



Planning and Strategy Committee of the Whole

AGENDA

13 May 2020

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 Determination REV.2020.1000 - Development Application DA.2019.065 - 3 Lot Community Title Subdivision - 71 MacDiarmid Road, Burra	3
6.2	Draft Jerrabomberra Innovation Precinct Infrastructure Planning Agreement	15
6.3	Amendment to Googong Development Control Plan 2010	19
7	REPORTS TO COUNCIL - ITEMS FOR INFORMATION	
7.1	Family Day Care Government Income Distribution	23
7.2	COVID19 - Response and Recovery	25
8	REPORTS OF COMMITTEES	
8.1	Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 9 April 2020	29
8.2	Minutes of the QPRC Heritage Advisory Committee Meeting held 16 April 2020	31

- 9 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION 32**
- 10 REPORTS FOR CLOSED SESSION**
- 11 CONCLUSION OF THE MEETING**

LIST OF ATTACHMENTS –

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

Open Attachments

- Item 6.1 Review of Determination REV.2020.1000 - Development Application DA.2019.065 - 3 Lot Community Title Subdivision - 71 MacDiarmid Road, Burra
- Attachment 1 REV.2020.1000 - Review of Determination - 71 MacDiarmid Road, Burra (Under Separate Cover)*
- Attachment 2 Original Council report for DA.2019.065 as presented to Council 13 November 2019 (Under Separate Cover)*
- Attachment 3 Original 4.15 Assessment for DA.2019.065 as presented to Council 13 November 2019 (Under Separate Cover)*
- Attachment 4 Original plans for DA.2019.065 as presented to Council 13 November 2019 (Under Separate Cover)*
- Item 6.2 Draft Jerrabomberra Innovation Precinct Infrastructure Planning Agreement
- Attachment 1 Attachment A - Submission Analysis - Jerrabomberra Innovation Precinct Infrastructure Planning Agreement (Under Separate Cover)*
- Attachment 2 Attachment B - Draft Jerrabomberra Innovation Precinct Infrastructure Planning Agreement (Under Separate Cover)*
- Item 6.3 Amendment to Googong Development Control Plan 2010
- Attachment 1 GDCP 2010 Parts 4 and 5 (Under Separate Cover)*
- Attachment 2 GDCP 2010 Part 7 (Under Separate Cover)*
- Attachment 3 GDCP2010 Appendix 8 (Under Separate Cover)*
- Attachment 4 GDCP 2010 Appendix 10 (Under Separate Cover)*
- Item 7.2 COVID19 - Response and Recovery
- Attachment 1 Precedent Conditions for Relaxation of Restrictions (Under Separate Cover)*
- Item 8.1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 9 April 2020
- Attachment 1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held 9 April 2020 (Under Separate Cover)*
- Item 8.2 Minutes of the QPRC Heritage Advisory Committee Meeting held 16 April 2020
- Attachment 1 Minutes of the QPRC Heritage Advisory Committee Meeting held 16 April 2020 (Under Separate Cover)*

Closed Attachments

- Item 6.2 Draft Jerrabomberra Innovation Precinct Infrastructure Planning Agreement
- Attachment 3 Attachment C - Letter to Premier & Cabinet August 2018 (Under Separate Cover)*

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 Determination REV.2020.1000 - Development Application
DA.2019.065 - 3 Lot Community Title Subdivision - 71 MacDiarmid Road,
Burra (Ref: ; Author: Thompson/McManus)**

File Reference: DA.2019.065/ REV.2020.1000

Summary

Council has received an application under section 8.2 of the *Environmental Planning and assessment Act 1979* to review DA.2019.065 which was previously refused by Council in November 2019. As the previous determination was made by Council, only Council can determine the review.

