



Ordinary Meeting of Council

AGENDA

10 August 2022

Commencing at 5.30pm

**Council Chambers
253 Crawford Street
Queanbeyan**

Despite the easing of COVID restrictions, it should be noted that there is a limited number of public gallery seats available in the Chambers. Presentations can be made in writing or via Zoom. A live stream of the meeting can be viewed at:

<http://webcast.qprc.nsw.gov.au/>

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Queanbeyan-Palerang Regional Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

On-site Inspections - Nil

Queanbeyan-Palerang Regional Council advises that this meeting will be webcast to Council's website. Images and voices of those attending will be captured and published.

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LIST OF ATTACHMENTS

Open Attachments

- Item 9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood
 - Attachment 1 DA.2022.1182 - S4.15 Matters for Consideration 121 Wallace Street, Braidwood (Under Separate Cover)*
 - Attachment 2 DA.2022.1182 - Plans - 121 Wallace Street, Braidwood (Under Separate Cover)*
 - Attachment 3 DA.2022.1182 - Redacted Submissions - 121 Wallace Street, Braidwood (Under Separate Cover)*
 - Attachment 4 DA.2022.1182 - Draft Conditions of Consent - 121 Wallace Street, Braidwood (Under Separate Cover)*
- Item 9.2 Reclassification and Transfer of Community Land in Googong Town Centre
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 - Attachment 2 Land Proposed to be Transferred (Under Separate Cover)*
 - Attachment 3 Outdoor Dining Guidelines (Under Separate Cover)*
 - Attachment 4 Guidelines for Reclassifying Community Land (Under Separate Cover)*
- Item 9.3 Emergency Accommodation for Women and Children Experiencing Domestic Violence
 - Attachment 1 Corporate Proposal QPRC Housing Plus & Molonglo Support Services (Under Separate Cover)*
- Item 9.4 Reviewed Policies
 - Attachment 1 Equal Employment Opportunity Policy (Under Separate Cover)*
 - Attachment 2 Workplace Surveillance Policy (Under Separate Cover)*
 - Attachment 3 Complaint Management Policy (Under Separate Cover)*
 - Attachment 4 Development Adjacent to Water Sewer and Stormwater Mains Policy (Under Separate Cover)*
 - Attachment 5 Enterprise Risk Management Policy (Under Separate Cover)*
 - Attachment 6 Directional Signage Policy (Under Separate Cover)*
- Item 9.5 Investment Policy Review 2022
 - Attachment 1 Draft Investment Policy 2022-23 (Under Separate Cover)*

Closed Attachments

Nil



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

ATTENDANCE

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

Staff: P Hansen, A/CEO
M Thompson, Portfolio General Manager Natural and Built Character
J Richards, Portfolio General Manager Community Choice
K Monaghan, Portfolio General Manager Organisational Capability
N Cooke, 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.

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

293/22

RESOLVED (Winchester/Biscotti)

That the apology for non-attendance from Cr Livermore be received and that leave of absence be granted.

The resolution was carried unanimously.

4. CONFIRMATION OF MINUTES**4.1 Minutes of the Ordinary Meeting of Council held on 13 July 2022**

294/22

RESOLVED (Winchester/Taskovski)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 13 July 2022 be confirmed.

The resolution was carried unanimously.

5. DISCLOSURES OF INTERESTS

295/22

RESOLVED (Winchester/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.

There were no disclosures.

6. ADJOURNMENT FOR PUBLIC FORUM

At this stage of the proceedings, the time being 5.32pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

296/22

RESOLVED (Winchester/Ternouth)

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

ADJOURNMENT:

The meeting adjourned for the Public Forum at 5.32pm and resumed at 5.35pm.

7. MAYORAL MINUTE

There was no Mayoral Minute.

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.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 DP 93173 known as 3-5 Gregory Street Queanbeyan West**

This item of business was WITHDRAWN.

Procedural Motion

297/22

RESOLVED (Willis/Preston)

That item 9.4 be brought forward for consideration at this juncture.

The resolution was carried unanimously.

9.4 Event Proposal 2022/23 and 2023/24 Cricket NSW Country Colts U18s Championships - Queanbeyan

298/22

RESOLVED (Wilson/Preston)

That Council support the Queanbeyan District Cricket Club in securing an agreement between Cricket NSW, QPRC and the Queanbeyan District Cricket Club to host the NSW U18s Country Colts Championships for 22-23 and 23-24 by:

1. Assisting the Queanbeyan District Cricket Club to gain corporate sponsorship to help host the event.
2. Allocate up to \$4,000 for hosting of the event in the first quarter budget review statement (QBRs) 2022/23.

The resolution was carried unanimously.

9.2 Blind Creek Solar Farm - Planning Agreement**MOVED (Willis/Preston)**

That Council:

1. Agree to accept the letter of offer.
2. Place on public exhibition the draft Blind Creek Solar Farm Planning Agreement for a minimum period of 28 days.
3. Report back to Council on any submissions received during that period.
4. If no submissions are received during the exhibition period, execute the draft Planning Agreement.

AMENDMENT (Grundy/Biscotti)

That Council:

1. Agree to note the letter of offer.
2. Place on public exhibition the draft Blind Creek Solar Farm Planning Agreement for a minimum period of 28 days.
3. Report back to Council following the exhibition period for a determination on whether to execute the draft planning agreement.

The amendment (of Crs Grundy and Biscotti) was PUT and LOST.

For: Crs Biscotti, Burton, Grundy and Ternouth

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

AMENDMENT (Wilson/ Taskovski)

That Council:

1. Agree to accept the letter of offer.
2. Place on public exhibition the draft Blind Creek Solar Farm Planning Agreement for a minimum period of 28 days.
3. Report back to Council following the exhibition period for a determination on whether to execute the draft planning agreement.

The amendment (of Crs Wilson and Taskovski) was PUT and CARRIED unanimously, and became the motion.

The motion was PUT and CARRIED.

299/22

RESOLVED (Wilson/Taskovski)

That Council:

1. Agree to accept the letter of offer.
2. Place on public exhibition the draft Blind Creek Solar Farm Planning Agreement for a minimum period of 28 days.
3. Report back to Council following the exhibition period for a determination on whether to execute the draft planning agreement.

The resolution was carried unanimously.

9.3 QPRC's Annual Community Grants Category B and Cultural Grants

300/22

RESOLVED (Willis/Wilson)

That Council approve:

1. Category B venue hire donations for 2022/23 totalling \$34,702.52 as recommended in Attachment 2.
2. QPRC Cultural Grants of \$1,500 for The Braidwood Youth Performing Arts Association Inc. and \$667.16 for the Paint Club Creative Kids in Queanbeyan.

The resolution was carried unanimously.

9.4 Event Proposal 2022/23 and 2023/24 Cricket NSW Country Colts U18s Championships - Queanbeyan

This item was dealt with in earlier business.

9.5 Reviewed Policies**MOVED (Willis/Ternouth)**

That:

1. Council place the following Policies on public exhibition for 28 days:
 - a. Street Banners and Sails Policy
 - b. Media Policy, amended as follows: at clause 3.4 (f), replace the word 'Derogatory' with 'intentionally offensive, disparaging or insulting'.
 - c. Public Interest Disclosures – Internal Reporting Policy
2. If no submissions are received, the policies be adopted.

AMENDMENT (Wilson/Grundy)

That:

1. Council place the following Policies on public exhibition for 28 days:
 - a. Street Banners and Sails Policy
 - b. Media Policy
 - c. Public Interest Disclosures – Internal Reporting Policy
2. If no submissions are received, the policies be adopted.

The amendment (of Crs Wilson and Grundy) was PUT and CARRIED and became the motion.

For: Crs Biscotti, Burton, Grundy, Taskovski, Ternouth, Webster, Wilson and Winchester

Against: Crs Preston and Willis

The motion was PUT and CARRIED.

301/22

RESOLVED (Wilson/Grundy)

That:

1. Council place the following Policies on public exhibition for 28 days:
 - a. Street Banners and Sails Policy
 - b. Media Policy
 - c. Public Interest Disclosures – Internal Reporting Policy
2. If no submissions are received, the policies be adopted.

The resolution was carried unanimously.

302/22

9.6 Investment Report - June 2022**RESOLVED (Preston/Grundy)**

That Council:

1. Note the investment return for June 2022 was -\$701,022.
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 June 2022.

The resolution was carried unanimously.

10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION**10.1 Annual Food Act Enforcement Activity Report****MOVED (Biscotti/Ternouth)**

That the report be received for information.

AMENDMENT (Willis/Wilson)

That:

1. The report be received for information.
2. Council write to the appropriate NSW Minister asking them to investigate the possibility of accepting training for Food Safety Supervisor's throughout ACT based training companies as acceptable certification for Food Safety Supervisors in NSW.

The amendment (of Crs Willis and Wilson) was PUT and CARRIED and became the motion.

For: Crs Grundy, Preston, Ternouth, Webster, Willis, Wilson and Winchester

Against: Crs Biscotti, Burton and Taskovski

The motion was PUT and CARRIED.

303/22

RESOLVED (Willis/Ternouth)

That:

1. The report be received for information.
2. Council write to the appropriate NSW Minister asking them to investigate the possibility of accepting training for Food Safety Supervisor's through ACT based training companies as acceptable certification for Food Safety Supervisors in NSW.

The resolution was carried unanimously.

10.2 Summary of Road Renewal and Maintenance Activities - Quarter 4 2021/22

304/22

RESOLVED (Winchester/Biscotti)

That the report to be received for information.

The resolution was carried unanimously.

10.3 Australian Wind Symphony (AWS)

305/22

RESOLVED (Ternouth/Biscotti)

That the report be received for information.

The resolution was carried unanimously.

10.4 Councillor Workshops

306/22

RESOLVED (Ternouth/Willis)

That the report be received for information.

The resolution was carried unanimously.

11. REPORTS OF COMMITTEES

There were no Reports of Committees.

12. NOTICES OF MOTIONS

There were no Notices of Motions.

13. REPORTS TO COUNCIL - DELEGATES REPORTS

There were no Delegates Reports.

14. QUESTIONS WITH NOTICE

There were no Questions with Notice.

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

307/22

RESOLVED (Winchester/Grundy)

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

Item 16.1 Tender Recommendation Braidwood Showground Lights and Power Upgrade CN 2021-35

Item 16.1 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 16.2 Tender 2022-29 - Araluen Road (Sites 1, 2 & 3) Slope Remediation

Item 16.2 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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 6.20pm to discuss the matters listed above.

16.1 Tender Recommendation Braidwood Showground Lights and Power Upgrade CN 2021-35

308/22

RESOLVED (Preston/Willis)

That Council, subject to formal confirmation of additional funds from Bendigo Bank and the Braidwood Showground S355 Committee, accept the tender submitted by JRC Electrical Services Pty Ltd, for the recommended Tender Amount of \$888,939.33 (ex GST) for Contract No. 2021-35 for the Braidwood Showground Lights and Power Upgrade.

The resolution was carried unanimously.

16.2 Tender 2022-29 - Araluen Road (Sites 1, 2 & 3) Slope Remediation

309/22

RESOLVED (Willis/Preston)

That Council award Contract 2022-29 for the Araluen Road (Sites 1, 2 & 3) Slope Remediation contract to Dale and Hitchcock Civil Pty Ltd for the amount of \$1,935,446 (ex GST).

The resolution was carried unanimously.

310/22

RESOLVED (Winchester/Grundy)

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 6.23pm.

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 6.24pm, 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.

9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans)

File Reference: DA.2022.1182

Recommendation

That development application DA.2022.1182 for alterations and additions to a rural supplies premises on Lots 1 & 2 DP 596527, Lot 1 DP 995410 & Lot 2 DP 1208847, at 121 Wallace Street, Braidwood be granted conditional approval.

Summary

Reason for Referral to Council

This application has been referred to Council because more than six written submissions have been made to Council resulting from the exhibitions/notification process.

Proposal:	Alterations and Additions to a Rural Supplies Premises
Applicant/Owner:	Coe Planning Services / Scapefall Pty Ltd & Wallace Street Pty Ltd.
Subject Property:	Lots 1 & 2 DP 596527, Lot 1 DP 995410 & Lot 2 DP 1208847, at 121 Wallace Street, Braidwood
Zoning and Permissibility:	Part B2 Local Centre zone, Part B4 Mixed Use zone under Palerang Local Environmental Plan 2014.
Public Submissions:	Fifteen (15)
Issues Discussed:	Planning Requirements Heritage Impacts
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Background

Proposed Development

The application seeks Council approval for alterations and additions to a rural supplies premises.

