



Ordinary Meeting of Council

9 February 2022

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEMS 9.6 TO 9.11

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL**

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

9 FEBRUARY 2022

ITEM 9.6 DETERMINATION REPORT - REVIEW OF ENVIRONMENTAL
FACTORS - QPRC REGIONAL SPORTS COMPLEX -
ENVIRONA DRIVE

ATTACHMENT 1 QPRC - REGIONAL SPORTING COMPLEX - REVIEW OF
ENVIORNMENTAL FACTORS

Review of Environmental Factors

Queanbeyan-Palerang Regional
Sports Complex - Stage 1

80220020

Prepared for
Queanbeyan-Palerang Regional Council

7 September 2021



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Our report is based on information made available by the client. The validity and comprehensiveness of supplied information has not been independently verified and, for the purposes of this report, it is assumed that the information provided to Cardno is both complete and accurate. Whilst, to the best of our knowledge, the information contained in this report is accurate at the date of issue, changes may occur to the site conditions, the site context or the applicable planning framework. This report should not be used after any such changes without consulting the provider of the report or a suitably qualified person.

Executive Summary

The proposal

This Review of Environmental Factors (REF) has been prepared by Cardno NSW/ACT Pty Ltd on behalf of Queanbeyan-Palerang Council (Council) in support of Stage 1 works for the proposed Queanbeyan-Palerang Regional Sporting Complex (QPRSC) located at South Jerrabomberra.

Stage 1 REF works comprise the following:

- Bulk earthworks across the site
- Construction of:
 - four (4) soccer fields
 - two (2) hockey pitches
 - multiple northern playing fields
 - car parking
 - a main access road & internal roads and paths
 - stormwater infrastructure
 - a storage/maintenance shed.
- Installation of:
 - public lighting, including sports field flood lighting
 - utilities
 - fencing
 - irrigation
 - signage.
- Initial landscaping
- Creek remediation.

Note that other works, for example a multipurpose stadium, are being undertaken as part of Stage 1, but are discussed in a separate Statement of Environmental Effects (SEE).

Proposal objectives

- > Support lifelong health and wellbeing through excellence in sports by 2021, which enables participation for all levels of ability.
- > Provide a home for sports currently not able to play within the Queanbeyan-Palerang region, by 2021.
- > Provide a Centre of Excellence that draws high level sports participants and events to the Queanbeyan-Palerang region, by 2021.
- > Facilitate the hosting of significant sporting fixtures within the 2021 sports season.

Options consideration

Several other options have been considered for this project, including delaying the project, or locating the QPRSC at a site in Bungendore. The current proposal has been determined as the most feasible and preferable.

Statutory planning framework

The Stage 1 works described in this REF can be undertaken without consent under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This report constitutes the necessary environmental assessment to support the works under Part 5.

Community and stakeholder consultation

No explicit community and stakeholder consultation has been undertaken for this stage, however consultations have been undertaken for the QPRSC more broadly.

Consultation has taken the form of community engagement for the former Queanbeyan City Council Community Strategic Plan, and subsequent delivery and financial plans.

Once endorsed, this REF will be placed on public exhibition for and submissions will be invited.

Environmental impacts and mitigation

Due to the ecologically degraded and contaminated state of the site, positive impacts are anticipated as a result of the Stage 1 works.

Potential impacts resulting from the development have been carefully considered in its design, with mitigation measures incorporated. This includes construction of extensive stormwater infrastructure to transmit existing stormwater flows safely across the site to Jerrabomberra Creek.

Flooding risk context and potential impacts arising from the Stage 1 development have also been modelled for the site. The development has been found to only impact minimally on the existing flood regime, primarily within Jerrabomberra Creek. There would be some overlap between future land uses and low-to-medium flood hazard categories under 1-in-100 year ARI flood events. This is limited to a number of the playing fields and sections of the roads and carparks, and will be mitigated through development of a Flood Emergency Evacuation Plan before operation commences.

The works additionally overlap with a Potential Archaeologic Deposit (PAD) associated with Jerrabomberra Creek. Additionally, the site contains a new Aboriginal site consisting of a two-artefact scatter. Potential impacts will be mitigated through a strategy developed with the support of local Aboriginal groups, which would include:

- Undertaking of a surface artefact collection program at the Aboriginal site.
- Subsurface test excavation throughout all areas of the PAD to be impacted prior to works.
- An unanticipated discovery protocol to be implemented for all works.

The investigations associated with this REF have determined that significant impacts are not likely. Consequently an Environmental Impact Statement is not required for the works described.

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Glossary of terms and abbreviations

Term	Meaning
ACM	Asbestos containing material
CHA	Cultural Heritage Assessment
DP	Douglas Partners
DPI	Department of Primary Industries
DSI	Detailed Site Investigation
EIA	Ecological Impact Assessment
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
IHMR	Intrusive Hazardous Materials Register
ISEPP	<i>State Environmental Planning Policy (Infrastructure) 2007</i>
KE Ltd	Keane Environmental Pty Ltd
LEP	<i>Queanbeyan Local Environmental Plan 2012</i>
LES	<i>Tralee Local Environmental Study 2005</i>
MNES	Matters of National Environmental Significance
PAD	Potential archaeological deposit
PCB	Polychlorinated biphenyl
POEO Act	<i>Protection of Environment Operations Act 1997</i>
QPRSC	Queanbeyan-Palerang Regional Sporting Complex
REF	Review of Environmental Factors
RFA	Regional Forest Agreement
SEE	Statement of Environmental Effects
SEPP 55	<i>State Environmental Planning Policy No 55 – Remediation of Land</i>

1 Introduction

1.1 Background

This Review of Environmental Factors (REF) has been prepared by Cardno NSW/ACT Pty Ltd on behalf of Queanbeyan-Palerang Council (Council) in support of various works incorporated in the proposed Queanbeyan-Palerang Regional Sporting Complex (QPRSC) located at South Jerrabomberra.

This REF should be considered in conjunction with the technical documentation and specialist assessment reports, provided as appendices to this document.

1.2 Project History

In 2012, Council began planning a regional sporting hub to service communities in the Queanbeyan, Palerang and surrounding areas. This followed a need identified in Council's 2010-2020 Community Strategic Plan.

The current site was selected after several iterations of the concept, with a Master Plan for the site being completed by Oxigen Pty Ltd (Oxigen) in May 2019. The Master Plan incorporates a two stage development, which includes several sporting fields with both natural and synthetic turf, a large indoor aquatic facility, and indoor hardcourt facilities, as well as various service and administration facilities.

A separate REF has been undertaken for a preconstruction stage of the development, involving decontamination works across the site, and removal of waste and debris.

The current REF concerns the selected Stage 1 works, including earthworks, and construction of a number of sporting fields and associated facilities. The remaining Stage 1 works are discussed in the Statement of Environmental Effects (SEE) for that stage.

A future Stage 2 is being planned, including the aquatic centre, and administration buildings, with details yet to be determined.

1.3 Site Location

The subject land is located in the area known as North Tralee, NSW (**Figure 1-1**). It is situated immediately to the west of Jerrabomberra, and straddles the border of the ACT. The proposed QPRSC site is primarily located within Lot 6 DP 239080, with some extensions into Lot 1 DP 313299 and Lot 1 DP 213249. The subject site is bound to the north and east by the Jerrabomberra Creek, to the west by the ACT and NSW Border and Bombala Rail Line, and to the south by Environa Drive which is currently under construction as part of DA 393-2015 to serve the planned Environa and South Tralee residential developments to the south.

Land surrounding the site is primarily undeveloped land that has been cleared for agricultural purposes in the past. Access to the site is provided by Environa Drive. Environa Drive is being constructed to serve the residential developments to the south of the site. It is being constructed as a two-lane road (one in either direction), and currently connects to Amott St via Territory Parade (a dirt road) to the west, via a locked access road.

The subject land, which has a history hosting motor sports, comprises of an open field and mounding related to the former Tralee Speedway/Fraser Park Raceway and ½ Mile Speedway. There are various dilapidated structures and remains throughout the site relating to its former use, including spectator facilities, earth mounding, amenities buildings and, notably, a dilapidated stone-faced brick building built as a toilet facility in the late 1920s. Although this toilet facility building does not have a state or local heritage listing, it is considered to have some heritage value within the context of the site, and is subject to a detailed heritage investigation by Brendan O'Keefe in 2018. The site is located approximately 7.5 km south of the Canberra International Airport. It is within the 20-25 Australian Noise Exposure Forecast (ANEF) contour.

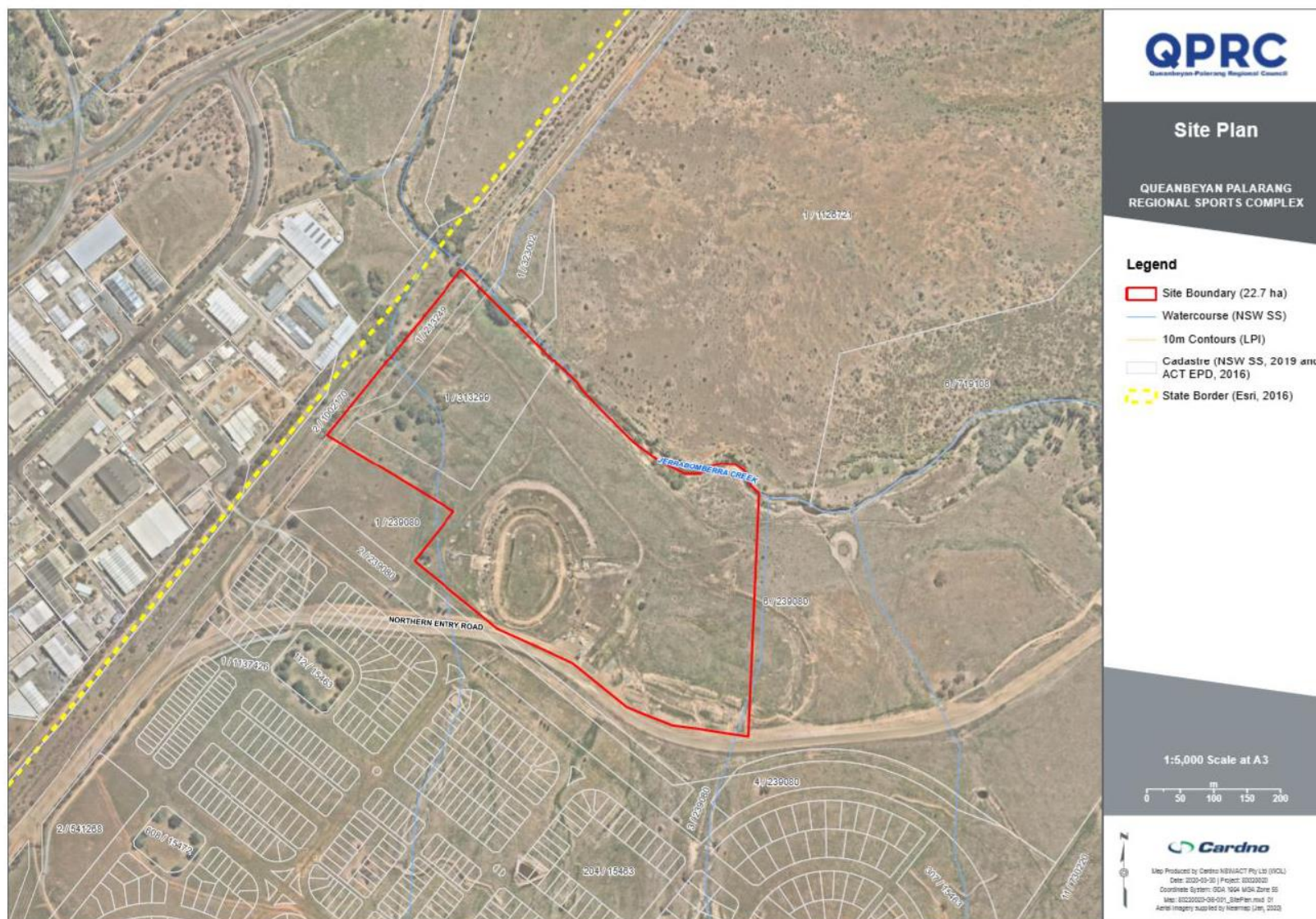


Figure 1-1 Site plan
80220020 | 7 September 2021 | Commercial in Confidence

2 Description of the proposal

2.1 Queanbeyan-Palerang Regional Sporting Complex overview

Construction of the QPRSC is to be undertaken as a multi-staged development. Specifically, the QPRSC will involve the following stages:

- > Preconstruction Stage – Works within the preconstruction stage were subject to a previous REF. These include:
 - o Removal of asbestos containing materials (ACMs) across the site
 - o Removal of polychlorinated biphenyl (PCB) containing light fittings across the site
 - o Excavation of a small former landfill area and stockpiling for waste classification and removal
 - o Excavation, crushing and stockpiling of non-contaminated bricks and concrete material on site
 - o Removal of general waste and debris from the site.
- > Stage 1 – This stage consists of the following works, described in the current REF, and a separate Statement of Environmental Effects (SEE):
 - o REF works (Part 5 matters):
 - Bulk earthworks across the site
 - Construction of:
 - four (4) soccer fields;
 - two (2) hockey pitches;
 - multiple northern playing fields;
 - car parking;
 - a main access road & internal roads and paths;
 - stormwater infrastructure;
 - a storage/maintenance shed,
 - Installation of:
 - public lighting, including sports field flood lighting;
 - utilities;
 - fencing;
 - irrigation;
 - signage,
 - Initial landscaping,
 - Creek remediation.
 - o SEE works (Part 4 matters):
 - Basketball stadium
 - Major sports pavilion between hockey and soccer fields
 - Minor sports pavilion between hockey and soccer fields
 - Minor sports pavilion between soccer fields
 - Adaptive re-use of existing heritage building (stone-faced brick building)
- > Stage 2 – not yet finalised, but expected to include:
 - o Public realm (partial)

- Aquatic centre
- Administration
- Child care
- Public realm (remaining)

Refer to **Appendix A – Siteworks & Strategies** for staging diagrams of the works.

2.2 This proposal

This REF concerns a number of the works for Stage 1 of the QPRSC which can be undertaken under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (see **Section 4.2.1**, below).

Detailed descriptions of the proposed works include the following.

2.2.1 Earthworks

The QPRSC will require earthworks to level and grade the site. Particularly, the various playing fields are required to be entirely level.

Most earthworks required for the QPRSC will be undertaken during Stage 1. This includes:

- Final grading of all sports fields
- Final grading of roads, paths and carpark
- Grading building pads for all planned buildings
- Removal of remaining berms from former speedway
- Excavation of swales across the eastern and western sides of the site
- Excavation of a central stormwater channel.

While the earthworks include the building footprint, further excavation will be required for the aquatic centre during its construction in Stage 2.

For detailed earthworks plans, and detailed plans of the swales and stormwater culvert refer to the Site Works Plan and Strategy, by Oxigen (**Appendix A**), and the Civil Drawings Set (**Appendix F**).

2.2.2 Soccer Fields

Stage 1 is to include construction of four (4) soccer fields. These are to be approximately 105m by 68m in size, although exact dimensions are to be confirmed.

Of these, two fields will be constructed using premium synthetic wet turf, and two will be comprised of premier natural turf. The natural turf fields will be irrigated.

The two southern soccer fields will be surrounded by hardstand viewing areas, including a terraced section along the inner boundary.

The two more northern soccer fields (not including the adaptable northern playing fields, described below), will primarily be surrounded with softscape viewing areas consisting of maintained lawn, with only a thin area of hardscaped space immediately surrounding the fields.

For detailed plans for the soccer fields, see the Site Works Plan and Strategy (**Appendix A**), and the Civil Drawings Set (**Appendix F**).

The sports fields are accompanied by amenities pavilions, including changerooms, toilet facilities, medical facilities and storage spaces, as well as a function room with kitchen and bar. These are discussed in detail in the SEE for Stage 1.

2.2.3 Hockey pitches

Stage 1 includes two (2) synthetic professional hockey pitches. The dimensions of these will be 101.4m by 64m, including runoff ends and sides.

These are situated alongside the southern two soccer fields, and are similarly surrounded by hardstand viewing area with some terraced sections.

The sports fields are accompanied by amenities pavilions, including changerooms, toilet facilities, medical facilities and storage spaces, as well as a function room with kitchen and bar. These are discussed in detail in the SEE to Stage 1.

For detailed plans for the hockey pitches, see the Site Works Plan and Strategy (**Appendix A**), and the Civil Drawings Set (**Appendix F**).

2.2.4 Northern playing fields

The Stage 1 development will also include a large area of natural turf playing fields, adaptable to multiple sports. These are located in the north-west of the site.

Primarily, these will be configured to accommodate up to six touch/rugby fields, two soccer fields, or a combination of these.

For detailed plans for the northern playing fields, see the Site Works Plan and Strategy (**Appendix A**), and the Civil Drawings Set (**Appendix F**).

2.2.5 Parking

While earthworks will be undertaken for all parking spaces for the site, only spaces necessary for Stage 1 will be completed during this stage of works.

Parking is to be located in the centre of the sporting complex, with a number of spaces positioned to allow for views of playing fields. The parking will be divided into two main sections, one between the northern soccer fields and future aquatic centre, and one above the southern soccer and hockey fields.

There are 448 car parking spaces provided in total, including 19 disability access spaces. There will be parking/drop off spaces for up to three coaches on site, as well as drop off points for personal vehicles.

The site will also include overflow parking on undeveloped grass above the hardsurface carpark, allowing for up to 100 additional cars, and 9 coaches during major events.

For detailed plans for parking, see the Site Works Plan and Strategy (**Appendix A**), and the Civil Drawings Set (**Appendix F**). For discussion of traffic impacts at the site, see **Section 6.3**, below, and the Traffic and Parking Assessment by Taylor Thomson Whiting (TTW) (**Appendix D**).

2.2.6 Storage/maintenance shed

A shed for storage of maintenance tools and materials will be constructed on site. The shed will be located at the west side of the development, away from public parking, and will be eventually be obscured from view following the construction of the aquatic centre at a later stage.

The shed will be approximately 200m² in area, and will be constructed from steel sheeting. It will consist of six bays, each 3.18m in width, and with its own front-loading roller door.

For greater detail on the design of the storage/maintenance shed, see the Siteworks & Strategy (**Appendix A**).

2.2.7 Access road and internal paths

Stage 1 will include all internal roads and paths for the development. Vehicle access will be from Environa Drive, at the south of the site, and will connect to the central carpark with a two-way road. The access road will include a bicycle lane.

Internal cycle access will be provided for almost all sporting facilities, except for the northern playing fields. Bicycle racks will be provided at the dedicated playing fields, and the indoor basketball stadium (discussed in the SEE to Stage 1).

Pedestrian access is provided from the carpark to all sporting facilities across the site. Road crossings are provided across internal roads. Pedestrian access primarily consists of pathways of fortified concrete, up to the south-eastern corner of the northern playing fields. The grades of pedestrian paths are limited to less than 5% longitudinal grade and 2.5% crossfall in accordance with AS1428, to aid accessibility.

Additionally, off-road accessibility to multiple points across the site, including all playing fields will be kept for maintenance and emergency vehicles.

For detailed description of internal roads and paths, see the Site Works Plan and Strategy (**Appendix A**), and the Civil Drawings Set (**Appendix F**). For assessment of traffic impacts, refer to **Section 6.3** and the Traffic and Parking Assessment (**Appendix D**).

2.2.8 Stormwater infrastructure

All significant stormwater infrastructure for the QPRSC will be constructed during Stage 1.

Stormwater on site will be captured from hard surfaces, and roofs, and directed toward retention basins, with final locations to be confirmed at the detailed design stage. Runoff from roads and the carpark will first be directed to rain gardens, and naturally filtered.

Water captured in the retention basins will be further mechanically filtered, and treated, before being reused for irrigation of sports fields and elsewhere across the site.

The proposed South Tralee Development site to the south will result in an additional load of stormwater being received by the QPRSC site. This water will be directed through the site by three large channels.

These channels consist of two grassed swales along the eastern and western boundaries of the site, and a larger channel through the centre. All channels will flow northwards towards Jerrabomberra Creek, where they ultimately will discharge.

The large central channel will be partially open, but will continue as a culvert through the centre of the site, particularly under the carpark. The open sections will be vegetated on the sites, with gabion retaining structures to prevent erosion.

For further detail on stormwater infrastructure proposed for the QPRSC, see the Site Works Plan and Strategy (**Appendix A**), the Civil Drawings Set (**Appendix F**), and the Civil and Stormwater Assessment by TTW (**Appendix E**). For further discussion of stormwater and flooding impacts relating to the Stage 1 development, see **Section 6.9**, below.

2.2.9 Landscaping

Initial landscaping works will take place for Stage 1 of the QPRSC. The site will be planted with a variety of trees, shrubs and groundcovers, both native and exotic. Some of this will be functional, such as the rain gardens along the centres of the roads and carpark. Species for these areas will be drawn from Water Sensitive Urban Design best practice, and will include species such as *Liriodendron tulipifera* (Tulip Tree) and *Sophora japonica* (Japanese Pagoda).

The access road will be lined with two species of oak, *Quercus phellos* (Willow Oak) and *Quercus palustris* (Pin Oak). Central areas of the site, such as beside major facilities and along main pedestrian pathways, will be planted with stands of flowering and ornamental plants.

Undeveloped areas of the site, besides those reserved for overflow parking or off-road access, will be planted with a mix of native and exotic trees, in many areas emulating species compositions from local native grassland ecosystems.

Final details of planting schemes will be established at the detailed design stage.

While the development will not enter into the 40m riparian zone except for the points where stormwater enters the creek and at these points, remediation may be required. Where required, the riparian zone will be vegetated using local native riverine species such as *Casuarina cunninghamiana* (River Oak) and *Eucalyptus polyanthemus* (Red Box). This will follow a Remediation Action Plan (RAP), which is yet to be finalised.

Detailed landscaping plans can be found in the Site Works Plan and Strategy (**Appendix A**), and the Landscape Plan, by Oxigen (**Appendix B**).

2.2.10 Lighting

A variety of category P lighting will be installed in Stage 1, for roads paths, the carpark and plazas.

Lighting outputs will be strictly controllable and will have no upward spill due to constraints around Canberra airport flight paths.

For detailed lighting plans, see the Site Works Plan and Strategy (**Appendix A**) and the Services Infrastructure Report by Lucid Consulting (**Appendix H**).

2.2.11 Utilities

All required utility connections will be installed for Stage 1 of the QPRSC. Specifically, this will consist of the following:

- Electricity

- A pad-mounted transformer will be installed on site by Council and Essential Energy, who the electrical supply authority for the region.
- Potable water
 - A new 100mm drinkable cold water main will be connected to the site. The main is to largely be reticulated in-ground, providing water connections to all main points of the site
 - Water supply for the aquatic centre will be considered separately with the corresponding stage for that development.
- Fire water
 - A dedicated 150mm fire services main will supply the site. This will supply external double-headed fire hydrants located adjacent to the basketball stadium and sports pavilions.
- Wastewater
 - The site will include a gravity sewer travelling from the east to the west of the site, and connecting to an onsite sewer pump station. From there it will be pumped to the authority sewer system.

Final layouts of utilities infrastructure will be determined at the detailed design stage.

For further detail on utilities infrastructure for the QPRSC, see the Civil Drawings (**Appendix F**), and the Services Infrastructure Report (**Appendix H**).

2.2.12 Fencing and security

Security and safety fencing will be installed for Stage 1. This will include:

- 6.0m high netting behind dedicated sports field goals
- 2.1m high cyclone mesh sports fencing surrounding southern soccer fields, hockey pitches and viewing areas, including gates
- 1.0m high cyclone mesh sports fencing immediately surrounding all dedicated sports fields
- 1.0m post and rail fencing along eastern and western boundaries of site between Environs Drive, and Jerrabomberra Creek, and along northern and eastern boundaries of proposed aquatic centre site
- A main gate, style and position to be confirmed.

Additionally, outdoor CCTV cameras will be installed strategically throughout the site.

For detail on fencing and CCTV positions and types, see Site Works Plan and Strategy (**Appendix A**).

2.2.13 Signage

Signage will be installed at the entry of the site, as well as throughout the QPRSC, to aid internal navigation. Final positions of signage will be determined closer to construction.

2.2.14 Revegetation works

Stage 1 is to include ecological remediation of Jerrabomberra Creek, in the area at the north of the site, except at the points at which stormwater discharges.

Revegetation is to be based on local riverine ecosystems, and include tree species such as *Casuarina cunninghamiana* (River Oak), *Eucalyptus polyanthemos* (Red Box), *Eucalyptus bridgesiana* (Apple Box), and *Eucalyptus mannifera* (Brittle Gum).

Revegetation works are to follow the forthcoming RAP.

2.2.15 Operation

Once completed, Council will operate the QPRSC in accordance with their procedural framework for sports facilities. The site is expected to be used regularly on weekdays, including into the evening (from 6am-10pm) and for weekend sport (from 8am – 6pm). Additional use, primarily during daylight hours and potentially in the evenings, would be likely for sports carnivals and/or regional events.

Operation may continue beyond 10pm for irregular events, such as presentation nights.

Routine maintenance will include inspections of the entire sports grounds. All routine maintenance works will be undertaken during standard working hours, with the exception of after-hours works in relation to emergency situations such as power outages or flood events.

3 Consultation

Part 2 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) contains provisions for public authorities to consult with local councils and other public authorities in certain circumstances prior to the commencement of development. This is detailed below in **Table 3-1**:

Table 3-1 Infrastructure SEPP Consultation Requirements

Is consultation with Council required under clauses 13-16 of the Infrastructure SEPP?	
Are the works likely to have a substantial impact on the stormwater management services which are provided by council?	No
Are the works likely to generate traffic to an extent that will strain the existing road system in a Local Government Area?	No, locality does not currently have public road infrastructure, however Envirova Drive, connecting the site, is being designed with the sports complex use in consideration.
Will the works involve connection to a council owned sewerage system? If so, will this connection have a substantial impact on the capacity of the system?	Yes, however existing sewer infrastructure is considered sufficient. Refer to the Services Infrastructure Report (Appendix H) for details.
Will the works involve connection to a council owned water supply system? If so, will this require the use of a substantial volume of water?	Yes, however potable water usage will be modest for the size of the development. Irrigation of fields will be undertaken with captured and filtered stormwater runoff on site. For details, refer to Section 6.9 .
Will the works involve the installation of a temporary structure on, or the enclosing of, a public place which is under local council management or control? If so, will this cause more than a minor or inconsequential disruption to pedestrian or vehicular flow?	No
Will the works involve more than a minor or inconsequential excavation of a road or adjacent footpath for which council is the roads authority and responsible for maintenance?	No
Are the works located on flood liable land? If so, will the works change flooding patterns to more than a minor extent?	Yes, works are located on flood liable land. Flood patterns are only anticipated to be impacted to a minor extent For more detail on flooding impacts, see Section 6.9 , and the Flood Impact Assessment (Appendix G).
Is there a local heritage item (that is not also a state heritage item) or a heritage conservation area in the study area for the works? If yes, does a heritage assessment indicate that the potential impacts to the item/area are more than minor or inconsequential?	No
Is consultation with other agencies required under clause 16 of the Infrastructure SEPP?	
Are the works adjacent to a national park, nature reserve or other area reserved under the <i>National Parks and Wildlife Act 1974</i> ?	No
Are the works adjacent to a declared aquatic reserve under the <i>Fisheries Management Act 1994</i> ?	No
Are the works in the Sydney Harbour Foreshore Area as defined by the <i>Sydney Harbour Foreshore Authority Act 1998</i> ?	No
Do the works involve the installation of a fixed or floating structure in or over navigable waters?	No

Are the works for the purpose of residential development, an educational establishment, a health services facility, a correctional facility or group home in bush fire prone land?	No
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Additionally, the State Emergency Services (SES) will be consulted before works commence, as they are proposed to take place on flood liable land (Clause 15AA).

3.2 Community consultation

Extensive community consultation has taken place in the development of the QPRSC Concept Master Plan, through detailed design planning and Development Application preparation, which informs the current work.

Consultation has taken the form of community engagement for the former Queanbeyan City Council Community Strategic Plan, and subsequent delivery and financial plans. Broad community engagement also took place through Council's "Your Voice" platform, to receive feedback on the concept designs, to which strong support was received. Adjoining developers have included the proposed Regional Sports Complex into their marketing strategies and have designed nearby development to complement the sports complex when complete.

The design of the QPRSC has followed ongoing consultation with the Queanbeyan-Palerang Regional Council Sports Council and input from various local sporting groups over 2018-2021. Additionally, three separate workshops have been held during 2019-2020 with representatives from the sporting codes who will be using the completed QPRSC.

During early business case preparation for Stage two, Multi Sports building, the wider sporting community was consulted with many organisations giving letters of support, endorsing the Regional Sports Complex and its value to the Queanbeyan Palerang Region and southern ACT. Extensive engagement has also taken place over the past 12 months, with the local aboriginal community, due to the proximity of the site to Jerrabomberra Creek. All through this process, the various aboriginal organisations and individuals have been positive and supportive.

3.3 Future consultation

Systematic community consultation will take place in relation to the following construction stages of the QPRSC, which demand more detailed input from the public to inform its design than does remediation works. Engagement will be undertaken with the Development Application process and at each stage of construction and development of future stages. Staging of the QPRSC, with proposed works is described in **Section 2.1**, above.

During the construction of the initial stages, further consultation will be carried out with the community on proposed naming and recognition of athletes and prominent citizens with a connection to sports in the region or the local history.

4 Statutory and planning context

4.1 Introduction

This section has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) which provides the legislative planning framework for NSW. This section provides a discussion of the relevant Acts, environmental planning instruments and approvals applicable to the proposed activity.

4.2 Approvals framework

4.2.1 Environmental Planning & Assessment Act 1979

The EP&A Act and the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg) provide the statutory planning context for environmental assessment and approval for the proposed works.

In accordance with Section 5.7 of Part 5 of the EP&A Act, further consideration of whether the proposed activity is or is not likely to significantly affect the environment is required following the choice of the final design. If a likely significant impact is determined as a result of this REF, an EIS may be required.

*(1) A determining authority shall not carry out an activity, or grant an approval in relation to an activity, being an activity that is a prescribed activity, an activity of a prescribed kind or **an activity that is likely to significantly affect the environment**, unless:*

*(a) the determining authority has obtained or been furnished with and has examined and considered **an environmental impact statement** in respect of the activity.*

This REF will be assessed under Division 5.1 of Part 5 of the EP&A Act, with Council as the determining authority. As the determining authority, under Division 5.1 of Part 5 of the EP&A Act, Council is required to "take into account to the fullest extent possible all matters affecting or likely to affect the environment".

Discussion of the proposal in relation to Clause 228 of the EP&A Reg, which specifically deals with environmental sustainability is in **Section 7.1**.

4.3 State Environmental Planning Policies

4.3.1 State Environmental Planning Policy (Infrastructure) 2007

The aim of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) is to facilitate the effective delivery of infrastructure across the State through increased regulatory certainty and improved efficiency and flexibility in the location of infrastructure and service facilities while providing adequate stakeholder consultation.

The Stage 1 works described in **Section 2.2** above are permissible without consent under Part 3 of the ISEPP, under *Division 12 – Parks and other public reserves*. Specifically, Clause 65(3) of that division states the following:

- (3) Any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council—*
- (a) development for any of the following purposes—*
- (i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,*
 - (ii) recreation areas and recreation facilities (outdoor), but not including grandstands,*
 - (iii) visitor information centres, information boards and other information facilities,*
 - (iv) lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,*
 - (v) landscaping, including landscape structures or features (such as art work) and irrigation systems,*
 - (vi) amenities for people using the reserve, including toilets and change rooms,*
 - (vii) food preparation and related facilities for people using the reserve,*
 - (viii) maintenance depots,*

- (ix) portable lifeguard towers,
- (b) environmental management works,
- (c) demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).

The works described in this REF are consistent with the above categories of works. Works for Stage 1 which are not consistent with the above require consent, and are therefore subject to Part 4 of the EP&A Act. Those works have instead been discussed and assessed in the SEE for Stage 1.

This REF will be assessed under Division 5.1 of Part 5 of the EP&A Act, with Council as the determining authority.

4.3.2 State Environmental Planning Policy (Koala Habitat Protection) 2019

The Queanbeyan-Palerang LGA does not fall within the Koala Habitat SEPP region.

4.4 Other NSW Legislation

4.4.1 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) outlines protection of threatened species, populations or ecological communities, or their habitats, and delivers a strategic approach to biodiversity conservation in NSW whilst supporting improved farm productivity and sustainable development.

Due to the highly disturbed ecological state of the site, no negative impacts upon threatened species, populations or ecological communities are anticipated as part of Stage 1 works. A positive impact is instead anticipated as part of remediation work for Jerrabomberra Creek.

Detail on existing biodiversity values of the site, and potential impacts are provided in the Ecological Impact Assessment (EIA) undertaken by Cardno (**Appendix I1**; at the end of this report), and discussed further in **Section 6.2**, below. The specific works involved in the remediation works will be described in detail in a forthcoming RAP.

4.4.2 Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) provides for the conservation of the state's aquatic resources. The FM Act requires that the potential impacts on threatened species and aquatic habitat during the environmental planning and assessment process are assessed.

Under Part 7 of the FM Act, and Department of Primary Industries' (DPI) *Policy and guidelines for fish habitat conservation and management* (DPI, 2013), a permit is required for works with the potential to impact on Key Fish Habitat. Jerrabomberra Creek at the north of the site, however is not listed as Key Fish Habitat by DPI. A permit is therefore not required.

Jerrabomberra Creek is not likely to be otherwise impacted by the construction or operation of Stage 1 of the QPRSC. Sediment and erosion controls will be implemented during construction to ensure no interaction with the creek during this stage.

A positive impact is, however, anticipated as part of ongoing remediation works for the creek at the site. The specific works involved in the remediation works will be described in detail in a forthcoming RAP. A further positive impact will be achieved by capturing and treating the stormwater on site and reusing it for site irrigation.

Potential impacts to the watercourse and their mitigation are discussed further in **Section 6.9** below.

4.4.3 Crown Land Management Act 2016

The purpose of the *Crown Land Management Act 2016* is to provide for the management of Crown lands for environmental protection, natural resource conservation, and public use and enjoyment. The site does not contain, nor is it near to any Crown Land, and so this Act does not apply.

4.4.4 Aboriginal Land Rights Act 1983

The Aboriginal Land Rights Act only applies to land containing Crown lands. As the site does not contain Crown lands, this Act does not apply.

4.4.5 National Parks and Wildlife Act 1974 (NPW Act)

The Department of Planning, Industry and Environment (DPIE) administers the NPW Act that manages:

- Conservation of nature
- Conservation of objects, places and features of cultural value
- Public appreciation, understanding and enjoyment of nature and cultural heritage
- Land reserved under this Act.

