



# **Planning and Strategy Committee of the Whole**

## **AGENDA**

**8 November 2017**

**Commencing at 5.30pm**

**Council Chambers  
253 Crawford St, Queanbeyan**



**On-site Inspections - Nil**

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

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

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

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Nil

**LIST OF ATTACHMENTS –**

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

**Open Attachments**

- Item 4.1 Development Application 345-2017 - 17 Feagan Street - Erection of a Single Storey Dwelling House  
*Attachment 1 DA 345-2017 - Section 79C(1) Table - Matters for Consideration - 17 Feagan Street, Googong (Under Separate Cover)*  
*Attachment 3 DA 345-2017 - Draft Conditions - 17 Feagan Street, Googong (Under Separate Cover)*
- Item 4.2 Development Application DA.2016.192 - Proposed Eco-Tourist Facility - Lot 39 and 40 DP754886 Gumms Road, Harolds Cross  
*Attachment 1 DA.2016.192 - Gumms Road Harolds Cross - Section 79C(1) Table - Matters for Consideration (Under Separate Cover)*  
*Attachment 2 DA.2016.192 - Gumms Road Harolds Cross - Site Plan (Dwelling) (Under Separate Cover)*  
*Attachment 4 DA.2016.192 - Gumms Road Harolds Cross Site Plan (Cabins) (Under Separate Cover)*  
*Attachment 6 DA.2016.192 - Submissions (Under Separate Cover)*
- Item 4.3 Development Application DA.2017.050 - New Dwelling - 867 Butmaroo Road, Mulloon  
*Attachment 1 DA.2017.050 - 867 Butmaroo Road, Mulloon - Section 79C(1) Table - Matters for Consideration (Under Separate Cover)*  
*Attachment 3 DA.2017.050 - 867 Butmaroo Road, Mulloon - Conditions of Consent (Under Separate Cover)*
- Item 4.4 Modification Application - MOD.2017.064 - Relocation of Reception Building and Carpark - Carrington Inn - 55-59 Ellendon Street, Bungendore  
*Attachment 1 MOD.2017.064 - Modification of DA.2016.163 - 55-59 Ellendon Street Bungendore - Section 79C(1) Table - Matters for Consideration (Under Separate Cover)*  
*Attachment 3 MOD.2017.064 - Submission Carrington Development (Under Separate Cover)*

- Item 4.5 Guidelines for Reporting Development Applications to Council  
*Attachment 1 Guidelines for Referral of Development Applications to Council and Independent Assessment of Development Applications (Under Separate Cover)*
- Item 4.8 Bungendore Entrance Signage and CBD Wayfinding Signage  
*Attachment 1 Bungendore CBD Enhancement Community Engagement Report (Under Separate Cover)*  
*Attachment 2 Survey Report - Bungendore Signage and Street Furniture (Under Separate Cover)*
- Item 5.2 Planning Proposal - Housekeeping Amendments to Queanbeyan Local Environmental Plan 2012  
*Attachment 1 Planning Proposal (Under Separate Cover)*  
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*Attachment 3 Map Illustrating Current and Correct Flood Planning Maps (Under Separate Cover)*
- Item 5.3 Amendment to Queanbeyan Development Control Plan 2012  
*Attachment 1 Redacted copy of Submission -Amendment to Queanbeyan Development Control Plan 2012 (Under Separate Cover)*  
*Attachment 2 Comprehensive Development Control Plan 2012 - Combined Table of Contents November 2017 (Under Separate Cover)*  
*Attachment 3 Section A Part 1 - Queanbeyan Development Control Plan 2012 - November 2017 (Under Separate Cover)*  
*Attachment 4 Part 2 - All Zones - Queanbeyan Development Control Plan 2012 - November 2017 (Under Separate Cover)*  
*Attachment 5 Part B 3a - Residential Zones - Queanbeyan Development Control Plan 2012 -November 2017 (Under Separate Cover)*  
*Attachment 6 Part 3b - Secondary Dwellings in Residential Zones - Queanbeyan Development Control Plan 2012 - November 2017 (Under Separate Cover)*  
*Attachment 7 Part 3 C - Dual Occupancies, Multi Dwelling Housing and Residential Flat Buildings Queanbeyan Development Control Plan 2012 - November 2017 (Under Separate Cover)*  
*Attachment 8 Part 3d - Shop Top Housing - Queanbeyan Development Control Plan 2012 - November 2017 (Under Separate Cover)*  
*Attachment 9 Part 4 - Heritage and Conservation - Queanbeyan Development Control Plan - November 2017 (Under Separate Cover)*  
*Attachment 10 Part 5 Queanbeyan Development Control Plan 2012 - DELETED Local Area Provisions - November 2017 (Under Separate Cover)*  
*Attachment 11 Part 6 - Rural, Environmental and R5 Large Lot Residential - Queanbeyan Development Control Plan 2012 - Section B Part 6 - Rural and Environmental Zones - November 2017 (Under Separate Cover)*

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

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*Attachment 12 Section B Part 7 - Central Business District - Queanbeyan Development Control Plan 2016 - November 2017 (Under Separate Cover)*

*Attachment 13 Section B Part 8 - Industrial Zones Queanbeyan Development Control Plan 2012 - November 2017 (Under Separate Cover)*

**Item 5.4 Proposed Amendments to South Jerrabomberra Development Control Plan (DCP) 2015**

*Attachment 1 Attachment A - Proposed Neighbourhood Structure Plans South Jerrabomberra (Under Separate Cover)*

*Attachment 2 Attachment B - Amended South Jerrabomberra DCP 2015 - Table of Contents (Under Separate Cover)*

*Attachment 3 Attachment C - Amended South Jerrabomberra DCP 2015 - Parts 1 and 2 (Under Separate Cover)*

*Attachment 4 Attachment D - Amended South Jerrabomberra DCP 2015 Part 3 (Under Separate Cover)*

*Attachment 5 Attachment E - Amended South Jerrabomberra DCP 2015 - Parts 4 and 5 (Under Separate Cover)*

*Attachment 6 Attachment F - Amended South Jerrabomberra DCP 2015 Part 6 (Under Separate Cover)*

*Attachment 7 Attachment G - Amended South Jerrabomberra DCP 2015 Part 7 (Under Separate Cover)*

*Attachment 8 Attachment H - Amended South Jerrabomberra DCP 2015 Part 8 (Under Separate Cover)*

*Attachment 9 Attachment I - Amended South Jerrabomberra DCP 2015 - Appendix 3 (Under Separate Cover)*

**Item 5.5 Minor amendment - Section 94 Development Contributions Plan No 11 for the provision of public off-street carparking at Bungendore**

*Attachment 1 Draft Amendment No. 2 Section 94 Development Contributions Plan No 11 for the Public Off-Street Carparking at Bungendore (Under Separate Cover)*

**Item 6.1 Information Forums - Crown Lands Management Act 2016**

*Attachment 1 Local Councils Update 1 - Crown Lands Management Act 2016 (Under Separate Cover)*

*Attachment 2 Local Council's Update 2 - Crown Land Management Act 2016 (Under Separate Cover)*

**Closed Attachments**

- Item 4.1    Development Application 345-2017 - 17 Feagan Street - Erection of a Single Storey Dwelling House  
*Attachment 2    DA 345-2017 - Architectural Plans - 17 Feagan Street, Googong (Under Separate Cover)*
- Item 4.2    Development Application DA.2016.192 - Proposed Eco-Tourist Facility - Lot 39 and 40 DP754886 Gumms Road, Harolds Cross  
*Attachment 3    DA.2016.192 - Gumms Road Harolds Cross - Dwelling Plans (Under Separate Cover)*  
*Attachment 5    DA.2016.192 - Gumms Road Harolds Cross - Cabin Plans (Under Separate Cover)*  
*Attachment 7    DA.2016.192 - Applicants Submission (Under Separate Cover)*
- Item 4.3    Development Application DA.2017.050 - New Dwelling - 867 Butmaroo Road, Mulloon  
*Attachment 2    DA.2017.050 - 867 Butmaroo Road, Mulloon - Plans (Under Separate Cover)*
- Item 4.4    Modification Application - MOD.2017.064 - Relocation of Reception Building and Carpark - Carrington Inn - 55-59 Ellendon Street, Bungendore  
*Attachment 2    MOD.2017.064 - Modification of DA.2016.163 - 55-59 Ellendon Street - Drainage Plans (Under Separate Cover)*





**ITEM 3     DECLARATION OF CONFLICTS/PECUNIARY INTERESTS**

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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.**



4.1 Development Application 345-2017 - 17 Feagan Street - Erection of a Single Storey Dwelling House (Ref: C17160381; Author: Thompson/Dixon)

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**Summary**

This application has been referred to Council because the subject site is in ownership of a Senior Council officer being the General Manager.

Proposal:	Erection of a dwelling house
Applicant/Owner:	Vogue Constructions/ Mr Peter Tegart and Ms Cherie Enders
Subject Property:	Lot 557 DP 1223479, 17 Feagan Street, Googong
Zoning and Permissibility:	R1 General Residential under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Nil
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

**That Council grant conditional approval to development application 345-2017 on the basis that it is compliant with all sections of the Queanbeyan Local Environmental Plan 2012, the relevant sections of the Queanbeyan Development Control Plan 2012 and Part 6 of the Googong Development Control Plan.**

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**Background**

The development application is for the erection of a single storey dwelling house with a total floor area of 196.7m<sup>2</sup>. The proposal meets all sections of the relevant legislation and Council polices and does not propose any variations.

***Subject Site and Locality***

The subject site has an area of 420m<sup>2</sup> and is within the Googong Township area. It is relatively flat and an existing vehicle kerb crossing is available for access.

***Planning Requirements***

Assessment of the application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

#### 4.1 Development Application 345-2017 - 17 Feagan Street - Erection of a Single Storey Dwelling House (Ref: C17160381; Author: Thompson/Dixon) (Continued)

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

1. State Environmental Planning Policy No 55 – Remediation of Land, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and State Environmental Planning Policy (Infrastructure) 2007.
2. Queanbeyan Local Environmental Plan 2012 (LEP).
3. Queanbeyan Development Control Plan 2012
4. Googong Development Control Plan

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

#### **Financial Implications**

Section 94 and 64 contributions are not applicable to the proposed development.

#### **Engagement**

The proposal required notification under Queanbeyan DCP 2012. No submissions were received.

#### **Conclusion**

The submitted proposal for a dwelling house on Lot 557 DP 1223479, 17 Feagan Street, Googong is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

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

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

#### **Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | DA 345-2017 - Section 79C(1) Table - Matters for Consideration - 17 Feagan Street, Googong ( <i>Under Separate Cover</i> ) |
| Attachment 2 | DA 345-2017 - Architectural Plans - 17 Feagan Street, Googong ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>        |
| Attachment 3 | DA 345-2017 - Draft Conditions - 17 Feagan Street, Googong ( <i>Under Separate Cover</i> )                                 |

**4.2 Development Application DA.2016.192 - Proposed Eco-Tourist Facility - Lot 39 and 40 DP754886 Gumms Road, Harolds Cross (Ref: C17169414; Author: Thompson/Harlor)**

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**Summary**

***Reason for Referral to Council***

This application has been referred to Council as the assessment recommends refusal of the application, has potential impacts on setting precedents for future development and it is in the public interest to have the matter considered by Council.

Proposal:	Eco-tourist Facility
Applicant/Owner:	Owen Maguire
Subject Property:	Lots 39 & 40 DP754886, Gumms Road, Harolds Cross
Zoning and Permissibility:	RU1 Primary Production under Palerang Local Environmental Plan 2014
Public Submissions:	Four (4)
Issues Discussed:	Planning Requirements Dwelling Entitlement
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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- 1. That development application DA.206.192 for an eco-tourist facility at Lots 39 & 40 DP754886, Gumms Road, Harolds Cross be refused for the following reasons.**

**Reasons for Refusal:**

- (a) The subject site fails to satisfy the requirements of Clause 4.2A Erection of dwelling houses in certain rural, residential and environment protection zones of the Palerang Local Environmental Plan 2014 as it does not possess a dwelling entitlement. As such, Council is unable to grant consent to the proposed manager's residence (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).**
  - (b) The subject application was accompanied by insufficient information to satisfactorily establish the proposed development's compliance with the requirements of Clause 5.13 Eco-tourist facilities of the Palerang Local Environmental Plan 2014. As such, Council is unable to grant consent to the proposed Eco-tourist facility (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).**
  - (c) The subject application was accompanied by insufficient information to determine the likely impacts of the development upon the natural and built environment (Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).**
  - (d) By contravening development standards established under the Palerang Local Environmental Plan 2014 the proposed development is contrary to the**
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**4.2 Development Application DA.2016.192 - Proposed Eco-Tourist Facility - Lot 39 and 40 DP754886 Gumms Road, Harolds Cross (Ref: C17169414; Author: Thompson/Harlor) (Continued)**

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public interest (Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979).

2. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
  3. That the NSW Rural Fire Service be forwarded a copy of Council's Notice of Determination.
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## **Background**

### ***History of the Site***

The site consists of two original portions that do not (individually or combined) have building entitlements as they were part of a greater holding.

A search of Council records indicates a subdivision certificate for a boundary adjustment undertaken under the Exempt Development provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 was released by Council in 2014 under SDC.2014.002. This Subdivision certificate is yet to be registered.

### ***Proposed Development***

The subject development application seeks approval to construct and operate an Eco-tourist facility including a caretakers dwelling upon the site. The specific elements of the proposal are as follows:

- Installation of two (2) manufactured cabins each including two (2) bedrooms, a bathroom, living area and kitchen to the north of the site;
- Installation of solid fuel heaters within each proposed cabin
- Construction of a two (2) storey, two (2) bedroom manager's residence located to the south of the site; and
- Installation of two (2) onsite sewage management systems.

Note: the initial proposal included the installation of a third manufactured cabin within close proximity of the proposed dwelling however, this structure was deleted in subsequent amendments to the proposal.

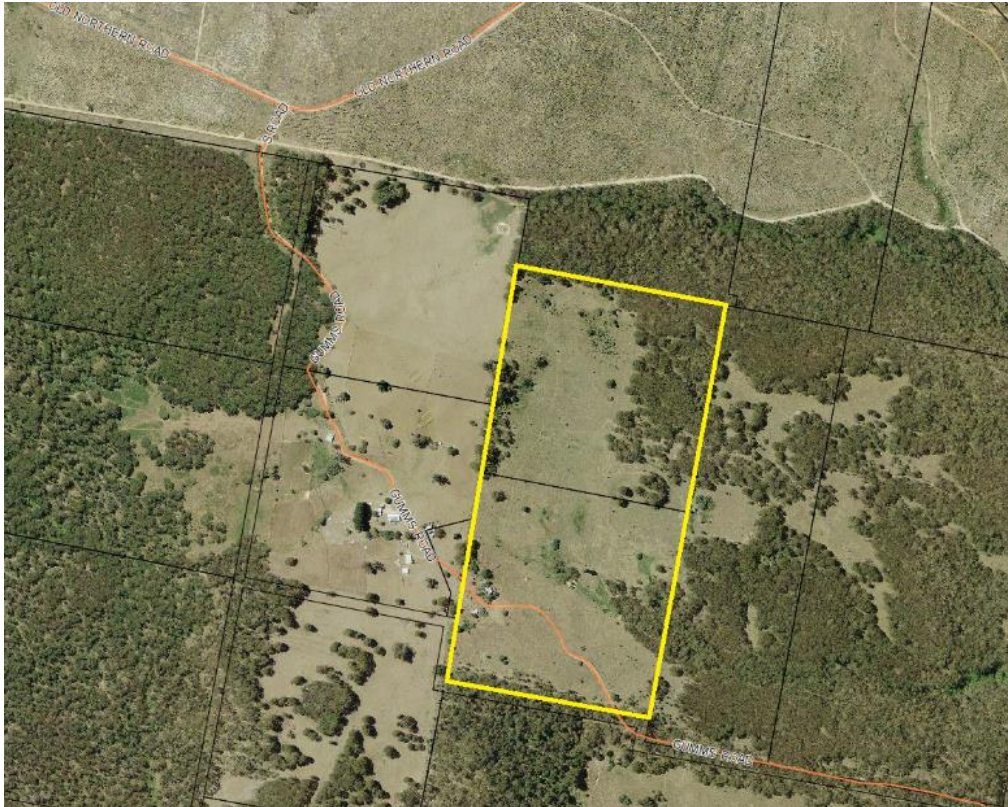
### ***Subject Property***

The subject site consists of two lots, Lot 38 & Lot 39 of DP 754886, with a combined site area of 32.08Ha. The subject site is accessed by Gumms Road, which runs through a number of properties including the subject site (Refer Figure 1).

The site contains slopes ranging from 5-15 degrees with a significant drainage line running west to east through the middle of current lot 38. Vegetation upon the site consists predominantly of open grassland with pockets of regrowth woodland along the site's eastern boundary. Areas of woodland vegetation are also present upon the surrounding lots on the northern, eastern and southern boundaries.

4.2 Development Application DA.2016.192 - Proposed Eco-Tourist Facility - Lot 39 and 40 DP754886 Gumms Road, Harolds Cross (Ref: C17169414; Author: Thompson/Harlor) (Continued)

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**Figure 1 - Yellow outline – Subject Property**

### ***Planning Requirements***

Assessment of the application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(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 (Building Sustainability Index (BASIX)) 2004
2. State Environmental Planning Policy No. 55 – Remediation of Land
3. State Environmental Planning Policy (Rural Lands) 2008
4. State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
5. Palerang Local Environmental Plan 2014 (PLEP).
6. Palerang Development Control Plan 2015 (PDCP)

**4.2 Development Application DA.2016.192 - Proposed Eco-Tourist Facility - Lot 39 and 40 DP754886 Gumms Road, Harolds Cross (Ref: C17169414; Author: Thompson/Harlor) (Continued)**

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The significant issues relating to the proposal for Council's consideration are:

**(a) Compliance with SEPP (BASIX)**

The subject application is accompanied by a BASIX Certificate (753365S) identifying the proposed managers residence as satisfying the relevant provisions of the BASIX scheme.

