



Planning and Strategy Committee of the Whole

AGENDA

11 September 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*

1	OPENING	
2	ACKNOWLEDGEMENT OF COUNTRY	
3	APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS	
4	DISCLOSURES OF INTERESTS	1
5	ADJOURNMENT FOR PUBLIC FORUM	
6	REPORTS TO COUNCIL - ITEMS FOR DETERMINATION	
6.1	Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West	3
6.2	QPRC Financial Statements 2018/19 - Referral to Audit	19
7	REPORTS TO COUNCIL - ITEMS FOR INFORMATION	
7.1	Canberra Airport Preliminary Draft Masterplan 2020-2040	23
8	REPORTS OF COMMITTEES	
8.1	Minutes of the Environment and Sustainability Advisory Committee held on 31 July 2019.....	25
8.2	Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held on 8 August 2019	27
9	NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION	28
10	REPORTS FOR CLOSED SESSION	
11	CONCLUSION OF THE MEETING	

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West
- Attachment 1 DA 188-2018 - Sec 4.15 Matters for Consideration - Industrial Alterations - 9 Bowen Place, Queanbeyan West (Under Separate Cover)*
- Attachment 2 DA 188-2018 - Plan - Industrial Alterations - 9 Bowen Place, Queanbeyan West (Under Separate Cover)*
- Attachment 3 DA 188-2018 - Draft Conditions of Consent - Industrial Alterations - 9 Bowen Place - Queanbeyan West (Under Separate Cover)*
- Attachment 4 DA 188-2018 - Clause 4.6 Request Variation - Industrial Alterations - 9 Bowen Place, Queanbeyan West (Under Separate Cover)*
- Item 6.2 QPRC Financial Statements 2018/19 - Referral to Audit
- Attachment 1 General Purpose - Financial Statements (Under Separate Cover)*
- Item 7.1 Canberra Airport Preliminary Draft Masterplan 2020-2040
- Attachment 1 Draft Canberra Airport Masterplan 2020 (Doc ID 380867) (Under Separate Cover)*
- Attachment 2 Draft ANEC Contours QPRC (Doc ID 380869) (Under Separate Cover)*
- Attachment 3 Draft ANEC Contours South Jerrabomberra (Doc ID 380871) (Under Separate Cover)*
- Attachment 4 Draft ANEC Contours Jerrabomberra (Doc ID 380870) (Under Separate Cover)*
- Attachment 5 QPRC Submission - 1 August 2019 (Doc ID 332302) (Under Separate Cover)*
- Item 8.1 Minutes of the Environment and Sustainability Advisory Committee held on 31 July 2019
- Attachment 1 Minutes of the Environment and Sustainability Advisory Committee Meeting held 31 July 2019 (Under Separate Cover)*
- Item 8.2 Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held on 8 August 2019
- Attachment 1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee - 8 August 2019 (Under Separate Cover)*

Closed Attachments

Nil

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 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman)

File reference: DA 188-2018

Summary

Reason for Referral to Council

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

Proposal:	Alterations and additions to existing concrete batching plant including boundary adjustment, demolition of truck port; erection of three storage silos; installation of truck wash-out facility; truck slump stand, sediment settlement ponds and other works to improve the management of storm water and waste water; installation of dust extraction system to silo vent; and construction of a new car park.
Applicant/Owner:	Brett McPherson / Monaro Mix Specified Concrete Pty Limited and Ian R McPherson
Subject Property:	Lot 10 and Lot 11 DP 1219548 known as 172-192 Gilmore Road and 9 Bowen Place, Queanbeyan West.
Zoning and Permissibility:	The land is zoned IN1 – General Industrial under the Queanbeyan Local Environmental Plan 2012 (QLEP). The proposed development is permissible with consent on the land under the QLEP 2012.
Public Submissions:	Nil
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

Recommendation

That:

1. Approval be granted to a variation to a development standard of *Queanbeyan Local Environmental Plan 2012* relating to the height of buildings to allow for three storage silos to exceed 12 metres in height for the following reasons:
 - (a) The applicant's written request to justify the variation to the development standard is considered to be adequate in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard;
 - (b) All three silos are significantly lower in height than the tallest existing approved silo on the site, which is over 25 metres high. The site is a long established concrete batching plant and it is considered that the three new silos do not detract visually from the appearance of the development or obstruct any significant views; and
 - (c) The height of the three silos is not considered to cause any significant impacts to the streetscape, privacy, solar access or amenity generally of adjoining properties or the locality.
 2. Approval be granted to a variation to Part 2.2 – Car Parking of *Queanbeyan Development Control Plan 2012* to allow for a minimum of 20 on-site car parking spaces to be provided for staff and visitors instead of the 66 spaces calculated to be required under the DCP for the following reasons:
 - (a) The works associated with this development application will not intensify the existing development or generate additional car parking;
 - (b) The proposed new car parking area will considerably improve the existing development as there is currently no on-site car parking provided at the concrete batching plant. It will satisfactorily accommodate employees and visitors. It will also be required to incorporate an accessible space; and
 - (c) The objectives of the development control have been satisfied.
 3. Development application 180-2018 for boundary adjustment; demolition of truck port; erection of three storage silos; installation of truck wash-out facility; truck slump stand, sediment settlement ponds and other works to improve the management of storm water and waste water; installation of dust extraction system to silo vent; and construction of a new car park on Lot 10 and Lot 11 DP 1219548 known as 172-192 Gilmore Road and 9 Bowen Place, Queanbeyan West be granted conditional approval.
 4. The NSW Environmental Protection Authority (EPA) be forwarded a copy of Council's Notice of Determination.
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6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

Background

The Monaro Mix concrete batching plant has been operating on the subject site for many years, being originally granted development consent in 1972.

