



Planning and Strategy Committee of the Whole

AGENDA

12 February 2020

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Confidential - Not for Publication

9 REPORTS FOR CLOSED SESSION

- 9.1 Report on Outcome of Appeal - Section 34 Conciliation Conference - Wallace Street Pty Ltd

Item 9.1 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.

10 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 6.1 Draft Planning Proposal to rezone part of Bywong and Wamboin
- Attachment 1 Planning Proposal - Wamboin and Bywong (Under Separate Cover)*
 - Attachment 2 AQ Planning Report (Under Separate Cover)*
 - Attachment 3 Biosis - Biodiversity Values Assessment (Under Separate Cover)*
 - Attachment 4 Map Showing Location of Proposed Split Zoned Lots - E4/R5 (Under Separate Cover)*
- Item 6.2 Exhibition of Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020
- Attachment 1 Original and Revised Gateway Determinations - Comprehensive LEP (Under Separate Cover)*
 - Attachment 2 Background Paper Combining Existing LEPs January 2020 (Under Separate Cover)*
 - Attachment 3 Comprehensive LEP Land Use Matrix January 2020 (Under Separate Cover)*
- Item 6.3 Amendment to Development Control Plans Following Adoption of Community Engagement and Participation Plan
- Attachment 1 QDCP 2012 Part 1 (Under Separate Cover)*
 - Attachment 2 PDCP 2015 (Under Separate Cover)*
- Item 6.4 Googong Urban Development Local Planning Agreement - Second Deed of Variation
- Attachment 1 Amendment to Googong Urban Development Local Planning Agreement - Council Depot - Letter of Offer (Under Separate Cover)*
 - Attachment 2 Second Deed of Variation - Googong Urban Development Local Planning Agreement (Under Separate Cover)*
 - Attachment 3 Amendments to Googong Urban Development Local Planning Agreement - February 2020 (Under Separate Cover)*
- Item 6.5 Proposed New Street Names - Kingfisher Lane, Burra and Silver Top Lane, Krawarree
- Attachment 1 Request from Applicant - Kingfisher Lane (Under Separate Cover)*
 - Attachment 2 Location Map - Kingfisher Lane (Under Separate Cover)*

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

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- Item 6.6 *Attachment 3* *Location Map - Sliver Top Lane (Under Separate Cover)*
QPRC Parking Policy 2020
Attachment 1 *Draft Parking Policy (Under Separate Cover)*

Closed Attachments

- Item 6.2 Exhibition of Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020
Attachment 4 *Comprehensive LEP Planning Proposal (Under Separate Cover)*
Attachment 5 *Draft Comprehensive LEP 2020 (Under Separate Cover)*
Attachment 6 *Draft Comprehensive LEP Mapping - Zoning, Land Application and Heritage (Under Separate Cover)*
Attachment 7 *Draft Comprehensive LEP Mapping - Development Standards (Under Separate Cover)*
Attachment 8 *Draft Comprehensive LEP Mapping - Local Clauses (Under Separate Cover)*
- Item 9.1 Report on Outcome of Appeal - Section 34 Conciliation Conference - Wallace Street Pty Ltd
Attachment 1 *Legal Advice from BAL - 26 November 2019 (Under Separate Cover)*
Attachment 2 *Plan of Existing Right of Way - 121 Wallace Street (Under Separate Cover)*
Attachment 3 *Draft S.34 Agreement - Terms of Covenant for Access (Under Separate Cover)*
Attachment 4 *Location of Proposed Access Created by Covenant (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 Draft Planning Proposal to rezone part of Bywong and Wamboin (Ref: ;
Author: Thompson/Hogg)

File Reference: PJT0061

Summary

The purpose of this report is to seek Council's endorsement to forward a draft planning proposal to amend the *Palerang Local Environmental Plan 2014* to the NSW Department of Planning, Industry and Environment seeking a Gateway determination. The planning proposal seeks to rezone certain land at Bywong and Wamboin from E4 Environmental Living zone to R5 Large Lot Residential zone.

Recommendation

That:

1. Council endorse the draft planning proposal to rezone part of Bywong and Wamboin from E4 Environmental Living to R5 Large Lot Residential subject to those 15 lots proposed to be split zoned being submitted as R5 Large Lot Residential zone only.
 2. The draft planning proposal be forwarded to the NSW Department of Planning, Industry and Environment (DPIE) seeking a Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act, 1979*.
 3. Subject to Council receiving a Gateway Determination Council endorse the planning proposal for public exhibition, following the receipt of NSW Government agency submissions and providing any changes required to the planning proposal, as a result of agency consultation, are minor.
-

Background

In October 2018, Council engaged independent consultants, AQ Planning and Biosis, to conduct a review of the application of the E4 Environmental Living land-use zone in Bywong and Wamboin (the study area). Following a comprehensive survey of the biodiversity values of the study area during November and December 2018, consultant reports (Attachments 2 and 3) were prepared and subsequently presented to the Council meeting of 22 May 2019. At that meeting Council resolved to (Minute No. 163/19):

