use of materials and resources which in turn reduces the cost of construction. For Old Cooma Road:

- The alignment of has been optimised to reduce earthworks,
- Unsuitable material will be treated and reused onsite rather than being replaced with imported material where possible,
- Local sources are available for road pavement material,
- Captured stormwater will be reused onsite during construction
- Felled trees will be mulched and reused onsite

The use of recycled material is not suitable or economically viable for this project. Recycled road pavements generally don't have the durability required for the high traffic volumes encountered on Old Cooma Road and the standard construction specifications don't provide advice on the use of these materials.

Asset

This project will result in a significantly upgraded asset and remove the requirement for any major scheduled maintenance for at least 10 years. However due to the increased pavement area, the annual maintenance cost from the road will increase.

Overall the program will lower the total asset operating and maintenance burden. The increased maintenance costs associated with the Old Cooma Road works is offset by the Nerriga Road sealing benefits. A net present value saving of on-going maintenance costs of **\$400,000** (\$15,000 per year) will be realised.

Economic

When considering the whole costs of the project including the costs to the community, the project has a benefit to cost ration of 8.35. So there's \$8.35 of benefit for every \$1 spent on the project over the first 10 years of its life. Some of the benefits include:

- Savings in travel time - \$234,000,000

9.1 Construction Tender - Contract 2019-02 - Old Cooma Road Duplication Stage 2 (Ref: C18140342; Author: Hansen/Pyke) (Continued)

From 2022 the project generates over 600,000 hours in time saving per year across the network, or six minutes per vehicle per day (equivalent to over \$20M in travel time value per year).

- Savings in vehicle operating costs (fuel, maintenance & depreciation) - \$6,200,000
- Savings in accident costs (property damage, medical & rehabilitation) - \$49,000,000

While these benefits don't directly pay back the capital cost of the project, they are real financial benefits to our region's community and economy.

Strategic

The investment on Old Cooma Road aligns with the following strategies:

- The Googong and Tralee Traffic Study 2031
- The endorsed (December 2008) Queanbeyan Residential and Economic Strategy 2031.

It is considered likely that without this infrastructure, the growth and success of the Googong land release will be compromised.

Engagement

The Project has been advertised to the community through letters to nearby residents, social media, Council's website, and newsletters.

The formal public exhibition period for the Project closed on Friday 7 April and 40 submissions were received. Comments mostly related to right turns at intersections however comments were also received on environmental concerns, road noise, and bike lanes.

The issues raised resulted in the design being modified to address the concerns with right turns at the intersections. A detailed document that provide project information & response to submissions was also prepared. No feedback has been received since the detailed response so we are confident that concerns have been adequately addressed.

Staff also had individual meetings with NSW Police and the local bus operator Qcity to discuss the Project, both parties were supportive.

Financial

Program Code	Expense Type	Funding source		Amount
4.1.1	Capital	100% State Government Funding	\$	31,000,000

Resources (including staff)

This project will require the 100% commitment of two existing staff members within the Contracts & Projects team plus the regular support from the Manager of Contracts & Projects and other staff.

Additionally a consultant has been engaged to undertake the role of Principals Authorised Person, Council's representative under the construction contract.

9.1 Construction Tender - Contract 2019-02 - Old Cooma Road Duplication Stage 2
(Ref: C18140342; Author: Hansen/Pyke) (Continued)

Integrated Plan

The duplication of Old Cooma Road Stage 2 is a major project within Council's Integrated Planning and the timing of the project remains unchanged. However the expenditure for the 18/19 and 19/20 year will change from a 50:50 split to approximately a 40:60 split.

Conclusion

The tender evaluation committee has evaluated the received tenders and have determined that the tender from <Tenderer 2> presents the best value for money. It is recommended that Council award Contract 2019-02 to <Tenderer 2>.

Attachments

Attachment 1 OCR2 - Tender Evaluation Report (*Under Separate Cover*) -
CONFIDENTIAL

10 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*.