



Planning and Strategy Committee of the Whole

AGENDA

9 October 2019

Commencing at 5.30pm

**Council Chambers
253 Crawford St, 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	
2	ACKNOWLEDGEMENT OF COUNTRY	
3	APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS	
4	DISCLOSURES OF INTERESTS	1
5	ADJOURNMENT FOR PUBLIC FORUM	
6	REPORTS TO COUNCIL - ITEMS FOR DETERMINATION	
6.1	Review of the Protection of the Environment (Clean Air) Regulation - Control of Open Burning	3
6.2	Queanbeyan Riverside Tourist Park - Renewable Energy & Energy Efficiency Project.....	7
6.3	Road Naming Proposals - Aubrey Close, Braidwood and Sparrow Close, Bungendore	11
7	REPORTS OF COMMITTEES	
7.1	Minutes of the QPRC Heritage Advisory Committee Meeting held 19 September 2019.....	13
8	NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION	14

Confidential - Not for Publication

9 REPORTS FOR CLOSED SESSION

9.1 Report of Unauthorised Fill

Item 9.1 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

- 9.2 Receipt of Land and Environment Court Appeal - 121 Wallace Street,
Braidwood

Item 9.2 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.

10 CONCLUSION OF THE MEETING

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 6.1 Review of the Protection of the Environment (Clean Air) Regulation - Control of Open Burning
Attachment 1 Draft Open Burning Policy (Under Separate Cover)
- Item 6.3 Road Naming Proposals - Aubrey Close, Braidwood and Sparrow Close, Bungendore
Attachment 1 Site Map - Road Naming Proposal - Aubrey Close (Under Separate Cover)
Attachment 2 Site Map - Road Naming Proposal - Sparrow Close (Under Separate Cover)
- Item 7.1 Minutes of the QPRC Heritage Advisory Committee Meeting held 19 September 2019
Attachment 1 Minutes of the QPRC Heritage Advisory Committee Meeting held 19 September 2019 (Under Separate Cover)

Closed Attachments

Nil

ITEM 4 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.

6.1 **Review of the Protection of the Environment (Clean Air) Regulation - Control of Open Burning (Ref: ; Author: Thompson/Abbott)**

File Reference: 24.3.12

Summary

The NSW Government is reviewing the *Protection of the Environment Operations Clean Air Regulation 2010* ('the Regulation'). This Regulation sets out the provisions for open burning restrictions. The intention of the Regulation is to manage the air pollution issues associated with backyard burning, with a view to protecting local and regional air quality, local amenity and public health.

This is an opportunity to amend the current requirements which were historically for the former Queanbeyan and Palerang Council areas. This report reviews Council's current listing in Schedule 8 of the regulation to ensure the controls on burning in the open will support improved air quality outcomes. Any changes resolved by Council will need to be forwarded to the NSW Government by 14 October when submissions close.

Recommendation

That:

- 1. Council seek a listing under Part 2 and Part 3 of Schedule 8 of the proposed new *Protection of the Environment Operations (Clean Air) Regulation*.**
 - 2. Council provide written confirmation to the NSW Department of Planning, Industry and Environment of Council's decision regarding its listing in Schedule 8 of the proposed *Protection of the Environment Operations (Clean Air) Regulation* by 14 October 2019.**
 - 3. Council place the Draft Open Burning Policy on public exhibition for a period of 28 days.**
 - 4. A report considering all submissions and Policy amendments be brought back to Council following exhibition.**
-

Background

The NSW Government is remaking the *Protection of the Environment Operations (Clean Air) Regulation 2010* (the regulation). This relates specifically to the provisions for the control of burning in the open.

The regulation has been highly successful in eliminating backyard burning and improving air quality in NSW. Feedback to Government in recent years indicates that the regulation provides adequate regulatory measures for use by local councils where burning in the open needs to be controlled.

Schedule 8 of the Regulation includes three parts under which a council can choose to be listed. This enables the council to choose a level of control on burning that is appropriate to conditions in the local government area (LGA):

- Part 1 - lists LGAs having the highest level of control, where all burning in the open is effectively prohibited except with approval by the NSW EPA.
- Part 2 - lists LGAs where the burning of vegetation is prohibited except with approval by Council.

6.1 Review of the Protection of the Environment (Clean Air) Regulation - Control of Open Burning (Ref: ; Author: Thompson/Abbott) (Continued)

- Part 3 - lists LGAs where all burning of waste (other than burning of vegetation) is prohibited except with approval by the NSW EPA.

