



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

## **AGENDA**

**9 September 2020**

**Commencing at 5.30pm**

**In light of the COVID-19, this meeting will be held remotely. Presentations can either be made in writing or by attending a Zoom meeting: see Public Involvement at Meetings on Council's website.**



**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*

<b>1</b>	<b>OPENING</b>	
<b>2</b>	<b>ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>3</b>	<b>APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS</b>	
<b>4</b>	<b>DISCLOSURES OF INTERESTS .....</b>	<b>1</b>
<b>5</b>	<b>ADJOURNMENT FOR PUBLIC FORUM</b>	
<b>6</b>	<b>MAYORAL MINUTE</b>	
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**14 CONCLUSION OF THE MEETING**

**LIST OF ATTACHMENTS –**

*(Copies available from CEO's office on request)*

**Open Attachments**

- Item 8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong  
*Attachment 1 DA.2020.1089 - 4.15 Assessment Report - 15 Rockley Parade, Googong (Under Separate Cover)*  
*Attachment 2 DA.2020.1089 - Documents for Approval - 15 Rockley Parade, Googong (Under Separate Cover)*  
*Attachment 3 DA.2020.1089 - Submissions - 15 Rockley Parade, Googong (Under Separate Cover)*  
*Attachment 4 DA.2020.1089 - Draft Conditions - 15 Rockley Parade, Googong (Under Separate Cover)*
- Item 8.2 DA.2019.1283 - Environmental Protection Works (Rehabilitation of Eaglehawk Quarry) - 200 Bidges Road, Sutton  
*Attachment 1 DA.2019.1283 - 4.15 Assessment Report - 200 Bidges Road, Sutton (Under Separate Cover)*  
*Attachment 2 DA.2019.1283- Rehabilitation Plan- 200 Bidges Road, Sutton (Under Separate Cover)*  
*Attachment 3 DA.2019.1283 - Site Investigation Report- 200 Bidges Road, Sutton (Under Separate Cover)*  
*Attachment 4 DA.2019.1283 - Biodiversity Development Assessment Report- 200 Bidges Road, Sutton (Under Separate Cover)*  
*Attachment 5 DA.2019.1283 - Draft Condiitons of Consent - 200 Bidges Road, Sutton (Under Separate Cover)*
- Item 8.3 DA.2020.1119 - 55 The Crescent, Queanbeyan - Demolition of an Existing Dwelling House in the Heritage Conservation Area and Construction of New Dwelling and Garage  
*Attachment 1 DA.2020.1119 - 4.15 Matters for Consideration Report - 55 The Crescent, Queanbeyan (Under Separate Cover)*  
*Attachment 2 DA.2020.1119 - Plans - 55 The Crescent, Queanbeyan (Under Separate Cover)*  
*Attachment 3 DA.2020.1119 - Dilapidation Report - 55 The Crescent, Queanbeyan (Under Separate Cover)*  
*Attachment 4 DA.2020.1119 - Heritage Impact Statement - 55 The Crescent, Queanbeyan (Under Separate Cover)*

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

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- Attachment 5* DA.2020.1119 - Draft Conditions - 55 The Crescent, Queanbeyan (Under Separate Cover)
- Item 8.4 DA.2020.1236 - 22 Woodger Parade, Karabar - Construction of Dwelling House
- Attachment 1* DA.2020.1236 - 4.15 Matters for Consideration Report - 22 Woodger Parade, Karabar (Under Separate Cover)
- Attachment 2* DA.2020.1236 - Plans - 22 Woodger Parade, Karabar (Under Separate Cover)
- Attachment 3* DA.2020.1236 - Site Survey Plan - 22 Woodger Parade, Karabar (Under Separate Cover)
- Attachment 6* DA.2020.1236 - Draft Conditions - 22 Woodger Parade, Karabar (Under Separate Cover)
- Item 8.5 Queanbeyan-Palerang Draft Comprehensive Local Environmental Plan 2020
- Attachment 1* Summary and Assessment of Government Agency Submissions (Under Separate Cover)
- Attachment 2* Summary and Assessment of Community Submissions (Under Separate Cover)
- Attachment 3* Draft QPLEP 2020 - Community Submissions (Redacted) (Under Separate Cover)
- Attachment 4* Exhibition Survey Outcomes (Under Separate Cover)
- Attachment 5* Internal Consultation Council Staff (Under Separate Cover)
- Attachment 6* QPLEP Heritage Items to be Corrected (Under Separate Cover)
- Attachment 7* Draft QPRC LEP 2020 - Post Exhibition Version As Amended (Under Separate Cover)
- Item 8.7 Amendments to Development Control Plans
- Attachment 1* Submission Summary Table (Under Separate Cover)
- Attachment 2* Palerang DCP 2015 - Vegetation Removal (Under Separate Cover)
- Attachment 3* North Elmslea Character Statement (Under Separate Cover)
- Attachment 4* Community Submission No. 1 (Under Separate Cover)
- Attachment 5* Combined Internal Submission (Under Separate Cover)
- Item 8.8 QPRC 2019/20 Financial Statements - Referral to Audit
- Attachment 1* Draft - Ready for Audit - 30 June 20 General Purpose Financial Statements (Under Separate Cover)
- Attachment 2* Draft - Ready for Audit - 30 June 20 Special Purpose Financial Statements (Under Separate Cover)
- Attachment 3* Assurance over the Preparation of the Financial Statements (Under Separate Cover)
- Item 10.1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held on 13 August 2020
- Attachment 1* Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held 13 August 2020 (Under Separate Cover)

**Closed Attachments**

- Item 8.4 DA.2020.1236 - 22 Woodger Parade, Karabar - Construction of Dwelling House
- Attachment 4* DA.2020.1236 - First Submission - 22 Woodger Parade, Karabar (Under Separate Cover)
- Attachment 5* DA.2020.1236 - Second Submission - 22 Woodger Parade,

*Karabar (Under Separate Cover)*

Item 11.1 Bungendore Carpark

*Attachment 1 Gibraltar offer 1 (Under Separate Cover)*

*Attachment 2 Gibraltar offer 2 (Under Separate Cover)*

**ITEM 4    DECLARATION OF CONFLICTS/PECUNIARY INTERESTS**

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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.**





8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong (Ref: ; Author: Thompson/O'Halloran)

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File Reference: DA.2020.1089

**Summary**

***Reason for Referral to Council***

This application has been referred to Council as it involves a series of major community events located on land under the care and control of Council.

Proposal:	Temporary use of land.
Applicant/Owner:	Googong Township Pty Ltd / Queanbeyan Palerang Regional Council.
Subject Property:	Lot 524 DP 1191637, No.15 Rockley Parade, Googong
Zoning and Permissibility:	R1 General Residential under Queanbeyan Local Environmental Plan 2012
Public Submissions:	One
Issues Discussed:	Compliance with <i>Queanbeyan Local Environmental Plan</i>
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

**That development application DA.2020.1089 for temporary use of land on Lot 524 DP 1191637, No.15 Rockley Parade, Googong be granted conditional approval.**

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**Background**

***Proposed Development***

The proposal is to conduct two free events each year for the Googong community and surrounds. The specific elements of the proposal are:

- Event 1 – Googfest which comprises the following:
  - Held on the first or second Saturday in February
  - Four hour event commencing at 5pm and concluding at 9pm
  - Site setup commences 7am the day before the event and pack up is completed by 12pm the Monday following the event
- Event 2 – Boogong, which comprises the following:
  - Held on the Saturday immediately before or after Halloween
  - Four hour event commencing at 5pm and concluding at 9pm
  - Site setup commences 7am the day before the event and pack up is completed by 12pm the Monday following the event

**8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong (Ref: ; Author: Thompson/O'Halloran) (Continued)**

The application is seeking approval for these events to be held in 2020, 2021 and 2022 on the sportsground known as Rockley Oval in Googong. Given the current circumstances of the COVID19 pandemic, the 2020 Googfest was not held, and the 2020 Boogong cannot be confirmed at this stage. However, Council will proceed with the application for all remaining events.

***Subject Property***

The subject site is legally described as Lot 524 DP 1191637 and is commonly known as 15 Rockley Parade, Googong. The site is bound by Rockley Parade to the north, Alchin Street to the east, Gorman Drive to the south and Hearne Street to the west. The site has an area of 4.37ha and is shown outlined red in Figure 1 below.

The subject site is irregular in shape and is an amphitheatre design with gentle grassed slopes leading into the sports oval.

Existing development on the site comprises a sports pavilion. The site is a multi-sport facility which consists of an Australian Rules football field, synthetic cricket pitch and cricket training nets with lights, as well as change rooms, canteen, storage room, carpark and BBQ area with shelter. Vehicular access is provided to the site via an existing driveway from Rockley Parade.

Existing development within the locality consists of low density residential development.



***Figure 1 Locality plan (subject lot outlined in red).***

8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong (Ref: ; Author: Thompson/O'Halloran) (Continued)

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*Figure 2 Rockley Oval (looking southeast)*



*Figure 3 Rockley Oval facilities*

**8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong (Ref: ; Author: Thompson/O'Halloran) (Continued)**

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**Figure 4 Existing carpark**

**Planning Requirements**

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

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

1. Queanbeyan Local Environmental Plan 2012 (LEP)
2. Googong Development Control Plan 2010 (GDGP)
3. Queanbeyan Development Control Plan 2012 (QDCP)

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

## 8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong (Ref: ; Author: Thompson/O'Halloran) (Continued)

**(a) Compliance with LEP****Queanbeyan Local Environmental Plan (QLEP) 2012**

An assessment of the proposal against the general aims of QLEP 2012 is included below:

<b>Cl.</b>	<b>Aims</b>	<b>Complies</b>
<b>1.2(2)</b>		
<b>(a)</b>	To facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles.	<b>N/A</b>
<b>(b)</b>	To provide for a diversity of housing throughout Queanbeyan.	<b>N/A</b>
<b>(c)</b>	To provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community.	<b>N/A</b>
<b>(d)</b>	To recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek.	<b>N/A</b>
<b>(e)</b>	To protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra.	<b>N/A</b>
<b>(f)</b>	To maintain the unique identity and country character of Queanbeyan.	<b>Yes</b>
<b>(g)</b>	To facilitate the orderly growth of the urban release area in Googong in a staged manner that promotes a high level of residential amenity and the timely provision of physical and social infrastructure through appropriate phasing of the development of land.	<b>Yes</b>

**Comments:** The proposed development is considered to be consistent with the aims of the QLEP. The development is considered to enhance the unique identity of the local government area and to facilitate social infrastructure within the Googong locality.

**Suspension of Covenants, Agreements and Instruments** - Under Clause 1.9A, no covenants, agreements and instruments restricting the development have been identified.

**Permissibility** - The subject site is Zoned R1 General Residential zone under the QLEP 2012. The proposed development is permissible with consent by virtue of Clause 2.8 of the QLEP 2012 which relates to temporary use of land.

**Zone Objectives** - An assessment of the proposal against the objectives of the R1 General Residential zone is included below

<b>: Objectives</b>	<b>Complies</b>
➤ To provide for the housing needs of the community.	<b>N/A</b>
➤ To provide for a variety of housing types and densities.	<b>N/A</b>
➤ To enable other land uses that provide facilities or services to meet the day to day needs of residents.	<b>Yes</b>
➤ To ensure that buildings with non-residential uses have a bulk and scale that is compatible with the zone's predominantly residential character.	<b>N/A</b>
➤ To promote walkable neighbourhoods and a sense of community.	<b>Yes</b>
➤ To ensure that where possible, development maintains existing bushland.	<b>N/A</b>
➤ To encourage medium to high density housing located in close proximity to the town and village centres.	<b>N/A</b>

**Comments:** The proposed development is considered to be consistent with the relevant objectives of the R1 zone. The proposed development provides a services to meet the social needs of residents, and is considered to foster a sense of community within the Googong Township and greater QPRC local government area.

**8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong (Ref: ; Author: Thompson/O'Halloran) (Continued)*****Part 2: Permitted or prohibited development - Temporary use of land***

Under Clause 2.8 of the QLEP 2012, the proposal seeks approval for the temporary use of 15 Rockley Parade, Googong, and assessment of the relevant sections of Clause 2.8 follows.

- 1) *The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.*

It is considered that the proposed development will not compromise future development of the land as the subject site is currently a public reserve. Additionally, the community events are likely to enhance economic and social amenity, rather than have a detrimental effect.

- 2) *Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.*

The subject application seeks approval to use the site for a maximum four days per event for two events each year, which is a total of 8 days in a period of 12 months. As such, the development complies.

- 3) *Development consent must not be granted unless the consent authority is satisfied that—*

- a. *the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*

The proposed temporary use of Rockley Oval is a community event which is consistent with the purpose of a public reserve. The development will not prejudice subsequent development on the public reserve.

- b. *the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*

In order to adequately assess the impact of the proposed temporary use on adjoining land or the amenity of the neighbourhood further information is required. Throughout the development application process, Council's Environmental Health Team (EHT) requested a noise assessment and light spill diagram to determine the potential impact upon adjoining owners. This information was provided to Council, although not to the satisfaction of the EHT. As such, a condition will be placed on the consent that the lighting must be designed and used so as not to cause nuisance to other residences in the area or nearby motorists. An additional condition will be placed on the consent that a noise management plan be submitted to and approved by Council prior to each event. The condition will include a timing element which would require that the reports be submitted 30 days prior to each event.

Additionally, the impact of the proposed development in regard to traffic and car parking was assessed by Council's Development Engineer. It is considered that traffic has the potential to generate an adverse impact upon neighbourhood amenity. However, conditions will be placed on the consent to minimise any impact of the development upon neighbourhood amenity.

Notwithstanding the above, the development generally is unlikely to have any adverse impact upon adjoining land or the amenity of the neighbourhood.

8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong (Ref: ; Author: Thompson/O'Halloran) (Continued)

- c. *the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*

Each event proposes to erect structures relevant to the carrying out of the event. Structures proposed for Googfest include marquees for food vendors, reinforced grass, stage, portable toilets, marquee for first aid and temporary fencing, as indicated in the Figure 5 below.



**Figure 5 Structure setup for Googfest.**

8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong (Ref: ; Author: Thompson/O'Halloran) (Continued)

The structure setup for Boogong is similar to Googfest, however it will include additional Halloween themed structures, as indicated in the figure below.



**Figure 6 - Structure setup for Boogong.**

The temporary structures proposed are minor in nature, and are considered unlikely to result in adverse impacts upon environmental attributes or features of the land.

- d. *at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*

Based upon the nature of the events and the temporary structures, it is considered that the temporary use will not prohibit Rockley Oval from returning to its original condition of a public reserve and multi-sport field. Additionally, a condition will be placed on the consent that at the conclusion of each event, Rockley Oval shall be restored to the condition in which it was before the commencement of the use.

**(b) Compliance with DCP**

The Googong Development Control Plan 2010 and Queanbeyan Development Control Plan 2012 do not have specific controls for the temporary use of land. An assessment against the QLEP 2012 aims and zone objectives are above which conclude the development is consistent with the area. **Other Comments(a) Building Surveyor’s Comments**

Council’s Building Officer has commented on the proposal and advised that there are no outstanding building issues associated with the proposal. However if the stage or the marquee increase in dimension a separate DA is required.



**8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong (Ref: ; Author: Thompson/O'Halloran) (Continued)**

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

Council's Development Engineer has commented on the proposal and advises as follows:

The application seeks approval to hold two annual events, Boogong and Googfest, at Rockley Oval in Googong in 2020, 2021 and 2022. The application is unusual in its nature as events on Council land would usually be endorsed by Council's Events and Parks teams, with referral to the Local Traffic Committee. Due to issues arising from these events in the past and Council's inability to enforce event management requirements and take compliance action, the applicant has been encouraged to seek approval through a development application.

**Event Attendees** - The events are free and there seems to be no limit on possible attendees. The applicant has provided the below data and estimations regarding expected visitor numbers.

We include for your reference four drone photographs taken between 7.50pm-8pm on Saturday 3 February 2018 at Googfest 2018. The photographs show the off-street and on-street parking as well as the event crowds at Rockley Oval itself, and suggest that at this time there were:

- Approximately 500 cars in the Wellsvale Drive off-street carpark (including 7 cars in the designated disabled carparking area).
- Approximately 150 cars utilising the on-street carparking in the streets surrounding the event.
- At a calculation of 3 persons per car this represents approximately 1,950 visitors at 8pm. We then add an allowance for visitors who may have left earlier in the evening (585 people), plus residents and friends of residents, to achieve a final count.

At February 2018 there were approximately 2,500 residents living in Googong. Assuming that 70% of residents would attend (1,750) with one third of them bringing friends (583), and that 585 visitors left before 8pm the final count for this event would have been: 1,950 visitors at the peak + 585 visitors departing earlier + 1,750 residents + 583 guests = 4,868 people at the event.

For an event in October 2020 where the population of Googong would be 5,000 persons, and noting that the event itself should have grown in popularity/awareness over the years, we achieved the following projections. Figures include totals over the entire evening (including those who may depart at different times):

- 3,000 residents – who would mostly walk to the event
- 1,000 friends of residents – who would park at their friends' house and walk to the event
- 3,000 visitors who come by car
- 1,000 visitors who come by car and leave before 8pm (and vacate parking)
- 2,000 visitor/resident buffer allowance
- Total 10,000 attendees.

Based on the applicant's estimate of 3 persons per car, this would suggest 1300-2000 vehicles parking at the event, however it's likely that many visitors will also drive from within Googong and this has not been accounted for.

It is noted that traffic data collected by Council from Boogong 2017 suggests peak arrival time of 5-6pm and peak departure of 8-9pm, with 2000-2200 vehicles visiting (from outer

**8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong (Ref: ; Author: Thompson/O'Halloran) (Continued)**

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Googong). Given this data is 2 years old and the development has grown the estimate of 2000 vehicles seems potentially low.

A lack of traffic data for past events is not helpful to the application and traffic counts, amongst other indicators, should be collected by the applicant and/or Council in order to have greater ability to target traffic and pedestrian management for future events.

**Access** - Main access to the event is proposed from the Old Cooma Road/Wellsvale Drive intersection. The Old Cooma Road/Googong Road intersection will still be operational, but only Googong residents will be encouraged to use this route. Visitors will be directed along Wellsvale Drive to a temporary carpark within the future stages of the Googong subdivision. The location of this carpark is likely to change for each event, however, the entrance to the currently proposed carpark is at the intersection of Wellsvale and Gorman Drive.

Parts of the documentation indicate that police will direct traffic from Old Cooma Road with the traffic lights flashing yellow, though this isn't specifically mentioned in the agreement with the police provided. There appears to be a lot of emphasis on the police monitoring traffic and implementing traffic management plans, though only two police officers have been contracted for the day. Although NSW police sit on the Local Traffic Committee meeting, meeting minutes did not raise this matter. The event has been problematic from a traffic perspective in the past, and the application does not provide a great deal of surety as to how the event can be managed to minimise congestion and hazardous behaviour, though given each event will be subject to a s138 application this can be examined in greater detail through this process.