In August 2016 and December 2017 the NSW Environmental Protection Authority (EPA) investigated two separate pollution incidents that involved the discharge of waste water from the site into Council's stormwater system that had been in contact with concrete ingredients. The EPA subsequently issued notices to the operator of the plant requiring numerous works to upgrade its environmental performance and prevent waste water from leaving the site.

During 2017 the operator proceeded to implement the necessary improvements to the plant's water management facilities, and an additional three silos for the storage of water, cement and fly ash have also been erected. The majority of these works required development consent. Council's Compliance Officer issued a Stop Work Order on 23 October 2017 requiring the owner to cease work on the premises. The subject application was subsequently lodged with Council on 25 May 2018.

Proposed Development

The development application seeks to authorise numerous works that have been carried out without development consent, and also includes some new works. The applicant describes the intention of the works is to:

- *upgrade the existing facility to modern environmental standards to ensure compliance with current day legislative requirements of the Environmental Protection Authority (EPA); and*
- *to ensure adequate backup supplies of fly ash and water are stored on-site to ensure continuity in the supply of concrete.*

The applicant also provided information to demonstrate that the increased cement and fly ash storage capacity does not increase the capacity of the plant to produce more concrete. Rather:

Concrete demand in the region has resulted in a shift to higher strength mixes which require more cement and fly ash per cubic metre to cater for higher density housing and high rise buildings requirements.

The specifics of the proposed development are listed below:

Existing Unauthorised Development

1. Demolition of metal truck shelter;
2. Erection of two silos for the storage of fly ash and cement;
3. Erection of one silo for the storage of water;
4. Installation of a covered truck wash-out facility;
5. Installation of a truck slump stand with roof;
6. Installation of sediment settlement ponds and other works to improve the management of storm water and waste water; and
7. Sealing of surfaces with concrete.

Proposed New Development

1. Installation of new dust extraction system to silo vent;
2. Construction of new car park to allow for on-site parking of staff vehicles;
3. Extension to the roof of the truck wash-out facility; and
4. Boundary adjustment to ensure that the concrete batching plant and the proposed new car parking area is contained within one lot.

6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

Subject Property

The subject site comprises two lots within the Queanbeyan West industrial area. The primary site is Lot 11, known as 9 Bowen Place which encompasses the existing concrete batching plant. It has frontage to Canberra Avenue and Bowen Place with vehicle access obtained to the batching plant from Bowen Place. The part of the site that contains the concrete batching plant slopes down towards Bowen Place and Canberra Avenue, making it highly visible from Canberra Avenue.

The adjoining Lot 10 surrounds the batching plant and is known as 172-192 Gilmore Road. This lot contains the Suez recycling facility, a smash repairer and Greenbox IT Asset Management Services – businesses which are completely separate from the concrete batching plant.

Figure 1 below shows the subject sites.



Figure 1 – Subject Site – Lot 10 outline in orange. Lot 11 (Batching Plant) outline red

6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

However, some of the existing works associated with the development have resulted in the concrete batching plant encroaching into the adjoining Lot 11. In addition the proposed new car parking area is also located on Lot 11. This encroachment is proposed to be dealt with by doing a boundary adjustment between Lot 10 and Lot 11 to ensure that the concrete batching plant is located entirely within one lot.

Figure 2 below shows the extent of the concrete batching plant development and the approximate future adjusted boundaries of Lot 10. The red outline shows the existing boundary of Lot 11. The blue outline shows the extended boundary to encompass the whole of the extended batching plant.



Figure 2 – Extent of Concrete Batching Plant

Planning Requirements

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

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

1. State Environmental Planning Policy (SEPP) No 55 – Remediation of Land;
2. State Environmental Planning Policy (Infrastructure) 2007;
3. State Environmental Planning Policy No 33 – Hazardous and Offensive Development;
4. Queanbeyan Local Environmental Plan 2012 (LEP); and

6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

5. Queanbeyan Development Control Plan 2012 (DCP).

The proposed development generally satisfies all of the requirements and objectives of these planning instruments, with the exception of a proposed variation to a development standard in the LEP relating to the maximum height of buildings, and a variation to on-site car parking numbers.

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

1. Compliance with SEPP 33 in relation to the development being a potentially hazardous or offensive industry;
2. Compliance with the LEP in relation to the maximum permitted height of buildings; and
3. Compliance with the DCP in relation to satisfactory provision of on-site car parking spaces for staff and visitors.

(a) Compliance with SEPP 33

The Department of Planning's publication *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* ("SEPP 33 Guideline") states that cement works are a potentially offensive industry, noting the definition of a potentially offensive industry below.

potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

Such developments are subject to additional matters for consideration under the SEPP, including whether there are any feasible alternatives or feasible locations for carrying out the development, and any likely future use of the surrounding land.

The submitted Statement of Environmental Effects (SEE) states that while a concrete batching plant use may be considered to be a potentially offensive industry, the proposal relates only to environmental upgrade works, and ancillary water/fly ash storage facilities that in themselves do not represent a *potentially offensive industry* as defined in SEPP 33.

