



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

## **AGENDA**

**12 April 2017**

**Commencing at 5.30pm**

**Council Chambers  
253 Crawford St, Queanbeyan**



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

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**On-site Inspections**

**Friday, 7 April 2017 – 4.00pm – 85 Monaro Street, Queanbeyan**

**Tuesday, 11 April 2017 – 5.30pm – Corner of Burra Rd & Old Cooma Rd, Burra**

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

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

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

**1 APOLOGIES**

**2 PRESENTATION / DEPUTATIONS / PETITIONS**

**Auditors Presentation – Item 6.1 – Annual Financial Statements – Former  
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**Confidential - Not for Publication**

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*"Item 10.1 is confidential in accordance with s10(A) (b) (g) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*
- 10.2 Queanbeyan Regional Conservatorium..... 58  
*"Item 10.2 is confidential in accordance with s10(A) (d) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**LIST OF ATTACHMENTS –**

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

**Open Attachments**

Item 4.1 Development Application 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction

*Attachment 1 DA No 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction - Section 79C (Under Separate Cover)*

*Attachment 2 DA No.2016.105 - Plans - 233 Burra Road (Under Separate Cover)*

*Attachment 3 DA No.2016.105 - Environmental Review - 233 Burra Road (Under Separate Cover)*

*Attachment 4 DA No 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction - Submissions (Under Separate Cover)*

*Attachment 5 DA No 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction - Draft Conditions (Under Separate Cover)*

Item 4.2 Development Application 382-2016 - 85 Monaro Street, Queanbeyan - Commercial Alterations - Royal Hotel

*Attachment 1 P&SC - 12 April 2017 - DA 382-2016 - 85 Monaro Street - s 79C(1) Matters of Consideration (Under Separate Cover)*

*Attachment 2 P&SC - 12 April 2017 - DA 382-2016 - Plans - 85 Monaro Street (Under Separate Cover)*

*Attachment 3 P&SC - 12 April 2017 - DA 382-2016 - Traffic and Parking Statement - 85 Monaro Street (Under Separate Cover)*

*Attachment 4 P&SC - 12 April 2017 - DA 382-2016 - Draft Conditions - 85 Monaro Street (Under Separate Cover)*

Item 4.3 Planning Certificates (Section 149 of Act) - Progress and Proposed Changes

*Attachment 1 Proposed changes to planning issues in section 149(5) Planning Certificates issued by QPRC (Under Separate Cover)*

Item 4.4 Proposed Street Names - Fisher Road, Currawang and Goorooyarroo Lane, Sutton

*Attachment 1 P&SC- 12 April 2017 - Road Naming Proposal - Location Map - Proposed Fisher Road (Under Separate Cover)*

*Attachment 2 P&SC - 12 April 2017 - Road Naming Proposal - Fisher Road Submission (Under Separate Cover)*

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- Attachment 3 P&SC- 12 April 2017 - Road Naming Proposal - Location Map - Proposed Goorooyaroo Lane (Under Separate Cover)*
- Attachment 4 P&SC - 12 April 2017 - Road Naming Proposal - Goorooyaroo Submission (Under Separate Cover)*
- Item 5.1 Planning Proposal - Malbon Street, Bungendore
  - Attachment 1 Planning Proposal 14A Malbon St (Under Separate Cover)*
  - Attachment 2 Gateway determination (Under Separate Cover)*
  - Attachment 3 Parliamentary Counsel Opinion (Under Separate Cover)*
- Item 5.2 Planning Proposal - Captains Flat flood map and miscellaneous matters
  - Attachment 1 Planning Proposal - Captains Flood Map and other amendments (Under Separate Cover)*
  - Attachment 2 Gateway determination (Under Separate Cover)*
  - Attachment 3 Parliamentary Counsel Opinion & draft flood maps (Under Separate Cover)*
- Item 6.1 Annual Financial Statements - Former Palerang Council
  - Attachment 1 Former Palerang Council Audit Report 2015/16 (Under Separate Cover)*
  - Attachment 2 Former Palerang Council Audited Financial Statments for 2015/16. (Under Separate Cover)*
- Item 6.2 Queanbeyan-Palerang Regional Council Donations Policy 2017
  - Attachment 1 Draft Donations Policy*
- Item 8.1 Proposed Satellite Dish Captains Flat
  - Attachment 1 Satellite Dish plans - Captains Flat. (Under Separate Cover)*

**Closed Attachments**

- Item 10.2 Queanbeyan Regional Conservatorium
  - Attachment 1 Queanbeyan Regional Conservatorium 2019 Proposal (Under Separate Cover)*
  - Attachment 2 Queanbeyan Regional Conservatorium Projected Financials (Under Separate Cover)*
  - Attachment 3 Music Room Practice Brochure (Under Separate Cover)*

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**ITEM 3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS**

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

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

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

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

**Recommendation**

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





## ENVIRONMENT, PLANNING AND DEVELOPMENT

**4.1 Development Application 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction (Ref: C1745438; Author: Thompson/Gibbons)**

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**Summary*****Reason for Referral to Council***

This application has been referred to Council as more than six written submissions were received.

Proposal:	Truck Depot, Ancillary Office and Access Road Construction
Applicant/Owner:	David Charman/ Lynette Dunn & James Wells
Subject Property:	233 Burra Road, Googong, Burra being Lot 11 DP 255493 and Right of Carriageway 20 metres wide (DP 1163537 & DP 294305) over Lots 19, 32 & 70 DP 754881
Zoning and Permissibility:	Zone RU1 Primary Production under Palerang Local Environmental Plan 2014
Public Submissions:	Eight (8) written submissions
Issues Discussed:	Written submissions Road access Resident amenity
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

- 1. That development application No 2016.105 for a Truck Depot, Ancillary Office and Access Road Construction on Lot 11 DP 255493, No. 233 Burra Road, Burra and Right of Carriageway 20 metres wide (DP 1163537 & DP 294305) over Lots 19, 32 & 70 DP 754881 be granted conditional approval.**
  - 2. That those persons and the Commonwealth Department of Finance who lodged a submission(s) on the application be advised in writing of the determination of the application.**
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**4.1 Development Application 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction (Ref: C1745438; Author: Thompson/Gibbons) (Continued)**

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**Background**

***Proposed Development***

The development application is for a truck depot, access road construction and ancillary office. The proposal includes the following aspects:

***Access Right of Carriageway (DP294305 & DP1163537)***

- Access is from Burra Road and thence via a right of carriageway 20m wide (DP294305 & DP 1163537) benefitting Lot 11 DP255493 and thence via a Council road formerly Crown road ie a distance of 2km or more from Burra Road.
- The Council road has a wide gravel formation. No upgrading of this road is proposed by the applicant.
- The existing right of carriageway is currently a track that requires significant upgrading.
- The applicant advises they will upgrade and maintain the Right of Carriageway for as long as the depot is in use. An agreement in this regard will be undertaken with other land owners who benefit from the right of carriageway. An agreement will be necessary to ensure other land owners are not responsible for ongoing maintenance of the road given the proposed heavy vehicle usage.

***Public Road Access and Intersection Works***

- Burra Road intersection with the right of carriageway is proposed to be upgraded as the present vehicle entry has extremely poor sight distance (SIDS). The applicant advises a safe intersection sight distance of 248m in each direction is achievable. This is an allowance for a 100kph speed zone (Austroads). Speed signage in this area indicates a lower speed, however a 100kph has been used in the design by the applicant.
- A 6m wide bitumen seal will be provided for the first 100m (from the intersection) given the slope of the road of 15% and to provide for safety considerations at the intersection. From then on the Right of Carriageway road is proposed to be constructed to a Type 2 - 4.7m wide gravel road.

***Public Road (formerly Crown road)***

- The development gains access from the Right of Carriageway onto a Council road formerly a Crown reserve road (as advised by Department of Primary Industries – Lands). The applicant shows on the development plans that a formed access road is located within this road enabling legal access to the development site.

***Proposed buildings and use***

- A shed is proposed accommodating 6 vehicle bays and staff room amenities. The shed is 36m x 21.93m and has a height of 7.61m.
- The office building is 12m x 18m and has a height 3.6m. It contains a number of offices together with amenities. Office hours will be 9am to 5pm when the depot is in use. Three (3) office staff are proposed.

**4.1 Development Application 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction (Ref: C1745438; Author: Thompson/Gibbons) (Continued)**

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- The shed and office comprises *colorbond* wall and roof cladding with a *Pale Eucalypt* colour.
- The development provides for the following vehicles: prime movers (5), low loader trailers (5), tippers (6) and tipper trailers (6). Employee numbers would not exceed 10 persons.

*Hours of Operation*

- The proposed use will operate from 6am to 6pm. Large vehicles will leave the site about 6.30am and return about 4.30pm. Light vehicles will travel to and from the site as required.
- The applicant makes no mention of the days of operation and whether the operation will be conducted on weekends and public holidays.

*On-site Parking and Turning Areas*

- Earthmoving plant will park on the site when due for servicing. A dedicated workshop will be provided and fitted with an oil/water separator unit and water recycled. Waste oil and water will be pumped out by an approved disposal company on a regular basis.
- On site car parking and manoeuvring will need to be provided on a hardstand gravel surface.

*Water, Sewage Waste and Services*

- On site water supply will be from roof water. An on-site sewage waste management system will be provided for effluent disposal. Electricity and telecommunications will be extended to the site.
- It is proposed to install an oil/water separator for the wastewater generation load. The applicant's consultant recommends a dam with no catchment be constructed to ensure no hydrocarbons run off into the drinking water catchment. The size of the dam would be calculated by the consultant when the daily estimated load is known.

*Oil and fuel storage*

- The applicant advises all fuels, oil storage and the like will be kept within the proposed shed and managed appropriately.

***Subject Property***

The land is vacant and has an area of 88.9ha and a 299m frontage to a gravel formed Council road. The land has an overall frontage of 1163m to both the Council road and a crown road.

Burra Road is a major route from Old Cooma Road into the Burra Valley and is a two lane sealed road.

The land does not front Burra Road. Legal access is provided via a Right of Carriageway 20m wide (DP1163537 & DP 294305) through Lots 19, 32 & 70 DP754881 and along a Council road for about 2 kilometres. The Right of Carriageway is a track whilst the Council road section of access is an all weather gravel formed road.

**4.1 Development Application 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction (Ref: C1745438; Author: Thompson/Gibbons) (Continued)**

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Council on 2 September 2013 approved construction of an access road extension over Lot 19 & Lot 32 DP 754881 (DA2013/149). This road linked up to the existing access road joining up with Burra Road intersection. The road has not been constructed.

The development envelope is gently undulating. The overall property drains towards the south eastern end containing a watercourse draining into Googong Dam. The land in part comprises steep slopes over 18 degrees and highly erodible soils. These areas do not impact on the development envelope.

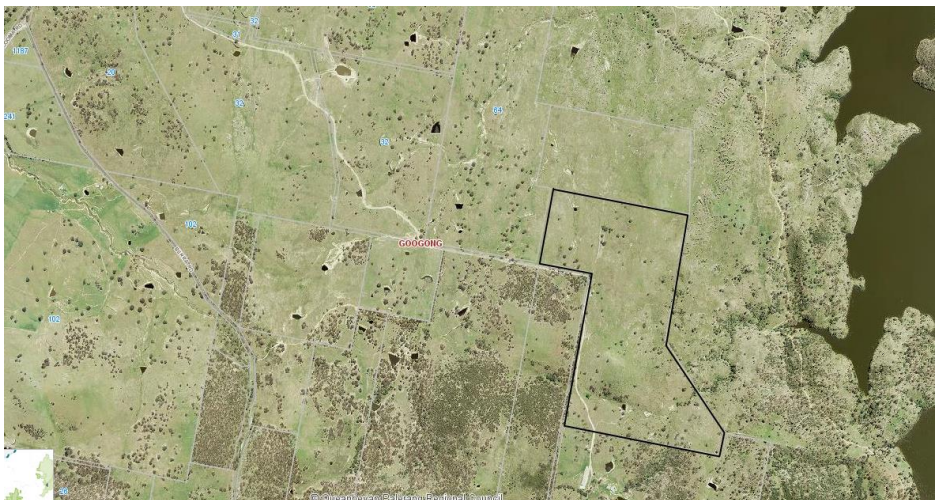
The development envelope contains contours 769m to 767m. There are very few trees on or near the development envelope. The development site mainly comprises a mixture of native and introduced grass species.

