



Planning and Strategy Committee of the Whole

AGENDA

10 March 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*

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SUPPLEMENTARY REPORT: OUTCOME OF CONTRACT NEGOTIATIONS FOR DESIGN FINALISATION & CONSTRUCTION OF QUEANBEYAN CIVIC & CULTURAL PRECINCT

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra
- Attachment 1 DA 322-2015 - Sec 4.15 Matters for Consideration - Two Lot Subdivision - 300 Lanyon drive, Jerrabomberra (Under Separate Cover)*
- Attachment 2 DA 322-2015 - Plans - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (Under Separate Cover)*
- Attachment 3 DA 322-2015 - Redacted Submissions - Two Lot Torrens Title Subdivision – 300 Lanyon Drive, Jerrabomberra (Under Separate Cover)*
- Attachment 5 DA 322-2015 - Draft Conditions of Consent - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (Under Separate Cover)*
- Item 8.2 Big Island Planning Agreement - Community Consultation Following Public Exhibition
- Attachment 1 Deed of Amendment (Under Separate Cover)*
- Attachment 2 Annexure A Amended Planning Agreement (Under Separate Cover)*
- Attachment 3 Annexure B Explanatory Memorandum (Under Separate Cover)*
- Attachment 4 Submissions (Under Separate Cover)*
- Item 8.3 Main Streets Upgrade Fund
- Attachment 1 Main Street Upgrade Fund 2021 Guidelines (Under Separate Cover)*
- Item 10.1 Minutes of the QPRC Heritage Advisory Committee Meeting held 18 February 2021
- Attachment 1 Minutes of the QPRC Heritage Advisory Committee Meeting held on 18 February 2021 (Under Separate Cover)*
- Item 10.2 Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held 11 February 2021
- Attachment 1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held on 11 February 2021 (Under Separate Cover)*

Closed Attachments

- Item 8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra
- Attachment 4 DA 322-2015 - Unredacted Submissions for Councillor's Information - (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 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Dixon)

File Reference: DA 322-2015

Summary

Reason for Referral to Council

This application has been referred to Council because written submissions have been made. The nature of the submissions warrants consideration by Council.

Proposal:	Proposed two lot Torrens title subdivision to create an allotment for the proposed Jerrabomberra High School site
Applicant/Owner:	Black Mountain Constructions/ Robin Pty Limited
Subject Property:	Lot 1 DP 1263364, No.300 Lanyon Drive, Jerrabomberra
Zoning and Permissibility:	RE2 Private Recreation, E2 Environmental Conservation and B7 Business Park under Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013
Public Submissions:	Four – One in support and three against
Issues Discussed:	Planning Requirements Community Interest
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 322-2015 for a Torrens title subdivision on Lot 1 DP 1263364, No.300 Lanyon Drive Jerrabomberra be granted conditional approval for the following reasons:**
 - a. The proposal is consistent with the recently approved Neighbourhood Structure Plans within Appendix 3 of the South Jerrabomberra Development Control Plan 2015;**
 - b. The proposal is consistent with the State Planning Agreement;**
 - c. The facilitation of a proposed high school site will provide education opportunities to the growing population of Jerrabomberra and the Queanbeyan-Palerang population;**
 - d. The facilitation of a proposed high school site will provide employment opportunities to the Queanbeyan-Palerang population; and,**
 - e. The development complies with the LEP and DCP respectively.**
 - 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
-

8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Dixon) (Continued)

Background

Proposed Development

The land forms part of the 'Poplars' urban land release area in Jerrabomberra. The development proposes a two lot, Torrens title paper subdivision to create proposed Lot 2 (4.5ha) and residual Lot 1 (61.15ha).

The intent of the application is to allow the Department of Education to acquire proposed Lot 2 to facilitate the construction of the future Jerrabomberra High School (not part of this application). Further, the subdivision plan provides for the creation of a 10m wide landscape and footpath buffer between homes in Palm and Bayside Court and the new school site. This was required in conjunction with development application 128-2016.A. This subdivision application includes the formalisation of this buffer through an easement for access proposed on the title to benefit Queanbeyan-Palerang Regional Council and the Department of Education in the form of a Section 88B Instrument.

Proposed Lot 1 will remain as residual land in the interim with the proposed further subdivision of the land for private recreation, environmental conservation and business development in the future.

A "paper subdivision" is a term used to describe land containing lots that only have recognition on paper and, in most cases, have no formed roads, drainage, reticulated water, sewer or electricity.

Subject Property

The subject land has historically been used for farming purposes. The original DA was lodged in 2015 with the allotment proposed in the north eastern corner of the allotment. Further development in the Poplars area, the approval of Envirova Drive and negotiations with the Department of Education over the last four years saw the location of proposed Lot 2 moved to a more central position on the site adjacent to Envirova Drive in November 2020 (see Attachment 2). The final step in being able to finalise the assessment was the adoption of the proposed high school site as shown in the Structure Plan within the *South Jerrabomberra Development Control Plan* (2015) Appendix 3 approved at Council 11 February 2021. This is detailed in Figure 1 below.