When determining applications under this Act, DPIE must consider the objectives listed above, the public interest and appropriate management of the subject land. The NPW Act stringently controls activities carried out in designated Parks, Reserves and Aboriginal areas. The NPW Act also requires consideration of impacts to all native birds, reptiles, amphibians and mammals protected under the Act.

No negative impacts to native species or environmental values, including heritage are anticipated as a result of the Stage 1 development described in this REF. A positive impact is however anticipated as part of ongoing remediation works for the Jerrabomberra Creek at the site. The specific works involved in the remediation works will be described in detail in a forthcoming RAP.

Detail on existing biodiversity values of the site and potential impacts are provided in the EIA (**Appendix I1**; at the end of this report), and discussed further in **Section 6.2**, below.

Impacts to cultural and built heritage are also not considered likely as a result of the works, given mitigation measures are followed. Heritage values for the site have been examined in detail in a Aboriginal Cultural Heritage Assessment (ACHA) from 2020 by Navin Officer (**Appendix J**), and the following Aboriginal Test Excavation Report (ATER) from 2021 by Apex Archaeology.

4.4.6 Heritage Act 1997

The *Heritage Act 1997* (Heritage Act) is concerned with all aspects of the conservation of heritage places and items. Heritage items of state significance are listed on the State Heritage Register.

A search of the State Heritage Register was completed for the proposed development, and no items of state or local heritage are located within 50m of the site.

Nonetheless, the site does contain several non-listed (state or local) items of potential heritage significance, described in the *Tralee Local Environmental Study 2005*. These are described in detail in **Section 6.6**, below.

It is not considered that the Stage 1 works described in this REF will impact heritage values in any way.

4.4.7 Water Management Act 2000

The *Water Management Act 2000* (WM Act) provides that certain types of development and activities carried out within 40 m of a river, lake or estuary are controlled activities. A controlled activity includes "The erection of a building or the carrying out of a work", and the proposed works will be located within 40m of a drainage channel. These activities require approval subject to Section 344(1) of the WM Act.

The NSW Aquifer Interference Policy outlines the requirement for an aquifer interference licence under the WM Act.

Section 344(1)(a) requires that "a person must not carry out a controlled activity in, or under waterfront land otherwise than in accordance with a controlled activity approval". However, as a public authority Council is exempt from the need to obtain controlled activity approval under the WM Act.

Jerrabomberra Creek is not likely to be negatively impacted by the construction or operation of Stage 1 of the QPRSC. Sediment and erosion controls will be implemented during construction to ensure no interaction with the creek during this stage.

A positive impact is however anticipated as part of ongoing remediation works for the creek at the site. The specific works involved in the remediation works will be described in detail in a forthcoming RAP.

Potential impacts to the watercourse and their mitigation is discussed further in **Section 6.9**, below.

4.4.8 Protection of Environmental Operations Act 1997

The *Protection of Environment Operations Act 1997* (PEO Act) is a key component of the NSW Government's legislation to protect the environment. This Act regulates and controls pollution of land, air, water and noise and provides for environment protection licences, notices and offences.

None of the works proposed as part of the Stage 1 REF are Scheduled activities for the purposes of the POEO Act and therefore do not require environment protection licences.

4.4.9 Roads Act 1993

The *Roads Act 1993* (Roads Act) provides for the classification of roads and establishes the jurisdiction of roads. Under Section 138, Part 9, Division 3 of the Roads Act, a person must not impact or carry out work on or over a public road otherwise than with the consent of the appropriate road's authority.

The Stage 1 works will impact upon Environs Drive, which is under construction. This will include both through increased load during construction hours, and through general use during QPRSC operation. The appropriate roads authority for Environs Drive however is Council.

Traffic and transport impacts relating to the development are discussed further in **Section 6.3**, below.

4.4.10 Rural Fires Act 1997

The *Rural Fires Act 1997* is created for the prevention, mitigation and suppression of bush and other fires in Local Government Areas. It ultimately is to protect persons from injury or death and infrastructure, environmental, economic and cultural impacts. The site and works for Stage 1 are not located within Bushfire Prone Land, and consequently no authorisation under this act is required.

4.5 Local planning context

4.5.1 Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013

As the works are undertaken under Part 5 of the EP&A Act, the *Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013* (LEP) does not apply. The LEP is still however represented here to show consistency with local strategic planning.

Table 4-1 Relevant LEP controls

LEP Control	Assessment	Compliance
2.1 - Land Use Table – Zoning	The subject land is zoned as RU2 Rural Landscape and IN2 Light Industrial. The proposed QPRSC are classified as the land use Recreation facilities (major) . This use is permitted with consent in both zones RU2 and IN2. In the E2 zone along the riparian corridor, restoration works will take place, consistent with the purpose of the zone.	Yes
5.10 – Heritage	While there are no listings for the site, a heritage study has been undertaken for the stone-faced structure on site. While this structure will be subject to restoration and / or interpretation under Stage 1, these works are discussed in detail in the SEE for this stage.	Yes
7.1 – Flood Planning	A Flooding Impact Assessment has been undertaken and is included as Appendix F . Flood risk for the site is discussed in greater detail in Section 6.9 , below.	Yes

4.6 Commonwealth Legislation

4.6.1 Environmental Protection & Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the relevant Commonwealth environment and heritage legislation. The EPBC Act identifies Matters of National Environmental Significance (MNES) that trigger a referral to the Commonwealth Government. The EPBC Act requires approval from the Department of the Environment and Energy (DEE) for any action that has, will have or is likely to have a significant impact on the listed matters of MNES, which are:

- World Heritage properties
- National Heritage places

-
- Wetlands of international importance (listed under the Ramsar Convention)
 - Great Barrier Reef Marine Park
 - Commonwealth Marine Park
 - Listed threatened species and ecological communities
 - Migratory species protected under international agreements
 - Nuclear actions (including uranium mining)
 - A water resource, in relation to coal seam gas development and large coal mining development.

A search conducted using the *EPBC Act Protected Matters Search Tool* triggered the Regional Forest Agreements (RFAs) plan. Regional Forest Agreements are twenty-year plans enforcing sustainable management and conservation in Australia's native forests. Presently, NSW contains three RFA's in Eden, Southern New South Wales and North East New South Wales.

The site falls within the Southern NSW RFA. The proposed works however do not involve the disturbance of any forest ecosystems, and do not otherwise have any impact upon the ecological functioning or environmental values which the RFA seeks to preserve. For further discussion of biodiversity values for the site and potential impacts from the works, refer to the EIA (**Appendix I1**; at the end of this report) and **Section 6.2**, below.

5 Need and justification for the proposal

5.1 Proposal need

The proposal for preconstruction works is a necessary step in the larger plan to construct the QPRSC. The need for a high quality sporting complex to service the needs of local communities was identified in the Queanbeyan City Council Community Strategic Plan 2010-2020, and has since undergone considerable development from the concept stage, through to recent production of a Master Plan.

The current site was selected for suitability following a detailed vetting process taking into account multiple social, environmental and economic factors.

5.2 Objectives of the proposal

The objective of this proposal is to undertake a substantial amount of the works required for the QPRSC development. Completion of Stage 1 will result in multiple fully functioning sporting facilities suitable for use by number of local and regional sporting clubs, local schools, and the public more broadly.

5.3 Options and alternatives

For the QPRSC project in general, the current option has been the result of a long scoping process, which involved multiple sites and options for the complex.

The alternative options which were considered are described here:

Option 1 – Delay the project

Delaying the project would do nothing to help the Queanbeyan-Palerang community. The Regional Sports Complex has been in investigation phase for over 10 years and in that time several sports are losing membership due to lack of facilities, particularly compared to neighbouring regions. Additionally, over the investigation period, land availability has become constrained and investment costs have escalated. Further delays may result in the loss of the current proposed site and higher construction costs. It will continue to see fall-out for athletes and clubs and will continue to demonstrate a lack capacity to host events.

Option 2 – Locate regional sports at the Bungendore development site

Council is currently working on a new green-field sports facility at village of Bungendore, which is centrally located within the LGA. The option of increasing capacity and status of this facility to regional was investigated. While initial investment in infrastructure will be the same as the Queanbeyan site, the income and opportunities were dramatically decreased. The Bungendore site is 35km from large urban populations of Queanbeyan, Jerrabomberra and Karabar and a further 10km for Googong residents. Bungendore also lacks the support services needed to host major events and pre-elite development. To ensure the Regional Sports Complex is viable, maximum hours of use need to be achieved on a regular cycle.

Option 3 – Alternate staging proposal

The option of alternate staging was also investigated and had some merit, dependent on initial club demand. By supplying half the playing fields in year one and bringing forward stage two, indoor facilities gives basketball usage immediate facilities and increases the venue's capacity for netball, indoor hockey and futsal. Installing the second group of fields in years 5-7 will also spread asset renewal on pitch covers over longer periods and ongoing cycles. In effect, asset renewal cycles will be 50% every 5-7 years, rather than 100% every 10-14 years. Additionally, while 50% of fields are being renewed, the remaining 50% are still in use. The negative impact is limiting capacity of the venue to host events for the initial years to those requiring 5 fields or less, however, it would reduce the maintenance burden in the initial years, while allowing the clubs time to rebuild their numbers. Another point to consider is the additional cost of the indoor facilities against those outdoor facilities removed as part of this option.

Option 4 – Construction of a regional sports complex at Envirova site (current proposal)

The fourth option is to proceed with the Regional Sports Complex. The overall value to the community for very quick results in increasing participation and hosting events for and ability to deliver pre-elite training, is believed to be superior to other options considered.

For the above reasons, the current option was determined as the most appropriate.

5.4 Summary need and justification

The proposed QPRSC is a development which responds to a clear community need and is the result of several years of conceptual development.

The current site has been determined as the most suitable for the development, for a range of social, economic and environmental reasons.

If completed, Stage 1, including the works described in this REF, would create rapid availability of sporting facilities for current residents of the region.

Considering the current lack of productive use at the site, and its suitability for the QPRSC, the works are highly justified.

6 Environmental assessment

6.1 Soils and contamination

6.1.1 Existing environment

The site history includes several uses which have contributed, or have had the potential to contribute to contamination on site. In particular, this regards the use of the site for motor sports from the approximate period of 1970 to 1997. The operation of the related race tracks and pits have resulted in potential hydrocarbon contamination from spills and leaks in the area.

Further, the motor sports use included many ancillary structures and activities. Many of these structures have included hazardous materials, such as ACMs and PCBs, and are in various states of dilapidation. Additionally, an area of the site near to the creek has historically been used as a landfill, containing potential ACMs.

Extensive remediation of all instances of contamination across the site are being undertaken as part of the Preconstruction Stage of the QPRSC. For the purposes of Stage 1, it is considered that no outstanding contamination risks exist at the site upon the commencement of stage 1.

6.1.2 Potential impacts

The DSI has considered that, following specific works undertaken as part of the Preconstruction Stage, the site will be suitable for use as the QPRSC.

6.1.3 Mitigation measures

Construction of Stage 1 of the QPRSC will be undertaken in accordance with a Construction Environmental Management Plan (CEMP), to ensure no further contamination of the site takes place during construction. Details of the CEMP will be developed prior to the commencement of works.

The CEMP will include an unexpected finds protocol for all works at the site.

6.2 Biodiversity

6.2.1 Existing environment

Cardno undertook an EIA (**Appendix I1**; at the end of this report) for the site in February 2020. The EIA involved both database searches, and extensive field surveys of the site to determine its biodiversity value.

The EIA found the site to be highly disturbed with native vegetation and suitable flora and fauna habitat to be mostly absent due to historical clearing. A total of 33 plant species were recorded across the site, including 29 exotic species (88%) and 4 native species (12%). No threatened species, vegetation communities or their habitats were recorded at the project site during surveys.

6.2.2 Potential impacts

The EIA has found that, due to the lack of existing biodiversity values on site, no significant impacts are predicted as a result of the use of the site as a sporting complex. Consequently, limited negative impacts to biodiversity are anticipated as a result of the Stage 1 works described in this REF.

A positive impact is however anticipated as part of ongoing remediation works for the creek at the site. The specific works involved in the remediation works will be described in detail in a forthcoming RAP.

6.2.3 Mitigation measures

As limited impacts to biodiversity are foreseen for this stage, minimal mitigation measures are required. These will include daily inspection of work sites to ensure no presence of fauna, and sediment and erosion control to prevent excavated materials and areas interacting with Jerrabomberra Creek during earthworks.

A sediment and erosion control plan has been included as part of the Civil Drawings Set (**Appendix F**).

6.3 Traffic and transport

6.3.1 Existing environment

The site is situated adjacent to Envirova Drive, a major road servicing the proposed residential developments to the south, which is in an early stage of construction.

Current access to site is via Arnott Street and through a locked gate to Territory Parade, which is kept locked to reduce the incidence of illegal dumping.

The Arnott Street access road is shared with the Envirova construction traffic and a private landowner. Access along Territory Parade is currently restricted by a locked gate. These are connected to major roads through an industrial area over the border in the ACT.

6.3.2 Potential impacts

Construction activities associated with this REF will involve trafficking of large amounts of materials under heavy load. This has the potential to cause impacts to traffic flow around the site.

Consideration of traffic impacts as a result of the operation of the proposed works has been undertaken by TTW in a Traffic & Parking Assessment (**Appendix D**).

Currently, there is no public use of the road, and once complete, Envirova Drive will be able to accommodate traffic from both the residential developments and the QPRSC. The intersection between Envirova Drive and the internal access road proposed in this development is considered suitable from a safety perspective.

Using assessment of parking requirements for similar facilities in the QPRSC LGA and the ACT found that an average daily maximum of 368 parking spaces would be required for the development. The proposal, which includes 430 spaces, is well in excess of this requirement. Further, extraordinary events are managed through the addition of 100 overflow parking spaces.

6.3.3 Mitigation measures

Construction will consider peak local traffic, as well as road construction activities and work to ensure bulk traffic movements occur outside these times.

No further mitigation measures are necessary for Stage 1 of the QPRSC, as impacts are reasonably considered in the current design.

6.4 Visual

6.4.1 Existing environment

The site is currently strewn with structural debris of various origin, particularly surrounding the sites of the former raceways. Combined with the denuded, ex-pastoral ecological state of the property, the site has very poor visual quality. This is expected to be improved somewhat by the undertaking of preconstruction works, which include removal of waste from the site.

The site, which slopes towards Jerrabomberra Creek at the north, has no surrounding neighbours who would constitute sensitive receivers. Although residential development is anticipated to the south, the slope of the site is not conducive to views from this area.

6.4.2 Potential impacts

Compared to the current condition of the site, which has very low aesthetic value, the use of the land for the QPRSC is anticipated to have a highly positive impact on visual quality. This is due to the high standard of maintenance required for the various sporting fields, which will require irrigation, and consistent lawn maintenance, landscaping across the site (see Landscape Plan, **Appendix B**), and the high quality of the built environment.

Additionally, restoration works at Jerrabomberra Creek are expected to have a positive visual effect upon the currently ecologically degraded site.

Further, there are no sensitive receivers surrounding the site to be considered.

6.4.3 Mitigation measures

Landscaping has been designed to greatly improve the visual quality of the site, including from the road. Among other features, the plan contains an oak-lined access road to provide a strong gateway effect for the

site. The entirety of the site, where not consisting of purely functional elements contains either ornamental plantings, or native vegetation.

No further mitigation measures are required for this stage as direct impacts are positive.

6.5 Aboriginal heritage

6.5.1 Existing environment

Heritage values for the site have been examined in detail in an ACHA from 2020 by Navin Officer, (**Appendix J**). The ACHA has identified a large portion of the riparian zone surrounding Jerrabomberra Creek as a Potential Archaeological Deposit (PAD) area. This means that the study area has a high potential to contain sub-surface archaeological material, possibly including *in situ* cultural deposits. Additionally, a new Aboriginal site was identified during field investigations, consisting of a scatter of two artefacts, in the northern corner of the site. The site has been noted to therefore have potential cultural value to local Aboriginal communities and all relevant parties were consulted for comment.

A follow up Aboriginal Test Excavation Report (ATER) was undertaken in 2021 by Apex Archaeology to provide detailed archaeological analysis of the PAD site. This involved establishing test pits throughout, and just outside of the PAD area established in the ACHA. Due to the historic disturbance of the site, no archaeological material was identified within the test area, and the ATER revised the PAD to only the area outside of the site boundary (**Figure 6-1**).



Figure 6-1 Location of PAD and site boundary, from ATER by Apex Archaeology (2021, **Appendix J**).

6.5.2 Potential impacts

Following the findings of the ATER, the proposed works do not overlap with a PAD, and impacts to Aboriginal archaeological or cultural heritage are therefore considered unlikely to result from the works.

6.5.3 Mitigation measures

Despite the low perceived risk of impact, Apex Archaeology have given a range of recommendations to mitigate any potential impacts to Aboriginal cultural heritage arising from the Stage 1 works:

1. Stop work provision

In the unlikely event that suspected human remains are identified during construction works, all activity in the vicinity of the find must cease immediately and the find protected from harm or damage. The NSW Police and the Coroner's Office must be notified immediately. If the finds are confirmed to be human and of Aboriginal origin, further assessment by an archaeologist experienced in the assessment of human remains and consultation with both Heritage NSW and the RAPs for the project would be required. This recommendation should be included in any Construction Environmental Management Plan developed for the site.

2. Site boundaries

If there is any change to the boundaries of the proposed development to include areas not assessed as part of this archaeological investigation, further investigation of those areas should be completed to assist in appropriately managing Aboriginal objects and places which may be present.

3. Monitoring of storm water installation

For the avoidance of doubt, it is recommended for an archaeologist to monitor the excavation works undertaken within the Jerrabomberra Creek area for the installation of storm water works, where these excavations will be undertaken at depth. While it is considered unlikely that cultural material will be present in these areas, monitoring will ensure any cultural material is identified and not further impacted in the event it is present. If cultural material is identified in this area, works must cease and an AHIP application will be necessary.

4. Reporting

One digital copy of this report should be forwarded to the AHIMS registrar for inclusion on the AHIMS database. One copy of this report should be forwarded to each of the registered Aboriginal stakeholders for the project.

The proposed works will comply with the above recommendations. For further information, refer to the ATER (**Appendix J**).

6.6 Non-Aboriginal heritage

6.6.1 Existing environment

The site does not contain any state or local listed heritage items or areas.

Non-Aboriginal heritage for the site is, however extensively covered in the cultural heritage report from Navin Officer (**Appendix J**).

While the stone-faced building does not carry a heritage listing, the report from Navin Officer identifies it as part of a suite of similar small structures in the area commissioned by Henry Halloran as part of his intended Environs residential development in the late 1920s. Its intended use was as a toilet facility/kiosk for associated sports fields, which possibly continued with the site's subsequent use for motor sports.

The building is in a dilapidated state, with many components, such as the roofing tiles detached from the structure and is in a poor state. The brick structure, with rustic stone cladding, however is still partially intact, as is part of the timber roof framing. There is significant structural damage throughout.

6.6.2 Potential impacts

The works discussed in this REF do not specifically impact the building. Stage 1 however involves the restoration and treatment of the building as a heritage feature for the site. Treatment of the building will require relocation or repositioning elsewhere on site, to create sympathy with the QPRSC design. Although this will likely result in some impacts to its heritage value, the degraded condition of the building, and the opportunity for its restoration will greatly compensate for this. The heritage conservation scheme for the building is discussed in detail in the Stage 1 SEE.

6.6.3 Mitigation measures

No specific mitigation measures are required for works described in this REF. Treatment of the stone-faced brick building, with mitigation of impacts is discussed in the Stage 1 SEE.

6.7 Social, economic and land use

6.7.1 Existing environment

Queanbeyan Palerang Region has a combined population of approximately 56,368, with the major population centre being Queanbeyan with 40,657 residents. There is steady growth continuing in and around Googong with further growth anticipated at Bungendore and South Jerrabomberra as new subdivisions are released.

Population analysis indicates QPRC has a relatively young population, consistently above the regional average population for age groups under 60 years, with an equal balance of male and females. The sports participation rate for regional NSW is 43.7% (*Australian Sports Commission*) with the greatest participation being within the age groups under 25 years, or approximately 4516 participates. There is a sharp drop off in participation after 25 years, possibly due to work commitments, and then stability until 45 years when a further significant decrease occurs, picking up again after 55 years of age.

During 2015, both the former Queanbeyan and Palerang Council's surveyed their local sporting clubs and conducted a needs analysis for sports in the former LGAs taking into consideration projected population growth.

Collectively, the QPRC area has a higher than NSW regional average for population under 25 years, which are high participation age groups for sports.

The subject land is currently without use, being in an environmentally degraded state, and with several instances of contamination, primarily in the form of asbestos containing materials. The site is however anticipated to be removed of contamination following preconstruction works for the QPRSC. Surrounding land is mostly similarly without use, although much of the land to the south has been earmarked for substantial residential development sometime in the near future.

Aside from an extensive industrial area over the ACT border, there are no commercial or business areas close to the site.

6.7.2 Potential impacts

The QPRSC, including works contained in Stage 1, are expected to have a highly positive social impact upon the region. Aside from meeting a well-documented need from the community for high-quality sporting facilities, the development will also provide a number of local jobs in both the construction and operation phases.

During operation phases, proximity to proposed residential development south of the site will provide additional nearby employment opportunities to residents. No existing residential areas are near to the site.

6.7.3 Mitigation measures

No mitigation measures are required with regards to social, economic and land use impacts, as these impacts are anticipated to be only positive.

6.8 Utilities

6.8.1 Existing environment

The site is currently without utilities infrastructure.

While there are water services nearby, this falls within the ACT, making connection impractical.

6.8.2 Potential impacts

The proposal will involve the connection of water, electrical and sewerage utilities to the site, as well as NBN services at a future stage. Final layouts of utilities are yet to be determined, but will be coordinated with the requirements of the residential developments to the south where possible.

6.8.3 Mitigation measures

Where possible, utilities connections will be coordinated with the needs of the residential development to the south to minimise redundancy.

A Dial Before You Dig search will be carried out before any works begin.

6.9 Water quality, flooding and drainage

6.9.1 Existing environment

The floodplain surrounding the Jerrabomberra Creek riparian corridor has been studied by Lyall & Associates in their September 2020 Flooding and Drainage Investigation (**Appendix G**).

Much of the subject land is flood affected (**Figure 6-2**), including many of the sporting field locations, and would be below the flood level during a 100 year ARI flood event.

6.9.2 During storm events, the site receives stormwaters from the Environs site to the south, which drains towards Jerrabomberra Creek. Potential impacts

The proposed Stage 1 works fall substantially within the 100-year ARI flood planning level, and would be subject to varying degrees of flood hazard (**Figure 6-3**). This would primarily cause impact to the outdoor playing fields along the northern margin of the site, as well as sections of the roads and carparks. In particular, large sections of the northern playing fields would be unsafe for children and the elderly under floods of a 20-year ARI magnitude or greater, with sections of both carparks becoming unsafe for small vehicles during those events.

The project would only result in minor increases to flood depths, and this would be primarily limited to within Jerrabomberra Creek. Increases to flow velocities will additionally be relatively minor for most flood events. Floodwater extents, including that likely to be caused by future development of the site to the south, will be limited by the construction of the central and eastern drainage channels under Stage 1 of the project.

Stormwater flows will cause scouring to the central and eastern drainage channels, as well as to the intersection between the central channel and Jerrabomberra Creek. This could risk structural damage to the stormwater infrastructure and creek bank.

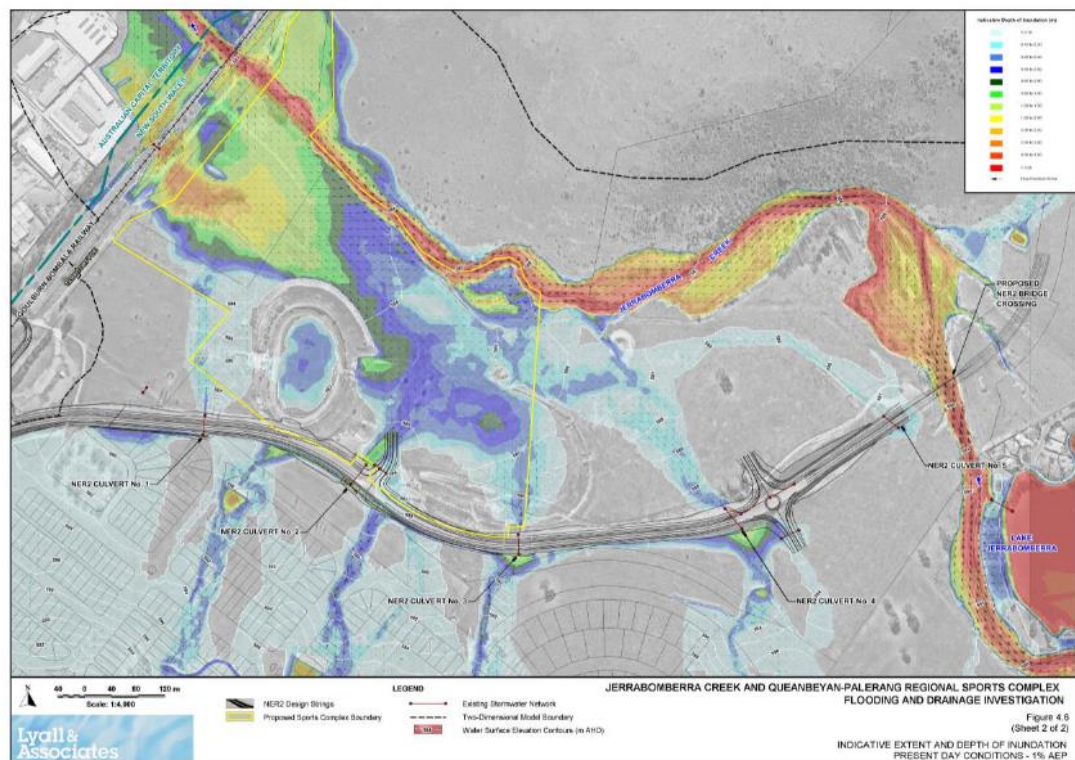


Figure 6-2 100-year ARI map from 2020 flood study by Lyall & Associates (**Appendix G**)..

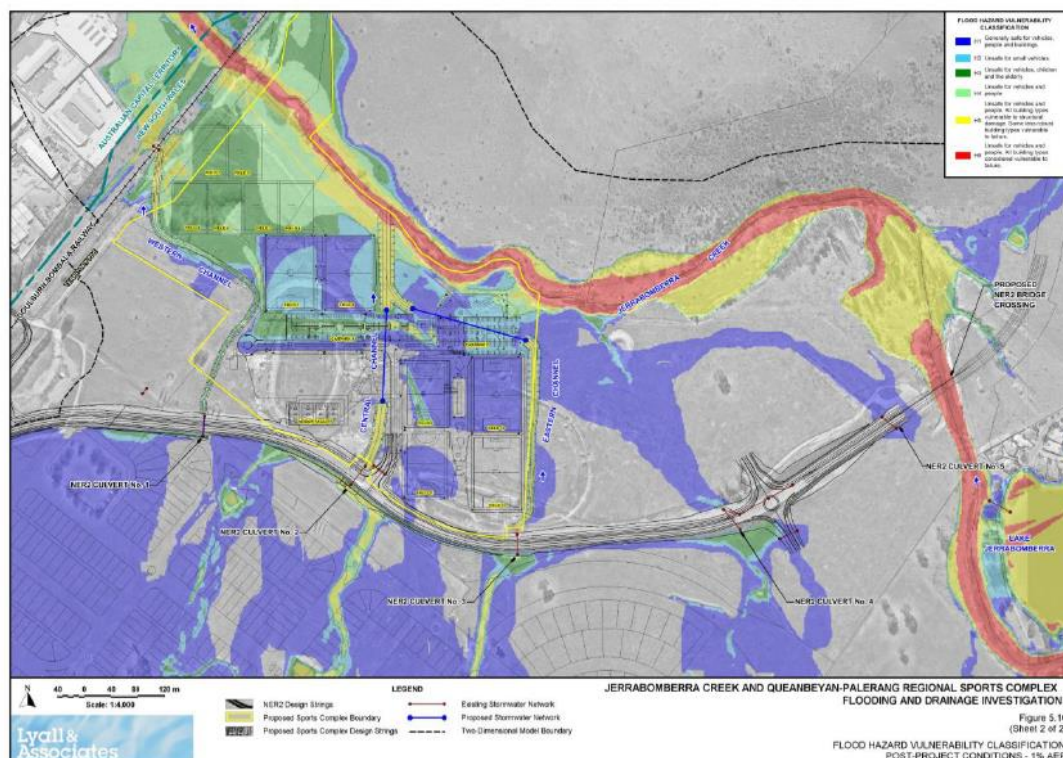


Figure 6-3 Flood hazard categories for the Stage 1 QPRSC under a 100-year ARI flood event, from the 2020 flood study by Lyall & Associates (**Appendix G**).

6.9.3 Mitigation measures

Obstruction of stormwater travelling from south of the site to Jerrabomberra Creek will be avoided through the construction of the three stormwater channels travelling through the site. These will capture stormwater and flood flows and direct them to Jerrabomberra Creek without interfering with the QPRSC site.

Additional runoff from increased impervious surfaces and roofs across the site will be captured by rain gardens and retention tanks, and then processed and reused on the site. It is likely that extensive tree plantings throughout the site in this proposal will further increase capture of stormwaters before they reach Jerrabomberra Creek.

A Flood Emergency Evacuation Plan (FEEP) will be developed to minimise risk to persons and property at the site under various flood events. This will be developed prior to operation of the site, and will be aimed at mitigating increased flood hazard categories across much of the site. After construction, and during all possible flood scenarios, much of the site stays above flood levels, including the proposed indoor facility. This will allow ample space for safe evacuation under the upcoming FEEP.

Appropriate scour counter measures will be implemented to reduce possible structural damage to the channels and channel/creek intersection. These will be determined at the detailed design stage.

6.10 Waste management

6.10.1 Existing environment

The site currently contains a large amount of waste and debris associated with its historic uses. This however is anticipated to be remediated during the Preconstruction Stage. Consequently, for the purposes of Stage 1, the site will be completely cleared of waste.

6.10.2 Potential impacts

Construction activities associated with the Stage 1 REF will generate construction waste.

6.10.3 Mitigation measures

Construction will be carried out in accordance with a CEMP. This will involve reduction of waste where possible, and sorting of any generated waste before transportation to appropriate landfill sites.

6.1 Noise and vibration

6.1.1 Existing environment

The site is surrounded by undeveloped land, and currently is not near to any sensitive receivers with the nearest receiver over 800m away.

A moderate noise environment is present at the site due to the nearby presence of Canberra Airport, with the site falling within the 20 ANEF Contour.

6.1.2 Potential impacts

Limited noise and vibration impacts resulting from construction are anticipated due to the absence of sensitive receivers surrounding the site.

During operation, the QPRSC is expected to experience high visitation rates associated with sporting events. These will have some noise impacts to surrounding areas, specifically to the proposed residential developments to the south of the site. The anticipated residential developments to the south have been proposed with knowledge of the long term plans for establishment of a sporting facility at the site, and as such the design of the development should consider any required mitigation for the future residents.

The 20 ANEF Contour is considered acceptable for sporting use.

6.1.3 Mitigation measures

Construction noise and vibrations impacts will be mitigated through restriction of works to standard hours of operation. Impacts are otherwise limited due to lack of sensitive receivers near to the site.

Use of the site for sporting events will generally be limited to the times of 3-7pm on weekdays and 8am-6pm on weekends. Irregular events outside those times will take place between 7am and 10pm to curb night-time noise impacts.

Buildings constructed under the SEE to Stage 1, and later stages will be designed to meet the requirements of 'AS 20212000 Acoustics—Aircraft noise intrusion—Building siting and construction', to further minimise impact from aircraft noise.

6.2 Cumulative impacts

6.2.1 Existing environment

The site and its surrounds are currently undeveloped. Additionally, they are all environmentally degraded due to historic use as pasture.

6.2.2 Potential impacts

While currently undeveloped, a large amount of land surrounding the site has been earmarked for eventual residential development.

Due to the low environmental quality of the locality, further cumulative degradation of the area is unlikely.

The QPRSC development will serve as a positive use of the land which incorporates extensive ecological restoration. In contrast to the anticipated residential development surrounding the site, the QPRSC will constitute a highly varied land use, with a range of employment opportunities.

The cumulative impact of the QPRSC, including Stage 1 is therefore anticipated to be minimal or positive.

6.2.3 Mitigation measures

No specific mitigation measures are required for cumulative impacts due to the unique land use associated with the QPRSC.

7 Conclusion

7.1 Summary of environmental assessment (Clause 228 checklist)

For the purpose of Part 5 of the EP&A Act, the factors to be taken into account when considering the likely impact of an activity on the environment include those matters listed in Clause 228 of the *Environmental Planning and Assessment Regulation 2000*. The following is an assessment of the proposed development in accordance with Clause 228 of the Regulation.

a) *any environmental impact on a community*

The Stage 1 works comprise a significant portion of the QPRSC. This will improve the social and cultural environment of Queanbeyan-Palerang and surrounding communities, by meeting an identified need for high-quality sporting and recreational facilities.

b) *any transformation of a locality*

The Stage 1 works will transform the locality in a positive manner, by making use of a highly degraded site.

c) *any environmental impact on the ecosystems of the locality*

The site is highly degraded with little ecological value. The QPRSC is not likely to further impact upon local ecosystems, however it will include a riparian rehabilitation component which will have a substantial positive effect.

d) *any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality*

The Stage 1 works will not result in the reduction of any of the environmental qualities described, and will in fact improve the site's environmental value through rehabilitation works.

e) *any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations*

The Stage 1 REF works will not have any direct effect on the described values for the locality. Beyond the scope of this REF, Stage 1 includes restoration of the dilapidated stone-faced structure on site, which will preserve and enhance its heritage value, and make it accessible to the public.

- f) *any impact on the habitat of protected fauna (within the meaning of the National Parks and Wildlife Act 1974)*

The Stage 1 works will not have an impact on the habitat of protected fauna.

- g) *any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air*

The Stage 1 works will not result in the endangering of any species.

- h) *any long-term effects on the environment*

The Stage 1 works will have a positive long-term effect on the environment through restoring the riparian habitat at the north of the site.

- i) *any degradation of the quality of the environment*

The Stage 1 works will have a positive impact on the quality of the environment through restoring the riparian habitat at the north of the site.

- j) *any risk to the safety of the environment*

The Stage 1 works will not present any risk to the safety of the environment.

- k) *any reduction in the range of beneficial uses of the environment*

The Stage 1 works, and the development of the QPRSC in general constitutes an appropriate and diverse use of a site which currently would require substantial intervention before other beneficial uses can be achieved.