Land to the immediate east comprises the Googong Dam catchment area and is owned by the Commonwealth Department of Finance. Land to the north, west and south comprises rural land generally used for grazing and small lot holdings. The applicant shows a house site (Lot 19 DP754881) and two (2) potential building envelopes alongside the Right of Carriageway over Lots 32 & 70 DP754881.

A large scattered area of the land is also shown as biodiversity under the *Terrestrial Biodiversity Map*. The development envelope is not shown affected by this area.

The land is approximately 13km south of Queanbeyan CBD and 2.3 km from Old Cooma Road intersection with Burra Road.

The land is subject to high bush fire hazard.



**Figure 1 – Land Shown highlighted in black**

**4.1 Development Application 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction (Ref: C1745438; Author: Thompson/Gibbons) (Continued)**

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***Planning Requirements***

Assessment of the application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

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

1. State Environmental Planning Policies:
  - a. State Environmental Planning Policy No 55 – Remediation of Land
  - b. State Environmental Planning Policy (Infrastructure 2007)
  - c. State Environmental Planning Policy (Rural lands) 2008
2. Palerang Local Environmental Plan 2014 (PLEP2014).
3. Palerang Development Control Plan 2015 (PDCP2015)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration are:

- Written submissions
- Road safety
- Road access
- Restrictions on use
- Resident amenity

Comment on the public submissions is made below.

**(a) Compliance with relevant State Environmental Planning Policies**

The development proposal complies with the SEPPs that are applicable to the site. For a detailed assessment of the SEPPs see the attached section 79C (1) *Table – Matters for Consideration*.

**(b) Compliance with Palerang LEP 2014**

The development proposal complies with the Palerang Local Environmental Plan 2014. For a detailed assessment of the PLEP 2014 see the attached section 79C (1) *Table – Matters for Consideration*.

**(c) Compliance with PDCP 2015**

The development proposal complies with the Palerang Development Plan 2015. For a detailed assessment of the PDCP 2015 see the attached section 79C (1) *Table – Matters for Consideration*.

**(d) Building Surveyor's Comments**

No objection subject to standard building conditions.

**4.1 Development Application 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction (Ref: C1745438; Author: Thompson/Gibbons) (Continued)**

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

*Access/Entrance* - There is an existing entrance via a right of way through 233 Burra Road which is proposed to be substantially modified to facilitate the entering and exiting of heavy vehicles. Modifications to the entry include;

1. Re-alignment of the property fence and gate at the entry point to set back 25m from the edge of pavement.
2. Tree adjacent to the existing fence is to be removed.
3. Installation of a 600mm x 300mm Reinforced Concrete Box Culvert beneath the access.
4. New 7.2m wide asphalted entry, with radius' to allow entry and exit of heavy vehicles.

Turn paths have been provided to show that the test vehicle, a semi-trailer with plant float can turn into and out of the access without crossing to the opposing traffic lane satisfactorily.

The entry grade is indicated on the provided longitudinal section to be initially 5% increasing to 10% at the lot boundary of 229 Burra Road (Lot 70).

The existing culvert at the existing access has less than satisfactory cover, thus achieving cover requirements may be difficult during construction and re-grading existing drains and/or upgrading of the proposed reinforced concrete pipe may be required.

The section of Burra Road adjacent to the entry is essentially a sealed pavement with little or no shoulder on either side of the road. Whilst turning paths for heavy vehicles with a long trailer attached have been provided and show the vehicles being able to enter and exit within the existing carriageways, it is envisaged that truck wheel paths close to the edge of the sealed pavement are highly likely to cause cracking and deterioration of the pavement edges which is in otherwise good condition.

Therefore, a condition of approval should be imposed to undertake shoulder widening works, nominally comprising 100mm gravel extending 0.5m from the sealed pavement edge. The shoulder works should be undertaken on both sides of the road from approximately the opposite entry on to Burra Road (236 Burra Road) to the south, extending to the culvert crossing approximately 30m to the north of the existing access.

No entry fencing details have been shown or proposed, thus it is assumed that standard rural fencing comprising 1.2m high, stock fencing with strainer posts where required and steel posts at 6m centres will be installed at the entry and adjacent sides.

*Internal Access Road* - The internal access road is aligned to be within a right of carriageway. The proposed plans show a right of carriageway adjacent to a Crown Road (unformed) which, based on conversations with the applicant is proposed to be used in lieu of the Crown Reserve, though plans show the road passing through the Crown Reserve. It is assumed this has been drawn in error and if an approval is granted, this should be red amended so that the road is within the right of carriageway and join to the existing formation.

**4.1 Development Application 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction (Ref: C1745438; Author: Thompson/Gibbons) (Continued)**

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The internal access road has steps down from 6m to 4.7m at CH105, approximately 95m inside Lot 70. The access road thereafter has been designed in accordance with Table 2 of the Palerang road access requirements 2004 as a Type 2 Residential Access, catering for 2 to 3 Lots. However, considering the access is to be used of heavy vehicles and likely to exceed the maximum potential traffic volume of 21 vehicles per day (VPD), the following additional controls are considered appropriate;

1. Significant pavement upgrading and strengthening with a minimum of 150mm DGB20 grade gravel, placed on a sound sub-base.
2. Widening of the access road from 4.7m to 6.0m formation width.
3. Inclusion of passing bays at bends in accordance with Planning NSW document, Planning for Bushfire Protection, December 2001, Clause 4.3.2.
4. Earthworks to reduce grade between chainage 555m and 660m to less than 15%.
5. Given the shallow earthworks proposed at culvert crossings, upgrading of culverts to reinforced concrete box culverts shall be placed where there is inadequate cover over reinforced concrete pipe culverts.
6. Two coat 14mm/7mm bitumen seal 5.0m wide from the access to CH1170.

*Stormwater* - All culverts along the access road and at the Burra Road access point are to be constructed with headwalls at the entry and exit points with scour protection.

Roof runoff is expected to be captured in rainwater tanks for re-use as the primary water supply for the site. Overflows from rainwater tanks must outlet a minimum of 3m away from any structures with scour protection provided at the outlet.

Stormwater runoff from hardstand areas are proposed to be diverted via a grease arrestor/separator. Correspondence has been provided indicating the requirement for stormwater for wastewater from the separator to drain to an offline storage pond/dam. This has been referred to Council's Health Officer for assessment given the site is within the Googong Catchment.

*Effluent Disposal/Sewer* - A number of effluent disposal options have been provided by a consultant with recommendations on the site area and operation.

*Erosion and Sediment Control* - Standard erosion and sediment control measures will be required.

*Section 94 Contributions* - Section 94 contributions are required for this location in Catchment 2 Location 5 (D) of the Yarrowlumla Plan. However, the site is only approximately 300m from the former local government boundary and as such can only be charged for this short section of road. Rather than imposing s94 contributions, the applicant will be conditioned to undertake verge works along the adjacent areas of Burra Road to help prevent cracking of the edge pavement with increase in heavy vehicle movement. Contributions for community facilities will be imposed when the future dwelling is approved on the site.

**4.1 Development Application 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction (Ref: C1745438; Author: Thompson/Gibbons) (Continued)**

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**Financial Implications**

There will be no financial implications to Council should approval be granted to the development.

**Engagement**

The proposal required notification under Part E of the Palerang Development Control Plan 2015. The original exhibition period being from 26 May 2016 to 9 June 2016.

Following a Council request for additional information and on receiving the information from the applicant the proposal was further advertised from 14 November 2016 to 28 November 2016. A total of eight (8) public written submissions were received and three (3) government agency (2 from the same agency) written submissions received. The submissions raised the following relevant issues:

*Public Submissions.*

***Issue: Traffic Safety on Burra Road and the intersection of the Right of Carriageway Access***

- The access to the Right of Carriageway off Burra Road is not safe for heavy vehicles
- Sight distance along Burra Road to the access is subject to poor visibility, fogs, and wildlife
- Heavy vehicles turning into the access are subject to multiple S bends leaving traffic insufficient time to react. Approaching the bend is blind from trees and fog. Notorious black spots from blind corners approaching the access.
- Burra Road is a busy road with school buses using it daily during school times. Heavy vehicles turning on and off the access road is a safety concern for local traffic. Heavy vehicles sharing the road with buses is a safety concern
- Many residents travel with livestock trailers approaching the access bend.
- More pressure will be placed on Burra Road from the future residents Burrabella Estate
- Alternative access is from Wells Road
- On either side of the access any large vehicle longer than 4-5m would nearly have to pass on the other side of the road when exiting
- There is no slip lane or dual carriageway proposed

*Comment:*

- The applicant has submitted revised road intersection engineering design plans that now satisfy Council Development Engineering requirements.
- Council's Development Engineer also recommends conditions of consent requiring road upgrading works on Burra Road to ensure traffic safety is maintained.
- Burra Road has adequate capacity to accommodate the increased traffic loads from the development and increased rural subdivision. Some verge upgrading will be required along the road as a condition of consent.



**4.1 Development Application 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction (Ref: C1745438; Author: Thompson/Gibbons) (Continued)**

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***Issue: Right of Carriageway access (ROW)***

- There is no provision for passing bays on the ROW to allow trucks/vehicles to get out of the way of oncoming traffic
- Concern relating to dust to adjacent residents from heavy traffic movements on the ROW
- Compression braking noise from heavy vehicles
- The ROW is designed for residential use and not heavy vehicle use
- Further details are required on the ROW construction in relation to the corner where heavy haulage vehicles will be turning after descending down through Lot 32. The turn is extremely sharp.
- A Type 2 unsealed road is not adequate given the potential increase in heavy traffic movements
- No details of fencing, gates and crossing lot boundaries is provided by the applicant
- Sealing of the entire ROW would reduce concerns relating to dust, noise and safety
- Planting of trees adjoining dwelling sites or potential building envelopes is required to help reduce dust and noise
- Is there a limit of vehicles and size of vehicles able to use the road
- Who pays for the future maintenance of the ROW. The applicant should bear the full maintenance costs of the upkeep of the ROW.
- No mention of speed limit, passing bays or fencing of the ROW for stock

***Comment:***

- Passing bays will be required along the ROW and will be conditioned
- Additional sealing is warranted along the ROW where it adjoins the dwelling site on Lot 19 DP754881 and proposed building envelopes on Lots 32 & 70 DP 754881. A condition has been applied for the entire Right of Carriageway to be bitumen sealed.
- The internal road will be constructed to a Type 2 Residential Access standard however with the following additional controls recommended by Council's engineer:
  - Significant pavement upgrading and strengthening with a minimum of 150mm DGB20 grade gravel, placed on a sound sub-base.
  - Widening of the access road from 4.7m to 6.0m formation width.
  - Inclusion of passing bays at bends in accordance with Planning NSW document, Planning for Bushfire Protection, December 2001, Clause 4.3.2.
  - Earthworks to reduce grade between chainage 555m and 660m to less than 15%.
  - Given the shallow earthworks proposed at culvert crossings, upgrading of culverts to reinforced concrete box culverts shall be placed where there is inadequate cover over reinforced concrete pipe culverts.
  - Two coat 14mm/7mm bitumen seal 5.0m wide from the access to CH1170.
- Speed controls on the ROW are unenforceable. The road is not designed to permit high speeds.

