



Ordinary Meeting of Council

AGENDA

9 February 2022

Commencing at 5.30pm

COVID restrictions continue to limit the number of people physically attending meetings. Members of the public who wish to make a presentation are encouraged to register and attend via Zoom - see Public Involvement at Meetings on Council's website.

On-site Inspections - Nil

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- Item 9.1 Development Application DA.2021.1347 - Construction of 3 x Three-Storey Residential Flat Buildings (96 Apartments) and Multi-Unit Dwellings (27 Two-Storey Townhouses) - 15 McFarlane Avenue, Googong
- Attachment 1 DA.2021.1347 - Section 4.15 Assessment Report - Matters for Consideration - 15 McFarlane Avenue Googong (Under Separate Cover)*
- Attachment 2 DA.2021.1347 - Architectural Plans - 15 McFarlane Avenue Googong (Under Separate Cover)*
- Attachment 3 DA.2021.1347 - Draft Conditions of Consent - 15 McFarlane Avenue Googong (Under Separate Cover)*
- Item 9.2 Development Application DA.2021.1436 - Construction of a South Jerrabomberra Community Centre - 360A Lanyon Drive, Tralee
- Attachment 1 DA.2021.1436 - Section 4.15 Matters for Consideration - 360A Lanyon Drive Tralee (Under Separate Cover)*
- Attachment 2 DA.2021.1436 - Architectural Plans - 360A Lanyon Drive Tralee (Under Separate Cover)*
- Attachment 3 DA.2021.1436 - Draft Conditions of Consent - 360A Lanyon Drive, Tralee (Under Separate Cover)*
- Item 9.3 Development Application - DA.2020.1704 - Construction of a Dwelling House and Clause 4.6 Variation to Minimum Lot Size - 129 Silver Lane, Boro
- Attachment 1 DA.2020.1704 - 4.15 Assessment - Matters for*

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- Consideration - 129 Silver Lane, Boro (Under Separate Cover)*
- Attachment 2 DA.2020.1704 - Plans - 129 Silver Lane, Boro (Under Separate Cover)*
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- Item 9.4 Development Application - DA.2021.1594 - Construction of a Dwelling House - Heritage Conservation Area - 12 Isabella Street, Queanbeyan
- Attachment 1 DA.2021.1594 - S4.15 Matters for Consideration Assessment Report - 12 Isabella Street, Queanbeyan (Under Separate Cover)*
- Attachment 2 DA.2021.1594 - Plans - 12 Isabella Street, Queanbeyan (Under Separate Cover)*
- Attachment 3 DA.2021.1594 - Submissions - 12 Isabella Street, Queanbeyan (Under Separate Cover)*
- Attachment 4 DA.2021.1594 - Draft Conditions - 12 Isabella Street, Queanbeyan (Under Separate Cover)*
- Item 9.5 Modification to Development Consent - DA.2017.217.A - Two Lot Subdivision - 31 Ellendon Street Bungendore
- Attachment 1 DA.2017.271.A - Assessment Report 4.55 (1a) - 31 Ellendon Street, Bungendore (Under Separate Cover)*
- Attachment 2 DA.2017.271.A - Draft Conditions - 31 Ellendon Street, Bungendore (Under Separate Cover)*
- Item 9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Environa Drive
- Attachment 1 QPRC - Regional Sporting Complex - Review of Environmental Factors (Under Separate Cover)*
- Attachment 2 QPRC Regional Sports Complex - REF- Notice of Determination (Under Separate Cover)*
- Item 9.7 Draft Bungendore Section 7.11 Contributions Plan for Community and Recreation Facilities 2022
- Attachment 1 Draft Bungendore Section 7.11 Development Contributions Plan for Community and Recreation Facilities 2022 (Under Separate Cover)*
- Attachment 2 Palerang Section 94A Development Contributions Plan (Amended 15 October 2021) (Under Separate Cover)*
- Item 9.8 Discussion Paper - A New Approach to Rezoning
- Attachment 1 Discussion Paper - A New Approach to Rezoning (Under Separate Cover)*
- Attachment 2 Draft Submission - Discussion Paper "New Approach to Rezoning" February 2022 (Under Separate Cover)*
- Item 9.9 NSW Planning Amendments for Agriculture and Agritourism
- Attachment 1 QPRC Submission on NSW Planning Changes for Agritourism and Small Scale Agriculture Uses - April 2021*

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- (Under Separate Cover)*
- Attachment 2 *Agritourism Information Sheet December 2021 (Under Separate Cover)*
- Attachment 3 *DRAFT Standard Instrument LEP Amendment Agritourism Order 2021 (Under Separate Cover)*
- Item 9.11 Proposal to Acquire Council Land - 17 Copperfield Place, Jerrabomberra
- Attachment 2 *Property Vegetation Plan (Under Separate Cover)*
- Attachment 3 *Current Boundary Survey Plan (Under Separate Cover)*
- Item 9.12 Related Party Disclosures Policy
- Attachment 1 *Draft Related Party Disclosures Policy (Under Separate Cover)*
- Item 9.14 ACT-QPRC: Statement of Intent
- Attachment 1 *2016 Statement of Intent (Under Separate Cover)*
- Attachment 2 *Draft 2022 Statement of Intent (Under Separate Cover)*
- Attachment 3 *Skilling Plan (Under Separate Cover)*
- Attachment 4 *Draft Priority Areas (Under Separate Cover)*
- Item 9.15 Affordable Housing
- Attachment 1 *QPRC Housing Taskforce Submission (Under Separate Cover)*
- Item 10.3 Employment Zone Review
- Attachment 1 *DPIE Employment Zones Reform Position Paper (Under Separate Cover)*
- Attachment 2 *Proposed Employment Land Translation Queanbeyan Palerang LGA (Under Separate Cover)*
- Attachment 3 *Draft Queanbeyan-Palerang LEP 2022 Land Use Tables (Under Separate Cover)*
- Attachment 4 *Return Translation Detail Land Use Tables - Queanbeyan Palerang LEP 2022 (Under Separate Cover)*
- Item 10.4 Draft State Significant Land Mapping
- Attachment 1 *Mapping Data Summary Statement (Under Separate Cover)*
- Attachment 2 *QPRC Submission - Draft State Significant Agricultural Land Mapping January 2022 (Under Separate Cover)*

Closed Attachments

- Item 9.10 Tender Regional Sports Complex Buildings
- Attachment 1 *Appendices to Tender Evaluation Report (Under Separate Cover)*
- Attachment 2 *Tender Evaluation Report (Under Separate Cover)*
- Item 9.11 Proposal to Acquire Council Land - 17 Copperfield Place, Jerrabomberra
- Attachment 1 *Proponent's Letter - Land Acquisition Proposal (Under Separate Cover)*



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and at the Queanbeyan Council Chambers, 253 Crawford Street, Queanbeyan on Thursday, 27 January 2022 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)
Cr Biscotti
Cr Burton
Cr Grundy
Cr Livermore
Cr Preston
Cr Ternouth
Cr Webster
Cr Willis
Cr Wilson

Staff: P Tegart, CEO
M Thompson, Portfolio General Manager Natural and Built Character
J Richards, Portfolio General Manager Community Choice
K Monaghan, Portfolio General Manager Organisational Capability
G Cunningham, A/Portfolio General Manager Community Connections

Also Present: W Blakey, Clerk of the Meeting
L Ison, Minute Secretary

1. OPENING

The meeting commenced at 5.30pm.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional custodians of the land upon which the meeting was held:

"I begin today by acknowledging the Traditional Custodians on the land on which we meet today, and pay my respects to their Elders past, present and emerging and I also extend that respect to Aboriginal and Torres Strait Islander people here today.

We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples on this land and commit to building a brighter future together."

3. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

021/22

RESOLVED (Biscotti/Wilson)

That the apology for non-attendance from Cr Taskovski be received and noted.

The resolution was carried unanimously.

4. CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Meeting of Council held on 24 November 2021

022/22

RESOLVED (Biscotti/Ternouth)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 24 November 2021 be confirmed.

The resolution was carried unanimously.

4.2 Minutes of the Extraordinary Meeting of Council held on 12 January 2022

023/22

RESOLVED (Biscotti/Livermore)

That the Minutes of the Extraordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 12 January 2022 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

024/22

RESOLVED (Biscotti/Preston)

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

The resolution was carried unanimously.

Cr Willis declared a less than significant pecuniary interest in Item 9.6: Renewal of Licence Agreement – Railway Park Community Garden Queanbeyan, stating she is the convener of the Queanbeyan Sustainability Group and her membership of the group entitles her to rent a garden plot at the Railway Park Community Garden and she currently does so.

Mr Tegart declared a significant pecuniary interest in Item 7.1: CEO Resignation, stating he is an employee of the specified company (ie Council).

6. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.34pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

025/22

RESOLVED (Biscotti/Webster)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.34pm and resumed at 6.22pm.

SUPPLEMENTARY REPORTS

7. MAYORAL MINUTES

Mr Tegart declared an interest in the following item and left the Chambers at 6.22pm.

7.1 CEO Resignation

026/22

RESOLVED (Winchester)

That Council note the resignation of Mr Tegart with regret.

The resolution was carried unanimously.

Mr Tegart returned to the Chambers at 6.24pm.

7.2 YMCA Donation

027/22

RESOLVED (Winchester)

That Council approve the allocation of a donation of \$3,000 from the Cultural Grant Scheme to the Queanbeyan Police and Citizens Youth Club (PCYC) to assist with costs for a rhythmic gymnastics program for our area's youth.

The resolution was carried unanimously.

8. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motions of Rescission.

9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Development Application DA.2021.1240 - Two Lot Torrens Title Subdivision and Demolition of Two Existing Sheds and Garages (Albion Hotel Site) - 119 Wallace Street, Braidwood

MOVED (Willis/Preston)

That:

1. Consideration of development application DA.2021.1240 for a two lot Torrens title subdivision and demolition of two existing sheds and garages on Lot 1 DP 598830, No. 119 Wallace St Braidwood be deferred until after a workshop has been held with representatives from Heritage NSW to ascertain:
 - a. The Heritage Council's view as to the necessity for the proposed subdivision boundary to pass through the T-shaped sheds given that this results in the need to demolish those sheds.
 - b. The Heritage Council's view as to whether relocating the subdivision boundary clear of the T-shaped sheds would impact on the section 60 approvals already provided in relation to the proposed subdivision and demolition.
2. Prior to reconsidering this matter, Councillors conduct an onsite inspection in conjunction with the owner of the premises and that representatives from Heritage NSW be invited to attend.

Cr Biscotti foreshadowed a CONTRARY motion: ["That:

1. Development Application DA.2021.1240 for a two lot Torrens title subdivision and demolition of two sheds and garages on Lot 1 DP 598830, No.119 Wallace Street, Braidwood be granted conditional approval.
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
3. Heritage New South Wales be forwarded a copy of Council's Notice of Determination."]

The motion (of Crs Willis and Preston) was PUT and CARRIED.

028/22

RESOLVED (Willis/Preston)

That:

1. Consideration of development application DA.2021.1240 for a two lot Torrens title subdivision and demolition of two existing sheds and garages on Lot 1 DP 598830, No. 119 Wallace St Braidwood be deferred until after a workshop has been held with representatives from Heritage NSW to ascertain:
 - a. The Heritage Council's view as to the necessity for the proposed subdivision boundary to pass through the T-shaped sheds given that this results in the need to demolish those sheds.
 - b. The Heritage Council's view as to whether relocating the subdivision boundary clear of the T-shaped sheds would impact on the section 60 approvals already provided in relation to the proposed subdivision and demolition.
2. Prior to reconsidering this matter, Councillors conduct an onsite inspection in conjunction with the owner of the premises and that representatives from Heritage NSW be invited to attend.

For: Crs Burton, Livermore, Preston, Ternouth, Webster, Willis, Wilson and Winchester

Against: Crs Biscotti and Grundy

9.2 Formal Submission - Local Infrastructure Contribution Reforms

029/22

RESOLVED (Biscotti/Winchester)

That Council:

1. Receive and note the contents of this report.
2. Endorse Attachment 3 as Council's submission on the Local Infrastructure Contribution reforms.

The resolution was carried unanimously.

9.3 Main Street Upgrade Fund

030/22

RESOLVED (Biscotti/Livermore)

That Council:

1. Note the information in this report in relation to the allocation of Main Street Upgrade Funds for the 2021/22 program.
2. Endorse the updated Main Street Upgrade Fund Guidelines for the 2022/23 funding program.

The resolution was carried unanimously.

9.4 Selection of Preferred Tenderer for Construction of New Skatepark - Braidwood

031/22

RESOLVED (Biscotti/Willis)

That Council award the contract for the new skatepark at the Braidwood Recreation Ground to Grind for the lump sum price of \$678,414 (including GST).

The resolution was carried unanimously.

9.5 Lifting of Alcohol Exemption from Queen Elizabeth Park¹¹ for Music By The River Event for 2022 and 2023

032/22

RESOLVED (Wilson/Biscotti)

That Council lift the alcohol-free zoning at Queen Elizabeth II Park for the Music by the River event, from 4.30 to 9.30pm, on Saturday 26 February 2022 and the equivalent event in 2023.

The resolution was carried unanimously.

Cr Willis declared an interest in the following item and left the Chambers at 7.04pm.

9.6 Renewal of Licence Agreement - Community Garden, Henderson Road, Queanbeyan

033/22

RESOLVED (Wilson/Livermore)

That:

1. Council support renewal of the Licence Agreement for the Community Garden at Railway Park, Henderson Road, Queanbeyan for a five-year term commencing 01 May 2022.
2. The Licence Agreement be publicly advertised in accordance with Section 47 of the *Local Government Act*.
3. If no objections to the proposal are received, the Chief Executive Officer be authorised to execute the Licence Agreement on behalf of the Council.

The resolution was carried unanimously.

Cr Willis returned to the Chambers at 7.05pm.

9.7 Presentation of 2020-21 Audited Financial Statements

034/22

RESOLVED (Willis/Biscotti)

That Council adopt the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2021.

The resolution was carried unanimously.

035/22 **9.8 Investment Report - November 2021**
RESOLVED (Willis/Preston)

That Council:

1. Note the investment return for November 2021 was \$530,333.
2. Note the investment portfolio has been made in accordance with the *Local Government Act 1993*, the Local Government (General) Regulation 2005 and Queanbeyan-Palerang Regional Council's Investment Policy.
3. Receive the Investment Report for the month of November 2021.

The resolution was carried unanimously.

036/22 **9.9 Investment Report - December 2021**
RESOLVED (Willis/Preston)

That Council:

1. Note the investment return for December 2021 was \$426,496.
2. Note the investment portfolio has been made in accordance with the *Local Government Act 1993*, the Local Government (General) Regulation 2005 and Queanbeyan-Palerang Regional Council's Investment Policy.
3. Receive the Investment Report for the month of December 2021.

The resolution was carried unanimously.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1 Bungendore Property - Compulsory Acquisition
MOVED (Biscotti/Ternouth)

That the report on compulsory acquisition of Council and Crown land managed by Council in Bungendore, and engagement of legal and professional expertise be noted.

AMENDMENT (Preston/Webster)

That:

1. Council note the report.
2. Council, given the lack of detail on why the Bungendore Park site was selected and the need to find a solution that works for the whole community:
 - a. Revokes its in-principle support for the Department of Education proposal to build Bungendore High School on the site of Bungendore Park, Turallo Reserve and on Council freehold land along Majara Street.
 - b. Opposes any further plans to develop a high school on this site.

- c. Reverse its decision to close Majara Street between Gibraltar Street and Turallo Terrace.
 - d. Withdraw the delegations to the CEO to negotiate joint use agreements for Bungendore Park and the Mick Sherd Oval with the Department of Education, specifically with respect to the proposed high school.
3. The Mayor write to the New South Wales Minister for Education and Early Learning and the Secretary of the Department of Education informing them that the Council opposes the development of a High School on Bungendore Park, Turallo Reserve and adjacent Council freehold land on Majara Street.
 4. The Mayor write to the New South Wales Minister for Planning, Industry and Environment urging him to reject the Department of Education's State Significant Development Application to place Bungendore High School on Bungendore Park, Turallo Reserve and adjacent Council freehold land on Majara Street.
 5. Given Council remains of the very strong view that the Bungendore community should have a High School, that Council commence work with the Department of Education and other State Government Departments to facilitate the selection and Council approvals of an alternative site in Bungendore.
 6. Council invite the Department of Education to attend a workshop to discuss these matters.

ADJOURNMENT: The meeting adjourned at 7.17pm and resumed at 7.23pm.

AMENDMENT (Ternouth/Biscotti)

That Council:

1. Note the report.
2. Alert the Department of Education to Council's concerns and invite them to discuss the matters at a workshop.

The AMENDMENT (of Crs Ternouth and Biscotti) was PUT and LOST.

For: Crs Biscotti, Burton, Grundy and Ternouth

Against: Crs Livermore, Preston, Webster, Willis, Wilson and Winchester

The AMENDMENT (of Crs Preston and Webster) was brought forward, PUT and CARRIED, and became the motion.

For: Crs Livermore, Preston, Webster, Willis, Wilson and Winchester

Against: Crs Biscotti, Burton, Grundy and Ternouth

The MOTION (of Crs Preston and Webster) was PUT and CARRIED.

037/22

RESOLVED (Preston/Webster)

That:

1. Council note the report.
2. Council, given the lack of detail on why the Bungendore Park site was selected and the need to find a solution that works for the whole community:
 - a. Revokes its in-principle support for the Department of Education proposal to build Bungendore High School on the site of Bungendore Park, Turallo Reserve and on Council freehold land along Majara Street.
 - b. Opposes any further plans to develop a high school on this site.
 - c. Reverse its decision to close Majara Street between Gibraltar Street and Turallo Terrace.
 - d. Withdraw the delegations to the CEO to negotiate joint use agreements for Bungendore Park and the Mick Sherd Oval with the Department of Education, specifically with respect to the proposed high school.
3. The Mayor write to the New South Wales Minister for Education and Early Learning and the Secretary of the Department of Education informing them that the Council opposes the development of a High School on Bungendore Park, Turallo Reserve and adjacent Council freehold land on Majara Street.
4. The Mayor write to the New South Wales Minister for Planning, Industry and Environment urging him to reject the Department of Education's State Significant Development Application to place Bungendore High School on Bungendore Park, Turallo Reserve and adjacent Council freehold land on Majara Street.
5. Given Council remains of the very strong view that the Bungendore community should have a High School, that Council commence work with the Department of Education and other State Government Departments to facilitate the selection and Council approvals of an alternative site in Bungendore.
6. Council invite the Department of Education to attend a workshop to discuss these matters.

For: Crs Livermore, Preston, Webster, Willis, Wilson and Winchester

Against: Crs Biscotti, Burton, Grundy and Ternouth

ADJOURNMENT: The meeting adjourned at 8.08pm and resumed at 8.29pm.

10.2 Summary of Road Renewal and Maintenance Activities - Quarter 2 2021/22

038/22 **RESOLVED (Biscotti/Willis)**
That the report be received for information.

The resolution was carried unanimously.

10.3 Resolution Action Sheet

039/22 **RESOLVED (Biscotti/Wilson)**
That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

11.1 QPRC Heritage Advisory Committee Minutes - 18 November 2021

040/22 **RESOLVED (Willis/Wilson)**
That Council note the Minutes of QPRC Heritage Advisory Committee held on 18 November 2021.

The resolution was carried unanimously.

11.2 Local Traffic Committee Meeting Minutes - 14 December 2021

041/22 **RESOLVED (Biscotti/Grundy)**
That Council:

1. Note the minutes of Local Traffic Committee held on 14 December 2021.
2. Adopt recommendations LTC 49/2021 to LTC 53/2021 and LTC 55/2021 to LTC 57/2021 from the meeting held on 14 December 2021.

LTC 49/2021: Under the *Roads Act 1993*, pending minor revisions to the TCP as recommended by the LTC, approve the TCP for the Queanbeyan Community Christmas Carols event on 17th December 2021.

LTC 50/2021: Under the *Roads Act 1993*, approve the TCP for the Bungendore Country Rocks Event from 25th March to 27th March 2022.

LTC 51/2021: Under the *Roads Act 1993*, approve the TCP for the Braidwood Car and Bike Show on 29th January 2022.

LTC 52/2021: Under the *Road Transport Act 2013*, approve the Crawford, Antill & Erin Intersection safety upgrade designs, including Give Way to Pedestrian sign's, only needed if they don't have their own phasing on the traffic lights and No right turn signs to be updated to NSW compliant.

LTC 53/2021: Under the *Road Transport Act 2013*, approve changes to wombat crossing as per design.

LTC 55/2021: Under the *Road Transport Act 2013*, approve Uriarra Road Bus Zone extension of the bus zone with proposed timing as per design.

LTC 56/2021: Under the *Road Transport Act 2013*, approve the revised design for the Gorman Drive School Zone as per the design.

LTC 57/2021: Under the *Road Transport Act 2013*, approve the revised design for the Briars Sharrows Safety Treatment as per the design.

3. Be briefed on LTC54/2021: changes to signage on Park Lane as per design, particularly in relation to community consultation.

The resolution was carried unanimously.

11.3 Audit, Risk and Improvement Committee Minutes - 16 September 2021

042/22

RESOLVED (Biscotti/Ternouth)

That Council note the minutes of the Audit, Risk and Improvement Committee held on 16 September 2021.

The resolution was carried unanimously.

12. NOTICES OF MOTION

12.1 Roads - Current State

043/22

RESOLVED (Ternouth/Burton)

That:

1. Council receive a report on:
 - a. The current state of Council's road building, maintenance and repair capability (i.e. staffing, budget, portfolio organisation, assets etc).
 - b. All current road building and maintenance projects with timeframes and budgets.
 - c. The current outstanding road projects and maintenance requirements in the forward work program.
 - d. An analysis of the community's road needs and our capability/capacity to service this, as well as any other threats to this capability.
 - e. How repairs and maintenance are prioritised for unsealed roads for school bus routes.
2. A workshop be held prior to presentation to the August Ordinary meeting.

The resolution was carried unanimously.

13. REPORTS TO COUNCIL - DELEGATES REPORTS

13.1 Delegates Report

044/22

RESOLVED (Biscotti/Winchester)

That the report be received for information.

The resolution was carried unanimously.

14. QUESTIONS WITH NOTICE

14.1 Responses to Councillors' Questions

045/22

RESOLVED (Biscotti/Winchester)

That the report be received for information.

The resolution was carried unanimously.

15. NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

At this stage of the proceedings Cr Winchester advised that there were items on the Agenda that should be dealt with in Closed Session.

Cr Winchester then asked if, in accordance with Clause 59.6 of the Council's Code of Meeting Practice, there were any presentations as to why the matters listed below should not be dealt with in Closed Session.

There were no presentations.

16. REPORTS FOR CLOSED SESSION

046/22

RESOLVED (Willis/Ternouth)

That:

1. Item 16.1 be deferred for consideration in open session at the next Ordinary meeting on 9 February 2022.
2. Pursuant to Section 10A of the *Local Government Act, 1993*, the following item on the Agenda for the Ordinary Council meeting be dealt with in Closed Session for the reason specified below:

Item 16.2 Undetected Leak Application - Bungendore

Item 16.2 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

The resolution was carried unanimously.

The meeting then moved into Closed Session at 8.48pm to discuss Item 16.2 as listed above.

16.1 Proposal to Acquire Council Land

This item was deferred to 9 February 2022 meeting.

16.2 Undetected Leak Application - Bungendore

047/22

RESOLVED (Biscotti/Winchester)

That Council write off a total of \$2,363.29 in water usage charges for the property listed in this report.

The resolution was carried unanimously.

048/22

RESOLVED (Preston/Burton)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 8.55pm.

The doors of the Chambers were opened to allow the public to enter.

In accordance with Clause 253 of the Local Government (General) Regulations 2005, the Mayor then read out the decisions of Council made in Closed Session.

17. CONCLUSION OF THE MEETING

The time being 8.56pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER
MAYOR
CHAIRPERSON**

ITEM 5 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.

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.1 Development Application DA.2021.1347 - Construction of 3 x Three-Storey Residential Flat Buildings (96 Apartments) and Multi-Unit Dwellings (27 Two-Storey Townhouses) - 15 McFarlane Avenue, Googong (Ref: ; Author: Thompson/Glouftsis)

File Reference: DA.2021.1347

Summary***Reason for Referral to Council***

This application has been referred to Council because it is for a major development exceeding \$5 million in value. It also proposes multiple variations to standards or controls contained within the Googong Development Control Plan and NSW Apartment Design Guide.

Proposal:	Construction of 3 Three-Storey Residential Flat Buildings (96 Apartments) and Multi-Unit Dwellings (27 Two-Storey Townhouses)
Applicant/Owner:	Canberra Town Planning / Googong Township Pty Ltd.
Subject Property:	Lot 564 DP 1263952, No. 15 McFarlane Avenue, Googong, NSW, 2620
Zoning and Permissibility:	R1 General Residential under <i>Queanbeyan Local Environmental Plan 2012</i>
Public Submissions:	Nil
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

That development application DA.2021.1347 for the construction of 3 x three-storey residential flat buildings (96 Apartments) and multi-unit dwellings (27 x two-storey townhouses) on Lot 564 DP 1263952, No.15 McFarlane Avenue, Googong be granted conditional approval.

Background***Proposed Development***

The proposal seeks development consent for the construction of 123 dwelling units, basement car parking, communal open space, and landscaping. The specific elements of the proposal are:

- Construction of 3 residential flat buildings (marked Block A-F on the submitted architectural plans) and consisting specifically of:
 - A total of 72 apartments in Block A, B, C, and D and 24 apartments within Block E and F. Each Block comprises a mixture of 1-2 bedroom apartments with adaptable housing;
 - Private open space provided in courtyards at ground level and in balconies at upper levels directly accessible from living areas.

