



Planning and Strategy Committee of the Whole

AGENDA

14 October 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*

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Confidential - Not for Publication

13 REPORTS FOR CLOSED SESSION

13.1 Request to Defer Payment of Developer Contributions on the Basis of Hardship

Item 13.1 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

14 CONCLUSION OF THE MEETING

**SUPPLEMENTARY REPORT - Tender Recommendation for Construction of
Essential Energy Network Extension at South Jerrabomberra - Contract No. 2020-40**

LIST OF ATTACHMENTS –

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

Open Attachments

- | | |
|----------|---|
| Item 8.1 | DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road Carwoola |
| | <i>Attachment 1 Section 4.15 Matters for Consideration - DA.2020.1083 - 33 Widgiewa Road, Carwoola (Under Separate Cover)</i> |
| | <i>Attachment 2 Subdivision Plans - DA.2020.1083 - 33 Widgiewa Road, Carwoola (Under Separate Cover)</i> |
| | <i>Attachment 3 Submissions - DA.2020.1083 - 33 Widgiewa Road, Carwoola (Under Separate Cover)</i> |
| Item 8.2 | DA.2019.083.A - Modification Application - Request to Remove Condition Requiring Payment of Contribution Fees - 47 Elrington Street, Braidwood |
| | <i>Attachment 1 Request for Waiver (Under Separate Cover)</i> |
| Item 8.3 | Request for Early Lodgement of Development Applications - South Jerrabomberra |
| | <i>Attachment 1 Seed Development Request - South Jerrabomberra (Under Separate Cover)</i> |
| Item 8.4 | Jerrabomberra Innovation Precinct Infrastructure Planning Agreement - Deed of Variation |
| | <i>Attachment 1 Draft Deed of Variation - Jerrabomberra Innovation Precinct Infrastructure Planning Agreement 1 October 2020 (Under Separate Cover)</i> |
| Item 8.5 | 175 and 217 Tarago Road Bungendore (Ashby) - Timing for Rezoning Land for Residential Development |
| | <i>Attachment 1 175 and 217 Tarago Road Bungendore (Under Separate Cover)</i> |

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

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- Item 8.6 Renumbering of Summerfield Estate at 70 Little River Road Braidwood
Attachment 1 Submission on the Renumbering of Dwellings at Summerfield Estate, 70 Little River Road Braidwood (Under Separate Cover)
- Item 8.8 Braidwood Customer Service Centre and Library
Attachment 1 144 Wallace St ground floor plans (Under Separate Cover)
- Item 9.2 Summer Operations at QPRC Aquatic Venues
Attachment 1 2019-2020 Operational details (Under Separate Cover)

Closed Attachments

- Item 13.1 Request to Defer Payment of Developer Contributions on the Basis of Hardship
Attachment 1 Request for Deferral of Contribution Payments (Under Separate Cover)

ITEM 4 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

The provisions of Chapter 14 of the *Local Government Act, 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the *Local Government Act* restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest

Recommendation

That Councillors and staff disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

8.1 DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road
Carwoola (Ref: ; Author: Thompson/Wellalage)

File Reference: DA.2020.1083

Summary

Reason for Referral to Council

This application has been referred to Council because written submissions have been made to Council resulting from the exhibitions/notification process and valid concerns have been raised which cannot be overcome with a condition of consent and where plans cannot or will not be amended to overcome such concerns.

Proposal:	Two Lot Torrens Title Subdivision
Applicant/Owner:	PHL Surveyors/ Michael H Pottinger & Liesl N Perryman
Subject Property:	Lot 4 DP 246882 33 Widgiewa Road Carwoola
Zoning and Permissibility:	E4-Environmental Living under Palerang Local Environmental Plan 2014
Public Submissions:	Four
Issues Discussed:	Suitability of proposed access - The proposed access to Lot 1 was previously approved as a 'secondary' access to the site for occasion use. The proposed access is not considered suitable for a 'primary' access, particularly if the site is developed for residential purposes.
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

That:

- 1. Council note the recommendation to refuse DA.2020.1083 for Lot 4 DP246882 No.33 Widgiewa Road, Carwoola.**
 - 2. Council defer refusal of the development application to give the applicant an opportunity to lodge an amended application providing access to the proposed new lot off Widgiewa Road noting that the amended application will need to be accompanied by the following additional information:**
 - a) Detailed information on vehicular access from Widgiewa Road to the proposed lot including details of any crossing over the existing watercourse.**
 - b) Documentation required to allow the application to be assessed as integrated development under section 4.47 of the *Environmental Planning and Assessment Act 1979* as the access road will cross over an existing watercourse; and**
 - c) Documentation to allow assessment of the application under the provisions of the *Biodiversity Conservation Act 2019*.**
-

**8.1 DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road Carwoola
(Ref: ; Author: Thompson/Wellalage) (Continued)**

3. In the event that an amended application providing access off Widgiewa Road is not lodged by 24 December 2020 development application DA.2020.1083 for a two lot Torrens title subdivision on Lot 4 DP 246882; 33 Widgiewa Road, Carwoola, be refused for the following reason.

Reason for Refusal:

Safe and adequate access is not provided to the proposed Lot 1 therefore the application is not consistent with Clause 6.11(e) Essential Services of the Palerang LEP 2014 and B7 Engineering Requirements of Palerang DCP 2015

Background***Proposed Development***

The development application is for a two lot Torrens title subdivision of an existing rural residential holding. The subdivision will create a new residential building block of 2.08ha with the existing dwelling remaining on the residual allotment of 14.11ha.

Subject Property

The subject site is legally described as Lot 4 DP246882 and is commonly known as 33 Widgiewa Road, Carwoola. The site is located on the eastern side of Widgiewa Road and has an area of 16.19ha.

The property is irregular in shape and the topography is undulating. The property contains a watercourse and several native trees and shrubs, particularly along the southern alignment of the site.

Existing development on the site comprises an existing dwelling, associated sheds, and farm buildings. Vehicular access is provided to the site via an existing driveway from Widgiewa Road.

Existing development within the locality consists of rural lifestyle dwellings.



Figure 1: Locality plan

8.1 DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road Carwoola (Ref: ; Author: Thompson/Wellalage) (Continued)

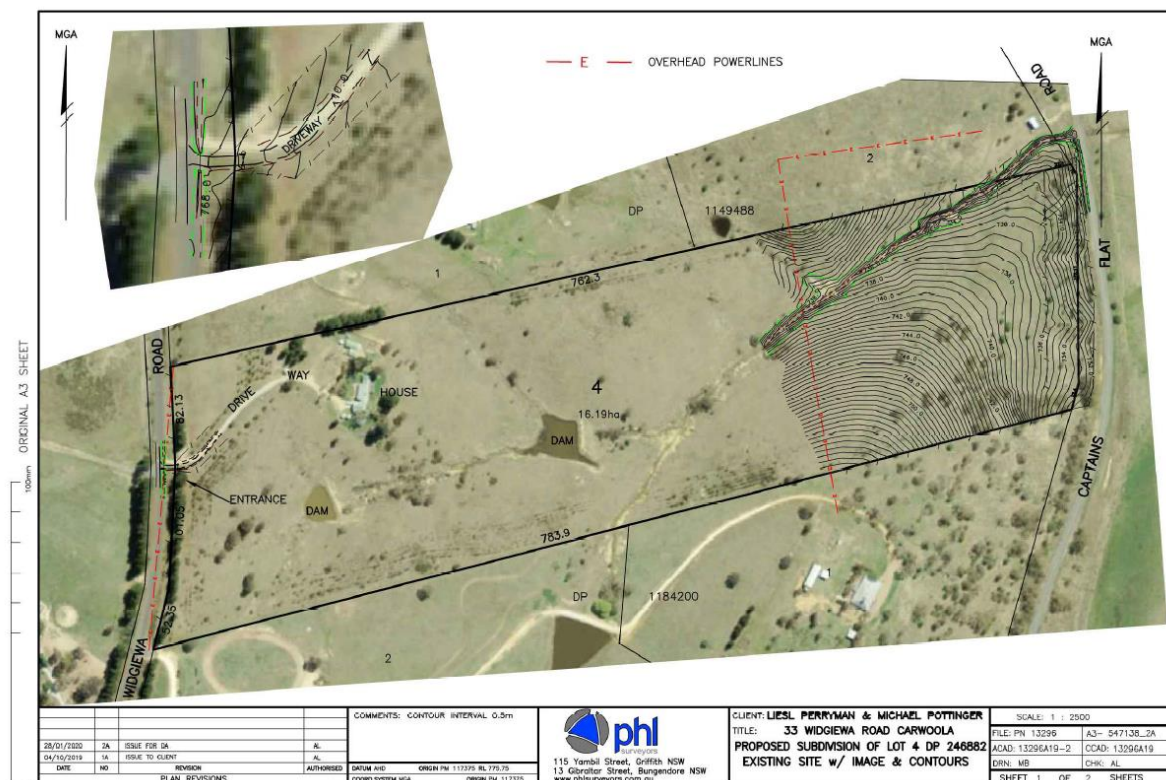


Figure 2 – Existing Lot 4

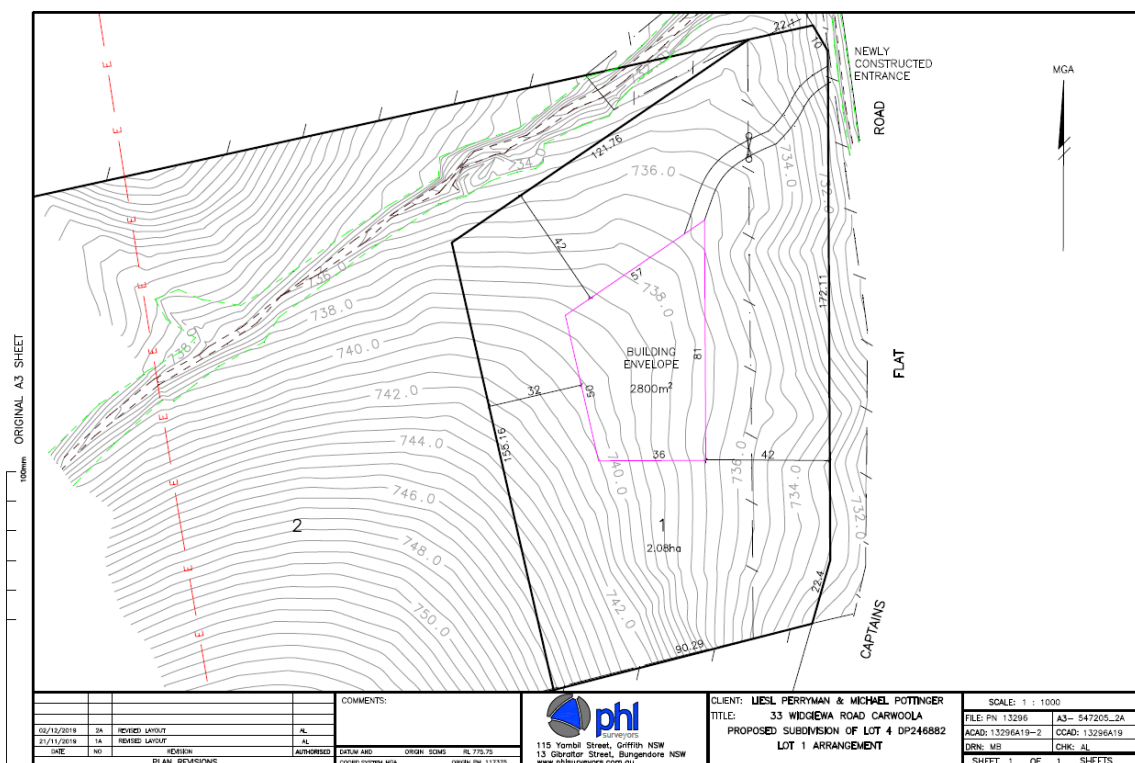


Figure 3 - Proposed Lot 1 at Eastern End of Existing Lot 4

**8.1 DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road Carwoola
(Ref: ; Author: Thompson/Wellalage) (Continued)**

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 79C(1) 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. No State Environmental Planning Policies were relevant to this application
2. Palerang Local Environmental Plan 2014 (LEP)
3. Palerang Development Control Plan 2015 (DCP)

The development does not satisfy the requirements or achieve the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration are discussed below.