1. *Receive the consultants' reports.*
2. *Retain land identified in the consultants' reports as being wholly or predominantly Class 1 or 2 as E4 Environmental Living zone.*
3. *Prepare a planning proposal to rezone land identified in the consultants' reports as being wholly or predominantly Class 3 land as R5 Large Lot Residential zone. The planning proposal should give consideration to minimising split zonings and fragmentation and isolation of zone boundaries.*
4. *Not include amending the Palerang Local Environment Plan (PLEP) Clause 6.3 map "Terrestrial Biodiversity" to include the consultants Class X mapped lands for the following reasons:*
 - a. *the consultant's report refers to Class X land as having "potential" to contain native grasslands and or habitat of a critically endangered species rather*

6.1 Draft Planning Proposal to rezone part of Bywong and Wamboin (Ref: ; Author: Thompson/Hogg) (Continued)

than establishing that the Class X mapped land contains native grasslands and or habitat of a critically endangered species.

- b. inclusion of Class X as incorporated in the Terrestrial Biodiversity Map and Clause 6.3 of the PLEP would apply to both land within the E4 Environmental Living zone as well to land within the R5 Large Lot residential zone*
 - c. the existing provisions of the PLEP already require adequate consideration of the impacts on biodiversity*
 - d. Implementation of the Class X layer would be unwieldy and unnecessary and will result in greater complexity for residents and greater cost when lodging development applications.*
- 5. Reference in the Planning Proposal that it is Council's assessment that a Local Housing Strategy can be dispensed with in this case as no change to the minimum lot size or density of development is proposed.*
 - 6. Prepare the Planning Proposal as a separate proposal and if finalised in time be amalgamated with the Queanbeyan-Palerang Local Environment Plan (comprehensive LEP).*

Council subsequently instructed AQ Planning to proceed with the preparation of a draft planning proposal in accordance with the above resolution, having regard to the requirement to minimise split zoning and fragmentation and isolation of zone boundaries.

The draft planning proposal was received by Council in November 2019 and forms Attachment 1 to this report.

Provisions of the draft planning proposal

The planning proposal seeks to rezone parts of E4 Environmental Living zone identified in the BIOISIS Report (Attachment 3) as being wholly or predominantly Class 3 land (low biodiversity value) to the R5 Large Lot Residential land use zone.

Land identified as being wholly or predominantly Class 1 or 2 (high biodiversity value and medium biodiversity value) land is proposed to be retained as E4 Environmental Living zone.

In accordance with the 22 May 2019 resolution the planning proposal has given consideration to minimising split zonings and fragmentation and isolation of zone boundaries.

The facilitation or retention of biodiversity corridors was also considered in determining appropriate R5 Large Lot Residential zoned land.

To minimise zone fragmentation and isolation only those lots within areas of greater than 5 adjoining lots of predominantly Class 3 zoned land have been proposed as R5 Large Lot Residential zone. As noted in the planning proposal, under the provisions of clause 2.6 of *Palering Local Environment Plan 2014* the minimum lot size within the study area is six hectares. The planning proposal (p11) advises that "a minimum of five adjoining lots would therefore result in an area of at least 30 hectares for R5 zoned land, which is considered of sufficient size to avoid isolated R5 zoned land areas, and a suitable area for specific land uses within the R5 zone."

The consultant's report indicates that split zonings have been minimised and only proposed where lots adjoin a proposed R5 Large Lot Residential zone (where land is wholly or predominantly Class 3 land) and met the following criteria:

- a) More than 51% of the lot is Class 3 with the balance Class 2: or
- b) More than 66% of the lot is Class 3 with the balance Class 1.

6.1 Draft Planning Proposal to rezone part of Bywong and Wamboin (Ref: ; Author: Thompson/Hogg) (Continued)

However, in circumstances where the lot met the above criteria, but was isolated or fragmented, it has not been proposed as a split zone lot and retained as E4 Environmental Living zone.

As a result of the consultants deliberations, 766 lots will be retained as E4 Environmental Living zone, 407 lots will be wholly rezoned to R5 Large Lot Residential zone and 15 lots are proposed to be zoned both E4 Environmental Living zone and R5 Large Lot Residential zone. Attachment 4 shows the location of the lots proposed to be rezoned to R5 Large Lot Residential zone and the 15 lots proposed to be partially rezoned to R5 Large Lot Residential zone (dual zone lots).

However, staff do not support the recommendation to create split zoned properties. Such properties cause complex administrative processes when Council provides advice and planning certificates and creates confusion for owners. While appropriate for some large properties or where properties have legacy issues new properties with split zones should not be created for rural residential style development.

It does not appear that any of the 15 lots contain a majority area of Class 1 land and are mostly contiguous with other land proposed to be the R5 zone. As such it is recommended that all 15 lots be rezoned to R5 Residential Large Lot zone.

The draft planning proposal does not seek to amend any other provisions of *Palerang Local Environmental Plan 2014* (including the minimum lot size controls) which are applicable to the study area.

