



# **Ordinary Meeting of Council**

## **AGENDA**

**24 July 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 26 June 2019

4.2 Minutes of the Planning and Strategy Meeting of the Whole held on 10 July 2017

**5 DISCLOSURES OF INTERESTS**

**6 ADJOURNMENT FOR PUBLIC FORUM**

**7 MAYORAL MINUTE**

**8 NOTICES OF MOTIONS OF RESCISSION**

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**Confidential - Not for Publication**

**16 REPORTS FOR CLOSED SESSION**

16.1 Carparking Matters

*Item 16.1 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.*

16.2 Quarterly Legal Update

*Item 16.2 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**17 CONCLUSION OF THE MEETING**

**LIST OF ATTACHMENTS –**

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

**Open Attachments**

- Item 9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood  
*Attachment 1 DA.2019.009 - 4.15(1) Assessment Report - Matters for Consideration - Caravan Park - 94 Reservoir Road, Braidwood (Under Separate Cover)*  
*Attachment 2 DA.2019.009 - Plans - Caravan Park - 94 Reservoir Road, Braidwood (Under Separate Cover)*  
*Attachment 4 DA.2019.009 - Draft Conditions of Consent - Caravan Park - 94 Reservoir Road, Braidwood (Under Separate Cover)*
- Item 9.2 Development Application 290-2018 - 101 Lot Residential Subdivision - 36 Googong Road, Googong  
*Attachment 1 DA 290-2018 - Sec 4.15 Matters for Consideration - Subdivision - Googong (Under Separate Cover)*  
*Attachment 2 DA 292-2018 - Subdivision Plans - 101 Lot Residential Subdivision - Googong (Under Separate Cover)*
- Item 9.4 NSW Government Parking Fines Review  
*Attachment 1 Parking Fines - Information for Councils (Under Separate Cover)*  
*Attachment 2 Carparking Infringements Schedule (Under Separate Cover)*
- Item 9.5 Queanbeyan CBD - Revised Scope of Works - Stage 3  
*Attachment 1 Morriset Carpark Plan (Under Separate Cover)*  
*Attachment 2 Scope, Options and Estimates Summary (Under Separate Cover)*  
*Attachment 3 QCBD Business Case - Estimates Summary (Under Separate Cover)*
- Item 9.6 Project Management Office  
*Attachment 1 Sydney Office Letter (Under Separate Cover)*
- Item 9.11 Good Governance Framework and Draft Legislative Compliance Policy  
*Attachment 1 Draft Good Governance Framework (Under Separate Cover)*  
*Attachment 2 Draft Legislative Compliance Policy (Under Separate Cover)*
- Item 9.12 Draft Public Interest Disclosures Act - Internal Reporting Policy  
*Attachment 1 Public Interest Disclosures Act - Internal Reporting Policy (Under Separate Cover)*
- Item 9.13 Investment Report - June 2019  
*Attachment 1 June 2019 - Budgeted Interest Allocation by Entity (Under Separate Cover)*  
*Attachment 2 June 2019 - Budget vs Actual Graph (Under Separate Cover)*  
*Attachment 3 June 2019 - Investment Report Pack (Under Separate Cover)*  
*Attachment 4 June 2019 - Economic Commentary (Under Separate Cover)*
- Item 10.3 Canberra Region Joint Organisation  
*Attachment 1 Media Release (Under Separate Cover)*

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

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- Item 11.1 Audit, Risk and Improvement Committee meeting 19 June 2019  
*Attachment 1 Minutes of 19 June 2019 meeting of the Audit, Risk and Improvement Committee (Under Separate Cover)*  
*Attachment 2 2019 Internal Audit Plan (Under Separate Cover)*
- Item 12.1 Captains Flat Road - Foxlow Alignment  
*Attachment 1 Proposed Foxlow map layout (Under Separate Cover)*
- Item 13.1 Delegates' Reports  
*Attachment 1 Cr Harrison's Delegate's Report for Dargues Reef Community Consultative Committee (Under Separate Cover)*  
*Attachment 2 Dargues Gold Mine newsletter (Under Separate Cover)*
- Item 14.1 Responses to Councillors' Questions  
*Attachment 1 Responses to Councillors' Questions (Under Separate Cover)*

**Closed Attachments**

- Item 9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood  
*Attachment 3 DA.2019.009 - Submissions - Caravan Park - 94 Reservoir Road, Braidwood (Under Separate Cover)*
- Item 9.3 Draft Queanbeyan Floodplain Risk Management Study and Plan  
*Attachment 1 Queanbeyan Floodplain Risk Management Study and Plan Report - Councillors only (Under Separate Cover)*  
*Attachment 2 Queanbeyan Floodplain Risk Management Study and Plan Figures - Councillors only (Under Separate Cover)*
- Item 14.1 Responses to Councillors' Questions  
*Attachment 2 Responses to Councillors' Questions with confidential information (Under Separate Cover)*



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Bungendore Council Chambers on Wednesday, 26 June 2019 commencing at 5.30pm.

## ATTENDANCE

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

**Staff:** P Hansen, Acting CEO/General Manager; M Thompson, Portfolio General Manager Natural and Built Character; J Richards, Portfolio General Manager Community Choice and P Neil, Portfolio General Manager Organisational Capability.

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

### 1. OPENING

The meeting opened at 5.30pm.

### 2. ACKNOWLEDGEMENT OF COUNTRY

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

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

180/19

#### **RESOLVED (Taylor/Schweikert)**

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

The resolution was carried unanimously.

### 4. CONFIRMATION OF MINUTES

#### 4.1 **Minutes of the Ordinary Meeting of Council held on 22 May 2019**

181/19

#### **RESOLVED (Schweikert/Biscotti)**

That the minutes of the Ordinary Meeting of Council held in the Bungendore Council Chambers on Wednesday 22 May 2019 be confirmed.

The resolution was carried unanimously.

**4.2 Minutes of the Planning and Strategy Committee of the Whole held on 12 June 2019**

182/19

**RESOLVED (Taylor/Harrison)**

That the minutes of the Planning and Strategy Committee of the Whole held in the Queanbeyan Council Chambers on Wednesday 12 June 2019 be confirmed.

The resolution was carried unanimously.

**5. DISCLOSURES OF INTERESTS**

183/19

**RESOLVED (Schweikert/Bray)**

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

The resolution was carried unanimously.

Cr Brown declared a significant non-pecuniary interest in Item 10.1 - DA 446-2018 - Takeaway Food and Drink Premises - Including Revised Pylon Sign Design - 6 Ferdinand Lane, Jerrabomberra, stating he is a Director of a company investigating business opportunities in this development.

Cr Brown declared a significant non-pecuniary interest in Item 10.2 - DA 505-2018 - Takeaway Food and Drink Premises - Including Revised Pylon Sign Design - 10 Ferdinand Lane, Jerrabomberra stating, stating he is a Director of a company investigating business opportunities in this development.

Cr Noveska declared a significant non-pecuniary interest in Item 10.1 - DA 446-2018 - Takeaway Food and Drink Premises - Including Revised Pylon Sign Design - 6 Ferdinand Lane, Jerrabomberra, stating she is a Director of a company investigating business opportunities in this development.

Cr Noveska declared a significant non-pecuniary interest in Item 10.2 - DA 505-2018 - Takeaway Food and Drink Premises - Including Revised Pylon Sign Design - 10 Ferdinand Lane, Jerrabomberra, stating she is a Director of a company investigating business opportunities in this development.

Cr Biscotti declared an interest in Item 10.5 - Kanga Cup - Request for Contribution

Cr Biscotti declared a less than significant non-pecuniary interest in Item 10.5 - Kanga Cup - Request for Contribution, stating he is a premier league coach at the Club.

Cr Overall declared a less than significant non-pecuniary interest in Item 10.8 - Tender for the Demolition of Two Decommissioned Water Service Reservoirs in Queanbeyan, stating the Dodsworth Reservoir Lot shares a boundary with his residential Lot.



Cr Overall declared a less than significant non-pecuniary interest in Item 10.15 - QPRC 2019/20 Annual Grants and Donations Program, applicant numbers 1, 28 and 34, stating his wife is the President of Meals on Wheels Queanbeyan Inc; he holds the position of patron for Queanbeyan Pipes and Drums, and his wife will appear partially covered in the Women of Queanbeyan calendar.

#### 6. ADJOURNMENT FOR PUBLIC FORUM

184/19

##### **RESOLVED (Overall/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 5.36pm and resumed at 6.13pm.

#### 7. NOTICES OF MOTIONS OF RESCISSION

There were no Notices of Motion of Rescission.

#### 8. MAYORAL MINUTE

There was no Mayoral Minute.

#### PROCEDURAL MOTION

185/19

##### **RESOLVED (Brown/Taylor)**

That item 10.9 be brought forward for consideration at the juncture.

The resolution was carried unanimously.

#### 10.9 Draft South Bungendore Stormwater Masterplan

186/19

##### **RESOLVED (Schweikert/Harrison)**

That this item be deferred to a Councillor workshop.

The resolution was carried unanimously.

#### PROCEDURAL MOTION

187/19

##### **RESOLVED (Harrison/Brown)**

That Items 10.1, 10.2, 10.5, 10.12, 10.18 and 10.19 be brought forward for consideration at this juncture.

The resolution was carried unanimously.

Crs Brown and Noveska declared an interest in the following two items of business and left the meeting room at 6.20pm.

## 10. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

- 188/19
- 10.1 DA 446-2018 - Takeaway Food and Drink Premises - Including Revised Pylon Sign Design - 6 Ferdinand Lane, Jerrabomberra**  
**RESOLVED (Hicks/Harrison)**

That:

1. The CEO be granted delegated authority to determine development application 446-2018 for a takeaway food and drink premises on proposed Lot 2 DP 1246134, No.6 Ferdinand Lane Jerrabomberra, subject to formal creation of the title for the proposed allotment.
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, Harrison, Hicks, Overall, Schweikert and Taylor

Against: Cr Marshall

- 189/19
- 10.2 DA 505-2018 - Takeaway Food and Drink Premises - Including Revised Pylon Sign Design - 10 Ferdinand Lane, Jerrabomberra**  
**RESOLVED (Hicks/Harrison)**

That:

1. The CEO be granted delegated authority to determine development application 505-2018 for a takeaway food and drink premises on proposed Lot 3 DP 1246134, No.10 Ferdinand Lane Jerrabomberra, subject to formal creation of the title for the proposed allotment.
2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.

The resolution was carried unanimously.

Crs Brown and Noveska returned to the meeting at 6.24pm.

Cr Biscotti declared an interest in the following item of business and left the meeting room at 6.24pm.

### 10.5 Kanga Cup - Request for Contribution

#### **MOVED (Overall/Taylor)**

That Council:

1. Make a donation of \$14,000 to Monaro Panthers for hosting of Kanga Cup 2019 in Queanbeyan.
2. Consider inclusion of an annual donation for the event in the Delivery Program.

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

1. Make a donation of \$7,000 to Monaro Panthers for hosting of Kanga Cup 2019 in Queanbeyan.
2. Consider inclusion of an annual donation for the event in the Delivery Program."]

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

190/19

#### **RESOLVED (Overall/Taylor)**

That Council:

1. Make a donation of \$14,000 to Monaro Panthers for hosting of Kanga Cup 2019 in Queanbeyan.
2. Consider inclusion of an annual donation for the event in the Delivery Program.

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

Against: Crs Harrison and Schweikert

Cr Biscotti returned to the meeting at 6.35pm.

### 10.12 Braidwood and Bungendore Offices - Customer Centres

191/19

#### **RESOLVED (Taylor/Schweikert)**

That Council:

1. Proceed with the planned changes at the Bungendore office.
2. Engage a professional design consultant to evaluate the merits and functionality of rearrangements within the Braidwood office buildings, having regard to heritage and access.
3. Receive a further report on the outcome of the professional design consultant's findings.

The resolution was carried unanimously.

**10.18 Men's Shed Captains Flat**

192/19

**RESOLVED (Hicks/Marshall)**

That:

1. Council agree in principle to enter into a five year Licence Agreement with the Captain's Flat Men's Shed Group for the use of the former Fire station at 106 Foxlow St Captains Flat, subject to securing sufficient funding to complete the work needed to enable the shed to be used as a Men's Shed.
2. The Licence Agreement proposal be advertised on accordance with S47 and 47A of the *Local Government Act 1993*.
3. If no objection to the proposal is received, the Licence Agreement be executed.
4. The Council approve the Mayor and the Chief Executive Officer to execute the Licence Agreement on Council's behalf.

The resolution was carried unanimously.

Mr Thompson declared a less than significant non-pecuniary interest in the following Item stating his spouse is an employee of the Queanbeyan District Preschool Association and left the meeting room at 6.41pm.

**10.19 3 Hoover Road - Lease to Queanbeyan & District Pre School Association**

193/19

**RESOLVED (Taylor/Noveska)**

That Council:

1. Agree to enter into an Eleven (11) year lease with the Queanbeyan and District Pre School Association for the use of the site at 3 Hoover Road, Queanbeyan West for the purposes of a Pre-School.
2. Register the Lease on the title for the land.
3. Agree to the NSW Department of Education holding a mortgage over the land for a ten year period as part of funding requirement for the Pre-School.

The resolution was carried unanimously.

Mr Thompson returned to the meeting at 6.44pm.

**PROCEDURAL MOTION**

194/19

**RESOLVED (Schweikert/Bray)**

That Items 9.1 to 9.4 be dealt with as a bloc.

The resolution was carried unanimously.

**9. REPORTS OF COMMITTEES**

- 195/19      **9.1 Greenways s.355 Committee Meetings Minutes**  
**RESOLVED (Taylor/Schweikert)**  
That Council note the minutes of Greenways s.355 Committee's meetings held on 26 March and 11 June 2019.  
  
The resolution was carried unanimously.
- 196/19      **9.2 Les Reardon Reserve s.355 Committee Meetings Minutes**  
**RESOLVED (Taylor/Schweikert)**  
That Council:  
  1. Note the minutes of Les Reardon Reserve s.355 Committee meeting held on 21 March 2019.
  2. Note the draft minutes of the Les Reardon Reserve s.355 Committee meeting held on 5 June 2019.
  3. Note the financial statements presented to the meeting on 5 June 2019.
  4. Endorse Steve Walker as the Les Reardon Reserve Hall Bookings Officer.  
The resolution was carried unanimously.
- 197/19      **9.3 Wamboin Locality Committee Meeting Minutes 1 April 2019**  
**RESOLVED (Taylor/Schweikert)**  
That Council note the minutes and Terms of Reference of the inaugural Wamboin Locality Committee meeting held on 1 April 2019.  
  
The resolution was carried unanimously.
- 198/19      **9.4 Burra Locality Committee Meeting Minutes 9 April 2019**  
**RESOLVED (Taylor/Schweikert)**  
That Council:  
  1. Note the minutes of Burra Locality Committee meeting held on 9 April 2019.
  2. Consider the following recommendation BURLC02/2019 from the meeting:  
"That Council be asked to follow up the commitment for a slip lane at Old Cooma Road and Googong Road."  
The resolution was carried unanimously.
- 199/19      **9.5 Report of the Access Committee**  
**RESOLVED (Bray/Brown)**  
That Council note the minutes of the Access Committee held on Friday 10 May 2019.  
  
The resolution was carried unanimously.

**10.1 DA 446-2018 - Takeaway Food and Drink Premises - Including Revised Pylon Sign Design - 6 Ferdinand Lane, Jerrabomberra**

This item was dealt with in earlier business.

**10.2 DA 505-2018 - Takeaway Food and Drink Premises - Including Revised Pylon Sign Design - 10 Ferdinand Lane, Jerrabomberra**

This item was dealt with in earlier business.

**10.3 Draft Bungendore Structure Plan 2018-2048**

200/19

**RESOLVED (Schweikert/Harrison)**

That Council:

1. Endorse the draft Bungendore Structure Plan 2018 - 2048 for the purpose of public exhibition within the next 30 days and a public information meeting be held during the exhibition period.
2. Make it clear during the public exhibition period that the medium and high growth scenarios will depend on the NSW Government's decision on Council's application for an increased water allocation.
3. Endorse the recommendations with regard to the rezoning requests as set out in the draft document.
4. Extend the exhibition period to match the submission period of 42 days.
5. Remove any reference to specific sites for a proposed high school from the document.

The resolution was carried unanimously.

**10.4 Adoption of Braidwood Archaeological Management Plan**

201/19

**RESOLVED (Taylor/Noveska)**

That Council adopt the Braidwood Archaeological Management Plan.

The resolution was carried unanimously.

**10.5 Kanga Cup - Request for Contribution**

This item was dealt with in earlier business.

**10.6 Sports Assistance Scheme - Request for Donation**

202/19

**RESOLVED (Biscotti/Marshall)**

That Council approve a grant to the Queanbeyan YMCA from the Community Assistance Scheme of \$600 to support Ms Tahlya Smith attending the 2019 Rhythmic Gymnastics Junior World Championships.

The resolution was carried unanimously.

**10.7 Tender for Supply and Delivery of four (4) 14 Tonne Self Propelled Smooth Drum Vibratory Rollers (Contract 2019-40)**

203/19

**RESOLVED (Harrison/Schweikert)**

That Council accept the tender from Westrac Pty Ltd for the supply and delivery of four (4) 14 tonne self-propelled smooth drum vibratory rollers under contract 2019-40 for the lump sum of \$622,600 (including GST).

The resolution was carried unanimously.

Cr Overall declared an interest in the following item, vacated the Chair, and left the meeting room at 6.58pm. The Deputy Mayor assumed the Chair.

**10.8 Tender for the Demolition of Two Decommissioned Water Service Reservoirs in Queanbeyan**

204/19

**RESOLVED (Harrison/Marshall)**

That Council accept the tender from AGH Demolition & Asbestos Removal Pty, for the provision of works under contract 10020911, being for the demolition and reinstatement of decommissioned water service reservoirs at Dodsworth and Garryowen Park (Queanbeyan), for the lump sum of \$196,513 (including GST).

The resolution was carried unanimously.

Cr Overall returned to the meeting at 7.05pm and resumed the Chair.

**10.9 Draft South Bungendore Stormwater Masterplan**

This items was dealt with in earlier business.

**10.10 Grant Funding under Round 4 of the Bridges Renewal Program**

205/19

**RESOLVED (Schweikert/Harrison)**

That Council:

1. Accept the grant of \$1,102,310 offered by the Commonwealth Government to match Council's funding towards the replacement of Reedy Creek Bridge on Mayfield Road and Gidleigh Bridge on Gidleigh Lane under Round 4 of the Bridges Renewal program.
2. Receive a report on the remaining timber bridges in the LGA with regard to their condition and priority for replacement and a likely cost.

The resolution was carried unanimously.

**10.11 Braidwood Floodplain Risk Management Study and Plan**

206/19

**RESOLVED (Schweikert/Harrison)**

That Council:

1. Exhibit the draft Braidwood Floodplain Risk Management Study and Plan for community comment for 28 days.
2. Prepare a further report to Council in consideration of the feedback received during the consultation period.

The resolution was carried unanimously.

Cr Brown left the meeting at 7.09pm.

**10.12 Braidwood and Bungendore Offices - Customer Centres**

This item was dealt with in earlier business.

**10.13 Adoption of 2019-20 Operational Plan and Fees and Charges**

207/19

**RESOLVED (Harrison/Schweikert)**

That:

1. Following the consideration of public submissions made on the draft Integrated Planning documents and in accordance with Section 402(6), 404(4) and 404(5) of the *Local Government Act 1993*, Council adopt the Operational Plan 2019-20 with the amendments shown below:

Topic	Budget movement
Nerriga Toilet (capital)	\$150,000
Requests for vegetation management on Araluen Mountain Rd (capital)	\$100,000
Facilities booking system (capital)	\$65,000
CBD Spatial Master Plan communication & model development (operational)	\$15,000
Bungendore Depot amenities (capital)	-\$260,000
NSW Fire and Rescue, Rural Fire Service and SES contribution (operational)	\$1,213,700
ACT water charges (operational)	-\$870,528
Streetlighting (operational)	\$200,000
Payroll tax – cemetery (operational)	\$21,300
Federal Financial Assistance Grants (operational)	\$129,168
Beefing up Braidwood weed management (operational)	\$500,000
Put out the Fireweed in Googong (operational)	\$60,000
Gorse busters – Upper Shoalhaven Offensive (operational)	\$58,000
At what cost? Assessing impacts of weeds on agriculture (operational)	\$52,000



13.2kw solar power at 28 Miller Street Community centre (QBN FM Radio station). (capital)	\$15,000	Reserve
Lighting Upgrade Braidwood Library (capital)	\$9,000	Reserve
Removal of Harmony timesheet fee for one year (operational)	\$7,500	Family Day C Revenue
Platypus Conservation Monitoring (operational)	\$60,000	Reserve
Remove 50kw solar system at Queanbeyan aquatic centre (capital)	-\$75,000	Reserve
High St dog off lead park – new tap	\$5,000	Revenue
Pools - Facility Assessment for all pools (operational)	\$95,000	Revenue
Pools – Queanbeyan Wet Play Area: Removal of grass and adding soft fall rubber surface (capital)	\$100,000	Revenue

2. In accordance with Clause 211(2) of the Local Government (General) Regulation 2005, Council approve expenditure in the adopted Operational Plan 2019-209
3. In accordance with Clause 211(2) of the Local Government (General) Regulation 2005, Council vote funds to meet the expenditure in the adopted Operational Plan 2019-20.
4. Council adopt the Fees and Charges 2019-20 in accordance with Section 608 of the Local Government Act 1993 subject to adjustments as shown in submissions FC001, FC003, FC005 and FC009
5. The following proposed fee be publicly exhibited for 28 days. If no significant issues are raised during the exhibition period, the fees will be implemented without further report to Council. The proposed fee is:
  - Fire Safety Administration Fee - \$74
6. Council note that the adopted Integrated Plans will be available to the public via Council's website, following amendments shown in this report.
7. Council thank the respective Governments for the grants supporting the Operational Plan
8. Those persons who made submissions to the draft Integrated Plans be thanked for their submission and be advised in writing of Council's decisions.

The resolution was carried unanimously.

#### 10.14 Cultural Assistance Scheme grant for Karabar High to exhibit in The Exhibition Space

208/19

##### **RESOLVED (Bray/Taylor)**

That Council approve the allocation of a grant of \$1,500 from the Cultural Arts Assistance Scheme to the Karabar High School to assist with venue hire, marketing and some materials costs for their art exhibition showcasing the students' work from Years 8 – 11.

The resolution was carried unanimously.

Cr Taylor declared a less than significant non-pecuniary interest in the following item, stating she is appearing in the Women of Queanbeyan calendar, and left the meeting room at 7.11pm.