- l) *any pollution of the environment*

The Stage 1 works will be undertaken in accordance with a CEMP to minimise risk of pollution of the environment.

Existing contamination on site will be removed during Preconstruction works.

- m) *any environmental problems associated with the disposal of waste*

Stage 1 works will be undertaken in accordance with a CEMP, which will include proper disposal of waste.

- n) *any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply*

The proposed works will not result in increased demands on resources which are, or are likely to become, in short supply.

- o) *any cumulative environmental effect with other existing or likely future activities.*

The QPRSC will bring many environmental benefits to the community, and impacts to the site will be mitigated as much as possible. This will include environmental rehabilitation components along the riparian corridor.

- p) *any impact on coastal processes and coastal hazards, including those under projected climate change conditions*

The site is not situated near the coast.

7.2 Ecology sustainable development

The proposal must be considered in accordance with the four principles of Ecologically Sustainable Development (ESD) as outlined in section 6(2) of the *Protection of the Environment Administration Act 1991*. ESD consideration is detailed below.

The precautionary principle - <i>if there are threats of serious or irreversible damage to the environment, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.</i>	The proposed Stage 1 works, assuming that the CEMP is followed, do not pose a threat of serious or irreversible damage to the environment.
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Inter-generational and intragenerational equity - the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.	The QPRSC, including Stage 1 components will enhance the environmental aspects of the site, which is currently contaminated and highly environmentally degraded. This will allow a far more healthy and productive local environment for future generations.
Conservation of biological diversity and ecological integrity - that conservation of biological diversity and ecological integrity should be a fundamental consideration.	The Stage 1 works will not negatively impact local biodiversity values, which are currently effectively non-existent on site. They will in fact improve them through restoration of the riparian area of the site.
Improved valuation, pricing and incentive mechanisms - that users pay for their products or services including their full life-cycle impacts and cost-effective market mechanisms should be implemented to attribute externalities.	The QPRSC including Stage 1 works are to be funded through the local and state government, and by extension by the public who are to benefit from the development.

7.3 Justification of the proposal

The QPRSC has been identified as a solution to a lack of high-quality sports facilities in the region, and has undergone a significant concept development phase and site vetting process to reach the current proposal.

Need and justification for the proposal, including detail on alternative options considered, have been further discussed in **Section 5**, above.

7.4 Objectives of the EP&A Act

Assessments against the objectives of the EP&A Act have been summarised in **Table 7-1**, below.

Table 7-1 EP&A Act objectives assessment.

Objects	Assessment
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The Stage 1 REF works are an integral part of the development of the QPRSC, and include construction of several major sporting facilities, including multiple playing fields and amenities.</p> <p>As discussed in Section 3.2 above, the QPRSC has been identified as the best solution to meet the social and cultural needs for regional communities.</p> <p>As the site is currently without use and highly degraded, while otherwise well positioned with regards to surrounding residential districts, the location of the QPRSC at the site constitutes an optimal use of the land.</p> <p>Additionally, the QPRSC will contribute positively to the economic health of the region, throughout both its construction and operation phases.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The construction of the QPRSC at the site will be a vast improvement upon the economic, environmental and social qualities of the site, as well as the region more broadly.</p> <p>The site is currently highly degraded, without environmental, social, or economic value, and will instead be transformed into a positive development for the region.</p>
(c) to promote the orderly and economic use and development of land,	The QPRSC, including Stage 1 works constitute and appropriate, orderly and economic use of otherwise highly degraded land.
(d) to promote the delivery and maintenance of affordable housing,	The works neither promote nor prevent the delivery or maintenance of affordable housing.

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	Due to the current degraded state of the site, no negative impacts to ecological values are likely. The restoration of the riparian zone will constitute a major positive impact upon local native species and ecological communities.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>Stage 1 REF works will not impact the one item of built heritage value on site, however restoration of this feature is discussed in the Stage 1 SEE.</p> <p>No impacts to Aboriginal cultural heritage are likely. Restoration of the riparian area will minimise potential impacts to the PAD through inclusion of an unexpected finds protocol, however works will otherwise involve minimal surface disturbance. See Section 6.5 for further detail.</p> <p><i>*To be updated pending receipt of CHA from Navin Officer</i></p>
(g) to promote good design and amenity of the built environment,	The design quality of the Stage 1 QPRSC works will be high with substantial consideration given to amenity.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Stage 1 REF works will be carried out to meet Australian Standards, as well as the forthcoming CEMP.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	There are limited avenues for the sharing of responsibility between levels of government for the preconstruction works, which are limited in scope and impact.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The QPRSC project has been the result of substantial and ongoing community outreach which determined its initial need.</p> <p>Community consultation has been discussed further in Section 3.2, above.</p>

7.5 Conclusion

This REF has been produced to adequately describe a number of the proposed Stage 1 works, and discuss potential environmental impacts and mitigation contingent with the requirements of Part 5 of the EP&A Act.

The Stage 1 works described in this REF include several critical elements of the QPRSC, which itself has developed over a long period of direct consultation with the community.

The site contains minimal ecological values, and has not been meaningfully used since approximately 1997, when its use for motorsports was discontinued. Consequently, it currently has minimal environmental, social or economic value.

Following completion of Stage 1, the community will have a fully functional set of professional soccer and hockey pitches, as well as assorted playing fields, and will be accessible to professional sports clubs and the public, with all road and parking infrastructure in place. Stage 1 also includes all stormwater infrastructure required for the site, and the earthworks necessary to facilitate these and other works.

The various potential environmental impacts associated with Stage 1 will be mitigated through appropriate design of infrastructure, as described throughout the REF, and through construction impact mitigation measures, including erosion and sediment control.

As no likely significant impacts have been identified in the course of this REF, no Environmental Impact Statement (EIS) is required under the EP&A Act.

APPENDIX

11

ECOLOGICAL IMPACT ASSESSMENT



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

9 FEBRUARY 2022

ITEM 9.6 DETERMINATION REPORT - REVIEW OF ENVIRONMENTAL
FACTORS - QPRC REGIONAL SPORTS COMPLEX -
ENVIRONA DRIVE

ATTACHMENT 2 QPRC REGIONAL SPORTS COMPLEX - REF- NOTICE OF
DETERMINATION



REVIEW OF ENVIRONMENTAL FACTORS (REF)
Environmental Planning and Assessment Act 1979

The following Review of Environmental Factors (REF) has been accepted/determined by Council at its meeting of 9 February 2022:

REF RELATING TO: Queanbeyan-Palerang Regional Sporting Complex
PROPONENT: Queanbeyan-Palerang Regional Council
REF PREPARED BY: Cardno on behalf of QPRC
PROPERTY BEING: Lot 6 DP 239080, Lot 1 DP 313299 and Lot 1 DP 213249
Envirova Drive, Envirova
CONSENT AUTHORITY: Queanbeyan-Palerang Regional Council
DATE OF DETERMINATION: 9 February 2022

On 9 February 2022 a Review of Environmental Factors (REF) for the Queanbeyan-Palerang Regional Sporting Complex was reviewed and determined.

At that meeting the Council resolved as follows:
That Council:

1. *It is satisfied that, as recommended in the REF, the project does not require the preparation of an environmental impact statement.*
2. *Grant approval to the Queanbeyan-Palerang Regional Sports Complex on Lot 6 DP 239080, Lot 1 DP 313299 and Lot 1 DP 213249 subject to the mitigation measures detailed in the Review of Environmental Factors prepared by Cardno dated 7 September 2021 and the additional conditions 1 to 8 detailed in this report.*
3. *Note that the following works at the Queanbeyan-Palerang Regional Sports Complex are covered by this determination report:*
 - *Bulk earthworks across the site*
 - *Construction of:*
 - *four (4) soccer fields*
 - *two (2) hockey pitches*
 - *multiple northern playing fields*
 - *car parking*
 - *a main access road & internal roads and paths*
 - *stormwater infrastructure*
 - *a storage/maintenance shed.*

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- *Installation of:*
 - *public lighting, including sports field flood lighting*
 - *utilities*
 - *fencing*
 - *irrigation*
 - *signage.*
- *Initial landscaping*
- *Creek remediation.*

As such, the REF was accepted by Council and that work may now proceed subject to the conditions specified in Schedule 1 below.

For further information, please phone 1300 735 025.

M J Thompson
PGM Natural and Built Character

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SCHEDULE 1 – CONDITIONS RELATING TO DETERMINATION REVIEW OF ENVIRONMENTAL FACTORS

Queanbeyan-Palerang Regional Sporting Complex

Condition 1 – A Construction Environmental Management Plan (CEMP) is to be prepared for the site and shall include an unexpected finds protocol.

Condition 2 – A Sediment and Erosion Control Plan (S&ECP) for all site works, including quarry remediation, road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication Managing Urban Stormwater - Soils and Construction (4th Edition 2004 - "Blue Book").

Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site as follows;

- a) divert uncontaminated run-off around cleared or disturbed areas,
- b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- c) prevent tracking of sediment by vehicles on roads, and
- d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

Condition 3 – Prior to the commencement of work each day an inspection of the work site shall be completed to ensure that no native fauna will be endangered as a result of the day's activities.

Condition 4 – In order to minimise the impacts of flooding on the site the following mitigation measures shall be undertaken:

- Obstruction of stormwater travelling from south of the site to Jerrabomberra Creek will be avoided through the construction of the three stormwater channels travelling through the site. These will capture stormwater and flood flows and direct them to Jerrabomberra Creek without interfering with the QPRSC site.
- Additional runoff from increased impervious surfaces and roofs across the site will be captured by rain gardens and retention tanks, and then processed and reused on the site. It is likely that extensive tree plantings throughout the site in this proposal will further increase capture of stormwaters before they reach Jerrabomberra Creek.

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- A Flood Emergency Evacuation Plan (FEEP) will be developed to minimise risk to persons and property at the site under various flood events. This will be developed prior to operation of the site, and will be aimed at mitigating increased flood hazard categories across much of the site. After construction, and during all possible flood scenarios, much of the site stays above flood levels, including the proposed indoor facility. This will allow ample space for safe evacuation under the upcoming FEEP.
- Appropriate scour counter measures will be implemented to reduce possible structural damage to the channels and channel/creek intersection. These will be determined at the detailed design stage.

Condition 5 - All works associated with the construction and/or demolition of this development must be carried out between the following hours unless Queanbeyan-Palerang Regional Council agrees in writing. A written application shall be made to Queanbeyan-Palerang Regional Council if a variation of hours is required.

- Weekdays - 7.00am to 6.00pm
- Saturdays - 7.00am to 4.00pm
- Sundays - No work

Condition 6 - All waste materials generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

Condition 7 - The development is to proceed with caution. If any Aboriginal objects are found, works should stop and DECCW notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and NSW Office of Environment and Heritage are to be notified.

Condition 8 - No works under the REF are to be carried out where those works impact upon the existing dilapidated stone and brick amenities building. Works may proceed when development consent relating to the deconstruction and re-erection of the amenities building is approved under an appropriate development consent.

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

9 FEBRUARY 2022

ITEM 9.7 DRAFT BUNGENDORE SECTION 7.11 CONTRIBUTIONS PLAN
FOR COMMUNITY AND RECREATION FACILITIES 2022

ATTACHMENT 1 DRAFT BUNGENDORE SECTION 7.11 DEVELOPMENT
CONTRIBUTIONS PLAN FOR COMMUNITY AND
RECREATION FACILITIES 2022



Bungendore Section 7.11 Development Contributions Plan for Community and Recreation Facilities 2022



Version 1

Adopted by Council on 09 February 2022

Effective from dd Month 2022

ECM 1393937

Document History

This Development Contributions Plan has been prepared in accordance with Part 7 of the *Environmental Planning and Assessment Act 1979* and Part 4 of the *Environmental Planning and Assessment Regulation 2000*.

This Plan was originally adopted by Council on **09 February 2022** and came into effect on **dd Month 2022**.

This Plan is subject to occasional review by Council, and amendment where necessary. All amendments to this plan after its adoption are set out in the following table.

Version	Date Adopted	Date Effective	Comments
1	09/02/2022	dd/mm/2022	<p>Repeals the <i>Palerang Council Section 94 Development Contributions Plan No. 7 for the Provision of Recreation Facilities at Bungendore</i>.</p> <p>Repeals the <i>Section 94 Contributions Plan for Bungendore – Yarrawlumla Council</i> (Yarrawlumla Council Section 94 Plan No. 1 – Bungendore).</p> <p>Amends the <i>Palerang Council Section 94A Development Contributions Plan (November 2015)</i>.</p>

Disclaimer

While every reasonable effort has been made to ensure that this document is correct at the time of printing, Queanbeyan-Palerang Regional Council, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.



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EXECUTIVE SUMMARY

Purpose of this plan

This development contributions plan authorises Queanbeyan-Palerang Regional Council ('Council') to **collect contributions for the provision of community and recreation facilities in Bungendore**. Those contributions will generally take the form of a monetary contribution.

This plan describes, amongst other things, where the payment of contributions is required, what types of development the requirement for contribution payments applies to, what community and recreation facilities the contributions will fund, and how the contribution rates have been determined.

The key steps applicants need to follow in using this plan to determine and pay development contributions are summarised below and at Figure 1 (see Page 6).

Where this plan applies

This development contributions plan applies to all land within **Bungendore** shown on the map in Figure 2 of this plan (see Page 10).

Applicable development

This plan applies to all applications for development consent, as well as all applications for complying development certificates, for **residential subdivision** and development of certain **residential accommodation** required to be made by or under Part 4 of the EP&A Act on land to which this plan applies. Certain development is excluded from the need to pay a contribution. Development that is excluded is listed at Part 2.7 of this plan (see Page 11).

Calculating the contribution

Consent authorities, including Council and accredited certifiers, are responsible for determining the contribution in accordance with this development contributions plan.

The base contribution rates are set out in the following table. Please note, the base rates shown in the table are accurate at the date that this plan commenced. Contribution rates are regularly indexed (adjusted for inflation), in accordance with Part 2.14 of this plan (see Page 14).

		Base Rate
Residential Subdivision (rate per lot)		\$7,923
Residential Accommodation	1 bedroom dwelling	\$3,067
	2 bedroom dwelling	\$4,856
	3 bedroom dwelling	\$6,645
	4 or more bedroom dwelling	\$7,923

Please Note: The base contribution rates shown above were accurate at the date this plan commenced.

Requiring the contribution

If a contribution is payable, the consent authority will include a condition in the development consent or complying development certificate requiring a contribution. Council will also index the contribution for inflation at the time of consent and again at the time of payment, using annual updates to the **Output Prices of Building Construction (Non-Residential Construction – Australian Capital Territory)** / **Output Prices of Building Construction (Road and Bridge Construction New South Wales)** as set out in Part 2.13 of this plan (see Page 14).

Paying the contribution

In the case of a **development application**, applicants must pay their contribution **before obtaining a construction certificate**.

In the case of **complying development**, applicants must pay their contribution **before commencing work**.

When applicants are ready to pay their contribution, they should email Council at **council@qprc.nsw.gov.au** to confirm the indexed contribution payable. That indexed contribution amount will be valid until the next quarterly indexation date.

If applicants do not pay their contribution by that date, they will need to email Council again to confirm the adjusted contribution amount.

Development contributions in the form of monetary payments are exempt from the Goods and Services Tax (GST).

Complying development

Accredited certifiers are responsible for calculating the contribution for complying development in accordance with this plan then imposing a condition in the complying development certificate requiring the contribution.

Accredited certifiers must notify Council of their determination within two (2) days of making the determination, in accordance with section 130(4) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

Applicants must pay their contribution before commencing the complying development works.

Figure 1 Key steps in determining and paying contributions



1. PART A: SUMMARY SCHEDULES

1.1 Works Program and Costs

A summary of the proposed facilities and their cost is provided in Table 1, below.

A full schedule of the community and recreation facilities proposed is provided at Appendix 1.

A detailed description of the facilities proposed, as well as discussion around the likely need for additional facilities in the longer term, is provided at Part 3.5 of the Plan (see Page 21).

Table 1 Summary of Schedule of Works

Facility / Locality	Works	Total Cost of Works
Bungendore Sports Hub	Land acquisition; playing fields – stage 2 playing surfaces, irrigation system and water tanks; amenities building – netball; pool – wet deck/splash pad; playground facilities; tree planting and landscaping; car parking	\$4,074,000*
Bungendore Multi-Purpose Community Centre	Design and construction	\$5,450,333*
Frogs Hollow	Picnic and barbecue facilities; park furniture; cricket pitch; amphitheatre; boardwalk (creek crossing); pathways; entry signage; tree planting and landscaping; car parking	\$270,000*
Warren Little Recreation Reserve	Playground facilities; picnic facilities; tree planting and landscaping	\$730,000
Bungendore East	Village Green: playground facilities; picnic facilities; passive recreation field; tree planting and landscaping Local Park: playground facilities; tree planting and landscaping	\$1,335,000
Bungendore North (East)	Local Park: playground facilities; tree planting and landscaping	\$480,000
Bungendore North (West) ('Ashby')	Local Park: playground facilities; tree planting and landscaping	\$480,000
Bungendore South ('Bungendore Meadows')	Playground facilities; landscaping	\$450,000
Total		\$13,269,333

Note: The costs shown were accurate at the date this plan commenced.

* Contributions collected under this Plan for these works will be less than the figure shown as some contributions have already been collected under previous contribution plans.

1.2 Summary of Contribution Rates

Table 2 Contribution Rates for Applicable Land in Bungendore

		Base Rate
Residential Subdivision (rate per lot)		\$7,923
Residential Accommodation	1 bedroom dwelling	\$3,067
	2 bedroom dwelling	\$4,856
	3 bedroom dwelling	\$6,645
	4 or more bedroom dwelling	\$7,923

Note: The base contribution rates shown above were accurate at the date this plan commenced. As such, applicants should enquire with Council as to what the current indexed contribution rate is.

More detail on how the above contribution rates were calculated, including formulae, is provided at Part 3.6 of this development contributions plan (see Pages 23 & 24).

2. PART B: ADMINISTRATION AND OPERATION OF THE PLAN

2.1 Name of this development contributions plan

This development contributions plan is called the ***Bungendore Section 7.11 Development Contributions Plan for Recreation Facilities 2022***.

2.2 Purpose of this development contributions plan

This development contributions plan has been prepared in accordance with section 7.11 of the EP&A Act.

The **primary purpose** of this development contributions plan is to authorise:

- the Council, when granting consent to an application to carry out development to which this plan applies, or,
- the Council or an accredited certifier, when issuing a Complying Development Certificate (CDC) for development to which this plan applies,

to require the payment of a development contribution to be made towards the provision of community and recreation facilities in Bungendore.

The operation of this development contributions plan will ensure:

- adequate community and recreation facilities, including children's playgrounds and sports grounds, are provided within Bungendore as the town further develops and demand for community meeting spaces and recreation facilities increases;
- the proponents of future developments in Bungendore pay a fair and reasonable contribution toward the community and recreation facilities expected to be required as a result of their developments; and,
- the existing and broader Queanbeyan-Palerang community is not unfairly burdened by the cost of community and recreation facilities required to satisfy the additional demand expected to be created by the future development of the Bungendore.

Other purposes of this development contributions plan are as follows:

- to provide a framework for the efficient and equitable determination, collection and management of development contributions toward the provision of community and recreation facilities in Bungendore;
- to establish the relationship between the future development expected in Bungendore and the proposed community and recreation facilities, and thereby demonstrate that the development contributions required under this plan are fair and reasonable; and,
- to enable Council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

2.3 Commencement of this plan

Pursuant to clause 31(4) of the EP&A Regulation, this development contributions plan takes effect from the date on which public notice was given – that date being **dd Month 2022**.

As such, this plan applies to all Development Applications received, and all applications for Complying Development Certificates, made on or after that date.

All applications received, made or determined prior to that date will be assessed against the development contributions plan(s) in force at the time.

2.4 Relationship of this plan with other plans and policies

This development contributions plan:

- (a) **repeals** the *Palerang Council Section 94 Development Contributions Plan No. 7 for the Provision of Recreation Facilities at Bungendore*;
- (b) **repeals** the *Section 94 Contributions Plan for Bungendore – Yarrawlumla Council*;
- (c) **amends** the *Palerang Council Section 94A Development Contributions Plan (November 2015)*; and,
- (d) **supplements** the provisions of the *Palerang Local Environmental Plan 2014* ('the LEP') or any subsequent local environmental plan made that may replace the LEP.

2.5 Where this development contributions plan applies

This development contributions plan applies to all land within **Bungendore** (shown on the map in Figure 2, next page) where any form of residential accommodation is permissible under the LEP, including land within the **R1 General Residential zone**, the **R2 Low Density Residential zone**, the **R5 Large Lot Residential zone**, the **B2 Local Centre zone** and the **B4 Mixed Use zone**.

2.6 Development to which this plan applies

This plan applies to all applications for development consent, as well as all applications for complying development certificates, for **residential subdivision** and for development of the following types of **residential accommodation**:

- (a) attached dwellings;
- (b) boarding houses;
- (c) dual occupancies;
- (d) dwelling houses;
- (e) multi dwelling housing;
- (f) residential flat buildings;
- (g) secondary dwellings;
- (h) seniors housing;
- (i) semi-detached dwellings; and,
- (j) shop top housing.

2.7 Development exempt from this plan

Development excluded from the need to pay a contribution under this development contributions plan is as follows:–

- (a) non-residential subdivision that does not involve building work;
- (b) development that does not involve any increase in GFA on the development site regardless of whether it involves a change in use or not;
- (c) emergency services facilities;
- (d) development for the purposes of the adaptive re-use of an item of environmental heritage;
- (e) public infrastructure to be carried out by, or on behalf of, any public authority, including Council;
- (f) social housing or affordable housing (excluding secondary dwellings under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*);
- (g) development for the purposes of any form of seniors housing defined in *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* that is provided by a social housing provider; development exempted from section 7.11 contributions by way of a direction made by the Minister; and,

- (h) development for the construction of residential accommodation destroyed by bushfire or other natural disaster where that dwelling has a lawful consent or was lawfully constructed and does not involve the creation of an additional developable lot, dwelling entitlement or an additional dwelling.

Council may consider exempting development, or components of a development, other than the types of development identified above if that development, or components of that development, would not create demand for the recreation facilities levied for by this plan. Any request for such an exemption would have to be supported by a comprehensive submission arguing the case for exemption.

Figure 2 Map showing the land to which this plan applies



2.8 How is the required contribution determined?

For **residential subdivision**, the contribution payable is determined by multiplying the base rate for residential subdivision by the number of new lots created by the subdivision. The base rate for residential subdivision is stipulated in Table 2 at Part 1.2 of this Plan (see Page 8).

For the development of **residential accommodation**, the contribution payable is determined by multiplying the number of new dwellings created by the development by the base rate for those dwellings. There are different base rates for different sizes of dwellings (1 bedroom, 2 bedroom, three bedroom and 4 or more bedrooms). The base rate for each dwelling size is stipulated in Table 2 at Part 1.2 of this Plan (see Page 8).

Full detail on how the base rates for residential subdivision and dwellings were calculated, including formulae, is provided at Part 3.6 of this development contributions plan (see Pages 23 & 24).

2.9 When is the contribution payable?

Any required contribution must be paid to the Council at the time specified in the condition that imposes the contribution. If no such time is specified in the condition, the contribution must be paid as follows:

- (a) for applications involving subdivision – prior to the issue of the subdivision certificate;
- (b) for applications involving building works – prior to the issue of the construction certificate;
- (c) for applications where no building works are involved – prior to occupation or commencement of the approved development.

Development contributions in the form of monetary payments are exempt from the Goods and Services Tax (GST).

2.10 Construction certificates and the obligation of accredited certifiers

In accordance with section 7.11 of the EP&A Act and clause 146 of the EP&A Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied. In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and must include copies of such receipts with copies of the certified plans provided to the Council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by the Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2.11 Complying development and the obligation of accredited certifiers

This plan requires that, in relation to an application made to an accredited certifier for a complying development certificate (CDC):

- the accredited certifier must, if a CDC is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this plan;
- the amount of the monetary contribution imposed is the amount determined in accordance with this plan; and,
- any monetary contribution imposed as a condition is paid to the Council prior to any complying development work being undertaken.

2.12 Deferred/periodic payments

Council may permit either deferred or periodic payments of development contributions.

Deferred or periodic payments may be permitted in the following circumstances:

- (a) where deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program;
- (b) if the works project to which the request applies does not relate to public safety or public health;
- (c) where the applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and Council and the applicant have a legally binding agreement for the provision of the works or land dedication,
- (d) if there are circumstances justifying the deferred or periodic payment of the contribution.

All requests to Council for deferred or periodic payment of a contribution should be made to Council in writing, based on prior consultation with Council staff, and forwarded to Council prior to the determination of an application by Council. A written request must set out the reasons why deferred or periodic payment of a contribution is sought.

Notwithstanding that Council may approve the periodic or deferred payment of contributions, in all cases, the total amount of outstanding contributions shall be paid prior to the issue of any occupation certificate for the development.

The decision to accept deferred or periodic payments is at the sole discretion of Council.

If Council does decide to allow deferred or periodic payments of contributions, Council may require the applicant to provide a bank guarantee for the full amount of the contribution, or the outstanding balance, on condition that:

- the bank guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security;
- the bank guarantee(s) must be in Australian dollars from a major Australian trading bank and in the name of Queanbeyan-Palerang Regional Council;
- the bank unconditionally pays the sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work;
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of the development;
- the bank's obligations are discharged when payment to Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required; and,
- where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.

2.13 Can the contribution be settled "in-kind" or through a material public benefit?

Council may accept an offer by an applicant to provide an "in-kind" contribution (i.e., the applicant completes part or all of the work/s identified in the plan) or through provision of another material public benefit in lieu of the applicant satisfying its obligations under this plan.

Council may accept such alternatives in the following circumstances:

- (a) the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan; and,

- (b) the design will result in facilities that are fit for purpose. Detailed design must be approved by Council and generally accord with the standards and specifications the Council normally required of similar facilities; and,
- (c) plans and cost estimates of the proposed works are to be prepared by suitably qualified professionals and submitted by the applicant; and,
- (d) the standard of the works is to Council's full satisfaction; and,
- (e) the provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program.

Acceptance of any such alternative is at the sole discretion of Council.

The value of the works substituted must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Should an offer of works in kind or other material public benefit be accepted, Council and the applicant will enter into a deed of agreement that specifies, as relevant, the following:

- an acceptable standard of workmanship and materials;
- frequency of progress works inspections;
- the program for completion of the works;
- an appropriate maintenance and/or defects liability period; and,
- the value of any offset of monetary contributions otherwise payable, including any works values in excess of the contribution requirements.

2.14 Review of contribution rates

To ensure that the value of contributions are not eroded over time by inflation, Council will adjust the contribution rate at the time of consent having regard to the **Output Prices of Building Construction (Non-Residential Construction – Australian Capital Territory)/ Output Prices of Building Construction (Road and Bridge Construction New South Wales)** as published quarterly by the Australian Bureau of Statistics (ABS).

In accordance with clause 32(3)(b) of the EP&A Regulation, the following sets out the means by which Council will make changes to the rates set out in this plan.

For changes to the **PPI (Output Prices of Building Construction (Non-Residential Construction – Australian Capital Territory)/ Output Prices of Building Construction (Road and Bridge Construction New South Wales))**, the contribution rates within the plan will be reviewed on a quarterly basis in accordance with the following formula:

$$\text{\$C}_c = \text{\$C}_A + \frac{\text{\$C}_A \times (\text{Current Index} - \text{Base Index})}{\text{Base Index}}$$

Where

\\$C_A	is the initial contribution at the time of adoption of the plan expressed in dollars
\\$C_c	is the current contribution rate (i.e., that applies at the time of review)
Current Index	is the most recent Output Prices of Building Construction (Non-Residential Construction – Australian Capital Territory)/ Output Prices of Building Construction (Road and Bridge Construction New South Wales) index number as published by the ABS at the time of review of the contribution rate
Base Index	is the Output Prices of Building Construction (Non-Residential Construction – Australian Capital Territory)/ Output Prices of Building Construction (Road and Bridge Construction New South Wales) index number as published by the ABS at the date of adoption of this plan, which was <118.1/122.2 at September 2021> .

2.15 How contributions are reviewed and adjusted at the time of payment

The contributions stated in a consent are calculated on the basis of the contribution rates determined in accordance with this plan. If those contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rate that is applicable at time of payment in the following manner:

$$\text{\$C}_P = \text{\$C}_{DC} + \frac{[\text{\$C}_{DC} \times (\text{\$C}_Q - \text{\$C}_C)]}{\text{\$C}_C}$$

Where

- $\text{\$C}_P$ is the amount of the contribution calculated at the time of payment
- $\text{\$C}_{DC}$ is the amount of the original contribution as set out in the development consent
- $\text{\$C}_Q$ is the contribution rate applicable at the time of payment
- $\text{\$C}_C$ is the contribution rate applicable at the time of the original consent

The current contributions, as indexed, are available from Council.

2.16 Pooling of contributions

This development contributions plan expressly authorises monetary section 7.11 contributions collected for different purposes under this plan to be pooled and applied (progressively or otherwise) for those purposes.

2.17 Savings and transitional arrangements

Pursuant to clause 31(4) of the EP&A Regulation, this development contributions plan takes effect from the date on which public notice was given – that date being **dd Month 2022**. As such, this plan applies to all Development Applications received, and all applications for Complying Development Certificates, made on or after that date.

All applications received, made or determined prior to that date will be assessed against the development contributions plan(s) in force at the time.

2.18 Register

Council will maintain a register of all contributions in accordance with clause 34 of the EP&A Regulation. The register will be made available for public inspection at any time during normal office hours.

2.19 Annual Statement

In accordance with clause 35 of the EP&A Regulation, Council will produce an annual statement of contributions documenting amounts received and relevant details. Such statements will be available for public inspection, upon request.

2.20 Review of this Plan

This development contributions plan will be subject to regular review by Council, so as to:

- monitor development trends and community needs within Bungendore;
- monitor income received by this plan;
- ensure the contribution levels reflect actual construction costs;

- enable the alteration of work schedules if development activity and the consequent demand for recreation facilities differs from original expectations; and,
- enable alteration of this plan to reflect the actual cost of providing recreation facilities within Bungendore.

Any material changes in this plan, with the exception of the annual adjustment of contribution amounts, requires it to be amended in accordance with section 7 of the EP&A Act. Such amendment requires full public exhibition of the amended plan and consideration of submissions received.

3. PART C: STRATEGY PLAN – ESTABLISHING THE NEXUS

3.1 Introduction

Pursuant to section 7.11 of the EP&A Act, a consent authority may apply a condition to a development consent to require a development contribution for the provision of local infrastructure, facilities and services. That development contribution can be made either through the dedication of land free of cost, or the payment of a monetary contribution, or both.

However, a consent authority can only impose such a condition on development if it is satisfied the development to which consent is being granted will (or is likely to) require the provision of, or increase the demand for, public infrastructure, facilities or services.

To ensure the requirement for a development contribution is fair and reasonable, the consent authority must demonstrate a clear relationship between the development and the infrastructure, facilities or services which are the subject of the contribution.

What is nexus?

The relationship between a development and the infrastructure, facilities and/or services which are the subject of the contribution required from that development is often referred to as '**nexus**'.

Nexus is often discussed in terms of 'causal' nexus, 'physical' nexus and 'temporal' nexus.

Causal nexus requires that the need for the infrastructure, facilities or services being levied must be as a result of the development which is to be levied.

Spatial nexus requires that the infrastructure, facilities or services for which contributions are being collected be located so as to serve the needs of those who created the demand those infrastructure, facilities or services.

Temporal nexus requires that the infrastructure, facilities or services be provided in a timely manner to benefit those who have contributed towards it.

Establishing the Nexus

To establish the relationship, or nexus, between the anticipated residential subdivision and residential development within Bungendore and the provision of community and recreation facilities to address the demand created by that development and its associated uses (thereby justifying the collection of the contributions authorised by this plan), this Part details:

- Council's role in providing community and recreation facilities to meet the needs of the Bungendore community as the population increases;
- the existing supply of community and recreation facilities within Bungendore;
- the various factors at play which are likely to result in increased demand for community and recreation facilities in Bungendore – including strong local and regional population growth;
- the infrastructure program Council proposes to deliver to increase the supply of community and recreation facilities in Bungendore to effectively address the anticipated increased demand for such facilities; and,
- the formulae for calculating the monetary contributions, the collection of which are authorised by this plan.

3.2 What is Council's Obligation in Providing Community and Recreation Facilities?

Council plays a critical role in providing and maintaining community and recreation facilities for the health, enjoyment and well-being of residents and visitors. This role is clearly evident throughout Council's strategies and plans, and most importantly in Council's **Community Strategic Plan 2018–2028** and in its **Local Strategic Planning Statement – "Towards 2040"**.

Community Strategic Plan 2018–2028

The Community Strategic Plan (CSP) sets out the long-term aspirations of the Queanbeyan-Palerang community.

In preparing the CSP, Council undertook **extensive community engagement** to find out from the community what their aspirations are and what they feel is important to them in terms of contributing to their quality of life. In relation to community and recreation facilities, the community said they wanted to see a higher emphasis placed on the provision and maintenance of sport and recreational facilities as well as ensuring residents have access to those facilities.

That feedback is reflected in three of the **key goals** contained within the CSP which are relevant to the provision of recreation facilities in Bungendore – those being key goals 1.1.5, 3.1.2 and 4.1.5. Those relevant key goals are detailed in Table 3, below.

Table 3 Relevant Key Goals of the Community Strategic Plan 2018-2028

Key Goal	Community Outcome	Community Strategy – Service Objective
STRATEGIC PILLAR 1 – COMMUNITY		
1.1.5 We have an active and healthy lifestyle	Health and quality of life are improved through access to a range of recreation and leisure opportunities	Support the active recreational, sporting and health pursuits of the community through the availability of facilities and participation in programs and events in the Queanbeyan-Palerang region.
STRATEGIC PILLAR 3 – CHARACTER		
3.1.2 Our region's urban landscapes are well managed and maintained promoting community pride	The region's public places are clean and attractive	Shape and present urban parks, reserves, fields, playgrounds, CBDs, community lands and greenways as sustainable and attractive places with wayfinding signage to activate visitation and sense of place in Queanbeyan-Palerang
STRATEGIC PILLAR 4 – CONNECTION		
4.1.5 We plan for and provide regional facilities which promote better social connection and access for the community	Social connection within our region is provided for via access to a range of community facilities across the region	Support the safe and equitable access to facilities and amenities through well-presented, sited, efficient, secure and clean buildings for community, civic and recreational use

Local Strategic Planning Statement ("Towards 2040")

The Local Strategic Planning Statement (LSPS) is Council's strategic land-use planning 'road map' for the future and provides the framework for Queanbeyan-Palerang's land-use needs over the next 20 years. It works in concert with Council's Community Strategic Plan to set out the long-term vision and aspirations for the community, articulating Council's long-term planning priorities and how those will be achieved. As such, the LSPS Planning Priorities 2, 10 and 11 correspond to, and expand on, CSP goals 1.1.5, 3.1.2 and 4.1.5. More detail relating to LSPS Planning Priorities 2, 10 and 11 are set out in Table 4, below.