Implications***Legal***

This planning proposal will comply with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulations 2000* and will amend the provisions of *Palerang Local Environmental Plan 2014*.

Lawfully commenced land uses that become prohibited uses under the proposed R5 Large Lot Residential zone will be able to continue under Division 4.11 Existing uses of the *Environmental Planning and Assessment Act, 1979*. However, there are some land uses that are currently permissible without consent in the E4 Environmental Living zone (such as extensive agriculture) which may require development consent (and the associated cost of a development application) for those properties proposed to be rezoned R5 Large Lot Residential.

Councillors should be aware that the DPIE retains the discretion to object to the issue of a Gateway Determination or to place conditions on a Gateway Determination that are so onerous to meet that it may no longer be practical or viable to proceed with the Planning Proposal. Should this be the case the matter will be bought back to Council for consideration.

Policy

This planning policy is required to have regard to a series of Section 9.1 Ministerial Directions which represent government policy in regard to land use planning matters. These are addressed in Section B of the draft planning proposal (Attachment 1). The planning proposal is inconsistent with the following directions:

- Direction 2.1 Environmental Protection Zones
- Direction 3.4 Integrating Land Use and Transport
- Direction 4.4 Planning for Bushfire.

6.1 Draft Planning Proposal to rezone part of Bywong and Wamboin (Ref: ; Author: Thompson/Hogg) (Continued)

However, these inconsistencies are considered to be justified and are discussed in greater detail in section B of the planning proposal.

Development within the study area will also be subject to the controls within the *Palerang Development Control Plan 2015*.

Environmental

Environmental matters focusing on biodiversity issues have been considered in the environmental assessment report supporting the planning proposal.

Sustainability

The planning proposal does not seek to amend the minimum lot size controls currently applicable within the subject area and is not likely to result in additional residential development. The proposal is unlikely to impact energy, fuel or water consumption or increase levels of waste creation.

Strategic

The planning proposal is not considered to be inconsistent with any strategic plans adopted by Council.

Engagement

Before the Planning Proposal can be exhibited a Gateway Determination must be issued by DPIE. However, in order to streamline the planning proposal process, it is recommended that, unless the NSW Government agencies require significant changes to the planning proposal, the proposal is put on public exhibition as soon as the agency submissions are received. If Council endorse this recommendation, the next report to Council regarding this planning proposal will be (pending the Gateway determination) a report on the outcome of the public exhibition and will include both government agency and public consultation feedback.

It is intended to exhibit the draft planning proposal for a period of 28 days or as required by the Gateway determination.

Financial

The preparation of the planning proposal forms Stage 2 of a project to review the E4 Environmental Living land use zone in Bywong and Wamboin. At the 10 October 2018 Planning and Strategy meeting Council allocated a budget of \$100,000 (excl GST) to this project (PLA 128/18). At this stage approximately \$74,200 has been expended.

Resources (including staff)

Council engaged an independent planning consultant (AQ Planning) to prepare the draft planning proposal. In addition this project has involved one staff member on a full time/part time basis (as required by the stage of the project) with other staff participating as required.





Conclusion

The draft planning proposal seeks to rezone, from E4 Environmental Living zone to R5 Large Lot Residential zone, parts of Bywong and Wamboin that meet certain criteria. The criteria established by the independent consultants will result in 407 lots being rezoned to R5 Large Lot residential Zone. The proposal also recommends that 15 lots be split zoned. This is not supported by staff. As such the 15 lots are recommended to be rezoned R5 Large Lot Residential zone.

6.1 Draft Planning Proposal to rezone part of Bywong and Wamboin (Ref: ; Author: Thompson/Hogg) (Continued)

With the above changes it is recommended that the draft planning proposal be endorsed and forwarded to the Department of Planning, Industry and Environment with a request for a Gateway determination.

Attachments

- Attachment 1  Planning Proposal - Wamboin and Bywong (*Under Separate Cover*)
- Attachment 2  AQ Planning Report (*Under Separate Cover*)
- Attachment 3  Biosis - Biodiversity Values Assessment (*Under Separate Cover*)
- Attachment 4  Map Showing Location of Proposed Split Zoned Lots - E4/R5 (*Under Separate Cover*)

6.2 **Exhibition of Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020 (Ref: ; Author: Thompson/Brown)**

File Reference: 26.4.41

Summary

The purpose of this report is to seek Council's endorsement to exhibit the Draft Comprehensive Local Environmental Plan (draft plan) for the Queanbeyan-Palerang local government area (LGA).

Recommendation

That:

- 1. Council exhibit draft *Queanbeyan-Palerang Local Environmental Plan 2020*, following approval from NSW Department of Planning, Industry and Environment to do so.**
 - 2. A report be bought back to Council on any submissions received during the exhibition period.**
-

Background

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

At its recent Planning & Strategy Meeting of 14 August 2019, Council resolved (PLA079/19):

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.

This will allow the draft *Queanbeyan-Palerang LEP 2020* (LEP) to be publicly exhibited, including undertaking consultation with relevant Government Agencies.

