



Ordinary Meeting of Council

AGENDA

22 May 2019

Commencing at 5.30pm

Bungendore Council Chambers

On-site Inspections - Nil

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1 OPENING

2 ACKNOWLEDGEMENT OF COUNTRY

3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

4 CONFIRMATION OF MINUTES

- 4.1 Minutes of the Ordinary Meeting of Council held on 24 April 2019
- 4.2 Minutes of the Planning and Strategy Committee of the Whole meeting held on 8 May 2019

5 DISCLOSURES OF INTERESTS

6 ADJOURNMENT FOR PUBLIC FORUM

7 NOTICES OF MOTIONS OF RESCISSION

8 MAYORAL MINUTE

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Confidential - Not for Publication

16 REPORTS FOR CLOSED SESSION

16.1 Bungendore Sports Hub

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

17 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 10.1 Planning Report - Review of E4 Environmental Living Zone - Bywong and Wamboin
- Attachment 1 AQ Planning Report - March 2019 (Under Separate Cover)*
 - Attachment 2 Final Biosis Biosis - Final Report 15 March (Under Separate Cover)*
 - Attachment 3 Map of E4 & R5 with Class X (no split zone) Map 1 (Under Separate Cover)*
 - Attachment 4 Map of E4 and R5 (with split zones) Map 2 (Under Separate Cover)*
 - Attachment 5 Map of recommended E4 and R5 (no split zone) Map 3 (Under Separate Cover)*
 - Attachment 6 Map of potential R5 with more than 50% Class 3, Map 4 (Under Separate Cover)*
 - Attachment 7 Examples of Fragmented and Isolated Areas Requiring Consolidation into Adjacent Zones (Under Separate Cover)*
 - Attachment 8 Palerang Local Environmental Plan 2014 Landuses for E4 and R5 (Under Separate Cover)*
- Item 10.2 Place Naming Proposal - Smiths Gap, Bungendore
- Attachment 1 Smiths Gap Application (Under Separate Cover)*
 - Attachment 2 Locality Map - Smiths Gap (Under Separate Cover)*
- Item 10.3 Policy - Fraud Control
- Attachment 1 Draft Fraud Control Policy - submitted to Council (Under Separate Cover)*
- Item 10.4 Quarterly Budget Review Statement for the Quarter Ending 31st March 2019
- Attachment 1 QBRS for 31 March 2019 (Under Separate Cover)*

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL**

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- Item 10.5 QPRC Investment Policy
Attachment 1 QPRC - Investment Policy - Draft (Under Separate Cover)
- Item 10.7 Investment Report - April 2019
Attachment 1 April 2019 - Budgeted Interest Allocation by Entity (Under Separate Cover)
Attachment 2 April 2019 - Budget vs Actual Report (Under Separate Cover)
Attachment 3 April 2019 - Investment Report Pack (Under Separate Cover)
Attachment 4 April 2019 - Economic Commentary (Under Separate Cover)
- Item 11.4 Summer Activation 2018/19
Attachment 1 AFF Thankyou Certificate - Queanbeyan-Palerang Regional Council (Under Separate Cover)
- Item 13.1 Bungendore Water Quality
Attachment 1 Figure 1 (Under Separate Cover)
Attachment 2 Figure 2 (Under Separate Cover)

Closed Attachments

- Item 10.6 Write Off - Bad Debtors
Attachment 1 Sundry Debtor Listing for Write Off (Under Separate Cover)
- Item 16.1 Bungendore Sports Hub
Attachment 1 Sports Hub Concept (Under Separate Cover)
Attachment 2 Land Valuation Summaries (Under Separate Cover)



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Bungendore Council Chambers on Wednesday, 24 April 2019 commencing at 5.30pm.

ATTENDANCE

Councillors: Cr Overall (Chair), Crs Biscotti, Bray AM, Brown (from 5.32pm), Harrison, Hicks, Marshall, Noveska (from 5.33pm), Schweikert, Taylor and Winchester (from 5.41pm).

Staff: P Tegart, CEO/General Manager; P Hansen, Portfolio General Manager Community Connections; J Richards, Portfolio General Manager Community Choice; T Geyer, A/Portfolio General Manager Natural and Built Character and D Fulton, A/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 custodians of the land upon which the meeting was held.

2. APOLOGIES

There were no apologies.

3. DISCLOSURES OF PECUNIARY INTERESTS

120/19

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.

Cr Hicks declared a less than significant non-pecuniary interest in Item 12.3 - Request for Tender 2019-39 - Supply & Installation of Sportsground Floodlighting at Campese Oval, Yass Road, Queanbeyan, stating he is a family friend of a tenderer.

4. CONFIRMATION OF MINUTES**4.1 Minutes of the Ordinary Meeting of Council held on 27 March 2019**

121/19

RESOLVED (Schweikert/Taylor)

That the Minutes of the Ordinary Meeting of Council held in the Bungendore Council Chambers on Wednesday 27 March 2019 be confirmed.

The resolution was carried unanimously.

Cr Brown joined the meeting at 5.32pm.

122/19

RESOLVED (Hicks/Harrison)

That the Minutes of the Planning and Strategy Committee of the Whole meeting held in the Queanbeyan Council Chambers on Wednesday 10 April 2019 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 was no business arising.

Cr Noveska joined the meeting at 5.33pm.

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

The following presenters were heard:

Mr Travis Robinson – Item 12.1 - Bungendore Dog Off Lead Area Consultation Report

Mr Richard Graham – Item 12.2 - MOD.2018.127 - Modification of DA.2016.163 - Lots 5-10, Section 24, DP 758183, 55 Ellendon Street, Bungendore

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 Motion of Rescission.

11. NOTICES OF MOTIONS**11.1 Queanbeyan Aquatic Centre**

During discussion, Cr Winchester joined the meeting at 5.41pm.

123/19

RESOLVED (Taylor/Biscotti)

1. That Council:
 - a. Prepare a report on the condition of the Queanbeyan Aquatic Centre, including all maintenance required, priorities for works and estimated funding, for the May Ordinary Meeting; and
 - b. Consider funding to undertake priority works as a submission in the 2019-20 draft budget.
2. That Council investigate the extension of the change room facilities to include a minimum of two new family/disability change rooms, including costs, with a report to come back to Council as soon as practicable.

The resolution was carried unanimously.

11.2 Braidwood Sensory Garden

124/19

RESOLVED (Taylor/Noveska)

That Council work with the community to identify options for a sensory garden in Braidwood.

The resolution was carried unanimously.

11.3 Measures to Reduce Helium-filled Balloons**MOTION (Marshall)**

That Council receive a report on measures to reduce the release of helium-filled balloons into the environment.

The motion (of Cr Marshall) lapsed for want of a seconder.

12. ITEMS FOR DETERMINATION**12.1 Bungendore Dog Off Lead Area Consultation Report**

125/19

RESOLVED (Harrison/Brown)

That Council:

1. Note the report and that the majority of respondents support the retention of the current Turrallo Terrace site as the off-leash area.
2. Note there is insufficient justification to fence the area at this time.

The resolution was carried unanimously.

12.2 MOD.2018.127 - Modification of DA.2016.163 - Lots 5-10, Section 24, DP 758183, 55 Ellendon Street, Bungendore

MOVED Schweikert/Hicks

That:

1. Modification application MOD.2018.127 for the addition of boom gates on Lots 5-10, Section 24, DP758183, 55-59 Ellendon Street be granted approval.
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.

Cr Harrison foreshadowed a CONTRARY motion: ["That:

1. Modification application MOD.2018.127 for the addition of boom gates on Lots 5-10, Section 24, DP758183, 55-59 Ellendon Street be granted conditional approval, subject to the addition of the following condition:
 - a) Access Gates
Prior to the issue of any Occupation Certificate, the boom gate structures and control boxes are to be finished in a sympathetic colour.
Reason: To ensure that the access gates are compatible with surrounding heritage development.
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application."]

The motion (of Crs Schweikert and Hicks) was PUT and CARRIED.

126/19

RESOLVED (Schweikert/Hicks)

That:

1. Modification application MOD.2018.127 for the addition of boom gates on Lots 5-10, Section 24, DP758183, 55-59 Ellendon Street be granted approval.
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.

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

Against: Crs Harrison, Marshall, Overall and Winchester

Cr Hicks declared an interest in this item and left the Chambers at 6.05pm.

12.3 Request for Tender 2019-39 - Supply & Installation of Sportsground Floodlighting at Campese Oval, Yass Road, Queanbeyan

127/19

RESOLVED (Schweikert/Winchester)

That Council:

1. Award Tender 2019-39 to Tenderer number 1 - Gasnier's Electrical, for the supply and installation of sportsground floodlights at Campese Oval in Yass Road, Queanbeyan.
2. Assign a total budget cost of \$227,000 for the project.

The resolution was carried unanimously.

Cr Hicks returned to the Chambers at 6.05pm.

12.4 Sports Assistance Scheme Request

128/19

RESOLVED (Biscotti/Taylor)

That Council approve a grant to the Queanbeyan Leagues Amateur Swim Club from the Community Assistance Scheme of \$300 to support Ms Kiara Virgo attending the 2019 Australian National Age Championships.

The resolution was carried unanimously.

12.5 Braidwood Memorial Pool Refurbishment Tender - 2019/24

129/19

RESOLVED (Harrison/Taylor)

That:

1. Council not accept any tender for the Braidwood Memorial Pool refurbishment.
2. The refurbishment works be project managed in-house by Council staff, utilising Council's pre-approved trades and services panel, where possible.

The resolution was carried unanimously.

12.6 Draft Operational Plan, Revenue Policy and Fees and Charges for 2019-20

130/19

RESOLVED (Schweikert/Hicks)

That Council endorse the draft Operational Plan (with the addition of depot facilities at Braidwood), Revenue Policy, and Fees and Charges for public exhibition from 26 April until 3 June 2019.

The resolution was carried unanimously.

12.7 Queanbeyan CBD Spatial Business Plan

131/19

RESOLVED (Biscotti/Overall)

That Council:

1. Receive and note the Queanbeyan CBD Spatial Business Plan report.
2. Re-title the Queanbeyan CBD Spatial Business Plan to the Queanbeyan CBD Spatial Masterplan.
3. Exhibit the Queanbeyan CBD Spatial Masterplan for 28 days and hold information sessions for CBD business and property owners, as outlined in the report.
4. Establish a focus group to provide input into the Queanbeyan CBD Spatial Masterplan and engagement process.
5. Endorse funding of \$55k for 2019/20 for a staff resource to manage the ongoing consultation with the CBD business community, general community and promote the Queanbeyan CBD Spatial Masterplan.

The resolution was carried unanimously.

12.8 Cultural Arts Assistance Scheme Application

132/19

RESOLVED (Hicks/Taylor)

That Council approve the allocation of a grant of \$1,500 from the Cultural Arts Assistance Scheme to the Queanbeyan Art Society to assist with marketing and prizes for their Annual Art Exhibition.

The resolution was carried unanimously.

12.9 Grant for Smart Cities roll out at Googong

133/19

RESOLVED (Brown/Schweikert)

That Council:

1. Execute a Deed of Agreement with Googong Township Pty Ltd for the roll out of smart technology at Googong as part of the Smart Cities and Suburbs Program Round 2.
2. Exempt this project under S55 (3) (b) and (i) of the *Local Government Act 1993* from the need to call tenders.

The resolution was carried unanimously.

