



Planning and Strategy Committee of the Whole

AGENDA

10 February 2021

Commencing at 5.30pm

**Council Chambers
253 Crawford St, Queanbeyan**

On-site Inspections - Nil

Council at its meeting of 23 November 2016 resolved (M/N 295/16) as follows:

The Planning and Strategy Committee of the Whole be delegated authority in accordance with Section 377 of the *Local Government Act 1993* to determine matters pursuant to the:

- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Swimming Pools Act 1992*
- *Roads Act 1993*
- *Public Health Act 2010*
- *Heritage Act 1977*
- *Protection of the Environment Operations Act 1997*

1	OPENING	
2	ACKNOWLEDGEMENT OF COUNTRY	
3	APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS	
4	DISCLOSURES OF INTERESTS	1
5	ADJOURNMENT FOR PUBLIC FORUM	
6	MAYORAL MINUTE	
7	NOTICES OF MOTIONS OF RESCISSION	
8	REPORTS TO COUNCIL - ITEMS FOR DETERMINATION	
8.1	DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra.....	3
8.2	Amendment to South Jerrabomberra Development Control Plan 2015.....	19
8.3	Options Paper - Agricultural Land Use Planning Strategy.....	23
8.4	Proposed Street Name - Western Extension of Malbon Street, Bungendore	29
8.5	Building Better Regions Fund - Round 5	33
8.6	NSW Regional Sport Facility Fund	37
8.7	Model Railway Facility at Queanbeyan Showground.....	41
8.8	Music by the River - Suspension of Alcohol Free Zone	43
8.9	East West Freight Corridor	45
9	REPORTS TO COUNCIL - ITEMS FOR INFORMATION	
9.1	Update on Planning Proposal at Bywong & Wamboin to Rezone some E4 Land to R5 - Gateway Determination.....	47
9.2	Outcome of Land and Environment Court Appeal - R.I.G Consulting vs QPRC - 71 Mcadairmid Road, Burra	49

10 REPORTS OF COMMITTEES

- 10.1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 10 December 2020.....51

11 NOTICES OF MOTIONS

- 12 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION 52**

13 REPORTS FOR CLOSED SESSION

14 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra
- Attachment 1 DA.2020.1109 - Sec 4.15 Assessment Report - Matters for Consideration - 128 Bicentennial Drive, Jerrabomberra (Under Separate Cover)*
 - Attachment 2 DA.2020.1109 - Final Plans - Received November 2020 - 128 Bicentennial Drive, Jerrabomberra (Under Separate Cover)*
 - Attachment 3 DA.2020.1109 - Superseded Plans for Information - Received April 2020 - 128 Bicentennial Drive, Jerrabomberra (Under Separate Cover)*
 - Attachment 4 DA.2020.1109 - Superseded Plans For Information - Revised Car Parking Plan - Received June 2020 - 128 Bicentennial Drive, Jerrabomberra (Under Separate Cover)*
 - Attachment 5 DA.2019.1109 - Submissions (Redacted) - 128 Bicentennial Drive, Jerrabomberra (Under Separate Cover)*
- Item 8.2 Amendment to South Jerrabomberra Development Control Plan 2015
- Attachment 1 SJ DCP 2015 Parts 1 and 2 (Under Separate Cover)*
 - Attachment 2 SJ DCP Table of Content (Under Separate Cover)*
 - Attachment 3 SJ DCP Appendix 3 Updated 3 January 2021 (Under Separate Cover)*
 - Attachment 4 SJ DCP 2015 Part 11 (Under Separate Cover)*
 - Attachment 5 Summary and Assessment of Submissions (Under Separate Cover)*
 - Attachment 6 Submissions Redacted (Under Separate Cover)*
- Item 8.3 Options Paper - Agricultural Land Use Planning Strategy
- Attachment 1 Options Paper Agricultural Land Use Planning Strategy (Under Separate Cover)*
- Item 8.5 Building Better Regions Fund - Round 5
- Attachment 1 Stage 2 - Indoor Multipurpose Stadium Design (Under Separate Cover)*
- Item 8.7 Model Railway Facility at Queanbeyan Showground
- Attachment 1 Background Information on CMNSG (Under Separate*

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

BUSINESS PAPER AGENDA – 10 February 2021 Page iii

- Cover)*
- Item 8.9 East West Freight Corridor
Attachment 2 Inland Rail Inquiry Submission (Under Separate Cover)
- Item 9.2 Outcome of Land and Environment Court Appeal - R.I.G Consulting vs QPRC - 71
Mcadairmid Road, Burra
*Attachment 1 Land & Environment Court Decision on Questions of Law -
R.I.G. Consulting vs QPRC - 71 MacDiarmid Road, Burra
(Under Separate Cover)*
- Item 10.1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 10 December
2020
*Attachment 1 Minutes of the Braidwood and Curtilage Heritage Advisory
Committee Meeting - 10 December 2020 (Under Separate
Cover)*

Closed Attachments

- Item 8.9 East West Freight Corridor
Attachment 1 East West Freight Advocacy draft (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.2020.1109 - Place of Public Worship - 128 Bicentennial Drive
Jerrabomberra (Ref: ; Author: Thompson/Yeomans)

File Reference: DA.2019.1109

Summary

Reason for Referral to Council

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

Proposal:	Change of Use - Dwelling to Place of Public Worship
Applicant/Owner:	Queanbeyan Gospel Trust
Subject Property:	Lot 166 DP786394, No.128 Bicentennial Drive, Jerrabomberra
Zoning and Permissibility:	R2 Low Density Residential under Queanbeyan Local Environmental Plan 2012.
Public Submissions:	35
Issues Discussed:	<ul style="list-style-type: none">• Planning Requirements• Compliance with Queanbeyan Local Environmental Plan 2012• Compliance with Queanbeyan Development Control Plan• Submitter issues
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

That:

- 1. Development application DA.2020.1109 for a Place of Public Worship on Lot 166 DP786394, No.128 Bicentennial Drive, Jerrabomberra be refused for the following reasons;**
 - (a) The development application has not been able to demonstrate that the development can operate in an orderly way as sought by clause 1.2(a), of *Queanbeyan Local Environmental Plan 2012 (QLEP)* given the application has not satisfactorily demonstrated car parking for patrons can be suitably managed on the site.**
 - (b) The development application has not been able to demonstrate satisfactory compliance with Clause 2.3 of the QLEP Objective 1 of the R2 Low Density Residential Zone which seeks facilities or services to meet the day to day needs of residents.**
 - (c) The development application has not been able to demonstrate satisfactory compliance to meet Clause 2.3 of the QLEP Objective 2 of the R2 Low Density Residential Zone which encourages development that considers the low density amenity of existing and future residents. The development application has been unable to satisfactorily demonstrate that the amenity**
-

**8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra
(Ref: ; Author: Thompson/Yeomans) (Continued)**

impacts of existing and future residents has been appropriately considered and, where applicable, suitably mitigated,

- (d) The development application has not been able to demonstrate satisfactory compliance to meet Clause 7.9 Essential Services of the QLEP in relation to suitable vehicle access,
- (e) The proposal is not considered to meet the relevant Objectives in Part 2 of the Queanbeyan Development Control Plan 2012 for car parking as the proposed development has not demonstrated that sufficient car parking spaces can be provided on site for the increased demand.
- (f) The proposed design and layout of proposed on-site vehicle parking facilities are considered unsatisfactory having regard to the relevant provisions of Part 2 Car parking of the Queanbeyan Development Control Plan 2012,
- (g) The proposed development is inconsistent with Clause 2.12.3 Objective 2 of the Queanbeyan Development Control Plan 2012 which seeks to protect significant trees and vegetation from inappropriate removal.
- (h) The proposed development is considered to have an unacceptable impact under the following matters for consideration of Section 4.15 of the *Environmental Planning and Assessment Act 1979*:
 - i) Context & Setting
 - ii) Access, Transport & Traffic
 - iii) Noise
 - iv) Social impact in the locality
 - v) Site design and internal design
 - vi) Cumulative impacts
 - vii) Suitability of the site
 - viii) The public interest

- 2. Those persons who lodged submissions on the application be advised in writing of the determination of the application.
-

Background

Proposed Development

A development application was lodged with Council seeking approval for a Place of Public Worship at 128 Bicentennial Drive, Jerrabomberra.

The proposal seeks to change the use from a dwelling house to the proposed use with no continuing residential component. The application was lodged with Council on 14 April 2020.

The site is located within the R2 Low Density Residential Zone under the *Queanbeyan Local Environmental Plan 2012*. The use is a consent use and is defined as *a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training*.

The application suggests the use will operate from 6.00am – 7.00am on a Sunday morning, 7.00 – 8.00pm on a Monday evening and at no other times. The use is proposed to cater for up to 50 patrons at any time.

The development would require the removal of a large Eucalyptus tree in the rear yard to provide sufficient space for vehicle manoeuvring and car parking. Figures 1 and 2 below show the difference between the existing and proposed floor plans.