**Parking** - It's projected that the temporary carpark can accommodate up to 2820 cars, with disabled spaces provided closest to the event venue. How the carpark is actually managed is unclear given the parking spaces and aisles will not be marked. A great deal of responsibility is placed on traffic marshals to direct vehicles, however the plans only show 3 marshals within the carpark and 1 at the entrance. This is likely insufficient to monitor the parking of in excess of 2000 vehicles. A one way car park is considered to be a better outcome for dealing with vehicles and pedestrians within an unmarked parking lot.

Council has reiterated their preference that off-street parking is provided to accommodate all vehicles, as parking on street is expected to lead to safety risks for pedestrians. Based on the estimations provided, this parking requirement has been met, however it's impossible to predict whether the off-street carpark will function as anticipated mainly as there does not appear to be any record keeping or lessons learnt from past events.

Overflow vehicles are directed by traffic marshals to on-street parking surrounding Rockley Oval, with roads in the immediate vicinity to be marked "No Parking". This further raises concern over inadequacy in the number of marshals proposed, as no signage to re-direct vehicles has been proposed. Furthermore, clear detail of proposed parking locations and alternate pedestrian routes have not been provided.

**Public Buses** - Bus services will be provided free of charge to encourage attendees to utilise public transport. Details of the QCity service have been provided, indicating the arrival of 9 buses between 16:40 and 20:10. The intended entry route for this service is via Old Cooma Road, Wellsvale Drive and into Gorman Drive bus bays. Exiting of the service will be from Gorman Drive bus bay, onto Caragh Avenue, Googong Road and then Old Cooma Road.

The entry route will require removal of traffic control signage and bollards for the bus to travel along Gorman Drive to Rockley Oval. This causes concern as this area is also the

**8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong (Ref: ; Author: Thompson/O'Halloran) (Continued)**

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main pedestrian route from the off-street carpark. These associated risks will need to be managed by the traffic marshals on site and TMP plans should address these concerns. The presence of only one traffic marshal (shown on the TCP) is likely insufficient to remove traffic control, direct busses, and ensure pedestrians are adequately managed. Buses should be managed in a manner that does not rely on removal of a road block, thus an alternate route or bus bay should be provided. Given the traffic control plans will be subject to further s138 approval, they should be revised prior to submitting.

**Emergency Vehicles** - Emergency vehicle routes have been detailed, with entry and exit to Rockley Oval via Googong Road, Beltana Avenue, Sarah Street and Rockley Parade. All of these streets will be signed as “no parking” zones to ensure ease and safety for emergency service vehicles.

An alternative route has also been detailed, via Googong Road, Beltana Avenue, Jack Street and Alchin Street. This however does not consider an incident which causes the closure of the Old Cooma Road/ Googong Road intersection, although it's difficult to envisage how this could be planned for.

**Traffic Management** - Traffic management plans have been submitted, including traffic control and parking signage surrounding the event, VMS on approach to Googong and traffic marshal locations. LTC have further advised that the traffic lights at the intersection of Googong Road and Wellsvale Drive are to be set to flashing amber, as well as an additional VMS is to be placed on Old Cooma Road for additional advanced notice to guide non-local event attendees to the event off-street parking site.

Council's Road Safety Officer has raised concerns as to how Council can ensure these plans are followed on the day of the event as past events have led to issues regarding safety of pedestrians and functionality of the road network, potentially as a result of failure to implement the approved proposals and conditions put forward by the LTC. Individual event applications with relevant TMP and other essential documents, which have been developed to cater for specific conditions at the time of each proposed event, are to be submitted to Council/LTC for review prior to each event. Conditions will be imposed on the consent that require the implementation of the endorsed TMP. It's expected that this will allow Council to take compliance action as required if these plans are not adhered to.

Section 138 approval is required for traffic management in the local Googong road network, as well as a Road Occupancy License from RMS for traffic management and intersection control on Old Cooma Road. As part of the s138 application and presumptive approval, it is anticipated that monetary bond will be held to further ensure compliance with conditions of the s138.

The application is vague as it often defers to “User-pay police” taking control as required. The function and responsibility of police has not been detailed, and contingency plans do not cater to Police taking control of traffic management. Presumably this is as a result of the applicant speaking with separate areas within the NSW Police and not necessarily engaging with the local units that will be involved with the event.

**Pedestrian Management** - Pedestrian routes from the carpark have been detailed, across Gorman Drive and Hearne Street which will be closed to traffic other than buses.

Management of pedestrian traffic in the streets to the north and east of the site has not been addressed. While the streets in the immediate vicinity will be marked as No Parking, it is still anticipated that moderate levels of traffic will be in the area, for example to drop off attendees. Additional traffic marshals would be preferential where any pedestrians are expected to be crossing roads as large groups of pedestrians crossing or walking along overcrowded streets have been observed at previous events.

**8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong (Ref: ; Author: Thompson/O'Halloran) (Continued)**

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Within the off-street carpark, aisles are 10m wide to accommodate for two way vehicle access and pedestrian access. While there is no formal footway, vehicles are likely to be travelling at low speeds and the TCPs include traffic marshals within the carpark to direct vehicles who should also direct pedestrians along suitable routes and away from vehicles. As mentioned, a one way car park is considered to be a better outcome for dealing with vehicles and pedestrians within an unmarked parking lot, and the number of proposed traffic marshals should be confirmed.

The typical site setup indicates that the public toilets will be located on Rockley Parade. While the applicant has advised that these will be managed by a security guard, these toilets should not be facing the road and any queuing should be contained to within the verge or site boundaries thus an alternate site should be sought, preferably within the grounds of Rockley Oval.

**Other** - If a significant weather event occurs leading to the off street carpark becoming unsafe and/or unusable, the event shall be cancelled. Adequate parking for such an event cannot be accommodated on street only.

**(c) Environmental Health Comments**

Apart from the matters previously mentioned in this report relating to noise and light spill Council's Environmental Health Team supports the development application, subject to the imposition of recommended conditions of consent.

**(d) Waste Comments**

The application was referred to Council's Waste Officer. Concerns were raised in regard to waste management for the proposal. It is considered that these issues can be addressed through conditions of consent.

**(e) Urban Landscapes Comments**

The application was referred to Council's Urban Landscapes branch who had no objections to the proposal subject to the recommended conditions of consent.

**(f) Transport for NSW**

The application was referred to Transport for NSW who commented that *"TfNSW will not object to the DA subject to the conditions outlined in Attachment 1 being included in the conditions of development consent."*

The consent will include a condition that the requirements of attachment of the TfNSW referral are met.

**(g) NSW Police**

The application was referred to NSW Police, who did not raise issue with application. The referral response included recommendations for the event. These recommendation will be included as conditions of the consent.

**Engagement**

The proposal required notification under Community Engagement and Participation Plan 2019. One submission was received in support of the application.

**Conclusion**

The submitted proposal for temporary use of land on Lot 524 DP 1191637, No.15 Rockley Parade is a local development and is supported by a Statement of Environmental Effects. The

**8.1 DA.2020.1089 - Temporary Use of Rockley Oval for Event - 15 Rockley Parade, Googong (Ref: ; Author: Thompson/O'Halloran) (Continued)**

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proposal seeks approval for two biannual community events known as Googfest and Boogong. The proposal was notified to adjoining owner/occupiers and one submission was received.

The proposal has been assessed under Section 4.15 *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012* and *Googong Development Control Plan 2010*.

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

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

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | DA.2020.1089 - 4.15 Assessment Report - 15 Rockley Parade, Googong<br>(Under Separate Cover) |
| Attachment 2 | DA.2020.1089 - Documents for Approval - 15 Rockley Parade, Googong<br>(Under Separate Cover) |
| Attachment 3 | DA.2020.1089 - Submissions - 15 Rockley Parade, Googong (Under<br>Separate Cover)            |
| Attachment 4 | DA.2020.1089 - Draft Conditions - 15 Rockley Parade, Googong (Under<br>Separate Cover)       |



8.2 DA.2019.1283 - Environmental Protection Works (Rehabilitation of Eaglehawk Quarry) - 200 Bidges Road, Sutton (Author: Thompson/Williams)

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File reference: DA.2019.1283

**Summary**

***Reason for Referral to Council***

This application has been referred to Council as it is a significant development and the Portfolio General Manager of Urban and Built Character has determined it is in the public interest to have the matter considered by Council.

Proposal:	Environmental Protection Works - Rehabilitation of Eaglehawk quarry
Applicant/Owner:	Eddy Pastrello/ Lorenzo Antonio Pastrello
Subject Property:	Lot 108 DP 878557, 200 Bidges Road, Sutton
Zoning and Permissibility:	E4- Environmental Living under Palerang Local Environmental Plan 2014
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

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**Recommendation**

**That:**

- 1. Development application DA.2019.1283 for Quarry Remediation/Rehabilitation - Environmental Protection Works on Lot 108 DP 878557, No.200 Bidges Road Sutton be granted conditional approval for the following reasons.**
    - i. The proposal is consistent with the objectives of the Palerang Local Environmental Plan 2014- E4- Environmental Living Zone.**
    - ii. The Proposed Quarry Remediation/Rehabilitation is consistent with the controls of the Palerang Development Control Plan 2015.**
    - iii. The proposed Quarry Remediation/Rehabilitation with the imposed conditions of consent will have no foreseen adverse impacts on surrounding lots.**
    - iv. The proposal formally ‘closes’ the lifecycle of the Quarry and achieves an overall positive biodiversity impact to the site.**
  - 2. All external agencies be forwarded a copy of Council’s Notice of Determination.**
-

**8.2 DA.2019.1283 - Environmental Protection Works (Rehabilitation of Eaglehawk Quarry) - 200 Bidges Road, Sutton (Author: Thompson/Williams) (Continued)****Background*****Proposed Development***

The development application is for Environmental Protection Works - Rehabilitation of Eaglehawk quarry.

The proposed application seeks approval for the remediation of 'Eagle Hawk Quarry' an old aggregate quarry which provided material for the construction of the Federal Highway and civil works in the ACT and region. The remediation proposed is to use 3,500,000m<sup>3</sup> of virgin excavated natural material (VENM) and excavated natural material (ENM) sourced from the local region to restore the area back to its natural topography. The site will 'fill in' the open cut quarry and will reinstate the native vegetation consistent with what would have existed prior to its use as a quarry.

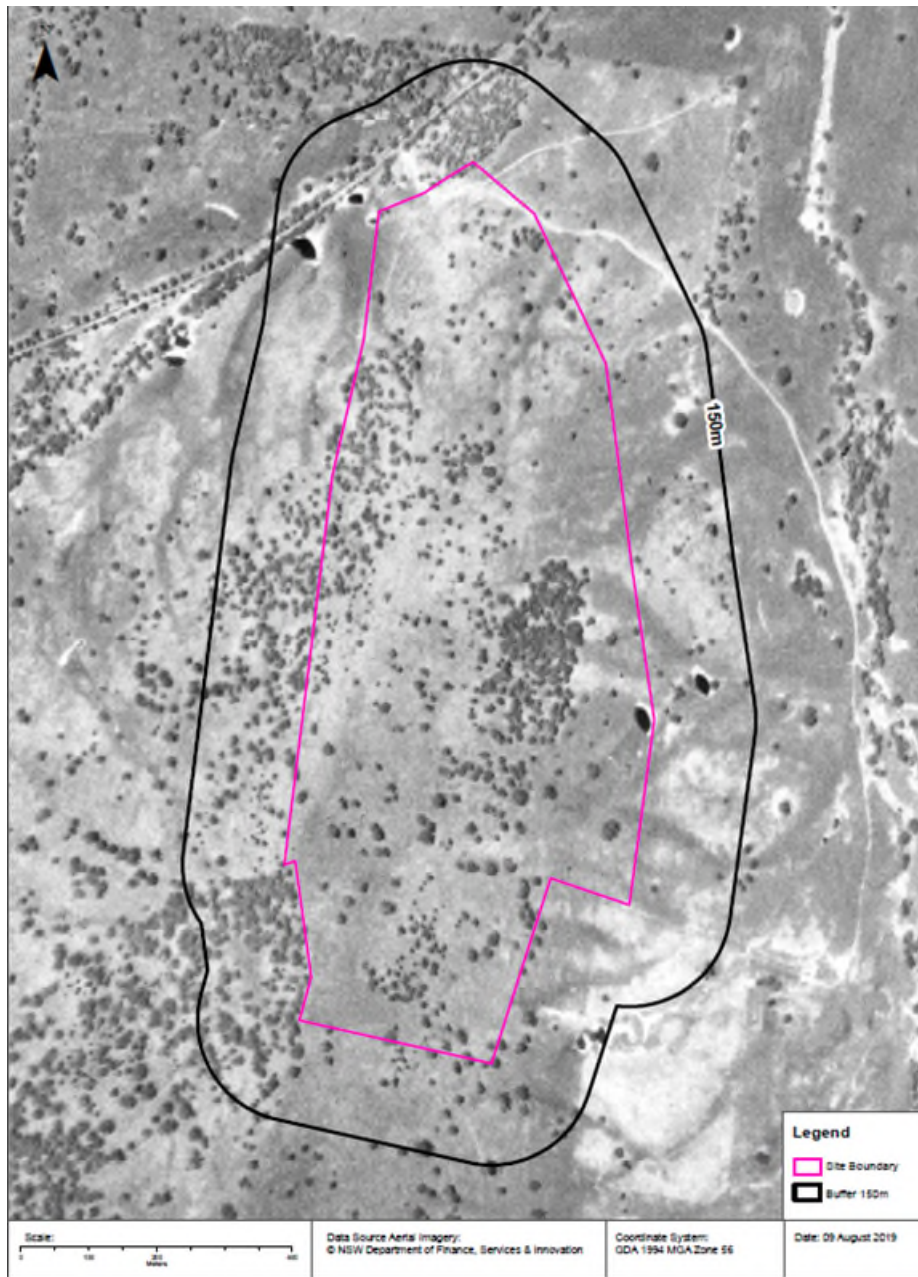
***Subject Property***

The site is located at Lot 108 DP 878557, 200 Bidges Road, Sutton and is shown in Figure 1 below.



**Figure 1: Aerial photo of the property**





**Figure 2: An Aerial photo of the property in 1959 prior to the quarry beginning in 1961.**

**8.2 DA.2019.1283 - Environmental Protection Works (Rehabilitation of Eaglehawk Quarry) - 200 Bidges Road, Sutton (Author: Thompson/Williams) (Continued)**

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**Figure 3: Photo of quarry showing extent of the cut. Benches 10-15m in height.**

**History of the Site**

The site was originally created under a Council approved subdivision 16/88 which created two lots (Lots 1 & 2 DP 805794) to separate the fuel station at Eaglehawk onto its own lot.

These lots were later subject to road resumptions and realignments for the upgrade of the Federal Highway. This realignment was done under DP 878557 which created Lots 105, 106 and 108 DP 878557 as existing today.

The site has a vast and complex history as a result of a mix of uses, compliance issues and Council amalgamations. The main history aspects for this DA specific to this subject Lot include:

- D31/86, D38/87 & B107/87- Tourist Park
- D3/87 & BA150/87- Service station
- D42/87- Change of use- amenity block and admin building to hotel, bistro, & restaurant
- D147/88- Increase in long-term sites
- 1999/DA-00014- Temporary asphalt batch plant- Refused
- 2001/DA-00056- Removal of excavated material- Refused
- DEV.2009.0113- Topsoil for revegetation- Withdrawn
- DEV.2009.0228- Improvement of site- Refused

**8.2 DA.2019.1283 - Environmental Protection Works (Rehabilitation of Eaglehawk Quarry) - 200 Bidges Road, Sutton (Author: Thompson/Williams) (Continued)**

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***Planning Requirements***

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

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

1. State Environmental Planning Policy No. 55 - Remediation Of Land
2. Palerang Local Environmental Plan 2014 (LEP)
3. Palerang Development Control Plan 2015 (DCP)

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

***(a) Compliance with LEP***

During the assessment of the application and in discussions with the NSW Environmental Protection Authority (EPA), it was considered that the proposal to rehabilitate the landscape to replicate its original form through the use of importing only certified VENM/ENM from the surrounding area, satisfies the PLEP permissible use of Environmental Protection Works (Land remediation).

*“environmental protection works” means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.”*

To ensure the development retains the remediation focus, strict conditions have been placed on the consent to ensure the development does not stray from the proposed intent. The conditions implemented ensure the site is strictly monitored, reporting is maintained for Council and a bond will be held by Council to ensure there is incentive to complete the project to the standards conditioned.

The development is compliant with the objectives and provisions of the PLEP 2014

***(b) Compliance with Palerang Development Control Plan (PDCP) 2015***

The PDCP 2015 is applicable to developments within the former Palerang LGA (excluding Braidwood Conservation area). The proposed development involving the import of 3,500,000m<sup>3</sup> of VENM/ENM used to remediate an old aggregate Quarry is consistent with the objectives and controls within the Palerang DCP 2015 as detailed within the attached s4.15 assessment report.

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

The imported VENM and ENM fill material will be transported from Canberra, Queanbeyan and surrounds via the Federal Highway and finally McKeahnie Lane. Imported VENM and ENM from other sites may occur but on an irregular and uncertain basis. Based on the estimated annual average tonnage of the proposal it is anticipated that an average of 30 haul trucks would enter the site per day with a possible maximum of 120 haul trucks estimated on the maximum tonnage (using 32 tonne trucks).

Average annual Virgin Excavated Natural Material (VENM) and Excavated Natural Material (ENM) imported fill volume would be a possible annual imported fill of 1,050,000t over five (5) years for the required total imported fill of 5,250,000t (3,500,000m<sup>3</sup> compacted).

**8.2 DA.2019.1283 - Environmental Protection Works (Rehabilitation of Eaglehawk Quarry) - 200 Bidges Road, Sutton (Author: Thompson/Williams) (Continued)**

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Access - The internal road is of variable standard. Some sections are quite reasonable, whereas other sections will need to be somewhat improved especially the drainage at a couple of locations. Access to and from the site is via an unsealed private road within a right of way that is now redundant based on the planners assessment.

From the edge of the bitumen at the property entrance to the gates, the access will require pavement rehabilitation and two-coat rubberised bitumen seal to preserve the continuity pavement of McKeahnie Lane and Federal Highway Service Road and prevent pavement failures and edge breaks. Bitumen reseals to occur on a minimum 10 year cycle.

The entrance to the site is adjacent to the Eaglehawk Hotel and United Petroleum. Subsequently, additional advisory and warning signage will be required adjacent to these establishments.

The access road design, construction and maintenance to be in accordance with the Traffic Management Plan as prepared for Mr Pastrello (14 October 2019).