It is agreed that the environmental upgrade works and the new water storage silo are ancillary to the approved concrete batching plant and, in of themselves, do not constitute a potentially offensive industry. However, there was a concern in regards to the potential impacts of the increase in the capacity of fly ash storage from 30 tonnes to 130 tonnes (max), and whether this could result in the development being a *potentially hazardous industry*. This was not addressed in the original SEE.

Fly Ash

Fly ash is a residue from the combustion of coal that is used in the production of concrete to increase strength and durability.

Research carried out by the Assessing Officer found that exposure to fly ash can impact human health, including irritation to lungs if inhaled. A potentially hazardous industry is defined in the SEPP as:

potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or

6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or*
- (b) to the biophysical environment,*

There is at least one case of the EPA investigating the release of fly ash into the air from a storage silo. Therefore, while it is acknowledged that dust extraction systems are proposed to be installed on the silos, insufficient information had been submitted by the applicant to determine that they had considered the SEPP 33 Guideline, and that the proposal did not constitute a *potentially hazardous industry*, requiring a Preliminary Hazard Analysis.

Subsequent information was submitted by the applicant. They stated that fly ash is no longer regulated as a “hazardous” material, nor is it listed on the Australian Dangerous Goods Code, and as such has no implications for SEPP 33. Reference is made to an EPA exemption from the need to hold an environment protection licence for fly ash use.

The Assessing Officer’s understanding is that the EPA exemption referred to by the applicant means as follows:

- The storage of fly ash is not a scheduled activity under the *Protection of the Environment Operations Act* in regards to waste storage and waste application to land; and
- That the transportation of fly ash is not required to be tracked.

For the purposes of SEPP 33, fly ash is not classed as a Dangerous Good. However, the information does not address the SEPP 33 Guideline. It states that:

Some combustible dusts that are not Dangerous Goods can cause explosions if there is a combination of a dust concentration within the explosive range and the presence of an ignition source. Static electricity is the most common source of ignition, due to the dry conditions typically prevailing within a dusty atmosphere. Coal dust and grain/flour dust are two examples.

...proposals for the storage and handling of dusts and other finely divided materials should be carefully scrutinised to consider whether they should be considered potentially hazardous industry due to dust explosion factors.

The applicant was again requested to address the SEPP 33 Guideline. They subsequently submitted a Safety Data Sheet for fly ash (SDS No. CASDS03 – issued 31 August 2018) that states that fly ash is not a combustible dust, and has no fire or explosion hazard.

6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

Storage and Handling of Fly Ash on Site

The applicant also submitted additional information about how fly ash is stored and handled on the site.

Fly ash is stored and handled on site the same as every concrete plant in Australia.

1. The delivery tanker attaches a hose from the tanker to the silo delivery pipe.
2. They turn the power on to the silo with a key and test the high level alarm, after which the pneumatic valve opens permitting them to pump the product into silo.
3. They finish pumping the load into the silo and turn off the key, closing the pneumatic valve.
4. The batcher weighs a load of concrete; this opens the pneumatic valve on the bottom of the silo and transfers flyash into the weigh hopper. When the desired weight is reached the pneumatic valve closes.
5. The weigh hopper valve is opened and the product is discharged into the concrete truck.

Potential impacts to the environment are mitigated by;

Loading Bay – Dust suppression is currently carried out by fully enclosing the loading bay to reduce the impact that wind has on blowing cement and flyash particles out into the environment. Dust suppression water spray bars are also positioned above the trucks loading hopper to wet down and contain any airborne particles from the loading process. **The dust extraction system captures 95.8% more airborne particles greater than 30 micron in size than the use of the spray bars.**

Silos (cement and flyash) – Reverse pulse filters fitted to the top of each silo and maintained quarterly by external contractors. The tops will pulse while product is being loaded into the silos and will continue to do so until 45 minutes after the load has been discharged.

Silos (cement and flyash) – Both silos have high level sensors in each which will sound an alarm if product nears the maximum capacity of each silo. The system automatically shuts down and will not allow more product to be pumped in until the level has gone down enough to ensure that there is room to fit more product. Should the capacity be reached and the alarm not work, each silo has an overflow pipe that directs the product to within 1m of the ground underneath each silo, within the designated 'contaminated area' of the plant.

6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

EPA Comments

While there is no requirement for the EPA to grant approval for the proposed development under the *Environmental Planning and Assessment Act 1979*, it is the regulatory authority for the concrete batching plant under the *Protection of the Environment Operations Act 1997*. The proposal was referred to the EPA for comments. They required the applicant to provide additional technical information regarding dust management. This was supplied and forwarded to the EPA.

The EPA's final advice regarding dust emissions is that the additional information generally satisfies the previously raised issues, subject to the imposition of conditions requiring validation testing within 12 months of installing the dust extraction system to confirm that air emissions comply with the relevant criteria.

Environmental Health Comments

Council's Environmental Health Officer concurs with the EPA advice and recommends that an additional condition be imposed requiring the on-going management of dust and a maintenance schedule for the dust extraction system be included within a detailed Environmental Management Plan (EMP) for the concrete batching plant.