**4.1 Development Application 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction (Ref: C1745438; Author: Thompson/Gibbons) (Continued)**

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- The applicant has agreed to maintain the ROW whilst it continues to operate. A condition will apply.
- The applicant will need to fence the ROW where such fencing does not exist or requires upgrading.
- Planting of trees to stop dust is the adjoining land owner's responsibility. The proposed sealing works (condition) alongside the existing and future dwelling sites will minimise dust nuisance.

***Issue: Road damage***

- The proposed number of additional heavy vehicle movements severely impacts on the surface of Burra Road

*Comment:* Council's Development Engineer has required verge works along the adjacent areas of Burra Road to help prevent cracking of the edge of the pavement with increase in heavy traffic loads.

***Issue: Operating days are not limited and concern about operating times***

*Comment:* The applicant has not proposed limiting the days of the operation. It is considered essential the operation not be permitted to operate on Sundays and public holidays. Saturday operation of the depot and heavy vehicle movements should also be restricted to between 7am and 2pm to reduce amenity impacts on neighbours. A condition of approval can be imposed in this regard.

The applicant proposes that the depot facility be operated between the hours of 6.00am and 6.00pm. This is considered unreasonable given the potential number of heavy truck movements through the site and the noise this is likely to generate in this quiet rural area. It is proposed that a condition of consent be imposed to restrict the use of the premises by heavy vehicles to the hours between 7.00am and 6.00pm weekdays and 7.00am to 2.00pm on Saturdays. It is recommended that heavy vehicle operations not be permitted on Sundays. It is not proposed to restrict light vehicles used by employees. These may enter and leave the site outside of these hours.

***Issue: Access via Wells Place and existing gravel track to the development site***

- If Wells Place is used for access it will impact on three (3) properties. May also impact on the future Gooong township expansion.
- Access should be restricted to Burra Road only

*Comment:* The application is submitted for access to Burra Road only and not Wells Place. The suggestion that Wells Place be utilised for access to the development site is not sought by the applicant or is it practicable or legal to use. The existing access track over adjoining lands from Wells Place is a private road and not subject to use by the applicant. A condition will apply that all vehicle movements to the development site are to be from Burra Road.

***Government Agency Submissions:***

ICON Water – Commercial and Government Services Group, Commonwealth Department of Finance

**4.1 Development Application 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction (Ref: C1745438; Author: Thompson/Gibbons) (Continued)**

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***Issue: Googong Drinking Water Catchment***

- As an adjoining property owner and lessor of the site accommodating the Googong Dam the Department of Finance is unable to support the proposal. The importance of maintaining the quality of water entering the Googong catchment area cannot be understated.

*Comment:* The Department was notified of the proposal as an adjoining owner by Council. The Department was at the time sent plan details of the application. Whilst the Department's non-support for the proposal is noted they have no statutory concurrence role regarding the development. Council can however take their submission into consideration albeit there are no justifiable reasons given for the non-support.

The development site is located within the Googong drinking water catchment as identified by the Drinking Water Catchment Map under the PLEP 2014. In determining any potential impact on the Googong drinking water catchment Council must have regard to the provisions of Clause 6.4 of the PLEP 2014. Council staff has had regard to the clause provisions and are satisfied that development subject to appropriate controls will not result in any adverse impact on the Googong dam drinking water catchment. Refer to Council's assessment under the attached section 79C Table.

Department of Primary Industries – Lands (two submissions)

***Issue: Crown lands***

- As the development proposes to utilise a crown road for access and other crown land is located in the vicinity of the development the Department was contacted about the development. The Department advised it offers no objection to the proposal providing a number of matters are addressed by the applicant. These matters will form a condition of consent should the development be approved.
- The Department advised in their letter that part of the Crown reserve road is now a Council road. This section of road will be utilised by the applicant. The road comprises an adequate all weather gravel surface for use by the development.

**Compliance or Policy Implications**

The application has been assessed under the requirements of the Environmental Planning and assessment Act 1979, related Acts, Regulations and Council policies. Refer to the attached section 79C Attachment.

**4.1 Development Application 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction (Ref: C1745438; Author: Thompson/Gibbons)  
(Continued)**

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**Conclusion**

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act* 1979 including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

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

The public written submissions received have been considered. The concerns raised have been addressed by the applicant or conditions can be applied to mitigate against the concerns raised.

The main issues relate to traffic safety on Burra Road and resident amenity issues (dust, noise, fencing and ongoing maintenance) for residents along the Right of Carriageway. The road safety concerns raised have been addressed by the applicant in their amended road/intersection design plans. Conditions are recommended to apply to mitigate against resident amenity concerns.

Issues concerning days of operation and hours and limiting the number of vehicles and activities together with environmental issues relating to wastewater loads, effluent disposal and fuel storage have also been addressed by conditions of consent.

The issues raised in the submissions do not warrant rejection or redesign of the proposed development.

The site is considered suitable for the proposed development. It is a permissible use with consent in the zone and can be appropriately conditioned to mitigate against any potential environmental impacts particularly as the site is located within the Googong dam drinking water catchment.

Conditional approval is recommended.

**Attachments**

Attachment 1	DA No 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction - Section 79C ( <i>Under Separate Cover</i> )
Attachment 2	DA No.2016.105 - Plans - 233 Burra Road ( <i>Under Separate Cover</i> )
Attachment 3	DA No.2016.105 - Environmental Review - 233 Burra Road ( <i>Under Separate Cover</i> )
Attachment 4	DA No 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction - Submissions ( <i>Under Separate Cover</i> )
Attachment 5	DA No 2016.105 - 233 Burra Road, Burra - Truck Depot, Ancillary Office and Access Road Construction - Draft Conditions ( <i>Under Separate Cover</i> )

## ENVIRONMENT, PLANNING AND DEVELOPMENT

**4.2 Development Application 382-2016 - 85 Monaro Street, Queanbeyan - Commercial Alterations - Royal Hotel (Ref: C1743374; Author: Thompson/Gibbons)**

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**Summary*****Reason for Referral to Council***

This application has been referred to Council because the application may involve a significant variation to a requirement in a development control plan.

Proposal:	Commercial alterations to Royal Hotel to include upstairs meeting and function rooms, kitchen, lift, staircase and toilets.
Applicant/Owner:	Grey Colt Pty Ltd/Robert McDonald for 85 Monaro St Pty Ltd.
Subject Property:	Lot 1 DP 624770, 85 Monaro Street, Queanbeyan
Zoning and Permissibility:	B3 Commercial Core - Permitted with consent.
Public Submissions:	None
Issues Discussed:	Parking Variation to Council's DCP 2012- Parking
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

1. That development application DA 382-2016 for commercial alterations including upstairs meeting and function rooms, kitchen, lift, staircase and toilets at the Royal Hotel, Lot 1 DP 624770, No. 85 Monaro Street, Queanbeyan be granted conditional approval, including a condition that a parking contribution be required in lieu of 36 vehicle spaces unable to be provided on site and subject to a condition that the "Future Function Room" shown on the development plans not being used for such purpose in the future (*any alternative use of this area being subject to further consent of Council*).
  2. That Council undertake a survey of the CBD parking to determine the availability of parking during business hours and availability of parking outside business hours to determine whether Councils DCP 2012 – Parking standards should be discounted having regard to businesses that predominantly operate outside business hours. The survey to take into account any potential redevelopment plans in the Morisset car park.
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**4.2 Development Application 382-2016 - 85 Monaro Street, Queanbeyan - Commercial Alterations - Royal Hotel (Ref: C1743374; Author: Thompson/Gibbons) (Continued)**

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**Background*****Proposed Development***

The development application is for works valued at \$1,558,800 and includes work:

- To remove existing accommodation located on the first floor
- To reconfigure the first floor level as meeting/function rooms
- To install a new kitchen to service new function area
- To install a new service hoist to the south boundary of the building
- To renovate the existing courtyard at first floor level and extend the area for a smoking terrace
- To install a lift to service the first floor (lift previously DA approved)
- To renovate some of the existing toilets, add new male, female and disabled toilets
- To install a new fire egress stair to the west side of the building to comply with BCA

The building footprint will be maintained and no demolition of the building skin is proposed. The existing facades on Monaro and Crawford Streets will be maintained. The overall height of the building will remain unchanged as will the existing awning.

Hours of operation include:

- Function rooms:
  - Thursday 6pm to midnight
  - Friday 6pm to 1am
  - Saturday 2pm to midnight
  - Sunday 2pm to midnight
- Hotel (previously approved) - Bistro trading hours 7 days a week
  - Lunch: 12.00 to 3.00
  - Dinner: 5-30 to 9.00
  - All day dining Saturday and Sunday

(Note: Food will be available outside of bistro trading hours whilst the hotel is trading)

The current loading zone in Crawford Street will be utilised.

Waste Management:

- The existing garbage and recycling room is currently mechanically ventilated and is accessible from the driveway at the northern end of the site
- Garbage collection and recycling will be by arrangement with a private contractor
- The existing grease arrestors will be upgraded to consultant's specifications as part of the construction of the new kitchen. These are to be pumped out regularly as part of the general management of the premises.

Existing CCTV cameras are installed to cover all footpath areas, entry points and the property perimeter.

**4.2 Development Application 382-2016 - 85 Monaro Street, Queanbeyan - Commercial Alterations - Royal Hotel (Ref: C1743374; Author: Thompson/Gibbons) (Continued)**

A Heritage Impact Statement was previously prepared by Dr Aedeen Cremin. The report found that, while the building is not actually Heritage listed, it does have a high level of significance historically, socially and aesthetically. The development seeks to preserve the appearance of the building within the streetscape and at the same time upgrading the premises to suit the requirements of a contemporary establishment.

The existing compliant disabled access to the building is provided at the Monaro Street entry. An existing WC has been provided at ground level as well as for the retail tenancies. A new lift access and a unisex accessible WC will be provided to first floor.

A previously approved, but unused function room of some 223m<sup>2</sup> will remain vacant at this time. A separate development application will be submitted for this unutilised area at a later date.

***Subject Property***

The site is located on the corner of Monaro and Crawford Streets in the Queanbeyan central business district on which is erected a two storey mixed use building comprising a hotel with accommodation and four (4) retail tenancies at ground level.

There has been a licensed hotel on the site since c1855 (refer to Heritage Impact Assessment prepared by Dr A Cremin, October 2009). The existing building dates from 1926.

The current use of the site is as a hotel including a restaurant/bistro facility at ground level, with budget accommodation on the first floor level. The building also contains retail tenancies fronting Crawford Street.

The proposed development will maintain the use in the ground floor but will remove accommodation on the first floor to accommodate new function/meeting rooms.

The Royal Hotel is an important landmark building in the CBD of Queanbeyan. The proposed development will preserve the appearance of the building and its pivotal place in the streetscape while at the same time upgrading the first floor facilities to a more compatible use and to modernised standards.



**Figure 1: Subject Site**

**4.2 Development Application 382-2016 - 85 Monaro Street, Queanbeyan - Commercial Alterations - Royal Hotel (Ref: C1743374; Author: Thompson/Gibbons) (Continued)**

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***Planning Requirements***

Assessment of the application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

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

***State Environmental Planning Policies******State Environmental Planning Policy No 55 - Remediation of Land***

Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. There are no records of the site being previously used for any potentially contaminating purposes. The site has a long history of hotel and accommodation use.

***State Environmental Planning Policy (Infrastructure) 2007***

The provisions of this Policy have been considered in the assessment of the application. The site is located in or adjacent to road corridor and has frontage to a classified road.

The site is not located within or immediately adjacent to an easement for electricity purposes or immediately adjacent to an electricity substation. No new development is proposed within 5m of an overhead powerline and no ground penetrating work is proposed within 2m of any underground electricity services.

***Queanbeyan Local Environmental Plan 2012 (LEP).***

The development is permitted with consent in the B3 Commercial Core zone under the Queanbeyan Local Environmental Plan 2012 subject to Council's consent. The development complies with the relevant QLEP 2012 provisions.