Proposal:	Section 8.2 Review of Determination for 3 Lot Community Title Subdivision (DA.2019.065)
Applicant/Owner:	Applicant: Rig Consulting Pty/Gramm Property Pty Ltd
Subject Property:	Lot 4 DP 285984 No. 71 MacDiarmid Road, Burra
Zoning and Permissibility:	E4 – Environmental Living under the <i>Palerang Local Environmental Plan 2014</i>
Public Submissions:	Three (3)
Issues Discussed:	Planning Requirements
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Recommendation

That:

- 1. Application REV.2020.1000 for Review of Determination for a 3 Lot Community Title Subdivision (DA.2019.065) on Lot 4 DP 285984 No.71 MacDiarmid Road, Burra not be supported, upholding Council's previous recommendation to refuse the application.**
 - 2. Those persons who lodged a submission(s) on the application be advised in writing of the determination of the review.**
 - 3. The NSW Rural Fire Service be forwarded a copy of Council's Notice of Determination.**
-

Request for Review of Determination

The subject application seeks a review of determination of DA.2019.065 under Section 8.2 of the *Environmental Planning and Assessment Act 1979* for a review of the refused determination for a concept development including a three (3) Lot Community Title subdivision and two (2) dwelling houses upon Lot 4 DP285984, 71 MacDiarmid Road, Burra.

Background

Previous Applications

1999/DA-007 - The subject lot was created as part of a Council approved subdivision in 2004. The subdivision was approved by Council at a meeting on 8 June 2004 and was for a 29 Lot Community Title Rural Residential subdivision. The subdivision created 29 Community Title

6.1 Review of Determination REV.2020.1000 - Development Application DA.2019.065 - 3 Lot Community Title Subdivision - 71 MacDiarmid Road, Burra (Ref: ; Author: Thompson/McManus) (Continued)

Rural Residential lots and a community lot separated in two (2) parts designated for stock handling facilitates, community dam and non-potable water supply reservoir. The subdivision was registered on 6 March 2006 as DP 285984 with lots ranging from 2.02ha to 15.23ha in size.

DA.2011.136 - Development application DA.2011.136 approved a dual occupancy (2 dwellings) and a shed on the subject site on 13 July 2011.

DA.2017.298 - Development application DA.2017.298 approved alterations and additions to an existing dwelling on the subject site on 29 January 2018.

DA.2018.121 - Development application DA.2018.121 for a three (3) lot Community Title subdivision was refused by Council at its meeting of 23 January 2019.

DA.2019.006 - Development application DA.2019.006 for a three (3) lot subdivision with was refused by Council at its meeting of 13 November 2019.

DA.2019.065 - Development application DA.2019.065 for a three (3) lot Community Title subdivision was refused by Council at its meeting of 13 November 2019.

Reasons for Refusal:

- (a) Council has no ability to consent to the subject application in accordance with Clause 4.1B(5) of the Palerang Local Environmental Plan 2014 as Lot 4 DP 285984 having been created under Clause 20 of the Yarrowlunla Local Environmental Plan 2002 forms a resulting lot as defined under Clause 4.1B(6) of the Palerang Local Environmental Plan 2014 (*4.15(1)(a)(i) Environmental Planning and Assessment Act 1979*).
- (b) The proposed development resulting in an average lot size of 3.286ha fails to achieve the 6ha average lot size applicable to the subject site and therefore fails to satisfy the requirements of Clause 4.1(b)(4)(a) [4.1B(4)(a)] of the *Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) Environmental Planning and Assessment Act 1979*).
- (c) Council is unable to utilise the provisions of Clause 4.6 of the Palerang Local Environmental Plan 2014 to consent to the subject application as the proposed development results in more than two (2) lots of less than the minimum area specified for such lots by a development standard with the E4 Environmental Living Zone fails to satisfy the requirements of Clause 4.6(6)(a) of the *Palerang Local Environmental Plan 2014 (4.15(1)(a)(i) Environmental Planning and Assessment Act 1979*).
- (d) The proposed development fails to satisfy the provisions of Clause 6.4 ---- Drinking Water Catchments of the *Palerang Local Environmental Plan 2014* as insufficient information accompanied the application as to satisfactorily establish that the development is designed, sited and will be managed in such a way as to avoid any significant adverse impact on water quality within the Googong Drinking Water Catchment (*4.15(1)(a)(i) Environmental Planning and Assessment Act 1979*).
- (e) The proposed building envelopes upon proposed lots 31 and 32 contain insufficient unconstrained area to accommodate onsite effluent disposal and as such the proposal fails to satisfy the requirements of Section C1.2.7 of the *Palerang Development Control Plan 2015 (4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979*).
- (f) The subject site is burdened by a number of environmental constraints that significantly inhibit potential for future residential development and associated

6.1 Review of Determination REV.2020.1000 - Development Application DA.2019.065 - 3 Lot Community Title Subdivision - 71 MacDiarmid Road, Burra (Ref: ; Author: Thompson/McManus) (Continued)

infrastructure upon the proposed lots. As such, the subject site is considered to be unsuitable for the purposes of the proposed development. (4.15(1)(c) *Environmental Planning and Assessment Act 1979*).

