



Planning and Strategy Committee of the Whole

AGENDA

12 June 2019

Commencing at 5.30pm

**Council Chambers
253 Crawford St, Queanbeyan**

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

4.00pm - Tuesday 11 June 2019

North Poplars - 6, 9, 10 & 14 Ferdinand Lane, Jerrabomberra

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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10 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 5.1 Minutes of the QPRC Heritage Advisory Committee Meeting held on 16 May 2019
Attachment 1 Minutes of QPRC Heritage Advisory Committee Minutes held 16 May 2019 (Under Separate Cover)
- Item 6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6 Ferdinand Lane, Jerrabomberra
Attachment 1 DA 446-2018 - 4.15 Assessment Report Matters for Consideration - Takeaway Food and Drink Premises - 6 Ferdinand Lane (Under Separate Cover)
Attachment 2 DA 446-2018 - Architectural Plans - Takeaway Food and Drink Premises - 6 Ferdinand Lane (Under Separate Cover)
Attachment 3 DA 446-2018 - Submissions Part 1 - Takeaway Food and Drink Premises - 6 Ferdinand Lane (Under Separate Cover)
Attachment 4 DA 446-2018 - Submissions Part 2 - Takeaway Food and Drink Premises - 6 Ferdinand Lane (Under Separate Cover)
Attachment 5 DA 446-2018 - Draft Conditions - Takeaway Food and Drink Premises - 6 Ferdinand Lane (Under Separate Cover)
- Item 6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra
Attachment 1 DA 505-2018 - Attachment Section 4.15 - Matters for Consideration - Takeaway Food and Drink Premises (KFC Restaurant) - 10 Ferdinand Lane (Under Separate Cover)
Attachment 2 DA 505-2018 - Architectural Plans - Takeaway Food and Drink premises (KFC Restaurant) - 10 Ferdinand Lane (Under Separate Cover)
Attachment 3 DA 505-2018 - Submissions - Takeaway Food and Drink Premises - 10 Ferdinand Lane (Under Separate Cover)
Attachment 4 DA 505-2018 - Draft Conditions - Takeaway Food and Drink Premises - 10 Ferdinand Lane (Under Separate Cover)
- Item 6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra
Attachment 1 DA 507-2018 - Section 4.15 Report - Matters for Consideration - Shop (ALDI Supermarket) - 9 Ferdinand Lane (Under Separate Cover)
Attachment 2 DA 507-2018 - Architectural Plans - Shop (ALDI

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

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- Supermarket) - 9 Ferdinand Lane (Under Separate Cover)*
- Attachment 3 *DA 507-2018 - Submissions - Shop - 9 Ferdinand Lane (Under Separate Cover)*
- Attachment 4 *DA 507-2018 - Draft Conditions - Shop (Aldi Supermarket) - 9 Ferdinand Lane (Under Separate Cover)*
- Item 6.4 Development Application 549-2018 - Health Services Facility (Medical Centre & Pharmacy) - 14 Ferdinand Lane, Jerrabomberra
- Attachment 1 *DA 549-2018 - Section 4.15 Report - Matters for Consideration - Health Services Facility - 14 Ferdinand Lane (Under Separate Cover)*
- Attachment 2 *DA 549-2018 - Architectural Plans - Health Services Facility - 14 Ferdinand Lane Jerrabomberra (Under Separate Cover)*
- Attachment 3 *DA 549-2018 - Draft Conditions of Consent - Health Services Facility - 14 Ferdinand Lane (Under Separate Cover)*
- Item 6.5 Development Application 449-2017 - Three Lot Torrens Title Subdivision - 1866 Old Cooma Road, Royalla
- Attachment 1 *DA 449-2017 - Section 4.15 Matters for Consideration - 3 Lot Subdivision - 1866 Old Cooma Road (Under Separate Cover)*
- Attachment 2 *DA 449-2017 - Plans - 3 Lot Subdivision - 1866 Old Cooma Road (Under Separate Cover)*
- Attachment 3 *DA 449-2017 - Draft Conditions - 3 Lot Subdivision - 1866 Old Cooma Road. (Under Separate Cover)*
- Item 6.6 Amendment to Review of Environmental Factors - South Jerrabomberra - Water and Sewer Infrastructure
- Attachment 1 *Original REF - South Jerrabomberra Water and Sewer Servicing Infrastructure Strategy (Under Separate Cover)*
- Attachment 2 *Minutes of Item 4.1 - Planning and Strategy Meeting - 11 April 2019 (Under Separate Cover)*
- Attachment 3 *Amended REF Report - South Jerrabomberra Trunk Infrastructure - November 2018 (Under Separate Cover)*
- Item 6.7 Request for Use of Section 94 Funds - RFS Improvements
- Attachment 1 *Material Relevant to the Request for Use of Section 94 Funds (Under Separate Cover)*
- Item 6.9 Re-recategorisation of land - 16 Agnes Street, Crestwood - Proposed Respite Care Centre
- Attachment 1 *Draft Plan of Management - 16 Agnes Avenue Queanbeyan - General Community Land (Proposed Respite Care Centre) - May 2019 (Under Separate Cover)*
- Item 7.1 Boer War Memorial Relocation
- Attachment 1 *Site Plan - Boer War Memorial Relocation (Under Separate Cover)*
- Attachment 2 *3D Detail - Boer War Memorial Relocation (Under Separate Cover)*
- Item 7.3 Transfer of Crown land - Reclassification of Lots to Operational land
- Attachment 1 *QPRC Reclassification of Lots to Operational land (Under Separate Cover)*

Closed Attachments

Nil

ITEM 2 DISCLOSURES OF 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.

ITEM 4 ADJOURNMENT FOR PUBLIC FORUM

As per clause 8.2 of Council's Code of Meeting Practice, the chair will now move to adjourn the meeting to commence the Public Forum.

Recommendation

That this meeting is adjourned for the commencement of Public forum and upon its completion the meeting will reconvene.

5.1 Minutes of the QPRC Heritage Advisory Committee Meeting held on 16 May 2019 (Ref: ; Author: Thompson/McCauley)

Summary:

The Minutes of Queanbeyan-Palerang Regional Council Heritage Advisory Committee Meeting of 16 May 2019 are presented to Council for consideration.

Recommendation

That Council note the minutes of the QPRCV Heritage Advisory Committee Meeting held on 16 May 2019.

Attachments

Attachment 1  Minutes of QPRC Heritage Advisory Committee Minutes held 16 May 2019 (*Under Separate Cover*)

6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6
Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell)

Summary

Reason for Referral to Council

This application has been referred to Council because twenty-four (24) written submissions have been made to Council resulting from the notification process and valid concerns have been raised. It has been determined that it is in the public interest to have the matter considered by Council.

Proposal:	Takeaway Food and Drink Premises
Applicant/Owner:	KDC Pty Limited/ Poplars Development Pty Ltd
Subject Property:	Proposed Lot 2 DP 1246134, No.6 Ferdinand Lane (Lodged under Lot 2 DP 1243031, No. 31 Tomsitt Drive), Jerrabomberra
Zoning and Permissibility:	B1 Neighbourhood Centre under Queanbeyan Local Environmental Plan (Poplars) 2013. Permissible with consent within the zone.
Public Submissions:	Twenty Four
Issues Discussed:	Planning Requirements Submissions
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

- 1. That the CEO be granted delegated authority to determine development application 446-2018 for a takeaway food and drink premises on proposed Lot 2 DP 1246134, No.6 Ferdinand Lane, subject to formal creation of the title for the proposed allotment.**
 - 2. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
-

**6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6
Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)****Background*****Proposed Development***

The application seeks Council approval for a takeaway food and drink premises and associated signage at the newly created *Poplars Marketplace* subdivision.

The specific elements of the proposal are:

- Construction of a McDonalds including "Playland" with a total GFA of 489m²;
- Dining area seating capacity of 111 (103 internal and 8 external);
- Carpark accommodating 37 car park spaces including 1 accessible space and a bicycle rack;
- Site landscaping and retaining walls;
- 1.3m high fence along the eastern boundary;
- Signage including a 9m high pylon sign, advertising banner, business & building identification signage; and
- 24 hours a day operation.

The proposed building is to be constructed of a mix of materials and finishes such as wall tiles, Decowood (timber look aluminium) cladding, and custom orb corrugated steel. Proposed finishes are to be 'McDonalds Red' and a mix of neutral colours including 'Woodland Grey', 'Vanilla Quake' and 'Vivid White'.



Figure 1 – 3D Perspective of Proposal (Source: SEE prepared by KDC Pty Ltd)

6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)***Subject Property***

The subject site is legally described as Lot 2 DP 1243031 and is commonly known as 31 Tomsitt Drive. The subject site was subdivided as part of DA 192-2016. DA 192-2016 was determined in June 2017 and approved the demolition of an existing dwelling house and outbuildings, subdivision of land to create 6 x Torrens Title lots, construction of two public roads and associated works at 300 Lanyon Drive. The lots within this subdivision are yet to be registered and the subject site will be known as Lot 2 DP 1246134, 6 Ferdinand Lane. Figure 2 below shows the approved subdivision plan overlaid from an aerial image.



Figure 2: Subdivision Plan (Source: Nearmap)

The site is located on the northern side of Tomsitt Drive and has an area of 3108m², with no existing development on the site as it is a greenfield commercial development. Development proposed on surrounding lots within the subdivision include a supermarket (Aldi), a take away food and drink premises (KFC) and a medical centre. Vehicular access is provided to the site via an approved road being constructed as part of the subdivision works that is accessed via a signalled intersection on Tomsitt Drive.

Existing development within the locality consists of residential development to the immediate east, commercial development including the Jerrabomberra shops to the east, and vacant land to the west, north and south.

6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6
 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)

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 (Poplars) 2013 (LEP).
5. Queanbeyan Development Control Plan 2012 (DCP)
6. South Jerrabomberra Development Control Plan (DCP).

The development generally satisfies the requirements and achieves the objectives of these planning instruments. Refer to attached *Section 4.15 Table – Matters for Consideration* for detailed assessment.

(a) State Environmental Planning Policy No. 64 – Advertising and Signage

A detailed assessment against *SEPP 64* is provided within the attached *Section 4.15 Table – Matters for Consideration*. The proposal includes a number of signs consisting primarily of business identification signs including the name of the business being carried out on the site and a number of logos that identify the business, and a freestanding pylon sign 9m in height. The proposed signage is to be illuminated. Additional signage for information, direction or traffic/parking purposes is proposed on free-standing panels including menu boards, entry/exit signs, 'drive-thru', parking, no entry etc. Proposed signage has been assessed against *SEPP 64* and is considered acceptable.

Signage proposed includes:

- One (1) 9m high pylon sign;
- Two (2) 8m high flags with a 3.24m² advertising banner hung between;
- A total of nine (10) business/building identification signs; and
- Numerous street, directional and information signs.

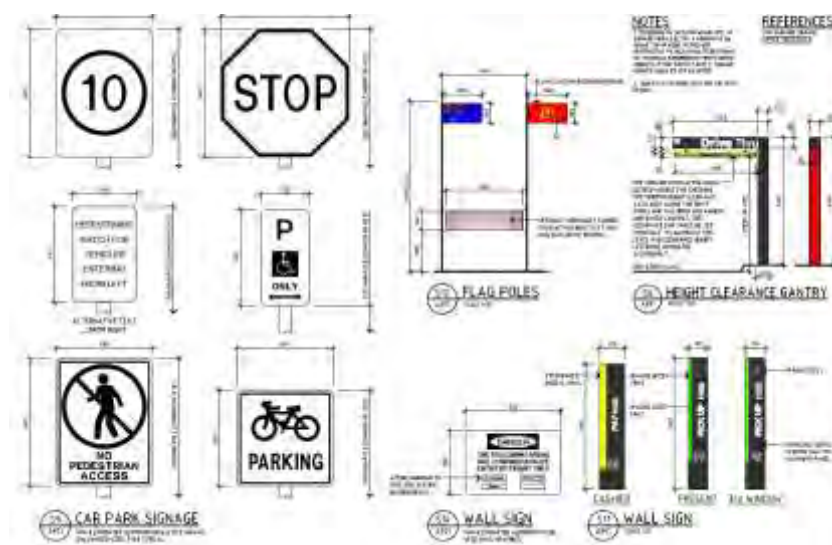


Figure 3 - Proposed Street/Directional Signage (Source: Richmond and Ross Pty Limited)

6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)

The proposed pylon sign will be internally illuminated and is 9m in height. The illumination will not flash, move or be animated and will be conditioned to meet relevant Australian Standards regarding illumination.

The proposed street/information signs, and business and building identification signs are to be illuminated. All internally illuminated signs are to be installed in accordance with the relevant Australian Standards and are considered acceptable for the site.

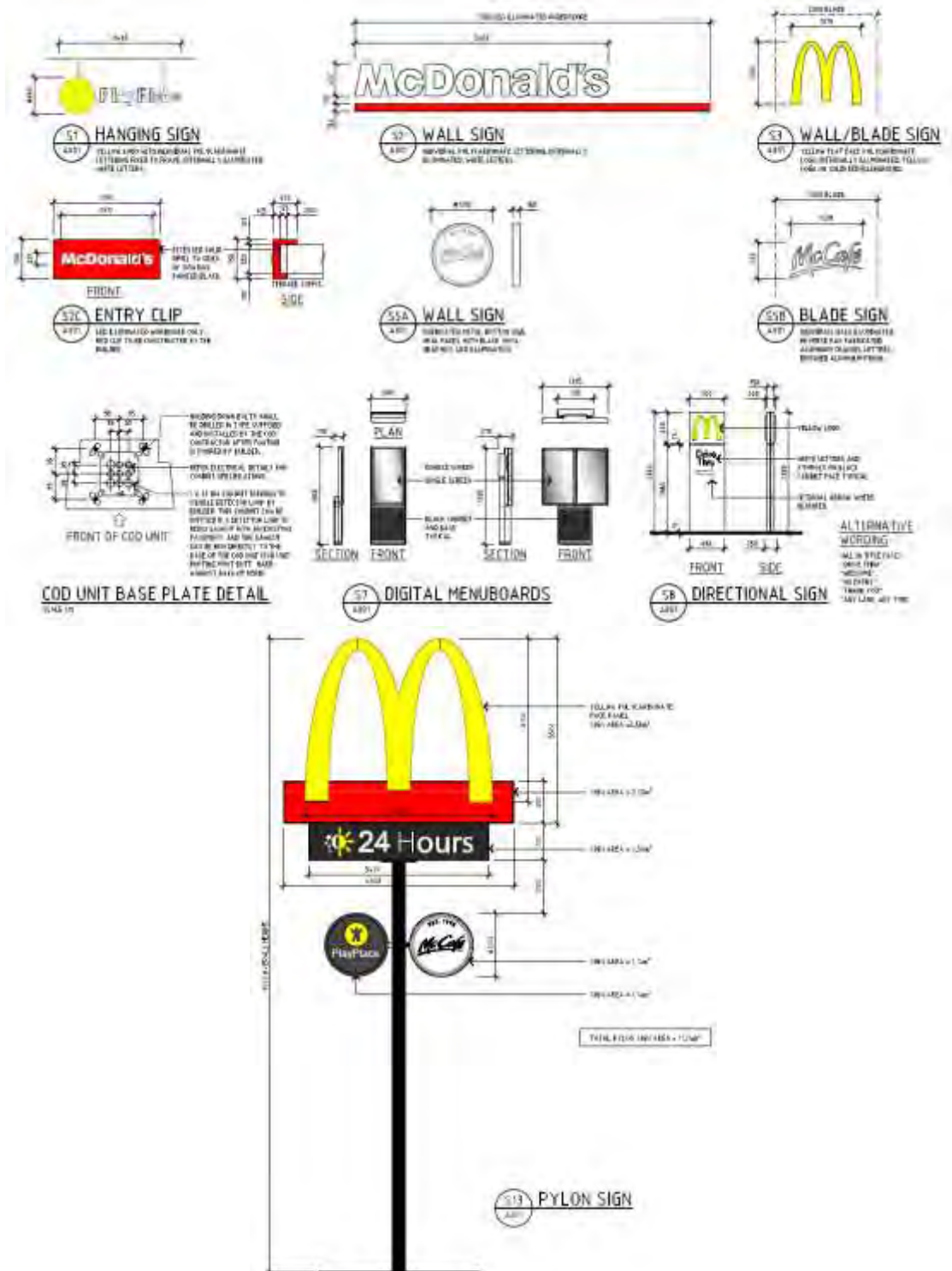


Figure 4 - Proposed Building/Business Identification Signage (Source: Richmond and Ross)

6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)



Figure 5 – Proposed Signage Locations (Source: Richmond and Ross Pty Limited)

(b) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

This matter was considered under the subdivision application (DA 192-2016). A phase 2 Environmental Site Assessment (Coffey Environments Australia Pty Ltd (Ref: ENAUBRAD01138AA) and dated 23 November 2011) was submitted which identified several areas of environmental concern and recommended that a Remedial Action Plan (RAP) be prepared for the land and remediation carried out.

The development consent required additional works including preparation of a Remedial Action Plan and subsequent validation activities (validation report) of the site prior to the commencement of any development works on the site.

No conditions will be required for this application in regards to contamination and remediation of land, as all relevant works have been completed in accordance with the requirements of DA 192-2016 upon release of the subdivision certificate. The site is considered appropriate for this type of development.

(c) Compliance with LEP

The subject site to which this application applies is zoned B1 Neighbourhood Centre under the QLEP (Poplars) 2013. A takeaway food and drink premises is permissible with consent in the zone. The proposed development is considered to be generally consistent with the aims of the plan and the objectives of the zone, and satisfies relevant development standards (refer to *Section 4.15 Table – Matters for Consideration* for detailed assessment).

**6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6
Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)**

(d) Compliance with DCP

The proposed development generally satisfies the requirements and objectives of the Queanbeyan Development Control Plan 2012 and the South Jerrabomberra Development Control Plan. To view a detailed assessment of the Development Control Plans, see attached *Section 4.15 Table – Matters for Consideration*.

Queanbeyan Development Control Plan 2012**Part 2.2 Car Parking**

Car parking for the proposed development is required to comply with the requirements of Part 2.2 of the Queanbeyan DCP. Table 1 of Part 2.2.6 of QDCP 2012 requires a take-away food and drink premises outside of the CBD to have 1 space per 2 seats (internal), or 1 space per 3 seats (external) plus queuing area for 5 to 12 cars.

The proposal includes 103 internal seats and 8 external seats (total of 111 seats) and therefore requires 37 car parking spaces. The proposal includes the provision of 37 car parking spaces (including 1 disabled space) plus the provision of queuing space for 12 cars and is therefore compliant.

Part 2.6 Landscaping

A landscape plan prepared by a Category 1 landscape consultant was submitted as part of the application in accordance with Queanbeyan DCP. The objectives of Part 2.6 of the Queanbeyan DCP are to create quality design and construction works of high standards that provide a pleasant and safe environment to all users. The proposal is considered to be compliant with these objectives. Landscaping proposed for the development includes a mix of trees within the car park and low planting shrubs and grasses to the border of the site and the building. Bio basin planting is proposed along the northern, western and eastern boundaries to assist in on-site stormwater management. A condition of consent has been imposed requiring a Category 1 accredited landscape contractor to undertake landscape works.

Part 2.9 Safe Design

The objectives of this part of the Queanbeyan DCP are to afford maximum casual surveillance, control access to the site, ensure there is a sense of ownership and provide a development that appears to be 'defended' and therefore deterring the potential for crime to be committed.

It is considered that the proposed development is consistent with the objectives and controls of this part in regards to safe design. The applicant submitted a Plan of Management (POM) with the application. The purpose of the POM is to address the relevant CPTED principles and provide a plan outlining how the development will create a safe, efficient and pleasant environment.

Surveillance: CCTV surveillance will be installed at the development focusing on the drive-thru facility and cashier's/service areas. The system will run 24 hours a day and will be monitored by staff. The POM also states that staff members will be encouraged to assist with passive surveillance of the site focusing on the car park.

**6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6
Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)**

Lighting: Perimeter lighting will be installed around the premises and car parking area to prevent concealment and shadowing. Lighting throughout the car parking area and in public spaces must comply with AS 2890.1:2004 – Parking Facilities – Off-Street Car Parking and AS 1158 – Lighting for Roads and Public Spaces. A condition of consent will be imposed to reflect this.

Landscaping: The submitted landscape plans show perimeter landscaping that reinforce the space. Additionally, the plantings chosen will be low-medium in height and therefore not allowing concealment of criminals. The POM states that landscaping will be regularly maintained with trees and shrubs trimmed away from doors and windows.

South Jerrabomberra Development Control Plan

The subject site is located within the designated Poplars Neighbourhood Centre as outlined in the South Jerrabomberra Master Plan. As such, the South Jerrabomberra DCP applies to the proposal.

The desired future character of the Poplars will be a mix of office, light industrial, small scale retail, business and community uses that serve the needs of the people who live or work in the locality in a high quality urban designed setting. The Poplars Neighbourhood Centre precinct is an area of approximately 7ha located north of Tomsitt Drive. It generally supports business, office and retail premises but does not include uses like bulky goods. This precinct has a high quality urban design that is vibrant and attractive.

It is considered that the proposal is consistent with the desired future character of the Poplars. The proposal is considered to be a small to medium scale commercial development consistent with the surrounding proposed uses as well as the zoning prescribed by the QLEP (Poplars) 2013.

Part 9 Signage

The proposed signage is not inconsistent with the assessment criteria within schedule 1 of SEPP 64 and the requirements of the relevant Development Control Plan. However, it is acknowledged that the combination of signs from the adjoining sites will have a cumulative impact. However, only one pylon sign is being permitted on each site and the three on the Tomsitt Drive frontage are evenly spread. This and the variation in height of the pylon signs (9.0m to 5.0m) will provide a visual break-up and reduce the overall impact of the combined 4 pylon signs. Additionally, adequate distances between sites and appropriate landscaping will aid in breaking up signage and allowing for satisfactory visual impact.

Part 10 Neighbourhood Centre Controls and Principles

Part 10 of the South Jerrabomberra DCP outlines the overall desired future character of The Poplars. The desired future character of the Poplars is a mix of office, light industrial, small scale retail, business and community use that serves the needs of the people who live or work in the locality in a high quality urban designed setting.

**6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6
Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)**

It is considered that the proposal is sensitive to the character of the local area. The subject site is located within an area zoned as a neighbourhood centre with commercial development being the expected character. The proposal is sensitive to nearby residential development with the construction of a 3m high noise barrier along the eastern boundary of the subdivision site. Additionally, a 1.3m high boundary fence will be constructed along the eastern boundary of the subject site. This fence will act as a light barrier to nearby residential development. This particular application does not directly address pedestrian links, however, the subdivision site has been provided with pedestrian pathways that are intended to be linked with the future development within the neighbourhood centre.

(e) Other Matters**i. Building Surveyor's Comments**

Council's Building Surveyor offered no objections to the proposed development subject to the imposition of recommended conditions of consent. The development appears likely to comply with the Building Code of Australia (BCA). Further details in regards to fire safety measures, sanitary facilities, disabled access and Section J requirements will be required at Construction Certificate (CC) stage.

ii. Development Engineer's Comments

Council's Development Engineer offered no objections to the proposed development subject to the imposition of recommended conditions of consent. Feedback received included the following comments:

- *Water and Sewer* – The subject site is provided with a water service and sewer tie constructed as part of the Poplars subdivision works and is in accordance with the South Jerrabomberra D11 Design Specification.
- *Stormwater* - A Stormwater Management Plan was submitted as part of the application in accordance with Council's D5 and D7 Design Specifications. A stormwater tie is provided to the subject site as part of the Poplars subdivision works.
- *Parking* – As detailed in the assessment against Part 2.2 of the Queanbeyan DCP, the development is provided with the required 37 car parking spaces. The parking is generally in accordance with the requirements of the relevant Australian Standard.
- *Traffic* – Traffic modelling and service requirements for the subdivision were assessed under DA-192-2016. It is considered that traffic generation resulting from the proposed development is unlikely to exceed service delivery
- *Access* – Access to the site is gained via a 7m wide driveway in the north-east corner of the lot and by a 6m wide access driveway to the adjoining property on the western side. These access points comply with the requirements of the relevant Australian Standard.