The specific elements of the proposal are:

- Demolition of old shed at Duncan Street entry (loss of 22m²);
- Demolish two internal sheds (loss of 154m²);
- Addition of a new storage shed structure of 125m² replacing demolished sheds above, containing:
 - A new office area,
 - Sanitary facilities,
 - Storage area,
 - Mezzanine area (approx. 24m²)

The floor area of the new buildings is slightly less than the buildings they replace.

9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

- Recladding existing storage shed in southeast corner of the site adjacent existing driveway.
- Addition of an open sided awning structure (120m²) to the northern elevation of the abovementioned storage shed.
- Provision of seven off-street car parking spaces including two (2) accessible spaces;
- Alterations to the existing vehicular access ramps on Duncan Street to demolish existing driveway entry and exit to provide a consolidated double wide vehicular access ramp with associated access gates and separate pedestrian access;
- Landscaping and fencing along the site’s Duncan Street frontage; and
- New display areas.

The proposal seeks to provide the opportunity for the operations and buildings to be used in a more organised and efficient way, to better utilise the site and serve its customers. The replacement buildings and new covered area are provided to allow greater utility to the existing use, provide a business compliant with disability standards and improve customer experience.

The applicant proposes to maintain existing hours of operation being:

- Monday to Friday – 8:00am to 5:30pm
- Saturday – 8:30am to 12:00noon
- Sunday - Closed

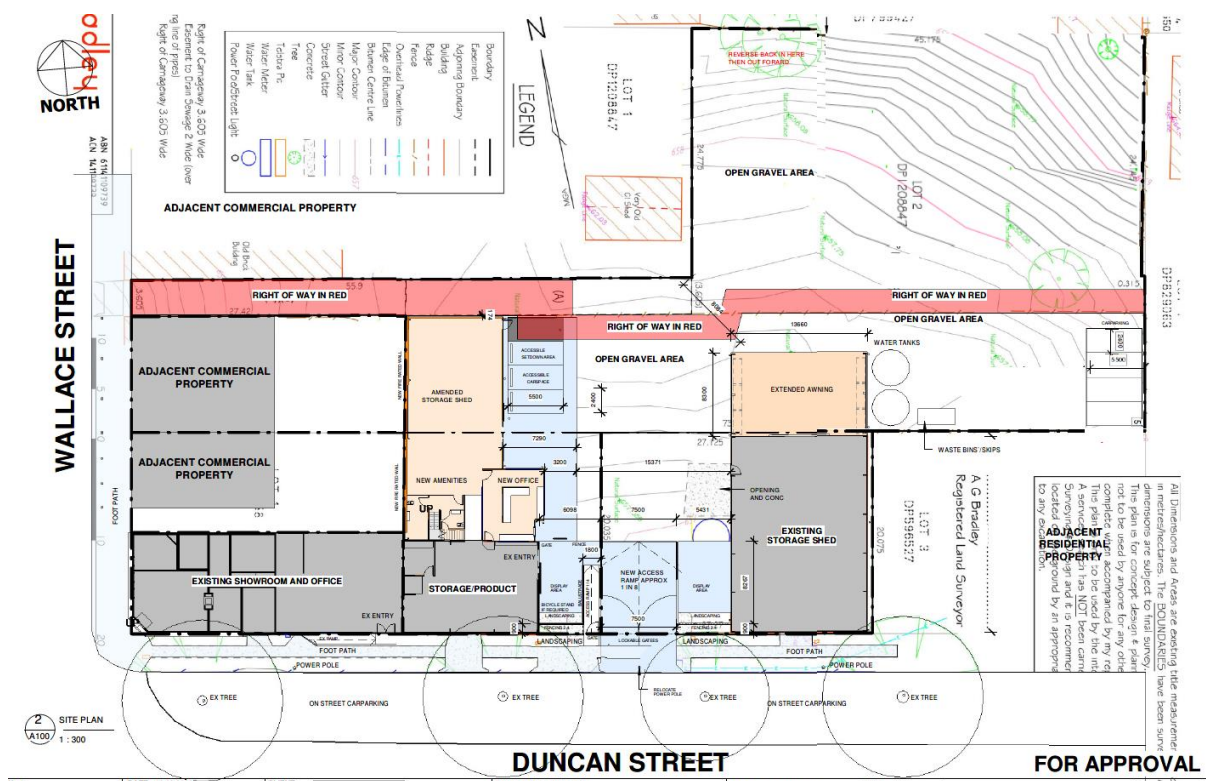


Figure 1: Site Plan

9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

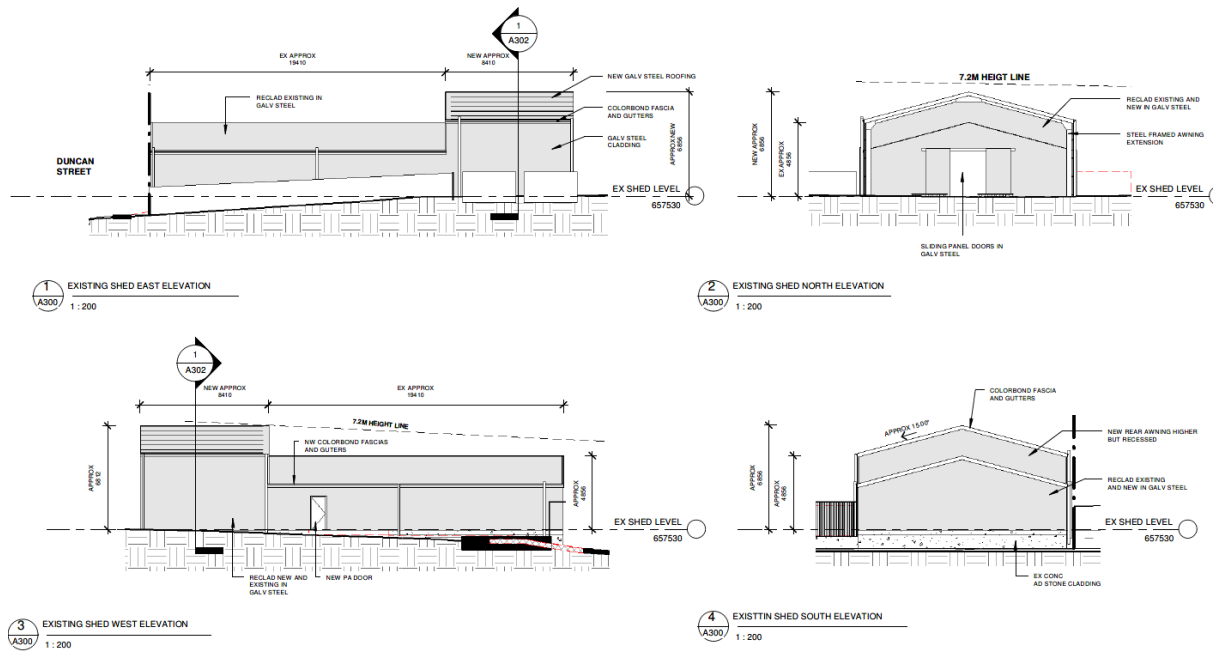


Figure 2: Elevations Plan Sheet 1

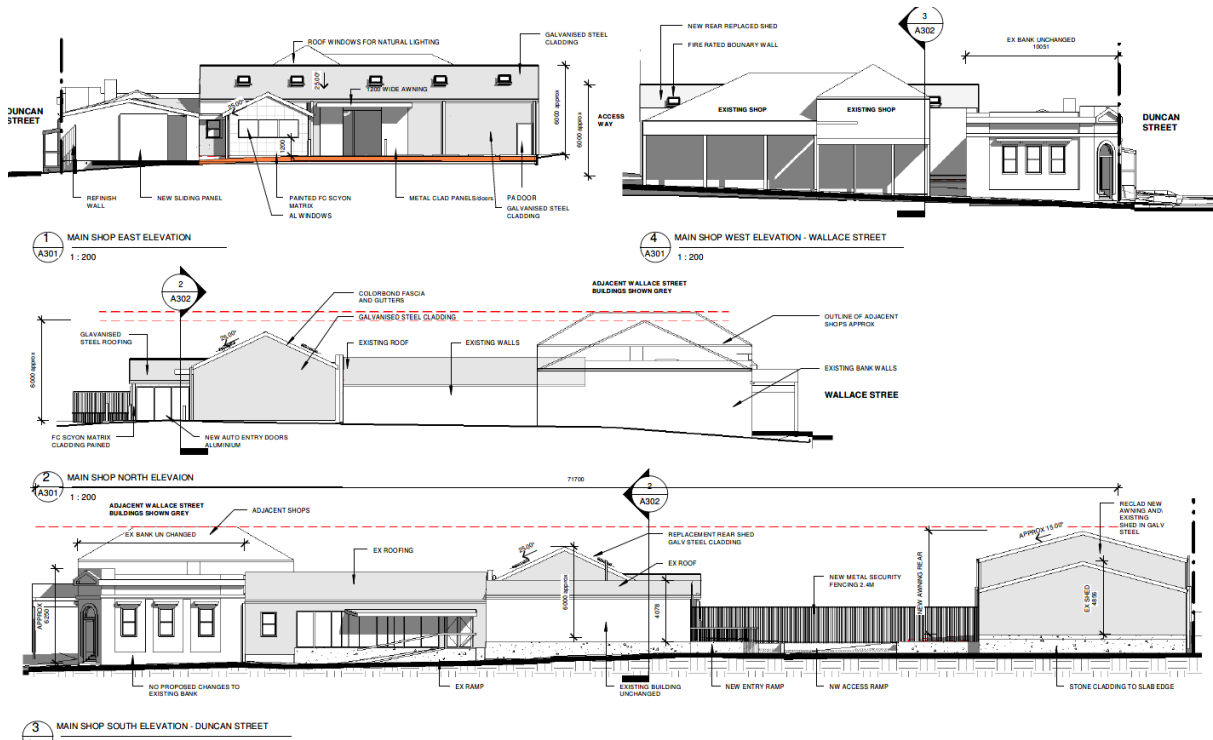


Figure 3: Elevations Plan Sheet 2

9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

Subject Property

The subject site is legally described as Lot 1 and 2 DP 596527, Lot 1 DP 995410 and Lot 2 DP 1208847 and is commonly known as 121 Wallace Street Braidwood. The site is located on the north-eastern side corner of the intersection of Wallace Street and Duncan Street and has an area of 3,537.1m².

Given the use operates over 4 lots, consolidation would be sought as a condition should the use be approved.



Figure 4: Subject Site



Figure 5: Existing site access viewed from Duncan Street

9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

Background

Use of the Site

Council records indicate that a stock and station agent has operated upon a portion of the site since 1958. This use has subsequently expanded as the operator has acquired several adjoining lots.

Previous Applications

DA.2014.208 - Was approved by Council on 14 November 2014 for a boundary adjustment between former lots - Lots 2 DP 713618 and Lot 6 DP 519457 (133 Wallace Street). The application included a condition requiring a right of carriageway to be retained to allow access over the property to the rear of 82 Duncan Street. This development was subsequently registered under DP1208847 on 27 July 2015.

MOD.2018.122 – This application sought to delete condition 3 of DA.2014.208 which required the right of carriageway to Lot 1 DP 829063 over Lot 2 DP 713618. Council refused MOD.2018.122 at its meeting of 27 February 2019. The Applicant subsequently appealed this decision (Case number 2019/00294723). Court orders were issued granting a right of access to the current owners of Lot 1 DP 829063 over Lot 2 DP 1208847 which has now been registered on the title.