Table 4 Relevant Planning Priorities within the Local Strategic Planning Statement

Planning Priority		Relevant Outcomes	Relevant Actions
2	We have an active and healthy lifestyle <i>"Health and quality of life are improved through access to a range of recreation and leisure opportunities."</i>	<ul style="list-style-type: none"> Recreation facilities meet the needs of the current and future population Development contribution plans to in place to ensure recreation, community facilities and open space are provided in a timely manner 	<p>4.2.2 Prepare contribution plans that collect funds for open space, community facilities and recreational facilities as new development occurs and to identify how necessary facilities are to be paid for, and whether those living nearby may benefit more, so more productive land-uses should be encouraged nearby to capture this value.</p> <p>4.2.3 Undertake needs analysis for the main townships to identify necessary facilities to meet the needs of the existing and future population.</p>
10	We plan for and provide regional facilities which promote better social connection and access for the community <i>"Social connection within our region is provided for via access to a range of community facilities across the region"</i>	<ul style="list-style-type: none"> Identify and construct parks and recreation facilities that provide for the needs of the local and regional population a 	<p>4.10.2 Zone land and construct new Sports Hub at Bungendore.</p> <p>4.10.6 Consider the provision of well-designed shade, both natural and built, in the provision of all public infrastructure, from large developments such as major recreation facilities, public buildings and town centre upgrades, to the smallest public domain improvements such as bus shelters.</p>
11	We undertake planning to ensure infrastructure is prepared for future growth <i>"Changing community demand is met by well planned for and placed infrastructure."</i>	<ul style="list-style-type: none"> Consistent high rate of public infrastructure investment, and use of public lands, assets and anchors to achieve strategic goals has been facilitated Development contribution plans are in place to fund infrastructure required to support new and existing developments Enabling infrastructure is constructed to promote the release of recreational, business and residential lands where funded. 	<p>4.11.4 Review and consolidate former Palerang Contribution Plans</p>

One of the actions which will assist Council in achieving the desired outcomes of the relevant key goals and applicable planning priorities of the CSP and the LSPS identified above – essentially **an active, healthy and connected community** – is the timely provision of sufficient recreation facilities in its cities, towns and villages to provide for the needs of the local and regional population, now and in the future.

Council's Functions

Notwithstanding Council's specific strategies and plans and their desired outcomes and goals, Council must carry out its functions, as set out within the *Local Government Act 1993*, in a way that facilitates a community that is strong, healthy and prosperous. One such function is the provision of recreation facilities which are appropriate to the current and future needs within its local community and of the wider public.

3.3 What is the existing supply of community and recreation facilities?

The community and recreation facilities currently provided by Council in Bungendore include:

- Bungendore Pool, Majara Street, which includes a 25-metre swimming pool and toddler pool;
- McMaster Playground, Wild Terrace;
- Bungendore Park, Majara Street, which includes a playing field (Mick Sherd Oval), exercise/fitness equipment, tennis facilities, practice cricket wickets, playground, barbecue;
- Warren Little Oval, McMahon Drive; and,
- facilities located within the Turallo Creek common including, Bungendore Skate Park, basketball half court and lead free dog exercise area.

The community and recreation facilities currently provided by Council within Bungendore meet most, but not all, existing community needs. The facilities will not be sufficient to meet future needs and demand.

The anticipated needs and demand for community and recreation facilities in Bungendore will be discussed at Part 3.4 of this Plan (below), while the new facilities currently proposed by Council to address community needs and demand in the immediate future, as well as facilities likely to be required in the longer term, will be discussed at Part 3.5 of this Plan (on Page 21).

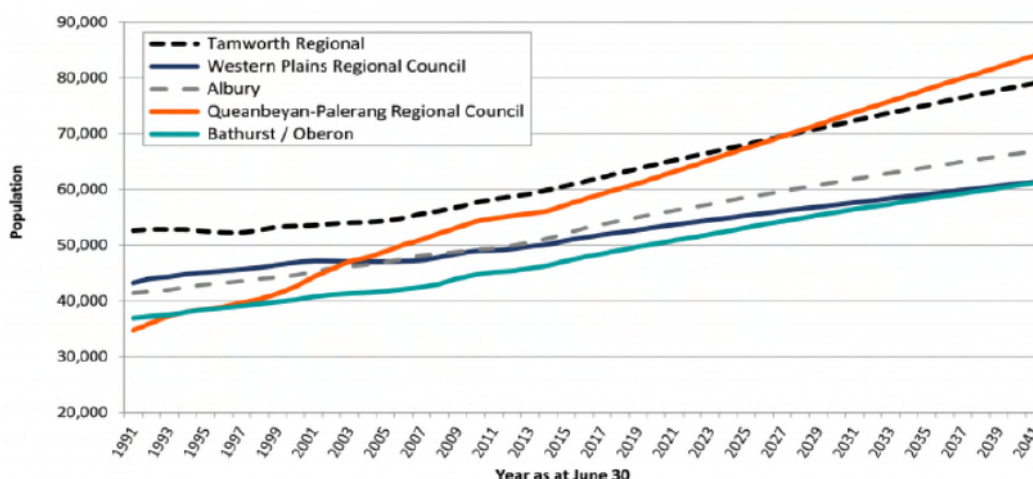
3.4 What is the anticipated demand for community and recreation facilities?

The key factor in determining the demand for community and recreation facilities in Bungendore is **population growth**. The strong population growth experienced in recent decades within not only Bungendore, but across the Queanbeyan-Palerang local government area ('the LGA'), the adjoining ACT and the broader Capital/South-East and Tablelands Region is expected to continue in coming decades. Following is a summary of the population growth and projections for Bungendore, the LGA and the wider region.

Queanbeyan-Palerang LGA

Queanbeyan-Palerang is one of the fastest growing LGAs in regional NSW. Between 2006 and 2019, the LGA's population increased by 16.8%, from 50,070 to 60,190. From 2019 to 2036, the LGA's population is forecast to grow even faster – by more than 30% to almost 80,000. The rapid growth of the LGA relative to other major inland LGAs is evident in the graph at Figure 3, below.

Figure 3 Forecast Population Growth – Selected Inland Regional LGAs, 1991-2041



Source: .id, .id Small Area Forecast information (SAFi), 2016

Bungendore

As noted in the recently adopted *Bungendore Structure Plan 2048*, population growth in Bungendore has been even stronger than the LGA average. As illustrated in Table 5, the population of Bungendore has surged from 1,690 at the 2001 Census to 3,320 at the 2016 Census, with annual growth rates of 4% to 6% in some intercensal periods.

Table 6 (further below) shows three different growth scenarios for the next 20 years. If the population continues to grow at the rate seen over the past two decades (~5% p.a.), the population of Bungendore at the 2041 Census could be greater than 11,000. However, it is more likely Bungendore's population will grow at a more moderate rate of approximately 3.5% p.a. Even at that rate, however, the town's population will double to around **8,000 residents**, requiring approximately **1,400 additional dwellings**.

ACT and Region

In the 20-year period from 2021 to 2041, the ACT's population is expected to grow by 143,000 people – from approximately 445,000 to 588,000 – an increase of more than 32%.

According to the South-East and Tablelands Regional Plan, the population of the region is projected to increase by 45,450 between 2016 and 2036, and the combined population of the local government areas within an hour's commute of the ACT, and the Territory's population itself, will increase to more than 660,000 by 2033.

Table 5 Population of the Bungendore urban area, 2001 – 2016

Census Year	People	Change	Change (%)	Change (% p.a.)
2001	1,690			
2006	2,183	+493	+29.2%	+5.8%
2011	2,755	+572	+26.2%	+5.2%
2016	3,320	+562	+20.5%	+4.1%

Source: Australian Bureau of Statistics, Census of Population and Housing

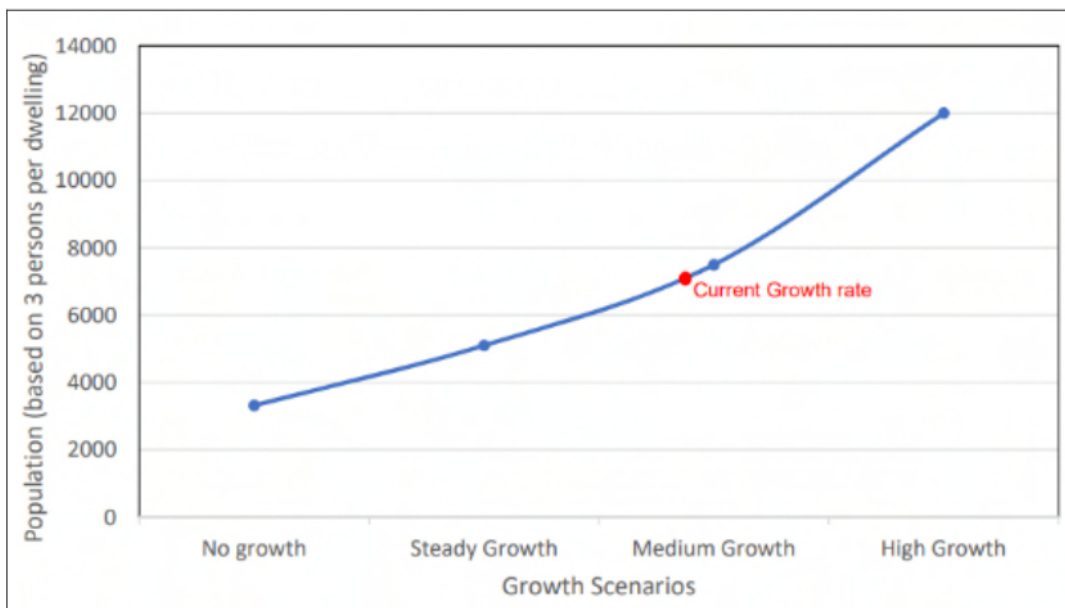
Table 6 Population Projections for the Bungendore Urban Area, 2021 – 2041

Census Year	Steady Growth (2% p.a.)	Medium Growth (3.5% p.a.)	High Growth (5% p.a.)
2021	3,665	3,943	4,237
2026	4,047	4,683	5,408
2031	4,468	5,562	6,902
2036	4,933	6,606	8,809
2041	5,447	7,846	11,243
2021-2041	+1,782	+3,903	+7,006

Source: Bungendore Structure Plan 2048

The growth of Bungendore's population based on the steady, medium and high growth scenarios is illustrated in Figure 4, next page.

Figure 4 Bungendore's Projected Population in 2041 – Growth Scenarios



Source: Bungendore Structure Plan 2048

3.5 Determining what facilities are required

3.5.1 Standard Rates of Provision

In determining what community and recreation facilities are required to adequately service the existing and projected population of Bungendore, Council has referred to a variety of publications which stipulate standard rates of provision for such facilities. The chief reference for Council has been the *Recreation and Open Space Guidelines for Local Government*, published by the NSW Department of Planning in 2010.

As indicated at Part 3.4 of this Plan, the estimated resident population of Bungendore is likely to double over the next 20 years to reach approximately 8,000 in 2041. Based on the standard rates of provision stipulated in the appropriate references, the following community and recreation facilities are suggested for a community of 8,000 people:

- a multi-purpose community centre – a facility which includes, amongst other things, small to medium meeting spaces for community groups, a youth space, a community learning or art space;
- a *local park* within 400m of most dwellings – see definition;
- a *district park* within 2km of most dwellings – see definition;
- open space for local-level outdoor sports within 1km of most dwellings;
- open space for regional-level outdoor sports within 2km of most dwellings;
- an outdoor netball facility – with at least two courts;
- one tennis facility – with at least two courts;
- one aquatic facility (with 25m pool); and,
- one indoor recreation centre/stadium – with one or two hard courts.

3.5.2 Facilities Already Proposed

As discussed at Part 3.3 of this Plan (see Page 19), a range of recreation facilities is currently provided across Bungendore by Council, and as such, many of the requirements listed above are met. However, given the growth of Bungendore's population over recent decades, the existing facilities do not meet all existing community needs and will not be sufficient to meet future needs and demand. Council has recognised this and has already commenced the planning, design and construction of a range of new and upgraded facilities to meet the current and future needs of the community. Those facilities include:

- the Bungendore Sports Hub – which will include an aquatic centre, six grass sports fields, six hard courts, and associated amenities and sports club facilities;
- a Multi-Purpose Community Centre, located within the Bungendore Sports Hub precinct;
- new facilities and amenities at Frogs Hollow;
- new and upgraded facilities and amenities within the Warren Little Recreation Reserve and 'Bungendore Common', as well as in southern Bungendore; and,
- upgrades to the facilities provided at Bungendore Park, including a new playground.

More detail on each of the projects listed above is available on Council's web-site.

The major works (and costs) associated with each of the projects are set out in the Schedule of Works at Appendix 1.

3.5.3 Facilities for the future residential areas already identified

To ensure the anticipated strong growth of Bungendore occurs in a co-ordinated, efficient and sustainable manner, and in a direction that reflects the views of the community, Council has prepared and adopted the *Bungendore Structure Plan 2018-2048* (the 'Structure Plan'), which built on the *Bungendore Land Use Strategy and Structure Plan*, adopted by the previous Palerang Council and endorsed by the NSW Department of Planning in 2010. To provide the housing required for 8,000 additional residents, approximately 1,400 new dwellings are required. The Structure Plan has designated four areas on the fringes of the Bungendore for most of those additional dwellings in the short, medium and long term. Some limited 'infill' development will provide some additional dwellings within the existing urban footprint.

Three of the four areas identified for the urban expansion of Bungendore are to the north of the town adjacent along Tarago Road and will each contain approximately 250-300 lots, while the fourth area is to the east of the town (known as East Bungendore) adjacent to the Kings Highway and will contain almost 600 lots.

Given their size and location, the future residential areas already designated will require the following community and recreation facilities as a minimum:

- one *local park* for each of the areas to the north of Bungendore;
- one centrally-located *local park* for East Bungendore; and,
- a higher-order, 'Village Green' style park for East Bungendore, providing a larger area for passive recreation.

3.5.4 Facilities for future release areas

It is important to note that the Structure Plan is not a static instrument. It will be monitored, and reviewed and (where necessary) updated, regularly over its 30-year lifespan. Monitoring of the Structure Plan is crucial, as it allows Council to ascertain if it is achieving its objectives and if it is responding to current and emerging trends and changes in demography, land use, development, housing, employment and the environment.

Monitoring of the Structure Plan is on-going, and the next review of it is scheduled for 2025. New release areas may be added when the Structure Plan is reviewed – in 2025, or at any future reviews – including those identified in the Structure Plan as 'potential investigation areas'. Should that occur, this development contributions plan may be amended to ensure that any new release areas are provided with sufficient community and recreation facilities.

3.6 Contribution Rate Calculations

The base contribution rates stipulated at Part 1.2 of this development contributions plan were calculated by:

- first, dividing the cost (design, construction and delivery) of providing the recreation facilities required in Bungendore by the estimated population growth in Bungendore between 2021 and 2041 to provide a base rate for each **new resident**;
- then:
- for each lot in a **residential subdivision**, multiplying the base rate for each new resident by the average number of residents expected per lot;
- for applicable forms of **residential accommodation**, multiplying the base rate for each new resident by the average number of residents expected per dwelling, based on the number of bedrooms in a dwelling.

The contributions do not cover the full cost of the required recreation facilities. This is because, to ensure fairness and equity, Council will make proportional contributions over the period to cater for the existing population.

The formulae used and the calculation for the base contribution rates is set out, under corresponding headings, below.

3.6.1 Base Rate per New Resident

$$\frac{PC}{PG}$$

Where:

PC is the total **cost** of providing recreation facilities (\$)

PG is the estimated **population growth** (in Bungendore between 2021 and 2041, medium growth scenario)

$$\frac{10,221,400}{4,200} = 2,433.67 = \$2,434$$

3.6.2 Base Rate for Residential Subdivision

$$RPR \times RPL$$

Where:

RPR is the **base rate per new resident** (as calculated at Part 3.6.1, above)

RPL is the **average number of residents** per new lot

Note: a **5% levy** is applied to all development contribution rates to cover the costs associated with the administration, development, and review of development contribution plans

$$\$2,434 \times 3.1 = \$7,545.40$$

$$\text{Apply 5\% levy} = \$7,545.40 \times 1.05 = \$7,923$$

3.6.3 Base Rate for Dual Occupancy and Multi-Unit Housing Development

RPR x RPD

Where:

RPR is the **base rate per new resident** (as calculated at Part 3.6.1, above)

RPD is the **average number of residents** per new dwelling

Note: a **5% levy** is applied to all development contribution rates to cover the costs associated with the administration, development, and review of development contribution plans

For 1 Bedroom Dwellings

$$\$2,434 \times 1.2 = \$2,920.80$$

$$\text{Apply 5\% levy} = \$2,920.80 \times 1.05 = \mathbf{\$3,067}$$

For 2 Bedroom Dwellings

$$\$2,434 \times 1.9 = \$4,624.60$$

$$\text{Apply 5\% levy} = \$4,624.60 \times 1.05 = \mathbf{\$4,856}$$

For 3 Bedroom Dwellings

$$\$2,434 \times 2.6 = \$6,328.40$$

$$\text{Apply 5\% levy} = \$6,328.40 \times 1.05 = \mathbf{\$6,645}$$

For 4+ Bedroom Dwellings

$$\$2,434 \times 3.1 = \$7,545.40$$

$$\text{Apply 5\% levy} = \$7,545.40 \times 1.05 = \mathbf{\$7,923}$$

3.7 Conclusion

This development contributions plan has been prepared in accordance with section 7.11 of the EP&A Act and authorises Council to collect contributions, in the form of money, to provide for community and recreation facilities in Bungendore.

There is a demonstrated need for such facilities.

The strong population growth that has occurred in Bungendore, and across the Queanbeyan-Palerang local government area and the neighbouring ACT, over the last two decades is expected to continue over the next two decades. Bungendore's population is reasonably projected to double in the next 20 years. The increased resident population in Bungendore will result in increased demand for community and recreation facilities. Thus, both **causal** and **spatial nexus** is established for such facilities, including those proposed by Council.

As indicated, this development contributions plan applies to all land within Bungendore as it is the residents of Bungendore who will be using the facilities. Thus, **causal** and **spatial nexus** is further demonstrated.

The provision of community and recreation facilities will be staged as Bungendore expands and demand increases. The **temporal nexus** is, therefore, established.

4. PART D: REFERENCES

The following documents were used in the preparation of this development contributions plan:

ACT Government, *Building (General)(Cost of Building Work) Determination 2020 (No 1)* [Notifiable Instrument NI2020-336]
ACT Government, Chief Minister, Treasury and Economic Development Directorate, 2019, *ACT Population Projections 2018 to 2058*
ACT Government, Environment, Planning and Sustainable Development Directorate, 2018, *ACT Planning Strategy 2018*
Bungendore Structure Plan 2048
Bungendore Structure Plan Discussion Paper
Department of Infrastructure, Planning and Natural Resources – Development Contribution Practice Notes – July 2005
Department of Planning, *Recreation and Open Space Guidelines for Local Government*, December 2010
Department of Planning – Circular PS06-020 6 December 2006 – Changes to the Application of section 94A of the EP&A Act – Ministerial Direction
Disability Inclusion Action Plan 2017-2021
Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000
NSW Government, *South Eastern and Tablelands Regional Plan 2036*
NSW Government, *South Eastern and Tablelands Regional Plan 2036 Implementation Plan 2017-2019*
Palerang Council Section 94 Development Contributions Plan No. 7 for the Provision of Recreation Facilities at Bungendore
Palerang Development Control Plan 2015
Palerang Local Environmental Plan 2014
QPRC Digital Economy and Smart Community Strategy
QPRC Regional Economic Development Strategy 2018-2022
QPRC Tourism Plan 2017-2025
Queanbeyan-Palerang Local Environmental Plan 2020
Queanbeyan-Palerang Regional Council Community Strategic Plan 2018-2028
Towards 2040 – Queanbeyan-Palerang Regional Council Local Strategic Planning Statement – July 2020
Victorian Planning Authority, *Standard Provision Ratios for Community Infrastructure and Services and Open Space in Growth Areas*, 2008 (revised February 2020)

DEFINITIONS

Unless the context or subject matter otherwise indicates or requires, the following definitions apply in this development contributions plan:

ABS means the Australian Bureau of Statistics.

applicant means the person, company or organisation submitting a development application.

apportionment means the adjustment of a contribution (usually a percentage) to ensure the contributing population only pays for its share of the total demand for the facility.

CDC means complying development certificate.

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

complying development means development that can be approved by an accredited certifier.

consent authority has the same meaning as in the EP&A Act but also includes an Accredited Certifier responsible for issuing a Complying Development Certificate.

contribution means the dedication of land, the making of a monetary contribution or the provision of a material public benefit, as referred to in the EP&A Act.

contributions plan means a contributions plan referred to in section 7.18 of the EP&A Act.

Council means Queanbeyan-Palerang Regional Council.

CPI means the Consumer Price Index, a measure of household inflation prepared by the Australian Bureau of Statistics and includes statistics about price change for categories of household expenditure.

DA means development application.

DCP means a Development Control Plan.

development means any of the following—

- (a) the use of land,
- (b) the subdivision of land,
- (c) the erection of a building,
- (d) the carrying out of a work,
- (e) the demolition of a building or work, any other act, matter, or thing that may be controlled by an environmental planning instrument.

development consent has the same meaning as in the EP&A Act.

development contribution means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

district park means a reserve which has had its physical character and/or vegetation modified to support order community recreation, community development and wellbeing uses, usually having an area of between 2 hectares and 5 hectares, and providing lower and middle order venues including informal lawns, play facilities, ornamental gardens, and community gardens to facilitate social and cultural activities.

EP&A Act (or 'the Act') means the *Environmental Planning & Assessment Act 1979*.

EP&A Regulations means the *Environmental Planning & Assessment Regulation 2000*.

GFA means gross floor area.

indexation means a method of adjusting contribution rates to account for changes in the cost of land or infrastructure over time to ensure contributions remain cost-reflective.

LEP means a Local Environmental Plan made by the Minister under the EP&A Act.

LGA means Queanbeyan-Palerang Local Government Area.

local park means a reserve which has had its physical character and/or vegetation modified to support community recreation, community development and wellbeing uses, usually having an area of between 0.5 hectares and 2 hectares, and providing lower order venues including informal lawns, play facilities, ornamental gardens, and community gardens to facilitate social and cultural activities.

planning authority means—

- (a) a council, or
- (b) the Minister, or the Planning Ministerial Corporation, or
- (c) a development corporation (within the meaning of the *Growth Centres (Development Corporations) Act 1974*), or
- (d) a public authority declared by the EP&A Regulations to be a planning authority for the purposes of this Division.

public benefit means the benefit enjoyed by the public as a consequence of a development contribution.

public facilities means any public amenity or public service, as referred to in the EP&A Act, including a "community facility" and a "recreation facility", the need for which has increased or been created by development.

public purpose includes (without limitation) any of the following—

- (a) the provision of (or the recoupment of the cost of providing) public amenities or public services,
- (b) the provision of (or the recoupment of the cost of providing) affordable housing,
- (c) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,
- (d) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,
- (e) the monitoring of the planning impacts of development,
- (f) the conservation or enhancement of the natural environment.

recoupment means payment of a monetary contribution to the Council to offset the cost (plus any interest) which the Council has already incurred in providing public facilities in anticipation of development.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

section 7.11 condition means a condition under section 7.11 of the Act requiring the dedication of land or the payment of a monetary contribution, or both.

section 7.11 contribution means the dedication of land, the payment of a monetary contribution or the provision of a material public benefit, as referred to in section 7.11 of the Act.

settlement means the payment of a monetary contribution, the undertaking of a work in kind, or the exchange of documents for the dedication of land required as a result of new development.

the Act means the *Environmental Planning and Assessment Act 1979*.

work-in-kind means the construction or provision of the whole or part of a public facility that it is identified in a works schedule in a contributions plan.

works schedule means the schedule of the specific public facilities for which contributions may be required, and the likely timing of provision of those public facilities based on projected rates of development, the collection of development contributions and the availability of funds from supplementary sources.

APPENDIX 1: SCHEDULE OF WORKS

Item No.	Facility / Locality	Works	Cost (\$)
1	Bungendore Sports Hub	Land acquisition	774,000
		Playing Fields – Stage 2 – playing surface	400,000
		Playing Fields – Stage 2 – irrigation system and water tanks	370,000
		Amenities Building – Netball	300,000
		Playground, including shade structure	430,000
		Pool – wet deck/splash pad	700,000
		Pool – play zone/playground	400,000
		Tree planting and landscaping – across site	200,000
		Car Parking – across site	500,000
		Total Cost of Works	4,074,000
		Contributions previously collected	2,110,825
		Total Contributions to be collected under this Plan	1,963,175
2	Bungendore Multi-Purpose Community Centre	Design, Construction and fit-out	5,450,333
		Total Cost of Works	5,450,333
		Contributions previously collected	889,155
		Total Contributions to be collected under this Plan	4,561,178
3	Frogs Hollow	Picnic and barbecue facilities	50,000
		Park furniture, including seating and bins	32,000
		Cricket Pitch	10,000
		Amphitheatre – including earthworks and shelter	20,000
		Boardwalk (creek crossing)	50,000
		Connecting pathways (granite paths)	20,000
		Entry signage	3,000
		Tree planting (entire site) and entry garden bed	30,000
		Car Park	55,000
		Total Cost of Works	270,000
		Contributions previously collected	47,953
		Total Contributions to be collected under this Plan	222,047
4	Warren Little Recreation Reserve	Picnic facilities, including barbecues, seating and shelters	300,000
		Tree planting and landscaping	
		Playground facilities, including shade structures	430,000
		Total	730,000
5	Bungendore East 4610 Kings Highway	Village Green – playground facilities, including shade structures	430,000
		Village Green – picnic facilities, including barbecues, seating and shelters	350,000
		Tree planting and landscaping	
		Village Green – passive recreation field	75,000
		Local Park – playground facilities, including shade structures	430,000
		Local Park – tree planting and landscaping	50,000
		Total	1,335,000

6	Bungendore North (East) 266 Tarago Road (Lot 1 DP 880087)	Local Park – playground facilities, including shade structures	430,000
		Local Park – tree planting and landscaping	50,000
		Total	480,000
7	Bungendore North (West) - 'Ashby' 175-217 Tarago Road (Lot 1 DP 794724 and Lot 1 DP 986065)	Local Park – playground facilities, including shade structures	430,000
		Local Park – tree planting and landscaping	50,000
		Total	480,000
8	Southern Bungendore (Bungendore Meadows)	Playground, including shade structures	450,000
		Total	450,000
TOTAL			10,221,400

Note: The costs shown were accurate at the date this plan commenced.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

9 FEBRUARY 2022

ITEM 9.7 DRAFT BUNGENDORE SECTION 7.11 CONTRIBUTIONS PLAN
FOR COMMUNITY AND RECREATION FACILITIES 2022

ATTACHMENT 2 PALERANG SECTION 94A DEVELOPMENT CONTRIBUTIONS
PLAN (AMENDED 15 OCTOBER 2021)



SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN



ADOPTED BY COUNCIL:
THIS PLAN CAME INTO EFFECT ON:
LAST AMENDED ON:

3 December 2015
16 December 2015
15 October 2021

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Part A – Summary schedules

The following summary schedules are included in this plan:

- Works program
- Summary of levy by category.

The works schedule identifies the public facilities for which section 94A levies will be required. Schedule 1 identifies the works schedule and a summary of the expenditure on the respective items.

Levies paid to council will be applied towards the provision, extension or augmentation of public amenities and public services. Schedule 1 provides a summary of the public facilities, which will be provided by council over the next 10 years, as well as the estimated cost of provision and timing.

Schedule 1: Public facilities for which levies will be sought

Item	Public Facilities	Location	Estimated Costs	Target Date
1	Annual Local Road Resealing Program	Various local roads -15 year cycle	\$600,000	Annually
2	Annual Local Gravel Road Re-sheeting Program	Various local roads on a 12 year average cycle	\$550,000	Annually
3	Annual Local Road Rehabilitation Program	Sections of Lascelles St, Little River Road, Hoskinstown Rd, Plains Rd, Bungendore Rd, Burra Rd, town streets	\$600,000	Annually
4	Local Road Reconstruction Program	Sections of Butmaroo St, Malbon St, Ellendon St, Saleyards Lane, Burra Rd, Bungendore Rd, Norton Rd, town streets	\$2,500,000	By 2025
5	Annual Regional Road Resealing Program	Various local roads -12 year cycle	\$200,000	Annually
6	Annual Regional Gravel Road Re-sheeting Program	Sections of Captains Flat Rd, Nerriga Rd & Cooma Rd on a 10 year average cycle	\$100,000	Annually
7	Annual Regional Road Rehabilitation Program	Sections of Captains Flat Road, Macs Reef Rd, Nerriga Rd, Cooma Rd & Tarago Rd	\$550,000	Annually
8	Regional Road Reconstruction Program	Sections of Cooma Rd, Nerriga Rd, Macs Reef Rd, captains Flat Rd	\$10,000,000	By 2025
9	Town Pathways Construction	Various locations in Bungendore, Braidwood and Captains Flat	\$800,000	By 2025
10	Town Drainage Strategy Development and Implementation	Drainage works in Wallace St, Majara St, Ellendon St, Gibraltar St and Foxlow St & adjacent areas Captains Flat	\$1,000,000	By 2025
11	Back Creek Bridge Reconstruction	On Cooma Rd	\$1,750,000	2016/17
12	Brick Kiln Creek Bridge Reconstruction	On Cooma Rd	\$900,000	By 2020
13	Silver Hills Bridge Reconstruction	Captains Flat Road	\$500,000	By 2020
14	Foxlow St Bridge Reconstruction	Foxlow St, Captains Flat	\$500,000	By 2025
15	Braidwood Recreation Ground Redevelopment Project	Keder St	\$1,500,000	By 2020
16	Bungendore Recreation Grounds Project	Bungendore Rd	\$4,000,000	By 2020
17	Bungendore Park Master Plan Redevelopment	Gibraltar St	\$400,000	By 2022
18	Braidwood Resource Recovery Facility and Waste Transfer Station	Bombay Rd	\$3,000,000	2016/17
19	Nerriga Waste Facility	Endrick River Rd	\$400,000	By 2020
20	Royalla Hall Project	Royalla Dr	\$400,000	2018/19
21	Bungendore and Captains Flat flood mitigation works	Bungendore and Captains Flat	\$4,000,000	By 2025
22	Bungendore and Braidwood Public Carparking	Ellendon St, Bungendore and Wallace St, Braidwood	\$1,000,000	By 2020
23	Town Centre Streetscape Upgrading	Gibraltar St, Ellendon St, Wallace St	\$800,000	By 2020
24	Rural Bus Stops	Various	\$80,000	By 2025
25	New Braidwood Works Depot	Bombay Rd Braidwood	\$2,000,000	By 2020
	TOTAL		\$61,550,000	By 2025

A map showing the location of the works and public facilities is included in Attachment 2.

Schedule 2: Summary Schedule for Section 94A Contributions Plan

Proposed cost of development	Levy (%)
Proposed cost of development is \$100,000 or less	Nil
Proposed cost of development is between \$100,001 and \$200,000	0.5 % of the proposed cost of development
Proposed cost of development exceeds \$200,000	1.0 % of the proposed cost of development

Part B – Expected development and demand for public facilities

This part broadly discusses the relationship between the expected types of development and the demand for public facilities and services to meet the needs of the development and the wider community.

The expected types of developments to be levied under this plan would include, 'state significant' and major developments (other than subdivisions) that have a construction value greater than \$100,000 and may be established within the Palerang LGA in areas outside of Bungendore and Braidwood (outside of the land use zones R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, B2 Local Centre, B4 Mixed Use and IN2 Light Industrial). Such developments would include, but would not necessarily be limited to, the following:

- Electricity Generating Works
- Tourist and Visitor Accommodation
- Mining
- Regional developments for example Telecommunication Facilities
- Industrial and Commercial developments
- Rural Industries and Intensive Livestock Agricultural Facilities

The relationship between expected development and the demand for public amenities and services is discussed below.

Palerang is a local government area (LGA) located in the Southern Tablelands region of NSW. With reference to the attached map (Attachment 1), the LGA is bounded by Goulburn-Mulwaree and Upper Lachlan LGAs to the north, Yass Valley and Queanbeyan LGAs and the Australian Capital Territory (ACT) to the west, Cooma-Monaro LGA to the south and Shoalhaven and Eurobodalla LGAs to the east.

It has a population of 15,510 (ABS, 2014, Estimated Resident Population) residing in a variety of development forms and covers an area of approximately 5,200 km². Palerang has three established towns, Bungendore, Braidwood and Captains Flat, several rural villages and a large proportion of the population living in rural residential dwellings located in the western portions of the LGA near the ACT border.

Palerang Council area is one of the fastest growing LGAs in Australia. The Australian Bureau of Statistics reported on its website in June 2012 that the local government area with the highest proportionate increase in population in New South Wales was Palerang, which grew 16.5 per cent to 14,351 people from 12,313 in 2006.

Population projections undertaken by the NSW Department of Planning and Environment indicate likely growth to 19,100 by 2026 (2014). Council will have to make significant financial investments in infrastructure and public facilities to meet the demands of this growth.

The types of development covered by this plan will employ significant numbers of workers during construction and operation stages and are likely to cause significant increases in the resident population beyond the expected growth without these major developments.

These developments are also likely to have a significant impact on the Palerang road network which will have to carry extra traffic and cater for the impact of light and heavy vehicle movements to and from these developments.

It is reasonable, therefore, that these developments should contribute, via a Section 94A levy, to infrastructure and services provision for items such as roads and bridges, traffic facilities, waste facilities, CBD car parking, town centre streetscape projects, public buildings, cycleways, footpaths, sporting grounds and recreational facilities that will be utilized by such developments and their contractors and employees. Otherwise, the likely activity and population growth resulting from these developments will diminish the existing population's enjoyment and standards of public facilities.

Part C – Administration and operation of the plan

1.1 What is the name of this development contributions plan?

This development contributions plan is called the:

Palerang Council Section 94A Development Contributions Plan (November 2015)

1.2 Application of this Plan

This plan applies to all land within the local government area of Palerang outside of the town boundaries of Bungendore and Braidwood (land use zones excluding R1 General Residential, R2 Low Density Residential, **R5 Large Lot Residential**, B2 Local Centre, B4 Mixed Use and IN2 Light Industrial land use zones.) It will be applied to State Significant and other major developments, excluding subdivisions.