**6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6
Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)****iii. Environmental Health Officer's Comments**

Council's Environmental Team offered no objections to the proposed development subject to the imposition of recommended conditions of consent. Recommended conditions include compliance with the submitted Acoustic Assessment and the submission of a subsequent Acoustic Assessment three (3) months after an Occupation Certificate (OC) is issued to ensure continued compliance. It is recommended that a light pollution barrier is constructed along the eastern boundary of the subject site to prevent light pollution from car headlights impacting upon nearby residential development. The submitted plans indicate a 1.3m high barrier is to be constructed along the eastern boundary of the site acting as a light pollution barrier in addition to the existing wall constructed as part of the subdivision works on the eastern most boundary of the subdivision site.

iv. Trade Waste Comments

Council's Trade Waste Officer offered no objections to the proposed development. A condition of consent has been imposed requiring a C4 and C5 Trade Waste application to be submitted to Council.

v. Waste Comments

Council's Waste Officer offered no objections to the proposed development subject to the imposition of recommended conditions of consent. Relevant conditions relate to the waste storage area and waste management on-site. A Construction Management Plan will be required to be submitted prior to the issue of a Construction Certificate.

Financial Implications

Section 7.11 Contributions: The South Jerrabomberra Local Contributions Plan 2018 applies to the proposal as it is located in the Poplars precinct. The plan applies to retail, commercial and other non-residential development (including subdivision of land), where that development would create a net increase in demand for the public amenities and services to be provided under this plan.

Table 3 - Non Residential Contribution Rates Per Hectare

- North Poplars = \$150,311.46/ha
- Subject site area of 3108m² = 0.3108ha
- 0.3108 x \$150,311.46 = \$46,716.80

this figure has not been indexed and will be subject to previous and future CPI increases

Section 64 Contributions: Total water contributions calculated for the development equal 14.49 ETs, and 24.15 ETs for sewer. However, a credit of 4.67 ETs applies to both as a result of ETs paid as part of the subdivision application. This reduces the water ETs to 9.82 and sewer ETs to 19.48.

- Water Contribution Jerrabomberra Zone: 9.82 ETs = \$90,211.68
- Sewer Contribution West Zone: 19.48 ETs = \$28,787.99
- Total Section 64 Contributions Required: \$118,999.67 (figure is subject to CPI increases)

**6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6
Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)**

Engagement

The proposal required notification under the Queanbeyan DCP 2012. Twenty-four (24) submissions were received. It is noted that a number of submissions were received after the notification process was complete. These submissions were not counted in the total number of submissions, however, as the issues raised were similar, the issues were addressed. The relevant issues raised are as follows:

***Issue:** Notification and Consultation Process. A number of submissions received discussed the notification process for development application and concerns that the subject development application was not notified to the relevant people with sufficient time to provide feedback due to school holiday's and a public holiday. Additionally, feedback received discussed issues surrounding obtaining Development Application documentation as it is not posted on Council's website.*

***Comment:** The notification process for this development application was undertaken in accordance with Part 1 of Queanbeyan Development Control Plan 2012. The notification for this application was undertaken over and above the required notification. The application was notified to adjoining owners and occupiers, as well as a notice being placed in the local newspaper for a total of 14 days. Council does not alter the timeframe for notification of development applications due to school holidays as they have a statutory timeframe in which to have a development application determined. The only exception to this practice is over the Christmas and New Year break when Council offices are closed.*

The land was subject to a rezoning process in 2012. This process required detailed assessment to determine the suitability of the land for the proposed land uses. The information in the rezoning clearly identified the subject site as being for Business purposes. It also included a community consultation process involving public exhibition inviting submissions from members of the community. A number of submissions were made (including from the JRA). The land was subsequently rezoned for a number of different purposes (Environmental, Recreational, and Business) including the creation of an area which would allow commercial development.

Development Application 192-2016 was lodged with Council in 2016. This application was for the demolition of an existing dwelling and outbuildings and the subdivision of land to create 6 Torrens Title lots. The application was approved on 27 June 2017. The application was integrated development and therefore was notified in the local newspapers for a minimum 30 days. The application was also notified to adjoining owners and occupiers for a minimum of 30 days.

In regard to the availability of documentation on Council's website, this is not current practice. Council's current software does not have the capability to achieve this. However, the notification letter and the newspaper notice state that the documents related to an application are available for inspection at Council's Natural and Built Character Section, 256 Crawford Street, Queanbeyan. In addition to this, Council received a number of requests for documentation to be e-mailed in electronic version with Council obliging to do so. It is considered that the notification process for this application was carried out in accordance with standard Council procedure.

**6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6
Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)**

Issue: *Traffic Impacts and Pedestrian Accessibility.* A number of submissions raised concerns regarding the additional traffic impacts generated as a result of the proposal as well as pedestrian accessibility to the site.

Comment: Traffic impacts were assessed by Council against the submitted Traffic Impact Assessment (TIA) for the proposed development and the previous TIA for the subdivision. Traffic modelling and service requirements for the subdivision were assessed under DA 192-2016. It is considered that traffic generation resulting from the proposed development is unlikely to exceed service delivery. The proposed development is compliant with the controls for car parking and traffic contained within the Queanbeyan Development Control Plan 2012 and South Jerrabomberra Development Control Plan.

Pedestrian access to the site is provided through a footpath located in the road reserve of Ferdinand Lane connecting to the recently constructed intersection to Tomsitt Drive. In addition to this, the proposed Health Services Facility (Medical Centre and Pharmacy) on proposed Lot 4 DP 1246134 includes a pedestrian path located at the south-east corner of the lot. This path is capable of facilitating pedestrian traffic from nearby residential development into the "Poplars Marketplace". In addition a proposed footpath will be constructed from the existing path at the Jerrabomberra Circle roundabout to the new Tomsitt Drive intersection.

The following comments were provided by the applicant in response to submissions:

- *It is important to note that the proposed McDonald's site forms part of the approved retail subdivision known as Marketplace at Botanical. As part of the subdivision DA, a detailed assessment of cumulative traffic impacts from the envisaged future uses at the site was undertaken. This included traffic modelling and assessment of a service station and two food and drink premises on the pad sites created under the subdivision. The original SIDRA analysis found the proposal acceptable in terms of traffic generation and intersection and road capacity. It was consequently approved by Council with construction of roadworks works currently underway. To ensure consistency with the original traffic assessment, another TIA was prepared by the same traffic engineers to further assess specific traffic impacts for the McDonald's proposal. The McDonald's TIA revealed traffic generation to be well within the approved traffic allowance under the subdivision DA and therefore the traffic effects of the McDonald's operation were found to be acceptable.*
- *The primary concern regarding access is how pedestrians, namely the younger cohort, will safely walk from surrounding areas to the site. A pedestrian footpath is already approved as part of the subdivision DA along the entire sites frontage and will connect to the building's entrance via a dedicated walkway through the car park. This sort of pedestrian access arrangement alleviates any safety concerns for pedestrians accessing the site and is consistent with other operations of this nature and compliant with Australian Standards.*

Issue: *Noise.* Concern was raised regarding the potential noise impacts the proposed development will have on the nearby residential development.

Comment: Noise impacts were assessed as part of the application. A noise assessment was undertaken and submitted with the application. This assessment took into account noise generated from mechanical plant, customer generated noise and on-site vehicle movements. Please see detailed assessment of noise under the likely impacts of the development section in the attached *Section 4.15 Table – Matters for Consideration*.

**6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6
Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)**

Issue: Hours of Operation. A number of submissions expressed concerns regarding the hours of operation being 24 hours a day 7 days a week. The impacts of these operating hours included safety of the area, noise and light.

Comment: The anticipated impacts of a development operating 24/7 have been considered as part of this application. As detailed above an Acoustic Report was submitted as part of this application detailing predicted noise levels at nearby residential development would meet relevant legislation requirements. Additionally, a condition of consent has been imposed requiring an acoustic report to be submitted three months after the occupation certificate is issued to ensure the development is compliant with relevant requirements. In regard to safety of the area, a Plan of Management (POM) and Crime Risk Assessment were submitted as part of the application. These documents detail how the site is to be managed including providing a safe environment. Methods for this include;

- Clear sight lines in and out of the site;
- Installation of 24/7 CCTV surveillance;
- Appropriate lighting of the building and car park area;
- Minimising hidden spots for concealment through landscaping; and
- Passive surveillance of the site by employees.

It is considered that the implementation of these methods will create a safe environment that deters potential for criminal activity. In regards to potential impacts from light at the development, a condition of consent has been imposed on the application requiring all lighting (both signage and car park lighting) to comply with the relevant Australian Standards.

Issue: Light. Given the proximity of the site to nearby residential development, submitters raised concerns that the proposal will result in light spillage having an adverse impact on nearby residents. Sources of potential light spill identified include illuminated signage, streetlights and car headlights.

Comment: The identified sources of potential lighting impacts on nearby residential development include illuminated signage, street lights/ car parking lights and car headlights. It is considered that streetlights will not have an adverse impact on nearby residential development. The majority of residential streets already have street lighting and therefore street lights associated with the subject site and Poplars development on the whole are unlikely to have an additional impact.

Lighting within the car park of the proposed development will be conditioned to comply with the relevant Australian Standard for lighting of open air car parks and therefore is considered unlikely to have an adverse impact on nearby residential development.

Concerns were raised in regard to potential lighting impacts from the proposed pole sign that is to be illuminated. It is considered that the proposed pole sign will not have an adverse impact on nearby residential development in regards to light spillage. The proposed sign is located approximately 189m from the nearest dwelling house on Franklin Court and will be conditioned to comply with the relevant Australian Standard regarding the effects of obtrusive lighting. Additionally, a 7m landscaping buffer including trees was approved as part of DA 192-2016 along the eastern boundary of the subdivision site and will aid in blocking potential light spillage.

**6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6
Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)**

A 3.5m high acoustic wall/light barrier is currently being constructed as approved under DA 192-2016. This barrier will protect residential development on Stella Place and Miles Place from any potential impacts from proposed lighting. It is considered that there will be minimal adverse impacts on nearby residential development resulting from car headlights utilising the proposed development. The most eastern portion of the subject site is located approximately 135m from the nearest dwelling house. The proposed development includes the construction of a 1.3m high boundary fence on the eastern boundary that will obstruct any potential light spillage from cars. Additionally, the proposed layout of the development (specifically the drive-thru) will minimise any light spillage impacts from cars. No portion of the drive-thru is orientated to the east and therefore cars will not be spending lengths of time facing the nearby residential development.

Issue: Odour

Comment: It is considered that the proposed development is unlikely to have a significant adverse impact on nearby residential development in regards to odour associated with cooking and waste storage. In regards to the operation of the business, the proposal is required to comply with the relevant legislation such as *The Food Act 2003, The Food Regulation 2004, Food Standards Australia and New Zealand – Food Standards Code 2003*. The applicant provided a response to this issue emphasising that the proposed McDonalds store will operate in accordance with the relevant legislation, and in doing so, will not result in adverse odour impacts.

Issue: Management of the Site (Litter etc. - A number of submissions raised concerns about the management of the site and the surrounding streets in regards to litter and waste management as well as vandalism of the proposed building. One submission proposed a system where the business may be penalised based upon their packaging being found in the areas surrounding the site.

Comment: As part of the application the applicant submitted a Plan of Management detailing how the site will be managed during its operation. The Duty Manager will be responsible for ensuring that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times. A litter patrol area will be determined with litter patrols occurring after sunrise, after the breakfast period, after the lunchtime period and before sunset. Additionally, litter bins will be located throughout the site. It is acknowledged that litter is an issue within communities, however, it is unreasonable to place responsibility on the individual site to ensure their product is not littered throughout the community well outside of the subject site area. The “Don’t be a Tosser” program run by the NSW Environment Protection Agency provides a platform for littering to be reported. The submitted Plan of Management states that all vandalism will be removed within 24 hours. A condition of consent will be imposed (if consent is to be granted) requiring the development to comply with the submitted Plan of Management.

Issue: Car Parking. Concerns were raised regarding the number of car parks provided including the provision for disabled parking. It was acknowledged by the submitter that the proposal meets parking requirements.

Comment: Under Part 2.2 of Queanbeyan DCP 2012 the proposed development required 37 car parking spaces (including 1 disabled space), as well as the provision of queuing space for 12 cars. The proposal includes 37 car parking spaces (including 1 disabled car space) and allowed queuing space for 12 cars. It is unreasonable to require the applicant to provide parking spaces above and beyond the requirements.

**6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6
Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)**

Issue: Amenity. Concerns were raised regarding the proposed developments impacts on the amenity of the locality including, noise, odour, light impacts and litter.

Comment: The applicant has provided a response in regards to a number of amenity issues, which includes litter management, odour, noise and lighting. The applicant has submitted a waste management plan with the application and identified a number of ways that the development can reduce litter to ensure impacts to amenity are minimal. These include:

- Developing a series of litter messages, logo and litter branding for use on and around the site.
- Identifying a litter patrol area in consultation with Council, whereby crew can safely patrol and pick litter.
- Installation of litter traps in car park to minimise gross pollutants from entering the storm water drainage system.
- Producing litter patrol clothing consistent with the litter branding.
- Litter branding for all litter patrol bins.
- Branding signage for use in car park and drive thru.
- Tray mat messages communicating in store.
- Meeting with Council to discuss the store's litter program.
- Crew and Management training on implementation of the store's litter program.

Noise, odour and light impacts have been addressed in other sections of this report.

Issue: Health Impacts. Concerns have been raised regarding the health impacts a takeaway food and drink premises will have on the community.

Comment: Individual food/health choices are not Council's responsibility. The proposal is permissible with consent in the zone and it is considered unreasonable to refuse the proposal upon the basis of individual lifestyle choices. Despite this, the applicant has addressed health and wellbeing in a response to submissions letter, stating the following:

- The following excerpt comes from McDonald's Communication Strategy Report:
 - *At McDonald's, good food means great taste, modern choices and real ingredients. In Australia, we have a long history of implementing changes to improve the nutrition value of our food. For more than a decade, McDonald's has been offering more balanced menu choices, including salads and wraps. We are committed to enabling our customers to make informed choices that fit their needs and lifestyles. In September 2013, McDonald's joined forces with the Alliance for a Healthier Generation in a global effort to increase customers' access to fruits, vegetables, low-fat dairy, and water options and to help families make informed choices. McDonald's and the Alliance have worked together on five commitments related to menu offerings, menu boards, packaging, and advertising directed to children. McDonald's pledged to implement these actions in 20 major markets by 2020, including in Australia.*

Issue: Devaluing Land & Nearby Business. Concern was raised over the potential impacts of the development upon surrounding property values and also the impacts upon nearby businesses of a similar nature.

Comment: Impacts of the development upon surrounding property values and competition with nearby businesses is not a matter for consideration under the heads of consideration under Clause 4.15 of the Environmental Planning and Assessment Act 1979. It is important to understand that Council does not play a role in selecting which business decides to develop the site. It is considered that the proposal takes into account the nearby residential development and conditions have been imposed to mitigate any adverse impacts.

6.1 Development Application 446-2018 - Takeaway Food and Drink Premises - 6 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Rousell) (Continued)

Conclusion






The submitted proposal for a takeaway food and drink premises on Lot 2 DP 1243031, No.6 Ferdinand Lane is a Local Development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and a notice was put in the local newspaper with 24 submissions 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* and *Queanbeyan Development Control Plan 2012*. The development satisfies the requirements and achieves the objectives of these instruments.

The proposed development is the first application within the approved Poplars subdivision and forms part of the neighbourhood centre. The proposed development is considered suitable for the site, is compatible with the desired future character of the area and is considered not to have a significant adverse impact on the neighbourhood and can be conditioned to mitigate potential impacts.

However, the proposed lot on which the proposed development is to be erected does not formally exist. As such the applications are unable to be given final approval until the proposed lots are formally created and land titles registered. For this reason approval should be withheld and the CEO given delegated authority to determine the application once the land title is formally registered.

Attachments

- Attachment 1  DA 446-2018 - 4.15 Assessment Report Matters for Consideration - Takeaway Food and Drink Premises - 6 Ferdinand Lane (*Under Separate Cover*)
- Attachment 2  DA 446-2018 - Architectural Plans - Takeaway Food and Drink Premises - 6 Ferdinand Lane (*Under Separate Cover*)
- Attachment 3  DA 446-2018 - Submissions Part 1 - Takeaway Food and Drink Premises - 6 Ferdinand Lane (*Under Separate Cover*)
- Attachment 4  DA 446-2018 - Submissions Part 2 - Takeaway Food and Drink Premises - 6 Ferdinand Lane (*Under Separate Cover*)
- Attachment 5  DA 446-2018 - Draft Conditions - Takeaway Food and Drink Premises - 6 Ferdinand Lane (*Under Separate Cover*)

6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis)

Summary

Reason for Referral to Council

This application has been referred to Council as more than six submissions have been received by Council resulting from the exhibition/notification process and it is in the public interest to have the matter determined by Council.

Proposal:	Takeaway Food and Drink Premises and Associated Signage (KFC Restaurant)
Applicant/Owner:	Purdon Planning Pty Limited/Poplars Development Pty Ltd.
Subject Property:	Proposed Lot 3 DP 1246134, No. 10 Ferdinand Lane, (Lodged under Lot 2 DP 1243031, No. 31 Tomsitt Drive) Jerrabomberra
Zoning and Permissibility:	B1 Neighbourhood Centre under Queanbeyan Local Environmental Plan (Poplars) 2013. Permissible with consent within the zone.
Public Submissions:	Thirteen
Issues Discussed:	Planning Requirements/Issues Raised in Submissions.
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

- 1. That the CEO be granted delegated authority to determine development application 505-2018 for a takeaway food and drink premises on proposed Lot 3 DP 1246134, 10 Ferdinand Lane Jerrabomberra, subject to formal creation of the title for the proposed allotment.**
 - 2. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
-

Background

Proposed Development

The proposed development is for a Takeaway Food and Drink Premises (KFC Restaurant) and Associated Signage and Car Parking. Specifically, the application includes:

- A building with a gross floor area of 350m² (310m² internal and 40m² external), including a service and dining area, kitchen and preparation area, a drive through, and food storage and disposal facilities;
- A total of 72 seats (56 internal and 16 external), 34 car parks (2 disabled), bicycle parking and 12 queuing spaces.
- A landscaped area of 685m²; and
- Signage – 15.8m² in area and illuminated, including flat wall signage and an 8.5m high, 9.2m² internally illuminated pylon sign.

6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

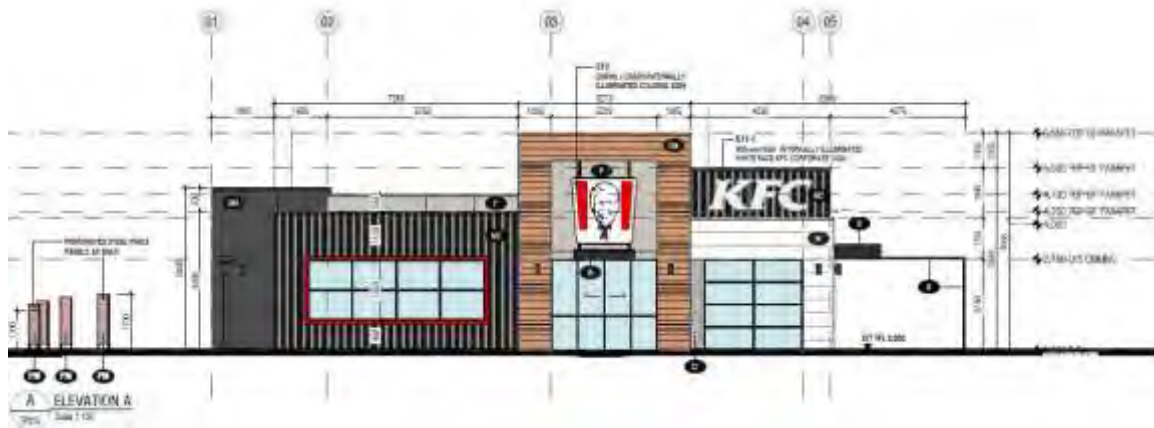


Figure 1: Elevation Plan (Source: Voda Building Services)

Subject Property

The subject site is legally described as Lot 2 DP 1243031 and is commonly known as 31 Tomsitt Drive. The subject site was subdivided as part of DA 192-2016. DA 192-2016 was determined in June 2017 and approved the demolition of an existing dwelling house and outbuildings, subdivision of land to create 6 x Torrens Title lots, construction of two public roads and associated works at 300 Lanyon Drive. The lots within this subdivision are yet to be registered and the subject site will be known as Lot 3 DP 1246134 and is commonly known as 10 Ferdinand Lane Jerrabomberra.

The site has a total area of 3,319m². There is no existing development on the site. Vehicular access is provided to the side via a newly created driveway from Ferdinand Lane. A site plan is shown in Figure 2 below.

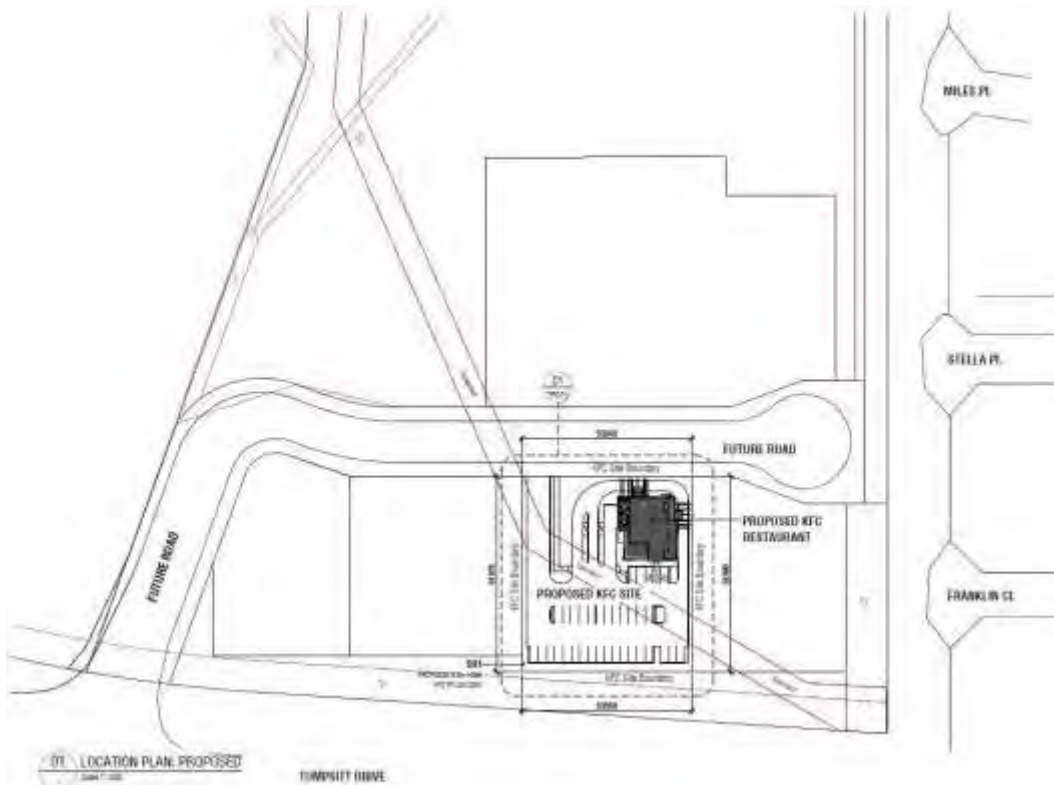


Figure 2: Site Plan (Source: Voda Building Services)

6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

Figure 3 below shows a more detailed site layout.

