



Planning and Strategy Committee of the Whole

AGENDA

14 August 2019

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*

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Confidential - Not for Publication

10 REPORTS FOR CLOSED SESSION

10.1 Legal Costs Recovery

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

11 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan
- Attachment 1 DA-289-2018 - Table 4.15 Matters for Consideration - - Proposed Boarding House - 288 Crawford Street, Queanbeyan (Under Separate Cover)*
- Attachment 2 DA-289-2018 - Plans - Proposed Boarding House - 288 Crawford Street, Queanbeyan (Under Separate Cover)*
- Attachment 3 DA-289-2018 - Submissions - Proposed Boarding House - 288 Crawford Street, Queanbeyan (Under Separate Cover)*
- Item 6.2 Application for Renewal of Caravan Park Approval - Capital Country Holiday Park - 47 Bidges Road, Sutton
- Attachment 1 Draft Conditions of Consent (Under Separate Cover)*
- Item 6.3 Draft Planning Proposal - Comprehensive Local Environmental Plan 2020
- Attachment 1 Draft Planning Proposal Comprehensive LEP 2020 (Under Separate Cover)*
- Attachment 2 Draft Comprehensive LEP 2020 (Under Separate Cover)*
- Attachment 3 Draft Land Use Matrix (Under Separate Cover)*
- Attachment 4 Comprehensive LEP Program 2019 (Under Separate Cover)*
- Item 6.4 Proposed Housekeeping Amendments to Queanbeyan Local Environmental Plan 2012
- Attachment 1 Housekeeping Amendments 2019 to Queanbeyan LEP 2012 (Under Separate Cover)*
- Item 6.5 Proposed Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018
- Attachment 1 Draft Amended South Jerrabomberra Local Contributions Plan 2018 (Under Separate Cover)*
- Attachment 2 Draft Amended Works Schedule C South Jerrabomberra*

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

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Contributions Plan 2018 (Under Separate Cover)

- Item 6.6 Pooling of Local Roads Contributions
Attachment 1 Response to Brief - Non Urban Roads Contributions - 30 May 2019 (Under Separate Cover)
- Item 6.7 Proposed New Street Name - Environa Drive (Jerrabomberra and Environa)
Attachment 1 Location Plan Showing Proposed Environa Drive (Under Separate Cover)
- Item 6.9 Outdoor Dining Policy
Attachment 1 NSWBC Outdoor Dining Policy (Under Separate Cover)
- Item 6.10 Annual Community Grants Program
Attachment 1 Annual community Grants Program - Assessment of Remaining Applications (Under Separate Cover)
- Item 8.1 Minutes of the QPRC Heritage Advisory Committee Meeting held on 18 July 2019
Attachment 1 QPRC Heritage Advisory Committee Minutes - 18 July 2019 (Under Separate Cover)

Closed Attachments

- Item 6.2 Application for Renewal of Caravan Park Approval - Capital Country Holiday Park - 47 Bidges Road, Sutton
Attachment 2 Legal Advice - Regularising the Use of CCHV for Permanent Accommodation (Under Separate Cover)

ITEM 4 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.

6.1 Development Application 289-2018 - Proposed Boarding House - 288
Crawford Street Queanbeyan (Author: Thompson/Yeomans)

File Reference: DA 289-2018

Summary

Reason for Referral to Council

This application has been referred to Council because written submissions have been made to Council resulting from the exhibition/notification process and valid 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:	Boarding House
Applicant/Owner:	Fragar Planning & Development / Ms Irene Petrova
Subject Property:	Lot B DP155580, No.288 Crawford Street, Queanbeyan
Zoning and Permissibility:	R2 Low Density Residential under Queanbeyan Local Environmental Plan 2012. Consent is able to be issued under this instrument.
Public Submissions:	Six (6) received.
Issues Discussed:	<ul style="list-style-type: none">• Planning Requirements• Compliance with Queanbeyan Local Environmental Plan 2012• Compliance with Queanbeyan Development Control Plan• Discussion on consistency with State Environmental Planning Policy Affordable Housing• Submitter issues
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 289-2018 for a Boarding House on Lot B DP 155580 No.288 Crawford Street, Queanbeyan be refused for the following reasons;
 - (a) The development application has not been able to demonstrate the development can operate in an orderly way as sought by clause 1.2(a), of *Queanbeyan Local Environmental Plan 2012* in that there is unsatisfactory vehicle parking, manoeuvring and safe egress from the site.
 - (b) The proposed development is not considered to recognise and protect Queanbeyan's natural, cultural and built heritage as sought by clause 1.2(d), of *Queanbeyan Local Environmental Plan 2012* in that the proposal does not recognise or protect the built heritage of the conservation area through the impact of car parking forward of the building line.
 - (c) The development application has not been able to demonstrate satisfactorily that the proposed development will meet the Objective of the R2 zone at Clause 2.3 of the *Queanbeyan Local Environmental Plan* which seeks to
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6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan (Author: Thompson/Yeomans) (Continued)

encourage development that considers the low density amenity of existing and future residents.

- (d) The location of the proposed on-site vehicle parking facilities are considered unsatisfactory having regard to Clause 5.10 Heritage of *Queanbeyan Local Environmental Plan 2012*.
- (e) The proposal is not considered to meet the relevant Objectives for Car Parking in Part 2 of the *Queanbeyan Development Control Plan 2012* in that the proposed development has not demonstrated that sufficient car parking spaces can be provided on site for the increased demand.
- (f) The design and layout of proposed on-site vehicle parking facilities are considered unsatisfactory having regard to the relevant provisions of Part 2 Car parking of the *Queanbeyan Development Control Plan 2012*.
- (g) The design and layout of proposed on-site vehicle parking facilities are considered unsatisfactory having regard to the relevant provisions of Part 4 Heritage of the *Queanbeyan Development Control Plan 2012*.
- (h) The proposed development is considered to have an unacceptable impact under the following matters for consideration of Section 4.15 of the *Environmental Planning and Assessment Act 1979*:
 - i) Context & Setting
 - ii) Access, Transport & Traffic
 - iii) Public domain
 - iv) Heritage
 - v) Noise
 - vi) Social impact in the locality
 - vii) Site design and internal design
 - viii) Cumulative impacts
 - ix) Suitability of the site
 - x) The public interest
 - xi) Government and Community interests

- 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
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Background

Proposed Development

The development application is for a Boarding House. Approval is sought under Council's Local Environmental Plan which defines the use as a building that:

- a) is wholly or partly let in lodgings, and
- b) provides lodgers with a principal place of residence for 3 months or more, and
- c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan (Author: Thompson/Yeomans) (Continued)***Subject Property***

The subject site is known as 288 Crawford Street, Queanbeyan. It is located in the R2 Low Density zone and accommodates an existing brick dwelling over 2 storeys with basement storage. Figure 1 below shows the subject site.



Figure 1: Subject Site

The site accommodates an existing two storey brick dwelling which was approved on 7 March 1989. The heritage significance of the area was acknowledged in the assessment of the house at that time, which while inconsistent with the single storey character of the local area, was however subsequently approved.

6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan (Author: Thompson/Yeomans) (Continued)



ELEVATION — A.

Figure 2 – Elevation view to street of existing dwelling



ELEVATION — C.

Figure 3 - Elevation view to rear of existing dwelling

A modification to the dwelling was approved by Council on 18 August 1989 for a storage area under the existing dwelling to the rear. On inspection it would appear that the area can only be used for storage with a ceiling height too low to be used as a habitable area.

The front fence was approved on 12 August 1998.

6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan (Author: Thompson/Yeomans) (Continued)

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:

- *State Planning Policy (Affordable Rental Housing) 2009*
- *Queanbeyan Local Environmental Plan 2012 (LEP)*
- *Queanbeyan Development Control Plan 2012 (DCP)*

1. *State Environmental Planning Policy (Affordable Rental Housing) 2009*

A Boarding House is permissible with consent in the R2 Low Density Zone under the *State Planning Policy (Affordable Rental Housing) 2009*.

The SEPP specifies which development controls are to be applied to proposals based on their location. That is, Clause 27 outlines whether the development controls contained in Clauses 29, 30 and 30A of the SEPP will be applied depending on the sites proximity to the B2 Local Centre or B4 Mixed Use Zones.

In this instance, the subject site is not within 400m walking distance of land in either the B2 or B4 zone. Accordingly, the development standards outlined in Clauses 29, 30 and 30A do not apply to this proposal and the applicant cannot rely on these standards.

The applicant held a different view of the permissibility of the use and the application of certain development standards under the SEPP. They have utilised compliance with the SEPP controls to argue compliance of their proposal. Given this differing view, Council sought a legal opinion which confirmed Council's interpretation of the application of the SEPP.

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

The development does not satisfy the requirements nor achieve the objectives of this planning instrument. The significant issues relating to the proposal for the Council's consideration are:

Clause 1.2 - Aims of the Plan - Subclause (a) seeks to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles.

Recognising that there may be an economic benefit to some, including lodgers, the development application has not been able to demonstrate compliance with this aim of the LEP as it is not considered to be orderly development, specifically unsatisfactory vehicle parking, manoeuvring and safe egress from the site.

Subclause (d) seeks to recognise and protect Queanbeyan's natural, cultural and built heritage. The Development Application has not adequately recognised the built heritage values of the site through the impact of car parking forward of the building line. Given its location within a Heritage Conservation Area the proposed development does not adequately protect those values.

Clause 2.3 – Zone Objectives – This clause outlines the zone objectives for the R2 zone to encourage development that considers the low density amenity of existing and future residents. The development application has been unable to satisfactorily demonstrate that the amenity impacts of existing and future residents raised in submissions have been considered and that any amenity impacts have been suitably mitigated.

6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan (Author: Thompson/Yeomans) (Continued)

Clause 5.10 - Heritage Conservation - Subclause (a) seeks that development conserve the environmental heritage of Queanbeyan. The site is located within a Heritage Conservation Area which is defined in the LEP as an area of land of heritage significance. This site forms part of a central conservation area close to the CBD of Queanbeyan and the application has failed to demonstrate that it satisfactorily conserves the environmental heritage of Queanbeyan.

Subclause (b) seeks to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views. The proposed development has not been able to satisfactorily demonstrate that it values and conserves the streetscape character of places within the conservation area. Specifically, the proposal would include modifications to the dwelling to remove an existing double garage. This will avoid that part of the site being able to be used for carparking. Further, car parking is proposed within the front building setback which is inconsistent with Council’s Development Controls.

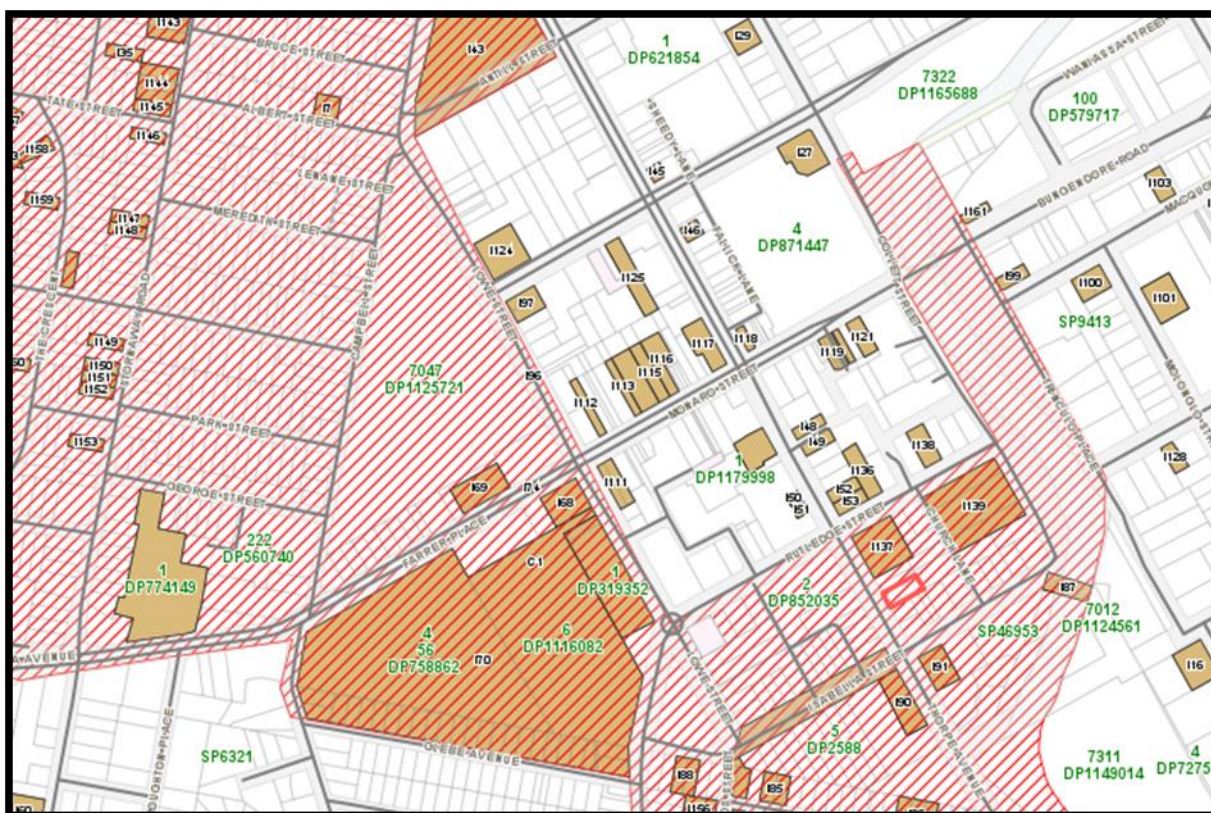


Figure 3: Subject site’s location within Heritage Conservation Area (outlined in red)

Clause 5.10 (4) requires Council to consider the effect of proposed development on heritage significance, including the area concerned. The development application has failed to suitably recognise the values of the local area and the potential impacts the proposal would have on the heritage significance of the area.