Subdivisions and development within the town boundaries of Bungendore and Braidwood will be subject to development contributions under other Plans.

This development contributions plan applies to applications for development consent and applications for complying development certificates under Part 4 of the *Environmental Planning and Assessment Act 1979*. All development types are levied at the rates specified in the following table of the estimated cost of carrying out the development:

Proposed Cost of Development	Levy %
Up to \$100,000	0
\$100,001 to \$200,000	0.5
\$200,001 and above	1

1.3 When does this development contributions plan commence?

This contributions plan commences on the date that notice of the adoption of the plan appears in a local newspaper. This date will be indicated on the front cover of this plan once notice is given.

1.4 What is the purpose of the contributions plan?

The primary purposes of this contributions plan are:

- to authorize the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 94A of the *Environmental Planning and Assessment Act 1979*.
- to assist the council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area
- to publicly identify the purposes for which the levies are required.

1.5 Are there any exemptions to the levy?

The levy will not be imposed in respect of development:

- where the proposed cost of carrying out the development is \$100,000.00 or less;
- for the purpose access for people with a disability or
- for the sole purpose of providing affordable housing; or
- for the purpose of reducing a building's use of potable water (where supplied from water mains) or energy; or
- for the sole purpose of the adaptive reuse of an item of environmental heritage; or
- that has been the subject of a condition under section 94 under a previous development consent relating to the subdivision of the land on which the development is to be carried out unless the proposed works increase demand on Council infrastructure ;
- for subdivisions and residential development including new dwellings, renovations and extensions to family homes and dual occupancy developments. Development contributions for residential development and subdivisions will be levied under Council's section 94 plans, as appropriate.

1.6 Pooling of levies

This plan expressly authorizes section 94A levies paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the Works Schedule.

1.7 Construction Certificates and the obligation of Accredited Certifiers

In accordance with clause 146 of the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)*, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by the council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

1.8 How will the levy be calculated?

The levy will be determined on the basis of the rate as set out in summary schedule. The levy will be calculated as follows:

Levy payable = %C x \$C

Where:

%C is the levy rate applicable?
\$C is the proposed cost of carrying out the development?

The proposed cost of carrying out the development will be determined in accordance with clause 25J of the Regulation. The procedures set out in Appendix A to this plan must be followed to enable the Council to determine the amount of the levy to be paid.

The value of the works must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Without limitation to the above, Council may review the valuation of works and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and no construction certificate will be issued until such time that the levy has been paid.

Clause 25J of the Regulation sets out how the proposed cost of carrying out development is to be determined. The clause provides:

25J Section 94A levy—determination of proposed cost of development

1. The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 94A levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
 - a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
 - b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
 - c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
2. For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.

3. The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
 - a) the cost of the land on which the development is to be carried out,
 - b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
 - c) the costs associated with marketing or financing the development (including interest on any loans),
 - d) the costs associated with legal work carried out or to be carried out in connection with the development,
 - e) project management costs associated with the development,
 - f) the cost of building insurance in respect of the development,
 - g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
 - h) the costs of commercial stock inventory,
 - i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,
 - j) the costs of enabling access by persons with a disability in respect of the development,
 - k) the costs of energy and water efficiency measures associated with the development,
 - l) the cost of any development that is provided as affordable housing,
 - m) the costs of any development that is the adaptive reuse of a heritage item.
4. The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.
5. To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.

1.9 When is the levy payable?

A levy must be paid to the council at the time specified in the condition that imposes the levy. If no such time is specified, the levy must be paid prior to the issue of construction certificate or complying development certificate.

1.10 How will the levy be adjusted?

Contributions required as a condition of consent under the provisions of this plan will be adjusted at the time of payment of the contribution in accordance with the following formula:

Contribution at time of Payment = \$Co + (\$Co x [Current Index - Base Index])

Where	
\$Co	is the original contribution as set out in the consent?
Current Index	is the CPI for Canberra as published by the Bureau of Statistics available at the time of review of the contribution rate?
Base Index	is the CPI for Canberra as published by the Bureau of Statistics at the date the original development cost was estimated by Council?

Note: In the event that the Current CPI is less than the previous CPI, the Current CPI shall be taken as not less than the previous CPI.

1.11 Can deferred or periodic payments be made?

Deferred or periodic payments may be permitted in the following circumstances:

- deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program,
- in other circumstances considered reasonable by Council.

If council does decide to accept deferred or periodic payment, Council may require the applicant to provide a bank guarantee by a bank for the full amount of the contribution or the outstanding balance on condition that:

- the bank guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security
- the bank unconditionally pays the guaranteed sum to the council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development
- the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when council notifies the bank in writing that the guarantee is no longer required
- where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.

1.12 Continuation of Existing Section 94 Plans

This plan does not repeal any Section 94 Development Contributions Plans already in force in the Palerang LGA, and those existing S94 Plans will continue to be applied to developments other than the developments which are the subject of this S94A Plan.

Part D - References

Dictionary

In this plan, unless the context or subject matter otherwise indicates or requires, the following definitions apply:

Capital Costs	Means all of the costs of a one-off nature designed to meet the cost of providing, extending or augmenting infrastructure.
Catchment	Means a geographic or other defined area to which a contributions plan applies.
Community Infrastructure	Means infrastructure of a communal, human or social nature, which caters for the various life-cycle needs of the public including but not limited to childcare facilities, community halls, youth centres, aged person's facilities.
Contributions Plan	Means a public document prepared by Council pursuant to Section 94EA of the <i>Environmental Planning and Assessment Act 1979</i> .
Council	Means Palerang Council
Development	Means: The erection of a building on that land The carrying out of a work in, on, over or under that land The use of that land or of a building or work on that land The subdivision of the land.
Developer contribution	Means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit
Material Public Benefit	Does not include the payment of a monetary contribution or the dedication of land free of cost.
Planning Agreement	Means a voluntary agreement referred to in Section 93F of the <i>Environmental Planning and Assessment Act 1979</i> .
Planning Authority	Means: A Council, or The Minister, or The corporation, or A development corporation (within the meaning of the <i>Growth Centres (Development Corporations) Act 1974</i>), or A public authority declared by the EP&A Regulations to be a planning authority for the purposes of this Division
Planning Obligation	Means an obligation imposed by a planning agreement on a developer requiring the developer to make a development contribution
Public	Includes a section of the public
Public benefit	Is the benefit enjoyed by the public as a consequence of a development contribution?
Public facilities	Means public infrastructure, facilities, amenities and services
Public purpose	Is defined in Section 93F(2) of the <i>Environmental Planning and Assessment Act 1979</i> to include the provision of, or the recoupment of the cost of providing public amenities and public services (as defined in Section 93C), affordable housing, transport or other infrastructure. It also includes funding of recurrent expenditure relating to such things, the monitoring of the planning impacts of development and the conservation or enhancement of the natural environment.

Recurrent costs	Means any cost which is of a repeated nature that is required for the operation or maintenance of a public facility.
Regional Infrastructure	Means facilities which satisfy the demands of a catchment greater than one local government area
Thresholds	Means a level at which the capacity of the infrastructure item is reached or the event which triggers the requirement for provision of a facility
Utility service	Means basic engineering services such as power, water, sewerage and telecommunications
Works-in-Kind	Means the construction or provision of the whole or part of a public facility that it identified in a works schedule in a contributions plan

Reference Documents

The following reference documents have been utilized in the preparation of this Section94A Plan:

- *Palerang Local Environment Plan 2014*
- Palerang Council Community Strategic Plan and Delivery Plan 2013-2017
- Department of Infrastructure, Planning and Natural Resources – Development Contribution Practice Notes – July 2005
- Department of Planning – Circular PS06-020 6 December 2006 - Changes to the Application of Section 94A of the EP&A Act - Ministerial Direction
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- Palerang Council – Asset Management Plan
- Roads to Recovery Funding Program

APPENDIX A

Procedure

A cost summary report is required to be submitted to allow council to determine the contribution that will be required. The following should be provided:

- A cost summary report must be completed for works with a value no greater than \$500,000.
- A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for works with a value greater than \$500,000.

To avoid doubt, Section 25J of the *Environmental Planning and Assessment Act 1979* sets out the things that are included in the estimation of the construction costs by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:

If the development involves the erection of a building, or the carrying out of engineering or construction work - the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation.

If the development involves a change of use of land - the costs of or incidental to doing anything necessary to enable the use of the land to be changed.

If the development involves the subdivision of land - the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

While the following examples are for building projects, a similar itemization method will be required to detail the individual cost components for Cost Summaries involving other non-building construction developments, such as those listed under Part B above.

Sample Cost Summary Report

Development Cost no greater than \$500,000

Reference:	
DA No. or CDC No.:	
Construction Certificate No.:	
Applicants Name:	
Applicants Address:	
Development Description:	
Development Address:	

Analysis of Development Costs:

ITEM	COST (\$)
Demolition and alterations	
Structure	
External walls, windows and doors	
Internal walls, screens and doors	
Wall finishes	
Floor finishes	
Ceiling finishes	
Fittings and equipment	
Hydraulic services	
Mechanical services	
Fire services	
Lift services	
External works	
External services	
Other related work	
SUB TOTAL	
Preliminaries and margin	
SUB TOTAL	
Consultant Fees	
Other related development costs	
SUB TOTAL	
GST	
TOTAL DEVELOPMENT COST	

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate.
- Calculated the development costs in accordance with the definition of development costs in clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- Included GST in the calculation of development cost.

Signed:

Name:.....

Position and Qualifications:

.....

Date:

Registered Quantity Surveyor's Detailed Cost Report

NOTES:

- Development Cost in excess of \$500,000
- The Quantity Survey is to be a member of the Australian Institute of Quantity Surveyors

Reference:	
DA No. or CDC No.:	
Construction Certificate No.:	
Applicants Name:	
Applicants Address:	
Development Description:	
Development Address:	

DEVELOPMENT DETAILS:

Gross Floor Area – Commercial	m ²
Gross Floor Area – Residential	m ²
Gross Floor Area – Retail	m ²
Gross Floor Area – Car Parking	m ²
Gross Floor Area – Industrial	m ²
Gross Floor Area – Other	m ²
Total Gross Floor Area	m ²
Total Site Area	m ²
Total Car Parking Spaces	
Total Development Cost	\$
Total Construction Cost	\$
Total GST	\$

ESTIMATE DETAILS:

Professional Fees	\$	Excavation	\$
% of Development Cost	%	Cost per square metre of site area	\$ / m ²
% of Construction Cost	%	Car Park	\$
Demolition and Site Preparation	\$	Cost per square metre of site area	\$ / m ²
Cost per m ² of site area	\$ / m ²	Cost per space	\$ /space
Construction – Commercial	\$	Fit-out – Commercial	\$
Cost per m ² of commercial area	\$ / m ²	Cost per m ² of commercial area	\$ / m ²
Construction – Residential	\$	Fit-out – Residential	\$
Cost per m ² of residential area	\$ / m ²	Cost per m ² of residential area	\$ /m2
Construction – Retail	\$	Fit-out – Retail	\$
Cost per m ² of retail area	\$ / m ²	Cost per m ² of retail area	\$ / m ²

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate.
- prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.
- calculated the development costs in accordance with the definition of development costs in the S94A Development Contributions Plan of the council of [insert] at current prices.
- included GST in the calculation of development cost.
- measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, AppendixA2.

Signed:

Name:

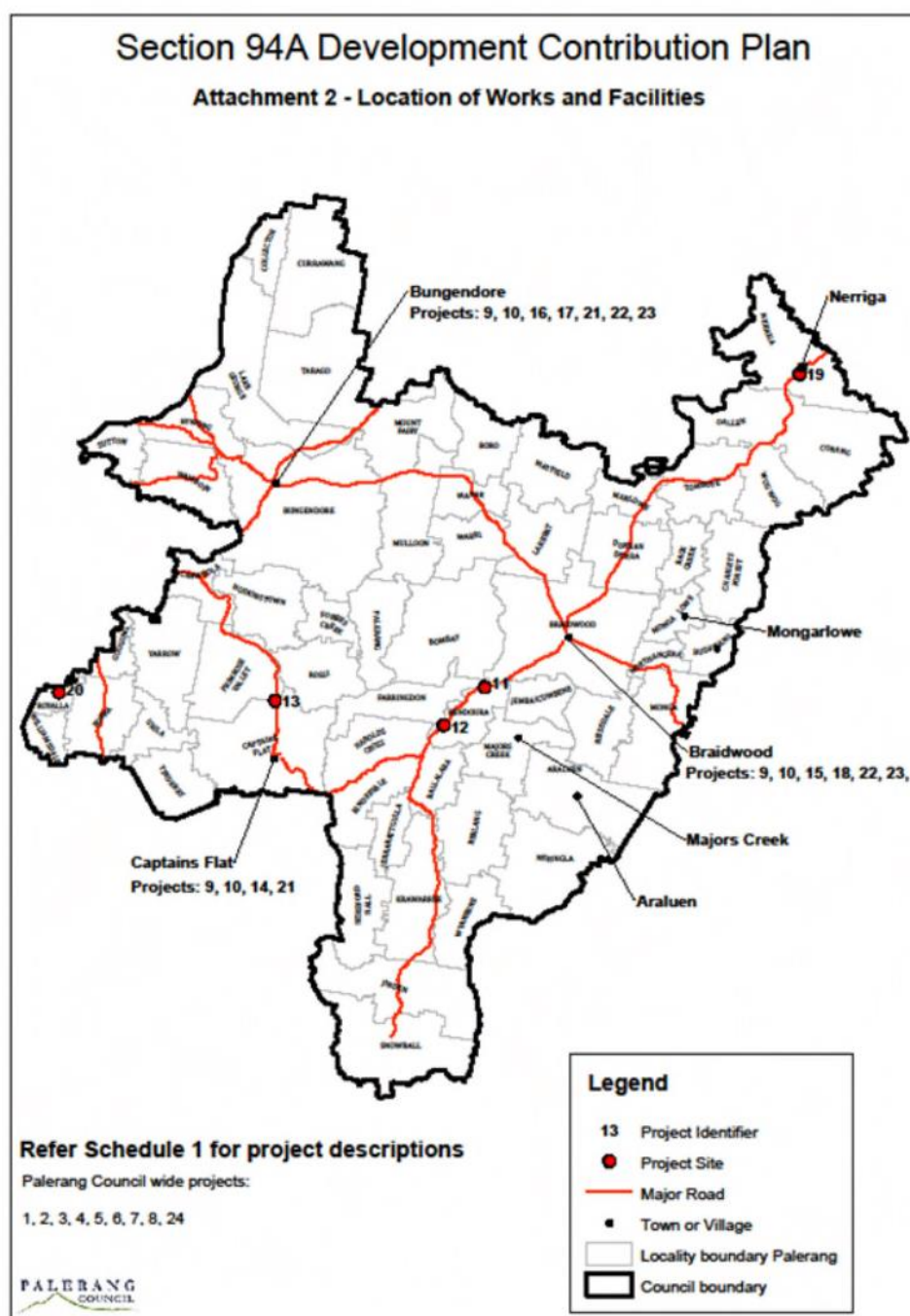
Position and Qualifications:

Date:

Attachment 1 – Palerang Local Government Area



Attachment 2 – Location of Works and Facilities



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

9 FEBRUARY 2022

ITEM 9.8 DISCUSSION PAPER - A NEW APPROACH TO REZONINGS

ATTACHMENT 1 DISCUSSION PAPER - A NEW APPROACH TO REZONINGS



A new approach to rezonings

Discussion paper

December 2021



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Acknowledgment of Country

The Department of Planning, Industry and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Introduction

Ongoing reforms to the NSW planning system aim for a 'plan-led' system – an approach that ensures strategic planning is the foundation for all decisions about potential land-use changes.

We will achieve this by strengthening the strategic planning framework within planning legislation, giving greater emphasis to place-based planning early in the process and by addressing specific issues within the administration of the planning system.

Changing the zoning of land or the controls applying to land – referred to in this paper as the **rezoning process** – translates strategic planning into statutory controls. However, the rezoning process has become unwieldy, resulting in weaker planning outcomes, unnecessary delays and higher costs.

We continue to see a large volume of rezonings or changes to land-use controls happening within a process that can be complex and time-consuming. These inefficiencies create opportunities for delays.

As we strengthen strategic planning and place-based planning through ongoing reforms, we expect to see fewer ad hoc, site-specific rezonings that are more likely to cause these inefficiencies. However, we know that we need to improve current processes to optimise the economic and environmental benefits of development within an efficient planning system.

The economic benefits of an efficient and consistent rezoning process should not be underestimated – especially as we recover from the impact of the COVID-19 pandemic. A more streamlined and predictable process will help encourage investment, improve supply and create jobs.

This discussion paper outlines options to reframe existing processes within a plan-led system – whether the rezoning process applies to a review of an entire local environmental plan (LEP) or the assessment of an ad hoc rezoning application.

Land-use zones or controls can be changed by making or amending an LEP or state environmental planning policy (SEPP). This discussion paper focuses solely on the rezoning processes that happen using planning proposals to make or amend LEPs or SEPPs.¹ It does not include state-led rezonings.

Our proposed approach balances the need for a responsive and flexible planning system with the robust processes that maintains good planning outcomes. This new approach aims to support a stronger strategic planning process so that, collectively, we will continue to see great outcomes for people, places, jobs, housing and public spaces by:

- simplifying the rezoning process and minimising duplication
- improving transparency
- improving consultation processes
- reducing processing times
- creating more certainty and consistency
- empowering councils to make decisions on matters important to their communities while allowing the NSW Government to deal with matters where government intervention is beneficial
- giving private proponents control and responsibility for rezoning requests
- improving the quality of planning proposals.

¹ LEPs are sometimes used to amend SEPPs where provisions are site-specific or are specific to a local government area, for example SEPP (Sydney Region Growth Centres) 2006.

The reframing of the rezoning process is part of the NSW Government's Planning Reform Action Plan – a set of structural reforms to create a planning system that is transparent, faster, more certain and easier to use. The reforms include initiatives to:

- improve the planning proposal system and reduce processing times by a third by 2023
- establish an appeals pathway for planning proposals to overcome delays and progress rezonings that are consistent with strategic planning.

As part of the action plan, we have consulted with industry, councils and the planning profession on how best to address the current backlog of planning proposals and set the direction for improvements. From this work, we've established several initiatives to optimise the existing system. This includes the release of the new Local Environmental Plan Making Guideline (LEP Guideline), which implements several process improvement actions including:

- best-practice process and procedures to assist in the timely assessment of planning proposals
- targeted pre-lodgement services
- clear benchmark timeframes for steps in the process
- categorisation of planning proposals to inform timeframes as well as information and public exhibition requirements
- clearer roles and responsibilities throughout the process.

Through the processes outlined in this discussion paper, we're looking to consolidate and expand on these initiatives into the future.

Getting involved

We encourage feedback on the new approach to rezoning and the policy responses and options set out in this paper.

We have set out a proposed new approach by giving information on:

- the background, case for change and opportunity for reforms (Part A)
- the proposed new approach (Part B)
- the proposed appeals process (Part C)
- implementation (Part D).

Get involved by visiting www.planningportal.nsw.gov.au/rezoning-new-approach and provide your feedback by **Monday, 28 February 2022**.

From the feedback we receive, we will refine the rezoning approach with a view to implementing change in 2022.

We will work with councils, the development industry and state agencies to support the transition to a new approach. We will also prepare guidance material and provide training and ongoing policy support.

Before we begin: key concepts and terms

One of the aims of this discussion paper is to create a system that better aligns the rezoning process with strategic planning. Strategic planning guides long-term planning for the state's regions, districts and local communities, using a longer-term view to clarify what might happen, when, why and where.

Strategic planning requires a broader consideration of how best to shape a sustainable future for a region, district or local government area (LGA). The process guides the decisions that planning

authorities make about land use and development, environmental sustainability and the integration of transport and infrastructure.

By going beyond individual development proposals, strategic planning can capture an agreed vision for the future of an area, drawing from evidence about the attributes that makes places unique, the characteristics to retain and enhance, economics, the changing climate and the aspirations that people have for their community.

Higher-level strategic plans apply to:

- the 10 regions of NSW, through regional plans
- Greater Sydney, through the Greater Sydney Region Plan
- the 5 districts of Greater Sydney, through district plans that align with the Greater Sydney Region Plan.

These plans inform councils' local strategic planning statements for each LGA. Councils also develop local housing strategies or other strategies to further focus on requirements for their area.

Strategic plans are implemented through environmental planning instruments such as SEPPs and LEPs (supported by development control plans – DCPs).

The Minister for Planning and Public Spaces recently released the Minister's Planning Principles which will guide strategic and land use planning and strengthen the place-based approach.

The NSW strategic planning hierarchy is shown in Figure 1.

Refer to the list of regularly used terms or find out more in the [Community Guide to Planning](#).

Regularly used terms

- **Development control plans** (DCPs) provide more detailed guidance for development.
- **Environmental Planning and Assessment Act 1979** (EP&A Act) is the primary planning legislation in NSW.
- **Independent Planning Commission** (IPC) makes independent decisions on complex development proposals of state significance and provides advice.
- **Land and Environment Court** hears merit appeals and process challenges between planning authorities and individuals or organisations.
- **Local environmental plans** (LEPs) set out rules to regulate development and land use in local government areas (LGAs). They are made by the Minister for Planning and Public Spaces or a council.
- **Local Environmental Plan Making Guideline** (LEP Guideline) provides a detailed explanation of the steps of the LEP-making process to assist and guide councils, communities, state agencies, proponents, and practitioners.
- **Minister's Planning Principles** guide strategic and land use planning and inform the development of planning policies. The principles seek to achieve outcomes across nine policy focus areas: planning systems; design and place; biodiversity and conservation; resilience and hazards; transport and infrastructure; housing; industry and employment and resources and energy.
- **Section 7.11 Infrastructure Contributions Plan** sets out how councils will levy contributions towards the cost of providing local infrastructure and lists a schedule of that infrastructure.
- **Section 9.1 ministerial directions** (s. 9.1 directions) provide broad policy directions that guide plan-making in the broad categories of employment and resources; environment and

heritage; housing; infrastructure and urban development; hazard and risk; regional planning; local plan-making and metropolitan planning.

- **Standard Instrument** is the basis for preparing a new LEP using standard zones, definitions, clauses and format.
- **State environmental planning policies (SEPPs)** allow for a consistent, state-wide approach to development, infrastructure, industry or other environmental or social matters, or they may apply to state-significant development. They have a wide scope and can apply to the whole of the state or a particular area. The Governor of New South Wales makes them on advice from the Minister for Planning and Public Spaces.
- **State-led rezonings** focus on precincts where there is a strategic imperative for the Department of Planning, Industry and Environment to lead the process, including places that benefit from current or future city-shaping infrastructure or investment, and where we can create great public spaces in collaboration with councils and communities. These rezonings generally occur under a SEPP.



Figure 1. Strategic planning hierarchy

Part A: Background

The process today

Local environmental plans (LEPs) set out how land can be developed and used in a local government area through zoning and other development controls. They are the legal embodiment of planning controls necessary for strategic planning ambitions.

Land-use zones illustrate the objectives for that area – what land uses are allowed, and the approvals required. Zone types range from residential and commercial to those for industrial uses or open space.

Along with zoning, LEPs also contain development standards, specific considerations and site-specific controls such as additional permitted uses.

Rezoning and planning proposals

There are many reasons why land might need to be rezoned or other changes to a LEP might be needed. This might be to respond to strategic planning – for example, if new transport infrastructure is being developed, it makes sense for the area around the transport hub to include higher density housing or shops and services – or it could be to change a zoning to allow for new development envisaged in a local strategic planning statement.

Rezoning occurs when an LEP is made or amended – whether a zone and its objectives are amended, planning controls are amended or an LEP is reviewed. Rezoning occurs through a planning proposal that sets out the intended effect of the rezoning, or the new LEP, and the justification for the proposal.

A council or private landowner can initiate the rezoning process. Rezoning initiated by private landowners are often called ‘spot rezonings’ or ‘proponent-initiated planning proposals’ and must be supported by the council before they can progress further.

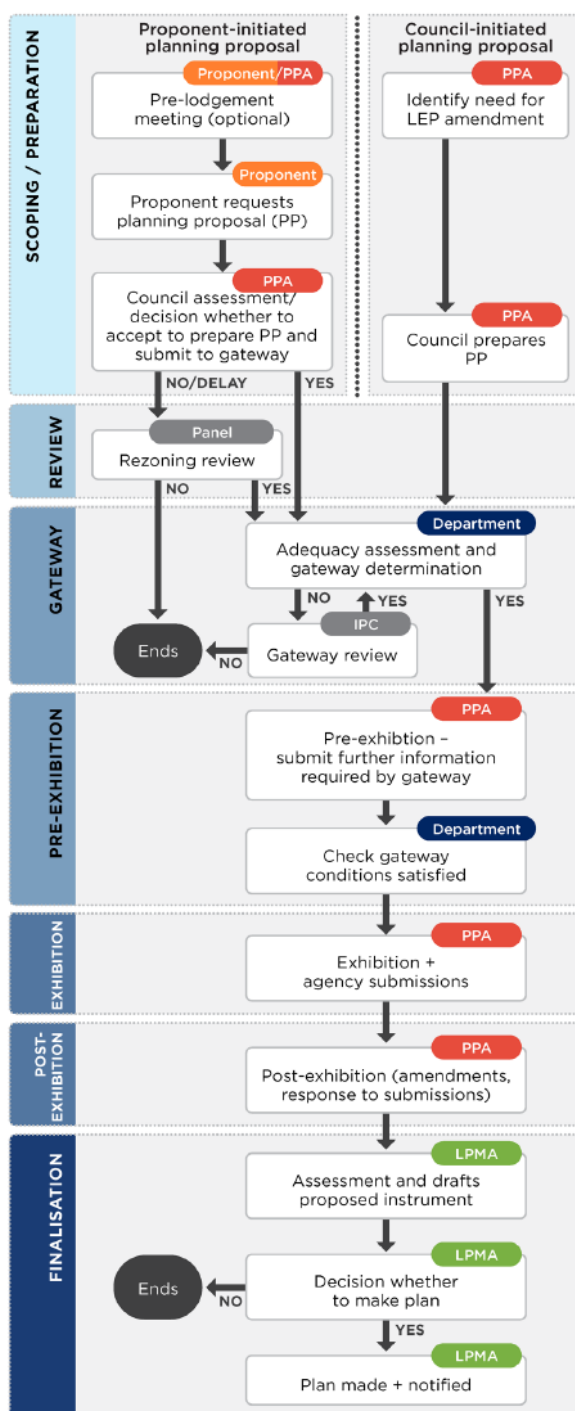
Councils, as the planning proposal authority (PPA), then submit planning proposals that they support to the department for gateway determination.

Gateway determination

The gateway determination ensures there is sufficient justification for a planning proposal to progress. It involves an early check on whether it is consistent with the strategic planning framework and relevant section 9.1 ministerial directions (s. 9.1 directions).

Gateway determinations are issued with conditions to guide the PPA for the next stage of the process: the exhibition of the planning proposal, community consultation and, if required, consultation with relevant state agencies. These conditions form the regulatory context for the preparation, exhibition and finalisation of the rezoning.

After council manages this process, the local plan-making authority (LPMA) – the minister, or a delegate, or the council – finalises the rezoning by drafting and publishing the new or amending LEP, along with maps, on the NSW Legislation website, www.legislation.nsw.gov.au.



PPA: Planning proposal authority (e.g. council)
 LPMA: Local plan-making authority (e.g. the Department or council)
 IPC: Independent Planning Commission
 Panel: Regional planning panel, district planning panel or Independent Planning Commission

Figure 2. Current rezoning framework

The need for reform

As part of the Planning Reform Action Plan, we've talked to many stakeholders to understand how best we can reduce the processing time for planning proposals; increase quality, place-based outcomes; and establish a workable appeals pathway.

Rezoning needs to be an effective planning tool that can meet the objectives of strategic plans in a certain and timely way. Uncertainty about rezoning timeframes and process can affect developer confidence and the overall viability of projects, or the timing of housing supply. Uncertainty can also cause community disengagement and less public participation in the planning system.

Engagement process

Our engagement process included:

- nine workshops, attended by 63 councils
- survey feedback from 75 councils
- internal workshops and meetings with state agencies
- presentations to industry representatives
- meetings with regional planning panel members
- one-on-one meetings with councils and industry, where required.

We also worked through working groups including councils, industry and Land and Environment Court users – as well as state agencies, and regional and district planning panels – on the initiative for a new appeals pathway.

Time and complexity

Stakeholders told us the planning proposal process takes too long, is overly complex, and needs more transparency and accountability. This is backed up by the recent work of both the NSW Productivity Commission and Australian Government's Productivity Commission:

- The NSW Productivity Commission found the NSW planning system has become too complex and inefficient. It has recommended the need to reduce red tape and complexity.
- The federal Productivity Commission found that the rezoning process can be time-consuming, costly and uncertain. It recommended shorter timeframes for planning proposals (while maintaining integrity) and a policy to avoid spot rezonings (the rezoning for a specific parcel of land), or to remove redundant requirements or apply statutory timeframes for decisions where they cannot be avoided.

This feedback is also backed up by the data: it can take several years to finalise a rezoning, with the average end-to-end processing times rising to an average of 114 weeks in 2019. Since 2019, the department has worked to clear the backlog of older planning proposals and reduce processing times, which was down to an average of 89 weeks as of 30 June 2021.

Delays and complexity can be attributed to:

- **Timeframes** – There is a lack of accountability and certainty about timeframes, including for the exhibition process and agency submissions. For example, legislation prescribes timeframes and appeal rights for the assessment of development applications, but there is no equivalent legislative requirement for planning proposals.
- **Duplication of assessment** – Planning proposals often go twice to a council meeting (before gateway and before finalisation), and twice to the department (at gateway and finalisation).
- **Gateway process** – The gateway process can be onerous and is sometimes unnecessary, resulting in delays and transparency issues, according to some councils. We heard an idea to remove the gateway process for regional areas to speed up the assessment of projects that can add immediate value.
- **Finalisation stage** – Delays in the finalisation stage, particularly for the drafting of the LEP changes and mapping stages, are a concern for councils.

Inconsistencies

There are inconsistencies in documentation requirements, the availability and rigour of pre-lodgement processes, and consultation requirements before the gateway determination. We also heard that stakeholders find inconsistencies in assessment requirements, how 'strategic merit' is interpreted, and the roles and responsibilities of different government authorities.

Early documentation can be inadequate, as the requirements or documentation that must be submitted when lodging a planning proposal are unclear – the existing planning proposal guidelines² are not interpreted consistently. This adds time as additional information is often required. Conversely, documentation requirements for the assessment process can be onerous, too detailed and should instead be tailored to the scale and complexity of the planning proposal.

These issues could be addressed at meetings before lodgement, yet these are not mandatory. When offered, they vary in formality. There is no obligation for proponents to ensure their proposal is consistent with pre-lodgement advice.

Advice may also differ, given the different interpretations of strategic merit. A planning proposal should have strategic merit, yet there are mixed views about how to justify this and how a council will measure it before the planning proposal goes to gateway determination. Some councils use their own guidelines, while others test for strategic and site-specific merit.

We also see varied approaches to community consultation before the planning proposal goes to gateway determination. While it is not required, some councils will consult multiple times throughout the process, which can keep the community informed but is duplicative and extends timeframes.

Roles and responsibilities are not clear, so there is uncertainty about who is accountable for updating mapping and other issues.

Transparency and trust

Greater accountability and transparency are required for all parties involved in the planning proposal process. The community must be engaged in the strategic planning process, including how planning authorities consider and interpret the drivers and need for change. There is a perception among the community that, with considerable work completed before the gateway

² [Planning Proposals: A guide to preparing Planning Proposals](#) (December 2018)

determination, decisions are already made. Councils also want better communication with the department, particularly before planning proposals are exhibited and finalised.

Review mechanisms, such as planning panels, are not widely known and not clearly defined in legislation.

Transparency and trust issues arise when communities see a council reject a planning proposal that is later approved through the review process.

Council resourcing

Some councils have told us they do not have adequate resourcing and funding for strategic planning, assessing and progressing planning proposals, or for taking part in court proceedings. This means strategic planning documents may not be as detailed nor as up to date as they could be. Spot rezonings are then used to fill the gaps to provide land for housing, jobs or public spaces.

Councils have varying human and financial resources, which can make processes longer and inconsistent. There is limited funding for council-led strategic studies or planning, or for any additional training, education sources or templates. Councils, particularly in regional NSW, would welcome more support from the department through the planning proposal process.

Local decision-making is essential – council autonomy is important to both councils and their communities. Councils want greater empowerment to reject planning proposals in early stages of the process before doing a full assessment, and they seek a greater decision-making role. This is especially the case when a proposal is inconsistent with local strategic planning.

Recognition of proponents

Existing legislation does not directly acknowledge proponent-initiated planning proposals – instead, councils undertake these proposals on behalf of proponents. Around 45% of all planning proposals finalised between July 2018 and June 2020 were proponent-initiated. Review processes for proponents where there is a delay or proposals are rejected are only available the early stages of the planning proposal process.

Proponents want reform that acknowledges their role, provides greater access to state agencies and gives clearer, more consistent timeframes. Industry groups have highlighted the need for a circuit breaker when councils delay decisions or reject proposals that are consistent with strategic plans.

State agency input

State agencies would prefer to be involved earlier in the rezoning process, and for the right level and scope of input required to be clearer. They support the need for reasonable timeframes.

Without this early involvement, and potentially because of the lack of clarity, stakeholders reported that engagement with state agencies is a significant pain point. This leads to perceptions within industry that contact with or feedback from state agencies is difficult and that the agencies themselves lack accountability when responding to or resolving issues.

There is a further perception that state agencies are either under-resourced or reluctant to get involved unless the issue directly affects their work. Referrals seem to get lost in the system.

What do you think?

Is this a fair summary of some of the issues within the current framework? Are there any other problems you think we need to address?

Part B: The new approach

Introduction

In response to feedback, we have developed a new approach for rezonings which, with other reforms, could significantly improve the plan-making process.

In summary, the proposed new approach:

- creates a streamlined and efficient process for LEP amendments that align with strategic planning objectives
- sets clear matters for consideration, timeframes and a consistent fee regime to give greater certainty in the process
- allows councils to receive and determine private proponent-initiated LEP amendments, with no or minimal department involvement in assessment
- allows the minister to receive and determine, through the department, other LEP amendments, including those prepared by councils and public authorities
- bolsters the department's role in supporting, monitoring and assisting councils in the process
- requires LEP amendments to go through a mandatory and upfront pre-lodgement process
- shifts all merit assessment processes to after exhibition
- gives private proponents a right of appeal against the final decision.

