



Ordinary Meeting of Council

AGENDA

18 December 2024

Commencing at 5.30pm

National Theatre
100 Wallace Street, Braidwood

Presentations for items listed on the Agenda can be made in writing, via Zoom or in person. A live stream of the meeting can be viewed at: <http://webcast.qprc.nsw.gov.au/>

Statement of Ethical Obligations

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

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

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.4 Sunset Planning Proposal - 141 Googong Road, Googong (Ref: ; Author: Ormella/Chohan)

File Reference: PP.2024.0010

Recommendation

That Council:

1. **Endorse the planning proposal to amend the Queanbeyan-Palerang Regional Local Environmental Plan 2022:**
 - a. **Amend land use zoning of part of Lot 39 DP 1257837, 141 Googong Road, Googong from C2 Environmental Conservation to R1 General Residential and rezone part of land currently zoned R1 General Residential having EPBC Box-Gum Woodland to C2 Environmental Conservation.**
 - b. **Amend minimum lot size of part of Lot 39 DP 1257837, 141 Googong Road, Googong as follow:**
 - I. **from 10 hectares to 1,000 m² for land rezoned from C2 to R1.**
 - II. **from 1,000 m² to 10 hectares for land rezoned from R1 to C2.**
 - III. **from 1,000 m² to 600 m² for a portion of existing R1 zoned land.**
 - c. **Apply 8.5 m building height to the land rezoned R1.**
 - d. **Amend heritage curtilage of McCawley "Sunset" Homestead Complex.**
 - e. **Amend associated planning control maps that include additional permitted uses, secondary dwelling and dual occupancy to align with new zone boundaries.**
 2. **Forward the planning proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) requesting a Gateway determination.**
 3. **Request delegation of Plan Making Authority, for this planning proposal.**
 4. **Undertake agency consultation and public exhibition according to the requirements of the Gateway determination.**
 5. **Should no objections be received, undertake the necessary actions to finalise the making of the Queanbeyan-Palerang Regional Local Environmental Plan 2022.**
 6. **A payment of fee outlined in Council's Fees and Charges 2024-25 for a standard Planning Proposal be made by the proponent.**
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Summary

On 22 February 2023, Council resolved (**Resolution No 043/23**) to progress a scoping proposal for rezoning of part of Lot 39 DP 1257837, 141 Googong Road, Googong (site) to a planning proposal. Following agency consultation Council informed Binowee Pty Ltd (proponent) of the matters to be addressed and further technical advice required to inform the preparation of a future planning proposal.

A planning proposal has now been prepared addressing the agency concerns. Council approval is now sought to forward the planning proposal to the Department of Planning, Housing and Infrastructure (DPHI) requesting a Gateway determination.

9.4 Sunset Planning Proposal - 141 Googong Road, Googong (Ref: ; Author: Ormella/Chohan) (Continued)

Background

A Local Environmental Study (LES) 2007 was prepared by Willana Associates to support rezoning for Googong township. The LES also considered the site for a possible low density residential, environmental protection or eco-living (refer Figure 1) based on geological and ecological assessment. The assessments covered 1390 hectares of land that formed the original study area for rezoning for Googong township. The LES also contributed to inform the existing boundaries of R1 General Residential and C2 Environmental Protection zones of the site.