12.10 Queanbeyan, Bungendore and Braidwood Customer Centres**MOVED (Harrison/Marshall)**

That Council:

1. Note the report on customer centres.
2. Approve \$129,000 for the customer centre refurbishment at Queanbeyan, funded from 2018/19 maintenance allocations and the property reserve.
3. Engage with the Braidwood and Bungendore communities regarding the proposed changes to the customer centres and the possible inclusion of a smart hub in Braidwood.
4. Refer any subsequent modifications to the Braidwood office to the Braidwood Heritage Committee.

Cr Schweikert foreshadowed a CONTRARY motion: ["That Council:

1. Note the report on customer centres.
2. Approve the conversion of part of the Braidwood administration building to a smart hub and community meeting room.
3. Approve \$280,000 for the customer centre refurbishment (Bungendore and Braidwood) and Braidwood smart hub work, funded from 2018/19 maintenance allocations and the property reserve.
4. Approve \$129,000 for the customer centre refurbishment at Queanbeyan, funded from 2018/19 maintenance allocations and the property reserve.
5. Refer the proposed modifications to the Braidwood office to the Braidwood Heritage Committee."]

The motion (of Crs Harrison and Marshall) was PUT and CARRIED.

134/19

RESOLVED (Harrison/Marshall)

That Council:

1. Note the report on customer centres.
2. Approve \$129,000 for the customer centre refurbishment at Queanbeyan, funded from 2018/19 maintenance allocations and the property reserve.
3. Engage with the Braidwood and Bungendore communities regarding the proposed changes to the customer centres and the possible inclusion of a smart hub in Braidwood.
4. Refer any subsequent modifications to the Braidwood office to the Braidwood Heritage Committee.

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

Against: Crs Hicks and Schweikert

12.11 Request for Donation for Hire of the Braidwood National Theatre Community Centre

135/19

RESOLVED (Marshall/Harrison)

That Council:

1. Advise the applicant that, on this occasion, Council is unable to provide a donation of \$150 to be used for the hire of the Braidwood National Theatre Community Centre by a community group in December 2018 for the following reasons:
 - (a) The request needs to be considered as an application within Council's annual community grants program, rather than as a one-off application following the 2018 round;
 - (b) Funding in the 2018 round has been fully expended;
 - (c) All applications for community grant funding should be submitted in accordance with the provisions of Part 5 Categories A and B of the QPRC Donations Policy.
2. Encourage the applicant to consider submitting an application, addressing all criteria, in the 2019 round of the community grants program.

The resolution was carried unanimously.

12.12 Araluen Recreation Reserve Trust

136/19

RESOLVED (Hicks/Winchester)

That Council accede to the Araluen Recreation Reserve Trustees' request to re-purpose the balance of their grant under the Stronger Communities Fund for additional improvements to facilities on the Reserve.

The resolution was carried unanimously.

12.13 Investment Report - March 2019

137/19

RESOLVED (Brown/Bray)

That Council:

1. Note the 2018/19 investment income for March 2019 was \$704,903.
2. Note the investment portfolio has been made in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Queanbeyan-Palerang Regional Council's investment policy.
3. Adopt the Investment Report for the month of March 2019.

The resolution was carried unanimously.

- 138/19 **12.14 Complaint Management Framework**
RESOLVED (Harrison/Taylor)
That Council:
1. Endorse the QPRC Complaint Management Framework.
 2. Endorse for exhibition the Draft Charter of Individual Rights and Mutual Responsibilities of the Parties to a Complaint, the Complaint Management, Unreasonable Complainant Conduct, and Competitive Neutrality Complaints policies and place them on public exhibition for period 26 April till 24 May 2019 prior to reporting back to Council for their final adoption.
- The resolution was carried unanimously.
- 139/19 **12.15 Petition Policy**
RESOLVED (Hicks/Noveska)
That Council:
1. Note the public feedback provided on the draft Petition Policy.
 2. Adopt the Petition Policy as amended, and that it take effect with the adoption of the new QPRC Code of Meeting Practice.
- The resolution was carried unanimously.
- 140/19 **12.16 Adoption of QPRC Code of Meeting Practice**
RESOLVED (Harrison/Biscotti)
That Council:
1. Note the submissions received on the Consultation Draft of the QPRC Code of Meeting Practice.
 2. Adopt the amended QPRC Code of Meeting Practice and that it become operational as of 1 May 2019.
- For: Crs Biscotti, Bray, Brown, Harrison, Marshall, Noveska,
Overall, Schweikert, Taylor and Winchester
Against: Cr Hicks
- 141/19 **12.17 Updating and Harmonisation of Council Policies - Second Tranche**
RESOLVED (Schweikert/Bray)
That Council:
1. Adopt the following policies:
 - Reporting Legal Matters Policy
 - Community Meetings Policy
 - Request for Assistance with Legal Costs Policy
 2. Rescind all previous versions of these policies listed in Item 1 which had been adopted by the former Queanbeyan City Council and Palerang Council.

3. Endorse the public exhibition of the following policies for the statutory period of 28 days to seek public comment prior to reporting back for adoption:
 - Bus Stops Policy
 - Parking Enforcement Priority Policy
 - Street Verge Maintenance Policy
 - Relocated Dwellings Policy
 - Street Names and New Subdivisions Policy
4. Rescind the following policies which have been superseded by NSW Government and other QPRC policies:
 - Councillor and Staff Access to Information Policy
 - Councillor Invitations – Civic Functions Policy
 - Council Meetings December/January Policy
 - Travel Expenditure Policy
 - Tourism Assistance Policy
 - Queanbeyan Economic Development Strategic Group Policy
 - QPRC Social Media Policy
 - Former PC Councillor Training & Professional Development Policy
 - Former QCC Access to Information held by Queanbeyan City Council Policy

The resolution was carried unanimously.

13. ITEMS FOR INFORMATION

13.1 NSW Government Agency Restructures

142/19

RESOLVED (Schweikert/Harrison)

That Council note the Administrative Arrangements Orders 2019 following the 2019 NSW State election and the new Ministerial cluster arrangements from 1 July 2019.

The resolution was carried unanimously.

13.2 Canberra Region Prospectus

143/19

RESOLVED (Harrison/Hicks)

That Council note the Canberra Region Prospectus, prepared by the Canberra Region Joint Organisation and the ACT Government.

The resolution was carried unanimously.

PROCEDURAL MOTION

144/19

RESOLVED (Schweikert/Taylor)

That Items 14.1 to 14.7 be dealt with as a bloc.

The resolution was carried unanimously.

145/19 **RESOLVED (Schweikert/Taylor)**
That Items 14.1 to 14.7 be adopted as per the recommendation.

The resolution was carried unanimously.

14. COMMITTEE REPORTS AND RECOMMENDATIONS

146/19 **14.1 Braidwood Showground Reserve Trust s.355 Committee**
RESOLVED (Schweikert/Taylor)
That Council note the minutes of Braidwood Showground Reserve Trust's meeting held on 15 November 2018.

The resolution was carried unanimously.

147/19 **14.2 Les Reardon Reserve s.355 Committee**
RESOLVED (Schweikert/Taylor)
That Council note the minutes of the Les Reardon Reserve s.355 Committee meeting held on 3 December 2018.

The resolution was carried unanimously.

148/19 **14.3 Royalla Common s.355 Committee Meeting**
RESOLVED (Schweikert/Taylor)
That Council note the minutes of the Royalla Common s.355 Committee meeting held on 30 January 2019.

The resolution was carried unanimously.

149/19 **14.4 Fernleigh Park s.355 Committee Meetings**
RESOLVED (Schweikert/Taylor)
That Council:

1. Note the minutes of the Fernleigh Park s.355 Committee's Annual General Meeting held on 21 February 2019.
2. Note the minutes of the Fernleigh Park s.355 Committee's meeting held on 7 March 2019.
3. Approve the following office-bearers and Committee membership for 2019-20:

Chair: Michael Doyle

Deputy Chair: Chris Kenyon

Secretary: Melinda Roughsedge

Treasurer: Malcom Brooks

Social Media Officer: Melinda Dwyer

Landcare: Bill Hall

Committee: Barbara Harvey, Colleen Krestensen, Melinda Leahy, Deslyn Dowden

The resolution was carried unanimously.

- 150/19 **14.5 Minutes of the Environment and Sustainability Advisory Committee - 6 March 2019**
RESOLVED (Schweikert/Taylor)
That Council note the minutes of the Environment and Sustainability Advisory Committee meeting held on 6 March 2019.

The resolution was carried unanimously.
- 151/19 **14.6 Local Traffic Committee Extraordinary Meeting - 9 April 2019**
RESOLVED (Schweikert/Taylor)
That Council:
1. Note the minutes of Local Traffic Committee held on 9 April 2019.
2. Adopt recommendation LTC16/2019 from the extraordinary meeting held via email on 9 April 2019.

The resolution was carried unanimously.
- 152/19 **14.7 Audit, Risk and Improvement Committee meeting of 7 March 2019**
RESOLVED (Schweikert/Taylor)
That Council note the minutes of the Audit, Risk and Improvement Committee meeting of 7 March 2019.

The resolution was carried unanimously.
- 15. DELEGATES' REPORTS**
Cr Schweikert reported on his attendance at the official launch of 2019 Queanbeyan-Palerang Youth Week.
Cr Overall reported on his attendance at the Braidwood Locality Committee meeting.
Cr Hicks reported on his attendance at the Burra Locality Committee meeting.
- 16. RESPONSES TO COUNCILLORS' QUESTIONS**
153/19 **16.1 Responses to Councillors' Questions**
RESOLVED (Marshall/Taylor)
That the report be received for information.

The resolution was carried unanimously.
- 17. MATTERS OF WHICH NOTICE HAS NOT BEEN GIVEN BUT RULED BY THE CHAIR TO BE CONSIDERED**
There were no matters.

18. COUNCILLORS' QUESTIONS FOR NEXT MEETING

There were no questions.

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

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

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

PRESENTATIONS

There were no presentations.

154/19

RESOLVED (Harrison/Taylor)

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 Council Property Portfolio

Item 20.1 is confidential in accordance with s10(A) (c) (dii) 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 information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 20.2 Property Acquisition - Braidwood

Item 20.2 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

The resolution was carried unanimously.

The meeting then moved into Closed Session at 6.58pm to discuss the matters listed above.

20.1 Council Property Portfolio

155/19

RESOLVED (Hicks/Bray)

That Council:

1. Note the report on the Property Portfolio and associated property and rental policies.
2. Endorse the Property Portfolio and proposed actions to acquire, dispose, gift or lease property.
3. Note that individual reports will be presented to Council for a decision on each proposed acquisition or sale of property.
4. Publish an addendum with the Operational Plan and Annual Report, summarising the planned and actual acquisitions, disposals and returns from the Property Portfolio.

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

Against: Crs Harrison

Cr Winchester (did not vote)

20.2 Property Acquisition - Braidwood

156/19

RESOLVED (Winchester/Biscotti)

That Council endorse the acquisition of 41 Ryrie Street Braidwood, on the terms outlined in the report.

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

Against: Crs Harrison and Schweikert

157/19

RESOLVED (Taylor/Hicks)

That the meeting now returns to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 7.23pm.

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

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

The time being 7.25pm Cr Overall announced that the Agenda for the meeting had now been completed.

**CR TIM OVERALL
MAYOR
CHAIRPERSON**



PLANNING AND STRATEGY COMMITTEE OF THE WHOLE MEETING

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

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

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

MINUTES OF THE PLANNING AND STRATEGY COMMITTEE OF THE WHOLE OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 8 May 2019 commencing at 5.30pm.

ATTENDANCE

Councillor: Cr Overall (Chair), Crs Bray AM, Brown, Harrison, Hicks, Marshall, Noveska, Schweikert, Taylor and Winchester (from 5.36pm).