Clause 5.10 *Heritage Conservation and Schedule 5* - Queanbeyan LEP 2012 lists the Royal Hotel as a Local Heritage Item (117) under the QLEP 2012.

Council's Heritage Adviser advises the proposal involves considerable work to the first floor of the hotel. The first floor has been extensively altered in the past and has little if any fabric of heritage significance remaining.

The Heritage adviser comments that there will be no impact on the exterior other than a fire stair at the northern end that is set back from Crawford Street and is on a lesser elevation. Its impact is acceptable.

As there is minimal heritage impact, the proposal is supported by the Heritage Adviser.



**4.2 Development Application 382-2016 - 85 Monaro Street, Queanbeyan - Commercial Alterations - Royal Hotel (Ref: C1743374; Author: Thompson/Gibbons) (Continued)**

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***Queanbeyan Development Control Plan 2012 (DCP)***

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

The significant issues relating to the proposal for Council's consideration are: **(a) Compliance with DCP 2012**

The development complies with the Queanbeyan Development Control Plan 2012 with the exception of the provision of adequate on-site parking. The Development Engineering team's comments in relation to parking are detailed below.

***Development Engineers comments on parking:***

*Traffic and Parking* - The ground floor of the hotel generally remains unchanged with changes/additional drainage works proposed to be retrofitted, therefore no change in traffic or parking requirements arise from these works.

The first floor of the hotel is proposed to be re-developed to incorporate two small function rooms with a nominated seating capacity of 30 and 40 people and one large function room with a nominated capacity of 300 people. An additional large area is nominated as a "future function room, not within these scope of works" thus no seating capacity has been provided though similar in size to that of the proposed large function room.

It is noted that the area labelled as future function room, has been proposed and approved in a previous DA, which will be discussed further below. Ancillary to the function rooms is a bridal room proposed in the western corner of the first floor. Adjacent to the bridal room is a 105m<sup>2</sup> kitchen to service the function rooms. Two bar areas are also proposed in the function rooms with additional bathrooms. The function area incorporates a courtyard area that is partially covered which is accessible from all three proposed functions rooms (see plans in Attachment 2).

The parking requirements for function centres are not specifically addressed in the Queanbeyan DCP 2012. The RTA Guide for Traffic Generating Developments recommends comparing the proposed development with surrounding developments to assess the impacts and traffic requirements for Function Centres and Clubs.

Similar facilities in the LGA include the Queanbeyan Golf Club which has a function room facility (smaller in size to the proposed) and has approximately 60 parking spaces on site. The Queanbeyan RSL Memorial Bowling Club which also has a lower seating capacity to that proposed development and has over 100 parking spaces on site. The Queanbeyan Kangaroo RLFC which was extended to cater for hosting function and additional parking provided in DA 45-2005 was assessed based on the following parking ratios;

- Lounge/Games Room/Poker Machine Room: 1 space/5m<sup>2</sup>
- Dining Room/Auditorium: 1 space/6m<sup>2</sup> (17 spaces /100m<sup>2</sup>)
- Office/kitchen/bar: 1 space/40m<sup>2</sup> (for staff)

#### 4.2 Development Application 382-2016 - 85 Monaro Street, Queanbeyan - Commercial Alterations - Royal Hotel (Ref: C1743374; Author: Thompson/Gibbons) (Continued)

The principal difference between the above mentioned sites containing a function room capacity and the Royal Hotel is none of the above site are located in the CBD. It is difficult to draw a comparison with other CBD sites, as few exist. The only site with somewhat similar proposed operation/ability to operate in a similar manner to the Royal Hotel proposal within the CBD would possibly be the Queanbeyan Leagues Club, which has provision for on-site parking. Other hotels within the CBD though not operating with function rooms include; the Tourist Hotel and Walsh's Hotel which both provide some onsite parking. It should be noted that The Tourist Hotel also has an application pending for re-development of parts of the hotel to include a café/function facility.

Other council areas such as the former Auburn City Council and Greater Taree City Council utilise the restaurant parking rate recommended by the RTA Guide to Traffic Generating Developments of 15 spaces per 100m<sup>2</sup> or 3 spaces per 3 seats, whilst Cessnock City Council uses a slightly reduced rate of 1 space per 5 seats. The table below shows the required **total** number of parking spaces (ignoring credits for previous approvals) required for the upstairs floor only based on the proposed use. The calculations are based on a total Function Room Floor area of 783.2m<sup>2</sup> or a seating capacity of 640 people (370 advised and 270 assumed for the area labelled future proposed room based on a floor area ratio comparison to the large proposed function room) plus 105.2m<sup>2</sup> Kitchen area.

*Table 1: Parking Requirements First Floor of Royal Hotel using Various Rates*

15 Space /100m <sup>2</sup>	1 Space /6m <sup>2</sup>	1 Space /3 Seats	1 Space/5 Seats
120	133	213	128

It can be seen from Table 1 that, with exception of the rate of 1 space per 3 seats, most calculations arrive at a similar number of parking spaces required of approximately 120 to 130 parking spaces. The above calculation is a total number of parking spaces which the first floor development would require without consideration to previous approved uses. Previous uses of the first floor of The Royal Hotel include residential accommodation and a bar area/night club, thus examination of previous development application approvals and conditions of consent is required to evaluate the "parking credits" applicable to the proposed development.

Based on Council's records, prior to 1994 the first floor level operated as residential accommodation akin to a backpacker hostel with 38 rooms and common toilet/shower blocks and common dining area. The assessment of DA 109-1994, credited the first floor level portion of the development (the application also included refurbishment of the downstairs area) with 38 parking spaces, a rate of 1 space per room.

The above mentioned DA involved the conversion of 28 bedrooms to a bar, lounge and billiard area. The area to be converted was calculated to be approximately 485m<sup>2</sup> and was calculated to require 139 parking spaces (calculated based on 1 space per 3.5m<sup>2</sup> as a licensed area). The Development Control Plan of the day included a provision which allowed the parking requirement for developments within the CBD to be reduced to 70% of the DCP requirement or to 15% of the required parking on the basis of the type of facility, in that case an entertainment facility primarily operating outside normal business hours.

**4.2 Development Application 382-2016 - 85 Monaro Street, Queanbeyan - Commercial Alterations - Royal Hotel (Ref: C1743374; Author: Thompson/Gibbons) (Continued)**

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The assessing officer concluded that the development should comply with 30% of the DCP requirement, as the hours of operation of the development overlapped with normal business hours but was not fully operational during business hours, thus the development was ultimately deemed to require an additional 33 parking spaces ( $139-28=111 \times 0.3=33$ ). The remaining 19 rooms which were not within the footprint of the proposed bar and billiard area were proposed to cease use to further credit 19 spaces to the proposal and thus it was calculated that the proposal was 14 parking spaces in deficit.

The applicant at the time requested that the parking requirement be reduced to 15% of the calculated total if he was to only operate the first floor area after 4pm on weekdays and all day on the weekends when he addressed Council on Wednesday 20 July, 1994. Consequently, the development was approved and conditioned to only operate after 4pm and the remaining residential units were not to operate without further development application. Thus the upstairs area has been approved with  $139 \times 0.15=21$  out of hours parking spaces, which was less than the 38 spaces credited for the residential rooms. As a result no additional parking was required at that time.

During the mid to late 1990's the first floor of the Royal Hotel was anecdotally used as a night club. Despite what may be considered a considerable change in use from the approved use as a bar and billiard table area to a night club, it is possible that the operation of the night club was undertaken without consent from Council as it was operated out of normal business hours and the area occupied by the club is consistent with the bar and billiard table area previously approved thus not necessitating a change in liquor licensing requirements.

The next substantial development application at the site involving alterations to the upstairs area was in 2009, DA 319-2009. This application proposed the re-development of the ground floor, first floor and external facades of the building. The upstairs portion of the development application comprised residential accommodation rooms (each room with an internal WC and shower) and Function Room in the north-eastern corner of the first floor level. In total 18 single rooms, 2 x two bedroom suites, a managers unit and housekeeping units (24 rooms in total). The proposed function room had a floor area of 195m<sup>2</sup>.

Council staff were of the opinion part of the renovation included demolition of part of the building thus reduced the gross floor areas of the development and hence no increase in parking requirement over previous uses was assumed and no calculations supporting this were provided. Based on previous plans on file, the demolition works approved as part of the 2009 DA would have removed 9 bedrooms and associated shared bathroom facilities. As 24 accommodation rooms were proposed in this DA, 24 parking spaces would have been required, leaving a 14 space "credit" from past residential accommodation use. Regardless of the rate selected to calculate the parking required for the proposed function centre the proposed development would have been 15 to 19 parking spaces short of the required parking.

The currently proposed development comprises 556.3m<sup>2</sup> of function rooms (excluding circulation, stair cases, water closets, and the existing function room but including a bride change room) and a 105m<sup>2</sup> kitchen. The proposed development replaces the portion of the upper floor approved as hotel/motel accommodation totalling 24 rooms.

**4.2 Development Application 382-2016 - 85 Monaro Street, Queanbeyan - Commercial Alterations - Royal Hotel (Ref: C1743374; Author: Thompson/Gibbons) (Continued)**

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The existing function room is retained in the development, though earmarked for future development. It incorporates an area previously sited as “storage” and thus is calculated to cover an area of 226.9m<sup>2</sup> (rather than 195m<sup>2</sup> indicated on the previous plans). The total first floor area of the development can be credited with 38 spaces from previous use as residential accommodation or 24 + 29 = 53 spaces based on the approval from 2009.

Based on the parking requirement for the new works of 120-130 spaces and given the 53 space credit above, this means there is a deficit in parking of at least 70 parking spaces proposed with this application. If the “Future Function Room” area is excluded from the calculation, this reduces the deficit of the development to 36 parking spaces, however given it has already been approved for use, the crediting of these parking spaces would be subject to ceasing the use of this Function Room unless approved by a future application.

A traffic and parking statement was provided as supporting documentation to the proposed development. The statement identifies that on street parking on Monaro Street and Crawford Street is limited and identifies the Morisset Street Car Park as the main area that would cater for parking for past, existing and proposed use of the Royal Hotel. The Statement points out that the proposed function facility use would be similar to the previous use as a night club in terms of hours of operation being outside normal business hours and occupancy rates are not likely to exceed that of a night club.

However, the statement fails to recognise the previous use does not appear to have been an approved use by Council. Further the approved use of the bar and billiard table area was not for the entire first floor area of the hotel. The previous approval DA109-1994 was for an area of 485m<sup>2</sup> and the total function area of the first floor is calculated to be 783m<sup>2</sup>. It is noted that the statement “expects” occupancy rates within the Morisset Street car park to be “not less than 130 car spaces if 50% occupied during these times”, which suggests a study of the parking availability for the development was limited particularly as no data has been presented to justify the comments.

The statement also identifies a parking requirement of 1 space per 60m<sup>2</sup>, which is applied to a number of uses within the CBD, however in accordance with the Queanbeyan DCP and the Queanbeyan Local Environment Plan 2012, a Function Room or Centre is not one of the prescribed uses that is covered by this rate. It is further not a use prescribed in Section 7.3.3 (b) of the Queanbeyan DCP.

Finally, the Traffic and Parking Statement concludes that the effect of the development on local traffic and pedestrian movements would be minimal. This is generally concurred with, however, again the statement fails to provide factual data to support these conclusions, rather a discussion is presented and generalised vehicle movements for the existing and proposed uses are suggested by the author to arrive at a conclusion.

Whilst there are aspects of the Traffic and Parking Statement which are concurred with, including additional parking being available in public areas after hours, previous uses of the Hotel being of a similar nature to proposed and that minimal impact to traffic and pedestrian movement from the development. The statement provides little evidence or factual data to arrive at the recommendation and conclusions asserted.

