



Planning and Strategy Committee of the Whole

AGENDA

13 February 2019

Commencing at 5.30pm

**Council Chambers
253 Crawford Street
Queanbeyan**

On-site Inspections - Nil

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*

1 OPENING

Acknowledgement of Country.

2 APOLOGIES

3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS1

4 PRESENTATIONS/DEPUTATIONS

STAFF REPORTS

5 ENVIRONMENT, PLANNING AND DEVELOPMENT

- 5.1 Rural Lands Request - Wirreanda Road, Wamboin.....3
- 5.2 Application for Building Information Certificate - 7 Staunton Road, Googong7
- 5.3 Respite Centre Proposal - 16 Agnes Avenue11

6 STRATEGIC DEVELOPMENT

- 6.1 Braidwood Facade Improvement Program17
- 6.2 Resident Parking - Lowe Street21

7 ITEMS FOR DETERMINATION

- 7.1 Draft QPRC Code of Meeting Practice.....23
- 7.2 Petition Policy.....27

8 ITEMS FOR INFORMATION

- 8.1 South Jerrabomberra Contributions Plan - Ministerial Amendment Direction.....29

9 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION ..30

Confidential - Not for Publication

10 REPORTS FOR CLOSED SESSION

10.1 Request for Consideration of Personal Hardship Matter in Closed Session

Item 10.1 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 5.1 Rural Lands Request - Wirreanda Road, Wamboin
- Attachment 1 Method for assessing rezoning and dwelling eligibility requests (Under Separate Cover)*
 - Attachment 2 Lot 1 DP 378941 and Lot 1 DP 48576 - Detailed Report (Under Separate Cover)*
 - Attachment 3 Lot1 DP378941 & Lot 1 DP48576 - Submission (Under Separate Cover)*
 - Attachment 4 Lot 1 DP 378941 and Lot 1 DP 48576 - Palerang Rural, Rural Residential and Environmental Areas Discussion Paper 2008 - Extract (Under Separate Cover)*
- Item 5.2 Application for Building Information Certificate - 7 Staunton Road, Googong
- Attachment 1 Building Certificate Plans - 7 Staunton Place - Whole Garage, Greenhouse, Cubby House, Gazebo and Shed - 18 December 2018 (Under Separate Cover)*
 - Attachment 2 Building Information Certificate Report for Unauthorised Structures - 7 Staunton Place, Googong (Under Separate Cover)*
- Item 6.1 Braidwood Facade Improvement Program
- Attachment 1 Queanbeyan Facade Improvement Example (Under Separate Cover)*
- Item 7.1 Draft QPRC Code of Meeting Practice
- Attachment 1 Consultation Draft QPRC Code of Meeting Practice (Under Separate Cover)*
- Item 7.2 Petition Policy
- Attachment 1 Draft Petition Policy (Under Separate Cover)*

Closed Attachments

- Item 10.1 Request for Consideration of Personal Hardship Matter in Closed Session
- Attachment 1 CONFIDENTIAL - Letter requesting item be considered in closed session (Under Separate Cover)*

ITEM 3 DECLARATION OF CONFLICTS/PECUNIARY INTERESTS

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

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

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

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

Recommendation

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

5.1 Rural Lands Request - Wirreanda Road, Wamboin (Ref: C18176263; Author: Thompson/Robb)

Summary

The purpose of this report is to assess the last of the rural land requests being considered within the context of the Palerang Rural Lands Study 2016-2036, being Lot 1 DP 378941 and Lot 1 DP 485576, Wirreanda Road, Wamboin. It is recommended that the request not be progressed.

Recommendation

That Council not support the request to rezone Lot 1 DP 378941 and Lot 1 DP 48576, Wirreanda Road, Wamboin to allow the development of a village and rural residential subdivision.

Background

During the preparation of the draft *Palerang Local Environmental Plan 2014* (PLEP) and the Palerang Rural Lands Strategy 2016-2036 (Rural Lands Strategy), Council received numerous requests for amendments to the local environmental plan (LEP) land use planning provisions. Most commonly the requests were for the lowering of minimum lot sizes to allow the subdivision of dual occupancies and the rezoning of land.

The PLEP was gazetted in late 2014. Its preparation was a substantial project which took ten years and included the amalgamation of six local environmental plans (LEPs) and extensive community consultation. During this time, there were numerous policy issues and requests for the rezoning of land or the ability to erect a dwelling with development consent in the rural area.

As it was not possible to encompass this work and to progress the draft PLEP in a timely manner, Council resolved to undertake a Rural Lands Study. Recommendations were adopted by Council in both reports on the draft PLEP exhibition to include requests in the Study. On 6 February 2014, Council resolved to commence the Palerang Rural Lands Study. Further requests were received in the period between the gazettal of the PLEP and the adoption of the Rural Lands Strategy in February 2017. The Rural Lands Study Committee and later Council, agreed that the requests would be considered once the Rural Lands Strategy had been adopted by Council.

The Rural Lands Strategy was adopted by Council in early 2017. It contains criteria against which each of the requests were considered. The Rural Lands Study, Strategy and associated reports are available on the Council website.

Assessment

This report considers the request for Lot 1 DP 378941 and Lot 1 DP 485576, Wirreanda Road, Wamboin.

The request proposes the rezoning of Lot 1 DP 378941 and Lot 1 DP 48576 to allow the development of a village and rural residential subdivision. This site has an area of 308.75 hectares and is currently zoned part RU1 Primary Production and part E4 Environmental Living. The request proposes to create 42 rural residential lots and 1 community title lot (refer Attachment 3) under the Palerang Local Environmental Plan 2014.