Staff: P Tegart, CEO/General Manager; M Thompson, Portfolio General Manager Natural and Built Character; J Richards, Portfolio General Manager Community Choice; P Neil, Portfolio General Manager Organisational Capability and D Tooth, A/Portfolio General Manager Community Connections.

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

1. OPENING

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

2. DECLARATIONS OF INTEREST

PLA040/19

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.

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

PLA041/19

RESOLVED (Taylor/Schweikert)

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

The resolution was carried unanimously.

4. ADJOURNMENT FOR PUBLIC FORUM

PLA042/19

RESOLVED (Taylor/Schweikert)

That this meeting is adjourned for the commencement of the Public Forum and upon its completion the meeting will reconvene.

The resolution was carried unanimously.

ADJOURNMENT: The meeting adjourned for the Public Forum at 5.34pm and resumed at 8.00pm.

During the Public Forum, Cr Winchester joined the meeting at 5.36pm.

STAFF REPORTS

5. REPORT TO COUNCIL - ENVIRONMENT, PLANNING AND DEVELOPMENT

5.1 Development Application - DA.2018.192 - Recreation Facility (Outdoor) Rifle Range - 2155 Collector Road, Currawang

MOVED (Schweikert/Hicks)

That:

1. Development application DA.2018.192 for a Recreation Facility (Outdoor) on Lots 114 and 200 DP750008 and Lot 149 DP750013, 2155 Collector Road, Currawang be granted conditional approval subject to a reduced development footprint.
2. Condition 11B be deleted.
3. Condition 10 be added – noise monitoring be undertaken for reporting to the Planning and Strategy committee as an information report.
4. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.
5. The Department of Industry (Crown Lands) be forwarded a copy of Council's Notice of Determination.

During discussion Cr Marshall raised a point of order stating Cr Schweikert's time to speak had run-out and if required he could move a motion to extend his time. The Mayor upheld the point of order and called for a motion.

PLA043/19

RESOLVED (Marshall/Taylor)

That Cr Schweikert be given an extension of three minutes to speak.

The resolution was carried unanimously.

Cr Bray foreshadowed a CONTRARY motion: ["That:

1. Development application DA.2018.192 for a Recreation Facility (Outdoor) on Lots 114 and 200 DP750008 and Lot 149 DP750013, 2155 Collector Road, Currawang be refused for the following reasons:

a. The proposed development is not compatible with the general aims of the Palerang Local Environmental Plan 2014, specifically the following Aims:

Cl.1.2(2)(a) To protect and improve the economic environmental, social and cultural resources and prospects of the Palerang community

Cl.1.2(2)(c) To retain, protect and encourage sustainable primary industry and commerce

b. The proposed development fails to comply with the Zone Objectives of the RU1 Primary Production zone, specifically:

• *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base*

• *To minimise conflict between land uses within this zone and land uses with adjoining zones*

c. The proposed development is not compatible with surrounding land uses and will have significant adverse impact on the amenity of adjoining and surrounding land uses because of noise generated by the intensive use of a range of firearms. Surrounding land uses include broad scale agricultural grazing, residential, small farms, hobby farms, bush retreats, wellness retreats, horse riding, animal husbandry and a range of home based occupations including musical recording and teaching.

d. The proposed development is considered to be contrary to the public interest due to the significant adverse social impacts and incompatibility with adjoining and surrounding land uses and significant adverse impact on the amenity of adjoining and surrounding land uses.

2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application."]

The motion (of Crs Schweikert and Hicks) was PUT and LOST.

For: Crs Brown, Hicks, Noveska and Schweikert

Against: Crs Bray, Harrison, Marshall, Overall, Taylor and Winchester

The foreshadowed motion (of Cr Bray) was brought forward at this juncture, seconded by Cr Taylor, PUT and CARRIED.

PLA044/19

RESOLVED Bray/Taylor

That:

1. Development application DA.2018.192 for a Recreation Facility (Outdoor) on Lots 114 and 200 DP750008 and Lot 149 DP750013, 2155 Collector Road, Currawang be refused for the following reasons:

a. The proposed development is not compatible with the general aims of the Palerang Local Environmental Plan 2014, specifically the following Aims:

Cl.1.2(2)(a) To protect and improve the economic environmental, social and cultural resources and prospects of the Palerang community.

Cl.1.2(2)(c) To retain, protect and encourage sustainable primary industry and commerce.

b. The proposed development fails to comply with the Zone Objectives of the RU1 Primary Production zone, specifically:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base*
- *To minimise conflict between land uses within this zone and land uses with adjoining zones*

c. The proposed development is not compatible with surrounding land uses and will have significant adverse impact on the amenity of adjoining and surrounding land uses because of noise generated by the intensive use of a range of firearms. Surrounding land uses include broad scale agricultural grazing, residential, small farms, hobby farms, bush retreats, wellness retreats, horse riding, animal husbandry and a range of home based occupations including musical recording and teaching.

d. The proposed development is considered to be contrary to the public interest due to the significant adverse social impacts and incompatibility with adjoining and surrounding land uses and significant adverse impact on the amenity of adjoining and surrounding land uses.

2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.

For: Crs Bray, Brown, Harrison, Marshall, Overall, Taylor and Winchester

Against: Crs Hicks, Noveska and Schweikert

PLA045/19 **Procedural Motion**
RESOLVED (Overall/Taylor)
That the Planning and Strategy meeting be extended by 30 minutes to complete the agenda.

The resolution was carried unanimously.

ADJOURNMENT: The meeting adjourned at 9.04pm and resumed at 9.25pm.

5.2 Planning Proposal - West Jerrabomberra

PLA046/19 **RESOLVED (Hicks/Bray)**

That Council:

1. Note the outcomes of the public exhibition process.
2. Agree to the changes to the draft plan for West Jerrabomberra as outlined in this report.
3. Forward the planning proposal to the Department of Planning and Industry requesting the Minister (or delegate) make the draft plan as amended.
4. Commit to revisiting the proposed additional uses raised in submissions to determine the suitability of including these in a planning proposal at a later date.

The resolution was carried unanimously.

5.3 Planning Proposal - Exempt and Complying Development in the Landuse Zones E4 Environmental Living, RU5 Village and RU1 Primary Production

PLA047/19 **RESOLVED (Harrison/Marshall)**

That pursuant to Section 3.35(4) of the *NSW Environmental Planning and Assessment Act 1979*, Council request that the Minister no longer proceed with Planning Proposal PP_2015_PALER_002_00 exempt and complying development in the land use zoned E4 Environmental Living, RU5 Village and RU1 Primary Production.

The resolution was carried unanimously.

5.4 Draft Voluntary Planning Agreement - 18 Mecca Lane, Bungendore

PLA048/19 **RESOLVED (Marshall/Schweikert)**

That Council:

1. Exhibit the draft Voluntary Planning Agreement in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* for a minimum of 28 days.
2. Following the exhibition of the draft Voluntary Planning Agreement, consider a report on the results of the exhibition.

The resolution was carried unanimously.

6. REPORT TO COUNCIL - ITEMS FOR INFORMATION**6.1 ALGA Election Advocacy**

PLA049/19

RESOLVED (Harrison/Overall)

That Council:

1. Note the report.
2. Support the ALGA's recommendation and endorse the 12 Key Federal Election initiatives.

The resolution was carried unanimously.

The time being 9.42pm, Cr Overall announced that the Agenda for the meeting had now been completed.

**CR TIM OVERALL
MAYOR
CHAIRPERSON**

ITEM DISCLOSURES OF INTERESTS DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

10.1 Planning Report - Review of E4 Environmental Living Zone - Bywong and Wamboin (Author: Thompson/Hogg)

Summary

The purpose of this report is to present the independent consultants' review of the application of the E4 Environmental Living zone in the localities of Bywong and Wamboin. This report considers the implications of the recommendations of the independent consultant's reports.

Recommendation

That Council:

- 1. Receive the consultants' reports.**
 - 2. Consider the inclusion of Class X mapped lands in a revised Clause 6.3 Terrestrial Biodiversity map for Bywong and Wamboin if the native attributes meet the criteria for inclusion in the revised map.**
 - 3. Retain land identified in the consultants' reports as being wholly or partly Class 1 or 2 as E4 Environmental Living zone.**
 - 4. Retain land identified in the consultants' reports as being wholly or partly Class 3 land as E4 Environmental Living zone.**
 - 5. Not pursue a planning proposal to rezone part of Bywong and Wamboin to the R5 Large Lot Residential zone.**
-

Background

Previous Considerations

Council has previously considered the application of the E4 Environmental Living zone in Bywong and Wamboin on a number of occasions.

The most recent review was initiated when discussions with the NSW Office of Environment and Heritage (OEH) identified the background studies required to support a rezoning of land currently zoned E4 Environmental Living in Bywong and Wamboin. At that time the NSW Department of Planning and Environment advised that:

Any study provided in support of the proposal should include sufficient information to justify the rezoning on a site-by-site basis. While I acknowledge that the material provided by Council with its letter seeking the Department's advice is comprehensive, I recommend Council revise this information to ensure it contains details relevant only to those sites where rezoning is proposed, and adequately demonstrates how the proposed rezoning addresses relevant planning considerations.

Following this advice, a report was prepared for the 8 August 2018 Planning and Strategy Committee meeting. At that meeting, Council resolved (Minute No.PLA097/18) that:

- 1. The report be received for information.*
- 2. Council seek expression of interests for consultants to undertake relevant studies and a report be brought back to Council.*

Council subsequently prepared an Invitation to Quote on the review of the application of the E4 Environmental Living zone in Bywong and Wamboin. A report on the outcome of the Invitation to Quote was presented to the 10 October 2018 (Item No. 5.6) Planning and

10.1 Planning Report - Review of E4 Environmental Living Zone - Bywong and Wamboin (Author: Thompson/Hogg) (Continued)

Strategy Committee meeting. At that meeting, Council resolved (Minute No. PLA128/18) that:

1. *Accept the proposal from AQ Planning.*
2. *Request the consultant consider:*
 - a. *The native fauna and flora in the Bywong and Wamboin localities.*
 - b. *Those lots having minor areas of native vegetation and mostly suited to small lot farming or large lot residential in the localities of Bywong and Wamboin.*
 - c. *The application of E4 and RU4 and R5 zones and other alternative zones in the localities of Bywong and Wamboin.*
3. *Assign a total budget for this project of \$100,000 (ex GST).*

AQ Planning's Proposal

The proposal from AQ Planning divided the project into two stages with stage one being the review of the application of E4 Environmental Living zone and stage two being the preparation of a planning proposal to amend the *Palerang Local Environmental Plan 2014* (PLEP). This report presents the consultants' review of the application of the E4 Environmental Living zone in the localities of Bywong and Wamboin which represents stage one of the project.

It should be noted that the scope of work was limited to the application of the most appropriate Standard Instrument zone and did not include a review of the applicable local environmental plan provisions such as minimum lot size. It is expected that the local environmental plan provisions would remain unchanged should Council resolve to proceed with a planning proposal to amend the PLEP. A planning proposal to amend the PLEP forms stage two of this project.

Fieldwork

In late October 2018 documentation and mapping was provided to the consultant as per the Invitation to Quote.

The consultant ecologist (BIOSIS) allowed three days for field studies in their quote being satisfied that this time would be adequate for this type of survey. These three days of field studies were undertaken in November 2018, with preliminary mapping being provided to Council in early December 2018.

At that stage, Council requested a quote from the consultant ecologist to conduct further field inspections across a broader part of the study area. The consultant ecologist provided a quote for two additional days of field studies which formed variation 1 to stage one of the project. The additional field studies were undertaken in late December 2018.

