



Planning and Strategy Committee of the Whole

AGENDA

12 May 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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LIST OF ATTACHMENTS –

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

Open Attachments

- Item 8.1 Modification Application DA 322-2015.A - Two Lot Subdivision - Request to Remove Condition Requiring Payment of Section 64 Contributions for New Jerrabomberra High School Site - 300 Lanyon Drive, Jerrabomberra
 - Attachment 1 DA 322-2015.A - Attachment 1 - 4.55(1A) Matters for Consideration (Under Separate Cover)*
 - Attachment 2 DA 322-2015.A - Attachment 2 - Applicant's Request and Justification (Under Separate Cover)*
- Item 8.2 Draft Bungendore Contributions Plan for Car Parking Facilities for Public Exhibition
 - Attachment 1 Draft Bungendore Contributions Plan for Car Parking Facilities (Under Separate Cover)*
- Item 8.3 Draft Mount Jerrabomberra Plan of Management for Public Exhibition
 - Attachment 1 Draft Mount Jerrabomberra Plan of Management (Under Separate Cover)*
- Item 9.1 World Environment Day Event and Education Trailer Launch
 - Attachment 1 Education Trailer Program Update (Under Separate Cover)*

Closed Attachments

Nil

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 **Modification Application DA 322-2015.A - Two Lot Subdivision - Request to Remove Condition Requiring Payment of Section 64 Contributions for New Jerrabomberra High School Site - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Perkins)**

File Reference: DA 322-2015.A

Summary

Reason for Referral to Council

This application has been referred to Council as it involves a policy matter that would see a significant variation to the application of Council's Developer Services Plan for Queanbeyan.

Proposal:	Modification to DA 322-2015 – Two lot Torrens title subdivision to create an allotment for the proposed Jerrabomberra High School site – Delete condition 9 requiring the payment of Section 64 water and sewer contributions.
Applicant/Owner:	Canberra Estates Consortium No 69 Pty Limited / Robin Pty Limited.
Subject Property:	Lot 1 DP 1263364, 300 Lanyon Drive, Jerrabomberra.
Zoning and Permissibility:	RE2 Private Recreation, E2 Environmental Conservation and B7 Business Park – Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013.
Public Submissions:	Nil
Issues Discussed:	Planning Requirements Developer Contributions
Disclosure of Political Donations and Gifts:	Applicant declared no donations or gifts to any councillor or staff have been made.

Recommendation

That Council not support the proposed modification to delete Condition 9 and Schedule 2 of DA 322-2015, but consent to the modification of Schedule 2 of DA 322-2015 as below to reflect the revised school capacity of 500 students.

Fee Description	Fee Due
<i>Contribution Plan</i>	
Water (Jerra)	\$140 002.65
Sewer (West)	\$37 424.09
<i>Total Contributions Payable</i>	<i>\$177 426.74</i>

Relevant Criteria on which these calculations were made:

- **25 sewer and 15 water equivalent tenements have been debited to this development.**

8.1 Modification Application DA 322-2015.A - Two Lot Subdivision - Request to Remove Condition Requiring Payment of Section 64 Contributions for New Jerrabomberra High School Site - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Perkins) (Continued)

Executive Summary

The subject application was lodged under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* and seeks to modify DA 322-2017 for a two lot Torrens title subdivision which will create a new allotment for the purposes of a future high school site. Specifically, the subject application seeks to delete Condition 9 and Schedule 2 requiring the payment of developer contributions for water and sewer services under Section 64 of the *Local Government Act 1993*.

DA 322-2015 was approved by Council's Planning and Strategy Committee at its meeting of 10 March 2021. Proposed Lot 2 is a 4.5ha parcel intended to be dedicated to the NSW Department of Education for the purposes of a future high school (the school site). The school site is being created for the purposes of satisfying a commitment under the *South Tralee – South Jerrabomberra Urban Release Area Planning Agreement*.

Condition 9 of DA 322-2015 requires the payment of contributions for water and sewer to the value of \$354,853.49 (Water- \$280,005.31 and Sewer - \$74,848.18) under Section 64 of the *Local Government Act 1993*. These contributions were calculated based upon the future use of the site as a school with a student capacity of up to 1000 students. The Department of Education has subsequently identified that the design capacity for the school is 500 students. Based on these revised student numbers the required contributions should be \$177,426.74 (Water- \$140,002.65 and Sewer - \$37,424.09).

The subject modification seeks to delete Condition 9 and Schedule 2 of DA 322-2015 to remove the requirement to pay Section 64 contributions. The applicant seeks to justify the proposed modification based upon the benefit the future school will provide to the local community. A copy of applicant's request is provided in Attachment 2.

Under Section 5.5 of both the *Development Servicing Plan for Greater Queanbeyan City Council – Water Supply* and *Development Servicing Plan for Greater Queanbeyan City Council – Sewerage* Council may waive developer contributions that would ordinarily be attributable to subdivision/development where the proponent demonstrates to Council's satisfaction that it is a non-profit and charitable organisation which by virtue of carrying out such a development, is considered by Council to be making a significant and positive contribution to the community.