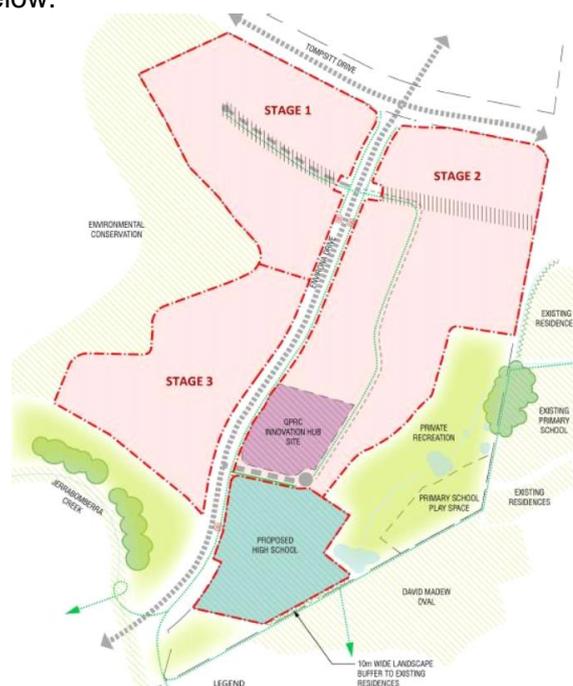


Figure 1: Extract from Appendix 3

8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Dixon) (Continued)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EPAA). The matters that are of relevance under Section 4.15 are summarised in the attached *Section 4.15 Table – Matters for Consideration*. The following planning instruments have been considered in the planning assessment of the subject development application:

1. *State Environmental Planning Policy No 55 - Remediation of Land*
2. *State Environmental Planning Policy (Infrastructure) 2007*
3. *Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013 (QLEP)*.
4. *South Jerrabomberra Development Control Plan 2015*

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

(a) Compliance with LEP

Aims - The proposed development is considered to be generally consistent with the relevant aims of the QLEP (West Jerrabomberra) 2013 specifically by creating lots that will assist in developing the Poplars while maintaining the environmental character of the surrounding land. The proposed lot will facilitate a new high school catering for the future education of Queanbeyan-Palerang youth whilst also providing employment opportunities for residents.

Permissibility and Zone Objectives - The subject site contains three zones including RE2 Private Recreation, E2 Environmental Conservation and B7 Business Park. Subdivision is permissible in the zones and meets the various zone objectives by encouraging employment opportunities, enabling facilities to meet the needs of the growing Jerrabomberra community and by responding to site constraints appropriately.

Minimum subdivision lot size - The proposed lots meet the required minimum lot sizes.

Heritage conservation - The proposed development will have a minimal impact in relation to heritage. The site is not heritage listed, is not adjacent to a heritage item and is not located within a Heritage Conservation Area.

Riparian land and watercourses - Clause 6.2 of the QLEP (West Jerrabomberra) 2013 makes provision for developments within riparian land and watercourses. This clause is considered relevant to the proposed development as the site is identified as "Watercourse" on the Riparian Land and Watercourses Map". However, as works are not proposed as part of this application referrals were not required.

Airspace operations - Clause 6.3 of the QLEP (West Jerrabomberra) 2013 makes provisions for developments located in areas that are affected by airspace operations and aircraft noise. The proposed development will not penetrate the Obstacle Limitations Surface Map for the Canberra Airport. Therefore, the application was not required to be referred to the relevant Commonwealth body for comment.

Development in areas subject to aircraft noise - Clause 6.4 of the QLEP (West Jerrabomberra) 2013 makes provisions for developments subject to aircraft noise. This clause is considered relevant to the proposed development as the site is located near the Canberra Airport or within an ANEF contour of 20 or greater. As the application is for subdivision only and does not include any works referrals to the Canberra Airport were not required.

8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Dixon) (Continued)

Essential services - Clause 6.6 of the QLEP (West Jerrabomberra) 2013 requires satisfactory arrangements to be made for water supply, stormwater drainage, solid domestic waste, sewage, and the treatment and disposal of effluent. Along with the supply of electricity and suitable vehicle access. Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

Council's Development Engineer has assessed the proposed development and detailed comments on services are within the referral section of this report. In summary the services required for this allotment will generally be provided in conjunction with the construction of NER 3 (Environa Drive) and associated services. As Council is responsible for providing these services as part of the road construction and servicing work, Council can be satisfied that satisfactory arrangements have been made for the provision of services.

In summary the development generally complies with relevant provisions of the QLEP (West Jerrabomberra) 2013.

(b) Compliance with DCP

The relevant DCP is the South Jerrabomberra Development Control Plan 2015. Parts 4 and 5 – Subdivision, Roads and Public Places of the DCP applies to the subject site however, is based on subdivisions for residential development. The proposal is for a paper subdivision for the purposes of residual land and a potential school site. The clauses within this Part are relevant to neighbourhood designs and this subdivision does not include any neighbourhoods.

(c) Other Matters**(i) Development Engineer's Comments**

In summary there is no objection to the proposed subdivision provided that suitable conditions are imposed to ensure the following points are achieved:

- The site is provided with a suitable water & sewer connection.
- The 225mm gravity sewer main crossing the proposed lot has a 4m wide easement for access and maintenance registered over it by way of S88B instrument.
- Any future development will be required to implement an internal stormwater drainage network compliant with AR&R2019 and Council's Design Specifications D5 & D7.
- Future vehicle access is to be obtained from Road 03 only (with the exception of buses).

Water - The proposed school site is not yet serviced and there are no construction works associated with the subject application. However, the Northern Entry Road Stage 3 project (NER3) currently being undertaken by Council (and constructed by Woden Contractors) will install a 225mm DICL local supply water main along Environa Drive (on the near side to the proposed school site) from which the site could be serviced. Council is responsible for servicing the new allotment as part of the NER3 works. It will be necessary for an adequate water service size to be determined by a hydraulic consultant for the proposed school (part of a future State Significant Development Application - SSDA).

8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Dixon) (Continued)

Sewer - The proposed school site is not yet serviced and there are no construction works associated with the subject application. However, the NER3 project currently being undertaken by Council (and constructed by Woden Contractors) will install a 225mm PVC local gravity sewer main along Environa Drive (on the near side to the proposed school site) and then crossing the proposed school site to connect into the sewer pump station at Bayside Court in Jerrabomberra. The creation of a four metre wide easement over the sewer line through the proposed lot should be required as a condition of this subdivision application. Council is responsible for servicing the proposed allotment as part of the NER3 works. It will be necessary for an appropriate tie location to be determined for the proposed school (part of a future SSDA).

