



Planning and Strategy Committee of the Whole

12 June 2019

**UNDER SEPARATE COVER
ITEM 6.9 - ATTACHMENT**

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.....1*

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

12 JUNE 2019

ITEM 6.9 RE-RECATAGORISATION 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

**Plan of Management
16 Agnes Avenue
(Lots 33, 34 & 35 DP 14341)
Crestwood
General Community Use**

Ref: SF190146
C1967179

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Matters Covered by this Plan of Management

Introduction

The purpose of this Plan of Management (PoM) is to provide arrangements in respect of the future management of land at 16 Agnes Avenue, Crestwood comprising Lots 33 to 35, DP 14341 for the potential development of a respite care centre.

This land is owned by Queanbeyan-Palerang Regional Council and is categorised as “General Community Use” in accordance with the *Local Government Act 1993* (the Act).

This PoM was adopted by Council on (to be added after adoption)

It is intended the land be developed for the purposes of a respite care centre in order to provide short-term residential accommodation for people between the ages of 18 and 59 years who are suffering from a terminal or chronic illness.

As such the land is proposed to be leased for a period of 30 years which will require the consent of the Minister for Local Government.

This plan of management seeks to ensure Council has met its statutory obligations in respect of any ‘community’ land that is categorised as ‘General Community Use’ for the purposes of the Act.

What is a Plan of Management (PoM)?

Under clause 25 of the *Local Government Act 1993*, all land owned by a council must be classified either ‘community’ or ‘operational’ land. Any land that is subsequently classified as ‘community’ must also be placed in an appropriate PoM that sets out how that land will be managed for the benefit of the community into the future.

A PoM is a document that provides direction and continuity for the planning, resource management, maintenance, operation and programming of community land. The plan ensures management of the land is undertaken in an efficient and sustainable manner, helps reconcile competing interests, identifies priorities for the allocation of available resources and facilitates public understanding.

This plan will be reviewed periodically as required.

Category and Classification of Land

As noted, Lots 33 to 35, DP 14341 are categorised as **General Community Use** under section 36I of the *Local Government Act 1993*.

The core objectives for the management of community land categorised as general community use as set out in the Act are to promote, encourage and provide for the use of the land, and to provide facilities on the land that meets 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).

The *Local Government (General) Regulation 2005* describes under clause 106 the guidelines for categorisation of land as a general community use as set out below.

Land should be categorised as general community use under section 36(4) of the Act if the land:

- (a) *may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and*
(b) *is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a park or an area of cultural significance.*

Respite Care for Queanbeyan (RCQBN)

Council was approached by Respite Care for Queanbeyan Incorporated (RCQBN) in late 2018 seeking assistance in respect of the provision of land to develop a respite care centre to provide short term respite to families with younger people in care.

Council has subsequently agreed to make available the subject land for that purpose. Accordingly, Council has entered into a 30 year lease for the land commencing from (to be determined). During that period RBQBM will have exclusive use of the site for the purposes of the respite care centre.

The corporate objectives of RCQBN are:

- To establish a respite care centre for the local community of Queanbeyan and its surrounding region.
- To provide short-term residential accommodation for people between the ages of 18 and 59 years who are suffering from a terminal or chronic illness.
- To build premises to house the respite care centre.
- To raise funds for the establishment of the respite care centre.
- To raise funds for the ongoing administration and support of the respite care centre.
- To ensure that the respite care centre is maintained as a centre of excellence.
- To ensure that the respite care centre is staffed by people who are properly trained and who are empathetic with the needs of its residents.
- To provide support services for families with family members resident within the centre.
- To provide carers with a break knowing their loved one are being well cared for so they can re-energise and continue their responsibilities as a carer

Land Covered by this Plan of Management

This plan of management applies to Council owned land at 16 Agnes Avenue, Crestwood, comprising Lots 33 to 35, DP 14341. This land is shown over on Maps 1 & 2 and is also set out in Table 1 below.

Table 1: Land to Which This Plan Applies (16 Agnes Avenue)

Lot and Deposit Plan	Street Address	Area Total
Lot 33 DP 14341	16 Agnes Avenue Crestwood	695.56m ²
Lot 34 DP 14341	16 Agnes Avenue Crestwood	695.56m ²
Lot 35 DP 14341	16 Agnes Avenue Crestwood	695.56m ²
Total		2086.68m²

Map 1: Locality and Zone Map of 16 Agnes Avenue Crestwood (Queanbeyan)



Map 2: Aerial Map of 16 Agnes Avenue Crestwood (Queanbeyan)

6.9 Re-categorisation 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 (Continued)



Condition of the Land and Structures on Adoption of the Plan

Location: 16 Agnes Avenue Crestwood (comprising Lots 33, 34 and 35 DP 14341).

Area: 2086.68m².

Land Zoning: RE1 Public Recreation under *Queanbeyan Local Environmental Plan (LEP) 2012*.

Landform Description: Flat grassland containing two basketball courts.

Land Use: Regional park and sports grounds.

Urban Services: The following utility services are provided to the site:

- electricity,
- stormwater,
- reticulated water, and
- sewerage.

Vegetation: Grassland.

Summary: The subject land, whilst referred to as 16 Agnes Avenue, actually fronts Ross Road and is located between 65-67 Ross Rd and 63 Ross Rd. The site contains grassland and two basketball courts.

The condition and structures on the subject land will be modified to reflect the design and construction of the proposed respite care centre on the land.

Background to the Management of the Land

This plan of management seeks to:

- Comply with the core objective for this type of community land and all other statutory provisions;
- Authorise the lease of the land for the purposes of a respite care centre and ancillary uses; and
- Provide for the construction of a purpose built respite care centre on Lots 33, 34 and 35 DP 14341 with development consent.