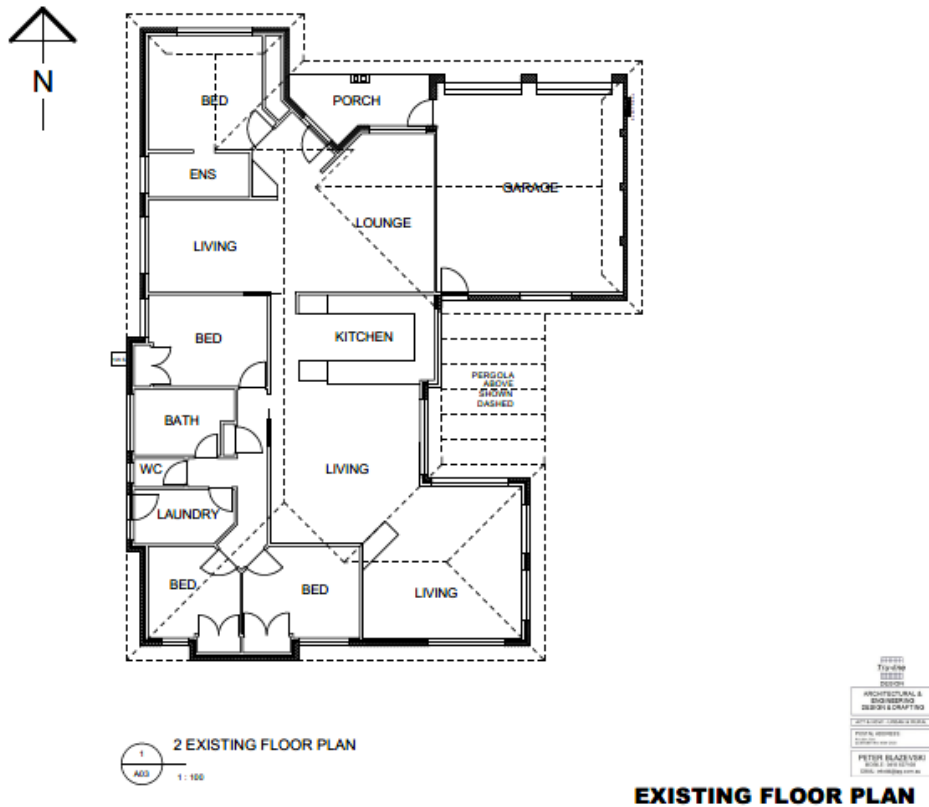


Figure 1 – Existing Floor Plan

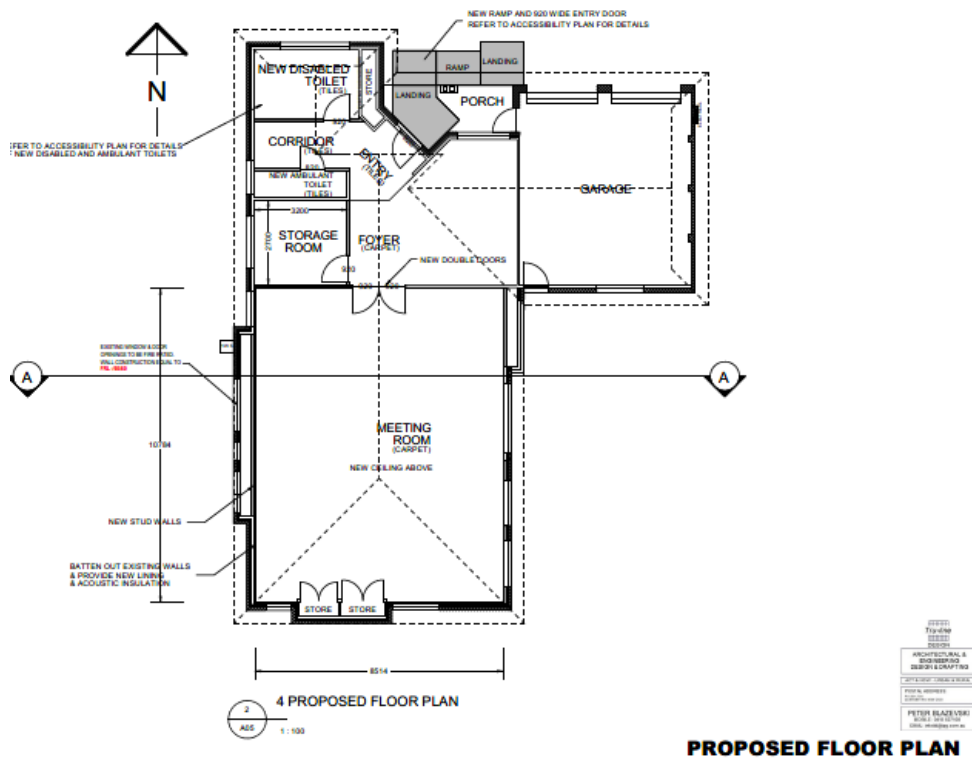


Figure 2 – Proposed Floor Plan

8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra
 (Ref: ; Author: Thompson/Yeomans) (Continued)

Subject Property

The subject site is known as 128 Bicentennial Drive, Jerrabomberra being Lot 166 in DP 786394. The land is located in the R2 Low Density Residential Zone and accommodates an existing single storey brick dwelling. Figure 3 below shows the subject site.



Figure 3: Subject Site



Figure 4 – Elevation view to street of existing dwelling

8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra
(Ref: ; Author: Thompson/Yeomans) (Continued)



Figure 5 – Elevation view to street of existing dwelling

Planning Requirements

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

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

1. *State Environmental Planning Policy No 55 - Remediation of Land*
2. *State Environmental Planning Policy (Infrastructure) 2007*
3. *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
4. *Queanbeyan Local Environmental Plan 2012 (LEP)*.
5. *Queanbeyan Development Control Plan 2012 (DCP)*

The development generally satisfies the requirements of the relevant State Environmental Planning Policies.

The proposal is not considered able to achieve the objectives of the *Queanbeyan Local Environmental Plan 2012 (LEP)* nor the relevant objectives or controls of the *Queanbeyan Development Control Plan 2012 (DCP)*.

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

**8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra
(Ref: ; Author: Thompson/Yeomans) (Continued)**

(a) Compliance with LEP

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

While recognising that there may be a cultural and spiritual benefit to some members of the community, the development application has not been able to demonstrate compliance with this aim of the LEP. It is not considered to be orderly development, specifically the inability of the site to safely cater for vehicle parking on site.

Clause 2.3 – Zone Objectives – Objective 1 for the R2 zone seeks to enable development that provides facilities or services to meet the day to day needs of residents. If the use could operate without unacceptable impacts, the proposal could provide a service to local residents. However, the application has been unable to demonstrate that the use can operate satisfactorily.

Objective 2 encourages development that considers the low density amenity of existing and future residents. The development application has been unable to satisfactorily demonstrate that the amenity impacts of existing and future residents has been appropriately considered and, where applicable, suitably mitigated.

Clause 7.9 – Essential Services - Requires that Council be satisfied that essential services for the development are available or adequate arrangements have been made. Council's Engineer has determined that suitable vehicle access has not been achieved.

(b) Compliance with DCP

Part 2 All Zones Objectives - Part 2 of the DCP includes general controls for all development in the Queanbeyan area.

The objectives are:

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

The proposal does not meet Objective 2 given the proposed development is unlikely to be able to maintain or improve the amenity of Queanbeyan.

Part 2.2 Car Parking

The applicant has failed to address Council's concerns regarding car parking impacts as sought in Part 2.2 of the Development Control Plan.

Due to its failure to meet parking requirements and as pedestrian safety and road network efficiency are of concern, the proposed development is not able to be supported by Development Engineering.

At a meeting with the Applicant and through its Information Request, Council sought an event and traffic management plan clearly addressing:

- the maximum vehicle and pedestrian traffic likely to be generated, with justification
- any potential impacts on road network efficiency and road safety
- pedestrian safety & management
- existing parking supply and demand in the vicinity of the site, specifically during the proposed hours of use

This plan has not been provided. Therefore, the Applicant has been unable to demonstrate to Council's satisfaction that it meets the relevant controls and objectives of Part 2.2 of the DCP.

**8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra
(Ref: ; Author: Thompson/Yeomans) (Continued)**

The onsite car parking plan includes eight (8) car parking space as sought by the Development Control Plan. The plan is generally compliant however the disabled shared zone encroaches on the roadway and would not be acceptable as is. The Applicant has submitted three (3) plans for onsite parking and access design, none of which are fully compliant with applicable Australian Standards. Therefore, the Applicant has been unable to demonstrate to Council's satisfaction that it meets the relevant controls and objectives of Part 2.2 of the DCP.

(c) Other Matters

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

The proposal is not able to comply with relevant provisions in Clause 4.15 of the *Environmental Planning and Assessment Act*. Specifically, local traffic impacts including for pedestrians, potential amenity impacts on neighbours in terms of noise and site design in terms of vehicle parking including for disabled drivers.

Overall, Council's evaluation of the application under Clause 4.15 suggests that without adequate assessment of potential impacts and incremental issues of non-compliance the proposed use on this site cannot be supported.

Other Comments(a) Building Surveyor's Comments

Council's Building Surveyor has assessed the proposal. Council's Information Request sought further assessments to demonstrate compliance with the Building Code of Australia in terms of a change or use from building class 1a to 9b. This included a BCA Compliance Report, Section J of the National Construction Code Compliance Report, Fire requirements plan including fire rating to 60/60/60, services & equipment, and evacuation plan, and Accessibility plan.

The Applicant has advised that these assessments would be undertaken at the Construction Certificate stage. These can be sought through subsequent approvals should consent be issued.

(b) Development Engineer's Comments

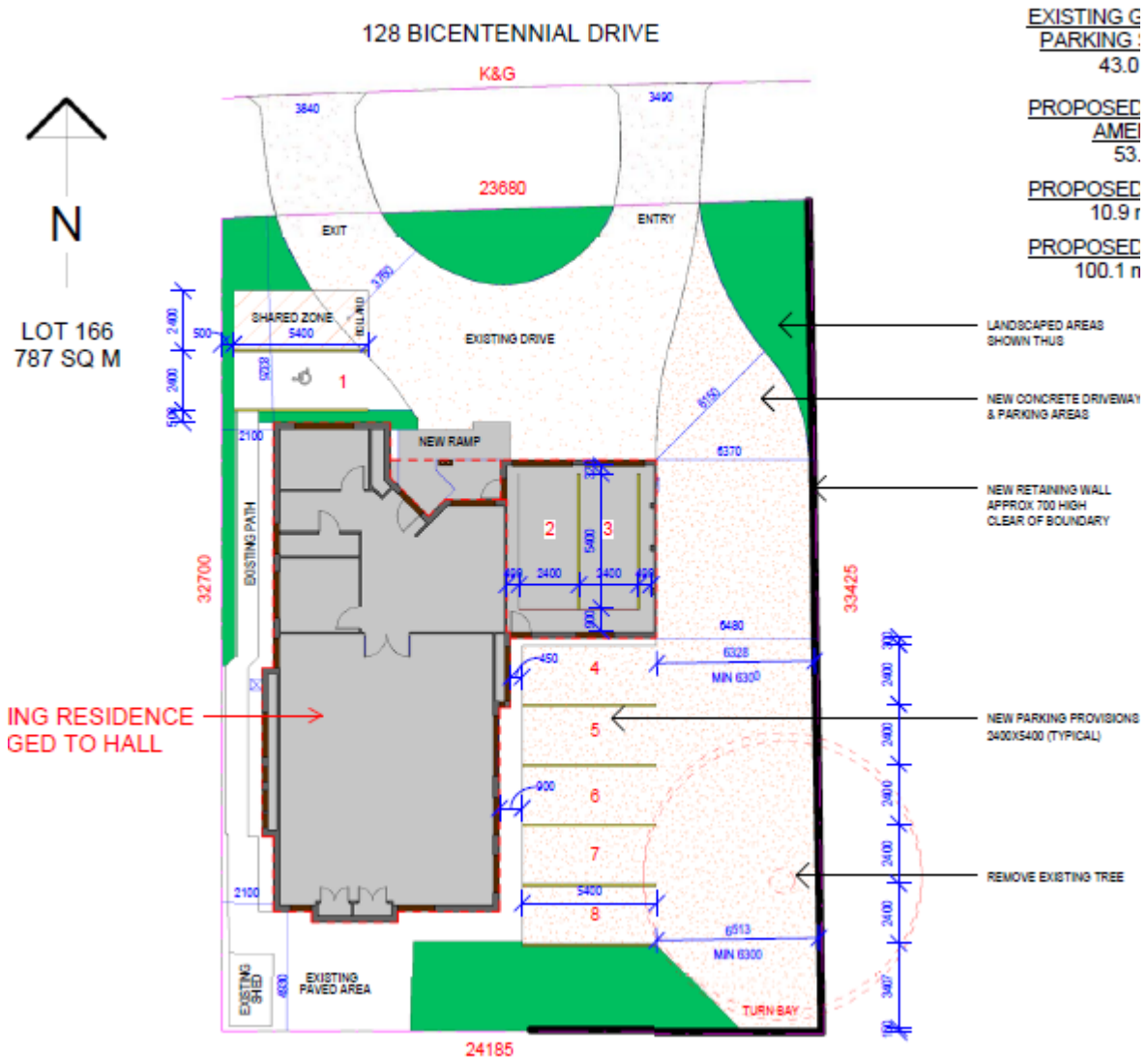
Access & Parking - The existing dwelling has two crossovers a circulating internal driveway with double garage. Eight parking spaces are required in accordance with Council's DCP, which specifies 1 space per 20m² GFA. The DCP doesn't stipulate disabled parking requirements, however at least one space should be accessible. Additionally, car parking areas are to be sealed and clearly line marked/signposted in accordance with AS2890.

