



Planning and Strategy Committee of the Whole

AGENDA

10 November 2021

Commencing at 5.30pm

**Council Chambers
253 Crawford St, Queanbeyan**

On-site Inspections - Nil

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

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

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

| | | |
|----------|--|----------|
| 1 | OPENING | |
| 2 | ACKNOWLEDGEMENT OF COUNTRY | |
| 3 | APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS | |
| 4 | DISCLOSURES OF INTERESTS | 1 |
| 5 | ADJOURNMENT FOR PUBLIC FORUM | |
| 6 | MAYORAL MINUTE | |
| 7 | NOTICES OF MOTIONS OF RESCISSION | |
| 8 | REPORTS TO COUNCIL - ITEMS FOR DETERMINATION | |
| 8.1 | Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan | 3 |
| 8.2 | Development Application - DA.2021.1207 - Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) - 114 Molonglo Street, Bungendore | 15 |
| 8.3 | Development Application - DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road, Carwoola | 25 |
| 8.4 | Bungendore East Planning Proposal - State Agency Consultation and Public Exhibition | 31 |
| 8.5 | Determination of Applications for the Local Heritage Places Grants 2021-22 | 37 |
| 8.6 | Street Naming Proposal - Estate 2 Stage 1 - South Jerrabomberra Urban Release Area | 39 |
| 8.7 | Road Naming Proposal - Maddrell Place, Braidwood | 41 |
| 8.8 | Draft Mobile Food Vending Policy for Adoption | 43 |
| 8.9 | Resourcing Strategy 2021 | 45 |
| 8.10 | Country Womens Association - Carpark at rear of 152 Wallace Street, Braidwood - Licence Agreement Renewal - Updated Information..... | 47 |

9 REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10 REPORTS OF COMMITTEES

| | |
|---|----|
| 10.1 Minutes of the QPRC Heritage Advisory Committee held 21 October 2021..... | 49 |
| 10.2 Minutes of Braidwood and Curtilage Heritage Advisory Committee held 14 October 2021 | 51 |
| 10.3 Minutes of the Environment and Sustainability Advisory Committee Meeting held 20 October 2021 | 53 |

11 NOTICES OF MOTIONS

12 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION 54

13 REPORTS FOR CLOSED SESSION

14 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS

OPEN ATTACHMENTS

| | |
|---------------------|--|
| Item 8.1 | Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan |
| <i>Attachment 1</i> | <i>DA.2020.1481 - Section 4.15 Assessment Report - Matters for Consideration - 39 Isabella Street (Under Separate Cover)</i> |
| <i>Attachment 2</i> | <i>DA.2020.1481 - Architectural Drawings - 39 Isabella Street (Under Separate Cover)</i> |
| <i>Attachment 3</i> | <i>DA.2020.1481 - Redacted Submissions on Original Proposal (Under Separate Cover)</i> |
| <i>Attachment 4</i> | <i>DA.2020.1481 - Draft Condiitons of Consent - 39 Isabella Street (Under Separate Cover)</i> |
| <i>Attachment 5</i> | <i>DA.2020.1481 - Heritage Statement and Access Statement - 39 Isabella Street (Under Separate Cover)</i> |
| Item 8.2 | Development Application - DA.2021.1207 - Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) - 114 Molonglo Street, Bungendore |
| <i>Attachment 1</i> | <i>DA.2021.1207 - Section 4.15 Assessment Report - 114 Molonglo Street, Bungendore (Under Separate Cover)</i> |
| <i>Attachment 2</i> | <i>DA.2021.1207 - Architectural Plans - 114 Molonglo Street, Bungendore (Under Separate Cover)</i> |
| <i>Attachment 3</i> | <i>DA.2021.1207 - Written Request for Clause 4.6 Variation - 114 Molonglo Street, Bungendore (Under Separate Cover)</i> |
| <i>Attachment 4</i> | <i>DA.2021.1207 - Redacted Submission - 114 Molonglo Street, Bungendore (Under Separate Cover)</i> |
| <i>Attachment 5</i> | <i>DA.2021.1207 - Draft Conditions of Consent - 114 Molonglo Street, Bungendore (Under Separate Cover)</i> |
| <i>Attachment 6</i> | <i>DA.2021.1207 - Acoustic Assessment Report - 114 Molonglo Street, Bungendore (Under Separate Cover)</i> |
| <i>Attachment 7</i> | <i>DA.2021.1207 - Traffic Impact Assessment Report - 114 Molonglo Street, Bungendore (Under Separate Cover)</i> |

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

BUSINESS PAPER AGENDA – 10 November 2021 Page iii

- Item 8.3 Development Application - DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road, Carwoola
- Attachment 1 DA.2020.1083 - 4.15 Assessment Report - Matters for Consideration – 33 Widgiewa Road, Carwoola (Under Separate Cover)*
- Attachment 2 DA.2020.1083 - Subdivision Plans - 33 Widgiewa Road, Carwoola (Under Separate Cover)*
- Attachment 3 DA.2020.1083 - Redacted Submissions - 33 Widgiewa Road, Carwoola (Under Separate Cover)*
- Attachment 4 DA.2020.1083 - Draft Conditions of Consent – 33 Widgiewa Road, Carwoola (Under Separate Cover)*
- Attachment 5 DA.2020.1083 - BDAR Report – 33 Widgiewa Road, Carwoola (Under Separate Cover)*
- Attachment 6 DA.2020.1083 - General Terms of Approval from NRAR and RFS (Under Separate Cover)*
- Item 8.4 Bungendore East Planning Proposal - State Agency Consultation and Public Exhibition
- Attachment 1 Preliminary Letter of Offer - Local Planning Agreement (Under Separate Cover)*
- Item 8.5 Determination of Applications for the Local Heritage Places Grants 2021-22
- Attachment 3 Local Heritage Grant Guidelines 2021-22 (Under Separate Cover)*
- Attachment 4 Application Form - Local Heritage Grant 2021-22 (Under Separate Cover)*
- Attachment 5 Project Funding Agreement Template - Local Heritage Grants 2021-22 (Under Separate Cover)*
- Item 8.6 Street Naming Proposal - Estate 2 Stage 1 - South Jerrabomberra Urban Release Area
- Attachment 1 Proposed Street Names - South Jerrabomberra Estate 2 Stage 1 (Under Separate Cover)*
- Attachment 2 Road Name Allocation - South Jerrabomberra Estate 2 Stage 1 (Under Separate Cover)*
- Item 8.7 Road Naming Proposal - Maddrell Place, Braidwood
- Attachment 1 Submissions - Redacted (Under Separate Cover)*
- Item 8.8 Draft Mobile Food Vending Policy for Adoption
- Attachment 1 Summary of Submissions and Comments Following Exhibition (Under Separate Cover)*
- Attachment 2 Mobile Food Vending Policy Proposed for Adoption (Under Separate Cover)*
- Item 8.9 Resourcing Strategy 2021
- Attachment 1 Draft Resourcing Strategy 2021 (Under Separate Cover)*
- Item 10.1 Minutes of the QPRC Heritage Advisory Committee held 21 October 2021
- Attachment 1 Minutes of QPRC Heritage Committee 21 October 2021 (Under Separate Cover)*
- Item 10.2 Minutes of Braidwood and Curtilage Heritage Advisory Committee held 14 October 2021
- Attachment 1 Minutes of Braidwood and Curtilage Heritage Advisory Committee 14 October 2021 (Under Separate Cover)*
- Item 10.3 Minutes of the Environment and Sustainability Advisory Committee Meeting held 20 October 2021
- Attachment 1 Minutes of the Environment and Sustainability Advisory Committee Meeting Held on 20 October 2021 (Under*

Separate Cover)

Closed Attachments

- Item 8.5 Determination of Applications for the Local Heritage Places Grants 2021-22
*Attachment 1 Summary of Local Heritage Grant Applications 2021-22
(Under Separate Cover)*
*Attachment 2 Presentation for Queanbeyan Heritage Committee - Local
Heritage Applicants 2021-22 (Under Separate Cover)*
- Item 10.1 Minutes of the QPRC Heritage Advisory Committee held 21 October 2021
*Attachment 2 Attachment to Minutes of HAC Meeting 21 Oct 2021 -
Summary of Grant Applications Received (Under Separate
Cover)*

ITEM 4 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

8.1 Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Tonner)

File Reference: DA.2020.1481

Summary

Reason for Referral to Council

This application has been referred to Council because the application involves a significant variation to a requirement in a development control plan and that variation would have a significant environmental impact and because it includes the proposed demolition of an outbuilding that is part of a listed Heritage Item.

| | |
|--|--|
| Proposal: | Adaptive reuse of listed heritage item (Benedict House) for use as a childcare facility, demolition of cottage to rear, basement parking and associated additions. |
| Applicant/Owner: | Capital Region Planning / Jam St Investments Pty Ltd |
| Subject Property: | 39 Isabella Street Queanbeyan, Lot 1 DP 801099 |
| Zoning and Permissibility: | R2 – Low Density Residential under Queanbeyan Local Environmental Plan 2012 |
| Public Submissions: | Three submissions against the original proposal Nil submissions received for amended proposal |
| Issues Discussed: | Planning Requirements Submissions Demolition of part heritage item Traffic S64 Contribution Charges |
| Disclosure of Political Donations and Gifts: | Applicant Declared no Donations or Gifts to any Councillor or Staff have been made |

Recommendation

That:

- 1. Development application DA.2020.1481 for the adaptive reuse of a listed heritage item (Benedict House) as a childcare facility, demolition of cottage to rear basement parking and associated additions on Lot 1 DP801099, 39 Isabella Street, Queanbeyan be granted conditional approval.**
 - 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
-

8.1 Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Tonner) (Continued)

Background

The original plans for this proposal were submitted on 29 September 2020. The original plans proposed a new structure extending from the cottage with six onsite car parking spaces and relying on eleven on street carparking spaces on Isabella Street.



Figure 1. Original proposal with retention of cottage

This proposal did not meet the carparking requirements and the proposal was not supported. The applicant reconsidered the design and submitted a concept plan on 2 March 2021 which were presented to the Heritage Advisory Committee (HAC). The concept plans showed the demolition of the rear cottage and basement carparking with new structure over. This amended option is the proposal put forward to Council for determination.

Proposed Development

The development application seeks Council approval for the adaptive reuse of a listed heritage item (Benedict House) as a childcare facility for 115 children.

The specific elements of the proposal include:

- Alterations, refurbishment and additions to existing building;
- Demolition of cottage to rear;
- Basement parking for 19 car spaces;
- Formalisation of on street carparking in Isabella Street for 8 car spaces;
- Construction of new structure over basement parking;
- Link to main building over carpark;
- Access ramps, lifts and fire stairs;
- Landscaping.

Elevations of the proposal are shown in Figure 2 below.

Figure 3 shows a perspective looking from above Thorpe Avenue to the east and shows the new structure erected over the basement carpark in the rear yard.

8.1 Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Tonner) (Continued)



Figure 2 Elevations of proposed development

8.1 Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Tonner) (Continued)



Figure 3 Perspective of Proposed Development with Basement Carparking

Subject Property

The subject property is legally described as Lot 1 DP 801099 and is known as 39 Isabella Street Queanbeyan. The site is located on the south eastern corner of Isabella Street, Crawford Street and Thorpe Avenue. The site area is 1591m² and falls from north to south by approximately 2 metres and west to east by approximately 1 metre.

Vehicular access is provided to the site via a driveway from Thorpe Avenue. There is informal parking along Isabella Street for approximately 8 cars.

Existing development within the locality consists of Isabella Street Primary School, dwelling houses, townhouses and other child care centres, including a special needs facility.

Immediately to the east of the subject site is a group of townhouses, to the south is a special needs facility (Treehouse), to the north are residential dwellings and to the west the primary school.

The subject site is identified as a Heritage Item in schedule 5 of the QLEP 2012 and is within the Heritage Conservation Area. The site was used as the former St Benedict’s convent and constructed in 1882 as a convent and school for the Queanbeyan Sisters of the Good Samaritan. The building has been used for a number of uses over the last 20 years including and craft gallery, studio and café and dwelling house on the first floor.

8.1 Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Tonner) (Continued)



Figure 4 - Front Elevation of Benedict House with Informal Carparking off Isabella street.