9.1 Development Application DA.2021.1347 - Construction of 3 x Three-Storey Residential Flat Buildings (96 Apartments) and Multi-Unit Dwellings (27 Two-Storey Townhouses) - 15 McFarlane Avenue, Googong (Ref: ; Author: Thompson/Glouftsis) (Continued)

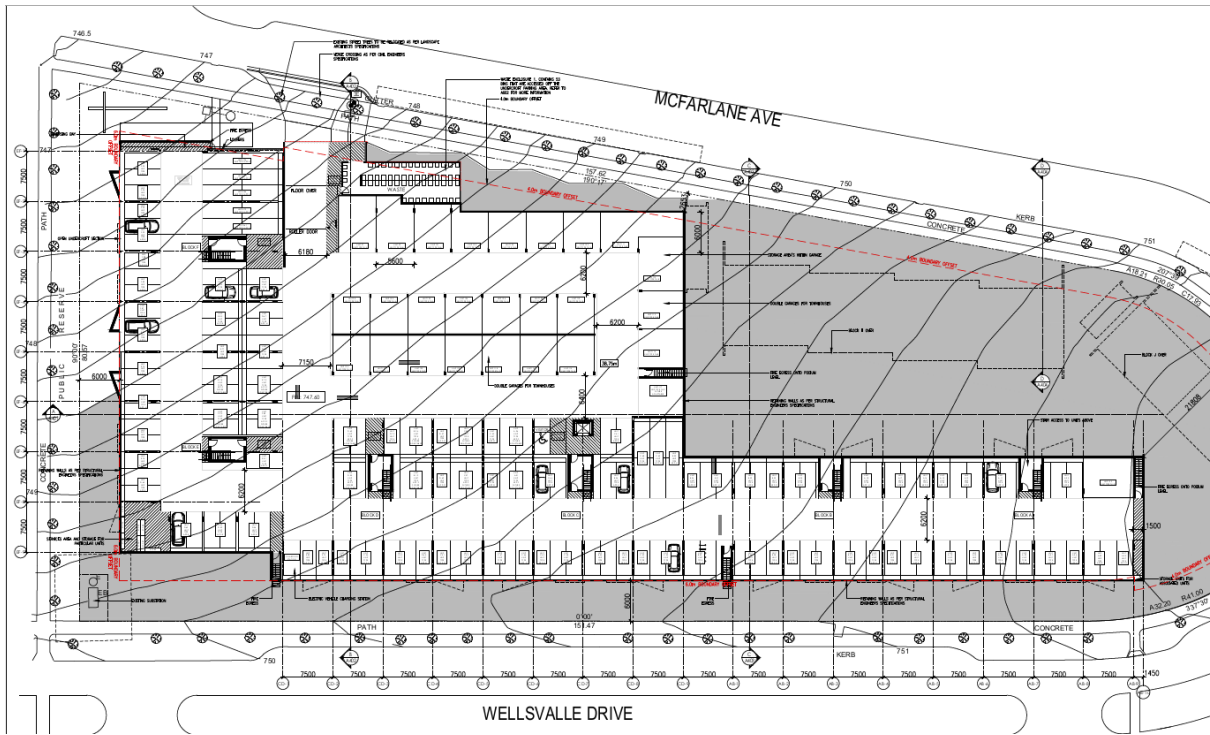


Figure 2: Basement Plan (Prepared by DNA Architects)



Figure 3: Site Plan – Blocks A-B and J-H

9.1 Development Application DA.2021.1347 - Construction of 3 x Three-Storey Residential Flat Buildings (96 Apartments) and Multi-Unit Dwellings (27 Two-Storey Townhouses) - 15 McFarlane Avenue, Googong (Ref: ; Author: Thompson/Glouftsis) (Continued)

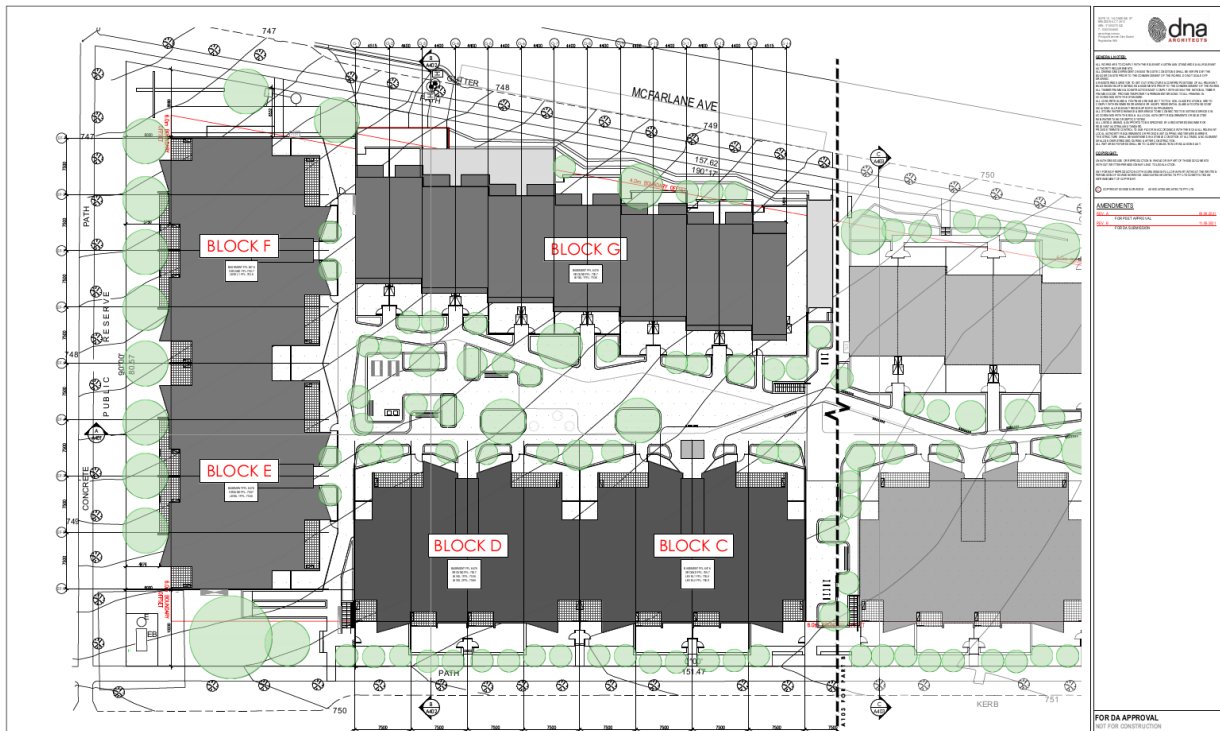


Figure 4: Site Plan – Blocks C-G



Figure 5: Streetscape Elevations 1

9.1 Development Application DA.2021.1347 - Construction of 3 x Three-Storey Residential Flat Buildings (96 Apartments) and Multi-Unit Dwellings (27 Two-Storey Townhouses) - 15 McFarlane Avenue, Googong (Ref: ; Author: Thompson/Glouftsis) (Continued)

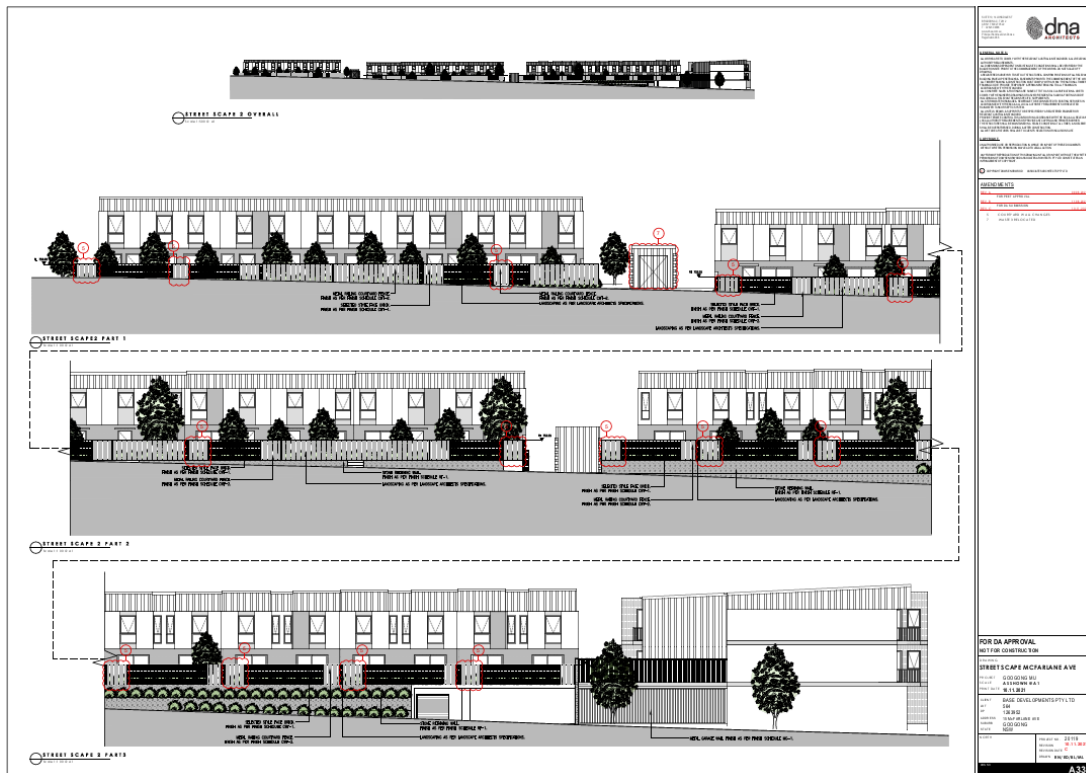


Figure 6: Streetscape Elevations 2

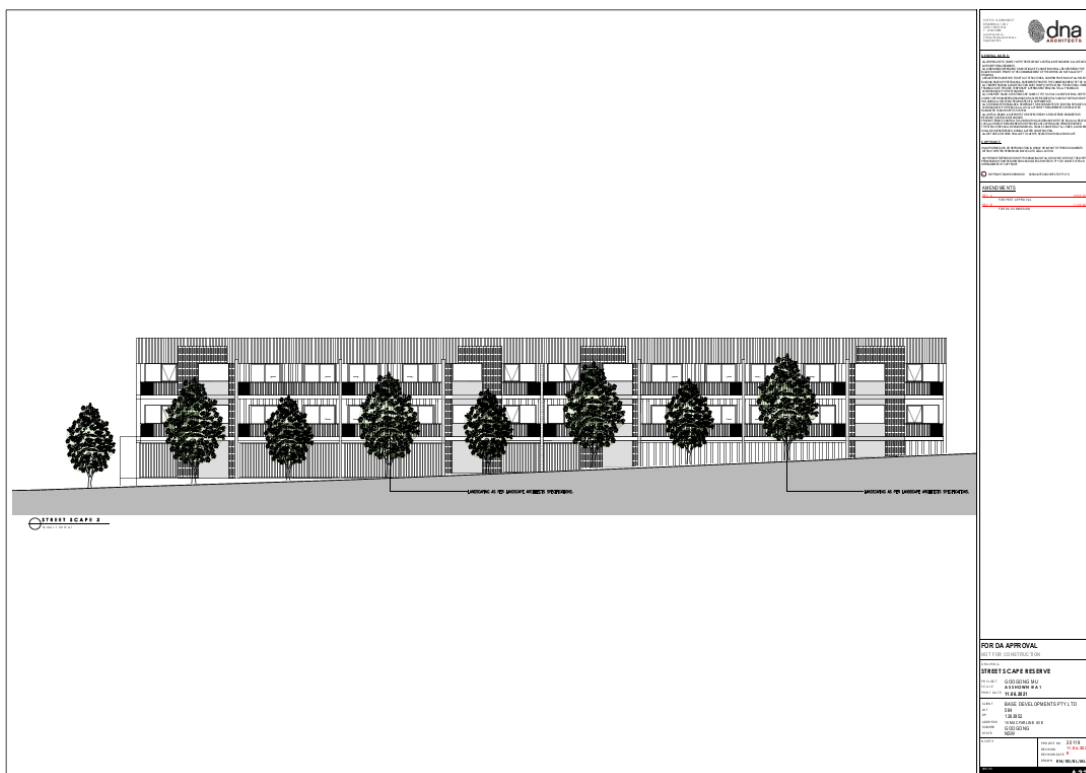


Figure 7: Streetscape Elevations 3

9.1 Development Application DA.2021.1347 - Construction of 3 x Three-Storey Residential Flat Buildings (96 Apartments) and Multi-Unit Dwellings (27 Two-Storey Townhouses) - 15 McFarlane Avenue, Googong (Ref: ; Author: Thompson/Glouftsis) (Continued)

Subject Property

The subject site is legally described as Lot 564 DP 1263952 and is commonly known as 15 McFarlane Avenue, Googong. The site is located on the western side of McFarlane Avenue and has an area of 1.149ha. It also has a frontage to Wellsvale Drive, which forms the major entry point into Googong Neighbourhood 2.

There is no existing development on the site. The allotment was created under DA 123-2017, the subdivision of Neighbourhood 2 of Googong. Vehicular access is provided to the site via a proposed driveway from McFarlane Avenue to the proposed basement car parking area. The site slopes downwards from south the north between 5-7 metres. Vehicular access will be provided to the site via a proposed driveway from McFarlane Avenue.

Existing development within the locality consists predominantly of single dwelling houses and multi-dwelling housing. However, the surrounding locality will transform as the development of Googong progresses. The subject site is located adjacent to the proposed Googong Town Centre, which contains a significant portion of land zoned B2 – Local Centre. Future development will likely consist of a mixture of commercial, retail use, and residential accommodation. Land to the south east and north west also contains significant recreational areas, including sports fields, open space, and walking trails (known as Googong Common).



Figure 5: Subject Site and Immediate Locality

9.1 Development Application DA.2021.1347 - Construction of 3 x Three-Storey Residential Flat Buildings (96 Apartments) and Multi-Unit Dwellings (27 Two-Storey Townhouses) - 15 McFarlane Avenue, Googong (Ref: ; Author: Thompson/Glouftsis) (Continued)



Figure 6: Site Context (Source: Nearmap)

Planning Requirements

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

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

1. *State Environmental Planning Policy No. 55 – Remediation of Land*,
2. *State Environmental Planning Policy (Infrastructure) 2007*,
3. *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*,
4. *Queanbeyan Local Environmental Plan 2012 (LEP)*,
5. *Googong Development Control Plan (DCP)*.

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 the following variations to relevant standards or controls contained within *SEPP No.65* and the *Googong Development Control Plan*.

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(a) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development establishes design quality principles and the implementation of the Apartment Design Guide (ADG) to which residential flat development, is to be assessed against. The ADG provides design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in *SEPP No. 65*.

Pursuant to clause 6 and 6(a) of *SEPP No. 65* Council's Development Control Plan cannot be inconsistent with the ADG:

This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following –

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If a development control plan contains provisions that specify requirements, standards, or controls in relation to a matter to which this clause applies, the DCP provisions are of no effect.

This clause applies regardless of when the development control plan was made.

It is noted that strict compliance with the ADG is not required pursuant to *SEPP No.65*. Nonetheless, the proposal includes variations to design criteria contained within the ADG, which are appropriate for further consideration by Council. The specific variations are detailed below.

i. Part 4A – Solar and Daylight Access

Objective 4A-1 Design Criteria

- *Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.*
- *A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3 pm at mid-winter.*

The development provides the following:

- 3 hours of sunlight to living areas for 73% of units,
- 2.5 hours of sunlight to living areas for 93% of units.
- No direct sunlight to 6.5% of units.

The proposal complies with the requirements for solar access to internal living areas.

In relation to the use of Private Open Space (POS):

- 54% of units POS receive 3 hours of sunlight,
- 39.5% of units POS receive 2.5 hours of sunlight.
- 6.5% of units POS receive no direct sunlight.

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The proposal does not comply with the requirement regarding Private Open Space (POS). A 16% variation on the minimum 3-hour solar access requirement for POS during mid-winter is proposed. Noting that solar access to living areas complies with requirements, the development site has a significant east to west orientation making it difficult to locate POS and living areas with significant north facing elements. The lot orientation approved through subdivision is one factor leading to the area of non-compliance.

Despite the variation to this requirement, only 6.5% of units in the development receive no direct sunlight to POS or living areas during mid-winter. The development complies/achieves a greater outcome than required under the ADG in this regard as it provides an allowance of up to 15%. It is also noted that a significant number of dwellings also receive up to 2.5 hours, which is not at significant variance to the 3-hour minimum.

The other factor leading to the variation is the recession of private balconies in the development and location of front facing POS on the southern end of the allotment. This design element has been incorporated to add additional privacy to POS, reducing overlooking into adjoining units and courtyards while also reducing the visual impact of balconies on the architectural design towards the streetscape.

The reduction in solar access for privacy and a better streetscape design outcome is considered appropriate in this instance. The variation of 16% is not considered substantially significant given the justification provided and it is noted that mid-winter represents the worst outcome for solar access. In this regard, it is considered that the variation should be supported as sufficient amenity is still retained regarding solar access to the development overall.

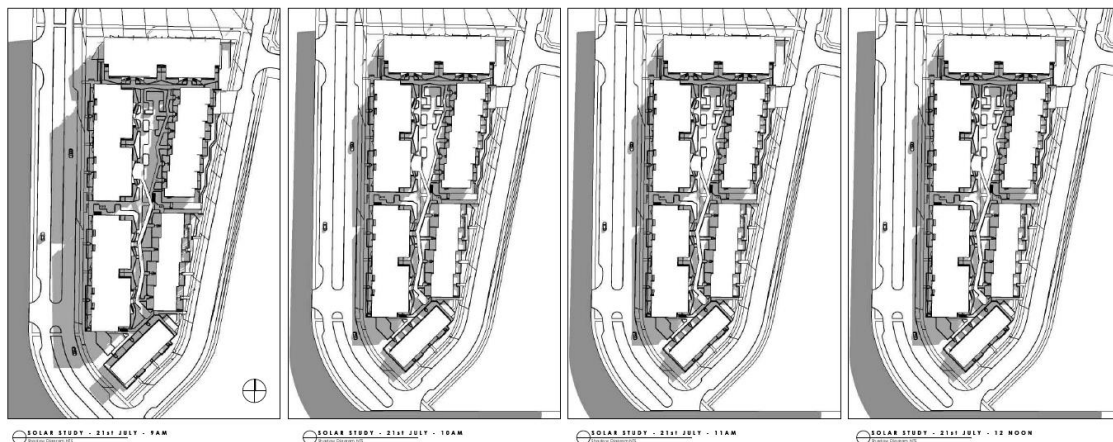


Figure 7 - Hourly Solar Access Diagrams from 9.00am to 12.00pm Mid Winter

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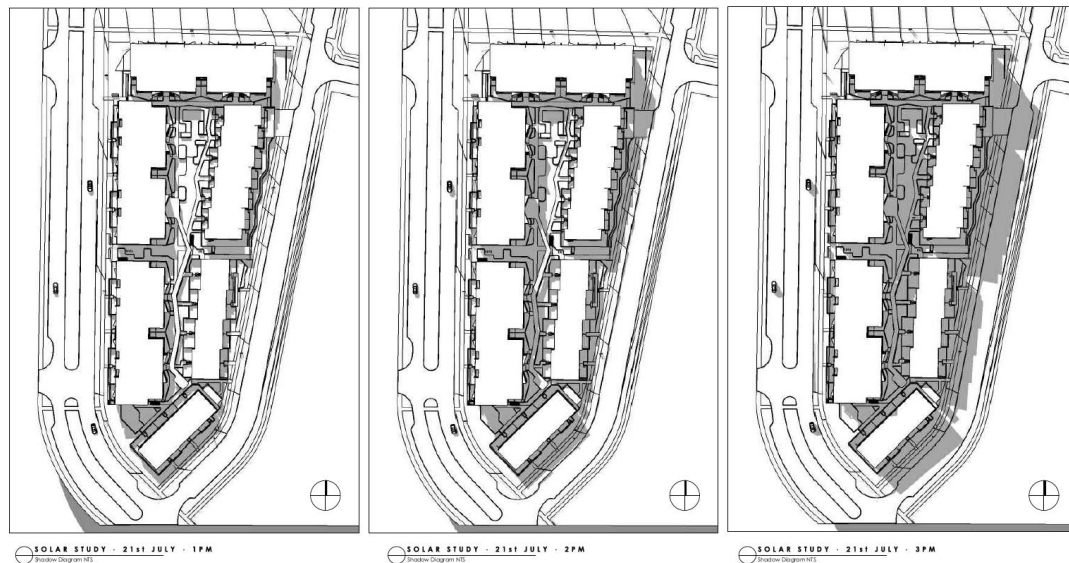


Figure 8 - Hourly Solar Access Diagrams from 1.00pm to 3.00pm Mid Winter

ii. Part 4D-3 – Apartment Size and Layout

Design criteria:

- *Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space):*
- *Bedrooms have a minimum dimension of 3m.*
- *Living rooms have a minimum width of 3.6 metres for studio and 1 bedroom apartments. 4 metres for 2 and 3-bedroom apartments.*

The development provides:

1B Unit type G:

- **Master bedrooms 9m²**
- **Living room width complies (3.7m)**

2B Unit types H and F:

- **Master bedroom complies (10.2m²)**
- **Living room width complies (4m)**

2B Unit type E:

- **Master bedroom 9.6m²**
- **Living room width varies from 3.9m to 3.3m**

All secondary bedrooms have a minimum dimension of 3m

The master bedrooms are proposed at 1m² below the minimum size requirements. It is noted that this is not a significant departure from the Apartment Design Guide requirement and will not have a substantial impact on the amenity of future residents. Sufficient area has been provided within each apartment to allow for adequate living space and usability.

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All units exceed minimum area requirements as required pursuant Section 4D-1 of the ADG as below:

- 1 bedroom units are 15m² larger than the 50m² minimum requirement,
- 2 bedroom units are 17m² larger than the 70m² minimum requirement and,
- 3 bedroom units are at least 33m² larger than the 90m² minimum area requirement.

The above is considered sufficient justification to vary the master bedroom size by 1 square metre.

(b) Compliance with LEP

The proposed development generally complies with all relevant development standards contained within the *Queanbeyan Local Environmental Plan 2012*. For a detailed assessment against the provisions of the LEP refer to the attached *Section 4.15 Assessment Report – Matters for Consideration*. **(c) Compliance with DCP**

The proposed development generally complies with the requirements of the Googong Development Control Plan. In some instances, departures from standards and controls contained in this document are sought. A detail of each departure or variation is detailed below for consideration:

i. Visitor Car Parking

The development proposes all visitor car parking to be located off-site on kerbside parking on Wellsvale Drive and McFarlane Avenue. One on-site (disabled) visitor parking space is provided within the proposed basement car park.

The Googong Development Control Plan under Part 7 - Table 2 allows Council to consider the provision of off-site visitor parking spaces where kerbside parking is provided to the site and where the development has at least 3 street frontages. In this regard, the visitor parking requirement is not strictly considered a variation to Council's Development Control Plan. Although it is noted that one of the frontages is a Council owned footpath and not a road.

Figure 9 below shows the location of visitor parking on Wellsvale Drive and McFarlane Avenue. The proposal is required to provide a total of 25 visitor parking spaces. Parking is available for a length of 126m on Wellsvale Drive and a length of 154m on McFarlane Avenue, respectively. This 280m of available road shoulder is equivalent to 40 car parking spaces.

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Figure 9: Off-Site Visitor Parking Diagram (Prepared by DNA Architects)

It is considered appropriate to allow off-street visitor car parking in this instance in accordance with the allowance provided in the Googong DCP and given that up to 40 spaces are available off-site within the road frontages of the site and the proposal meets all required on-site parking for dwellings.

ii. Front Setback

The proposal incorporates partial encroachments into the 6-metre front setback requirement for Block G, H, and J. Noting there is a 1.5 metre articulation zone allowable under this DCP. The encroachment varies depending on the portion of the allotment to which the building relates. The lot becomes narrower towards the southern end and as a result the building in this portion of the lot contains larger encroachments into the setback. The setback variations are not considered substantial (they do not traverse the entire setback and are within 1 to 1.5 metres). Further pushing these back would result in a worse layout outcome for the development and a reduction in communal open space, as well as increasing overlooking issues between units internally due to reducing building separation distances. As a result, the variation is not considered unacceptable in this regard.

iii. Solar Access

Part 7 of the Googong Development Control Plan sets out requirements for solar access to POS and living areas for residential flat buildings and multi dwelling housing. The DCP requires 3 hours of solar access to 50% of POS and 80% of living areas.

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Solar access requirements contained within the Googong DCP are inconsistent with the ADG. The ADG sets higher solar access provisions for POS than the Googong DCP, but a lower provision for living areas (3 hours to 70% of dwellings). Living areas comply with the ADG, but not the DCP (The SEPP provisions override the DCP in this instance). The solar access variation for POS has been assessed in accordance with the provisions of SEPP No.65. As it meets minimum requirements under the Googong DCP.

iv. Fence Height

The proposal incorporates 1.5 metre high fencing to front courtyards for all ground floor units. The reason for the variation is to allow additional privacy to POS located forward of the building line. Council has previously approved fence heights in Googong to a 1.5 metre height where POS has been proposed forward of the building line. The variation allows for added privacy to POS. Based on past support for this specific variation approval is considered appropriate for the subject application.

(d) Development Engineer's Comments

Council's Development Engineer offered no objection to the proposed development subject to the imposition of the recommended conditions of consent. Issues that were resolved through the submission of additional information are discussed within the referral. A copy of the referral comments are provided within the attached *Section 4.15 Assessment Report – Matters for Consideration*.

(e) Environmental Health Comments

Council's Environmental Health Officer offered no objection to the proposed development subject to the imposition of the recommended conditions of consent.

Financial Implications

The Googong Local Planning Agreement (LPA) is applicable to the proposed development. The consent will incorporate a condition that the development is to comply with the LPA. Cash contributions will be collected prior to the issue of an Occupation Certificate.

Engagement

The application was notified in accordance with the QPRC Community Engagement and Participation Plan from the 2 to 30 August 2021. No submissions were received during the notification period.

Conclusion




The submitted proposal for the Construction of 3 x Three-Storey Residential Flat Buildings (96 Apartments) and Multi-Unit Dwellings (27 x Two-Storey Townhouses) on Lot 564 DP 1263952, No.15 McFarlane Avenue, Googong is a local development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012*, *SEPP No.65 Design Quality of Residential Apartment Development*, and the Googong Development Control Plan.

9.1 Development Application DA.2021.1347 - Construction of 3 x Three-Storey Residential Flat Buildings (96 Apartments) and Multi-Unit Dwellings (27 Two-Storey Townhouses) - 15 McFarlane Avenue, Googong (Ref: ; Author: Thompson/Glouftsis) (Continued)

Despite variations to several development controls contained within the Googong Development Control Plan and Apartment Design Guide (*SEPP No.65*) the potential impacts of the variations have been mitigated through the design of the development. The development generally satisfies the requirements and achieves the objectives of these instruments.

Attachments

- | | |
|---|---|
| Attachment 1
 | DA.2021.1347 - Section 4.15 Assessment Report - Matters for Consideration - 15 McFarlane Avenue Googong (<i>Under Separate Cover</i>) |
| Attachment 2
 | DA.2021.1347 - Architectural Plans - 15 McFarlane Avenue Googong (<i>Under Separate Cover</i>) |
| Attachment 3
 | DA.2021.1347 - Draft Conditions of Consent - 15 McFarlane Avenue Googong (<i>Under Separate Cover</i>) |

9.2 Development Application DA.2021.1436 - Construction of a South Jerrabomberra Community Centre - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Glouftsis)

File Reference: DA.2021.1436

Summary

Reason for Referral to Council

This application has been referred to Council as significant developments on community land are required to be determined by Council.

Proposal:	Construction of a Community Facility (South Jerrabomberra Community Centre)
Applicant/Owner:	The Village Building Co. Limited / The Village Building Co. Limited
Subject Property:	Lodged against Lot 189 DP 1272220, No. 360A Lanyon Drive, Tralee, NSW. The 2500m ² development lot is not yet registered but is approved to be created under DA.2021.1057.
Zoning and Permissibility:	RE2 – Private Recreation under the <i>Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012</i>
Public Submissions:	Nil
Issues Discussed:	Re-use of materials from previously approved demolition under DA 114-2019 (woolshed and cook house).
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

That development application DA.2021.1436 for the construction of a Community Facility on Lot 189 DP 1272220, No. 360A Lanyon Drive, Tralee be granted conditional approval.

Background

Proposed Development

The proposal seeks development consent for the construction of a community facility to be used as the South Jerrabomberra Community Centre. It is proposed within an allotment located adjacent to the proposed town park and future town centre of the South Jerrabomberra Urban Release Area.

9.2 Development Application DA.2021.1436 - Construction of a South Jerrabomberra Community Centre - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Glouftsis) (Continued)

Specifically, the proposal includes:

- Construction of a building to be used as a community facility, having a total floor area of 577.71 m² and including:
 - A main function room with 176m² of floor area, occupying the eastern portion of the building with access to a bar and kitchen;
 - Three smaller function rooms on the western portion of the building including an entry foyer and storeroom, with respective floor areas of 41m², 36m², and 28m².
- 21 on-site car parking spaces, including accessible car parking, and access for service vehicles (noting that additional street car parking is proposed on the approved loop road which traverses the western portion of the subject lot and town park lot to the south),
- Attached pergola with an open roof,
- The re-use of materials from the woolshed and cook house (located on a separate allotment) (approved for demolition under DA 114-2019).

