



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

## **AGENDA**

**13 June 2018**

**Commencing at 5:30pm**

**Council Chambers  
253 Crawford St, Queanbeyan**



**On-site Inspections - Nil**

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

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

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

**1 APOLOGIES**

**2 PRESENTATION / DEPUTATIONS**

Nil

**3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS.....1**

**STAFF REPORTS**

**4 ENVIRONMENT, PLANNING AND DEVELOPMENT**

- 4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan .....3
- 4.2 Development Application Modification 248-2017/A - 14 Kavanagh Street, Jerrabomberra - Erection of a two storey dwelling house: Modification to roof height and minor internal and external changes ..... 15
- 4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7 Staunton Place, Googong .....23
- 4.4 Development Application DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road, Crestwood.....33
- 4.5 Development Application DA.2018.072 - Advertising Sign - 134 Burrows Lane, Bungendore ..... 39

**5 STRATEGIC DEVELOPMENT**

- 5.1 Updating, consolidating and pooling - Local Infrastructure Contributions.....45
- 5.2 Special Heritage Fund - Request for Extension and Variation .....49

**6 ITEMS FOR DETERMINATION**

- 6.1 Strategies for Review - Part 3.....51

**7 ITEMS FOR INFORMATION**

- 7.1 Queanbeyan Police Station - Redevelopment .....57

**8 INFRASTRUCTURE SERVICES**

- 8.1 Googong Road and Old Cooma Road Intersection .....59
- 8.2 Waste Management Update.....63

**9 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION ..68**

**Confidential - Not for Publication**

**10 REPORTS FOR CLOSED SESSION**

**10.1 Potential Land Acquisition**

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

**LIST OF ATTACHMENTS –**

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

**Open Attachments**

- Item 4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan
- Attachment 1 Assessment Report - DA 382/2016A - 85 Monaro Street, Queanbeyan (Under Separate Cover)*
- Attachment 2 Plans - DA Modification 382-2016/A - 85 Monaro Street, Queanbeyan - Royal Hotel (Under Separate Cover)*
- Attachment 3 Draft Modified Conditions - DA 382-2016/A - 85 Monaro Street, Queanbeyan (Under Separate Cover)*
- Item 4.2 Development Application Modification 248-2017/A - 14 Kavanagh Street, Jerrabomberra - Erection of a two storey dwelling house: Modification to roof height and minor internal and external changes
- Attachment 1 Assessment Report - DA Modification 248-2017/A -14 Kavanagh Street, Jerrabomberra (Under Separate Cover)*
- Attachment 3 Modified BASIX - DA Modification 248-2017/A -14 Kavanagh Street, Jerrabomberra (Under Separate Cover)*
- Attachment 4 Nathers Certificate - DA Modification 248-2017/A -14 Kavanagh Street, Jerrabomberra (Under Separate Cover)*
- Attachment 5 Draft Conditions - DA Modification 248-2017/A -14 Kavanagh Street, Jerrabomberra (Under Separate Cover)*
- Item 4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7 Staunton Place, Googong
- Attachment 1 Assessment Report - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place, Googong (Under Separate Cover)*
- Attachment 2 Plans - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place, Googong (Under Separate Cover)*
- Attachment 3 Submissions - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place, Googong (Under Separate Cover)*
- Attachment 4 Draft Conditions - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place, Googong (Under Separate Cover)*
- Item 4.4 Development Application DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road, Crestwood
- Attachment 1 Assessment Report - DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road, Crestwood (Under Separate Cover)*
- Attachment 2 Plans - DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road,*

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

**BUSINESS PAPER AGENDA – 13 June 2018 Page iii**

- Crestwood (Under Separate Cover)*
- Item 4.5    Attachment 3    *Draft Conditions - DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road, Crestwood (Under Separate Cover)*
- Item 4.5    Development Application DA.2018.072 - Advertising Sign - 134 Burrows Lane, Bungendore
- Item 4.5    Attachment 1    *Assessment Report - DA.2018.072 - Advertising Signage - 134 Burrows Lane, Bungendore (Under Separate Cover)*
- Item 4.5    Attachment 2    *Plans - DA.2018.072 - 134 Burrows Lane, Bungendore (Under Separate Cover)*
- Item 5.2    Special Heritage Fund - Request for Extension and Variation
- Item 5.2    Attachment 1    *Request - St Stephens Presbyterian Church, Queanbeyan (Under Separate Cover)*
- Item 6.1    Strategies for Review - Part 3
- Item 6.1    Attachment 1    *Council Property Strategy (Under Separate Cover)*
- Item 6.1    Attachment 2    *Business Paper report - Council Property Strategy (Under Separate Cover)*
- Item 6.1    Attachment 3    *Procedure for Unsolicited Proposals (Under Separate Cover)*
- Item 6.1    Attachment 4    *Business Paper report - Procedure for Unsolicited Proposals (Under Separate Cover)*
- Item 6.1    Attachment 5    *Business Paper report - ICT Strategic Plan 2017-2019 (Under Separate Cover)*
- Item 6.1    Attachment 6    *ICT Strategy (Under Separate Cover)*
- Item 6.1    Attachment 7    *QPRC Financial Strategy (Under Separate Cover)*
- Item 6.1    Attachment 8    *Business Paper report - QPRC Financial Strategy (Under Separate Cover)*
- Item 7.1    Queanbeyan Police Station - Redevelopment
- Item 7.1    Attachment 1    *Attachment 1 - Queanbeyan Police Station Redevelopment - Notification letter (Under Separate Cover)*
- Item 7.1    Attachment 2    *Attachment 2 - Plan accompanying Queanbeyan Police Station Redevelopment - Notification letter (Under Separate Cover)*
- Item 8.2    Waste Management Update
- Item 8.2    Attachment 3    *Kerbside Bin Audit Report Queanbeyan Palerang 2018 (Under Separate Cover)*

**Closed Attachments**

- Item 4.1    Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan
- Item 4.1    Attachment 4    *Submission - Modification to DA 382-2016/A - 85 Monaro Street, Queanbeyan - Royal Hotel (Under Separate Cover)*
- Item 4.2    Development Application Modification 248-2017/A - 14 Kavanagh Street, Jerrabomberra - Erection of a two storey dwelling house: Modification to roof height and minor internal and external changes
- Item 4.2    Attachment 2    *Modified Plans - DA Modification 248-2017/A -14 Kavanagh Street, Jerrabomberra (Under Separate Cover)*
- Item 4.3    Development Application - DA 2-2018 - Variation to the Building Envelope - 7 Staunton Place, Googong
- Item 4.3    Attachment 5    *Advice from Bradley Allen Love Lawyers, dated 2 September*

*2015 (Under Separate Cover)*

Item 8.2 Waste Management Update

*Attachment 1 QPRC Hume MRF China Ban March 2018 (Under Separate Cover)*

*Attachment 2 QPRC Hume MRF QPRC Hume Value Share Proposal (Under Separate Cover)*

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

---

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

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

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

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

**Recommendation**

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





**4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan (Ref: C1867835; Author: Harlor/Kunang)**

---

**Summary**

***Reason for Referral to Council***

This application has been referred to Council as the Portfolio General Manager of the Natural and Built Character section has determined it is in the public interest to have the matter considered by Council. The application also involves a significant variation to a requirement in a Development Control Plan (DCP).

Proposal:	Modification of Development Consent 382-2016 for commercial alterations to Royal Hotel to include upstairs meeting and function rooms, kitchen, lift, staircase and toilets
Applicant/Owner:	Mr Anthony McDonald / 85 Monaro Street Pty Limited
Subject Property:	LOT 1 DP 624770, No. 85 Monaro Street Queanbeyan NSW 2620
Zoning and Permissibility:	B3 Commercial Core under Queanbeyan Local Environmental Plan 2012
Public Submissions:	One
Issues Discussed:	Planning Requirements Car parking requirements Noise impact
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

---

**Recommendation**

**That:**

**1. Approval be granted to a variation to Part 2 of Queanbeyan Development Control Plan 2012 for the following reasons:**

**(a) The non-compliance with the requirements of Clause 2.2 – Car Parking of Part 2 of the DCP in relation to the car parking requirements.**

**2. Modified development application 382-2016/A for commercial alterations to Royal Hotel to include upstairs meeting and function rooms, kitchen, lift, staircase and toilets on LOT 1 DP 624770, No. 85 Monaro Street, Queanbeyan NSW 2620 be approved subject to modification of the following existing conditions of consent:**

**Amend condition 14 as follows:**

**14. HOURS OF OPERATION FOR FUNCTION CENTRES IN UPPER LEVEL**

**Operating hours of the function centres in upper level are restricted to the following hours :**

**4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan (Ref: C1867835; Author: Harlor/Kunang) (Continued)**

---

**Monday to Wednesday : 6.00pm to midnight**

**Thursday to Friday : 6.00pm to 2.00am**

**Saturday : 10.00am to 2.00am**

**Sunday : 10.00am to midnight**

**Public holidays : 10.00am to midnight**

REASON: To limit the use of function centres and to protect the amenity of the surrounding neighbourhood. **(59.01)**

**Impose condition 14A as follows:**

**14A. HOURS OF OPERATION FOR FUNCTION CENTRES OPEN AIR COURTYARD AREA**

**The upper level open air courtyard must not be used by patrons after midnight; with all electrically amplified sound equipment in the upper level open air courtyard area to be turned off at midnight, on any given night, and all doors leading into the upper level open air courtyard to be closed at midnight, on any given night.**

REASON: To protect the amenity of the surrounding neighbourhood by limiting the use of the function centre and to ensure compliance with the liquor licence noise conditions. **(59.01)**

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

---

**Background**

The original development application 382-2016 was lodged with Council on 12 September 2016 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 was maintained and no demolition of the building skin was proposed. The existing facades on Monaro and Crawford Streets were maintained. The overall height of the building remains unchanged as well as the existing awning. The current loading zone in Crawford Street will be utilised. Existing CCTV cameras were installed to cover all footpath areas, entry points and the property perimeter.

The development application was previously determined by Council due to the original application's non-compliance with the car parking requirements. No onsite parking spaces are able to be provided by historical or the current application. The assessment concluded that 36 parking spaces (it should be noted this is based on the calculation which resulted in the least

**4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan (Ref: C1867835; Author: Harlor/Kunang) (Continued)**

required spaces rather than the greatest requirement which is typically required) were required by the development when credits for the existing hotel rooms and rescinding of the use of the existing 195m<sup>2</sup> function room development consent were taken into consideration.

Due to the lack of availability to provide onsite parking, supporting documentation for the development application and Council's previous assessment and recommendations on the development were based on the proposed operating hours not coinciding with normal business hours and thus the use of public car parks not occurring during peak periods and therefore not increasing peak parking demand in the CBD.

Council staff recommended that the original application 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 being subject to further consent of Council).

At a meeting held on 12 April 2017, Council conditionally approved DA 382-2016 and waived the requirement for any payment of Section 7.11 Developer Contributions (formerly Section 94 Contributions) for the following reasons 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).

- 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 public facilities in the CBD particularly outside business hours.*
- iii. Council's DCP – Parking, Clause 2.2 parking 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 encourages 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 users, to avoid empty premises and encourage establishment of a vibrant Queanbeyan commercial centre.*

The approved hours of operation for the function centres in upper level are:

- Thursday 6pm to midnight
- Friday 6pm to 1am
- Saturday 2pm to midnight
- Sunday 2pm to midnight

Public holidays 12 noon to midnight

***Proposed Development***

On 7 March 2018 Council received an application to modify development consent 382-2016 for commercial alterations to Royal Hotel including upstairs meeting and function rooms, kitchen, lift, staircase and toilets on LOT 1 DP 624770, No. 85 Monaro Street Queanbeyan NSW 2620. The proposed modification is for;

- a) Retention of 4 hotel rooms, an office, store rooms, lift and toilets in the upper floor level. Any proposed addition or alteration to these rooms is subject to a future

**4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan (Ref: C1867835; Author: Harlor/Kunang) (Continued)**

---

development application. Hotel room marked as “hotel room 6” on the proposed modified plan was proposed to be demolished and used as a commercial kitchen to service new function area under the original approval.

- b) Reconfiguration and reduction of the kitchen area.
- c) Reconfiguration of the function rooms, bar area and toilets.
- d) Relocation of the approved lift.
- e) Amendment to the approved hours of operation for the function centres in upper level. The proposed operating hours are;

Monday to Wednesday: 9am to midnight

Thursday to Saturday: 9am to 3am

Sunday: 9am to midnight

The proposed modified development does not change the approved use or hours of operation for the ground floor. The proposal does not result in any changes to the existing building height, building footprint or external appearance of the building, waste management and existing loading bay.

***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. The land is zoned B3 Commercial Core and the building is heritage listed. The site has also been identified as flood prone.

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 accommodations on the first floor level which were proposed to be demolished and replaced by function centre and amenities under the original approval 382-2016. However the subject modification application proposes the retention of 4 budget accommodations on the first floor level. The building also contains retail tenancies fronting Crawford Street.

The Royal Hotel is an important landmark building in the CBD of Queanbeyan. The proposed modified 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.

**4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan (Ref: C1867835; Author: Harlor/Kunang) (Continued)**



Figure 1: Subject site

### **Planning Requirements**

Under Section 4.55 (formerly Section 96) applications to modify the development consent are grouped according to whether they involve: i) Minor error, misdescription or miscalculation; or ii) Minimal environment impact; or iii) Other modifications. This proposed modification falls within the “Other modifications” group which is dealt with under Section 4.55(2). The following provides an assessment of the proposal under the relevant provisions of Section 4.55.

### **Section 4.55(2) Other Modifications**

This subclause specifies requirements that must be satisfied and/or carried out. The first is whether the proposal will result in the development being substantially the same development originally consented to. In this instance, the modification proposed will result in a development which is substantially the same as the development originally approved. There are no changes proposed to the approved gross floor area or overall appearance of the building, building height and setbacks, existing signage, approved loading bay and driveway. The proposed modified development involves internal alterations to the floor level of upper storey including the retention of 4 budget accommodations in upper storey that were proposed to be demolished and replaced with function centres and amenities under the original development application 382-2016. The applicant also proposed to change the approved operation hours for the function centres in upper level from:

**4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan (Ref: C1867835; Author: Harlor/Kunang) (Continued)**

Approved operating hours	Proposed operating hours
Thursdays: 6.00pm to midnight	Mondays to Wednesdays: 9.00am to midnight
Fridays: 6.00pm to 1.00am	Thursdays to Saturdays: 9.00am to 3.00am
Saturdays: 2.00pm to 1.00am	Sundays: 9.00am to midnight
Sundays: 2.00pm to midnight	
Public holidays: 12 noon to midnight	

Council staff do not support the proposed operating hours above, in order for the modification to be considered substantially the same as that consented, as no onsite parking spaces can be provided for the development. Also the proposed operating hours for the function centres and courtyard area in upper level until 3am will have noise impact on the surrounding neighbours. Therefore, a condition No.14 imposed on the original development consent is proposed to be amended to limit the operating hours of the function centre to:

Recommended operating hours:

Mondays to Wednesday: 6.00pm to midnight  
 Thursday to Friday: 6.00pm to 2.00am  
 Saturday: 10.00am to 2.00am  
 Sunday: 10.00am to midnight  
 Public holidays: 10.00am to midnight

Council’s Environmental Health Officer has assessed the application and has raised no objection to the proposal subject to the amendment of condition 14 as mentioned above. The proposed internal reconfiguration results in better design outcomes that complement the desirable aspects of the locality and the existing heritage item on the site. There will be minimal impacts on adjoining land use activities should the proposed operating hours as recommended by Council Staff above be adopted.