5.1 Rural Lands Request - Wirreanda Road, Wamboin (Ref: C18176263; Author: Thompson/Robb) (Continued)

The methodology for assessing the request against the objectives of the Rural Land Study and other relevant documents is provided in Attachment 1.

The following summarises Council's assessment and recommendations. A detailed assessment is provided in Attachment 2.

Legal

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

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

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

This would be subject to a fee payable to the NSW Department of Planning and Environment and if granted a Rezoning Review would be carried out independently by the Southern Regional Joint Regional Planning Panel.

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

Policy

The assessment of each request relating to the Palerang Rural Lands Study has involved the consideration of it against the Palerang Rural Lands Strategy, the South East and Tablelands Regional Plan 2036, Local Planning Directions and SEPPs and a draft SEPP (refer Attachment 1). The assessment of this request has found that a departure from the principles and requirements of these documents does not have merit.

Environmental

The assessment of the request has considered each of the relevant environmental, social, economic, infrastructure and natural matters.

Sustainability

The creation of a village will increase the demand for both hard and soft infrastructure in addition to the need to manage natural hazards such as bushfire on the community.

Strategic

Land use and infrastructure planning allows for the co-ordinated planning of services and infrastructure. For instance the cost of constructing and maintaining rural roads is substantial and a large portion of the Council funds is spent outside of urban areas.

Engagement

There has been no specific community or government agency consultation on the request except it was included in the draft PLEP report to Council in 2013 and considered as part of the Rural Lands Study.

5.1 Rural Lands Request - Wirreanda Road, Wamboin (Ref: C18176263; Author: Thompson/Robb) (Continued)

Financial

Whilst there would be some development contributions payable to Council if this request was progressed, it is suggested that it, and income from rates, would not adequately fund the provision of necessary hard and soft infrastructure.

Resources (including staff)

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

Integrated Plan

The final recommendation relevant to the request considered in this report will feed into the new comprehensive Queanbeyan-Palerang Local Environmental Plan. This is, and continues to be a major project for the Land-Use Planning Branch in the 2018 – 19 Operational Plan.

Conclusion

The externalities of supporting this request, such as the increase in demand for hard and soft infrastructure does not warrant an amendment to the current PLEP provisions and land use zones or variations in the draft comprehensive local environmental plan currently being prepared by Council. Other than providing an economic benefit to the individuals requesting the LEP amendments and additional housing choice, there is little from a planning perspective to support this application.

This report concludes the review of the historic requests for amendments to the local environmental plan (LEP) and land use planning provisions originating from consideration of the PLEP 2014.

The only outstanding request relates to Lot 5 DP 846794, Macs Reef Road, Wamboin which was also reported to Council's meeting of 19 December 2018 as being on the list of rural lands requests. However, upon further research no substantive information or a submission could be found relating to a request for this lot. If at a later time the property owner would like Council to consider a rezoning matter, it is suggested that they make a further submission in the future.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Method for assessing rezoning and dwelling eligibility requests (<i>Under Separate Cover</i>) |
| Attachment 2 | Lot 1 DP 378941 and Lot 1 DP 48576 - Detailed Report (<i>Under Separate Cover</i>) |
| Attachment 3 | Lot1 DP378941 & Lot 1 DP48576 - Submission (<i>Under Separate Cover</i>) |
| Attachment 4 | Lot 1 DP 378941 and Lot 1 DP 48576 - Palerang Rural, Rural Residential and Environmental Areas Discussion Paper 2008 - Extract (<i>Under Separate Cover</i>) |

5.2 Application for Building Information Certificate - 7 Staunton Road, Googong
(Ref: C1916698; Author: Thompson/Thompson)

Summary

A Building Information Certificate Application has been received for a number of unauthorised structures erected at 7 Staunton Place, Googong. The property is located in the Mt Campbell Estate which is a community title rural residential development.

The matter is being reported to Council because the same property was the subject of a development application seeking the enlargement of a building envelope which, if approved, would have encapsulated the unauthorised buildings. When that DA was reported to Council, no decision was made and the DA remains outstanding.

Recommendation

That Council issue a Building Information Certificate for the following structures erected at 7 Staunton Place, Googong:

- **Garage**
 - **Greenhouse**
 - **Gazebo**
 - **Shed**
 - **Pergola Roof**
-

Background

An application for a Building Information Certificate (formally known as a Building Certificate) has been lodged for 5 unauthorised buildings at 7 Staunton Place, Googong.

The structures covered by the application include a garage, greenhouse, cubby house, gazebo and shed (see Figure 1 below). All the structures are located outside the building envelope. It is noted that the garage was erected by the current owner in early 2015 and the remaining structures were erected by the previous owner. The Certificate also covers the roofed section of a pergola attached to the existing dwelling.

Under Section 6.22 of the Act “the owner of the land on which the building is erected” can apply. Section 6.25 relates to issuing certificates and provides as follows:

- (1) *A building information certificate is to be issued by a council only if it appears that:*
- (a) *there is no matter discernible by the exercise of reasonable care and skill that would entitle the council, under this Act or the Local Government Act 1993:*
 - (i) *to order the building to be repaired, demolished, altered, added to or rebuilt,*
or
 - (ii) *to take proceedings for an order or injunction requiring the building to be demolished, altered, added to or rebuilt, or*
 - (iii) *to take proceedings in relation to any encroachment by the building onto land vested in or under the control of the council, or*
 - (b) *there is such a matter but, in the circumstances, the council does not propose to make any such order or take any such proceedings.*

5.2 Application for Building Information Certificate - 7 Staunton Road, Googong
 (Ref: C1916698; Author: Thompson/Thompson) (Continued)



Figure 1 – Site showing buildings to be encompassed by expanded building envelope.