(a) Compliance with LEP

The proposal is generally consistent with the requirements of the LEP other than Clause 6.11(e) Essential Services. Clause 6.11 (e) provides that:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

(e) suitable vehicular access.

It is expected that the proposed Lot 1 will be developed for a residential property therefore, providing suitable and safe vehicular access to the premises is considered a critical consideration.

In order to provide access to proposed Lot 1 the development application relies on the use of an existing access point off Captains Flat Road. This location was approved in 2019 as a second access for the existing property to allow periodic access for stock and other maintenance purposes located in the eastern part of the site which is isolated from the existing access and dwelling off Widgiewa Road by a creek line running through the property. In approving the second access there was never any indication that it would become a primary access point. By proposing to change the second access to the primary access for the new lot, the increase in traffic associated with a new dwelling means that the access point no longer meets the requirements for safe entry and egress from the premises.

Figures 4 and 5 show the proposed access driveway.

8.1 DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road Carwoola
(Ref: ; Author: Thompson/Wellalage) (Continued)



Figure 4 – Driveway location looking north toward Briars Sharrow Road



Figure 5 – Driveway location looking south

8.1 DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road Carwoola (Ref: ; Author: Thompson/Wellalage) (Continued)

Council's Development Engineering Team advises that the problem is caused by the minimal sight distance to the north of the access point. As Captains Flat Road passes the Briars Sharrow Road turnoff heading away from Queanbeyan, it sweeps sharply to the south, creating restricted sightlines along the rear boundaries of 11, 33 and 49 Widgiewa Road (Figure 6 below). There is simply insufficient room for a vehicle rounding the bend to safely stop and avoid a collision with a vehicle slowing down to enter the proposed access point or leaving the access point in a southerly direction.

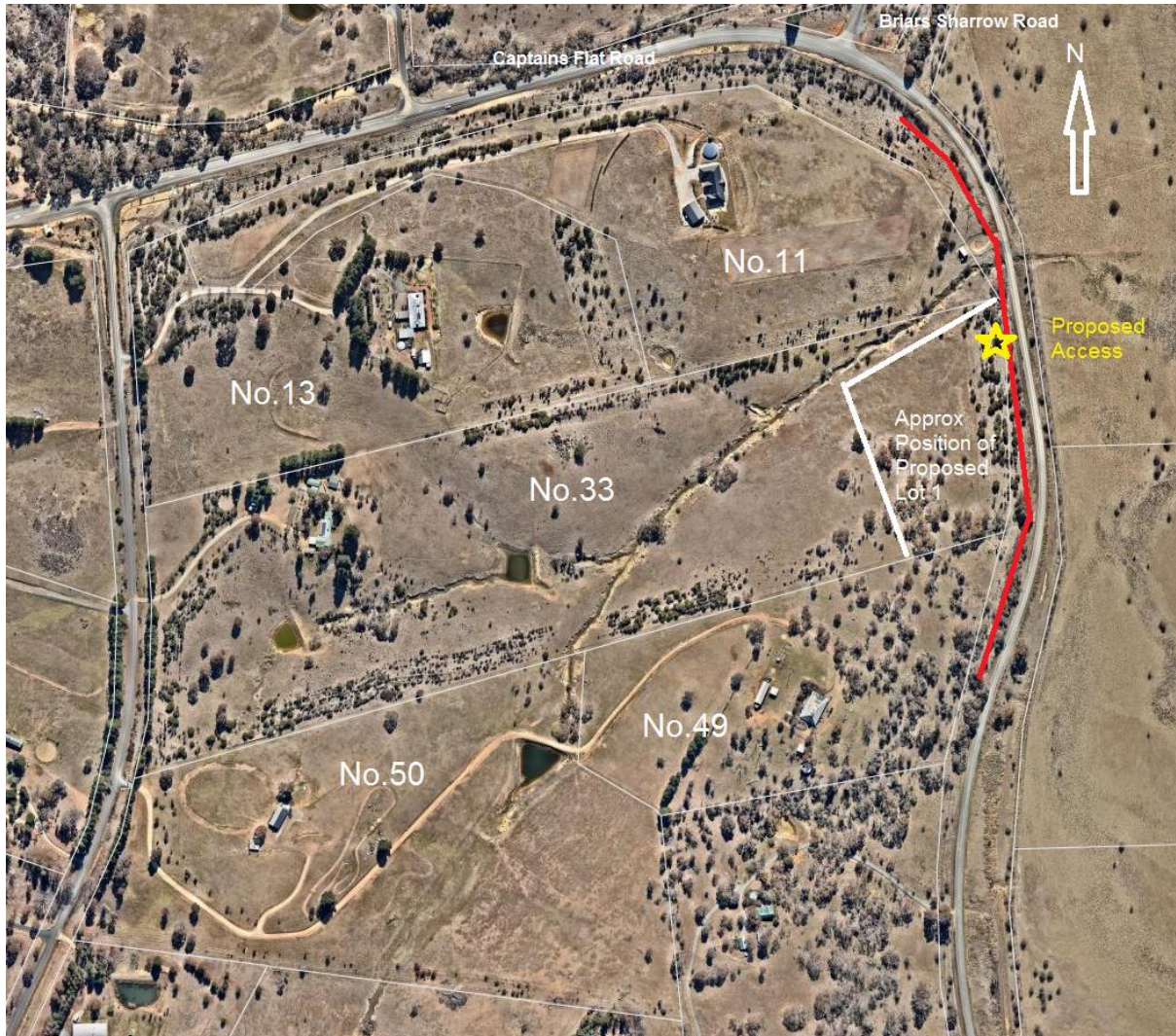


Figure 6 – Showing proximity of restricted sight lines (shown in red)

To achieve a legal access off Captains Flat Road for proposed Lot 1 that would meet the requirements of the Standard, would require the construction of a left hand and right hand access lane (BAL and BAR) along with a merge tapers of 180 metres long for the left and right hand turns access back onto Captains Flat Rd. These works along with reduction of batters along the verge would be required.

To achieve this, it would require widening the Captains Flat Road pavement of 6 metres plus 5 metres for shoulders plus the reduction in batter slopes. The entire access works would require up to 400m of Captains Flat Road to be widened to 11 metres to accommodate this property entry so it can satisfy the requirements of a primary access for a residential dwelling under Austroads standards. (National Road Standard)

8.1 DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road Carwoola (Ref: ; Author: Thompson/Wellalage) (Continued)

Council does not support the detrimental effect this would have on the recently upgraded pavement in Captains Flat Road in terms of asset longevity. In addition, the cost to construct the required road works would not be viable for the creation of a single rural residential lot.

The safety issue relating to stopping distances was previously identified when the allotments on either side of the proposed development were required to provide access to the newly subdivided lots (11 and 49 Widgiewa Road). Although both lots had a boundary to the same section of Captains Flat Road the subdivision works were only approved on the basis that access was provided to the newly created lots via Widgiewa Road. This can also be seen in Figure 6 above.

In addition to the above, several of the submissions resulting from the notification of the application raise the same issue of the proposed access point being unsafe.

The applicant was contacted and advised of the non-compliant access point and requested to amend the plans to show access for proposed Lot 1 being provided off Widgiewa Road via a right of way over the existing Lot 4 as is the case with the neighbouring properties on either side.

The applicants have not been prepared to amend their plans to accommodate an access point off Widgiewa Road instead arguing that the cost of providing an access drive from Widgiewa Road would be expensive and approval of the second access was not conditioned in any way and that they should be able to rely on that access for the new allotment. Council argues that the second access was never envisioned to be used for a primary access point for a new dwelling and that it would only ever be suitable for periodic use for the purpose of accessing stock and maintaining the eastern part of the property.

The reluctance of the applicant to amend the application leaves no choice but to recommend refusal of the application based on traffic safety grounds. Safety of future residents has not been addressed adequately in the application and as such, Council is not satisfied that the proposal meets the requirements of Clause 6.11 of the LEP.

Alternatively, Council could provide a further opportunity for the applicant to amend the plans, making it clear that unless this occurs the application will be refused.

Council should note that in amending the plan to provide access from Widgiewa Road the new access road will be required to cross over the existing creek line bisecting the site. This will require an integrated approval under section 4.47 of the *Environmental Planning and Assessment Act 1979* and referral to the Natural Resources Regulator. In addition, the creation of the access track is likely to trigger further assessment of the site under the *Biodiversity Conservation Act 2016*. Both these studies will result in additional costs being incurred by the applicant.

(b) Compliance with DCP

The proposal complies with the requirements of the DCP except for the B7 Engineering Requirements. As detailed above, the proposal does not comply with access provisions for proposed Lot 1.

**8.1 DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road Carwoola
(Ref: ; Author: Thompson/Wellalage) (Continued)**

Engagement

The proposal required notification under Queanbeyan Community Engagement and Participation Plan. Four submissions were received. The relevant issues raised are as follows:

1. *Access off Captains Flat Road is not suitable or safe. Access should be provided via a shared driveway off Widgiewa Road as other owners have had to do.*

Comment – Council supports these comments. Council does not support the proposed access from Captains Flat Road as detailed in the assessment against Clause 6.11 of the LEP above.

2. *Inadequate provision of water to the site.*

Comment - It is a requirement of the DCP to provide utility services for the proposed lots. Water requirements will be one of them and it is the responsibility of the applicant to provide services to the proposed lots prior to a subdivision certificate being issued. This can be addressed through relevant conditions.

3. *Aboriginal heritage not adequately addressed.*

Comment - The AHIMS provided indicates no aboriginal heritage sites in the vicinity. However, relevant conditions with regards to any findings will be imposed if Council considers this proposal favourable.

4. *Biodiversity issues and incorrect calculation of the vegetation removal*

Comment -According to the flora and fauna report, the study area has included the entire proposed Lot 1. This includes the building envelope, asset protection zone, access and boundary fencing. Therefore, the vegetation removal has been calculated correctly on the report.

5. *Overlooking by future dwelling on the site and provision for effluent disposal.*

Comment - This will be assessed at the time of a development application for any future dwelling on the site.

Conclusion

The submitted proposal for a two Lot Torrens Title Subdivision on 33 Widgiewa Road is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and four submissions were received.

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.



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

The main issue relates to the suitability of the proposed access to proposed Lot 1. The proposed access to Lot 1 was previously approved as a 'secondary' access to the site for occasional use. The proposed access is not considered suitable for a 'primary' residential access due to inadequate sight distance onto Captains Flat Road without major road upgrades. The proposed development is not considered suitable for the site and is recommended for refusal.

Prior to refusing the application it is suggested that the applicant should be given a further opportunity to amend the application by providing a suitable and safe access off Widgiewa Road.

**8.1 DA.2020.1083 - Two Lot Torrens Title Subdivision - 33 Widgiewa Road Carwoola
(Ref: ; Author: Thompson/Wellalage) (Continued)**

Attachments

- | | |
|--|---|
| Attachment 1 | Section 4.15 Matters for Cosnideration- - DA.2020.1083 - 33 Widgiewa Road, Carwoola (<i>Under Separate Cover</i>) |
|  Attachment 2 | Subdivision Plans - DA.2020.1083 - 33 Widgiewa Road, Carwoola (<i>Under Separate Cover</i>) |
|  Attachment 3 | Submissions - DA.2020.1083 - 33 Widgiewa Road, Carwoola (<i>Under Separate Cover</i>) |

8.2 DA.2019.083.A - Modification Application - Request to Remove Condition Requiring Payment of Contribution Fees - 47 Elrington Street, Braidwood (Ref: ; Author: Thompson/O'Halloran)

File Reference: DA.2019.083.A

Summary

Reason for Referral to Council

This application has been referred to Council as approving the modification application will result in the waiving of developer contribution fees.