Cr Overall declared an interest in the following item, vacated the Chair, and left the meeting room at 7.11pm. The Deputy Mayor assumed the Chair.

During discussion Cr Noveska left the meeting at 7.17pm.

#### **10.15 QPRC 2019/20 Annual Grants and Donations Program**

209/19

##### **RESOLVED (Harrison/Bray)**

That Council:

1. Consider all applications as listed in Attachments 1, 2 and 3, noting that the total requested amount for Category A and B funding is oversubscribed at \$111,566.50, which is in excess of the \$60,000 available funds.
2. Approve release of funds totalling \$58,710.50 as recommended in Attachment 4.
3. Require an acquittal from groups that received funds in previous years under Category A, before any further donation is released to them.
4. Determine that any recipients of donations under Category A in previous years who cannot provide an acquittal of those funds by 30 September 2019, be excluded from the present round.
5. Review the Donations Policy prior to the next round of applications.

The resolution was carried unanimously.

Crs Taylor and Overall returned to the meeting at 7.19pm, and Cr Overall resumed the Chair.

#### **10.16 Community Cultural Event**

210/19

##### **RESOLVED (Biscotti/Harrison)**

That Council:

1. Approve the staging of By a Thread in the Queen Elizabeth II Park during October 2019 as a free community cultural event.
2. Approve a budget of up to \$14,500 for a performance of the show from the events operations management budget.

The resolution was carried unanimously.

**10.17 Donations from Christmas in July 2019 Gate Takings****MOVED (Bray/Biscotti)**

That:

1. Five organisations equally share the donations received from gate takings at this year's Christmas in July.
2. The following organisations be recipients of the donations:
  - High Street Care
  - Braidwood Life Centre
  - Shepherd Centre for Deaf Children
  - Meals on Wheels
  - Bungendore Community Aid

During discussion Cr Overall declared a less than significant non-pecuniary interest in this item stating his wife is President of Meals on Wheels Queanbeyan. The Mayor vacated the Chair and left the meeting room at 7.28pm. The Deputy Mayor assumed the Chair.

2111/19

**RESOLVED (Bray/Biscotti)**

That:

1. Five organisations equally share the donations received from gate takings at this year's Christmas in July.
2. The following organisations be recipients of the donations:
  - High Street Care
  - Braidwood Life Centre
  - Meals on Wheels
  - Shepherd Centre for Deaf Children
  - Bungendore Community Aid

The resolution was carried unanimously.

ADJOURNMENT: The meeting adjourned at 7.39pm and resumed 7.59pm, and on return Cr Overall resumed the Chair.

**10.18 Men's Shed Captains Flat**

This item has been dealt with in earlier business.

**10.19 3 Hoover Road - Lease to Queanbeyan & District Pre School Association**

This item was dealt with in earlier business.

- 212/19
- 10.20 Administrative Adjustment to QPRC Code of Meeting Practice**  
**RESOLVED (Harrison/Hicks)**
- That Council approve three minor adjustments to the Order of Business as set out in Clause 8.2 of QPRC's Code of Meeting Practice consisting of:
1. Moving Mayoral Minutes to be dealt with prior to Notices of Rescission.
  2. Moving Reports to Council to be dealt with prior to Reports to Committees.
  3. Moving Notices of Motions to be dealt with prior to Delegates Reports.

The resolution was carried unanimously.

- 213/19
- 10.21 Adoption of Council Policies - Second Tranche**  
**RESOLVED (Taylor/Harrison)**
- That Council:
1. Note the submissions received on the draft policies.
  2. Adopt the following policies:
    - Parking Enforcement Priority Policy
    - Street Verge Maintenance Policy
    - Street Names and New Subdivisions Policy
  3. Rescind the following policies which are seen to be no longer necessary:
    - Bus Stops Policy
    - Relocated Dwellings Policy
  4. Rescind all previous versions of the Parking Enforcement Priority Policy, Street Verge Maintenance Policy and Street Names and New Subdivisions Policy which had been adopted by the former Queanbeyan City Council and Palerang Council.

The resolution was carried unanimously.

- 214/19
- 10.22 Adoption of Complaint Management Charter and Policies**  
**RESOLVED (Taylor/Schweikert)**
- That Council:
1. Adopt the Charter of Individual Rights and Mutual Responsibilities of the Parties to a Complaint, the Complaint Management, Unreasonable Complainant Conduct, and Competitive Neutrality Complaints policies.
  2. Rescind the following policies:
    - Former QCC Complaint Handling Policy
    - Former QCC Competitive Neutrality Policy
    - Former PC Complaints Management Policy
    - Former PC Dealing with Difficult Customers Policy

The resolution was carried unanimously.

**10.23 Investment Report - May 2019**

215/19

**RESOLVED (Bray/Taylor)**

That Council:

1. Note the 2018/19 investment income for May 2019 was \$243,874.
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 May 2019.

The resolution was carried unanimously.

**10.24 Making the Rate for 2019/2020 Queanbeyan-Palerang Regional Council**

216/19

**RESOLVED (Marshall/Harrison)**

That Council make the following Rates and Annual Charges for the 2019/20 financial year and that such Rates and Annual Charges be the amount specified hereunder for the Queanbeyan-Palerang Regional Council:

**In accordance with section 533, 534, 535 and 566 of the *Local Government Act 1993* (the Act), Council makes the following Rates and Annual Charges for the period 1 July 2019 to 30 June 2020, being the financial year 2019/2020.**

**Annual Rates****Residential Rates*****Residential Ordinary***

An ordinary rate will be levied on all rateable land categorised as "**Residential**" under section 516 of the Act which falls within the designated area of the former Queanbeyan City Council as indicated on Page 13 of the Draft Revenue Policy 2019/20, consisting of an ad-valorem rate of zero point one five zero cents in the dollar (0.150) calculated on the land value issued by the NSW Valuer-General's Office with base date 1 July 2016, and a base amount of four hundred and ninety nine dollars and seventy cents (\$499.70) which is equivalent to 43.21% of the total rates levied for this category in 2019/2020. In accordance with section 543(1) of the Act this rate be named "**Residential Ordinary**".

***Residential Queanbeyan/Jerrabomberra Urban***

An ordinary rate will be levied on all rateable land sub-categorised as "**Residential Urban**" under section 516 and section 529(2) (b) of the Act which falls within the designated area indicated on Page 14 of the Draft Revenue Policy 2019/20, consisting of an ad-valorem rate of zero point three nine five three cents in the dollar (0.3953) calculated on the land value issued by the NSW-Valuer General's Office with base date 1 July 2016, and a base amount of three

hundred and twenty six and forty cents (\$326.40) which is equivalent to 27.46% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named **“Residential Urban”**.

#### ***Residential Googong***

An ordinary rate will be levied on all rateable land sub-categorised as **“Residential Googong”** under section 516 and section 529(2) (b) of the Act which falls within the designated area indicated on Page 14 of the Draft Revenue Policy 2019/20, consisting of an ad-valorem rate of zero point four nine five nine cents in the dollar (0.4959) calculated on the land value issued by the NSW Valuer-General’s Office with base date 1 July 2016, and a base amount of four hundred and two dollars and sixty cents (\$402.60) which is equivalent to 25.51% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named **“Residential Googong”**.

#### ***Residential Tralee***

An ordinary rate will be levied on all rateable land sub-categorised as **“Residential Tralee”** under section 516 and section 529(2) (b) of the Act which falls within the designated area indicated on Page 14 of the Draft Revenue Policy 2019/20, consisting of an ad-valorem rate of zero point four eight three one cents in the dollar (0.4831) calculated on the land value issued by the NSW Valuer-General’s Office with base date 1 July 2016, and a base amount of three hundred and ninety two dollars (\$392.00). In accordance with section 543(1) of the Act this rate be named **“Residential Tralee”**.

#### ***Rural Residential***

An ordinary rate will be levied on all rateable land sub-categorised as **“Rural Residential”** under section 516(1)(c) and section 529(2) (b) of the Act which falls within the designated area of the former Queanbeyan City Council, consisting of an ad-valorem rate of zero point one five zero cents in the dollar (0.150) calculated on the land value issued by the NSW Valuer- General’s Office with base date 1 July 2016, and a base amount of four hundred and ninety nine dollars and seventy cents (\$499.70) which is equivalent to 41.05% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named **“Rural Residential”**.

#### ***Residential - Palerang***

An ordinary rate will be levied on all rateable land categorised as **“Residential”** under section 516 and section 529(2) (b) of the Act which falls within the designated area of the former Palerang Council, consisting of an ad-valorem rate of zero one eight seven zero cents in the dollar (0.1870) calculated on the land value issued by the NSW Valuer-General’s Office with base date 1 July 2016, and a base amount of four hundred and eighty eight dollars (\$488) which is equivalent to 47.55% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named **“Residential Palerang”**.

***Farmland Ordinary***

An ordinary rate will be levied on all rateable land categorised as “**Farmland**” under section 515 of the Act which falls within the designated area of the former Queanbeyan City Council, consisting of an ad-valorem rate of zero point one zero five four cents in the dollar (0.1054) calculated on the land value issued by the NSW Valuer-General’s Office with base date 1 July 2016, and a base amount of eight hundred and seventy dollars (\$870) which is equivalent to 22.38% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named “**Farmland Ordinary**”.

***Farmland Palerang***

An ordinary rate will be levied on all rateable land categorised as “**Farmland**” under section 515 and section 529(2) (a) of the Act which falls within the designated area of the former Palerang Council, consisting of an ad-valorem rate of zero point one nine five three cents in the dollar (0.1953) calculated on the land value issued by the NSW Valuer-General’s Office with base date 1 July 2016, and a base amount of one thousand one hundred and forty two dollars and twenty cents (\$1,142.20) which is equivalent to 47.55% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named “**Farmland Palerang**”.

***Business Ordinary***

An ordinary rate will be levied on all rateable land categorised as “**Business**” under section 518 of the Act which falls within the designated area of the former Queanbeyan City Council, consisting of an ad-valorem rate of one point three eight two five cents in the dollar (1.3825) calculated on the land value issued by the NSW Valuer-General’s Office with base date 1 July 2016, and a base amount of four hundred and forty two dollars and thirty cents (\$442.30) which is equivalent to 5.17% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named “**Business Ordinary**”.

***Business CBD***

An ordinary rate will be levied on all rateable land sub-categorised as “**Business CBD**” under section 518 and section 529(2) (d) of the Act which falls within the designated area indicated on Page 13 of the Draft Revenue Policy 2019/20, consisting of an ad-valorem rate of one point eight six five cents in the dollar (1.865) calculated on the land value issued by the NSW Valuer-General’s Office with base date 1 July 2016, and a base amount of six hundred and fifty three dollars and forty cents (\$653.40) which is equivalent to 5.17% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named “**Business CBD**”.

***Business Industrial***

An ordinary rate will be levied on all rateable land sub-categorised as “**Business Industrial**” under section 518 and section 529(2) (d) of the Act which falls within the designated area indicated on Page 15

of the Draft Revenue Policy 2019/20, consisting of an ad-valorem rate of zero point eight two eight nine cents in the dollar (0.8289) calculated on the land value issued by the NSW Valuer-General's Office with base date 1 July 2016, and a base amount of four hundred and forty three dollars and fifty cents (\$443.50) which is equivalent to 11.70% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named "**Business Industrial**".

#### ***Business Karabar***

An ordinary rate will be levied on all rateable land sub-categorised as "**Business Karabar**" under section 518 and section 529(2) (d) of the Act which falls within the designated area indicated on Page 14 of the Draft Revenue Policy 2019/20, consisting of an ad-valorem rate of two point two three six eight cents in the dollar (2.2368) calculated on the land value issued by the NSW Valuer-General's Office with base date 1 July 2016, and a base amount of five hundred and thirty four dollars and fifty cents (\$534.50) which is equivalent to 4.44% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named "**Business Karabar**".

#### ***Business Jerrabomberra***

An ordinary rate will be levied on all rateable land sub-categorised as "**Business Jerrabomberra**" under section 518 and section 529(2) (d) of the Act which falls within the designated area indicated on Page 14 of the Draft Revenue Policy 2019/20, consisting of an ad-valorem rate of two point two three six eight cents in the dollar (2.2368) calculated on the land value issued by the NSW Valuer-General's Office with base date 1 July 2016, and a base amount of five hundred and thirty four dollars and fifty cents (\$534.50) which is equivalent to 2.14% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named "**Business Jerrabomberra**".

#### ***Business Googong***

An ordinary rate will be levied on all rateable land sub-categorised as "**Business Googong**" under section 518 and section 529(2) (d) of the Act which falls within the designated area indicated on Page 15 of the Draft Revenue Policy 2019/20, consisting of an ad-valorem rate of two point one five six five cents in the dollar (2.1565) calculated on the land value issued by the NSW Valuer-General's Office with base date 1 July 2016, and a base amount of five hundred and thirty four dollars and fifty cents (\$534.50) which is equivalent to 9.23% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named "**Business Googong**".

#### ***Business Palerang***

An ordinary rate will be levied on all rateable land categorised as "**Business**" under section 518 and section 529(2) (d) of the Act which falls within the designated area of the former Palerang Council, consisting of an ad-valorem rate of zero point one eight four four



cents in the dollar (0.1844) calculated on the land value issued by the NSW Valuer-General's Office with base date 1 July 2016, and a base amount of four hundred and fifty dollars (\$450) which is equivalent to 48.28% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named "**Business Palerang**".

### ***Mining***

An ordinary rate will be levied on all rateable land categorised as "**Mining**" under section 517 of the Act, consisting of an ad-valorem rate of zero point five two seven six cents in the dollar (0.5276) calculated on the land value issued by the NSW Valuer-General's Office with base date 1 July 2016, and a base amount of one thousand and sixty dollars (\$1,060) which is equivalent to 8.32% of the total rates levied for this sub-category in 2019/2020. In accordance with section 543(1) of the Act this rate be named "**Mining**".

The resolution was carried unanimously.

## **10.25 LGNSW Annual Conference 2019**

217/19

### **RESOLVED (Overall/Harrison)**

That:

1. Council nominate four Councillors, in addition to the Mayor, to register and be voting delegates for motions and Board elections at the LGNSW Annual Conference to be held 14 – 16 October 2019 in Warwick Farm.
2. Councillors consider whether they wish to prepare motions for the 2019 LGNSW Annual Conference, and submit topics to the CEO to enable lodgement of motions in August.

The resolution was carried unanimously.

218/19

### **RESOLVED (From the Chair)**

That Crs Biscotti, Harrison, Schweikert and Taylor be appointed to register and be voting delegates for motions and Board elections at the LGNSW Annual Conference to be held 14 – 16 October 2019 in Warwick Farm.

The resolution was carried unanimously.

**10.26 Panel of Code of Conduct Reviewers**

219/19

**RESOLVED (Harrison/Marshall)**

That Council appoint the following consultants/entities to its Panel of Code of Conduct Reviewers for the three-year period from 1 June 2019 to 30 June 2022:

1. Echidna Associates
2. Meehan and Meehan
3. Applied Integrity Solutions
4. Train Reaction
5. Sinc Solutions
6. Centium
7. O'Connor Marsden
8. Aust Workplace Training
9. Weir Consulting
10. Mediate Today
11. Nemesis Consultancy Group
12. Redenbach Lee Lawyers

The resolution was carried unanimously.

**SUPPLEMENTARY REPORT****10.27 Integrated Transport Strategy**

220/19

**RESOLVED (Schweikert/Harrison)**

That Council review the changes to the Integrated Transport Strategy and Bicycle and Pedestrian Facilities Plans at a workshop of Council.

The resolution was carried unanimously.

**PROCEDURAL MOTION**

221/19

**RESOLVED (Schweikert/Taylor)**

That Items 11.1, 11.3 to 11.5, 11.7, 11.8 and 12.1 be dealt with as a bloc.

The resolution was carried unanimously.

**11. REPORTS TO COUNCIL - ITEMS FOR INFORMATION****11.1 Outcome of Land and Environment Court Appeal - DA 31-2018 - 2A Meredith Street, Queanbeyan**

222/19

**RESOLVED (Schweikert/Taylor)**

That the report be received for information.

The resolution was carried unanimously.

**11.2 Heritage Funding 2019-2021**

223/19

**RESOLVED (Marshall/Harrison)**

That the report be received for information.

The resolution was carried unanimously.

- 224/19      **11.3 Use of Glyphosate and Other Weed Control Chemicals - Proposed Workshop**  
**RESOLVED (Schweikert/Taylor)**  
That the report be received for information.  
  
The resolution was carried unanimously.
- 225/19      **11.4 Halfway Creek Bridge - Bungendore Road**  
**RESOLVED (Schweikert/Taylor)**  
That the report be received for information.  
  
The resolution was carried unanimously.
- 226/19      **11.5 Library Closure for Refurbishment 2/9/19 - 14/9/19**  
**RESOLVED (Schweikert/Taylor)**  
That the report be received for information.  
  
The resolution was carried unanimously.
- 227/19      **11.6 Q Board Minutes 6 May 2019**  
**RESOLVED (Harrison/Taylor)**  
That:  
  1. The report be received for information.
  2. Council amend the Terms of Reference for the Q Advisory Board under the para **Membership of the Board** to read:
    - The membership of the Queanbeyan Performing Arts Centre Board will be a maximum of eight (8) people consisting of:
      - the Mayor or other Councillor
      - the General Manager or his/her delegate
      - six representatives with substantial theatre and/or financial experience  
The resolution was carried unanimously.
- 228/19      **11.7 Rates Harmonisation**  
**RESOLVED (Schweikert/Taylor)**  
That the report be received for information.  
  
The resolution was carried unanimously.
- Supplementary Report**
- 229/19      **11.8 Resolution Action Sheet**  
**RESOLVED (Schweikert/Taylor)**  
That the report be received for information.  
  
The resolution was carried unanimously.

**12. REPORTS TO COUNCIL - DELEGATES' REPORTS****12.1 Mayor's Report**

230/19

**RESOLVED (Schweikert/Taylor)**

That the report be received for information.

The resolution was carried unanimously.

**13. NOTICES OF MOTIONS****13.1 Refill Water Stations**

231/19

**RESOLVED (Biscotti/Marshall)**

That Council:

1. Receive a report on options and costs associated with:
  - a. Water refill stations installed in parks that are typically used for a range of recreational activities including sports, walking, jogging, cycling, or picnicking.
  - b. Water refill stations into the CBD Public Domain and town centres across the LGA.
2. Consider installation of water refill stations in the Operational Plan and Delivery Program.

The resolution was carried unanimously.

**14. QUESTIONS WITH NOTICE****14.1 Responses to Councillors' Questions**

232/19

**RESOLVED (Taylor/Marshall)**

That the report be received for information.

The resolution was carried unanimously.

**15. 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.

**16. REPORTS FOR CLOSED SESSION**

233/19

**RESOLVED (Overall/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 16.1 CEO's Annual Performance Review**

*Item 16.1 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other*

*than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

The resolution was carried unanimously.

The meeting then moved into Closed Session at 8.28pm to discuss the matters listed above.

#### **16.1 CEO's Annual Performance Review**

234/19

##### **RESOLVED (From the Chair)**

That Council:

1. Receive and note the Report of the Annual Performance Review of the Chief Executive Officer.
2. Endorse the overall rating of the Performance Review Committee for the Performance Review.
3. Approve the performance based increase to the CEO's total remuneration package of 2.5% as recommended in the Performance Review Report.
4. The Performance Review Committee hold mid-year reviews, with the next review to take place in November 2019.

235/19

##### **RESOLVED (Taylor/Harrison)**

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 8.57pm.

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.

#### **17. CONCLUSION OF THE MEETING**

The time being 8.58pm, 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, 10 July 2019 commencing at 5.30pm.

### ATTENDANCE

**Councillor:** Cr Schweikert (Chair), Crs Biscotti, Bray AM, Harrison, Hicks, Taylor and Winchester (from 5.36pm).

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

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

### 1. OPENING

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

**2. APOLOGIES**

PLA067/19

**RESOLVED (Taylor/Bray)**

That apologies for non-attendance from Crs Overall, Brown, Marshall and Noveska be received and that leave of absence be granted.

The resolution was carried unanimously.

**3. DECLARATIONS OF INTEREST**

PLA068/19

**RESOLVED (Taylor/Bray)**

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

The resolution was carried unanimously.

There were no declarations.

**4. ADJOURNMENT FOR PUBLIC FORUM**

At this stage of the proceedings, the time being 5.31pm, Cr Schweikert advised that the meeting should now adjourn for the Public Forum.

PLA069/19

**RESOLVED (Harrison/Taylor)**

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.

At the conclusion of the Public Forum, the meeting resumed at 5.39pm.

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



**STAFF REPORTS**

**5. ENVIRONMENT, PLANNING AND DEVELOPMENT**

**5.1 Development Application 96-2019 - Service Station (7-Eleven) and Associated Signage - 2 Ferdinand Lane, Jerrabomberra**

PLA070/19

**RESOLVED (Hicks/Bray)**

That the CEO be granted delegated authority to determine Development Application 96-2019 for a Service Station & Associated Signage on Lot 1 DP 1246134, 2 Ferdinand Lane Jerrabomberra, subject to:

- a) The formal creation of the title for the proposed allotment; and
- b) Further discussions with the applicant to reduce the impact of the articulated vehicles exiting the site and crossing into the right turn bay in Ferdinand Lane: and
- c) Draft condition 16 being amended to read:

**OPERATIONAL, TRADING & DELIVERY HOURS ASSOCIATED WITH THIS APPROVAL**

<i>Function</i>	<i>Hours Permitted</i>
Operational/Trading Hours	24 Hours (7 days a week)
Delivery Hours (except as provided for in the special deliveries section of this condition below)	7:00am to 10:00pm (Monday to Saturday)  8:00am to 10:00pm (Sundays/Public Holidays)
Waste Collection	7:00am to 10:00pm (Monday to Saturday)  8:00am to 10:00pm (Sundays/Public Holidays)

*Special Deliveries* - one refrigerated delivery each week and one daily 'fresh' delivery each day is permitted at any time subject to night deliveries being by way of a medium sized rigid vehicle (approx. 12m) with no reversing permitted. The proponent shall undertake noise monitoring after three months of operation to ensure that no further mitigation measures are required.

**REASON:** To ensure impacts from noise on surrounding land uses is kept to a minimum (59.01).

The resolution was carried unanimously.

- 5.2 **Development Application 72-2019 - Advertising Sign - 300 Lanyon Drive, Jerrabomberra**
- PLA071/19 **RESOLVED (Harrison/Taylor)**
- That Development Application 72-2019 for an advertising sign on Lot 6 DP 719108, No. 300 Lanyon Drive, Jerrabomberra be granted conditional approval.

The resolution was carried unanimously.