Storm Water - The proposed school site is not yet serviced and there are no construction works associated with the subject application. Whilst there are stormwater assets being constructed as part of Council's NER3 project, there are no service connections to be provided to the proposed school site.

The proposed school site currently drains to Jerrabomberra Creek and, given the size of the proposed site and the lack of any construction associated with this application, this can continue to be the method of stormwater disposal until such time as an SSDA is lodged for the further development of the site. It is anticipated that some runoff from the proposed site will likely find it's way to Jerrabomberra Creek via accessing the stormwater infrastructure being installed in the Environa Drive road reserve as part of the NER3 works.

It should be noted that, any future development of the site will require the design and construction of an internal drainage network that will meet the water quality and quantity requirements of AR&R2019 and Council's Design Specifications D5 & D7. Additionally, should any direct discharge from this network to the Creek be required, a controlled activity approval will need to be obtained from the NSW Office of Water.

Access and Parking - The proposed site will have frontage to two new roads being constructed as part of the NER3 works (Environa Drive & cul-de-sac referred to as Road 3). It is noted that the design for Environa Drive includes the provision of a bus bay in anticipation of the proposed site use as a school. However, any future vehicular access to the site will be required to be located off Road 3 as direct access from Environa Drive (arterial road) would not be permitted under Council's engineering specification for road hierarchy. The provision of a future vehicular access location can be conditioned to be from Road 3 only.

Any future State Significant DA for the development of a new school at this site will need to address adequate parking and access requirements based on the planned number of students, transport modal split as well as existing and future peak traffic volumes for the surrounding road network. These matters have not been considered at this stage because the application is only for the subdivision of land and the information required to make such assessments is not available at this time.

Section 64 - Section 64 contributions will need to be paid for the proposed subdivision. The equivalent tenements could be determined by the light industrial rate of 15 ETs per hectare in accordance with the Water Directorate's Section 64 Determinations of Equivalent Tenements Guideline for land with an unknown future use. However, given that the future use of the site is known to be a proposed high school, the rates of 0.03 ETs/person and 0.05 ETs/person for water and sewer (respectively) can be used from the same Water Directorate publication. It is likely that the school will attract around 1000 students (Jerra Public School has reached this number and is primary only). Assuming an upper limit of 1000 students this assessment method results in a smaller contribution than the per hectare rate and is considered a more exact approach to ET

8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Dixon) (Continued)

determination from the information available. Based on these figures water contributions would be calculated on 30 ETs and sewer contributions on 50ETs.

Flooding - The land in question is not included in the Queanbeyan flood study. However, it borders Jerrabomberra Creek and flooding risk should be included in the design and assessment of any future SSDA for school development. However, the statement of environmental effects asserts that the proposed site has been situated above the 1% flood level. A review of the proposed plan of subdivision against a flood study of Jerrabomberra Creek conducted by Browns Consulting in January 2010 (Record number C105356), indicates that this is correct.

(ii) Environmental Health Comments

Noise - The proposed secondary school will fall within the 20-25 ANEF contours, so aircraft noise will impact the site, but not enough to prevent the development of an educational facility. There will also be traffic noise impacts from the new Environa Drive, but the volume of traffic will not be enough to trigger clause 102 of the SEPP(infrastructure).

As such there are no significant noise impacts that limit the subdivision of the site for the proposed secondary school. A detailed investigation of noise impacts (both from and onto the school) can be submitted with the state significant development application for the construction and use of proposed Lot 2 as a secondary school.

Contaminated Land - The following documents were submitted by the applicant in November 2020:

- Coffey 2019 - Additional Phase 2 Environmental Site Assessment 0 South Poplars, Proposed School Site, Jerrabomberra, NSW, Coffey Services Australia Pty Ltd, 11 April 2019, doc ref. 754-CBREN227124-R01
- Coffey 2020 - Additional Phase 2 Environmental Site Assessment, South Poplars, Proposed Secondary School Site Extension Area, Jerrabomberra, NSW, Coffey Services Australia Pty Ltd, 22 September 2020, doc. ref. 754-CBREN278296-R01

In 2018 Coffey conducted a review of past contaminated land assessments of the site and identified several data gaps. This report indicated South Poplars could be made suitable following removal of asbestos containing material and the implementation of a construction environmental management plan and unexpected finds protocol. These recommendations did not consider the proposed use of a portion of the site as a secondary school.

To address the suitability of the proposed school site from a contamination perspective, Coffey 2019 included a detailed contaminated land assessment for this area. High density sampling of the proposed school site was carried out in accordance with EPA guidelines and assessed against the NEPM Health Investigation Level C (HIL-C) for public open spaces (including secondary schools) and 'urban residential/ public open space' environmental investigation levels (EIL). During site walkovers and sampling no visible fragments of asbestos were found in the proposed school area. Results from soil samples found that contaminants of concern were below the EIL and HIL criteria and not asbestos was detected. The conclusion made by Coffey 2019 was that the proposed secondary school site can be made suitable for the proposed use following the development and implementation of a construction environmental management plan and unexpected finds protocol.

An amendment to the initial DA incorporated an additional 1.5ha of land to create the proposed 4.5ha Lot 2. Coffey 2020 extends on the environmental site assessment in Coffey 2019. Additional sampling of the school extension area was carried out in

8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Dixon) (Continued)

accordance with EPA sampling guidelines. Coffey also undertook sampling of topsoil that has been stripped from the eastern section of South Poplars that will be re-used for the construction of the secondary school. These samples were assessed against HIL-C and associated EILs, and no contaminants of concern exceeded these criteria. Coffey considers that the extension area for the proposed secondary school site, as well as stockpiled top-soil would be suitable for the intended use, subject to CEMP and unexpected finds protocol.