Conclusion

Given that fly ash: is not a combustible dust; is not listed on the Australian Dangerous Goods Code; and its storage is not a scheduled activity under the *Protection of the Environment Operations Act 1997*, it is considered that the proposed increase in storage capacity and use of fly ash on the site does not constitute a potentially hazardous or offensive industry. Therefore, pursuant to Clause 12 of the SEPP, a Preliminary Hazard Analysis is not required and the requirements of SEPP 33 have been satisfied.

Furthermore, it is considered that the increase in storage capacity and use of fly ash will not have detrimental impacts to the environment or to human health provided that it is managed in accordance with the information provided and with conditions recommended by the EPA and Council's Environmental Health Officer.

(b) Compliance with LEP

The proposed development is inconsistent with a requirement of the *Queanbeyan Local Environmental Plan 2012 (QLEP)*. This is summarised below. A request to vary a development standard has been submitted. For a detailed assessment of the QLEP see the attached *Section 4.15(1) Table – Matters for Consideration*.

Maximum Height of Buildings and Structures

Under QLEP *Clause 4.3 – Height of Buildings*, the maximum height of any building or structure on the land is 12 metres. The relevant objective of this clause is to ensure that the height of buildings complement the streetscape or the historic character of the area in which the buildings are located.

6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

Silos

There are five silos associated with the concrete batching plant. Figure 3 below shows each silo, its purpose and capacity.

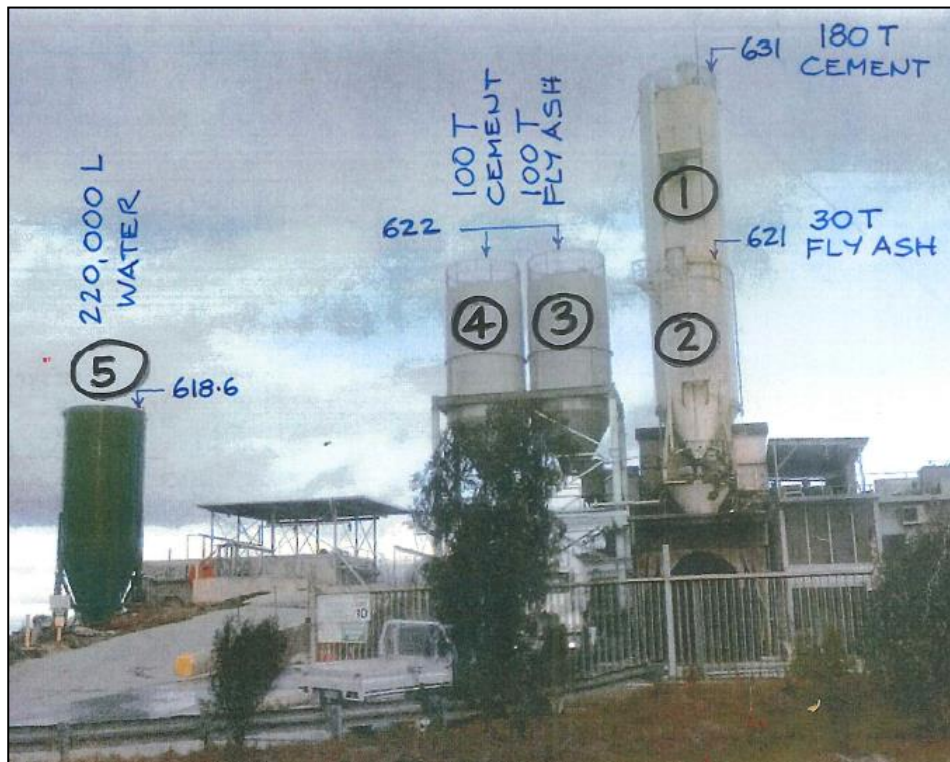


Figure 3 – Silos

Silos numbered 1 and 2 were approved as part of the original development consent for the concrete batching plant in 1972. Silos 3, 4 and 5 have been erected without development consent within the past couple of years. The heights of each silo from ground level are listed below.

- Silo 1 – 25.1 metres
- Silo 2 – 15.1 metres
- Silo 3 – 16.1 metres
- Silo 4 – 16.1 metres
- Silo 5 – 12.9 metres

All existing silos (approved and unauthorised) exceed the permitted 12 metre maximum height. The applicant has submitted a request to vary this development standard for Silos 3, 4 and 5 in accordance with *Clause 4.6 – Exceptions to development standards* of the QLEP. A request was subsequently submitted and is discussed below.

Variation Request

Under LEP *Clause 4.6 – Exceptions to development standards*. Council may consider a contravention, or variation, to certain development standards – of which height is one of the standards that is permitted to be varied.

Note: Council may assume the concurrence of the Secretary of the Department of Planning for the proposed variation to the development standard as detailed in Planning Circular PS 18-003 issued in February 2018.

6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

Council cannot approve a development that contravenes a development standard unless it considers a written request from the applicant that seeks to justify it by adequately demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has provided a detailed written request in accordance with the above requirements – refer to Attachment 4.

Discussion

The justifications provided by the applicant as to why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case are generally concurred with. There are also sufficient environmental planning grounds to justify contravening the development standard.

All three silos are significantly lower in height than the tallest existing approved silo on the site, which is over 25 metres high. The site is a long established concrete batching plant and it is considered that the three new silos do not detract visually from the appearance of the development or obstruct any significant views.

While buildings associated with industrial developments can usually easily comply with the 12 metre height limit, it is not unexpected that structures related to lawful industrial activities (such as silos) could exceed this height. For example, it is noted that the Queanbeyan Pre-Mix Concrete site at 18 Chapman Street has two cement silos that are in excess of the 12 metre height limit that is also applicable to that site.