Proposal:	Construction of transitional group home; modification: remove contribution fees
Applicant/Owner:	David Avery / Trustees Church of England
Subject Property:	Lot 1 DP 869933, No. 47 Elrington Street, Braidwood
Zoning and Permissibility:	R2 Low Density Residential under Palerang Local Environmental Plan 2014
Public Submissions:	Nil
Issues Discussed:	Planning Requirements and Contribution Plans
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

That modification application DA.2019.083.A to waive contribution fees on Lot 1 DP 869933, No.47 Elrington Street, Braidwood be approved and that the following conditions of consent be deleted on the basis that the development is carried out by a charitable organisation:

- **Conditions 39, 40, 41 and 42**
-

Background

Previous Applications

Development application DA.2019.083 granted consent to the Anglican Church in Braidwood for a transitional group home providing temporary emergency accommodation.

Subject Property

The subject site is legally described as Lot 1 DP869933 and is commonly known as 47 Elrington Street, Braidwood. The site is located on the eastern side of Elrington Street and has an area of 4804m².

Existing development on the site comprises a heritage church structure and a rectory. Vehicular access is provided to the site via an existing driveway from Elrington Street.

Existing development within the locality consists of predominantly single storey dwelling houses to the east and south, a masonic lodge to the north and St Bedes Primary School to the west.

8.2 DA.2019.083.A - Modification Application - Request to Remove Condition Requiring Payment of Contribution Fees - 47 Elrington Street, Braidwood (Ref: ; Author: Thompson/O'Halloran) (Continued)



Figure 2: Locality Plan

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.55(1A) of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 4.55(1A) are summarised below.

4.55 (1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be. Subsections (1), and (2) do not apply to such a modification."

Comment - In regard to subclause 'a', it is considered that the modification sought as part of this application is of minimal environmental impact as the application does not proposed to increase the footprint or intensity of the use.

8.2 DA.2019.083.A - Modification Application - Request to Remove Condition Requiring Payment of Contribution Fees - 47 Elrington Street, Braidwood (Ref: ; Author: Thompson/O'Halloran) (Continued)

In regard to subclause 'b', Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted as the proposed development remains a transitional group home.

With regard to subclause 'c' and 'd', the application was not required to be notified under the Community Engagement and Participation Plan 2019.

Assessment of Modification Proposal

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

1. *Palerang Local Environmental Plan 2014 (LEP)*
2. *Braidwood Development Control Plan 2006 (DCP)*
3. Section 7.11 Contribution plans
 - a) Tallaganda No. 3 – Roadworks
 - b) Tallaganda No. 4 – Bushfire Control and Suppression
4. Section 64 Contribution plans
 - a) Water Supply Headworks – Palerang
 - b) Sewerage Headworks - Palerang

The significant issues relating to the modification proposal for the Council's consideration are discussed below.

(a) Compliance with LEP

The proposed development as modified involves no change to the compliance of the development with the requirements of *Palerang Local Environmental Plan 2014*.***(b) Compliance with DCP***

The proposed development as modified involves no change to the compliance of the development with the requirements of *Braidwood Development Control Plan 2006*.

(c) Other Matters

Section 7.11 Contributions (Previously Section 94) and Section 64 Contributions

The proposal seeks to remove conditions 39, 40, 41, and 42 (shown below) which relate to Section 7.11 Contributions and Section 64 Contributions totalling \$26,898.00 (listed below).

8.2 DA.2019.083.A - Modification Application - Request to Remove Condition Requiring Payment of Contribution Fees - 47 Elrington Street, Braidwood (Ref: ; Author: Thompson/O'Halloran) (Continued)

39. Section 7.11 Contributions – Road Works (Tallaganda)

Pay Queanbeyan-Palerang Regional Council **\$3,560.00** towards the upgrade of roads leading to the development, in accordance with *Tallaganda Section 7.11 (94) Contributions Plan No.3 – Roadworks*, prior to occupation of the building. The amount payable is subject to annual amendment on 1 July in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.

Reason: Appropriate upgrade of the roads affected by the increase in traffic resulting from this development.

40. Section 7.11 Contributions – Bushfire Services (Tallaganda)

Pay Queanbeyan-Palerang Regional Council **\$518.00** towards the provision and use of bush fire fighting assets, in accordance with *Tallaganda Council's Section 7.11 (94) Contributions Plan No.4 - Bushfire Control and Suppression*, prior to occupation of the building. The amount payable is subject to amendment on 1 July in keeping with the CPI. This Contributions Plan may be inspected at Council's administrative offices during normal office hours.

Reason: Appropriate provision of bush fire fighting services required by the development.

41. Section 64 Contributions – Water Supply Headworks

Pay Queanbeyan-Palerang Regional Council **\$10,350.00** towards water supply provision at Braidwood, pursuant to Section 64 of the *Local Government Act 1993*, prior to occupation of the building. The amount payable is subject to annual amendment on 1 July in accordance Queanbeyan-Palerang Regional Council's Fees and Charges Schedule.

Reason: Appropriate provision and upgrade of reticulated water supply.

42. Section 64 Contributions – Sewerage Headworks

Pay Queanbeyan-Palerang Regional Council **\$12,470.00** towards sewerage provision at Braidwood, Pursuant to Section 64 of the *Local Government Act 1993* prior to occupation of the building. The amount payable is subject to annual amendment on 1 July in accordance Queanbeyan-Palerang Regional Council's Fees and Charges Schedule.

Reason: Appropriate provision and upgrade of sewerage infrastructure.

8.2 DA.2019.083.A - Modification Application - Request to Remove Condition Requiring Payment of Contribution Fees - 47 Elrington Street, Braidwood (Ref: ; Author: Thompson/O'Halloran) (Continued)

The applicant has requested the removal of section 7.11 contributions and section 64 contributions on the basis that the development is not for profit and for the benefit of the Braidwood community.

The applicant has provided the attached submission to Council to support the application.

The applicable s7.11 and s64 plans do not provide for specific exemptions for the proposed development and as such are a matter for Council to determine.

There are four options which Council could consider in relation to this matter:

1. Section 7.11 and s64 contribution fees are waived.
2. Council make a donation to pay the s7.11 and s64 contribution fees.
3. Council require the applicant to pay the contributions by instalments.
4. Council refuse the application in which case the conditions requiring payment would remain.

Although the contributions are applicable to the proposed development under the relevant plans, it is recommended that the applicant is not required to pay the contributions. The development proposes to provide a key service to the Braidwood community, one which is not currently met within the Braidwood village. Additionally, the purpose of development contributions is to provide funds to Council to provide for infrastructure and amenities to the community. It is considered that the proposed development provides amenities to the community and as such the development itself may be considered as works in kind.

Financial Implications

Council will forgo contributions of approximately \$28,900 should the modification request be agreed to. In terms of whether the contributions should simply be waived or paid for by donations a check of Council's donations fund indicates that there are insufficient funds available. As such the contributions would not be collected.

Engagement

The modification proposal was not required to be notified under the Community Engagement and Participation Plan.

Conclusion

The proposal has been assessed under Section 4.55(1A) *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and Braidwood Development Control Plan 2006. In regard to the imposition of developer contributions, it is considered that a reasonable case has been put forward from the applicant in regard to the charitable status of the development and that the request for waiving of developer contributions should be supported.

Attachments

Attachment 1 Request for Waiver (*Under Separate Cover*)



**8.3 Request for Early Lodgement of Development Applications - South
Jerrabomberra (Ref: ; Author: Thompson/Perkins)**

File Reference: 21.1.1

Summary

Council has recently received a request for the early lodgement of development applications by Village Building Company (VBC) relating to seed housing and display homes within the South Jerrabomberra urban development. This report considers this request.

Recommendation

That Council allow the early lodgement and determination of development applications for seed housing comprising the subdivision and construction of 62 single dwellings upon Superlots AI and A0 and eight dwellings within the display village in the South Jerrabomberra Urban Release Area subject to the following provisos:

- a) Occupation and use of the developments is not permitted until the new allotments on which the developments are proposed to be located have their titles formally registered;**
 - b) That the applicant be advised that in lodging applications prior to registration of the subdivision they do so at their own risk, recognising that changes to subdivision designs can occur during the construction phase and that such changes may need to be reflected in development applications lodged.**
-

Background

Council would not normally accept development applications until the land upon which the developments are to take place has had the land titles formally registered. On occasion Council receives a request to permit early lodgement of applications to facilitate the provision of services or infrastructure in a new subdivision.

At its meeting of 13 November 2019 Council resolved to allow for the early lodgement of applications by Village Building Company (VBC), the developer of the new release area at South Jerrabomberra, in relation to a town park, an eight lot display village and car park, and a terrace development on Superlot AK (previously known as A2) within the South Jerrabomberra urban development.

Council has subsequently considered the following development applications:

DA 114-2019 - Was approved by Council at its meeting of 18 December 2019 for the demolition of a Woolshed and Cook House, and Construction of a Community Centre with Sales Office and Pavilion. The Community Centre Structure will be located within the town park.

DA.2019.1347 - Was approved by staff under delegation on 29 May 2020 for a display village comprising eight lots, signage and a car parking area.

DA.2020.1135 - A development application relating to Superlot AK for a 38 Lot Torrens Subdivision, the construction of 37 dwelling houses, a multi-dwelling housing development comprising 17 dwellings and associated Strata Subdivision was approved by Council at its meeting of 12 August 2020. Since the determination of this application VBC have decided to sell the blocks comprising Super lot AK due to bank funding requirements with the construction upon these lots to be undertaken by third party builders following the registration of the lots.

8.3 Request for Early Lodgement of Development Applications - South Jerrabomberra (Ref: ; Author: Thompson/Perkins) (Continued)

As a result of the loss of proposed seed housing, VBC have submitted a further request to Council (See Attachment 1) to allow for the early lodgement of development applications for the construction of 62 single level detached dwellings upon Superlots AI and AO to act as seed housing for the development.

VBC have also requested Council allow early lodgement of the development applications for the individual display village homes within the previously approved display village to allow for construction of these dwellings to commence following the registration of the allotments.