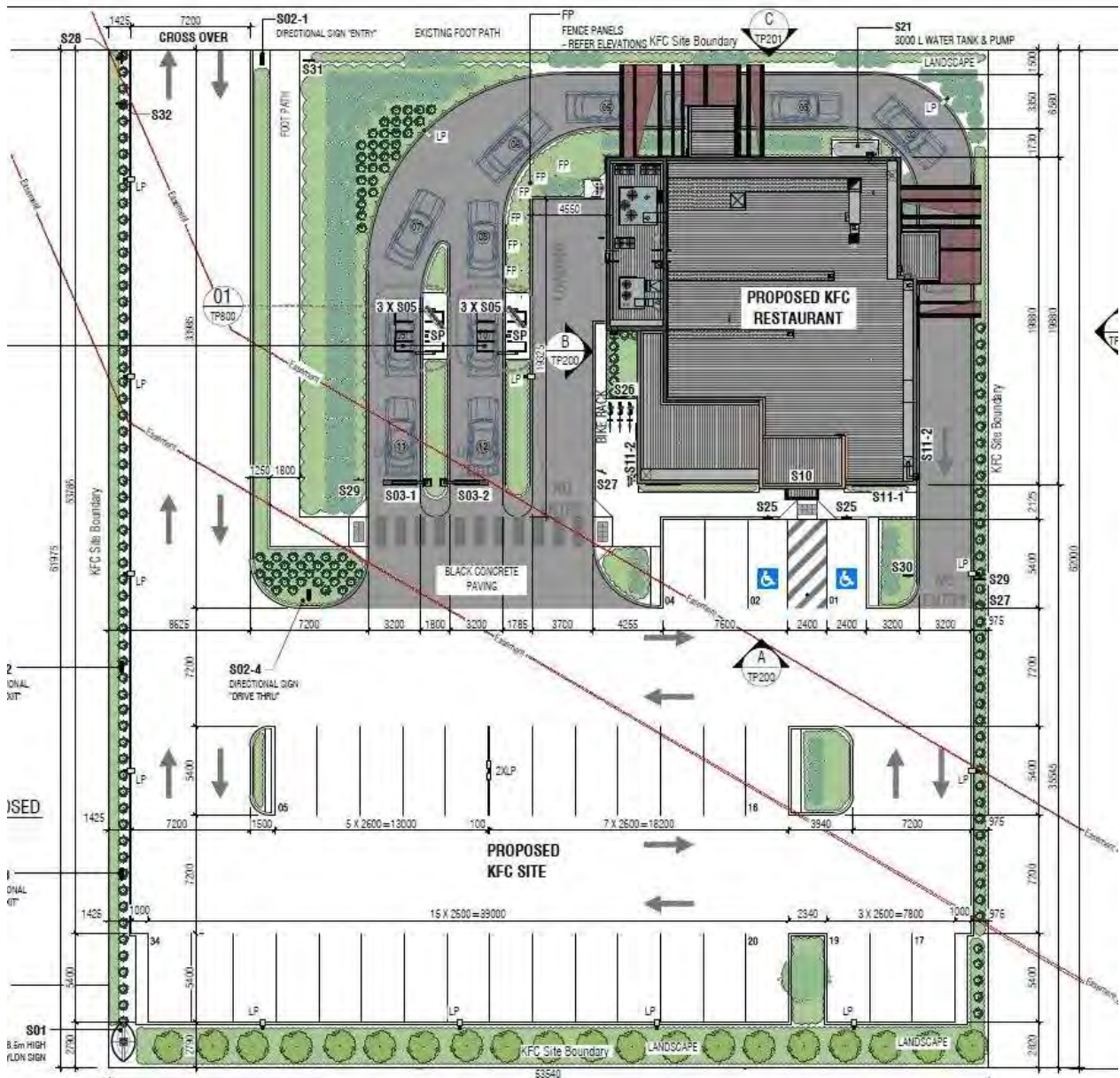


Figure 3: Detailed Site Plan (Source: Voda Building Services)

6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act (EP&AA) 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. 64 Advertising and Signage*
2. *State Environmental Planning Policy No. 55 – Remediation of Land*
3. *Queanbeyan Local Environmental Plan (Poplars) 2013 (QLEP Poplars 2013)*.
4. South Jerrabomberra Development Control Plan (SJDPCP)
5. Queanbeyan Development Control Plan 2012 (QDCP 2012)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. A detailed assessment of the key issues of the application are provided below.

(a) State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

A detailed assessment against *SEPP 64* is provided within the attached *Section 4.15 Table – Matters for Consideration*. The signage proposed is classified as business identification and way finding signage and includes:

- One 8.5m high pylon sign (shown in Figure 4).
- A total of six internally illuminated flush wall signs (three 'KFC' lettering signs (front 1.93m², western 1.04m², eastern 1.93m²), two breakfast signs (front 1.33m², eastern 1.33m²) and a single Colonel sign 8.2m² are secured flush to the wall of the building (as shown in Figure 4).
- Numerous street and directional signs (as shown in Figure 5).

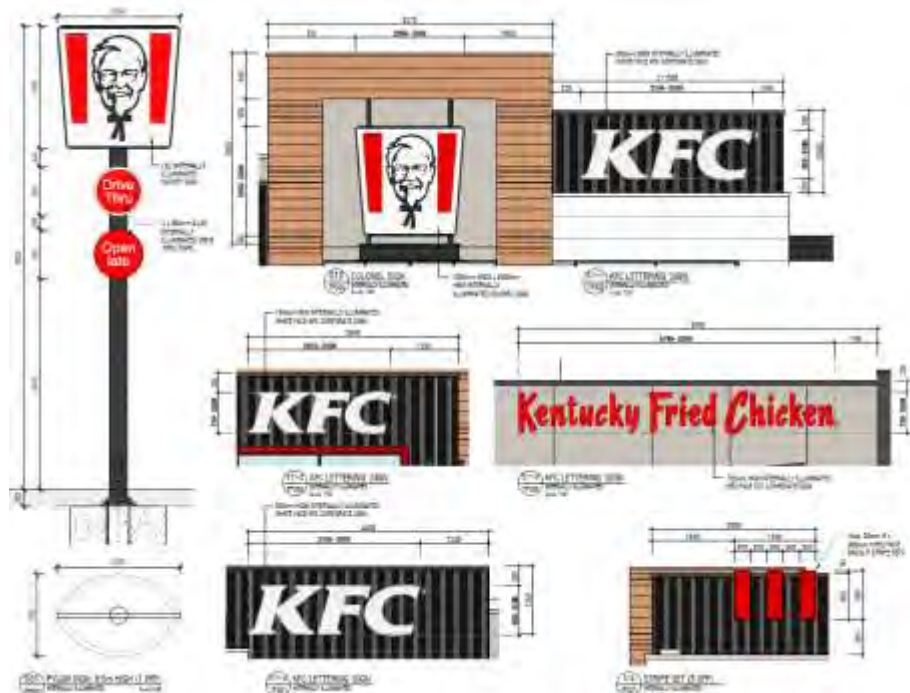


Figure 4: Proposed Business Identification Signage (Source: Voda Building Services)

6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

The proposed pylon sign will be internally illuminated and is 8.5m in height. The illumination will not flash, move or be animated and will be conditioned to meet relevant Australian Standards regarding illumination. The top portion of the pylon sign has a total area of 9.2m² with two 1.2m² circular signs attached to the pylon sign.

There are a total of six internally illuminated flush wall signs proposed as a part of the development. These are described above and shown in figure 4.

All internally illuminated street and directional signs are to be installed in accordance with RMS standards. The signage is considered acceptable for the site.

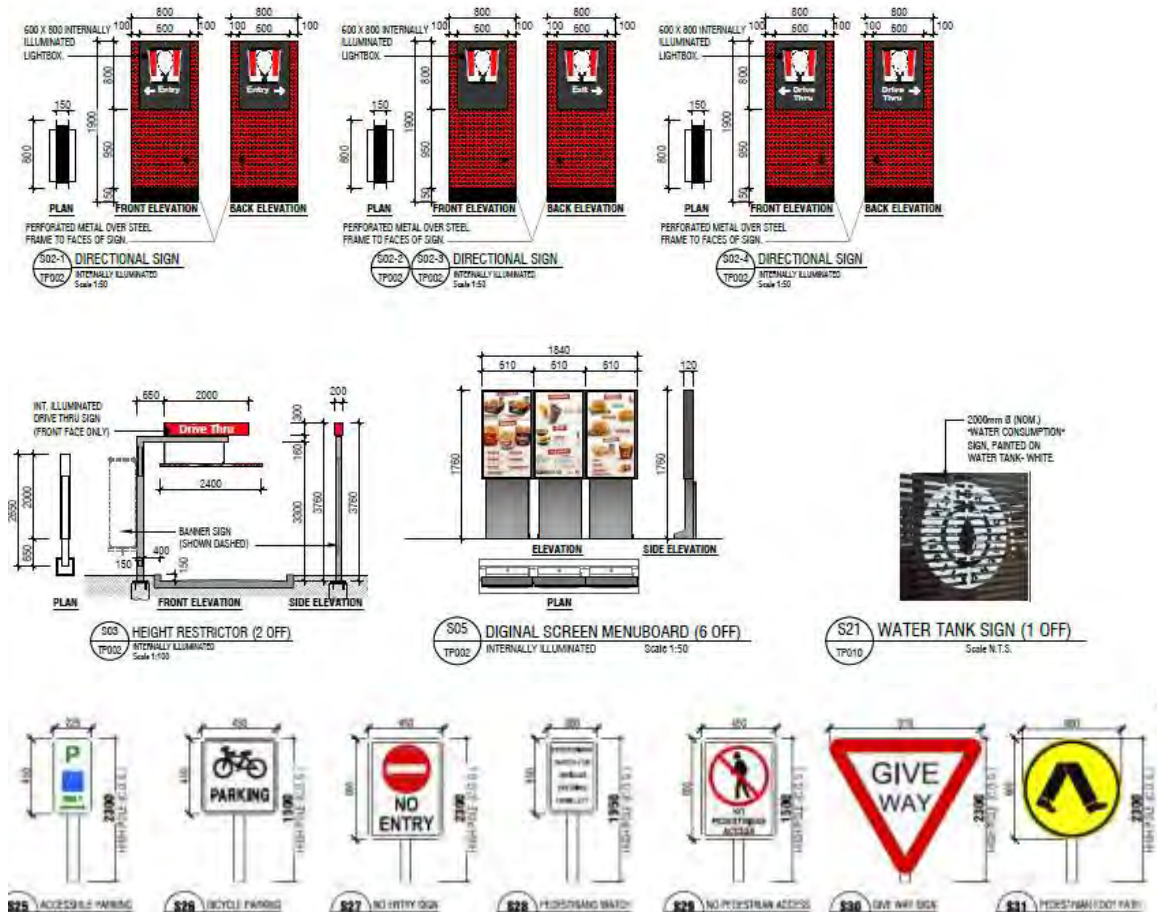


Figure 5: Proposed Street/Directional Signage (Source: Voda Building Services)

6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)**(b) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

This matter was considered under the subdivision application (DA 192-2016). A phase 2 Environmental Site Assessment (Coffey Environments Australia Pty Ltd (Ref: ENAUBRAD01138AA) and dated 23 November 2011) was submitted which identified several areas of environmental concern and recommended that a Remedial Action Plan (RAP) be prepared for the land and remediation carried out.

The development consent required additional works including preparation of a Remedial Action Plan and subsequent validation activities (validation report) of the site prior to the commencement of any development works on the site.

No conditions will be required for this application in regards to contamination and remediation of land, as all relevant works have been completed in accordance with the requirements of DA 192-2016 upon release of the subdivision certificate. The site is considered appropriate for this type of development.

(c) Compliance with LEP

The proposed development has been assessed in accordance with the *Queanbeyan Local Environmental Plan (Poplars) 2013*. The proposed development is consistent with the aims and objectives of the plan. The proposed development is defined as a *Take Away Food and Drink Premises*, which is defined as *premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises*.

The subject site is within the B1 Neighbourhood Centre Zone and a *Takeaway Food and Drink Premises* is permissible with consent in the zone.

The proposed development is also consistent with the requirements of the development standards contained within Part 4 of the QLEP (Poplars) 2013. Notably, it meets both the building height and floor space ratio controls detailed under clause 4.3 and 4.4 respectively. **(d) Compliance with DCP**

The proposed development has also been assessed against the relevant sections of the Queanbeyan Development Control Plan 2012 and South Jerrabomberra Development Control Plan, with a detailed assessment provided below:

Queanbeyan Development Control Plan 2012**Part 2 – All Zones - Section 2.2 Car Parking**

Council's Development Engineer has assessed manoeuvring and car parking for patrons and service vehicles. The provision of car parking and layout of the carpark is considered to be more than adequate for the proposed development. The QDCP 2012 requires 1 parking space per 3 seats for a Take-Away Food and Drink Premises, plus a queuing area for 5-12 cars. The proposed development has a total of 72 seats. The proposed development requires 24 spaces in total, as well as 1 disabled space and an area to accommodate a service vehicle. The application proposes a total of 34 spaces, including 2 disabled parking spaces, queuing space for 12 vehicles and bicycle parking. The development is compliant with this section of the QDCP 2012. For a full assessment of car parking and access requirements please refer to the Development Engineer's comments within this report below.

6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

*Section 2.3 Environmental Management**Lighting*

A site plan was submitted showing light spill from the proposed lighting of the off-street car park. The light spill diagram is considered adequate in terms of its potential impacts on adjoining properties, this includes adjoining commercial property and surrounding nearby residences. The light spill diagram is provided on the site plan included in the attachment – architectural plans.

Noise

A Noise Assessment Report was submitted with the Development Application to support the proposal. Proposed hours of operation for the premises are 10:00am to 11:00pm. Delivery hours are proposed wholly within the prescribed operational hours.

The Noise Assessment Report makes three key recommendations for the site. These include:

Plant Noise - All plant, including any refrigeration plant when taken together are not to exceed the criteria at the boundaries as established in this report and reported as the night time one: LAeq 35 dB(A). This should be verified during construction. This is the most stringent criterion.

Waste collection - Waste collection should be conducted during the hours of 7 am to 6 pm Monday to Saturday, and 8 am to 6 pm Sunday and public holidays.

Drive through Windows - No attenuation is required to the drive through speakers, as there is adequate distance and a noise wall. Payment and collection points should not be amplified. Further, the payment and pick-up windows should not exceed the criteria.

The development will be conditioned to comply with the recommendations of the Noise Assessment Report. Additionally, operational, trading and delivery hours will be imposed by a condition of consent and will be generally consistent with these recommendations.

Waste

A Waste Management Plan was submitted in support of the proposed development. The plan includes provisions to deal with operational waste, including a waste enclosure and external/internal bins and provisions for dealing with oil spills. Compliance with this plan will be conditioned, whilst construction waste will need to be addressed through the submission of a Construction Management Plan, which will be conditioned to be submitted prior to commencement of construction of the proposed development.

6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

Section 2.6 Landscaping

A Landscape Plan was prepared by a Category 1 Landscape Consultant as listed on Council’s Landscape Consultant Register. The proposed landscaping is considered appropriate for the site. Specifically, as per the landscape plan depicted below in Figure 6 and 7, the proposed development incorporates the following plantings:

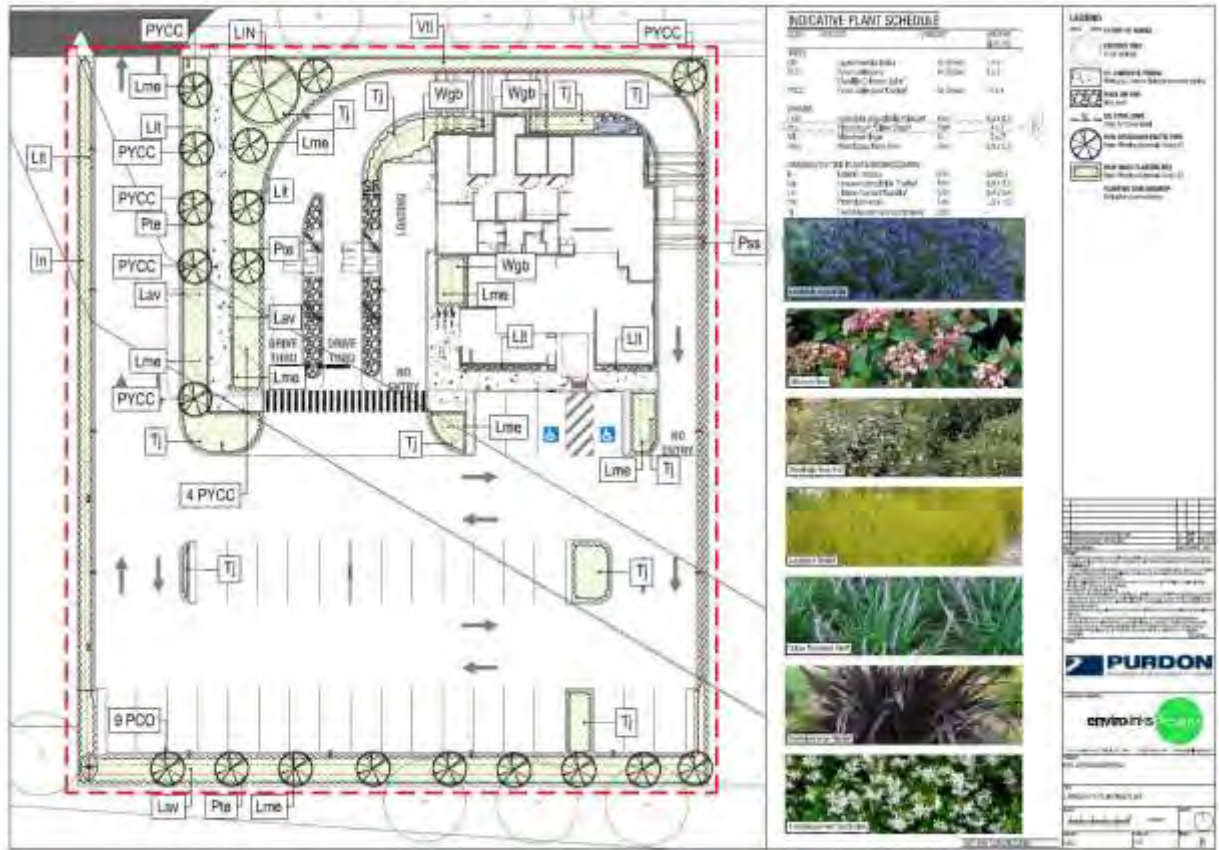


Figure 6: Landscape Plan 1 (Source: Enviro Links Design)

6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

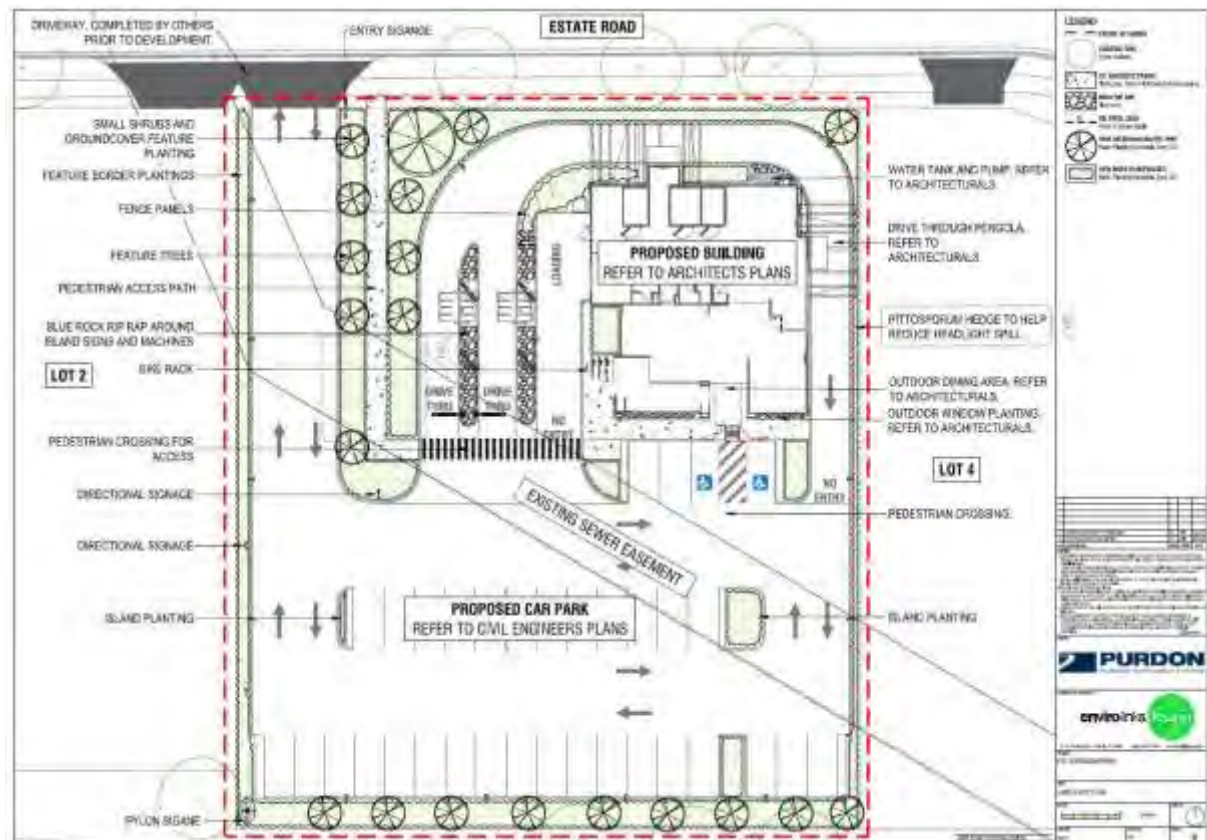


Figure 7: Landscape Plan 2 (Source: Enviro Links Design)

The proposed landscaping is considered appropriate for the site. It will not obscure site lines to and from entry and exit points and will add to the amenity of the site and streetscape.

Section 2.9 Safe Design

The proposed development is generally consistent with the aims and objectives of this section of the QDCP 2012. The proposed design contains clear entry points to and from the site with entry to the building clearly defined from the internal car park. Landscaping is considered appropriate for the site and will not detrimentally impact site lines or create areas for hiding. Passive and natural surveillance is not considered an issue for the proposed development.

South Jerrabomberra Development Control Plan

The assessment against the South Jerrabomberra Development Control Plan found the proposed development to generally comply with the objectives and controls listed under Part 10 'Neighbourhood Centre Controls and Principles'. A detailed assessment is provided within the attached Section 4.15 Report – Matters for Consideration.

6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

(a) Building Surveyor's Comments

The proposed development is likely able to comply with the Building Code of Australia. There are no objections to the proposed development.

(b) Development Engineer's Comments

Traffic and Parking - Clause 2.2 of the Queanbeyan DCP requires 1 parking space per 3 seats for a take-away food and drink premises, plus queuing area for 5-12 cars. With a total of 72 seats proposed, 24 spaces would be required as well as 1 disabled space and a service vehicle area. The application proposes 34 spaces, including 2 disabled spaces, queuing space for 12 vehicles, as well as bicycle parking, which satisfies DCP requirements.