1. Garage	2. Greenhouse	3. Cubby House	4. Gazebo	5. Small Timber Shed
-----------	---------------	----------------	-----------	----------------------

The Act has not specified any particular requirements for the assessment of a Building Information Certificate as long as Council is satisfied that no action will be taken for a period of 7 years to issue any Orders or commence proceedings under the Act or the *Local Government Act 1993* requiring the building to be repaired, demolished, altered, added to or rebuilt.

This means that unless Council is prepared to take some sort of enforcement action to require the removal or repair of the buildings Council should issue the Certificate.

Plans have been provided for all structures and are shown in Attachment 1. All structures covered by the application appear to be structurally sound except for the cubby house which has a number of non-compliance issues with the Building Code of Australia e.g. access stairs, balustrade height. In addition the cubby house does not satisfy the exemption requirements under the Codes SEPP.

None of the structures result in any significant damage to the surrounding environment. As there is no discernible reason for Council to issue an order requiring the demolition or repair of the structures, it is recommended Council approves the Building Information Certificate Application for the unauthorised structures that are outside the Building Envelope and also the pergola. The cubby house should be excluded from the Certificate. A copy of the inspection and assessment report is provided in Attachment 2.

**5.2 Application for Building Information Certificate - 7 Staunton Road, Googong
(Ref: C1916698; Author: Thompson/Thompson) (Continued)**

If Council determines that the Certificate should not be issued then it should specify the reasons for refusing the Certificate and what form the Order to demolish or repair the structures should take.

Previous Applications Considered by Council

The applicant has previously lodged a development application to enlarge the building envelope for the property which would encompass the unauthorised buildings. As the property is located within a Community Title development a Community Management Statement (CMS) is in place for what is known as Mt Campbell Estate. The CMS provides that owners should seek the permission of the Community Association prior to lodging any development application. In this case that permission was not forthcoming but the owner lodged the application with Council in any case.

The application was considered by Council at its meeting of 13 June 2018. The staff report noted that:

- It was not necessary for Council to have the permission of the Community Association to determine the application.
- On merit, there were no significant environmental impacts of the proposal that would warrant its refusal.
- The application was recommended for approval.

Notwithstanding the above Council resolved to take no action on the development application. This means the DA remains undetermined.

A Building Information Certificate Application for the unauthorised buildings was also lodged at that time, but remained undetermined.

The applicant subsequently appealed to the Land and Environment Court against Council's failure to determine both the development application and the Building Information Certificate. However, the applicant withdrew the appeal when they were made aware that the period for lodging an appeal had expired.

The applicant subsequently submitted a new Building Information Certificate Application which is the subject of this report.

Previous Compliance Action by Council

Compliance action has previously been contemplated and a Notice of Proposed Order was prepared, primarily on the basis that the structures had been erected either without prior approval or failed strict compliance with the State Environmental Planning Policy 2008 (Exempt and Complying Development). As a result of the aforementioned the subsequent development assessment and building information certificate processes were initiated by the owner. As indicated above there were no significant environmental impacts identified.

Implications***Legal***

The legal advice received from Council's solicitor (Bradley Allen Love Lawyers) is that a building information certificate can be issued by the Council in relation to a building located outside the building envelope specified in the CMS regardless of whether the Association consents to the making of the application provided the building is erected on a lot and not on Association property. That is, the Association has no role in determining whether a Building Information Certificate Application may be made.

Council is obliged to issue the certificate if it does not intend to take any action to serve an order requiring the demolition or repair of the structures.

**5.2 Application for Building Information Certificate - 7 Staunton Road, Googong
(Ref: C1916698; Author: Thompson/Thompson) (Continued)**

If Council refuses to issue the certificate or fails to make a determination on whether to issue a certificate the applicant would have the right to appeal against Council's refusal/deemed refusal.

Given that it would be difficult to establish that the structures are unsound or have a significant environmental impact the chances of successfully defending an appeal would be low.

Engagement

No community engagement is required when assessing a Building information Certificate. However, the Community Association has previously indicated their objection to the structures remaining, as they were erected without approval outside the building envelope. None of the submissions received at the time when the DA was considered raised any significant environmental impacts to support the objection.

Financial

All Land and Environment Court (L&E) appeals are costly. Even a relatively minor case such as this would likely cost Council between \$20,000 - \$25,000 to defend. In the L&E Court, costs are typically borne by the individual parties and are seldom awarded to the successful party.

Conclusion

All structures covered by the application, with the exception of the cubby house, appear to be structurally sound and have not created any significant damage to the surrounding environment. As there is no discernible reason for Council to issue an Order requiring the demolition or repair of the structures it is recommended Council approves the Building Information Certificate Application for all the unauthorised structures that are outside the Building Envelope and also the pergola roof. The cubby house should be excluded from the Certificate.

Attachments

- Attachment 1 Building Certificate Plans - 7 Staunton Place - Whole Garage, Greenhouse, Cubby House, Gazebo and Shed - 18 December 2018
(Under Separate Cover)
- Attachment 2 Building Information Certificate Report for Unauthorised Structures - 7 Staunton Place, Googong *(Under Separate Cover)*

5.3 Respite Centre Proposal - 16 Agnes Avenue (Ref: C1910184; Author:
Tegart/Warne)

Summary

At the November meeting Council supported the progression of the Queanbeyan Respite Centre (RCQBN) for Queanbeyan proposal to provide a site to establish a respite centre. The in principle agreement included a proposal to lease a site at Ross Road reserve for this purpose. In order to progress the proposal, a change of land categorisation is proposed in order that a development application can be progressed. In addition, the Council needs to establish a position on the future use of the balance of the land at Ross Road Reserve.