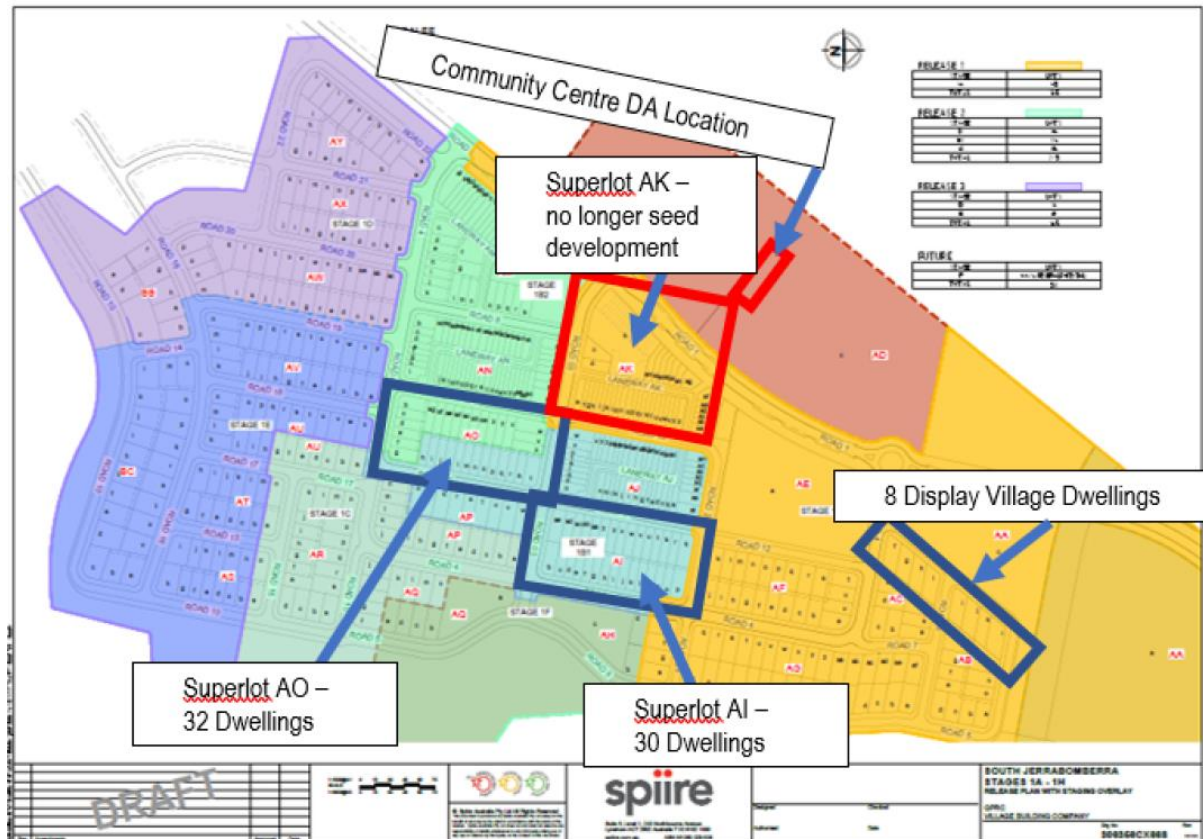


Figure 1: South Jerrabomberra Urban Development Area Seed Development

Assessment of Request

Essentially the developers are requesting that Council accept the applications and release the consents to allow construction before the registration of the land is finalised. Construction could commence but occupation would not be permitted until title registration takes place.

This has some advantages for Council in that these complex DAs are lodged over the longer interim period rather than receiving a large influx of applications immediately after the registration date. This helps to even out the workflow especially as the nature of the development requires considerably more assessment than a typical dwelling. In addition it also allows for services to be in place at the commencement of a new subdivision being sold/occupied. This gives the development a greater sense of place and is more attractive to prospective occupants and purchasers.

The disadvantage to Council accepting DAs at this early stage is that if there is some problem or delay with the construction of the subdivision or the subsequent registration and approval of the land, it can result in changes to some of the DAs that may already have been lodged requiring modifications and further delays to applicants. However, by restricting the issue of these early lodgement DAs to VBC on land controlled by VBC, the risk is transferred from

8.3 Request for Early Lodgement of Development Applications - South Jerrabomberra (Ref: ; Author: Thompson/Perkins) (Continued)

Council to VBC. Council will be asking applicants to acknowledge such risks when lodging their applications.

Consultation

No public consultation required in relation to this matter.

Compliance or Policy Implications

Subject to occupation not being permitted until after registration of the land formally occurs there appears to be no legal implications in allowing lodgement of the DAs as proposed.

Conclusion

Given the above, it is considered satisfactory to accept and determine development applications for the developments listed in Schedule A below subject to the following provisos:

- Occupation and use of the developments is not permitted until the new allotments on which the developments are proposed to be located have their titles formally registered;
- That the applicant be advised that in lodging applications prior to registration of the subdivision they do so at their own risk, recognising that changes to subdivision designs can occur during the construction phase and that such changes may need to be reflected in development applications lodged.

Schedule A

Developments already approved for early lodgement of development applications:

- DA 114-2019 - For the demolition of a Woolshed and Cook House, and Construction of a Community Centre with Sales Office and Pavilion. The Community Centre Structure will be located within the town park.
- DA.2019.1347 - For a display village comprising eight lots, signage and a car parking area.

Developments recommended for approval in this report for the early lodgement of development applications:

- Development applications for the construction of 62 single level detached dwellings upon Superlots AI and AO to act as seed housing for the development.
- Development applications for the individual display village homes within the previously approved display village.

Developments previously approved by Council for early lodgement which have now been removed:

- The development application relating to Superlot AK for a 38 Lot Torrens Subdivision, the construction of 37 dwelling houses, a multi-dwelling housing development comprising 17 dwellings and associated Strata Subdivision.

Attachments

Attachment 1	Seed Development Request - South Jerrabomberra (<i>Under Separate Cover</i>)
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8.4 Jerrabomberra Innovation Precinct Infrastructure Planning Agreement - Deed of Variation (Ref: ; Author: Thompson/Brown)

File Reference: 21.4.3-03

Summary

The purpose of this report is to advise Council of a proposed amendment ('Deed of Variation') to the existing Jerrabomberra Innovation Precinct Infrastructure Planning Agreement and to seek Council's endorsement to exhibit it for community input.

Recommendation

That Council:

- 1. Note the report.**
 - 2. Publicly exhibit the Deed of Variation for 28 days as required under the *Environmental Planning & Assessment Act, 1979*.**
 - 3. In the event no further submissions are received during the public exhibition, authorise the Chief Executive Officer and Mayor to execute the Deed of Variation on Council's behalf.**
-

Background

In June 2020, Council entered into a voluntary planning agreement (VPA) with the developers of land at West Jerrabomberra (Poplars Developments Pty Ltd) and South Jerrabomberra (The Village Building Co). This was to provide suitable arrangements in respect of the future development of these lands and the provision of infrastructure to service the areas.

Further to design work, a number of minor amendments are required to the VPA to ensure it correctly reflects the agreement of the parties. These are to address the following matters:

- To confirm the land descriptions in respect of the land to be dedicated for the proposed Regional Sports Facility, and
- To confirm arrangements in respect of the future allocation of electricity infrastructure and capacity amongst the various parties for each of their intended uses.

In respect of the first matter, the VPA does not currently include all of the lots proposed to be dedicated to Council for the purposes of the Regional Sports Facility. Accordingly, the definition for the Regional Sports Facility in the VPA has been amended to refer to the correct extent of the land.

In respect of the second matter, the parties have now agreed on the proposed allocation of electricity capacity to each development area, including the residential areas at South Tralee, the commercial areas on the Poplars, the school site, the Innovation Hub, and, the Regional Sports Facility. This has been reflected in changes shown at Schedule 8 of the draft LPA.

These proposed amendments have now been included in a draft Deed of Variation as shown at Attachment 1.

8.4 Jerrabomberra Innovation Precinct Infrastructure Planning Agreement - Deed of Variation (Ref: ; Author: Thompson/Brown) (Continued)

Implications***Legal***

Council have received legal advice in respect of the proposed changes. The changes are considered appropriate to make in the circumstances and requires Council to follow the process as set out in the *Environmental Planning and Assessment Regulations 2000*.

Economic

Development at both South Jerrabomberra and West Jerrabomberra will provide significant short-term and long-term economic benefits to Queanbeyan and the broader region.

Strategic

The changes will facilitate the delivery of the long-term structure plans for the development of these areas.

Engagement

The draft Deed of Variation will be exhibited for a period of 28 days consistent with the requirements of the *Environmental Planning and Assessment Act, 1979*.

Conclusion

The proposed changes to the VPA are considered appropriate in the circumstances and will assist in ensuring suitable infrastructure is in place to service the new populations and developments in these areas.

Given the changes are considered to be relatively minor in the circumstances, staff have recommended that in the event no submissions are received during the public exhibition, the Chief Executive Officer and Mayor be authorised to execute the Deed of Variation on Council's behalf.

Conversely, if any submissions are received during the exhibition, staff will provide a further report on those submissions prior to finalising the draft Deed of Variation.

Attachments

Attachment 1



Draft Deed of Variation - Jerrabomberra Innovation Precinct
Infrastructure Planning Agreement 1 October 2020 (*Under Separate
Cover*)

8.5 175 and 217 Tarago Road Bungendore (Ashby) - Timing for Rezoning Land for Residential Development (Ref: ; Author: Thompson/Blacklock)

File Reference: 26.1.2

Summary

The purpose of this report is to consider the notice received from the land owners of 175 and 217 Tarago Road, Bungendore (referred to in this report as 'Ashby'), advising that they plan to progress the Planning Proposal for the residential development of their land. Their land is identified as a long-term residential growth option in the Bungendore Structure Plan 2048 recently adopted by Council and subsequently endorsed by the Department of Planning, Industry and Environment.

The short/medium term growth options identified in the Structure Plan have yet to be developed and in one case yet to be rezoned. These options provide for 16 years supply of residential lots/dwellings in the 30 year life of the plan. Any consideration of a request to prepare a Planning Proposal for Ashby before the completion of the short/medium term options will not be consistent with the Structure Plan and will change the steady growth rate put forward in the Plan to achieve a gradual expansion of the residential areas of Bungendore over 30 years.

Given the substantial time and expense involved in preparing a Planning Proposal it is incumbent on Council to provide some form of realistic feedback to the owners if Council is unlikely to support a Planning Proposal in the short to medium term.

Recommendation

That Council advise the land owners of 175 and 217 Tarago Road, Bungendore that:

- 1. Any request for the preparation of a Planning Proposal on the land will not be considered ahead of the completion of the short/medium term options for residential growth identified in the endorsed Bungendore Structure Plan 2048, nor before 2025.**
 - 2. Should a review of the timing for the land be considered, it be done when the Bungendore Structure Plan is reviewed in 2025.**
-

Background

Notice has been received from the owners of 175 and 217 Tarago Road Bungendore also known as Ashby, of their plans "to continue with the progression of rezoning of the land in accordance with the approved Bungendore Structure Plan, noting the time it takes for these changes to come to fruition" (refer to Attachment 1)

The Bungendore Structure Plan 2048 was prepared over many years, underwent consultation with the community and agencies and was endorsed by Council at its meeting on 26 February 2020.

The Bungendore Structure Plan provides the direction for the growth of Bungendore for the next 30 years. It has identified key growth locations for residential development in the short/medium term and the long term and provides the strategic context for considering future Planning Proposals (See Structure Plan map below).