Carpark users would be classified by AS2890 as Class 3A (short-term, high turnover). Parking spaces are to be minimum 2.6 x 5.4m with an aisle width of 6.6m. Disabled spaces are to be 2.4 x 5.4m, with a 2.4m wide shared space and bollard to be provided. The submitted parking layout complies with these requirements (66.04).

The applicant has nominated a heavy rigid vehicle as the service vehicle, 12.5m long by 2.5m wide. A suitable service vehicle area has been provided, 3.7m wide with a length of approx. 19.3m. Swept paths have been submitted, demonstrating single-manoeuve access and egress is achievable without encroachment over boundaries or into parking spaces.

A pedestrian crossing is located at the entrance to the drive-thru. As landscaping is kept to shrubbery and groundcover either side, adequate pedestrian sight lines have been provided. To ensure safety of pedestrians and drivers, ongoing vegetation management within the carpark will be required (79.02).

A traffic report has not been submitted with the application. It's almost a certainty that the Poplars subdivision and Tralee intersection will cause significant impacts to the function of Tomsitt Drive, however these concerns aren't the subject of this application as the development of a lot within the Poplars subdivision. Traffic modelling was completed as part of the subdivision DA (DA 192-2016), taking into account the use of the subject site for general retail. Peak traffic generations from Stage 1 were forecasted and the intersection designed accordingly. The introduction of traffic lights and an extended right-hand turn lane on Tomsitt Drive has been approved as part of the subdivision of the land and the proposed use is considered consistent with the envisaged usage for the subdivision.

Access - A survey plan has been submitted confirming there is minimal fall over the site. Hence, driveway grades will be relatively flat. The driveway/roadway is 7.2m wide internally, which is in accordance with AS2890.2 guidelines.

A shared VKC (approx. 18m wide) between Lots 2 & 3 has been constructed during subdivision works. As the verge crossover is existing and internal driveway grades don't pose an issue, there is no need to condition driveway construction or inspection by Council.

Stormwater, Sewer & Water - The proposed development is considered to be able to be adequately serviced and provisions for sewer, water and stormwater have been assessed as satisfactory.

6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

(c) Environmental Health Comments

The proposed development is to comply with the *Food Act 2003* and *Regulation 2015* and Food Standards Code. Additionally, the development must ensure:

- Plant and equipment noise is not to exceed 5dB above background.
- Waste collection times are to be restricted to certain hours.
- The installation of a light barrier along the eastern boundary to prevent drive through car lights affecting surrounding properties until other buildings in the area are built and block the line of sight.
- Registration of the food business with Council.
- Submission of a noise report after 3 months of operation to determine operational noise impact with all recommendations adequately implemented.

Financial Implications

Section 7.11 contributions are applicable to the development. The subject site is located within the North Poplars contribution zone for non-residential development. The contribution rate is \$150,311.46 per hectare (note: this rate was calculated during adoption of the contribution plan and does not reflect subsequent CPI increases).

Table 3 - Non Residential Contribution Rates Per Hectare

- North Poplars = \$150,311.46/ha
- Subject site area of 3,319m² = 0.3319ha
- 0.3319 x \$150,311.46 = \$49,888.37

*this figure has not been indexed and will be subject to previous and future CPI increases

Section 64 Water and Sewer contributions are applicable to the proposed development. The applicable zone is Jerrabomberra and 5.52 Water Equivalent Tenements (ETs) and 12.52 Sewer ETs are applicable.

Total Section 64 Charge is: \$69,211.96 (\$50,709.62 water) and (\$18,502.34 sewer).

An invoice will be provided with the issued consent.

Engagement

The proposal required notification under the Queanbeyan DCP 2012. A total of 13 submissions were received. The relevant issues raised within the submissions and a response is provided below:

Issue: Operating Hours and Noise

Comment: Issues were raised with the potential for 24 hour operation of the premises. The proposed development for a KFC Restaurant, proposes operating hours from 10:00am to 11:00pm (7 days) and delivery hours of 7:30am to 10:30pm (Mon-Fri). The development consent will include operating hours as a condition to ensure compliance with these hours can be enforced. The operating hours are generally consistent with KFC Restaurants around Australia. Additionally, taking into consideration the location of the allotment, the submitted noise assessment report and the implementation of appropriate noise mitigation measures the proposed operating and delivery hours are seen as acceptable and it is not anticipated that the development will have an unreasonable impact on surrounding sensitive land uses.

6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

Issue: Waste and Litter Management

Comment: The issue of waste and litter from the site and impacts on the surrounding area were raised. The proposed development and application was supported by a waste management plan. The waste management plan outlines details for how the site will manage waste from staff and patrons in regards to operational waste and litter. The waste management plan and site and floor plan for the development identify the provision of a waste enclosure and external bins, an excerpt from the waste management plan is provided below with further detail:

Waste Enclosure

“The building includes a waste room of approximately 15.5m² adjacent to the loading dock/service bay. This waste room is the standard size for KFC Restaurants of this size and seating capacity. It allows for waste bins and recycling bins to be stored in an area separate from the restaurant operations but readily accessible from both within the building and externally.

It is expected that the KFC restaurant will generate approximately 13m³ of general waste and 3m³ of recyclable waste per week. Allowing for 3 collections per week this results in a requirement for 2 x 3m³ waste bins and 1 x 1.1m³ recycling bin. The proposed waste enclosure has sufficient area to accommodate these bins”.

The consent will be conditioned accordingly so that a litter management plan is provided to Council prior to operation of the site and can be enforced if issues arise.

Issue: Visual Impact of Signage

Comment: The proposed development incorporates a number of business identification signs and wayfinding/directional signage. This includes a pylon sign and flush wall signs with the business name/branding. Comprehensive detail of the proposed signage is provided within the SEPP 64 – Advertising and Signage assessment provided within the Section 4.15 Report – Matters for Consideration and within this report.

The proposed signage is not inconsistent with the assessment criteria within schedule 1 of SEPP 64 and the requirements of the relevant Development Control Plan. However, it is acknowledged that the combination of signs from the adjoining sites will have a cumulative impact. However, only one pylon sign is being permitted on each site and the three on the Tomsitt Drive frontage are evenly spread. This and the variation in height of the pylon signs (9.0m to 5.0m) will provide a visual break-up and reduce the overall impact of the combined 4 pylon signs. Additionally, adequate distances between sites and appropriate landscaping will aid in breaking up signage and allowing for satisfactory visual impact.

Issue: Contamination

Comment: Concerns were raised in regards to importation of fill and the existing use of the site and potential contamination. The site has been adequately remediated within the requirements of the conditions of consent for the subdivision (DA 192-2016). Please refer to the comments against SEPP 55 Remediation of Land within this report for further information.

6.2 Development Application 505-2018 - Takeaway Food and Drink Premises - 10 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

Issue: Public Health

Comment: The issue of public health and dietary choices has been considered by Council. However, it is noted that individual dietary choices are not a matter for consideration in regards to the relevant environmental planning instruments and cannot be enforced or controlled through the development assessment process. A Takeaway Food and Drink Premises is permissible with consent in the zone.





Conclusion

The submitted proposal for a Takeaway Food and Drink Premises & Associated Signage (KFC Restaurant) on proposed Lot 3 DP 1246134, 10 Ferdinand Lane Jerrabomberra, is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and a total of 13 submissions were received. A response to submissions is provided within this report and all issues are deemed to have been addressed or are able to be mitigated through the imposition of relevant conditions of consent.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, including the relevant provisions of the *Queanbeyan Local Environmental Plan (Poplars) 2013*, the Queanbeyan Development Control Plan 2012 and the South Jerrabomberra Development Control Plan. The development satisfies the requirements and achieves the objectives of these instruments. The proposed development is considered satisfactory for approval subject to the recommended conditions of consent.

However, the proposed lot on which the proposed development is to be erected does not formally exist. As such the applications are unable to be given final approval until the proposed lots are formally created and land titles registered. For this reason approval should be withheld and the CEO given delegated authority to determine the application once the land title is formally registered.

Attachments

- Attachment 1  DA 505-2018 - Attachment Section 4.15 - Matters for Consideration - Takeaway Food and Drink Premises (KFC Restaurant) - 10 Ferdinand Lane (*Under Separate Cover*)
- Attachment 2  DA 505-2018 - Architectural Plans - Takeaway Food and Drink premises (KFC Restaurant) - 10 Ferdinand Lane (*Under Separate Cover*)
- Attachment 3  DA 505-2018 - Submissions - Takeaway Food and Drink Premises - 10 Ferdinand Lane (*Under Separate Cover*)
- Attachment 4  DA 505-2018 - Draft Conditions - Takeaway Food and Drink Premises - 10 Ferdinand Lane (*Under Separate Cover*)

6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis)

Summary

Reason for Referral to Council

This application has been referred to Council due to the number of submissions received during the notification period and because it is for a major development exceeding \$5 million in value.

Proposal:	Shop (ALDI Supermarket)
Applicant/Owner:	Milestone Town Planning/Poplars Developments Pty Ltd.
Subject Property:	Proposed Lot 5 DP 1246134, 9 Ferdinand Lane Jerrabomberra
Zoning and Permissibility:	B1 Neighbourhood Centre under Queanbeyan Local Environmental Plan (Poplars) 2013 - Permissible with consent within the B1 Zone.
Public Submissions:	Six
Issues Discussed:	Planning Requirements and Submissions.
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

- 1. That the CEO be granted delegated authority to determine development application 507-2018 for a shop on proposed Lot 5 DP 1246134, 9 Ferdinand Lane, Jerrabomberra, subject to formal creation of the title for the proposed allotment.**
 - 2. That those persons who lodged a submission on the application be advised in writing of the determination of the application.**
-

Background

Proposed Development

The proposed development is for a shop (ALDI Supermarket) and associated signage and car parking. The development forms a part of the Poplars Neighbourhood Centre adjacent to Jerrabomberra. The approved subdivision resulted in the creation of six lots, with a range of development currently proposed for the approved Neighbourhood Centre lots.

6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

The specific elements of this proposal are:

- A Shop (ALDI Supermarket) (1,739m² Gross Floor Area)
- ALDI Business Identification Signage
- 126 space car park (4 disabled spaces) and associated lighting
- Landscaping
- Loading Dock (accommodating maximum 19m vehicles)
- New substation
- On site detention tank (250m³) in the south eastern corner of the site
- Open air plan enclosure to the north of the building



Figure 1: Proposed Aldi (Source: BuiltConsult Pty Ltd.)

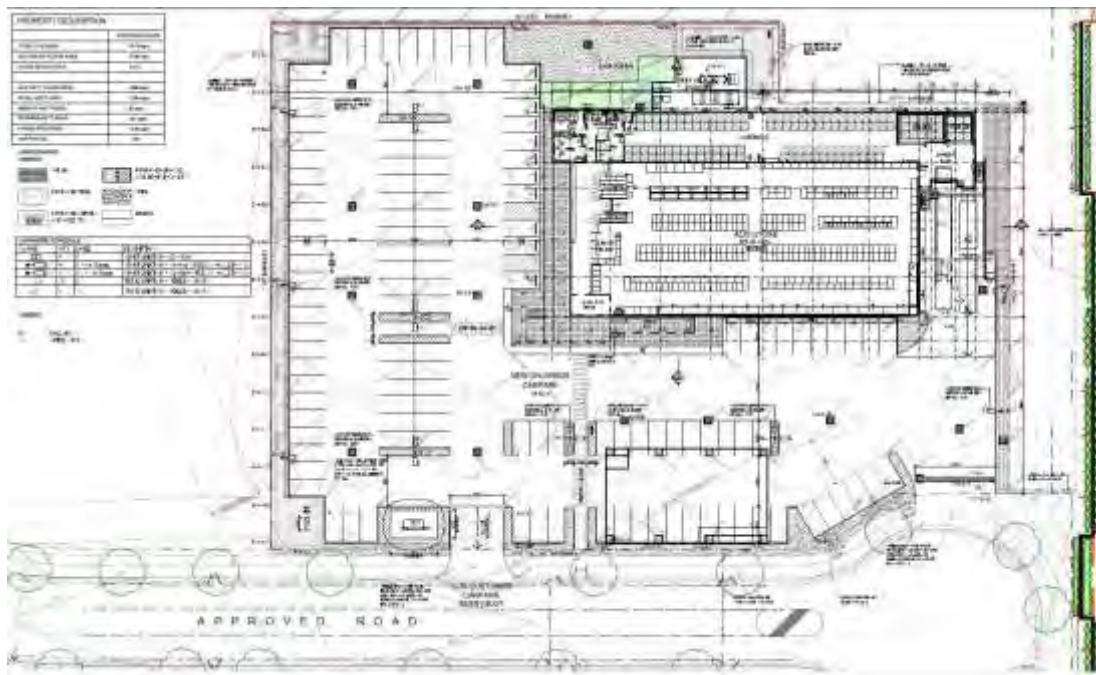


Figure 2: Proposed Aldi Site Plan (Source: BuiltConsult Pty Ltd.)

6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)***Subject Property***

The subject site is legally described as Lot 2 DP 1243031 and is commonly known as 31 Tomsitt Drive. The subject site was subdivided as part of DA 192-2016. DA 192-2016 was determined in June 2017 and approved the demolition of an existing dwelling house and outbuildings, subdivision of land to create 6 x Torrens Title lots, construction of two public roads and associated works at 300 Lanyon Drive. The lots within this subdivision are yet to be registered and the subject site will be known as Lot 5 DP 1246134 and is commonly known as 9 Ferdinand Lane Jerrabomberra.

The site is located on the northern side of the newly constructed. The site has a total area of 8178m². There is no existing development on the site. Vehicular access will be provided to the site via two newly constructed driveways from Ferdinand Lane, which were constructed during subdivision works undertaken by the developer.

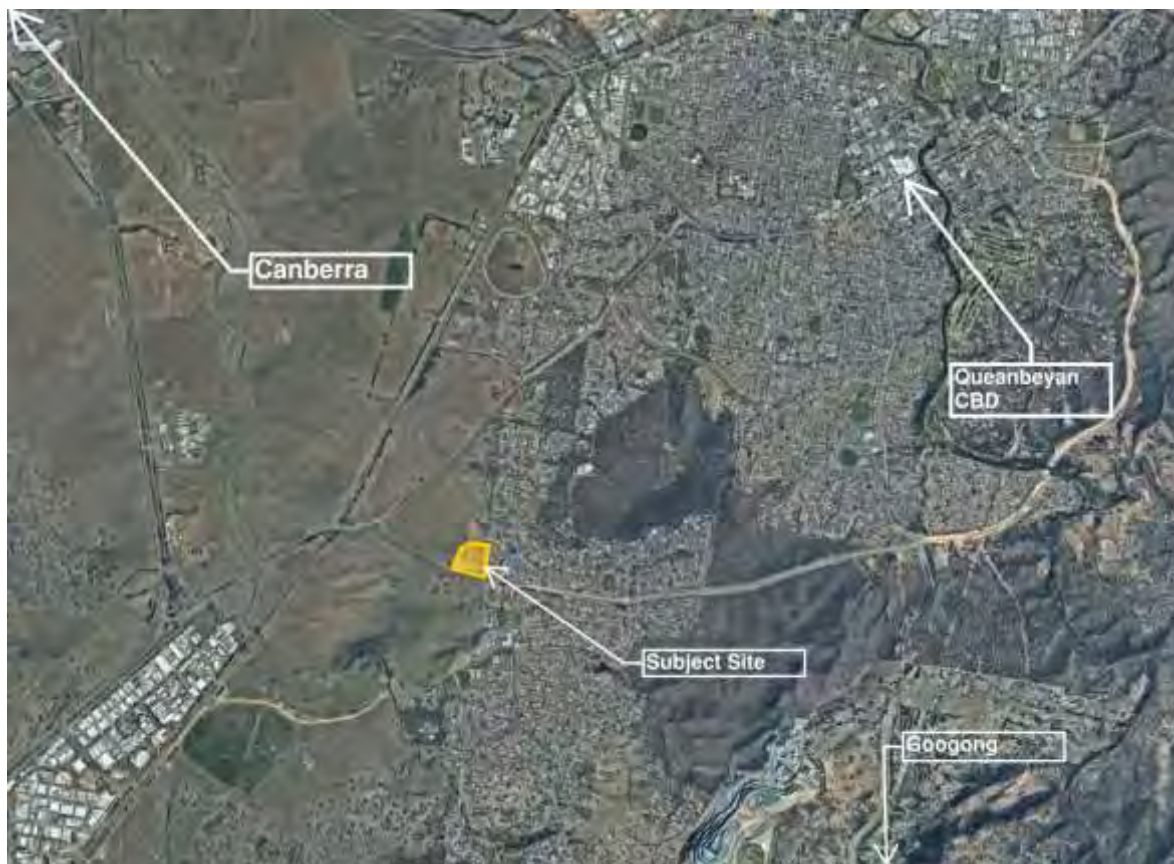


Figure 3: Site Context (Source: NearMap)

6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

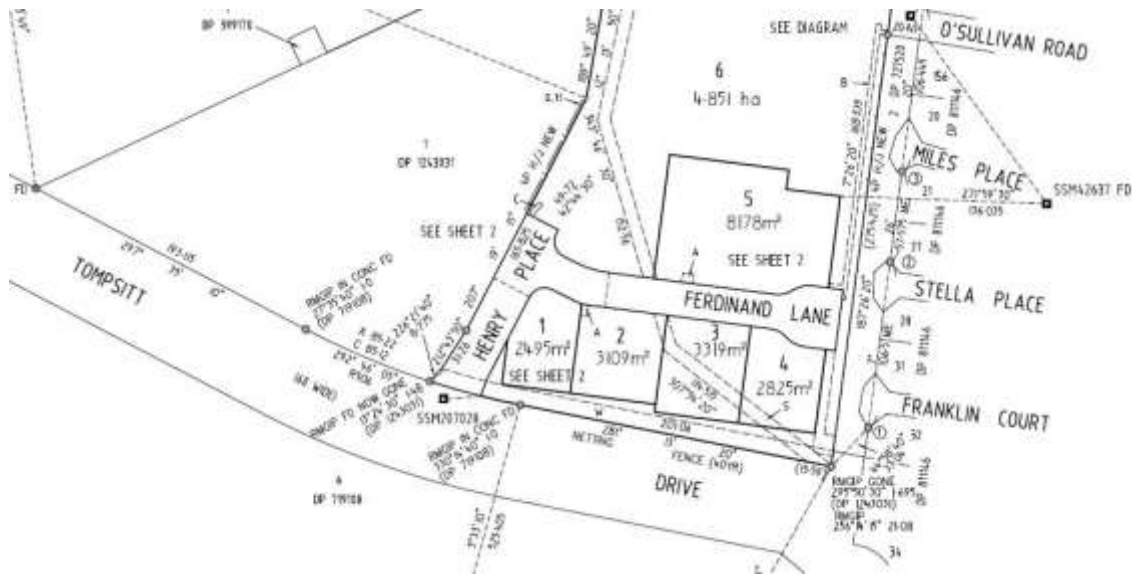


Figure 4: Plan of Subdivision (Prepared by Michael Roy Stapleton)



Figure 5: Subject Site Overlay (Source: BuiltConsult Pty Ltd. & NearMap)

6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)***Planning Requirements***

Assessment of the application has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act (EP&AA) 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 64 - Advertising and Signage*
2. *State Environmental Planning Policy No 55 - Remediation of Land*
3. *Queanbeyan Local Environmental Plan (Poplars) 2013 (LEP)*.
4. *Queanbeyan Development Control Plan 2012 (QDCP 2012)*.
5. *South Jerrabomberra Development Control Plan (SJDGP)*.

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The following information below provides a summary and assessment of the key issues associated with the development against each of the relevant planning instruments, as well as the issues raised by submissions.

(a) *State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)*

A detailed assessment against SEPP 64 is provided within the attached *Section 4.15 Table – Matters for Consideration*. The signage proposed for the development includes:

- Three Aldi wall signs on the northern, southern and western elevations of the building
- One Aldi graphic sign (tomatoes) on the western elevation of the building; and
- One double sided Aldi pylon sign at the entry to the carpark (5m in height).

The signage has been assessed against the relevant criteria listed within Schedule 1 of SEPP 64 and is generally compliant. The signage will not impact on surrounding properties, views and vistas, and is conducive to the scale and architectural design of the building.



6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

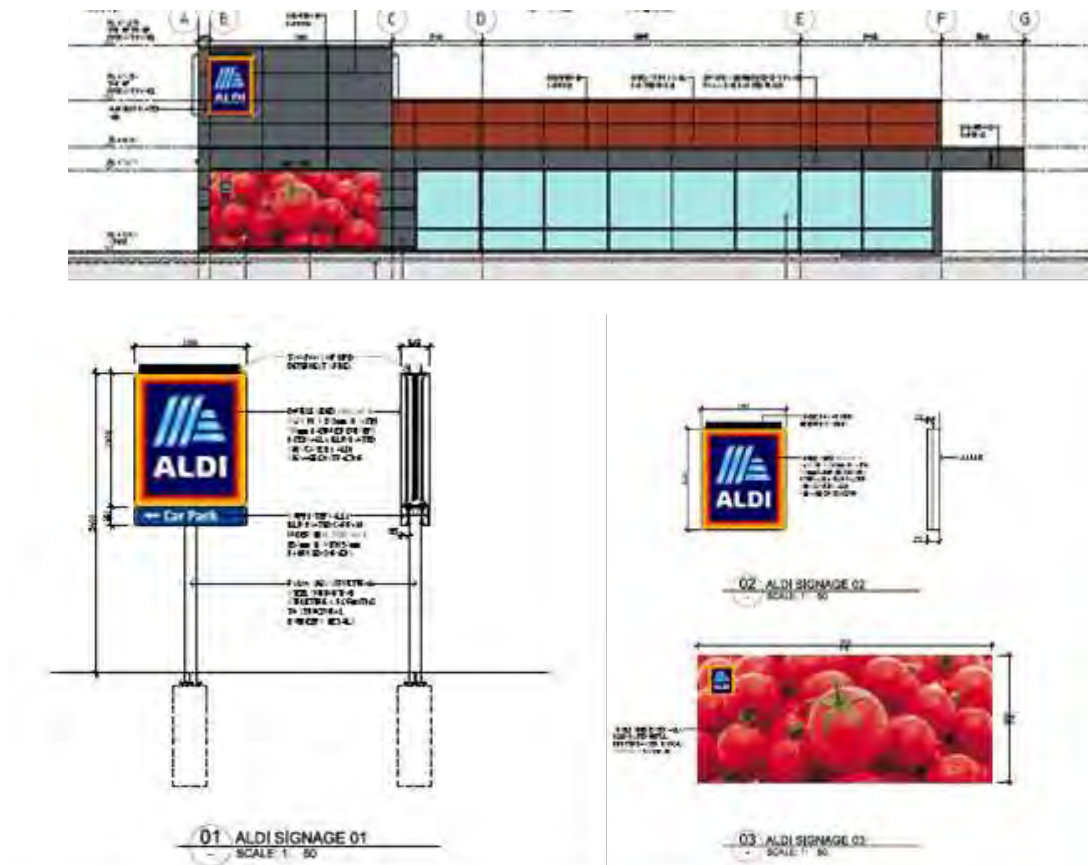


Figure 6: Proposed Signage (Source: BuiltConsult Pty Ltd.)

(b) State Environmental Planning Policy No, 55 – Remediation of Land (SEPP 55)

Clause 7(1) of SEPP 55 prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

This matter was considered under the subdivision application (DA 192-2016). A phase 2 Environmental Site Assessment (Coffey Environments Australia Pty Ltd (Ref: ENAUBRAD01138AA) and dated 23 November 2011) was submitted which identified several areas of environmental concern and recommended that a Remedial Action Plan (RAP) be prepared for the land and remediation carried out.

