



# **Planning and Strategy Committee of the Whole**

## **AGENDA**

**13 November 2019**

**Commencing at 5.30pm**

**Council Chambers  
253 Crawford St, Queanbeyan**



**On-site Inspections**

Item: Modified DA – 42 Surevyor Street, Queanbeyan

Date: Tuesday 12 November 2019

Time: 4.00pm

Meeting Location: Meet at entrance to Finigan School of Distance Education at Southern end of Agnes Avenue (opposite house at 60 Agnes Avenue)

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*

**1 OPENING**

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**3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

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### **Confidential - Not for Publication**

## **10 REPORTS FOR CLOSED SESSION**

### **10.1 Lease Renewal - Westpac Bank**

*Item 10.1 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

## **11 CONCLUSION OF THE MEETING**

## **LIST OF ATTACHMENTS –**

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

### **Open Attachments**

Item 6.1	Modification Application 298-2016.A - Queanbeyan Distance Education Centre - 42 Surveyor Street, Crestwood -	
	<i>Attachment 1 DA 298-2016.A - S4.55 Matters for Consideration - 42 Surveyor Street (Under Separate Cover)</i>	
	<i>Attachment 2 DA 298-2016.A - Architectural Plans - 42 Surveyor Street Crestwood (Under Separate Cover)</i>	
	<i>Attachment 3 DA 298-2016.A - Submission Against Development - 42 Surveyor Street (Under Separate Cover)</i>	
	<i>Attachment 4 DA 2016-298.A - Submission For Development - From Staff - 42 Surveyor Street (Under Separate Cover)</i>	
	<i>Attachment 5 DA 298-2016.A - Response to Submission from Applicant - 42 Surveyor Street (Under Separate Cover)</i>	
Item 6.2	DA.2019.006 - 71 Macdiarmid Road, Burra - Three (3) Lot Community Title Subdivision (Subdivision Simpliciter)	
	<i>Attachment 1 DA.2019.006 - 71 Macdiarmid Road, Burra - Attachment 1 -</i>	

**QUEANBEYAN-PALERANG REGIONAL COUNCIL  
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- 4.15 Assessment Report (Under Separate Cover)*
- Attachment 2 *DA.2019.006 - 71 Macdiarmid Road, Burra - Attachment 2 - Plans (Under Separate Cover)*
- Attachment 3 *DA.2019.006 - 71 Macdiarmid Road, Burra - Attachment 3 - Submissions (Under Separate Cover)*
- Item 6.3 DA.2019.065 - 71 Macdiarmid Road, Burra - Concept Proposal - Three Lot Community Title Subdivision and Two (2) Single Dwellings
- Attachment 1 *DA.2019.065 - 71 Macdiarmid Road, Burra - Attachment 1 - 4.15 Assessment Report (Under Separate Cover)*
- Attachment 2 *DA.2019.065 - 71 Macdiarmid Road, Burra - Attachment 2 - Plans (Under Separate Cover)*
- Attachment 3 *DA.2019.065 - 71 Macdiarmid Road, Burra - Attachment 3 - Submissions (Under Separate Cover)*
- Item 6.5 Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018
- Attachment 1 *Draft South Jerrabomberra Local Contributions Plan 2018 (Under Separate Cover)*
- Attachment 2 *Works Schedule Appendix C South Jerrabomberra 7.11 Plan 2018 (Under Separate Cover)*
- Attachment 3 *Village Building Company Submission 1 October 2019 (Under Separate Cover)*
- Item 6.6 Queanbeyan Section 7.12 Fixed Levy Development Contributions Plan 2019
- Attachment 1 *Draft Section 7.12 Fixed Levy Development Contributions Plan 2019 (Under Separate Cover)*
- Item 6.7 Update on Planning proposal at Goolabri Drive, Sutton
- Attachment 1 *Response from Biodiversity and Conservation (formerly OEH) (Under Separate Cover)*
- Attachment 2 *Response from RFS - June 2019 (Under Separate Cover)*
- Attachment 3 *RFS Confirm PP can be Exhibited (Under Separate Cover)*
- Attachment 4 *Planning Proposal (October 2019) (Under Separate Cover)*
- Item 6.8 Determination of Applications for Special Heritage Fund Grant 2019-20
- Attachment 2 *Special Heritage Grant Guidelines (Under Separate Cover)*
- Attachment 3 *Project Funding Agreement - Special Heritage Grant 2019-20 (Under Separate Cover)*
- Item 6.9 Determination of Applications for the Local Heritage Grants 2019-20
- Attachment 2 *Local Heritage Grant Guidelines 2019-20 (Under Separate Cover)*
- Attachment 3 *Application Form - Local Heritage Places Grant 2019-20 (Under Separate Cover)*
- Attachment 4 *Project Funding Agreement - Local Heritage Places Grant 2019-20 (Under Separate Cover)*
- Item 6.11 Draft Parking Policy
- Attachment 1 *Copy of business paper report 13 February 2019 (Under Separate Cover)*
- Attachment 2 *Draft Parking Policy (Under Separate Cover)*
- Item 7.1 Land-Use Planning Projects / Activities - Status Report
- Attachment 1 *Land Use Branch - Status Report on Projects - November 2019 (Under Separate Cover)*
- Item 7.3 Local Strategic Planning Statement
- Attachment 1 *Suggested Structure for a Local Strategic Planning*

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- Statement (Under Separate Cover)*
- Item 7.5 Re-categorisation of Land - Plan of Management - 16 Agnes Avenue, Crestwood  
*Attachment 1 Public Hearing Report & Recommendation (Under Separate Cover)*  
*Attachment 2 Plan of Management - General Community Use - 16 Agnes Ave Crestwood (Under Separate Cover)*  
*Attachment 3 Plan of Management - Parks - Amendment No 6 (Under Separate Cover)*  
*Attachment 4 Plan of Management - Sportsground - Amendment No 5 (Under Separate Cover)*
- Item 8.1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 10 October 2019  
*Attachment 1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 10 October 2019 (Under Separate Cover)*
- Item 8.2 Minutes of the Special QPRC Heritage Advisory Committee Meeting held 24 October 2019  
*Attachment 1 Minutes of the QPRC Heritage Advisory Committee held 24 October 2019 (Under Separate Cover)*

**Closed Attachments**

- Item 6.8 Determination of Applications for Special Heritage Fund Grant 2019-20  
*Attachment 1 Special Heritage Grant Applications and Recommendations 2019-20 (Under Separate Cover)*
- Item 6.9 Determination of Applications for the Local Heritage Grants 2019-20  
*Attachment 1 Local Heritage Grant Application & Recommendations 2019-20 (Under Separate Cover)*
- Item 6.10 Heritage Advisory Service 2019-2010 to 2020-21  
*Attachment 1 EOI Evaluation (Under Separate Cover)*  
*Attachment 2 EOI Evaluation Sheet - Heritage Advisory Service (Under Separate Cover)*  
*Attachment 3 EOI Consultant 1 (Under Separate Cover)*  
*Attachment 4 CV Consultant 1 (Under Separate Cover)*  
*Attachment 5 CV Consultant 1*  
*Attachment 6 Company Profile - Consultant 1 (Under Separate Cover)*  
*Attachment 7 EOI Consultant 2 (Under Separate Cover)*  
*Attachment 8 EOI Consultant 3 (Under Separate Cover)*  
*Attachment 9 CV Consultant 3 (Under Separate Cover)*

**ITEM 4    DECLARATION OF CONFLICTS/PECUNIARY INTERESTS**

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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.**





6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre  
- 42 Surveyor Street, Crestwood - (Ref: ; Author: Thompson/Glouftsis)

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File reference: Development Application 298-2016.A

**Summary**

***Reason for Referral to Council***

This application has been referred to Council due to the nature of issues raised in submissions received during public notification.

Proposal:	Reduction of the number of external vertical blades on the southern elevation from 13 to 5.
Applicant/Owner:	NSW Department of Public Works/Department of Education.
Subject Property:	42 Surveyor Street Crestwood, Lot 12-13, 1-8, 91-96 & 26, Section 16, DP 1892, 365881, 13341, 1042890.
Zoning and Permissibility:	R2 low density residential under the <i>Queanbeyan Local Environmental Plan 2012</i> . <i>Permissible under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> .
Public Submissions:	2 (1 against and 1 in support that contains 67 comments from staff utilising the building)
Issues Discussed:	Planning Requirements - Overlooking and Privacy.
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

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**Recommendation**

**That:**

- 1. In relation to the modification of Development Application 298-2016.A on Lots 12-13, 1-8, 91-96 & 26, Section 16, DP 1892, 365881, 13341, 1042890, No. 42 Surveyor Street, Crestwood Council grant conditional approval subject to the NSW Department of Education supporting revised condition of consent no.4 as follows:**
    - 4. SCREENING OF WINDOWS**

Glazing to the first, second, and third stories of the southern elevation of the building to be fitted with opaque glass or opaque film to a height of:

      - 1.2 metres in the case of the first storey; and
      - 1.8 metres in the case of the second and third storeys;above floor level to the inside of the glazing, to mitigate overlooking to adjoining neighbours on Early Street
  - 2. In the event that the NSW Department of Education does not support the revised condition of consent, Council submit the matter to the NSW Minister for Planning seeking support for Council's determination.**
  - 3. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
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6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre - 42 Surveyor Street, Crestwood - (Ref: ; Author: Thompson/Glouftsis) (Continued)

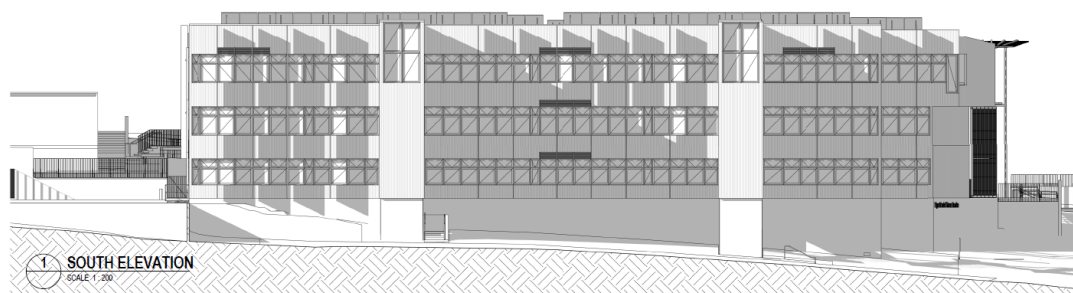
**Background**

**Proposed Development**

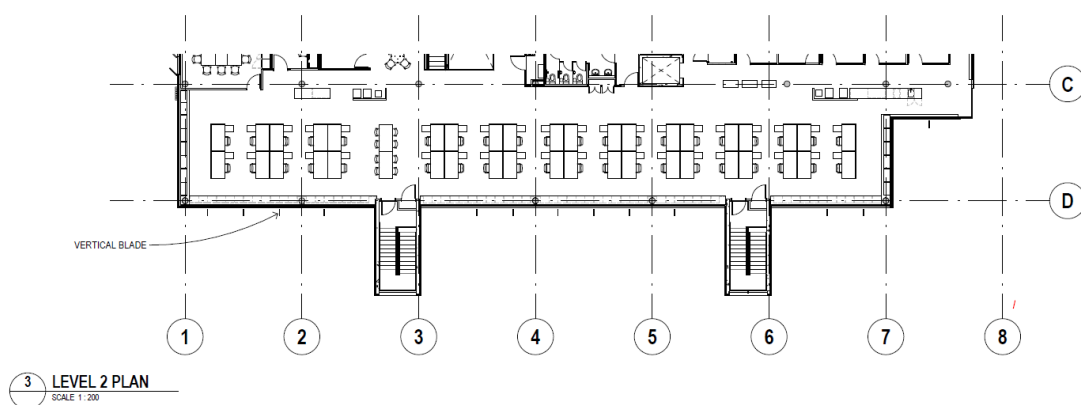
The proposal is for a modification to the Finigan School of Distance Education at Queanbeyan High School, which is an existing three storey building comprising offices, teaching spaces and amenities. The building accommodates up to 105 staff and 40 students and includes associated car parking and landscaping. Development Application 298-2016 for the Distance Education Building was approved by the Southern Joint Regional Planning Panel (JRPP) as a Crown Development with a capital investment of more than \$5 million.

The modification application relates to a reduction in the number of external vertical blades on the southern façade of the building from a total of 13 to 5. Council should note that the building was not constructed as approved. Only 5 of the approved 13 blades were installed at the completion of the building. This the modification has been lodged to rectify the non-compliance with the approved plans.

Figures 1 and 2 below illustrate the 13 vertical blades approved as a part of DA 298-2016. Figures 3 and 4 detail the proposed modification with the provision of 5 vertical blades. Figures 5 and 6 show comparative perspectives.



**Figure 1: Approved Façade – Southern Elevation (DA 298-2016)**



**Figure 2: Approved Plan – Level Plan (DA 298-2016)**

6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre - 42 Surveyor Street, Crestwood - (Ref: ; Author: Thompson/Glouftsis) (Continued)

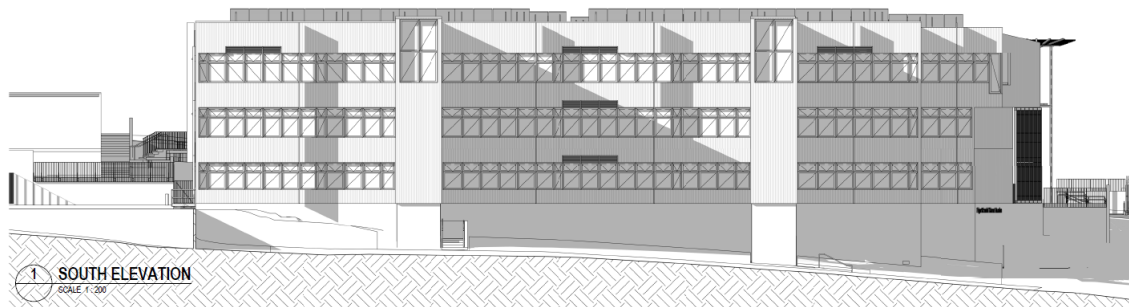


Figure 3: Proposed Modification to Façade

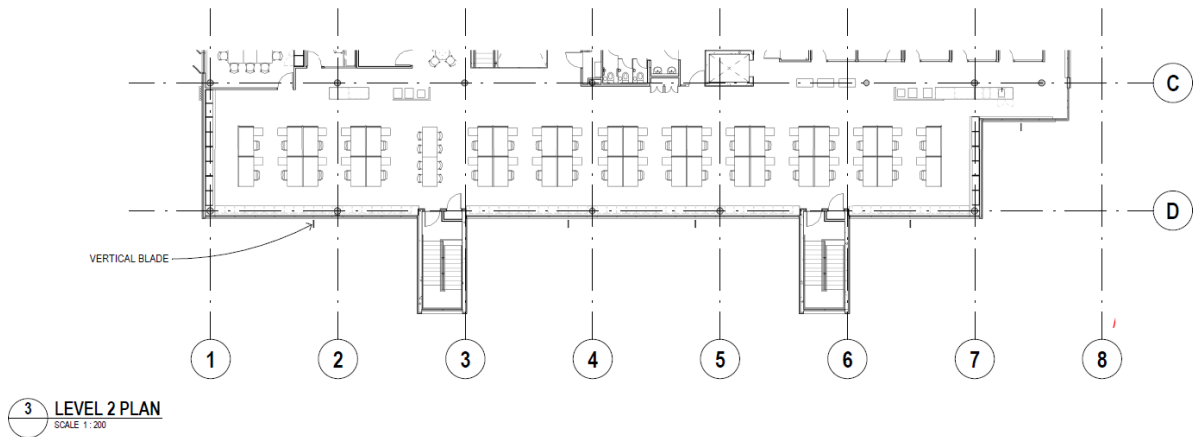


Figure 4: Proposed Modification to Façade (Level Plan)

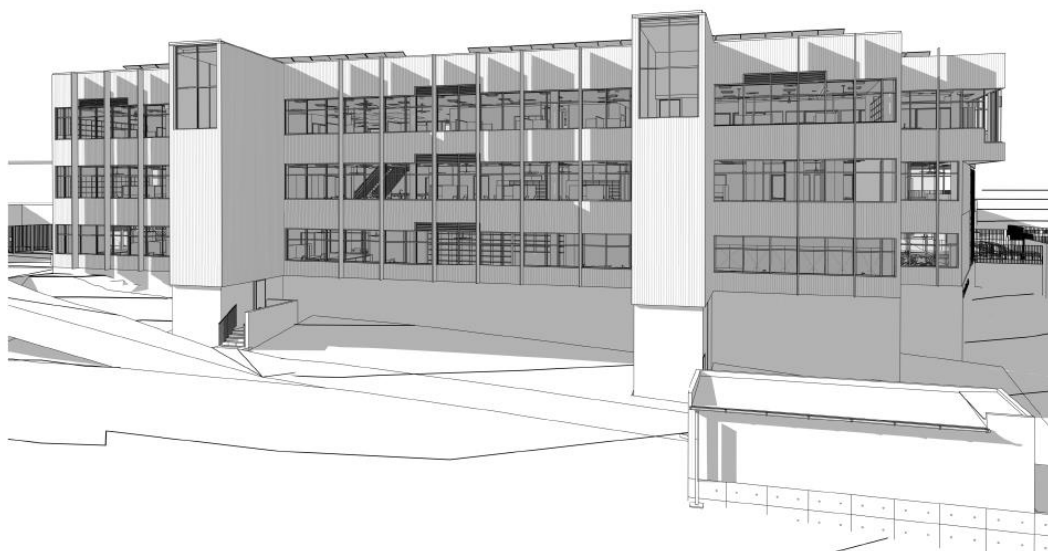
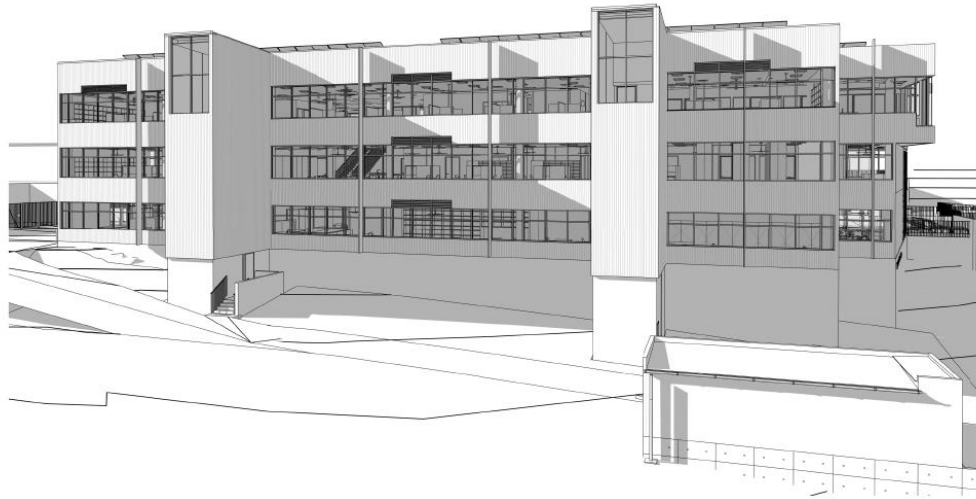


Figure 5: Approved Plan (DA 298-2016)

**6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre - 42 Surveyor Street, Crestwood - (Ref: ; Author: Thompson/Glouftsis) (Continued)**

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**Figure 6: Proposed Modification**

**Subject Property**

The subject site comprises a number of lots and is legally described as lot 12-13, 1-8, 91-96 & 26, Section 16, DP 1892, 365881, 13341, 1042890 and is commonly known as 42 Surveyor Street, Crestwood. The subject site contains buildings and structures, which are used as part of the existing Queanbeyan High School. The Distance Education School is located on the south eastern boundary of the site with access from Agnes Avenue.

The school includes a number of buildings, predominantly located on the eastern side of the site and open space and fields to the western side. The area where the Distance Education School is located slopes up from south to north with the building sitting higher than existing dwellings located along Early Street and the southern end of Agnes Avenue.

The locality is predominantly characterised by residential uses, including single detached dwellings with a mix of single and two storey buildings throughout the adjoining streets. The surrounding land is primarily zoned R2 low density residential.