8.5 175 and 217 Tarago Road Bungendore (Ashby) - Timing for Rezoning Land for Residential Development (Ref: ; Author: Thompson/Blacklock) (Continued)

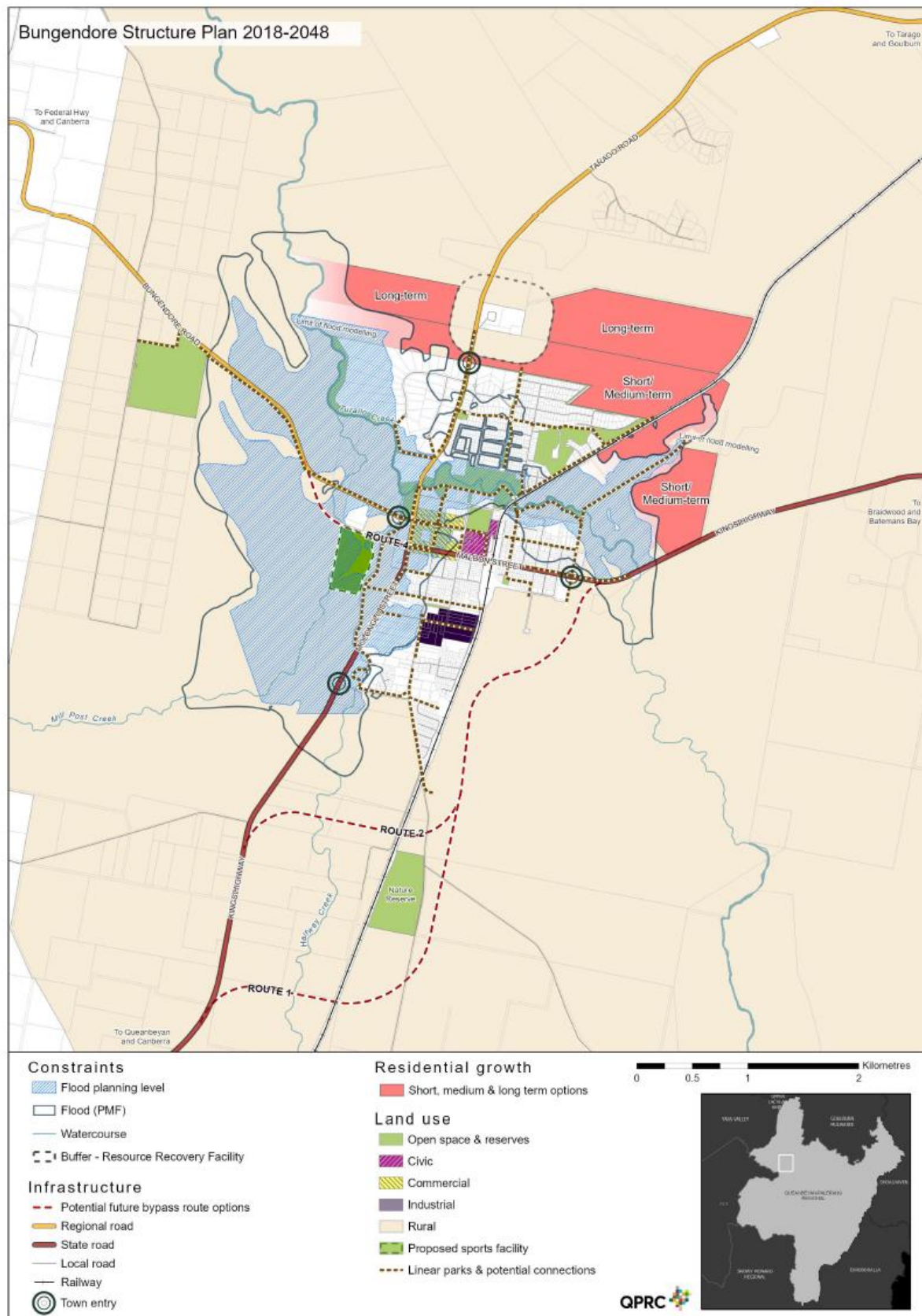


Figure 1 – Bungendore Structure Plan 2048 Map

8.5 175 and 217 Tarago Road Bungendore (Ashby) - Timing for Rezoning Land for Residential Development (Ref: ; Author: Thompson/Blacklock) (Continued)

The Secretary of the Department of Planning, Industry and Environment has recently endorsed the Structure plan and reaffirms that the document provides the strategic framework for the consideration of planning proposals to facilitate residential development in Bungendore.

The Structure Plan identifies an average growth rate of 37 dwellings per annum in four key residential growth sites for the next 30 years:

- North Elmslea (176 Tarago Road) being a short/medium term option
- Bungendore East (4610 Kings Highway), being a short/medium term option
- Ashby (175 and 217 Tarago Road) being a long-term option
- Land north of North Elmslea (266 Tarago Road) being a long-term option.

Stage 1 of the North Elmslea site at 176 Tarago Road has gone through the planning proposal process with the land being rezoned for residential development on 15 May 2020 and having a yield of approximately 328 lots. A development application for the subdivision of the first stage of this development is presently being considered by Council.

The Bungendore East site is currently subject to an updated planning proposal with additional contamination work being done and is to be progressed to the Gateway request stage after being held in abeyance for a number of years while the Bungendore Structure Plan and other matters were completed.

These two sites have the potential for over 600 lots and represents a supply of 16 years.

The land above the flood level at Ashby is identified as one of the long-term residential growth options. This means that there is an expectation that the North Elmslea and Bungendore East sites will be through the planning proposal process and substantially developed before the Ashby site.

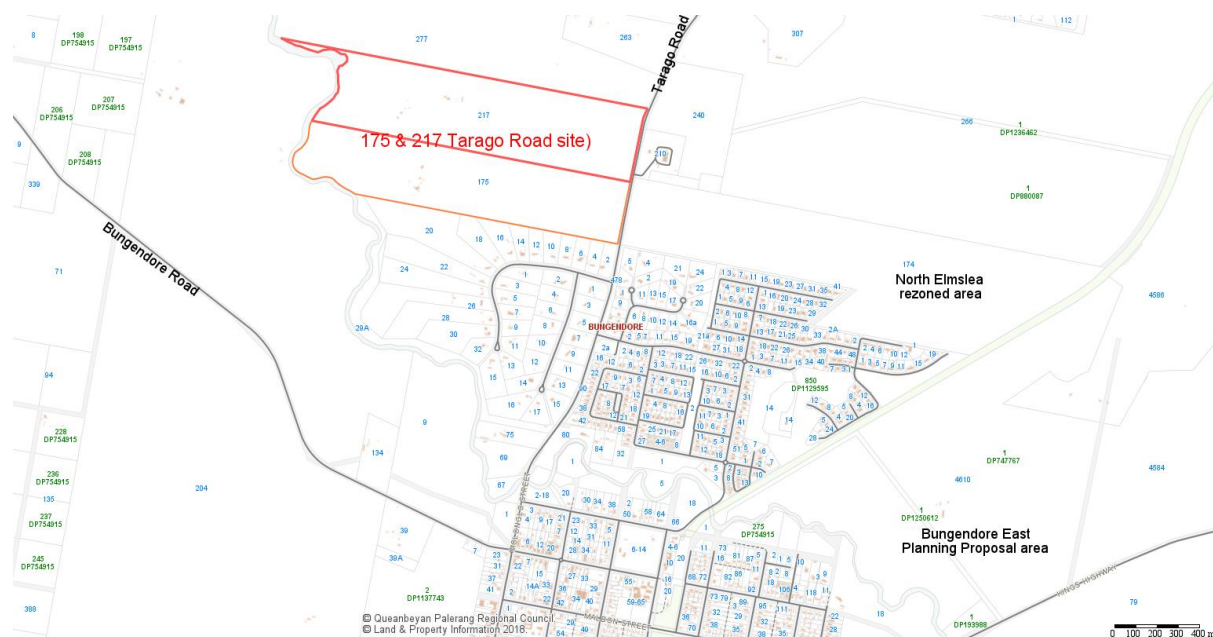


Figure 2 – Location of 175 & 217 Tarago Road Bungendore in context

8.5 175 and 217 Tarago Road Bungendore (Ashby) - Timing for Rezoning Land for Residential Development (Ref: ; Author: Thompson/Blacklock) (Continued)

The guidelines (A Guide to Preparing Local Environmental Plans) detail the avenue available for a land owner when Council does not support the request. This is called a Rezoning Review and is carried out by the Joint Regional Planning Panel (Southern) or the NSW Planning Commission. The request for review must be lodged within 42 days of council's notice of non-support and is subject to an administration and assessment fee (currently \$20,000).

This process is outlined below.

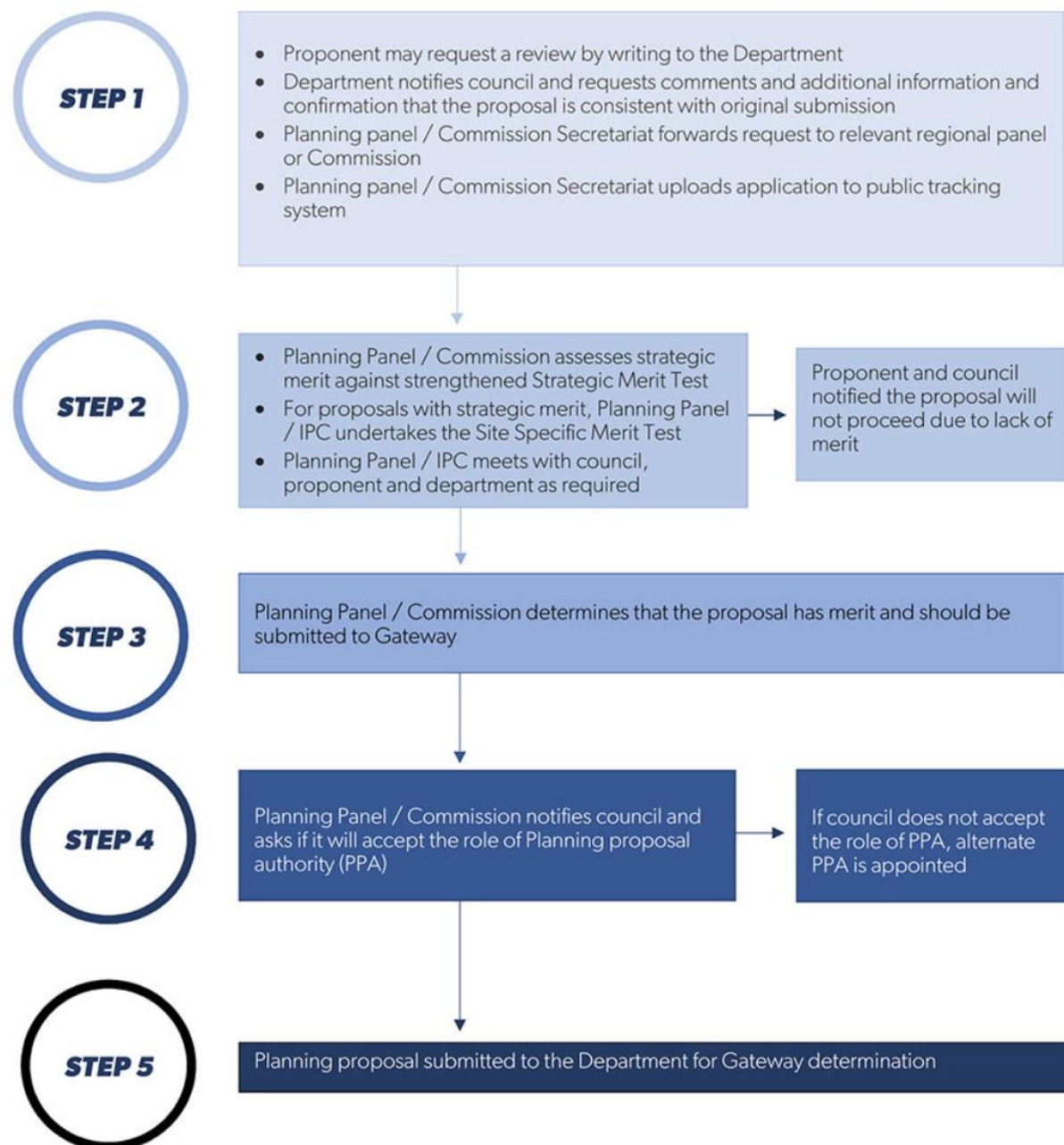


Figure 4 – Rezoning review process. Source: Local Environmental Plans – A guide to preparing Local Environmental Plans, NSW Planning & Environment.

8.5 175 and 217 Tarago Road Bungendore (Ashby) - Timing for Rezoning Land for Residential Development (Ref: ; Author: Thompson/Blacklock) (Continued)

Policy

The Bungendore Structure Plan 2048 is Council's policy document for future growth of Bungendore in the next 30 years. This Structure Plan was incorporated into the recent Queanbeyan- Palerang Local Strategic Planning Statement and has been endorsed by the Secretary of the Department of Planning, Industry and Environment.

Council considered the Structure Plan and the future residential growth options over a number of workshops and meetings in 2019 and early 2020. On 26 February 2020 the Structure Plan including the map shown in Figure 1 was endorsed by Council.

The location and sequencing of the residential land growth options were endorsed and the Ashby land was identified as a long term growth option. As such a request to consider the planning proposal within the first year (or even within the 5 years) of a 30 year plan is not consistent with the Structure Plan or what has been communicated to the community.

Any departure from this plan will set a precedent for future proposals and undermine the strategic basis for growth in Bungendore.