The new approach has been designed to align more closely with the development application process. In addition to other benefits, we believe making the processes more consistent may increase the number of combined rezoning and development applications, a mechanism which is underused. Concurrent applications bring about greater economic benefits as development can happen more quickly. This approach also gives the community greater certainty as to the type and form of development that will ultimately end up on the rezoned site.

We estimate that the new approach will build on existing timeframe improvements from the last year and result in more time savings, especially for simple rezoning applications that are consistent with strategic plans.

These time savings will mainly happen by removing duplication in who assesses the application and how often it is assessed throughout the process.

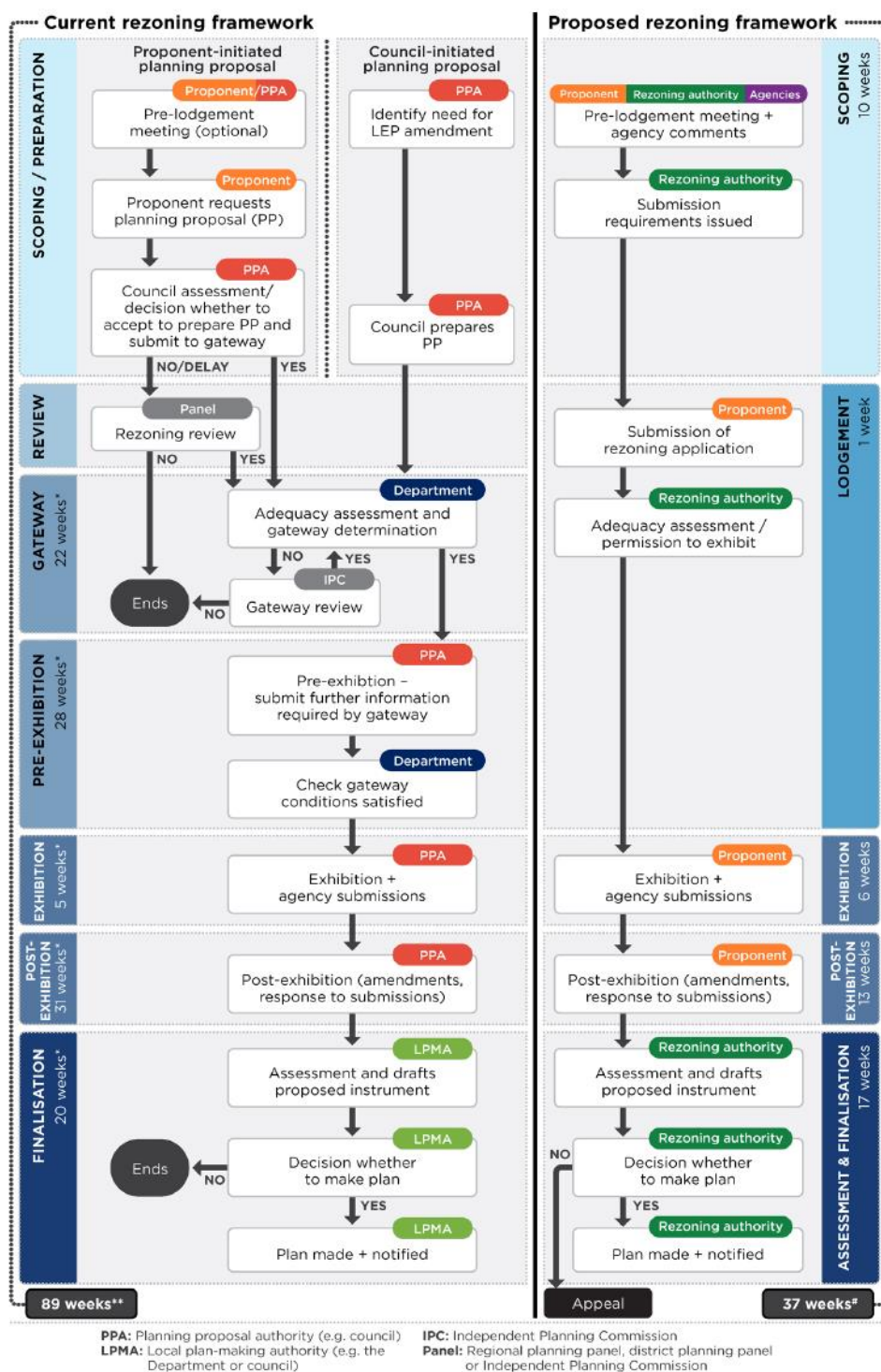


Figure 3. Comparing the current and proposed rezoning frameworks

Key for Figure 3

- *Average assessment timeframe for each stage for the period of 1 January to 30 June 2021. There are no timeframes for the scoping/preparation stage (as these are not tracked) or rezoning review (which is optional).
- **Reported end-to-end average assessment timeframe for planning proposals (between the gateway and finalisation stages) at 30 June 2021. The average assessment timeframes for each stage does not add up to the reported end-to-end average assessment timeframe.
- #Proposed benchmark timeframes for each stage and end-to-end assessment timeframes are based on a standard rezoning application (total timeframe excludes scoping).

New terminology

The new approach begins by clarifying the terms used for planning proposals.

A proponent-initiated application to amend an LEP is currently known as a rezoning request. It is only known as a planning proposal once a council supports it. All council-led processes are called planning proposals.

Our new approach suggests that all these processes should simply be called rezoning applications.

Planning proposals are currently led by the planning proposal authority (PPA), which is usually the council. The PPA is the 'owner' of a planning proposal and ultimately responsible for its progression. The minister³ is then responsible for making a gateway determination. The local plan-making authority or LPMA (the minister or the council, where authorised) is then responsible for the final assessment and making (or not making) the LEP.

However, the EP&A Act does not directly recognise private proponents or public authorities who can submit a rezoning request to a council and who will often undertake or pay for most of the work to prepare a request.

The interaction between these parties is complicated and leads to duplication. For example, both a council and the minister will assess the merit of proposal at the gateway determination and the finalisation stage. A council can be both the PPA and the LPMA, which can be confusing.

Our proposed new terminology is a shift to a more streamlined process that reflects the roles played in practice.

Table 1. Current and proposed terminology

Current	Proposed	Description of proposed role
Rezoning request/planning proposal	Rezoning application	An application to make or amend an LEP.
<ul style="list-style-type: none"> Private proponent (not recognised) Public authority proponent (not recognised) PPA ('owner' of the planning proposal, usually council) 	Proponent (private, public authority or council)	A rezoning application lodged by a: <ul style="list-style-type: none"> private individual or corporation public authority, including a state-owned corporation council for changes to their LEP.
LPMA (makes the LEP)	Rezoning authority	The party responsible for assessing and determining the rezoning application. This could be a council or the minister, depending on the type of rezoning application.
Gateway	N/A	Included in the rezoning authority function.

³ Throughout this paper, references to functions of the Minister for Planning and Public Spaces will often be carried out by the department, as the minister's delegate.

New categories and timeframes

Clearer timeframes for completing each step in the rezoning process gives stakeholders certainty and encourages better performance. Our proposed timeframes will apply to councils, the department, state agencies and private proponents, depending on the category of the rezoning application.

Categorising all rezoning applications during a pre-lodgement process could inform timeframes, as well as information and public exhibition requirements, and fees.

We have developed 4 categories. These will first be applied in the existing process through the new LEP Guideline and, ultimately, as part of the new approach.

Table 2. New categories and descriptions

Category	Description
Category 1 (Basic)	<p>Administrative, housekeeping and minor local matters such as:</p> <ul style="list-style-type: none"> • listing a local heritage item, supported by a study endorsed by the department's Environment, Energy and Science group • reclassifying land where the Governor of NSW's approval is not required • attaining consistency with an endorsed local strategy, such as a local housing strategy • attaining consistency with section 3.22 (fast-tracked changes of environmental planning instruments of the EP&A Act).
Category 2 (Standard)	<p>Site-specific rezoning applications seeking a change in planning controls consistent with strategic planning, such as:</p> <ul style="list-style-type: none"> • changing the land-use zone if a proposal is consistent with the objectives identified in the LEP for that proposed zone • altering the principal development standards of the LEP • adding a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP • ensuring consistency with an endorsed strategic planning or local strategic planning statement • classifying or reclassifying public land through the LEP.
Category 3 (Complex)	<p>Applications that may be not consistent with strategic planning, including any LEP amendment not captured under category 1 or 2. Examples include:</p> <ul style="list-style-type: none"> • changing the land use zone and/or the principal development standards of the LEP, which would increase demand for infrastructure and require an amendment to or preparation of a development contribution plan • responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends • requiring a significant amendment to or preparation of a development contribution plan or a related infrastructure strategy • making amendments that aren't captured as principal LEP, standard or basic planning proposal categories.

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Category	Description
Category 4 (Principal LEP)	A comprehensive or housekeeping rezoning application led by council, proposing broadscale policy change to the LEP for the whole LGA.

The introduction of categories:

- gives all parties certainty and consistent timeframes, fees and information requirements
- informs decisions about whether council can be the rezoning authority for straightforward rezoning applications where the council is also the proponent
- improves the department's ability to monitor the progress of different types of rezoning applications to identify common roadblocks or opportunities for greater efficiencies.

Table 3 sets out estimated benchmark timeframes for each stage and category of the new approach. This does not include scoping, nor the time between scoping and lodgement required to prepare the application. These are maximum timeframes; in most cases we anticipate a shorter timeframe.

The timeframes are based on analysis and stakeholder feedback. We may need to revisit them as councils, proponents and the department adapt to the new approach.

Table 3. Proposed categories and benchmark timeframes

Stage	Category 1 (Basic)	Category 2 (Standard)	Category 3 (Complex)	Category 4 (Principal LEP)
Scoping	6 weeks	10 weeks	12 weeks	10 weeks
Lodgement	1 week	1 week	1 week	1 week
Exhibition	4 weeks	6 weeks	8 weeks	6 weeks
Post-exhibition	10 weeks	13 weeks	15 weeks	17 weeks
Assessment and finalisation	11 weeks	17 weeks	24 weeks	26 weeks
Total, excluding scoping*	26 weeks	37 weeks	48 weeks	50 weeks

*The total timeframe does not include the scoping stage, which occurs before lodgement.

What do you think?

Do you think benchmark timeframes create greater efficiency and will lead to time savings?

New roles

The new approach changes the roles of the various parties in the rezoning process. It acknowledges the proponent by giving them ownership of the application throughout the process. It gives councils greater responsibility and accountability and allows the department to focus on strategically significant proposals, such as state-led rezonings.

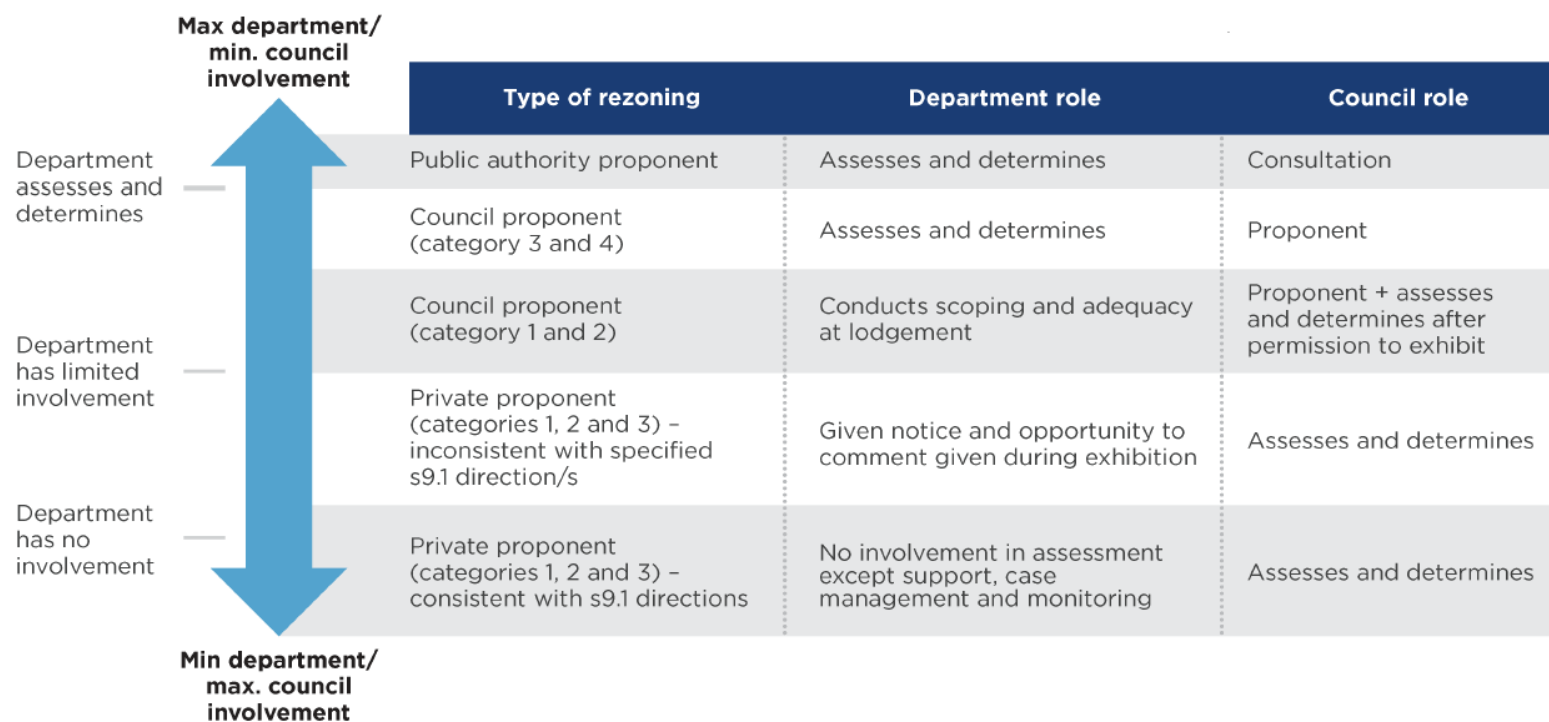


Figure 4. The roles of councils and the department under the new approach

Proponents

Councils – rather than private proponents – usually make changes to LEPs to ensure that LEPs give effect to strategic plans. Councils are sometimes limited by financial and resourcing constraints, both at the planning and infrastructure servicing stages, especially in regional areas. We expect there will always be a need for private proponents to initiate rezoning applications.

The current rezoning request process shifts responsibility to council to progress a planning proposal, with costs covered by the private proponent. This means that although the private proponent has the cost burden, they are not considered the applicant. They have little control over the processes, or any changes to the proposal.

Our proposed approach aims to recognise private proponents as applicants, as they are in the development application process. This will give the private proponent the right to:

- meet with the rezoning authority to discuss a potential request
- submit a rezoning application and have it assessed and determined after public exhibition
- appeal a decision made about a rezoning application because of a delay or dissatisfaction with a decision (see Part C: New appeals pathways).

Along with these rights, the private proponent will be responsible for all fees, meeting information requirements, consulting with state agencies, and reviewing and responding to any submissions received during consultation.

A private proponent will only be able to lodge a rezoning application if they are the owner of the land or have obtained the consent of the landowner to which the application relates.

Councils

Councils will continue to have a role in all rezoning applications, whether this is as a proponent, or in an assessment and determination or consultation role. The new approach aims to empower councils to make decisions about their local area without unnecessary departmental intervention.

This means that for private proponent rezoning applications, councils will have full control of the process, including giving permission to exhibit, which is currently given by a gateway determination. Councils will review any changes after exhibition and make the final decision.

To support this expanded role, councils will be better resourced through a new fee scheme that will compensate councils for the full cost of assessing a rezoning application, while also enabling them to invest in staff and better systems.

The department would still be available to offer support and assistance where needed, as well as education and training.

If a council is the proponent of a rezoning application, they would continue to be appointed as the rezoning authority after scoping and once the department has given permission to exhibit.

The type of council proponent rezoning applications that a council can determine will also be streamlined to include all category 1 and 2 applications (unless there is a conflict of interest).

What do you think?

What do you think about giving councils greater autonomy over rezoning decisions?

What additional support could we give councils to enable high-quality and efficient rezoning decisions?

What changes can be made to the department's role and processes to improve the assessment and determination of council-led rezonings?

Department of Planning, Industry and Environment

Departmental resources will be refocused to state-led, strategic and collaborative planning. This will allow us to focus on the plan-led system and on matters of state and regional significance. The type of rezoning applications no longer assessed or determined by the minister through the department will include:

- private proponent rezoning applications (notice to the department may be needed if the rezoning application is inconsistent with a s. 9.1 direction)
- council proponent rezoning applications where the council is the rezoning authority (for example, mapping alterations, listing local heritage items, strategically consistent spot rezonings).

The minister, through the department, will assess and determine:

- rezoning applications initiated by public authorities
- rezoning applications accompanying a state-significant development application
- council proponent rezoning applications
- rezoning applications that propose to amend a SEPP
- rezoning applications that are state or regionally significant.

The department will also continue to lead state-led rezonings, which will be generally carried out through a SEPP process and not through our proposed new approach.

Case management, monitoring and reporting

The department's Planning Delivery Unit was established in 2020 to progress priority development applications and planning proposals that are stuck in the system. Under the new approach, the unit's role will continue and the department's regional teams will continue to assist councils, state agencies and private proponents at either the scoping stage or to help resolve issues after lodgement.

We will require rezoning applications to be lodged and progressed through the NSW Planning Portal. The portal offers capabilities that will improve how the department monitors the rezoning process and the types of decisions that are being made. It provides a publicly available register of decisions, including the reasons for those decisions. This will help to maintain the integrity of the planning system through transparency, consistent decision-making and checks and balances, and it will act as an important anti-corruption measure.

What do you think?

Is there enough supervision of the rezoning process? What else could we do to minimise the risk of corruption and encourage good decision-making?

Do you think the new approach and the department's proposed new role strikes the right balance between what councils should determine and what the department should determine?

Inconsistency with section 9.1 ministerial directions

The new approach gives us the opportunity to review current section 9.1 ministerial directions (there are 41 at the time of publication) and consider approaches to streamline the assessment process. The current s. 9.1 directions cover the following categories:

- employment and resources

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- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- regional planning
- local plan making
- metropolitan planning.

You can view them on the department's [policy directions for plan-making web page](#).

From 1 March 2022, the s. 9.1 directions will include a direction that states a planning authority must have regard to the Minister's Planning Principles and consider specific planning principles that are relevant to the preparation of a planning proposal.

Currently, the approval of the department's secretary may be required if a planning proposal is inconsistent with a s. 9.1 direction. In the new approach, we propose that:

- in some circumstances, a council can approve an inconsistency, rather than notifying the department and seeking approval from the secretary
- in other circumstances, the department will be given the opportunity to comment and/or approve an inconsistency.

What do you think?

Should councils be able to approve inconsistencies with certain s. 9.1 directions? If so, in what circumstances would this be appropriate?

Public authorities

State agencies

State agencies are the knowledge-holders on matters that can affect the viability and appropriateness of rezoning applications such as infrastructure provision, environmental impacts and bushfire safety.

The quality of the rezoning application and whether engagement has occurred with a particular agency before a rezoning application is lodged can affect the timeliness of a state agency's response.

Providing input into rezonings can also be resource-intensive for agencies. All of these things have the potential to delay assessment, especially if feedback comes late in the process and requires fundamental changes to a proposal.

To ensure state agencies share their knowledge without affecting timeframes and certainty, we're proposing changes to the agency referral process for rezoning applications as we continue to work to build a clearer role for state agencies in strategic planning.

- Councils, proponents and the department will have clear direction about the circumstances in which an agency referral is required at both the scoping and exhibition stages, tailored to individual agencies and circumstances.
- Proponents will have clear direction about the information they must give to agencies to allow study requirements to be issued and rezoning applications to be assessed.
- State agencies will have clarity about the appropriate level of assessment for rezoning applications.
- Requests for more information will be managed more closely.
- Strict timeframes for agency responses will be set, along with the ability for a rezoning authority to continue to progress and determine an application where an agency has not responded within the timeframe. If an agency objects, a rezoning authority could still approve the rezoning application, but will need to consider the objection when assessing it.

Many of these changes will be rolled out in the interim to realise immediate benefits and will be built on in the new approach.

Public authority proponents

There are also circumstances where public authorities that are holders of infrastructure and other assets are also proponents in the rezoning process. Under the new approach, if a rezoning application is initiated by a public authority, the application will be lodged with and determined by the department rather than a council.

What do you think?

Is it enough to have agencies involved in scoping and to give them the opportunity to make a submission during exhibition?

Do you think it would be beneficial to have a central body that co-ordinates agency involvement?

If a state agency has not responded in the required timeframe, are there any practical difficulties in continuing to assess and determine a rezoning application?

New steps

The proposed new process is outlined in the following diagram.

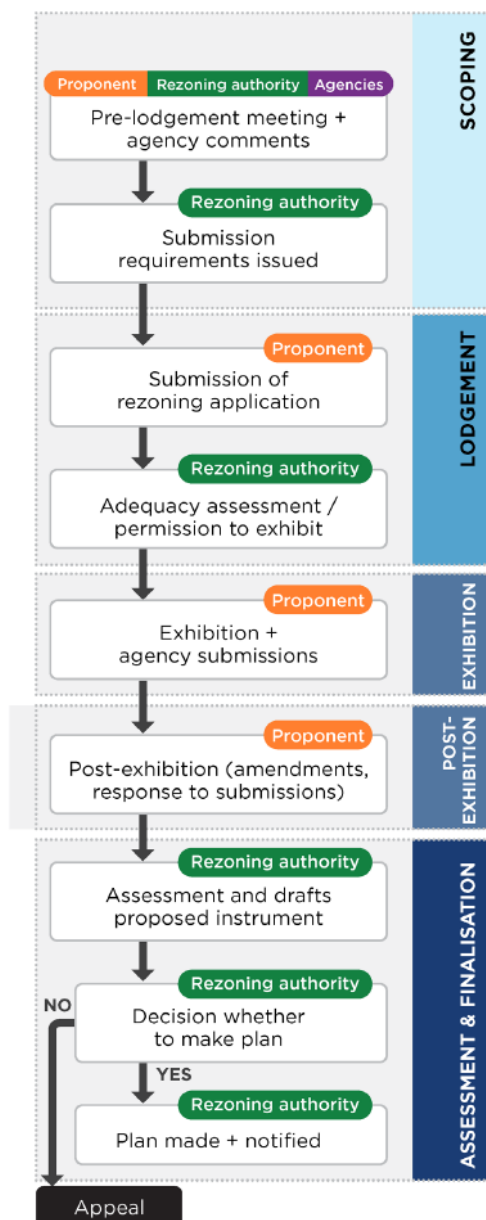


Figure 5. The proposed new process

Scoping

The new approach includes a mandatory pre-lodgement stage for the standard, complex and principal LEP rezoning applications (optional for the basic applications) called scoping. The scoping process is the same as that set out in the new LEP Guideline, except that under the new approach, we propose that scoping should be mandatory.

Scoping allows relevant parties to come together early in the process to discuss the project and provide feedback and direction before detailed work has progressed. Early feedback saves time and costs later in the process and leads to better quality and complete applications. It can also give a proponent an early indication of whether or not an application is likely to be supported before significant time and costs have been expended.

Even before the scoping process begins, a proponent will have a good understanding of the information that will be required to accompany a rezoning application through publicly available, standardised information requirements.

The scoping process will build on these standard requirements by giving all parties the opportunity to:

- discuss and give feedback on a rezoning application early in the process
- clarify the standard information required (determined through the categorisation process), and any additional site-specific information required for that specific rezoning application.

Proponents will not be able to lodge a rezoning application without progressing through the scoping process. Failure to provide the information required in the study requirements may lead to rejection of a rezoning application at lodgement or refusal at the end of the process.

Study requirements will be valid for 18 months. If a rezoning application is not submitted in this timeframe, the scoping process will need to start again with new study requirements issued.

This stage also helps proponents to understand the nuances of certain issues and the concerns communities may have regarding proposals, allowing for a better and more acceptable response.

Scoping report

This process will begin with a high-level scoping report, prepared by the proponent, that overviews the proposal, how it aligns with the strategic context, any planning or site-specific issues, and any required studies.

Scoping meeting

A scoping meeting is held between the proponent and the rezoning authority and other relevant parties (including state agencies) to discuss the scoping report and provide preliminary feedback. Early agency input is important to allow agencies to shape proposals early on and avoid problems later in the assessment process by allowing proponents to adapt or change their proposal to address agency issues at the outset.

Written feedback

The rezoning authority will provide written feedback that indicates:

- the rezoning application's consistency with strategic planning
- agency feedback
- any recommended changes to the rezoning proposal
- the nominated rezoning application category.

This written feedback will also set out the standard information that should accompany the rezoning application including:

- intended objectives and outcomes of the proposal
- broad justification/case for change – need, strategic merit and site-specific merit of the proposal
- high-level evaluation against strategic planning (including any relevant SEPPs or s. 9.1 directions)
- any study requirements such as technical reports that demonstrate strategic and site-specific merit (the rezoning authority should seek input from relevant state agencies when determining these requirements)
- whether a section 7.11 infrastructure contributions plan is needed (consistent with ministerial directions).

Although the rezoning authority will provide feedback on whether the rezoning proposal is likely to be consistent with strategic plans, it will not be able to prevent the proponent from lodging an application. Study requirements must still be issued, and a proponent may still lodge a rezoning application, and have it assessed and determined.

What do you think?

Should a council or the department be able to refuse to issue study requirements at the scoping stage if a rezoning application is clearly inconsistent with strategic plans? Or should all proponents have the opportunity to submit a fully formed proposal for exhibition and assessment?

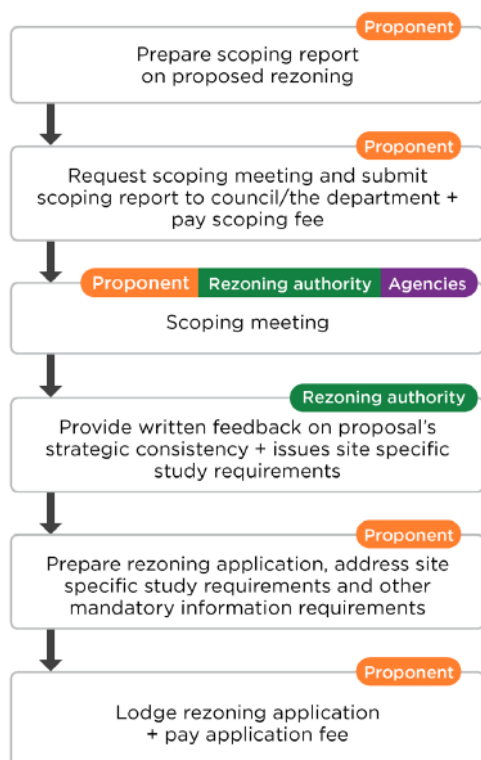


Figure 6. Framework for scoping

Consistent documentation requirements

Given that a rezoning application is not a development application, technical information should be proportionate to the category of the rezoning application.

The LEP Guideline contains information to support proponents, councils and state agencies throughout the process, including:

- a new scoping template to help proponents prepare a scoping proposal
- a technical document that outlines the information and technical studies that may be required to support a planning proposal, based on the category of planning proposal and the types of planning proposals where a proponent should engage with a particular authority or government agency before lodgement
- the content requirements, structure and form of the planning proposal and matters that the planning proposal must address, including relevant state and local policies, section 9.1 directions, planning circulars and SEPPs. For example, the guidance indicates that a complex greenfield or urban renewal rezoning is likely to require an urban design study, but a basic rezoning will not.

The guidance will ensure a consistent approach across NSW, while accounting for metropolitan and regional differences. We will adapt it and incorporate it into the new approach to rezoning applications.

Lodgement

Rezoning applications are lodged on the [NSW Planning Portal](#), the NSW Government's online planning system. The rezoning authority will check that the application is adequate and have 7 days to confirm that study requirements have been met.

This will align with the development application process, enabling greater opportunities to lodge concurrent rezoning applications and development applications.

Where requirements are met, this will trigger exhibition of the rezoning application, meaning the application will go live on the portal and the formal exhibition period begins. This is a significant change from the existing process. Currently, exhibition is determined as part of the gateway determination, when both the adequacy of information provided and the proposal's strategic alignment is assessed. A proposal might not proceed if it is found to be inadequate.

If study requirements have not been met, the rezoning application will be rejected and will need to be resubmitted.

Under the new approach, the only opportunity to refuse a rezoning application if it lacks strategic merit is after exhibition, in the final assessment stage. This means that the initial assessment effort will go into deciding if all required information has been provided, ensuring quicker adequacy checks and an opportunity for the public to scrutinise rezoning applications in an open and transparent way.

What do you think?

What sort of material could we supply to assure community members that exhibition does not mean the rezoning authority supports the application and may still reject it?

What do you think of removing the opportunity for a merit assessment before exhibition? Will it save time or money to move all assessment to the end of the process?

Should the public have the opportunity to comment on a rezoning application before it is assessed?

Exhibition

There will be a standard public exhibition period of between 14 and 42 days, depending on the category of rezoning application (as is currently the case, there could be circumstances where no exhibition is required).

A key shift in the new approach is to exhibit the rezoning application as soon as possible after lodgement, allowing early public scrutiny and saving time. Currently, there can be a considerable lag between issuing a gateway determination that allows exhibition and the start of the exhibition.

Additionally, we see an opportunity to improve the level of community engagement in strategic planning and the rezoning process by making it more accessible and simpler to understand. Effective community engagement is key to developing trust and transparency in the planning system.

The new approach will mean:

- The exhibition period automatically begins when the rezoning authority considers the rezoning application adequate and the rezoning application is visible on the NSW Planning Portal.
- Exhibition periods are determined according to the category of rezoning application (with an additional week included to allow the rezoning authority to send notification letters).
- Exhibition processes are automated as much as possible through the portal or, potentially, through integration with the Service NSW app.
- Proponents must provide a short, plain English summary of the proposal, its intent and justification and how it aligns with strategic plans, to be attached to notification letters.

What do you think?

What other opportunities are there to engage the community in strategic planning in a meaningful and accessible way?

Do you have any suggestions on how we could streamline or automate the exhibition process further?

Changes after exhibition

Following exhibition, a proponent must both summarise and respond to submissions received, including working with state agencies to resolve any objections. This will help the rezoning authority in its final assessment, while also giving the proponent the opportunity to respond to

issues raised. Those who provided submissions will know the proponent's response to their submissions.

As part of the response, the proponent will need to submit any changes or amendments to the rezoning application before final assessment.

Once the response to submissions and any amended rezoning application has been forwarded to the rezoning authority, assessment will begin. At this point, the assessment 'clock' will start. This is the time allowed for the rezoning authority to assess, finalise and determine a rezoning application before a proponent can:

- appeal (based on a decision that is deemed to be refused, a 'deemed refusal') and/or
- access a fee refund through a planning guarantee.

The deemed refusal and planning guarantee concepts are addressed in more detail in the next sections.

The finalisation timeframe is based on the category of rezoning application in Table 4.

Table 4. Assessment/finalisation timeframes

Category	1 (Basic)	2 (Standard)	3 (Complex)	4 (Principal LEP)
Assessment/finalisation timeframe	11 weeks	17 weeks	24 weeks	N/A (appeal only for private proponents)

What do you think?

Do you think the assessment clock should start sooner than final submission for assessment, or is the proposed approach streamlined enough to manage potential delays that may happen earlier?

Information requests

Ongoing requests for more information cause delays throughout the rezoning application process and create uncertainty for all parties to the process.

Requests for more information will be discouraged as the new approach is designed to:

- provide an opportunity for all necessary information to be identified upfront in the study requirements at scoping stage
- ensure that proponents resolve any outstanding agency and community concerns before submitting the final version of the rezoning application after exhibition.

Where requests for more information are unavoidable, or determining the application depends only on minor or unforeseen clarifications, requests for more information are allowed:

- from state agencies during exhibition/agency consultation, direct with the proponent
- within 25 days of being forwarded to the rezoning authority for assessment. Where this happens, the assessment clock (see Part D: Appeals) will be paused.

What do you think?

Do you think requests for more information should be allowed?

Assessment and finalisation

Following exhibition and any amendments, the rezoning authority will assess the rezoning application. The application may need to be exhibited again if changes made after the first exhibition are extensive – this will be determined by the rezoning authority.

If re-exhibition is not required and a rezoning application is supported, the rezoning authority will engage with the Parliamentary Counsel's Office to draft the instrument and mapping can be prepared.

As is currently the case, the rezoning authority can vary or defer any aspect of an amended LEP, if appropriate.

In assessing a rezoning application, all decision-makers need to address the same considerations when determining if a plan should be made. Decisions will also need to be published on the NSW Planning Portal and with the reasons for the decision clearly communicated.

Rather than different assessment processes at gateway determination and finalisation, we will standardise matters of consideration, as relevant to the final decision made by the rezoning authority. These standard matters will also inform advice given during scoping.

The kind of matters that could be considered include:

- whether the proposal has strategic merit
- provisions of any relevant SEPP or section 9.1 directions (including the Minister's Planning Principles)
- whether the proposal has site-specific merit
- any submissions made by the public or state agencies
- the public interest.

In considering strategic merit, the rezoning authority would consider whether the rezoning application:

- gives effect to the relevant strategic planning documents
- is consistent with the relevant local strategic planning statement or supporting strategy
- responds to a change in circumstances not yet recognised under the existing planning framework.

In considering site-specific merit, the rezoning authority would consider:

- the natural environment, built environment, and social and economic conditions
- existing, approved or likely future uses of land near the land subject to the application
- the services and infrastructure that are or will be available to meet demand arising from the rezoning application and any proposed financial arrangements for infrastructure provision.

What do you think?

Are there any other changes that we could make to streamline the assessment and finalisation process more? What roadblocks do you currently face at this stage of the process?

Do you think the public interest is a necessary consideration, or is it covered by the other proposed considerations?

Are there any additional matters that are relevant to determining whether a plan should be made?

Conflicts of interest

A conflict of interest may arise from certain voluntary planning agreements (VPA) or if council land is included in the rezoning application. This is separate to conflict of interest obligations on councillors under local government legislation.

Some of these potential conflicts of interest will be addressed in reforms to the NSW infrastructure contributions system, which funds the local and regional infrastructure needed to support new development. As part of the reforms, infrastructure contributions plans will be encouraged to be prepared alongside rezonings, minimising the need for VPAs.

A council with a conflict of interest should not assess and determine a proposal. Under the new approach, if a conflict of interest is unavoidable, the relevant local planning panel (or regional panel where no local panel exists) should determine the rezoning application.

What do you think?

Do you think a body other than the council (such as a panel) should determine rezoning applications where there is a VPA?

Where a council has a conflict of interest, should a rezoning application be determined by the local planning panel (as proposed), or should the department take full responsibility for the assessment and determination of the rezoning application?