Environmental Health supports the subdivision of 300 Lanyon Drive with the intention of proposed Lot 2 being used for a secondary school. Coffey 2020 stated that a site audit statement will be prepared, and this can be requested in the SSD for the construction and use of the secondary school. It should be noted that secondary schools are assessed against HIL-C and primary schools are assessed against HIL-A of the NEPM. If the proposed use of the site changes from secondary students only to include primary school students an amended detailed site investigation will also be required.

A detailed site investigation has not been carried out for the residue lots. Previous investigations have found a low risk of contamination, but further assessment is required when further subdivision occurs.

(iii) Rural Fire Service Comments

The subdivision required referral to the NSW RFS. The RFS issued General Terms of Approval (GTAs) on 10 April 2018 and following amendments to the DA issued revised GTAs on 25 February 2021.

Engagement

The application was notified in accordance with Council's Community Consultation and Participation Plan and four submissions were received. One was in support of the proposal and three were against.

The three submissions against the proposal all requested additional time to make a submission due to COVID related delays by Australia Post and the large amount of documentation needing to be reviewed. As such the notification period was extended from two weeks to four weeks during 9 November 2020 to 10 December 2020. No further submissions were received during the extended period.

Only one of the three objections raised matters other than requesting an extension of time. Generally, these issues related to lack of information about the construction of the school itself and included comments such as:

- Documentation that is missing or is illegible.
- Concern on impacts including overshadowing, views, amenity, noise, visual amenity, lifestyle and property values
- Distance away from adjoining residential fences to the school buildings, the expected construction activity between the boundary and the buildings, the natural ground level at the boundary, the natural ground level at the building envelope/commencement of buildings and the height of the buildings above natural ground level once constructed, proposed lighting that will be erected around school, pathways and roads.

While it is acknowledged that the construction of the school in the future may have an impact on neighbouring residents as a result of the number and types of buildings constructed and the necessary site works to allow for those buildings and school facilities, these cannot be considered by Council because this application is not for the construction of the school. It is for the subdivision of land only. The information being sought by the submitter will be provided when the development application for the school is lodged.

8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Dixon) (Continued)

The development will likely be a State Significant Development (SSD). The Government has identified certain types of development that are SSD which includes new education establishments. The process for this type of application is as follows.

Notification to the public

All applications for SSD are publicly exhibited for a minimum 28 days (longer if the exhibition overlaps with the Christmas/New Year period between 20 December and 10 January (inclusive)). During the public exhibition period for SSD applications, the Department will:

- notify surrounding residents in writing (Council is consulted on the notification area, which will vary depending on the scope of the proposal) unless the application is public notification development including mining and petroleum (oil and gas) SSD applications
- place an advertisement in a State wide and local newspaper
- place electronic copies of the application and all supporting information on the Department's major projects website

Members of the public may make comment on SSDs through the Department's Major Projects website, by post or by email.

Where is information on SSD kept?

All SSD applications are listed on the Department's major projects website. The application and all supporting information will be available to view online. The website's tracking system identifies what stage a project is up to in the assessment process. The Department's assessment report and the application determination (including conditions of consent or reasons for refusal) are also made available to view on that major projects website.

How is SSD Assessed and Determined?

SSD is assessed by the Department who liaises with the relevant Government Agencies. The Independent Planning Commission (the Commission) is the consent authority for SSD applications:

- that are not supported by relevant council(s), or
- where the Department has received more than 50 unique public objections, or
- that has been made by a person who has disclosed a reportable political donation in connection with the development application.

Given the nature of the submissions on this application the above is being mentioned in this application to guide the public on their mechanisms to comment on any proposed school. It is important to note this application is not for the construction of the school and is for the creation of the intended lot only. Council cannot make decisions on the construction of the school in this application due to this.

As can be seen from the above there will be opportunities for residents and members of the community to comment on the development when the SSD is lodged.

Conclusion

The submitted proposal is for a two lot Torrens title subdivision on Lot 1 DP 1263364, No.300 Lanyon Drive, Jerrabomberra and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and four submissions were received.

The proposal has been assessed under Section 4.15 *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013* and *South Jerrabomberra Development Control Plan 2015*.

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

8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Dixon) (Continued)

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

Attachments

- Attachment 1  DA 322-2015 - Sec 4.15 Matters for Consideration - Two Lot Subdivision - 300 Lanyon drive, Jerrabomberra (*Under Separate Cover*)
- Attachment 2  DA 322-2015 - Plans - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (*Under Separate Cover*)
- Attachment 3  DA 322-2015 - Redacted Submissions - Two Lot Torrens Title Subdivision – 300 Lanyon Drive, Jerrabomberra (*Under Separate Cover*)
- Attachment 4  DA 322-2015 - Unredacted Submissions for Councillor's Information - (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 5  DA 322-2015 - Draft Conditions of Consent - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (*Under Separate Cover*)

8.2 Big Island Planning Agreement - Community Consultation Following Public Exhibition (Ref: ; Author: Thompson/Carswell)

File Reference: PJT0064-01-03

Summary

This report follows the recent exhibition of the Deed of Amendment to the Big Island Mining Pty Ltd Planning Agreement which proposes amendments to the current Planning Agreement and reports on submissions.

The Deed of Amendment and Planning Agreement applies to the Dargues Reef Gold Mine Project at Majors Creek. This report recommends that the Deed of Amendment with minor changes from that exhibited, be executed by the Mayor and Chief Executive Officer.

Recommendation

That Council:

- 1. Agree to Council staff undertaking all necessary actions to finalise the Deed of Amendment to the Big Island Mining Pty Ltd Planning Agreement.**
 - 2. Authorise the Mayor and Chief Executive Officer to execute the Deed of Amendment to the Big Island Mining Pty Ltd Planning Agreement and any associated documents including any additional necessary minor and administrative amendments.**
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Background

This report follows the recent exhibition of the Deed of Amendment to the Big Island Mining Pty Ltd Planning Agreement which proposes amendments and a general update to the current Planning Agreement and reports on submissions.