**4.2 Development Application 382-2016 - 85 Monaro Street, Queanbeyan - Commercial Alterations - Royal Hotel (Ref: C1743374; Author: Thompson/Gibbons) (Continued)**

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It is recognised that the site is in a prominent position within the Queanbeyan CBD and the proposed use would be encouraged to promote business within the CBD and that limited usage (after hours Thursday and Friday night and from 2pm on Saturday and Sundays), however concessions in regards to parking at the site cumulatively over at least the past 23 years have been made without any parking contribution to Council. Whilst enforcing of the full parking contribution is considered to be uneconomical to promote business within the CBD, some form of parking contribution should be negotiated/agreed upon in recognition of the site's on-going use of public facilities. This is of particular significance as other businesses within the CBD look to undertake similar developments/change of uses. It is further noted that in the absence of detailed information from the traffic statement provided, Council should look to undertake a survey of CBD parking to enable justification for such developments.

***Summary of Parking Issues***

Based on the detailed assessment above the proposed development requires an additional 36 parking spaces. These spaces cannot be provided on site. However, where parking for commercial premises in the CBD cannot be provided on site it may make a contribution for car parking under the provisions of Council's Section 94 plan. The present contribution rate is \$11,474.93 per carpark which equals \$413,097.48 for 36 parking spaces. Should the application be approved it is recommended that the consent be conditioned accordingly.

As indicated in the Development Engineering comments above enforcing of the full parking contribution may be considered to be uneconomic in the context of promoting business within the CBD although it is considered some form of parking contribution should be negotiated/agreed upon in recognition of the site's on-going use of public facilities.

Under the Queanbeyan Development Control Plan 2012 for parking, Clause 2.2.4 allows variation of development standards for onsite parking. In considering any variation to the parking controls Council should have regard to the objective of the clause which is to provide alternative options for the provision of parking where general standards cannot be met on site. The controls further state that variations should only be considered:

- Where an applicant can show good cause why strict compliance with the parking standard is unnecessary
- Where peak demands for parking are staggered and it is demonstrated to the satisfaction of Council, a reduction in parking may be accepted; and
- Where any variation of the controls is supported by a Traffic Impact Statement

The assessment indicates that the Traffic Impact Statement does not make a strong case for why a variation should be granted although it is accepted that the hours of operation of the function centre do not coincide with peak parking demands in the CBD.

Council's options in relation to the provision of parking are as follows:

- Option 1 - Impose a condition of consent requiring a contribution of \$11,474.93 (indexed) for each of the 36 car parking spaces which cannot be provided on site in accordance with Council's Section 94 Developer Contribution Plan and subject to a condition that the "Future Function Room" shown on the development plans not being used for such purpose in the future (any alternative use of this area being subject to further consent of Council).

**4.2 Development Application 382-2016 - 85 Monaro Street, Queanbeyan - Commercial Alterations - Royal Hotel (Ref: C1743374; Author: Thompson/Gibbons) (Continued)**

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Option 2 - That Council apply a discount of 15% of the required parking requirement on the basis that this type of facility will operate outside normal business hours placing less demands on peak parking periods and for the following reasons:

- i. The footprint for the building has not changed and does not include any additional floor area.
- ii. The sites prominent position and the sites ongoing use of providing public facilities in the CBD particularly outside business hours.
- iii. Councils DCP – Parking, Clause 2.2 permitting variation to parking standards were justified by a Traffic and Parking Impact Study. The applicant has submitted a consultants Traffic and Parking Statement giving their reasons why variation of the DCP is warranted.
- iv. Councils long term promotion of active businesses in the CBD through its planning controls and community business support forums particularly where development encourages more people in the shopping centre during business hours and particularly at night.
- v. Council's DCP Clause 7.3.3 - Change of Use provisions encourage continued use and reuse of existing commercial premises in the CBD to make it more financially viable for landowners, purchasers and lessees to establish their proposed business and promote continued commercial uses, to avoid empty premises and encourage establishment of a vibrant Queanbeyan commercial centre.

As a consequence a condition of consent will be imposed requiring a contribution of \$11,474.93 (indexed) for each of the 6 required car parking spaces which cannot be provided on site in accordance with Council's Section 94 Developer Contribution Plan and subject to a condition that the "Future Function Room" shown on the development plans not being used for such purpose in the future (any alternative use of this area being subject to further consent of Council).

Option 3 – Note the requirement for an additional 36 car parking spaces and waive the requirement for any payment of Section 94 Developer Contributions for the reasons state in i to v above and subject to a condition that the "Future Function Room" shown on the development plans not being used for such purpose in the future (any alternative use of this area being subject to further consent of Council).

Option 1 is recommended. Only Council has the authority to reduce or waive developer contributions.

**(a) Building Surveyor's Comments**

No objection subject to standard building conditions

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

*Water* - Existing water supply available.

*Sewer* - Existing sewer connection available.

*Stormwater* - Existing stormwater connection to kerb outlets is available.

*Access* - Existing delivery vehicle access off Crawford Street is available.

**4.2 Development Application 382-2016 - 85 Monaro Street, Queanbeyan - Commercial Alterations - Royal Hotel (Ref: C1743374; Author: Thompson/Gibbons) (Continued)**

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*Flooding* - The majority of the proposed alterations are on the upper level of the existing building, which is above the flood planning level. The change of use from accommodation units to a function centre is a more suitable use for a building in terms of management of the premises prior to or during a flood event as there should not be overnight occupants with the change of use, which is marginally flood prone as the 1 in 100 year event is estimated to be less than 1 metre above the ground floor level of the building.

*Section 64 Contributions* - No contributions are required.

**(c) Environmental Health Comments**

No objection to the proposal subject to standard environmental health conditions.

**Financial Implications**

If Option 1 above is pursued a payment of \$413,097.48 would be contributed to Council's CBD car parking fund.

If Option 2 above is pursued a payment of \$68,849.58 would be contributed to Council's CBD car parking fund.

If Option 3 above is pursued Council would forfeit \$413,097.48 of funds that would otherwise have contributed to Council's CBD car parking fund.

**Engagement**

The proposal did not require notification under Queanbeyan DCP 2012.

**Compliance or Policy Implications**

There are no compliance or policy implications. Requiring a lesser number of car parks than specified in QDCP 2012 would be a variation of Council's policy.

**Conclusion**

The submitted proposal for commercial alterations to the Royal Hotel to include upstairs meeting and function rooms, kitchen, lift, staircase and toilets at Lot 1 DP 624770, 85 Monaro Street, Queanbeyan is supported by a Statement of Environmental Effects and Traffic and Parking Statement.

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act* 1979 including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

The development satisfies the requirements and achieves the objectives of these instruments with the exception of car parking requirements. The development has been assessed as being 36 parking spaces in deficit assuming that the applicant is willing to surrender that part of the previous consent (DA 319-2009) relating to a previously approved function room. The applicant is able to pay a contribution to CBD parking in lieu of providing on-site parking.

**4.2 Development Application 382-2016 - 85 Monaro Street, Queanbeyan - Commercial Alterations - Royal Hotel (Ref: C1743374; Author: Thompson/Gibbons) (Continued)**

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With the contribution for parking included as a condition of consent the proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts.

Conditional approval is recommended.

**Attachments**

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|--------------|---|
| Attachment 1 | P&SC - 12 April 2017 - DA 382-2016 - 85 Monaro Street - s 79C(1) Matters of Consideration ( <i>Under Separate Cover</i> ) |
| Attachment 2 | P&SC - 12 April 2017 - DA 382-2016 - Plans - 85 Monaro Street ( <i>Under Separate Cover</i> )                             |
| Attachment 3 | P&SC - 12 April 2017 - DA 382-2016 - Traffic and Parking Statement - 85 Monaro Street ( <i>Under Separate Cover</i> )     |
| Attachment 4 | P&SC - 12 April 2017 - DA 382-2016 - Draft Conditions - 85 Monaro Street ( <i>Under Separate Cover</i> )                  |



## ENVIRONMENT, PLANNING AND DEVELOPMENT

**4.3 Planning Certificates (Section 149 of Act) - Progress and Proposed Changes (Ref: C1726578; Author: Thompson/Lodder)**

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**Summary**

This report provides Council with background information about and proposed improvements to the making of Planning Certificates by Queanbeyan-Palerang Regional Council. This report proposes several planning matters to be listed in future section 149(5) Planning Certificates issued by Queanbeyan-Palerang Regional Council.

Future automation of Planning Certificates processes will significantly benefit the Administration and Planning teams by creating a more efficient delivery, allowing more time to be utilised for other tasks and netter turnaround times for customers.

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**Recommendation**

**That Council endorse the following items being listed in future section 149(5) Planning Certificates issued by Queanbeyan-Palerang Regional Council as described in this report and subject to resolution of accessing data records and software compatibility:**

- **Development Applications issued on the land in the last five years**
  - **Access to the land from a public road maintained by council or the NSW Government**
  - **Aircraft noise (ANEF data) if it is applicable to the land**
- 

**Background**

There are two types of Planning Certificates under section 149 of the *Environmental Planning and Assessment Act 1979*. Each Planning Certificate lists information about a specific land parcel. In recent years, the number of planning issues to be included in Planning Certificates has risen substantially. The contents of section 149(2) Planning Certificates are prescribed by Schedule 4 of the *Environmental Planning and Assessment Regulations 2000*. The contents of section 149(5) Planning Certificates are discretionary.

In 2016, there were 2,180 Planning Certificates issued by council offices — 701 certificates from Bungendore/Braidwood and 1,479 certificates from Queanbeyan. In 2017 the data from the Queanbeyan office indicates a 25% increase in demand for Planning Certificates to date. The administration staff prepare Planning Certificates that are signed by planning staff on behalf of the Director of Environment, Planning and Development. This work task requires significant staff time for planners and administrative staff in the Queanbeyan, Bungendore and Braidwood offices.

In the former Palerang local government area, Planning Certificates have been produced electronically since the gazettal of the *Palerang Local Environmental Plan 2014*, more than two years ago. The compilation of the information in the certificates is automated to a significant extent. Each certificate is then checked by planning staff either in the Bungendore or Braidwood offices. There has been substantial savings in staff time, improved response times and a decreased error rate. Conversely, in the Queanbeyan office, these certificates are generated and processed manually resulting in poorer outcomes of efficiency, accuracy and response times.

**4.3 Planning Certificates (Section 149 of Act) - Progress and Proposed Changes (Ref: C1726578; Author: Thompson/Lodder) (Continued)**

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Last month, staff from the Queanbeyan and Bungendore offices updated the template used in the former Palerang local government area for Planning Certificates. This template is currently integrated with TechOne data software. It is intended that this updated template will also be used by the Queanbeyan office. The next step is for the Pathway property data of the former Queanbeyan City area to be merged with this updated template. In the future, the overall objective is that all Planning Certificates that are issued across the merged local government area will be done using the TechOne software. This outcome is anticipated within two years subject to resolution of software compatibility.

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

One of the prescribed documents under the *Conveyancing (Sale of Land) Regulation 2010* for the sale of any land parcel in New South Wales is the inclusion of a Planning Certificate in the contract of sale documents. Additionally, Planning Certificates are used for Land and Environment Court matters; determining if complying development may be carried out and if particular State Environmental Planning Policies apply.

***Policy***

A Planning Certificate is an important document for Council to inform new or potential landholders of planning issues such as flooding, bushfire, aircraft noise, contribution plans, land use zones, and the type of development controls that apply to a particular land parcel.