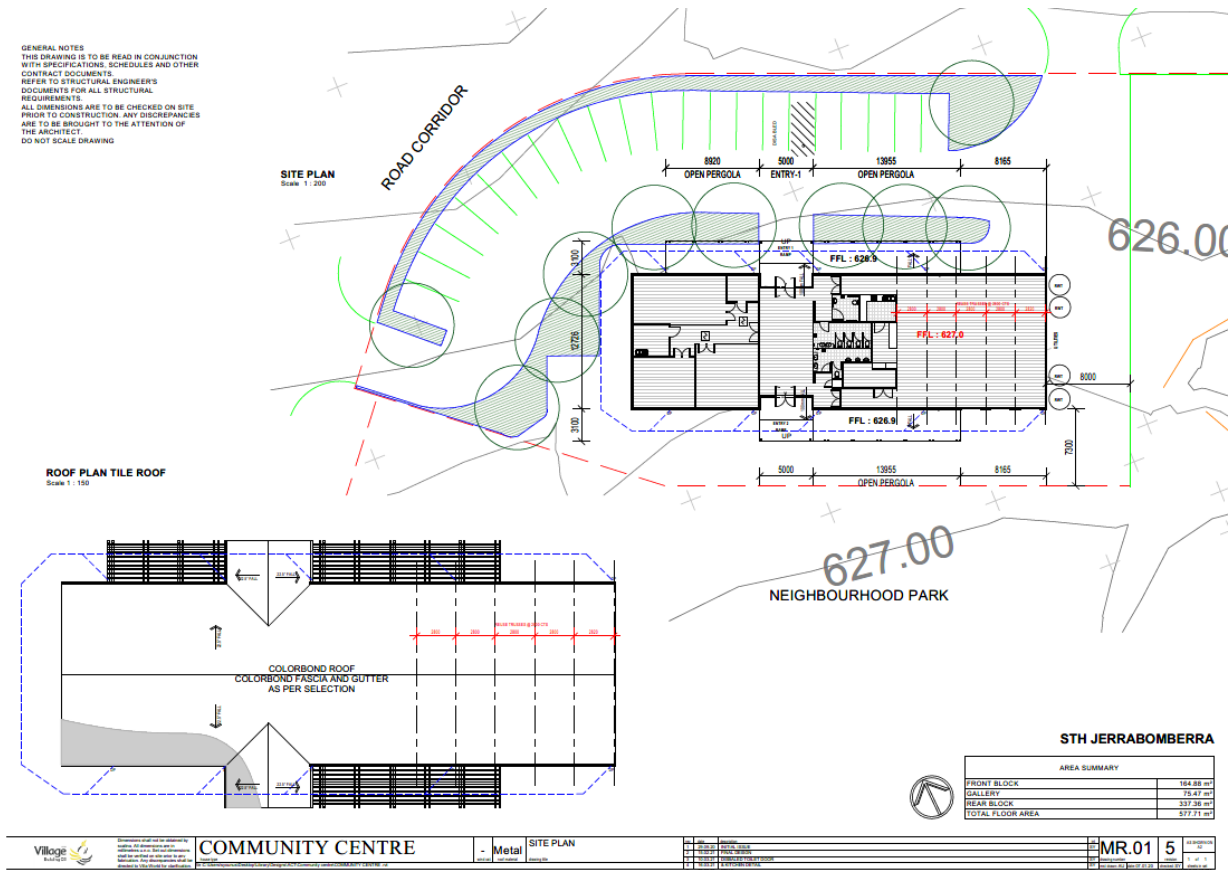


Figure 1: Site Plan

9.2 Development Application DA.2021.1436 - Construction of a South Jerrabomberra Community Centre - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Glouftsis) (Continued)

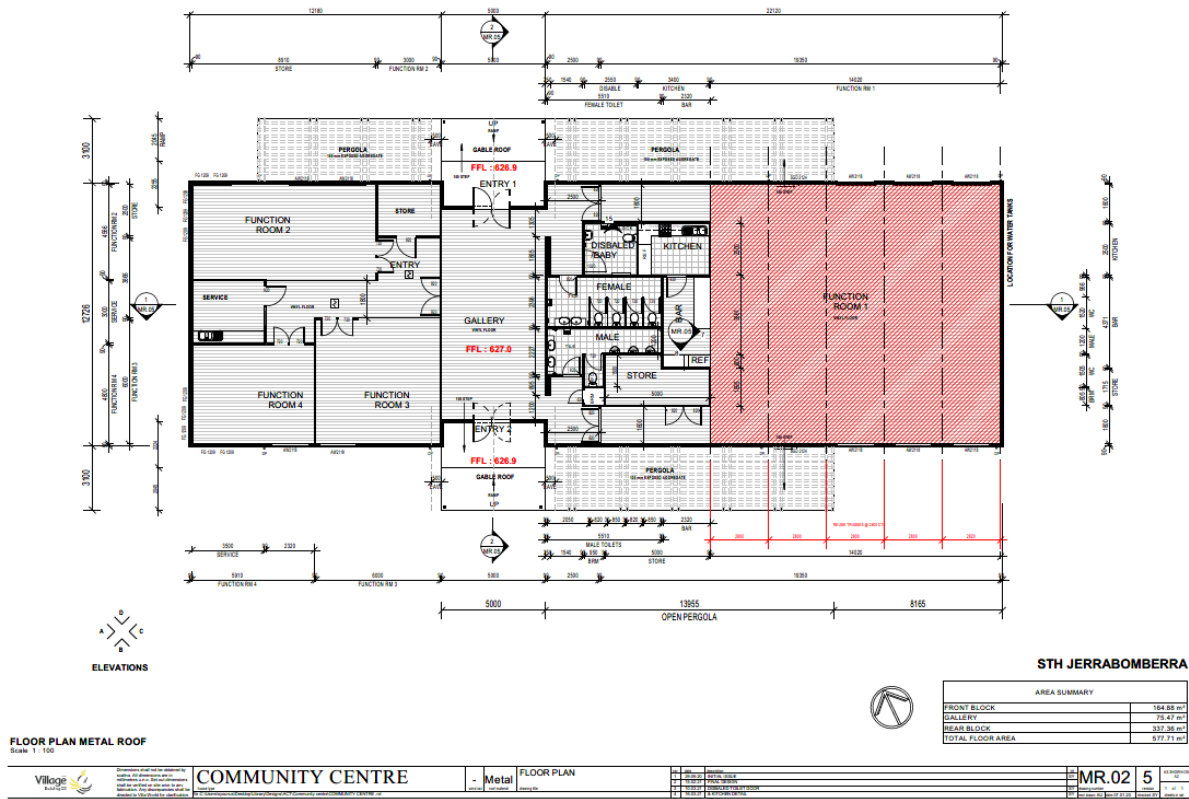


Figure 2: Proposed Internal Layout



Figure 3: Elevation Plans

9.2 Development Application DA.2021.1436 - Construction of a South Jerrabomberra Community Centre - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Glouftsis) (Continued)



Figure 4: Photo Montage

Subject Property

The subject site is legally described as Lot 189 DP 1272220 and is commonly known as 360A Lanyon Drive, Tralee. The current lot is a large super lot in the South Jerrabomberra Urban Release Area, which is subject to current approved subdivision applications and further future subdivision, which will change the allotment arrangement as the development of South Jerrabomberra progresses.

A previous application (DA.2021.1057) approved a five lot Torrens title subdivision with two residual super lots. The 2500m² development lot for the community centre was included in this approval. This allotment is to be dedicated to Council as community land as part of the developer's commitments under the South Tralee Essential Infrastructure Planning Agreement.

The future site is located on the south western side of the proposed loop road which will connect from the roundabout of Environa Drive and Oxalis Crescent and is yet to be constructed. Once registered, the development lot will have an area of 2500m². The street address and Lot and DP number will change upon registration of the allotment.

The site is relatively flat with no existing vegetation or development. Vehicular access is provided to the site via a proposed driveway from the loop road.

9.2 Development Application DA.2021.1436 - Construction of a South Jerrabomberra Community Centre - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Glouftsis) (Continued)

Relationship to Previous Development Applications

The subject proposal has a relationship to two previous development applications issued by Council, which are detailed below.

DA 114-2019 - Council previously approved development application (DA 114-2019) at its meeting of 18 December 2019 for the following purposes.

- Demolition of woolshed and cook house, construction of a community centre, sales office and pavilion in the South Jerrabomberra Urban Release Area.

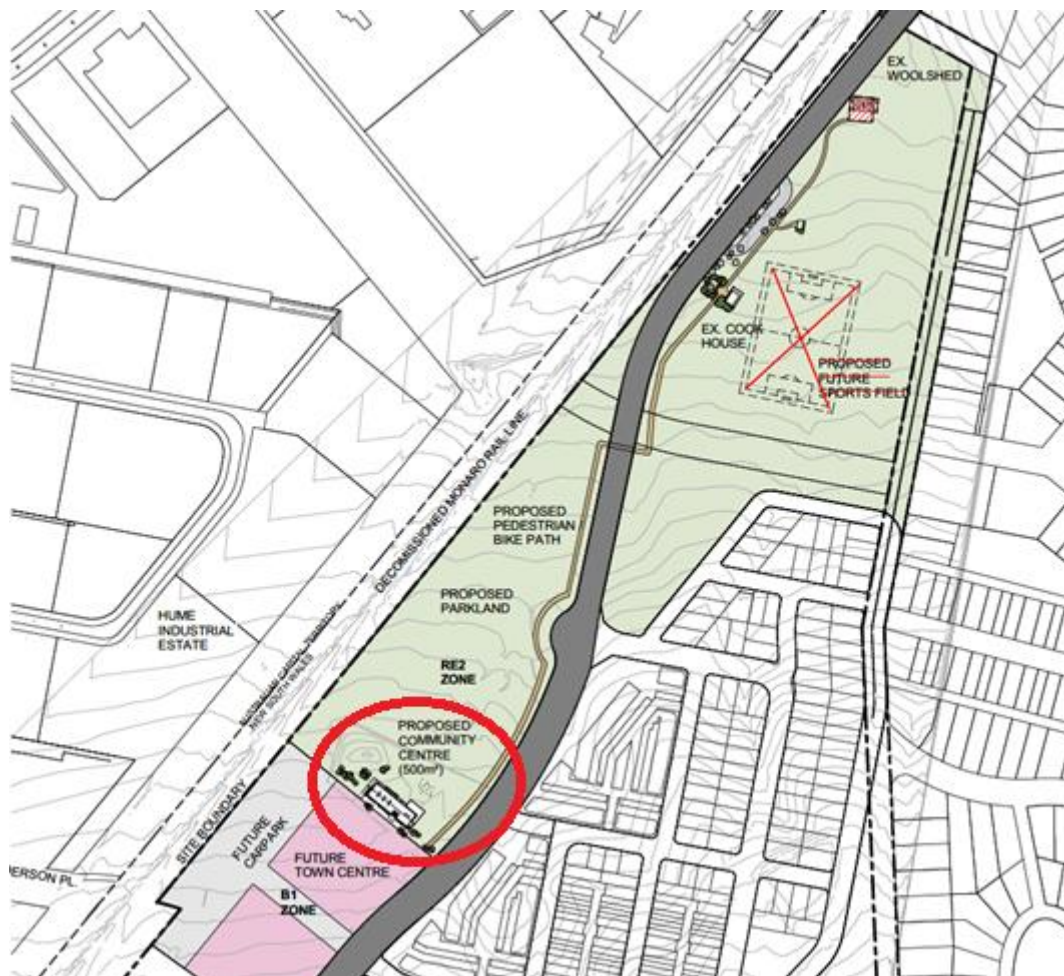


Figure 5 – Approved Site Plan – DA 114-2019

Figure 5 depicts the initial location of the proposed community centre adjacent to the future South Jerrabomberra Town Centre. The location of the existing woolshed and cook house which were approved for demolition under this application can be seen in the north western area of the site. DA 114-2019 subsequently adopted conditions and requirements regarding the re-use of materials from the woolshed and cook house in the proposed community centre.

The proponent plans to surrender development consent 114-2019 upon approval of the subject development application (DA.2021.1436). In this instance, the demolition approved under this consent has already occurred. However, upon surrender, no further works will be able to be undertaken, including the community centre component of this DA.

9.2 Development Application DA.2021.1436 - Construction of a South Jerrabomberra Community Centre - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Glouftsis) (Continued)

Given the approval of the demolition of these two structures was tied to the re-use of materials in the proposed community centre it is considered necessary that Council adopts a similar materials re-use condition for the new community centre proposed under DA.2021.1436 if it is to grant consent.

It is suggested that Conditions 6, 7, and 8 from DA 114-2019, as detailed below, be re-imposed on DA.2021.1436.

6. Reuse of Materials

All materials and elements of the buildings capable of being recovered, in addition to those to be reused, should be salvaged, recycled and provided to the greater community for reuse.

Reason: To ensure the adaptive re-use of the buildings.

7. Interpretative Signage/Historical Board

Photos and written information about the demolished buildings, with specific reference to the significance of the building elements reused is to be permanently displayed in the new buildings where the elements are reused. The nature and content of such a display is to be provided to Councils Heritage Committee for comment prior to installation of the display.

Reason: To ensure the history of the site is adequately recorded.

8. Validation of Potential Contaminated Material

All material reused from the Woolshed to the BBQ shelter (Pavilion) must be tested by a NATA accredited lab for the presence chromium copper arsenate (CCA), Lead, and Organochlorine pesticides (dieldrin, aldrin, chlordane and pentachlorophenol). Testing results are to be submitted to Council for assessment and determination if the proposed material is suitable for use.

Reason: To minimise the risk of harmful chemical exposure of patrons utilising the BBQ facility and Community Centre.

However, given that the subject application is no longer tied to the same DA that approved the demolition of the woolshed and cook house it is recommended Condition 6 also adopt the materials re-use table as shown below, to provide a link between the demolition approved under DA 114-2019 and the community facility as proposed under this application.

Material Re-use Schedule

NOTE: all items are subject to constructability and testing for odour and contaminants

Item	Original DA Use	Potential Revised Use - Community Centre	Potential Revised Use - Other
5 x King Post Trusses from original shearing shed	Re-use in Community Hub and Breezeway - DA No. 114-201	Re-use in Function Room 1	
Shearing Equipment and Timber	Decorative display in Breezeway	Decorative display in Gallery with historic information signs (framed with original timbers)	
Existing Saw Trimmed Beams, Stud and Frame timbers	External Awning outside multifunction room	External Pergolas - Posts and beams as quantity/buildability allows. Potentially a mix of new and old product	Potential reuse in BBQ shelter at town park
Sheep pen flooring	Screening in Breezeway	Nil	TBD
Sheep gates and sheep shutes	Nil	Nil	TBD
Wall and Iron Roofing	Nil	Nil	TBD
Timber Pier Support Stumps	Childerns Playground	Nil	TBD - incorporate with town park?
Bricks from the Cookhouse Chimneys	BBQ area adjacent to sporting field	Nil	Captured as potential reuse in the BBQ Shelter within the Town Park as approved under the REF

9.2 Development Application DA.2021.1436 - Construction of a South Jerrabomberra Community Centre - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Glouftsis) (Continued)

It is noted that certain elements of the woolshed and cook house which were to be used in the pavilion have subsequently been re-purposed into the proposed town park. The town park has been separately approved under Part 5 of the *Environmental Planning and Assessment Act 1979* by Council.

DA.2021.1057 – This DA was approved by Council under delegation on the 17 September 2021. It included Torrens title subdivision for five allotments and two large residual allotments. The 0.25ha allotment located adjoining the proposed loop is the current proposed location of the community centre as proposed under DA.2021.1436. It is located on the opposite side of the town park site to that initially proposed under DA 114-2019.

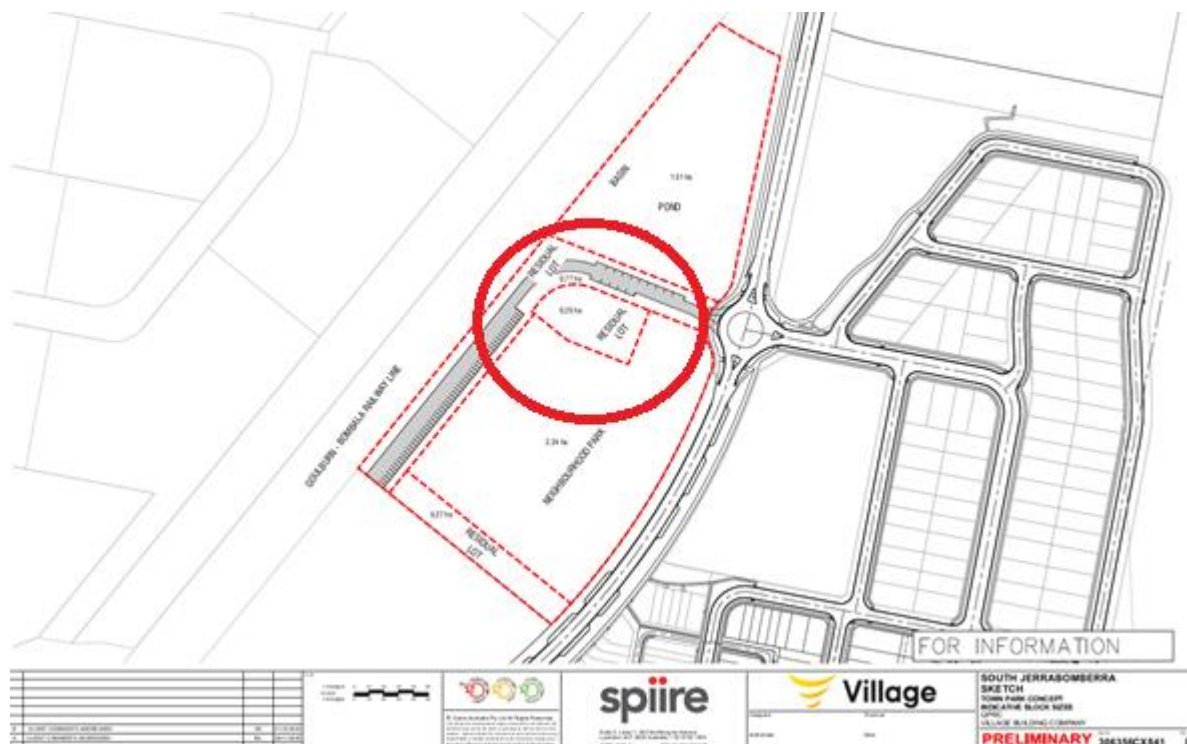


Figure 8: DA.2021.1057 - Approved Subdivision Layout

Planning Requirements

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

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

1. *State Environmental Planning Policy No. 55 Remediation of Land*
2. *State Environmental Planning Policy (Infrastructure) 2007*
3. *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012 (LEP)*.
4. *South Jerrabomberra Development Control Plan (DCP)*

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

9.2 Development Application DA.2021.1436 - Construction of a South Jerrabomberra Community Centre - 360A Lanyon Drive, Tralee (Ref: ; Author: Thompson/Glouftsis) (Continued)

(a) Compliance with LEP

The proposal generally complies with the requirements and the standards of the *Queanbeyan Local Environmental Plan (South Jerrabomberra) 2012*. A detailed assessment of the LEP is provided in the attached *Section 4.15 Assessment Report – Matters for Consideration*. **(b) Compliance with DCP**

The proposal generally complies with the requirements and the standards of the South Jerrabomberra Development Control Plan. A detailed assessment of the DCP is provided in the attached *Section 4.15 Assessment Report – Matters for Consideration*.

(c) South Tralee Strategic Social Plan

The proposal is generally consistent with the requirements set out in the South Tralee Strategic Social Plan. The subject allotment and floor area of the proposed building are not inconsistent with the requirements of the Plan. For further assessment against the requirements of this Plan, please refer to the attached *Section 4.15 Assessment Report – Matters for Consideration*.

Financial Implications

The provision of community facilities is required within the South Tralee Essential Infrastructure Planning Agreement. The proposed development fulfills a requirement of the Agreement.

Engagement

The application was notified from the 6 to 24 August 2021 pursuant the Queanbeyan-Palerang Community Engagement and Participation Plan. No submissions were received during the notification period.

Conclusion

The submitted proposal for a Community Facility on Lot 189 DP 1272220, No. 360A Lanyon Drive, Tralee is a local development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received during the notification period.

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

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

Attachments

- | | |
|--------------|--|
| Attachment 1 | DA.2021.1436 - Section 4.15 Matters for Consideration - 360A Lanyon Drive Tralee (<i>Under Separate Cover</i>) |
| Attachment 2 | DA.2021.1436 - Architectural Plans - 360A Lanyon Drive Tralee (<i>Under Separate Cover</i>) |
| Attachment 3 | DA.2021.1436 - Draft Conditions of Consent - 360A Lanyon Drive, Tralee (<i>Under Separate Cover</i>) |

9.3 Development Application - DA.2020.1704 - Construction of a Dwelling House and Clause 4.6 Variation to Minimum Lot Size - 129 Silver Lane, Boro (Ref: ; Author: Thompson/Wellalage)

File Reference: DA.2020.1704

Summary

Reason for Referral to Council

This application has been referred to Council because a significant variation of development standards is sought under the provisions of Clause 4.6 of the *Palerang Local Environment Plan 2014*.

Proposal:	Construction of a dwelling house and variation to minimum lot size under Clause 4.6 of Palerang Local Environmental Plan
Applicant/Owner:	SMEC Australia / Andrew James Johnston, Carmel Catherine Johnston
Subject Property:	Lot 9 DP 754867 – 129 Silver Lane, Boro
Zoning and Permissibility:	RU1 Primary Production under Palerang LEP 2014
Public Submissions:	One
Issues Discussed:	Suitability of allowing the minimum lot size to be varied
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

That:

1. **Approval be granted to a variation to Clause 4.6 of the *Palerang Local Environmental Plan 2014* to allow a 16.25% variation to the minimum lot size for the following reasons:**
 - a. **The construction of the dwelling will not disrupt any agricultural activities on the land or limit the potential for the subject site to be used for agricultural purposes in the future.**
 - b. **The application documents indicate that the site previously contains a dwelling which is no longer available on site. Therefore, reconstructing a dwelling on the land is consistent with the previous use of the land.**
 2. **Development application DA.2020.1704 for a construction of a dwelling house and variation to minimum lot size under Clause 4.6 of *Palerang Local Environmental Plan 2014* on Lot 9 DP 754867 No.129 Silver Lane, Boro be granted conditional approval.**
 3. **Those persons who lodged a submission on the application be advised in writing of the determination of the application.**
 4. **The Department of Planning, Industry and Environment be forwarded a copy of Council's Notice of Determination.**
-

9.3 Development Application - DA.2020.1704 - Construction of a Dwelling House and Clause 4.6 Variation to Minimum Lot Size - 129 Silver Lane, Boro (Ref: ; Author: Thompson/Wellalage) (Continued)**Background*****Proposed Development***

The development application is for construction of a dwelling and variation to minimum lot size under Clause 4.6 of Palerang Local Environmental Plan. The subject site is 33.5ha in size and the minimum lot size required for a dwelling to be constructed is 40ha. Therefore, a variation of 16.5% is assessed.

Subject Property

The subject site is legally described as Lot 9 DP 754867 and is commonly known as 129 Silver Lane, Boro. The site is located on the eastern side of Silver Lane and has an area of 24.13ha.

The site is rectangular in shape and contains scattered vegetation and multiple natural drainage lines.

The site is currently vacant and will be developed for residential purposes with the approval of this DA. Vehicular access is provided to the site via an existing driveway from Silver Lane.

Existing development within the locality consists of rural properties that are either vacant or developed for rural lifestyle properties. The size of properties to the north and west are under the minimum lot size and the property to the east and south are large rural properties.



Figure 1: Locality plan

9.3 Development Application - DA.2020.1704 - Construction of a Dwelling House and Clause 4.6 Variation to Minimum Lot Size - 129 Silver Lane, Boro (Ref: ; Author: Thompson/Wellalage) (Continued)

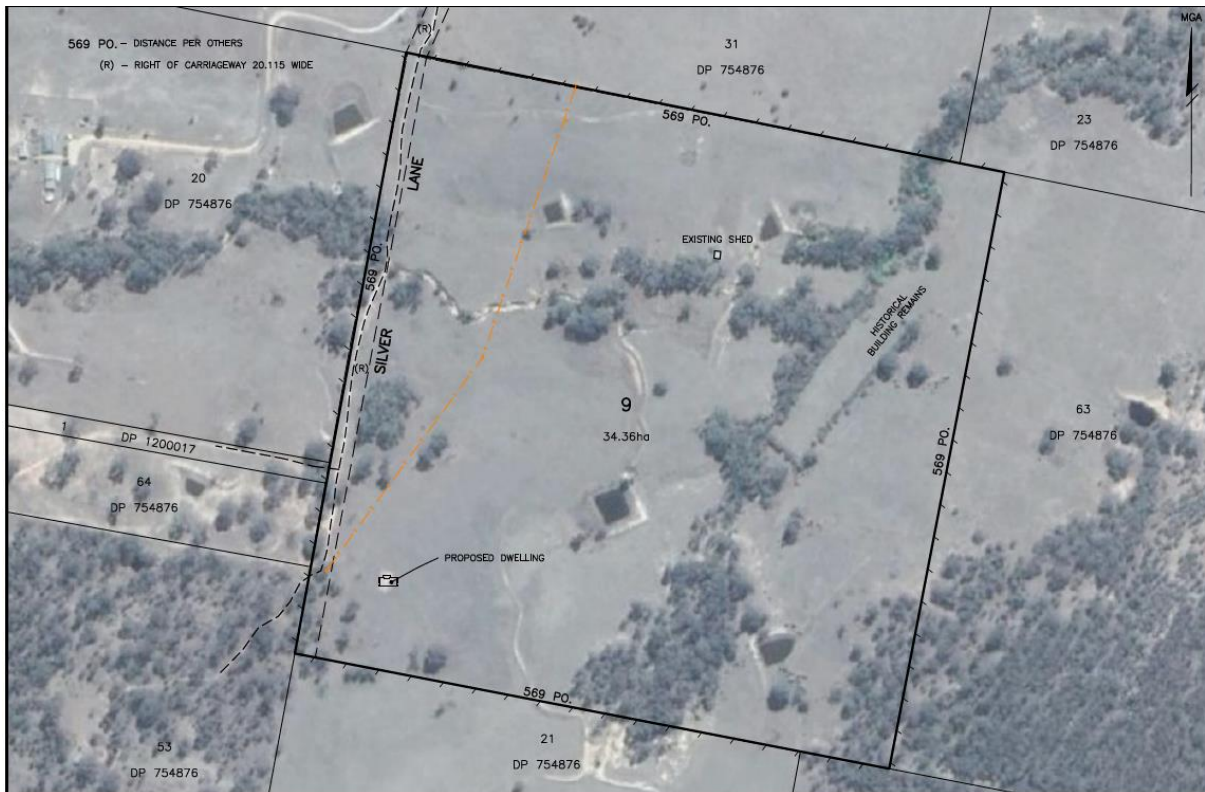


Figure 2 – Subject site with proposed location of the dwelling

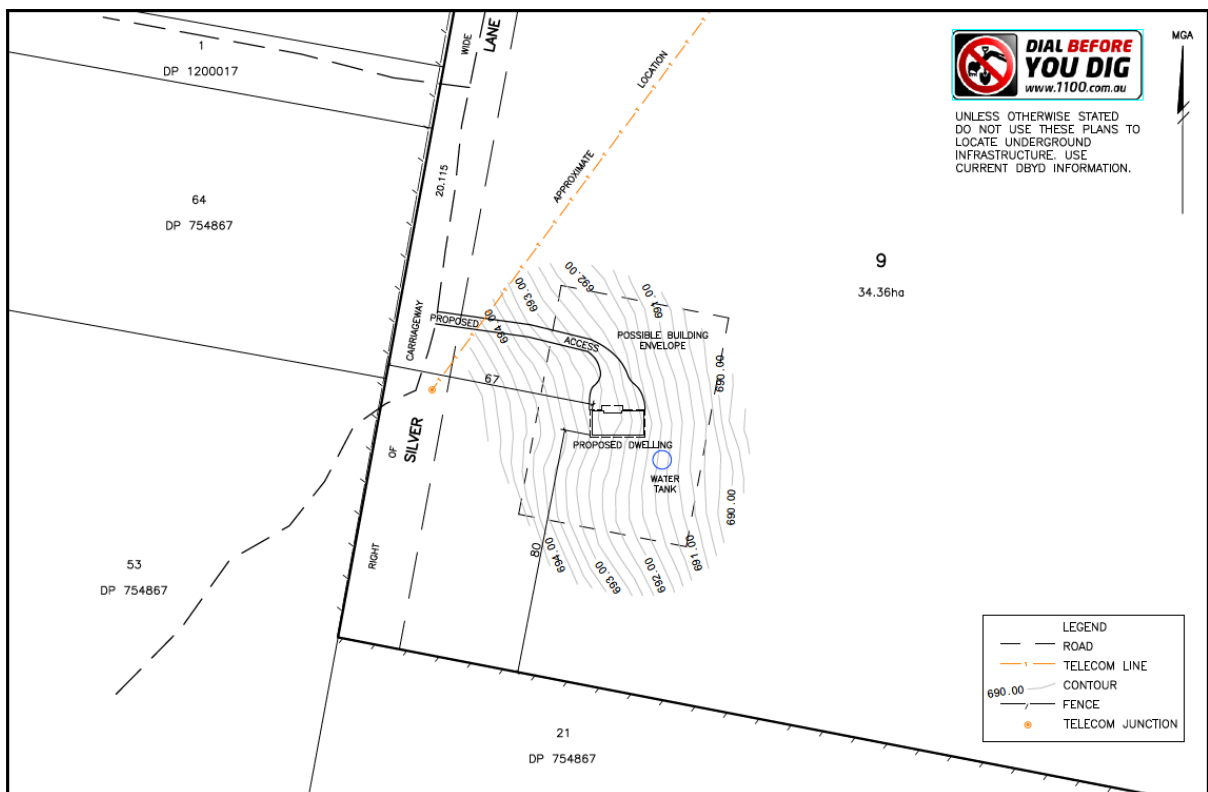


Figure 3 – Survey Plan showing proposed dwelling location and accessway

9.3 Development Application - DA.2020.1704 - Construction of a Dwelling House and Clause 4.6 Variation to Minimum Lot Size - 129 Silver Lane, Boro (Ref: ; Author: Thompson/Wellalage) (Continued)

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 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 (Primary Production and Rural Development) 2019*
3. *Palerang Local Environmental Plan 2014 (PLEP)*
4. *Palerang Development Control Plan 2015 (DCP)*

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issue relating to the proposal for the Council's consideration is a non-compliance with the minimum lot size requirements specified in the PLEP.

(a) Compliance with LEP

The proposal is generally consistent with the requirements of the LEP except for Clause 4.2A Minimum Lot Size provision. (refer to *Section 4.15 Table – Matters for Consideration* for a detailed assessment).

The minimum lot size requirement to construct a dwelling on the subject site is 40ha. The size of the subject site is 33.5ha therefore, the proposal does not meet the minimum lot size requirement under Clause 4.2A of the LEP.

However, under Clause 4.6 of the PLEP 2014, the consent authority can consider a variation, where that variation would achieve a better outcome.

Clause 4.6(3) of the PLEP 2014 states the following:

“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

The applicant has provided a written request that seeks to justify the proposed contravention of the “Erection of dwelling houses on land in certain rural, residential and environmental protection zones” development standard on the following grounds:

- The proposed dwelling does not limit potential for the subject land or surrounding land to be used for agricultural purposes.
- The proposal is consistent with the adjoining land uses of rural residential with similar lot sizes.

9.3 Development Application - DA.2020.1704 - Construction of a Dwelling House and Clause 4.6 Variation to Minimum Lot Size - 129 Silver Lane, Boro (Ref: ; Author: Thompson/Wellalage) (Continued)

Clause 4.6(4)(a)(i) of the PLEP 2014 states the following:

“Development consent must not be granted for a development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)”

The applicant’s written request to justify the contravention of the minimum lot size standard adequately addresses the matters required to be demonstrated in subclause 4.6(3). Specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

The written request is considered to provide sufficient substantive information on the environmental planning grounds relating to land use and impact of the development on the natural environment.