The consultant planner and ecologist presented preliminary findings to a Councillor workshop on 6 February 2019. The final review by the consultant planner forms Attachment 1 to this report. The consultant ecologist's (BIOSIS) report is the supporting document for the consultant planners' review (AQ Planning) and is Attachment 2 to this report.

Findings / Recommendations of the Review

Following their desktop review and field inspections, the consultant ecologist classified the biodiversity values of the study area into three classes. These classes are called Class 1, 2 and 3 and are based on a set of criteria including conservation significance (State and Commonwealth listing status), vegetation condition, habitat type and suitability, and landscape connectivity (p16, Attachment 2). Class 1 land has the highest biodiversity value decreasing through Classes 2 and 3.

10.1 Planning Report - Review of E4 Environmental Living Zone - Bywong and Wamboin (Author: Thompson/Hogg) (Continued)

In addition to these three classes, the consultant ecologist mapped a Class X which identifies areas of *potential* high biodiversity values. However, the biodiversity values in these areas could not be conclusively determined due to a need for either a seasonal survey or site specific inspections (refer pp19-20, Attachment 2 for a complete description of Class X).

The consultant planner's review considered the Standard Instrument zones and proposed that the R5 Large Lot Residential zone was the most appropriate alternative zone to the E4 Environmental Living zone that may be applied to some areas within the localities of Bywong and Wamboin. However, the recommendations (as shown below) also include the retention of the E4 Environmental Living zone on areas mapped by the consultant ecologist as Class 1 and 2 vegetation (pp.30-31, Attachment 1).

The recommendations are reproduced below:

Recommendation 1:

- a) Council consider an R5 Zone for BIOSIS Class 3 mapped land; and
- b) Council consider an amendment to PLEP 2014 Clause 6.3 Map "Terrestrial Biodiversity" to include BIOSIS Class X mapped lands not included as "Biodiversity" on the Terrestrial Biodiversity Map

Recommendation 2:

- a) Council consider retaining the existing E4 Environmental Living zone for BIOSIS Class 1 and 2 mapped land; and
- b) Council consider an amendment to PLEP Clause 6.3 Map "Terrestrial Biodiversity" to include BIOSIS Class X mapped lands not included as "Biodiversity" on the Terrestrial Biodiversity Map.

AQ's Planning's report also considered the RU4 Small Holdings zone. However, the report did not consider this zone to be appropriate given the limited primary productive land uses which exist and is likely to be undertaken to meet Zone RU4's objectives and guidelines for the use of this zone.

One indicator of this is the 2016 Census. For Bywong and Wamboin this indicated that no people were recorded as being employed in Agriculture, Forestry and Fishing with the highest numbers being employed in Central Government Administration, Defence, State Government Administration and Hospitals.

In addition the potential RU4 Small Holdings zone was not supported as it included Class 1 and 2 land which AQ Planning noted as *having biodiversity value consistent with LEP Practice Note Environment Protection Zones PN09-002 for use of the E4 zone (p31, Attachment 1)*.

One of the consultant ecologist's recommendations (see Table 4 Attachment 2) in relation to Class 1 land is to consider E2 or E3 zoning where the landuse is neither residential nor rural. This was not taken up by AQ Planning.

Request for further information

Following a presentation by the consultant planner and ecologist to the 6 February 2019 Councillor workshop the consultants were requested to provide additional analysis to support their findings. This request was addressed in part and was incorporated into the final report received from the consultant in March. A further workshop for the information of Councillors was held on 10 April 2019.

10.1 Planning Report - Review of E4 Environmental Living Zone - Bywong and Wamboin (Author: Thompson/Hogg) (Continued)

Discussion of the Recommendations of the Review***E4 Zone***

AQ Planning has recommended that land identified by the consultant ecologist as being Class 1 or Class 2 land (land identified as having high and low to moderate biodiversity values respectively) be retained as E4 Environmental Living zone. Class 1 and Class 2 land has been identified by the consultant ecologist as land that contains Threatened Ecological Communities and moderate to low condition habitat for threatened species under either the *Biodiversity Conservation Act 2016 (NSW)* or the *Environmental Protection and Biodiversity Conservation Act 1999 (Cth)* and therefore meets the criteria set by the Department of Planning and Industry for the application of the E4 Environmental Living zone. Class 1 and 2 lands are shown brown coloured in Attachment 4 (Map 2).

R5 Large Lot Residential Zone

The consultant planner recommends that the remaining Class 3 mapped land form the basis for consideration of a proposed rezoning of that land to the R5 Large Lot Residential zone. Class three lands are coloured pink in Attachment 4 (Map 2).

In arriving at that recommendation AQ Planning observes:

Based on BIOSIS Assessment, Class 3 land does not meet the guidelines for use of an E4 Zone as outlined in LEP Practice Note Environment Protection Zone PN 09-002 where protection of the environmental significance of the land is the primary consideration (p36, Attachment 1).

Allotments with Two Zonings

The Map in Attachment 4 also shows areas cross hatched in black. These areas represent lots that have part E4 Environmental Living and R5 Large Lot Residential zoning.

Implications / Challenges

AQ Planning's recommendations have been mapped. This mapping identifies a number of challenges relating to the implementation of the recommended zoning that Council should consider before determining to proceed with a planning proposal to rezone part of this land.

For example Attachment 3 (Map 1) includes the areas identified as Class X by BIOSIS while Attachment 4 (Map 2) identifies Classes 1, 2 and 3 which make up AQ Planning's Recommendations 1 and 2.

Attachments 5 and 6 (Maps 3 and 4) relate to reconciling issues with split zonings and are discussed in more detail below.

Challenge 1 - Split Zonings

One of the biggest challenges concerning which land should be rezoned relates to those properties which are part Class 1/2 and part Class 3. Should they be E4 Environmental Living zone or R5 Large Lot Residential zone or remain as a split zone?

The strict application of AQ Planning's recommendations as mapped will result in split zoning across a number of lots i.e. those properties cross hatched in black in Attachment 4 (Map 2).

The Department of Planning and Environment *Practice Note PN09-002* and the *Northern Councils E Zone Review Final Recommendations Report*, (NCR) provide for the option of split zoning. However, in the final recommendations of the NCR (p15) it advises that more than one zone should only be applied 'where the characteristics of different areas of the land reflect different primary uses of the land'. The consultant planner's report identifies the primary land use across the region as predominately residential, therefore split zoning on

10.1 Planning Report - Review of E4 Environmental Living Zone - Bywong and Wamboin (Author: Thompson/Hogg) (Continued)

land in the study area does not meet NCR recommendations for split zoning. Furthermore, the implications of split zoning are such that the NCR (p15) states that 'as a general principle multiple zones on a property should be minimised as far as possible'.

Staff agree that a split zoning is highly undesirable and creates numerous problems. These include, confusion for property owners as to which land uses are permissible on which parts of the lot, an additional layer of complexity for development assessment planners and compliance officers, and a more complex and technically difficult system to implement for the provision of information in an electronic form, such as certificates issued under Section 10.7 (zoning) of the *Environmental Planning and Assessment Act 1979*.

To assist Councillors in visualising how the rezoning would look if split zonings were removed the following two scenarios have been mapped.

Scenario 1 – Minimal R5 Zoning - Attachment 5 (Map 3) shows lots that would be rezoned to R5 Large Lot Residential on the basis that no part of the allotment includes any Class 1 or 2 vegetation i.e. if any part of the land has a class 1 or 2 area mapped (regardless of its size) then it would retain its E4 zoning.

Scenario 2 – Zoning Based on Greatest Proportion Mapped - Attachment 6 (Map 4) shows any lot which contains more than 50% Class 3 land as being rezoned to R5. Similarly land which is more than 50% Class 1 or 2 retains its E4 zoning.

If Council does wish to proceed with the rezoning proposal it is recommended that split zonings not be supported and that Scenario 2 be adopted i.e. the zone which covers the largest part of the land becomes the zone for that allotment (Attachment 5).

Challenge 2 - Fragmentation of Zoned Land

Under either scenario when this land is mapped, the result is that it creates small pockets of land surrounded by land of a different zoning. This creates a highly undesirable situation where zoning is fragmented and dispersed across the study area. Undesirable issues include increased conflicts between adjoining land zones, an additional layer of complexity for development assessment planners and compliance officers and conflicts between adjacent landowners over why they were not rezoned one way or the other.

Any planning proposal to rezone some of this area to the R5 Large Lot Residential zone will require principles to be established to minimise fragmentation and isolation of zones. This means that despite the consultant's recommendations some of these isolated and small areas will be changed to be consistent with the adjacent zone. If Scenario 2 above was adopted examples of areas which are likely to be incorporated into surrounding zones (not definitive) are shown circled in red in Attachment 7.

Challenge 3 – Is the R5 Large Lot Residential Zone Appropriate?

Practice Note PN 11-002 Preparing LEPs using the Standard Instrument Zone: standard zones advises that the R5 Large Lot Residential zone "is often adjacent to towns or metropolitan areas". This ensures that permissible development, such as a group home is able to utilise existing infrastructure and services. The allocation of an R5 Large Lot Residential zone in scattered, fragmented patches isolated from a town or village centre conflicts with advice provided in PN 11-002. As a result it may be difficult to satisfy the Department of Planning, Industry and Environment that R5 is the appropriate zone.

Challenge 4 - Permissibility Issues

The recommendations in AQ Planning's Report raise a number of permissibility issues which could occur between neighbouring lots.

These include the E4 Environmental Living zone including as permissible with consent a number of uses which become prohibited development on land zoned R5 Large Lot

10.1 Planning Report - Review of E4 Environmental Living Zone - Bywong and Wamboin (Author: Thompson/Hogg) (Continued)

Residential. These include animal boarding or training establishments, plant nurseries, restaurants or cafes, neighbourhood shops, places of public worship, functions centres and emergency services facilities.

For instance the E4 Environmental Living zone permits, with consent, animal boarding or training establishments. However, this use is prohibited in the R5 Large Lot Residential zone. As the R5 Large Lot Residential zone is predominately located on the edges of town or village centres, animal boarding or training establishments are not an appropriate land use for this zone and is unlikely to be included as a permissible use in either the PLEP or the comprehensive LEP.

As such, lawfully existing uses that become prohibited development are dependent on the provisions of Division 4.11 of the *Environmental Planning and Assessment Act 1979* relating to protection of that existing use.

Conversely, the R5 Large Lot Residential zone permits with consent facilities such as centre-based child care facilities, recreation facilities (indoor) and recreation facilities (outdoor). More generally the application of the R5 zone has been on land on the outskirts of a town, in close proximity to services and facilities and is therefore an appropriate zone for such land uses as a group home. A group home is a prohibited use in the E4 Environmental Living zone, whilst it is permitted with consent in the R5 Large Lot Residential zone. A group home requires that this land use is located close to the services and facilities provided by a town or village centre. Land that is isolated from the services and facilities of a town centre is not suitable for land uses such as group homes.

A comparative table of permissible land uses under the PLEP is provided in Attachment 8.

Should AQ Planning's recommendations be pursued it will become necessary to review the R5 Large Lot Residential zone as it has traditionally been used in a different manner under the PLEP and the QLEP. The planning report recognises this and observes that this would require a detailed review of the R5 zone's objectives and permitted land uses as it applies throughout the LGA. This would have to be considered as part of any planning proposal to implement the R5 Large Lot Residential zone in this area as well as by the comprehensive LEP for the entire LGA.

Challenge 5 – Implementation of Class X

AQ Planning report's Recommendations 1(b) and 2(b) both propose that Council consider amending the PLEP Clause 6.3 map 'Terrestrial Biodiversity' to include BIOSIS Class X mapped lands not included 'on the Terrestrial Biodiversity Map' Attachment 3 (Map 1). These recommendations present a number of challenges.