- (g) Throughout the public notification period a number of submissions were received raising valid planning concerns in relation to the proposed development (4.15(1)(d) *Environmental Planning and Assessment Act 1979*).
- (h) The proposed development by way of contravening development standards established under the Palerang Local Environmental Plan 2014 and Palerang Development Control Plan 2015 is considered to be contrary to the public interest (4.15(1)(e) *Environmental Planning and Assessment Act 1979*).

Nature of the Review Request

The application seeks a review of the refused determination on the following grounds which the applicant has provided:

- (a) *In accordance with Clause 4.1 (B)(5) of PLEP 2014 the subject application was not created under clause 20 of YLEP 2002. DP285984 being a Neighbourhood Scheme created under the Community Land Development Act 1989 was created under Clause 30 of the YLEP. The parcel created does not form a resulting lot and further information is disclosed in the instruments and plans filed with this application in Documents A, B, C, D and E in the attached memory stick. Certificate of Title 4/285984: Doc J,*
- (b) *The proposed development does not result in an average lot size. Clause 4.1(b)(4)(a) [4.1B(4)(a)]. The proposed development complies with clause 4.1(4)(b) "min subdivision lot sizes" principal development standard is in a scheme for permitting subdivision of land. Attach Doc I DM & Longbow Pty Ltd v Willoughby Council. Preston CJ. NSW LEC 173 11 December 2017 at 19, 20, 22, 23 & 24 Substitute individual lots in a neighbourhood scheme under the Community land Development Act,*
- (c) *Council is able to consent to the subject application as clause 4.31(4)(b) applies PLEP,*
- (d) *Land Capability Assessment Report by Franklin Consulting Pty Ltd Version 3 attached as Doc F dated 2nd April 2019 page 28,*
- (e) *Land Capability Assessment Report by Franklin Consulting Pty Ltd Version 3 provides for 450m² effluent disposal areas and area clearly defined in Concept plans, Soil and Water report and BDAR – Doc F,*
- (f) *Environmental constraints do not inhibit potential for future residential development as Soil and Water Report and BDAR report concur. Concept plans for dwelling area sited in areas as assessed in reports,*
- (g) *3 + submissions received:*
- *BDAR report covers concerns as to grassland*
 - *Clause 4.1(4)(b) "min. lot size" does not apply*
 - *The applicant consulted with the association in a meeting in mid 2018 re subdivision*
 - *Non potable water supply is a private service.*

6.1 Review of Determination REV.2020.1000 - Development Application DA.2019.065 - 3 Lot Community Title Subdivision - 71 MacDiarmid Road, Burra (Ref: ; Author: Thompson/McManus) (Continued)