The development consent required additional works including preparation of a Remedial Action Plan and subsequent validation activities (validation report) of the site prior to the commencement of any development work on the site.

No conditions will be required for this application in regards to contamination and remediation of land, as all relevant works have been completed in accordance with the requirements of DA 192-2016 upon release of the subdivision certificate. The site is considered appropriate for this type of development.

(c) Compliance with LEP

The proposed development has been assessed in accordance with the *Queanbeyan Local Environmental Plan (Poplars) 2013*. The proposed development is consistent with the aim and objectives of the plan. The subject site is zoned B1 Neighbourhood Centre under the LEP.

6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

The proposed development is defined as a *shop* under the QLEP (Poplars) 2013. A *shop* means, 'a premises that sells merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises'.

A *shop* is permissible with consent within the prescribed zone.

(d) Compliance with DCP

The proposed development has been assessed against the relevant sections of the Queanbeyan Development Control Plan 2012 and the South Jerrabomberra Development Control Plan.

Queanbeyan Development Control Plan 2012 (QDCP 2012)**2.2 Car Parking**

The car parking provided for the site is required to comply with Part 2 Section 2.2 of the QDCP 2012. Table 1 under section 2.2.6 requires a retail premises to have 1 space per 20m² for a development with a total floor area over 1000m². At 1739m², 1 space per 20m² generates a requirement for 87 spaces. A total of 126 car spaces have been provided. The development provides 39 additional spaces over and above the requirement under Table 1 of Part 2 of the QDCP 2012.

In regard to the provision of car parking for service vehicles, Table 2, Section 2.2 of Part 2 of the QDCP 2012 requires one space per 400m² of up to 2,000m² of GFA. 4 spaces are required. Due to the development far exceeding car parking requirements, service vehicle spaces are also considered sufficient.

In regard to disabled parking, as per Table 3 Section 2.2 of Part 2 of the QDCP 2012, calculated at the highest rate, a total of 3 disabled parking spaces are required for the development. Four spaces have been provided and as such the development complies with this control.

2.6 Landscaping

A landscape plan was prepared by a Category 1 Landscape Consultant (Site Image) on Council's register of Landscape Consultants and submitted with the application. The landscape plan identifies adequate planting and landscaped area which will contribute to the amenity of the site and streetscape. The proposal incorporates:

- 19 Claret Ash trees (*Fraxinus Oxycarpa* 'Raywood'),
- 190 'small leaf photinia' shrubs and;
- 'Creeping Juniper and 'African Lily' groundcovers/grasses.

The proposed landscaping creates a visual buffer between the internal road and the proposed car park. It does not detrimentally affect site lines between entry and access points. It is considered that the landscape design is responsive to CPTED (Crime Prevention through Environmental Design) principles and will contribute to the overall amenity of the streetscape. The landscape plan is shown below in Figure 7.

6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

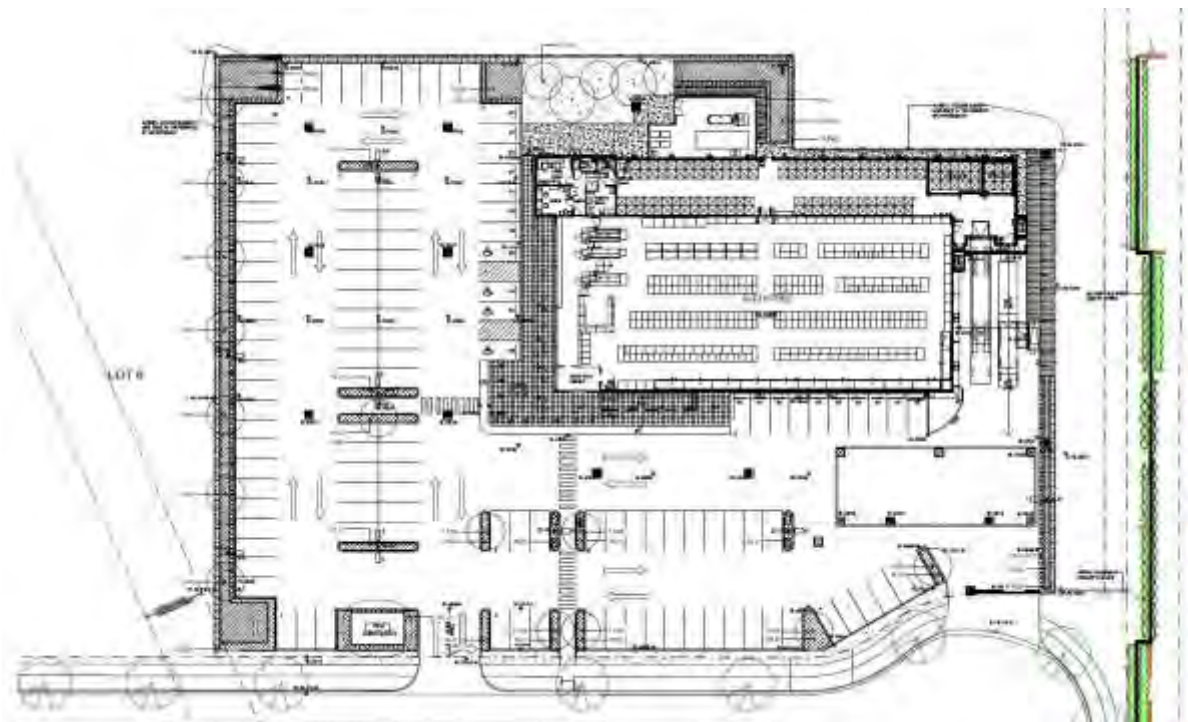


Figure 7: Proposed Aldi Landscape Plan (Source: Site Image)

2.9 Safe Design

The proposed development generally satisfies the relevant provisions of this clause. The development will retain adequate passive and natural surveillance to the street. Additionally, entry points to both the car park and building are clearly legible. Internal signage assists with people navigating the site. Additionally, the landscaping is considered satisfactory in regards to the requirements of this section of the QDCP 2012 and general CPTED principles.

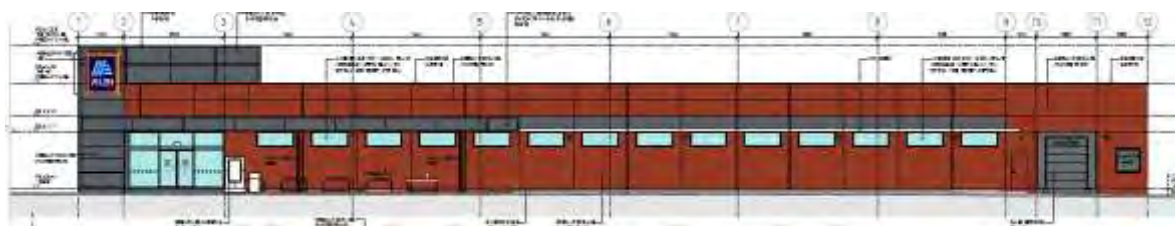


Figure 8: Southern Elevation – Design of Façade and Entry Points (BuiltConsult Pty Ltd.)

6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

*2.3 Environmental Management**Noise*

An acoustic report prepared by Marshall Day Acoustics (Dated: 12 October 2018) was submitted with the application to support the development.

The report takes into consideration potential noise impacts from:

- Mechanical services emissions
- Noise from truck movements, deliveries and garbage compactor operations
- Generated traffic noise both on-site and on surrounding public roads

The report concludes that the noise emissions from the premises will achieve the appropriate criteria outlined by NSW Government policy, guidelines and industry standards provided the recommendations of the report are implemented.

The noise management measures within the acoustic report include the following:

- ALDI's standard delivery vehicle policy which requires delivery trucks turn off reversing beepers and truck mounted refrigeration units whilst on site.
- Taking care to minimise impact noise within the truck trailer while unloading.
- Keeping communication between staff and delivery drivers to a conversation vocal level, i.e. no raised voices.
- Refrigeration plant should not be cycled on and off throughout the night-time period. Instead, variable speed fans should be fitted so that units cycle up and down as required.
- Restricting the use of the compactor to the daytime and evening periods only.

The report prepared by Marshall Day Acoustics concludes that sensitive receivers will not be impacted over acceptable noise levels during night-time by truck deliveries.

However, a previous acoustic assessment was undertaken by SLR (dated: 22 February 2016) for the subdivision development (DA 192-2016), which contained the recommendations for the implementation of the acoustic wall, as well as mitigation measures for future development.

That report concluded that the acoustic wall is not sufficient to mitigate sleep disturbance during night time hours on nearby sensitive receivers, as a result of noise generated from truck movements. Additional mitigation measures are listed within the report and include limiting truck deliveries to daytime and evening hours only. This is stipulated as between 7:00am and 10:00pm for Monday to Saturday and 8:00am to 10:00pm for Sundays and public holidays.

Some recommendations for mitigation measures from the acoustic report prepared by Marshall Day Acoustics for ALDI are largely uncontrollable/unenforceable by Council (i.e. no raised voices). The acoustic report prepared by Marshall Day Acoustics does not adequately account for the modelling used for the acoustic wall, which formed a part of the report prepared by SLR. A statement is provided on page 11 of the report prepared by Marshall Day Acoustics which makes the omission that the report was prepared without specifications for the acoustic wall.

6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

However, subsequent information submitted by Marshall Day Acoustics states that the modelling prepared for the acoustic report for ALDI is more accurate than the SLR acoustic report, as it is development specific, and is based on acoustic data from the operation of existing ALDI sites.

Despite the findings and recommendations of both acoustic reports prepared by SLR and Marshall Day Acoustics Council is not satisfied that night time deliveries can be satisfactorily ameliorated. Experience with other supermarkets in both Queanbeyan and Jerrabomberra have both resulted in Council having to restrict delivery hours because of unsatisfactory noise impacts on nearby residents, particularly given the very low background noise levels in Jerrabomberra in the early morning hours.

Additional factors in determining Council's position in regard to delivery hours includes, the acoustic wall being shorter in length than recommended by the SLR report due to the location of where the development site finishes, and the location of the delivery dock directly adjacent to the adjoining dwelling houses (sensitive receivers) to the east.

It is Council's position that deliveries are limited to operational hours of the premises and are not permitted within the requested timeframe of 10:00pm to 6:00am for a total of two movements/deliveries. This will be in accordance with the conditioned delivery hours of all five development lots within the North Poplars Neighbourhood Centre, which includes McDonalds, KFC, Medical Centre and 7-Eleven Service Station.

Extended delivery hours may be subject to a future application/trial once the site is operating and granted sufficient evidence is provided that no disturbance to surrounding sensitive properties is created and no complaints are received.

South Jerrabomberra Development Control Plan

The assessment against the South Jerrabomberra Development Control Plan found the proposed development to generally comply with the objectives and controls listed under Part 10 'Neighbourhood Centre Controls and Principles'. A detailed assessment is provided within the attached Section 4.15 Report – Matters for Consideration.

(a) Building Surveyor's Comments

The proposed development is likely to comply with the Building Code of Australia. There are no objections to the proposed development.

(b) Development Engineer's Comments

Traffic and Parking - The development proposes 126 car parking spaces, which is inclusive of 4 disabled spaces. The QDCP 2012 requires 1 space per 20m² of GFA for retail developments larger than 1000m². Additionally the DCP requires 1-2% of total car parking spaces be reserved for people with disabilities. Therefore the DCP would require 89 parking spaces, two of which should be reserved for people with disabilities. In this regard, the proposed development exceeds DCP requirements. The parking proposed has been designed in accordance with User Class 3 as specified by AS2890.1 and is considered to be appropriate for this type of development. The proposed loading bay appears sufficiently large to accommodate two 19m articulated vehicles.

6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

It should be noted that the cumulative impact of all developments in North Poplars is likely to result in a need to extend the right hand turn lane from Tompsitt Drive into the Poplars by 2031, although this will be primarily affected by the future Tralee development. Discussions between Council and the developers about extending the turning lane by a further 30m have commenced and are likely to be addressed as part of the reconstruction works associated with the construction of the Northern Entry Road.

This issue is not the result of the proposed Aldi development but rather the collective developments at Poplars. For this reason, the traffic implications are not justifiable grounds to refuse the Aldi development.

Access - Access to the development is gained by two commercial concrete driveways. The western driveway is an 8m wide crossover with kerb returns widening to an approximate 14m wide VKC at the road edge. This access is labelled as "Aldi Customer Carpark Entry/Exit" on the provided architectural plans. Although final site levels are unknown, an analysis of the provided plans indicate that the intention is to provide a crossover with incline of approximately 3-4% between road and lot boundary and then 3-4% decline from boundary to carpark.

The eastern driveway is a 12m wide crossover located on the cul-de-sac bulb with kerb returns widening to an approximate 16m wide VKC at the road edge. The proposed crossover will need to be approximately 2.5m wider than the crossover detailed on the approved construction drawings for the Poplars commercial subdivision. This is considered to be acceptable as the intention of widening the crossover is to provide satisfactory access to articulated service vehicles. Additionally, an excess of parking provided internal to the site will more than offset the loss of a single on-street parking space.

In a similar fashion to the western driveway, an analysis of the provided plans indicate that the intention is to provide a crossover with incline of approximately 3% between road and lot boundary and continuing into carpark/loading area. This access will be the only location capable of use by delivery vehicles to the loading bay. Turning paths for 19m articulated trucks have been provided and demonstrate that the crossover and manoeuvring area is satisfactory to allow forward entry and exit.

Note: Water, sewer and stormwater provisions were assessed as adequate by the Development Engineer.

(c) Environmental Health Comments

No objection to the proposed development. The development will need to comply with the *Food Act 2003* and *Regulation* and Council's Shopping Trolley Management Policy.

6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)**Financial Implications**

Section 7.11 Contributions are applicable to the development. The subject site is located within the North Poplars contribution zone for non-residential development. The contribution rate is \$150,311.46 per hectare (note: this rate was calculated at the time the South Jerrabomberra Local Contributions Plan was adopted). CPI increases have occurred since this rate was generated and will be applied on the finalised invoice issued if development consent is granted. The site is 0.8178 of a hectare.

Table 3 - Non Residential Contribution Rates Per Hectare

- North Poplars = \$150,311.46/ha
- Subject site area of 8,178m² = 0.8178ha
- 0.8178 x \$150,311.46 = \$122,924.71

this figure has not been indexed and will be subject to previous and future CPI increases

Section 64 Water and Sewer Contributions are not applicable to supermarkets and as such are not applicable to this development.

Community Engagement

Public Notification of a Development Application - The development application was notified to adjoining owners and advertised. A total of six submissions were received. Details of the issues identified within the submissions and a response is provided below.

One of the six submissions received were in support of the proposed development. The remaining five did not object to the development, but raised concerns with various aspects. A response to these issues is provided below:

Issue: Landscaping - *A question was raised as to whether or not the trees within the car park would grow to a size to provide future shade protection in the carpark.*

Comment: The development proposes 19 Claret Ash trees which can grow to a height of 10m and with a canopy spread of 7m. The development also incorporates a number of shrubs. The mixture of the proposed vegetation allows for adequate amenity as well as respecting sightlines for natural surveillance within the car parking area.

Issue: Pedestrian Access - *Issues have been raised regarding pedestrians accessing the site from the eastern boundary.*

Comment: The subdivision design and proposed Aldi development incorporates a clear pedestrian path from the existing footpath. The acoustic wall and landscape buffer on the eastern boundary of the site will create a visual and physical barrier to pedestrians gaining access of the site from this location.

Issue: Car Park and Light Spill - *Issue raised that car park lighting may result in spill to adjoining residential areas.*

Comment: Council will impose relevant conditions of consent in regards to compliance with Australian Standards such as AS1158 (Public Lighting Code) and AS2890.1 and AS1158.1 (Parking facilities) to manage light spill on the site and minimise any impacts on adjoining sensitive land uses.

Issue: Proposed Pylon Sign - *The height of the pylon sign being out of character with the neighbourhood was raised as an issue.*

Comment: The pylon sign is 5 metres in height and is lower than all other pylon signs proposed for the other development adjoining the site. The pylon sign is also within the permissible height limit. It is not anticipated that the pylon sign will have any adverse impacts on the character and amenity of the surrounding locality.

6.3 Development Application 507-2018 - Shop (ALDI Supermarket) - 9 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

Issue: *Site Remediation Works - A submission raised concerns about contaminated soil on the site.*

Comment: The remediation of the site is required to be completed by the owner of the land. Any works will need to be finalised prior to the release of the subdivision certificate with site validation certification provided. The enquiry was also passed on the Council's Development Compliance Officer for investigation to ensure compliance with condition of consent associated with the subdivision Development Application (DA 192-2018).

Issue: *Noise - An issue was raised in regards to 24 hour operation hours for the site.*

Comment: The business hours for the site are within 6am to 10pm. Council will condition the development to have consistent delivery hours with the accepted operational hours.

Conclusion





The submitted proposal for a shop (ALDI Supermarket) on 9 Ferdinand Lane, Jerrabomberra is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and advertised in the newspaper. A total of six submissions were received. A response to the issues highlighted in each submission has been provided within the body of this report. It is considered that the concerns are addressed by information provided by the applicant, through the design of the proposed development and through imposing appropriate conditions on the consent.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of the *Queanbeyan Local Environmental Plan (Poplars) 2013* and the *Queanbeyan Development Control Plan 2012* and *South Jerrabomberra Development Control Plan*.

No variations to development standards or controls were sought as a part of the application. It is deemed that the development satisfies the requirements and achieves the objectives of these instruments. The application is recommended for approval subject to the imposition of the recommended conditions of consent.

However, the proposed lot on which the proposed development is to be erected does not formally exist. As such the applications are unable to be given final approval until the proposed lots are formally created and land titles registered. For this reason approval should be withheld and the CEO given delegated authority to determine the application once the land title is formally registered.

Attachments

- Attachment 1  DA 507-2018 - Section 4.15 Report - Matters for Consideration - Shop (ALDI Supermarket) - 9 Ferdinand Lane (*Under Separate Cover*)
- Attachment 2  DA 507-2018 - Architectural Plans - Shop (ALDI Supermarket) - 9 Ferdinand Lane (*Under Separate Cover*)
- Attachment 3  DA 507-2018 - Submissions - Shop - 9 Ferdinand Lane (*Under Separate Cover*)
- Attachment 4  DA 507-2018 - Draft Conditions - Shop (Aldi Supermarket) - 9 Ferdinand Lane (*Under Separate Cover*)

6.4 Development Application 549-2018 - Health Services Facility (Medical Centre & Pharmacy) - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis)

Summary

Reason for Referral to Council

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

Proposal:	Health Services Facility (Medical Centre & Pharmacy).
Applicant/Owner:	Turco & Associates/ Poplars Developments Pty Ltd.
Subject Property:	Proposed Lot 4 DP 1246134, No. 14 Ferdinand Lane (Lodged under Lot 2 DP 1243031, No. 31 Tompsitt Drive) Jerrabomberra
Zoning and Permissibility:	B1 Neighbourhood Centre under Queanbeyan Local Environmental Plan (Poplars) 2013. Permissible with consent in the B1 Neighbourhood Centre Zone.
Public Submissions:	Nil.
Issues Discussed:	Planning Requirements.
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

- 1. That the CEO be granted delegated authority to determine development application 549-2018 for a Health Services Facility (Medical Centre and Pharmacy) on proposed Lot 4 DP 1246134, 14 Ferdinand Lane Jerrabomberra, subject to formal creation of the title for the proposed allotment.**
-

Background

Proposed Development

The proposed development is for a Health Services Facility, incorporating a Medical Centre and Pharmacy. Specifically the application proposes:

- A single storey building with a Gross Floor Area (GFA) of 1323m² and three proposed tenancies, with the following GFA schedule:
 - Tenancy A (Pharmacy) – 299m²
 - Tenancy B (Medical) – 534m²
 - Tenancy C (Medical) – 490m²
- A 40 Space Car Park
- Associated Landscaping

6.4 Development Application 549-2018 - Health Services Facility (Medical Centre & Pharmacy) - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

The application does not incorporate internal fitouts for each of the proposed tenancies. Additional fitout works and any proposed signage will be required to be undertaken under a separate development application after approval of this application is granted. These will be subject to a full assessment against the relevant environmental planning instruments that relate to the subject property. Additionally, any subsequent change of land use will also be required to be undertaken through the relevant approval process.



Figure 1 (Architectural Render) (Source: Turco & Associates)

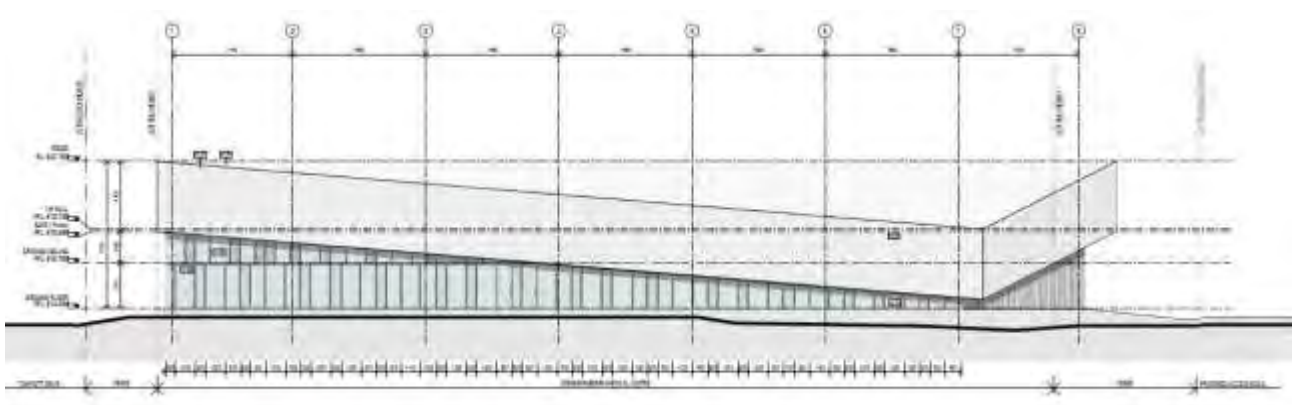


Figure 2: Western Elevation (Source: Turco & Associates)

6.4 Development Application 549-2018 - Health Services Facility (Medical Centre & Pharmacy) - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

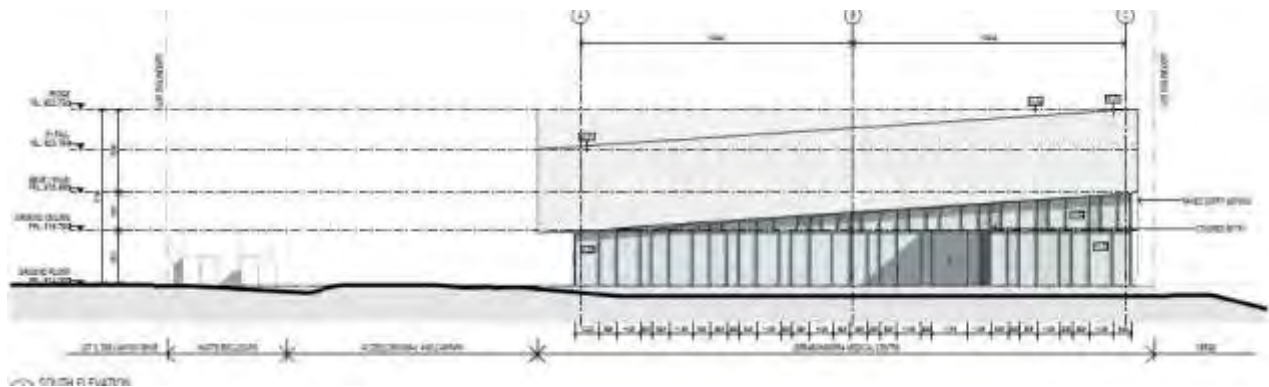


Figure 3: Southern Elevation (Source: Turco & Associates)

Subject Property

The subject site is legally described as Lot 2 DP 1243031 and is commonly known as 31 Tomsitt Drive. The subject site was subdivided as part of DA 192-2016. DA 192-2016 was determined in June 2017 and approved the demolition of an existing dwelling house and outbuildings, subdivision of land to create 6 x Torrens Title lots, construction of two public roads and associated works at 300 Lanyon Drive. The lots within this subdivision are yet to be registered and the subject site will be known as Lot 4 DP 1246134, 14 Ferdinand Lane.