BIOSIS identifies Class X as land that has the *potential* to contain State or Commonwealth listed native grasslands and or habitat of a critically endangered species. Retaining the E4 Environmental Living zone on land identified as containing Class X recognises the *potential* environmental value of the land as mapped by the consultant ecologist.

The first of these challenges is how these recommendations could be incorporated into the current and revised Terrestrial Biodiversity map of the PLEP?

Staff analysis shows that the land mapped as Class X generally aligns with Council's latest version of native vegetation mapping. In preparing the draft LEP Terrestrial Biodiversity map criteria could be developed to only include the more significant native vegetation rather than all native vegetation.

The second challenge is that in the event that this approach for Class X is pursued by Council as well as the other recommendations of AQ Planning's report then Class X as incorporated in the Terrestrial Biodiversity Map and Clause 6.3 of the PLEP would apply to both land within the E4 Environmental Living zone as well to land within the R5 Large Lot

10.1 Planning Report - Review of E4 Environmental Living Zone - Bywong and Wamboin (Author: Thompson/Hogg) (Continued)

residential zone. This means that under this clause, whether a site is E4 Environmental Living zone or R5 Large Lot Residential zone (for Class X land), there will be a requirement at development application stage to consider and if possible avoid or minimise or manage adverse environmental impacts arising from that development. This may still give rise to adverse community reaction.

The third potential challenge is around BIOSIS' recommendation that Class X be used as a trigger for detailed site-based biodiversity assessments during future DAs or broader planning considerations. Government agencies however, may require that these assessments to be undertaken as part of any further planning proposal to implement an R5 Large Lot residential zone.

Staff are concerned that implementation of the Class X layer will result in greater complexity for residents and greater cost when lodging development applications. There is a view that the existing provisions of the PLEP already require adequate consideration of the impacts on biodiversity. As such, if Council is of a mind to proceed with a planning proposal for rezoning it is considered implementation of the Class X layer is unwieldy and unnecessary.

Challenge 6 - Local Housing Strategy

Material from the Department Planning indicates that it may be necessary to carry out a Local Housing Strategy to support the rezoning of land from E4 to R5. However, AQ's Planning's report implies that a local housing strategy could be dispensed with (p31, Attachment 1) as flagged by Action 28.1 of the *South East and Tablelands Regional Plan* and the Department of Planning Practice Note Standard Instrument: standard zones (PN 11-002).

AQ Planning does this in the context that it would only be necessary if a change in the minimum lot size was to occur and recommends that consultation occur with the Department of Planning and Industry if a planning proposal is pursued. No change to the minimum lot size or density of development is proposed.

However this would need to be confirmed by the Department of Planning and Industry as part of any planning proposal to do this and may be still required.

Options for Dealing with the Above Challenges

It is suggested that the options for dealing with the recommendation of AQ's Planning Report can be summarised as follows:

Option 1 - Prepare a Planning Proposal for Land Identified as Class 3 Land

This option involves retaining the E4 Environmental Living zone for Class 1 and 2 land while preparing a planning proposal for suitable lots that contain Class 3 to convert these to R5 Large Lot Residential zone.

To reduce some of the implications/challenges raised earlier in this report the planning proposal would need to identify and follow a number of planning principles. For example these could include that lots generally be zoned by their predominant biodiversity characteristics (as per BIOSIS) Attachment 6 (Map 4).

However, in order to reduce fragmentation, isolated zoning pockets and split zonings it may be necessary to zone some areas to either E4 Environmental Living zone or R5 Large Lot Residential zone irrespective of their BIOSIS class.

Should Council resolve to prepare a planning proposal it would also be recommended that this be pursued as a separate planning proposal and if finalised in time be amalgamated with the comprehensive LEP. This would provide the opportunity to redeploy staff to other major

10.1 Planning Report - Review of E4 Environmental Living Zone - Bywong and Wamboin (Author: Thompson/Hogg) (Continued)

projects particularly those required to complete in time frames identified by the State Government e.g. the local strategic planning statement.

If Council were to pursue this option the appropriate wording for any recommendation would be along the following lines. That Council:

1. *Receive the consultants' reports.*
2. *Retain land identified in the consultants' reports as being wholly or predominantly Class 1 or 2 as E4 Environmental Living zone.*
3. *Prepare a planning proposal to rezone land identified in the consultants' reports as being wholly or predominantly Class 3 land as R5 Large Lot Residential zone.*

Option 2 – As Above but Include Controls over Class X Mapped Land

Implement Class X with the proposed modifications as discussed above. This can be done as part of the work for terrestrial biodiversity map for the comprehensive LEP or as part of a separate planning proposal if one is pursued.

If Council were to pursue this option the appropriate wording for any recommendation would be to add the following recommendation to Option 1 above:

4. *Consider the inclusion of Class X mapped lands in a revised Clause 6.3 Terrestrial Biodiversity map for Bywong and Wamboin if the native attributes meet the criteria for inclusion in the revised map.*

Option 3 - Retain the E4 Zone (Status Quo)

This option avoids potential issues arising from split and fragmented zones and having different land uses permissible on adjoining lots or on different parts of the lots. In addition it retains the E4 Environmental Living zone for BIOSIS Class 1 and 2 mapped land so is consistent with this report.

Class X has also been identified by the consultant ecologist as having a *potential* for high biodiversity values. Class X overlays large areas of study area identified containing Class 3 vegetation. That is, the majority of areas that are proposed to be rezoned R5 Large Lot Residential zone have a *potential* for high biodiversity values.

For the majority of lots within the study area this approach is also consistent with the principles of Department of Planning and Industry's Practice Note PN 09-002. This is because Practice Note PN 09-002 advises that the E4 Environmental Living zone is typically applied to *land with special environmental or scenic values and accommodates existing low impact residential development.*

AQ Planning's report notes that development in the Bywong and Wamboin area is predominately low impact residential. In addition these lots also contain areas of vegetation listed under either State and or Commonwealth legislation and environmental protection is considered to be of special concern. Consequently, those lots with a mix of Class 1, 2 and 3 biodiversity values meet the Department's criteria for the E4 Environmental Living zone. However, at the same time it is acknowledged that this does not apply to all land identified as having Class 3 characteristics i.e. land with potential as R5 Large Lot Residential zone.

Other reasons for maintaining the status quo are that adjoining areas to the proposed R5 zone have now been confirmed as containing high biodiversity values, and are not appropriately located for the types of land uses generally permissible in the R5 Large Lot Residential.

10.1 Planning Report - Review of E4 Environmental Living Zone - Bywong and Wamboin (Author: Thompson/Hogg) (Continued)

If Council were to pursue this option the appropriate wording for any recommendation would be along the following lines. That Council:

1. *Receive the consultants' reports.*
2. *Retain land identified in the consultants' reports as being wholly or partly Class 1 or 2 as E4 Environmental Living zone.*
3. *Retain land identified in the consultants' reports as being wholly or partly Class 3 land as E4 Environmental Living zone.*
4. *Not pursue a planning proposal to rezone part of Bywong and Wamboin to the R5 Large Lot Residential zone.*

Which Option is best?

Having considered Recommendation 1 of AQ Planning's report and the challenges associated with implementing an R5 Large Lot Residential zone in the manner suggested in that report, it is considered that Option 3 - Retain the E4 Zone (Status Quo) is the superior option for dealing with these challenges.

This is because the above challenges do not arise if it is retained as E4. Notwithstanding this, it is recognised that it won't deal with those members of the community who are opposed to the E4 Environmental Living zone over their land. However, rezoning some parts of Bywong and Wamboin as R5 Large Lot Residential zone is highly unlikely to solve this issue either. Some owners may be pleased about the R5 zone while others, who prefer the E4 zone may not. In addition it is also likely to raise issues in regard to rezoning some lots and maintaining the zoning of other lots in ways which do not meet the aspirations of their landowners. Also, as foreshadowed above, the implementation of an R5 Large Lot Residential zone will require some massaging to minimise split zonings and fragmentation which is also likely to give rise to community concern.

Support for Option 3 has also considered the implications and the distribution of Class X land. As BIOSIS notes in regard to Class X land:

Areas mapped as Class X are considered to have the potential to support biodiversity values of high conservation priority, which require detailed site-based and/or seasonal assessments to determine presence/absence (p 27 Attachment 2).

In effect Class X (Attachment 3 - Map1) leaves very little potential R5 Large Lot Residential zone unaffected in some way by actual or potential environmental values and this land is scattered and fragmented. The current E4 Environmental Living zone already recognises the environmental and potential values of Class X land and also avoids the need to expend substantial funds on further studies which will be either borne by landowners or Council.

In summary there is insufficient justification in terms of benefit to the environment or the Bywong/Wamboin community to warrant pursuing Option 1 and/or 2.

Implications***Legal***

If Council proceeds to Stage two of the project, rezoning land, it will require the preparation of a planning proposal in accordance with Part 3 of the *Environmental Planning and Assessment Act 1979*.

Policy

Council may be required by the Department of Planning and Industry to prepare a Local Housing Strategy to support the recommendations of the planning review to rezone land to the R5 Large Lot Residential zone.

10.1 Planning Report - Review of E4 Environmental Living Zone - Bywong and Wamboin (Author: Thompson/Hogg) (Continued)

Engagement

At this stage of the project staff have been responsible for the community consultation component of the project including the establishment of a project page on Council's Major Works Projects web site, writing to property owners at stages throughout the project and responding to community interest in the project.

Subsequent to the Council resolution to accept the quote from AQ Planning, council staff wrote to all the owners of land zoned E4 Environmental Living in the localities of Bywong and Wamboin (approximately 1050 letters) to advise that an independent consultant had been engaged and that the review would commence shortly. That letter also requested that property owners who were interested in having their property inspected by the consultant ecologist advise Council to ensure that those properties be included on a list to be given to the consultant.

Following the consultant ecologist undertaking a desktop review of the study area, the consultant provided Council with a list of properties of interest. Council wrote to each of these property owners requesting permission for the consultant ecologist to access the property. Council staff then compiled a list of responses received, including any specific requests with regards to access. The list of respondents along with any specific requests was forwarded to the consultant and it was the responsibility of the consultant to schedule the field inspection. The consultant was instructed that unless they could meet the requests, they were to assume that permission to access a property was not granted.

Council staff wrote to all property owners of land zoned E4 Environmental Living in Bywong and Wamboin in November 2018 to provide an update on the project. In May 2019 Council also wrote to respondents to advise them that the review and supporting ecologist report would be presented to this Council Meeting.

Council's Geographical Information System staff prepared the mapping, converting the consultant's recommendations into maps utilising data from the consultant ecologist. These maps would form part of the exhibition material for community consultation during the planning proposal process, should Council resolve to prepare a planning proposal.

Whilst the review of the application of the E4 Environmental Living zone was available for information purposes only, on Council's major projects page, Council did receive correspondence both supporting and objecting to the review.

Should Council resolve to adopt the recommendations of the consultants review to amend the PLEP, a planning proposal will need to be prepared for a Gateway determination. Community consultation will be required, should a Gateway determination be issued the community will be invited to lodge submissions in support of or objecting to the proposed amendments to the PLEP as part of planning proposal process. Any Gateway determination will also require consultation with the relevant government agencies including the Department of Premier and Cabinet (Office of Environment and Heritage).