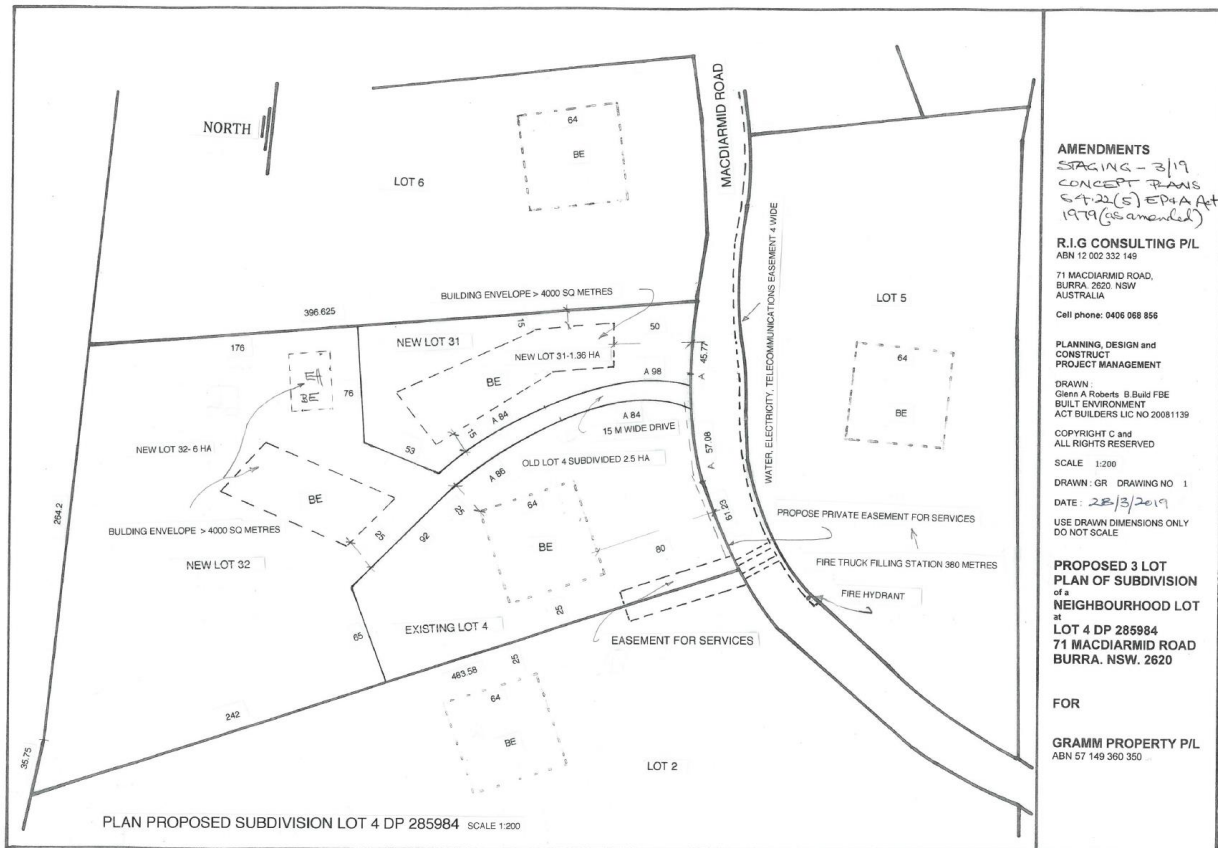


Figure 1 – Proposed Plan (from DA.2019.065)

Subject Property

The subject site is legally described as Lot 4 DP 285984 and is commonly known as 71 MacDiarmid Road, Burra. The site is located on the western side of MacDiarmid Road and has an area of 9.862ha. Access to the site is available via an existing driveway from MacDiarmid Road (Right of Carriageway) and existing development on the site comprises a single storey dwelling and detached shed.

Existing development within the area consists of rural residential developments including dwellings and outbuildings, hobby farms and some extensive agriculture practices.

6.1 Review of Determination REV.2020.1000 - Development Application DA.2019.065
- 3 Lot Community Title Subdivision - 71 MacDiarmid Road, Burra (Ref: ; Author:
Thompson/McManus) (Continued)



Figure 2 – Locality plan (Nearmap)

Planning Requirements

Section 8.2 *Environmental Planning and Assessment Act 1979* requirements:

The applicant has requested a review of determination of refusal for DA.2019.065. The application can be considered under Section 8.2(1)(a) and has been made within the 6 month timeframe that applies under Section 8.3(2)(a). It is important to note that the determination will need to be made at this meeting (13 May 2020) or the period for the review will lapse.

The applicant has requested a review of the determination and in accordance with Section 8.3(3) it is considered to be substantially the same as the development described in the original application.

The review of determination is required to be notified under the *Environmental Planning and Assessment Regulation 2000*. The application was notified and advertised and three (3) submissions were received.