*Traffic* – The Federal Highway Service Road from Bidges Road to McKeahnie Lane has a traffic count up to 573 vehicles per day in February 2006. The decommissioned Aggregate Quarry entry is currently located off McKeahnie Lane / Federal Highway Service Road. The road regulatory speed zone at this location is posted at 60km/h. At this location, the intersection of McKeahnie Lane and Federal Highway Service Road has excellent sight distance in all directions and will require additional advisory and warning signage adjacent to the Eaglehawk Hotel.

Traffic for NSW in their letter dated 12 May 2020, does not object to the development proposal.

**(d) Environmental Health Comments**

A preliminary site investigation (PSI) was prepared by a certified contaminated land consultant in accordance with the NEMP 1999.

The PSI determined that the only sources of contamination at the site are several piles of asphalt, which are likely to contain polyaromatic hydrocarbons, phenols and hydrocarbons. There are also several piles of building waste and wooden pallets, which indicates uncontrolled access to the site. A site inspection by the consultant found no evidence of asbestos in these stockpiles.

Because the site is impacted by pyrite (acid sulphate soils), acidification in the soil could cause heavy metals and hydrocarbons in the asphalt and some building wastes to leach into the groundwater. The consultant has recommended that all piles of asphalt and waste such as scrap metal and plastics be disposed of as general waste before stockpiles are pushed into the pit. The pit is only to be filled with ENM, VENM and inert building material such as brick, concrete and soil from existing stockpiles.

The PSI has determined that the site is suitable for the proposed land use as a rehabilitated quarry and open space.

Appropriate conditions are required to ensure that asphalt and potentially contaminating waste material is removed from the site and not placed in the pit as part of the filling process.

**(e) External Agency Comments**

*Transport for NSW (TfNSW) (formerly RMS)*

The proposed development has access solely from the Federal Highway/McKeanie Lane and requires a concurrent referral to TfNSW to assess the potential impacts on the state road network.

**8.2 DA.2019.1283 - Environmental Protection Works (Rehabilitation of Eaglehawk Quarry) - 200 Bidges Road, Sutton (Author: Thompson/Williams) (Continued)**

The TfNSW assessing officer provided correspondence on 19th March 2020 requesting additional information to adequately address Traffic concerns. This additional information was sent directly to the RMS for assessment.

After further consideration TfNSW provided correspondence on 12 May 2020 providing no objections to the development as proposed with minimal impact to the NSW road Network.

*Canberra Airport/ Airservices Australia*

The application was referred to Canberra Airport as the old Eaglehawk quarry naturally penetrates the Limitation or Operations Surface for that airport (OLS).

Canberra Airport referred the application on to Airservices Australia with no objection from the airport itself. Airservices provided correspondence on the 18 March 2020 with no objections, concluding:

- Rehabilitation of the quarry site will not affect any sector or circling altitude, nor any instrument approach or departure procedure at Canberra aerodrome.
- This proposal will not adversely impact the performance of any Airservices Precision/Non-Precision Nav Aids, Anemometers, HF/VHF/UHF Comms, A-SMGCS, Radar, PRM, ADS-B, WAM or Satellite/Links.

*Fly Safe/Department of Infrastructure, Transport, Regional Development and Communications*

The application was referred to Flysafe as the old Eaglehawk quarry naturally penetrates the Limitation or Operations Surface for that airport (OLS).

Fly Safe provided correspondence on the 3rd March 2020 and noted no object subject to no change. If the application was to change in any way or the use of further penetrating machinery is used the applicant is required to seek its own approval under the Airports (Protection of Airspace) Regulations 1996, including assessment by the Civil Aviation Safety Authority and Airservices.

The conditions imposed within the consent will ensure the development is limited to the proposal as presented. This will be placed as a note in the consent.

**Engagement**

The application was notified in accordance with Part E of the PDCP 2015 originally from the 28 November 2019 to 29 January 2020, with zero submissions received.

A caravan park is located on the same site as the quarry to be rehabilitated. All land is in the same ownership. As these were not considered to be adjoining properties (all in the same ownership) they were not notified of the development. Notwithstanding this a condition of consent has been recommended advising occupiers of the same site about the proposed development, who they can contact, and requiring a copy of the conditions of consent to be provided to them.

**Compliance or Policy Implications**

The application is recommended for a time limited approval with conditions and a Compliance Bond to the value of \$150,000 which can be executed by Council in the event of non-compliance or returned after satisfactory remediation and revegetation. The consent will lapse after 5,250,000 tonnes (equating to 3,500,000 cubic metres = 1.5t/compacted m<sup>3</sup>) of Virgin Extracted Natural Material (VENM) and Extracted Natural Material (ENM) fill has been

**8.2 DA.2019.1283 - Environmental Protection Works (Rehabilitation of Eaglehawk Quarry) - 200 Bidges Road, Sutton (Author: Thompson/Williams) (Continued)**

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imported to the development, or five (5) years after the date of the consent commencement, whichever comes first.

If the applicant does not complete the volumes within the period, a modification can be lodged to extend the period, which will allow Council to review the approval and make reasonable adjustments if required.

**Conclusion**

The submitted proposal for Environmental Protection Works - Rehabilitation of Eaglehawk Quarry on Lot 108 DP 878557, No.200 Bidges Road, Sutton is a compliant development and is supported by a Landscape Rehabilitation Plan, Biodiversity Development Assessment Report (BDAR) and an appropriate Preliminary Site Investigation (PSI). The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of Palerang Local Environmental Plan 2014 and the Palerang Development Control Plan 2015.

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

The proposed development is considered a suitable outcome for the site, is compatible with the neighbourhood, is consistent with the rural character of the area and can be conditioned to mitigate any potential impacts to adjoining lots.

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | DA.2019.1283 - 4.15 Assessment Report - 200 Bidges Road, Sutton<br><i>(Under Separate Cover)</i>                 |
| Attachment 2 | DA.2019.1283- Rehabilitation Plan- 200 Bidges Road, Sutton <i>(Under Separate Cover)</i>                         |
| Attachment 3 | DA.2019.1283 - Site Investigation Report- 200 Bidges Road, Sutton<br><i>(Under Separate Cover)</i>               |
| Attachment 4 | DA.2019.1283 - Biodiversity Development Assessment Report- 200 Bidges Road, Sutton <i>(Under Separate Cover)</i> |
| Attachment 5 | DA.2019.1283 - Draft Conditions of Consent - 200 Bidges Road, Sutton<br><i>(Under Separate Cover)</i>            |

8.3 DA.2020.1119 - 55 The Crescent, Queanbeyan - Demolition of an Existing Dwelling House in the Heritage Conservation Area and Construction of New Dwelling and Garage (Ref: ; Author: Thompson/Dixon)

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**Summary**

***Reason for Referral to Council***

This application has been referred to Council because it is for the demolition of an existing dwelling within a Heritage Conservation Area.

Proposal:	Demolition of all structures on site including existing dwelling, removal of a tree and the construction of a new single storey dwelling house with ancillary double garage, solar panels, underground water tank and driveway
Applicant/Owner:	Rachel Mary Hill & Jordan Everett / Rachel M Hill
Subject Property:	Lot 12 Sec F DP 13427, No.55 The Crescent, Queanbeyan
Zoning and Permissibility:	R2 Low Density Residential under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Nil
Issues Discussed:	Planning Requirements Heritage Quality and Status
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

**That development application DA.2020.119 for demolition of all structures on site including the existing dwelling and the removal of tree, and the construction of new single storey dwelling house with ancillary double garage, solar panels, underground water tank and driveway on Lot 12 Sec F DP 13427, No.55 the Crescent, Queanbeyan be granted conditional approval for the following reasons:**

- a. The proposed dwelling retains the overall character of the heritage conservation area in terms of its scale, materials and general design;**
  - b. It complies with the Queanbeyan Local Environmental Plan 2012; and,**
  - c. It complies with the Queanbeyan Development Control Plan 2012 specifically Part 4.**
-

8.3 DA.2020.1119 - 55 The Crescent, Queanbeyan - Demolition of an Existing Dwelling House in the Heritage Conservation Area and Construction of New Dwelling and Garage (Ref: ; Author: Thompson/Dixon) (Continued)

**Background**

**Proposed Development**

The proposal seeks approval for the demolition of an existing dwelling and detached garage and construction of a new dwelling and garage. All exotic vegetation is proposed to be removed and the lot re-landscaped. The design originally submitted was not supported and the owner has worked with their architect to produce the current design.

No submissions have been received as a result of the notification.

Issues were discussed in terms of the heritage significance of the existing dwelling at the Heritage Advisory Committee meeting and differing views were held. A consensus on whether the existing building should be retained or demolished was unable to be reached.

The application proposes the following on the lot:

- 206.03m<sup>2</sup> single storey dwelling with attached 5.40m<sup>2</sup> front porch and 21.40m<sup>2</sup> alfresco area;
- Detached 50.26m<sup>2</sup> double garage;
- Retaining wall on the northern boundary approximately 600mm in height;
- Landscaping;
- New driveway;
- Solar panels; and,
- New boundary fencing behind the building line proposed to be 1.8 metres high in coloured sheet metal.

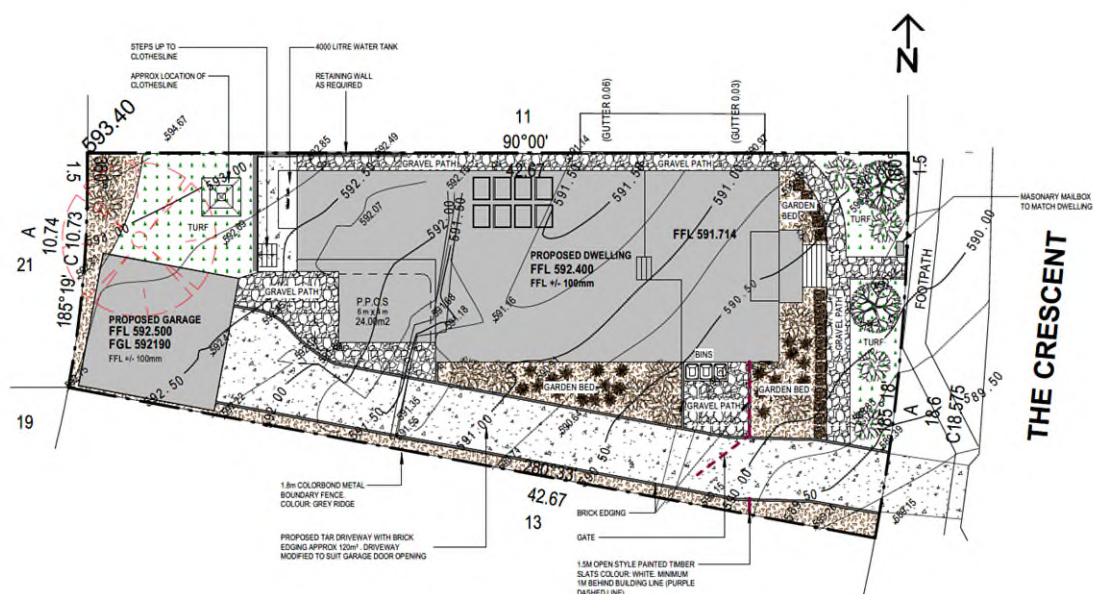


Figure 1: Proposed site plan



8.3 DA.2020.1119 - 55 The Crescent, Queanbeyan - Demolition of an Existing Dwelling House in the Heritage Conservation Area and Construction of New Dwelling and Garage (Ref: ; Author: Thompson/Dixon) (Continued)

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*Figure 2: Artists impression of front elevation of proposed dwelling house*



*Figure 3: Existing front elevation*

**8.3 DA.2020.1119 - 55 The Crescent, Queanbeyan - Demolition of an Existing Dwelling House in the Heritage Conservation Area and Construction of New Dwelling and Garage (Ref: ; Author: Thompson/Dixon) (Continued)**

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***Subject Property***

The subject site is legally described as Lot 12 Sec F DP 13427 and is commonly known as 55 The Crescent. The site is located on the western side of The Crescent and has an area of 689.2m<sup>2</sup>.

The site gradually slopes upward from the front to the rear of the lot over a height of 4 metres and has a large amount of exotic vegetation.

Existing development on the site comprises a dwelling and detached garage. Vehicular access is provided to the site via an existing driveway from The Crescent. Existing development within the locality consists of single and two storey modern and similar period style dwellings.

***Planning Requirements***

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

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

1. State Environmental Planning Policy No 55 – Remediation of Land;
2. State Environmental Planning Policy (Infrastructure) 2007;
3. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
4. Queanbeyan Local Environmental Plan 2012 (LEP).
5. Queanbeyan Development Control Plan 2012 (DCP)

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

***(a) Compliance with LEP******Clause 5.10 Heritage Conservation***

The proposed development will have a minimal impact in relation to heritage. The site is not heritage listed and is not adjacent to a heritage item. It is located within the Garryowen Heritage Conservation Area (HCA). Council's Heritage Advisor provided the following comments:

*The dilapidation report by Peak Consulting identifies significant problems with this building. The front elevation of the proposed replacement building is similar to the existing and the new structure uses a combination of materials that are consistent with those on the extant dwelling. This is evident in the masonry base, horizontal weatherboard walls and corrugated-iron roof cladding. There is sound justification supporting demolition of the existing building and the proposed replacement building is considered acceptable subject to the following conditions.*

*Roof cladding - To more closely replicate the colour of corrugated iron, roof cladding should be changed to Windspray or Shale Grey. Fascia and gutter may remain Monument.*

*Fencing - As the building is within the conservation area, Colorbond™ style fencing is not supported by the Heritage and Conservation DCP unless it is not visible from the street. See DCP clause 4.4.8 copied below:*

**8.3 DA.2020.1119 - 55 The Crescent, Queanbeyan - Demolition of an Existing Dwelling House in the Heritage Conservation Area and Construction of New Dwelling and Garage (Ref: ; Author: Thompson/Dixon) (Continued)***Side Fences Forward of the Building Line:*

- i) *Visually solid fences (including timber palings) shall be restricted to 1.2m above ground level. Tapering from a higher rear fence may be permitted where it is not visually obtrusive.*
- j) *Solid metal panels, Colorbond™ sheeting and the like are not supported.*
- k) *Styles of fence complying with the guidelines for front fences are also suitable for side fences in front of the building line.*

*Fences Behind the Building Line (Side and Rear Fences Behind the Building)*

- l) *The use of solid metal panels and pre-painted metal fencing (eg Colorbond™) is not appropriate on any boundary where it is visible from the street or on a common boundary with a heritage item.*
- m) *Paling or lapped-and-capped timber fencing is allowed to a maximum height of 1.8m on side and rear boundaries behind the building line.*

*As the portion of the north fence forward of the building will be visible, as will all of the south fence forward of the garage, these will need to meet the guidelines in the DCP. This is usually interpreted as paling or lapped-and-capped timber fencing to a maximum height of 1.8m. Note also that fences forward of the building are restricted to 1.2m above ground level.*

*Assessing Officer Comments*

Minor changes including having timber fencing forward of the building line, changes in roof colour and timber framed front windows will be red amended on the submitted plans to comply with the DCP and the Heritage Advisor's comments.

The application was brought forward to the QPRC Heritage Advisory Committee for advice on both the 25 June 2020 and the 16 July 2020 (site inspection included). The applicant provided a dilapidation report detailing the works and costs for repairing the building. While the report was prepared by a building professional some Committee members had concerns about the quantum of the cost relating to some of the repairs.

The demolition has been assessed under the Development Control Plan below to see if it complies with Council controls; which in summary, it does.

The new dwelling has been designed to retain the façade appearance and is deemed acceptable through this assessment. The dwelling is not a listed item and it is required to seamlessly blend within the HCA which the new design has attempted to do. Through the assessment of compliance with the QDCP 2012 the Heritage Advisor supports these notions.

As such, the approval of this application will not greatly impact the significance of the Heritage Conservation Area, neighbouring items, Aboriginal items or the amenity of the surrounding area. This is due to its high quality heritage sympathetic design and compliance with Council's Development Control Plan. There are a number of newly renovated and new dwellings in the area of similar design and appearance which add greatly to the HCA and it is the view of the Assessing Officer that this proposal will do the same.

**(b) Compliance with DCP**

A summary of the assessment presented in the 4.15 Table is provided below regarding Part 4 of the DCP given this application is brought forward due to heritage concerns.

*Clause 4.6.1 – New Buildings in the Heritage Conservation Area* - The objectives of this clause seek to retain the streetscape character and that any new buildings harmonise with neighbouring properties in terms of style, character, scale and bulk. The Crescent is located

**8.3 DA.2020.1119 - 55 The Crescent, Queanbeyan - Demolition of an Existing Dwelling House in the Heritage Conservation Area and Construction of New Dwelling and Garage (Ref: ; Author: Thompson/Dixon) (Continued)**

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in a Heritage Conservation Area and presents a combination of heritage style cottages as well as late 80-90's single and two storey dwelling houses. As seen in Figure 2 above the proposal retains the single storey height, gable style roofing and architectural features of the streetscape. This includes a front porch, weatherboard style cladding and extensive landscaping. Minor changes to the proposal including; a change in roof colour, timber front fencing and timber framed windows will complete the heritage style of the dwelling whilst giving assurance that it will not only harmonise with the streetscape, but provide a high quality example of a heritage re-build undertaken to the highest standard.

*4.6.3 Scale, Proportion and Bulk of New Building* - This Clause is used to ensure the scale and proportion is in keeping with the neighbouring properties. All dwellings neighbouring the lot are single storey with a gable roof. All are of a similar height on sloping sites and the proposal retains this scale and proportion.

*4.6.4 Setbacks of New Buildings* - The proposed setbacks are generally consistent with the neighbouring lots which have anywhere between a 5 and 6 metre front setback k. The proposal has a very small portion at 5.89 metres to accommodate the front porch. The bulk of the dwelling house is setback a distance of 6.531 metres further ensuring the dwelling won't dominate the streetscape.

*4.7 Demolition* - This clause focuses mainly on the demolition of heritage items and places that are contributory. It is acknowledged that from the outside the existing dwelling appears to contribute well to the HCA. However, the costs of repairing the deterioration to the dwelling, not visible to the eye, would be effectively as expensive as constructing a new house. In context, repairs will not last as long as a new dwelling and the upkeep can become more frequent. The applicant has supplied a dilapidation report and Statement of Heritage impact. Both reports provide evidence and justification for the demolition, as do the comments of the Heritage Advisor.

Concern has been raised from some of the Heritage Committee members over the setting of precedence. This application has been assessed on its merit and by the evidence supplied by the applicant. The proposal complies with the QLEP, the QDCP and has the support of Council's Heritage Advisor subject to minor changes. The result of this proposal will not adversely impact the HCA and even if the owners were to repair and extend, the likelihood of these works would result in something very visually similar to what is proposed.

