



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

<b>Date policy was adopted by Council:</b>	<b>13 November 2019</b>
<b>Resolution number:</b>	<b>PLA108/19</b>
<b>Previous Policy review date:</b>	<b>Not Applicable</b>
<b>Notification date:</b>	<b>29 November 2019</b>
<b>Reference No:</b>	<b>ECM 449134</b>

**Offices:** Council headquarters – 256 Crawford St  
Bungendore Office – 10 Majara St  
Braidwood Office – 144 Wallace St

**Contact:** P: 1300 735 025  
E: [council@qprc.nsw.gov.au](mailto:council@qprc.nsw.gov.au)  
W: [www.qprc.nsw.gov.au](http://www.qprc.nsw.gov.au)

## Table of Contents

<b>Matters Covered by this Plan of Management</b> .....	<b>4</b>
Introduction .....	4
What is a Plan of Management (PoM)? .....	4
Category and Classification of Land .....	4
Respite Care for Queanbeyan (RCQBN) .....	5
Land Covered by this Plan of Management .....	5
<b>Condition of the Land and Structures on Adoption of the Plan</b> .....	<b>7</b>
Background to the Management of the Land .....	7
Threatened Species Laws .....	10
Future Use of the Land.....	10
Leases, Licences and Other Estates .....	10

## Matters Covered by this Plan of Management

### Introduction

The purpose of this Plan of Management (PoM) is to authorise and to provide for arrangements in respect of the future leasing and management of land at 16 Agnes Avenue, Crestwood comprising Lots 33, 34 & 35, DP 14341 (adjoining Ross Road Crestwood) for the potential development of a respite care centre.

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

This PoM was adopted by Council on 13 November 2019.

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

The proposed lease is for a period of 30 years which will require the consent of the Minister for Local Government.

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

### What is a Plan of Management (PoM)?

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

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

This plan will be reviewed periodically as required.

### Category and Classification of Land

Lots 33, 34 & 35, DP 14341 are categorised as **General Community Use** under section 36I of the *Local Government Act 1993*.

The core objectives for the management of community land categorised as general community use as set out under section 36I of the Act are to promote, encourage and provide for the use of the land, and to provide facilities on the land that meets the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and

- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

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

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

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

### **Respite Care for Queanbeyan (RCQBN)**

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

Council has subsequently agreed in principle to make available the subject land for that purpose. Accordingly, Council is proposing to enter into a 30 year lease for the land. During that period RBQBM will have exclusive use of the site for the purposes of the respite care centre.

The corporate objectives of RCQBN are:

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

### **Land Covered by this Plan of Management**

This plan of management applies to Council owned land at 16 Agnes Avenue, Crestwood, comprising Lots 33, 34 & 35, DP 14341. This land is shown over on Maps 1 & 2 and is also set out in Table 1 below.

# Plan of Management - General Community Use – Lots 33, 34 & 35 DP 14341

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

Lot and Deposit Plan	Street Address	Area Total
Lot 33 DP 14341	16 Agnes Avenue Crestwood	695.56m <sup>2</sup>
Lot 34 DP 14341	16 Agnes Avenue Crestwood	695.56m <sup>2</sup>
Lot 35 DP 14341	16 Agnes Avenue Crestwood	695.56m <sup>2</sup>
<b>Total</b>		<b>2086.68m<sup>2</sup></b>

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



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



### **Condition of the Land and Structures on Adoption of the Plan**

**Location:** 16 Agnes Avenue Crestwood (comprising Lots 33, 34 and 35 DP 14341 – Adjoining Ross Road Crestwood).

**Area:** 2086.68m<sup>2</sup>.

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

**Landform Description:** Flat grass containing two basketball courts.

**Land Use:** Mainly passive recreation.

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

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

**Vegetation:** Grass.

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

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

### **Background to the Management of the Land**

This plan of management seeks to:

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

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

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

The objectives and performance targets for this site are discussed below in Tables 2 to 3:

- Compliance with the Core Objectives for General Community land (applicable to this type of community land).
- Lease and Licences.

Table 2: Compliance with Core Objective

Management Issues	Core Objectives	Performance Target	Means of achieving the Objective	Manner of Assessing the Performance	Responsibility
<p><b>Compliance With The Core Objective for General Community Use (As Prescribed Under The <i>Local Government Act 1993</i>).</b></p>	<ul style="list-style-type: none"> <li>• To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:                             <ul style="list-style-type: none"> <li>a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and</li> <li>b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Use of this land and development on it to comply with the core objective for general community use land.</li> </ul>	<ul style="list-style-type: none"> <li>• Review the core objective of general community use land when amending this plan of management to ensure that the use of this land comply with it and other applicable statutory provisions.</li> </ul>	<ul style="list-style-type: none"> <li>• When reviewing this plan assess whether or not the use of this land and/or the development on it complies with the performance target of this table.</li> </ul>	<ul style="list-style-type: none"> <li>• Legal and Risk – Organisational Capability.</li> <li>• Land Use Planning – Natural and Built Character.</li> </ul>

Table 3: Lease & Licences

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

## Threatened Species Laws

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

## Future Use of the Land

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

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

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

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



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

## Leases, Licences and Other Estates

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

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

A thirty (30) year lease with Respite Care for Queanbeyan is proposed on Lots 33, 34 and 35 DP 14341 which also proposes to construct a respite care centre there.

The proposed thirty (30) year lease is consistent with the resolution of Queanbeyan-Palerang Regional Council at its Planning and Strategy meeting on 12 June 2019 (PLA061/19).