New fee structure

Ad hoc rezonings led by private proponents may be used to achieve a different development outcome for a specific site than that permitted through the current controls. Typically, this relates to higher development yields, which can generate a better return on investment. This can mean private proponents stand to realise considerable economic benefits from a rezoning.

As this happens, we also need to ensure that any right to lodge a rezoning application comes with the responsibility to adequately compensate councils for the cost and time of assessing and determining applications. Councils should not be left short-changed or with stretched resources.

Currently, councils can charge fees for services under the *Local Government Act 1993* and rely on these fees for processing planning proposals. These fees are levied outside of the planning system.

Without relevant regulations, councils can structure and charge these fees as they wish, leading to varying fee payment structures between councils. We see fee variations for:

- pre-lodgement meetings
- categorising planning proposals (whether minor, major, complex or precinct-based)
- fees for public hearings or using external consultants to prepare additional supporting studies
- staging of payments proportionate to work done at any stage
- whether fee refunds are offered and the terms of the refund.

On average, Greater Sydney councils charge higher fees for pre-lodgement and the processing of planning proposals than regional councils. Some regional councils charge as little as \$9,000 and some Greater Sydney councils charge as much as \$150,000 for what they individually categorise as a major planning proposal.

Given the varying fees that councils charge and having heard that councils often have stretched resources, we have considered if it is appropriate to set a consistent structure for fees to proponents (other than council proponents). This could be done through 3 potential options, based on the following objectives:

- cost recovery for the rezoning authority, without creating a barrier to entry for rezoning applications that have strategic merit
- reasonableness for proponents (fees aligned with actual rezoning authority costs, including refund of fees not expended)
- transparency and predictability (proponents able to easily estimate fees with councils able to budget for quality staff and system improvements)
- ease of administration (administration minimised by limiting discretion, estimation or recording of assessment time by a rezoning authority).

Scoping fees

Any scoping fee structure would require a proponent to pay a fixed fee based on the application category (if known) when the scoping meeting is requested and a scoping report is submitted to the rezoning authority for preliminary feedback. Alternatively, the fee would be payable when the rezoning authority confirms the category.

The fee would cover the rezoning authority's costs for any activity during scoping, including consultation with state agencies and providing written feedback.

Assessment fees

Any assessment fee structure would require the proponent to pay a fee at lodgement. This would cover the costs of the merit assessment and any associated work to make the plan. We are considering 3 options.

Option 1: Fixed assessment fees

- Assessment fees are fixed by the rezoning authority, based on the category of rezoning application and divided into sub-categories based on the complexity of the rezoning application.
- Sub-categories are based on the extent of change to zoning and/or development standards by location and site area, along with other matters that complicate the assessment process (such as whether a proposal includes a VPA). For example, a standard rezoning application that proposes a zone change and a significant increase in height of building and floor space ratio could attract a higher fee than a standard rezoning application that only seeks an additional permitted use or a minor increase to the height of building and floor space ratio.
- No fees would be charged for any other associated costs such as consultant fees for peer reviews.
- If a rezoning application is withdrawn after lodgement, the proponent could be entitled to a set percentage refund of fees, depending on the stage the rezoning application reaches.
- This option provides certainty for proponents and lessens the administrative burden for rezoning authorities. However, it may not always result in actual costs being recovered.

Option 2: Variable assessment fees

- Assessment fees are based on the estimated costs a rezoning authority would incur on a case-by-case basis, depending on the category of rezoning application, staff time in scoping meetings and a forward estimate of staff hours required to assess the rezoning application.
- Associated costs would be charged to the proponent based on actual costs incurred.
- If a rezoning application is withdrawn post-lodgement, the proponent could be entitled to a refund of fees not yet expended by the rezoning authority.
- This option will achieve actual cost recovery but will be time-consuming to administer and uncertain for proponents.

Option 3: Fixed and variable assessment fees

- Assessment fees have a fixed and variable component. The fixed fee would be charged upfront, based on the category of rezoning application (similar to option 1). In addition, a variable fee is charged once the rezoning application is finalised, based on actual staff hours that exceed the costs covered by the fixed fee.
- To reduce the risk of non-payment of the variable fee component, proponents of complex rezoning applications could be required to provide a bank guarantee at lodgement.
- Associated costs will be charged to the proponent based on the actual costs incurred.
- This option will achieve actual cost recovery and be less time-consuming to administer and more certain for proponents than option 2 (although less so than option 1).

What do you think?

Do we need a consistent structure for rezoning authority fees for rezoning applications?

What cost components need to be incorporated into a fee structure to ensure councils can employ the right staff and apply the right systems to efficiently assess and determine applications?

Should the fee structure be limited to identifying for what, how and when rezoning authorities can charge fees, or should it extend to establishing a fee schedule?

What is your feedback about the 3 options presented above?

Should fee refunds be available if a proponent decides not to progress a rezoning application? If so, what refund terms should apply? What should not be refunded?

Planning guarantee

A planning guarantee was introduced into the UK planning system in 2013. It provides for a fee refund if councils take too long to assess the equivalent of a development application and works to encourage the timely progress of applications. Even where a fee refund is given, assessment and determination of the application continues.

We are looking at mechanisms for rezoning authorities to determine rezoning applications more efficiently while being transparent and giving proponents certainty. As part of this, we have considered the potential for a planning guarantee scheme in NSW.

We have considered 4 elements:

- **The assessment clock** – when the clock starts and stops during the rezoning application process.
- **Timing** – how long the clock should run before a proponent is entitled to a fee refund.
- **Refund amount** – the percentage or component of fees to be refunded.
- **Extension of time agreements (EoT)** – the ability for a rezoning authority and proponent to agree on a longer timeframe.

We developed a potential planning guarantee option by applying the UK model to our own system, with the 4 elements aligning with the new approach and potential fee structure options.

- **The assessment clock** starts once the proponent submits the response to submissions and any amended rezoning application to the rezoning authority for assessment and finalisation.
- **Timing** is based on the assessment/finalisation timeframes for that category of rezoning application (see Table 4 – Assessment/finalisation timeframes) and are the same as deemed refusal timeframes discussed under Part C: New appeals pathways.
- **Refund amount**, whether full or a portion and staged, so that the longer a rezoning authority takes, the higher the refund (this could mean, for example, an additional 10% refund for every week the rezoning authority does not meet the determination timeframe).
- **EoTs** would be required if it becomes clear that more time is genuinely required. EoT requests and agreements would be in writing and agreed to before the end of the determination timeframe. Only one EoT can be agreed to and the extension cannot be longer than the original finalisation time for that category of rezoning application.

The following diagram shows how the planning guarantee would fit within the rezoning application process.

A new approach to rezoning

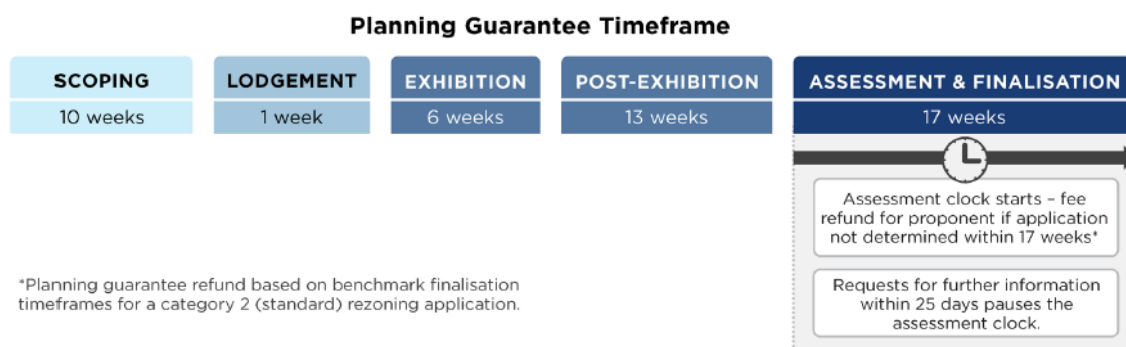


Figure 7. Example of planning guarantee timeframes in rezoning process

What do you think?

Do we need a framework that enables proponents to request a fee refund if a rezoning authority takes too long to assess a rezoning application?

If so, what mitigation measures (for example, stop-the-clock provisions, or refusing applications to avoid giving fee refunds) would be necessary to prevent a rezoning authority from having to pay refunds for delays it can't control?

If not, what other measures could encourage authorities to process rezoning applications promptly?

Part C: New appeals pathways

Introduction

As part of these overall reforms, we are considering a new appeals pathway for planning proposals.

There are currently 2 ways that decisions can be reviewed:

- **A rezoning review** – An appeal to the relevant planning panels where there is delay or a council has decided not to forward a planning proposal for gateway determination
- **A gateway review** – An appeal to the Independent Planning Commission where a council or proponent is dissatisfied with the gateway determination.

Both these reviews are non-statutory in that they are not specifically governed by the EP&A Act. They happen relatively early in the overall rezoning process, which means there is no opportunity for a review or appeal towards or at the end of the process – making the final decision beyond question.

There are benefits to some form of appeal mechanism at the end of the process:

- The opportunity to appeal where there is a delay encourages decision-makers to assess and determine applications promptly.
- An appeal on the final decision delivers a real and practical outcome if successful (for example, an LEP amendment), whereas reviews/appeals earlier in the process only move a proponent a step forward in the process.
- Written decisions about an appeal such as a judgment adds scrutiny to the decision-making process. This can guide and improve future decision-making as principles are developed, or highlight where there are gaps or inconsistencies in strategic planning documents.
- The appeal process can improve public visibility of decision-making and increases the accountability of decision-makers.

Our proposed approach will include a review opportunity for private proponents at the end of the process, if progress has been delayed or if the proponent is dissatisfied with the final decision. Proponents will have a certain timeframe within which to lodge an appeal, similar to the right to appeal a decision about the merit of a development application.

We do not propose allowing an appeal to public authorities such as councils or state-owned corporations. *Premier's Memorandum M1997-26 Litigation Involving Government Authorities*, although not strictly applying to all public authorities, discourages litigation between public authorities. Rather, other avenues, such as the Planning Delivery Unit, could resolve disputes between the department and other public authorities.

An appeal based on a delay would be available once set timeframes have passed, like a 'deemed refusal' of a development application. Under our proposed appeal pathway, the deemed refusal period would begin once a proponent lodges their final rezoning application or confirms that no changes are required and responds to submissions after exhibition.

The deemed refusal period would be based on the category of rezoning application as shown in Table 4 above.

This proposed pathway will allow the review body to look at the final decision and consider if a different decision ought to be made.

Options

We have already discussed a merit appeal right to the Land and Environment Court with stakeholders. While the Land and Environment Court is the primary institution in NSW for resolving environmental and planning disputes, stakeholder feedback prompted us to consider an appeal to the Independent Planning Commission as an alternative.

A Land and Environment Court merit appeal could operate similarly to development application merit appeals, with an opportunity for conciliation and a final hearing if an agreement cannot be reached. The court would have powers to make any decisions required to finalise the proceedings.

Appeals to the Independent Planning Commission will require us to develop a new process, allowing various parties to present their position and new procedures relating to amendments to rezoning applications or hearing from the public. This process could be similar to the determination process for state-significant development with appropriate changes to account for it being a review function and to allow the commission to make the final decision on a rezoning application.

Industry groups generally support an appeals pathway. They want greater certainty that proposals that are strategically aligned and address community needs can be approved in a mechanism that is apolitical.

However, there are concerns about the cost and complexity of Land and Environment Court proceedings, which may not be suited to strategic planning. Some industry stakeholders supported consideration of a non-judicial pathway, such as the Independent Planning Commission.

Councils are concerned that any proposed appeals pathway would add extra pressure and time. They feel the increase in costs, time and speculation would undermine strategic planning.

We have outlined advantages and disadvantages below.

Table 5. Land and Environment Court

Advantages	Disadvantages
<ul style="list-style-type: none">Established processes and procedures relating to merit review could be adapted.Existing wide-reaching powers enable it to consider fresh evidence and exercise necessary powers.Opportunity for conciliation allows parties to discuss and resolve issues.Potential legal proceedings are a strong deterrent against delay or poor decision-making.	<ul style="list-style-type: none">Can be costly and time consuming – legal representation is not mandatory but is common.No historical dealings with the merit of strategic planning decisions and may not currently have the expertise.Adversarial process may not be suited to rezonings.The court may have an issue intervening in the making of an LEP, being a form of delegated legislation (which is the role of the Minister for Planning and Public Spaces).

Table 6. Independent Planning Commission

Advantages	Disadvantages
<ul style="list-style-type: none">• Likely to be quicker and cheaper.• More flexible procedure and less adversarial, meaning we can tailor a new process to strategic planning decisions.• Appropriately independent from government to review government decisions.	<ul style="list-style-type: none">• Would be a significant shift in operations, requiring resourcing.• May not have the expertise to deal with strategic planning decisions.• No opportunity for conciliation – to maintain an efficient process, may need to limit opportunities for changes to proposals and fresh information on review.

What do you think?

Do you think public authorities (including councils) should have access to an appeal?
Which of these options – the Land and Environment Court or the Independent Planning Commission (or other non-judicial body) – do you believe would be most appropriate?

Part D: Implementation

Implementing the new approach

Our focus in this discussion paper is to seek feedback on the concepts or principles of the new approach, rather than the means of carrying it out. Once it is clear which of the proposed elements will have the greatest benefit, we will use what we've heard to determine how we will put the new approach into action.

Applying the new approach could involve both legislative and non-legislative changes.

We could implement the proposed new approach using existing legislative provisions, along with other existing mechanisms such as:

- ministerial directions to make assessment considerations more certain
- delegation to empower decision-makers
- departmental secretary's requirements to make application requirements clear
- amendments to the Standard Instrument to standardise common amendments
- new regulations to provide more certainty in the agency engagement process.

This would be supported with other policy and guidance material.

By using the existing statutory framework, the reforms are, necessarily, more limited in scope.

A legislative approach would involve amending the EP&A Act in addition to the mechanisms described above. This allows greater opportunity and flexibility in any reform. Importantly, legislative change would be needed to allow a rezoning application to be appealed in the Land and Environment Court.

The implementation of the new approach will be supported with policy guidance and education for industry and councils to ensure a smooth transition and minimise disruption and uncertainty. There will also be opportunity for councils to adjust their processes and resourcing.

NSW Planning Portal improvements

We will need to increase the capability and use of the NSW Planning Portal for triggering referrals, standardising requirements and ensuring accountability and transparency.

Much of this work is underway, including the ability to lodge a planning proposal online, which began in the middle of 2021.

The department's ePlanning team will continue to increase the capabilities of the portal and adjust the system to account for changes to the process.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

9 FEBRUARY 2022

ITEM 9.8 DISCUSSION PAPER - A NEW APPROACH TO REZONINGS

ATTACHMENT 2 DRAFT SUBMISSION - DISCUSSION PAPER "NEW
APPROACH TO REZONINGS" FEBRUARY 2022



ECM 1526878

DATE

Ms Paulina Wythes
Director, Planning Legislative Reform
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Ms Wythes

Discussion Paper – A New Approach to Rezoning

Thank you for giving Queanbeyan-Palerang Regional Council (QPRC) the opportunity to comment on the *Discussion Paper – A New Approach to Rezoning* currently being exhibited by the Department. Council has reviewed the draft documentation and provides the comments below as feedback.

Overall, it is QPRC's view that the proposed reforms as set in the accompanying explanatory papers are generally undesirable and not supported. The reforms appear to seek to reduce the control councils have over local decision making in respect of the planning and zoning of land and to instead transfer additional responsibility for decision making to the private sector and courts to determine. Such a proposal represents a fundamental shift in the manner by which land use planning has been undertaken in NSW since the introduction of the *Environmental Planning and Assessment Act 1979* ('the Act').

Unlike the provisions of Part 4 of the Act that regulate development assessment, there are no provisions in Part 3 of the Act that allow for applications to be made for planning proposals. Further there are no provisions that set out any prescribed assessment regime, fee structure or appeal process for such applications. This is consistent with the long-standing intent of the Act that government (local and State) is responsible for proposing and determining how land is zoned and subsequently developed in the future.

It does appear significant changes to the Act would be required to progress the proposed reforms, however it is understood no legislation has been drafted to support the proposed reforms to date.

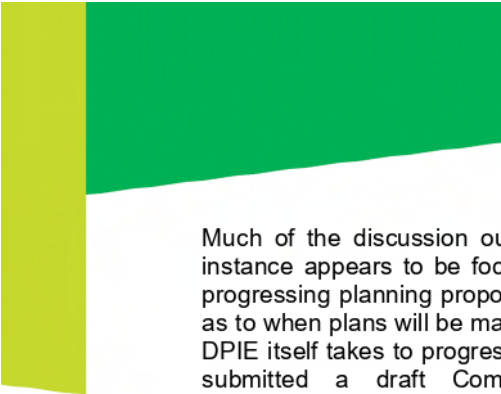
The Department has recently had the opportunity to refine the manner in which rezonings are progressed in NSW as part of the new *Local Environmental Plan Making Guideline* issued in December 2021. However, the new guidelines appear to have just focussed on reducing timeframes for the formal 'planning proposal' component of the LEP amendment process but has done little to actually reduce timeframes for amending LEPs. In reality, the new guidelines have potentially introduced additional timeframes for amending planning instruments by creating additional unnecessary change and confusion for planners operating within the plan making system. These include the preparation of scoping proposals, pre-lodgement meetings and requiring councils to consult with external authorities.

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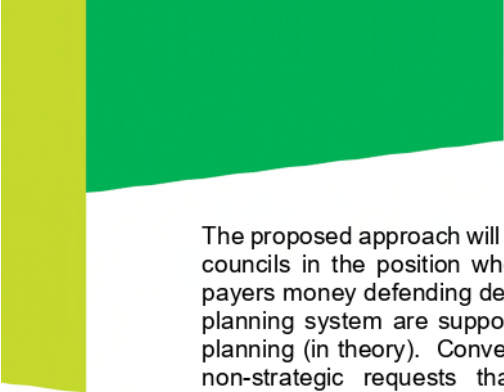
Much of the discussion outlining the justification for the proposed changes in this instance appears to be focussed on the premise that local councils are too slow in progressing planning proposals and provide no certainty to the development industry as to when plans will be made. None of the discussion recognises the significant time DPIE itself takes to progress and finalise planning proposals. As an example, QPRC submitted a draft Comprehensive LEP (draft *Queanbeyan-Palerang Local Environmental Plan 2022* (formally 2020)) to the Department more than 12 months ago and that draft plan is yet to be finalised. That draft plan is an amalgamated LEP that simply brings together the existing provisions of LEPs in place prior to amalgamation, and as requested by DPIE at the time. DPIE has been extremely slow in progressing the draft plan regardless of the benefits a consolidated LEP offers the local community and development industry as well as to assessment staff.

It is QPRC's experience that the most significant factor impacting on the timely progression of planning proposals are referrals or consultation with State Government agencies, including DPIE. Council continues to receive inconsistent and uncertain advice from State Government and it not unusual for Council to be following up on correspondence three months after it has been sent. The availability, responsiveness and coordination of State Government input remains the single biggest constraint to reducing timeframes associated with LEP amendments.

Council does not support any new regime that recognises private proponents having any right to formally initiate a planning proposal under the Act. Private proponents have always had the opportunity to lobby a local council to amend a LEP and local councils consider those representations having regard to the benefits to the community. They also have a right to request a rezoning review conducted by an independent planning panel. The decision to initiate and progress an LEP amendment should be solely determined by the local council, or, the Minister if unsatisfied with a local council's decision (and in which case the subsequent planning proposal progressed and made by the Department).

Council supports suggested timeframes for LEP amendments, however notes existing timeframes in Gateway determinations have done little to speed up the system. For example, if seasonal biodiversity studies are required in spring, this could result in a study not being available for 12+ months from the time it is identified. These matters can't be processed out of the system just by putting in place maximum benchmark timeframes.

Probably of greatest concern to QPRC is the suggestion that private proponents be given formal appeal rights under the Act to challenge the outcome of planning proposals. Council fundamentally disagrees with this proposition. The Act should retain the requirements that only a local council can prepare an LEP amendment and there should be no appeal rights though opportunities for proponents to request independent rezoning reviews should be retained. Planning needs to be undertaken in the best interests of its community and unfettered by the threat of legal action. LEP amendments have the potential to fundamentally increase the value of land and it would be a retrograde step to use the legal system to determine land use planning outcomes. To be clear, QPRC does not support any form of appeal rights for land use planning under Part 3 of the Act.



The proposed approach will likely encourage non-strategic spot-rezonings and put local councils in the position where they are forced to spend enormous amounts of rate payers money defending decisions in court. At this time, all planning proposals in the planning system are supported by a local council and consistent with local strategic planning (in theory). Conversely the proposed system will encourage speculative and non-strategic requests that will take up considerable local council and State Government resources. This will further distract councils from undertaking the necessary strategic planning required for their local areas and have the potential to undermine a council's Local Strategic Planning Statement.

To better improve timeframes around the amendment of LEPs, the Department should be taking on the responsibility of coordinating consultation with State agencies at the early stages of the LEP amendment process. QPRC's experience is that the Department is largely disengaged from most aspects of the plan making system after issuing a Gateway determination and sees little or no role for itself in addressing or resolving the issues of State Government (including inconsistency between agencies in the same Department). The Department needs to take on a greater role in coordinating and providing consistent and comprehensive advice to local government on behalf of the State.

To achieve this, there should be a single source of advice to a local council that addresses all State government agencies issues in respect of LEP amendments, and DPIE should be responsible for coordinating that advice, including, resolving inconsistent advice between agencies before that advice is provided to local councils. This should occur around both the scoping of Gateway requirements for a planning proposal, and, at that time a rezoning proposal is formally exhibited for comment.

Council does not agree with any proposal that allows a private proponent to lodge a prescribed rezoning application. It has never been the intent of the Act to allow for 'applications' under Part 3, as envisaged by the Department. Requiring a Council to formally review applications within 7 days of being lodged will further distract Council resources from undertaking strategic planning work, particularly given the large number of speculative spot-rezonings that would be lodged under the new system.

Whilst not completely clear, there also appears to be a suggestion in the discussion paper that LEP amendments lodged by proponents would potentially be exhibited prior to the Council having reviewed the merits of the proposal and having resolved to support the proposal or not. Also, that proponents may be responsible for coordinating subsequent community and agency consultation in respect of a proposal they have submitted. Again, neither of these proposals is supported. This will create significant confusion for the public by allowing speculative and non-strategic spot rezonings to be exhibited that are fundamentally not supported by a local council. This would unnecessarily agitate the community and it will be Council that inevitably receives representations that it has to respond to about proposals it potentially doesn't support.

Consistent with Council's view that there should be no inherent right for private proponents to make an application for spot-rezoning under the Act, it also shares the view that there should be no prescribed fees for progressing LEP amendments under the Act. There have never been prescribed fees under Part 3 of the Act as the Act has never intended there would be applications for LEP amendments by private proponents. Local council's should however be able to seek to be reimbursed for the costs of studies

and for any reasonable costs associated with staff working on LEP amendments proposed by the private sector and endorsed by a local council.

Further, QPRC considers the proposal to remove fees if LEP amendments are not progressed with a certain timeframe to be somewhat misinformed. The vast majority of delays the Council experiences in progressing LEP amendments are a direct consequence of the procedures and requirements of State Government. DPIE routinely takes many months to finalise draft plans, often longer than the entire LEP amendment process that has occurred beforehand. As noted, this Council has now been waiting over 12 months to have a largely settled Comprehensive Plan made by DPIE.

It is Council's view that proposed reforms would represent a poor outcome for land use planning in NSW if implemented. Accordingly, they are not supported.

Council would encourage the Department to reconsider most elements of the proposed discussion paper, and to instead focus its attention to improving processes around State Government and responsiveness.

If you have any enquiries in respect of this submission, please contact me on 6285 6277.

Yours sincerely

Martin Brown
Program Coordinator
Land Use Planning
Queanbeyan-Palerang Regional Council

**QUEANBEYAN-PALERANG REGIONAL
COUNCIL**

Council Meeting Attachment

9 FEBRUARY 2022

ITEM 9.9 NSW PLANNING AMENDMENTS FOR AGRICULTURE AND AGRITOURISM

ATTACHMENT 1 QPRC SUBMISSION ON NSW PLANNING CHANGES FOR
AGRITOURISM AND SMALL SCALE AGRICULTURE
USES - APRIL 2021



Doc Set ID: 1211425

19 April 2021

Marcus Ray
Group Deputy Secretary, Planning & Assessment
Department of Planning, Industry and Environment
Parramatta Square, 12 Darcy Street,
Parramatta, NSW 2150

Dear Sir,

SUBMISSION – Proposed Amendments for Agritourism and Small Scale Agricultural Activities

Thank you for the opportunity to review and lodge a submission on the Proposed Amendments for Agritourism and Small Scale Agricultural Activities. The EIE has been reviewed and the matter reported to Council's Planning and Strategy Committee of the Whole meeting on 14 April 2021. Please find attached Council's submission on the proposed amendments.

For further information please contact Lorena Blacklock, Program Coordinator Land-use Planning, Communities and Spatial Services on 02 6285 6524 or Lorena.blacklock@qprc.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Carswell', written over a light blue horizontal line.

David Carswell
Service Manager, Land-use Planning
Queanbeyan-Palerang Regional Council

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Attachment A

QPRC Submission on NSW Government's Proposed amendments to support agritourism and other small-scale agricultural activities

The principle of the amendments to have no or low environmental impact is supported as it is the promotion of small-scale rural activities including agritourism, that achieve the no/low impact principle. QPRC was one of the three trial sites in NSW nominated by the NSW Small Business Commissioner to facilitate new Agritourism ventures and it is pleasing to see progression to proposed amendments to the NSW planning legislation to facilitate these ventures.

There are some aspects of the proposed amendments that appear to conflict with the principle of no or low environmental. To achieve this principle, the following suggestions and comments are provided:

General Comments

- The proposed amendments and concept does not show a clear consideration of the Important Agricultural Land mapping identification and protecting the future of such land from land use conflict and fragmentation especially around the fringes of urban areas. This has been a key project that has been identified in the South East and Tablelands Regional Plan and remains outstanding. This project is a key consideration for the strategic land use planning in QPRC as well as other local government areas. Further clarification and consideration of this work and project is required prior to finalising the proposed amendments.
- Future use of such agricultural land with emerging technology and markets may be stymied due to the location of the proposed accommodation uses. This aspect should be further explored prior to finalising the proposed amendments.
- Cumulative impact of exempt development on rural land does not appear to have been considered. Proposed amendments create the potential for 120 people visiting a site under exempt development on the same day:
 - 20 people camping, plus
 - 50 people at farm gate activity, plus
 - 50 people at a farm event.

The cumulative total and impact should be made apparent and considered prior to finalising the proposed amendments.

- Setback controls relate to established and proposed agricultural uses (feedlots intensive agriculture and other uses), however, they fail to provide clarification on what would constitute "proposed agricultural uses". This should be clarified so that it is clear to the community, applicants and surrounding land holders where these uses are. For example, will "proposed" mean where a development application is lodged? Or where there it is identified in a business plan, or some other method?
- Setback distances to nature reserves and Environmental zones should be included in the controls.

Farm Stay Accommodation

- The proposed amendments to allow farm stay accommodation are unclear. The detail on **how** dwelling entitlements will not be created from farm stay accommodation is required prior to progressing with these amendments. The unintentional creation of dwelling entitlements will have a significant detrimental impact on the strategic rural planning that has been undertaken by QPRC in the Local Strategic Planning Statement and the Rural Lands Study. Further information is required to be provided to councils to test the controls prior to any amendments being progressed.
- More clarity is required on controls for exempt and complying development in relation to waste management is required. Current controls appear to create an ongoing

compliance burden on councils. Further detail could assist to prevent this burden and not set up false expectations within the community.

- There is a false expectation set up for exempt farm stay accommodation when it is excluded on bushfire prone land which covers most rural land particularly with recent changes by Rural Fire Services which include grasslands as bushfire prone land. This aspect should be reviewed and the EIE should be upfront with the likelihood of where this could occur (if anywhere). It maybe that this exempt development is not possible and as such not worth including.

Farm Gate Activities

This definition needs to be clarified with reference to “*industrial retail outlet*” definition and “*artisan food and drink industry*” definition. There is overlap and potential for confusion.

Farm gate activities include roadside stalls and it is proposed to allow roadside stalls on rural land as exempt development subject to certain development standards relating to building use, location and size, site access and parking and waste management. These include allowing parking on the road verge although the development must not be located adjacent to a classified road. For this type of development, it is considered that any car parking should be provided outside of the road verge and that there should be development standards which relate to signage i.e. the number and size of any signs as well as the type of goods sold being limited to produce grown and harvested on site or sourced from nearby farms. These aspects should be addressed prior to finalising the proposed amendments.

Farm Events

The proposed land use term of farm events in the Standard Instrument LEP Order is intended to permit events, tours, functions, conferences, fruit picking, horse riding and other similar experiences on land for which the principal use of the land is the production of agricultural goods for commercial purposes. It too is proposed to have a number of approval pathways including an exempt pathway which requires compliance with a number of prescribed development standards. In addition to those proposed i.e. development standards in relation to operational requirements, setbacks and waste management, consideration should also be given to circumstances where the farm event will involve amplified music or other potential noise disturbing activities. These aspects are to be included in the amendments prior to progressing the proposal. While there is other legislation that could be relied upon, in the interests of providing a simple system for these events, the requirements should be included in one place or at the very least referred to.

Agritourism Definition

This new definition is very open ended and could potentially include any activity that brings visitors to rural land. This is at odds with most other land-use definitions in the standard instrument. The impact of this definition should be fully explored and amended to ensure the intent is achieved without creating uncertainty and unintended impacts.

Small Scale Processing Plants

The introduction of these developments as complying development is concerning given that the private certification industry has not inspired confidence in the certification of residential development. This proposal may cause more issues for compliance follow ups by councils particularly in relation to numbers of animals slaughtered per annum. Further detail on the proposed conditions to ensure suitable pollution control and animal welfare should be provided prior to progressing small scale processing plants as complying development.

Stock Containment Areas and Rebuilding of Farm Infrastructure

The rebuilding of farm infrastructure and simplification of controls for stock containment areas are supported.

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QPRC SUBMISSION - Proposed Amendments for Agritourism and Small Scale Agricultural Activities – 19 APRIL 2021

Farm Dams

The creation of consistency for farm dam controls is supported.

Rural Dwelling setbacks from Intensive Livestock Agriculture

An increase in setbacks is supported as there are many local factors that affect the shape of suitable buffer areas around these uses.

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

9 FEBRUARY 2022

ITEM 9.9 NSW PLANNING AMENDMENTS FOR AGRICULTURE AND
AGRITOURISM

ATTACHMENT 2 AGRITOURISM INFORMATION SHEET DECEMBER 2021

Standard Instrument LEP Agritourism Amendment Order

Information sheet



December 2021

Standard Instrument LEP Agritourism Amendment Order

Following the exhibition of the [explanation of intended effect](#) (EIE) in March-April 2021, the [draft Standard Instrument \(Local Environmental Plans\) Amendment \(Agritourism\) Order 2021 \(LEP Order\)](#) has been prepared which will amend the Standard Instrument LEP.

This is the first stage of rolling out the proposals in the EIE.

A summary of the submissions made to the EIE can be found in the [Submission and Survey Analysis Report](#).

What are the proposed changes?

Proposed changes in the LEP Order include

- new land use terms for 'agritourism', 'farm gate premises'¹ and 'farm experience premises'²
- changes to the definition of 'farm stay accommodation'
- optional clauses to be inserted into the Standard Instrument LEP for 'farm stay accommodation' and 'farm gate premises'
- transferring 'cellar door premises' to become a subset of 'farm gate premises'.

What are the benefits of the changes?

The changes will provide farmers with additional income sources to allow them to be more resilient. They will enable them to better recover from natural disasters and the economic impacts of the COVID-19 pandemic and provide opportunities for sustainable tourism outlined in regional plans.

What do the changes mean for councils?

Councils can now nominate to adopt the optional clauses and/or specify the land use zones to permit the new land uses in their LEPs and provide justification for their nominations.

Councils need to submit:

- preliminary responses to the [Standard Instrument LEP Agritourism nomination form](#) by **Friday 25 February 2022**. These responses will inform the drafting of amendments.
- final responses to the Standard Instrument LEP Agritourism Nomination and council minutes or a letter by **Thursday 31 March 2022**.

What happens next?

The department proposes to make the LEP Order in early 2022.

A state environmental planning policy to amend relevant LEPs without the need for a planning proposal is proposed to be made in mid-2022.

Agritourism permissibility

The LEP Order includes new agritourism land uses, as shown in Figure 1.

¹ Farm gate premises were previously identified as 'farm gate activities' in the EIE.

² Farm experience premises were previously identified as 'farm events' in the EIE

Standard Instrument LEP Agritourism Amendment Order

Information sheet



Figure 1: Hierarchy of land uses



Agritourism land use, farm gate premises and farm experience premises

Agritourism, and the subsets of this use, farm gate premises and farm experience premises will sit under the parent term of 'agriculture' and will be permissible in land use zones where agriculture is permissible.

They will not be automatically permissible where other subsets of agriculture, such as extensive agriculture or intensive plant agriculture, are permissible.

Councils wishing to allow agritourism, farm gate premises or farm experience premises in other zones can nominate these zones through the Standard Instrument LEP Agritourism Nomination.

Farm stay accommodation and roadside stalls

Farm stay accommodation and roadside stalls will remain under their existing parent terms and continue to be permitted where tourist and visitor accommodation and retail premises, respectively, are permitted, or where the use is specified as permissible in a land use zone under the relevant LEP.

Cellar door premises

Cellar door premises will continue to be permitted in land use zones in which they are currently permissible and will also be permitted where agriculture, agritourism or farm gate premises are permitted under the relevant LEP.

Standard Instrument LEP Agritourism Amendment Order



Information sheet

Councils that wish to expand these land uses into other zones can nominate the relevant zones through the Standard Instrument LEP Agritourism Nomination.

Agritourism definitions

The table below details changes to the definitions of farm stay accommodation, farm experience premises and farm gate premises made in response to submissions received during exhibition of the EIE.