Since meeting with Council's development assessment team in the June 2020, the Applicant has provided two updated parking plans to address engineering requirements. The most recent plan, dated 5 November 2020, is generally compliant however, the disabled shared zone encroaches on the roadway and would not be acceptable as is.

Minimum width of 3m would need to be provided at the rear of this space. Given this would require rework of the driveway and crossover for compliance with Council's D13 Specification, it would be preferential to close off the exit and provide a single 6m wide two-way entry/exit in the location of the current entry.

8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra
 (Ref: ; Author: Thompson/Yeomans) (Continued)

Plans would need to be updated prior to determination to ensure disabled space is compliant. Additionally, the proposed carpark layout would require removal of a large tree in the backyard. Prior approval would need to be sought from Council’s Tree Officers.



Roads - Proposed operating hours are Mondays 19:00-20:00 and Sundays 06:00-07:00, with capacity for up to 50 visitors. It is expected that the surrounding road network can cope with the increased traffic demand, however providing parking is an issue. The application suggests that up to eight cars are expected at a time with most visitors walking to the venue, although basis of this estimation is not provided.

50 visitors is a substantial congregation, especially when occurring on a weekly basis. An event and traffic management plan should be provided clearly outlining:

- the amount of vehicle and pedestrian traffic likely to be generated, with justification
- any potential impact on the road network and safety considerations
- an updated carpark layout, ensuring spaces are in accordance with AS2890 and providing an accessible space. Tandem parking is not supported and parking areas to be sealed and line marked.

**8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra
(Ref: ; Author: Thompson/Yeomans) (Continued)**

The applicant was advised on multiple occasions that if they intend on holding large congregations as per the submitted Statement of Environmental Effects, they would need to address traffic and pedestrian concerns along Bicentennial Drive as above.

Council's Road Safety Officer has raised the following concerns:

- Bicentennial Drive has high traffic numbers for a residential road. One of the proposed operating times is during the peak traffic time for the road (Monday 5-8pm).
- Parking cannot easily be managed on the road with vehicles manoeuvring to park especially at peak volumes and local and traffic speeds.
- With little off-street parking being provided it is expected that this development would generate parking on both sides of the road and increased pedestrian activity. They also note many of the attendees are expected to be walking to premises. There's no footpath on the southern side of Bicentennial Drive for the parishioners which will likely involve more pedestrians crossing from cars parked across road and people who are arriving on foot. Increased pedestrian crossing activity, potentially mid-block on this collector road especially during peak travel times in evening, including when dark is a risk and certainly the through traffic will not be used to this level of pedestrian activity.

Water, sewer and stormwater infrastructure is likely to be able to cater to the proposed use.

(c) Environmental Health Comments

Environmental Health does not support the development application.

The location where the development is proposed in a residential area with homes surrounding the subject site. The operating hours of the facility have been listed as Monday 17:00 to 20:00 and Sunday 05:30 to 18:00 operating for a period of one hour per day between these times.

Given that there is the potential for the size of congregation to attend, the use of amplified equipment proposed and the expectation in the area that the current amenity will be continued, it is likely that there would be significant disruption to the neighbouring properties.

An acoustic assessment had been requested due to the potential for significant impact to the surrounding neighbourhood. It was also requested that sufficient information be provided to demonstrate how the use of this land will comply and that it will not adversely impact on any adjoining land or the amenity of the neighbourhood. No noise assessment or other information was provided. Therefore, Council is unable to support this proposal due to the potential impact that it may have on the neighbouring area.

In addition, it should be noted that if this development is approved and complaints regarding the noise are received from the community they will only be able to be followed up if determined to be 'offensive' noise in the context of the NSW *Protection of the Environment Operations Act 1997* (POEO Act). There are many different factors that determine whether noise is offensive. These factors include the number of people impacted, whether the noise is typical for the area, the measured noise level, the nature of the noise, timing and frequency. It is possible that noise from this facility could be considered offensive, however, Council will be very limited in its ability to take action under the POEO Act when there is an approved and otherwise compliant development.

Therefore, Council is unable to support this proposal.

**8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra
(Ref: ; Author: Thompson/Yeomans) (Continued)****(d) Tree Management Officer Comments**

An amendment to the proposed plan seeks the removal of a large tree to the rear of the site. Consent is required from Council for tree removal of significant trees under Council's Development Control Plan. Accordingly, the amended application was referred to Council's Tree Management Officer.



Figure 6 - Aerial view of trees on site

Trees 1 and 2 are a pair of Gleditsia street trees in the front verge. Tree 3 is a large eucalypt in the rear yard and Tree 4 is a cluster of small trees along the eastern boundary in the front yard including a Crepe Myrtle and some Privett.

Conditions could be imposed to protect the public asset trees (Tree 1, 2 & 4) should the proposal proceed.

Tree 3, a *Eucalyptus blakelyi*, is an excellent and very attractive specimen. Birds nests were observed in the canopy and hollows observable from ground level. The tree has been heavily lopped in the past and canopy is formed with mature epicormics. The tree has a squat, robust appearance.

**8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra
(Ref: ; Author: Thompson/Yeomans) (Continued)**



Tree 3 images

It is recommended that the tree be retained and protected.

Financial Implications

The refusal of any development application could be subject to appeal with the associated costs in the Land & Environment Court.

Engagement

Consultation with the Applicant - Council officers met with the Applicant on 4 June 2020 to highlight areas of significant concern or non-compliance. These related to on site car parking numbers and design, potential traffic impact on the efficiency of the local road network in terms of access and egress, pedestrian movements, safety and sight distance, acoustic assessment and various reports to demonstrate compliance with the Building Code of Australia.

An Information Request was issued on that day clarifying the significant issues to be addressed in order for Council officers to have sufficient information to be able to support the proposal.

On 30 June 2020 the Applicant provided an amended onsite car parking layout. This was assessed by Council's Engineers who again found it to be non-compliant with AS2890. The Applicant was advised that the amended plan could not be supported and that the Information Request issues remained outstanding.

**8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra
(Ref: ; Author: Thompson/Yeomans) (Continued)**

On 10 August, Council's Program Coordinator Subdivision wrote to the Applicant to reiterate that the proposal could not meet the minimum benchmark for car parking. Also, that Council's Road Safety Officer had concerns about the proposal being able to link into the street network safely and efficiently, as raised with him on 4 June.

On 30 October 2020 the Applicant, via his consultant, responded in part to Council's Information Request. The Applicant failed to provide a Traffic Impact Assessment and Event Management Plan.

They advised that *'Having re-designed the car park to comply, a traffic impact assessment by a consultant should not be warranted, which will save the Local Parish consultancy fees.'* They offered to have the assessment prepared prior to Construction Certificate approval.

The applicant was advised on multiple occasions that if they intend on holding large congregations (ie 50 people) as per the submitted Statement of Environmental Effects, they would need to address traffic and pedestrian concerns along Bicentennial Drive as above.

The Applicant has failed to address the local traffic safety concerns raised by Council. The use has the potential to generate car parking demand greater than 8 cars which can be accommodated on site. The application material also outlines that a number of patrons will walk to the site raising issues of pedestrian safety and that up to 50 people could attend infrequent events.

The Information Request response also confirmed the use of amplified sound equipment. An assessment of the potential acoustic impacts was sought however, the Applicant has failed to provide this, arguing that patrons will be mindful of surrounding residents, and the duration of patron visits is limited.

The Applicant has also elected to defer the provision of supporting material demonstrating compliance with the Building Code of Australia until Construction Certificate stage. This is not uncommon during the assessment process and is able to be supported by Council's Building Surveyor who would ensure compliance is demonstrated at a subsequent application stage should consent for the use be issued.

Public Notification - The proposal required notification under Queanbeyan DCP 2012. 35 submissions were received. The relevant issues raised are as follows:

Issue: The proposed development will affect the amenity of the local residential area, it will be intrusive and impact on residents' quiet use and enjoyment of their land.

Comment: The Applicant proposes the use to operate only over limited periods. However, Council acknowledges that the use could impact on the amenity of local residents through traffic congestion and noise, patrons gathering and the use of amplified sound equipment. The Applicant has not been able to demonstrate to Council's satisfaction that residential amenity impacts can be satisfactorily managed.

Issue: Local roads are busy with cars now and this will add to volumes and congestion. Overflow parking on the street is likely to occur encroaching on neighbouring properties. Council to consider additional local traffic impact mitigation.

Comment: Council acknowledges that Bicentennial Drive is a busy local road. Further, that the use has the potential to generate traffic volumes greater than for the existing dwelling. Council sought further information from the Applicant, through the preparation of a Traffic Impact Assessment by a suitably qualified consultant, however that has not been provided as part of the development assessment process. Council officers are unable to confirm the use can operate without unreasonable impacts on vehicle and pedestrian safety.

**8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra
(Ref: ; Author: Thompson/Yeomans) (Continued)**

Issue: On-street car parking will occur which is a safety concern for other motorists, cyclists and pedestrians including those who would need to cross a busy road to get to the site.

Comment: Council staff agree that the use has the potential to impact on local roads. The proposal is an intensification of the site and the applicant has been unable to suitably demonstrate traffic management issues can be adequately managed.

Issue: On-street carparking numbers are inadequate and design does not comply. Adequate parking numbers and car parking width for people with disabilities.

Comment: Council's Development Control Plan seeks 1 on site car park per 20m² of gross floor area. The Applicant has been able to provide 8 parking spaces in accordance with Council's DCP. The carpark layout meets the requirements of Council's DCP and AS2890 however the disabled space is non-compliant.

Issue: Noise will create an amenity impact. There will be crowds to the site and over early morning, evening hours of operation. Early morning commencement of 5.30am is not acceptable.

Comment: The Applicant has suggested the use will only operate from 6.00am – 7.00am on Sunday morning and 7.00pm – 8.00pm on a Monday evening. Council could seek to limit the hours of operation to those times should the use be approved however, Council acknowledges that the use could create noise impacts for local residents particularly from patrons accessing or leaving the site and through the use of amplified sound equipment including during the evening or early morning. The Applicant has not been able to demonstrate to Council's satisfaction that noise impacts can be satisfactorily managed.

Issue: Management of the use including garbage collection, loading and unloading on site and operating hours which could increase over time.

Comment: The Applicant suggests that the existing domestic waste services could be maintained. Given the use would no longer operate as a dwelling, it is anticipated the operator would manage the ordinary use of the site which could be sought through the imposition of conditions, if approved. Council acknowledges that the use could be sought to be extended in terms of hours of operation, event types and patron numbers, which could also be limited through conditions of consent should approval be granted.

Issue: Alternative location for Community Facilities are available in suburb, local area or further beyond in Queanbeyan and Hume.

Comment: The application is assessed on its merits and the Applicant is not required to demonstrate why other locations were not found to be suitable.

Issue: Decrease in property values in local area

Comment: The issue of potential property value losses as a result of development on adjoining or nearby land is often raised by submitters, as in the case. However, the potential or perceived impact on urban land economics as a result on a particular use is not a planning issue Council is required to take into consideration through its merit assessment.