Clause 4.6(4)(a)(ii) of the PLEP 2014 states the following:

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposal is considered to be consistent with the objectives of the development standard in that:

- Given the size of the site is 33.5ha, the site still has the potential to be used for agricultural purposes. The construction of the dwelling will not disrupt any agricultural activities on the land or limit the potential for the subject site to be used for agricultural purposes in the future.
- There is no evidence that the surrounding sites are used for major scale agricultural uses apart from grazing. The majority of the surrounding properties are either vacant or developed as rural lifestyle properties. Therefore, the proposed dwelling will not cause conflict with any existing uses of the surrounding properties.
- The property to the west has been developed for residential purposes and does not meet the minimum lot size requirement. Therefore, allowing a dwelling on the subject land will not set a precedent.
- The proposed dwelling is located within a cleared area of the site and the accessway is existing. Therefore, the impact of the dwelling and upgrading of accessway on the natural environment and biodiversity is limited.
- The application documents indicate that the site previously contained a dwelling which is no longer on site. Therefore, reconstructing a dwelling on the land is consistent with the previous use of the land.

The site is Zoned RU1 – Primary Production under PLEP 2014 wherein development for the purposes of a dwelling is permissible with consent. The proposal is generally consistent with the objectives of the RU1 Zone in that:

- The impact of the proposed dwelling on the natural environment is reasonable given that no trees or shrubs are to be removed.
- The property is not used for any agricultural purposes at present, therefore, construction of a dwelling on the land will not have any land use conflicts. The surrounding properties are also used for rural residential purposes rather than agricultural purposes, as such the proposal will not have any land use conflicts with the surrounding properties.

9.3 Development Application - DA.2020.1704 - Construction of a Dwelling House and Clause 4.6 Variation to Minimum Lot Size - 129 Silver Lane, Boro (Ref: ; Author: Thompson/Wellalage) (Continued)

Clause 4.6(4)(b) of the PLEP 2014 states the following:

(b) the concurrence of the Secretary has been obtained.”

Council may assume the concurrence of the Director-General under the Planning Circular PS 08-003 issued in May 2008.

In conclusion, the applicant’s written request to justify the contravention of the minimal lot size development standard is considered to be well founded in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.**(b) Compliance with DCP**

The proposal now complies with the requirements of the DCP – Part B and Part C

Other Comments(a) Building Surveyor’s Comments

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

(b) Development Engineer’s Comments

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

(c) Environmental Health Comments

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

(d) Department of Planning, Industry and Environment (DPIE)

The application required a concurrent referral to the Department of Planning, Industry and Environment due to the fact that the variation sought under Clause 4.6 of the *Palerang Local Environmental Plan* exceeds 10%. The Department had no objections to the proposed variation and formed the view that the proposed variation does not raise matters of state or regional significance or that there is a public benefit in upholding the minimum lot site in this instance. The Department agreed with the justification for the proposed variation provided by the applicant that the proposed dwelling is consistent with the surrounding development pattern in the area.

9.3 Development Application - DA.2020.1704 - Construction of a Dwelling House and Clause 4.6 Variation to Minimum Lot Size - 129 Silver Lane, Boro (Ref: ; Author: Thompson/Wellalage) (Continued)

Engagement

The proposal required notification under Community Engagement and Participation Plan. One submission was received. The relevant issues raised are as follows:

Issue: Impact on privacy if the dwelling is located on the northern building precinct

Comment - It was determined by the applicant that the most suitable location for the dwelling is the southern building precinct to minimise the impact on the natural environment. Therefore, the dwelling will be located approximately 570m from the submitters dwelling. As such, impact on privacy is limited.







Conclusion

The submitted proposal for the construction of a dwelling house and variation to minimum lot size under Clause 4.6 of *Palerang Local Environmental Plan* on Lot 9 DP 754867 – 11 Sandhills Road Mount Fairy is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and one submission was received.

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

With a justified section 4.6 variation the development satisfies the requirements and achieves the objectives of these instruments.

Attachments

- | | |
|---|--|
| Attachment 1
 | DA.2020.1704 - 4.15 Assessment - Matters for Consideration - 129 Silver Lane, Boro (<i>Under Separate Cover</i>) |
| Attachment 2
 | DA.2020.1704 - Plans - 129 Silver Lane, Boro (<i>Under Separate Cover</i>) |
| Attachment 3
 | DA.2020.1704 - Applicant's S4.6 Variation Request - 129 Silver Lane, Boro (<i>Under Separate Cover</i>) |
| Attachment 4
 | DA.2020.1704 - DPIE Concurrence Letter - 129 Silver Lane, Boro (<i>Under Separate Cover</i>) |
| Attachment 5
 | DA.2020.1704 - Submission - 129 Silver Lane, Boro (<i>Under Separate Cover</i>) |
| Attachment 6
 | DA.2020.1704 - Draft Conditions - 129 Silver Lane, Boro (<i>Under Separate Cover</i>) |

9.4 Development Application - DA.2021.1594 - Construction of a Dwelling House - Heritage Conservation Area - 12 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Yeomans)

File Reference: DA.2021.1594

Summary

Reason for Referral to Council

This application has been referred to Council as the PGM Natural and Built Character has determined it is in the public interest to have the matter considered by Council.

Proposal:	Construction of a dwelling house
Applicant/Owner:	Mr Tony Rowley / Pauline Ann Bowyer
Subject Property:	Lot 8 DP 32617 and Lot 12 DP 1115546, 12 Isabella Street Queanbeyan
Zoning and Permissibility:	R2 Low Density Residential under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Two (2)
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

That:

1. Development application DA.2021.1594 for construction of a dwelling house on Lot 8 DP 32617 and Lot 12 DP 1115546, 12 Isabella Street Queanbeyan be granted conditional approval.
 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
-

Background

The proposal is for the construction of a single storey dwelling house in a Heritage Conservation Area.

A previous development application was approved for alterations and additions to the existing dwelling (DA.2020.1648) approved by Council on 14 May 2021. That consent included demolition and reconstruction of a substantial portion of the existing dwelling but did not include total demolition.

That consent sought to retain some of the walls and features of the existing dwelling including side timber windows (see Figure 1 below).

A Construction Certificate was issued by a private certifier on 1 July 2021.

9.4 Development Application - DA.2021.1594 - Construction of a Dwelling House - Heritage Conservation Area - 12 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Yeomans) (Continued)

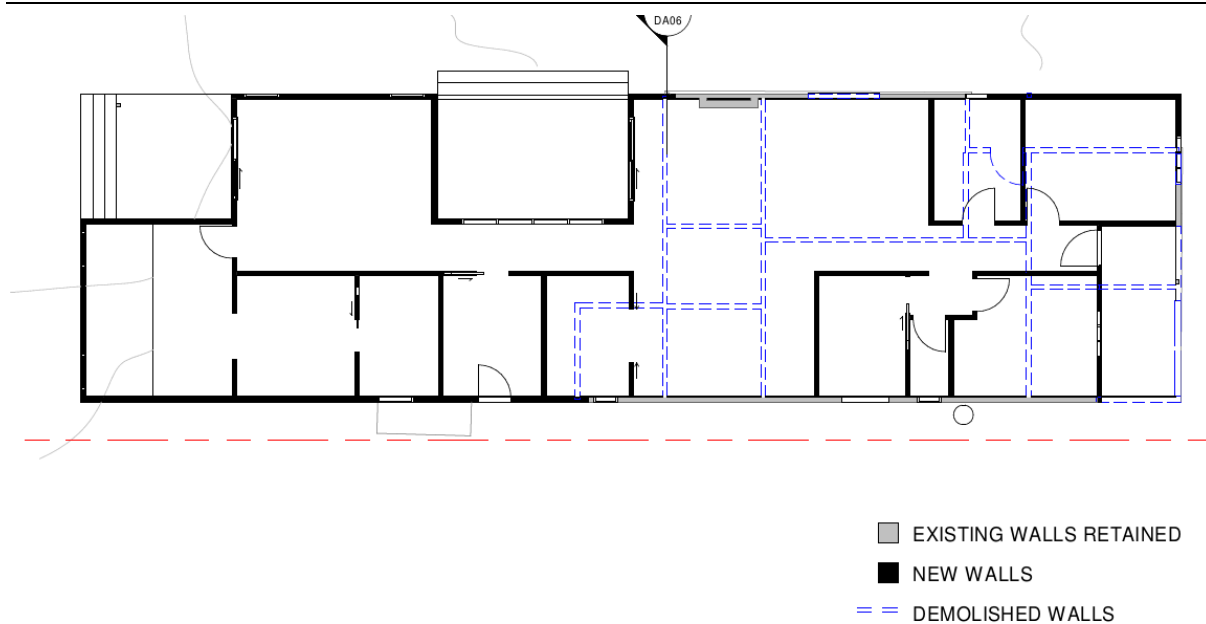


Figure 1 – Plan showing demolition work and new work proposed under DA.2020.1648.

On 19 August 2021 Council subsequently received complaints that the existing dwelling had been completely demolished in contravention of the consent issued. An investigation confirmed that the dwelling had been demolished without approval and a Stop Work notice was served on the site and has been in force since that time.

The Stop Work order provided that work could not recommence on site until a valid development consent was in force. As a result, a new development application was lodged for the erection of a new dwelling. This report considers that new development application. The consideration of the appropriate enforcement action to be taken will be dealt with by staff as a separate issue and is not further considered in this report.

Proposed Development

The site is located in the Queanbeyan Heritage Conservation Area and previously accommodated a pre-1960's dwelling. Neither the site nor the original dwelling are listed as having local heritage value.

The application seeks Council approval for construction of a dwelling house as follows:

- Single storey, 3 bedroom design;
- Front porch, rear deck and east facing deck between the family room and living room;
- New front fence as timber low picket style; and
- Existing access and shed to remain.

Subject Site

The subject site is legally described as Lot 8 DP32617 and Lot 12 DP1115546 and is commonly known as 12 Isabella Street, Queanbeyan. The site is located on the northern side of Isabella Street and has an area of 767.7m². Existing development on the site comprises a shed.

The principal frontage of the site is to the main formation of Isabella Street. A rear lane provides vehicular access to the rear of the site via an existing driveway.

9.4 Development Application - DA.2021.1594 - Construction of a Dwelling House - Heritage Conservation Area - 12 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Yeomans) (Continued)

Existing development within the locality consists of single storey dwellings with the Queanbeyan Public Primary School opposite the site to the south.



Figure 2 - Aerial image of 12 Isabella Street (Photo taken before demolition of existing dwelling)



Figure 3 - 12 Isabella Street from Isabella Street frontage.

9.4 Development Application - DA.2021.1594 - Construction of a Dwelling House - Heritage Conservation Area - 12 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Yeomans) (Continued)



Figure 3 - 12 Isabella Street from Isabella Street rear lane.

Planning Requirements

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

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

1. *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
2. *Queanbeyan Local Environmental Plan 2012 (LEP)*
3. *Queanbeyan Development Control Plan 2012 (DCP)*

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

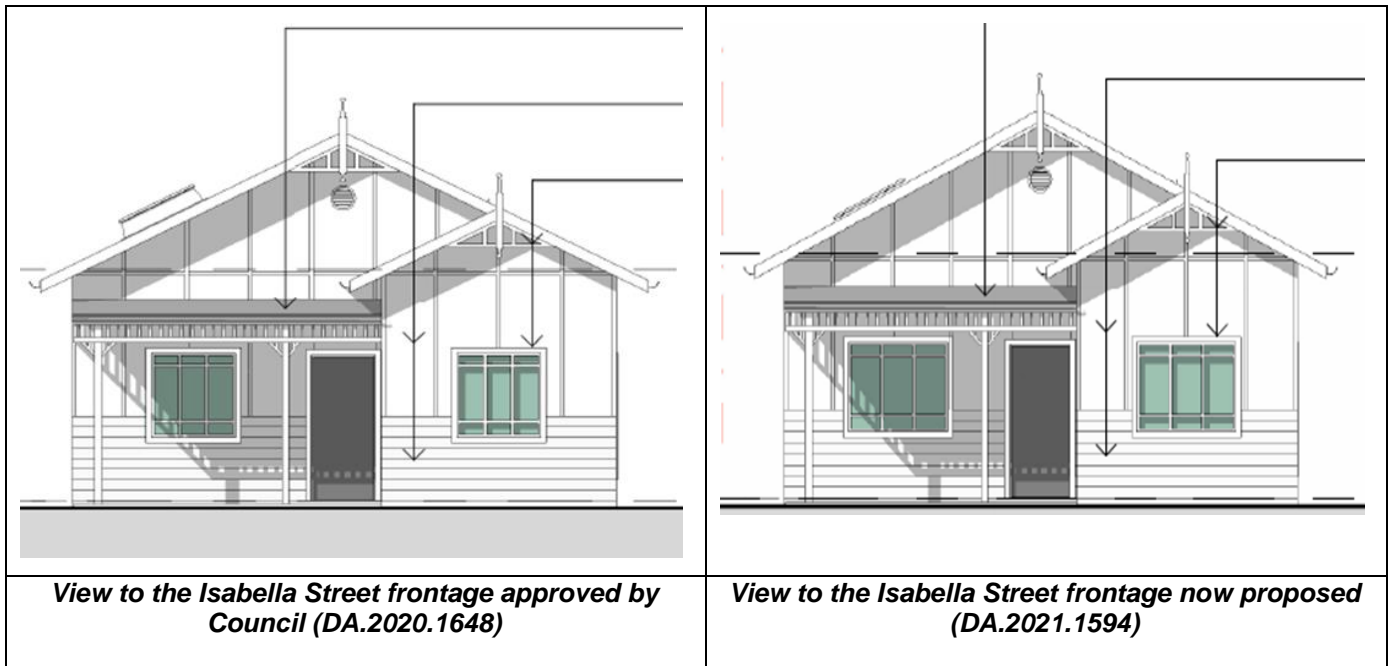
9.4 Development Application - DA.2021.1594 - Construction of a Dwelling House - Heritage Conservation Area - 12 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Yeomans) (Continued)

Other Matters

This development application has been lodged seeking consent for the construction of a new dwelling on the site.

Development for the purposes of a dwelling house is a permissible use within the R2 Low Density Residential zone.

Despite not being an exact replica of the original dwelling, the proposal will result in a dwelling that is consistent with the previous approval when viewed from the Isabella Street elevation.



The application was referred to Council’s Heritage Advisor given the site is located in a Heritage Conservation Area.

He notes that 12 Isabella Street was a single storey, timber framed Inter-War cottage, with timber weatherboards to just above window-sill height, and fibro-asbestos cladding and timber battens above.

The main part of the cottage had a gabled corrugated iron roof facing the street, as did a smaller projecting front room. The back section of roof was hipped and included a skillion over the rear rooms. There was an enclosed skillion addition off the front room that appeared to have been a later addition.

The original front and side windows were vertically proportioned with three glazed timber sashes, whereas the front skillion window was a horizontal aluminium unit. The front door was set back under the main roof and so was not readily visible from the street.

9.4 Development Application - DA.2021.1594 - Construction of a Dwelling House - Heritage Conservation Area - 12 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Yeomans) (Continued)



Figure 4 – Existing dwelling that was demolished at 12 Isabella Street

Council’s Heritage Advisor has confirmed he is able to support the proposed development given it meets the heritage objectives of the Queanbeyan Development Control Plan.

Engagement

The proposal required notification under the QPRC Community Engagement and Participation Plan. Two (2) submissions were received. The relevant issues raised are as follows:

1. BASIX relates to ‘Alterations and Additions’.

Comment - An amended BASIX certificate has been received.

2. Gas heating is proposed. Is this advisable in view of current arguments for saving greenhouse gas emissions?

Comment - This is not a planning consideration. Council is not able to dictate the type of energy used to service a hot water system for a dwelling although it does influence the score and therefore the ability to obtain a BASIX Certificate.

3. Gable is forward of the previous one in spite of original Heritage Advice.

Comment - The main gable of the roof corresponds with the new front entrance which is typical of traditional dwellings in the local area. The original dwelling was not a local heritage item and general heritage features consistent with those suggested in the Queanbeyan Development Control Plan are appropriate to the redesign of a dwelling.

4. Wall cladding on upper part will be flat sheets with batons.

Comment - Wall cladding included features similar to that on the existing dwelling including vertical battens.

5. Paint colours ‘galvanised’ to roof, ‘monument’ on gutters and ‘Whisper white’ to walls.

Comment - Noted. The colours are consistent with those used in the local area and adherence to the original colours (brown and white) is not required under the Queanbeyan Development Control Plan.

9.4 Development Application - DA.2021.1594 - Construction of a Dwelling House - Heritage Conservation Area - 12 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Yeomans) (Continued)

6. Frills to front veranda could be more prominent.

Comment - The front veranda includes traditional elements appropriate to a dwelling in this part of the Queanbeyan Heritage Conservation Area and no additional treatment is required.

7. Finials have been added.

Comment - Noted. These roof ornaments are used as heritage features throughout the local area and are at the landowners' discretion.

8. Wall of front garden replaced with a picket fence.

Comment - The Queanbeyan Development Control Plan allows fences in front of a dwelling of a low height and that are semi-transparent. The existing fence is a more modern addition and Heritage Advice to the previous landowners included support to remove the low wall and replace it with a low picket fence as now proposed. Complies.

9. Timber windows to be used. I regret the timber windows have been lost.

Comment - Council's Heritage Advisor has confirmed that the use of modern materials are appropriate and these will not detract from the traditional features of the dwelling.

10. Screening to east facing deck to avoid potential for overlooking to private open space on adjoining property.

Comment - The Applicant has amended the plans to include a 1.8m timber lattice privacy screen to the lot boundary to the east which will act as a privacy screen between the outdoor areas on the subject land and the adjoining lot. Complies.

11. Disappointed original façade has been demolished and the original front elevation should be restored.

Comment - Demolition occurred beyond that which was previously approved by Council. The proposed design is consistent with the previous approval in terms of form and scale and includes appropriate heritage features. Despite not being an exact replica of the original dwelling the proposed dwelling is able to be approved.

12. Roof materials unpainted galvanised iron. Section plan has incorrect reference.

Comment - The section plan describes a new galvanised corrugated metal roof.

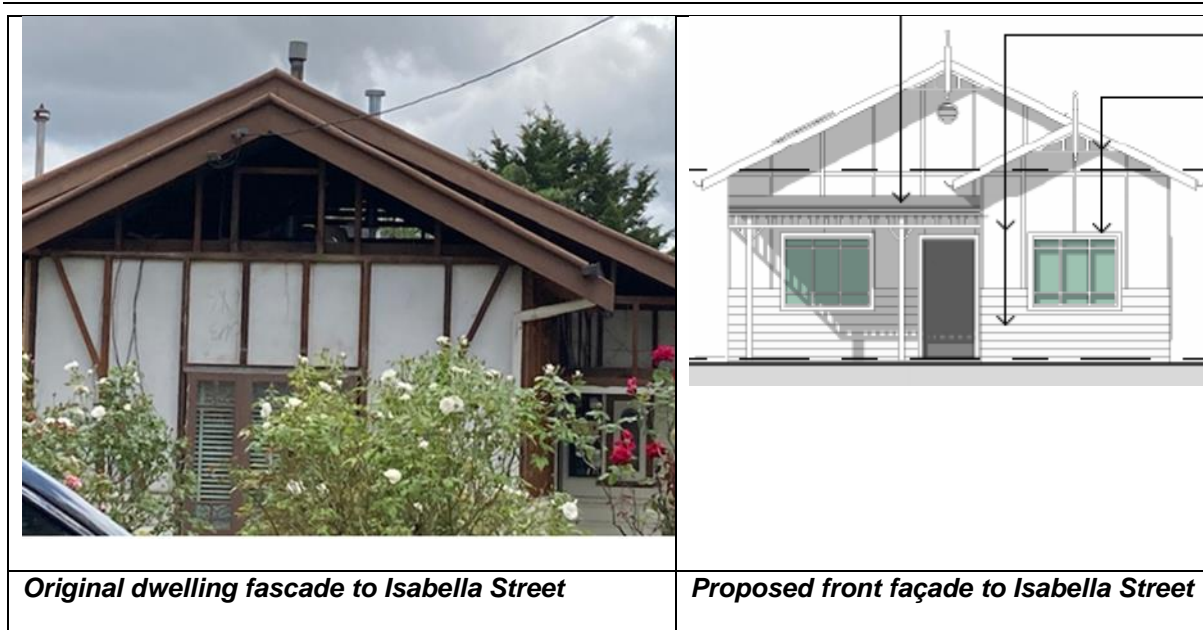
13. Split roof and double gable on the original house with the more spacious area at the front door should be retained.

Comment - The proposal is consistent with the previous approval in terms of roofing design.

The proposal includes a logical front entrance which was previously located at the side of the original dwelling which will then address the street.

The proposal includes a front room that matches details of the original dwelling including wall-cladding detail, architraves, windows, gable details and roof pitch and barge board added to the fascia.

9.4 Development Application - DA.2021.1594 - Construction of a Dwelling House - Heritage Conservation Area - 12 Isabella Street, Queanbeyan (Ref: ; Author: Thompson/Yeomans) (Continued)



Conclusion





The submitted proposal for construction of a dwelling house on Lot 8 DP 32617 and Lot 12 DP 1115546, 12 Isabella Street Queanbeyan is a local development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and two (2) submissions were received.

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

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

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.2021.1594 - S4.15 Matters for Consideration Assessment Report - 12 Isabella Street, Queanbeyan (*Under Separate Cover*)
- Attachment 2  DA.2021.1594 - Plans - 12 Isabella Street, Queanbeyan (*Under Separate Cover*)
- Attachment 3  DA.2021.1594 - Submissions - 12 Isabella Street, Queanbeyan (*Under Separate Cover*)
- Attachment 4  DA.2021.1594 - Draft Conditions - 12 Isabella Street, Queanbeyan (*Under Separate Cover*)

9.5 Modification to Development Consent - DA.2017.217.A - Two Lot Subdivision - 31 Ellendon Street Bungendore (Ref: ; Author: Thompson/Yeomans)

File Reference: DA.2017.271.A

Summary

Reason for Referral to Council

This application has been referred to Council as the Group Manager Sustainability and Better Living has determined it is in the public interest to have the matter considered by Council as it has policy implications for future imposition of conditions of consent.

Proposal:	Modification to Development Consent
Applicant/Owner:	Mr Richard Beviss
Subject Property:	Lot 9 DP 758183, 31 Ellendon Street, Bungendore
Zoning and Permissibility:	B2 Local Centre under Palerang Local Environmental Plan 2014
Public Submissions:	Not applicable
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

That modification application DA.2017.271.A for modification of DA.2017.171 (MOD.2018.083) for a two Lot Subdivision on Lot 9 DP758183 at 31 Ellendon Street, Bungendore be determined as follows:

- **Conditions 2, 57, 58 and 61 of the development consent to be deleted.**
 - **Conditions 59 & 60 of the development consent to be amended to reflect current development contribution amounts.**
-

Background

Background

An application has been lodged seeking Council's consent to modify the conditions of an existing consent. The modification is a Minor Modification under Section 4.55(1a) of the *Environmental Planning and Assessment Act 1997*.

The specific modification is to delete Condition 2 relating to the surrender of an existing consent attached to the land and Conditions 57, 58, 59, 60 & 61 relating to development contributions.

On 13 February 2018 development consent for subdivision was granted conditional consent under DA.2017.271. The application approved two lots for business/commercial purposes at 31 Ellendon Street, Bungendore.

On 21 September 2018 a modification to the consent was approved (MOD.2018.083) which recalculated a development contribution for car parking in accordance with Council's revised Car Parking Policy for Bungendore Plan 11.

9.5 Modification to Development Consent - DA.2017.217.A - Two Lot Subdivision - 31 Ellendon Street Bungendore (Ref: ; Author: Thompson/Yeomans) (Continued)

On 7 November 2020 the landowner wrote to Council seeking a review of the lawfulness and appropriateness of Council requiring contributions as conditions on development consent for the two-lot subdivision.

Following a review of the consent conditions, Council wrote to the landowner on 23 February 2021 suggesting a formal review of the conditions could be conducted through a modification application. The modification application lodged in September now seeks to modify the conditions of consent.

Subject Property

The site is known as Lot 9 DP 758183 being 31 Ellendon Street, Bungendore.



Figure 1 - Aerial Image of Site

9.5 Modification to Development Consent - DA.2017.217.A - Two Lot Subdivision - 31 Ellendon Street Bungendore (Ref: ; Author: Thompson/Yeomans) (Continued)



Figures 2 and 3 – Views of the Existing Site from Ellendon Street

9.5 Modification to Development Consent - DA.2017.217.A - Two Lot Subdivision - 31 Ellendon Street Bungendore (Ref: ; Author: Thompson/Yeomans) (Continued)

The subject site has an area of 2023m² and is located on the western side of Ellendon Street. The site contains a single storey commercial structure which appears unoccupied. The northern portion of the site is currently vacant. Surrounding development is of a similar commercial nature. The land is generally flat.

The land is on the western side of Ellendon Street which is sealed with kerb and gutter both sides. Vehicle access is gained from a Right of Carriageway on Lot 1 DP 20151859 which is served by a concrete driveway.

Some established trees are planted on proposed Lot 1.

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15 of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 4.15 are summarised in the attached *Section 4.55(1a) Table – Matters for Consideration* (Attachment 1).

In brief, the application seeks to remove conditions with no change to the proposed plan of subdivision. The performance of the consent against the relevant statutory controls is unchanged.

***(a) Other Matters
Modifications sought***

The application seeks to modify DA.2017.271 (MOD.2018.083) under Section 4.55(1A) of the Act. Council can modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all),*

Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted.

- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Part (b) is not applicable.

- (c) it has notified the application in accordance with:*
- (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

With regards to subclause 'c' and 'd', the application was not required to be notified.

9.5 Modification to Development Consent - DA.2017.217.A - Two Lot Subdivision - 31 Ellendon Street Bungendore (Ref: ; Author: Thompson/Yeomans) (Continued)

The modification application seeks to delete conditions 2, 57, 58, 59, 60 & 61. Each request is assessed below.

Condition 2 - Development consent for Development Application Number 2001/CA-238 (being conversion of shed to commercial premises) granted 18 July 2002 is to be surrendered in writing to Council pursuant to Section 104A of the Environmental Planning and Assessment Act 1979.

Comment - Council issued a development consent on 18 July 2002 for the conversion of a shed to commercial premises (2001/CA-328). The consent allowed for alterations to the existing fire station shed to provide for a Gallery and Coffee Shop.

The use of the site was subsequently changed under the exempt development provisions of *State Environmental Planning Policy (Exempt and Complying Development) 2008* to a real estate agency. That use ceased to operate in 2011 and the site is now vacant.

The assessment of the subdivision application at that time found that should the subdivision proceed it would not allow for the operation of the approved café in accordance with DA 2001/CA-328. Therefore, a condition of consent was imposed on the subdivision consent requiring that DA 2001/CA-328 be surrendered.

On review Council officers are of the view that the imposition of this condition was not relevant to the assessment of the development application for subdivision. Section 4.17 of the *Environmental Planning and Assessment Act 1979* (the Act) allows for the imposition of conditions on a development consent including for the surrender of an existing consent. However, conditions need to be both reasonable and relevant to the development being assessed, in this case the subdivision of land.

The evaluation of the development application for subdivision was made under Section 4.15 of the Act. It took into consideration relevant controls relating to that form of development including servicing, access and compliance with the minimum lot size controls.

However, it was not reasonable that an application for subdivision assess or determine the ability of an approved use to operate in accordance with its conditions. Compliance with conditions of a previous consent was not a relevant consideration.

Therefore, as Condition 2 requiring the surrender of an existing consent is not a relevant condition imposed on DA.2017.271 Council officers support its deletion.

Condition 57 - Seeks a contribution under the Yarrowlumla Council S94 Contribution Plan No.1 for Bungendore.

On review it is agreed that a subdivision of a lot into two lots for business/commercial purposes does not necessarily result in additional residential population for the area covered by the Plan, that gives rise to an increased demand for the type of facilities that this Plan is collecting contributions for. As such, the requisite nexus is difficult to establish in this case.

The deletion of condition 57 is supported.

Condition 58 - Seeks a contribution under the Palerang Council S94 Contribution Plan No. 7 – Recreation Facilities at Bungendore.

Again, it is agreed that a subdivision of a lot into two lots for business/commercial purposes does not necessarily result in additional residential population locating within the area covered by the Plan, that gives rise to increased demand for the type of facilities that this Plan is collecting contributions for. As such, the requisite nexus is difficult to establish in this case.

The deletion of condition 58 is supported.

9.5 Modification to Development Consent - DA.2017.217.A - Two Lot Subdivision - 31 Ellendon Street Bungendore (Ref: ; Author: Thompson/Yeomans) (Continued)

Condition 59 - Seeks a contribution under the Palerang Council S94 Contribution Plan No. 8 - Pathway Network Bungendore.

The subdivision of this allotment to facilitate business/commercial development will contribute towards the overall growth of Bungendore even if the new lot is not further developed in the short term. The contributions sought under this Plan are for the upgrading and extension work for paved pedestrian and shared footpath/cycleways and some gravelled trails including a footpath on this side of Ellendon Street. This has been constructed, including in front of the subject site, and so satisfies the physical and temporal elements of nexus.