**(b) Compliance with SEPP 55 – Remediation of Land**

An assessment of the proposed development against the relevant provisions of SEPP 55 found the subject site to be suitable in its current state for the purpose of the proposed development. See attached *Section 79C(1) Table – Matters for Consideration* (Attachment 1) for detailed assessment.

**(c) Compliance with SEPP (Rural Lands)**

The proposed development resulting in no significant impacts upon surrounding land uses satisfies the relevant development standards of SEPP (Rural Lands). See attached *Section 79C(1) Table – Matters for Consideration* (Attachment 1) for detailed assessment.

**(d) Compliance with SEPP (Sydney Drinking Water Catchment)**

A NorBE assessment found the proposed development to have neutral effect upon water quality within the drinking water catchment. As such, the proposed development satisfies the relevant provisions of SEPP (Sydney Drinking Water Catchment). See attached *Section 79C(1) Table – Matters for Consideration* (Attachment 1) for detailed assessment.

**(e) Compliance with PLEP 2014**

The subject site is zoned RU1 Primary Production zone under the PLEP 2014. The use of the site for the purposes of an eco-tourist facility and dwelling houses is permissible with consent with the RU1 Primary production zone subject to compliance with the development standards established under Clause 4.2A and 5.13 of the PLEP 2014.

The proposed development fails to satisfy any of the development standards established under Clause 4.2A of the PLEP 2014 relating to the erection of dwelling houses on land in certain rural residential and environmental protection zones.

In addition the subject application was accompanied by insufficient information to suitably establish the proposed development as satisfying the above matters. It is unclear as to how a direct connection exists between the development and ecological, environmental and cultural values of the site or area, how the development promotes positive environmental impacts, and how the site will be protected to ensure the continued protection of natural resources. Further, the subject application was not accompanied by a management strategy for minimising and impact on the natural environment. As the proposed development has not satisfactorily addressed the matters outlined within Clause 5.13 of the PLEP 2014, Council is unable to grant consent to the proposed development.

**(f) Compliance with PDCP 2015**

The proposed development is generally consistent with the provisions of the PDCP 2015. See attached *Section 79C(1) Table – Matters for Consideration* (Attachment 1)



**4.2 Development Application DA.2016.192 - Proposed Eco-Tourist Facility - Lot 39 and 40 DP754886 Gumms Road, Harolds Cross (Ref: C17169414; Author: Thompson/Harlor) (Continued)**

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**(g) Other Matters***Ancillary development*

As the subject site does not possess a dwelling entitlement under the PLEP 2014, the proposed development relies upon the dwelling forming an ancillary component of the use of the site as an eco-tourist facility for permissibility. In determining the ancillary nature of development, the ancillary use must be subservient to the dominant/primary use of the site.

The Applicant has suggested a nexus exists between the dwelling and the use of the site as an eco-tourist facility in the need for ongoing property maintenance. The proposed dwelling is physically isolated from the proposed cabins and represents 37.8% of the total proposed gross floor area of the site. The scale of the proposed facility being for only two (2) x 2 bedroom cabins is considered unlikely to generate such additional demand for property maintenance that an onsite caretaker is required. As such, the proposed dwelling is considered to be of a scale beyond what could be considered as being subservient to the proposed tourist facility and therefore constitutes a land use in its own right. As such, the proposed dwelling is prohibited.

In seeking to justify the proposed residence the applicant made reference to a previously approved Manager's residence at 248 Little River Road, Braidwood. A review of Council records identified that this structure was approved in 2006 under the former Tallaganda Local Environmental Plan 1991 which included a development standard specific to dwellings ancillary to a use for which an allotment was created. As such, this approval establishes no precedent for the subject application.

It should be noted that Council officers held conversations with the Applicant regarding the potential to consider just the Eco-tourist component of the development, however the Applicant advised that they have no interest in removing the dwelling from the application and wish the application to be considered in its current form.

In summary Council is concerned that the proposal is utilising the permissibility of an Eco-tourist facility to create a de-facto dwelling entitlement on land where it would not otherwise be permitted.

**Other Comments(a) NSW Rural Fire Service**

The proposed development is classified as a "special fire protection purpose" under Section 100b of the Rural Fires Act 1997. As such the proposed development is defined as integrated development under Clause 91 of the Environmental Planning and Assessment Act 1979 and requires the concurrence of the NSW Rural Fire Service. General Terms of Approval were received from the NSW Rural Fire Service for the proposed development on 17 August 2017.

**(b) Building Surveyor's Comments**

Council's Building Surveyor raised no objection to the proposal subject to compliance with the recommendations contained within the On-site Sewage Management System Report prepared by Andrew Cassim.

**(c) Development Engineer's Comments**

Council's Development Engineer raised no objection to the proposed development subject to the construction to Council's standards of new vehicular access points and internal access roads from Gumms Road to the two (2) proposed development areas upon the site.

**4.2 Development Application DA.2016.192 - Proposed Eco-Tourist Facility - Lot 39 and 40 DP754886 Gumms Road, Harolds Cross (Ref: C17169414; Author: Thompson/Harlor) (Continued)**

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**Engagement**

The proposal required notification under Part E of the PDCP 2015. The application was initially notified and advertised from the 21 December 2016 to 18 January 2017 and then subsequently renotified from 17 February 2017 to 3 March 2017 following amendments to the proposal. Three (3) submissions were received during the initial notification period and a further one (1) submission during the second notification period. These submissions raised concerns in relation to traffic/access impacts, loss of amenity, suitability of effluent disposal measures, risk to property, suitability of proposed uses and environmental impacts. These matters are discussed in detail within the attached *Section 79C(1) Table – Matters for Consideration* (Attachment 1).

**Compliance or Policy Implications**

The approval of the proposed manager's residence as an ancillary component to the use of the site as an eco-tourist facility would establish an undesirable precedent under the Palerang Local Environmental Plan 2017 for the approval of dwelling houses upon allotments which do not otherwise possess a dwelling entitlement. As such, it is recommended that the application not be supported.

**Conclusion**

The submitted proposal for the use of the site as an eco-tourist facility and manager's residence on Lots 38 and 39 DP754886, Gumms Road, Harolds Cross has been assessed under Section 79C *Environmental Planning & Assessment Act* 1979 including the relevant provisions of State Environmental Planning Policy (Rural Lands) 2008, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, *Palerang Local Environmental Plan 2014* and Palerang Development Control Plan 2015.

The development does not satisfy the requirements the Palerang Local Environmental Plan 2014 in that the site fails to satisfy the requirements of Clause 4.2A relating to the construction of dwelling houses in certain rural, residential and environmental protection zones and as such does not possess a dwelling entitlement and insufficient information accompanied the application to determine its compliance with Clause 5.13 Eco-tourist facilities. Accordingly, it is recommended that the subject application be refused.

**Attachments**

Attachment 1	DA.2016.192 - Gumms Road Harolds Cross - Section 79C(1) Table - Matters for Consideration ( <i>Under Separate Cover</i> )
Attachment 2	DA.2016.192 - Gumms Road Harolds Cross - Site Plan (Dwelling) ( <i>Under Separate Cover</i> )
Attachment 3	DA.2016.192 - Gumms Road Harolds Cross - Dwelling Plans ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>
Attachment 4	DA.2016.192 - Gumms Road Harolds Cross Site Plan (Cabins) ( <i>Under Separate Cover</i> )
Attachment 5	DA.2016.192 - Gumms Road Harolds Cross - Cabin Plans ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>
Attachment 6	DA.2016.192 - Submissions ( <i>Under Separate Cover</i> )
Attachment 7	DA.2016.192 - Applicants Submission ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>

4.3 Development Application DA.2017.050 - New Dwelling - 867 Butmaroo Road,  
Mulloon (Ref: C17169423; Author: Thompson/Harlor)

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**Summary**

***Reason for Referral to Council***

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

Proposal:	New two (2) storey dwelling
Applicant/Owner:	Mr Richard Graham
Subject Property:	Lot 11 DP1130078, 867 Butmaroo Road, Mulloon
Zoning and Permissibility:	RU1 Primary Production under Palerang Local Environmental Plan 2014
Public Submissions:	Nil
Issues Discussed:	Planning Requirements Clause 4.6 Variation – Building Height
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

- 1. That approval be granted under Clause 4.6 of the Palerang Local Environmental Plan 2014 to a 1.57m or 15.7% variation to the Clause 4.3 – Height of buildings development standard of the Palerang Local Environmental Plan 2014 for the following reasons:**
    - (a) The additional building height accommodates the proposed basement structure that removes the need for an expanded building footprint while accommodating the operational needs of the existing agricultural practices undertaken upon the site;**
    - (b) Strict compliance with the development standard serves no practical planning purpose as the impacts of the dwelling are no greater than that of a compliant structure; and**
    - (c) The proposed building is appropriately sited below ridge lines so as to minimise visual prominence within the visual catchment of surrounding dwelling houses which are located more than 2.8km from the proposed dwelling site.**
  - 2. That development application DA.2017.050 for the construction of a two (2) storey dwelling house and secondary dwelling at, 867 Butmaroo Road, Mulloon be granted conditional approval.**
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**4.3 Development Application DA.2017.050 - New Dwelling - 867 Butmaroo Road, Mulloon (Ref: C17169423; Author: Thompson/Harlor) (Continued)**

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**Background**

A former dwelling upon the subject site was destroyed as a result of a recent bushfire. The subject application seeks to reinstate a dwelling upon the subject site, but in an alternate location for that of the former dwelling.

***Proposed Development***

The subject development application seeks approval for the construction of a two (2) storey dwelling with basement parking and internal lift access. The specific elements of the proposal are as follows:

- Basement level comprising:
  - Four (4) parking spaces;
  - Workshop;
  - Laundry;
  - Bin storage area
  - Two (2) WC;
  - Storage area;
  - Pantry;
  - Housekeeper's residence including bedroom, bathroom and livings areas; and
  - Plant room
- Ground floor comprising:
  - Entry;
  - Reception;
  - Library;
  - Family/ dining room;
  - Kitchen;
  - Bar;
  - Formal Lounge;
  - Formal Dining; and
  - Two (2) deck areas
- First floor comprising:
  - Gallery;
  - Three (3) bedrooms each with an ensuite and private balcony;
  - Linen cupboard with cleaner's facilities;
  - Bar; and
  - Audio visual room;
- Associated landscaping, and plumbing and drainage works.

**4.3 Development Application DA.2017.050 - New Dwelling - 867 Butmaroo Road, Mulloon (Ref: C17169423; Author: Thompson/Harlor) (Continued)**

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- Access is proposed to be obtained to the dwelling site via an existing right of carriage way from Mulloon Road over Lot 4 DP1171425, Lot 1 DP1225093 and Lot 4 DP1171425. The subject site also features existing secondary access from Butmaroo Road to the south of the site.

The subject application also seeks approval under Section 68 of the Local Government Act 1993 for the installation of two (2) solid fuel heaters, and to install and operate an onsite sewage management system.

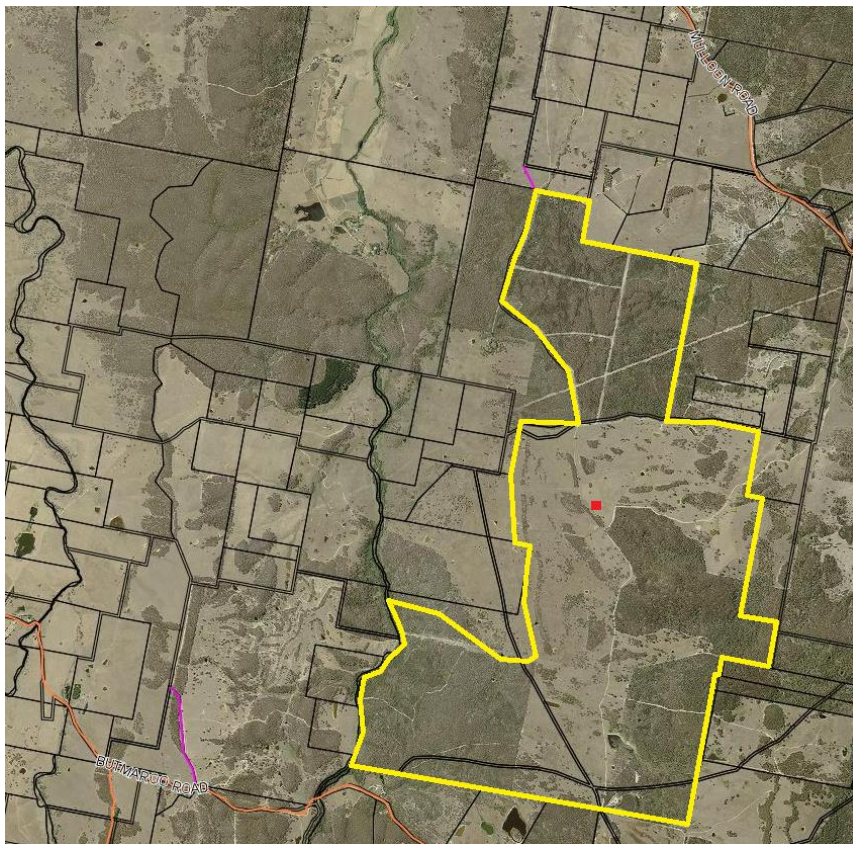
**Note:** The proposed dwelling incorporates a house keeper's residence that meets the definition of a dwelling under the Palerang Local Environmental Plan 2014. As such, for the purposes of this assessment the housekeeper's residence has been assessed against the relevant provisions for a secondary dwelling.

**4.3 Development Application DA.2017.050 - New Dwelling - 867 Butmaroo Road, Mulloon (Ref: C17169423; Author: Thompson/Harlor) (Continued)*****Subject Property***

The subject site consists of Lot 11 DP 1130078, with a site area of 940.6Ha. The subject site is accessed by existing rights of carriageway from Mulloon Road over Lot 4 DP1171425, Lot 1 DP1225093 and Lot 4 DP1171425 (Refer Figure 1).

The subject site is undulating with the proposed dwelling located on an existing level pad located mid-slope on a northern eastern facing slope. A set of cattle yards and associated infrastructure are located to the west of the dwelling site in the adjoining paddock which is separated from the site by a stand of woodland vegetation.

Vegetation upon the site consists of a mixture of open grassland, woodland and dry forest vegetation. The proposed dwelling site is located within an area of improved pasture which has been the subject of historical grazing practices upon the site. No tree removal will be necessary for the purposes of the proposed development.



**Figure 1 - Yellow outline – Subject Property – Dwelling site shown in red**

***Planning Requirements***

Assessment of the application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

**4.3 Development Application DA.2017.050 - New Dwelling - 867 Butmaroo Road, Mulloon (Ref: C17169423; Author: Thompson/Harlor) (Continued)**

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

1. State Environmental Planning Policy (Building Sustainability Index (BASIX)) 2004
2. State Environmental Planning Policy (Rural Lands) 2008
3. State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
4. Palerang Local Environmental Plan 2014 (PLEP).
5. Palerang Development Control Plan 2015 (PDCP)

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

**(a) Compliance with SEPP (BASIX)**

The subject application is accompanied by a BASIX Certificate (844534S) identifying the proposed development as satisfying the relevant provisions of the BASIX scheme.

**(b) Compliance with SEPP (Rural Lands)**

The proposed development results in no significant impacts upon surrounding land uses and satisfies the relevant development standards of SEPP (Rural Lands). See attached *Section 79C(1) Table – Matters for Consideration*.

**(c) Compliance with SEPP (Sydney Drinking Water Catchment)**

A NorBE assessment found the proposed development to have neutral effect upon water quality within the drinking water catchment. As such, the proposed development satisfies the relevant provisions of SEPP (Sydney Drinking Water Catchment). See attached *Section 79C(1) Table – Matters for Consideration (Attachment 1)* for detailed assessment.

**(d) Compliance with PLEP 2014**

The subject site is zoned RU1 Primary Production zone under the PLEP 2014. The use of the site for the purposes of a dwelling house and secondary dwelling are permissible with consent within the RU1 Primary production zone subject to compliance with the development standards established under Clauses 4.2A and 5.4(9) of the PLEP 2014 See attached *Section 79C(1) Table – Matters for Consideration* for detailed assessment.

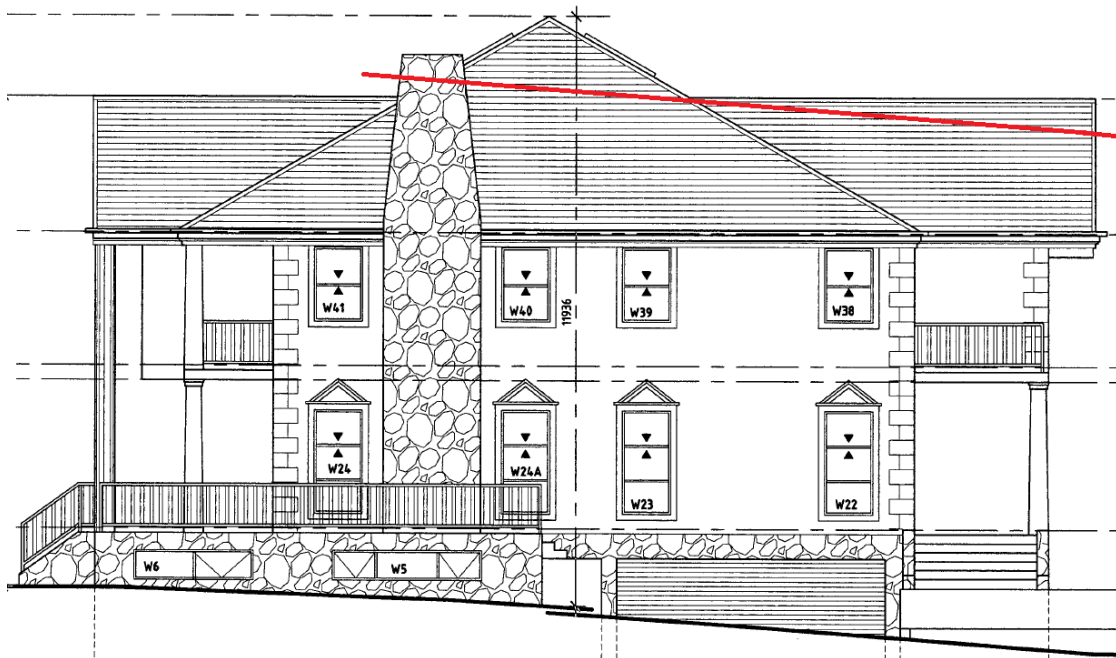
The proposed dwelling having a height of 11.57m exceeds the 10m maximum permissible height for the site established under Clause 4.3 – Height of buildings of the PLEP 2014. In recognition of this non-compliance the subject application was accompanied by a written request prepared in accordance with Clause 4.6 of the PLEP 2014, to vary the development standard. An assessment of this request against the provisions of Clause 4.6 of the PLEP 2014 follows:

4.3 Development Application DA.2017.050 - New Dwelling - 867 Butmaroo Road, Mulloon (Ref: C17169423; Author: Thompson/Harlor) (Continued)

*Clause 4.6 Exceptions to Development Standards*

Under Clause 4.6 of the PLEP 2014, the consent authority may consider a variation, where that variation would achieve a better outcome.