Due to its location within a Heritage Conservation Area the application was referred to Council’s Heritage Advisor who confirmed that despite the building itself not having heritage value the location does. Further, that there are heritage issues with the proposed car-parking. He commented as follows:

The DCP (4.4.4-c) specifically does not support driveway turning areas between the building and the road. The DA proposes to convert the existing double garage to accommodation and obligate all parking to be on the front turning area. This is inconsistent

6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan (Author: Thompson/Yeomans) (Continued)

with the DCP, would have an adverse impact on streetscape character and would set a precedent for similar development throughout the Conservation Area that would be unacceptable. The application is not supported on that basis.

Those issues were raised with the applicant in an information request. The applicant's response was referred to Council's Heritage Advisor who advised;

The applicant has failed to satisfactorily address the location of car-parking as it impacts on the streetscape character of places within the conservation area. The Heritage and Conservation provisions in the DCP provides guidance on the subject at Section 4.4.2 and states that new garages should be freestanding and setback behind the rear wall of the building. The implication from the clause is that permanent car parking should not be in front of the building. This is reinforced in Section 4.4.3 Carports which requires carports to be no further forward than 1.5 metres behind the main front wall of the dwelling.

Section 4.4.4 Driveways notes that on historic sites there was usually soft landscaping between the house and driveway, and driveway and fence. Large areas of concrete were rarely used and when used today can have an adverse impact on the character of a place.

The point is further emphasised at 4.4.4 d) and f): Driveway turning areas should not be installed in the front of the building (between the building and the road) and plain concrete is highly reflective and generally not consistent with Queanbeyan's historic cottages when used other than as paired strips. Large expanses of concrete used for driveways and turning circles are not appropriate and are to be avoided.

The section of Crawford Street between Rutledge and Isabella streets has a high proportion of historic buildings and provides an excellent transition zone between the commercial part of the Queanbeyan CBD and the delightful and picturesque historic Conservation Area. Heritage is not opposed to sympathetic adaptation of buildings in these sorts of zones and there are many examples in towns and cities where this has been done very sympathetically and to great effect.

However, the proposal to allow car parking for up to 12 occupants on the concrete hardstand between the dwelling and the front fence would inevitably result in an eyesore. It is highly likely that repairs and maintenance of vehicles would take place on site, along with storage of spare parts, material, tyres etc, all of which would be particular unsightly and any screen vegetation would be damaged from over use and vehicle impact.

Furthermore there is a strong possibility that approval of front yard parking for this development would set a precedent throughout the Conservation Area that would be very undesirable and lead to erosion of the Conservation Area's streetscape character.

Council is strongly urged not to support the application in its current form and to adamantly require rear parking for this proposed development.

This assessment notes that the proposal does not include a new garage or a new carport. However, Council's Development Control Plan applies to the proposed change of use. Accordingly, assessment against all relevant provisions applicable to the proposed conversion of a dwelling and its reuse as a commercial entity is warranted.

The proposal is not able to be supported by Council's Heritage Advisor and conflicts with controls and objectives in the Queanbeyan Development Control Plan and Queanbeyan Local Environmental Plan.

Clause 7.9 – Essential Services - Requires that Council be satisfied that essential services for the development are available or adequate arrangements have been made. This includes provision for suitable vehicular access (subclause e). Council's Engineer has determined that traffic generation will increase as a result of the development. Further, that on street car parking will be required to support the development as a result of the lack of parking on site. He notes that the site is located near a relatively congested area particularly during the week due to its close proximity to the CBD and Queanbeyan Primary School. Based on the car

6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan (Author: Thompson/Yeomans) (Continued)

parking arrangements proposed the development is not supported and should be reduced to accommodate parking on site.

Alternatively, the development could be redesigned to allow carparking in the rear yard.

2. Compliance with Queanbeyan Development Control Plan 2012

Part 2 All Zones Objectives - Part 2 of the DCP includes general controls for all development in Queanbeyan. These objectives are:

- 1) *To provide controls on general matters that do not relate to a specific zone or type of development*
- 2) *To maintain and improve the amenity of Queanbeyan*

The proposal does not meet these objectives given the proposed development is unlikely to be able to maintain or improve the amenity of Queanbeyan as sought.

Part 2.2 Car Parking - The applicant has relied upon *DCP Part 2.2.5 Existing Premises* to argue that the proposal is a change of use, with no additional floor area proposed, therefore no additional parking is required.

The applicant has failed to recognise that the objective of the clause is to identify circumstances related to existing premises where no additional car parking is required for development.

Clause 2.2.5 cannot be relied upon to argue compliance with car parking numbers. The proposed development can accommodate 12 adults which will result in increased demand for car parking.

At the time of lodgement (9 July 2018), Amendment 3 of Council's Development Control Plan applied. Part 2.2 included two rates for car parking which could be applied to development for a Boarding House. These were both included in Table 1 and required either:

- a) 1 space per room = 9 spaces (to be located behind the building line), or
- b) 1 space per 3 bedrooms plus 1 per resident = 4 spaces.

Where car parking requirements are based on bedroom numbers, Council consistently applies the rate on a 'part thereof' basis. That is, should 8 rooms be available to lodgers and one for a resident, as suggested to Council by the land owner, three (3) spaces would still be required for lodgers, being one space per 3 bedrooms, or part thereof. A fourth space would be required for the resident.

The application was lodged proposing three parking spaces including one exclusively for accessible car parking (disabled) and a second exclusively for motorcycle parking. One car parking space would therefore be available for a standard vehicle.

Applying the lower rate, the proposal did not comply with Council's DCP at the time of lodgement.

Council's Development Control Plan has since been amended (Amendment 4 of 30 October 2018) to include only one provision for car parking numbers for Boarding Houses being 1 space per room located behind the building line. A total of (9) car parking spaces is sought under the current version of the DCP.

Council's engineering assessment staff has confirmed that vehicles will not be able to enter and exit in a forward direction. Also, manoeuvrability into the proposed spaces is likely to be questionable without widening of the verge crossing and fencing to at least 5.5m, increasing from the existing 4.5m. The proposal does not comply with AS2890.

Further, the location and existing local uses emphasise the importance of vehicles being able to enter and exit in a forward direction given the lack of visibility when reversing out of driveways and increased likelihood of young children in the vicinity.

6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan (Author: Thompson/Yeomans) (Continued)

The proposal does not comply with relevant provisions of Part 2.2 of the DCP.

Part 4 Heritage & Conservation - Minor demolition of parts of the front of the dwelling are proposed. The building is not a heritage item. Council's Heritage Advisor has confirmed that minor demolition in itself is not a significant issue however the re-location of car parking into the front building setback is not supported by the DCP. More detailed comments are provided in the heritage considerations under the LEP earlier in this report.

Other Matters

According to Clause 4.15 of the *Environmental Planning and Assessment Act*, in determining a development application, a consent authority is to take into consideration a range of general planning matters. These are detailed in the attached 4.15 report.

In summary the proposal is not able to comply with relevant provisions in Clause 4.15 of the Act. Specifically, its context and setting within a Heritage Conservation Area, access / egress and traffic impacts, potential detrimental impacts on the public domain and heritage values of the local area, potential amenity impacts on neighbours in terms of noise, overlooking and privacy, site design in terms of vehicle parking and outdoor spaces for residents that will not impact on neighbours. Overall, Council's evaluation of the application under Clause 4.15 suggests that incremental issues of non-compliance has demonstrated that the use of the subject site as proposed cannot be supported. The site is not suitable for the proposed use and the development is not in the public interest.

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

Council's Building Surveyor has assessed the proposal. The applicant has failed to adequately address all relevant components necessary to his assessment, with the following issues still outstanding:

- Window dimensions omitted from submitted plans.
- The propose sliding door to be retained to bedroom 6.
- Fire safety upgrade to comply with class 1b.

Should the proposal proceed, the applicant would need to submit updated plans which address the above for Council's consideration.

(b) Development Engineer's Comments

Water - The site is serviced by an existing 20mm service. Given fixtures are to increase the adequacy or otherwise of the existing service should be determined, including for fire safety requirements, by a suitably experienced and qualified hydraulic consultant. Any upgrades to be installed by Council at no cost to Council.

Sewer - The lot has an existing sewer connection. A sewer main is present within the lot, though is not burdened with an easement. The development does not propose to increase the built area, thus controls to protect the main are not required.

Stormwater - The development does not increase the built area, thus existing stormwater structures will remain.

Traffic, Parking & Access - The development proposes to convert the existing 4 bedroom dwelling to a 9 room boarding house. The Queanbeyan DCP (at the time of lodgement) had two rates for boarding houses, being 1 per room or 1 per three rooms.

6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan (Author: Thompson/Yeomans) (Continued)

The Affordable Housing SEPP requires 0.5 spaces/room if not undertaken by or on behalf of a social housing provider. No evidence has been provided that the development is for or on behalf of a social housing provider, thus either the DCP rate of 1 space per 3 rooms or the SEPP rate of 0.5 spaces/room are applicable.

The proposal provides three parking spaces, 1 disabled, 1 regular vehicle space and one motorcycle space. The development is required to have a minimum of 3 car parking spaces for the boarding house based on the DCP rate.

A motor cycle space cannot be placed in lieu of a car space, thus the development only proposes 2 spaces. The parking spaces are further proposed in the frontage of the lot due to the retro fitting of the existing double garage to a self-contained room/studio. As a result of this, vehicles will not be able to enter and exit in a forward direction.

This section of Crawford Street sees a high rate of on street parking particularly due to its proximity to Child Care and the Queanbeyan Primary School, which emphasises the importance of vehicles being able to enter and exit in a forward direction given the lack of visibility when reversing out of driveways and increased likelihood of young children in the vicinity. It is noted that manoeuvrability into the proposed spaces is likely to be questionable without widening of the verge crossing and fencing to at least 5.5m from the existing 4.5m.

Traffic generation will increase as a result of the development and on street car parking will be required to support the development as a result of the lack of parking on site. The site is located near a relatively congested area particularly during the week due to its close proximity to the CBD and Queanbeyan Primary School. Based on the car parking arrangements proposed the development is not supported.

(c) Environmental Health Comments

In December 2017 Council was presented with information on *The Boarding Houses Act 2012*. This Act and its Regulations outline the duties of owners of Boarding Houses and those of Council's, including inspections, powers of entry and handing of complaints. This Act works in conjunction with those relevant to the assessment of the use and applies where a use is operational.

The proposal has adequate toilets and hand basins for the anticipated number of occupants and sanitary facilities could be provided as a condition of consent.

The proposal includes a waste management plan which could be conditioned to provide the required number and type of waste bins.

The size of each room also exceeds the minimums sought under the Public Health Regulations 2012.

Should the proposal be approved, conditions would be imposed relating to registration, number of lodgers, inspections, notices, kitchen facilities and general cleanliness.

Financial Implications

Section 7.11 contributions would be applicable should consent be issued.

Engagement

The proposal required notification under Queanbeyan DCP 2012. Six (6) submissions were received. The relevant issues raised are as follows:

Issue: Proposal will have a negative impact on Heritage Conservation values through external modifications, car parking location onsite and the streetscape values.

Comment: Submitters raised concerns regarding the proposed modifications and their potential to compromise and weaken the overall streetscape character of Crawford Street.

6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan (Author: Thompson/Yeomans) (Continued)

They suggest the proposal does not recognise and protect Queanbeyan's built heritage values. The assessment concurs with this view.

Issue: Management of the boarding house. I note that the boarding house has no manager living on site. I am concerned that the consequences of failure to manage tenants may occur including for noise impacts by boarders or their guests.

Comment: Council and the operator have requirements regarding the management of Boarding Houses under the Boarding Houses Act and any conditions of consent. Where a development is able to meet Council's controls and conditions it is anticipated that amenity impacts generated by boarders or their guests could be managed. The applicant has been unable to demonstrate that for this proposal.

Issue: Insufficient Car parking numbers and location - concerned that insufficient on site car parking numbers may mean congestion on local roads. Also, that it does not take into account current ARH SEPP requirements.

Comment: Council staff agree that the lack of adequate on-site car parking spaces has the potential to impact on local roads. Further, not being able to manoeuvre on site creates an unacceptable risk to road uses. The proposal is an intensification of the site and the applicant has been unable to suitably demonstrate car parking numbers, car parking location and access & manoeuvring can be adequately managed.

Issue: Increased number of people and overlooking.

Comment: The submitter raised concerns about the transient nature of the tenancy, the number of additional people on site and the potential for overlooking and loss of amenity. The use would increase the density of people residing on site. The ARH SEPP was amended in February 2019 to limit the use to 12 boarding rooms to better reflect the scale and built form of development able to be achieved in the R2 zone. The application was lodged prior to this amendment and complies with a maximum of 12 lodgers (including resident land owner) at any time.

The submitters issue is acknowledged, especially in terms of privacy and overlooking. The site is higher than adjoining land to the north and east which would allow overlooking from the rear of the site, the balcony and bedrooms. Also, given the proposal seeks to use an existing 2 storey building, the potential for overlooking is increased.

Should the proposal be approved, Council could impose conditions regarding screening to the balcony, any outdoor recreation areas and window treatment where overlooking could occur to assist in mitigating privacy concerns.

Issue: Potential Fire Risk especially given the dwelling has barred windows.

Comment: Any development needs to comply with relevant Building Code and Fire Safety regulations. Should the use be approved it would be conditioned to meet relevant standards.