The Applicant has argued that the purpose of the land is not yet known however, only commercial uses are permitted under the Land Use Table for the B2 Zone under the Palerang Local Environmental Plan 2014. Council is required to consider the purpose for which land will be used during the assessment of a subdivision application and this land was not subdivided for a residential purpose.

Council's Engineer has also confirmed this condition is still relevant and has recalculated the contribution amount payable.

Council's assessment is that Condition 59 should remain.

Condition 60 - Seeks a contribution under the Palerang Section 94 Plan No. 9 – Street Upgrading Bungendore.

Again, the subdivision of this allotment to facilitate business/commercial development will contribute towards the overall growth of Bungendore even if the new lot is not further developed in the short term. The contributions sought under this Plan are for the street upgrading including upgrades and works involving parts of Ellendon Street and the intersection of Ellendon Street/Gibraltar Street both within close proximity to the land. These works have been completed and so satisfy the physical and temporal elements of nexus.

The Applicant has argued that the purpose of the land is not yet known however, only commercial uses are permitted under the Land Use Table for the B2 Zone under the Palerang Local Environmental Plan 2014. Council is required to consider the purpose for which land will be used during the assessment of a subdivision application and this land was not subdivided for a residential purpose.

Council's Engineer has also confirmed this condition is still relevant and has recalculated the contribution amount payable.

Condition 60 is proposed to remain.

Condition 61 - Seeks a contribution under the Local Infrastructure Contributions Plan No. 11 for the provision of Public Off-Street Carparking at Bungendore.

Until the proposed development for this land (31 Ellendon Street) is known, the demand for off-site parking remains unknown. As such, the necessary nexus is not established. Off-site parking demand is a function of the use of the land and how much of the required parking generated by the proposed use can be provided on site. As such, when a development application is lodged for the use of the site the onsite parking demand will be calculated and any shortfall recovered through this Plan at that stage.

The deletion of condition 61 is supported.

This assessment has found support for the deletion of conditions 2, 57, 58 & 61 with conditions 59 and 60 to remain with the amount payable modified.

9.5 Modification to Development Consent - DA.2017.217.A - Two Lot Subdivision - 31 Ellendon Street Bungendore (Ref: ; Author: Thompson/Yeomans) (Continued)

Development Engineer's Comments

The modification DA.2017.271.A is requesting the removal of all Development Contributions associated with the commercial subdivision at 31 Ellendon Street, Bungendore.

This modification application follows a letter dated 23 February 2021 to the applicant from Council reviewing all the applicable Development Contributions Plans. In accordance with the written review, removal of two of the five development contribution conditions are not supported. Specifically, Conditions 59 and 60 shall remain in the consent and have been updated for this modification application.

Removal of Conditions 57, 58 and 61 from the consent are supported.

Financial Implications

Council officers have determined that the conditions recommended for removal are not applicable. There are no financial implications given the payment of the contributions as sought are not reasonable or relevant.

Engagement

The proposal was not required to be notified therefore no submissions have been received.

Conclusion

The Modification to an existing development consent for a two Lot Subdivision on Lot 9 DP758183, No. 31 Ellendon Street is able to be supported. The proposal was not required to be notified to adjoining owner/occupiers.



The proposal has been assessed under Section 4.55(1a) *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

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

The proposed modification to the consent to delete Condition 2 (surrender previous consent), Condition 57 (payment of development contributions), Condition 58 (payment of development contributions), and Condition 61 (payment of development contributions) is supported.

Conditions 59 and 60 are to be amended to reflect the current development contribution payable.

Attachments

- | | |
|--|--|
|  Attachment 1 | DA.2017.271.A - Assessment Report 4.55 (1a) - 31 Ellendon Street, Bungendore (<i>Under Separate Cover</i>) |
|  Attachment 2 | DA.2017.271.A - Draft Conditions - 31 Ellendon Street, Bungendore (<i>Under Separate Cover</i>) |

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Enviroana Drive (Ref: ; Author: Geyer/Thompson)

File Reference: 23.1.1-03

Summary

This Determination Report has been prepared to assess the Review of Environmental Factors (REF) prepared by Cardno on behalf of Queanbeyan-Palerang Regional Council for the construction of certain works for the QPRC Regional Sports Complex. A copy of the REF is provided in Attachment 1.

Certain elements of the Regional Sports Complex are permitted to be constructed without consent and are subject to assessment under Part 5 of the *Environmental Planning and Assessment Act 1979*. Council is the determining authority. The purpose of the REF is to determine if Council considers the project will 'significantly affect the environment', in which case an environmental impact statement will need to be prepared by the proponent.

Other elements of the works (mainly related to buildings for the project) require consent under Part 4 of the *Environmental Planning and Assessment Act 1979* - i.e. they require consideration as a development application. The Southern Region Planning Panel (SRPP) is the consent authority for the DA.

Council considered a report on the REF for the Sports Complex at its meeting of 22 September 2021. At that meeting Council resolved to approve bulk earthworks, stormwater infrastructure and below ground services. However, this only formed part of the works which could be completed under the REF. The intent of this report is to approve all of the works assessed under the REF.

This need arose from a briefing with the SRPP where there was some confusion about which works were being completed as part of the REF and which formed part of the DA. Council was asked to provide greater clarity on this issue and a formal resolution adopting all of the works under the REF will provide that clarity.

By adopting this Determination Report Council will be confirming that:

- It is satisfied that, as recommended in the REF, the project does not require the preparation of an environmental impact statement; and
- Confirming that all the works specified in the REF will be carried out under Part 5 of the EP&A Act pursuant to *State Environmental Planning Policy (Infrastructure) 2008* (ISEPP).

Recommendation

That Council:

1. **Is satisfied that, as recommended in the REF, the project does not require the preparation of an environmental impact statement.**
 2. **Grant approval for the Queanbeyan- Palerang Regional Sports Complex on Lot 6 DP 239080, Lot 1 DP 313299 and Lot 1 DP 213249 subject to the mitigation measures detailed in the Review of Environmental Factors prepared by Cardno dated 7 September 2021 and the additional conditions 1 to 8 detailed in this report.**
 3. **Note that the following works at the Queanbeyan-Palerang Regional Sports Complex are covered by this determination report:**
 - **Bulk earthworks across the site**
 - **Construction of:**
 - **four (4) soccer fields**
-

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Envirova Drive (Ref: ; Author: Geyer/Thompson) (Continued)

- two (2) hockey pitches
 - multiple northern playing fields
 - car parking
 - a main access road & internal roads and paths
 - stormwater infrastructure
 - a storage/maintenance shed.
 - Installation of:
 - public lighting, including sports field flood lighting
 - utilities
 - fencing
 - irrigation
 - signage.
 - Initial landscaping
 - Creek remediation.
-

Background***Proposed Development***

A detailed description of the proposed works under the REF is listed at items 2.2.1 to 2.2.15 of the REF. All works are within the local government area of QPRC.

A summary of the works proposed under the REF include:

- Bulk earthworks across the site
- Construction of:
 - four (4) soccer fields
 - two (2) hockey pitches
 - multiple northern playing fields
 - car parking
 - a main access road & internal roads and paths
 - stormwater infrastructure
 - a storage/maintenance shed.
- Installation of:
 - public lighting, including sports field flood lighting
 - utilities
 - fencing
 - irrigation
 - signage.
- Initial landscaping
- Creek remediation.

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Environa Drive (Ref: ; Author: Geyer/Thompson) (Continued)

For clarity the following works are not covered under the REF and are the subject of separate Part 4 approval under the *Environmental Planning and assessment Act 1979* and will be considered by the Southern Regional Planning Panel under DA.2021.1351.

- Construction of a basketball stadium incorporating 4 x basketball courts, gymnasium, change rooms, store rooms, office and food and drink premises.
- Construction of a major sports pavilion between the hockey and soccer fields incorporating change rooms, office, store rooms and food and drink premises.
- Construction of a minor sports pavilion between hockey and soccer fields incorporating change rooms, office and store rooms.
- Construction of a minor sports pavilion between soccer fields; and
- Deconstruction and re-erection and refurbishment of the existing dilapidated stone and brick amenities building on site

Subject Property

The proposed QPRC Sports Complex site is primarily located within Lot 6 DP 239080, with some extensions into Lot 1 DP 313299 and Lot 1 DP 213249. The subject site is bound to the north and east by the Jerrabomberra Creek, to the west by the ACT and NSW Border and Cooma Rail Line, and to the south by the recently opened Environa Drive which services the new urban release area to the south.

The subject land, which has a history hosting motor sports, comprises of an open field and mounding related to the former Tralee Speedway/Fraser Park Raceway and 1/2 Mile Speedway. There are various dilapidated structures and remains throughout the site relating to its former use, including spectator facilities, earth mounding, amenities buildings and, notably, a dilapidated stone-faced brick building built as a toilet facility in the late 1920s. Although dilapidated the building has a local heritage listing and is considered to have some heritage value within the context of the site, and was subject to a detailed heritage investigation by Brendan O'Keefe in 2018. The site is located approximately 7.5 km south of the Canberra International Airport. It is within the 20-25 Australian Noise Exposure Forecast (ANEF) contour.



Figure 1 – Site and Locality Plan

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Envirova Drive (Ref: ; Author: Geyer/Thompson) (Continued)**Implications*****Legal****Environmental Planning and Assessment Act 1979*

Development consent is not required for the proposed works as it is subject to a Review of Environmental Factors (REF) and determination under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP & A Act).

The REF is being assessed under Division 5.1 of Part 5 of the EP&A Act, with Council as the determining authority. As the determining authority, under Division 5.1 of Part 5 of the EP&A Act, Council is required to “*take into account to the fullest extent possible all matters affecting or likely to affect the environment*”.

Having reviewed the REF Council can be satisfied that subject to compliance with the mitigation measures and conditions outlined in the REF, in accordance with section 5.7 of the EP&A Act the proposed activity is not likely to significantly affect the environment and as such an Environmental Impact Statement is not required.

Environmental Planning and Assessment Regulation 2000

Clause 228 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) lists the specific factors that must be taken into account concerning the impact of a Part 5 activity on the environment. The REF contains a checklist of the proposal against these factors and review of the assessment is provided in this report.

State Environmental Planning Policy (Infrastructure) 2007

The aim of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) is to facilitate the effective delivery of infrastructure across the State through increased regulatory certainty and improved efficiency and flexibility in the location of infrastructure and service facilities while providing adequate stakeholder consultation.

The Stage 1 works described in Section 2.2 of the REF are permissible without consent under Part 3 of the ISEPP, under *Division 12 – Parks and other Public Reserves*. Specifically, Clause 65(3) of that division states the following:

(3) *Any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council—*

(a) *development for any of the following purposes—*

- (i) *roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,*
- (ii) *recreation areas and recreation facilities (outdoor), but not including grandstands,*
- (iii) *visitor information centres, information boards and other information facilities,*
- (iv) *lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,*
- (v) *landscaping, including landscape structures or features (such as art work) and irrigation systems,*
- (vi) *amenities for people using the reserve, including toilets and change rooms,*
- (vii) *food preparation and related facilities for people using the reserve,*
- (viii) *maintenance depots,*
- (ix) *portable lifeguard towers,*

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Environa Drive (Ref: ; Author: Geyer/Thompson) (Continued)

- (b) *environmental management works,*
- (c) *demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).*

The works described in this REF are consistent with the above categories of works.

Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013

Land Use - The works proposed are classified as Recreation Facilities (major) under the LEP. The subject land is zoned RU2 Rural landscape and IN2 Industrial. As such the proposed use is permissible in these zones. Under the West Jerrabomberra Local Planning Agreement the land is to be dedicated to Council as a public reserve.

Heritage – A heritage study was undertaken and identified the dilapidated stone and brick amenities building as having some significance. It is listed as a local heritage item in the LEP. This structure will be subject to restoration and interpretation and has been included as part of the works requiring assessment under the DA. As such its restoration does not form part of this REF.

Flood Planning – The site is subject to flooding and the impacts on the proposal are detailed later in this report.

Other Legislation

Other legislation that applies to the proposed works include the *Biodiversity Conservation Act 2016, National Parks and Wildlife Act 1974, Crown Lands Management Act 2016, Aboriginal Land Rights Act 1983, Heritage Act 1997, Protection of the Environment Operations Act 1997, Fisheries Management Act 1994, Water Management Act 2000, Roads Act 1993, Rural Fires Act 1997 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. The implications of these pieces of legislation have been considered throughout the REF and in this determination report. It has been determined that the provisions of these Acts either do not apply or that the mitigation measures and conditions imposed satisfactorily provide for the provisions of these Acts to be satisfied.

Justification for the Proposal

Part 5 requires that the REF address the need for the proposal and what other options were considered.

The need for a high quality sporting complex to service the needs of local communities was identified in the Queanbeyan City Council Community Strategic Plan 2010-2020, and has since undergone considerable development from the concept stage, through to recent production of a Master Plan.

While several other options for the project were considered (Part 5.3 of the REF) the proposed Sports Complex is a development which responds to a clear community need and is the result of several years of conceptual development.

The current site has been determined as the most suitable for the development, for a range of social, economic and environmental reasons.

The works proposed under the REF create rapid availability of sporting facilities for current residents of the region.

Considering the current lack of productive use at the site, and its suitability for the QPRC Sports Complex, the works are highly justified.

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Enviroana Drive (Ref: ; Author: Geyer/Thompson) (Continued)

REF Assessment

The assessment of the following matters as required by cl.228 of the Regulation has been reviewed as part of this determination report.

Contamination

The contamination assessment for the site showed some soils were impacted by hydrocarbons from previous motor racing activities at the site. In addition some hazardous building materials were identified in demolished and disused buildings at the site primarily bonded asbestos cement and PCBs.

Remediation of the contaminating materials has been carried out in preconstruction works and a validation certificate issued for the site. There is the possibility that further unexpected finds may occur on the site. No further impacts are expected.

Condition 1 – A Construction Environmental Management Plan (CEMP) is to be prepared for the site and shall include an unexpected finds protocol.

Biodiversity

The REF includes an Ecological Impact Assessment (EIA) for the site in February 2020. The EIA involved both database searches, and extensive field surveys of the site to determine its biodiversity value.

The EIA found the site to be highly disturbed with native vegetation and suitable flora and fauna habitat to be mostly absent due to historical clearing. A total of 33 plant species were recorded across the site, including 29 exotic species (88%) and 4 native species (12%). No threatened species, vegetation communities or their habitats were recorded at the project site during surveys.

The EIA has found that, due to the lack of existing biodiversity values on site, no significant impacts are predicted as a result of the use of the site as a Sporting Complex.

Notwithstanding that minimal mitigation measures are envisaged daily inspection of work sites to ensure no presence of fauna should be carried out and sediment and erosion control should be put in place to prevent excavated materials and areas interacting with Jerrabomberra Creek during earthworks.

Condition 2 – A Sediment and Erosion Control Plan (S&ECP) for all site works, including quarry remediation, road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication Managing Urban Stormwater - Soils and Construction (4th Edition 2004 - "Blue Book").

Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site as follows;

- a) divert uncontaminated run-off around cleared or disturbed areas,*
- b) erect a silt fence to prevent debris escaping into drainage systems or waterways,*
- c) prevent tracking of sediment by vehicles on roads, and*
- d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.*

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Environa Drive (Ref: ; Author: Geyer/Thompson) (Continued)

Condition 3 – Prior to the commencement of work each day an inspection of the work site shall be completed to ensure that no native fauna will be endangered as a result of the day's activities.

Flooding, Water Quality and Hydrology

The REF includes a Flooding and Drainage Investigation prepared in September 2020.

Much of the subject land is flood affected see (Figure 2 below) including many of the sporting field locations, and would be below the flood level during a 100 year ARI flood event. This would primarily cause impact to the outdoor playing fields along the northern margin of the site, as well as sections of the roads and carparks. In particular, large sections of the northern playing fields would be unsafe for children and the elderly under floods of a 20-year ARI magnitude or greater, with sections of both carparks becoming unsafe for small vehicles during those events.

The project would only result in minor increases to flood depths, and this would be primarily limited to within Jerrabomberra Creek. Increases to flow velocities will additionally be relatively minor for most flood events. Floodwater extents, including that likely to be caused by future development of the site to the south, will be limited by the construction of the central and eastern drainage channels under the project.

Stormwater flows will cause scouring to the central and eastern drainage channels, as well as to the intersection between the central channel and Jerrabomberra Creek. This could risk structural damage to the stormwater infrastructure and creek bank.

In order to offset the impacts above the following mitigation measures will be required.

Condition 4 – In order to minimise the impacts of flooding on the site the following mitigation measures shall be undertaken:

- *Obstruction of stormwater travelling from south of the site to Jerrabomberra Creek will be avoided through the construction of the three stormwater channels travelling through the site. These will capture stormwater and flood flows and direct them to Jerrabomberra Creek without interfering with the QPRSC site.*
- *Additional runoff from increased impervious surfaces and rooves across the site will be captured by rain gardens and retention tanks, and then processed and reused on the site. It is likely that extensive tree plantings throughout the site in this proposal will further increase capture of stormwaters before they reach Jerrabomberra Creek.*
- *A Flood Emergency Evacuation Plan (FEED) will be developed to minimise risk to persons and property at the site under various flood events. This will be developed prior to operation of the site, and will be aimed at mitigating increased flood hazard categories across much of the site. After construction, and during all possible flood scenarios, much of the site stays above flood levels, including the proposed indoor facility. This will allow ample space for safe evacuation under the upcoming FEED.*
- *Appropriate scour counter measures will be implemented to reduce possible structural damage to the channels and channel/creek intersection. These will be determined at the detailed design stage.*

Subject to the implementation of these measures flooding impacts are satisfactorily addressed.

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Enviroana Drive (Ref: ; Author: Geyer/Thompson) (Continued)

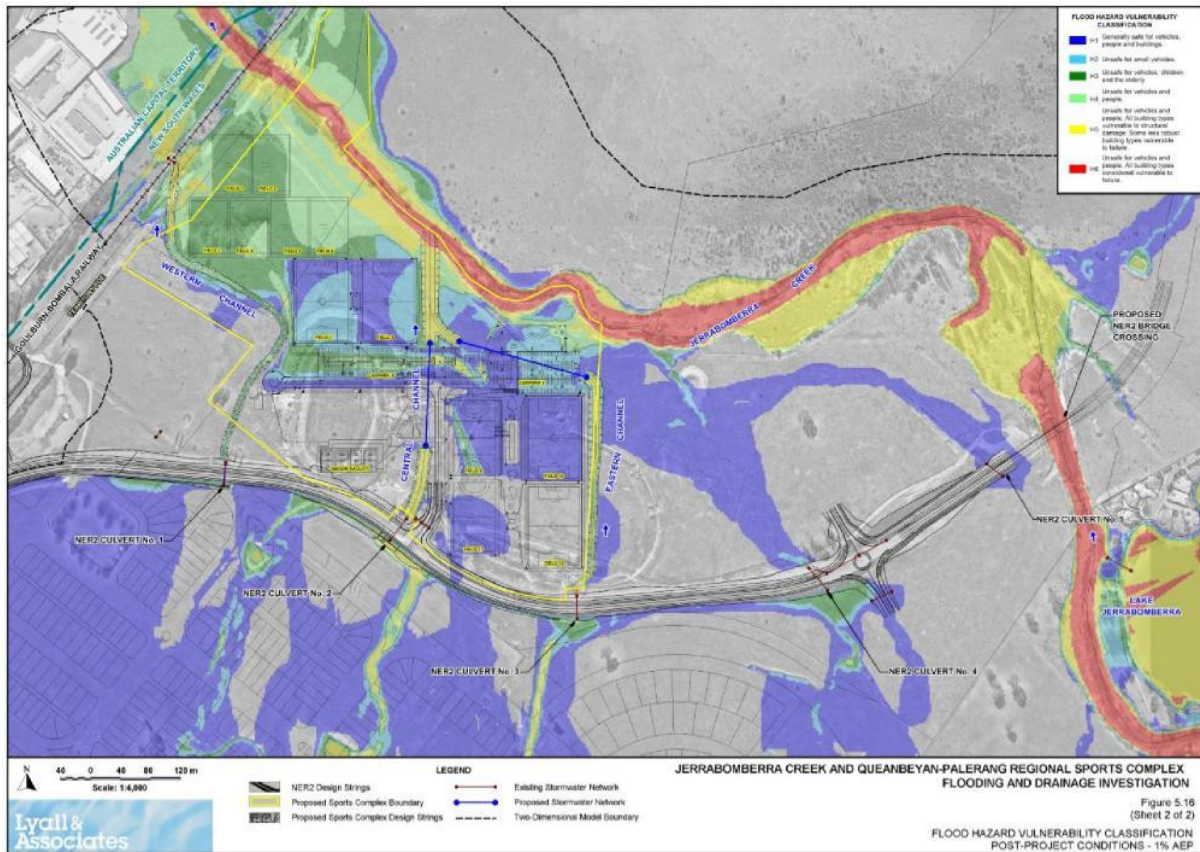


Figure 2 – Hazard Categories under 1 in 100 Year ARI Flood Event

Noise and Vibration

The site is surrounded by undeveloped land, and currently is not near to any sensitive receivers with the nearest receiver over 800m away. As such limited noise and vibration impacts resulting from construction are anticipated due to the absence of sensitive receivers surrounding the site.

Construction noise and vibrations impacts will be mitigated through restriction of works to standard hours of operation. Impacts are otherwise limited due to lack of sensitive receivers near to the site.

Use of the site for sporting events will generally be limited to the times of 3-7pm on weekdays and 8am-6pm on weekends. Irregular events outside those times will take place between 7am and 10pm to curb night-time noise impacts.

The site is within the Australian Noise Exposure Forecast (ANEF) contour for the Canberra airport. None of the activities proposed under the REF are prohibited or affected by the noise contour.

Condition 5 - All works associated with the construction and/or demolition of this development must be carried out between the following hours unless Queanbeyan-Palerang Regional Council agrees in writing. A written application shall be made to Queanbeyan-Palerang Regional Council if a variation of hours is required.

- Weekdays - 7.00am to 6.00pm
- Saturdays – 7.00am to 4.00pm
- Sundays – No work

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Environa Drive (Ref: ; Author: Geyer/Thompson) (Continued)

Traffic and Access

The site is situated adjacent to Environa Drive, a major road servicing the proposed residential urban release area to the south, which is in an early stage of construction. Access is via a new purpose built intersection off Environa Drive which can accommodate both residential traffic and that generated by the Sports Complex. The intersection between Environa Drive and the internal access road proposed in this development is considered suitable from a safety perspective and has been designed in the knowledge of the use of the site for the Sporting Complex.

Using assessment of parking requirements for similar facilities in the QPRC LGA and the ACT, found that an average daily maximum of 368 parking spaces would be required for the development. The proposal, which includes 430 spaces, is well in excess of this requirement. Further, extraordinary events are managed through the addition of 100 overflow parking spaces.

From a construction perspective it is likely that the works will be completed before the urban release area is at half capacity. As such no further mitigation measures are necessary as impacts are reasonably considered in the current design. No additional conditions required.

Air Quality

Some minor impacts from dust during construction may be expected. Controls implemented as part of the CEMP as required by *Condition 1* above will minimise impacts.

No other air quality impacts or likely.

Waste Management

Construction activities associated with the REF will generate construction waste. Construction will be carried out in accordance with a CEMP. This will involve reduction of waste where possible, and sorting of any generated waste before transportation to appropriate landfill sites.

Condition 6 - All waste materials generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

Visual Amenity

The site is currently strewn with structural debris of various origin, particularly surrounding the sites of the former raceways. Combined with the denuded, ex-pastoral ecological state of the property, the site has very poor visual quality. This is expected to be improved somewhat by the undertaking of preconstruction works, which include removal of waste from the site.

The site, which slopes towards Jerrabomberra Creek at the north, has no surrounding neighbours who would constitute sensitive receivers. Although residential development is anticipated to the south, the slope of the site is not conducive to views from this area.

Compared to the current condition of the site, which has very low aesthetic value, the use of the land for the QPRSC is anticipated to have a highly positive impact on visual quality. This is due to the high standard of maintenance required for the various sporting fields, which will require irrigation, and consistent lawn maintenance, landscaping across the site and the high quality of the built environment.

Additionally, restoration works at Jerrabomberra Creek are expected to have a positive visual effect upon the currently ecologically degraded site.

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Environa Drive (Ref: ; Author: Geyer/Thompson) (Continued)

Further, there are no sensitive receivers surrounding the site to be considered.

No additional mitigation measures or conditions are required as the proposal will result in a significantly improved visual appearance following completion of work including landscaping.

Aboriginal Heritage

A detailed ACHA has been prepared and submitted with the REF. The ACHA has identified a large portion of the riparian zone surrounding Jerrabomberra Creek as a Potential Archaeological Deposit (PAD) area. This means that the study area had a high potential to contain sub-surface archaeological material, possibly including *in situ* cultural deposits. Additionally, a new Aboriginal site was identified during field investigations, consisting of a scatter of two artefacts, in the northern corner of the site. The site has been noted to therefore have potential cultural value to local Aboriginal communities and all relevant parties were consulted for comment.

A follow up Aboriginal Test Excavation Report (ATER) was undertaken in 2021 by Apex Archaeology to provide detailed archaeological analysis of the PAD site. This involved establishing test pits throughout, and just outside of the PAD area established in the ACHA. Due to the historic disturbance of the site, no archaeological material was identified within the test area, and the ATER revised the PAD to only the area outside of the site boundary.

Despite the perceived risk of a low impact further studies were recommended. Council worked with DPIE Heritage to carry out an archeological study of the localised areas of the site of interest, particularly focusing on the deeper areas of excavation where the new stormwater channel would be constructed. The study determined that there was no evidence of Aboriginal occupation or use in the proposed works area.

Following the findings of the study no further mitigation measures are recommended. However, a standard condition relating to unexpected finds should be incorporated in the determination.

Condition 7 - The development is to proceed with caution. If any Aboriginal objects are found, works should stop and DECCW notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and NSW Office of Environment and Heritage are to be notified.

European Heritage

A Cultural Heritage Report was submitted with the REF. The only item identified of interest was the dilapidated stone and brick amenities building. This building is a local heritage item under the *Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013*. The intention is to relocate and reuse the materials in a proposed bus shelter. However, the details of this work form part of the Part 4 DA application and need no further consideration under the REF. Care should be taken to ensure that works carried out under the REF do not impact the building until such time as the development consent for works on the building are approved.

Condition 8 – No works under the REF are to be carried out where those works impact the existing dilapidated stone and brick amenities building. Works may proceed when development consent relating to the deconstruction and re-erection of the amenities building is approved under an appropriate development consent.

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Envirova Drive (Ref: ; Author: Geyer/Thompson) (Continued)

Social and Economic

The Sports Complex is expected to have a highly positive social impact upon the region. Aside from meeting a well-documented need from the community for high-quality sporting facilities, the development will also provide a number of local jobs in both the construction and operation phases.

During operation phases, proximity to proposed residential development south of the site will provide additional nearby employment opportunities to residents. No existing residential areas are near to the site.

No mitigation measures or additional conditions are required with regards to social, economic and land use impacts, as these impacts are anticipated to be only positive.

Utilities

The proposal will involve the connection of water, electrical and sewerage utilities to the site, as well as NBN services at a future stage. Water and electricity services are available and a new sewer main will be constructed to service the site.

No mitigation measures or additional conditions are required with regards to the provision of utility services for the site.

Cumulative Impacts

While currently undeveloped, a large amount of land surrounding the site has been earmarked for eventual residential development to the south, employment lands to the east and native grassland to the north. Due to the low environmental quality of the locality, further cumulative degradation of the area is unlikely.

The Sports Complex development will serve as a positive use of the land which incorporates ecological riparian restoration. In contrast to the anticipated uses surrounding the site, the Complex will constitute a highly varied land use, with a range of employment opportunities.

The cumulative impact of the Complex is anticipated to be minimal or positive.

No specific mitigation measures or additional conditions are required for cumulative impacts due to the unique land use associated with the Sports Complex.

Ecologically Sustainable Development

The Precautionary Principle – Subject to compliance with the Construction Environmental Management Plan the proposed works do not pose a threat of serious or irreversible damage to the environment

Intergenerational Equity – The works will enhance a presently underutilized and degraded site. This will provide a healthier and productive local environment for future generations.

Conservation of Biodiversity – There are presently low biodiversity values at the site. The restoration works planned for the riparian area will improve biodiversity for the site.

Pricing and Incentive Mechanisms – The works are funded through the local and state government, and by extension by the public who are to benefit from the development.

No mitigation measures or additional conditions are required with regards to ecologically sustainable development of the site.

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Environa Drive (Ref: ; Author: Geyer/Thompson) (Continued)

Consultation

Community consultation was carried out in the development of the QPRC Sports Complex Concept Master Plan.

Consultation has taken the form of community engagement for the former Queanbeyan City Council Community Strategic Plan, and subsequent delivery and financial plans. Broad community engagement also took place through Council's "Your Voice" platform, to receive feedback on the concept designs, to which strong support was received. Adjoining developers have included the proposed Regional Sports Complex into their marketing strategies and have designed nearby development to complement the sports complex when complete.

The design of the Complex has followed ongoing consultation with the Queanbeyan-Palerang Regional Council Sports Council and input from various local sporting groups over 2018-2021. Additionally, three separate workshops have been held during 2019-2020 with representatives from the sporting codes who will be using the completed Complex.