Figure 5 - Locality Plan

8.1 Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Tonner) (Continued)

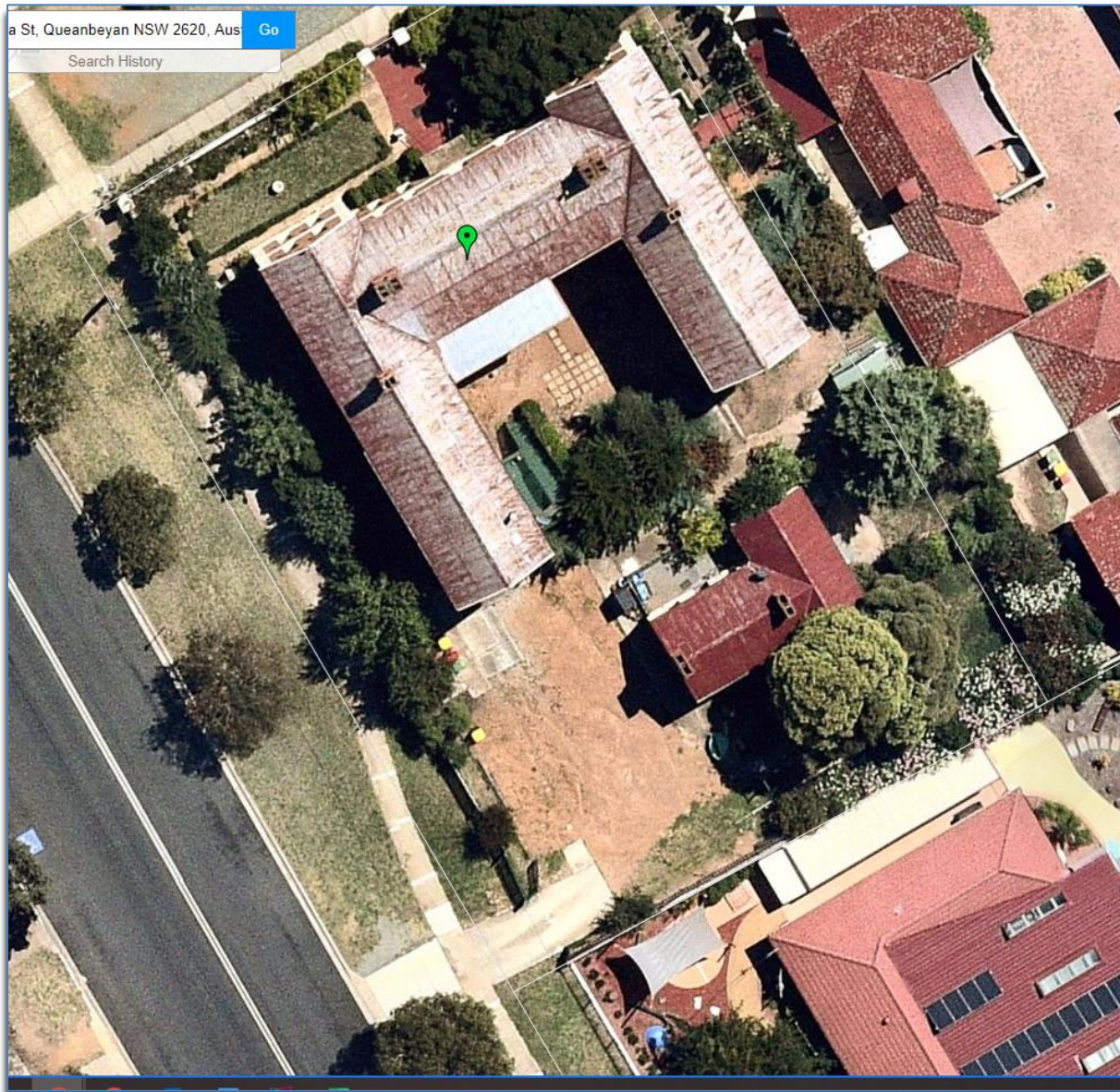


Figure 6 Aerial View of the Subject Site

Planning Requirements

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

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

1. *State Environmental Planning Policy No 55 – Remediation of Land*
2. *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*
3. *Queanbeyan Local Environmental Plan 2012 (LEP)*
4. *Queanbeyan Development Control Plan 2012 (DCP)*

8.1 Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Tonner) (Continued)

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 are:

- Adaptive reuse of Heritage Item
- Demolition of part of the heritage item - rear cottage
- Noting the submissions received against the original proposal
- Variation to on-site carparking requirements
- Variation in site coverage controls

(a) Compliance with SEPPs

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (SEPP Education)

SEPP (Education) and the associated Child Care Planning Guidelines establish several development standards for development for the purposes of childcare centres such as the subject application. A detailed assessment of the proposed development against the relevant provisions of the SEPP and associated guidelines is provided in the attached Section 4.15 Assessment Table.

In summary, the proposed development meets the requirements in the SEPP and the Guidelines, except for the provision of onsite carparking. A variation is proposed to the number of onsite carparking spaces. The centre provides for 115 children. Under the Child Care Planning Guidelines the parking rate is 1 space per 4 children generating a requirement for 29 ($115/4=28.75$) on site car spaces. The basement carpark provides 19 spaces. The proposal also includes the formalisation of 8 car spaces on Isabella Street. With the 19 on-site spaces and 8 on-street spaces the total number of spaces proposed is 27. As a consequence the development does not meet the minimum number of carparking spaces.

Council's Development Engineer and the Local Traffic Committee reviewed the proposal and have made the following comments.

After several meetings with the applicant it was agreed by Council that in the interest of the adaptable reuse of a heritage item that a concession for on-site carparking would be granted in this case on the basis that no less than 75% of the parking requirements could be achieved on site. This concession was arrived at because following a review of four centres in Googong and Jerrabomberra – with a focus on movements (rather than numbers) over a 45 minute period for drop offs/pick-ups – core traffic was around the 75% mark, and timings were an average of five minutes per park.

The applicant came back to Council with a proposal for 20 basement parking spaces however, this was reduced to 19 spaces to provide for disabled parking. This constitutes 65% of the required parking on site.

The matter was further reviewed by the Local Traffic Committee who commented that if the formalisation of the on-street parking out the front of the development site in Isabella Street could be increased from the proposed 8 spaces to 10 spaces then this would be acceptable. i.e. 19 on-site spaces + 10 on-street spaces = 29 spaces. Increasing the on-street spaces from 8 to 10 spaces was considered reasonable considering the development could not meet the 75% threshold agreed to.

The Committee also commented that formalising the carparking and replacing the existing footpath would improve pedestrian safety in the area, particularly during the peak drop off and pickup times at the adjacent school.

8.1 Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Tonner) (Continued)

As such the Local Traffic Committee supported the development subject to the following:

- Formalisation of the on-street parking by extension of intersection blister and the sealing and line marking of the spaces to the first driveway, allowing for 10 formal spaces to be created.
- The footpath in front of the centre needs to be widened to 1.5m to the first driveway.

With these matters conditioned objections relating to parking were overcome and a variation to the carparking standards can be supported.

State Environmental Planning Policy No 55 – Remediation of Land

Though there are no records of the site being previously used for any potentially contaminating uses, Council's Health Officer has provided relevant conditions of consent with regard to previous use of lead based paints and asbestos containing material. Of particular concern in heritage premises being used for childcare purposes is the presence of lead based paints which were used extensively up to the 1980's. Old flaking paint can be ingested by small children and it is important in old premises that steps are taken to encapsulate or remove old lead based paints.

To satisfy the requirements in the SEPP 55 and *Childcare Planning Guidelines* recommended conditions of consent require that the applicant provide the following details:

- A report confirming that site can be made suitable for its proposed use as a childcare centre.
- A plan detailing how any contaminants found on site can be remediated.

The recommendations of the acoustic report state the fence height must be at least 1.8m but a 2.2m high fence on the eastern and southern boundary will provide an extra 2dB noise reduction. As such recommended conditions of consent require a 2.2 m high fence.

An assessment of the proposed development against the relevant provisions of the SEPP's is provided in the attached Section 4.15 Assessment Table.

(b) Compliance with the LEP

The subject site is Zoned R2 Low Density Residential under the *Queanbeyan Local Environmental Plan 2012 (QLEP)*. Development for the purposes of a centre based child care facility is permissible with consent.

The proposed development is compliant with the relevant clauses and development standards under the QLEP. A detailed assessment of the proposed development against the relevant provisions of the QLEP is provided in the attached section 4.15 Assessment Table with a comment against the relevant clauses provided below.

Height of Building – Clause 4.3 sets out the development standard in the QLEP for height of buildings. A control of 8.5m applies for the subject site. The proposed new build over the basement is 6.1m and complies with the height controls.

Heritage Conservation – Clause 5.10(4) requires the consent authority to consider the effect of the proposed development on the heritage significance of the item or area concerned.

The site is identified as a local heritage item and is within a heritage conservation area.

8.1 Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Tonner) (Continued)

The objectives of this clause are as follows—

- a. *to conserve the environmental heritage of Queanbeyan,*
- b. *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- c. *to conserve archaeological sites,*
- d. *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The proposed development meets the above objectives specifically (a) and (b) in that the principal building (Benedict House) is conserved and the significance of the item including its associated fabric and settings is retained. The proposed adaptive reuse of the building retains the cultural significance of the building as a learning institution and the principal item of heritage (Benedict House) is retained.

Council's Heritage Adviser and Heritage Advisory Committee supported the original proposal and the amended proposal. There was some reluctance to support the demolition of the rear cottage over the original proposal but it was acknowledged that in order to provide for a viable, safe and functioning development, adequate onsite parking was accepted as a requirement and a compromise was required when the development was weighed up in an area that presented existing traffic conflicts. As such the amended proposal, to demolish the cottage and provide basement parking was supported as the long term retention of the principal building was the dominant heritage item that is of value on site.

The new contemporary designed building over the basement carparking is sympathetic to the original building with regard to its built form, height, setbacks and proposed building materials. The use is suitable for the subject site and supports the location as an early education precinct. The design of this new building also had the full support of the Heritage Advisor and HAC.

It is considered that the proposed development satisfies the objectives in Clause 5.10 of the QLEP 2012 and successfully proposes a use and a new structure that will have long term benefits to the heritage significance of Benedict House and the heritage conservation area.

(c) Compliance with DCP

The SEPP (Education) provides that a development control seeking to regulate development for a child care facility will not apply, except for controls relating to building height, rear and side setbacks and car parking rates.

Building Height

Discussed above under the QLEP provisions.

Rear and Side Setbacks

The QDCP is silent on rear and side setbacks for commercial development in residential areas. In Part 4 of the QDCP (Heritage and Conservation), the side setbacks should be setback from the front façade so that it retains the primary face of the building. The proposed new structure meets these controls and the principal building retains its façade and dominance within the heritage conservation area and as an item of heritage.

Site Coverage – Variation Sought

Associated with rear and side setbacks is site coverage. In Part 4 of the QDCP (Heritage and Conservation) the built area should not cover more than 33% of the site for allotments greater than 1000m². The site has an area of 1591 m² and the proposed site coverage including the existing building is 40% (approximately 636m²). The existing principal building covers 22% (326m²) of site. As a result the applicant is seeking a variation to the site coverage provisions specified in the QDCP.

8.1 Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Tonner) (Continued)

The applicant submits the following justification for the variation:

- a) *The Site Coverage clause is primarily directed towards dwelling houses which the proposed development is not.*
- b) *The proposal does not significantly affect the existing built form site coverage particularly as the main Benedict House structure is retained as part of the development.*
- c) *The proposed development includes large areas of outdoor play (including located above built form areas) which include soft fall, and landscaped areas which contribute to the overall landscape and usable outdoor areas across the site.*
- d) *Outdoor areas will be much more usable than the current outdoor area arrangement - which is currently dominated by a large gravel carpark and gravel/paved courtyard.*
- e) *The proposed development proposes significant improvement to the existing landscape, retention of several established trees as well as providing a high level of well-maintained landscaped and usable outdoor areas to all street frontages*

The variation submitted is supported as the increase in site coverage is less than 10% and large areas of outdoor play area are over the built area reducing what might otherwise result in a bulky appearance as viewed from Thorpe Avenue.

Carparking - the QDCP is silent on car parking controls for child care facilities. The carparking rates set out in the Child Care Planning Guidelines are relied on and discussed elsewhere in this report.

(d) Other Matters***Suitability of the Site***

The subject site is constrained by the existing heritage structures and little on site carparking. This is predominantly due to the age of the building and the lack of demand for motorised vehicles in the historic Queanbeyan township at the time the building was constructed. The site is also constrained by the surrounding land uses and the conflicts they present regarding traffic, particularly the primary school which does not provide any carparking on site.

The proposed development as a child care facility is considered suitable for the site as an adaptive reuse of the building with the provision of basement car parking and formalised on street parking in Isabella Street.

Summary of Assessment The proposed development is a successful adaptation of the heritage item. Its use is sympathetic to the existing building and its historical context. The new work proposed, though contemporary, enhances and complements the heritage values of Benedict House while providing for the long term management and viability of the building.

Minimal external physical changes are proposed to Benedict House thereby maintaining the character and form of the existing building and its dominance in the street and the heritage conservation area.

The adaption of the heritage item as a child care facility is economically plausible as the use needs to create enough financial value to cover the cost of both conservation and adaption as well as the long term maintenance of the building. The level of change proposed is considered appropriate and minimises the impact on the significance of Benedict House. Without the investment it is possible Benedict House could fall into a state of long term disrepair.

8.1 Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Tonner) (Continued)

(e) Building Surveyor's Comments

The proposed development is supported subject to conditions of consent.

(f) Development Engineer's Comments

The proposed development (as amended) is supported subject to conditions of consent including the formalisation of 10 car spaces on Isabella Street.

Council's Development Engineers consulted with the Local Development Traffic Committee and it was agreed that the amended proposal with basement parking and the formalisation of on street parking is satisfactory would improve traffic conflicts.

(g) Environmental Health Comments

The proposed development is supported subject to conditions of consent.

(h) Heritage Advisor's Comments

The proposed development is supported from a heritage perspective.

(i) Heritage Advisory Committee Comments

At its meeting of 21 October 2021 the QPRC Heritage Advisory Committee recommended as follows:

QPRC HAC 18/21 That the Committee support the final design for the renovation and expansion of Benedict House at 39 Isabella Street for the purposes of a child care centre and recommend the plans for approval.

(j) Local Development Committee Comments

The proposed development (as amended) is supported subject to conditions of consent.

Financial Implications

Section 7.12 Contributions are not applicable as the adaptive reuse of heritage items are exempt from the Section 7.12 Contributions Plan.

Section 64 Contributions for water and sewer are applicable to the proposed development. Taking into account a credit for the existing development the contributions are as follows:

- Water – \$20,456.10
- Sewer - \$13,772.67

Engagement

The application was notified in accordance with Council's Community Engagement and Participation Plan from 15 October to 2 November 2020 with three submissions received. Amended plans were renotified from the 1 September to 17 September 2021 and no further submissions were received. The following concerns were raised during the original notification period:

8.1 Development Application - DA.2020.1481 - Adaptive Reuse of Benedict House as a Childcare Facility, Associated Additions, Demolition of an Outbuilding and Basement Carparking - 39 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Tonner) (Continued)

1. Parking and traffic conflicts including misrepresentation availability of vacant carparking spaces with 50-100m of site.

