



Ordinary Meeting of Council

AGENDA

13 December 2017

Commencing at 5:30pm

**Council Chambers
253 Crawford St, Queanbeyan**

****On-site Inspections****

“Nil”

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Confidential - Not for Publication

20 REPORTS FOR CLOSED SESSION

20.1 Potential Litigation - Curtis Estate

".Item 20.1 is confidential in accordance with s10(A) (g)of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

20.2 Expressions of Interest for Advisory Committees

".Item 20.2 is confidential in accordance with s10(A) (a)of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

LIST OF ATTACHMENTS –

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

Open Attachments

Item 11.2 Concept Options for Bypasses of Braidwood and Bungendore

Attachment 1 Economic Evaluation of Town Bypasses - Review of Literature - November 2011 (Under Separate Cover)

Item 12.1 DA 247-2017 - Lot 1368 Gorman Drive Googong (13 Dwellings, Subdivision and a Public Laneway)

Attachment 1 DA 247-2017 - Section 79C(1) Table - Matters for Consideration (Under Separate Cover)

Attachment 2 DA 247-2017 - Streetscape Elevation Plans (Under Separate Cover)

Attachment 3 DA 247-2017 - Site Plan (Under Separate Cover)

Attachment 4 DA 247-2017 - Draft Conditions of Consent (Under Separate Cover)

Item 12.2 DA 291-2017 Lot 1368 Gorman Drive Googong - 9 Dwellings, Subdivision, Public Laneway

Attachment 1 DA 291-2017 - Section 79C(1) Table - Matters for Consideration (Under Separate Cover)

Attachment 2 DA 291-2017 - Architectural Plans (Under Separate Cover)

Attachment 3 DA 291-2017 - Draft Condition Printout (Under Separate Cover)

Item 12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests

Attachment 1 Attachment 1 Lot 11 DP 1118681 - Redacted (Under Separate Cover)

Attachment 2 Attachment 2 Lots 53, 54, 55 and 56 DP 774754 - Redacted (Under Separate Cover)

Attachment 3 Attachment 3 Lot 1 DP 731998 - Redacted (Under Separate Cover)

Attachment 4 Attachment 4 Lot 2 DP 838497 - Redacted (Under Separate Cover)

Item 12.5 Comprehensive Local Environmental Plan - Review of E4 Zoning - Bywong and Wamboin.

Attachment 1 Background to the Application of the E4 Land Use Zone E4

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- Environmental Living (Under Separate Cover)*
- Attachment 2 *Approach to Assessment of E4 Zoned Land - Wamboin and Bywong (Under Separate Cover)*
- Attachment 3 *Australian Land Use and Management Classification (Under Separate Cover)*
- Attachment 4 *NSW Agricultural Classes (Under Separate Cover)*
- Attachment 5 *Process for Mapping an ALUM Land Use Class (Under Separate Cover)*
- Attachment 6 *FAQs Northern Council's E Zone Review Final Recommendations Report and Ministerial Direction 2016 03 02 (Under Separate Cover)*
- Item 12.8 Road Naming Proposal - Nightjar Road - Road 1009 - Jerrabattgulla
- Attachment 1 *NSW Addressing User Manual extract (Under Separate Cover)*
- Attachment 2 *Nightjar Road - Extent Map (Under Separate Cover)*
- Attachment 3 *New Road Name - Road 1009 - Submission (Under Separate Cover)*
- Item 12.9 Road Naming Proposal - Percheron Road - Road 1025 - Durran Durra
- Attachment 1 *Road 1025 - Extent Map for Resident Mail out - 28 June 2017 (Under Separate Cover)*
- Attachment 2 *Percheron Road - Road 1025 (Under Separate Cover)*
- Item 12.10 Road Naming Proposal - Masters Close - Bungendore
- Attachment 1 *Proponents Nomination Letter (Under Separate Cover)*
- Item 12.15 Queen Elizabeth Park II Amphitheatre Steps Design Competition
- Attachment 1 *QEII Park Amphitheatre Design documents (Under Separate Cover)*
- Item 12.17 Proposed Relationship with Icon Water
- Attachment 1 *Letter from John Knox (Under Separate Cover)*
- Item 12.18 Investment Report - November 2017
- Attachment 1 *Investment Report - November 2017 - Attachment 1 - 13 December 2017 (Under Separate Cover)*
- Item 12.19 Endorsement of Community Strategic Plan 2018-2028
- Attachment 1 *Attachment 1 Submissions Table for Draft Community Strategic Plan (Under Separate Cover)*
- Attachment 2 *Draft Community Strategic Plan Community Engagement Report (Under Separate Cover)*
- Attachment 3 *Community Strategic Plan 2018-2028 (Under Separate Cover)*
- Item 12.20 QPRC Workplace Surveillance Policy 2017
- Attachment 1 *Draft QPRC Workplace Surveillance Policy 2017 (Under Separate Cover)*
- Item 13.1 Moore Park Skate Park Project
- Attachment 1 *Skate park current (Under Separate Cover)*
- Attachment 2 *Art work idea (Under Separate Cover)*
- Item 16.1 Responses to Councillors' Questions
- Attachment 1 *Responses to Councillors' Questions table (Under Separate Cover)*
- Attachment 2 *Attachment for Question 46 - Palerang's Unsealed Road Maintenance Grading Policy 2005 (Under Separate Cover)*

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Closed Attachments

- Item 12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests
Attachment 5 Attachment 5 - Rezoning and Dwelling Eligibility Requests - 3 November 2017 (Under Separate Cover)
- Item 12.6 Proposed South Tralee Essential Infrastructure Planning Agreement
Attachment 1 South Tralee Essential Infrastructure Planning Agreement - Version with agreed changes accepted and outstanding changes shown (Under Separate Cover)
- Item 12.8 Road Naming Proposal - Nightjar Road - Road 1009 - Jerrabattgulla
Attachment 4 Submitters Legal Advice 1 (Under Separate Cover)
Attachment 5 Submitters Legal Advice 2 (Under Separate Cover)
- Item 12.12 RFT 07/2018 Schedule of Rates Contract - Gravel Supply and Quarry Materials
Attachment 1 Recommendation Report - Gravel Supply and Quarry Materials (Under Separate Cover)
- Item 12.13 Tender Evaluation Report, Sports Field Lighting for Seiffert Oval, Riverside Oval and Braidwood Recreation Ground
Attachment 1 06-2018 Signed Tender Evaluation Report (Under Separate Cover)
- Item 14.1 The Q Board - November 2017
Attachment 1 The Q - Board Meeting - Council Official Agenda - November 2017 (Under Separate Cover)
- Item 16.1 Responses to Councillors' Questions
Attachment 3 Responses to Councillors' Questions table with additional information (Under Separate Cover)
- Item 20.2 Expressions of Interest for Advisory Committees
Attachment 1 Table of Committees (Under Separate Cover)
Attachment 2 Expressions of Interest (Under Separate Cover)



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 10 Majara Street, Bungendore on Wednesday, 22 November 2017 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Overall (Chair), Crs Biscotti, Bray AM, Brown, Harrison, Hicks, Marshall, Noveska, Schweikert, Taylor and Winchester.

Staff: P Tegart, CEO/General Manager; M Thompson, Portfolio General Manager Natural and Built Character; P Hansen, Portfolio General Manager Community Connections; J Richards, Portfolio General Manager Community Choice; P Neil, Portfolio General Manager Organisational Capability and S Taylor, Service Manager Finance.

Also Present: W Blakey (Clerk of the Meeting) and L Ison (Minute Secretary).

1. APOLOGIES

There were no apologies.

1A. DISCLOSURES OF INTERESTS

358/17

RESOLVED (Taylor/Bray)

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

Mr Shane Taylor (Service Manager Finance) declared a pecuniary interest for Item 5.4 - Rates Issues, as he is the owner of a property at Googong, and stated that he will leave the Chambers when the item is considered.

Cr Kenrick Winchester declared a pecuniary interest for Item 5.4 - Rates Issues, as he is a resident of Googong and any change to the rates will have a financial impact, and stated that he will leave the Chambers when the item is considered.

Mr Peter Tegart (CEO/General Manager) declared a pecuniary interest for Item 5.4 - Rates Issues, as he is the owner of land at Googong, and stated that he will leave the Chambers when the item is considered.

Cr Trudy Taylor declared a pecuniary interest for Item 5.4 - Rates Issues, as she is a ratepayer in Googong, and stated that she will leave the Chambers when the item is considered.

Cr Michele Biscotti declared a pecuniary interest for Item 5.4 - Rates Issues, as he is the owner of a property at Googong, and stated that he will leave the Chambers when the item is considered.

Cr Michele Biscotti declared a non-pecuniary interest, less than significant, for Item 6.4 - Q-One Indoor Sports & Monaro Panthers - Junior Futsal League - Affiliation Program, as he is the Premier League Coach at the Monaro Panthers, and stated that he will leave the Chambers when the item is considered.

Cr Radmila Noveska declared a non-pecuniary interest, significant, for Item 6.6 - Summer Activation Event January 2018, as she is a member of the specified company or other body, and stated that she will leave the Chambers when the item is considered.

Cr Peter Bray declared a non-pecuniary interest, less than significant, for Item 6.6 - Summer Activation Event January 2018, as he is the President of the Treehouse (Queanbeyan Children's Special Needs Group) which is one of the recipient organisations for distribution of donations from this event, and stated that he will leave the Chambers when the item is considered.

Cr Kenrick Winchester declared a non-pecuniary interest in Item 6.9 - Local Places Heritage Grants, as he is a friend of one of the applicants, and stated that he will disclose and not vote.

Cr Winchester declared a non-pecuniary interest, significant, in Item 6.12 - Plant Hire Tender, as he is a full-time employee of a vehicle and equipment leasing company, and stated that he will leave the Chambers when the item is considered.

Cr Trevor Hicks declared a non-pecuniary interest, less than significant, for Item 7.2 - Molonglo Rail Trail Feasibility, as he is a member of the specified company or other body, and stated that he will disclose and not vote when the item is considered.

2. CONFIRMATION OF MINUTES

2.1 Minutes of the Ordinary Meeting of Council held on 25 October 2017

359/17

RESOLVED (Taylor/Bray)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 25 October 2017 be confirmed.

2.2 Minutes of the Planning and Strategy Committee of the Whole held on 8 November 2017

360/17

RESOLVED (Schweikert/Harrison)

That the Minutes of the Planning and Strategy Committee of the Whole held in the Queanbeyan Council Chambers on Wednesday 8 November 2017 be confirmed.

3. PRESENTATIONS FROM THE GALLERY RELATING TO LISTED ITEMS ON THE AGENDA AND PETITIONS

The following presenters were heard:

Mr Richard Graham – Items 4.1 and 5.1 - Modification Application MOD.2017.064 - Carrington Inn, 55-59 Ellendon Street, Bungendore.

Mr Owen McGuire – Item 6.1 - Development Application DA.2016.192 - Proposed Eco-Tourist Facility - Lots 38 and 39 DP754886 Gumms Road, Harolds Cross.

Mr John Santolin – Item 6.4 - Q-One Indoor Sports & Monaro Panthers - Junior Futsal League - Affiliation Program.

Mr Bill Taylor – Item 7.2 - Molonglo Rail Trail Feasibility.

Mr David Dempster – Item 7.4 - Overview and Update of Weed Management.

3A. MAYORAL MINUTES

There were no Mayoral Minutes.

4. NOTICES OF MOTIONS OF RESCISSION**4.1 Modification Application - MOD.2017.064 - Carrington Inn - 55-59 Ellendon Street, Bungendore.**

Cr Marshall withdrew this item.

5. NOTICES OF MOTIONS**5.1 Modification Application - MOD.2017.064 - Carrington Inn - 55-59 Ellendon Street, Bungendore.**

Cr Marshall withdrew this item.

5.2 Street Lighting in Queanbeyan, Bungendore and Braidwood**RESOLVED (Schweikert/Hicks)**

That:

1. An audit be carried out of all street lighting in Queanbeyan, Bungendore and Braidwood to identify defective lights and report the results no later than the April meeting of Council.
2. A maintenance/rectification demand, based on the data above, be prepared for Council to send to the provider for rectification.
3. Council make representations to the provider in advance to alert them to the proposed audit and to ascertain to what programs they have in place to rectify the issues.

The resolution was carried unanimously.

361/17

5.3 Off-leash Dog Area for Captains Flat

362/17

RESOLVED (Marshall/Hicks)

That Council request a report from the CEO/General Manager on options for an off-leash dog exercise area in Captains Flat.

The resolution was carried unanimously.

5.4 Rates Issues

Cr Biscotti, Cr Taylor, Cr Winchester, Mr Taylor and Mr Tegart declared an interest in this item and left the meeting at 6.11pm

Cr Marshall withdrew this item.

Cr Biscotti, Cr Taylor, Cr Winchester, Mr Taylor and Mr Tegart returned to the meeting at 6.12pm.

6. DETERMINATION REPORTS**6.1 Development Application DA.2016.192 - Proposed Eco-Tourist Facility - Lot 38 and 39 DP754886 Gumms Road, Harolds Cross**

363/17

RESOLVED (Hicks/Harrison)

That:

1. Development Application DA.206.192 for an eco-tourist facility at Lots 38 & 39 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 the 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 public interest

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

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

The resolution was carried unanimously.

6.2 Proposed Memorandum of Understanding with NSW Department of Education Relating to Beneficial Co-funding and Co-use of New Community and Sports Facilities at School Sites in the Region

364/17

RESOLVED (Taylor/Winchester)

That Council sign a memorandum of understanding with the NSW Department of Education in relation to the potential joint use of facilities.

The resolution was carried unanimously.

6.3 Queanbeyan Carparking Plan
MOVED (Overall/Biscotti)

That Council:

1. Receive and note the report on Queanbeyan CBD Carparking.
2. Name the draft document the "Queanbeyan CBD Carparking Strategy 2018-2028".
3. Delete from the draft references to formalised at-grade parking at the showground and old nursery site.
4. Include in the draft a section on the indicative phasing of the various carparking initiatives.
5. Seek business and community feedback on the draft Queanbeyan CBD Carparking Strategy 2018-2020, carpark sites and pedestrian connections, in conjunction with community engagement on the QCBD Masterplan.
6. Consider the Plan's Principles, Options and Financing in the respective DCP, Capital Plan and Financial Plan.
7. Include 'smart parking' principles and infrastructure in the design of redeveloped carparks.
8. Include the smart parking and construction estimates of those carparks in revised development contribution plans and voluntary planning agreements, and car space leasing agreements.
9. Consider in the revision of the Carparking DCP, options to share car spaces for different uses outside core hours, mechanisms to free up high turnover public car spaces, and reduction of car space requirements for expansion of current developed uses or residential apartments close to public transport nodes.
10. Consider commissioning reports on the:

- a. feasibility of aggregating car spaces into Morisset and Crawford carparks and subsequent offsets on demand for new commercial space/year
- b. impact of higher or lower s94 contributions in different development types
- c. impact of more timed parking on patronage and business
- d. likelihood of employees utilising untimed carparks on CBD perimeter

MOVED (Brown/Noveska)

AMENDMENT that Council:

1. Receive and note the report on Queanbeyan CBD Carparking.
2. Name the draft document the "Queanbeyan CBD Carparking Strategy 2018-2028".
3. Include in the draft a section on the indicative phasing of the various carparking initiatives.
4. Seek business and community feedback on the draft Queanbeyan CBD Carparking Strategy 2018-2020, carpark sites and pedestrian connections, in conjunction with community engagement on the QCBD Masterplan.
5. Consider the Plan's Principles, Options and Financing in the respective DCP, Capital Plan and Financial Plan.
6. Include 'smart parking' principles and infrastructure in the design of redeveloped carparks.
7. Include the smart parking and construction estimates of those carparks in revised development contribution plans and voluntary planning agreements, and car space leasing agreements.
8. Consider in the revision of the Carparking DCP, options to share car spaces for different uses outside core hours, mechanisms to free up high turnover public car spaces, and reduction of car space requirements for expansion of current developed uses or residential apartments close to public transport nodes.
9. Consider commissioning reports on the:
 - a. feasibility of aggregating car spaces into Morisset and Crawford carparks and subsequent offsets on demand for new commercial space/year
 - b. impact of higher or lower s94 contributions in different development types
 - c. impact of more timed parking on patronage and business
 - d. likelihood of employees utilising untimed carparks on CBD perimeter

The AMENDMENT (of Crs Brown and Noveska) was PUT and LOST.

For: Crs Brown, Harrison, Noveska and Winchester

Against: Crs Biscotti, Bray, Hicks, Overall, Schweikert, Taylor, Marshall (did not vote)

The motion (of Crs Overall and Biscotti) was PUT and CARRIED.

365/17

RESOLVED (Overall/Biscotti)

That Council:

1. Receive and note the report on Queanbeyan CBD Carparking.
2. Name the draft document the "Queanbeyan CBD Carparking Strategy 2018-2028".
3. Delete from the draft references to formalised at-grade parking at the showground and old nursery site.
4. Include in the draft a section on the indicative phasing of the various carparking initiatives.
5. Seek business and community feedback on the draft Queanbeyan CBD Carparking Strategy 2018-2020, carpark sites and pedestrian connections, in conjunction with community engagement on the QCBD Masterplan and Transport Strategy.
6. Consider the Plan's Principles, Options and Financing in the respective DCP, Capital Plan and Financial Plan.
7. Include 'smart parking' principles and infrastructure in the design of redeveloped carparks.
8. Include the smart parking and construction estimates of those carparks in revised development contribution plans and voluntary planning agreements, and car space leasing agreements.
9. Consider in the revision of the Carparking DCP, options to share car spaces for different uses outside core hours, mechanisms to free up high turnover public car spaces, and reduction of car space requirements for expansion of current developed uses or residential apartments close to public transport nodes.
10. Consider commissioning reports on the:
 - a. feasibility of aggregating car spaces into Morisset and Crawford carparks and subsequent offsets on demand for new commercial space/year
 - b. impact of higher or lower s94 contributions in different development types
 - c. impact of more timed parking on patronage and business
 - d. likelihood of employees utilising untimed carparks on CBD perimeter

For: Crs Biscotti, Bray, Harrison, Hicks, Marshall, Overall, Schweikert and Taylor

Against: Crs Brown, Winchester and Noveska

6.4 Q-One Indoor Sports & Monaro Panthers - Junior Futsal League - Affiliation Program

Cr Biscotti declared an interest in this item and left the meeting at 6.47pm.

366/17

RESOLVED (Brown/Noveska)

That this item be deferred to consider other club involvement in the affiliation program and a further report be brought to Council.

The resolution was carried unanimously.

Cr Biscotti returned to the meeting at 7.01pm.

6.5 Suspension of Alcohol Free Zone for Farmers Markets

367/17

RESOLVED (Brown/Schweikert)

That Council approve the suspension of the Alcohol-Free Zone in the Lifestyle Precinct of Crawford Street every Thursday on a weekly basis from 3.00 – 7.00pm, for the purpose of the Farmer's Market, for the period 1 November 2017 to 1 November 2020.

The resolution was carried unanimously.

6.6 Summer Activation Event January 2018

368/17

Crs Bray and Noveska declared an interest in this item and left the meeting at 7.02pm.

RESOLVED (Hicks/Schweikert)

That Council endorse:

1. Waiving the general entry fees for Braidwood Pool on 12 January 2018, Bungendore Pool on 13 January 2018, Captains Flat Pool on 14 January 2018 and Queanbeyan Pool on 20 January 2018.
2. The collection of gold coin donations from the Queanbeyan event to be distributed to Treehouse Queanbeyan, The Cancer Support Group/ACT Eden Monaro's Own, and Soldier On; and consider donations from other events for local charities.

The resolution was carried unanimously.

Crs Bray and Noveska returned to the meeting at 7.06pm.

6.7 Proposed Licensee Agreement - Majors Creek Recreation Reserve

369/17

RESOLVED (Marshall/Noveska)

That Council defer this item of business until the NSW Rural Fire Service can be consulted on the matter.

The resolution was carried unanimously.

6.8 Special Heritage Fund Grants

370/17

RESOLVED (Marshall/Schweikert)

That in relation to grants for works to be funded from the Special Heritage Fund, Council:

1. Amend the Special Heritage Fund Guidelines to allow for the use of a small proportion of a grant for professional services involving the preparation of a statement of heritage significance or the like by a suitably qualified and experienced person.
2. Advertise for applications following Council's consideration of this report.

The resolution was carried unanimously.

6.9 Local Places Heritage Grants – 2017

Cr Winchester declared an interest in this item of business and took no part in discussion or voting.

MOVED (Taylor/Biscotti)

That Council:

1. Adopt the recommendations of the assessment panel to provide funding to the applications listed in Attachment 1, excluding Project Number 09/17 (for exterior painting, whereas other heritage projects included restoration and/or refurbishment works).
2. Increase the amount to be offered to Project Number 11/17 by \$2,000 as the building can be accessed by the public.

During discussion, Cr Marshall raised a point of order stating that the assessment panel was briefed by staff who had advised that 50% was the maximum funding a project could receive, and if the funding for Project Number 11/17 was increased by \$2,000, this may threaten the funding from the State Government. The CEO/General Manager sought advice from staff who advised that the 50% funding was a rule the staff used to ensure there were adequate funds to distribute to most projects.

371/17

RESOLVED (Taylor/Biscotti)

That Council:

1. Adopt the recommendations of the assessment panel to provide funding to the applications listed in Attachment 1, excluding Project Number 09/17 (for exterior painting, whereas other heritage projects included restoration and/or refurbishment works).
2. Increase the amount to be offered to Project Number 11/17 by \$2,000 as the building can be accessed by the public.

For: Crs Biscotti, Bray, Harrison, Hicks, Overall, Schweikert, Taylor and Winchester

Against: Crs Brown, Marshall and Noveska

6.10 Planning Proposal to List the Cottage on Lot 6 Section 1 DP 758183 - 7 Turallo Terrace, Bungendore as a Heritage Item

372/17

RESOLVED (Hicks/Schweikert)

That Council proceed with the Planning Proposal and the draft Local Environmental Plan to allow the listing of the cottage on Lot 6 Section 1 DP 758183 – 7 Turallo Terrace, Bungendore as an item of Environmental Heritage under Schedule 5 of Palerang Local Environmental Plan 2014.

The resolution was carried unanimously.

6.11 NSW Future Transport 2056 - Submission

373/17

RESOLVED (Marshall/Schweikert)

That Council:

1. Note the report on the draft NSW Transport 2056 Strategy and Regional Infrastructure Plan.
2. Note the synergies with the Council's QCBD Transformation Strategy, and MoU with ACT Government.
3. Make a submission on the areas identified in the report.
4. Continue to advocate to government on the bus network integration with ACT and potential commuter rail service.

The resolution was carried unanimously.

6.12 RFT 19/2017 - Plant Hire Panel Tender

374/17

Cr Winchester declared an interest in this item and left the meeting at 7.27pm.

RESOLVED (Taylor/Schweikert)

That Council form a Plant Hire Panel comprising the following suppliers:

A and Power Formwork
Allcott Hire Pty Ltd
Aqua- Assets Pty Ltd
Australian Regional Investment
Avijohn Contracting
Barry Bros
Braidwood Earthmoving
Braidwood Excavations
Braidwood Ground Spread & Bulk Haulage
Brema Group Pty Ltd
Charman Earthmoving & Heavy Haulage
Dave Apps Earthworks
Develin Engineering
Downer EDI Works
Fenech Group Pty Ltd
HJ Haulage Pty Ltd

Huggett's Grader Hire
J G Earthworx
Kennards Hire Pty Ltd
Mark Hunt Cartage Pty Ltd
Mount fairy Mowing
Nicol Contracting
Premair Hire
RD Miller Pty Ltd
Rollers Australia
Shoemark Group
TFH Hire Services
The Wires Pastoral Company
Toeys Transport P/L
Universal Mobile Tower Hire
Yass Earthmovers

Cr Winchester returned to the meeting at 7.31pm.

6.13 Carry Forward/Revote of Expenditure to Financial Year 2017/18
RESOLVED (Bray/Winchester)

375/17

That Council:

1. Note the Carry Forward amount of \$2,988,520 for works funding requirements identified in Attachment 1 proposed to be completed in the 2017/2018 financial year.
2. Approve the Revote amount of \$513,050 for the works funding requirements identified in Attachment 1 proposed to be completed in the 2017/2018.

The resolution was carried unanimously.

6.14 Quarterly Budget Review Statement for the Quarter Ending 30 September 2017

376/17

RESOLVED (Bray/Harrison)

That Council:

1. Adopt the September 2017 Quarterly Budget Review Statement and variations as outlined in this report.
2. Note the predicted consolidated surplus of \$59k.

For: Crs Biscotti, Bray, Brown, Harrison, Hicks, Noveska, Overall, Schweikert, Taylor and Winchester.

Against: Cr Marshall (did not vote)

6.15 Investment Report - October 2017

377/17

RESOLVED (Schweikert/Harrison)

That Council:

1. Note the investment income for October 2017 is \$665,523 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2017/18 Financial Year to \$1,822,875 which is \$422,875 above the year to date budget within the Operational Plan.
2. Note the investment portfolio has been made in accordance with the *Local Government Act 1993*, and the Local Government (General) Regulation 2005.
3. Adopt the Investment Report for the month of October 2017.

The resolution was carried unanimously.

6.16 Financial Statement by Council

378/17

RESOLVED (Harrison/Schweikert)

That Council:

1. Present the financial statements to 30 June 2017 for the Queanbeyan-Palerang Regional Council for audit and invite submissions from the public.
2. Complete the Financial Statements required by Section 413(2)(c) of the *Local Government Act 1993* in relation to Queanbeyan-Palerang Regional Council's Financial Statements for the period ending 30 June 2017 upon receipt of the Auditor's Certificate.
3. Invite the Audit Office of New South Wales (in accordance with regulations) to complete the audit and present to Council.

The resolution was carried unanimously.

6.17 Request to Waive Hire Fees - 2017 Queanbeyan Gift

379/17

RESOLVED (Schweikert/Harrison)

That:

1. Council waive the hire fees of \$270.00 for the 2017 Queanbeyan Gift.
2. The NSW Athletics League be advised that future requests relating to the waiving of hire fees for the Queanbeyan Gift should be sought through Council's annual donations scheme program.

The resolution was carried unanimously.

6.18 Rate Relief - Kano Jujutsu Institute Limited

380/17

RESOLVED (Bray/Schweikert)

That Council not approve the application for a rate relief being a donation of 50% of the general rates for Kano Jujutsu Institute on the basis that they are not a public charity or a not-for-profit organisation.

The resolution was carried unanimously.

6.19 Audit, Risk and Improvement Committee

381/17

RESOLVED (Schweikert/Harrison)

That Council note:

1. The report of the Audit, Risk and Improvement Committee meeting of 12 October 2017.
2. The Committee will provide its annual report to Council separately.

The resolution was carried unanimously.

6.20 Submission - Regulation Review 2017

382/17

RESOLVED (Harrison/Schweikert)

That Council:

1. Make a submission on the review of the Environmental Planning and Assessment Regulations 2000 covering the issues in this report and other matters as appropriate.
2. Include reference to concerns with the standard instrument regarding the exclusion of a zoning category that would more properly reflect rural residential use.

For: Crs Biscotti, Bray, Harrison, Hicks, Overall, Schweikert and Taylor

Against: Crs Brown, Marshall, Noveska and Winchester.

- 383/17 **6.21 Amendment to 2017-18 Operational Plan**
RESOLVED (Taylor/Marshall)
- That:
1. Council defer consideration of adopting the amendment to the Operational Plan 2017/18.
 2. A further report be submitted to Council on the scale and location of the Queanbeyan Head Office and Smart Hub Project once the major tenancy position is clarified.
- The resolution was carried unanimously.
- 384/17 **6.22 Annual Report 2016-17**
RESOLVED (Schweikert/Harrison)
- That Council receive the Annual Report 2016-17.
- The resolution was carried unanimously.
- 385/17 **6.23 Council Meeting 13 December 2017**
MOVED (Schweikert/Biscotti)
That Council:
1. Schedule an Ordinary Council meeting on Wednesday, 13 December 2017, at 5.30pm in the Council Chambers, Bungendore.
 2. Publicise this meeting on Council's website and via all relevant media and social media outlets.
- MOVED (Marshall)**
AMENDMENT that Council:
1. Schedule an Ordinary Council meeting on Wednesday, 13 December 2017, at 5.30pm in the Council Chambers, Queanbeyan.
 2. Publicise this meeting on Council's website and via all relevant media and social media outlets.
- The AMENDMENT (of Cr Marshall) lapsed for want of a seconder.
- The motion (of Crs Schweikert and Biscotti) was PUT and CARRIED.
- 385/17 **RESOLVED (Schweikert/Biscotti)**
That Council:
1. Schedule an Ordinary Council meeting on Wednesday, 13 December 2017, at 5.30pm in the Council Chambers, Bungendore.
 2. Publicise this meeting on Council's website and via all relevant media and social media outlets.
- The resolution was carried unanimously.

6.24 Model Code of Conduct

386/17

RESOLVED (Marshall/Harrison)

That Council authorise the CEO/General Manager to make a submission on behalf of QPRC on the consultation drafts of a revised Model Code of Conduct for Local Councils and revised Procedures for the Administration of the Model Code for Local Councils in NSW.

The resolution was carried unanimously.

7. INFORMATION REPORTS**7.1 Braidwood and Bungendore Town Centre Improvements and Captains Flat Upgrade to Community Facilities - Stronger Communities Funding Update****MOVED (Taylor and Biscotti)**

That:

1. The report be received for information.
2. The skate facility not be included in the development of a master plan for the Braidwood town centre and Ryrie Park but alternate sites be included in future plans.

During discussion, Cr Brown raised a point of order stating that point 2 of the motion should be a foreshadowed motion as it had nothing to do with the report. The Mayor ruled against the point of order stating Council is entitled to make a decision in regard to this matter.

387/17

RESOLVED (Taylor/Biscotti)

That:

1. The report be received for information.
2. The skate facility not be included in the development of a master plan for the Braidwood town centre and Ryrie Park but alternate sites be included in future plans.

For: Crs Biscotti, Bray, Brown, Harrison, Hicks, Noveska, Overall, Schweikert and Taylor

Against: Crs Winchester and Marshall (did not vote)

7.2 Molonglo Rail Trail Feasibility

Cr Hicks declared an interest in this item and left the meeting at 8.02pm.

MOVED (Taylor and Biscotti)

That the report be received for information and that no further action be taken by QPRC to support this project.

Cr Winchester foreshadowed a motion: ["That the report be received for information."]

The motion (of Crs Taylor and Biscotti) was PUT and CARRIED.

- 388/17 **RESOLVED (Taylor/Biscotti)**
That the report be received for information and that no further action be taken by QPRC to support this project.
- For: Crs Biscotti, Bray, Overall, Schweikert and Taylor
Against: Crs Brown, Harrison, Marshall, Noveska and Winchester
- With the vote being five-all, the Mayor exercised his casting vote and declared the motion carried.
- Cr Hicks returned to the meeting at 8.18pm.
- 7.3 IPART Review of Regional Bus Fares**
- 389/17 **RESOLVED (Marshall/Schweikert)**
That the report be received for information.
- The resolution was carried unanimously.
- 7.4 Overview and Update of Weed Management**
- 390/17 **RESOLVED (Marshall/Schweikert)**
That the report be received for information.
- The resolution was carried unanimously.
- 7.5 Changes to Work for the Dole Program**
- 391/17 **RESOLVED (Taylor/Hicks)**
That the report be received for information.
- The resolution was carried unanimously.
- 7.6 Responses to Councillors' Questions**
- 392/17 **RESOLVED (Schweikert/Biscotti)**
That the report be received for information.
- The resolution was carried unanimously.

8. COMMITTEE REPORTS**8.1 Local Traffic Committee Minutes 10 October 2017****Recommendation – Taylor/Schweikert**

That Council:

1. Note the minutes of Local Traffic Committee held on 10 October 2017.
2. Adopt recommendations LTC 29/17 to LTC 31/17 from the meeting held on 10 October 2017, being:

LTC 29/17 Under the *Road Transport Act 2013* implement signage in Fallick Lane as per design.

LTC 30/17 Under the *Roads Act 1993* approve the traffic control plan for Queanbeyan Showground, including temporary taxi zone and bus zone on Farrer Place from 3pm Friday 27 October until 5pm Sunday 29 October for Oktoberfest

LTC 31/17 Under the *Roads Act 1993* approve the following road closures on Friday 1 December 2017 from 3.30pm until 10pm for Braidwood Christmas Community Party pending recommended updates to TCP:

- Wilson Street from Wallace Street to Park Lane
- Park Lane from Wilson Street to corner of St Bede's Primary School

The resolution was carried unanimously.

8.2 Mick Sherd Oval Canteen s.355 Committee minutes**Recommendation – Schweikert/Taylor**

That Council note the minutes of the Mick Shed Oval Canteen s.355 Committee meeting held on 18 October 2017.

The resolution was carried unanimously.

8.3 Royalla Common s.355 Committee minutes**Recommendation – Schweikert/Hicks**

That Council note the minutes of the Royalla Common s.355 Committee's meeting held on 20 September 2017.

The resolution was carried unanimously.

9. DELEGATES' REPORTS

There were no Delegates' reports.

10. RESPONSES TO COUNCILLORS' QUESTIONS

This item was dealt with in earlier business.

11. COUNCILLORS' QUESTIONS FOR NEXT MEETING

Cr Schweikert enquired about the design, layout and furniture in the Bungendore Council Chambers for Council meetings. The CEO/General Manager advised furniture had been ordered.

Cr Hicks requested an update on the subdivision on Weeroona Drive Wamboin advising the name of the applicant is McInnes.

Cr Schweikert requested an update on the subdivision on Newington Road Wamboin.

Cr Winchester requested an update on the status of the Queanbeyan Riverside Caravan Park. The CEO/General Manager advised that the Trust had met and a report will be brought to Council.

Cr Taylor referred to the free ticket offer to see a show at The Q that went out with the last rates notice and enquired if there was any indication of the number of people who have taken up the offer so far. The Portfolio General Manager Community Choice advised that staff have commenced tracking this. Cr Taylor requested a report on the free offer when the tracking has been finalised.

Cr Marshall referred to the answer of question 26 in the item Responses to Councillors' Questions and requested it be revisited.

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

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

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

PRESENTATIONS

There were no presentations.

393/17

RESOLVED (Taylor/Schweikert)

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

Item 12.1 Queanbeyan CBD Property Development

"Item 15.1 is confidential in accordance with s10(A) (d) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 12.2 Miscellaneous Land Acquisitions

"Item 15.2 is confidential in accordance with s10(A) (c) (g) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

For: Crs Biscotti, Bray, Brown, Harrison, Hicks, Noveska, Overall, Schweikert, Taylor and Winchester

Against: Cr Marshall

The meeting then moved into Closed Session at 8.32pm to discuss the matters listed above.

The meeting returned to Open Session at 8.49pm by virtue of Resolution No. 396/17 made in Closed Session.

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

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

12.1 Queanbeyan CBD Property Development

That Council:

1. Note the report.
2. Receive a presentation from the proponents.
3. Authorise the CEO to execute a heads of agreement with the proponents for the potential redevelopment of part Rutledge carpark.
4. Authorise the CEO to then seek a Detailed Proposal for assessment in accord with Phase 2 of the heads of agreement, for further report to Council.
5. Undertake community and business engagement on the proposal in context with the QCBD Masterplan and Carparking Strategy.

12.2 Miscellaneous Land Acquisitions

That:

1. The Officer's Report be received and noted.
2. In accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, the Council authorise the acquisition of part of the following properties for the purpose of the upgrade of Old Cooma Road:

DP	Lot	Approx. Area (m ²)
754907	60	12406
727522	100	24703
1180981	19	4325
1180981	21	2020
754881	105	18268
513432	1	9189
727670	148	7206
727670	149	2760
727670	150	4030

The CEO/General Manager advised that he had received a Notice of Motion of Rescission for Item 7.2 – Molonglo Rail Trail Feasibility.

The time being 8.51pm, the Mayor announced that the Agenda for the meeting had now been completed.

CR TIM OVERALL
MAYOR
CHAIRPERSON

ITEM 3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

The provisions of Chapter 14 of the *Local Government Act, 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest

Recommendation

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

10.1 Molonglo Rail Trail Feasibility (Ref: C17183434); Author: Brown/Noveska

Notice

The following rescission motion signed by Crs Radmila Noveska, Kenrick Winchester and Brian Brown has been received.

Motion

That Council rescind Resolution 388/17 from the Ordinary meeting of 22 November 2017 [“That Council 1. note the report and 2. not provide any further support for the Molonglo Rail Trail project.”]

Attachments

Nil

**11.1 Braidwood Skate Park Facility Location (Ref: C17190911); Author:
Marshall/Marshall**

Notice

Councillor Peter Marshall will move the following motion:

Motion

That Council request the CEO/General Manager to investigate and consult with the Braidwood community about potential locations for a skate facility, reporting back to Council's February 2018 Ordinary Meeting.

Background

At the 22nd November 2017 Council Meeting, Council Resolved not to site a skate facility in Ryrie Park or Braidwood town centre.