The Deed of Amendment and Planning Agreement applies to the Dargues Reef Gold Mine Project at Majors Creek and was originally executed by Big Island Mining Pty Ltd and Palerang Council on 15 February 2013.

The Deed of Amendment generally updates the original planning agreement and amongst other things includes the following amendments:

- Deletion of the one-off contributions that have already been paid by the Developer to Council;
- Amendment to the annual payment by the Developer towards road infrastructure works by increasing the payment amount and clarifying that the payment is to be put towards ongoing pavement upkeep along the haulage route being that part of Majors Creek Road which lies between the development and Araluen Road;
- Clarification that s7.11, 7.12 and s7.24 of the *Environmental Planning and Assessment Act 1979* are not excluded from applying to the development and the contributions payable by the Developer are to be taken into consideration for the purpose of s7.11;
- Inclusion of an enforcement clause providing for a bank guarantee in favour of Council in the event of non-payment of the contributions payable under the Planning Agreement.

The Deed of Amendment and amended Planning Agreement is the result of negotiations between staff and representatives of Big Island Mining Pty Ltd regarding generally updating the original planning agreement. The majority of changes have been agreed to by both parties including the new owner (Aurelia Metals Limited) although there are some last-minute administrative changes yet to be agreed on.

8.2 Big Island Planning Agreement - Community Consultation Following Public Exhibition (Ref: ; Author: Thompson/Carswell) (Continued)

Attachments 1 and 2 are the most current versions of the Deed of Amendment and the amended Planning Agreement.

Implications

Legal

Council's legal representative sought clarification of how a new owner (Aurelia) might affect the Deed. This was followed up with the new owner's representative who responded:

The references should remain as Big Island Mining Pty Ltd, its ABN is the same as that listed (ABN 12 112 787 470) but it's new registered address is Level 17, 144 Edward Street, Brisbane QLD 4000. This will need to be updated on page 1 and in clause 13.

In addition, a resident sought clarification of the contact person as shown in clause 13 of the Planning Agreement given the change in ownership. In this case the new owner's representative responded:

The contact in clause 13 should be generic (i.e. General Manager – Dargues Mine). But could we please also include a copy email as office@aureliametals.com.au? This just means the general office email gets them as well just in case. The address for Big Island Mining is as per the above.

This will mean additional minor changes to the Planning Agreement as advertised which have been incorporated into Attachments 1 and 2.

Asset

The Deed of Amendment includes an annual contribution towards ongoing pavement upkeep along the haulage route being that part of Majors Creek Road which lies between the Development and Araluen Road as well as a one-off contribution towards the upgrading of facilities at the Braidwood Recreation Ground.

Engagement

The Deed of Amendment to the Big Island Pty Ltd Planning Agreement and its Annexures were exhibited 17 December 2020 and 19 February 2021 (exclusive of the period 20 December 2020 to 10 January 2021) which exceeds the minimum of 28 days as required by the *Environmental Planning and Assessment Regulation 2000*. As a result, one written submission was received which raised issues relating to:

- Damage to roads attributable to mine traffic and the mine paying for this so that infrastructure is left in an appropriate condition.
- Noise and light pollution arising from the mine's operation.
- Safety concerns to other users of the roads raised by truck use and mine vehicles.
- Nature of the operations being underground and whether open cut is an option and whether the mine operators have considered this option (Attachment 4)?

These were responded to by staff email dated 24 December 2020. Amongst other things the response noted:

- Issues about the operations of the mine and in particular the noise and light pollution as well as any future changes to the mine operations should be dealt with by the State Government's Department of Planning, Industry and Environment as they were and continue to be the approval authority.
- The enforcement of the conditions of the approval for the mine are undertaken by the Department of Planning, Industry and Environment (not Council) and contact details were provided.

8.2 Big Island Planning Agreement - Community Consultation Following Public Exhibition (Ref: ; Author: Thompson/Carswell) (Continued)

A subsequent comment was received by the above submitter after the closing date for submissions which:

- Congratulated Council on the recent road reconstruction at Jembiacumbene on the Majors Creek road.
- Expressed the writers hope that QPRC has successfully renegotiated the share of costs as that road was in good condition prior to the opening of the mine as well as the writer's view that a graduate civil engineer could estimate the share of wear and tear.
- Expressed the writer's opinion that residents should not be subsidising the mine operations as well as suffering the loss of amenity and noise pollution.

Two submissions were also received through Council's Your Voice website and are detailed below along with a comment.

Your Voice Submitter 1

- *This is really meant that unless you know what S7.11, 7.12 and S7.24 is about there is not much use of trying to say anything, all designed to confuse the public.*
- *I live in Majors Creek and the road is not built for heavy vehicle traffic, consequently it has broken up, beside that the road is not wide enough and Honeysuckle bridge definitely is not wide enough to allow a vehicle and a truck to pass. We have some roadworks happening but it is very bad management to expect heavy vehicles to use the road as it is I fully expect a fatal accident to happen on this dangerous roadway. This should never have been allowed to be used for the number of heavy vehicle traffic caused by this mining venture.*

Comment:

- Unfortunately, compliance with the planning legislation plus the legal nature of Planning Agreements means that this sort of document can be difficult to read particularly when amendments are involved. Council is required to exhibit the documents as they are drafted, and this has been done.
- The access roads and traffic generated by the mine, including the heavy vehicles, is a matter that is considered at the development application stage. The mine was a State Significant Development and as such the development application for the mine was considered and approved by the NSW State Government's Department of Planning, Industry and Environment as they are the approval authority.