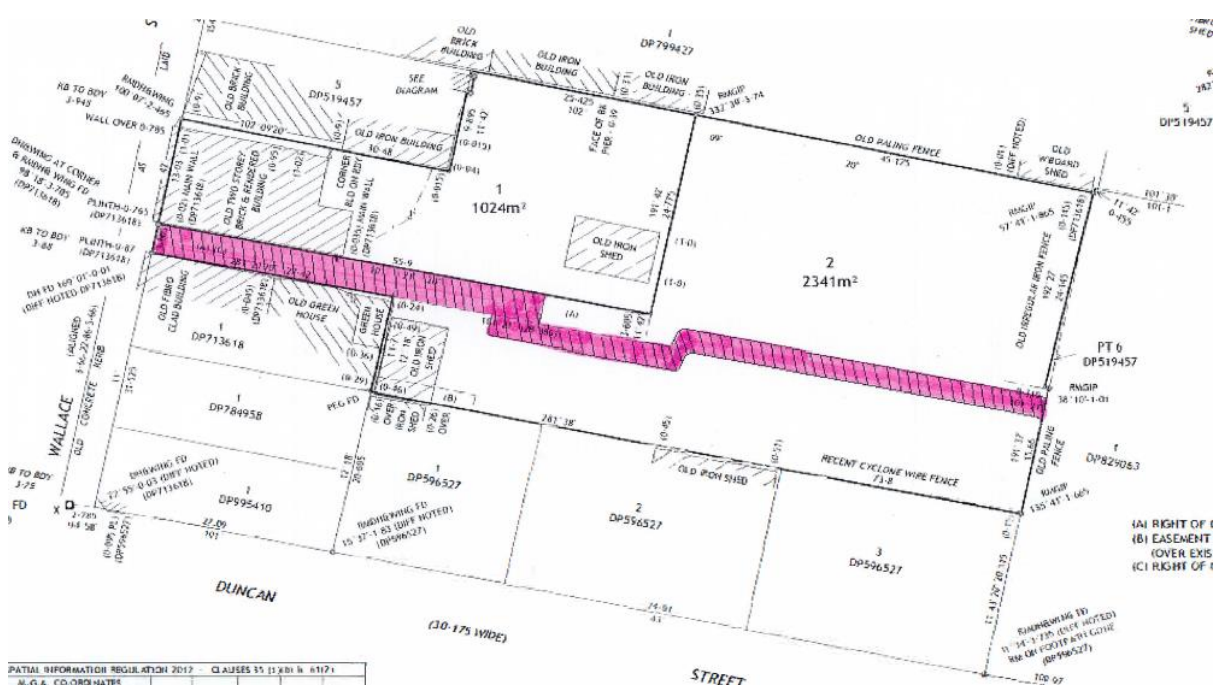


Figure 6: Right of Access

9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

DA.2020.1172 – Alterations and additions to a rural supplies’ premises – Refused on 16 December 2020 Ordinary Council Meeting. The reasons for refusal were as follows:

1. That Council refuse development application DA.2020.1172 for Alterations and Additions to a rural supplies premises on Lots 1 & 2 DP 596527, Lot 1 DP 995410 & Lot 2 DP 1208847, No.121 Wallace Street, Braidwood on the grounds that the development is not in keeping with the character and amenity of the locality and in particular:
 - a. With reference to Section 4.15(1)(b) of the *EP&A Act*, the nature and scale of the development is likely to lead to the intensification of activities that are not consistent with either the character, amenity or scale of other business activities in the area, nor with the mixed use residential development that is currently promoted through the relevant local planning instruments;
 - b. With reference to Section 4.15(1)(c) of the *EP&A Act*, the present site, on the main street of Braidwood and in the centre of the town, in a mixed use zone and immediately adjacent to a residential area, is not suitable for increased development on the scale being proposed;
 - c. With reference to Section 4.15(1)(e) of the *EP&A Act*, it is not in the public interest to encourage the expansion of this style of business in this particular location, in the centre of the town.

REV.2021.1000 – Review of Determination for DA.2020.1172 under Section 8.2 of the *EP&A Act 1979* – Refused at Council’s meeting of 13 October 2021. REV.2021.1000 presented a scaled down version of DA.2020.1172 to the Council for consideration with the intent of addressing concerns raised under the initial reasons for refusal.

At that meeting Council confirmed its previous decision of 16 December 2020 and refused the Review of Determination REV.2021.1000 for additions and alterations to a rural supplies on the grounds that the development is not in keeping with the character and amenity of the locality. The grounds for refusal remained the same.

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended.

The matters that are of relevance under Section 4.15(1) are summarised in the attached *Section 4.15(1) 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 (Resilience and Hazards) 2021*
2. *State Environmental Planning Policy (Transport and Infrastructure) 2021*
3. *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
4. *State Environmental Planning Policy (Industry and Employment) 2021*
5. *Palerang Local Environmental Plan 2014 (LEP)*.
6. *Draft Queanbeyan-Palerang Local Environmental Plan 2020*

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

9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

State Environmental Planning Policy (Resilience And Hazards) 2021

Chapter 3 Hazardous & Offensive development - This SEPP requires consideration to be given to potential contamination on site in recognition of historical uses and the suitability of the site for the purposes proposed.

As the proposed development does not involve a change of use, the site is considered to be suitable in its current state for the purposes of the proposed development. There is no evidence of previous uses that could be the source of contamination.

The application has not included detail of the existing materials stored on site, their locations, quantities and chemical composition. Given the application seeks to achieve a more organised and presentable business on site and does not propose additional storage of potentially hazardous materials the existing use will continue to be managed under current licencing and Worksafe NSW requirements. Conditions have been suggested to ensure the use meets relevant regulations to manage the storage of potentially flammable materials or contaminants.

State Environmental Planning Policy (Transport & Infrastructure) 2021

Chapter 2 Infrastructure - This SEPP establishes a number of matters that require consideration for development fronting a classified road including the ability to obtain access from a non-classified road where practicable and compatibility of the development with its proximity to the classified roads and its operation.

The subject site features existing vehicular access from a non-classified road (Duncan Street) which functions as the primary access to the site. The existing access point is dated and was not constructed to cope with modern day modes of transport. This access point is to be modified to improve functionality for vehicles and pedestrians including to provide on-site heavy vehicle delivery to remove on-street deliveries and reduce local road impacts.

The proposed development includes no actions considered to alter the compatibility of the development with the ongoing operation and functionality of Wallace Street.

State Environmental Planning Policy (Biodiversity & Conservation) 2021

Chapter 2 – Vegetation in non-rural areas - The proposal does not require the removal of any native vegetation. The site is heavily disturbed and there is no native vegetation present on the property.

Chapter 8 – Sydney Drinking Water Catchment - The SEPP requires that for development within the Sydney drinking water catchment, such as the proposed development, that consent not be granted to development unless the development results in a neutral or beneficial impact upon water quality.

As the land disturbance will be less than 2,500 square metres, the application was not required to be referred to WaterNSW.

A NorBE assessment found the proposal to result in a neutral or beneficial impact. As such, the proposal satisfies the relevant provisions of the SEPP. Appropriate soil and erosion controls will be installed during the construction phase. A stormwater management plan has been provided with the application that demonstrates that stormwater will be retained and disposed of in accordance with Council and WaterNSW requirements.

9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

State Environmental Planning Policy (Industry & Employment) 2021

Chapter 3 – Advertising & Signage - This SEPP applies to all proposed signage visible from any public place and not otherwise exempt.

The Statement of Environmental Effects suggests new signage is proposed however, since lodgement, the applicant has confirmed that signage is not proposed for this application. No signage is approved as part of this consent and a further DA will be required for future signage.

(a) Compliance with LEP

Clause 2.3 - development that may be carried out with development consent.

The subject site is Zoned part B2 Local Centre zone and Part B4 Mixed Use zone under the Palerang Local Environmental Plan 2014.

Development for the purposes of a rural supplies premises is a type of commercial premises that is permissible with consent within the B2 and B4 zones and is defined under PLEP 2014 as follows:

rural supplies - means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Despite Council's previous decision to refuse a development application substantially the same as proposed, the nature of the use is permissible. The use is permissible within the zone and is therefore considered to meet the zone objectives and the aims and objectives of the PLEP. Council officers cannot support refusal of a permissible use based on the type of activities it proposes. The presence of a rural supplies business in the main street is a common occurrence in many rural towns.

Clause 5.10 Heritage Conservation – For development upon sites containing a heritage item or within a heritage conservation area *Clause 5.10(4)* of the PLEP 2014 requires that consideration be given to the effect of the development upon the heritage significance of the items or conservation area.

The subject site contains Local Heritage Item I127 – Dalgety Building, Local Heritage Item I133 former hotel and the State listed Braidwood and its setting heritage conservation area. Several adjoining sites also contain local listed heritage items.



Figure 7: Heritage Listings Applicable to the Subject Site

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The impacts on the various heritage items is discussed below.

Braidwood and its Setting

The statement of significance for the State Listed Braidwood and its Setting Conservation Area is as follows:

Braidwood and its setting are of state significance as an excellent surviving example of a Georgian period town plan, dating from the late 1830s. The plan, which retains high integrity, reflects colonial administration as applied to the outer reaches of the Nineteen Counties from the 1820s, following earliest European settlement in the area. The surviving historic elements in the surrounding landscape strengthen the town's significance.

The town buildings reflect key phases of development, commencing with the initial construction period in the 1840s, and consolidation in the later half of the century following the gold boom. The integrity of Wallace Street as a fine collection of 19th century buildings makes it particularly significant. The high proportion of 19th century buildings throughout the town contributes further to its heritage value and creates fine streetscapes often with delightful views to the pastoral surrounds.

The abrupt transition at the town boundary between built and pastoral landscapes highlights significant historical settlement patterns, specifically the large land grants on the north, east and south sides of the town obtained by McKellar, Wilson and Coghill, and passed on to the Maddrells and eventually others. The juxtaposition of a cohesive town set within an historic pastoral landscape on the north, east and south sides is also significant. The closer settlement on the western side reflects the subdivision of the former Church and School Estate.

In NSW, colonial towns that retain significant historic form and fabric to the extent that Braidwood does, are rare.

Some 20th century elements in the town reflect later phases of development. Construction circa 1936 is significant for its association with the emergence from the Great Depression and amalgamation of the Municipality of Braidwood with the Tallaganda Shire. Development in the 1950s, particularly to the west of town is significant for its association with post WWII population growth and the mid 1950's wool boom. 20th century development is reflected in most towns in NSW and, in the context of Braidwood, is considered to be of local significance only.

The proposed development involves no actions likely to detract from the heritage significance of the conservation area as outlined above. There is no change to the existing lot layout and the streetscape from Wallace Street remains unaffected. The proposed development is supported by Council's Heritage Advisor.

1127 - Dalgety Building

The statement of significance for the Dalgety building is as follows:

A fine Federation period building with classical features befitting its first use as a bank. Retains high integrity and very good streetscape value on prominent corner

The proposed development involves no works on the lot containing the Dalgety building. Accordingly, the proposal is considered unlikely to impact upon the heritage significance of the building. The proposed development is supported by Council's Heritage Advisor.

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1133 – Former Hotel

The statement of significance for the former hotel is as follows:

A fine two-storey Victorian period building with lace verandah. Historic aesthetic and streetscape value.

The subject site does not contain any portion of the two-storey structure and is located on what was previously the rear yard of the property. As the heritage significance relates to the physical structure only the proposal is considered unlikely to result in any impact on the heritage significance of the item.

Local listed heritage on the adjoining sites include 1128 – Bakery and Restaurant (Former), 1130 – Commercial, 122 – The Villa and 123 – Former Wesleyan Chapel. The heritage significance of these items relates predominantly to the external façades of the structures. The proposed development involves no actions likely to detract from their significance.

Heritage Advisor

The subject application was referred to Council's Heritage Advisor for comment.

- 1) Council's Heritage Advisor confirmed that the demolition of the single storey storage shed and office to the west of the site will have no significant heritage impact and is supported. Confirmation that the wall cladding will be corrugated custom orb profile was sought.

The Statement of Environmental Effects confirms that the proposed wall cladding is galvanised steel custom orb treated to reduce brightness and provide an aged look appropriate to a heritage conservation area. No objection was raised to this aspect of the proposal.

- 2) The heritage committee previously expressed the desire for the front fence and gates to be specific to this site, that is, manufactured locally to a local design, rather than using mass-produced componentry.

The proposed 2.4m black picket security fence to the Duncan Street frontage is not supported. A condition has been suggested seeking a fencing plan demonstrating that the design and materials are appropriate for the local heritage context. Stone cladding currently provided to the base of the eastern shed is to be incorporated in the fencing design to the base of any metal fence either side of the entry gates.

- 3) The existing large sign on the wall facing Duncan Street is not consistent with Braidwood's historic character and may not have been approved. If this DA is approved, the assumption will be that the sign has also been approved.

Council's Heritage Advisor sought that the existing large Nutrien-Harcourt sign be reduced in size. The draft conditions seek that a signage plan be provided for any new proposed signage however, the assessment of this application cannot extend to whether existing signs are approved or whether they comply. The size of the sign and its approval status can be pursued by Council as a compliance matter.

- 4) The Heritage Advisor recommends that the small red shed located between the two driveways is to be offered to a local community group for off-site reuse.

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Braidwood and Curtilage Heritage Advisory Committee

The was no operational committee at the time the application was lodged nor at the time of determination.

(b) Compliance with DCP

At its meeting of 27 October 2021 Council adopted the Braidwood Development Control Plan 2006 as a formal development control plan under Division 3.6 of the *Environmental Planning and Assessment Act 1979*.

It also continues to operate under the *Heritage Act 1977* in the State listed conservation area 'Braidwood and its setting' as the document which determines whether or not approval under section 60 of the Act applies.

The proposal complies with the Braidwood Development Control Plan 2006 as outlined below. The application is not integrated development as an approval under Section 60 of the Heritage Act is not triggered.