- 5.3 **Draft Voluntary Planning Agreement - 18 Mecca Lane, Bungendore**
- PLA072/19 **RESOLVED (Harrison/Hicks)**
- That the Mayor and the Chief Executive Officer be authorised to execute the 18 Mecca Lane, Bungendore Planning Agreement.

The resolution was carried unanimously.

**6. NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION**

There were no items on the Agenda to be dealt with in Closed Session.

**7. CONCLUSION OF THE MEETING**

The time being 5.47pm, Cr Schweikert announced that the Agenda for the meeting had now been completed.

**CR MARK SCHWEIKERT  
DEPUTY MAYOR  
CHAIRPERSON**

**ITEM 5 DISCLOSURES OF INTERESTS  
DECLARATION OF CONFLICTS/PECUNIARY INTERESTS**

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

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

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

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

**Recommendation**

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



9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane,  
Braidwood (Author: Thompson/Perkins)

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File Ref: DA.2019.009

**Summary**

***Reason for Referral to Council***

The application seeks development consent for the construction and operation of a caravan park upon the subject site to provide accommodation for up to 80 staff who will be working at the Dargues Gold Mine in Majors Creek.

This application has been referred to Council because written submissions have been made to Council resulting from the exhibition/notification process, and valid concerns have been raised which cannot be overcome with a condition of consent; and where plans cannot or will not be amended to overcome such concerns.

It is recommended for conditional approval.

Proposal:	Caravan Park
Applicant/Owner:	Pybar Mining Services/ Pybar Mining Services
Subject Property:	Lot 83 DP755911, No. 94 Reservoir Lane Braidwood
Zoning and Permissibility:	RU1 Primary Production under Palerang Local Environmental Plan 2014
Public Submissions:	40 (including four (4) in support)
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

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**Recommendation**

**That:**

- 1. Development application DA.2019.009 for a Caravan Park on Lot 83 DP755911, 94 Reservoir Lane, Braidwood be granted conditional approval.**
  - 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.**
  - 3. The Rural Fire Service and Water NSW be forwarded a copy of Council's Notice of Determination.**
- 

**Background**

***Proposed Development***

The subject application seeks development consent for the construction and operation of a caravan park upon the subject site to provide accommodation for up to 80 staff who will be working at the Dargues Gold Mine in Majors Creek. The development is comprised of the following elements:

**9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood (Author: Thompson/Perkins) (Continued)**

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- 18 movable dwellings comprising a total of 67 units as follows:
  - 15 unit blocks each containing four x 1 bedroom units;
  - One (1) unit block containing 3 x 1 bedroom units; and
  - Two (2) unit blocks each containing 2 x 2 bedroom units.
- Five (5) caravan sites;
- A Kitchen/ Dining hall;
- An Amenities building;
- A Covered BBQ area and Store;
- A Common room and gym;
- A Caravan dump point and wash bay; and
- Associated bulk earthworks, site access and landscaping works

The applicant proposes to stage the development as follows:

- Phase 1 – Establishment of the main internal access roads and the installation of up to 18 moveable accommodation buildings, power and water reticulation, car parking and effluent treatment system, storage shed.
- Phase 2 – Establishment of supporting communal facilities such as kitchen/dining area, common and recreation room, laundry.
- Phase 3 – Establishment of up to five caravan sites with facilities, and supporting infrastructure such as patio/BBQ area, showers and toilets, wash down bay.

Council staff have given consideration to the proposed staging, however staff consider that the provision of community facilities and the provision of caravan spaces are core to functionality and permissibility of the proposed development. As such, a condition of consent is recommended requiring that the development be undertaken in a single stage.

Note: No detail has been provided in relation to any proposed signage to accompany the proposed development. As such, a condition of consent is recommended that any proposed signage satisfy exempt development criteria or further consent be obtained prior to installation.

***Subject Property***

The subject site is legally described as Lot 83 DP755911 and is commonly known as 94 Reservoir Lane Braidwood. The site is located on the western side of Reservoir Lane and has an area of 11.49Ha (See Figure 1). The subject site is located approximately 2.5km west of the town of Braidwood which is the nearest service centre.

The subject site is currently vacant and contains predominantly grassland vegetation.

Access to the site is provided via an existing driveway from Reservoir lane. The topography of the subject site is undulating with a general cross fall from south to north. There is a gentle rise approximately 100m from the site's eastern boundary fronting Reservoir Lane. From this point the site then falls away to the north-west (See Figure 2).

Existing development within the locality consists of broad scale agricultural grazing practices and associated dwelling houses. The Braidwood water reservoir is located to the south east of the subject site.

9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood (Author: Thompson/Perkins) (Continued)

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*Figure 1: Locality plan*



*Figure 2: Subject site looking west from the existing access point from Reservoir Lane*

9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood (Author: Thompson/Perkins) (Continued)

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*Figure 3: From centre of the subject site looking west.*



*Figure 4: Adjacent development looking south from the existing access point from Reservoir Lane*



9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood (Author: Thompson/Perkins) (Continued)

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**Figure 5: Looking toward the subject site from the northern approach to Braidwood (subject site highlighted in red).**



**Figure 6: View from the subject site looking towards Braidwood taken from the existing access point from Reservoir Lane**

**9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood (Author: Thompson/Perkins) (Continued)**

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***Planning Requirements***

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

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

1. State Environmental Planning Policy No 21 – Caravan Parks (SEPP 21)
2. State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
3. Palerang Local Environmental Plan 2014 (PLEP).
4. Palerang Development Control Plan 2015 (PDCP)

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

**(a) Compliance with SEPP 21**

State Environmental Planning Policy No 21 – Caravan Parks establishes a number of development standards specific to development for the purposes of a caravan park such as proposed including a requirement that consideration be given to the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* which in turn establishes minimum site, infrastructure and service requirements for the operation of a caravan park. The proposed development has been assessed against the relevant provisions of the SEPP and the Regulations and was found to achieve all development standards subject to the imposition of the recommended conditions of consent (Refer to attached 4.15 assessment for detailed discussion).

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

State Environmental Planning Policy (Sydney Drinking Water Catchment 2011) establishes development standards for development within the Sydney Drinking Water Catchment such as the subject site. Clause 10 of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 requires that consent should not be granted to development within the Sydney Drinking Water Catchment unless it results in a neutral or beneficial impact upon water quality. The subject application requires the concurrence of WaterNSW under the SEPP and as such was referred to WaterNSW for comment. WaterNSW has advised that the development is capable of achieving a neutral or beneficial effect on water quality subject to conditions of consent. These conditions of consent have been included in the recommended conditions of consent.

**(c) Compliance with PLEP**

The subject site is zoned RU1 Primary Production zone under the Palerang Local Environmental Plan 2014. Development for the purposes of a caravan park is permissible with consent under the PLEP 2014. While the proposed development was found to satisfy the relevant development standards of the PLEP 2014 it is important to give consideration to the grounds of permissibility of the development (Refer to attached 4.15 assessment for detailed discussion).

The subject application seeks consent for the operation of a caravan park upon the site and comprises five (5) caravan sites and 18 moveable dwellings in the form of portable devices (unit blocks) for human habitation and a number of ancillary community structures. The proposed development is intended to be used for private purposes to accommodate staff from the Dargues Gold Mine.

**9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood (Author: Thompson/Perkins) (Continued)**

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In determining the permissibility of the proposed development it is considered that a number of qualifying factors must be satisfied being as follows:

- That the development comprises a caravan park
- That the proposed unit blocks constitute portable devices for human habitation and are therefore moveable dwellings; and
- That a caravan park can be used for private purposes.

Detailed consideration is given to each of these factors below.

*Is the proposed development a caravan park?*

By definition a caravan park must consist of land on which caravans (or caravans and other movable dwellings) are to be installed or placed. The proposed development seeks consent for the installation of five (5) caravans and 18 movable dwellings. The latter take the form of 18 accommodation blocks containing between two and four living units each. There are also ancillary community buildings. This configuration of structures and accommodation best defined as a caravan park.

While concern was raised in a number of submissions that the proposed development consisting of predominantly movable dwellings may not fall within the definition of a caravan park, Council has sought legal advice on the matter and was advised as follows:

*“Although it is possible to see the addition of the 5 caravans as relatively ‘token’ given the scale of the Accommodation Units, the SEE does indicate that the caravan sites will be used. In particular, the SEE provides that the mine will employ approximately 80 personnel on a full time basis. The Accommodation Units are proposed to provide a maximum capacity of 70 people, leaving 10 to presumably occupy the proposed caravans. If this assumption is correct then the application is therefore unlikely to be seen as a sham application by the Court on the basis that the 5 caravans are only included to facilitate the permissibility of the proposal.”*

Given the above, Council can be satisfied that the development can be appropriately defined as a caravan park.

*Do the proposed unit blocks constitute portable devices for human habitation and therefore moveable dwellings under the Local Government Act 1993?*

In considering the nature of the proposed structures as moveable dwellings consideration must be given to the proposed use and the capacity of the structure as a whole to be transported in its entirety from place to place without the need for more than minor works. The proposed structures are intended to be occupied for human habitation and are designed in such a manner as to allow the structures to be transported on a 19m heavy vehicle with the addition of verandas on site. As such the proposed structures are considered to constitute moveable dwellings.

*Can a caravan park be used for private purposes?*

Council has received legal advice on this matter advising that *“there is no restriction on a caravan park being used to provide accommodation only to mining personnel”*.

Based upon the above, the proposed development is permissible with consent upon the subject site.

**(d) Compliance with PDCP**

The Palerang Development Control Plan 2015 establishes a number of controls relevant to the proposed development including section C21 which establish controls specific to development for the purposes of a caravan park. Assessment of the proposed development

**9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood (Author: Thompson/Perkins) (Continued)**

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against the PDCP 2015 found the proposal to generally satisfy the relevant provisions (Refer to attached 4.15 assessment for detailed discussion).

**(e) Other Matters***Social Impacts*

When viewed in isolation, the proposed development represents the introduction of an additional 80 people to the locality - the proposed development actually seeks to resolve a complex issue created through the approval of the Dargues Gold Mine development which was approved as state significant development.

The mine development has generated a demand for a specialised workforce to operate the mine without the provision of accommodation for such a workforce. To date, staff involved in the establishment phase of the mine, which represent less than half of the total number of employees during the operation phase of the mine, have relied upon the limited rental market available within Braidwood and Majors Creek. This has placed significant stress upon the local rental market. The proposed development would however, reduce existing demand upon affordable housing within the locality and increase spending within the local economy through direct and indirect spending.

Conversely, the proposal would increase demand for community services and facilities and has generated a degree of angst amongst the community as a result of fear of the unknown through the introduction of a new and distinguishable population group within the community.

However, the additional demand for facilities and services as a result of the proposed development is considered unlikely to be of a scale that would be unable to be accommodated for within the broader region, while over time adaptation of social norms will see concerns about new populations dissolve as occupants of the site integrate within the community. As such, the proposed development is considered to result in a number of improved social outcomes for the broader community while not resulting any significant negative social impacts.

*Visual Impacts*

The proposed development is located more than 2km from the town of Braidwood, and as a result of the topography of the subject site and the land between the site and the town of Braidwood the proposed development will not be visible from Braidwood. However, the site will be visible from the northern approach to Braidwood (See Figure 4 above). As viewed from Braidwood's northern approach the proposed development will cluster with the existing buildings along Reservoir Lane including Council's reservoir and the dwelling and outbuildings at 105 Reservoir Lane. As such it is unlikely to significantly detract from the existing vistas and views from Braidwood. Nonetheless, a condition of consent is recommended requiring the structures be finished in low reflective, neutral tones that blend into the landscape.

*Traffic*

The proposed development, by nature of the use will result in increased vehicular movements upon the local road network. The proposed development will require upgrade works to Reservoir Lane to achieve Council's minimum access standard and to ensure for safe vehicular access to and from the site. Further, to minimise vehicle movements generated by the development the applicant proposes to operate a commuter bus service between the subject site and Dargues Gold Mine that will significantly reduce the number of potential movements from the site.

Conditions of consent are recommended requiring upgrade works to Reservoir Lane to ensure that the roadway is capable of accommodating the additional vehicle movements generated by the development. Nonetheless, the applicant proposes to operate a bus service to

**9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood (Author: Thompson/Perkins) (Continued)**

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transport workers from the subject site to the mine. A condition of consent is recommended requiring the implementation of a Transport Plan of Management including a requirement that all shuttle buses access the site via Bombay Road rather than Sandholes Road to ensure that shuttle services do not result in additional traffic movements upon Sandholes Road that would otherwise require additional upgrade works.

*Temporary use*

The subject application seeks to limit the life of the subject consent to that of the mine and to decommission the site and return it to a primary production use following the cessation of the proposed use. At this time the mining operations are limited to 30 June 2025. A condition of consent is recommended requiring the submission of a detailed site remediation plan to be implemented upon cessation of the use including the removal of all structures and rehabilitation of all disturbed areas.

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

Council's Building Surveyor raised no objection to the proposed development subject to conditions of consent which have been included in the attached recommended conditions.

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

Council's Development Engineer raised no objection to the proposed development subject to the imposition of the recommended conditions of consent including the upgrade of Reservoir Lane.

**Engagement**

The proposal required notification under Part E of the Palerang DCP 2015. 40 submissions were received including four (4) in support of the proposal. The relevant issues raised are as follows:

***Issue: Permissibility***

Concern was raised over permissibility of the proposed development as a caravan park.

*Comment:* The proposed development being for the purposes of caravan park is permissible with consent upon the site (refer to the attached *Section 4.15 assessment* for detailed discussion).

***Issue: Visual Impacts***

Concern was raised in relation to the potential visual impacts of the development as viewed from the town of Braidwood.

*Comment:* The subject site is located more than 2km from the township of Braidwood. With the implementation of the screen plantings along the site boundaries as proposed and by finishing structures in neutral colours consistent with the surrounding landscape (to be conditioned) the proposed development is considered unlikely to result in any significant visual impacts when viewed from Braidwood or its approaches.

***Issue: Relationship with mine development***

Concern was raised over the relationship of the development with the Dargues Gold Mine development.

*Comment:* Council is unable to give any weighting to identity of the applicant or owner and any relationship they may have with other development throughout the assessment of any development application.

**9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood (Author: Thompson/Perkins) (Continued)**

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***Issue: Essential services***

Concern was raised over the ability of the developer to provide suitable essential services for the development.

*Comment:* The applicant proposes to service the site through connection to Council's reticulated water system, an on-site effluent disposal system, and a new electricity connection. This is considered to provide suitable essential services for the purposes of the proposed development.

***Issue: Energy efficiency***

Concern was raised over the lack of energy efficiency measures incorporated in the development including passive thermal comfort measures.

*Comment:* The proposed development orientates structures along an east-west access optimising solar access and provides appropriate separation as to minimise overshadowing between structures. As there is no mandated energy efficiency requirements for such a development, the passive thermal comfort measures incorporated into the development are considered to be appropriate.

***Issue: Lack of rental accommodation***

Concern was raised over a lack of rental accommodation in Braidwood.

*Comment:* This is not a matter relevant to the assessment of subject application, nonetheless, the proposed development would reduce existing demand for rental accommodation by mine staff.

***Issue: Consultation process***

Concern was raised over the community consultation process (or lack of) undertaken by the developer and Council.

*Comment:* The subject application was initially publically notified for a period of 14 days in accordance with Part E of the Palerang Development Control Plan 2015, though the submission period was subsequently extended for an additional period of 14 days (28 days total). The notification process is not a community consultation process typical of that when Council is carrying out a project. The notification simply gives an opportunity for affected residents to advise Council of any concerns/support they have for the proposed development which Council subsequently considers as part of its assessment. It is not a negotiation process. While the applicant did not undertake any form of public consultation prior to the lodgement of the application, there is no legislative requirement that the applicant undertake such consultation.

***Issue: Site suitability – topography and access***

Concern was raised of the suitability of the site based upon the topography of the site and proximity to drainage lines.

*Comment:* While the subject site slopes south-north the proposed development has been designed in such a way as to avoid the steepest portions of the slope to the south of the site and place the proposed buildings predominantly along the contours to reduce the need for cut and fill.

***Issue: Access***

Concern was raised over the availability of suitable vehicular access to the subject site and potential impacts of the development upon transit paths to the mine site.

*Comment:* Conditions of consent are recommended requiring upgrade works to Reservoir Lane to ensure that the roadway is capable of accommodating the additional vehicle

**9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood (Author: Thompson/Perkins) (Continued)**

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movements generated by the development. Further, a condition of consent is recommended requiring the implementation of a Transport Plan of Management including a requirement that all shuttle buses access the site via Bombay Road rather than Sandholes Road to ensure that shuttle services do not result in additional traffic movements upon Sandholes Road.

***Issue: Effluent disposal***

Concern was raised over the adequacy of the effluent disposal measures in recognition of the sites location within the Sydney Drinking Water Catchment

*Comment:* The proposed development being located within the Sydney Drinking Water Catchment required and received the concurrence of WaterNSW.

***Issue: Site Selection***

Concern was raised over the isolation of the site in recognition of other potential sites for the development.

*Comment:* The subject application and site suitability must be assessed on its own merit. The suitability of other sites within the locality is not a matter for consideration under the heads of consideration contained within Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

***Issue: Public use***

Concern was raised that the proposed caravan park is not proposed to be available for public use.

*Comment:* There is no legislative requirement for a caravan park to be available for public use and it is at the discretion of the operator as to whom the park is made available.

***Issue: Environmental Impacts***

Concern was raised over potential impacts of the development upon the natural environment.

*Comment:* The potential environmental impacts of the proposed development have been considered in accordance with the requirements of Clause 4.15 of the *Environmental Planning and Assessment Act 1979* and the proposal was found to be unlikely to result in any significant environmental impacts.

***Issue: Weather***

Concern was raised over potential impacts of adverse weather events upon the proposed development (wind, bushfire and flood).

*Comment:* The subject site is not located upon flood prone land and all structures installed upon the site are required to be designed in accordance with the applicable design gust wind speed for the site.

***Issue: Community Safety***

Concern was raised over potential impacts of the development upon community safety within the town of Braidwood.

*Comment:* The proposed development providing for accommodation involves no actions likely compromise the safety of existing residents within the locality.

***Issue: SEPP 21***

Concern was raised over potential non-compliance of the development with State Environmental Planning Policy No.21 – Caravan Parks

**9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood (Author: Thompson/Perkins) (Continued)**

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*Comment:* Assessment of the proposed development against the provisions of the SEPP found the proposal to satisfy the relevant provisions of the SEPP (Refer to attachment 1 for detailed discussion).

***Issue: Decommissioning the site***

Concerns were raised over the lack of detail in relation to the proposed decommissioning of the site.

*Comment:* A condition of consent has been recommended requiring the preparation and implementation of a detailed plan of remediation including the removal of all structures and revegetation of all disturbed areas upon cessation of the use of the site.

***Issue: Earthworks***

Concern was raised over the extent of earthworks proposed

*Comment:* While the proposed development will require earthworks to accommodate the proposed structures and internal road network, the proposed earthworks are considered unlikely to result in any significant impacts. Further, it is proposed that upon completion of the development that remediation works be undertaken as to return the site to its existing state.

***Issue: Existing Caravan Park approval***

Concern was raised over need for the proposed development in recognition of the existing caravan park approval within Braidwood.

*Comment:* The presence of an existing caravan park approval is not a matter for consideration under the heads of consideration contained within Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

***Issue: Compatibility with surrounding uses***

Concern was raised over the compatibility of the development with surrounding agricultural land uses.

*Comment:* The proposed development involves no actions restricting the ability of adjoining landowners to continue to undertake extensive agricultural practices.

***Issue: Landscaping***

Concern was raised over a lack of detail regarding proposed landscaping measures.

*Comment:* The proposed development includes the establishment of a number of landscaping buffers along with the planting of proposed recreation areas. A condition of consent is recommended requiring such planting to comprise of native tree species within a minimum mature height of 7m of mature stock.

***Issue: Sediment and Erosion Control***

*Concern was raised in relation to a lack of detail regarding proposed sediment and erosion control measures.*

*Comment:* Conditions of consent are recommended requiring the design, implementation, monitoring and maintenance of sediment and erosion control measures throughout the construction process.

***Issue: Weed Management***

Concern was raised in relation to potential weed management implications of the development.



### 9.1 Development Application DA.2019.009 - Caravan Park - 94 Reservoir Lane, Braidwood (Author: Thompson/Perkins) (Continued)

*Comment:* Approval of the proposed development would not alter the land owners and occupiers commitments under the *Biosecurity Act 2015* for the management of weed species

#### **Issue: Welfare of Park Residents**

Concern was raised in relation to the social welfare of workers occupying the site.

*Comment:* The proposed development provides community amenities and recreation facilities for the occupation of the site. Nonetheless, the welfare of staff is matter for the employer under the *Work Health Safety Act 2011*.

#### **Issue: Community Benefit**

Concern was raised over the lack of benefits the development provides to the local community and potential for conflict between site occupants and local residents.

*Comment:* While there is no requirement for a development to result in community benefits, the proposed development involves no actions considered likely to result in any significant negative impacts upon the local community.

#### **Issue: Alternate Housing options**

Concern was raised that appropriate consideration has not been given to potential alternate housing options available to the developer.




*Comment:* The viability of alternate housing options is a financial decision for the developer and is not a matter for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### **Conclusion**

The submitted proposal for a Caravan Park on Lot 83 DP 755911, No.94 Reservoir Lane Braidwood has been assessed under Section 4.15(1) of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of State Environmental Planning Policy No.21 – Caravan Parks, State Environmental Planning Policy (Sydney Drinking Water Catchment), *Palerang Local Environmental Plan 2014* and *Palerang Development Control Plan 2015*.

The development satisfies the requirements and achieves the objectives of these instruments and is considered unlikely to result in any significant impacts. Accordingly it is recommended that DA.2019.009 be approved subject to the recommended conditions of consent.

### **Attachments**

- |   |   |
|---|---|
| Attachment 1  | DA.2019.009 - 4.15(1) Assessment Report - Matters for Consideration - Caravan Park - 94 Reservoir Road, Braidwood ( <i>Under Separate Cover</i> ) |
|  |   |
| Attachment 2  | DA.2019.009 - Plans - Caravan Park - 94 Reservoir Road, Braidwood ( <i>Under Separate Cover</i> )   |
|  |   |
| Attachment 3  | DA.2019.009 - Submissions - Caravan Park - 94 Reservoir Road, Braidwood ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>                     |
| Attachment 4  | DA.2019.009 - Draft Conditions of Consent - Caravan Park - 94 Reservoir Road, Braidwood ( <i>Under Separate Cover</i> )                           |
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9.2 Development Application 290-2018 - 101 Lot Residential Subdivision - 36  
Googong Road, Googong (Author: Thompson/Newman)

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File Reference: DA 290-2019

**Summary**

Reason for Referral to Council

This application has been referred to Council because:

- It is for a major development exceeding \$5 million in value;
- It is for a major subdivision exceeding 50 or more lots; and
- It is for a major development and the recommendation is for refusal.

