



Ordinary Meeting of Council

AGENDA

23 January 2019

Commencing at 5.30pm

**Council Chambers
10 Majara Street
Bungendore**

On-site Inspections - Nil

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1 OPENING

Acknowledgement of Country.

2 APOLOGIES

3 DISCLOSURES OF PECUNIARY INTERESTS

4 CONFIRMATION OF MINUTES

4.1 Minutes of the Ordinary Meeting of Council held on 19 December 2018

5 PRESENTATIONS BY DEPARTMENTAL OR OTHER REPRESENTATIVES

6 BUSINESS ARISING FROM THE MINUTES

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

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9 MAYORAL MINUTE

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Confidential - Not for Publication

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- 20.1 Writing Off Water Usage Accounts Due to Undetectable Leak - Braidwood
Item 20.1 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 20.2 Writing Off Water Usage Account Due to Undetectable Leak - Queanbeyan
Item 20.2 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.
- 20.3 Writing Off Water Usage due to Undetectable Leak - Bungendore
Item 20.3 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or

ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 12.2 DA-168-2018 - Bulky Goods Premises - 6 Bungendore Road, Queanbeyan East
- Attachment 1 DA 168-2018 - Section 4.15 Assessment - 6 Bungendore Road, Queanbeyan East (Under Separate Cover)*
 - Attachment 2 DA 168-2018 - Architectural Plans - 6 Bungendore Road - Queanbeyan East (Under Separate Cover)*
 - Attachment 3 DA 168-2018 - Draft Conditions of Consent - - 6 Bungendore Road, Queanbeyan East (Under Separate Cover)*
- Item 12.3 DA.2018.121 - Three Lot Subdivision - 71 Macdiarmid Road, Burra
- Attachment 1 DA.2018.121 - Section 4.15 Assessment Report - 71 Macdiarmid Road, Burra (Under Separate Cover)*
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 - Attachment 3 DA.2018.121 - Clause 4.6 Variation Request - 71 Macdiarmid Road, Burra (Under Separate Cover)*
- Item 12.6 Sponsorship and Support for the 2019 NSW / ACT Parks & Leisure Conference to be held in Queanbeyan
- Attachment 1 PLA Conference economic model for QPRC region (Under Separate Cover)*
- Item 12.8 Adoption of the Shopping Trolley Management Plan
- Attachment 1 Summary of Submissions on Draft Shopping Trolley Management Policy (Under Separate Cover)*
 - Attachment 2 Draft Shopping Trolley Management Policy (Under Separate Cover)*
- Item 12.11 Investment Report - December 2018
- Attachment 1 Investment Report - December 2018 (Under Separate Cover)*
- Item 14.1 Minutes of the QPRC Heritage Advisory Committee Meeting held 13 December 2018
- Attachment 1 QPRC Heritage Advisory Committee Minutes - 13 December 2018 (Under Separate Cover)*
- Item 14.2 Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held 13 December 2018
- Attachment 1 Braidwood and Curtilage Heritage Advisory Committee Minutes for 13 December 2018 (Under Separate Cover)*
- Item 14.3 Minutes of the Environment and Sustainability Advisory Committee held on 5 December 2018
- Attachment 1 Minutes of Environment and Sustainability Committee - 5 December 2018 (Under Separate Cover)*
- Item 14.4 Local Traffic Committee 4 December 2018
- Attachment 1 Local Traffic Committee Meeting 4 December 2018 (Under Separate Cover)*

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- Item 14.5 Bungendore Town Centre and Environs Committee Meeting Minutes
Attachment 1 Bungendore Town Centre and Environs Committee Meeting Minutes 6 December 2018 (Under Separate Cover)
- Item 14.6 Royalla Common s.355 Committee Meeting Minutes
Attachment 1 Royalla Common s.355 Committee meeting minutes 26 September 2018 (Under Separate Cover)
- Item 14.7 Greenways s.355 Committee Meetings Minutes
Attachment 1 Greenways s.355 Committee AGM minutes 11 December 2018 (Under Separate Cover)
Attachment 2 Greenways s.355 Committee meeting minutes 11 December 2018 (Under Separate Cover)
Attachment 3 Greenways Master Plan (Under Separate Cover)
Attachment 4 Greenways Major Works (Under Separate Cover)
- Item 14.8 Report on Audit, Risk and Improvement Committee meeting of 21 November 2018
Attachment 1 21 November 2018 - Audit, Risk and Improvement Committee - Minutes (Under Separate Cover)
Attachment 2 Committee Annual Report to Council for 2017-18 (Under Separate Cover)
- Item 16.1 Responses to Councillors' Questions
Attachment 1 Responses to Councillors' Questions (Under Separate Cover)

Closed Attachments

- Item 12.3 DA.2018.121 - Three Lot Subdivision - 71 Macdiarmid Road, Burra
Attachment 4 DA.2018.121 - Submissions - 71 Macdiarmid Road, Burra (Under Separate Cover)
- Item 12.7 Tender for Construction of Change Rooms at Mick Sherd Oval - Bungendore
Attachment 1 Tender Evaluation Report - Construct Change Rooms at Mick Sherd Oval, Bungendore (Under Separate Cover)
- Item 16.1 Responses to Councillors' Questions
Attachment 2 Responses to Councillors' Questions with Confidential Information (Under Separate Cover)
- Item 20.3 Writing Off Water Uasge due to Undetectable Leak - Bungendore
Attachment 1 Water Rates Dispute - Email - 7 Eyre Street Bungendore (Under Separate Cover)



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Bungendore Council Chambers on Wednesday, 19 December 2018 commencing at 5:30PM.

ATTENDANCE

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

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 and P Neil, Portfolio General Manager Organisational Capability.

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

1. OPENING

The Mayor acknowledged the traditional owners and custodians of the land upon which the meeting was held.

2. APOLOGIES

437/18

RESOLVED (Taylor/Schweikert)

That apologies for non-attendance from Crs Noveska and Winchester be received and that leave of absence be granted.

The resolution was carried unanimously.

3. DISCLOSURES OF PECUNIARY INTERESTS

438/18

RESOLVED (Taylor/Schweikert)

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

The resolution was carried unanimously.

There were no declarations.

4. CONFIRMATION OF MINUTES**4.1 Minutes of the Ordinary Meeting of Council held on 28 November 2018**

439/18

RESOLVED (Schweikert/Harrison)

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 28 November 2018 be confirmed.

The resolution was carried unanimously.

5. PRESENTATION BY DEPARTMENTAL OR OTHER REPRESENTATIVES

There were no presentations.

6. BUSINESS ARISING FROM THE MINUTES

There were no presentations.

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

The following presenters were heard:

Mr Travis Doherty – Item 12.2 - South Jerrabomberra Planning Proposal

Mrs Carmel Johnston – Item 12.3 – Rural Land Requests

Mrs Val Johanson – Item 12.3 – Rural Land Requests

440/18

RESOLVED (Taylor/Bray)

That Mrs Johanson be granted an extension of one minute to speak.

The resolution was carried unanimously.

Mrs Kylie Coe – Item 12.3 – Rural Land Requests

441/18

RESOLVED (Schweikert/Taylor)

That Mrs Coe be granted an extension of one minute to speak.

The resolution was carried unanimously.

Mr Paul Johanson – Item 12.3 – Rural Land Requests

Mr John Meads – Item 12.3 – Rural Land Requests

8. MAYORAL REPORT

There was no Mayoral Report.

9. MAYORAL MINUTE

There was no Mayoral Minute.

10. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motions of Rescission.

11. Notices of Motions**11.1 Graffiti Wall Trial**

442/18

RESOLVED (Schweikert/Taylor)

That Council establish a trial Graffiti Wall in Bungendore for review in 18 months to examine:

- its utility;
- applicability to graffiti reduction;
- acceptance by the community;
- long term viability, and
- for potential roll out in to other parts of the LGA.

The resolution was carried unanimously.

Procedural Motion

443/18

RESOLVED (Marshall/Schweikert)

That item 12.3 be brought forward at this juncture.

The resolution was carried unanimously.

12.3 Rural Land Requests**MOVED (Overall/Biscotti)**

That:

1. The request to allow a dwelling to be erected on Lot 9 DP 754867 Boro be progressed for the following reasons:
 - a. The Applicant is requesting a building entitlement for a dwelling on an existing lot and given that there are existing properties in the immediate area that are below the 40ha minimum, that have established dwellings, granting a building entitlement would not set a precedent.
 - b. Council provide in principle support for a variation under Clause 4.6 of the Palerang Local Environmental Plan 2014 subject to the applicant making a written submission which addresses the matters of Clause 4.6 in conjunction with a development application for a dwelling on that land. Specifically, the variation would permit a reduction in the minimum lot size from 40ha to 33.5ha a variation of 16.25% while also noting that the concurrence of the Secretary of the Department of Planning and Environment

will be required as the lot size varies by more than 10% of the minimum lot size for this Zone. A variation is supported in principle as:

- a. The proposed development is compatible with the character of the existing locality and satisfies the objectives of the RU1 Primary Production zone under the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) Environmental Planning and Assessment Act 1979).
 - b. The material already submitted by the Applicant demonstrates that they are likely to be able satisfy the requirements of clause 4.6 under the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) Environmental Planning and Assessment Act 1979).
2. The PLEP 2014 minimum lot size for the R5 Large Lot Residential portion of Lot 11 DP 1058499, Llewellyn Drive, Braidwood remain at 5,000m².
 3. The request to allow small residential lots on Lot 15 DP 1044797, Little River Road, Braidwood be deferred for a maximum of 12 months.
 4. The request to rezone Lot 15 DP 270600, Lot 1 DP 669141, Lots 82 and 83 DP 754922 Carwoola for development as a residential area not be progressed.
 5. The request to remove the E3 Environmental Management zone on Lot 21 DP 1018890 Lake George and to rezone the land to permit residential subdivision not be progressed.
 6. The request for Lot 16 DP 846996, Williamsdale to be subdivided to allow an existing dwelling to be on a separate lot not be supported.

Cr Harrison foreshadowed CONTRARY motion: ["That:

1. The request to allow a dwelling to be erected on Lot 9 DP 754867 Boro not be progressed.
2. The PLEP 2014 minimum lot size for the R5 Large Lot Residential portion of Lot 11 DP 1058499, Llewellyn Drive, Braidwood remain at 5,000m².
3. The request to allow small residential lots on Lot 15 DP 1044797, Little River Road, Braidwood not be progressed.
4. The request to rezone Lot 15 DP 270600, Lot 1 DP 669141, Lots 82 and 83 DP 754922 Carwoola for development as a residential area not be progressed.
5. The request to remove the E3 Environmental Management zone on Lot 21 DP 1018890 Lake George and to rezone the land to permit residential subdivision not be progressed.
6. The request for Lot 16 DP 846996, Williamsdale to be subdivided to allow an existing dwelling to be on a separate lot not be supported."]

The motion (of Crs Overall and Biscotti) was WITHDRAWN.

444/18

RESOLVED (Schweikert/Taylor)

That:

1. The request to allow a dwelling to be erected on Lot 9 DP 754867 Boro be progressed for the following reasons:
 - a. The Applicant is requesting a building entitlement for a dwelling on an existing lot and given that there are existing properties in the immediate area that are below the 40ha minimum, that have established dwellings, granting a building entitlement would not set a precedent.
 - b. Council provide in principle support for a variation under Clause 4.6 of the Palerang Local Environmental Plan 2014 subject to the applicant making a written submission which addresses the matters of Clause 4.6 in conjunction with a development application for a dwelling on that land. Specifically, the variation would permit a reduction in the minimum lot size from 40ha to 33.5ha a variation of 16.25% while also noting that the concurrence of the Secretary of the Department of Planning and Environment will be required as the lot size varies by more than 10% of the minimum lot size for this Zone. A variation is supported in principle as:
 - a. The proposed development is compatible with the character of the existing locality and satisfies the objectives of the RU1 Primary Production zone under the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
 - b. The material already submitted by the Applicant demonstrates that they are likely to be able satisfy the requirements of clause 4.6 under the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979*).
2. The PLEP 2014 minimum lot size for the R5 Large Lot Residential portion of Lot 11 DP 1058499, Llewellyn Drive, Braidwood remain at 5,000m².
3. The request to allow small residential lots on Lot 15 DP 1044797, Little River Road, Braidwood be deferred for a maximum of 12 months.
4. The request to rezone Lot 15 DP 270600, Lot 1 DP 669141, Lots 82 and 83 DP 754922, Carwoola for development as a residential area not be progressed.
5. The request to remove the E3 Environmental Management zone on Lot 21 DP 1018890 Lake George and to rezone the land to permit residential subdivision not be progressed.
6. The request for Lot 16 DP 846996, Williamsdale to be subdivided to allow an existing dwelling to be on a separate lot be progressed.

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

Against: Crs Brown, Harrison, Marshall and Overall

12. ITEMS FOR DETERMINATION**12.1 Modified Development Application 4-2009/B - Industrial Storage Units - 45 Bayldon Road, Queanbeyan West**

445/18

RESOLVED (Schweikert/Bray)

That:

1. Modified development application 4-2009/B for the erection of eight (8) storage units on Lot 2 DP 1113242, No. 45 Bayldon Road, Queanbeyan West be granted conditional approval.
2. Enforcement action commence to resolve the matter of the unauthorised erection of the building marked as “not approved” on the original approved plans and identified as Units 15 – 21 on the plans for modification application 4-2009/B.

The resolution was carried unanimously.

12.2 South Jerrabomberra Planning Proposal

446/18

RESOLVED (Brown/Biscotti)

That Council:

1. Note the report.
2. Authorise staff to take all necessary actions to finalise the draft planning proposal for South Jerrabomberra.

The resolution was carried unanimously.

12.3 Rural Land Requests

This item was dealt with in earlier business.

12.4 Street Naming Proposal - Ricketts Place - Bungendore

447/18

RESOLVED (Schweikert/Hicks)

That Council:

1. Adopt in principle the name ‘Ricketts Place’ as the proposed name for the new road created by the subdivision of Lot 21 DP 1231346, Bungendore.
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.

The resolution was carried unanimously.

- 448/18 **12.5 Braidwood Archaeological Management Plan**
RESOLVED (Schweikert/Taylor)
That Council:
1. Adopt the draft Braidwood Archaeological Management Plan in principle.
2. Place the draft document on public exhibition.

The resolution was carried unanimously.
- 449/18 **12.6 Swimming Pool Inspection Program**
RESOLVED (Harrison/Schweikert)
That Council adopt the QPRC Swimming Pools Inspection Program as attached.

The resolution was carried unanimously.
- 450/18 **12.7 Council Operations Sustainability Policy**
RESOLVED (Marshall/Brown)
That the policy be referred to Council's Environmental Sustainability Advisory Committee.

The resolution was carried unanimously.
- 451/18 **12.8 Proposal from NRMA to Install Electric Car Charging Facilities at Braidwood**
RESOLVED (Hicks/Brown)
That Council:
1. Agree to the inclusion of an electric vehicle charging station as part of any future car park redevelopment of 88 Wallace Street Braidwood, if and when it occurs.
2. Consent to a formal arrangement with the NRMA by signing the Letter of Intent (attached).

The resolution was carried unanimously.
- 452/18 **12.9 Request for Tender 2019-16 - Irrigation Upgrade to Mick Sherd Oval in Bungendore**
RESOLVED (Harrison/Schweikert)
That Council:
1. Award Tender 2019-16 to Tenderer number 1 Waterland Pty Ltd for the Mick Sherd Oval Irrigation Project for \$132,958.35 excl GST.
2. Assign a total budget cost of \$165,000 for the project.

The resolution was carried unanimously.

12.10 Southern Lights Project

453/18

RESOLVED (Hicks/Taylor)

That Council:

1. Note the preparation of a business case for funding of the smart street lighting program by the NSW Government at a cost of \$61.4M and seek support for the project from the local member for Monaro.
2. Support in principle, the rollout of LED lighting with smart technology capability for all street lights in the local government area.
3. Receive a report following assessment of the business case, for estimates and any further involvement of Council.

The resolution was carried unanimously.

12.11 Updating and Harmonisation of Council Policies

454/18

RESOLVED (Bray/Schweikert)

That Council:

1. Endorse Council's Document Framework as set out in Attachment 2.
2. Adopt the following policies:
 - Development Adjacent to Water, Sewer and Stormwater Mains Policy
 - Signs as Remote Supervisor Policy
 - Sewer Connections – Limit of Council Responsibility Policy
 - Backflow and Cross Connection Policy
 - Playground Management Policy
 - Private Works – Pre-payment Policy
3. Rescind the relevant former Council's Policies.

The resolution was carried unanimously.

12.12 Investment Report - November 2018

455/18

RESOLVED (Bray/Schweikert)

That Council:

1. Note the 2018/19 investment income for November 2018 was \$168,144.63.
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 2018.

The resolution was carried unanimously.

12.13 Licence Agreement - Riverside Cafe Queanbeyan

456/18

RESOLVED (Biscotti/Schweikert)

That:

1. The Report be received and noted.
2. The Council agree in principle to a five year extension to the Licence Agreement for the Riverbank Café at Ray Morton Park, Queanbeyan and the application be progressed in accordance with S 47A of the *Local Government Act 1993*.
3. The matter be considered again by the Council only if there are objections to the proposal.
4. Council consider amending the licence to incorporate the improvements, subject to relevant planning approvals
5. The improvements be funded initially by the Council and repaid by the tenant as an extra facility payment during the tenancy.

