



Planning and Strategy Committee of the Whole

AGENDA

11 July 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

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Confidential - Not for Publication

7 REPORTS FOR CLOSED SESSION

- 7.1 New Queanbeyan Police Station - Interim Parking Arrangements
Item 7.1 is confidential in accordance with s10(A) (e) of the Local Government Act 1993 because it contains information that would, if disclosed, prejudice the maintenance of law 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 Abbeyfield Planning Proposal to Permit Seniors Housing at 4-6 Majara Street Bungendore
- Attachment 1 Planning Proposal - Abbeyfield Bungendore (Under Separate Cover)*
 - Attachment 2 Gateway Determination - 11 May 2018 - Abbeyfield Bungendore (Under Separate Cover)*
 - Attachment 3 Twelve Community Submissions - Abbeyfield Bungendore (Under Separate Cover)*
 - Attachment 4 Transport for NSW Submission - Abbeyfield Bungendore (Under Separate Cover)*
 - Attachment 5 NSW Office of Environment and Heritage - Biodiversity and Aboriginal Culture Submission - Abbeyfield Bungendore (Under Separate Cover)*
 - Attachment 6 NSW Office of Environment & Heritage - Heritage Division - Submission - Abbeyfield Bungendore (Under Separate Cover)*

Closed Attachments

- Item 5.1 Waste Strategy Working Group Nominations
- Attachment 1 Memo - Waste Strategy Working Group Nominees (Under Separate Cover)*
- Item 7.1 New Queanbeyan Police Station - Interim Parking Arrangements
- Attachment 1 Proposed Licence Area (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 **Abbeyfield Planning Proposal to Permit Seniors Housing at 4-6 Majara Street Bungendore (Ref: C1882102; Author: Carswell/Kurzyniec)**

Summary

The purpose of this report is to seek the endorsement of Council to now finalise the planning proposal to amend Schedule 1 (Additional Permitted Uses) of *Palerang Local Environmental Plan 2014 (PLEP 2014)* to allow for seniors housing as a permissible use with consent at 4-6 Majara Street Bungendore (Lots 13 & 14 DP 1139067). Community consultation for the planning proposal has been completed and it is recommended the draft plan now be made.

Recommendation

That Council take the necessary actions to finalise the planning proposal as exhibited which will result in a draft plan to amend Schedule 1 (Additional Permitted Uses) of *Palerang Local Environmental Plan 2014*, to allow for seniors housing as a permissible use with consent at 4-6 Majara Street Bungendore (Lots 13 & 14 DP 1139067).

Background

Council resolved on 14 March 2018 (Minute No. 023/18) to seek a Gateway determination for a planning proposal. A copy of that planning proposal is shown at Attachment 1.

The Gateway Panel determined that the planning proposal should proceed subject to conditions relating to consultation being met. The NSW Department of Planning and Environment determined that it would authorise Council to exercise its delegations to make this plan. The Gateway determination was issued on 11 May 2018 (Attachment 2).

The planning proposal was then placed on exhibition from 29 May 2018 until 27 May 2018 for a minimum of 28 days as required by the Gateway determination. The property owners adjoining the site were also directly advised in writing of the community consultation.

Twelve (12) community submissions were subsequently received. Nine submissions were received using the Your Voice QPRC portal and the other three were received by direct email. All submitters indicated their support for the proposal to proceed (Attachment 3).

Council also received three (3) submissions from NSW Government agencies as set out below:

1. Transport for NSW did not object to the planning proposal. However, it did note in the response that as the subject site is adjacent to an existing rail corridor any future development application on the site would need to consider the provisions of the *State Environmental Planning Policy (Infrastructure) 2007* in particular Division 15 Railways (Clause 87) when developing the site. This response is shown at Attachment 4.
2. The Office of Environment and Heritage (Biodiversity and Aboriginal Cultural Heritage) did not object to the planning proposal on biodiversity grounds. However it did note that an Aboriginal cultural heritage (ACH) assessment will need to be conducted prior to any ground disturbance works. The submission is shown at Attachment 5.
3. The Office of Environmental and Heritage (Heritage Division) did not object to the proposed amendment. However, it did recommend that any future development on the

4.1 Abbeyfield Planning Proposal to Permit Seniors Housing at 4-6 Majara Street Bungendore (Ref: C1882102; Author: Carswell/Kurzyniec) (Continued)

site be sympathetic in size and bulk to the adjoining State listed 'Bungendore Railway Station and yard group'. It also recommended that due diligence is carried out to ensure that any archaeological items are appropriately managed and identified. The submission is shown at Attachment 6.