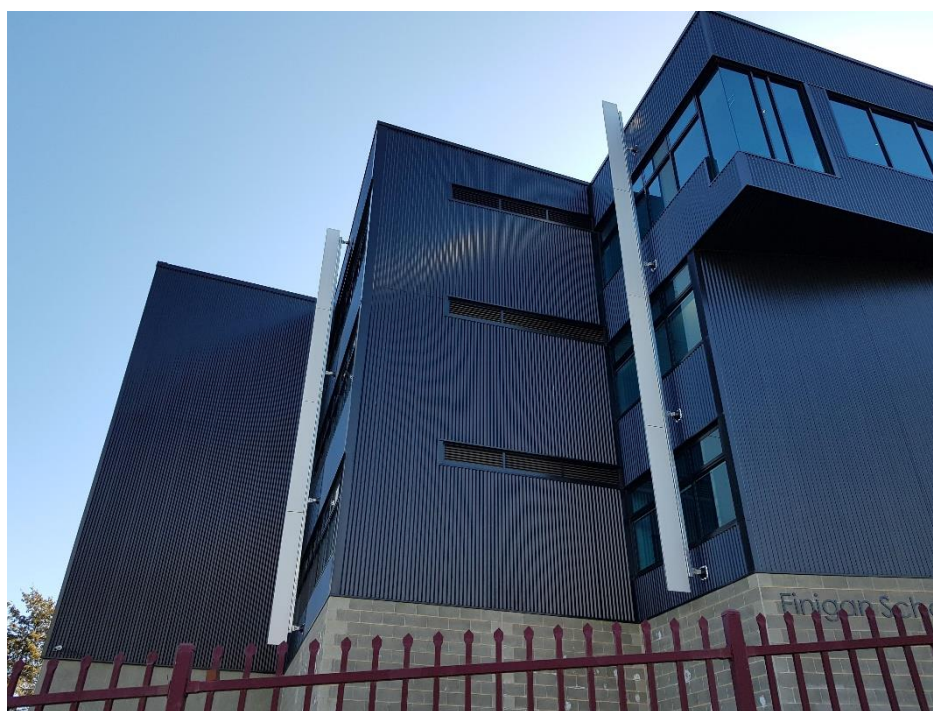


6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre - 42 Surveyor Street, Crestwood - (Ref: ; Author: Thompson/Glouftsis) (Continued)



**Figure 7: Subject Site**

Figures 8 to 14 below show the external façade of the Distance Education Building, and internal views and layout. Figure 9 shows the full extent of the southern façade of the building, with the slope of the land and planted landscaping visible.



**Figure 8: Detail of Vertical Blades**



6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre - 42 Surveyor Street, Crestwood - (Ref: ; Author: Thompson/Glouftsis) (Continued)



*Figure 9: Southern Façade*



*Figure 10: Internal View Out From Ground Floor Window*



6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre -  
42 Surveyor Street, Crestwood - (Ref: ; Author: Thompson/Glouftsis) (Continued)

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*Figure 11: Internal Layout of Ground Floor*



*Figure 12: Internal View from Ground Floor*

6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre -  
42 Surveyor Street, Crestwood - (Ref: ; Author: Thompson/Glouftsis) (Continued)



*Figure 13: Detail of Obscure Glazing on Level 2*



*Figure 14: Detail of Vertical Blade from Internal View*



**6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre - 42 Surveyor Street, Crestwood - (Ref: ; Author: Thompson/Glouftsis) (Continued)*****Planning Requirements***

Assessment of the application has been undertaken in accordance with Section 4.55 of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 4.55 are summarised in the attached *Section 4.55 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 (Educational Establishments and Child Care Facilities) 2017*
2. *State Environmental Planning Policy No.55 – Remediation of Land*
3. *Queanbeyan Local Environmental Plan 2012 (LEP)*.
4. *Queanbeyan Development Control Plan 2012 (DCP)*

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration include privacy and overlooking to adjoining properties, and the issues relating to these items raised within the submission received during the public notification period.

**(a) *Compliance with State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017***

Part 4 of the SEPP outlines specified development controls for schools. Development for the purpose of a school is permissible in a prescribed zone (including R2 low density residential) under Part 4, clause 33 and 35. The proposed development does not contravene any of the controls contained within Part 4 of the SEPP.

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

The proposed modification is not affected by any potentially contaminating uses of the site based on previous and current use.

**(c) *Compliance with Queanbeyan LEP 2012******Zoning and Permissibility***

The subject site is zoned R2 Low Density Residential under the *Queanbeyan Local Environmental Plan 2012*. Permissibility for the purposes of a school is established under the *State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017*.

***Building Height***

The proposed modification to reduce the number of vertical blade louvres on the southern facade does not result in a change to the buildings height.

**(d) *Compliance with Queanbeyan DCP 2012******Part 1 – About this Development Control Plan***

The proposed modification was notified for a period of 14 days. One submission against the modification was received during this period. Issues raised in the submission and a response is provided under the engagement section of this report.

**6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre - 42 Surveyor Street, Crestwood - (Ref: ; Author: Thompson/Glouftsis) (Continued)**

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**Part 2 - All Zones***Section 2.2 – Car Parking*

There are no changes to the existing car parking layout as a result of the modification.

*Section 2.3 – Environmental Management*

The proposed changes to the vertical blade architectural feature will not result in any negative impacts in regards to this section of the DCP. Visual privacy and overlooking are assessed against Part 3A of the Queanbeyan Development Control Plan below.

*Section 2.6 – Landscaping*

The proposed modification does not include any changes to the existing landscaping.

*Section 2.9 – Safe Design*

The vertical blades do not create any inconsistencies with the provisions of safe design. Adequate passive surveillance is retained to and from the site and entry and access points to the premises are still legible.

*Section 2.13 – Preservation of Trees and Vegetation*

The proposed modification does not result in any changes to landscaping and existing vegetation.

**Part 3A – Urban Residential Development**

The subject site is located within a residential zone and as such is subject to Part 3A of the DCP. The part does not contain controls specific to non-residential uses within residential zones, therefore the application has been assessed on its merits. The main points of consideration for the proposed modification includes privacy and overlooking to the adjoining residential properties located on Early Street.

An excerpt taken from the report to the JRPP for DA 298-2016, regarding views, shadowing and privacy is provided below:

*Views, Shadowing and Privacy*

*Whilst the proposed building will be visually prominent it will not impact on any significant views from adjoining properties.*

*The applicant has submitted shadow diagrams which indicate that the building will retain a minimum 3 hours sunlight to private open space of adjoining dwellings on 21 June. This is considered to be acceptable.*

*There is concern that the proposed building could result in adverse overlooking to sensitive areas of private open space to dwellings directly adjoining the site to the south. Of particular concern are No's 9, 11, 13 and 15 Early Street. It is acknowledged that the building is setback a minimum 15m from the boundary and that screen planting is proposed. The eucalypt chosen to be planted along the rear boundary Eucalyptus Mannifera is typically slow growing and may take ten years or more to reach its mature height. Vertical blade features on the windows will prevent some cross views, however given the significant difference in height between the proposed finished floor levels of the building, which for the third storey is over 11m, some direct overlooking of the adjoining private open space to the south is inevitable. It is recommended that to reduce the impact of overlooking to these properties that a condition be placed on the*

**6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre - 42 Surveyor Street, Crestwood - (Ref: ; Author: Thompson/Glouftsis) (Continued)**

*consent requiring fixed screening to glazing on the second and third storeys on the southern elevation.*

*Assessing Officer's Comments* - It is considered that the vertical blades on the southern elevation do not provide any significant benefit to privacy of adjoining residential properties, providing only a minor obstruction of cross views as noted in the JRPP report above. The Development Consent (DA 298-2016) included a condition for obscure glazing to a height of 1.8 metres on the second and third levels of the southern elevation, which is considered a far more effective solution in regards to privacy for adjoining residential properties on Early Street.

The installation of glazing was imposed through Condition 4 of (DA 298-2016) and has been installed. It is not considered that an adverse outcome would be created through the reduction of the number of vertical blades in regards to views from the second and third floor as the opaque glazing of these windows already eliminates overlooking.

The recommendation is that the modification to reduce the vertical blades is supported, however Council needs to consider whether or not the imposition of obscure glazing needs to be added to the ground floor as a result of the removal of the vertical blades. In Council's view the removal of the additional blades does warrant additional privacy measures being put in place on the first floor. While the blades do not result in a significant reduction in overlooking it is considered that opaque glazing would make up for the loss of privacy which does occur.

As a result Council foreshadowed that it would require an amendment to Condition 4 of the consent requiring 1.8m high opaque glazing to be installed in the lower floor windows.

Pursuant to Division 4.6, Clause 4.33 (1)(b) of the *EP&A Act 1979* Council requires approval from the Applicant or Minister for the imposition of conditions to a Crown Development. The revised condition was forwarded to the Department of Education for their concurrence. The Department advised that it does not support amending Condition 4 of DA 298-2016 to include opaque screening of any type or height on the ground floor windows of the southern elevation.

In support of that view the School Principal provided a submission from 67 staff working in the building objecting to the installation of opaque glazing because of the impact it has on restricting natural light and views from the building. This issue is discussed in the submissions are explored in more detail within the engagement section of this report below.

This leaves Council in the difficult situation of requiring a condition that is not supported by the applicant. Council is unable to refuse the application as this cannot be done without the concurrence of the Department or the Minister for Planning.

The options available to Council are:

1. Support the reduction in vertical blades on the southern elevation from 13 to 5 with no additional screening required on the ground floor i.e. approve the application as submitted.
2. Support the reduction in vertical blades on the southern elevation from 13 to 5 seeking the Minister for Planning's concurrence to impose a condition requiring the addition of obscure glazing to a height of 1.8 metres on the southern elevation windows of the ground floor.
3. Support the reduction in vertical blades on the southern elevation from 13 to 5 seeking the Minister for Planning's concurrence to impose a condition requiring the addition of

**6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre - 42 Surveyor Street, Crestwood - (Ref: ; Author: Thompson/Glouftsis) (Continued)**

obscure glazing to a height of 1.2 metres on the southern elevation windows of the ground floor.

Option 1 would mean Council approves the application.

Option 2 has been rejected by the Department of Education so if Council wanted to pursue this option it would need to take the matter to the Minister for Planning.

Option 3 is similar to Option 2 but provides a compromise that the Department might find more acceptable. From Figure 11 above it can be seen that the normal position of workstations in this area is 2-3 metres from the window. In a sitting position it would be difficult to see into the yard of nearby houses at all. If standing near desks a 1.2m opaque glazing would ensure that occupants of the building would still have distant views and additional natural light (as opposed to a 1.8m high screen) but would not be able to look down into nearby houses.

As such it is recommended that Option 3 be pursued. The revised condition of consent (amendments shown italicised blue) would read as follows:

4. SCREENING OF WINDOWS

Glazing to the *first*, second, and third stories of the southern elevation of the building to be fitted with opaque glass or opaque film to a height of:

- *1.2 metres in the case of the first storey; and*
- *1.8 metres in the case of the second and third storeys;*

above floor level to the inside of the glazing, to mitigate overlooking to adjoining neighbours on Early Street. ~~Details to be submitted to and endorsed by Council prior to certification of the Crown Building Work.~~

### **Engagement**

The proposal required notification under Part 1 of the Queanbeyan DCP 2012. One submission was received against the proposed modification. The NSW Department of Education also submitted comments from staff with 67 comments in support of the modification in its current form without the imposition of additional screening to the ground floor windows of the southern elevation. The relevant issues raised are as follows:

**Issues (Against):** The submission against the modification raised objection to the proposed modification as a result of issues with bulk and scale, overlooking, overshadowing and car parking.

**Issues (In Support of):** The submission received from the NSW Department of Education incorporated 67 comments from staff at the Finigan Distance Education School in support of the modification to reduce the number of vertical blades from 13 to 5 without the imposition of additional screening. The main issues raised include access to natural light and views, well-being and mental health.

**Assessing Officers Comment:** It is noted that a number of the issues raised in the not supporting submission such as car parking, overshadowing and the height of the building are related to the outcome of the original development application (DA 298-2016) and are not impacted by the proposed modification. As a result only those issues relating to the modification are considered within this assessment and this response to the submission.

In this instance the modification to reduce the vertical blades from 13 to 5 requires direct consideration in regard to overlooking, privacy and bulk and scale. In regards to privacy it is considered that overlooking on the second and third levels of the building have been adequately dealt with through Condition 4 of the original development consent, which required these levels to include obscure glazing up to 1.8 metres in height. This is seen as a sufficient

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with the vertical blades that have been removed not having any further impact on overlooking from these windows.

However, the first level does not include the provision of obscure glazing. While the reduction of the vertical blades is not considered to create any substantial additional overlooking impacts, it is recommended that condition 4 of the consent be modified to include the provision of obscure glazing up to a height of 1.8 metres in line with levels 2 and 3 or at a lower rate of 1.2 metres as a compromise. This is considered a much more effective means of addressing privacy to adjoining residential properties.

In regards to bulk and scale it is considered that the introduction of additional building elements would not have any significant impact in reducing bulk and scale and that the buildings bulk is created out of its height, the slope of the land and overall size.

The applicant also provided the following response to the submission in relation to bulk and scale:

*The volume of the building comes directly from the building's briefed floor area and the restricted site. The rectangular plan shape was dictated by the briefed arrangement and layout of the interior. It is three stories to accommodate the required floor area. These factors result in a "bulky" building.*

*The steep slope of the ground results in the building being cut deeply into the site at the north western corner and being well above ground at the south eastern corner. The ground continues to slope away to the south increasing the perceived height of the building.*

*Additional trees have been added the full length of the building along the southern boundary. It is this dense screen planting that will reduce the visual impact of the building on the residences to the south rather than the number of vertical blades on the southern facade.*

It is noted that the Department of Education need to approve any changes to conditions and that the Department of Education do not support the proposed change to Condition 4 to include obscure glazing to a height of 1.8m. As such if Council wishes to pursue opaque glazing at either 1.8m or at the compromise height of 1.2m it will need to seek the approval of the Minister for Planning.

**Conclusion**

The submitted proposal for a modification to the Distance Education School to reduce the number of vertical blade louvers on the external southern elevation from 13 to 5 on Lot 12-13, 1-8, 91-96 & 26, Section 16, DP 1892, 365881, 13341, 1042890, No. 42 Surveyor Street, Crestwood is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and one submission was received during the notification period. In addition a submission in the form of written representations from staff utilising the building was received.






The proposal has been assessed under Section 4.55 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

It is considered that the development satisfies the requirements and achieves the objectives of these instruments and that the proposed modification be approved subject to the agreement of a recommendation between Council and the NSW Department of Education in regards to the requirement for any additional privacy screening on the southern elevation of the ground floor.

**6.1 Modification Application 298-2016.A - Queanbeyan Distance Education Centre - 42 Surveyor Street, Crestwood - (Ref: ; Author: Thompson/Glouftsis) (Continued)**

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**Attachments**

- Attachment 1  DA 298-2016.A - S4.55 Matters for Consideration - 42 Surevyor Street  
(*Under Separate Cover*)
- Attachment 2  DA 298-2016.A - Architectural Plans - 42 Surveyor Street Crestwood  
(*Under Separate Cover*)
- Attachment 3  DA 298-2016.A - Submission Against Development - 42 Surveyor Street  
(*Under Separate Cover*)
- Attachment 4  DA 2016-298.A - Submission For Development - From Staff - 42  
Surveyor Street (*Under Separate Cover*)
- Attachment 5  DA 298-2016.A - Response to Submission from Applicant - 42 Surveyor  
Street (*Under Separate Cover*)

6.2 DA.2019.006 - 71 Macdiarmid Road, Burra - Three (3) Lot Community Title Subdivision (Subdivision Simplificiter) (Ref: ; Author: Thompson/Perkins)

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**Summary**

***Reason for Referral to Council***

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

Proposal:	Three (3) Lot Community Title Subdivision
Applicant/Owner:	G.Roberts/ GRAMM Property Pty Ltd
Subject Property:	Lot 4 DP 285984, No. 71 Macdiarmid Road, Burra
Zoning and Permissibility:	E4 Environmental Living under Palerang Local Environmental Plan 2014
Public Submissions:	Seven (7)
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

**That:**

- 1. Development application DA.2019.006 for a three (3) lot, Community Title subdivision on Lot 4 DP285984, 71 MacDiarmid Road, Burra be refused for the following reasons:**
  - (a) Council has no ability to consent to the subject application in accordance with Clause 4.1B(5) of the *Palerang Local Environmental Plan 2014* as Lot 4 DP 285984 having been created under Clause 20 of the *Yarrowlumla Local Environmental Plan 2002* forms a resulting lot as defined under Clause 4.1B(6) of the *Palerang Local Environmental Plan 2014* (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).**
  - (b) The proposed development resulting in an average lot size of 3.286ha fails to achieve the 6ha average lot size applicable to the subject site and therefore fails to satisfy the requirements of Clause 4.1(b)(4)(a) of the *Palerang Local Environmental Plan 2014* (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).**
  - (c) The proposed development fails to satisfy the provisions of Clause 6.4 – Drinking Water Catchments of the *Palerang Local Environmental Plan 2014* as insufficient information accompanied the application to satisfactorily establish that the development is designed, sited and will be managed in such a way as to avoid any significant adverse impact on water quality within the Googong Drinking Water Catchment (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).**

**6.2 DA.2019.006 - 71 Macdiarmid Road, Burra - Three (3) Lot Community Title Subdivision (Subdivision Simpliciter) (Ref: ; Author: Thompson/Perkins)  
(Continued)**

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- (d) The subject site is burdened by a number of environmental constraints that significantly inhibit potential for future development and associated infrastructure upon the proposed lots. As such, the subject site is considered to be unsuitable for the purposes of the proposed development. (4.15(1)(c) *Environmental Planning and Assessment Act 1979*).**
  - (e) Throughout the public notification period a number of submissions were received raising valid planning concerns in relation to the proposed development (4.15(1)(d) *Environmental Planning and Assessment Act 1979*).**
  - (f) The proposed development by way of contravening development standards established under the *Palerang Local Environmental Plan 2014* is considered to be contrary to the public interest (4.15(1)(e) *Environmental Planning and Assessment Act 1979*).**
  - (g) NSW Rural Fire Service confirmed that approval was required under Section 100b of Rural Fires Act 1997 and that insufficient information was supplied to allow concurrence to be granted.**
- 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
  - 3. The NSW Rural Fire Service be forwarded a copy of Council's Notice of Determination.**
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### **Background**

The subject application seeks approval for a three (3) lot Community title subdivision of Lot 4 DP285984, 71 MacDiarmid Road, Burra resulting in lots ranging from 1.36ha to 6ha in area.

The subject site is a resulting lot as defined under Clause 4.1B(6) of the *Palerang Local Environmental Plan 2014* and Council has no ability to approve the subject application.

Further, the proposed development fails to satisfy the average lot size provisions of Clause 4.1B of *Palerang Local Environmental Plan 2014*. The subject application was not accompanied by request prepared under Clause 4.6 of the PLEP 2014 to vary the minimum lots size.

The subject site is burdened by a number of environmental constraints and the proposed lots are therefore limited in their future development potential.

The subject application was publically notified from 20 February 2019 to 6 March 2019 in accordance with the requirements of Part E of the *Palerang Development Control Plan 2015*. In this time seven (7) submissions were received raising concerns in relation to lot sizes, compatibility with surrounding development and potential impacts of the development upon the existing neighbourhood scheme.

In recognition of the above, Council is unable to approve the proposed development and as such DA.2019.006 is recommended for refusal



**6.2 DA.2019.006 - 71 Macdiarmid Road, Burra - Three (3) Lot Community Title Subdivision (Subdivision Simplificiter) (Ref: ; Author: Thompson/Perkins) (Continued)**

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***Previous Applications***

**1999/DA-007** - 1999/DA077 was previously approved by Council at its meeting of 8 June 2004 under Clause 20 of the former *Yarrowlumla Local Environmental Plan 2002* for a 29 lot, Community Title Rural Residential subdivision with lots ranging from 2.1ha to 15.9ha in area and a 4.1ha community lot separated in two (2) parts designated for stock handling facilities, community dam and non-potable water supply reservoir.

The subject site (Lot 4) was subsequently created through the registration of DP 258984 on 6 March 2006.