Proposal:	Torrens title subdivision to create 101 residential lots, two public reserve lots, one residue lot and all associated subdivision works.
Applicant/Owner:	Googong Township Pty Ltd (GTPL)
Subject Property:	Lot 844 DP 1204019, Lot 664 DP 1195842, Part Lot 4 DP 1217396 and Lot 965 DP 1207816, known as Googong Road, 36 Googong Road, and Maxwell Street Googong.
Zoning and Permissibility:	The land is zoned: R1 - General Residential; R5 – Large Lot Residential; and E2 – Environmental Conservation under the Queanbeyan Local Environmental Plan 2012 (QLEP). The proposed development is permissible with consent on the land under the QLEP.
Public Submissions:	Nil
Issues Discussed:	Planning Requirements, including: <ul style="list-style-type: none"><li>• Odour;</li><li>• Noise;</li><li>• Minimum Lot Size; and</li><li>• Contamination.</li></ul> Reduction of the Googong Water Recycling Plant's 250m Odour Buffer
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

**Recommendation**

That:

1. Development application 290-2018 for Torrens title subdivision to create 101 residential lots, two public reserve lots, one residue lot and all associated subdivision works on Lot 844 DP 1204019, Lot 664 DP 1195842, Part Lot 4 DP 1217396 and Lot 965 DP 1207816, known as Googong Road, 36 Googong Road, and Maxwell Street, Googong be refused for the following reasons.

Reasons for Refusal:

- (a) Insufficient information has been submitted by the applicant for Council to determine if part of the subject land is contaminated, or if it is suitable for
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9.2 Development Application 290-2018 - 101 Lot Residential Subdivision - 36  
Googong Road, Googong (Author: Thompson/Newman) (Continued)

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- the proposed residential land use. This contravenes *Clause 7 - Contamination and remediation to be considered in determining development application* of State Environmental Policy No 55 – Remediation of Land.
- (b) The proposed development is inconsistent with the aims of the Queanbeyan Local Environmental Plan listed in *Clause 1.2 – Aims of the plan*, specifically aim (g) in that it does not represent or facilitate the orderly growth of Googong Township in a manner that promotes a high level of residential amenity.
- (c) The proposed development is inconsistent with the objectives of the R5 – Large Lot Residential zone listed in LEP Land Use Table, specifically, the objective of minimising conflict between land uses within the R5 zone and adjoining zones, in that it includes the creation of residential lots that are in close proximity to the Googong Water Recycling Plant. It has not been demonstrated that future residents won't be subject to unacceptable adverse amenity impacts from odour and noise.
- (d) The proposed development contravenes the Queanbeyan Local Environmental Plan 2012 by proposing to create one lot that is less than the required minimum prescribed in *Clause 4.1 – Minimum subdivision lot size*.
- (e) The NSW Department of Planning have not issued Certification that satisfactory arrangements have been made for the provision of designated State public infrastructure. This is required under *Clause 6.1 – Arrangements for designated state and Territory public infrastructure* of the Queanbeyan Local Environmental Plan 2012.
- (f) The Commonwealth Department of Infrastructure, Transport, Cities and Regional Development have not provided confirmation that it has no objection to the proposed development. This is required under *Clause 7.6 – Airspace operations* of the Queanbeyan Local Environmental Plan 2012.
- (g) The proposed development is non-compliant with the following development controls of the Queanbeyan Development Control Plan 2012:
- (i) 2.3.6 – Noise and Vibration; and
  - (ii) 2.4 – Contaminated Land Management.
- (h) The proposed development is non-compliant with the following development controls of the Googong Development Control Plan:
- (i) 4.3 – General Controls;
  - (ii) 4.4 – Lot Orientation and Lot Size and Layout;
  - (iii) 4.6 – Residential Interface with Googong Dam Foreshores;
  - (iv) 8.9 – Land Contamination Management; and
  - (v) 8.10 – Odour.
- (i) The proposed development is inconsistent with the objectives of the Googong Master Plan as listed in Part 3 of the Googong Development Control Plan in that the development does not establish high quality liveable neighbourhoods within a sustainable township because the applicant has not been able to demonstrate that the amenity of future residents within the 250m odour buffer will not be detrimentally affected.
- (j) The proposed development is inconsistent with the Structure Plans for Neighbourhood 1A and 1B contained in Appendix 3 and 5 of the Googong
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9.2 Development Application 290-2018 - 101 Lot Residential Subdivision - 36  
Googong Road, Googong (Author: Thompson/Newman) (Continued)

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Development Control Plan as the applicant has not satisfactorily demonstrated that odour and noise from the WRP will not have a detrimental impact to the amenity of future residents within the current 250m odour buffer area.

(k) Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*:

(i) *Context and Setting* – It has not been satisfactorily demonstrated that it is appropriate to locate residential lots within the Water Recycling Plant's odour buffer without resulting in an unacceptable adverse amenity impacts on future residents.

(ii) *Air and Microclimate* – The levels of odour emissions from the Water Recycling Plant will have an unacceptable adverse impact on the amenity of future residents.

(iii) *Noise and Vibration* – It has not been satisfactorily demonstrated that noise generation from the Water Recycling Plant will not have an unacceptable adverse impact on the amenity of future residents, or that the potential for offensive noise has been adequately minimised or effectively mitigated.

(l) Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* the subject site is not considered to be suitable for the proposed residential development due to its proximity to the Water Recycling Plant and the associated adverse amenity impacts.

(m) Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest as it will create residential lots which will be exposed to adverse amenity impacts due to emissions of odour and noise from the Googong Water Recycling Plant.

2. The NSW Office of Environment and Heritage and the Rural Fire Service (as integrated approval bodies) be forwarded a copy of Council's Notice of Determination.

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## Background

### *Land and Environment Court Appeal*

The applicant has lodged a Class 1 Appeal in the NSW Land and Environment Court against the deemed refusal of the application. An appeal for a deemed refusal can be initiated by the applicant when the Council fails to determine an application within the statutory time frame. The purpose of a deemed refusal is to allow the applicant to force a determination to occur rather than wait for Council to process the application.

Notwithstanding this, nothing prevents the Council continuing to assess the application and determine it while the deemed refusal appeal is on foot. There are several outcomes that could result. If Council approves the application then the most likely outcome would be that the applicant withdraws the deemed refusal appeal. However, if the application is refused then it is likely that the deemed refusal and the actual refusal will be joined together and treated and determined as one matter.

**9.2 Development Application 290-2018 - 101 Lot Residential Subdivision - 36  
Googong Road, Googong (Author: Thompson/Newman) (Continued)**

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Therefore, if the proposed recommendation for refusal is adopted the appeal against the refusal of the application is likely to continue, with the reasons for refusal being reinforced by Council's determination.

***Proposed Development***

The development application is for a Torrens title subdivision to create 101 residential lots, two public reserve lots, one residue lot and all associated subdivision works. Some of the initial documentation refers to 103 lots being created but a minor amendment, removing lots 438 and 439, was later submitted to reduce the number of new residential lots to 101 (see Attachment 2).

All of the proposed residential lots are within the odour buffer of the Googong Water Recycling Plant (WRP) – also known as the Sewage Treatment Plant. The closest lots are 16 metres from the boundary of the WRP.

The odour buffer extends 250 metres from the WRP. It functions to prevent residential development within the vicinity of the WRP until such time as it can be satisfactorily demonstrated that odour from the facility will not have a detrimental impact to the amenity of future residents. Noise generated from the WRP and any impacts to visual amenity are also factors when considering whether the buffer should be reduced.

***Background – Googong Water Recycling Plant (WRP)***

There are four stages of the development of the WRP. Stage A and B have been operational since October 2015. Works associated with Stage C have been completed, and it has been operational since September 2018. The Stage D expansion will double the capacity of the first three stages and provide the ultimate capacity for the plant. Stage D is in the preliminary stages of approval and it is not anticipated to be completed for a number of years.

A Concept Approval for all stages of the WRP, and Project Approval for Stages A and B, was issued by the Minister for Planning in November 2011 under the now repealed Section 3A of the *Environmental Planning and Assessment Act 1979*. Conditions were attached to these approvals. Project approval for Stage C was granted by Council under Part 5 of the *Environmental Planning and Assessment Act 1979* in December 2016 (with conditions). Stage D will be dealt with in a similar manner to Stage C.

***Subject Property***

The subject site comprises several vacant residue lots of varying configurations and sizes within Neighbourhood 1A and 1B of the Googong Township. The site is located within the north-east corner of the Googong Township on either side of the Water Recycling Plant (WRP). The site is also bordered by Googong Dam Road to the north; Googong Dam foreshores to the north and east; public open space to the south of the WRP; and low density residential development to the west and south. Refer to Figure 1 below.

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Googong Road, Googong (Author: Thompson/Newman) (Continued)**

**Figure 1 – Subject Site (Outlined in Red)**

**Planning Requirements**

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

Copies of the most recent plans are provided in Attachment 2. Other documentation such as the Statement of Environmental Effects and Odour Modelling report have been provided as hard copies in the Councillors room in Queanbeyan.

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

- State Environmental Planning Policy (SEPP) No 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 44 – (Koala Habitat Protection)
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- Queanbeyan Local Environmental Plan 2012 (LEP);
- Queanbeyan Development Control Plan 2012 (QDCP); and
- Googong Development Control Plan (GDGP).

The proposed development does not satisfy all of the requirements and objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration are:

1. Impacts from odour and noise generated from the Googong Water Recycling Plant (WRP);
2. Compliance with SEPP 55 in relation to confirmation that land within Stage 9 of Neighbourhood 1B is suitable for residential development; and
3. Compliance with the LEP in relation to satisfying minimum lot size requirements.

**9.2 Development Application 290-2018 - 101 Lot Residential Subdivision - 36  
Googong Road, Googong (Author: Thompson/Newman) (Continued)**

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**(a) State Environmental Planning Policies***SEPP 55 – Remediation of Land*

The Phase 1 Environmental Site Assessment carried out for the wider Googong Township area in 2004 by Coffey Geosciences Pty Ltd did not identify any Areas of Environmental Concern (AECs) within Stage 9 of NH1B which is incorporated within the proposed development. Only Stage 1-8 of NH1B have been subject of a detailed environmental investigation.

The site auditor states:

*As a part of the preparation of the DA for Stage 9 of NH1B, GTPL [the applicant] have engaged Geotechnique to undertake an environmental investigation in similar fashion to the investigation completed for Stages 1 to 8. The objective of investigation will be to confirm the suitability of Stage 9 for the proposed residential land use and comply with the requirements of the statutory audit. While the Auditor will need to review the results of this investigation and cannot pre-empt the outcomes of the Audit prior to preparing a SAR and SAS, it is the opinion of the Auditor that Stage 9 poses a relatively low risk of containing contamination that may compromise its suitability for the proposed residential land use.*

The applicant states in their Statement of Environmental Effects that the results of the investigation into Stage 9 referred to by the auditor will be provided in a report to Council once completed. At the time of writing, Council had yet to receive this.

While the land within Stage 9 of NH1B is unlikely to be contaminated, it is clear that without knowing the results of the environmental investigation Council cannot be certain as to whether the land is contaminated, or if it is suitable for the proposed residential land use. Therefore, pursuant to Clause 7 of SEPP 55 the part of the proposed development that relates to Stage 9 of NH1B cannot be approved.

**(b) Compliance with LEP**

The proposed development is inconsistent with the requirements of the Queanbeyan Local Environmental Plan 2012 (LEP). These inconsistencies are summarised below. For a detailed assessment of the LEP see the attached *Section 4.15(1) Table – Matters for Consideration*.

*Minimum Subdivision Lot Size*

Clause 4.1 of the LEP provides for a minimum lot size for the subdivision of land as identified on the Minimum Lot Size Map.

The land within the site is subject to two minimum lot sizes. The land zoned R1 – General Residential has a minimum lot size of 330m<sup>2</sup>. The land zoned R5 – Large Lot Residential and E2 – Environmental Conservation has a minimum lot size of 15,000m<sup>2</sup> (1.5ha).

The proposed open space lot (Lot 901) that adjoins the eastern side of the WRP is required to be a minimum of 1.5ha, however, it is only 1.122ha. This is not able to be approved as a variation to a development standard under Clause 4.6 of the LEP as it is a greater than a 10% variation (4.6(6)(b)).

As proposed Lot 901 does not satisfy the minimum lot size it cannot be approved. Pursuant to Section 4.16 – Determination, of the *Environmental Planning and Assessment Act 1979*, the consent authority must refuse an application for the subdivision of land that would result in a contravention of an environmental planning instrument, e.g. the LEP. Should Council wish to otherwise approve the proposed development, the part that involves subdividing existing Lot 4 DP 1217396 would need to be specifically removed from any consent.



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Googong Road, Googong (Author: Thompson/Newman) (Continued)**

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*Satisfactory Arrangements for State Public Infrastructure*

Clause 6.1 of the LEP requires satisfactory arrangements to be made for the provision of designated State and Territory public infrastructure before the subdivision of land in an urban release area.

The application was referred to the NSW Department of Planning requesting the issue of a Satisfactory Arrangements Certificate. At the time of writing the Department had not yet issued the Certificate, however, they have advised that it is imminent. Pursuant to Clause 6.1(2) Council cannot grant development consent to the proposal until such time as this certification is issued.

*Airspace Operations*

The ground level of the site penetrates the Operations Limitations Surface of the Canberra Airport. The application was therefore required to be referred to the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development and the Canberra Airport.

Clause 7.6 of the LEP states that the consent authority must not grant development consent unless the relevant Commonwealth body advises that it has no objection. While it is anticipated that a Controlled Activity Approval under the Commonwealth *Airports (Protection of Airspace) Regulations 1996* will be issued for the proposal (as it has for all previous Googong subdivisions), at the time of writing the Commonwealth had yet to confirm to Council that it has no objection to the development. Therefore, development consent cannot be granted.

**(c) Compliance with DCP****Odour**

As part of the Structure Planning Process for Neighbourhood 1A and 1B of Googong Township (NH1A and NH1B) a temporary buffer of 250m was established from the WRP boundary, within which dwellings could not be constructed. The intent was that the buffer would be in place until such time as the WRP was operational and it could be demonstrated that there were no amenity issues arising from its operation. At a future time a review would be undertaken to see whether residential development closer to the WRP would be supported. This development application effectively initiates that review.

The buffer is also reinforced in Part 8 – Environmental Management of the GDCP. Clause 8.10 has the objective of ensuring appropriate levels of odour amenity for future residents near the WRP. It requires any development application that proposes residential development within the buffer (or the vicinity of the buffer) to be accompanied by a *Level 3 Odour Impact Assessment* to verify the actual nuisance levels of odour generated by the WRP. Furthermore, any land identified by the Odour Assessment as being within a nominated separation distance shall not be developed until it can be demonstrated to Council that the odour source has been removed or reduced to an acceptable criterion.

The originally submitted application was accompanied by the required Odour Impact Assessment prepared by Stantec Australia Pty Ltd. It included the potential for odour nuisance effects associated with the future Stage D expansion of the WRP.

*Odour Impact Criteria*

The Stantec report outlined the odour assessment criteria as such:

*In NSW, odour impact regulations are based upon the likelihood of odour nuisance, i.e. the likelihood of emitted odours creating a negative impact on people, occurring. In NSW, the term “sensitive receptor” is used. A sensitive receptor is a location where*

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Googong Road, Googong (Author: Thompson/Newman) (Continued)**

*people are likely to be e.g. a residence, a school, a hospital, a recreation area. The NSW EPA has set odour impact criteria – odour units (ou) - to be assessed at sensitive receptors.*

*The NSW EPA has set out a sliding scale of odour impact criteria, based on the size of the potentially impacted population. The larger the potentially impacted population, the greater the possibility that a person who is highly sensitive to the odour may be present. Therefore, the sliding scale ranges from 7ou for an isolated residence down to 2ou for an urban population, a school, a hospital or a park.*

Stantec applied the 2ou odour impact criterion in their assessment based on the high density of potential sensitive receptor locations in the immediate vicinity of the WRP. Stantec's report concluded that the odour concentrations were predicted to be well below the odour assessment criterion at all existing and future sensitive receptor locations.

Following a review by Council's Community Connections branch some concerns about the Stantec modelling were raised and a peer review of Stantec's report was subsequently commissioned and prepared for Council by consultants GHD.

#### *Review of Odour Impact Assessment*

The scope of the GHD odour modelling assessment was to determine the peak odour impact from operation of the WRP and compare predicted odour levels with the relevant NSW EPA odour criteria.

Three odour modelling scenarios were undertaken to determine the appropriate modelling assumptions and modelling parameters to use in order to ensure the modelling is undertaken consistent with guidance from the NSW EPA and NSW Office of Environment and Heritage (OEH). These are summarised below.

- Firstly, GHD verified the Stantec modelling by reproducing the same (or acceptably similar) results from the modelling data and input files used by Stantec.
- Secondly, GHD ran a model that would assess sensitivity of modelling to the effects of buildings on odour plumes (known as building wake effects). Without going into the technical details, there were concerns that Stantec's modelling had overestimated the influence of building wake effects in reducing odour impacts. GHD state that:
  - *The method [employed by Stantec] does not appropriately assess the degree to which a plume is influenced by the wake effects of the nearby buildings.*
  - *Further, this method does not attempt to consider the variable nature of building wakes which are dependent on meteorological conditions, importantly wind direction.*

The result of GHD's second model run was that:

*...the WRP buildings as included in the Stantec Stage D model have no influence on dispersion of odours from the odour control stack. As such, the classification of the stack as a 'wake-affected point source' is not appropriate. ...buildings are not having any influence on the predicted odour levels, meaning that there are no wake effects occurring in the model which can influence (increase or decrease) odour concentrations.*

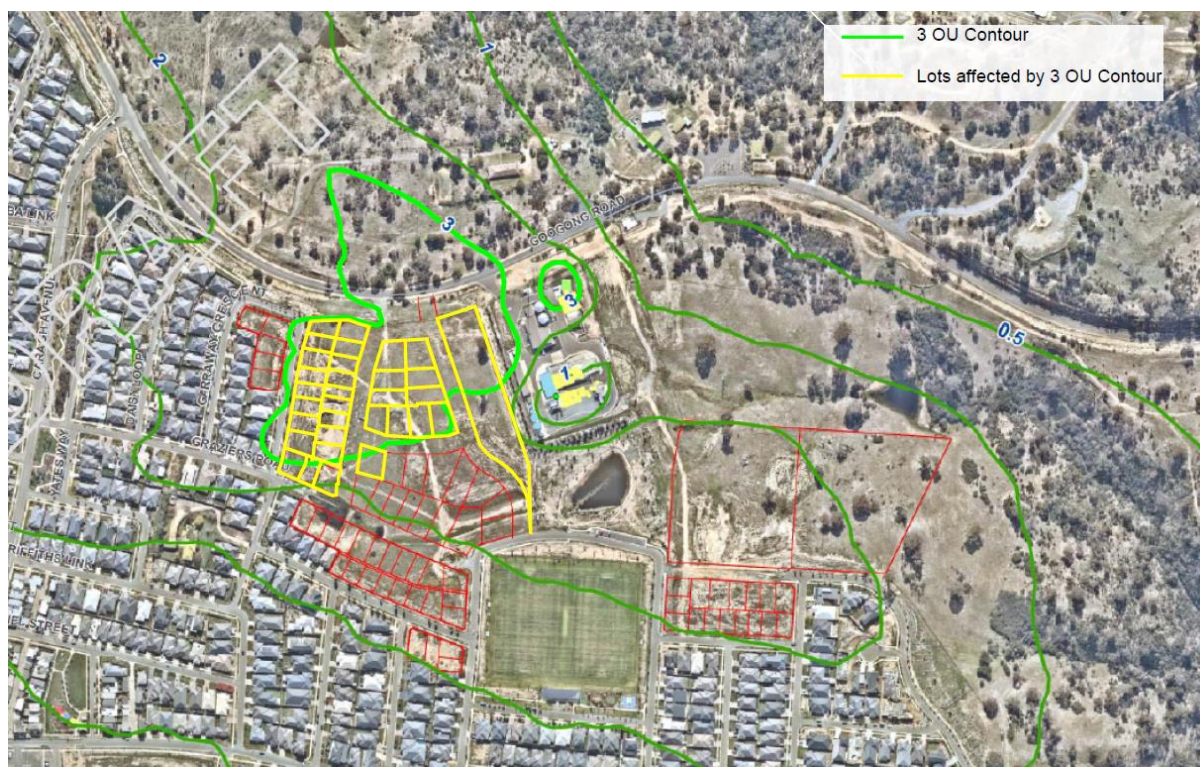
- Thirdly, based on findings of model runs 1 and 2, GHD developed a methodology consistent with guidance in the NSW EPA's Approved Methods. This methodology was then applied to the existing Stantec model run to produce an Updated Odour Model.

## 9.2 Development Application 290-2018 - 101 Lot Residential Subdivision - 36 Googong Road, Googong (Author: Thompson/Newman) (Continued)

### *Results of the Updated Odour Model*

GHD ran a final dispersion modelling run in order to produce updated predictions of odour impact on existing and proposed residences surrounding the WRP. The results were that a significant portion of the proposed development is predicted to be subject to odour levels above the 2ou criterion. Indeed, the 3ou contour extends 250 m to the west of the WRP.

– refer to Figure 2 below which shows the odour contours and the proposed lots.



**Figure 2 – Proposed Lots Subject to Odour Levels above 2 OU**

Council's Community Connection branch has considered all of the information relevant to odour and advises that any amendment to the buffer should be deferred until the ultimate plant (Stage D) is built, fully commissioned and operating. In conclusion, it has not been demonstrated that the size of the Water Recycling Plant's odour buffer can be reduced without resulting in an unacceptable adverse impact on future residents. Therefore, the proposed development is recommended for refusal.

### **Noise**

The proposed development does not comply with the objectives (1) and (2) and controls (a) and (f) of Clause 2.3.6 – Noise and Vibration of the QDCP. These are listed below.