While Council may choose to waive the developer contributions, it is important to consider that this would in turn be passing the future costs usually incurred by the developer onto Council and that these costs will need to be appropriately budgeted for. Accordingly it is recommended that Condition 9 and Schedule 2 be modified to reflect the actual school capacity confirmed by NSW Department of Education.

8.1 Modification Application DA 322-2015.A - Two Lot Subdivision - Request to Remove Condition Requiring Payment of Section 64 Contributions for New Jerrabomberra High School Site - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Perkins) (Continued)

Background

DA 322-2015 was approved by Council’s Planning and Strategy Committee at its meeting of 10 March 2021 for a two lot Torrens title subdivision. DA 322-2015 involved a Torrens title subdivision of lot 6 DP 719108 into two lots. Proposed lot 1 is a residual lot for the probability of private recreation and business development in the future and proposed lot 2 is intended to be used for the new Jerrabomberra High School (See Figure 1 below). Since the approval of the original development consent Council has received confirmation from the NSW Department of Education that the design capacity of the high school is 500 students as opposed to 1000 students as was assumed under DA 322-2015.

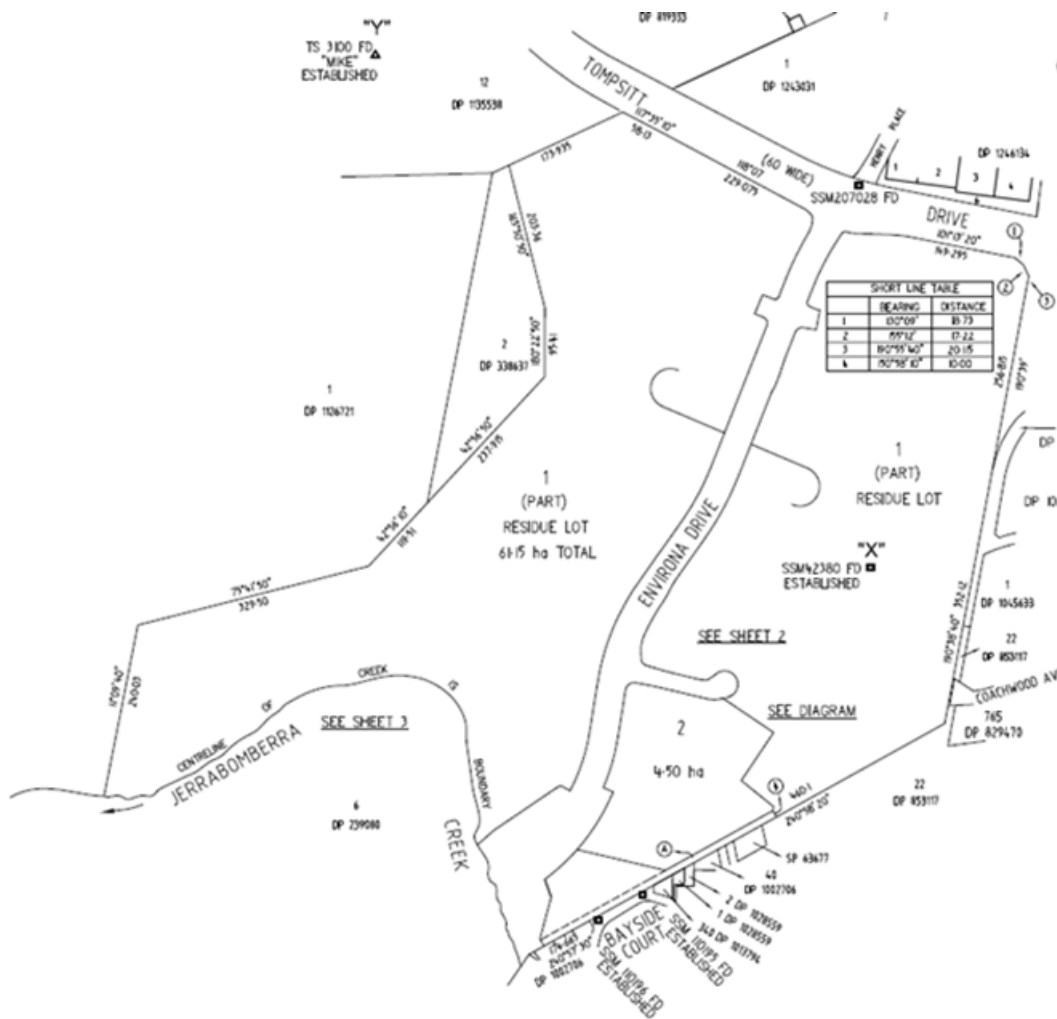


Figure 1: Approved Subdivision Plan

8.1 Modification Application DA 322-2015.A - Two Lot Subdivision - Request to Remove Condition Requiring Payment of Section 64 Contributions for New Jerrabomberra High School Site - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Perkins) (Continued)