Part 1 – Aims and Objectives

The proposal complies with the aims and objectives of the plan as it has been designed to ensure that it will not detract from the historic rural character of the town; complies with the required setbacks to help preserve the residential amenity and heritage values of the site; and does not detrimentally affect the surrounding landscape.

Part 2 - Precinct Controls

The subject site is located within the Precinct 1a – Wallace Street Commercial Area as specified in Part 4 of the DCP.

The land is located within Precinct 1A Wallace Street Commercial Area. The proposal complies the objectives of this precinct as the development will encourage the location of retailing, office space and other commercial enterprises support the existing agribusiness which has been located on the site for over 50 years.

Objectives - The objectives of this precinct are as follows:-

- a) To preserve the historical character of the precinct's townscape and the contributory and individual significance of the individual heritage items within it;
- b) To ensure development in the vicinity of buildings with historical importance is in harmony with the form and scale of those building; and
- c) To encourage the location of retailing, office space and other commercial enterprises which service local and regional needs.

The proposal complies with these objectives as it serves to contribute to an existing commercial enterprise that services the rural needs of the community and has been located in the rear of the site to ensure it does not impact on the precinct's townscape. The building will be no higher than other sheds within the vicinity of the proposed site and will not impact on the individual heritage item located to the immediate west.

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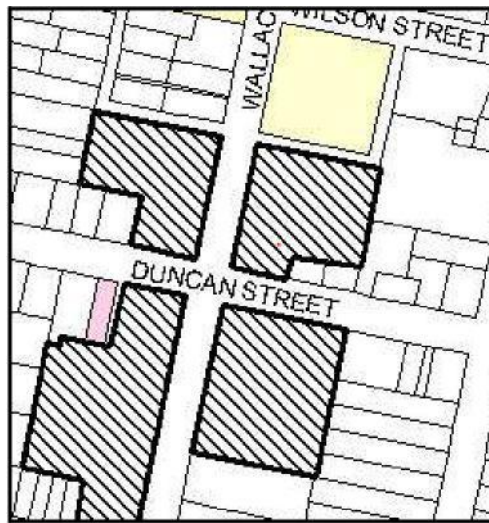


Figure 8 – Wallace Street commercial area (site corner Wallace and Duncan Streets)

The development site is located in the Wallace Street precinct. The site has been used in its current form for an extended period of time.

The proposed new storage sheds are a similar height to surrounding sheds and 2 storey homes & businesses. The proposed new sheds are only visible from the Duncan Street frontage and are well recessed from both the Wallace Street and Duncan Street frontages reducing their bulk/scale/impact. Additionally, the large existing trees on Duncan Street partially obscure main views of the new shed/works further reducing impact on the streetscape.

View modelling shows a minimal impact from the Wallace and Duncan Street frontages. The new works are both sympathetic to the existing character and use of the site but also to the historical character of the precinct.

The new sheds are proposed as simple metal clad structures with gable ends, typical of historical outbuildings and rural outbuildings. The metal cladding is proposed to be galvanised steel custom orb treated to reduce brightness and provide an aged look on installation. It is also a typical roofing and walling used on many buildings in the context.

Due to the recessed nature of the new works they are well setback and do not dominate the streetscape. The new alterations seek to create a cohesive and quality appearance benefiting the site and the wider context. The development will utilise existing entry points and road access points not changing the patterns in the context.

Land use

Shops and 'other compatible commercial development' are land uses preferred in this part of Braidwood. The proposed use is an addition to an existing retail use that has been established on the land for many years.

Specific Controls

New development shall:

- *be no higher than the maximum height of the adjacent building;*

Comment: The proposed development will not exceed the maximum height of development on adjacent sites which includes a number of two storey structures.

- *not obscure significant views of adjacent buildings.*

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Comment: The proposed development, being located within the centre of the site will not significantly impact upon any view corridors. Council's Heritage Advisor confirms the single storey shed to the west has an acceptable view impact.

- *be sympathetic to and consistent with the historic built form evident in the main street.*

Comment: The proposed development will be located to the rear of the site and retains the historic fabric of structures fronting Wallace Street, the main street. The proposed development will therefore not detract from the historic built form along Wallace Street.

- *not be visually dominant in the streetscape.*

Comment: The proposed development is considered unlikely to be visually dominant in the streetscape. The shed to the west will be single storey and the addition to the east central to the site. The development also remains below the maximum building height permissible under the Palerang LEP. The view from Duncan Street will also be complemented by on site landscaping and upgraded gates and fencing, the design of which will be subject to further assessment by Council and the Heritage Advisor. There will also be no loss of street trees given the proposed new driveway is to be located within the current crossover formation.

- *have direct access from the main street, i.e. a doorway opening onto the main street.*

Comment: The proposed development will retain the existing doorway to the premises on Wallace Street.

Roof Form and Pitch

- *Where visible from a public place, the roof form and pitch for new buildings, alterations and additions shall be similar to or sympathetic with historic examples found elsewhere in the main street.*

Comment: The existing roof pitches are 12, 15 and 20 degrees. The proposed additions to the existing roof at the eastern end of the development will extend the hip roof of 12 degrees. The new roof will be 25 degrees. The roof form and pitch is consistent with development on site and in the local area.

Part 6 – Development Application

The application has been supported by relevant plans and assessments. Conditions are also suggested to provide additional detail where required.

Part 7 General Provisions

7.1 Flood Hazard

The site is not mapped as being prone to flooding.

7.3 Alterations and additions to non-heritage listed buildings

Objectives

- To encourage sympathetic development of non-listed buildings; and
- To encourage alterations and additions to non-listed buildings to be consistent with the style of the building that is being altered.

Comment: The additions are consistent with the style of existing buildings including the materials to be used and the purpose for which they are proposed to be used.

Specific Controls

Alterations and additions on or near local heritage items shall be sited so that they:

- Do not have an adverse impact on the heritage significance of the item; and

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Comment: As previously discussed throughout this report, the proposal will not impact upon the significance of the adjoining heritage items.

- Do not have an adverse impact on the view of the item from the street or public domain

Comment: The proposed development being located towards the centre of the site will not adversely impact on the view of any heritage item from the street or public domain.

7.7 Fences

- The reconstruction of known original fences using traditional technology and materials is encouraged.
- The style, detail and materials of fences should be consistent with the period of the building.
- Except hedges, all fencing in front of the main elevation of the house must be able to be seen through (i.e. not a solid wall).
- Front fences should not exceed 1.2 m in height
- Modern style ribbed metal panel fences should not be used forward of the building line or on the street-side elevation of corner blocks.

Comment: Fencing, vehicular access and pedestrian gates are proposed to the Duncan Street frontage. The application proposes 2.4m high fencing using metal security fencing.

Council's Heritage Advisor has suggested that there is an opportunity for the fences and gates to be manufactured locally using materials appropriate to the local character and including stone cladding under the metal fence either side of the access, consistent with the existing low wall. A condition has been suggested that the Applicant provide a fencing plan for Council approval prior to issue of construction certificate.

7.10 Driveways – Footpath and Gutter Crossings

- To encourage a style of driveway cross-over that is appropriate to historic country towns and also meets owner's functional needs.

Comment: The existing crossover and concrete footpath to Duncan Street are to remain. Council's Engineer has suggested conditions to ensure driveway works comply with relevant standards.

7.13 Overshadowing

- A reasonable level of sunlight to neighbour's habitable rooms and recreation space between 10.00am and 3.00pm on 21 June should be maintained.

Comment: The application has been supported by solar plans which demonstrate that no habitable rooms or recreation spaces will be impacted on as a result of the proposed development.

7.15 Noise Intrusion

- The impact of potential intrusion should be addressed in relation to compatibility with the ambient noise level at the relevant boundary of the site.

Comment: The proposal is for alterations and additions to an existing commercial use. The applicant has noted that existing operations will remain the same with improved protection for goods and new office area for staff.

The application does not propose an increase in hours of operation although there is no former approval specifying what the operating hours should be. Given the use is located in a commercial area bordering residential the appropriate operating hours are 8.00am - 5.30pm during the week and 8.30 to 12 noon on Saturday.

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The carpark redesign does allow for heavy vehicles to unload onsite, an improvement on the current arrangements of unloading on the street. However, a condition that expressly prohibits any activity onsite including deliveries, loading and unloading and moving of stock outside the approved hours of operation is proposed for the consent. This will mitigate noise impacts from reversing indicators on machinery.

A condition has also been imposed to limit the hours of construction of any work to limit the potential for noise impacts during construction works.

7.16 Building materials

- Materials should be non-reflective to avoid glare.
- Council encourages the use of recycled materials in developments. Applicants should use materials that are structurally sound and appropriate to the locality of the development.

Comment: The proposal includes recladding the shed to the east with galvanised steel custom orb cladding and roofing treated to reduce brightness and appear aged, sympathetic with the local heritage area. The consent will be conditioned to include materials that are not reflective.

7.18 Landscaping

Comment: Small planter boxes are proposed to the Duncan Street entry to complement the streetscape and existing street trees. The additional planting is minor and a Landscape Plan has not yet been submitted however further planting details are sought as a condition of consent.

7.22 Waste Management Plans

- A waste management plan is to be submitted with the details of how waste will be managed when commercial activity commences.

Comment: A waste management plan has been submitted with the Application. Council typically seeks a construction management plan as a condition of consent which is sought for this application. The way construction waste will be managed will be further assessed as part of the Construction Certificate process.

7.29 Access for the Disabled

- Access for the disabled complying with the Disability Discrimination Act and the Building Code of Australia shall be provided in all new commercial and industrial developments. Australian Standard 1428 should be consulted and plans detailing compliance with these requirements are to be submitted with the development application. Structures should also be designed so as to enable stroller access.

Comment: The requirement to meet current disability standards was a driver for this proposal. The proposal includes a new pedestrian access to Duncan Street with an appropriate grade to meet the relevant standard.

7.30 Parking, unloading / loading facilities

- Parking, unloading and loading facilities shall be provided for all development in accordance with the NSW Roads and Traffic Authority Policy Guidelines and Procedures for Traffic Generating Development.

Comment: The proposal seeks to modify the on site operations to ensure compliance with these guidelines. The proposed development seeks to improve the local planning environment by providing both on site car parking and on site deliveries by large vehicles.

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7.31 Developer Contributions

Comment: A number of developer contributions plans apply to the site however the proposed development does not trigger any monetary contributions to be payable.

Part 8 – Heritage Listed Items

8.2 Building Style & Character

Control

- Architectural and design elements that contribute to the heritage significance of the item or the town are to be maintained and respected in any development.
- Alterations and additions including contemporary architectural designs should not compromise, dominate or detract from a place's significant heritage attributes including its style and character form, detail, finish and setting.
- Additions to buildings should not appear larger or more dominant than the original building when seen from the public domain.
- Extensions should respect the form, symmetry and location on the block of the existing dwelling or structure.

Comment: The proposed development is on land that adjoins a heritage item. The alterations and additions are sympathetic to its location and adjoining heritage buildings and will not detract from it.

Braidwood Development Control Plan – Heritage Trigger

The Braidwood DCP also operates under the *Heritage Act 1977* in the State listed conservation area 'Braidwood and its setting' as the document which determines whether approval under section 60 of the Act is required or whether an exemption from the need to obtain approval under Part 4 Division 3 of the Act applies.

A proposal is therefore required to be assessed against the provisions of the BDCP to determine if approval of Heritage NSW is required under Section 60 of the Heritage Act 1977. A detailed assessment of the proposal against the relevant provisions of the BDCP 2006 found the proposal to be generally consistent with the relevant controls. As such, approval under Section 60 of the Heritage Act 1977 is not required for the purposes of the subject application. As such the application is not required to be referred to Heritage NSW.

(a) Building Surveyor's Comments

Council's Building Surveyor reviewed the subject application and raised no objection to the proposal.

The proposal appears likely to comply with the Building Code of Australia but further information would be required with any construction certificate application.

The proposal has been assessed against cl.64 of the EP&A Regulation 2021 for Demolition given the application proposes to knock down a portion of the building and rebuild it. Relevant conditions have been suggested should a consent be issued.

(b) Development Engineer's Comments

Council's Development Engineer reviewed the application and raised no objection to the proposal subject to the imposition of the recommended conditions of consent. Existing water and sewer are connected and will not be affected.

The proposed additions are likely to increase pre-development stormwater runoff, therefore the development will need to implement an on-site detention (OSD) system to limit the site discharge to the pre-development flow rates.

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The site currently has two access points; one single vehicular access off Wallace Street and a divided dual access off Duncan Street.