***Prescribed content of s149 (2) certificates***

There are 20 planning matters relevant to Queanbeyan-Palerang Regional Council that are required to be provided in section 149(2) Planning Certificates:

- Planning instruments and Development Control Plans
- Zoning and land use under relevant Local Environmental Plans
- Applicability of complying development
- Road widening and road realignment
- Council and other public authority policies on hazard risk restrictions
- Flood related development controls information
- Land reserved for acquisition
- Contributions plans
- Biodiversity certified land
- Biobanking agreements
- Bush fire prone land
- Property vegetation plans
- Orders under *Trees (Disputes between neighbours) Act 2006*
- Directions under Part 3A
- Site compatibility certificates and conditions for seniors housing
- Site compatibility certificates for infrastructure
- Site compatibility certificates and conditions for affordable rental housing
- Paper subdivision information
- Site verification certificates
- Loose-fill asbestos insulation

**4.3 Planning Certificates (Section 149 of Act) - Progress and Proposed Changes (Ref: C1726578; Author: Thompson/Lodder) (Continued)**

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In addition, there are another four planning controls that are required to be listed on section 149(2) Planning Certificates that are not relevant to the lands of Queanbeyan-Palerang Regional Council. The simple response to these four controls is "Not relevant."

***Existing templates for s149 certificates***

Currently, Council offices across the merged local government area use different templates when issuing section 149(2) Planning Certificates. In the Bungendore and Braidwood offices Planning Certificates from a single template document have been produced electronically since the gazettal of the *Palerang Local Environmental Plan 2014*. The Palerang template is integrated with TechOne data software.

In the Queanbeyan office, the Planning Certificate template is completed manually. Currently, the planning data is being collated in the Pathway software. Later this year, the Pathway planning data will be merged into the section 149(2) Planning Certificate document to enable electronic generation by the Queanbeyan office as well.

It is proposed that the template Used in the Bungendore and Braidwood offices will also be used by the Queanbeyan office to replace the current manual template later this year.

***Existing content of s149(5) certificates***

The seven planning matters listed in its section 149(5) certificates by the former Queanbeyan local government area included flooding; land slip and subsidence; residential district proclamation; tree preservation orders; road widening under 1919 legislation; draft LEP resolutions and flight path ANEF data.

The five matters addressed by the section 149 5) certificates produced by the former Palerang local government area include whether the land is affected by the Unhealthy Land Policy; if a development approval (including a modification) or complying development certificate has been issued in the last five years; if there is access to the land from a public road which is maintained by council; if the land is located within a probable maximum flood area, if the land is subject to contamination; the household waste management arrangements, for example, if there is a kerbside waste collection.

***Proposed content of s149 (5) certificates***

After consideration of the 12 planning matters above, nine items are proposed to be discontinued because of lack of information, inclusion in section 149(2) certificates or outdated legislation (see attachment). The remaining issues are proposed to be ongoing matters that Council includes in future s149(5) Planning Certificates:

- Development Applications issued on the land in the last five years
- Access to the land from a public road maintained by council or the NSW Government
- Aircraft noise (ANEF data) if it is applicable to the land

**4.3 Planning Certificates (Section 149 of Act) - Progress and Proposed Changes (Ref: C1726578; Author: Thompson/Lodder) (Continued)**

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***Environmental***

Planning Certificates are important documents for Council to inform landholders of its environment policies on a variety of issues such as biodiversity, land clearing, property vegetation, contaminated sites and properties on the asbestos register. There are no changes proposed on this issue.

***Sustainability***

There will be no impact to climate change or the use of energy, water, fuel or waste by changes proposed in this report.

***Asset***

There will be no impact to council assets through the changes proposed in this report.

***Economic***

There will be benefits to the local economy by reducing the time taken to provide local planning information to landholders and the business community.

***Strategic***

Currently, there are many plans that apply to lands in the Queanbeyan-Palerang local government area: seven Local Environmental Plans; five Development Control Plans; and 32 Contribution Plans under Section 64 of the *Local Government Act 1993* or section 94 of the *Environmental Planning and Assessment Act 1979*. Any of these plans that are relevant to a particular land parcel are listed in section 149 (2) Planning Certificates.

***Engagement***

Since December 2016, a dedicated s149 project officer in Queanbeyan has been assigned to improve the process of assembling the data required in Planning Certificates. The project officer has sought advice from council officers in all relevant sections in Council, the Pathway User Group, the Geographic Information Systems staff and Land Information System staff.

***Financial***

Apart from the single staff salary cost, there has been no additional costs for any assets or ongoing financial commitments.

***Resources (including staff)***

The proposed changes will significantly benefit the Administration and Planning teams by creating a more time efficient process, allowing time to be utilised for other tasks. At present, the manual process in the Queanbeyan office is not only time consuming, but it is taxing on the eyes and hands of staff preparing Planning Certificates due to extensive scrolling and text deletion in the existing template.

**4.3 Planning Certificates (Section 149 of Act) - Progress and Proposed Changes (Ref: C1726578; Author: Thompson/Lodder) (Continued)**

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**Conclusion**

Council planning staff have been working together to improve the Planning Certificates template. As the integration of data systems and data collation proceeds, the longer term objective is to issue Planning Certificates more efficiently with reduced response times and risk of errors.

**Attachments**

Attachment 1      Proposed changes to planning issues in section 149(5) Planning Certificates issued by QPRC (*Under Separate Cover*)



## ENVIRONMENT, PLANNING AND DEVELOPMENT

**4.4 Proposed Street Names - Fisher Road, Currawang and Goorooyarroo Lane, Sutton  
(Ref: C1744173; Author: Thompson/Bateman)**

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**Summary**

This report proposes adopting and gazetting road names for two unnamed roads located in Sutton and Currawang.

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**Recommendation****That Council:**

- 1. Adopt in principle the following proposed road names:**
    - a. “Fisher Road” – Renaming the current Mooney’s Road (North) which is accessed off Currawang Road and leads onto Carney’s Road.**
    - b. “Goorooyarroo Lane” – Unnamed Crown Road accessed from Sutton Road approximately 1.3km north of the intersection with Norton Road.**
  - 2. Advertise the names for public comment in accordance with Section 162 of the Roads Act 1993.**
  - 3. Publish a notice in the NSW Government Gazette if no objections are received.**
- 

**Background**

Under clause 162(1) of the *Roads Act 1993*, Council is the authority responsible for road naming. Two unnamed roads have been identified in Sutton and Currawang which require naming. This is because unnamed roads are considered confusing they need to be formalised to ensure response times are minimised for emergency services and to ensure services can be readily provided to the area (such as mail delivery).

*NSW Road Naming Policy*

The NSW Road Naming Policy was adopted by the Geographic Names Board (GNB) in 2013 and is the basis for standardised and unambiguous road naming procedures across NSW. The policy contains a number of guiding principles to ensure the policy is achieved when naming roads. A copy of the NSW Road Naming Policy can be found at [http://www.gnb.nsw.gov.au/road\\_naming/nsw\\_road\\_naming\\_policy](http://www.gnb.nsw.gov.au/road_naming/nsw_road_naming_policy).

#### 4.4 Proposed Street Names - Fisher Road, Currawang and Goorooyarroo Lane, Sutton (Ref: C1744173; Author: Thompson/Bateman) (Continued)

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The following steps have been undertaken as part of the road naming process:

- Potential road names have been identified in accordance with the NSW Road Naming Policy
- Potential names submitted to the Geographic Names Board (GNB) to confirm compliance with the Policy
- Letter sent to affected residents inviting them to comment on the proposed road name
- Letter sent to affected residents informing them that the proposed road name was being sent to Council for determination and inviting them to attend the meeting

##### *Proposed Name and Resident Submissions*

The following road names were selected by Council staff and were forwarded to GNB for consideration. Reasons for selecting the names are also shown below.

##### *Road 1 – Currawang*

Renaming of road known as Mooney's Road (North) accessed from Currawang Road. (refer Attachment 1). Comments and submissions from local residents are provided in Attachment 2.

- **Fisher Road** – This name has been suggested by local residents after they reviewed Council's previous suggestions. The name has been approved by GNB. Fisher was the name of early land owners in the area.

##### *Road 2 – Sutton*

Unnamed Crown Road accessed from Sutton Road approximately 1.3km North of the intersection with Norton Road (refer Attachment 3). Comments and submissions from local residents are provided in Attachment 4.

- **Goorooyarroo Lane** – This name has been suggested by the residents after they reviewed Council's previous suggestions. The name has been approved by GNB. This name is significant to the area as it is the name of the Nature Reserve accessed off this road.

##### *Recommended Names*

As a result of the submissions received, it is recommended that the following road names be adopted:

- Road 1 – 'Fisher Road' to supersede Mooney's Road (North)
- Road 2 – 'Goorooyarroo Lane' for the portion of unnamed Crown Road shown in Attachment 3

These names have been submitted to GNB for consideration. After submission and assessment, GNB forwards proposed road names to other relevant authorities such as emergency services and Australia Post. No objections from any consulted authority have been received.

Should the recommendation be adopted, the following steps will be undertaken:

- Notification to the GNB and gazettal (assuming no objections received)
- Installation of a road name sign (assuming no objections received)

If objections are received, a further report will be prepared for Council for determination.



#### 4.4 Proposed Street Names - Fisher Road, Currawang and Goorooyarroo Lane, Sutton (Ref: C1744173; Author: Thompson/Bateman) (Continued)

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### **Implications**

#### ***Policy***

The suggested road name complies with the *NSW Road Naming Policy 2013*. The naming process is generally in line with the process detailed in *ECCRC Code of Practice for the Naming of Roads* (adopted 27 July 2004).

#### ***Asset***

New signage will be required which will become Council assets. Renewal will be required, however on-going maintenance and renewal costs are minimal.

#### ***Social / Cultural***

The road naming proposal will cause some disruption and inconvenience to local residents as they may have to change their addressing information with a variety of State, Federal and private bodies. The road naming proposal, however, will have a strong positive impact for residents by clarifying their address and improving emergency response times.

#### ***Consultation***

Consultation with the local community and State and Federal bodies undertaken to date is discussed in the body of the report. Further consultation will occur through formal publication of notices in local papers advising of the proposed road names and inviting comment.

#### ***Financial***

Financial impact on the Council is minimal. Fees associated with the gazettal are payable (\$1 per word plus GST and \$30 per map plus GST) and costs are also associated with manufacture and installation of a new road name sign (expected to be in the order of \$250).

### **Conclusion**

This report proposes adopting and gazetting road names for two unnamed roads located in Currawang and Sutton.

The recommended road names are:

- Road 1 – 'Fisher Road' to supersede Mooney's Road (North)
- Road 2 – 'Goorooyarroo Lane' for the portion of unnamed Crown Road shown in Attachment 3

**4.4 Proposed Street Names - Fisher Road, Currawang and Goorooyarroo Lane, Sutton  
(Ref: C1744173; Author: Thompson/Bateman) (Continued)**

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**Attachments**

- Attachment 1 P&SC- 12 April 2017 - Road Naming Proposal - Location Map - Proposed Fisher Road (*Under Separate Cover*)
- Attachment 2 P&SC - 12 April 2017 - Road Naming Proposal - Fisher Road Submission (*Under Separate Cover*)
- Attachment 3 P&SC- 12 April 2017 - Road Naming Proposal - Location Map - Proposed Goorooyarroo Lane (*Under Separate Cover*)
- Attachment 4 P&SC - 12 April 2017 - Road Naming Proposal - Goorooyarroo Submission (*Under Separate Cover*)

## STRATEGIC DEVELOPMENT

**5.1 Planning Proposal - Malbon Street, Bungendore (Ref: C1741180; Author: Thompson/Kurzyniec)**

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**Summary**

Council has received Parliamentary Counsel's opinion regarding amending the *Palerang Local Environmental Plan 2014* to allow the rezoning of Part of Lot 5 DP 1204393 (Malbon Street, Bungendore) from B2 Local Centre to SP2 Infrastructure (Public car park). It is recommended that Council adopts and takes all actions necessary to make the draft local environmental plan.

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**Recommendation**

**That Council adopt and take all actions necessary to make the draft local environmental plan to allow the rezoning of Part of Lot 5 DP 1204393 (Malbon Street, Bungendore) from B2 Local Centre to SP2 Infrastructure (Public car park).**

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**Background**

The process undertaken so far for this planning proposal is set out below.