The resolution was carried unanimously.

12.14 Licence Agreement - Queanbeyan Children with Special Needs Group

457/18

RESOLVED (Bray/Taylor)

That:

1. Council agree to the following variations to the Licence Agreement with the Queanbeyan Children Special Needs Group (QCWSNG) for the use of the building in Queanbeyan Park known as the "Treehouse":
 - To enable the Group to sublet the facility to the NSW Police to be used as a site office during the rebuild of the Queanbeyan Police Station, subject to the building being refurbished for future community use at the end of the tenure.
 - That the end date of the Licence Agreement be varied to align with the sublet period.
2. In accordance with S 47 of the *Local Government Act 1993* public notice of the proposal be provided.
3. The matter only be reconsidered by the Council if objections to the proposal are received.

The resolution was carried unanimously.

SUPPLEMENTARY REPORT**12.15 Site for Pre School - Queanbeyan**

458/18

RESOLVED (Hicks/Schweikert)

That:

1. The report be received and noted.
2. Council support in principle the provision of a suitable site for the development of a third Pre School in Queanbeyan, either within part of Council Reserve off Hoover Road, or at 126A Morton Street Queanbeyan.
3. Planning issues associated with the two potential sites identified be investigated.
4. If either site is suitable and supported by the Queanbeyan Pre School Association, then Council agree to progress a Licence Agreement for the use of the land in accordance with the provisions of the *Local Government Act 1993*.
5. Subject to the above, the Council agree to progress the appropriate planning assessments for the development of the Pre School, upon lodgement of relevant development applications by the Queanbeyan Pre School Association.

The resolution was carried unanimously.

13. ITEMS FOR INFORMATION**13.1 New Comprehensive Local Environmental Plan - Gateway Determination****MOVED (Harrison/Marshall)**

That the report be received for information.

AMENDMENT (Schweikert/Overall)

That:

1. Council receive the report for information.
2. Without delaying preparation of the Comprehensive LEP, Council develop a detailed justification report to include the policy matters a and c contained in the report, for consideration with the comprehensive LEP.
3. The report incorporate relevant resolutions of Council that arise from Council's consideration of the report from the consultants undertaking the Review of Zone E4 in the localities of Bywong and Wamboin.
4. The detailed justification report be submitted to Council no later than June 2019.
5. The Mayor write to the Minister informing them of Council's intention to provide that justification.

The amendment (of Crs Schweikert and Overall) was PUT and CARRIED and became the motion.

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

Against: Crs Brown, Harrison and Marshall

459/18

RESOLVED (Schweikert/Overall)

That:

1. Council receive the report for information.
2. Without delaying preparation of the Comprehensive LEP, Council develop a detailed justification report to include the policy matters a and c contained in the report, for consideration with the comprehensive LEP.
3. The report incorporate relevant resolutions of Council that arise from Council's consideration of the report from the consultants undertaking the Review of Zone E4 in the localities of Bywong and Wamboin.
4. The detailed justification report be submitted to Council no later than June 2019.
5. The Mayor write to the Minister informing them of Council's intention to provide that justification.

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

Against: Crs Brown, Harrison and Marshall

13.2 Funding Agreement - Development of Plans of Management for Crown Land

460/18

RESOLVED (Hicks/Schweikert)

That the report be received for information.

The resolution was carried unanimously.

13.3 Queanbeyan Indoor Sport Centre Extension - 4 Star Green Star rating.

461/18

RESOLVED (Marshall/Taylor)

That the report be received for information.

The resolution was carried unanimously.

13.4 Queanbeyan CBD Transformation - Business Case

462/18

RESOLVED (Schweikert/Brown)

That the report be received for information.

The resolution was carried unanimously.

13.5 Major Projects Status - Stronger Communities Fund

463/18

RESOLVED (Schweikert/Biscotti)

That the report be received for information.

The resolution was carried unanimously.

- 464/18 **13.6 Canberra Region Joint Organisation documents**
RESOLVED (Harrison/Hicks)
That the report be received for information.

The resolution was carried unanimously.
- 465/18 **13.7 Stronger Communities Fund and New Council Implementation Fund Programs**
RESOLVED (Bray/Schweikert)
That the report be received for information.

The resolution was carried unanimously.
- 466/18 **Procedural Motion**
RESOLVED (Marshall/Brown)
That Council not adjourn for the scheduled meal break but continue with the meeting.

The resolution was carried unanimously.
- 467/18 **13.8 Resolution Action Sheet**
RESOLVED (Schweikert/Harrison)
That the report be received for information.

The resolution was carried unanimously.

14. COMMITTEE REPORTS AND RECOMMENDATIONS

- 14.1 Braidwood and Curtilage Heritage Advisory Committee Meeting held 8 November 2018**
MOVED (Marshall/Schweikert)
That Council:
1. Note the minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held on 8 November 2018.
 2. Consider recommendation B&C HAC 004/18 from the meeting held on 8 November 2018.
B&C HAC 004/18 That Council propose to the Office of Environment and Heritage that they provide funding to support the 2006 State Heritage listing of Braidwood and Curtilage.

AMENDMENT (Marshall/Schweikert)

That:

1. Council note the minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held on 8 November 2018.
2. Council prepare a submission to the Office of Environment and Heritage for funding to support the 2006 State Heritage listing of Braidwood and Curtilage and that the submission be prepared following the adoption of the planned Braidwood Structure Plan.
3. The Braidwood and Curtilage Heritage Advisory Committee be consulted in the preparation of the draft submission.
4. The Mayor and CEO seek a meeting with the Minister for Heritage to advise the Minister of intentions in this regard and importance of ongoing and new funding for the heritage of Braidwood.

The amendment (of Crs Marshall and Schweikert) was PUT and CARRIED unanimously and became the motion.

468/18

RESOLVED (Marshall/Schweikert)

That:

1. Council note the minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held on 8 November 2018.
2. Council prepare a submission to the Office of Environment and Heritage for funding to support the 2006 State Heritage listing of Braidwood and Curtilage and that the submission be prepared following the adoption of the planned Braidwood Structure Plan.
3. The Braidwood and Curtilage Heritage Advisory Committee be consulted in the preparation of the draft submission.
4. The Mayor and CEO seek a meeting with the Minister for Heritage to advise the Minister of intentions in this regard and importance of ongoing and new funding for the heritage of Braidwood.

The resolution was carried unanimously.

15. DELEGATES' REPORTS

Cr Schweikert reported on his attendance at the following:

- Googong Anglican School presentation day
- Braidwood St Bedes presentation day
- Announcement of Jerrabomberra and Bungendore High Schools
- National Local Government awards
- Second Cyber Safety for parents seminar
- Australia Day Committee meeting
- Bungendore and Queanbeyan Christmas street parties

Cr Harrison reported on his attendance at the Dargues Reef Community Consultative Committee.

Cr Bray reported on his attendance at the following:

- Queanbeyan Legacy function
- Terribly British car show
- Queanbeyan Men's Shed function
- QPRC Staff Christmas function
- Launch of 'The Q' program for 2019

Cr Marshall reported on his attendance at the Waste Strategy Working Group meeting.

Cr Overall reported on his attendance at the following:

- Canberra and Urban Regional Future's forum
- Braidwood, Bungendore and Queanbeyan community Christmas events
- Legacy Ward's Christmas party
- Terribly British car show
- CRJO Board meeting
- 'The Q' 2019 season launch
- QPRC staff Christmas party
- Funding announcements for Queanbeyan SES, Northern entry road, Jerrabomberra High School and Bungendore High School
- Ten school and TAFE presentation events

16. RESPONSES TO COUNCILLORS' QUESTIONS

16.1 Responses to Councillors' Questions

469/18

RESOLVED (Taylor/Marshall)

That the report be received for information.

The resolution was carried unanimously.

18. MATTERS OF WHICH NOTICE HAS NOT BEEN GIVEN BUT RULED BY THE CHAIR TO BE CONSIDERED

There were no matters.

19. COUNCILLORS' QUESTIONS FOR NEXT MEETING

1. Cr Schweikert requested a report on the 'Food for Fines' campaign held in the QPRC libraries.
2. Cr Schweikert requested an update on the trial of the Bungendore taxi sign.
3. Cr Schweikert requested information on how residents and property owners deal with stormwater run-off from neighbouring properties.

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

At this stage of the proceedings Cr Overall advised that there was an item 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, there were any presentations as to why the matters listed below should not be dealt with in Closed Session.

PRESENTATIONS

There were no presentations.

470/18

RESOLVED (Schweikert/Marshall)

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 Award of RFS Infrastructure Tender

Item 20.1 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

The resolution was carried unanimously.

Council moved into Closed Session at 7.50pm to discuss the matter listed above.

20.1 Award of RFS Infrastructure Tender

471/18

RESOLVED (Hicks/Schweikert)

That Council:

1. Not Award tender 18/2018 for the design and construction of the Captains Flat Rural Fire Station demountable.
2. Manage the construction of Captains Flat Rural Fire Station using the existing Council trades panel where possible.

The resolution was carried unanimously.

472/18

RESOLVED (Taylor/Schweikert)

That Council return to the Ordinary meeting.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.51pm.

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

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

The Mayor and CEO thanked councillors and staff for their contributions over 2018, and wished all a merry Christmas and safe new year.

The time being 7.53pm Cr Overall 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.

12.1 Consideration of Replacing Balustrades at the Albion Hotel - 119 Wallace Street, Braidwood (Ref: C19613; Author: Thompson/Carswell)

Summary

This report is submitted in relation to options to replace the railings at the Albion Hotel Braidwood as per Minute No. 135/16 of 24 October 2018. At the current time the railings on the Albion Hotel are vertical metal railings both at ground and first floor level. Formerly they were wooden diagonal railings. This report looks at whether the railing should be replaced and if so the preferred design for that replacement.

Recommendation

That Council:

- 1. Note that the options to replace the railings at the Albion Hotel at Braidwood are limited given that:**
 - **Any replacement will require the support of the owner to lodge an amending development application and that support is unlikely to be forthcoming given that the previous work was carried out in accordance with a valid development consent.**
 - **The cost of carrying out the replacement would likely need to be borne by Council through the General Fund and at present, there are no funds available for such work.**
 - **The owner would be asking Council to take on certain risks which on balance are not warranted by undertaking the replacement work.**
 - 2. Take no further action on this matter.**
-

Background

At its meeting of 24 October 2018 (Minute No.353/18) Council resolved that it receive a report to its January 2019 meeting on options for replacing the railings at the Albion Hotel in Braidwood.

Before considering options for replacing the balustrades the following summary on how the existing situation arose is provided from a report to Council on 19 May 2016.

- The development application to replace the existing wooden diagonal balustrade with a balustrade incorporating vertical members, was an integrated development application as the building is on the NSW state heritage register and a permit under the Heritage Act 1977 was required. This meant that the development application was assessed by both Council and the NSW Heritage Council (part of the NSW Office of Environment and Heritage). In these cases if the Heritage Council is satisfied that the proposal meets the requirements of the Heritage Act it provides its General Terms of Approval to Council. Once general terms of approval are provided, the Heritage Council is committed to approving the permit application when it is subsequently sought by the applicant. Council is unable to approve a development application if the Heritage Office will not issue General Terms of Approval. If General Terms of Approval are given, they are included in the conditions of the development consent.

12.1 Consideration of Replacing Balustrades at the Albion Hotel - 119 Wallace Street, Braidwood (Ref: C19613; Author: Thompson/Carswell) (Continued)

- During the assessment period there was substantial discussion between the applicant, the Heritage Advisor and the Heritage Council regarding the X-bar pattern. This included discussions on the pros and cons of different profiles. The applicant was concerned about the safety aspects and the longevity of timber. Also, the current balustrade did not comply with the Building Code of Australia. The Heritage Council asked for justification for the proposed changes concerning the balustrades and the applicant provided a detailed response which included their reasons for not wanting to use glass or Perspex.
- On 15 September 2015, General Terms of Approval were received from the Heritage Council.
- The development application was approved on 1 October 2015 and a modification approved on 16 February 2016.
- In late October 2015, in the assessment of the construction certificate application Council wrote to the applicant requesting information on the construction of the new stairs and balustrades to determine their compliance with the Building Code of Australia (BCA). The applicant provided advice from a structural engineer, noted that they would be galvanised steel and provided details of the size and finish.
- A construction certificate was issued on 22 December 2015.
- As the construction certificate was issued and the development detailed in it was substantially in accordance with the development approval, the balustrade incorporating the vertical elements was approved. Given this, it is not possible for Council to require their removal other than through negotiation with the owner and the submission of a further development application by the owner.
- The owner of the building obtained a NSW Heritage Council grant of \$150,000 for the work. The details of the grant are not available on the NSW Heritage Council website and Council does not have a role in decisions concerning this grant.
- As the work proceeded, members of the community and some Palerang councillors expressed concern about the following matters:
 - the removal of the X-bar pattern from the veranda railings (balustrades) and its replacement with vertical members
 - the use of metal instead of timber in the replacement of the veranda balustrades.

As a result of the abovementioned report Council resolved (Minute No. 005/18):

1. *To note the report; and*
2. *To ask the General Manager to write to the Deputy Chief Executive, Regional Operations and Heritage, Office of Environment and Heritage requesting that the Division's, assessing officers and senior staff meet with staff from Council's Planning and Environmental Division and Heritage Advisor in Braidwood to discuss:*
 - a) *the management of the development assessment process including site visits, discussions between staff prior to agreeing to conditions of consent, the quality of plans and accompanying documents and the format and content of conditions of consent*
 - b) *the unique situation of the majority of Braidwood being in the state conservation area 'Braidwood and its setting' on the state heritage list and it being a lively rural town like many others in NSW and the management of this in relation to development.*

12.1 Consideration of Replacing Balustrades at the Albion Hotel - 119 Wallace Street, Braidwood (Ref: C19613; Author: Thompson/Carswell) (Continued)

In relation to Item No.2 above, staff have met with the Office of Environment and Heritage.

Council will note that no action to pursue the replacement of the balustrades was resolved at that time.

Options for Replacing the Existing Balustrade

At the current time the railings on the Albion Hotel at ground and first floor level are vertical metal railings painted white (Figure 1). Previously they were diagonal wooden railings painted white (Figure 2).



Figure1 – Present Configuration of Balustrades



Figure 2 – Previous Configuration of Balustrades

12.1 Consideration of Replacing Balustrades at the Albion Hotel - 119 Wallace Street, Braidwood (Ref: C19613; Author: Thompson/Carswell) (Continued)

Following completion of the work a sector of the community expressed a view that they prefer the former diagonal railings to the current metal vertical railings as they feel that the former better represents the historical character of the Albion Hotel which is one of the three State listed heritage items in Braidwood.

At the same time there are a number of other locally heritage listed two storey buildings in Wallace Street of a similar age that display a variety of railing styles at ground and first floor levels. For example, a recent review of listed items with verandas at ground and/or first floor has indicated that there are four having vertical railings (usually of timber), five have diagonal type railings and 7 have cast iron railings. As a result there is no dominant style of railing treatment in Wallace Street.

Notwithstanding the above, the Queanbeyan-Palerang Heritage Advisor has indicated, that if the railings are to be replaced he has a preference for the diagonal wooden railings as he considers this to be more in keeping with the Burra Charter than the current railings. Similarly, if the balustrades are going to be replaced at considerable cost and effort then it should be returned to its original state (i.e. a wooden diagonal design).

The replacement would require the owner to submit a development application and construction certificate application. This would require a fresh assessment in terms of the *Braidwood Development Control Plan 2006* and the *Building Code of Australia*.

The diagonal design does not meet the present requirements of the *Building Code of Australia* (BCA) in that the openings are too large and would not provide adequate protection to prevent someone falling through the railings. Notwithstanding this, advice has been sought on how this design may be adapted to comply with the BCA as follows:

A standard solution in these situations is to fix toughened glass to the inside face of the balustrade panel. A robust polycarbonate sheet such as 'Perspex' would also be suitable.

The advice continues to observe:

Limited use of other backing panels may also be appropriate. For example, the backing only needs to be behind the non-vertical elements (the diagonal), and only between 150 and 750 above the floor. This would not be inconsistent with the historic image that shows what appear to be solid panels at the base of the paired columns. This backing material could be powder coated flat iron, painted marine ply, rigid traditional-style bronze mesh, perforated flat-iron, glass, perspex or other suitable material such as powder-coated stainless steel mesh ('crimsafe') that is often used as security screening in doors and windows. This product was used on the upper balustrades at the Snow Lion B&B in Wilson Street Braidwood.

Again, if Council is going to the trouble of restoring the balustrade to its original design then the only real solution is to have the glass or clear plastic backing. However, the owner has confirmed that in his discussion with the heritage Office they did not support the use of a plastic or glass backing to the balustrade as the materials were too modern. A dark coated steel mesh would be the preferred alternative.

However, whatever the solution, it would also have to be supported by the Office of Environment and Heritage and the owner.

The Owner's View

A submission from the current owner of the Albion was received prior to the October 2018 resolution above and has been previously circulated to Councillors. It expresses strong concern about possible Council action on the Albion Hotel's railings as well as strong reluctance to take action to replace them with similar to the former diagonal railings.