Issue: Waste Management – bin numbers proposed (1 x general waste and 1 x recycling) are insufficient for the number of lodgers. With no manager or bin enclosure, who will be responsible for adequate storage and movement of bins.

Comment: Any development would need to comply with Council standards regarding waste management. Should the use be approved it would be conditioned to meet relevant standards, including the provision of adequate waste bins. It is anticipated that boarders would be responsible for placing bins on the street and their collection.

6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan (Author: Thompson/Yeomans) (Continued)

Issue: Compliance with the Affordable Housing SEPP.

Comment: As outlined in this assessment, the only relevant clauses of the SEPP which apply to this site relate to permissibility in the R2 zone and density (12 bedrooms or less).

Issue: Is this a General Boarding House or an Assisted Boarding House?

Comment: Clause 29(3) allows a boarding house to have private kitchen or bathroom facilities in each boarding room, but they are not required to have them in any room. Two (2) of the nine (9) rooms have private facilities, including for an accessible unit. The use is a Boarding House and not a 'next generation boarding house' which are entirely self-contained studio style developments.

Issue: Changes to front landscaping for bike and motorbike parking will affect the streetscape.

Comment: The applicant suggests there will be no change to the front landscaped area however, the proposal includes formalising a footpath and the introduction of bicycle and motorbike parking spaces. There is no removal of soft landscaping or planting. The proposed changes alter the view to the site from the street and has associated impacts on the heritage conservation area it is located in.

Issue: Arguments in the Statement of Environmental Effects that do not fully address the potential impacts of the proposed development.

Comment: A number of submitters raised what they view as inconsistencies between the statements made in the Statement of Environmental Effects and likely impacts. They note that the written SEE states that compliance is achieved, eg for car parking numbers, however the proposal does not meet the relevant standards. Further, that there will be no changes to the streetscape or heritage values however the proposal includes modifications to the building and vehicle parking which will introduce impacts as viewed from the street. Council concurs with the concerns raised.

Issue: Inconsistency with the local character of the area which accommodates single dwellings and families.

Comment: The submitter's issue is acknowledged however, the use is one which is able to be approved under both Council's Local Environmental Plan and the relevant SEPP. The number of rooms also meets the density controls of the SEPP which were specifically introduced to standardise the number of people who could be accommodated in developments in the R2 zone.

Council's Engagement with Proponent

Council staff have engaged with the land owner and applicant during the assessment of this proposal.

A meeting was held on 3 May 2019 with the land owner and Planning Staff. Council staff raised concerns regarding the lack of onsite car parking, the significance of that issue of non-compliance in terms of its impact on local roads and its impact on the Heritage Conservation Area. Also the meeting confirmed that in addition to boarders the land owner will occupy one room.

The meeting also confirmed that despite support for the project from a community housing provider, the boarding house would not be operated by that provider and would therefore be a private business. This was important because it imposes more onerous constraints on the site.

The options available to the owners and the likely outcomes and risks were discussed. This included maintaining the proposal as lodged and risk a refusal given the potential impacts may

6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan (Author: Thompson/Yeomans) (Continued)

not be satisfactorily managed through conditions. In particular the applicant was encouraged to consider a redesign which would allow access to the rear yard where adequate numbers of carparking and manoeuvring could be provided. Alternatively the applicant was given the opportunity to amend the proposal to demonstrate compliance or withdraw it.

Staff advised the land owners that they were unlikely to be able to recommend approval based on the current design. Further, that there were still outstanding issues from Council's Information Request issued of 7 November 2018.

There has been no further progress made following that meeting in terms of any changes to the design or operation of the proposed use.

The Assessment Officer and Council's Building Certifier inspected the site on 31 May 2019. This was attended by the land owner and assisted to confirm outstanding building issues and that the basement storage was not habitable.

Compliance or Policy Implications

The proposal has been assessed against the relevant planning provisions and has been found to be unacceptable on this site.

Conclusion

The submitted proposal for a Boarding House on Lot B DP 155580, No.288 Crawford Street Queanbeyan is a Local Development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and six (6) submissions were received.

The proposal has been assessed under Section 4.15 of the Environmental Planning & Assessment Act 1979 including the relevant provisions of Queanbeyan Local Environmental Plan 2012 and Queanbeyan Development Control Plan 2012. The proposal has also been assessed against the State Environmental Planning Policy (Affordable Rental Housing), where applicable.

The development does not satisfy the requirements or achieve the objectives of these instruments.

The main issues relate to:




- 1) Compliance with the relevant aims, objectives and clauses of the Queanbeyan Local Environmental Plan including relating to orderly development, potential heritage impacts, amenity, car parking numbers and traffic controls;
- 2) Compliance with the relevant aims, objectives and clauses of the Queanbeyan Development Control Plan including relating to car parking, heritage and potential amenity issues raised through submissions;
- 3) Inability of the proposal to demonstrate that it meets relevant matters for consideration under S.4.15 of the Environmental Planning and Assessment Act including
 - a. Context & Setting
 - b. Access, Transport & Traffic
 - c. Public domain
 - d. Heritage
 - e. Noise
 - f. Social impact in the locality
 - g. Site design and internal design
 - h. Cumulative impacts

6.1 Development Application 289-2018 - Proposed Boarding House - 288 Crawford Street Queanbeyan (Author: Thompson/Yeomans) (Continued)

- i. Suitability of the site
- j. The public interest
- k. Government and Community interests

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

Attachments

- Attachment 1  DA-289-2018 -Table 4.15 Matters for Consideration - - Proposed Boarding House - 288 Crawford Street, Queanbeyan (*Under Separate Cover*)
- Attachment 2  DA-289-2018 - Plans - Proposed Boarding House - 288 Crawford Street, Queanbeyan (*Under Separate Cover*)
- Attachment 3  DA-289-2018 - Submissions - Proposed Boarding House - 288 Crawford Street, Queanbeyan (*Under Separate Cover*)

6.2 Application for Renewal of Caravan Park Approval - Capital Country Holiday Park - 47 Bidges Road, Sutton (Ref: ; Author: Thompson/Abbott)

File Reference: Property ID – 341964

Summary

Capital Country Holiday Park (the Park) is a caravan park located at Lot 2 DP 246156, 47 Bidges Road, Sutton. Caravan Parks require an approval to operate under section 68 of the *Local Government Act 1993*. An approval remains current for five years. The approval for the Park has expired. An application to renew the approval has been received by Council and this report details the assessment of that renewal application.

In addition, this report examines how obtaining the renewed approval to operate a caravan park impacts on the long term desire of the Park owners to obtain consent for manufactured homes at the site to have a form of tenure that allows those homes to be used for permanent residential accommodation that can be legally bought and sold by their occupants.

Recommendation

That:

- 1. The Section 68, F2 activity approval application for a caravan park at Lot 2 DP 246156, 47 Bidges Road, Sutton be granted conditional approval.**
 - 2. Subject to satisfying all the conditions of the abovementioned activity approval, the owners of the Capital Country Holiday Park be invited to submit a Planning Proposal to seek amendment to the appropriate Local Environmental Plan that will allow for the continued use of up to 50 existing long term sites for permanent residential accommodation.**
-

Background

Original development consent for the Park was given in April 1986 for a *tourist village* comprising a mix of caravan, camping and mobile home (park cabins) for short and long stay use. There has been several amendments since then, including (in 1989) an increase to the number of long term sites from 20 to 50. The current approval relates to a total of 175 dwelling and camp sites. These sites comprise 50 long term sites (not approved for permanent occupation), 100 short term sites and 25 camp sites.

Pursuant to section 68 part F2 of the *Local Government Act 1993* (LGA) and the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (Regulation), an approval is required to operate a caravan park or camping ground.

Section 103 of the LGA states that an approval lapses after 5 years and once 5 years has lapsed approval must be sought again. The last approval for this Park lapsed on 9 December 2016. Consequently the Park has been operating without a current approval. It is essential that a proprietor maintain continuity of the approval to operate a park.

As such a section 68 application under the LGA was submitted to Council on the 7 June 2018. The application has been received from the Capital Country Holiday Park (Najask Pty Ltd) for all activity present at the Park for a further five year period. Work has been progressing with assessing the application against the requirements of the LGA and Regulations.

6.2 Application for Renewal of Caravan Park Approval - Capital Country Holiday Park - 47 Bidges Road, Sutton (Ref: ; Author: Thompson/Abbott) (Continued)

Assessment of the Renewal Application

The objective of renewing the section 68 approval is to confirm that an existing caravan park and camping ground is designed, constructed, maintained and operated in accordance with the relevant requirements of the regulation and standards and that the conditions present at the facility promote the health, safety and amenity of the occupiers of caravans and other moveable dwellings.

Figure 1 below shows an overview of the site.



Figure 1 – Site Plan

The assessment of the application against the LGA and Regulations revealed the following compliance issues.

Site Numbers – Site numbers on the community map provided do not match the approved site numbers. All maps observed have a different set of numbers. A new community map is required correctly numbering the sites from 1-175. The map should also show size and dimensions of sites. The consent will be conditioned requiring submission of a corrected community map within three months of approval.

Water Supply – The Park has a private supply of both rainwater and bore water. The *Private Water Supply Guidelines* are provided to assist operators to comply with the *Australian Drinking Water Guidelines* and the *Public Health Act 2010 (the Act)*. The Act states that a person must not, by means of a reticulated water system, supply any other person with drinking water that is not fit for human consumption. Operators must maintain a quality assurance program to ensure that safe water is provided.

6.2 Application for Renewal of Caravan Park Approval - Capital Country Holiday Park - 47 Bidges Road, Sutton (Ref: ; Author: Thompson/Abbott) (Continued)

At the time of inspection, it was found that some water sampling was taking place to monitor water quality. This includes daily chlorine level testing, dosed on a manual basis. Several analysis reports were provided. Sampling appears to be on an adhoc basis. Quality assurance process has not been provided to confirm water quality in accordance with the *Drinking Water Guidelines*.

There are also reports of regular water pipe breakages resulting in water being turned off for several hours at a time. It has been suggested that this may be a result of the original pipes laid in trenches without sand bedding. Movement of the clay expands and contracts causing breakages.

The *Guidelines* state that a groundwater source should be uphill and at least 250 metres from any waste water disposal system. In this case the bore is uphill a distance of less than 100m. A detailed groundwater investigation should accompany a Quality Assurance Plan. The consent will be conditioned to this effect.

Sewerage – Installation of a package sewerage treatment plant was approved in 1988. At the time the package plant was approved and licenced by the NSW Environment Protection Authority (State Pollution Control Commission). The licence was surrendered and no longer required in 1999. The scale of the plant is medium, designed for more than 10 persons. This means that the requirements of *On-site Sewerage Management for Single Households 1998* (*the silver book*) do not apply. However, its scale is also too small to trigger licencing under the POEO Act of 2,500 persons or 750 kilolitres per day.

All sites have a connection to the sewage system. All short term sites are provided with a common waste disposal closet (dump point).

The sewerage treatment plant includes an oxidation lagoon from which irrigation is taken. At the time of inspection there appeared to be no runoff into any watercourse or neighbouring properties.

Advice from residents is that there has been a history of odour resulting in effluent from the maturation ponds being diverted to an adjacent pond on the northern side of the park. Overflow runs to McLaughlin's Creek down Majura Lane in the direction of Sutton. As indicated above, no runoff was observed at the time of inspection.

The park management should be monitoring (sampling and obtaining results by analysis) of the concentration of pollutants. System effectiveness and capacity is unknown. A report on the system performance and quality of discharge should be undertaken. The consent will be conditioned to this effect.

Fire Safety - Fire hose reels must be installed so that each dwelling site or camp site in the caravan park or camping ground can be reached by a fire hose. Hose reels are distributed evenly through the Park. Fire hose reels must be constructed in accordance with AS/NZS 1221:1997, *Fire hose reels* and installed in accordance with AS 2441—1988, *Installation of fire hose reels*, as in force at 1 September 2005.

The holder of the approval for the caravan park or camping ground must provide to Council a certificate (a *fire hose reel certificate*) in relation to the fire hose reels once every calendar year. This has not occurred, despite being a condition of approval in 2011.

A water supply must be provided and maintained for use by the relevant fire service with fire hydrants provided and maintained. Fire hydrants meet the 90m distance from furthest dwelling site. The required Annual Fire Safety Statement certifying that all essential fire services are in appropriate working order has not been supplied to confirm compliance. The consent will be conditioned accordingly.

Caravan park owners should consult Fire and Rescue NSW to determine the extent of fire service intervention if required.

6.2 Application for Renewal of Caravan Park Approval - Capital Country Holiday Park - 47 Bidges Road, Sutton (Ref: ; Author: Thompson/Abbott) (Continued)

Separation Distances Between Moveable Dwellings - Site boundary arrangements and fire separation between some of the larger cabins is of concern. It appears that the “rule” for “Manufactured Home Estates” has been followed and not “Caravan Park” requirements. Setback requirements are very different with Caravan Parks requiring 3m setback for long term sites (s91) and Manufactured Home Estates requiring only 1m (s47). Note: *A place that includes both manufactured homes and caravans is a caravan park and not a manufactured home estate.* The difference is that long term sites in caravan parks are generally for transient people and not permanent residents.

All structures must be sited and clearances maintained to ensure that the likelihood of fire spread between structures is reduced so that occupants can safely evacuate and the potential for fire spread to multiple structures is reduced.

In addition to the above there are six cabins located on long-term sites which are over size being more than 2/3 of the site coverage, with exceedances ranging from 1m² to 28m². This requirement is similar for both a Caravan Park and a Manufactured Home Estate, so there is no reason why this has not been a condition of site occupation.