Proposed Development

The subject modification application seeks Council approval for the modification of DA 322-2015 for a two lot Torrens title subdivision for the purposes of a future high school site under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. Specifically, the subject application seeks to delete Condition 9 and Schedule 2 requiring the payment of developer contributions for water and sewer services under Section 64 of the *Local Government Act 1993*. Condition 9 of DA 322-2015 currently reads as follows:

9. Contributions to Be Paid

Prior to the lodgement of the Notice to Commence Building Work and Appointment of a Principal Certifying Authority the contributions specified in Schedule 2 of this consent must be paid to Council under the provisions of Section 94/7.11/7.12 of the *Environmental Planning and Assessment Act 1979*, Section 64 of the *Local Government Act 1993* and Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000*.

Reason: To provide for the funding of augmentation and provision of services and community facilities.

An extract of the relevant portion of Schedule 2 of DA 322-2015 is provided below:

Fee Description	Fee Due
<i>Contribution Plan</i>	
Water (Jerra)	\$280 005.31
Sewer (West)	\$74 848.18
<i>Total Contributions Payable</i>	\$354 853.49

Relevant Criteria on which these calculations were made:

50 sewer and 30 water equivalent tenements have been debited to this development.

Subject Property

The subject site is legally described as Lot 6 DP 719108 and is commonly known as 300 Lanyon Drive. The site is located on the southern side of Tomsitt Drive and has an area of 72.019 hectares (See Figure 2 below). Figure 3 below shows the likely future configuration of the South Poplars area.

8.1 Modification Application DA 322-2015.A - Two Lot Subdivision - Request to Remove Condition Requiring Payment of Section 64 Contributions for New Jerrabomberra High School Site - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Perkins) (Continued)



Figure 2: Subject Site



Figure 3: Extract from South Poplars Neighbourhood Structure Plan

8.1 Modification Application DA 322-2015.A - Two Lot Subdivision - Request to Remove Condition Requiring Payment of Section 64 Contributions for New Jerrabomberra High School Site - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Perkins) (Continued)

Existing development on the site comprises a number of dams but no physical structures are present on the site. There are significant civil works being undertaken on the land by Council which is constructing the northern portion of Enviorna Drive and associated servicing infrastructure. Vehicular access is provided to the site via Tompsitt Drive and the currently under construction Enviorna Drive.

Planning Requirements

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

In brief, the subject application is for the purposes of a modification to delete a condition of consent and involves no changes to the physical development. Thus, the performance of the development against the relevant statutory controls remains unchanged from that of the original development consent.

Other Comments(a) Development Engineer's Comments

Council's Development Engineer has commented on the proposal as follows.

Development Engineering notes that for other similar proposals for public education establishments Council has received payment of Section 64 Contributions from the NSW Department of Education in recognition of the additional load represented by the development and resulting need for maintenance and augmentation of the system. The nuance in this situation is that the developer is required to pay the contributions prior to the creation of the lot rather than the NSW Department of Education at the time of construction of the proposed School.

It is further noted, that in the original consent Council has already provided the developer with a discount by calculating the contributions based upon the likely future use of the site as school resulting in 30 ETs for water and 50 ETs for sewer. This approach is contrary to the Water Directorate's *Section 64 Determinations of Equivalent Tenements Guideline* which establishes that for land with an unknown future use contributions should be calculated at a rate of 15 ETs per hectare resulting in a contribution of 67.5 ETs for water and 67.5 ETs for sewer for the proposed lot.

Since the lodgement of the subject modification application Council has received confirmation from the NSW Department of Education that the design capacity of the proposed high school is 500 student, not 1000 as previously assumed for the purposes of contribution calculations. Based upon this revised figure the ETs for the development should be as follows.

<u>Item</u>	<u>No of Units</u>	<u>ETs per Unit</u>	<u>ETs</u>
<u>Water (Jerra)</u>	People		
Proposed School	500	0.03	15
<u>TOTAL</u>			15

<u>Item</u>	<u>No of Units</u>	<u>ETs per Unit</u>	<u>ETs</u>
<u>Sewer (West)</u>	People		
Proposed School	500	0.05	25
<u>TOTAL</u>			25

8.1 Modification Application DA 322-2015.A - Two Lot Subdivision - Request to Remove Condition Requiring Payment of Section 64 Contributions for New Jerrabomberra High School Site - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Perkins) (Continued)

Based on these revised student numbers, which provide a further discounted rate, the required contributions should be \$177,426.74 (Water- \$140,002.65 and Sewer - \$37,424.09).

(b) Community Connections Comments

Council's Utilities branch has commented on the proposal as follows.

Utilities do not support either the removal of Condition 9 as requested or the waiving of Section 64 contributions. Council is currently progressing the Queanbeyan Sewage Treatment Plant upgrade and the Queanbeyan Integrated Water Cycle Management Plan. To ensure ongoing protection of the public health, environment and regulatory & legislative compliance, these projects envision extremely large capital headworks upgrades to city-wide water and sewer headworks that service this area. It is appropriate that any development that consumes existing headworks capacity provides funds to upgrade headworks to service their development. Section 64 development contributions are the mechanism designed to capture these contributions. Waiving the development contributions for this, or any other project, increases the financial burden on existing ratepayers and provides a subsidy to developers of land.