It is always the preference that an original dwelling is retained if this is the most viable solution however, in this instance it has been made clear that the owners have considered repair and extension as well as the proposal. Given the supporting information and the design, demolition of this dwelling house is considered acceptable and any other subsequent applications in the area would be subject to providing the same evidence which would be assessed based on merit.

To summarise, the main objectives of this Part of the DCP are to ensure the heritage significance of the HCA and items is retained. The demolition of this dwelling will not adversely alter this significance and has been designed to harmonise with it.

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

Council's Building Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

**8.3 DA.2020.1119 - 55 The Crescent, Queanbeyan - Demolition of an Existing Dwelling House in the Heritage Conservation Area and Construction of New Dwelling and Garage (Ref: ; Author: Thompson/Dixon) (Continued)**

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

Council's Development Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

**(e) Heritage Advisor's Comments***First Design Comments*

The proposal is for demolition of all structures on site including existing dwelling, removal of a tree, erection of single storey dwelling house with ancillary double garage, solar panels, underground water tank and driveway. The existing dwelling is within the Queanbeyan Heritage Conservation Area but has not been individually listed. It is a good example of an Inter-War Cottage and as such contributes to the character and significance of the Conservation Area. The building appears to be in sound condition with weatherboard walls and red corrugated iron roof. A gable projects over a central front entry, either side of which are attractive timber windows.

Development, including demolition, is guided by the Queanbeyan DCP 2012, Heritage and Conservation Part 4. Demolition is specifically addressed at Part 4.7 which notes that demolition of a contributory item within a Conservation Area also has the potential to cause negative impacts on the streetscape

Objectives 1 and 4 are particularly relevant to this proposal, namely:

*Objectives:*

- 1) *To discourage full demolition of a heritage listed or contributory item.*
- 4) *To minimise adverse impacts arising from the demolition and replacement of heritage and contributory items.*

The proposed development is inconsistent with Controls a), e) and f) below:

*Controls:*

- a) *Full demolition of a listed or contributory item is only appropriate where, in the opinion of Council, the building is damaged or has decayed to such an extent that its restoration is not feasible.*
- e) *Significant fabric (for example period windows, or historic bricks) that is removed in the process of permissible demolition should be set aside for use in future repairs or possible reinstatement.*
- f) *Buildings that replace listed and contributory structures shall adopt a similar external form and appearance as the significant part of the building that is being demolished.*

The existing building is an attractive Inter-War cottage that fits in well with its streetscape and makes a valuable contribution to the wider conservation area and to The Crescent in particular. There has been no information provided to demonstrate that the building is damaged or has decayed to such an extent that its restoration is not feasible. In my view demolition of the building would be a loss to the heritage value of the conservation area.

The replacement building is not a replica of the existing. It is not symmetrical in front elevation, uses aluminium framed windows, Colorbond™ roof and fibre cement weatherboards. Fencing is not consistent with Council guidelines. There is a risk that approval to demolish this building would signal to others that Council no longer values the fine-grain character of original cottages located within the conservation area.

**8.3 DA.2020.1119 - 55 The Crescent, Queanbeyan - Demolition of an Existing Dwelling House in the Heritage Conservation Area and Construction of New Dwelling and Garage (Ref: ; Author: Thompson/Dixon) (Continued)**

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*Re-Design Comments and Support*

The dilapidation report by Peak Consulting identifies significant problems with this building. The front elevation of the proposed replacement building is similar to the existing and the new structure uses a combination of materials that are consistent with those on the extant dwelling. This is evident in the masonry base, horizontal weatherboard walls and corrugated-iron roof cladding. There is sound justification supporting demolition of the existing building and the proposed replacement building is considered acceptable.

**(f) Heritage Advisory Committee Comments**

The Committee held a site inspection prior to the Committee meeting, however access to the building was not possible. The Heritage Advisor provided the following comments:

- Whilst the building is located within the Heritage Conservation Area, it is not a listed Heritage Item.
- Even from inspecting the outside of the building only, the structural problems are quite evident.
- Extensive renovation works would be required and once completed not much of the original fabric of the building would be left.
- The proposed new dwelling design is appropriate.

The Committee had differing views in regard to the proposal and was unable to reach a consensus on the proposal.

**Engagement**

The proposal required notification under the Engagement & Participation Plan. No submissions were received.

**Conclusion**

The submitted proposal for demolition of all structures on site including existing dwelling, removal of a tree and the construction of a new single storey dwelling house with ancillary double garage, solar panels, underground water tank and driveway on Lot 12 Sec F DP 13427, No.55 The Crescent, Queanbeyan, is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received.

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

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

**Attachments**

Attachment 1	DA.2020.1119 - 4.15 Matters for Consideration Report - 55 The Crescent, Queanbeyan ( <i>Under Separate Cover</i> )
Attachment 2	DA.2020.1119 - Plans - 55 The Crescent, Queanbeyan ( <i>Under Separate Cover</i> )
Attachment 3	DA.2020.1119 - Dilapidation Report - 55 The Crescent, Queanbeyan ( <i>Under Separate Cover</i> )
Attachment 4	DA.2020.1119 - Heritage Impact Statement - 55 The Crescent, Queanbeyan ( <i>Under Separate Cover</i> )
Attachment 5	DA.2020.1119 - Draft Conditions - 55 The Crescent, Queanbeyan ( <i>Under Separate Cover</i> )

8.4 DA.2020.1236 - 22 Woodger Parade, Karabar - Construction of Dwelling House  
(Ref: ; Author: Thompson/Dixon)

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File Reference: DA.2020.1236

**Summary**

***Reason for Referral to Council***

This application has been referred to Council because the application involves a significant variation to a requirement in a development control plan.

Proposal:	Construction of a dwelling house
Applicant/Owner:	Progressive Project Solutions / Adrienne Stacey Moseley
Subject Property:	Lot 15 DP 228415, No. 22 Woodger Parade, Karabar
Zoning and Permissibility:	R2 Low Density Residential under Queanbeyan Local Environmental Plan 2012
Public Submissions:	One
Issues Discussed:	Planning Requirements Egress in Flood Prone Area
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

**That:**

- 1. Approval be granted to a variation to Part 2 of the Queanbeyan Development Control Plan 2012 to allow for flood egress from the premises to be below the compliant level for the following reasons:**
    - (a) It is a significant improvement from the existing dwelling house which would not have satisfied any of the flooding controls;**
    - (b) It allows a dwelling to be constructed on this flood constrained site with a building that satisfies the majority of flooding controls while providing a home for the owner; and**
    - (c) With the front door access at a level of 577.72 metres it allows part of the escape route to be above the flood planning level and extends the exit to a natural ground level of 575.35 metres.**
  - 2. Development application DA.2020.1236 for the construction of a dwelling house on Lot 15 DP 228415, No. 22 Woodger Parade, Karabar be granted conditional approval.**
  - 3. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
-

**8.4 DA.2020.1236 - 22 Woodger Parade, Karabar - Construction of Dwelling House  
(Ref: ; Author: Thompson/Dixon) (Continued)****Background*****Proposed Development***

The application proposes the erection of a single storey dwelling. The site is within the flood planning area and neighbours a heritage item. One submission has been received raising concerns on overall design. The issues raised were discussed with the applicant and changes made. Issues regarding flood have been addressed in this report. The proposal comprises the construction of a raised, single storey, 108.4m<sup>2</sup> manufactured dwelling, 6.07m in height.



***Figure 1: Front of proposal***



***Figure 2: Rear of proposal***

***Subject Property***

The previous dwelling on the subject site was erected during the 1970s. The dwelling contained loose fill asbestos insulation and was consequently demolished in 2017 under the Government's Loose Fill Asbestos Insulation Program.

The subject site is legally described as Lot 15 DP 228415 and is commonly known as 22 Woodger Parade. The site is located on the eastern side of Woodger Parade and has an area of 600.71m<sup>2</sup>.

The site is relatively flat toward the front boundary and heavily slopes to the rear of the subject site. There is a garden shed retained on site and grasses.

Vehicular access is provided to the site via an existing driveway from Woodger Parade. Existing development within the locality consists of single and two storey dwelling houses.



8.4 DA.2020.1236 - 22 Woodger Parade, Karabar - Construction of Dwelling House  
(Ref: ; Author: Thompson/Dixon) (Continued)



Figure 3: Locality plan

### Planning Requirements

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

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

1. State Environmental Planning Policy No. 55 – Remediation Of Land
2. State Environmental Planning Policy (Infrastructure) 2007
3. Queanbeyan Local Environmental Plan 2012 (QLEP).
4. Queanbeyan Development Control Plan 2012 (QDCP)

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

#### (a) Compliance with LEP

##### 5.10 Heritage Conservation

The proposed development will have a minimal impact in relation to heritage. The site is opposite 26 Malcom Road – Glenrock Cottage Local Heritage Item number I106 within the QLEP Heritage Schedule. The heritage item is separated from the proposal by Woodger Parade with the two dwellings being over 50m apart. Glenrock Cottage is situated on a prominent raised ground level assisting in its dominance in the streetscape. Council's Heritage Advisor provided the following feedback on the proposal:

*"The proposed dwelling is an elevated box-like building on a block that is across the road from a heritage listed item namely Glenrock Cottage. The latter is on a large allotment on the corner of Malcolm St and Woodger Parade. The primary aspect of Glenrock Cottage is to the north, whereas the proposed new dwelling is to the east.*

**8.4 DA.2020.1236 - 22 Woodger Parade, Karabar - Construction of Dwelling House  
(Ref: ; Author: Thompson/Dixon) (Continued)**

*Thus the proposed dwelling is not readily in the line of site from the heritage item. Furthermore the elevated position of Glenrock Cottage, in combination with a band of trees on its boundary, reduces the potential visual impact of the proposed dwelling. The visual impact of the new building would be even less if its floorplate was set lower to the ground, although I appreciate that may not be possible due to flood clearance requirements. Given the above, I consider the heritage impacts of the proposal to be acceptable”.*

Given the large separation of the dwellings alone, the impact upon Glenrock will be minimal. The site is not within a conservation area, is not a heritage item itself and has design elements including timber and landscaping features to ensure an adequate streetscape appearance that would not detract from Glenrock Cottage. The proposal is compliant with this clause.

**7.2 Flood Planning**

Clause 7.2 of the QLEP makes provision for developments within the flood planning area. The site is identified as “flood planning area” on the Flood Planning Map, and is at or below the flood planning level.

Within the flood zone, the site is located within the 1 in 100 year Flood Fringe Area. With reference to the Flood Map in the QLEP and QDCP, approximately half of the rear of the property is mapped as “High Hazard”, based on expected floodwater depth and velocity. A Flood Information Certificate (3-2017) was previously issued for the property, providing a Flood Planning Level of 576.83m AHD.

This Clause prohibits any development that has not been designed to satisfy the determining body that it will not cause any harm to the occupiers, surrounding properties and the locality of Queanbeyan as a result of being poorly designed and situated below the flood planning level.

The floor level of the design is situated above the flood planning level (577.72m) and has open elements on its base. This is ideal for the flood planning area as it keeps the occupiers safe in the event of a flood by providing a surface above the flood levels and allows flood water to pass under the dwelling rather than push waters outward to other homes. The original design had no safe means of escape given that the only egress point was a rear door exiting to the backyard. Through communication with the applicant a door facing onto Woodger Parade is now proposed providing a more appropriate and safe means of escape.

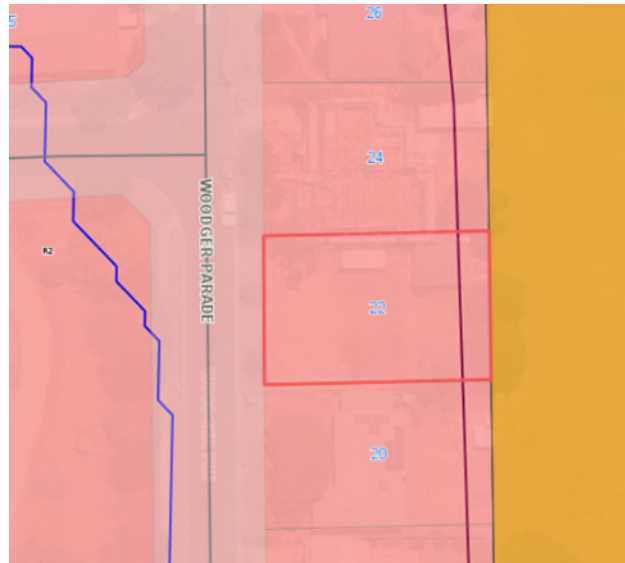
As such, the design of this dwelling house appears capable of meeting the objectives of the clause by allowing a safe finished floor level, means of escape in a flood event and minimal impacts onto adjoining lots in the event of a flood.

**(b) Compliance with DCP****Clause 2.5 Land Within Flood Planning Area**

The following section incorporates comments from the Development Engineering Team on flooding and access issues.

The subject site is wholly within the Flood Planning Area and partially within the Floodway.

8.4 DA.2020.1236 - 22 Woodger Parade, Karabar - Construction of Dwelling House  
(Ref: ; Author: Thompson/Dixon) (Continued)



**Figure 4 – Subject site in relation to Floodway (red line) and Floor Planning Area (blue line)**

With reference to Figure 5 below, approximately half of the rear of the property is mapped as “High Hazard”, based on expected floodwater depth and velocity. A Flood Information Certificate (3-2017) was previously issued for the property, providing a Flood Planning Level of 576.83m AHD.



**Figure 5 – Subject site in relation High Hazard Areas shown red.**

The QDCP provides limited guidance for developments which fall within the High Flood Hazard Zone, however requires the following conditions be met for residential development within the Flood Planning Area:

- i) *Stream Flow Forces - A certificate from a suitably qualified Engineer will be required to show that all piers and other portions of the structure which are subject to the force of flowing water or debris has been designed to resist the stresses thereby induced.*

**8.4 DA.2020.1236 - 22 Woodger Parade, Karabar - Construction of Dwelling House  
(Ref: ; Author: Thompson/Dixon) (Continued)**

- ii) *Foundations - A certificate from a suitably qualified Engineer will be required to show that forces transmitted by supports to the ground can be adequately withstood by the foundations and ground conditions existing on the site.*
- iii) *Hydraulic Effects - A certificate from a suitably qualified Engineer will be required to show that the structure as designed will have virtually no effect on the flood levels at or upstream from the site of the subject building and will have no increase in stream velocity downstream of any part of the structure which will cause erosion or instability to any other structure or to the ground surface. If scouring is likely to occur the method of controlling such scourings is to be documented.*

Additionally, it requires all development to be constructed at or above the Flood Planning Level (Including the 500mm Freeboard), not be filled to a level higher than 2 metres and that any access (driveways and footpaths) cannot be more than 800mm below the flood planning level.

*Proposed Level* - The dwelling house proposes a finished floor level of 577.72 which is above the flood planning level and complies.

*Access* – Access from a flood affected area is compliant if it is no more than 800mm below the flood planning level of 576.83m. So in this case a compliant access level would be 576.03m. This means that a compliant access route is not able to be provided because the natural ground level at the lowest point of the access route 575m AHD. This is 1.03m below the compliant level. Therefore, the applicant is applying for a variation to this provision of the DCP.

Initially, the plans did not include a front entry. Given the flood risks associated with the site, the applicant was requested to provide a front access and deck to improve the existing situation. The provision of this front deck will allow a safer route for escape in the event that flood occurs and allows the access to be dealt with as a variation to the requirements of the QDCP. The variation is supported as:

- The provision of the front entry is a vast improvement from the existing dwelling house which would not have satisfied any of the flooding controls;
- It allows a dwelling to be constructed on this flood constrained site with a building that satisfies the majority of flooding controls while providing a home for the owner; and,
- With the front door access at a level of 577.72 metres much of the stairs and balcony are above the flood level. In addition the stairs discharge at a natural ground level of 575.35m reducing the overall variation from 1.03m to 0.68m.

### 3A.7 *Privacy and Over-shadowing*

Although the development complies with this Clause, a submission was raised regarding impacts upon view sharing. A site inspection was undertaken from the lot and confirmed it was at a natural ground level high enough that view impacts will be minimal. This conclusion was reached for the following reasons:

- The proposed dwelling is relatively small being 108m<sup>2</sup> with a width of 12.4 metres. This ensures only a very small portion of the width of the lot will have built raised area on it;
- The dwelling must be raised due to flooding constraints;
- The submitters / objectors dwelling is at a much higher ground level (approximately 578-580 metres) than the proposed (575 metres) and is over 50 metres away from the subject site; and,

**8.4 DA.2020.1236 - 22 Woodger Parade, Karabar - Construction of Dwelling House (Ref: ; Author: Thompson/Dixon) (Continued)**

- No one is entitled to the ownership of a view. In an article published by Lindsay Taylor Lawyers on their “In Focus” website in November 2015 some useful information about the way in which the Court has interpreted the right to views has been discussed:

*The Courts have acknowledged that views from a person’s home can have considerable value. However, that does not mean that a person has the power to protect and maintain their view as a legal, proprietary right. In Robson v Leischke [2008] NSWLEC 152, His Honour, Preston CJ, summarised the limited powers available to an aggrieved land owner when, at paragraph [86] of his judgment, he stated:*

*...a defendant may erect a building or other structure such as a fence, or plant a tree on his or her land which interferes with the neighbour’s enjoyment of their land. The building, structure or tree may...spoil the neighbour’s view ...yet such interferences are not actionable as a nuisance.*

Given the combination of factors and historic treatment of ‘viewing rights’ the view lost is deemed as negligible.

**4.6.2 New Buildings in the Vicinity of a Heritage Item**

Concern was raised from the Heritage Advisory Committee about the contemporary design of the dwelling. They did not oppose the construction but did request design elements be incorporated into the dwelling to soften its appearance and potential impact upon the Heritage Item located at 26 Malcolm Road.

The controls of this Clause encourage the use of materials within the Item to be incorporated into the design of the new dwelling. The applicant has used timber features and landscaping to ensure this occurs. Although the design is modern, the site itself is not in a heritage conservation area nor is it a heritage item. Further, the neighbouring dwellings at 24 Woodger Parade and 18 Woodger Parade both present similar modern features as the proposal. Given the flood constraints of the site it is impossible to construct a dwelling at the existing natural ground level. The proposed dwelling is over 50 metres away from Glenrock Cottage, is compliant with the QLEP, incorporates a mixture of materials and sits well below the natural ground level of Glenrock Cottage ensuring its impact will not detract from the Heritage Item.

**(c) Other Matters****i. Building Surveyor’s Comments**

Council’s Building Surveyor offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

**ii. Development Engineer’s Comments**

*Water* – The existing 20mm water service should be reused for the development.

*Sewer* - A 150mm sewer main runs parallel to the rear boundary (approx. 1.5m from boundary), and a manhole exists within the block. Works as executed plans from 1965 indicate AHD levels around 573.9m, or approx. 1.8m deep at time of construction.