Comments - The original design proposed 6 on-site parking spaces and 11 on street parking spaces on Isabella Street. This proposal was not supported due to the insufficient carparking on site for the proposed number of children and staff resulting in exacerbation of parking and traffic conflicts in the locality.

Amended plans were submitted proposing a basement car park for 19 cars and 8 formalised parking spaces in Isabella Street. The Local Traffic Committee recommended that the number of on-street parking spaces be increased to 10 spaces. With this alteration the amended proposal is more acceptable to the community and adjoining properties and aligns with the childcare guidelines and concerns raised by Council officers.

2. No objection to the use but development to provide on site parking

Submissions support the reuse of Benedict House as a child care facility providing parking and traffic issues are resolved.






Conclusion

The submitted proposal for the adaptive reuse of a listed heritage item (Benedict House) for use as a childcare facility, demolition of cottage to rear, basement parking and associated refurbishment and additions on Lot 1 DP 801099 known as 39 Isabella Street Queanbeyan is a local development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and three submissions were received objecting to the original proposal while no submissions were received for the amended proposal.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

The development generally satisfies the requirements and achieves the objectives of these instruments. A variation to carparking requirements and site coverage controls are supported. The proposed development is considered suitable for the site, is compatible with the heritage item and, as an adaptive reuse of building, can be conditioned to mitigate any potential impacts.

Attachments

- Attachment 1  DA.2020.1481 - Section 4.15 Assessment Report - Matters for Consideration - 39 Isabella Street (*Under Separate Cover*)
- Attachment 2  DA.2020.1481 - Architectural Drawings - 39 Isabella Street (*Under Separate Cover*)
- Attachment 3  DA.2020.1481 - Redacted Submissions on Original Proposal (*Under Separate Cover*)
- Attachment 4  DA.2020.1481 - Draft Conditions of Consent - 39 Isabella Street (*Under Separate Cover*)
- Attachment 5  DA.2020.1481 - Heritage Statement and Access Statement - 39 Isabella Street (*Under Separate Cover*)

8.2 Development Application - DA.2021.1207 - Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) - 114 Molonglo Street, Bungendore (Ref: ; Author: Thompson/Glouftsis)

File Reference: DA.2021.1207

Summary

Reason for Referral to Council

This application has been referred to Council because a variation of a development standard under the provisions of clause 4.6 of the *Palerang Local Environment Plan 2014 (PLEP)* has been requested. The relevant development standard being varied is clause 4.3 'height of buildings' of the PLEP.

| | |
|--|--|
| Proposal: | Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) |
| Applicant/Owner: | Gregory J Simms / Gregory J Simms |
| Subject Property: | Lot 14, Section 11, DP976608. 114 Molonglo Street, Bungendore, NSW, 2621. |
| Zoning and Permissibility: | R2 Low Density Residential under the <i>Palerang Local Environmental Plan 2014</i> |
| Public Submissions: | One (1) |
| Issues Discussed: | Planning Requirements (Clause 4.6 Variation Request) |
| Disclosure of Political Donations and Gifts: | Applicant Declared no Donations or Gifts to any Councillor or Staff have been made. |

Recommendation

That:

- 1. Approval be granted to a variation to clause 4.3 'height of buildings' of the *Palerang Local Environmental Plan 2014* to allow the expansion of the existing commercial premises for the following reasons:**
 - a. The building height of the proposed extension is consistent with the existing development and its roofline.**
 - b. It is located behind the existing building and incorporates appropriate materials and colours.**
 - c. It does not result in a significant increase in the bulk and scale that would create an adverse impact on the streetscape and predominant surrounding residential character of the locality.**
 - 2. Development Application DA.2021.1207 for alterations and additions to an existing commercial premises on Lot 14, Section 11, DP976608 114 Molonglo Street, Bungendore be granted conditional deferred commencement approval to allow finalised stormwater details to be submitted to Council's satisfaction.**
 - 3. Those persons who lodged a submission on the application be advised in writing of the determination of the application.**
 - 4. Transport for NSW be forwarded a copy of Council's Notice of Determination.**
-

8.2 Development Application - DA.2021.1207 - Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) - 114 Molonglo Street, Bungendore (Ref: ; Author: Thompson/Glouftsis) (Continued)

Background

Subject Property

The subject site is legally described as Lot 14, Section 11, DP 976608 and is commonly known as 114 Molonglo Street, Bungendore. The site is located on the east side of Molonglo Street and has an area of 1.33ha. Existing development on the site comprises Bungendore Rural Services, which is located within an existing commercial warehouse. Vehicular access is provided to the site via an existing driveway from Molonglo Street (Kings Highway). Existing development within the locality consists predominantly of residential land uses, including dwellings, dual occupancy, and other nearby commercial land uses.



Figure 1: Subject Site and Locality

Proposed Development

The application seeks Council approval for alterations and additions to the existing building occupied by Bungendore Rural Supplies.

The specific elements of the proposal are:

- An addition to the existing building comprising a space to be used for bulk goods storage with a gross floor area of 621.9m²;
- Conversion of a portion of the existing bulk goods storage area to be converted to a new retail area with a floor area of 164m²;
- Construction of a new covered entry area / relocation of the existing entrance to the building extended building;
- Demolition of existing walls and doors to allow construction of the extension;
- New bulk materials racks, loose material compartments, and
- New car and trailer parking areas.

8.2 Development Application - DA.2021.1207 - Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) - 114 Molonglo Street, Bungendore (Ref: ; Author: Thompson/Glouftsis) (Continued)

Bungendore Rural Services

114 Molonglo Street,
Bungendore, NSW 2601



Architectural drawings

Prepared by:
Roman Dabrowski
NSW Arch Registration 7138

Figure 2: Architectural Render

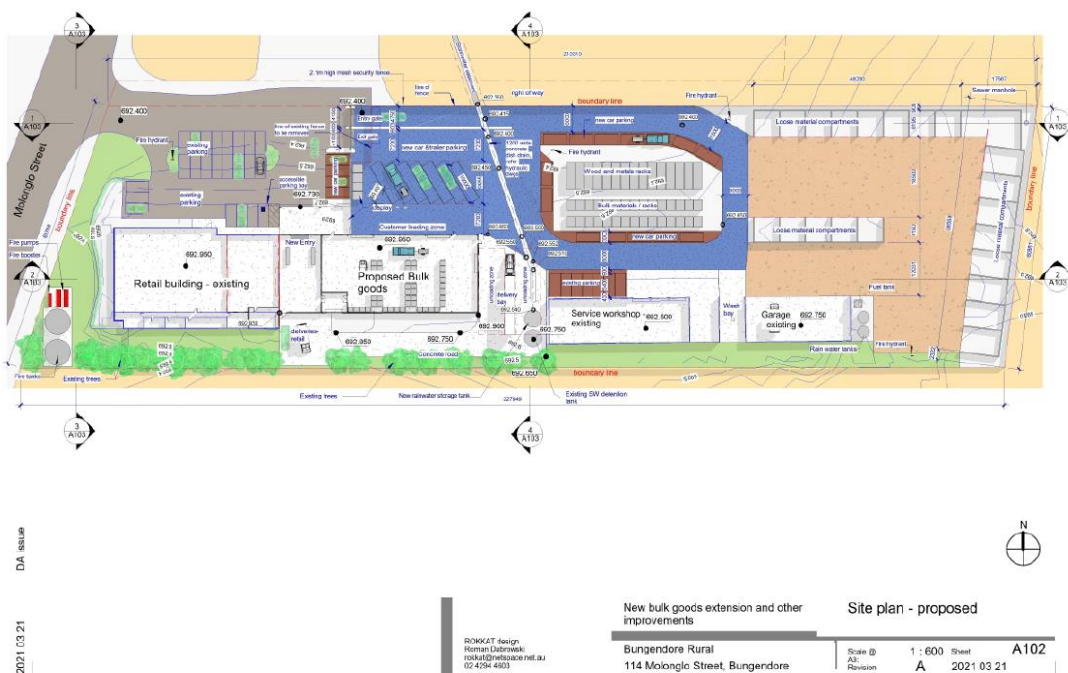


Figure 3: Proposed Site Plan

8.2 Development Application - DA.2021.1207 - Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) - 114 Molonglo Street, Bungendore (Ref: ; Author: Thompson/Glouftsis) (Continued)

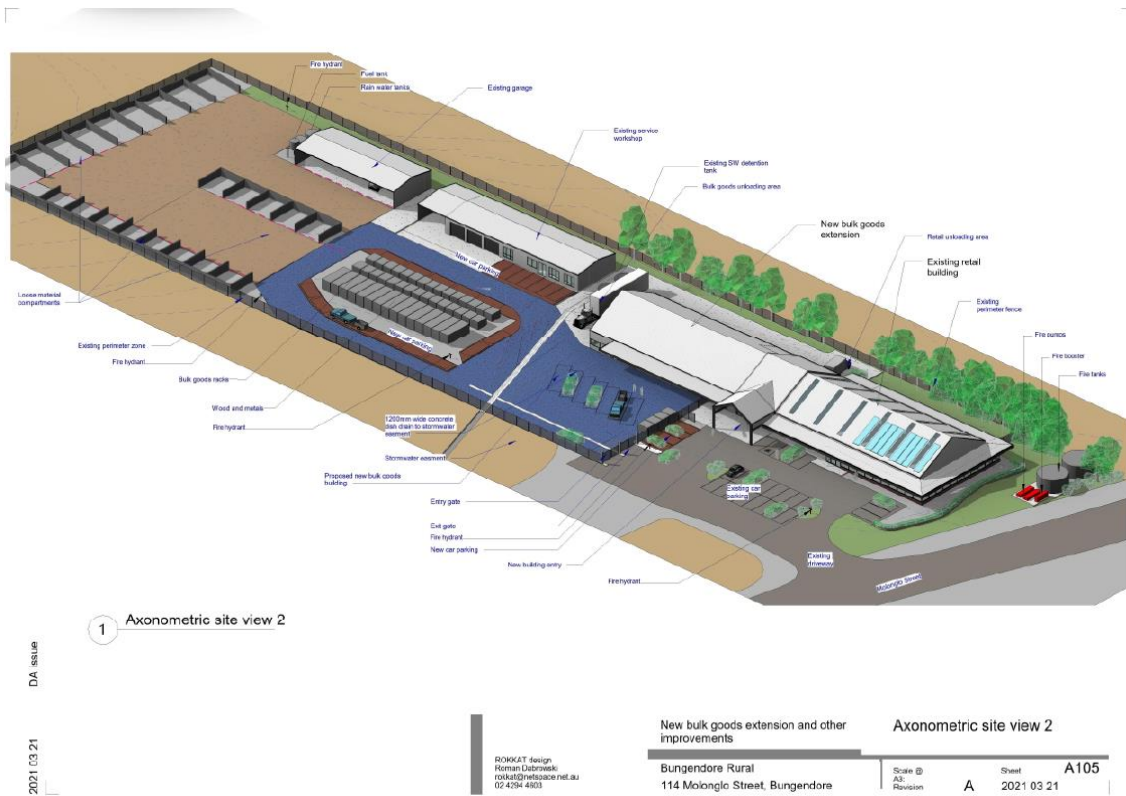


Figure 4: Site View 1

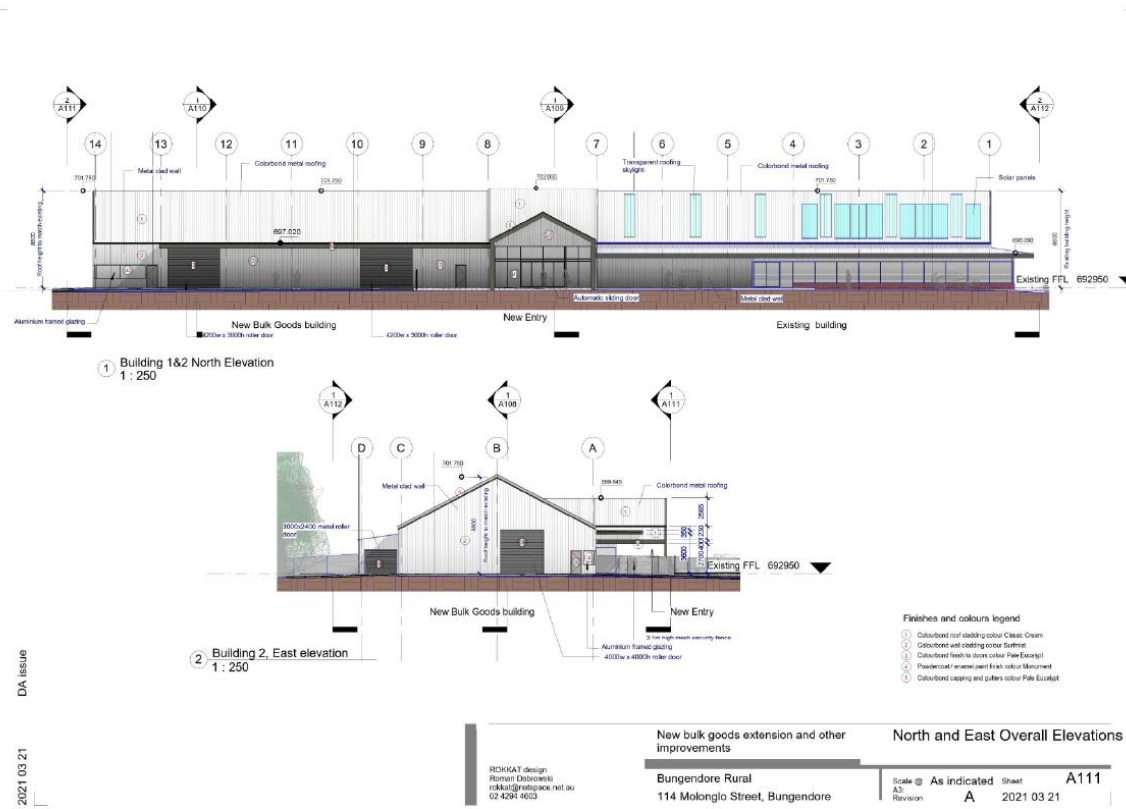


Figure 5: Elevations Plans 1

8.2 Development Application - DA.2021.1207 - Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) - 114 Molonglo Street, Bungendore (Ref: ; Author: Thompson/Glouftsis) (Continued)