During early business case preparation for the Multi Sports building, the wider sporting community was consulted with many organisations giving letters of support, endorsing the Regional Sports Complex and its value to the Queanbeyan Palerang Region and southern ACT. Extensive engagement has also taken place over the past 12 months, with the local aboriginal community, due to the proximity of the site to Jerrabomberra Creek.

The community is strongly supportive of the proposed development and appropriate consultation in accordance with the ISEPP has been satisfactorily undertaken.

Conclusion

The proposed development is the QPRC Regional Sports Complex. The proposed works are permitted without consent and are subject to assessment under Part 5 of the *Environmental Planning and Assessment Act 1979*. Queanbeyan-Palerang Regional Council is the determining authority.

This REF has been produced to adequately describe a number of the proposed works and discuss potential environmental impacts and mitigation contingent with the requirements of Part 5 of the EP&A Act.

The works described in this REF include several critical elements of the Sports Complex, which itself has developed over a long period of direct consultation with the community.

The site contains minimal ecological values, and has not been meaningfully used since approximately 1997, when its use for motorsports was discontinued. Consequently, it currently has minimal environmental, social or economic value.

Following completion of the works under this REF and the concurrent DA the community will have a fully functional set of professional soccer and hockey pitches, as well as assorted playing fields, and will be accessible to professional sports clubs and the public, with all road and parking infrastructure in place. The works also include all stormwater infrastructure required for the site, and the earthworks necessary to facilitate these and other works.



This assessment review confirms the various potential environmental impacts associated with the works will be mitigated through appropriate design of infrastructure, as described throughout the REF, and through construction impact mitigation measures, including erosion and sediment control.

9.6 Determination Report - Review of Environmental Factors - QPRC Regional Sports Complex - Envirova Drive (Ref: ; Author: Geyer/Thompson) (Continued)

The assessment concurs with the findings of the REF under section 7.1 which concludes that the proposed development is in accordance with Clause 228 of the Regulation.

As no likely significant impacts have been identified in the course of this REF, no Environmental Impact Statement (EIS) is required under the EP&A Act. On balance, it is considered that the proposed works would not have an unacceptable impact on the natural or built environment and it is recommended that, subject to the management measures contained in the Review of Environmental Factors prepared by RPS dated 10 June 2020 and the recommended conditions set out in this report, Council approve the proposed works and issue the determination notice as drafted in Attachment 2 to this report.

Attachments

- | | |
|---|--|
| Attachment 1
 | QPRC - Regional Sporting Complex - Review of Environmental Factors
(Under Separate Cover) |
| Attachment 2
 | QPRC Regional Sports Complex - REF- Notice of Determination (Under Separate Cover) |

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.7 Draft Bungendore Section 7.11 Contributions Plan for Community and Recreation Facilities 2022 (Ref: ; Author: Thompson/Meyer)

File Reference: 21.4.1

Summary

At Council's meeting on 27 October 2021, the *Draft Bungendore Section 7.11 Development Contributions Plan for Community and Recreation Facilities 2022* ('the Draft Contributions Plan') was endorsed for public exhibition for a period of 28 days. Accordingly, the Draft Contributions Plan was exhibited from 1 November 2021 to 28 November 2021, inclusive. No submissions or comments were received as a result of the exhibition.

Other than a minor change to the quarterly price index used for reviewing the contribution rate, there are no changes to the Draft Contributions Plan, as exhibited. As such, the Draft Contributions Plan is recommended for adoption by Council.

In the event that the Local Infrastructure Contribution reforms (as reported to Council's meeting of 27 January 2022) proceed as currently proposed, this Plan will need to be further reviewed prior to 1 July 2024 when the new contributions system takes effect.

Recommendation

That Council adopt the *Draft Bungendore Section 7.11 Development Contributions Plan for Community and Recreation Facilities 2022* and the amended *Palerang Council Section 94A Development Contributions Plan 2015*.

Background

The *Palerang Council Section 94 Development Contributions Plan No. 7 for the Provision of Recreation Facilities at Bungendore* ('Contributions Plan No. 7') was originally adopted by the former Palerang Council on 12 July 2007. The Plan came into effect on 18 July 2007 and applies to all land within the existing Bungendore urban area, as well as rural lands surrounding Bungendore.

The Plan identified the recreation facilities required to meet the needs of an additional 2,500 residents in Bungendore at that time and authorised the collection of contributions to raise \$1,970,000 towards providing those facilities. Under Contributions Plan No.7, residential subdivision, dual occupancy development, secondary dwellings and multi-unit developments are levied.

Contributions Plan No. 7 has not been amended since its adoption over 14 years ago, although its contributions are indexed when they are imposed as a condition(s) of development consent. The Plan requires a number of updates, particularly in relation to the population projections for Bungendore and the facilities identified to support the town's growing population identified in the Bungendore Structure Plan. The facilities and works identified in the Works Schedule contained within Contribution Plan No. 7 have been provided and/or completed, and Council has since identified a new range of facilities and works (some of which are already in progress) to meet the needs of Bungendore's population, which is currently projected to grow by an additional 4,000 residents over the next 20 years (to approximately 8,000 residents in 2041).

9.7 Draft Bungendore Section 7.11 Contributions Plan for Community and Recreation Facilities 2022 (Ref: ; Author: Thompson/Meyer) (Continued)

The costs associated with providing facilities and undertaking works have also risen considerably over the life of the Plan, and particularly in recent quarters as a result of strong demand for construction materials and national and global supply chain issues.

As such, the *Draft Bungendore Section 7.11 Contributions Plan for Community and Recreation Facilities 2022* ('the Draft Contributions Plan') has been prepared to address these issues. A copy of the Draft Contributions Plan is provided as Attachment 1 to this report. The Draft Contributions Plan contains three significant changes to the existing Contributions Plan No. 7.

- Firstly, the Draft Contributions Plan contains a revised Schedule of Works. The Schedule of Works in the Draft Contributions Plan identifies a range of new and upgraded community and recreation facilities throughout Bungendore, including those at the Bungendore Sports Hub, Frogs Hollow and Warren Little Recreation Reserve. Importantly, it also identifies the essential open space and passive recreation facilities required within the four proposed urban release areas to the north and east of Bungendore, which will ultimately contain almost 1,400 dwellings. The Schedule of Works also establishes the costs of providing the required facilities – with a total cost of almost \$13.27 million.
- Secondly, the levies applied to applicable development have been re-calculated, based on the revised Schedule of Works and the most recent population and dwelling projections for Bungendore updated so as to ensure sufficient, but equitable, contributions are raised to assist Council in providing the identified facilities. Levies will continue to be applied to residential subdivision, as well as a range of development for the purposes of 'residential accommodation', including dual occupancy development, secondary dwellings and multi-unit developments.
- Thirdly, the area to which the plan applies has been amended to now only apply to existing and future development proposed in Bungendore. Accordingly, the burden of paying contributions will be focussed on development in the existing township and the proposed release areas, similar to other contribution plans in place at this time. The surrounding rural catchment has been removed from the area to which the Draft Contributions Plan is applied and is instead proposed to be covered by a fixed levy contribution plan (this is discussed in more detail later on in this report).

It is also intended that the Draft Contributions Plan will repeal and replace *Section 94 Contributions Plan for Bungendore – Yarrawlumla Council*. Again, a review of the identified community facilities and population projections within the plan has confirmed that Plan is now largely outdated. New community facilities identified to meet the needs of the future population have now been included in the Draft Contributions Plan.

Accordingly, the Draft Contributions Plan will repeal both the *Palerang Council Section 94 Development Contributions Plan No. 7 for the Provision of Recreation Facilities at Bungendore* and the *Section 94 Contributions Plan for Bungendore – Yarrawlumla Council* (Yarrawlumla Council Section 94 Plan No. 1 – Bungendore).

Please note that whilst the draft Plan identifies a works schedule to the value of \$13,269,333, the draft Plan only intends to collect a total of \$10,221,400. The remaining balance of \$3,047,933 is to be funded from the balance of contributions already collected under both Contribution Plan No.7 and *Section 94 Contributions Plan for Bungendore – Yarrawlumla Council* (Yarrawlumla Council Section 94 Plan No. 1).

9.7 Draft Bungendore Section 7.11 Contributions Plan for Community and Recreation Facilities 2022 (Ref: ; Author: Thompson/Meyer) (Continued)

The Draft Contributions Plan also necessitates the minor amendment of the *Palerang Council Section 94A Development Contributions Plan* ('the Palerang 94A Plan') by including land in Bungendore currently zoned R5 Large Lot Residential, and subsequently excluding this same land from the Palerang 94A Plan. This ensures that only one of the Plans (the Draft Contributions Plan) will now apply to the R5 zoned land in Bungendore.

It is not proposed that any further rebranding or updating of the Palerang 94A Plan at this time beyond confirming its correct area of application. Such changes will likely be made when a single LGA wide Section 7.12 (formerly Section 94A) fixed levy development contributions plan is made although its timing will be dependent on the local infrastructure contribution reforms. A copy of the amended Palerang Section 94A plan is provided at Attachment 2, with the two amendments shown in red text (on pages 6 and 8).

Accordingly, future development within the urban boundaries of Bungendore will now be predominantly subject to the various Section 7.11 contribution plans in place (including the proposed Draft Contributions Plan), whilst the surrounding rural areas will be subject to the Palerang Section 94A Plan.

Table 1 below illustrates the proposed contribution per residential lot under the Draft Contributions Plan, against the existing contribution plans proposed to be repealed (note all costs are escalated to June 2021 costs for comparative purposes).

Table 1 - Comparative Plan Costs

Plan	Costs Escalated to June 2021
<u>Current Contributions</u>	
Existing Palerang Contribution Plan No 7	\$3,103.86
Existing Yarrowlumla Council s94 Plan No 1	\$3,606.44
<i>TOTAL</i>	<i>\$6,710.30</i>
<u>Proposed Contributions</u>	
<i>Draft Contributions Plan</i>	<i>\$7,923.00</i>

One minor change has been made to the Draft Contributions Plan as exhibited. That change relates to the most appropriate 'index' to be used by Council to adjust the contribution rate so as to ensure its value is not eroded over time, as set out at Part 2.14 of the Draft Contributions Plan (Page 14). The Consumer Price Index (All Groups – Canberra), as published quarterly by the Australian Bureau of Statistics (ABS) was suggested as the appropriate index to be used in the exhibited Draft Plan. However, staff are now recommending that Consumer Price Index be replaced by a Producer Price Index (a 'PPI'), so as to more accurately reflect the costs of construction, and, as recommended by the Independent Pricing and Regulatory Tribunal (IPART) in its recent review of the State's development contributions system.

The proposed PPI index is the Road and Bridge Construction Index (NSW) as recommended by IPART.

9.7 Draft Bungendore Section 7.11 Contributions Plan for Community and Recreation Facilities 2022 (Ref: ; Author: Thompson/Meyer) (Continued)

Implications***Legal***

The Draft Contributions Plan was 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*. It has been exhibited in accordance with Clause 30 of the Regulation.

In this regard, part of the reforms to the local infrastructure contribution system currently before Parliament is to limit contributions to essential works and to exclude contributions for community facilities other than land. Depending on the outcome of these reforms and any transitional requirements put in place, a future review of this development contributions plan may be necessary.

Policy

The Draft Contributions Plan reflects the relevant key goals of Council's *Community Strategic Plan 2018-2028* (specifically, Key Goals 1.1.5, 3.1.2 and 4.1.5), as well as the relevant planning priorities contained within Council's Local Strategic Planning Statement (namely Priorities 2, 10 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 range of public assets, namely community and recreation facilities, in Bungendore.

Social / Cultural

The Draft Contributions Plan will assist Council in raising the funds required for the provision of essential open space and passive recreation facilities within the four proposed urban release areas to the north and east of Bungendore, including local parks, playgrounds facilities (including shade sales), picnic and barbecue facilities, tree planting and other landscaping.

The Draft Contributions Plan will also assist Council in raising funds for a range of new and upgraded community and recreation facilities throughout Bungendore, including those at the Bungendore Sports Hub, Frogs Hollow and Warren Little Recreation Reserve (for further detail see Appendix 1 of the Draft Contributions Plan). The new and upgraded open space, passive recreation facilities, community facilities and recreation facilities are essential in meeting the growing demand for such facilities from Bungendore's ever-increasing population, and are essential to the health and wellbeing of the town's residents, as well as the social and cultural fabric of the town.

Economic

By better establishing the nexus, the Draft Contributions Plan will ensure the broader Queanbeyan-Palerang community is not unfairly burdened by the cost of providing community and recreation facilities within Bungendore.

9.7 Draft Bungendore Section 7.11 Contributions Plan for Community and Recreation Facilities 2022 (Ref: ; Author: Thompson/Meyer) (Continued)

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*.

Engagement

At its meeting of 27 October 2021, Council endorsed the Draft Contributions Plan for public exhibition for a period of not less 28 days. Accordingly, the Draft Contributions Plan was exhibited from 1 November 2021 to 28 November 2021.

Council did not receive any written submissions as a result of the exhibition of the Draft Contributions Plan, nor did it receive any comments via Your Voice.

Financial

The Draft Contributions Plan will assist Council in raising a large proportion of the cost of providing community and recreation facilities in Bungendore over the next 20 years which is presently estimated to be more than \$13.5 million.

Resources (including staff)



The costs incurred so far include \$14,500 in staff costs in reviewing Contributions Plan No. 7 as well as preparing and exhibiting the Draft Contributions Plan and drafting reports to Council. These are covered by the relevant project budget for the Land-use Planning Branch.

Conclusion

Overall, the Draft Contributions Plan reflects the various changes and improvements to contributions plans in the 14 years since Contributions Plan No. 7 was adopted. Its review is part of an overall review of Council's local infrastructure (Section 94) contribution plans directed towards updating them as well as making them easier to use by the assessment staff and the community. As such it also establishes a much clearer relationship (or 'nexus') between the community and recreation facilities proposed for Bungendore and the development to be levied, thereby justifying the collection of the contributions which would be authorised by the Plan.

The *Draft Bungendore Section 7.11 Development Contributions Plan for Community and Recreation Facilities 2022* will assist Council in raising funding for the provision of essential community and recreation facilities in Bungendore over the next 20 years (subject to the State government's local infrastructure reform agenda) in a reasonable, equitable and justifiable manner and it is recommended it be adopted.

Attachments

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|---|---|
| Attachment 1
 | Draft Bungendore Section 7.11 Development Contributions Plan for Community and Recreation Facilities 2022 (<i>Under Separate Cover</i>) |
| Attachment 2
 | Palerang Section 94A Development Contributions Plan (Amended 15 October 2021) (<i>Under Separate Cover</i>) |

9.8 Discussion Paper - A New Approach to Rezoning (Ref: ; Author:
Thompson/Brown)

File Reference: 26.1.3-05

Summary

The purpose of this report is to provide Council with advice in respect of potential amendments proposed by the Department of Planning, Industry and Environment (DPIE) in respect of the process for amending local environmental plans (LEPs).

Recommendation

That Council:

- 1. Note the proposed reforms proposed by the Department of Planning, Industry and Environment (DPIE), and**
 - 2. Endorse the draft submission prepared by staff being forwarded to the DPIE.**
-

Background

The DPIE has been progressing a number of reforms to the NSW planning system and staff have been preparing various submissions on these over most of the last 12 months.

One element of the proposed reforms includes a review of the manner in which local environmental plans (LEPs) are amended. LEPs are the primary document that sets out the zoning of land and the range of development that can be undertaken within those zones.

DPIE have argued it is necessary to review the LEP amendment process (as currently set out under Part 3 of the *Environmental Planning & Assessment Act, 1979* ("the Act")) in order to reduce timeframes associated with progressing rezoning proposals (particularly rezoning proposals for spot rezoning of land proposed by the private sector) and to provide greater certainty for private proponents.

As such, DPIE are now exhibiting a draft discussion paper titled "A New Approach to Rezoning". A copy of the discussion paper is provided at Attachment 1.

Overall, Council staff are not supportive of the changes proposed in the discussion paper. Staff are of the view the proposed changes will reduce the control that NSW councils have over local decision making in respect of the planning and zoning of land, and instead transfer additional responsibility for decision making to the private sector and the courts to determine.

It is Council's experience that the greatest delays to progressing the rezoning of land are delays associated with referrals to DPIE and other State government agencies. The commentary in the discussion paper that appears to suggest that delays in the plan making system predominantly sit with local councils is not supported and certainly does not reflect the practice of this Council.

9.8 Discussion Paper - A New Approach to Rezoning (Ref: ; Author: Thompson/Brown) (Continued)

Changes proposed in the discussion paper include:

- Providing private proponents with the right to lodge rezoning proposals with local councils under the Act. To date only a local council can formally apply to the Minister to rezone land.
- Allowing proponents to undertake consultation directly with the local community and State agencies.
- Providing a right of appeal to private proponents to challenge a local council's decision in court. At this time, there are no appeal rights when a local council determines not to progress a rezoning proposal. However, there is a right for a proponent to request an independent planning panel evaluate and recommend to the Minister whether a planning proposal should progress to Gateway determination.
- Removing fees from a local council where it fails to progress a rezoning proposal with a certain time frame.

Council staff are concerned such an approach is likely to encourage speculative and non-strategic rezoning requests from the private sector and result in a council being forced to provide justification as to why they should not proceed. At the current time where a local council does not support a rezoning proposal, it can choose not to progress a subsequent LEP amendment to the Minister and there are no appeal rights. However, if an appeal right were introduced, it will result in Council potentially being forced to defend these decisions in court at considerable expense.

Further information in respect of the changes is available in the discussion paper at Attachment 1.

Staff have now prepared a draft submission to DPIE for Council endorsement (see Attachment 2)

Implications***Legal and Policy***

The discussion paper proposed a series of significant changes to the Act and accompanying procedures that would significantly change the manner in which rezonings have previously been undertaken in NSW. QPRC would have less influence over how land is zoned and subsequently developed in the future. It is expected that there could be significant additional costs to Council as a result of the changes.



Strategic

The proposed changes have the potential to compromise future strategic planning in the local area including those implementation actions identified in the Council's Local Strategic Planning Statement if private proponents are given the right to lodge rezoning requests and the opportunity to appeal those requests in court.

Conclusion

It is recommended Council endorse the submission to DPIE at Attachment 2.

Attachments

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|  Attachment 1 | Discussion Paper - A New Approach to Rezoning (<i>Under Separate Cover</i>) |
|  Attachment 2 | Draft Submission - Discussion Paper "New Approach to Rezoning" February 2022 (<i>Under Separate Cover</i>) |

9.9 NSW Planning Amendments for Agriculture and Agritourism (Ref: ; Author: Thompson/Blacklock)

File Reference: 26.1.3-05

Summary

The purpose of this report is to provide an update on the Department of Planning, Industry and Environment's (DPIE) changes to NSW Planning system to promote agritourism. There are implications for Council's Local Environmental Plans which will be amended by DPIE and as such NSW councils are required to nominate which optional clauses and the land use zones they wish to permit the new agritourism land uses within. These nominations must be justified, and the preliminary response is due on 25 February with the final response together with the Council resolution and minutes due by 31 March 2022. It is intended to submit only one response.

Recommendation

It is recommended that Council adopt the following in relation to the draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 and that these be included in Council's response:

1. That the current permissibility of "farm stay accommodation" in Council's Local Environmental Plans (LEPs) be retained including the future Queanbeyan-Palerang Local Environmental Plan 2022 (QPLEP 2022).
 2. That the optional Clause 5.23 be included in Council's LEPs to ensure consideration of impacts associated with farm stay accommodation are included in the determination of any development application for such use.
 3. That a maximum 100m² gross floor area be set for a building used for farm stay accommodation for the purpose of 5.23(2)(b) and the effectiveness and any variations be monitored for the first review of the future QPLEP 2022.
 4. That the maximum number of 20 guests be adopted for the purpose of Clause 5.23(2)(c).
 5. That the maximum number of 6 moveable dwellings be adopted for the purpose of Clause 5.23(2)(d))
 6. That the optional Clause 5.24 be included in Council's LEPs to ensure consideration of impacts associated with farm gate premises are included in the determination of any development application for such use.
 7. That the maximum gross floor area of 200m² for a farm gate premises be adopted for the purposes of Clause 5.24(2)(a).
 8. That the maximum number of persons allowed on the land at any one time for the farmgate premises be set at 50 persons for the purpose of Clause 5.24(2)(b).
 9. That agritourism be listed under the Permitted with Consent section of the following zone tables in Council's LEPs:
 - RU1 Primary Production zone
 - RU2 Rural Landscape
 - R5 Large Lot Residential
 - C3 (E3) Environmental Management
 - C4 (E4) Environmental Living.
-

9.9 NSW Planning Amendments for Agriculture and Agritourism (Ref: ; Author: Thompson/Blacklock) (Continued)

Background

In March 2021 the NSW Department of Planning, Industry and Environment (DPIE) put forward changes to the planning system with the aim to support regional NSW by making it easier for farmers to use their land for agritourism and small-scale agricultural development. Council lodged a submission on the changes during the submission period from 9 March-19 April 2021. Council's submission is included in Attachment 1 and is summarised below:

- General support for principle of the amendments to have no or low environmental impact.
- Request for clear consideration of the Important Agricultural Land mapping and protecting the future of such land from land use conflict and fragmentation especially around the fringes of urban. (See report on draft State Significant Land Mapping elsewhere in this Business Paper).
- Request that the cumulative impact of exempt development on rural land be considered. The draft proposals allow for up to 120 people to visit a site on the same day.
- Clarification of what would constitute "proposed agricultural uses" to ensure the proposed setback controls are clear for the community, applicants and surrounding land holders.
- Clarity on proposed farm stay accommodation in relation to:
 - how additional dwelling entitlements will not be created on rural land
 - waste management controls
 - exclusion on bushfire prone land.
- Clarity on Farm Gate Activities definition in relation to "industrial retail outlet" definition and "artisan food and drink industry" definition.
- Concern about proposal for Small Scale Animal Processing Plants to be undertaken as complying development and the expectation for compliance follow up by councils.
- Including all the requirements for Farm events in one place rather than relying on applicants to navigate other legislation.
- Agritourism definition to be tested to ensure its intent is achieved without creating uncertainty and unintended impacts. Its current construction could potentially include any activity that brings visitors to rural land.
- Support for:
 - simplifying the Stock Containment Areas and Rebuilding of Farm Infrastructure controls
 - consistent farm dam controls and
 - increase in setbacks from intensive livestock agriculture.

In response to the submissions received, DPIE provided notification in December 2021 that a Submissions and Survey Analysis report on Agritourism and Small-Scale Agriculture Development had been prepared, together with a draft Standard Instrument Order to implement the changes. Councils have been asked to submit preliminary responses by 25 February 2022, on whether they will adopt the optional LEP clauses and/or specify the land use zones where the new land uses will be permitted.

Council also made a submission in January 2018 on the Draft Primary Production and Rural Development SEPP. This followed a report to Council's meeting of 13 December 2017 (Item No. 12.7). Amongst other things, this submission raised a number of matters in relation to agriculture-based tourism consistent with the recommendations of this report.

9.9 NSW Planning Amendments for Agriculture and Agritourism (Ref: ; Author: Thompson/Blacklock) (Continued)

Implications***Legal***

The NSW Planning, Industry and Environment's amendments for Agriculture will be implemented through an amendment to the Standard Instrument Order 2006 (*Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021*) which will amend every Standard Local Environmental Plan in NSW. Standard instrument Local Environmental Plans (LEPs) are those that are based on the NSW Government's mandatory template and include the *Queanbeyan Local Environmental Plan 2012*, the *Palerang Local Environmental Plan 2014* and the future *Queanbeyan-Palerang Local Environmental Plan 2022*. There will also be changes made to the above Local Environmental Plans relating to the optional clauses and the land use zones within which Council wishes to permit the new agritourism land uses.

Review of proposed changes:**1. Area for Roadside Stalls**

The draft standard instrument order amendment proposes to increase the minimum area control in Clause 5.4(8) for roadside stalls from 8m² to 9m².

Impact for Council's LEPs:

- No consequence for Palerang LEP as it has set the control at 10m².
- Will increase control in Queanbeyan LEP from 8m² to 9m². Considered to be of minimal consequence.
- No consequence for the future Queanbeyan-Palerang LEP as it has the control at 10m².

No recommendation required for this item.

2. Location of Poultry and Pig Farms

The draft Order proposes to add a minimum distance of 3,000m for the location of new pig farms from another pig farm and replace the requirement for poultry farms to be located more than 500m from another poultry farm and replace it with:

- (v) *for a poultry farm used for breeding poultry—within 5,000 metres of another poultry farm, or*
- (vi) *for a poultry farm not used for breeding poultry—*
 - (A) *within 5,000 metres of a poultry farm used for breeding poultry, or*
 - (B) *within 1,000 metres of a poultry farm not used for breeding poultry, or*
- (vii) *for a pig farm – within 3,000 metres of another pig farm.*

Impact for Council's LEPs:

This change is mandated and will be inserted into the Palerang, Queanbeyan and future Queanbeyan-Palerang LEPs. Any development application for a poultry farm or pig farm will be subject to these minimum distances.

No recommendation required for this item.

9.9 NSW Planning Amendments for Agriculture and Agritourism (Ref: ; Author: Thompson/Blacklock) (Continued)

3. Optional Clause 5.23 Farm Stay Accommodation

The draft Order proposes the inclusion of an optional clause for the consideration of development applications for farm stay accommodation (wording reproduced below). As an optional clause, all NSW councils have the choice to include it in the LEPs or not.

5.23 Farm stay accommodation [optional]

- (1) *The objectives of this clause are—*
 - (a) *to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and*
 - (b) *to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.*
 - (c) *[set out other objectives of the clause].*
- (2) *Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—*
 - (a) *the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—*
 - (i) *3 times the number of bedrooms permitted under clause 5.4(5), or*
 - (ii) *20 guests, and*
 - (b) *the gross floor area of a building used to accommodate guests will not be more than [insert number no less than 60] square metres, and*
 - (c) *the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than [insert number no more than 20] at any 1 time, and*
 - (d) *the maximum number of moveable dwellings used for the accommodation of guests will not be more than [insert number no more than 6], and*
 - (e) *all buildings or moveable dwellings used to accommodate guests will be—*
 - (i) *on the same lot as an existing lawful dwelling house, or*
 - (ii) *on a lot—*
 - (A) *for which a minimum size is shown for a dwelling house on the Lot Size Map, and*
 - (B) *the size of which is not less than the minimum size shown.*
- (3) *Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.*
- (4) *Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—*
 - (a) *whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—*
 - (i) *residential accommodation,*
 - (ii) *primary production operations,*
 - (iii) *other land uses, and*
 - (b) *whether the development will have significant adverse impact on the following on or near the land—*
 - (i) *the visual amenity, heritage or scenic values,*
 - (ii) *native or significant flora or fauna,*
 - (iii) *water quality,*
 - (iv) *traffic,*
 - (v) *the safety of persons, and*
 - (c) *whether the development is on bush fire prone land or flood prone land, and*
 - (d) *the suitability of the land for the proposed development, and*
 - (e) *the compatibility of the development with nearby land uses.*

9.9 NSW Planning Amendments for Agriculture and Agritourism (Ref: ; Author: Thompson/Blacklock) (Continued)

Farm stay accommodation is currently permitted in RU1 Primary Production under *Palerang Local Environmental Plan 2014*, RU2 Rural Landscape under *Queanbeyan Local Environmental Plan 2012* and is proposed to be permitted in the RU1, RU2 and C2 Environmental Conservation zones in the future *Queanbeyan-Palerang Local Environmental Plan 2022*.

Recommend that the current permissibility of “farm stay accommodation” in Council’s LEPs be retained including the future *Queanbeyan-Palerang Local Environmental Plan 2022*.

Recommend that the optional clause be included in Council’s LEPs to ensure consideration of impacts associated with farm stay accommodation are included in the determination of any development application for such use.

Controls for maximum number of guests (5.23(2)(a))

Under the PLEP 2014 this clause will allow for up to 25 guests as the maximum bedroom control is 5 under clause 5.4(5) (5 x 5 bedrooms).

Under the QLEP 2012 guests as max bedrooms under clause 5.4(5) is 3 (5 x 3 bedrooms = 15 and subclause (2)(a)(ii) figure of 20 prevails because it is the greater number).

Under the QPLEP 2022 this clause will allow for up to 25 guests as the maximum bedroom control is 5 under clause 5.4(5) (5 x 5bedrooms).

Controls for maximum gross floor area of building for accommodation (5.23(2)(b))

Council needs to determine a maximum gross floor area that is not less than 60m². In determining this number it is recommended that it be considered in context with the maximum number of bedrooms that clause 5.4 allows (up to a maximum of 5 for Council’s instruments) and a building size that will be in keeping with the rural character of the areas which these developments are permitted.

Typically, the character of rural properties consists of a large main homestead, large sheds and multiple smaller outbuildings. The ABS reported in 2020 that the average floor area for a new house in NSW was 222m² which is smaller than 15 years ago when it was 248m². Given secondary dwellings are proposed to be 60m² or 50% of the principle dwelling size under the future QPLEP 2022, it seems reasonable to set the maximum gross floor area at 100m². Where Council adopts this clause, the controls within it are subject to Clause 4.6 which allow for variations in certain circumstances. This control should be monitored for it’s effectiveness and number of variations and future amendments made where necessary.