**8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra
(Ref: ; Author: Thompson/Yeomans) (Continued)**

Issue: The use is more commercial in nature and not appropriate for the site. Is this the right zone? Rates will no longer be paid to Council.

Comment: The *Queanbeyan Local Environmental Plan 2012* lists Place of Public Worship as a use that Council can consent to in the R2 Low Density Residential Zone. Any potential loss in rates revenue should the use change from residential is not a planning issue Council needs to consider through its merit assessment of this proposal.

Issue: Application material assumes people will walk. Also suggests up to 50 people however approximately 90 could fit within the building. Is the maximum number of people to be capped?

Comment: Council could include a condition to limit the number of people who use the site. Given only 8 cars can be accommodated on site, and no alternative for safe travel to the site for additional cars or pedestrians has been provided by the Applicant, Council could consider limiting the number of people able to use the site at less than initially sought by the Applicant.

Issue: Changes to the building will be irrevocable.

Comment: The conversion of the building would need to accommodate the proposed use in accordance with relevant Building Code standards. Whether the use could then be converted back to a residential use is not an issue Council needs to consider through its merit assessment.

Compliance or Policy Implications

The proposed development has not been able to satisfactorily demonstrate compliance with relevant statutory and non-statutory provisions.

Conclusion

The submitted proposal for a Place of Public Worship on Lot 166 DP786394 at 128 Bicentennial Drive, Jerrabomberra is a Local Development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and 35 submissions were received.

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

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

In particular:






- a) The development application has not been able to demonstrate the development can operate in an orderly way as sought by clause 1.2(a), of *Queanbeyan Local Environmental Plan 2012* given the application has not satisfactorily demonstrated car parking for patrons can be suitably managed on the site.
- b) The development application has not been able to demonstrate satisfactory compliance with Clause 2.3 Objective 1 of the R2 Low Density Residential Zone which seeks facilities or services to meet the day to day needs of residents.

8.1 DA.2020.1109 - Place of Public Worship - 128 Bicentennial Drive Jerrabomberra (Ref: ; Author: Thompson/Yeomans) (Continued)

- c) The development application has not been able to demonstrate satisfactory compliance to meet Clause 2.3 Objective 2 of the R2 Low Density Residential Zone which encourages development that considers the low density amenity of existing and future residents. The development application has been unable to satisfactorily demonstrate that the amenity impacts of existing and future residents has been appropriately considered and, where applicable, suitably mitigated.
- d) The development application has not been able to demonstrate satisfactory compliance to meet Clause 7.9 Essential Services in relation to suitable vehicle access.
- e) The proposal is not considered to meet the relevant Objectives in Part 2 of the Queanbeyan Development Control Plan 2012 for car parking as the proposed development has not demonstrated that sufficient car parking spaces can be provided on site for the increased demand.
- f) The proposed design and layout of proposed on-site vehicle parking facilities are considered unsatisfactory having regard to the relevant provisions of Part 2 Car parking of the Queanbeyan Development Control Plan 2012.
- g) The proposed development is inconsistent with Clause 2.12.3 Objective 2 of the Queanbeyan Development Control Plan which seeks to protect significant trees and vegetation from inappropriate removal.
- h) The proposed development is considered to have an unacceptable impact under the following matters for consideration of Section 4.15 of the *Environmental Planning and Assessment Act 1979*:
- Context & Setting
 - Access, Transport & Traffic
 - Noise
 - Social impact in the locality
 - Site design and internal design
 - Cumulative impacts
 - Suitability of the site
 - The public interest

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

Attachments

Attachment 1 	DA.2020.1109 - Sec 4.15 Assessment Report - Matters for Consideration - 128 Bicentennial Drive, Jerrabomberra (<i>Under Separate Cover</i>)
Attachment 2 	DA.2020.1109 - Final Plans - Received November 2020 - 128 Bicentennial Drive, Jerrabomberra (<i>Under Separate Cover</i>)
Attachment 3 	DA.2020.1109 - Superseded Plans for Information - Received April 2020 - 128 Bicentennial Drive, Jerrabomberra (<i>Under Separate Cover</i>)
Attachment 4 	DA.2020.1109 - Superseded Plans For Information - Revised Car Parking Plan - Received June 2020 - 128 Bicentennial Drive, Jerrabomberra (<i>Under Separate Cover</i>)
Attachment 5 	DA.2019.1109 - Submissions (Redacted) - 128 Bicentennial Drive, Jerrabomberra (<i>Under Separate Cover</i>)

8.2 Amendment to South Jerrabomberra Development Control Plan 2015 (Ref: ;
Author: Thompson/Jansen)

File Reference: 26.1.1 -06

Summary

The purpose of this report is to update Council on the recent exhibition of new and amended Neighbourhood Structure Plans (NSPs) to be inserted into the South Jerrabomberra Development Control Plan (SJDCP) 2015 and to recommend these now be endorsed with minor changes as detailed in this report.

Recommendation

That Council adopt the proposed Neighbourhood Structure Plans under South Jerrabomberra Development Control Plan 2015 with amendments as recommended in this report.

Background

The South Jerrabomberra Development Control Plan (*SJDCP 2015*) was adopted in 2015 and most recently amended in 2018. The amendment at that time was to introduce controls for small lots and studio dwellings, as well as inserting new Neighbourhood Structure Plans (NSPs) for South Tralee and the Forrest Morrison land.

Council has now received new and amended Neighbourhood Structure Plans (NSPs) for future land releases proposed at South and West Jerrabomberra. The amendments to the *SJDCP 2015* are shown in Attachments 1 to 3 and include the following changes:

1. Changes to Map 1 (shown in Attachment 1)) as a consequence of the recent notification of *Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013* on 4 September 2020.
2. Insertion of references to the additional NSPs and amendments in a revised table of contents. This is shown in Attachment 2.
3. Inclusion of the following relevant NSPs as shown in Attachment 3:
 - i. An updated NSP for the South Jerrabomberra urban release area (comprising South Tralee and Forrest Morrison) – Maps 1A to 1C.
 - ii. A revised NSP for the North Poplars business and commercial area – Map 2
 - iii. A new NSP for the South Poplars business area – Map 3
 - iv. A new NSP for the North Tralee industrial and business area - Map 4
 - v. A new NSP for the Regional Sports Complex - Map 5.

Council considered the above amendments at its meeting on 11 November 2020 and resolved to:

1. *Exhibit the South Jerrabomberra Development Control Plan 2015 as amended for 28 days.*
2. *In the event that no submissions are received during the public exhibition period, authorise the Chief Executive Officer or his nominee to take all necessary actions to adopt the amended plan. (PLA165/20).*

8.2 Amendment to South Jerrabomberra Development Control Plan 2015 (Ref: ; Author: Thompson/Jansen) (Continued)

The draft plan was placed on public exhibition from 25 November 2020 to 15 January 2021 (51 days). Public notification was undertaken in accordance with Council's Community Engagement and Participation Plan and individual letters were also sent to affected landowners at Jerrabomberra inviting comments on the draft amendment.

Council subsequently received 6 submissions on the draft plan, and accordingly staff have reported this matter back to the Council for determination. Issues raised in the submissions related to detail of the Structure Plans, the zoning of Light Industrial land and future potential impacts, buffer issues between zones, concerns about possible vacancies of premises, anti-social behaviour due to sports facilities, the heritage of the woolshed and cross border access.

A summary of these submissions and Council's response is provided in Attachment 5. Copies of the redacted submissions are provided in Attachment 6.

As a result of these submissions the following changes to the DCP are recommended:

1. That the DCP be amended to include additional controls in respect of potential noise impacts and their amelioration. As a result, additional subclauses d) to g) have been added to clause 11.16 Noise, Vibration and other Emissions of Part 11 Business Park and Employment Lands Controls and Principles (Attachment 4). These subclauses require additional acoustic assessment to be undertaken when development applications (including those for subdivision) are assessed;
2. That the NSP for North Tralee be amended to include additional details in respect of landscaping and visual screening along the proposed boundaries for both the IN2 Light Industry and the B7 Business Park area, predominantly to address potential visual impacts on residences and landholdings;
3. That the location of the proposed car park in the North Tralee NSP be removed as the land is subject to a 1:100 year ARI (average recurrent interval) flood event and any development would need to be justified by appropriate studies.
4. That two additional minor amendments be made to the NSPs for the South Tralee and Forrest Morrison lands (Maps 1A to 1C in Attachment 3). These are:
 - i. Including a 'hatching' over a small area of land on the eastern boundary that remains zoned rural under the *Queanbeyan LEP 1998*, and, a notation to the effect development of that area is subject to a future amendment to the relevant planning controls; and
 - ii. To simplify and clarify the text in the 'Note' on the maps to read more consistently with other NSPs.

These changes have been made to the relevant NSPs in the Attachments provided.

Implications***Legal***

The amendments have been prepared in accordance with the *Environment Planning and Assessment (EP&A) Act 1979*.

Policy

The amendments will ensure that the *SJDCP 2015* contains updated Neighbourhood Structure Plans which reflect the long-term vision for the South Jerrabomberra area.

8.2 Amendment to South Jerrabomberra Development Control Plan 2015 (Ref: ; Author: Thompson/Jansen) (Continued)

Economic

It is a requirement under the *SJDCP 2015* that NSPs be adopted prior to a development application being determined. The adoption of the amendments will enable the next step in the process. This will eventually result in development occurring at South Jerrabomberra and this will benefit the local economy and the QPRC community by creating significant economic growth and local employment opportunities.

Strategic

The proposed NSPs are considered appropriate and consistent with Council's strategic vision for the area. The new neighbourhood structure plans are required to be submitted prior to a development application for subdivision being determined.






Financial

As per Council's fees and charges, a fee of \$5,500 is required to be paid for an amendment to a DCP. For this amendment, the costs are split between the three parties, including Council.

Conclusion

The amendments to the *SJDCP 2015* are considered appropriate in the circumstances. The new NSPs ensure that the document is suitably updated and reflects the vision for development at South Jerrabomberra.

Attachments

- | | |
|--|--|
| Attachment 1 | SJ DCP 2015 Parts 1 and 2 (<i>Under Separate Cover</i>) |
|  Attachment 2 | SJ DCP Table of Content (<i>Under Separate Cover</i>) |
|  Attachment 3 | SJ DCP Appendix 3 Updated 3 January 2021 (<i>Under Separate Cover</i>) |
|  Attachment 4 | SJ DCP 2015 Part 11 (<i>Under Separate Cover</i>) |
|  Attachment 5 | Summary and Assessment of Submissions (<i>Under Separate Cover</i>) |
|  Attachment 6 | Submissions Redacted (<i>Under Separate Cover</i>) |

8.3 Options Paper - Agricultural Land Use Planning Strategy (Ref: ; Author: Thompson/Carswell)

File Reference: 26.1.3-05

Summary

The NSW Agriculture Commissioner has recently reviewed the operation of the Government's Right to Farm policy. This review found that the Policy has been delivered but has not fixed the issues of land use conflict with farmers. In addition, it identified other barriers in the planning framework to primary production. As a result, an Options Paper - Agricultural Land Use Planning Strategy has recently been released for community consultation until 28 February 2021 (Attachment 1). This identifies four policy problems and outlines a range of options for dealing with three of these. The NSW Agriculture Commissioner is seeking feedback on the options and it is recommended that a submission be made.