Your Voice Submitter 2

- *Is this the same company???*

[https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia200309-big-island-mining-fined-\\$15000-by-the-epa-for-creek-pollution-incident](https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia200309-big-island-mining-fined-$15000-by-the-epa-for-creek-pollution-incident)

Comment:

- This link is to a media release issued on 9 March 2020 by NSW EPA with the headline: "Big Island Mining fined \$15,000 by the EPA for creek pollution incident". The following is a short extract:

"The NSW Environment Protection Authority (EPA) has fined Big Island Mining Pty Ltd \$15,000 for an alleged discharge of sediment laden water from their gold mine into a creek in the NSW Southern Tablelands.

The incident at Dargues Gold Mine, near Majors Creek, occurred on 17 September 2019. The EPA alleges that water overflowed from the tailings storage dam during heavy rainfall, causing sediment-laden water to flow into Spring Creek."

8.2 Big Island Planning Agreement - Community Consultation Following Public Exhibition (Ref: ; Author: Thompson/Carswell) (Continued)

The company referenced in the media release is the same as that referenced in the Planning Agreement although the management structure has changed with its acquisition by Aurelia Metals Limited.

Financial

Amendments of this type involve both staff administrative costs and external legal costs with the latter arising from Council's legal advisers reviewing the relevant documents and providing advice.

At the time of drafting this report it is estimated that external costs could amount to a maximum of \$5,000.

Integrated Plan

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

Conclusion

This Deed of Amendment and Planning Agreement applies to the Dargues Reef Gold Mine Project at Majors Creek and generally updates the current planning agreement which was originally executed on 15 February 2013. Submissions have been received, considered, and responded to and generally relate to conditions of approval which are the responsibility of the Department of Planning, Industry and Environment to administer as the determining authority. All matters considered, it is recommended that the Deed of Amendment be adopted with minor amendments to the exhibited version of the documents which have arisen from there being a new owner as well as any other necessary minor amendments and that the Mayor and Chief Executive Officer be delegated to execute the Deed of Amendment.

Attachments

- | | |
|--|---|
| Attachment 1 | Deed of Amendment (<i>Under Separate Cover</i>) |
|  Attachment 2 | Annexure A Amended Planning Agreement (<i>Under Separate Cover</i>) |
|  Attachment 3 | Annexure B Explanatory Memorandum (<i>Under Separate Cover</i>) |
|  Attachment 4 | Submissions (<i>Under Separate Cover</i>) |
|  | |

8.3 Main Streets Upgrade Fund (Author: Thompson/Carswell)

File Reference: 16.5.1-14

Summary

It is proposed Council establish a Main Streets Upgrade Fund similar to the Main Streets Improvement Fund operated by the former Queanbeyan City Council between 2001 and 2010. To fund this, it is recommended that the Special Heritage Grants fund be suspended for a two-year period and that the annual allocation of \$150,000 be redirected to this Fund. At the end of that period, the suspension would be reviewed as well as the operation of the new fund and a report prepared for Council's further consideration.

Recommendation

That Council:

- 1. Establish a new a Main Streets Upgrade Fund to be administered in accordance with the Guidelines attached to this report.**
 - 2. Suspend the Special Heritage Fund Grants for the financial years 2021/2022 and 2022/2023 to use the annual recurrent allocation of \$150,000 for the Main Streets Upgrade Fund.**
 - 3. Review the suspension of the Special Heritage Fund Grants and the operation Main Streets Upgrade Fund towards the end of the financial year 2022/2023.**
-

Background

The purpose of this report is to recommend the establishment of a Main Streets Upgrade Fund not dissimilar to the Main Streets Improvement Fund operated by the former Queanbeyan City Council between 2001 and 2011. To fund this, it is recommended that the Special Heritage Grants Fund be suspended for a two-year period and that the annual recurring allocation of \$150,000 be redirected to create the Main Streets Upgrade Fund. This would not include the carryover of any grant funds from the present financial year. At the end of the financial year 2022/2023 this suspension of the Special Heritage Grant Fund would be reviewed as well as the new program, with Council to consider both then.

It is considered that the establishment of this type of fund is timely given that the Monaro Street upgrade is about to commence which is an important component of *Renew 2620*. It also has the potential to complement the State Government's support of promoting the heritage tourism potential of Braidwood.

Overview of the Upgrade Fund

The purpose of the fund is to encourage a positive improvement in the overall appearance of commercial buildings in the main streets of the Queanbeyan CBD and the main street of Braidwood. Preference would be given to heritage listed buildings, but other buildings would not be excluded. Funding would be by application, be on a \$1 for \$1 basis up to a maximum of \$5,000 per site and applications would be competitive. In cases where development consent is required this would have to be obtained prior to any works being undertaken. Examples of works that may be funded include:

- Exterior painting and shop front decorations;
- External repairs, replacement, or refurbishment of building facades;
- Removal of external unused signs.

8.3 Main Streets Upgrade Fund (Author: Thompson/Carswell) (Continued)

However, there would also be some works that would not be funded. Examples would include:

- The installation of security devices or grills;
- New additions or extensions;
- Works already fully or partially completed (i.e. retrospective funding would not be supported).

Focus of the Fund and Exclusion of certain types of businesses

The initial focus and purpose of the Fund is primarily on the Queanbeyan CBD and the main street of Braidwood as complementary to the upgrade of Monaro Street and *Renew 2620* in , Queanbeyan, as well the Government's encouragement of heritage tourism for Braidwood. While Bungendore does not have the traditional high street that Queanbeyan and Braidwood have, there are elements of it in Gibraltar Street that may be considered upon application.

The Fund is also proposed to exclude applications from licenced Clubs and Hotels. This is because it is considered likely that these types of businesses will be in a better financial position to fund upgrades than other businesses in the CBDs. However, if a meritorious case could be made to vary the fund for a particular application, then Council could still choose to vary the Guidelines.