**DA.2018.121** - Development application DA.2018.121 for a three (3) lot, Community title subdivision of the site in the same configuration as proposed under the proposed application was refused by Council at its meeting of 23 January 2019 for the following reasons:

Reasons for Refusal:

- a) Council has no ability to consent to the subject application in accordance with Clause 4.1B(5) of the *Palerang Local Environmental Plan 2014* as Lot 4 DP 285984 having been created under Clause 20 of the *Yarrowlumla Local Environmental Plan 2002* forms a resulting lot as defined under Clause 4.1B(6) of the *Palerang Local Environmental Plan 2014* (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- b) The proposed development resulting in an average lot size of 3.286ha fails to achieve the 6ha average lot size applicable to the subject site and therefore fails to satisfy the requirements of Clause 4.1(b)(4)(a) of the *Palerang Local Environmental Plan 2014* (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- c) Council is unable to approve the subject application in accordance with Clause 4.6(4)(b) of the *Palerang Local Environmental Plan 2014* as the Secretary of the Department of Planning and Environment withheld concurrence (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- d) Council is unable to utilise the provisions of Clause 4.6 of the *Palerang Local Environmental Plan 2014* to consent to the subject application as the proposed development results in more than two (2) lots of less than the minimum area specified for such lots by a development standard with the E4 Environmental Living Zone fails to satisfy the requirements of Clause 4.6(6)(a) of the *Palerang Local Environmental Plan 2014* (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- e) The proposed development fails to satisfy the provisions of Clause 6.4 – Drinking Water Catchments of the *Palerang Local Environmental Plan 2014* as insufficient information accompanied the application as to satisfactorily establish that the development is designed, sited and will be managed in such a way as to avoid any significant adverse impact on water quality within the Googong Drinking Water Catchment (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- f) The proposed building envelopes upon proposed lots 31 and 32 contain significant constraints. When excluding these areas the building envelope upon proposed lot 32 fails to satisfy the minimum building envelope area of 4000m<sup>2</sup> required under Section C1.2.5 of the *Palerang Development Control Plan 2015* (4.15(1)(a)(iii) *Environmental Planning and Assessment Act 1979*).

**6.2 DA.2019.006 - 71 Macdiarmid Road, Burra - Three (3) Lot Community Title Subdivision (Subdivision Simplificiter) (Ref: ; Author: Thompson/Perkins) (Continued)**

- g) The proposed building envelopes upon proposed lots 31 and 32 contain insufficient unconstrained area to accommodate for onsite effluent disposal and as such the proposal fails to satisfy the requirements of Section C1.2.7 of the *Palerang Development Control Plan 2015* (4.15(1)(a)(iii) *Environmental Planning and Assessment Act 1979*).
- h) The subject site is burdened by a number of environmental constraints that significantly inhibit potential for future residential development and associated infrastructure upon the proposed lots. As such, the subject site is considered to be unsuitable for the purposes of the proposed development. (4.15(1)(c) *Environmental Planning and Assessment Act 1979*).
- i) Throughout the public notification period a number of submissions were received raising valid planning concerns in relation to the proposed development (4.15(1)(d) *Environmental Planning and Assessment Act 1979*).
- j) The proposed development by way of contravening development standards established under the *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015* is considered to be contrary to the public interest (4.15(1)(e) *Environmental Planning and Assessment Act 1979*).

**DA.2019.065** - Development application DA.2019.065 was lodged under Division 4.4 of the Environmental Planning and Assessment Act 1979 as a concept development application for a three (3) lot, Community title subdivision in the same configuration as proposed under the subject application and a single dwelling upon each of the proposed lots. DA.2019.065 is also to be considered by Council at this meeting for determination.

***Proposed Development***

The application seeks Council approval for a three (3) lot, Community Title subdivision. Specifically the applicant seeks approval with no proposed future use of Lots 31 and 32.

The specific elements of the proposal are the creation of three (3) neighbourhood lots as follows.

Lot #	Area	Building Envelope Area	Structures	Access
Lot 4	2.50ha	Existing 4,096m <sup>2</sup>	Existing dwelling and shed	Existing driveway from MacDiarmid Road
Lot 31	1.36ha	Nil	Nil	Proposed right of carriageway over Lot 32
Lot 32	6.00ha	Nil	Nil	Proposed driveway from MacDiarmid Road

***Subject Property***

The subject site is legally described as Lot 4 DP 285984 and is commonly known as 71 MacDiarmid Road, Burra. The site is located on the western side of MacDiarmid Road and has an area of 9.86ha (see Figure 1 below).

Existing development on the site comprises a single storey dwelling and detached shed structure. Vehicular access is provided to the site via an existing driveway from MacDiarmid Road, Burra.

Existing development within the locality consists of rural residential land uses including rural dwellings, hobby farms and some extensive agriculture practices.

6.2 DA.2019.006 - 71 Macdiarmid Road, Burra - Three (3) Lot Community Title Subdivision (Subdivision Simpliciter) (Ref: ; Author: Thompson/Perkins) (Continued)

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**Figure 1: Locality plan**

### ***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. *Palerang Local Environmental Plan 2014 (PLEP)*.
2. *Palerang Development Control Plan 2015 (PDCP)*

Council is unable to approve the subject application as the proposed development fails to satisfy a number of development standards under the PLEP and development controls under the PDCP. The significant issues relating to the proposal for the Council's consideration are as follows.

#### ***(a) Compliance with LEP***

##### ***PALERANG LOCAL ENVIRONMENTAL PLAN (PLEP) 2014***

The subject site is Zoned E4 Environmental Living zone under the *Palerang Local Environmental Plan 2014*. Development for the purposes of subdivision is permissible with consent under Clause 2.6 of the PLEP 2014. However, Clause 4.1B of the PLEP establishes a number of controls relevant to lot averaging subdivision within the E4 Environmental Zone such as the proposed development. An assessment of the proposed development against the provisions of Clause 4.1B of the PLEP 2014 is summarised as follows.

**6.2 DA.2019.006 - 71 Macdiarmid Road, Burra - Three (3) Lot Community Title Subdivision (Subdivision Simplificiter) (Ref: ; Author: Thompson/Perkins) (Continued)**

*Lot averaging subdivision of certain land in Zone E4*

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.1B</b>	Average Lot size	6ha	3.28ha	No
	Minimum subdivision lot size	1ha	1.36ha	Yes
	Resulting Lot?		Yes	No

*Comment:* Clause 4.1B(5) of the *Palerang Local Environmental Plan 2014* establishes that Council is unable to grant development consent for the purposes of a subdivision of a resulting lot for the purposes of residential accommodation. The subject lot was created under 1999/DA077 which was approved by Council at its meeting of 8 June 2004 under Clause 20 of the former *Yarrowlumla Local Environmental Plan 2002* for a 29 Lot Community title subdivision. Further, residential accommodation was permissible upon the allotment. As such, the subject lot forms a resulting lot as defined under Clause 4.1B(6) of the *Palerang Local Environmental Plan 2014*. While the applicant proposes no use for proposed Lots 31 and 32, Lot 4 is currently and is proposed to be utilised for residential purposes. As such, Council has no ability to grant consent to the subdivision of the site as proposed.

**(b) Compliance with DCP**

Section 1.2 of the *Palerang Development Control Plan 2015* establishes a number of development controls relevant to the subject application. The proposed development is generally consistent with the provisions of the PDCP 2015.

**(c) Other Matters**

*Likely Future Uses*

The subject application was lodged upon the premise that the future uses of proposed Lots 31 and 32 would be considered at a later date under a subsequent application and that no consideration was required of the potential impacts of such development throughout the subdivision process.

The NSW Land and Environment Court in *Parrott v Kiama* [2004] NSWLEC 77 has established a planning principle for the consideration of future structures/uses throughout the assessment of subdivisions that is applicable to the subject application.

Senior Commissioner Roseth established that “a subdivision application should provide constraints on future buildings when the proposed allotments are smaller than usual, or environmentally sensitive or where significant impacts on neighbours is likely and needs careful design to minimise them”. The subject site is considered to contain environmentally sensitive land as information that accompanied previous development applications upon the subject site identified significant environmental constraints upon the site including the topography of the site, the presence of drainage lines, the presence of endangered ecological communities (White Box Yellow Box Blakely’s Red Gum Woodland) and pink-tailed worm-lizard habitat upon the site.

In recognition of these constraints it is appropriate that consideration be given to the suitability of the site for likely future uses. In recognition of the predominant surrounding land uses comprising rural dwellings, hobby farms and some extensive agriculture practices it is considered to be reasonable that the future use of lots 31 and 32 would include residential land uses. The subject site is burdened by a number of constraints including undulating topography, rock outcrops, drainage lines and threatened species habitat that are considered to make proposed lots 31 and 32 unsuitable for such uses.

Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 requires consideration be given to the suitability of the site for the purposes of the proposed

**6.2 DA.2019.006 - 71 Macdiarmid Road, Burra - Three (3) Lot Community Title Subdivision (Subdivision Simplificiter) (Ref: ; Author: Thompson/Perkins)  
(Continued)**

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development. The subject site is burdened by a number of constraints including undulating topography, rock outcrops, drainage lines and threatened species habitat. As a result of these constraints the proposed lots include insufficient area to accommodate future residential development and associated infrastructure. As such, the proposed development is considered to represent an over development of the site and accordingly the subject site is considered to be unsuitable for the purposes of the proposed development.

***Other Comments(a) NSW Rural Fire Service***

The proposed development being for the purposes of subdivision of bushfire prone land that could lawfully be used for rural residential purposes requires approval under Section 100b of the NSW Rural Fires Act 1997. At the time of lodgement the applicant declined to submit the required fees to allow for such an application to be made upon the premise that no such approval is required. Council referred the subject application to the NSW Rural Fire Service who confirmed that approval was required under Section 100b of Rural Fires Act 1997 and as such concurrence was not granted.

***(b) Environmental Health Comments***

In recognition of the known physical constraints upon the site and in recognition of the findings of a previous report prepared by Franklin Consulting Australia Pty Limited for the site, Council's Environmental Health Team do not support the subject application.

***(c) Development Engineer's Comments***

Council's Development Engineer offered no objections to the proposal subject to the imposition of conditions of consent.

**Engagement**

The proposal required notification under Part E of the Palerang DCP 2015. Seven (7) submissions were received. A summary of submissions is shown below.

***1. Impacts upon common property and community water supply***

Concern was raised over the potential impacts of the development upon the existing community water supply benefitting the subject lot.

*Assessing officer's comments:* In accordance with the existing Neighbourhood Management Statement each lot created under DP285984 is entitled to 870,000 litres of non-potable water per annum. As such, the proposed subdivision would see this entitlement divided by three (3) and would not result in any additional entitlement to draw water from the community supply beyond the existing entitlement.

***2. Minimum lot size***

Concern was raised that the proposed lot sizes fail to meet the minimum lot sizes for the site as established under the Palerang Local Environmental Plan 2014.

*Assessing officer's comments:* This is correct. Some of the plots do not meet the minimum lot size as discussed in detail previously throughout this report.

**6.2 DA.2019.006 - 71 Macdiarmid Road, Burra - Three (3) Lot Community Title Subdivision (Subdivision Simplificiter) (Ref: ; Author: Thompson/Perkins)  
(Continued)**

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**3. Increased Residential Density**

Concern was raised over the increased residential density represented by the proposed development.

*Assessing officer's comments:* The proposed development results in lots below the average lot size established under Clause 4.1B of the *Palerang Local Environmental Plan 2014* and would allow development beyond the planned residential density as established under the PLEP 2014.

**4. Bushfire**

Concern was raised over the additional bushfire risk posed by the proposed development and impact upon communal firefighting resources.

*Assessing officer's comments:* The subject application requires the concurrence of the NSW Rural fire Service under Section 100b of the *Rural Fires Act 1997*. The RFS declined to grant concurrence to the subject application.

**5. Precedent**

Concern was raised that the proposed development, involving a variation to the average lot size provisions of the *Palerang Local Environmental Plan 2014*, may establish an undesirable precedent for further development within the locality.

*Assessing officer's comments:* Any future development application for the purposes of subdivision would be required to be considered upon its own merit.

**6. Traffic**

Concerns were raised over potential impacts of additional traffic movements generated as a result of future development upon the proposed allotments.

*Assessing officer's comments:* Potential future residential uses of the proposed allotments while being likely to generate some additional traffic movements are considered unlikely to result in any significant impacts upon the efficient operation of the existing road network.

**7. Water Quality**

Concern was raised regarding potential impacts of the proposed development upon water quality within the locality.

*Assessing officer's comments:* The subject application was accompanied by insufficient information to determine the impact of future development upon the site upon water quality within the Googong Drinking Water Catchment.

**8. Relationship to current Neighbourhood Management Statement**

Concern was raised over the potential impacts of the development upon the existing Neighbourhood Management Statement for DP285984.

*Assessing officer's comments:* The relationship of the proposed development and Neighbourhood Management Scheme is a matter for the members of the scheme and is beyond the scope of this assessment.

**6.2 DA.2019.006 - 71 Macdiarmid Road, Burra - Three (3) Lot Community Title Subdivision (Subdivision Simpliciter) (Ref: ; Author: Thompson/Perkins)  
(Continued)**



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**Conclusion**

The submitted proposal for a three (3) lot, Community Title Subdivision of Lot 4 DP 285984, 71 Macdiarmid Road, Burra has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of the *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

The proposed development fails to satisfy numerous provisions under the *Palerang Local Environmental Plan 2014* and the *Palerang Development Control Plan 2015* relating to average lot size, water quality, building envelopes and effluent disposal. Further, the subject site is constrained and the proposal is considered to represent an overdevelopment of the site. As such, the proposed development is not considered suitable for the site, and is recommended for refusal.

**Attachments**

- |  |   |
|--|---|
| Attachment 1   | DA.2019.006 - 71 Macdiarmid Road, Burra - Attachment 1 - 4.15 Assessment Report ( <i>Under Separate Cover</i> ) |
|  Attachment 2 | DA.2019.006 - 71 Macdiarmid Road, Burra - Attachment 2 - Plans ( <i>Under Separate Cover</i> )                  |
|  Attachment 3 | DA.2019.006 - 71 Macdiarmid Road, Burra - Attachment 3 - Submissions ( <i>Under Separate Cover</i> )            |





6.3 DA.2019.065 - 71 Macdiarmid Road, Burra - Concept Proposal - Three Lot Community Title Subdivision and Two (2) Single Dwellings (Ref: ; Author: Thompson/Perkins)

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**Summary**

***Reason for Referral to Council***

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

Proposal:	Three (3) Lot Community Title Subdivision
Applicant/Owner:	RIG Consulting Pty Ltd/ GRAMM Property Pty Ltd
Subject Property:	Lot 4 DP 285984, No. 71 Macdiarmid Road, Burra
Zoning and Permissibility:	E4 Environmental Living under Palerang Local Environmental Plan 2014
Public Submissions:	Three (3)
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

**That:**

1. Development application DA.20198.065 for a Concept development approval including a Three (3) lot Community title subdivision and two (2) dwelling houses on Lot 4 DP285984, 71 MacDiarmid Road, Burra be refused for the following reasons.

**Reasons for Refusal:**

- (a) Council has no ability to consent to the subject application in accordance with Clause 4.1B(5) of the Palerang Local Environmental Plan 2014 as Lot 4 DP 285984 having been created under Clause 20 of the Yarrowlumla Local Environmental Plan 2002 forms a resulting lot as defined under Clause 4.1B(6) of the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
  - (b) The proposed development resulting in an average lot size of 3.286ha fails to achieve the 6ha average lot size applicable to the subject site and therefore fails to satisfy the requirements of Clause 4.1(b)(4)(a) of the *Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) Environmental Planning and Assessment Act 1979*).
  - (c) Council is unable to utilise the provisions of Clause 4.6 of the Palerang Local Environmental Plan 2014 to consent to the subject application as the proposed development results in more than two (2) lots of less than the minimum area specified for such lots by a development standard with the E4 Environmental Living Zone fails to satisfy the requirements of Clause
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**6.3 DA.2019.065 - 71 Macdiarmid Road, Burra - Concept Proposal - Three Lot Community Title Subdivision and Two (2) Single Dwellings (Ref: ; Author: Thompson/Perkins) (Continued)**

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**4.6(6)(a) of the *Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) Environmental Planning and Assessment Act 1979).***

- (d) The proposed development fails to satisfy the provisions of Clause 6.4 – Drinking Water Catchments of the *Palerang Local Environmental Plan 2014* as insufficient information accompanied the application as to satisfactorily establish that the development is designed, sited and will be managed in such a way as to avoid any significant adverse impact on water quality within the Googong Drinking Water Catchment (*4.15(1)(a)(i) Environmental Planning and Assessment Act 1979*).**
- (e) The proposed building envelopes upon proposed lots 31 and 32 contain insufficient unconstrained area to accommodate onsite effluent disposal and as such the proposal fails to satisfy the requirements of Section C1.2.7 of the *Palerang Development Control Plan 2015 (4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979*).**
- (f) The subject site is burdened by a number of environmental constraints that significantly inhibit potential for future residential development and associated infrastructure upon the proposed lots. As such, the subject site is considered to be unsuitable for the purposes of the proposed development. (*4.15(1)(c) Environmental Planning and Assessment Act 1979*).**
- (g) Throughout the public notification period a number of submissions were received raising valid planning concerns in relation to the proposed development (*4.15(1)(d) Environmental Planning and Assessment Act 1979*).**
- (h) The proposed development by way of contravening development standards established under the *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015* is considered to be contrary to the public interest (*4.15(1)(e) Environmental Planning and Assessment Act 1979*).**

- 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
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### **Background**

The subject application seeks approval under Section 4.22 of the Environmental Planning and Assessment Act 1979 for a concept development approval including a three (3) lot, Community Title subdivision and two (2) dwelling houses upon Lot 4 DP285984, 71 MacDiarmid Road, Burra resulting in lots ranging from 1.36ha to 6ha in area.

The subject site forms a resulting lot as defined under Clause 4.1B(6) of the *Palerang Local Environmental Plan 2014* and Council has no ability to approved the subject application. Further, the proposed development fails to satisfy the average lot size provisions of Clause 4.1B of the *Palerang Local Environmental Plan 2014*.

The subject site is burdened by a number of constraints including undulating topography, rock outcrops, drainage lines and threatened species habitat. As a result of the constrained nature of the subject site, the proposed development also fails to satisfy the requirements of Section C1.25 Building Envelope and C1.2.7 Sewerage of the *Palerang Development Control Plan 2015* with proposed lots 31 and 32 containing limited land suitable for future residential development and the provision of associated services including onsite effluent disposal.

**6.3 DA.2019.065 - 71 Macdiarmid Road, Burra - Concept Proposal - Three Lot Community Title Subdivision and Two (2) Single Dwellings (Ref: ; Author: Thompson/Perkins) (Continued)**

The subject application was publically notified from 1 May 2019 to 15 May 2019 in accordance with the requirements of Part E of the Palerang Development Control Plan 2015. In this time three (3) submissions were received raising concerns in relation to lot sizes, compatibility with surrounding development and potential impacts of the development upon the existing neighbourhood scheme.

In recognition of the above, Council is unable to approve the proposed development and as such DA.2019.065 is recommended for refusal.

***Previous Applications***

**DA.2018.121** - Development application DA.2018.121 for a three (3) lot, Community Title subdivision of the site in the same configuration as proposed under the subject application was refused by Council at its meeting of 23 January 2019 for the following reasons:

## Reasons for Refusal:

- a) Council has no ability to consent to the subject application in accordance with Clause 4.1B(5) of the *Palerang Local Environmental Plan 2014* as Lot 4 DP 285984 having been created under Clause 20 of the *Yarrowlumla Local Environmental Plan 2002* forms a resulting lot as defined under Clause 4.1B(6) of the *Palerang Local Environmental Plan 2014* (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- b) The proposed development resulting in an average lot size of 3.286ha fails to achieve the 6ha average lot size applicable to the subject site and therefore fails to satisfy the requirements of Clause 4.1(b)(4)(a) of the *Palerang Local Environmental Plan 2014* (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- c) Council is unable to approve the subject application in accordance with Clause 4.6(4)(b) of the *Palerang Local Environmental Plan 2014* as the Secretary of the Department of Planning and Environment withheld concurrence (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- d) Council is unable to utilise the provisions of Clause 4.6 of the *Palerang Local Environmental Plan 2014* to consent to the subject application as the proposed development results in more than two (2) lots of less than the minimum area specified for such lots by a development standard with the E4 Environmental Living Zone fails to satisfy the requirements of Clause 4.6(6)(a) of the *Palerang Local Environmental Plan 2014* (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- e) The proposed development fails to satisfy the provisions of Clause 6.4 – Drinking Water Catchments of the *Palerang Local Environmental Plan 2014* as insufficient information accompanied the application as to satisfactorily establish that the development is designed, sited and will be managed in such a way as to avoid any significant adverse impact on water quality within the Googong Drinking Water Catchment (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
- f) The proposed building envelopes upon proposed lots 31 and 32 contain significant constraints. When excluding these areas the building envelope upon proposed lot 32 fails to satisfy the minimum building envelope area of 4000m<sup>2</sup> required under Section C1.2.5 of the *Palerang Development Control Plan 2015* (4.15(1)(a)(iii) *Environmental Planning and Assessment Act 1979*).
- g) The proposed building envelopes upon proposed lots 31 and 32 contain insufficient unconstrained area to accommodate for onsite effluent disposal and as such the proposal fails to satisfy the requirements of Section C1.2.7 of the *Palerang*

**6.3 DA.2019.065 - 71 Macdiarmid Road, Burra - Concept Proposal - Three Lot Community Title Subdivision and Two (2) Single Dwellings (Ref: ; Author: Thompson/Perkins) (Continued)**

*Development Control Plan 2015 (4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979).*

- h) The subject site is burdened by a number of environmental constraints that significantly inhibit potential for future residential development and associated infrastructure upon the proposed lots. As such, the subject site is considered to be unsuitable for the purposes of the proposed development. (4.15(1)(c) *Environmental Planning and Assessment Act 1979*).
- i) Throughout the public notification period a number of submissions were received raising valid planning concerns in relation to the proposed development (4.15(1)(d) *Environmental Planning and Assessment Act 1979*).
- j) The proposed development by way of contravening development standards established under the *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015* is considered to be contrary to the public interest (4.15(1)(e) *Environmental Planning and Assessment Act 1979*).