Palerang Council had previously considered a staff recommendation to build a skate park in the Braidwood Recreation Ground. In response to feedback from the Braidwood community, primarily from potential users of the skate park, this proposal was eventually rejected, and the available funding was reallocated to other recreational facilities at that site.

During QPRC's period of Administration, a Draft Braidwood Master Plan was developed that envisaged "skate elements" in Ryrie Park "North". Although Council has not formally adopted that Master Plan, the resolution of 22 November appears to rule out a Ryrie Park location, or in fact any location in the "town centre", but without defining the "town centre".

With two specific locations having now been rejected by Council, as well as one broader but undefined location, there may be value to establishing a full range of potential locations, so that the pros and cons of each potential site can be fully assessed and evaluated.

The resolution of 22 November should not prevent the public from suggesting Ryrie Park, nor other town centre locations, nor the recreation ground, as the public is not bound by Council's Resolution.

Bringing a report back to the February 2018 Meeting should align this process with the consideration of the Draft Braidwood Master Plan.

Implications

This Motion, if resolved, will allow input from the Braidwood community that was not possible prior to the resolution of 22 November 2017.

The Motion does not specify the form of the consultation, but it could involve an online survey requesting potential locations, followed by some desktop evaluation of each.

Conclusion

That Council consult the Braidwood community about potential locations for a skate facility in Braidwood.

Attachments

Nil

**11.2 Concept Options for Bypasses of Braidwood and Bungendore (Ref: C17190075);
Author: Hicks/Schweikert****Notice**

Councillors Mark Schweikert and Trevor Hicks will move the following motion:

Motion

That:

- 1. Concept options be developed for road bypasses of Braidwood and Bungendore for Council endorsement.**
 - 2. Those concept options then form the central part of a community consultation program with the results reported to Council no later than the 2018 December meeting for determination on the way ahead.**
-

Background

Traffic congestion during holiday periods through Bungendore and Braidwood is increasing. Traffic jams are becoming the norm with both towns taking on the reputation as 'bottlenecks'.

Traffic congestion detracts from the appeal of these towns from a business and lifestyle perspective, with pedestrian and local vehicle movement severely impacted.

If travellers cannot park due to congestion then they will not have an option to stop and enjoy what our towns have to offer, thus producing a negative economic effect.

Investigations to date have shown that towns that were bypassed by the Pacific Highway in recent years have not experienced any long term detrimental effects to the towns or their economies (see attachments and Hyperlink). In fact, it is reported that a better quality of life is achieved as the locals get their town back, with an increase in tourism.

It is understood that travellers who were going to stop will stop anyway despite a bypass however, there is even more incentive as they can now do so far more easily. In some towns this has seen a rise in economic activity.

This motion seeks input from the community on the best means, direction, type and purpose of a bypass of the major towns of Bungendore and Braidwood, as well as making sure all possible considerations and implications are understood from a risk reduction perspective.

The recent submission to the NSW Transport Strategy agreed to by Council on 22 November contained in it a suggestion of bypasses of both towns (Ordinary Meeting Agenda, page 64). The Strategy also suggested that Braidwood and Bungendore could expect significantly more truck and B-double freight movements as the east west link from Nowra/Port Kembla is established through Main Route 92 from Nerriga to Braidwood, once it is sealed.

Bypassing these towns would mean that extensive street scaping work to accommodate more traffic would no longer be required, thus preserving the character and look of the towns, which translates into tourism and residential appeal. It will also mean heavy trucks and B-doubles would not need to transit through them.

It should be noted that this motion does not seek or commit Council to build a bypass; this would be the responsibility of the NSW Government through the RMS. Rather, its aim is to

inform the other levels of government, business and the community of the issues, considerations and potential utility of such an undertaking.

Results from the community consultation can then provide the basis for a much wider and detailed study on the issues at hand if so desired for the State and Federal Governments to consider. It could also form the basis for the necessary business case need to initiate this project.

Key lessons to date of similar completed bypass projects indicate that if a bypass was to go ahead, detailed planning is essential well before construction on the implications to communities and how to position local economies and communities to get the most return on the project.

Implications

Staff time and resources in the development of options and consultation.

Further Reading/References

<http://www.abc.net.au/news/2017-09-29/kempsey-disadvantaged-town-now-bypass-success-story/9001840>

Council's Draft Integrated Transport Proposal, 22 November meeting, Item 6.11.

CEO/General Manager's note:

The notion of bypasses of Bungendore and Braidwood has been suggested to Government as part of Council's submission to the NSW Future Transport 2056 Strategy. The opportunity for bypasses has been referenced in the drafting of the Integrated Transport Strategy that will be subject to community engagement over coming months.

A bypass of Bungendore from the Queanbeyan end of the Kings Highway has been provisionally included in the revised Bungendore Structure Plan, yet to be considered by Council.

To an extent, the construction of MR92 is expected to shift some of the freight and tourism traffic from the centre of Braidwood to its perimeter at the junction of MR92 with the Kings Highway, effectively becoming a bypass.

Early estimates to work up route options and consultation for the bypass to both towns are in the order of \$80-120k. Such funding would require amendment to the 2017/18 Operational Plan, or consideration in the 2018-21 Delivery Plan.

Attachments

Attachment 1 Economic Evaluation of Town Bypasses - Review of Literature - November 2011 (*Under Separate Cover*)

**11.3 Hosting of Events at Seiffert Oval (Ref: C17190082); Author:
Winchester/Winchester**
Notice

Councillor Kenrick Winchester will move the following motion:

Motion

That QPRC staff meet with their counterparts at either Bathurst and / or Mudgee regarding the work they have done to get their sporting facilities to the level required to host NRL matches.

Background

Both towns have ovals not dissimilar to Seiffert, and it would be very worthwhile for Council to learn exactly what hoops they have jumped through (and how) in order to host these events.

CEO/General Manager's note:

Over the past few years, Council has invested funds to upgrade Seiffert Oval and bring it up to professional sports standards. These works have included modernising grandstand seating and meeting Fire Emergency standards, improved playing surface kitchen facilities and spectator amenities. As a result, Council has been able to secure both NRL and Super Rugby Trial games. Discussions have been held with Capital Football regarding potential W League games and combined Futsal fixtures at Seiffert and QISC. Work is continuing on these improvements, with the lighting tender coming to the 13 December Council meeting.

Staff have made contact with relevant council officers at Bathurst, Wagga Wagga and Mudgee regarding their proposed NRL fixtures during the 2018 season. In each case, the sports stadiums do not meet NRL minimum standards. The NRL have minimum standards venues must meet to secure fixtures, see table. Staff were advised that in each case, the venue either brought in additional lights or scheduled games earlier to reduce the need for lights. Earlier discussions held with NRL representatives found that standards are set to accommodate contractual obligations with media and sponsors to ensure larger crowd capacity and lighting for televising. The locations chosen for the 2018 games are linked to the disbanding of the Country Rugby League games played in these towns previously and compromises were permitted for these venues. It should be noted, Queanbeyan is not competing against these other regional locations for NRL games, locations were strategically selected, rather Seiffert is competing against Bruce Stadium for games in this region.

Venue	Lights (LUX)	Stadium capacity	Covered seats
NRL Min	1400 lux	15,000	5,000
Seiffert Queanbeyan	Proposed 500 lux	12,000+	2,000
Carrington Bathurst		10,000	1,100
Glen Willow Mudgee	500 lux	10,000	1,000
McDonald Pk, Wagga	250 lux	10,000	330

Attachments

Nil

11.4 Rates Issues (Ref: C17190896); Author: Marshall/Marshall**Notice**

Councillor Peter Marshall will move the following motion:

Motion

That Council:

- 1. Increase the pensioner rebates in proportion with increases in rates and charges, to take effect from the 2018-19 financial year.**
 - 2. Commence a review of council's rating structure, with the aim of making rates and charges as affordable as possible.**
 - 3. In the above review, harmonise the rates for Googong township to be equivalent to those for equivalent properties in Queanbeyan.**
 - 4. Request a report from the General Manager on potential initiatives to encourage the occupation of business premises in the Queanbeyan central business district, for example Rates incentives.**
 - 5. Commit to living within its means and not developing an application for a Special Rate Variation in the term of this Council.**
 - 6. Write to the NSW Government informing them of item 1, and requesting that they implement an annual increase in the pensioner rebates.**
-

Background

NOTES: At the November 2017 Council meeting a number of Councillors and staff declared a pecuniary interest in this item and left the room. Section 448 (b) of the *Local Government Act* reads:

448 What interests do not have to be disclosed?

The following interests do not have to be disclosed for the purposes of this Part:

(b) an interest as a ratepayer or person liable to pay a charge.

and is clearly intended to allow Councillors to take part in decision making about Rates and Charges.

- 1) Pensioner rebates/concessions have been fixed for many years. They are currently \$250 for Rates and \$87.50 each for water and sewer charges. There is no specific rebate for waste charges.

Pensioner rebates are partly-funded by the NSW Government, and councils have not increase the amount of the rebate because the NSW Government has not increased their contribution.

Consequently, the real value of the pensioner rebates has been eroded.

This motion seeks to make a small but symbolic commitment to increasing pensioner rebates in line with increases in council rates and charges.

For example, a pensioner paying \$1000 in rates in the 2017/18 financial years currently receives a \$250 rebate/discount. If the 2018-19 rate cap/peg is 1.5% and council applies the full amount, the pensioner's rates bill will be \$1015 and their rebate/discount will be \$253.75. They will still experience an increase of \$11.25 in the amount they must pay to council. [Note that since this Motion was written, IPART has announced the 2018-19 rate peg as 2.3% -

<https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/For-Councils/The-rate-peg/Fact-Sheet-Rate-peg-for-NSW-councils-for-2018-19-November-2017> .]

Water and sewer charges are not capped/pegged. This motion is worded so as to convey the intention that the rebate be increased by the same percentage as the increase in the charge. For example, if the pensioner's sewer charge in the 2017-18 financial year is \$500, their current rebate/discount is \$87.50, and council increases the sewer charge by 5% for the 2018-19 financial year, the pensioner's sewer charge will be \$525 with a discount/rebate of \$91.875. The payable sewer charge will still increase by just over \$20.

Council may wish to consider developing an analogous rebate/discount on waste charges, noting that this would be from a starting point of zero.

It is noted that ratepayers in the former Queanbeyan City Council area already have an extra pensioner rebate of \$40 per year, not indexed, to compensate for a Special Rate Variation introduced in the early 2010s. Council may wish to increase this amount also, in line with the annual increase in rates.

- 2) Council is unable to change its Rates Model until 2020 or thereabouts. However, there is no impediment to Council developing a new Rates Model so that it is "shovel ready" to be implemented when possible to do so.
- 3) In or around 2012/13, when there were no occupied premises in Googong and Tralee, Queanbeyan City Council implemented a new Rate for those suburbs. The result was a substantially higher level of Rates for residential properties in Googong than for properties in Queanbeyan of similar value. This is an inequitable situation and needs to be reversed. Unfortunately it cannot be changed until 2020 or thereabouts. (It would be possible to implement a Rates rebate for Googong properties, to bring them to a level similar to Queanbeyan, but the cost would be hundreds of thousands of dollars per year – nonetheless, Council may wish to pursue this in the interests of equity).

Reducing Rates in one area results in increasing Rates elsewhere, if the overall revenue is to remain unchanged. However, because of the much smaller number of properties in Googong compared to Queanbeyan, the effect on Rates for Queanbeyan properties will be fairly small. However, the effects on Council's long-term revenue may be larger, in particular if this has included projections based on the eventual number of properties in Googong and the current inequitable Rates.

- 4) Queanbeyan CBD has a high number of highly visible empty commercial premises. While Council has a long-term plan for revitalisation of the CBD, there may be strategies which Council can adopt to encourage lettings. Examples include: a Rates rebate – while a Rates rebate would go to the property owner, not necessarily the tenant, it may be possible to tie this to a concomitant reduction in rent charged to tenants; alternatively Council could use the Rates to provide direct incentives to commercial tenants of currently unlet properties. Council could also consider purchasing properties for its own use, or to lease out at rents set to encourage letting. Other strategies could include business development grants for businesses proposing to occupy vacant premises.
- 5) During the election campaign, most councillors made statements as candidates that they would keep rates low and/or spend ratepayer funds responsibly. This part of the Motion is consistent with those election promises.

- 6) In increasing pensioner concessions would be QPRC leading the way as a Council that cares for those less able to afford rates. It should write to the NSW Government to advise them of Council's position so as to encourage them to "come to the table".

Implications

- 1) Council's 2017-18 revenue policy notes that: *"The estimated amount granted for pension rebates in 2017-18 is estimated to be \$965,945 for the combined Queanbeyan-Palerang Council. The cost to council is estimated at \$434,675."* [The balance is funded by the NSW Government.]

Based on these figures it is estimated that a 1.5% increase to the \$250 pensioner rebate on rates would equate to approximately a cost to council of approximately \$8500 in 2018-19. A 5% increase (which is a high estimate) in water and sewer fixed charges with a concomitant 5% increase to the pensioner rebate, would equate to a cost of approximately \$20,000. These costs to council would be expected to increase by a similar amount each year unless and until the NSW Government increased its contribution to the rebate.

2), 3), 4), 5) and 6) have no immediate financial implications (or none at all), as they would each require further report back to Council and further Resolution/s.

Conclusion

By resolving as above, Council will show itself to be fiscally responsible, responsive to the needs of the less well-off, and interested in the economic vitality of the Queanbeyan CBD.

CEO/General Manager's Note:

The general rate pricing path freeze concludes 2020/21. Council may revise or harmonise its rate categories and rating structure prior to that date, to take effect from the 2021 financial year (which follows the next general election in September 2020). Differential charging by rate categories or sub-categories may be considered then. It may be possible to modify the general rate base charge (subject to approval), without altering the total yield. Harmonising the Googong ad valorem to the Queanbeyan equivalent had been explored, but was not permitted until 2021.

The position of former Queanbeyan City Council was to progressively migrate Googong ad valorem levels to the equivalent of Jerrabomberra. This has been adjusted in previous two years, to achieve equivalency by 2018/19 based on sufficient sales and contemporary valuations.

The draft financial plan presented with the Resourcing Strategy placed on exhibition in August, proposed a 1% pa SRV above CPI to meet the FFF financial benchmarks, including reduction of the asset backlog. Since then, a revised capital plan has been drafted comprising a mix of debt and grants to construct new and renewed assets which would accelerate the reduction of the backlog. Council is yet to reconsider the financial plan and Resourcing Strategy until it finalises the draft 3 year Delivery Program early in the New Year.

For Councillors' information, IPART has issued the general rate peg for 2018/19 as 2.3%.

Attachments

Nil

12.1 DA 247-2017 - Lot 1368 Gorman Drive Googong (13 Dwellings, Subdivision and a Public Laneway) (Ref: C17166389; Author: Thompson/Glouftsis)

Summary

Reason for Referral to Council

This application has been referred to Council because the application involves four significant variations to requirements within a development control plan.

Proposal:	12 Torrens Title Lots, 2 Strata Title Lots from further subdivision of proposed Lot 1 and the Erection of 13 Dwellings, a Public Laneway and Associated Works.
Applicant/Owner:	Googong Township Pty Ltd./ Googong Township Pty Ltd.
Subject Property:	Lot 1368 DP 1217419 (proposed lot 1435) Gorman Drive Googong
Zoning and Permissibility:	R1 General Residential under Queanbeyan Local Environmental Plan 2012: Attached and semi-detached dwellings are permissible with consent in the zone.
Public Submissions:	Nil.
Issues Discussed:	Variations to the Development Control Plan
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

- 1. That approval be granted to a variation to Part 7.10 – Principal Private Open Space and Landscape Design of the Googong Development Control Plan to allow for the principal private open space for the dwellings on lots 2-12 to be located forward of the building line for the following reasons:**
 - (a) The amenity provided to future residents of the affected dwellings will be satisfactory for the following reasons;**
 - (i) The proposed fencing height and design provides a satisfactory level of privacy to the PPOS and associated living room windows, and is similar to fencing approved by Council to provide privacy to street facing courtyards in multi-dwelling housing developments,**
 - (ii) Dwellings with PPOS located in the front yard each have an area of POS located within their rear yards. All dwellings have sufficient space within their rear yard area to perform utility functions such as bin storage and clothes drying.**
 - (iii) The PPOS will be directly north facing and be provided with a larger amount than usual of solar access for terrace style dwellings.**
 - 2. That approval be granted to a variation to Part 7.2 – Streetscape of the Googong Development Control Plan to allow lots with a frontage to Gorman Drive to have a**
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12.1 DA 247-2017 - Lot 1368 Gorman Drive Googong (13 Dwellings, Subdivision and a Public Laneway) (Ref: C17166389; Author: Thompson/Glouftsis) (Continued)

front fence that is 1.5m high, instead of the prescribed predominantly open 1.2m high fencing for the following reasons:

- (a) The increase in height is necessary to retain adequate levels of privacy to the principal private open space proposed forward of the building line of each dwelling.
 - (b) There will not be an adverse impact on the streetscape as a result of the 300mm increase in height of the front fencing. As a result of the increase in the distance of the front setback and the increase in the amount of landscaping forward of the building line, any increased streetscape impact from the higher fencing will be offset.
 3. That approval be granted to a variation to Part 7.2 – Streetscape of the Googong Development Control Plan to allow Lot 1 and 12 to have 1.5m high fencing on the secondary frontage for more than 50% of the depth of the lot, instead of the prescribed 1.8m for 50% of the lot of the lot and 1.2m for the remaining 50% of the depth of the lot for the following reasons:
 - (a) The increase in height is necessary to maintain privacy of the PPOS forward of the building line.
 - (b) The open elements incorporated into the design of the fence allow for passive surveillance to Helen Circuit and Zealie Bend.
 - (c) The reduced height of the fence for 50% of the length reduces the impact on the streetscape and mitigates the impact of the partial increase in height for the remaining 50% of its length.
 4. That approval be granted to a variation to Part 7.11 of the Googong Development Control Plan to allow a double garage on a lot with a width below the 12.5 metre minimum requirement for the following reasons:
 - (a) The proposed garage for Lot 12 is located at the rear of the dwelling and will not have any negative impact on the streetscape facing Gorman Drive.
 - (b) The lot retains access from the rear laneway through the garage.
 - (c) It is a variation for a single allotment only.
 5. That approval be granted to a variation to Part 7.13 of the Googong Development Control Plan to allow a partial variation to the side setback requirement for studio dwellings, allowing a zero lot line where 900mm is required, for the following reasons:
 - (a) The proposed zero lot line directly faces the car port of the adjoining dwelling and as a result there will not be any direct overlooking or overshadowing impacts that would be unreasonable on the adjoining allotment.
 6. That development application 247-2017 for subdivision of land to create 12 Torrens Title Lots, 2 Strata Title Lots from further subdivision of Lot 1 and the erection of 13 dwellings and a public laneway and associated works on Lot 1368 DP 1217419, (proposed lot 1435) Gorman Drive be granted conditional approval.
-

Background

Proposed Development

The development application is for a type of development known as ‘small lot housing’.

Specifically, the development application is for:

- The erection of 13 dwellings (including attached and semi-detached dwellings, and one studio dwelling),
- Subdivision to create 12 Torrens Title lots and subsequent Strata Subdivision of one of those proposed lots to create 2 lots and;
- A public laneway and associated works.

Detailed plans showing floor layouts are available in the Councillor’s room in Queanbeyan.

The proposed new dwellings are a terrace style development predominantly two-storey with a mix of single storey dwellings and one studio dwelling. Vehicle access to all of the dwellings will be via the public laneway, which runs from Helen Circuit to Zealie Bend. All dwellings are provided with on-site car parking spaces in accordance with Council’s requirements. Figure 1 below shows the proposed subdivision layout.



Figure 1 – Plan of Subdivision (Source: Michael Stapleton (Surveyor))

12.1 DA 247-2017 - Lot 1368 Gorman Drive Googong (13 Dwellings, Subdivision and a Public Laneway) (Ref: C17166389; Author: Thompson/Glouftsis) (Continued)***Subject Property***

The subject site is located within Lot 1368 in DP1217419 (as shown below in Figure 2). Proposed Lot 1435 (which is the location to which this development application applies) is the designated super lot in which the proposed development will be created. This lot has been approved as a part of Development Application 383-2016, however, it has not been registered. The area designated as Lot 1435 is shown in red within Figure 2 below and has a frontage to Gorman Drive. The proposed lots will share a public laneway, which is located at the rear and will connect to future street Zealie Bend and the existing Helen Circuit.



Figure 2 – Subject Site (Source: Intramaps)

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 No. 55 – Remediation of land;
2. State Environmental Planning Policy – Building Sustainability Index (BASIX) 2004;
3. Queanbeyan Local Environmental Plan 2012 (LEP).
4. Queanbeyan Development Control Plan 2012 (DCP)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration relate to compliance with the Googong Development Control Plan, specifically, the proposed variation to locate the principal private open space (PPOS) for 11 of the dwellings forward of the building line (within the front yard). These are discussed in more detail in the DCP assessment below.

12.1 DA 247-2017 - Lot 1368 Gorman Drive Googong (13 Dwellings, Subdivision and a Public Laneway) (Ref: C17166389; Author: Thompson/Glouftsis) (Continued)

(a) Compliance with LEP

The proposed development is consistent with the requirements of the *Queanbeyan Local Environmental Plan 2012*. For an assessment of the *Queanbeyan Local Environmental Plan 2012* see the attached *Section 79C(1) Table – Matters for Consideration*.

(b) Compliance with DCP

The application has been assessed against the relevant parts of the Googong Development Control Plan. To view the detailed assessment of the DCP please refer to the attached *Section 79C(1) Table – Matters for Consideration*.

The application proposes several variations / non-compliances to the controls contained within *Part 7 – Small Lots, Studio Dwellings, multi-dwellings, dual occupancies and residential flat buildings* of the Googong Development Control Plan. Some of the variations are considered to be minor and have been supported previously by Council for small lot housing development. The variations to the Googong Development Control Plan are discussed in detail below:

Variation 1 - Location of Principal Private Open Space (PPOS)

Part 7.10 – Principal Private Open Space (PPOS) and Landscape Design of the Googong DCP requires the PPOS for dwellings to be located behind the building to the main street frontage and to have a northerly aspect where possible. Part 7.15 – Solar Access, requires at least 50% of the PPOS to be provided with a minimum 3 hours solar access between 9am and 3pm on the winter solstice. Living room windows are also required to receive a minimum 3 hours of solar access.

The applicant has proposed to vary Part 7.10 of the Googong DCP to allow 11 of the 12 Torrens Title lots to include their PPOS within the front yard and forward of the building line. The applicant’s justification and the assessing officer’s comments in regards to this variation are provided below.

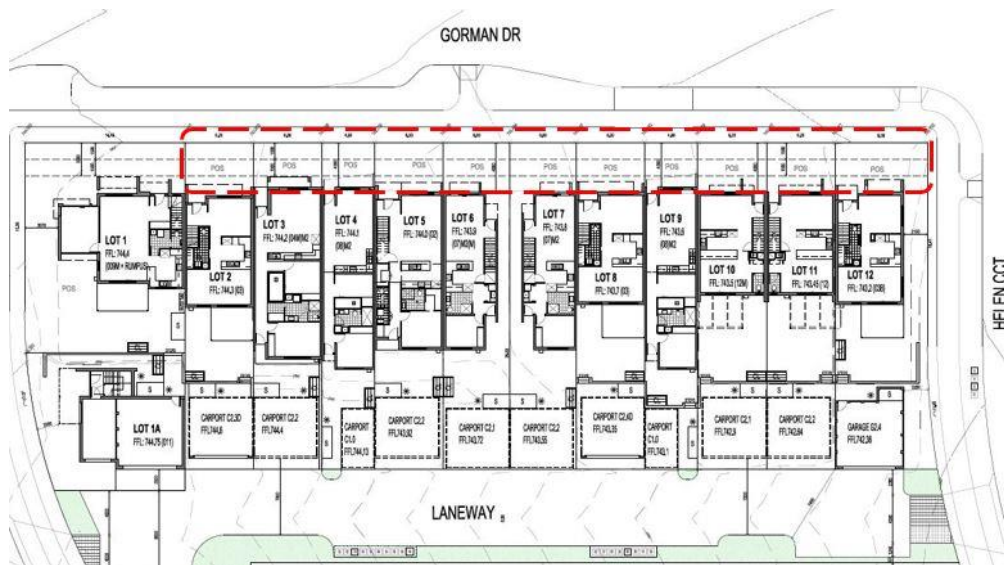


Figure 3 – Location of POS Lot 2-12 (Source: Heyward Lance Architecture)

12.1 DA 247-2017 - Lot 1368 Gorman Drive Googong (13 Dwellings, Subdivision and a Public Laneway) (Ref: C17166389; Author: Thompson/Glouftsis) (Continued)

Applicant's Justification

The variation has been proposed as a result of the fact that the area behind the building line will not allow for adequate solar access to the PPOS. The submitted shadow diagrams show that the PPOS proposed in the front yards of relevant lots will receive almost continuous sunlight throughout the day.

Assessing Officer's Comments

The proposed variation to the location of the PPOS is considered acceptable. There are a number of reasons the variation is considered acceptable and these are detailed below.

The first Development Application for Small Lot Housing to propose this variation was DA 494-2015, which included subdivision and the erection of 20 dwellings. This Development Application was approved by Council with the variation to PPOS. Subsequently, a number of other Small Lot Housing Development Applications have since been approved with the same variation. The Council report for DA 494-2015 listed a number of recommendations for future Small Lot Housing Development Applications, which proposed PPOS forward of the building line. This incorporated the inclusion of additional secondary private open space (SPOS) at the rear of each lot that proposed PPOS forward of the building line. This proposal incorporates this recommendation. It also recommended that shadow diagrams be submitted with the application to determine the length of time that the SPOS behind the building line does not receive adequate sunlight (Refer to Figure 4, 5 and 6). Both of these recommendations have been adopted by the applicant for this proposal and provide additional justification for supporting the variation.

12.1 DA 247-2017 - Lot 1368 Gorman Drive Googong (13 Dwellings, Subdivision and a Public Laneway) (Ref: C17166389; Author: Thompson/Glouftsis) (Continued)



Figure 4 - Extent of Shadowing on Rear POS at 9am 21 June (Source: Heyward Lance Architecture)



Figure 5 - Extent of Shadowing on Rear POS at 12pm 21 June (Source: Heyward Lance Architecture)



Figure 6 - Extent of Shadowing on Rear POS at 3pm 21 June (Source: Heyward Lance Architecture)

12.1 DA 247-2017 - Lot 1368 Gorman Drive Googong (13 Dwellings, Subdivision and a Public Laneway) (Ref: C17166389; Author: Thompson/Glouftsis) (Continued)

The location of the PPOS forward of the building line is also justified as a result of its increase in regards to amenity of the proposed dwellings. As stated within the applicant's justification for the variation, if the PPOS was to be located within the rear yard behind the building line, the development would not be able to meet the requirements for solar access under the Googong DCP. As a result the variation is considered acceptable as it allows the development to meet other objectives and controls of the Googong DCP. The proposed development also provides additional open space within the rear yard of each dwelling proposed for Lots 2-12. The open space provided within each rear yard is insufficient to meet PPOS requirements, however, it does reduce the impact of the PPOS being located forward of the building line.

Variation 2 - Front and Secondary Boundary Fencing Controls

1.5m high horizontal aluminium slat fencing exceeding the requirement of the 1.2m maximum height limit is proposed forward of the building line. This is a result of the variation to the location of PPOS within the front yard of the dwellings located on lots 2-12. Additionally, fencing on the secondary setback of Lot 1 and Lot 12 is proposed for a distance greater than 50% of the length of each lot. However, the fences are proposed at 1.5m in height, 300mm lower than the maximum requirement for 50% of the depth.

Applicant's Justification

The variation to the height of the front fences is necessary to retain reasonable levels of privacy to the PPOS of each dwelling. The fencing does not dominate the streetscape and landscaping will work to soften the impact of the increase in height.

Assessing Officer's Comments

The applicant's justification and the proposed variation to the fence height is generally supported. The height and style of the proposed fencing for lots 2-12 is considered to provide an appropriate balance between the need to provide privacy to the principal POS, maintain passive surveillance, and avoid creating an unattractive streetscape.

A number of potential streetscape impacts are minimised through the provision of additional SPOS within the rear yard of each dwelling, located behind the building line. This will reduce the likelihood of residents using the PPOS forward of the building line for purposes such as clothes drying and storing bins.

The Gorman Drive streetscape comprises a mix of land uses and buildings, including schools, neighbourhood shops and other types of dwellings. Due to the desired streetscape character and the locality of the site being a mixture of varying residential densities, street hierarchies and public uses, it is not considered that the variation to PPOS and the fencing height will result in a detrimental impact (Please refer to Figure 7, 8 and 9 below). Additionally, the secondary setback fence variation to the length of the fence is considered acceptable as the reduction in overall height will result in a reduced impact on a bulk and scale and will reduce the impact on the streetscape. Additionally, this is a necessary requirement to maintain privacy to the PPOS and SPOS of the dwellings.

12.1 DA 247-2017 - Lot 1368 Gorman Drive Googong (13 Dwellings, Subdivision and a Public Laneway) (Ref: C17166389; Author: Thompson/Glouftsis) (Continued)



Figure 7 – Gorman Drive Frontage (Source: Heyward Lance Architecture)

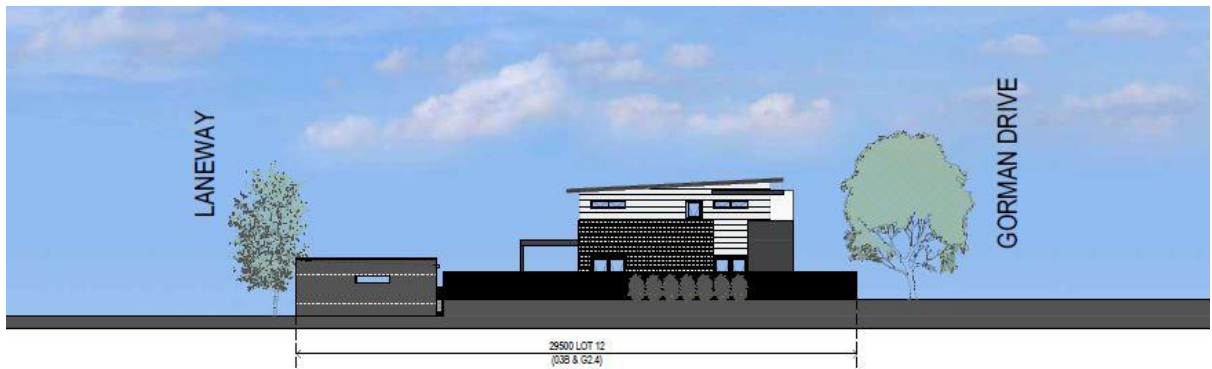


Figure 8 – Helen Circuit Secondary Frontage (Source: Heyward Lance Architecture)



Figure 9 – Zealie Bend Secondary Frontage (Source: Heyward Lance Architecture)

12.1 DA 247-2017 - Lot 1368 Gorman Drive Googong (13 Dwellings, Subdivision and a Public Laneway) (Ref: C17166389; Author: Thompson/Glouftsis) (Continued)

Variation3 - Garage located on an allotment with a boundary smaller than 12.5m wide or greater

A double garage is proposed on Lot 12, which has a width that is under the required 12.5 metre minimum requirement.

Applicant's Justification

A double garage is provided on Lot 12 with a width of 8.35m. This is considered acceptable given the size of the terrace style lots and given it is consistent with the objectives of the DCP in that it:

- Provides safe and functional parking spaces
- Provides the provisions of secure and accessible on-site parking for residents and visitors.

Assessing Officer's Comments

One of the main reasons for this requirement is to ensure that the streetscape along the laneway does not just become a wall of garage doors. Limiting length and interspersing with carports break up this continuous enclosed streetscape. The proposed double garage on lot 12 is considered acceptable due to the fact that it will provide secure and accessible parking for the residents of the proposed dwelling and because it is the only lot proposed with this configuration. The garage has the same footprint as the proposed carports located on the other lots. The garage is located at the rear of the allotment and as a result will not have an adverse impact on the streetscape. The lot/dwelling can still be accessed via the garage. Therefore it is considered acceptable that a garage be used in place of a car port on Lot 12 of the proposed development.

Variation 4 - Side boundary setback of the Studio Dwelling

The Googong Development Control Plan requires a 0.9m side boundary setback for a studio dwelling. The proposed studio dwelling incorporated into this development application provides a 0m (zero lot line) eastern boundary setback.

Applicant's Justification

The applicant has stated that the variation is acceptable given that the garage is adjacent to a carport on the adjoining lot and therefore will not cause any overlooking impacts that are unreasonable.

Assessing Officer's Comments

The variation to the side boundary setback is minor and will not have an adverse impact on the adjoining dwelling proposed for Lot 2 as it faces the car port of the proposed adjoining dwelling. As a result of the location of the zero lot line, no adverse impacts in regards to overlooking and overshadowing are anticipated. The proposed variation is considered acceptable and is supported.

12.1 DA 247-2017 - Lot 1368 Gorman Drive Googong (13 Dwellings, Subdivision and a Public Laneway) (Ref: C17166389; Author: Thompson/Glouftsis) (Continued)

(a) Building Surveyor's Comments

A construction certificate has not been submitted with this application so a full assessment against the Building Code of Australia (BCA) has not been undertaken. The development proposes a mixture of class 1a and 10a buildings. The proposal appears likely to comply with the BCA. Matters such as fire and sound separation between buildings and the method of construction will need to be detailed at construction certificate stage.

A BASIX certificate has been submitted for the proposed dwellings and the commitments have been detailed on the plans.

No objection is raised to the proposal subject to the imposition of appropriate conditions.

(b) Development Engineer's Comments

The subject land is located within a vacant lot within Stage 6C of Neighbourhood 1A of Googong Township. Previous subdivision works have created a surrounding road network and associated infrastructure. The site is able to be adequately serviced by roads, water, sewer and stormwater.

The site is located opposite a proposed public school and adjacent the Village Centre retail development in Googong. It was identified by Council that the proposed public lane could have operational risks in relation to pedestrians from the school or retail site. As a result a risk assessment was prepared by an independent consultant and submitted by the applicant. The risk assessment while briefly mentioning the development sites does not apply traffic engineering data or methodology to impacts on surrounding streets when determining the risk. However, Council has approved small lot housing developments with public lane access previously.

The public laneway will be conditioned to incorporate a no standing sign to assist in the use of the lane as a local road for resident access and service vehicles. For a more detailed assessment of the issues surrounding the laneway please refer to the attached 79C report, which details the entirety of the Development Engineer's comments in regards to the proposed public laneway.

(c) NSW Police Comments

The development application was referred to NSW Police for comment. After conducting this process, the rating for this development has been identified as a Moderate – Crime Risk. Standard recommendations for conditions in regards to safe design/crime prevention through environmental design were incorporated in the referral and have been incorporated where necessary.

12.1 DA 247-2017 - Lot 1368 Gorman Drive Googong (13 Dwellings, Subdivision and a Public Laneway) (Ref: C17166389; Author: Thompson/Glouftsis) (Continued)

Financial Implications

There will be no financial implications from the proposed development. Development Contributions are not required for this proposal.

Engagement

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

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. Refer to *Section 79C(1) Table – Matters for Consideration*.

Conclusion

The submitted proposal is for Small Lot Housing (comprising of subdivision of land to create 12 Torrens Title Lots, 2 Strata Title Lots from further subdivision of proposed Lot 1, the erection of 13 dwellings and a public laneway and associated works) on Lot 1368 DP 1217419 Gorman Drive Googong. The application 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, except where variation has been sought. In this instance, a variation is proposed to the location of the PPOS forward of the building line on Lots 2-12, the increase in the height of fencing forward of the building line and the length of the fencing on the secondary setbacks of Lot 1 and 12, a zero lot line for a studio dwelling and to allow a double garage on a lot with a width below 12.5m. The variations are supported due to the fact that they will have a relatively minor environmental impact and have been supported in the past for previous Small Lot Housing Development Applications.

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 247-2017 - Section 79C(1) Table - Matters for Consideration (<i>Under Separate Cover</i>) |
| Attachment 2 | DA 247-2017 - Streetscape Elevation Plans (<i>Under Separate Cover</i>) |
| Attachment 3 | DA 247-2017 - Site Plan (<i>Under Separate Cover</i>) |
| Attachment 4 | DA 247-2017 - Draft Conditions of Consent (<i>Under Separate Cover</i>) |

12.2 DA 291-2017 Lot 1368 Gorman Drive Googong - 9 Dwellings, Subdivision, Public Laneway (Ref: C17170612; Author: Thompson/Rousell)

Summary

Reason for Referral to Council

This application has been referred to Council because the application involves a number of variations to requirements in a development control plan but those variations would not have a significant environmental impact.