The proposed dwelling is 4.0m from the rear boundary and, while an easement is not present over the sewer alignment, the development will need to comply with Council’s Development Adjacent to Water, Sewer & Stormwater Mains Policy. As such footings along the rear façade of the dwelling are to extend to AHD 574.94m to ensure that superimposed loads of the building are not transferred onto the main.

**8.4 DA.2020.1236 - 22 Woodger Parade, Karabar - Construction of Dwelling House  
(Ref: ; Author: Thompson/Dixon) (Continued)**

Structural plans of the design to be approved by Council prior to issue of construction certificate.

A condition will be imposed requiring a sewer reflux valve to be fitted to the property connection to prevent surcharge of sewage into the dwelling during flood events.

*Storm Water* - Council records do not indicate an existing stormwater connection or piped infrastructure in the vicinity. Runoff and overflow from rainwater tanks from the development should be trapped and either piped (likely via charged line) to a street kerb outlet or to an absorption trench situated at least 5m from site boundaries.

*Access and Parking* - A vehicle kerb crossing 3m wide and very close to the side boundary, exists for the site. The application proposes relocating the access to the south of the site. Two parking spaces are shown on the plans below the dwelling, meeting DCP parking requirements. Dimensions are 2.4m x 5.4m and minimum headroom of 2200mm is available in accordance with AS2890. Internal driveway grades are unlikely to exceed 11%. The verge crossover is shown to be 2.3m wide, however, should be constructed in accordance with Council's D13 Specification, with minimum width of 3m. The existing VKC should be closed off and kerb & gutter and verge area should be reinstated with grass.

*Flooding and Egress* - See assessment against clause 2.5 of the QDCP above.

**iii. Heritage Advisor's Comments**

As indicated in the heritage section in the QLEP above the Heritage Advisor had no objections to the proposal. He made the following comments in relation to the amended plans.

*The addition of stair, deck and entry on the street facing side definitely improves the streetscape appeal and further reduces any adverse visual impact on heritage listed Glenrock.*

**iv. Heritage Advisory Committee Comments**

The Committee advised that they had no objection to the proposal subject to the building design including articulation of the front façade (which could include a front verandah and front door) and some open timber cladding underneath the building on the front façade of the supporting columns. These changes were included in the amended plans.

**Engagement**

The proposal required notification under the Community Engagement and Participation Plan. Submissions were received from one submitter. The site specific nature of the submissions makes it difficult to satisfy the privacy of the submitter so the submissions are provided as confidential attachments for the information of Councillors. The relevant issues raised are as follows.

**Issue 1:** The design, colour and composition of the building are in stark contrast to others in the vicinity i.e. it would not complement and harmonise with the existing residential development but would clash with it.

*Comments* - The design of the dwelling is similar to that of 18 Woodger Parade. The original plans did not present an adequate streetscape; however, amended plans sent to the submitter on the 21 August 2020, demonstrate a combination of materials on the front façade including timber and Colorbond™. The design and materials comply with Part 3a and Part 4 of Council's Development Control Plan and has been deemed acceptable in this instance.

**8.4 DA.2020.1236 - 22 Woodger Parade, Karabar - Construction of Dwelling House  
(Ref: ; Author: Thompson/Dixon) (Continued)**

**Issue 2:** The design of the dwelling will have an adverse impact on our property as it would be different in character and style (Refer QDCP Clause 4.6.2). The building is industrial in style with its unadorned box like form on stilts and metal cladding dark colour. With its size it would change the character of the neighbourhood and detract from our house.

*Comments* - This point appears similar to point one and as such some aspects already addressed will not be revisited here. Clause 4.6.2 has three controls that provide guidance to design of dwellings neighbouring heritage items. It encourages the use of similar materials and heritage features. Amended plans incorporate timber and the dark coloured cladding as external materials. The timber materials are present in the heritage item and the amended plans have incorporated landscaping to soften the appearance of the dwelling upon the streetscape. The dwelling is similar in terms of height and colour of those in the streetscape including 18 and 24 Woodger Parade. It is much smaller than neighbouring dwellings only covering 108m<sup>2</sup> in floor area and is present in 60% of the width of the lot.

It will be located over 50 metres away from the nearest heritage item and retains a 9 metre front setback giving a large distance away from Woodger Parade. The dwelling will therefore not adversely change the character of the neighbourhood given Woodger Parade presents a range of housing diversity including one heritage item, ageing 80's style homes and new dwellings. The height of the dwelling cannot be altered due to flooding constraints.

**Issue 3:** The building looks like a temporary dwelling and is described in the application as a 'moveable dwelling'. We note that in the QDCP Clause 4.6.1 such buildings are specifically considered unsuitable for infill in Conservation Areas as being unlikely to address design and character guidelines. The same reasoning can be applied to a erecting a moveable building in the vicinity of a heritage item.

*Comments* - Clause 4.6.1 of the QDCP does not apply to the development as it is not in a Heritage Conservation Area. The proposal is a manufactured home which is permissible under the *Local Government Act 1993* (Section 68). The use of the proposal is for a dwelling house and is permissible in the zone. Manufactured homes are deemed as an acceptable form of dwelling house, and with small design changes made to the front façade, it has been considered acceptable for this site.

**Issue 4:** The house would abut the reserve along the Queanbeyan River which is popular for walking. As the style, colour and materials proposed are so unlike the surrounding houses it would clash and detract from the ambience of the area.

*Comments* - A site inspection was undertaken of this walking path by the Assessing Officer. From the path shown in the below image, it is very difficult to see any dwellings due to the slope with the subject site indicated by the red arrow. In the second image, upon walking to the top of this crest dwelling houses were able to be viewed; however, there was a mix of material, style and heights present along this area. In terms of the point of this concern, the dwelling will be partly viewed from the walking part but will not clash nor detract from the area given dwellings are common along this walking path.

8.4 DA.2020.1236 - 22 Woodger Parade, Karabar - Construction of Dwelling House  
(Ref: ; Author: Thompson/Dixon) (Continued)

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*Figure 6 - View from walking path*



*Figure 7 - View from top of crest*



**8.4 DA.2020.1236 - 22 Woodger Parade, Karabar - Construction of Dwelling House  
(Ref: ; Author: Thompson/Dixon) (Continued)**

**Issue 5:** As the building rests on stilts 2.4m high, it is effectively a two-storey building and would restrict our views across Woodger Parade to the golf course and Greenleigh. The building that was demolished on the block was single storey. The submitter indicates that their view across 24 Woodger Parade has been reduced as the existing dwelling was replaced by a two storey house now nearing completion.

*Comments* - The subject site is within the Flood Planning Area of Queanbeyan and is required to sit at a certain finished floor level to ensure protection in the event of a flood. Additionally, the height limit within the *QLEP* on the site is 8.5 metres and the proposal sits well below this. In terms of viewing rights a site inspection was undertaken from the lot and confirmed it was at a natural ground level high enough that view impacts will be minimal. Additional comments on views can be found in the QDCP section earlier in this report.

The amended plans were sent to the submitter with comments received by the Assessing Officer on the 24 August 2020. Summarised, the objection did not change.

**Conclusion**

The submitted proposal for a dwelling house Lot 15 DP 228415, No.22 Woodger Parade, Karabar is a local development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and one submission was received.

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

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

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

**Attachments**

Attachment 1	DA.2020.1236 - 4.15 Matters for Consideration Report - 22 Woodger Parade, Karabar ( <i>Under Separate Cover</i> )
Attachment 2	DA.2020.1236 - Plans - 22 Woodger Parade, Karabar ( <i>Under Separate Cover</i> )
Attachment 3	DA.2020.1236 - Site Survey Plan - 22 Woodger Parade, Karabar ( <i>Under Separate Cover</i> )
Attachment 4	DA.2020.1236 - First Submission - 22 Woodger Parade, Karabar ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>
Attachment 5	DA.2020.1236 - Second Submission - 22 Woodger Parade, Karabar ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>
Attachment 6	DA.2020.1236 - Draft Conditions - 22 Woodger Parade, Karabar ( <i>Under Separate Cover</i> )



8.5 Queanbeyan-Palerang Draft Comprehensive Local Environmental Plan 2020  
(Ref: ; Author: Thompson/Brown)

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**File Reference:** ECM 26.1.41

**Summary**

The purpose of this report is to advise Council of the outcomes of the consultation and public exhibition undertaken for the draft *Queanbeyan-Palerang Local Environmental Plan 2020* ('the draft plan'), and to recommend Council now finalise the draft plan with the amendments set out in this report. Councillors were presented with these matters at a recent workshop.

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**Recommendation**

**That Council:**

- 1. Note the report.**
  - 2. Amend the draft Comprehensive Local Environmental Plan as set out in Attachment 7 of this report.**
  - 3. Take all necessary actions to now finalise the draft Comprehensive Local Environmental Plan and forward it to the Minister for Planning and Public Spaces (or delegate) to be made.**
- 

**Background**

Council will be aware that staff have been preparing a new comprehensive local environmental plan (LEP) for the amalgamated Queanbeyan-Palerang local government area (LGA). The key purpose of the draft plan is to consolidate the number of LEPs applying to Queanbeyan-Palerang and to ensure there are consistent planning regulations in place across the LGA.

As requested by Government, the combined plan seeks to minimise the number of new policy matters being included in the comprehensive LEP and to rationalise existing provisions with as little planning/policy change as possible.

At its Planning and Strategy meeting of 12 February 2020, Council resolved to exhibit the draft plan (PLA005/20) following approval from the NSW Department of Planning, Industry and Environment (DPIE) to do so.

Consultation with relevant government authorities and the community has now concluded and Council has received a number of submissions on the draft plan.

**Consultation with Government Authorities**

Consultation in respect of the draft plan was undertaken with relevant government authorities, including surrounding local councils, during May 2020. A total of ten (10) submissions were subsequently received during that period. Two (2) other submissions were also received during the recent exhibition of Council's Local Strategic Planning Statement (LSPS) and are considered to be directly relevant to the draft plan so have also been included with submissions received during the formal period (these are from WaterNSW and the Environmental Protection Authority (EPA)).

**8.5 Queanbeyan-Palerang Draft Comprehensive Local Environmental Plan 2020****(Ref: ; Author: Thompson/Brown) (Continued)**

A review of these submissions, and staff response, is shown in Attachment 1. As noted in the review, a number of changes to the draft plan are proposed in response to the submissions received. In general these changes are considered to be minor and appropriate. Specific issues raised by agencies that have resulted in other changes to the plan are discussed below in more detail.

*Commonwealth Department of Infrastructure, Transport, Regional Development and Communications (DITRDC)*

DITRDC has advised Council that it is supportive of amending clause 7.10 Airspace Operations in the draft plan to remove the requirement to formally 'consult' with both DITRDC and Canberra Airport in respect of developments that penetrate the obstacle limitation surface (OLS) for Canberra Airport. Canberra Airport has also provided advice it supports this change.

As a consequence, Council will now only be required to 'notify' Canberra Airport in the future for such development applications. This will address significant delays that have previously been experienced in respect of consultation on development applications where this is an issue. The support of both DITRDC and Canberra Airport to help resolve this issue is acknowledged. Accordingly, it is recommended that the draft clause 7.10 Airspace operations be redrafted as follows prior to it being submitted to DPIE (and noting final wording will be subject to DPIE approval):

*7.10 Airspace operations*

(1) *The objectives of this clause are as follows:*

(a) *to provide for the effective and ongoing operation of Canberra Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,*

(b) *to protect the community from undue risk from that operation.*

(2) *If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has notified the operator of Canberra Airport.*

(3) *In this clause:*

*Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for Canberra Airport.*

*DPIE Biodiversity and Conservation Unit (DPIE B&C)*

DPIE B&C raised a number of matters in its submission and these are discussed in the submission analysis in Attachment 1. The most significant issue raised is a request to not proceed with the proposal to allow 'extensive agriculture' without consent in the E2 Environmental Conservation Zone.

Council may be aware that at the current time, 'extensive' agriculture' is permissible without consent in this zone under *Queanbeyan Local Environmental Plan 2012 (QLEP2012)*, however is prohibited under *Palering Local Environmental Plan 2014 (PLEP2014)*. Council staff had recommended that 'extensive agriculture' be allowed without consent more broadly throughout the LGA as set out in *QLEP2012*.

### 8.5 Queanbeyan-Palerang Draft Comprehensive Local Environmental Plan 2020 (Ref: ; Author: Thompson/Brown) (Continued)

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That recommendation reflected that approximately 70% of all E2 land in QPRC is located in the former Queanbeyan LGA, and that significant parts of that E2 land have traditionally been used for grazing activities. It also reflected that approximately 85% of E2 land in the former Palerang LGA are either publicly owned or covered by a biodiversity agreement of some form.

Having regard to the representations from DPIE B&C, and to ensure the draft plan is not delayed, Council staff have agreed in the interim to amend the draft plan to make 'extensive agriculture' prohibited under the draft plan. However to ensure 'extensive agriculture' can continue to be carried out without consent in the former Queanbeyan LGA, staff are intending to list the use as permissible without consent under Schedule 1 Additional Permitted Uses of the draft plan. This essentially maintains the status quo under both plans at this time.

This is an interim approach until such time as a further comprehensive Biodiversity Study is carried out to review the appropriateness of the current environmental zonings and uses more broadly throughout the LGA with a view to rationalising the zones at that time.

#### **Consultation with Community**

The Gateway determination received from DPIE required Council to exhibit the draft plan for a minimum period of 28 days. The draft plan was subsequently exhibited from 1 June 2020 to 30 June 2020 (30 days).

Engagement included the following:

- Notifications in local newspapers and social media platforms (including Mayoral Column);
- Copies of the draft plan and supporting information on Council's Your Voice webpage;
- A video presentation by staff setting out the background to the draft plan and key changes on webpage; and
- A survey on key aspects of the draft plan where the community was able to offer feedback on certain issues or topics on webpage.

Staff were available on a daily basis to answer questions from the community as required.

A number of time extensions were provided to members of the community to make submissions where requested. A total of 52 submissions were finally received in respect of the draft plan. Redacted copies of these submissions are shown in Attachment 2. A copy of Council's analysis of the submissions is shown in Attachment 3. Also shown in Attachment 4 is an overview of the findings of the survey that accompanied the exhibition of the draft plan.

As noted in the review, some changes to the draft plan are proposed in response to the submissions received. These changes are considered to be minor and appropriate.

In general, there appeared to be broad recognition amongst the community that the intent of the draft plan is to rationalise the existing planning instruments (LEPs) applying to the LGA rather than to introduce new policy matters. However, a number of submissions did raise issues in respect of either how the draft plan has sought to rationalise land uses between existing zones, or, requested broader policy changes be made to the draft plan.

All submitters have been advised Council is considering the draft plan and community submissions should they wish to make further representations.

Significant issues raised in the submissions are discussed in more detail below.

**8.5 Queanbeyan-Palerang Draft Comprehensive Local Environmental Plan 2020  
(Ref: ; Author: Thompson/Brown) (Continued)***'Dual Occupancies' in Rural and Environmental Zones*

Twenty five (25) out of 52 submissions received during exhibition raised the issue of the proposed permissibility of dual occupancy developments in rural and environmental zones. The exhibited draft plan currently adopts the position of the *QLEP2012* and only allows for 'secondary dwellings' with consent in the zones rather than 'dual occupancies' as provided for under *PLEP2014*.

The majority of the submissions received on this issue objected to that proposed approach and requested Council include 'dual occupancies' as permissible with consent. Not all submissions expressed a reason for objecting to the proposal, however common arguments raised in submissions included:

- *"removing right to dual occupancy allowed when property was purchased is unfair";*
- *"allowing dual occupancies provides an opportunity for a diversity of housing options";*
- *"prohibiting them can lead to financial impacts";*
- *"dual occupancies provide tourist accommodation to support wineries";*
- *"the issue of over capitalisation on a property is not a concern for Council";*
- *"prohibiting dual occupancies on the land will impact on the amenity and future uses of this property";*
- *"dual occupancies provide housing for rural workers which are required to manage a 16 hectare property"; and*
- *"that Council has not explained the implications of this change in a way that the community can understand".*

Of those submissions that provided a reason for the objection, many also raised the issues of *"intergenerational living"* or *"wanting to accommodate an elderly or disabled family member"*. This suggests there was some misunderstanding about 'secondary dwellings' (i.e. granny flats) still being permissible in the zones, including the proposal to increase the floor area of these to 50% of the principal dwelling.

Submissions from surrounding local councils noted the approach was consistent with some (e.g. Goulburn-Mulwaree) however inconsistent with others (e.g. Eurobodalla). In practice, there is variation in the manner in which the permissibility of 'dual occupancies' is addressed in rural and E4 zones across the Region.

The options available to Council at this time are:

- Option 1* - Maintain the approach set out in the exhibited draft plan (and consistent with existing *QLEP2012*), or
- Option 2* - Revise the position and instead allow 'dual occupancies' with consent in the RU1 Primary Production, RU2 Rural Landscape, R5 Large Lot Residential, E3 Environmental Management and E4 Environmental Living zones (consistent with existing *PLEP2014*).

No changes are required to the draft instrument in order to progress Option 1 above.

### 8.5 Queanbeyan-Palerang Draft Comprehensive Local Environmental Plan 2020 (Ref: ; Author: Thompson/Brown) (Continued)

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If Council were to progress Option 2, a number of operational changes to the draft plan would be required in order to ensure 'dual occupancies' are not undertaken in areas of Queanbeyan such as Greenleigh, The Ridgeway, Wickerslack Lane and Jumping Creek where additional residential development is not allowed at this time and where an increase in densities is not desirable in the future.

This can potentially be done by identifying minimum lot size requirements for both 'secondary dwellings' and 'dual occupancy' developments in different locations to ensure these uses can continue to be undertaken in areas where currently allowed under the respective planning controls (i.e. former Palerang LGA) but not in areas where not currently permissible (i.e., former Queanbeyan LGA). This would likely be done by way of a Local Clause Map that sets out these minimum areas. The maximum area for 'secondary dwellings' would also be changed to 60m<sup>2</sup>, or 33% of the area of the principle dwellings, consistent with the existing provisions under *PLEP2014*.

Regardless, Council staff remain of the view that 'dual occupancies' should be prohibited in rural and environmental zones as set out in the exhibited draft plan for the following reasons:

- allowing additional dwellings on lots that are not linked to the principal dwelling increases the demand for subdivision of rural and environmental lands,
- that 'dual occupancies' are predominantly a form of medium-density housing best located in urban areas,
- that allowing dual occupancies in the E4 Environmental Living zone may have significant impacts in existing E4 areas around Queanbeyan such as The Ridgeway, Greenleigh, Wickerslack Lane and Jumping Creek,
- that until 2014, provisions existed under *Yarrowlumla LEP 2002* that restricted the size of any second dwelling erected on a property to specifically address long standing concerns in respect of the development of rural residential land, and
- that sustainable settlement in the LGA is best achieved by directing new housing to urban locations where residents have greater access to infrastructure, employment, education, health, shopping and other resources.