In accordance with Section 8.2 the review of determination was referred to NSW Rural Fire Service (NSW RFS). The NSW RFS advised Council that they were unable to progress the application type and referred Council to the NSW Department of Planning, Industry and Environment (DPIE). The matter was followed up with the department and no further correspondence was received from DPIE. There are no changes proposed to the lot layout under the review of determination therefore the advice provided by the NSW RFS on 29 May 2019 is still applicable to the development.

**6.1 Review of Determination REV.2020.1000 - Development Application DA.2019.065
- 3 Lot Community Title Subdivision - 71 MacDiarmid Road, Burra (Ref: ; Author:
Thompson/McManus) (Continued)**

Assessment of Review of Determination

An assessment of the review of determination has been undertaken in accordance *Section 8.2* with each matter raised by the applicant addressed below:

(a) *Clause 4.1B(5) of PLEP 2014*

The applicant has stated that the subdivision that created the subject site (1999/DA-007) was not approved under Clause 20 of the *Yarrowlumla Local Environmental Plan 2002* (YLEP) and that as DP 285984 is a Neighbourhood Scheme created under the *Community Land Development Act 1989* it was created under Clause 30 of the YLEP and that the subject site is not a 'resulting lot' as defined under the PLEP.

Clause 30 of the YLEP refers to the requirements that apply to cluster housing development (see below) and applied to the division of the YLEP for erection of dwellings.

30 What requirements apply to cluster housing development?

(1) *A person may, with development consent, carry out cluster housing development on land within Zone No 1 (d) and on land referred to in Schedule 6.*

(2) *For the purposes of this clause, cluster housing development means:*

(a) *the subdivision of land under the Community Land Development Act 1989, and*

(b) *the erection of a single dwelling house on one or more of the lots created by the subdivision.*

(3) *Consent must not be granted to the subdivision forming part of cluster housing development unless the consent authority has taken into account the following matters relating to the size and number of allotments to be created:*

(a) *the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided, in regard to the density of the allotments proposed to be created,*

(b) *the desirability of providing a range and mixture of allotment sizes,*

(c) *whether the design of each allotment to be created by the subdivision is satisfactory for the economical provision of services,*

(d) *the findings of an on-site effluent disposal report confirming that the land has an adequate capability for on-site effluent disposal and that such disposal will not adversely affect water quality on adjoining land through either surface or sub-surface flows,*

(e) *the visual impact of the development from arterial roads, and*

(f) *whether an adequate water supply is available to each allotment.*

(4) *After land to which this clause applies has been subdivided for the purpose of cluster housing development, further subdivision of the land to create a separate land title for a dwelling is prohibited.*

A review of the development application and Council report for 1999/DA-007 indicated that a modified lot layout was submitted to Council (in accordance with the adoption of the YLEP) in a letter dated 14 May 2003 from Jeff Brown Surveys Pty Limited and proposed an amended lot layout for 29 rural residential lots in a Community Scheme with neighbourhood lots and a reticulated non-potable water supply.

Further minor modifications to the lot layout and building envelopes were proposed throughout the assessment time and a plan was submitted to Council on 22 April

6.1 Review of Determination REV.2020.1000 - Development Application DA.2019.065 - 3 Lot Community Title Subdivision - 71 MacDiarmid Road, Burra (Ref: ; Author: Thompson/McManus) (Continued)

2004 which was the plan that was approved under 1999/DA-007 (ref: 20458_PPSI/K).

In reviewing the subdivision report that was submitted to Council at its meeting on the 8 June 2004 Clause 20 of the YLEP was clearly addressed by Council staff and stated that *'Clause 20 of the YLEP 2002 sets out the lot size requirements for rural residential subdivision. The proposed layout meets the requirements for minimum lot size (2ha), average lot size (6ha), proportion of small lots (maximum 15%) and positioning of small lots (not adjoining or adjacent).'*

The 1999/DA-007 Council report does make reference to Clause 30 of the YLEP under sub heading *Implication of Redesign* where suggestions were made to redesign the subdivision (due to the initial recommendation of refusal). One of the suggestions made was to change the subdivision *'to a more clustered form of development with the grasslands area within the community lot'* and provided detail that under the second option *'...(subdividing under clause 30 of the YLEP) would allow 31 house lots and a community lot including grassland. The house lots would require a minimum size of 1000 square metres, but because there is no maximum size specified in the LEP, the subdivision would not need to look significantly different from the proposal. However, if smaller lots were used, significant savings to the developer could occur because the opportunity to reduce road lengths and reticulation for the water supply, as well as avoiding the crossing or erosion gullies in the northern part of the property'*.