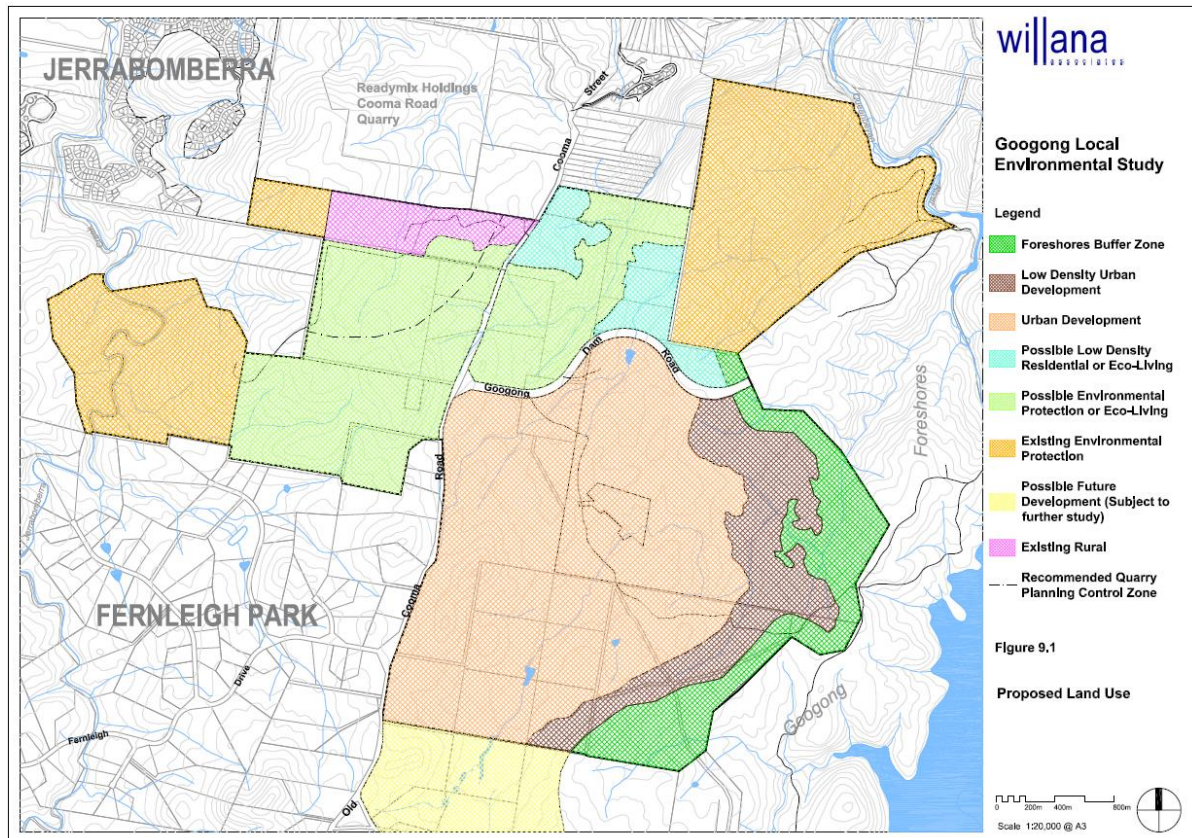


Figure 1 Proposed Land Use in the Local Environmental Study 2007 for the site

The proponent undertook detailed biodiversity and geotechnical assessments of the site and identified low instability risk and minimal threatened species and ecological communities (TECs).

The proponent prepared a scoping proposal that was submitted to Council on 30 March 2022. On 22 February 2023, Council resolved (**Resolution No 043/23**) to progress the scoping proposal. The proponent has now prepared a planning proposal for Sunset Stage 2, incorporating Council and agency advice and has submitted it to Council for consideration.

9.4 Sunset Planning Proposal - 141 Googong Road, Googong (Ref: ; Author: Ormella/Chohan) (Continued)

Report

The proponent-led planning proposal is seeking to rezone land and amend associated planning controls on Lot 39 DP 1257837, as shown outlined red in Figure 2 below. The site has an area of 30.71 ha and is also known as Sunset Stage 2. The land abuts to southeast of the site is known as Sunset Stage 1 and is zoned R1 General Residential with approved 38 lots subdivision for residential development.