Utilities does not hold a position on the relative merit of the argument of whether the NSW Government meets the criteria of a "non-profit and charitable organisation". If Council agrees that the proponent does meet this criteria and determines that they consider it appropriate to waive the development contributions, the waiver should take the form of a donation from the Council General Fund (Entity 10) to the respective externally restricted assets (the Queanbeyan Water Fund – Entity 20 and Queanbeyan Sewer Fund – Entity 30). This is to ensure that all ratepayers are equally burdened and not just those that pay water and sewer rates in Queanbeyan.

Financial Implications

Should Council choose to waive the fee and donate the funds it should be noted that there are presently no funds available to transfer from General Fund to the Water and Sewer Funds to facilitate such a donation. Funds would need to be identified by reducing or deleting projects or programs within the General Fund.

If Council simply waived the fees it would shift the cost of increased infrastructure maintenance as a result of the proposed use of the site from the Developer onto Council which would forgo a combined total of \$177,426.74 to the water and sewer funds.

Engagement

The subject application was not required to be publicly notified in accordance with Council's *Community Engagement and Participation Plan*.

8.1 Modification Application DA 322-2015.A - Two Lot Subdivision - Request to Remove Condition Requiring Payment of Section 64 Contributions for New Jerrabomberra High School Site - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Perkins) (Continued)

Compliance or Policy Implications

Historically, Council staff have firmly held that the NSW Department of Education should be required to pay Section 64 contributions in recognition of dilapidation of infrastructure imposed by such developments. The NSW Department of Education has agreed to this position and willingly paid Section 64 contributions for several school developments within the Local Government Area. However, it should be noted that in this case the Department of Education is unlikely to accept the site if section 64 contributions are outstanding. As a result, it is likely the responsibility for paying the contributions will fall to the developer in order to allow the new allotment to be created. If Council resolves to waive the subject contributions it is likely to establish a reasonable precedent that future contributions such as the Bungendore High School project will also be waived.

Conclusion

The submitted proposal seeks to modify DA 322-2015.A for a two lot Torrens title subdivision to delete condition 9 relating to the payment of Section 64 contributions. If approved the modification will pass the cost of consuming existing headworks capacity throughout the future use of the site as a high school from the developer onto Council.

The proposal has been assessed under Section 4.15(1A) of the *Environmental Planning & Assessment Act 1979* and the proposed modification satisfies the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

Council has three options available to determine this application.

Option 1 – Waive the required contribution by deleting Condition 9 and forgoing the contribution. If this is the preferred option, the proposed wording for an appropriate resolution would be:

1. That in recognition of the community benefit of the development, Council waive the requirement to pay Section 64 contributions in accordance with Section 5.5 of the *Development Servicing Plan for Greater Queanbeyan City Council – Water Supply* and *Development Servicing Plan for Greater Queanbeyan City Council – Sewerage*.
2. That modification application 322-2015.A be approved, and that Condition 9 and Schedule 2 be deleted.

Option 2 – Waive the required contribution by deleting Condition 9 and recoup the shortfall to Water and Sewer Funds from the General Fund. If this is the preferred option, the proposed wording for an appropriate resolution would be:

1. That in recognition of the community benefit of the development, Council waive the requirement to pay Section 64 contributions in accordance with Section 5.5 of the *Development Servicing Plan for Greater Queanbeyan City Council – Water Supply* and *Development Servicing Plan for Greater Queanbeyan City Council – Sewerage*. The short fall in contribution be made in the form of a donation from the Council General Fund (Entity 10) to the respective externally restricted assets (the Queanbeyan Water Fund – Entity 20 and Queanbeyan Sewer Fund – Entity 30).
2. That modification application 322-2015.A be approved, and that Condition 9 and Schedule 2 be deleted.

8.1 Modification Application DA 322-2015.A - Two Lot Subdivision - Request to Remove Condition Requiring Payment of Section 64 Contributions for New Jerrabomberra High School Site - 300 Lanyon Drive, Jerrabomberra (Ref: ; Author: Thompson/Perkins) (Continued)

Option 3 - Council does not support the proposed modification to delete Condition 9 and Schedule 2 of DA 322-2015, but consents to the modification of Schedule 2 of 322-2015 as below to reflect the revised school capacity of 500 student:

If this is the preferred option, the proposed wording for an appropriate resolution would be:

1. That Council not support the proposed modification to delete Condition 9 and Schedule 2 of DA 322-2015, but consent to the modification of Schedule 2 of DA 322-2015 as below to reflect the revised school capacity of 500 students.