The next steps involve recommending that Council now proceed to finalise the planning proposal.

Implications***Policy***

The planning proposal has been prepared in accordance with the requirements of Part 3 of the *Environmental Planning and Assessment Act 1979*. The making of the amendment to the *PLEP 2014* will be undertaken in accordance with Part 3 of the *Act*.

Council has previously indicated a broad policy position of support for the planning proposal and the project (Abbeyfield) through its resolution of 26 July 2017 (Minute No.189/17):

Offer the Council-owned property at 4-6 Majara Street, Bungendore, to Abbeyfield Bungendore to enable the development, planning, application and construction of a 12-14 unit, independent living housing project for seniors on low incomes.

Environmental

There will be no impacts on the natural environment. The planning proposal will not affect any critical habitats, threatened species, populations or ecological communities.

Social / Cultural

Should it be approved, Abbeyfield House in Bungendore will provide affordable accommodation options for senior residents in the region. This planning proposal is the first step in possibly providing a not-for-profit, affordable, non-denominational social housing option in Bungendore for seniors on low incomes.

Economic

The project, should it proceed, will have short and longer term employment benefits as well as have other economic benefits for Bungendore.

Strategic

The proposal is consistent with Direction 24.4 of the *South East and Tablelands Regional Plan Implementation Plan 2017-2019* which has the following action:

Promote opportunities for retirement villages, nursing homes and similar housing for seniors in local housing strategies.

However, the proposal is not entirely consistent with the adopted *Bungendore Land Use Structure and Strategy Plan 2010* as the planning proposal will enable the site to be used by a private provider of seniors housing, whereas this is not specifically identified in the plan. At the same time it needs to be noted that the Structure Plan is currently being reviewed. This is considered to be a minor inconsistency.

4.1 Abbeyfield Planning Proposal to Permit Seniors Housing at 4-6 Majara Street Bungendore (Ref: C1882102; Author: Carswell/Kurzyniec) (Continued)

Engagement

As noted, the planning proposal was placed on community consultation from Tuesday, 29 May 2018 until Wednesday 27 May 2018 for a minimum of 28 days as required by the Gateway determination. The property owners adjoining Lot 13 DP 1139067 & Lot 14 DP 1139067, 4-6 Majara Street Bungendore were advised in writing of the community consultation.

As noted above 12 community submissions were received as well as three submissions from NSW Government Agencies. All supported the proposal proceeding.

Financial

A fee of \$6,000 has been paid. A contribution of \$500,000 towards the construction of the facility has also been identified under the Stronger Communities Fund grants adopted by Council.

Resources (including staff)

The planning proposal was managed by Council's Land-Use Planning staff within Council's Operational Plan Budget.

Integrated Plan

The plan is consistent with Council's long term strategy for Queanbeyan-Palerang Community Strategic Plan 2018-2028 which states in Strategic Pillar 4 — Connection:

Key Goal		Community Outcome	Community Strategy — Service Objective
4.5	We plan for and provide regional facilities which promote better social connection and access for the community.	Social connection within our region is provided via access to a range of community across the region	Support for safe and equitable access to facilities and amenities through well-presented, sited, effective, secure and clean buildings for community, civic and recreational use.
4.6	We undertake planning to ensure infrastructure is prepared for future growth. Community Outcome	Changing community demand is met by well planned for and placed infrastructure. Community Strategy — Service Objective	Provide the asset management logistics for the organisation through well planned, sited and designed infrastructure and support facilities.