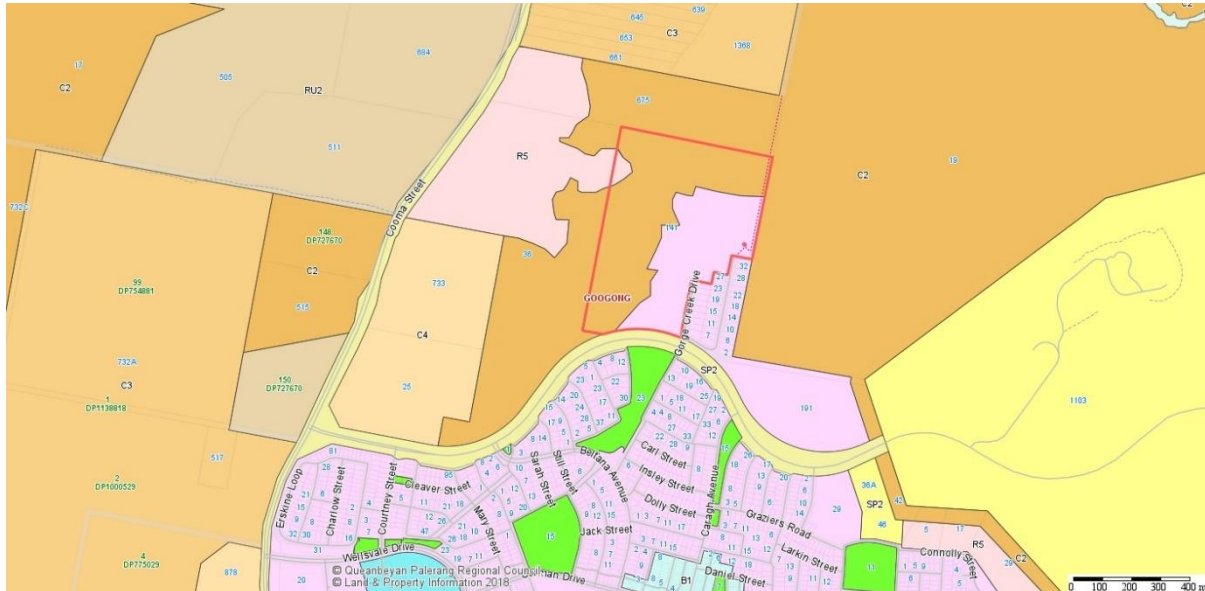


Figure 2 Map showing site outlined red and current land use zoning under QPRLEP 2022

The site is currently zoned part R1 General Residential, C2 Environmental Conservation and R5 Large Lot Residential under QPRLEP 2022. The planning proposal is seeking to:

1. Amend the Land use zoning from C2 Environmental Conservation to R1 General Residential and rezone part of land currently zoned R1 General Residential having EPBC Box-Gum Woodland to C2 Environmental Conservation.
2. Amend minimum lot size of the site as follow:
 - a. from 10 hectares to 1,000 m² for land rezoned from C2 to R1.
 - b. from 1,000 m² to 10 hectares for land rezoned from R1 to C2.
 - c. from 1,000 m² to 600 m² for a portion of existing R1 zoned land.
3. Amend building height to 8.5 m of the land rezoned R1.
4. Amend the extent of curtilage of McCawley "Sunset" Homestead Complex.
5. Associated planning control maps that include additional permitted uses, secondary dwelling and dual occupancy to align with new zone boundaries.

The proposed changes are map related amendments. The proposal does not seek to amend any clause within QPRLEP 2022 (written instrument). As such, additional changes are included in the planning proposal in consideration of Council and agencies' technical advice resulting from the review of scoping proposal. The changes are introduced to align with applicable planning controls to similar land use zones within Googong township.

9.4 Sunset Planning Proposal - 141 Googong Road, Googong (Ref: ; Author: Ormella/Chohan) (Continued)

There is a reduction in developable residential zoned land (11.79 ha to 11.46ha) resulting from adjustment of zones boundary to ensure EPBC Box-Gum Woodland and areas of biodiversity value under BC Act are conserved.

The proposed map changes are identified in the planning proposal (refer Attachment 1) on page 44 to 49. A map showing the cumulative changes is shown in Figure 3.