Fee Description	Fee Due
<i>Contribution Plan</i>	
Water (Jerra)	\$140 002.65
Sewer (West)	\$37 424.09
<i>Total Contributions Payable</i>	<i>\$177 426.74</i>

Relevant Criteria on which these calculations were made:

25 sewer and 15 water equivalent tenements have been debited to this development.

Option 3 is the recommended course of action given that calculating the charges based on 500 students already provides a significant discount to the charges that would be made if the development were assessed in accordance with the Water Directorate's *Section 64 Determinations of Equivalent Tenements Guideline* and that the Department of Education is not a charity organisation.

Attachments

- | | |
|--------------|--|
| Attachment 1 | DA 322-2015.A - Attachment 1 - 4.55(1A) Matters for Consideration
(Under Separate Cover) |
| Attachment 2 | DA 322-2015.A - Attachment 2 - Applicant's Request and Justification
(Under Separate Cover) |

8.2 Draft Bungendore Contributions Plan for Car Parking Facilities for Public Exhibition (Ref: ; Author: Thompson/Meyer)

File Reference: 21.4.1

Summary

Developer contributions for the Bungendore Town Centre Car Park are currently collected under *Local Infrastructure Contributions Plan No. 11 for the Provision of Public Off-Street Carparking at Bungendore*, which was originally prepared and adopted by the former Palerang Council in 2011.

Given the plan is now more than ten years old, it was timely for it to be reviewed as part of Council's broader review of its local infrastructure contributions plans. That review found several areas where the plan needed changes.

As such, a new plan has been prepared - the Draft Bungendore Contributions Plan for Car Parking Facilities ('the Draft Contributions Plan'). The Draft Contributions Plan provides a better, contemporary framework for the efficient and equitable determination, collection and management of development contributions toward the provision of the Bungendore Town Centre Car Park and associated facilities and infrastructure.

Recommendation

That:

- 1. Council endorse the Draft Bungendore Development Contributions Plan for Car Parking Facilities for public exhibition for a period of 28 days.**
 - 2. The outcomes of the exhibition period be reported back to Council prior to considering the Plan's adoption.**
-

Background

The former Palerang Council, in its *Bungendore Discussion Paper 2006*, identified the need for a formal off-street car park within Bungendore's Town Centre. In the following years, it identified the site for the car park, purchased land for part (Stage 1) of the car park and re-zoned (to SP2) all land identified for the car park (including land for Stage 2 of the car park, not yet purchased). It also prepared and adopted the *Local Infrastructure Contributions Plan No. 11 for the Provision of Public Off-Street Carparking at Bungendore* ('Contributions Plan No. 11') to assist it in funding the car park.

Contributions Plan No. 11 was originally adopted by Palerang Council on 5 April 2011. The plan applies to all land within the Bungendore Town Centre zoned B2 Local Centre or B4 Mixed Use under the LEP. The Plan requires that any development within the Bungendore Town Centre generating the need for additional car parking, but not able to provide that extra car parking, is to pay a contribution of \$12,485 per car space required.

8.2 Draft Bungendore Contributions Plan for Car Parking Facilities for Public Exhibition (Ref: ; Author: Thompson/Meyer) (Continued)

Contributions Plan No. 11 has been amended twice over its decade of operation – in 2013 and 2018. Those amendments were for minor technical matters only. The Plan is now considered to be somewhat outdated and not equitable in its application, especially given the completion of more detailed costings and final design for the car park, as well as recent and emerging population and development trends within the broader Bungendore township. As such, the Draft Bungendore Contributions Plan for Car Parking Facilities (‘the Draft Contributions Plan’) has been prepared and is included in Attachment 1.

The Draft Contributions Plan contains three significant changes to substantially improve its effectiveness and equity.

Firstly, the Draft Contributions Plan contains a revised Schedule of Works and Costs, which considers the detailed costings and final design prepared for the car park. The Schedule of Works and Costs in the Draft Contributions Plan reflects the cost of designing and constructing the car park in current terms – that cost being almost \$1.8 million, as opposed to the estimate of \$1,000,000 in Contributions Plan No. 11.

Secondly, the cost of acquiring land for the car park has been removed from the calculations for the levies which would be imposed under the operation of the Draft Contributions Plan. This was done to ease the burden on the community, and particularly Bungendore’s business community – i.e. those wishing to develop within the Town Centre’s business zones. As such, the base levy on land in the B2 and B4 zones under the Draft Contributions Plan would be \$6,715, as opposed to \$12,485 under the existing Contributions Plan No. 11. If land acquisition is included in the calculation, the levy would be \$10,960, which is still lower than the levy under the current plan.

Thirdly, the burden of paying contributions for the Bungendore Town Centre Car Park has been reasonably spread across more of the Bungendore community to better capture all parties benefiting from provision of the car park, therefore ensuring a more equitable plan. This has been done by applying the Draft Contributions Plan to all residential land in the Bungendore township. Under the plan, a levy of \$655 will be payable on each new lot created in a sub-division, or each new dwelling created within the existing residential areas. If land acquisition is also included in the calculation for this levy, it would be \$1,070 per new lot or dwelling.