Noting that the above set back and site coverage non compliances have been in place for many years, Council could take several approaches:

1. Do nothing.
2. Require relocation of the cabins.
3. Require that when the cabins are replaced they are to meet the required setback and site density requirements.
4. Require removal of the cabins, which brings hardship responsibilities.
5. Seek a section 82 variation to the Regulation under the LGA.

It is recommended that a combination of 3 and 5 be implemented. That is, any cabins that are removed or refurbished be replaced in a way that complies with the Regulations and that in the interim the applicant seek a section 82 variation for those cabins which presently do not comply. A schedule of works for completion over a mutually acceptable time frame to develop plans for improving the fire separation to meet the objectives of the Regulation will be required.

Electricity - It is expected that all caravan parks are initially reviewed against the minimum Prescriptive Provisions. There have been reports that power supply is insufficient with low voltage supply and voltage drops are occurring. Electrical supply must satisfy the requirements of AS/NZS 3000:2000, *Electrical Installations* (known as the Australian/New Zealand Wiring Rules) as in force on 1 September 2005. Electrical safety is the owner’s responsibility and must be implemented and maintained within all caravan parks and structures.

All access roads must be adequately lit between sunset and sunrise. Residents report that the majority of the streets are in complete darkness, as existing lighting is so poor.

The consent will require that a report confirming electrical compliance must be submitted.

Summary of Assessment

A number of non-compliances were identified during the assessment process. The majority of these can be dealt with through conditions of consent which require certain actions to be taken within specified time frames. If the conditions are not met this gives Council a stronger mechanism to follow up the non-compliances.

Given the above it is recommended that the renewal for the Park be given conditional approval. Draft conditions of consent are provided in the Attachments.

6.2 Application for Renewal of Caravan Park Approval - Capital Country Holiday Park - 47 Bidges Road, Sutton (Ref: ; Author: Thompson/Abbott) (Continued)***Solving the Long Term Problem of Allowing Long Term Sites to be used for Permanent Residential Use***

Caravan parks, manufactured home estates, moveable dwellings and manufactured homes provide a diversity of housing choices in a range of locations across NSW. They also form an important component of both the tourism and housing markets, supplying stock for affordable housing and offering a diversity of tenancy choice. These facilities and forms of housing provide options for long term residential uses, such as permanent residential accommodation in a caravan park, and shorter term uses, such as seasonal workers accommodation and tourism uses. Council may wish to define Caravan parks, Manufactured homes and manufactured home estates within the Local Environmental Plan to support future affordable housing needs.

The present situation at the Park is that the 50 long term sites are being used for permanent residential accommodation. This is despite the fact that the existing consent does not allow for permanent residential accommodation on the long term sites.

While the owners of the Park have argued for many years that the long term sites can be used for permanent accommodation Council's legal advice says that this issue has already been tested in the Land and Environment Court.

In 2005 a development application was prepared and lodged with Palerang Council seeking approval for additional long term dwelling sites to allow for permanent accommodation on the existing undeveloped part of the caravan park. The application was refused and the matter went to the Land and Environment Court. A Commissioner of the Court upheld the refusal and the matter went to a Judge of the Court on appeal in 2008. The refusal was also upheld by the Judge.

Specifically the legal advice states that:

"There is absolutely no doubt that the existing approvals do not allow permanent occupation of anything at the Park – whether that be a manufactured home, mobile home or caravan. That was the very issue determined by the Court of Appeal in the earlier Court proceedings. The Court held that the consent permitted mobile homes and caravans to be placed permanently on the land but their only authorised use is for holiday accommodation (i.e. not a principal place of residence).

Where permanent residential accommodation is permitted on caravan parks and manufactured homes estates a system of tenure can be set up under the *Residential (Land Lease) Communities Act 2013* which allows sites and the manufactured homes on them to be bought and sold. At present there is no legal way that this can be supported at the Park despite the fact that many of the occupants have already invested funds in purchasing and selling sites over a number of years.

The owners of the Park are seeking a way to allow the sites to be used for permanent accommodation but past and present LEP provisions would not allow this. Given that these sites represent the homes of more than 50 residents Council may wish to support a mechanism which would allow permanent accommodation.

This can be achieved by Council supporting a planning proposal which would allow a site specific rezoning that would make permanent accommodation permissible. It would also be possible to limit this to part of the site.

However, before Council could support such a proposal it would have to be satisfied that all of the conditions of consent for the caravan park approval were being complied with. Council would have to be satisfied that the demands that the permanent accommodation sites place on the Park infrastructure could be supported and that a development application for this could meet the requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979*.

6.2 Application for Renewal of Caravan Park Approval - Capital Country Holiday Park - 47 Bidges Road, Sutton (Ref: ; Author: Thompson/Abbott) (Continued)

Moving Toward Regularising the Continued Use of Long Term Sites for Permanent Accommodation

The Park is now located within Zone E4 Environmental Living under the Palerang Local Environmental Plan 2014 (PLEP 2014) in which caravan parks and tourist facilities are both prohibited. This effectively prevents the owners applying for a development application to allow for the continued use of the 50 long term sites for permanent residential accommodation.

Subject to approval from the Council to renew the approval to operate a Caravan Park and Camping Ground under the LGA and satisfactory compliance with the conditions of that consent, the next stage will be for Capital Country Holiday Park (Najask Pty Ltd) to submit a Planning Proposal to seek amendment to the Palerang Local Environmental Plan 2014 (or the comprehensive LEP if it is in place at that time). Appropriate changes to the LEP could allow for the continued use of up to 50 existing permanent residences located at the facility.

Following a successful outcome with an amendment to the LEP, a development application from Capital Country Holiday Park (Najask Pty Ltd) for the continued use of up to 50 permanent residential sites at the Park will be required.


Should an application be received, a report will be prepared for Council who will determine whether to approve or refuse the continued use of the permanent sites. An important part of that assessment will be to satisfy Council that all the conditions relating to the approval to operate the facility under the LGA approval are being met.

Conclusion

With respect to the section 68 application against the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, there are a number of non-compliance issues and concerns which require further technical reports or correction to satisfy Council that the operation of the Park complies with the Regulation. These issues can be controlled with conditions as provided in Attachment 1. As such conditional approval of the section 68, F2 approval is recommended.

In regard to the 50 long term residential sites, amendments to the LEP will be required to allow the submission of a development application for these sites to be used for permanent residential accommodation. Any such amendments will be subject to satisfactory compliance with the conditions of the *Local Government Act* consent.

Attachments

- | | |
|--|---|
| Attachment 1 | Draft Conditions of Consent (<i>Under Separate Cover</i>) |
|  Attachment 2 | Legal Advice - Regularising the Use of CCHV for Permanent Accommodation (<i>Under Separate Cover</i>) - CONFIDENTIAL |

6.3 Draft Planning Proposal - Comprehensive Local Environmental Plan 2020
(Ref: ; Author: Thompson/Brown)

File Reference: 26.4.41

Summary

The purpose of this report is to seek the Council's support to submit a revised planning proposal to the Department of Planning, Industry and Environment (DPIE) in order to progress the proposed new comprehensive local environmental plan for the Queanbeyan-Palerang local government area.

Recommendation

That Council forward the draft planning proposal for the Comprehensive Local Environment Plan to the Department of Planning, Industry and Environment seeking an amended Gateway determination.

Background

The former Queanbeyan City Council and Palerang Council were merged into a single local government area (LGA) in 2016. As a consequence, Council now needs to combine the respective local environmental plans (LEPs) that applied to the former areas into one comprehensive plan.

Council has previously received a Gateway determination from DPIE for this matter (dated 23 November 2018), however Council is now seeking a revised Gateway determination in order to address a number of additional planning issues, and to include other matters precluded by the current determination when issued. This is particularly relevant in respect of DPIE's direction that both South Jerrabomberra and West Jerrabomberra not be incorporated into the proposed single comprehensive plan. It is suggested that combining all instruments into a single comprehensive plan represents the most desirable outcome for staff, industry and the community.

Council staff are continuing to draft and refine the various documents to progress a new comprehensive LEP for the amalgamated LGA. Current versions of these documents are attached including:

- a draft planning proposal (Attachment 1);
- a draft LEP (Attachment 2);
- a draft land use planning matrix (Attachment 3); and
- a background paper setting out how it is intended to merge the respective instruments into a single plan (Attachment 4).

Council staff are also continuing to progress the preparation of LEP maps to accompany the draft plan.

Subject to Council's endorsement the comprehensive LEP is likely to go to the Department for a gateway determination within the next month with completion by April 2020 or as otherwise directed in the gateway determination.

Generally the planning proposal seeks to minimise the number of new policy matters in the comprehensive LEP and intend to transfer existing provisions with as little planning/policy change as possible. Where certain zones or provisions are unique to a particular plan, it is intended to generally carry forward those provisions into the new plan. It is only where there is some difference in common provisions between the various instruments that changes will be made.

6.3 Draft Planning Proposal - Comprehensive Local Environmental Plan 2020 (Ref: ; Author: Thompson/Brown) (Continued)

As noted, Council has now prepared a background paper comparing the respective planning instruments applying to the LGA, the differences between the LEPs and Council's intended approach to resolving these (Attachment 4).

Whilst Council is seeking to minimise introducing new policy matters as part of the merger of the various plans, there are a number of operational planning matters that should be resolved as part of the new comprehensive plan. These matters have now been updated in respect of the previous planning issues resolved for inclusion by Council at its Planning & Strategy Meeting of 12 September 2018 (PLA110/18). These are set out in the draft planning proposal and outlined below.

What's Been Removed from the Former Program?

- *E4 Environmental Living Zone* - The issue of the zoning of E4 Environmental Living land in Wamboin and Bywong will now be dealt with as a separate planning proposal to the comprehensive LEP (Minute No. 163/19 – 22 May 2019).
- *Restoring Dwelling Entitlement Lot 1 DP 555380 Old Cooma Rd* - This matter will now be progressed in the short term as part of a separate 'housekeeping' planning proposal as reported elsewhere in this Business Paper.
- *Amending B2 Zone and Common Land Googong* - This matter will now be progressed in the short term as part of a separate 'housekeeping' planning proposal as reported elsewhere in this Business Paper.
- *Introducing Split Zone Subdivision Clause* – A suitable clause has not been able to be drafted which can be applied to the Council area as a whole. Where issues with minimum lot sizes for split zones continue to arise from time to time they will be dealt with as housekeeping planning proposals.

What's Been Included in the Current Program?

- *Subdivision of Lot 16 DP 846996, Williamsdale* – This will allow an existing dual occupancy to be subdivided with dwellings located on separate lots (Minute No. 443/18 – 19 December 2018). This is included in the Draft LEP attached.
- *Animal Boarding and Training Establishments* - New clause is proposed to be included in the draft LEP that seeks to minimise potential impacts on neighbours (particularly from the animal boarding component). This is included in the Draft LEP attached.
- *'Restaurants or Cafes' and 'Function Centres' in E4 Environmental Living Zone* - Both of these uses are currently permissible with consent in this zone under the *Palerang LEP 2014*, whereas they are prohibited under *Queanbeyan LEP 2012*. It is recommended these uses be made permissible with consent under the new LEP but that an appropriate clause be inserted into the plan to manage potential impacts on neighbours. This is included in the Draft LEP attached.
- *Dual Occupancy Development in Rural and Environmental Zones* – As discussed at the Council workshop it is recommended that 'dual occupancies' be prohibited in rural and environmental zones (including the R5 Large Lot Residential zone) across the LGA. It is instead proposed 'secondary dwellings' be permissible in all these zones where dwellings are permissible and that these can be up to 50% the size of the principle dwelling to give some additional flexibility in respect of size. This is included in the Draft LEP attached.
- *Dual Occupancy Development in Residential Zones* - As discussed at the Council workshop it is recommended that 'dual occupancies' be permitted in the village and low density residential zones, but supported with local provisions requiring a minimum lot

6.3 Draft Planning Proposal - Comprehensive Local Environmental Plan 2020 (Ref: ; Author: Thompson/Brown) (Continued)

area before such development can be undertaken. This is included in the Draft LEP attached.

What is Proposed to be Included in the Program?

The following matters are intended to be addressed in the comprehensive LEP but require the Department to approve their inclusion in the Gateway determination before they can be considered in detail. Once this occurs the necessary discussion papers can be prepared and workshops held.

- *Signage in Rural Areas* - intending to consider this issue further during the development of the new comprehensive LEP and intend to provide the Council with a discussion paper on this issue in the near future.
- *Popup events* - intending to consider this issue further during the development of the new LEP and intend to provide the Council with a discussion paper on this issue in the near future.
- *Updating Heritage Schedule* - intended that the respective heritage schedules from each LEP will now be merged into a single new schedule. Council staff will continue to monitor any new proposed listings and consider these for inclusion when the new comprehensive LEP is drafted, however there are no additional listings proposed at this time.
- *Matters raised during West Jerrabomberra Planning Proposal* – Including allowing 'registered clubs', 'markets' and 'food and drink premises' with consent in the B7 Business Park zone. This will be subject to the relevant landowners providing additional traffic analysis to confirm these uses can be accommodated within the proposed road network.

In practice, the final contents of the draft plan will be determined by ongoing Council research, community feedback and engagement with public authorities. Accordingly, Council notes there will likely be a need to refine the planning proposal at a future date when final draft versions of the plan and GIS layers are prepared.

Staff will prepare background papers on a number of the planning matters discussed above (such as rural signage). These will be put to the Council for consideration prior to finalising the draft plan.

Implications***Legal***

Council needs to prepare the new plan consistent with the requirements of the *Environmental Planning and Assessment Act, 1979*.