As previously discussed, the proposed development fails to comply with the maximum building height development standard permitted under Clause 4.3 of the PLEP 2014. The area of non-compliance relates to a non-habitable portion of the roof structure (See Figure 2 below).



**Figure 2 – Proposed South East Elevation – Height limit shown in red**

Clause 4.6(3) of the SLEP 2012 states the following:

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

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

The applicant has provided a written request that seeks to justify the proposed contravention of the maximum building height development standard on the following grounds:

- The additional building height accommodates the proposed basement structure that removes the need for an expanded building footprint while accommodating the operational needs of the existing agricultural practices undertaken upon the site;
- Strict compliance with the development standard serves no practical planning purpose as the impacts of the dwelling are no greater than that of a compliant structure; and
- The proposed building is appropriately sited below ridge lines as to minimise visual prominence within the visual catchment of surrounding dwelling houses which are located more than 2.8km from the proposed dwelling site.



**4.3 Development Application DA.2017.050 - New Dwelling - 867 Butmaroo Road, Mulloon (Ref: C17169423; Author: Thompson/Harlor) (Continued)**

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Clause 4.6(4) of the PLEP 2012 states the following:

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

*(a) the consent authority is satisfied that:*

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

The applicant’s written request to justify the contravention of the building height standard adequately addresses the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is considered to provide sufficient substantive information on the environmental planning grounds relating to achieving the operational needs of the existing agricultural practices undertaken upon the site without resulting in any negative impact upon the amenity, views, solar access and privacy of surrounding dwellings.

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

The proposal is considered to be consistent with the objectives of the development standard which seek to enhance the natural character of the landscape, protect residential amenity, and manage visual impact in that:

- The proposed dwelling is appropriately sited below prominent ridge lines so as to minimise visual impacts;
- The proposed development results in no loss of residential amenity to any surrounding property; and
- The proposed dwelling results in no greater visual impacts than that of a compliant scheme.

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

- The proposed development relates to the existing use of the site for extensive agricultural activities;
- The proposed additional building height results in no greater impacts upon the natural environment than that of a compliant scheme; and
- The proposed additional building height results in no impacts likely to result in conflict within surrounding land uses.

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

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

In conclusion, the applicant’s written request to justify the contravention of the maximum building height development standard is considered to be well founded in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

**4.3 Development Application DA.2017.050 - New Dwelling - 867 Butmaroo Road, Mulloon (Ref: C17169423; Author: Thompson/Harlor) (Continued)**

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**(e) Other Matters**

*Section 94 Contributions* - are applicable to the proposed development under the Tallaganda Section 94 Contribution Plan No.3 – Roadworks and Tallaganda Section 94 Contribution Plan No.4 – Bushfire Control and Suppression. Suitable conditions of consent regarding the payment of contributions are recommended.

**Other Comments****(a) Building Surveyor's Comments**

Council's Building Surveyor raised no objection to the proposal subject to the provisions of laundry facilities within the secondary dwelling (house keeper's residence). This matter is to be addressed via a condition of consent.

**(b) Development Engineer's Comments**

Council's Development Engineer raised no objection to the proposed development subject to conditions relating to the payment of Section 94 contributions and the upgrading of the existing rights of carriageway and internal access roads to comply with Council's standards.

**Engagement**

In accordance with the requirements of Part E of the PDCP 2015 the subject modification application was notified from 30 August to 13 September 2017. No submissions were received within this period.

**Conclusion**

The submitted proposal for the construction of a two (2) storey dwelling and secondary dwelling on Lot 11 DP1130078, 867 Butmaroo Road, Mulloon has been assessed under Section 79C *Environmental Planning & Assessment Act* 1979 including the relevant provisions of State Environmental Planning Policy (Rural Lands) 2008, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

In consideration of the written request made by the applicant pursuant to Clause 4.6 of the *Palerang Local Environmental Plan 2014*, the consent authority is satisfied that the non-compliance with the development standard contained in Clause 4.3 height of buildings of the PLEP 2012 is well founded and that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts. As such, it is recommended that DA.2017.050 be approved subject to the attached conditions of consent (Refer Attachment 3 – Conditions of Consent.)

**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | DA.2017.050 - 867 Butmaroo Road, Mulloon - Section 79C(1) Table - Matters for Consideration ( <i>Under Separate Cover</i> ) |
| Attachment 2 | DA.2017.050 - 867 Butmaroo Road, Mulloon - Plans ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>                      |
| Attachment 3 | DA.2017.050 - 867 Butmaroo Road, Mulloon - Conditions of Consent ( <i>Under Separate Cover</i> )                            |

**4.4 Modification Application - MOD.2017.064 - Relocation of Reception Building and Carpark - Carrington Inn - 55-59 Ellendon Street, Bungendore (Ref: C17169406; Author: Thompson/Harlor)**

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**Summary**

***Reason for Referral to Council***

The original development application for the relocation of a reception building and carpark was determined at the Ordinary Meeting of Council on 25 January 2017 after receiving more than six (6) submissions. The proposed modification application revisits issues raised in the original assessment, including one (1) additional submission, and as such is referred to Council for consideration.

Proposal:	Modification of DA.2016.163 for the relocation of a carpark and reception building, erection of gazebo, covered walkways and underground storage tanks, so as to modify conditions relating to bitumen sealing of parking areas and onsite stormwater drainage arrangements .
Applicant/Owner:	Mr Richard Graham
Subject Property:	Lots 5-10, Section 24, DP758183, 55-59 Ellendon St, Bungendore
Zoning and Permissibility:	R1 General Residential Zone and B2 Local Centre Zone under Palerang Local Environmental Plan 2014
Public Submissions:	One (1) submission received
Issues Discussed:	Planning Requirements Objection to construction standard DCP Standards
Disclosure of Political Donations and Gifts:	Applicant Declared that a Donation or Gift to a Councillor or Staff has been paid (see attachment)

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**Recommendation**

- 1. That Council refuse Modification Application MOD.2017.064 to modify conditions relating to bitumen sealing of parking areas and onsite stormwater drainage arrangements imposed under DA.2016.163 for the following reasons:**

**Reasons for Refusal:**

- (a) The proposed development as modified fails to satisfy the requirements of Section 96(1A)(a) of the Environmental Planning and Assessment Act 1979 as the proposal would generate additional dust emissions and sedimentation of stormwater beyond what can be considered as being of minimal environmental impact (Section 96(1A)(a) of the Environmental Planning and Assessment Act 1979).**
  - (b) The proposed use of a 2% cement stabilised treatment of the existing decomposed granite surface treatment to car parking, internal roadway and forecourt areas fails to provide an appropriate wearing course contrary to the requirements of Section B7.1(5) of the Palerang Development Control Plan 2015 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).**
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**4.4 Modification Application - MOD.2017.064 - Relocation of Reception Building and Carpark - Carrington Inn - 55-59 Ellendon Street, Bungendore (Ref: C17169406; Author: Thompson/Harlor) (Continued)**

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**(c) The proposed development as modified resulting in additional environmental impacts beyond that of the parent consent and contravening local development controls is contrary to the public interest (Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979).**

- 2. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
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## **Background**

### ***History of the Site***

In 1983 the Carrington building received consent to operate as a restaurant (114/1983). In 1985 consent was granted for 10 accommodation suites and a reception area (202/1985). This development consent also required thirty carparks on-site to accommodate the traffic generated from the accommodation.

Further consent for the site was granted in 1988 (84/1988) which added 16 additional accommodation suites, an upgrade of the carpark and refurbishment of a cottage as the new reception area. A total of 57 carparks on-site (for both visitor and staff) were required as conditions of this consent.

In 1997 consent was granted for the addition of a conference room (176/1997). There was no requirement for additional parking as part of the conditions of consent for this development.

In 2012 an application was lodged with Council over 55, 57 and 59 Ellendon Street to change their use from residential to commercial, as the owner of the Carrington had purchased these properties and wanted to include them in the grounds of the Carrington Inn Motel (DA.2012.236). At the time of lodgement of the application, the proposal was permissible under the Yarrawlumla Local Environmental Plan 2002, but was not under the draft Palerang Local Environmental Plan. Due to the non-compliance with the draft instrument, the application was presented to Council for determination. The application was approved, subject to conditions of consent. Subsequent to this, the Council resolved to include motel accommodation as a permissible use within the R2 zone.

A modification application was lodged in 2016 (MOD.2016.004), which requested that one of the conditions of consent for the change of use application be amended. This related to condition 6 of the development consent which required the consolidation of all the lots associated with the Carrington complex into one single allotment, to recognise that the commercial approval applied to all the lots of land. The modification requested that the allotment that the Carrington building stood on, not be included in the requirement to consolidate all lots, as the building did not encroach on any of the boundaries and as the other parcels of land had approved commercial uses, it would not affect the change of use application.

**4.4 Modification Application - MOD.2017.064 - Relocation of Reception Building and Carpark - Carrington Inn - 55-59 Ellendon Street, Bungendore (Ref: C17169406; Author: Thompson/Harlor) (Continued)**

This modification was approved in April 2016. The consolidation of lots to recognise the commercial use over all the land (55, 57, 59 Ellendon Street Bungendore) as approved under MOD.2016.004 has been registered through the Land Titles Office. It is therefore considered that the use of the properties for commercial purposes (i.e. part of the Carrington complex grounds) has been established through the consent issued in 2012. To ensure that the consolidation is completed a condition is recommended in attachment 3.

In 2016 a development application was lodged with Council (DA.2016.163), which sought to relocate the reception building to a cottage towards the southern end of the development, relocate the car park, construct a gazebo and covered walkways and install four underground water tanks. DA.2016.163 was approved by Council at its meeting on 25 January 2017 subject to a number of conditions including a requirement that the carpark, internal road and forecourt be designed with a minimum 7mm primer seal and 40mm thick asphalt concrete surfacing.

***Details of Modification Sought***

The subject modification application seeks the modification of DA.2016.163 under Section 96(1A) of the Environmental Planning and Assessment Act 1979 to allow for the carpark, internal road and forecourt to be designed to a lesser standard and modify conditions relating to stormwater drainage. The specific elements of the modification(s) sought are as follows:

- Modify conditions 41, 44, 45, 80, 81 and 82 relating to the design standard of onsite car parking, internal roadway and forecourt areas so as to allow for a lowering of the construction standard from a minimum 7mm primer seal and 40mm thick asphalt concrete surfacing to a 100mm 2% cement stabilised treatment of the existing decomposed granite surfaces; and
- Modification of condition 43 relating to the design standard of the onsite car parking and internal roadway to allow for the use of castellated (slotted) kerb for stormwater drainage purposes;
- Modification of condition 53 relating to the use of non-potable water; and
- Deletion of conditions 54, 56 and 91 referencing the use of onsite stormwater detention (OSD) tanks.

***Subject Property***

The subject land has an area of 1.24ha and is located on Lots 5-10, Section 24, DP758183, 55-59 Ellendon St, Bungendore. The land has a frontage to Ellendon Street of approximately 122 metres (Refer Figure 1). The site contains a 400mm cross fall from south to north, with the lowest point being in the north western corner. The site includes 26 accommodation units and a reception area. The surrounding properties have a predominantly low density residential use.

4.4 Modification Application - MOD.2017.064 - Relocation of Reception Building and Carpark - Carrington Inn - 55-59 Ellendon Street, Bungendore (Ref: C17169406; Author: Thompson/Harlor) (Continued)



Figure 1 - Yellow outline – Subject Property

### Planning Requirements

Assessment of the application has been undertaken in accordance with Section 96(1A) of the Environmental Planning and Assessment Act (EPAA) 1979.

#### Section 96(1A) – Modifications involving minimal environmental impact

Under Section 96(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) a consent authority may modify the consent if:

- a) *It is satisfied that the proposed modification is of minimal environmental impact, and*
- b) *It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.*
- c) *It has notified the application in accordance with:*
  - (i) *the regulations, if the regulations so require, or*
  - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d) *It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

With regard to subclause (a), the proposed development as modified would generate additional dust emissions and sedimentation of stormwater resulting in environmental impacts beyond what can be considered as being of minimal environmental impact.

**4.4 Modification Application - MOD.2017.064 - Relocation of Reception Building and Carpark - Carrington Inn - 55-59 Ellendon Street, Bungendore (Ref: C17169406; Author: Thompson/Harlor) (Continued)**

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With regard to subclause (b), the development to which the consent as modified relates is considered to be substantially the same development for which consent was originally granted. In answering this threshold question, a comparative analysis of the approved development as modified has been undertaken. As the development as modified seeks only to alter Council imposed construction standards and involves no change to the approved structures or use of the site, the development as modified is substantially the same development to that for which consent was originally granted.

With regards to subclauses (c) and (d), the subject modification application was notified for a period of 14 days in accordance with the requirements of Part E of the Palerang Development Control Plan 2015. In this time one (1) submission was received. The matters raised within this submission are considered in detail later within this report.

Section 96(3) of the Environmental Planning and Assessment Act (EPAA) 1979 requires consideration to be given to the matters referred to in Section 79C(1) of the EPAA 1979. An assessment of the proposed development has been carried out against the relevant provisions of Section 79C(1). See attached *Section 79C(1) Table – Matters for Consideration* (Attachment 1).

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

1. Palerang Local Environmental Plan (PLEP) 2014; and
2. Palerang Development Control Plan (PDCP) 2015

**(a) Compliance with PLEP 2014**

The development as modified involves no changes to the compliance of the development with the requirements of the Palerang Local Environmental Plan 2014 from that of the parent application (DA.2016.163). For an assessment of the development as modified against the relevant provisions of the Palerang Local Environmental Plan 2014 see attached *79C(1) Table – Matters for Consideration* (Attachment 1).

**(b) Compliance with PDCP 2015**

The development as modified fails to comply with Section B7.1(5) of the Palerang Development Control Plan 2015 which requires parking areas be treated with an appropriate wearing surface as the proposed stabilised decomposed gravel surface treatment is unable to cope with the types of stress commonly experienced within low speed manoeuvring areas.

While it is noted that the approved development does not generate additional traffic movements upon the site, in determining the suitability of the surface treatment, it is considered appropriate that weight be given to the proximity of car parking and associated circulation spaces to adjoining dwelling houses.

It is noted that the parent development (DA.2016.163) relocates the existing car parking upon the site from a central location with separation from adjoining boundaries not related to the subject site to a location immediately adjoining the boundaries of a number of residences. During the assessment of the original consent a number of submissions raised concerns about dust and noise from the proposed stabilised gravel surfaces and the conditions were imposed to assist in mitigating these adverse impacts.

**4.4 Modification Application - MOD.2017.064 - Relocation of Reception Building and Carpark - Carrington Inn - 55-59 Ellendon Street, Bungendore (Ref: C17169406; Author: Thompson/Harlor) (Continued)**

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The proposed use of a cement stabilised decomposed granite surface fails to provide adequate structural capacity to cope with screwing forces commonly generated by low speed vehicle manoeuvring such as regularly occur within car parking areas. As such, the proposed surface treatment is likely to be the subject of accelerated wear resulting in degradation of the surface course and generation of unacceptable dust emissions within close proximity to adjoining residential properties and having the potential to contribute to the sedimentation of stormwater exiting the site.

It is further noted that the subject site is not affected by any heritage listing and Council has recently required the construction of a number of private carparks to the standard imposed under the parent consent. While the gravel surface would likely provide a significant cost saving to the applicant any suggestion that a lower construction standard should be imposed to retain a "rural or heritage character" is considered to be unfounded. If this is a major concern for the applicant there are a number of finishes that can be applied to sealed surfaces which have a heritage character.

Accordingly, the proposed cement stabilised decomposed granite surface is not considered to be an appropriate wearing course and therefore fails to satisfy the requirements of Section B7.1(5) of the PDCP 2015. It should be noted that this viewpoint was reaffirmed by Council's Development Engineer who is strongly opposed to any reduction in construction standard in recognition of proximity of development to residences and the consistent application of Council's construction standard within the Bungendore township.

**(c) Other Matters***Onsite Stormwater Detention*

The requested deletion of conditions 54, 56 and 91 referencing the use of onsite stormwater detention is not supported. The plans indicate that three (3) underground water storage tanks will be provided as onsite stormwater detention measures. These tanks are not proposed to be removed as part of the modification and as such these conditions are still relevant.

*Non-potable Water*

The requested modification of condition 53 is not supported as the requirement for the provision of a non-potable water management plan remains relevant to the proposal as modified.

*Kerb requirements*

The applicant seeks the modification of condition 43 requiring the use of barrier kerb to allow for the use of castellated (slotted) kerb at 900mm spacings. Council's Development Engineer has raised concern regarding the proposed use of castellated (slotted) kerb upon the site due to the high trip risk posed and potential movement of sediment upon the site in the event of the use of a decomposed gravel road surface upon the site. As such, the proposed modifications to Condition 43 are not supported.