Recommendation

That:

1. The report be received and noted.
 2. Council support in principle the change of the Community Land category for the Ross Road Reserve from “Sportsground” to “General Community Use” and commence procedures for the implementation of this re-categorisation in accordance with the *Local Government Act 1993*.
 3. Council determine its position on the sale or redevelopment into a parkland facility, of the balance of the site.
 4. Pending that decision, Council undertake relevant planning and reclassification procedures.
-

Background

At the meeting on 28 November 2018, Council considered a report on the provision of a site for the proposed Queanbeyan Respite Centre.

In general terms the Council was supportive of the proposal and the following resolution was adopted:

1. *Receive and note the report.*
2. *Agree in principle to lease part of the preferred site at 16 Agnes Avenue Queanbeyan to Respite Care for QBN Incorporated for a 30 year period and the Lease be progressed in accordance with S45 of the Local Government Act 1993, and Council undertake the necessary planning actions (including the preparation of a Planning Proposal if necessary) to ensure that the proposed use as a respite centre for the benefit of carers (being residential accommodation) is permissible on the site.*
3. *In accordance with S45, give the required public notice for a long term lease, advise affected neighbours and residents (and also property owners immediately opposite), consider submissions, and forward to the Minister for the Minister’s consent.*
4. *Prior to the lease being executed, require Respite Care for QBN Incorporated to obtain the required approval for the project.*
5. *In accordance with the Environmental Planning and Assessment Act 1979, as amended, undertake the required public notification processes in respect of any Development Application and convene an on-site inspection prior to a determination at a meeting of Council.*
6. *Agree the annual lease rental for the land be determined in accord with the Rental Rebate Policy.*
7. *Consider incorporation of playground/park facility accessible by the community, into the developed site by the proponents.*
8. *Consider reclassification and potential sale of the remaining three lots, noting the requirement for a Planning Proposal, public exhibition, the holding of an independently chaired public hearing with a report to Council.*

5.3 Respite Centre Proposal - 16 Agnes Avenue (Ref: C1910184; Author: Tegart/Warne) (Continued)

The Respite Care Centre proposal relates to the three (3) blocks of land at the site that front Ross Road as shown hereunder in a concept plan.



In order to progress the proposal, legal advice has been received regarding options for the development. In this regard, the proposal needs to be considered from two perspectives:

Planning Perspective

In a planning sense, the proposed use can be characterised as a “community facility” under the *Queanbeyan LEP 2012* and is a permissible land use in a RE-1 zone subject to obtaining development consent.

This is important as no planning changes in terms of the site’s zoning will be needed to consider the proposal for a DA. Nevertheless, the proposal will need to be considered on its planning merits and the proper process observed.

Land Classification Perspective

Under the *Local Government Act 1993*, Council land must be classified as either “Operational Land” or “Community Land”. At present the proposed site is classified as “Community Land”.

In general terms, *Operational Land* can be managed on commercial terms whereas *Community Land* must be managed in accordance with the procedures laid down in the *Local Government Act 1993*.

Community Land must also be categorised in accordance with S 36 of the *Local Government Act 1993* to define the community use and manage the land in accordance with a Plan of Management.

The six lots at 16 Agnes St are categorised as *Community Land – Sportsground*. Unfortunately the land use as a “community facility” is not consistent with the core objectives of the *Sportsground* category and there is no reasonable link that can be established.

The core objectives for the *Sportsground* category are:

- (a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and

5.3 Respite Centre Proposal - 16 Agnes Avenue (Ref: C1910184; Author: Tegart/Warne) (Continued)

- (b) *to ensure that such activities are managed having regard to any adverse impact on nearby residences.*

Guidelines for categorisation of land as a *Sportsground* provide that the land should be used primarily for active recreation involving organised sports or the playing of outdoor games.

A Council Plan of Management capturing *Sportsgrounds* in Queanbeyan has been adopted and includes the Ross Road Reserve where in hindsight a *general community use* categorisation would have been more appropriate.

The adopted Sports Facilities Strategic Plan also identifies that this site should have its future reviewed.

In order to progress the lease of the land to build the respite centre, it would be best to re-categorise the land as "*general community use*" under the existing Plan of Management.

The core objectives for this category are:

to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) *in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
- (b) *in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

Clearly these objectives align more clearly with a community based respite facility.

There is a public consultation process associated with the re-categorisation of the land from sportsground to general community use, whereas a change of classification under the *Local Government Act 1993* from community land to operational land would require a formalised planning proposal and a public hearing chaired by an Independent Chairperson.

The Guidelines provide that land should be categorised as *general community use* if the land is to be made available for any purpose for which community land may be used, whether by the public at large or by specific sections of the public. The current use of the reserve appears more consistent with the guidelines for *general community use* rather than as a *sportsground* and it would be appropriate to re-categorise the reserve as *general community use*.

Any proposal should mention the proposed lease arrangements and requirement for referral to the Minister if an objections are received.

In addition, the re-categorisation process generally would be quicker than the change of Land classification.

Council Position – Neighbourhood Park

In addition to consideration of the above matters, the following parts of the adopted resolution require further clarification in order to progress:

- *Consider incorporation of playground/park facility accessible by the community, into the developed site by the proponents.*
- *Consider reclassification and potential sale of the remaining three lots, noting the requirement for a Planning Proposal, public exhibition, the holding of an independently chaired public hearing with a report to Council.*

RCQBN have indicated it may be difficult to incorporate and manage a playground/park for community use, within the Respite facility.

5.3 Respite Centre Proposal - 16 Agnes Avenue (Ref: C1910184; Author: Tegart/Warne) (Continued)

RCQBN are prepared as part of the design of the Centre to prepare a landscaping plan for the development of the adjacent 3 lots as a high quality neighbourhood park. Its expectation is that the Council would fund these works which could be undertaken in conjunction with the building of the Respite Centre.