Policy

A new plan will ensure consistent planning policy applies across the newly combined Council area as well as complying with the State Government's policy of harmonising comprehensive LEPs for amalgamated councils.

Environmental

The new plan will ensure consistent planning policy applies across the newly combined Council area in regards to the management of environmental issues.

Social / Cultural

A single combined local environmental plan will be of benefit to Council staff, industry and the community by ensuring common planning rules apply across the Council area.

6.3 Draft Planning Proposal - Comprehensive Local Environmental Plan 2020 (Ref: ; Author: Thompson/Brown) (Continued)

Strategic

Preparing a single comprehensive LEP is consistent with providing a clear strategic framework for land use planning for the Council area.

Engagement

The Gateway determination issued by the Department of Planning, Industry & Environment will prescribe the consultation that will be required in respect of the new plan. This will likely require significant consultation with both government agencies and the community.

Financial

This is covered by the relevant project budget.

Resources (including staff)





Significant staff resources will be required to prepare the new plan, including town planning and GIS/LIS staff.

Conclusion

Progressing the implementation of a new comprehensive LEP for the Queanbeyan-Palerang LGA has significant benefits for assessment staff, the development industry and the community. Reducing the number of planning instruments also reduces the complexity associated with Council's development assessment system (including generating planning certificates).

It is recommended Council now seek an amended Gateway determination to progress the draft plan as outlined.

Attachments

- | | |
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|  Attachment 1 | Draft Planning Proposal Comprehensive LEP 2020 (<i>Under Separate Cover</i>) |
|  Attachment 2 | Draft Comprehensive LEP 2020 (<i>Under Separate Cover</i>) |
|  Attachment 3 | Draft Land Use Matrix (<i>Under Separate Cover</i>) |
|  Attachment 4 | Comprehensive LEP Program 2019 (<i>Under Separate Cover</i>) |

6.4 Proposed Housekeeping Amendments to Queanbeyan Local Environmental Plan 2012 (Ref: ; Author: Thompson/Brown)

File Reference: 26.1.19

Summary

The purpose of this report is to seek Council's endorsement to proceed with a number of housekeeping amendments to *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)*.

Recommendation

That Council:

- 1. Note the report and attached draft planning proposal.**
 - 2. Seek a Gateway determination from the Department of Planning, Industry and Environment to proceed with the proposed amendments set out in the draft planning proposal.**
-

Background

Council currently has a number of planning matters that need to be resolved by amendments to the *QLEP 2012*. Most of these matters are intended to be dealt with as part of the preparation of the new comprehensive local environmental plan (LEP) for the Queanbeyan-Palerang Local Government Area (LGA).

However, staff have identified a number of changes that are best resolved in the immediate future in order to address current development issues or concerns. It is considered desirable these issues are resolved in advance of the new comprehensive LEP so that they are not inadvertently delayed during the development of that plan.

Accordingly staff are seeking to undertake a number of housekeeping amendments to *QLEP 2012* as set out below and as detailed in the attached draft planning proposal (Attachment 1).

- 1. Reinstate a dwelling entitlement to 1738 Old Cooma Road Royalla that was incorrectly removed by Council when Queanbeyan Local Environmental Plan 2012 was gazetted.*

When the current *QLEP 2012* was being drafted, it was always intended that existing dwelling entitlements in rural areas would be carried forward into the new plan. The landowner of this property has recently provided Council with documentation confirming Lot 1 DP 555380 had a dwelling entitlement prior to *QLEP 2012* coming into effect and that this has incorrectly been removed. Appendix B of the attached draft planning proposal shows correspondence provided to the landowner by the former Yarrowlumla Shire Council dated 16 May 1997 confirming that this lot had also the ability to contain a dwelling house at the time. It is intended to reinstate this dwelling entitlement to the subject land. It is an error that only one lot is currently listed in Schedule 1 at this time as having a dwelling entitlement and this planning proposal seeks to reinstate an additional dwelling entitlement to the property.

- 2. Amend Lot Size Maps For Land At Jumping Creek (28 Lonergan Drive Greenleigh Lot 5 DP 1199045).*

As part of the proposed subdivision of the Jumping Creek area it is intended to create a lot of approximately 55.5 hectares (zoned E2 Environmental Conservation) that will be subsequently dedicated to the Council for future management as public land. However, as the minimum lot size for the proposed E2 land is currently 80 hectares, the creation

6.4 Proposed Housekeeping Amendments to Queanbeyan Local Environmental Plan 2012 (Ref: ; Author: Thompson/Brown) (Continued)

of this lot cannot occur at this time. To address this, it is intended to reduce the minimum lot size for the land proposed to be dedicated from 80 hectares to 40 hectares.

It is also intended to make a minor amendment to the minimum lot size maps to reduce a small area of land (approximately 2000m² in total) from 15,000m² to 600m². This is to ensure the proposed subdivision design for the area can be achieved. This is considered a relatively minor change in the circumstances.

Accordingly, the Lot Size Maps applying to the land are to be amended to achieve these two outcomes.

It is important to note that the amendments are consistent with the existing development application currently before Council which cannot be determined until the planning proposal (if approved) is finalised. Neither amendment allows for the creation of additional allotments over and above those already shown in that development application.

3. *Update relevant LEP maps to reflect approved development framework for the Googong Town Centre and Googong Common*

It is also intended to update relevant LEP maps to reflect the final known footprints for both the Googong Town Centre and the Googong Common. Council has now approved the final development concepts for both areas and the relevant LEP maps will now be updated to reflect this. In respect of the Googong Town Centre this will involve updating the dimensions of the B2 Local Centre zone. Amendments will be required to applicable Land Zoning, Lot Size, Height of Buildings and Floor Space Ratio maps applying to the subject land. In respect of the Googong Common, this will be given effect by updating the Googong Common Map in the LEP.

4. *Introduce a new exempt development provision to allow for the development of fixed free standing information signage at Googong for up to 2 years on Council's behalf*

Council have agreed to the erection of fixed free standing information signage at the Googong urban release area for up to 2 years where undertaken on the Council's behalf. Council intends to amend Schedule 1 Additional Permitted Uses of the LEP to confirm this type of signage is permissible. Further details in respect of the proposed signage are shown in the attached planning proposal (Attachment 1).

Implications

Environmental

The draft planning proposal does propose to reduce the minimum lot size for respective lands zoned for environmental purposes.

In respect of the proposal to reduce the minimum lot size from 80 hectares to 40 hectares for land zoned E2 Environmental Conservation at Jumping Creek, it is argued this will facilitate a better environmental outcome by allowing the creation of significant land intended to be dedicated to Council for future environmental management after being improved.

In respect of the proposal to reduce the minimum lot size for approximately 2000m² of land from 15,000m² to 600m² for land zoned E4 Environmental Living at Jumping Creek, this change is considered relatively minor and allows the creation of appropriately sized lots in the circumstances.

The draft planning proposal also provides for the creation of an additional dwelling entitlement on land zoned E2 Environmental Conservation on Old Cooma Rd. As noted, the proposed changes are to correct an error when *QLEP2012* was made and it is considered appropriate that this now be corrected.

6.4 Proposed Housekeeping Amendments to Queanbeyan Local Environmental Plan 2012 (Ref: ; Author: Thompson/Brown) (Continued)

Social / Cultural

The draft planning proposal includes amendments to ensure land proposed to be dedicated to the Council for long term management can be created. This is considered to be of benefit to the QPRC community.

Strategic

Development of land at Jumping Creek and Googong are considered to be consistent with the *Queanbeyan Residential and Economic Strategy 2015-2031*.

Engagement

It is intended to exhibit the draft plan for a period of 14 days or as otherwise directed by the Gateway determination.

Financial

The draft planning proposal falls within the program area of Land-Use Planning and relevant costs will be covered by the budget for that program area. Should this draft planning proposal be supported by Council part of the processing costs will be collected through a planning proposal fee.


Resources (including staff)

The draft planning proposal has been prepared by Council staff.

Conclusion

The proposed changes set out in the draft planning proposal are considered to be appropriate to proceed in advance of the Comprehensive LEP. This will ensure existing development proposals are not unreasonably delayed, that sensible updates to LEP maps in respect of Googong are made, that an existing error in respect of a dwelling entitlement is resolved, and finally, that additional short-term flexibility is provided in respect of marketing signage options at Googong.

Attachments

Attachment 1  Housekeeping Amendments 2019 to Queanbeyan LEP 2012 (*Under Separate Cover*)

6.5 Proposed Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018 (Ref: ; Author: Thompson/Brown)

File Reference: Contribution Plan - South Jerrabomberra 2018 21.4.12

Summary

The purpose of this report is to advise Council of a proposed amendment to the *South Jerrabomberra Local Infrastructure Contributions Plan 2018*, and to seek the Council's endorsement to proceed with public exhibition of the amended plan.

Recommendation

That Council:

- 1. Note the proposed amendments to *South Jerrabomberra Local Infrastructure Contributions Plan 2018* as outlined in this report.**
 - 2. Publicly exhibit the draft amended plan for a period of 28 days.**
-

Background

At its meeting of 26 April 2018, Council resolved to adopt the *South Jerrabomberra Local Infrastructure Contributions Plan 2018* ('the Plan'). The Plan was prepared to provide a framework for the collection of funding for local infrastructure to service the future population in South Jerrabomberra.

As a consequence of the recent \$23m grant announced by the State Government under the 'Growing Local Economies Fund', the Plan has now been amended to remove those items proposed to be funded by the grant. In addition, the Plan has also been amended to update costs in the works schedule where more accurate advice has become available to justify those costs. Costs have also been updated in line with the December 2018 Consumer Price Index (CPI).

Following Council's last consideration of this matter at its meeting of 27 March 2019 (Item No 12.1 deferred) and a Councillor Workshop being held on 19 June 2019, the scope of works has been amended which also has regard to more recent information available to Council staff and representations by the respective developers.

The key aspects of the Plan that have been amended are:

1. Removing costs associated with the acquisition of land for, and construction of, Stage 3A of the Northern Entry Road (NER) through South Poplars.
2. Removing costs associated with the construction of the intersection for the NER and Tomsitt Drive.
3. Increasing embellishment costs per square metre for both 'passive' and 'active' open space to reflect updated costings.
4. Removing the requirement for one 1 hectare Local Park as this is no longer considered necessary to service the new population.
5. Reducing the area of the two remaining Local Parks from 1 hectare each to 0.5 hectares each as these are considered more appropriate sizes for the Local Parks.
6. Reducing the area of the two playing fields from 7 hectares to 5 hectares having regard to advice from Urban Landscapes, representations from the developers and the size of other similar facilities in Queanbeyan.
7. Reducing land dedication costs for Stage 2 of the NER to update an incorrect land valuation attributed to the length of the road.

6.5 Proposed Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018 (Ref: ; Author: Thompson/Brown) (Continued)

8. Reducing the contribution amount for both the Q Theatre and Queanbeyan Library to better reflect the new population's likely use of those facilities as a percentage of the broader population.
9. Updating Net Developer Area (NDA) figures for commercial/industrial zones to reflect existing zoned land and current planning proposals applying to the site.
10. Updating all costs in the plan to be consistent with CPI as at December 2018.

The updated draft *South Jerrabomberra Local Infrastructure Contributions Plan 2018* and accompanying Works Schedule are attached (Attachments 1 and 2 respectively).

The draft plan now identifies a total of \$46,696,058 in infrastructure for the new community representing:

- \$10.09 million for open space and recreation,
- \$2.71 million for community facilities,
- \$32.53 million for on-site and off-site road works,
- \$0.67 million for community services, and
- \$0.69 million for plan administration.

This is a reduction of \$10,363,034 in total costs compared to the existing version of the plan, fundamentally as a consequence of the grant.

The updated contribution amounts applying to proposed residential development are shown below in Table 1A. The existing contributions under the current plan are also shown at Table 1B for comparison.

Table 1A – Draft Residential Contribution Rates per Lot

	South Tralee Precinct 1	Forrest/ Morrison Precinct 2	Walsh Precinct 3
Dwelling Type 1 > 400m2	\$31,393.06	\$38,466.50	\$38,466.50
Dwelling Type 2 <400m2 and multi-unit and residential flat buildings	\$23,840.53	\$29,212.24	\$29,212.24
Average All Dwellings	\$25,825.42	\$31,803.43	\$31,803.43

Table 1B – Existing Residential Contribution Rates per Lot

	South Tralee Precinct 1	Forrest/ Morrison Precinct 2	Walsh Precinct 3
Dwelling Type 1 > 400m2	\$40,136.24	\$46,773.27	\$46,773.27
Dwelling Type 2 <400m2 and multi-unit and residential flat buildings	\$30,480.27	\$35,520.57	\$35,520.57
Average All Dwellings	\$32,437.53	\$38,133.73	\$38,133.73

6.5 Proposed Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018 (Ref: ; Author: Thompson/Brown) (Continued)

The updated contribution amounts applying to proposed business/commercial development are shown below in Table 2A. Again, the existing contributions under the current plan are also shown at Table 2B for comparison.

Table 2A – Draft Non-residential development contribution rates (per hectare)

South Tralee Precinct 1	Nth Poplars Precinct 6	Sth Poplars Precinct 5	Nth Tralee Precinct 4
\$37,343.12	\$83,931.42	\$28,674.30	\$37,560.61

Table 2B – Existing Non-residential development contribution rates (per hectare)

South Tralee Precinct 1	Nth Poplars Precinct 6	Sth Poplars Precinct 5	Nth Tralee Precinct 4
\$24,955.50	\$150,311.46	\$52,430.40	\$123,304.62

Council was advised on 18 January 2019 that the Minister for Planning had approved an increase in the cap for residential developer contributions at South Jerrabomberra from \$20,000 to \$30,000 per lot. Accordingly, Council can now collect for \$45,000,000 in contributions against the \$46,696,058 identified in the updated Plan. This represents a shortfall of \$1,696,058, an improvement on the previous scenario.