The concrete batching plant and the adjacent large building immediately to the north are visually dominating features in the streetscape, due to the height of the existing approved structures and buildings, and their location on the high side of Bowen Place / Canberra Avenue. While the three silos do add an additional high built form element, it is considered that they are not uncomplimentary to the existing industrial streetscape. Furthermore, the height of the three silos is not considered to cause any significant impacts to the streetscape, privacy, solar access or amenity generally of adjoining properties or the locality.

Other matters that Council is required to be satisfied of are that:

the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposal is considered to be consistent with the relevant objective of the development standard, which is to ensure that the height of buildings complement the streetscape or the historic character of the area in which the buildings are located. Refer to previous comments regarding streetscape. Furthermore, the objectives of the IN1 – General Industrial zone are considered to be generally satisfied by the proposal.

In conclusion, the applicant's written request to justify the contravention of the height of buildings development standard is considered to be adequate in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. It is recommended that Council support the proposed variation in this instance.

6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

(c) Compliance with DCP

The proposal involves a variation to the number of on-site car parking spaces required for industrial development.

The approved plans for the plant from 1972 show car parking located along the rear of the site. It is not known how long this original arrangement was adhered to, or the number of car parks that may have existed in this location.

While the current proposal does not, in and of itself, generate additional car parking, it is clear from site inspection that there is currently no available space for the on-site parking of staff and visitor vehicles. There is no designated car parking area and all hard stand is required for truck manoeuvring. Staff and visitor vehicles park on the Bowen Place verge.

The applicant was requested to address the provision of on-site car parking and provided the following information.

- *A maximum of 17 employees are on site per work shift.*
- *The increased materials storage will not require additional truck movements or car parking spaces for workers or visitors.*

A car parking plan was submitted that shows the provision of 17 car parking spaces located to the north of the plant between the building on Lot 11 and the Canberra Avenue frontage. Swept paths indicate satisfactory manoeuvring, however no disabled car parking space has been provided. The applicant claims that in excess of 20 car parks are expected to be constructed within the nominated area.

This part of the site is currently used as an informal car parking area for the land uses associated with the building on the adjoining Lot 11. With the recent demolition of a truck port associated with the concrete batching plant this area is now accessible from Bowen Place. A boundary adjustment between Lot 10 and 11 will ensure that the car parking area is located on the same lot of land as the concrete batching plant.

Council's Development Engineer has assessed the car parking and provides the following comments.

The Queanbeyan DCP parking requirements for light industrial in part 2 of the DCP requires 1.3 spaces per 100m sq and 1 per 60 m sq for office spaces. This would require the site to have 66 parking spaces, not including office area requirements.

As a practical measure the applicant has been asked to provide a design of a parking area representative of its current employment with provision of an accessible space and two visitor parking spaces.

A car parking plan addressing parking provisions generally in accordance with the Queanbeyan DCP had been provided. Whilst the parking layout is satisfactory the requirement for an accessible space has not been met. The location is proposed to be a rigid pavement construction this will be applied as a standard condition of the consent requiring the carpark to be constructed of either Asphalt or concrete.

The parking area plan has delineated the access to the site from Bowen Place.

Assessing Officer's Comments

It is considered that the proposed on-site car parking is an acceptable solution to the current lack of parking for the plant's workers and any visitors. It has been demonstrated by the applicant that the works associated with this development application will not intensify the existing development or generate additional car parking. However, some provision for visitors should be made and an accessible space must be provided in accordance with current standards.

6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

In addition to standard conditions relating to the construction of car parking, it is recommended that a condition be imposed to require the construction of a minimum of 19 car parking spaces and 1 accessible space. There appears to be ample space to accommodate this. It is further recommended that the construction of the car parking area is required to be carried out within three months of the date of the consent (if granted).

Clearly, it is not possible for the 66 car parking spaces calculated by the Development Engineer to be provided on-site. Provided the car parking is constructed in accordance with the recommended conditions, it is considered that the proposed arrangement satisfies the objectives of the car parking controls and merits support. It will result in a considerable improvement to the current parking arrangements for staff and visitors.

Other CommentsExternal Referrals

1. NSW Environmental Protection Authority (EPA)

Comment – The EPA have raised no objections to the proposal subject to the imposition of conditions regarding the dust extraction system. It should also be noted that many of the works associated with this proposal were separately required by the EPA in their role as the regulatory authority for the concrete batching plant under the *Protection of the Environment Operations Act 1997*

2. Commonwealth Department Infrastructure, Transport, Cities and Regional Development and the Canberra Airport.

The Operations Limitations Surface (OLS) of the Canberra Airport applicable to the site is 615m AHD. The three existing silos proposed to be authorised by this development, as well as the two older approved silos application, all penetrate the OLS – maximum height of 631m AHD. The application was therefore required to be referred to the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development, and the Canberra Airport.

On behalf of the Commonwealth, Canberra Airport have advised that given there is a telecommunications pole 200m from the site that is 648m AHD, higher than any of the silos, no further assessment is necessary. In other words, there is no objection to the development and a Controlled Activity Approval under the Commonwealth *Airports (Protection of Airspace) Regulations 1996* is not required. Thus, this clause has been satisfied.