No funding has been identified to provide for those works by Council, and would not be available by the gifting of the land to the Respite Centre.

Potential Sale of the Balance of the Land

In respect of reclassification and potential sale of the balance of the land, any sale of the land would require a change in the land classification to "Operational Land". A planning proposal is needed for this purpose.

In its current planning zoning as RE-1 zone the permitted uses are:

Environmental protection works; Flood mitigation works; Building identification signs; Camping grounds; Car parks; Caravan parks; Cemeteries; Child care centres; Community facilities; Environmental facilities; Information and education facilities; Kiosks; Markets; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Water recreation structure.

Under the existing zoning, the land would be difficult to sell and if the Council supports this action, a rezoning of the land to a more suitable category (*presumably Residential*) would be required in order to make the land saleable.

A planning proposal process would need to be undertaken for both the change of zoning and also land classification under the *Local Government Act 1993*. Whilst the processes are similar, there would still need to be two separate planning proposals, although they could be run concurrently. This has been done on previous occasions, but Council may need some guidance from the Department of Planning and Environment.

On previous occasions when there have been plans to re-zone or dispose of this site, there has been community opposition and protest. It is not known if this level of community opposition still exists, but it could eventuate when any proposal to rezone and dispose of the site becomes public knowledge.

Open Space in this part of Crestwood mainly comprises small neighbourhood parks. It is considered there may be a reasonable level of acceptance for use of three lots for a community purpose like the respite centre, but there may also be concerns raised about the sale of the balance of the site and loss of general community use parkland. In 2014, a small park in Kaye Place was rezoned and sold.

Implications***Legal***

To progress the proposal, procedures laid down in the *Local Government Act 1993* and *Environmental Planning and Assessment Act 1979* are to be followed.

Engagement

There are several tiers of community engagement. Firstly, if the recommendation is adopted, the change of land categorisation under the Plan of Management will require public consultation. Secondly if approved, the Respite Care Centre would require a DA and the planning process would involve the normal public consultation processes for a DA.

It would also be prudent to undertake a public consultation process in respect of any development of the parkland if this is not concurrent with the DA application.

5.3 Respite Centre Proposal - 16 Agnes Avenue (Ref: C1910184; Author: Tegart/Warne) (Continued)

Financial

Sale of the balance of the site may yield a considerable financial return that may be applied to other community or infrastructure.

If not sold, the development of the balance of the site into park land will need to be scoped and costed for inclusion in future budgets.

Integrated Plan

The development of a Respite Centre is not recognised in the Community Strategic Plan but it is considered that the proposal aligns with the tenets of the *Key Result Area – Community* being the development of a sense of community and inclusion with adequate community support services. The provision of respite care is seen as a Federal and State responsibility. RCQBN in the future would be recognised as a community partner in service provision.

Conclusion

Council should determine if the balance of the site should be sold as three residential lots, following a process of reclassification and rezoning; or the balance of the site be retained and enhanced as a quality neighbourhood park with the development of a modern playground and community amenities. Provision of either would need to be made in future delivery plans.

In order to progress the RCQBN proposal, Council support for the re-categorisation of the site is needed.

Attachments

Nil

6.1 Braidwood Façade Improvement Program (Ref: C1916728; Author: Richards/Darcy)

Summary

An opportunity to apply for a grant through the NSW Office of Environment and Heritage has been identified, to support a façade improvement program for premises in Wallace Street, Braidwood.

Recommendation

That Council:

- 1. Endorse the development of a Façade Improvement Program for Wallace Street, Braidwood and associated grant application.**
 - 2. Approve an additional allocation of \$10,000 should the grant application be successful.**
-

Background

In 2014/15, Queanbeyan City Council managed a successful façade improvement program for premises in Monaro Street Queanbeyan, where a heritage colour palette was developed resulting in seven building facades being revitalised through their painting. Costs were apportioned between Council and the property owner, with Council paying a maximum of 50% of the cost with a capped maximum of \$10,000 per building façade. See Attachment 1.

It is proposed a grant be sought from NSW Office of Environment and Heritage as part of the Caring for State Heritage Grants 2019–2021 program, to support a similar project for Wallace Street, Braidwood.

As the only State Heritage Registered Township on the eastern seaboard and a National Trust Heritage town, Braidwood is a cultural treasure. Its main street contains a fine collection of Georgian and Victorian buildings. Braidwood is an excellent surviving example of a Georgian period town plan with a high proportion of 19th century buildings. These buildings reflect key phases of the colonial development. The integrity of the main street (Wallace Street) makes it particularly significant.

The township contains an increasing number of heritage-related, arts and artisan-themed businesses and community ventures. Many of the 19th century buildings in the main street have been put to adaptive re-use as businesses, particularly antique shops, food, drink and hospitality businesses.

The facades and trimmings of many of the historic buildings need revitalising and are not painted in colours authentic to the period in which they were built. This detracts from the authenticity of the buildings, public enjoyment and heritage tourism potential of the township.

The restoration of the facades could provide flow-on benefits to other businesses and community ventures in the town and wider region. The improvements may encourage longer visitor stays and an increased visitor spend in the town. Destination NSW states that heritage-related and self-drive tourism markets are rapidly expanding market sectors in the tourism industry and this project will assist Braidwood in being well placed to cater to this expanding market.

The proposed project will focus on Wallace Street and aim to engage a heritage architect to research relevant buildings to design a heritage colour palette from which building owners can choose to paint the façade.