#### *'Home Businesses' in Rural and Environmental Zones*

Fourteen (14) out of 52 submissions received during exhibition raised the issue of the permissibility of 'home businesses' in rural and environmental zones (particularly the E4 Environmental Living zone). The exhibited draft LEP recommended that 'home businesses' require consent as currently drafted in *QLEP2012*. At the time staff were considering the potential implications of allowing 'home businesses' and 'home based childcare' in bushfire prone areas, particularly as these allow for non-residents (staff and clients) to also be on the property.

Most submissions raised the concern about the potential employment and financial impacts this would have on either an existing home business, or, proposals to otherwise establish a home business in the future.

It has also come to the attention of staff that under *State Environmental Planning Policy (Exempt and Complying Development) 2008* 'home businesses' are permissible without consent in all zones.

Accordingly, staff are now recommending that 'home businesses' be shown as permitted without consent in all zones where dwellings are permissible or where dwellings may have been erected in the past. The draft plan will be updated to reflect this position prior to being submitted to DPIE.

## 8.5 Queanbeyan-Palerang Draft Comprehensive Local Environmental Plan 2020 (Ref: ; Author: Thompson/Brown) (Continued)

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### *'Neighbourhood Shops' in E4 Environmental Living Zone*

Four (4) out of 52 submissions received specifically objected to Council's proposal to prohibit 'neighbourhood shops' in the E4 Environmental Living zone. The use is currently permissible with consent in the zone under PLEP2014 however is prohibited in the zone under QLEP2012.

Arguments provided by submitters included:

- *"such a form of development is seen as providing a community facility, including potentially a community shop";*
- *"due to COVID, dispersed, lower density shopping amenities should be welcomed";*
- *"allowing neighbourhood shops also reduces the need for people to travel long distances to shopping facilities so has a potential benefit to the environment";*
- *"as there are no existing shops in the Wamboin area this provision should remain to potential vendors as it currently applies under the Palerang LEP 2014";* and
- *"more money is spent locally, there is a sense of community and food security".*

Council staff are concerned allowing this use in the zone has the potential to impact on the existing retail hierarchy of Council's urban settlements. Retailing and commercial uses such as 'neighbourhood shops' are best located in urban areas. Staff are maintaining the recommendation that 'neighbourhood shops' be prohibited in the zone in this instance.

### **Other Matters**

#### *LEP Process*

10 out of 52 submissions received raised concerns about timeframes for the draft plan and the exhibition process (Covid impacts etc.), lack of community meetings at this time and similar.

Council's consultation on the draft plan is consistent with the Gateway determination issued by DPIE and the requirements of QPRC's Community Engagement Policy.

As noted earlier in the report engagement included the following methods:

- Formal exhibition of the draft plan and supporting documents from 1 June 2020 to 30 June 2020 on Council's Your Voice webpage;
- Notifications in local newspapers and social media platforms (including Mayor Column);
- Copies of the draft plan and supporting information on Council's Your Voice webpage;
- A video presentation by staff setting out the background to the draft plan and key changes on webpage; and
- A survey on key aspects of the draft plan where the community was able to offer feedback on certain issues or topics on webpage.

Staff were also available on a daily basis to answer any questions from the community as required. A number of time extensions were also given to members of the community to make submissions where requested.

Council staff acknowledge the concerns around consultation at this time and sought to ensure the community had suitable opportunities to make submissions and raise any questions or concerns with staff.



**8.5 Queanbeyan-Palerang Draft Comprehensive Local Environmental Plan 2020  
(Ref: ; Author: Thompson/Brown) (Continued)**

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*Requests to Allow Additional Rural Dwelling Entitlements or Subdivision Opportunities*

5 submissions received raised matters in respect of further settlement in rural or environmental zones. These were requests for rezoning, reductions in minimum lot sizes and dwelling entitlements. One of these submissions was on behalf of a number of residents in the Old Gold Mine Road area seeking a review of rezoning and subdivision potential in the area.

As noted the intent of the planning proposal is to merge the existing planning instruments rather than to consider new policy matters. Any changes to rural planning controls need to be considered holistically as part of an appropriate strategy for rural areas such as the adopted Rural Lands Strategy.

*Requests to Consider Increases in Densities in Certain Areas of Queanbeyan*

Two (2) submissions were received in respect of rezoning urban areas of Queanbeyan from R2 Low Density Residential to R3 Medium Density Residential. These include Cassidy Street and Callum Street areas.

Any changes to planning controls or zonings need to be considered holistically as part of an appropriate strategy. Council staff are intending to undertake future investigations to identify areas in Queanbeyan potentially suitable for increased residential densities and these areas will be considered in any review at that time.

*Requests by Developers to Make a Number of Changes to Planning Provisions Currently Impacting on the South Jerrabomberra Urban Release Area*

Three (3) submissions were received from respective landowners and developers at South Jerrabomberra. One of these amounts to an objection from the owners of Environa/Robin to part of their land being zoned E2 Environmental Conservation under the draft plan.

In respect of the objection to the zoning of the part of Environa/Robin to E2 Environmental Conservation, it should be recognised the area is currently zoned 7(b) Environmental Protection B under *Queanbeyan Local Environmental Plan 1998*. In this instance, staff have sought to apply the most similar equivalent zone under the standard instrument to this area which in this instance is the E2 Environmental Conservation zone. This allows for a range of similar uses and is consistent with the current zoning of the land.

The other submissions requested consideration be given to including additional land uses or amending zoning boundaries. As noted the intent of the planning proposal is to merge the existing planning instruments rather than to consider new policy matters. The requests for additional permitted land uses or variations to zone boundaries will need to be considered as part of a future review after the draft plan is made.

**8.5 Queanbeyan-Palerang Draft Comprehensive Local Environmental Plan 2020  
(Ref: ; Author: Thompson/Brown) (Continued)**

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*Requests by Developers to Make a Number of Changes to Planning Provisions Currently Impacting on the Googong Urban Release Area*

Three (3) submissions were received from developers of land at Googong (PEET), Talpa Estate (VBC) and Sunset Estate (Cooke).

The submissions request consideration be given to matters such as reducing lot sizes or amending zoning/lot size boundaries. These raise new policy issues.

No changes are proposed in response to these submissions at this time. Staff will continue their discussions with the respective developers on these issues.

*Requests that Council to Rezone E4 Environmental Living Land to R5 Large Lot Residential*

Three (3) submissions were received requesting Council progress the rezoning of certain E4 Environmental Living land at Wamboin/Bywong to R5 Large Lot Residential.

This matter is not part of the draft plan at this time however is being progressed as a separate planning proposal consistent with Council's resolution on this issue. It is also reported on separately elsewhere in this business paper.

*Places of Public Worship in R2 Low Density Residential zone*

Two (2) submissions were received in respect of the proposal to prohibit 'places of public worship' in the R2 Low Density Residential zone consistent with *PLEP2014*. The use is currently permissible under *QLEP2012* at this time.

These forms of development have the potential to contribute to land use conflict in low density residential areas and are otherwise permissible in the RU1 Primary Production, R1 General Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, IN1 General Industry, IN2 Light Industry and E4 Environmental Living zones.

Staff have recommended Council maintain this position in the draft plan.

*Requests to Consider Rezoning Land Adjoining Braidwood from RU1 Primary Production to R2 Low Density Residential*

Two (2) submissions were received requesting the rezoning of rural land adjacent to Braidwood.

Future development around and within Braidwood will be considered as part of a proposed Structure Plan to be developed for the town.

*Canberra Airport*

Canberra Airport has advised it supports the revised Airspace Operations clause now being included in the draft plan as discussed above. This is welcomed.

**8.5 Queanbeyan-Palerang Draft Comprehensive Local Environmental Plan 2020  
(Ref: ; Author: Thompson/Brown) (Continued)**

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*Environmental Matters*

A number of submissions made comments in respect of environmental issues and suggestions for improvements to the wording of clauses. One of these submissions in particular raised a number of questions and suggestions for improving the draft plan. Many of these potentially raise new policy issues. However, Council staff will have regard to those comments in its next policy review of the LEP to see where they can be accommodated if supported.

Council also received a request from a property owner to rezone their property from RU1 Primary Production to E2 Environmental Conservation. This potentially has merit however again represents a policy change that would not be appropriate at this time. Council will have further regard to this request in its next policy review of the draft plan.

*Heritage in Braidwood*

Submissions raised the need to have clearer guidelines in respect of heritage protection and further promoting heritage in Braidwood.

Council staff are intending to revisit heritage controls in the future. However this is not part of this planning proposal.

*Housing Supply and Choice in Braidwood*

Submissions also raised the need to provide for a broader range of housing options to meet the changing demographics of Braidwood.

As noted, future development around and within Braidwood will be considered as part of a proposed Structure Plan to be developed for the town.

**Internal Staff Comments**

A number of comments were also received from internal staff during the exhibition of the draft plan. These are shown at Attachment 5. Where not raising new policy matters, staff have sought to include these comments in the draft plan.

One important issue raised by staff is the need to reinstate controls that previously existed under *Queanbeyan Local Environmental Plan (South Tralee) 2012* in respect of integrated housing applications on small lots. This is similar to the requirements of clause 4.2C of the exhibited draft plan that requires proponents to provide dwelling designs at the same time as subdivision plans when proposing development on small lots. This is to ensure subdivisions are not approved that fail to provide an adequate configuration for parking, open space and the like. As noted these provisions previously existed under *Queanbeyan Local Environmental Plan (South Tralee) 2012* however were removed by the then Department of Planning and Environment at that time who requested Council instead provide for the smaller lot sizes on the minimum lot size map itself.

Staff have requested these controls be reinstated to ensure appropriate subdivision and dwelling designs are achieved for proposed smaller lots at South Jerrabomberra. Accordingly, staff are recommending that a new clause 4.2CA be inserted into the plan to require applications for subdivision of small lots to be accompanied by the respective dwelling designs. This is considered to be a sensible and appropriate change to the draft plan.

**8.5 Queanbeyan-Palerang Draft Comprehensive Local Environmental Plan 2020  
(Ref: ; Author: Thompson/Brown) (Continued)**

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**Other Changes**

The draft plan has also been updated to reflect a number of minor changes to the property descriptions and mapping for several local heritage items. These changes are shown at Attachment 6.

Staff also noted that the exhibited version of the draft plan noted the maximum size for 'kiosks' under clause 5.4(6) was 20m<sup>2</sup> whereas the background paper accompanying the planning proposal noted it would be 40m<sup>2</sup>. This has been corrected in the draft plan to now be 40m<sup>2</sup>.

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

The draft plan has been prepared 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 community engagement was carried out in the following manner:

- Formal exhibition of the draft plan and supporting documents from 1 June 2020 to 30 June 2020 on Council's Your Voice webpage;
- Notifications in local newspapers and social media platforms (including Mayor Column);
- Copies of the draft plan and supporting information on Council's Your Voice webpage;
- A video presentation by staff setting out the background to the draft plan and key changes on webpage; and
- A survey on key aspects of the draft plan where the community was able to offer feedback on certain issues or topics on webpage.

Staff were also available to answer questions from the community as required.

Council's consultation on the draft plan is consistent with the Gateway determination issued by DPIE and the requirements of QPRC's Community Engagement Policy.

**8.5 Queanbeyan-Palerang Draft Comprehensive Local Environmental Plan 2020  
(Ref: ; Author: Thompson/Brown) (Continued)**

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***Resources (including staff)***

Significant staff resources have been required to prepare the draft plan, including GIS/LIS input as well as preparing for a number of Councillor Workshops.

**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).

Council has now formally concluded exhibition of the draft plan and staff are recommending the draft plan now be forwarded to DPIE to be made with the amendments set out in this report and as shown at Attachment 7.

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | Summary and Assessment of Government Agency Submissions ( <i>Under Separate Cover</i> )  |
| Attachment 2 | Summary and Assessment of Community Submissions ( <i>Under Separate Cover</i> )          |
| Attachment 3 | Draft QPLEP 2020 - Community Submissions (Redacted) ( <i>Under Separate Cover</i> )      |
| Attachment 4 | Exhibition Survey Outcomes ( <i>Under Separate Cover</i> )                               |
| Attachment 5 | Internal Consultation Council Staff ( <i>Under Separate Cover</i> )                      |
| Attachment 6 | QPLEP Heritage Items to be Corrected ( <i>Under Separate Cover</i> )                     |
| Attachment 7 | Draft QPRC LEP 2020 - Post Exhibition Version As Amended ( <i>Under Separate Cover</i> ) |



8.6 **Bywong & Wamboin E4 Lands Planning Proposal - Local Plan Making Authority (Ref: ; Author: Thompson/Blacklock)**

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**File Reference:** PJT0061-05-03 – Planning Proposals – E4 Bywong & Wamboin - General

**Summary**

This report follows a request by the Department of Planning, Industry and Environment for additional information including an explanation of why Council is not seeking to be the local plan making authority for this Planning Proposal, which arose after it was submitted to the Department.

Consequently the purpose of this report is to provide background as to why the local plan making authority is not being sought for this Planning Proposal, as well as to confirm the preferred authority who will have the Plan Making delegation for the E4 Bywong and Wamboin Planning Proposal, should it progress through the Gateway process.

In summary given the history of the E4 zoning matters under the *Palerang Local Environmental Plan 2014* and that the preparation of the Planning Proposal was required to be done by an independent planning consultant, the NSW Planning Minister / Department of Planning, Industry and Environment is requested to be the local plan making authority in this instance.

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**Recommendation**

**That:**

- 1. Council request the NSW Minister for Planning and Public Spaces or if delegated by the Minister, the Department of Planning, Industry and Environment to be the Local Plan Making Authority for the Bywong and Wamboin E4 lands Planning Proposal.**
  - 2. The Department Planning, Industry and Environment be advised that this request is to allow the continuation of the additional scrutiny and “arm’s length” approach adopted by Council in the preparation of the review of the E4 zoning under the *Palerang Local Environmental Plan 2014* and the subsequent Planning Proposal.**
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**Background**

This report follows a request by the Department of Planning, Industry and Environment for additional information including an explanation as to why Council is not seeking to be the local plan making authority for this Planning Proposal which arose after it was submitted to the Department.

To understand the reasoning for this request it is necessary to consider the background to the Planning Proposal.

The review of the E4 zoned land in Bywong and Wamboin has been a matter raised with Council since the requirement to produce the standard instrument Local Environmental Plan (LEP) which mandated the use of standard zones across the state. This was a standard template with mandated clauses and zones for the state. For the former Palerang Council, this took the form of the *Palerang Local Environmental Plan 2014*.

**8.6 Bywong & Wamboin E4 Lands Planning Proposal - Local Plan Making Authority  
(Ref: ; Author: Thompson/Blacklock) (Continued)**

Following amalgamation of the former Palerang and Queanbeyan Councils, the issue was revisited as part of the consideration of the final draft Rural Lands Strategy. At the 22 February 2017 Ordinary Council Meeting, it was resolved (046/17) in part that:

2. *That land zoned E4 Environmental Living under the Palerang Local Environmental Plan 2014 be considered in terms of its fit for purpose and that this be part of the preparation of a new comprehensive local environmental plan for the Queanbeyan-Palerang Regional Council.*
3. *That Council note the advice of NSW Department of Planning and Environment on considering lands fit for purpose in land use rezoning decisions.*

A report reconsidering the application of the E4 Environmental Living land use zone was put to the 13 December 2017 Council Meeting. This discussed the detailed method developed by Council staff to allow the analysis of land use on individual lots which in turn assisted in the consideration of the most appropriate land use zone for an area. That method was applied to land zoned E4 Environmental Living in the localities of Bywong and Wamboin. At the 13 December 2017 Ordinary Council Meeting it was resolved (411/17) that:

1. *Parts of Bywong and Wamboin be assessed for consideration to R5 and RU4 zones in the draft LEP.*
2. *Land currently zoned E4 Environmental Living outside of the localities of Bywong and Wamboin not have the land use assessment method applied to them.*
3. *The land currently zoned E4 Environmental Living outside of the localities of Bywong and Wamboin remain E4 Environmental Living in the draft Queanbeyan-Palerang Local Environmental Plan.”*

Subsequently, Council was advised by the then NSW Department of Planning and Environment that suitable background studies should be undertaken to justify the proposed changes to the E4 Environmental Living zone. Accordingly, at the 8 August 2018 Planning and Strategy Committee Meeting it was resolved (PLA097/18) in part that:

2. *Council seek expression of interests for consultants to undertake relevant studies and a report be brought back to Council.”*

Council considered a report on the outcome of the expressions of interest and at the 10 October 2018 Planning and Strategy Committee Meeting it was resolved (PLA128/18) in part that:

1. *Accept the proposal from AQ Planning.*
2. *Request the consultant consider:*
  - a. *The native fauna and flora in the Bywong and Wamboin localities.*
  - b. *Those lots having minor areas of native vegetation and mostly suited to small lot farming or large lot residential in the localities of Bywong and Wamboin.*
  - c. *The application of E4 and RU4 and R5 zones and other alternative zones in the localities of Bywong and Wamboin.”*

In accordance with the above resolutions Council engaged AQ Planning as the independent consultant planner and BIOSIS as the ecologist to undertake an independent review of the application of the E4 Environmental Living zone in Bywong and Wamboin.



**8.6 Bywong & Wamboin E4 Lands Planning Proposal - Local Plan Making Authority  
(Ref: ; Author: Thompson/Blacklock) (Continued)**

The planning report and review by AQ Planning “Review of E4 Environmental Living Landuse Zone in the Localities of Bywong and Wamboin March 2019” together with the BIOSIS Report “Environmental Living (E4) Zone Review for Bywong and Wamboin NSW – Biodiversity Values Assessment March 2019” was considered by Council at its Ordinary Meeting on 22 May 2019 where it resolved (163/19) to:

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 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).*

The independent planning consultant completed the Planning Proposal and it was considered by Council on 12 February 2020 at the Planning and Strategy Committee Meeting where it was resolved (PLA004/20) 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:*
  - a. *Those 15 lots proposed to be split zoned being submitted as R5 Large Lot Residential zone only.*
  - b. *The inclusion of extensive agriculture as a permitted use without consent pursuant to Schedule 1 of the PLEP 2014 as it applies to the planning proposal.*
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.*

**8.6 Bywong & Wamboin E4 Lands Planning Proposal - Local Plan Making Authority  
(Ref: ; Author: Thompson/Blacklock) (Continued)**

Following this the Planning Proposal was forwarded by Council staff to the Department of Planning, Industry and Environment. The Department have since requested additional information including an explanation of why Council is not seeking to be the local plan making authority for the Planning Proposal. The rationale for Council not seeking this authority is explained below.