The second and third requirements are that the modification application be referred to relevant public authority or approval body and be notified in accordance with a DCP, in this instance Clause 1.8.5 – Notification Requirements for Modifications of the Queanbeyan Development Control Plan 2012. The application was referred to the NSW Police for comment. The application was notified to adjoining property owners and occupiers and one submission was received (Refer to “Engagement” section of this Report for more details).

The matters that are of relevance under Section 4.15 of the Environmental Planning and Assessment Act (EPAA) 1979 have been taken into consideration and are summarised in the attached Section 4.15 Table – Matters for Consideration.

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

1. State Environmental Planning Policy No 55 - Remediation of Land
2. State Environmental Planning Policy No 64 – Advertising and Signage
3. State Environmental Planning Policy (Infrastructure) 2007
4. Queanbeyan Local Environmental Plan 2012 (LEP).
5. Queanbeyan Development Control Plan 2012 (DCP)

**4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan (Ref: C1867835; Author: Harlor/Kunang) (Continued)**

---

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

**(a) Compliance with SEPP**

The proposed modified development generally satisfies the relevant provisions of the State Environmental Planning Policies as discussed in detail in the attached Section 4.15 Table.

**(b) Compliance with LEP**

The proposed modified development generally satisfies the relevant provisions of the Queanbeyan Local Environmental Plan 2012 as discussed in detail in the attached Section 4.15 Table.

**(c) Compliance with DCP**

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.

**Traffic and Parking:**

A relatively detailed analysis of previous development application approvals for the site was undertaken during the original assessment of the current development application which noted that in the relatively recent history of developments at the Royal Hotel, intensified uses approved at the Hotel have had otherwise required Section 94 contributions waived, primarily as they have been considered to be an overbearing financial constraint on the respective owners' past and present. The assessment concluded that 36 parking spaces were required by the development (it should be noted this is based on the calculation which resulted in the least required spaces, rather than the greatest spaces typically required), when credits for the existing hotel rooms and rescinding of the use of the existing 195m<sup>2</sup> function room development consent were taken into consideration. Supporting documentation for the development, previous assessment and recommendations on the development were based on the proposed operating hours not coinciding with normal business hours and thus the use of public car parks not occurring during peak periods.

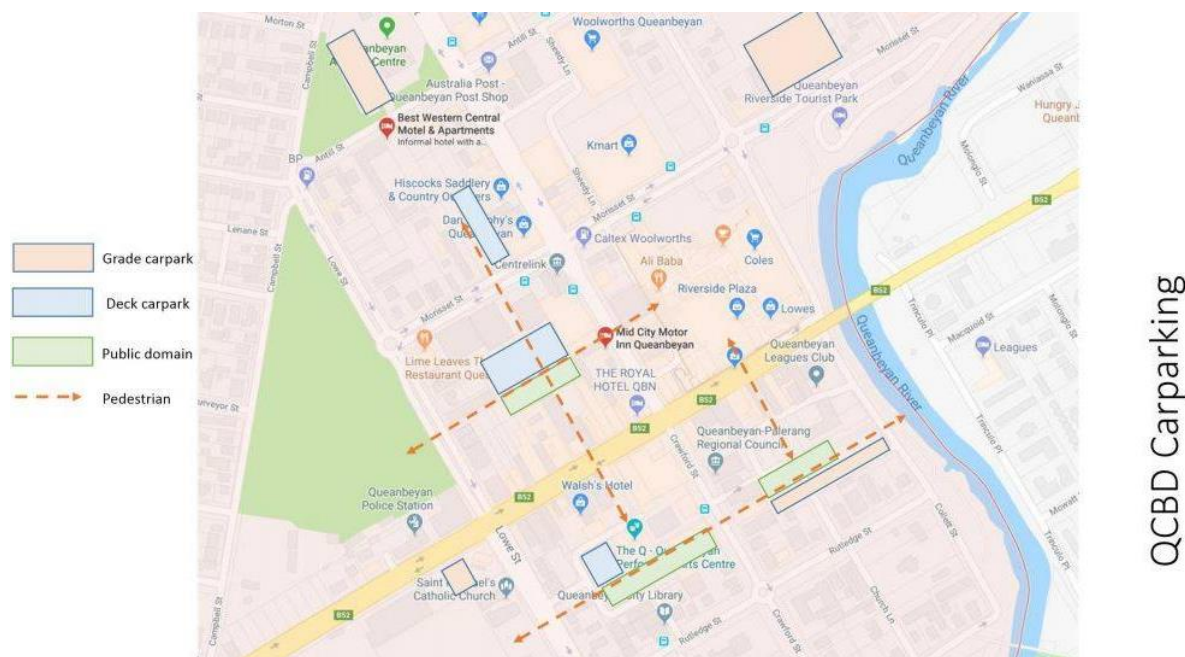
The revisions to the floor area have resulted in a 54m<sup>2</sup> reduction in kitchen area which reduces parking requirement by 1 space and a 25m<sup>2</sup> reduction in function floor area which further reduces parking requirement by 4 spaces. The retention of 4 hotel rooms and an office adds 4 parking spaces to the parking requirement which was previously credited to the development. A net reduction in 1 parking space being generated by the development from the previously calculated 36 to 35 spaces. However, as Section 94 contributions were not levied on the development consent, Council is therefore unable to levy car parking contributions on the applicant, which has been tested by the courts (*Peter Duffield and Associates v Canada Bay City Council, 2002*). Thus, aspects relating to parking within the proposed modification can only be assessed by Council Staff as broadly complying with the merits of the original consent or being substantially different thus requiring a new development application to be lodged.

As stated the internal alterations result in a net reduction of 1 parking space being required on site, thus can be supported. However the extension of business hours pose a significant imposition on the surrounding public parking areas. Largely, the basis for

**4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan (Ref: C1867835; Author: Harlor/Kunang) (Continued)**

Council staff’s previous report recommending approval of the original consent was enabled due to the limitation of the proposal to operate outside normal business hours. Further, the traffic study provided by the applicant and referenced by Council staff, and by Council in approving the development, sighted the proposal would not coincide with normal business hours. Thus, the proposed hours should not be supported.

It should further be noted, since the development consent was issued, Council has been progressing through CBD Masterplans and Parking Strategies. Significant shortfalls in parking requirements have been identified which have given rise to the requirement to redevelop existing car parks, of particular relevance to the development is the Morisset Street Car Park which is identified as a “Deck Carpark” in Smart City Plan and Car Park Plans.



QCBD Carparking

The cost which will be borne by Council to the benefit of surrounding business, to undertake these works is yet to be fully recognised, however the Rawlinson's cost estimation guide gives the estimate of \$21,693.63 - \$23,443.27 per car space for Multi Storey - reinforced concrete construction with open sides, slow lifts, average facilities; no ventilation or fire sprinklers. Council present CBD parking contribution stands at \$11,752.92 per parking space.

Section 7.3.3 of the Queanbeyan DCP has been referenced previously and again as justification for the development not requiring further parking on the basis there is no increase in floor area. However in recognition that Function Centres create a significant burden on the local facilities, this development type is not included as one of the uses which this provision applies to. It should also be noted that a significant portion of the Morisset Street Car Park will be set aside for the sole use of the Police whilst their existing premises is under renovation.

Given the consent has been provided on the basis that the proposed operates outside normal business hours, as discussed above, Council staff would consider an extension from the existing hours of operation from Thursday to Sunday, to Monday to Sunday, provided the existing out of hours of operation are maintained consistent with the current consent from 6pm on Mondays to Fridays (excluding public holidays).



**4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan (Ref: C1867835; Author: Harlor/Kunang) (Continued)**

---

A condition of consent No. 14 imposed on the original approval related to the hours of operation of the function centres in upper level will be amended as part of this application (should it be granted) to limit the use of function centres to:

Mondays to Wednesday : 6.00pm to midnight  
Thursdays to Fridays : 6.00pm to 2.00am  
Saturdays : 10.00am to 2.00am  
Sundays : 10.00am to midnight  
Public holidays : 10.00am to midnight

**(d) Other Matters**

The proposed modified development generally satisfies the other relevant planning matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* as discussed in detail in the attached Section 4.15 Table.

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

Council's Building Surveyor has assessed the proposed modified development and has raised no objections.

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

The modification reduces the Function Area by 25m<sup>2</sup> through retention of existing rooms and reduction in kitchen area. The kitchen area reduces from 105m<sup>2</sup> to 61m<sup>2</sup> and 4 hotel rooms (1 x 2 bedroom room, remaining single rooms) and an office are retaining from existing. Additional water closet areas compared to the approved plans are also proposed.

The modification also seeks to amend operating hours from existing hours of:

- Thursday 6pm to midnight
- Friday 6pm to 1am
- Saturday 2pm to 1am
- Sunday 2pm to midnight

To:

- Sunday to Wednesday 9am to midnight
- Thursday to Saturday 9am to 3am

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.

Traffic and Parking – Refer to comment under “Compliance with DCP” heading.

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

**4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan (Ref: C1867835; Author: Harlor/Kunang) (Continued)**

---

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**

Council's Environmental Health Officer has reviewed the proposed modified development and has raised no objection to the proposal subject to a number of conditions of consent being modified.

**(d) Heritage Advisor's Comments**

Council's Heritage Advisor has assessed the proposed modified development and has raised no objections. Heritage Advisor advises:

*"The modifications do not affect any part of the building's exterior that is significant or visible from the public realm.*

*The modification to the downstairs doorway in Crawford Street will not affect the building's heritage value.*

*The upstairs section of the building has been extensively modified previously and is no longer of heritage interest. Modifications to floors, walls and ceilings are of no heritage interest.*

*As there is no adverse impact on significance there is no need to update the Heritage Impact Assessment prepared by Dr Aedeem Cremin in 1909."*

**External Referrals****NSW Police**

The subject modification application was referred to the NSW Police for comment in regard to Crime Prevention Through Environmental Design (CPTED) principles. The proposed modified development was identified by the NSW Police as a Moderate Crime Risk (refer to comments from the NSW Police in the Section 4.15 attachment).

Conditions of consent imposed on the original consent 382-2016 and previously approved DA 314-2009 related to safety measures, management of the function centres during business hours and liquor licence requirements are still applicable and are not required to be altered by this application.

**Engagement**

The proposal required notification under Queanbeyan DCP 2012. One submission was received. No submission was received from this submitter when the original development application was notified to adjoining owners. The relevant issues raised are as follows:

**Issue:** Noise impact from the extension of operating hours, patrons of the Royal Hotel and the use of outdoor speakers including loud music from the live bands

**Comment:** A condition of consent No. 14 imposed on the original approval related to the hours of operation of the function centres in upper level will be amended as part of this application (should it be granted) to limit the use of function centres to:

**4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan (Ref: C1867835; Author: Harlor/Kunang) (Continued)**

---

Monday to Wednesday: 6.00pm to midnight

Thursday to Friday: 6.00pm to 2.00am

Saturday: 10.00am to 2.00am

Sunday: 10.00am to midnight

Public holidays: 10.00am to midnight

The recommended closing times at midnight and 2.00am are to replicate the approved closing times for the ground floor area. It is the owner/site manager's responsibility to ensure the hotel patrons comply with the current liquor licensing conditions.

A new condition No.14A will be imposed to limit the use of open air courtyard area and all electrically amplified sound equipment in the upper level after midnight to comply with the liquor licence conditions. All electrically amplified sound equipment in the upper level open air courtyard area to be must be turned off at midnight on any given night and all doors leading into the upper level open air courtyard to be closed at midnight on any given night. This will minimise the noise impact of the development on surrounding properties.

The proposed removal of part of the roof and the establishing of the new open roof top area will have impact on the amenity of the CBD for residents and residential accommodation businesses.

**Comment:** The removal of part of the roof and an open courtyard area at upper level was approved under the original development application 382-2016. The amenity impact was addressed under the original application and conditions of consent imposed on the original approval to reduce the impact on surrounding neighbours and CBD are to remain on this modified consent (should it be granted).

**Issue:** The Royal Hotel failed to comply with the liquor licence conditions

**Comment:** It is the owner/site manager's responsibility to ensure the current liquor licensing conditions are complied with. Liquor & Gaming authority should be contacted if the licensing conditions were breached.

**Compliance or Policy Implications**

All legal and compliance considerations have been satisfactorily addressed within the report. There are no implications to Council in regard to compliance, legal or policy issues should the proposed modified development be approved.

**Conclusion**

The submitted proposal for modification of development consent 382-2016 for commercial alterations to Royal Hotel to include upstairs meeting and function rooms, kitchen, lift, staircase and toilets on LOT 1 DP 624770, No. 85 Monaro Street Queanbeyan is a s4.55(2) Other Modification. The proposal was notified to adjoining owner/occupiers and one submission was received.

The proposal has been assessed under Section 4.55 and Section 4.15 of *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

The proposed modified development satisfies the requirements and achieves the objectives of these instruments with the exception of car parking requirements. The proposed modified development is considered to remain suitable for the site and compatible with the neighbourhood. Conditions imposed on the original development consent to mitigate any

**4.1 Development Application Modification - 382-2016/A - Commercial Alterations - Royal Hotel - 85 Monaro Street, Queanbeyan (Ref: C1867835; Author: Harlor/Kunang) (Continued)**

---

potential impacts will remain. Alteration to the existing condition of consent No.14 is recommended and a new condition 14A will be imposed as follows:

**Amend condition 14 as follows:**

**14. HOURS OF OPERATION FOR FUNCTION CENTRES IN UPPER LEVEL**

**Operating hours of the function centres in upper level are restricted to the following hours :**

**Mondays to Wednesday : 6.00pm to midnight**

**Thursdays to Fridays : 6.00pm to 2.00am**

**Saturdays : 10.00am to 2.00am**

**Sundays : 10.00am to midnight**

**Public holidays : 10.00am to midnight**

REASON: To limit the use of function centres and to protect the amenity of the surrounding neighbourhood. **(59.01)**

**Impose condition 14A as follows:**

**14A. HOURS OF OPERATION FOR FUNCTION CENTRES OPEN AIR COURTYARD AREA**

**The upper level open air courtyard must not be used by patrons after midnight with all electrically amplified sound equipment in the upper level open air courtyard area to be turned off at midnight on any given night and all doors leading into the upper level open air courtyard to be closed at midnight on any given night.**

REASON: To protect the amenity of the surrounding neighbourhood by limiting the use of the function centre and to ensure compliance with the liquor licence noise conditions. **(59.01)**

**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | Assessment Report - DA 382/2016A - 85 Monaro Street, Queanbeyan<br>(Under Separate Cover)   |
| Attachment 2 | Plans - DA Modification 382-2016/A - 85 Monaro Street, Queanbeyan -<br>Royal Hotel (Under Separate Cover)                               |
| Attachment 3 | Draft Modified Conditions - DA 382-2016/A - 85 Monaro Street,<br>Queanbeyan (Under Separate Cover)                                      |
| Attachment 4 | Submission - Modification to DA 382-2016/A - 85 Monaro Street,<br>Queanbeyan - Royal Hotel (Under Separate Cover) - <b>CONFIDENTIAL</b> |

**4.2 Development Application Modification 248-2017/A - 14 Kavanagh Street,  
Jerrabomberra - Erection of a two storey dwelling house: Modification to roof  
height and minor internal and external changes (Ref: C1868965; Author:  
Harlor/Dixon)**

---

**Summary**

***Reason for Referral to Council***

This application has been referred to Council because a variation of development standards is sought under the provisions of Clause 4.6 a Local Environment Plan.