**4.4 Modification Application - MOD.2017.064 - Relocation of Reception Building and Carpark - Carrington Inn - 55-59 Ellendon Street, Bungendore (Ref: C17169406; Author: Thompson/Harlor) (Continued)**

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**(d) Other Comments**

**(i) Development Engineer's Comments**

The development was referred to Council's Development Engineer, who provided the following comments:

*"Firstly, Lots 5-10 Sec 24 758183 are zoned R1 General Residential, with no heritage listing. Any suggestion that the applicant is maintaining a heritage village theme by not sealing the car park is not to be considered. Similar car parks adjacent to residential area, namely at Mick Sherd Oval (zoned RE1 and General Heritage), IGA supermarket (zoned B2 and partial General Heritage), Lake George Hotel (zoned B2 and B4) and QPRC (zoned SP2) all have asphalt surfacing.*

*Regarding the Carrington Hotel, their proposal for relocation of the car park to Lots 5 and 6 will place the car park in close proximity to additional residential dwellings in Rutledge and Ellendon Streets. The proponent has again pushed their initial, and unsatisfactory, proposal for the car park to be cement stabilised gravel with decomposed granite which is not suitable for the close proximity to residential dwellings and dust generation.*

*In addition, clear delineation and accessible parking is also not reliably possible with a decomposed granite surface gravel car park. Castellated kerbing in car parks is not recommended due to the high trip/fall risk to users.*

*Subsequently, the car park and forecourt are to be constructed with an asphalt or reinforced concrete wearing surface and associated signage and pavement marking as per the DA.2016.163 consent conditions and in line with similar development car parks with asphalt surfacing as previously mentioned."*

**Consultation**

In accordance with the requirements of Part E of the PDCP 2015 the subject modification application was notified from 7 July 2017 to 21 July 2017. One (1) written submission was received. This submission raised concern in relation to public consultation, scale of the modifications, impacts upon stormwater, and rights of access. Of relevance to the modification in particular is the following issue:

***Issue:*** *Impacts of reduced construction standard of vehicle circulation and parking areas upon stormwater emitted from the site.*

***Comment:*** *The proposed use of a stabilised decomposed granite finish to the onsite car parking, internal roadway and forecourt areas, having a reduced life span, has the potential to result in a reduction in the quality of stormwater emitted from the site as a result of increased particulate levels. As such, the use of such measures are considered to be inappropriate and are not supported.*

#### 4.4 Modification Application - MOD.2017.064 - Relocation of Reception Building and Carpark - Carrington Inn - 55-59 Ellendon Street, Bungendore (Ref: C17169406; Author: Thompson/Harlor) (Continued)

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In addition the issue below raised in submissions in assessing the original consent is still relevant in considering the modification:

**Issue:** *The proposed development will have a significant detrimental impact on immediate neighbourhood due to noise, smoking, and lighting from the carpark, as well as an increase in traffic movements.*

**Comment** - Whilst the carpark will increase traffic movements in the vicinity of the immediate locality, the existing carpark is within the same property and proposed low brick walls will help shield the light spill. The lighting from the exempt signage is illuminated until 10.00pm at night and all internal lighting on the property is low spill. Council's Development Engineer has also provided comment on the development application and has recommended that the carpark is asphalt sealed to reduce potential amenity impacts on the surrounding residences.

These legitimate concerns raised in submissions provide further weight to ensuring the carpark is sealed.

Other matters raised by the submissions are discussed in detail within the attached *Section 79C(1) Table – Matters for Consideration* (Attachment 1).

#### **Compliance or Policy Implications**

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act, Regulations and Council's policies. The proposed development as modified fails to satisfy the requirements of Section 79C(a)(iii) and 96(1A)(a) of the *Environmental Planning and Assessment Act 1979* and Section B7.1(5) of the Palerang Development Control Plan 2015.

#### **Conclusion**

The proposal has been assessed under Section 96(1A) of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and Palerang Development Control Plan 2015.

The proposed development as modified fails to satisfy the requirements of Section 79C(a)(iii) and 96(1A)(a) of the *Environmental Planning and Assessment Act 1979* and Section B7.1(5) of the Palerang Development Control Plan 2015. As such, it is recommended that Modification Application MOD.2017.064 be refused.

#### **Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | MOD.2017.064 - Modification of DA.2016.163 - 55-59 Ellendon Street Bungendore - Section 79C(1) Table - Matters for Consideration ( <i>Under Separate Cover</i> ) |
| Attachment 2 | MOD.2017.064 - Modification of DA.2016.163 - 55-59 Ellendon Street - Drainage Plans ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>                        |
| Attachment 3 | MOD.2017.064 - Submission Carrington Development ( <i>Under Separate Cover</i> )   |

4.5 Guidelines for Reporting Development Applications to Council (Ref: C17169800;  
Author: Thompson/Thompson)

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**Summary**

More than 95% of development applications determined by Council are dealt with under delegation by Council staff. Notwithstanding this, it is considered prudent to review which types of applications need to be referred to Council for determination.

An associated issue for Council's consideration is those applications which should be assessed by a person independent of Council.

Both the former Queanbeyan and Palerang Councils had guidelines to assist staff to determine which applications should be forwarded to Council for consideration or should be assessed independently. This Report suggests developing new guidelines for QPRC.

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**Recommendation**

**That the “*Guidelines for Referral of Development Applications to Council and Independent Assessment of Development Applications*” as shown in Attachment 1 be endorsed by Council.**

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**Comment**

***Guidelines for DAs that should be Referred to Council for Determination.***

While the majority of applications can be dealt with efficiently under delegation to staff, this delegation needs to be balanced against allowing Council to be involved in the determination of applications which:

- are not able to be delegated;
- have significant environmental, social or economic impacts;
- are of significant monetary value;
- result in significant issues that relate to the public interest; or
- result in creating a significant variation to a Council policy or position;
- may result in a real or perceived conflict of interest.

Having regard to the above and to assist in providing guidance as to the types of development applications which would be appropriate to forward to Council, the following options are suggested.

*Applications which are not able to be delegated:*

1. Where there are legislative requirements which require the application to be dealt with by Council eg. certain buildings on Community Land (section 47E and 377 of the Local Government Act 1993).

*Applications which are of significant monetary value:*

2. Where the application is for a major development exceeding \$5 million in value.
3. Where the application is for a major subdivision exceeding 50 or more lots.

*Comment:* The values in 2 and 3 above are based on a threshold above which developments generally have significant economic impacts on the community, from both a negative and positive perspective.

**4.5 Guidelines for Reporting Development Applications to Council (Ref: C17169800; Author: Thompson/Thompson) (Continued)**

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*Applications which have significant environmental, social or economic impacts*

4. Where the application is for a Designated Development.
5. Where the application is for the demolition of any building listed as a Heritage Item and the QPRC Heritage Advisory Committee is not supportive of the demolition.
6. Where concurrence is required by a referral authority and that authority will not issue that concurrence.

*Applications which result in creating a significant variation to a Council policy or position*

7. Where the application involves a significant variation to a requirement in a development control plan and that variation would have a significant environmental impact or where a variation of development standards is sought under the provisions of Clause 4.6 of a Local Environmental Plan or SEPP 1.
8. Where written submissions are made to Council resulting from the notification of a development application, within which valid concerns have been raised which cannot be overcome with a condition of consent and where submissions relate to substantial adverse material impact and where plans cannot or will not be amended to overcome such concerns.

*Comment* – It is not recommended that referral to Council be linked to the number of submissions. Placing numbers on this requirement allows submitters to easily “round up” people (often occupying the same premises or submitting pro-forma submission). The content, relevance and validity of matters raised in submissions should be the determinative factor not the number.

*Applications which may result in significant issues that relate to the public interest*

9. Where the development application is requested to be referred to Council by specific resolution.
10. Any other application as determined by the CEO/GM or Portfolio General Manager Natural and Built Character where they may consider the application to be significant, result in policy implications or is in the public interest.

*Applications which create a real or perceived conflict of interest.*

11. Where the applicant is a Councillor, a member of the Executive staff (CEO/GM and Portfolio General Managers) or a staff member of the Development Services Branch.

These suggested parameters have been prepared in the form of guidelines for Council’s consideration and are provided in Attachment 1 to this Report.

***Guidelines for Assessing DAs where Council has a Commercial Interest.***

An associated issue for Council’s consideration is those development applications which should be assessed by a person independent of Council. Independent assessment of development applications should be required where:

- Council is the owner of the land and proposes to develop the land for a purpose which would be in competition with other commercial business; or
- Council is the owner of the land and the sale of the land is dependent on the approval of a development application, or
- Council stands to gain financially as a result of the decision in respect of a development application.

**4.5 Guidelines for Reporting Development Applications to Council (Ref: C17169800; Author: Thompson/Thompson) (Continued)**

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Where such situations arise the following guidelines are recommended:

1. An independent Town Planning assessing officer shall be through the services of a suitably qualified consultant Town Planner. The appointment of an independent assessing officer shall be arranged by the Service Manager Development with the approval of the Portfolio General Manager.
2. A Town Planning Officer from within Council's Development Services Branch shall be nominated as the coordinating officer.
3. The appointed independent assessing officer shall be consulted regarding the level of public notification required for the development application. The coordinating officer will undertake the notification and exhibition of the development application in accordance with the independent assessing officer's instructions.
4. All requests from the independent assessing officer for further information, plans etc. are to be followed up by the coordinating officer and documentation received is to be immediately forwarded to the independent assessing officer by the coordinating officer.
5. The development application shall be available for public inspection in Council offices.
6. All submissions are to be forwarded to Council's Development Services Branch. The Town Planning officer appointed to coordinate the process shall be responsible for ensuring that all objections received are forwarded to the independent assessing officer.
7. Where the independent assessing officer deems it necessary to meet with the applicant or submitters, the arrangements for such a meeting shall be the responsibility of the nominated Council coordinating officer, in consultation with the independent assessing officer. The appointed coordinating officer shall sit in on the meeting as an observer.
8. At the end of the public notification period the coordinating officer is responsible for ensuring that the independent assessing officer has all the documentation held by Council in respect of the development application including all relevant Council policies as soon as possible, LEP's and standard conditions that are required to carry out the assessment of the application.
9. The independent assessing officer shall supply to Council a written report outlining his or her assessment of the application in accordance with the requirements of the E P & A Act 1979 (as amended) including a recommendation and where appropriate the conditions of consent that are deemed necessary.
10. The independent assessing officer's report shall be reproduced in full within the Council Agenda without alteration. Council's coordinating officer shall be responsible for ensuring that the report is included in the relevant Council Meeting agenda and for checking the report for any omissions or errors in the reproduction.
11. The independent assessor will be required to attend the meeting when the Council is determining the application.
12. Following determination of the development application the appointment of Council accredited certifiers for the purposes of issuing a construction certificate or acting as the private certifying authority shall only be permitted where it accords with the guidelines in the Building Professionals Board Act.

**4.5 Guidelines for Reporting Development Applications to Council (Ref: C17169800; Author: Thompson/Thompson) (Continued)**

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***Guidelines for Assessing DAs where JRPP is the Determining Authority.***

Another issue for Council's consideration is those development applications which are to be assessed by Council staff or assisted by independent planning consultants, for referral to the Joint Regional Planning Panel for determination. In those circumstances:

- Council undertake the assessment, referrals, notification and associated concurrence process in relation to the application/s;
- That assessment may be assisted, augmented or undertaken by an independent planning consultant commissioned by Council;
- The assessment report is submitted to the JRPP. Once published by the JRPP, that assessment may be reported to Council;
- Council may choose to formalise its view on the application as a submission to the JRPP, as well as present its position to a JRPP hearing and/or the determination meeting

**Community Consultation**

Nil. This is an internal policy.

**Financial Implications**

The cost of preparing reports for Council business papers is a resource intensive exercise. In addition the extra time involved in having to wait for an appropriate meeting at which to consider an application can cause unnecessary delays for applicants.

These costs and time delays can be reduced by Council recognising that many applications which have no or minor impacts could be dealt with under delegation.

Costs relating to independent assessment of applications are substantial and depending on the size of the project can run into the tens of thousands of dollars

**Legal/Compliance Considerations**

Some development applications, such as larger developments on community land, cannot be dealt with under delegation and must be considered by Council.

**Conclusion**

It is important that Council maintains its role in determining development applications which have significant environmental, social and economic impacts. This needs to be balanced with the efficient processing of applications to minimise costs to both Council and applicants.

It is also important that Council be seen to be acting transparently and fairly when assessing development applications in which it has a commercial interest.

To assist in determining which applications should be referred to Council for determination and which should be independently assessed, it is recommended that Council adopt guidelines as outlined in Attachment 1 of this report.

**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | Guidelines for Referral of Development Applications to Council and Independent Assessment of Development Applications ( <i>Under Separate Cover</i> ) |
|--------------|---|

4.6 Council Representatives on the Southern Joint Regional Planning Panel (Ref: C17169799; Author: Thompson/Thompson)

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**Summary**

Council has received advice from the two existing Council representatives on the Southern Joint Regional Planning Panel (JRPP) that they would like to stand down from this role. Cr Bray is stepping down as the councillor representative and his role will be taken up by the alternate delegate Cr Harrison. Mr Philip Gibbons is retiring in his role as Council's technical expert on the Panel at the end of this calendar year.

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**Recommendation**

That:

1. Council note that Cr Harrison is now the principal Councillor representative on the Southern Region Joint Regional Planning Panel.
  2. Council nominate another Councillor to act as an alternate on the Panel should Cr Harrison be unable to attend JRPP matters.
  3. Consultant Planner, Ms Lorena Blacklock be nominated as the second Council appointed member and planning expert on the Southern Region Joint Regional Planning Panel.
  4. The Minister for Planning be notified accordingly.
  5. The remuneration level for both representatives on the Southern Joint Regional Planning Panel be set as follows:  

A flat minimum of \$600 per meeting plus \$120 per hour of meeting time up to a maximum total of \$1440 per meeting (inclusive of the base \$600 payment). This is inclusive of all incidental costs including travel and accommodation. The \$120 per hour would be paid in relation to any briefing meetings or site visits held as well as the main JRPP meeting. All fees are exclusive of GST.
  6. Council review the nominations following the election of the new Council in September 2020.
- 

**Background**

In 2009 the NSW Government established JRPPs to determine regionally significant development applications and to advise on regionally significant planning or development matters or environmental planning instruments. Through the JRPPs the NSW Government aims to provide greater transparency, objectivity, independence and expertise for regional planning issues.

The JRPP consists of three state members who are appointed by the Minister and two local members who are appointed by the Council. The term of the appointment for local members of the JRPP is three years except where a Council election intervenes, in which case new appointments need to be made. The JRPP has a Code of Conduct that sets out standards of conduct expected of all JRPP members.

**4.6 Council Representatives on the Southern Joint Regional Planning Panel (Ref: C17169799; Author: Thompson/Thompson) (Continued)**

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The core functions of JRPPs are to -

1. exercise certain consent authority functions in regard to regional development applications; and
2. Where requested, advise the NSW Minister for Planning on planning or development matters or environmental planning instruments in respect to the JRPPs' region.

Development applications for projects classed as regional development are assessed by Council officers. The Council officer's assessment and recommendations are then referred to a JRPP for determination.

The Southern Region JRPP for Queanbeyan presently includes the following members:

<i>Two Local Members</i>	<i>State Members:</i>
<i>Representing Council:</i>	
Cr Peter Bray	Pam Allen (Chair)
Mr Philip Gibbons	Alison McCabe
Cr Pete Harrison (Alternate)	Allen Grimwood
	Mark Grayson (Alternate Member)
	Bob McCotter (Alternate Member)

Council has received advice from both Cr Bray and Mr Gibbons that they are no longer in a position to act as Council representatives on the Panel. While Cr Harrison will now act as the Councillor representative, a new alternate Councillor and planning expert need to be appointed by Council.

#### *Criteria for Council Members of the JRPP*

The DP&E recommends that Council appointees consist of members with a broad range of skills and experience in development and planning matters. The selection criteria include:

1. Senior level experience in dealing with multiple stakeholders
2. High level communication skills
3. Capability to drive high profile outcomes in a credible and authoritative manner
4. High level analytical skills; and
5. Knowledge of the assessment of complex developments and planning matters.

In addition, at least one of the Council panellists must have a high level of expertise in one or more of the following fields; planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering and tourism.

All members of JRPPs will be expected to act independently in reaching their decisions. Therefore, in determining nominees, Council should consider the potential for conflicts of interest, either real or perceived.

#### *Council Nominees for JRPP - Nomination of a Councillor*

With the withdrawal of Cr Bray, Cr Harrison now becomes the principal delegate to the JRPP. However, Council needs to nominate a new alternate member.



**4.6 Council Representatives on the Southern Joint Regional Planning Panel (Ref: C17169799; Author: Thompson/Thompson) (Continued)**

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*Council Nominees for JRPP - Expert Planner*

Ms Lorena Blacklock has been approached to replace Mr Gibbons on the Panel as Council's expert planner. Ms Blacklock was the Manager Development Services at Queanbeyan City Council for more than four years prior to the merger. She then performed a similar role for the new Queanbeyan-Palerang Regional Council for a further eight months. Ms Blacklock resigned to take up a posting in the Federal Public Service earlier this year but more recently has returned to local government in the role of Manager Strategic Planning at Hilltops Council. She is well-known to Council and her previous experience at Goulburn, Queanbeyan and the Department of Planning means she has had considerable experience with many larger and more complex developments in both urban and rural settings. Ms Blacklock is more than adequately qualified and experienced to undertake the expert planning role on the JRPP.

**Implications*****Legal***

Council must appoint two members to sit on the JRPP.

***Financial***

The NSW Government covers the costs of State members and the Panel Secretariat. Individual councils cover the cost of their council nominated representatives and other council costs from the development application fees received and retained by councils.

Previous advice from the Minister for Planning outlining payments to members appointed by Council to the JRPP indicated the following:

*“Remuneration*

*Community members: Each council may determine an appropriate level of remuneration for that person, by arrangement with that member, but that a meeting fee not exceeding \$1400 should be considered as a guide when determining appropriate remuneration rates. This is commensurate with the fee proposed for State appointed members.”*

It is proposed that Council make the following payments to representatives appointed to the JRPP. A flat minimum of \$600 per meeting plus \$120 per hour of meeting time up to a maximum total of \$1440 per meeting (inclusive of the base \$600 minimum). The additional \$40 is to make the overall amount a multiple of \$120. This is inclusive of all incidental costs including travel and accommodation. The \$120 per hour would be paid in relation to any briefing meetings or site visits held as well as the main JRPP meeting. All fees stated are GST exclusive.