A discounting mechanism has also been introduced in the Draft Development Contributions Plan. This applies to non-residential development in the B2 and B4 zones only. It gives Council the discretion to reduce a contribution by up to 50%, provided it can be justified against criteria provided and supported by a traffic impact assessment. It is envisaged this mechanism be used in instances where the imposition of the full levy may discourage the establishment or expansion of a business in the town centre.

Overall, the Draft Contributions Plan reflects recent changes and improvements to contributions plans in the ten years since Contributions Plan No. 11 was introduced. It also establishes a much clearer, stronger relationship (or ‘nexus’) between the Bungendore Town Centre Car Park and the development to be levied, thereby justifying the collection of the contributions which would be authorised by the Plan.

8.2 Draft Bungendore Contributions Plan for Car Parking Facilities for Public Exhibition (Ref: ; Author: Thompson/Meyer) (Continued)

The Draft Contributions Plan will raise more funding for the Bungendore Town Centre Car Park than the existing Contributions Plan No. 11, and in a far more reasonable and equitable manner.

Implications

Legal

The Draft Contributions Plan has been prepared in accordance with Section 7.11 of the *Environmental Planning and Assessment Act 1979* and Clauses 26 and 27 of the *Environmental Planning and Assessment Regulation 2000*.

Policy

The Draft Contributions Plan reflects the relevant key goals of Council's *Community Strategic Plan 2018-2028* (specifically, Key Goals 2.1.1, 4.1.1 and 4.1.6), as well as the relevant planning priorities contained within Council's Local Strategic Planning Statement (namely Priorities 3, 9 and 11). It also reflects the long-term vision for Bungendore and its town centre, as contained within *Bungendore Structure Plan 2048*.

Asset

The Draft Contributions Plan will provide a framework for the efficient and equitable determination, collection and management of monetary contributions towards the provision of a substantial public asset, namely the Bungendore Town Centre Car Park.

Economic

The Draft Contributions Plan relates to a car parking facility which will play a critical role in the economic viability of the Bungendore Town Centre. By ensuring an adequate supply of car parking spaces within convenient walking distance of retail, business, office, entertainment, leisure and community services within the Town Centre, it greatly assists in maintaining and boosting the functionality and amenity of the town centre, so that it is seen as a convenient and attractive destination by residents and visitors.

By better establishing the nexus, the Draft Contributions Plan for the Bungendore Town Centre Car Park will ensure the broader Queanbeyan-Palerang community is not unfairly burdened by the cost of providing the facility.

Strategic

As indicated, the Draft Contributions Plan has been prepared in accordance with both the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*, and reflects the relevant objectives and goals of Council's *Community Strategic Plan 2018-2048*, the Local Strategic Planning Statement and the *Bungendore Structure Plan 2048*.

Financial

The Draft Contributions Plan should raise a large proportion of the cost of construction of the asset, which is presently estimated to be approximately \$1.8 million. Should Council wish to include the cost of land purchases for future stages of the carpark the value of contributions would increase from \$6,715 to \$10,960 per carpark in the case of commercial development and from \$655 to \$1,070 per new lot or dwelling in the case of residential development. If it is Council's intention to include the cost of future land purchases in the Draft Contributions Plan this should be referenced in any resolution of Council.

8.2 Draft Bungendore Contributions Plan for Car Parking Facilities for Public Exhibition (Ref: ; Author: Thompson/Meyer) (Continued)

Resources (including staff)

The costs incurred so far include staff costs in reviewing Contributions Plan No. 11 as well as preparing the Draft Contributions Plan and drafting this report.

Conclusion

The Draft Bungendore Development Contributions Plan for Car Parking Facilities will greatly assist Council in raising funding for the Bungendore Town Centre Car Park in a far more reasonable, equitable and justifiable manner and it is recommended it be placed on public exhibition for comment.

Attachments

Attachment 1 Draft Bungendore Contributions Plan for Car Parking Facilities (*Under Separate Cover*)

**8.3 Draft Mount Jerrabomberra Plan of Management for Public Exhibition (Ref: ;
Author: Thompson/Abbott)**

File Reference: 26.2.1

Summary

The existing Plan of Management (PoM) for Mount Jerrabomberra was prepared for the former Queanbeyan City Council in 2004 and as such is 17 years old. The Mountain is an important and iconic environmental asset for Queanbeyan and as such has warranted having its own site specific PoM.

The PoM requires review due to its age, consideration of new bushfire management regimes and to take into account changes in operation of the site following the closure of the main access road to vehicular traffic approximately 10 years ago.

Eco Logical Australia have been engaged to provide the consultancy to review and undertake community consultation to prepare the new PoM in accordance with the *Local Government Act 1993* (LG Act). Councillors received a presentation from the consultant at a recent workshop.

Stage one consultation has been completed and the Draft PoM is now ready for public exhibition. It contains performance targets, actions for implementation and assessment measures that will be used by Council in the management of community land on Mount Jerrabomberra.