Proposal:	Erection of a dwelling house - three storey; Modification: Increase in height, changes to windows, internal wet areas, doors, stairs, garage doors and pergola.
Applicant/Owner:	Strine Environments / Ian Geoffrey Wallis
Subject Property:	Lot 17 DP 1063759, No. 14 Kavanagh Street, JERRABOMBERRA
Zoning and Permissibility:	R2 Low Density Residential under Queanbeyan Local Environmental Plan 2012
Public Submissions:	0
Issues Discussed:	Planning Requirements QLEP 2012 Variation to Height Limit
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

---

**Recommendation**

**That:**

- 1. Pursuant to clause 4.6 of the *Queanbeyan Local Environmental Plan 2012 (LEP)*, approval be granted to a variation to Clause 4.3 of the *LEP* to allow part of the dwelling to encroach the 8.5 metre height limit for the following reasons:**
    - (a) The proposed variation is only for a portion of the roof equating to approximately 50% of the roof area;**
    - (b) The design conforms to the amenity of the streetscape and Jerrabomberra area without comprising neighbour's privacy and overshadowing impacts;**
    - (c) The increased height will achieve energy efficiency for solar access to the living area located on the second storey; and**
    - (d) The proposal meets the objectives of Clause 4.3 of the QLEP2012 – Height of Buildings.**
  - 2. Development application 248-2017/A for the Erection of a dwelling house - three storey; Modification: Increase in height, changes to windows, internal wet areas, doors, stairs, garage doors and pergola on Lot 17 DP 1063759, No. 14 Kavanagh Street, JERRABOMBERRA be granted conditional approval.**
-

**4.2 Development Application Modification 248-2017/A - 14 Kavanagh Street, Jerrabomberra - Erection of a two storey dwelling house: Modification to roof height and minor internal and external changes (Ref: C1868965; Author: Harlor/Dixon) (Continued)**

---

**Background**

***Proposed Development***

The original development application was for the erection of a three storey dwelling house with a total floor area of 575.92m<sup>2</sup>. The proposed maximum height will increase from 8.8 metres to 9.3 metres for a portion of the dwelling. The proposed changes include:

- Increase in height level including increases in the following levels:
  - Increase in finished floor level of basement from 662.60 metres (AHD) to 663.15 metres (Total increase of 550 millimetres [mm]);
  - Increase in finished floor level of lower floor level from 665.30 metres to 666 metres (Total increase of 700mm);
  - Increase in finished floor level of upper floor level from 668.20 metres to 668.90 metres (Total increase of 700 mm).
- Increase in overall height from 8.8 metres to 9.369 metres;
- Increase in several setbacks including:
  - Rear: 3.002 metres to 3.111 metres;
  - Side (North-East): 2 metres to 2.12 metres; and,
  - Side (South-West): 2.951 metres to 3 metres.
- Increase in size of roller doors attached to triple garage – RD01 and RD02 from 2.7 metres to 2.4 metres and RD03 from 2.7 metres to 2.8 metres;
- Sump, windows and vents added to north façade of basement;
- Addition of rear entry on lower level;
- Increase in width of upper level pergola on northern façade;
- Change in the layout of the lower level stairs; and,
- Reduction in width on upper floor level of Bed 1 & 2. Bed 1 from 5.916 metres to 5.575 metres and bed 2 from 9.050 metres to 8.362 metres.

If approved, condition number 25 will be amended to refer to the current BASIX Certificate and condition number 11A has been added to reference the Development Engineer's request later discussed in this report.

***Subject Property***

The subject site has an area of 1146m<sup>2</sup> and is within the Jerrabomberra area. It has a slight slope across the site and adjoins the foothills of the Mount Jerrabomberra Reserve. An existing vehicle kerb crossing is available for access. The site was subdivided in 2002 and has been vacant since this time.

**4.2 Development Application Modification 248-2017/A - 14 Kavanagh Street, Jerrabomberra - Erection of a two storey dwelling house: Modification to roof height and minor internal and external changes (Ref: C1868965; Author: Harlor/Dixon) (Continued)**

**Planning Requirements**

Assessment of the application has been undertaken in accordance with Section 4.55 and 4.15 of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 4.55 and 4.15 are summarised in the attached *Section 4.55 Table – Matters for Consideration*.

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

1. Queanbeyan Local Environmental Plan 2012 (LEP).
2. Queanbeyan Development Control Plan 2012 (DCP)

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

**(a) Compliance with LEP**

The proposed extension does not meet the requirements of Clause 4.3 – Height of Buildings – within the LEP.

The variation is for a portion of the building to be at a height of 9.3 metres (See Figure 1 below) which is 800mm over the permissible building height of 8.5m.

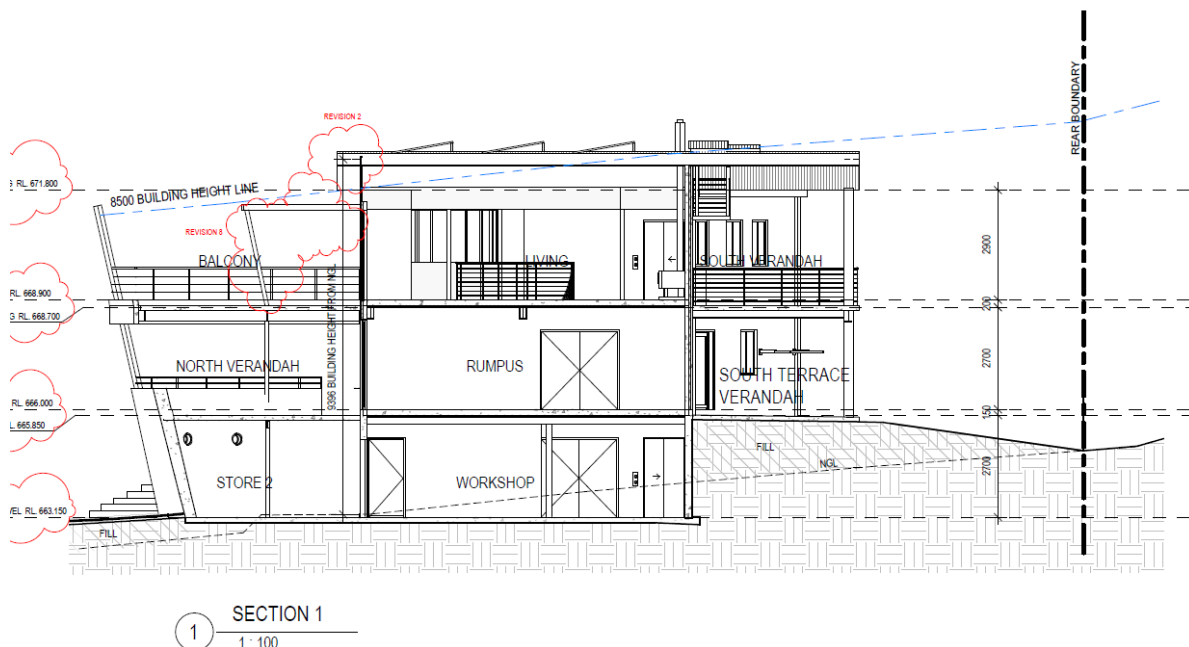


Figure 1 –Varying height of the dwelling house

The objectives within Clause 4.3 relating to height prescribe the following:

- (a) to ensure that the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,
- (b) to protect the heritage character of Queanbeyan and the significance of heritage buildings and heritage items,

**4.2 Development Application Modification 248-2017/A - 14 Kavanagh Street, Jerrabomberra - Erection of a two storey dwelling house: Modification to roof height and minor internal and external changes (Ref: C1868965; Author: Harlor/Dixon) (Continued)**

---

- (c) *to nominate heights that will provide a transition in built form between varying land use intensities.*

The proposal meets the above objectives by means of conforming to the amenity and appearance of the streetscape. The additional 800mm of building height is unlikely to have a significant impact given the neighbouring property at 12 Kavanagh Street is 8.4 metres in height, which is 400mm less than the proposal. The proposal also seeks to cut this section of the site by 1.2 metres ensuring little discrepancy in height between the two dwellings. The subject site adjoins Mount Jerrabomberra which is a site of environmental heritage. The original proposal was referred to Council's Heritage Advisor who provided the following comments in regards to the dwelling's impact on Mount Jerrabomberra:

*It is unlikely to have an adverse impact on the reserve and is in proximity to several other fairly large dwellings so is not out of character with its context.*

Due to the nature of the streetscape and character of larger dwellings in the area, it is unlikely that the proposal will compromise the significance of the heritage item, especially given the Mountain is the dominating feature in the landscape.

***Applicants reasoning***

The proposed height allows the occupier to utilise the views to Mount Ainslie and Black Mountain. The northern parapet has been removed to reduce bulk from the height increase. The overall design has not changed dramatically and is relatively similar to the approved dwelling ensuring little visual change to the dwellings height.

Living areas have been orientated to the north and together with the proposed height achieve sustainable solar access. The dwelling conforms to the amenity of the area through the use of colours, materials and reduced bulk through the design. The height does not create privacy or overshadowing impacts onto adjoining neighbours. The variation remains for only a portion of the dwelling house. The applicant has argued that the slope of the site does not take into consideration horizontal floors which is unreasonable when determining height. The applicant has also argued the need for a lift for the owners as this will be a retirement home. If the dwelling was split level a lift would not be able to be used.

***Officer's assessment and recommendation***

As per the original assessment, the reasoning for gaining views as an argument for the height control being unreasonable, is not a valid planning concern and the proposal is not being recommended for an approval based on this reason.

It is agreed however that the increased height will achieve energy efficiency for solar access to the living area located on the second storey. The increased height is also softened by existing trees in the public laneway as shown in Figure 1 above which conceals part of the dwelling.

The section of the dwelling house at the highest point is a design element that forms a part of the roof as previously shown in Figure 2. The relative level of the roof is 671.8 metres (AHD) and measured from the existing natural ground level the maximum height of the bulk of the dwelling house will be approximately 8.8 metres. Of the entire roof approximately 50% of it will be over 8.5 metres.

This portion of the roof is located in the centre of the dwelling. As such overshadowing is highly unlikely to occur onto adjoining properties due to the design. Shadow diagrams have been submitted to support this which can be viewed in Figure 3 below. The architect has also taken



**4.2 Development Application Modification 248-2017/A - 14 Kavanagh Street, Jerrabomberra - Erection of a two storey dwelling house: Modification to roof height and minor internal and external changes (Ref: C1868965; Author: Harlor/Dixon) (Continued)**

great consideration into privacy impacts onto adjoining properties. This has been addressed further in Part 3a of this report, however is important to note. Many two storey dwelling designs require privacy mitigation measures however through the assessment of this dwelling, it has been located and designed to ensure living areas do not face into neighbour POS or living areas. The decks have been setback far enough to also levitate any overlooking into POS areas.

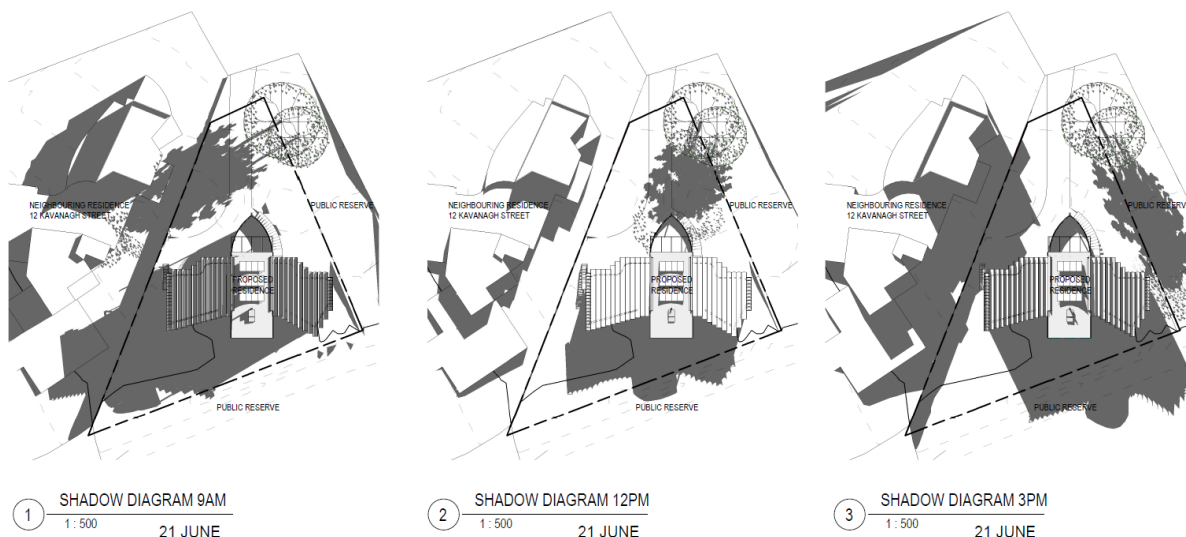


Figure 2: Overshadowing from proposal

Finally, the proposal meets the objectives of Clause 4.3 – Height of buildings. It will conform to the streetscape which contains two storey dwellings on high blocks and is modern in design. The reasoning to not support this variation is much less than the reasoning to support it.

**(b) Compliance with DCP**

**3.5 Consideration of views, shadowing and privacy**

**Objective**

- 1) *To ensure quality residential development by considering any impacts on views, shadowing and privacy of residents and neighbours.*

The proposed dwelling satisfies the objectives of this Clause.

**Controls for privacy and noise**

- a) *New dwellings should be designed to safeguard privacy and minimise the extent of impact on the outlook of existing or potential dwellings in the proximity.*
- b) *Direct overlooking of internal living areas of neighbouring dwellings is to be minimised by building layout, location and design of windows and balconies, provision of screening devices and landscaping.*
- c) *Two storey dwellings will include design features to minimise potential impacts on privacy and loss of natural light to existing adjoining development*
- e) *The proximity of dwellings to each other and the design of dwellings in terms of their layout, bulk, height and position of openings may have an impact on amenity. Privacy considerations are to be addressed through the careful layout of buildings and the activity which occurs in and around them, e.g. windows/decks to be elevated living areas may cause overlooking and be a source of noise nuisance.*

**4.2 Development Application Modification 248-2017/A - 14 Kavanagh Street, Jerrabomberra - Erection of a two storey dwelling house: Modification to roof height and minor internal and external changes (Ref: C1868965; Author: Harlor/Dixon) (Continued)**

- f) *Where two storey development creates a privacy intrusion on adjoining single storey development, appropriate measures must be installed to minimise the impact. The measures can include obscured glazing or screening, but there are unlimited options.*

The site adjoins two existing dwellings being 12 and 15 Kavanagh Street.



Figure 3: Location of 15 Kavanagh Street

The proposed dwelling on the subject site will have a distance of approximately 10 metres between it and the site at 15 Kavanagh Street. It is important to note that 8 metres of this distance includes a public laneway. The two dwellings will have approximately 20 metres distance between them.

Due to the combination of the height and large distance between the two dwellings, it is unlikely that the modification will create additional privacy impacts onto 15 Kavanagh Street and will instead look onto its roof.

The Planning Principal of Sydney City vs Meriton gives a 9 metre minimum distance for direct overlooking. As the two properties will be approximately 20 metres away from each other it is highly unlikely that direct overlooking will be possible.



Figure 4: Location of 12 Kavanagh Street

**4.2 Development Application Modification 248-2017/A - 14 Kavanagh Street, Jerrabomberra - Erection of a two storey dwelling house: Modification to roof height and minor internal and external changes (Ref: C1868965; Author: Harlor/Dixon) (Continued)**

---

The proposed dwelling on the subject site will have an increased setback of 3.543 metres between it and the site at 12 Kavanagh Street. The two dwellings will have approximately 9 metres distance between them.

There are no high activity rooms on this side of 12 Kavanagh Street, only a driveway and garage and as such direct overlooking from habitable areas in neighbouring habitable areas is unlikely.

**Controls for overshadowing**

*d) Shadow diagrams will be required for all two storey development when necessary showing its impact at 9am, 12 noon and 3pm on 21 June (winter solstice). A minimum of 3 hours of natural light to the private open space and north facing living room windows of adjoining properties is required to be maintained between these hours.*

Shadow diagrams were provided as part of this application. They depict that 15 Kavanagh will not be overshadowed due to the large distance between the two properties and 12 Kavanagh will experience overshadowing at 9am on the winter solstice but this will clear by 12pm.