**Conclusion**

It is recommended that Council endorse Cr Harrison as the principal Councillor representative on the JRPP and nominate a new alternate member.

It is recommended that the 'expert' appointee be Ms Lorena Blacklock as she has extensive planning experience and meets the expert selection criteria.

Once adopted by Council the nominations are then notified to the Minister.

**Attachments**

Nil



4.7 Fire Safety - Eaglehawk Holiday Park, 200 Bidges Road, Sutton (Ref: C17163093;  
Author: Thompson/Coman)

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**Summary**

At the Planning and Strategy Committee meeting on 11 October 2017, an information report was tabled regarding a fire safety inspection conducted by Fire and Rescue NSW (FRNSW) at Eaglehawk Holiday Park, 200 Bidges Road, Sutton. That information report advised that following an inspection of the property by Council, a subsequent report would be presented recommending whether or not Council should exercise its powers to issue an order under Section 121B of the Environmental Planning and Assessment Act 1979 (EPAA). An inspection has been carried out and recommendations included below.

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**Recommendation**

1. That Council issue Order No.6 under section 121B of the *Environmental Planning and Assessment Act 1979* to rectify the matters listed below, and further, advise the Commissioner of New South Wales Fire Brigades of this decision, as required by section 121ZD(4) of the Act.
  - a. Install smoke detectors in common areas of lodges
  - b. Ensure all fire hose reels are maintained and in working order.
  - c. Ensure all exit signs are maintained and in working order.
  - d. Submit certification from a suitably qualified fire consultant that the smoke alarms, exit signs and fire hose reels are operating in accordance with the relevant Australian Standards.
  - e. All egress travel paths to exits are to be cleared and are to remain unobstructed.
  - f. Install self-closing solid core doors in lodges.
  - g. Provide an evacuation plan in accordance with AS 3745-2010, Planning for Emergencies in Facilities.
  - h. A copy of a current Annual Fire Safety Statement is to be prominently displayed.
  - i. The property is to be provided with a fire hydrant system. Prior to its installation the design of the hydrant system shall be certified by a suitably qualified fire consultant and submitted to Council. Following its installation in accordance with the approved design certification is to be provided to Council confirming the hydrant system is operating in accordance with the relevant Australian Standards.
  - j. Works to be carried out within the following time frames:
    - a. Items a - e above – 21 Days
    - b. Items f - h above – 60 Days
    - c. Item i above – 90 days unless otherwise agreed by Council in writing.

**4.7 Fire Safety - Eaglehawk Holiday Park, 200 Bidges Road, Sutton (Ref: C17163093; Author: Thompson/Coman) (Continued)**

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**Background**

Eaglehawk Holiday Park consists of a number of stand-alone caravans, villas, lodges and a function centre. The four large lodges can accommodate between 70-100 people. The Building Code of Australia requires the villas and lodges to be equipped with fire safety measures to help protect the life of the occupants during the event of an emergency such as a fire. Such measures include fire hose reels, smoke detectors, emergency lighting and exit signs.

FRNSW conducted an inspection at Eaglehawk Holiday Park and advised Council of a number of deficiencies with fire safety measures throughout the park. These deficiencies related to smoke detectors not operating properly and in some cases missing, fire hose reels not being easily identifiable and not properly serviced, exit signs not illuminated and not properly maintained, egress paths in some lodges being obstructed and a copy of a current Annual Fire Safety Statement not being prominently displayed.

An inspection of the property by Council Officers confirmed the findings of FRNSW. In addition, it was also noted that the development is not serviced by any fire hydrants, not all lodges contained solid core self-closing doors and there was no evidence of an evacuation plan.

**Implications*****Legal***

Following the submission of an inspection report on a property by FRNSW, Section 121ZD of the EPAA requires Council to determine whether it will exercise its powers to give order No 6 or 8 in the Table to section 121B. In this instance it is considered that Order No.6 is the more appropriate order. Order No.6 can be issued when it is assessed that:

- a) Provisions for fire safety or fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure or promote the safety of persons in the event of fire.
- b) Maintenance or use of the premises constitutes a significant fire hazard.

When a fire safety matter such as this is brought to Council's attention, the Council has an obligation under the EPAA to investigate the matter and determine what action, if any, to take.

If the order is issued and the terms and conditions of the order are not met within the required timeframes, then enforcement action could extend to the issuing of Penalty Infringement Notices, and/or to seek court orders from the Land and Environment Court.

**Conclusion**

An inspection of Eaglehawk Holiday Park at 200 Bidges Road, Sutton by FRNSW and Council has revealed that the development has deficiencies relating to the provision of essential fire safety measures. These fire safety measures aid in providing early warning of a fire, assist in evacuating buildings and provide a means to initially attack a fire. Given that many of the people staying at the Park are unfamiliar with the accommodation and that buildings accommodating large groups of people are being used it is considered essential that these fire safety measures are brought up to standard and maintained to prevent the loss of human life and property.

**4.7 Fire Safety - Eaglehawk Holiday Park, 200 Bidges Road, Sutton (Ref: C17163093; Author: Thompson/Coman) (Continued)**

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Council has the authority under section 121 of the EPAA to issue an order to have these deficiencies in fire safety measures rectified. This report recommends that an Order be issued requiring the property to be provided with adequate and functioning fire safety measures to help protect the lives of people residing at the park in the event of an emergency.

**Attachments**

Nil



**4.8 Bungendore Entrance Signage and CBD Wayfinding Signage (Ref: C17168260;  
Author: Thompson/Sibbick)**

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**Summary**

Consultation with the Bungendore community commenced in March this year to determine priorities for the enhancement of the Bungendore CBD. A recent online survey at Council's website concluded this consultation. This report details the results of the community feedback and online survey, and makes recommendations for signage to the four (4) entrances into Bungendore; and wayfinding signage within Bungendore.

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**Recommendation**

**That Council:**

- 1. Endorse entrance signage to Bungendore to be modelled on the railway sleeper concept, as listed in Option 2 of the online survey.**
  - 2. Endorse the wayfinding signage modelled on the railway sleeper structure as listed as Option 3 in the online survey.**
  - 3. Proceed with the purchase and installation of street furniture, i.e. bench seats and bin enclosures for the Bungendore CBD.**
- 

**Background**

Consultation with the Bungendore community commenced in March 2017 to determine priorities for the enhancement of the Bungendore CBD, as a result of funding of \$500k from the Stronger Communities \$9M fund. Council staff, in conjunction with external consultants, have conducted a workshop in Bungendore, engaged with residents and business community, and conducted an online survey through Council's website. The results of the community engagement are detailed in this report and will guide selection of street furniture for the Bungendore CBD, i.e. seats and bin enclosures; entrance signage to the four (4) entrances into Bungendore; and wayfinding signage for the benefit of the many visitors to Bungendore.

***Community Engagement***

A community workshop was conducted in Bungendore on Thursday 9 March 2017, with the results detailed in the *Bungendore CBD Enhancement Community Engagement Report* at Attachment 1. The workshop was advertised widely by Council's Communications team, via electronic and print media. Personal invitations were also issued to interested members of the Bungendore community, especially those managing businesses with the Bungendore CBD.

Further discussions and meetings with individual community members, groups and businesses were conducted by Council staff over the period from March to August 2017.

The final consultation with the Bungendore residents occurred as an online survey through the QPRC website, where respondents were asked to vote and make comment on options for entrance and wayfinding signage. The results of this survey are detailed in the *SURVEY REPORT – Bungendore Signage and Street Furniture A3* at Attachment 2 of this report.

**4.8 Bungendore Entrance Signage and CBD Wayfinding Signage (Ref: C17168260; Author: Thompson/Sibbick) (Continued)**

*Design Concepts For Signage* - A number of design concepts were considered for entrance signage and wayfinding signage:

1. Council engaged consultants, “Coordinate”, to draft concepts for way finding signage, with these concepts being the subject of the online survey.
2. Council also engaged the services of consultant and supplier, Danthonia Design, to draft concepts for entrance signage that were also the subject of the online survey.
3. A proposal for entrance signage was put forward by a local Bungendore resident and business owner that was included in the online survey.
4. Entrance signage design, sourced by the former Palerang Council was also included. This entrance signage concept was designed by “dsb landscape architects” and was also included in the online survey.

*Responses* - The majority of the respondent comments in the online survey indicated the community preferred a mix of metal and timber products that would complement the character of Bungendore. It was clear that modern type street furniture would be out of place in Bungendore, with respondents indicating their preference for a heritage and / or artistic style street furniture.

The survey asked respondents to rank in order of preference their options for signage, both entrance and wayfinding. The lowest overall score is the sign that received the most preference votes, whilst the highest overall score is the sign that received the least votes. Refer survey response graphs at Figures 5 and 6 of this report.

The preferred options are detailed below and supported by images at Figures 1, 2 and 3, below. The full details of the online survey and can be viewed at Attachment 2.

Option 3 combining a railway sleeper structure with inscribed information was the preferred option for wayfinding signage (see Figures 1, 2 and 3 below).



**Figures 1, 2 and 3 – Showing typical layout of wayfinding signs and comparative height.**



4.8 Bungendore Entrance Signage and CBD Wayfinding Signage (Ref: C17168260; Author: Thompson/Sibbick) (Continued)

Option 2 modelled on a railway sleeper design was the preferred structure for the entrance designs.



Figure 4 – Typical Appearance of Entrance Signage

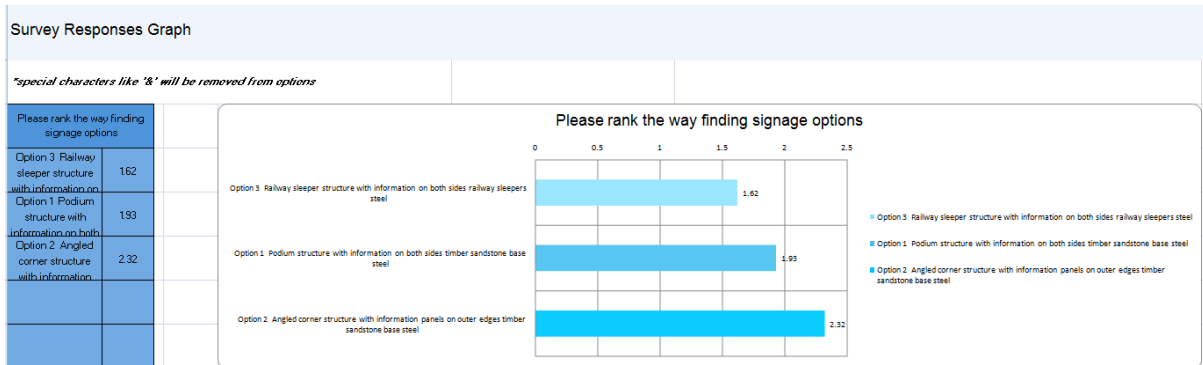


Figure 5: Survey response graph for way finding signage options

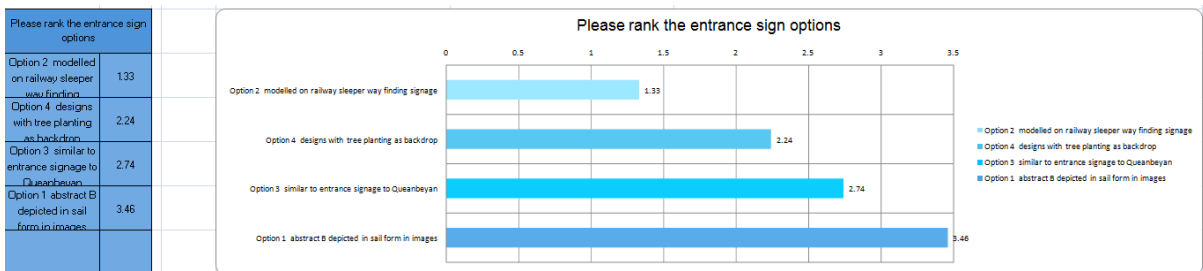


Figure 6: Survey response graph entrance sign options

#### 4.8 Bungendore Entrance Signage and CBD Wayfinding Signage (Ref: C17168260; Author: Thompson/Sibbick) (Continued)

### **Implications**

#### ***Policy***

The relevant policies affecting this project are:

- Queanbeyan-Palerang Regional Council Procurement Policy.
- Queanbeyan-Palerang Regional Council Procurement Procedure Part 1 Governance.

#### ***Asset***

Procurement of entrance signage, wayfinding signage and street furniture will become new assets for Council and will be included in the Urban Landscapes asset management system. Expenditure of the signage and street furniture will total approximately \$100k.

#### ***Social / Cultural***

To make significant social impacts in Bungendore, the community considered footpaths and walkways were important aspects for Bungendore residents, along with trees, heritage feel, signage, seats and bins were considered important.

#### ***Economic***

Installation of signage and street furniture will enhance local and visitor services within Bungendore.

#### ***Strategic***

The concepts used in the procurement of entrance signage, wayfinding signage and street furniture should form part of the forthcoming Structure Plan proposed for Bungendore.

It is noted a broader Signage Strategy differentiates facility, reserve and tourist signage (i.e. blue/white and brown/white) and sets a path to progressively replace those direction signs. Entrance signs such as proposed in this report and onsite facility/reserve signage should be reconsidered in light of the identities/brands to be established for each town/village.

#### ***Engagement***

A full community engagement report is attached to this report at **Attachment 1**.

#### ***Financial***

The purchase and installation of entrance signage, wayfinding signage and street furniture for the Bungendore CBD will be utilised from the Stronger Communities \$9m funding. An allocation of \$500k has been made for "Town Centre Improvements Bungendore", of which \$100k will be used for this procurement.

The remainder of the \$500k budget, will be used for CBD landscaping, some of which has already commenced with street tree planting in Malbon Street, Gibraltar Street, Ellendon Street and Molonglo Street. Upgrade of footpaths in Malbon Street and Gibraltar Street will commence in the first week of November 2017.

<b>Program Code</b>	<b>Expense Type</b>	<b>Funding source</b>	<b>Amount</b>
100683		Stronger Communities	\$ 100,000

**4.8 Bungendore Entrance Signage and CBD Wayfinding Signage (Ref: C17168260;  
Author: Thompson/Sibbick) (Continued)**

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***Resources (including staff)***

Staff of Council's Urban Landscapes branch will be responsible for managing the "Town Centre Improvements Bungendore" project, using contractors to carry out the majority of the landscaping work. Council's horticultural team has conducted some planting to street gardens in Gibraltar Street, with future planting work to gardens planned.

***Integrated Plan***

The project is included in the Urban Landscapes Capital Works Program 2017–18, within the QPRC Operational Plan 2017-2018.

**Conclusion**

As a result of the community workshop, surveys and personal discussions with community groups, the overwhelming response was that Bungendore residents required a revitalised look and feel. The results of the online survey, in regard to street and wayfinding signage indicated the majority of respondents preferred the railway sleeper style options for both street signage and way finding signage. Comments received regarding street furniture indicate that modern style furniture would be out of place, preferring instead more heritage or artistic styles.

**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | Bungendore CBD Enhancement Community Engagement Report ( <i>Under Separate Cover</i> )  |
| Attachment 2 | Survey Report - Bungendore Signage and Street Furniture ( <i>Under Separate Cover</i> ) |



**4.9 Naming of Dog Park Googong (Ref: C17168261; Author: Thompson/Sibbick)**

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**Summary**

Googong Township Pty Ltd has proposed the name of the new dog park at Googong be called “Barkley Park”. An official opening event is to take place on 18 November 2017.

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**Recommendation**

**That:**

- 1. Council endorse “Barkley Park” as the proposed name for the new dog park at Googong and that the name be placed on public exhibition for a period of 28 days.**
  - 2. A report be submitted to Council detailing the outcomes of the public exhibition period.**
- 

**Background**

Googong Township Pty Ltd (GTPL) has redeveloped the DR4 Drainage Reserve at 46 Duncan Street, Googong into an off-lead area for dogs. Council has supported GTPL with this redevelopment with funds of \$125k to construct a car park that is now complete. Remaining funding will go towards hard and soft landscaping at the dog park.

GTPL proposes the dog park be called “Barkley Park”, and will be hosting an official event to open the dog park on 18 November 2017. The Mayor will be representing Council at this official event.

The DR4 Drainage Reserve is depicted in the aerial view at Figure 1 below, and is the area between Duncan Fields and the Googong Wastewater Recycling Plant.

**4.9 Naming of Dog Park Googong (Ref: C17168261; Author: Thompson/Sibbick)  
(Continued)**

**Figure 1: Dog Park, 46 Duncan Street, Googong**

**Policy**

According to Council Policy, *Names should be selected based on a significant connection with the Park, reserve or Sports Facility, or to acknowledge honour or commemorate a person important to the community.* At this stage it is uncertain where the name “Barkley Park” came from, however could be considered consistent with the policy, as the name suggests it could be considered a dog park.

**Engagement**

Council policy recommends that the community should be consulted in regards to the naming of Parks, Reserves and Sports Fields. At this stage the Residents’ Association has suggested this name and would like it submitted to Council for endorsement. Should Council endorse the name of the dog park as “Barkley Park”, the proposed name should be placed on public exhibition for a period of 28 days. Any submissions will be reported to Council prior to determining the approval of this name.

4.9 Naming of Dog Park Googong (Ref: C17168261; Author: Thompson/Sibbick)  
(Continued)

**Financial**

Council has supported the dog park with funding from the Stronger Communities \$9M fund of \$120k to construct a car park to complement the dog park and soft and hard landscaping.

Program Code	Expense Type	Funding source		Amount
100686		Stronger Communities \$9M	\$	\$120,000

**Attachments**

Nil





5.1 Progressing New Comprehensive Local Environmental Plan for Amalgamated Council Area (Ref: C17165789; Author: Thompson/Brown)

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**Summary**

The purpose of this report is to seek Council's endorsement to prepare a new combined local environmental plan (LEP) for the merged local government area. It will basically be an administrative merger while dealing with a limited number of priority policy matters.

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**Recommendation**

That:

1. **Council note the report to progress a new combined local environmental plan, and that further workshops on this issue are proposed.**
  2. **In conjunction with the outcomes of the workshops and subsequent reports to Council, all necessary actions be taken to prepare a planning proposal for a new combined local environmental plan for the Queanbeyan-Palerang local government area.**
- 

**Background**

At a Councillor workshop on 11 October 2017, staff outlined the process to combine the six local environmental plans (LEPs) currently applying to Queanbeyan-Palerang Regional Council into a new comprehensive LEP over the next 12-18 months.