Amongst the points made in the owner's submission are:

12.1 Consideration of Replacing Balustrades at the Albion Hotel - 119 Wallace Street, Braidwood (Ref: C19613; Author: Thompson/Carswell) (Continued)

- *Prior to obtaining ownership in 2014 the Albion Hotel and shops were in a state of dilapidation due to decades of neglect or minimal attention. As a result of considerable effort and money by the owner they are now beautiful buildings which doesn't seem to have been recognised.*
- *If owner's permission is required to alter the balustrades the owner is highly unlikely to agree. However, if agreement was obtained then all costs would be required to be paid including:*
 - *all Heritage reports and DA and Council applications paid.*
 - *all claims by tenants for effect on their business for full compensation of any loss they ask for. (This assumes closure of various tenants during works).*
 - *a full indemnity in perpetuity to be taken on by Council for any risk or injury caused by the balustrades not being to the same safety level.*
 - *All cost of legals for the owner with regard to the above.*
 - *The current material has an extremely long life as such all maintenance up keep and replacement going forward will in perpetuity be by Council and done based on timing of my discretion.*
- *The Owner would also require to hold a bond in a solicitors trust as an assurance that this would be honoured.*
- *Owner would also have final say on approval of the design.*

More recent discussions with the owner of the premises have confirmed that he still holds all of the abovementioned sentiments and views.

Financial Implications

A minimum estimate to replace the current balustrades with diagonal timber balustrades and a dark steel mesh backing for safety is in the order of \$48,250 plus the costs of removal and disposal of the current railings. However, the owner has made it clear that for him to even consider supporting the replacement of the current railings which were erected with approval, Council would have to cover the following additional costs.

- costs associated with lodging development and construction certificate applications;
- the owner's heritage consultant costs for reports required by the Heritage Office;
- ongoing maintenance and replacement costs;
- costs associated with loss of business of tenants during construction activities;
- legal costs associated with the other requirements of the owner such as a full indemnity in perpetuity to be taken on by Council for any risk or injury caused by the balustrades not being to the same safety level.

In addition the owner would require Council to provide a bond in a solicitors trust as an assurance that all costs and liabilities would be honoured.

Direct costs are likely to be in the vicinity of \$60,000 but costs such as ongoing maintenance and compensation for loss of business are less quantifiable and are not included.

The construction costs, the additional costs that the owner requires Council to cover and the risks the owner is asking Council to absorb are therefore considerable. No funds are available to cover such costs.

Could a Special Heritage Grant be used to Assist Funding?

Should a Special Heritage Grant be considered as a means of funding the direct works it would require the submission of an application by the owner and subsequent approval by Council.

12.1 Consideration of Replacing Balustrades at the Albion Hotel - 119 Wallace Street, Braidwood (Ref: C19613; Author: Thompson/Carswell) (Continued)

The use of funds from the special heritage grant to correct private works is not considered to be consistent with the reason that Council sets these funds aside. Therefore support through this means would be a significant variation to Council policy. This is because Special Heritage Grants have previously only been provided to owners of churches and buildings owned or managed by community based Not for Profit Organisations. They have not been provided to privately owned buildings. Also they have been limited to either covering the costs of works or a small proportion for professional costs such as those involved in preparing a conservation management plan, but in this case would need to cover an expanded range of costs required by the owner.

It is unlikely that any other external grants would be available as the owner already received \$150,000 in heritage grants to upgrade the existing building including the installation of the current balustrade.

Implications***Legal***

As noted above the previous development application for additions/alterations including the current vertical metal railings was approved. This process also included a construction certificate being issued for the latter. This brought the process to a completion.

Council has no powers to compel the owner to submit a fresh development application to replace the existing railings with the previous wooden diagonal railings.

Policy

Since approval of the alterations and additions to the Albion Hotel in February 2016, policy changes have been made to broaden the opportunities for greater community input into certain types of development applications.

For example, the terms of reference for the Braidwood and Curtilage Heritage Advisory Committee now enable it to provide:

- *advice/recommendations on heritage issues arising from certain types of development applications within the Braidwood and Curtilage area. Development applications that may be considered include those:*
 - *requested by the Heritage Advisor*
 - *involving external work for buildings in Wallace Street where the proposed work will be visible from a public street or place*
 - *involving external work on public buildings or buildings used for religious and civic purposes which are listed as heritage significant and where the proposed work will be visible from a public street or place.*

This was not the case for the previous Palerang Heritage Advisory Committee which did not have delegation to advise/recommend on any type of development application.

Conclusion

Should Council determine to pursue the replacement of the balustrades at the Albion Hotel with the owner of the premises, the preferred design for the replacement handrails should be for a wooden diagonal design similar to the original design shown in Figure 2 above. The balustrade should be backed with a dark stainless steel mesh to ensure compliance with safety provisions of the Building Code of Australia.

To achieve the above would entail Council undertaking considerable risks including:

- The significant risk that the owner does not support the change given the disruption to his business activities.

12.1 Consideration of Replacing Balustrades at the Albion Hotel - 119 Wallace Street, Braidwood (Ref: C19613; Author: Thompson/Carswell) (Continued)

- Funding approximately \$60,000 in direct costs to facilitate changes which are not presently budgeted for (assuming that the support of the owner could be obtained in the first place).
- Taking on risks related to liability and maintenance in order to win the support of the owner for the replacement project.
- Unquantifiable risks in terms of compensation to affected shop owners affected by the replacement works.
- A risk that even if an application for the proposed changes proceeds, they will not be supported by the Heritage Office noting that any development application would also have to be assessed by them as the proposal would be Integrated Development.

Given that the existing balustrade was installed under a valid consent and in good faith and that there are considerable costs and risks to Council, there is no justification or significant benefit in Council pursuing the proposed changes to the balustrade especially given that there is no dominant style of railing treatment in Wallace Street. The recommendation is that no further action be taken on this matter.

Attachments

Nil

12.2 DA-168-2018 - Bulky Goods Premises - 6 Bungendore Road, Queanbeyan East
(Ref: C18153559; Author: Thompson/Rousell)

Summary

Reason for Referral to Council

This application has been referred to Council because it involves a significant variation to a requirement in a development control plan and that variation would have a significant environmental impact.

Proposal:	Bulky Goods Premises
Applicant/Owner:	Glenwave Pty Limited/Glenwave Pty Limited TA Spotlight
Subject Property:	Lot 21 DP 1000962, No. 6 Bungendore Road, Queanbeyan East
Zoning and Permissibility:	B5 Business Development under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Nil
Issues Discussed:	Planning Requirements Car Parking
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or staff have been made

Recommendation

That:

- 1. Approval be granted to a variation to Part 2.2 of Queanbeyan Development Control Plan 2012 to allow for a reduction of parking spaces for the following reasons:**
 - (a) The applicant's Traffic Impact Assessment demonstrates that proposed car parking is able to accommodate expected parking demand generated by the development.**
 - 2. Development application 168-2018 for a bulky goods premises on Lot 21 DP 1000962, No. 6 Bungendore Road, Queanbeyan East be granted conditional approval.**
-

Background

Proposed Development

The development application is for the construction of a single storey building comprising two bulky goods premises with a total area of 1238m².

Permissibility

The subject site is located at 6 Bungendore Road and is zoned B5 Business Development. A bulky goods premises (now defined as a specialist retail premises) is permissible with consent within the B5 Zone under the Queanbeyan Local Environmental Plan 2012 (QLEP 2012).

**12.2 DA-168-2018 - Bulky Goods Premises - 6 Bungendore Road, Queanbeyan East
(Ref: C18153559; Author: Thompson/Rousell) (Continued)*****Subject Property***

The subject site is legally described as Lot 21 DP 1000962 and is commonly known as 6 Bungendore Road. The site is located on the south east side of Bungendore Road at the intersection of Bungendore Road and Ellerton Drive and has an area of 23,657m² (2.32ha).

The subject site contains a number of existing business developments including Spotlight, Supercheap Auto etc. Vehicular access is provided to the site via an existing roundabout from Warroo Street with a left turn only exit point onto Bungendore Road (see Figure 1).

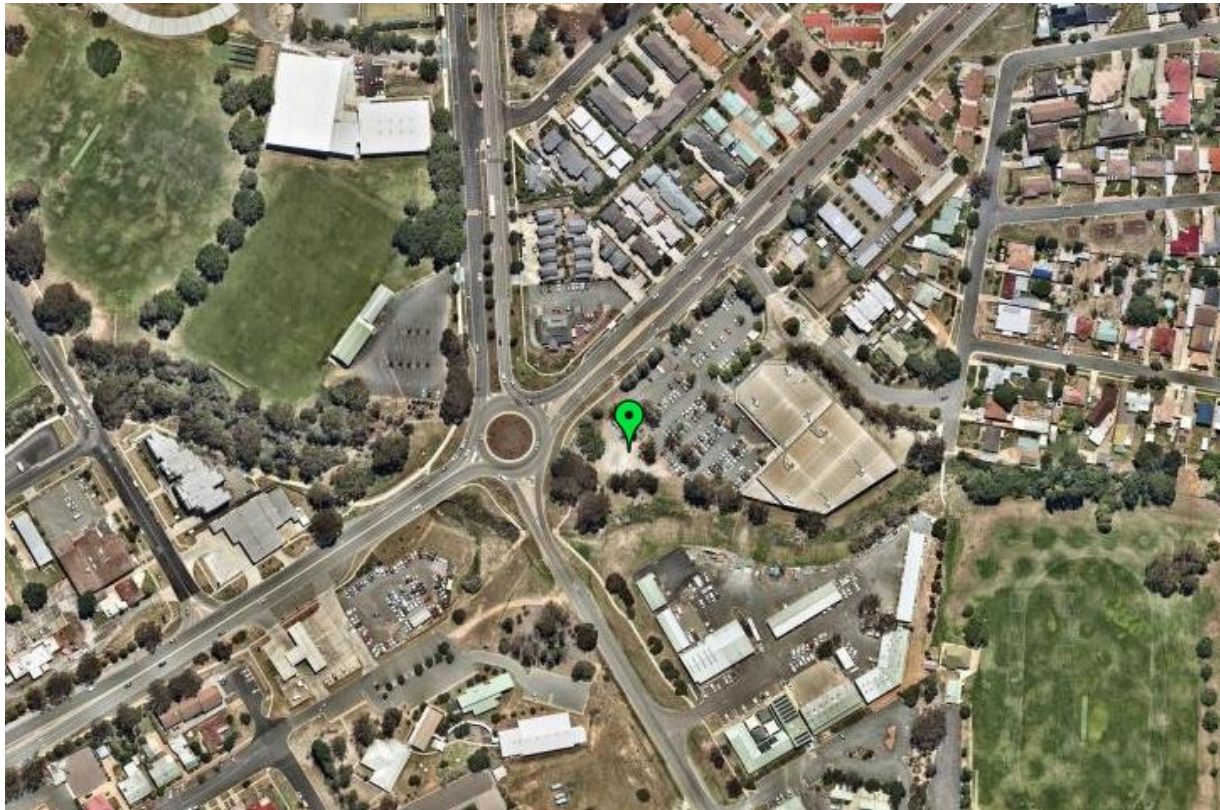


Figure 1 – Aerial Image of Locality (Source: NearMap)

Existing development within the locality consists of a mix of business, commercial, and residential development as well as a number of playing fields and recreational areas. It is noted that the subject site is located on the corner of Bungendore Road and Ellerton Drive. This is considered to be a major intersection given the construction of the Ellerton Drive Extension. The streetscape impacts of the proposal were assessed given the significance of this intersection. Figures 2 & 3 below show perspectives illustrating the proposal viewed from Bungendore Road to the south, and from the Bungendore Road – Ellerton Drive intersection looking east.

12.2 DA-168-2018 - Bulky Goods Premises - 6 Bungendore Road, Queanbeyan East
(Ref: C18153559; Author: Thompson/Rousell) (Continued)



Figure 2 – Perspective looking south west from Bungendore Road (Source: AMC Architecture)



Figure 3 – Perspective looking east from Bungendore Road – Ellerton Drive Intersection (Source: AMC Architecture)

**12.2 DA-168-2018 - Bulky Goods Premises - 6 Bungendore Road, Queanbeyan East
(Ref: C18153559; Author: Thompson/Rousell) (Continued)**

Planning Requirements

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

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

1. Biodiversity Conservation Act 2016
2. Water Management Act 2000
3. State Environmental Planning Policy No 55 – Remediation of Land
4. State Environmental Planning Policy No 44 – Koala Habitat Protection
5. State Environmental Planning Policy (Infrastructure) 2007
6. Queanbeyan Local Environmental Plan 2012 (LEP).
7. Queanbeyan Development Control Plan 2012 (DCP)

The proposed development is consistent with the requirements of the *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)*. For a detailed assessment of the QLEP 2012 see attached *Section 4.15 Table – Matters for Consideration*. The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issue relating to the proposal for Council's consideration is compliance with the Queanbeyan Development Control Plan 2012 in regards to a variation to on-site car parking requirements under Part 2.2.

(a) Compliance with DCP

The application has been assessed against the relevant parts of the *Queanbeyan Development Control Plan 2012 (QDCP 2012)*. To view a detailed assessment of the QDCP 2012, see attached *Section 4.15 Table – Matters for Consideration*.

The application proposes a variation to the controls contained within Part 2.2 Car Parking of the QDCP 2012.

Proposed Variation to Car Parking Requirements of Part 2 of the Queanbeyan Development Control Plan 2012

Part 2.2 of QDCP 2012 outlines the requirement of 3 spaces per 100m² of GFA for a *bulky goods premises*. The proposed development has an area of 1238m² and therefore requires 38 car parking spaces.

As mentioned, the subject site contains a number of developments that utilise a shared car park. The existing car park contains 179 car parking spaces. This application proposes to decrease on-site car parking by 11 spaces, resulting in a total of 168 spaces. The total site requires 217 spaces with 168 being provided. Therefore the proposed development results in a shortfall of 49 spaces.

Applicant's Justification

As part of the proposal, the applicant submitted a Traffic Impact Assessment containing parking demand surveys to justify the variation.

Car park occupancy surveys were undertaken on Friday 8 December 2017 and Saturday 9 December 2017 from 9am to 6pm. The surveys indicated that peak parking demand occurred at 11am on Friday and 3pm on Saturday with 107 spaces and 104 spaces occupied respectively. This indicates that the existing car park has availability of at least 72 spaces (40%). This would be reduced to 61 spaces (based on the loss off 11 spaces) and is considered to be sufficient to cater for the proposal.

**12.2 DA-168-2018 - Bulky Goods Premises - 6 Bungendore Road, Queanbeyan East
(Ref: C18153559; Author: Thompson/Rousell) (Continued)**

Engineer's Comments

The site is currently tenanted by retail outlets and a café, with a reported combined floor area of approximately 4,500m², which based on current QPRC parking rates would require 217 parking spaces (including the proposed development).

The traffic impact assessment provided indicates that during a survey of the car park, between 48 and 102 of the 179 parking spaces on site were utilised. Council staff attended the site on a number of occasions at varying times and days of the week to test the finding of the assessment. Council staff found that the findings of the assessment generally held true with typically 70-80 vacant spaces encountered during visits.

Thus, whilst the parking requirement exceeds the site parking capacity significantly, the parking demand demonstrated on-site by the traffic assessment and observed on site by Council staff indicates an availability of approximately 70 parking spaces. Therefore, there is an ability for the site to compensate for the proposed use without providing additional parking and is supported.

Assessing Officer's Comments

The proposed development was assessed against the relevant legislation and policies, and is considered to be compliant other than the proposed variation to car parking. The applicant submitted car parking surveys undertaken at various times to assess the usage of the existing car park. It was concluded that the existing car park has an availability of approximately 40% and is sufficient to cater for the proposed development.

As mentioned earlier in the report, the existing development on site was approved prior to the QDCP 2012. Applying the current rates under QDCP 2012 results in a requirement of 217 parking spaces. It can be said that car parking rates are applied to individual developments and are unable to account for mixed-use development such as the one existing on site, resulting in a high amount of required parking. Requiring 217 spaces for the proposed development is considered to have a negative impact on the site as there would be little development potential with the majority of the site being occupied by car parking. Additionally, the subject site is a brownfield site in close proximity to the Queanbeyan CBD that is unable to provide additional parking without compromising the proposed development and future development. It is considered that the proposed development is an improvement to the amenity of the area.

In addition to the parking surveys undertaken and submitted by the applicant, Council staff have visited the site at various times throughout the assessment process to observe parking behaviour. These site inspections supported the findings of the submitted parking surveys with almost half of the provided parking available at various times. On this basis, it is considered that the proposed bulky goods premises is suitable for the site, is an appropriate development on the whole and is supported.

(a) Building Surveyor's Comments

No objections to the proposal subject to the imposition of recommended conditions of consent.

(b) Development Engineer's Comments

Council's Development Engineer raised no objections to the proposed development subject to the imposition of recommended conditions. Please see above for comments regarding the proposed variation to car parking controls within the QDCP 2012.

**12.2 DA-168-2018 - Bulky Goods Premises - 6 Bungendore Road, Queanbeyan East
(Ref: C18153559; Author: Thompson/Rousell) (Continued)**

(c) Environmental Health Comments

No objections to the proposal subject to the imposition of recommended conditions of consent.