Staff have now received an amended Gateway determination from the Department of Planning, Industry and Environment (DPIE) dated 12 December 2019. A copy of the original and altered Gateway determination is provided at Attachment 1. The Gateway determination authorises Council to begin community and agency consultation. However, condition 3 of the original Gateway Determination requires that prior to exhibition the draft documents be sent to DPIE for final review and approval. The recommendation to Council is phrased accordingly. As such the Planning Proposal (Attachment 4), Draft LEP (Attachment 5) and the associated maps (Attachments 6-8) have been embargoed from public examination until the approval from DPIE is obtained.

As reported previously, the planning proposal generally seeks to minimise the number of new policy matters being included in the draft plan and intends 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 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. These changes are set out in the planning proposal and accompanying background papers (Attachments 2, 3 and 4).

A small number of outstanding policy issues were proposed to be included in the planning proposal, including to allow for the subdivision of an existing dual occupancy development on

6.2 Exhibition of Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020 (Ref: ; Author: Thompson/Brown) (Continued)

Lot 16 DP 846996, Williamsdale. Council should note that the Gateway determination issued by DPIE requires this element of the planning proposal to be removed and recommends it be progressed as a separate planning proposal having regard to the strategic implications of permitting the subdivision of an existing dual occupancy development on land below the minimum lot size across the LGA. Accordingly this matter has now been removed from the planning proposal.

The planning proposal and background paper have also been updated to confirm it is Council's intention to apply a equivalent standard instrument zone to any remaining 'deferred' lands, consistent with Council's desire to have a single LEP applying across the entire Queanbeyan-Palerang LGA.

The planning proposal, background paper and draft LEP have also been updated to address a concern raised by DPIE in respect of allowing dual occupancies within the R2 Low Density Residential zone, and the potential for this to allow for the dwelling cap of 1,500 dwellings at South Jerrabomberra to be exceeded. To address this, clause 4.2D of the draft LEP has been updated to require a minimum lot size of 2000m² at South Jerrabomberra (including South Tralee) before a dual occupancy can be approved. This has the effect of essentially preventing any dual occupancy developments at South Jerrabomberra, while still permitting more broadly in the zone.

The revised draft planning proposal and background paper have been forwarded to DPIE for approval as required in the Gateway determination. At the time of writing, the approval of the draft planning proposal is imminent. Following this approval, the agency consultation and public exhibition can begin.

Accordingly, staff are now seeking the Council's endorsement to begin formal consultations in 2020 - firstly with NSW Government agencies, and then with the community on the draft plan following the receipt of the DPIE approval.

Attached for the Council's information are the various documents intended to be placed on exhibition, comprising:

- the accompanying background paper setting out how it is intended to merge the respective planning instruments into a single comprehensive plan (Attachment 2);
- the draft land use planning matrix setting out the proposed permissibility of development by zone (Attachment 3);
- the draft planning proposal (Attachment 4);
- the draft Comprehensive LEP instrument (Attachment 5); and
- the draft zoning and LEP maps to accompany the instrument (Attachments 6-8).

The Gateway determination requires Council to exhibit the draft plan for a period of 28 days. Given the draft plan is essentially an administrative merger of existing planning instruments, this is considered to be an appropriate timeframe.

Exhibition of the draft plan will primarily be carried out using electronic communication means (particularly Council's website). However, hard copies of all documentation will also made available at each of Council's respective offices for inspection if desirable.

It is intended to report the findings of the community consultation to Council after public exhibition of the planning proposal concludes.

6.2 Exhibition of Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020 (Ref: ; Author: Thompson/Brown) (Continued)

Implications***Legal***

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

Policy

The draft 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 draft 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.

Strategic

Preparing a single comprehensive local environmental plan is consistent with providing a clear strategic framework for land use planning for the entire Council area.

Engagement

As noted, the Gateway determination requires Council to exhibit the draft plan for a period of 28 days. Exhibition of the draft plan and accompanying mapping will primarily be carried out using electronic communication (particularly Council's website). Hard copies of all documentation will also made available at each of Council's respective offices.

However, prior to undertaking general community engagement the relevant local planning direction (4.4 Planning for Bushfire Protection) requires Council to consult with the Commissioner of the NSW Rural Fire Service and to take into account any comments made which under the current circumstances may delay community engagement. As indicated above it is also the intention to consult with other NSW Government Agencies.

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 local environmental plan 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 that upon receipt of DPIE approval, Council commence consultation with public agencies including the NSW Rural Fire Service and the community in respect of the planning proposal.