**DA.2018.006** - Development application DA.2019.006 seeks approval for a three (3) lot Community Title subdivision with no proposed use in the same configuration as proposed under the subject application. DA.2019.006 is also to be considered by Council at this meeting for determination.

***Proposed Development***

The application seeks Council approval for a concept development approval under Section 4.22 of the Environmental Planning and Assessment Act 1979 for a concept development approval including a three (3) lot Community Title subdivision and two (2) dwelling houses.

Stage 1 of the proposal includes the creation of three (3) neighbourhood lots as follows:

Lot #	Area	Building Envelope Area	Structures	Access
Lot 4	2.5ha	Existing 4,096m <sup>2</sup>	Existing dwelling and shed	Existing driveway from MacDiarmid Road
Lot 31	1.36ha	Approximately 4,650m <sup>2</sup>	Nil	Proposed right of carriageway over Lot 32
Lot 32	6ha	Approximately 4,690m <sup>2</sup>	Nil	Proposed driveway from MacDiarmid Road

*Note:* While the subject application is a concept application approval of the subject application would grant consent to stage 1 of the development without further consent.

Stage 2 of the proposal is to erect a four (4) bedroom single dwelling upon both proposed Lots 31 and 32.

Under Section 4.22(5) of the *Environmental Planning and Assessment Act 1979* when considering the likely impact of the development the subject of a concept development application, consideration can only be given to the likely impact of the concept proposals (and any first stage of development included in the application).

Consideration is unable to be given to the likely impact of the carrying out of development that may be the subject of subsequent development applications such as the proposed dwellings.

### 6.3 DA.2019.065 - 71 Macdiarmid Road, Burra - Concept Proposal - Three Lot Community Title Subdivision and Two (2) Single Dwellings (Ref: ; Author: Thompson/Perkins) (Continued)

As such, for the purposes of this application consideration is focussed upon proposed stage 1 of the development and the overall concept approval.

#### **Subject Property**

The subject site is legally described as Lot 4 DP 285984 and is commonly known as 71 MacDiarmid Road, Burra. The site is located on the western side of MacDiarmid Road and has an area of 9.86ha.

Existing development on the site comprises a single storey dwelling and detached shed structure. Vehicular access is provided to the site via an existing driveway from MacDiarmid Road, Burra.

Existing development within the locality consists of rural residential land uses including rural dwellings, hobby farms and some extensive agriculture practices.



**Figure 1: Locality plan**

#### **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. *Palerang Local Environmental Plan 2014 (PLEP)*.
2. *Palerang Development Control Plan 2015 (PDCP)*

Council is unable to approve the subject application as the proposed development fails to satisfy a number of development standards under the PLEP and development controls under the PDCP. The significant issues relating to the proposal for the Council's consideration are as follows.

**6.3 DA.2019.065 - 71 Macdiarmid Road, Burra - Concept Proposal - Three Lot Community Title Subdivision and Two (2) Single Dwellings (Ref: ; Author: Thompson/Perkins) (Continued)**

**(a) Compliance with LEP**

**PALERANG LOCAL ENVIRONMENTAL PLAN (PLEP) 2014**

The subject site is Zoned E4 Environmental Living zone under the *Palerang Local Environmental Plan 2014*. Development for the purposes of subdivision is permissible with consent under Clause 2.6 of the PLEP 2014. However, Clause 4.1B of the PLEP establishes a number of controls relevant to lot averaging subdivision within the E4 Environmental Zone such as the proposed development. An assessment of the proposed development against the provisions of Clause 4.1B of the PLEP 2014 is summarised as follows.

*Lot averaging subdivision of certain land in Zone E4*

<b>Cl.</b>	<b>Standard</b>	<b>Controls</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.1B</b>	Average Lot size	6ha	3.28ha	No
	Minimum subdivision lot size	1ha	1.36ha	Yes
	Resulting Lot?		Yes	No

*Comment:* Clause 4.1B(5) of the *Palerang Local Environmental Plan 2014* establishes that Council is unable to grant development consent for the purposes of a subdivision of a resulting lot for the purposes of residential accommodation. The subject lot was created under 1999/DA077 which was approved by Council at its meeting of 8 June 2004 under Clause 20 of the former *Yarrowlumla Local Environmental Plan 2002* for a 29 Lot Community title subdivision. Further, residential accommodation was permissible upon the allotment. As such, the subject lot forms a resulting lot as defined under Clause 4.1B(6) of the *Palerang Local Environmental Plan 2014* and Council has no ability to approved the subject application

**(b) Compliance with DCP**

**PALERANG DEVELOPMENT CONTROL PLAN 2015**

Section 1.2 of the *Palerang Development Control Plan 2015* establishes a number of development controls relevant to the subject application. An assessment of the subject application against the provisions of Section 1.2 found the proposal fails to satisfy Section 1.25 Building Envelope and 1.2.7 Sewerage of the PDCP due to the constrained nature of proposed Lots 31 and 32. A detailed assessment of the proposal against the provisions of PDCP 2015 is provided in the attached 4.15 Assessment Report (Attachment 1).

**(c) Other Matters**

*Site Suitability*

Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 requires consideration be given to the suitability of the site for the purposes of the proposed development. The subject site is burdened by a number of constraints including undulating topography, rock outcrops, drainage lines and threatened species habitat. As a result of these constraints the proposed lots include insufficient area to accommodate for future residential development and associated infrastructure. As such, the proposed development is considered to represent an over development of the site and accordingly the subject site is considered to be unsuitable for the purposes of the proposed development.

**6.3 DA.2019.065 - 71 Macdiarmid Road, Burra - Concept Proposal - Three Lot Community Title Subdivision and Two (2) Single Dwellings (Ref: ; Author: Thompson/Perkins) (Continued)**

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***Other Comments(a) NSW Rural Fire Service***

The proposed development being for the purposes of subdivision of bushfire prone land that could lawfully be used for rural residential purposes requires approval under Section 100b of the NSW Rural Fires Act 1997. The RFS provided General Terms of Approval on 29 May 2019.

***(b) Environmental Health Comments***

Staff reviewed the Land Suitability Assessment prepared by Franklin Consulting Australia Pty Limited that accompanied the subject application and noted that it fails to identify suitable areas within the proposed building envelopes upon proposed Lots 31 and 32 suitable for the purposes of onsite effluent disposal. Further, the report notes significant site constraints within the proposed building envelopes that would limit potential for both the disposal of effluent and future construction upon the allotments. As such, the subject application is not supported.

***(c) Development Engineer's Comments***

Council's Development Engineer offered no objections to the proposal, subject to the imposition of conditions of consent.

**Engagement**

The application was notified in accordance with Part E of the PDCP 2015 from 1 May 2019 to 15 May 2019, with three (3) submissions received. A summary of the submissions is shown below.

***1. Impacts upon community water supply***

Concern was raised over the potential impacts of the development upon the existing community water supply benefitting the subject lot.

*Assessing officer's comments:* In accordance with the existing Neighbourhood Management Statement each lot created under DP285984 is entitled to 870,000 litres of non-potable water per annum. As such, the proposed subdivision would see this entitlement divided by three (3) and would not result in any additional entitlement to draw water from the community supply beyond the existing entitlement.

***2. Minimum lot size***

Concern was raised that the proposed lot sizes fail to meet the minimum lot sizes for the site as established under the *Palerang Local Environmental Plan 2014*.

*Assessing officer's comments:* The proposed development results in lots below the average lot size established under Clause 4.1B of the *Palerang Local Environmental Plan 2014* and would allow development beyond the planned residential density as established under the PLEP 2014.

***3. Increased Residential Density***

Concern was raised over the increased residential density represented by the proposed development.

*Assessing officer's comments:* The proposed development resulting in lots below the average lot size established under Clause 4.1B of the *Palerang Local Environmental Plan 2014* would allow development beyond the planned residential density as established under the PLEP 2014.



**6.3 DA.2019.065 - 71 Macdiarmid Road, Burra - Concept Proposal - Three Lot Community Title Subdivision and Two (2) Single Dwellings (Ref: ; Author: Thompson/Perkins) (Continued)**

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#### **4. Traffic**

Concerns was raised over potential impacts of additional traffic movements generated as a result of future development upon the proposed allotments.

*Assessing officer's comments:* Potential future residential uses of the proposed allotments while being likely to generate some additional traffic movements are considered unlikely to result in any significant impacts upon the efficient operation of the existing road network.

#### **5. Visual Impacts**

Concern was raised over potential visual impacts of future development within the proposed building envelopes.

*Assessing officer's comments:* The proposed building envelopes are compliant with the setback provisions established under Section C1.2.5 of the PDCP 2015. Nonetheless, future development upon the site would require consideration of visual compatibility with surrounding development.

#### **6. Relationship to current Neighbourhood Management Statement**

Concern was raised over the potential impacts of the development upon the existing Neighbourhood Management Statement for DP285984.




*Assessing officer's comments:* The relationship of the proposed development and Neighbourhood Management Scheme is a matter for the members of the scheme and is beyond the scope of this assessment.

### **Conclusion**

The submitted proposal for a concept approval under Section 4.22 of the Environmental Planning and Assessment Act 1979 including a three (3) lot, Community Title subdivision and two (2) dwelling houses on Lot 4 DP 285984, 71 Macdiarmid Road Burra has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of the *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

The proposed development does not satisfy numerous provisions under the *Palaerang Local Environmental Plan 2014* and the *Palerang Development Control Plan 2015* relating to average lot size, water quality, building envelopes and effluent disposal. Further, the subject site is constrained and the proposal is considered to represent an overdevelopment of the site. As such, the proposed development is not considered suitable for the site, and is recommended for refusal.

### **Attachments**

- |   |   |
|---|---|
| Attachment 1<br> | DA.2019.065 - 71 Macdiarmid Road, Burra - Attachment 1 - 4.15 Assessment Report ( <i>Under Separate Cover</i> ) |
| Attachment 2<br> | DA.2019.065 - 71 Macdiarmid Road, Burra - Attachment 2 - Plans ( <i>Under Separate Cover</i> )                  |
| Attachment 3<br> | DA.2019.065 - 71 Macdiarmid Road, Burra - Attachment 3 - Submissions ( <i>Under Separate Cover</i> )            |



6.4 Request for Early Lodgement of Development Applications (Ref: ; Author:  
Thompson/Thompson)

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File Reference: 21.1.1

**Summary**

Council has recently received two requests for the early lodgement of development applications.

The first relates to a new sales office in Neighbourhood 2 of Googong. The second relates to the construction of new seed and display homes at the South Tralee urban development. This report considers those requests.

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**Recommendation**

**That Council allow the early lodgement and determination of development applications for the developments listed below subject to the following provisos:**

- a) **The developments must be carried out by the respective developers i.e. GTPL or VBC.**
- b) **Occupation and use of the developments is not permitted until the new allotments on which the developments are proposed to be located have their titles formally registered;**
- c) **That the applicants be advised that in lodging applications prior to registration of the subdivision they do so at their own risk, recognising that changes to subdivision designs can occur during the construction phase and that such changes may need to be reflected in development applications lodged.**

**Proposed developments:**

**GTPL - New Sales Office – Neighbourhood 2, Googong**

**VBC - Eight Lot display village and Car Park, South Jerrabomberra**

**- Terrace development on proposed Lot A2, South Jerrabomberra  
(Seed Homes)**

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**Background**

Council would not normally accept development applications until the land upon which the developments are to take place has had the land titles formally registered. On occasion Council receives a request to permit early lodgement of applications to facilitate the provision of services or infrastructure in a new subdivision. The last occasion when this occurred was when Council approved the early lodgement of DAs for the new Poplars commercial area at Jerrabomberra. Council has received two new requests.

*Request 1 – Sales Office Googong*

GTPL are the developers for the new urban release area at Googong. GTPL have requested approval for the early submission of a DA for a new sales office located adjacent to the new Town Centre in Neighbourhood 2 in Googong.

The request indicates that since 2014 land sales have been undertaken from Club Googong coinciding with the opening of the first display village. GTPL has now sold Club Googong and is seeking to relocate its sales office to a location near the next display village (opening March 2020). It is the intention of GTPL that this new sales office will service the remainder of the Googong development.

**6.4 Request for Early Lodement of Development Applications (Ref: ; Author: Thompson/Thompson) (Continued)**

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The submission of the DA prior to subdivision being finalised is due to the long lead times expected in DA assessment/approval and build time. GTPL expects to submit the application for the subdivision certificate for the stage in which the Sales Office sits in January 2020 and programs to commence construction of the building shortly after.

*Request 2 – Town Park, Display Village and Display Terraces*

Village Building Company (VBC) are the developers of the new urban release area at South Jerrabomberra. VBC wish to construct a display village that would comprise 8 lots and a temporary carpark for visitors to the display homes. By allowing this village to be approved as seed development it would allow the early construction of the temporary carpark. This would allow the 8 builders to prepare their DA/CC's so that they can lodge following the issue of the subdivision certificate, as they wish to settle on the blocks prior to construction commencement of their respective dwellings. Construction would not commence until title registration. VBC will be working with the builders to settle on title registration so that they can commence construction as the earliest opportunity.

In addition VBC will be delivering a terrace style housing development that will use some of the homes as display terraces. The early commencement of construction of these terraces, being on Road 1, will work to create a sense of place and together with the Town Park and Community Centre would start to create a development hub bringing vitality to the location and also managing community expectations about the design outcomes of the estate

*Assessment of Requests*

Essentially the developers are requesting that Council accept the applications and release the consents to allow construction before the registration of the land is finalised. Construction could commence but occupation would not be permitted until title registration takes place.

This has some advantages for Council in that these complex DAs are lodged over the longer interim period rather than receiving a large influx of applications immediately after the registration date. This helps to even out the workflow especially as the nature of the development requires considerably more assessment than a typical dwelling. In addition it also allows for services to be in place at the commencement of a new subdivision being sold/occupied. This gives the development a greater sense of place and is more attractive to prospective occupants and purchasers.

The disadvantage to Council accepting DAs at this early stage is that if there is some problem or delay with the construction of the subdivision or the subsequent registration and approval of the land it can result in changes to some of the DAs that may already have been lodged requiring modifications and further delays to applicants. Council will be asking applicants to acknowledge such possibilities when lodging their applications.

**Consultation**

No public consultation required in relation to this matter.

**Compliance or Policy Implications**

Subject to occupation not being permitted until after registration of the land formally occurs there appears to be no legal implications in allowing lodgement of the DAs as proposed.

**Conclusion**

Given all of the above it is considered satisfactory to accept and determine development applications for the developments listed below subject to the following provisos:

- The developments must be carried out by the respective developers i.e. GTPL or VBC.
- Occupation and use of the developments is not permitted until the new allotments on which the developments are proposed to be located have their titles formally registered;

**6.4 Request for Early Lodement of Development Applications (Ref: ; Author: Thompson/Thompson) (Continued)**

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- That the applicants be advised that in lodging applications prior to registration of the subdivision they do so at their own risk, recognising that changes to subdivision designs can occur during the construction phase and that such changes may need to be reflected in development applications lodged.

Proposed developments:

GTPL - New Sales Office – Neighbourhood 2, Googong

VBC - Eight Lot Display Village and Car Park, South Jerrabomberra

- Terrace Development on Proposed Lot A2, South Jerrabomberra  
(Seed Homes)

**Attachments**

Nil



6.5 Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018 (Ref: ; Author: Carswell/Brown)

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**File Reference:** Contribution Plan - South Jerrabomberra 2018 21.4.-02

**Summary**

The purpose of this report is to provide Council with advice in respect of the outcomes of the recent exhibition of draft amendments to the *South Jerrabomberra Local Infrastructure Contributions Plan 2018*, and to request Council now adopt the draft Plan.

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**Recommendation**

**That Council:**

- 1. Note the report.**
  - 2. Adopt the amended *South Jerrabomberra Local Contributions Infrastructure 2018*.**
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**Background**

At its Planning & Strategy Meeting of 14 August 2019 (Item No 6.5), Council resolved to exhibit amendments to the *South Jerrabomberra Local Infrastructure Contributions Plan 2018* ('the Plan').

The Plan has been amended as a consequence of the \$23 million grant received by Council under the '*Growing Local Economies Fund*'. In addition, the Plan has also been amended to update costs in the works schedule where more accurate advice has become available to justify those costs. Costs have also been updated in line with the December 2018 Consumer Price Index (CPI).

The Plan has been prepared under Section 7.11 the NSW *Environmental Planning and Assessment Act 1979*, and provides for Council to collect contributions from development at South Jerrabomberra to fund local infrastructure that will service the urban release area into the future. The Plan applies to new development in the urban release area of South Jerrabomberra that generates an increase in demand for local infrastructure including residential, commercial and industrial development.

As noted in the previous report to Council, the key aspects of the Plan that have now been amended are:

- Removing costs associated with the acquisition of land for, and construction of, Stage 3A of the Northern Entry Road (NER) through South Poplars.
- Removing costs associated with the construction of the intersection for the NER and Tomsitt Drive.
- Increasing embellishment costs per square metre for both 'passive' and 'active' open space to reflect updated costings.
- Removing the requirement for one x 1 hectare Local Park as this is no longer considered necessary to service the new population.
- Reducing the area of the two remaining Local Parks from 1 hectare each to 0.5 hectares each as these are considered more appropriate sizes for the Local Parks.
- Reducing the area of the two playing fields from 7 hectares to 5 hectares having regard to advice from Urban Landscapes, representations from the developers and the size of other similar facilities in Queanbeyan.

**6.5 Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018 (Ref: ; Author: Carswell/Brown) (Continued)**

- Reducing land dedication costs for Stage 2 of the NER to update an incorrect land valuation attributed to the length of the road.
- Reducing the contribution amount for both the Q Theatre and Queanbeyan Library to better reflect the new population’s likely use of those facilities as a percentage of the broader population.
- Updating Net Developer Area (NDA) figures for commercial/industrial zones to reflect existing zoned land and current planning proposals applying to the site.
- Updating all costs in the Plan to be consistent with CPI as at December 2018.

The draft Plan now identifies a total of \$46,696,058 in infrastructure for the new community representing:

- \$10.09 million for open space and recreation,
- \$2.71 million for community facilities,
- \$32.53 million for on-site and off-site road works,
- \$0.67 million for community services, and
- \$0.69 million for plan administration.

This is a reduction of \$10,363,034 in total costs compared to the existing version of the Plan.

Accordingly, contributions per lot for residential development and contributions per hectare for commercial development have generally been reduced in the amended Plan.

The updated draft contribution amounts proposed to apply to residential development are shown below in Table 1A. The existing contributions under the current Plan are also shown over at Table 1B for comparison.

**Table 1A – Proposed Residential Contribution Rates Per Lot**

	<b>South Tralee</b>	<b>Forrest Morrison</b>	<b>Walsh</b>
Dwelling Type 1 > 400m2 Larger Detached Housing	\$31,393.06	\$38,466.50	\$38,466.50
Dwelling Type 2 < 400m2 Smaller Detached Housing, Multi-Unit Developments and Residential Flat Buildings	\$23,840.53	\$29,212.24	\$29,212.24
<b>Average All Dwellings</b>	<b>\$25,825.42</b>	<b>\$31,803.43</b>	<b>\$31,803.43</b>

### 6.5 Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018 (Ref: ; Author: Carswell/Brown) (Continued)

**Table 1B – Current Residential Contribution Rates**

	<b>South Tralee</b>	<b>Forrest Morrison</b>	<b>Walsh</b>
Dwelling Type 1 > 400m2 Larger Detached Housing	\$40,136.24	\$46,773.27	\$46,773.26
Dwelling Type 2 < 400m2 Smaller Detached Housing, Multi-Unit Developments and Residential Flat Buildings	\$30,480.27	\$35,520.57	\$35,520.56
<b>Average All Dwellings</b>	<b>\$32,437.53</b>	<b>\$38,133.73</b>	<b>\$38,133.73</b>

The updated contribution amounts applying to proposed business/commercial development are shown below in Table 2A. Again, the existing contributions under the current Plan are also shown at Table 2B for comparison.