Recommendation

That Council:

- 1. Note the release of the Options Paper Agricultural Land Use Planning Strategy.**
 - 2. Make a submission in line with comments outlined in this report.**
-

Background

The Options Paper identifies four policy problems and a range of options for dealing with three of the policy problems. These policy problems are:

- 1. There is no definition, identification, or development protections for State Significant Agricultural Land (SSAL) which is leading to this land being lost to non-agricultural uses;*
- 2. There is no simple, accessible, and impartial mechanism for farmers to resolve land use conflicts regarding their operations;*
- 3. The planning framework does not reflect the needs of agriculture; and*
- 4. Local government plays a crucial role in regulating agricultural land use but can be risk averse and as a result can struggle to deliver broader NSW Government objectives to promote investment and jobs growth.*

Options are also directed towards the themes of:

- Minimising the loss of productive capacity;*
- Reducing and managing land use conflict; and*
- Supporting agriculture to recover and grow.*

8.3 Options Paper - Agricultural Land Use Planning Strategy (Ref: ; Author: Thompson/Carswell) (Continued)

A total of 23 options are identified and discussed in the Paper and the NSW Agriculture Commissioner sees them as having the potential to inform the content of a future Agricultural Land Use Planning Strategy. A summary of the options is found in Appendix 2 of the Paper (Attachment 1).

The NSW Agriculture Commissioner is seeking feedback on the options in terms of matters such as whether the option is supported and why, its effectiveness and what changes could be made to increase its effectiveness.

Options Which it is Considered Should Generally be Supported by Council

The following options are generally supported as they are seen to be practical, informative, and achievable:

Chapter 1: Minimise the loss of productive capacity		
POLICY PROBLEM: THE NSW GOVERNMENT HAS NO POLICY ON THE DEFINITION OF STATE SIGNIFICANT AGRICULTURAL LAND AND HOW IT SHOULD BE DEVELOPED		
Non-statutory mechanisms	Option 1. Identify Production Areas	The NSW Government could identify and map production areas across the State.
	Option 2. Monitoring and Reporting of Loss of Rural Land	The NSW Government could monitor land use change and the loss of rural land that is best suited to agriculture.
Statutory Mechanisms	Option 4c. State Agricultural Land Use Planning Policy and State Significant Agricultural Land Map	The NSW Government could implement a policy on agricultural land through guidance material, plus various amendments in the planning framework, including considerations and a map of State Significant Agricultural Land in Schedule 1 in the Primary Production and Rural Development (PPRD) SEPP.
	Option 6a. DPI approval of developments on SSAL and IPAs	The NSW Government could require councils to get agreement from DPI before deciding on the development of non-agricultural uses on SSAL and in Identified Production Areas (IPAs).

8.3 Options Paper - Agricultural Land Use Planning Strategy (Ref: ; Author: Thompson/Carswell) (Continued)

Chapter 3: Support agriculture to recover and grow		
POLICY PROBLEM: THE PLANNING FRAMEWORK DOES NOT REFLECT THE NEEDS OF AGRICULTURE		
Improving consistency across LGAs	Option 1. Clarification of agricultural land use definitions	The NSW Government could revise and update definitions in the Standard Instrument LEP to address ambiguity between LGAs.
Supporting industry growth through the planning framework	Option 4. Agent of change/ initiatory of change principle	The NSW Government could introduce the agent of change principle and reverse the onus of buffer requirements to new/encroaching developments.

Implications

Legal

The Options Paper includes several actions which have legal implications. Examples include:

1. Amending Ministerial Local Planning Direction 1.5 - Rural Lands to require planning proposals for non-agricultural land use on rural land, or changes to planning controls for rural zoned land to consider agricultural planning principles/criteria and/or the findings of an agricultural impact statement (AIS);
2. Amending the *Primary Production and Rural Development (PPRD) State Environmental Planning Policy* and/or the Standard Instrument LEP to require consideration of suitable alternative locations, the preparation and consideration of an AIS or, depending on scale, a land use conflict risk analysis for non-agricultural land uses on rural land; and
3. Amending the PPRD SEPP and/or clause 5.16 of the Standard Instrument LEP to more clearly require consideration of whether potential impacts on agriculture from proposed non-agricultural development have been minimised.
4. Prohibiting zone changes or non-agricultural uses on agricultural land except in certain tightly defined circumstances or through a stringent exceptions process.
5. Revising and updating definitions in the Standard Instrument LEP to address ambiguity between LGAs.
6. Expanding the list of exempt and complying developments in agriculture.
7. Amending the planning regulation to better guide councils on how to consider submissions.

8.3 Options Paper - Agricultural Land Use Planning Strategy (Ref: ; Author: Thompson/Carswell) (Continued)

Policy

Fundamental to the Options Paper is the view that *The NSW Government should develop a policy on rural land (particularly regarding State Significant Agricultural Land (SSAL)).* Other associated policy initiatives include:

1. For all rural land, including mandatory considerations in the planning framework and fill the schedule in the *State Environmental Planning Policy (Primary Production and Rural Development) 2019* (PPRD SEPP). (NB This is referring to Schedule 1 State significant agricultural land).
2. For agricultural land, including mandatory considerations in the planning framework and provide councils with a list of criteria that defines State Significant Agricultural Land (SSAL) in Schedule 1 in the PPRD SEPP for councils to make their own maps.
3. For agricultural land, including mandatory considerations in the planning framework and a map of SSAL in Schedule 1 in the PPRD SEPP.
4. For agricultural land, including mandatory considerations in the planning framework and a map of SSAL which is optional for councils to adopt.

The options mentioned in both the Legal and Policy sections above will have significant impacts on the assessment of development applications. It introduces yet another layer of matters which need to be considered in the assessment of a DA.

Environmental

In the summary to the Options Paper on the relevant web page it is stated:

Note that issues regarding forestry, private native forestry, mining, energy, biodiversity, drought, water, and animal welfare are not in the scope.

In the case of biodiversity it is difficult to see how any policy initiative to map State Significant Agricultural Land (e.g. Option 4c above) cannot consider biodiversity issues particularly when many farmers/land managers are already required to consider and comply with these under current legislation.

This relates to the clearing of land and arises from the need for the farmer and/or land manager to consider the various categories and their requirements on the transitional Native Vegetation Regulatory Map for the subject site and may generate a need to obtain approval from Local Land Services. The transitional Native Vegetation Regulatory Map displays the most critical land categories at a property scale and apply to land within Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry and Zone RU4 Primary Production Small Lots outside of Greater Sydney. The transitional Regulatory Map was one of the initiatives which was introduced as part of the Government's Biodiversity Conservation reforms in 2017.

Consequently, options relating to the mapping of SSAL and any relevant strategy/initiative in a future Agricultural Land Use Planning Strategy needs to acknowledge current requirements for farmers/land managers in regard to native vegetation management on their land and the clearing of such.

As indicated above Local Land Services is also the regulatory authority for clearing of land falling with some of the categories on the Native Vegetation Regulatory Map and not the local council. Again, this needs to be acknowledged and considered in any education option/initiative proposed in a future Agricultural Land Use Planning Strategy.

8.3 Options Paper - Agricultural Land Use Planning Strategy (Ref: ; Author: Thompson/Carswell) (Continued)

Sustainability

The Options Paper contains options which could inform a future Agricultural Land Use Planning Strategy which is directed towards maintaining the sustainability of agriculture in the State.

Strategic

The Paper contains options that could inform a future Agricultural Land Use Planning Strategy which would be a strategic approach to agriculture in the State.

However, the proposed options in the Paper and any future Agricultural Land Use Planning Strategy also need to consider other similar/complementary options/actions in the various Regional Plans that currently apply including any that overlap. For example, the South East and Tablelands Regional Plan contains six actions towards achieving Direction 8 - Protect Important Agricultural Land, including some which do overlap.

Engagement

The Options Paper is open for comment until 28 February 2021.

Integrated Plan

The consideration and review of the Options Paper is relevant to the achievement of several key goals of the Delivery Program 2018-2021 including:

3.5 We ensure the future planning for the region is well coordinated and provides for its sustainable management.

Conclusion

The NSW Agriculture Commissioner has recently reviewed the operation of the Government's Right to Farm Policy and as a result an Option Paper has been released for comment. This includes 23 options that feedback is currently being sought on. Some of these could feed into a future Agricultural Land Use Planning Strategy as well as statutory and/or policy changes by Government all of which could impact on land use planning in regard to agricultural land within the LGA.

A number of these options are supported such as Options 1, 2 and the other options referred to above. However, to improve these there is also a need for this Options Paper and for any future Agricultural Land Use Planning Strategy to consider the current requirements of farmers/land managers in regard to the clearing of native vegetation on their properties under various legislation/codes and how to best integrate these with any proposed strategies/initiatives. There is also a need not to duplicate existing actions required under the relevant Regional Plans such as the South East and Tablelands Regional Plan. Given the above it is important that a submission be made.

Attachments

Attachment 1

Options Paper Agricultural Land Use Planning Strategy (*Under Separate Cover*)

**8.4 Proposed Street Name - Western Extension of Malbon Street, Bungendore
(Ref: ; Author: Tegart/Thompson)**

File Reference: 26.4.1-04

Summary

The primary access for the new Bungendore Sports Hub will be from a westward extension of Malbon Street which will commence at the proposed new roundabout on the corner of Malbon and Molonglo Streets, Bungendore.

The present street numbering means that this access road will require a new name. This report discusses potential names for this new access road.

Recommendation

That Council:

- 1. Adopt in principle the name ‘Halfway Creek Road’ as the proposed name for the new access road to the Bungendore Sports Hub.**
 - 2. Seek approval from the Geographical Names Board for the use of the name.**
 - 3. Advertise the name for public comment for 28 days.**
 - 4. Publish a notice in the NSW Government Gazette if no objections are received.**
-

Background

The new access road to the Bungendore Sports Hub will originate from the new roundabout to be constructed on the corner of Malbon and Molonglo Streets in Bungendore. The new road heads to the west of the roundabout and is shown in Figure 1 below.

The existing short road reserve to the west of the roundabout is presently named Malbon Street. However, street numbering for Malbon Street begins on the north east and south east corners of the roundabout and increases to the east i.e. street numbers 1 and 2 Malbon Street are located on the eastern corners of the roundabout and numbers continue up Malbon Street toward Braidwood.

Malbon Street cannot have negative street numbering to the west so the only alternatives are to renumber the entire length of Malbon Street or to rename that section of Malbon Street yet to be constructed to the west. The latter is by far the preferred solution given the considerable expense, confusion and disruption caused by renumbering premises.

As such three names have been provided by Council’s land information team which are considered suitable for the new road. These are:

- Halfway Creek - as the entry crosses over ‘Halfway Creek’
- Pioneer - named after the steamboat ‘Pioneer’ that operated on Lake George (circa 1884)
- Stonehouse Road – Referencing the Old Stonehouse Cottage on the north western corner of the new roundabout.