Proposal:	Subdivision of land to create 8 x Torrens Title Lots, with Lot 8 being subdivided to create 2 x Strata Title Lots, 1 x Public Laneway, and the erection of 9 dwellings (including 4 x semi-detached dwellings, 4 x attached dwellings and 1x studio dwelling)
Applicant/Owner:	Googong Township Pty Limited / Googong Township Pty Limited
Subject Property:	Lot 1368 DP 1217419 (proposed Lot 1403) Gorman Drive, Googong
Zoning and Permissibility:	R1 – General Residential under Queanbeyan Local Environmental Plan 2012. The proposed development is permitted in the zone with development consent.
Public Submissions:	Nil
Issues Discussed:	Planning Requirements – Variations to Development Controls
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

- 1. That approval be granted to a variation to Part 7.2 – Streetscape of Googong Development Control Plan to allow Lots 1-8A to have 1.5m high front fencing, instead of the prescribed 1.2m high for the following reasons:**
 - (a) The increase in height of the proposed front fencing is necessary to ensure the privacy of Principal Private Open Space (PPOS) of each dwelling that is proposed forward of the building line.**
 - (b) The open elements of the proposed fencing allow for passive surveillance of Gorman Drive to be maintained.**
 - (c) Potential streetscape issues are mitigated through the incorporation of open elements and landscaping features.**
 - (d) The proposed fencing is considered an appropriate balance between maintaining privacy of PPOS, maintaining passive surveillance of the street and avoiding creating an unattractive streetscape.**
 - 2. That approval be granted to a variation to Part 7.2 – Streetscape of Googong Development Control Plan to allow Lots 1, 8 and 8A to have 1.5m high fencing on the secondary frontage for the entire depth of the lot, instead of the prescribed 1.8m for 50% of the depth of the lot and 1.2m for the remaining 50% of the depth of the lot for the following reasons:**
 - (a) The increase in height of the proposed secondary frontage fence is necessary to maintain the privacy of PPOS proposed forward of the building line of dwellings located on Lots 1 and 8.**
-

12.2 DA 291-2017 Lot 1368 Gorman Drive Googong - 9 Dwellings, Subdivision, Public Laneway (Ref: C17170612; Author: Thompson/Rousell) (Continued)

- (b) The open elements incorporated into the design of the fencing allow for passive surveillance of Rosa Street and Underhill Street to be maintained.
 - (c) Potential streetscape issues are mitigated through the incorporation of open elements and landscaping features.
 - 3. That approval be granted to a variation to Part 7.10 – Principal Private Open Space and Landscape Design of Googong Development Control Plan to allow for the principal private open space of Lots 1-8 to be located forward of the building line for the following reasons:
 - (a) The northerly orientation of the super lot restricts the ability to provide adequate solar access to dwellings if PPOS was to be proposed behind the building line.
 - (b) Affected dwellings include an area of private open space behind the building line that is capable of performing functions such as bin storage and clothes drying.
 - (c) The privacy of PPOS is maintained through;
 - (i) 1.5m high fencing proposed forward of the building;
 - (ii) landscaping features adjoining proposed fencing enhance privacy of PPOS, and
 - (iii) the design of facades of two-storey dwellings including architectural features such as blade walls and privacy screens on balconies.
 - (d) The location of PPOS will have minimal impact on streetscape through the design of proposed fencing and landscaping features such as hedging.
 - 4. That approval be granted to a variation to Part 7.11 – Car Parking and Garages of Googong Development Control Plan to allow for a double garage on Lot 1 on a lot with a width below the 12.5m minimum requirement for the following reasons:
 - (a) The proposed double garage is consistent with the objectives of the Googong Development Control Plan as it provides a safe and functional parking space, and does not dominate the front façade.
 - (b) There are no anticipated impacts on the streetscape of the lot as the double garage is located to the rear of the lot and is accessed via the public laneway.
 - (c) The size of the double garage is consistent with the proposed double carports on Lots 4, 5 and 7.
 - (d) The design of the proposed double garage is compatible with the proposed dwelling.
 - 5. That approval be granted for a variation to Part 7.13 – Studio Dwellings and Small Lots to allow a zero lot line side setback, instead of the prescribed 900mm side setback for the proposed studio dwelling on Lot 8A for the following reasons:
 - (a) The proposed studio dwelling will have minimal impact on the adjoining Lot 7 for the following reasons;
 - i. The studio dwelling is located adjacent to the carport of the adjoining Lot 7,
 - ii. There are no anticipated overlooking or privacy issues as the proposed studio dwelling has an easterly orientation with no windows located on the western side adjoining the neighbouring lot.
 - b. Maintaining a 900mm side setback would result in non-compliance with the 1.5m corner lot – secondary street setback control prescribed by Table 1 of Googong Development Control Plan.
-

12.2 DA 291-2017 Lot 1368 Gorman Drive Googong - 9 Dwellings, Subdivision, Public Laneway (Ref: C17170612; Author: Thompson/Rousell) (Continued)

6. That development application 291-2017 for subdivision of land to create 8 x Torrens Title lots, with Lot 8 being subdivided to create 2 x Strata Title lots, 1 x Public Laneway, and the erection of 9 dwellings (including 4 x semi-detached dwellings, 4 x attached dwellings and 1x studio dwelling on Lot 1368 DP 1217419, (proposed lot 1403) Gorman Drive be granted conditional approval.

Background

Proposed Development

The development application is for a type of development known as small-lot housing. The development application is for:

- Subdivision of land to create 8 x Torrens Title lots, with Lot 8 being subdivided to create 2 x Strata Title lots, 1 x Public laneway, and
- The erection of 9 dwellings (including 4 x semi-detached dwellings, 4 x attached dwellings, and 1 x studio dwelling)

The proposed new dwellings consist of five two storey dwellings, three single storey dwellings and one studio dwelling located above a double and single garage. The nine dwellings will be accessed via a public laneway which runs parallel to Gorman Drive, and between Rosa Street and Underhill Street. The public laneway will only be accessed via Underhill Street. All dwellings are provided with on-site car parking spaces in accordance with Council's requirements. Figure 1 below shows the proposed Torrens Title subdivision layout. Detailed plans will be provided in the Councillor's room in Queanbeyan.

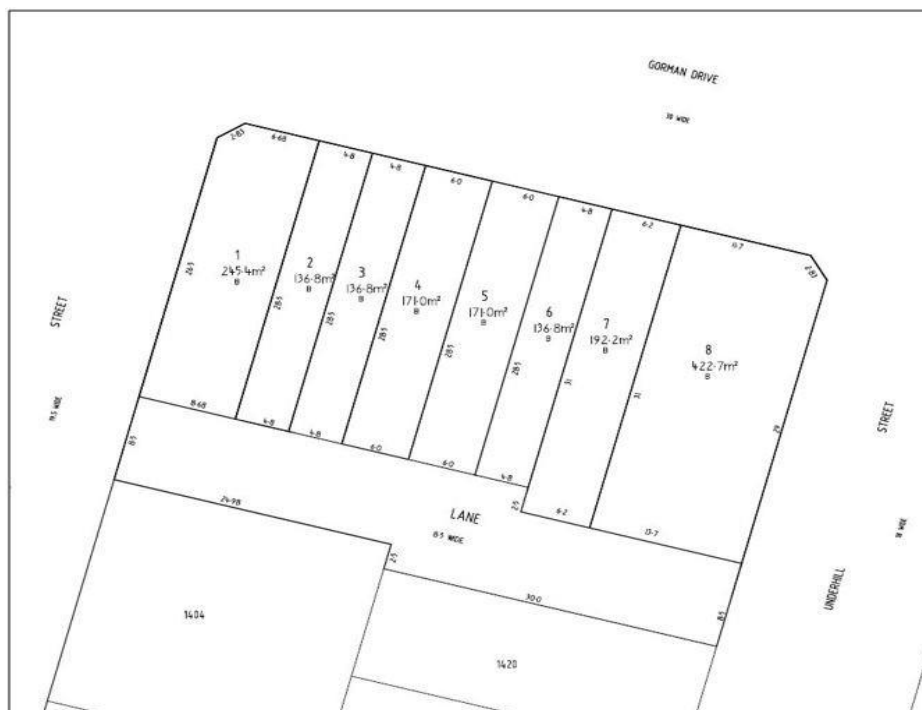


Figure 1 – Proposed Subdivision and Laneway

(Source: Elton Consulting)

12.2 DA 291-2017 Lot 1368 Gorman Drive Googong - 9 Dwellings, Subdivision, Public Laneway (Ref: C17170612; Author: Thompson/Rousell) (Continued)***Subject Property***

The subject site is located within Lot 1368 DP 1217419. Super Lot 1403 (the location that this development application applies to) is the proposed lot within Lot 1368 on which the development will be carried out. This lot has been approved as part of development application 383-2016 but has not yet been registered. The subject site is within Stage 6C of Neighbourhood 1A of Googong Township, in close proximity to the Neighbourhood Centre, Anglican School, and the future public school site. The site is bounded by Gorman Drive to the north, Rodgers Road to the south, Helen Circuit to the east, and Rosa Street to the west. The site has a total area of 35320m² and has a north-east to south-west orientation (refer to Figure 2 below showing the subject site highlighted in red.)

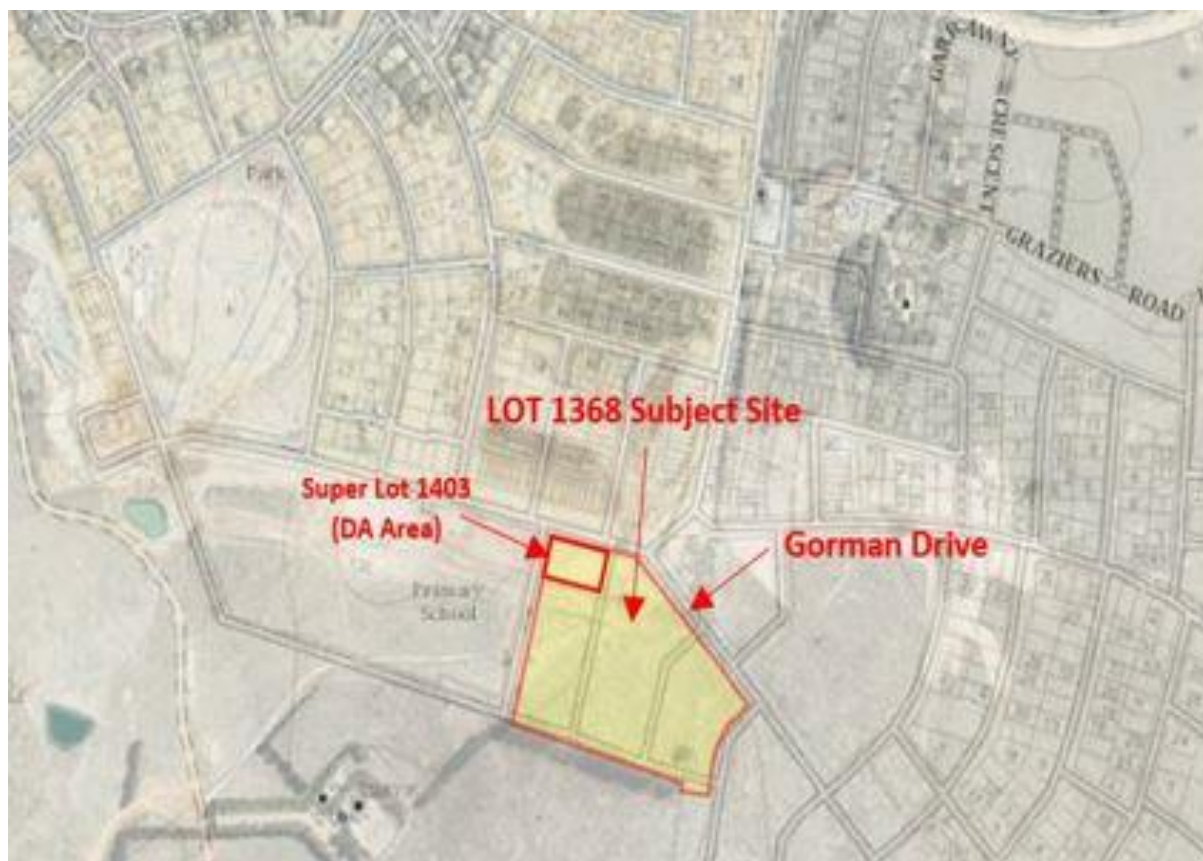


Figure 2 – Subject Site

(Source – Elton Consulting – Amended by Assessing Officer)

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

12.2 DA 291-2017 Lot 1368 Gorman Drive Googong - 9 Dwellings, Subdivision, Public Laneway (Ref: C17170612; Author: Thompson/Rousell) (Continued)

5. Googong Development Control Plan (DCP)

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration relate to compliance with the Googong Development Control Plan, specifically, the proposal to locate the principal private open space of eight dwellings forward of the building line, 1.5m high fencing forward of the building line, 1.5m high fencing the length of the secondary frontage of Lots 1, 8 and 8A, a double garage on a lot that has a lot width less than 12.5m, and a studio dwelling having a side setback less than 0.9m. These are discussed in more detail in the assessment against the DCP provisions below.

(a) Compliance with LEP

The proposed development is consistent with the requirements of the Queanbeyan Local Environmental Plan 2012. For an assessment of the Queanbeyan Local Environmental Plan 2012 see the attached *Section 79C(1) Table – Matters for Consideration*.

(b) Compliance with DCP

The application has been assessed against the relevant parts of the Googong Development Control Plan. To view the detailed assessment of the Googong Development Control Plan see the attached *Section 79C(1) Table – Matters for Consideration*.

The application proposes several variations/non-compliances to the controls contained within *Part 7 – Small Lots, Studio Dwellings, Multi Dwelling, Dual Occupancies and Residential Flat Buildings* of the Googong Development Control Plan. Some of the variations are considered to be minor and have been supported previously by Council for small lot housing development. The variations to the Googong Development Control Plan are discussed in detail below:

Variation 1 - Location of Principal Private Open Space (PPOS)

Part 7.10 – Principal Private Open Space and Landscape of Googong Development Control Plan requires the PPOS of dwellings to be located behind the building line to the main street frontage and to have a northerly aspect where possible. The applicant has proposed to vary Part 7.10 of Googong Development Control Plan to allow for Lots 1-8 to have the PPOS located forward of the building line of the dwelling.

Part 7.15 – Solar Access requires that 50% of provided PPOS be provided with a minimum of 3 hours solar access between 9am and 3pm on the winter solstice. Additionally, living room windows are also required to receive a minimum of 3 hours of solar access. The variation has been proposed by the applicant as a result of this requirement. Due to the northern orientation of the lots, providing PPOS behind the building line would result in the development not receiving adequate or required amounts of solar access. Submitted shadow diagrams show that the front yards of the proposed dwellings receive continuous sunlight on the winter solstice between 9am and 3pm.

Figures 6, 7 and 8 below show the overshadowing of rear yards at 9am, 12pm and 3pm respectively on the winter solstice (21st June).

12.2 DA 291-2017 Lot 1368 Gorman Drive Googong - 9 Dwellings, Subdivision, Public Laneway (Ref: C17170612; Author: Thompson/Rousell) (Continued)

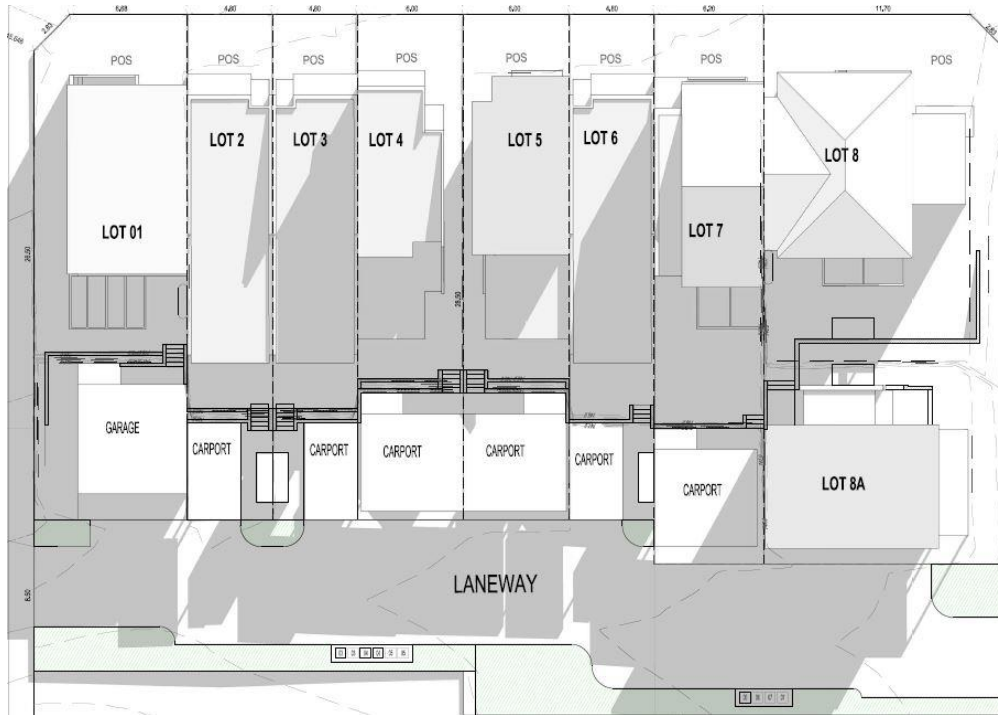


Figure 6 - 9am on Winter Solstice - (Source: Heyward Lance Architecture)

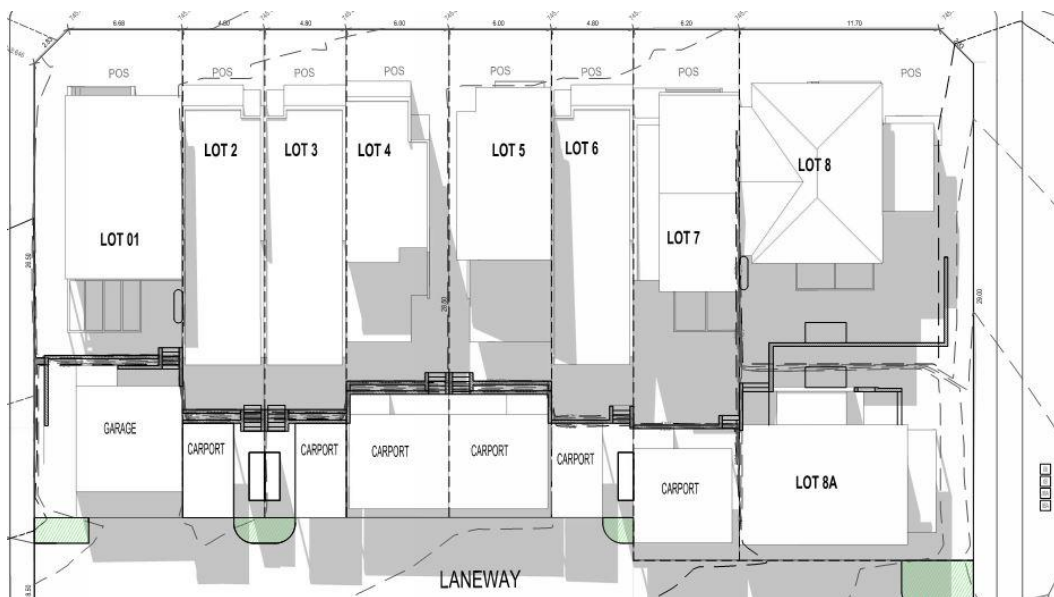


Figure 7 - 12pm on Winter Solstice - (Source: Heyward Lance Architecture)

12.2 DA 291-2017 Lot 1368 Gorman Drive Googong - 9 Dwellings, Subdivision, Public Laneway (Ref: C17170612; Author: Thompson/Rousell) (Continued)

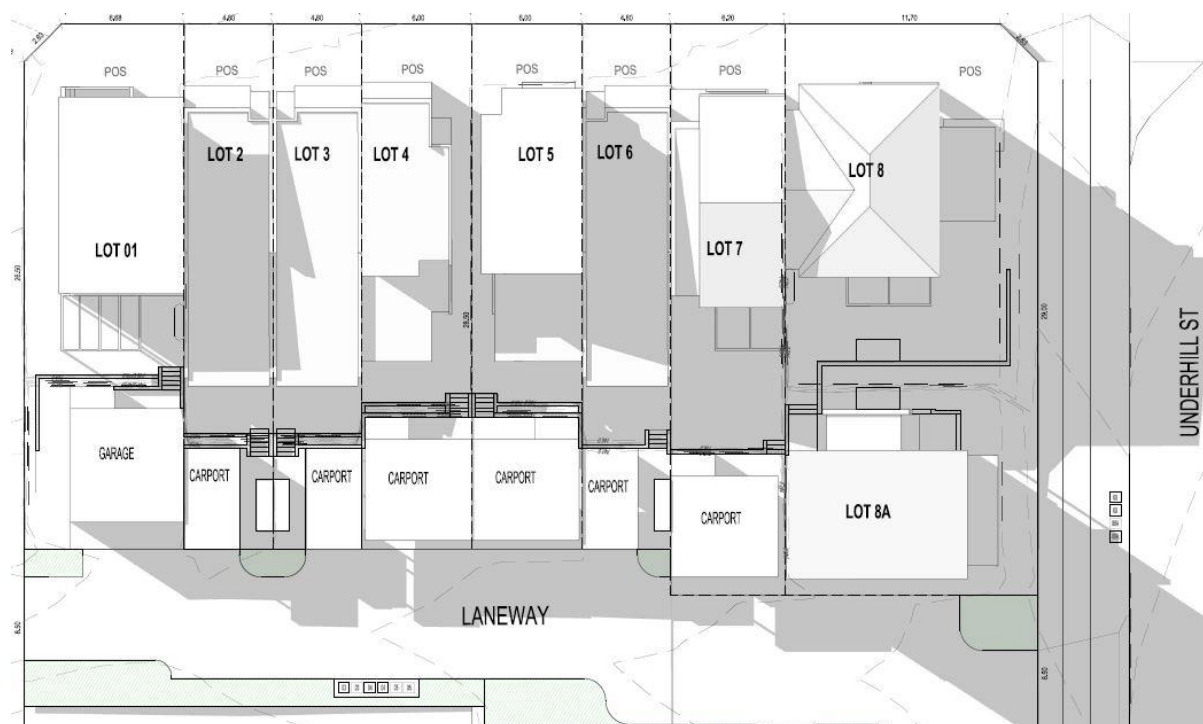


Figure 8 – 3pm on Winter Solstice - (Source: Heyward Lance Architecture)

Applicant's Justification

The variation to PPOS is due to the northern orientation of the lots. The PPOS has been proposed forward of the building line to allow for adequate solar access to the PPOS. The submitted shadow diagrams show that placing PPOS behind the building line would result in minimal solar access, a less desirable outcome as PPOS forward of the building line will receive almost continuous sunlight.

Assessing Officer's Comments

The proposed variation to Part 7.10 of Googong Development Control Plan to allow for PPOS to be proposed forward of the building line is considered acceptable and is supported based upon the reasoning below.

Development Application 494-2015 was the first small lot housing proposal that included the variation to the location of PPOS. This application was approved by Council and included as number of recommendations for future small lot housing development. These recommendations included providing a secondary PPOS space located behind the building line, providing shadow diagrams to illustrate solar access, and ensuring that overlooking into PPOS is avoided.

In this application, each of the proposed lots include a secondary PPOS located behind the building line that is capable of performing functions such as bin storage and clothes drying. The development application included shadow diagrams (See Figures 6, 7 and 8 above) illustrating solar access for each of the PPOS proposed. Furthermore, the parent super-lot has a northern orientation designed to achieve an effective lot layout in regards to solar access to the dwellings as well as connecting to Gorman Drive.

12.2 DA 291-2017 Lot 1368 Gorman Drive Googong - 9 Dwellings, Subdivision, Public Laneway (Ref: C17170612; Author: Thompson/Rousell) (Continued)

To achieve solar access to PPOS behind the building line, the lots would be required to face east or west and would result in detrimental impacts to streetscape and access. As a result of this, it is considered that the proposed development would not be able to achieve minimum solar access requirements if PPOS is to be located behind the building line.

PPOS proposed forward of the building line is vulnerable to privacy issues such as overlooking from neighbouring two-storey dwellings, as well as residents walking by the development. Overlooking into PPOS has been adequately addressed through the design of facades of proposed two-storey dwellings. The two storey dwellings have been appropriately designed and located to ensure that there are no direct views into private open space or sensitive areas of adjoining dwellings. Two storey dwellings primarily have windows overlooking the frontage of the allotment and the laneway to the rear, assisting in providing passive surveillance of these areas. Proposed two-storey dwellings that include balconies have been designed to include privacy screens and blade walls to ensure PPOS of neighbouring properties is protected.

The privacy of PPOS forward of the building line is protected through the proposed fencing and landscaping. The proposed fencing is 1.5m high with horizontal slats 20mm apart. The height of the proposed fencing ensures privacy for the residents whilst having a minimal impact on the streetscape. Additionally, landscaping such as hedging along the fence line will act as a natural screen.

Given all of the above there is no objection to the proposed variation.

Variation 2 - Front Fencing Controls

1.5m high horizontal aluminium slat fencing is proposed forward of the building line of all lots and along the entire depth of the secondary frontage of Lots 1, 8 and 8A. Part 7.2 of Googong Development Control Plan requires front fencing (Primary frontage) to be a maximum of 1.2m high, as well as front fencing (Secondary frontage) to be 1.8m high maximum for 50% of the depth of the lot and 1.2m high for the remaining 50% of the depth of the lot.

Applicant's Justification

The variation to the height of front fences (Primary and Secondary frontages) is necessary to retain privacy of principal private open space located forward of the building line of each dwelling on Lots 1-8. The predominately open design, height and landscaping ensure the fencing will not dominate or detract from the streetscape.

Assessing Officer's Comments

The proposed variations and applicant's justification for exceeding maximum heights of fencing is generally supported. Additional streetscape impacts are mitigated through the provision of additional private open space being located behind the building line of dwellings. It is considered that the predominately open design of proposed fencing allows for privacy of private open space and casual surveillance of the street.

12.2 DA 291-2017 Lot 1368 Gorman Drive Googong - 9 Dwellings, Subdivision, Public Laneway (Ref: C17170612; Author: Thompson/Rousell) (Continued)

The 1.5m height of fencing allows for complete privacy of residents when sitting down, whilst allowing for complete surveillance of the street when standing up. The 20mm gaps between slats incorporated into the design of front fencing increases casual surveillance of the street. In addition, a number of landscaping features including hedging within the allotment add to the privacy of private open space as well as softening of the streetscape. Additionally, a condition of consent is recommended to require soft landscaping within the verge of Gorman Drive against the front boundary fence of Lots 1, 4, 6 and 8 to further enhance the streetscape and amenity of the development. (Refer to Figures 3-5 below)

The height and design of the proposed front fencing achieves an effective balance between retaining privacy of principal private open space, maintaining casual surveillance of Gorman Drive, Rosa Street and Underhill Street, and creating an attractive streetscape.



Figure 3 – Streetscape viewed from Gorman Drive - (Source: Heyward Lance Architecture)



Figure 4 – Streetscape viewed from Rosa Street - (Source: Heyward Lance Architecture)



Figure 5 – Streetscape viewed from Underhill Street - (Source: Heyward Lance Architecture)

12.2 DA 291-2017 Lot 1368 Gorman Drive Googong - 9 Dwellings, Subdivision, Public Laneway (Ref: C17170612; Author: Thompson/Rousell) (Continued)

Variation 3 - Minimum Lot Width for a Double Garage

Part 7.11 of Googong Development Control Plan requires that lots with a double garage must have a minimum lot width of 12.5m. A double garage is proposed on Lot 1, having a lot width of 8.8m being below the minimum requirement of 12.5m.

Applicant's Justification

A double garage is provided on Lot 1 with a lot width of 8.8m. This is considered acceptable given the size of the terrace style lots and is consistent with the objectives in that:

- It provides safe and functional parking space, and
- Provides provision of secure and accessible onsite parking for residents and visitors.

Assessing Officer's Comments

The proposed double garage on Lot 1 is considered acceptable as it is consistent with the objectives of Part 7.11 of Googong Development Control Plan as well as having minimal impact on visual amenity. The proposed double garage is consistent with the objectives of Part 7.11 in that it provides a safe, secure and functional parking for space for residents, and does not dominate the façade of the dwelling as it is located separate to the rear of the dwelling. The proposed double garage on Lot 1 has the same footprint as the proposed carports on Lots 4, 5 and 7.

One of the main reasons for this requirement is to ensure that the streetscape along the laneway does not just become a wall of garage doors. Limiting length and interspersing with carports break up this continuous enclosed streetscape. The proposed double garage will have minimal impact on the streetscape as it is located to the rear of the lot and will not be visible from Gorman Drive. Additionally, the double garage is designed to complement the dwelling through its incorporation of face brickwork and panel lift door. The proposed double garage doesn't impact on resident's ability to put their waste bins out for collection on the verge of Rosa Street as they can access the laneway through the garage.

The proposed double garage is considered acceptable as it is consistent with the objectives of the Googong Development Control Plan, has minimal impact on streetscape, is designed to complement the dwelling, and has minimal impact on access to the laneway and verge of Rosa Street for waste bin collection.

Variation 4 - Side Setback for Studio Dwelling

Part 7.13 of Googong Development Control Plan states that studio dwellings shall comply with Table 1. Table 1 states that studio dwellings are to have a side setback of 0.9m minimum. The proposed studio includes a 0m side setback.

Applicant's Justification

The 0m side setback to the western boundary is considered acceptable as the studio dwelling (Garage on ground level) is next to the carport on the adjacent lot. As such, there will be no overlooking.

12.2 DA 291-2017 Lot 1368 Gorman Drive Googong - 9 Dwellings, Subdivision, Public Laneway (Ref: C17170612; Author: Thompson/Rousell) (Continued)

Assessing Officer's Comments

The proposed variation to allow a 0m side setback for the proposed studio dwelling is considered acceptable. The proposed studio dwelling (located above the ground floor garages) will not have an adverse impact on the neighbouring lot. The proposed studio dwelling is orientated in an easterly direction with the rear wall of the dwelling facing Lot 7. There are no privacy issues as the studio dwelling is located next to a carport and there are no windows located on the western side of the studio dwelling that would result in privacy issues such as overlooking into the neighbouring lot's dwelling or secondary PPOS. Furthermore, maintaining a 0.9m side setback would result in the proposed studio dwelling not complying with the 1.5m corner lot – secondary setback control prescribed by Table 1 of Googong Development Control Plan. It is considered that in this instance a 0m side setback is more appropriate and has less anticipated impacts than encroaching into the secondary front setback of the corner lot. As such, the variation is considered minor and is supported.

(a) Building Surveyor's Comments

Assessment completed and all relevant conditions imposed. There are no outstanding building issues associated with the proposal.

(b) Development Engineer's Comments

The site is able to be adequately serviced with regards to road, water, sewer and stormwater. Each strata lot within the Torrens Title subdivision will require individual servicing. There are no outstanding development engineering issues associated with the development application subject to the imposition of standard conditions.

(c) NSW Police Comments

The proposed development was referred to the NSW Police for comment in relation to Crime Prevention Through Environmental Design (CPTED) Principles. NSW Police has assessed the proposal as being a moderate crime risk. Detailed responses to Police comments are included in the attached *Section 79C(1) Table – Matters for Consideration*.

Financial Implications

There will be no financial implications from the proposed development. Development contributions are not required for this proposal.

Engagement

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

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. Refer to *Section 79C(1) Table – Matters for Consideration*.

Conclusion

The submitted proposal is for subdivision of land to create 8 x Torrens Title lots, 2 x Strata Title lots, 1 x Public Laneway, and the erection of 9 dwellings (including 4 x semi-detached dwellings, 4 x attached dwellings and 1x studio dwelling) on Lot 1368 DP 1217419 (proposed Lot 1403), Gorman Drive. The application is supported by a Statement of Environmental

12.2 DA 291-2017 Lot 1368 Gorman Drive Googong - 9 Dwellings, Subdivision, Public Laneway (Ref: C17170612; Author: Thompson/Rousell) (Continued)

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 Googong Development Control Plan.

The development achieves the objectives of these instruments and satisfies the requirements with the exception of four variations to the development controls within the Googong Development Control Plan. The main issues related to the proposal include locating the principal private open space of dwellings forward of the building line, front boundary fencing exceeding maximum height requirements, a double garage on a lot that does not meet minimum width requirements, and the proposed studio dwelling not meeting minimum side setback requirements as prescribed by Googong Development Control Plan. These variations are supported as outlined in this Report and assessed in detail in the attached *Section 79C(1) Table – Matters for Consideration*.

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 291-2017 - Section 79C(1) Table - Matters for Consideration (<i>Under Separate Cover</i>) |
| Attachment 2 | DA 291-2017 - Architectural Plans (<i>Under Separate Cover</i>) |
| Attachment 3 | DA 291-2017 - Draft Condition Printout (<i>Under Separate Cover</i>) |

**12.3 Modification Application MOD.2017.108 - Modify Conditions of Consent
DA.2014.253 - Subdivision 64 Molonglo Place, Carwoola (Ref: C17189129;
Author: Thompson/Tonner)**

Summary

Reason for Referral to Council

This application has been referred to Council as granting the request for modification would require a significant departure from Council's normal policy in relation to the provision of services to subdivisions.

Proposal:	Modification of DA.2014.253 to remove requirement for connection of allotments to the electricity supply network
Applicant/Owner:	PHL Surveyors/Schlager Investments Pty Ltd
Subject Property:	Lot 267 DP 754893, 64 Molonglo Place, Carwoola
Zoning and Permissibility:	Part RU1 Primary Production, Part E3 Environmental Management under Palerang Local Environmental Plan 2014
Public Submissions:	Not required to be notified
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

- 1. That modification application MOD.2017.108 to modify condition 8 of DA.2014.253 to remove the requirement for the connection of each allotment to the electricity supply network be refused for the following reasons.**

Reasons for Refusal:

- (a) Clause 6.11 of the PLEP 2014 that requires essential services, including the supply of electricity be available, has not been met.**
 - (b) Section 13.1 of the Yarrowlumla DCP 2002, that requires high tension power lines be provided by the developer to the boundary of all additional lots created in accordance with the requirements of the electricity supply body, has not been met.**
 - (c) Approval of the proposed modification request would place an unreasonable burden upon future owners of the proposed lots should they chose to connect to the electricity supply at any time and as such is considered to be contrary to the public interest.**
 - (d) Approval of the modification would set an undesirable precedent for development of residential subdivision allowing costs that should be borne by the developer to be avoided and transferred to individual lot owners.**
-

**12.3 Modification Application MOD.2017.108 - Modify Conditions of Consent
DA.2014.253 - Subdivision 64 Molonglo Place, Carwoola (Ref: C17189129;
Author: Thompson/Tonner) (Continued)**

Background

DA.2014.253 was granted conditional approval by Council at its meeting on 7 May 2015 for a five (5) lot Torrens title subdivision. Conditions 7 and 8 of the consent require certain arrangements to be made in relation to the supply of electricity to each allotment prior to the issue of the Subdivision Certificate. These conditions read as follows:

Power supply

7. *Easements for electricity supply shall be created on the final plan of subdivision in favour of Essential Energy. Such easements shall be 20m wide (or such other width as agreed to by Essential Energy) and shall be centred on:*
 - (a) *all existing power lines which cross the subdivision and where that part of a subdivision will involve freshly surveyed boundaries; and*
 - (b) *all proposed power lines that will be constructed to provide electricity to the lots within the subdivision; and*
 - (c) *all proposed power lines within the subdivision for which the developer is not required to make a capital contribution, but which would be required to be constructed in the future to provide power to the boundary of each lot.*

Reason: To ensure power supply to the proposed lots.

8. *Each lot is to be capable of being connected to a suitable power supply. Details are to be provided to Palerang Council with the subdivision certificate application.*

Reason: To ensure adequate power supply is available to any dwelling.

It should be noted that the Environmental Review (Statement of Environmental Effects) prepared by PHL Surveyors which accompanied DA.2014.153 and forms part of the approved documentation to be complied with under Condition 1 of DA.2014.153 identifies that the extension of existing infrastructure services upon the site (i.e electricity poles and lines) is to be undertaken at the expense of the developer with no mention of the use of alternate power supplies.

DA.2014.153 was subsequently modified under MOD.2016.054 on 2 August 2016 to amend the subdivision pattern as to result in a six (6) lot Torrens title subdivision.

DA.2014.153 was again modified under MOD.2017.076 on 16 August 2017 to alter the minimum construction standard of the approved internal roadway.

Subject Property

The subject site originally comprised individual allotments 12 allotments which are being resubdivided. The land is a large rural holding with an area of approximately 670 hectares. Access to the site is from Molonglo Place and Molonglo River Drive, joining Captains Flat Road 2km from the property entrance. The site is bordered to the north by the Australian Defence HQJOC and the Sydney to Canberra railway line, which is also the ACT border. To the east the land is predominantly utilised for rural grazing land. The southern boundary is the Molonglo River for 1.6km and further to the west is rural grazing land.

**12.3 Modification Application MOD.2017.108 - Modify Conditions of Consent
DA.2014.253 - Subdivision 64 Molonglo Place, Carwoola (Ref: C17189129;
Author: Thompson/Tonner) (Continued)**

Across the Molonglo River, to the south, lies developed rural residential land with access to Molonglo Place and Molonglo River Road.