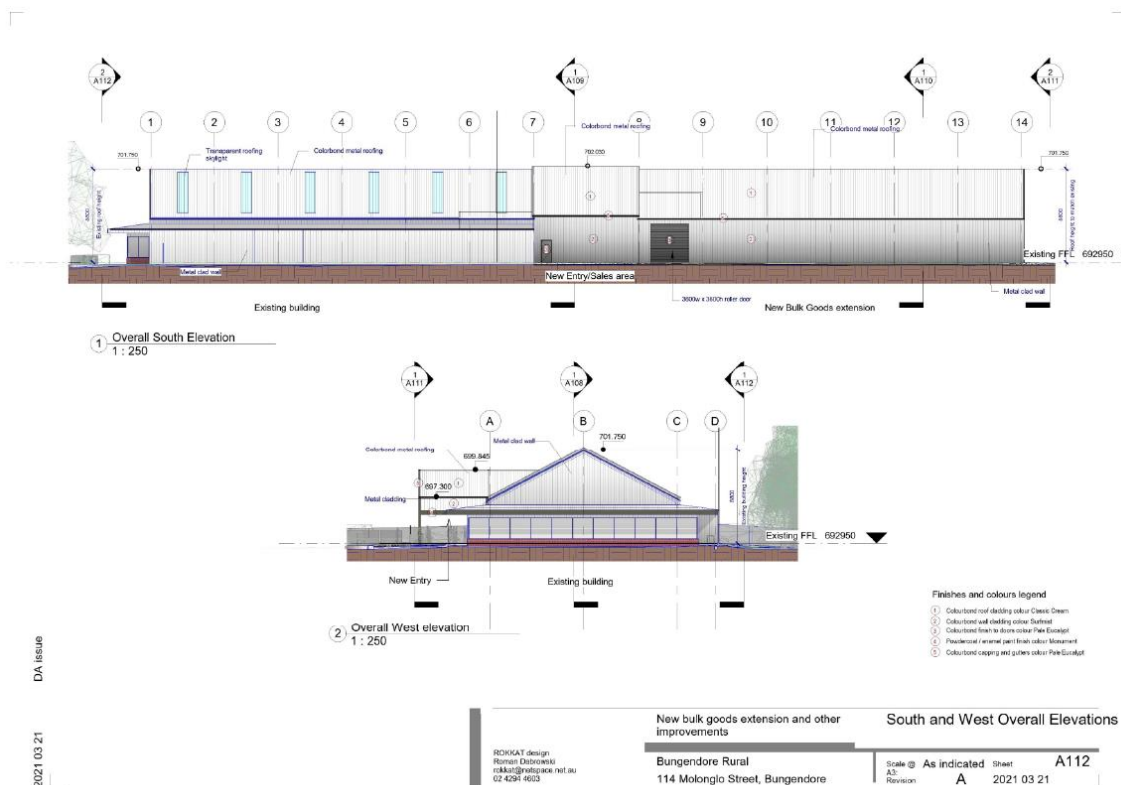


Figure 6: Elevations Plans 2

Planning Requirements

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

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

1. *State Environmental Planning Policy No. 55 – Remediation of Land*
2. *State Environmental Planning Policy (Infrastructure) 2007*
3. *Palerang Local Environmental Plan 2014 (PLEP 2014)*.
4. *Palerang Development Control Plan 2015 (PDCP 2015)*

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issue relating to the proposal for the Council’s consideration is the proposed variation to clause 4.3 ‘height of buildings’ of the *PLEP 2014* pursuant clause 4.6 – variation to development standards of the *PLEP 2014*.

(a) Compliance with LEP

Clause 4.6 – Exceptions to Development Standards Request

The applicant has submitted a request to vary a development standard pursuant to clause 4.6 of the *Palerang Local Environmental Plan 2014*. The standard to be varied is clause 4.3 - height of buildings. The subject site contains an existing rural supplies premises with a building height of 8.93 metres. The site is currently zoned R2 Low Density Residential. The premises has existed on the site from at least the 1990s and operates through existing use rights. The current height restriction imposed on the site is 8.5

8.2 Development Application - DA.2021.1207 - Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) - 114 Molonglo Street, Bungendore (Ref: ; Author: Thompson/Glouftsis) (Continued)

metres. The proposed extension proposes a continuation of the 8.93 metre building height. The variation in building height is 430mm. Despite being under half metre, the variation is proposed for the entire length of the building at its ridgeline.

Clause 4.6 of the *PLEP 2014* sets out the following criteria for assessment of a variation to a development standard:

- 1) *The objectives of this clause are as follows—*
 - a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- 2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- 3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
 - a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- 4) *Development consent must not be granted for development that contravenes a development standard unless—*
 - a) *the consent authority is satisfied that—*
 - i. *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - b) *the concurrence of the Planning Secretary has been obtained.*

For the purposes of clause 4.6(3) a written request was submitted by the applicant regarding the variation of development standard 4.3 of the *PLEP 2014*. The written request outlined the following reasons for varying the standard:

- *The height of the existing BRS retail building, built in the late 1990s, to which the extension would be attached is 8.8m. The height of the proposed extension is designed to match the height of the existing building representing a nominal 3.5% exceedance of the height limit.*
- *The central part of the roof, which contains the new entry to the building, and joins the existing and new buildings is deliberately accentuated by a slight rise in the roof line, by a nominal 280mm.*
- *Lowering the roof ridge line on the extension below the existing building roof ridge line would be contrary to the principle of creating a harmonious relationship between the existing roof form and the addition. The design concept is to maintain the same roof pitch and building width, as well as maintain matching colour and material.*

8.2 Development Application - DA.2021.1207 - Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) - 114 Molonglo Street, Bungendore (Ref: ; Author: Thompson/Glouftsis) (Continued)

- *The relative domestic type of roof pitch (27 deg) and overall design is in character with its rural context and building typology.*
- *The small elevation of the central part of the roof further serves the breaking of the overall scale of the roof, and together with the gable roof canopy over the new entry, further emphasises the rural character as well as providing the visual clarity for the visitors arriving to enter the building.*
- *Due to the nature of the business operations in and around the existing and proposed building, there is requirement for minimum clearance height at the building entry points for delivery of goods, which dictates the height at the base of the roof.*
- *The building is well set back from the road, situated on a large site at sufficient distance from other buildings in the vicinity, and as such it does not create any issues of contrasting scale nor impinge on residential amenity, obstruction of views or solar access.*
- *The extension is adjacent to another existing commercial premises (Bungendore Veterinary Surgery).*

In conclusion we submit that:

- *The proposed building height achieves harmonious integration with the existing setting and is consistent with the objectives of the PLEP.*
- *Strict compliance in this case is unnecessary and unreasonable.*
- *The resulting roof form does not give any reason for objection on the grounds of overlooking the adjoining properties, does not negatively affect the amenity of other properties, does not block solar access, is not visually dominant over other buildings in the vicinity, and therefore there are sufficient environmental grounds to justify minor deviation from the development standard.*

For the purposes of clause 4.6(3)(a) and (b) it is considered that there is sufficient evidence to justify that compliance with the standard is unnecessary and that there are sufficient planning grounds to justify the variation.

Specifically, clause 4.3 sets out 4 objectives, as listed below:

- (1) *The objectives of this clause are as follows—*
 - (a) to enhance the natural character and landscape of Palerang,*
 - (b) to protect residential amenity and solar access,*
 - (c) to manage the visual impact of development,*
 - (d) to reflect the predominantly low-rise character of development in Palerang.*

The proposed development is considered to protect residential amenity and solar access. The development is located a significant distance from any adjoining residential development and will not result in any overshadowing to adjoining properties that would contravene any requirements for solar access under the PDCCP 2015.

The visual impact of the development is minimised by being wholly located behind the existing building and will not create a significant bulk and scale impact on the streetscape or adjoining properties. The subject site is 1.33 hectares in size and the proposed extension is 621 square metres. Representing a 4.66% increase in site coverage.

Regarding the objectives of the R2 low density residential zone, which are:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

8.2 Development Application - DA.2021.1207 - Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) - 114 Molonglo Street, Bungendore (Ref: ; Author: Thompson/Glouftsis) (Continued)

- *To ensure that new development complements the scale, density, and form of existing development.*

The development is not considered contrary to objective one. It is a site with existing use rights and has operated as a commercial premises for a substantial amount of time. It does not prohibit the development of low-density housing in the surrounding locality and it is not an appropriate site to be redeveloped for housing due to its existing operational use. The use provides for the needs of surrounding residents in rural living environment, satisfying objective 2. The scale, density and form are considered appropriate in accordance with objective 3. The new extension presents a 4.6% increase to site coverage, which is minimal, and is located at the rear of the existing building with no substantial bulk and scale to the street frontage or adjoining allotments.

For the purposes of clause 4.6 (4)(a)(i) and (ii) it is considered that Council can be satisfied that the request from the applicant is sufficient to meet the grounds of subclause (3) and that it is in the public interest to approve the variation because the proposed development, despite the variation, is still considered consistent with the objectives of clause 4.3 and the R2 low density residential zone.

(b) Compliance with DCP

A detailed assessment against the Palerang Development Control Plan 2015 has been undertaken and is contained within the attached Section 4.15 Assessment Report – Matters for Consideration.

(a) Development Engineer's Comments

Council's Development Engineer offered no objection to the proposal subject to the imposition of the recommended conditions of consent, including a deferred commencement condition to allow satisfactory information for stormwater to be submitted and endorsed by Council prior to the consent becoming effective. Please refer to the *attached Section 4.15 Report – Matters for Consideration* for further information provided under this referral.

(b) Environmental Health Comments

Council's Environmental Health Officer offered no objection to the proposal subject to the imposition of the recommended conditions of consent. Please refer to the attached *Section 4.15 Report – Matters for Consideration* for further information provided under this referral.

Financial Implications

Section 64 Contributions - The following Section 64 contributions are required for this location for a development with an additional 174.6m² retail and 614.4m² commercial area.

Contributions were calculated by the traffic generated from the development with reference to the NSW Water Directorate Section 64 Determinations of ETs Guidelines - April 2017 for retail and commercial developments on page 32 and 34. The additional usage water and sewer

8.2 Development Application - DA.2021.1207 - Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) - 114 Molonglo Street, Bungendore (Ref: ; Author: Thompson/Glouftsis) (Continued)

infill headworks contributions for Bungendore are calculated at 1.807 ETs and 1.807 ETs respectfully.

- Bungendore Infill Water Headworks for 1.807 ETs = \$13,840
- Bungendore Infill Sewer Headworks for 1.807 ETs = \$19,393

Section 7.11 Development Contributions - Section 7.11 Development Contributions are payable under the Bungendore Plan N.9 – Street Upgrading and Palerang Plan No.10 – Provision of Kings Highway Culverts at South Bungendore.

Contributions for street upgrading were calculated by the traffic generated from the development with reference to the RMS Guide to Traffic Generating Developments Sections 3 and 5. The increase in traffic volume attracts contributions for Bungendore Street Upgrading are calculated at 7.26 ET.

- Bungendore Street Upgrading for 7.26 ET = \$25,809

The base contribution for provision of culverts at South Bungendore for this development is \$2,100 x DIF/400 where DIF is the Development Impervious Footprint post development increase of 14.14% of 13,400m².

- Bungendore South Kings Highway Culverts = \$13,593

Engagement

The proposal required notification in accordance with the QPRC Community Engagement and Participation Plan. The application was notified from the 12/05/2021 to the 28/05/2021. One (1) submission was received during the notification period. The relevant issues raised are as follows:

Site Access - Issues raised in the submission include safety of the access for vehicles into the site, especially given the shared accessway and noise impacts of further development on the site.

Comment - A Traffic Impact Assessment Report (prepared by Quantum Traffic) was submitted in support of the Development Application. The findings of the report state that:

It is expected that the shape of the traffic demand profile is expected to remain similar to that observed under the existing conditions.

It is further noted that commercial vehicle traffic associated with the site is not expected to significantly increase as a result of the proposed development. This is due to the existing latent capacity in freight networks that serve the site.

For example, typical deliveries to the subject site currently consist of one (1) to two (2) pallets of goods being delivered by a semi-trailer or B-Double. The anticipated increase in trade, associated with the proposed retail expansion, is therefore not expected to result in additional vehicle trips but rather an increase in the amount of goods (i.e. pallets) delivered by each vehicle.

The Development Engineer provided the following comments on access and the entrance to the site.

The internal access demonstrates the AV and B-DOUBLE vehicle manoeuvrability and car park functionality for B99 vehicle is satisfactory. The property and existing business has an existing asphalt car park area in excellent condition.

The property and existing business has an existing asphalt intersection as an entrance permitting egress and ingress in excellent condition and meets QPRC's D1 Road Geometry and D13 Vehicular Access Design Specifications.

8.2 Development Application - DA.2021.1207 - Alterations and Additions to an Existing Commercial Premises (Bungendore Rural Services) - 114 Molonglo Street, Bungendore (Ref: ; Author: Thompson/Glouftsis) (Continued)

Noise mitigation

Comment - An Acoustic Assessment (Noise) Report (prepared by WSP) was submitted in support of the Development Application. The report adopts a number of noise management and mitigation measures, which will be conditioned to be complied with. Despite this, the development does result in a 2dB increase in noise level impact on 112 Molonglo Street, above standard noise guidelines. Due to this, it is considered appropriate that a condition be enforced requiring the proponent to upgrade the fence/install a noise barrier with materials which will result in further mitigation of the additional anticipated noise impact. As per the report prepared by WSP:

Existing noise levels at receiver R1 (112 Molonglo Street) are predicted to be up to 2 dB above relevant noise goals. These noise levels are associated with truck and vehicle movement on the site. It is noted that the current proposal does not incorporate solid construction boundary fencing in the vicinity of this receiver, which may reduce noise levels sufficiently to manage these non-compliances.