Figure 9 - Wallace Street Access



Figure 10 - Duncan Street Access

The development proposes no changes to the Wallace Street access nor the existing Right of Way (ROW) and right of access. A condition has been imposed to ensure no concrete slab, obstructions, bollards or other work are located within the existing ROW.

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Figure 11 - No slab, bollards or other obstructions permitted within Right-of Way

The divided dual access off Duncan Street shall be removed and reconstructed to the standard of industrial/commercial vehicular crossover as specifies in QPRC's D13 Vehicular Access Design Specification.

Although the site of the development is located within the Braidwood Heritage Conservation area, the vehicle crossover is to be an industrial/commercial reinforced concrete type and as specified in QPRC's D13 Vehicular Access Design Specification.

The provision of seven (7) off-street car parking spaces, including an accessible (disabled) space, is satisfactory. All car parking spaces shall be designed in accordance with the requirements specified in AS/NZS 2890.1 for car parking areas, AS/NZS 2890.2 for commercial vehicle loading areas and AS/NZS 2890.6 for accessible (disabled) parking.

A basic turning path for an articulated vehicle (AV) class has been provided and appears to be compliant with the requirements of AS/NZS 2890.2. Internal pavements are to be designed and constructed to such a standard that it will allow AV manoeuvring without causing scuffing, tyre drag, dust nuisance and causes sediment spill onto Duncan Road.

To minimise dust nuisance to neighbours a condition of consent will be imposed requiring internal turning, manoeuvring and storage areas to be provided with a concrete or asphaltic concrete seal.

(c) Environmental Health Officer's Comments

The proposal is for alterations and additions to an existing commercial use. The applicant has noted that existing operations will remain the same with improved protection for goods and a new office area for staff.

The application does not propose an increase in hours of operation. Given the use is located in a commercial area bordering residential the current operating hours of 8.00am -5.30pm during the week and 8.30 to 12 noon on Saturday are generally considered satisfactory.

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The carpark redesign does allow for heavy vehicles to unload onsite, an improvement on the current arrangements of unloading on the street. A condition that expressly prohibits any activity onsite including deliveries, loading and unloading and moving of stock outside the approved hours of operation. This will mitigate noise impacts from reversing indicators on machinery.

A condition has also been imposed to limit the hours of construction of any work to limit the potential for noise impacts.

The comment from Development Engineering to require sealing of internal turning, manoeuvring and storage areas is supported in order to minimise dust nuisance.

(d) Other Matters

Access - The subject site is burdened by a number of rights of carriageway and a right of access. A condition of consent is recommended requiring that no obstructions or use areas be located within this area at any time throughout the operation of the site.

Tree Protection - The proposed vehicular access works will be wholly with the existing crossover to the Duncan Street frontage.

The Truck Turning Circles (exit) appears to show the turning path outside the existing driveway and impacting on a street tree. Council's Development Engineer notes that the exit image appears incorrect and is therefore not to be included in the plan set. It appears that the truck can exit the site in a forward motion despite the plan error.

Conditions of consent are also recommended to ensure street trees and trees on adjoining land are protected during construction and the ongoing use of the site.

Compatibility with Surrounding Development - Existing development within the locality consists of a range of commercial uses including cafes and a nursery, several dwelling houses and a school. The subject site is located on a zone interface between commercial and residential zones which creates inherent potential for conflict.

However, the subject application is not seeking consent for a new use. The application seeks to allow development to be modernised and to improve several concerns raised about the existing operations. The use exists and is also one that is permissible under the current Local Environmental Plan.

The proposal is not inconsistent with the existing use of the site and relevant conditions are suggested to manage the impacts of the use.

4.15(1)(c) The Suitability of the Site for the Development

The subject site is relatively unconstrained and is considered to be suitable in its current state for the purposes of the proposed development.

4.15(1)(d) Any Submissions Made in Accordance with this Act or the Regulations

The application was notified in accordance with Council's Community Engagement and Participation Plan and was notified from the 16/05/2022 to the 13/06/2022. Fifteen (15) submissions were received during the notification period. The submissions raised the following concerns:

1. *Relocation* - Comments were made that the proposal is not suitable upon the subject site and should be relocated elsewhere.

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Assessing Officer's Comments: The *Environmental Planning and Assessment Act* requires Council to consider the application provided to it on the subject site. Any decision to relocate the business would be at the discretion of the owner.

Possible alternative locations are not relevant to the assessment of this application and this issue cannot be used as grounds for refusal.

2. *Local Strategic Planning Statement - Concerns were raised that the proposal is inconsistent with Council's Local Strategic Planning Statement for Braidwood.*

Assessing Officer's Comments: Relevant to this proposal the Strategic Outcomes sought by the 'Towards 2020 Local Strategic Planning Statement' are to ensure heritage values of Braidwood are protected and to ensure planning controls clearly articulate rules and procedures for undertaking work on local heritage items and within the State heritage listed conservation area.

The proposed development involves no actions considered likely to compromise Council's ability to deliver the Planning actions for Braidwood as contained within 'Towards 2040' Council's Local Strategic Planning Statement'. Further, the proposed development is considered to be consistent with the aims and objectives of the *Palerang Local Environmental Plan* and the Braidwood Development Control Plan. This issue does not warrant refusal of the application.

3. *Safety - Concerns were raised in relation to safety of operations upon the site, including the storage of hazardous materials and risks to users of the rights of way/ right of access upon the site.*

Assessing Officer's Comments: The site is currently operational and is required to hold relevant licenses for the storage of hazardous materials. Conditions of consent are recommended requiring that the storage of any flammable/ combustible liquids be in accordance with the relevant Australian Standard. Risks in managing the various access rights are a matter for the operators of the site.

4. *Heritage- Concerns were raised that the proposed development is inconsistent with the heritage nature of the state listed Braidwood and its setting conservation area or the surrounding local heritage items*

Assessing Officer's Comments: This matter has previously been discussed in detail throughout this report. The locations of the sheds, their height, material and relationship to adjoining heritage items and the local streetscape are considered acceptable.

Further detail on the design and material of the fence and gates to Duncan Street will be subject to further assessment as a condition of consent.

5. *Right of way/ Right of access - Concerns were raised over the implications of the proposal upon the rights of way/ right of access affecting the site.*

Assessing Officer's Comments: The proposed development will retain existing entitlements associated with the right of way established under a court order (2019/00294723). The relevant entitlements are registered on the Land Title and are not required to be addressed as part of this application.

A condition of consent is included to ensure no obstructions are located within these burdened areas to ensure the proposal results in no impacts upon the access to adjoining sites.

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6. *Access - Concerns were raised over the ability of trucks to manoeuvre upon the site, the unloading of goods within the Duncan Street road reserve and risk to pedestrian safety.*

Assessing Officer's Comments: The subject application seeks to demonstrate that a 19m vehicle can enter and exit the site in a forward direction. Council's Development Engineer notes that the exit image appears incorrect and is therefore not to be included in the plan set. Notwithstanding the above the truck can enter and exit the site in a forward direction.

The application has demonstrated to Council officers' satisfaction that the use as proposed meets relevant engineering standards and this issue does not warrant refusal of the application.

7. *Owner / Applicant - Several submissions made reference to the recent rebranding of the business and the new owners.*

Assessing Officer's Comments: Council is required to consider the proposal on its merit and while any future signage is subject to approval, the identity of either the site owner or applicant is not a relevant planning matter.

8. *Adequacy of Application - Concerns were raised that the subject application was not accompanied by sufficient information to establish the impacts of the development.*

Assessing Officer's Comments: The subject application was accompanied by sufficient information in accordance with the *Environmental Planning and Assessment Regulation 2000* to assess the proposal with minor detail sought through conditions of consent, for example for the fence design.

9. *Statement of Heritage Impact Assessment Error - The Impact Assessment claims the site has operated as a retail business since 1958 is incorrect. The original site occupied a much smaller space until 2014 when a boundary adjustment extended the site.*

Assessing Officer's Comment: The reference to site area is noted however the use has operated in the general location as now shown for many years. The use is established in this location within the central commercial area of the town.

10. *Council Process - Concern was raised over the Council assessment process and that officers recommended approval.*

Assessing Officer's Comments: The subject application has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* including consideration is submitter issues. The processing of this application is consistent with any other of its kind and a recommendation of approval is warranted given the proposed development is consistent with the relevant planning instruments and controls and potential impacts are anticipated to be able to be managed through conditions of consent.

11. *Stormwater - Concerns were raised over potential stormwater management impacts of the development upon surrounding properties.*

Assessing Officer's Comments: Council's Development Engineer has reviewed the proposal and advised that the proposed stormwater management measures are considered to be appropriate for the purpose and are unlikely to impact upon surrounding properties.

12. *Loss of Views - Concerns were raised that the proposal may result in a loss of views to adjoining properties.*

Assessing Officer's Comments: The predominant view corridors are from Wallace Street looking east and from Duncan Street looking north.

9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

The proposed development would partially block views to some local rooflines however the impact of this obstruction is likely to be negligible as a significant portion of the views will be retained. As such, the proposed development is considered unlikely to result in any significant impact upon views. The impact of the proposal on views from the streetscape was considered by Council's Heritage Advisor who is able to support the proposal.

13. Overshadowing - Concerns were raised that the proposed development would result in overshadowing upon adjoining properties.

Assessing Officer's Comments: In recognition of the increased height of the proposed development, the subject application was accompanied by shadow diagrams demonstrating that the proposed development retains a minimum of 3 hours of solar access to all adjoining properties on the winter solstice (21 June). As such, the proposal is considered to retain an acceptable level of solar access to adjoining properties and this is not an issue that warrants refusal of the application.

14. Multiple Development Applications - Concern was raised that multiple applications have been lodged over the site over a period of years rather than one single application.

Assessing Officer's Comments: Council is required to consider the application as lodged. Council is unable to restrict the number of development applications lodged by an applicant. The Applicant is attempting to seek a suitable consent on the site to allow the development to proceed.

15. Noise - Concerns were raised that the proposed development will result in unacceptable acoustic impacts upon surrounding properties.

Assessing Officer's Comments: The proposed development being for the purposes of additions and alterations to an existing development will not introduce additional noise impacts. The proposal is for alterations and additions to an existing commercial use that would include the use of vehicles including forklift activity on site including to the east closest to dwellings.

A condition that expressly prohibits any activity onsite including deliveries, loading and unloading and moving of stock outside the approved hours of operation will be imposed. This will mitigate noise impacts from reversing indicators on machinery. As with many businesses on a commercial/residential interface there will be some noise generated as a result of its operations however, providing that noise is restricted to between normal daylight business hours the impacts are not considered to warrant refusal.

A condition has also been imposed to limit the hours of construction of any work to limit the potential for noise impacts.

Although the proponents indicate that the application does not propose an increase in hours of operation, at present there are no formal hours of operation specified for any existing approval for the site. The approval of this application will ensure the applicant is restricted to formal hours of operation.

16. Braidwood DCP - Concerns were raised over the compliance of the proposed development with the Braidwood Development Control Plan 2006 and its legislative status.

Assessing Officer's Comments: Compliance with the Braidwood Development Control Plan 2006 has been demonstrated to Council officers' satisfaction. There are no issues of non-compliance that warrant refusal of the application.

17. Hours of Operation - Concerns were raised over the impacts of early deliveries upon the site throughout existing operations.

9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

Assessing Officer's Comments: The applicant proposes that the site would operate between the hours of 8:00am-5:30pm Monday to Friday, 8:00am – 12:00pm Saturday, closed Sunday. Conditions of consent are recommended that operations be limited to these hours. The use is a commercial use in a Business zone. The hours of operation are not considered to be outside normal operating hours and are able to be supported. This issue does not warrant refusal of the application.

18. *Duncan Street Footpath - Concerns were raised over the impacts of the development on the footpath on the site's Duncan Street Frontage and potential impacts on pedestrian safety.*

Assessing Officer's Comments: The proposed development will require the temporary closure of the footpath throughout the construction period. This work will be temporary and able to be managed through conditions.

Further, the proposed access arrangements from Duncan Street will improve the current operations with unloading being able to be accommodated on site. A separate pedestrian access is also proposed. This issue does not warrant refusal of the application.

19. *Bungendore CBD Zoning - Comments were made that the proposed development should not be permissible on the site which would be the case in Bungendore.*

Assessing Officer's Comments: While not applicable to the proposal, it is noted that development for the purposes of a Rural Supplies premises would be permissible with consent within the B2 Local Centre zone within the Bungendore CBD.

20. *Street Trees - Concerns were raised over the potential impacts of the development upon the street trees upon the site's Duncan Street frontage.*

Assessing Officer's Comments: The proposal is unlikely to result in any impacts on street trees. Council officers note a swept path plan appears to impact on a street tree however, that image is not correct and will not form part of any consent.