- The former Palerang Council resolved on 1 October 2015 to forward the planning proposal, council report and recommendations to the Minister for Planning and Environment for a Gateway determination (Resolution No.214/2015).
- The Gateway panel determined that the planning proposal should proceed subject to conditions relating to consultation being met. The Department of Planning and Environment determined that it would authorise Council to exercise its delegation to make this plan. The Gateway Determination was issued on the 27 November 2015.
- The planning proposal was placed on exhibition from Wednesday 27 January 2016 to Monday 29 February 2016.
- At the meeting of Council on 24 March 2016, the following was resolved (48/2016) "that Council forward the planning proposal relating to the rezoning of part of Lot 5 DP 1204393, 14A Malbon Street, Bungendore from B2 Local Centre to SP2 Infrastructure (public car park) to the Parliamentary Counsel for an opinion (the drafting of the legal instrument).
- Council has received Parliamentary Counsel's draft opinion and has provided comment on this. A final opinion is attached (Attachment 3).

**Next Steps**

If Council resolves to adopt and to take all actions necessary to make the amended local environmental plan it will be signed by a delegated staff member. The local environmental plan will take effect when it is published on the NSW government legislation website.

**5.1 Planning Proposal - Malbon Street, Bungendore (Ref: C1741180; Author: Thompson/Kurzyniec) (Continued)**

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

The draft plan has been prepared consistent with the requirements of the *Environmental Planning and Assessment Act 1979*.

***Policy***

The Bungendore Land Use Strategy and Structure Plan identifies opportunities for residential development at a broad scale. Bungendore has experienced development growth in both commercial and residential development in some of the areas identified in the structure plan. The development of a central car park is a key component in providing economic opportunities for Bungendore and managing the amenity of the area

***Environmental***

Any environmental implications are considered to be minimal in the circumstances.

***Asset***

The car park will need to be maintained by Council into the future.

***Social / Cultural***

The proposal will facilitate the delivery of much needed car parking in the central Bungendore area.

***Economic***

As indicated above the development of a central car park is a key component in providing economic opportunities for Bungendore and managing the amenity of the area

***Strategic***

The plan is consistent with Council's long term plans for Bungendore Township.

***Engagement***

The details in respect of consultation are set out in the report above.

***Financial***

The costs associated with this planning proposal have come from the relevant project budget.

***Resources (including staff)***

This project has been primarily managed by staff.

**5.1 Planning Proposal - Malbon Street, Bungendore (Ref: C1741180; Author: Thompson/Kurzyniec) (Continued)**

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**Conclusion**

Council has received Parliamentary Counsel's opinion regarding amending the *Palerang Local Environmental Plan 2014* to allow the rezoning of Part of Lot 5 DP 1204393 (Malbon Street, Bungendore) from B2 Local Centre **to** SP2 Infrastructure (Public car park). It is concluded and recommended that Council should adopt and take all actions necessary to make the draft local environmental plan.

**Attachments**

Attachment 1	Planning Proposal 14A Malbon St ( <i>Under Separate Cover</i> )
Attachment 2	Gateway determination ( <i>Under Separate Cover</i> )
Attachment 3	Parliamentary Counsel Opinion ( <i>Under Separate Cover</i> )



## STRATEGIC DEVELOPMENT

**5.2 Planning Proposal - Captains Flat flood map and miscellaneous matters (Ref: C1742609; Author: Thompson/Kurzyniec)**

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**Summary**

Council has received Parliamentary Counsel's opinion regarding amending the *Palerang Local Environmental Plan 2014* to allow the insertion of Captains Flat flood planning area map, the amendment of the heritage schedule and heritage map no. 4 and the renumbering of a clause. It is recommended that Council adopts and takes all actions necessary to make the draft local environmental plan.

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**Recommendation**

**That Council adopt and take all actions necessary to make the draft local environmental plan to allow the insertion of Captains Flat flood planning area map, the amendment of the heritage schedule and heritage map no. 4 and the renumbering of a clause.**

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**Background**

The process undertaken so far for this planning proposal is set out below:

- 1) The former Palerang Council resolved on 6 November 2014 (246/2014) that Council:
  - 1 Submit the planning proposal for the amendments of the *Palerang Local Environmental Plan 2014* concerning (Attachment 1):
    - a. The insertion of the Captains Flat Flood Planning Map,
    - b. Amendment of Braidwood and Bungendore Flood Planning Maps,
    - c. Amendment of Schedule 5 Environmental Heritage concerning Lot 11 DP 237079 and
    - d. Amendment of the numbering of clauses 6.7 Highly erodible soils and 6.7 Slopes over 18 degrees:to the Minister for Planning for a Gateway determination in accordance with section 56 of the NSW *Environmental Planning and Assessment Act 1979*, and
  - 2 Advise the Minister that Council considers that the planning proposal should be exhibited for 14 days.
- 2) The Gateway Panel determined that the planning proposal should proceed subject to conditions relating to consultation being met. The Department of Planning and Environment determined that it would authorise Council to exercise its delegation to make this plan. The Gateway determination was issued on the 4 December 2014 (Attachment 2).
- 3) The planning proposal was placed on exhibition from Wednesday 10 June 2015 to Friday 3 July 2015.

**5.2 Planning Proposal - Captains Flat flood map and miscellaneous matters (Ref: C1742609; Author: Thompson/Kurzyniec) (Continued)**

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- 4) A report on the exhibition was provided to the meeting of Council on 24 March 2016. The following recommendation was adopted (52/2016) -
- “That Council adopt and make the draft local environmental plan (Amendment No. 3, Palerang Local Environmental Plan 2014, insertion of Captains Flat flood planning area map, amendment of the heritage schedule and the environmental heritage map and amendment of the numbering of clauses).”
- 5) Council has received Parliamentary Counsel's draft opinion and has provided comment on this. A final opinion is attached together with the draft flood maps (Attachment 3).

***Next Steps***

If Council resolves to adopt and make the amended local environmental plan it will be signed by a delegated staff member. The local environmental plan will take effect when it is published on the NSW government legislation website.

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

The draft plan has been prepared consistent with the requirements of the *Environmental Planning and Assessment Act 1979*.

***Policy***

The *Palerang Local Environmental Plan 2014* was gazetted on 19 September 2014 and came into force on 31 October 2014. As with the making of any complex document there were some errors, omissions or matters that have been put aside. This planning proposal has addressed these matters.

None of the proposed PLEP amendment represents a policy change.

***Environmental***

The Captains Flat Flood Planning Level Map will assist the community, developers and government agencies in managing the flood hazard in Captains Flat by making the identification of flood prone land easier. A flood risk minimisation approach is more cost effective than repairing flood damage.

***Social / Cultural***

The inclusion of the flood planning level map for Captains Flat will assist with the management of the flood hazard which in turn will assist in improving the well-being of the Captains Flat.

***Strategic***

The inclusion of the flood planning level map for Captains Flat is consistent with the government's strategic policy for these type of areas.



**5.2 Planning Proposal - Captains Flat flood map and miscellaneous matters (Ref: C1742609; Author: Thompson/Kurzyniec) (Continued)**

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***Engagement***

The details in respect of consultation are set out in the report above.

***Financial***

The costs associated with this planning proposal have come from the relevant project budget.

***Resources (including staff)***

This project has been primarily managed by staff.

***Integrated Plan***

The planning proposal is consistent with the *Palerang Community Strategic Plan 2013-32*.

**Conclusion**

Council has received Parliamentary Counsel's opinion regarding amending the *Palerang Local Environmental Plan 2014* to allow the insertion of Captains Flat flood planning area map, amendment of the heritage schedule and heritage map no. 4 and the renumbering of a clause. It is concluded and recommended that Council adopts and takes all actions necessary to make the draft local environmental plan.

**Attachments**

Attachment 1	Planning Proposal - Captains Flood Map and other amendments ( <i>Under Separate Cover</i> )
Attachment 2	Gateway determination ( <i>Under Separate Cover</i> )
Attachment 3	Parliamentary Counsel Opinion & draft flood maps ( <i>Under Separate Cover</i> )



## DETERMINATION REPORTS

**6.1 Annual Financial Statements - Former Palerang Council (Ref: C1746618; Author: Abigail/Ranawake)**

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**Summary**

This report presents the 2015/16 Financial Statements and Auditor's Reports for the former Palerang Council for the period between 1<sup>st</sup> July 2015 and 12<sup>th</sup> May 2016. Section 27 (1) of the Local Government (Council Amalgamations) Proclamation 2016 states:

*A new council is to prepare audited financial reports for the former councils, in respect of the period from 1 July 2015 to the end of the day on which this Proclamation was published on the NSW legislation website, on or before 31 December 2016.*

The Office of Local Government has granted Council an extension for lodgement to 30<sup>th</sup> April 2016.

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**Recommendation****That Council:**

- 1. Adopt the 2015/2016 Financial Statements for the former Palerang Council and accept the Auditor's Reports, as submitted by Hill Rogers.**
  - 2. Note that the Internal Audit Committee have received a copy of the Financial Statements with no adjustments being advised.**
- 

**Background**

The 2015/16 Financial Statements have been prepared in accordance with the *Local Government Act 1993* (as amended) and associated Regulations, International Financial Reporting Standards and the Local Government Code of Accounting Practice and Financial Reporting.

The Statements have been reviewed by Council's Auditor (Hill Rogers) and this report is to formally present the former Palerang Council's Financial Statements for the period ended 12<sup>th</sup> May 2016, together with the Auditor's reports, to the public in accordance with section 419 of the Local Government Act 1993 (as amended).

The Operating Result of \$6.306 million includes a recognition of revenues for a 46 week period compared with a 52 week period for Annual Rates (\$1.117 million) and the Contribution of Grants (\$3.014 million), resulting in a surplus of \$2.175 million.

Operating Performance measures the ability to contain operating expenditure within operating revenue excluding capital amounts. For 2016, this indicator was 9.37%, well above the benchmark of 0%.

**6.1 Annual Financial Statements - Former Palerang Council (Ref: C1746618; Author: Abigail/Ranawake) (Continued)**

Own Source Operating Revenue measures the degree of reliance on external funding sources such as grants and contributions. For 2016, this indicator was 75.74%, again above the benchmark of 60%.

The complete set of Financial Statements are included in an attachment to this report. The Auditor's Reports will be provided in a supplementary attachment. The Auditor has, consistent with the prior year, confirmed that the overall financial position of Council is sound.

A summary of the Financial Statements and key financial indicators are provided below:

	2016 \$000	%of Total	2015 \$000	%of Total	Increase / (Decrease) \$000
<b>Revenues before Capital Items</b>					
Rates & annual charges	14,507	39%	14,745	44%	-238
User charges, fees & other revenues	14,591	39%	11,794	35%	2,797
Grants & contributions provided for operating purposes	6,762	18%	5,911	18%	851
Interest & investment revenue	1,094	3%	1,266	4%	-172
	<b>36,954</b>	<b>100%</b>	<b>33,716</b>	<b>100%</b>	<b>3,238</b>
<b>Expenses</b>					
Employee benefits & costs	9,748	29%	9,984	31%	-236
Materials, contracts & other expenses	15,790	47%	13,704	43%	2,086
Depreciation, amortisation & impairment	6,626	20%	6,953	22%	-327
Borrowing costs	1,498	4%	1,549	5%	-51
	<b>33,662</b>	<b>100%</b>	<b>73,514</b>	<b>100%</b>	<b>1,472</b>
<b>Surplus (Deficit) before capital items</b>	<b>3,292</b>		<b>1,526</b>		<b>1,766</b>
Grants & contributions provided for capital purposes	3,014		5,810		-2,796
<b>Net Surplus (Deficit) for the period</b>	<b>6,306</b>		<b>7,336</b>		<b>-1,030</b>
<b>Performance Measures</b>					
Operating Performance		2016 9.37%		2015 3.87%	
Own Source Operating Revenue		75.74%		70.17%	

Further background to the financial performance of Council for the period is included in an attachment to this report along with information provided in the Financial Statements at Notes 13 and 16.