The site is located on the southern side of the newly constructed road (Ferdinand Lane), and has a total area of 2824m². There is no existing development on the site. Vehicular access will be provided to the site via an existing driveway constructed from the newly created road (Ferdinand Lane).



Figure 4: Subject Site (Source: Turco & Associates)

6.4 Development Application 549-2018 - Health Services Facility (Medical Centre & Pharmacy) - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act (EP&AA) 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. 64 Advertising and Signage*
2. *State Environmental Planning Policy No. 55 – Remediation of Land*
3. *Queanbeyan Local Environmental Plan (Poplars) 2013 (QLEP Poplars 2013)*.
4. South Jerrabomberra Development Control Plan
5. Queanbeyan Development Control Plan 2012 (QDCP 2012)

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

(a) SEPP 55 – Remediation of Land

Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

This matter was considered under the subdivision application (DA 192-2016). A phase 2 Environmental Site Assessment (Coffey Environments Australia Pty Ltd (Ref: ENAUBRAD01138AA) and dated 23 November 2011) was submitted which identified several areas of environmental concern and recommended that a Remedial Action Plan (RAP) be prepared for the land and remediation carried out.

The development consent required additional works including preparation of a Remedial Action Plan and subsequent validation activities (validation report) of the site prior to the commencement of any development work on the site.

No conditions will be required for this application in regards to contamination and remediation of land, as all relevant works have been completed in accordance with the requirements of DA 192-2016 upon release of the subdivision certificate (6-2019SUBCT). The site is considered appropriate for this type of development.

(b) SEPP 64 – Advertising and Signage

No signage is proposed as a part of this development. Any future application for fitout works associated with each individual tenancy will be required to have associated signage assessed and approved under its own separate application.

6.4 Development Application 549-2018 - Health Services Facility (Medical Centre & Pharmacy) - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

(c) Compliance with LEP

The proposed development has been assessed in accordance with the *Queanbeyan Local Environmental Plan (Poplars) 2013*. The proposed development is consistent with the aim and objectives of the plan. The proposed development on the whole is defined as a *Health Services Facility* which is defined as a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- a medical centre,
- community health service facilities,
- health consulting rooms,
- patient transport facilities, including helipads and ambulance facilities,
- hospital.

Tenancy B & C of the proposed development can be defined as a Medical Centre, which is defined as a premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services. Medical centres are a type of *Health Services Facility*—see the definition of that term in this Dictionary.

Tenancy A, which is intended to be utilised as a Pharmacy, is considered ancillary to the predominant use of the site as a Health Services Facility/Medical Centre. However, for purposes of permissibility, it is considered to meet the definition of a *shop*, as defined within the *QLEP (Poplars) 2013* as a pharmacy is not a defined use. Figure 5 below depicts the location of each tenancy within the proposed building.

The proposed development is also consistent with the relevant development standards contained within Part 4 of the *QLEP (Poplars) 2013*. Notably the proposed floor space ratio is compliant and the building height is within the defined limit. Assessment against each relevant provision of this plan is provided within the attached Section 4.15 Report.

6.4 Development Application 549-2018 - Health Services Facility (Medical Centre & Pharmacy) - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

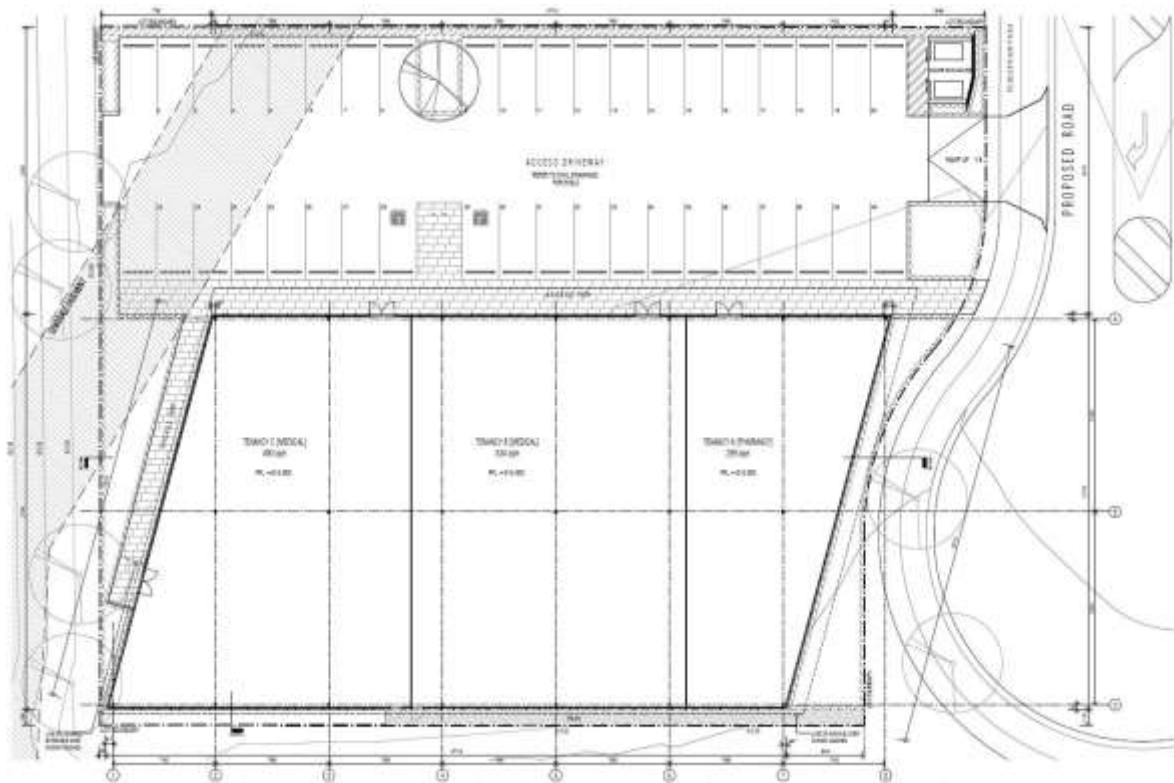


Figure 5: Ground Floor Plan (Source: Turco & Associates)

(d) Compliance with DCP

The proposed development has been assessed against the relevant sections of the Queanbeyan Development Control Plan 2012 and South Jerrabomberra Development Control Plan.

Queanbeyan Development Control Plan 2012

Part 2 – All Zones - Section 2.2 Car Parking

The proposed development has a total GFA of 1323m² including 323m² designated for a pharmacy (retail use/shop). The requirements of Part 2 Section 2.2 of the Queanbeyan Development Control 2012 require 10 parking spaces for 100m² of GFA for a Medical Centre and 1 parking space per 40m² for retail pharmacy, which equates to 100 spaces for the Medical Centre and 7 car parking spaces for the Pharmacy. A total of 107 parking spaces for the development is required. The proposed development incorporates a 40 space car parking lot, including 2 disabled parking spaces.

6.4 Development Application 549-2018 - Health Services Facility (Medical Centre & Pharmacy) - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

As such the development is 67 spaces short when considered against the requirements of the DCP. However, considering the size of the proposed Medical Centre, the requirement under Part 2 of the QDCP 2012 for 10 parking spaces per 100m² is considered onerous and is not consistent with the requirements detailed under the RMS best practice guide.

Calculating the car parking in regards to the RMS "Guide to Traffic Generating Development", the development subsequently requires 4 spaces per 100m² of GFA, which means the required parking for the proposed Medical Centre is 40 spaces and, with the additional seven spaces for the pharmacy generates a total requirement of 47 car parking spaces for the proposed development on the whole. The adjoining ALDI supermarket development at 9 Ferdinand Lane provides additional car parking well above its requirement within the QDCP 2012. As a result shared trips are also considered likely and the proposed car parking is considered sufficient for the site and the proposed development.

Section 2.3 Environmental Management

Waste - Waste management calculations have been made in accordance with the 'Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities' published by the NSW EPA (New South Wales Environment Protection Agency). As a result the development has nominated 1100 litre bins for collection twice a week. As each tenancy will require a subsequent development application for each individual fitout, further waste management plans will be required for each individual application and will be conditioned accordingly.

Section 2.6 Landscaping

A landscape plan prepared by a Category 1 Landscape Consultant on Council's Register of Landscape Consultants has been submitted with the application. The Landscape Plan proposes a mix of trees, shrubs and grasses/groundcovers. The landscaping is considered appropriate for the site and is generally consistent with the landscaping style proposed by other development within the subdivision. The proposed landscape plan is provided below in Figure 6, with the comprehensive landscape plan provided within the attached architectural plans.

6.4 Development Application 549-2018 - Health Services Facility (Medical Centre & Pharmacy) - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

INDICATIVE PLANT SCHEDULE			
CODE	SPECIES	SPACING	MATURE SIZE (m)
TREES			
PYCC	Pyrus calleryana 'Capital'	As Shown	11 x 3
SHRUBS			
LVah	Lavandula angustifolia 'Hidcote'	4/m ²	0.3 x 0.3
Vti	Viburnum tinus	1/m ²	2 x 2
Wng	Westringea 'Grey Box'	2/m ²	0.5 x 0.2
GRASSES/TUFTED PLANTS/GROUNDCOVERS			
Lta	Lomandra longifolia 'Tanika'	4/m ²	0.6 x 0.5
Lm	Liriope muscari 'Isabella'	5/m ²	0.4 x 0.4
Pte	Phormium tenax	1/m ²	1.5 x 1.5
Tj	Trachelospermum jasminoides	2/m ²	-
BIO BASIN PLANTING			
In	Isolepis nodosa	6/m ²	0.6x0.4



Figure 6: Landscape Plan (Source: Envirolinks Design)

6.4 Development Application 549-2018 - Health Services Facility (Medical Centre & Pharmacy) - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)

Section 2.9 Safe Design

The proposed development contains clear entry and exit points to both the car park and the building. The internal footpath links with the footpath that has been constructed along Ferdinand Lane. Natural and passive surveillance will be adequate throughout the car park. The proposed landscaping is appropriate for the site and will not negatively impact on site lines or create areas to hide. The proposed development sufficiently meets the requirements of this clause.

South Jerrabomberra Development Control Plan

The assessment against the South Jerrabomberra Development Control Plan found the proposed development to generally comply with the objectives and controls listed under Part 10 'Neighbourhood Centre Controls and Principles'. A detailed assessment is provided within the attached Section 4.15 Report – Matters for Consideration.

(a) Building Surveyor's Comments

The proposed development is likely able to comply with the Building Code of Australia. There are no objections to the proposed development.

(b) Development Engineer's Comments

Traffic and Parking - The proposed Medical Centre has a 40 car parking spaces provided including 2 disabled parking spaces. The submitted plans show the total floor area covering the development is (Medical Centre) 1323m², including 323m² for a retail pharmacy. Based on the requirements of the Queanbeyan DCP, the total parking spaces require for medical facility is 10 parking spaces for 100m² and 1 parking space per 40m² for retail pharmacy, which equates to 100 spaces for the medical centre and 7 car parking spaces for the pharmacy. A total of 107 parking spaces for the development. In consideration of the size of the medical centre facility, 10 parking space per 100m² does not integrate with the RMS best practice guide. In this instance, the use of "Guide to Traffic Generating Development" (RMS) requires 4 spaces per 100m², which means the required parking for the proposed medical centre will be 40 spaces for the medical centre and a total requirement of parking spaces are 47 for this proposed development.

Therefore, proposed development is short of 7 car parking spaces, however some of the trips will be shared trips, which will be accounted for by adjacent developments. For instance the ALDI site has excess parking by 37 spaces which assist in the shared trip scenario. The car parking for the development is therefore considered sufficient.

Access - The access is via an 8m wide driveway at the north-east corner of the lot (which tapers in from the road across the verge) and by a 6m wide access driveway to the parking.

Vehicle manoeuvring in and out of the proposed Medical Centre is satisfactory. Service vehicles will need to make a reversing movement to exit. Waste service vehicles should aim to operate at an off peak time (before operational hours) as this is likely to improve manoeuvring arrangements into the premises.

(c) Environmental Health Comments

There are no objections to the proposed development.

6.4 Development Application 549-2018 - Health Services Facility (Medical Centre & Pharmacy) - 14 Ferdinand Lane, Jerrabomberra (Ref: ; Author: Thompson/Glouftsis) (Continued)**Financial Implications**

Section 7.11 contributions are applicable to the development. The subject site is located within the North Poplars contribution zone for non-residential development. The contribution rate is \$150,311.46 per hectare (note: this rate was calculated during adoption of the contribution plan and does not reflect subsequent CPI increases).

Table 3 - Non Residential Contribution Rates Per Hectare

- North Poplars = \$150,311.46/ha
- Subject site area of 2824m² = 0.2824ha
- 0.2824 x \$150,311.46 = \$42,477.96

this figure has not been indexed and will be subject to previous and future CPI increases

Section 64 Water and Sewer Contributions are applicable to the proposed development. The development attracts 8.4 ETs (Equivalent Tenements) of water contributions and 13.23 ETs for sewer contributions. The water contribution is calculated to \$77,166.82 and the sewer contribution is calculated to \$19,551.60. Total Section 64 contributions are \$96,718.42. The Section 64 contribution calculations are subject to CPI increases and were correct at the time of calculation (21 May 2019).

An invoice will be provided with the issued consent.

Engagement

The proposal required notification under Queanbeyan DCP 2012 and was notified to adjoining owners and in the newspaper. No submissions were received during the notification period.




Conclusion

The submitted proposal for a Health Services Facility (Medical Centre & Pharmacy) on Lot 4 DP 1246134, No. 14 Ferdinand Lane Jerrabomberra, NSW and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and advertised within the newspaper and no submissions were received during this period.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, including the relevant provisions of the *Queanbeyan Local Environmental Plan (Poplars) 2013*, the Queanbeyan Development Control Plan 2012 and South Jerrabomberra Development Control Plan. The development satisfies the requirements and achieves the objectives of these instruments and is considered satisfactory for approval subject to the imposition of the recommended conditions of consent.

However, the proposed lot on which the proposed development is to be erected does not formally exist. As such the applications are unable to be given final approval until the proposed lots are formally created and land titles registered. For this reason approval should be withheld and the CEO given delegated authority to determine the application once the land title is formally registered.

Attachments

- Attachment 1  DA 549-2018 - Section 4.15 Report - Matters for Consideration - Health Services Facility - 14 Ferdinand Lane (*Under Separate Cover*)
- Attachment 2  DA 549-2018 - Architectural Plans - Health Services Facility -14 Ferdinand Lane Jerrabomberra (*Under Separate Cover*)
- Attachment 3  DA 549-2018 - Draft Conditions of Consent - Health Services Facility - 14 Ferdinand Lane (*Under Separate Cover*)

**6.5 Development Application 449-2017 - Three Lot Torrens Title Subdivision -
1866 Old Cooma Road, Royalla (Ref: ; Author: Thompson/Dixon)**

Summary

Reason for Referral to Council

This application has been referred to Council because a variation of development standards is sought under the provisions of Clause 4.6 of the Queanbeyan Local Environment Plan 2012.

Proposal:	3 Lot Torrens Title Subdivision
Applicant/Owner:	Ms Jennifer Bronwyn Howlett
Subject Property:	Lot 22 DP 556417, No. 1866 Old Cooma Road, Royalla
Zoning Permissibility:	and E4 Environmental Living under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Nil
Issues Discussed:	Planning Requirements Clause 4.6 Variation Setback Variation
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 4.6 of Queanbeyan Local Environmental Plan 2012 to allow proposed Lot 3 to have a reduced minimum lot size of 5.42ha for the following reasons:**
 - (a) It is less than a 10% variation to the standard;**
 - (b) It will not adversely impact the heritage values of the site;**
 - (c) It will not adversely impact the environmental values of the site; and,**
 - (d) It meets the objectives of Clause 4.1 of the LEP.**
 - 2. That approval be granted to a variation to Clause 6.3 of Queanbeyan Local Development Control Plan 2012 to allow proposed Lot 1 and proposed Lot 2 to have a reduced minimum side and rear setback respectively for the following reasons:**
 - (a) The positioning of the building envelope on proposed Lot 1 assists in avoiding the environmental and heritage constraints impacting the subject site.**
 - (b) Proposed Lot 2 is concealed from Old Cooma Road and will still have a good distance between proposed Lot 3.**
 - 3. That development application 449-2017 for a three lot Torrens Title subdivision on Lot 22 DP 556417, No. 1866 Old Cooma Road, Royalla be granted conditional approval.**
-

6.5 Development Application 449-2017 - Three Lot Torrens Title Subdivision - 1866 Old Cooma Road, Royalla (Ref: ; Author: Thompson/Dixon) (Continued)**Background*****Proposed Development***

The proposal is for the subdivision of an existing rural property into 3 rural residential allotments. The subdivision provides two new lots. An existing dwelling exists on proposed Lot 1 and a woolshed, also converted into a dwelling house, exists on proposed lot 2. A third vacant lot is then also proposed. This lot will contain the existing stables.

The subject site comprises mostly open grassland. The existing dwelling house is known as 'Green Gables' and is listed as Heritage Item No.1175 on the Queanbeyan Local Environment Plan 2012 (QLEP 2012). It occupies a flat area on the northern third of the property, with the land rising towards the southern portion and reaching a low summit on which the water tank sits on the property's southern boundary. There is a small dam to the northwest of the house next to the property's western boundary, while there is larger dam in the property's south-eastern portion near its frontage with the Old Cooma Road. The rear half of the property falls away westward, its rate of drop gradually increasing, with a long, narrow western extension ending on Guises Creek. The ACT border and the Monaro Highway lie just beyond.

The subject site is impacted by a number of site constraints including:

- Partially bushfire prone land making the proposal integrated development under Section 100B of the Rural Fires Act;
- Partially a Heritage Item under Section 90 of the National Parks and Wildlife Act 1974 requiring referral to the Office of Environment and Heritage;
- A variation of the minimum lot size under Clause 4.6 of the QLEP2012 requiring concurrence from the Department of Planning. The compliant minimum lot size is 6ha and one of the three lots is proposed to be 5.46ha; and,
- Due to the biodiversity value of the land a Flora and Fauna Report was required under existing Section 5A of the Environmental Planning and Assessment Act. This Section has now been repealed and Council relies on the Biodiversity Conservation Act, however the existing section of the Act applies as the development application was lodged prior to the new legislation.



Figure 1: Subject Site

6.5 Development Application 449-2017 - Three Lot Torrens Title Subdivision - 1866 Old Cooma Road, Royalla (Ref: ; Author: Thompson/Dixon) (Continued)

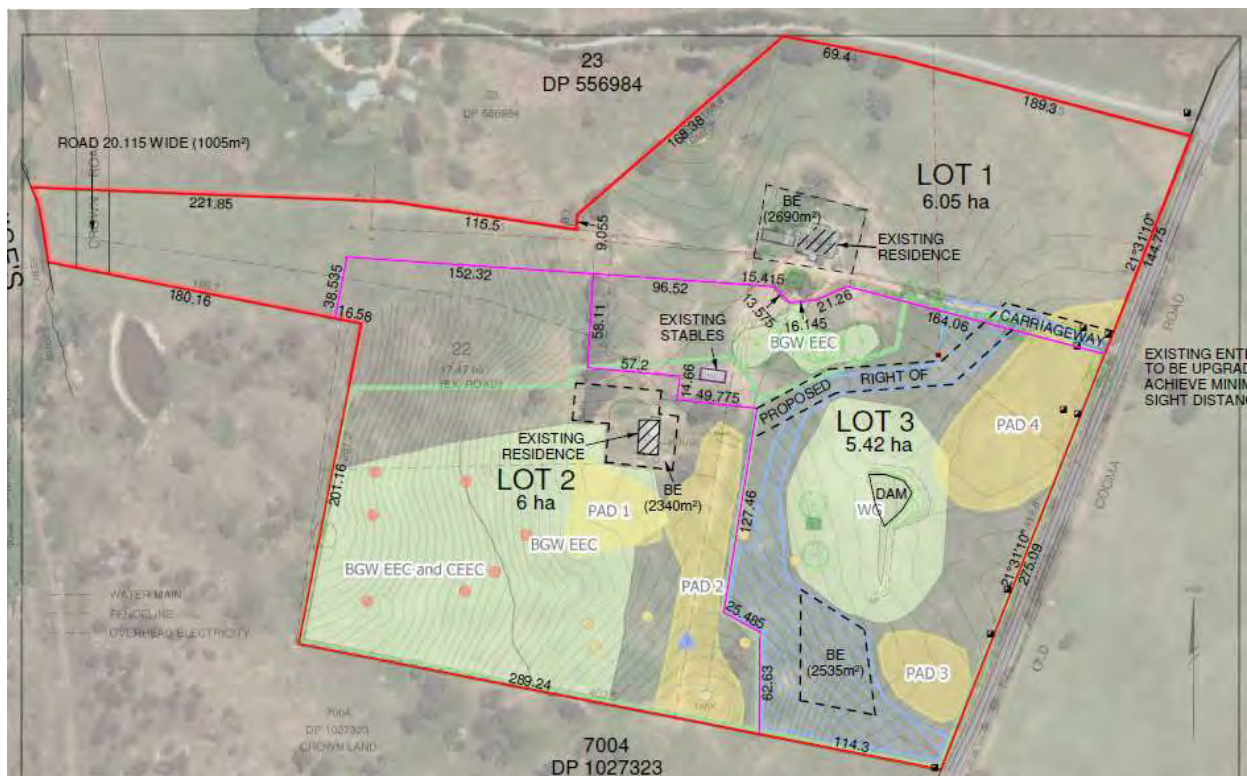


Figure 2: Proposed subdivision

Planning Requirements

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

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

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

The development generally satisfies the requirements and achieves the objectives of these planning instruments except for the minimum lot size specified in the QLEP and setbacks for buildings envelopes specified in the QDCP. The significant issues relating to the proposal for the Council’s consideration are as follows.

6.5 Development Application 449-2017 - Three Lot Torrens Title Subdivision - 1866 Old Cooma Road, Royalla (Ref: ; Author: Thompson/Dixon) (Continued)

(a) Compliance with LEP

Proposed Lot 3 does not meet the minimum lot size of 6.0ha under Clause 4.1 of the QLEP. The applicant has applied for a variation to Clause 4.1 to permit a lot size of 5.42ha.

As a result the application is seeking a variation under Clause 4.6 of the QLEP.

Clause 4.1 – Minimum subdivision lot size

Standard	Controls	Proposed	Complies
Minimum subdivision lot size	6.00ha	Lot 1 – 6.05ha	Yes
		Lot 2 – 6.00ha	Yes
		Lot 3 – 5.42ha	No

In considering whether to approve the variation Council should have consideration to the relevant objectives of Clause 4.1.