**Table 2A - Proposed Non Residential Contribution Rates Per Hectare**

<b>South Tralee</b>	<b>North Poplars</b>	<b>South Poplars</b>	<b>North Tralee</b>
\$37,343.12	\$83,931.42	\$28,674.30	\$37,560.61

**Table 2B – Current Non Residential Contribution Rates Per Hectare**

<b>South Tralee</b>	<b>North Poplars</b>	<b>South Poplars</b>	<b>North Tralee</b>
\$24,595.50	\$150,311.46	\$52,430.40	\$123,304.62

Council was advised on 18 January 2019 that the Minister for Planning had approved an increase in the cap for residential developer contributions at South Jerrabomberra from \$20,000 to \$30,000 per lot. Accordingly, Council can now collect up to \$45,000,000 in contributions against the \$46,696,058 identified in the updated Plan.

Council has the option of approaching the Independent Pricing and Regulatory Tribunal (IPART) seeking a review of the Plan to collect the shortfall in contributions. However, it should be noted that the majority of the items identified in the works schedule are intended to be subsequently delivered by the respective developers as works-in-kind. Accordingly any shortfall in the identified costs are likely to be met by the respective developers, not Council. Further, there is the potential that IPART would further reduce some of the costs set out in the plan for non-essential infrastructure such as community facilities and community services. As such, it is recommended Council not pursue a review of the draft Plan by IPART in this instance.

### **Implications**

#### ***Legal***

The amended Plan has been prepared consistent with the provisions of Section 7.11 of the NSW *Environmental Planning & Assessment Act, 1979*.

#### ***Asset***

The amended Plan provides for a range of infrastructure that will be handed to Council for future management, including roads, open space and community facilities.

**6.5 Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018 (Ref: ; Author: Carswell/Brown) (Continued)**

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***Social / Cultural***

The community infrastructure set out in the amended Plan is generally consistent with the strategic land use options agreed for the land release area.

***Strategic***

The amended Plan is consistent with the strategic land use directions for the West Jerrabomberra and South Jerrabomberra release areas.

***Engagement***

Prior to the exhibition of the Plan Council previously agreed to defer the exhibition of the Plan pending a workshop with VBC. That workshop was held and Council amended the Plan taking into account the submissions made at the workshop by VBC, but not agreeing to all the elements requested by VBC.

Following the workshop the draft Plan was exhibited from 3 September 2019 to 2 October 2019. One submission was received from Village Building Company (VBC). A copy of that submission is provided at Attachment 3. The submission supports a number of the proposed changes, however has also objected to some of the changes, and requested some further amendments be made to the draft Plan. The matters raised in that correspondence are discussed below.

***Contributions above \$30,000***

VBC has requested that the draft Plan be further amended to reduce the identified contributions for lots greater than 400m<sup>2</sup> to be below \$30,000 as this would preclude the need to have IPART review the draft Plan.

As noted above, it is recommended Council not pursue a review of the draft Plan by IPART. Consequently, it is recommended no further changes be made to the draft Plan in response to this issue.

***Area of Proposed Sportfields***

VBC has also requested the Plan be amended to reduce the total area of land proposed for the sports fields from 5ha to 3ha.

The current Plan adopted by Council identifies 7ha of land for the sports fields, however this has now been reduced to 5ha in the amended Plan having regard to previous representations from VBC on this issue. Council has subsequently determined that the 5ha now identified in the draft Plan is appropriate having regard to the areas of land provided for other similar sports fields in the Queanbeyan area such as Margaret Donahue Oval (4.91ha), Taylor Park (5.00ha), Rockley Oval (4.37ha) and David Madew Ovals (4.97ha).

Council has already considered this request previously and it is recommended Council continue with the 5ha area proposed for the sports fields in the amended Plan.

***Embellishment Rates for Sport Fields***

VBC has also requested that the embellishment rate for the sports fields be revised. VBC has suggested a rate of \$96m<sup>2</sup> is appropriate. Council's consultant (GLN Planning) has previously provided Council with information indicating embellishment costs of approximately \$125m<sup>2</sup> are appropriate having regard to:

- the costs of providing similar facilities in growth areas in Sydney (undertaken by Mitchell Brantman Quantity Surveyors November 2018),
- the estimated costs for the proposed parks provided by the developer's consultant Redbox, and
- standard construction cost data published by Rawlinson's Quantity Surveyors.



**6.5 Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018 (Ref: ; Author: Carswell/Brown) (Continued)**

Council also agreed to further reduce this cost to \$115m<sup>2</sup> for active open space given the difference in proposed costs between the respective consultants employed by Council and VBC.

It is recommended Council continue with the \$115m<sup>2</sup> embellishment rate for active open space (plus GST) as exhibited in the amended Plan.

*Amend Contribution Plan to note proposed Regional Sports Facility*

VBC is required to provide 2 sports fields under this Plan to service the future anticipated population at South Jerrabomberra. Given Council is also proposing to now develop the Regional Sports Field (RSF) at West Jerrabomberra, it is considered more logical to consolidate the provision of open space facilities at the RSF rather than create an additional standalone facility at South Jerrabomberra. This should ensure the provision of higher order facilities that will benefit both the new population at South Jerrabomberra in addition to existing residents in Jerrabomberra/Queanbeyan and the broader region.

As the RSF is being constructed to service the broader population, not just the residents of South Jerrabomberra, it is not considered appropriate to include it as a separate item in the works schedule under this plan.

As part of boarder arrangements to facilitate development at West Jerrabomberra and South Jerrabomberra, Council intends to enter into a Local Planning Agreement (LPA) with the respective developers under the *Environmental Planning & Assessment Act, 1979*. This is to confirm the arrangements between Council, Poplars Developments and VBC in respect of the land dedication and infrastructure provision commitments arising from the *Growing Local Economies* grant, and, as outlined in the correspondence from all parties to NSW Premier's and Cabinet in August 2019.

It is intended that as part of this LPA, all contributions VBC would have been otherwise required to provide under this Plan to the 2 sports fields will instead be made as a monetary contribution towards the construction of the Regional Sports Field at West Jerrabomberra.

In its submission, VBC has requested that the Plan be further amended to include the RSF so that contributions can specifically be collected for that item. Given it is the role of the LPA to deal with the transfer of contributions from the 2 sports fields to the RSF, it is not considered necessary to amend the plan to include reference to the RSF.

However, once the VPA has been agreed to and signed off by all parties it is recommended the Plan be further amended to clarify the arrangements in respect of offers to undertake works in kind or other material public benefits, as well as including a new clause (clause 2.9) that sets out procedures for entering into LPAs.

*Other Matters*

VBC has further requested that it now be credited \$5.46 million for the value of the 23 hectares of land it has previously agreed to dedicate to Council as part of the arrangements for Council seeking and subsequently receiving the *Growing Local Economies* grant. VBC has argued it will otherwise be required to make a greater contribution to the development of the urban release area than Poplars Developments. The following matters are noted in the context of this request.

- Council has itself made a direct contribution of \$8 million towards facilitating infrastructure at South Jerrabomberra to attract the recent grant. This is above the contribution being made by any of the developers. VBC already directly benefits from this contribution.
- Contributions to the value of \$10,363,034 are now proposed to be removed from the currently adopted Plan as a consequence of both the recent grant provided and

**6.5 Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018 (Ref: ; Author: Carswell/Brown) (Continued)**

reductions in costs agreed by Council. VBC directly benefits from this reduction in costs.

- Poplars Developments currently own the land required to access all proposed development at West Jerrabomberra and South Jerrabomberra. There is no development on any land if access to the urban release area is not provided by Poplars Developments.
- The RSF will represent a high level recreational facility and is a marketing point for future sales of residential land at South Jerrabomberra. There is potentially a betterment associated with Council locating the RSF near VBC's housing.
- The request is inconsistent with long running commitments from VBC to provide new recreational facilities for the future and existing residents of Jerrabomberra at no cost to the community.

In addition the matters VBC has raised are considered more directly relevant to the proposed LPA, not this Contributions Plan. It is recommended no further changes be made to the draft Plan in response to this comment.

***Financial***

The financial implications are discussed earlier in this report. In summary there is a reduction of \$10,363,034 in total costs to developers compared to the existing version of the Plan.

***Resources (including staff)***

This Plan has been prepared internally by staff with advice from Council's contributions consultant as required.



**Conclusion**

The amended Plan has been updated to account for recent grant funding, to update the scope of works, to amend a number of costs in the works schedule, and to respond to issues raised in submissions.

The Plan has been publicly exhibited as required under the *Environmental Planning & Assessment Act, 1979*.

It is recommended Council now adopt the amended *South Jerrabomberra Local Infrastructure Contributions Plan 2018* (Attachment 1) and accompanying Works Schedule (Attachment 2).

**Attachments**

Attachment 1	Draft South Jerrabomberra Local Contributions Plan 2018 ( <i>Under Separate Cover</i> )
 Attachment 2	Works Schedule Appendix C South Jerrabomberra 7.11 Plan 2018 ( <i>Under Separate Cover</i> )
 Attachment 3	Village Building Company Submission 1 October 2019 ( <i>Under Separate Cover</i> )

6.6 **Queanbeyan Section 7.12 Fixed Levy Development Contributions Plan 2019**  
(Ref: ; Author: Thompson/Jansen)

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**File Reference:** Contribution Plans Section 7.12 Queanbeyan 21.4.8

**Summary**

The purpose of this report is to seek Council's endorsement to place the draft *Queanbeyan Section 7.12 Fixed Levy Contributions Plan 2019* on public exhibition. This is intended to replace the *Queanbeyan City Council Section 94 Contributions Plan*.

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**Recommendation**

**That Council endorse the draft *Queanbeyan Section 7.12 Fixed Levy Development Contributions Plan 2019* and that the plan be placed on public exhibition for a period of 28 days.**

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**Background**

The *Queanbeyan City Council Section 94 Contributions Plan* was adopted on 16 March 2012 and has not been substantially reviewed since that time. It is proposed to repeal this plan and replace it with the *Queanbeyan Section 7.12 Fixed Levy Development Contributions Plan 2019* (the draft Plan).

Local Infrastructure Contributions Plans provide a framework for the collection of funding for local infrastructure. Local Infrastructure Contributions Plans are enabled by the *Environmental Planning and Assessment Act 1979* (the Act) and can be created under Section 7.11 (previously Section 94) or Section 7.12 (previously Section 94A) of the Act.

A Section 7.11 plan levies a contribution amount based on the infrastructure to be provided. A nexus has to be established in this type of plan which demonstrates what infrastructure is required for the projected population growth as well as providing evidence of the costs of the capital projects to be funded. The Department of Planning, Industry and Environment's Practice Note on Contributions Plans states that Section 7.11 plans are appropriate for areas of high growth.

Section 7.12 Fixed levy Contribution Plans levy a percentage of the development costs for development over \$100,000 in value. Such plans are considered appropriate in areas of little or no growth. These plans generate a lower level of contribution and provide greater flexibility in expenditure.

The area covered by this plan has shown little growth and some suburbs are forecast to have a decline in population up to 2031. The major growth areas like Googong and South Jerrabomberra are excluded as they have their own contributions plans or have a local planning agreement. A Section 7.12 plan is therefore the most appropriate means to provide for local infrastructure contributions within the area covered by the draft Plan.

Under the draft Plan developments valued at \$100,001 and up to \$200,000 will be levied a contribution of 0.5% of the development costs, development types valued in excess of \$200,000 will be levied a contribution rate of 1.0% of the development costs. The levy applies to all types of development applications except those exempted in section 1.8 of the Plan.

A summary works schedule sets out the types of works to be funded under the plan with a more detailed works schedule provided in Appendix 1 to the draft Plan.

**6.6 Queanbeyan Section 7.12 Fixed Levy Development Contributions Plan 2019 (Ref: ; Author: Thompson/Jansen) (Continued)**

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**Implications*****Legal***

The draft Plan has been prepared consistent with the provisions of Section 7.12 of the *Environmental Planning and Assessment Act, 1979*.

***Asset***

The draft Plan will provide funding which will contribute to infrastructure projects in Queanbeyan.

***Social / Cultural***

The draft Plan will provide funding for infrastructure which contributes towards the social needs of the population of Queanbeyan.

***Engagement***

The draft Plan will be publicly exhibited for a period of 28 days. The outcomes of that consultation process will be reported to the Council prior to the Plan being recommended for adoption.

***Financial***

These include staff costs associated with preparing the draft *Queanbeyan Fixed Levy Development Contributions Plan 2019* and this report to Council. All costs will be met by the relevant part of the Branch's budget.

***Resources (including staff)***


The draft Plan has been prepared internally by staff.

**Conclusion**

The draft *Queanbeyan Fixed Levy Development Contributions Plan 2019* provides a framework for the collection of funding for local infrastructure. Once adopted it will repeal the *Queanbeyan City Council Section 94 Contributions Plan* adopted on 16 March 2012.

It is recommended that the draft *Queanbeyan Fixed Levy Development Contributions Plan 2019* be placed on public exhibition for 28 days.

**Attachments**

Attachment 1  Draft Section 7.12 Fixed Levy Development Contributions Plan 2019  
(Under Separate Cover)

6.7 Update on Planning proposal at Goolabri Drive, Sutton (Ref: ; Author:  
Carswell/Hogg)

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**File Reference:** PJT0061 Goolabri Drive Sutton

**Summary**

This report provides an update on the consultation with the Rural Fire Services (RFS) and the Biodiversity and Conservation Branch of the Department of Planning, Industry and Environment (formerly the Department of Planning and Environment) for the planning proposal to allow subdivision of Lot 3 DP 1074706 (Goolabri Drive, Sutton).

The report also seeks Council's endorsement to place the amended planning proposal on public exhibition.

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**Recommendation**

**That:**

- 1. Council place the amended planning proposal, dated October 2019, to permit subdivision of Lot 3 DP 1074706 (Goolabri Drive, Sutton) on public exhibition for a minimum period of 28 days.**
  - 2. That where submissions are received during the public exhibition period, a report considering the issues raised in submissions be brought back to Council prior to progressing the planning proposal.**
  - 3. That the following items and matters are submitted and dealt with as part of any development application lodged for the subdivision of Lot 3 DP 1074706 Goolabri Drive, Sutton:**
    - (a) A Vegetation Management Plan, addressing the concerns raised by the NSW Biodiversity and Conservation Branch;**
    - (b) A revised Aboriginal Cultural Heritage Impact Assessment; and**
    - (c) How and when future purchasers of lots containing Aboriginal objects shall be advised of the requirement to obtain an Aboriginal Heritage Impact Permit (AHIP) prior to any ground disturbance.**
- 

**Background**

In 2016, Council forwarded a planning proposal to allow subdivision of Lot 3 DP 1074706 (Goolabri Drive, Sutton) into six residential lots and one residue lot, to the (then) Department of Planning and Environment. The Gateway determination dated 4 August 2016 was issued and required consultation with the NSW Rural Fire Service (RFS) and the (then) Office of Environment and Heritage (OEH).

In 2017, both agencies responded to the request for feedback on the planning proposal and supporting studies, by requiring amended studies including an updated Flora and Fauna report, an amended Bushfire report and an amended Aboriginal Cultural Heritage study. The amended studies were submitted to Council and at its meeting of 27 February 2019 Council resolved in part (Minute No. 041/19) that:

*"The amended planning proposal dated February 2019, for Lot 3 DP 10747706 be progressed and forwarded to the Rural Fire Service and NSW Office of Environment and Heritage along with the relevant amended bushfire report, Aboriginal cultural heritage study and flora and fauna reports."*

## 6.7 Update on Planning proposal at Goolabri Drive, Sutton (Ref: ; Author: Carswell/Hogg) (Continued)

### NSW Biodiversity and Conservation (formerly OEH) Feedback

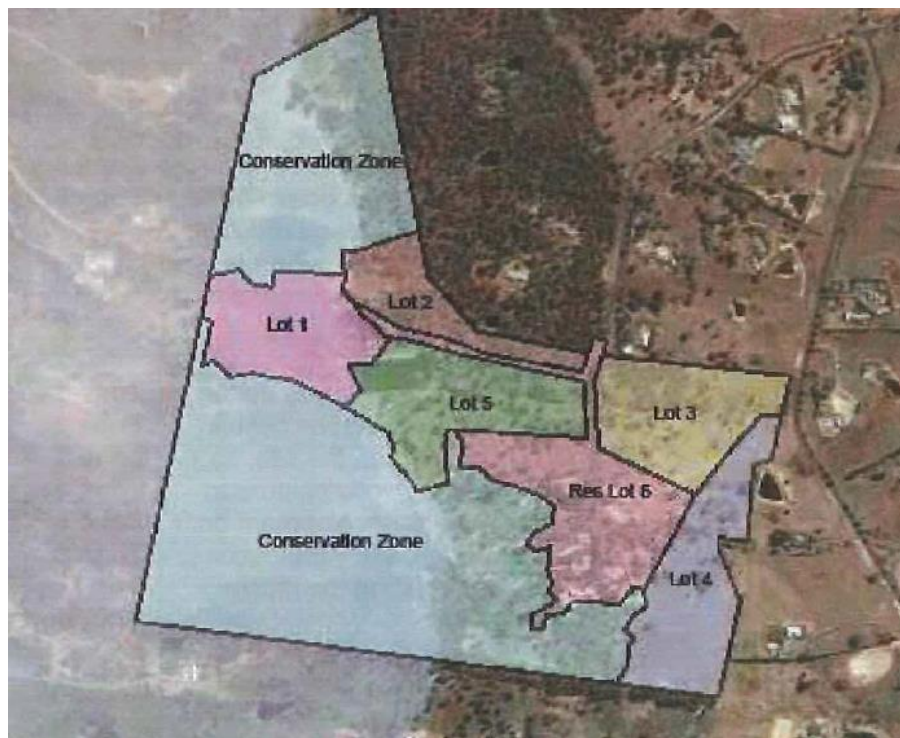
In March 2019, the Biodiversity and Conservation Branch (BC) provided a comprehensive response (Attachment 1) to the amended planning proposal dated February 2019 and the accompanying draft subdivision layout and amended studies. The response included comments relating to the following three areas:

- Biodiversity;
- Flood Risk Management; and
- Aboriginal Cultural Heritage.

These matters are discussed in detail below.

#### ***Biodiversity***

BC conducted a desk top analysis of the site constraints (Table 1, Attachment 1) including the flooding constraints and the biodiversity values of the site. Based on this analysis it then prepared a draft subdivision layout plan as per Figure 1 below:



**Figure 1 – Potential Lot layout prepared by BC**

As a result of their analysis, BC recommended that the planning proposal “reduce the number of lots to six, including the residual lot, and redesign them to be in line with the biodiversity limitations of the site”. Furthermore, BC noted that “The proposed Lot 1 is highly constrained from a biodiversity and flooding perspective and we recommend it be included in a conservation lot or protected in perpetuity.” In addition, it was advised that:

- “As per previous feedback, vegetation in south west corner be protected as this vegetation has the potential to be used as an offset for future development.
- Support the Fauna and Flora recommendations made in the Flora and Fauna Report by EcoLogical, dated Jan 2018, as follows:

### 6.7 Update on Planning proposal at Goolabri Drive, Sutton (Ref: ; Author: Carswell/Hogg) (Continued)

- *Design the proposal to avoid any impacts to hollow-bearing trees and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) listed Critically Endangered Ecological Community (CEEC)*
- *Confine all impact areas (building envelopes, infrastructure footprints) to lands mapped as Vegetation Zone 6 Exotic Pasture and Native/Exotic Plantings, to the greatest extent possible to minimise impacts, but also to minimise likely offset obligations.*
- *Waterway crossings should be designed and constructed in accordance with the national guidelines entitled 'Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings' (Fairfull and Witheridge 2003).*
- *Preparation of a Vegetation Management Plan, that:*
  - *restores Threatened Ecological Communities;*
  - *revegetates the riparian zone; and*
  - *retains remnant mature trees.*
- *Preparation of a Construction Environmental Management Plan to:*
  - *address pollution, silt control and pre-clearing procedures."*

*Council Response* - The planning proposal has been amended to replace the original Map 3 "Proposed Subdivision Layout" on page 7 with an amended indicative layout "Potential access and building envelope location" map which includes:

- potential building envelopes for five lots, located outside of the conservation areas identified by BC;
- the existing tourist facility development;
- a public road connecting Goolabri Drive to Cartwright Avenue; and
- access to one of the lots from Rowley Road.