Conditions of consent are recommended requiring the implementation of the recommended construction methodology under the guidance of a project Arborist for street trees whilst works are being conducted.

21. *Fire Safety /Bushfire - Concerns were raised over potential fire safety impacts of the development and potential bushfire risk upon the site.*

Assessing Officer's Comments: Council's Building Surveyor has reviewed the proposal and has provided conditions of consent in relation to fire safety measures in accordance with the Building Code of Australia. These are included within the recommended conditions of consent.

The subject site is not mapped as bushfire prone land due the proximity of the site to threat vegetation. As such, no specific bushfire safety requirements apply to the proposal under Planning for Bushfire Protection 2020.

22. *Notification (physical notice) - Concerns were raised over the public notification process, specifically the lack of physical notification sign upon the site.*

Assessing Officer's Comments: Notifications of the proposal included to adjoining landowners and occupants and on Council's website in accordance with Council's Community Engagement Participation Plan. A physical notification sign is only installed upon a site for the purposes of designated development. The subject application is not designated development.

9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

23. Signage - Concerns were raised over the existing signage on the site.

Assessing Officer's Comments: The Statement of Environmental Effects suggests new signage is proposed however, the application has not been supported by a signage plan. No signage is approved as part of this consent.

Also, Council's Heritage Advisor sought that the existing large Nutrien-Harcourt sign be reduced in size. The draft conditions seek that a signage plan be provided for any new proposed signage however, the assessment of this application cannot extend to whether existing signs are approved or whether they comply.

The size of the sign and its approval status can be pursued by Council as a compliance matter.

24. Fencing/ boundary wall - Several submissions requested a solid fence or wall structure be built along the eastern and southern boundaries of the yard to limit noise and dust impacts from the development.

Assessing Officer's Comments: The applicant does not propose to alter the existing boundary fencing. Additional acoustic treatment has not been deemed to be required. A 2.4m security fence along the Duncan Street frontage requires further design work. A fencing plan has been requested detailing new and existing fencing.

25. Dust emission concerns were raised.

Assessing Officer's Comments: Council's Development Engineers has recommended conditions of consent requiring the yard area to be sealed. Significant dust emissions are not anticipated, and this issue does not warrant the refusal of the application.

26. Intensification of the use overtime / compatibility of the development with surrounding land uses.

Assessing Officer's Comments: The subject site adjoins several residential and commercial uses. The subject application is not seeking consent for a new use and is to assess the work as now proposed.

Consent is sought for additions and alterations to two shed structures, display area and storage areas. This does not automatically constitute an intensification of the use and the proposed development is not incompatible with surrounding land uses.

The issues raised have been considered in the assessment of this proposal. The application is compliant with the relevant planning instruments. The issues raised by submitters can either be dealt with by conditions of consent or do not warrant refusal of the application.

It should be noted that the development proposal goes some way to addressing a number of issues which have been the subject of complaints in previous years. These include:

- *Loading and Unloading on Duncan Street and Impacts on Traffic* – The proposed alterations will allow articulated vehicles to enter and exit the site in a forward direction with unloading and loading taking place on site. As such, it will alleviate the existing problems caused by on street activities.
- *Dust From Rear Storage Area* – The rear storage, turning and manoeuvring areas are required to be sealed removing dust nuisance caused by activities in this area.
- *Noise From Early Starts* – There are no existing approved hours of operation for the site as it has been in operation for many years. The approval of this application will see formal and enforceable hours of operation introduced.

9.1 Development Application DA.2022.1182 - Alterations and Additions to a Rural Supplies Premises - 121 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

Legal

The applicant has lodged an appeal against Council's deemed refusal of this application.

A deemed refusal occurs when a development application is not determined by Council within the time frame specified in legislation (in this case 40 days). In most cases an applicant allows the assessment of the application to continue to determination, but on occasion the applicant will launch an appeal against Council's failure to determine the application. This type of appeal is available to an applicant to ensure that councils do not avoid making a decision to delay an application.

The appeal is in its early stages with the first step in the process being a conciliation conference set down for late September.

Notwithstanding the appeal progressing, nothing prevents Council from continuing with its assessment and making a determination before the appeal goes to hearing, as is proposed with this report. If Council's determination favours the applicant, they can then discontinue the appeal. If the decision is unfavourable, then the appeal can be converted to an appeal against Council's refusal of the application.

In short the appeal proceedings should not form part of the considerations Councillors use in determining this application.





Conclusion

The submitted proposal is for alterations and additions to an existing rural supplies premises on Lots 1 & 2 DP 596527, Lot 1 DP 995410 & Lot 2 DP 1208847 at 121 Wallace Street, Braidwood.

The proposal has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of relevant *State Environmental Planning Policies* the *Palerang Local Environmental Plan 2014 (LEP)*, Braidwood DCP and the Draft *Queanbeyan-Palerang Local Environmental Plan 2020*. The proposed development is consistent with the relevant provisions of these environmental planning instruments and is able to be approved.

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

Attachments

- | | |
|---|--|
| Attachment 1
 | DA.2022.1182 - S4.15 Matters for Consideration 121 Wallace Street, Braidwood (<i>Under Separate Cover</i>) |
| Attachment 2
 | DA.2022.1182 - Plans - 121 Wallace Street, Braidwood (<i>Under Separate Cover</i>) |
| Attachment 3
 | DA.2022.1182 - Redacted Submissions - 121 Wallace Street, Braidwood (<i>Under Separate Cover</i>) |
| Attachment 4
 | DA.2022.1182 - Draft Conditions of Consent - 121 Wallace Street, Braidwood (<i>Under Separate Cover</i>) |

9.2 **Reclassification and Transfer of Community Land in Googong Town Centre
(Ref: ; Author: Thompson/Reich)**

File Reference: Property No.355265

Recommendation

That:

- 1. To facilitate the orderly and efficient use of the interface between Bunyip Park and the new Googong Town Centre, Council support in principle the reclassification of 323m² of community land to operational land for the purpose of transferring that land to GTPL, subject to Council's direct costs of the reclassification and transfer of the land being borne by Googong Township Pty Limited.**
 - 2. In order to facilitate the transfer of the above-mentioned land a planning proposal be prepared for Council's consideration to begin the process of reclassifying the above-mentioned land from community to operational land.**
-

Summary

On 14 July 2022, Googong Township Proprietary Limited (GTPL) made a written request to Council to consider a minor boundary adjustment to a public reserve within the Googong Township. The request is to assist with accommodating the activation of the interface between the Town Centre Precinct and the public reserve.

Background

The subject parcel of land is Lot 342 DP 1259563 and was dedicated to Council as a Public Reserve on 17 April 2020 (Attachment 1). This dedication occurred as part of the Googong Neighbourhood 2 Stage 3 subdivision and was required by the Voluntary Local Planning Agreement between Council and GTPL executed on 12 January 2012. The land was transferred at no cost to Council. The site is now known as Bunyip Park, currently contains a water feature and is also intended to include future embellishments including a performance stage to make it a central community area within the township. In terms of the *Local Government Act 1993* (LGA) the reserve is classified as Community Land.

Figure 1 below shows the lot configuration of the public reserve. Figure 2 shows an aerial view of the land with Wellsvale Drive at the top of the picture.

9.2 Reclassification and Transfer of Community Land in Googong Town Centre (Ref: ; Author: Thompson/Reich) (Continued)

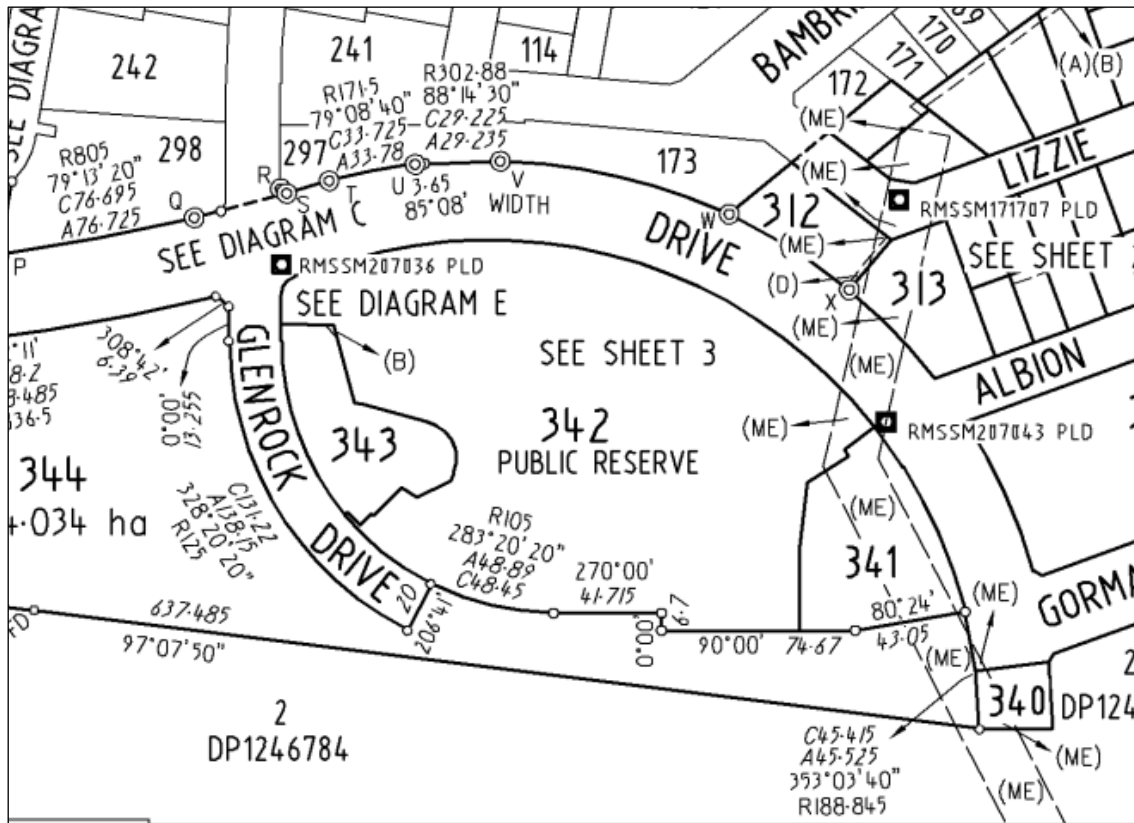


Figure 1 - Extract from DP 1259563



Figure 2 - Nearmap Aerial imagery of the subject land from February 2022.

9.2 Reclassification and Transfer of Community Land in Googong Town Centre (Ref: ; Author: Thompson/Reich) (Continued)

Report

The written request for a boundary adjustment follows on from initial discussions raised during a 29 June 2022 pre-development application meeting between GTPL and Council staff regarding the development of, and structure plan for, the Googong Town Centre (immediately adjacent the southern boundary of the subject Lot 342).

The request seeks Council's agreement to a boundary adjustment to Lot 342 to revert an area of 363m², or 1.6% of the total area, to GTPL's ownership and control (Attachment 2). The extent of the requested change is shown in Figure 3 below.