The proposed dwelling has been designed and sited to ensure that any privacy issues have been minimised. The Meriton vs. Sydney City Council Planning Principle was used in this assessment for the privacy aspect which recommends at least a distance of 9 metres between dwellings which the applicant has achieved.

The architect has also designed the dwelling with bedrooms along the edge of the building and living areas in the centre. This means that living areas do not have the opportunity to look into other living areas of adjoining neighbours. The level of the site is much higher than the neighbouring property at 15 Kavanagh Street and at a similar level to that at 12 Kavanagh Street. Overshadowing is minimal due to the siting of the proposed dwelling and therefore this control has been satisfied.

The modified variation is recommended to be supported for the following reasons:

- The variation is for a minor portion of the building height and not for the whole dwelling;
- The height allows solar access into proposed living areas;
- The subject site is in an area with similar designed dwellings with two-three storey designs; and,
- The dwelling is highly unlikely to create overshadowing and privacy impacts onto adjoining neighbours.

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

Assessment completed. There are no outstanding building issues associated with the proposal.

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

The changes to garage door dimensions result in widths that are still in compliance with AS2890.1

It is noted that the proposed gabion retaining wall on the eastern side of the lot may require cut adjacent to a Council owned water main thrust block. Council's Water & Sewer Department should be consulted to locate this thrust block prior to cut commencing as excavation behind the thrust block will not be permitted (Non-standard general condition 59.01).

**4.2 Development Application Modification 248-2017/A - 14 Kavanagh Street, Jerrabomberra - Erection of a two storey dwelling house: Modification to roof height and minor internal and external changes (Ref: C1868965; Author: Harlor/Dixon) (Continued)**

---

### Engagement

The proposal required notification under Queanbeyan DCP 2012. No submissions were received.

### Conclusion

The submitted proposal for the Erection of a dwelling house - three storey; Modification: Increase in height, changes to windows, internal wet areas, doors, stairs, garage doors and pergola on **Lot 17 DP 1063759, No. 14 Kavanagh Street, JERRABOMBERRA** is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Sections 4.55 and 4.15 *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.

The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts.

### Attachments

- |              |  |
|--------------|--|
| Attachment 1 | Assessment Report - DA Modification 248-2017/A -14 Kavanagh Street, Jerrabomberra ( <i>Under Separate Cover</i> )                    |
| Attachment 2 | Modified Plans - DA Modification 248-2017/A -14 Kavanagh Street, Jerrabomberra ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b> |
| Attachment 3 | Modified BASIX - DA Modification 248-2017/A -14 Kavanagh Street, Jerrabomberra ( <i>Under Separate Cover</i> )                       |
| Attachment 4 | Nathers Certificate - DA Modification 248-2017/A -14 Kavanagh Street, Jerrabomberra ( <i>Under Separate Cover</i> )                  |
| Attachment 5 | Draft Conditions - DA Modification 248-2017/A -14 Kavanagh Street, Jerrabomberra ( <i>Under Separate Cover</i> )                     |

**4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7  
Staunton Place, Googong (Ref: C1871307; Author: Harlor/Cheung)**

---

**Summary**

***Reason for Referral to Council***

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

Proposal:	Enlargement of Building Envelope
Applicant/Owner:	Mr Trevor Martin Hennock / Mr Trevor Martin Hennock and Mrs Kylie Roseanne Hennock
Subject Property:	Lot 32 DP 270301, No. 7 Staunton Place, Googong
Zoning and Permissibility:	E4 Environmental Living under Queanbeyan Local Environmental Plan 2012
Public Submissions:	2 submissions received
Issues Discussed:	Planning Requirements Suspension of Covenants, Agreements and Instruments
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

---

**Recommendation**

**That:**

- 1. Development application 2-2018 for the enlargement of a building envelope on Lot 32 DP 270301, No. 7 Staunton Place, Googong be granted conditional approval.**
  - 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
  - 3. The Mount Campbell Community Association be advised in writing of the determination of the application and Council's consent in changing the building envelope in the Community Management Statement (CMS). In doing so Council notes that this decision does not affect the Community Association's decision to refuse the proposed variation to the building envelope but Council will not be party to any legal action should the Community Association pursue the matter.**
  - 4. The applicant be advised that should any additional structures be constructed on the site regardless of their location with the building envelope, Council may commence enforcement action to have the structure demolished, issue a fine for the unauthorised works or both.**
-

**4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7  
Staunton Place, Googong (Ref: C1871307; Author: Harlor/Cheung) (Continued)****Review of DA 2-2018**

The Report for the Development Application (DA) 2-2018 was brought to the Planning and Strategy Committee of the Whole on 9 May 2018 and was resolved “that Council defer this matter pending a further report setting out reasons for refusal and implications.”

***Clause 1.9A Suspension of covenants, agreements and instruments of QLEP 2012*****1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Under Clause 1.9A(1), the Mount Campbell Community Management Statement (CMS), which is created under the *Community Land Development Act 1989* and operated under *Community Land Management Act 1989*, is an agreement, covenant or other similar instrument that restricts Council granting a development consent under *Environmental Planning and Assessment Act 1979* (the Act) by preventing the variation of the building envelope without the unanimous consent of the Community Association.

The CMS is not excluded from the Clause under Clause 1.9A(2) as its suspension does not affect the rights or interests of any public authority under any registered instrument as required under Clause 1.9A(3), and Clause 1.9A(4) is not relevant in this context.

This means there is nothing under Clause 1.9A to prevent the suspension of the CMS to prevent a development consent granted under the Act. Nonetheless there is nothing to prevent Council taking the CMS into account as part of the merit base assessment.

The suspension simply allows Council to consider the DA on planning grounds and does not affect the rights of the Community Association. Under the CMS, the building envelope may be varied “only with the consent of Council and the unanimous consent of the Association.” In other words, by granting development consent, Council simply giving its consent to modifying the Building Envelope, but it will not be varied until it received unanimous consent of the

**4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7  
Staunton Place, Googong (Ref: C1871307; Author: Harlor/Cheung) (Continued)**

Community Association. There is nothing in the CMS that specified which consent has to be issued first.

It should also be noted that under Section 13 of the *Community Land Management Act 1989*, to a community management statement to Council. It is only binding on the following parties:

- a) the community association, and
- b) each subsidiary body within the community scheme, and
- c) each person who is the proprietor, lessee or occupier, or the mortgagee or covenant chargee in possession, of a development lot, neighbourhood lot or strata lot within the community scheme.

This also means that Council is not responsible to enforce the by-laws in a community management statement.

***Potential impact of the enlarged building envelope***

The merit based assessment of DA 2-2018 found the enlarged building envelope and the existing unauthorised structures is expected to generate minimal impacts that can be managed through conditions. In addition, the submissions received did not provide any planning reason for their objections, therefore the staff report recommended for approval with conditions.

It is noted that the enlarged building envelope may potentially allow further development either with or without consent due to unforeseen changes in legislation or planning instruments. While the possibility is remote, this may result in overdevelopment, which is against one of the aims of the QLEP 2012 that is 'to maintain the unique identity and country character of Queanbeyan' and two of the Objectives for Zone E4 Environment Living that are:

- "To encourage development that is designed to recognise the bushland character of the locality where appropriate and to minimise the impact of urban development, particularly on the edge of the urban area" and
- "To ensure that rural residential development provides for integrated rural residential communities in its design."

***Building Information Certificate Application for the structures that are outside the building envelope***

An application for the Building Information Certificate (formally known as Building Certificate) on the 5 unauthorised buildings and a pergola attached to the dwelling house was lodged with the DA 2-2018.

Garage, greenhouse, cubby house, gazebo and small timber shed are not exempt development and located outside the building envelope. It is noted that the garage was erected by the current owner in early 2015 and the remaining structures were erected by the previous owner. The Application also covers a pergola as it is not exempt development because it exceeds the maximum area allowed as exempt development.

Under Section 6.22 of the Act "the owner of the land on which the building is erected" can apply. The Act has not specified particular requirements for the assessment of a Building Information Certificate as long as Council is satisfied that no action will be taken a period of 7 years not to issue any Orders or commence proceedings under the Act or the *Local Government Act 1993* requiring the building to be repaired, demolished, altered, added to or rebuilt.

The legal advice received from Council's solicitor (Bradley Allen Love Lawyers) is that a building certificate can be issued by the Council in relation to a building located outside the building envelope specified in the CMS regardless of whether the Association consents to the

**4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7  
Staunton Place, Googong (Ref: C1871307; Author: Harlor/Cheung) (Continued)**

making of the application provided the building is erected on a lot and not on association property.

All structures covered by the Application appear to be structurally sound and will create no discernible damage on the surrounding environment. It is recommended Council approves the Building Information Certificate Application for all five unauthorised structures that are outside the Building Envelope and also the pergola.

***Refusing DA 2-2018 and its implications***

It is the assessment of Council Staff that the reasons for recommending DA 2-2018 be granted conditional approval still stand, therefore the recommendation remains unchanged. Nonetheless Council can resolve to refuse DA 2-2018.

It should be noted that there are legal and financial implications if the DA is refused as the applicant has the rights to request a review of the decision to refuse the DA under Division 8.2 of the Act; and/or commence legal proceeding to appeal the decision in the Land and Environment Court (the Court) under Division 8.3 of the Act. If the matter is to be appealed in Court, as this decision is contrary to Staff's recommendations. Council will be required to seek an independent expert to represent Council.

While Merit Appeal with the Court is available for the applicant, Judicial Review proceedings (a review of the legality of the decision under challenge, and not a review of the merits of a development) with the Court is available to anyone.

Should Council proceed to refuse DA 2-2018, the following is recommended:

That:

1. Development application 2-2018 for the enlargement of a building envelope on Lot 32 DP 270301, No. 7 Staunton Place, Googong be refused for the following reasons.

Reasons for Refusal:

- a. The structure was erected without the prior consent of Council.
2. Council proceeds to approve the Building Information Certificate (formally known as Building Certificate) Application the covers all five unauthorised structures that are outside the Building Envelope.
3. The Mount Campbell Community Association be advised in writing of the determination of the DA 2-2018 and Council's approval of the Building Information Certificate (formally known as Building Certificate) Application. In doing so Council notes that this decision does not affect the Community Association's decision to take action on the structures outside the building envelope but Council will not be party to any legal action should the Community Association pursue the matter.

The original report for the assessment of DA 2-2018 is as follow:

**Background**

Council received advice that a garage was erected outside the building envelope and without consent. Upon further investigation, a number of structures have been identified to be also outside the building envelope and had not received consent. Most were minor structures (except for a garage) which may well have been exempt development but for the fact that they were located outside of the approved building envelope. Rather than demolish the structures the owner is seeking to expand the building envelope to include the structures, thereby allowing a Building Information Certificate to be lodged which, if issued, would allow the structures to remain in place provided they are structurally sound.



4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7  
 Staunton Place, Googong (Ref: C1871307; Author: Harlor/Cheung) (Continued)

**Proposed Development**

The development application is for the expansion of the building envelope in order to include the following structures that are currently located outside the building envelope.



**Figure 1 – Site showing buildings to be encompassed by expanded building envelope.**

<b>1. Garage</b>	<b>2. Greenhouse</b>	<b>3. Cubby House</b>	<b>4. Gazebo</b>	<b>5. Small Timber Shed</b>
------------------	----------------------	-----------------------	------------------	-----------------------------

4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7 Staunton Place, Googong (Ref: C1871307; Author: Harlor/Cheung) (Continued)

Figure 2 below shows the existing and proposed building envelopes.

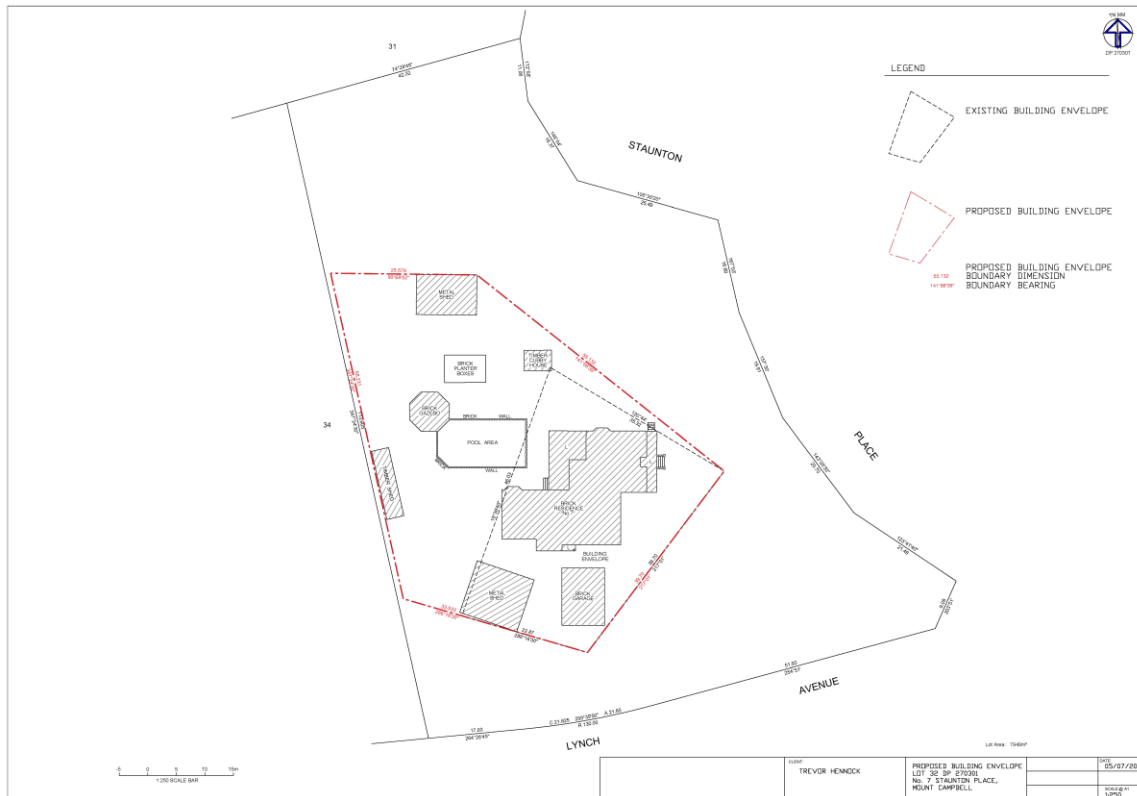


Figure 2 – Existing and Proposed Building envelopes.

**Subject Property**

The location of the subject property is shown outlined in red below.

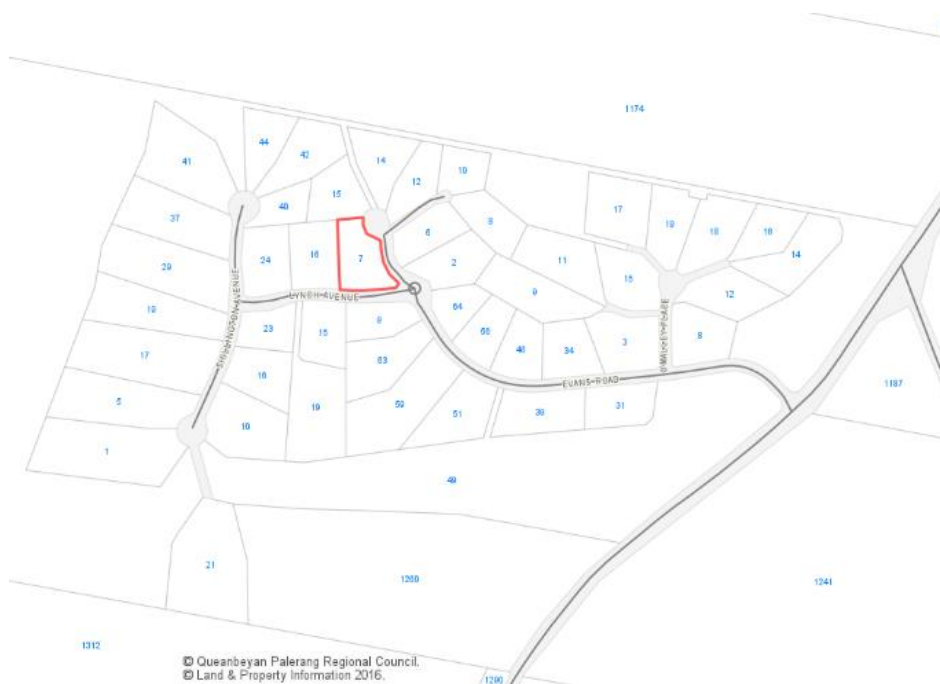


Figure 3 – Site location of proposed development

**4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7  
Staunton Place, Googong (Ref: C1871307; Author: Harlor/Cheung) (Continued)**

The property is known as Lot 32 DP 270301, No. 7 Staunton Place, Googong. It is situated within Mount Campbell Estate on the corner of Staunton Place and Evans Road.