The slope of the land is moderate to gently undulating with streams (Dairy Station Creek) and gullies through the property which have been dammed in many places. The vegetation consists generally of improved pastures and remnant paddock trees in the lower parts and some good native grasses, stands of timber and shrubland occur towards the eastern area. The property also includes a brick homestead, associated garage and sheds; a timber cottage and associated sheds, a hay shed, numerous roads.

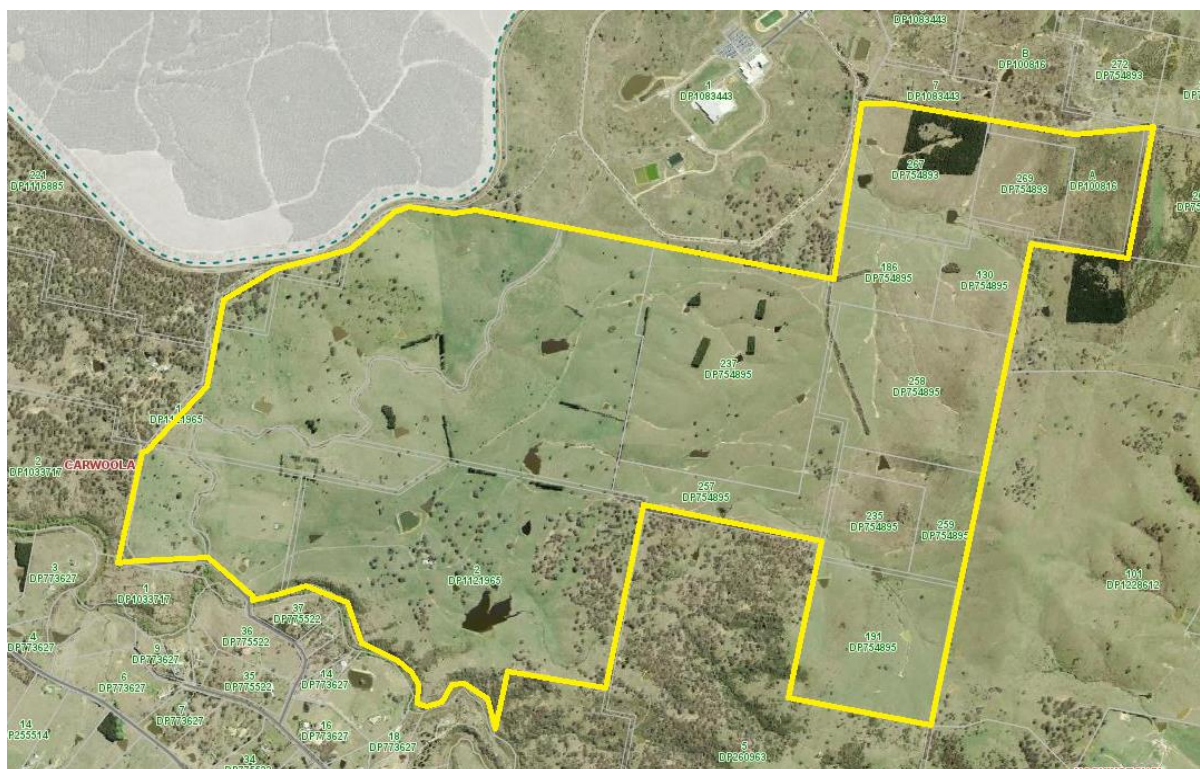


Figure 1 -Subject Property

Proposed Development

The subject modification application seeks to modify condition 8 of DA.2014.253 so as to allow for the new allotments to be serviced by an alternate power supply rather than be connected to the electricity supply network. It should be noted that subject application was erroneously lodged as a Section 96(1) minor modification, however, should have been lodged as a Section 96(1A) minimal environmental impacts modification. To prevent unnecessary delays the subject application has been assessed against the provisions of Section 96(1A) of the Environmental Planning and Assessment Act 1979.

**12.3 Modification Application MOD.2017.108 - Modify Conditions of Consent
DA.2014.253 - Subdivision 64 Molonglo Place, Carwoola (Ref: C17189129;
Author: Thompson/Tonner) (Continued)**

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 below

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 relating only to the provision of power to each allotment is considered as being of minimal environmental impact.

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 remains is for the purposes of a Torrens title subdivision with no change to the approved lot sizes, the development as modified is considered to be substantially the same development to that for which consent was originally granted.

With regards to subclauses 'c' and 'd', the subject modification application is a Section 96(1A) application and does not require public notification in accordance with the requirements of Part E of the Palerang Development Control Plan 2015.

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 against the relevant provisions of Section 79C(1) follows:

The matters that are of relevance under Section 79C(1) are summarised below.

**12.3 Modification Application MOD.2017.108 - Modify Conditions of Consent
DA.2014.253 - Subdivision 64 Molonglo Place, Carwoola (Ref: C17189129;
Author: Thompson/Tonner) (Continued)**

Assessment of Modification Proposal

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

1. State Environmental Planning Policy (Rural Lands) 2008
2. Palerang Local Environmental Plan 2014 (LEP).
3. Yarrowlumla Development Control Plan 2002 (DCP) – Since repealed

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

(a) Compliance with SEPP

State Environmental Planning Policy (Rural Lands) 2008

The proposed development as modified involves no change to the compliance of the development with the requirements of State Environmental Planning Policy (Rural Lands) 2008.

(b) Compliance with LEP

Palerang Local Environmental Plan 2014

Clause 6.11 of the PLEP 2014 requires Council to be satisfied that essential services including the supply of electricity are available or that adequate arrangements are made to make them available prior to granting development consent. DA.2014.253 was approved based upon the premise that each of the proposed allotments would be serviced by a separate electricity supply connection obtained via an extension of the existing electricity supply infrastructure present upon the site (i.e an extension of the existing poles and wires) as was proposed within the Environmental Review (Statement of Environmental Effects) prepared by PHL Surveyors that accompanied the parent application. The proposed modification seeks to allow for the use of renewable energy sources to service each of the proposed allotments however, no detail has been provided as to what specific services are to be provided as to allow for their adequacy to be considered for the likely future uses of the proposed allotments. As such Council is not satisfied that adequate arrangements for the supply of electricity have been made as required by the LEP.

(c) Compliance with DCP

Yarrowlumla Development Control Plan 2002 (DCP) – Since repealed

DA.2014.253 was assessed and approved under the since repealed Yarrowlumla Development Control Plan 2002 and as such is the applicable development control plan for the purposes of the modification application.

Section 13.1 of the DCP requires high tension power lines to be provided by the developer to the boundary of all additional lots created in accordance with the requirements of the electricity supply body contrary to the proposed modification. As such, the proposed modification is contrary to the provisions of the DCP.

Notwithstanding the above, the applicant has noted that Section C1.2.9 of the now in force Palerang Development Control Plan 2015 provides that within the RU1 Primary Production and E3 Environmental Management zones consideration will be given to renewable energy sources. As previously noted, this is not the applicable development control plan to the development as consent was granted under the former development control plan. Nonetheless, the opportunity for consideration to be given to renewable energy options is

**12.3 Modification Application MOD.2017.108 - Modify Conditions of Consent
DA.2014.253 - Subdivision 64 Molonglo Place, Carwoola (Ref: C17189129;
Author: Thompson/Tonner) (Continued)**

intended to allow their use in instances where connection to the grid is unfeasible or impractical.

The subject site features existing electricity connections and infrastructure (See Figure 2 below) and Council staff have been advised by the electricity supplier that a conservative costing of the necessary extension would be approximately \$25,000 per additional allotment which is not considered to be prohibitive or impractical to provide to the proposed development. As such, the provision of alternate energy arrangements, in lieu of providing an electricity connection, are not considered to be appropriate for the proposed development.

Further the proposed modification supposes that all of the proposed purchasers wish to make use of alternative energy. While presale of allotments may have taken place they cannot be sold until the properties are registered which is still some time off. Even if all the purchasers were prepared to use alternate energy, subsequent owners who may purchase the property in the future may not wish to use alternate energy and would then face the cost of having to bring in the electrical connection.

Importantly the provision of electricity services to each allotment as required by Council in no way restricts the use of alternate energy throughout future development if that is the owners desire. The owner at the time simply does not to connect to the main supply.

Granting approval to the proposed modifications would provide a substantial windfall to the developer and place a significant burden upon future purchasers of the site to establish a connection to the grid that should be borne by the developer.

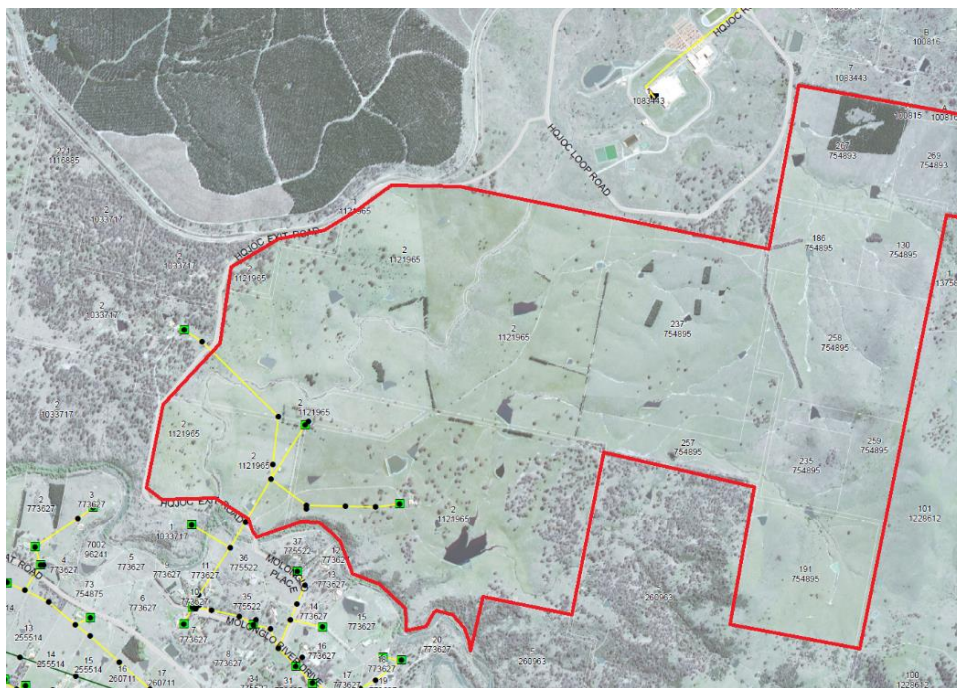


Figure 2:-Red outline- Subject Property. Yellow line -existing electricity infrastructure

Approval of the proposed development would place an unreasonable burden upon future owners of the proposed allotments and as such is considered to be contrary to the public interest.

Financial Implications

Nil

**12.3 Modification Application MOD.2017.108 - Modify Conditions of Consent
DA.2014.253 - Subdivision 64 Molonglo Place, Carwoola (Ref: C17189129;
Author: Thompson/Tonner) (Continued)**

Engagement

The proposed modification did not require notification under Part E of the Palerang DCP 2014.

Conclusion

Where services such as water, sewer, electricity and gas are available there is a reasonable expectation by initial and future purchasers of lots in a new subdivision that these services will be provided to the boundary of the site. Approval of the subject modification would establish an undesirable precedent allowing developers to avoid the cost of providing services and transferring that burden onto future purchasers of the allotments contrary to Council's current policy position. As such, it is recommended that the subject modification be refused.

An assessment of modification application MOD.2014.253 to modify DA.2014.253 to remove the requirement for each allotment to be connected to the electricity supply network has been carried out against the provisions of Section 96(1A) of the Environmental Planning and Assessment Act 1979. The assessment fails to satisfy the relevant provision of the Palerang Local Environmental Plan 2014 and the Yarrowlumla Development Control Plan 2002 and would result in an undesirable precedent. As such, the proposed development is not considered suitable for the site, and is recommended for refusal.

Attachments

Nil

DETERMINATION REPORTS

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb)

Summary

The purpose of this report is to assess and report on five of the requests being considered within the context of the Rural Lands Study. These requests relate to the following lots:

Request 1 - Lot 11 DP 1118681

Request 2 - Lots 53, 54, 55 and 56 DP 774754

Request 3 - Lot 1 DP 731998

Request 4 - Lot 2 DP 838497

Request 5 - Lot 73 DP 754882.

During the preparation of the draft *Palerang Local Environmental Plan 2014* and the *Palerang Rural Lands Strategy 2016-2036*, Council received numerous requests for amendments to the local environmental plan land use planning provisions. Most commonly the requests were for the lowering of minimum lot sizes to allow the subdivision of dual occupancies and the rezoning of land. This report considers five of the requests and makes a recommendation for each, following a recent workshop with Councillors. The remaining requests will be considered and reported to Council in early 2018 following a further workshop.

Recommendation

1. That the request to amend the minimum lot size in the *Palerang Local Environmental Plan 2014* in relation to Lot 11 DP 1118681, Sawyers Ridge Road, Reidsdale not be progressed.
 2. That the request to rezone Lots 53, 54, 55 and 56 DP 774754 Environmental Living under the *Palerang Local Environmental Plan 2014* not be progressed.
 3. That the request to amend the *Palerang Local Environmental Plan 2014* to allow the subdivision of Lot 1 DP 731998 to occur not be progressed.
 4. That the *Palerang Local Environmental Plan 2014* not be amended to allow the subdivision of Lot 2 DP 838497.
 5. That neither the subdivision nor the rezoning of Lot 73 DP 754882 be progressed and that Council write to the owners of Lot 73 DP 754882 suggesting that the request is pursued from a land administration perspective.
-

Background

The *Palerang Local Environmental Plan 2014* (PLEP) was gazetted in late 2014. Its preparation was a substantial project which took ten years and included the amalgamation of six local environmental plans (LEPs) and extensive community consultation.

During this time, there were numerous policy issues and site specific requests for the rezoning of land or the ability to erect a dwelling with development consent in the rural area. As it was not possible to encompass this work and progress the draft PLEP in a timely manner, Council resolved to undertake a Rural Lands Study to address numerous policy matters and the requests. Recommendations were adopted by Council in both reports on the draft PLEP exhibition to include requests in the Study.

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

On 6 February 2014, Council resolved to commence the Palerang Rural Lands Study. Further requests were received in the period between the gazettal of the PLEP and the completion of the Rural Lands Strategy in February 2017. The Rural Lands Study Committee and later Council agreed that the requests would be considered once the Rural Lands Strategy had been adopted by Council at the meeting of 22 February 2017 (Minute No. 046/17).

The Palerang Rural Lands Strategy 2016-2036 contains criteria against which each of the requests has been considered. The Rural Lands Study, Strategy and associated reports are available on the Council website.

The objectives of the Rural Lands Study were:

- To identify and examine the strategic and legislative context, key trends and the social, economic (including agriculture), infrastructure and environmental issues affecting rural, rural residential and environmental land in the Palerang LGA.
- To work with the community in the development of the study in order to gain an understanding of the study findings.
- To prepare a strategy for rural and rural residential and environmental land in the Palerang LGA based on the analysis of data (including community consultation).
- To recommend an appropriate minimum lot size for dwellings on rural, rural residential and environmental land.
- To consider the benefits and disadvantages associated with rural lot size averaging.
- To recommend the location and amount (if any) of land that could be zoned from rural to rural residential. This will also address the individual rezoning requests deferred following the exhibition of the draft local environment plan.
- To consider whether individual requests for a dwelling to be permitted on certain land.

This report considers five of the requests and a later Council report will consider the remaining requests. The following method has been applied to the consideration of each request:

1. Obtain an understanding of the request by reviewing the land use planning and property history of the land that is the subject of the request.
2. Consider the land use planning policy and legislative background.
3. Consider the attributes of the land in association with the nature of the request, for example public road access, significant native vegetation known to be on the land or whether there is an existing dwelling.
4. Consider the request against the Palerang Rural Lands Strategy 2016-2036 criteria (p37).

Land Use planning policy and legislative documents

If Council were to progress any of the requests it is necessary to either amend the PLEP or to include the proposed amendment in the draft Queanbeyan-Palerang Local Environmental Plan. Both approaches require Council to assess any amendment against the documents below. It will also be necessary to justify the departure from the Ministerial Directions and *State Environmental Planning Policies* (SEPPs).

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

Policies and legislative documents which must be considered include:

1. *Palerang Rural Lands Strategy 2016–2036.*

The Palerang Rural Lands Strategy criteria are:

- Is the land an anomaly with regard to the current land use or are there other factors that warrant one-off support?
- If the proposal is not an anomaly or justified on special grounds as an ad hoc rezoning, the proposal must fit a broader pattern of logical extension of development. For example, fit a logical extension of an existing small properties zone or form part of a potential new zone.
- If it is possible to support the proposal, what ranking and timeline should be set for the particular proposal? Is there sufficient data from the applicant or should more be supplied to finalise a decision?
- Will the development of the land be self-funding with regard to adequate road access, power and bushfire protection measures?
- Does the proposal add benefit to the Queanbeyan-Palerang LGA i.e. not just a commuter satellite for Canberra?

It is also noted that one of the principles in the Palerang Rural Lands Study is “No. 8 Efficient use of hard and soft infrastructure”. The background statement to the principle is “Unplanned expansion of rural residential opportunities and associated land uses can have significant implications for existing rural communities in needing to fund the expansion of hard and soft infrastructure, especially roads and community facilities. As a general principle, new rural residential development should cover its own cost of infrastructure.”

The strategies associated with this principle are (p35):

- 8A - Avoid increasing rural development opportunities where road standards are inadequate for the scale of traffic increase and where the new development cannot fund the full costs of the needed road upgrade.
- 8B - Ensure new rural residential is sited to maximise access to existing soft infrastructure.
- 8C - Limit supply of additional rural and environmental land uses in areas where the increase may generate demands for infrastructure improvements beyond what the development can fund.

2. *South-East and Tablelands Regional Plan 2036.*

Relevant to these requests is Direction 8 of the plan which is to ‘Protect important agricultural land’.

3. *Section 117 Ministerial Directions.*

These include Direction 1.2 Rural Zones which states:

(4) A planning proposal must:

- a) Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
- b) Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

Additionally, Direction 1.5 Rural Lands at (5) states:

A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

4. *State Environmental Planning Policy (Rural Lands) 2008*.

The SEPP at clause 7 includes the following rural planning principles:

- (a) The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.
- (b) Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.
- (c) Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development.
- (d) In planning for rural lands, to balance the social, economic and environmental interests of the community.
- (e) The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.
- (f) The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.
- (g) The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.
- (h) Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

If the LEP amendment is to result in an amendment to the minimum lot size in the LEP the following Rural Subdivision Principles must be applied:

- (a) The minimisation of rural land fragmentation.
- (b) The minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.
- (c) The consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands.
- (d) The consideration of the natural and physical constraints and opportunities of land.
- (e) Ensuring that planning for dwelling opportunities takes account of those constraints.

5. *Draft State Environmental Planning Policy (Primary Production and Rural Development)*

The draft SEPP will contain similar principles and provisions to the *State Environmental Planning Policy (Rural Lands) 2008* and the other SEPPs that it will replace. These are likely to include the following or similar:

- Be consistent with any applicable regional plans of the Department of Planning and Environment or any applicable local strategy endorsed by the Secretary.
- Recognise the significance of agriculture and primary production to the State and rural communities, including the social and economic benefits of rural land use and development.
- Aim to protect environmental values, having regard to maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources.
- Consider the natural and physical constraints of the land.

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

- Promote and protect opportunities for investment in productive, diversified, innovative and sustainable rural economic activities.
- Support farmers in exercising their right to farm.
- Prioritise efforts to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses.
- Consider the social, economic and environmental interests of the community.

In addition to the above, a planning proposal seeking to change minimum lot sizes should also demonstrate that it:

- Is consistent with the priority of minimising rural land fragmentation and land use conflict.
- Will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains.
- Where it is for rural residential purposes:
 - is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres
 - is necessary taking account of existing and future demand and supply of rural residential land.

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

Consideration of Individual Requests

1. Lot 11 DP 1118681, Sawyers Ridge Road, Reidsdale.

Request - The owners of Lot 11 DP 1118681, Sawyers Ridge Road, Reidsdale are seeking an amendment to the PLEP to allow the subdivision of the lot so that a non-attached dual occupancy will be on two lots (one lot per dwelling) (refer to Attachment 1). To allow this to occur it would be necessary to amend the PLEP minimum lot size map for Lot 11 DP 1118681 from 40 hectares to a smaller amount, for instance 10 hectares.

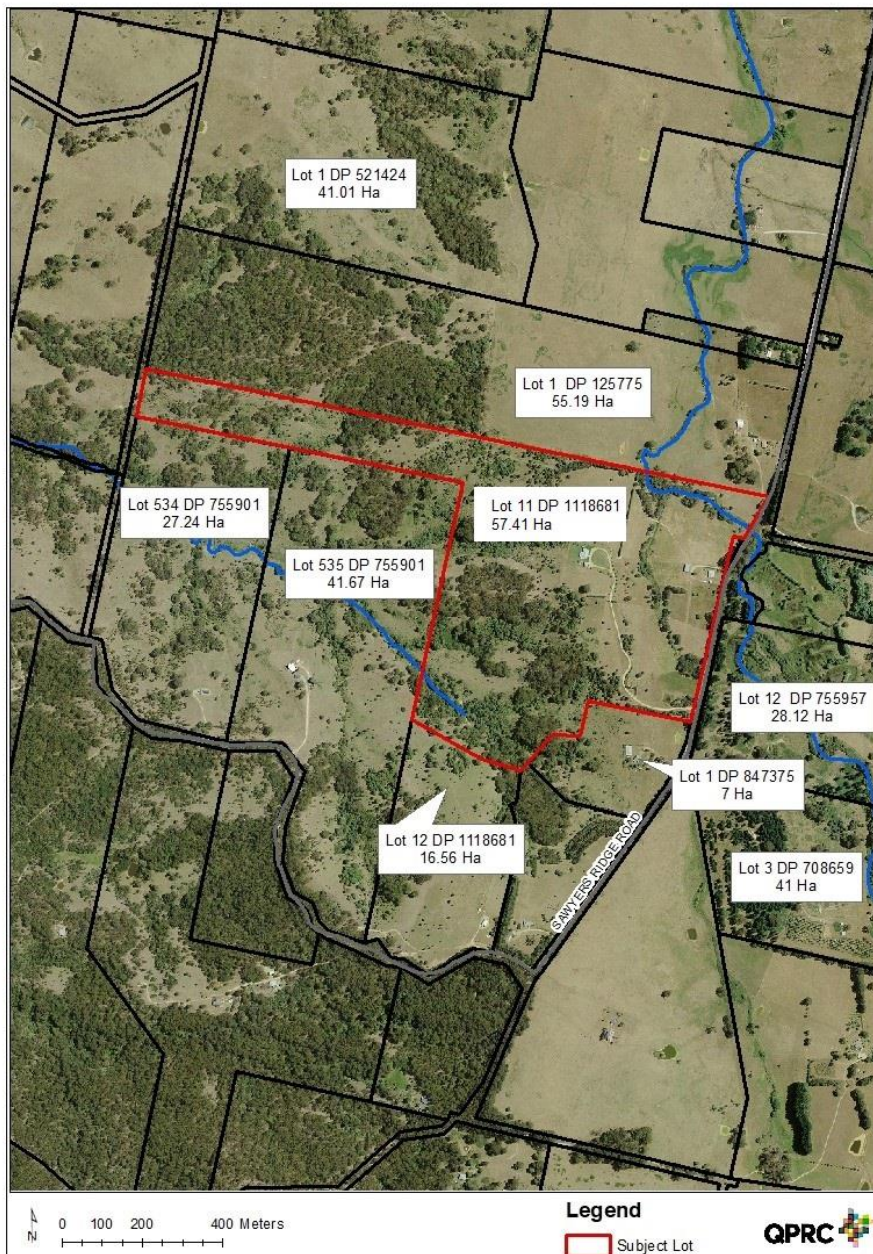


Figure 1 - The location of Lot 11 DP 1118681 and the size of the surrounding lots

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

Description of the land

Lot 11 was created following amendment (No.3) to the *Tallaganda Local Environmental Plan Local Environmental Plan 1991* in July 2007 i.e.

- 3 *Land known as Lot 3, DP 847375 and Lot 519, DP 755901, Parish of Araluen and Lot 13, DP 755957 and Lot 1, DP 125782, Parish of Seymour, Reidsdale, within Zone No 1(a), as shown edged heavy black on Sheet 1 of the map marked "Tallaganda Local Environmental Plan 1991 (Amendment No 3)"—subdivision to create 2 lots of approximately 57.41 hectares and 17.9 hectares, respectively, where:*

(a) 2 of the 3 existing dwelling-houses will be situated within the larger lot.

(b) The remaining existing dwelling-house will be situated within the smaller lot.

As a result alterations to facilitate existing dwellings on the site have already occurred previously with concessions as to lot sizes granted at that time.

Lot 11 DP 1118681 is presently held in two different ownerships which reflects the situation prior to its creation, but the principals in both cases appear to be the same people. As the land has two ownerships, the Valuer General has valued both parts resulting in two sets of rates and charges for the lot. If the property owners are unhappy with this situation, it could be rectified by either party buying the other out.

Lot 11 DP 1118681 is zoned RU1 Primary Production with a minimum lot size of 40 hectares. This provision was 'carried over' from the repealed *Tallaganda LEP 1991* (TLEP). The existing lot is approximately 57 hectares. If the lot was to be subdivided under the current provision then a minimum of 80 hectares would be required. The subdivision 'averaging' provision does not apply to this lot.

Part of the lot is within the Sydney Drinking Water catchment and small areas are steep. The western part of the lot contains native trees. Both dwellings are located on flatter cleared land with one being in the Sydney Drinking Water catchment. As the lot is in a rural area there is neither reticulated water nor sewer. The lot is accessed by Sawyers Ridge Road which is maintained by Council.

Background

The owners of the lot submitted a request for an amendment to the LEP provisions during the preparation of the draft PLEP. A recommendation of the report to the meeting of Council on 27 February 2014 concerning the draft PLEP states "that the potential subdivision of Lot 11 DP 1118681 into two lots be considered as part of the rural lands study".

Discussion

The lots surrounding Lot 11 DP 1118681 range from 7 hectares to over 55 hectares as shown in Map 1. A number of the lots adjacent to Sawyers Ridge Road are less than 40 hectares as a result of historic subdivision patterns.

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

In considering whether to allow the requested amendment, it is necessary to consider whether a precedent will be created in allowing the subdivision of dual occupancies on small rural lots. These lots are not large enough with a high enough agricultural classification to be used as a commercial agricultural property so the matter of inter-generational transfer between farmers is not relevant in this instance.

It is also noted that the proposed *State Environmental Planning Policy (Primary Production and Rural Development)* and the proposed LEP amendments associated with it propose to allow an amendment of clause 4.2 in LEPs for the subdivision of rural land for primary production purposes and any dwelling associated with this not to be subject to the minimum lot size provisions. However this proposal is still being exhibited for public comment and so has not been finalised. Also the Department of Planning and Environment has not exhibited the draft provision so it is not known whether there would be restrictions associated with this. In addition the Explanation of Intended Effects for the proposed SEPP states that a provision will be included in the amended Standard Instrument to prevent “double – dipping” and fragmentation where rural land is repeatedly subdivided in this way.

It is estimated that there are a large number of rural and residential lots that contain an existing dual occupancy across the Queanbeyan-Palerang local government area. If the subdivision of these became common it is possible that there would be an expectation in the community that a second dwelling could be erected and that the lot could subsequently be subdivided in the future. This will lead to the fragmentation of agricultural land, an increase in the number of people residing in rural areas that are not associated with agriculture and as a result the demand for improved infrastructure such as roads increases. As a result it will be recommended to Council in another report that the proposed change to clause 4.2 not be supported.

In support of the request the property owners cite two examples in the PLEP that allowed the subdivision of existing dual occupancies. These lots are in Joe Rocks Road and Keewong Lane, both of which were included in the *Palerang Rural, Rural Residential and Environmental Areas Discussion Paper 2008*. While the meeting of Council on 14 October 2010 resolved to include these proposals in the draft PLEP both had circumstances which distinguished these sites from the present proposal. Among other things these issues included location of public roads, location in relation to existing rural residential areas and steepness of land.

Assessment against the Palerang Rural Lands Strategy

- *Is the land an anomaly with regard to the current land use or are there other factors that warrant one-off support?*

No, the size of the lot and dual occupancy are not an anomaly. There are no land use planning or infrastructure factors that would warrant support.

- *If the proposal is not an anomaly or justified on special grounds as an ad hoc rezoning, the proposal must fit a broader pattern of logical extension of development. For example, fit a logical extension of an existing small properties zone or form part of a potential new zone.*

If the amendment was agreed to, the lot sizes resulting from the subdivision would be generally smaller than the surrounding lots. As such it is suggested that a precedent would be set for the creation of smaller lots not just in the immediate area but across all rural and rural residential areas in the Queanbeyan-Palerang local government area. The Sawyers Ridge Road should not become a rural residential land use zone unless a detailed assessment has been undertaken as it is bushfire prone and located away from a major urban area.

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

- *If it is possible to support the proposal, what ranking and timeline should be set for the particular proposal? Is there sufficient data from the applicant or should more be supplied to finalise a decision?*

It is recommended that the proposal not be supported.

- *Will the development of the land be self-funding with regard to adequate road access, power and bushfire protection measures?*

The hard infrastructure currently exists as there are two existing dwellings. The land is bushfire prone.

- *Does the proposal add benefit to the Queanbeyan-Palerang LGA i.e. not just a commuter satellite for Canberra?*

The proposal does not benefit the Queanbeyan-Palerang local government area as there will be no increase in rates as two rates notices are currently being paid. It is assumed that both dwellings are currently occupied (or capable of being occupied) so there would be no increase in social capacity. The likely precedent of subdividing dual occupancies would lead to an increase in demand for both hard and soft infrastructure in rural and rural residential areas throughout the local government area which if not well managed would be a disbenefit to both Council and the community. Whilst this lot has limited opportunity for agriculture, collectively almost all rural land has the ability to contribute to the economy.

It is recommended that the request to amend the minimum lot size in the *Palerang Local Environmental Plan 2014* in relation to Lot 11 DP 1118681, Sawyers Ridge Road, Reidsdale not be progressed.

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

2. Lots 53, 54, 55 and 56 DP 774754, Grove Road, Lake George.

Request - The owner of Lots 55, 54, 55 and 56 DP 774754 has requested that the lots be rezoned from RU1 Primary Production to E4 Environmental Living (refer to Attachment 2).

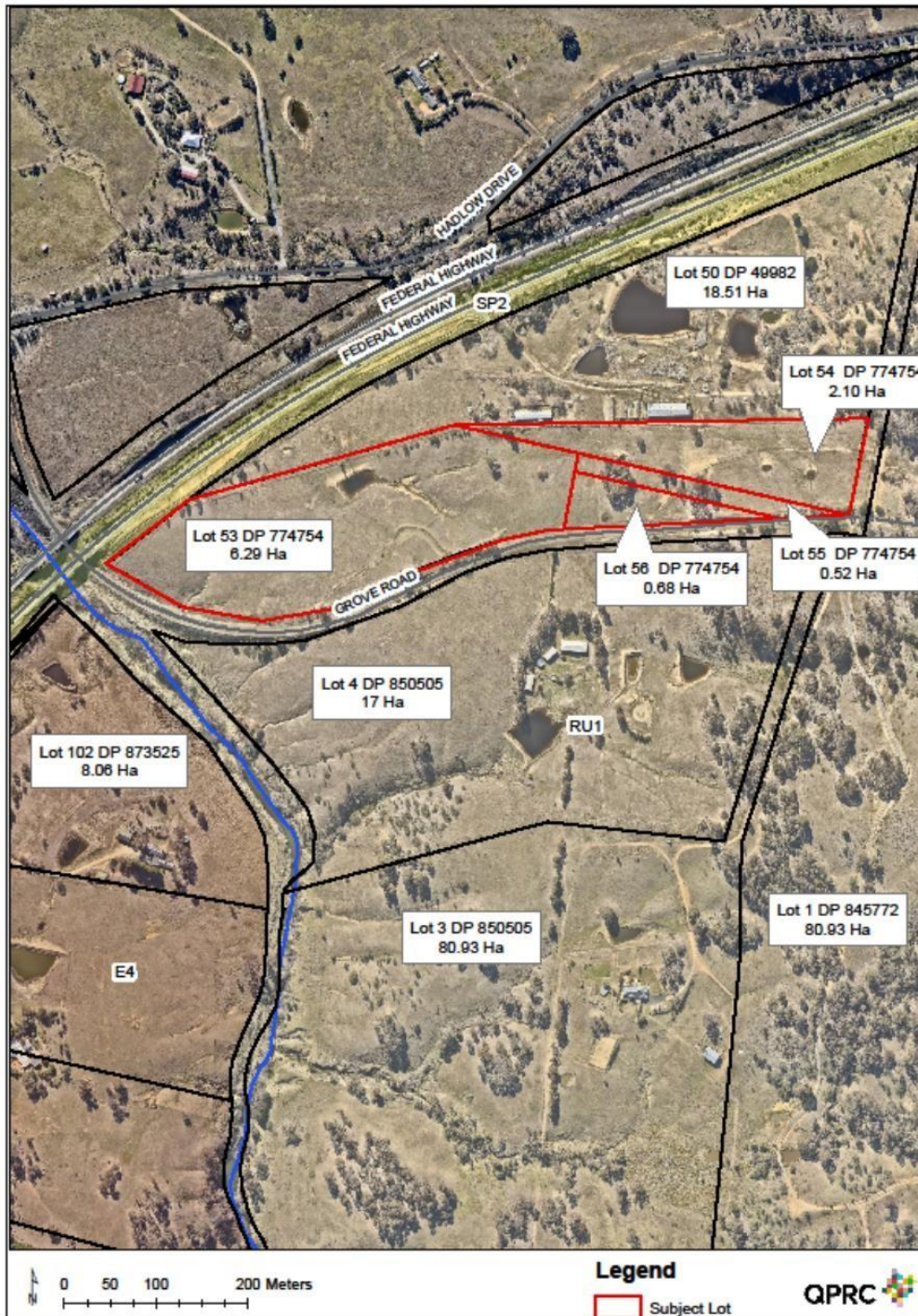


Figure 2 - The location of Lots 53, 54, 55 and 56 DP 774754, land use zoning and the size of surrounding lots.

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

Description of the land

The lots are accessed from the Yass Valley local government area side of the Federal Highway. Brooks Creek, which is part of the Murrumbidgee catchment, is just south of the lots. The creek is the northern boundary of the E4 Environmental Living land use zone. The lots do not contain a dwelling. The terrain is undulating and appears to have been used for agriculture. The total area of the lots is 9.59 hectares.

Background

The land was in the former Gunning local government area prior to the local government amalgamations in 2004. The lot sizes and shapes are the result of the land acquisition that occurred as part of the construction of the Federal Highway.

It does not appear that there is an ability to erect a dwelling with development consent on the four lots (as a whole) as it appears that the dwelling on Lot 4 DP 850505 (to the south of the lots) would be the original dwelling. Under the *Gunning Local Environmental Plan 1997* (now repealed) the land was zoned 1(a) (Rural Zone) and a minimum of 80 hectares was required for each lot if there was to be a dwelling erected on the lot. The planning history of these lots are complicated by the acquisition of land for the Federal Highway. The current minimum lot size under the PLEP is 80 hectares. This means that 160 hectares is required for a two lot subdivision. The surrounding RU1 Primary Production land use zone lots in the Queanbeyan-Palerang local government area are generally 80 hectares or greater.

Discussion

In considering this request it needs to be noted that if the lots were to be zoned E4 Environmental Planning, it would be theoretically be possible to obtain 1 lot using a 6 hectare lot average (the same provision in the adjoining E4 Environmental Living land use zone). It would be poor planning to allow large strips of rural residential along the length of the Federal Highway particularly if the lots were to be smaller than 6 hectares, for example a 2 hectare minimum lot size. The lots would be used primarily for residential purposes yet would be some distance from social infrastructure. Brooks Creek appears to be a good point at which to limit rural residential. Additionally, the access to Grove Road is not an ideal arrangement (refer to Figure 2).

The comments made in the above sections of the report in relation to the *State Environmental Planning Policies*, Ministerial Directions and Regional Plan apply to this request in addition to the Rural Lands Strategy criteria below.

Assessment against the Palerang Rural Lands Strategy

- *Is the land an anomaly with regard to the current land use or are there other factors that warrant one-off support?*

To some extent the land is an anomaly as it is a result of the acquisition of land for the Federal Highway. However, it is in the same ownership as Lot 4 DP 850505 across the road which is 17 hectares.

- *If the proposal is not an anomaly or justified on special grounds as an ad hoc rezoning, the proposal must fit a broader pattern of logical extension of development. For example, fit a logical extension of an existing small properties zone or form part of a potential new zone.*

The rezoning of the lots is not recommended as the creation of multiple small lots would set an undesirable precedent for the zoning of land adjacent to the Federal Highway and

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

is some distance from soft infrastructure. If a six hectare minimum lot size applied there is insufficient land to create two lots.