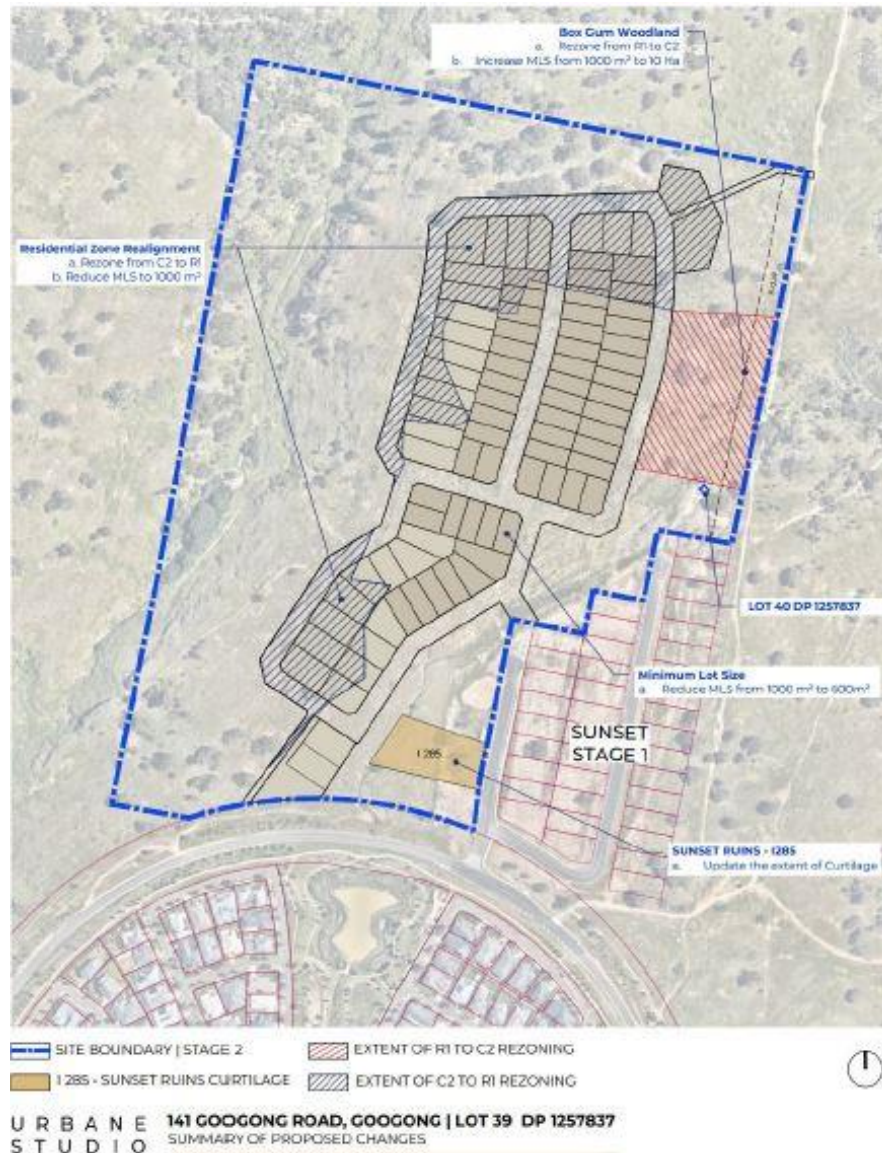


Figure 3 Proposed changes to the site

9.4 Sunset Planning Proposal - 141 Googong Road, Googong (Ref: ; Author: Ormella/Chohan) (Continued)

Table 1 below shows the current and proposed zone land areas.

State of zoning / Land area (ha)	Environmental Conservation C2	General Residential R1	Large Lot Residential R5	Total	Land dedicated to Council
Current	18.39	11.79	0.53	30.71	Nil
Proposed	15.62	14.56 (11.46 ha taking into account the 3.10 ha to be dedicated to Council)	0.53	30.71	3.34 (R1 - 3.10 ha and C2 - 0.24 ha)

Table 1 Detail of land area for each zone pre and post amendment

The 3.34 ha of land to be dedicated to Council through a voluntary planning agreement (VPA) in accordance with Council resolution (**Resolution No 043/23**) includes a riparian corridor and heritage item (Sunset Homestead). The exact boundary of this land will be confirmed upon registration of plan of subdivision and will be rezoned appropriately for public use through a site-specific or housekeeping planning proposal.

Biodiversity

A Biodiversity Survey Report (22 April 2022) by Capital Ecology documented the occurrence of biota listed as threatened under the NSW *Biodiversity Conservation Act 2016* (BC Act) and Matters of National Environmental Significance (MNES) pursuant to the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The Biodiversity Development Assessment Report (BDAR) mapped the ecological communities observed during the site surveys (refer Figures 5 to 10 in Attachment 2). The EPBC Box-Gum Woodland and BC Act native vegetation observed on the site are shown in Figure 4.