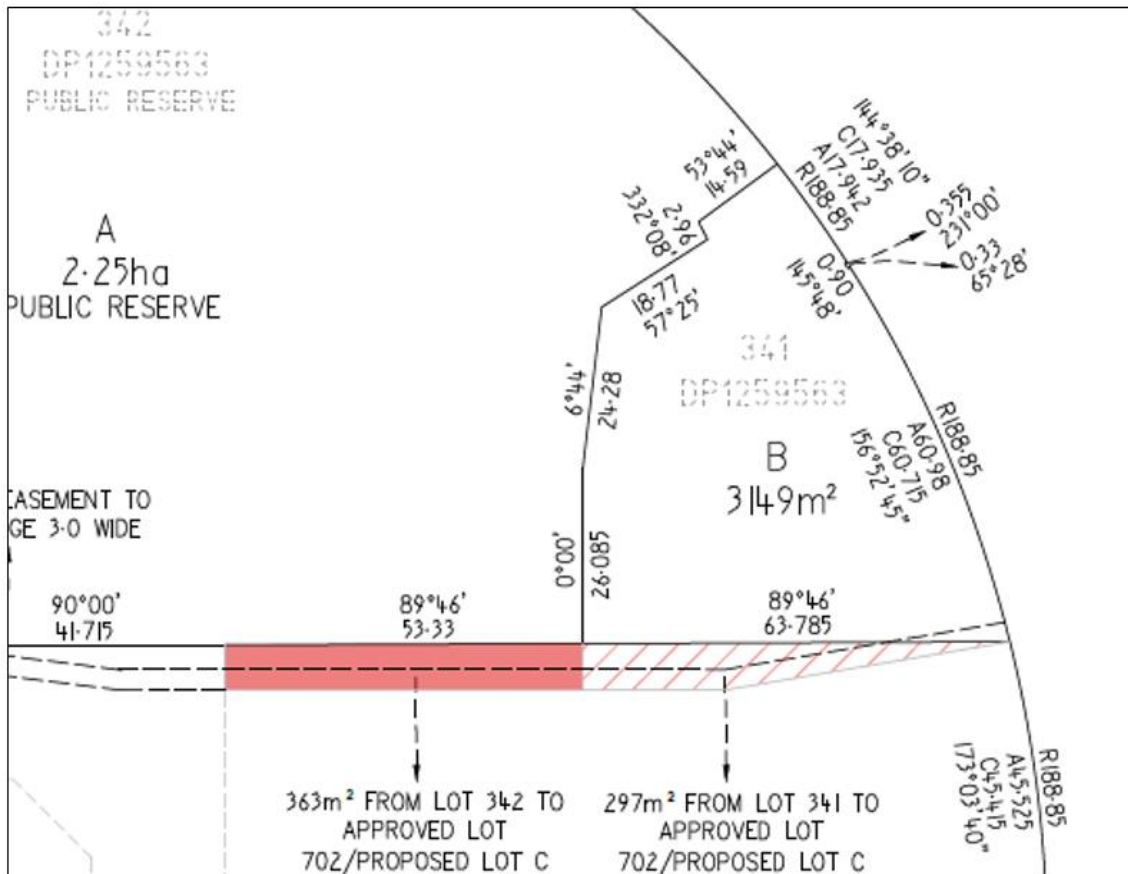


Figure 3 - Markup of proposed area of land to be transferred back to GTPL

The request has been made to assist with accommodating the activation of the pedestrian link into the precinct from the east by simplifying the licensing/approval mechanisms required at the interface of the public and private lands and to relieve Council of the need to maintain this area which is expected to be heavily used by visitors to the town centre.

This side of the Googong Town Centre will be accessible by both vehicle and pedestrians and includes a pick/up and drop off location with ramp to basement parking. The vehicular access is located off the intersection of Wellsvale Drive and Gorman Drive. The building immediately above the basement carpark, and on the southern side of the pedestrian access, will primarily accommodate a major supermarket with smaller retail outlets to the north. These smaller retail outlets avoid the sterility of blank featureless exterior walls for the supermarket and are intended to activate the laneway frontage of the supermarket building and to provide an open, welcoming and safe pedestrian area with a natural high level of casual surveillance created by the use of the pedestrian link. The northern side of the laneway is intended for outdoor seating and likely to be used by small cafes and food /drink premises.

9.2 Reclassification and Transfer of Community Land in Googong Town Centre (Ref: ; Author: Thompson/Reich) (Continued)

The proposed interface area and outdoor seating is shown in Figure 4 below.

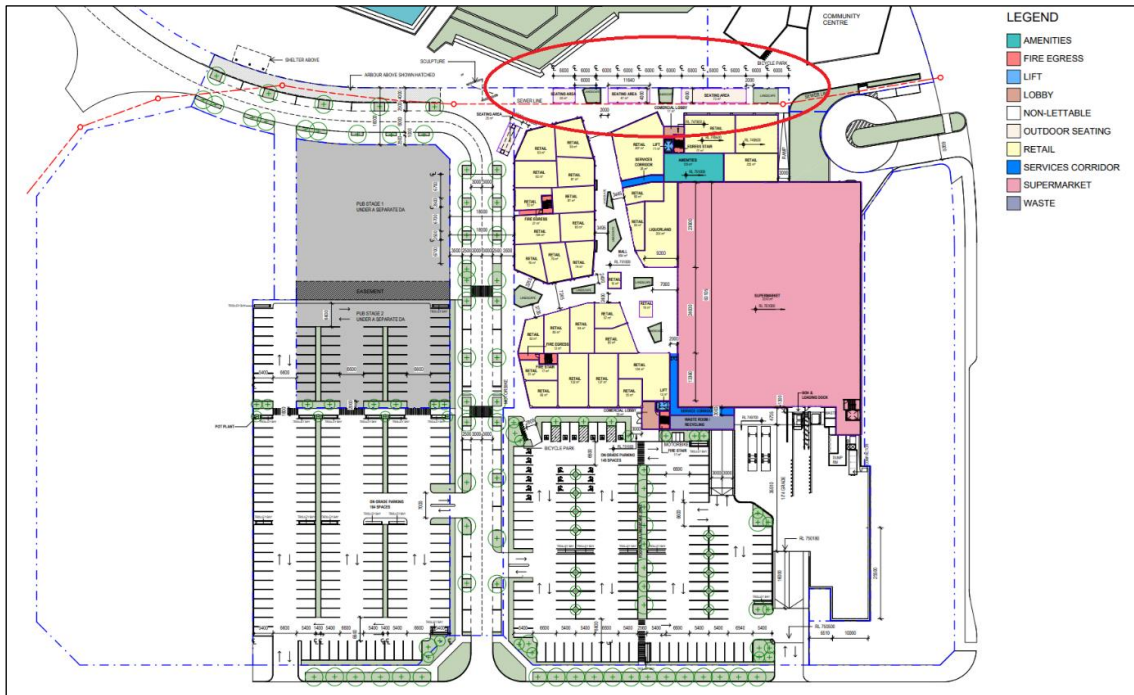


Figure 4 - Proposed interface and outdoor seating area circled in red.

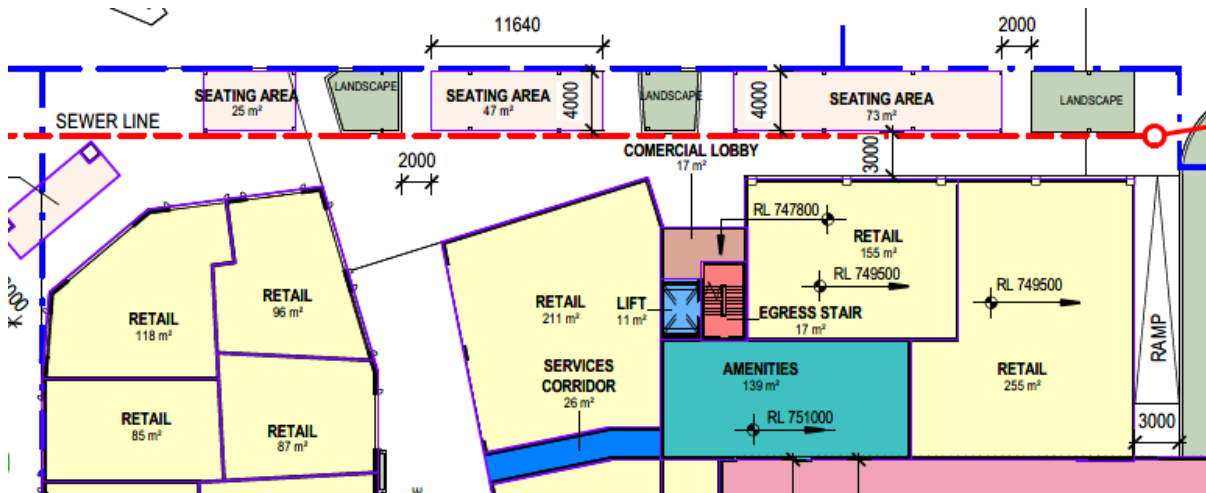


Figure 5 – Area Circled in Figure 4 Above – Expanded View.

Any premises that intended to utilise outdoor seating/dining on the periphery of Bunyip Park would be subject to Council approval which would assess the proposed use of public space against our adopted policy for outdoor dining. Council does not have its own specific policy on this subject and instead has adopted the NSW Department of Industry’s Outdoor Dining Policy 2019 (included at Attachment 3). This policy provides that an approved restaurant, café or food-based business may gain Council’s approval to utilise a public footpath, nature strip or other public managed space for the purpose of outdoor dining subject to assessment of the relevant considerations within the policy.

9.2 Reclassification and Transfer of Community Land in Googong Town Centre (Ref: ; Author: Thompson/Reich) (Continued)

It is probable, that such uses would be granted approval to utilise public areas for outdoor dining as it could be satisfactorily demonstrated that:

1. The area in question is a safe environment with respect to traffic due to the complete separation of pedestrian and vehicle movements in the subject area;
2. The activation of the area adds to the visual amenity of the site;
3. The use of the area for outdoor dining provides a high level of casual surveillance of the pedestrian link into the precinct; and
4. The use of the public space would not likely become a nuisance to neighbours due to the physical separation of the site from immediate residences.

The above requirements listed are derived from the NSW Department of Industry's Outdoor Dining Policy 2019.

If the boundary adjustment is supported by Council, the following direct results would occur:

1. The Outdoor Dining Policy would no longer apply as the subject land would become privately owned and managed. It is anticipated that this would be facilitated through a centre management body;
2. Amenities provided in this area would likewise be required to be privately owned and maintained providing a significant cost saving to Council. This cost saving would extend to end of life retirement and replacement of amenities. Such amenities would include but not necessarily be limited to:
 - a. Seating and tables
 - b. Rubbish bins
 - c. Pavement
 - d. Landscaping
 - e. Shade shelters
 - f. Bubblers
 - g. Barbeques
3. As the centre management would provide the amenities in this area, they would likely exceed the level of amenity expected of a public facility and offset Council's obligations to provide similar facilities in the nearby vicinity.
4. Reduction of the onus on Council to periodically review and issue approvals related to use of public areas for outdoor dining including related compliance work associated with the necessary licensing and insurance required to be provided by the businesses in question. Note that this does not diminish Council's ability to condition hours of operation of any business using the subject area to avoid disruption to neighbours.

Should Council decide that the proposed boundary adjustment is in the best interest of Council and the community, it should be noted that the disposal of the small portion of Lot 342 has specific requirements which need to be met under the LGA.

9.2 Reclassification and Transfer of Community Land in Googong Town Centre (Ref: ; Author: Thompson/Reich) (Continued)

Lot 342 is currently classified as Community Land for use by the public. As such, whilst the land remains classified so, under the LGA Council is not permitted to dispose of the land by sale or other means. Council must first reclassify the section of land to be transferred from Community Land to Operational Land. The general process required to reclassify Council owned land from Community to Operational is listed below, however a more detailed practice note by NSW Department of Planning and Environment is included at Attachment 4:

1. Prepare a draft Planning Proposal and put to Council meeting for determination.
2. If supported by resolution of the Council, the Planning Proposal must be submitted to NSW Department of Planning and Environment (DPE) seeking a Gateway determination.
3. If/once a Gateway determination is received, Council must place the proposal on public exhibition for a minimum of 28 days as required under the LGA.
4. An independent chairperson is to be appointed to hold a public hearing and draft a report on the proposal as per the LGA.
5. The chairperson's report is to be reviewed by Council and made available to public to review.
6. Staff must then prepare a report to Council recommending the Planning Proposal and reclassification proceed.
7. If Council's resolution reflects recommendation to proceed, the documentation must be sent to Department (DPE) and Parliamentary Counsel's Office (PCO) to finalise Planning Proposal for notification.
8. Once notified the small section of land required can be subdivided off from the main allotment

Risk/Policy/Legislation Considerations

The interface between the public reserve and the Town Centre will be a highly trafficked and well used area. Transferring the maintenance and insurances related to this area to GTPL will benefit Council.

Financial, Budget and Resource Implications

There are two main aspects of the financial & resource ramifications of consenting to GTPL's request.

1. The long-term management costs and resourcing matters that concern the land in question are of a net cost saving to Council i.e. the costs associated with the management, installation of equipment/amenities, insurance, maintenance and general operation of the area would be the responsibility of a Centre Management Organisation.
2. The Council's direct costs associated with the reclassification of a part of the land. These costs include the following:
 - a. Preparing this report.
 - b. A preliminary planning proposal enquiry fee of \$1,755.
 - c. Preparing a Planning Proposal to reclassify the land in accordance with the Local Government Act 1993. The scheduled fee for a minor planning proposal is \$7,100.
 - d. Tendering for, and engaging an Independent Chairperson to convene a public hearing and prepare a report post hearing.

9.2 Reclassification and Transfer of Community Land in Googong Town Centre (Ref: ; Author: Thompson/Reich) (Continued)

- e. The preparation of a final report to Council recommending acceptance (or otherwise) of the Planning Proposal.
- f. The preparation and approval of plans to excise the rea of land to be transferred to GTPL.
- g. The legal costs associated with the above.

It is recommended that if Council supports GTPL's request, it is subject to the direct costs to Council in point 2 above being borne directly by GTPL. To avoid all doubt, it should be noted that the Independent Chairperson cannot be engaged by GTPL. This person must be appointed by Council through a tender process. This does not prevent Council collecting recompense from GTPL after the event.