Council has the option of approaching the Independent Pricing and Regulatory Tribunal (IPART) seeking a review of the plan to collect the shortfall in contributions. Council staff are discussing this option directly with IPART having regard to its relevant practice notes and any submissions received when the plan is exhibited.

Implications

Legal

The draft plan has been prepared consistent with the provisions of s7.11 of the *Environmental Planning & Assessment Act, 1979*.

Asset

The updated Plan provides for a range of infrastructure that will be handed to Council for future management, including roads, open space and community facilities.

Social / Cultural

The community infrastructure set out in the Plan is generally consistent with the social needs assessment prepared to inform the development.

Strategic

The amended Plan is considered to be consistent with the strategic land use options agreed for the site.

Engagement

The updated Plan will be publically exhibited for a period of 28 days. The outcomes of that consultation process will be reported to the Council prior to the Plan being adopted (should this be the case) and forwarded to IPART for review. The Plan also includes a contribution for Plan Administration.

6.5 Proposed Amendments to South Jerrabomberra Local Infrastructure Contributions Plan 2018 (Ref: ; Author: Thompson/Brown) (Continued)

Financial

These include staff costs associated with reviewing and preparing the amendment to the Plan and preparing this report. All costs will met by the relevant part of the Branch's budget.

Resources (including staff)



The Plan has been prepared internally by staff with advice from Council's contributions consultant as required.

Conclusion

The Plan has been updated to account for recent grant funding, to update the scope of works and to amend a number of costs in the existing works schedule.

It is recommended that the amended plan now be publicly exhibited.

Attachments

- | | |
|---|---|
| Attachment 1
 | Draft Amended South Jerrabomberra Local Contributions Plan 2018
<i>(Under Separate Cover)</i> |
| Attachment 2
 | Draft Amended Works Schedule C South Jerrabomberra Contributions Plan 2018
<i>(Under Separate Cover)</i> |

File Reference: Subject – 21.4.10

Summary

This matter was last considered at Council's Planning and Strategy meeting of 13 June 2018 (Item No. 5.1). The purpose of this report is to update Council on actions taken since then, as well as to recommend the next actions. It is part of what is to be a series of actions seeking to rationalise the number of local infrastructure contribution plans (formerly section 94 plans) applying to the local government area.

Recommendation

That Council agree to:

1. **The preparation of a local infrastructure contribution plan for non-urban roads pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979* and Clause 26(2) of the *Environmental Planning and Assessment Regulations 2000*.**
 2. **Inclusion of the following for consideration in preparing the local infrastructure contribution plan for non-urban roads:**
 - a. **A contribution for development resulting in new dwellings or new lots.**
 - b. **The authorisation of the pooling of non-urban road contributions collected under previous plans.**
 - c. **A Works Schedule based on projects within catchments and which also has regard to the local road works identified in:**
 - i. **Queanbeyan City Section 94 Contribution Plan Non-Urban Roads 2012.**
 - ii. **Mulwaree Section 94 Development Contributions Plan 2003-2008.**
 - iii. **Tallaganda Section 94 Contributions Plan No.3 – Roadworks.**
 - iv. **Yarrowlumla Council Section 94 Contributions Plan (No.2) for Provision of Access Road.**
 - v. **Cooma–Monaro Section 94 Contributions Plan (Roads & Open Space)**
 - vi. **Gunning Section 94 Provision of Public Amenities and Services.**
 - d. **Incorporation of a planning administration contribution.**
 - e. **A clause which repeals those Section 94 contribution plans listed above in Recommendation 2c. i-vi where these are found to be redundant.**
 3. **Undertaking community consultation for a minimum period of 28 days on the local infrastructure contribution plan.**
 4. **Reporting back to Council at the end of the community consultation process.**
-

**6.6 Pooling of Local Roads Contributions (Ref: ; Author: Thompson/Carswell)
(Continued)**

Background

This matter was last considered at Council's Planning and Strategy meeting of 13 June 2018 (Item No. 5.1). At that meeting Council resolved that (PLA066/18):

1. *Council 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.*

Further to this resolution a brief was prepared, a consultant planner appointed and a research paper drafted recommending a number of actions (Attachment 1).

Amongst other things the research paper (Attachment 1):

1. Reviewed the pluses and minuses of the options (including the financial implication) of preparing a new local infrastructure contribution plan for non-urban roads under section 7.11 (formerly section 94) or a fixed levy local infrastructure plan (formerly section 94A) under section 7.12 *Environmental Planning and Assessment Act 1979*.
2. Considered the current Section 94 contribution plans which authorise the collection of non-urban road contributions.
3. Considered where local road infrastructure (Section 94) contributions collected under the various current local road contribution plans have been expended and where this has occurred.
4. Made short term (Stage 1) and longer term (Stage 2) recommendations.

The Stage 1 recommendations of the research paper have generally been recommended (though adapted) by this report and as such these suggest a slightly different process than originally anticipated by the 13 June 2018 report. However, both have the same general purpose of producing a new plan which achieves a better use of existing contributions and future local road contributions by directing them towards a more contemporary works schedule. It is also directed towards updating and repealing those existing Section 94 (local infrastructure contribution) plans which are redundant.

Implications***Legal***

The actions proposed in this report are all subject to various provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulations 2000*.

Asset

The new local infrastructure contribution plan will enable the renewal and upgrade of nominated roads in its works schedule and in some cases allow contributions to complement other sources of funds.

Economic

The local road works to be funded by the new local infrastructure contribution plans will have some positive economic implications through work opportunities etc.

Strategic

The new local infrastructure contributions plan will allow for better use of existing and future local road contributions by focusing them on a smaller number of projects identified in its works

**6.6 Pooling of Local Roads Contributions (Ref: ; Author: Thompson/Carswell)
(Continued)**

schedule rather than in wide range contained in the existing works schedules of the current four section 94 local contribution plans. It will also enable a more contemporary works program which better aligns with current transport and facilities plans.

Engagement

As part of the process of a new local infrastructure contribution plan for non-urban roads this will be exhibited and then reported back to Council before proceeding.

Financial

Details of funding expended so far is provided below. Primarily this was funded from contributions collected from other section 94 contribution plans for administration and planning purposes. The new Plan will include a provision to collect a contribution for Plan administration.

One of the results of the new plan (if it is adopted) will be to pool and to redirect current contributions totalling \$3.196M for use in a catchment based works schedule which contains a smaller number of projects. In this way the contributions can achieve greater results for each project.


Integrated Plan

The new non-urban roads local contribution plan has the potential to support programs and projects identified in the Delivery Plan 2018-21 and various Operational Plans.

Conclusion

This report follows an earlier report considered at Council's Planning and Strategy meeting of 13 June 2018 (Item No. 5.1) and updates Council on actions taken since then as well as to recommend the next actions. These have included commissioning a research paper which considered the existing Section 94 contribution plans which collect for non-urban roads, the contributions already collected and expended, the pooling of remaining contributions and the drafting of a new non-urban roads local infrastructure contributions plan. On the latter it recommends the preparation of a new local infrastructure contribution plan for non-urban roads which is also recommended by this report.

Attachments

Attachment 1  Response to Brief - Non Urban Roads Contributions - 30 May 2019
(Under Separate Cover)

**6.7 Proposed New Street Name - Environa Drive (Jerrabomberra and Environa)
(Ref: ; Author: Tegart/Thompson)**

File reference: 26.4.1-4

Summary

The construction of the Northern Entry Road to service South Tralee requires that the road be given an appropriate name. This report recommends that the name Environa Drive be allocated to the road.

Recommendation**That Council:**

- 1. Adopt in principle the name 'Environa Drive' as the proposed name for the new road created by the construction of the new Northern Entry Road servicing The Poplars, North Tralee and South Tralee.**
 - 2. Change the name of a small section of Territory Parade to Environa Drive as shown in Attachment 1.**
 - 3. Advertise the new name and proposed road name change for public comment for 30 days.**
 - 4. Publish a notice in the NSW Government Gazette if no objections are received.**
-

Background

Construction of the new road servicing the proposed urban release areas known as The Poplars, North Tralee and South Tralee will begin in the near future. Until now the road has been referred to as the Northern Entry Road and, as shown in Attachment 1, will stretch from Tompsitt Drive in the north to the entry of South Tralee in the south.

Staff are recommending that the name Environa Drive be allocated to the road. The name comes from the historic property name established by Henry F Halloran in the 1920's which the road circumnavigates on its northern and western edges. The suburb through which the road passes is also known as Environa, named for the same source.

At one stage or another over the last 100 years the family of Henry F Halloran have owned or still own the land through which the road passes. As such it is an appropriate recognition of the family's contribution to the area over many years.

The Geographic Names Board have indicated its preliminary approval for the name.

The citation for the road name that will be included in the GNB's record will be:

ENVIRONA (Property Name)

Named for the historic property established by Henry F Halloran in the South Jerrabomberra Creek valley in the 1920's at the time when Canberra was undergoing its first major development phase.

The name likely derives from the 1911 Griffin plan for 'City and Environs' (*Reid, Paul. 2002. Canberra Following Griffin : A Design History of Australia's National Capital. Canberra: National Archives of Australia*). Mrs Joyce Larcombe, daughter of Henry Halloran, relates that Environa was close to Canberra – in the environ of Canberra.

Henry described the area as follows:

6.7 Proposed New Street Name - Environa Drive (Jerrabomberra and Environa) (Ref: ; Author: Tegart/Thompson) (Continued)

'Environa is destined by its natural position and unique advantages to become the most beautiful, most popular and most interesting suburb of Canberra... An area of about 160 acres, comprising rich flats and small hills, with a long frontage to a delightful willow lined stream [Jerrabomberra Creek] has been set apart for a modern recreation oval, golf course and other amusements.'

While the property never progressed to an urban development as a result of the depression and following war, almost 100 years later it remains as a functioning agricultural property complete with historic stone gateways and artefacts marking the proposed major thoroughfares.

The new road joins a small section of an existing road reserve known as Territory Parade which follows the railway line from Lanyon Drive to South Tralee. This small section of Territory Parade will be renamed Environa Drive. The remainder of Territory Parade will remain as is.

Implications***Policy***

The Code of Practice requires the recommended road name be reported to Council and then advertised for public comment. If supported by Council and the Geographical Names Board and there are no objections received from notifications then the notice will be published in the NSW Government Gazette. If any objections are received then a further report will be bought back to Council.

Consultation

The proposed name will be exhibited for 30 days for public comment.

Financial

All costs associated with advertising of the road name and supply of road name plates will be borne by Council.

Conclusion

The name chosen is a unique and interesting name appropriate to local history of the area concerned. It incorporates the use of a local historical name in accordance with the Geographical Names Board guidelines for the naming of roads.

Attachments

Attachment 1

Location Plan Showing Proposed Environa Drive (*Under Separate Cover*)

6.8 Community Representative Vacancy on Environment and Sustainability Advisory Committee (Ref: ; Author: Thompson/Abbott)

File Reference: 24.4.1 Summary

A recent resignation from the Environment and Sustainability Advisory Committee (ESAC) has impacted the Committee achieving a quorum. As such it is requested to fill this one position for the next 12 months.

In August 2018, Council also advertised for two community representatives on ESAC. These positions were to be held for 12 months, until all memberships were re-advertised in September 2019, in accordance with the two year appointment in the Terms of Reference for the Committee. Given the turnover in membership, this timeframe now appears unnecessary with a compulsory refresh of the Committee next year following Council elections.

The ESAC requests that Council advertise for a replacement community member and hold reappointment of all other community representatives until after Council elections in 2020.

Recommendation**That Council:**

- 1. Seek Expressions of Interest for one new community representative on the Environment and Sustainability Advisory Committee for the period to September 2020.**
 - 2. Re-appoint all existing Committee members after September 2020.**
-

Background

Council recently received the resignation of one of the community members on the Environment and Sustainability Advisory Committee (ESAC). This has left a vacancy which is at times necessary to ensure a quorum for meetings. It is recommended that this position be re-advertised and filled until the next Council election when Council will review its committee structure.

In terms of the appointment period for all members, it would be practical if all positions could be extended another 12 months to coincide with the replacement or re-appointment of all members following the Council election in September 2020 (should the new Council determine that such a Committee should continue). This is particularly practical given that two new community members only joined the Committee in August 2018 when they also filled vacancies.

In the last advertisement of Expression of Interest for Community members, there were several unsuccessful candidates who may be interested in the current vacancy. Unsuccessful nominees will be advised of the new opportunity.

Attachments

Nil

6.9 Outdoor Dining Policy (Author: Darcy/Lamont)

File Reference: 11.1.1

Summary

Seeking adoption of the Outdoor Dining policy and Outdoor Dining Policy Guide developed in partnership with the NSW Small Business Commission and Service NSW.

Recommendation

That Council:

- 1. Note the Outdoor Dining Policy established by the NSWBC to encourage businesses to provide outdoor dining by removing barriers to entry, consequently increasing city vibrancy and growth.**
 - 2. Adopt the NSW Outdoor Dining Policy for the Local Government Area (LGA), noting the Policy supports the current position of QPRC not to charge fees for outside dining.**
 - 3. Delegate to the CEO the authority to amend the Policy to align it with any subsequent modification of the model policy updated by the NSWBC.**
 - 4. Rescind the previous QCC Outdoor Dining Policy.**
-

Background

Developed by the NSWBC in partnership with SNSW and participating Councils, the Policy is part of the NSW Governments 'Easy To Do Business' initiative. QPRC is currently an active participant in this initiative. The current QPRC Outdoor Dining Policy dates back to the QCC policy from 2010. This policy needs to be rescinded if Council adopts the NSWBC model policy.