(1) The objectives of this clause are as follows:

- (a) to ensure subdivision is sensitive to land, heritage and environmental characteristics (including water quality, native flora and fauna and places or items of Aboriginal and European heritage value).*

The proposed subdivision has been referred to the Office of Environment and Heritage for comment to ensure the proposed Lot 3 does not adversely impact Guises Creek, biodiversity, the Aboriginal Heritage on the site and the Heritage Item. The proposed layout received support from OEH in regards to all of the above and has been deemed that it will not adversely impact the important aspects of the site which can be seen under the External Referrals section of the attached 4.15 Report. The variation is minor in nature being not less than 10% of the required minimum lot size being 6ha. The lot is proposed to be 5.42ha and concurrence by Council is therefore assumed as per Planning Circular 18-003 dated 21 February 2018.

- (b) to ensure subdivision does not adversely impact on the functions and safety of main roads,*

Council's Development Engineer has assessed the proposal and stated the access is adequate for the development and has ensured it is not likely to adversely impact on the functions and safety of main roads. The Development Engineer stated the following:

Access to the proposed lots will be via the existing access to Old Cooma Road and a Right of Carriageway (ROW) across the lots. Whilst the existing access suffers from poor sight distance, stopping sight distance can generally be achieved from the access and the alignment and grade between Old Cooma Road and other areas along the frontage are considered to have less sight distance than the existing access. Thus the existing access is considered to be the most appropriate access for the subdivision.

6.5 Development Application 449-2017 - Three Lot Torrens Title Subdivision - 1866 Old Cooma Road, Royalla (Ref: ; Author: Thompson/Dixon) (Continued)

The long section provided for the ROW indicates that one (1) culvert will be required at a sag point along the ROW and that grades are less than 10%.

- (c) *to provide lots with areas and dimensions that enable the appropriate siting and construction of a building and associated works to minimise and avoid the threat of natural hazard (including bush fire, soil instability and flooding) and to protect significant vegetation and prominent or significant landscape qualities,*

The lots have been designed specifically to avoid damage and impacts to significant vegetation including the Yellow Box Gum Woodland on the subject site. The proposed building envelopes exclude this vegetation.

- (e) *to create lots that are compatible with the existing predominant lot pattern or desired future character of the locality and to minimise the likely adverse impact on the amenity of adjoining developments.*

The proposed two new lots are consistent with the desired character of the area in that they provide lots that retain the rural residential character of the area. Although proposed Lot 3 does not meet the minimum lot size requirement this variation is considered minor in nature and will not detract from the bushland landscapes of the Googong area.

- (2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

The subject site is shown on the lot size map and requires development consent.

- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

Please refer to the assessment above.

Clause 4.6 Exceptions to Development Standards

- (1) *The objectives of this clause are as follows:*
- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

6.5 Development Application 449-2017 - Three Lot Torrens Title Subdivision - 1866 Old Cooma Road, Royalla (Ref: ; Author: Thompson/Dixon) (Continued)

Applicant's Reasoning for Variation - The land's zone and reports submitted give assurance that the environmental constraints on site will remain protected. The development remains low-impact for residential living in an area with ecological values. The bushland character will be retained. It will be consistent with the objectives for development in the zone ensuring Heritage is retained.

Officer's Assessment and Recommendation - The standard has been reviewed and deemed necessary in this instance for the following reasons.

The subdivision of the third lot that does not meet the 6ha minimum lot size is able to avoid the Aboriginal Heritage and ecological components on site of high value. This has been confirmed by the Office of Environment and Heritage who have given their concurrence. The building envelope and access do not require tree removal. The site has enough area to be able to fit the required 2000m² building envelope ensuring there is enough space to construct a dwelling house in the future.

Finally, the variation is less than 10% of the development standard. Ten percent of 6ha is 0.6 meaning that any proposed lot less than 5.4ha would not be supported as it would be considered more than a minor variation according to the Department of Environment and Planning. The proposed size is 5.42ha meaning it is considered a minor variation.

As the subdivision will not adversely impact the biodiversity, watercourse, Aboriginal heritage, or the European heritage it meets the objectives of the minimum lot size Clause within this LEP and can be supported in this case.

(b) Compliance with DCP

The assessment has been undertaken on the former Development Control Plan due to the lodgement date of this consent, however the same controls apply today. Clause 6.3 requires a variation due to the location of the building envelopes in relation to the adjoining boundaries. The variation is discussed in detail below.

Building Envelopes – Every lot must contain at least one building envelope free of major environmental and servicing constraints and having good solar access. The location of building envelopes should reflect the findings of the various investigations carried out in the preparation of the subdivision application including the flora and fauna and effluent disposal reports. Where possible building envelopes should be located in areas that have previously been disturbed and should be selected in the context of house sites on adjoining and nearby lots to maximise privacy and maintain the rural character of the area. Ridge tops should be avoided, as should flood plains, drainage depressions, areas with poor foundation conditions, extreme fire risk, erosion and other natural hazard areas. Building envelopes within which a house, ancillary buildings (other than animal shelters with a floor area of not more than 25m²), and the like could be located shall:

- i. be a minimum size of 2,000m²,*
- ii. have a slope not greater than 15 percent,*
- iii. take into account the constraints identified in the environmental review,*
- iv. be located a minimum setback of 50m from the front boundary,*
- v. be located a minimum side and rear setback of 15m for lots with an area of 2-4 hectare,*
- vi. be located a minimum side and rear setback of 25m for lots with an area greater than 4ha.*
- vii. be accessible by a track which does not have a grade exceeding 15 per cent (unless it is proposed to be constructed and sealed by the applicants, in which case the grade must not exceed 20 per cent), and it does not traverse terrain with a grade exceeding 20 per cent,*

6.5 Development Application 449-2017 - Three Lot Torrens Title Subdivision - 1866 Old Cooma Road, Royalla (Ref: ; Author: Thompson/Dixon) (Continued)

- viii. *Properties that are not identified within a bushfire map will be required to be provided with a minimum 20m area of cleared land surrounding any building to protect against grassland bushfires.*

Variations Sought

Lot 1 has a building envelope area of 2690m². The slope of 3%, front setback of 172m, and rear setback of 445m all comply with the requirements. However, the side setback of 9m does not meet the 25m requirement and a variation has been sought. The variation is supported in this instance as the positioning of the building envelope assists in avoiding the environmental and heritage constraints impacting the subject site.

Lot 2 has a building envelope area of 3100m². The slope of 3%, side setback of 25m and the rear setback of 150m all comply with the requirements. However, the front setback of 32.4m does not meet the 50m requirement and a variation has been sought. The lot is concealed from Old Cooma Road and will still have a good distance between proposed Lot 3. As such the variation is supported.

Lot 3 has a building envelope area of 2535m². The slope of 8.3%, front setback of 50m and a rear and side setbacks of 25m all comply with requirements.

Other Matters**(a) Development Engineer's Comments**

Water - Existing residences on proposed lots should have appropriately sized rainwater tanks for water supply. An existing water tank which is located on proposed Lot 3 is proposed to be used to supply the three lots with a non potable water supply. This will require easements over pipelines in favour of adjacent lots and a condition to this effect should be added to the consent.

Sewer - No connection to Council infrastructure - On site effluent disposal required.

Stormwater - The rear of proposed Lot 2 adjoins Guises Creek, though the creek is some 300m away from the Building Envelope of the lot. A minor drainage line from south of the existing lot is dammed within proposed Lot 2 and continues in a northern direction across Lot 1. The site is not considered to be subject to significant water logging. Stormwater from existing and proposed buildings can be suitably disposed via natural drainage lines.

Traffic and Parking - Dwellings within each lot can incorporate requirements to house vehicles. The subdivision of 1 lot to 3, increases traffic generation from the lot and Section 94 Contributions should be collected.

Access - Access to the proposed lots is will be via the existing access to Old Cooma Road and a Right of Carriageway (ROW) across the lots. Whilst the existing access suffers from poor sight distance, stopping sight distance can generally be achieved from the access and the alignment and grade between Old Cooma Road and other areas along the frontage are considered to have less sight distance than the existing access. Thus the existing access is considered to be the most appropriate access for the subdivision.

Flooding - The lot is not considered to be flood prone.

6.5 Development Application 449-2017 - Three Lot Torrens Title Subdivision - 1866 Old Cooma Road, Royalla (Ref: ; Author: Thompson/Dixon) (Continued)

Other Engineering comments - All lots need to be appropriately serviced for power and communication utilities prior to subdivision certificate, to be conditioned by Planner. Electrical design submitted shows that a new post/pole and line will come off an existing line which runs across Lot 2 and Lot 1. Easements for power will need to be created over proposed and existing power lines. To be conditioned by Planner as these works do not involve Council infrastructure.

Section 64 Headworks Contribution Calculations - Section 64 Contributions are not applicable to the development.

(b) Environmental Health Comments

Council's Health and Building Officer had no objections to the proposal given recommended conditions are imposed.

(a) Heritage Advisor's Comments

The Statement of Heritage Impact by Brendan O'Keefe satisfactorily address the heritage impact of the proposed subdivision.

From the report and from observations of the site it is considered that it is unlikely there would be any significant adverse heritage impacts arising from this proposal as a generous curtilage has been provided around both Green Gables homestead and around the Woolshed.

Engagement

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




Conclusion

The submitted proposal for a 3 lot subdivision on Lot 22 DP 556417, No.1866 Old Cooma Road, Royalla 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 *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.

Attachments

- Attachment 1  DA 449-2017 - Section 4.15 Matters for Consideration - 3 Lot Subdivision - 1866 Old Cooma Road (*Under Separate Cover*)
- Attachment 2  DA 449-2017 - Plans - 3 Lot Subdivision - 1866 Old Cooma Road (*Under Separate Cover*)
- Attachment 3  DA 449-2017 - Draft Conditions - 3 Lot Subdivision - 1866 Old Cooma Road. (*Under Separate Cover*)

6.6 Amendment to Review of Environmental Factors - South Jerrabomberra -
Water and Sewer Infrastructure (Ref: ; 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 amendment to the *Review of Environmental Factors (REF) – Trunk Infrastructure South Jerrabomberra*. The original REF (Attachment 1) was approved by Council at its meeting of 11 April 2018 (Attachment 2).

Council has subsequently received an amended REF proposal that results from the realignment of some portions of the water and sewer trunk infrastructure. The amended REF is provided for the information of Councillors in Attachment 3.

The REF has identified and assessed the short and long term impacts of the proposed scheme and identified measures to minimise or negate potential environmental impacts. The amendment to the REF concluded that the proposed scheme is unlikely to have a significant environmental impact and 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 amendment are satisfactorily implemented. Assessing staff have included a new condition that will apply to the determination as a result of the revised assessment. Otherwise all other conditions remain.

Recommendation

That Council grant approval to the Amended Review of Environmental Factors - *Trunk Infrastructure South Jerrabomberra*, subject to the additional safeguards and management measure proposed in the amended REF and the following additional condition:

It is noted that a section of the trunk gravity sewer main has been removed from the original REF. The installation and approval of that main has been transferred to the Part 4 approval process for the urban release area of South Tralee. Village Building Company Pty Limited is to ensure that each stage of subdivision of South Tralee shall provide a gravity sewer main of sufficient size and appropriate location to service future development land to the south of their land.

Background

An amendment of the Review of Environmental Factors (REF) for Trunk Infrastructure South Jerrabomberra has been submitted to Council for determination. Village Building Company (VBC) is the developer for this scope of works. Council's Community Connections portfolio will be responsible for the water and sewer assets when constructed. Assessment of the original REF was undertaken by Council's Development Branch and determined by Council on 11 April 2018.

6.6 Amendment to Review of Environmental Factors - South Jerrabomberra - Water and Sewer Infrastructure (Ref: ; Author: Thompson/Patel) (Continued)

The Amended Proposal

The amended REF deals with three changes to the infrastructure to be constructed. These are as follows:

1. The original REF for the trunk sewer and water mains was based on a yield of approximately 2,200+ dwellings for South Jerrabomberra. The total yield for South Jerrabomberra has now been reduced to 1,500 dwellings. As a result of the yield reduction the sizing requirements for the infrastructure have been reduced.
2. The revised alignment also responds to a change in the arrangement of infrastructure at the crossing of Jerrabomberra Creek. The previous REF proposed that infrastructure crossing Jerrabomberra Creek be located underground. The revised alignment has the infrastructure incorporated into the structure of the bridge eliminating the need for excavation through the Creek bed.
3. A subdivision application was approved by the Joint Regional Planning Panel (JRPP) for South Tralee on 2 August 2018. The proposal amended the original layout for the release area by relocating the main feeder road away from the rail corridor and parallel to the buffer some 250m to the east. As parts of the pipeline follow the road the realignment of the road meant that the pipeline would also be realigned resulting in the need to reassess the environmental impacts.

In general all of the above amendments have resulted in reduced environmental impacts.

Context

As noted above, Council is both proponent and approval authority in relation to the infrastructure work. The activity is considered development without consent under the State Environmental Planning Policy (Infrastructure) 2007 however, Part 5 of the *Environmental Planning and Assessment Act* requires Council to undertake a Review of Environmental Factors prior to commencing work.

To the extent that the previous REF documentation reviewed by Council continues to apply, the change in alignment has only minor impact and other than the consideration of revised plans, the existing documentation remains as the overarching REF statement.

Sewer Infrastructure

The over-all primary intent of the sewer strategy is unchanged. Other than pipe sizes and general infrastructure sizing as a result of the reduced yield the main amendments to the sewer reticulation are the extent of the gravity sewer into South Tralee and minor alignment changes adjacent to Tompsitt Drive. The changes are detailed in Figure 1 below.

The original REF included a section of gravity sewer within the area of South Tralee, following what was referred to as road 1 which was located adjacent to the rail corridor. As a result of the subdivision layout changes to South Tralee road 1 has been relocated away from the rail corridor.

This section of sewer has been removed from the REF (i.e. extent of REF works reduced) and will be included in the South Tralee Subdivision works. The works proposed to be undertaken under the REF extend only to the boundary of Lot 1 1007339 being the northern extent of the urban release area and the connection location to the existing sewer mains. Pipe alignments are all within road reserves.

6.6 Amendment to Review of Environmental Factors - South Jerrabomberra - Water and Sewer Infrastructure (Ref: ; Author: Thompson/Patel) (Continued)

However, this does raise the issue of ensuring that future development to the south of the VBC controlled land continues to have access to a gravity sewer main to connect to, if and when the 250 or so lots in that proposed development come to fruition. The removal of the trunk gravity sewer main from the REF will be supplanted by a similar main constructed within the area approved in the development consent for the subdivision. It is important to ensure that the existing and future DA consents make provision for the gravity sewer main to extend to a location where future development to the south can connect via easements. As such it is recommended that the following condition be added to the approval for the amended REF:

It is noted that a section of the trunk gravity sewer main has been removed from the original REF. The installation and approval of that main has been transferred to the Part 4 approval process for the urban release area of South Tralee. Village Building Company Pty Limited is to ensure that each stage of subdivision of South Tralee shall provide a gravity sewer main of sufficient size and appropriate location to service future development land to the south of their land.

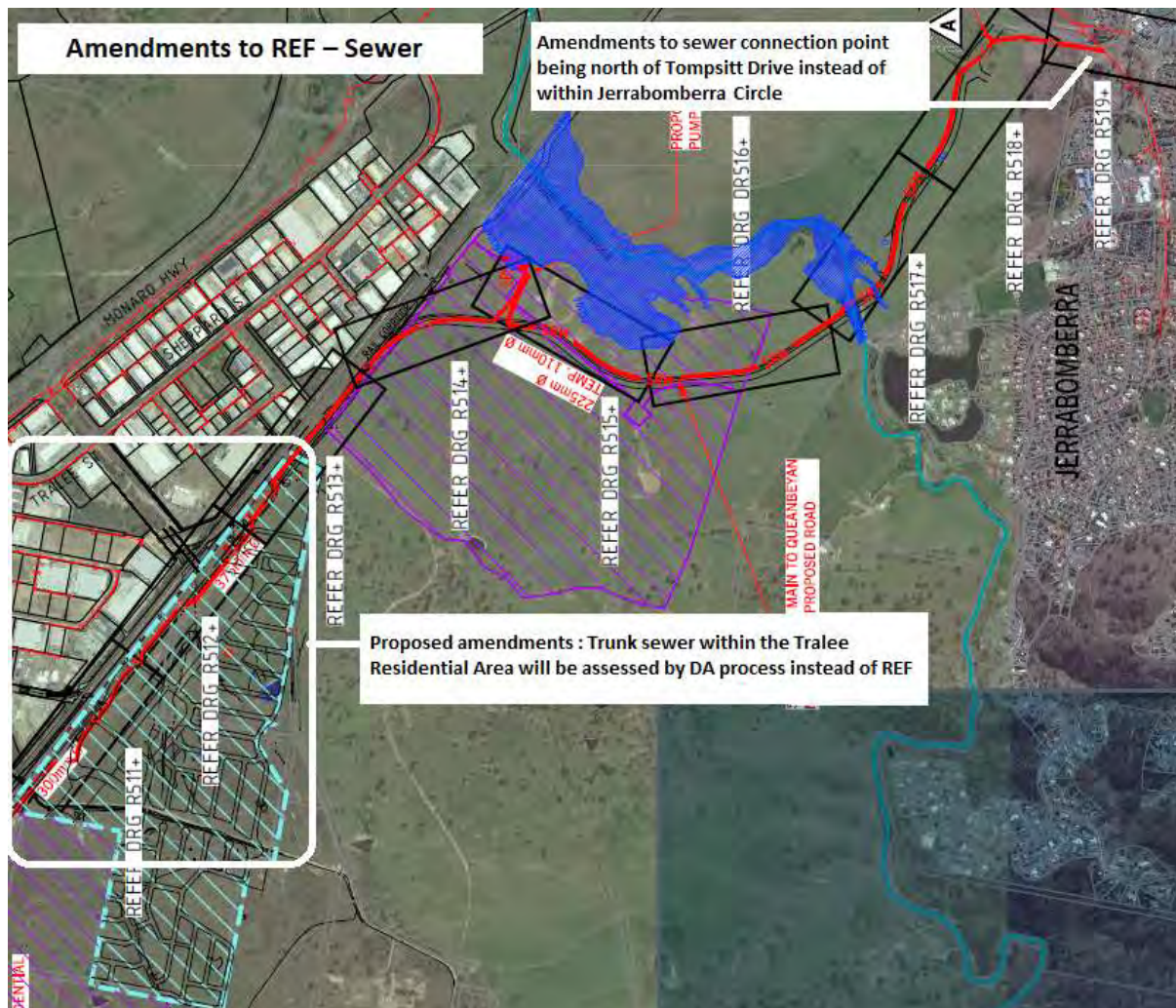


Figure 1 – Amendments to sewer infrastructure – Existing proposal shows sewer in red. Amendments shown with black text in white boxes.

6.6 Amendment to Review of Environmental Factors - South Jerrabomberra - Water and Sewer Infrastructure (Ref: ; Author: Thompson/Patel) (Continued)

Water Infrastructure

The overall intent of the water strategy is unchanged. Other than pipe sizes and general infrastructure sizing as a result of the reduced yield the main amendments to the water supply are where the alignment has been amended. The changes are detailed in Figure 2 below.

The key alignment changes are:

- Jerrabomberra Creek Crossing – pipe moved from under the Creek to be attached to the bridge.
- To the south of the urban release area the pipe line has been straightened in this area rather than take what was previously a circuitous route. This area has some identified grass lands and despite an apparent lack of biodiversity, Ecological Australia was appointed to provide an assessment on the likely impact of this aspect of the realignment. This is discussed further below.
- Alignment between the low level reservoir and high level reservoir. To avoid a long circuitous route around land zoned E2 the pipeline has been straightened to cross the E2 land. This 'short cut' allows for an improved alignment and design for the pipeline. Again, Ecological Australia have addressed the potential impact of this realignment.
- Minor changes to the alignment of the high level reservoir to reflect layout changes and more detailed design work.
- Minor changes to the location of the low level reservoir.

6.6 Amendment to Review of Environmental Factors - South Jerrabomberra - Water and Sewer Infrastructure (Ref: ; Author: Thompson/Patel) (Continued)



Figure 2 – Existing water main shown in blue – Proposed amendments shown in red.

6.6 Amendment to Review of Environmental Factors - South Jerrabomberra - Water and Sewer Infrastructure (Ref: ; Author: Thompson/Patel) (Continued)

Assessment of Amendments***Consideration of Alternative Options******Necessity for the Proposed Modification***

The original REF for trunk sewer and water mains was based on a yield of approximately 2,200+ dwellings for South Jerrabomberra. The total yield of South Jerrabomberra has now been reduced to 1,500 dwellings. As a result of the yield reduction the sizing requirements for the infrastructure have been reduced in the proposed amendment to the REF.

Also, the original approved REF proposes the trunk main be underground at Jerrabomberra Creek. As a part of approved REF conditions, the trunk main is to be incorporated into the bridge where it crosses Jerrabomberra Creek. This will minimise the disturbance to the banks and bed of the creek to one location (i.e. via the bridge) rather than disturbing an additional location should the pipes be underground. The amended REF includes the incorporation of the mains into the bridge design.

Remain As Is

The infrastructure would be oversized and serving less than 60% of its capacity. The original design would attract more capital investment and ongoing maintenance cost and resource to maintain the asset. Adequate design and alignment would assist Council to reduce the capital expenditure and maintenance cost.

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 111 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 determined that the proposal is not subject to an EIS and determination under Part 5 of the EP&A Act.

State Environmental Planning Policy (Infrastructure) 2007

The proposed works are characterised as a water recycling facility under the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). Section 106(2) of the Infrastructure SEPP permits development for the purpose of water recycling facilities without consent on land in a prescribed zone if the development is to be carried out by or on behalf of a public authority.

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 the Regulation with regard to identification of environmental impacts of proposals. The factors specified under this regulation (eg *what factors must be taken into account concerning the impact of an activity on the environment*) form the scope of this amendment to the REF.

6.6 Amendment to Review of Environmental Factors - South Jerrabomberra - Water and Sewer Infrastructure (Ref: ; Author: Thompson/Patel) (Continued)

Queanbeyan Local Environmental Plan 2012 (LEP)

The proposed infrastructure traverses a number of different Local Environmental Plans and also zoning. As per the LEP, water reticulation system and associated infrastructure are prohibited on RE1 and RE2 zones.

Notwithstanding the prohibition of the proposed infrastructure works under each of the LEPs and zones traversed by the subject works, *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) prevails in the event of an inconsistency (between the ISEPP & another environmental planning instrument) and makes permissible the proposed works without consent where undertaken by or on behalf of a public authority.

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.

Local Government Act 1993

In accordance with section 60 of the *Local Government Act 1993*, local water utilities are required to obtain approval from the Minister for Primary Industries regarding water and sewage treatment works. Therefore, QPRC will be required to seek approval from the Department of Primary Industries (DPI Water).

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 REF but where they do they are indicated in the assessment of the Environmental Impacts below.

Environmental Impacts

Extensive biodiversity assessments have been conducted across much of the South Tralee lands, and informed the previous REF. This included detailed assessments for the occurrence of threatened species and threatened ecological communities. These assessments have not been replicated, but reviewed in the context of the trunk infrastructure work.

In relation to the amended sewer works none of the proposed changes affect any threatened species or ecological communities.

The three amendments to the location of the trunk water main cross E2 - Environmental Conservation land. No threatened flora was observed during the site inspection of the three sites, and the sites are not considered to provide important habitat for threatened fauna. Previous studies undertook a detailed assessment of the general area for the proposed sites, to determine the presence and extent of native groundcover. The assessment identified the majority of land to be exotic grassland, which was confirmed during the recent site inspection.

However, a small patch of native grassland previously mapped was also confirmed. The extent of impacts from the proposed amended water main locations are considered to be minor, and limited to the ground layer. The works will avoid all surrounding mature trees.