Financial Implications

Section 64 Contributions are applicable to the proposed development in accordance with *Development Servicing Plan for Greater Queanbeyan City Council Sewerage & Development Servicing Plan for Greater Queanbeyan City Council Water Supply*.

- Sewer – 12.55ET x \$1,477.82 = \$18,546.68
- Water – 12.55ET x \$4,404.79 = \$55,280.06

Engagement

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

Conclusion

The submitted proposal is for a bulky goods premises on Lot 21 DP 1000962, No. 6 Bungendore Road. The application is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and in the local newspaper, and no submissions were received.

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

The development generally satisfies the requirements and achieves the objectives of these instruments with the exception of a variation to car parking requirements within the Queanbeyan Development Control Plan 2012 which are supported as outlined in this report and assessed in detail in the attached *Section 4.15(1) Table – Matters for Consideration*.

Attachments

- | | |
|--------------|--|
| Attachment 1 | DA 168-2018 - Section 4.15 Assessment - 6 Bungendore Road, Queanbeyan East (<i>Under Separate Cover</i>) |
| Attachment 2 | DA 168-2018 - Architectural Plans - 6 Bungendore Road - Queanbeyan East (<i>Under Separate Cover</i>) |
| Attachment 3 | DA 168-2018 - Draft Conditions of Consent - - 6 Bungendore Road, Queanbeyan East (<i>Under Separate Cover</i>) |

12.3 DA.2018.121 - Three Lot Subdivision - 71 Macdiarmid Road, Burra (Ref: C194059; Author: Thompson/Perkins)

Summary

Reason for Referral to Council

This application has been referred to Council because a variation of development standards is sought under the provisions of Clause 4.6 of the Palerang Local Environment Plan 2014 and because more than six submissions have been received.

Proposal:	Three (3) Lot Community Title Subdivision
Applicant/Owner:	RIG Consulting Pty Ltd/ GRAMM Property Pty Ltd
Subject Property:	Lot 4 DP 285984, No. 71 Macdiarmid Road, Burra
Zoning and Permissibility:	E4 Environmental Living under Palerang Local Environmental Plan 2014
Public Submissions:	Seven (7)
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

That:

- 1. Development application DA.2018.121 for a three (3) lot Community Title subdivision on Lot 4 DP285984, 71 MacDiarmid Road, Burra be refused for the following reasons.**

Reasons for Refusal:

- (a) Council has no ability to consent to the subject application in accordance with Clause 4.1B(5) of the Palerang Local Environmental Plan 2014 as Lot 4 DP 285984 having been created under Clause 20 of the Yarrowlunla Local Environmental Plan 2002 forms a resulting lot as defined under Clause 4.1B(6) of the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) Environmental Planning and Assessment Act 1979).**
 - (b) The proposed development resulting in an average lot size of 3.286ha fails to achieve the 6ha average lot size applicable to the subject site and therefore fails to satisfy the requirements of Clause 4.1(b)(4)(a) of the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) Environmental Planning and Assessment Act 1979).**
 - (c) Council is unable to approve the subject application in accordance with Clause 4.6(4)(b) of the Palerang Local Environmental Plan 2014 as the Secretary of the Department of Planning and Environment withheld concurrence (4.15(1)(a)(i) Environmental Planning and Assessment Act 1979).**
 - (d) Council is unable to utilise the provisions of Clause 4.6 of the Palerang Local Environmental Plan 2014 to consent to the subject application as the**
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12.3 DA.2018.121 - Three Lot Subdivision - 71 Macdiarmid Road, Burra (Ref: C194059; Author: Thompson/Perkins) (Continued)

- proposed development results in more than two (2) lots of less than the minimum area specified for such lots by a development standard with the E4 Environmental Living Zone and fails to satisfy the requirements of Clause 4.6(6)(a) of the Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) Environmental Planning and Assessment Act 1979).
- (e) The proposed development fails to satisfy the provisions of Clause 6.4 – Drinking Water Catchments of the Palerang Local Environmental Plan 2014 as insufficient information accompanied the application as to satisfactorily establish that the development is designed, sited and will be managed in such a way as to avoid any significant adverse impact on water quality within the Googong Drinking Water Catchment (4.15(1)(a)(i) Environmental Planning and Assessment Act 1979).
 - (f) The proposed building envelopes on proposed lots 31 and 32 contain significant constraints; when excluding these areas the building envelope on proposed lot 32 fails to satisfy the minimum building envelope area of 4000m² required under Section C1.2.5 of the Palerang Development Control Plan 2015 (4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979).
 - (g) The proposed building envelopes on proposed lots 31 and 32 contain insufficient unconstrained area to accommodate for onsite effluent disposal and as such the proposal fails to satisfy the requirements of Section C1.2.7 of the Palerang Development Control Plan 2015 (4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979).
 - (h) The subject site is burdened by a number of environmental constraints that significantly inhibit potential for future residential development and associated infrastructure upon the proposed lots. As such, the subject site is considered to be unsuitable for the purposes of the proposed development. (4.15(1)(c) Environmental Planning and Assessment Act 1979).
 - (i) Throughout the public notification period a number of submissions were received raising valid planning concerns in relation to the proposed development (4.15(1)(d) Environmental Planning and Assessment Act 1979).
 - (j) The proposed development by way of contravening development standards established under the Palerang Local Environmental Plan 2014 and Palerang Development Control Plan 2015 is considered to be contrary to the public interest (4.15(1)(e) 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 and Department of Planning and Environment be forwarded a copy of Council's Notice of Determination.

12.3 DA.2018.121 - Three Lot Subdivision - 71 Macdiarmid Road, Burra (Ref: C194059; Author: Thompson/Perkins) (Continued)

Background

The subject application seeks approval for a three (3) lot Community Title subdivision of Lot 4 DP285984, 71 MacDiarmid Road, Burra resulting in lots ranging from 1.36ha to 6ha in area.

The subject site, Lot 4, was initially created through the registration of DP258984 on 6 March 2006. The subdivision creating Lot 4 and DP258984 was approved under Development Application 1999/DA077 previously approved by Council at its meeting of 8 June 2004 under Clause 20 of the former Yarrowlumla Local Environmental Plan 2002. That subdivision approval was for a 29 Lot Community Title Rural Residential subdivision with lots ranging from 2.1ha to 15.9ha in area and a 4.1ha community lot separated in two (2) parts designated for stock handling facilities, community dam and non-potable water supply reservoir.

As a consequence of the above subdivision, the subject site, Lot 4, is a resulting lot as defined under Clause 4.1B(6) of the Palerang Local Environmental Plan 2014 and Council has no ability to approve the subject application.

Proposed Development

The application seeks Council approval for a three (3) lot Community Title subdivision as follows:

Lot #	Area	Structures	Access
Lot 4	2.5ha	Existing dwelling and shed	Existing driveway from MacDiarmid Road
Lot 31	1.36ha	Nil	Proposed right of carriageway over Lot 32
Lot 32	6ha	Nil	Proposed driveway from MacDiarmid Road

Subject Property

The subject site is legally described as Lot 4 DP285984 and is commonly known as 71 MacDiarmid Road, Burra. The site is located on the western side of MacDiarmid Road and has an area of 9.86ha.

Existing development on the site comprises a single storey dwelling and detached shed structure. Vehicular access is provided to the site via an existing driveway from MacDiarmid Road, Burra.

Existing development within the locality consists of rural residential land uses including rural dwellings, hobby farms and some extensive agriculture practices.

12.3 DA.2018.121 - Three Lot Subdivision - 71 Macdiarmid Road, Burra (Ref: C194059; Author: Thompson/Perkins) (Continued)

Figure 1: Locality plan

Proposed Clause 4.6 Variation

The proposed development fails to satisfy the average lot size provisions of Clause 4.1B of Palerang Local Environmental Plan 2014. As such, the subject application was accompanied by a written request seeking a variation to Clause 4.1B under Clause 4.6 of the PLEP 2014 to allow for an average lot size of 5.65ha or a 5.9% departure from the control.

However, throughout Council's assessment it was identified that the extent of variation proposed was incorrectly calculated using the area of all lots within the existing neighbourhood scheme. When calculated using only the land within Lot 4 DP285984 the proposed development actually results in an average lot size of 3.286ha being a 45% or 2.74ha departure from the development standard.

As the proposed development seeks a variation under Clause 4.6 of the Palerang Local Environmental Plan 2014 to a numeric development standard greater than 10%, the concurrence of the Secretary of the Department of Planning and Environment is required for the purposes of the subject application. As such, the subject application was referred to the Department of Planning and Environment.

Council received correspondence from the NSW Department of Planning and Environment on 4 December 2018 advising that as the subject application failed to satisfy the requirements of Section 4.6(6) of the Palerang Local Environmental Plan 2014 concurrence could not be issued. As concurrence has not been granted Council has no option but to refuse the subject application.

As a result of the constrained nature of the subject site, the proposed development also fails to satisfy the requirements of Section C1.25 Building Envelope and C1.2.7 Sewerage of the Palerang Development Control Plan 2015 with proposed lots 31 and 32 containing little to no land suitable for future residential development and the provision of associated services including onsite effluent disposal.

12.3 DA.2018.121 - Three Lot Subdivision - 71 Macdiarmid Road, Burra (Ref: C194059; Author: Thompson/Perkins) (Continued)

Planning Requirements

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

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

1. State Environmental Planning Policy (Rural Lands) 2008
2. Palerang Local Environmental Plan 2014 (PLEP).
3. Palerang Development Control Plan 2015 (PDCP)

Council is unable to approve the subject application as the proposed development fails to satisfy a number of development standards under the PLEP and development controls under the PDCP. The significant issues relating to the proposal for the Council's consideration are.

(a) Compliance with LEP

Palerang Local Environmental Plan (PLEP) 2014

The subject site is Zoned E4 Environmental Living zone under Palerang Local Environmental Plan 2014. Development for the purposes of subdivision is permissible with consent under Clause 2.6 of the PLEP 2014. However, Clause 4.1B of the PLEP establishes a number of controls relevant to lot averaging subdivision within the E4 Environmental Zone such as the proposed development. An assessment of the proposed development against the provisions of Clause 4.1B of the PLEP 2014 follows:

Lot averaging subdivision of certain land in Zone E4

<i>Cl.</i>	<i>Standard</i>	<i>Controls</i>	<i>Proposed</i>	<i>Complies</i>
<i>4.1B</i>	Average Lot size	6Ha	3.28Ha	No
	Minimum subdivision lot size	1Ha	1.36Ha	Yes
	Resulting Lot?		Yes	No

Comment: Clause 4.1B(5) of the Palerang Local Environmental Plan 2014 establishes that Council is unable to grant development consent for the purposes of a subdivision of a resulting lot for the purposes of residential accommodation.

The subject lot was created under 1999/DA077 which was approved by Council at its meeting of 8 June 2004 under Clause 20 of the former Yarrawluma Local Environmental Plan 2002 for a 29 Lot Community title subdivision. Further, residential accommodation was permissible upon the allotment. As such, the subject lot forms a resulting lot as defined under Clause 4.1B(6) of the Palerang Local Environmental Plan 2014 and Council has no ability to approve the subject application. It should be noted that that applicant has been made aware of the issues raised throughout this report and Council's inability to approve the subject application.

Nonetheless, the subject application, failing to satisfy the average lot size requirement established under Clause 4.1B was accompanied by a Clause 4.6 variation request seeking to allow for an average lot size of 3.286ha being departure from the 6ha development standard. An assessment of the proposed variation against the requirements of Clause 4.6 of the PLEP 2014 follows:

Clause 4.6 Exceptions to Development Standards

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

12.3 DA.2018.121 - Three Lot Subdivision - 71 Macdiarmid Road, Burra (Ref: C194059; Author: Thompson/Perkins) (Continued)

The subject application, failing to satisfy the average lot size requirement established under Clause 4.1B was accompanied by a Clause 4.6 variation request prepared by RIG Consulting Pty Ltd. The subject request erroneously utilises the entire land area of the existing neighbourhood plan (DP285984) and has such sought to justify a 5.9% or 0.35ha variation to the average lot size control. The subject variation request fails to adequately consider the actual extent of variation proposed being an average lot size of 3.286ha resulting in a 45% or 2.74ha departure from the 6ha development standard.

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

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

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

While the applicant has provided a written request that seeks to justify a variation to the development standard, the subject variation request incorrectly calculates the extent of the actual variation and therefore cannot be considered to justify the contravention of the development standard.

Accordingly Council has no power to vary the development standard and therefore is unable to approve the subject application. As the subject application fails to satisfy the requirements of Clause 4.6(3) further assessment of the subject variation request is not necessary, though it is noted that as the proposed development seeks a variation request to a numeric development standard greater than 10%, the concurrence of the Secretary of the Department of Planning and environment is required under Clause 4.6(4)(b) of the PLEP 2014.

The subject application was referred to the Department of Planning and Environment for their concurrence. Council received correspondence from the NSW Department of Planning and Environment on 4 December 2018 advising that as the subject application failed to satisfy the requirements of Section 4.6(6) of the Palerang Local Environmental Plan 2014 concurrence was unable to be issued. As concurrence has not been granted Council has no option but to refuse the subject application.

Clause 6.4 Drinking Water Catchments

Clause 6.4 of the PLEP 2014 makes provision for developments within a drinking water catchment. The subject site is identified on Council's mapping as located within the Googong Drinking Water Catchment. The subject application was accompanied by a Land Capability Assessment prepared by Franklin Consulting Australia Pty Limited. This assessment concluded that the subject site is suitable for the purpose of the proposed development subject to the use of secondary treatment methods. However, the report also finds that a minimum area of 1,300m² is required for the purposes of effluent disposal. When excluding constrained areas identified within the report there is insufficient area within the proposed building envelopes to accommodate for effluent disposal on proposed lots 31 and 32. As such the subject application fails to satisfy the requirements of Clause 6.4 of the PLEP 2014.

(b) Compliance with DCP***Palerang Development Control Plan 2015***

Section 1.2 of the Palerang Development Control Plan 2015 establishes a number of development controls relevant to the subject application. An assessment of the subject application against the provisions of Section 1.2 found the proposal failed to satisfy Section 1.2.5 Building Envelope and 1.2.7 Sewerage of the PDCP due to the constrained nature of proposed Lots 31 and 32. A detailed assessment of the proposal against the provisions of PDCP 2015 is provided in the attached 4.15 Assessment Report (Attachment 1).

(c) Other Matters***Site Suitability***

Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 requires consideration be given to the suitability of the site for the purposes of the proposed development. The subject site is burdened by a number of constraints including undulating topography, rock outcrops, drainage lines and threatened species habitat. As a result of these constraints the proposed lots include insufficient area to accommodate for future residential development and associated infrastructure. Therefore, the proposed development is considered to represent an over development of the site and accordingly the subject site is considered to be unsuitable for the purposes of the proposed development.

Other Comments(a) NSW Planning Secretary

The subject application seeking to vary a development standard by more than 10% falls outside of the assumed concurrence as outlined within the NSW Department of Planning and Environments Planning Circular PS18-003. As such, in accordance with Clause 4.6(5) of the Palerang Local Environmental Plan 2014 the concurrence of the Secretary of the Department of Planning and Environment is required for the purposes of the proposed variation request. Council received correspondence from the NSW Department of Planning as a delegated representative of the Secretary advising that as the subject development application seeks to create two (2) lots less than the relevant minimum lot size (6 hectares) and the proposed variation is greater than 10% of the relevant minimum lot size, Clause 4.6 of the PLEP 2014 may not be used to grant development consent to the subject application. As such, concurrence has not been received.

(b) NSW Rural Fire Service

The subject application requires approval under Section 100b of the NSW Rural Fires Act 1997 and so the subject application was referred to the NSW RFS for concurrence. General terms of approval were received from the NSW RFS on 3 August 2018.

(c) Environmental Health Comments

Council's Health and Building Surveyor reviewed the Land Suitability Assessment prepared by Franklin Consulting Australia Pty Limited that accompanied the subject application and noted that it fails to identify suitable areas within the proposed building envelopes on proposed Lots 31 and 32 suitable for the purposes of onsite effluent disposal. Further, the report notes significant site constraints within the proposed building envelopes that would limit potential for both the disposal of effluent and future construction on the allotments. Therefore, the subject application is not supported.

12.3 DA.2018.121 - Three Lot Subdivision - 71 Macdiarmid Road, Burra (Ref: C194059; Author: Thompson/Perkins) (Continued)

(d) Development Engineer's Comments

Council's Development Engineer offered no objections to the proposal, subject to the imposition of conditions of consent.

Engagement

The proposal required notification under Part E of the Palerang DCP 2015 and was publicly notified from 11 July 2018 to 10 August 2018 in accordance with the requirements of Part E of the Palerang Development Control Plan 2015. Seven (7) submissions were received.

The relevant issues raised are as follows:

1. *Impacts on common property and community water supply* - Concern was raised over the potential impacts of the development on the existing community water supply benefitting the subject lot.

Comments: In accordance with the existing Neighbourhood Management Statement each lot created under DP285984 is entitled to 870,000 litres of non-potable water per annum. The proposed subdivision would see this entitlement divided by three (3) and would not result in any additional entitlement to draw water from the community supply beyond the existing entitlement.

2. *Minimum lot size* - Concern was raised that the proposed lot sizes fail to meet the minimum lot sizes for the site as established under the Palerang Local Environmental Plan 2014.