The NSWBC completed an outdoor dining trial (the trial) in seven LGAs in metropolitan and regional areas across New South Wales over 2017/2018. QPRC participated in the trial from September 2017 to December 31 2018. The trial covered a specific area in the Queanbeyan CBD and Gibraltar St in Bungendore. Council waived all fees relating to Outside Dining at the extraordinary meeting held May 10 2017. The \$62 administration fee still applied. During the trial period all fees associated with Outdoor Dining were waived for the duration of the trial. The newly adopted 2019/20 Fees and Charges has seen the annual admin fee dropped completely. NSWBC outdoor dining policy supports the current position of QPRC to not charge fees relating to outdoor dining.

The updated policy will now cover all areas across the QPRC LGA.

There are currently five businesses within the Queanbeyan CBD participating in outside dining. One of those commenced trading during the trial period. It is anticipated that with the new policy all hospitality focused businesses operating on public footpaths across the LGA will be approached to adhere and operate within the policy guidelines.

The trial was deemed a success by government agencies with participating councils rating it 4 out of 5 stars with 22 businesses taking advantage of the streamlined process for outdoor dining. All businesses were approved for outdoor dining within 2 business days of providing all necessary information.

6.9 Outdoor Dining Policy (Author: Darcy/Lamont) (Continued)

The trial experienced no complaints or compliance issues from the public or Council rangers. The Policy and Trial have received endorsement from the Disability Council of Australia and Ministerial Council of Ageing.

The Policy has been reviewed by Planning and Environment NSW and meets the sanitary requirements under the Building Code of Australia.

Roads and Maritime Services have delegated the concurrent approval to councils required under S125 of the Roads Act 2009 for outdoor dining applications received and processed under the Easy to do Business platform. Eligible businesses must be located within 50km per hour zones.

Liquor & Gaming NSW have agreed to continue to waive fees for businesses seeking to extend their liquor licence boundary under the Policy and have maintained amended regulations to provide provisional approval to businesses once applications are received.

Implications***Legal***

There are no legal implications for QPRC.

Policy

The NSWBC Outdoor Dining Policy is part of the Easy To Do Business Initiative which seeks to make it easier to do business in NSW through reducing red tape, regulatory reform and policy harmonisation. The digital application is via an online portal available through Service NSW with the permit being issued by QPRC within 48 hours of the application being lodged.

The current QPRC Outdoor Dining Policy dates back to the QCC policy from 2010. This policy needs to be rescinded if Council adopts the NSWBC model policy.

Economic

The streamlined application process will significantly improve efficiencies, reduce staff time and costs. It will ensure resources can be allocated in a more productive and effective manner.

Local businesses as rate payers will find it easier and faster to create outdoor dining spaces when they decide to do so, providing them with opportunities to expand their business and employ more staff.

More outdoor dining will improve the amenity of the commercial centres adding to their sense of place and support the local economy and provides further opportunity for vibrancy and vitality of the local community and economy.

Engagement

Feedback from current businesses that have accessed the services have been very satisfied with the results. It is envisaged once the new policy is adopted all hospitality focused businesses across the LGA will be encouraged to adopt the new policy and guidelines.

Financial

Proposes to continue waiving of fees for outdoor dining.

Integrated Plan

The NSWBC Outdoor Dining Policy meets objectives under the Community Choice strategic pillar and the Queanbeyan CBD Transformation Strategy.

6.9 Outdoor Dining Policy (Author: Darcy/Lamont) (Continued)

Conclusion

That Council adopt the NSWBC Outdoor Dining Policy and Guidelines and rescind the current QPRC Outside Dining Policy.

Attachments

Attachment 1 NSWBC Outdoor Dining Policy (*Under Separate Cover*)



6.10 Annual Community Grants Program (Author: Tegart/Darcy)

File reference: 52.5.2

Summary

Since allocating grants under Council's 2019/20 Annual Community Grants Program, two additional submissions have been brought to staff attention that were not included or assessed due to correspondence and processing issues. This report seeks approval for the provision of funding from the 2019/20 Annual Community Grants Program from residual funds of \$1,289 that remain unspent.

Recommendation

That Council:

1. Approve a Category B donation of \$750 from Council's Annual Community Grants Program 2019/2020 to Wamboin Social Club for hire costs for weekly use of Wamboin Community Hall.
 2. Approve a Category A donation of \$539 from Council's Annual Community Grants Program 2019/2020 to Bungendore War Memorial Committee for the hire of a PA system and advertising costs for the Bungendore ANZAC Day commemoration in 2020.
 3. Consider additional funding of \$1,461 to the Bungendore War Memorial Committee.
-

Background

At the Council Meeting of 26 June 2019, Council resolved to provide funding of \$58,710.50 under Categories A and B of the Annual Community Grants Program 2019/20 to 48 community groups across the LGA. Funding of up to \$2,000 per organisation was available under a competitive scoring process. This funding allocation resulted in \$1,289 of unspent residual funds.

Since the assessment of grant applications and approval of funding by Council, two grant applications have been brought to staff attention that were not included in the initial round of assessment due to processing error.

Wamboin Social Club	weekly venue hire costs of Wamboin Community Hall	Category B	\$750
Bungendore War Memorial Committee (QPRC s.355 Committee)	hire of a much-needed PA system and for advertising and printing costs of programs for the service	Category A	\$2,000

Each application has been assessed against the Annual Community Grants Program criteria and each has gained a competitive funding score. The assessment is at **Attachment A**.

6.10 Annual Community Grants Program (Author: Tegart/Darcy) (Continued)

Only \$1,289 of unspent funds remain in the allocation under the Annual Community Grants Program 2019/20 with a total of \$2,750 being sought by the two applicants. This leaves a deficit of \$1,461 if Council determines to fund both applicants in totality.
Implications

Policy

Council's Annual Community Grants Program is administered in line with Council's Donations Policy 2017 (for donations under s.356 of the *Local Government Act 1993*). Under this policy the Annual Community Grants Program provides assistance to the local community through either Category A general donations, or Category B non-monetary donations. Category B donations provide either full or partial payment of hire or lease of Council venues, and is recognised financially as a donation and as income for the Council facility.

Social / Cultural

Both projects have been assessed as likely to provide social and community benefit to the local community and as being in line with Council's Donations Policy 2017. The Bungendore ANZAC Day services attract high numbers of attendees and are the 'official march' for personnel from the nearby HQ JOC.

Financial

Funds are available from the unspent \$1,289 from the allocation to pay the requested \$750 Category B donation for the Wamboin Social Club and \$539 towards the Bungendore War Memorial Committee. If Council wish to provide the full amount of \$2,000 requested by the Committee towards costs of the 2020 ANZAC Day service, an additional \$1,461 will have to be funded by a first quarter review to the Annual Community Grants Program 2019/20 budget.

Program Code	Expense Type	Funding source	Recipient	Amount
		Annual Community Grants Program 2019/20	Wamboin Social Club	\$750
		Annual Community Grants Program 2019/20	Bungendore War Memorial Committee	\$539
		Annual Community Grants Program 2019/2020 – First quarter review increase to budget	Bungendore War Memorial Committee	\$1,461

6.10 Annual Community Grants Program (Author: Tegart/Darcy) (Continued)

Conclusion

This report seeks determination to allocate funding to two applications not included in the initial assessment round of the Annual Community Grants Program 2019/20. The total of the two applications is \$2,750 with a shortfall of \$1,461 proposed to be sourced from a variation to the Annual Community Grants Program 2019/20 via a first quarter Budget review.

Attachments

Attachment 1  Annual community Grants Program - Assessment of Remaining Applications (*Under Separate Cover*)

6.11 Stronger Country Communities Fund Round 3 (Ref: ; Author:
Thompson/Darcy)

File Reference: 11.10.01

Summary

A list of projects to be considered for the Stronger Country Communities Fund (SCCF) is presented for Council shortlisting.

Recommendation

That Council nominate projects from the list contained in the report, to be considered for Round 3 of the Stronger Country Communities Fund.

Background

The SCCF is providing \$100 million for community projects across NSW, with at least \$50 million of that for youth-related projects (12-24 cohort). For the first time, applications are invited from incorporated not-for-profit community organisations, as well as councils.

A certain amount of funds have been earmarked for each LGA in regional NSW. \$1,750,792 has been allocated for the Queanbeyan-Palerang LGA. Allocations of funding for each LGA were based on a funding formula based on population and the cost of construction in each LGA.

Incorporated Not for Profit entities are able to enter a grant application independently of Council. QPRC will submit its own applications to the grant fund and a selection of potential projects is contained in the Priority List below.

What will they fund?

- The program is now expanded to cover programs and events as well as infrastructure.
- 50% of funds will be for infrastructure projects or for programs that improve the lives of young people aged 12-24.
- The remaining 50% will be for other local community and sporting infrastructure, street beautification, plus community programs and events.

Eligible youth projects

- Eligible projects include indoor sports programs, creative arts and culture projects, mentoring and skills training services and will reflect the unique conditions and needs of young people in the regions.
- Any programs OR infrastructure that will enhance the lives of young people.
- Youth related infrastructure and programs must be aligned to the areas of community, wellbeing, connectivity and work readiness.

General community amenity projects

- Construction of new or upgrades to existing community or sporting infrastructure.
- Capital works related to street beautification and other public places that promote the health, happiness and wellbeing of the community.
- Delivering programs that benefit the local community.
- Infrastructure to assist the delivery of general community programs.

6.11 Stronger Country Communities Fund Round 3 (Ref: ; Author: Thompson/Darcy)
(Continued)

Funding amounts per project:

- Minimum amount per project is \$50,000. Maximum amount is not stated.
- Projects can be over \$1 million, but will only be considered where there is a financial co-contribution of at least 25% of the total grant amount. This may come from the applicant or from another funding source.
- Projects must be completed within 3 years of the Funding Deed being signed.

Projects list

The following List proposes QPRC projects to be considered to be put forward for funding.

	Round 3 Project Application	Description	QPRC Branch	\$ Amount
A	Upgrades to Braidwood Pool	Roof for the change-rooms, pool heating improvements and other plant/infrastructure works	Recreation and Culture	\$1,000,000
B	Upgrades to Queanbeyan Pool	Refurbishment of change rooms, parents and disabled amenities	Recreation and Culture	\$300,000*
C	Youth Learner Driver / Mentor Program	Disadvantaged youth and/or those of Aboriginal backgrounds to be provided with five professional driving lessons, and 120 hours of driving experience with volunteer mentors, over 12 months, to allow them to obtain their driver's P1 licence. Costs of completing driving tests will also be covered. Car may have to be sourced through a donation by a community sponsor.	Community and Education	\$80,000
D	Upgrade Axis Youth Centre to become Youth and Community Centre	Refresh flooring, add outdoor youth fitness equipment outside rear of building, refit existing music and media room, small office refurbished into a homework room and meeting room for agency support consultations, update and refurbish kitchen to allow more youth participation in food preparation, and to allow for easy conversion of the premises for community use (seniors, families). Option to extend current building.	Community and Education	\$180,000 + an additional \$100,000 if current building is extended.

6.11 Stronger Country Communities Fund Round 3 (Ref: ; Author: Thompson/Darcy)
(Continued)

E	Aussie Optimism Program (Teachers of Year 1 -9)	National Agency in conjunction with QPRC Youth team to deliver a program to all schools in LGA. This is a positive mental health program for local teachers focused on anti-bullying, dealing with stress and anxiety, building resilience, suicide prevention and building respectful behaviours.	Community and Education	\$70,000 (\$7000 per school, noting Braidwood High is already funded)
F	Moore Park Youth Park	Finish the upgrade of Moore Park. Works to include: installation of outdoor fitness and park equipment aimed at young people but open to the community; scooter park upgrade including safety fencing, electric BBQ, activation of current shipping container, fencing of the basketball half court, an art mural, pathways to access pool and rest of park, and a bridge or pedestrian crossing to Apex Park to utilise toilet block and access to family all-abilities playground.	Community and Education	\$300,000
G	Braidwood Library and Community Information Centre	Refurbish the existing library, old library and customer service areas to accommodate a new library and community centre precinct for Braidwood. The refurbishment will include increased community spaces and meeting rooms, increased self-service, dynamic library collections, greater awareness of online resources and safety, access to new technologies and digital library training, enhanced library services and high quality customer service facilities. Outdoor areas to be enhanced with art works and seating.	Community and Education	\$300,000*
H	Bungendore Park Playground and Park Furniture	Installation of additional all abilities playground equipment at Bungendore Park, and installation of outdoor furniture.	Urban Landscapes	\$350,000

6.11 Stronger Country Communities Fund Round 3 (Ref: ; Author: Thompson/Darcy)
(Continued)

I	Flood lights for Steve Maugher and Halloran Ovals (Junior AFL)	Flood lights for Steve Maugher Oval in Karabar. Oval is currently used for AFL, touch football, softball and includes netball courts. Flood lights for Halloran Drive Oval, Jerrabomberra, which is used for Junior AFL.	Urban Landscapes	\$425,000
J	Freebody Cricket Club Women's Amenities	Amenities infrastructure for women at Freebody Oval, Queanbeyan. The Oval is home to the Queanbeyan District Cricket Club.	Urban Landscapes	\$775,000
K	Archery Toilets	Installation of toilet amenities at Noel Templeman Archery Range, Queanbeyan, home of the Monaro Archers.	Urban Landscapes	\$250,000
L	Braidwood Wallace St Façade Improvement	Improve the heritage facades of approximately 10 heritage buildings in the main street of Braidwood through funding 50% of the cost of painting the building facade to a maximum \$10,000 with the owner funding the balance.	Business and Innovation	\$75,000*
M	River Walk Continuation	Continuation of QBN River walk/bike path (2km) on one side from Dane Street to new EDE bridge. With the completion of the bridge this path will become more extensively used providing an important component of Council's passive recreational infrastructure and connection to the CBD.	Urban Landscapes	\$725,000*
				\$4,810,000

* Grant sought to support current QPRC-funded project

Conclusion

\$1,750,792 has been allocated for projects in the Queanbeyan-Palerang LGA under the Stronger Country Communities Fund. The above list of projects have been sourced from previous requests to Council and staff proposals, from which Council should determine a shortlist of eligible projects so that applications can be developed for formal submission.