The appropriate time to consider any change in timing of the residential growth options and the rate of growth, is at the review stage which was resolved to occur in 2025.

Environmental

The Bungendore Structure Plan considered the high level environmental attributes and constraints of growth in Bungendore. Any Planning Proposal for the Ashby land will require site specific detailed environmental reports to clearly define the land suitable for development and for the protection of the environment.

In this regard the owners have commissioned a broad brush background planning report which they submitted as a submission to the Structure Plan. Their planning consultant has also commissioned an initial Biodiversity Constraints Assessment of the properties.

Strategic

The recently adopted Queanbeyan-Palerang Local Strategic Planning Statement (LSPS) and the endorsed Bungendore Structure Plan 2048 are the strategic land-use planning documents for Bungendore. The pursuit of a Planning Proposal for Ashby ahead of the completion of the identified short/medium term growth options is not consistent with these strategic plans. Refer to policy section above.

Engagement

The owners and their planning consultant have met with Council staff a number of times to discuss the rezoning of their land.

The Bungendore Structure Plan was subject to consultation and public meetings. There was strong community interest in the growth rates and the retention of the character of Bungendore. Any change to the sequence of the identified growth areas should be subject to further community consultation.

Any Planning Proposal prepared for Ashby for residential development will have a requirement for consultation. The nature and duration will be specified in the Gateway Determination, should one be issued.

8.5 175 and 217 Tarago Road Bungendore (Ashby) - Timing for Rezoning Land for Residential Development (Ref: ; Author: Thompson/Blacklock) (Continued)

Financial and Resources (including staff)

Any request from a land owner for the preparation of a Planning Proposal for their land is subject to fees as detailed in the Operational Plan that is in place at the time of request.

Should a Planning Proposal for Ashby be supported it will also result in staff resources being reallocated from other strategic land-use planning projects and delaying their completion.

Integrated Plan

The Strategic Pillar in the Community Strategic Plan that is relevant for this matter is "Character". The relevant key goal is that:

"we must ensure the future planning for the region is well coordinated and provides for its sustainable management."

Bringing forward the consideration of land identified in the forward planning document of the Bungendore Structure Plan is not considered to be consistent with this key goal in the Community Strategic Plan.

Conclusion

Notice has been received from the land owners of Ashby (175 and 217 Tarago Road, Bungendore) that they plan to progress the Planning Proposal for the residential development of the land. This land is identified as a long-term growth option in the recently endorsed Bungendore Structure Plan 2048. The Structure Plan has recently been endorsed by the Secretary of the Department of Planning, Industry and Environment and is considered the strategic basis for considering future growth areas and planning proposals.

The short/medium term options identified in the Structure Plan provide for 16 years supply of residential lots/dwellings in the 30 year life of the plan. The status of these short-term options range from Stage 1 being rezoned and development application ready (i.e. North Elmslea – approximately 328 lots in total) to Bungendore East being in the first stages of the Planning Proposal process.

The commencement of the Planning Proposal process for land identified as a long-term option (this includes 175 and 217 Tarago Road) is not consistent with the endorsed Bungendore Structure Plan. Any consideration for the review of the timing of the residential growth areas is most appropriate at the review stage of the Bungendore Structure Plan. Council resolved that the Plan be reviewed in 2025. This will allow the implementation of the plan for the short/medium term options to have been monitored and allow for community input into the process.

As such it is recommended that the land owners of Ashby (175 and 217 Tarago Road) be advised that any request for the preparation of a Planning Proposal on the land will not be supported ahead of the completion of the short/medium term options for residential growth, nor before 2025. Any review of the timing for the land to be considered should be done when the Bungendore Structure Plan is reviewed in 2025.

Attachments

Attachment 1 175 and 217 Tarago Road Bungendore (*Under Separate Cover*)



**8.6 Renumbering of Summerfield Estate at 70 Little River Road Braidwood (Ref: ;
Author: Thompson/Knight)**

File Reference: 26.4.1-3

Summary

The latest stage of the Summerfield Estate development in Braidwood is nearing release and as such, new unit addressing is required to be completed. It has been identified that the existing unit numbering is inconsistent with the NSW Address Policy and now impacts on the ability to assign acceptable unit addressing for this next stage. Renumbering all existing and future dwellings in the estate will rectify this issue and will greatly assist emergency service personnel in locating dwellings as quickly as possible. This matter is now being reported to Council as objections to the renumbering have been received.

Recommendation

That Council endorse the renumbering of the dwellings (existing and future) within Summerfield Estate, 70 Little River Road, Braidwood, as shown in Figure 2 in this report, to ensure that:

- 1. Unit addressing complies with the NSW Address Policy.**
 - 2. Emergency Services can locate dwellings as quickly as possible in an emergency situation.**
 - 3. Deliveries to individual dwellings can be provided in a convenient and logical manner.**
-

Background

Summerfield Estate is a seniors housing development located on the eastern edge of Braidwood at 70 Little River Road. It is being developed in stages over a number of years. The long time frame for construction and the separate approvals for each stage appears to have contributed to a lack of coordination in the numbering of the dwellings in the development. The result has been a numbering system which is confusing and illogical as shown in Figure 1 below.

A subdivision certificate application has been lodged for the latest stage of Summerfield Estate. As part of the assessment process, the numbering of the dwellings within the stage, and development as a whole, is considered. Upon assessment, inconsistencies with the current addressing of the units have been identified. The current unit numbering has been found to be inconsistent with the NSW Address Policy, is not in a logical sequence and may contribute to the delay in response times for Emergency Services.

To rectify the inconsistency and risk, a decision was made to undertake a renumbering project to bring the unit addressing in line with the NSW Address Policy and to ensure the units can be quickly and easily located by Emergency Services, visitors and service deliverers. There are a number of options available to achieve these objectives and as such the following scenarios were considered for this project.

8.6 Renumbering of Summerfield Estate at 70 Little River Road Braidwood (Ref: ; Author: Thompson/Knight) (Continued)

Scenario 1 - Name all the internal roads within the development and allocate numbering to each road

In accordance with the *NSW Address Policy and User Manual* Section 6.7.3 *Addressing Principles*, the formed roads within Summerfield Estate could be assigned individual road names. The names of these roads could then be used for unit addressing purposes.

Scenario 2 - Retain 70 Little River Road as the primary address and use sequential odd and even unit numbers

The primary address of the development would remain 70 Little River Road with sub addressing principles applied to the units. The central private road would be used as the middle marker for addressing purposes. Units to the left of this road would be allocated sequential, odd numbers and units to the right would be allocated sequential, even numbers.

A site inspection of the development to view the current unit numbering was undertaken on 3 September 2020. Initial advice received during this site inspection suggested scenario 1 would be the least likely to be supported by the residents. With this in mind, scenario 2 was considered to be the better approach for the project.

Staff were invited to the Summerfield Estate resident's meeting to present the proposed renumbering proposal. During the discussion, some residents were opposed to and disagreed with the renumbering scenarios proposed. Further discussions were held amongst the residents at this time and a third scenario was agreed upon by the majority of residents. It was agreed that the units should be numbered in a sequential fashion, starting with the first unit to the left hand side upon entry to the estate (see Figure 2). A short time frame was given for the implementation of the renumbering as it was believed an agreement had been reached.

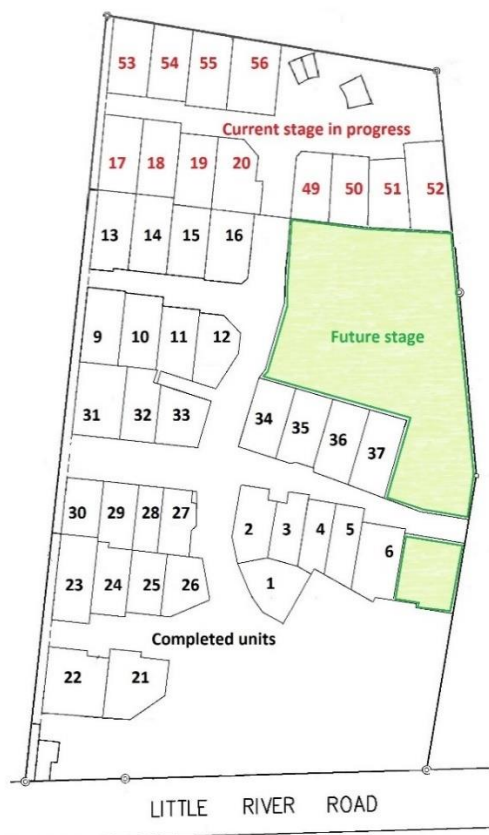


Figure 1 - Current unit addressing

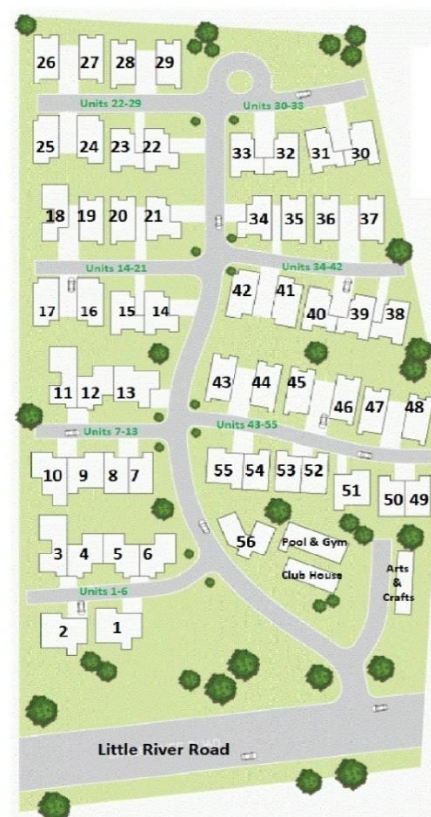


Figure 2 - Proposed unit addressing

8.6 Renumbering of Summerfield Estate at 70 Little River Road Braidwood (Ref: ; Author: Thompson/Knight) (Continued)

The residents were advised that NSW Spatial Services, Australia Post, Telstra, The Australian Electoral Commission, Essential Energy and Braidwood Post Office would be notified of the new addresses to assist in the transition process.

Following the meeting one written objection was received. The relevant matters that were raised in the submission that related to the renumbering are summarised below.

1. Requests deferral of the renumbering proposal until confirmation is received from Police and Emergency Services Department that such renumbering is absolutely necessary.

Comment - Council is not required to seek permission from the Police and Emergency Services Department to undertake readdressing projects. Advice has been sought from NSW Spatial Services and they state "The Retrospective Policy does not apply in this case as the address changes are Council driven. However, the addresses must meet the criteria set out in the NSW Addressing Policy and User Manual i.e. the addresses are logical, sequential and unique so that emergency services can locate the properties."

2. It would be stressful for "residents if required to go through the 'change of address' process yet again, particularly during the current 'pandemic'."

Comment - It is recognised that updating street addresses in company databases can sometimes be an arduous task. Council will assist in the transition process by informing NSW Spatial Services, Australia Post, Telstra, The Australian Electoral Commission, Essential Energy the Braidwood Post Office of the new addresses. As NSW Spatial Services are the custodians of the NSW Address Database, the updated details are automatically filtered down to the Valuer General's Department, the NSW Land Registry Service and the State administered mapping service, SIX Maps. A letter of confirmation of new address will also be provided to the residents to pass on to other organisations to help facilitate the updating of their address.

In addition, Council will request that the current addresses be held as alternate addresses in the NSW Address database for a period of 12 months. After this period, Council will contact NSW Spatial Services and Australia Post to remove the alternate addresses from the database. This will give the residents 12 months to change over their services.

3. Initial numbering took place as early as 2018 although occupancy approval did not occur until November 2019. The submitter notes that the NSW Address Policy and User Manual is dated October 2019. They express the view that any re-numbering should have been addressed before interim occupancy was given."