A council may be nominated in more than one Part.

Queanbeyan-Palerang Regional Council (QPRC) is currently listed as:

Former Queanbeyan - Part 1 Areas in which all burning (including burning of vegetation and domestic waste) is prohibited except with approval from NSW EPA. A person must not burn anything in the open or in an incinerator, except in accordance with an approval. The former Queanbeyan City is currently one of very few councils outside of the Sydney metropolitan area listed in Part 1. This was initially introduced in Queanbeyan because the topography of the Queanbeyan River valley creates a temperature inversion which traps smoke in a dense layer between the hills on either side. This was pronounced in winter months when burning from solid fuel heaters and burning off leaves and other waste resulted in poor air quality. The reduction in open burning that comes with placement in Part 1 of the Regulation and improvements in solid fuel heater technology have significantly improved air quality in the River valley since that time.

Former Palerang - Part 3 Areas in which all burning of waste (other than burning of vegetation) is prohibited except with approval from NSW EPA.

In all areas, certain fires are exempt from the need for approval (whether from the EPA or Council). In summary, fires of the following nature are exempt from approval:

- a) Fires to cook or barbecue in the open, or for recreational purposes such as camping, picnicking, scouting or other similar outdoor activities, or
- b) Fires to burn vegetation, in the course of carrying on agricultural operations, on premises on which the vegetation grew, or
- c) Fires to burn anything for the purposes of the giving of instruction in methods of firefighting by fire control authority under Rural Fires Act, or
- d) Fires to burn with a Bush Fire Hazard Reduction Certificate, or
- e) Fires to burn with an Environmental Protection Licence

Options for Burning Controls in the LGA

The remaking of the Regulation allows Council to reconsider which Part of Schedule 8 of the Regulation it should be listed under.

It is considered that open burning of domestic waste is the highest priority for prohibition. When burnt, this type of waste can produce a range of noxious smoke hazards. Plastics, most synthetic materials, products containing glues and hazardous materials such as batteries are examples of wastes which should be avoided in open burning. So except in exceptional circumstances open burning of domestic waste should be prohibited unless otherwise approved. Both Part 1 and Part 3 provide the required protection. In both cases approval to burn must be sought from the EPA. Part 3 is slightly more relaxed in that burning of domestic waste is still permitted without approval on premises where there is no scheduled garbage collection by Council.

In terms of open burning of vegetation it can cause significant nuisance, to a great extent in urban areas where residential density is higher, and to a lesser extent in rural areas where density is lower although the size of the fires are usually larger and burn for longer. While undesirable, burning off vegetation has a place and should be permitted with local approval. Placement of the Council in Part 2 would prohibit burning of vegetation but would allow Council to be the authority who issues approval in certain circumstances.

6.1 Review of the Protection of the Environment (Clean Air) Regulation - Control of Open Burning (Ref: ; Author: Thompson/Abbott) (Continued)

Given all of the above it is considered that placement of the Council in both Parts 2 and 3 would provide the optimum result for air quality in the LGA. This would mean that unless approval was received from the EPA open burning of domestic waste would be prohibited (except where no garbage service was provided) and, that while the burning of vegetation would also be prohibited, Council would be the authority which could issue an approval if desired.

If Council were only listed in Part 1 then all open burning would be prohibited and the EPA would be the only authority which could vary that. If Council were only listed in Part 2, then there would be no offence for the burning of other waste apart from vegetation. If Council were only listed in Part 3 there would be no offence for burning off vegetation. So a combination of the two would appear to be the best result for air quality while giving Council control where vegetation burning might be acceptable.

In terms of the sorts of situations where Council might consider issuing an approval and under what circumstances, a draft Policy on Open Burning has been prepared and is attached for consideration.

Implications***Legal***

Under Part 2 and Part 3 of the Regulation it will be an offence for person/s to burn material in the open without having the appropriate approval or exemptions in place.

Policy

There is a new Draft "Open Burning" Policy attached for councillors to this report. The Policy provides guidance on the circumstances where Council should consider issuing an Open Burning Permit.

The Draft Policy aims at setting a guideline for controlling outdoor fires both in the types of material that can be burned, when the fires may be lit and the purpose for which the fire is to be lit. Note that the Draft Policy does not allow synthetic substances, painted or chemically treated woods, chemicals, unseasoned wood and wastes to be burned in any situation.