Recommendation

That:

- 1. Council endorse the draft Mount Jerrabomberra Plan of Management for public exhibition for a period of 28 days.**
 - 2. The outcomes of the exhibition period be reported back to Council prior to adoption.**
-

Background

Mount Jerrabomberra is natural bushland landscape of approximately 90ha. It is a gently rounded peak hill in the south-west of Queanbeyan and is surrounded by the urban areas of Karabar to the east, Queanbeyan West to the north and Jerrabomberra to the west and south.

Available land up to the 670m contour has been developed, with the remaining habitat of open forest and woodland providing a valuable environmental, recreational, and scenic asset, that is enjoyed for its various qualities by residents and visitors of Queanbeyan. The landscape feature has been reported to bring a sense of "Home" to travellers returning to Queanbeyan.

The summit at 783m consists of a ridgeline, comprised of Black Mountain sandstone, that runs in a roughly south-west/north-east direction. A number of gullies cut into the ridge system which are degraded and incised.

The vegetation of Mount Jerrabomberra is characterised by open native eucalypt woodland. The reserve boasts large mature trees and has been recognised as having important natural and cultural heritage values including the presence of rare plants and the potential to provide important habitat for several rare and threatened animals.

8.3 Draft Mount Jerrabomberra Plan of Management for Public Exhibition (Ref: ; Author: Thompson/Abbott) (Continued)

The land is in good condition, though disturbances include the public road to summit, large numbers of walking tracks and some erosion caused by removal of ground cover by trail bikes and water flow over time. There are areas of introduced non local plants such as *Pinus radiata* and Cootamundra wattle, evidence of firewood gathering and cubby house making activities, but generally the Mountain is in excellent condition given that it is surrounded by urban areas.

Assets include some essential operational infrastructure for water supply and telecommunications located on the slopes and peak of the mountain.

Fire management is an important aspect of the PoM as the Council has a responsibility as land manager to try to prevent and minimise the spread of bush fire. Fire is a threat to the environment, residents and infrastructure. This PoM has incorporated fire management as part of the plan and as such supersedes the previous Mount Jerrabomberra Bushfire Management Plan by including the following aspects:

- prioritise protecting life, property and community assets from fire impacts;
- addressing the risk of fire;
- setting out a plan for a cooperative and coordinated fire management plan which has included firefighting authorities, reserve neighbours and the community; and
- includes a fire management plan for the reserve to meet the obligations for the Council as a landowner

Following a recent Councillor workshop the PoM has now been finalised and is ready for public exhibition. A copy of the proposed PoM to be exhibited is provided in Attachment 1. Some editorial changes relating to fonts and layout are still to be finalised.

Implications***Legal***

This Draft PoM has been prepared in accordance with Section 36 of the *Local Government Act 1993 (Act)*, Section 3.23 of the *Crown Land Management Act 2016*, and other legislation, as well as Council's desire to produce a consistent and effective set of guidelines governing the management of community land.

All bushland must have a plan of management that addresses core objectives specified in the Act. The 12 core objectives for managing natural areas and bushland generally aim to protect and enhance the natural values of the land while facilitating public access.

Environmental

The core objectives for management of community land categorised as bushland are:

- a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and
- b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
- d) to restore degraded bushland, and
- e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- g) to protect bushland as a natural stabiliser of the soil surface.

8.3 Draft Mount Jerrabomberra Plan of Management for Public Exhibition (Ref: ; Author: Thompson/Abbott) (Continued)

Asset

The Act defines that all land in the ownership of Council is classified as either 'community' or 'operational'. Land classified as operational land is usually not intended for use by the public. Operational land within the boundaries of the Mount Jerrabomberra Reserve have been identified in the Plan, but no management actions attributed to it.

Social / Cultural

Council acknowledges that the bushland is within the lands of the Ngambri Aboriginal people, who are the traditional custodians of the lands on which Mount Jerrabomberra stands. The Mountain also provides an extensively used passive recreation area for many residents in the City.

Strategic

In 2004 Council prepared the last site specific Plan of Management for Mount Jerrabomberra. The Draft Plan of Management for Mount Jerrabomberra is a revision and incorporation of the existing documentation, which, represents an analysis and review of the existing body of available knowledge for Mount Jerrabomberra and builds a new comprehensive Plan of Management incorporating necessary actions.

A first round of community engagement has been undertaken and new recommended actions prepared to meet current and future requirements for the safety and protection of the environment, assets and community. Endorsement of the Draft Plan will open exhibition for a second round of public consultation, as a major requirement of the project to gather community views and values about the management of the Mountain and integrate these with the legal obligations of Council as the land manager.

Engagement

Round one consultation for preparation of the Draft PoM included the following community engagement activities:

- In-park and online survey
- Open Day on the Mountain
- Stakeholder consultation interviews
- Meeting with Council staff
- Councillor Workshop
- Review of community and stakeholder feedback

A public survey was available for a 3 week period on the "Your Voice" website. A total of 260 people viewed the site and 138 responses were received.