- *If it is possible to support the proposal, what ranking and timeline should be set for the particular proposal? Is there sufficient data from the applicant or should more be supplied to finalise a decision?*

It is recommended that the proposal not be supported.

- *Will the development of the land be self-funding with regard to adequate road access, power and bushfire protection measures?*

The road is sealed, but access to the road is not ideal as it is necessary to enter from the Yass Valley side of the Federal Highway. Development contributions would be levied at the time of subdivision.

- *Does the proposal add benefit to the Queanbeyan-Palerang LGA i.e. not just a commuter satellite for Canberra?*

The proposal does not benefit the Queanbeyan-Palerang local government area as if the minimum lot size of 6 hectares was applied only one dwelling could be erected with development consent. The rates received from this do not outweigh the likely demand for soft infrastructure and the likely precedent of property owners wanting rural land some distance from services zoned rural residential.

It is recommended that the request to rezone Lots 55, 54, 55 and 56 DP 774754 E4 Environmental Living not be progressed.

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

3. Lot 1 DP 731998, Sutton Road, Sutton.

Request - The previous property owner requested that an amendment to the LEP be made to allow the dual occupancy on Lot 1 DP 731998 to be subdivided (refer to Attachment 3). This would require an amendment to the PLEP minimum lot size map. The lot is zoned RU1 Primary Production with a minimum lot size of 80 hectares. The property has since been sold to a new owner in February 2016.

As the request is specific to individual circumstances it is recommended that the request to allow the subdivision or rezoning of Lot 1 DP 731998 not be progressed.

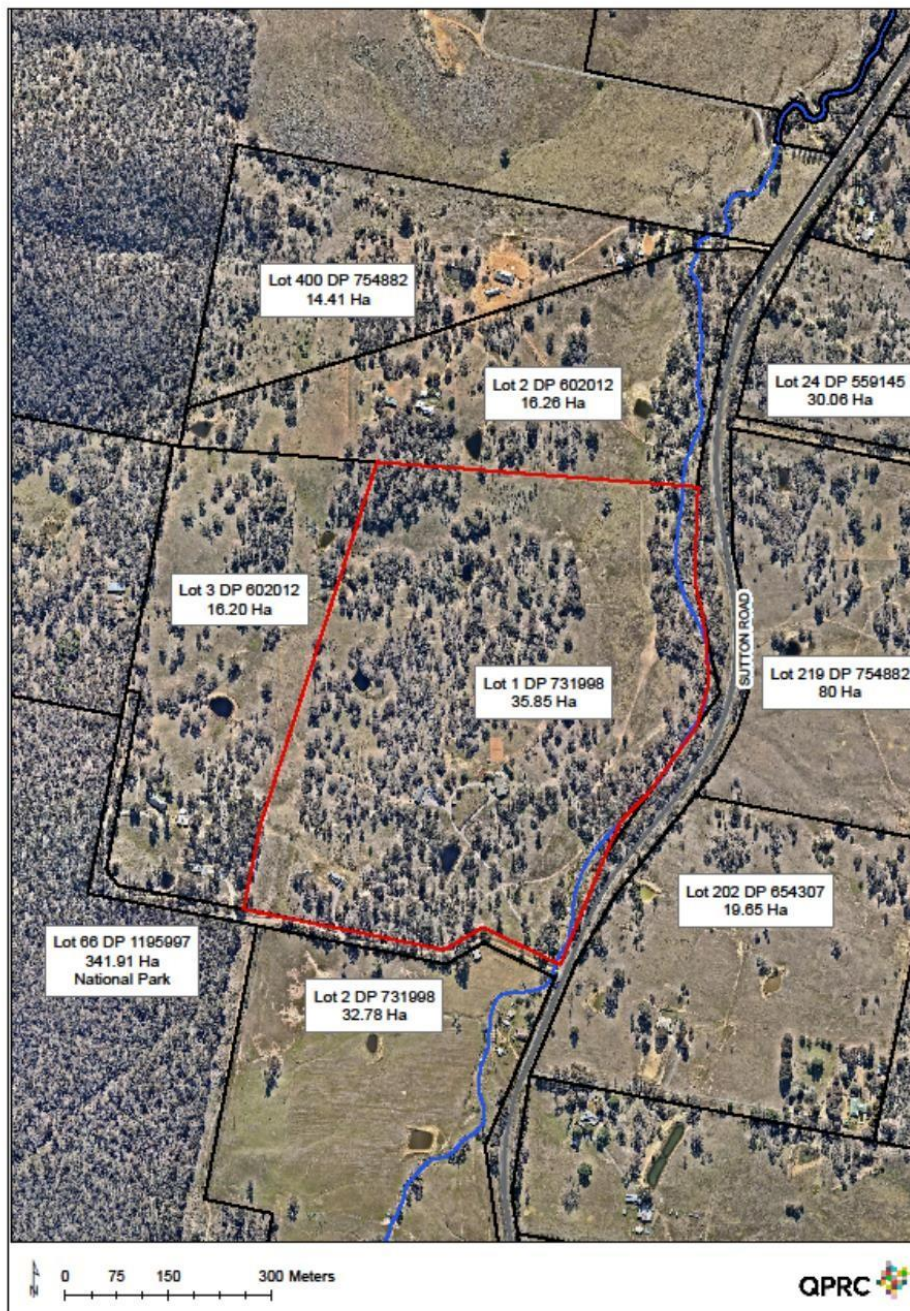


Figure 3 - The location of Lot 1 DP 731998 and size of the surrounding lots

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

4. Lot 2 DP 838497, Sutton Road, Sutton.

Request - The property owner would like to subdivide Lot 2 DP 838497 into two lots. The lot is zoned RU1 Primary Production and is 101.60 hectares. The minimum lot size under the PLEP for this lot is 80 hectares, requiring 160 hectares for a two lot subdivision. To allow the two lot subdivision it would be necessary to amend the minimum lot size in the PLEP to 50 hectares.

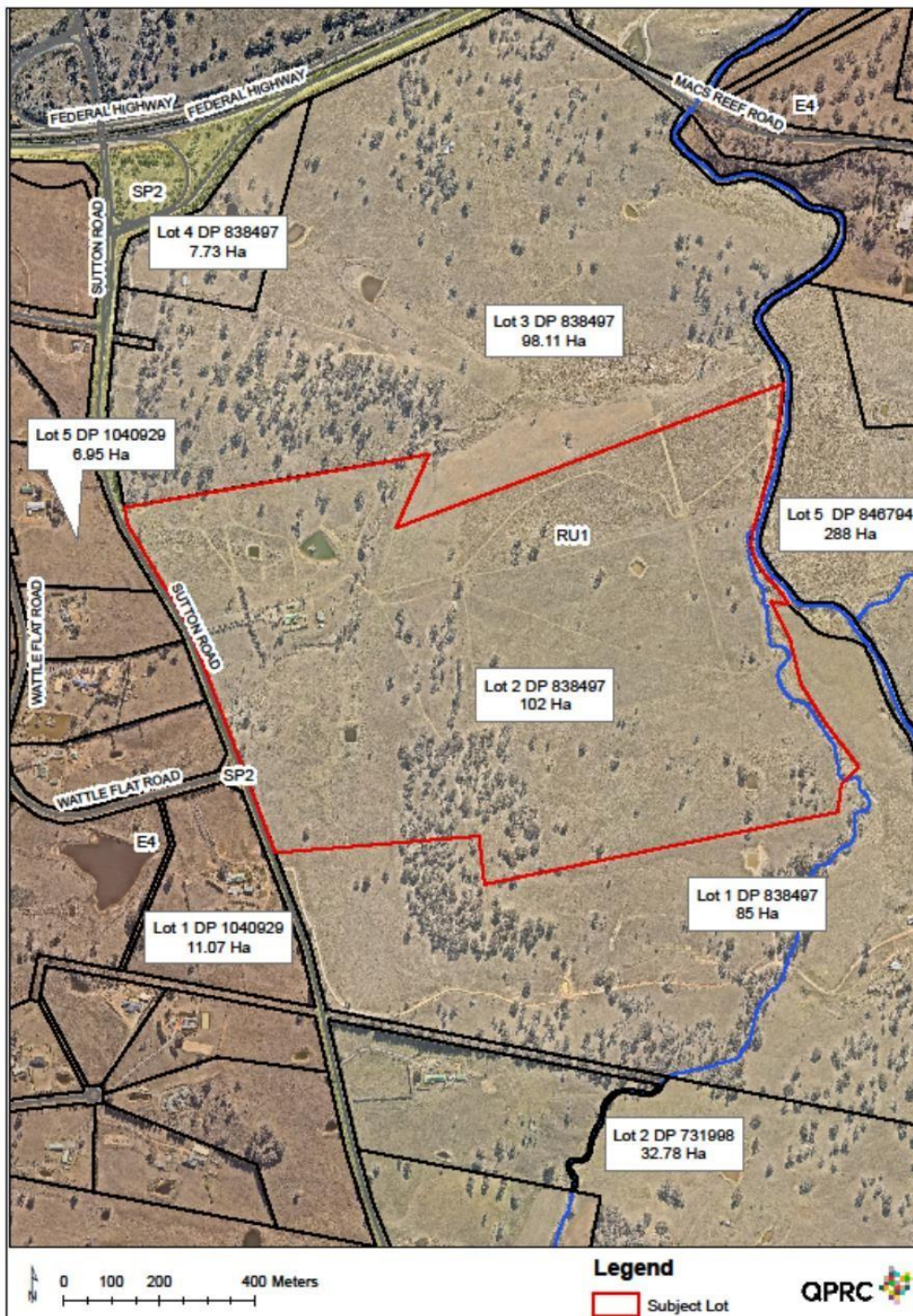


Figure 4 - The location of Lot 2 DP 838497

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

Description of the land

The land adjoins Sutton Road. There is one dwelling on the lot and it appears that the land has been used for agriculture.

Background

The development application for the subdivision of Lot 2 DP 838497 into two lots was refused by the former Palerang Council on 6 November 2014. It was a recommendation Council (237/2014) that the subdivision request be considered as part of the Rural Lands Study.

As there was insufficient land to enable the subdivision, it was necessary to submit an application (objection) with the development application to vary the amount of land required. The reasons for the refusal were (refer to Attachment 4):

- The objection under *State Environmental Planning Policy No 1* is not well founded (this policy is now clause 4.6 in the PLEP).
- Granting of consent would not be in accordance with the aims of *State Environmental Planning Policy No 1*.
- The development is inconsistent with the objectives of the *Yarrowlumla LEP 2002*.
- The development is inconsistent with the provisions of the *Yarrowlumla DCP Rural Zones*.
- The development is not in the public interest.

Discussion

The lot is opposite a large rural residential land use zone however, the adjoining land is RU1 Primary Production. Allowing, a two lot subdivision would be likely to create a demand for further subdivision in the surrounding area. It is suggested that if it is felt that the subdivision of Lot 2 DP 838497 has merit, that a review of the surrounding area should occur with a view to zoning it for rural residential. This would enable the consideration of hard and soft infrastructure needs.

The comments made in the above sections of the report in relation to the *State Environmental Planning Policies*, Ministerial Directions and Regional Plan apply to this request.

Assessment against the Palerang Rural Lands Strategy

- *Is the land an anomaly with regard to the current land use or are there other factors that warrant one-off support?*

The land is not an anomaly. It is typical of land in the RU1 Primary Production zone in the area. There are no other factors which warrant support.

- *If the proposal is not an anomaly or justified on special grounds as an ad hoc rezoning, the proposal must fit a broader pattern of logical extension of development. For example, fit a logical extension of an existing small properties zone or form part of a potential new zone.*

The subdivision of this lot would be likely to create further requests in the area and if agreed to would lead to numerous smaller lots and fragmenting agricultural land. If the proposal was to be progressed it is suggested that it be part of a review of the surrounding land where it was considered for rural residential purposes.

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

- *If it is possible to support the proposal, what ranking and timeline should be set for the particular proposal? Is there sufficient data from the applicant or should more be supplied to finalise a decision?*

It is recommended that the request not be supported.

- *Will the development of the land be self-funding with regard to adequate road access, power and bushfire protection measures?*

If the request was supported development contributions would be payable.

- *Does the proposal add benefit to the Queanbeyan-Palerang LGA i.e. not just a commuter satellite for Canberra?*

Whilst Council would receive income from rates from a second dwelling, it is suggested that the loss of agricultural land and possible ad hoc rural residential land uses would not be of benefit.

It is recommended that the PLEP not be amended to allow the subdivision of Lot 2 DP 838497.

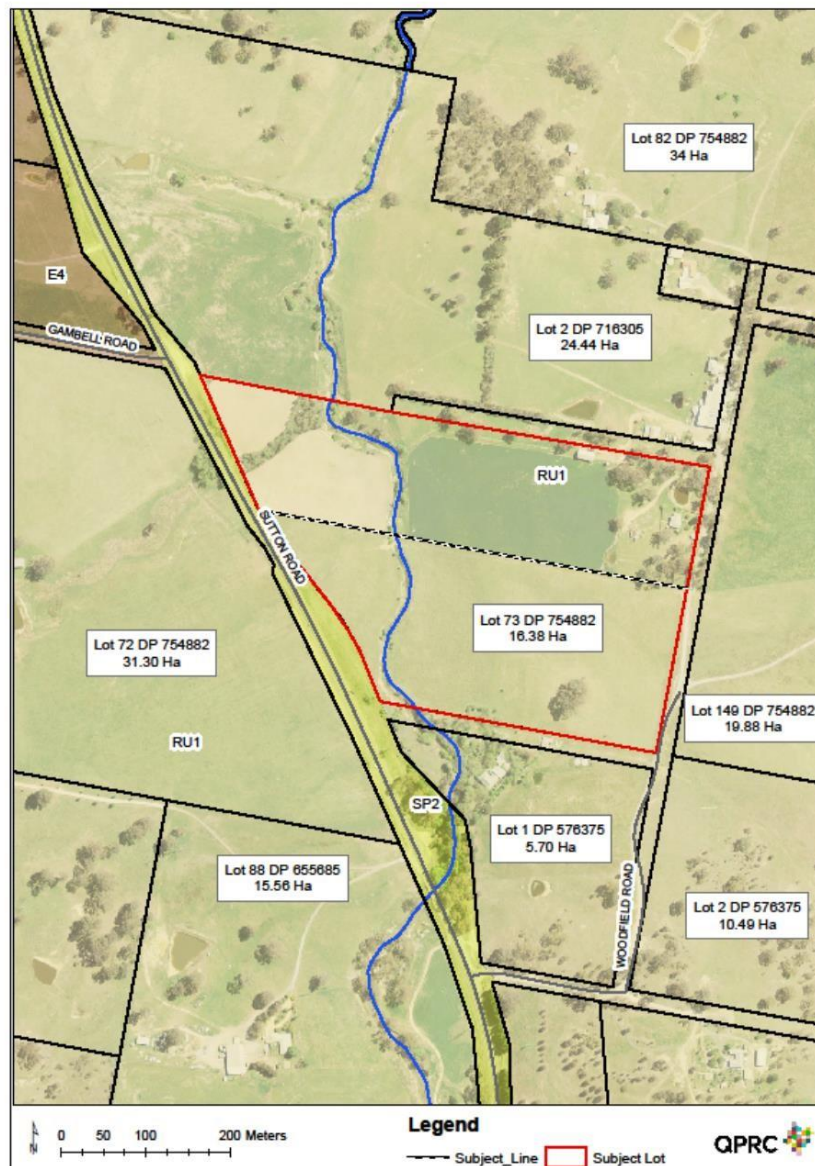
12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

5. Lot 73 DP 754882, Sutton Road, Sutton

Request - The property owners originally requested that a boundary adjustment be permitted to allow the northern part of Lot 73 DP 754882 to be included with Lot 2 DP 716305 and the southern part to be joined with Lot 149 DP 754882. However, the planning provisions prevented this.

The submission (Attachment 5) at the time of the draft PLEP proposed that Lot 73 DP 754882 be zoned E4 Environmental Living with a minimum lot size of 6 hectares (the lot size in most E4 Environmental Living land use zones). The map below illustrates the line along which the owners recognise their part of the lot. The essence of the request is that the owners of the land are seeking two separate titles which recognise their share in the land:

- Title 1 Owners No. 1 and 2
- Title 2 Owner No. 3.



Map 5 The location of Lot 73 DP 754882 and the size of the surrounding lots.

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

Description of the land

The land is situated on Sutton Road, is zoned RU1 Primary Production and is 24.44 hectares. The surrounding land is also zoned RU1 Primary Production with land to the north and on the opposite of Sutton Road being zoned E4 Environmental Living.

The land is flat with a watercourse through it and appears to have been used for agriculture for a long time. As seen from Map 5 the northern and southern parts of the lot have been subject to different management approaches. There is no dwelling on the lot however, there are several sheds.

Discussion

Whilst it is understandable that the owners would like their part of Lot 73 DP 754882 to be distinct (with separate land titles) and only in their name, this matter is not a land use planning matter. Rather it should be managed through addressing the likely oversight decades ago when the land could have been provided with a separate title at the time of transfer.

Assessment against the Palerang Rural Lands Strategy

- *Is the land an anomaly with regard to the current land use or are there other factors that warrant one-off support?*

The use of the land is typical of the surrounding land, agriculture. As stated above it is suggested that a land use approach is not appropriate for a land administration matter in this instance.

- *If the proposal is not an anomaly or justified on special grounds as an ad hoc rezoning, the proposal must fit a broader pattern of logical extension of development. For example, fit a logical extension of an existing small properties zone or form part of a potential new zone.*

The creation of two small lots with a minimum lot size that permits a dwelling to be erected with development consent will lead to the fragmentation of rural land. This is not in keeping with current NSW government policy as stated earlier.

- *If it is possible to support the proposal, what ranking and timeline should be set for the particular proposal? Is there sufficient data from the applicant or should more be supplied to finalise a decision?*

It is recommended that the request for either subdividing or rezoning (and then subdividing the land) the land not be supported.

- *Will the development of the land be self-funding with regard to adequate road access, power and bushfire protection measures?*

If the proposal was to proceed, development contributions would be payable.

- *Does the proposal add benefit to the Queanbeyan-Palerang LGA i.e. not just a commuter satellite for Canberra?*

No, agricultural land will be fragmented. It is likely that a precedent would be established which would most likely result in an increase in the demand for hard and soft infrastructure. Without a strategic approach, it would be difficult to address the demand.

It is recommended that neither the subdivision nor the rezoning of Lot 73 DP 754882 be progressed and that Council write to the owners of the land suggesting that the matter is pursued from a land administration perspective.

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

Implications***Legal***

The decision to amend a local environmental planning provision generally rests with Council. However, it is possible for property owners to request a review of Council's decision concerning a proposed rezoning.

In regard to a planning proposal an applicant such as a developer or landowner may ask for a Rezoning Review if:

- A council has notified them that it does not support their plans.
- A council has failed to indicate its support 90 days after the proponent has submitted a request.
- A council has failed to submit a planning proposal for a Gateway determination within a reasonable time after it has indicated its support.

This would be subject to a fee payable to the Department and if granted a Rezoning Review would be carried out independently by: the Southern Regional Joint Regional Planning Panel for this Region.

Council has sound reasons for refusing these requests and nothing in the assessments appears likely to lend weight to overturning Council's determination.

Policy

The assessment of each request has involved the consideration of it against the Palerang Rural Lands Strategy 2016-2036, the South-East and Tablelands Regional Plan 2036, Ministerial Directions and SEPPs and draft SEPP. The assessment of the requests has found that a departure from the principles and requirements of these documents does not have merit.

Environmental/Social/Economic

The assessment of each request has considered each of the environments; social, economic, infrastructure and natural. Whilst there is likely to be minimal impact on the natural environment there will be a long term impact on the social, economic and infrastructure environments as the demand for services and infrastructure increases.

Sustainability

It is suggested that the creation of additional small lots in rural areas is not sustainable as it will not only fragment rural land but it will also create a precedent which will lead to further requests for small lots in the rural zone. This will increase the demand for both hard and soft infrastructure in addition to the need to manage natural hazards such as bushfire on the community.

Asset

As stated in the report, it is anticipated that the creation of further small lots for residential purposes in a rural area will increase the pressure placed on Council and state government assets such as the roads and primary health care.

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

Strategic

Allowing the requests to proceed and the likely increase in further requests for small lots will create a circumstance where it will be difficult to plan for hard and soft infrastructure. Strategic land use and infrastructure planning allows for the co-ordinated planning of services and infrastructure. For instance the cost of constructing and maintaining rural roads is substantial and a large portion of the Council funds spent outside of urban areas.

Engagement

There has been no specific community or government agency consultation on these requests. However, as stated above they were included in the report to Council on the exhibition of the draft PLEP or in a later Council report. Additionally, the draft Rural Lands Strategy was exhibited and an overview and other documents associated with the draft SEPP (Primary Production and Rural Development) is currently on exhibition.

Financial

Whilst there would be some development contributions payable to Council if the proposals were progressed, it is suggested that they, and income from rates, would not adequately fund the provision of hard and soft infrastructure particularly if further requests were agreed to.

Resources (including staff)

The cost to Council in staff time assessing the requests is included in the current Land-Use Planning budget.

Integrated Plan

The final recommendations relevant to each of the requests considered in this report will feed into the new comprehensive Queanbeyan-Palerang Local Environmental Plan. This is a major project for the Land-Use Planning Branch in the 2017 – 18 Operational Plan.

Conclusion

It is acknowledged that some of the rural land surrounding the lots which are the subject of this report have been fragmented over time and that in some cases the lot sizes are similar to that found in a rural residential area that is not adjacent to an urban area. However, the precedent that is likely to be set by allowing the proposed amendments would probably result in the further fragmentation of land resulting in a loss of agricultural land and the creation of unplanned rural residential areas. The externalities of this such as the demand for hard and soft infrastructure and possible land use conflicts does not warrant an amendment to the current PLEP provisions and land use zones or variations in the draft local environmental plan currently being prepared by Council. Other than providing an economic benefit to the individuals requesting the LEP amendments there is little from a planning perspective to support these applications.

12.4 Comprehensive Local Environmental Plan - Rezoning/Dwelling Eligibility Requests (Ref: C17176513; Author: Thompson/Robb) (Continued)

Attachments

- Attachment 1 Attachment 1 Lot 11 DP 1118681 - Redacted (*Under Separate Cover*)
- Attachment 2 Attachment 2 Lots 53, 54, 55 and 56 DP 774754 - Redacted (*Under Separate Cover*)
- Attachment 3 Attachment 3 Lot 1 DP 731998 - Redacted (*Under Separate Cover*)
- Attachment 4 Attachment 4 Lot 2 DP 838497 - Redacted (*Under Separate Cover*)
- Attachment 5 Attachment 5 - Rezoning and Dwelling Eligibility Requests - 3 November 2017 (*Under Separate Cover*) - **CONFIDENTIAL**

DETERMINATION REPORTS

12.5 Comprehensive Local Environmental Plan - Review of E4 Zoning - Bywong and Wamboin. (Ref: C17178533; Author: Thompson/Robb)

Summary

The purpose of this report is to reconsider the application of the E4 Environmental Living land use zone as required by the recommendation of Council in February 2017 (Minute No. 046/17). A detailed method has been developed by Council staff which allows the analysis of land use on individual lots which in turn assists in the consideration of the most appropriate land use zone for an area. The method has been applied to the localities of Bywong and Wamboin. The method could be applied to other localities that are currently either wholly or partly zoned E4 Environmental Living.

This review did not include any community engagement. The outcome is, that for the purposes of progressing the comprehensive Queanbeyan-Palerang LEP, the E4 zone be retained in the Bywong and Wamboin areas. Community members will have an opportunity to comment on any issues they wish to raise when the comprehensive LEP goes on exhibition.

Recommendation

That:

- 1. The localities of Bywong and Wamboin remain zoned E4 Environmental Living in the draft Queanbeyan-Palerang Local Environmental Plan except for the lots used for recreation and infrastructure.**
 - 2. Land currently zoned E4 Environmental Living outside of the localities of Bywong and Wamboin not have the land use assessment method applied to them.**
 - 3. The land currently zoned E4 Environmental Living outside of the localities of Bywong and Wamboin remain E4 Environmental Living in the draft Queanbeyan-Palerang Local Environmental Plan.**
-

Background

The *Palerang Local Environmental Plan 2014* (PLEP) came into force in October 2014 replacing six local environmental plans applying to the former Palerang local government area.

The PLEP is based on the Standard Instrument Local Environmental Plan (LEP) which includes the land use zone E4 Environmental Living. This land use zone was applied to the land formally zoned:

- 1(d) (Rural Residential) under the *Yarrowlumla Local Environmental Plan 2002*
- 1(g) (Small Rural Holdings) under the *Yarrowlumla Local Environmental Plan 2002*
- 1(c) (Small Rural Holdings) under the *Tallaganda Local Environmental Plan 1991*
- A number of small areas of Zone 1(a) (General Rural) under the *Yarrowlumla Local Environmental Plan 2002* and 1(a) (General Rural) under the *Goulburn Local Environmental Plan 1990*.

This report reviews the application of the E4 Environmental Living land use zone to the localities of Bywong and Wamboin.

Following concern from some community members regarding the application of the E4 Environmental Living land use zone, particularly in the Wamboin and Bywong localities, Council has agreed to review its application of the land use zone as part of the preparation of

12.5 Comprehensive Local Environmental Plan - Review of E4 Zoning - Bywong and Wamboin. (Ref: C17178533; Author: Thompson/Robb) (Continued)

the draft Queanbeyan-Palerang Local Environmental Plan. The recommendation concerning this (Minute No. 046/17 - 22 February 2017) is shown below:

- 2 *That land zoned E4 Environmental Living under the Palerang Local Environmental Plan 2014 be considered in terms of its fit for purpose and that this be part of the preparation of a new comprehensive local environmental plan for the Queanbeyan-Palerang Regional Council.*
- 3 *That Council note the advice of NSW Department of Planning and Environment on considering lands fit for purpose in land use rezoning decisions.*

The E4 Environmental Living land use zones in the Queanbeyan-Palerang local government area are within the following localities:

Table 1 - Queanbeyan-Palerang localities containing the E4 land use zone

Locality	Palerang Local Environmental Plan 2014	Queanbeyan LEPs
Araluen	yes	no
Braidwood	yes	no
Budawang	yes	no
Burra	yes	no
Bywong	yes	no
Carwoola	yes	yes
Environa	no	yes
Googong	yes	yes
Greenleigh	no	yes
Hoskinstown	yes	no
Jerrabomberra	no	yes
Manar	yes	no
Mongarlowe	yes	no
Nerriga	yes	no
Queanbeyan East	no	yes
Rossi	yes	no
Royalla	yes	yes
Sutton	yes	no
The Ridgeway	no	yes
Tralee	no	yes
Urila,	yes	no
Williamsdale	no	yes

12.5 Comprehensive Local Environmental Plan - Review of E4 Zoning - Bywong and Wamboin. (Ref: C17178533; Author: Thompson/Robb) (Continued)

Wamboin	yes	no
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Note: The E4 Environmental Living land use zone has been applied to a variety of landscape types. Additionally, the land uses are different for each of the land use tables in each LEP.

The Attachment 2 outlines the approach and method taken in the review of the application of the E4 Environmental Living land use zone to Bywong and Wamboin.

1. Other matters to be considered

(a) 2016 ABS census snapshot of the localities

The census provides an indication of the number of people and dwellings in the localities of Bywong and Wamboin (the statistical areas and localities generally align).

The industry of employment and occupation provides an indication of the numbers employed in the agricultural industry. The statistical area Krawarree (also a locality) has been included so that a limited comparison can be made between areas where the property size and location are quite different. Krawarree is in the eastern part of the Queanbeyan-Palerang local government area. The majority of the land is in private ownership and is used for broad scale agriculture.

Table 4 - 2016 Census data for the statistical areas of Bywong, Wamboin and Krawarree

Census Data	Bywong	Wamboin	Krawarree	NSW
Number of people	1,322	1,708	45	
Median age (years)	45	44	55	38
Number of private dwellings (occupied)	450	520		
Number of private dwellings (unoccupied)	28	38		
Median weekly household income	\$2,450	\$3,012	\$724	\$1,486
Industry of employment				
Central Government Administration	88 (14.1%)	103 (12.4%)		0.9%
Defence	35	54		
State Government Administration	22	28		
Hospitals (except Psychiatric Hospitals)	20	27		
Higher Education	22	26		
Computer System Design and Related Services				
Agriculture, Forestry and Fishing			6	
Construction			3	

12.5 Comprehensive Local Environmental Plan - Review of E4 Zoning - Bywong and Wamboin. (Ref: C17178533; Author: Thompson/Robb) (Continued)

Transport, Postal and Warehousing			3	
Public Administration and Safety			3	
Census Data	Bywong	Wamboin	Krawarree	NSW
Occupations				
Professional	191(27.4%)	251 (28.2%)		23.6%
Managers (includes full-time farmers)	141	184	9	
Clerical and Administrative Workers	120	152	4	
Technicians and Trades Workers	81	87	3	
Community and Personal Service Workers	43	79		
Sales Workers	42	62		
Machinery Operators and Drivers	30	27	3	
Labourers	29	28	4	

Note: Only the top five industry of employment or occupation is listed for each statistical area.

Comment - In relation to the above table:

- The Bywong and Wamboin areas have a higher number of people in professional occupations and employed by federal and state government.
- The Krawarree area has occupations in the Agriculture, Forestry and Fishing sector in the top five occupations.
- It is suggested that based on the census data that there is not a high proportion of people in the Bywong and Wamboin areas who view themselves as being engaged in the Agriculture, Forestry and Fishing sector.

(b) Palerang Rural Lands Strategy 2016 - 2036

The Rural Lands Strategy (adopted by Council in February 2017) identifies five land use categories in the former Palerang local government area. It is noted that there is no legal definition for any of these land use categories and that they do not equate to any particular class in the ALUM standard or land use zone included in the Standard Instrument. The desirable characteristics provide an illustration of the land use category noting that it would not be necessary for all characteristics to exist or to be achieved. These land use categories were used throughout the Strategy. The land use categories are:

Hamlet

Possible features and desirable characteristics:

- clusters of small lots (2,000 m² - 5,000 m²) in a rural area
- no shops
- the lots are large enough for effluent disposal or there is a shared on-site sewerage system
- shared water supply
- surrounded by rural land
- maybe a community title approach with shared rural land

12.5 Comprehensive Local Environmental Plan - Review of E4 Zoning - Bywong and Wamboin. (Ref: C17178533; Author: Thompson/Robb) (Continued)

- lots which would contain structures are not on a visually prominent ridge.

Rural living

Possible features and desirable characteristics:

- estate style development with lot sizes ranging from 2-10 hectares
- lots are directly accessed from a sealed public road
- boutique agriculture (except intensive animal) can be undertaken on lots and the produce sold at local markets
- lots are preferably less than 15 minutes drive from local shops and a public primary school
- local community infrastructure such as a community hall, playground, tennis courts and skate parks are within a short car drive/bike ride or reasonable walking distance
- the land is mostly Class 4 or 5 agricultural land
- compatible non-agricultural activities could be undertaken
- there is a sustainable ground water supply which may be used for residential purposes
- tourism land uses that involve low traffic volumes can be undertaken
- the lots are not in a stressed water catchment
- the residential lots are not in an endangered ecological community or an area containing threatened species
- the lots are not in an area of Aboriginal significance
- the lots are not in an extractive industries area (shown on the NSW Department of Primary Industries 117 Direction map)
- lots which would contain structures are not on a visually prominent ridge.

Small lot agriculture

Possible features and desirable characteristics:

- scattered or clustered small lot farms mostly under 50 hectares in agricultural areas
- industry and agriculture is an appropriate distance from urban areas where lights, noise and dust from agricultural may cause conflict
- limited local community infrastructure such as a community hall
- compatible non-agricultural activities could be undertaken depending on the lot size
- the land is Class 3 or 4 agricultural land
- there is access to non-potable water
- there are few environmental assets
- land that is Class 3 agricultural land should have a minimum lot size equal to or greater than 16 hectares
- agricultural/education/cultural tourism land uses
- small lot farms and boutique agriculture (except intensive animal) can be undertaken on lots and produce sold at the property gate
- lots which would contain structures are not on a visually prominent ridge.

Rural

Possible features and desirable characteristics:

- broad scale agricultural operations usually over 100 hectares
- includes forestry and extractive industries

12.5 Comprehensive Local Environmental Plan - Review of E4 Zoning - Bywong and Wamboin. (Ref: C17178533; Author: Thompson/Robb) (Continued)

- lots are more than 40 minutes from local shops and a public primary school
- class 2-4 agricultural land
- land is used for sustainable agriculture, there is: - access to water - access to transport infrastructure (roads and bridges)
- agricultural education/cultural tourism land uses (that do not conflict with agricultural activities)
- non-agricultural land uses (that do not involve large traffic volumes)
- land uses include hard infrastructure, including telecommunications
- lots which would contain structures are not on a visually prominent ridge.

Environmental land

Possible features and desirable characteristics:

- generally, more remote natural areas over 50 hectares with low impact and low density living
- there is a good coverage of native vegetation which may include endangered ecological communities and threatened species
- agriculture is less intensive
- may be a drinking water catchment
- areas of visual prominence/importance, Aboriginal heritage and prominent ridges
- agricultural/education/cultural tourism land uses
- low levels of hard and soft infrastructure
- lots which would contain structures are not on a visually prominent ridge
- considered each lot against PLEP objectives, the highlighted objectives are mandated under the Standard Instrument.

Comment - From the above a number of comments are made:

- the smaller lot sizes with dwellings, sealed public roads, opportunities for small scale agriculture, community facilities and its proximity to retail services and primary schools suggest that the localities could be described as rural living
- if the area was to be planned now, it would be unlikely to be located in a stressed water catchment (the Yass River catchment is recognised as being stressed) and areas containing endangered ecological communities or threatened species
- there is limited opportunity for agriculture in areas with a high native tree cover
- a large part of the Bywong locality is class 3 agricultural land (refer to Attachment 3)
- the land that is not predominantly native vegetation is not necessarily used for agriculture
- the small lot sizes and general low agricultural classification allow for very limited agricultural enterprises. At least 1200 hectares is required in this region for a broad scale agricultural property that 'breaks even'
- there is limited opportunity to clear native vegetation for agriculture due to NSW legislation.

(c) Standard Instrument land use zones included in the Palerang Local Environmental Plan 2014

The following is a list of the relevant land use zones and their objectives listed in the *Palerang Local Environmental Plan 2014*. The mandatory objectives are highlighted in grey.

12.5 Comprehensive Local Environmental Plan - Review of E4 Zoning - Bywong and Wamboin. (Ref: C17178533; Author: Thompson/Robb) (Continued)

E4 Environmental Living

Objectives of zone:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To encourage development that is visually compatible with the landscape.
- To minimise the impact of any development on the natural environment.
- To ensure that development does not unreasonably increase the demand for public services or facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

R5 Large Lot Residential

Objectives of zone:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To minimise the impact of any development on the natural environment.

RU1 Primary Production

Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To minimise the impact of any development on the natural environment.
- To ensure that development does not unreasonably increase the demand for public services or facilities.

(d) Standard Instrument land use zones that are not included in the Palerang Local Environmental Plan 2014

The following relevant land use zones are in the Standard Instrument Local Environmental Plan but the former Palerang Council chose not to use them in the *Palerang Local Environmental Plan 2014*. The extensive use of the land use zone E3 Environmental Management and RU2 Rural Landscape were removed from the draft PLEP following the first exhibition. The mandatory objectives are highlighted in grey.

12.5 Comprehensive Local Environmental Plan - Review of E4 Zoning - Bywong and Wamboin. (Ref: C17178533; Author: Thompson/Robb) (Continued)

RU2 Rural Landscape

Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

RU4 Primary Production Small Lots

Objectives of zone:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Comment - There is not a lot of broad scale agriculture occurring in the localities of Wamboin and Bywong and it is rarely the primary use of the land. Given this, it is suggested that there is not a large area that meets the definition of either RU2 Rural Landscape or RU4 Primary Production Small Lots.

It is also observed that:

- Dwellings are on almost every lot in the Bywong and Wamboin localities.
- The small lots provide little opportunity for agricultural enterprises.
- Despite much of the Bywong area being class 3 agricultural land, the lot sizes are too small for agricultural enterprises and the majority contain a dwelling.
- Many lots contain native vegetation and some are part of regional native vegetation corridors.
- Almost all of the lots are part or wholly within the Yass River catchment.
- The majority of residents are not engaged in occupations involving agriculture.

Implications***Legal***

Zone E4 Environmental Living is one of the zones provided for by the Standard Instrument Local Environmental Plan which itself is provided for by the *Environmental Planning and Assessment Act 1979*.

Policy

In the review of the application of the E4 Environmental Living land use zone in the Bywong and Wamboin localities, the objectives of the Standard Instrument Local Environmental Plan, the NSW Department of Planning practice notes and the recommendations of the Northern Council's Environmental Zone Review have been taken into account.

12.5 Comprehensive Local Environmental Plan - Review of E4 Zoning - Bywong and Wamboin. (Ref: C17178533; Author: Thompson/Robb) (Continued)

Environmental

The reassessment of this area has shown that there are a large number of lots in Attachment 2 that contain native vegetation (Figure 5), some with an endangered ecological community (Figure 6) or a known threatened species (Figure 7) and many that have been identified as having vegetation of high environmental value (Figure 13) or being in a vegetation corridor identified by state government (Figure 13). Additionally, almost all of both localities are in the Yass River catchment (Figure 9).