Table 1. Changes to definitions

Land use	Definition changes	Reason
Farm stay accommodation	Now includes moveable dwellings as defined in the SI LEP to facilitate small-scale camping on farms	<p>A response to council requests to clarify the type of camping allowed under the revised farm stay accommodation definition</p> <p>A section 68 approval under the <i>Local Government Act 1993</i> will be required to install a moveable dwelling on a farm unless the council's local approvals policy allows the activity without approval.</p>
Farm experience premises	<p>Farm events has been amended to farm experience premises</p> <p>Farm experience premises now include farm field days</p>	<p>The amendment to the term recognises guests will visit a farm to take part in tourist and recreational activities and to experience the features of the farm and farm life.</p> <p>Including farm field days is a response to submissions requesting specific activities be included in the definition.</p> <p>The department proposes to prepare model DCP clauses to assist councils where further parameters for farm experience premises are required.</p>
Farm gate premises	<p>Roadside stalls will remain as a form of retail premises and will not become a form of farm gate premises</p> <p>Clarifies that animal processing is not permitted as part of farm gate premises</p>	<p>This will ensure roadside stalls remain permissible in zones other than rural zones.</p> <p>Exempt development provisions are being prepared for roadside stalls in rural zones having regard to submissions received during the exhibition of the EIE.</p> <p>Animal processing has not been included as a form of agritourism as it has potentially significant impacts and less potential to generate tourism. The processing of other agricultural produce can be undertaken under the definition.</p>

Standard Instrument LEP Agritourism Amendment Order



Information sheet

Principal use of the land

Submissions received during the exhibition of the EIE requested the department clarify the meaning of land principally used as primary production for commercial purposes. The LEP Order will amend the existing definition of farm stay accommodation and include in the new definitions for farm gate premises and farm experience premises a requirement that these uses must be undertaken on land that is a primary production business as defined under the *Income Tax Assessment Act 1997 (Cth)*, or which is rated 'farmland' by the council under the *Local Government Act 1993*. This approach will give applicants two options to show their development will be on land used for commercial farming and not a hobby or recreational farm.³

For farm experience premises and farm gate premises, the relevant use must also be ancillary to the farm. Ancillary uses are explained in [Planning Circular](#) *How to characterise development*.

Optional clauses

The optional clauses recognise the importance of local controls and have been prepared to allow councils to apply numerical standards that best fit their local strategic plans. Heads of consideration have also been included in each clause to require both applicants and council officers to address the impacts of the development. Please note that under [LEP Practice Note PN 11-001 Preparing LEPs using the Standard Instrument: standard clauses](#), councils cannot add local clauses that can be addressed using the optional clauses.

The development standards in the optional clauses that have been amended in response to submissions to the EIE are detailed in the table below.

Table 2 Changes to development standards

Type of development	Standard in EIE	Amended standard	Reason
Farm stay accommodation building – maximum guests	3 times the number of bedrooms in clause 5.4(5) or another number nominated by council	3 times the number of bedrooms in clause 5.4(5) or 20 guests	This will provide a maximum cap on guests to ensure that farm stays are small scale. Councils can reduce the number of guests for a development through a condition of development consent.
Farm stay accommodation building – maximum gross floor area (GFA) for a building	75sqm or a number that council specifies (that is not more than 75sqm)	A number the council nominates which is greater than 60sqm	This will provide flexibility for councils to nominate an area that reflects their strategic planning. Councils can reduce the GFA for a development through a condition of development consent.

³ See [Taxation Ruling TR 97/11](#) Income tax: am I carrying on a business of primary production? and [section 515](#) of the *Local Government Act 1993*.

Standard Instrument LEP Agritourism Amendment Order



Information sheet

Type of development	Standard in EIE	Amended standard	Reason
			Changes are proposed to the Codes SEPP to allow buildings for farm stay accommodation up to 60sqm as complying development.
Farm stay accommodation – GFA exclusion for dwellings	As above	The maximum GFA will not apply to a change of use of an existing dwelling.	This will allow a dwelling house which is larger than 60sqm to be converted into farm stay accommodation without the need for substantial work to limit its size.
Farm stay accommodation - maximum number of days for guests in a moveable dwelling	14 days	The maximum number of consecutive days guests can stay in moveable dwellings will be included in model conditions of consent.	The department will prepare model conditions of consent for farm stay accommodation, farm experience premises and farm gate premises that councils can choose to adopt. This will complement model conditions of consent currently being prepared for other types of development.
Farm stay accommodation - dwelling entitlement	Modify clause 2.6 to prevent the creation of a dwelling entitlement in relation to farm stay accommodation	Farm stay accommodation will be required to be on: (i) the same lot as an existing lawful dwelling house, or (ii) on a lot for which a minimum size is shown for a dwelling house on the council's Lot Size Map and the size of which is not less than the minimum size shown.	This clause is intended to prevent the fragmentation of agricultural land.
Farm gate premises – maximum gross floor area	200sqm or the number council specifies in its LEP	A number council nominates which is no greater than 200sqm	Caps have been placed on the maximum floor area and number of guests for farm gate premises to ensure they remain small scale.

Standard Instrument LEP Agritourism Amendment Order



Information sheet

Type of development	Standard in EIE	Amended standard	Reason
Farm gate premises - maximum number of guests	50 guests or the number council specifies in its LEP	A number council nominates which is no greater than 50 guests	Caps have been placed on the maximum floor area and number of guests for farm gate premises to ensure they remain small scale.

Poultry and pig farm setbacks

The amendment proposed in the EIE regarding setback requirements for poultry and pig farms has been included in the LEP Order.

The Order will amend clause 5.18 of the SI LEP to increase the setback requirements for poultry and pig farms permitted without consent, as proposed, to mitigate biosecurity risks.

However, most of the submissions received were not in favour of increasing the current limit of poultry farms permitted without consent to 10,000 birds. The submissions raised concerns about amenity and environmental impacts.

In response to these submissions, the department has proposed to not increase the development consent threshold for poultry farms from 1,000 to 10,000 birds.

More information

For more information on the changes you can:

- visit the [department's website](#)
- visit the [NSW planning portal](#).
- email the project team at agritourism@dpie.nsw.gov.au.

**QUEANBEYAN-PALERANG REGIONAL
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Council Meeting Attachment

9 FEBRUARY 2022

ITEM 9.9 NSW PLANNING AMENDMENTS FOR AGRICULTURE AND AGRITOURISM

ATTACHMENT 3 DRAFT STANDARD INSTRUMENT LEP AMENDMENT
AGRITOURISM ORDER 2021

draft



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

.....

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Version: 1, Version Date: 12/01/2022

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

Land Use Table

Insert in appropriate order in Direction 5—

Agritourism;
Farm experience premises;
Farm gate premises;

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[1] Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]

Omit “*not less than 8*” from clause 5.4(8). Insert instead “*not less than 9*”.

[2] Clause 5.18 Intensive livestock agriculture [compulsory if intensive livestock agriculture permitted with consent]

Omit clause 5.18(4)(b)(v). Insert instead—

- (v) for a poultry farm used for breeding poultry—within 5,000 metres of another poultry farm, or
- (vi) for a poultry farm not used for breeding poultry—
 - (A) within 5,000 metres of a poultry farm used for breeding poultry, or
 - (B) within 1,000 metres of a poultry farm not used for breeding poultry, or
- (vii) for a pig farm—within 3,000 metres of another pig farm.

[3] Clauses 5.23 and 5.24

Insert after clause 5.22—

5.23 Farm stay accommodation [optional]

- (1) The objectives of this clause are—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) [*set out other objectives of the clause*]
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—
 - (a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—
 - (i) 3 times the number of bedrooms permitted under clause 5.4(5), or
 - (ii) 20 guests, and
 - (b) the gross floor area of a building used to accommodate guests will not be more than [*insert number no less than 60*] square metres, and
 - (c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than [*insert number no more than 20*] at any 1 time, and
 - (d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than [*insert number no more than 6*], and
 - (e) all buildings or moveable dwellings used to accommodate guests will be—
 - (i) on the same lot as an existing lawful dwelling house, or

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) on a lot—
 - (A) for which a minimum size is shown for a dwelling house on the Lot Size Map, and
 - (B) the size of which is not less than the minimum size shown.
- (3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.

5.24 Farm gate premises [optional]

- (1) The objectives of this clause are—
 - (a) to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) *[set out other objectives of the clause]*
- (2) Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—
 - (a) the gross floor area of a building used for farm gate premises will not be more than *[insert number no more than 200]* square metres, and
 - (b) the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more *[insert number not more than 50]* persons.
- (3) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (i) residential accommodation,
- (ii) primary production operations,
- (iii) other land uses, and
- (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the proposed development, and
- (e) the compatibility of the development with nearby land uses.

[4] Dictionary

Insert after the definition of *agriculture*, paragraph (d)—

- (e) agritourism.

[5] Dictionary

Omit the definition of *farm stay accommodation*.

Insert in alphabetical order—

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

Note— Agritourism is a type of *agriculture*—see the definition of the term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a farm—
 - (i) that is a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings.

Note— Farm stay accommodation is a type of *tourist and visitor accommodation*—see the definition of the term in this Dictionary.

farm experience premises means a building or place—

- (a) on a farm that is—
 - (i) a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) that is ancillary to the farm, and
- (c) that is used to provide visitors to the farm with small scale and low impact tourist or recreational services on a commercial basis including the following—
 - (i) horse riding,

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) farm tours,
- (iii) functions or conferences,
- (iv) farm field days.

Note— Farm experience premises is a type of **agritourism**—see the definition of the term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a farm that is—
 - (A) a primary production business, or
 - (B) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
 - (ii) that is ancillary to the farm, and
 - (iii) that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) a restaurant or cafe,
 - (C) a facility for holding tastings or workshops, or providing information or education, related to the products, and
- (b) includes cellar door premises.

Note— Farm gate premises is a type of **agritourism**—see the definition of the term in this Dictionary.

landholding means 1 or more lots of land that—

- (a) are constituted or worked as a single property, and
- (b) are contiguous or are separated only by a road or watercourse.

primary production business has the same meaning as in the *Income Tax Assessment Act 1997* of the Commonwealth and includes a business that—

- (a) was a primary production business, and
- (b) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

[6] Dictionary, definition of “cellar door premises”

Omit “*retail premises*” from the note. Insert instead “*farm gate premises*”.

[7] Dictionary, definition of “restaurant or cafe”

Insert “, but does not include a restaurant or cafe that is included as part of artisan food and drink industry or farm gate premises” after “provided”.

[8] Dictionary, definition of “retail premises”

Insert “farm gate premises,” before highway service centres”.

[9] Dictionary, definition of “retail premises”

Omit paragraph (b).

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

9 FEBRUARY 2022

ITEM 9.11 PROPOSAL TO ACQUIRE COUNCIL LAND - 17 COPPERFIELD
PLACE, JERRABOMBERRA

ATTACHMENT 2 PROPERTY VEGETATION PLAN



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Bill Warne
Executive Manager – Legal and Internal Services
Queanbeyan City Council
PO Box 90
Queanbeyan, NSW, 2620



4 November 2013

Dear Bill,

**RE: Conservation Property Vegetation Plan (PVP)
Case No. 15201**

Your Conservation Property Vegetation Plan (PVP) submitted to the Murrumbidgee Catchment Management Authority has now been **approved**.

Enclosed for your reference is a duplicate copy of the approved PVP. Your local council will be notified that a PVP has been approved on this land.

Please read the landholders commitments carefully, and ensure that you fully understand them prior to commencing any work.

For any further queries regarding this matter please contact Heather Mason on phone (02) 6932 3241 or email heather.mason@cma.nsw.gov.au.

Yours sincerely

A blue ink signature of John Francis, written in a cursive style.

John Francis
General Manager
Murrumbidgee CMA

Attachments:

- 1 copy of Property Vegetation Plan

HEAD OFFICE: Level 1, 43–45 Johnston Street, Wagga Wagga, NSW 2650 POSTAL ADDRESS: PO Box 5224, Wagga Wagga, NSW 2650
PHONE: (02) 6932 3232 FAX: (02) 6932 3269 EMAIL: murrumbidgee@cma.nsw.gov.au WEB: www.murrumbidgee.cma.nsw.gov.au
A HEALTHY AND PRODUCTIVE MURRUMBIDGEE CATCHMENT AND ITS COMMUNITIES WORKING TOGETHER – Yindymarra



The General Manager
Queanbeyan City Council
PO Box 90
Queanbeyan, NSW, 2620

4 November 2013

PVP Number: 15201

Dear Sir/Madam,

Conservation Property Vegetation Plan under the Native Vegetation Act 2003
Old Cooma Road Quarry,
Old Cooma Road, Queanbeyan, NSW, 2620

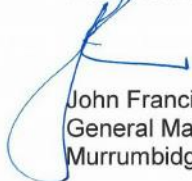
The Murrumbidgee Catchment Management Authority has granted a Property Vegetation Plan (PVP) to Queanbeyan City Council covering Lot 1 DP 1186512 at Old Cooma Road Quarry, Old Cooma Road, Queanbeyan, NSW, 2620.

The approval date was 4/11/13.

The existence of this Property Vegetation Plan must be included on planning certificates issued under section 149 (2) of the *Environmental Planning and Assessment Act 1979*.

For any enquiries about this PVP please contact Heather Mason on telephone 02 6932 3241.

Yours faithfully



John Francis
General Manager
Murrumbidgee CMA



**Catchment Management
Authority**
Murrumbidgee

MURRUMBIDGEE
Catchment Management Authority
Conservation
PROPERTY VEGETATION PLAN
Native Vegetation Act 2003

Queanbeyan City Council
'OLD COOMA ROAD QUARRY'
Off Copperfield Place
QUEANBEYAN NSW 2620

This Property Vegetation Plan applies to the land described in Schedule 1, as shown on Map 1 in Schedule 4 of this agreement.

The Landholder is authorised to undertake the activities set out in Schedule 2 and agrees to carry out the management actions and management action details set out in Schedule 2. The Landholder agrees to comply with the requirements of Schedule 3.

Notes:

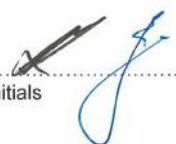
1. The Director-General of Department of Premier and Cabinet (or delegate) will notify the Registrar-General once all landholders and parties with a prescribed interest have consented to the registration of this PVP. Once notified by the Director-General, the Registrar-General is required to register this PVP. This PVP will then be binding on all current and future landholders.
2. This Plan does not exempt the landholder from any Council clearing consent requirements.
3. In order to carry out the works under this PVP, the Landholder may be required to obtain other approvals from other government agencies.

<i>Acting</i> Queanbeyan City Council – General Manager		<i>4/10/13</i>
Name of the Landholder	Signature	Date
John Francis		<i>4.11.13</i>
General Manager of the Murrumbidgee Catchment Management Authority Delegate of the Minister administering the <i>Native Vegetation Act 2003</i>	Signature	Date

CMA File Ref: MDG04711 Request No: 15201

SCHEDULE ONE — DESCRIPTION OF LAND TO WHICH THIS PVP APPLIES

Lot	DP	LGA	Parish	County
1	1186512	QUEANBEYAN	GOOGONG	MURRAY

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SCHEDULE TWO — AUTHORISED ACTIVITIES AND MANAGEMENT ACTIONS

AUTHORISED ACTIVITIES AND CONSERVATION AREAS

Map Number (as per Schedule 4)	Map Unit	Management Action	Duration of Management Action	Details of Managed Area
Map 2	4a	Conservation Area: To be managed as a offset for duplication of Old Cooma Road	In perpetuity	<p>The Landholder must maintain and manage 122 ha of remnant vegetation comprising vegetation community Yellow Box – Blakely's Red Gum Grassy Woodland as an conservation area related to the re-alignment and duplication of Old Cooma Road.</p> <p>Management of Map Unit 4a must include, but is not limited to:</p> <ul style="list-style-type: none"> ▪ Strategic stock grazing to manage groundcover and composition of understorey; ▪ Retention of regrowth to encourage an increase in extent of native over-storey and mid-storey; ▪ Retain all standing and fallen timber to ensure habitat is provided for birds and reptiles; ▪ Feral herbivore control to manage grazing pressure; ▪ Weed control to reduce the cover of non-native species in the ground layer; ▪ Retention of rocks for habitat; and ▪ Fencing to manage stock movements and access.

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MANAGEMENT ACTIONS FOR CONSERVATION AREAS

1. The management actions and management action details are to be continued for, or completed within, the duration specified in the column "Duration of Management Action".
2. The management actions and management action details set out below must be undertaken in the specified map unit as identified in Schedule 4.

Map Number (as per Schedule 4)	Map Unit	Management Action	Duration of Management Action	Management Action Details
Map 2	4a	Clearing not allowed	In perpetuity	The Landholder is not to clear any standing or fallen native vegetation, whether remnant or regrowth, from Map Unit 4a at any time, except where permitted as a Routine Agricultural Management Activity as described below.
Map 2	4a	Permitted use of Routine Agricultural Management Activities (RAMAs)	In perpetuity	<p>The following Routine Agricultural Management Activities (RAMAs) under Section 11 of the Native Vegetation Act 2003 and Clause 22 of the Native Vegetation Regulations 2005, are permitted in Map Unit 4a:</p> <ul style="list-style-type: none"> • the maintenance of existing rural infrastructure i.e. fence lines and tracks; • the removal of noxious weeds under the Noxious Weeds Act 1993; • the control of noxious animals under the <i>Rural Lands Protection Act 1998</i>; • traditional Aboriginal cultural activities (except commercial activities); • the maintenance of public utilities (such as those associated with the transmission of electricity, the supply of water, the supply of gas and electronic communication); and • any activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property. <p>All other RAMA's are <u>not</u> permitted in this area.</p>

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Map Number (as per Schedule 4)	Map Unit	Management Action	Duration of Management Action	Management Action Details
Map 2	4a	Fencing	Within 3 months from the commencement of this agreement	The Landholder must construct a permanent stock proof fence around the perimeter of Map Unit 4a within 3 months from the commencement of this agreement. The fence must be constructed using plain wire or hinge joint only.
Map 2	4a	Strategic Grazing	In perpetuity	The Landholder may strategically graze domestic stock including cattle and sheep only within Map Unit 4a for a total of 8 weeks per year between 1 st May and 1st October providing 70% groundcover is maintained. The Landholder must remove stock if groundcover falls below these levels.
Map 2	4a	Grazing: Monitoring and Evaluation	In perpetuity	The Landholder must monitor groundcover and keep records of the number of domestic stock and the time spent grazing within Map Unit 4a for each calendar year. These records must be made available to CMA or OEH upon request.
Map 2	4a	Weed Control: General	In perpetuity	<p>The Landholder must develop an integrated weed management plan for Map Unit 4a that specifies target weeds, control methods, timing and monitoring requirements for both noxious and environmental weeds including but not limited to:</p> <ul style="list-style-type: none"> ▪ St Johns Wort (<i>Hypericum perforatum</i>); ▪ Sweet Briar (<i>Rosa rubiginosa</i>); ▪ Saffron Thistle (<i>Carthamus lanatus</i>); ▪ Scotch Thistle (<i>Onopordum acanthium</i>); and ▪ Vipers Bugloss (<i>Echium vulgare</i>). <p>The Landholder is required to make all reasonable attempts to suppress and control weed growth and spread within Map Unit 4a.</p> <p>The Landholder must consult the relevant noxious weed management plans for the Council area for best control methods and best management practice guidelines.</p>

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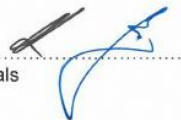
Map Number (as per Schedule 4)	Map Unit	Management Action	Duration of Management Action	Management Action Details
Map 2	4a	Weed Control: Weeds of National Significance (WONS)	Within 3 years from the commencement of this agreement	The Landholder must remove all Weeds of National Significance (WONS) including but not limited to: <ul style="list-style-type: none"> ▪ Blackberry (<i>Rubus fruticosus</i>); ▪ Serrated Tussock (<i>Nassella trichotoma</i>); from Map Unit 4a within 5 years of the commencement of this agreement.
Map 2	4a	Weed Control: General	In perpetuity	The Landholder must not plant any non-local (exotic or non-indigenous) tree, shrubs, grass, groundcover or any other plant in Map Unit 4a.
Map 2	4a	Waste and Rubbish	Within 12 months from the commencement of this agreement	All waste and rubbish present within Map Unit 4a must be removed. No waste or rubbish is to be stored or dumped within Map Unit 4a.
Map 2	4a	Retention of native regrowth	In perpetuity	The Landholder is not to clear native vegetation, whether remnant or regrowth from Map Unit 4a, at any time, notwithstanding the following sections in the Native Vegetation Act 2003: <ul style="list-style-type: none"> • 11(1)(a) – the maintenance of rural infrastructure, • 11(1)(i) – any activity reasonably considered necessary to remove or reduce and imminent risk of serious personal injury or damage to property.

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Map Number (as per Schedule 4)	Map Unit	Management Action	Duration of Management Action	Management Action Details
Map 2	4a	Retention of dead (standing or fallen) timber	In perpetuity	<p>The Landholder must not remove any standing or fallen live or dead timber at any time from Map Unit 4a not withstanding the following sections in the Native Vegetation Act 2003:</p> <ul style="list-style-type: none"> • 11(1)(a) – the maintenance of rural infrastructure, • 11(1)(i) – any activity reasonably considered necessary to remove or reduce and imminent risk of serious personal injury or damage to property.
Map 2	4a	Retention of rocks	In perpetuity	<p>The Landholder must not remove rocks from Map Unit 4a at any time, not withstanding the following sections in the Native Vegetation Act 2003:</p> <ul style="list-style-type: none"> • 11(1)(a) – the maintenance of rural infrastructure, • 11(1)(i) – any activity reasonably considered necessary to remove or reduce and imminent risk of serious personal injury or damage to property.
Map 2	4a	Feral Herbivore Control	In perpetuity	<p>The Landholder is to develop and implement an integrated pest management strategy to control any outbreaks or infestations of pest animals. Species targeted will include but are not limited to:</p> <ul style="list-style-type: none"> • Foxes; • Rabbits; • Pigs; and • Deer. <p>The Landholder is to contact the local Livestock Health and Pest Authority (LHPA) for advice regarding best management practices.</p>

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SCHEDULE THREE - STANDARD CONDITIONS

Commencement

1. This PVP will commence from the date at which it is signed by the Minister administering the *Native Vegetation Act 2003* (or delegate).

Words and phrases used

2. In this Schedule:

"CMA" means the Catchment Management Authority that is a party to this property vegetation plan ("PVP");

"Landholder" means the landholder who is a party to this PVP and once this PVP is registered all future landholders;

"the works under this PVP" means the clearing, the management actions, the mitigating actions and all other works that the Landholder is authorised or required to take under this PVP;

"the Land" means the land to which this PVP applies; and

"OEH" means the Office of Environment and Heritage within the Department of Premier and Cabinet and includes its successor departments or agencies.

Monitoring and auditing

3. The carrying out of any works under this PVP may be subject to auditing by officers of the CMA or OEH who are authorised officers under the *Native Vegetation Act 2003*, as set out in sections 34 and 35.
4. Subject to reasonable notice, the Landholder will allow authorised officers of the CMA or OEH access to the Land and allow those officers to do all things reasonably necessary for the purpose of monitoring or auditing compliance with this PVP.
5. Clauses 3 and 4 do not affect the powers of authorised officers of the CMA, OEH or other government agencies to carry out investigations under the *Native Vegetation Act 2003*.

Registration of PVP on Title

6. For the purpose of sections 31(1) and 31(2) of the *Native Vegetation Act 2003*, the Landholder consents to the registration of this PVP in accordance with section 31 of the *Native Vegetation Act 2003*.

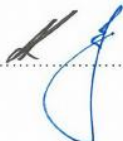
Dispute resolution

7. The parties agree to attempt to resolve any dispute in relation to this PVP by negotiation in the first instance. Such negotiation may involve agreeing on a variation to the PVP. However, this clause does not apply to a dispute relating to a possible breach of the *Native Vegetation Act 2003*.
8. Where appropriate, if negotiations are not successful, the CMA agrees to provide a written notice to the Landholder setting out the nature of any contravention and requesting the Landholder to take the steps specified in that notice, in the time specified in that notice, to rectify that contravention. This clause does not apply to a possible breach of the *Native Vegetation Act 2003*.
9. The Landholder agrees to comply with that notice in the time specified in the notice. Failure to comply with that notice is a breach of this plan. If the Landholder does not comply with the notice, the Minister (or delegate) may consider terminating this plan, in accordance with the procedure set out in section 30 of the *Native Vegetation Act 2003*. The CMA or OEH may also take other action under that Act.
10. The Landholder also agrees to provide access to the property to officers of the CMA and OEH.

Note: The procedure for varying or terminating a PVP is set out in section 30 of the *Native Vegetation Act 2003* and clause 11 of the *Native Vegetation Regulation 2005*.

Subdivision

11. The Landholder agrees to notify the CMA of any proposal to subdivide the Land.

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12. The Landholder agrees to submit to the CMA an application to vary this PVP to divide it into separate PVPs relating to the Land as subdivided in the same or similar terms to this PVP, if so requested by the CMA.

Apportionment of risk/indemnity

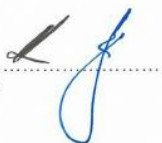
13. The parties agree to apportion risk as follows:

- (i) The CMA accepts the risk for the actions of CMA staff in entering the Land and carrying out functions associated with this PVP and for the actions of other visitors to the Land as organised by the CMA.
- (ii) All other risks associated with this PVP and the works under this PVP rest with the Landholder.

Disclosure of Information

14. Subject to clause 15, personal information contained in this PVP will be treated in accordance with the *Privacy and Personal Information Protection Act 1998*, under which you have rights of access and correction.
15. Information contained in this PVP may be disclosed:
- (i) In the case of a PVP that specifies a date for the definition of "regrowth", certain information from the PVP will be included on the register of PVPs and development consents, which will be publicly available on the Internet and available for inspection at the office of the CMA.
 - (ii) to OEI for compliance and statistical purposes.
 - (iii) in circumstances where disclosure is otherwise required or authorised by law, including the Government Information (Public Access) Act 2009.

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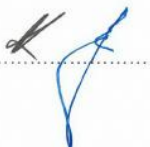
SCHEDULE FOUR — MAPS

Map 1 Property Boundary.

Map 2 PVP Area and Activities Authorised by this PVP.

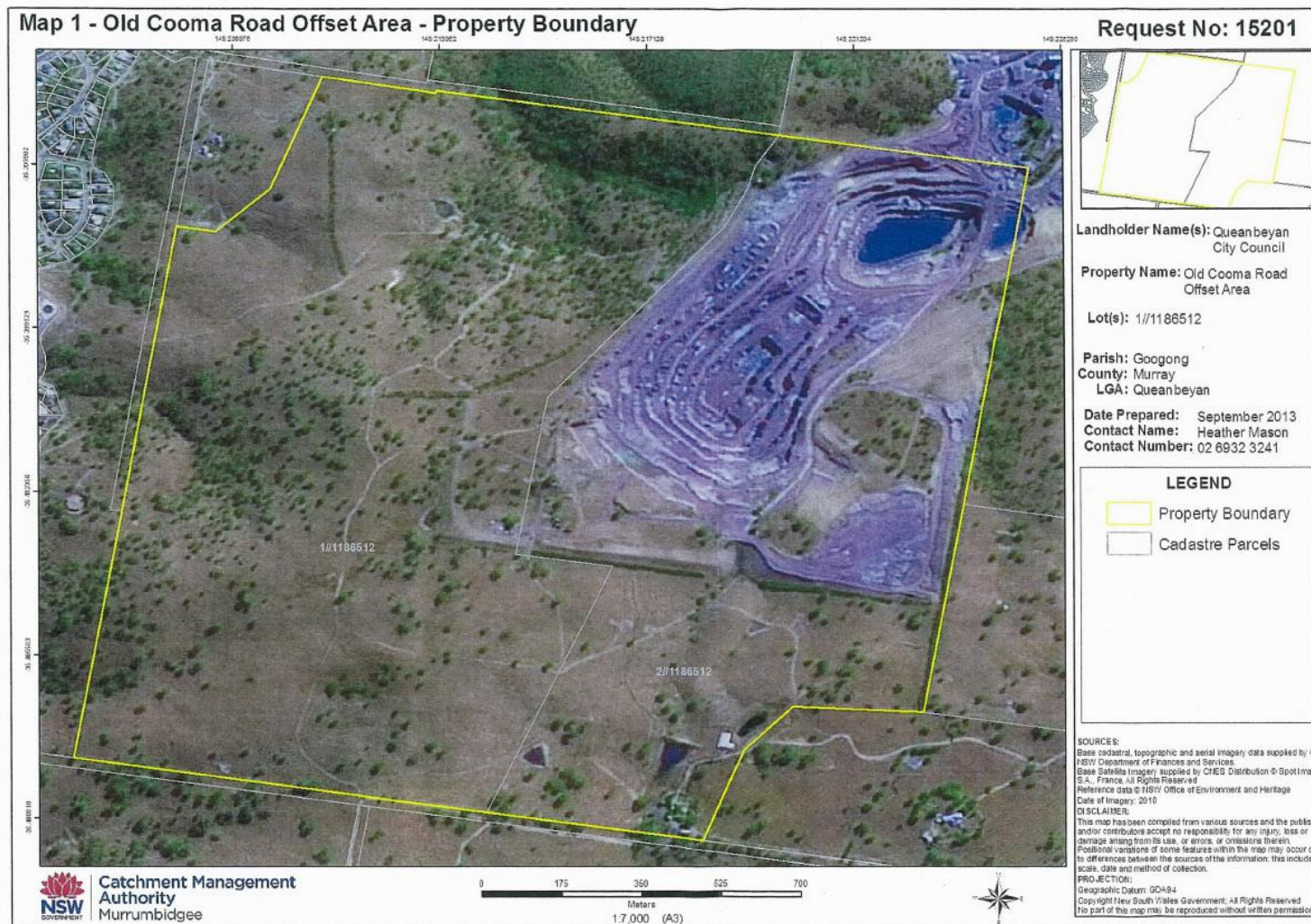
All maps must be printed for each PVP, unless it is not applicable to this PVP

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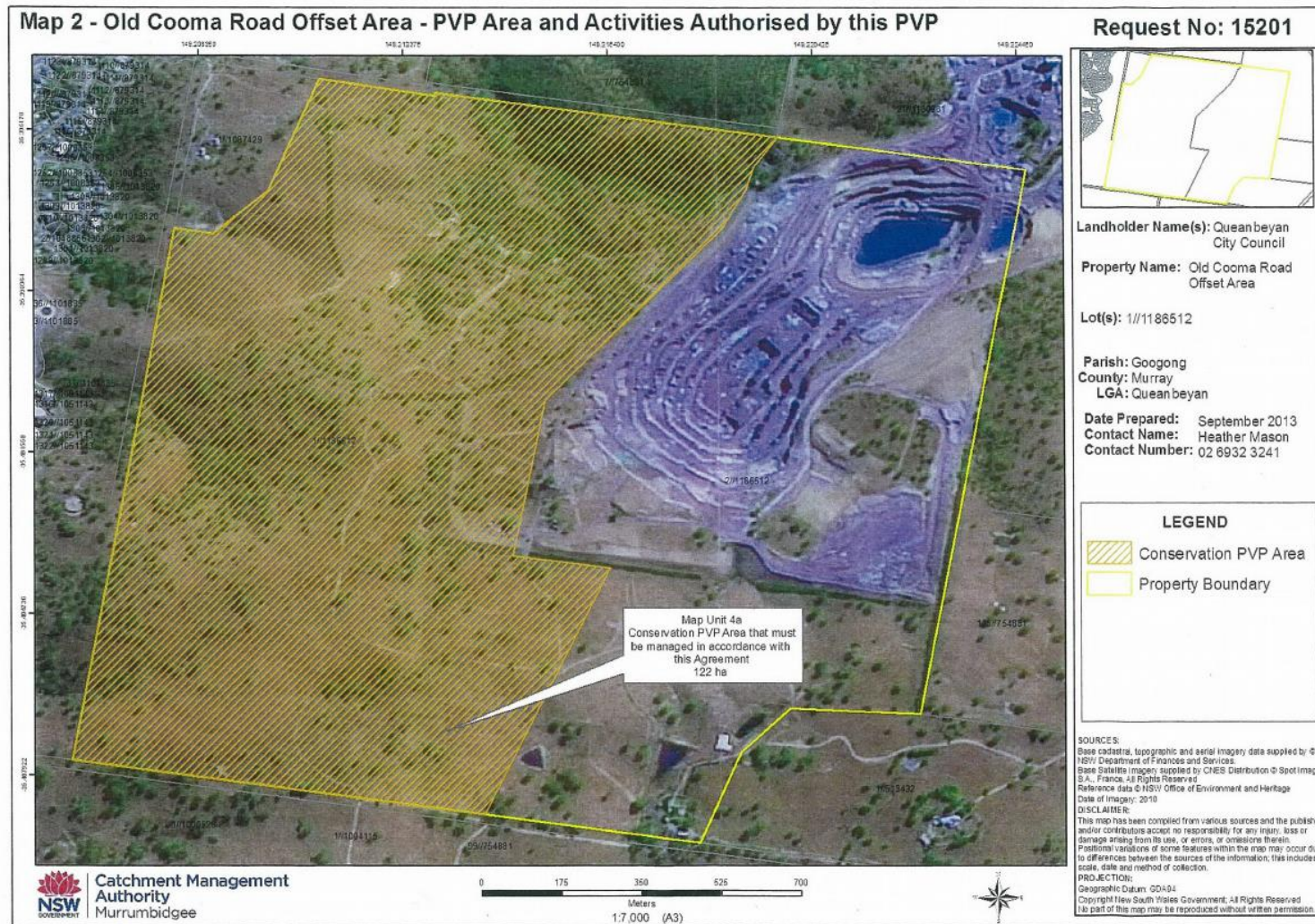
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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

9 FEBRUARY 2022

ITEM 9.11 PROPOSAL TO ACQUIRE COUNCIL LAND - 17 COPPERFIELD
PLACE, JERRABOMBERRA

ATTACHMENT 3 CURRENT BOUNDARY SURVEY PLAN

PLAN FORM 2 (A2)
WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION
Sheet 1 of 1 sheets

MGA

SURVEYING & SPATIAL INFORMATION REGULATION 2008 CLS 35(1b) 61(2)					
MARK	MGA COORDINATES		ZONE	CLASS	ORDER
	EASTING	NORTHING			
SSM 42381	700835.114	6080216.362	55	A	1
SSM 42383	700800.576	6079597.912	55	A	1
PM 198	702467.369	6079800.101	55	C	3

SOURCE: MGA COORDINATES FROM SCIMS AUGUST 2014 CSF 9.9999670

REFERENCE MARKS		
No	BEARING	DISTANCE
4	242°14'	1.00
11	80°52'30"	1.035
5	10°23'20"	0.50
12	21°51'20"	0.50

SHORT LINES		
No	BEARING	DISTANCE
1	101°26'40"	19.90
2	10°33'00"	6.14
6	100°22'30"	1.38

Surveyor : PETER BERNARD WILLIAMS
 Date of Survey : 08.08.2014
 Surveyor's Ref : 18229

**PLAN OF
BOUNDARY ADJUSTMENT OF LOT 1 DP 1186512
AND LOT 2 DP 1186512**

LGA: QUEANBEYAN CITY
 Locality: GOOGONG
 Subdivision No:
 Lengths are in metres. Reduction Ratio 1: 6000

Registered

DP

00 10 20 30 40 50 60 70 80 90 100 110 120 130 140
Table of mm