Council's Landuse Planning Branch has now prepared a LEP Comparison Paper with a view to highlighting inconsistencies in permissible land uses between any common zones contained in the various LEPs, including inconsistencies in any planning provisions or clauses contained in those respective instruments. Staff have also prepared a draft land-use matrix and draft combined local environmental plan. These were presented to Councillors at the abovementioned workshop. These documents are in draft form only at this time and will be further refined once further Councillor workshops, consultation with internal staff, government agencies and the community are undertaken.

As discussed, it is proposed to undertake what is predominantly an administrative merger between the respective LEPs in the first instance, with a view to minimising the number of existing or new policy issues to be resolved. This will ensure a single combined LEP for the newly amalgamated council area is delivered at the earliest instance. This is of benefit to both Council staff, industry and the community.

However, staff have also identified a number of priority policy matters that will need to be resolved as part of this process, recognising these have a long history or there is an expectation in the community they be resolved in the very near future. These are:

- Review of E4 Environmental Living zone,
- Rural Lands Study, and
- Proposed Bungendore Aged Care Facility.

**5.1 Progressing New Comprehensive Local Environmental Plan for Amalgamated Council Area (Ref: C17165789; Author: Thompson/Brown) (Continued)**

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In order to progress combining the respective LEPs, Council must now prepare a Planning Proposal' under section 55 of the *Environmental Planning & Assessment Act, 1979*. This sets out the intended effect and background to the proposed plan. This is then forwarded to the NSW Department of Planning and Environment seeking a Gateway determination in order to proceed with finalising the relevant documentation (including instrument and maps), and to consult with both government agencies and the community.

Staff are now seeking the endorsement of the Council to prepare the planning proposal and forward this to the Department of Planning and Environment for endorsement and to move forward in the desired direction.

**Implications*****Legal***

Council needs to prepare the new plan consistent with the requirements of the *Environmental Planning and Assessment Act, 1979*.

***Policy***

A new plan will ensure consistent planning policy applies across the newly combined Council area as well as complying with the State Government's policy of harmonising comprehensive LEPs for amalgamated councils.

***Environmental***

Again, the new plan will ensure consistent planning policy applies across the newly combined Council area in regards to the management of environmental issues.

***Social / Cultural***

A single combined local environmental plan will be of benefit to Council staff, industry and the community by ensuring common planning rules apply across the Council area.

***Strategic***

Preparing a single local environmental plan is consistent with providing a clear strategic framework for land use planning for the Council area.

***Engagement***

The Gateway determination issued by the Department of Planning & Environment will prescribe the consultation that will be required in respect of the new plan. This will likely require significant consultation with both government agencies and the community.

***Financial***

This is covered by the relevant project budget.

***Resources (including staff)***

Significant staff resources will be required to prepare the new plan, including town planning and GIS/LIS staff.

5.1 Progressing New Comprehensive Local Environmental Plan for Amalgamated Council Area (Ref: C17165789; Author: Thompson/Brown) (Continued)

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*Integrated Plan*

This is a project identified in the Operational Plan 2017-18.

**Attachments**

Nil



**5.2 Planning Proposal - Housekeeping Amendments to Queanbeyan Local Environmental Plan 2012 (Ref: C17167079; Author: Thompson/Brown)**

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**Summary**

This Planning Proposal (draft plan) seeks to make a number of administrative updates to *Queanbeyan Local Environmental Plan (LEP) 2012*. Council staff have now completed the required consultation for the Planning Proposal and are seeking endorsement to finalise the draft plan.

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**Recommendation**

- 1. That Council take all necessary actions to finalise the draft plan as exhibited.**
  - 2. That Council request the consultant appointed to review and finalise the Floodplain Risk Management Plan for Queanbeyan liaise with residents who have made a submission to provide further advice in respect of the modelling used to inform the plan and any implications for their respective properties.**
- 

**Background**

As noted, this Planning Proposal seeks to make a number of administrative updates to *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)*. A copy of the Planning Proposal is attached (Attachment 1).

The intended outcomes of the planning proposal are to:

1. Update a number of incorrect property descriptions contained within Schedule One of *QLEP 2012*;
2. Correct an additional development use detailed at Schedule One of *QLEP 2012* for item 22 (101 Alderson Place, Tralee) from 'dwelling house' to 'dual occupancy', including confirming the parcel of land upon which the additional development is permissible;
3. Amend the Flood Planning Maps currently contained within *QLEP 2012* to correctly reflect the 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard,
4. Correct a reference in respect of a local heritage item in Schedule Five Environmental Heritage (Item 84) from '*1 to 5 Hirst Avenue*' to instead read '*1 and 5 Hirst Avenue*' which was incorrectly listed when *QLEP 2012* was gazetted, and, to also update the relevant property description so it refers to the correct land parcels,
5. Include a new local heritage item in Schedule Five Environmental Heritage (Shepherds Ruin - 1291 Old Cooma Road – see Appendix 1) and to introduce an accompanying Heritage Map (HER\_004) to reflect this proposed listing, and
6. Allow evaporative cooling units (roof mounted) as exempt development by including these at Schedule Two of *QLEP 2012*.

## 5.2 Planning Proposal - Housekeeping Amendments to Queanbeyan Local Environmental Plan 2012 (Ref: C17167079; Author: Thompson/Brown) (Continued)

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### ***Community Consultation***

The draft plan was publicly exhibited from 19 September until 20 October 2017. Council also wrote directly to approximately 300 property owners who may not have been aware their properties were covered by the corrected flood map (see further information on this issue below). Council received six (6) community submissions and redacted versions of these are shown in **Attachment 2**.

Council also received two (2) submissions from the NSW Department of Environment and Heritage (also Attachment 2) who raised no objections in respect of the draft plan, however did suggest Council give consideration to not including the flood map in the *QLEP 2012*. This would remove the need for future LEP amendments if the flood maps are ever varied in the future. Council has considered this advice and considers it better to include the flooding maps in the *QLEP 2012* so that this is available to the community.

The main issue raised in the community submissions was concern in respect of the corrected flood planning map, and this is discussed further below. No submissions were made in respect of the other matters being progressed under the Planning Proposal.

### ***Expanded Flood Planning Map***

The proposal to correct the Flooding Maps in the *QLEP 2012* is based on the *draft Floodplain Risk Management Study and Plan* prepared for Council in 2008 by Lyall and Associates. A map illustrating the current and correct flood planning levels is shown at **Attachment 3**.

The current Flooding Maps in the *QLEP 2012* only show those areas within the 1:100 year flood event that were identified as 'high hazard' under the Study. This is inconsistent with the definition of 'flood planning level' within both the *QLEP 2012* and the *NSW Floodplain Development Manual 2005*. Council is required to establish the flood planning level consistent with the 1:100 year flood event plus a 0.5 metre freeboard. The 0.5 metre freeboard provides reasonable certainty that the risk exposure for the 1:100 year event is actually provided. It is a factor of safety used in relation to the setting of the floor level.

Importantly, the new flood planning levels are already considered by Council when assessing any development and have been since the current *QLEP 2012* was introduced in 2012. It is considered appropriate the *QLEP 2012* now be updated to correctly reflect this.

### ***Issues Raised In Submissions in Respect of the Corrected Flood Maps***

**The Role of the 1:100 Year Flood Map** – A number of submissions asked for further information in respect of the role and purpose of the flood planning map. Broadly, the flood planning map identifies development that could be subject to flooding impacts during a very significant flooding event, and, to ensure development on that land is undertaken in a manner that reduces the risk of exposure to loss of life, the need for evacuation by emergency authorities, or potential damage to properties. The likelihood of the 1:100 year flood occurring during any given year is 1%.

**Effect of Maps on Existing and Future Residential Uses of the Land** – As noted, Council has already been applying the requirements of the corrected flood map since the current *QLEP 2012* was introduced in 2012. As such there are no additional impacts on existing use of properties. Any future development or redevelopment of those properties will continue the present need to comply with the provisions in the *QLEP 2012* that manage development of flood prone land.

## 5.2 Planning Proposal - Housekeeping Amendments to Queanbeyan Local Environmental Plan 2012 (Ref: C17167079; Author: Thompson/Brown) (Continued)

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Adequacy of Modelling Used to Inform Maps – As noted the flood maps were prepared consistent with the NSW *Floodplain Development Manual 2005*. Council is confident the modelling used to inform the plan was undertaken correctly at that time. Regardless, Council will be reviewing this data over the coming year to confirm its accuracy, including looking at the circumstances of individual submitters in this instance.

This manual is required to be complied with under the relevant Section 117 Ministerial Direction i.e. 4.3 Flood Prone Land which governs the content of planning proposals.

Mitigation Measures Proposed by Council for Affected Land – The maps simply correct the information in the LEP. There is no change to the mitigation measures proposed for flood affected land. The original maps were implemented as recommended outcomes of the *draft Floodplain Risk Management Study and Plan* prepared for Council in 2008 by Lyall and Associates by ensuring suitable floor levels are developed for properties in the flood affected area. Other significant mitigation measures such as levees were not considered practical at that time.

Adequacy of Local Stormwater System – The draft plan does address stormwater issues. These can however be considered as part of the anticipated review in coming months.

Lack of Evidence to Support Introduction of New Maps – These are not new maps. They are maps which correctly show the flood planning level. The properties have always been flood affected. The maps are being changed because the existing maps incorrectly depict the flood planning levels. The flood maps were prepared consistent with the NSW *Floodplain Development Manual 2005*. Council is confident the modelling used to inform the plan was undertaken correctly at that time. When Council reviews the floodplain risk management study over the next year, the individual circumstances of submitters will be considered.

Role of Googong Dam and Its Inclusion In Any Modelling – Googong Dam was considered in the modelling undertaken to inform the flooding maps.

Whether Local Factors Were Considered – The local factors raised in the respective submissions would have been included in the modelling. Regardless this can be re-examined as part of the anticipated review occurring in coming months.

Previous Advice from Council In Respect Of Flooding – A number of submissions make reference to previous advice from the Council in respect of flooding. An examination of those indicate on one occasion that advice was in respect of the previous LEP. Others indicate the respective s149 certificates issued for that land at the time did note it was subject to the flooding provisions under the *QLEP 2012*.

Adequacy of Consultation – Council sought to contact all residents who may not have been aware their properties were affected by flooding if they referred to the incorrect maps and wrote directly to approximately 300 property owners. Some individual properties have been inadvertently missed in this consultation. While this is not the preferred outcome, it is likely any would have raised similar issues to the current submitters. Additional consultation will be occurring in respect of the anticipated review over the coming months.

Impacts on Insurance – Any restrictions have already been in place since 2012. Correcting the maps has not changed this. Insurance is predominantly a matter for individual insurance agencies. Council staff understand flood insurance is determined by insurance agencies having regard to central information published on the Geoscience Australia (The Australian Flood Risk Information Portal see <http://www.ga.gov.au/flood-study-web/#/search>). At the time of this report staff were unable to locate any information on this website relevant to Queanbeyan Township.

Impacts on Valuation – Any restrictions have already been in place since 2012. Correcting the maps has not changed this.

**5.2 Planning Proposal - Housekeeping Amendments to Queanbeyan Local Environmental Plan 2012 (Ref: C17167079; Author: Thompson/Brown)  
(Continued)**

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*Implications for Proposed Amendment*

Council has recently received funding from the Office of Environment and Heritage to now finalise the draft Floodplain Risk Management Study. This will occur over the next 12 months and is being undertaken by Community Connections Branch with community consultation to occur in the near future. As part of this process it is intended to request the appointed consultant examine the issues raised by the submitters in this instance and to provide advice in respect of the residents' individual concerns and to advise if any changes to the maps are subsequently required.

At this time the Flood Planning Maps set out in the draft plan represent the most current and up-to-date information held by Council in respect of flooding affectation in Queanbeyan. It is important Council correctly reflects this information to ensure further misunderstanding or confusion in respect of potential flooding is removed and also to meet the correct legislative requirements of the State Government.

As noted, Council has been implementing the correct flood controls in respect of advice to new purchasers and in respect of development assessment since the new LEP was adopted in 2012. It is important Council also reflects this by providing the correct flooding maps within the *QLEP 2012*.

Accordingly, it is recommended Council proceed with finalising the draft plan in this instance, and that further consideration be given to those individual submissions received in respect of flooding during the upcoming review of the floodplain risk management plan.

**Implications**

***Legal***

Council has followed the required procedures set out under the *Environmental Planning & Assessment Act, 1979*, in progressing this draft plan.

***Strategic***

Finalising the draft plan will ensure Council has correctly implemented the requirements of the NSW Floodplain Development Manual 2005 in respect of the flooding maps.

***Engagement***

Community Consultation is detailed above.

***Financial***

The costs associated with this draft plan are met by the relevant general ledger.

***Resources (including staff)***

The draft plan has primarily involved one staff member with feedback from other staff and assistance with mapping.



**5.2 Planning Proposal - Housekeeping Amendments to Queanbeyan Local Environmental Plan 2012 (Ref: C17167079; Author: Thompson/Brown)  
(Continued)**

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**Conclusion**

The housekeeping amendments contained in the draft plan should proceed.

If any changes are made to the flood planning land map during the development of a new Floodplain Risk Management Plan then these should be considered as part of the Queanbeyan Palerang Local Environmental Plan (the comprehensive local environmental plan).

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | Planning Proposal ( <i>Under Separate Cover</i> )  |
| Attachment 2 | Submissions ( <i>Under Separate Cover</i> )  |
| Attachment 3 | Map Illustrating Current and Correct Flood Planning Maps ( <i>Under Separate Cover</i> ) |



5.3 Amendment to Queanbeyan Development Control Plan 2012 (Ref: C17147949;  
Author: Thompson/Jansen)

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**Summary**

The purpose of this report is to provide feedback on the two periods of community consultation carried out in relation to the proposed amendment of Queanbeyan Development Control Plan (QDCP) 2012. The report considers the resultant changes and recommends that the amended development control plan be adopted by Council.

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**Recommendation**

**That pursuant to the *Environmental Planning and Assessment Act 1979 and Regulations 2000*, Council adopt the draft amendments to the Queanbeyan Development Control Plan 2012, with the inclusion of the amendments as set out in this report.**

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**Background**

The Queanbeyan Development Control Plan (QDCP) 2012 was originally adopted in December 2012. At that time it incorporated all previous DCPs that applied to the former Queanbeyan Local Government Area with the exception of Googong and South Jerrabomberra. In order to keep the document current and accurate a review has been undertaken and amendments are recommended to the document. The main changes are:

1. Updating the flood map in Part 2 of the QDCP to include the 0.5m freeboard. The provisions of the controls already set out requirements for the flood planning area which includes the 1:100 flood liable land, plus the 0.5m freeboard, however the map currently does not reflect this.
2. Deleting Part 5. Part 5 formerly contained site specific controls for areas like Cooks Estate, Jerrabomberra Heights, Golf Links Estate and a number of other areas. These areas are now all developed and separate controls are no longer required. The relevant provisions which need to be retained have been incorporated into the residential sections of the QDCP.
3. A new Part 3D has been incorporated to address shop top housing. Some controls for shop top housing were previously contained in Part 7 CBD. These are now contained within the new Part 3D together with several new provisions.
4. Previously the QDCP allowed for temporary occupancy in a shed on site while building a dwelling. This is now prohibited to bring the controls in the Queanbeyan DCP in line with the controls contained in the Palerang DCP.
5. A new map has been incorporated showing the area where the QDCP applies.
6. The introduction of new objectives and controls in Part 8 for the railways lands adjacent to Oaks Estate zoned IN2. This is to address previous representations to the Council from the Oaks Estate Progress Association. Council staff previously met with representatives of the Association and also wrote directly to the Association inviting any further comments, however no submissions were received during exhibition.

**5.3 Amendment to Queanbeyan Development Control Plan 2012 (Ref: C17147949;  
Author: Thompson/Jansen) (Continued)**

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7. Updating the provisions for car parking requirements within Part 2 of the QDCP to provide concessions to restricted forms of change of use and to encourage investment in the Queanbeyan CBD.
8. Altering the cover sheet to refer to the Queanbeyan-Palerang Regional Council and other minor changes as required.

The draft document was placed on public exhibition from 27 June to 27 July 2017. Two internal submissions were received. Both submissions requested a change in relation to the wording of the controls contained within clause 2.5.7 Floodways suggesting a re-wording to ensure the controls also addressed restricting overnight accommodation developments within the floodway. This change is supported.

In addition a change of wording to Clause 2.2.7 Basement Parking (dot point six) was recommended to refer to the "Flood Planning Level", rather than "1 in 100 year probable flood level + 500mm freeboard". This will avoid confusion and ensure consistency and the change is supported. On the issue of the flood map in Part 2 of the QDCP it should be noted that the Community Connections portfolio team is currently in the process of revising the Queanbeyan Flood Risk Management Study and Plan and will be undertaking community consultation in the near future. Consequently this may change the flood map which would require a further amendment to the QDCP.

The submission also requested inclusion of a car parking rate for "Recreation Facilities (Sporting Fields)" and suggested that a requirement of 30 spaces is appropriate based on experience. This change is also supported.

Additional internal comments were also received after the exhibition period requesting the following changes:

1. Clause 2.7 Erosion and Sediment Control – It was suggested that the format of this section should be rewritten from its current form of being expressed in terms of objectives and controls. The revised wording was suggested by Environmental staff in consultation with Engineering and Development Assessment staff and is based on Palerang DCP. This has been done because objectives and controls are no longer considered to be the best and clearest approach to spelling out the requirements for Erosion and Sediment Control Plans and Soil and Water Management Plans.
2. Correcting Table 7 in Part 2 and updating the reference for contact from "Council's Sustainability and Better Living Section" to "Council".
3. Clause 3.2.2 – Separating the setback requirements for free standing carports and garages and swimming pools contained in Table 1 and changing the setback for carports/garages from the minor frontage to 5.5m (from 4.0m). This allows a standard vehicle to park behind the carport without encroaching on the verge.
4. Clause 3.2.3 – Removing previously proposed controls in respect of fencing.
5. Clause 3.6.6 – Deleting previously proposed changes for private open space.
6. Clause 3.6.10 – Deletion of control (j) in respect of car parking.
7. Part 3a Clause 3.2.4 – Move the fencing requirement for Greenleigh Estate to Part 6.
8. Part 3c Clause 3.7 – Remove and replace with reference to SEPP 65.