9.4 Sunset Planning Proposal - 141 Googong Road, Googong (Ref: ; Author: Ormella/Chohan) (Continued)

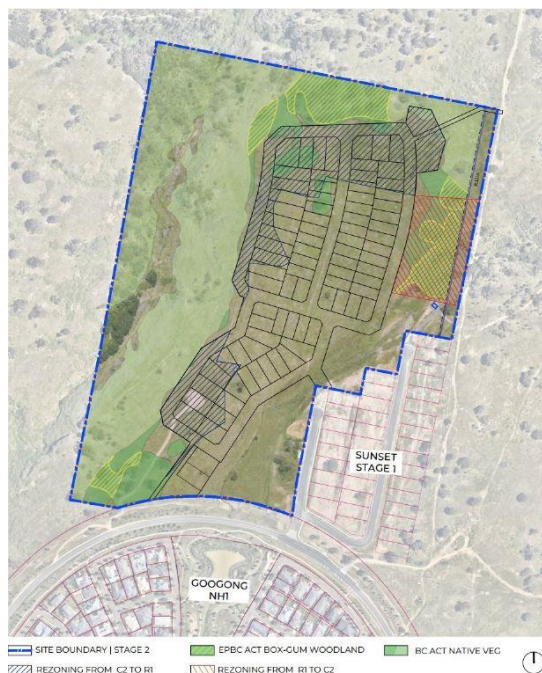


Figure 4 Biodiversity Value noted on the site (Capital Ecology 2024)



Figure 5 Proposed development's impact on biodiversity value (Capital Ecology 2024)

The report noted that no threatened ecological community, threatened species habitat or BC Act native vegetation were observed in the central and southeastern parts of the site. The report further advises that the extensive loss of native vegetation and threatened species habitat is a result of significant land modification due to its current and past land uses, being primarily livestock grazing.

The proposed development is located on the central and southeastern parts of the site that lack significant biodiversity values, therefore, the impact of proposed development on the biodiversity value of the site is minimal (refer Figure 5).

Flooding

The planning proposal is accompanied by the Flood Impact Assessment (refer Attachment 3, Spiire October 2024) which addresses the concerns raised by DCCEW. The flood assessment includes hydraulic modelling to determine the flood extent within Googong Creek and the site up to probable maximum flood (PMF) levels. The assessment notes (refer Figure 6):

- The extent of 1% AEP flood does not impact the site. There is sufficient freeboard (0.65m) from the 1% AEP flood water surface elevation to proposed culvert crossing at Googong Creek.
- The 1% AEP plus climate change, 0.5% AEP and 0.2% AEP flood extents are contained within the Googong Creek with no impact to the site.
- The PMF flood extent does hit the road directly adjacent to the Googong Creek and overtops the proposed culvert crossing at Googong Creek. However, evacuation can be provided through direct access to Googong Rd south of the site.

9.4 Sunset Planning Proposal - 141 Googong Road, Googong (Ref: ; Author: Ormella/Chohan) (Continued)

- The PMF hazard classification is considered high (H5 to H6) within Googong Creek, however, the hazard classification is not high in areas for proposed residential use.
- PMF velocities greater than 2m/s are generally contained within the Googong Creek Corridor.