3. Commonwealth Department of Defence

The application was referred to the Commonwealth Department of Defence. This was required because the land is within 2 kilometres of HMAS Harman and the proposal includes a structure with a height exceeding 8.5 metres.

Under Clause 7.11 of the LEP the proposal must be referred to the Commonwealth Department of Defence and any comments received within 28 days of notification be given consideration. The proposal was referred on 23 August 2018. No comments were received.

Internal Referrals

(a) Building Surveyor's Comments

Council's Building Surveyor has assessed the proposed development and has raised no objections subject to the imposition of appropriate conditions. Specific comments are provided below.

It is recommended that a condition be included in any consent that requires engineering certification that the existing structures are structurally sound. If the adjusted boundary between Lot 10 and Lot 11 is created within 3m of existing buildings there may likely be Building Code of Australia (BCA) upgrades required. It is therefore

6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

recommended that a condition be imposed requiring a report be submitted from a suitably qualified and experienced building professional detailing any necessary upgrading of buildings on current Lot 10 in the vicinity of the proposed common boundary. The completion of any required works to be carried out prior to the issue of the Subdivision Certificate.

Assessing Officer's Comment – It is important that the boundary adjustment and any necessary building upgrades generated by it are carried out in a timely manner. Therefore, it is recommended that an additional condition be imposed to require the lodgement of the Subdivision Certificate for the boundary adjustment within three months of the date of the consent (if granted).

(b) Development Engineer's Comments

Council's Development Engineer has assessed the proposed development and has raised no objections subject to the imposition of appropriate conditions. Refer to detailed comments in the attached *Section 4.15(1) Table – Matters for Consideration*.

Specific comments regarding storm water management are provided below.

Storm Water - The creation of further hard stand area will generate run off from the site. The applicant's plan is to direct all run off via the current detention device on site with a capacity of 90,000 litres.

The detention of storm water is not currently monitored for pH levels prior to discharge. High pH levels will be required to have appropriate treatment to ensure any discharge from the site is compliant and within the pH range of 7.5.

It is noted that the site has been under a previous prevention order from the EPA due to site discharge.

The applicant will be required to install an automated testing and dosing unit to ensure a pollution event does not occur from the site. This will be a non - standard condition of consent

(c) Environmental Health Comments

Council's Environmental Health Officer has assessed the proposed development and has raised no objections subject to the imposition of appropriate conditions regarding on-going management of waste water and dust, and the introduction of a complaints management procedure.

It should be noted that the application was accompanied by a Surface Water Audit prepared by consultants SLR in April 2018. It provides an environmental audit of the plant as required by the EPA to assess environmental performance and compliance with the *Protection of the Environment Operations Act 1997*. Several recommendations for improvement made by SLR will be incorporated into conditions of consent (if granted).

Financial Implications

Section 64 Headworks Contributions are required for the proposal as calculated by Council's Development Engineer.

Engagement

The proposal was notified to adjoining owners and advertised from 25 June to 26 July 2018. No submissions were received.

6.1 Development Application 188-2018 - Alterations and Additions to Existing Industry Including New Silos, Environmental Upgrades and Sediment Ponds - 9 Bowen Place, Queanbeyan West (Ref: ; Author: Thompson/Newman) (Continued)

Compliance or Policy Implications

The application has been assessed in accordance with the requirements of the *Environmental Planning and Assessment Act, Regulations* and Council's policies. Refer to *Section 4.15(1) Table – Matters for Consideration*.

Council issued a Stop Work Order on 23 October 2017 requiring the owner to cease work on the premises. Should the proposal be approved, the Stop Work Order will be lifted.

Conclusion

The submitted proposal for boundary adjustment; demolition of truck port; erection of three storage silos; installation of truck wash-out facility; truck slump stand, sediment settlement ponds and other works to improve the management of storm water and waste water; installation of dust extraction system to silo vent; and construction of a new car park on Lot 10 and Lot 11 DP 1219548 known as 172-192 Gilmore Road and 9 Bowen Place Queanbeyan West, is Local Development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and advertised. No submissions were received.

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

The development generally satisfies the requirements and achieves the objectives of these instruments with the exception of the 12 metre maximum height of buildings permitted under the QLEP and to the number of on-site car parking spaces prescribed in the DCP. The variation to an LEP's development standard and to a DCP's development control are supported for this instance for reasons outlined in this Report.

The main issues relate to:

- provision of satisfactory on-site car parking for employees and visitors to the site; and
- ensuring that the upgrades to the management of waste and storm water, and dust generation, (and that the on-going environmental management of the site) are satisfactory.

It is considered that provided the recommended conditions of consent are adhered to, the above issues have been satisfactorily addressed.

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

Attachments

Attachment 1	DA 188-2018 - Sec 4.15 Matters for Consideration - Industrial Alterations - 9 Bowen Place, Queanbeyan West (<i>Under Separate Cover</i>)
Attachment 2	DA 188-2018 - Plan - Industrial Alterations - 9 Bowen Place, Queanbeyan West (<i>Under Separate Cover</i>)
Attachment 3	DA 188-2018 - Draft Conditions of Consent - Industrial Alterations - 9 Bowen Place - Queanbeyan West (<i>Under Separate Cover</i>)
Attachment 4	DA 188-2018 - Clause 4.6 Request Variation - Industrial Alterations - 9 Bowen Place, Queanbeyan West (<i>Under Separate Cover</i>)

6.2 QPRC Financial Statements 2018/19 - Referral to Audit (Ref: ; Author:
Tegart/Scarpin)

File Reference: 43-3-1-03

Summary

Report to delegate authority to the Mayor, Deputy Mayor, Chief Executive Officer and Responsible Accounting Officer to sign the 'Statement of the Accounts for 2018/2019'.