While the potential lot layout provided by BC indicates six lots and two separate conservation areas, Council considers it acceptable to include the identified conservation areas within the proposed lots, provided that any building envelope is located outside of the conservation area.

The property owner will be required to submit a Vegetation Management Plan as discussed above, as part of any development application for a subdivision of the lot.

The *Palerang Development Control Plan 2015* provides development with guidelines regarding silt control and vegetation clearing under section B8 Erosion and Sedimentation Control. The Construction Environmental Management Plan requirements are covered in B8.2 for Soil and Water Management Plans which will be required for the proposed subdivision.

#### **Flood Risk Management**

In relation to Flood Risk Management, the agency recommends that a suitable flood risk assessment be obtained and that consideration be given to a number of matters as follows:

- *"The extent of flood prone land, which is the area inundated by the Probable Maximum Flood.*
  - *This identifies how much of the site is subject to the application of section 9.1 Planning Direction 4.3 Flood Prone Land*

**6.7 Update on Planning proposal at Goolabri Drive, Sutton (Ref: ; Author: Carswell/Hogg) (Continued)**

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- *It also provides the basis of assessment of the flood range above the 1% AEP flood level and hazard in areas outside the FPA where dwellings will be sited*
- *The peak levels depths and velocities across the site in the 1%AEP flood which allows identification of*
  - *The flood planning area*
  - *Floodways*
  - *High hazard areas.*
- *The Flood Planning Levels across the site and the Flood Planning Area.*
- *The impact of flooding on the proposed development.*
- *The impact of the proposed development on flood behaviour (particularly any offsite flood impacts because of the potential encroachment, land use and land form changes).*
- *The impact of flooding on the safety of the people for the full range of floods including issues linked with isolation and accessibility for emergency services; and*
- *The implications of climate change (particularly increased rainfall intensity) on estimated flood planning levels.*
- *Flood hazard across the site and adjoining residential area over the full range of potential floods.*
- *Suitability and ongoing ownership and management implication of the various dams on flooding and whether Dam Safety Committee requirements are met.*
- *Strategies to facilitate flood access and evacuation of residents and other visitors, if there is potential for isolation.*
- *Trafficability of the proposed flood road network both on and off site and any culvert structures across watercourses.*
- *Afflux associated with proposed road and culvert structures over watercourses, including potential implications for proposed lots upstream of structures.”*

*Council Response* - The planning proposal seeks only to allow subdivision of the lot. Any subdivision layout is indicative only and is intended to demonstrate that the number of lots proposed can be supported. The feedback provided are matters that may be addressed during the development application stage.

Furthermore, as a result of the additional feedback provided by BC, the planning proposal has been amended to allow a subdivision on the subject site of no more than six total lots (previously seven lots). The amended indicative layout removes one lot from the lowest point on the site.



**6.7 Update on Planning proposal at Goolabri Drive, Sutton (Ref: ; Author: Carswell/Hogg) (Continued)**

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***Aboriginal Cultural Heritage***

The BC branch dispute the findings of the amended Aboriginal Cultural Heritage Impact Assessment (dated May 2018) indicating that site 57-2-0194 is a duplicate of site 57-2-0203 and requires an revised Aboriginal Cultural Heritage Impact Assessment “*with the original (correct) coordinates for site 57-2-0194*”. The rationale for disputing the assessment are provided in detail on page 7 of Attachment 1.

The amended report is also to include a recommendation that “*future purchasers of lots containing Aboriginal objects be advised of the requirement to obtain an Aboriginal Heritage Impact Permit (AHIP) if they wish to undertake ground disturbing activities in the vicinity of the recorded sites.*”

*Council Response* - The property owner will be required to submit an amended Aboriginal Cultural Heritage Impact Assessment as discussed above, as part of any development application for a subdivision of the lot.

During the development assessment process an Aboriginal Heritage Information Management System (AHIMS) search is conducted and it would be identified at that point whether an Aboriginal Heritage Impact Permit (AHIP) is required under section 90 of the NSW *National Parks and Wildlife Act 1974*. This can be accommodated in a number of ways and will be considered in the subdivision application and will be conditioned as part of the development application process.

**RFS Feedback**

On the 24 May 2019 the RFS advised (Attachment 2) that the:

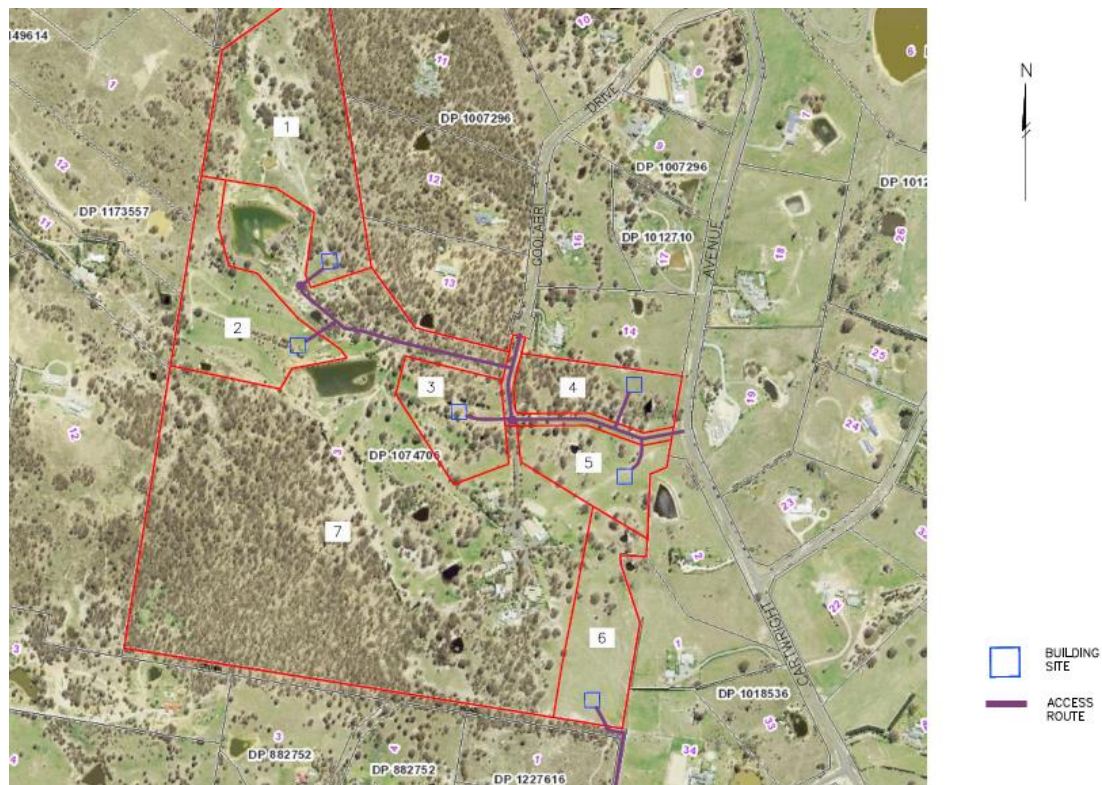
*“proposal may facilitate future development within the site that is unable to comply with the acceptable solutions outlined in Planning for Bushfire Protection 2006 (PBP). As per our previous response dated 4 November 2016, where the acceptable solutions of PBP 2006 are not satisfied at Planning Proposal stage, the applicant is required to demonstrate how an alternate solution can meet the relevant intent of the bush fire protection measure as defined in PBP 2006.”*

In addition the RFS advised that:

*“In acknowledgement that the final number of lots and lot layout will be determined as part of a future subdivision application, the RFS does not provide an in-principle support for the indicative subdivision plan submitted with the proposal.”*

Further discussions between the applicant and the RFS resulted in an amended draft subdivision plan being prepared by the applicant based on previous discussions with the RFS. That amended subdivision plan (Figure 2 below) provided for a total of seven lots with a road connection between Goolabri Drive and Cartwright Avenue and access for one lot from an extension to Rowley Road.

## 6.7 Update on Planning proposal at Goolabri Drive, Sutton (Ref: ; Author: Carswell/Hogg) (Continued)



**Figure 2 – draft lot layout endorsed by RFS for exhibition**

The RFS subsequently advised (Attachment 3) that it supports the planning proposal proceeding to public exhibition with the layout subject to comments provided in regards to the proposed access arrangements. These comments are as follows:

- *“The proposed connection road between Goolabri Drive and Cartwright Avenue should be designed and constructed to public road standards;*
- *The property access road to proposed Lots 1 and 2 should incorporate road side vegetation management and, if the road provides access to more than three dwellings, the access is formalised by dedication of a road and not by right of way;*
- *Any consent required to facilitate the access arrangements into proposed Lot 6 from Rowley Road should be obtained prior to lodgement; and*
- *All bush fire protection measures, in particular, asset protection zones, should be contained within the individual lots.”*

*Council Response to RFS* - The comments provided by the RFS above, in response to the amended draft subdivision layout, are matters that can be addressed as part of a development application for a subdivision, rather than as part of the planning proposal process.

### Alternative Solution

As the layout sanctioned by the RFS for public exhibition varied from that provided to the agency in the planning proposal, a copy of the RFS endorsed plan was sent to BC for further comment. BC have advised that while they are unable to allocate time for this proposal due numerous projects, they can confirm that *“they do not support the layout with the inclusion of Lot 1 due to the biodiversity constraints and flooding constraints that were outlined in our previous letter.”* As BC advised that they would be unlikely to progress further discussion on this planning proposal until November 2019, an alternative solution has been prepared. This alternative solution considers the elements of each of the maps supported by the two agencies

6.7 Update on Planning proposal at Goolabri Drive, Sutton (Ref: ; Author: Carswell/Hogg) (Continued)

to generate an indicative map of future development potential. The elements adopted in the amended map (Figure 3 below) include:

- Reduced number of maximum lots (no more than six lots)
- Conservation area included as indicated by B&C
- Access as supported by RFS (Lot 1 and access to Lot 1 removed)
- Five general areas for future building envelopes, specific locations to be confirmed during the development application for subdivision
- One area of existing development.



Figure 3 – Development layout (combined RFS and BC subdivision map)

The planning proposal (Attachment 4) has now been updated to include the feedback from the State agencies and the revised map (Figure 3 above) as discussed above and is ready for exhibition.

**6.7 Update on Planning proposal at Goolabri Drive, Sutton (Ref: ; Author: Carswell/Hogg) (Continued)**

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**Implications*****Environmental***

The site contains both Critically Endangered Ecological Communities (CEEC) under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and Endangered Ecological Communities (EEC) under the NSW *Biodiversity Conservation Act 2016* (BC Act). The property owner will be required to prepare a Vegetation Management Plan as part of any development application to subdivide the site. Future building envelopes are to be located on land identified in the Flora and Fauna Report (dated Jan 2018) as vegetation zone 6 – exotic pasture and native/exotic plantings.

***Social / Cultural***

As discussed above, the BC branch disputes one of the findings of the amended Aboriginal Cultural Heritage Impact Assessment (dated May 2018) and recommends “future purchasers of lots containing Aboriginal objects be advised of the requirement to obtain an Aboriginal Heritage Impact Permit (AHIP) if they wish to undertake ground disturbing activities in the vicinity of the recorded sites.”

***Strategic***

The proposal is not inconsistent with the Rural Lands Strategy and the *South East and Tablelands Regional Plan 2036*.

***Engagement***

The state agency consultation is discussed above. Should the Council resolve to place the planning proposal on public exhibition, it is expected that the exhibition period would commence mid-January 2020, following the Christmas/New Year break. The consultation will include letters advising the adjoining property owners of the upcoming exhibition and placement of public notices in the local newspapers both prior to and during exhibition. The amended planning proposal (Attachment 4) and supporting documents will be made available on Council’s ‘Your voice’ webpage and hardcopies made available at the following locations:

- Queanbeyan Office – 256 Crawford St, Queanbeyan
- Bungendore Office - 10 Majara St, Bungendore
- Bungendore Library – Gibraltar St, Bungendore.

***Resources (including staff)***

The on-going management of this planning proposal by staff is allowed for within the Land Use Planning Branch budget.

**Conclusion**

The initial response from the RFS advised that the planning proposal did not appear to be able to satisfy the requirements of *Planning For Bushfire Protection 2006*, however, following further discussions an amended draft subdivision layout and access plan was approved by the RFS for public exhibition.

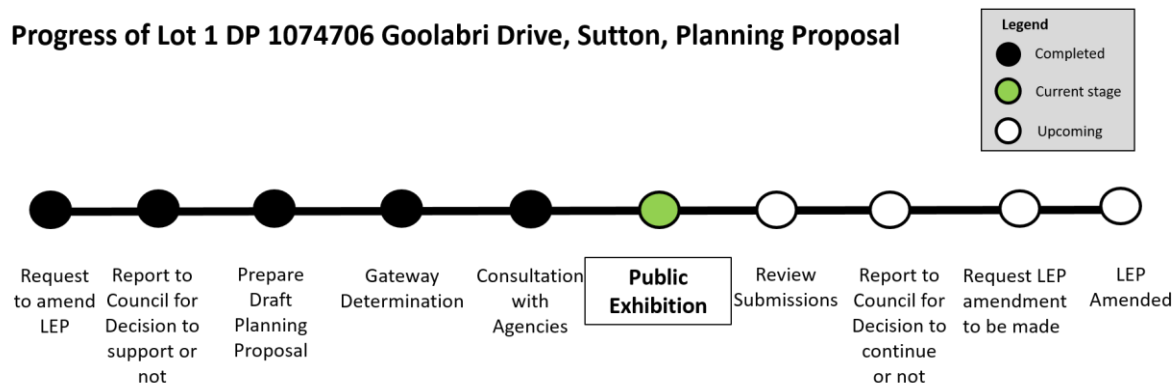
The BC branch advised that there are still a number of issues with the amended supporting studies and recommended that the planning proposal be amended to reduce the maximum number of lots permissible on the site. The BC branch also prepared a subdivision layout with a total of six lots and two conservation areas.

While there are still issues with the background studies and there is not an agreement between the state agencies on the appropriate subdivision layout plan, many of the issues can be addressed as part of the development application for a subdivision. The matter of an indicative





6.7 Update on Planning proposal at Goolabri Drive, Sutton (Ref: ; Author: Carswell/Hogg) (Continued)

layout plan for the planning proposal has been addressed by combining the road access and building envelope plan endorsed for public exhibition by the RFS with the number of lots and conservation areas on the map prepared by BC. It is therefore considered appropriate that the amended planning proposal (October 2019), supporting studies and state agency feedback be placed on public exhibition.

**Progress of Lot 1 DP 1074706 Goolabri Drive, Sutton, Planning Proposal**



**Attachments**

- Attachment 1  Response from Biodiversity and Conservation (formerly OEH) (*Under Separate Cover*)
- Attachment 2  Response from RFS - June 2019 (*Under Separate Cover*)
- Attachment 3  RFS Confirm PP can be Exhibited (*Under Separate Cover*)
- Attachment 4  Planning Proposal (October 2019) (*Under Separate Cover*)





6.8 Determination of Applications for Special Heritage Fund Grant 2019-20 (Ref: ;  
Author: Thompson/McCauley)

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File Reference: 439784

**Summary**

The purpose of this report is to consider and approve the applications received by Council for the Queanbeyan-Palerang Special Heritage Fund for the 2019-20 financial year.

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**Recommendation**

**That Council endorse the recommended funding for the 2019-20 financial year as set out in Attachment 1 of this report.**

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**Background**

Since 2015 Council has provided funding under the Special Heritage Fund program. The purpose of the fund is to assist owners of public and community buildings such as churches and buildings owned or managed by community based not-for-profit organisations listed on the heritage schedule of *Queanbeyan Local Environmental Plan 2012* or *Palerang Local Environmental Plan 2014* to conserve, restore and reuse their properties.

Applications were invited to be submitted in September 2019 with the closing date being 16 October 2019. Council received 9 applications in total and these were of a high standard and covered a variety of worthwhile projects. The total request for funds exceeded the \$150,000 available.

The applications were assessed against the guidelines by staff from the Land Use Planning Branch taking into account the funds available and comments from the relevant Council Heritage Advisor. A summary of the applications and the funding recommended is provided in Attachment 1.

The Braidwood and Curtilage Heritage Advisory Committee were briefed on the applications received and the applications and their assessment were further considered at a Special Meeting of the Queanbeyan-Palerang Heritage Advisory Committee on 24 October, the Minutes of which are reported elsewhere in this Business Paper. The Queanbeyan Heritage Advisory Committee supported the recommendations for distributing the grants.

**Implications**

***Policy***

Funding for the program is competitive and priority is for public buildings, churches and buildings owned or managed by community based organisations as well as those buildings where there is a clear community or public benefit rather than a private one.

Applicants need to submit an application as well as comply with the following:

- Prospective applicants must comply with the attached Standard Conditions.
- The project must have a minimum value of \$15,000 or as resolved by Council.
- Council will consider allowing a small percentage of any grant to be used for undertaking professional studies associated with an individual project such as the preparation of a statement of heritage significance (if required and with Council's

**6.8 Determination of Applications for Special Heritage Fund Grant 2019-20 (Ref: ; Author: Thompson/McCauley) (Continued)**

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agreement). These are to be undertaken and prepared by a suitably qualified and experienced person.

- All projects are funded over the current financial year.
- Funding will be limited to one grant of assistance per site per financial year.

Applicants must complete and claim 100% of their funding by 30 June 2020.

***Environmental***

The use of this fund for the stipulated projects will have a positive environmental impact by assisting with the upkeep of a number of important public buildings with heritage significance.

***Sustainability***

The funding ensures that the historic fabric of the region is maintained and existing historic buildings are maintained in the long term.

***Social / Cultural***

The Special Heritage Fund promotes heritage in the local government area.

***Economic***

The use of the fund is likely to have short term positive economic impacts in terms of employment and other economic benefits.

***Strategic***

The protection of local heritage items is an important part of Council's land use section and items are protected by listing in Local Environmental Plans.

***Engagement***

Applications were invited in September 2019 with the closing date for submissions being 16 October 2019.


***Financial***

The budget for the Special Heritage Grants for the 2019-20 financial year is \$150,000. The Special Heritage Fund may also supplement other funding. The requests exceeded the funds available so a decision as to the distribution of funds is provided in Attachment 1 for Council's consideration.

**Conclusion**

It is concluded that this year's applications were of a high standard and covered a variety of worthwhile projects. After assessing them it is recommended that the projects be funded in accordance with the recommendations as set out in Attachment 1.

**Attachments**

- |  |   |
|--|---|
| Attachment 1   | Special Heritage Grant Applications and Recommendations 2019-20<br>(Under Separate Cover) - <b>CONFIDENTIAL</b> |
| Attachment 2   | Special Heritage Grant Guidelines (Under Separate Cover)  |
|  Attachment 3 | Project Funding Agreement - Special Heritage Grant 2019-20 (Under Separate Cover)                               |



6.9 Determination of Applications for the Local Heritage Grants 2019-20 (Ref: ;  
Author: Thompson/McCauley)

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File Reference: 440028

**Summary**

The purpose of this report is to consider and to determine the applications received by Council for the Queanbeyan-Palerang Local Heritage Grants 2019-20.

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**Recommendation**

**That Council adopt the recommendations to provide funding to the applications as listed in Attachment 1 with grant funding for Application No. 4 being conditional on the installation of timber windows in the front of the house rather than aluminium ones.**

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**Background**

Council advertised the Local Heritage Places Grants between 22 August and 14 October 2019. In total 8 applications were received.

These grants are partly funded by Council and partly funded by the Office of Environment and Heritage and have to meet certain criteria as outlined in Council's guidelines.

In general these are intended to fund small improvements to existing privately owned heritage items or buildings within a heritage conservation area.

The eight applications received were of a high standard and covered a variety of projects with the total requests far exceeding available funds.

The applications were assessed against the guidelines by staff from the Land Use Planning Branch taking into account the funds available and comments from the relevant Council Heritage Advisor. A summary of the applications and the funding recommended is provided in Attachment 1.

The Braidwood and Curtilage Heritage Advisory Committee were briefed on the applications received and the applications and their assessment were further considered at a Special Meeting of the Queanbeyan-Palerang Heritage Advisory Committee on 24 October, the Minutes of which are reported elsewhere in this Business Paper. The Queanbeyan Heritage Advisory Committee supported the recommendations for distributing the grants.

Successful applicants will be notified and given a set time in which to complete their projects, will be required to meet certain conditions and to sign an agreement to this effect. For the information of Councillors a copy of the guidelines and application form are provided in Attachments 2 and 3 respectively.

A copy of the standard Project Funding Agreement is provided in Attachment 4.

**Implications**

***Legal***

Successful applicants will be required to submit a Project Funding agreement and are required to comply with a set of standard conditions.