As evidenced by the history above, the issue of the E4 zoning in the Wamboin and Bywong localities has been an ongoing matter for some land owners since the preparation and gazettal of the *Palerang Local Environmental Plan 2014*, which converted the former 1(d) Rural Residential zoning under the *Yarrowlumla Local Environmental Plan 2002* to the equivalent E4 Environmental Living zone allowed under the NSW Standard LEP Instrument.

Reviews of the E4 zone were not successful until 2017 when it was agreed to consider the zone's fit for purpose as part of the work for the comprehensive LEP. Subsequent work and resolutions of Council then set up a process where the review of the zoning would be carried out by a consultant planner with the assistance of an ecologist.

This has set up an "arm's length" or independent arrangement where Council staff complete the administrative components of the Planning Proposal process rather than the content and justification. To continue this "arm's length" approach, the Gateway request for the Planning Proposal included a statement that delegation as the local plan making authority was not requested.

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

Section 3.34(2) (g) of the *Environmental Planning and Assessment Act 1979* provides that if the planning proposal authority is a council, the Gateway determination may authorise the council to make the proposed instrument (LEP amendment) and set out any conditions the council is required to comply with before the Plan is made. When this authorisation is given, the council becomes the "local plan making authority".

When submitting a planning proposal for Gateway determination, councils are required to identify whether they wish to be authorised to make the plan (and therefore become the local plan-making authority) for the subject planning proposal.

The Department of Planning, Industry and Environment in their most recent response to the Gateway request have noted that Council has not requested to be authorised as the plan-making authority in order to exercise the functions under section 3.36 of the *Environmental Planning and Assessment Act 1979* and subsequently requested an explanation of why Council is not seeking plan making authority for this planning proposal. Subject to the endorsement of the recommendation of this report, the justification provided in the above section will be forwarded to the Department.

***Policy***

The Planning Proposal will amend the *Palerang Local Environmental Plan 2014* (or the comprehensive Queanbeyan-Palerang Local Environmental Plan, should it be made before the completion of the Planning Proposal process) by altering some of the E4 Environmental Living zoned land to R5 Large Lot Residential and allowing for extensive agriculture. Where Council is not the local plan-making authority, it will allow for the final determination of the matter to be done by the State (or Minister) rather than Council.

**8.6 Bywong & Wamboin E4 Lands Planning Proposal - Local Plan Making Authority  
(Ref: ; Author: Thompson/Blacklock) (Continued)**

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***Environmental***

The Planning Proposal and its supporting studies detail the environmental values of the land and form the basis for the recommended R5 Large Lot Residential zoning. Whether or not Council is the local plan making authority, will not change the environmental studies.

***Sustainability***

The Planning Proposal and its supporting studies address sustainability. Whether or not Council is the local plan-making authority does not alter this issue.

***Strategic***

The Planning Proposal has resulted from the consideration of the draft Rural Lands Study in 2017 and outlines the background for the proposed rezoning of a number of parcels of E4 lands within Bywong and Wamboin. Detail on the LEP amendments is also included in the Planning Proposal and where Council is not the local plan making authority, it will allow for the final determination of the matter to be done by the State (or Minister) rather than Council.

***Engagement***

The Planning Proposal outlines consultation which will be confirmed should the Gateway determination be issued. The issue of which authority has delegation for the making of the plan does not change the consultation requirements. Where Council is not the local plan making authority, it will allow for the final determination (including review of submissions) to be done by the State (or Minister) rather than Council.

***Financial***

The issue of which authority has delegation for the making of the plan does not change the financial implications of this Planning Proposal for Council.

***Resources (including staff)***

Where the delegation for the making of the plan rests with the Minister for Planning or the Department of Planning, Industry and Environment, there will be a corresponding saving of staff time in dealing with the making of the plan. However, notwithstanding this substantial time has already been spent by staff on this Planning Proposal.

***Integrated Plan***

The Strategic Pillar 3 Character of the Community Strategic Plan (CSP) is relevant to the Planning Proposal and the key Goal 3.1.5: "We ensure the future planning for the region is well coordinated and provides for its sustainable management" is addressed in the document and supporting studies.

The Strategic Pillar 5 Capability and the Key Goal 5.1.2 "Our Council is efficient, innovative and actively seeking partnerships to deliver outcomes to the community" is specifically relevant for the issue of who the local plan making authority is for this Planning Proposal. It is considered that where the Local Plan making authority rests with the State or Minister rather than Council, it will allow for a greater oversight of the E4 zoning matter and avoid any perception of bias from Council.

**8.6 Bywong & Wamboin E4 Lands Planning Proposal - Local Plan Making Authority  
(Ref: ; Author: Thompson/Blacklock) (Continued)**

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**Conclusion**

The E4 lands in Bywong and Wamboin Planning Proposal has been submitted to the Department of Planning, Industry and Environment for a Gateway determination. As part of the Gateway request Council staff included the statement that delegation as the local plan making authority was not requested. The Department have subsequently requested further information including an explanation of why Council is not seeking plan making authority for this Planning Proposal.

The issue of the E4 zoning in the Wamboin and Bywong localities has been an ongoing matter in some form or another since the preparation and gazettal of the *Palerang Local Environmental Plan 2014*, which converted the former 1(d) Rural Residential zoning under the *Yarrowlumla Local Environmental Plan 2002* to the an equivalent E4 Environmental Living zone allowed under the NSW Standard LEP Instrument. Council agreed to review the zoning and employed an independent consultant planner and ecologist to conduct the review and prepare the Planning Proposal which recommends the rezoning of some of the land to R5 Large Lot Residential.

Given the establishment of the “arm’s length” approach from Council staff in the review and the preparation of this Planning Proposal, together with the concern about the Bywong and Wamboin zoning by some members of the community, it is considered appropriate to continue to provide additional scrutiny in the process by not requesting Council to be the local plan making authority. This means that the final decision on amending the LEP on rezoning land within Bywong and Wamboin will rest with the Department of Planning, Industry and Environment or the Minister.

As such it is recommended that Council request the NSW Minister for Planning and Public Spaces or the Department of Planning, Industry and Environment (if delegated by the Minister) to be the local plan making authority for the E4 lands of Bywong and Wamboin Planning Proposal.

It is also recommended that the Department Planning, Industry and Environment be advised that this request is to allow the continuation of the additional scrutiny and “arm’s length” approach adopted by Council in the preparation of the review of the E4 zoning under the *Palerang Local Environmental Plan 2014* and the subsequent Planning Proposal.

**Attachments**

Nil

8.7 Amendments to Development Control Plans (Ref: ; Author:  
Thompson/Jansen)

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File Reference: 26.1.1

**Summary**

The purpose of this report is to advise on the outcome of the public exhibition of the amendments to Council's Development Control Plans (DCPs) to reflect the new *Queanbeyan-Palerang Local Environmental Plan 2020 (QPLEP 2020)* when made.

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**Recommendation**

**That Council:**

- 1. Adopt the amended DCPs with the changes as set out in this report including the actions in Attachment 1.**
  - 2. Note that the references to *QPLEP 2020* in these amended DCPs will become effective on the date that the draft *QPLEP 2020* is notified (gazetted).**
- 

**Background**

At its Planning and Strategy Committee meeting on 10 June 2020, Council considered a report seeking endorsement to proceed with amendments to Council's Development Control Plans to update these to reflect the new *Queanbeyan-Palerang Local Environmental Plan 2020 (QPLEP 2020)*. As a result Council resolved that the report be received and noted and that Council agree to staff taking all necessary actions to update and exhibit all Development Control Plans as set out in the report (PLA071/20).

The plans are required to be updated to ensure that they refer to the new *QPLEP 2020* when this comes into effect.

This is essentially an administrative amendment to ensure all DCPs refer to the new comprehensive *QPLEP 2020*. The amendments include for example, updating references to the *QPLEP 2020*, amending LEP clause numbers and map references where required, as well as updating other references to Government Agencies such as NSW Department of Planning, Industry and Environment. The following DCPs required amendments:

- *Palerang Development Control Plan 2015*
- *Queanbeyan Development Control Plan 2012*
- *Googong Development Control Plan 2010*
- *South Jerrabomberra Development Control Plan 2015*.

Also updated were the relevant provisions in the *Palerang DCP 2015* dealing with vegetation removal. This is to ensure the plan is consistent with the recent introduction of the *NSW Biodiversity Conservation Act 2016*.

In addition, controls were included into the *Palerang DCP 2015* for the area covered under the North Elmslea Planning Proposal as required by Council's decision of 26 February 2020. Council at that meeting resolved that the *Palerang DCP 2015* be amended to provide a clear character statement and suitable controls for the Elmslea area to ensure the low density, predominantly single storey character of well separated buildings is achieved in any future development, including subdivision (Minute No. 042/20).

**8.7 Amendments to Development Control Plans (Ref: ; Author: Thompson/Jansen)  
(Continued)**

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It is also intended to incorporate the *Braidwood DCP 2006* (BDCP 2006) into the *Palerang DCP 2015* (PDCP 2015) in order to clarify that the provisions of BDCP 2006 apply to Braidwood under the *Environmental Planning and Assessment Act 1979* as well as under the *Heritage Act 1977*. While still ensuring that all the heritage controls in the BDCP 2006 are retained, it will also ensure that non heritage related controls relating to such issues as dwelling setbacks, capacities for rainwater tanks and setbacks and floor areas for sheds and garages ancillary to dwelling houses will also be covered.

The changes identified above have also necessitated other housekeeping changes to the DCPs such as updating references to various parts of the *Environmental Planning and Assessment Act 1979*.

Similar to the comprehensive *QPLEP 2020*, Council staff are intending to merge the various DCPs applying to the LGA into a single comprehensive document. This is likely to occur within 12 months of the new *QPLEP 2020* being notified (gazetted). In the meantime it is important to ensure the existing DCPs have the correct cross references to the *QPLEP 2020* when it is adopted. Council staff are intending to have the new comprehensive *QPLEP 2020* and updated DCPs come into effect concurrently.

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

The amendments have been prepared in accordance with the *Environment, Planning and Assessment Act, 1979*.

***Policy***

The proposed amendments will ensure the DCPs refer to the correct legislative policy instrument.

The proposed amendments will also ensure the *Palerang Development Control Plan 2015* is consistent with the *Biodiversity Conservation Act 2016*.

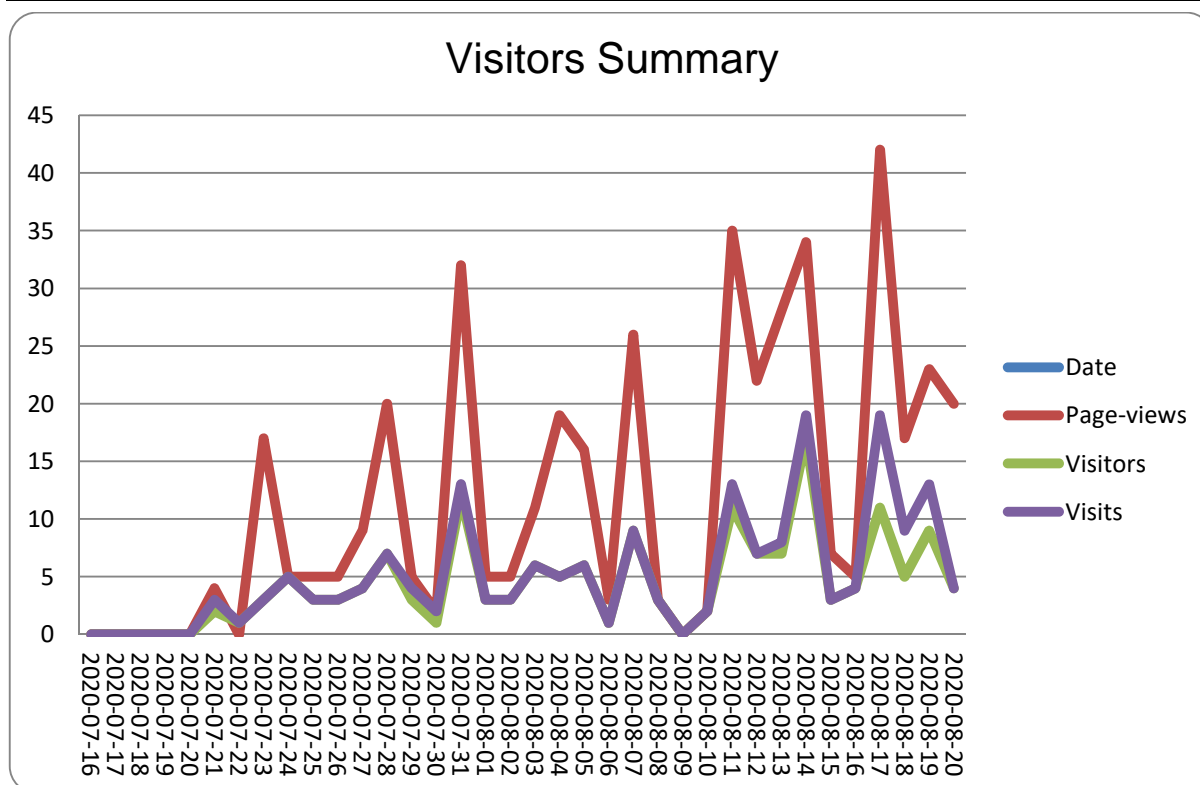
***Strategic***

The proposed amendments to the DCPs will update the documents to reflect the new comprehensive *QPLEP 2020* when made as well as updating other references throughout the documents.

***Engagement***

The DCPs were placed on public exhibition from 21 July to 20 August 2020.

8.7 Amendments to Development Control Plans (Ref: ; Author: Thompson/Jansen)  
(Continued)



Six comments were received from the public and one submission was received internally from Council’s Tree Officer. The comments and response are set out in the submission table (Attachment 1). It should be noted that a number of the submissions raise issues relating to the comprehensive *QPLEP 2020* rather than the DCP amendments.

**Resources (including staff)**

The amendments and any further updates as a result of the submissions are made in house by staff of the Land-Use Planning Branch.

**Conclusion**

The proposed amendments to Council’s Development Control Plans ensure that the documents are updated and reflect the new comprehensive *Queanbeyan-Palerang Local Environmental Plan 2020*. The amendments are of an administrative nature and do not involve a comprehensive policy review of the DCPs.

**Attachments**

- Attachment 1 Submission Summary Table (*Under Separate Cover*)
- Attachment 2 Palerang DCP 2015 - Vegetation Removal (*Under Separate Cover*)
- Attachment 3 North Elmslea Character Statement (*Under Separate Cover*)
- Attachment 4 Community Submission No. 1 (*Under Separate Cover*)
- Attachment 5 Combined Internal Submission (*Under Separate Cover*)





8.8 QPRC 2019/20 Financial Statements - Referral to Audit (Ref: ; Author:  
Knight/Eiszele)

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File Reference: 43.3.1-1

**Summary**

The Financial Statements for the year ended 30 June 2020 have been completed to draft stage and are ready for the Audit Office to commence audit on 21<sup>st</sup> September. Pursuant to statutory requirements, Council is required to refer the draft statements to audit.

In accordance with audit schedule, the Audit Office is due to complete the audit and issue the Independent Auditors Report on 30 October, before presenting the detailed audit findings to the November Council meeting.

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**Recommendation**

**That Council:**

1. Refer the 2019/20 Financial Statements to audit in accordance with section 413(1) of the *Local Government Act 1993*.
2. Note that the 2019/20 financial statements have been prepared in accordance with:
  - a) The *Local Government Act 1993* and regulations made thereunder
  - b) The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
  - c) The Local Government Code of Accounting Practice and Financial Reporting.
3. Note that the 2019/20 financial statements present fairly the operating result and financial position and accord with Council's accounting and other records.
4. Note the financial statements will be adjusted to include gifted infrastructure assets, once the valuation is complete.
5. Is not aware of any matter that would render these statements false or misleading in any way.
6. Delegates authority to the Mayor, Deputy Mayor, CEO and Responsible Accounting Officer to sign the *Statement by Councillors and Management* for the General Purpose Financial Statements and Special Purpose Financial Statements.
7. Delegate authority to the CEO to issue the financial statements upon receipt of the audit report.

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**Background**

The financial statements for the year ended 30 June 2020 have been completed to draft stage, to be ready for audit, as attached to this report.

**8.8 QPRC 2019/20 Financial Statements - Referral to Audit (Ref: ; Author: Knight/Eiszele) (Continued)**

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The preparation of the financial statements have been supervised by the Audit, Risk and Improvement Committee (ARIC) through the establishment of the Financial Statements Sub-Committee (FSSC). The FSSC has worked with staff to monitor the preparation of the financial statements including key risks and issues, quality assurance processes and progress in addressing NSW Audit Office findings.

The FSSC reported to the September ARIC meeting and recommended that the 30 June 2020 financial statements be endorsed as ready for referral to audit. The ARIC meeting is scheduled on 9 September and their recommendation will be made available for the Planning and Strategy meeting.

During the year, staff became aware of a number of “found” infrastructure assets which were contributed by developers in prior years, but that had not been accounted for within the financial statements.

As a result opening balances have been restated, and additional disclosures have been made within the statements. Details have been reported to the Audit Office and the Audit Risk and Improvement Committee, and additional procedures have been implemented to minimise the risk of future misstatements.

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

Section 413 of the *Local Government Act* requires a resolution of Council to refer the draft financial statements to audit.

Section 413 (2c) requires a resolution of Council that the annual financial statements have been prepared in accordance with:

- The *Local Government Act 1993* (as amended) and the Regulations made there under
- The Australian Accounting Standard and professional pronouncements,
- The Local Government Code of Accounting Practice and Financial Reporting.

and that, to the best of their knowledge and belief, the financial statements present fairly the operating result and financial position, and accord with Council's accounting and other records.

Section 418 of the Act requires that as soon as practicable after Council receives a copy of the auditor's report, it must fix a date for a meeting to present the audited financial statements to the public, and it must make the financial statements available for public inspection for at least seven days prior to the meeting date.

***Asset***

During the 2019/20 financial year, Council received hand-over of gifted infrastructure at the completion of Googong Stages 3 and 4. The in-house valuation is currently being finalised, and when completed, will impact the draft Income Statement and Statement of Financial Position, with an increase of non-cash income, and an increase of Infrastructure, Property Plant and Equipment.

**8.8 QPRC 2019/20 Financial Statements - Referral to Audit (Ref: ; Author: Knight/Eiszele) (Continued)**

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Staff have advised the Audit Office of the final adjustment and are recommending that, to enable the audit process to proceed, the draft Financial Statements be referred to audit, noting the adjustment that will be made, once the valuation is complete.

***Engagement***

On finalisation of audit and receipt of the audit report the financial statements will be made available to the public and advertised in accordance with the *Local Government Act (NSW) 1993*. Council's Auditors will be invited to present their findings to the November Council meeting.