Comment - The first version of the *NSW Address Policy and User Manual* was released in October 2014. It has since undergone 4 reviews (Feb 2015, Apr 2015, Sept 2016 and Oct 2019) with the current edition being version 5.

Section 9.1.1 of the *NSW Address Policy and User Manual (October 2019)* states that "Numbering is to be applied to all sites requiring an address and where necessary, non-conforming numbers be altered to meet the requirements of the AUM" (*Addressing User Manual*). The readdressing of the units at this time will rectify the existing non-conforming numbers and ensure the remaining stages of the development comply with the policy.

8.6 Renumbering of Summerfield Estate at 70 Little River Road Braidwood (Ref: ; Author: Thompson/Knight) (Continued)

4. While the numbering currently in place at Summerfield is unusual it is still workable and, in the submitters view, sufficiently logical for emergency services to find a specific villa in an emergency. The submitter suggests that setting to work of the emergency blue lights installed on lamp posts and the addition of numbering signs for each row of villas should be sufficient.

Comment - Installing correct numbers on or near the front entrance to each unit that do not rely on electricity to be visible, is a failsafe method of ensuring units can be located efficiently without relying on the need for power or illumination. Numbering signs at the start of each row does not provide sufficient information to identify each individual unit.

5. The submitter believes the inconvenience of having to change the numbers does not warrant the change because of the number of agencies that have to be advised. The submitter is of the view that QPRC is only able to advise a small number of authorities and the rest are up to resident.

Comment - Refer to response 2. In addition Council's experience with similar inconsistencies in the past indicates that the inconvenience experienced in adjusting street numbering at this early stage of development is negligible compared to the inconvenience experienced by residents trying to deal with a confusing system that results in mail and other deliveries going astray over the entire lifespan of the development. The residents in the development will change many times in the future and all will benefit from a proactive decision by Council to resolve the issue at this early stage.

Implications***Legal***

Council is the nominated authority for property addressing and is required to follow the NSW Addressing Guidelines as set by the NSW State Government.

Section 124 of the *Local Government Act 1993* allows councils to issue Orders to land owners and occupiers, relating to street address numbers. Order 8 allows Council to require the identification of premises with prescribed numbers or other identification, when there are no markings that can readily be seen and understood from the road. Council has rarely needed to resort to the use of Orders to ensure addressing of properties is consistent with the NSW Address Policy.

Policy

The Geographic Names Board (GNB) is responsible for the governance of the *NSW Address Policy*.

The GNB expects Local Government to pursue conforming numbering and enforce the principles which support the practice of standardised addressing. This can be enforced through the provisions of the *Local Government Act 1993*.

Engagement

Staff were invited to a resident's meeting on 16 September 2020 to discuss the project. Objections raised by some residents were discussed and considered. This resulted in agreement on a preferred renumbering sequence. Written objections from one resident were received after this meeting and have been discussed above.

Financial

Council is not responsible for any costs associated with renumbering the units and the subsequent notification of new street addresses.

**8.6 Renumbering of Summerfield Estate at 70 Little River Road Braidwood (Ref: ;
Author: Thompson/Knight) (Continued)**

Conclusion

Council is the nominated authority for property addressing and is required to follow the NSW Address Policy as set by the NSW State Government.

Council has identified the unit numbering within Summerfield Estate is inconsistent with the NSW Address Policy and proposes to undertake a renumbering to rectify this issue. It is most important that Council undertakes this project as it will assist emergency service personnel in locating people as quickly as possible in an emergency situation.

It is recommended that the renumbering of Summerfield Estate at 70 Little River Road Braidwood be endorsed by Council.

Attachments

Attachment 1



Submission on the Renumbering of Dwellings at Summerfield Estate, 70 Little River Road Braidwood (*Under Separate Cover*)

8.7 Introduction of Inspection Program for Underground Petroleum Storage Systems (Ref: ; Author: Thompson/Perkins)

File Reference: 24.4.1-29

Summary

Council has recently been appointed the 'appropriate regulatory authority' for underground petroleum storage systems (UPSS).

Officers from Natural Landscapes and Health Branches have established an inspection program and will be carrying out inspections of 16 active service stations over the 2020/21 financial year.

Council's Fees and Charges Schedule 2020-21 lists the inspection fee for the UPSS as \$250 but following Council's resolution on 8 April 2020, business have not been charged fees for routine inspections. Charging the listed fee for these inspections will allow Council to recover around half of the costs involved in establishing and undertaking this inspection program.

Recommendation

That Council confirm the charging of inspection fees for underground petroleum storage systems in line with Council's Fees and Charges Schedule 2020-21.

Background

On 1 September 2019 the Environmental Protection Authority (EPA) handed over the regulation of most UPSS to local councils in NSW. The EPA continues to regulate non-compliant UPSS and those attached to licenced sites.

Council is now the regulator of 16 UPSS that are operating as service stations across the LGA. Council is also the regulator of up to eight UPSS that are no longer operating but have an unknown decommissioning status.

The Canberra Region Joint Organisation (CRJO) has been working with Council to establish an inspection program that meets the EPAs request for councils to actively monitor and regulate UPSS. The CRJO has provided training to officers in Council's Natural Landscapes and Health Team to undertake desktop and site audits of service stations.

Officers from Natural Landscapes and Health plan to inspect all 16 active service stations during the 2020/21 financial year. Overall, the cost to Council for the 2020/21 inspection program is expected to be approximately \$7,000. The cost of the inspection program will be less in following years because of the reduced training and administration requirements.

Council's 2020-21 Fees and Charges Schedule lists the inspection of Underground Petroleum Storage Systems as \$250. By charging this fee Council would recover \$4,000 from this inspection program.

At Council's meeting on 8 April 2020, Council resolved to waive many inspection type fees for businesses as a result of COVID-19 constraints. Inspection fees for UPSS were only introduced in July 2020 so were not included in this exemption.

8.7 Introduction of Inspection Program for Underground Petroleum Storage Systems (Ref: ; Author: Thompson/Perkins) (Continued)

Implications***Legal***

Council is the appropriate regulatory authority for UPSS under the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*. This authority is established under section 6(3) of the *Protection of the Environment Operations Act 1997* and clause 91 of the *Protection of the Environment Operations (General) Regulation 2009*.

Environmental

Spills and leaks from UPSS and service stations are a known source of land and groundwater contamination and make up a large percentage of contaminated land notifications in NSW.

Council's inspection of UPSS will allow staff to educate and encourage service station owners to adopt best environmental practice, comply with the regulations and prevent significant contamination from UPSS spills and leaks.

Economic

Following the resolution to waive inspection fees in April 2020, local food businesses and beauty premises have not been charged fees for routine inspections. Most of these businesses are local small businesses who have struggled with COVID-19 restrictions.

Most of the service stations in the LGA are owned by large retail chains. These businesses have still been impacted by COVID-19 but will likely be less impacted by fees charged for inspection.

Financial

By charging fees for UPSS inspections, Council will be able to recover more than half of the costs associated with establishing and undertaking the inspection program.

Conclusion

There have been significant costs involved in Council establishing and undertaking inspections of UPSS to meet new responsibilities as a regulator of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*.

Council will be able to recover a significant portion of these costs by charging the fees listed in the fees and charges schedule.

This proactive inspection program is encouraged by the EPA and CRJO because of the significant environmental harm that comes from UPSS leaks and spills.

Attachments

Nil

8.8 Braidwood Customer Service Centre and Library (Ref: ; Author: Richards/Tozer)

File Reference: 2.9.6-03

Summary

In June 2019, Council considered a report following the public exhibition of proposed plans for refurbishment of the Braidwood customer service and library areas.

Since that meeting, the designer has revised the plans and ongoing discussions have been held with staff, the Braidwood Community Association and the Braidwood and Curtilage Heritage Committee. The plans are now presented to Council with a recommendation to undertake broader community consultation.

Recommendation

That Council:

- 1. Seek public comment on the plans for the Braidwood customer area and library at 144 Wallace Street.**
 - 2. Receive a further report following the public exhibition.**
-

Background

In mid-2019 Council sought public comment on preliminary options for the Braidwood customer area and library. The intent of these plans was to provide a combined library/customer service counter that would increase security for staff and enable the library to remain open during lunch periods. Following review of the public comments, Council resolved in June 2019 to:

- 2. Engage a professional design consultant to evaluate the merits and functionality of rearrangements within the Braidwood office buildings, having regard to heritage and access.*
- 3. Receive a further report on the outcome of the professional design consultant's findings.*

Staff worked with Eric Martin and Associates (EMA) to prepare plans for the area. Initial plans were developed in late 2019 and presented to Braidwood-based office staff, the Braidwood and Curtilage Heritage Committee and the Braidwood Community Association (BCA). Based on feedback, Council's Executive resolved not to proceed with the plans and made some adjustments to the project scope.

In early 2020, EMA revised the plans prior to a workshop with councillors in August 2020. The revised plans were presented to staff, the Heritage Committee and the BCA for comment. Some minor adjustments have been made since, and now the final draft is presented to Council with a recommendation to seek public comment.

The project now has two stages:

- Stage 1 – ground floor redesign and extension, including combined service desk and relocation of archive records from upstairs to Old Library building in Park Lane

8.8 Braidwood Customer Service Centre and Library (Ref: ; Author: Richards/Tozer) (Continued)

- Stage 2 – refurbishment of upstairs area, returning it to cultural and community uses (subject to grant funding)

Features of the plans for the ground floor of 144 Wallace Street include:

- Access retained from Wallace Street and Park Lane
- Construction of a link between customer service and library building. Requires removal of one window.
- Combined library/customer service counter with dividing sliding door
- Space for 19 staff at ground level, including hot desks
- Relocated children's area in library (same size)
- Relocation of records from first floor to the Old Library in Park Lane
- Staff meeting room, security and amenities
- Small smart hub

It should be noted that QPRC's library team will engage a specialist library design consultant to review the current layout of the Braidwood library.

Implications

Asset

As an asset, the building requires renewal. The project would improve Council's asset at 144 Wallace Street and be refurbished sympathetically with the heritage of the building. Council's Heritage Advisor recommended some additional focus be placed on heritage improvements on the ground floor, especially in the foyer/entrance area. While funding has been allocated for the works, staff have sought some additional funding under the Special Heritage Fund to ensure these works proceed.

Engagement

If the recommendation is endorsed, the draft plans will be placed on public exhibition for 28 days. Copies of the plan will be available for download from yourvoice.qprc.nsw.gov.au and printed copies will be available at the Braidwood Library and customer service area. The project will also be discussed at the online community meeting on 29 October.

Following the exhibition period, a report will be presented to Council to finalise the plans. A development application would be required.

Financial

Initial funding was allocated in 2019-20 and is recommended to carry over into 2020-21. Additionally, staff have applied for \$30,000 funding under the Special Heritage Fund to undertake some heritage-focused works.

If Council proceeds with the project following the consultation process, the scope will be finalised to align with the budget.

Program Code	Expense Type	Funding source	Amount
	Capital	Funded in 2019-20 and carried over to 2020-21	\$220,000

**8.8 Braidwood Customer Service Centre and Library (Ref: ; Author: Richards/Tozer)
(Continued)**

Conclusion

The proposed upgrades to the customer and library areas at 144 Wallace Street will enable the progression of stage 2 of the project (subject to grants) which would deliver the upstairs area of the building for cultural and community uses e.g. exhibitions, cultural events, digital cinema, meeting and learning spaces and other uses as the community deems appropriate.

Attachments

Attachment 1 144 Wallace St ground floor plans (*Under Separate Cover*)



9.1 Community Meeting - October 2020 (Ref: ; Author: Richards/Tozer)

File Reference: 51.6.2.-09

Report

Council holds general community meetings in April/May and October/November each year to provide residents with an update on projects and to seek feedback.