Conclusion

Council has completed community consultation regarding the planning proposal which seeks to amend the *PLEP 2014* to amend Schedule 1 (Additional Permitted Uses) of *PLEP 2014*, to

4.1 Abbeyfield Planning Proposal to Permit Seniors Housing at 4-6 Majara Street Bungendore (Ref: C1882102; Author: Carswell/Kurzyniec) (Continued)

allow for seniors housing as a permissible use with consent at 4-6 Majara Street Bungendore (Lot 13 DP 1139067 & Lot 14 DP 1139067).

It is concluded that Council should now take the necessary actions to finalise the planning proposal.

Attachments

- Attachment 1 Planning Proposal - Abbeyfield Bungendore (*Under Separate Cover*)
- Attachment 2 Gateway Determination - 11 May 2018 - Abbeyfield Bungendore (*Under Separate Cover*)
- Attachment 3 Twelve Community Submissions - Abbeyfield Bungendore (*Under Separate Cover*)
- Attachment 4 Transport for NSW Submission - Abbeyfield Bungendore (*Under Separate Cover*)
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- Attachment 6 NSW Office of Environment & Heritage - Heritage Division - Submission - Abbeyfield Bungendore (*Under Separate Cover*)

5.1 Waste Strategy Working Group Nominations (Ref: C1885240; Author:
Hansen/Belcher)

Summary

Following an Expression of Interest process, this report recommends the appointment of members of the Waste Strategy Working Group.

Recommendation

That Council:

1. Express their thanks and appreciation to all who took part in the Expression of Interest process;
 2. Appoint the following people as members of the Waste Strategy Working Group:
 - a. Residential Ratepayers (Urban) – Nominee 1 and Nominee 2
 - b. Residential Ratepayers (Rural) – Nominee 1 and Nominee 2
 - c. Ratepayers (Business and Industry) – Nominee 1 and Nominee 2
-

Background

To ensure consistency in service delivery, equitable access to services, appropriate pricing structures and improved waste management, Council is preparing a new waste management strategy.

To ensure the successful delivery of this project and community acceptance, a Waste Strategy Working Group (WSWG) was formed (Resolution 106/18). The WSWG has the following make-up.

Stakeholder	Number
Councillors	2 + 1*
Residential Ratepayers – Urban [^]	2
Residential Ratepayers – Rural [^]	2
Business and Industry Users	2
NSW EPA*	1
ACT EPA*	1
Service Manager, Utilities (or their delegate)	1
Total	12
[^] Urban is defined as those areas within the urban extents of Braidwood, Bungendore, Googong and Queanbeyan.	
* Non-voting member	

An expression of interest process was conducted to fill the residential ratepayer positions and the business and industry user positions. The EOI was open from late May 2018 to 18 June 2018 and was advertised in local papers, through Council social media channels and in the Mayor's column.

A total of 16 nominations from the public were received for the residential positions, of which six were for the rural positions and ten were for the urban positions. All submissions received

5.1 Waste Strategy Working Group Nominations (Ref: C1885240; Author: Hansen/Belcher) (Continued)

were of suitable quality, and the recommendations are based on achieving as wide a geographic spread as possible. The localities the nominated Councillors live in were considered in this assessment, although it is recognised that these Councillors do not represent these areas only.

Letters were sent directly to NSW Farmers and the Bungendore Chamber of Commerce and Industry. One response was received from NSW Farmers nominating four people. Attempts were made to contact other local peak organisations with no success.

A summary of the assessment and all submitted EOIs are contained in a confidential attachment.

Implications***Strategic***

Appointment of members to the Waste Strategy Working Group will enhance the outcome of the Waste Strategy.

Engagement

The EOI process has been discussed in the Background information.

Financial

Funding for the Waste Strategy Working Group has been included in the Waste Strategy project budget.

Conclusion

This report recommends the appointment of members of the Waste Strategy Working Group following an Expression of Interest process.

Attachments

Attachment 1 Memo - Waste Strategy Working Group Nominees (*Under Separate Cover*) - **CONFIDENTIAL**

6 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 CEO/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 7.1 New Queanbeyan Police Station - Interim Parking Arrangements

Item 7.1 is confidential in accordance with s10(A) (e) of the Local Government Act 1993 because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.