**6.1 Annual Financial Statements - Former Palerang Council (Ref: C1746618; Author: Abigail/Ranawake) (Continued)**

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**Implications*****Policy***

The 2015/16 financial reports comply with the provisions of Part 3, Chapter 13 of the Local Government Act 1993, which relates to Financial Management.

***Engagement***

In accordance with Section 418 of the Local Government Act 1993 (as amended) public notice of the presentation of the Financial Statements was advertised in The Canberra Times on the 5<sup>th</sup> April 2017. As well as being displayed on the Council Website, copies of the audited Financial Statements have been made available for inspection by members of the public from 5<sup>th</sup> April 2017. The reports are available for inspection at the customer services counter and any person can make written submissions to council with respect to the reports until 19<sup>th</sup> April 2017. Any submissions received will be subsequently reported to council and forwarded to Council's Auditors.

The Internal Audit Risk and Improvement Committee has received a copy of the Financial Statements for comment out of session.

**Conclusion**

Financial Statements for 2015/16 for the former Palerang Council are presented in accordance with the Local Government Act. The former Palerang Council financial statements are expected to be reported to the next meeting of council.

**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | Former Palerang Council Audit Report 2015/16 ( <i>Under Separate Cover</i> )                      |
| Attachment 2 | Former Palerang Council Audited Financial Statements for 2015/16. ( <i>Under Separate Cover</i> ) |



## DETERMINATION REPORTS

**6.2 Queanbeyan-Palerang Regional Council Donations Policy 2017 (Ref: C1746978; Author: Tegart/Ferguson)**

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**Summary**

This report is re-presented to Council following deferral at the meeting held on 22 March 2017 in order to include further harmonisation of two other relevant policies. The report recommends the adoption of a new draft Queanbeyan-Palerang Regional Council (QPRC) Donations Policy for donations under s.356 of the *NSW Local Government Act 1993*.

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**Recommendation****That Council:**

- 1. adopt the draft Queanbeyan-Palerang Regional Council Donations Policy 2017, and**
  - 2. rescind the following policies:**
    - a. the QPRC Rental Rebate Policy 2016**
    - b. the former Queanbeyan City Council Donations Policy 2013**
    - c. the former Palerang Council Donations Policy 2015**
    - d. the former Queanbeyan City Council Rates and Charges Relief Policy 2013**
- 

**Background**

A review has been undertaken of the Donations policies of the former Queanbeyan City and Palerang Councils. Following the deferral of consideration of the revised draft policy at Council's meeting on 22 March 2017, two related policies, the QPRC Rental Rebate Policy 2016 and the former Queanbeyan City Council Rates and Charges Relief Policy 2013, have also been reviewed for incorporation into the new policy.

The attached draft policy reflects the review, combining and refining the predecessor Councils' respective documents into a new single reformatted policy, and in doing so, rescinds four previous policies as listed in the recommendation. It is anticipated that the new policy will take effect prior to the calling for applications for donations in the 2017/18 financial year.

Some donations are annual standing donations, such as those equivalent to the ordinary rates levied for certain community assets, or to QPRC schools for annual prize-giving ceremonies, as per Schedule 1. Others are provided to community groups on a competitive basis upon application, as per Schedule 3.

The fundamental criteria for the provision of donations by Council are that:

1. The applicant must be able to demonstrate that the purpose of the donation aligns with QPRC's Community Strategic Plan and Delivery Plan, and/or
2. The recipient organisations have the care, control and management of Council's facilities, assets or services that are accessible to all sectors of the QPRC community.

**6.2 Queanbeyan-Palerang Regional Council Donations Policy 2017 (Ref: C1746978;  
Author: Tegart/Ferguson) (Continued)**

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**Implications*****Statutory***

The QPRC Donations Policy is a local policy, developed to comply with the provisions of s.356 of the *NSW Local Government Act 1993*. It establishes an equitable framework for providing various forms of financial, non-financial and in-kind assistance to groups and individuals within the QPRC community in a consistent and transparent manner.

As a local policy, and as a harmonisation of the previously adopted policies of the predecessor Councils, it does not require to be publicly exhibited prior to adoption. Notwithstanding this, Council may wish to undertake a short public exhibition period of 14 days.

***Financial***

Council's annual budget includes a vote for donations to be provided to community groups and individuals in accordance with the Donations Policy.

**Conclusion**

It is recommended that Council formally adopt a new draft Donations Policy following a review and harmonisation of the former Palerang and Queanbeyan City Councils' policies. Council is asked to rescind four previous policies, due to their provisions being incorporated into the new policy.

**Attachments**

Attachment 1      Draft Donations Policy



## DETERMINATION REPORTS

**6.3 Request for Sponsorship - Immune Deficiencies Foundation Australia - Razzamatazz Variety Show (Ref: C1746930; Author: Tegart/Simonovski)**

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**Summary**

The Immune Deficiencies Foundation (IDFA) is a registered charity. This year the IDFA will be holding its annual "Razzamatazz" event at the Queanbeyan Bicentennial Hall on 21 April 2017. This is a family-orientated show with local and international acts; designed to entertain and inspire our local special needs children.

The former Queanbeyan City Council provided support of \$1,500 last year.

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**Recommendation**

**That Council consider sponsoring 25 children for the Razzamatazz event at a cost of \$1,500.**

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**Background**

The Foundation is asking for Council to sponsor a group of less fortunate, terminally ill, severely disabled and disadvantaged children from our local area to attend this event. A "Showpass" will allow a child and a carer to attend, costing \$120 including GST.

Business or companies sponsoring 15 passes or more will be entitled to display company banners and signs at the event.

Surplus funds from this event will also help to fund the charity's on-going work in caring for sufferers of Primary Immunodeficiency Disorders (PID), which arise when children are born with an immune system that is faulty and missing some or all of the body's defence weapons (antibodies and proteins). Children with PID have no ability to fight infections and often have organ damage due to constant infections. There is no cure for PID and treatment includes monthly infusions in hospital.

**Implications*****Financial***

The cost of sponsoring a group is as follows –

25 Children \$1500	30 Children \$1800	35 Children \$2100.
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There are funds available in the Donations vote for sponsorship in the amount of \$4,836.

**Attachments**

Nil



## INFORMATION REPORTS

7.1 NBN Progress In Rural Areas (Ref: C1747051); Author: Tegart/Tozer

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**Report**

Following the switching on of the Captains Flat, Majors Creek and Mt Gillamatong NBN fixed wireless sites, Council has been advised that NBN has announced plans to launch a 100/40 megabits per second (download/upload) wholesale speed tier for fixed wireless.

The NBN fixed wireless service currently delivers telecommunications retailer service providers with access to peak wholesale speeds of up to 50/20 megabits per second. The new 100/40Mbps wholesale speed tier plans are scheduled for release to retailers in early 2018. NBN will soon commence consultation with the sector during which time details such as pricing and installation procedures will be developed.

In the QPRC area, more than 700 homes and businesses in Captains Flat, Majors Creek and Mt Gillamatong are able to connect to the service. Whilst these sites have only been active for between 1-2 months, the take up rate from residents and business has been very strong. This indicates a good level of local awareness in the community and intent to connect to the NBN network.

The NBN fixed wireless network in the Queanbeyan-Palerang Local Government Area can be viewed on the NBN network rollout map (<http://www.nbnco.com.au/learn-about-the-nbn/rollout-map.html>) and for more information about the NBN network fixed wireless network you can visit the NBN website (<http://www.nbnco.com.au/learn-about-the-nbn/network-technology/fixed-wireless-explained.html>)

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**Recommendation**

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

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**Attachments**

Nil



**8.1 Proposed Satellite Dish Captains Flat (Ref: C1728919; Author: Thompson/Warne)**

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**Summary**

A proposal has been received from Broadcast Australia to provide and operate radio and telecommunications equipment at a site off Old Mines Road Captains Flat.

The service will provide ABC & SBS radio and television services to the local area.

The site proposed is generally in the area where existing facilities for NBN, Telstra and Optus are located. A DA will be required for the project.

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**Recommendation**

- 1. That Council support in principle a proposal by Broadcast Australia for the establishment and operation of a radio & telecommunications equipment at a site off Old Mines Road Captains Flat subject to:**
    - a. A Licence Agreement being entered into in accordance with the provisions of *Local Government Act 1993*.**
    - b. The term of the Licence Agreement being ten years with two renewal options of 5 years each.**
    - c. The required approvals include that a Development Approval be obtained.**
    - d. The rental be as per the Council valuation.**
  - 2. That the Administrator and the General Manager be authorised to execute the Licence Agreement under the seal of the Council.**
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**Background**

At the end of Old Mines Road, Captains Flat is an elevated Council site where two water reservoirs are located. Also present there is a Telstra mobile communications facility and a separate NBN Co mobile communications facility. Optus also have a proposed facility utilising the NBN pole. All facilities have been licensed by the Council to the carrier as follows:

### 8.1 Proposed Satellite Dish Captains Flat (Ref: C1728919; Author: Thompson/Warne) (Continued)

Lessee	Licence Agreement Terms	Rental
Telstra Corporation Limited	5 year Licence Agreement from 4 February 2003; three five year options. ( <i>second option now exercised</i> )	Currently \$5,986.17pa; indexed @ 5% per annum.
NBN Co Limited	5 year licence Agreement from 28 August 2015; three five year options.	Currently \$10,000pa; CPI indexed.
Optus Sing Tel	initial period ending 27 August 2020 with a further three, five year options	Currently \$5,000 p.a.

The current proposal is for Broadcast Australia to provide a Satellite Dish and to improve service in the area. Existing infrastructure that is currently used would remain and the dish would provide an enhancement to the service. The satellite dish is 4.7m in diameter and would be enclosed in a small compound.

In addition, the Licence Agreement would cover the following points:

- Access to the site would be provided.
- A separate metered electricity supply to be installed.
- Rent reviews to be either CPI or 3% (*CPI is preferred*)
- Provision to assign or sublet facility to be provided.

It is understood that a DA would be required for the project.

A copy of the plans are appended to the report.

## **Implications**

### ***Legal***

The Council land is classified as *Operational Land* under the *Local Government Act 1993* so can be dealt with commercially by the Council. The public consultation provisions required under S 47 applicable to *Community Land* are not required. It is proposed that a Licence Agreement would be executed in accordance with commercial conditions as outlined in the report.

### ***Economic***

Whilst there is a commercial benefit to the Council from this Licence Agreement, there is also a community benefit in that there will be improved access for radio and television reception in the Captains Flat area.

**8.1 Proposed Satellite Dish Captains Flat (Ref: C1728919; Author: Thompson/Warne)  
(Continued)**

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***Financial***

The rental is in the process of being assessed. \$500 pa has been suggested by the Company, but when considered with the other facilities at the location it is expected that a more realistic rental will be achieved.

Council is awaiting the valuation to be provided, and suggest that the Council use this valuation as the basis of rental for the facility.

As the facility is located on a Water Fund asset, it is appropriate that the revenue earned be recognised by the Water Fund.

***Integrated Plan***

The Licence Agreement for this facility is not covered by IP&R, the activity will not interfere with the reservoir operations and the revenue derived will be an unbudgeted addition to the Water Fund budget.

**Conclusion**

This Licence Agreement proposal is considered to be beneficial to the Council and will provide improved television and radio reception for the Captains Flat area. The Licensee will need to obtain planning and building approval for the project in addition to any licencing approval granted by the Council.

**Attachments**

Attachment 1      Satellite Dish plans - Captains Flat. (*Under Separate Cover*)

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

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

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

**Recommendation**

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

**Item 10.1 Land and Access - Mountain Creek Road, Harolds Crossing**

*“.Item 10.1 is confidential in accordance with s10(A) (b) (g) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Item 10.2 Queanbeyan Regional Conservatorium**

*“.Item 10.2 is confidential in accordance with s10(A) (di) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*