Conclusion





GTPL's request to transfer a small part of Lot 342 DP 1259563 (classified as Community Land) to GTPL's ownership and control has merit and would provide benefits to Council in terms of reduced expenditure on community land as well as maintenance, licensing and compliance resourcing.

Staff support the intent of GTPL in activating this area with goals to increase amenity of the town centre, increase casual surveillance and visual amenity via aesthetic development. Staff note that the GTPL's intent remains the same regardless of whether the boundary adjustment is permitted. However, in addition to providing monetary and resource relief to the Council, the level of amenity proposed to be provided to the community is not diminished by the proposal, but rather has the opportunity to be increased by the ownership and maintenance of commercial interests.

It is acknowledged that the process Council needs to follow under the LGA to reclassify the land is lengthy but is the required appropriate mechanism to ensure fair dealings in regard to the disposal of a community asset, even a small one.

It is recommended that Council resolve to reclassify a portion of Lot 343 DP 1259563 as Operational Land with intent to permit GTPL's requested Boundary Adjustment under a forthcoming development application for the Googong Town Centre. The support for the request is on the basis that the direct costs to Council incurred during this process be recovered from GTPL.

Attachments

-  Attachment 1 Deposited Plan 1259563 - Showing Configuration of Bunyip Park (*Under Separate Cover*)
-  Attachment 2 Land Proposed to be Transferred (*Under Separate Cover*)
-  Attachment 3 Outdoor Dining Guidelines (*Under Separate Cover*)
-  Attachment 4 Guidelines for Reclassifying Community Land (*Under Separate Cover*)

9.3 Emergency Accommodation for Women and Children Experiencing Domestic Violence (Ref: ; Author: Hansen/Richards)

File Reference: 2.6 Community Development

Recommendation

That Council:

- 1. Prepare a letter of support in principle for the Housing Plus and Molonglo Support Services Partnership Expression of Interest to the NSW Government.**
 - 2. Review and evaluate further assistance if the project proceeds to a Request for Tender.**
-

Summary

Housing Plus is a regional Tier 1 community housing provider with a 40-year history of providing client-centred tenancy and property management services in NSW. As a specialist homelessness and domestic and family violence service provider, they directly support individuals in regional areas into crisis, transitional and long-term stable housing.

Molonglo Support Services is a not for profit charity and community organisation that supports people in crises experiencing domestic and family violence and/or homelessness. It has been operating in Queanbeyan, in various forms, since 1979.

These organisations have formed a partnership to construct, create and manage state-of-the-art support accommodation for people experiencing domestic violence. They will be submitting an Expression of Interest for NSW grant funding to build a *Core and Cluster* accommodation in Queanbeyan and have requested Council support for their project.

Background

In October 2021, the NSW Government announced an historic investment of \$484.3 billion to build *Core and Cluster* accommodation for rural and regional women and children experiencing domestic family violence. The funding will be given over four years with the aim to double the number of refugees currently available.

Core and Cluster is a crisis accommodation model that moves away from a shared house environment, to having fully independent living quarters with private bathroom and kitchen facilities. It combines the services and supports of a traditional refuge with the independent living facilities of transitional accommodation.

NSW Police respond to more than 140,000 DFV incidents annually. In Australia, on average, 20 people aged 15 years and over were hospitalised every day in 2019-20 for an injury due to assault by a partner or other family member. On average, in Australia, one woman a week is murdered by her current or former partner.

Report

The Queanbeyan-Palerang regional areas is one where demand for emergency accommodation exceeds supply. In the last 12 months Molonglo Support Services received over 1,000 referrals from police in Queanbeyan, 100 of whom were assessed as at serious risk of further injury or death. Whilst Queanbeyan has an existing 6 bedroom communal refuge, this is insufficient to meet demand. The refuge is often at capacity as it also services smaller surrounding towns and the nearest alternative women's refuges are in Goulburn and

9.3 Emergency Accommodation for Women and Children Experiencing Domestic Violence (Ref: ; Author: Hansen/Richards) (Continued)

Cooma. Women are often unwilling to travel as it means leaving their employment, the support of family and friends and removing children from schools. For Aboriginal women, this is particularly devastating as it can lead to disconnection from community, kin, and country.

The partnership between Housing Plus and Molonglo Support Services provides a track record in design, construction and management of *Core and Cluster* accommodation and the ability to deliver support services to victims of domestic family violence. The partnership will submit an expression of interest for NSW government funding to build and manage a *Core and Cluster* premises in Queanbeyan. They are requesting a letter of support from Council to submit with their expression of interest.

Risk/Policy/Legislation Considerations

If the project is successful from a funding perspective, it will need to comply with all relevant Council policies and legislation, including planning and zoning regulations.

Financial, Budget and Resource Implications

No financial request is being made at this stage. If the Expression of Interest leads to a Request for Tender, the partnership may seek further assistance including waiving development application fees or other financial incentives. This can be reviewed and evaluated at that time.


Links to QPRC/Regional Strategic Plans

Community Strategic plan – 1.2	Our health, wellbeing and resilience is supported by strong partnerships and access to services
Delivery Program 1-2	Inclusion and accessibility are enhanced through access to community and support services for those that need them.
Operational Plan – Strategic Pillar 1	A safe, harmonious, happy and healthy community leading fulfilled lives.

Conclusion

The partnership provides expertise in both construction and management of this specialised accommodation and is worthy of support from Council for its initial expression of interest which is shortly due for submission. Further support, if requested, can be considered as the project matures.

Attachments

Attachment 1  Corporate Proposal QPRC Housing Plus & Molonglo Support Services
(Under Separate Cover)

File Reference: 52.5.4

Recommendation

That:

1. Council place the following Policies on public exhibition for 28 days:
 - a. Equal Employment Opportunity Policy
 - b. Workplace Surveillance Policy
 - c. Complaint Management Policy
 - d. Development adjacent to Water, Sewer and Stormwater Mains Policy
 - e. Enterprise Risk Management Policy
 - f. Directional Signage Policy
 2. If no submissions are received, the policies be adopted.
-

Summary

The attached Policies have undergone a review by the relevant business units and as a result, some amendments have been made. The intent of the Policies as they currently exist has not changed, but rather reflects updated best practice and timely revisions.

Implications

Policy

Changes made to the policies as part of this review process are outlined below:

Equal Employment Opportunity (EEO) Policy - This Policy was previously a Queanbeyan City Council policy, with its last review in June 2013, and had never been harmonised into a QPRC Policy. A draft EEO Policy was presented to the former Council in mid-2021, however Council resolved to defer the Policy until after the election. The revised Policy has been based on an example policy developed by Local Government NSW and has been reviewed by Council's Diversity and Inclusion Group. The Policy refers to the EEO and Diversity Management Plan. This document has been developed and endorsed by Executive. The Plan is an internal document.

Workplace Surveillance Policy - The current Workplace Surveillance Policy was initially adopted in 2018. Many of the changes in the revised Policy reflect that the Policy has been in place for four years, with a number of clauses relating to the implementation of the new Policy being removed. Some other minor changes to reflect changes in technology and systems.

Complaint Management Policy - Policy reviewed. No changes made

9.4 Reviewed Policies (Ref: ; Author: Monaghan/Flint) (Continued)**Development Adjacent to Water, Sewer and Stormwater Mains Policy –**

1. Recognition of an “implied easement” over all water, sewer, stormwater assets granted under s59A of the LG Act. This means that under the policy all existing utilities assets will have a minimum 3.0m wide “easement” over them, regardless of whether they have an easement registered on the title. Note that this does not override or affect an easement shown on a deposited plan/certificate of title.
2. To protect community infrastructure, the default position for any development/construction is now “not permitted” and only those works specifically mentioned in the policy will be permitted. The requirements for permission are consistent with the previous policy
3. The previous allowance to construct commercial/industrial buildings over Council assets is removed







Enterprise Risk Management Policy – The focus of this policy is to demonstrate Council’s commitment to developing, maintaining, embedding and continually improving the way in which risks are managed. Minor changes were made to the Risk Management Policy in 2020. This revised policy moves further towards embedding risk management practices across strategy setting and project implementation to everyday operational activities. It aligns the consideration of risks with the practice of managing outcomes and achieving organisational objectives.

Directional Signage Policy – Removal of reference to Street Banners and Sails (clause 5.8) given the new *Street Banners and Sails Policy*, requirement for a Section 138 permit to be acquired in clause 5.13.3 of the Policy.

Conclusion

Within 12 months of an election, Council must review all Policies. This process is underway and it is recommended that revised versions of these four Policies be exhibited for public comment before being formally re-adopted.

Attachments

- | | |
|--|---|
|  Attachment 1 | Equal Employment Opportunity Policy (<i>Under Separate Cover</i>) |
|  Attachment 2 | Workplace Surveillance Policy (<i>Under Separate Cover</i>) |
|  Attachment 3 | Complaint Management Policy (<i>Under Separate Cover</i>) |
|  Attachment 4 | Development Adjacent to Water Sewer and Stormwater Mains Policy (<i>Under Separate Cover</i>) |
|  Attachment 5 | Enterprise Risk Management Policy (<i>Under Separate Cover</i>) |
|  Attachment 6 | Directional Signage Policy (<i>Under Separate Cover</i>) |

9.5 Investment Policy Review 2022 (Ref: ; Author: Hansen/Drayton)

File Reference: 43.1.1-09

Recommendation

That Council place the draft Investment Policy on public exhibition for 28 days and if no submissions are received the policy be adopted.

Summary

The Investment Policy was last adopted on 28 July 2021 and is due for review.

The policy review has recommended one change to the policy portfolio limit, reducing the maximum TCorp counterparty limit to 20%, and has included recognition of the value of non-financial performance indicators that prioritise environmentally and socially responsible investments.

Background

The Office of Local Government Investment Policy Guidelines require the annual review of Council's investment Policy, which was last adopted at the 28 July 2021 Council meeting.

This review was conducted by Council staff in consultation with Council's investment adviser, Laminar Capital. Consideration to NSW Treasury Corporation's (TCorp's) balanced investment framework was given as compliance with the framework secured the June 2021 loan funding and is a requirement of Council's loan agreement.

Implications

Legal

Council investments fully comply with Section 625 of the Local Government Act 1993 and clause 212 of the Local Government General Regulations 2021.

The Investment Policy was prepared in accordance with the Office of Local Government Investment Policy Guidelines (May 2010). There have been no legislative changes or new guidance notes issued regarding Council's investments since the previous policy was adopted in July 2021.

Policy

The Investment Policy will continue to be reviewed annually, with the attached policy next due for review in June 2023.

Other points of note from this review outside the mandatory compliance with legislation, regulations and ministerial orders is the addition of 6.6 Sustainable Investing. This supports the delivery of Council's Community Strategic Plan to achieve a sustainable local region. Council preferences investment securities and financial institutions that take responsibility for their economic, environmental, social and governance impacts.

Financial

None of the recommended changes within the policy would be expected to have any material impact on investment return.

Conclusion

The Investment Policy:

- has been reviewed by Council staff in conjunction with Council's investment advisor, Laminar Capital.
- complies with Legislation, Regulations and Ministerial Orders.
- was structured to align with NSW Treasury Corporation's balanced investment framework.
- continues to allow Council staff to invest Council's surplus available funds in short-term and long-term authorised investments.

Attachments

Attachment 1 Draft Investment Policy 2022-23 (*Under Separate Cover*)



10.1 Exclusion of Item of Business from 27 July 2022 Business Paper (Ref: ;
Author: Hansen/Hansen)

File Reference: 52.5.2-02

Recommendation

That the report be received for information.

Report

In accordance with Council's Code of Meeting Practice, Council is advised that Item 9.1 of the agenda for the Meeting of Council held 27 July 2022 was withdrawn by the Acting CEO prior to the meeting.

Attachments

Nil

File Reference: 10 August 2022 reports

Recommendation

That the report be received for information.

Synopsis

Council at its meeting on 23 February 2022 resolved (*Resolution No 093/22*) to publish details of Councillor workshops in the Agenda of the next Council meeting.

Report

During the period 21 July to 3 August 2022, the following workshops were held:

Date	Agenda Items	External Presenter/s (if applicable)
02/08/2022	Domestic and Family Violence Support Service Tender Proposal Organisational Service Review Q&A / Hot Topics	Janette Dale from Molonglo Support Services and David Fisher from Housing Plus Stephen Bunting from Morrison Low
03/08/2022	Bunyip Drive/Old Cooma Road Intersection – Third Googong Access Road Edwin Land Parkway Noise Report EDE Post Construction Noise Report Dunns Creek Road Studies Update Policies for review next meeting Q&A / Hot Topics	N/A

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*.