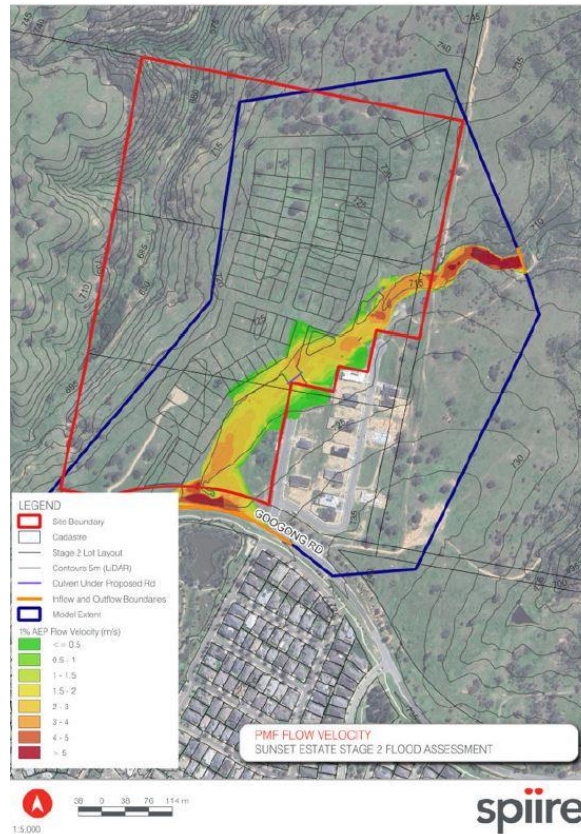


Figure 6 PMF Impact on the site (Spiire 2024)

Geotechnical Investigation

The Local Environmental Study (LES) 2007 recommended that land with more than 20% slope is unsuitable for dwellings. The slope across the site is generally less than 10%. The geotechnical investigation (refer Attachment 4) concludes that the site has very low to low risk of slope instability which makes it suitable for rezoning for future residential use. Areas with moderate slope should consider appropriate dwelling design and effective erosion control measures during the DA stage.

Aboriginal Heritage

The Aboriginal Cultural Heritage Assessment by Past Traces Heritage Consultants (refer Attachment 5) has identified five heritage sites with two areas of Potential Archaeological Deposit (PAD). Further assessment of these PADs revealed 37 artefacts, highlighting a low density across the site. The report notes that the proposed rezoning does not warrant conservation of these areas and no further action is required. The report concludes that, no significant items were found that would prevent development on the site.

9.4 Sunset Planning Proposal - 141 Googong Road, Googong (Ref: ; Author: Ormella/Chohan) (Continued)

Bushfire

The site's topography and existing and anticipated vegetation indicate a moderate to high bushfire threat in surrounding areas. These risks can effectively be mitigated through implementation of standard protective measures including proposed edge roads and Asset Protection Zones (APZs) to ensure adequate separation from hazardous vegetation and reducing exposure to radiant heat (refer Bushfire Strategic Study - Attachment 6).

Traffic

The proposed development will not have any significant adverse impact on the surrounding area and broader road network as noted in the Traffic Impact Assessment by SCT Consulting (refer Attachment 7). It also notes that proposed road network is suitable and traffic volumes comply with maximum loading criteria for each street type within the site and surroundings.

SIDRA intersection modelling confirms that Level of Service remains unchanged for Old Cooma Road/Googong Road and Gorge Creek Road/Googong Road intersection. The existing and planned transport infrastructure can adequately be accommodated without any infrastructure changes.

Visual Impact

The Visual Impact Assessment *report* by Urbaine Design Group (August 2024) (refer **Attachment 8**) analysed the views from various vantage points within the subject site and noted that the extent of R1 zone integrates well with the broader locality context with no disruption. The new housing lots will primarily be visible in the gaps between the existing R1 zone lots and distant views are largely obstructed by the site topography. Existing mature trees and landscaping collectively minimize the visual impact of proposed development.

Infrastructure

The infrastructure report for the DA of Sunset Stage 1 (refer Attachment 9) states, 'The infrastructure installed within the first stage has the residual capacity to readily extend for the future subdivision as provided within the planning proposal'.

High level infrastructure needs and requirements will be assessed during the consultation periods following a Gateway determination. A follow up development application lodged for land subdivision that will require a detailed infrastructure design.

Environmental Heritage Assessment

The historic ruin situated to the southeast of the site is listed in Schedule 5 of QPRLEP 2022 as Item 285 - McCawley "Sunset" Homestead Complex. On the heritage map, the heritage curtilage of heritage item extends out onto lots created in Sunset Stage 1 due to historical lot boundaries. Council's former Heritage Adviser assessed the extent of heritage item and advised that the area should be reduced (refer Attachment 10) and recommended that heritage map be amended to reflect the correct heritage curtilage.