***Planning Requirements***

The development application was lodged on 8 January 2018, which is prior to the commencement of the amendment of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. Therefore references are made to the historical version of EPAA for 1 January 2018 to 28 February 2018. The amendment made to EPAA on 1 March 2018 did not result in any substantive change to the assessment.

Assessment of the application has been undertaken in accordance with Section 79C(1) of the EPAA. 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 Policy No 55 – Remediation of Land
2. State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
3. State Environmental Planning Policy (Infrastructure) 2007
4. Queanbeyan Local Environmental Plan 2012 (LEP).
5. Queanbeyan Development Control Plan 2012 (DCP)

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

***(a) Ability for the Development Application to be lodged and assessed***

Clause 51 of the EPAA set out the requirements for Council to reject a development application at lodgement, which include:

1. the application is illegible or unclear as to the development consent sought
2. the application does not contain information required by Schedule 1, Part 1 of the *Environmental Planning and Assessment Regulation 2000* (the Regs)
3. the application is for a Designated Development and does not contain an Environmental Impact Statement (EIS).

The information provided on the proposed change to the building envelope is clear. In addition, it is not a designated development, thus an EIS is not required.

The property is part of a community title subdivision known as Mount Campbell Estate. It is normal practice for a development application to receive consent from the Community Association when it is lodged with Council. However, in this circumstance the Community Association refuse to give consent citing the lost motion in the 2016 AGM. While Council has encouraged the applicant to negotiate with the Community Association to obtain its consent, ultimately the development application was lodged without such consent being obtained.

Part 1 of Schedule 1 of the Regulations lists the required information that must be contained in a development application such as the name and address of the applicant, a description of the development and evidence that the owner of the land has given consent. Council records show the property is privately owned and the Community Association is not an owner of the land, therefore their consent is not required by the Regulations.

**4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7  
Staunton Place, Googong (Ref: C1871307; Author: Harlor/Cheung) (Continued)**

There is nothing in the Regulations to hinder the lodgement and assessment of the development application by Council. The Community Association is entitled to submit a written objection, but it does not have the ability to prevent the lodgement and assessment of a DA that is contrary to the Community Management Statement (CMS).

**(b) Compliance with LEP**

The property is zoned E4 Environmental Living under the *Queanbeyan Local Environmental Plan 2012* (QLEP 2012) and the proposed changes to the building envelope complies with the relevant objectives and controls of QLEP 2012.

*Suspension of Covenants, Agreements and Instruments*

The property is located within the Mount Campbell estate and subject to the Mount Campbell Community Management, which specifies the building envelope for each lot and, under By-Law 5.4, the building envelope can be varied only with the consent of Council and unanimous consent of the Association.

With a few exceptions such as Council imposed covenants, Clause 1.9A of QLEP 2012 allows Council to suspend any agreement, covenant or other similar instrument that restricts the carrying out of that development for the purpose of enabling development on land to be carried out in accordance with the LEP or with a development consent.

The CMS is created under the *Community Land Development Act 1989* and *Community Land Management Act 1989*, and managed by the Mount Campbell Community Association; therefore it is an agreement, covenant or other similar instrument that can be suspended by this Clause to allow Council to grant development consent.

The purpose of this clause is to provide Council the ability to assess the development application on the grounds set out in the EPAA rather than impositions imposed by developers or corporate bodies. Disputes relating to covenants, agreements and instruments should be resolved through civil disputes.

**(c) Compliance with DCP**

The proposed enlargement of the building envelope largely complies with the Queanbeyan Development Control Plan 2012 (QDCP 2012). While there are some controls relating to the establishment of building envelopes under this section, these are not applicable as they are intended for lots that are at least 2ha (this lot has an area of 0.7ha). The western boundary of the building envelope is approximately 1m from the lot boundary to include a timber shed that has been there since January 2010.

It should also be noted that some exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) allow for some structures such as garden shed and greenhouses to have a setback of 900mm from the boundary.

It is concluded that the proposed enlargement of the building envelope will allow for these minor structures to stay and will not result in any detrimental impact on the rural character of the locality.

**(d) Other Matters**

The enlargement of the building envelope will allow some of the unauthorised Class 10A structures to be exempt development and/or allow Council to issue a Building Information Certificate. These structures are considered minor and have negligible impacts.

**4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7  
Staunton Place, Googong (Ref: C1871307; Author: Harlor/Cheung) (Continued)**

---

An application for a Building Certificate for the unauthorised structures was lodged in conjunction with this DA. Should Council allow the expansion of the building envelope, the Building Certificate is likely to be approved.

While Council has the option to issue a Penalty Infringement Notice for the unauthorised structures; the matter is considered minor and the owner has co-operated with Council throughout the investigation, therefore a PIN or any further enforcement action from Council is not recommended.

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

Council's building surveyor has no objections other than requiring any unauthorised structures to obtain a Building Information Certificate.

**Engagement**

The proposal required notification under Queanbeyan DCP 2012. Two submissions were received (attached). The relevant issues raised are as follows:

**Issue:** The applicant's motion to amend the building envelope in the CMS at the Mount Campbell Annual General Meeting was lost as it failed to obtain the unanimous consent from the Community Association.

**Comment:** Under QLEP 2012, Council has the ability to suspend covenants including the CMS and this is detailed above. If Council issues the development consent, it gives Council's consent under By-law 5.4. This decision does not change the building envelope in the CMS as it also requires support from the Community Association. There is nothing in the By-Laws that specify the sequence of whether Council or the Association issues their consent first.

There is nothing to prevent the applicant seeking consent from the Community Association to change the Building Envelope at a later date.

In addition, Council has no objection to issuing a Building Information Certificate on the existing unauthorised structures because they are outside the building envelope. Notwithstanding this the issue of a Building Information Certificate for the existing unauthorised structures may still be refused on other grounds.

**Issue:** The applicant does not have the right to lodge a development application with Council because the parcel is land under a community title and the applicant failed to get support from the Community Association.

**Comment:** There is nothing in the Regulations that prevents the lodgement of the DA. This is detailed in the assessment above.

**Issue:** The applicant did not abide by the rules of the CMS when the unauthorised structures were erected.

**Comment:** The Community Association, not Council, is responsible for enforcing the CMS. Council's decision does not prevent the Community Association undertaking its own civil action to enforce the provisions of the CMS.

Under the EPAA, Council can accept unauthorised use/structures that are minor in nature by issuing a development consent for its continued use and/or a Building Information Certificate (formally known as a Building Certificate) on the structure.

### 4.3 Development Application - DA 2-2018 - Variation to the Building Envelope - 7 Staunton Place, Googong (Ref: C1871307; Author: Harlor/Cheung) (Continued)

---

Council has no objection to issuing the Building Information Certificate on the unauthorised structures, but since they are outside of the building envelope, this DA was lodged and assessed to consider the any impacts the change in the building envelope may have.

Matters relating to unauthorised structures are an enforcement and compliance matter and do not impede the DA process, which is assessed on planning grounds. Should Council approve the change in the building envelope and issue the Building Information Certificate, a penalty notice may still be issued for the unauthorised structures.

Other than raising issues of process none of the submissions raise any matters relating to potential adverse environmental impacts resulting from the expansion of the building envelope. From a planning perspective there are no significant environmental impacts that would warrant refusal of the application.

#### **Compliance or Policy Implications**

The assessment of this Development Application complies with relevant legislation and Council policies.

#### **Conclusion**

The submitted proposal to change the building envelope on Lot 32 DP 270301, No.7 Staunton Place, Googong is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and two submissions were received.

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*.

Based on the merits of the application there is no significant environmental impact that would warrant refusal of the application. The development satisfies the requirements and achieves the objectives of these instruments.

#### **Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | Assessment Report - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place, Googong ( <i>Under Separate Cover</i> ) |
| Attachment 2 | Plans - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place, Googong ( <i>Under Separate Cover</i> )             |
| Attachment 3 | Submissions - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place, Googong ( <i>Under Separate Cover</i> )       |
| Attachment 4 | Draft Conditions - DA 2-2018 - Variation to Building Envelope - 7 Staunton Place, Googong ( <i>Under Separate Cover</i> )  |
| Attachment 5 | Advice from Bradley Allen Love Lawyers, dated 2 September 2015 ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>       |

4.4 Development Application DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road,  
Crestwood (Ref: C1872957; Author: Tonner/Yeomans)

---

**Summary**

***Reason for Referral to Council***

This application has been referred to Council because a variation of development standards is sought under the provisions of Clause 4.6 a Local Environment Plan or SEPP1.

Proposal:	Vehicle Sales Premises
Applicant/Owner:	DNA Architects / Canberra Truck Centre
Subject Property:	2 Lorn Road, CRESTWOOD NSW 2620 Lot 67 DP 1150423
Zoning and Permissibility:	IN2 Light Industrial under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Nil
Issues Discussed:	Planning Requirements Building Height Variations to Development Control Plan (DCP)
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

---

**Recommendation**

**That:**

- 1. Approval be granted to a variation to Part 8 of Queanbeyan Development Control Plan 2012 to allow for:**
    - (a) Reduced car parking numbers**
    - (b) Setbacks**
    - (c) Fencing**
    - (d) Landscaping**
  - 2. Development application 75-2018 for a Vehicle Sales Premises on Lot 67 DP 1150423; 2 Lorn Road CRESTWOOD NSW 2620 be granted conditional approval.**
- 

**Background**

***Proposed Development***

The proposed development is for Vehicles Sales Premises. The use will include vehicle showroom, vehicle sales, storage and ancillary office space. No repairs are proposed on site. The use will be associated with vehicle repairs on land opposite the site at the corner of Lorn Road and Kendall Avenue. The proposed development and that opposite are for Isuzu branded vehicles.

**4.4 Development Application DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road, Crestwood (Ref: C1872957; Author: Tonner/Yeomans) (Continued)*****Subject Property***

The subject site is bounded by Kendall Avenue, Lorn Road and Gregg Place. It is located within the Kensington Garden Industrial Precinct in Crestwood. The site has an area of 2388m<sup>2</sup> and is currently used to store trucks.



Figure 1: Subject site

***Planning Requirements***

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

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

1. State Environmental Planning Policy No 55 – Remediation of Land
2. State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
3. State Environmental Planning Policy (Infrastructure) 2007
4. Queanbeyan Local Environmental Plan 2012 (LEP)
5. Queanbeyan Development Control Plan 2012 (DCP)



4.4 Development Application DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road, Crestwood (Ref: C1872957; Author: Tonner/Yeomans) (Continued)

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

**(a) Compliance with LEP**

Clause 4.6 of the Queanbeyan Local Environmental Plan enables Council to vary a development standard to allow an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for development.

Under Clause 4.3 – Height of Building map, the subject site is 8m. A variation to Clause 4.3 for the height of the building is sought by the Applicant. Part of the building is proposed at 8.2m which is above the height limit for the site specified in the Local Environmental Plan.

The proposed height encroachment to 8.27m is for part of the building to the northern elevation. Given the site slopes only part of the building will exceed 8 metres above natural ground level.

The Applicant submits that the reason for the variation is to cater to the display of vehicles, provide sufficient space for forklift clearances, access to a storage mezzanine, and to provide upper level office space.

The small encroachment will not dominate the streetscape in terms of design or height in comparison to the neighbouring building. Refer red arrow below to indicate location of encroachment from both Kendall Avenue and Lorn Road frontages.



**4.4 Development Application DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road, Crestwood (Ref: C1872957; Author: Tonner/Yeomans) (Continued)**

---

The variation to the development standard can be undertaken under Clause 4.6 of the Queanbeyan Local Environmental Plan and Council can assume the Secretary's concurrence in response to Circular PS18-003 by the Department of Planning and Environment.

A variation to Clause 4.3 Height of Buildings is able to be supported to achieve an overall successful design and increased utility of the site. The encroachment is considered minor. **(b) Compliance with DCP**

The proposal seeks Council approval for the following variations to the Queanbeyan Development Control Plan 2012;

- 1) Part 2.2 Car parking – The DCP requires 18 spaces based on the area of the site and the proposed use. The Applicant originally proposed 18 spaces, however two of the proposed spaces were unlikely to be utilised effectively and may have contributed to confusion by drivers within the site. An amended layout was provided which is considered safer and more efficient, showing 16 spaces. The variation is supported.
- 2) Part 8.2.1 Setbacks – The DCP requires a setback of 10 metres. The Applicant has sought a variation to the DCP provisions relating to setbacks. The main building is proposed to be setback 10m from Kendall Avenue which complies however structural support posts for an awning are proposed at 3m. These elements are visually very light and will not dominate the streetscape nor impact on views through the site or into Lorn Road.
- 3) Part 8.2.1 Landscaping – The DCP requires a landscape strip of 6m. The Applicant has sought a variation to the width of the landscape strip to Lorn Road is also sought. The landscape strip to Lorn Road is proposed at 2.5m. The variation is supported given the landscape strip will be complemented by planting and will be sufficient to screen the use on an industrial site.
- 4) Part 8.2.6 Fencing – The DCP requires that all fencing is to begin behind the landscaped area along the street frontage. The proposal includes a 1.8m high black chain link open style electric fence to all three street frontages. The fence is existing and will be maintained or installed where modifications to the site require its removal.

The fencing is not proposed behind the landscaping area so a variation has been requested. The fencing will be open in style and will allow the landscaping beyond to be easily seen and enjoyed. The fencing location is considered acceptable and the variation is supported.

- 5) Part 8.3.2 – Vehicle Sales Premises – The DCP requires that a 2m, low level landscaping strip be provided in front of any fencing to soften its presence.

The proposal includes a landscaping strip to be located behind the boundary fencing. The depth of the landscaping strip to all street frontages exceeds the depth sought by the DCP, with Kendall Avenue proposed at 5m and landscaping to Lorn Road and Gregg Place at 2.5m deep.

**4.4 Development Application DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road, Crestwood (Ref: C1872957; Author: Tonner/Yeomans) (Continued)**

---

The location of the landscape strip behind the fencing is considered acceptable given the fence is transparent and the landscaping will be easily viewed.

**(c) Other Matters**

An assessment of the proposal against the provisions of Section 4.15 is attached. The proposal generally complies with the provisions of the Queanbeyan Local Environmental Plan and Development Control Plan.

The subject land is zoned as industrial, and the use is industrial in nature. With the imposition of conditions the use will be suitable to the site.

***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.

***State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017***

This Policy applies to all non-rural areas of the State, meaning all residential, business, industrial, recreation, environmental (except E1 – National Parks and Nature Reserves), and special purpose zoned land. There are no trees on the site proposed to be removed. The proposed development will be complemented by landscaping as a condition of any consent.

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

The provisions of this Policy have been considered in the assessment of the application.