6.1 Braidwood Facade Improvement Program (Ref: C1916728; Author: Richards/Darcy) (Continued)

The goals of the proposed project are:

- To maintain, restore and conserve the heritage values of Braidwood and its setting.
- To restore as closely as possible, the paintwork of facades and exterior features of historic buildings in Wallace Street, Braidwood to their original 19th Century colours.
- To begin a program, informed by paint scrape techniques and analysis, of increasing the authenticity and aesthetics of the facades of all the 19th century buildings in Wallace Street, so as to create greater awareness and enjoyment of Braidwood's history and heritage among residents and visitors.
- To improve heritage tourism outcomes and the visitor experience in Braidwood and surrounds, thereby assisting the region's economic growth.

The expected outcomes of the proposed project include:

- A heritage designed colour palette based on individual building research and paint scrapings to inform the colour available for each building
- Conservation of the heritage values of approximately ten building facades.
- Beautification of Braidwood's main street, reconstructing it to a more authentic representation of its colonial past. It is expected to enrich the experience of visitors attending walking and bus tours and those taking advantage of the Braidwood Museum's historic building walking map.
- Increase awareness among visitors and residents of Braidwood's heritage values and history.
- Enabling the towns economic and tourism potential. Many of Braidwood's Georgian and Victorian buildings are now used as antiques stores, art galleries, heritage hotels, cafes and a museum. Heritage tourism is a growing industry in Braidwood. This project will complement these efforts by adding to the town's authenticity and allure for visitors increasing economic and social benefits to the town.

Implications***Legal***

All required permissions and terms of agreement with property owners will be sought as part of participation in the proposed project.

Social / Cultural

The project will contribute to the public awareness of Braidwood's history, heritage values, and of the need to maintain and look after our heritage for the benefit and enjoyment of current and future generations. The proposed project will provide a much-needed freshen-up and aesthetic improvements to Braidwood's iconic Wallace Street which will improve residents and visitors enjoyment of Braidwood and its setting.

By directly involving building owners in painting their building facades, the proposed project will increase awareness in building owners of the heritage values of their buildings and of the need to conserve their integrity and authenticity.

Economic

Council is currently marketing and positioning Braidwood as part of an increasingly popular self-drive arts, culture, wine and heritage route that encompasses Queanbeyan, the former gold-mining town of Captain's Flat and the Village of Bungendore.

Braidwood's economy is significantly reliant on day visitation and heritage tourism. For example, as at the 2016 Census 5.7% of the population reported being employed in cafes or restaurants as opposed to the NSW and Australian average of 2.4%.

6.1 Braidwood Facade Improvement Program (Ref: C1916728; Author: Richards/Darcy) (Continued)

Through beautifying and freshening the facades of historic buildings of Wallace Street, the project will increase Braidwood’s attractiveness and allure to heritage-tourists. The town’s high proportion of 19th century buildings are a major drawcard for heritage related tourism in the town and the Braidwood Museum provides visitors with detailed walking maps listing as many as 25 buildings within the town’s central business district.

A separate project is being explored to convert part of Council’s office in Wallace Street into a Smart Hub as a co-work or start up space for community.

Strategic

This report is recommending a strategic approach to the upgrading the facades of certain buildings on Wallace Street similar to the approach taken to Monaro Street, Queanbeyan in 2014/15. Such an approach is also consistent with Objective (a) of clause 4.1 of *Braidwood Development Control Plan 2006* which is:

- to ensure the protection of heritage items and the heritage significance of Braidwood and its setting;

The proposed project is also supported in the Regional Economic Development Strategy and the QPRC Tourism Plan.

Engagement

The Braidwood and Curtilage Heritage Advisory Committee Meeting of 23 January 2019 recommended that Council propose to OEH that they provide further funding to support the 2006 State Heritage Listing of Braidwood and Curtilage. Whilst this recommendation refers to a separate and much larger and holistic funding proposal, the proposed façade improvement program will be complementary to any additional proposal.

Financial

Funding of the proposed project will be sourced from current allocated budget with additional new \$10,000 allocation being sought through the next quarterly budget review, should the grant application be successful. It is anticipated that this proposed project will be rolled over two financial years commencing 2019/20 financial year concluding by June 2021.

Should no new allocation be able to be sourced from budget review, the grant sought would decrease to \$65,000 and the total project value will be \$130,000.

Program Code	Expense Type	Funding source	Amount
		Allocated budget	\$65,000
		New Allocation (budget review)	\$10,000
		Grant	\$75,000
		TOTAL PROJECT	\$150,000

Resources (including staff)

Coordination of the program will be included in current work plan of the Business and Innovation Branch.

Integrated Plan

The proposed Façade Improvement project will contribute to meeting objectives under the following Strategic Pillars in the Community Strategic Plan:

1. Community – a vibrant and active Queanbeyan-Palerang

6.1 Braidwood Facade Improvement Program (Ref: C1916728; Author: Richards/Darcy) (Continued)

2. Choice – a prosperous Queanbeyan-Palerang
3. Character – a sustainable Queanbeyan-Palerang

Conclusion

Council is seeking a \$75,000 grant from NSW Office of Environment and Heritage under the Caring for State Heritage Grants 2019–2021 scheme to implement a Façade Improvement program for Wallace Street in Braidwood for a total project value of \$150,000. The proposed project will revitalise Wallace Street and enhance and protect Braidwood's significant cultural and heritage value contained in its 19th Century heritage buildings.

Attachments

Attachment 1 Queanbeyan Facade Improvement Example (*Under Separate Cover*)

6.2 Resident Parking - Lowe Street (Ref: C1916983; Author: Tegart/Tegart)

Summary

Council has received a request to consider providing parking vouchers for residents domiciled in the Queanbeyan CBD, where their residence does not provide any or adequate onsite parking.

Recommendation

That Council determine whether to contemplate a resident parking voucher scheme, and a policy to support that scheme.

Background

A number of residential properties within the CBD were constructed before carparking codes prescribed the number of carspaces to be provided with developments, or were constructed by government bodies, to which local planning codes may not apply.