Environmental

The consultants' review identifies current areas of Bywong and Wamboin that should be retained as E4 Environmental Living on the basis on the quality and nature of the native vegetation (vegetation listed under the *Biodiversity Conservation Act 2016 (NSW)* and *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* in those areas. Some of the areas identified for potential rezoning by the consultant planner have been identified by the consultant ecologist as having the potential to contain threatened species habitat (Class X land). The consultant has proposed that the impact of rezoning on these areas of potential habitat may be mitigated by including these areas on the PLEP Terrestrial Biodiversity Map and associated with clause 6.3 Terrestrial Biodiversity.

10.1 Planning Report - Review of E4 Environmental Living Zone - Bywong and Wamboin (Author: Thompson/Hogg) (Continued)

Sustainability

This review considers the potential to rezone land only and any planning proposal to rezone land will retain the current local environmental plan provisions (including minimum lot size) applicable to the land. Both the current E4 Environmental Living zone and the recommended R5 Large Lot Residential zone permit with consent, development for the purpose of dual occupancies; dwelling houses and secondary dwellings, therefore a planning proposal seeking to rezone land to the R5 Large Lot Residential is not likely to result in additional energy, water or fuel usage nor is it likely to increase waste creation.

Asset

The recommendations of the report do not include any proposals to increase density and as such will not impact Council infrastructure or property.

Economic

Lawfully existing landuses may become prohibited development should Council resolve to prepare a planning proposal. However Division 4.11 (Existing uses), of the *Environmental Planning and Assessment Act 1979* provides for and prescribes the limitations of continued use of lawfully existing uses.

Strategic

A recommendation to rezone land and or to update the Terrestrial Biodiversity maps will require a planning proposal to amend the PLEP 2014.

Financial

A total budget of \$100,000 (excl GST) has been allowed for this project (PLA128/18 – 10 October 2018) and funds expended so far are just under 64% of the allocated budget. This covers stage one of the project with Stage two being contingent upon Council resolving to prepare a planning proposal.

This project is funded from Council's Operational Plan.

Resources (including staff)

Whilst funding has been made available to engage an independent consultant planner and ecologist to undertake the review, Council staff have undertaken the community consultation component of the project to date and have mapped the consultants' recommendations. The project has resulted in the redirection of resources from progressing the comprehensive LEP.

Integrated Plan

If adopted Recommendations 1a), 1b) and 2b) of AQ Planning's report will require the preparation of a planning proposal to amend the *Palerang Local Environmental Plan 2014*.

Conclusion

This report has reviewed and considered the independent consultants' review of the application of the E4 Environmental Living zone in the localities of Bywong and Wamboin and in particular the application of AQ Planning Report's Recommendations 1 and 2. As a result of these deliberations it is concluded that there are three practical options as outlined above.

In relation to considering an R5 Large Lot Residential zone for Class 3 land a planning proposal would be required. In the event that a planning proposal is pursued to establish an

10.1 Planning Report - Review of E4 Environmental Living Zone - Bywong and Wamboin (Author: Thompson/Hogg) (Continued)









R5 Large Lot Residential zone for Class 3 land, it would be recommended that this be done in a way which assists to minimise some of the implications/challenges raised earlier in this report. For example these could include a principle that lots generally be zoned by their predominant biodiversity characteristics (as per BIOSIS) (Attachment 6). Fragmented and isolated lots should be zoned in accordance with the predominant use around them.

It is also necessary to consider Class X land which BIOSIS has identified as land that has the *potential* to contain State or Commonwealth listed native grasslands and or habitat of a critically endangered species. This does not apply to all Class 3 land but does apply to the majority of it within the study area leaving relatively small fragmented areas. However, there is a case that the imposition of controls on Class X land would provide another layer of planning controls which are already catered for in the existing provisions of the PLEP. As such it is recommended that no further action be taken in relation to the Class X classification.

In relation to retaining the E4 Environmental Living zone for land identified as Classes 1 and 2, this is supported. However, for the reasons outlined above in the report it is concluded that the E4 Environmental Living zone should be retained for the entire study area:

However, should this option not be supported and rezoning of part of the site to R5 Large Lot residential zone be pursued, it would be recommended that this be a separate planning proposal and if finalised in time, be amalgamated with the comprehensive LEP. This would provide the opportunity to redeploy staff to other major projects particularly those required to complete in time frames identified by the State Government e.g. the local strategic planning statement.

Attachments

- Attachment 1  AQ Planning Report - March 2019 (*Under Separate Cover*)
- Attachment 2  Final Biosis Biosis - Final Report 15 March (*Under Separate Cover*)
- Attachment 3  Map of E4 & R5 with Class X (no split zone) Map 1 (*Under Separate Cover*)
- Attachment 4  Map of E4 and R5 (with split zones) Map 2 (*Under Separate Cover*)
- Attachment 5  Map of recommended E4 and R5 (no split zone) Map 3 (*Under Separate Cover*)
- Attachment 6  Map of potential R5 with more than 50% Class 3, Map 4 (*Under Separate Cover*)
- Attachment 7  Examples of Fragmented and Isolated Areas Requiring Consolidation into Adjacent Zones (*Under Separate Cover*)
- Attachment 8  Palerang Local Environmental Plan 2014 Landuses for E4 and R5 (*Under Separate Cover*)

ITEMS FOR DETERMINATION

10.2 Place Naming Proposal - Smiths Gap, Bungendore (Author: Thompson/Bateman)

Summary

A local Wamboin resident has written to Council proposing that 'Smiths Gap', near the town of Bungendore, be formally identified as a place name with the Geographical Names Board of New South Wales. This report provides background to this request and supports it in principle.

Recommendation**That Council:**

- 1. Support in principle the Geographic Names Board formally naming the area concerned 'Smiths Gap'.**
 - 2. Advertise the proposed action for public comment for 28 days.**
 - 3. Apply to have a notice published in the NSW Government Gazette if no objections are received.**
-

Background

For more than 100 years "Smiths Gap" has informally referred to that section of road approximately 5 kilometres outside the town of Bungendore, along the Bungendore Road. This section of road is approximately 1.5 kilometres in length and provides access up and over the Lake George range.

An application has been received to formally name this descent/ascent "Smiths Gap". This involves following the place naming process required by the Geographical Names Board of NSW (GNB) which requires endorsement by Council and advertising for public comment.

'Smiths Gap' appears to be named after William John Smith who was a local resident of the area during the early to late 1800's. The Smith family were one of the early settler families who lived at the top of the range and used the track now known as 'Smiths Gap' to access the valley below.

Attachment 1 provides information on the location of Smiths Gap and some historical background about the origins of the name.

Implications***Legal***

The power to name places is assigned to the GNB by the *Geographical Names Act 1966*.

Policy

This application must follow the GNB Place Naming Policy. The GNB Place Naming Policy states in Clause 9.5 *Council resolutions to identify community support*, that there must be a Council resolution supporting the naming of a place. Council must also provide evidence that community feedback has been sought regarding the proposal before GNB will make a final decision to formally identify the nominated place.

**10.2 Place Naming Proposal - Smiths Gap, Bungendore (Author: Thompson/Bateman)
(Continued)**

Social / Cultural

If supported by the GNB on the evidence available so far, this would be recognising a local pioneer and formally recognising a place name that has been in colloquial use for many years.

Engagement

The proposed action will be advertised for 28 days for public comment.

Financial

The only costs involved are the administrative costs associated with this process which are covered by the Operational Plan and the Branch's budget.

Conclusion

The proposal follows the required GNB place naming application process. The first part of this is a Council resolution supporting this application and it is recommended that this be provided in order to progress this application to the next stage, which is public comment.

Attachments

- Attachment 1  Smiths Gap Application (*Under Separate Cover*)
Attachment 2  Locality Map - Smiths Gap (*Under Separate Cover*)

ITEMS FOR DETERMINATION

10.3 Policy - Fraud Control (Author: Warne/Bozzato)

Summary

The proposed Fraud Control Policy has been developed to support section 3.1, 'General Conduct' of Council's Code of Conduct by establishing a framework to deter, detect and respond to instances of fraudulent and corrupt conduct directed at Council's regulatory, service delivery or administrative activities.

The policy has been developed to be consistent with guidance contained in 'Fraud Control Improvement Kit – Managing your fraud control obligations', which was published by the NSW Audit Office in 2015.

Recommendation

That Council exhibit the draft Fraud Control Policy for community comment for 28 days.

Background

Section 3.1 'General Conduct' of Council's Code of Conduct detail behaviours expected of councillors, members of staff of council, administrators, council committee members, delegates of council and council advisers.

General conduct

3.1 You must not conduct yourself in a manner that:

- a) is likely to bring the council or other council officials into disrepute*
- b) is contrary to statutory requirements or the council's administrative requirements or policies*
- c) is improper or unethical*
- d) is an abuse of power*
- e) causes, comprises or involves intimidation or verbal abuse*
- f) involves the misuse of your position to obtain a private benefit*
- g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.*

3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).

Guidance detailed in the 'Fraud Control Improvement Kit' issued by the NSW Audit Office supports application of the Code by setting out attributes of an effective fraud risk control framework. These are:

- i. Leadership, including CEO and senior management commitment to fraud control and clearly defined CEO and senior management accountability and responsibility
- ii. Ethical framework
- iii. Responsibility structures for managing fraud
- iv. Fraud control policy

10.3 Policy - Fraud Control (Author: Warne/Bozzato) (Continued)

- v. Prevention systems, development, implementation and maintenance of which is informed by a proactive and integrated risk assessment
- vi. Fraud awareness
- vii. Third party Management systems
- viii. Notification systems
- ix. Detection systems
- x. Investigation systems.

The draft Fraud Control Policy, supported by an associated Fraud and Corruption Control Plan and a range of currently in-place policies, systems and practices relating to official conduct and fraud awareness are intended to address these requirements.

The draft Fraud control Policy was considered by the Executive at their meeting of 29 March 2019.


Implications***Legal***

Chapter 14 Part 1 Division 1 'Conduct generally' of the *Local Government Act 1993* requires Councils to adopt a Code of Conduct that incorporate requirements included in a model Code issues by the Office of Local Government.

Integrated Plan

This policy is a foundation document required for achievement of Council's key goal 5.1.5 'Our Council has in place appropriate risk management frameworks' as detailed in the Community Strategic Plan 2018-2028.

Attachments

Attachment 1  Draft Fraud Control Policy - submitted to Council (*Under Separate Cover*)

**10.4 Quarterly Budget Review Statement for the Quarter Ending 31st March 2019
(Author: Taylor/Marmont)**

Summary

The March 2019 Quarterly Budget Review Statement (QBRS) is presented for the information of Council.

The Quarterly Budget Review Statement has been prepared in consultation with all Portfolios and Branches within QPRC.

The Quarterly Budget Review Statement result is a consolidated surplus of \$1.314m. The operating result is shown in accordance with Office of Local Government (OLG) requirements including non-cash adjustments for depreciation and asset disposals.

The financial reports below indicate the financial position of Council is satisfactory, having regard to the original estimates of income and expenditure.

Recommendation

That Council:

- 1. Adopt the March 2019 Quarterly Budget Review Statement and variations as outlined in this report.**
- 2. Note the predicted consolidated surplus of \$1.314m.**

Background

In accordance with clause 203 of the *Local Government (General) Regulation 2005*, the Responsible Accounting Officer must prepare and submit a quarterly budget review statement to the Council for the purposes of reviewing budget performance against the adopted operational plan and also to consider any necessary budget variations.

The Office of Local Government (OLG) has developed a set of reporting requirements for the Quarterly Budget Reviews. The reporting requirements, known as the Quarterly Budget Review Statement (QBRS), facilitates progress reporting against the original and revised budgets at the end of each quarter.