6.6 Amendment to Review of Environmental Factors - South Jerrabomberra - Water and Sewer Infrastructure (Ref: ; Author: Thompson/Patel) (Continued)

Consultation

The amendment to the REF was placed on public exhibition from 29 January 2019 until 26 February 2019. One submission was received from a resident in the Jerrabomberra community.




Issue - Realign the roads directly out onto the Monaro Highway.

Comment – The amendments to the REF are not related to road alignment infrastructure but water and sewer infrastructure. As such there is no opportunity to review road connections as part of this REF.

Conclusion

The proposed works in the amended REF are permitted without consent and are subject to assessment under Part 5 of the EP&A Act. QPRC is the determining authority. It is considered that the proposed works encompassed by the amendments will reduce the impacts on the natural or built environment as compared to the original proposal and no Environmental Impact Statement is required. As such it is recommended that Council approve the proposed works.

Attachments

- Attachment 1  Original REF - South Jerrabomberra Water and Sewer Servicing Infrastructure Strategy (*Under Separate Cover*)
- Attachment 2  Minutes of Item 4.1 - Planning and Strategy Meeting - 11 April 2019 (*Under Separate Cover*)
- Attachment 3  Amended REF Report - South Jerrabomberra Trunk Infrastructure - November 2018 (*Under Separate Cover*)

6.7 Request for Use of Section 94 Funds - RFS Improvements (Ref: ; Author: Thompson/Carswell)

Summary

Council has received two requests for the use of local infrastructure contributions for works at the Boro/Mt Fairy fire station and to cover costs to obtain development approval for new stations at the Araluen and the Mulloon rural fire station sites. These contributions were collected under the *Tallaganda Shire Council Section 94 Contributions Plan No. 4 Bushfire Control and Suppression*. Whilst they are generally consistent with purposes identified for the use of contributions identified in this plan they aren't expressly authorised and so are referred to Council for a decision.

Recommendation

1. That a total of \$19,874 (plus GST) be authorised from developer contributions collected under *Tallaganda Shire Council Section 94 Contributions Plan No. 4 Bushfire Control and Suppression* for the construction of a water tank pad and a road around the shed at the Boro/Mt Fairy rural fire station.
 2. That Council be advised by the applicant when the works above are completed so that these can be viewed.
 3. That a total of \$28,000 be authorised from developer contributions collected under *Tallaganda Shire Council Section 94 Contributions Plan No. 4 Bushfire Control and Suppression* for the use of preliminaries associated with the submission of development applications for the construction of new rural fire stations at Araluen and Mulloon.
-

Background

Council has received two requests for the use of developer contributions for works at the Boro/Mt Fairy fire station and to cover costs to obtain development approval for new stations at the Araluen and the Mulloon Rural Fire station sites. These were collected under the *Tallaganda Shire Council Section 94 Contributions Plan No. 4 Bushfire Control and Suppression*. Details of the proposals are provided in Attachment 1.

The requested works at the Boro/Mt Fairy rural fire station:

These are capital works comprising the construction of a pad to house water tanks to complete the shed and provide additional water for firefighting purposes and the construction of a road around the shed to enable fire trucks to access the water and manoeuvre around the site more effectively.

The proposed use of funds is of a capital nature associated with adding to the functionality of the site and so is generally consistent with the use of contributions as identified in this plan.

6.7 Request for Use of Section 94 Funds - RFS Improvements (Ref: ; Author: Thompson/Carswell) (Continued)

In the case of the Araluen and Mulloon rural fire stations, the funds are required for processes associated with the submission of a development application for new fire stations. Part of the background documentation states that:

The current stations do not meet the height of our new Cat 1 tanker builds so new stations are required to fit in any new fleet that the brigades may receive.

The proposed use of contributions will enable the submission of a development application for new fire stations. This is consistent with the 10 year program which the *Tallaganda Shire Council Section 94 Contributions Plan No. 4 Bushfire Control and Suppression* which amongst other things, proposes the construction of 6 new tanker sheds. However, the location of these is not stated and the plan is now 27 years old.

Implications***Policy***

The relevant policy is the *Tallaganda Shire Council Section 94 Contributions Plan No. 4 Bushfire Control and Suppression* and this report recommends that contributions be authorised for expenditures considered to be consistent with this plan.

Strategic

The use of the contributions in the manner requested potentially puts the Rural Fire Service in a better position to operate than otherwise.

Financial

There are sufficient funds in the relevant accounts to cover the requested amounts. Contributions can be expended in accordance with this section 94 contribution plan and this is what is recommended.

Conclusion

Having considered the nature of the requests and the purpose and the type of works that contributions collected under the *Tallaganda Shire Council Section 94 Contributions Plan No. 4 Bushfire Control and Suppression* are to be used for, it is recommended that the requested amounts be authorised from the relevant contribution accounts for the requested uses.

Attachments

Attachment 1  Material Relevant to the Request for Use of Section 94 Funds (*Under Separate Cover*)

Summary

This report summarises options for the Council to consider if it wishes to progress the sale of part of the site. It also proposes that a lease be entered into with Respite Care for Queanbeyan for the Ross Road portion of the site.

Recommendation

1. That the report be received and noted.

That subject to the successful re-categorisation to “General Community Use” of lots 33-35 DP14341 comprising the “ Ross Road site”, Council agree in principle to enter into a thirty (30) Year lease with Respite Care for Queanbeyan for development of the Respite Centre subject to the required approval being received and *Local Government Act 1993* procedures being complied with.3. That a planning proposal be prepared to:

- a) change the Community Land classification for Lot 53, 54 & 55 DP 14341 (*Agnes Avenue Site*) to Operational Land in accordance with the *Local Government Act 1993*.
- b) change the zoning of Lot 53, 54 & 55 DP 14341 (*Agnes Avenue Site*) from RE1 to a Residential zoning in accordance with the *Environmental Planning and Assessment Act 1979*

OR

That the Council support in principle the change of the Community Land category for Lot 53, 54 & 55 DP 14341 (*Agnes Avenue Site*) from “Sportsgrounds” to “Parks” and commence procedures for this change accordance with *the Local Government Act 1993*.

Background

At the Planning and Strategy meeting on 13 February 2019 a report was submitted on the Queanbeyan Respite Care proposal and the following was adopted.

1. *The report be received and noted.*
2. *Council support in principle the change of the Community Land category for the Ross Road Reserve from “Sportsground” to “General Community Use” and commence procedures for the implementation of this re-categorisation in accordance with the Local Government Act 1993.*
3. *Council redevelop the balance of the site into a parkland facility with funding to be considered in a future delivery program, subject to the respite centre proceeding.*

The re-categorisation of the Community Land category is well underway and is a separate report to this meeting. The under-listed site being the three lots facing Ross Road is proposed to be re-categorised and shown hereunder with the concept plan for the Respite Centre.

The Respite Centre proposed a layout for the Ross Road site per below:

6.8 Further Use 16 Agnes Avenue, Queanbeyan (Ref: ; Author: Neil/Warne)
(Continued)



At the Planning and Strategy meeting on 10 April 2019 a motion to rescind part 3 of the above motion was successful and the following implementation motion was adopted.

That Council receive a report on the options for part redevelopment of the balance of the site not required for the Respite Centre at 16 Agnes Avenue, Queanbeyan, into a parkland facility and for part sale, with the input of the Respite Centre Group.

The Respite Centre site is referred as **“Ross Road” site** (lots 33-35) and the balance of the land as the **“Agnes Avenue” site** (lots 53-55) as these are the streets that the land has frontage to. The total area is 4173m², or approx. 695m² per lot.



**6.8 Further Use 16 Agnes Avenue, Queanbeyan (Ref: ; Author: Neil/Warne)
(Continued)**

On the basis lots 33-35 are utilised for the Respite Centre, it is suggested a single consolidated lot could be created of around 1200m², rezoned and sold for say townhouse development consistent with other uses nearby (eg the townhouse site at 12 Agnes St is 1400m²); while the balance of 900m² for parkland or may comprise a court (400m²) and playground facility.

A meeting was held with representatives of the Respite Care for Queanbeyan on 23 May and the following comments were made:

- *The group is supportive of the parkland development but has concerns about the possible sale of land;*
- *In the architectural plans for the Centre it is proposed that a landscape and layout plan for the development of the adjacent parkland with playground, gardens and possible active area will be prepared for Council purposes.*
- *The Group would like to see points of access from the Respite Centre to the park.*
- *If any land is to be disposed of could it be the block (described as Lot 55 DP14341) that adjoins the proposed car park area.*

In respect of the above decision, some background on the site is required.

Land Classification

Under the *Local Government Act 1993*, Council land must be classified as either “Operational Land” or “Community Land”. At present the proposed site is classified as “Community Land”.

In general terms, *Operational Land* can be managed on commercial terms whereas *Community Land* must be managed in accordance with the procedures laid down in the *Local Government Act 1993*.

Community Land must also be categorised in accordance with S36 of the *Local Government Act 1993* to define the community use and manage the land in accordance with a Plan of Management.

The six lots are categorised as *Community Land – Sportsground*.

Unfortunately the land use as a “community facility” is not consistent with the core objectives of the *Sportsground* category and there is no reasonable link that can be established.

The core objectives for the *Sportsground* category are:

- to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and*
- to ensure that such activities are managed having regard to any adverse impact on nearby residences.*

Guidelines for categorisation of land as a *Sportsground* provide that the land should be used *primarily for active recreation involving organised sports or the playing of outdoor games*.

A Council Plan of Management capturing *Sportsgrounds* in Queanbeyan has been adopted and includes the Ross Road Reserve where in hindsight a *general community use* categorisation would have been more appropriate.

In order to progress the lease of the land to build the respite centre, it would be best to re-categorise the Ross Road site as “*general community use*” under the existing Plan of Management.

**6.8 Further Use 16 Agnes Avenue, Queanbeyan (Ref: ; Author: Neil/Warne)
(Continued)**

The core objectives for this category are:

to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) *in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
- (b) *in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

These objectives align more clearly with a community based respite facility. This process is on the way and is the subject of a separate report to this meeting.

Should the above reclassification and rezoning proceed, a plan of subdivision would be required to create the development and parkland lots.

Agnes Avenue Site

The report requested options for part redevelopment of the balance of the site not required for the Respite Centre into a parkland facility and for part sale.

The position adopted by Council will influence how the Agnes St site is categorised in full or in part and would require a change in the land classification to "Operational Land". A planning proposal is needed for this purpose.

In its current planning zoning as RE-1 zone the permitted uses are:

Environmental protection works; Flood mitigation works; Building identification signs; Camping grounds; Car parks; Caravan parks; Cemeteries; Child care centres; Community facilities; Environmental facilities; Information and education facilities; Kiosks; Markets; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Water recreation structure.

Under the existing zoning, the land would be difficult to sell and if the Council supports this action, a rezoning of the land to a more suitable category (*presumably Residential*) would be required in order to make the land saleable.

A planning proposal process would need to be undertaken for both the change of zoning and also land classification under the *Local Government Act 1993*. Whilst the processes are similar, there would still need to be two separate planning proposals, although they could be run concurrently. This has been done on previous occasions, but Council may need some guidance from the NSW Department of Planning and Environment.

On previous occasions when there have been plans to re-zone or dispose of this site, there has been community opposition and protest. It is not known if this level of community opposition still exists, but it could eventuate when any proposal to rezone and dispose of the site becomes public knowledge.

Open Space in this part of Crestwood mainly comprises small neighbourhood parks. It is considered there may be a reasonable level of acceptance for use of three lots for a community purpose like the respite centre, but there may also be concerns raised about the sale of the balance of the site and loss of general community use parkland. In 2014, a small park in Kaye Place and connecting laneway was rezoned and sold and there was some local opposition.

**6.8 Further Use 16 Agnes Avenue, Queanbeyan (Ref: ; Author: Neil/Warne)
(Continued)**

Implications***Legal***

If any land is to be sold by the Council the legal requirement for re-categorisation (*Local Government Act 1993*) and development of a planning proposal (*Environmental Planning and Assessment Act 1979*) to change the zoning must be observed.

Both processes are lengthy with a minimum of 6 – 8 months needed for the re-categorisation and up to 12 months for the planning proposal.

Once these processes are complete, the Council would be in a position to sell the Agnes Avenue site or part thereof.

It is proposed that the Ross Road site would be leased to Respite Care for Queanbeyan as per the normal leasing requirements of the *Local Government Act 1993*. As a 30 year lease (*maximum available*) is proposed, the proposal would need to be approved by the Minister for Local Government.

Policy

The Council has no specific policies regarding these matters but it is appropriate that the Stakeholder and Community Engagement Policy Framework be observed as part of the land use process.

Financial

A valuation for the whole of the site in its current zoning is \$400K. If part of the site was rezoned to residential, sales evidence suggests that the land would be valued in range \$400 - \$500 m² for the whole site. A fresh valuation for part of the site would be needed and development costs would need to be factored into the modelling but if a residual lot was sold for residential development, the site would be in the \$750K range.

Integrated Plan

The land acquisition and sale projections of part of the site has been earmarked for possible sale in the Operational Plan.

Conclusion

This report examines the options for the 16 Agnes Avenue site. There is support for assistance in the landscape design of the park to compliment the respite centre. If any of the land is to be sold it is suggested that it be only one lot and it should be located adjacent to the car park area.

In summary if any land is to be sold by the Council, a re-categorisation (*Local Government Act 1993*) and a planning proposal (*Environmental Planning and Assessment Act 1979*) to change the zoning will be required.

In addition, the re-categorisation process generally would be quicker than the change of Land classification.

There are financial gains to be made by the sale of the land, but there is not a lot of open space in this area of the city with land sales of pocket parks occurring in 2014.

**6.8 Further Use 16 Agnes Avenue, Queanbeyan (Ref: ; Author: Neil/Warne)
(Continued)**

In the past there has been community opposition to the sale of this land. It is not known if this is still the case.

With the re-categorisation of the Ross Road land proposed to progress, it would be appropriate for the Council to support in principle a thirty year lease for the site to Respite Care for Queanbeyan subject to meeting statutory obligations.

Attachments

Nil

6.9 Re-categorisation of land - 16 Agnes Street, Crestwood - Proposed Respite Care Centre (Ref: ; Author: Thompson/Kurzyniec)

Summary

The purpose of this report is to seek Council's endorsement to publicly exhibit:

- A new draft Plan of Management for land at 16 Agnes Avenue Crestwood intended to be leased for a respite care centre, and
- An amended Plan of Management for Sportgrounds and Parks.

A separate report on the options for part redevelopment of the balance of the site as resolved by Council on 10 April 2019 (PLA032/19) is reported elsewhere in this Business Paper and could alter Recommendations 2 and 3 of this report depending on which option is endorsed by Council.

Recommendation

That Council:

- 1. Publicly exhibit the Draft Plan of Management for Lots 33-35 DP14341 to re-categorise the land from Sportsground to General Community Use consistent with the requirements of the *Local Government Act 1993*.**
 - 2. Publicly exhibit an amended Plan of Management for Sportgrounds to remove Lots 33-35 DP14341 from the Plan and to reflect the re-categorisation of Lots 53-55 DP14341 to the Parks Plan of Management.**
 - 3. Publicly exhibit an amended Plan of Management for Parks to include Lots 53-55 DP14341 in that Plan.**
-

Background

At the Planning and Strategy Committee meeting of 13 February 2019, Council resolved to re-categorise three of the six lots of land at 16 Agnes Avenue, Crestwood (PLA006/19) from "Sportsground" to "General Community Use". This was to allow the leasing of part of the land for the purposes of a respite care centre.

Council staff have now prepared a draft Plan of Management (PoM) for the land comprising Lots 33-35 DP14341 which, if adopted, will facilitate the land being leased for a respite centre. However, before the PoM can be adopted it must be placed on public exhibition for comment. The proposed Plan of Management for exhibition is shown in Attachment 1.

Council staff will also need to amend the existing PoM for Sportgrounds to recognise that it no longer applies to Lots 33-35 DP141341 and to transfer the balance of the site (Lots 53-55 DP141341) into the PoM for Parks which is considered to be a more appropriate Plan of Management than Sportgrounds.

Implications

Legal

The future management of the affected land will be the subject of a lease between Council and the proposed operators for a 30 year period. As such the PoM will require public exhibition, adoption by Council and the consent of the Minister.

6.9 Re-recategorisation of land - 16 Agnes Street, Crestwood - Proposed Respite Care Centre (Ref: ; Author: Thompson/Kurzyniec) (Continued)

Asset

It is intended that a respite care centre be constructed on the subject land. This asset may be transferred to Council at the expiration of the lease. Discussions with the operators also indicate their desire to embellish the landscaping on the balance of the site.

Social / Cultural

The proposed respite care centre will provide an important local facility offering respite opportunities to young adults and their families.

Engagement

Council will be required to consult with the community in respect to all draft plans. The outcomes of this consultation will be reported back to the Council prior to the changes to the draft plans being finalised.

All three PoM documents will be placed on public exhibition for 28 days while also allowing 42 days for the public to comment.

A public hearing will also need to be conducted after the public exhibition of the documents in respect of the new draft PoM and the amended draft PoMs. This will provide further opportunities for comment.

Financial

Financial implications include administrative staff costs to prepare the PoM and to review the other two PoMs, the costs associated with both the public exhibition and a public hearing chaired by an independent chairperson, advertising costs for this and hall hire. This will be covered by the relevant project budget.

Resources (including staff)

This project has been primarily managed by staff. The LIS/GIS branch have also assisted with the preparation of maps and updating the property database. There was also input from the Service Manager Legal and Risk.


Integrated Plan

This review is not identified as a project in the Delivery Program, however is considered to be consistent with Council's ongoing obligations regarding the updating of PoMs and the management of its assets.

Conclusion

Preparing a new PoM, amending the associated PoMs and re-categorisation of those lands proposed to be developed for the respite care centre as resolved, will ensure that Council has met its legislative obligations while also ensuring that Council land is categorised in an appropriate manner. It will also provide the framework for a potentially important facility to occur.

Attachments

Attachment 1  Draft Plan of Management - 16 Agnes Avenue Queanbeyan - General Community Land (Proposed Respite Care Centre) - May 2019 (*Under Separate Cover*)

7.1 Boer War Memorial Relocation (Ref: ; Author: Thompson/Geyer)

Report

Queanbeyan's Boer War memorial is currently located in the median of Lowe Street between Monaro and Morisset Streets. Both the RSL and the National Boer War Memorial Committee have expressed a desire to relocate the memorial to a park setting where it can be better viewed and commemorated by the community. In recent months the RSL have secured some funding from the Department of Veteran's Affairs to investigate and, if feasible, start the relocation process.

Originally the Boer War Memorial was located in the middle of the Monaro-Crawford St intersection. After sustaining significant damage from trucks, having been knocked down twice, it was reconstructed close to its present position in Lowe Street before being moved to its current location following a further realignment of Lowe Street.



Unfortunately, due to traffic volumes on Lowe Street, it is unsafe for the public or the RSL to attend the memorial. It is now proposed to relocate the memorial to Moore Park (near the Queanbeyan War Memorial Swimming Pool) as part of the Memorial Rose Garden.

The RSL have secured an appropriately qualified Monumental Mason to carry out the works and have sought feedback from Council's Heritage advisor and Queanbeyan Heritage Advisory Committee. Following support for the move from both, it is proposed that the memorial will be relocated to Moore Park in the next few months.

Recommendation

That the report be received for information.

Attachments

- Attachment 1  Site Plan - Boer War Memorial Relocation (*Under Separate Cover*)
Attachment 2  3D Detail - Boer War Memorial Relocation (*Under Separate Cover*)

7.2 Update - Comprehensive Local Environmental Plan and Other Matters (Ref: ;
Author: Thompson/Carswell)

Report

At its meeting of 19 December 2018 Council, in considering a report on the comprehensive local environmental plan (comprehensive LEP), resolved (Minute No. 459/18) that:

1. Council receive the report for information.
2. Without delaying preparation of the Comprehensive LEP, Council develop a detailed justification report to include the policy matters 'a' and 'c' contained in the report, for consideration with the comprehensive LEP.
3. The report incorporate relevant resolutions of Council that arise from Council's consideration of the report from the consultants undertaking the Review of Zone E4 in the localities of Bywong and Wamboin.
4. The detailed justification report be submitted to Council no later than June 2019.
5. The Mayor write to the Minister informing them of Council's intention to provide that justification.

In relation to the above:

1. Matter a) relates to the E4 Zoning at Wamboin/Bywong.
2. Matter c) relates to rural signage.
3. Item No.2 acknowledges the priority of the comprehensive LEP as resolved by Council at its meeting of 28 February 2018 (Minute No. 057/18).
4. Item No.5 has been completed.
5. Item No.3 is now to be dealt with by a separate planning proposal which if finalised in time is to be amalgamated with the comprehensive LEP (Minute No. 163/19 – 22 May 2019).

The Gateway determination for the comprehensive LEP requires Council to submit a revised planning proposal prior to community consultation addressing a list of issues. Whilst some of these matters were previously requested to be removed from a revised planning proposal, it is understood that this request was generally based on a concern that they would delay the comprehensive LEP. Chief amongst these was the review of E4 Zones in Bywong and Wamboin. However, this can now be removed from the comprehensive LEP given Council's resolution of 22 May 2019 (Minute No. 163/19) that this will be dealt with by a separate planning proposal which, if finalised in time, is to be amalgamated with the comprehensive LEP. Council's decision of 22 May 2019 supersedes the need to follow up further in relation to item a) referred to in the December 2018 resolution.

The remaining item c) related to rural signage and as a minor issue, it is suggested that rather than a separate planning proposal, this matter now be included in the revised planning proposal for the comprehensive LEP.

In addition it is suggested that the revised planning proposal also include Council's resolution at its meeting of 19 December 2018 (Minute No. 443/18) in relation to Lot 16 DP 846996 Williamsdale which supported the request in regard to this land being subdivided to allow an existing dwelling to be on a separate lot be progressed. It is considered that this has little potential to delay the comprehensive LEP.

**7.2 Update - Comprehensive Local Environmental Plan and Other Matters (Ref: ;
Author: Thompson/Carswell) (Continued)**

The revised planning proposal will include a covering letter which will include reasons for the inclusion of these matters. Advice from the Department of Planning and Industry is that this can occur.

Given the above it is considered that there is no longer any need to pursue the detailed justification report outlined in the December 2018 resolution, as subsequent decisions by Council mean the matters are either being dealt with as a separate planning proposal or are likely to be accepted as being incorporated into the comprehensive LEP process.

A separate report on the revised planning proposal for the comprehensive LEP will soon be submitted for Council's consideration.

Recommendation

That the report be received for information.

Attachments

Nil

7.3 Transfer of Crown land - Reclassification of Lots to Operational land (Ref: ;
Author: Thompson/Carswell)

Report

At its meeting of 27 March 2019 Council considered a report on the transfer of responsibilities under the *Crown Land Management Act 2016* for certain lots of Crown land to Council.


Amongst other things, Council resolved to accept responsibility for certain Crown land (Minute No. 082/19). Since this time the issue of appropriately reclassifying certain lots of Crown land from Community to Operational land has arisen and includes 47 lots reported on in the previous report.

Reclassification to Operational land with the consent of the Minister is an administrative function enabled by the *Crown Land Management Act 2016* and reclassification is proposed for land that is currently being used for purposes like cemeteries, waste disposal, sanitary purposes etc. A list of transferred Crown land properties proposed to be classified as Operational land is shown in Attachment No.1.

Recommendation

That the report be received for information.

Attachments

Attachment 1  QPRC Reclassification of Lots to Operational land (*Under Separate Cover*)

8 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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