The site is not located in or adjacent to road corridor nor does it have a frontage to a classified road.

A rail corridor is within the vicinity of the site, to the north. Given the subject site is within an industrial area, it is not anticipated that any rail activity will impact on the use in terms of noise. The site is sufficiently separated from the rail corridor that vibration is not considered to be an issue.

The site is not located within or immediately adjacent to an easement for electricity purposes or immediately adjacent to an electricity substation.

No development is proposed within 5m of an overhead powerline and no ground penetrating work is proposed within 2m of any underground electricity service

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

The application was referred to Council's Building Surveyor who has assessed it. Relevant issues have been addressed and conditions suggested.

**4.4 Development Application DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road, Crestwood (Ref: C1872957; Author: Tonner/Yeomans) (Continued)**

---

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

A 4.88m wide Council sewer and stormwater easement runs through the subject lot. This has been considered in the assessment and relevant conditions of consent will be imposed to protect Council's assets.

**Financial Implications**

The proposed development will not be subject to the payment of Developer Contributions. There are no financial implications for Council.

**Engagement**

The proposal required notification under Queanbeyan DCP 2012. No submissions were received

**Compliance or Policy Implications**

The proposal is private development and with the imposition of relevant conditions it is anticipated to be able to be managed without impact. There are no compliance or policy implications for Council.

**Conclusion**

The submitted proposal for Vehicle Sales Premises at 2 Lorn Road, CRESTWOOD NSW 2620 on LOT 67 DP 1150423 is local development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 4.15 *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

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

The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts.

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | Assessment Report - DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road, Crestwood ( <i>Under Separate Cover</i> ) |
| Attachment 2 | Plans - DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road, Crestwood ( <i>Under Separate Cover</i> )             |
| Attachment 3 | Draft Conditions - DA 75-2018 - Vehicle Sales Premises - 2 Lorn Road, Crestwood ( <i>Under Separate Cover</i> )  |

4.5 Development Application DA.2018.072 - Advertising Sign - 134 Burrows Lane,  
Bungendore (Ref: C1873254; Author: Harlor/O'Halloran)

---

**Summary**

***Reason for Referral to Council***

This application has been referred to Council because the outcome may have policy implications for how similar applications are dealt with in future by Council.

Proposal:	Advertising Sign
Applicant/Owner:	Robert Kerr / Donald G & Esther M Woodford
Subject Property:	Lot 2 DP 1042679, No. 134 Burrows Lane, Bungendore
Zoning and Permissibility:	RU1 Primary Industry under Palerang Local Environmental Plan 2014
Public Submissions:	N/A
Issues Discussed:	Planning Requirements Permissibility Local Character
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

---

**Recommendation**

**That:**

- 1. Development application DA.2018.072 for an Advertising Sign on Lot No. 2 DP 1042679; 134 Burrows Road, Bungendore be refused for the following reasons.**

**Reasons for Refusal:**

- (a) The proposed application is prohibited development within RU1 Primary Production Zone of the Palerang Local Environmental Plan 2014 (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).**
  - (b) The proposed application fails to comply with Section C18.1 of the Palerang Development Control Plan 2015 relating to advertising signage (Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).**
  - (c) The proposed application fails to comply with Section C18.3.15 of the Palerang Development Control Plan 2015 relating to village tourism/roadside business boards (Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).**
- 2. Council Officers investigate compliance action as to ensure for the removal of the advertising sign from the site.**
-

**4.5 Development Application DA.2018.072 - Advertising Sign - 134 Burrows Lane, Bungendore (Ref: C1873254; Author: Harlor/O'Halloran) (Continued)****Background*****Proposed Development***

The specific elements of the proposal are:

- 1.2m x 2.2m advertising sign
- Proposed development is 5.4m from rear boundary (fronting Kings Highway) and 120m from the northern side boundary

Note: The proposed structure was installed on the site without consent and has been covered up with a tarpaulin, as shown in below images.

***Application History***

The development application was lodged on 17 April 2018. An initial assessment was undertaken which identified that the proposed development is prohibited within the RU1 Zone. A letter was sent to the applicant on 19 April 2018, outlining that the proposal is prohibited development, and providing the applicant an opportunity to provide response to this matter, or to withdraw the application. A further email outlining the issue of permissibility was sent to the applicant on 30 April 2018.

***Subject Property***

The subject site is legally described as Lot 2 DP 1042679 and is commonly known as 134 Burrows Lane, Bungendore. The site is located on the Western side of Burrows Lane and the Eastern side of Kings Highway, and has an area of 25.76ha.

The site contains minimal slope and is comprised of grassland. The site contains an existing dwelling and shed, which is accessed from Burrows Lane. Existing development within the locality consists of agricultural lots and a small number of dwellings.



*Figure 1 Locality Plan (subject site outlined in red)*

4.5 Development Application DA.2018.072 - Advertising Sign - 134 Burrows Lane, Bungendore (Ref: C1873254; Author: Harlor/O'Halloran) (Continued)

---



*Figure 2 Advertising signage (view from Kings Highway looking south)*



*Figure 3 Advertising signage (view from Kings Highway)*

**4.5 Development Application DA.2018.072 - Advertising Sign - 134 Burrows Lane, Bungendore (Ref: C1873254; Author: Harlor/O'Halloran) (Continued)**

---

***Site History***

The subject site has approval for the demolition of a dwelling and erection of a new dwelling as part of development application 2004/CA-042.

***Planning Requirements***

Assessment of the application has been undertaken in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 4.15(1) are summarised in the attached *Section 4.15(1) Table – Matters for Consideration*.

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

1. State Environmental Planning Policy No 64 *Advertising and Signage*
2. Palerang Local Environmental Plan 2014 (LEP)
3. Palerang Development Control Plan 2015 (DCP)

The significant issues relating to the proposal for the Committee's consideration are:

***(a) Compliance with PLEP***

The subject site is zoned RU1 Primary Production under the PLEP 2014. The use of the site for the purposes of advertisement is prohibited. It is therefore considered that the proposed application does not comply with the PLEP.

***(b) Compliance with DCP***

The proposed development does not comply with section C18.1 and C18.3.15. Section C.18.1 relates to controls for advertising signage. The proposed application fails to comply with the relevant controls of this section. Section C18.3.15 relates to controls for village tourism/roadside business boards. The proposed application fails to comply with the relevant controls.

***(c) Compliance with SEPP No 64 (Advertising and Signage)***

While SEPP 64 applies to the proposed development, SEPP 64 has no weighting on the permissibility of the development, as under Clause 7 of the SEPP the SEPP cannot override a prohibition on the display of signage from another Environmental Planning Instrument such as the Palerang Local Environmental Plan 2014.

**Engagement**

The application would be required to be notified under Part E of the PDGP 2015, however as the use is prohibited within this zone, and as such, the application was not notified.

**Compliance or Policy Implications**

It is considered that approval for a development of this nature would set an undesirable precedent for advertising signage along the highway. The gateways into the villages of Queanbeyan-Palerang Local Government Area should reflect the rural character of the region. It is considered that advertising signage, particularly those of a non-rural nature, would negatively impact upon the rural landscape. It should be noted that while there are signage structures upon properties adjoining the King's Highway these structures are generally



**4.5 Development Application DA.2018.072 - Advertising Sign - 134 Burrows Lane, Bungendore (Ref: C1873254; Author: Harlor/O'Halloran) (Continued)**

---

business identification signs identifying businesses operating upon the site and as such are permissible with consent.

**Conclusion**

The submitted proposal for advertising signage on Lot 2 DP 1042679, No. 134 Burrows Lane, Bungendore. The proposal has been assessed under Section 4.15 *Environmental Planning & Assessment Act* 1979 including the relevant provisions of *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

The development does not satisfy the requirements or achieves the objectives of these instruments in that the proposed development is prohibited. Approval of a development of this nature would establish an undesirable precedent for the gateway to Bungendore village.

The proposed development is not considered suitable for the site, and is recommended for refusal.

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | Assessment Report - DA.2018.072 - Advertising Signage - 134 Burrows Lane, Bungendore ( <i>Under Separate Cover</i> ) |
| Attachment 2 | Plans - DA.2018.072 - 134 Burrows Lane, Bungendore ( <i>Under Separate Cover</i> )                                   |



**5.1 Updating, consolidating and pooling - Local Infrastructure Contributions (Ref: C1863473; Author: Tegart/Carswell)**

---

**Summary**

The purpose of this report is to advise Council of options to:

- update *the Queanbeyan City Council Section 94 (Local Infrastructure) Contributions Plan*,
- to draft a fixed levy (formerly Section 94A) plan for Queanbeyan City, to pool road and associated works contributions collected under existing contribution plans and
- to begin the process of consolidating these existing contribution plans into one road and associated works local infrastructure plan.

It is proposed to pool the plans and contributions over two stages:

- The pooling of contributions and the plans to be consolidated at Stage 1 of the process involve those contribution types and plans that apply to the eastern part of the Local Government Area (LGA),
- Stage 2 will involve those similarly identified and collected under *the Queanbeyan City Council Section 94 (Local Infrastructure) Contributions Plan*.

---

**Recommendation**

**That Council:**

- 1. Receive and note the report on consolidating and pooling local infrastructure contributions.**
  - 2. Agree in principle to the pooling of road and associated works developer contributions into a 'local infrastructure contributions plan' subject to initial community consultation being undertaken and the results being reported back to Council.**
- 

**Background**

***Update of Queanbeyan City Council Section 94 (Local Infrastructure) Contributions Plan***

This plan applies to the former Queanbeyan local government area.

The update would involve reviewing the type of contributions collected under the plan by having regard to recent studies and research undertaken by Council, as well as population projections and the like.

Part of this update would include inserting into the plan a multilevel carpark and reviewing the car parking contributions needed to fund it.

Part of the update would also include reviewing and refreshing contributions for civic improvements. Currently contributions are collected for civic improvements in the Central Business District (CBD) and the works schedule for these is based on the strategic framework for improvements from the 2009 CBD Master Plan. These would be updated and refreshed in accordance with the CBD Transformation Strategy and could include a contribution type for the new head office.

**5.1 Updating, consolidating and pooling - Local Infrastructure Contributions (Ref: C1863473; Author: Tegart/Carswell) (Continued)**

---

***Drafting of a Fixed Levy Contributions Plan***

Fixed levy contribution plans (formerly known as s94A plans) are based on a proportion of the estimated cost of construction, but unlike other contribution plans, do not require a nexus between the contribution and the public amenity/service being collected for.

This plan is proposed to apply to Queanbeyan City and would be the first fixed levy contribution plan to apply to this part of the local government area (LGA). It would authorise the collection of contributions for civic improvements for the CBD and for the new Headquarters from commercial and industrial development whereas the update of the *Queanbeyan City Council Section 94 (Local Infrastructure) Contributions Plan* would continue to authorise their collection from residential development.

***Pooling of Contributions***

There are four section 94 contribution plans applying to the eastern part of the LGA in relation to road and associated works which contain considerable contributions which are proposed to be pooled. These are the *Mulwaree Section 94 Development Contributions Plan 2003-2008*, the *Palerang Section 94 Plan No.10 - Provision of Kings Highway Culverts at South Bungendore*, the *Tallaganda s.94 Contributions Plan No.3 - Roadworks* and the *Yarrowlunla Council section 94 Contribution Plan (No. 2) for Provision of Access Roads*.

The pooling of developer contributions is authorised by Section 7.3(2) of the *Environmental Planning and Assessment Act 1979*. Usually this is done on the basis that pooled contributions are used for an amenity or service identified in a contribution plan and are eventually paid back. However in this case it is proposed to consolidate these plans, other plans dealing with roads and associated works and parts of plans dealing with similar matters, into a single 'local infrastructure contributions plan'.

Projects to be funded from the pooled contribution funds would be drawn from the current section 94 contribution plans as will the projects identified in the Delivery Program 2018-2021 and the Operational Plan 2018-19.

***Consolidating of Existing Contribution Plans***

The identified projects would form part of a consolidated roads and associated works local infrastructure contribution plan which would also be subject to exhibition and community consultation.

The consolidation of roads and associated works local infrastructure contribution plan would be undertaken in two stages. Stage 1 would involve the review the above four plans together with other similar plans as well as with parts of other plans dealing with local road and associated works with a view to having one local roads plan for the eastern part of the LGA at Stage 1 of the process. At Stage 2, similar contributions from *Queanbeyan City Council Section 94 (Local Infrastructure) Contributions Plan* would be incorporated into this local infrastructure contributions plan.

**5.1 Updating, consolidating and pooling - Local Infrastructure Contributions (Ref: C1863473; Author: Tegart/Carswell) (Continued)**

---

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

The actions proposed in this report are all subject to various provisions of the *Environmental Planning and Assessment Act* and the *Environmental Planning and Assessment Regulations 2000*.

***Asset***

The updated contribution plans and pooled contributions would be available to fund renewal and upgrade of Council infrastructure assets.

***Engagement***

As part of the process of pooling local infrastructure contributions for roads and associated works it is proposed to exhibit this proposal for community comment and then report back to Council before proceeding.

***Integrated Plan***

The pooling and consolidation of road and associated works developer contributions is expected to support programs and projects identified in the Delivery Plan 2018-21 and the Operational Plan 2018-19.

**Conclusion**

This report proposes to undertake a number of actions which in conclusion should be supported. These include actions to update the *Queanbeyan City Council Section 94 (Local Infrastructure) Contributions Plan*, to draft a fixed levy (formerly Section 94A) plan for Queanbeyan City, to pool road and associated works contributions collected under existing contribution plans and to begin the process of consolidating these existing contribution plans into one road and associated works local infrastructure plan. They also include undertaking initial community consultation of the pooling of these developer contributions and reporting back to Council on this.

**Attachments**

Nil



5.2 Special Heritage Fund - Request for Extension and Variation (Ref: C1874342;  
Author: Tegart/Carswell)

---

**Summary**

Council has received a request from the successful Special Heritage Fund grant applicant for St Stephens Presbyterian Church to extend the completion of the works until 30 September 2018. This work involves the Manse adjoining the Church. In addition, small savings have been made while undertaking the works - the second part of the request is to use the savings to complete additional repair work which was outside the original grant (Attachment 1).

---

**Recommendation**

**That Council in relation to the Special Heritage Fund grant for St Stephens Presbyterian Church, Queanbeyan agree to:**

- 1. An extension to complete works until 30 September 2018.**
  - 2. Approve the expenditure of savings for additional repair work at the Church Manse that was outside the scope of the original grant.**
- 

**Background**

At its meeting of 28 February Council resolved to provide a Special Heritage Fund grant of \$65,433 to St Stephens Presbyterian Church, Queanbeyan. This work involves the Manse adjoining the Church.

Since that time works have been carried out. However following a meeting in April with staff, the applicant made two requests.

***Request No. 1 – Extension of Time***

The first request is for an extension of time to complete all works by the 30 September 2018.

This request is contained in Attachment 1 and is basically due to the withdrawal of quotations by two of the original four contractors. However the applicant for St Stephens now has quotations for all parts of the work covered by the original grant and although most parts are likely to be completed by 30 June one aspect is unlikely to be. Hence the application for an extension for all work until the end of September.

***Request No. 2 – Add to the Scope of works included in the grant***

A new quotation has been received for part of the work at a lower price than the original. Accordingly there are savings which the applicant is proposing to use for other repair work on the Manse that wasn't in the original grant application. Examples include relocation of the electrical switchboard and replacement of part of the front footpath (Attachment 1). These works are supported by Council's Heritage Advisor.

**5.2 Special Heritage Fund - Request for Extension and Variation (Ref: C1874342;  
Author: Tegart/Carswell) (Continued)**

---

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

The request is seeking an extension of time to complete works as well as a variation of the works that this grant was provided for.

***Environmental***

The use of this grant fund for the stipulated project will have positive environmental impacts.