**5.3 Amendment to Queanbeyan Development Control Plan 2012 (Ref: C17147949; Author: Thompson/Jansen) (Continued)**

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These changes were considered appropriate in the circumstances and of a minor nature only allowing staff to more easily implement the requirements of the DCP.

In addition to the internal submissions, Council has received correspondence from SMEC Consultants seeking that an additional category of 'Public Administration Building' be added to require a parking rate of 1 car park per 100 square metres for such buildings. This is supported and has been incorporated into the QDCP. This is justified in the submission (Attachment 1) and includes the fact that in the adjoining jurisdiction (ACT):

*(c) Civic and public administration buildings in the ACT adopt the parking rate of 1 space per 100m<sup>2</sup> GFA under the Territory Plan in the CZ1 Core and CZ2 Business zones in City Centre, Belconnen and Woden town centres.*

The draft document was referred to Council on 9 August 2017, however it was resolved at that meeting that the amendments to the QDCP 2012 be referred back to a meeting of the newly- elected Council for determination.

The draft document with all the above amendments was re-exhibited from 5 September to 5 October 2017. No new public submissions were received as result of the re-exhibition. However, a number of further internal comments were received requesting the following changes:

1. Adding car parking requirements for a Resource Recovery Facility to the table which sets out parking requirements for the various types of development. This requirement was previously contained within Part 8 Industrial Zones of the QDCP but was deleted in the original amendment.
2. Minor correction to the wording of Table 1.8.1 of Part 1 of the document which specifies notification requirements to clarify the requirement for zero lot line developments.
3. Adding an objective and principle to require provision of smart technology infrastructure as an integral part of the design process.

These changes are considered appropriate in the circumstances and of a minor nature only.

**Implications*****Legal***

The amendments to the QDCP were made in accordance with the *Environmental Planning and Assessment Act 1979* and *Environment Planning and Assessment Regulations 2000*.

***Policy***

The amendments to the QDCP are consistent with relevant Council policies.

***Environmental***

The amendments to the QDCP will have a positive environmental impact and will ensure development is compatible with the amenity of the area.

***Economic***

Amendments to the car parking requirements within Part 2 of the QDCP are intended to act as an incentive for investment in the CBD.

**5.3 Amendment to Queanbeyan Development Control Plan 2012 (Ref: C17147949;  
Author: Thompson/Jansen) (Continued)**

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***Strategic***

Updating the QDCP will ensure that the objectives and controls to the former Queanbeyan LGA remain relevant. Following completion of the new comprehensive LEP for the merged local government area, this DCP along with all others in the LGA will need to be reviewed.

***Engagement***

The draft amendments to the QDCP were initially exhibited from 27 June to 27 July 2017. Council also wrote directly to the Oaks Estate Progress Association to seek further comment in respect of the changes proposed in regard to the additional objectives and clauses covering any development for the railways lands. Following submissions a number of minor amendments were made to the document and the amended draft document was again exhibited from 5 September to 5 October 2017. No further external submissions were received although further internal comments have resulted in additional minor changes to QDCP.

***Financial***

The costs associated with this amendment to the QDCP are covered from the relevant budget.

***Resources (including staff)***

The project predominantly involves two staff.

***Integrated Plan***

The review and preparation of part of the draft QDCP are included in the Delivery Program 2013-17 of the former Queanbeyan City Council. This related to preparing a DCP for the railway lands off Henderson Road.

**Conclusion**

The draft amendments to the Queanbeyan Development Control Plan 2012 address a number of anomalies and ambiguities and are part of a regular review of the document. It is therefore recommended that the draft amendments be supported. Attachments 2 through 13 provide details of the amended DCP where amendments are generally shown in red.

**Attachments**

Attachment 1	Redacted copy of Submission -Amendment to Queanbeyan Development Control Plan 2012 ( <i>Under Separate Cover</i> )
Attachment 2	Comprehensive Development Control Plan 2012 - Combined Table of Contents November 2017 ( <i>Under Separate Cover</i> )
Attachment 3	Section A Part 1 - Queanbeyan Development Control Plan 2012 - November 2017 ( <i>Under Separate Cover</i> )
Attachment 4	Part 2 - All Zones - Queanbeyan Development Control Plan 2012 - November 2017 ( <i>Under Separate Cover</i> )
Attachment 5	Part B 3a - Residential Zones - Queanbeyan Development Control Plan 2012 -November 2017 ( <i>Under Separate Cover</i> )
Attachment 6	Part 3b - Secondary Dwellings in Residential Zones - Queanbeyan Development Control Plan 2012 - November 2017 ( <i>Under Separate Cover</i> )
Attachment 7	Part 3 C - Dual Occupancies, Multi Dwelling Housing and Residential Flat Buildings Queanbeyan Development Control Plan 2012 - November 2017 ( <i>Under Separate Cover</i> )
Attachment 8	Part 3d - Shop Top Housing - Queanbeyan Development Control Plan 2012 - November 2017 ( <i>Under Separate Cover</i> )

**5.3 Amendment to Queanbeyan Development Control Plan 2012 (Ref: C17147949;  
Author: Thompson/Jansen) (Continued)**

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Attachment 9	Part 4 - Heritage and Conservation - Queanbeyan Development Control Plan - November 2017 ( <i>Under Separate Cover</i> )
Attachment 10	Part 5 Queanbeyan Development Control Plan 2012 -DELETED Local Area Provisions - November 2017 ( <i>Under Separate Cover</i> )
Attachment 11	Part 6 - Rural, Environmental and R5 Large Lot Residential - Queanbeyan Development Control Plan 2012 - Section B Part 6 - Rural and Environmental Zones - November 2017 ( <i>Under Separate Cover</i> )
Attachment 12	Section B Part 7 - Central Business District - Queanbeyan Development Control Plan 2016 - November 2017 ( <i>Under Separate Cover</i> )
Attachment 13	Section B Part 8 - Industrial Zones Queanbeyan Development Control Plan 2012 - November 2017 ( <i>Under Separate Cover</i> )





5.4 Proposed Amendments to South Jerrabomberra Development Control Plan (DCP) 2015 (Ref: C17167982; Author: Thompson/Brown)

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**Summary**

The purpose of this report is to seek the endorsement of Council to begin the process to amend South Jerrabomberra Development Control Plan 2012 in order to introduce new Neighbourhood Structure Plans for the South Tralee/Forrest Morrison Area, and to include appropriate controls for small lots of 130m<sup>2</sup> and studio dwellings.

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**Recommendation**

**That the South Jerrabomberra Development Control Plan 2015 be amended as set out in this report and placed on public exhibition.**

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**Background**

As noted, South Jerrabomberra Development Control Plan 2015 (SJDCP 2015) needs to be amended in order to introduce new Neighbourhood Structure Plans for the South Tralee/Forrest Morrison area, and, to include appropriate controls for small lots of 130m<sup>2</sup> and studio dwellings.

*Neighbourhood Structure Plans*

The SJDCP 2015 requires proponents to produce an agreed Neighbourhood Structure Plan for inclusion in the DCP prior to formally submitting a development application. These Neighbourhood Structure Plans, along with other material, have now been lodged with the Council by Elton Consulting on behalf of Village Building.

Council staff have previously provided advice on earlier versions of these plans and they have now been amended accordingly. Copies of the proposed Neighbourhood Structure Plans are shown at Attachment A.

The adoption of the Neighbourhood Structure Plan is critical as the submission of the first DA for South Tralee is expected in the near future.

*Controls for Small Lots of 130m<sup>2</sup>*

South Tralee LEP 2012 was amended in 2015 to allow for the creation of small Torrens title lots of 130m<sup>2</sup>, and, to allow for the development of studio dwellings (also known as 'Fonzi flats'). It is proposed now to amend SJDCP 2015 to ensure appropriate controls are in place for such developments. A number of drafting updates are also proposed though these are generally minor in nature.

Proposed changes to the relevant chapters of the DCP are shown in 'red' at Attachments "B" through to "I".

*Withdrawal of South Tralee Design Guidelines*

The South Tralee Design Guidelines were put in place prior to the South Jerrabomberra DCP being in place. This was because the original DA for South Tralee could not be lodged in the absence of an adopted DCP. The only way a DA could be lodged is if it were accompanied by a set of design guidelines. The review of the DCP means that these guidelines are now superseded and can be withdrawn.

**5.4 Proposed Amendments to South Jerrabomberra Development Control Plan (DCP) 2015 (Ref: C17167982; Author: Thompson/Brown) (Continued)**

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**Implications*****Legal***

The proposed amendments are considered to be consistent with the *Queanbeyan Local Environmental Plan (South Tralee) 2012*.

***Policy***

An amendment to this DCP in order to introduce agreed Neighbourhood Structure Plans is required prior to any development application being determined.

***Environmental***

The proposed Neighbourhood Structure Plans show the more steeply sloping, heavily wooded and visible areas as areas of open space/environmental.

***Asset***

The proposed Neighbourhood Structure Plans show future potential assets such as sports fields, a local park, roads, detention basins and other attributes.

***Social / Cultural***

The proposed Neighbourhood Structure Plans show sports fields, a local park and a woolshed, all of which have the potential to facilitate social and cultural interactions.

***Strategic***

As noted, the proposed amendments are considered to be consistent with the *Queanbeyan Local Environmental Plan (South Tralee) 2012* as well as with the *Queanbeyan Residential and Economic Strategy 2031*.

***Engagement***

The proposed amendments to the DCP will need to be publicly exhibited for a minimum of 28 days and the community will have an opportunity to comment on the plan at that time. Further internal discussion with Council's development team will also occur at that time and may influence the final contents of the DCP.

***Financial***

The costs associated with this amendment to the DCP will be met from the relevant general ledger.

***Resources (including staff)***

This will mainly involve one staff member.

**5.4 Proposed Amendments to South Jerrabomberra Development Control Plan (DCP) 2015 (Ref: C17167982; Author: Thompson/Brown) (Continued)**

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**Conclusion**

The proposed amendments to the SJDCP 2015 are considered necessary in order to progress appropriate development at South Jerrabomberra. Accordingly it is recommended Council endorse the plan being amended and progressed.

**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | Attachment A - Proposed Neighbourhood Structure Plans South Jerrabomberra ( <i>Under Separate Cover</i> ) |
| Attachment 2 | Attachment B - Amended South Jerrabomberra DCP 2015 - Table of Contents ( <i>Under Separate Cover</i> )   |
| Attachment 3 | Attachment C - Amended South Jerrabomberra DCP 2015 - Parts 1 and 2 ( <i>Under Separate Cover</i> )       |
| Attachment 4 | Attachment D - Amended South Jerrabomberra DCP 2015 Part 3 ( <i>Under Separate Cover</i> )                |
| Attachment 5 | Attachment E - Amended South Jerrabomberra DCP 2015 - Parts 4 and 5 ( <i>Under Separate Cover</i> )       |
| Attachment 6 | Attachment F - Amended South Jerrabomberra DCP 2015 Part 6 ( <i>Under Separate Cover</i> )                |
| Attachment 7 | Attachment G - Amended South Jerrabomberra DCP 2015 Part 7 ( <i>Under Separate Cover</i> )                |
| Attachment 8 | Attachment H - Amended South Jerrabomberra DCP 2015 Part 8 ( <i>Under Separate Cover</i> )                |
| Attachment 9 | Attachment I - Amended South Jerrabomberra DCP 2015 - Appendix 3 ( <i>Under Separate Cover</i> )          |



**5.5 Minor amendment - Section 94 Development Contributions Plan No 11 for the provision of public off-street carparking at Bungendore (Ref: C17156157; Author: Thompson/Robb)**

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**Summary**

The original (*Palerang*) *Section 94 Development Contributions Plan No. 11 for the Provision of Public Off-Street Carparking at Bungendore* (the Plan) was developed to fund a public off-street car park in the centre of Bungendore. Currently, car parking in the commercial area of Bungendore is either on-street or off-street on private property.

In 2011, Council resolved to adopt the Plan (88/2011) and in 2013, Council further resolved to amend the Plan (301/2013) to allow a reduction of 50% of the RTA Guideline requirements for the first 200m<sup>2</sup> of Gross Floor Area (GFA). The Plan currently states that this exemption is to be re-assessed prior to 30 June 2017.

Consequently the primary purpose of this report is to update the Plan to enable it to continue operating with this exemption until the Plan is reviewed in June 2019.

The Plan has also been updated to reflect the new entity of Queanbeyan-Palerang Regional Council as well as changes in land-use planning and population in Bungendore and to reflect consumer price index movements since March 2011 for the contribution for car spaces.

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**Recommendation**

- 1. That *Palerang Section 94 Development Contributions Plan No. 11 For The Provision Of Public Off-Street Carparking At Bungendore* be renamed *Section 94 Development Contributions Plan No. 11 For The Provision Of Public Off-Street Carparking At Bungendore (Amendment No. 2)* and that a note to this effect be put into the body of the Plan reflecting this.**
  - 2. That clause 2.13 of the *Section 94 Development Contributions Plan No. 11 For The Provision Of Public Off-Street Carparking At Bungendore* be amended to state *June 2019 (Amendment No. 2)*.**
  - 3. That the *Section 94 Development Contributions Plan No. 11 For The Provision Of Public Off-Street Carparking At Bungendore* be amended to include:**
    - a. The land use zones B2 Local Centre and B4 Mixed Use instead of referring to the commercial precinct in the repealed 2(V) Village Zone Development Control Plan.**
    - b. Reference(s) to Queanbeyan-Palerang Regional Council rather than Palerang Council.**
    - c. Reference(s) to the *Palerang Local Environmental Plan 2014* rather than the *Yarrowlumla Local Environmental Plan 2002*.**
    - d. Updated population and land development information.**
    - e. An adjustment to the contributions rate for each car space from May 2011 to that currently, based on movements to the Consumer Price Index (All Groups Index) for Sydney.**
    - f. Other minor administrative changes as necessary.**
-

**5.5 Minor amendment - Section 94 Development Contributions Plan No 11 for the provision of public off-street carparking at Bungendore (Ref: C17156157; Author: Thompson/Robb) (Continued)**

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4. That the *Section 94 Development Contributions Plan No. 11 For The Provision Of Public Off-Street Carparking At Bungendore (Amendment No. 2)* be further reviewed once the review of Bungendore Structure Plan has been adopted by Council.
  5. That the revised *Section 94 Development Contributions Plan No. 11 For The Provision Of Public Off-Street Carparking At Bungendore (Amendment No. 2)* be exhibited for a minimum of 28 days.
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### **Background**

The Plan was developed to fund a public car park in the centre of Bungendore. Currently, car parking in the commercial area of Bungendore is either on the street or off-street on private property. In 2011, Council resolved to adopt the Plan (88/2011) and in 2013, Council resolved to amend the Plan (250/2013-10 October 2013), following a request from the Bungendore Chamber of Commerce and Industry Inc. to achieve off-street car parking instead of having to charge new developments \$11,000 (plus indexation) per carpark space. A report discussing the matter was considered at the meeting of Council on 10 October 2013 (Item 10.6). The recommendation from this meeting is shown below:

1. *“Adopt as policy, for a period to 30 June 2017, the following methodology for assessment of carparking requirements for development applications in the area proposed for B2 (business zoning) in Bungendore:*
  - a. *reduce the criteria for businesses in relation to carpark spaces required to 50% of the RTA Guideline requirements for the first 200m<sup>2</sup> of Gross Floor Area (GFA);*
  - b. *for change of use of premises, calculate the number of carpark spaces required for the existing development and deduct this number from the number of carpark spaces calculated for the new development by the above method;*
  - c. *require developments where possible, to provide staff parking on the site of their developments;*
  - d. *permit parking for customers on the site of their developments only where a vehicle entering the site can turn at a dedicated and signposted location on the site beyond the parking spaces provided; to ensure that the vehicle can enter and exit the site in a forward direction;*
  - e. *confirm that the above arrangements will replace the arrangements available in the Yarrowlunla 2(v) Village DCP May 2009, whereby applicants for developments could seek up to a 50% reduction in parking requirements, if they could demonstrate by survey that there are existing spare parking spaces on street within 50m of their development site;*
  - f. *re-assess the policy prior to the end of the 4-year period;*
  - g. *restrict application of the above policy to new development applications and recent development approvals where the development has not proceeded to operation/occupation stage.*

**5.5 Minor amendment - Section 94 Development Contributions Plan No 11 for the provision of public off-street carparking at Bungendore (Ref: C17156157; Author: Thompson/Robb) (Continued)**

2. Amend s.94 Plan No 11 to reduce by up to half the contribution amount required for each carparking space, if and when Council can implement a Special Rate Variation that would enable revenue to be allocated to subsidise the costs of providing off-street carparking spaces by up to 50%.
3. Discontinue applying s.94 Plan No 9 for Street Upgrading to development applications for commercial premises in Bungendore. Restrict application of the above policy to new development applications and recent development approvals where the development has not proceeded to operation/occupation stage or otherwise previously paid the levies as determined under the s.94 Plan.
4. Receive a further report on the preferred layout for the off-street carpark following determination of the development applications for 12 & 14 Malbon Street.
5. Exhibit the proposed amendments to the plans and consider a further report at the end of the exhibition period."