Implications***Legal***

Where development consent is required for a project to be funded under this fund this would be required prior to any funds being made available to a grantee.

Policy

The proposed funding is a new policy for Council and is accompanied by guidelines (Attachment 1).

Environmental

The fund is considered to have potential for positive environmental impacts.

Sustainability

The fund is considered to have the potential to extend the life of the external fabric of buildings where funds have been used for these types of upgrades.

Social / Cultural

The fund is considered to have the potential to have positive social/cultural impacts particularly where it is used to upgrade heritage listed buildings.

Economic

The fund is considered to provide short term positive economic impacts.

Strategic

The fund is directed towards an overall strategy of improving the appearance of the main streets of Queanbeyan and Braidwood. As such it has the potential to complement an important objective of *Renew 2620* which is to *improve the accessibility and appeal of the CBD for residents and visitors*.

It also has the potential to complement the State Government's support of promoting the heritage tourism potential of Braidwood which has manifested itself in the government funding a new Braidwood Heritage Centre at the Braidwood Museum site in Wallace Street.

8.3 Main Streets Upgrade Fund (Author: Thompson/Carswell) (Continued)

Engagement

At this stage internal consultation has occurred and it is not intended to engage in public consultation regarding the Guidelines (Attachment 1).

Financial

From July 2021 to June 2023 it is proposed that the Special Heritage Fund be suspended and that its funds amounting to \$300,000 over that two year period be redirected to the new Main Streets Upgrade Fund at the rate of \$150,000 per annum. Applications for the use of these funds would be competitive and capped and be used for funding specified projects on a dollar for dollar basis up to a maximum Council contribution of \$5,000 per project. This would see a minimum of 30 projects being supported each year. At the end of two years the program would be reviewed, and a report prepared to Council regarding the fund and the reinstatement of the Special Heritage Fund.

Integrated Plan

It is considered that the establishment of this sort of fund is another means of achieving Community Strategic Goal 3.2 being *Our region's urban landscapes are well managed and maintained promoting community pride.*

Conclusion

This report recommends the establishment of a Main Streets Upgrade Fund similar to the Main Streets Improvement Fund operated by the former Queanbeyan City Council. To fund this, it is recommended that the Special Heritage Grants fund be suspended for a two year period and that the annual allocation of \$150,000 be redirected to this fund. At the end of that period the situation would be reviewed, and a report prepared for Council's consideration.

The establishment of this type of Fund is timely given that the Monaro Street upgrade is about to commence being an important component of *Renew 2620*. It also has the potential to complement the State Government's support of promoting the heritage tourism potential in Wallace Street of Braidwood. Gibraltar Street properties in Bungendore may also be eligible.

Attachments

Attachment 1 Main Street Upgrade Fund 2021 Guidelines (*Under Separate Cover*)



File Reference: 11.1.1-07

Recommendation

That the report be received for information.

Report

Since 2018, Council has been working with Government and the private developers (Riverview and VBC) and owners (Robin) to realise the ambitions of Council espoused in its strategic plan, business case and grant proposals, to develop the South Jerra employment and residential lands. Together with the \$23m Government grant, Council committed up to \$8m to construct the enabling road, paths, utilities, communications and fibre infrastructure as the catalyst to attract private investment into the innovation precinct and enable connectivity to the (Tralee) residential estate. Council also facilitated a \$7m housing acceleration grant for the latter. The 'Poplars Innovation Precinct' is expected to cluster defence, space, renewable, recycling and cybersecurity technology enterprise into the business park. The infrastructure works are expected to be complete mid-2021. Council has endorsed the updated West Jerra DCP and structure plans for the business park and light industrial sections of the precinct.

Consequent to that public investment, serviced sites are to be dedicated to Government and Council to enable construction of the Jerra High School, regional sports complex, R&D innovation hub, and intermodal facility.

The Poplars Innovation Precinct has recently been announced by the NSW Government as a 'Regional Jobs Precinct'. Regional Job Precincts are an extension of the Special Activation Precinct program. They aim to provide planning support to help fast-track approvals to drive growth, investment and development opportunities within regional NSW. Funding for Regional Job Precincts is derived from the \$4.2 billion Snowy Hydro Legacy Fund.

The Poplars Innovation Precinct is one of four locations to be part of the initial round of this program. The Poplars site was chosen because it is aligned with region-specific engine industries and has businesses that are ready for development as identified in QPRC's Regional Economic Development Strategy.

By driving planning reform, Regional Job Precincts aim to deliver faster and improved planning processes to provide local councils, regional communities, industry and businesses with greater confidence around future investment and development, leading to rapid investment opportunities and job creation.

The NSW Government will work closely with council to build on the long-term strategic planning work already done at a state and local level, to streamline planning processes and make it easier for businesses to set-up or expand.

**9.1 Regional Jobs Precinct - South Jerra (Poplars) (Ref: ; Author: Richards/Darcy)
(Continued)**

How will Regional Job Precincts work?

This specialised support will occur in a 6-step process:

- Step 1 – identify the gaps and barriers to economic growth in the local planning system
- Step 2 – Council will work with the NSW Government to address the planning barriers
- Step 3 – Preparation of a plan outlining recommended changes to the local planning system
- Step 4 – Specialist studies and community consultation will be commissioned
- Step 5 – NSW Government will support and drive the implementation of required planning instrument changes
- Step 6 – Ongoing case management and support to attract investors will be provided.

What are the benefits?

Regional Job Precincts are part of the NSW Government's commitment to support regional communities and accelerate economic growth in regional NSW. Several benefits are derived from being nominated as a Regional Jobs Precinct.