Comments: Agreed. This matter has been discussed in detail previously throughout this report.

3. *Increased Residential Density* - Concern was raised over the increased residential density represented by the proposed development.

Comments: Agreed. The proposed development resulting in lots below the average lot size established under Clause 4.1B of the Palerang Local Environmental Plan 2014 would allow development beyond the planned residential density as established under the PLEP 2014.

4. *Bushfire* - Concern was raised over the additional bushfire risk posed by the proposed development and impact on communal firefighting resources.

Comments: The subject application requires the concurrence of the NSW Rural fire Service under Section 100b of the Rural Fires Act 1997. Council has received general terms of approval from the RFS identifying the proposal as being acceptable from a bushfire risk point of view subject to conditions of consent.

5. *Precedent* - Concern was raised that the proposed development, involving a variation to the average lot size provisions of the Palerang Local Environmental Plan 2014, may establish an undesirable precedent for further development within the locality.

Comments: Any future development application for the purposes of subdivision would be required to be considered on its own merit.

6. *Traffic* - Concerns were raised over potential impacts of additional traffic movements generated as a result of future development upon the proposed allotments.

Comments: Potential future residential uses of the proposed allotments while being likely to generate some additional traffic movements are considered unlikely to result in any significant impacts on the efficient operation of the existing road network.

12.3 DA.2018.121 - Three Lot Subdivision - 71 Macdiarmid Road, Burra (Ref: C194059; Author: Thompson/Perkins) (Continued)

7. *Visual Impacts* - Concern was raised over potential visual impacts of future development within the proposed building envelopes.

Comments: The proposed building envelopes are compliant with the setback provisions established under Section C1.2.5 of the PDCP 2015. Nonetheless, future development on the site would require consideration of visual compatibility with surrounding development.

8. *Water Quality* - Concern was raised regarding potential impacts of the proposed development on water quality within the locality.

Comments: As previously noted throughout this report, the subject application was accompanied by insufficient information to determine the impact of future development on the site on water quality within the Googong Drinking Water Catchment.

9. *Relationship to current Neighbourhood Management Statement* - Concern was raised over the potential impacts of the development upon the existing Neighbourhood Management Statement for DP285984.

Comments: The relationship of the proposed development and Neighbourhood Management Scheme is a matter for the members of the scheme and is beyond the scope of this assessment.

10. *Suspension of Covenants* - Concern was raised that the applicant proposes to utilise the provisions of Clause 1.9A of the PLEP 2014 to set a side covenant for the purposes of managing natural temperate grassland.

Comments: The subject covenant was imposed under the previous subdivision in accordance with the recommendations of the associated flora and fauna report. In considering this submissions it is important to note that the biodiversity legislation has been significantly reformed since the time of the original subdivision and as such, consideration must be made under the current legislation. The subject application was accompanied by a Biodiversity Development Assessment Report prepared by Ecological Australia Pty Ltd in accordance with the Biodiversity Conservation Act 2016 considering the impacts of the development upon flora and fauna upon the site. This report gives consideration to the impacts of the proposed development upon threatened flora and fauna species on the site and within the locality and notes that the proposed development will result in no significant impacts upon any threatened flora or fauna species.

11. *Clause 4.6 Request* - Concern was raised over the adequacy of the Applicant's Clause 4.6 variation request.

Comments: This matter has been discussed in detail previously throughout this report.

12. *Setbacks* - Concern was raised over the adequacy of the proposed building envelope setbacks.

Comments: The proposed building envelopes are compliant with the setback provisions established under Section C1.2.5 of the PDCP 2015.

Conclusion

The submitted proposal for a three (3) Lot Community Title Subdivision of Lot 4 DP 285984, 71 Macdiarmid Road, Burra has been assessed under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of State Environmental Planning Policy (Rural Lands) 2008, Palerang *Local Environmental Plan 2014* and Palerang Development Control Plan 2015.

12.3 DA.2018.121 - Three Lot Subdivision - 71 Macdiarmid Road, Burra (Ref: C194059; Author: Thompson/Perkins) (Continued)

The proposed development fails to satisfy numerous provisions under the Palerang Local Environmental Plan 2014 and the Palerang Development Control Plan 2015 relating to average lot size, water quality, building envelopes and effluent disposal. Further, the subject site is constrained and the proposal is considered to represent an overdevelopment of the site. As such, the proposed development is not considered suitable for the site, and is recommended for refusal.

Attachments

- Attachment 1 DA.2018.121 - Section 4.15 Assessment Report - 71 Macdiarmid Road, Burra (*Under Separate Cover*)
- Attachment 2 DA.2018.121 - Site Plan - 71 Macdiarmid Road, Burra (*Under Separate Cover*)
- Attachment 3 DA.2018.121 - Clause 4.6 Variation Request - 71 Macdiarmid Road, Burra (*Under Separate Cover*)
- Attachment 4 DA.2018.121 - Submissions - 71 Macdiarmid Road, Burra (*Under Separate Cover*) - **CONFIDENTIAL**

**12.4 Googong Urban Development Local Planning Agreement Review (Ref: C19608;
Author: Thompson/Carswell)**

Summary

This matter was last considered by Council at its meeting of the Planning and Strategy Meeting of 14 November 2018 where it was resolved (Minute No. PLA156/18) that:

- a) *Council agree in principle to vary the Googong Urban Development Local Planning Agreement with the proposed changes identified in Attachment 1 to this report excluding proposed change No.6a.*
- b) *Council not endorse the proposal as outlined in Attachment 2 to the report.*
- c) *Council refer Council's proposed alterations as specified in a) and b) above to Googong Township Pty Ltd for their consideration and determination as to whether they would support the proposed changes to the Agreement.*
- d) *The response from Googong Township Pty Ltd be the subject of a further report to Council.*

This report is submitted in accordance with part d) of the above resolution.

Recommendation

That Council:

1. **Agree in principle to vary the Googong Urban Development Local Planning Agreement as follows:**
 - i. **Definitional alterations to various clauses/wording in the Works Schedule, to maintain the currency of the GLPA to reflect such things as the gazettal of Queanbeyan Local Environmental Plan 2012.**
 - ii. **Insertion in the works schedule of the Googong Urban Development Local Planning Agreement (GLPA) of completed works relating to the Water Recycling Infrastructure and new items such as smart poles, sensors and Wi Fi capability.**
 - iii. **A new clause reflecting the July 2016 Memorandum of Understanding between Council, Googong Township Pty Ltd and the Queanbeyan Whites Rugby Union Football Club Incorporated regarding the operation of a community facility.**
 - iv. **An alteration to the escalation indices for offsite road contributions.**
 - v. **Other amendments applying to offsite roads, so as to:**
 - a) **Update the works schedule in the GLPA for offsite roads as well as their contribution values.**
 - b) **Recognise the Old Cooma Road Grant.**
 - c) **Cap the total offsite roads contributions at \$61,653,882.**
 - d) **Include an interest contribution component payable quarterly.**
 - vi. **Any other consequential administrative amendments recommended and agreed to by the parties' solicitors.**
 2. **Commence the statutory steps to vary that Agreement including community engagement for a minimum of 28 days.**
 3. **Receive a further report on the outcomes of the community engagement process.**
-

**12.4 Googong Urban Development Local Planning Agreement Review (Ref: C19608;
Author: Thompson/Carswell) (Continued)**

Background

The Googong Urban Development Local Planning Agreement (GLPA) was negotiated between 2008 and 2011 and executed by both parties after community engagement in January 2012.

It has been in operation for seven years and a number of changes have occurred, such as the gazettal of *Queanbeyan Local Environmental Plan 2012* in November 2012 which impacts on it.

The key drivers of the changes are:

- Increases to the cost of construction of offsite roads, in excess of CPI;
- Better estimation of those costs now that firmer designs are in hand, or the works have been tendered;
- Grant funding for the Old Cooma Road Stage 2 and Lanyon Drive intersection; and
- Reduction in scope and scale of some off-site roads and intersections, following review of traffic modelling and assumption of responsibility of some works by RMS (e.g. Yass Rd roundabout).

As such it has become apparent to both Council and to Googong Township Pty Ltd (GTPL) that a number of changes and updates are necessary to maintain its currency.

This matter was last considered by Council at its meeting of the Planning and Strategy Meeting of 14 November 2018. Following this staff had a number of engagements with Googong Township Pty Ltd to progress the matter following the changes to the previous proposal as recommended by Council. Those discussions led to a number of propositions being put to GTPL before finalising the proposed changes below.

Proposed Changes

As a result it is proposed to make the following changes to the Googong Urban Development Local Planning Agreement (GLPA). The list below includes those changes previously endorsed by Council in adopting part a) of resolution PLA156/18 stated in the Summary section above:

1. Definitional alterations to various clauses/wording in the Works Schedule, to maintain the currency of the GLPA to reflect such things as the gazettal of *Queanbeyan Local Environmental Plan 2012*.
2. Insertion in the works schedule of the Googong Urban Development Local Planning Agreement (GLPA) of completed works relating to the Water Recycling Infrastructure and new items such as smart poles, sensors and Wi Fi capability.
3. A new clause reflecting the July 2016 Memorandum of Understanding between Council, Googong Township Pty Ltd and the Queanbeyan Whites Rugby Union Football Club Incorporated regarding the operation of a community facility.
4. An alteration to the escalation indices for offsite road contributions.
5. Other amendments applying to offsite roads, so as to:
 - a) Update the works schedule in the GLPA for offsite roads as well as their contribution values.
 - b) Recognise the Old Cooma Road Grant.
 - c) Cap the total offsite roads contributions at \$61,653,882.
 - d) Include an interest contribution component payable quarterly.
6. Any other consequential administrative amendments recommended and agreed to by the parties' solicitors.

**12.4 Googong Urban Development Local Planning Agreement Review (Ref: C19608;
Author: Thompson/Carswell) (Continued)**

These *changes* are recommended to be supported in principle with further consideration following community engagement.

Implications***Legal***

The proposed changes will require legal review and advice prior to exhibition for community comment.

In addition, the *Environmental Planning and Assessment Regulation 2000* requires the proposed changes be advertised for community comment for a minimum of 28 days.

Policy

The GLPA ties the release of necessary supporting physical and community and open space infrastructure to various stages of the development of Council's largest urban release area. As such its currency should be maintained.

Asset

The GLPA progressively provides for the construction of physical, community and open space infrastructure as development occurs. Following maintenance periods, these become Council's assets.

Social / Cultural

The GLPA retains both community and open space infrastructure.

Strategic

This Agreement provides for the progressive provision of the necessary infrastructure to support the new community of Googong which is one of the major urban release areas identified by Council's *Queanbeyan Residential and Economic Strategy 2031*.

Engagement

Subject to Council adopting the recommendations of this report, it is proposed that the community be engaged for a minimum period of 28 days. This is the minimum required under the *Environmental Planning and Assessment Regulation 2000*. An information session will be arranged with the Residents Association.

Financial

Amendments to the GLPA will necessitate costs of legal advice, community engagement and other associated costs. These will be covered by the appropriate budget in the Land Use Branch.

There would also be some changes to the contribution values and mix for offsite roads and community and open space infrastructure to reflect actual costs incurred and updated cost estimates for work still to be completed.

Integrated Plan

The GLPA assists in achieving Community Strategic Plan Key Goal 3.5 *We ensure the future planning for the region is well coordinated and for and provides for its sustainable management*.

**12.4 Googong Urban Development Local Planning Agreement Review (Ref: C19608;
Author: Thompson/Carswell) (Continued)**

Conclusion

The proposed changes or variations to the Googong Urban Development Local Planning Agreement (GLPA) have been developed over the last few years following improved awareness of actual capital costs, and after careful consideration by both parties of the Agreement. They are also considered to be important to maintain the currency of the GLPA. Accordingly it is recommended that these be agreed to in principle and pursued with community engagement and a further report to Council.

Attachments

Nil

12.5 Requests For New Road Names - Bungendore and Jerrabomberra (Ref: C18176226; Author: Thompson/Bateman)

Summary

Council has received two requests for new road names for subdivisions presently being undertaken in the local government area.

- The first request is to name two new roads created in the new commercial subdivision off Tomsitt Drive in Jerrabomberra. The applicant would like to use the names Henry Place and Robin Lane.
- The second request is for the creation of a new road resulting from an approved boundary adjustment. The applicant would like to use the name Millwood Lane.

All three names are appropriate and are recommended for public exhibition.

Recommendation

That Council:

- 1. Adopt in principle the names ‘Henry Place’ and ‘Robin Lane’ as the proposed street names for the two new roads created by the subdivision approved by DA 196-2016 off Tomsitt Drive, Jerrabomberra.**
 - 2. Adopt in principle the name ‘Millwood Lane’ as the proposed name for the new road created in conjunction with the boundary readjustment of Lots 4 & 5 DP1055202 off Gibraltar Street, Bungendore.**
 - 3. Advertise the names for public comment for 30 days.**
 - 4. Publish a notice in the NSW Government Gazette if no objections are received.**
-

Background

Council has received two recent applications for the naming of three new roads in the LGA. The applications are as follows:

Application 1 – Two New Road Names for New Commercial Subdivision Off Tomsitt Drive, Jerrabomberra

DA 196-2016 for this subdivision creates six new allotments from the property formally referred to as the Poplars Estate. The applicant has requested the use of the following road names:

Henry Place – for **HENRY** Ferdinand Halloran (1869-1953)

Born in Sydney, his father was a bank clerk and architect named Edward Roland Halloran and mother was Adeline Burgess, née Reuss. His grandfather was also called Henry Halloran and his great grandfather was Laurence Hynes Halloran, a convict transported to Sydney. Henry attended Sydney Boys High School and Newington College. He qualified as a surveyor in 1890 and became a conveyancer and valuer. After establishing Henry F. Halloran & Co. in 1897, Halloran became a significant figure in property development and urban planning in New South Wales from the 1880s through to the 1950s. His developments included Seaforth and Warriewood in Sydney in 1906, and Environa near Queanbeyan.

Henry Halloran was a significant figure in the development of Queanbeyan and surrounds and the land being subdivided is owned by his direct descendants. The name comprises an

12.5 Requests For New Road Names - Bungendore and Jerrabomberra (Ref: C18176226; Author: Thompson/Bateman) (Continued)

unambiguous word that is easy to spell and pronounce. The name is appropriate and has been approved by the Geographical Names Board (GNB).

Robin Lane – for Hooded **ROBIN** (south-eastern form) *Melanodryas cucullata cucullata*.

The hooded robin is a small bird native to Australia and endemic to south eastern NSW. The male bears distinctive black and white coloured plumage, while the female is a grey-brown colour. The Hooded Robin is listed as vulnerable in NSW.

Robin is an appropriate name and is used by the owner’s family in relation to property holdings in the Jerrabomberra area. It comprises an unambiguous word that is easy to spell and pronounce. The name is yet to be confirmed by the GNB.

The subject roads are shown in Figure 1 below.

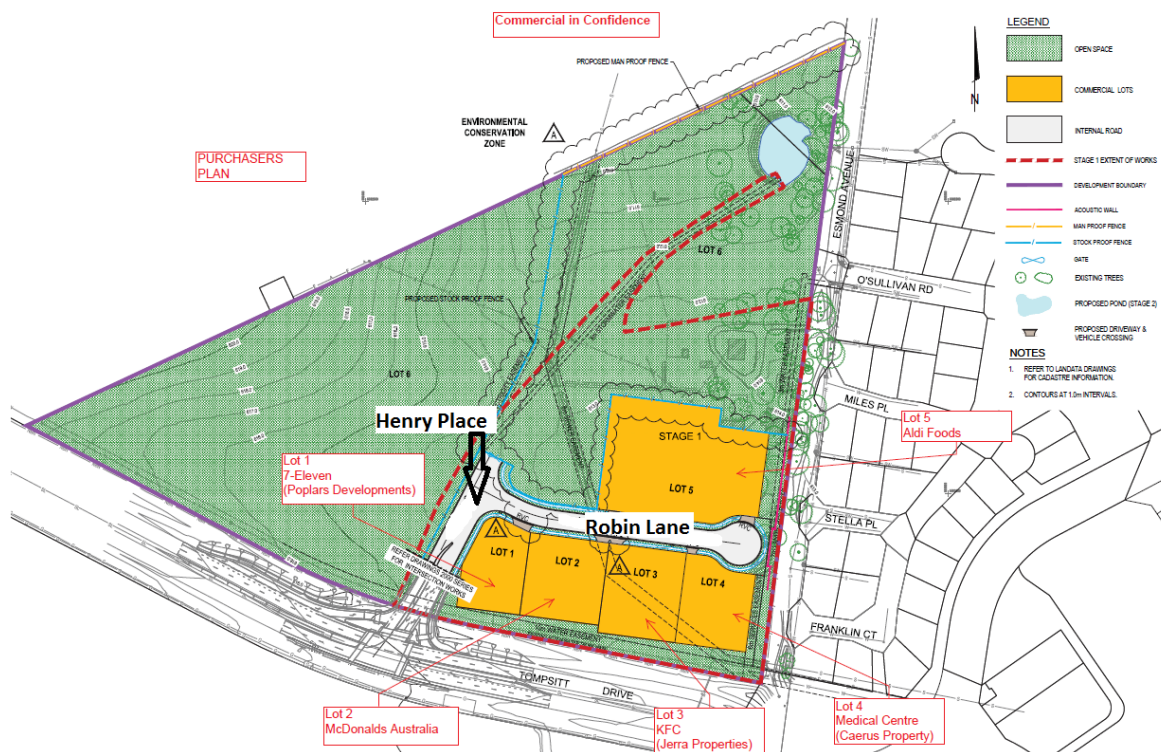


Figure 1 – Location of Proposed Henry Place and Robin Lane, Jerrabomberra

Application 2 – New Road Resulting from Boundary Adjustment - Lots 4 & 5 DP1055202 off Gibraltar Street, Bungendore

The applicant has requested the use of the following name.