Engagement

Throughout the development of the draft PLEP and Rural Lands Study there has been extensive community consultation. This is detailed in Attachments and its associated appendices. Further consultation will be undertaken as part of the draft *Queanbeyan-Palerang Local Environmental Plan* (comprehensive LEP).

Financial

The reassessment has been undertaken by Council staff. This cost is within the Land-Use Planning Branch budget for the 2017/18 financial year.

Resources (including staff)

The review has involved staff with skills in strategic planning, GIS, agriculture and natural resource management. The development of the GIS layer which shows the classification of each lot has taken one staff member several weeks.

Integrated Plan

The recommendations made in this report will feed into the draft *Queanbeyan-Palerang Local Environmental Plan* (comprehensive LEP). This is a major project for the Land-Use Planning Branch in the 2017/18 Operational Plan.

Conclusion

The land uses identified in this reassessment would not have changed substantially over the last two years. Given this and the observations made regarding land use in this report which involved the application of a detailed methodology, it has been determined that the primary land use for the last two years has been rural residential. However, given the combination of the primary land use being rural residential and the natural assets, some of which are high value as shown in the maps within the report, it is concluded that the lots in the localities of Bywong and Wamboin best fit the objectives of the E4 Environmental Living land use zone which is recommended to be generally retained.

12.5 Comprehensive Local Environmental Plan - Review of E4 Zoning - Bywong and Wamboin. (Ref: C17178533; Author: Thompson/Robb) (Continued)

Attachments

- Attachment 1 Background to the Application of the E4 Land Use Zone E4 Environmental Living (*Under Separate Cover*)
- Attachment 2 Approach to Assessment of E4 Zoned Land - Wamboin and Bywong (*Under Separate Cover*)
- Attachment 3 Australian Land Use and Management Classification (*Under Separate Cover*)
- Attachment 4 NSW Agricultural Classes (*Under Separate Cover*)
- Attachment 5 Process for Mapping an ALUM Land Use Class (*Under Separate Cover*)
- Attachment 6 FAQs Northern Council's E Zone Review Final Recommendations Report and Ministerial Direction 2016 03 02 (*Under Separate Cover*)

12.6 Proposed South Tralee Essential Infrastructure Planning Agreement (Ref: C17176412; Author: Thompson/Carswell)

Summary

Council has been negotiating with the Village Building Company (VBC) in regard to a Local Planning Agreement to provide water and sewer services to facilitate the development of South Jerrabomberra. This local planning agreement has been proposed by Village Building Company. Whilst some of the differences between the parties have been resolved, others remain including some which are substantial and require policy direction from Council. Consequently, the purpose of this report is to seek that policy direction and so form a view on whether a Planning Agreement should be pursued or whether the alternative of a Section 64 Contributions Plan for Water and Sewer is the preferable instrument.

Recommendation

That Council:

- 1. Reaffirm Item No. 1 of its previous resolution (Minute No. 120/16) of 27 April 2016 relating to the then South Tralee Local Planning Agreement i.e. that Council agree in relation to any provision requiring repayment of outstanding recoupment contributions that this be within 60 days of 31 December 2036.**
 - 2. Note the parties differing views on Village Building Company's proposed inclusions/changes for the definitions of Independent Certifier, Practical Completion and Practical Completion Certificate and Clause 19 Completion of Work of the proposed South Tralee Essential Infrastructure Planning Agreement.**
 - 3. Continue the practice of Council staff certifying practical completion of infrastructure works and issuing practical completion certificates for them in relation to this Local Planning Agreement.**
 - 4. Advise Village Building Company of the above and seek a response of whether or not Village Building Company still wishes to enter into this Local Planning Agreement.**
 - 5. In the event that Village Building Company indicates that it does not want to enter into this Local Planning Agreement or if no agreement has been reached by 31 January 2018 (whichever comes first), Council take all actions to finalise the s64 Development Servicing Plans for Water Supply and Sewerage for South Jerrabomberra.**
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Background

Since April 2017 Council has been negotiating with the Village Building Company (VBC) in regard to a Local Planning Agreement to provide water and sewer services to facilitate the development of South Jerrabomberra. Whilst some of the differences between the parties have been resolved, others remain including some which are substantial as well as requiring policy direction from Council. In essence negotiations have reached a point where there is a need to ascertain whether to continue with negotiations or pursue the alternative of a Section 64 Water and Sewer Contributions Plan.

12.6 Proposed South Tralee Essential Infrastructure Planning Agreement (Ref: C17176412; Author: Thompson/Carswell) (Continued)

Attachment 1 represents the current positions of the parties. Where changes have been agreed to by both parties the changes have been accepted and where changes are outstanding the changes are indicated. If pursued one further change would be necessary and this would be the deletion of Schedule 3 Indicative Equivalent Dwelling Quotients based on the previous Stage Consent. This related to the previous local planning agreement. In addition the missing information to be included in Schedules 6 - 9 will need to be inserted.

Previous Negotiations/Work

The current proposed local planning agreement follows earlier negotiations which resulted in the execution by the former Queanbeyan City Council and Canberra Estates Consortium No.4 Pty Ltd of the South Tralee Urban Development Project Essential Infrastructure Deed on 12 December 2014 with essential infrastructure meaning water and sewer infrastructure.

In the case of the previous local planning agreement it covered a much greater range of infrastructure including land and the full range of infrastructure associated with providing services and facilities for an urban release area or a new community. Examples included land for open space, the embellishment of that open space, land for the Northern Entry Road and its design and construction.

The previous local planning agreement reached the stage where it was resolved on the 22 June 2016 (Minute No. 061/16):

.... to execute the South Tralee Local Planning Agreement subject to incorporating the recommended changes specified in Attachment 1 to this report and any other minor administrative or housekeeping changes identified noting that the recommended action for Item 29 has been amended to read 'no change be made to LPA as result of this submission.

The parties continued to communicate on this until VBC advised Council in November 2016 that it was unable to execute the current form of that draft local planning agreement. The refusal of the development applications for the first two stages of South Tralee followed soon after. The previous local planning agreement had an expected dwelling yield for South Tralee of 1,221 dwellings whereas the proposed local planning agreement assumes a reduction to 750 dwellings.

Previous resolutions relevant to the Local Planning Agreement

At the same time the previous local planning agreement had been the subject of workshops and other resolutions. The other resolutions included one of 27 April 2016 (Minute No. 120/16) where it was resolved:

- 1. That Council agree in relation to any provision requiring repayment of outstanding development contributions by 2036 in the South Tralee Local Planning Agreement that these be limited to those contributions which Council can actually collect.*
- 2. That Council agree in relation to the surplus value for the Northern Entry Road that development contributions to be paid back to CEC4 as surplus value be limited to what can actually be collected and that it be paid off in the proportion attributable to the surplus value of the Northern Entry Road.*
- 3. That Council adopt the draft South Tralee Local Planning Agreement in principle and generally in accordance with Attachment 1 and agree to exhibit it for a minimum period of 28 days.*

12.6 Proposed South Tralee Essential Infrastructure Planning Agreement (Ref: C17176412; Author: Thompson/Carswell) (Continued)***Draft Development Servicing Plans for Water Supply and Sewerage for South Jerrabomberra***

During 2015 and 2016 Council had also prepared Development Servicing Plans for Water Supply and Sewerage for the whole of South Jerrabomberra (as opposed to just the South Tralee development) and had exhibited these for public comment from 29 March to 11 March 2016. As a result four written submissions were received which in turn resulted in Council commissioning further work on the cost of infrastructure. These remain in draft form although they could be reactivated with the methodologies being rerun to reflect the reduced dwelling numbers of South Jerrabomberra (1,500 in total compared to the previous estimates of a total of 2,079).

Current Differences

While some of the differences in regard to the current local planning agreement have been resolved others remain including substantial ones requiring policy direction. These follow.

Major Differences

a) Timing for Payment of Recoupment Contributions

Major differences requiring policy direction include the following clauses. Generally these require Council to pay the developer recoupment contributions for the development of Additional Land by 2025 although this time is not altogether consistent in the relevant clauses:

23.7 The Parties agree that if Council does not collect Recoupment Contributions from Other Developers within 5 years it will pay the Developer an amount equivalent to....

24.3 Any part of the DSP Surplus Credit Amount attributable to any Additional Land or development in the South Jerrabomberra Urban Release Area other than South Tralee which, after a period of 5 years from the date of completion of any development on the Developer's Land or the Additional Land, the Developer has been unable to use and which has not been assigned must be repaid to the Developer by the Council.

25.6 If the sum of the Recoupment Contributions made by the Council to the Developer under this clause (not including any interest earned on Recoupment Contributions by the Council) equals the Surplus Value before 31 December ~~2025~~²⁰³⁶ then the Council shall have no further obligation to make any payments under this clause.

25.7 If the sum of the Recoupment Contributions made to the Developer under this clause (not including any interest earned on Recoupment Contributions by the Council) does not equal the Surplus Value as at 31 December 2025, the Council must pay to the Developer the difference between:

25.7.1 the sum of the payments made under this clause, and

25.7.2 the component of the Surplus Value that, in the opinion of the Council, can reasonably be expected to be recovered by the Council for the works provided by the Developer having regard to the then existing provisions of any ~~DSP development servicing plan~~ or other restriction on the amount likely to be recovered by the Council for the works provided by the Developer.

25.8 The Council must pay the amount payable under clause 25.7 to the Developer within 60 days of 31 December 2025.

12.6 Proposed South Tralee Essential Infrastructure Planning Agreement (Ref: C17176412; Author: Thompson/Carswell) (Continued)

The intent of these clauses is that if the whole of South Jerrabomberra is not built by 2025 then Council has to pay to VBC the amount of contributions it would eventually collect for the development that has not been completed at that time.

For example should Council have to pay recoupment contributions for development on land other than the developers land (i.e. additional land) this would represent contributions for 750 dwellings under the provisions of the Local Planning Agreement. In monetary terms this amounts to more than \$8.6M. Council would have to borrow this money and pay it off gradually as the remaining 750 lots were released.

During negotiations staff have consistently indicated to Village Building Company that in clauses where a time limit is mentioned for repayment of recoupment contributions that these should adhere to Council's Resolution No.1 of 27 April 2016 . That is outstanding contributions will not be paid until December 2036. By this time Council is reasonably confident that the majority of the development will be complete and the amount owing to VBC will be minimal.

Agreement to the revised clauses has been raised by Council's legal advisers as imposing a potentially significant obligation on Council. Essentially VBC want their investment in the water and sewer system back before all the lots in South Jerrabomberra are released, while Council does not want to bankroll the water and system up front then collect the contributions later.

When historic and future take up rates of lots are considered, the risk to Council may realise.

The local planning agreement indicates that the developer's land will account for about 750 dwellings. On historic take up rates for urban release areas this represents about 3 to 5 years of growth from the time when all approvals have been obtained and services are available. However, in this case the major competitor is Googong which is experiencing take up rates in the order of 230 dwellings annually. Based on past trends in Queanbeyan for urban release areas an established market like Googong is likely to continue to absorb the majority of future dwellings with impacts on take up rates at South Jerrabomberra.

Also in the case of South Jerrabomberra the policy settings are yet to be finalised (e.g. a State Development Agreement signed, a Section 94 Plan finalised, the Development Control Plan updated), approvals obtained and services constructed. At a minimum this means that there won't be any dwellings on the ground within 18 months which means that it would be expected that South Tralee would not be fully developed until around 2025. The additional land to the south identified as residential (which is likely to provide a further 750 dwelling sites) would then be expected to be developed some time after that.

It is considered that this risk is too significant for Council to accept and that the 2036 date for the payment of yet to be released lots should be maintained.

12.6 Proposed South Tralee Essential Infrastructure Planning Agreement (Ref: C17176412; Author: Thompson/Carswell) (Continued)

b) Independent Certification

There are also other major differences between the parties. These include a new definition of Independent Certifier and changes to the definitions of Practical Completion and Practical Completion Certificate which provides for an alternative Independent Certifier to certify infrastructure works rather than Council. This is also the case for changes made to Clause 19 Completion of Works.

In terms of the drafting of these it would appear that they potentially breach the *Environmental Planning and Assessment Act 1979* as this is not a type of subdivision that an accredited certifier can be a principal certifying authority for. However, this would need further legal advice if pursued.

Notwithstanding this it has been a matter of long standing practice that where major infrastructure is constructed which will become a Council asset, the position has been that final practical completion should be certified by Council staff prior to release of the subdivision certificate and final handover.

Council should maintain its position that infrastructure works must be signed off by Council prior to acceptance.

c) Limiting the Payment of Recoupment Contributions

Another difference includes the rejection of the original Clause 26 - Limit of Council's Obligations to pay Recoupment Contributions by Village Building Company. This clause was inserted on previous legal advice and limits Council's obligations for the repayment of recoupment contributions to the amount that Council actually receives from other developers and to any amount payable by another developer pursuant to a Development Services Plan. Without this Council could be put in the position of being obliged to pay substantial contributions for development that hasn't gone ahead.

Village Building Company have proposed other changes that require further legal advice.

The major issues include:

- Subclause 23.2.2 which is part of Clause 23 Surplus Development Contributions.
- Deletion of part of subclause 27.4 of Clause 27 Acquisition of land required for Work which was inserted on previous legal advice.
- Deletion of a subclause Clause 32 Landowner's Guarantee.
- Clause 37 Indemnity which have been altered substantially.

Current Development Application

The Village Building Company has recently lodged a development application for 318 residential lots, 10 super lots and residue land for open space, drainage and public roads for South Tralee.

12.6 Proposed South Tralee Essential Infrastructure Planning Agreement (Ref: C17176412; Author: Thompson/Carswell) (Continued)

Implications***Legal***

The proposed South Tralee Essential Infrastructure Planning Agreement needs to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*. It has been prepared in accordance with these.

It has also involved both parties obtaining extensive legal advice. However, it is a voluntary agreement and if the parties cannot reach an agreement to sign the LPA then Council falls back to adopting and implementing a Section 64 Developer Contribution Plan.

Policy

This report is seeking Council's reinforcement of its previous position in relation to a number of policy matters. These include the timing and the extent to which Council should guarantee recoupment contributions.

Asset

In the event that the proposed South Tralee Essential Infrastructure Planning Agreement proceeds it will provide sewer and potable water infrastructure and land that will become Council assets.

Strategic

The proposed South Tralee Essential Infrastructure Planning Agreement provides for the provision of sewer and potable water infrastructure necessary for one of the major urban release areas identified by Council's *Residential and Economic Strategy 2031*. The signing of a local planning agreement or alternately the adoption of a section 64 developer contribution plan is critical before the determination of the first DA for subdivision can take place.

Engagement

Should the proposed South Tralee Essential Infrastructure Planning Agreement proceed, a minimum period of 28 days community engagement will be required with any feedback being reported to Council for further consideration and if necessary the alteration of this local planning agreement before it is executed.

Financial

At this time costs have included the administrative costs associated with negotiations as well as legal advice in the order of \$12,660.

Should Council agree to the changes proposed by Village Building Company in relation to repayment of recoupment contributions, this could potentially oblige Council to pay charges of more than \$8.6M which could only be facilitated through borrowings.

The agreement as proposed by VBC presents a significant financial risk to Council.

12.6 Proposed South Tralee Essential Infrastructure Planning Agreement (Ref: C17176412; Author: Thompson/Carswell) (Continued)

Conclusion

Since April, Council has been negotiating with the Village Building Company (VBC) in regard to a local planning agreement to provide water and sewer services to facilitate the development of South Jerrabomberra. Negotiations have reached a stage where staff request policy direction to proceed.

This relates to the timing of the payment by Council of recoupment contributions which could exceed \$8.6M. Village Building Company's preference is that these become due within 60 days from 31 December 2025, whereas it is being recommended that these become due at the end of 2036 given the uncertainty of future development outside of South Tralee in this area. This was Council's previous position.

In addition Council's support is sought to maintain Council's long standing practice that staff should be responsible for certifying major infrastructure that will become Council's assets.

These positions should be conveyed to the Village Building Company and if not accepted then it is concluded that this local planning agreement should not be pursued and Development Servicing Plans for Water Supply and Sewerage for South Jerrabomberra be pursued instead.

Attachments

- Attachment 1 South Tralee Essential Infrastructure Planning Agreement - Version with agreed changes accepted and outstanding changes shown (*Under Separate Cover*) - **CONFIDENTIAL**

12.7 Submission - Proposed State Environmental Planning Policy (Primary Production and Rural Production) (Ref: C17182346; Author: Thompson/Carswell)

Summary

On the 23 October the State Government through the NSW Department of Planning and Environment released a draft Primary Production and Rural Development SEPP reform package. It is open for comment until 15 January 2018. The purpose of this report is to outline features of the package, to suggest Council's views on some of these and to recommend that Council make a submission on these.

Recommendation

That Council make a submission on the proposed *State Environmental Planning Policy (Primary Production and Rural Development) 2017* and associated reforms covering the issues in this report and other matters as appropriate.

Background

On the 23 October the State Government through the NSW Department of Planning and Environment released a draft Primary Production and Rural Development SEPP reform package. It is open for comment until 15 January 2018 and it is recommended that Council make a submission generally in line with the material in this report.

Nature of the Reform Package

The reform package consists of:

1. A proposed *State Environmental Planning Policy (Primary Production and Rural Development) 2017*. This will replace the following SEPPs and REPs which apply to Queanbeyan-Palerang Local Government Area. These are:
 - *State Environmental Planning Policy (Rural Lands) 2008 (Rural Lands SEPP)*
 - *State Environmental Planning Policy 30 - Intensive Agriculture (SEPP 30)*
 - *State Environmental Planning Policy 62 - Sustainable Aquaculture (SEPP 62)*.
2. Transferring and amending provisions currently located in existing SEPPs to the new *Primary Production and Rural Development SEPP*.
3. Transferring some provisions from existing SEPPs to the Standard Instrument LEP.
4. Repealing some existing SEPP provisions where they are no longer relevant or needed to support planning objectives related to sustainable agriculture and rural land management.
5. Repealing some existing SEPP provisions where they are no longer relevant or needed to support planning objectives related to sustainable agriculture and rural land management.
6. Updating various definitions in the *Standard Instrument LEP* and *EP&A Regulation* to ensure consistency and reflect contemporary practices and understanding.

12.7 Submission - Proposed State Environmental Planning Policy (Primary Production and Rural Production) (Ref: C17182346; Author: Thompson/Carswell) (Continued)

7. Transferring existing plan making requirements to a new section 117 Ministerial Direction.
8. A discussion paper called *Primary Production and Rural Development - Explanation of Intended Effect (EIE)*.
9. Other key Inclusions are:
 - Part 1 – Executive summary
 - Part 2 – The new SEPP
 - Part 3 – Proposed amendments to other planning legislation
 - Conclusion
 - Attachment A – Planning framework
 - Attachment B – Summary of key policy proposals
 - Attachment C – Existing SEPPs
 - Attachment D – Existing clause analysis and proposed action
 - Attachment E – Outline of revised definitions and clauses.

Availability of Draft SEPP during Consultation

Whilst the *Explanation of Intended Effect (EIE)* provides insight into the changes (and some of the rationale to these changes) it would have been equally useful for a copy of the draft SEPP to have also been made available. It would also have been desirable that the proposed wording of the draft model clause to be inserted into the Standard Instrument Local Environmental Plan (LEP) in respect of rural subdivision was also made available during consultation.

The final wording of the SEPP and supporting changes to the Standard Instrument LEP will be crucial to its future implementation by local councils and an opportunity for further consultation on these should be provided.

Draft Planning Principles

The rural planning and subdivision principles currently in clauses 7 and 8 of *State Environmental Planning Policy (Rural Lands) 2008* are proposed to be transferred into a new section 117 Direction.

Having rural and subdivision planning principles to inform strategic planning and development assessment in respect of agricultural production is generally supported.

However, it is noted that the *South East and Tablelands Regional Plan 2036* provides little content in respect of the management and or protection of the broader agricultural landscape and is focussed only on mapping 'important' agricultural land with little guidance as to what constitutes 'important' or how that land should subsequently be managed.

There should be a planning principle that actively seeks to ensure agricultural land is protected for its long term production values. The draft principles are silent on this important issue.

There is a concern that the principles, in their attempt to address a number of issues, actually provide little clarity and are capable of misinterpretation depending on the perspective of the reader.

12.7 Submission - Proposed State Environmental Planning Policy (Primary Production and Rural Production) (Ref: C17182346; Author: Thompson/Carswell) (Continued)

In a local context these could be problematic say for Bungendore and the land marked for acquisition for recreation purposes in the PLEP 2014.

In other cases their application could be a problem for a residential subdivision in zones RU1 or E3 and where average provisions were being sought to be applied.

Proposed Changes to Definition of Intensive Livestock Agriculture

The proposed changes to the definition of 'intensive livestock agriculture' are supported. Further, the thresholds suggested for different operations appear reasonable and appropriate. In particular changing 'piggeries' to 'pig farms', is considered appropriate as there has been misunderstandings around 'piggeries' in the past.

However, there are issues in respect of the operation of some of these industries (particularly poultry) at a small scale within the Sydney drinking water catchment and this is discussed in more detail later in this submission.

Thresholds and Heads of Consideration for Intensive Livestock Agriculture

Part of the proposed reforms include a clause proposed for inclusion in the Standard Instrument Local Environmental Plan to clarify the type and scale of intensive livestock agriculture that requires development consent. This will transfer existing provisions for cattle and pig farms from *State Environmental Planning Policy 30 - Intensive Agriculture* and address other types of operations.

The following is a draft outline of matters to be included in a clause:

- a cattle feedlot or dairy (restricted) having a capacity to accommodate 50 or more head of cattle, or
- a pig farm having a capacity to accommodate 200 or more pigs or 20 or more breeding sows, or
- sheep or goat feedlots having a capacity to accommodate 200 animals or more, or
- egg or poultry production facilities having a capacity to accommodate 1000 or more birds, or
- a cattle, sheep or goat feedlot, dairy (restricted), pig farm, or egg or poultry production, where the operation or facility is located,
 - within 500 metres of a residence not associated with the development
 - within an environmentally sensitive area (as defined in the Exempt and Complying Development Codes SEPP).

In summary, in land use zones where intensive livestock development is permissible, small-scale commercial operations below the thresholds will therefore not require consent so long as the proposal is located outside of identified environmentally sensitive areas and not close to neighbouring dwellings.

Proposed Changes to the Definition of Extensive Agriculture

Changes proposed also include "amending the definition of 'extensive agriculture' to clarify that grazing and pasture-based dairies involve animals eating plants growing on the land, and that supplementary feeding or temporary penning sometimes occurs as part of these activities". This is supported.

12.7 Submission - Proposed State Environmental Planning Policy (Primary Production and Rural Production) (Ref: C17182346; Author: Thompson/Carswell) (Continued)

Proposed Changes to Clause 4.2

The proposed changes to clause 4.2 in respect of allowing an existing dwelling on a farming property to be excised from a holding where it does not meet the minimum lot size for that area are not supported. The proposed provisions are fundamentally inconsistent with the established and long standing approach to managing settlement in rural areas throughout the State.

The suggested approach will encourage isolated dwellings on small lots in areas adjacent to agricultural production. This would also appear to be fundamentally inconsistent with the objectives of the draft SEPP in respect of minimising land use conflict and supporting the right to farm.

Also there is a lot of potential for isolated dwellings on small lots, the very issue that state government has with the averaging provision.

There has been a long history of the rural community wanting to do this, there would also be increased pressure for the subdivision of dual occupancies in rural areas. This amendment would be problematic for the non-urban areas of the LGA as there are a large number of dwellings on rural land and the proximity of the rural area to the coast, highways and urban centres means that it would be an attractive proposition. The minimum lot size provision has prevented this from occurring.

Whilst there may be some legitimate instances of producers wanting to stay in a family farm whilst retiring, this would only be for a relatively short period with the dwelling subsequently on-sold to someone who purchases the property for residential uses. In this instance the new owner may have less tolerance for the adjacent agricultural activities and seek to have them curtailed. These complaints can be from noise, odour and spraying activities.

The approach will encourage the potential for land use conflict in the LGA and is not supported by the Council. Dwellings in rural areas should support agricultural production, otherwise any rural settlement should be occurring in planned rural residential communities.

Other Matters***1. Impact of Sydney Water Catchment on Small Scale Agricultural Activities***

The proposal to consolidate and identify upper limits for intensive livestock numbers not requiring development consent (as currently contained in SEPP 30) into the proposed SEPP is supported. This provides clarity for small and large scale producers in respect of consent arrangements. Generally the thresholds proposed under the draft SEPP are agreed with.

However, it should be noted that a significant component of the eastern part of the LGA is currently located within the Sydney Drinking Water Catchment and accordingly, development is also subject to the Designated Development controls set out in Schedule 3 of the *Environmental Planning & Assessment Regulation 2000* (the Regulations). It is noted the EIE confirms there will be no changes to the current arrangements in Schedule 3.

12.7 Submission - Proposed State Environmental Planning Policy (Primary Production and Rural Production) (Ref: C17182346; Author: Thompson/Carswell) (Continued)

This is particularly a problem for small scale poultry farms and egg production in the LGA. As a consequence of the wording of Schedule 3(21)(4) of the Regulations, producers are required to undertake a designated development application for all commercial poultry farms in the Sydney Drinking Water Catchment regardless of the number of birds involved. As a consequence, many small scale producers have been effectively restricted from undertaking small free range poultry (chickens, turkeys, ducks, etc.) or egg production due to costs and uncertainty involved in preparing environmental impact statements.

This is particularly nonsensical when producers can have up to 200 pigs, dairies up to 800 cattle, and feedlots up to 1000 head of cattle under the same schedule without triggering the designated development threshold.

Many small scale producers have complained to Council about the restrictions in the schedule restricting them establishing small scale poultry operations in the catchment, particularly when these restrictions don't apply to piggeries, feedlots and dairies which are likely to generate significantly more pollution.

This appears to be a drafting error rather than a deliberate policy decision and would request this be corrected to allow up to 1000 birds without triggering designated development thresholds (supported by other appropriate provisions to recognise the need to protect the catchment). This would be consistent with the provisions in the draft SEPP. Council has raised this matter in previous submissions to the Department in respect of changes to the Act and Regulations.

2. *Providing For Agriculture Based Tourism*

The LGA is experiencing an increasing demand for agriculture based tourism and is keen to ensure that sustainable small scale activities, that do not impact on the amenity of neighbours, nearby agricultural operations or the safety of local road networks can be carried out with development consent depending on the circumstances. These uses might include a kiosk, restaurant or café, small retailing of produce grown or processed on site, and some short-term accommodation uses.

Council has become aware that a number of operations similar to those described are occurring in the LGA at the current time (essentially providing 'cellar door premises' type uses for other forms of agricultural production besides viticulture such as free range produce, organic produce, smoked meats, truffles and other high value added produce). However, at this time there is not a definition available under the Standard Instrument LEP that clearly provides for such uses. It would not be appropriate for uses such as 'commercial premises' or 'retail premises' to be included in the zoning table as there would provide a far broader range of uses than would be desirable or appropriate on rural land.

At this time there is uncertainty as to how to best support and provide for such land uses. Accordingly, the Council would request the Department give strong consideration to developing an appropriate definition to give effect to these uses (supported by appropriate controls) either as part of the SEPP or the Standard Instrument LEP. Council would suggest a definition such as 'Food Trail Premises'. Ensuring there are no impacts on the safety of road networks (particularly classified roads) or the amenity of neighbours are probably the key considerations for establishing such a use in rural areas.

12.7 Submission - Proposed State Environmental Planning Policy (Primary Production and Rural Production) (Ref: C17182346; Author: Thompson/Carswell) (Continued)

Implications***Legal***

This reform package will result in a new *State Environmental Planning Policy (Primary Production and Rural Development) 2017* replacing four existing SEPPs and one REP. It will also result in new definitions in the Standard Instrument LEP and the Regulations and a new section 117 Ministerial Direction. All of these will need to be considered as part of the assessment of relevant development applications and in future land-use planning policies and strategies.

Policy

This package of reforms is intended to support the Governments Right to Farm Policy. This seeks to take steps to build the capacity of industry and rural communities to face future challenges. These aims are generally supported.

Strategic

The reform package is a government strategic package focused on supporting agriculture and regional areas.

Engagement

This report is the result of exhibiting material which is part of the Reform Package. This package is being exhibited between 23 October and 15 January 2017.

As a result of this exhibition Council has also received comment from the Australian Food Sovereignty Alliance. These matters are outlined above in *Thresholds and Heads of Consideration for Intensive Livestock Agriculture*.

The Alliance raises concerns that the vast majority of small-scale and free-range farms in regional and rural areas will be considered 'intensive livestock agriculture', similar to the proposed reforms in Victoria. As such they are concerned that the Government is proposing to enforce a 500 metre setback (like a buffer zone) between animals and neighbouring dwellings, which threatens to destroy the future of small-scale farming in the entire state.

This appears to be the case although the exhibited material is capable of competing interpretations. As such these proposals need to be clarified and altered to address these type of concerns.

Financial

These include the cost of two senior staff members reviewing the reform package and preparing this report and possible subsequent submission.

Conclusion

It is concluded that Council should make a submission which generally covers the matters in this report.

Attachments

Nil

12.8 Road Naming Proposal - Nightjar Road - Road 1009 - Jerrabattgulla (Ref: C17190924; Author: Thompson/Edwards)

Summary

This report proposes adopting and gazetting a road name for a currently unnamed Right of Carriageway access which services several properties in Jerrabattgulla.

Recommendation

That Council:

- 1. Adopt in principle the name detailed below as the proposed name:
 - a. 'Nightjar Road' for the Right of Carriageway accessed from Cooma Road approximately 400m North of the intersection with Jerrabattgulla Road. The road is to be marked as 'Private' and 'No Through Road'.****
 - 2. Publish a notice in the NSW Government Gazette.**
 - 3. Allocate addresses, install signage and notify residents.**
-

Background

Under the NSW Road Naming Policy, Council is the authority responsible for road naming. In general, unnamed roads are considered confusing and need to be formalised to ensure response times are minimised for emergency services and to ensure services can be readily provided to the area (such as mail delivery) Attachment 1.

The New South Wales State Government will soon be implementing a new policy that says only addresses that are registered in the GNAF (Geocoded National Address File) database will be accepted for use on certain government documents, E.g. Passports, Gun Licences, vehicle registration etc. If GNAF doesn't have accurate records these documents will become difficult to obtain.

Rural addressing in the former Tallaganda Shire Council was not well resourced and parts of the rural area around the Town of Braidwood have been without proper addressing for many years. As a result, the former Palerang Council began to investigate and allocate Road Names and Rural Addresses where required. Queanbeyan-Palerang Regional Council will now continue on and complete this task to provide proper rural addresses to all of these properties.

The Right of Carriageway nominated in this report for possible naming provides access to more than 10 different properties. These properties are located in a rather secluded area, with at least a 30-minute drive to Braidwood if supplies or medical assistance are needed. The naming of this Right of Carriageway is vitally important to assist in an emergency. Current data contained in Council's records does not provide accurate or sufficient details as to the location of these properties and as such needs to be rectified.

12.8 Road Naming Proposal - Nightjar Road - Road 1009 - Jerrabattgulla (Ref: C17190924; Author: Thompson/Edwards) (Continued)

NSW Road Naming Policy

The NSW Road Naming Policy was adopted by the Geographic Names Board in 2013 and is the basis for standardised and unambiguous road naming procedures across NSW. The policy contains a number of guiding principles to ensure the policy is achieved when naming roads. A copy of the NSW Road Naming Policy can be found at http://www.gnb.nsw.gov.au/road_naming/nsw_road_naming_policy.

Steps Undertaken to Date

The following steps have been undertaken as part of the road naming process:

- Write to affected residents to seek comment regarding potential road names in accordance with the NSW Road Naming Policy,
- Potential names submitted to the Geographic Names Board (GNB) to confirm compliance with the Policy.

Proposed Name

The following road name was selected by Council staff and was forwarded to GNB for consideration. Reasons for selecting the name is also shown below.

The unnamed Right of Carriageway accessed from Cooma Road approximately 400m North of the intersection with Jerrabattgulla Road. The location and extent of Road 1009 is shown in Attachment 2.

Nightjar Road – The white-throated Nightjar is a bird found in the Tallaganda State Forest.

Submissions Received

Council has received feedback from one of the affected residents, outlining their concerns about the naming of this road (Attachment 3). The concerned resident sought out their own legal advice on the matter (Attachments 4 & 5) which was then handled by Council's legal team. The decision that has been made is to push ahead and name the Right of Carriageway as originally intended. While the concerns raised by this resident are valid and Council can sympathise, Council believe there are too many other residents whose welfare could be jeopardised by not allocating accurate rural addresses to this Right of Carriageway, especially pending the changes to the GNAF mentioned above

Feedback from Geographical Names Board

The name has been submitted to GNB for consideration. After submission and assessment, GNB forwards proposed road names to other relevant authorities such as emergency services and Australia Post. No objections from any consulted authority have been received.

Next Steps

Should the recommendation be adopted, the following steps will be under taken:

- Letter sent to affected residents inviting them to attend a Council Meeting to hear the resolution for the road name.
- If adopted, the new road name will go through GNB for gazette.
- Once gazetted, new rural addresses are measure for the residents and all signage is installed. Residents are sent a letter informing them what their new rural address is.
- Installation of a road name sign and allocation of rural addresses

12.8 Road Naming Proposal - Nightjar Road - Road 1009 - Jerrabattgulla (Ref: C17190924; Author: Thompson/Edwards) (Continued)

Implications***Policy***

The suggested road name complies with the *NSW Road Naming Policy 2013*.

The naming process is generally in line with the process detailed in *ECCRC Code of Practice for the Naming of Roads* (adopted 27 July 2004).

Asset

New signage will be required which will become Council assets. Renewal will be required, however on-going maintenance and renewal costs are minimal.

Social / Cultural

The road naming proposal will cause some disruption and inconvenience to local residents as they may have to change their addressing information with a variety of State, Federal and private bodies.

The road naming proposal, however, will have a strong positive impact for residents by clarifying their address and improving emergency response times.

Financial

Financial impact on the Council is minimal. Costs are associated with manufacture and installation of a new road name sign (expected to be in the order of \$250).

Conclusion

This report proposes adopting and gazetting a road name for a currently unnamed Right of Carriageway access which services several properties in Jerrabattgulla. Unnamed roads are considered confusing and need to be formalised to ensure response times are minimised for emergency services and to ensure services can be readily provided to the area (such as mail delivery).

It is therefore recommended that Road 1009, the Right of Carriageway shown in Attachment 1, be named Nightjar Road.

Attachments

Attachment 1	NSW Addressing User Manual extract (<i>Under Separate Cover</i>)
Attachment 2	Nightjar Road - Extent Map (<i>Under Separate Cover</i>)
Attachment 3	New Road Name - Road 1009 - Submission (<i>Under Separate Cover</i>)
Attachment 4	Submitters Legal Advice 1 (<i>Under Separate Cover</i>) - CONFIDENTIAL
Attachment 5	Submitters Legal Advice 2 (<i>Under Separate Cover</i>) - CONFIDENTIAL

12.9 Road Naming Proposal - Percheron Road - Road 1025 - Durran Durra (Ref: C17190879; Author: Thompson/Edwards)

Summary

This report proposes adopting and gazetting a road name for a currently unnamed Right of Carriageway access which services several properties in Durran Durra and Back Creek.

Recommendation

That Council:

1. **Adopt in principle the name detailed below as the proposed name:**
 - a. **'Percheron Road' for the Right of Carriageway accessed from Nerriga Road and continues South-East through to Back Creek Road. It intersects with Cookanulla Road approximately 2.75km in from Nerriga Road and continues on after that. The road is to be marked as 'Private' and 'No Through Road'.**
 2. **Publish a notice in the NSW Government Gazette.**
 3. **Allocate addresses, install signage and notify residents.**
-

Background

Under the NSW Road Naming Policy, Council is the authority responsible for road naming. In general, unnamed roads are considered confusing and need to be formalised to ensure response times are minimised for emergency services and to ensure services can be readily provided to the area (such as mail delivery).

NSW Road Naming Policy

The NSW Road Naming Policy was adopted by the Geographic Names Board in 2013 and is the basis for standardised and unambiguous road naming procedures across NSW. The policy contains a number of guiding principles to ensure the policy is achieved when naming roads. A copy of the NSW Road Naming Policy can be found at http://www.gnb.nsw.gov.au/road_naming/nsw_road_naming_policy.

Steps Undertaken to Date

The following steps have been undertaken as part of the road naming process:

- Write to affected residents to seek comment regarding potential road names in accordance with the NSW Road Naming Policy,
- Potential names submitted to the Geographic Names Board (GNB) to confirm compliance with the Policy.

12.9 Road Naming Proposal - Percheron Road - Road 1025 - Durran Durra (Ref: C17190879; Author: Thompson/Edwards) (Continued)

Proposed Name

The unnamed Right of Carriageway (Road 1025) is accessed from Nerriga Road and continues south-east through to Back Creek Road. It intersects with Cookanulla Road approximately 2.75km in from Nerriga Road and continues on after that. The location and extent of Road 1025 is shown in Attachment 1.