Risk/Policy/Legislation Considerations

The planning proposal has been reviewed in accordance with Council's procedures and the relevant provisions of Environmental Planning and Assessment Act 1979 and the Minister's Direction.

9.4 Sunset Planning Proposal - 141 Googong Road, Googong (Ref: ; Author: Ormella/Chohan) (Continued)

Financial, Budget and Resource Implications

Staff resources have been expended in the review of the planning proposal. Any recommendation to progress to Gateway determination to further assess the Planning Proposal will attract appropriate fees as listed in Council's Fees and Charges 2024-25.

Officers previously assessed the proponent led planning proposal to be a complex one, recommending the fee to be \$51,000 based on Council's Fees and Charges. The proponent (refer Attachment 12) submits that the planning proposal should not be defined as a complex proposal under the Departments categories rather it should be categorised as a standard proposal.

The planning proposal is seeking to adjust the land use zone boundaries that will result in reduction of developable land in response to the environmental constraints. Considering the nature and scope of the planning proposal, staff agree with the applicant's submission that the planning proposal should be classified as a standard planning proposal rather a complex planning proposal. Therefore, it is recommended that \$25,854 should be charged for the planning proposal.

Links to QPRC/Regional Strategic Plans

The planning proposal is consistent with the Local Strategic Planning Statement - Towards 2040 and the Queanbeyan-Palerang Community Strategic Plan – Towards 2042 which outlines that proposed development should align with QPRC's long-term planning goals for sustainable development and community growth.

The planning proposal is also consistent with the Draft South East and Tablelands Regional Plan 2041 and the South East and Tablelands Regional Plan 2036 which plan for the supply of housing in appropriate locations and plan for more affordable low-cost and social housing together with environmentally sustainable housing choices.













Conclusion

The planning proposal is seeking to amend the land use zoning and associated planning controls for the site. The planning proposal is consistent with the local and regional strategic directions. The planning proposal is generally consistent with the applicable Minister's Directions and any inconsistency has been addressed. Should council support the progression of the planning proposal, the planning proposal will be referred the DPHI for a Gateway determination and subsequently to the relevant stage agencies.

It is recommended that Council support progressing the planning proposal to Gateway determination and requesting delegation as local plan-making authority.

9.4 Sunset Planning Proposal - 141 Googong Road, Googong (Ref: ; Author: Ormella/Chohan) (Continued)

Attachments

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|---|---------------|---|
|  | Attachment 1 | Planning Proposal (<i>Under Separate Cover</i>) |
|  | Attachment 2 | Biodiversity Development Assessment Report (<i>Under Separate Cover</i>) |
|  | Attachment 3 | Flood Impact Assessmnet (<i>Under Separate Cover</i>) |
|  | Attachment 4 | Geotechnical Investigation (<i>Under Separate Cover</i>) |
|  | Attachment 5 | Aboriginal Cultural Heritage Assessmnet (<i>Under Separate Cover</i>) |
|  | Attachment 6 | Bushfire Strategic Study (<i>Under Separate Cover</i>) |
|  | Attachment 7 | Traffic Impact Assessment (<i>Under Separate Cover</i>) |
|  | Attachment 8 | Visual Impact Assessment (<i>Under Separate Cover</i>) |
|  | Attachment 9 | Infrastructure Capacity Statement (<i>Under Separate Cover</i>) |
|  | Attachment 10 | QPRC Heritage Adviser's Report_Sunset Homestead (<i>Under Separate Cover</i>) |
|  | Attachment 11 | Preliminary Concept Plan (<i>Under Separate Cover</i>) |
|  | Attachment 12 | Proponent's Request to Review Fee (<i>Under Separate Cover</i>) |



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via zoom and in the National Theatre, 100 Wallace Street, Braidwood on Wednesday, 18 December 2024 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Winchester (Chairperson)
Cr Broadbent
Cr Grundy
Cr Livermore
Cr Macdonald
Cr Preston
Cr Schweikert
Cr Taskovski (via Zoom)
Cr Waterhouse
Cr Willis
Cr Wilson

Staff: R Ryan, General Manager
M Duff, Director Infrastructure Services
R Ormella, Director Development and Environment
J Richards, Director Community, Arts and Recreation
T Sligar, A/Director Corporate Services

Also Present: L Ison (Minute Secretary)

1. OPENING

The meeting commenced at 5.30pm.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the Traditional Custodians of the Land upon which the meeting was held.