Millwood Lane – from **Millwood** - Family Name

The chosen name has been suggested by the applicant to honour their late mother and father who lived and worked in Bungendore in the 1980’s. It had been their vision to develop the block they had purchased, and name the access road Millwood. Unfortunately, they passed away before that dream could be fulfilled.

Whilst the origins of the family name are not known, it meets the criteria as per Council’s normal approach. It references former local residents who contributed to the community at that time and comprises an unambiguous word that is easy to spell and pronounce and is therefore recommended. The GNB have concurred with the suggested name.

12.5 Requests For New Road Names - Bungendore and Jerrabomberra (Ref: C18176226; Author: Thompson/Bateman) (Continued)

The subject road is shown in Figure 2 below.

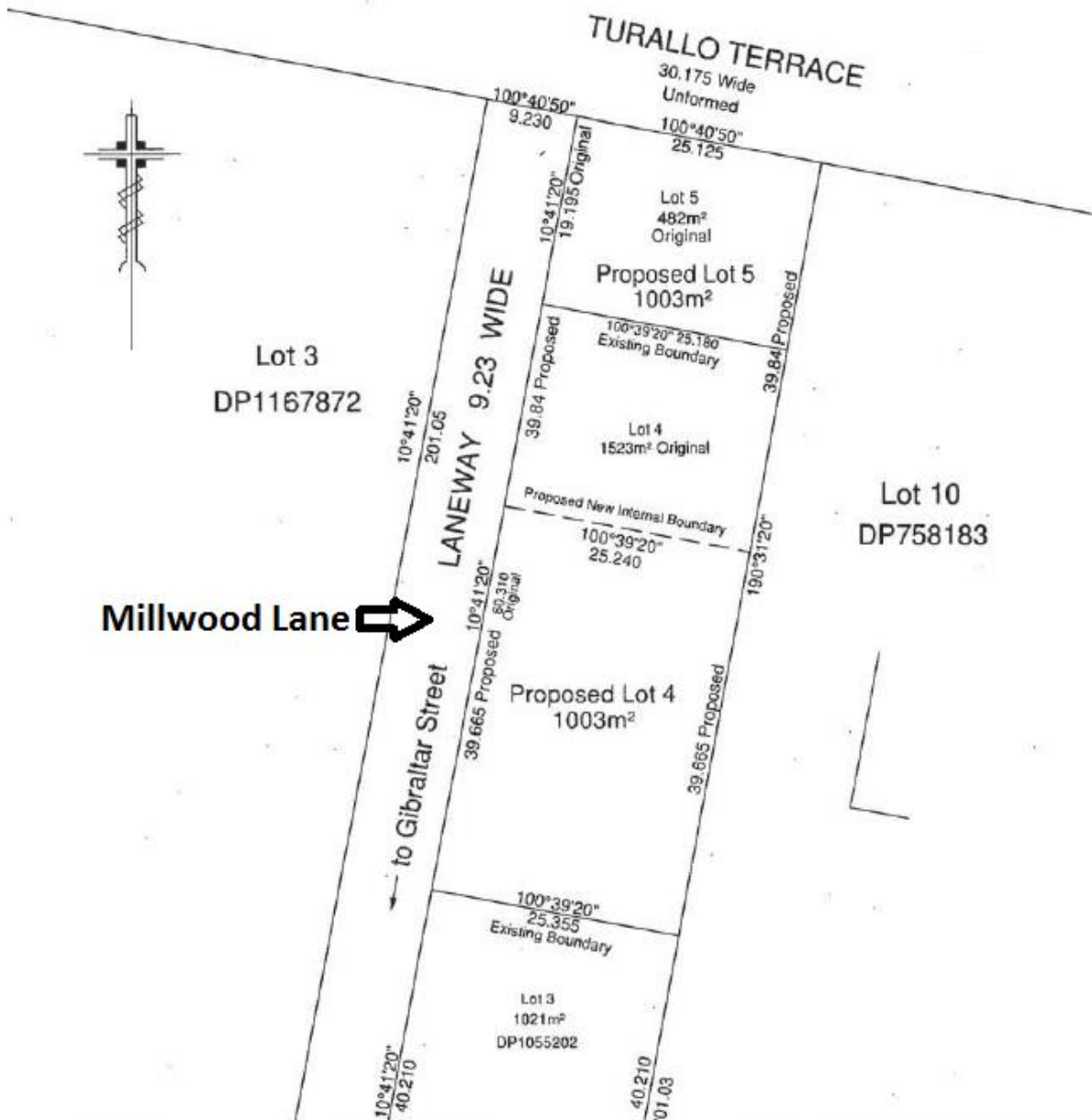


Figure 2 – Location of Millwood Lane

Implications

Policy

The Geographical Names Board and *NSW Road Regulation 2018* requires the recommended road names 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.

12.5 Requests For New Road Names - Bungendore and Jerrabomberra (Ref: C18176226; Author: Thompson/Bateman) (Continued)

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

All three road names are appropriate and recommended for public exhibition.

All costs associated with the 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.

Given the above it is concluded that the proposed naming should be adopted in principle and consultation should be undertaken.

Attachments

Nil

12.6 Sponsorship and Support for the 2019 NSW / ACT Parks & Leisure Conference to be held in Queanbeyan (Ref: C18133521; Author: Thompson/Sibbick)

Summary

The Urban Landscapes Branch have been successful in securing the 2019 NSW / ACT Parks and Leisure Conference in Queanbeyan on 22-24 May 2019. As a result, a number of Council and other venues are required to host the conference, in addition to cash and in kind sponsorship opportunities. This conference is held in a different venue throughout the state each year, and presents a great opportunity to host the 2019 conference that will showcase the work that QPRC have carried out in the landscapes and recreational sector over the past few years.

Recommendation

That Council support the 2019 NSW / ACT Parks and Leisure (PLA) Conference with sponsorship to the value of \$6,000, along with in kind support with staff assisting PLA conference organisers.

Background

Each year Parks and Leisure Australia (PLA) hold national and state conferences, at various venues across the country. The 2018 national conference was held in Melbourne, with the state conference held in Tamworth. The 2019 State conference will be held in Queanbeyan and is expected to attract approximately 200 delegates and speakers, along with accompanying partners, from across NSW and the ACT.

The conference focus is on research and development in use and planning of parks, open spaces and sports, highlighting best practice. Securing the conference for Queanbeyan is a privilege that will showcase the work that QPRC have carried out in the landscapes and recreational sector over the past few years, in particular our award winning parks, including Queen Elizabeth II Park, the Sensory Gardens, Apex Park and high standard sporting facilities.

As host city, the PLA have offered QPRC a sponsorship package to the value of \$6,000 that includes registration of four delegates, promotional space and acknowledgement in all promotional material. The 2019 conference will again be co-supported by NSW Sports.

The format of the conference over three days includes technical tours and site tours, with a welcome function on the first evening; Trade exhibitions, conference program, and workshops, with the Awards of Excellence dinner being held in the final evening. Delegates tend to stay on and enjoy their host city over the following weekend. The Q Theatre and the Bicentennial Hall will be the conference venues. The Q will be used for the welcome reception, Wednesday night, and the Keynote addresses on Thursday and Friday. Trade exhibits and plenary sessions will be held in the Bicentennial Hall.

The draft program is currently being finalised with a number of QPRC projects being presented, including the QE2 Park ISCA Rating and QPRC Sports Strategy, in sessions and technical tours. The Mayor will also be invited to welcome delegates to Queanbeyan at the official opening. When finalised, a copy of the program will be forwarded to Council in a future Newsletter.

12.6 Sponsorship and Support for the 2019 NSW / ACT Parks & Leisure Conference to be held in Queanbeyan (Ref: C18133521; Author: Thompson/Sibbick) (Continued)

Implications

Economic

Economic benefits to Queanbeyan for a three day State conference are significant with delegates staying locally and the event serviced by local caterers and transport. Attached is an economic model for the event, showing the immediate impact of projected returns, but excludes possible returns from any weekend stop overs.

Strategic

Attracting and securing conferences to Queanbeyan is a key output of the Delivery Program 11.4 - Conferences.

PROGRAM 11.4: CONFERENCE		Responsible Officer: Service Manager Recreation & Culture			
Outputs	Council's Role in delivering outputs	Deliverable	Scope	INDICATOR	
				Performance	Target
Output 11.4.1: Conferences	Provider	Promotion of QPRC and utilisation of the Bicentennial Hall and Q Performance Centre as a hire venue for conferences and functions	Increasing use of the Bicentennial Hall and the Q for conferences and functions	Income Return vs Expenditure Number of conferences using Bicentennial Hall p.a.	100% At least 2 p.a.

Financial

The Principle Sponsor package includes full registration for 4 delegates to attend the conference. As the conference is in Queanbeyan, the package, including 4 registrations, is less than Council would normally require when staff need travel and accommodation at locations outside the local area. In addition the cost of venue hire will be approximately \$3,000.

These costs can be met from existing training and conference budgets within the Urban Landscapes area.

Resources (including staff)

A small number of Urban Landscapes staff will be supporting the conference organisers, as local contacts, and will also present a number of papers at the Conference.

Conclusion

The 2019 NSW / ACT Parks and Leisure Conference to be held in Queanbeyan, 22-24 May 2019, is a great opportunity to showcase the work carried out across QPRC. The conference will bring approximately 200 delegates and their partners to Queanbeyan over three days, returning benefits through promotion and economic development. Visitors will enjoy the benefits Queanbeyan has to offer and will showcase the recently completed sports and landscape projects and the great work that QPRC have carried out in the landscapes and recreational sector over the past few years, in particular award winning parks such as the Queen Elizabeth II Park and the Sensory Gardens, both PLA award winners. The Urban Landscapes team will have the opportunity to attend the conference as delegates to learn and grow, an opportunity that might have been missed should the conference be held elsewhere in the state.

Attachments

Attachment 1 PLA Conference economic model for QPRC region (*Under Separate Cover*)

**12.7 Tender for Construction of Change Rooms at Mick Sherd Oval - Bungendore
(Ref: C191054; Author: Thompson/Sibbick)**

Summary

Tenders were called via Tenderlink for construction of the change rooms at Mick Sherd Oval in Bungendore. Only one Tender was received and that submission was well in excess of the budget allocated for this project. In view of the simple nature of the construction, it is believed the best approach will be for Council staff to project manage the scope internally.

Recommendation

That:

- 1. Council not accept the tender submission for construction of the change rooms at Mick Sherd Oval.**
 - 2. The construction of the change rooms at Mick Sherd Oval be project managed in-house by Council staff, utilising Council's pre-approved trades panel, where possible.**
-

Background

Mick Sherd Oval is located in Bungendore and is utilised by various sporting groups throughout the year.

A facilities building exists on the site of the oval. This building contains a canteen, referees' room, meeting room and store rooms. However, it does not contain change rooms to support those using the Mick Sherd Oval. Currently, the nearby Aquatic Centre offers its change rooms to users at the Oval, however these change rooms are only accessible during winter while the pool is closed. During the summer sports season, there are no change rooms available for users of the Oval.

The new change room facilities building will be constructed next to the existing facilities building as indicated in red in Figure 1 below. It will include two large change rooms, six separate showers, four toilets, two strapping rooms and one all abilities bathroom including disability shower and toilet room and a change table suitable for children and adults.

Construction of the building will be in accordance with design specifications prepared by architects Eric Martin & Associates. The building will complement the existing facilities building at the site with a similar design and building materials.

The new facilities will not be open to the public on a full time basis, as the adjacent facility building has public toilets to accommodate this need.

**12.7 Tender for Construction of Change Rooms at Mick Sherd Oval - Bungendore
(Ref: C191054; Author: Thompson/Sibbick) (Continued)**

Figure1 – Location of Proposed Amenities Building – Mick Sherd Oval

Council called for Tenders (RFT) via Tenderlink on 12 November 2018 seeking submissions from appropriately qualified and experienced Tenderers for the construction of the change room building at Mick Sherd Oval.

As part of the Tender process a mandatory site inspection with potential Tenderers was called on Monday 19 November 2018. Only one contractor attended that mandatory site inspection.

The RFT closed on Monday 3 December 2018 and the only submission received was from the contractor who attended the mandatory site inspection.

A tender evaluation was carried out by the Evaluation Committee on 13 December 2018 and it was determined that the tender as submitted was well in excess of the budget allocated for this project.

There is urgency to complete the project as the timeframe under the grant funding agreement requires completion by 30 May 2019. As completing the project by that date is not considered achievable, an extension of time to 30 September 2019 has been requested.

Implications

Legal

Section 55 of Local Government Act 1993 requires that a Council invite open tenders before entering into contracts for projects over \$150,000.

**12.7 Tender for Construction of Change Rooms at Mick Sherd Oval - Bungendore
(Ref: C191054; Author: Thompson/Sibbick) (Continued)**

Policy

Council staff will oversee all necessary approvals and documentation with contractors, consultants and trades people in accordance with Council's Procurement Policy, the provisions of the Local Government Act 1993 and any other relevant regulations.

Asset

The building will be included in Council's assets register and will be maintained by Council staff.

Social / Cultural

The commissioning of new change rooms at Mick Sherd Oval will provide various sporting clubs with access to high quality change rooms, creating a more professional and positive experience for those participating in sporting activities at this location.

Engagement

The construction of the change rooms has come about as a result of feedback from various local sporting clubs regarding the insufficient facilities at this venue. The new change rooms address community concerns about these limitations.

Financial

A project budget for construction of the change rooms of \$350,000 has been allocated under the Stronger Country Communities Fund (Round 1).

If managed in-house, Council staff experienced in project management will have carriage of the project, with the predetermined objective being to have the change rooms completed by 30 September 2019 and within budget.

Resources (including staff)

Staff in Council's Urban Landscapes team will be responsible for managing this project.

Integrated Plan

The construction of these change rooms is contained within the Urban Landscapes component of Council's 2018/19 Operational Plan.

Conclusion

The Tender received is significantly higher than the available budget and cost estimate for this facility at Mick Sherd Oval. Council staff have sufficient experience to undertake management of this project in-house utilising approved contractors from Council's adopted trades panel.

Attachments

Attachment 1 Tender Evaluation Report - Construct Change Rooms at Mick Sherd Oval, Bungendore (*Under Separate Cover*) - **CONFIDENTIAL**

12.8 Adoption of the Shopping Trolley Management Plan (Ref: C195290; Author: Thompson/Abbott)

Summary

At its meeting of 14 November 2018 Council resolved to place the Draft Shopping Trolley and Litter Management Policy on public exhibition. There has been one major submission on behalf of a retail group, 26 website public submissions and one company seeking advice on installation of coin lock facilities and collection areas. This report outlines the outcomes of the exhibition period. A summary of comments has been provided as a separate attachment.

Recommendation

That Council:

- 1. Note and receive the consultation feedback on the Draft Shopping Trolley and Litter Management Policy.**
 - 2. Adopt the amended Shopping Trolley Management Policy for Retailers.**
-

Background

The primary intent of this Policy is to reduce the problem of shopping trolleys being abandoned or left unattended in public places.

Abandoned shopping trolleys left unattended and disorderly in streets, reserves and roadsides are affecting the visual amenity of Queanbeyan. They have a particular impact on access for the disabled and in particular vision impaired and blind people as it is more hazardous to be obstructed if you cannot see the obstruction or you are unable to move it yourself.

Abandoned shopping trolleys can also be a road safety issue as a hazard and potential crash risk when left on the road or road reserve and have an environmental impact once they enter drains and waterways; harming aquatic animals, such as platypus. Improper use may be associated with antisocial behaviour, a liability risk injuring passers-by or damaging motor vehicles or property.

The Policy requires all businesses providing shopping trolleys for use by their customers, to prepare and implement a Shopping Trolley Management Plan (STMP) which incorporates a shopping trolley management system to encourage confinement of trolleys on the premises. This means that retailers are required to introduce a system specifically designed for that business to take all reasonable and practical means to adequately manage the supply and retrieval of shopping trolleys. Suitable systems include coin/token operated trolleys or perimeter control systems.

Feedback from Exhibition Period

One written submission, 26 website submissions and comments from Council's Environmental Sustainability and Advisory Committee were received during the exhibition period.

A summary of these submissions has been compiled and is provided in Attachment 1. The summary includes comments and recommended changes which have been incorporated into a revised Policy provided in Attachment 2.

12.8 Adoption of the Shopping Trolley Management Plan (Ref: C195290; Author: Thompson/Abbott) (Continued)

One of the significant amendments resulting from submissions is that the original draft document included the requirements for general litter management which has been an ongoing issue with several of our precinct carparks. This factor has been removed so that the Policy focuses specifically on shopping trolley management. It is considered that waste management in general is a much larger issue and is better handled on a situational basis or by requiring a Waste Management Plan with new developments.