The overall consolidated result has moved from an accrued operational surplus position of \$3.617m following the December Quarterly budget review, to an operational surplus of \$1.314m for the March Quarterly budget review (before capital income).

The major variances includes additional Interest on Investments \$1.1m with additional Depreciation of \$3 million (primarily from gifted and new assets).

Where Council has separately resolved to fund additional projects, they are recorded in the March Quarterly budget review, and thresholds of 10% or \$100,000 are applied in relation to variance reporting. This is considered appropriate for the size of the amalgamated organisation.

10.4 Quarterly Budget Review Statement for the Quarter Ending 31st March 2019 (Author: Taylor/Marmont) (Continued)

The significant variations and issues impacting on the funded result are summarised and discussed in the report attached, with favourable changes identified as (F) and unfavourable as (U).

Implications

Legal

The QBRS complies with clause 203 of the *Local Government (General) Regulation 2005* and the Local Government Code of Accounting Practice and Financial Reporting Guidelines.

Financial

The tables below summarise the Funds and Consolidated results as at 31 March 2019.

Total Council Summary

Description	Original Budget \$,000	Current Budget \$,000	Actual YTD \$,000	Proposed Adjustments \$,000	Forecast Budget \$,000
Income					
Rates, Levies & Annual Charges	(69,640)	(69,949)	(70,107)	(178)	(70,128)
User Charges & Fees	(28,686)	(27,777)	(16,403)	(300)	(28,077)
Interest & Investment Revenue	(4,823)	(4,823)	(4,472)	(1,100)	(5,923)
Other Income	(2,068)	(2,473)	(2,045)	(520)	(2,994)
Operating Contributions	(735)	(2,043)	(728)	1,068	(975)
Operating Grants	(10,421)	(17,849)	(12,693)	462	(17,388)
Profit or Loss on Disposal	(1,003)	1,259	1,811	0	1,259
Total Income	(117,376)	(123,656)	(104,638)	(569)	(124,225)
Expense					
Employee Costs	43,534	43,148	32,317	(869)	42,279
Borrowing Costs	2,411	2,515	1,096	0	2,515
Materials & Contracts	43,808	48,573	24,865	(1,620)	46,954
Depreciation & Impairment	21,014	21,014	18,122	3,005	24,019
Other Expenses	9,990	12,566	10,387	1,756	14,322
Internal Expenses	(7,883)	(7,778)	(2,665)	600	(7,178)
Total Expense	112,875	120,039	84,123	2,872	122,911
Operating (Surplus)/Deficit before Capital	(4,502)	(3,617)	(20,515)	2,303	(1,314)
Capital Income					
Capital Contributions	(21,597)	(23,439)	(4,086)	(3,190)	(26,629)
Capital Grants	(62,870)	(61,311)	(27,292)	15,008	(46,303)
Operating (Surplus)/Deficit after Capital	(88,968)	(88,367)	(51,892)	14,122	(74,246)
Non Cash					
Capital Contributions	20,509	20,509	0	0	20,509
Depreciation & Impairment	(21,014)	(21,014)	(18,122)	(3,005)	(24,019)
Profit or Loss on Disposal	1,003	(1,259)	(1,811)	0	(1,259)
Total Non Cash	498	(1,764)	(19,933)	(3,005)	(4,769)
Investing Fund Flows					

10.4 Quarterly Budget Review Statement for the Quarter Ending 31st March 2019
(Author: Taylor/Marmont) (Continued)

Total Council Summary

Description	Original Budget	Current Budget	Actual YTD	Proposed Adjustments	Forecast Budget
Capital Works Program	139,571	146,136	51,399	(35,677)	110,459
Asset Purchases	3,221	4,590	2,684	(19)	4,571
Loan Principal Repayments	1,859	2,609	0	(93)	2,516
Total Investing Fund Flows	144,651	153,335	54,083	(35,789)	117,546
Financing Fund Flows					
Sale of Assets	(1,003)	(1,003)	(1,100)	0	(1,003)
Proceeds from Borrowings	(42,650)	(50,150)	(50,400)	0	(50,150)
Total Financing Fund Flows	(43,653)	(51,153)	(51,500)	0	(51,153)
Net (Inc)/Dec in Funds before Transfers	12,528	12,050	(69,241)	(24,672)	(12,622)
Reserve Movements					
Transfers to Internal Reserves	12,958	18,218	5,400	6,750	24,968
Transfers to Developer Contributions	1,062	2,635	0	3,307	5,943
Transfers to Other External Reserves	13,644	24,084	0	3,761	27,846
Transfers from Internal Reserves	(8,300)	(12,296)	(2,457)	(1,878)	(14,173)
Transfers from Developer Contributions	(9,201)	(9,796)	(111)	7,557	(2,238)
Transfers from Other External Reserves	(22,275)	(36,531)	(1,300)	4,845	(31,685)
Total Reserve Movements	(12,112)	(13,685)	1,532	24,343	10,659
Net (Inc)/Dec in Unrestricted Funds	416	(1,634)	(67,710)	(329)	(1,963)

Conclusion

Revision of the budget at the 3rd Quarter Review reduces the operational surplus position by \$2.303m before Capital amendments. The major variances includes additional Interest on Investments \$1.1m with additional Depreciation of \$3 million (primarily from gifted and new assets).

Attachments

Attachment 1  QBRS for 31 March 2019 (Under Separate Cover)

ITEMS FOR DETERMINATION

10.5 QPRC Investment Policy (Author: Tegart/Taylor)

Amended – marked blue and bold

Summary

At the **27 March** Council Meeting, it was resolved to exhibit the draft QPRC Investment Policy for a period of 28 days. The exhibition period has expired with only one internal submission to correct wording.

Recommendation

That Council:

- 1. Rescind the former QPRC Investment Policy.**
- 2. Adopt the attached QPRC Investment Policy.**

Background

At the **27 March** Meeting, Council resolved to exhibit the draft QPRC Investment Policy for a period of 28 days. Exhibition period has expired with only one internal submission to correct wording.

Additional line to be inserted states:

6.11.4 Interest bearing investments with A- Credit Rating ADI's and below must not exceed a collective total of 30% of the Council's total investment policy.

The attached draft policy includes this additional wording.

Conclusion

The Investment Policy has been drafted by Laminar Capital in accordance with Legalisation, Regulations and Ministerial Orders. Policy allows staff to invest Councils in short to long term authorised investments. Investment Policy was placed on public exhibition for 28 days.

Attachments

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

ITEMS FOR DETERMINATION

10.6 Write Off - Bad Debtors (Author: Tegart/Taylor)

Summary

As part of the annual review of outstanding debtors, staff have reviewed the status of non-compliant debtors. The confidential attachment lists bad and doubtful sundry debtors. Council's endorsement is sought to write off the debts.

Recommendation

That under section 6.2 of the Debt Recovery Policy – Rates and Charges, Council write off the bad and doubtful sundry debtor accounts as per attached list.

Background

Council adopted a new QPRC Debt Recovery Policy – Rates and Charges on 27 June 2018, to ensure effective recovery of Sundry Accounts owed to Council.

In an attempt to close accounts staff have attempted to speak with every debtor, organise arrangements and where necessary proceed with legal action as per the Debt Recovery Policy – Rates and Charges. Each Sundry Debtor Account has been thoroughly investigated through the use of social media, ABN Lookup and ASIC databases.

Investigations on each sundry debtor account has had outcomes as per the attachment. Each debtor will have a record of 'bad debt written off', preventing future debts arising.

Implications***Policy***

Section 610E(1) of the Local Government Act states

A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.

Section 6.2 of the QPRC Debt Recovery Policy provides for circumstances where a Council may waive payment of, or reduce an approved fee other than rates and charges. A written record is to be kept of all bad debts write offs.

Conclusion

Council is requested to endorse the write off of bad debts to the value of \$57,286.19.

Attachments

Attachment 1 Sundry Debtor Listing for Write Off (*Under Separate Cover*) -
CONFIDENTIAL

ITEMS FOR DETERMINATION

10.7 Investment Report - April 2019 (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 April 2019.

Recommendation

That Council:

1. Note the 2018/19 investment income for April 2019 was \$872,460.
 2. Note the investment portfolio has been made in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and *Queanbeyan-Palerang Regional Council's investment policy*.
 3. Adopt the Investment Report for the month of April 2019.
-

Background***Cash and Cash Equivalent Investments***

The principal amount invested as at 30 April 2019 was \$205,291,520.

Refer to Attachment 1 for the budgeted interest allocation by entity.

Refer to Attachment 2 for the Budget vs Actual Report.

Refer to Attachment 3 for the QPRC Investment Report Pack.

Market Update

The average 30 day BBSW rate for April 2019 was 1.70%.

The Reserve Bank (RBA) board again decided to leave the cash rate unchanged at 1.50% at its May 2019 meeting.

Refer to Attachment 4 for the April 2019 economic commentary by Laminar Capital.

The TCorpIM Long-Term Growth Fund continued a series of solid returns in April 2019. 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 performance in April 2019 again was solid. The Fund contains 58% defensive assets.

10.7 Investment Report - April 2019 (Author: Taylor/Drayton) (Continued)

Implications***Policy***

I hereby certify that Queanbeyan-Palerang Regional Council investments listed in Table 5 of the attached Investment Report Pack (Attachment 2) 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

Council is currently reviewing the Queanbeyan-Palerang Regional Council Investment Policy which is at the public exhibition stage.

On 17 April 2019, Council placed funds in a certified Green Tailored Deposit (GTD) issued by Westpac. GTDs have been certified to meet the Climate Bonds Standard which is an internationally recognised scheme utilised to prioritise investments which genuinely contribute to addressing climate change. All GTDs are associated with a defined pool of eligible assets and/or projects which meet the Climate Bonds Standard criteria. These assets and projects can include renewable energy, low carbon transport, low carbon buildings, and water infrastructure.

Investment income for the 2018/19 Financial Year as at 30 April 2019 amounted to \$5,344,748. The investment returns are added to the associated restricted funds (i.e. development contributions) that form Council's investment portfolio.

Attachments

- Attachment 1  April 2019 - Budgeted Interest Allocation by Entity (*Under Separate Cover*)
- Attachment 2  April 2019 - Budget vs Actual Report (*Under Separate Cover*)
- Attachment 3  April 2019 - Investment Report Pack (*Under Separate Cover*)
- Attachment 4  April 2019 - Economic Commentary (*Under Separate Cover*)

ITEMS FOR INFORMATION

11.1 Workforce Performance Audit (Ref: C1962869; Author: Tegart/Tegart)

Report

The NSW Audit Office conducted an audit examining the outcomes of workforce reform associated with the mergers. The objective of the audit was to assess whether three councils, Inner West Council, Queanbeyan-Palerang Regional Council and Snowy Monaro Regional Council, are effectively reforming their organisation structures to realise efficiency benefits from amalgamation and managing the impact on staff.

The NSW Auditor-General tabled the Workplace Reform Audit of Merged Councils in Parliament on 1 May 2019.

In making the findings and three recommendations below, QPRC was singled out for positive actions in a number of areas, including audit of change management, handling of structure and redundancies, and reporting on merger benefits realisation.