Recommend maximum 100m² gross floor area for any building used for farm stay accommodation and the effectiveness and any variations be monitored for the first review of the future QPLEP 2022.

Controls for maximum number of guests in moveable dwellings (5.23(2)(c))

Council needs to determine a maximum number of guests that is no more than 20 to be accommodated in moveable dwellings that are used for the purpose of farm stay accommodation.

Recommend that the maximum number of 20 guests be adopted for the purpose of Clause 5.23(2)(c).

9.9 NSW Planning Amendments for Agriculture and Agritourism (Ref: ; Author: Thompson/Blacklock) (Continued)

Controls for the maximum number of moveable dwellings (5.23(2)(d))

Council needs to determine a maximum number of moveable dwellings that is no more than 6 that can be used for the purpose of farm stay accommodation.

Recommend that the maximum number of 6 moveable dwellings be adopted for the purpose of Clause 5.23(2)(d).

4. Optional Clause 5.24 - Farm Gate Premises Accommodation

The draft Order proposes the inclusion of an optional clause for the consideration of development applications for farm gate premises (wording reproduced below). As an optional clause, all NSW councils have the choice to include it in the LEPs or not.

5.24 Farm gate premises [optional]

- (1) *The objectives of this clause are—*
 - (a) *to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and*
 - (b) *to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.*
 - (c) *[set out other objectives of the clause].*
- (2) *Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—*
 - (a) *the gross floor area of a building used for farm gate premises will not be more than [insert number no more than 200] square metres, and*
 - (b) *the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more [insert number not more than 50] persons.*
- (3) *Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—*
 - (a) *whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—*
 - (i) *residential accommodation,*
 - (ii) *primary production operations,*
 - (iii) *other land uses, and*
 - (b) *whether the development will have significant adverse impact on the following on or near the land—*
 - (i) *the visual amenity, heritage or scenic values,*
 - (ii) *native or significant flora or fauna,*
 - (iii) *water quality,*
 - (iv) *traffic,*
 - (v) *the safety of persons, and*
 - (c) *whether the development is on bush fire prone land or flood prone land, and*
 - (d) *the suitability of the land for the proposed development, and*
 - (e) *the compatibility of the development with nearby land uses.*

9.9 NSW Planning Amendments for Agriculture and Agritourism (Ref: ; Author: Thompson/Blacklock) (Continued)

Farmgate premises is a new land use term which is defined as:

farm gate premises—

(a) *means a building or place—*

(i) *on a farm that is—*

(A) *a primary production business, or*

(B) *on land categorised as farmland under the Local Government Act 1995, section 515, and*

(ii) *that is ancillary to the farm, and*

(iii) *that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—*

(A) *processing, packaging and sale of the products, but not the processing of animals,*

(B) *a restaurant or cafe,*

(C) *a facility for holding tastings or workshops, or providing information or education, related to the products, and*

(b) *includes cellar door premises.*

Note— Farm gate premises is a type of agritourism—see the definition of the term in this Dictionary

Implications for Council:

The new land use term of farmgate premises will provide an opportunity for Council to permit with consent this use in the land use zones it chooses. Where it permits this land use, there is the option to include the optional clause to use controls and matters for consideration for this type of use. There are two controls which have standards for Council to determine. These are detailed below.

Controls for maximum area of farmgate premises (5.24(2)(a))

Council needs to determine the maximum gross floor area for a building that can be used for farm gate premises. This area cannot be more than 200m².

Recommend that the maximum gross floor area of 200m² for a farm gate premises be adopted for the purposes of Clause 5.24(2)(a).

Controls for maximum number of people allowed onsite for farm gate premises (5.24(2)(ii))

Council needs to determine the maximum number of persons that will be allowed on the land holding at any one time for the purpose of the farm gate premises. This number cannot be more than 50 persons. In this control a land holding means one or more lots of land that are constituted or worked as a single property and are contiguous or are separated only by a road or water course.

Recommend that the maximum number of persons allowed on the land at any one time for the farm gate premises be set at 50 persons.

9.9 NSW Planning Amendments for Agriculture and Agritourism (Ref: ; Author: Thompson/Blacklock) (Continued)

5. Permissibility of Agritourism in Council's LEPs

The draft order introduces the new land use term "agritourism" which is listed as a type of agriculture and includes farm gate premises and farm experience premises. In considering where this use should be permitted, Council's adopted Local Strategic Planning Statement Towards 2040, is relevant. It sets the direction for land use planning for the next 20 years and has identified the following relevant key actions:

- 4.4.1 *Ensure tourism-orientated uses are permissible in Council's respective planning controls.*
- 4.4.6 *Review the LEP and other planning policies to clarify the controls in respect of development for farm gate agribusiness and agritourism businesses while recognising the primary productive potential of rural lands.*
- 4.7.1 *Protect primary production, and ground water and extractive industries together with other parts of their supply chains including freight and logistics facilities from surrounding land-use conflict.*
- 4.7.2 *Minimise fragmentation of rural land.*
- 4.7.3 *Ensure primary production and extractive industries are undertaken in a sustainable manner.*
- 4.7.6 *Protect important agricultural land and when available, review the important agricultural land mapping for inclusion in reviews of LEP and DCPs.*

The introduction of the draft Order provides an opportunity for Council to action these items. In deciding which zones are appropriate to include agritourism, the starting point is those zones that permit agricultural uses. Agricultural uses are permitted in the following zones in Council's LEPs:

- RU1 Primary Production zone
- RU2 Rural Landscape
- R5 Large Lot Residential
- C3 (E3) Environmental Management
- C4 (E4) Environmental Living.

As the agritourism uses are required to be on a farm that is a primary production business (as defined in the *Income Assessment Act 1997* or is categorised as farmland under the *Local Government Act 1993* (note the draft order has incorrectly used 1995 for this Act) section 515, it is considered that allowing this land use as permitted with consent in the above zones is appropriate. Not all land in these zones will constitute a farm. However, there is flexibility to accommodate changes in the agricultural uses of the land within these zones and then the opportunity for the agritourism uses to be added. Including the two optional clauses to add matters of consideration for these uses will allow an appropriate assessment of the suitability of a site for these land uses should an application be lodged.

Recommend agritourism be listed under the Permitted with Consent section of the following zone tables in Council's LEPs

- RU1 Primary Production zone
- RU2 Rural Landscape
- R5 Large Lot Residential
- C3 (E3) Environmental Management
- C4 (E4) Environmental Living.

9.9 NSW Planning Amendments for Agriculture and Agritourism (Ref: ; Author: Thompson/Blacklock) (Continued)

Policy and Strategic

Council's Local Strategic Planning Statement Towards 2040 is the relevant strategic land use policy for considering the implications of the draft Order. Refer above for consideration of the policy in the legal section of this report.

Engagement

The NSW Department of Planning, Industry and Environment have conducted consultation in preparing the package of reforms for agritourism and agricultural land uses. Council lodged a submission during the consultation period, and it was considered along with submissions from other stakeholders in NSW. The Department produced a Submissions and Survey Analysis report on Agritourism and Small-Scale Agriculture Development, together with a draft Standard Instrument Order to implement the changes. Councils have been asked to submit preliminary responses by 25 February 2022, on whether they will adopt the optional LEP clauses and / or specify the land use zones where the new land uses will be permitted.

Conclusion

In March 2021 the NSW Department of Planning, Industry and Environment (DPIE) put forward changes to the planning system with the aim to support regional NSW by making it easier for farmers to use their land for agritourism and small-scale agricultural development. Council lodged a submission on the changes.




The Department have considered the submissions received in their Submissions and Survey Analysis report on Agritourism and Small-Scale Agriculture Development. They have prepared a draft Standard Instrument Order to implement the changes and require councils to submit preliminary responses by 25 February 2022, on whether they will adopt the optional LEP clauses and / or specify the land use zones where the new land uses will be permitted. The draft Order has been reviewed and as a result it is concluded that the following should be adopted and included in Council's response:

1. That the current permissibility of "farm stay accommodation" in Council's LEPs be retained including the future *Queanbeyan-Palerang Local Environmental Plan 2022*.
2. That the optional Clause 5.23 be included in Council's LEPs to ensure consideration of impacts associated with farm stay accommodation are included in the determination of any development application for such use.
3. That a maximum 100m² gross floor area be set for a building used for farm stay accommodation for the purpose of 5.23(2)(b) and the effectiveness and any variations be monitored for the first review of the future QPLEP 2022.
4. That the maximum number of 20 guests be adopted for the purpose of Clause 5.23(2)(c).
5. That the maximum number of 6 moveable dwellings be adopted for the purpose of Clause 5.23(2)(d).
6. That the optional Clause 5.24 be included in Council's LEPs to ensure consideration of impacts associated with farm gate premises are included in the determination of any development application for such use.
7. That the maximum gross floor area of 200m² for a farm gate premises be adopted for the purposes of Clause 5.24(2)(a).
8. That the maximum number of persons allowed on the land at any one time for the farmgate premises be set at 50 persons for the purpose of Clause 5.24(2)(b).

9.9 NSW Planning Amendments for Agriculture and Agritourism (Ref: ; Author: Thompson/Blacklock) (Continued)

9. That agritourism be listed under the Permitted with Consent section of the following zone tables in Council's LEPs:
- RU1 Primary Production zone
 - RU2 Rural Landscape
 - R5 Large Lot Residential
 - C3 (E3) Environmental Management
 - C4 (E4) Environmental Living.

Attachments

- Attachment 1  QPRC Submission on NSW Planning Changes for Agritourism and Small Scale Agriculture Uses - April 2021 *(Under Separate Cover)*
- Attachment 2  Agritourism Information Sheet December 2021 *(Under Separate Cover)*
- Attachment 3  DRAFT Standard Instrument LEP Amendment Agritourism Order 2021 *(Under Separate Cover)*

9.10 Tender Regional Sports Complex Buildings (Ref: ; Author: Thompson/Geyer)

File Reference: 23.1.1-03

Summary

The Regional Sports Complex (RSC) is a significant sports infrastructure project currently underway at Environa in South Jerra. The contract for civil works has been awarded and construction has commenced. Tenders closed in late 2021 for the building components of the Sports Complex, including the major pavilion and one minor pavilion. Tender evaluations have now been completed and a preferred tenderer has been selected by the panel that can deliver the project on time and within pre-tender estimates.

Recommendation

That Council award Contract No 2021-05, for the design and construction of Pavilions at the Regional Sports Complex, to Tenderer 2 for the lump sum price of \$insert including GST.

Background

The Regional Sports Complex (RSC) has been a major Council project in the planning since a Council resolution in 2012. The RSC is being constructed on 23ha of land, dedicated to Council by the developer of the South Jerrabomberra urban release area, and is located between Environa Drive and Jerrabomberra Creek in Environa.

Stage One of the RSC consists of a series of sports fields and facilities aimed at pre-elite athletes, adding a level of facilities currently unavailable for certain sports within QPRC, and building capacity to support regional, state and national tournaments. The site will be the home ground for Queanbeyan based field hockey (which currently needs to utilise ACT facilities in Lyneham), as well as Premier League football facilities for the region.

Council currently has funding in place for Stage 1A, which includes an initial 4 high standard fields, training fields, the major pavilion, one minor pavilion, parking access and associated lighting and irrigation. Stage 1B will add a further two high level fields and amenities and will be delivered in 3-5 years as further developer contributions are received and growth in activities increase demand for facilities.

In November 2021, Council called for tenders (RFT 2021-05) for the Design and Construction of Buildings at the Regional Sports Complex. The scope of works includes the design and construction of one major pavilion and design of the two minor pavilions, but construction of only one minor pavilion. The tender was for a Lump Sum with a schedule of rates for variations and a schedule of optional works.

Council received three conforming tenders. The tenders have been assessed by a panel of QPRC staff and officers from NSW Public Works Advisory. Initial assessment considered the tenderers' "Non-Price" submission, including design, experience, inclusions and exclusions and sustainability. Tender price was then assessed to determine best value for money and fit within Council's budget.

Tenderers were asked to clarify inclusions and or departures to ensure all tenders were assessed equally. Of the three tenders, Tenderer 2 offers best value for money and addresses all Council's design requirements. This tender also has expansive experience in delivering Sporting Facilities across regional NSW.

**9.10 Tender Regional Sports Complex Buildings (Ref: ; Author: Thompson/Geyer)
(Continued)**

The successful tenderer will be required to complete the detailed design to secure Construction Certificates and deliver the initial two buildings, concurrent to the construction of the civil works and sporting fields. The detailed design of the minor pavilion will also be used for the second minor pavilion, due to be delivered in 3-5 years, however the construction of this second minor pavilion is not part of this contract.

The detailed Tender Evaluation is provided as a closed attachment for Councillors information.

Implications***Legal***

The tendering process was conducted in compliance with s55 of the *Local Government Act 1993* and Part 7 of the *Local Government (General) Regulation 2005*.

Policy

The tendering process complies with Council's Procurement Policy and Council's legislative obligations.

Sustainability

The tender is for design and construction of the main amenities buildings for stage one of the Regional Sports Complex. Submissions were required to identify areas of energy saving and sustainable materials proposed to be used during construction and sustainability was one of the key "non price" criteria against which tenders were assessed.

Social / Cultural

The Regional Sports Complex is a long-awaited community asset, which will deliver a level of sports currently not available in the QPRC area. The RSC will deliver pre-elite sporting opportunities for a variety of sporting codes and has been designed to provide the best possible accessibility for the budget available. The major pavilion will provide high quality facilities for players and officials, upper level commentary area, meeting/training rooms and a large function area with kitchen and bar facilities. It is envisaged, once operational, the new facility will be used for a variety of sporting fixtures and be available for community use between events.

Economic

The RSC will host a number of events annually and will provide a venue for sports development, coaching clinics and allied activities. Sporting events are well established as means on increasing economic return to a community, both through direct employment and flow on employment across the community. A three day State level event (such as Kanga Cup), attracting 1500 visitors over the three days, has a direct injection of \$500,000 into the economy and a flow on of 4.4 FTE in the local area (QPRC Economic Id Calculator). Council's business case identified the RSC would host an average of 3 major events per annum.

Engagement

The RSC has been a major Council project within delivery and operational plans since 2012. During this time, the project has been workshopped with sports groups and exhibited widely with broad community support. The project is also a standard item on the QPRC Sports Council agenda for quarterly meetings.

Community interest is primarily focussed on the sports fields, sports courts, amenities, and potential for hosting events. The high level of interest in sports within the QPRC community has seen a strong interest in the delivery of the RSC.

9.10 Tender Regional Sports Complex Buildings (Ref: ; Author: Thompson/Geyer) (Continued)

Financial

The Regional Sports Complex is an approved major infrastructure project to be funded through a combination of Grants Loans and other contributions. Stage one has secured a \$10 million grant for Sports NSW and further funding is being sought for Stage two, the four-court indoor facility. The building component of stage 1A had a pre-tender estimate of between \$5m and \$7m.

Program Code	Expense Type	Funding source	Amount	
		Sports Infrastructure Fund	Grant	\$10,000,000
		QPRC	Loan	\$15,000,000
		Other government grants	Grant	\$5,000,000

Resources (including staff)

The RSC project is currently being managed through Council's Urban Landscapes team with the support of NSW Public Works Advisory.

Conclusion

The design and construction of the major and minor pavilions /amenities is the final important step in delivering the RSC, stage 1A, for community use. The recommended tender has submitted a conforming tender that meets Council's project needs, budgets and timelines. The completed stage will set the standard for future stages and will deliver to the community the long awaited regional sporting facilities they have called for over the past 20 plus years.

Attachments

- Attachment 1 Appendices to Tender Evaluation Report (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 2 Tender Evaluation Report (*Under Separate Cover*) - **CONFIDENTIAL**

9.11 Proposal to Acquire Council Land - 17 Copperfield Place, Jerrabomberra (Ref: ; Author: Thompson/Abbott)

File Reference: 155656

Summary

At its meeting of 27 January 2022, Council resolved to defer consideration of this matter and to resubmit it for Council's determination in open session at the next meeting. This report has been re-committed to Council as requested. Please note that a third option has been added for Council's consideration.

Holcim Pty Ltd operate a large hard rock quarry off Old Cooma Road in Queanbeyan's south. The quarry is reaching the physical limits of its site. Additional deposits of material that can viably be recovered are available on adjacent land. Council is the owner of that adjacent land.

This report considers a request by Holcim to acquire some of Council's adjacent land to allow the quarry to continue operations at its present location for the medium to long term. The request is complicated as that the land was acquired by Council as an offset for conservation purposes.

Recommendation

That Council determine whether it wishes to support the land acquisition proposal from Holcim.

Background

Holcim Pty Ltd and its many predecessor companies have operated a hard rock quarry at 505 Old Cooma Road since the 1950's (see Figure 1 below). It is a significant quarry and has provided building materials for the expansion of Canberra, Queanbeyan and the local region over many years.

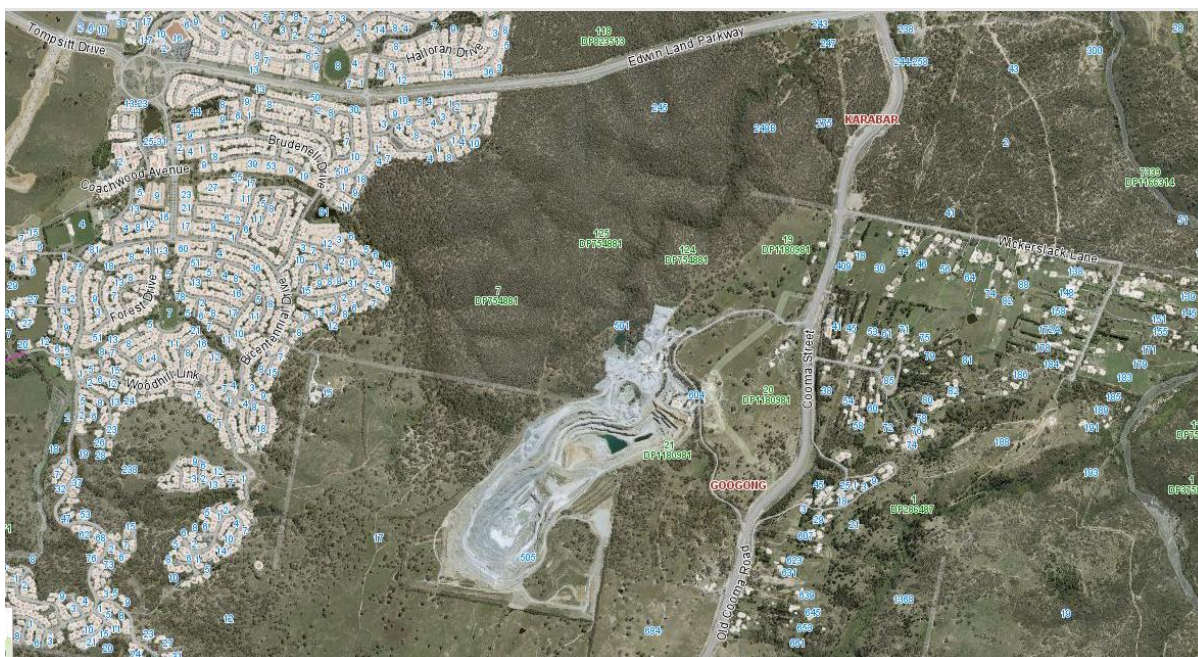


Figure 1 – Location of Holcim Hard Rock Quarry

9.11 Proposal to Acquire Council Land - 17 Copperfield Place, Jerrabomberra (Ref: ; Author: Thompson/Abbott) (Continued)

With the quarry reassessing the future of its reserves (to ensure continuity of material supply to the market), Holcim commenced discussions with Council on 14 June 2019 regarding the need to expand its footprint to the south of the existing quarry. This would require acquiring land that is presently in the ownership of Council.

Holcim now seeks to purchase either part of (approximately 14ha) or all of (122ha) the land within Lot 1 DP1207530 from QPRC (see Figure 2 below). This acquisition would enable the quarry to continue to supply the region with building materials to sustain both growth and the economic sustainability of the region.



Figure 2 – Lot Configuration

As can be seen from Figure 2 the substantive part of the quarry is located on Lot 2 while the conservation area owned and managed by Council is on Lot 1.

9.11 Proposal to Acquire Council Land - 17 Copperfield Place, Jerrabomberra (Ref: ; Author: Thompson/Abbott) (Continued)

How Did the Land Come into Council's Ownership?

Originally the lands comprising Lot 1 and 2 were both owned by the quarry with the land now Lot 1 forming an important part of the buffer between the quarry and Jerrabomberra to the west.

In 2013 Council was seeking land to provide an environmental offset as required by the NSW Office of Environment and Heritage to allow for the duplication and re-alignment of Old Cooma Road, between Karabar and Googong, south of Queanbeyan. Any land purchased for the offset would need to be set aside in perpetuity for conservation purposes.

As indicated above, the land to the west of the quarry was being used as a buffer so utilising the land as an environmental offset as well was a use entirely consistent with maintaining the buffer. Council therefore negotiated to purchase the majority of the buffer land from the quarry to use for conservation purposes.

The boundaries of the land were subsequently reviewed to the present configuration as shown in Figure 2 and is made up as follows:

- Lot 1 with an area of 122ha was vacant grazing land purchased by Council to be used as the conservation area offset.
- Lot 2 with an area of 92ha contained the operational quarry and an existing house and was retained in the ownership of the quarry.

The land acquired by Council for the conservation area provides potential habitat for various threatened species such as Rosenberg's Goanna and the Speckled Warbler and also contains Yellow Box Eucalypts, and Blakely's Red Gum in a grassy woodland setting, the same type of woodland removed for the Old Cooma Road construction.

The General Terms of Approval (GTA) for the road construction required that legal arrangements be put in place to manage the site, in perpetuity, for conservation purposes.

To that end the entire 122ha offset area is to be managed in accordance with a Property Vegetation Plan (PVP) prepared by the Murrumbidgee Catchment Authority, in accordance with the *Native Vegetation Act 2003*. The PVP (copy attached) sets out specific activities that must be undertaken on the site and a list of management actions which the owner of the land (Council) is required to carry out. If these management actions are implemented the plan is, that over a period of the time, the land will be rehabilitated to create a habitat similar to that destroyed by the construction of the road. If Council sells the land the new owner is obliged to meet the obligations of the PVP.

Meeting those obligations is not without ongoing costs and to date Council has struggled to commit the resources to meet all the obligations specified in the PVP.

Figure 3 below shows the 122ha area set aside for the conservation area which is owned by Council.

9.11 Proposal to Acquire Council Land - 17 Copperfield Place, Jerrabomberra (Ref: ; Author: Thompson/Abbott) (Continued)

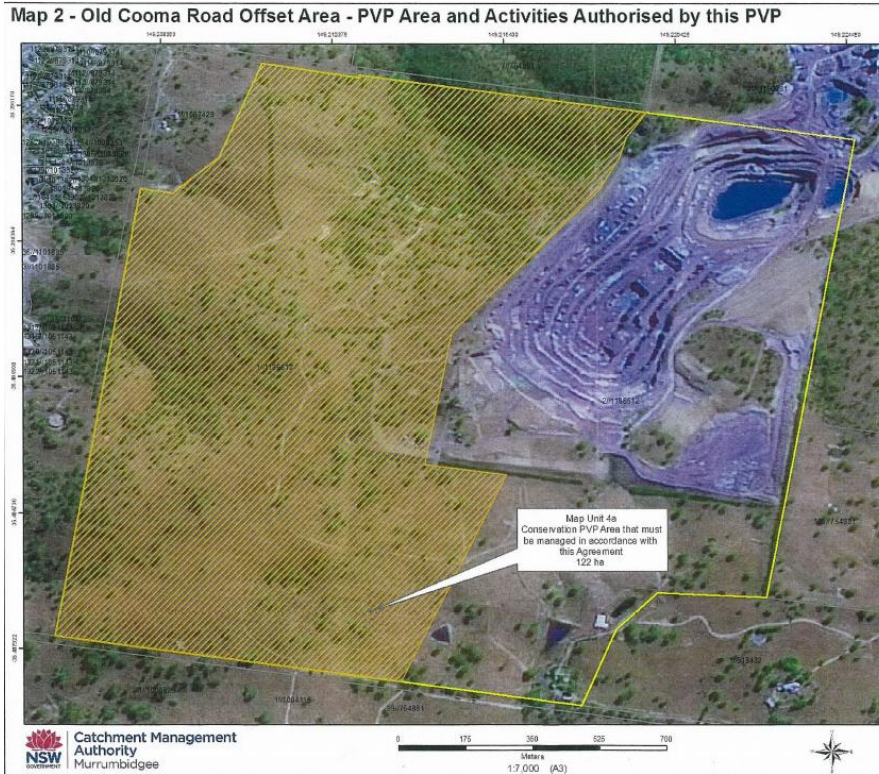


Figure 3 – Conservation Area to be Managed in Accordance with PVP in Perpetuity

What is Holcim Proposing?

Figure 4 below shows the minimum area of land that Holcim would need to acquire to continue their operations into the future. The area shown is approximately 14ha.



Figure 4 – Minimum Area Required for Future Quarry Expansion

9.11 Proposal to Acquire Council Land - 17 Copperfield Place, Jerrabomberra (Ref: ; Author: Thompson/Abbott) (Continued)

Alternatively, Holcim would be prepared to acquire the whole area. In doing so Holcim would take on the obligations of the PVP.

Exactly how Holcim would overcome the barriers of developing a quarry on land that has been set aside for conservation in perpetuity is difficult to fathom, but they feel confident that this obstacle can be overcome. Any costs involved in overcoming those constraints would need to be borne entirely by Holcim.

The attached proposal from Holcim lists a number of points which Holcim considers are advantages of the proposal. One advantage to Council could be that the funds generated by the sale of the 14ha be set aside as a management fund to complete the management actions in the PVP required to rehabilitate the remaining 108ha of land that would remain.

Holcim state that they would “focus on sustaining the natural qualities of vegetation and waterways to support the environmental functioning of bio-connections and landscapes immediately surrounding operations”. From a philosophical point of view this seems to be diametrically opposed to utilising conservation land for a quarry and it is likely that other conservation options such as external offsets or bio-banking would have to be considered.

How Would the Transfer of the Land Work?

Council would need to resolve to support the sale of 14ha of land in principle. A Memorandum of Understanding (MOU) would then be developed between Council and Holcim detailing such issues as:

- How the value of the land would be calculated.
- Setting out that Holcim would be responsible for seeking the appropriate approvals to have the land removed from the PVP and carrying out any community consultation required.
- Allowing Holcim to enter Council’s land for the purpose of carrying out studies.
- Whether the land transfer would proceed if the obligations of the PVP could not be overcome and the quarry expansion did not proceed.

Council’s Determination

Fundamentally Council needs to decide whether the loss of control over this conservation area would enable the quarry to continue to supply the region with building materials to sustain both growth and the economic sustainability (refer Regional Housing Taskforce report), or whether it opposes the idea of allowing land that is intended to be set aside for conservation in perpetuity to be used for quarry purposes.

To that end the following two options have been prepared to assist Council in determining their action on this matter. Each option contains suggested wording for a resolution depending on whether Council wishes to support or oppose the proposal.

Option 1 – Supporting the Holcim Proposal**That Council:**

- 1. Support in principle the proponent’s proposal to purchase 14ha of Council land as outlined in the report.**
- 2. Authorise the CEO to develop an MOU on progressing a potential sale including, but not limited to the following matters.**
 - **How the value of the land would be calculated.**
 - **Setting out that the proponent would be responsible for seeking the appropriate approvals to have the land removed from the PVP and carrying out any community consultation required.**

9.11 Proposal to Acquire Council Land - 17 Copperfield Place, Jerrabomberra (Ref: ; Author: Thompson/Abbott) (Continued)

- **Allowing the proponent to enter Council's land for the purpose of carrying out studies.**
 - **Whether the land transfer would proceed if the obligations in the PVP could not be overcome and the proponent's expansion of activities did not proceed.**
3. **That any reasonable costs to Council in preparing the MOU be met by the proponent.**
 4. **That following preparation of a draft MOU the matter be bought back to Council for consideration.**

*Option 2 – Opposing the Holcim Proposal***That Council:**

1. **Note the proposal to purchase Council land as described in this report.**
2. **Decline to proceed with the proposal noting that expansion of the proponent's activities onto this land is inconsistent with the purposes for which Council acquired the land, namely to conserve and rehabilitate threatened habitat in perpetuity.**

Option 3 – Decline the offer unless suitable land of higher environmental value can be secured in exchange for Council's 14ha of land.

Council might like to consider disposing of the land but only on the basis that it is exchanged for land of increased environmental value or size elsewhere in the LGA. Such land would need to be acceptable to Council and would ideally include increasing or extending an existing environmental holding to allow greater efficiencies in management of that expanded area of land. If Council were of a mind to consider this option a suitable motion would be as follows:



That Council:

1. **Note the proposal to purchase Council land as described in this report.**
2. **Decline to proceed with the proposal unless the proponent can secure an area of land of greater environmental value and size which it would be willing to exchange for Council's 14ha of land, such land to be acceptable to Council.**
3. **In the event of such an offer being received the matter be bought back to Council for consideration.**

Conclusion

The proposal from Holcim to purchase land from Council to allow expansion of quarry operations over the coming years has both advantages and disadvantages. Council needs to weigh up the benefits that come from this long term business providing important material and employment opportunities to the region's development sector against the potential loss of 14ha of land set aside for conservation purposes in perpetuity.