8.4 Proposed Street Name - Western Extension of Malbon Street, Bungendore (Ref: ; Author: Tegart/Thompson) (Continued)

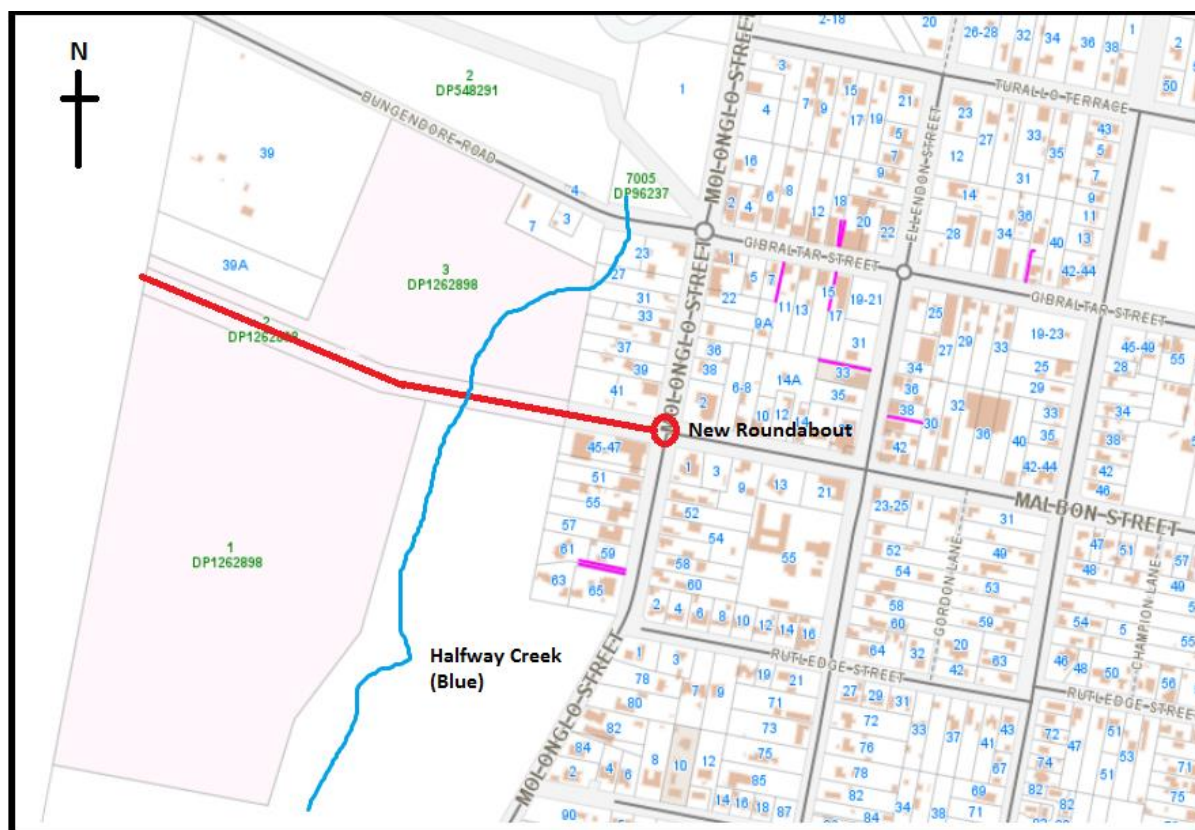


Figure 1 – Location of New Road Requiring Name - Shown in Red

While all three names are considered suitable, the preference is to name the road Halfway Creek Road. The name has a strong geographical connection to the area because Halfway Creek runs along the eastern edge of the Bungendore Sports Hub before passing through a proposed culvert under the new access road.

It is considered ‘Pioneer’ has greater flexibility in where it is located and should be reserved for another new road in Bungendore.

‘Stonehouse’ would also give a strong geographical focus but given it is associated with a commercial business of the same name may be less acceptable to the community.

Notwithstanding the above if Council is not happy with Halfway Creek and one of the other names is preferred it can be simply be substituted for Halfway Creek in the recommendation.

Policy

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

8.4 Proposed Street Name - Western Extension of Malbon Street, Bungendore (Ref: ; Author: Tegart/Thompson) (Continued)

Consultation

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

Financial

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

Conclusion

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

Attachments

Nil

8.5 Building Better Regions Fund - Round 5 (Ref: ; Author: Thompson/Geyer)

File Reference: Project Code 104493

Summary

The Australian Government has recently opened Round 5 of the Building Better Regions Fund (BBRF). The Fund is offering grants between \$20,000 and \$10,000,000 for shovel ready community infrastructure projects that meet the funding guidelines. The round will provide \$200m with \$100m of this being specifically for tourism-based infrastructure. Applications for this round of funding close on 5 March 2021.

A development application seeking approval for the playing fields, carparks, amenities (Stage 1) and indoor multipurpose stadium (Stage 2) has been prepared and lodged for the QPRC Regional Sporting Complex. A future stage involves the indoor aquatic centre. Councillors have previously workshopped the playing fields, pavilion, amenities and indoor stadium concept designs, while the Sports Council nominated the stadium as its highest priority project.

This report recommends that Council support lodging an application for funding to construct Stage 2 (multipurpose stadium) of the RSC.

Recommendation

That Council endorse lodging an application to the BBRF Round 5, for \$10,000,000 to construct Stage 2 of the QPRC Regional Sports Complex.

Background

The BBRF Round 5 grant opportunity was announced in the NSW Budget, with \$200 million available for this round, of which \$100 million is dedicated to tourism-related infrastructure projects.

The objectives of the program are to:

- drive economic growth
- build stronger regional communities into the future.

The intended outcomes of the program are to:

- create jobs
- have a positive impact on economic activity, including Indigenous economic participation through employment and supplier-use outcomes
- enhance community facilities
- enhance leadership capacity
- encourage community cohesion and a sense of identity.

There are two grant streams as part of this program, being an Infrastructure Projects Stream and a Community Investments Stream.

The QPRC Sports Facilities Strategic Plan identifies the Regional Sports Complex (RSC) as a key project. The Sports Council, at its strategic workshop identified a new, four court sports stadium, suitable to replace the current Basketball stadium in Southbar Road, as its highest priority project.

**8.5 Building Better Regions Fund - Round 5 (Ref: ; Author: Thompson/Geyer)
(Continued)**

As such it is proposed to seek grant funding under BBRF Round 5, for the construction of Stage 2 of the RSC, being the indoor multipurpose sport stadium and associated facilities. It is further proposed to merge Stage 1 and 2, as per the development application, into one larger project, utilising the existing Council and state funding as Council's contribution to the BBRF grant program.

Staff and consultants are currently preparing a revised Business Case incorporating the multipurpose sports stadium and calculating the cost benefit ratios required for the BBRF. The RSC is a shovel ready project with its DA being well advanced and due to go to the Southern Regional Planning Panel soon. The facilities in Stages 1 and 2 will provide economic stimulus, both during construction and once operational.

It has high potential for sports tourism as well as allied services including sports therapy and rehabilitation. Between the pre-elite sports fields, the multipurpose indoor stadium and café/function room in the main pavilion, there will be several job creation opportunities.

The data and information prepared for the revised business case, along with that collected for Stage 1, is being utilised to prepare the draft operations management plan (business plan) for the complex. It is anticipated this latter document will be brought to a workshop in late March or early April.

Implications***Asset***

The multipurpose sports stadium would become a Council owned asset and managed in accordance with adopted Asset Management Plans.

Social / Cultural

The RSC Stage 2 will provide a home facility for Queanbeyan Basketball Association and pre-elite facilities for sports such as Futsal. The value of sports within the local community cannot be underestimated in assisting with both physical and mental health. Once complete the complex will support sporting and community events at regional, state and national levels.

Economic

Part of the strategic drivers for the RSC is to provide a regional facility for the LGA, capture some of the market from south Canberra given the closure or downgrading of facilities (M-Powerdome, AIS), formalise a southern base for the ACT football and hockey competitions, and provide facilities to attract sub-elite athletes and coaching personnel.

The RSC will deliver the necessary capacity to host Regional, State and National events. Provision of seven full sized pitches, plus two hockey pitches with capacity to divide into a combination of full and half-sized fields, supported by modern standard male and female amenities, and match official and medical facilities, all within a short drive to an international and domestic airport, opens real potential for hosting major events and major economic returns to the region. Equally, the modelling clearly demonstrated the potential job growth to the region derived from events and sports tourism.

The complex also provides a new home for Queanbeyan Basketball, and with it, a multi-purpose indoor facility for allied sports health and rehabilitation services – aimed at improving scope for capital and cash flow through the complex.

8.5 Building Better Regions Fund - Round 5 (Ref: ; Author: Thompson/Geyer) (Continued)

Council modelled a series of indicative events based on actual data to project potential returns for hosting major events in terms of consumption and employment figures. Initial budget modelling aims to target four major events per annum for the start-up years, growing as the host clubs grow in capacity. Attracting State and National events will expose Queanbeyan-Palerang sports people to high standard sports and it will significantly contribute to the local economy.

Strategic

Council has listed the proposed RSC in the Delivery Program for a number of years. There has long been an identified need to provide a home base for hockey and a new four court basketball facility. The Sports Facilities Strategic Plan identifies the RSC and home grounds for all QPRC sporting clubs as key objectives. The four court Basketball stadium is in the Sports Council's top four priorities.

Engagement

The RSC has been on Council's strategic agenda for many years and has been identified as important during the engagement for the Community Strategic Plan and Delivery Program. In recent years there has been specific community engagement on the project, its master plan and the concept designs. On all occasions the RSC has received strong community support.

Discussions continue with NSW Education regarding utilisation of the complex by students of the new Jerrabomberra High School and potential co-contributions to the establishment/operations.

Financial

Stage 1 of the project is underway and funding allocated. There is a potential opportunity to leverage this funding and seek further grants (BBRF) from the Australian Government and bring Stage 2 forward as contemplated in the DA. This would require Council securing the maximum \$10,000,000 grant available to construct the four court multipurpose stadium.

Program Code	Expense Type	Funding source		Amount
100184	Stage 1	NSW Regional Sports Infrastructure Grant	\$	10,000,000
		Other Grants/contributions	\$	5,000,000
		Loan funds (~20yr@2% fixed P&I)	\$	15,000,000
		SUB-TOTAL	\$	30,000,000
	Stage 2	Proposed Grant from BBRF Round 5	\$	10,000,000
		TOTAL	\$	40,000,000

**8.5 Building Better Regions Fund - Round 5 (Ref: ; Author: Thompson/Geyer)
(Continued)**

Conclusion

The construction of a new four court basketball stadium is a high priority for the QPRC Sports Council and has long been on the agenda of the Queanbeyan Basketball Association. The proposed four court facility at the RSC is a multipurpose facility that will not only serve as a suitable centre for basketball but other sports and community events, and potentially capable of conversion for shows. The facility will be ideally suited to the delivery of sports therapy and other rehabilitation services. The readiness of the project at DA, including the stadium, sits well with the Government's post COVID and bushfire stimulus ambitions. As such it is recommended that funding be sought in BBRF Round 5 to support funding for the project.

Attachments

Attachment 1 Stage 2 - Indoor Multipurpose Stadium Design (*Under Separate Cover*)



8.6 NSW Regional Sport Facility Fund (Ref: ; Author: Thompson/Geyer)

File Reference: 23.1.1-03

Summary

The NSW Government has opened the Regional Sports Facility Fund, closing on 26 February, offering grants for eligible projects between \$100,000 and \$1,000,000. The program was forwarded to sports clubs for their consideration. Council has received requests from two clubs seeking assistance to secure grant funds for facilities on Council managed sports complexes. Council also have strategic priority projects identified by the QPRC Sports Council.