#### Objectives

- 1) *To ensure development provides for effective management of noise and vibration through effective siting, building design, materials and layout, construction and engineering techniques, operational management.*
- 2) *Where a proposed development includes an activity which may generate unreasonable noise or which may be affected by an existing noise source, an acoustic study is to be undertaken to establish noise levels and provide a mitigation strategy demonstrating the measures to be taken to effectively mitigate noise.*

**9.2 Development Application 290-2018 - 101 Lot Residential Subdivision - 36  
Googong Road, Googong (Author: Thompson/Newman) (Continued)**

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Controls

- a) *Development should be designed to minimise the potential for offensive noise.*
- f) *To ensure development is designed so noise and vibration from new businesses, light industrial and leisure/cultural/entertainment venues and other noise generating activities do not unacceptably affect the amenity of nearby residential and other noise or vibration sensitive uses.*

*WRP and Noise*

The WRP is also required to have an Environmental Protection Licence (EPL) under the *Protection of the Environment Operations Act 1997* (POEO Act). The current EPL for the WRP is conditioned to require that noise emitted from the operation of infrastructure associated with the treatment of sewage shall not exceed 35db(A) (L Aeq(15min)) at any residence on privately owned land.

Noise modelling carried out for the original Concept Approval indicated that the design of the WRP, in addition to the proposed mitigation and management measures, would be sufficient to limit operational noise to the project-specific noise level of 35dB(A) within 35m of the WRP boundary. However, subsequent noise assessments of the operational WRP identified that it was not operating in accordance with the applicable noise limits. Various noise mitigation strategies have been put in place to try and address this. These included installing various covers and enclosures over equipment.

In April 2019 the applicant engaged consultants WSP to carry out Stage AB and C operational noise monitoring post the implementation of mitigation measures.

WSP state that the acoustic environment at measurement locations 35m from the WRP's western boundary were affected by other sources such as construction noise in the vicinity, aircraft noise, increased road traffic noise and activities at the nearby oval. Therefore, the measured noise levels during the day are not likely to give a good representation of noise contribution from the WRP. The analysis therefore primarily focussed on the evening period when these other noise sources were likely to be less. In addition, the WRP is also expected to be operating at a higher capacity in the evening period.

The noise monitoring found that while the mitigation measures had improved noise emissions by up to 11dB, noise levels from the currently operational WRP (Stage AB and Stage C) were measured to exceed the environmental noise limit of 35dB (35m from the WRP boundary) by up to 6dB.

Further to the above results, it is also stated in the WSP report that there were short term noise events that measured up to 48dB at 35m from the western boundary. The dominant noise sources observed were generally identified as the noise at the bioreactor areas, odour ventilation fans, and tertiary filtration feed pumps.

The results of this study were first raised with Council at Design Co-ordination Meeting (DCM) #60 (16 May 2019) where the formal minutes recorded advice that "WSP has issued a report following the latest noise monitoring work. The noise level measured at 35m from the west boundary were 37-41 dBA."

The matter was again discussed at the following DCM (#61 – 6 June 2019) where the minutes recorded the following "Noise - current attenuation work has achieved substantial reduction in noise impact. DCM agreed that there is diminishing returns with additional attenuation works. WSP is currently undertaking noise monitoring at 75m from the WRP boundary." At this stage there are no other noise mitigating works proposed to be undertaken as part of the AB or C stages of the WRP.

**9.2 Development Application 290-2018 - 101 Lot Residential Subdivision - 36  
Googong Road, Googong (Author: Thompson/Newman) (Continued)**

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*Assessment of Noise Impacts*

The current proposed development includes five residential lots within 16m of the western WRP boundary, with building envelopes located up to 35m from the WRP boundary. These lots would be subject to higher levels of noise from the WRP than is permitted by the environmental licence.

The WSP report also states that:

*Preliminary noise monitoring at up to 75 metres from the western WRP boundary indicate that noise from the WRP could potentially meet the environmental noise limit at these locations. Further noise monitoring would however be required for further evaluation.*

While the above is encouraging, due to its preliminary nature, it is not sufficient to support an argument that residential development should be approved to within 75m of the WRP's western boundary (let alone 35m away) especially when the plant is not operating at full capacity.

The WSP report included an assessment of the impacts of noise from the WRP on residential receptors with reference to the NSW Noise Policy for Industry. In particular, WSP referred to the sleep disturbance assessment guidelines contained in the Policy. Assessment of sleep disturbance risk relates to the night time period (10.00 pm to 7.00 am).

WSP state that while the observed maximum noise events meet the screening criterion for sleep disturbance, the actual risk of sleep disturbance due to the WRP at any residential receptors located 35m from the western boundary is considered to be minor.

It is not at all clear what additional noise impacts will be generated when Stage D of the WRP becomes operational. The submitted Statement of Environmental Effects (SEE) states simply that:

*The WRP at each stage will be made to comply with the 35dB at 35m from the SP2 zone boundary.*

It is clear from the most recent noise mitigation and monitoring that the currently operational Stages AB and C of the WRP cannot comply with the noise limits imposed by the planning approvals and environmental license. Nothing has been submitted to demonstrate that once Stage D becomes operational that the night-time sleep disturbance criterion contained in the relevant NSW Noise Policy will not be exceeded at 35m from the WRP's western boundary (or further).

Council's Community Connection branch has considered all of the information relevant to noise and advises as follows:

*There is not sufficient operational data available to enable Council to consider reducing the current buffer. It would be sensible to conduct further noise monitoring to see how the noise impact for Stage C and Stage D increase as the number of assets on the plant increased.*

*It is suggested to defer the amendment of the buffer until the ultimate plant (Stage D) is built, fully commissioned and operating.*

In summary, it is considered that the proposed development does not demonstrate that noise generation from the WRP (especially when it is operating at full capacity) will not unacceptably affect the amenity of the future residents of the proposed lots, or that the potential for offensive noise has been adequately minimised or effectively mitigated. For these reasons, the proposed development is recommended for refusal.

**9.2 Development Application 290-2018 - 101 Lot Residential Subdivision - 36  
Googong Road, Googong (Author: Thompson/Newman) (Continued)**

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***(d) Other Comments*****External Referrals****1. *NSW Police***

*Comment* - Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. Council has adopted the principles of CPTED through its DCPs. In keeping with these principles this major development proposal was forwarded to the Crime Prevention Officer at the Monaro Local Area Command for comment.

After conducting the CPTED process the NSW Police have identified the development as having a moderate crime risk. Some comments were made by the Police regarding the proposed open space areas. These will be incorporated into conditions or advisory notes should the proposal be granted approval.

**2. *NSW Department of Planning and Industry***

The application was referred to the NSW Department of Planning and Industry requesting the issue of a Satisfactory Arrangements Certificate. At the time of writing this report the Department had not yet issued the Certificate, however, they have advised that it is imminent.

**3. *Commonwealth Department of Infrastructure and Regional Development and the Canberra Airport.***

At the time of writing this report the Commonwealth had yet to confirm to Council that it has no objection to the development.

**4. *NSW Office of Environment and Heritage***

The application was referred to the NSW Office of Environment and Heritage (OEH) as Integrated Development. This was required because there are known Aboriginal objects on the site, and therefore the OEH would need to issue their General Terms of Approval (GTAs) for any required permits to impact on Aboriginal objects. The OEH issued their GTAs for the proposal on 5 October 2018.

**5. *NSW Rural Fire Service***

The application was referred to the NSW Rural Fire Service (RFS) as Integrated Development. The RFS issued the required Bushfire Safety Authority for the proposed development on 24 September 2018.

**6. *Essential Energy***

The proposal was referred to Essential Energy for comment because it includes development immediately adjacent to an electricity substation.

Essential Energy advised that they have no comments to make as to potential safety risks arising from the proposed development. Some general advisory comments were provided which will be included as an advisory note (should the proposal be approved).

**Internal Referrals*****(a) Building Surveyor's Comments***

Council's Building Surveyor has assessed the proposed development and has raised no objections subject to the imposition of appropriate conditions.

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Googong Road, Googong (Author: Thompson/Newman) (Continued)**

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

Council's Development Engineer has assessed the proposed development and has raised no objections subject to the imposition of appropriate conditions. Refer to detailed comments in the attached *Section 4.15(1) Table – Matters for Consideration*.

**(c) Environmental Health Comments**

The comments from the Environmental Health Team support the concerns raised in relation to the potential odour and noise impacts from the WRP on potential residential development within the existing 250m buffer zone. Development in these areas is not supported until the WRP is operating at or close to ultimate capacity when an assessment of actual, rather than modelled impacts, can be assessed.

In addition the impacts of potentially contaminated land on the proposed subdivision have not been able to be adequately assessed based on the information provided.

**(d) Community Connections**

The Community Connections Team have provided the following comments in relation to the impacts of the development on the WRP.

Notwithstanding the plant's innovative approach to matters such as odour control, the fact remains that in its current form it is a 9,500EP (equivalent persons) plant running at 40% capacity. With a reported growth rate of some 21 lots per month then, the current AB/C configuration will not theoretically reach full loading until mid-2026.

Coincident to this it is expected that Stage D (an addition of a further 9,500EP treatment capacity) will be operational by the end of 2024. What this means is that the plant is not expected to reach more than 80% of its theoretical capacity until such time as that occurs at the ultimate stage AB/C/D configuration which (under current development trends) is not expected to occur until 2039.

Matters such as noise and odour generation may potentially develop further as the plant takes on more load and approaches its design capacity. Indeed, as processes work harder specific trains work longer. Still others will be duplicated in order to cater for the increasing hydraulic and biological loads.

It is conceivable that noise generation will increase as this journey progresses as it is with odour generation. Whereas a decision is made to permit adjacent development today that is even marginally within the criterion of noise acceptance, that situation may not exist as the plant develops both structurally and under load. Council's existing EPL noise limit is absolute and the risk under the above circumstance is that the onus for further attenuation measures – notwithstanding any consensus now for these being an endeavour in "diminishing returns" – simply shifts to Council as an absolute responsibility.

Despite the plant's design to produce an effluent capable of being reticulated as a second system, it remains in its purest form a sewage treatment plant. The very nature of such a facility is that it is tasked with receiving and treating municipal sewage and along with this comes all the usual challenges of screenings, sludge, biosolids, influent and effluent. There are activities associated with such plants, activities that involve maintenance (both planned and unplanned), operational heavy vehicle movements and then there are challenges that are associated with upset conditions. All of these will increase in intensity as the plant grows in load and capacity.

The two key studies undertaken by the proponent in respect of odour and noise do not adequately support the proposal. Indeed the noise study actively contradicts the current proposal in terms of Council's current licensed activity. Further, there remains sufficient and substantial doubt about the efficacy of the odour modelling and its assessment of

**9.2 Development Application 290-2018 - 101 Lot Residential Subdivision - 36  
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wake effect and meteorological conditions. These, together with the relative immaturity of the plant (its loading and future development), remain of paramount concern to Community Connections in its role as the ultimate custodians and operators of this plant into the future.

**(e) Parks and Recreation**

Council's Parks and Recreation Manager has assessed the proposed development and has raised no objections.

**Financial Implications**

There will be no financial implications from the proposed development. Development Contributions are not required for this proposal as development is governed by a Local Planning Agreement.

**Engagement**

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

**Compliance or Policy Implications**

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act, Regulations and Council's policies. Refer to *Section 4.15(1) Table – Matters for Consideration*.

**Conclusion**

The submitted proposal for Torrens title subdivision to create 101 residential lots, two public reserve lots, one residue lot and all associated subdivision works on Lot 844 DP 1204019, Lot 664 DP 1195842, Part Lot 4 DP 1217396 and Lot 965 DP 1207816, known as Googong Road, 36 Googong Road, and Maxwell Street, Googong is Integrated Development and is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and advertised. No submissions were received.

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

The development does not satisfy the requirements or achieve the objectives of these instruments.

The main issues relate to impacts from odour and noise emissions generated at the Googong Water Recycling Plant on future residents of the proposed lots.

- While it may be possible in the future to permit a reduction in size of the odour buffer to allow for residential development, it is clear (based on the accepted modelling conducted by Council), that if the proposal was approved the future residents would be subject to unacceptable adverse amenity impacts from odour emissions.
- In regards to noise, the current operational WRP does not comply with its imposed noise limits, despite the implementation of noise mitigation strategies. Furthermore, it has not been demonstrated that noise generation from the fully operational WRP will not unacceptably affect residential amenity in the existing buffer area, or that the potential for offensive noise has been adequately minimised or effectively mitigated.

Any amendment to the WRP's buffer should be deferred until it is operating at its final intended capacity (Stage D).




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Googong Road, Googong (Author: Thompson/Newman) (Continued)**

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The proposed development is not considered suitable for the site and cannot be conditioned to mitigate the identified amenity impacts. It is therefore recommended for refusal.

**Attachments**

- |  |   |
|--|---|
| Attachment 1   | DA 290-2018 - Sec 4.15 Matters for Consideration - Subdivision - Googong ( <i>Under Separate Cover</i> )    |
|  Attachment 2 | DA 292-2018 - Subdivision Plans - 101 Lot Residential Subdivision - Googong ( <i>Under Separate Cover</i> ) |



**9.3 Draft Queanbeyan Floodplain Risk Management Study and Plan (Author: Hansen/Afrin)**

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**File Reference:** Other Projects 100843

**Summary**

The draft Floodplain Risk Management Study and Plan (FRMS&P) for Queanbeyan has been completed and is ready to exhibit to the community. The draft FRMS&P has been reviewed by the Queanbeyan Floodplain Risk Management Committee and was presented to a councillor workshop on 15 May 2019.

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**Recommendation**

**That Council:**

- 1. Exhibit the draft Queanbeyan Floodplain Risk Management Study and Plan for community comment for 28 days.**
  - 2. Receive a report considering the community feedback.**
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**Background**

Council engaged Lyall and Associates who are experts in flood modelling and assessment to complete a FRMS&P for Queanbeyan.

The aim of the FRMS&P is to define flooding patterns and flood levels in Queanbeyan under present day conditions and to recommend floodplain risk management measures that will over time reduce the social, environmental and economic impacts of flooding at Queanbeyan. Preparation of the FRMS&P includes review of the draft Flood Study and Plan of Queanbeyan 2008, which was drafted in 2008 but was never finalised.

The floodplain risk management measures recommended in the draft FRMS&P were developed by assessing options aimed at reducing the impact of flooding on existing development and establishment of a framework to manage flood liable land in accordance with current best practice floodplain management principles.

The draft FRMS&P recommends the following floodplain risk management measures:

1. Update Development Control Plan of Queanbeyan
2. Update of Queanbeyan LEP 2012
3. Update of NSW SES emergency planning
4. Implement flood awareness
5. Installation of telemetered stream gauge on Queanbeyan River at Queens Bridge
6. Review of existing flood warning system
7. Vegetation management

**9.3 Draft Queanbeyan Floodplain Risk Management Study and Plan (Author: Hansen/Afrin) (Continued)**

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8. Voluntary purchase and house raising feasibility for the property located in a high hazard area.
9. Develop comprehensive floodplain risk management strategy for the Queanbeyan CBD

**Implications*****Policy***

Council will need to consider changes the Queanbeyan Development Control Plan (DCP) as well as the Queanbeyan LEP to accommodate the recommendations of the draft FRMS&P.

***Environmental***

Implementation of the floodplain risk mitigation measures mentioned in the draft FRMS&P that require physical works may have localised environmental impacts. Localised environmental impacts would be identified during public exhibition of the draft FRMS&P and then addressed in the design and approvals process for each mitigation measure.

The draft FRMS&P considers the effects of climate change on rainfall intensity when reviewing the potential for increased flood heights.

***Economic***

The draft FRMS&P identified:

- 260 residential properties, 239 commercial tenancies and 10 public buildings would experience above floor flooding in a 1% Annual Exceedance Probability flood.
- Total estimated flood damage of \$69.6M at the 1% Annual Exceedance Probability level.
- Total estimated flood damage of \$1B for the Probable Maximum Flood event.

Implementation of the control measures mentioned in the draft FRMS&P will improve the flood awareness, flood warning system, emergency notification and evacuation process. By requiring future residential development to be above the FPL identified in the draft FRMS&P there would be no increases in estimated flood damage to residential properties in the future.

***Strategic***

Findings in the current draft FRMS&P:

1. The following Minimum Floor Levels (MFLs) be adopted for future development located on land which lies below the Flood Planning Levels:
  - Residential development located outside the area zoned B3 – Commercial Core – MFL= Peak 1 % ( 1 in 100) AEP flood level plus 0.5 m freeboard
  - Residential development located within the area zoned B3 – Commercial Core – MFL = Peak 1% (1 in 100) AEP flood level plus 1.2 m freeboard
  - Commercial development - MFL = Peak 5% (1 in 20) AEP flood level.
2. Introduction of a development controls matrix based on a hazard map.

### 9.3 Draft Queanbeyan Floodplain Risk Management Study and Plan (Author: Hansen/Afrin) (Continued)

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3. Inner floodplain Hazard category 2A defining an area that is in the floodway of a high rainfall event in the local catchment of the stormwater network though the CBD from the Fergus and Surveyor St areas

Potential impacts of revised planning levels and emergency planning should also be considered when finalising the Queanbeyan Spatial Masterplan.

#### ***Engagement***

A floodplain risk management committee has been established to oversee preparation and implementation of the FRMS&P. The floodplain risk management committee included membership by Council, state government authorities and community representatives.

The draft FRMS&P will be placed on public exhibition for 28 days prior to being submitted to Council for adoption. Any feedback received from the public exhibition will be considered by the floodplain risk management committee and incorporated into the final FRMS&P to be submitted to Council for adoption.

#### ***Financial***

The FRMS&P is jointly funded under State Government's Flood Management Program on 2:1 subsidy basis with 1/3 funded by Council. Further joint funding would need to be identified and sought to implement the recommended floodplain risk management measures.

#### ***Resources (including staff)***

Council staff provided project management including, preparation and administration of the grant funding, coordination of the Floodplain Risk Management Committee and community consultation. Council engaged specialist consultant Lyall and Associates to prepare the FRMS&P.

#### **Conclusion**

The draft FRMS&P for Queanbeyan has been presented to Council prior to public exhibition. The draft FRMS&P now needs to be placed on public exhibition. Following the completion of the public exhibition period, the FRMS&P will be finalised then presented to Council for consideration and adoption.

#### **Attachments**

- Attachment 1 Queanbeyan Floodplain Risk Management Study and Plan Report - Councillors only (*Under Separate Cover*) - **CONFIDENTIAL**
- Attachment 2 Queanbeyan Floodplain Risk Management Study and Plan Figures - Councillors only (*Under Separate Cover*) - **CONFIDENTIAL**



9.4 NSW Government Parking Fines Review (Author: Hansen/Cooke)

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File Reference: 31.5.1

**Summary**

The NSW Government has introduced regulatory changes which have reduced the penalty level of 52 common parking fines when issued by NSW Government authorities. These changes do not automatically apply to Local Government or Universities. Councils and universities are not required to change to the lower levels but may choose to do so by “opting in” to the scheme.

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**Recommendation**

**That Council:**

- 1. Determine whether to “opt in” or “opt out” to the NSW Government’s Parking Fine Concession Scheme to reduce parking fine amounts from \$114 to \$82 from 1 December 2019 and**
- 2. Advise the NSW Treasurer and Minister for Industrial Relations of Council’s decision by 1 October 2019.**

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**Background**

In July 2018, 10 of the most common parking fines set by NSW Government were reduced from \$112 to \$80 when issued by a NSW Government authority. A further 42 parking fines, when issued by NSW Government authorities, were reduced to \$80 from 1 January 2019. Councils have been requested to “opt in” for the reduction of these identified parking fines. The next opportunity for Council to “opt in” to the scheme is 1 October 2019, to be implemented by Council staff from 1 December 2019. After this date, annual opportunities to “opt in” are in April each year, for implementation to be from 1 July respectively.

The majority of the fines (and associated publicity) relate to voucher or pay parking, which QPRC does not apply (see attached 1). The other fines relate to infringements for parking in illegal spaces (eg disabled and loading zones). Attachment 2 illustrates in red, the infringements and fines that would apply.

Note that the current indexation arrangements for parking fines will continue. The current financial year of 2019/20 has been indexed to \$114 and \$82 (compared with \$112 to \$80 in 2018/19).

**Implications**

***Financial***

If Council was to “Opt In” to the reduction of parking fines, Council will see a reduction in parking fines of approximately \$32,000 per year, based on the number of parking fines distributed in the 2018/19 financial year.

It is understood from Revenue NSW, the majority of councils have opted *out*.

9.4 NSW Government Parking Fines Review (Author: Hansen/Cooke) (Continued)

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**Conclusion**

If Council is to “Opt In” or “Out” to the NSW Governments Parking Fines Reduction Scheme, written advice to the Treasurer and Minister for Industrial Relations will need to be made prior to 1 October 2019 to be implemented by staff by 1 December 2019.

**Attachments**

Attachment 1      Parking Fines - Information for Councils (*Under Separate Cover*)



Attachment 2      Carparking Infringements Schedule (*Under Separate Cover*)





9.5 Queanbeyan CBD - Revised Scope of Works - Stage 3 (Author: Tegart/Tegart)

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File Reference: 305115/22.1.8

**Summary**

In mid-2018, Council endorsed six stages of works forming the carparking, public domain, buildings, laneways and corridors works of the Transformation Strategy. Council has recently exhibited the draft QCBD Spatial Masterplan defining the public and private investments contemplated in the Lowe, Rutledge, Morisset and Crawford carpark precincts, together with the Monaro Street corridor and Queanbeyan River corridor.

The River Walk, CBD smart city installations, and refurbishment of the Riverside Caravan Park projects are underway in Stage 1. The concepts for the Queanbeyan Head Office, smart hub, public domain, commercial office, carparking and integration with The Q and Bicentennial are progressing to detail design and DA this year, which forms Stage 2. That Stage is scheduled for completion end 2021. Further councillor workshops on the scope and estimates are expected in the coming months, before community engagement.

Community feedback on the Masterplan has been positive, with a workshop and separate report to be presented to Council.

Stage 3, being the proposed decking of Morisset Carpark, and conversion of part of that precinct into public domain and laneway connectors, was scheduled to commence at the latter part of Stage 2, however the presence of the Police parking compound in the carpark has altered that timing. That is particularly so, as Police Property have now requested an extension of parking for a further 12 months. A separate report on this matter is presented with this business paper.

Council has now received an offer from the NSW Government to advance a grant of \$10m as an infrastructure stimulus this financial year, and has sought a revised scope of works from that submitted with the GLE grant application for the CBD (being the Monaro Street corridor).

A copy of the Block Plan contained in the draft Masterplan is attached, marked up with the proposed carpark, public domain and laneway footprint.