In those circumstances, a limited number of resident or visitor carspaces may have been provided on site, or none at all. That in turn may cause residents to use off-street Council carparks to store their vehicle/s, with those carspaces often subject to short term parking controls.

This request relates to the use of Lowe carpark by residents of nearby units, with free untimed parking available under a resident parking voucher scheme, similar to that applies in metro cities. That scheme mitigates the risk of regular parking infringements to applicable residents.

The Lowe carpark is currently timed (2-3 hr), but scheduled to convert to a 50/50 timed and untimed carpark in conjunction with the Council office/smart hub and public domain redevelopment in 2021.

Strategic

The Queanbeyan Carparking Strategy proposes to increase the overall number of offstreet carspaces in the CBD, primarily by decking several carparks to offset the carspaces recycled into public domain or laneway connectors as part of the CBD Transformation.

The Strategy notes parking will be free, and timed parking is a means to improve turnover of spaces and access to parking for customers of retail and other business. Employees and owners are encouraged to park in untimed carspaces. Council agreed to increase patrols and regulation of carparks to improve that turnover, until smart parking is progressively introduced. The Strategy does contemplate leasing of carspaces.

A resident parking scheme may reduce the number of untimed spaces available during business hours.

**6.2 Resident Parking - Lowe Street (Ref: C1916983; Author: Tegart/Tegart)
(Continued)**

Conclusion

Before drafting a policy to support a resident parking scheme, Councillors are asked whether they wish:

- to support such a scheme;
- to bring forward the 50/50 allocation of the 120 carspaces proposed for the Lowe carpark;
- to approach owners of relevant CBD properties to lease carspaces for their residents

Attachments

Nil

7.1 Draft QPRC Code of Meeting Practice (Ref: C1917222; Author: Tegart/Spyve)

Summary

The NSW Government is requiring all councils to produce a new Code of Meeting Practice based upon a Model Code which was prescribed at the end of 2018. Councils must ensure that their new Code complies with the provisions of the Model Code and have been given until 14 June 2019 to adopt their new code. Following a recent workshop a consultation draft has been prepared based upon the new Model Code of Meeting Practice and discussion on a number of discretionary clauses. It is suggested this document should be on public exhibition over the March-April period to seek public comment on its provisions.

Recommendation

That Council:

- 1. Endorse the Consultation Draft of the QPRC Code of Meeting Practice.**
 - 2. Place the consultation draft on public exhibition for 28 days from 15 February – 15 March 2019 and invite public submissions for 43 days from 15 February – 29 March.**
 - 3. Consider the public comments prior to formal adoption of the QPRC Code of Meeting Practice.**
-

Background

On 18 December 2018, the Office of Local Government (OLG) released *Circular 18-45* notifying councils of the prescription and commencement of a new Model Code of Meeting Practice to apply to all councils across NSW. All NSW councils are required to adopt a new Code of Meeting Practice based upon the provisions set out in the new Model Code of Meeting Practice.

The Circular noted that the Model Meeting Code has two elements consisting of:

- **mandatory provisions** that reflect the existing meetings provisions of the Act and update and enhance the meetings provisions previously prescribed under the Regulation to reflect contemporary meetings practice by councils.
- **non-mandatory** provisions that cover areas of meetings practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as being best practice.

Accordingly, Councils are required to adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code prescribed by the Regulation. The adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions. The adopted meeting code may also incorporate non-mandatory provisions of the Model Meeting Code and any other supplementary provisions adopted by the council. Councils and committees of councils of which all the members are councilors, must conduct their meetings in accordance with the code of meeting practice adopted by the Council.

A significant change arising from the prescription of the Model Code of Meeting Practice is that there will no longer be the ability for members of the public to speak at council meetings. The Model Code gives NSW councils the option of having a Public Forum which must be separate from the formal Council meeting. The Public Forum allows members of the public to speak to items that will be dealt with on the business paper at the Ordinary meeting.

**7.1 Draft QPRC Code of Meeting Practice (Ref: C1917222; Author: Tegart/Spyve)
(Continued)**

QPRC has had in place a public forum process since 2016 which allowed members of the public to raise any matter with Council prior to the commencement of an Ordinary meeting. Those matters were raised in writing, with responses tabled prior to the commencement of the Council meeting and published on the website. That process will continue, but be retitled 'Questions on Notice from the Public'.

In addition, the current Code of Meeting Practice allows members of the public to speak to items on the agenda in a Public Presentations section of the Order of Business at the Council meeting. Under the new Code of Meeting Practice, this section will be titled 'Public Forum' where members of the public can register to speak on items to be considered by the Council at its meeting. This section does not form part of the Council meeting. However it is proposed the meeting be adjourned to hear the Public Forum oral submissions, and receive petitions and other agreed presentations in that session, together with the tabling of any 'Questions on Notice' and responses.

All councils have six months from the prescription date of 14 December 2018 within the Regulation adopt their new Code of Meeting Practice.

If a council fails to adopt a new code of meeting practice within this period, under transitional provisions contained in the Regulation and the *Local Government Act 1993*, any provision of the council's adopted meeting code that is inconsistent with a mandatory provision of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect.

The Model Code also requires all councils to webcast their meetings and this must be achieved by 14 December 2019. Council was an early implementer of webcasting and has had this provision in place since October 2016.

Staff have been working on a revision of the QPRC Code of Meeting Practice to ensure that it complies with the requirements of the mandatory provisions within the Model Code and meets the 14 June 2019 deadline. A workshop was held with councillors on 30 January 2019 to seek their views on the inclusion of any non-mandatory provisions. The result of this process has been the production of a consultation draft Code of Meeting Practice (See Attachment 1).