Even when approval is given a person must take "*such steps as are practicable and reasonable to prevent or minimise the environmental harm caused, or likely to be caused, by the emission of pollutants into the air from the fire*". These steps include managing the fire such that excessive smoke is not produced.

Environmental

Queanbeyan had Part 1 listing due to the fact that in winter the City experiences significant temperature inversions during cold, clear nights due to the valley type topography. Pollution within the cold air layers can become trapped and accumulate below the inversion layer. This can result in high pollutant concentrations, potentially causing significant health impacts. Prohibiting open burning in Queanbeyan has mitigated some risk of health related problems and odour.

Open burning complaints usually relate to smoke production, odour and human health effects. The indiscriminate burning of waste in the open increases the levels of fine particulate material in the air that subsequently impacted on community health. The main health effects of fine particulate material include: -

- Increased frequency of asthma attacks
- Increased activity restrictions due to adverse lung reactions
- Increased potential for severe respiratory distress and heart attacks

6.1 Review of the Protection of the Environment (Clean Air) Regulation - Control of Open Burning (Ref: ; Author: Thompson/Abbott) (Continued)

- Increased mortality due to heart disease and respiratory illness.

The Open Burning Policy will assist in reducing the occurrence of open burning so as to minimise the health impacts on the wider QPRC community. There are many alternatives available to property owners and managers in lieu of burning. Council offers a garden organic collection system within certain urban and village areas. Mulching and composting of vegetative matter should also be considered as alternatives to burning.

By changing the listing to Part 2 and Part 3, Council may still prohibit all open burning in certain areas in accordance to the "Open Burning" Policy.

Engagement

Fire and Rescue NSW and NSW Rural Fire Service have both been consulted. They are both in support of reviewing the open burning restrictions and suggest that it would be unwise to have different requirements between Urban QPRC and Rural QPRC. Thus a Part 2 and Part 3 nomination for the whole LGA is recommended.

Community education on the changes when implemented would also be of value.

During a declared bushfire danger period residents need to obtain a permit from the relevant fire authority. A fire permit is also needed at any time when lighting fires that are dangerous to buildings.

It is also recommended that the draft Open Burning Policy be placed on public exhibition for a period of 28 days.

Resources (including staff)

By changing to a Part 2 and Part 3 listing there will be some administrative responsibilities placed on Council in reviewing applications for an "Open Burning" approval in accordance with the Policy.

Financial

Penalties for non-compliance are set by the *Protection of the Environment Operations Act 1997* and currently site at \$500 for individuals and \$1,000 for corporations.

Conclusion

Supporting a listing in both Part 2 and Part 3 of the Regulation for the whole of the LGA will see the best outcome for air quality across the whole LGA.

While burning of domestic waste will be prohibited (except where no garbage service is provided) the listing as recommended will allow Council to approve open burning of dead and dry vegetative material in certain cases. The Draft 'Open Burning' Policy will provide a practical and controlled method of managing open burning of vegetative waste on properties that require this method of waste disposal.

Attachments

Attachment 1 Draft Open Burning Policy (*Under Separate Cover*)

6.2 **Queanbeyan Riverside Tourist Park - Renewable Energy & Energy Efficiency Project (Ref: ; Author: Thompson/Pensini)**

File reference: 25.4.1-15 (Revolving Energy Reserve)

Summary

The Riverside Tourist Park at 41A Morisset Street, Queanbeyan is currently being refurbished to modernise the facility and make it more desirable for the growing self-drive accommodation market, such as recreation vehicles (RVs) and caravans.

Upon reopening this summer, the Park will be managed by Council or an approved contractor with the payment of utility costs being borne by Council. To mitigate expected increased operational energy demands and associated costs, Council is proposing to install a 10kW solar PV system (with optional battery storage), solar powered street lighting, LED lighting and an instantaneous electric hot water system. Cost estimates highlight a projected 10 year cost saving of \$43,145 to Council after taking into account upfront costs.

Funding for the project is not currently budgeted in the 2019/2020 Operational Plan. This report seeks Council approval to make available \$100,000 from Council's Revolving Energy Reserve to facilitate the project.

Recommendation

That Council transfer an amount of \$100,000 from the Revolving Energy Reserve for energy efficiency upgrades and renewable energy projects at the Queanbeyan Riverside Tourist Park.