**6.11 Stronger Country Communities Fund Round 3 (Ref: ; Author: Thompson/Darcy)
(Continued)**

Particular reference and narrative to support youth though programs and infrastructure will be included in the formal submissions, where relevant. The amounts submitted are to augment Council funding, where marked.

Not for Profit groups will submit applications directly to Government.

Attachments

Nil

6.12 Oktoberfest - Queanbeyan Showground 2019 (Author: Darcy/Duncan)

File Reference: 1.4.1

Summary

Oktoberfest is a festival hosted by the Harmonie German Club in October each year. The festival runs from Friday to Sunday and includes traditional food, dance, music and Bavarian beer hall activities. In 2017, Oktoberfest was held at the Queanbeyan Showground for the first time, after more than 50 years as an ACT event. The organisers commented that the Queanbeyan event exceeded their expectations and that the move was ‘the best decision they have ever made’. In February 2017, Council agreed to a five year fixed annual hire fee for the Queanbeyan showground and an amount of \$25,000 for external promotion and community engagement. In addition, in partnership with the NSW government, Council funded half the cost of marquee hire (\$17,500) in that year.

In February 2018, Council resolved to consider an amount of \$35,000 for marquee hire, endorsed an amount of up to \$20,000 for “in-kind” marketing annually for five years with a consideration to the placement of banners on flag poles in the main street of Queanbeyan.

The Harmonie German Club have approached Council to replace ‘in-kind’ support with an amount of up to \$20,000 payment to the event organiser to assist with the marketing campaign for Oktoberfest annually for five years. The event is expected to attract a crowd of approximately 7,500 to the 2019 event.

Recommendation

That Council consider the request of the Harmonie German Club to replace ‘in-kind’ support with a payment of up to \$20,000 to assist with the marketing campaign for Oktoberfest annually for five years.

Background

Oktoberfest is a traditional Bavarian festival, originating in Germany, but held in communities throughout the world. Oktoberfest Canberra has been a German Harmonie Club and community fund raising event since 1962 and is well supported from all over the region and by travellers to the region. The Oktoberfest commences on the Friday evening, with the official tapping of the keg, traditional German dancing, music, food and entertainment. Saturday is the bigger day, with all activities, food, music, dancing, amusement rides, competitions and Bavarian beer halls in full swing throughout the day and into the night. Sunday is a family fun and markets day to end the event.

In 2017, Oktoberfest was held for the first time at the Queanbeyan showground. The event achieved significant acclaim and positive publicity and attracted over 7000 participants. Organisers provided free entry for children under 18 and secured public transport loops to attract ACT and regional NSW residents. Organisers are seeking to secure Council commitment over a five year term to make Queanbeyan the new home for Oktoberfest. QPRC endorsed to support this event with \$25,000 worth of promotion and wider community engagement.

In 2018, Oktoberfest attracted approximately 7,500 participants with a similar number expected in 2019.

**6.12 Oktoberfest - Queanbeyan Showground 2019 (Author: Darcy/Duncan)
(Continued)**

At the meeting of 28 February 2018. Council resolved (resolution 053/18) to:

1. Consider an amount of \$35,000 for marquee hire for Oktoberfest as a Category 3 Event annually for five years in the Delivery Program.
2. Endorse an amount of up to \$20,000 for 'in kind' marketing annually for five years.
3. Consider placement of banners on Queanbeyan's main street flag poles to publicise the event the week before.

The Harmonie German Club (event organisers of Oktoberfest 2019) have approached Council to replace 'in-kind' with an amount of up to \$20,000 payment to assist with the marketing campaign for Oktoberfest annually for five years. Any further marketing assistance provided by Council to operate the event, including the placement of banners on the main street flag poles in Queanbeyan, may be charged/deducted from the \$20,000 contribution to the event organisers.

Implications***Legal***

The event is in line with the Plan of Management and dedication of the reserve as a Showground.

Environmental

The festival has a similar impact to other shows and events at the Showground and appropriate mitigation measures will be applied.

Social / Cultural

Oktoberfest is a traditional Bavarian cultural and social event which has been well attended by the region since 2017.

Economic

Oktoberfest is a self-contained event within the showground boundaries for security and licencing. However it does create an opportunity to expand related festivities and decorations into the CBD, encouraging greater business and community involvement. Businesses are welcomed to theme their premises and generate activities in line with traditional Bavarian customs.

Strategic

Queanbeyan Showground is a strategically located venue, ideally suited to major events. The Council, along with other user groups have worked over many years to increase patronage and improve facilities at the Showground. The Showground Plan of Management contains strategies to increase community and commercial use of the grounds within the purpose for which the reserve was dedicated. The events strategy seeks to increase Category 3 events with the primary purpose of showcasing and attracting visitor generation.

Financial

Oktoberfest is a well-established and successful community event, which is compatible with the Showground. The potential to work with organisers to grow the event offers great opportunities for Queanbeyan. It has been well received by the community and other

6.12 Oktoberfest - Queanbeyan Showground 2019 (Author: Darcy/Duncan)

(Continued)

stakeholders over the last 2 years and is worthy of Council support. If Council decides to extend funding for marketing and promotion, there are funds available as a Category 3 – Events Sponsorship Scheme in the 2019/20 budget.

Program Code	Expense Type	Funding source	Amount
		Category 3 – Events Sponsorship	\$ 55,000

Conclusion

Oktoberfest is a well-established and successful community event, which is compatible with the Showground. The potential to work with organisers to grow the event offers great opportunities for Queanbeyan. It was well received by the community and other stakeholders at its first Queanbeyan iteration and is worthy of Council support as a Category 3 event. The event organiser the Harmonie German Club, have approached Council requesting an additional \$20,000 funding for marketing and promotion, instead of 'in-kind' contribution.

Attachments

Nil

7.1 QPRC Food Surveillance Activity Report 2018-19 (Ref: ; Author: Thompson/Gault)

File Reference: 12.1.6

Report

As part of the Food Regulation Partnership between the NSW Food Authority and local councils, an annual enforcement activity report must be submitted to the NSW Food Authority each year. The information contained in the Report also provides a useful overview of Council's food safety and education activities.

Reporting requires completion of a standard set of questions regarding enforcement activities undertaken by Council in the last financial year. Generally, Council's inspecting officers have observed significant food safety improvements in the majority of food business throughout the QPRC local government area. The contents of the annual report have been compiled by Council's food compliance specialist and a summary of the QPRC Food Inspection Program for 2018/2019 is provided as follows:

Food Business Profile

Number of high risk food businesses	168
Number of medium risk food businesses	8
Number of low risk food businesses	95

- High Risk includes premises which handle open food that requires temperature control. This also includes activities including cooking and serving meals at premises such as restaurants, takeaways, cafes, clubs/pubs, bakeries and school canteens.
- Medium Risk includes premises which require food preparation but where temperature control is still important such as service stations and greengrocers.
- Low risk premises do not require inspection except in the case of complaint or incident. These include premises such as newsagents and chemists that generally sell only pre-packaged food which does not require temperature control.

Retail Sector Requirements

Number of food businesses requiring a Food Safety Supervisor	140
Number of these businesses that have a current Food Safety Supervisor	N/A*

*Due to the recent implementation of the new One Council software system for QPRC the data for the number of businesses that both need and have an FSS certificate was not able to be extracted. It can be determined on a case by case basis but not as a whole data set (will be able to in the coming months).

The *Food Act 2003* (NSW) requires certain food businesses in the NSW hospitality and retail food service sector to have at least one trained Food Safety Supervisor (FSS). The FSS needs to have gained specific units of competency under the national Vocational Education Training system.

The NSW Food Authority's FSS program was established to help reduce foodborne illness in the hospitality and retail food service sectors in NSW by improving food handler skills and knowledge.

7.1 QPRC Food Surveillance Activity Report 2018-19 (Ref: ; Author: Thompson/Gault) (Continued)

Resources Profile

Number of authorised officers/contractors engaged in food regulatory work over the 12 month reporting period	3
Number of FTE authorised officers/contractors engaged in food regulatory work over the 12 month reporting period	0.7

Regulation Inspection Profile of High and Medium Risk Businesses

Number of high and medium risk food premises inspected	175*
Number of fixed food premises requiring re-inspections	14
Number of these re-inspected premises that required additional re-inspections	0

*1 food business was not inspected due to change in ownership during end of financial year period.

Primary inspection means any planned, programmed or routine inspection but does not include re-inspection or complaint inspection. A satisfactory inspection is one where no re-inspection was warranted to close out any breaches and where no enforcement activity was undertaken. Possible outcomes of an inspection include: satisfactory letter, warning letter, improvement notice (fee), prohibition order, penalty notice (fine and 12 months public online notification), prosecution (possible fine and 12 months online notification).

Food Business Inspection Scored Outcomes

5 Star rating (0-3 points)	76
4 Star rating (4-8 points)	54
3 Star rating (9-15 points)	28
0 Star rating (16+ points)	17

As part of the NSW Food Authorities 'Scores on Doors' program each council must record a food safety rating score, regardless of participation in the program, dictated by the standardised Food Premises Assessment Report.

Food Complaint Profile

Hygiene and handling	2
Foreign matter	3
Food quality including deterioration	0
Labelling and advertising	1
Single-incident Food borne illness	1
Other	4
Total number of food complaints investigated	11

All food related complaints were investigated by Council officers and involved onsite inspections. All complaints were related to single events with no evidence found to substantiate further in-depth investigations.

7.1 QPRC Food Surveillance Activity Report 2018-19 (Ref: ; Author: Thompson/Gault) (Continued)

Enforcement Action

Number of Warnings issued	76
Number of Improvement Notices issued	10
Number of Penalty Notices issued	1
Number of Seizure Notices issued	0
Number of Prohibition Orders served	0
Number of Prosecutions determined relating to Food Act breaches	0

Enforcement action listed above is the accumulation of all inspections (primary and re-inspections) conducted during the 2018-19 financial year. Enforcement activity includes the issuing of warning letters, improvement notices, penalty notices, prohibition orders or prosecution.

Value-added Services

Council has a maturing and improving relationship with food businesses in line with our Enforcement Strategy and continue to work with them to improve the food safety standard of the premises.

Participation in the 'Scores on Doors'	Yes
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QPRC currently participates in the Scores on Doors program and has seen a rise in uptake of the program in our rural towns of Bungendore and Braidwood. The uptake within the Queanbeyan food businesses remains slow and when asked they have indicated that they will use the program when/if the ACT Government also introduces a similar program.

Technical advice provided to food businesses	Yes
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Free advice is provided to current food business owners and their staff whenever requested to encourage a positive food safety environment. Advice is also given during inspections to help improve food safety and prevent/rectify future breaches of the food standards code.

Information provided to food businesses	Yes
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Council offers a large selection of factsheets, website information, and sends out a quarterly newsletter to all food businesses containing helpful tips and advice.

Food handler training organised or facilitated	Yes
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Council utilises the "I'm Alert" online training and recommends that all food businesses have their food handlers complete the free training course.

Other services provided or participated in?	Yes
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Council participates in food related surveys when received. Council also participates in the Food Authority run workshops and in regional meetings of Environmental Health Officers involved in the monitoring of food premises.

Recommendation

That the report be received for information.

Attachments

Nil

7.2 National Tree Day 2019 (Ref: ; Author: Thompson/Pensini)

File Reference: 24.1.1

Report

National Tree Day was again celebrated by the community this year with a planting event hosted by Queanbeyan-Palerang Regional Council at the old King's Highway walking trail (Hill Lane) on Sunday 28 July, 2019. Warm and sunny weather conditions greeted an enormous turnout of over 120 community volunteers, helping to plant over 500 native trees, shrubs and grasses. A 'thank you' BBQ was also put on for volunteers during the event showing Council's appreciation.

The Hill has a walking path cutting down to the base at Cooper Place. This will one day be a scenic walk with plantings providing amenity, shade and habitat for wildlife.

Acknowledgements must go to Fire and Rescue NSW Station 428 Queanbeyan for coming along to water the new plants, to Queanbeyan Landcare for all their help and to National Capital Toyota for the shirts and gloves.

Local schools also participated in the Schools National Tree Day event on Friday 26 July with Council providing 20 native plants and mulch for each school. Good media publicity was received through social media and local press.





Recommendation

That the report be received for information.

Attachments

Nil

8.1 Minutes of the QPRC Heritage Advisory Committee Meeting held on 18 July 2019 (Ref: ; Author: Thompson/McCauley)

File Reference: 330438


Summary

The Minutes of the QPRC Heritage Advisory Committee of 18 July 2019 are presented to Council for consideration.

Recommendation

That Council note the Minutes of the QPRC Heritage Advisory Committee Meeting held on 18 July 2019.

Attachments

Attachment 1  QPRC Heritage Advisory Committee Minutes - 18 July 2019 (*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 Legal Costs Recovery

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