Another significant change is the inclusion of a CBD Zone. Council accepts 24 hours as reasonable “un-notified” time to have shopping trolleys collected from the CBD and River parkland along Queen Elizabeth Park. This means that the store must collect from this area at least once each day. The following map is provided as Appendix 1 to the policy for identifying this area which includes both sides of the boundary streets.

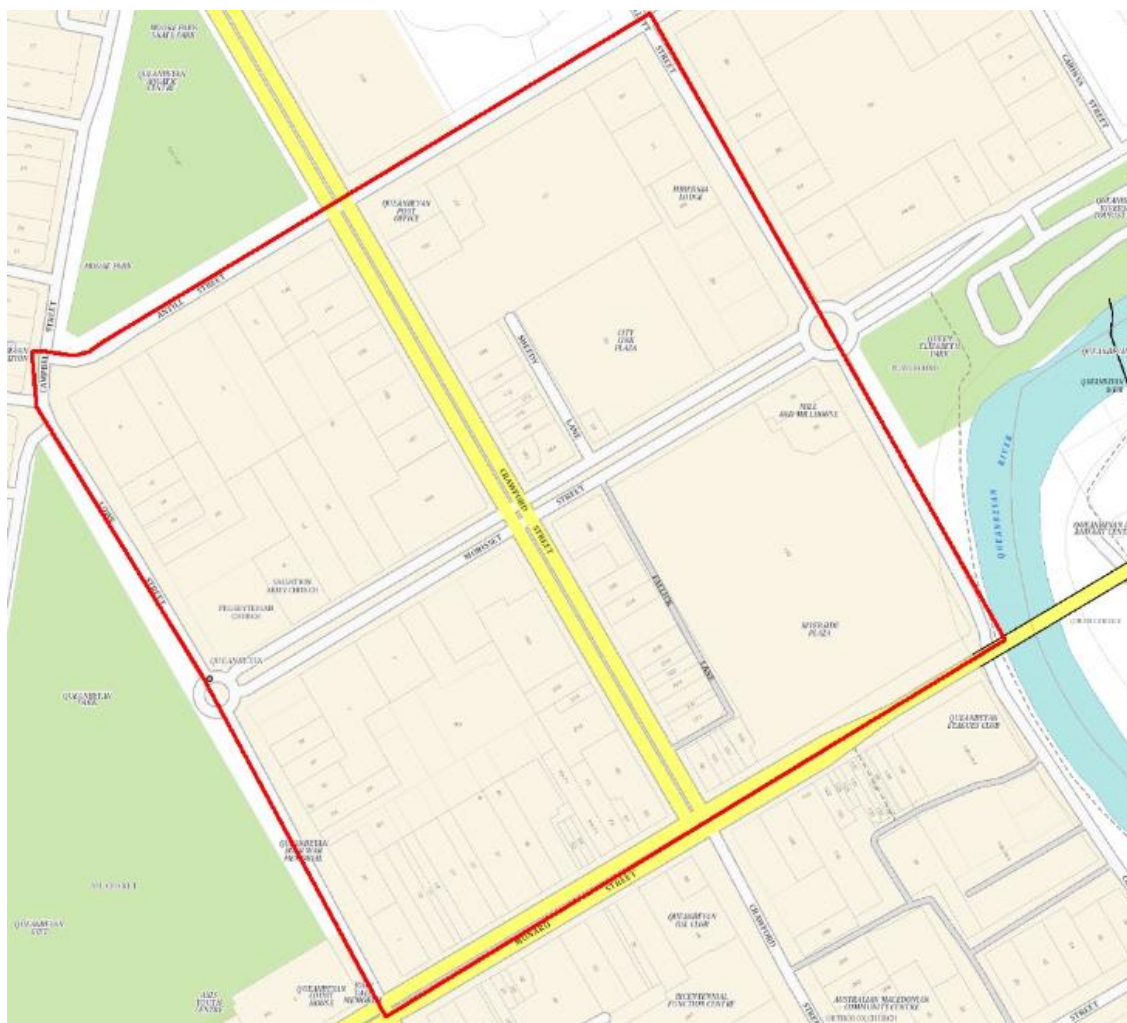


Figure 1 – Area of CBD in which trolleys must be collected within 24 hours.

12.8 Adoption of the Shopping Trolley Management Plan (Ref: C195290; Author: Thompson/Abbott) (Continued)

Where Council or members of the public have “**notified**” the retailer of shopping trolleys located in public places outside the CBD restricted area (regardless of how long they have been there), as a courtesy Council will allow 24 hours for collection. This means shopping trolleys outside the CBD may be impounded after 24 hours from the time they have been noted as being abandoned.

A number of other minor amendments have been made to the Policy to clarify issues raised in submissions and these are noted in the recommended actions section of the submissions table.

Legal

Legal advice has been received. For compliance with the Policy, Council has the option of issuing a prevention notice under the POEO Act 1997 or an order under item 27 of the table to s.124 of the LG Act, or both. There are powers under the *Impounding Act 1993* to take action with regard to abandoned trolleys. Council also has the option of addressing new developments in regard to this Policy under the *Environmental Planning and Assessment Act 1979*.

Conclusion

Adopting a Shopping Trolley Management Policy allows officers a consistent approach to addressing the abandoned trolley issue. Should a retailer provide trolleys for use without any management system in place there is, a reasonable argument that the abandoned trolleys from that store will become a hazard and the Council can therefore take action to ensure compliance.

Attachments

- Attachment 1 Summary of Submissions on Draft Shopping Trolley Management Policy
(*Under Separate Cover*)
- Attachment 2 Draft Shopping Trolley Management Policy (*Under Separate Cover*)

**12.9 Cultural Arts Assistance Scheme Application - Waitangi Day (Ref: C195497;
Author: Richards/Hansen)**

Summary

The Queanbeyan based ACT Maori Performing Arts Group Inc, have applied for funding from the Cultural Arts Assistance Scheme for a community festival to celebrate Waitangi Day (New Zealand's national day of celebration) in Queanbeyan Park on Saturday 2 February 2019. The application has been assessed and satisfies the scheme's guidelines and criteria. The previous Waitangi Day 2018 grant has been fully acquitted under the requirements of Council Assistance Program Guidelines.

Recommendation

That Council approve the allocation of \$1,500 from the Cultural Arts Assistance Scheme to the ACT Maori Performing Arts Inc. to assist in the presentation of the Waitangi Day 2019 community celebration in Queanbeyan Park.

Background

Council's Cultural Arts Assistance Scheme provides grant funding for community cultural projects that meet the following criteria:

1. Community based non-profit organisations, working in or with the Queanbeyan community;
2. Able to demonstrate a matching dollar amount either financial, or in-kind, including voluntary labour or other contributions;
3. Able to demonstrate that it is of benefit to the Queanbeyan community through its cultural or artistic outcomes; and
4. Able to be completed within 12 months

Grants of up to \$1,500 will be considered if the project meets one or more of the following criteria:

- Employs a professional artist;
- Attracts matching funding from another source outside of Council, and/or
- Works in partnership with other community groups/government bodies.
- A festival, event or project that will engage the broader Queanbeyan community

A complete and comprehensive grant application for \$1,500 has been received from the **ACT Maori Performing Arts Group Inc.** to assist in the presentation of a community event in Queanbeyan, the 5th annual Queanbeyan Waitangi Day Celebration. The Queanbeyan based, not-for-profit community organisation regularly participates and performs at a wide range of community events, including the annual Queanbeyan Multicultural Festival.

Waitangi Day will be held in Queanbeyan Park on Saturday 2 February 2019 from 10.00am to 4.00pm. The day will include live performances by members of the Queanbeyan community, including local Pacific Islander and Maori performance groups. The event is free to attend with a range of food stalls participating operated by local community groups selling traditional Maori and Pacific Island foods.

**12.9 Cultural Arts Assistance Scheme Application - Waitangi Day (Ref: C195497;
Author: Richards/Hansen) (Continued)**

The total cost for the Waitangi Day 2019 celebration is estimated at \$10,900. The application meets the criteria for the award of a grant of \$1,500 as the project works in partnership with other community groups, is a cultural event that engages with the wider Queanbeyan community, promotes cultural harmony and provides the opportunity for the broader community to experience Maori and Pacific Islander culture.

Implications

Social / Cultural

The popular annual Waitangi Day Celebration allows the broader Queanbeyan community to freely experience cultural arts performance from a number of traditions and disciplines, with many local performers. This event promotes cultural harmony and celebrates the cultural diversity of Queanbeyan and the region.

Financial

Program Code	Expense Type	Funding source		Amount
3020	Donations Cultural Activities	Cultural Arts Assistance Scheme	\$	1,500.00

Integrated Plan

The event aligns with the QPRC Cultural Development Program, Output 1.1.3.

Conclusion

The Waitangi Day 2019 celebration is a popular local cultural event open to all. It has been supported by Council for the last four years as an annual community event which fits the criteria covered by the Cultural Arts Assistance Scheme. It is well supported by the local community and is coordinated and driven by local community groups.

Attachments

Nil

**12.10 Women's NSW Open Golf Tournament (Ref: C195832; Author:
Richards/Richards)**

Summary

Golf NSW in conjunction with Australian Ladies Professional Golf (ALPG) provides the opportunity for female golfers, both professional and amateur, to contest the Women's NSW Open Golf Championship. This year the event is to be held at the Queanbeyan Golf Course from 4-10 March. Organisers have requested assistance of cash and in kind support of \$15,000.

Recommendation

That Council approve \$15,000 of cash and in kind support for the Women's NSW Open Golf Championship event to be held from 4-10 March at the Queanbeyan Golf Course.

Background

The Women's NSW Open was first held in 2006 largely due to a lack of professional female tournaments in NSW at the time. Since then, it has seen some of the best players around the world compete for the title. In 2018, for the first time, the tournament was held in regional NSW at Coffs Harbour Golf Club. It attracted a field of 138 players to contest the title. There were 95 internationals and 43 Australians, 15 of whom were elite amateurs. This year the event will be held at the Queanbeyan Golf Club from 4-10 March, 2019. The event will be ticketed and over 2000 people are expected to attend. NSW Golf is planning to host a range of other events in Queanbeyan over the next two-three years.

Social / Cultural

Both the multi-cultural festival and Music by the River are scheduled for the weekend prior to the tournament. This provides incentives for visitors to come to the region earlier to experience associated events. Queanbeyan Golf Club has received assistance from the NSW Government to enhance the Golf course and amenities in preparation for this event.

Economic

This event is likely to attract a significant number of visitors and this has a flow on benefit for the regional economic and business economy.

Strategic

The QPRC Events Strategy identifies a variety of categories of events for the region. Category 3 events are those that have the primary purpose of promoting visitor generation within the local government areas and:

- have a state or national profile;
- attract interstate as well as intrastate visitors;
- are distinctive;

12.10 Women's NSW Open Golf Tournament (Ref: C195832; Author: Richards/Richards) (Continued)

- contribute significant economic and/or visitor generation to the LGA;
- contribute to the growing reputation of QPRC as a region where interesting things happen; and
- contribute to the enhanced liveability of the LGA.

As such the NSW Women's Golf Championship could be viewed as a Category 3 event.

Financial

Support for the event will come from the Category 3 Events Budget.

Resources (including staff)

NSW Golf has their own marketing and events team who will be responsible for all logistics. In kind resources implications will be relatively small and within existing capabilities.

Conclusion

The Women's NSW Open Golf Championship is a significant external event that is likely to bring positive social, tourism and economic results for Queanbeyan and the region.

Attachments

Nil

12.11 Investment Report - December 2018 (Ref: C195283; 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 December 2018.

Recommendation

That Council:

- 1. Note the 2018/19 investment income for December 2018 was \$169,363.**
 - 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 December 2018.**
-

Background

Cash and Cash Equivalent Investments

The principal amount invested as at 31 December 2018 was \$181,244,054.

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 Budgeted interest allocation by Entity.

Market Update

The average 30 day BBSW rate for December 2018 was 1.94%. The three and six month BBSWs ticked up significantly in December (14 points and 9 points respectively) reflecting a combination of seasonal liquidity tightness and global investor jitters rather than rate increase expectations.

As there is no January Reserve Bank (RBA) board meeting, the cash rate remains unchanged at the record low of 1.50%.

The RBA's Quarterly Monetary Policy Statement detailed higher growth and inflation forecasts and lower unemployment rate forecasts. The RBA remains of the view that wages growth will be slow and that soft household consumption spending, residential and non-residential construction spending do not look like improving in the near-term.

It is now expected that the RBA cash rate will be left on hold at 1.50% through 2019 ahead of a first hike early in 2020.

**12.11 Investment Report - December 2018 (Ref: C195283; Author: Taylor/Drayton)
(Continued)**

The TCorpIM Long-Term Growth Fund suffered a negative return this month. The Fund invests across major listed asset classes, with around 70% directed to growth assets and 30% to defensive assets.

The TCorpIM Medium-Term Growth Fund experienced a negative return this month. The Fund contains 58% defensive assets.

Source: Laminar Capital

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, clause 212 of the Local Government General Regulations 2005, and Queanbeyan-Palerang Regional Council's investment policy.

Shane Taylor
Chief Financial Officer

During May 2017, Queanbeyan-Palerang Regional Council became noncompliant with its Investment Policy due to an overexposure to the Bank of Queensland (BOQ) counterparty following ratings agency Standard & Poor's announcement of a downgrade of the senior long-term ratings of 23 Australian financial institutions including BOQ.

With a BOQ term deposit maturing in December 2018, Council has regained compliance with Council's Investment Policy in regards to investments with BOQ.

Refer to Attachment 1 - Tables 2 and 3.

Financial

Investment income for the 2018/19 Financial Year as at 31 December 2018 amounted to \$1,673,983. The investment returns are added to the associated restricted funds (i.e. development contributions) that form Council's investment portfolio.

Attachments

Attachment 1 Investment Report - December 2018 (*Under Separate Cover*)

**12.12 Administration of QPRC's elections, polls and referenda (Ref: C191635;
Author: Tegart/Ferguson)**

Summary

Under s.296AA of the *NSW Local Government Act 1993*, each council must resolve by 11 March 2019 either to engage the NSW Electoral Commission (NSWEC) to administer the council's elections, polls and constitutional referenda, or that the council's elections are to be administered by the chief executive officer/general manager of the council. This report seeks Council's approval to enter into an election arrangement with the NSWEC.

Recommendation

That Council resolves:

- 1. Pursuant to s.296(2) and (3) of the *NSW Local Government Act 1993* (the Act), that an election arrangement be entered into by contract for the NSW Electoral Commissioner to administer all elections of the Council.**
 - 2. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.**
 - 3. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.**
-

Background

An election arrangement with the NSWEC is a standardised contract for all councils. The service schedule and costs schedule of the standardised contract will vary between councils and are made by the NSWEC in consultation with each council.

The next NSW local government general election will be held on Saturday, 12 September 2020. Section 296AA of the Act requires councils to make a decision on the administration of their elections, polls and/or constitutional referenda by 11 March 2019. If a council fails to make a decision by 11 March 2019, it will not be able to engage the NSWEC to administer its ordinary election and will be required to make its own arrangements. Further, any council that fails to make a decision will be required to publish a notice of that failure on its website.

Where a council has resolved to enter into an election arrangement with the NSWEC, the contract must be finalised no later than 15 months before the next ordinary elections, in this case by 11 June 2019.

An election arrangement can be terminated in writing by either party, but only after the council's ordinary election. If an election arrangement is not terminated by either party, it is automatically terminated 18 months before the following ordinary election when the council will be required to determine who will conduct its next ordinary election.

Further information on the election arrangements, and on alternative options such as a council being responsible for conducting its own election, is available within the Office of Local Government's Circular No. 18-47 at <https://www.olg.nsw.gov.au/publications>

A report will be presented to a future meeting of Council regarding the amendments to the *Local Government (General) Regulation 2005*, which affect the preference allocation of votes,

12.12 Administration of QPRC's elections, polls and referenda (Ref: C191635; Author: Tegart/Ferguson) (Continued)

the option of holding a countback election to fill casual vacancies that may occur in the first 18 months of the term, and other matters that will improve the efficiency of the administration of council elections.

Implications***Financial***

In accordance with s.296(7) of the Act, relating to the first election of newly-constituted councils, the NSWEC conducted QPRC's first general election on 9 September 2017. There were 40,665 electors in that election.

The total cost of conducting QPRC's first election was \$356,527.60 (incl GST), compared to the NSWEC's estimated cost of \$353,332.10.

The NSWEC will provide Council with an estimate of the cost of administering the 2020 local government general election, and this will be included in Council's budget at the appropriate time.

Resources (including staff)

Engaging the NSWEC to conduct the next QPRC general election, and any polls or referenda, will ensure that all statutory obligations are met, without diverting Council's own scarce resources from its day-to-day business for several months. It will also provide transparency to the process.

Council will still be required to provide a liaison role with the Returning Officer, assisting with the booking of polling places, pre-polling, and preparing the Non-Residential Roll.

Conclusion

Council is asked to resolve to enter into an election arrangement with the NSWEC to administer its 2020 local government general election, and any polls and constitutional referenda that Council may determine to hold. The election arrangement with the NSWEC will be automatically terminated 18 months prior to the 2024 general election, unless previously terminated in writing by either party.