Background

In August 2018, Council resolved to support an upgrade of amenities and refurbishment of the Queanbeyan Riverside Tourist Park (the Park) to help meet the growth in demand for self-drive accommodation in Queanbeyan and support target markets identified in the QPRC Tourism Plan.

The Park will also build on the work already completed to reinstate the Queanbeyan River as a sustainable watercourse and desirable destination for families, visitors and residents to enjoy.

Upon reopening in late 2019, it is envisaged that the Park will be operated by Council or a Council approved contractor. This will mean that the management and payment of utilities will be Council's responsibility. The Park is estimated to increase operational energy demands and associated costs to Council in the order of 134,000kWh or \$34,000 per annum, assuming an overall per annum park capacity of 50% (not including potential revenue).

In order to mitigate projected energy demand and cost increases it is proposed to install a 10kW solar PV system (with optional battery storage), solar powered street lighting of internal roadways, LED lighting and an instantaneous electric hot water system. The objectives of procurement are to achieve an energy saving, reduce greenhouse gas emissions and achieve a return on investment under 7 years.

Critical success factors for this project include:

- Reduced energy consumption at the site.
- Reduced greenhouse gas emissions.
- Providing a return on investment that will be cost neutral as soon as possible but no later than seven years.

6.2 Queanbeyan Riverside Tourist Park - Renewable Energy & Energy Efficiency Project (Ref: ; Author: Thompson/Pensini) (Continued)

This project provides a unique opportunity for Council to show leadership in sustainability, particularly the renewable energy sector as well as reduce future operational costs.

In relation to the QPRC operational plan, the project will deliver economic, social and environmental benefits aligning with the strategic goal of a sustainably managed council.

Implications

Sustainability

Upon completion it is estimated the project will save Council 45,000kWh per annum which has an equivalent greenhouse gas saving of 17,900kg per annum (assuming an overall per annum park capacity of 50%).

Asset

Upon removal of gas hot water from the amenities building the Queanbeyan Riverside Tourist Park will be run from 100% electricity with no natural gas supply. This has considerable benefits with regards to asset maintenance, mapping and registration as well as future park upgrades.

Social / Cultural

According to Council’s recent ‘your voice climate change survey’ 65% of residents said Council was not doing enough to address climate change.

In undertaking this project Council will demonstrate its commitment to the issue and highlight its investment in reducing its greenhouse gas footprint through a cost effective and cost saving approach.

Financial

Funding for the project is not currently budgeted in the 2019/2020 Operational Plan. This report recommends that \$100,000 be made available from the Revolving Energy Reserve to implement the work. The estimated costs for the project, payback period and lifetime savings are highlighted in the below table (assuming an overall per annum park capacity of 50%).

Name	Estimated Cost	Savings (per annum)	Pay Back Period	Lifetime savings
10 kW Solar PV System	\$15,000 (including rebate)	\$4,380	3.10 years	\$72,600 (20 years)
Solar Powered Street Lights x9	\$63,0000 (additional \$5000 capital cost when compared to standard street lighting)	\$750 as opposed to standard street lights	6.6 years (when taking into account additional purchase costs of solar street lights).	\$6,250 (15 years)
Instantaneous Electric Hot Water	\$5,000	\$975	5.1 years	\$4,875 (10 years)

6.2 Queanbeyan Riverside Tourist Park - Renewable Energy & Energy Efficiency Project (Ref: ; Author: Thompson/Pensini) (Continued)

LED Lighting	\$5,000 (including rebate)	\$1,400	3.57 years	\$9,000 (10 years)
Solar Battery Storage	\$12,000	\$1,268.40	9.4 years	\$7,026 (15 years)
Total	\$100,000	\$8,515.40	4.9 years	\$43,145 (after 10 years)

Program Code	Expense Type	Funding source		Amount
25	Capital	Revolving Energy Reserve funds	\$	\$100,000

Conclusion

This project provides Council with an opportunity to invest and show leadership in the renewable energy and energy efficiency sector while projecting an annual cost saving of \$8,515.50 per annum and a 10 year project lifetime saving of \$43,145 taking into account upfront costs. This type of project is the purpose for which the Reserve was set aside. The funds are presently available in Reserve and as such the project is supported.