A condition to this affect is considered appropriate as the business expands (utilising existing use rights) but providing sufficient measures to allow an outcome conducive to the surrounding residential character of the locality.








Conclusion

The submitted proposal for the alterations and additions to an existing commercial premises (Bungendore Rural Services) on Lot 14, Section 11, DP976608. 114 Molonglo Street, Bungendore is a local development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and one submission was received.

The proposal has been assessed under Section 4.15 *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

The development generally satisfies the requirements and achieves the objectives of these instruments except for the variation to a development standard contained within the *PLEP 2014*. The variation to the LEP height limit has been assessed in accordance with these requirements and is not considered to result in any adverse environmental impacts. Other issues associated with the development are considered able to be managed and mitigated through conditions of consent.

Attachments

- | | |
|---|---|
| Attachment 1  | DA.2021.1207 - Section 4.15 Assessment Report - 114 Molonglo Street, Bungendore (<i>Under Separate Cover</i>) |
| Attachment 2  | DA.2021.1207 - Architectural Plans - 114 Molonglo Street, Bungendore (<i>Under Separate Cover</i>) |
| Attachment 3  | DA.2021.1207 - Written Request for Clause 4.6 Variation - 114 Molonglo Street, Bungendore (<i>Under Separate Cover</i>) |
| Attachment 4  | DA.2021.1207 - Redacted Submission - 114 Molonglo Street, Bungendore (<i>Under Separate Cover</i>) |
| Attachment 5  | DA.2021.1207 - Draft Conditions of Consent - 114 Molonglo Street, Bungendore (<i>Under Separate Cover</i>) |
| Attachment 6  | DA.2021.1207 - Acoustic Assessment Report - 114 Molonglo Street, Bungendore (<i>Under Separate Cover</i>) |
| Attachment 7  | DA.2021.1207 - Traffic Impact Assessment Report - 114 Molonglo Street, Bungendore (<i>Under Separate Cover</i>) |

8.3 Development Application - DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road, Carwoola (Ref: ; Author: Thompson/Wellalage)

File Reference: DA.2020.1083

Summary

Reason for Referral to Council

The original proposal was presented to the Planning and Strategy Meeting on 14 October 2020 with a recommendation for a refusal based on unsuitable access provided for the proposed Lot 2. The Council resolved to defer determination of the application to give the applicant an opportunity to amend the plans. The applicant subsequently determined to amend the plans with a complying access point of Widgiewa Road rather than Captains Flat Road. This report details the assessment of those amended plans and resubmits the application to Council for determination.

| | |
|--|--|
| Proposal: | Two Lot Torrens Title Subdivision |
| Applicant/Owner: | PHL Surveyors/ Michael H Pottinger & Liesl N Perryman |
| Subject Property: | 33 Widgiewa Road Carwoola |
| Zoning and Permissibility: | E4-Environmental Living under Palerang Local Environmental Plan 2014 |
| Public Submissions: | Two |
| Issues Discussed: | Suitability of revised access point Environmental impacts caused by the proposed access |
| Disclosure of Political Donations and Gifts: | Applicant Declared no Donations or Gifts to any Councillor or Staff have been made |

Recommendation

That:

- 1. Development application DA.2020.1083 for a two lot Torrens title subdivision on Lot 4 DP246882 No.33 Widgiewa Road, Carwoola be granted conditional approval.**
 - 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
 - 3. The Department of Planning Industry and Environment, Rural Fire Services and the Natural Resources Access Regulator, be forwarded a copy of Council's Notice of Determination.**
-

8.3 Development Application - DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road, Carwoola (Ref: ; Author: Thompson/Wellalage) (Continued)**Background*****Proposed Development***

The development application is for a two lot Torrens title subdivision of an existing rural residential holding. The subdivision will create a new residential building block of 2.7ha with the existing dwelling remaining on the residual allotment of 13.5ha.

Subject Property

The subject site is legally described as Lot 4 DP246882 and is commonly known as 33 Widgiewa Road, Carwoola. The site is located on the eastern side of Widgiewa Road and has an area of 16.19ha.

The property is irregular in shape and the topography is undulating. The property contains a watercourse and several native trees and shrubs, particularly along the southern alignment of the site.

Existing development on the site comprises an existing dwelling, associated sheds, and farm buildings. Vehicular access is provided to the site via an existing driveway from Widgiewa Road.

Existing development within the locality consists of rural lifestyle dwellings.



Figure 1: Locality plan

8.3 Development Application - DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road, Carwoola (Ref: ; Author: Thompson/Wellalage) (Continued)

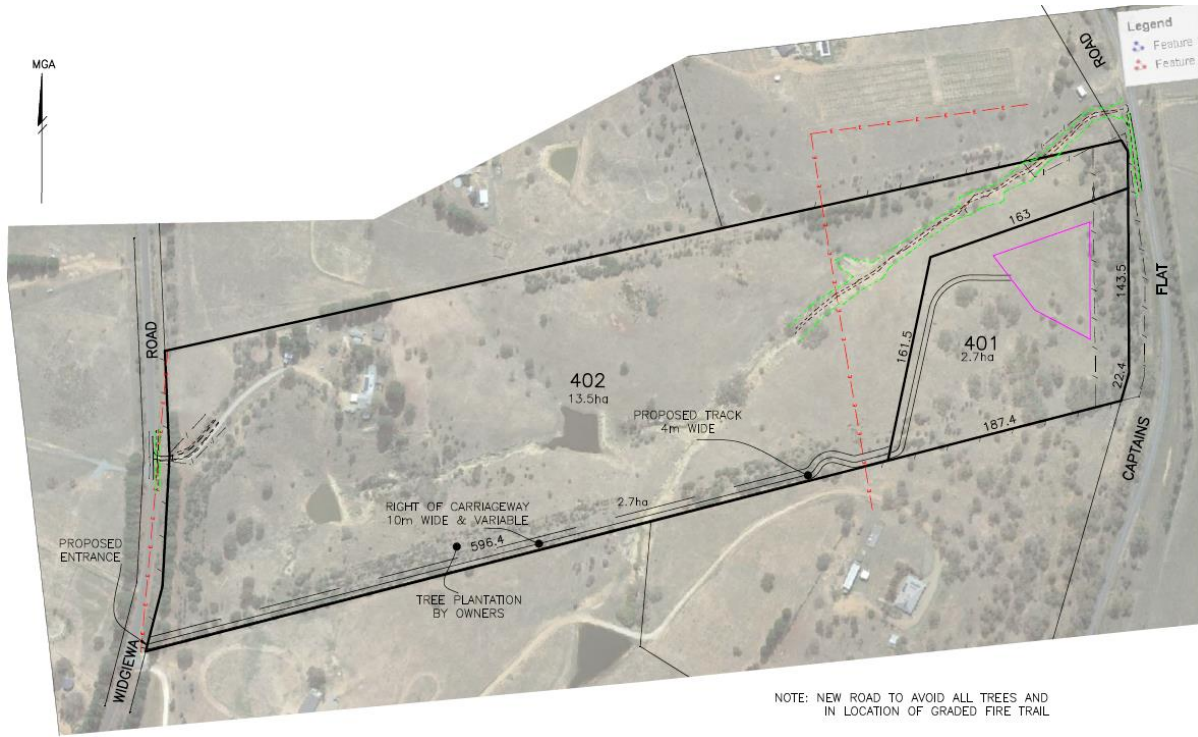


Figure 2 – Proposed lot configuration showing new access along southern boundary off Widgiewa Road.

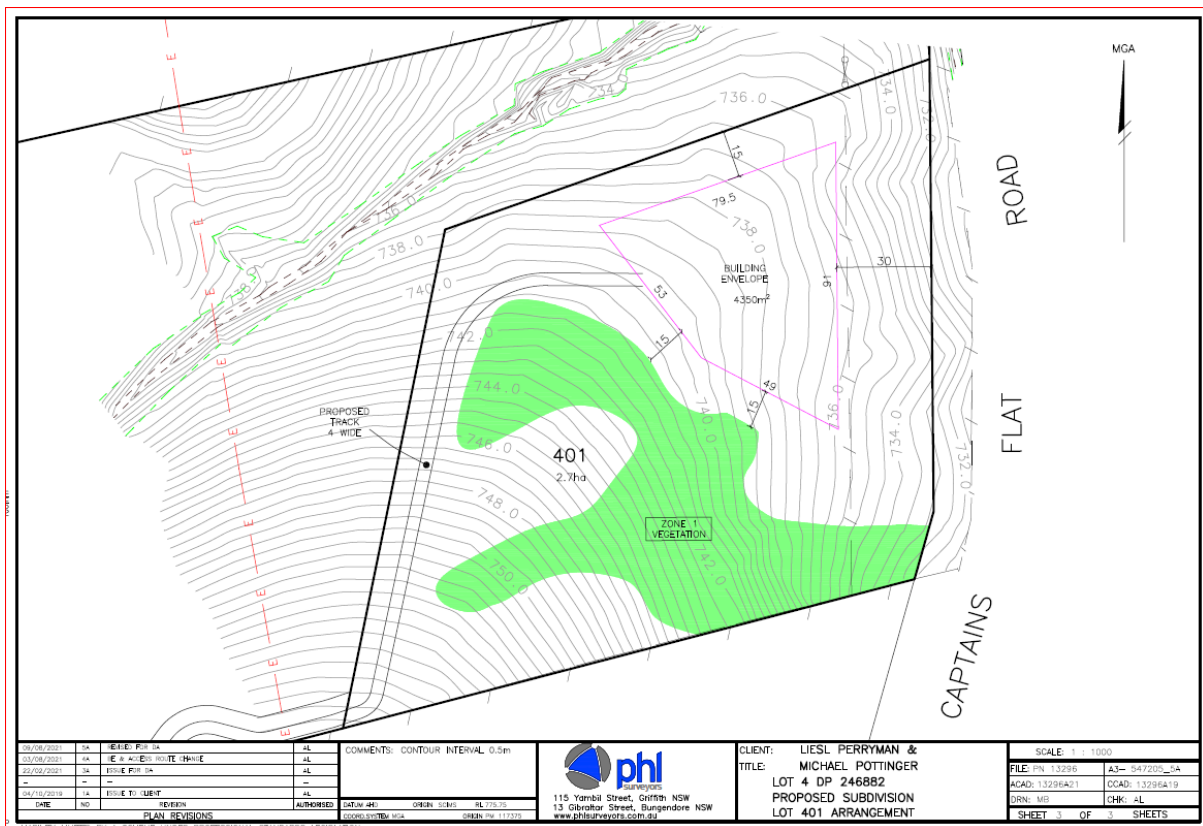


Figure 3 – Proposed Lot 401 showing building envelope

8.3 Development Application - DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road, Carwoola (Ref: ; Author: Thompson/Wellalage) (Continued)

Planning Requirements

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

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

1. *State Environmental Planning Policy No.55 – Remediation of Land*
2. *Palerang Local Environmental Plan 2014 (LEP)*
3. *Palerang Development Control Plan 2015 (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 are as follows.

(a) Compliance with LEP

The proposal is generally consistent with the requirements of the LEP including Clause 6.11(e) Essential Services. (refer to Section 4.15 Table - Matters for Consideration for a detailed assessment).

The original proposal did not comply with this clause as the access provided from Captains Flat Road was determined to be unsuitable for a primary access. The application was subsequently amended by the applicant to provide sole access from Widgiewa Road. Council assessed the practicality of providing a driveway along the southern boundary of the subject site to the proposed Lot 401 and the environmental impacts such as vegetation removal and works within the watercourse associated with the construction of access and determined the new access from Widgiewa Road is suitable.

(b) Compliance with DCP

The proposal now complies with the requirements of the DCP - B7 Engineering Requirements.

(c) Development Engineer's Comments

Council's Development Engineer has provided comment for water, sewer, stormwater, access and parking and roads. Amended plans were received providing appropriate access from Widgiewa Road. Council's Development Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent

Engagement

The amended proposal required notification under Palerang DCP 2015. The application received additional submissions from two of the previous submitters in relation to the amended plans. The relevant issues raised are as follows:

1. Access from Captains Flat Road to be closed

Comment - Council will be imposing a condition requiring the secondary access from Captains Flat Road to be closed.

2. Water provisions

Comment - It is a requirement of the DCP to provide utility services for the proposed lots. Water requirement will be one of them and it is the responsibility of the applicant to provide services to the proposed lots prior to a subdivision certificate being issued. This can be addressed through relevant conditions.

8.3 Development Application - DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road, Carwoola (Ref: ; Author: Thompson/Wellalage) (Continued)

3. Lack of details with regards to creek crossing proposed

Comment - Amended plans have been submitted detailing the works within the watercourse as per the requirement of NRAR (Attachment 2). The information was assessed by NRAR and Council's Engineers who have no objections to the proposed works subject to conditions. The works within the watercourse includes installation of a culvert and other minor works which were assessed and approved by NRAR.

4. Environmental and biodiversity impacts of the proposal

Comment - The application was accompanied by a BDAR report which provides a detailed assessment of the vegetation that is impacted by the proposed subdivision and access way. Given the site consists of a mix of native, planted vegetation and exotics, the assessment indicates that the proposed subdivision results in a vegetation impact area of 0.67ha. The BDAR report was assessed by the Department of Planning, Industry and Environment who raised no objections to the proposal subject to conditions. The impact on vegetation calculated to be 0.67ha, is slightly more than the threshold of 0.5ha. Given the vegetation integrity score of the identified significant vegetation is less than 15, no offsets are required.