Due to Covid-19 restrictions, the April/May meetings were pre-recorded with staff and a video was uploaded to YouTube. While this approach achieved some of the intended outcomes, some participants commented that they would have liked the meetings to be more interactive.

With restrictions still in place at our community meeting spaces, the 29 October meeting will also be held online.

As Council has become more familiar and comfortable with operating Zoom (Memorial Park Community Meeting and Council meetings), the October meeting will be held via Zoom. This will allow participants to ask live questions of Council representatives. The meeting will be recorded and made available online for those unable to attend.

In the past, Council has held separate face-to-face community meetings in Braidwood, Bungendore and Queanbeyan. However, as the October meeting will be held online, Council will trial holding one meeting, based on the agenda below. The general staff presentation of regular community meetings is replicated at each venue. As only one meeting will be held in October, the agenda will accommodate 30 minutes for a CEO/staff presentation, followed by 20 minute presentations on each Braidwood, Queanbeyan and Bungendore. After each town/city presentation, 15 minutes will be allocated for community questions.

As with previous community meetings, members of the public are able to submit agenda items prior to the meeting and by 22 October. If possible, staff will provide a written response prior to the meeting and these matters can be further discussed during the meeting.

Staff will also provide a written update on key projects across the Local Government Area.

As the meeting is being held via Zoom, all participants will be required to register prior to the meeting so Zoom details can be sent. Residents can register, or lodge agenda items, at <https://www.qprc.nsw.gov.au/Events/Online-Community-Meeting>

29 October Community Meeting agenda

- Start – 6pm
- Welcome from Mayor – 6.10pm
- CEO/Staff presentations (generic items) 6.10-6.40pm
- Braidwood presentations from staff – 6.40-7pm
- Braidwood questions – 7-7.15pm
- Bungendore presentations from staff – 7.15-7.35pm
- Bungendore questions – 7.35-7.50pm
- Queanbeyan presentation from staff – 7.50-8.10pm
- Queanbeyan questions – 8.10-8.25pm
- Final questions and wrap of meeting 8.25-8.30pm

Recommendation

That the report be received for information.

Attachments

Nil

9.2 Summer Operations at QPRC Aquatic Venues (Ref: ; Author:
Richards/Duncan)

File Reference: 4.2.1

Report

QPRC's outdoor pools traditionally open over summer, with Braidwood, Bungendore, and Captains Flat pools open from November to March and Queanbeyan's outdoor areas (outdoor pool and wet play area) operating from October to March. To comply with current COVID-19 regulations, our operations will need to be modified, resulting in reduced income and participation opportunities for the community.

During summer, the outdoor pools serve as a social hub for the local community. They are much loved and important centres for sports and recreation and an essential part of the social fabric of the community.

With COVID-19 legislative requirements, the pools will operate with restrictions as outlined by the NSW Government Health Orders. Legislation updates are reviewed regularly and operations adjusted accordingly.

Operational procedures for Summer 2019-2020

The Queanbeyan indoor pool has been operating under a COVID-19 Safety Plan with direction from QPRC's Crisis Management Team (CMT). Our operating procedures are following legislated requirements involving:

- All patrons entering the facility are temperature checked with an infrared thermometer – refused entry if over 38 degrees;
- Patrons asked about visiting the latest hot spots and refused entry if they have;
- All patrons are required to clean hands with the automatic hand sanitiser machine;
- Limited access to change rooms but no use of showers;
- Patrons must book session(s) to ensure space is available as well as having contact details for potential tracing;
- Booked sessions are a set length of 45 minutes (lap swimming, swimming lessons, aqua aerobics) and 90 minutes (for recreational swimming)
- There are breaks between sessions for patrons to exit and cleaning to occur before the next session;
- No cash is accepted;
- Maximum bather loads apply.

Maximum bather loads

The current Maximum Bather Load is based on one person per four square metres. Lifeguards ensure that the numbers in a pool at any time do not exceed maximum bather loads.

Table 1 below lists the approximate dimensions of QPRC and the maximum bather load of each pool.

	Size (sqm)	Dimensions	Max Bather Load	Lanes
Braidwood	167	18m x 9m	41	5
Bungendore	263	25m x 10m	65	5
Captains Flat	204	22m x 9m	51	4
Queanbeyan outdoor pool	921	50m x 18m	230	16*
Queanbeyan indoor pool	325	25m x 13m	86	6
Queanbeyan wet play	330	21m x 15m	82	N/A

* The Queanbeyan outdoor pool has eight lanes. The 50m outdoor pool has been split into two 25m pools by using the bulkhead, thus offering 16 lanes.

9.2 Summer Operations at QPRC Aquatic Venues (Ref: ; Author: Richards/Duncan) (Continued)

Temporary maximum bather loads

COVID-19 requirements recommend participants maintain 1.5 metres physical distance where practical. We can maintain physical distancing with lane ropes for lap swimming, allowing for up to two swimmers per lane.

The bulk of summer usage in all outdoor pools is for recreational swimming. There is no legislation to prevent recreational swimming although it is difficult if lane ropes are present and also difficult to monitor the requirements to maintain 1.5 metres physical distance.

It is proposed to allow recreational swimming in the lanes not roped and used for lap swimming. The number of patrons permitted will be one person per eight square metres. Individuals will be able to swim as they please in this area. Patrons will be encouraged and reminded about social distancing requirements and meet all the requirements for entry. For spectators, the NSW Government's message of – keep a towel length between you – will be promoted. Staff will place seating to promote social distancing. Lifeguards will also look to enforce this where practical.

Below are estimates based on having approximately 50% of space available for lap swimming and 50% of space available for recreational swimming.

Table 2 below recommends temporary measures for pool areas.

	Lap swimming	Recreational swimming	Total	Proportion of capacity
Braidwood	4	12	16	39%
Bungendore	4	18	22	34%
Captains Flat	4	12	16	31%
Queanbeyan outdoor pool	16	57	73	32%
Queanbeyan indoor pool	6	21	27	31%
Queanbeyan wet play			20	25%

We will look to modify our offerings to meet demand. For example, in the early mornings, it is likely the majority of patrons would be swimming laps and therefore we put in extra lane ropes. In the middle of the day in school holidays, it is likely the majority of patrons would be there for recreational swimming and therefore staff could take out some lane ropes. In both these instances we would modify our maximum bather loads using the principles of two per lane for lap swimming and one person per eight square metres for recreational swimming.

Table 3 below indicated capacity levels

	Minimum numbers (all lap swimming)	Maximum numbers (all recreational swimming)
Braidwood	10	20
Bungendore	10	32
Captains Flat	8	25
Queanbeyan outdoor pool	32	115
Queanbeyan indoor pool	12	43
Queanbeyan wet play area	0	20

The maximum numbers of 20 to 115 patrons in a pool at any one time, should be adequate for non-peak times such as cooler weather and mid-week. Bookings will be required for entry into all QPRC swimming facilities.

9.2 Summer Operations at QPRC Aquatic Venues (Ref: ; Author: Richards/Duncan) (Continued)

Patronage

Anecdotal, it is considered that 45-minute sessions are sufficient for lap swimming. It is intended to continue to offer these sessions for a variety of times. However 45 minutes sessions may not be long enough for recreational swimming especially if individuals need to travel for long periods to get to a pool.

75-minute recreational sessions with 15 minute cleaning time is proposed for Braidwood, Bungendore, and Captains Flat pools. This would enable up to five sessions to occur over a 7.5 hour day (11:00am to 6:30pm) and three sessions to occur over a 4 hour day (2:30pm to 6:30pm). Braidwood and Bungendore normally operate for 7.5 hours every day during season. Captains Flat would normally be open for between 4 hours per day (during school term) to 7.5 hours per day (weekends and school holidays).

For Queanbeyan, 90-minute recreational sessions with 30 minute cleaning time is proposed. These sessions will be offered for a variety of times such as weekends, school holidays, and whilst swimming lessons are not being held.

These operating procedures will continue to be reviewed as PHO restrictions change.

For context, 2019/2020 operational dates and times are attached.

Table 4 below estimates visits based on previous and estimated point of sale data.

	2018/2019 (Estimate)	2019/2020 (Estimate)	2020/2021 (Capacity with restrictions)
Braidwood	17,763	15,173	10,640
Bungendore	14,115	16,151	14,630
Captains Flat	4,394	3,439	8,464
Queanbeyan	109,473	101,676	151,200

Summer Pass

A summer pass allows entry to all Braidwood, Bungendore, and Captains Flat pools. All summer pass holders will be required to book for entry to their pool of choice.

QPRC swimming lessons

Due to COVID-19, the pool at Queanbeyan was closed on Monday 23 March 2020 for the next few months. This meant that QPRC swimming lessons were not offered from week eight of the NSW School term one and for the entirety of term two.

With a change in the Public Health Order, QPRC swimming lessons were offered from Monday 27 July 2020 – NSW school term three. Lessons are for 30 minutes with a 30-minute break for cleaning before the next class. Due to the additional cleaning required, we are unable to run all classes normally scheduled. To provide as many customers with access to lessons as possible, we have been offering classes to students on alternate weeks.

QPRC swimming lessons are only running at 50% capacity, despite normal demand. We have a waiting list for individuals wanting to join our swimming lesson program. Our swim school numbers reach around 1,100 people each summer.

QPRC swimming lessons are important to the pools' financial performance and viability. QPRC swimming lessons accounted for approximately 55% of income for the Queanbeyan pool in 2018/2019.

**9.2 Summer Operations at QPRC Aquatic Venues (Ref: ; Author: Richards/Duncan)
(Continued)**

Private swim schools

Due to COVID-19, we have been unable to accommodate private swim schools since 23 March 2020. Two private swim schools currently use the indoor pool at Queanbeyan for some of their operations.

Physical distancing is not required under the Public Health Order for swimming lessons, similar to community sport. But social distancing outside the water and maximum patron numbers do apply.

Private swim schools have previously hired lanes and co-existed with a variety of groups. For example, at a particular point in time three lanes were used for QPRC swimming, two lanes for private swim school and one lane for the general public. There may have been 80 people in the indoor pool and an additional 160 people around the indoor pool spectating. Due to COVID-19, these arrangements would be in breach of the Public Health Order and cannot occur at this point in time.

Demand for lane space has always been high in Queanbeyan at peak times. We currently cannot accommodate further private swim schools as there is not the lane space available under COVID-19 requirements. We do not have capacity to run both for-profit swim schools and the QPRC swim school. If Council were to preference for-profit swim school hire, this would have a significant impact on income for the pool which is already significantly impacted by COVID-19.

For context, private swim schools accounted for approximately 4% of income for the Queanbeyan pool in 2018/2019.

When QPRC swimming lessons resumed in July at reduced capacity, staff met with both private swim schools to discuss circumstances. We will meet again in October to discuss future booking possibilities – particularly using the outdoor pool in Queanbeyan and Bungendore over summer.

It is expected to gradually return to full service as COVID-19 safety requirements ease. Council needs to balance community expectations in considering member access, community usage and not-for-profit organisations such as amateur swim clubs and schools, and ensuring legislative requirements are met.

External hirers

We are currently not in a position to hire out facilities at peak times such as weekends, although hire of the whole facility on occasions could still be considered. Such hires include school swimming carnivals or local swim club nights. Council would be better placed to hire the whole facility during weekdays as has been the case previously. In these instances, the external hirer would hire the whole facility meaning that it would be closed to the general public at these times. External hirers include school swimming carnivals or local swimming club night.

Recommendation

That the report be received for information.

Attachments

Attachment 1 2019-2020 Operational details (*Under Separate Cover*)



12 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “confidential” business paper which has been circulated to Councillors.

The *Local Government Act, 1993* requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the *Local Government Act, 1993*.

Recommendation

That pursuant to Section 10A of the *Local Government Act, 1993* the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

Item 13.1 Request to Defer Payment of Developer Contributions on the Basis of Hardship

Item 13.1 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.