This report proposes Council consider the Junior AFL floodlighting, Hoover Road archery amenities and women's change facilities at Freebody Oval as projects for submission under that Fund.

Recommendation

That Council work with sporting clubs to lodge applications for Junior AFL Flood lights, Archery Amenities and Women's Changerooms at Freebody Oval

Background

The NSW Regional Sports Facility Fund Guideline indicates that the intention of the grants program is to increase participation in sport, through provision of universally designed, innovative and aspirational facilities. The aim is to design and construct quality new sport facilities and upgrade and expand existing sport facilities for people and communities that need it most.

The Fund's focus is on universally designed and functional facilities for women and girls and removing barriers for people with a disability. The Fund also seeks to bring attention to increasing capacity at well-utilised sport facilities and developing multi-purpose facilities that incorporate environmentally sustainable design. The focus also prioritises the ongoing management and maintenance of the facility to ensure it delivers a quality experience, including developing the most effective and efficient operating model and the programming of the facility.

Projects should demonstrate industry best practice in project development, including but not limited to:

- Demonstrated stakeholder engagement, consultation, co-design and support.
- Project's capacity to impact on increased utilisation.
- Project's capacity to provide increased participation for women and girls and people with disability, through fit-for-purpose, accessible and safe facilities and usage opportunities.
- Project's focus on addressing a significant gap in current provision and/or demonstrated community need.
- The development or upgrading of multi-sport facilities, multi-use or multi-purpose facilities that are intended to be used for sport, but which can also be used for other events that contribute to the local community.

8.6 NSW Regional Sport Facility Fund (Ref: ; Author: Thompson/Geyer) (Continued)

- Partnerships and collaboration.
- All weather uplift (consideration of flood, drought, fire, sun safe and weather conditions that impact on utilisation).
- Provision of quality social infrastructure including safe places that support community interaction.
- Enhanced capacity for activation and socialisation; and
- Alignment to the infrastructure strategy or plan of the relevant council, State Sporting Organisation, State Sporting Organisation for People with Disability and National Sporting Organisation.

It is proposed to either apply or assist clubs apply for the following three projects:

Monaro Archery Amenities

Currently Monaro Archery use Hoover Road facility along with Queanbeyan Dog Obedience Club. While the obedience club have some amenities on their side of the reserve, only rudimentary facilities are available for Archery. It is proposed to place a two cubicle, unisex, accessible toilet facility onsite and connect to the sewer servicing nearby residences. Based on a similar project at Nerriga, it is anticipated a grant of \$150,000 will be sought.

Junior AFL Flood Lights

Halloran Oval and Steve Mauger Oval are regularly used by junior sports and yet do not have training lights. In winter parents are concerned for children's safety and often need to end training early due to lack of light. The Tigers AFL Club have applied for a number of grants but have not been successful to-date. In each case, there are no existing lights or power supply so it is proposed to put both fields in for grants of \$350,000 each, however in a manner in which, that if funds are tight, they could be separately funded, one at a time.

Women's Change Rooms Freebody Oval

Queanbeyan Cricket Association have requested the construction of women's change rooms at Freebody Oval alongside the existing club house and amenities. At present the facility only has one set of changerooms that service both Freebody Oval and Neil Bulger Oval. The second set of change rooms will better service the ovals and cater for both men's and women's teams. The facilities will also be available for the rugby league season. It is proposed to use the same plans and design as recently used at Mick Sherd Oval, albeit with brick colour to match the existing pavilion. It is estimated a grant of \$700,000 will be required.

Implications***Legal***

The three proposed projects are in keeping with Council's adopted plans of management and strategies which have been developed in accordance with the *Local Government Act 1993*.

Asset

Any asset developed on Council managed land will become an asset of Council and will be managed in accordance with adopted Asset Management Plans. Council may adapt concept plans and designs from similar recently constructed facilities to progress the projects in the timeframes sought by the Fund.

8.6 NSW Regional Sport Facility Fund (Ref: ; Author: Thompson/Geyer) (Continued)

Social / Cultural

Sporting infrastructure is a vital part of regional Australia and directly contributes to the social fabric of the community and community health and wellbeing. The projects proposed are aimed at grass roots sports and will help increase participation rates.

Strategic

All three projects are identified in the QPRC Sports Facilities Strategic Plan. Archery amenities and Junior AFL lights are specifically identified in the top five projects, while women's change rooms is also identified, albeit not specific to any one location. The Government has a focus on women's sport and facilities.

Engagement

The sporting community has brought the projects to Council, having been identified from within the community. Furthermore, the Sports Facilities Strategic Plan has been exhibited and community feedback considered.

Financial

While all three projects are identified in the strategic plan, funding has not been allocated. It will be necessary to seek 100% funding for each project unless the various sports club can bring a co-contribution to the table, which may include assistance from Cricket NSW.

Conclusion

Council's adopted Sports Facilities Strategic Plan identifies the needs for the three proposed projects and they each have strong support from the sporting community. This is a good opportunity to work with the sports clubs to seek grant funds for priority projects that currently are unfunded.

Attachments

Nil

8.7 **Model Railway Facility at Queanbeyan Showground (Ref: ; Author:
Thompson/Geyer)**

File Reference: 19 Farrer Place, Queanbeyan

Summary

Council has received a request from Canberra Monaro N Scale Group to establish a Club facility at the Queanbeyan Showground. The Club has received a grant from the NSW Government to replace their old Henderson Road facility, which burnt down in early 2019.

Recommendation

That Council give in principle support for Canberra Monaro N Scale Group utilising part of Queanbeyan Showground to establish a club house and display shed, subject to obtaining the appropriate development consent an entering a maintenance agreement.

Background

Canberra Monaro N Scale Group (CMNSG) is an incorporated community group of model railway enthusiasts. Attachment 1 provides some background information on the Group. The Group's previous facility at 43C Henderson Road, Queanbeyan burnt down in early 2019 and was demolished by John Holland Rail. The Group were given a grant, from the State Government, to rebuild the shed, however approval from John Holland has not been forthcoming.

The Club members have now approached Council to identify a new location, with Queanbeyan Showground being the preferred property. The Club are seeking permission to construct a new 30m x 12m shed, suitable for setting up and displaying N scale model trains. The Club would host their own events throughout the year as well as join in other events like the Queanbeyan Show.

Occupation and use of the Showground by community groups, like CMNSG, is in keeping with the purpose of the Showground and the Showground Plan of Management. The construction of a new building on the Showground must be in keeping with the master plan and will be subject to Development Consent.

Council currently has a DA lodged and being assessed for a new pavilion at the Showground. That DA also contains a smaller 20m x 9m storage shed at the corner of Glebe Avenue and Cooma Street. The shed was included in the DA as it was flagged in the Showground's Plan of Management and it was considered that as much of the Plan's future works as possible should be included in the one DA. At this stage no specific purpose, other than being for storage has been allocated to the shed. If the proposal is supported by Council, amended plans could be submitted with the existing DA or a DA Modification could be lodged to replace that proposed shed with the Club's proposal.

Implications

Legal

Queanbeyan Showground is a Crown Reserve and QPRC are Crown Land Managers in accordance with the Crown Land Management Act 2016. The proposal is in keeping with the purpose of the reserve, however will require development consent and some form of lease arrangement similar to how the Poultry Shed at the Showground is used.

8.7 Model Railway Facility at Queanbeyan Showground (Ref: ; Author: Thompson/Geyer) (Continued)

Asset

If the facility is approved and constructed, it will become an asset of Council, however, it would be expected that the Club would be responsible for maintenance and asset renewal while ever in occupation of the facility. Should the use of the building cease, it will become a facility available for use by Council.

Social / Cultural

The Model Railway facilities will provide a valuable community building where enthusiasts can gather and socialise with a common interest. It will add an additional dimension to the Showground that is complementary to existing uses and users. Additional opportunities will be created to demonstrate to, and mentor, young people in a popular hobby.

Economic

While activities at the facility will generate some economic return, through visitors, there is more likely to be spin off value by adding an additional attraction to existing events like the Queanbeyan Show.

Engagement

While community engagement would take part during the DA process, an initial stakeholder consultation would take place with the Showground Advisory Committee and other established users on the Showground. General feedback received from other user groups to date is that they support other compatible community uses of the Showground but expressed minor concern at the length of time taken for DAs at the Showground to be processed. This is primarily due to its State Heritage Listing.

Financial

The CMNSG are proposing to fully fund the project via a grant the secured from the NSW Government. It further envisages it will continue to operate and maintain the facility while ever they exist. As such there would be no cost to Council.

Conclusion

The proposed project is in keeping with the Showground purpose and dedication. A model railway facility will add a new dimension to events that are compatible with the Showground use and will increase community use and occupation of the Showground. Many of the details will be further clarified and addressed in a development application which will come back to Council for determination at the appropriate time.

Attachments

Attachment 1 Background Information on CMNSG (*Under Separate Cover*)



8.8 Music by the River - Suspension of Alcohol Free Zone (Ref: ; Author: Richards/Richards)

File Reference: 1.4.1

Summary

Music by the River (sponsored by Icon Water) has become a much-anticipated event in QPRC's annual calendar. This report seeks approval to once again suspend the Alcohol Free Zone in Queen Elizabeth II Park for the period of the event.

Recommendation

That Council approve the suspension of the Alcohol-Free Zone in the Queen Elizabeth II Park on Saturday 27 February from 4:00pm-9:30pm.

Background

2021 will be the fourth consecutive year for the Music by the River event. It is a free event for the public and always well supported and attended. Covid restrictions have eased somewhat, however there are some mandatory changes that will be necessary in 2021, including:

- Ticketing of the event (tickets will remain free but booking will be essential)
- The park will need to be fenced to contain the event footprint
- Areas for seating will be clearly marked and appropriately distanced.
- Participants will need to sign on at entry using Covid check in
- Sanitiser will be available at entry

Implications

Legal

Ministerial Guidelines on Alcohol-Free Zones (2009) Section 645 provides that Council may suspend or cancel an Alcohol-Free Zone.

Policy

Council commonly suspends Alcohol Free Zones for evening community events. This will be a limited time suspension and for BYO alcohol only.

Conclusion

Music by the River is an important free community event in the QPRC calendar. Current NSW government health regulations allow for the event to proceed with the additional arrangements (detailed above). As the event includes the sale of alcohol on site and BYO options, the usual suspension of alcohol arrangements are required.

Attachments

Nil

8.9 East West Freight Corridor (Ref: ; Author: Tegart/Tegart)

File Reference: 52.5.2-02

Summary

The South East Transport Strategy (SEATS) group has requested Council indicate its support for a proposal to extend the east-west freight corridor from Nerriga through Tarago and onto Goulburn as it is preparing an advocacy document to submit to the Commonwealth government in support of the East West Link - specifically the 55km Nerriga to Tarago road upgrade funding for \$137M, and the Tarago to Goulburn passing lanes and Hume Highway / Braidwood Road Interchange feasibility study. A preliminary draft is attached for councillors.