Council was made aware that some vegetation along the southern boundary, where the proposed access track is located, had been cleared without obtaining approval. The abovementioned BDAR report indicated that the vegetation along the southern boundary is planted native vegetation. As such, the removed vegetation was not considered significant and does not require offsets.

5. Incorrect bushfire assessment

Comment - The application was accompanied by a bushfire assessment prepared by a consultant and has been assessed by RFS as a performance-based solution in regard to access. RFS had no objections to the proposal subject to conditions.

6. Proposal contradicts the objectives of lot averaging

Comment - The minimum average lot size permitted in the PLEP is 6ha with no lot being less than 2ha. The existing lot has an area of 16.19ha and is being subdivided into two lots. Therefore, the average lot size will be above the 6.0ha average. Proposed Lot 401 is 2.7ha and proposed Lot 402 – 13.5ha, so no lot is less than 2ha. The objective of clause 4.1B is to ensure that the subdivision of land to which this clause applies has regard to the topographical constraints, agricultural productivity and biodiversity values of, and environmental impacts on, the land. As such the proposal is consistent with the lot averaging objectives.

7. Visual Amenity

Comment - The building envelope is located approximately 249 metres from the submitters dwelling. Given the site is located in a rural setting with large open areas, dwellings constructed on rural blocks can be visible from other properties. Given the distance of the submitters dwelling to the proposed building envelope, it is unlikely that a dwelling constructed on this location will be prominent. However, visual impacts of a future dwelling will be considered at the development application stage.

Conclusion






The submitted proposal for a two Lot Torrens Title Subdivision on 33 Widgiewa Road is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and four submissions (two from the same two submitters) were received.

8.3 Development Application - DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road, Carwoola (Ref: ; Author: Thompson/Wellalage) (Continued)

The proposal has been assessed under Section 4.15 *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

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

Attachments

- | | |
|--|--|
| Attachment 1 | DA.2020.1083 - 4.15 Assessment Report - Matters for Consideration – 33 Widgiewa Road, Carwoola (<i>Under Separate Cover</i>) |
|  Attachment 2 | DA.2020.1083 - Subdivision Plans - 33 Widgiewa Road, Carwoola (<i>Under Separate Cover</i>) |
|  Attachment 3 | DA.2020.1083 - Redacted Submissions - 33 Widgiewa Road, Carwoola (<i>Under Separate Cover</i>) |
|  Attachment 4 | DA.2020.1083 - Draft Conditions of Consent – 33 Widgiewa Road, Carwoola (<i>Under Separate Cover</i>) |
|  Attachment 5 | DA.2020.1083 - BDAR Report – 33 Widgiewa Road, Carwoola (<i>Under Separate Cover</i>) |
|  Attachment 6 | DA.2020.1083 - General Terms of Approval from NRAR and RFS (<i>Under Separate Cover</i>) |

8.4 Bungendore East Planning Proposal - State Agency Consultation and Public Exhibition (Ref: ; Author: Thompson/Hogg)

File Reference: PJT0061

Summary

The purpose of this report is to advise Council of the outcomes of additional studies that were carried out as a result of state agency submissions in relation to the Planning Proposal for Bungendore East. The findings of the additional flooding and ecological studies will require some minor amendments to the planning proposal pending further discussions with the relevant agencies. However, the objectives and intended outcome to the planning proposal as previously endorsed by Council will not be altered and so do not represent a change in policy direction.

This report also seeks Council approval to exhibit the planning proposal with any minor amendments required to satisfy the concerns of the state agencies.

Recommendation

That Council support:

- 1. Any minor changes to the planning proposal to ensure that the RE1 and R2 land zonings appropriately reflect the 1% Annual Exceedance Probability flood level as identified in the Martens report, plus 500mm freeboard.**
 - 2. Any minor changes to the planning proposal negotiated by staff with NSW Biodiversity and Conservation that ensure that the critically endangered vegetation on the site is suitably protected.**
 - 3. The amended planning proposal being placed on public exhibition.**
-

Background

Council considered the Bungendore East Planning Proposal (4610 Kings Highway, Bungendore) at its meeting of 10 June 2020. At that meeting Council resolved in part (Minute No. PLA070/20) that

Council support the Bungendore East planning proposal to rezone Lot 1 DP 747767, Lots 275, 279 and 273 DP 754915 and Lot 1 DP 193988, No. 4610 Kings Highway Bungendore, from RU1 Primary Production to R2 Low Density Residential and RE1 Public Recreation, subject to the following actions being completed before the Planning Proposal is forwarded to the NSW Department of Planning, Industry and Environment requesting a Gateway Determination.

State agency consultation was commenced in accordance with the Gateway determination in early 2021 and while some agencies were satisfied with the planning proposal, a number of requested that further studies be completed. The additional studies requested included flooding, traffic, noise, and a fauna and flora study. These additional studies have now been largely completed and the outcomes are discussed below. It should be noted that some studies will result in minor amendments to the planning proposal, including the alignment of the R2 low density residential zone.

8.4 Bungendore East Planning Proposal - State Agency Consultation and Public Exhibition (Ref: ; Author: Thompson/Hogg) (Continued)

Flooding

Council's subdivision engineer has reviewed the site specific flood study prepared by Martens dated 18 October 2021 and have advised in part that *"The 1% Critical Duration storm ARR Flood Hazard Categories map contained in the report produced by Martens along with its hazard category should form part of the Comprehensive LEP to ensure that the risk profiles form part of a regulatory document."*

The extent of the land proposed to be rezoned to RE1 Public Recreation within the initial planning proposal was determined by Council's current flood prone land map. As a result of the findings of the Martens site specific flood study, the extent of developable land is different to that presented in the planning proposal, in that the proposed RE1 Public Recreation will be reduced and the proposed R2 Low Density Residential land will be extended (see Figure 1). The red dashed line in Figure 1 below indicates the amended extent of flood prone land (1% Annual Exceedance Probability Flood). The residential zone will not extend within the 1% AEP + 500mm freeboard as is the standard application of the Flood Planning Area in Council's current LEP and future Comprehensive LEP. It also needs to be noted that the whole of northern section of the site (north of the red dashed line), is flood prone and is further discussed below given that the Fauna and Flora study identifies part of this northern section of the site as containing critically endangered Natural Temperate Grassland.

As a result of the site-specific flood studies there is a reduced development potential in the northern section of the site, however this is more than compensated for by the additional development opportunities on the southern section of the site. Put simply, the pink areas within the red dotted lines will become green and the green areas outside the red dotted lines will become pink.

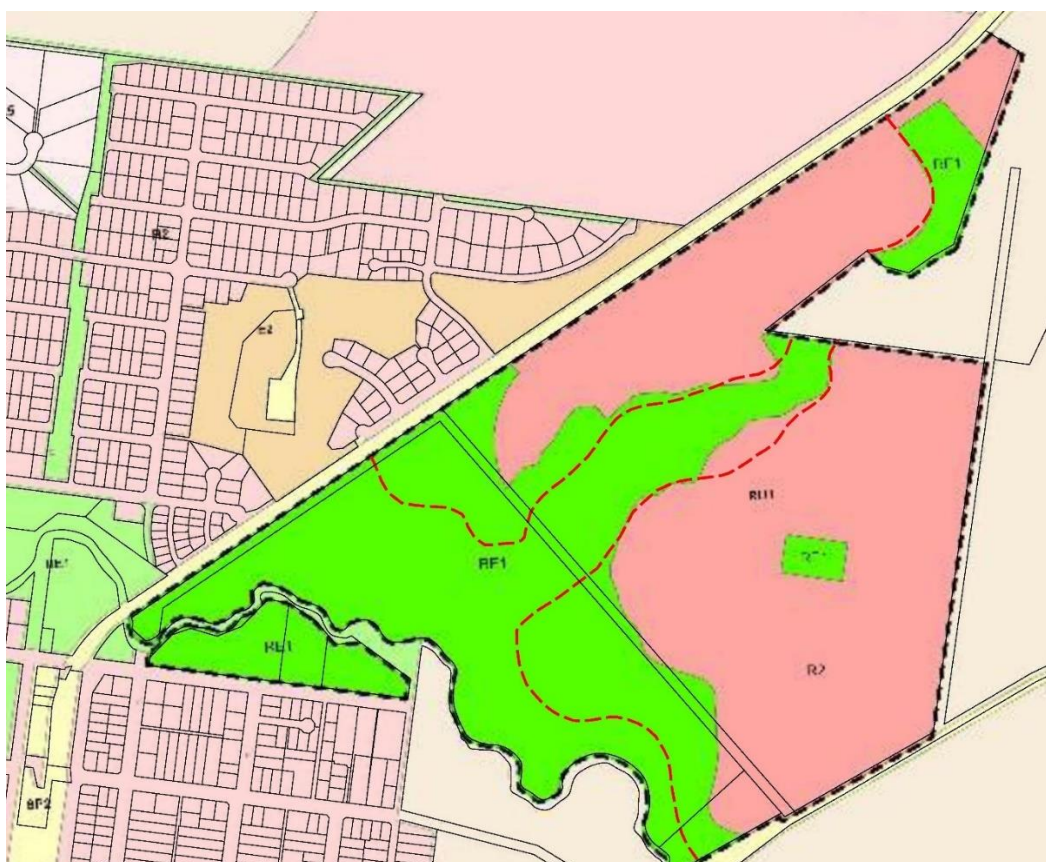


Figure 1 Proposed rezoning and extent of 1% Annual Exceedance Probability (AEP) flood provided by Martens

8.4 Bungendore East Planning Proposal - State Agency Consultation and Public Exhibition (Ref: ; Author: Thompson/Hogg) (Continued)

Traffic

The additional Transport Impact Assessment dated 13 October 2021 by Cardno has been reviewed by Council's subdivision engineers who have requested that the assessment be revised to utilise vehicle trip numbers of 10VPD as per the QPRC Development Design and Construction Specifications. The request to utilise 10VPD rather than the 7VPD in the assessment is consistent with the requirements placed on other similar developments within the LGA.

The consultant has undertaken to have the assessment revised accordingly, however it is not expected that revised assessment will significantly alter the projected impact of the development on the road network and amendments will not alter the outcome or intended effects of the planning proposal.

John Holland Group (Rail) have advised that "the rail safety manager is of the view that the planning proposal has no adverse impacts on the rail crossing at Kings Hwy Bungendore." Feedback from Transport for NSW on the additional traffic Impact assessment is yet to be received.

Acoustic and Vibration

A Noise Assessment Study dated October 2021 has been prepared by SLR. While noise and vibration will be further assessed at the development application stage, the study notes that any future dwellings on the site are likely to be outside of the buffer required by NSW Department of Planning 'Development near Rail Corridors and Busy Roads – Interim Guideline' for the purpose of vibration. The study also notes that acoustic upgrades to mitigate rail noise is unlikely to be required for any future dwellings constructed on the subject site.

The study also predicted the impact on the subject site of traffic noise from the Kings Highway using traffic volumes for the year 2031 and found that land adjoining the Kings Highway is likely to be "noise affected". While noise barriers were considered they are not considered feasible or reasonable as investigations indicated that they would only marginally reduce noise intrusion into the site.

The study further advises that in relation to achieving the internal traffic noise criteria, specific acoustic treatments would not be required for any conventionally constructed dwelling on most allotments, other than closed windows to habitable rooms on a small number of potential future allotments.

The findings of the noise assessment do not impact the outcome or intended effects of the planning proposal but will require consideration as part of any future development application on the site.

Fauna and Flora

The review of fauna and flora by Capitol Ecology, identified three vegetation zones on the site. Zone 1 contains critically endangered Natural Temperate Grassland under *the Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Zone 2 consists of Mixed Native and Exotic Pasture and Zone 3 is identified as containing Exotic Pasture/Crop.

Figure 2 below shows that the critically endangered Natural Temperate Grasslands (Zone 1 - green) are located in the northern section of the site and is currently proposed to be partially rezoned to RE1 Public Recreation and part R2 Low Density Residential. Map 1 indicates that the northern tip of the site is also flood prone and is not considered suitable for residential development. It is therefore considered appropriate to reconsider the proposed zoning of this northern section of the site, to ensure that both the community and endangered vegetation are protected.

8.4 Bungendore East Planning Proposal - State Agency Consultation and Public Exhibition (Ref: ; Author: Thompson/Hogg) (Continued)

It is not considered desirable to rezone this northern flood prone section of the site to RE1 Public recreation as it is not readily accessible to the majority of the residential area, it is remote from other areas of public recreation and is likely to place an unwarranted maintenance burden on Council. Furthermore, both the RE1 and the R2 zones allow for a range of development, none of which is compatible with the protection of the critically endangered vegetation. An alternative option may be considering an Environmental zone such as E2 over this land.

Council staff will be meeting with NSW Biodiversity and Conservation within the next week to discuss options for protecting the areas of identified critically endangered vegetation.