Recommendation

That in accordance with Section 413 of the *Local Government Act*, and subject to endorsement from QPRC Audit, Risk and Improvement Committee, Council:

1. Confirms its 2018/2019 Annual Financial Statements are in accordance with:
 - a. The *Local Government Act 1993* (as amended and the Regulations made there under);
 - b. The Australian Accounting Standards;
 - c. The Local Government Code of Accounting Practice and Financial Reporting, and
 - d. Council's accounting and other records.
 2. Confirms that the Statements present fairly the Council's 2018/2019 operating result and financial position.
 3. Confirms that Council is not aware of any matter that would render this report false or misleading in any way.
 4. Delegates authority to the Mayor, Deputy Mayor, Chief Executive Officer and the Responsible Accounting Officer to sign the 'Statement by Council on its Opinion of the Accounts' (Clause 215 of the Local Government General Regulation) for both General Purpose Financial Statements and Special Purpose Financial Statements.
 5. Authorises the Chief Executive Officer 'to issue' the 2018/2019 accounts immediately upon receipt of the auditor's report.
 6. Invite the Auditor-General of NSW or her representative to attend the November Ordinary Council Meeting to present the 2018/2019 Financial Reports.
-

Background

The Council authorised the Planning and Strategy Committee to refer the 2018/19 financial statements to audit, at its meeting on 28 August 2019.

6.2 QPRC Financial Statements 2018/19 - Referral to Audit (Ref: ; Author: Tegart/Scarpin) (Continued)

Implications***Legal***

Sections 413 to 421 of the *Local Government Act 1993* relate to the Council's annual reporting requirements. Council is required to submit its audited annual financial statements for the financial year ending 30 June 2019 to the Office of Local Government by 31 October 2019.

Section 413 requires that Council must provide an opinion on its financial report by way of a statement attached to the reports. The content of the statement is specified in the Local Government (General) Regulation, as follows:

- (1) *The statement required by section 413 (2) (c) of the Act must:*
 - (a) *be made by resolution of the council, and*
 - (b) *be signed by:*
 - (i) *the mayor, and*
 - (ii) *at least one other member of the council, and*
 - (iii) *the responsible accounting officer, and*
 - (iv) *the general manager (if not the responsible accounting officer).*
- (2) *The statement must indicate:*
 - (a) *whether or not the council's annual financial reports have been drawn up in accordance with:*
 - (i) *the Act and this Regulation, and*
 - (ii) *the Code and the Manual, and*
 - (iii) *the Australian Accounting Standards issued by the Australian Accounting Standards Board, and*
 - (b) *whether or not those reports present fairly the council's financial position and operating result for the year, and*
 - (c) *whether or not those reports accord with the council's accounting and other records, and*
 - (d) *whether or not the signatories know of anything that would make those reports false or misleading in any way, and include such information and explanations as will prevent those reports from being misleading because of any qualification that is included in the statement.*
- (3) *The council must ensure that the statement is attached to the relevant annual financial reports.*

The recommendation is in accordance with the requirements of the Act and regulation.

Policy

The draft statements have been referred to the Audit, Risk and Improvement Committee for comment at an extraordinary meeting on 9 September, with their opinion to be made available at the Planning and Strategy Committee.

Engagement

Council will consider its audited Financial Statements at its October meeting. The Financial Statements will be made available to the public and in accordance with the *Local Government Act (1993)* through advertisement. Council's Auditors will be invited to present their findings to Council in person at either the October or November Council meetings.

Financial

Upon resolution of this business paper, the Audit Office of NSW will receive the draft financial statements.

6.2 QPRC Financial Statements 2018/19 - Referral to Audit (Ref: ; Author: Tegart/Scarpin) (Continued)

The draft Primary Financial Statements are currently indicating:

Financial Performance & Position (\$,000)

Net Operating Result for Period – \$68,525

Net operating for the period before grants and contributions provided for capital purposes – \$3,745

Total Cash, Cash equivalents and Investments – \$222,162

Unrestricted Cash - \$14,878

Written down Value of Infrastructure, Property, Plant and Equipment – \$1,318,972

Benchmark Ratios

Operating Performance Ratio – 5.38%

Own Source Operating revenue ratio – 57.61%

Debt Service Cover Ratio – 6.39x

Infrastructure Renewals Ratio – 369%

Infrastructure Backlog Ratio – 3.27%

Asset Maintenance Ratio – 86.49%

The results and ratios above may be modified as part of the audit process.

Conclusion

Councils 2019 financial results all appear better than the original budget. This is in large part due to an increase in grants received during 2019 that were not expected when the budget was drafted.

In addition, Council had a significantly large works program scheduled for 2019 and as indicated in the report to the August Council meeting, a substantial value of works was either not commenced or was in progress at 30 June 2019. This combination of extra grant income and reduced expenditure presents as a higher than expected operating result and higher than expected cash results.

Whilst this is a positive result for Council in 2019, the converse may occur in the 2020 financial year, as the funds received in 2019 are spent in 2020 (and beyond), resulting in a potential situation where expenditure is higher than expected with the corresponding funding sources already been recorded in prior years.