Attachments

Nil

12.13 Australian Local Government Women's Association NSW Branch's Annual Conference 2019 (Ref: C196214; Author: Richards/Ferguson)

Summary

Liverpool City Council will be hosting the Australian Local Government Women's Association (ALGWA) NSW Branch's Annual Conference from Thursday, 4 April to Saturday, 6 April 2019. The conference is open to all Councillors and Council staff.

Recommendation

That any Councillor who wishes to attend the ALGWA NSW Branch's Annual Conference at Liverpool City Council from 4 – 6 April 2019, submit a written request to the CEO/General Manager.

Background

Liverpool City Council will host the ALGWA NSW Branch's Annual Conference 2019 in the Casula Powerhouse Arts Centre with a program of events and activities that includes keynote speaker, Jessica Rowe, and other presenters such as Avril Henry, Janelle Nisbet and Leonie McKeon.

More information about the Conference and the program of events and activities is available on Liverpool City Council's website at <https://www.liverpool.nsw.gov.au/council/algwa-2019>

Implications

Policy

The QPRC Councillor Expenses and Facilities Policy 2018 includes authorisation for the Mayor or Deputy Mayor to attend the LGNSW Annual Conference and the ALGA National General Assembly as Council's voting delegate. For all other conferences and seminars, such as the ALGWA NSW Annual Conference, approval to attend is subject to a written request from Councillors to the CEO/General Manager. Clause 8.33 of Council's Policy states that the CEO/General Manager must assess each request within the parameters of:

- relevance of topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties, and
- cost of the conference or seminar in relation to the total remaining budget.

Financial

The Councillor Expenses and Facilities Policy 2018 provides for an amount of \$8,000 per Councillor to be allocated each year for professional development, conferences and seminars. There is currently \$84,719 remaining in the budget for this purpose.

Standard registration fees for ALGWA NSW members and non-members, which includes the welcome reception, all conference sessions and meals, networking cocktail dinner and gala dinner, are \$1,080 and \$1,190 respectively. Attendance at some of these functions can be booked and costed separately.

Council will meet the reasonable cost of registration fees, transport and accommodation associated with attendance at conferences approved by the CEO/General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees.

12.13 Australian Local Government Women's Association NSW Branch's Annual Conference 2019 (Ref: C196214; Author: Richards/Ferguson) (Continued)

Conclusion

The ALGWA NSW Branch's Annual Conference will be held at Liverpool City Council from 4 – 6 June 2019. Any Councillor wishing to attend the conference should submit a written request to the CEO/General Manager who will assess the request in accordance with the QPRC Councillor Expenses and Facilities Policy 2018.

Attachments

Nil

13.1 Rural Signage Investigations (Ref: C192209); Author: Thompson/Lodder

Report

At its Planning and Strategy meeting of 13 June 2018 (PLA065/18), Council resolved:

That DA.2018.072 for advertising signage at 134 Burrows Lane Bungendore, be deferred for consideration and suspend any compliance action for 12 months, enabling:

1. *An exclusive trial (i.e. without setting precedence) during that period to:*
 - *Assess effects of inconsistent application within the zone.*
 - *Ascertain public acceptance.*
 - *Assess the efficacy of existing signs within proximity of this development.*
 - *Provide a guide to prepare Council and other signage designs for town businesses if/when the Bungendore bypass, as listed in Council's structure plan, is approved.*
2. *Trial results to be presented to Council to inform any amendments to the QPRC Signage Policy and the revised DCP.*

This report updates Council on actions taken so far which respond to the above resolution.

Staff of the Land-Use Planning Branch are undertaking research and assembling information for a report to Council that will include summaries of:

1. NSW *State Environmental Planning Policies* and Guidelines for Advertising and Signage, that include changes made in 2017 and 2018;
2. Current local controls for rural signage and advertising as well as applicable controls from other local councils, particularly in the South East and Tablelands Region of NSW;
3. Any existing feedback on signage from the QPRC community;
4. Local context of signage and advertising in rural areas, including collection of photos and case studies of existing signs in the proximity of the sign at 134 Burrows Lane.
5. Other matters as relevant.

The outcome of this analysis will be a report to Council on the current practices and possible recommended actions for Queanbeyan-Palerang local controls for signage and advertising and/or for the particular sign at 134 Burrows Lane, Bungendore.

A question was also asked at the December 2018 meeting regarding any outcomes of the trial to date. That required information to be collated from the taxi proprietor and confirmation bookings were sourced as a result of the signage - and has not been able to be compiled as yet.

Recommendation

That the report be received for information.

Attachments

Nil

13.2 Integrated Planning Calendar (Ref: C191727); Author: Tegart/Tozer

Report

In accordance with the *Local Government Act NSW 1993* and the requirements of the Integrated Planning and Reporting Framework, Council should prepare an Operational Plan, Fees and Charges and Revenue Policy for the 2019-20 financial year. The Operational Plan will be largely based on the already adopted Delivery Program 2018-21.

While significant community engagement was undertaken in 2017-18 to inform the Delivery Program, Council is still required to engage with the community during the development of the Operational Plan 2019-20.

The following timeline has been developed to provide councillors and the community with an understanding of the process over the coming months.

January-March 2019	Internal work on budgeting and fees and charges.
3 April 2019	Workshop with councillors on draft budget
24 April 2019	Draft Operational Plan, Fees and Charges and Revenue Policy for 2019-20 presented to Council to go on public exhibition. Report will also include community consultation schedule for the period.
26 April-3 June 2019	Draft documents on public exhibition
7 May 2019	Community meeting – Queanbeyan
9 May 2019	Community meeting – Braidwood
21 May 2019	Community meeting – Bungendore
12 June 2019	Workshop with councillors regarding submissions received on draft Integrated Plans
26 June 2019	Council to adopt final plans

If required, a report will also be presented to Council regarding the Delivery Program 2018-21. In accordance with the Integrated Planning and Reporting Framework, Council is required to review the Delivery Program each year and highlight any changes. Significant changes to the Delivery Program will result in the document having to be placed on public exhibition for a minimum of 28 days.

Recommendation

That the report be received for information.

Attachments

Nil

**13.3 Regional Cultural Fund Stage 2 - Bicentennial Hall (Ref: C194795); Author:
Tegart/Richards**

Report

QPRC has been successful in attracting a second grant for the Bicentennial Hall in Stage 2 of the NSW Regional Cultural Fund (RCF) initiatives. This was announced by the Deputy Premier on January 18, 2019.

The Bicentennial Hall is currently undergoing a refurbishment of the ground floor and the associated amenities through an RCF stage 1 grant. The second grant will make Queanbeyan's arts and cultural spaces completed, connected and accessible. It provides for:

- Converting the mezzanine level from an unusable space into a flexible and useful area that can be used for workshops, rehearsals, conference break out rooms, a black box theatre or educational centre.
- Redevelopment of the mezzanine bathrooms
- An upgraded bio box on a smaller footprint with modern sound equipment.
- Access for those with mobility issues with a lift in the Q and a stair-lift in the Bicentennial Hall. (Currently the mezzanine floors of both The Q and the Bicentennial Hall are inaccessible for those with mobility issues.)
- Refurbishment of the stairways leading to the Bicentennial Hall mezzanine level

This additional renewal will transform the building into a multi-purpose venue with a variety of different spaces. These spaces will support the current activities of both venues. They will also provide the opportunities to extend our arts and cultural pursuits which have so far been limited by our capacity to find suitable spaces. It will also position the region as a destination of choice for conferences and touring professionals.

The NSW government will be providing \$500,000 for this project with \$250,000 coming from Council's existing commitments to the Hall.

Recommendation

That the report be received for information.

Attachments

Nil

14.1 Minutes of the QPRC Heritage Advisory Committee Meeting held 13 December 2018 (Ref: C19897; Author: Thompson/McCauley)

Summary

The minutes of the QPRC Heritage Advisory Committee of 13 December 2018 are presented to Council for consideration.

Recommendation

That Council:

1. Note the minutes of QPRC Heritage Advisory Committee Meeting held on 13 December 2018.
2. Note the recommendations QPRC HAC 15/18 to QPRC HAC 16/18 from the meeting held on 13 December 2018:

QPRC HAC 15/18 The Committee does not support the development of 5 Meredith Street in its current form having regard to its height and bulk as well as the possible precedence for other sites within this part of the Conservation Area.

QPRC HAC 16/18 The Committee generally supports the revised plans for Furlong House, 13-15 Morrissett Street, subject to the external cladding of the toilet and new store room having vertical timber boards with regency moulding or similar as per the Heritage Advisers report.

Attachments

Attachment 1 QPRC Heritage Advisory Committee Minutes - 13 December 2018
(Under Separate Cover)

**14.2 Minutes of the Braidwood and Curtilage Heritage Advisory Committee
Meeting held 13 December 2018 (Ref: C19937; Author: Thompson/McCauley)**

Summary

The minutes of the Braidwood and Curtilage Heritage Advisory Committee of 13 December 2018 are presented to Council for consideration.

Recommendation

That Council note the minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held on 13 December 2018.

Attachments

Attachment 1 Braidwood and Curtilage Heritage Advisory Committee Minutes for 13
December 2018 (*Under Separate Cover*)

14.3 Minutes of the Environment and Sustainability Advisory Committee held on 5 December 2018 (Ref: C19996; Author: Thompson/Abbott)

Summary:

The QPRC Environment and Sustainability Advisory Committee has submitted minutes for the meeting held on Wednesday 5 December 2018 for Councillor information.

Recommendation

That Council:

1. Note the minutes of the Environment and Sustainability Advisory Committee held on 5 December 2018.
2. Adopt recommendation QPRC ESAC 10/18 from the meeting held on 5 December 2018.

QPRC ESAC 10/18

That Council resolve to :

1. Prepare a risk assessment tool and policy for replacement of trees.
 2. Seek community input and consultation on a Draft Replacement Tree Policy.
-

Attachments

Attachment 1 Minutes of Environment and Sustainability Committee - 5 December 2018 (*Under Separate Cover*)

14.4 Local Traffic Committee 4 December 2018 (Ref: C18174992; Author:
Hansen/Stewart)

Summary:

The Local Traffic Committee has submitted the minutes and recommendations of its meeting held on 4th December 2018 for Council's information and consideration.

Recommendation

That Council:

1. Note the minutes of Local Traffic Committee Meeting held on 4 December 2018.
 2. Adopt recommendations LTC 43/18 to LTC 49/18 from the meeting held on 4 December 2018.
 - i. LTC 43/18 Under the Road Transport Act 2013, with the exception of the "KEEP LEFT WHEN OVERTAKING" sign, install the signage as per the design for the 2nd Stage of the Duplication of Old Cooma Rd.
 - ii. LTC 44/18 Under the Road Transport Act 2013 install BB line to create a 4.0m wide lane width on the western side of John Bull Street between the second intersection of Ogilvie Crescent and Nimmitabel Street, Queanbeyan.
 - iii. LTC 45/18 Under the Road Transport Act 2013 implement the design approved for changes at Cooma Street as recommended at the June 2018 LTC meeting, noting outcomes of the community consultation.
 - iv. LTC 46/18 Under the Road Transport Act 2013 implement 'No Stopping' signs along the full length of the eastern side of Rosa Street, in the school zone from Gorman Drive to Rogers Road, Googong.
 - v. LTC 47/18 Given the likelihood of serious adverse impacts on the road network that have been observed in Googong for similar scale events, and potential for risk to health and safety of the community due to the likelihood of traffic jams that would restrict efficient access to the area by emergency services, the LTC does not support the TMP/TCP for the proposed Googfest 2019 Event.
 - vi. LTC 48/18 The Committee recommends the QPRC Events Team provide for review a complete Event Evaluation Report for the Freedom of Entry March and Christmas in July Events for review at the next LTC meeting.
 - vii. LTC 49/18 Under the Road Transport Act 2013 implement changes to Morisset Street Carpark as per the concept design.
-

Attachments

Attachment 1 Local Traffic Committee Meeting 4 December 2018 (*Under Separate Cover*)

14.5 Bungendore Town Centre and Environs Committee Meeting Minutes (Ref: C191710; Author: Tegart/Ferguson)

Summary:

The Bungendore Town Centre and Environs Committee has submitted for Council's information the minutes of its meeting held on 6 December 2018.

Recommendation

That Council:

1. **Note the minutes of Bungendore Town Centre and Environs Committee meeting held on 6 December 2018.**
2. **Consider the following recommendation 4/2018 from the meeting held on 6 December 2018:**

The Committee RECOMMENDS that Council make planning provision for the installation of public art works along the Ellendon Street Arts Link on a temporary/loan basis with arrangements to be reviewed three yearly.

Attachments

- Attachment 1 Bungendore Town Centre and Environs Committee Meeting Minutes 6 December 2018 (*Under Separate Cover*)

14.6 Royalla Common s.355 Committee Meeting Minutes (Ref: C191721; Author:
Tegart/Ferguson)

Summary:

The Royalla Common s.355 Committee has submitted for Council's information the minutes of its Committee meeting held on 26 September 2018.

Recommendation

That Council note the minutes of the Royalla Common s.355 Committee's meeting held on 26 September 2018.

Attachments

Attachment 1 Royalla Common s.355 Committee meeting minutes 26 September 2018
(Under Separate Cover)

14.7 Greenways s.355 Committee Meetings Minutes (Ref: C191736; Author:
Tegart/Ferguson)

Summary:

The Greenways s.355 Committee has submitted for Council's information the minutes of its Annual General Meeting and Committee meeting held on 11 December 2018.

Recommendation

That Council:

1. Note the minutes of Greenways s.355 Committee's Annual General Meeting and Committee meeting held on 11 December 2018.

2. Approve the following office-bearers and membership for 2018-19:

Chair: Langdon Patrick

Secretary: Pete Harrison

Treasurer: Maria Taylor

Committee: Kerry Cox, Peter Evans, Kathy Handel and Bill Taylor

Attachments

- | | |
|--------------|--|
| Attachment 1 | Greenways s.355 Committee AGM minutes 11 December 2018 (<i>Under Separate Cover</i>) |
| Attachment 2 | Greenways s.355 Committee meeting minutes 11 December 2018 (<i>Under Separate Cover</i>) |
| Attachment 3 | Greenways Master Plan (<i>Under Separate Cover</i>) |
| Attachment 4 | Greenways Major Works (<i>Under Separate Cover</i>) |

14.8 Report on Audit, Risk and Improvement Committee meeting of 21 November 2018 (Ref: C192985; Author: Warne/Bozzato)

Summary

This report informs Council on the outcomes of the Audit, Risk and Improvement Committee meeting of 21 November 2018, and provides that Committee's annual report for 2017-18.

Recommendation

That Council note:

- 1. The minutes of the Audit, Risk and Improvement Committee meeting of 21 November 2018.**
 - 2. The Committee's annual report to Council for 2017-18.**
-

Background

The eleventh meeting of the Audit, Risk and Improvement Committee was held on 21 November 2018, at which papers were considered dealing with:

- Council's risk management framework, encompassing enterprise, business continuity, and fraud and corruption risk management
- Council's insurance portfolio
- the implementation of the OneCouncil suite of applications and ICT infrastructure projects.

The Chief Financial Officer provided an update of current issues central to the financial administration of Council, including development of the Long Term Financial Plan 2018-28 and Loan Borrowing Program 2018-19, and the implications of a recent policy change by NSW Treasury in relation to the rating of Council investments.

The Committee was also provided with a briefing by the NSW Audit Office on the outcomes of their audit of Council's annual financial statements for 2017-18.

Minutes for the meeting are included as attachment 1.

Additionally, following the meeting of 16 August 2018 members finalised the Committee's annual report to Council for 2017-18 out of session. The report is included as attachment 2.

Implications

Legal

The Committee's consideration of these issues enables it to meet its responsibilities detailed in Council's Audit, Risk and Improvement Committee Charter which is consistent with the requirements of the *Local Government Act 1993*.

**ORDINARY MEETING OF COUNCIL
COMMITTEE REPORTS AND RECOMMENDATIONS**

23 JANUARY 2019

14.8 Report on Audit, Risk and Improvement Committee meeting of 21 November 2018 (Ref: C192985; Author: Warne/Bozzato)

Attachments

- Attachment 1 21 November 2018 - Audit, Risk and Improvement Committee - Minutes
(Under Separate Cover)
- Attachment 2 Committee Annual Report to Council for 2017-18 *(Under Separate Cover)*

16.1 Responses to Councillors' Questions (Ref: C196899); Author: Ferguson/Ison

Report

This report provides responses to Councillors' questions taken at Council meetings and subsequently.

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.

As discussed at the Council meeting on 24 January 2018, those questions from Councillors that are classified as service requests will be dealt with through Council's Customer Action Request System (CARS) rather than included in the Councillors' Questions table.

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 (<i>Under Separate Cover</i>) |
| Attachment 2 | Responses to Councillors' Questions with Confidential 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 Writing Off Water Usage Accounts Due to Undetectable Leak - Braidwood

Item 20.1 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 20.2 Writing Off Water Usage Account Due to Undetectable Leak - Queanbeyan

Item 20.2 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 20.3 Writing Off Water Usage due to Undetectable Leak - Bungendore

Item 20.3 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.