The full report is at <https://www.audit.nsw.gov.au/our-work/reports/workforce-reform-in-three-amalgamated-councils>

Findings

- Amalgamated councils took different approaches to developing their new organisation structure
- All three councils need to align their services across the council area before they can establish the optimal organisation structure
- The councils did not anticipate material benefits from workforce reform within the first three years of amalgamation
- None of the councils have detailed plans for further workforce reform after their protection period ends
- Queanbeyan-Palerang Regional Council monitors and reports to its community on the benefits and costs of amalgamation
- Councils would benefit from more comprehensive guidance on how to measure efficiency of their organisation structures
- The *Local Government Act 1993* protected staff, but slowed restructuring
- Multiple ICT systems and inconsistent business processes remain in each council, impeding workforce efficiency
- Changes in leadership can disrupt the progress of workforce reform
- Staff salaries in each council cannot be fully harmonised
- Actions of former councils can create impediments to progress
- All three councils implemented staff protections in the Act
- Councils took different approaches to implementing some protections in the *Local Government Act 1993*
- All three councils focused on change management following amalgamation
- At this stage councils have not adequately assessed the effectiveness of change management efforts

Recommendations

1. All three councils should establish future service offerings and service levels and ensure that organisation structures are aligned with service levels and integrated ICT systems.
2. Inner West Council and Snowy Monaro Regional Council should report against target efficiency and savings outcomes associated with workforce reform and actively monitor progress against milestones.

11.1 Workforce Performance Audit (Ref: C1962869; Author: Tegart/Tegart)
(Continued)

3. The Department of Planning and Industry (OLG) should develop a suite of efficiency and economy indicators and start reporting the performance of councils against these indicators to assist with benchmarking

Recommendation

That the report be received for information.

Attachments

Nil

ITEMS FOR INFORMATION

11.2 Update on Draft Bungendore Structure Plan (Ref: C1962887; Author: Thompson/Jansen)

Report

As previously advised, the draft Bungendore Structure Plan has been referred to Government Agencies. An overview of the Government agency submissions received so far was provided to Councillors at a workshop on 3 April 2019.

At that workshop staff indicated the possibility of reporting to Council's meeting of 22 May 2019 pending receipt of submissions. However, a number of key agencies, including NSW Premier and Cabinet have not yet submitted a response as of the end of April.

Notwithstanding the above, staff will now undertake a review of the draft document in response to the agency comments received and will amend the draft document as required. It is envisaged that consideration of a report recommending that the Draft Structure Plan be placed on public exhibition will be presented to the June Council meeting in Bungendore.

Recommendation

That the report be received for information.

Attachments

Nil

ITEMS FOR INFORMATION

11.3 European Wasps (Ref: C1964866; Author: Thompson/Geyer)

Report

In April, Council was alerted to an incident at the Braidwood Recreation Ground where a young child disturbed a European Wasp nest within the creek. When a European wasp nest is disturbed a chemical is released which causes all wasps to defend the nest and the child sustained over 200 stings resulting in her being seriously injured and hospitalised. Unlike bees, wasps sting multiple times.

Staff immediately attended when advised of the incident, and searched for the nest, treating one nest on a footpath nearby. The following day, with assistance from locals, staff were able to find the offending nest in dense vegetation at the bottom of the creek. This nest was immediately eradicated and a further nest was found and treated in early May.

European wasps are an established pest in NSW and across most of Australia, following their arrival in the 1950s. In spring, newly mated queen wasps come out of hibernation and start a new nest to lay their eggs and establish a colony. The nest grows over summer with a new generation of queens. Frost and cold winters generally kill the workers, however protected nests can survive and continue to grow. Nests are normally found in the ground, along creek banks, hollow trees, building cavities and rubble. A single nest can contain between 500 to 1000 wasps.

NSW Biosecurity is the responsibility of the Department of Primary Industries and individual property owners and managers attend to the pests on the own property. Council, as a property owner and manager, do undertake pest control including European Wasps, however, Council as a public authority is bound by the strict requirements of the *Pesticides Act 1999* and *Pesticide Regulation 2017*, along with a host of other Environmental Protection instruments when using chemicals in a public place.

Council has one full time staff member dedicated to controlling amenity weeds and various pest animals on Council land across the urban areas. Insects targeted include: termites, wasps and occasionally ants and spiders. Staff would normally only carry out treatment where a complaint is received or where a nest is discovered during day to day operations.

Over the past year, Council staff have eradicated 39 nests and potentially tens of thousands of wasps across the LGA, but it is not possible to gain 100% control with the resources available to Council.

Queanbeyan	Bungendore	Braidwood	Googong	Royalla	Captains Flat	TOTAL
15	10	8	4	1	1	39

Council does not treat, nor is it responsible for the treatment of wasps (and other insect pests) on private land.

European Wasps are a very topical issue in Braidwood at present and there have been calls for Council to chemically bait for wasps, and even control wasps on private land. Equally, Council regularly gets calls from the community to minimise or even stop using chemical controls for pest species.

Baiting involves placing a lure into a trap which allows wasps to enter and leave with some meat and chemical. This bait works when the wasps enter and collect some meat, then the heavier wasp drops into a chemical powder which it carries back to the nest thereby contaminating the whole colony.

11.3 European Wasps (Ref: C1964866; Author: Thompson/Geyer) (Continued)

Two permits have been issued to control wasps through chemical baiting in NSW. Permit PER86492 is issued to DPI for use in Orchards, Vineyards and Berry Farms, specifically using Fipronil as the active constituent. Permit PER85890 obtained by Snowy Valley Council specifically uses Permethrin as its active constituent.

While members of the community at the Braidwood meeting requested Council use Fipronil, PER86490 cannot be used outside of its approved conditions. It is legal for councils to use PER85890 in urban areas across all of NSW. Baiting has been trialled in accordance with the permit, however it has limitations and there is an element of risk associated with any chemical baiting in public places. Staff are taking great care in where the traps are placed and baiting will cease as the weather cools off. Staff are also further investigating nonchemical options.

These matters were raised at a recent community forum in Braidwood, including an offer to engage with local experts on wasp treatment and eradication.

Staff will continue to review options, in consultation with DPI and other agencies, and recommence control of European wasps in spring, within its available resources. Further it is proposed to undertake a community education program in time for spring and encourage use of a non-chemical option, which staff are currently verifying.

It is important to note, there is no single solution to managing European wasps in the Queanbeyan-Palerang region or anywhere else in NSW, and rather it is up to all property owners to take the best option for their circumstance. Council staff will use trapping, preferably non-chemical, nest treatment and public education in its coordinated approach. Staff cannot manage wasps on private land and stress that property owners need to engage their on pest controller.

Recommendation

That the report be received for information.

Attachments

Nil

ITEMS FOR INFORMATION

11.4 Summer Activation 2018/19 (Author: Richards/Duncan)

Report

The QPRC Summer Activation is in its third year. The event is about enlivening the Local Government Area, primarily through its aquatic facilities, and bringing the community together for an afternoon and evening of fun and connection. The events featured inflatable water slides, pool games, an outdoor jumping castle and a free barbeque dinner concluding with a family movie on the giant inflatable outdoor screen.

Summer Activation events were delivered at Braidwood, Bungendore, Captains Flat and Queanbeyan over December 2018 and January 2019. Events in Bungendore, Braidwood and Captains Flat were held during December as community feedback showed a strong preference for the earlier timing. These events were held in conjunction with the *Learn to Swim* lessons and last week of school term. The Queanbeyan event was held in January.

Coles Queanbeyan provided the free barbeque dinners, including all food, water, juice and equipment at the Braidwood, Captains Flat and Queanbeyan events and SUPA IGA Bungendore provided the dinner for the Bungendore event. Riverside Plaza also donated Food Court Vouchers. Support from these businesses significantly added to the success of Summer Activation.

Event Attendance

Conditions were not ideal for the Braidwood, Bungendore and Captains Flat events with wet and windy weather and the Captains Flat event had to be relocated to the Town Hall. Nevertheless, the attendance at each event was pleasing. The spike in the number of people at the Queanbeyan activation in January 2018 were due to the concurrent opening of the Wet-Play area.

Location	2017 (Attendees)	2018 (Attendees)	2019 (Attendees)
Braidwood	89	153	130
Bungendore	153	102	130
Captains Flat	95	74	60
Queanbeyan	661	1,751	1,356
Googong	N/A	135	N/A
TOTAL	998	2,215	1,676

Charitable Donation


At the September 2018 Ordinary Meeting, Council endorsed waiving general entry fees to venues in favour of a voluntary gold coin donation. Council further resolved that the money raised during Summer Activation be donated to the Aussie Farmers Foundation to assist rural and regional communities in need.

A total of \$1,745 was donated by the community. As the office of Aussie Farmers Foundation is located in Victoria, with no local representation, there was no opportunity for a personal hand over of the donation. The amount was forwarded to the foundation and a thank you certificate to Council is attached.

Recommendation

That the report be received for information.

Attachments

Attachment 1  AFF Thankyou Certificate - Queanbeyan-Palerang Regional Council
(Under Separate Cover)

ITEMS FOR INFORMATION

11.5 QPRC Pools (Author: Tegart/Richards)

Report

At the meeting of 24 April 2019, Council resolved to prepare a report on the condition of the Queanbeyan Aquatic Centre, including all maintenance required, priorities for works and estimated funding, for the May Ordinary Meeting; and to consider funding to undertake priority works as a submission in the 2019-20 draft budget.

It further resolved to investigate the extension of the change room facilities to include a minimum of two new family/disability change rooms, including costs, with a report to come back to Council as soon as practicable.

This work is currently underway, however it coincides with the review of all of the QPRC aquatic facilities in the terms of condition, required maintenance and service offering. The asset management plans are scheduled for later this year

A workshop for Councillors on all pools in the LGA is scheduled for 6 June 2019. This will enable a submission to the 2019-20 budget with a paper to Council for the June meeting.

Recommendation

That the report be received for information.

Attachments

Nil

13.1 Bungendore Water Quality (Ref: C1967033; Author: Schweikert/Schweikert)

Notice

Councillor Mark Schweikert will move the following motion:

Motion

That Council receive a report on Bungendore's water by September 2019 on:

- **its quality and composition;**
 - **how it compares to other sample areas (Queanbeyan, Adelaide, Narrabri) and to NHMRC standards;**
 - **treatments applied;**
 - **supply consistency (i.e. pressure, reliability);**
 - **a list of issues and complaints over the past 12 months;**
 - **current testing regime and Standards used, and**
 - **current sources of supply (by map).**
-

Background

Over the past 12 months the mover has received a number of 'anecdotal' complaints/comments regarding Bungendore's water.

Residents usually complain/comment on its taste, smell and colour.

One resident recently advised that after replacing the water in their fish tank with Bungendore water their goldfish unexpectedly died. Washing a black car in Bungendore water produces visible numerous white calcium stains/blooms if not dried properly.

Many advise that they do not drink Bungendore's water and either:

- buy water off the shelf,
- install rain water tanks/capture devices with filters,
- use filtration on their town water supply and/or water softeners.

Figures 1 and 2 are of a sacrificial anode from a hot water tank in Bungendore after seven years.

With Bungendore potentially receiving more development beyond current infill, residents and developers alike need to understand what their water charges and infrastructure contributions are actually buying.

Knowing the composition of Bungendore's water can also aid in planning maintenance and preventative maintenance of house hold items such as hot water systems, kettles, dishwashers and washing machines, etc.

Financial Impact to Council


In house reporting, and thus staff time are potentially the main cost drivers and should be borne by the Water Fund.


13.1 Bungendore Water Quality (Ref: C1967033; Author: Schweikert/Schweikert)
(Continued)

CEO Note:

Council recently adopted the Palerang IWCMP which explored water quality, treatment, supply and headworks issues. Drinking water is tested against National Health and Medical Research Council (NHMRC) standards.

Attachments

Attachment 1  Figure 1 (*Under Separate Cover*)

Attachment 2  Figure 2 (*Under Separate Cover*)

15 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “confidential” business paper which has been circulated to Councillors.

The *Local Government Act, 1993* requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the *Local Government Act, 1993*.

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 16.1 Bungendore Sports Hub

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