6.2 Exhibition of Draft Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020 (Ref: ; Author: Thompson/Brown) (Continued)

Attachments

- Attachment 1  Original and Revised Gateway Determinations - Comprehensive LEP
(*Under Separate Cover*)
- Attachment 2  Background Paper Combining Existing LEPs January 2020 (*Under
Separate Cover*)
- Attachment 3  Comprehensive LEP Land Use Matrix January 2020 (*Under Separate
Cover*)
- Attachment 4  Comprehensive LEP Planning Proposal (*Under Separate Cover*) -
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- Attachment 5  Draft Comprehensive LEP 2020 (*Under Separate Cover*) -
CONFIDENTIAL
- Attachment 6  Draft Comprehensive LEP Mapping - Zoning, Land Application and
Heritage (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 7  Draft Comprehensive LEP Mapping - Development Standards (*Under
Separate Cover*) - **CONFIDENTIAL**
- Attachment 8  Draft Comprehensive LEP Mapping - Local Clauses (*Under Separate
Cover*) - **CONFIDENTIAL**

6.3 Amendment to Development Control Plans Following Adoption of Community Engagement and Participation Plan (Ref: ; Author: Thompson/Jansen)

File Reference: 26.1.1

Summary

Council adopted the Council's Community Engagement and Participation Plan at its meeting of 27 November 2019. As a result, changes are required to a number of Council's Development Control Plans (DCPs). This report outlines these changes and recommends that the amended DCPs be placed on exhibition.

Recommendation

That:

- 1. For the purpose of exhibition, the Queanbeyan Development Control Plan 2012 be amended to delete Clause 1.8 and this be replaced by reference to the QPRC Community Engagement and Participation Plan.**
 - 2. For the purpose of exhibition, the Palerang Development Control Plan 2015 be amended to delete Part E and this be replaced by reference to the QPRC Community Engagement and Participation Plan.**
 - 3. Both amended documents be placed on public exhibition for 28 days and at the end of that period the feedback be reported back to Council.**
-

Background

Council at its meeting on 27 November 2019 (Minute No. 399/19) resolved that it:

- 1. Note and receive the Community Consultation Report.*
- 2. Adopt the Community Engagement and Participation Plan and place it on the NSW Planning Portal.*
- 3. Note that the public notification clauses of the Queanbeyan Development Control Plan 2012, Googong Development Control Plan and Palerang Development Control Plan 2014 will need to be reviewed and repealed as a separate exercise as those clauses are now outlined in the Community Engagement and Participation Plan.*

Clause 1.8 of the Queanbeyan Development Control Plan (QDCP) 2012 covers notification requirements of a development application. The Googong Development Control Plan (GDCP) adopts a number of clauses from the QDCP including Clause 1.8. The same applies to the South Jerrabomberra Development Control Plan. In the Palerang Development Control Plan (PDCP) 2015 notification of development applications is covered in Part E. A minor housekeeping exercise now needs to be carried out to implement part 3 of the above resolution.

So that these DCPs are consistent with the Community Engagement and Participation Plan it is recommended that Clause 1.8 of the QDCP 2012 and Part E of the PDCP 2015 be deleted and be replaced by a reference to the Community Engagement and Participation Plan adopted on 27 November 2019. No change is required to the GDCP or the South Jerrabomberra DCP as both simply adopt Clause 1.8 of the QDCP 2012.

The proposed amendments to each of the DCPs is shown in red in the attached documents.

6.3 Amendment to Development Control Plans Following Adoption of Community Engagement and Participation Plan (Ref: ; Author: Thompson/Jansen) (Continued)

Implications

Legal

The proposed amendments to the QDCP 2012 and the PDCP 2015 will comply with the relevant provisions of the *Environmental Planning and Assessment Act and Environmental Planning 1979* and *Environmental Planning and Assessment Regulations 2000* as well as the relevant provisions of Council's adopted Community Engagement and Participation Plan.

Policy

Council's policy for amending DCPs is contained in the adopted Community Engagement and Participation Plan and by amending the QDCP 2012 and the PDCP 2015 will ensure that a consistent policy will be applied with regard to community consultation.

Engagement

The Community Engagement and Participation Plan adopted on 27 November 2019 sets out Council's policy in regard to community engagement for amending DCPs which is a minimum of 28 days. The proposed amendments to the QDCP 2012 and the PDCP 2015 will comply with this Plan and ensure Council's Development Control Plans aligns with this. At the end of this period the results of community engagement will be reported back to Council.

Resources (including staff)

The amendments to the QDCP 2012 and the PDCP 2015 will be made in house by staff of the land use planning Branch.

Integrated Plan

Aligning the DCPs with the Community Engagement and Participation Plan adopted on 27 November 2019 is consistent with the strategic priorities of the QPRC Operational Plan 2019-2020 which states that QPRC is a fair, transparent and accountable Council that creates opportunities for engagement and responds to the community's aspirations.

Conclusion

The proposed amendments to the QDCP 2012 and the PDCP 2015 will ensure both documents align with the QPRC Community Engagement and Participation Plan and will ensure that community engagement is undertaken in accordance with this plan.

Attachments

Attachment 1 QDCP 2012 Part 1 (*Under Separate Cover*)



Attachment 2 PDCP 2015 (*Under Separate Cover*)



6.4 **Googong Urban Development Local Planning Agreement - Second Deed of Variation (Ref: ; Author: Thompson/Carswell)**

File Reference: 21.4.3-02

Summary

The purpose of this report is to outline a further variation (Second Deed of Variation) to the Googong Urban Development Local Planning Agreement (GLPA) as well as changes to the GLPA and to seek Council's authority to exhibit these for community consultation.