This could see an inverse reduction in the operating result and cash results in 2020. Future Quarterly Budget Review Statements will be updated to reflect the most recent estimations and projections.

There are no areas of concern with the 2019 Financial Statements to be raised with Council at this time. However, Council's Auditors may request changes to be made as they undertake their audit, expected to be reported to the October meeting.

Attachments

Attachment 1 General Purpose - Financial Statements (*Under Separate Cover*)

7.1 Canberra Airport Preliminary Draft Masterplan 2020-2040 (Ref: ; Author:
Thompson/Brown)

File Reference: 26.1.42

Report

The purpose of this report is to provide Council with an overview of the preliminary draft Canberra Airport Masterplan 2020-2040 currently being exhibited. A copy of the draft Masterplan is shown at Attachment 1.

Under the *Airports Act 1996* Canberra Airport is required to update its Masterplan every 5 years. As part of that process the Airport is also required to update the respective Australian Noise Exposure Forecast (ANEF) contours which inform potential noise impacts on surrounding areas.

The Airport has now prepared draft maps (known as Australian Noise Exposure Concept or ANEC maps prior to formal adoption). The preparation of these ANEC maps has focused on updating the existing ANEF maps as follows:

- The software used to inform the draft maps has been updated to a new version (Integrated Noise Model version 7.0D).
- Unused aircraft tracks have been removed, providing more definitive tracks in the modelling.
- Updates to the fleet mix for new generation aircraft.
- The ultimate capacity number of flights is unchanged from the existing endorsed ANEF at 282,120 movements per year.

As a consequence the existing ANEF contours will be moved. A comparison of the existing ANEF contours and the draft ANEC contours for the Airport are attached as follows:

- Attachment 2 - Draft ANEC contours for all QPRC.
- Attachment 3 - Draft ANEC contours for South Jerrabomberra.
- Attachment 4 – Draft ANEC contours for Jerrabomberra.

Airservices Australia has advised the Airport the draft ANEC contours are suitable to be technically endorsed post stakeholder consultation. The manner of endorsement agreed by the Australian Government prescribes that the Airport must consult with relevant State and Local Government authorities.

In effect, some areas currently subject to the ANEF 20 will no longer be impacted whilst other areas will be newly affected under the draft ANEC contours. This is best illustrated in the respective attachments. Probably the most significant impact is on existing residential areas of Jerrabomberra where the existing ANEF/ANEC 20 contour has expanded to the east to include additional residential properties not currently impacted by the ANEF 20.

Council has made a submission to the Airport in respect of the draft Master Plan (Attachment 5). The key potential impacts on properties within QPRC arising from changes to the location of ANEF contours are:

- changes to details contained on planning certificates in respect of whether properties are subject to ANEF contours from Canberra Airport (or not), and
- changes to the construction requirements for dwellings located within the ANEF 20 contour in respect of incorporating noise attenuation into new dwellings or additions to existing dwellings.

Council has requested that consideration be given to any potential to refine the current model to limit new impacts on properties. Where this cannot be achieved, Council has requested that direct consultation be undertaken with landowners of these properties.

7.1 Canberra Airport Preliminary Draft Masterplan 2020-2040 (Ref: ; Author: Thompson/Brown) (Continued)

Council has also noted the proposed location of the new high school at West Jerrabomberra and indicated any restrictions on this proposed site arising from the new ANECs should be avoided.

Recommendation

That the report be received for information.

Attachments

- Attachment 1 Draft Canberra Airport Masterplan 2020 (Doc ID 380867) (*Under Separate Cover*)
- Attachment 2 Draft ANEC Contours QPRC (Doc ID 380869) (*Under Separate Cover*)
- Attachment 3 Draft ANEC Contours South Jerrabomberra (Doc ID 380871) (*Under Separate Cover*)
- Attachment 4 Draft ANEC Contours Jerrabomberra (Doc ID 380870) (*Under Separate Cover*)
- Attachment 5 QPRC Submission - 1 August 2019 (Doc ID 332302) (*Under Separate Cover*)

8.1 Minutes of the Environment and Sustainability Advisory Committee held on
31 July 2019 (Ref: ; Author: Thompson/Abbott)

File Reference: 24.2.1-03

Summary:

The Minutes of the Environment and Sustainability Advisory Committee of 31 July 2019 are presented to Council for consideration.

Recommendation

That Council note the minutes of Environment and Sustainability Advisory Committee held on 31 July 2019.

Attachments

Attachment 1 Minutes of the Environment and Sustainability Advisory Committee Meeting held 31 July 2019 (*Under Separate Cover*)

8.2 Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held on 8 August 2019 (Ref: ; Author: Thompson/McCauley)

File Reference: 26.5.1-7

Summary:

The Minutes of the Braidwood and Curtilage Heritage Advisory Committee of 8 August 2019 are presented to Council for consideration.

Recommendation

That Council:

- 1. Note the minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held on 8 August 2019.**
- 2. Consider recommendations B&C HAC 001/19 to 002/19 from the meeting held on 8 August 2019.**

B&C HAC 001/19

That Council investigate the possibility of Heritage images being installed on the bins in Braidwood.

B&C HAC 002/19

That Council investigate the possibility of the Braidwood Court House becoming State Heritage Listed.

Attachments

- Attachment 1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee - 8 August 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*.