General Issues and themes identified in the consultation include:

- The Mountain is a significant landmark in the area
- Biodiversity and natural bushland character highly valued
- Condition of bushland has improved since the closure of Jerrabomberra Hill Rd
- Bushfire management complexity of working with both RFS and Fire and Rescue
- Hazard reduction burns have not occurred in the last three years
- Frequent usage by residents in walking distance of the reserve
- Reserve is utilised for a range of recreational activities
- Lack of formal track network and signage, some unauthorised track activity
- Landcare and other groups volunteer on site, significant public resource
- Resident concerns around installation of amenities in car parks at base of reserve

8.3 Draft Mount Jerrabomberra Plan of Management for Public Exhibition (Ref: ; Author: Thompson/Abbott) (Continued)

- Presence of weed species on reserve fringes, and existing pine plantation
- Identify tracks for shared use, mountain biking and walking
- Formalisation of tracks and improve signage, including maps and code of conduct
- Progressive removal of wilding pine plantation
- Provision of amenities at the top of the reserve
- Improve accessibility
- Investigate opportunities to purchase private land adjacent and within the reserve

Conclusion

The Draft Mount Jerrabomberra Plan of Management will assist Council in meeting its obligations as a land manager and supporting the community values and will result in positive actions being implemented to protect the landscape and diversity it sustains into the future. The draft PoM is recommended for public exhibition.

Attachments

Attachment 1 Draft Mount Jerrabomberra Plan of Management (*Under Separate Cover*)

9.1 World Environment Day Event and Education Trailer Launch (Ref: ; Author: Thompson/Reczek)

File Reference: 25.1.1-16

Report

In February 2020 Council approved changes to the QPRC Environmental Expo to include a new mobile environmental education program using the QPRC Environmental Education Trailer. Refurbishment of the trailer was undertaken throughout 2020 during the stand-down of most community engagement projects due to the coronavirus pandemic. The Education Trailer is nearing completion and will be ready for launch on June 5 (World Environment Day) and will be made available Council-wide as a multi-purpose asset with audio-visual dynamic displays. This will provide for increased engagement capability for a range of Council projects and events across our LGA.

To help promote this resource and to celebrate World Environment Day, Council is hosting a week-long program of workshops and information sessions culminating in the screening of the Award Winning Australian Documentary 2040 at the Queanbeyan Performing Arts Centre (The Q). This documentary has a positive message that encourages optimism and forward thinking for the future of our environment and resources.

Community workshops include:

- QPRC Sustainable Fashion Online Workshop- Creating a Capsule Wardrobe (registration open from the 1 May): <https://www.eventbrite.com.au/e/152294973365>
- The first “2040” movie session will be held on Friday and are targeted towards high schools throughout our LGA from years 7 to 12.
- The second session will be held on World Environment Day on Saturday June 5 and will be offered free of charge to the community to allow the public to come and engage with Council about sustainability matters in a new and innovative way.

Tickets for the community screening on Saturday will be made available on 5 May with Councillors and their families invited to attend:
<https://www.eventbrite.com.au/e/152294792825>

Minecraft Competition

After viewing the 2040 movie, school groups will be invited to enter Council’s first Minecraft design competition. Minecraft is an interactive computer game which allows the gamer to design and construct digital worlds. Students will be given the opportunity to utilise the Minecraft software to answer the question “What is your vision for QPRC in 2040?”. The competition will be held across several months and awards presented for the most innovative, inspiring, and creative submissions for our youth’s vision of the future.

Additional information on trailer refurbishment and Minecraft example is provided in Attachment 1.

Recommendation

That the report be received for information.

Attachments

Attachment 1 Education Trailer Program Update (*Under Separate Cover*)

9.2 Proposed Housing SEPP - Boarding Houses in R2 Low Density Residential Zone (Ref: ; Author: Thompson/Carswell)

File Reference: 26.1.3-05

Report

Council recently received a request from the Department of Planning, Industry and Environment (the Department) for feedback in relation to a proposed change to the Standard Instrument LEP Template. The proposal is to remove the land use term “boarding houses” as a mandatory permitted use from the R2 low density residential zone for all standard instrument LEPs. If this was adopted it would mean that boarding houses would no longer be permitted in the R2 residential zone unless Council specifically nominates that the use should be permitted in the zone..

This was one of the changes proposed in the *Housing Diversity SEPP Explanation of Intended Effects* (EIE) last year. However, there is a savings provision for those councils who wish to retain boarding houses as a permissible use in the R2 zone. If Council advised the Department by the 7 May 2021 that they wished to retain “boarding houses” as a permissible use then this use would be retained. However, if Council did not respond by that date then boarding houses would be removed from the LEP and any reinsertion would require a planning proposal.

At present boarding houses are permissible in the R2 zone and this is not creating any issues in the LGA. Given the narrow time frame staff therefore determined to advise the Department that Council wishes to maintain “boarding houses” as a permissible use in the R2 zone for all of its standard instrument LEPs which will include the comprehensive LEP.

Recommendation

That the report be received for information.

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*.