***Social / Cultural***

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

***Integrated Plan***

This grant is part of a program/activity of the Land-Use Planning Branch which is identified in the current Operational Plan.

**Conclusion**

It is concluded that the request from the applicant for St Stephens Presbyterian Church, Queanbeyan to extend the time for their Special Heritage Fund grant until 30 September 2018 to complete works should be agreed to. In addition the use of savings to complete additional repair work that was outside the scope of the original grant (Attachment 1) be supported.

**Attachments**

Attachment 1      Request - St Stephens Presbyterian Church, Queanbeyan (*Under Separate Cover*)



6.1 Strategies for Review - Part 3 (Ref: C1870492; Author: Tegart/Ferguson)

---

**Summary**

A number of strategies and plans were adopted during the period of administration following the amalgamation of the former Queanbeyan City and Palerang Councils. Council considered a report on this matter at its meeting on 14 March 2018 and resolved that all strategies and plans adopted between 12 May 2016 and 15 September 2017 be progressively presented for review. This report presents four strategies and plans within the QPRC strategic theme of Capability as the third and final part of the review.

---

**Recommendation**

**That Council:**

1. **Review the following QPRC strategies and plans within the strategic theme of Capability that were adopted during the period of administration:**
    - a. **Council Property Strategy**
    - b. **Procedure for Unsolicited Proposals**
    - c. **ICT Strategic Plan 2017-2019**
    - d. **QPRC Financial Strategy;**
  2. **Consider whether to endorse the documents or conduct further workshops.**
- 

**Background**

At its Planning and Strategy Committee of the Whole meeting held on 14 March 2018, Council resolved as follows:

**PLA027/18** That all plans and strategies adopted during the period of administration be reviewed by a report to Council.

Council agreed that the strategies and plans would be presented in several stages within the QPRC strategic themes of Community, Choice, Character, Connection and Capability. Part 1 of the review, comprising the strategies and plans under the strategic themes of Community and Choice, was presented to the Planning and Strategy Committee meeting held on 11 April 2018.

Part 2 of the review, comprising those adopted in the third and fourth themes of Character and Connection were presented to the Planning and Strategy Committee meeting held on 9 May 2018.

Part 3 of the review comprises those adopted in the fifth theme of Capability, and are now presented as the final part of this review. The Executive Summary for each is included below.

The previous business paper reports, together with links to the documents themselves, presented to Council at the time of adoption, are attached to this report.

1. **Council Property Strategy**

This plan is at **Attachment 1** and the business paper report from Council's meeting held on 22 June 2016 is at **Attachment 2**.

## 6.1 Strategies for Review - Part 3 (Ref: C1870492; Author: Tegart/Ferguson) (Continued)

---

### Executive Summary

Queanbeyan-Palerang Regional Council has a substantial property portfolio with a mix of commercial, industrial, residential, recreational and infrastructure parcels of land or buildings. In many cases, the purpose of acquisition or intended uses of those properties, particularly in Queanbeyan, may have changed over the years, may have yielded minimal returns, or the demographic or strategic drivers have shifted.

The consolidation of some properties, investment or divestment of others and generation of appropriate returns is required to put downward pressure on rate increases.

The purpose of the Strategy is to promote opportunities and identify actions to sell, develop, lease or partner with other parties to realise:

- one-off or perpetual financial or community returns
- alternate to using general rate revenues for community infrastructure

The Strategy seeks to:

- leverage Council infrastructure to facilitate private development investments;
- be a 'catalyst' of investment through introducing or developing council property in the market
- assemble Council-owned public land (such as footpath, carpark or reserve space in town centres for commercial licence and lease) to facilitate development interest or sale with proceeds used to provide infrastructure or facilities

The Property Strategy and Policy establishes a governance framework and strategic direction to manage the portfolio. The Strategy will redirect focus on:

- Property management and not just maintenance
- Value of returns on property rather than the expense of renewals
- Performance of the property and any probity issues
- Consideration of property feasibilities and prospectus

## 2. Procedure for Unsolicited Proposals

This plan is at **Attachment 3** and the business paper report from the Council meeting held on 24 August 2016 is at **Attachment 4**.

### Executive Summary

Council at times is approached by the private sector with specific proposals, such as land purchases, business development, participation in a joint venture, and the like for the Council to consider.

The aim of this Procedure is to provide consistency and certainty to the private sector as to how any unsolicited proposal to the Council will be assessed within a transparent framework.

A guide prepared for the NSW Government for Submission and Assessment of Unsolicited Proposals has previously provided some guidance for the Council in these matters. The QPRC Procedure provides a three stage process for consideration of

### 6.1 Strategies for Review - Part 3 (Ref: C1870492; Author: Tegart/Ferguson) (Continued)

---

proposals; clarifies the roles and responsibilities of the proponent, Council, Specialist Advisors and Probity Advisor; and assessment criteria and sundry matters

#### 3. ICT Strategic Plan 2017-2019

This plan is on Council's website at <https://www.qprc.nsw.gov.au/Resources-Documents/Strategies-and-Plans> and the business paper report from 28 June 2017 is at **Attachment 5**.

##### Executive Summary

QPRC is undergoing a major reform process influenced by both internal and external drivers. A key internal driver has been the merger of the previous Queanbeyan and Palerang Councils. The transition process has resulted in extensive changes to QPRC's organisational structure, processes and systems. These sorts of changes have a significant impact on how ICT supports this reform and the changing nature of the organisation.

QPRC must also respond to changes in its external environment and position itself to quickly respond to future impacts, be they opportunistic partnering for digital services or technological advances as the rapid uptake of digital services and innovative technologies is also driving increased user expectations as the community demands a better customer experience, commonly characterised by digital/online services. Government policies, directions and investments are also driving changes in the ICT environment

ICT also increasingly plays an enabling role in facilitating these changes. For instance, the merger transition process presents opportunities for rationalisation, systems improvements and changes, and better integration of business systems. The merger process has also directly impacted the ICT organisation itself in having to bring together two different teams, processes, governance arrangements and infrastructure into a single, unified ICT environment. This merger and transition process is therefore a central consideration in developing the future ICT strategies and priorities for QPRC.

The Strategic Plan examines the issues and options through the lens of People, Process and Technology, with four key objectives:

- Maintain a robust, reliable, secure and available ICT environment
- Maximise the value from ICT investments and projects
- Reflect the voice of the community in ICT products and services
- ICT users and staff are supported and empowered to deliver business outcomes

#### 4. QPRC Financial Strategy

This strategy is at **Attachment 6** and the business paper report from 25 January 2017 is at **Attachment 7**.

**6.1 Strategies for Review - Part 3 (Ref: C1870492; Author: Tegart/Ferguson)  
(Continued)**

---

Executive Summary

An 'asset and financial sustainability review' of the former Queanbeyan and Palerang Councils and the new Queanbeyan-Palerang Regional Council was completed by Prof Percy Allan and GHD in December 2016, designed to:

- establish a consistent asset standard and asset backlog base of the former councils
- establish and compare 'existing' and 'responsible scenario' financial policy settings
- consolidate the financials into a QPRC 10 year forecast for General/Waste Fund and Water and Sewer Funds, with a 20 year and 30 year asset horizon, respectively
- establish affordable expenditure levels for services; and asset maintenance, renewal and upgrades
- establish affordable pricing paths for general rates, and water and sewer charges
- forecast merger financial impacts
- confirm the forecast meets FFF financial benchmarks
- form the platform for QPRC long term financial plan

The Fit for Future (FFF) reforms of the NSW Government included a suite of financial, scale and capacity benchmarks for local government. The former Queanbeyan and Palerang Councils did not meet the scale and capacity benchmark, and were slated to merge to achieve that threshold. It is understood the reviews by IPART acknowledged any special rate variations proposed by the former councils were required to achieve financial sustainability.

Through modelling of current asset condition, intervention levels, maintenance levels and renewal schedules, GHD were able to establish an affordable mix of maintenance and renewal of assets to achieve a 2% asset backlog over a 20 year horizon (General) and 30 year horizon (Water and Sewer).

The Asset and Financial Sustainability Review recommended a shift from Existing Policy as outlined in the respective councils' Long Term Financial Plan (LTFP), asset management plans (AMP) and revenue policies to a 'Responsible or Optimal Scenario' to achieve an acceptable compromise between Council's obligations to:

- achieve financial sustainability,
- manage the asset backlog to prevent an infrastructure crisis,
- preserve essential public services in line with population growth
- keep rates, fees and charges affordable
- borrow at acceptable levels in line with intergenerational equity and
- meet financial benchmarks to be fit for future (FFF)

The Responsible Scenario seeks to:

- Rehabilitate required infrastructure whose condition has fallen below an acceptable standard (i.e. the 'backlog');
- Renew required infrastructure when it falls below agreed minimum standards in future;
- Align the rate of asset renewal expenditure and/or placement into infrastructure reserves, to the consumption or degradation of those assets (ie depreciation)

**6.1 Strategies for Review - Part 3 (Ref: C1870492; Author: Tegart/Ferguson)  
(Continued)**

---

- Expand the total infrastructure stock by enough to cope with residential and business growth as informed by Council's asset strategy and demographic projections;
- Identify those core services that would be quarantined from any cost cuts to help fund infrastructure rehabilitation and renewal, or be subject to specific SRVs;
- Fund these initiatives through adequate revenue measures, operational savings, reordering spending priorities, asset leases or disposals and extra borrowings;
- Fund infrastructure maintenance and renewals from operating revenue and rehabilitation and enhancements from budget surpluses, capital revenues and borrowings in accordance with a 'narrowing the gap' strategy;
- Ensure that the outcome by year 10 complies with sustainable financial targets (e.g. the LGI recommended minimum surplus ratio and maximum broad debt ratio);
- Borrow sufficiently between now and 2024/25 to help fund infrastructure renewal under the Responsible/Optimal Scenario;
- Use debt and movements in cash reserves to help 'smooth' large injections of assets renewal or upgrades across several years;
- Place cash surpluses following annual audit into an infrastructure reserve

Several other documents were adopted during the period of administration, but which do not require a review because they were developed for a specific purpose only. These are:

Community & Staff Communications and Engagement Plan

This plan was relevant for the merger period only.

Community Engagement Strategy

This strategy was part of the Integrated Planning and Reporting process.

Strategic Directions

This strategy is on Council's website at <https://www.qprc.nsw.gov.au/Resources-Documents/Strategies-and-Plans> and was included in the Community Strategic Plan for the merger period only.

**Implications*****Strategic***

A number of the strategies and plans refer to the longer-term direction that Council has embarked upon, some of which have informed the Community Strategic Plan and Resourcing Strategy for example, and that Council has considered since the election. Any review should take into account the work already underway and the contracts that may have been let.

***Engagement***

Depending on the degree of revision, some of the documents may require further community engagement.

**6.1 Strategies for Review - Part 3 (Ref: C1870492; Author: Tegart/Ferguson)  
(Continued)**

---

***Resources (including staff)***

There may need to be appropriate funding allocated for staff time and community engagement for the strategies or plans for which Council wishes to undertake a full revision.

**Conclusion**

Four strategies and plans within the strategic theme of Capability, that were adopted by the Administrator following the amalgamation of the former Queanbeyan City and Palerang Councils are now re-presented for review by Council.

**Attachments**

Attachment 1	Council Property Strategy ( <i>Under Separate Cover</i> )
Attachment 2	Business Paper report - Council Property Strategy ( <i>Under Separate Cover</i> )
Attachment 3	Procedure for Unsolicited Proposals ( <i>Under Separate Cover</i> )
Attachment 4	Business Paper report - Procedure for Unsolicited Proposals ( <i>Under Separate Cover</i> )
Attachment 5	Business Paper report - ICT Strategic Plan 2017-2019 ( <i>Under Separate Cover</i> )
Attachment 6	ICT Strategy ( <i>Under Separate Cover</i> )
Attachment 7	QPRC Financial Strategy ( <i>Under Separate Cover</i> )
Attachment 8	Business Paper report - QPRC Financial Strategy ( <i>Under Separate Cover</i> )

**7.1 Queanbeyan Police Station - Redevelopment (Ref: C1874614); Author:  
Tegart/Carswell**

**Report**

Council has received notification under *State Environmental Planning Policy (Infrastructure) 2007* from the applicants for the redevelopment of Queanbeyan Police Station. This means that a development application does not have to be submitted. Instead a Review of Environmental Factors will be undertaken with the NSW Police being the determining authority.

Notification initially consisted of a covering letter and a plan (Attachments 1 and 2) which followed several meetings with staff. A preliminary assessment was undertaken by Land-Use Planning staff and requests were made for a traffic report and heritage impact assessment. At the time of writing the traffic report has been provided and a heritage impact assessment has been promised.

The notification period provides Council with a period of 21 days in which to comment which finishes on 8 June 2018. Staff from Community Connections, from the Development Control Branch and from the Urban Landscapes Branch are also undertaking preliminary assessments and the intention is to make a further representation to the applicants.

In relation to the proposal, the applicants have provided the following information:

*The proposed redevelopment comprises:*

- *Demolition of the existing Police Station and associated structures*
- *Full excavation of the site to accommodate an extended single level basement*
- *Construction of a new three storey Police Station building including single storey basement entry adjacent to the site's western boundary and single level basement for operational vehicles*
- *Provision of two additional 'first response' Police vehicles to replace existing time limited public parking on Farrer Place in front of the Police Station and associated adjustments to existing on street parking (Note: these adjustments will result in the loss of three existing on street car parking spaces and will also involve the upgrading of an existing accessible parking space)*
- *Widening of the existing median strip opening in Farrer Place by 3.3m to align with the repositioned vehicular entry to the site*
- *Removal of one existing street tree on the Farrer Place frontage due to the repositioned vehicular entry. This is a young pear, which may be able to be relocated.*
- *Removal of six trees located within the site of the adjacent childcare centre (vacant) along the northern site boundary, and*
- *New substation. (Location to be confirmed. Further consultation with QPRC required.)*

*The proposed development comprises 'development without consent' under Clause 48(1) of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) being development for the purposes of an emergency services facility in a prescribed zone.*

*It is proposed that works will commence on the project in September 2018 following completion of the environmental assessment and determination process.*

---

**Recommendation**

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

---

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | Attachment 1 - Queanbeyan Police Station Redevelopment - Notification letter ( <i>Under Separate Cover</i> )                   |
| Attachment 2 | Attachment 2 - Plan accompanying Queanbeyan Police Station Redevelopment - Notification letter ( <i>Under Separate Cover</i> ) |



**8.1 Googong Road and Old Cooma Road Intersection (Ref: C1863639; Author: Hansen/Hansen)**

---

**Summary**

To facilitate the Googong development, there is a requirement to upgrade the intersection of Googong Road and Old Cooma Road. These works are intended to support the ongoing development of the Googong Township.

During the exhibition of the Review of Environmental Factors (REF) for the intersection proposed by Googong Township Pty Ltd (GTPL), numerous submissions were received on design.

Modelling has established that both a signalised intersection without a slip lane and a roundabout will meet the Level of Service (LOS) requirements of Council, however neither design addresses all of the concerns raised by the REF submitters or the expected safety provisions of pedestrians and cyclists.

A roundabout provides the uncontrolled movement of northbound vehicles on Old Cooma Road requested by the submitters but does not sufficiently meet the safety needs of pedestrians and cyclists. Additional land will also be required to construct the roundabout which may cause delays to the construction of the intersection.

A signalised intersection (as proposed by GTPL) does not provide the uncontrolled movement of northbound vehicles on Old Cooma Road requested by the submitters but provides a much higher level of safety to both pedestrians and cyclists. No additional land is required to construct this intersection.