As briefed to councillors early in July, it is proposed that scope include:

- Construction of a multilevel smart carpark of approx. 400 carspaces (csp) and approx. 50csp at-grade on Morisset carpark, accessed from Lowe and Morisset Streets, providing access for service vehicles for Crawford/Monaro shops and Morisset residential
- Construction of approx. 2000m<sup>2</sup> landscaped public domain adjacent to the carpark

Elements to add or modify that scope include:

- a. Refurbishment of Poets Laneway, to connect Morisset carpark to Monaro Street
- b. Inclusion of some at-grade cold shell commercial spaces fronting the public domain

It is proposed to procure those works to commence this financial year, through two options:

1. Design and construct contract for the above scope
2. Expression of interest for sale or development lease to construct multilevel carpark with private residential or commercial spaces (as contemplated by Masterplan), with ~400csp public carspaces provided to Council by strata

**9.5 Queanbeyan CBD - Revised Scope of Works - Stage 3 (Author: Tegart/Tegart)  
(Continued)**

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**Recommendation**

**That Council:**

- 1. Receive and note the report.**
  - 2. Endorse the scope of works for the Morisset carpark precinct.**
  - 3. Undertake concurrent procurement options as outlined in the report.**
  - 4. Update the financial plan to reflect the changes to the QCBD stages of work, funding and timing.**
  - 5. Endorse borrowings of up to \$10m from FY21, with actual borrowings to be confirmed in the FY21 Operational Plan.**
  - 6. Progress amendments to the relevant s7.11 development contribution plan for carparking, for further report and exhibition.**
  - 7. Introduce options to lease carspaces.**
  - 8. Commission a place management plan and thematics for the CBD laneways and public domain.**
  - 9. Accept and thank the NSW Government for the offer of \$10m grant.**
- 

**Background**

Council adopted the CBD Transformation Strategy and Carparking Strategy in recent years, together with endorsement of the six stages of civil works, which informed the release of the CBD Spatial Masterplan in 2019. Community feedback has been positive.

Stage 3 – Morisset Precinct was scheduled for FY21/22, raising debt to fund the 500csp multilevel carpark, 100 csp of which was intended for Head Office parking during business hours. Those 100 spaces are now proposed to be incorporated in a basement carpark at the 257 Crawford Street Head Office/Smart Hub development site, thus reducing the scope of Morisset carpark to 400csp.

That reduction in height at the Morisset site, may enable consideration of a level of other uses such as commercial, office or retail. That option may be explored by EOI.

**Implications*****Policy***

While noting legislation is changing to require tenders for capital or contract expenditure greater than \$250k, Council's procurement policy will seek tenders and expressions, including from endorsed panels.

***Asset***

It is proposed the scope of works include:

**9.5 Queanbeyan CBD - Revised Scope of Works - Stage 3 (Author: Tegart/Tegart)  
(Continued)**

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- Construction of a multilevel smart carpark of approx. 400 carspaces (csp) and approx. at-grade 50csp on Morisset carpark, accessed from Lowe and Morisset Streets, providing access for service vehicles for Crawford/Monaro shops and Morisset residential
- Construction of approx. 2000m<sup>2</sup> landscaped public domain adjacent to the carpark

Elements to add or modify that scope include:

- a. Refurbishment of Poets Laneway, to connect Morisset carpark to Monaro Street
- b. Inclusion of some at-grade cold shell commercial spaces fronting the public domain

Council had previously agreed to licence the NSW Police to occupy over 40csp in the Morisset carpark while the new station is constructed. Those spaces would be offset by temporary parking provided on the 257 Crawford Street site, until construction of the new head office commenced.

Police Property have now requested an extension of parking for a further 12 months. It is proposed to relocate the Police carparking compound across the road to the Crawford carpark to enable the Morisset carpark works to progress. The Police compound would be accessed from Morisset Street only, while public parking accessed from Crawford Street.

That means however, over half of the 200csp Morisset carpark and a third of the 150csp Crawford carpark will be compromised by construction or Police parking for 18 months. Smart parking and electroboards has been installed at Collett parking. It is anticipated the temporary parking in the Lowe precinct on the 257 Crawford St site will later be occupied with construction activity at the same time.

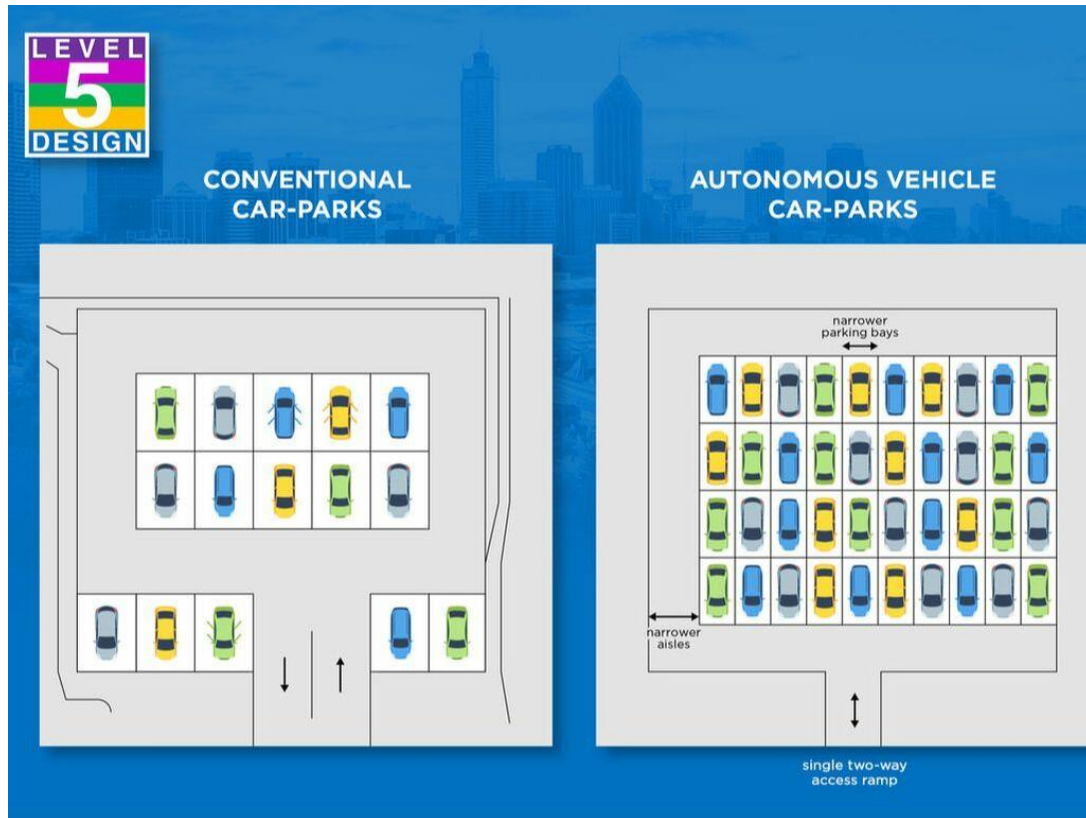
The construction of the carpark and laneway represents renewal of existing assets in part, and an upgrade in relation to the multilevel carpark, and would be apportioned accordingly in the accounts. The construction increases the asset base, future maintenance and depreciation charges. Potential acquisition or construction of access to Crawford Street is not included in this stage of works.

Design elements contemplated with the Transformation Strategy and Masterplan include:

- Carpark cladding sympathetic to adjacent public domain thematic
- Cladding capable of event lighting and screening (eg open air cinema)
- Public domain and laneway design and thematic per placemaking plan

There may be some contemplation around the future of carparking to accommodate autonomous vehicles (AV), but is considered out of scope at this time, other than to prepare a flexible carparking footprint.

9.5 Queanbeyan CBD - Revised Scope of Works - Stage 3 (Author: Tegart/Tegart)  
(Continued)



**Social / Cultural**

Council may wish to consider the potential co-use of a discrete section of the carpark for safe sleeping for homeless, out of business hours. Similarly given its central location, Council may also wish to consider dedicating part of the at-grade level as the cold shell for a PCYC facility.

Both scenarios would require government contributions to establishment and ongoing commitment to operation.

**Economic**

The prospect of consolidated secure carparking in the centre of the CBD, together with new public space and refurbished laneway, is expected to incentivise adjacent property owners to consider redevelopment of their sites to take advantage of the new frontages.

In addition, smart and secure undercover parking presents as a contemporary and competitive standard for Queanbeyan, capable then of comparison to equivalent facilities in Canberra – the difference being, parking in Queanbeyan CBD remains free.

**Strategic**

The CBD Carparking Strategy identified current offstreet public and private carspaces and compared those to the number of carspaces calculated under the DCP to the commercial floorplate in the CBD. The Strategy noted carparking would increase over 20%, principally through the central multi-level carparking at Morisset and Crawford carparks, and the (now) proposed basement parking associated with the Head Office.

It is noted the multilevel carpark is estimated to cost \$32k/csp plus contingencies.

**9.5 Queanbeyan CBD - Revised Scope of Works - Stage 3 (Author: Tegart/Tegart)  
(Continued)**

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The Carparking DCP contributions has moved to \$20k/csp in FY20, then \$30k/csp from FY21, for those future CBD developments unable to provide necessary commercial carspaces on their development sites. The s7.11 Contributions Plan will be modified to reflect the new carparking proposals and recoveries.

***Engagement***

The community and business stakeholders have been engaged through the CBD Spatial Masterplan of recent months. There has been strong support for the elements of the Plan and the improvement to carparking. Indeed, the embellishment of the CBD public domain, Monaro corridor and carparking are considered by retailers as a necessary economic stimulus.

Feedback from the engagement with the 2018 Retail Growth Strategy included:

- loyalty to Queanbeyan CBD is influenced by ease of access, convenience and easy and free parking
- finding a park can be difficult some times and negative is the lack of undercover parking
- 54% of businesses agree there is not enough short term parking
- 60% of businesses believe there is not enough long term parking
- the top 3 priorities in the CBD that could make a real difference to help their business improve, the following top consolidated responses were received:
  - Improved CBD Appeal (includes environment, streetscape, facades and shopfronts, retail diversity)
  - Parking and Traffic (more parking and less traffic congestion)

***Financial***

The 2018 GLE application proposed a mix of debt, grant, landsales, contribution and private capital funding as published in the business case (summary attached). The carpark works component was estimated at \$22.8m funded by debt and serviced by leasing of ~60 carspaces (\$200k) and an SRV. In adopting the Financial Plan in late 2018, Council opted for the use of dividends rather than an SRV to service the debt proposed for CBD and other capital works planned for Queanbeyan.

It is also proposed the s7.11 carparking contribution plan be updated to reflect recovery of costs for the carpark, with charges increasing to \$30k/csp as scheduled from FY21.

Discussions with NSW Transport (RMS) would continue to procure shared funding for the Monaro Corridor works in Stage 5.

Attached is the Cost Estimates schedule of \$20.345m including project management, design, contingency and escalation costs, with the latter (~\$5.3m) subject to adjustment pending the procurement method for the project.

Bringing Stage 3 forward, and with construction scheduled across 2 FYs, the grant would be expended initially and debt raised in FY21. Debt servicing of \$704k (\$10m@3.5%/20years) commences in FY22, but is lesser than that forecast in the LTFP (\$14m@\$975k/yr) as a result

### 9.5 Queanbeyan CBD - Revised Scope of Works - Stage 3 (Author: Tegart/Tegart) (Continued)

of the grant. A capital expenditure review would not be required, as the works are for transport and public infrastructure.

It is proposed to procure the works to commence this financial year, through two options:

1. Design and construct contract for the above scope
2. Expression of interest for sale or development lease to construct multilevel carpark with potential private residential or commercial spaces (as contemplated by Masterplan), with ~400csp public carspaces provided to Council by strata




Initial quotes would be sought to undertake the EOI, to introduce option 2 to the market.

Program Code	Expense Type	Funding source		Amount
	Capital	Grant	\$	10m
	Capital	Loan	\$	10m

### Conclusion

It is recommended Council bring forward Stage 3 of the CBD transformation works, accept the \$10m grant and undertake the procurement options concurrently to deliver the multi-level carpark and public domain, with options for a laneway refurbishment and potential commercial or residential additional development.

### Attachments

- Attachment 1  Morriset Carpark Plan (*Under Separate Cover*)
- Attachment 2  Scope, Options and Estimates Summary (*Under Separate Cover*)
- Attachment 3  QCBD Business Case - Estimates Summary (*Under Separate Cover*)

9.6 Project Management Office (Ref: ; Author: Tegart/Tegart)

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File Reference: 305128/52.8.2

**Summary**

A proposal has been received from Wagga Wagga City Council (WWCC), offering the share of lease of office space, workstations, meeting rooms and amenities in Sydney CBD to several regional cities. Wagga Council is establishing a project office in the CBD as a means to attract and retain specialist staff and consultants to undertake the significant planning, scoping, design and delivery of multi-million dollar infrastructure projects associated with the special activation precinct (SAP) investments and other grant funded infrastructure projects in their LGA.

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**Recommendation**

**That Council participate in the lease share arrangement of Sydney CBD office space with Wagga Wagga City Council.**

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**Background**

WWCC have secured rental space at Macquarie Street near Hyde Park. The NSW Government has also provided support by agreeing to locate the Special Activation Precinct (SAP) team within the same office space and sharing rent.

Wagga Wagga has proposed the notion of a shared office space with other Councils. They indicated some Councils may wish to locate staff in the Sydney Office as their base of employment, or provide workspace for meetings or placement of consultants with staff for projects. This approach may save cost of travel by consultants and associated share of office accommodation costs, as well as work space for staff when visiting Sydney for other purposes.

The CBD office also has a conference room which would be useful for meetings in relation to Council business.

**Implications**

***Financial***

The terms of the WWCC rental agreement with the Government is a 1 year lease with 2x1 year options. The rent, inclusive of cleaning and security is \$771.75m2. Together with the SAP team, Wagga is proposing to lease 330m2 and is making a share of that space available to other councils for \$20k/year.

<b>Program Code</b>	<b>Expense Type</b>	<b>Funding source</b>	<b>Amount</b>
	Operational	Project office	\$ 20,000

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**9.6 Project Management Office (Ref: ; Author: Tegart/Tegart) (Continued)**

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***Resources (including staff)***

Discussions have been progressing with the CRJO to establish a regional project management office (RPMO) for some time. Most councils in the region have difficulty attracting and retaining specialist staff, engaging consultants at a reasonable fee, and are often subject to escalated prices for similar projects as they are not aggregated or sequenced across the region. Those issues are likely to be exacerbated with the onset of Snowy 2.0.

The impetus for the RPMO is to coordinate delivery of large-scale state and local projects in the region with benefits to include:

- focussed effort on projects based on strategic drivers
- focussed effort on delivery in electoral cycles, and the terms of grant/funding
- minimise exposure to cost escalation
- potential for specialisation, scale, sequencing, and synergies
- potential to smooth out capex
- potential to capitalise on, and minimise outsource to, consultants

If the Sydney CBD office opportunity were taken up, some of the barriers to attracting staff reluctant to move to QPRC and costs of consultancies may be eased.

**Conclusion**

Wagga Wagga City Council is seeking interest from NSW regional councils to share Sydney CBD office, with WWCC the primary tenant. It is recommended QPRC commit \$20,000 for FY20 and review next year.

**Attachments**

Attachment 1      Sydney Office Letter (*Under Separate Cover*)





9.7 Easement Creation - Lane off Pony Place, Carwoola (Ref: ; Author:  
Neil/Warne)

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File Reference: 204549

**Summary**

The NSW National Parks and Wildlife Service (NPWS) propose to create an easement over a small section of Council land to provide access to the Wanna Wanna Nature Reserve.

The proposal will legitimise an existing arrangement and will provide for NPWS to maintain the track and indemnify Council against any risk or loss. It is considered the proposal should be supported.

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**Recommendation**

**That Council support the creation of an easement over a track within lot 32 DP 871706 in favour of the Minister administering the *National Parks and Wildlife Act 1974*.**

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**Background**

A request has been received from the National Parks and Wildlife Service to grant it an access easement over lot 32 DP 871706 to formalise its access to the Wanna Wanna Nature Reserve from Pony Place, Carwoola.

This lot is owned by the Council and is categorised as Community Land under the *Local Government Act 1993*. It is not known, but it is assumed that it was created as part of a bridle path network associated with a lifestyle subdivision of land in this area of Carwoola.

There is a track along the land which is used as a fire trail and that is used by National Parks to access the Nature Reserve.



This access to the Nature Reserve is preferable, as the actual legal access is via a Crown road that is not useable.

**9.7 Easement Creation - Lane off Pony Place, Carwoola (Ref: ; Author: Neil/Warne)  
(Continued)**

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The proposed easement is merely formalising an existing arrangement and should be supported.

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

It is proposed that an "Easement of Access (NPWS & Authorised public access)" be created that would burden the Grantor (QPRC) and benefit the Grantee (NPWS) for the purposes of restricted access to the Nature Reserve. The grantee will be responsible for maintenance, signage and repair to the access track.

NPWS must accept all risks and legal responsibility for any claims associated with the easement and will indemnify QPRC in this regard.

Another option is in accordance with the *Roads Act 1993* the land could be declared as public road, but then it would be the Council's legal responsibility for upkeep. The easement is a better option as it limits use to the NPWS and requires it to maintain the track.

***Environmental***

Environmental effect is minimal as the track already exists.

***Financial***

Nil financial cost to the Council.

***Resources (including staff)***

NPWS will prepare and lodge the documentation for the easement creation. There is little involvement from Council merely checking the accuracy of the documentation.

**Conclusion**

It is considered that the easement proposal should be supported. It formalises an existing land use arrangement with the NPWS undertaking the future costs of track maintenance and the Council is indemnified against any claim or loss associated with the land usage.

**Attachments**

Nil

9.8 Proposed Closure - Brown St Queanbeyan (Ref: ; Author: Neil/Warne)

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File Reference: 31.1.4

**Summary**

A request has been received from the Queanbeyan Golf Club to close Brown Street and the land to form part of the Golf course. This closure has been previously proposed on several occasions and not been progressed.

The Council is requested to decide whether to progress the proposal.

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**Recommendation**

**That Council commence procedures in accordance with Part 4 Division 3 of the *Roads Act 1993* to close Brown Street Queanbeyan and the Queanbeyan Golf Club be advised of this decision.**

**OR**

**That Council note the request by the Queanbeyan Golf Club to support the closure of Brown St Queanbeyan and it not be progressed because of community concerns regarding the closure.**

---

**Background**

The following request has been received from the Queanbeyan Golf Club:

*The Club recently met with QPRC representatives to review the NSW Open, and future plans for the Queanbeyan Golf Club.*

*One of the items we discussed was the process to request the permanent closure of Brown Street between the first fairway, across the ninth fairway to Dodsworth St.*

*In effect, this would still provide for vehicular access to the golf club via Booth Street, and close the vehicular access from Dodsworth Street.*

*As you are aware during the NSW Open, Brown Street was closed to the public for the week of the tournament. This was very well received by all players, spectators and members not having to worry about the thought of either hitting a car with their tee shots or avoiding cars when walking across the road, even though they are playing golf on a golf course. It was very clear that with the road closed, we had a significantly safer operating environment. It should also be noted that the road closure did not prevent walkers and pedestrian traffic on the course.*

*In addition, during the temporary Brown St road closure, we structured a traffic management plan to only allow one-way traffic and entry from Booth St, with an exit via Trinculo PL.*

*This plan worked very well for the safe dissemination of high volume traffic during the NSW Open, and will be considered as a longer term option for big events such as the 2020 National Junior Championships that we have scheduled.*

**9.8 Proposed Closure - Brown St Queanbeyan (Ref: ; Author: Neil/Warne)  
(Continued)**

*As such the exit route was via a ring road past the clubhouse and down to Trinculo Pl, which is in urgent need of an upgrade. We would like the upgrade considered as part of the closure of Brown St. This upgrade would also allow for the safe direction of pedestrian traffic and parking for their vehicles, should a future river walk be implemented along the driving range.*

*QGC has also recently engaged a company Envirolink, to develop a five-year course plan, which amongst many recommendations for improvement, will have safety and environmental concerns at its core.*

*With these factors in mind, would you please advise of what further information or action is required by us, to have the permanent closure of Brown Street, formally considered.*

A site plan of the proposal road closure is show hereunder:



The closure of Brown Street has a long history which in the past has seen community opposition. The proposal was initially raised in 1989, it was again put forward in 1996 and was again considered in 2006 and all proposals were not supported at that time.

The main issues raised was the use of Brown St by residents of Dodsworth St and in 1996, speed humps and signage was installed. In 2006 the solution to the concerns was for the Club to put in place specific insurance arrangements for the Golf Club for any damage to users of Brown St.

The Club has worked hard in the past few year to increase its profile which culminated in hosting the NSW Women's Open in 2018. It is keen to build on this momentum and have other high profile events at the Course. The Club now sees the closure of Brown St as integral to future course development and is seeking Council support for the closure.

If the Council is successful in having the road closed, title to the land would vest in the Council and it could either hold it and lease or licence it to the Club or sell the land. It is known that the latter option is preferred by the Club.

**9.8 Proposed Closure - Brown St Queanbeyan (Ref: ; Author: Neil/Warne)  
(Continued)**

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

Brown St is a Council public road and procedures associated with Part 4 Division 3 of the *Roads Act 1993* must be observed. The public road closure decision rests with the Council.

S 38A of the *Roads Act 1993* states: *A council may propose the closure of a council public road for which it is the roads authority if:*

- (a) the road is not reasonably required as a road for public use (whether for present or future needs), and*
- (b) the road is not required to provide continuity for an existing road network, and*
- (c) if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.*

Notice is required to be publicly advertised, and provided to all adjoining property owners, and notifiable authorities. Submissions are to be invited for a minimum period of 28 days and after due consideration of submissions the Council can make a decision including declaring the road closed.

The Council decision to close a public road can be appealed to the Land and Environment court.

Upon closure, the public road becomes Council land and it can be managed in accordance with the *Local Government Act 1993* or disposed of.

Community consultation is an important part of the acquisition process and submissions will be considered.

***Asset***

The majority of the land adjoining Brown Street is crown land that has been vested in the Council. The infrastructure located on and in the road is a Council asset and recorded in the asset register.

If the Council were successful in closing the road, it would become a Council land asset and the road status would be lost. It may be sold.

There is a water main located in Brown St that if the road was closed and sold to the Golf Club, an easement would need to be created.

***Social / Cultural/ Economic***

The Queanbeyan Golf Club is endeavouring to raise the profile of the Club and attract major golfing events to the city and it considers that a public road running through the course is detrimental these endeavours.

If successful, these events will be beneficial for the community with increased tourism and business activity.

***Engagement***

The community engagement process associated with this proposal is a statutory procedure involving public advertising, advice to adjoining owners and public authorities.

**9.8 Proposed Closure - Brown St Queanbeyan (Ref: ; Author: Neil/Warne)  
(Continued)**

Previously when such a proposal has been brought forward there has been significant opposition from local residents.

***Financial***

There is not significant cost in processing a Council public road closure application and it can be accommodated within existing budgets.