Recommendation

That Council: Agree to publicly exhibit the Second Deed of Variation to the Googong Urban Development Local Planning Agreement as well as the amended Googong Urban Development Local Planning Agreement for a minimum period of 28 days. Receive a further report on any submissions at the end of the consultation period.

Background

The purpose of this report is to outline a further variation (Second Deed of Variation) to the Googong Urban Development Local Planning Agreement (GLPA) as well as changes to the GLPA and to seek Council's authority to exhibit these for community consultation.

This follows negotiations concluded during the appeal by the applicant against Council's deemed refusal of a subdivision application for a 101 lot subdivision of Stage 4D and 9 at Googong. The consent issued by the Land and Environment Court ended up being for a 67 lot subdivision but included a new condition 33A requiring that the content of a letter of offer from Googong Township Pty Ltd (Attachment 1) be implemented prior to the final subdivision certificate being issued. The content of that offer is as follows:

1. GTPL is to dedicate 5554m² of land to Council for a Council depot generally in a location immediately adjacent to the existing Water Recycling Plant (see Schedule 8 of the Second Deed of Agreement to Googong LPA - Attachment 2).
2. GTPL is to carry out of noise attenuation works on the yet to be constructed Stage D of the Googong Water Recycling Plant to reduce noise emanating from the facility by 1dBA, to be detailed (see clause 21 of the amended Googong Urban Development LPA - Attachment 3).

These requirements are to be formalised through a new Deed of Variation (Attachment 2) and amendment to the existing GLPA (Attachment 3 – Variations shown blue)).

Implications

Legal

The proposed changes have been reviewed by legal representatives from both Council and the developer and both advised that the second variation to the GLPA is suitable for public exhibition.

In addition, the proposal will be exhibited for community comment for the minimum period of 28 days as required by the *Environmental Planning and Assessment Regulation 2000* and Council's Community Engagement and Participation Plan.

6.4 Googong Urban Development Local Planning Agreement - Second Deed of Variation (Ref: ; Author: Thompson/Carswell) (Continued)

Policy

The GLPA ties the release of necessary supporting physical and community and open space infrastructure to various stages of the development of Council's largest urban release area. As such its currency should be maintained.

Environmental

The second variation to the GLPA will assist to reduce the impacts of noise on potentially affected future residents and ensure that land is set aside for Council to establish a small depot to service the increasing demands of the growing Googong community.

Asset

The second variation to the GLPA will provide Council with a further asset in the form of approximately 5,500m² of land for a Council depot within the Googong Urban Release Area.

Economic

The second variation to the GLPA will enable staff based at Googong to operate more efficiently and economically than otherwise by enabling a physical presence there.

Engagement

The second variation to the GLPA is proposed to be exhibited for community comment for the minimum period of 28 days as required by the *Environmental Planning and Assessment Regulation 2000* and Council's Community Engagement and Participation Plan.




Integrated Plan

The GLPA assists in achieving Community Strategic Plan Key Goal 3.5 - We ensure the future planning for the region is well coordinated and provides for its sustainable management.

Conclusion

It is recommended that the Second Deed of Variation to the Googong Urban Development Local Planning Agreement as well as the amended Googong Urban Development Local Planning Agreement, be exhibited for a minimum period of 28 days. At the end of this period any submissions received should be reviewed and subsequently reported back to Council with a final decision being made on the proposed changes.

Attachments

- | | |
|---|---|
| Attachment 1
 | Amendment to Googong Urban Development Local Planning Agreement - Council Depot - Letter of Offer (<i>Under Separate Cover</i>) |
| Attachment 2
 | Second Deed of Variation - Googong Urban Development Local Planning Agreement (<i>Under Separate Cover</i>) |
| Attachment 3
 | Amendments to Googong Urban Development Local Planning Agreement - February 2020 (<i>Under Separate Cover</i>) |

6.5 Proposed New Street Names - Kingfisher Lane, Burra and Silver Top Lane, Krawarree (Ref: ; Author: Thompson/Bateman)

File Ref: 26.4.1-04

Summary

Two new streets have been created in the QPRC local government area that require new street names. Both names require the approval of Council and the Geographic Names Board (GNB). The proposed names are:

- Kingfisher Lane off McDiarmid Road, Burra; and
- Silver Top Lane off Cooma Road, Krawarree.

Recommendation

That Council:

- 1. Adopt in principle the names 'Kingfisher Lane' and 'Silver Top Lane' as the proposed names for the new roads created within the subject subdivisions.**
 - 2. Seek approval from the Geographical Names Board for the use of the names.**
 - 3. Advertise the names for public comment for 28 days.**
 - 4. Publish a notice in the NSW Government Gazette if no objections are received.**
-

Background

Council has received a request to name a new road created as a result of subdivision 2002/DA-013 approval (Attachment 1). The subject road as shown in Attachment 2 will run in a northerly direction off MacDiarmid Road, Burra.