Noting the lesser provision of safety for cyclist and pedestrians with the roundabout design and the delays that may be experienced with the acquisition of additional land to accommodate a roundabout, it is recommended that Council approve the signalised intersection design currently proposed by GTPL. It is also recommended that the Council plan to acquire the necessary land to enable the construction of a slip lane in the future and that the cost to purchase the land and construct a slip lane be referred to the 2021/2022 budget for consideration.

---

**Recommendation**

**That Council:**

- 1. Approve the signalised design of the intersection of Googong Road and Old Cooma Road as proposed by Googong Township Pty Ltd (GTPL).**
  - 2. Request GTPL to provide Council with a concept plan that demonstrates that the current signalised intersection design can accommodate a future slip lane.**
  - 3. Refer the cost to prepare a preliminary design for a slip lane at this location to the 2020/2021 budget.**
  - 4. Refer the cost to purchase the necessary additional land and the cost to construct a slip lane at the intersection of Googong Road and Old Cooma Road to the Financial Plan and 2021/2022 Operational Plan for consideration.**
-

**8.1 Googong Road and Old Cooma Road Intersection (Ref: C1863639; Author: Hansen/Hansen) (Continued)**

---

**Background**

To facilitate the Googong development, there is a requirement to upgrade the intersection of Googong Road and Old Cooma Road. These works are intended to support the ongoing development of Googong Township with the capacity to service approximately 18,000 persons. The works will be completed by GTPL and the asset will be transferred to Council upon completion. The works are funded by the Googong developers.

The Review of Environmental Factors (REF) was approved by Council at the Planning and Strategy meeting held on 9 May 2018. The REF was completed with an intersection design that signalised the intersection.

Section 138 of the *Roads Act 1993* outlines consent requirements for works and structures on public roads. Consent is required under the *Roads Act 1993* before construction works commence.

Section 87 of the *Roads Act 1993* outlines consent requirements for traffic control facilities (traffic signals). Under these sections, consent and concurrence of RMS for the proposed works is required before construction works commence.

The proposed signalised design has been publicly exhibited as part of the REF approvals process between 20 February 2018 and 13 March 2018. During the exhibition period a number of responses were received that provided comment on the design of the intersection rather than the environmental impact of the work.

The submissions primarily requested either a roundabout be constructed instead of traffic signals or an un-controlled slip lane be included in the signalised intersection design. The intent of all of the submissions was to enable vehicles travelling north along Old Cooma Road to pass through the new intersection without being stopped by the traffic signals.

Council staff have been in discussion with GTPL on the above submissions and they advise that it is their view that traffic signals provide the most suitable solution for this intersection when all matters are considered such as traffic flows, pedestrian safety and bicycle safety.

As the Googong development proceeds, an additional intersection on Old Cooma Road is required some 500 metres south of Googong Road. This second intersection is proposed to be a signalised intersection. The modelling for the subject intersection done by Council staff has considered the future intersection 500 metres to the south.

The modelling has established that both a signalised intersection without a slip lane and a roundabout will meet the Level of Service (LOS) requirements of Council however neither design addresses all of the concerns raised by the REF submitters or meets the expected safety provisions of pedestrians and cyclists.

A roundabout does not provide a controlled pedestrian crossing or safe access for on road cyclists wanting to turn right from Googong Road into Old Cooma Road. The roundabout does provide an uncontrolled lane for vehicles travelling south on Old Cooma Road. It should also be noted that additional land will be required to construct a roundabout at this intersection. This land is Crown land and would need to be purchased prior to intersection works commencing which could cause protracted delays.

A signalised intersection without a slip lane provides much safer access for pedestrian and cyclist (both on road and off road) but does not provide an uncontrolled lane for vehicles

**8.1 Googong Road and Old Cooma Road Intersection (Ref: C1863639; Author: Hansen/Hansen) (Continued)**

---

travelling north on Old Cooma Road. This intersection can be constructed without the need for additional land acquisition.

Given the signalised design proposed by GTPL meets the LOS D requirement of Council, any additional cost to provide a slip lane at this location will need to be met by Council. The cost to purchase any additional land to facilitate a slip lane would also need to be met by Council. It should also be noted that any intersection improvements that may be undertaken at this location to accommodate a future Dunns Creek Road will necessitate the removal of the slip lane.

Noting the lesser provision of safety for cyclist and pedestrians with the roundabout design and the delays that may be experienced with the acquisition of additional land to accommodate a roundabout, it is recommended that Council approve the signalised intersection design currently proposed by GTPL. It is also recommended that the Council plan to acquire the necessary land to enable the construction of a slip lane in the future and that the cost to purchase the land and construct a slip lane be referred to the 2020/2021 budget for consideration.

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

Approval under the *Roads Act 1993* is required for this work.

***Environmental***

The REF for a signalised intersection was approved by Council at the Planning and Strategy Meeting held 9 May 2018.

***Asset***

The completed intersection will be gifted to Council and managed in accordance with approved asset management standards.

***Strategic***

This work is anticipated in the Googong and Tralee Traffic Plan 2031 and is required to facilitate the development of the Googong Township.

***Engagement***

The REF for this work was publicly exhibited between 20 February 2018 and 13 March 2018. The comments received during this period have been considered by staff in the final design of this intersection.

***Financial***

The cost to construct this intersection is funded by the Googong developers.

**Attachments**

Nil



**8.2 Waste Management Update (Ref: C1874406; Author: Hansen/Hansen)**

---

**Summary**

Council provides a number of waste management services to the community. Changes are occurring within the waste management area that are impacting on the cost of providing these services.

Food organics and garden organics processing arrangements have changed with the cessation of the Lantasia MOU. Whilst the fee to Lantasia is no longer payable, Council is now processing this waste in-house.

There have been global changes to the market for recyclable material that is impacting councils costs in this area. The gate fee at the Hume Materials Recovery Facility has increased.

An update is also provided on the container deposit scheme, the waste audit, the waste strategy and the Braidwood waste transfer station.

In addition to drafting the QPRC Waste Strategy, Council is also participating in the development of a Regional Waste Strategy that will inform Council of regional opportunities that may assist in the future management of waste. A report will be provided to Council once this strategy is completed.

This information should be considered when determining any changes to the waste charges proposed in the Draft Fees and Charges.

---

**Recommendation**

**That Council:**

- 1. Not alter the Domestic and Non-Domestic waste charges proposed in the Draft Revenue Policy.**
  - 2. Review the Domestic and Non-Domestic waste charges once the Council Waste Strategy is adopted by Council.**
- 

**Background**

**City to Soil**

Council provides a 'City to Soil' collection in the urban areas of Braidwood, Bungendore and Captains Flat. The service provides the residential ratepayers with a food organics and garden organics (FOGO) fortnightly collection utilising a 240L garbage bin and an 8L kitchen bench top bin. Compostable liners are also provided for the bench top bins.

Since the inception of the program, Council has contracted Landtasia Organic Farm to process the collected material. This arrangement was in keeping with the intent of the original 'Groundswell' program, the pre-cursor to 'City to Soil', which was to ascertain if an urban FOGO collection could be used to enhance soil productivity in rural areas. This relationship ended at the completion of the Memorandum of Understanding.

The relationship ended for two principal reasons. Firstly, the contractor was moving to a new business model and signalled their intention to only accept material that was shredded prior

**8.2 Waste Management Update (Ref: C1874406; Author: Hansen/Hansen)  
(Continued)**

---

to delivery. In addition, they have arrangements with other companies that provide material from a single stream (e.g. greenwaste only, food waste only) in comparison to our mixed materials. As such, City to Soil material was not consistent with the rest of their feedstock.

Secondly, the contamination rate of the food waste was considered by the contractor to be higher than allowed under the MoU. There had been an observable increase in the contamination rate over time and Council had taken measures to reduce the contamination including diverting all FOGO collections to the Bungendore Resource Recovery Facility (RRF) for contamination removal and then reloading back onto trucks for transport to Landtasia. This still did not satisfy the contractor. In Council's view, the level of contamination was not excessive given the large number of contributing residents. Ultimately Council could not guarantee a clean stream that met their contamination limits and both parties agreed that it was not feasible to pursue a further MoU.

Following cessation of the MoU, all FOGO collections have been diverted to the Bungendore RRF, where food organics have been removed from the garden organics. Food organics (and any contamination) are now diverted to the residual waste stream and then on to landfill.

Garden organics are moved to the greenwaste piles at the RRF, where they are shredded and transported to Woodlawn for beneficial reuse.

The longer term approach to the collection and processing of FOGO will be considered in the Waste Strategy.

### Recycling

Councillors would be aware of the media coverage of recycling issues in NSW and Australia resulting from the implementation of China's "National Sword" initiative. The initiative has effectively banned the import of recyclable materials into China. This has had a flow on effect around the world and led to severe market distress. A more detailed discussion is contained in the attached letter from Re.Group, the operator of the Hume Materials Recovery Facility (MRF). Given the commercial information contained in the correspondence, the letter is supplied as a confidential attachment.

"National Sword" has had significant negative impacts in Australia. Several recycling contractors have withdrawn their services in Victoria. Large stockpiles of recyclable materials are being held at MRFs. Most Councils have been requested to pay higher gate fees. Ipswich City Council decided to dump all recyclables into landfill, although this has now been reversed.

LGNSW is conducting a seminar on the issue in Sydney on 20 July.

To date, Council has been somewhat immune from these impacts. The Hume MRF is in effect a brand new facility, having undergone significant upgrades in the last 12 months following the arrival of Re.Group. These upgrades allow Re.Group to separate waste and recyclable streams to a high standard. In addition, the majority of recyclable materials processed by the Hume MRF go to local markets (although many of the commodity prices are set by international markets and are therefore reflected in local market prices). Our MRF is relatively stable and there is little risk of a sudden withdrawal of services.

Notwithstanding this, Re.Group have recently advised Council of an increase to their gate fees. Council currently pays two different gate fees depending on whether the material comes from the former Palerang LGA or the former Queanbeyan City LGA. As such, the requested increase represents an approximate increase of 65% for former Palerang recycling, and 180% increase for recycling from the former Queanbeyan LGA. The increase has been imposed on Council's latest invoices. The proposed increase is temporary until such time as the ACT CDS commences, however, the likely reduction after commencement of this scheme is not able to

**8.2 Waste Management Update (Ref: C1874406; Author: Hansen/Hansen)  
(Continued)**

---

be ascertained at this time. It is not proposed at this stage that waste charges be increased to cover this increase in gate fees.

Council staff are in discussions with adjoining Councils and the ACT about the issue, however, it is unlikely that we will be able to achieve significant improvements given the effective monopoly situation in the region.

**Other Waste Matters****Container Deposit Schemes**

As at 28 May 2018, approximately 360 million drink bottles had been collected via the NSW container deposit scheme (CDS). Over 600 collection points have been installed in NSW with reverse-vending machines (RVM) located at Queanbeyan Woolworths and Jerrabomberra Woolworths. A bulk drop off centre is available at 21 Shropshire Street Queanbeyan. The Queanbeyan RVM is reported to be one of the most utilised facilities in NSW.

Siting, operation, maintenance and management of CDS facilities is the sole responsibility of Tomra-Cleanaway, the network operator.

Most 150ml to three litre beverage containers are eligible for a 10 cent refund provided they are made from glass, plastic, aluminium, steel or liquid paperboard. Containers should be empty, uncrushed, unbroken, and have the original label intact – this requirement has caused a level of consternation in the community about the need for ‘perfect’ waste. The use of RVMs has also caused some issues, particularly related to litter issues in the vicinity.

The ACT CDS is expected to commence on 30 June 2018. The CDS will align with the NSW scheme to allow cross-border movements and to reduce complexity in the region. The scheme will utilise face-to-face collection points and partner with social and disability enterprises. Any CDS eligible materials collected through Council collection services will be eligible for a refund. A refund sharing arrangement will be required between Council and the material recycling facility and this can only be entered into once the ACT scheme commences. A proposed revenue sharing model has been proposed by Re.Group and this is contained in Attachment 2.

**Waste Audit**

Council undertook a waste audit at the start of this calendar year. The audit is comprehensive and provides excellent information on how residents use Council's kerbside waste services. The waste audit will also be used by Council's Education Officer to target education campaigns and in the development of the Waste Strategy.

The audit is contained in Attachment 3.

**Waste Strategy**

The contract for the development of the new waste strategy has been awarded to AECOM. The key personnel put forward by AECOM have worked on the previous strategies developed for Palerang Council.

Council and consultant staff held an inception meeting on 16 May 2018 and the consultant is currently reviewing background information.

The Expressions of Interest for the Waste Strategy Working Group vacancies is currently open and will close on 18 June 2018. It is expected that a report will be put to Council at the 11 July meeting to select the members of the Working Group.

**Braidwood Waste Transfer Station**

The Request for Tender for the construction of the Braidwood Waste Transfer Station has now closed. A non-mandatory site inspection was held on 2 May 2018. NSW Public Works Advisory are now reviewing the submitted Tenders, and it is anticipated that a report will be put to

## 8.2 Waste Management Update (Ref: C1874406; Author: Hansen/Hansen) (Continued)

Council at the July meeting to award the Contract (depending on the complexity of the submissions).

### **Implications**

#### ***Environmental***

There is a short term reduction in the beneficial reuse of FOGO. An alternate use that provides improved environmental benefits for FOGO is currently being investigated.

#### ***Strategic***

The Waste Strategy for Council is presently under review and will be provided to Council for approval once completed.

#### ***Engagement***

No engagement has been undertaken on this matter.

#### ***Financial***

Based on historic FOGO tonnages, the estimated cost for City to Soil is shown below.

<b>Cost component</b>	<b>Usage and rate</b>	<b>Rounded Cost</b>
Labour	16 hours per fortnight @ \$42.10/hour	\$675/fortnight
Supervision & Management	2 hours per fortnight @ \$65/hour	\$130/fortnight
Total cost to remove food waste from FOGO at the Bungendore RRF.		\$805/fortnight
Annual cost to remove food waste from FOGO		\$20,930
Annual average amount of food waste collected		13 tonnes
Cost per Tonne to remove food waste from FOGO		\$1,610/tonne

In addition to the above amount, the green waste component of FOGO that previously went to Lantasia is now delivered to the Bungendore RRF. The additional green waste is added to the other green waste at the RRF. The additional cost to mulch the additional green waste is shown below:

<b>Cost component</b>	<b>Rate</b>	<b>Rounded Cost</b>
Mulching	\$1,000/month	\$500/fortnight
Annual cost to mulch additional greenwaste		\$13,000
Annual average amount of greenwaste collected		455 tonne
Cost per tonne to process additional greenwaste		\$28.57/tonne



**8.2 Waste Management Update (Ref: C1874406; Author: Hansen/Hansen)  
(Continued)**

---

The current total cost to manage and process FOGO that previously went to Lantasia is \$72.50 per tonne.

Noting that there are 2,100 households with the City to Soil service, the cost per household to manage FOGO is now \$0.035 per tonne per household compared to the previous cost of \$0.06 per tonne per household under the Lantasia MOU.

Council staff are investigating alternatives to disposing of food waste in the residual stream and are discussing a potential interim solution with another supplier. At this early stage, a cost of around \$100/tonne of food waste is anticipated. This equates to a cost per household of \$0.047 per tonne.

**Possible changes to the Palerang Domestic Waste Charge**

Given the increase in recycling costs, and the relatively small decrease in the costs associated with the City to Soil process changes, it is intended to hold over any changes to the fee structure until the Waste Strategy has been completed.

The proposed charges will meet the cost of delivering this service at this time.

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | QPRC Hume MRF China Ban March 2018 (Under Separate Cover) -<br><b>CONFIDENTIAL</b> |
| Attachment 2 | QPRC Hume Value Share Proposal (Under Separate Cover) -<br><b>CONFIDENTIAL</b>     |
| Attachment 3 | Kerbside Bin Audit Report Queanbeyan Palerang 2018 (Under Separate Cover)          |

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

---

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

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

**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 Potential Land Acquisition**

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