<b>Program Code</b>	<b>Expense Type</b>	<b>Funding source</b>	<b>Amount</b>
		Public advertising expenses	\$ 2,000

If the road closure progressed and it was sold, there would be additional costs associated with survey, Land Registry processing and legal fees. It is estimated that this would be in the \$5K - \$10K range and it is expected that the Golf Club would be responsible for these costs.

Processes can be handed in house by the legal team.

**Conclusion**

There is merit in the Golf Club's request but from past experience there may be community opposition to the proposal.

**Attachments**

Nil

9.9 Renewal of Licence Agreement - Anglican School Googong (Ref: ; Author: Neil/Warne)

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**File Reference:** 207522 -0-15 Parade Googong

**Summary**

In 2014 a Licence Agreement was entered into by the Council for the use of the Oval at Googong by the Anglican School.

This arrangement have worked satisfactorily and renewal of the Licence Agreement for a further 5 years is supported. Accordingly, the statutory processes required to facilitate the renewal should be commenced.

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**Recommendation**

**That:**

- 1. The Officer's Report be received and noted.**
  - 2. Council agree in principle to enter into a five year Licence Agreement with the Anglican School Googong for use of the sports oval at Googong.**
  - 3. The Licence Agreement proposal be advertised in accordance with S47 and 47A of the *Local Government Act 1993*.**
  - 4. If no objection to the proposal is received the Licence Agreement be executed.**
  - 5. The Council approve the Mayor and the General Manager to execute the Licence Agreement on the Council's behalf.**
- 

**Background**

In the planning of Googong Township, provision was made for the Anglican School to use the adjacent sports oval and a 5 year Licence Agreement was executed in 2014.

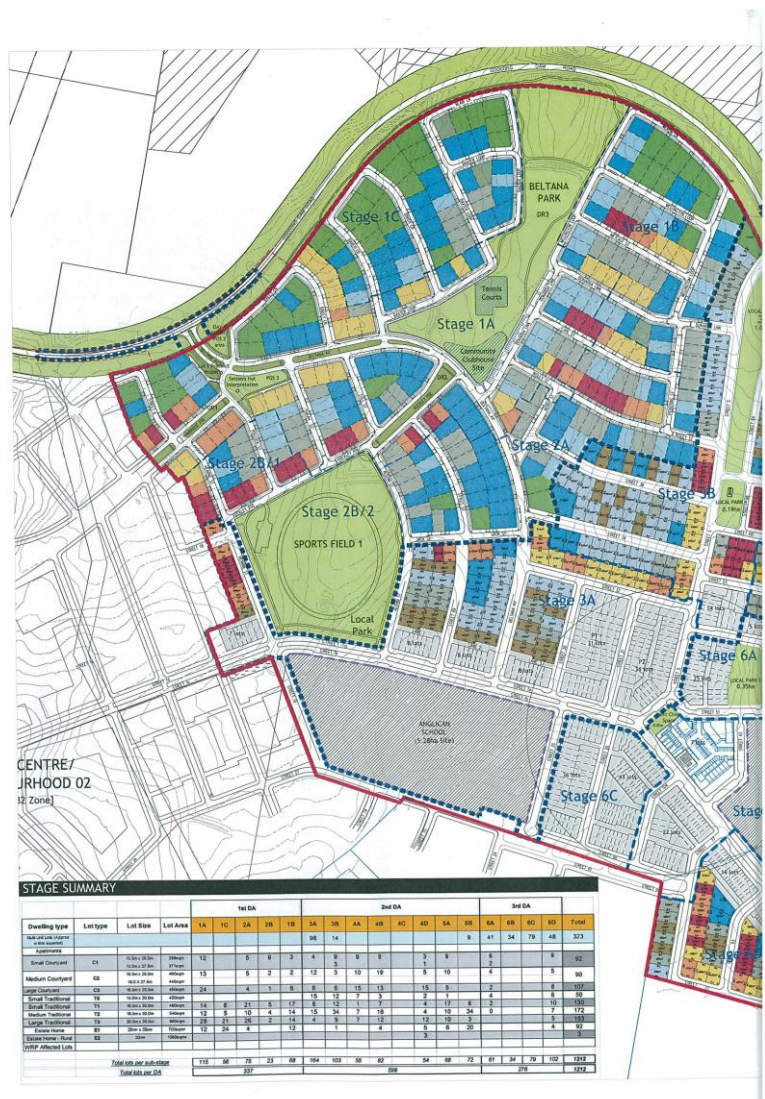
The school is now in its fifth year of operation and makes regular use of the oval for school sports activities. No problems have been experienced and no reason is seen as to why the existing arrangement should continue. The purpose of the Licence Agreement would be to provide a commitment for ground usage for a defined period and to enable a storage facility to be erected.

Renewal of a five year Licence Agreement with the Council is proposed for the school use of the Oval.

These arrangements have been broadly discussed and are fully supported by the Parks and Recreation team.

9.9 Renewal of Licence Agreement - Anglican School Googong (Ref: ; Author: Neil/Warne) (Continued)

A plan of the area showing the sportsground, School and Tennis Courts in Beltana Park is shown hereunder:



**Implications**

**Legal**

Sections 47 and 47A of the *Local Government Act 1993* requires that the grant a Licence Agreement for use of “community land” as classified by the *Local Government Act 1993* must go through a public consultation process and be publicly advertised, notification to surrounding property owners and signage on the site. The Council must consider any public comment that is received.

It is now a requirement of the *Native Titles (NSW) Act 1994* that a Native title assessment be undertaken. This task can be performed in house.

It has been the Council’s usual practice that it only consider the matter again if there is objection from the local community.



9.9 Renewal of Licence Agreement - Anglican School Googong (Ref: ; Author: Neil/Warne) (Continued)

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**Asset**

The Oval is an asset of the Council available for public use. It is recorded in the Council asset register.

**Engagement**

To be undertaken in accordance with S 47 and 47A of the *Local Government Act 1993*

**Financial**

The costs associated with the process are minimal and are the advertising (\$1,500). The documentation is prepared in house so there is no legal costs.

**Conclusion**

The Licence agreement renewal is appropriate and will commit to an existing arrangement. As Googong develops and matures these arrangement may need to be reviewed and the five year term provides flexibility in this regard.

**Attachments**

Nil



## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.10 Appointment of Representatives to the Audit, Risk and Improvement Committee (Ref: ; Author: Tegart/Warne)**

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File Reference: 45.3.1

**Summary**

A process has been undertaken to appoint new representatives to the Audit, Risk and Improvement Committee (ARIC) and it is now appropriate to finalise these appointments.

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**Recommendation**

That:

- 1. Council confirm the appointments of Andrew Cox, Max Shanahan and Carolyn Rosetta-Walsh as external members of the Council's Audit Risk and Improvement (ARIC) Committee.**
  - 2. A draw by lot be held at the next Committee meeting to determine the length of tenure for external members so that there is an annual appointment process and a rotation of external members.**
- 

**Background**

When QPRC was proclaimed the external members of the Audit, Risk and Improvement Committee (ARIC) were appointed from the membership of the former Councils' Audit Committees for a three year period.

A report in this regard was considered at the Council meeting on 27 March 2019 where it was agreed that expressions of interest (EOIs) would be invited for three external member positions from suitable persons with appropriate skills and experience.

An Evaluation Panel comprising the Mayor, the CEO and the Portfolio General Manager, Organisation Capability was established to consider the EOIs received and make a recommendation to the Council for appointment.

This task has been undertaken with eight EOIs were received from a wide and varied field of applicants with diverse experience and qualifications. After evaluation the Panel supports the appointment of Andrew Cox, Max Shanahan and Carolyn Rosetta-Walsh to the Committee. Mr Cox and Mr Shanahan are existing members of the Committee and bring a wealth of experience in internal audit and ARIC membership. Ms Rosetta-Walsh is an experienced internal auditor, has worked in this capacity in NSW Councils and in private practice and was highly recommended by referees.

It is considered that the appointees will be effective members of the Committee.

In order to ensure continuity with the Committee, it is proposed that a draw by lot occur at the first meeting of the new Committee for one, two and three year tenure. Thereafter each year a position on the Committee would become vacate and would be filled. This would avoid the possible loss of collective Committee expertise at one time in the future.

**9.10 Appointment of Representatives to the Audit, Risk and Improvement Committee  
(Ref: ; Author: Tegart/Warne) (Continued)**

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**Conclusion**

It is now proposed that the Evaluation Panel's selection for the Audit, Risk and Improvement Committee be endorsed and arrangements be put in place for the forthcoming Committee meeting.

**Attachments**

Nil

9.11 **Good Governance Framework and Draft Legislative Compliance Policy**  
(Author: Tegart/Spyve)

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**File Reference:** 304696/52.5.4

**Summary**

Council has been reviewing and harmonising policies since the 2016 merger. The NSW Audit Office management letter for the year ending 30 June 2018 noted that Council did not have a documented legislative compliance policy. The Planning & Productivity Coordinator has been working on the development of a Legislative Compliance Policy and Good Governance Framework for QPRC. This report is seeking Council's approval to place the Framework and draft policy on public exhibition to seek community input.

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**Recommendation**

**That Council:**

- 1. Place the Draft Good Governance Framework and draft Legislative Compliance Policy on public exhibition for a period of 28 days to seek community comment on their provisions.**
  - 2. Receive a report on the feedback received prior to the Framework and Policy's final adoption.**
- 

**Background**

The merging of two councils provides many challenges, one of the more significant is the harmonisation and updating of the policies of the previous councils. The Department of Premier & Cabinet (DPC) produced guidelines advising councils how to implement the amalgamation process in which they highlighted the need to review and harmonise policies. Council's *Transition Plan 2016-2019* identified a specific action to commence a review of the range of policies which the two council's had. Actions 1.1.4.33 and 1.1.4.34 in the Transition Plan require QPRC to:

*Develop a prioritised program in the Implementation Plan to harmonise policies and procedures.*

As noted above, the Audit Office specifically identified the need for QPRC to develop a Legislative Compliance Policy. This comment was not necessarily correct as QCC had in place a Legislative Compliance Policy which was identified as a policy requiring updating as part of the Policy Harmonisation Project. Since the development of QCC's Legislative Compliance Policy there has been a significant shift in the development of governance frameworks which impact upon NSW councils.

Two of the most significant changes have been:

1. The development of a new standard – AS/ISO 19600:2015 – Compliance Management Systems. This new standard replaces AS3806:2006 which just looked at individual compliance programs. ISO19600:2015 is requiring councils to take a more holistic approach and look at compliance management systems.
2. The Audit Office's promotion of the Governance Lighthouse to look at internal systems and processes within councils to achieve good governance outcomes.

9.11 Good Governance Framework and Draft Legislative Compliance Policy (Author: Tegart/Spyve) (Continued)

ISO 19600:2015 recognises that if an organisation is to be successful in the long term it needs to maintain a culture of integrity and compliance and to consider the needs and expectations of stakeholders. In particular they need to develop and maintain management systems based on the continual improvement principle (Plan-Do-Check-Act) – See diagram below.

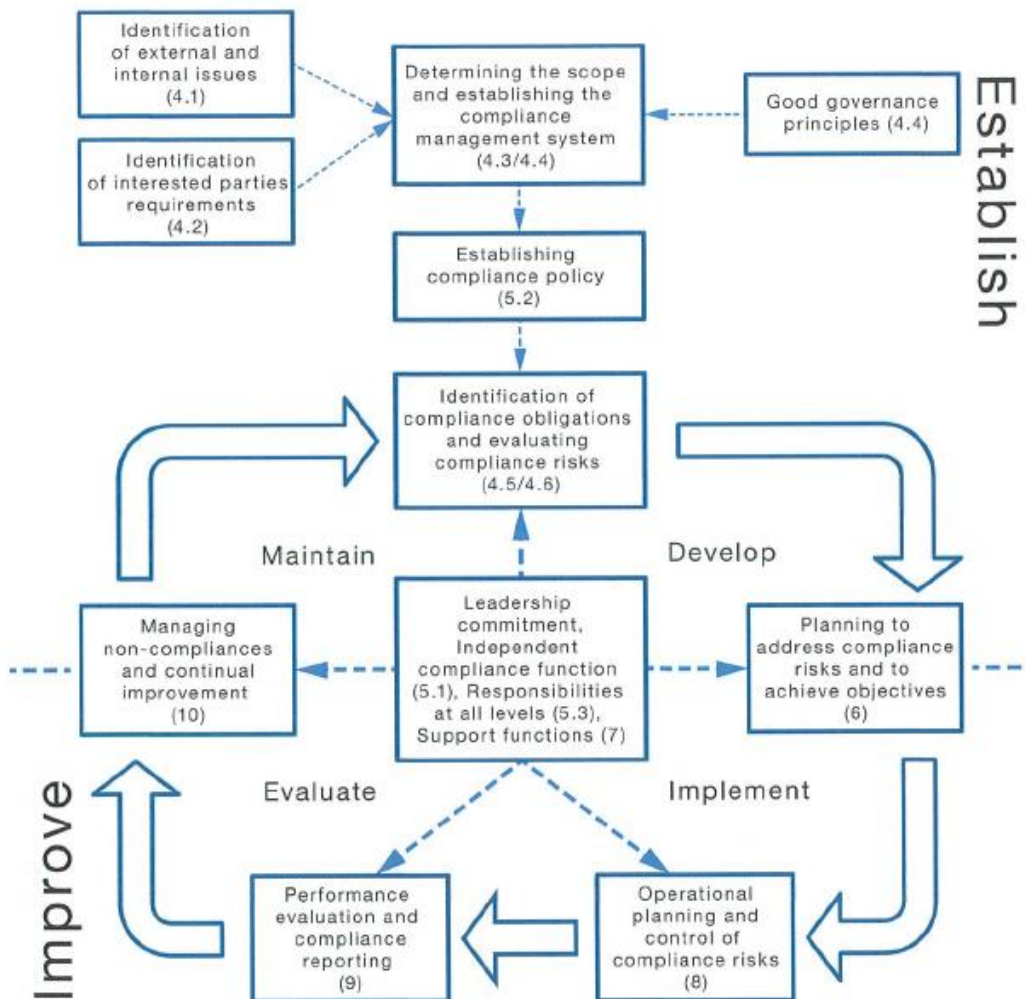


Figure 1 — Flowchart of a compliance management system

The establishment of good governance principles is seen as critical to the creation of a compliance management system. In light of this, a Good Governance Framework has been drafted for QPRC – (See Attachment 1). Council’s Good Governance Framework is based upon two best practice models, one of which is the ‘Governance Lighthouse’. This approach has been taken as the Governance Lighthouse primarily focusses on internal business processes and is relatively weak on providing for external governance requirements as is required by the Quadruple Bottom-line of Integrated Planning & Reporting.

Council defines ‘good governance’ as:

*‘Doing the right things, legally, for the right reasons for the right people in a timely, inclusive, open, honest and accountable manner.’*

To achieve good governance Council needs to ensure that:

- (1) It provides for robust, transparent and accountable external outcomes for the community it serves, and

**9.11 Good Governance Framework and Draft Legislative Compliance Policy (Author: Tegart/Spyve) (Continued)**

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- (2) It has in place internal business processes which ensure it is achieving its intended purpose whilst meeting community expectations of probity, accountability and transparency.

Therefore a Good Governance Framework should ensure it has strong, robust and accountable internal business processes and models external focused behaviours/principles which promote public confidence in the organisation. Council has drawn upon two best practice models of good governance to achieve this dual internal/external focus. Internally it has utilised the 'Governance Lighthouse' which is advocated by the NSW Audit Office, whilst externally, it has drawn upon the Council of Europe 'Twelve Principles of Good Democratic Governance at the Local Level' Model.

The Governance Lighthouse consists of Eight (8) Principles with 17 Components which concentrates on a council's internal business processes and behaviours to ensure that an organisation performs by achieving its intended purpose, and conforms by complying with all relevant laws, codes and directions while meeting community expectations of probity, accountability and transparency.

The Council of Europe Good Governance Model advocates 12 key principles that councils need to practice to create an environment of trust and confidence with the community they serve. Although these models have a different focus (one internal – one external) they are not mutually exclusive. In fact, they are complimentary and in some aspects overlap. However, when combined they provide for a strong framework on how a Council can achieve good governance. (See Attachment 1)

Within the Good Governance Framework is the Legislative Compliance Policy (Attachment 2). The policy draws upon the broad principles identified within the Good Governance Framework. The purpose of the policy is:

- To ensure that Queanbeyan-Palerang Regional Council complies with legislative requirements and
- Promotes a culture of good governance and compliance within the organisation in line with Council's Good Governance Framework
- Prevents, and where necessary, identifies and responds to breaches of laws, regulations, codes or organisational standards occurring in the organisation, and
- Assists the Council in achieving the highest standards of governance.

The policy sets out the individual roles and responsibilities of Council Officials (Councillors, Committee Members, Senior Management and Employees) in respect of achieving good governance within the organisation.

This report is seeking Council's approval to place the Draft Good Governance Framework and Draft Legislative Compliance Policy on public exhibition for 28 days to seek community feedback on their provisions. Once this comment has been received the draft Framework and draft Policy will be reported to Council for adoption.

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

Council is required to undertake a policy harmonisation process as part of its transition to the newly merged Council and to ensure that all its policies are relevant and up to date.

**9.11 Good Governance Framework and Draft Legislative Compliance Policy (Author: Tegart/Spyve) (Continued)**

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The Audit Office identified the need for Council to have in place a Legislative Compliance Policy.

***Engagement***

Due to the framework and policy likely having a high public interest, it is recommended that they be placed on public exhibition for the period of 28 days to seek community feedback. Once this feedback has been received the Framework and Policy will be reported back to Council for final adoption.

***Integrated Plan***

The policy harmonisation project aligns with the following Key Goals of the Queanbeyan-Palerang Community Strategic Plan 2018 – 2028:

- Goal 5.1 Our Council is highly professional in delivering services to the community
- Goal 5.3 Our council has in place systems to provide quality services to its customers
- Goal 5.5 Our Council has in place appropriate risk management frameworks
- Goal 5.7 We have a well informed and engaged community
- Goal 5.8 Our Council's activities work to achieve the Community's Vision and aspirations

**Conclusion**

As part of the merger process, Council is required review and harmonise the policies of the two former councils as per Actions 1.1.4.33 and 1.1.4.34 of Council's Transition Plan 2016-2019. Council has been reviewing its policies since its creation in May 2016. The development of a Good Governance Framework and Legislative Compliance Policy forms part of this Policy Harmonisation Project.

**Attachments**

Attachment 1      Draft Good Governance Framework (*Under Separate Cover*)



Attachment 2      Draft Legislative Compliance Policy (*Under Separate Cover*)





9.12 Draft Public Interest Disclosures Act - Internal Reporting Policy (Author:  
Tegart/Spyve)

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File Reference: 304934/52.7.3

**Summary**

All NSW Councils are required by the provisions of the *Public Interest Disclosures Act 1994* to have a policy and procedure for the receiving, assessing and dealing with public interest disclosures. Both the former Queanbeyan and Palerang Councils had such policies. A new policy has been developed as part of Council Policy Harmonisation Project.

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**Recommendation**

**That Council adopt the QPRC Public Interest Disclosures Act – Internal Reporting Policy.**

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**Background**

Under Section 6D of the *Public Interest Disclosures Act 1994* (PID Act), all NSW public authorities are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures. Councils' policies are required to be based on a Model Internal Reporting Policy developed by the NSW Ombudsman's Office.

A Council's Internal Reporting Policy must:

- be strongly endorsed by the Mayor and CEO
- show the Council's commitment to high standards of ethical and accountable conduct and confirm that it will not tolerate any form of wrongdoing
- conform with the Code of Conduct and/or other relevant ethical codes
- address the relevant provisions of the PID Act
- state that staff who come forward and report wrongdoing are helping to promote integrity, accountability and good management within the council
- outline the council's broader responsibilities under the PID Act, such as reporting on public interest disclosures
- state that it is supported by procedures based on the Ombudsman's guidelines
- refer to any other relevant policies or procedures, such as the council's code of conduct and grievance policy, and provide information about how staff can access that information
- be publicly available on your council's website
- be implemented by the council through staff awareness training.

The policy covers the reporting of wrongdoing by Council officials (staff, councillors, consultants, contractors and delegates) within an organisation via the mechanism of a Public Interest Disclosure (PID). A PID can be triggered by a council official honestly believing, on reasonable grounds, that they have information that shows or tends to show acts of wrongdoing within an organisation.

Wrongdoing is defined as covering five categories of serious misconduct which consist of:

- Corrupt conduct
- Maladministration
- Serious and substantial waste of public money
- Breach of the GIPA Act, and

**9.12 Draft Public Interest Disclosures Act - Internal Reporting Policy (Author: Tegart/Spyve) (Continued)**

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- Local Government pecuniary interest contravention

PIDs are designed to provide for the investigation of reported instances of wrongdoing whilst at the same time providing adequate protection to person who reports such.

A draft policy has been developed meeting these requirements and is attached to this report.

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

Council is required to undertake a policy harmonisation process as part of its transition process to bed in the newly merged Council and to ensure that all its policies are relevant and up to date. The *Public Interest Disclosures Act 1994* requires all councils to have in place an Internal Reporting Policy and Procedure to deal with the management of public interest disclosures.

***Engagement***

The NSW Ombudsman's office has developed a model policy which all councils are required to have their Internal Reporting Policy based upon.

Accordingly it is recommended that this policy does not need to be placed on public exhibition because:

1. The policy is a compulsory requirement of the Public Disclosures Act.
2. It is based upon provisions which the NSW Ombudsman's Model Policy contains.
3. PIDs can only be raised by public officials (councillors and staff). Members of the public must use other mechanisms if they wish to report serious misconduct.
4. The policy only deals with internal business processes on how to report and manage the processing of complaints about serious misconduct – and these business processes are set by the Model Policy.
5. Nothing the public might raise in a submission could alter these business processes.

In light of the above it is recommended that the policy does not need to be placed on public exhibition.

***Integrated Plan***

The policy harmonisation project aligns with the following Key Goals of the Queanbeyan-Palerang Community Strategic Plan 2018 – 2028:

- **Goal 5.1** Our Council is highly professional in delivering services to the community
- **Goal 5.3** Our council has in place systems to provide quality services to its customers
- **Goal 5.5** Our Council has in place appropriate risk management frameworks
- **Goal 5.7** We have a well informed and engaged community
- **Goal 5.8** Our Council's activities work to achieve the Community's Vision and aspirations


**9.12 Draft Public Interest Disclosures Act - Internal Reporting Policy (Author:  
Tegart/Spyve) (Continued)**

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**Conclusion**

Council is required review and harmonise the policies of the two former councils as per Actions 1.1.4.33 and 1.1.4.34 of Council's Transition Plan 2016-2019. Council has been reviewing its policies since its creation in May 2016. The development of an Internal Reporting Policy forms part of this Policy Harmonisation Project as well as meeting the requirements of Section 6D of the *Public Interest Disclosures Act 1994*.