Percheron Road – Percheron was the name of a large pine plantation/property in the local area. Many of the locals at the time of its operation worked on the property and many people still associate with this area as Percheron.

Submissions Received

Three submissions have been received regarding the road naming proposal and are provided in Attachment 2.

The submissions primarily related to suggesting a variety of alternate names. No substantive reasons were raised as to why Percheron Road should not be adopted.

Feedback from Geographical Names Board

The name has been submitted to GNB for consideration. After submission and assessment, GNB forwards proposed road names to other relevant authorities such as emergency services and Australia Post. No objections from any consulted authority have been received.

Next Steps

Should the recommendation be adopted, the following steps will be under taken:

- Letter sent to affected residents inviting them to attend a Council Meeting to hear the resolution for the road name.
- If adopted, the new road name will go through GNB for gazette.
- Once gazetted, new rural addresses are measure for the residents and all signage is installed. Residents are sent a letter informing them what their new rural address is.
- Installation of a road name sign and allocation of rural addresses

Implications**Asset**

New signage will be required which will become Council assets. Renewal will be required, however on-going maintenance and renewal costs are minimal.

Social / Cultural

The road naming proposal will cause some disruption and inconvenience to local residents as they may have to change their addressing information with a variety of State, Federal and private bodies.

The road naming proposal, however, will have a strong positive impact for residents by clarifying their address and improving emergency response times.

12.9 Road Naming Proposal - Percheron Road - Road 1025 - Durran Durra (Ref: C17190879; Author: Thompson/Edwards) (Continued)

Financial

Financial impact on the Council is minimal. Costs are associated with manufacture and installation of a new road name sign (expected to be in the order of \$250).

Conclusion

As a result of the submissions received and feedback from the GNB, it is recommended that Road 1025, the Right of Carriageway shown in Attachment1, be named Percheron Road.

Attachments

- | | |
|--------------|---|
| Attachment 1 | Road 1025 - Extent Map for Resident Mail out - 28 June 2017 (<i>Under Separate Cover</i>) |
| Attachment 2 | Percheron Road - Road 1025 (<i>Under Separate Cover</i>) |

12.10 Road Naming Proposal - Masters Close - Bungendore (Ref: C17190877; Author: Thompson/Thompson)

Summary

SMEC has lodged a request for the naming of one new road that will be created by a recently approved subdivision. The applicant has submitted two names for consideration. In accordance with Council's Code of Practice for the Naming of Roads and the Geographical Names Boards guidelines for the naming of roads the request is referred to Council for consideration.

Recommendation

That Council:

- 1. Adopt in principle the name 'Masters Close' as the proposed name for the new road created within the subject subdivision subject to concurrence from the Geographical Names Board.**
 - 2. Advertise the name for public comment for 30 days.**
 - 3. Publish a notice in the NSW Government Gazette if no objections are received.**
 - 4. Include on the street sign a commemoration to the individual's contribution to World War 1.**
-

Background

The applicant has requested consideration of two names, in order to select one for the naming of the road which is to be created as part of the subdivision of Lots 1 and 2 DP 1195030.

The subject road as shown in Figure 2 below will run in a north to south direction off King Street.

The applicant requested naming the new road 'Ford Close' after Private Alfred William Ford a World War 1 soldier that is commemorated on the Bungendore Memorial Roll of Honour. However, this name is considered unsuitable as it is also the name of a commercial/business still in use and does not comply with Council's Code of Practice for the Naming of Roads and the Geographical Names Board guidelines for the naming of roads. As such the name "Ford" is not supported.

The second option provided by the applicant is 'Masters Close' after Gunner Albert Harold Masters a World War 1 soldier that is commemorated on the Bungendore Memorial Roll of Honour.

The name Masters references local history and comprises an unambiguous word that is easy to spell and pronounce and is therefore recommended.

12.10 Road Naming Proposal - Masters Close - Bungendore (Ref: C17190877; Author: Thompson/Thompson) (Continued)

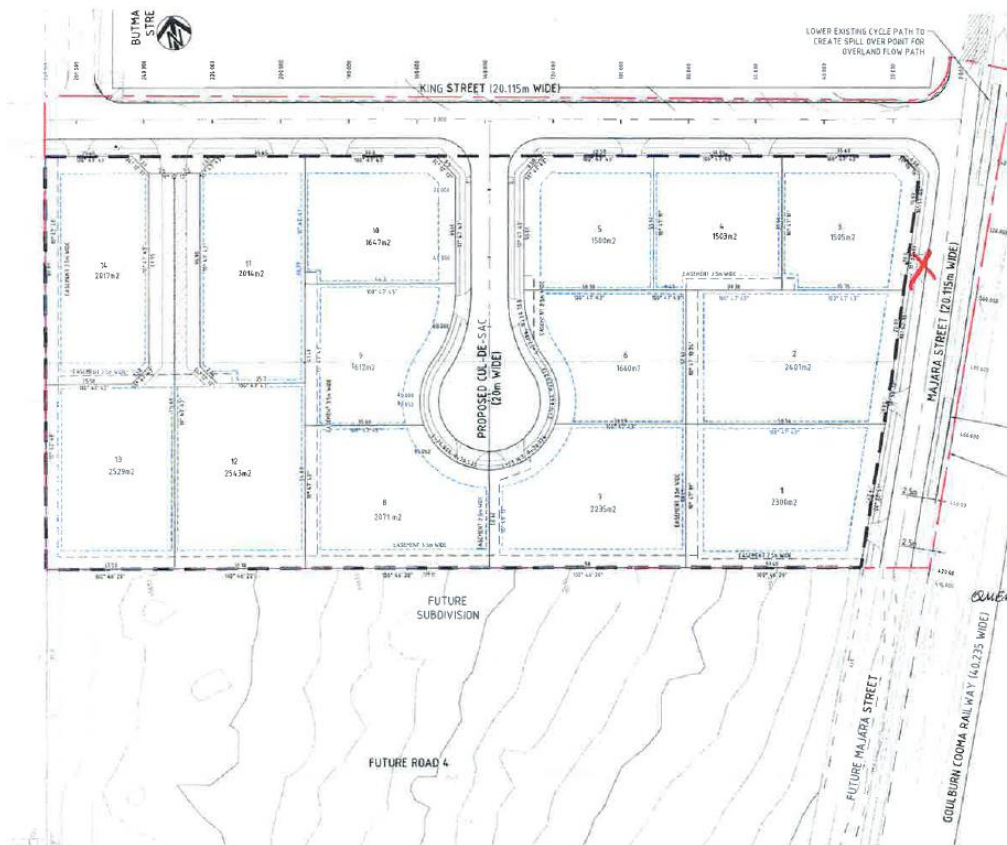


Figure 1 – Location of Proposed Cul-de-sac Requiring a Street Name

12.10 Road Naming Proposal - Masters Close - Bungendore (Ref: C17190877; Author: Thompson/Thompson) (Continued)

Implications***Policy***

The Code of Practice requires the recommended road names to be reported to Council and then advertised for public comment. If supported by Council and the Geographical Names Board and there are no objections received from notifications then the notice will be published in the NSW Government Gazette. If any objections are received then a further report will be put to Council.

Consultation

The proposed name will be exhibited for 30 days for public comment.

Financial

All costs associated with advertising of the road name and supply of road name plates are to be borne by the applicant in accordance with Council's adopted fees and charges and the conditions of the development consent issued for the subdivision.

Conclusion

"Masters" is a unique and interesting name appropriate to local history of the area concerned. It incorporates the use of a local historical name in accordance with Council's Code of Practice for the Naming of Roads and the Geographical Names Board guidelines for the naming of roads.

Attachments

Attachment 1 Proponents Nomination Letter (*Under Separate Cover*)

12.11 Membership of the Audit Committee (Ref: C17180380; Author: Neil/Warne)

Summary

In the preparation for the December meeting of the QPRC Audit, Risk and Improvement Committee, it was noted that one of the External Committee member's tenure had expired on 30 June 2017. It is now proposed that the Council continue this tenure retrospectively from 1 July 2017.

Recommendation

That in respect of the Audit, Risk and Improvement Committee, Council re-appoint Mr Max Shanahan to the Committee retrospective from 1 July 2017 to 30 June 2019 and Dr Croft's tenure also be extended to 30 June 2019.

Background

On 13 July 2016 the Council appointed Mr Andrew Cox, Dr Ken Croft and Mr Max Shanahan as the member of the QPRC Audit Committee. All were previous members of the former Council's Audit Committees (*Cox – Queanbeyan, Croft & Shanahan – Palerang*).

At the first meeting of the Audit Committee on 29 July 2016 the following was adopted.

The Committee:

- *noted that the Chair would also be appointed a member of the Implementation Advisory Group, providing probity advice across the amalgamation implementation plan*
- *resolved that Mr Andrew Cox be appointed Committee chair for a three year period ending on 30 June 2019*
- *resolved that Mr Ken Crofts be appointed as member for a two year period ending 30 June 2018*
- *resolved that Mr Max Shanahan be appointed member for a one year period ending 30 June 2017.*

An information report on the formation of the Audit, Risk and Improvement Committee (*Committee*) and circulating the minutes of the 29 July meeting was presented to the Council meeting on 24 August 2016.

In the preparation for the December 2017 Committee meeting this decision was noticed namely that Mr Shanahan's appointment expired on 30 June 2017.

Since that deadline, there has been Committee meetings in July and August attended by Mr Shanahan. Nevertheless, there were sufficient members present to validate the Committee decisions. The December meeting of the Committee is 5 December 2017, prior to the December Council meeting.

Mr Shanahan is an active member of the Committee with excellent audit experience and general expertise and specialist skills in IT audit standards. His knowledge of the annual statements process is invaluable. He is a valuable resource for the Committee. In addition, he has ably chaired the Carwoola Bushfire Appeal Panel on the Council's behalf.

**12.11 Membership of the Audit Committee (Ref: C17180380; Author: Neil/Warne)
(Continued)**

The Committee is becoming familiar with the operations of the new Council, in addition to broader responsibilities in accordance recent amendments to the *Local Government Act 1993* and stability is seen as important. In discussions with the Chair, it is considered in hindsight that a staggered annual rotation of External Committee members was premature and it would be beneficial to retain the existing trio for the first three years and then examine a staggered annual rotation.

Accordingly, it is suggested that the Mr Shanahan be retrospectively appointed for a further two years and Dr Croft tenure also be extended by one year until 30 June 2019

Implications***Financial***

The payment of fees for Committee members has been allowed in the Council budget and progressively paid. The Budget is \$605 per meeting for the Chair and \$440 for the other external members (annual cost \$5,940).

Conclusion

It is considered appropriate that continuity of the Committee be retained and that the Council re-appoint Mr Shanahan to the Committee retrospective from 1 July 2017 to 30 June 2019 and Dr Croft's tenure also be extended to 30 June 2019.

Attachments

Nil

12.12RFT 07/2018 Schedule of Rates Contract - Gravel Supply and Quarry Materials
(Ref: C17189441; Author: Taylor/Taylor)

Summary

Council is seeking to engage a panel of approved pre-qualified schedule of rate suppliers to supply Gravel and Quarry Materials during the term between 5th February 2018 and 4th February 2021 plus two (2) x twelve (12) month extension. A Panel will be established to cover these products as required for projects and various works. Council will select from the panel depending on the products required and works locations on a case-by-case basis.

Recommendation

That Council form a Plant Hire Panel comprising the following suppliers: (*insert names*)

Supplier 1
Supplier 2
Supplier 3
Supplier 4
Supplier 5
Supplier 6

Background

On 31 October 2017 Local Government Procurement (“LGP”) on behalf of Queanbeyan-Palerang Regional Council (QPRC) issued an Open Request for a Schedule of Rates Contract Tender (RFT) for Gravel Supply and Quarry Materials. The estimate for the total contract, including all extension options is approximately \$8.3 million.

Council requires all or part of the following products from the successful tenderers:

Gravel	DGB20 to RMS Spec. 3051
Gravel	DGS20 to RMS Spec. 3051
Plant Mixed Heavily Bound Pavement Course	To RMS Spec 3051
Select Material	To RMS Spec. 3071
Supply of Sealing Aggregate 5mm, 7mm, 10mm, 14mm	To RMS Spec. 5151
Supply of Drainage Aggregate 20mm	To RMS Spec. 3580
Material to AS2758-2009	Supply of Sand
	Supply of 100-150mm Gabion Rock
	Supply of 300-600mm Gabion Rock

**12.12RFT 07/2018 Schedule of Rates Contract - Gravel Supply and Quarry Materials
(Ref: C17189441; Author: Taylor/Taylor) (Continued)**

ARRB Unsealed Roads Manual	Supply of Suitable Unsealed Road Resheet Material
	Supply of Suitable Unsealed Road Resheet Material (Decomposed Granite)
Other Materials	Supply of Clean Topsoil
Delivery per tonne and per cubic M	Per km within the QPRC LGA

The scope of work assigned to Local Government Procurement (LGP) was to prepare RFT documentation, establish tender evaluation criteria in Tenderlink (if online submission), facilitate the Tenderlink forum and issue addendums (if required). LGP chaired the evaluation panel, arranged reference checks and financial assessments for Council review. LGP has prepared this report and recommendation for QPRC to consider.

The RFT documents were published on QPRC Tenderlink e-tendering web portal. Respondents were asked to lodge their responses electronically (preferred method) via this portal or by submitting a hardcopy in the Tender Box located at 256 Crawford Street Queanbeyan.

The RFT was advertised as follows:

- a) Sydney Morning Herald – 31/10/2017
- b) The Canberra Times – 31/10/2017
- c) The Braidwood Times – 1/11/2017
- d) QPRC Tenderlink – www.tenderlink.com/qprc

In total fifteen (15) organisations downloaded the RFT documents from the Tenderlink portal. No submissions were received via the Tender Box.

Submissions were received from six (6) respondents.

Value for Money

The price basis for the contract is a best value for money for Council.

Value for money is a comprehensive assessment that takes into account both cost represented by the assessment of price and value represented by technical assessment in the context of the risk profile presented by each Tender.

To identify best value for money requires the TEC to take into account all relevant risks, benefits and costs over the life of the procurement cycle.

All submissions were supplied by potential tenderers as a schedule of rates for against the products required and estimated quantities. Price held 50% weighting of the qualitative criteria.

Compliance Criteria

Evaluation and Probity Plan for the contract outlined compliance was based on the following:

- Tenderer details

**12.12RFT 07/2018 Schedule of Rates Contract - Gravel Supply and Quarry Materials
(Ref: C17189441; Author: Taylor/Taylor) (Continued)**

- Conditions of participation
- Statement of compliance
- Statement of Conflict of Interest and Fair Dealing
- Work, Health and Safety Policies and Management and SWMS
- Insurance Requirements
- Referees
- Departures, clarifications, assumptions (PART N – Compliance to contract and PART O- Conformance to specifications)
- Financials – Rates per product.
- Quality Management Systems (QMS)

Qualitative Criteria

The qualitative criteria assessment was carried out by the Evaluation committee week 21 -24 November 2017 with the Committee scoring the tenders according to the evaluation matrix.

All tenderers were assessed against the qualitative selection criteria and importance weightings. Specific criteria were weighted according to their importance as perceived and agreed by the Evaluation Panel.

Criteria	Weighting
Demonstrated Capacity and Capability	25%
Relevant Industry Experience	15%
Local Content	10%
Price	50%
Total Weightings	100%

Evaluation

All responses to the RFT were evaluated based on relevance to the Selection Criteria, evaluation methodology and level of information required to be provided as part of the online requirement.

An initial compliance check was conducted by Local Government Procurement on 20th November 2017 to identify submissions that were non-conforming.

The short listed tenders were then processed through to qualitative criteria assessment.

No Probity issues were identified.

**12.12RFT 07/2018 Schedule of Rates Contract - Gravel Supply and Quarry Materials
(Ref: C17189441; Author: Taylor/Taylor) (Continued)**

The short-list of six (6) tenderers was identified.

Implications***Policy***

The Tender was prepared and performed against QPRC Procurement Policy.

Economic

Local Economic Benefit requests suppliers to nominate what benefits this engagement will produce back into the economy of the Local Government Area. A weighting of 10% was placed as part of the assessment of the Tender Qualitative Criteria.

Conclusion

It is of the committee's view that based on the evaluation, the submission from the six (6) tenderers are the most advantageous and represent the best value for money for the Council. Therefore the evaluation panel recommends that the tenderers listed in the Confidential Evaluation Report are accepted to form a panel of contractors to supply Gravel and Quarry Materials to Queanbeyan-Palerang Regional Council:

Attachments

Attachment 1 Recommendation Report - Gravel Supply and Quarry Materials (*Under Separate Cover*) - **CONFIDENTIAL**

12.13 Tender Evaluation Report, Sports Field Lighting for Seiffert Oval, Riverside Oval and Braidwood Recreation Ground (Ref: C17184500; Author: Thompson/Sibbick)

Summary

As part of Council's current capital works program, funding has been allocated for Seiffert Oval and Riverside Oval lights upgrade. Further Council resolved to seek grant funding for Braidwood Recreation Area lights upgrade. Tenders were called for the upgrade of lighting at the three locations, with Braidwood being subject to successful grant application. This report recommends the awarding of a contract to the successful tenderer for this sports field lighting work

Recommendation

That Council:

- 1. Award Tender 06/2018 to Tenderer number 2 <name to be inserted> in the amount of <insert tender amount> for the Seiffert Oval and Riverside Oval lighting upgrades for a total project cost of \$430,000.**
 - 2. Award Tender 06/2018 to Tenderer number 2 <name to be inserted> in the amount of <insert tender amount> for the Braidwood Recreation Ground lighting upgrade upon receipt of confirmation of funding from the Stronger Countries Community Fund, for a total project cost of \$380,000.**
-

Background

Council recently adopted the Sports Facilities Strategic Plan, which was developed in consultation with the wider sporting community. This strategy contains various recommendations for continuing improvements to sports facilities throughout the LGA, and includes the proposed upgrade of flood lighting. As all three sites were estimated above the \$150,000 legislative threshold, tenders were sought for all three projects combined in the one tender, with Braidwood as a separable portion pending the grant application.

The work tendered involves design, supply, installation and commissioning of LED floodlighting to the three (3) sportsgrounds under Tender No. 06/2018. The contract includes the provision of all plant, labour and materials required to carry out the works.

The three (3) sites and 'lux' lighting levels including in the specification are:

1. Seiffert Oval 500 lux
2. Riverside Oval 200 lux
3. Braidwood Recreation Ground 200 lux

Industry minimum safety standards for semi-professional night games is 200 lux and 500 lux for professional games, although some codes request variations to these levels. The NRL minimum standard lighting of 1400 lux is to accommodate super slow motion (SSM) replay and meet telecasting contracts, not player safety.

At the close of Tenders, five (5) submissions were received. The Tender assessment weightings were structured to ensure that tender capability (50%) and risk (30%) were considered in addition to price (20%). All tenders scored well and would be capable of undertaking the contract.

12.13 Tender Evaluation Report, Sports Field Lighting for Seiffert Oval, Riverside Oval and Braidwood Recreation Ground (Ref: C17184500; Author: Thompson/Sibbick) (Continued)

A full tender report is attached for consideration by Council. The Tender Panel considered that the tenderer that best satisfied the selection criteria was found to be tenderer number 2, with a total weighted scoring as follows:

- Seiffert Oval - 75.7/100
- Riverside Oval - 77/100
- Braidwood Rec. Ground - 75.7/100

Site specific detail and background for each of the sports fields included in this tender is expanded below.

Seiffert Oval

Current on-field lighting at Seiffert Oval ranges from 40 lux at the north to 100 lux at the south. The proposed upgrade will provide an even 500 lux across the field of play, without the need to replace towers or increase power supply.

The Sports Facilities Strategic Plan and Seiffert Oval Plan of Management have identified lighting upgrades to support and attract additional use of the Seiffert Oval playing field. The upgrade will provide the required professional standard lighting to attract high profile professional games, including Canberra Raiders trials, Brumbies trial games and potentially W League games.

NRL minimum lighting for telecast games require lighting at a lux level of 1400, for SSM. The cost to implement this level of lighting, which would require power upgrade and new lighting towers, is estimated to be in excess of \$2,000,000 and is uneconomical for the number of times lighting to this level would be required, over the lamp life of 20 years. NRL minimum standards also require significant expenditure for 15,000 numbered seats and media facilities. Staff investigated how towns, including Mudgee, Bathurst and Wagga Wagga, meet these requirements. In each case a base level of lighting is provided and temporary additional lighting is brought in or daylight games are scheduled.



Figure 1: Aerial view – Seiffert Oval

12.13 Tender Evaluation Report, Sports Field Lighting for Seiffert Oval, Riverside Oval and Braidwood Recreation Ground (Ref: C17184500; Author: Thompson/Sibbick) (Continued)***Riverside Oval***

Current lighting at Riverside Oval is 100 lux and was designed to meet training standards. However, both clubs using this facility agreed not to train onsite, keeping the field for Premier and Capital League games. The upgrade of the lighting to 200 lux will enable either club to play semi-professional night games, to make up lost weekend games during wet weather.

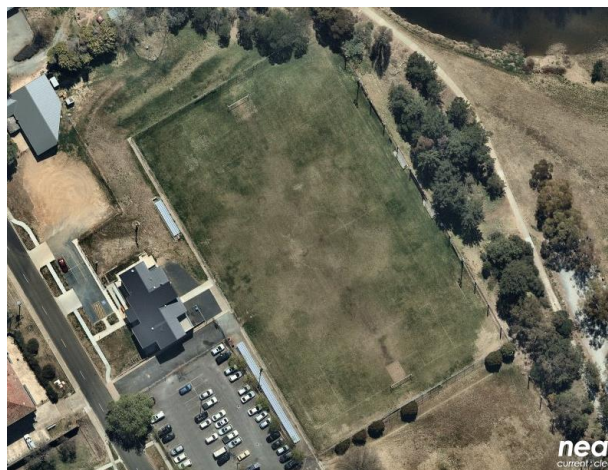


Figure 2: Aerial view – Riverside Oval

Braidwood Recreation Ground

The upgrade to lighting at the Braidwood Recreation Ground resulted from requests by the sports clubs playing and training on these fields. The current lighting is sufficient for training only but does not cover both fields evenly. Due to number of clubs training concurrently, and competing for light, it is considered lighting on both fields would be beneficial to all clubs using the sports grounds. The lighting design has also taken into account the larger fields to be extended in stage two and will provide an even 200 lux of light, without restricting future improvements. Council has applied for \$380K (ex GST) to the Stronger Country Communities Fund for this project with funding confirmation expected by mid-December 2017. Council should not issue the contract until awarding of the grant has been confirmed. This information was provided to prospective tenderers at the time of tender advertisement.



Figure 3: Aerial view - Braidwood Recreation Ground

12.13 Tender Evaluation Report, Sports Field Lighting for Seiffert Oval, Riverside Oval and Braidwood Recreation Ground (Ref: C17184500; Author: Thompson/Sibbick) (Continued)

Implications***Legal***

This tender was carried out in accordance with the *Local Government Act 1993* (Section 55) and regulations

Policy

Applicable policies include:

- Queanbeyan-Palerang Regional Council Procurement Policy
- Queanbeyan-Palerang Regional Council Procurement Procedure Part 1 Governance (DRAFT)

Sustainability

This new sports field lighting has required tenderers to provide prices, designs and plans to implement LED lighting for Council's sports fields. LED has been proven to be a more cost efficient and energy efficient method of lighting.

Social / Cultural

The implementation or upgrade of sports field lighting on all three (3) fields will have numerous social and sporting cultural benefits to residents of Queanbeyan and Braidwood.

The lighting upgrade to Riverside Oval will enable semi-professional night games to be played on this Oval that previously only accommodated training.

The lighting upgrade to Seiffert Oval will enable high profile visitor games to be played at night. Enabling games of this nature at local sports fields encourages interest and participation in sport at a local level.

Currently various sporting groups utilise the Braidwood Recreation Ground, including junior soccer, junior and senior rugby league and rugby union. Other uses include the BMX track by local youth and those utilising the Braidwood Community Life Centre. Increasing the lighting at the Braidwood Recreation Ground across the two full sized fields will enable night games to be played in Braidwood and will eventuate in an increase in sports interest and participation in the local area..

Economic

Increasing or upgrading the lighting to these sports fields will encourage a greater use of each of these venues, thereby increasing opportunities for each of the sporting communities to encourage greater number of players and spectators to these venues.

Engagement

Lighting on each of these sports fields has come about as a result of community consultation. Lighting upgrades are included in the Sporting Facilities Strategic Plan that generated much interest and discussion through the community engagement period in 2016.

12.13 Tender Evaluation Report, Sports Field Lighting for Seiffert Oval, Riverside Oval and Braidwood Recreation Ground (Ref: C17184500; Author: Thompson/Sibbick) (Continued)

Financial

Allocation of funding has been provided from a number of sources to implement the lighting projects to the three (3) sports fields:

1. *Seiffert Oval*: \$200k from the Stronger Communities \$9M Fund, Project number: 100690. The recommended tender amount was \$273,400 (ex GST), creating a shortfall of \$73,400. The Seiffert Oval Spectator Entrance Project has a budget of \$200k, from the Stronger Communities \$9M Fund, of which approximately \$100k has been expended or committed. It is anticipated to have a surplus of funds which can be transferred to the lighting project.
2. *Riverside Oval*: \$175k from SRV for Riverside Oval, Project Number 100731. The recommended tender amount is \$140,024. A contingency of approximately 10% will be added to the project budget, therefore total project budget being \$155K.

It is proposed that the surplus funds be used to cover the short fall in Seiffert Lighting and this adjustment be included, for Council's consideration, in the second quarter review.

3. *Braidwood Recreation Ground*: Council currently has an application pending for \$380k from the Stronger Country Communities Fund, due to be confirmed in mid-December 2017. This project was included in the Tender documents as a separable portion, subject to funding. The recommended tender amount is \$315,787. The balance to the grant funds are to be spent on the Braidwood Recreation Area improvements associated with this lighting project.

Resources (including staff)

Council's Urban Landscapes section project management staff will be responsible for managing this tender, the contract and the project, to implement the lighting projects to all three (3) sports fields.

Integrated Plan

The lighting projects for Seiffert Oval and Riverside Oval are contained within the Urban Landscapes Major Projects section of the 2017-2018 Operational Plan. The lighting upgrade for the Braidwood Recreation Ground is subject to confirmed grant funding and was authorised by Council resolution requesting the General Manager to seek grant funding.

All three projects are included in the Sports Facilities Strategic Plan.

Conclusion

The tenderer that best satisfied the selection criteria was found to be tenderer number 2 for all three (3) lighting upgrade projects. It is recommended that tenderer 2 be awarded the lighting upgrade contracts for Seiffert and Riverside Ovals. It is recommended that tenderer 2 be awarded the lighting upgrade contract for Braidwood Recreation Ground when grant funding has been confirmed.

Attachments

- | | |
|--------------|--|
| Attachment 1 | 06-2018 Signed Tender Evaluation Report (<i>Under Separate Cover</i>) -
CONFIDENTIAL |
|--------------|--|

12.14 Staff Report on the QPRC Annual Arts Trail Event (Ref: C17180632; Author: Richards/Perri)

Summary

The QPRC Arts Trail is an annual community arts event centred on the promotion and support of artists and galleries in the Queanbeyan-Palerang region. As the event has grown experientially this year to include 34 participating venues, the event was extended from one to two days on the weekend of the 21 and 22 October.

Recommendation

That Council:

1. **Acknowledge the Arts Trail event as a significant annual community arts event that attracts hundreds of visitors to the region, whilst supporting and promoting the regions visual artists and galleries.**
 2. **Consider the annual allocation of \$10,000 budget to Cultural Development to allow the now larger annual QPRC Arts Trail event to continue to be appropriately promoted and marketed.**
-

Background

For over ten years, Queanbeyan City Council presented the annual Arts Trail event, a day to highlight and promote the large array of artists and makers who call Queanbeyan home. In 2017 due to the now larger local government area, the event extended to include artists located in Captain's Flat, Bungendore, Burra, Carwoola, Fernleigh Park, Bywong, Googong, Braidwood and surrounds. Owing to the larger geographic area and the distances involved, the event, this year it increased from a one day, to a two day whole weekend event. Visitors were encouraged to 'Choose their own adventure' and create their own trail, taking two leisurely days to visit the studios that interested them, take their time and make a weekend of it by stopping for a coffee, a meal and discovering all the Queanbeyan-Palerang region has to offer.

The Arts Trail event allows visitors to take a sneak peek into where and how artists work, how a gallery operates, discovering new techniques, watching demonstrations, and adding to their collection by purchasing a unique piece direct from the maker if they wish. The event is now a firm fixture on the regions arts and culture calendar, and is much anticipated by the community.

Implications

Social / Cultural

The Arts Trail event has grown experientially over the past 11 years of operation, with 34 venues participating this year, up from a typical 12 when operating only in Queanbeyan. The now larger event aligns with the QPRC Tourism Plan 2017 – 2025 Signature Experiences Strategic Theme #1 *'Meet the Makers – Artists and Artisans Trial'*

12.14 Staff Report on the QPRC Annual Arts Trail Event (Ref: C17180632; Author: Richards/Perri) (Continued)

Economic

This year's marketing of the Arts Trail event encouraged visitors to explore the region, to stop for a counter lunch at one of our many pubs, or take a break at a village café. We were marketing a weekend long experience, where you could not only visit creative spaces, but discover all the other great experiences our towns and villages have to offer. This approach could be strengthened in years to come through partnerships with local cafes, restaurants, wineries, producers, etc.

Engagement

This year the Arts Trail promoted 34 venues, most open 10am – 4pm both Saturday and Sunday, 1,777 visitors viewed our online map, and 324 people followed our Face Book events page. 25 participants responded to an online survey for the event, a sample of comments received below:

What did you like about participating in the event?

“Interested ‘arts’ people on the Trail showing genuine love and interest in the arts. Also it was good for us as we’re in a lane off the main street so it felt like the Arts Trail helped put us on the map.”

“The huge number of visitors and the proactive support from QPRC.”

“Direct contact with an enthusiastic and well informed public. Visitors were well prepared (i.e. familiar with offerings from booklet, newspaper) open to variety and new experience and genuinely interested in making multiple stops on the trail.”

“Having participated in the trail for a number of years, I can confirm my appreciation for and commitment to the event. This was my best year yet with probably triple the sales than in previous years and a much steadier flow of visitors, including from over the border -anymore visitors and I would have been overwhelmed! Everyone I met loved the trail and had already, or were intending to visit more studios. Overall, great job team! Thank you for all your efforts to make the 2017 Arts Trail such a roaring success. It could not have gone better. Cheers!”

Financial

Due to the increase in participating venues and artists, approximately \$9,500 was spent to promote the much larger and longer event. Costs included the purchase of a reusable road banner, event signage, marketing including a brochure, radio and print advertising.

Program Code	Expense Type	Funding source	Amount
3020	Marketing – events, exhibitions, receptions and festivals	Cultural Development	\$9,500

12.14 Staff Report on the QPRC Annual Arts Trail Event (Ref: C17180632; Author: Richards/Perri) (Continued)

Conclusion

The annual QPRC Arts Trail is a highly anticipated community arts event. The appeal is large, and attracts strong visitor numbers from Canberra, the South Coast, the Snowy Mountains and the QPRC region. This event has the scope to grow into a much larger experience in partnering and cross promoting local restaurants, cafes, wineries, etc. To remain successful and continue the support of our local galleries and artists, Council needs to commit to an annual budget for this event.

Attachments

Nil

12.15 Queen Elizabeth Park II Amphitheatre Steps Design Competition (Ref: C17181297; Author: Richards/Perri)

Summary

The re-launched Queen Elizabeth II Park (QEII Park) is perfectly placed to take advantage of the city's unique natural asset, the Queanbeyan River. The Parks amphitheatre takes centre stage and is utilised for concerts and performances, including the Canberra Symphony Concert earlier this year and the forthcoming QPRC Queanbeyan Community Christmas Party. During the construction phase, recesses were cast into the underside of the amphitheatre steps to allow for inclusion of artwork/design at a later stage. It was intended that the recesses would be used for a public artwork that would enhance the site and be highly visible from the Queen's Bridge and the other side of the river.

Recommendation

That Council:

- 1. Support the promotion of a community wide design competition to inform a new public artwork to be painted onto the underside of the QEII Parks amphitheatre steps.**
 - 2. Endorse the Cultural Development and Public Art Advisory Panel to access and shortlist the submitted designs, with the shortlisted concepts going out on public exhibit for the community to vote for their favourite design.**
-

Background

QEII Park was re-launched on 3 December 2016. The multi-million dollar upgrade included manicured lawns, a new playground, a water play area, upgraded amenities including BBQ's, toilets, seats and bins. A Ping-Pong table painted by a local artist was a gift from the contractor, and a community designed mosaic 'Respect' mural has been installed. The park has proved extremely popular with the community over the last year, with Council recently installing large shade sails over the playground much to the community's delight.

The proposed concept is an 'Amphitheatre Steps Design Competition' to further add to the vibrancy and appearance of the park. The project would invite artists, designers and members of the community to submit a design that would inform an artwork to be installed on the amphitheatre recesses; most likely hand painted onsite by a professional painter.

Project design guidelines:

1. A design that enhances the site and 'sits' comfortably in the space and environment
2. A design whose subject matter considers the surrounds of the river, park, etc.
3. A design that considers the future use of the amphitheatre space for a wide variety of community, cultural and arts events and activities.
4. A design that has wide community appeal.

12.15 Queen Elizabeth Park II Amphitheatre Steps Design Competition (Ref: C17181297; Author: Richards/Perri) (Continued)

The submitted designs would be accessed and shortlisted by Council's Cultural Development and Public Art Advisory Panel. The short-listed designs would then go to public exhibition for the local community to vote for their favourite design. The winning design will inform a permanent art installation on the amphitheatre steps.

Implications

Asset

The site would be prepared and sealed to accept exterior paint, with the selected design applied using the correct exterior products, with a final layer of anti-graffiti coating. It is not expected that the design will require an ongoing maintenance.

Financial

A \$20,000 budget is available in the Cultural Development cost centre that has been earmarked for public art projects.

Program Code	Expense Type	Funding source	Amount
3020	63138	Cultural Development budget – Contracts Other	\$20,000

Conclusion

The inclusion of a vibrant, site specific artwork on the amphitheatre steps at QEII Park would further enhance our wonderful community space on the city's river front. Inviting the community to one, have the opportunity to submit a design and two, cast their vote on the shortlisted designs, will result in connection, ownership and civic pride in the process and the outcome.

Attachments

Attachment 1 QEII Park Amphitheatre Design documents (*Under Separate Cover*)

12.16 Shakespeare in the Park (Ref: C17190376; Author: Richards/Richards)

Summary

Staging Shakespeare in the Park as a free community event is a growing trend across the world. QPRC has the opportunity to present a professional production of *Much Ado About Nothing* as an extension of a Canberra season. The event will cost \$7000 as a contribution to professional lighting and sound. The enthusiastic response to the Canberra Symphony Orchestra concert earlier in 2017 offers an indication of the community appetite for cultural productions.

The presentation of this unique event in a public, community friendly space outside the confines of a typical theatre setting, allows for people from all walks of life the opportunity to 'taste' a live performance in the comfort of a non-threatening environment.

Recommendation

That Council:

- 1. Approve the staging of Shakespeare in the Park on 17 February 2018 as a free community cultural event.**
 - 2. Approve the budget of \$7,000 as a contribution to professional lighting and sound.**
-

Background

Free performances of Shakespeare in the Park have had a long history in cities around the world. In an age where theatre tickets can be prohibitively expensive, this is a way of returning culture to the community and making it accessible to everyone. Shakespeare's plays have remained consistently contemporaneous and relevant.

In 2018, a group of professional actors will be performing one of Shakespeare's best comedies *Much Ado About Nothing* in three free performances in Canberra's parks. They have offered to perform in Queanbeyan as an extension to this program. It will bring people together throughout the region for a high quality cultural experience which does not rely on their ability to pay. The opportunity coincides with the 10th birthday of the Q Centre for Performing Arts. Whilst not the primary purpose of staging the play, it can be marketed as a performing arts gift to the community.

This unique cultural-arts event will allow the wider Queanbeyan-Palerang community to access world-class live theatre in their own backyard. Presenting the event in a community space such as the Queanbeyan Park stage or the Queanbeyan River amphitheatre will permit a diverse demographic to experience the performance; some of whom may not ordinarily have the opportunity to attend a theatre-like event. The presentation of this unique event in a public, community friendly space outside the confines of a typical theatre setting, allows for people from all walks of life the opportunity to 'taste' a live performance in the comfort of a non-threatening environment.

Implications

Social / Cultural

Diverse arts and cultural activities are an important contribution to the liveliness and vitality of a community. The arts provide benefits that extend beyond individual enjoyment and personal enrichment, to include exposure to new perspectives and stronger social bonds. This free,

**12.16 Shakespeare in the Park (Ref: C17190376; Author: Richards/Richards)
(Continued)**

inclusive event will allow everyone to experience live professional theatre. For some people it will be their first introduction to theatre and for others, their only opportunity to experience theatre.