***Financial*****Operating Result** (Income Statement, page 5)

The operating result (after capital) with a deficit of \$4.7million, is worse than the original budget (\$2.1million surplus), significantly due to timing issues with receipt of grant income, and the impact of fires and floods.

The result includes the \$8.2 million asset impairment expense, accounting for the damage to community infrastructure – that will be funded through the Commonwealth-State Disaster Recovery Funding Arrangements over the next 2 years.

**Cash and Investments** (page 28-29)

Council's cash and investment balance has been impacted by a series of significant cash flow challenges. Internal restrictions and unrestricted cash have been substantially reduced, as detailed on page 29 of the financial statements.

This situation is the culmination of a number of factors, some temporary, and some as a result of previously reported General Fund structural deficits that have impacted over time:

- Council is owed \$13.6 million in debtors for government grants and subsidies, mostly relating to reimbursements owed for bushfire and flood emergency works. This temporary cash flow deficit is being funded from Council's internal reserves.
- Council's rates and annual charges debtors at 30 June have increased by \$1.1 million, as Council offered hardship relief for owners impacted by drought, bushfire and Covid. Collection will be monitored and reported to Council over the coming months.
- Whilst the amount owed to Council increased by \$17.5 million during the year, the amount owed by Council decreased by \$14.8 million. Council had an unusually high creditors balance on 1 July 2019 due to the timing of a contract payment on the Ellerton Drive Extension, which had the effect of artificially increasing the opening cash and investment balance, and impacting the cash movement in the current financial year.
- Council is still adapting to the additional costs and loss of income relating to its bushfire recovery, COVID-19 and flood recovery works.
- Merger savings realised to date have gone some way to reduce the existing structural financial deficit that was created with the new Council – however Council has not yet corrected the annual General Fund operating deficit, which has been gradually wearing down Council's internal reserve position over time, and was the subject of the revised LTFP adopted last month.

**8.8 QPRC 2019/20 Financial Statements - Referral to Audit (Ref: ; Author: Knight/Eiszele) (Continued)**

Results by Fund (pages 72-73)

The Statements include a breakdown of the Income Statement and Financial Position for the General, Water and Sewer funds. In the last 3 years, Water and Sewer Funds have had surplus results (after capital), and General Fund has had a deficit, which is unsustainable over time.

For the year ending 30 June 2020, General Fund shows an operating deficit of \$12.8 million, including the \$8.2 million asset impairment resulting from fire and flood damage.

Taking into account the extraordinary impairment loss, the General Fund result is significantly improved from the 2019 operating deficit of \$6.2 million, but worse than the third quarter budget review that forecast a General Fund deficit of \$1.3 million.

Financial Performance (pages 73-74)

	2020	2019	2018	Benchmark
Operating Performance Ratio	3.14%	5.38%	0.39%	> 0
Own Source Revenue Ratio	57.29%	57.87%	62.37%	>60%
Unrestricted Current Ratio	1.57x	1.34x	2.05x	1.5x
Debt Service Cover Ratio	3.84x	6.39x	6.64x	>2x
Cash Expense Cover Ratio	7.44 months	14.3 months	9.41 months	>3 months

The key performance measures indicated in the table above show that as a consolidated entity, Council is maintaining a positive operating result.

Own source revenue is slightly lower than benchmark, as a result of the high rate of grants that QPRC is able to attract to fund local community services and projects, and as a result of the grant funded community services that Council delivers. The LTFP proposes increases in fees above CPI to improve that ratio.

The unrestricted current ratio is a measure of Council’s ability to pay its current liabilities; calculated as current unrestricted assets over current unrestricted liabilities. Since it deals with unrestricted assets and liabilities, it is a General Fund performance measure. The result of 1.57x is slightly improved from 2019, and demonstrates the Council’s strategy of borrowing for capital expenditure, and therefore maintaining low levels of surplus cash (internal reserves).

The debt service ratio is a measure of Council’s ability to service its loans. As Council’s borrowings have increased, the debt service cover decreases, and remains above the industry benchmark.

The cash expense cover ratio includes restricted and unrestricted cash, and demonstrates the high value of cash held – noting that most is externally restricted and can only be used for a specific purpose.

The (unaudited) Infrastructure Report is currently being finalised, and will provide additional KPIs regarding Council’s performance in the management of community infrastructure.

Financial Performance and Position (\$’000)

Net operating result for period: \$52,461

Net operating result before capital grants and contributions: (\$4,766)

### 8.8 QPRC 2019/20 Financial Statements - Referral to Audit (Ref: ; Author: Knight/Eiszele) (Continued)

Total cash, cash equivalents and investments: \$189,957

Unrestricted cash: \$88

Written down value of infrastructure, property, plant and equipment: \$1,461,009

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

Program Code	Expense Type	Funding source	Amount
	External Audit Fees	General Revenues	\$ 150,000

#### **Conclusion**

As required by legislation Council is required to refer the annual financial statements for audit, and to resolve its opinion about the compliance of the Financial Statements, in the prescribed format.

The NSW Audit Office conducted an interim audit, including an assessment of the effectiveness of Council's internal controls as they relate to the risk of misstatement in the financial statements. The Interim Audit Report was received in July and has subsequently been reported to ARIC for oversight of the audit recommendations, and appropriate management response.

The Audit Risk and Improvement (ARIC) subcommittee FSSC has met with staff to oversee the preparation of the 2020 financial statements, and have oversight of risks and issues.

Additionally, in order to provide confidence to the Council, the FSSC has requested the CFO provide direct assurance over the content of the member's statement, provided as a memo, attached to this report.

#### **Attachments**

- Attachment 1 Draft - Ready for Audit - 30 June 20 General Purpose Financial Statements *(Under Separate Cover)*
- Attachment 2 Draft - Ready for Audit - 30 June 20 Special Purpose Financial Statements *(Under Separate Cover)*
- Attachment 3 Assurance over the Preparation of the Financial Statements *(Under Separate Cover)*



9.1 AR Bluett Award Submission 2019-2020 (Ref: ; Author: Richards/Richards)

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File Reference: 52.5.2-02

**Summary**

The A R Bluett Memorial Award has been presented annually since 1945. It is contested each year by councils in NSW for recognition as the most progressive in the state. Two categories exist – metropolitan and rural/regional. QPRC has entered the 2019-20 award and this report summarises the significant aspects of the submission.

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**Recommendation**

**That Council receive the report for information.**

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**Background**

The Bluett Award is recognition that a Council is achieving excellent results in delivering progress and value to the community. It recognises Council's commitment to strategic planning, financial sustainability, innovation, continuous improvement and community engagement to understand and deliver on local aspirations and expectations.

QPRC's submission noted that the 2019-2020 period has been significant. It has been a year of planning for major transformation in the LGA requiring Council and the community to think strategically about long term growth and prosperity. At the same time, 2019-20 required a new level of agility and responsiveness from Council. A severe drought followed by ravaging bushfires, then floods meant that our already suffering community needed immediate, practical and accessible support.

Submissions were lodged through an online portal - the sections included:

- Executive summary
- Overview of the LGA
- Summary of the Community Strategic Plan
- Principal Activities/Projects highlighted were:
  - Ellerton Drive Extension, Old Cooma Road and Nerriga Road
  - Bungendore Structure Plan
  - Queanbeyan CBD Transformation
  - Bushfire Recovery
  - Tourism development
  - Ryrie Park, Braidwood
  - Digital Transformation
- Major Projects completed by June 2020
- Major Projects in progress at June 2020
- Financials

The submission also included the awards won by Council in the 2019-20 year:

- Two Green Flag Parks and Leisure Australia National Awards of Excellence for Queen Elizabeth Park and Queanbeyan Park
- RH Dougherty Award for Innovation in Special Events – Music by the River
- National Award for Local Government - Excellence in Road Safety

**9.1 AR Bluett Award Submission 2019-2020 (Ref: ; Author: Richards/Richards)  
(Continued)**

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- Local Government Professional Awards – Storybook Café winning both National and State awards for Excellence in Community Development and Service Delivery
- Keep Australia Beautiful NSW Sustainable Communities Tidy Town Awards – winner in five categories and highly commended in one; Finalist in the overall category.
- NSW Training Award - 2020 Aboriginal and Torres Strait Islander Student of the Year
- Combined Area Theatre Awards – Q production winner in three categories - Best Set, Best Costumes, Best Ensemble
- NSW Government – Communities and Justice – Certificate of Recognition for valuable contribution is assisting bushfire affected persons in the Illawarra Shoalhaven and Southern NSW District

**Conclusion**

QPRC presented a strong and competitive submission. There is currently no set date for the announcement of Award winners, but normally forms part of the annual LGNSW conference.

**Attachments**

Nil



9.2 Progress of Development Application for Queanbeyan Civic and Cultural Precinct (Ref: ; Author: Tegart/Thompson)

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**File Reference:** DA.2020.1022

**Report**

The assessment of the development application for the Queanbeyan Civic and Cultural Precinct at 257 Crawford Street, Queanbeyan is nearing completion.

By the time this information report is considered by Council it is anticipated the assessment report will have been sent to the Southern Region Planning Panel for determination.

Once the report is with the Panel it will be placed on the SRPP website and becomes a public document. Should this occur before this information report is considered by Council, then a copy of the report will be forwarded to Councillors under separate cover.

The release of the report will also mean that Council may make a submission to the Panel up to seven days before the Panel meeting. As such this may be the last meeting at which Council is able to formulate representations should that be deemed necessary.

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**Recommendation**

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

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**Attachments**

Nil



**10.1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee  
Meeting held on 13 August 2020 (Ref: ; Author: Thompson/McCauley)**

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**File Reference:** 26.5.1-07

**Summary**

The Minutes of the Braidwood and Curtilage Heritage Advisory Committee held on 13 August 2020 are presented for Council's consideration.

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**Recommendation**

**That Council note the Minutes of Braidwood and Curtilage Heritage Advisory Committee held on 13 August 2020.**

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**Attachments**

Attachment 1      Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held 13 August 2020 (*Under Separate Cover*)



11.1 Bungendore Carpark (Ref: ; Author: Overall/Overall)

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File Reference: 9 September 2020 motions

**Notice**

Councillor Tim Overall will move the following motion:

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**Motion**

**That prior to calling tenders for the construction of the Bungendore carpark, Council:**

- 1. Consider acquiring rear sections 15 & 17 Gibraltar St and incorporate two greenspace areas (in addition to the planned tree plantings) in the overall design, and landscaped green pedestrian access to Gibraltar Street (Option C).**
  - 2. Receive a further report on the matter.**
- 

**Background**

On 27 November 2019, further to the exhibition of the Bungendore Carpark design during July and August 2019, Council resolved to approve an amended concept design for Stage 1 of the Bungendore carpark, including 68 carspaces (csp), 3 disabled spaces, public toilets and electric vehicle charging (EVC) on Council property as outlined below:



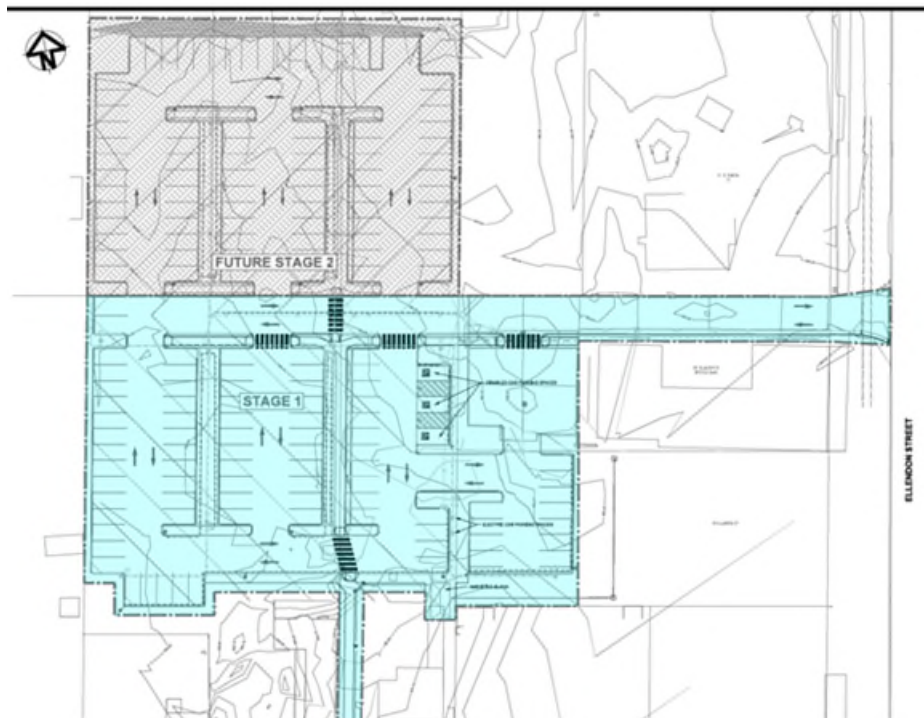
Since that time there have been further representations and presentations from a wider cross-section of the community involving a range of views including: no carpark at all; seeking to reduce the carpark; offers to sell portions of private property fronting Gibraltar Street to Council to bring forward Stage 2 of the carpark; requests to preserve all or part of the carpark as greenspace or 'village green; and the capability to hold community markets/fairs from time to time.

11.1 Bungendore Carpark (Ref: ; Author: Overall/Overall) (Continued)

Councillors may wish to reconsider the design, staging and size of the carpark. Having discussed the matter just recently with the CEO, staff have suggested the current design for Stage 1 can be reconfigured. This report includes new options (B and C), as illustrated in the diagrams below.

OPTION A: Stage 1 (current \$1.68m)

- Construct 68 csp (over 3 bays), public toilets, 2 EVC, landscaping, stormwater
- Connect to 11 additional spaces on private land at the rear of 35 Ellendon St
- Future Stage 2 over 3 bays (rear 11-15 Gibraltar)



OPTION B (\$1.4m)

- 45 csp, incl 3 disabled spaces across 2 bays, public toilets, 2 EVC
- Green space across 1 bay
- Provision to integrate 11 csp (adjacent private development at rear 35 Ellendon)
- Future Stage 2 over 3 bays (rear 11-15 Gibraltar)



#### OPTION C (\$2.335m)

- Acquire 800m<sup>2</sup> each at rear of 15 and 17 Gibraltar St ( per offers to sell 21 July)
- Construct approx. 69 csp (over 1 bay acquired and 2 bays existing), public toilets, 2 EVC
- Provision to integrate 11 csp (adjacent private development)
- Provision of 2 bays greenspace
- Pedestrian access easement from Gibraltar
- Future Stage 2 over 2 bays (rear 11-13 Gibraltar)

## 11.1 Bungendore Carpark (Ref: ; Author: Overall/Overall) (Continued)



Option C will enable pedestrian access from Gibraltar and Malbon, and vehicular access from Ellendon St. Acquisition of a pedestrian easement would be required.

Should councillors contemplate including the two greenspace areas, it may be appropriate for Council to consider the involvement of the community in managing and maintaining that greenspace, under normal Council delegations and volunteer support.

### **Strategic**

When endorsing the Operational Plan, Council also considered funding a Place Plan for Bungendore town centre. Should councillors support the notion of greenspace and laneways connecting Malbon to Gibraltar Streets across the town blocks bordered by Molongolo, Malbon, Gibraltar and Butmaroo Streets, it may be worthwhile bringing forward that Plan to be undertaken concurrently with the carpark and other initiatives in Bungendore.

### **Financial**

The CEO has provided the following financial information, as outlined in recent reports:

- Development contribution plan charge per carspace \$12,985 (\$2020)
- Balance of carpark s94 reserve \$60k
- 12 Malbon property sale proceeds \$596k (held in property reserve)
- Borrowing \$1,680k (P&I ~ \$102kpa/20 years) per Operational Plan
- Place Plan estimate \$30k



**11.1 Bungendore Carpark (Ref: ; Author: Overall/Overall) (Continued)**

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Should the scope change, then debt and P&I can be amended following application of above reserves to the capital cost of construction. There may also be grant funding opportunities to be explored.

**CONCLUSION**

Council could utilise the s94 reserve and sale proceeds (\$656k) to offset acquisition of 15-17 Gibraltar sections, provide equivalent carspaces as current proposal, together with two greenspace areas with the same level of borrowings through Option C. The rear of 11-13 Gibraltar St would remain available for acquisition in the future for Stage 2.

**Attachments**

Attachment 1      Gibraltar offer 1 (*Under Separate Cover*) - **CONFIDENTIAL**  
Attachment 2      Gibraltar offer 2 (*Under Separate Cover*) - **CONFIDENTIAL**



11.2 Bungendore High School Proposal (Ref: ; Author: Marshall/Marshall)

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File Reference: 9 September 2020 motions

**Notice**

Councillor Peter Marshall will move the following motion:

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**Motion**

**That Council conduct community consultation on issues surrounding the proposal to build a high school in the vicinity of Gibraltar St and Majara St, Bungendore.**

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**Background**

The high school proposal from the NSW Department of Education remains, at time of writing, largely confidential. The Bungendore community is being consulted by the Department of Education, but not on issues that could influence Council's negotiations with the department and decision. There is therefore a very strong argument for QPRC to conduct its own community consultation.

While these issues remain confidential, this Motion and Background cannot detail them, but they could include impacts on the provision of replacement services and facilities, and the funding and timing of that provision. Services and facilities already known to be impacted include:

- Bungendore library
- Bungendore community centre
- Abbeyfield – though not a Council facility or service, Council has been collaborating with Abbeyfield
- Bungendore swimming pool
- Mick Sherd Oval and Bungendore Park including Bush Balladeer Place
- Local and indigenous heritage
- Local traffic and parking
- Through traffic and parking in the broader area
- Planning matters including zoning of land
- Costs – for example of building a new swimming pool

To meaningfully consult on these issues, Council will need to release information provided to it in confidence by the Department of Education, as well as seeking further information to clarify and fill in gaps in the information provided to QPRC. If the Department of Education will not give permission for this information to be released, then Council may need to take the actions that are in the best interests of its community.

**11.2 Bungendore High School Proposal (Ref: ; Author: Marshall/Marshall)  
(Continued)**

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This may be an iterative process, with council returning to the community if at any point new significant information is provided by the Department of Education.

It is noted that the Department of Education has commenced their community consultation with little concrete information available to the public, such that survey responses may not represent fully informed opinion.

**CEO Comment**

The report to the 26 August meeting noted that should Council consider progressing the Department offers to acquire Council property, and modifying the budget to include construction of a pool and new office, or amending the relevant plans to enable education uses on crown reserves under Council management, then as those matters were not forecast with the Operational Plan 2021, those amendments should be exhibited for community feedback and reported to Council.

The Department has advised it wishes to conduct another workshop with Councillors following assessment of the community submissions and survey, prior to updating its proposal for consideration at a future Council meeting. In the meantime, it is understood the Department will publish FAQs for the community, in response to some of the feedback received to date.

**Attachments**

Nil

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

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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*.