Initially the applicant sought to use the name Blue Stone, but this was rejected because of its similarity to the existing street name Bluestone Gardens. As a consequence the name Kingfisher Lane has been nominated. The chosen name makes reference to the population of Kingfisher birds that reside in the local area.

The name Kingfisher Lane comprises an unambiguous word that is easy to spell and pronounce and is therefore recommended.

The second proposal results from the creation of a small cul-de-sac off Cooma Road, Krawarree resulting from a rural subdivision of land under DEV.2006.0228. The subject road shown in Attachment 3 and will run in a westerly direction off Cooma Road.

The name Silver Top Lane has suggested for the development. The name makes reference to the Silver Top Ash which is a species of gum tree native to the local area. This name comprises two unambiguous words that are easy to spell and pronounce and is therefore recommended.

Policy

The Code of Practice for addressing premises requires the recommended road names to 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 put to Council.

6.5 Proposed New Street Names - Kingfisher Lane, Burra and Silver Top Lane, Krawarree (Ref: ; Author: Thompson/Bateman) (Continued)

Consultation




The proposed name will be exhibited for 28 days for public comment.

Financial

All costs associated with advertising of the road name and supply of road name plates are to be borne by the applicant in accordance with Council's adopted fees and charges and the conditions of the development consent issued for the subdivision.Conclusion

The names chosen are unique and interesting names appropriate to the local area concerned. The names have been selected in accordance with Council's Code of Practice for the Naming of Roads and the Geographical Names Board guidelines for the naming of roads.

Attachments

- | | |
|--|--|
| Attachment 1 | Request from Applicant - Kingfisher Lane (<i>Under Separate Cover</i>) |
|  Attachment 2 | Location Map - Kingfisher Lane (<i>Under Separate Cover</i>) |
|  Attachment 3 | Location Map - Silver Top Lane (<i>Under Separate Cover</i>) |
|  | |

6.6 QPRC Parking Policy 2020 (Ref: ; Author: Tegart/Ferguson)

File Reference: 52.5.4

Summary

The draft QPRC Parking Policy was publicly exhibited for 28 days, closing 13 December 2019. Council received six submissions during the public exhibition period. Council is invited to consider these submissions prior to formally adopting the Policy.

Recommendation

That after considering the six submissions received during the public exhibition period, Council formally adopt the QPRC Parking Policy 2020.

Background

As a result of Council's resolution in February 2019, a draft Parking Policy was prepared to provide guidelines for the safe and authorised parking of tradespersons' works vehicles at construction sites in Queanbeyan, and the new residential developments in Googong, Tralee and South Jerrabomberra. The draft policy also establishes parking controls and permits to guide management of residents' parking in town streets and public carparks near the Queanbeyan CBD and the new residential developments.

Council considered the draft Parking Policy at its meeting on 13 November 2019 and resolved (PLA120/19) to place it on public exhibition for 28 days. The exhibition period closed on 13 December 2019.

Six submissions were received during the exhibition period as summarised below:

Submission 1

Submission	Comment
Why is there nothing about on street and council owned car parking for people with a disability permit? There are not enough disability parking spaces available in Queanbeyan at the moment. Information on how many disability spaces, their location and other provisions such as, lowered kerbs should be included in this document.	Council's Car Parking Strategy tabulates the number of available parking spaces in the public CBD carparks including disabled parking spaces and their time limits. All spaces are clearly signposted.

Submission 2

Submission	Comment
As a business owner dealing with builders, I believe this draft policy very fair & attempting to assist all.	Noted.

6.6 QPRC Parking Policy 2020 (Ref: ; Author: Tegart/Ferguson) (Continued)

Submission 3

Submission	Comment
Is there a policy, or will one be drafted, for Braidwood?	There is no policy planned for parking matters in Braidwood as the priority for construction zones is in Queanbeyan and the new development areas of Googong, Tralee and South Jerrabomberra. Council will consider parking rules once a new public offstreet carpark is constructed in Braidwood.

Submission 4

Submission	Comment
A succinct but well developed policy. This should work well when we all follow the rules. One area which requires vigilance is when line of sight for drivers is blocked by parked vehicles & street foliage being too close to corners. This is hazardous in many places. A driver has to edge out into the intersection or road to be able to see clearly. Rangers could make monitoring of these situations more of a priority..	Noted. This will be addressed at operational level.

Submission 5

Submission	Comment
I would like to see this policy or another one drafted to include residential parking rules such as the distance a vehicle can legally park from a driveway. I live on McIntosh street and as on older street they are quite narrow. My neighbours have various 'guests' who park so close to my driveway, impacting access to my driveway, this is even more difficult when cars park directly opposite the drive, not allowing access in or out. I believe it is my right to be able to access my property without construction currently caused by this issue. I would like to receive information on if there are current rules to address this or if this can be incorporated into this policy.	Issues such as sight distance, parking distance from the kerb, and ratio of parking spaces are covered by legislation. Staff will investigate the problems in McIntosh St.