Financial

The cost of the event will be \$7,000. This is to enable high quality sound and light equipment to support the professional production.

Resources (including staff)

QPRC resources required will be minimal. The events team will support the event with the usual community marketing and social media promotion and possibly the organisation of food and beverage suppliers. There will be no formal set up costs however some clean up resources may be required following the event. All technical and other equipment will be brought in and operated by the theatre company.

Integrated Plan

The proposed 'Shakespeare in the Park' concept aligns itself with QPRC's Draft Community Strategic Plan 2018-2028, Strategic Pillar 1 'Community', Key Goal 1.1 '*We build on and strengthen our community cultural life and heritage*'.

This is expanded in the Community Strategy – Service Objective '*Develop the cultural capacity of the community through the availability and participation in arts, performance and cultural gatherings, events and exhibitions in the Queanbeyan-Palerang region*'.

Conclusion

This is a unique opportunity to present live professional theatre to the people of Queanbeyan-Palerang as a free community event. It is supported by our Community Strategic Plan and has an overall low impact on Council resources for a high community impact. It coincidentally occurs at the time of the 10th birthday of the Q Centre for Performing Arts and therefore offers the opportunity to bring theatre to a higher proportion of our people as a gift to the community.

Attachments

Nil

12.17 Proposed Relationship with Icon Water (Ref: C17187408; Author: Hansen/Cox)

Summary

After several years of preliminary investigations, Council adopted the Queanbeyan Sewage Treatment Plant (QSTP) Masterplan in March 2017 to upgrade or replace the plant to accommodate growth and contemporary environmental standards. During that period, Council also explored with the ACT Government, NCA and Icon Water a 'best for region' approach in late 2015 to consolidate the treatment of effluent from the Queanbeyan and Fyshwick plants and improve the flows and quality of water entering the Molonglo River for QSTP and ultimately Lake Burley Griffin. That approach was supported in the endorsed Upper Murrumbidgee Catchment Strategy. Accordingly, the Masterplan reflected the opportunity to design and construct a 60000 EP plant (for Queanbeyan) or a 90000 EP plant (best for region).

Council and Icon Water are continuing discussions about that Best for Region (BFR) approach for sewerage services. The intention is to collaborate with Icon Water to progress the investigation and design of a new BFR Sewage Treatment Plant (STP) that will replace the current Queanbeyan STP. The BFR approach will mean that the proposed new Queanbeyan STP will accommodate flows from Queanbeyan as well as areas served by the Fyshwick STP and possibly other areas in both the Queanbeyan-Palerang Local Government Area and the ACT that may be developed in the future.

To establish that relationship, some terms of governance have been proposed.

Recommendation

That Council:

- 1. Explore a jointly-procured and operated Queanbeyan sewage treatment plant with Icon Water.**
 - 2. Form an initial relationship with Icon Water for the Best for Region project, in accepting the governance and financial terms as detailed in the letter attached to this report.**
 - 3. Proceed to tender to prepare a Concept Design for the Queanbeyan Sewage Treatment Plant that includes a Best for Region solution.**
 - 4. Provide a further report to Council at the conclusion of this work.**
-

Background

The NSW Public Works Department first constructed the Queanbeyan STP in the mid-1930s. Since that date, Council has upgraded the Queanbeyan STP on a number of occasions, with the latest upgrade being in the mid-1980s. Over its life of about eighty-five years, the Queanbeyan STP has given excellent service. However, in recent times the Queanbeyan STP is becoming more difficult to maintain and operate within licence conditions due to population growth and plant age. The Queanbeyan STP is reaching the end of its effective service life. In view of this, Council has commenced a project to replace the existing Queanbeyan STP.

The project consists of the planning, design, and construction of sewage collection, treatment, and disposal facilities to provide sufficient capacity to address Queanbeyan's immediate

**12.17 Proposed Relationship with Icon Water (Ref: C17187408; Author: Hansen/Cox)
(Continued)**

needs and growth, as well as sewage flows transferred from Fyshwick STP. Council and Icon Water are seeking to take a broader regional approach and have commenced discussions regarding a “Best for Region” approach and solution for the new STP.

A Best for Region approach will ensure that the designs are consistent with the servicing needs of the Queanbeyan / Fyshwick region. This approach will also provide improved service efficiency, fewer resources needs, better economics, improved water quality, and efficient environmental management by developing one robust operational strategy for sewerage services.

Implications***Legal***

To progress the BFR approach it is suggested Council and Icon Water formalise the relationship between the two entities. Icon Water has provided Council with a letter proposing out the key terms for Council consideration. These terms would apply to the conduct of the Concept Design Phase (Phase 1) of the BFR project. Once this phase is complete, Council and Icon Water will need to agree on further terms and delivery options if it is determined by both parties to proceed to a BFR solution.

The scope of the Concept Design work includes the development of at least two options. One that is a standalone solution for Queanbeyan (a 60,000 EP Plant) and one that is a BFR solution (a 90,000 EP Plant).

The concept design work will also investigate options around the delivery and eventual operation of the new STP. Investigations will include cost sharing for the delivery of the project along with any legal arrangements and licence responsibilities that may be associated with a jointly procured and operated sewage treatment plant.

It is anticipated that a further Memorandum of Understanding will be prepared that details any relationship between Council and Icon Water as this project proceeds.

Policy

Council adopted the Masterplan for Sewage Treatment Plant Development at the meeting of 8 March 2017 (PLA 021/17). The Masterplan anticipates a large sewage treatment plant on the present site to meet the needs of Queanbeyan and other regional areas.

A probity framework has been established between Council and Icon, and a project framework has been drafted to guide the role of the relevant parties and gateways as the project proceeds. The attached letter outlines the proposed governance and financial relationship.

Environmental

In April 2012, the ACT Office of the Commissioner for Sustainability and the Environment produced a report on the state of the watercourses and catchments for Lake Burley Griffin. The report included a number of recommendations including the following:

Recommendation 13: The ACT Environment Protection Authority review and update the Environmental Authorisation number 0417 for sewage treatment within the Queanbeyan City Council Sewage Treatment Plant to ensure that the treatment process results in discharge quality that matches contemporary best practice for a modern, urban sewerage treatment

**12.17 Proposed Relationship with Icon Water (Ref: C17187408; Author: Hansen/Cox)
(Continued)**

plant. In line with this, the QCCSTWP should continually review and improve its mitigating practises for inundation and washout events at the treatment plant.

Council is reviewing the current licence to meet some proposed changes due to be imposed by the ACT EPA, however the current plant is unable to meet modern discharge quality requirements without significant upgrading.

The discharge and operating conditions of a new STP are heavily regulated by ACT EPA, NSW EPA and DPI Crown Lands and Water. The plant will be designed to meet the requirements of these regulators. DPI Crown Lands and Water are aware of the project and potential collaboration with Icon.

Financial

The QSTP project is anticipated to cost over \$100m. That cost may be shared, with the connecting and pumping costs to the plant from Council and Icon ultimately borne by each party. The mix of funding Council has available is reserves, debt and grant, the portions of which will not be known until the project concludes the detailed design and applications for grants are lodged in conjunction with the finalisation of the IWCMP.

The portion of funding between the parties would be subject to further reports to Council and agreements on a procurement and operational model.

It is proposed to share the cost of completing the Phase 1 (concept design) work between Council and Icon Water as outlined in the attached letter. The cost of the Phase 1 work will be reported to Council once tenders have been received. Council's share of the concept design and related works is funded from reserves as outlined in the Operational Plan.

Attachments

Attachment 1 Letter from John Knox (*Under Separate Cover*)

12.18 Investment Report - November 2017 (Ref: C17188485; Author: Taylor/Drayton)

Summary

In accordance with the *Local Government (General) Regulation 2005*, the Investment Report is to be presented to Council on a monthly basis.

This report presents the investment result for November 2017.

Due to timing constraints, not all financial information was available to Council at the time of preparation of this report.

Recommendation

That Council:

- 1. Note the investment income for November 2017 was \$560,367 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2017/18 Financial Year to \$2,383,242 which is \$609,464 above the year to date budget within the Operational Plan.**
 - 2. Note the investment portfolio has been made in accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*.**
 - 3. Adopt the Investment Report for the month of November 2017.**
-

Background

Cash and Cash Equivalent Investments

The principal amount invested as at 30 November 2017 was \$163,562,882.

Refer to Attachment 1 for the following supporting information:

- 1 Actual return against budget;
- 2 Investment portfolio return against the benchmark AusBond Bank Bill Index (BBI);
- 3 Listing of Council's Cash and Cash Equivalent Investments;
- 4 Strategic placement limits for individual institutions or counterparties;
- 5 Placement with individual institutions as a percentage of Council's total portfolio;
- 6 Market values of Council's tradeable investments;
- 7 Budgeted interest allocation by Entity.

Implications

Policy

I hereby certify that Queanbeyan-Palerang Regional Council investments listed in Table 1 attached to this report have been made in accordance with section 625 of the *Local Government Act 1993*, and clause 212 of the *Local Government General Regulations 2005*. During May 2017, Queanbeyan-Palerang Regional Council became noncompliant with its investment policy due to an overexposure to the Bank of Queensland counterparty. Refer below for further details.

Shane Taylor
Chief Financial Officer

**12.18 Investment Report - November 2017 (Ref: C17188485; Author: Taylor/Drayton)
(Continued)**

On 22 May 2017, ratings agency Standard & Poor's announced a downgrade of the senior long-term ratings of 23 Australian financial institutions including Bank of Queensland (BOQ).

Council's Policy states:

"The portfolio credit guidelines to be adopted will reference the Standard & Poor's (S&P) ratings system criteria and format – however, references to the Minister's order also recognised Moody's and Fitch ratings and any of the three ratings may be used where available."

"Standard and Poor's ratings attributed to each individual institution will be used to determine maximum holdings. In the event of a disagreement between agencies as to the rating band ("split ratings") Council shall use the higher in assessing compliance with portfolio limits, but for conservatism shall apply the lower in assessing new purchases."

So, based on the lower-of ratings, which constrain new investment, Council's current position is as follows:

Council is now again compliant with its 'BBB' and 'Non-Rated' Australian Deposit-taking Institution (ADI) target of 40% aggregate previously exceeded when the ADI downgrades were imposed in May 2017.

Council's overweight position with BOQ after downgrades, will reduce by the end of 2017, but will not be fully released until late 2018. This will halt new investment with BOQ.

Financial

Investment income for the 2017/18 Financial Year as at 30 November 2017 amounts to \$2,383,242. This return was \$609,464 above the revised year to date budget. The investment returns are primarily added to restricted funds (ie development contributions) that form the bulk of the investments.

Refer to Attachment 1 - Graph 1 and Table 5.

Council's investment portfolio had another strong month, with return dominated by the recently placed allocation in the NSW Treasury Corp Long Term Growth Fund. As this Fund has a high proportion of growth assets (around 70%) to defensive assets, returns are volatile with the potential of negative returns so should be viewed as a long-term holding.

Attachments

Attachment 1 Investment Report - November 2017 - Attachment 1 - 13 December 2017
(Under Separate Cover)

12.19 Endorsement of Community Strategic Plan 2018-2028 (Ref: C17189914; Author: Tegart/Spyve)

Summary

Council is required to develop a new suite of Integrated Plans following its election. The Community Strategic Plan is the peak corporate plan which sets out the community's vision and long term aspirations. Community engagement for the development of the plan was undertaken over the period August 2016 – March 2017. The draft plan was placed on public exhibition at the October 25 Council meeting with submissions closing on 1 December. Council received a strong public response to the document with a total of 76 submissions received during the exhibition period. These have now been integrated in to the plan which now requires Council's endorsement.

Recommendations

That Council:

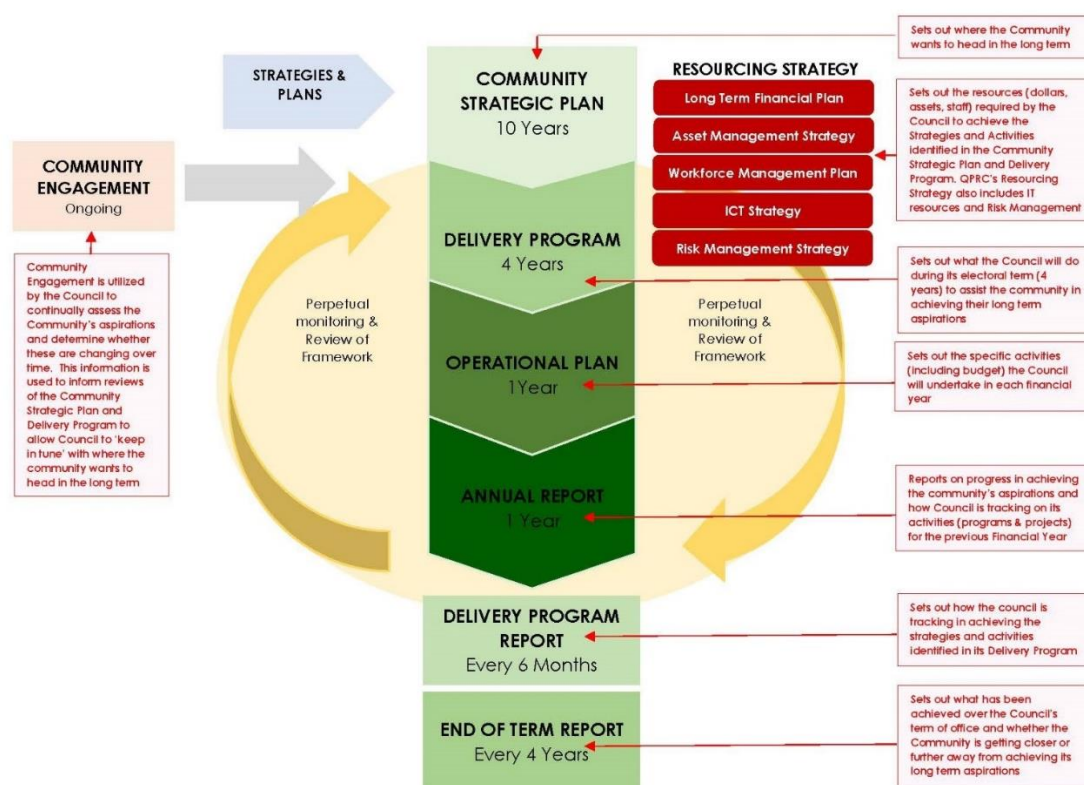
- 1. Receive and note the comments made in relation to the exhibition of the *draft Community Strategic Plan 2018-2028* as set out in Attachment 1.**
 - 2. Make amendments to the Community Strategic Plan in line with the recommendations outlined in Attachment 1.**
 - 3. Endorse the amended *Community Strategic Plan 2018-2028* as set out in Attachment 3.**
-

Background

The Integrated Planning and Reporting (IP&R) Framework which introduced by the NSW State Government in 2009 introduced an inter-related hierarchy of corporate plans which aims to ensure a more sustainable local government sector. (See Figure 1 below.)

12.19 Endorsement of Community Strategic Plan 2018-2028 (Ref: C17189914; Author: Tegart/Spyve) (Continued)

Figure 1: Overview of the Integrated Planning Framework



The Integrated Planning & Reporting Framework (IP&R) requires all NSW Councils to facilitate the development of a Community Strategic Plan (with a minimum 10 year outlook) along with developing and adopting a Delivery Program (based around the 4 year term of the Council) as well as an Operational Plan (which looks at yearly activities to be undertaken). These plans are informed by a Resourcing Strategy that is made up of a Long Term Financial Plan a Strategic Asset Management Plan, a Workforce Plan and in Queanbeyan-Palerang Council's model also includes an ICT Strategy and a Risk Management Strategy.

IP&R places a strong emphasis on the community being regularly informed on progress with achieving the community vision and long term aspirations as well as regular reviews being undertaken to ensure that the resultant plans are still strongly reflecting the community's long term vision and aspirations. Consequently, Integrated Planning & Reporting requires councils to constantly review their plans to ensure they remain relevant and in-tune with changing community needs. Section 402 (5) of the Local Government Act requires that:

Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. The council may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new community strategic plan, as appropriate to ensure that the area has a community strategic plan covering at least the next 10 years.

In Queanbeyan-Palerang's case, because it is a newly-established council arising from the merger of Queanbeyan City and Palerang councils, a new community strategic plan has been required to be developed. Accordingly, following the merger process in May 2016 Council commenced work on the development of a new Community Strategic Plan. This work entailed

12.19 Endorsement of Community Strategic Plan 2018-2028 (Ref: C17189914; Author: Tegart/Spyve) (Continued)

an examination of the previous two Community Strategic Plans of the former councils as well as the commencement of community engagement to ascertain the community's long term aspirations.

The Community Strategic Plan sets out where the community wants to head in the long term. All CSPs have to, as a minimum, take a 10-year outlook. It is essentially an aspirational document which identifies the community's main priorities and aspirations for the future and identifies the strategies for achieving these. Therefore, the Community Strategic Plan as such is not a Council-owned document but rather is 'the community's plan' which belongs to the residents of the Queanbeyan-Palerang region. Council has a custodial role in initiating, preparing and maintaining the Plan. It has a critical role in bringing together the views of the community and presenting these within the Community Strategic Plan.

As the diagram above shows, the development of a Community Strategic Plan is a first step in the development of the other key corporate plans which make up the Integrated Planning & Reporting suite which all the newly elected councils must have in place by 30 June 2018.

Each newly-elected Council must develop a new Delivery Program which will run for their term in office. In QPRC's case, our first Delivery Program will only cover a period of three years from 1 July 2018 to 30 June 2021 as this first electoral term for the Council only covers three years. The Delivery Program must draw upon the broad directions and strategies defined in the Community Strategic Plan and set out the specific Queanbeyan-Palerang Regional Council strategies and deliverables (services and projects) it will undertake during its three year term to help the community move closer to attaining their long term vision and aspirations. The draft *Delivery Program 2018-2021* will set out the strategies and deliverables (services and projects) Queanbeyan-Palerang Regional Council will need to deliver to help the community on their aspirational journey as identified within their Community Strategic Plan.

On top of this, every year Council is also required to develop an Operational Plan (which is a sub-plan of the Delivery Program) setting out the specific activities it will undertake on an annual basis. Both the Delivery Program and Operational Plan will be developed over the coming months and will entail further engagement with the community on the activities they will be proposing. It is expected that drafts of these plans will be developed and placed on public exhibition by March/April next year.

The purpose of the Community Strategic Plan is to identify the community's main priorities and aspirations for the future and plan strategies to achieve them. These strategies are required to take into consideration the issues and pressures that may affect the community and the level of resources that will realistically be available. While a council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the local government area, it is not wholly responsible for its implementation. Other partners, such as state agencies and community groups may also be engaged in delivering the long term objectives of this Plan.

The Community Strategic Plan essentially addresses four key questions for the community:

- Where are we now?
- Where do we want to be in 10 years' time?
- How will we get there?
- How will we know we've arrived?

Council's role is to guide the community through these important discussions and to document the response in a meaningful Community Strategic Plan. However, it is important to stress that it is not Council's responsibility to deliver every aspect of the Community Strategic Plan. As

12.19 Endorsement of Community Strategic Plan 2018-2028 (Ref: C17189914; Author: Tegart/Spyve) (Continued)

noted earlier, the *Community Strategic Plan 2018-2028* is not a 'council' plan but rather a 'community' plan. Council's primary role has been to facilitate its creation.

In developing the plan, Council ran community engagement processes over the period August 2016 - February 2017 to assist with the development of this new Community Strategic Plan.

The Community Strategic Plan must take a long term outlook (covering a minimum of 10 years) to:

- Establish the desired strategic outcomes together with strategies to achieve these outcomes.
- Address social, environmental, economic and civic leadership issues in an integrated manner.
- Be based on social justice principles of equity, access, participation and rights, and
- Give due regard to the NSW State Plan and other relevant state and regional plans.

The Queanbeyan-Palerang *Community Strategic Plan 2018-2028* is structured around the quadruple bottom-line of social, economic, environment and leadership. However, the engagement process identified a fifth area of importance to the community based around infrastructure issues particularly in regard to roads and access to services. Accordingly, the draft Queanbeyan-Palerang Community Strategic Plan is structured around Five Strategic Pillars as set out in the table below consisting of:

Queanbeyan-Palerang's Strategic Pillars			
Strategic Pillar 1	COMMUNITY	A vibrant and active Queanbeyan-Palerang	<i>A safe harmonious, happy and healthy community</i>
Strategic Pillar 2	CHOICE	A prosperous Queanbeyan-Palerang	<i>A diverse, resilient and smart economy that creates choice and job opportunities</i>
Strategic Pillar 3	CHARACTER	A sustainable Queanbeyan-Palerang	<i>A clean, green community that cherishes its natural and physical character</i>
Strategic Pillar 4	CONNECTION	A connected Queanbeyan-Palerang	<i>A well connected community with good infrastructure enhancing quality of life</i>
Strategic Pillar 5	CAPABILITY	A well governed Queanbeyan-Palerang	<i>A capable organisation that leads a community which is engagement and participative</i>

Within each strategic pillar the plan identifies a series of key strategies made up of 27 key goals, community outcomes and community strategies. These encapsulate what the community wants to see achieved in the long term.

The plan also recognises that the strategies identified by the community cannot be the sole responsibility of the Council to deliver. Each section identifies the community partners who also have a role in helping to achieve the key strategies. These range from Commonwealth and State agencies down to the role that individual residents can play.

At its 25 October 2017 meeting, Council resolved to place the draft Community Strategic Plan on public exhibition for the period 26 October – 1 December (which is in excess of the statutorily required period of 28 days) to allow the community sufficient time to provide comment on its contents. A total of 76 submissions have been received from members of the

12.19 Endorsement of Community Strategic Plan 2018-2028 (Ref: C17189914; Author: Tegart/Spyve) (Continued)

community. A table has been developed (See Attachment 1) detailing these submissions and providing recommendations in respect of these suggestions. This table also contains a section detailing internal submissions which relate to administrative changes/edits. All external submitters will be written to following the outcome of this Council meeting detailing the outcome of their submissions and the issues they raised.

Attachment 2 provides an analysis of the submissions received and Attachment 3 shows the amended Community Strategic Plan which incorporates the changes arising from the submissions.

Implications***Strategic***

Council is required to develop a new suite of integrated plans under the provisions of the Local Government Act 1993. The development of a new Community Strategic Plan is the first of the new corporate plans to be developed. The Delivery Program and Operational Plan will be developed early in 2018.

Engagement

Council undertook further engagement with the Queanbeyan-Palerang community during the exhibition period October to December 2017 to provide opportunity for community comment on the draft plan. This additional engagement included:

- Via Council's online engagement hub at yourvoice.qprc.nsw.gov.au
- Three community meetings
- Street stalls in Braidwood and Queanbeyan on the day of community meetings. A time was arranged for a street stall in Bungendore, however due to unexpected staff unavailability, this could not progress.
- Engagement with staff
- Widely advertised via newspapers, social media, e-newsletters, posters and direct email to residents who have participated in previous engagement.

Conclusion

The development of a new Community Strategic Plan for the Queanbeyan-Palerang Region is a critical first step in the development of a new suite of integrated plans for the region. The Community Strategic Plan 2018-2028 sets out the community's vision and long term aspirations and provides the Council with critical baseline information to assist it with the development of its Delivery Program which will set out what the Council will do over its three year term to help the community achieve their long term aspirations. The draft Community Strategic Plan has received a strong community response and these submissions have now been integrated into the final document for Council's endorsement.

Attachments

Attachment 1	Attachment 1 Submissions Table for Draft Community Strategic Plan <i>(Under Separate Cover)</i>
Attachment 2	Draft Community Strategic Plan Community Engagement Report <i>(Under Separate Cover)</i>
Attachment 3	Community Strategic Plan 2018-2028 <i>(Under Separate Cover)</i>

12.20QPRC Workplace Surveillance Policy 2017 (Ref: C17190333; Author:
Tegart/Ferguson)

Summary

The draft QPRC Workplace Surveillance Policy is presented to Council for formal adoption.

Recommendation

That Council adopt the QPRC Workplace Surveillance Policy 2017.

Background

The *Workplace Surveillance Act 2005* (the Act) requires that employees are notified of workplace surveillance undertaken by Council.

This policy ensures that Council meets its obligations under the Act and provides a framework to manage workplace surveillance.

The draft policy has been endorsed by the QPRC Executive, the Workplace Consultative Committee and the relevant unions.

Implications

Legal

In accordance with the *Workplace Surveillance Act 2005*.

Conclusion

It is recommended that Council adopt the draft Workplace Surveillance Policy to ensure it meets its obligations under the Act.

Attachments

Attachment 1 Draft QPRC Workplace Surveillance Policy 2017 (*Under Separate Cover*)

13.1 Moore Park Skate Park Project (Ref: C17184850; Author: Richards/Wallace)

13.1 Moore Park Skate Park Project (Ref: C17184850); Author: Richards/Wallace
Report

Young people in the Queanbeyan region have limited spaces where they can spend recreational time engaging in safe and free activities. One area is the Moore Park Skate Park on Crawford Street.

The young people who use the skate park have identified several issues and needs in this area. Whilst they enjoy 'hanging out' in this area, they find the park unattractive and neglected. Trees and plants are dead or dying, and seating is limited and located in full sun. The extensive graffiti in the skate bowl not only made it look unappealing, but is slippery and unsafe when painted over. There is often litter around the skate park area, as well as 'dumped' items such as mattresses and wooden crates.

In an attempt to beautify the area, which is close to the Aquatic Centre complex and the refurbished Apex Park, the Community and Education team are applying for funding through the Create NSW Arts and Culture grants projects to implement a number of art projects within the Skate bowl and surrounding park area. If successful, funding will enable professional artists to conduct workshops to design artworks and revitalise the site, engaging current and future users.

The QPRC Youth Outreach team have identified a disconnection between the local spaces in Queanbeyan and youth inclusion in making these spaces. This initiative provides an opportunity to bridge this gap and for local young people to take some pride and ownership over a shared space through a participative project.

The proposed workshop will allow young people and all other users to contribute to the park and feel some pride and ownership of the Skate Park and surrounds.

Along with a skate bowl mural, the grant will cover implementation of a number of art features in the park area. It also covers a unique makeover for the fencing along Crawford Street and an impressive community art sculpture in the space highlighting the Queanbeyan region.

The grant is for \$47,000 which will cover the artist fees and workshops.

Recommendation

That the report be received for information.

Attachments

Attachment 1 Skate park current (*Under Separate Cover*)
Attachment 2 Art work idea (*Under Separate Cover*)

13.2 Joint Organisations (Ref: C17189955; Author: Tegart/Ferguson)

13.2 Joint Organisations (Ref: C17189955); Author: Tegart/Ferguson

Report

The NSW Government piloted different Joint Organisation (JO) models in five regions during 2015 to test and reflect the different working relationships and priorities of each area.

An independent evaluation of the JO pilot process found that it was a success and that JOs deliver real benefits for regional councils and communities.

The State Government believes that an effective JO should:

- Align with, or “nest” within one of the State’s planning regions.
- Demonstrate a clear community of interest between member councils and regions.
- Not adversely impact on other councils or JOs, e.g. leaving too few councils to form a JO.
- Be based around a strong regional centre or centres.
- Be of appropriate size and capacity to partner with the NSW and Commonwealth Government agencies and other organisations.

The State Government recently passed legislation known as the *Local Government Amendment (Regional Joint Organisations) Bill 2017*, which allows councils in regional NSW to voluntarily join new JOs in their respective planning regions.

Joint organisations can be formed with a minimum of three councils whose local government areas must align with NSW Planning regional boundaries. QPRC aligns with the South East and Tablelands planning region, together with Bega Valley, Upper Lachlan, Eurobodalla, Yass Valley, Snowy Monaro, Goulburn Mulwaree, Hilltops and Wingecarribee Councils.

Following the passage of the legislation through Parliament, Council will need to take the following steps:

- Consider the guidance material to be provided by the Office of Local Government;
- Review existing arrangements for regional collaboration in its area;
- Consider the key design criteria for JOs;
- Consider the criteria for seed funding;
- Consult with other councils in its regional grouping to reach agreement on JO membership;
- Ensure each member endorses the proposal by a resolution of council;
- Submit a request to establish a JO to OLG by 28 February 2018.

In accordance with the *Local Government Amendment (Regional Joint Organisations) Bill 2017*, JOs will be proclaimed in April 2018, and are proposed to start in July 2018.

Joint Organisations will only be established where the relevant councils agree to join a new joint organisation.

Where the Minister wishes to recommend the proclamation of a joint organisation, the Minister must certify that each council has passed a resolution approving inclusion of the relevant council’s area in the joint organisation’s area.

The NSW Government will provide up to \$3.3m in seed funding to JOs to support their establishment. Funding for each JO will be based on the number of councils that choose to

13.2 Joint Organisations (Ref: C17189955; Author: Tegart/Ferguson) (Continued)

form a JO, with maximum funding provided to regions where all councils in a region choose to be members of the new regional body.

A further report on this matter will be presented to Council's Ordinary meeting on 24 January 2018.

Recommendation

That the report be received for information.

Attachments

Nil

13.3 Building Better Regions Fund Grant (Ref: C17191086; Author: Richards/Darcy)

**13.3 Building Better Regions Fund Grant (Ref: C17191086); Author: Richards/Darcy
Report**

Queanbeyan-Palerang Regional Council has been successful in its application for \$90,000 under the Building Better Regions Fund – Community Stream to support the development of the following Plans to complement the Regional Economic Development Strategy (REDS) currently underway:

1. Retail Plan: to provide analysis on the current retail environment and performance in Queanbeyan, Bungendore and Braidwood
2. Technology and Defence Business Analysis: to provide analysis on the regional growth potential of this sector
3. Comparative Business Regulatory and Taxation Analysis: to provide analysis and benchmark the current comparative advantage or disadvantage of businesses in Queanbeyan-Palerang with the ACT and neighbouring Councils in relation to taxation, commercial rates and other regulatory requirements
4. Business Investment Prospectus: to develop collateral which provides a positive story on the Queanbeyan-Palerang region showcasing our endowments and liveability encourages investment and relocation

The grant was initially awarded to conduct an Economic Development Strategy and Retail Plan but was varied to include points 2, 3 and 4 above after the NSW Government committed to support a Regional Economic Development Strategy. The grant is matching dollar for dollar and available in current budget allocation.

Recommendation

That the report be received for information.

Attachments

Nil

14.1 The Q Board - November 2017 (Ref: C17186303; Author: Richards/Fulton)

Present:

Cr Radmila Noveska (Chair), Geoff Grey, Peter Lindbeck, Coralie Wood, Cathy Winters and Jacqui Richards (Portfolio General Manager Community Choice).

Also Present:

Daniel Fulton, Steve White, Stephen Pike and Deon Myburgh.

Others Present:

The Committee Recommends:

Apologies:

Helen Musa.

1. Confirmation of Report of previous meeting held on 25 September 2017

- a. Confirmation of the previous minutes.
- b. Board resolution Outcome Report

Recommendation (Grey/Richards)

TBQ 26/17 - That the report of the meeting of the committee held on 25 September 2017 be confirmed and that the board resolution outcome report be received for information.

2. Chair Persons Report

Cr Radmila Noveska was welcomed and officially declared as the new Chair of The Q Board.

The appointment of community representatives to the Q Board membership was confirmed as; Geoff Grey, Peter Lindbeck, Coralie Wood, Helen Musa and Cathy Winters.

Recommendation (Grey/Winters)

TBQ 27/17 - That the Chair Person's Report and appointments to the membership of the Q Board be received for information and endorsement.

3. Internal Productions Review

- a. Internal Production Financial Review (Attached)
- b. Staff Internal Production Report (Attached).

Recommendation (Winters/Grey)

TBQ 28/17 - That the Internal Productions Review report be received for information.

**14.1 The Q Board - November 2017 (Ref: C17186303; Author: Richards/Fulton)
(Continued)**

4. External Hirer Review

- a. External Hirer Financial Review (Attached).
- b. Staff External Hirer Report (Attached).

Recommendation (Lindbeck/Wood)

TBQ 29/17 – The Board requested that the table titled 'Kiosk & Bar Sales' reflect in future reporting net profit instead of gross profit.

TBQ 30/17 - The Board moved that the External Hirer Review report be received for information.

5. Promotion and Marketing Report

- a. Publicist Report (Attached).
- b. Staff Marketing Report (Attached).

Recommendation (Grey/Lindbeck)

TBQ 31/17 – The Board requested that the marketing report's depth of commentary be expanded to include the specific campaigns used for individual shows.

TBQ 32/17 – The Board requested that further work be undertaken by staff to provide data and metrics on the demonstrated rate of return from the various marketing avenues and or campaigns undertaken.

TBQ 33/17 – The Board That the Promotion and Marketing report be received for information.

6. Matters for Report to Council

- a. General Staff Reports (Attached).
- b. General Items (Attached).

Recommendation (Grey/Winters)

TBQ 34/17 - That the Matters for Report to Council be received for information.

7. Next Meeting

Monday 29 January 2018.

There being no further business, the meeting closed at 6.31pm.

Attachments

- Attachment 1 The Q - Board Meeting - Council Official Agenda - November 2017
(Under Separate Cover) - **CONFIDENTIAL**

14.2 Queanbeyan-Palerang Sports Council - 6 November 2017 (Ref: C17183298;
Author: Thompson/Penman)

Present: Cr Trevor Hicks (QPRC), Cr Kenrick Winchester (QPRC), Cr Michele Biscotti (QPRC), Garry Cook (BRUFC), Phill Hawke (QRUFC), Allan Carpenter (Community Rep), Tony Rayner (BRLFC), Peter English (BCS), Joe Sheridan (QLA), Scott Taylor (QTJAFLC), Joel Percy (GAFLC), Simon Booth (QJRUFC), Peter Solway (QSCC), Jan Browne (QBA), Simon France (MPFC)

Also Present: Debbie Sibbick (QPRC), Leigh Penman (QPRC)

Cr Hicks Chaired the meeting.

Apologies:

Annette Thomas-Schumacher (JTA), Craig Thomas-Schumacher (JTA), Adrian Brunner (QDJCC), Norm Aleksoski (QCFC), Ken Gordon (BOZTAG)

1. Draft Community Strategic Plan

Leigh Penman explained to the Committee that the draft community strategic plan is out on public exhibition until the 1st December and this plan is required for the elected Councillors to develop the three year delivery plan. Leigh encouraged all clubs to look at this plan and comment as required.

Simon France commented on the plan that the sporting community plays a large role in various aspects of the plan including tourism, health and cultural. Any club commenting on the plan should also mention these aspects in their comments.

General discussion was held regarding this topic with all clubs encouraged to look at the draft community strategic plan.

2. Sports Ground Allocations

Leigh handed out the current summer usage booking spreadsheet, with general discussion held around the bookings.

Cr Winchester asked the Committee if they were happy with the current booking process, with all clubs agreeing that it remain the same.

3. Current and Planned improvements to sporting and recreational needs, including capital works programs, and future planning for sportsgrounds /facilities.

Leigh went through the current list of works happening and where the works are up to. General discussion was held around the works with question asked as to whether Riverside Oval lights upgrade would be enough lux for night games. Cr Winchester asked the question as to whether the light upgrade for Seiffert oval would be enough for NRL games to be played. Leigh confirmed that the lights upgrade would only be to 500 lux which is below standards for telecasting NRL night games.

**14.2 Queanbeyan-Palerang Sports Council - 6 November 2017 (Ref: C17183298;
Author: Thompson/Penman) (Continued)**

Peter English indicated that Warren Little Oval would benefit with some amenities and canteen due to Bungendore Soccer expanding with the need to play full size games at the oval from 2018. At least 2 teams will use this oval and the current cricket pitch will need to be covered for the winter season as well as the need for full size soccer goals.

4. Next Meeting

The next meeting is scheduled for 5 February 2018

There being no further business, the meeting closed at 7.10pm

Attachments

Nil

**16.1 Responses to Councillors' Questions (Ref: C17191419); Author: Ferguson/Ison
Report**

This report provides responses to Councillors' questions taken both inside and outside of Council meetings.

Where a response has been given by staff in a meeting at the time the question was asked, the response will be recorded in the minutes.

The questions are deleted from the rolling table once they have been answered in full and reported to Council.

Any responses that contain personal or other identifying information of any kind will be circulated separately in the confidential attachments.

Recommendation

That the report be received for information.

Attachments

- | | |
|--------------|---|
| Attachment 1 | Responses to Councillors' Questions table (<i>Under Separate Cover</i>) |
| Attachment 2 | Attachment for Question 46 - Palerang's Unsealed Road Maintenance Grading Policy 2005 (<i>Under Separate Cover</i>) |
| Attachment 3 | Responses to Councillors' Questions table with additional information (<i>Under Separate Cover</i>) - CONFIDENTIAL |

19 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “confidential” business paper which has been circulated to Councillors.

The *Local Government Act, 1993* requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the *Local Government Act, 1993*.

Recommendation

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

Item 20.1 Potential Litigation - Curtis Estate

“.Item 20.1 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 20.2 Expressions of Interest for Advisory Committees

“.Item 20.2 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.