Note:

1. The land use zone B4 Mixed Use was later included in the draft Palerang Local Environmental Plan (Refer to Attachment 2)
2. The commercial area referred to in the Plan is the same as the area zoned B2 and B4. Refer to Figure 1 below:

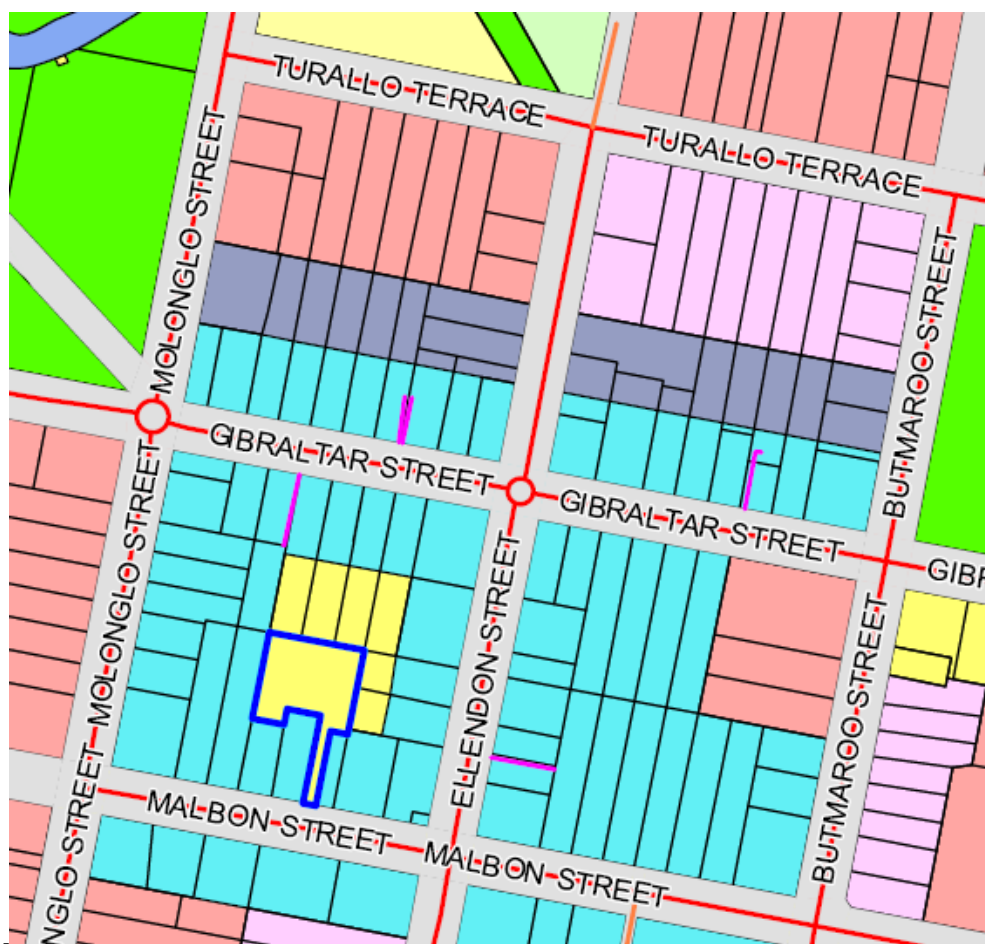


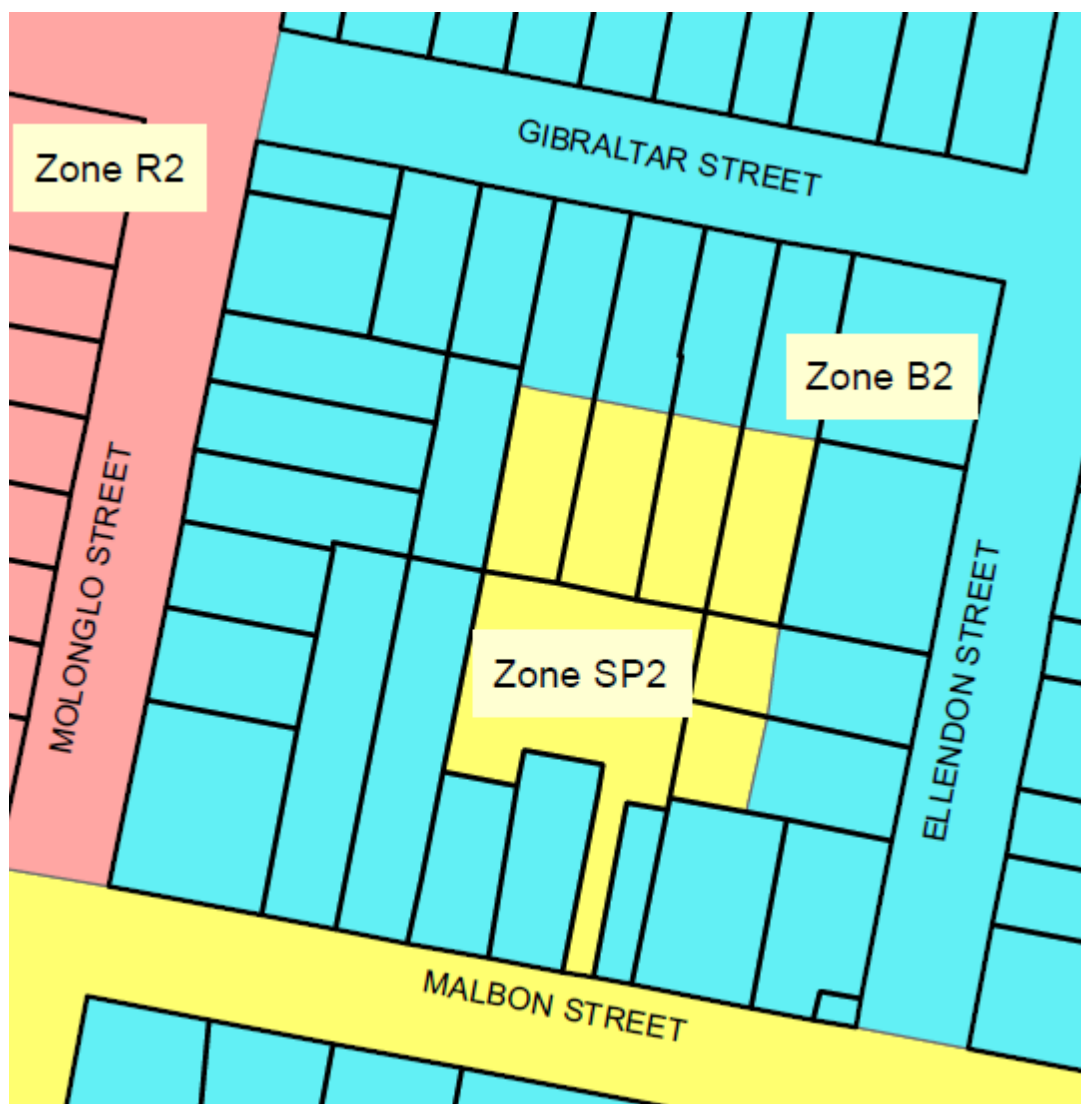
Figure 1- Palerang Local Environmental Plan 2014 – Land Use Zones

**5.5 Minor amendment - Section 94 Development Contributions Plan No 11 for the provision of public off-street carparking at Bungendore (Ref: C17156157; Author: Thompson/Robb) (Continued)**

Subsequently, Council adopted Amendment No.1 of the Plan (301/2013) which was the revised sub-clause 2.13: Criteria for businesses, in relation to carpark spaces required. This reduced to 50% of the RTA Guideline requirements for the first 200m<sup>2</sup> of Gross Floor Area (GFA). The exemption made under the sub-clause was to be re-assessed prior to 30 June 2017.

***Current Status of the Proposed Car Park***

The proposed car park land is zoned SP2 Infrastructure (car park) as shown in the Figure 2 below:

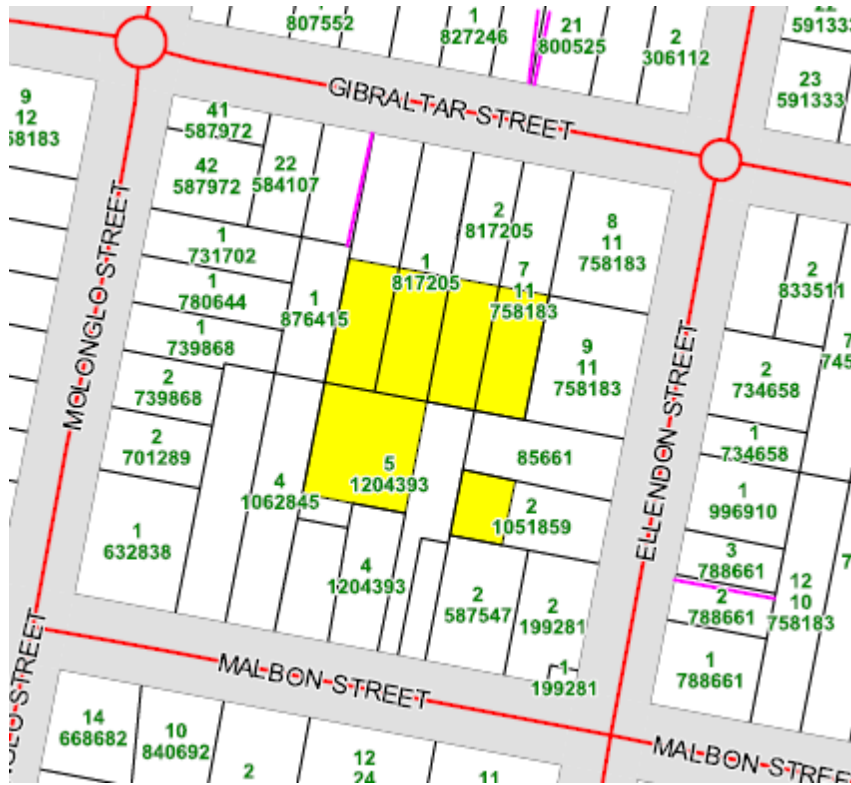


*Figure 2 - Land zoned SP2 Infrastructure (car park)*



**5.5 Minor amendment - Section 94 Development Contributions Plan No 11 for the provision of public off-street carparking at Bungendore (Ref: C17156157; Author: Thompson/Robb) (Continued)**

Currently, the land is a mix of Council and privately owned land. The land not owned by Council is shown in the *Palerang Local Environmental Plan 2014* (PLEP) Land Acquisition Figure 3 as shown below.



**Figure 3 - Palerang Local Environmental Plan 2014 Land Acquisition map**

Note:

The map will be updated as part of the development of the draft Queanbeyan-Palerang local environmental plan (comprehensive LEP).

**5.5 Minor amendment - Section 94 Development Contributions Plan No 11 for the provision of public off-street carparking at Bungendore (Ref: C17156157; Author: Thompson/Robb) (Continued)**

The first stage of the car park will be constructed in the area shown in Figure 4 below:



*Figure 4 - First stage of the car park (shown dark yellow), the land shown in the Acquisition map is pale yellow*

It is anticipated that the first stage of the car park will be constructed in the 2017/2018 financial period. There is no timeframe for Council to purchase the remaining land shown in the PLEP Acquisition map.

***Exemption under Clause 2.13***

The exemption under clause 2.13 has been reviewed by staff and it is recommended that it be extended for a further two-year period and that the amended draft Plan (Attachment 1) be exhibited.

**5.5 Minor amendment - Section 94 Development Contributions Plan No 11 for the provision of public off-street carparking at Bungendore (Ref: C17156157; Author: Thompson/Robb) (Continued)**

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### **Implications**

#### ***Legal***

The Plan is being amended under the *NSW Environmental Planning and Assessment Act 1979* and associated Regulation. Clause 32 of the *NSW Environmental Planning and Assessment Regulation 2000* states that Council may amend a contributions plan by a subsequent contributions plan. The amended plan is considered a subsequent contributions plan.

Clause 33A of the Regulation states that a plan must be reviewed by the date, if there is one in the contributions plan. The Plan which is the subject of this report does not contain a review date. The review date associated with the exemption (30 June 2017) is not considered a date which would be subject to this clause.

#### ***Policy***

Despite the date associated with the Plan requiring review of the exemption it is good practice to regularly review and update development contributions plans to ensure that they reflect current data and associated legislation and plans. However, it should be noted that the entire plan has not been reviewed only the need for the exemption.

#### ***Environmental***

The contributions collected from the Plan will contribute to the development of the car park which will include the management of stormwater and dust. This will benefit the natural environment. Additionally, the construction of the car park will enhance the amenity of the built environment in the Gibraltar and Ellendon Street areas.

#### ***Sustainability***

The Plan collects funds from the developments which will increase the need for public car spaces. This approach meets one of the principles of ecologically sustainable development – Improved valuation, pricing and incentive mechanisms which includes that the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services.

#### ***Asset***

The Plan allows for the creation of a car park which will be a Council asset.

#### ***Social/cultural***

The Plan will allow for the construction of a central car park which will enable people to easily access the centre of Bungendore. Adequate parking for community events is currently a problem and this carpark could be used either wholly or partly for community events on occasion.

#### ***Economic***

The car park will be of economic benefit to Bungendore as it will allow tourists, businesses and residents to access retail outlets and services more easily. The aim of the amendment is to encourage businesses to expand or establish in the business area of Bungendore.

#### ***Strategic***

The Plan enables Council to establish a car park which will contribute to there being off-street car parking commensurate with the growth of Bungendore.

**5.5 Minor amendment - Section 94 Development Contributions Plan No 11 for the provision of public off-street carparking at Bungendore (Ref: C17156157; Author: Thompson/Robb) (Continued)**

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***Engagement***

The *NSW Environmental Planning and Assessment Regulation 2000* requires that the plan be exhibited for a minimum period of 28 days. The following will be undertaken as part of the exhibition:

1. A notice of the exhibition will be placed in the local newspaper(s)
2. A copy of the draft Plan will be placed in the Braidwood, Bungendore and Queanbeyan offices.

It is not considered necessary to hold a community meeting as the amendment is minor.

***Financial***

Council staff will manage the consultation and finalisation of the proposed amendment. Consultation costs will be small as there are no proposed community meetings and a large amount of advertising is not considered necessary.

In relation to the contributions per car park space, this has been adjusted (as stated in the Plan) for movements in the Consumer Price Index since March 2011.

**Conclusion**

The original Plan was developed to fund a public off-street car park in the centre of Bungendore. In 2013, Council resolved to amend the Plan to allow a reduction of 50% of the RTA Guideline requirements for the first 200m<sup>2</sup> of Gross Floor Area (GFA). The Plan states that this exemption is to be re-assessed prior to 30 June 2017. This report recommends that the Plan be amended to extend the exemption until 30 June 2019 and to further review this provision when the Bungendore Structure Plan is finalised.

**Attachments**

- |              |  |
|--------------|--|
| Attachment 1 | Draft Amendment No. 2 Section 94 Development Contributions Plan No 11 for the Public Off-Street Carparking at Bungendore ( <i>Under Separate Cover</i> ) |
|--------------|--|

**6.1 Information Forums - Crown Lands Management Act 2016 (Ref: C17162151);  
Author: Thompson/Carswell)**

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**6.1 Information Forums - Crown Lands Management Act 2016 (Ref: C17162151);  
Author: Thompson/Carswell**

**Report**

Council has been recently notified through the Canberra Region Joint Organisation of the potential to hold a forum on the Crown Lands management reforms - specifically the *Crown Lands Management Act 2016* which will be commencing early in 2018 and is proposed by the NSW Department of Industry.

Among the implications for Council, the *Crown Lands Management Act 2016 (CLM Act)* allows councils to manage Crown land under the provisions of the *Local Government Act 1993* for public land. The state government anticipates that this will reduce the duplication and drain on resources experienced by councils resulting from the current dual legislative frameworks.

Councils will generally no longer have to seek consent for dealings on Crown land and will also benefit from the removal of reporting requirements. Instead, they will be able to manage Crown reserves in the same way that council-owned land is managed.

As part of this streamlined process, councils will be required to have plans of management for most Crown reserves that they manage. Some exceptions will apply for truly operational Crown land, such as waste depots.

Council staff attended another briefing on the amendments to the Act organised through the Canberra Region Joint Organisation in March 2017 and this matter was last reported to Council at its meeting on 26 July 2017 (Item No. 9.1).

The purpose of a future forum would be for representatives of the Department of Industry to meet with the councils in this region to provide them with an update on work and its impact on councils.

The notification also included two updates for June and September 2017 which are attached to this report. These provide a broad overview of the resulting processes and implications for councils of this change.

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**Recommendation**

**That the report be received for information.**

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**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | Local Councils Update 1 - Crown Lands Management Act 2016 ( <i>Under Separate Cover</i> ) |
| Attachment 2 | Local Council's Update 2 - Crown Land Management Act 2016 ( <i>Under Separate Cover</i> ) |



**6.2 Applications for Local Places Heritage Grants (Ref: C17169056); Author: Thompson/Carswell****Report**

Council has recently received 13 applications from residents of the local government area for the Local Places Heritage Grants. Requests for applications were advertised between 22 August and 13 October 2017. The grants are part-funded by Council and part-funded by the Office of Environment and Heritage and have to meet certain criteria. In general these are intended to fund small improvements to existing heritage items.

The previous process was:

1. An assessment panel was set up consisting of the Chair of the Heritage Advisory Committee, the Heritage Advisor and relevant staff.
2. The assessment panel met and reviewed applications and prepared an assessment sheet which identified which applications were recommended for funding and how much they were to receive. At this meeting the original applications were also available for review by panel members.
3. A report along with assessment sheet was considered by the Heritage Advisory Committee which then made a recommendation to Council.
4. Successful applicants were then notified and given a particular time in which to complete their projects, meet certain conditions and have to sign an agreement to this effect.

As the QPRC Heritage Advisory Committee and the Braidwood and Curtilage Heritage Advisory Committee are yet to be finalised, it is proposed that the above process be modified to ensure the grants are awarded this year. This timeframe is critical to ensure the grant-funded works can be completed before April 2018 when the grant funding has to be reconciled. Unless Council determines otherwise the revised selection process for this year will be as follows:

1. An assessment panel will be set up consisting of the Councillor representatives on the QPRC Heritage Advisory Committee and the Braidwood and Curtilage Heritage Advisory Committee (Councillors Marshall and Schweikert), Council's two Heritage Advisors and relevant staff.
2. The assessment panel will meet and review applications and prepare an assessment sheet which recommends which applications are to be funded and how much they are to receive. The original applications will also be available at the meeting.
3. Based on these recommendations a report will be prepared for Council to determine which projects should receive funding.

Successful applicants will be notified and given a particular time in which to complete their projects, meet certain conditions and sign an agreement to this effect.

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**Recommendation**

**That the report be received for information.**

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**Attachments**

Nil

**7 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION**

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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.