**Attachments**

Attachment 1  Public Interest Disclosures Act - Internal Reporting Policy (*Under Separate Cover*)



9.13 Investment Report - June 2019 (Ref: ; Author: Neil/Drayton)

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File reference: 43.3.1

**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 June 2019.

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**Recommendation**

**That Council:**

1. **Note the 2018/19 investment income for June 2019 was \$1,021,971.**
  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 June 2019.**
- 

**Background**

***Cash and Cash Equivalent Investments***

The principal amount invested as at 30 June 2019 was \$221,949,348.

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 June 2019 was 1.30%.

At its July 2019 meeting, the Reserve Bank (RBA) board again elected to lower the cash rate by a further 25 basis points to the record low rate of 1.00%.

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

The TCorpIM Long-Term Growth Fund rebounded to finish the financial year with a strong positive return in June 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 produced a solid return in June 2019. The Fund contains 58% defensive assets.

**9.13 Investment Report - June 2019 (Ref: ; Author: Neil/Drayton) (Continued)**

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**Implications*****Policy***





I hereby certify that Queanbeyan-Palerang Regional Council investments listed in Table 5 of the attached Investment Report Pack (Attachment 3) 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.

Lucas Scarpin  
Interim Chief Financial Officer

***Financial***

Investment income for the 2018/19 Financial Year amounted to \$6,610,592. The investment returns are added to the associated restricted funds (i.e. development contributions) that form Council's investment portfolio.

**Attachments**

- |  |  |
|--|--|
|  Attachment 1   | June 2019 - Budgeted Interest Allocation by Entity ( <i>Under Separate Cover</i> ) |
|  Attachment 2   | June 2019 - Budget vs Actual Graph ( <i>Under Separate Cover</i> )                 |
|  Attachment 3  | June 2019 - Investment Report Pack ( <i>Under Separate Cover</i> )                 |
|  Attachment 4 | June 2019 - Economic Commentary ( <i>Under Separate Cover</i> )                    |

9.14 Family Day Care - 2019/20 Fee (Ref: ; Author: Richards/Tozer)

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File Reference: 2.1.1

**Summary**

There was an oversight in the resolution for the report on the draft Fees and Charges on 6 June regarding a fee associated with the Family Day Care service.

Until a decision has been made by Council, no charges will be levied for this service. Options are provided in the report.

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**Recommendation**

**That Council determine the fee for the Harmony system for Family Day Care educators for the 2019-20 financial year.**

---

**Background**

During the exhibition of the draft Fees and Charges, Council received a submission regarding the Harmony Timesheet Fee for Family Day Care educators. In the report, Council was presented with options for the fee, however in resolving the matter neither of the options were selected.

This report has been presented for Council to make a decision regarding the fee for 2019-20.

The Harmony system (used by Family Day Care) introduced electronic timesheets for its educators last year. While this has created efficiencies in the administration of the Family Day Care unit, it does come with a cost of \$3.30 per educator, per week. The fee included in the draft Fees and Charges is designed to recover these costs, which are around \$4,500 per year. There has been no uniform response from Day Care Schemes in that some pass the fee on to their educators and some absorb it. Generally speaking the schemes with higher fees such as QPRC Family Day Care are absorbing the cost and the schemes with traditionally lower fees are charging the Harmony cost to their educators.

**Implications**

***Engagement***

During the exhibition of the 2019-20 draft Fees and Charges the following submission was received from a Family Day Care educator:

*I would like to make comment on the proposed fees and charges for Queanbeyan Family Day Care. Thank you for not increasing the admin or educator levy in the draft proposal. I would like you to reconsider your proposal to start charging \$3.32 per week for Harmony. This cost has been covered by Council for the past 12 months. I personally haven't started using it yet but will be as of the 18 of June. Given that we don't have a choice but to use the new system and I already pay \$468 a fortnight for services I feel it could be covered for at least another 12 months.*

**9.14 Family Day Care - 2019/20 Fee (Ref: ; Author: Richards/Tozer) (Continued)**

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The staff response to this submission is as follows:

*This fee has been introduced following the change from paper to electronic timesheets for educators. This has reduced administrative tasks, but has an ongoing cost associated with it. Currently, Family Day Care pays \$3.30 per educator, per fortnight to process the timesheets. Annually, this costs around \$4,500 per year which is absorbed by Family Day Care.*

*Staff support the removal of this fee and the change for the 2019-20 financial year as this change has provided other efficiencies within the business area.*

A separate submission was received from a staff member, requesting the fee be waived completely.

**Options:**

That Council either:

- 1) Retain the harmony timesheet fee, but discount the charge for the 2019-20 financial year to \$0. After the 2019-20 financial year, the fee will be applied
- 2) Consider phasing in the charge over the next two financial years.
- 3) Absorb the cost of the harmony timesheet fee into the current fees charged.

***Financial***

If Council elects to discount the fee for 2019-20, this will have an impact on the overall budget of the Family Day Care service. The income expected if the full fee is applied is around \$4,500 per year. Due to the restructure of the Administrative team, the Family Day Care budget will be in surplus.

**Conclusion**

A decision is required on Council's approach to the Harmony Timesheet fee for Family Day Care educators. If a discount is applied, the costs will be absorbed by the Family Day Care service.

**Attachments**

Nil



10.1 Mick Sherd Oval Condition Report (Ref: ; Author: Thompson/Geyer)

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**File Reference:** 286705

**Report**

Over the past few weeks there has been an increased social media chatter regarding the condition of Mick Sherd Oval, Bungendore.

Council may recall, this oval had suffered due to the dry conditions, poor irrigation and heavy use over past years. Staff were unable to fertilise or top dress as would normally occur on standard ovals due to the type of subsoil irrigation and the lack of rain. Council resolved to carry out an interim period of watering with travelling irrigators and allocated \$160,000 for installation of a new irrigation system which was commissioned in March 2019.

Staff have endeavoured to irrigate the fields however, the short growing season, commencement of the football season and continued heavy usage since has prevented establishing a good grass cover.

Staff met with representatives of the Bungendore Junior Tigers and Bungendore Mudhooks onsite in an attempt to get a better understanding of the issues impacting the users. Rugby League has raised the main concerns with the lack of grass cover and occasional rocks working up from the irrigation trenches. While the trenches have been top dressed to level the oval, the nature of Rugby League does churn up the soil if grass coverage is low. All sporting clubs are required to conduct a field inspection prior to play as part of their condition of hire.

It was generally agreed that in order for the grass cover to be effectively re-established it would be necessary to close the field for a period of approximately three months in the upcoming growing season. Staff have prepared a plan to renovate the field in spring and have secured quotes for this work. That work will include further topdressing and levelling, fertiliser, aeration and over-sowing of the playing surface. The renovation will require the staff to discuss the field closure with the affected summer sports clubs.

While the renovations will overcome the current lack of grass, the overuse issue will only be resolved with the commissioning of the new Bungendore Sports Hub. Design work for the sports hub is almost complete and acquisition is proceeding through the appropriate processes. It is expected the new complex will be available for a netball summer comp in 2020 and all sports in winter 2021.

---

**Recommendation**

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

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**Attachments**

Nil



10.2 Major Projects Status - Stronger Communities Fund (Ref: ; Author:  
Tegart/Ferguson)

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File Reference: 2.6

**Summary**

This report provides an update on the status of major infrastructure projects that were funded through the \$9m second round of the Stronger Communities Fund Program (SCF).

**Background**

Following the local government amalgamations in 2016, the NSW Government provided funding to the newly-formed regional councils of \$10m each under the Stronger Communities Fund Program.

The funding was offered in two parts:

1. Round 1 - \$1m to be provided to not-for-profit, incorporated community organisations upon application for projects up to a value of \$50,000 each that directly benefitted the Queanbeyan-Palerang community.
2. Round 2 - \$9m to be provided for major infrastructure projects nominated by Council, excluding roads projects.

Projects funded in the SCF Program had to be underway by 30 June 2018, completed by 30 June 2019 and acquitted by 31 December 2019. Any variation to these dates requires written approval from the Office of Local Government (OLG).

The funding agreement between the OLG and QPRC requires six-monthly reports to be submitted to the OLG for the duration of the Program. It also requires status reports to Council.

The table below lists the projects funded under Round 2 and their status as at 30 June 2019 for Council's information.

No.	Approved project	Funding	Status of project
1	Public toilet block at Araluen Recreation Ground Reserve	\$15,000	Project completed.
2	Upgrades to Braidwood, Bungendore, Captains Flat swimming pools	\$400,000	The majority of the funding to be allocated to the Braidwood pool. Any left-over funds are to be distributed to Captains Flat. Works to include replacing underground plumbing infrastructure and pool tiling. No bids received after going to tender; to go out to tender again. Tiles have been purchased.
3	Town centre improvements Braidwood	\$500,000	Work commencing September/October 2019 to replace playground in Ryrrie Park. Other upgrades to

## 10.2 Major Projects Status - Stronger Communities Fund (Ref: ; Author: Tegart/Ferguson) (Continued)

			park furniture are in progress.
4	Town centre improvements Bungendore	\$500,000	Project completed.
5	Rusten House – complete restoration of a dilapidated heritage listed building to be used as a community arts centre for Queanbeyan	\$550,000	The roof replacement contract was completed May 2019. The building refurbishment goes to tender end of July and works expected to be completed by December 2019.
6	Abbeyfield Bungendore	\$500,000	The amendment to <i>Palerang Local Environmental Plan 2014</i> enabling development for the purpose of seniors housing with development consent on the site was notified (gazetted) on 10 August 2018. A development application is yet to be lodged by Abbeyfield.
7	Dog Park Googong	\$125,000	Project completed.
8	Refurbish netball courts Karabar	\$175,000	Project completed.
9	Wet play area, Queanbeyan Aquatic Centre	\$450,000	Project completed.
10	Queanbeyan Showground grandstand restoration	\$350,000	Project in progress.
11	Seiffert Oval lights	\$200,000	Project completed.
12	Braidwood Recreation Ground Stage 2	\$300,000	Work commencing August 2019.
13	Bungendore Recreation Ground Stage 1	\$1,500,000	Work commencing July 2019.
14	River path including low level footbridge Queanbeyan	\$760,000	Shared path completed. Footbridge in progress.
15	Karabar streetscape improvements, commercial precinct	\$46,000	Project completed.
16	Queanbeyan Park central playground equipment	\$250,000	Project completed.
17	Glebe Park Playground	\$90,000	Project completed.
18	Henderson Road Recreation Area	\$125,000	Project will be completed by July 2019.
19	Seiffert Oval spectator entrance improvements	\$200,000	Project will be completed by July 2019.
20	Upgraded community facilities Captains Flat	\$100,000	Project completed.
21	Lascelles Street upgrade Braidwood	\$800,000	Design being finalised.
22	Upgrade lighting Margaret Donohue Oval	\$200,000	Project completed.

**10.2 Major Projects Status - Stronger Communities Fund (Ref: ; Author:  
Tegart/Ferguson) (Continued)**

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23	Queens Bridge approach enhancement from Yass Road	\$200,000	Project completed.
24	Water storage infrastructure Braidwood Servicemen's Club	\$45,000	Project completed.
	TOTAL	\$8,381,000	

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**Recommendation**

That Council note the report on the status of major infrastructure projects funded through the \$9m second round of the Stronger Communities Fund Program.

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**Attachments**

Nil



10.3 Canberra Region Joint Organisation (Ref: ; Author: Tegart/Tegart)

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File Reference: 52.8.1

**Report**

The Board of the Canberra Region Joint Organisation (CRJO) has advised the Executive Officer has separated from the organisation.

An interim Executive Officer will be appointed while the recruitment for a new EO is progressed over coming months. A review of the organisation structure and strategic priorities for the next 12 months will also be undertaken.

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**Recommendation**

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

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**Attachments**

Attachment 1      Media Release (*Under Separate Cover*)







11.1 Audit, Risk and Improvement Committee meeting 19 June 2019 (Ref: ; Author: Warne/Bozzato)

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File Reference: 45.3.1

**Summary**

This report informs Council of the outcomes of the Audit, Risk and Improvement Committee meeting of 19 June 2019.

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**Recommendation**

**That Council note the minutes of the Audit, Risk and Improvement Committee meeting held on 19 June 2019.**

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**Background**

The thirteenth meeting of the Audit, Risk and Improvement Committee was held on 19 June 2019, at which papers were considered dealing with:

- implementation of recommendations contained in Internal Audit and NSW Audit Office reports
- activities of the Financial Statement sub-committee
- project gateways included in Council's project management framework for infrastructure and building projects
- an update on Council's major technology related projects
- Council's insurance for cybersecurity events provided under the policy with StateWide Mutual
- significant issues central to the financial administration of Council.

The Portfolio General Manager, Natural and Built Character provided the Committee with an overview of the Portfolio's structure, functions and activities and major cross portfolio risks.

The NSW Audit Office provided the Committee with an overview of:

- outcomes of issues addressed in that office's 'Interim Management Letter for the year ending 30 June 2019'
- results from the recently completed performance audit 'Workforce Reform in Three Amalgamated Councils' which evidenced a positive outcome for QPRC, particularly in relation to reporting on the realisation of planned amalgamation benefits.

Council's Planning and Productivity Coordinator provided the Committee with an update on development of Council's governance framework and legislative compliance policy. He discussed two public sector frameworks that are being assessed as models to potentially inform development of Council's framework. Those models were the 'Governance Lighthouse', published by the NSW Audit Office, and Council of Europe Good Governance Model for local government.

Council's contracted internal audit provider, O'Connor Marsden and Associates, submitted the proposed 2019 Internal Audit Plan for endorsement. The Committee accepted the plan subject to the scope of the proposed audit of Council's Workforce Health and Safety

11.1 Audit, Risk and Improvement Committee meeting 19 June 2019 (Ref: ; Author: Warne/Bozzato) (Continued)

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arrangements being reviewed following finalisation of the independent certification review of that framework which is currently underway.

**Implications**

***Legal***

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

**Attachments**

- Attachment 1 Minutes of 19 June 2019 meeting of the Audit, Risk and Improvement Committee (*Under Separate Cover*)
- Attachment 2 2019 Internal Audit Plan (*Under Separate Cover*)

12.1 Captains Flat Road - Foxlow Alignment

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File Reference: ORD022-5

**Notice**

Councillor Trevor Hicks will move the following motion:

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**Motion**

**That Council commence design and boundary alignment for the construction of road bypass in front of Foxlow homestead.**

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**Background from Cr Hicks**

Captains Flat Road has over recent years been improved as a regional road from the Kings Highway roundabout up to Briar Sharrow road. Unfortunately from there to Captains Flat the road has remained neglected and is considered by every road user living in Captains Flat or travelling along the road as a major safety concern.

This motion aims to address the highest priority considered by many to reduce any further fatalities that may result. With an increase in logging truck activity and other vehicles on this section of road is highly dangerous and poses the most threat to motorists. The Foxlow bend is a section of road which is categorised by poor line of sight, narrow corridor width, and sharp off camber angles.

Any significant improvement to these corners will require widening of the road reserve. Easing of radius will encroach directly into adjacent land, while widened shoulders and improvement of camber will simultaneously increase the depth and therefore width of cuttings. This motion is expected to remove two sharp corners with the minimum of earthworks required and the least amount of disruption to motorists. Captain's Flat road would remain open and project will have heavily reduced costs with traffic control.

The 2.2km alternate approach would follow the power and telephone line easement providing a long straight section suitable for overtaking and improve future access to infrastructure corridors.

***Financial Implications***

Our local member has committed to improving Captains Flat Road and has included \$10 million in last week's budget.

**Staff Comment:**

The full scope of works to be delivered with the state government grant of \$10M is yet to be determined, and design has not commenced. Once the funding agreement has been established, Council staff will undertake a review of Captains Flat Road and prioritise the works. Once the scope of works has been determined, a report will be presented to Council.

**Attachments**

Attachment 1 Proposed Foxlow map layout (*Under Separate Cover*)





## NOTICES OF MOTIONS

**12.2 Bungendore Waste Transfer Station upgrade**

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File reference: ORD022-5

**Notice**

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

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**Motion**

**That changes/upgrades be made to the Bungendore Waste Transfer Station to restrict/negate the escape of rubbish into neighbouring properties.**

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**Background from Cr Schweikert**

The mover has received complaints from neighbouring properties to the Bungendore Waste Transfer Station (WTS) about the amount of rubbish that escapes the rubbish pile and blows around the area.

As Councillors will know, the shed for dumping household waste is quite open to the elements. The current design is not restricting the escape of rubbish enough given the high winds experienced in the area. Many times Council is required to conduct manual rubbish collection on neighbouring properties each year.

***Financial Implications***

Funds to be allocated from the Waste Fund.

***Follow up***

Report back to Council no later than January 2020 on measures, cost etc to be applied and timeframe for completion.

**Staff Comment**

As part of the waste strategy development, Council staff have been considering how to improve the litter situation. Options being considered (in isolation or as a suite of measures) include the following:

- Construction of a windbreak/enclosed portal on the western side of the push pit area
- Installation of a compactor with a wind shroud to improve bin loading operations
- Changes to site fencing materials and increase in fence heights

Council staff are aware of the litter issue and routinely undertake litter collection activities on both our land and adjacent properties. Due to staffing limitations, this sometimes requires the use of external contractors which means that we cannot always react in a timely manner following large wind events.

**Attachments**

Nil



12.3 Governance Improvement

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**Notice**

Councillor Mark Schweikert will move the following motion:

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**Motion**

1. That amendments be made to the QPRC Code of Meeting Practice to ensure business papers for any public meeting of Council that are over 1,500 pages (including all annexes, enclosures, reports, attachments and confidential items - unless previously presented) be published 24 hours earlier than the current practice.
2. Any further 1,500 pages i.e. 3,000, to the business paper will require another 24 hours notice, i.e. 48 hours, and so on.
3. Notices of motions from Councillors are exempt and will still be accepted up to 12.00noon on the Wednesday before the meeting and issued as a Supplementary as per the normal time frames if the business paper is published early.

OR

**A page limit of 1,500 pages (including all annexes, enclosures, reports, attachments and confidential items – unless previously presented) be set on all business papers for meetings of Council with Councillor Notices of Motion being exempt.**

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**Background from Cr Schweikert**

A common complaint from the community for individual items on Council's business paper agendas is that they do not have the time to read, process and formulate a position on the item. This leads to confusion, misinformation and potentially mistrust through a perceived lack of transparency and inclusiveness.

For Councillors (particularly with other employment) this is more difficult when trying to read, process and comprehend an entire agenda of more than 1,500 pages with only five day's notice.

Councillors i.e. decision makers, need time to comprehend important and/or complex issues to the community in order to better represent the electorate and take into account relevant factors from staff and stakeholders alike.

**The Motion**

Earlier publication of larger business papers aids in meeting the obligations set out in Section 2 of the QPRC *Code of Meeting Practice* "Meeting Principles" in that Council meetings should be:

- *Transparent: Decisions are made in a way that is open and accountable.*
- *Informed: Decisions are made based on relevant, quality information.*
- *Inclusive: Decisions respect the diverse needs and interests of the local community.*
- *Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.*
- *Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.*

**12.3 Governance Improvement**

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Section 3.7 of the QPRC *Code of Meeting Practice* states that:

*The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.*

Thus Section 3.7 does not negate the ability of Councillors to set Policy with regard to the time business papers can be issued, only a minimum amount of time for notice is required.

Earlier publication of larger papers (over 1,500 pages) also aids Councillors meet their obligation under Section 232 of the NSW Local Government act, **The role of a Councillor**, specifically Paragraph 1, subsection (b) *to make considered and well informed decisions as a member of the governing body*. A lack of time to properly consider a complex and/or large item is thus inconsistent with Section 232.

**Social**

Giving Councillors more time to understand issues and take comments from constituents will better enable the decision making process and enable the community to be 'brought along on the journey'.

**Governance**

This new arrangement will require some management and coordination regarding prioritisation of agenda items to keep Agendas under 1,500 pages or published earlier.

**References**

*QPRC Code of Meeting Practice 24 April 2019*

*Local Government Act 1993*

**Staff Comment**

The business papers are distributed to Councillors on the Friday prior to the meeting on the following Wednesday.

As a matter of practice, all attachments referenced in the reports are published to give Councillors all relevant information to make a decision.

Staff would continue to attach *draft* plans/strategies for Councillors only (e.g. Structure Plan, Flood Plan), until they endorse them for exhibition.

Attachments that are large documents are not included, but are referenced as web links in the report.

It is the Councillors who make the decision, not the community (who would ordinarily be engaged on the studies, plans and DAs referenced in reports).

**Attachments**

Nil



13.1 Delegates' Reports (Ref: ; Author: Ferguson/Ison)

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File reference: 52.3.1

**Summary**

Delegates Reports are submitted by Councillors to report on key points of meetings, events and functions which they have attended during the past month, either as a Council delegate or as a nominee of the Mayor.



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**Recommendation**

**That Council note the Delegates' Report.**

<b>Cr Pete Harrison</b>		
<b>No.</b>	<b>Meeting/Function/Event Attended</b>	<b>Summary of Key Points</b>
1	Dargues Reef Community Consultative Committee	<ul style="list-style-type: none"><li>• Report and newsletter attached.</li></ul>
<b>Mayor Tim Overall</b>		
<b>No.</b>	<b>Meeting/Function/Event Attended</b>	<b>Summary of Key Points</b>
2	CRJO Board Extraordinary Meeting, 17 July 2019	<ul style="list-style-type: none"><li>• A separate report is included in the Business Paper.</li></ul>

**Attachments**

- Attachment 1  Cr Harrison's Delegate's Report for Dargues Reef Community Consultative Committee (*Under Separate Cover*)
- Attachment 2  Dargues Gold Mine newsletter (*Under Separate Cover*)



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**14.1 Responses to Councillors' Questions (Ref: ); Author: Ferguson/Ison**

File reference: 52.3.2

**Report**

This report provides responses to Councillors' written Questions on Notice as per the Code of Meeting Practice 2019. Some questions that were not closed prior to the new Code have been retained in the table.

The questions are deleted from the rolling table once they have been answered in full and reported to Council.

Any responses that contain personal or other identifying information of any kind will be circulated separately in the confidential attachments.


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**Recommendation**

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

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**Attachments**

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|--|---|
| Attachment 1   | Responses to Councillors' Questions ( <i>Under Separate Cover</i> )   |
|  Attachment 2 | Responses to Councillors' Questions with confidential information ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b> |



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

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

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

**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 Carparking Matters**

*Item 16.1 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 16.2 Quarterly Legal Update**

*Item 16.2 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*