**6.9 Determination of Applications for the Local Heritage Grants 2019-20 (Ref: ; Author: Thompson/McCauley) (Continued)**

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***Policy***

Council's approach is contained in its guidelines and standard conditions for Local Heritage Grants and successful applicants will have to comply with these.

***Environmental***

Funding will be provided for a number of projects and will result in a positive impact on the built environment.

***Sustainability***

The continuation of the grants from this Fund promotes sustainability through enhancing parts of the built environment.

***Social / Cultural***

The continued funding promotes the heritage of the local area and will ensure that owners of heritage items/items within a heritage conservation area can undertake required works so the buildings are retained in good condition into the future.

***Strategic***

The funding provides assistance for owners of buildings in the LGA for the maintenance and repair of heritage items/items within a heritage conservation area. The protection of these is an important part of Council's objectives and items are protected by listing/recognition in the Local Environmental Plans.

***Engagement***

Requests for applications were advertised between 22 August and 14 October 2019. The grants are partly funded by Council and partly funded by the Office of Environment and Heritage and have to meet certain criteria. Successful applicants will continue their engagement with staff as well as the Heritage Advisor while undertaking their projects.

***Financial***

A total budget of \$20,000 is available for the 2019-20 Local Heritage Grants. The project is part funded by the Office of Environment and Heritage which provides funding up to a maximum of \$6,250. The remaining \$13,750 is funded by Council. All projects must be completed by April 2020 to enable Council to claim the monies.

***Integrated Plan***

Heritage is one of the programs relevant to Land Use Planning in the Operational Plan 2019-20.



**Conclusion**

The Local Heritage Places Grant provide funding for local property owners to use for the maintenance and repair of important local heritage items/items within a heritage conservation area. This is consistent with local heritage being recognised as a program area for the Land Use Planning Branch as well as in the respective Local Environmental Plans. Consequently it is concluded that the recommendation of this report promotes heritage in a practical manner and should be supported.

**6.9 Determination of Applications for the Local Heritage Grants 2019-20 (Ref: ;  
Author: Thompson/McCauley) (Continued)**

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**Attachments**

- Attachment 1 Local Heritage Grant Application & Recommendations 2019-20 (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 2 Local Heritage Grant Guidelines 2019-20 (*Under Separate Cover*)
-  Attachment 3 Application Form - Local Heritage Places Grant 2019-20 (*Under Separate Cover*)
-  Attachment 4 Project Funding Agreement - Local Heritage Places Grant 2019-20 (*Under Separate Cover*)



6.10 Heritage Advisory Service 2019-2010 to 2020-21 (Ref: ; Author:  
Thompson/Jansen)

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File Reference: 443758

**Summary**

The purpose of this report is to determine the Expressions of Interest for the Heritage Advisory Service for the period 2019/20 to 2020/21.

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**Recommendation**

That:

1. Council appoint Consultant 2 as the QPRC Heritage Advisor for the period 2019/20 to 2020/21.
  2. In the event that Consultant 2 declines Council appoint Consultant 3 as the QPRC Heritage Advisor for the period 2019/20 to 2020/21.
  3. Council notify the unsuccessful consultants of the above and thank them for their Expression of Interest.
- 

**Background**

Council has for a number of years received funding from the Office of Environment and Heritage (OEH) for Heritage Advisory Services. This has enabled Council to employ a specialist Heritage Advisor. The role of the Heritage Advisor is to provide heritage design advice for owners of heritage buildings and buildings located in heritage conservation areas as well as advice to Council Officers and to Council's Heritage Advisory Committees.

This latter advice might include advice on such matters as development applications where related to heritage and heritage conservation areas, input into heritage grant applications and relevant policy advice as well as input into other strategic policies.

Prior to the merger each Council area employed their own Heritage Advisor and received separate funding for each. Following the merger, Council initially received funding to continue this. However, for the 2019/20 to 2020/21 OEH has only provided funding for one such position for the entire Local Government Area (LGA). This was reported to Council's meeting of 26 June 2019 (Item No. 11.2). As funding is provided on a dollar for dollar basis this means that any advice over and above that supported by the funding has to be paid for by Council.

The existing employment arrangements for both former Heritage Advisors concluded in June of this year and both have been kind enough to continue their services on a month to month basis until the decision about a single Heritage Advisor is made.

Expressions of Interest were sought during September 2019 and three applications were received during this time. The applications have been assessed against the selection criteria as specified in the advertisement. As a result it is recommended that Consultant 2 be appointed as the QPRC Heritage Advisor for the 2019/20 to 2020/21 period.

A copy of the assessment sheet is attached as Attachment 1 under confidential attachments. The Expressions of Interest are attached as Attachments 2, 3 and 4 under confidential attachments.

**6.10 Heritage Advisory Service 2019-2010 to 2020-21 (Ref: ; Author: Thompson/Jansen) (Continued)**

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**Implications*****Legal***

Each applicant meets Council's requirements with regard to public liability and professional indemnity insurance.

***Policy***

Council's Heritage Advisor contributes to policy matters such as Development Control Plans where they relate to heritage matters and recommendations for listing of Heritage items in the Local Environmental Plan as well as promoting Heritage in the LGA.

***Environmental***

The Heritage Advisor makes a substantial contribution to positive environmental outcomes via advice in regard to Heritage buildings and promotion of heritage items in general such as through the annual heritage awards.

***Sustainability***

The Heritage Advisor contributes to the sustainability of heritage items, as this advice can assist owners in maintaining the building.

***Social / Cultural***

Heritage items make a contribution to the cultural fabric of the LGA and through providing heritage advice as a free service to owners, Council ensures that many items are maintained appropriately by the owners. In addition grant funding can be provided to owners to assist financially.

***Strategic***

The Heritage Advisor as part of his role contributes to strategic policy such as Local Environmental Plans in regard to heritage matters.

***Engagement***

The Heritage Advisor engages with members of the community as well as with members of Council's Heritage Advisory Committees.

***Financial***

Grant funding is provided from the OEH up to a maximum of \$7,000. This is required to be matched on a dollar for dollar basis although Council contributes well in excess of matching funding for the advisory service.

***Resources (including staff)***

Staff assist with the management of the Heritage Advisor through such things as the making of appointments, the distribution of the advice from the Heritage Advisor and the like. Based on previous experience the Heritage Advisor will need to spend about 2.5 days per month providing Heritage Advice within the Local Government Area.

***Integrated Plan***

The Heritage Advisor plays an important part in Heritage which is a program within the Land-Use Service.

**6.10 Heritage Advisory Service 2019-2010 to 2020-21 (Ref: ; Author:  
Thompson/Jansen) (Continued)**

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**Conclusion**

All three consultants have the experience and expertise to perform the role, however Consultant 2 represents the best value for money and so it is recommended that Consultant 2 be appointed to the role for the 2019/20 to 2020/21 period.

**Attachments**

Attachment 1	EOI Evaluation ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>
Attachment 2	EOI Evaluation Sheet - Heritage Advisory Service ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>
Attachment 3	EOI Consultant 1 ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>
Attachment 4	CV Consultant 1 ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>
Attachment 5	CV Consultant 1 - <b>CONFIDENTIAL</b>
Attachment 6	Company Profile - Consultant 1 ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>
Attachment 7	EOI Consultant 2 ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>
Attachment 8	EOI Consultant 3 ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>
Attachment 9	CV Consultant 3 ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>





6.11 Draft Parking Policy (Ref: ; Author: Tegart/Ferguson)

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File Reference: 52.5.4

**Summary**

Council is invited to consider the draft QPRC Parking Policy before it is placed on public exhibition for a period of 28 days, and written submissions invited during the exhibition period. If no submissions are received by the close of the exhibition period, it is recommended that Council formally adopts the Policy.

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**Recommendation**

**That Council:**

1. **Consider the draft QPRC Parking Policy.**
  2. **Publicly exhibit the draft Parking Policy for 28 days and invited written submissions during the exhibition period.**
  3. **Consider all submissions received prior to adopting the Policy or, if no submissions are received, formally adopt the Policy.**
- 

**Background**

Council resolved at its Planning & Strategy Committee meeting on 13 February 2019:

PLA008/19 That Council:

1. Consider a policy for parking in the Queanbeyan CBD in relation to:
  - Residential parking scheme
  - Trade person parking scheme
2. Write to the relevant Ministers seeking provision of onsite parking for their tenants, or within Council car parks.

A copy of the business report is at Attachment 1 for information.

Council is invited to consider the draft policy (Attachment 2) and recommend any amendments, prior to the draft being publicly exhibited for 28 days. Any submissions received will be presented to Council for consideration prior to formal adoption of the policy. If no submissions are received, it is recommended that the policy be adopted.

Once the policy is adopted, letters will be written to the relevant Ministers in accordance with Resolution PLA008/19 above.

**Implications**

***Policy***

The draft policy is aimed to address concerns raised by Councillors regarding parking and access to tools by trades in constricted work zones (particularly Queanbeyan), and to explore options to assist off street parking for residents in the CBD where onsite parking was not provided by the developer (particularly Government housing).

**6.11 Draft Parking Policy (Ref: ; Author: Tegart/Ferguson) (Continued)**

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**Conclusion**

The draft QPRC Parking Policy has been prepared for Council's consideration prior to being placed on public exhibition and written submissions invited. It is recommended that Council consider the submissions before adopting the Policy; however, should there be no submissions received during the public exhibition period, Council formally adopts the Policy.

**Attachments**

Attachment 1      Copy of business paper report 13 February 2019 (*Under Separate Cover*)



Attachment 2      Draft Parking Policy (*Under Separate Cover*)



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

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**File Reference:** 5872

**Report**

This report updates progress on the programs and projects of the Branch. It is the latest in a series of reports with the last one being considered at the Planning and Strategy meeting of 10 April 2019 (Item No. 8.1). The report has also been restructured to better reflect programs and projects within the Land-Use Planning Branch as indicated in the Operational Plan 2018-19.

Key matters outlined in the attached status report include:

- *Comprehensive Local Environmental Plan*
- *Development Control Plans*
- *Planning Proposals*
- *Amendments to PLEP*
- *Review of land zoned E4 Environmental Living*
- *Bungendore Structure Plan*
- *Securing Additional Water for Bungendore*
- *Local Planning Agreements*
  
- *Local Strategic Planning Statement*
- *Local Infrastructure Contributions Plan*
- *Plans of Management*
- *Crown Land*
- *Spatial/Land Information Systems*
- *Queanbeyan-Palerang Heritage.*


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**Recommendation**

**That the report be received for information.**

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**Attachments**

Attachment 1  Land Use Branch - Status Report on Projects - November 2019 (*Under Separate Cover*)



7.2 North Elmslea (Ref: ; Author: Carswell/Hogg)

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**File Reference:** PJT0061 North Elmslea

**Report**

In 2015 Council resolved to forward the North Elmslea planning proposal to rezone part of Lot 1 DP 798111 Bungendore, from RU1 Primary Production to R2 Low Density Residential to the then Department of Planning for a Gateway determination. While the North Elmslea planning proposal noted that “the general area of Lot 1 DP 798111 is identified as potential extension to residential development” it also advised that development in this area is subject to possible environmental offset investigations and water supply considerations.

Council subsequently lodged an application with the NSW Department of Industry – Lands and Water for an addition to the water access licence for Bungendore. However, the assessment and determination of the application was delayed pending Council’s adoption (or otherwise) of an Integrated Water Cycle Management Strategy.

The Integrated Water Cycle Management Strategy – Palerang Communities (IWCM) was then prepared and adopted at the 27 February 2019 Ordinary Council meeting.

In the meantime, the relevant state agencies were consulted in accordance with the North Elmslea planning proposal Gateway determination. A report on the submissions received was considered at the same meeting as the IWCM (27 February 2019 Ordinary Council meeting). At that meeting it was resolved (Minute No. 040/19) in part:

*that subject to Council receiving written confirmation that the water licence allocation for Bungendore will be sufficiently increased to accommodate the planning proposal on part Lot 1 DP 798111 to allow for the creation of approximately 309 residential lots, that Council agree to progress the planning proposal by placing it on public exhibition for 28 days.*

Council subsequently received the formal additional Water Access Licence - Certificate of Title (WAL) issued under s87B of the *Water Management Act 2000* in October 2019. Receipt of the WAL satisfies the Council resolution (Minute No. 040/19) regarding the timing of the exhibition of the North Elmslea planning proposal.

The planning proposal has now been refined to reflect the receipt of the additional water allocation and is now ready to be placed on public exhibition. Public exhibition will commence on Monday 18 November 2019 and finish on Monday 16 December 2019. Property owners within 150m of the subject site will notified in writing of the public exhibition period and public notices placed in the relevant local papers. An electronic copy of the planning proposal and supporting background studies will be available on Council’s Your Voice website and hardcopies will be available at:

- Queanbeyan Office - 256 Crawford Street, Queanbeyan
- Bungendore Office – 10 Majara Street, Bungendore
- Bungendore Library – Gibraltar Street, Bungendore

In addition to the public notices and letters to property owners, the community consultation section in the planning proposal (Part 5) notes that a public meeting will be held during the exhibition period of the planning proposal. A public meeting/information session was held in August on the draft Bungendore Structure Plan which included a section on land subject to rezoning requests, including the land subject to the North Elmslea planning proposal. There were opportunities available at this meeting to discuss this land amongst other land and growth related aspects for Bungendore. In view of this recent public information session on the draft Bungendore Structure Plan it is considered that a public meeting specifically on the North Elmslea planning proposal is excessive and is not warranted in this case. Submissions

**7.2 North Elmslea (Ref: ; Author: Carswell/Hogg) (Continued)**

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relating to the North Elmslea rezoning request received in response to the exhibition of the draft Bungendore Structure Plan will be considered as part of the review of submissions to the planning proposal for North Elmslea. A report on the outcome of the public exhibition is expected to be tabled at a February 2020 Council meeting.

In summary, the Water Access Licence - Certificate of Title has been issued to Council and now allows the North Elmslea planning proposal to progress to the public exhibition stage. It will be publically exhibited from Monday 18 November 2019 to Monday 16 December 2019 (inclusively). Submissions received during this period together with those received on the draft Bungendore Structure plan relating to the North Elmslea land, will be reviewed and a report prepared for Council's consideration and decision to further progress the planning proposal.

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**Recommendation**

**That the report be received for information.**

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**Attachments**

Nil

7.3 Local Strategic Planning Statement (Ref: ; Author: Thompson/Blacklock)

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**File Reference:** Subject - Local Strategic Planning Statement – 26.1.3-01

**Report**

**Summary**

The purpose of this report is to provide an initial explanation of the requirements and purpose of a Local Strategic Planning Statement (LSPS), and where it fits in with the land use planning framework for Queanbeyan-Palerang. It is intended to hold a Council workshop shortly to brief Councillors further on LSPS's and how staff are proposing to progress Council's LSPS.

**Background**

Under the recent changes to the *Environmental Planning and Assessment Act 1979* every Council in NSW is be required to prepare a Local Strategic Planning Statement (LSPS). This is part of the NSW Government's push to bring a focus on the strategic planning for local councils and a line of sight between the high-level national and state strategies related to land-use, through to Regional Plans, local Council plans and to the developments that occur on the ground.

Work undertaken up to this point has included the formation of a multi Portfolio working group including a representative from the Department of Planning, Industry and Environment. In addition a number of meetings have been held, an outline of the LSPS has been drafted and work has started on the draft LSPS.

The LSPS for Queanbeyan- Palerang is required to be completed by 1 July 2020 following which it is to be reviewed every seven years (i.e. by 2027).

**Local Strategic Planning Statements**

A LSPS is to set out the 20-year vision for land use in the local area, the special character and values that are to be preserved and how change will be managed into the future. The LSPS is to be informed by the strategic and community planning work undertaken across regions, districts and local government areas and is to be the key resource to understand how strategic and statutory plans will be implemented at the local level.

The statements are proposed to act as a unifying document that draws together and summarises the land use planning priorities identified through State, regional, district and local strategic work. The intent is to provide the local context and local-scale expression of actions and priorities from these plans. The Department of Planning, Industry and Environment advise that in practice, the statements will shape how the Local Environmental Plan (LEP) and Development Control Plans (DCP) evolve over time. The LSPS can also identify where further strategic planning effort may be needed.

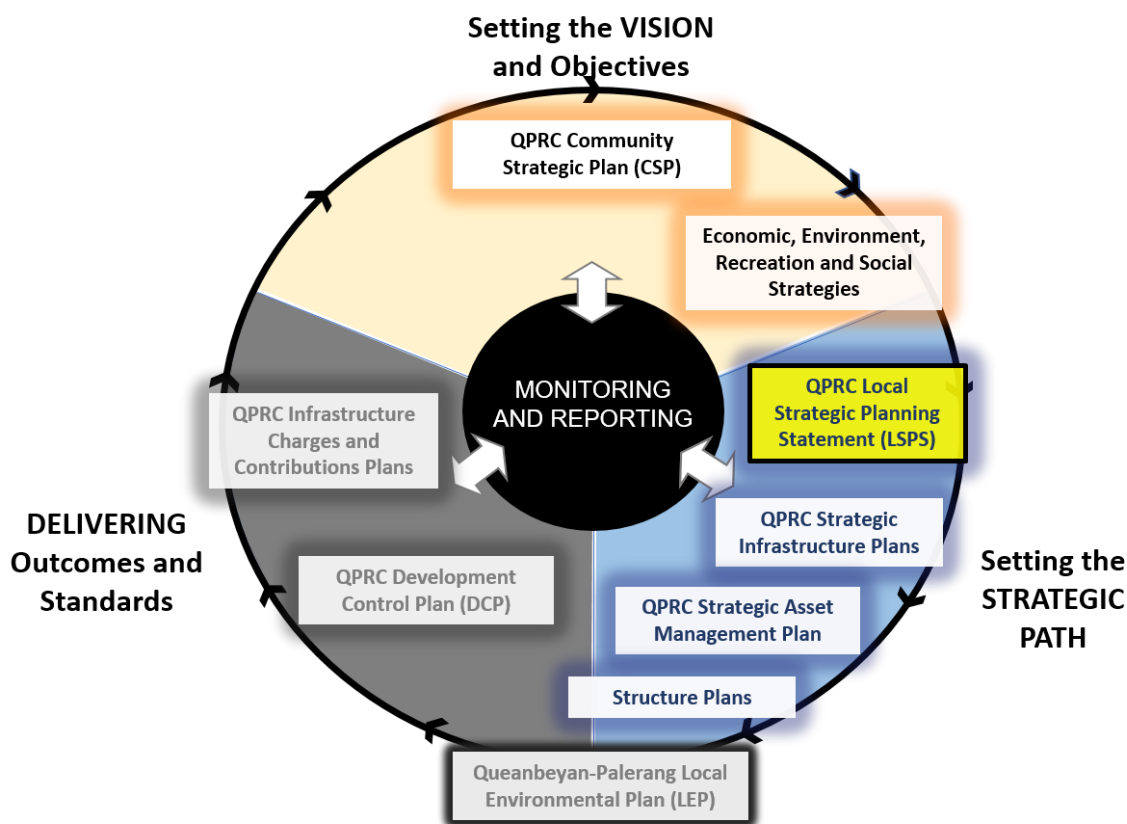
The Department of Planning, Industry and Environment have advised that councils, in consultation with their communities, are to determine the priorities for their area and this is to be informed by and consistent with other applicable strategic plans. This should include developing actions that respond to and build on the place and community's strengths and potential. The LEP will deliver the council and the community's plan and actions from the regional plans. This is supported by other tools such as contributions plans, planning strategies, growth strategies and investment in infrastructure.



7.3 Local Strategic Planning Statement (Ref: ; Author: Thompson/Blacklock)  
(Continued)

**Context of LSPS with QPRC Planning Framework**

The following figure provides the context of where the LSPS fits with the land use planning strategy and delivery for Queanbeyan-Palerang.



**Context of Strategic Land-use Planning at QPRC**

In relation to the Community Strategic Plan the LSPS will have cognisance of its objectives and priorities relevant to land use planning.

**Content Requirements for LSPS**

The Department of Planning, Industry and Environment have issued a guideline for the preparation of LSPS and it details what it should include together with the format that will meet the requirements under Part 3 and specifically Section 3.9 of the *Environmental Planning and Assessment Act*. The key points from the guideline are:

LSPS content is to:

- (a) Be succinct and easy to understand so that it will allow community members to contribute to and understand the future direction of land use in their area.
- (b) Include a 20-year vision for the LGA, which:
  - builds on the 10-year vision in council’s Community Strategic Plan.
  - must be a planning vision, emphasising strategic land use, transport and environmental planning, clearly demonstrating how the area will change to meet the community’s needs in 20 years’ time.
  - may be derived from a community strategic visioning process conducted as part of the Community Strategic Plan prepared

**7.3 Local Strategic Planning Statement (Ref: ; Author: Thompson/Blacklock)  
(Continued)**

- (c) identify the planning priorities for an area and explain how these are to be delivered and implemented.