1. Planning Support - The NSW Government will work directly with Council and the community to improve local planning processes to unlock investment and growth opportunities in the QPRC economy. The NSW Government will provide a team of specialist planners who will work with councils, businesses and communities to identify their needs, audit local planning rules and find opportunities to streamline processes and progress existing developments to drive investment and job creation. Support will also be provided to make any identified changes to the LEP or SEPP.
2. Technical Reports – Support will be provided to complete any required technical reports for planning requirements or to enable the precinct to meet its potential in enabling industry and creating more jobs.

Community members in the Regional Job Precinct locations will have the opportunity to provide feedback throughout the development of the precincts. Updates on upcoming community engagement opportunities will be communicated across local council and NSW Government communication channels.

The official launch of the Poplars Regional Job Precinct was announced by the local member and Deputy Premier on 5 March.

Attachments

Nil

10.1 Minutes of the QPRC Heritage Advisory Committee Meeting held 18 February 2021 (Ref: ; Author: Thompson/McCauley)

File Reference: 26.5.1-08

Summary

The Minutes of the QPRC Heritage Advisory Committee meeting of 18 February 2021 are presented to Council for consideration.

Recommendation

That Council:

1. Note the Minutes of QPRC Heritage Advisory Committee held on 18 February 2021.
2. Consider recommendations QPRC HAC 02/21 and QPRC HAC 03/21 from the meeting held on 18 February 2021.

QPRC HAC 02/21 **That Council consider increasing the Heritage Awards prize money from the current \$1,000 to \$2,000 in the 2021-22 Operational Plan given that there has not been an increase for many years.**

QPRC HAC 03/21 **That Council carry out an assessment of the exterior of the change rooms in Queanbeyan Park with a view to funding upgrade works in the 2021-22 Operational Plan given the exterior's poor condition.**

Attachments

Attachment 1 Minutes of the QPRC Heritage Advisory Committee Meeting held on 18 February 2021 (*Under Separate Cover*)


**10.2 Minutes of the Braidwood and Curtilage Heritage Advisory Committee
Meeting held 11 February 2021 (Ref: ; Author: Thompson/McCauley)**

File Reference: 26.5.1-07

Summary

The Minutes of the Braidwood and Curtilage Heritage Advisory Committee meeting of 11 February 2021 are presented to Council for consideration.

Recommendation

That Council note the Minutes of Braidwood and Curtilage Heritage Advisory Committee meeting held on 11 February 2021.

Attachments

Attachment 1  Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held on 11 February 2021 (*Under Separate Cover*)

11.1 Bungendore Education Precinct (Author: Marshall/Marshall)

File Reference: 10 March 2021 motions

Notice

Councillor Peter Marshall will move the following motion:

Motion

That Council Resolution 211/20 parts 2, 5 and 6 be made conditional on development consent being granted for the Bungendore Education Precinct (high school).

Background

On 28 October 2020, Council resolved as below in relation to the building of a high school in Bungendore, to form an "education precinct". The building of a high school in Bungendore is subject to development consent being granted. Should development consent not be granted, it would not be in the interests of Queanbeyan-Palerang Regional Council, the NSW Department of Education nor the Bungendore community to enact all elements of Resolution 211/20. Resolution 211/20 should therefore be amended accordingly.

For clarity, those parts that should be made conditional on development being granted for the Education precinct (high school). are parts 2, 5 and 6. Part 3 relates to Abbeyfield and Council may wish to retain its options for that proposal.

"211/20 RESOLVED

That Council:

1. *Note the report on the Bungendore Education Precinct proposal, the scope and sequencing of works associated with the construction; and impacts on Council and community assets.*
2. *Support the proposal from NSW Department of Education (DoE) in terms of:*
 - a. *providing support for the establishment of the education precinct and shared-use of facilities;*
 - b. *agreeing to the sale of 2, 4-6 Majara St, 10 Majara St, and the Majara road reserve between Turallo Terrace and Gibraltar St to DoE, based on independent valuations;*
 - c. *authorising the road closure of that above part of Majara St road reserve;*
 - d. *authorising the CEO to negotiate terms of joint use agreements (MoU) of the Mick Sherd Oval, primary school oval; game courts, reserve, library, multipurpose hall, and sports hub in line with the attachment;*
 - e. *noting detail design and traffic plans will form part of a SSDA by DoE for approval by the Minister.*
3. *Support reassigning the Abbeyfield aged care residential site from 4-6 Majara St to approx. 1800m² site at Majara St road reserve north of Turallo Tce, and take steps to make necessary planning and administrative actions to enable that use, including:*
 - a. *authorising closure of that part of Majara St road reserve;*

11.1 Bungendore Education Precinct (Author: Marshall/Marshall) (Continued)

- b. undertaking site compatibility planning assessment to enable aged care residential use on that closed section of Majara St;*
 - c. arranging a peppercorn licence to Abbeyfield to develop and occupy the site as an aged care residential facility.*
- 4. Further to 2 and 3, amend the Operational Plan to disclose:*
 - a. the closure of relevant sections of roads;*
 - b. subdivision and repurposing of part crown reserves;*
 - c. sale of Council properties at 2, 4-6 Majara St, and 10 Majara St;*
 - d. leasing of part Majara St road reserve to Abbeyfield Housing under licence;*
 - e. exhibit for community feedback for 28 days and report back to Council.*
- 5. Further to 2 and 3, authorise the CEO to identify suitable sites to establish a new Council office in Bungendore to replace the 10 Majara St facility, potentially incorporating a new depot, and report on options and associated estimates.*
- 6. Amend the Financial Plan to include the construction of a new office/depot, and outdoor aquatic facility in Bungendore; utilising proceeds of sale for the construction of the office/depot, and the DoE contribution, section 94 contributions and new borrowings of \$5m for the pool.*
- 7. Amend respective development contribution plans to assist debt servicing for those purposes."*

Attachments

Nil

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*.