Attachments

Nil

**6.3 Road Naming Proposals - Aubrey Close, Braidwood and Sparrow Close,
Bungendore (Ref: ; Author: Thompson/Bateman)**

File Reference: CC.2017.146

Summary

Council has recently received two proposals for new road names. Both relate to new subdivisions.

Recommendation

That Council:

- 1. Adopt in principle the names ‘Aubrey Close’ and ‘Sparrow Close’ as the proposed names for the new subdivisions created in Braidwood and Bungendore respectively.**
 - 2. Advertise the names for public comment for 28 days.**
 - 3. Publish a notice in the NSW Government Gazette if no objections are received.**
-

Background

The first application relates to a new subdivision just outside the town of Braidwood. The applicant has requested consideration of the name Aubrey Close as part of the subdivision of Lot 167 DP 755911.

The subject road is shown in Attachment 1 and will run in an easterly direction off Araluen Road.

The chosen name honours a former Braidwood resident whose family settled in Braidwood in the 1800's and contributed to the local community for many years. This name comprises an unambiguous word that is easy to spell and pronounce and is therefore recommended.

The second application relates to a new subdivision in the town of Bungendore. The applicant has requested consideration of the name Sparrow Close as part of the subdivision of Lots 1 & 2 DP 817068.

The subject road is shown in Attachment 2 and will run in an easterly direction off Ellendon Street.

The chosen name honours Private John William (Bill) Sparrow and is listed in the Bungendore War Memorial Hall on the World War 1 roll of Honour. His place of birth is listed as Bungendore and he enlisted at Warwick Farm with Service Number: 3466. He embarked for war at the rank of Private in Unit:13 Infantry Battalion - 9 to 12 Reinforcements (13 October 1915) at age 27 years and 11 months from Sydney on HMAT Port Lincoln A17. His listed occupation was a Blacksmith. He was wounded and died in Northern France near Albert in the Somme on 2 September 1916. He was laid to rest in the Contay British Cemetery in France.

Both the above names have been chosen in accordance with Council's Code of Practice for the Naming of Roads and the Geographical Names Board (GNB) guidelines for the naming of roads. The proposed names have been granted preliminary approval by the GNB and now require approval from Council in order to proceed.

6.3 Road Naming Proposals - Aubrey Close, Braidwood and Sparrow Close, Bungendore (Ref: ; Author: Thompson/Bateman) (Continued)

Please note that the developer originally requested that the name Ford Close be used to honour Private A W Ford who also died during the First World War. As previously reported to Council on 8 June 2016 this name was not supported by the GNB because of its commercial association with the Ford Motor Company. Suggestions that initials or first name be combined with the surname are also not supported as the guidelines indicate *The use of given or first names in conjunction with a surname is not acceptable for road naming (but can be considered for place naming. Refer to GNB guidelines on place naming)*. There may be other opportunities to use that name in other types of development i.e. Playing fields/ovals etc.

Implications***Policy and Engagement***

The Code of Practice requires the recommended road names to be reported to Council and then advertised for public comment for a period of 28 days. If supported by Council and the Geographical Names Board and there are no objections received from notifications then the notice will be published in the NSW Government Gazette. If any objections are received then a further report will be put to Council.

Financial

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

The names chosen are unique and interesting names appropriate to the local area concerned and both have been chosen in accordance with Council's Code of Practice for the Naming of Roads and the Geographical Names Board guidelines for the naming of roads. There is no objection to the names being advertised for public comment.

Attachments

- Attachment 1 Site Map - Road Naming Proposal - Aubrey Close (*Under Separate Cover*)
- Attachment 2 Site Map - Road Naming Proposal - Sparrow Close (*Under Separate Cover*)

7.1 Minutes of the QPRC Heritage Advisory Committee Meeting held 19
September 2019 (Ref: ; Author: Thompson/McCauley)

File Reference: 414207

Summary:

The Minutes of the QPRC Heritage Advisory Committee of 19 September 2019 are presented to Council for consideration.

Recommendation

That Council note the minutes of QPRC Heritage Advisory Committee Meeting held on 19 September 2019.

Attachments

Attachment 1 Minutes of the QPRC Heritage Advisory Committee Meeting held 19
September 2019 (*Under Separate Cover*)

8 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 9.1 Report of Unauthorised Fill

Item 9.1 is confidential in accordance with s10(A) (g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 9.2 Receipt of Land and Environment Court Appeal - 121 Wallace Street, Braidwood

Item 9.2 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.