Submission 6

Submission	Comment
I'm a state government employee with an office in the Queanbeyan CBD. I'm not clear on what clause 5.2.2 means ("Car parking spaces may be occupied more than once during and outside business hours.") Could that point be expanded to provide more clarity?	This clause means that a car parking space may be used by one person during the span of business hours, and when vacated at that time, the space may be used by another person going to, for example, a social event in the evening.

Implications***Policy***

The draft policy is aimed to address concerns raised by Councillors regarding parking and access to tools by trades in constricted work zones in Queanbeyan, Googong, Tralee and South Jerrabomberra. It also explores options to assist off street parking for residents in the CBD where onsite parking was not provided by the developer (particularly Government housing).

Engagement

The draft policy was publicly exhibited for 28 days from Friday, 15 November until Friday, 13 December 2019 on Council's Your Voice site, the QPRC website, social media and other channels. On the Your Voice site alone, there were more than 100 visits, and of those, 56 downloaded documents attached to the page. There were six written submissions.

Conclusion

Six submissions were received during the public exhibition period of the draft QPRC Parking Policy. Some of the issues raised in the submissions will be dealt with at operational level. No amendments have been made to the policy resulting from those submissions. Following Council's consideration of these submissions, it is recommended that Council formally adopt the Parking Policy 2020.

Attachments

Attachment 1 Draft Parking Policy (*Under Separate Cover*)



7.1 Charity Concert for Bushfire Relief (Ref: ; Author: Tegart/Richards)

File Reference: 1.1.3-01

Summary

Freemasons NSW/ACT as represented by Lodge Queanbeyan St Andrew, together with local Canberra performing arts company Dramatic Productions, are seeking to raise funds through a one night only variety performance in the Bicentennial Hall on Saturday 7 March 2020. They are seeking waiver or donation for Bicentennial Hall fees for the production.

Recommendation

That Council agree to provide \$1500 from the Cultural Assistance Program to fund rental of the Bicentennial Hall over 6-7 March 2020 for a Bushfire Recovery Charity Concert produced by Freemasons NSW/ACT in collaboration with Dramatic Productions

Background

The collaboration between Freemasons NSW/ACT and Dramatic Productions propose a two act charity show that will feature local performers drawn from the region's extensive local talent and from shows performed over the past few years. The show will include guest speakers sharing personal stories related to the impact of the bush fires. Representatives of the beneficiary organisations will also provide information regarding how the funds raised will be utilised. Additionally they want to incorporate live auctioning of donated items and an opportunity for attendees to provide cash donations.

Freemasons NSW/ACT have been a strong part of the Queanbeyan-Palerang community since the mid 1800's. As a whole the fraternity has provided substantial support to communities across bushfire affected areas through:

- Donations of spare rooms, food, clothes and use of agricultural equipment
- Opening of Lodge buildings for community use as required
- Visiting impacted people in hospitals, respite and evacuation centres
- Planning of a coordinated shopping trip to Braidwood for 18 January to inject much needed commerce back into the community
- A direct donation of \$100,000 to the RFS from our disaster relief fund

Dramatic Productions has established a reputation as a leader within the theatre community in the area of community engagement and giving. Through the Managing Director and Founder, Richard Block, the 'Dramatic Difference' program donates a substantial percentage of each year's show's gross ticket sales to twelve local charities. With the emphasis on community, Dramatic Productions has overseen many tens of thousands of funds donated to local causes over the last few years alone. In 2018,

Dramatic Productions and Masonicare formed a partnership, in which Masonicare agreed to match these donations on a dollar for dollar basis.

Freemasons NSW/ACT and Dramatic Productions have brought together a strong professional team to produce the show. All of the people and businesses involved have agreed to donate their time to produce, market and deliver a high quality event.

7.1 Charity Concert for Bushfire Relief (Ref: ; Author: Tegart/Richards) (Continued)**Implications*****Policy***

Waiving hire fees of Council property is generally covered by Council Donations Fund Category B. However, applications for this fund do not open until March. An alternative is to award funding from the Cultural Arts Assistance Scheme. The project is eligible based on all four of the criteria following:

Grants of up to \$1,500 will be considered if the project meets one or more of the following criteria:

- *Employs a professional artist*
- *Attracts matching funding from another source outside of Council*
- *Works in partnership with other community groups/government bodies*
- *A festival, event or project that will engage the broader Queanbeyan-Palerang community*

Social / Cultural

Whilst a significant amount of money has already been donated, there is a strong community will to assist in bushfire recovery and support. The performing arts community would like to use their skills to contribute to this groundswell. The event would also offer the broader community, including Canberra, an opportunity to connect to the recovery effort by supporting the event.

Financial

Program Code	Expense Type	Funding source		Amount
3020-5070	Donations Cultural Activities	Cultural Arts Assistance Scheme	\$	1,500.00

Resources (including staff)

The only resources required from Council other than provision of the Hall may be cross promotion of the event

Conclusion

Council is being asked to support a collaborative performing arts charity event to raise money for bushfire recovery and support.

Attachments

Nil

8 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 9.1 Report on Outcome of Appeal - Section 34 Conciliation Conference - Wallace Street Pty Ltd

Item 9.1 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.