The long-term goal of the project is the establishment of a Heavy Vehicle Freight Route from the NSW mid-South Coast to the inland national road network of the Hume Motorway and the Federal/Monaro Highway. The section of road from Nerriga to Tarago requires a major upgrade to eliminate the requirement for a 15t weight limit, to improve safety and enable an alternative route for heavy vehicles across the Illawarra Escarpment.

That advocacy complements a recent decision of the CRJO to undertake a transport feasibility study along that corridor, resolving at its 11 December Board meeting:

- The CRJO request the Minister for Transport to fulfil his verbal commitment to fund a feasibility study to the value of \$1 million on all options and opportunities of the East-West Freight Link including rail
- The CEO of CRJO in conjunction with the Executive Officer of SEATS and the member General Managers develop a brief for this assignment.

In the meantime, Council prepared a submission to the Inland Rail Inquiry with Regional Cities NSW and CRJO, referencing that east west freight link (see attached).

Recommendation

That Council submit its view on the East West link to SEATS and CRJO.

Background

As reported in January 2021, Council continues with the MR 92 Nerriga Road project with a program of reconstruction and sealing of four sections and construction of an upgraded intersection at the Kings Highway at Braidwood. TfNSW constructed a new bridge at Charleyong, with Council constructing the approaches. The existing sealed sections will progressively be widened and resealed in accord with the renewal of that asset. As well as an improved access for residents and tourists, MR92 becomes a HPV rated east-west freight corridor from Nowra, through Braidwood and onto Queanbeyan/Canberra. That corridor also enables freight movement along Braidwood Road from Manar to Goulburn – in both circumstances, a 2.5hr road trip from Nowra.

Implications

Economic

In submissions made by Shoalhaven City Council, significant construction and agribusiness product may be moved from the coast to the Federal and Hume Highways should the freight corridor connect Nerriga and Tarago to the highway at Goulburn.

8.9 East West Freight Corridor (Ref: ; Author: Tegart/Tegart) (Continued)

Strategic

An east-west connection was one of the key ambitions of the NSW Transport 2056 (T2056) Strategy and the Freight and Ports Plan. Efficient freight movement was recognised as a key enabler of the regional economy (refer attached submission).

In 2018 the CRJO prepared a Transport and Freight Prospectus <https://crjo.nsw.gov.au/wp-content/uploads/CRJO-Transport-Freight-Infrastructure-Prospectus-October-2018.pdf> which included several strategies to safely move freight principally from the coast and mountains into Canberra (refer Canberra Airport, Eden Port and Freight Productivity Strategies and associated infrastructure works).

The submission to the Inland Rail Inquiry pointed to the importance of the East-West freight corridor linking to the Kings, Barton and Hume Highways to connect to the Rail intermodals at Wagga Wagga and Queanbeyan (proposed), to move bulk and containerised freight in the region.

However, among the key aspirations of T2056 is to minimize potential road conflict and trauma – to that end, enabling a potential tourist corridor from Canberra via Tarago-Nerriga and the Shoalhaven eases potential congestion on the Kings Highway and mitigates some of the potential freight and tourist traffic conflicts along MR92 from Nerriga to Braidwood and Kings Highway.

While the combination of the Shoalhaven-Goulburn Councils' preferred option from Nerriga to Tarago and the upgraded MR92 intersection at the Kings Highway may be considered a bypass of Braidwood in part, it does reduce the through traffic and potential tourist lifeblood for the township.

Financial

With the assistance of the local member for Monaro, Council worked with TfNSW to secure funding for construction and sealing of sections of MR92 Nerriga Road to complete an east-west freight and tourist link from Nowra to Queanbeyan/Canberra. With \$29m committed, Council resolved to redirect savings estimated around \$9m under the Monaro Palerang Program, together with a grant application for \$3m under the bushfire recovery (BLERF) program, to finalise the last section requiring sealing.

While SEATS has provided an estimate for construction for Stage 2 (Nerriga to Tarago), the feasibility of that work may be identified by the study pursued by CRJO.

Conclusion

Notwithstanding Council has secured an effective 2.5hr East-West freight corridor into Queanbeyan/Canberra and onto Goulburn, and an upgraded tourist route to the Shoalhaven coast through the reconstruction, sealing and staged resealing of MR92 to the Kings Highway, the alternative route proposed by SEATS should remove some freight through Bungendore and augment the alternative tourist corridor from Canberra to Tarago and Nerriga. On the basis there is no cost to Council, the SEATS proposal and the CRJO feasibility study should be supported.

Attachments

- Attachment 1 East West Freight Advocacy draft (*Under Separate Cover*) -
CONFIDENTIAL
- Attachment 2 Inland Rail Inquiry Submission (*Under Separate Cover*)



9.1 Update on Planning Proposal at Bywong & Wamboin to Rezone some E4 Land to R5 - Gateway Determination (Ref: ; Author: Thompson/Hogg)

File Reference: PJT0061

Report

This report provides an update on the planning proposal to rezone certain land zoned E4 Environmental Living to R5 Large Lot Residential, at Bywong and Wamboin (also referenced as PP_2020_QPEG_001_00). This planning proposal was last considered at the 9 September 2020 Planning and Strategy meeting where it was resolved [Minute No. PLA136/20] that:

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

In response to the request for a Gateway determination, the Delegate of the NSW Minister for Planning and Public Spaces has advised in relation to the delegation of the plan-making authority that:

“Council had requested not to be authorised as the local plan-making authority due to the long standing and sensitive nature of the matter. I have considered Council’s request and the nature of the planning proposal and, given the matter is of local significance, have conditioned the Gateway for Council to be authorised as the local plan-making authority. However, should Council not be in a position to use its plan making delegations on finalisation of the planning proposal, Council can request that the Department finalise the plan.”

The Gateway determination is effective from 22 December 2020 and includes the following conditions:

- Inclusion of an Additional Permitted Uses map which identifies the land on which extensive agriculture is proposed to be permitted without consent.
- Public consultation for a minimum of 28 days.
- Consultation with the following agencies:
 - Department of Planning, Industry and Environment – Biodiversity and Conservation
 - NSW Office of Water
 - NSW Department of Primary Industries
 - Transport for NSW
 - NSW Rural Fire Services
 - ACT government.

In addition to the agencies listed above, the planning proposal will be forwarded to the Yass Valley Council, as an LGA adjoining land subject to the planning proposal, for comment.

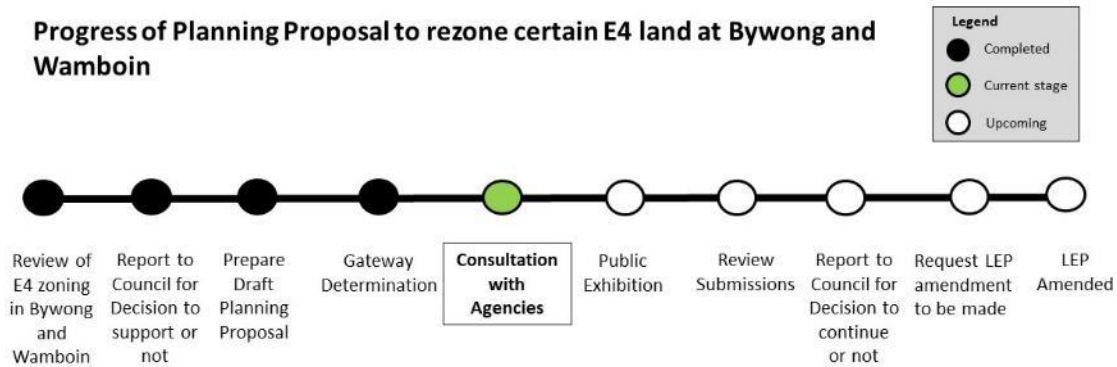
9.1 Update on Planning Proposal at Bywong & Wamboin to Rezone some E4 Land to R5 - Gateway Determination (Ref: ; Author: Thompson/Hogg) (Continued)

Next Steps

The issue of the Gateway Determination clears the way for the next steps in the planning proposal process. Consultation with the relevant state agencies has commenced. Unless state agency submissions require further studies or significant amendments to the planning proposal, it is expected that public exhibition will commence towards the end of February 2021. A report on agency and public submissions will be prepared for Council following the end of the public exhibition period.

The Gateway determination includes the timeframe for the planning proposal to be finalised within 12 months of the Gateway determination (22 December 2021).

Progress of Planning Proposal to rezone certain E4 land at Bywong and Wamboin



Recommendation

That the report be received for information.

Attachments

Nil

9.2 Outcome of Land and Environment Court Appeal - R.I.G Consulting vs QPRC -
71 Mcadairmid Road, Burra (Ref: ; Author: Thompson/Thompson)

File Reference: 52.4.1-19

Report

On 13 November 2019 Council refused development application DA.2019.065 for a three lot subdivision of an existing lot at 71 MacDiarmid Road, Burra. In summary Council refused the application because:

- The lot proposed to be subdivided was a resultant lot from a previous subdivision relying on lot size averaging and as such the LEP prevented the lot from further subdivision.
- Notwithstanding the above, even if the lot could be subdivided the proposed lots did not meet the minimum average lot size of 6ha.

The applicant subsequently appealed Council's refusal of the application to the LEC.

In preparing for the case, Council supported a request from the applicant to have a number of questions of law determined by the Court before the matter went to a merits-based hearing. If these questions were answered in Council's favour then the applicant would have no utility in pursuing the appeal.

The questions considered by the Court were:

1. Is the subdivision for which the applicant seeks development consent a subdivision to which the provisions of clause 4.1B(4)(a) of the Palerang Local Environmental Plan 2014 ("PLEP") apply?
2. If so, is the grant of development consent to the development application precluded by that clause?
3. Is Lot 4 DP 285984 a "resulting lot" within the meaning of clause 4.1B(6) of the PLEP?
4. If so, is the subdivision proposed by the development application one for which development consent must not be granted in accordance with clause 4.1B(5) of the PLEP?

Evidence was presented before Justice Pain on 18 December 2020 who subsequently delivered her decision on 23 December 2020.

The Council has been successful on all four of the separate questions with the answer to all questions being yes.

This was an important case because it reasserts Council's long term position that allotments resulting from a subdivision that relies on lot averaging cannot be further subdivided at a later date regardless of their size.

It also confirms that the lot averaging provisions do apply to E4 zoned land.

It is expected that with these questions answered in Council's favour the applicant will discontinue the appeal proceedings.

A copy of the full judgement is attached for the information of Councillors.

Recommendation

That the report be received for information.

9.2 Outcome of Land and Environment Court Appeal - R.I.G Consulting vs QPRC -
71 Mcadairmid Road, Burra (Ref: ; Author: Thompson/Thompson) (Continued)

Attachments

Attachment 1



Land & Environment Court Decision on Questions of Law - R.I.G.
Consulting vs QPRC - 71 MacDiarmid Road, Burra (*Under Separate
Cover*)

10.1 Minutes of the Braidwood and Curtilage Heritage Advsory Committee held 10 December 2020 (Ref: ; Author: Thompson/McCauley)

File Reference: 26.5.1-07


Summary:

The Minutes of the Braidwood and Curtilage Heritage Advisory Committee held on 10 December 2020 are presented to Council for consideration.

Recommendation

That Council note the Minutes of Braidwood and Curtilage Heritage Advisory Committee held on 10 December 2020.

Attachments

Attachment 1  Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting - 10 December 2020 (*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*.