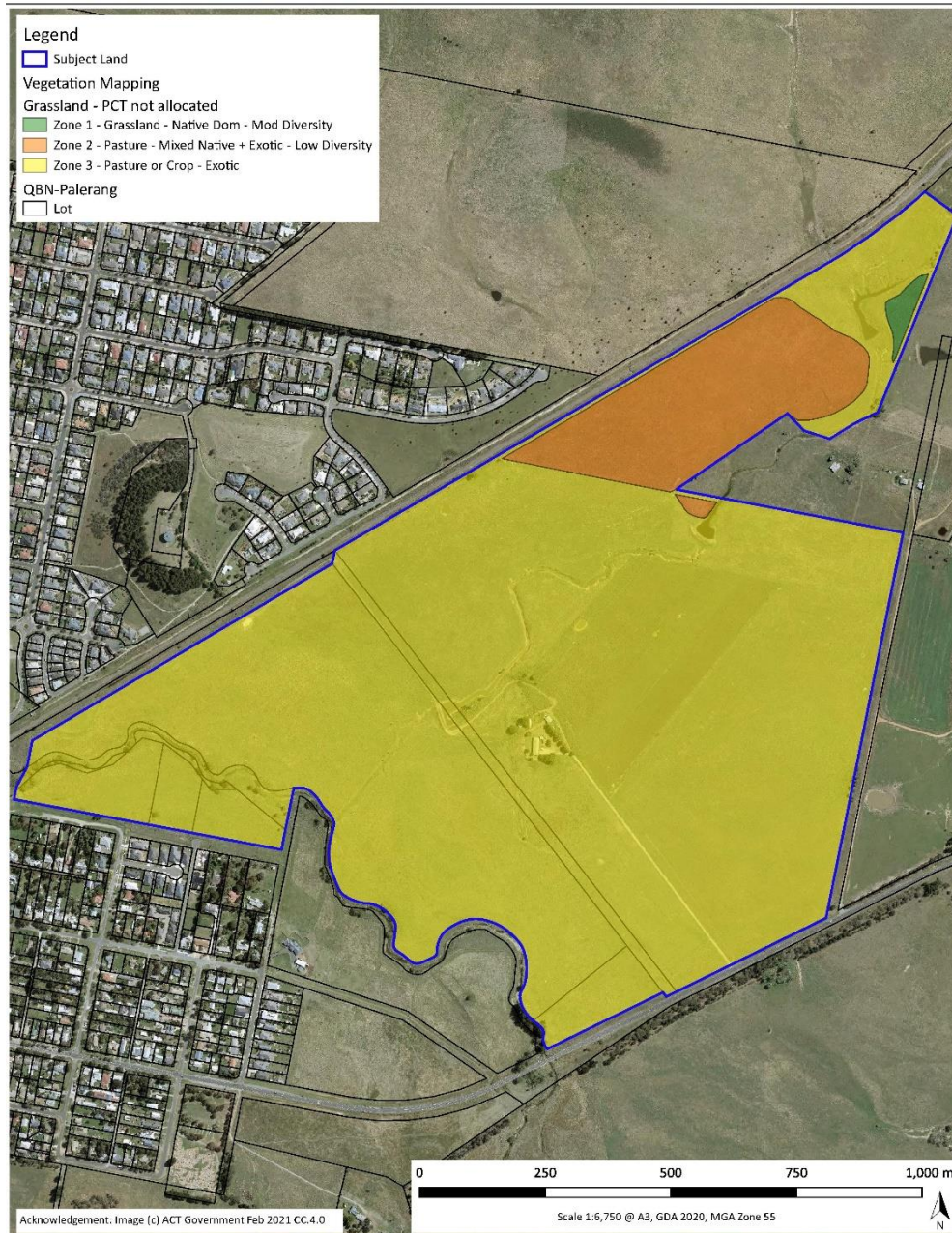


Figure 2 Three vegetation zones identified by Capitol Ecology

8.4 Bungendore East Planning Proposal - State Agency Consultation and Public Exhibition (Ref: ; Author: Thompson/Hogg) (Continued)

Additional Changes to Planning Proposal

The planning proposal submitted for a Gateway determination, included a section of land proposed to be rezoned to RE1 Public Recreation that was outside of the mapped flood prone land and was intended to ensure that the community has access to recreational land within the development that was more suited as a urban park and not just the flood prone land. However, during the discussions on the findings of the additional studies the proponent noted that the square area of land proposed to be RE1 Public Recreation in the south east of the development (refer Figure 1 above) unnecessarily constrains any future subdivision layout and may not be the most appropriate location for a future urban park.

Council staff agreed that the specific location would be better determined at the development application stage and agreed that the isolated square area of proposed RE1 Public Recreation be removed from the planning proposal subject to a written undertaking to provide an equivalent sized area of recreation space outside of the confirmed flood prone area. To achieve this commitment for this additional recreation, it will be included in a Local Planning Agreement along with any other additional facilities the proponent is considering, and which are required. A preliminary Letter of Offer is provided as Attachment 1 to this report.

Implications***Legal***

Legal advice may be required to assist in the drafting of a voluntary planning agreement.

Policy

Any amendments to the planning proposal arising out of further discussions with the state agencies will be consistent with the direction set by Council for the subject site and the intended objectives of the planning proposal endorsed by Council for Gateway determination.

Environmental

Natural Temperate Grassland which is listed as critically endangered under *the Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) has been identified within the site. Discussions have been scheduled with NSW Biodiversity and Conservation to discuss appropriate protection measures.

Engagement

This report advises that some amendments to the planning proposal may be required following further discussions with NSW Biodiversity and Conservation on an appropriate method of protecting the critically endangered Natural Temperate Grasslands on the site. Once those amendments are made the planning proposal is ready for public exhibition for a period of 28 days. Any exhibition will appropriately include additional time should it occur of the Christmas/New Year period. As such this report also seeks a resolution to progress the planning proposal to public consultation.

8.4 Bungendore East Planning Proposal - State Agency Consultation and Public Exhibition (Ref: ; Author: Thompson/Hogg) (Continued)

Conclusion

As a result of issues raised by the state agencies during consultation a number of additional studies have been prepared. The additional reports include a Traffic Impact Assessment, a site specific Flood Study, an Acoustic Study, and a Fauna and Flora assessment.

While Council staff have requested that the Traffic Impact Assessment be amended to utilise 10VPD for the assessment as per the QPRC Development Design and Construction Specifications, it is not expected that the revised assessment will significantly alter the projected impact of the development on the road network. Amendments to the planning proposal are not required as a result of the Traffic Impact Assessment.


The site-specific Flood Study indicates a different alignment of the 1% AEP flood to that used in the current planning proposal to show the extent of the proposed rezoning to R2 Low Density Residential. It is proposed that the boundary of the proposed R2 zone will be amended to reflect the updated alignment of the 1% AEP flood.

The Acoustic and Vibration study identified that part of the site adjoining the Kings Highway will be noise affected, however these impacts will be addressed during any future development of the site and do not require amendments to the planning proposal.

The Fauna and Flora Study identified an area of the site as containing Natural Temperate Grassland which is listed as critically endangered under *the Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Discussions have been scheduled with NSW Biodiversity and Conservation to discuss appropriate protection measures and may require amendments to the planning proposal.

Further amendments as noted above may be required as a result of further discussions with state agencies. These amendments will not alter the outcome or intended effects of the planning proposal and it is recommended that the planning proposal, amended as discussed above, be placed on public exhibition.

Attachments

Attachment 1  Preliminary Letter of Offer - Local Planning Agreement (*Under Separate Cover*)

8.5 Determination of Applications for the Local Heritage Places Grants 2021-22
(Ref: ; Author: Thompson/Grant)

File Reference: 26.5.1-20

Summary

The purpose of this report is to consider and determine the applications received by Council for the QPRC Local Heritage Places Grants 2021-22.

Recommendation

That Council adopt the recommendations to provide funding to the applications as listed in Attachment 1.

Background

Council advertised the Local Heritage Grants from early August until early October 2021. In total, six applications were received.

These grants are funded in part by Council and in part by the NSW Heritage Office. They must meet certain criteria as outlined in Council's guidelines (Attachment 3).

In general, the grants are intended to fund small improvements to existing privately owned heritage items or buildings within a Heritage Conservation Area (HCA).

The applications were initially assessed against the guidelines by staff from the Land Use Planning Branch as well as Council's Heritage Advisor.

A summary of the applications and the funding recommended is provided in Attachment 1.

The applications and assessments were considered at the meeting of the QPRC Heritage Advisory Committee on 21 October 2021. The Committee was presented with images and brief details of each application as provided in Attachment 2. The Heritage Advisory Committee unanimously supported the recommendations for grant distribution.

Successful applicants will be notified and given a set time in which to complete their proposed works. They will be required to meet certain conditions and to sign an agreement to this effect (Attachment 5).

Implications

Legal

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

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.

Sustainability

The continuation of grants from this fund promote sustainability through the enhancement of the local built environment and the promotion of preservation of existing items.

8.5 Determination of Applications for the Local Heritage Places Grants 2021-22 (Ref: ; Author: Thompson/Grant) (Continued)

Social / Cultural

Continued funding promotes the heritage of the local area and will ensure that owners of heritage items or those located in an HCA can undertake required works, so that the buildings are retained in good condition into the future.

Strategic

The funding assists owners of buildings in the LGA with the maintenance and repair of listed heritage items, items in an HCA, or other heritage properties. The preservation of these is an important part of Council's objectives and items are protected by listing/recognising them in the Local Environmental Plans.

Engagement

The grants are partly funded by Council and partly funded by the NSW Office of Heritage and must 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 \$22,000 is available for the 2021/22 Local Heritage Grants. The project is part funded by the NSW Office of Heritage which provides funding up to a maximum of \$5,500. The remaining \$16,500 is funded by Council. All projects must be completed by 22 April 2022 to enable Council to claim the monies. If the recommendations are approved the grant funds for the 2021-22 year will be fully subscribed.

Conclusion

The Local Heritage Places Grants provide funding for local property owners to use for the maintenance and repair of important local heritage items and/or items within a HCA. 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, the recommendation of this report promotes heritage in a practical manner and should be supported.

Attachments

- | | |
|--|--|
| Attachment 1 | Summary of Local Heritage Grant Applications 2021-22 (<i>Under Separate Cover</i>) - CONFIDENTIAL |
| Attachment 2 | Presentation for Queanbeyan Heritage Committee - Local Heritage Applicants 2021-22 (<i>Under Separate Cover</i>) - CONFIDENTIAL |
| Attachment 3 | Local Heritage Grant Guidelines 2021-22 (<i>Under Separate Cover</i>) |
|  Attachment 4 | Application Form - Local Heritage Grant 2021-22 (<i>Under Separate Cover</i>) |
|  Attachment 5 | Project Funding Agreement Template - Local Heritage Grants 2021-22 (<i>Under Separate Cover</i>) |

8.6 Street Naming Proposal - Estate 2 Stage 1 - South Jerrabomberra Urban Release Area (Ref: ; Author: Thompson/Knight)

File Reference: 26.4.1-04

Summary

Council has received a request from the proponents of the South Jerrabomberra Urban Release Area to name the streets in Stage 1 of Estate 2 of the subdivision. This report considers the names proposed and recommends endorsement for public exhibition.

Recommendation

That Council:

1. **Adopt in principle the following proposed names for the new roads created within Stage 1 of Estate 2 at the South Jerrabomberra Urban Release Area:**
 - **Fuchsia Crescent**
 - **Ironstone Circuit**
 - **Lavender Lane**
 - **Photinia Street**
 - **Pimelea Road**
 2. **Exhibit the names for public comment for 28 days.**
 3. **Publish a notice in the NSW Government Gazette if no objections are received.**
-

Background

The South Jerrabomberra Urban Release Area (formerly South Tralee) was approved by the Joint Regional Planning Panel under DA 395-2017 in August 2018. Construction of the first stage of the subdivision is well underway and it is time to consider potential street names for the next stage of the development.

Council has worked with the applicant's consultant and the Geographical Names Board (GNB) to arrive at a list of names which differ from those elsewhere in the local government area and meet the criteria for road naming set down by the GNB.

The developer has chosen Australian flora as a theme after which the five new roads within Stage 1 of Estate 2 will be named as follows:

- Fuchsia Crescent
- Ironstone Circuit
- Lavender Lane
- Photinia Street
- Pimelea Road

The source of these names is shown in Attachment 1. The layout of the streets and the names allocated to each is shown in Attachment 2.

The names selected are generally unambiguous and easy to spell and pronounce. They are all recommended for public exhibition.

8.6 Street Naming Proposal - Estate 2 Stage 1 - South Jerrabomberra Urban Release Area (Ref: ; Author: Thompson/Knight) (Continued)

Policy

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

Consultation

The proposed names will be exhibited for 28 days for public comment.



Financial

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

Conclusion

The names chosen are unique and interesting names selected under an appropriate theme. The names have been selected in accordance with Council's Code of Practice for the Naming of Roads and the Geographical Names Board guidelines for the naming of roads. It is recommended that the names in Attachment 1 be endorsed for public exhibition.

Attachments

- | | |
|---|--|
| Attachment 1  | Proposed Street Names - South Jerrabomberra Estate 2 Stage 1 (<i>Under Separate Cover</i>) |
| Attachment 2  | Road Name Allocation - South Jerrabomberra Estate 2 Stage 1 (<i>Under Separate Cover</i>) |

8.7 Road Naming Proposal - Maddrell Place, Braidwood (Ref: ; Author: Thompson/Lamont)

File Reference: 26.4.1-4 Road Naming

Summary

Council had received a request to name a new cul-de-sac created as part of a 10 lot subdivision in Braidwood. The proposed name was Foxtan Place. After the exhibition period of 28 days three submissions had been received. This report considers these submissions and puts forward an alternative name of Maddrell Place. The report recommends that the name Maddrell Place be endorsed for public exhibition.

Recommendation

That Council:

- 1. Decline to utilise the name Foxtan Place on this occasion.**
 - 2. Adopt in principle the name Maddrell Place as the proposed name for the new road created under subdivision development consent DA.2014.143.**
 - 3. Advertise the name for public comment for 28 days.**
 - 4. Publish a notice in the NSW Government Gazette if no objections are received.**
-

Background

At its meeting of 22 September 2021 Council resolved to place the new street name Foxtan Place on public exhibition. After 28 days on exhibition three submissions were received (Attachment 1). Several alternative names were put forward that are already in use throughout QPRC, and were therefore deemed unsuitable.