The draft Code contains mandatory provisions (black text); non-mandatory provisions that Council proposes to include (red text); and non-mandatory provisions that Council proposes to not include (red struck-out). Blue text represents provisions for joint organisations that do not apply to Council.

Implications***Legal***

Before adopting a new code of meeting practice, under section 361 of the *Local Government Act*, councils are required to exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.

Engagement

A consultation draft will be placed on exhibition for a period of 28 days from 15 February - 15 March 2019 with a further 15 days for written submissions from the community. Submissions

**7.1 Draft QPRC Code of Meeting Practice (Ref: C1917222; Author: Tegart/Spyve)
(Continued)**

will be included in a report to either the April or May Ordinary Council meeting for consideration before final adoption of the new Code.

Conclusion

Council is required to adopt a new Code of Meeting Practice which is based upon the provisions of the Model Code of Meeting Practice produced by the Office of Local Government at the end of last year. The new Code must be in place by 14 June 2019.

Attachments

Attachment 1 Consultation Draft QPRC Code of Meeting Practice (*Under Separate Cover*)

7.2 Petition Policy (Ref: C1917234; Author: Tegart/Spyve)

Summary

Many councils recognise that petitions provide an avenue through which the community can express a view on issues that impact upon their community. However, there are no provisions within the *Local Government Act 1993* or the Regulation requiring Councils to deal with petitions. The OLG Meetings Practice Note advises that “...it is a matter for each council to decide what to do with petitions.” QPRC considers petitions as an avenue for community feedback and as such believes it is important to provide a policy framework for the community which will cater for the lodging of petitions. A draft policy has been developed for Council’s consideration and for placement on public exhibition.

Recommendation

That Council:

- 1. Endorse the draft Petition Policy and place it on public exhibition for 28 days to seek community feedback on its provisions.**
 - 2. Endorse the policy to then take effect simultaneously with the adoption of the QPRC Code of Meeting Practice.**
-

Background

Many councils recognise that petitions are an avenue which the community can use to express their views on a range of issues. However, councils are faced with a dilemma in how to address these. There is no statutory basis under either the *Local Government Act 1993* or the *Local Government Regulation 2005* which obliges Council to receive or even consider petitions. The OLG Meetings Practice Note No.16 recognises this situation and advises that “...it is a matter for each council to decide what to do with petitions ...”(p.21).

The recent release of the Model Code of Meeting Practice and the requirement to have a new Code of Meeting Practice which complies with this Model Code by 14 June 2019, provides Council with the opportunity to clarify how it will handle the lodging and receipt of petitions in the future.

Petitions form part of the community feedback loop on issues it is dealing with and as such it is proposed a process be developed to accommodate the submitting of petitions. Council has developed a Consultation Draft of its new Code of Meeting Practice which it has placed on public exhibition until early April. That draft proposes that the receipt of petitions form part of its new Public Forum. Under the requirements of the Model Code of Meeting Practice the Public Forum gives members of the public the opportunity to comment on items on the agenda of that council meeting but is outside of the formal council meeting itself. This is in contrast to the current process where public presentations are made at the meetings and form part of the agenda.

With this in mind, it is proposed that petitions be accommodated within the new Public Forum which will be established under its new Code of Meeting Practice. As there is no recognition of petitions within NSW’s local government framework, it is important that Council sets out a policy framework on dealing with petitions. This will ensure that members of the public understand the required parameters which must be met if they want to lodge a

7.2 Petition Policy (Ref: C1917234; Author: Tegart/Spyve) (Continued)

petition and also clearly sets out how Council will handle the processing of such. Accordingly a draft Petition Policy has been developed setting out this information.

Implications***Legal***

There is no legal obligation for councils to deal with petitions. However petitions can form part of the feedback loop from the community on issues it is dealing with. Accordingly this policy has been developed to set out the parameters for receiving and processing petitions.

Engagement

A draft of the Petition Policy is to be placed on exhibition for the statutory period (28 days) to provide opportunity for the community to comment prior to Council formally adopting it. It is envisaged that the Petition Policy will complement Council's new Code of Meeting Practice and provide clarity to the community when lodging a petition. This new policy will need to take effect at the same time the new Code of Meeting Practice becomes operational.

Conclusion

The development of a petition policy will provide clarity to the community on how to submit a petition to Council and also set out a defined process on how they will be handled within the organisation. It is proposed that the draft petition policy be placed on public exhibition for a period of 28 days to seek community feedback on the policy's provisions.

Attachments

Attachment 1 Draft Petition Policy (*Under Separate Cover*)

8.1 South Jerrabomberra Contributions Plan - Ministerial Amendment Direction (Ref: C1911157); Author: Thompson/McBride

Report

Early last year Council wrote to the Department of Planning and Environment requesting a variation to the relevant Ministerial Direction made pursuant to Section 7.17 of the *Environmental Planning and Assessment Act 1979*. This was done in order to allow Council to collect up to \$30,000 per lot in developer contributions at South Jerrabomberra instead of this being capped at \$20,000 per lot.

Council has now been advised that this application was successful with the amendment taking effect on 18 January 2019 when it was published in the NSW Government Gazette.

Council staff are also currently reviewing the contributions plan having regard to the recent grants applied and funding announced through the NSW Government. In the event that there is still a shortfall in the funding for infrastructure identified under this plan, Council will continue to seek a review of the plan by IPART in order to allow Council to collect above the \$30,000 cap per lot.

Recommendation

That the report be received for information.

Attachments

Nil

9 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION

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

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

Recommendation

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

Item 10.1 Request for Consideration of Personal Hardship Matter in Closed Session

Item 10.1 is confidential in accordance with s10(A) (b) of the Local Government Act 1993 because it contains discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.