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

There were no apologies.

- 557/24 **9.2 DA.2023.0511 - 460 Environa Drive Environa - Construction of Buildings Comprising of Shops, Neighbourhood Supermarket, Business Premises, Restaurants or Café, Takeaway Food and Drink Premises, Medical Centre, Recreation Facility (indoor) (gymnasium), Pub, Car Park, Signage, Associated Earthworks, Landscaping and Infrastructure**
RESOLVED (Wilson/Waterhouse)

That development application DA.2023.0511 for the construction of buildings comprising of shops, neighbourhood supermarket, business premises, restaurants or café, take away food and drink premises, medical centre, recreation facility (indoor) (gymnasium), pub, car park, signage, associated earthworks, landscaping and infrastructure on Lot 68 DP 1302790 (Formerly Pt Lot 933 DP 1292514), No. 460 Environa Drive Environa be granted conditional consent.

The resolution was carried unanimously.

- 558/24 **9.3 DA.2023.0361- 21 Kythera Street Googong - Multi Dwelling Housing and Strata Subdivision**
RESOLVED (Wilson/Broadbent)

That development application DA.2023.0361 for the construction of multi dwelling housing comprising 39 dwellings, strata subdivision, earthworks, landscaping, and associated services on Lot 667 DP1289740, No. 21 Kythera Street Googong be granted conditional consent.

The resolution was carried unanimously.

- 559/24 **9.4 Sunset Planning Proposal - 141 Googong Road, Googong**
RESOLVED (Waterhouse/Broadbent)

That Council:

1. Endorse the planning proposal to amend the Queanbeyan-Palerang Regional Local Environmental Plan 2022:
 - a. Amend land use zoning of part of Lot 39 DP 1257837, 141 Googong Road, Googong from C2 Environmental Conservation to R1 General Residential and rezone part of land currently zoned R1 General Residential having EPBC Box-Gum Woodland to C2 Environmental Conservation.
 - b. Amend minimum lot size of part of Lot 39 DP 1257837, 141 Googong Road, Googong as follow:
 - I. from 10 hectares to 1,000 m² for land rezoned from C2 to R1.
 - II. from 1,000 m² to 10 hectares for land rezoned from R1 to C2.
 - III. from 1,000 m² to 600 m² for a portion of existing R1 zoned land.

- c. Apply 8.5 m building height to the land rezoned R1.
 - d. Amend heritage curtilage of McCawley "Sunset" Homestead Complex.
 - e. Amend associated planning control maps that include additional permitted uses, secondary dwelling and dual occupancy to align with new zone boundaries.
2. Forward the planning proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) requesting a Gateway determination.
3. Request delegation of Plan Making Authority, for this planning proposal.
4. Undertake agency consultation and public exhibition according to the requirements of the Gateway determination.
5. Should no objections be received, undertake the necessary actions to finalise the making of the Queanbeyan-Palerang Regional Local Environmental Plan 2022.
6. Endorses the assessment that the standard planning proposal fee as set out in Council's Fees and Charges 2024-25 should apply.

The resolution was carried.

For: Crs Broadbent, Grundy, Livermore, Macdonald, Preston, Schweikert, Taskovski, Waterhouse and Winchester
Against: Crs Willis and Wilson

9.5 Post Exhibition Report - Draft Solid Fuel Heater Policy **MOVED (Willis)**

That Council:

1. Note that:
 - a. a substantial number of public submissions on the draft Solid Fuel Heater Policy were based on opposition to measures that are not part of the Policy; and
 - b. the Policy permits existing users of solid fuel heaters approved by council for installation to continue to use them and to replace them.
2. Adopt the Solid Fuel Heater Policy as exhibited.
3. Write to the NSW Government requesting it implement a state-wide means-tested program to subsidise the cost to replace old domestic solid fuel heaters with electric heating.

The motion (of Cr Willis) lapsed for lack of a seconder.