Attachments

- | | |
|--|---|
| Attachment 1 | Proponent's Letter - Land Acquisition Proposal (<i>Under Separate Cover</i>) -
CONFIDENTIAL |
| Attachment 2 | Property Vegetation Plan (<i>Under Separate Cover</i>) |
|  Attachment 3 | Current Boundary Survey Plan (<i>Under Separate Cover</i>) |
|  | |

9.12 Related Party Disclosures Policy (Ref: ; Author: Tegart/Monaghan)

File Reference: 43.4.1-10

Summary

Council's Related Party Disclosure Policy has been reviewed and updated. There have not been any legislative changes since the policy was last adopted, and no major changes have been made. The policy language has been simplified and shortened as much as possible within the requirements of the Accounting Standard

Recommendation

That Council adopt the updated Related Party Disclosures Policy.

Background

The Related Party Disclosure Policy was adopted on 25 October 2017 following the introduction of Accounting Standard AASB124 Related Party. The purpose of the policy is to meet Council's reporting requirements, to report on related party transactions, in accordance with the Accounting Standards, and to facilitate the capture of these transactions.

Implications

Legal

The Related Party Disclosure Policy complies with the requirements of:

- a) *Australia Accounting Standard AASB 124 Related Party Disclosures*
- b) *Local Government Code of Accounting Practice*

Policy

Once approved, the policy will be published on Council's website and communicated to all stakeholders.

Financial

Where transactions have occurred, these will be reported in Council's Annual Financial Statements.

Conclusion

The Related Party Disclosure Policy has been reviewed by Council Staff based on the review period and presented for Council's adoption.

Attachments

Attachment 1 Draft Related Party Disclosures Policy (*Under Separate Cover*)



9.13 Australia Day Donations 2022 (Ref: ; Author: Richards/Wightman)

File Reference: 1.4.4

Summary

Council provides a donation to community groups that assist council with its Australia Day celebrations. This report lists those groups and seeks approval to pay donations for the assistance provided.

Recommendation

That Council makes donations totalling \$2400 to the following community organisations that provided assistance with Australia Day 2022:

- Queanbeyan Girl Guides \$400
- Rotary Branch – Queanbeyan West \$400
- Legacy – Queanbeyan Branch \$200
- Captains Flat Community Group \$200
- Queanbeyan Lions Club \$200
- Lions Club – Braidwood \$200
- ACT Emergency Service Agencies Pipes and Drums \$200
- Bungendore CWA \$200
- Queanbeyan Red Cross \$200
- Queanbeyan CWA \$200

Background

Each year Council provides separate donations of between \$200-\$400 to community groups that assist with Australia Day celebrations. Australia Day would not be the success it is without the assistance from our community groups. This year, ten community groups provided assistance across the LGA

Implications

Financial

Funds are allocated from the Australia Day event budget

Program Code	Expense Type	Funding source	Amount
		Australia Day Event Budget	\$ 2,400

Attachments

Nil

9.14 ACT-QPRC: Statement of Intent (Ref: ; Author: Tegart/Tegart)

File Reference: 31.7.1 & 52.8.2

Summary

Following the merger, and subsequent to the ACT-NSW MoU, the newly formed QPRC established a Statement of Intent between the (then) Administrator and ACT Chief Minister to outline the thrust and direction of collaboration and cross border negotiations.

Recommendation

That Council:

- 1. Endorse the draft 2022 QPRC-ACT Statement of Intent and priority areas.**
 - 2. Submit the draft to the ACT Chief Minister for consideration.**
 - 3. Authorise execution of the documents by the Mayor and CEO, if the draft remains substantively unchanged by the Chief Minister.**
-

Background

Staff had been working with equivalent ACT agency staff on several planning, connectivity and utility matters and projects since the initial Statement and workplan. The attached refreshed Statement has been presented to the NSW Cross Border Commissioner, Department of Regional NSW and ACT Chief Minister staff for feedback.

Implications

Legal

There is no legal obligations with the Statement, other than ensuring its content are not out of keeping with the NSW-ACT MoU and guiding the collaboration between the heads of the organisations and staff.

Strategic

The workplan does include several initiatives that may lead to co-submission and funding proposals to other levels of government, including a potential City Deal involving Canberra and Queanbeyan.

Financial

Once endorsed and embedded into the Delivery Program, the respective actions are funded (where relevant) and reported (as required).





Conclusion

The draft refresh of the Statement of Intent and the proposed actions to include in a workplan over this term of Council, acknowledges the current strategy and policy stance of both jurisdictions, and aims to build on those mutual platforms.

9.14 ACT-QPRC: Statement of Intent (Ref: ; Author: Tegart/Tegart) (Continued)

It is recommended the 2022 Statement of Intent replicate the 2016 version, with the 2022 draft to be presented to the ACT Chief Minister for endorsement and execution with the Mayor, and the priority areas progressed through relevant QPRC and ACT agency staff.

Attachments

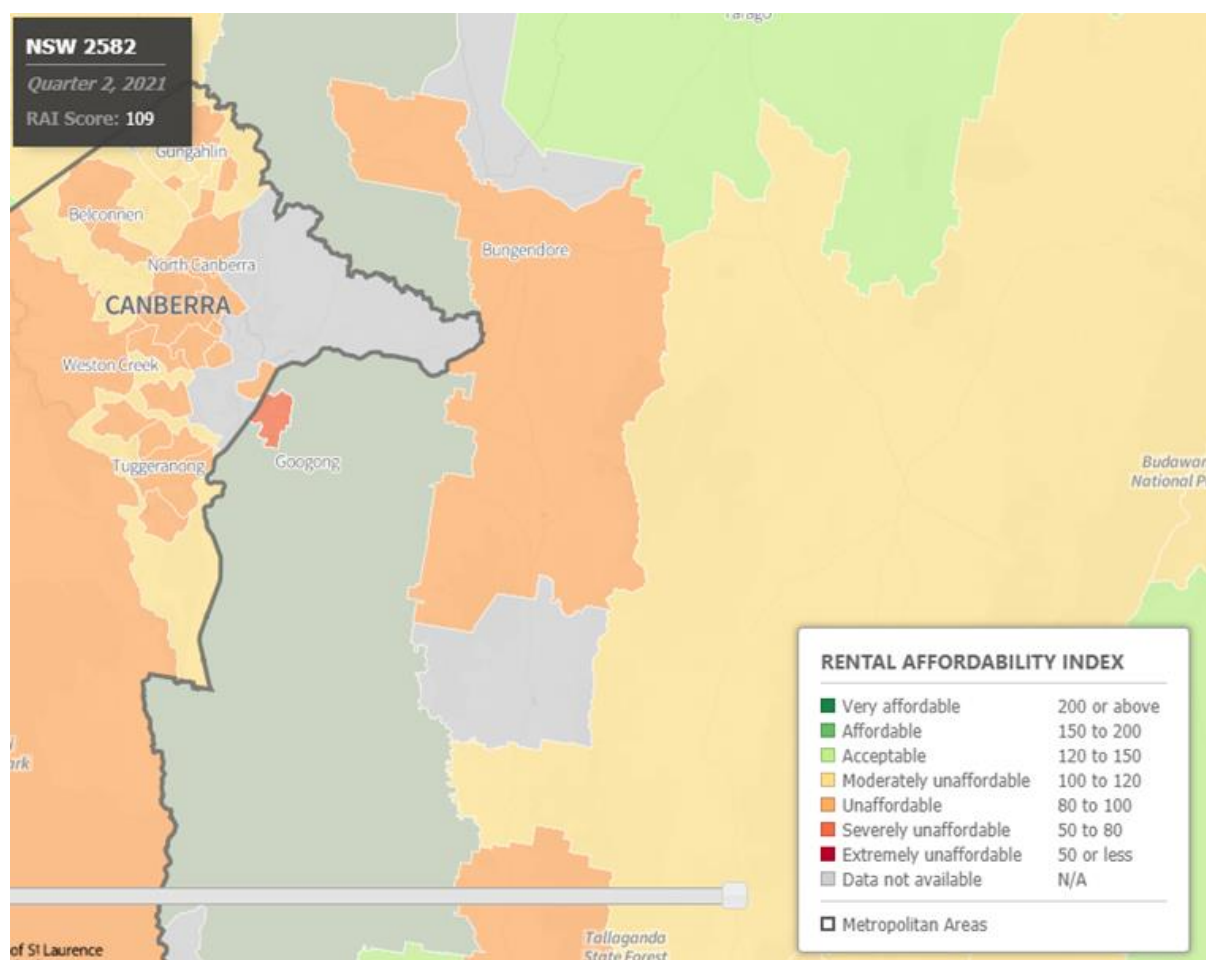
- Attachment 1  2016 Statement of Intent (*Under Separate Cover*)
- Attachment 2  Draft 2022 Statement of Intent (*Under Separate Cover*)
- Attachment 3  Skilling Plan (*Under Separate Cover*)
- Attachment 4  Draft Priority Areas (*Under Separate Cover*)

File Reference: 26.1.1-01

Report

Council has several strategies and plans in place that guide its role and approach to planning for serviced and zoned land for housing, together with policies and contribution plans to assist affordable housing. They are described in the LEP, DCP, LSPS and the Residential and Economic Strategy. Generally, the reviews of those Council plans are predicated by the refresh of the South East and Tablelands Regional Plan and other Government strategies.

Councillors have also signalled their desire to consider an affordable housing strategy during their term. The map below illustrates rental availability across the LGA at mid-2021.



<https://www.sgsep.com.au/projects/rental-affordability-index>

Broadly, Council's approach is described in the Local Strategic Planning Statement (LSPS) to: *provide a range of housing choices at different costs to meet the changing needs of the community and consider the options for community housing provider partnerships to provide affordable housing.*

The QPRC development plans outline objectives regarding affordable housing. Reference to affordable housing is found in C3 at pp112-113 of the Palerang DCP 2015 and in Queanbeyan DCP 2012 Part 3B, clause 3B.2.1 at p4 which include:

9.15 Affordable Housing (Ref: ; Author: Tegart/Tegart) (Continued)

- an affordable housing option that respects the established streetscape and character of the neighbourhood and that is suitably integrated with existing development on a site, while not compromising the amenity of the site or adjoining properties
- a number of clauses in the Queanbeyan Local Environmental Plan 2012 and State Environmental Planning Policy (Affordable Rental Housing) 2009 which include provisions that apply to secondary dwellings
- a number of clauses in the DCPs regarding
 - the proximity of the dwellings to community and health services, recreational facilities, public transport and educational and retail facilities
 - whether the dwelling and associated private open space will be easily and affordably maintained
 - the availability of reticulated potable water and wastewater services
 - accessibility of the site/s
 - susceptibility to natural hazards

Local planning agreements (LPA) with major developers in the LGA has driven the scale of housing and supporting infrastructure, based on sale/release triggers. For example, the Googong LPA (clause 8.0 at pp151-152) is to ensure that 10% of all dwellings in the Development (being up to 555 in total) are to be sold as *Affordable Home Packages* as defined in the LPA. The original affordable housing threshold in the LPA is \$337k and is indexed by the Cordell Housing Index Price.

A separate report on the new NSW Housing SEPP appears in this business paper. Future options that Council may consider in a strategy include:

- continue assigning portion of significant development yield for affordable housing
- explore zoning or servicing of suitable council or crown land for build to rent purposes, then licence to community tenancy NGO (or council business unit) to manage and lease those properties
- establish terms for acquisition of housing under an affordable scheme (through that NGO or business unit), with subsequent sales managed by certain instruments

Regional Housing Taskforce

Last year, Council monitored the Regional Housing Taskforce reports in collaboration with Regional Cities NSW and CRJO, making submissions and recommendations to mitigate the demand and supply of affordable housing in regional NSW, including a potential model of temporary supported accommodation (TSA) and build to rent (BTR) options utilising crown and council lands to mitigate housing demand in regional centres in the short and medium terms. A copy of that submission is attached.

The Taskforce recommendations is at <https://www.planningportal.nsw.gov.au/regional-housing>

One of the key outcomes from the Taskforce Report has been the allocation of \$5m to develop 'regional housing delivery plans' in targeted areas with current and predicted housing pressures and planned major regional development projects (eg SAP, RJP, REZ). QPRC fits that criteria. The plans will take a placed based approach, identifying barriers to housing supply and recommend practical actions. The work will be delivered by Government with councils over the next 18 months. Separately, the Government has allocated \$30m in stimulus funding for key worker housing, primarily for health workforce housing in the regions.

9.15 Affordable Housing (Ref: ; Author: Tegart/Tegart) (Continued)

In addition, Government will trial ways of working across levels of government to deliver new supply, including on suitable government owned land, with many projects in partnership with councils, crown lands and LAHC.

Recently, Deputy Premier Paul Toole announced applications are open for eligible councils to share in \$30 million to fast-track supply of shovel-ready land and deliver more homes for families across regional NSW, with up to \$1.4 million each in funding for enabling infrastructure and public spaces, if councils can demonstrate they will speed up the delivery of new housing.

Funding is available to 21 regional councils that are experiencing some of the highest growth, including Ballina, Bathurst Regional, Bega Valley, Broken Hill, Central Coast, Eurobodalla, Goulburn Mulwaree, Griffith, Kempsey, Lismore, Lithgow, Mid-Coast, Mid-Western Regional, Orange, Queanbeyan-Palerang, Richmond Valley, Singleton, Snowy Monaro, Tamworth Regional, Tweed Shire and Wagga Wagga.

To qualify, councils will need to prepare and implement plans to address the Taskforce's recommendations at a local level, such as updating infrastructure contributions plans and housing strategies. In QPRC, those areas may include greenfield development areas around Googong, South Jerra, Bungendore, or BTR sites on council property such as Braidwood.

Applications close on the 11 March 2022.

More information is at www.planning.nsw.gov.au/regional-housing-fund

Recommendation**That Council:**

- 1. Note the report**
 - 2. Note its eligibility for a regional housing delivery plan and enabling infrastructure funding.**
 - 3. Authorise staff to prepare an application for funding for enabling infrastructure to existing greenfield development or build to rent sites.**
-

Attachments

Attachment 1 QPRC Housing Taskforce Submission *(Under Separate Cover)*



10.1 Commencement - State Environmental Planning Policy (Housing) (Ref: ;
Author: Thompson/Carswell)

File Reference: 26.1.4

Report

This report provides an overview of a recent land use planning housing reform initiative from the State government called *State Environmental Planning Policy (Housing)* - the Housing SEPP. The Housing SEPP commenced on 26 November 2021 and includes as one of its principles:

“encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors, and people with a disability”.

The Housing SEPP is Phase 3 of a package of reforms from the State government with other phases being:

- Phase 1 - December 2020: Changes were made to housing policies to allow for the delivery of social and affordable housing by the Land and Housing Corporation, and changes were made to the size of secondary dwellings in rural zones and the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP).
- Phase 2 – February 2021: Amendments were made to various *State Environmental Planning Policies* (SEPPs) and the *Environmental Planning and Assessment Regulation 2000* to introduce the concept of “build-to-rent” housing into the NSW planning framework.
- Phase 4 – TBC: Further provisions to be made for caravan parks and manufactured home estates.

The Housing SEPP consolidates five *State Environmental Planning Policies* which shared a common theme of housing and included:

- *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP.)
- *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (Seniors SEPP).
- *State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)* (SEPP 70).
- *State Environmental Planning Policy No 21—Caravan Parks.*
- *State Environmental Planning Policy No 36—Manufactured Home Estates.*

These now make up the third Chapter of the Housing SEPP with Chapter 2 (Affordable housing) being targeted at addressing housing inequality among the following sub-categories:

- in-fill affordable housing.
- boarding houses.
- boarding houses – Land and Housing Corporation.
- supportive accommodation.
- residential flat buildings – social housing providers, public authorities and joint ventures.

For affordable housing, the Housing SEPP provides that:

- affordable housing component for in-fill housing must be used for affordable housing for 15 years.
- no boarding houses are permitted within R2 zoning except where they are located in an accessible area of Greater Sydney or within 400 metres walking distance of land with B2 or B4 zoning elsewhere.

10.1 Commencement - State Environmental Planning Policy (Housing) (Ref: ; Author: Thompson/Carswell) (Continued)

Chapter 3 (Diverse housing) is targeted at encouraging the development of a greater diversity of housing types in various forms such as:

- secondary dwellings.
- group homes.
- co-living housing.
- seniors housing.

The Housing SEPP also streamlines some of the provisions of the previous SEPPs, updates a number of provisions, particularly those relating to boarding houses and seniors housing as well as introducing the new housing types of co-living and independent living units to meet changing needs.

As previously briefed to councillors, it is anticipated QPRC will participate in a pilot 'regional housing delivery plan' further to the recommendations of the NSW Regional Housing Taskforce Report. That plan is expected to contemplate housing availability and affordability matters, and policy and project options to address the current housing issues in the region. Councillors will have a copy of the QPRC submission to that Taskforce.

<https://www.planningportal.nsw.gov.au/regional-housing>

Recommendation

That the report be received for information.

Attachments

Nil

10.2 Recent Changes to Enable the ACT Suburban Land Agency to Operate in NSW (Ref: ; Author: Thompson/Carswell)

File Reference: 26.1.5-08

Report

On the 11 November 2021, the ACT Legislative Assembly passed an amendment to the *City Renewal and Suburban Land Agency ACT 2017* (the Act) which enables that Agency to operate in NSW. It was notified on 17 November and started on 25 November 2021. At the time the Bill was being considered by the Assembly, a report went to Council's Executive on the potential implications of this and resolved to present a report to Council.

The potential consequences of this for Council are difficult to predict. They could be both positive or negative and they could impact on matters such as Council's land use and other policies as well as on housing affordability. How the legislation impacts over time is likely to be largely influenced by the policy of the ACT government of the day and the housing and other land markets in the ACT and surrounds. In addition, given the importance of these markets to the ACT economy (particularly the housing and its land market) a fundamental driver is likely to be the economic interests of the ACT. If nothing else, the passage of the Bill has resulted in a potentially powerful new entrant with considerable resources entering into the local market with potential implications particularly for land adjoining the border or within commuting distance of ACT.

In the short-term Council was advised that the changes to the Act are mainly aimed at Parkwood/Ginninderry, but could include acquisition and development of energy, water and biodiversity offset sites. On 19 December 2021 it was reported in the media that the ACT government has signed contracts to purchase two blocks of rural land in NSW that will form part of the cross-border Ginninderry.

Following consideration of the original report the Executive also resolved:

1. *The potential for a Memorandum of Understanding to define the impacts of the Bill on the Queanbeyan-Palerang Local Government Area be explored.*

This was on the basis of the uncertainty of the potential impacts of this change becoming law and that such a measure could provide Council with more certainty on these impacts and perhaps a voice in regard to them, particularly those in the medium and long term. This would also be consistent with the various relationships that QPRC already has at various levels with the ACT which in general are quite positive and include such things as regular meetings between the Chief Minister, Mayor and CEO, referral of development applications near border areas to Council for comment and forums such as the CRJO. It could also complement and/or be included as an Addendum to the ACT-NSW Memorandum of Understanding for Regional Collaboration.

A separate report on the draft ACT-QPRC Statement of Intent refresh, is included in this business paper.

Recommendation

That the report be received for information.

Attachments

Nil

10.3 Employment Zone Review (Ref: ; Author: Thompson/Brown)

File Reference: 26.1.3-05

Report

The purpose of this information report is to advise Council of submission to the Department of Planning, Industry and Environment (DPIE) regarding the Employment Zone Reforms currently being implemented by the Department. In particular the implications of those changes for QPRC and its Local Environmental Plans (LEPs).

Background

DPIE has been undertaking a review into how employment generating lands are zoned in NSW under the Standard Instrument Local Environmental Plan. This particularly applies to existing Business zones and Industrial zones. This follows on from an earlier review by the NSW Productivity Commission that recommended the number of employment zones in NSW be rationalised to increase flexibility within the zones by expanding the land uses that are permitted. The background to the review undertaken by DPIE is provided at Attachment 1.

As an outcome of the review, DPIE has proposed a new suite of local Employment zones to apply to lands used for employment related uses in NSW. These new zones will generally be applied to lands currently zoned Business or Industrial under local environmental plans (LEPs) throughout the State.

The new zones are:

- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial
- E5 Heavy Industrial
- MU1 Mixed Use
- W4 Working Waterfront
- SP4 Enterprise.

As shown above a new W4 Working Waterfront zone and SP4 Enterprise zone are also proposed to be introduced, however these zones are not applicable to QPRC at this time.

As a consequence of the newly created Employment zones, DPIE has also chosen to adopt the zone descriptor 'E' (for employment). This has required the existing 'Environment' zones to now be renamed 'Conservation' zones (using 'C' as the relevant descriptor). These latter changes were implemented in November last year in advance of the new Employment zones coming into effect.

Based on previous discussions with DPIE, it is understood the new zones are intended to be implemented in QPRC at that same time the Minister approves the draft Comprehensive LEP (*Queanbeyan-Palerang Local Environmental Plan 2022*) currently with the State Government to be finalised. The draft Comprehensive LEP was submitted to DPIE in January 2021 and is likely to be made in coming months.

DPIE has now forwarded draft documentation to Council outlining how it intends to subsequently apply the new zones in the context of the draft Comprehensive LEP. DPIE is seeking advice from Council as to the suitability of the proposed draft zoning and how the respective land use tables should be subsequently drafted.

The proposed changes to Council's current zones as recommended by DPIE are shown at Attachment 2. The existing zoning of land is also shown for comparison. The draft land use tables proposed by DPIE for each of the replacement zones is shown at Attachment 3.

10.3 Employment Zone Review (Ref: ; Author: Thompson/Brown) (Continued)

Advice to DPIE

The proposed changes to the land use zones and zoning tables are generally supported with one exception. As can be seen in the draft zoning maps at Attachment 2, DPIE has proposed that all IN2 Light Industrial land in QPRC be zoned E4 General Industry under the new zoning framework. This is a consequence of DPIE no longer providing a light industry type zone under the new zoning regime. However, it is the view of Council's staff that all IN2 Light Industrial land should instead be zoned E3 Productivity Support (rather than E4 General Industry which enables with consent general industrial land uses).

This is to recognise that in the context of Queanbeyan township, the IN2 Light Industrial zone has been used as a transitional (or buffer) zone between other incompatible land uses (particularly residential) and IN1 General Industry land. This is to reduce the potential for land use conflict associated with having general industry operating adjacent to more sensitive uses. Light industry by comparison does not have the same potential for significant amenity impacts and represents a sensible land use between residential and general industry. Examples include the land on either side of John Bull Street and Lorn Road in Queanbeyan West and lands bounding Waterloo, Thurrallilly and Faunce Streets in Queanbeyan East.

In the context of both Bungendore and Braidwood, it is not considered desirable to allow for general industry type uses on those lands currently zoned IN2 Light Industrial. Such a change has the potential to significantly increase land use conflict with adjacent uses.

Under the zoning regime proposed by DPIE, 'light industries' remain a permissible use in the E3 Productivity Support zone. A comparison of permissible uses also suggests the E3 Productivity zone is more closely aligned to the existing permissible uses in the IN2 Light Industry zone.





Accordingly, Council staff have formally requested that all existing IN2 Light Industrial zoned land in QPRC be zoned E3 Productivity Support zone not E4 General Industry as proposed in the draft documentation provided to Council. The other zoning changes proposed to the land use tables by DPIE are generally supported at this time. The return document has been submitted to DPIE as submissions closed on 29 January 2022 and is shown at Attachment 4.

Implementing these changes has created a significant workload for Council staff. Consequently, it is hoped the proposed amendments deliver the significant economic benefits envisaged.

Recommendation

That the report be received for information.

Attachments

- | | |
|---|--|
| Attachment 1
 | DPIE Employment Zones Reform Position Paper (<i>Under Separate Cover</i>) |
| Attachment 2
 | Proposed Employment Land Translation Queanbeyan Palerang LGA (<i>Under Separate Cover</i>) |
| Attachment 3
 | Draft Queanbeyan-Palerang LEP 2022 Land Use Tables (<i>Under Separate Cover</i>) |
| Attachment 4
 | Return Translation Detail Land Use Tables - Queanbeyan Palerang LEP 2022 (<i>Under Separate Cover</i>) |

10.4 Draft State Significant Land Mapping (Ref: ; Author: Thompson/Brown)

File Reference: 26.1.3-05

Report

The purpose of this report is to provide the Council with information in respect of draft State Significant Agricultural Land Mapping currently being exhibited by the NSW Department of Primary Industries.

The intent of the mapping project is to identify land determined to be State Significant Agricultural Land (SSAL). Mapping such land was recommended in the report titled '*Improving the prospects for Agriculture and Regional Australia in the NSW Planning System*' prepared by the NSW Agricultural Commissioner in 2021. That report notes that a map of SSAL is considered an important component of agricultural land use planning in order to enable clearer local planning with informed prioritisation of future land uses. It is intended that the draft SSAL map will provide information to planning authorities, land holders and development proponents about the location of the best agricultural land in the state.

This concept was supported in an earlier submission on an *Options Paper on Land Use Planning Strategy* which was reported to Council at its meeting of 10 February 2010 (Item No. 8.3).

The draft maps in this instance have been prepared having regard to a range of biophysical criteria as set out in the Mapping Data Summary Statement at Attachment 1. This includes rainfall, soil fertility, land and soil capability, soil pH, irrigation status and zoning.

Council staff have already made a submission on the draft mapping (Attachment 2). As noted in that submission very little of the Queanbeyan-Palerang Local Government Area (LGA) has been mapped as State Significant in the draft maps. The few areas of mapped land appear to be predominantly small scale irrigated viticulture/horticulture, or otherwise areas with no unique or special characteristics that would see that land mapped differently to adjoining land. The draft mapping can be viewed at <https://nswdpi.mysocialpinpoint.com/ssal>.

Staff note that there is limited supporting information available at this time to inform how the mapping of land under the project is intended to influence future land-use planning or development of the land.

The LGA has a long history of agricultural production and significant areas of land continue to be used for commercial agriculture. As noted in the submission, Council's greatest concern would be any perception that unmapped land is not important for rural production and is therefore appropriate for further subdivision and non-productive agricultural land uses (such as hobby farming).

Accordingly, Council staff are requesting a formal meeting with staff of the Department of Primary Industries to further discuss the draft mapping as it applies to the Queanbeyan-Palerang LGA. This is to ensure productive agricultural land in the LGA is identified and protected, and, to better understand the implications of the mapping for future land-use planning.

Recommendation

That the report be received for information.

Attachments

Attachment 1 Mapping Data Summary Statement (*Under Separate Cover*)



Attachment 2 QPRC Submission - Draft State Significant Agricultural Land Mapping
January 2022 (*Under Separate Cover*)



12.1 Recycling Bins in Towns and City Centres (Ref: ; Author: Grundy/Grundy)

File Reference: 9 February 2022 motions

Notice

Councillor Mareeta Grundy will move the following motion:

Motion

That Council:

- 1. Receive a report on the feasibility, cost and staging of installing recycling bins alongside the current waste bins located in public areas in all town and city centres.**
 - 2. Consider allocating initial funding in the 2022-2023 Operational Plan and Budget.**
-

Attachments

Nil

12.2 Publishing Workshop and Meeting Details (Ref: ; Author: Willis/Willis)

File Reference: 9 February 2022 motions

Notice

Councillor Katrina Willis will move the following motion:

Motion

That Council:

- 1. Publish details of the date a Councillor workshop was held and the workshop topic.**
 - 2. Where an external presenter attends a Councillor workshop, publish their name, the organisation they represent and the topic of their presentation to the workshop.**
 - 3. Publish a list of the meetings attended by the Mayor, the Deputy Mayor when deputising for the Mayor, and the Chief Executive Officer.**
 - 4. For the matters referred to in items 1 to 3 above, publish details in the next available Council business paper, as an information item.**
 - 5. Withhold from publication information that is personal or concerns legal matters.**
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Background

Workshops are an important forum for Councillors to receive information from Council staff and external experts, discuss ideas and explore concepts which informs decisions at subsequent Council meetings. Workshops are particularly important for complex matters or detailed pieces of work, such as developing new strategic plans and preparing budgets.

QPRC Councillor workshops are confidential, proceedings are not public and no formal decisions are made. Publishing certain details of Councillor workshops as set out in the motion will strengthen transparency and give residents an appreciation of the nature of work undertaken in these forums without constraining workshop discussions.

Where an external presenter makes a presentation, their name, the organisation they represent and the topic of their presentation should be included as an information item in the business paper of the next Council meeting, in the interests of transparency.

Similarly, publishing a record of meetings attended by the Mayor, Deputy Mayor acting in the Mayoral role, and the Chief Executive Officer will strengthen transparency which helps build confidence and trust in the wider community.

This motion is not intended to capture matters that are personal or of a legal nature and therefore provides for the usual exemptions from publication for such matters to protect personal privacy and the Council's legal interests.

Staff Comment

Councillors currently receive inhouse information each week on the workshops and topics, and a schedule of relevant external meetings of the Mayor and CEO for that week. On occasion, technical proponents and legal advisors present to workshops.

Attachments

Nil

15 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*.