As an alternative the Braidwood Community Association and Braidwood Villages & Tourism, in consultation with QPRC staff, have put forward the name 'Maddrell Place'. The origin of this name is as follows:

*Robert **MADDRELL** was born in 1819 on the Isle of Man and died in 1900. He immigrated to Australia and settled at Bedervale, Braidwood NSW. He married Elizabeth Coghill the daughter of Captain John Coghill then owner of Bedervale.*

When Captain John Coghill died in 1853 Robert Maddrell and Elizabeth inherited Bedervale. Their son Dr Robert James Coghill Maddrell was educated at Macquarie Fields School. Upon completion of his studies, he returned to Bedervale and became actively interested in pastoral pursuits under the supervision of his father later taking over the management of the property. In 1973 Robert Arthur Coghill Maddrell sold Bedervale to the Royds family.

John Coghill Maddrell of Braidwood is the eldest descendant in the region. He has been contacted and has no objections; in fact, he is delighted. (Braidwood Community assoc.)

The geographical Names board (GNB) have approved the name in principle citing no issues with this name.

8.7 Road Naming Proposal - Maddrell Place, Braidwood (Ref: ; Author: Thompson/Lamont) (Continued)

Implications***Engagement***

The Code of Practice for addressing premises requires the recommended road names to be reported to Council and then advertised for public comment. If supported by Council and the Geographical Names Board and there are no objections received during the exhibition period then the notice will be published in the NSW Government Gazette. If any objections are received, then a further report will be put to Council.

In this case several objections were raised to using the name Foxtton Place. As a result alternative street names were explored and after extensive engagement with the Braidwood Community Association and Braidwood Villages & Tourism 'Maddrell Place' was selected as the most suitable name.

Following Council's policy, the proposed name 'Maddrell Place' will be exhibited for 28 days for public comment.

Financial

All costs associated with advertising of the road names and supply of road name plates are to be borne by the developer.

Conclusion

The name chosen is unique to the Braidwood District, and appropriate to the local area concerned.

The name has been selected in accordance with Council's Code of Practice for the Naming of Roads and the Geographical Names Board guidelines for the naming of roads. The name Maddrell Place comprises an unambiguous word that is easy to spell and pronounce and is therefore recommended.

Attachments

Attachment 1 Submissions - Redacted (*Under Separate Cover*)



8.8 Draft Mobile Food Vending Policy for Adoption (Ref: ; Author:
Thompson/Abbott)

File Reference: 12.1.6

Summary

At its meeting of 8 September 2021, Council resolved to place the Draft Mobile Food Vending Policy on public exhibition. There were 14 submissions made during the exhibition period. This report provides information on the feedback received during the exhibition period. A summary of comments has been provided in Attachment 1.

Recommendation

That Council adopt the Draft Mobile Food Vending Policy as provided in Attachment 2.

Background

To trade on the roadside or public space, a person must gain approval from Council under section 68 of the *Local Government Act 1993*. The aim of this approval is to ensure that the seller has considered all relevant matters to protect not only themselves but also the public. Such matters include public liability insurance, traffic safety, pedestrian access/safety, adverse impacts to surrounding businesses and residents.

Since the QPRC amalgamation there have been two concurrent Council policies regarding the sale of food from a vehicle in a public area. These 2 policies, while similar, do have discrepancies which make the approval process confusing and cumbersome for both Council staff and customers seeking approval.

During the COVID-19 pandemic, Council has received a significant increase in enquiries from people wanting to start mobile food business and where this can be lawfully done. The two old Council policies provide inconsistent information and enforcement of existing approvals has proven to be challenging due to these inconsistencies.

Given the above, a single Mobile Food Vending Policy has been prepared. The new policy aims to address any potential queries regarding suitable locations, operations, and exemptions to operating a mobile food vending business in the QPRC local government area.

The new Policy has now been exhibited and with minor changes is recommended for adoption.

Implications

Legal

The conditions Council sets for section 68 approvals under the *Local Government Act 1993* will now be consistent across the LGA and the new Policy will act as a guide to further support any clarification or enforcement of these approvals.

8.8 Draft Mobile Food Vending Policy for Adoption (Ref: ; Author: Thompson/Abbott) (Continued)

Policy

The new Mobile Food Vending Policy is provided in Attachment 2. The policy provides guidance on the circumstances where Council would consider issuing approval to a mobile food vendor to trade in a public space.

A large focus of the policy is clarifying suitable roadside locations for the safe operation of mobile food vending that allows safe customer access (including parking), general traffic safety and awareness, does not inhibit existing pedestrian movement and minimises amenity impacts on residential neighbours. Exemptions to the policy do apply for vendors such as:

- Trading on Council sites that require booking through other Council departments.
- Trading at a preorganised event (event organiser takes responsibility for correct placement of the vendor during the event).

To make enforcement of the approvals more streamlined and consistent, the policy places significant restrictions on suitable trading locations and operational expectations. Council expects this to result in a reduced number of complaints relating to mobile food businesses.

Engagement

A total of 14 submissions have been received. A summary of the submissions made and staff comments is provided in Attachment 1.

Of the 14 submissions, 10 were phone calls received from existing proprietors wishing to clarify how the Draft Policy would impact their existing food business. It was explained that most of the mobile food business would not be impacted at all, as this Policy only applies to those operating on public land separate from any event or other Council booking system. The title and scope of the Policy were expanded to help clarify this confusion as to who the Policy would apply to.

As the Draft Policy is more restrictive on what can and can't be done some submissions were concerned with the Policy preventing suitable trading locations. It is natural that food vendors want to set up on busy roads where there is a lot of passing trade. Unfortunately, it is the very nature of these busy locations that make them unsuitable as they pose the greatest risk to safety, causing accidents as customers vehicles pull unexpectedly off or onto the road or the vans cause a traffic hazard or distraction on the side of the road. As such decisions about whether a location was suitable were based around traffic safety and pedestrian safety and therefore could not be eased without placing a greater risk to the public.



A number of submissions simply made comments about how the Policy could be better enforced without recommending any changes to the content.

Other than the change to the title of the Policy no other changes are recommended.

Conclusion

Adopting the new Mobile Food Vending Policy would prevent negative impacts to residential areas, and also the existing and future mobile food business by providing a consistent policy across the whole of the QPRC local government area.

Attachments

| | |
|---|--|
| Attachment 1  | Summary of Submissions and Comments Following Exhibition (<i>Under Separate Cover</i>) |
| Attachment 2  | Mobile Food Vending Policy Proposed for Adoption (<i>Under Separate Cover</i>) |

8.9 Resourcing Strategy 2021 (Ref: ; Author: Tegart/Tozer)

File Reference: 51.1.1-01

Summary

Council adopted its Resourcing Strategy in 2017 – an updated version is proposed in advance of the 2021 elections to inform candidates and community of the capacity and capability of the organisation to deliver programs and projects. A final Resourcing Strategy will be prepared with the new Council next year, after councillors consider the outcomes of community engagement undertaken in 2021 to inform the Community Strategic Plan (20-year horizon), and draft the Delivery Program (four-year) and Operational Plan for 2022 and beyond.

Recommendation

That Council note the draft Resourcing Strategy and be made publicly available for candidates for the upcoming election.

Background

Council's Resourcing Strategy comprises five elements:

- Asset Strategy
- Workforce Strategy
- Financial Plan
- Risk Plan
- Digital Strategy

Other than the Risk Plan, the other strategies have been refreshed since 2020 and can be framed in the driver-pressure-state-impact-response (DPSIR) framework used for the previous Resourcing Strategy, to illustrate the respective relationships and interdependencies of the strategies and the forming of the respective Responses/ Actions.

The NSW Integrated Planning and Reporting (IP&R) Guidelines have recently been updated and introduced some new requirements and mandated features of the next IP&R round. A big change is the requirement to link all adopted strategies and plans to the IP&R framework and make provision to include the implementation of strategies in the Delivery Program (DP) and therefore flow into the Resourcing Strategy. Maturity assessments have been undertaken for assets, digital and workforce and guided respective improvement plans.

The recently revised Integrated Planning and Reporting Guidelines describe the Resourcing Strategy as:

The Resourcing Strategy is the point where the council explains to its community how it intends to perform all of its functions, including implementing the strategies set out in the Community Strategic Plan.

Some strategies in the Community Strategic Plan will clearly be the responsibility of the council, some will be the responsibility of other levels of government and some will rely on input from business and industry groups, community groups or individuals.

The Resourcing Strategy focuses in detail on matters that are the responsibility of the council and considers, in general terms, matters that are the responsibility of others. The Resourcing

8.9 Resourcing Strategy 2021 (Ref: ; Author: Tegart/Tozer) (Continued)

Strategy articulates how the council will allocate resources to deliver the objectives under its responsibility.

NSW councils will need to consider orphan strategies, such as strategies adopted by councils but not referenced in actions in the Delivery Program. Some councils may have numerous strategies that don't have a formally funded implementation strategy in their Delivery Program.

QPRC went through that process in 2017, mapping the adopted strategies and plans under the CSP pillars of Community, Choice, Character, Connection, Capability and cross checking recommendations or responses from those plans were embedded in the terms of the CSP and DP.

The new guidelines introduce standards for all the components of the IP&R framework. This enables councils to develop documents that can be scaled to suit their resources and needs, but it does suggest that councils should consider where they want to be on the maturity scale.

The guidelines introduce new mandatory requirements around service reviews, service levels and other improvements. The Audit Risk and Improvement Committee (ARIC) has already reviewed several frameworks and processes that can assist those reviews with the new council. <https://www.olg.nsw.gov.au/wp-content/uploads/2021/09/Integrated-Planning-and-Reporting-Guidelines.pdf>.

Conclusion

The draft Resourcing Strategy has been provided for information to the current councillors prior to being made publicly available for candidates for the upcoming election. The information in the draft Strategy will form part of the candidate briefing presentation in mid-November.

Attachments

Attachment 1 Draft Resourcing Strategy 2021 (*Under Separate Cover*)



**8.10 Country Womens Association - Carpark at rear of 152 Wallace Street,
Braidwood - Licence Agreement Renewal - Updated Information (Ref: ;
Author: Tegart/Carey)**

File Reference: ECM 46.1.1-33

Summary

On Wednesday 27 October 2021, Council resolved (352/21) to renew the Licence Agreement between Council and the Country Womens Association of NSW (CWA) for a section of land in Braidwood owned by the CWA. The land is located at the rear of the CWA Building at 152 Wallace Street Braidwood and is used as a carpark for Council vehicles.

The report to Council contained an error relating to the licence fee and this report seeks to correct the error.

Recommendation

That Council enter into a Licence Agreement with the NSW Country Womens Association (CWA) to use CWA land at the rear of 152 Wallace Street Braidwood as a parking area for Council vehicles, on the same terms outlined in Council Resolution 352/21 with the following correction:

- a. Licence fee \$2,553 p/a (ex GST).**
-

Background

A report to Council on 27 October 2021 provided details relating to renewal of the Licence Agreement for the CWA carpark located at 152 Wallace Street Braidwood. The Report noted that in January 2001, the then Tallaganda Shire Council entered into a 20 year licence agreement with the Country Womens Association of NSW (CWA) to use an area of land behind the CWA Building at 152 Wallace Street Braidwood (map below) as a car park for Council vehicles.

The commencing annual rent in the original Licence Agreement was \$1,560 which increased to CPI annually during the period of the licence. The amount for the current year using CPI increases is \$2,553. The 27 October 2021 report to Council stated the original fee of \$1,560 as the new/current fee, which is inaccurate and needs to be corrected.

Financial

The licence fee during the first 12 month period will be \$2,553 ex GST, with increases annually in accordance with CPI. On renewal of the agreement at the end of the 10 year term, a market review will be applied to the fee for the first 12 month period of the new 10 year term, with CPI reviews following annually.

Council also pays rates on the property, with the exception of water use charges which are paid by CWA. This arrangement is documented in the original Licence Agreement and is to be carried over to the renewed agreement.

Attachments

Nil

10.1 Minutes of the QPRC Heritage Advisory Committee held 21 October 2021 (Ref: ; Author: Thompson/Grant)

File Reference: 26.5.1-08

Summary


The Minutes of the QPRC Heritage Advisory Committee meeting of 21 October 2021 are presented to Council for consideration.

Recommendation

That Council note the Minutes of the QPRC Heritage Advisory Committee meeting of 21 October 2021 and adopt recommendation QPRC HAC 19/21 as shown below.

QPRC HAC 19/21 It is recommended that the Council provide a letter in support of the State Heritage Listing of the Bungendore Soldiers Memorial within a defined curtilage to be agreed upon with the nominator.

Attachments

- Attachment 1 Minutes of QPRC Heritage Committee 21 October 2021 (*Under Separate Cover*)
 Attachment 2 Attachment to Minutes of HAC Meeting 21 Oct 2021 - Summary of Grant Applications Received (*Under Separate Cover*) - **CONFIDENTIAL**

10.2 Minutes of Braidwood and Curtilage Heritage Advisory Committee held 14
October 2021 (Ref: ; Author: Thompson/Grant)

File Reference: 26.5.1-07


Summary

The Minutes of the Braidwood and Curtilage Heritage Advisory Committee meeting of 14 October 2021 are presented to Council for consideration.

Recommendation

That Council note the Minutes of the Braidwood and Curtilage Heritage Advisory Committee held on 14 October 2021.

Attachments

Attachment 1  Minutes of Braidwood and Curtilage Heritage Advisory Committee 14
October 2021 (*Under Separate Cover*)

10.3 Minutes of the Environment and Sustainability Advisory Committee Meeting held 20 October 2021 (Ref: ; Author: Thompson/Abbott)

File Reference: 24.2.1-03

Summary

The minutes of the Environment and Sustainability Advisory Committee meeting held on 20 October 2021 are presented to Council for consideration.

Recommendation

That Council note the minutes of Environment and Sustainability Advisory Committee held on 20 October 2021.

Attachments

Attachment 1  Minutes of the Environment and Sustainability Advisory Committee Meeting Held on 20 October 2021 (*Under Separate Cover*)

12 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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