The management of the site and lease involve the following sections of Council:

- Legal and Risk – Organisational Capability
- Land Use Planning – Natural and Built Character.

The objectives and performance targets for this site are discussed below in Tables 2 to 4:

- Compliance with the Core Objectives for General Community land (applicable to this type of community land).
- Lease and Licences.
- Work, Health and Safety (WH&S).

Table 2: Compliance with Core Objectives

Management Issues	Core Objectives	Performance Target	Means of achieving the Objective	Manner of Assessing the Performance	Responsibility
<p>Compliance With The Core Objective for General Community Use (As Prescribed Under The <i>Local Government Act 1993</i>).</p>	<ul style="list-style-type: none"> 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: in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and 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) 	<ul style="list-style-type: none"> Compliance at all times with the core objective for general community use. 	<ul style="list-style-type: none"> Review the core objective when amending this plan of management and ensure that any leases, licences or any other grants of estates made pursuant to it as well as other activities conducted on this land comply with the core objective and other applicable statutory provisions 	<ul style="list-style-type: none"> Review this plan when necessary and any leases, licences or other grants made pursuant to it and activities conducted on the land in terms of the core objectives and other applicable statutory provisions. 	<ul style="list-style-type: none"> Legal and Risk – Organisational Capability Land Use Planning – Natural and Built Character

Table 3: Lease & Licences

Management Issues	Objective	Performance Target	Means of Achieving the Objective	Manner of Assessing Performance	Responsibility
Lease and Licences	<ul style="list-style-type: none"> To ensure that all leases, licences and the granting of other estates over general community use site comply with applicable statutory provisions. 	<ul style="list-style-type: none"> Compliance at all times with the applicable statutory provisions for all leases, licences and other grants over general community use. 	<ul style="list-style-type: none"> Ensure that all existing and any new leases, licences. Take remedial action in the case of those leases, licences and other grants which don't comply with statutory provisions. 	<ul style="list-style-type: none"> When reviewing this plan, review each lease, licence and other grant in terms of its terms and conditions. 	<ul style="list-style-type: none"> Legal and Risk – Organisational Capability

Table 3: Work Health & Safety Policy (WH&S)

Management Issues	Objective	Performance Target	Means of Achieving the Objective	Manner of Assessing Performance	Responsibility
Work Health and Safety (WH&S)	<ul style="list-style-type: none"> To provide a safe and health work environment for all including staff, contractors, volunteers and members of the public. Ensure that all users and others are not exposed to a risk to their health and safety as required by the <i>Work Health and Safety Act 2011</i>. 	<ul style="list-style-type: none"> Undertake a risk management approach to likely activities on each parcel of land. Ensure compliance with Work, Health and Safety legislation, codes and standards wherever possible, whilst striving towards industry best practice and safe working environment. Ensuring the implementation of Council's (WH&S) Management System where applicable. 	<ul style="list-style-type: none"> Identifying hazards, assessing risks and making decisions about how to eliminate or minimise risk. Making decisions about facilities for welfare of workers and members of the public using this land. Making decisions about the procedures for resolving WH&S and other issues and monitoring of the work environment. Providing appropriate information, training, instruction, resources to support safety. Ensuring plant, equipment and material are safe and without risk to health when properly used: and the safe systems of work are provided for the handling, storage and transportation of such items. 	<ul style="list-style-type: none"> Compliance with the requirements of the <i>Work Health and Safety Regulation</i>. Effective systems are in place for monitoring the health of workers and workplace conditions. Ensuring those injured returned to duties in a safe and timely manner. 	<ul style="list-style-type: none"> Legal and Risk – Organisational Capability

Footnote: A person conducting a business or undertaking (PCBU – the new term that includes employers) may be an individual person or an organisation conducting a business or undertaking. PCBU include local authorities (municipal corporations or councils) and applies to principals, contractors and sub-contractors.

Threatened Species Laws

There are no known threatened species on the subject land under the *Biodiversity Conservation Act 2016*.

Future Use of the Land

There is no intention by Council to dispose of the subject land at this time.

As noted, the future use of the site is for the purposes of a respite care centre for a 30 year period, or any other timeframe subsequently agreed to by the parties.

The indicative development for the respite care centre of the land is shown below at Map 3.

Map 3: Aerial Image of the proposed Respite Care Centre fronting Ross Road (Lots 33, 34 and 35 DP 14341).



Any building work or structures will be required to obtain the appropriate consents and approvals.

Leases, Licences and Other Estates

Leases and licences and the granting of other estates are primarily governed by sections 44-47E of the *Local Government Act 1993*.

This plan of management authorises the Council to lease, licence or grant any other estate over 16 Agnes Avenue Crestwood (comprising Lots 33, 34 and 35 DP 14341) consistent with the core objective and other provisions of this plan and the *Local Government Act 1993*.

A proposed respite care centre development will be constructed on Lots 33, 34 and 35 DP 14341.

This is consistent with the resolution of Queanbeyan-Palerang Regional Council at the Ordinary Meeting of Council on 28 November 2018 (Item 12.20 – 391/18).

Approvals for Activities on the Land

Section 68, Part D of the *Local Government Act 1993* requires approvals issued by Council for certain activities on community land.

These include the following:

- Engage in a trade or business.
- Direct or procure a theatrical, musical or other entertainment for the public.
- Construct a temporary enclosure for the purpose of entertainment.
- For fee or reward, play a musical instrument or sing.
- Set up, operate or use a loudspeaker or sound amplifying device.
- Deliver a public address or hold a religious service or public meeting.