The strategies and plans already completed or in train for areas within Queanbeyan-Palerang (including the Bungendore Structure Plan) will inform the content of the LSPS as well as various resolutions of Council.

The legal requirements for a LSPS outlined in section 3.9 of the *Environmental Planning and Assessment Act* include:

- (a) Context
 

This is the basis for strategic planning in the area, having regard to economic, social and environmental matters.
- (b) Planning priorities
 

The planning priorities for the area that are consistent with any strategic plan applying to the area and (subject to any such strategic plan) any applicable community strategic plan under section 402 of the Local Government Act 1993
- (c) Actions
 

The actions that are required to achieve those planning priorities
- (d) Implementation and monitoring
 

This is the basis on which the Council is to monitor and report on the implementation of those actions. The LSPS is then required to be reviewed every seven years.

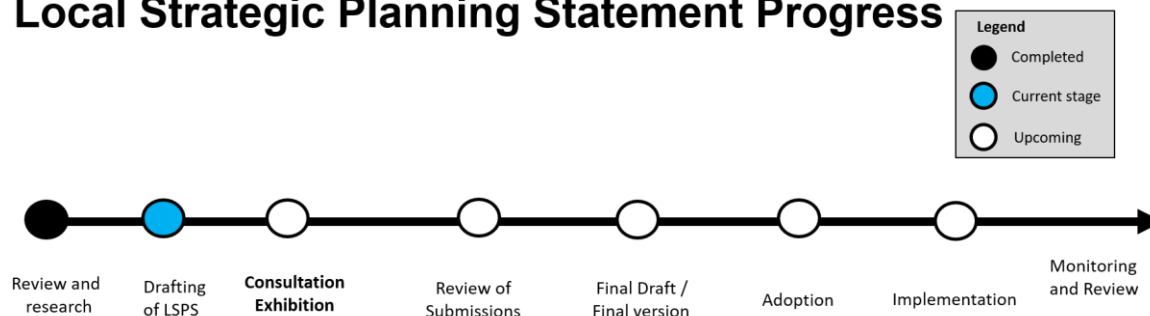
Attachment A provides the suggested structure for a LSPS.

The *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* requires that regional councils (including Queanbeyan-Palerang) have their LSPS completed by 1 July 2020. This is detailed in Clause 11A of the Regulation.

**Consultation**

Consultation is required as part of the LSPS process and can occur at several stages. Feedback from consultation from the Community Satisfaction surveys, Community Strategic Plan, Service Reviews, the Economic Development Strategy, Councillor Engagement Post 2017 Election as well as land-use specific projects such as the Bungendore Structure Plan will be used in preparing a draft LSPS document. Further consultation is anticipated once the Draft LSPS is available for public consultation in the early 2020 and issues raised in the submissions will then be considered in finalising the LSPS for adoption by Council.

**Local Strategic Planning Statement Progress**



7.3 Local Strategic Planning Statement (Ref: ; Author: Thompson/Blacklock)  
(Continued)


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**Recommendation**

That the report be received for information.

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**Attachments**

Attachment 1  Suggested Structure for a Local Strategic Planning Statement (*Under Separate Cover*)

7.4 Bush Fire Prone Land Map (Ref: ; Author: Thompson/Duncan)

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**File Reference:** 452526

**Report**

Bush fire prone land is land that can support a bush fire or is likely to be subject to bush fire attack. Section 10.3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires Council, where a Bush Fire Risk Management Plan applies, to record a bush fire prone land map after consulting with the Commissioner of the NSW RFS. Once certified the BFPL map (via sections 4.14 and 4.46 of the EP&A Act) becomes the trigger for consent authorities to consider bush fire protection measures for new development.

The Bush Fire Prone Land (BFPL) map identifies bush fire hazards and associated buffer zones within a designated area. In March 2019, a review of the BFPL map for Queanbeyan-Palerang Regional Council area commenced with certification by the Commissioner of the NSW RFS to be completed before the ensuing Bush Fire Danger Period. Prior to that time each Council had their own individually certified BFPL maps.

NSW RFS have developed a methodology that is to be applied State wide for comparative purposes. Using the QPRC Vegetation Map to identify and determine vegetation types for all the land within the local government area (both private and public tenure), the vegetation was classified into the following categories based of vegetation type and potential risk:

Vegetation Category 1 – considered to be the highest risk for bush fire. It is represented as red on the BFPL map and will be given a 100m buffer from the edge of the vegetation type. This vegetation category consists of forest, woodlands, heaths (tall and short), forested wetlands and timber plantations.

Vegetation Category 2 – is considered to be a lower bushfire risk than Category 1 and Category 3 but higher than the excluded areas. It is represented as light orange on a BFPL map and will be given a 30 meter buffer from the edge of the vegetation type. This vegetation category consists of rainforests, lower risk remnant vegetation, land with ongoing land management practices that actively reduces bush fire risk. These areas must be subject to a plan of management or similar that demonstrated that the risk of bush fire is offset by strategies that reduce bush fire risk.

Vegetation Category 3 – is considered to be medium bush fire risk vegetation. It is higher in bush fire risk than Category 2 (and excluded areas) but lower than Category 1. It is represented as dark orange on a BFPL map and will be given a 30 metre buffer from the edge of the vegetation type. This category consists of grasslands and semi-arid woodlands. This is a new category and the inclusion of grasslands now means that some land previously not on the BFPL map is now on it.

Exclusions – is considered low bush fire risk vegetation. It is excluded from any colouring and left 'blank' on a BFPL map. The category consists of strips of vegetation, areas of 'managed grasslands' including recreational grounds, commercial/industrial land, residential land and maintained public reserves.

Consultation with the local NSW RFS District occurred to provide clarification and agreement on the categories used. A meeting was also held with QPRC Planning and Assessment teams to update and gain feedback. At the conclusion of this category identification process a spatial dataset named 'Bush Fire Prone Vegetation' (BFPV) was created. Once satisfied with the

**7.4 Bush Fire Prone Land Map (Ref: ; Author: Thompson/Duncan) (Continued)**

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content of the dataset, Council provided the BFPV dataset to NSW RFS HQ for approval and certification in early August 2019.

NSW RFS undertakes quality checking on the BFPV including checking remnant vegetation and compliance to exclusions. Once areas of vegetation have been approved, the appropriate buffers are added to the categories. At the conclusion of this process there will be one dataset called 'Bush Fire Prone Land'. NSW RFS will forward the completed BFPL dataset to Council for use. As the process was a technical verification process it was not subject to community consultation.

Council, having had its BFPL dataset certified by the Commissioner of the NSW RFS, should regularly monitor and review the information to ensure currency and reliability of data depicted.

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**Recommendation**

**That the report be received for information.**

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**Attachments**

Nil

7.5 Re-categorisation of Land - Plan of Management - 16 Agnes Avenue,  
Crestwood (Ref: ; Author: Carswell/Kurzyniec)

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File Reference: 26.2.1-06

**Summary**

At its Planning and Strategy meeting of 12 June 2019 Council considered two reports on 16 Agnes Avenue, Crestwood each resulting in resolutions. This report follows from the second resolution (PLA 062/19) which required the exhibition of three Plans of Management (PoMs).

These included a new draft Plan of Management (PoM) – General Community Use for the land which sought to re-categorise part of the site as well as to authorise a lease for the use of that part of the site for a respite care centre. The plans also included exhibition of amended Plans of Management (PoM) - Sportsgrounds and Parks which sought to re-categorise the balance of the site from a Sportsground to a Park.

Part of this process included a public hearing into these new and amended PoMs chaired by an independent consultant and held on Tuesday 17 September. Consequently the purpose of this report is:

1. To advise Council of the outcomes from the exhibition period as well as the recommendations of the public hearing.
  2. To recommend that Council adopt the new and amended Plans of Management (PoMs) and all of the recommendations of the independent consultant.
  3. To seek Council's agreement to take all necessary actions to finalise the PoMs in accordance with the *Local Government Act 1993*.
- 

**Recommendation**

**That Council:**

1. **Adopt and action the recommendations of the report on the Independent Public Hearing being:**
    - a. ***That in concert with the on-going re-categorisation process the Council provide to the local community an undertaking to review the area to be categorised as Park and to develop within the Plan of Management a program of planting and landscaping;***
    - b. ***That Council consider establishing in the park some selection of pieces of children's playground equipment or external fitness regime equipment;***
    - c. ***That together with any future development on Ross Road frontage land (Lots 33, 34 & 35) that such future development integrate through block access to connect Ross Road pedestrian access through to Agnes Avenue.***
  2. **Adopt the following new and amended Plans of Management (PoM) with any required minor changes:**
    - a. **PoM – General Community Use – 16 Agnes Avenue, Crestwood;**
    - b. **PoM – Parks – Amendment No. 6;**
    - c. **PoM – Sportsgrounds – Amendment No. 5.**
  3. **Give public notice regarding the adoption of the new and amended Plans of Management in the local newspaper and place the amended documents on Council's website once amendments have been completed.**
-

**7.5 Re-categorisation of Land - Plan of Management - 16 Agnes Avenue, Crestwood  
(Ref: ; Author: Carswell/Kurzyniec) (Continued)**

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**Background**

At its Planning and Strategy meeting of 12 June 2019 considered two reports on 16 Agnes Avenue, Crestwood each resulting in resolutions. This report follows from the second resolution (PLA 062/19) which was:

*That Council:*

1. *Publicly exhibit the Draft PoM 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 PoM for Sportsgrounds to remove Lots 33-35 DP14341 from the Plan and to reflect the re-categorisation of Lots 53-55 DP14341 to the Parks PoM.*
3. *Publicly exhibit an amended PoM for Parks to include Lots 53-55 DP14341 in that Plan.*

Part of this process included a public hearing into these new PoMs chaired by an independent consultant and held on Tuesday 17 September. This considered all submissions received at to that point as well as submissions made to it at the hearing and submissions following it.

***Land Classification***

Number 16 Agnes Avenue consists of six (6) lots and at present all six (6) lots are classified as Community Land under the *Local Government Act 1993*.

In general terms, Community Land must be managed in accordance with the procedures laid down in the *Local Government Act 1993*. These include being categorised in accordance with section 36 of the *Local Government Act 1993* and being managed in accordance with a Plan of Management.

All six (6) lots are currently in the PoM – Sportsgrounds and Council's resolution required a new PoM to be drafted and changes to be made to the PoMs for Sportsgrounds and Parks.

These in turn needed to be advertised and a public hearing into the changes held.



**7.5 Re-categorisation of Land - Plan of Management - 16 Agnes Avenue, Crestwood  
(Ref: ; Author: Carswell/Kurzyniec) (Continued)**

**Map 1: Aerial Map of 16 Agnes Avenue, Crestwood**

**Actions involving the Plans of Management**

For the purpose of this report the three lots making up the Respite Centre site are referred to as the “Ross Road” site (Lots 33-35 DP14341). The balance of the land is referred to as the “Agnes Avenue” site (Lots 53-55 DP14341). These refer to the streets that the respective sites have frontage to.

A new draft PoM - General Community Use has been drafted for the Ross Road site in order to re-categorise it from Sportsground to General Community Use as well as to authorise a lease of the land to enable a respite care centre to be built there.

The respite care facility is proposed to provide short-term residential accommodation for people between the ages of 18 and 59 years who are suffering from terminal or chronic illness.

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.

The Agnes Avenue site has also been removed from the PoM – Sportsgrounds and has been re-categorised from Sportsground to Parks.

Further minor changes to all PoMs have been done in terms of updating responsibilities, removing redundant parts and the like.

**Independent Public Hearing**

Once the public exhibition was completed a public hearing was conducted and chaired by an independent consultant on Tuesday 17 September 2019.

**7.5 Re-categorisation of Land - Plan of Management - 16 Agnes Avenue, Crestwood  
(Ref: ; Author: Carswell/Kurzyniec) (Continued)**

The independent consultant chaired the public hearing and fourteen (14) members of the public attended. At the hearing, both verbal and written submissions were made. Following the public hearing further submissions were received by Council until Friday 27 September 2019. All of these were forwarded to the independent Chairperson for consideration.

In relation to written submissions (Attachment 1 – clause 1.10 at page 7) the public hearing report notes:

*During the period of exhibition and subsequent to the Hearing, Council received 38 written submissions, which were provided in the form of E-mail, letter and direct response within the electronic exhibition web-site portal. Submissions consisted of both support and opposition to the re-categorisation proposal. However, most submissions were not in favour of the proposed action. A further written submission was handed to Council staff during the Hearing. During the exhibition period, Council also received a petition opposing the proposed re-categorisation action, signed by in excess of 70 signatories.*

Submissions were considered further in Appendices A and B of the public hearing report.

At clause 2.0 Summary of Submissions the report provides an overview of Appendices A and B:

*This section (and the attached appendix A) identifies and summarises all submissions (both written and verbal) that were received by Council during the exhibition period, the Public Hearing and extended subsequent time frame for receipt of submissions. In several specific areas there was commonality of issues raised both in terms of verbal and written matters of concern. The summary table at appendix A is a direct summary of all submissions received and the issues expressed there-in. The summary as provided at appendix B provides a consolidation of issues, whereby commonality of issue within the submission have been grouped and a response provided in respect to the nature of that concern. .... In that regard, the table at appendix B summarises those issues that were deemed to relate more specifically to the process of re-categorisation and any possible use that may eventuate, once the land could support a more intense activity than currently permitted in the categorisation of 'sportsground'.*

At page 10 of the report the independent consultant observes in regard to submissions during the public hearing (Appendix 1 – clause 4.0 Recommendation):

*The Public Hearing did engender some passionate and well-articulated concerns as to the proposed built form use which may eventuate on the land. It has been the need to find a suitable land component for the respite care facility that has initiated the need for the re-categorisation process. Indeed, the community group representing the proposed development are equally passionate and have demonstrated a commitment to locate a suitable site for their facility.*

However in regard to the above and other matters, the public hearing report (Appendix 1 – page 11) observes:

*On balance therefore, it is my recommendation the re-categorisation of the community land currently forming the land known as Agnes Avenue Reserve and defined as lot 33, 34 & 35 DP 14341 and lots 53, 54 & 55 DP 14341 should proceed.*

*In offering this recommendation it is my suggestion that Council consider the following actions to assure the local community that the action or re-categorisation will not unduly impact on the continued enjoyment of the reserve in the modified state.*

- 1. That in concert with the on-going re-categorisation process the Council provide to the local community an undertaking to review the area to be categorised as Park and to develop within the PoM a program of planting and landscaping;*

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2. *That Council consider establishing in the park some selected pieces of children's playground equipment or external fitness regime equipment;*
3. *That together with any future development on the Ross Road frontage land (lots 33, 34 & 35) that such future development integrate through block access to connect Ross Road pedestrian access through to Agnes Avenue.*

**Implications*****Legal***

Plans of Management are legislative requirements for community land under the care, control and management of Council.

Amending the various PoMs needs to be done in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulations 2005*.

***Policy***

Plans of Management indicate Council's policy for the land as well as its management regime.

***Asset***

Recommendations 1 and 2 of the public hearing report if adopted by Council will require funding and will result in additional Council assets on the balance of the land.

In the longer term if the respite care facility proceeds and a lease is issued it may become a Council asset at the expiration of the lease.

***Social / Cultural***

Recommendations 1 and 2 of the public hearing report are designed to enhance the social and cultural potential for the community of the remaining part of the site as well as to deal in part with the considerable opposition from the local community to the proposed loss of open space within a built urban environment.

***Engagement***

All three PoM's were initially placed on public exhibition for a minimum of 28 days from while allowing 42 days for the public to comment. Notification letters were also sent to all adjoining land owners advising of the proposed amendments to the three PoMs. The exhibition period was subsequently extended until Monday 9 September 2019 to allow further time for local residents to send in submissions.

As indicated above, community engagement also included a public hearing chaired by an independent consultant.

The public hearing report and its conclusions and recommendations were placed on Council's website on Tuesday 8 October 2019. Copies of this report were delivered to all adjoining residents on Friday 4 October 2019 as requested by members of the community at the public hearing.

The public hearing report notes that a total of 38 submissions were received. Of these 31 objected to the respite care facility and loss of park and sportsgrounds and seven supported the respite care facility. Also received was a petition with 70 signatures objecting to the respite care facility and the loss of park and sportsgrounds.

The public hearing report assesses the submissions and summarises the main issues of concern as follows (Appendix 1- clause 3.2 Submission assessment - pages 8 and 9)

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*The range of issues of general concern expressed by members of the community present at the hearing and in submissions, mainly focused on three broad areas, these being; environmental amenity loss (open space), removal of the structured sport playing facility and loss of green space within a built urban environment. These influences will of course have a greater consequence to those in the community residing in close proximity to the land. Certainly the expressed loss of open space would have a more dispersed effect for the wider local community. The perception that half of the current available open space would effectively be lost to the greater community participation was a paramount within many submissions. With a possibility of half the area being developed with built-form emphasised the diminution of the natural park environment and has a sense of finality in its direct effect. The value of the built environment interspersed with generous areas of parkland, was viewed by the local residents attending the hearing, as a valuable contribution to the liveability of urban areas. The aesthetic value that the present park provides in offering accessible and relative safe play area, was a point earnestly presented at the Hearing. The benefit the park also provides in accessibility and unencumbered form and unrestricted use by pet owners for animal exercise for example, reinforces the value in the parks' present form. The loss of a significant area of the park for a use that will restrict those activities to a smaller area may be less easily managed long-term.*

Issues raised by submissions were further considered in some detail in Appendices A and B of the public hearing report.

**Financial**

Financial implications include the 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 the independent consultant (consultant cost \$3696.00 incl of GST), as well as advertising costs for this. This will be covered by the relevant project budget.

**Resources (including staff)**

This project has been primarily managed by staff. The LIS/GIS section 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 assets.

**Conclusion**





Council has met its legislative obligations by ensuring that Council land is categorised in an appropriate manner. This has been done through the preparation and exhibition of a new PoM – General Community Use covering the Ross Road site which authorises a lease with Respite Care for Queanbeyan for a proposed respite care centre and this should be adopted. It also includes an amended PoM – Parks which now includes the Agnes Avenue site and so better reflects the use of this land as well as an amended PoM – Sportsground which removes both of these sites and should also be adopted.

Council's legislative obligations also included holding a public hearing chaired by an independent consultant. This was done and after reviewing all submissions and all other relevant matters the public hearing report has conditionally recommended proceeding with the re-categorisation of the land. It is concluded that its recommendations should be adopted and pursued by Council.

**7.5 Re-categorisation of Land - Plan of Management - 16 Agnes Avenue, Crestwood  
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**Attachments**

- Attachment 1  Public Hearing Report & Recommendation (*Under Separate Cover*)
- Attachment 2  Plan of Management - General Community Use - 16 Agnes Ave  
Crestwood (*Under Separate Cover*)
- Attachment 3  Plan of Management - Parks - Amendment No 6 (*Under Separate Cover*)
- Attachment 4  Plan of Management - Sportsground - Amendment No 5 (*Under Separate Cover*)



8.1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 10 October 2019 (Ref: ; Author: Carswell/McCauley)

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File Reference: 434701

**Summary**

The Minutes of the Braidwood and Curtilage Heritage Advisory Committee of 10 October 2019 are presented to Council for its consideration.


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**Recommendation**

**That Council note the Minutes of Braidwood and Curtilage Heritage Advisory Committee Meeting held on 10 October 2019.**

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**Attachments**

Attachment 1  Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 10 October 2019 (*Under Separate Cover*)





8.2 Minutes of the Special QPRC Heritage Advisory Committee Meeting held 24 October 2019 (Ref: ; Author: Thompson/McCauley)

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**File Reference:** QPRC Heritage Advisory Committee – 26.5.1-08

**Summary**

The Minutes of the QPRC Heritage Advisory Committee of 24 October 2019 are presented to Council for consideration.

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**Recommendation**

**That Council note the minutes of the Special QPRC Heritage Advisory Committee held on 24 October 2019 and in particular QPRC HAC 11/19 (supporting the recommended distribution of funds for the Local Heritage Grant applications) and QPRC HAC 12/19 (supporting the recommended distribution of funds for the Special Heritage Grant applications).**

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**Attachments**

Attachment 1  Minutes of the QPRC Heritage Advisory Committee held 24 October 2019 (*Under Separate Cover*)



**9 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION**

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

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

**Recommendation**

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

**Item 10.1 Lease Renewal - Westpac Bank**

*Item 10.1 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*