The report however stated that the applicant indicated that he was unwilling to consider further changes to the subdivision or to pursue either of the options suggested in the report which included subdividing the land under the cluster housing clause of the YLEP.

The minutes for the Council meeting from 8 June 2004 approved the subdivision of Lot 4 DP 849360 to create 29 Community Title Rural Residential lots and approved the subdivision plan ref: 20458_PPSI/K.

Based on the Council report and its subsequent approval it is therefore determined that Lot 4 DP 849360 was subdivided under Clause 20 of the *Yarrowlumla Local Environmental Plan 2002* and that the subject site Lot 4 DP 285984 formed a resulting lot as defined under Clause 4.1B(6) of the *Palerang Local Environmental Plan 2014*.

(b) *Clause 4.1(4)(b) of PLEP 2014*

The applicant has stated that the proposed development does not result in an average lot size under Clause 4.1(b)(4)(a) (understood to mean Clause 4.1B(4)(a)) of the PLEP and that it complies with Clause 4.1(4)(b) 'minimum subdivision lot size' principal development standards in the PLEP as the proposed development is in a scheme for permitting subdivision of land. The applicant cites the NSW Land and Environment Court case in *DM & Longbow Pty Ltd v Willoughby City Council [2017] NSWLEC 173*.

Clause 4.1(4)(b) of the PLEP refers to minimum subdivision lot size and states that the clause does not apply in relation to the subdivision of any land by any kind of subdivision under the *Community Land Development Act 1989*.

If the proposed development is not assessed under Clause 4.1 for minimum lot size subdivision then it is still required to meet a clause under Part 4 of the PLEP for subdivision of the land. Council previously determined that the proposed development did not meet the requirements of Clause 4.1B(4)(a) of the PLEP as the

6.1 Review of Determination REV.2020.1000 - Development Application DA.2019.065 - 3 Lot Community Title Subdivision - 71 MacDiarmid Road, Burra (Ref: ; Author: Thompson/McManus) (Continued)

proposed development would have an average lot size of 3.286ha which failed to meet the 6ha average lot size; any development under this clause is still required to meet the averaging clause including subdivision under the *Community Land Development Act 1989* (Clause 4.1B(4)).

Clause 4.1B(5) also requires that development consent must not be granted for the subdivision of a resulting lot for the purposes of residential accommodation. As determined by the review of the report that created the subject lot the site is a 'resulting lot' as defined under Clause 4.1B(6)(b) under the PLEP and therefore cannot be further subdivided.

(c) *Clause 4.1(4)(b) of PLEP 2014*

The applicant has stated that Council is able to consent to the subject application as Clause 4.1(4)(b) of the PLEP applies.

As stated previously if it is determined that the proposed development is not being assessed under the minimum subdivision lot size (Clause 4.1(4)(b) of the PLEP) the development is still required to meet the subdivision provisions under the PLEP. The clause which would permit subdivision within the E4 zone is Clause 4.1B(4) and the proposed development does not meet the averaging of 6ha and is a 'resulting lot' as defined under Clause 4.1B(6)(b) of the PLEP.

(d) *Provisions of Clause 6.4*

The applicant has provided a Land Capability Assessment Report prepared by Franklin Consulting Pty Ltd Version 3 dated 2 April 2019.

The report makes recommendation for the type of effluent treatment system to be used for future dwellings (secondary treatment systems connected to subsurface drip irrigation) in order to present the lowest risk of contamination and whilst the report states that the "*development will not adversely impact water quality or quantity in the drinking water catchment of Googong Dam and there are adequate mitigating measures in place to manage any potential impacts.*" it also makes recommendations that a further Onsite Effluent Management Report (lot specific) detailing the exact siting and design for effluent management be submitted for any future dwelling on the proposed subdivision lots.

Whilst the report takes into consideration the constraints on the site and gives consideration to the proposed development and concept plans it should be treated as a feasibility study for the subdivision only.

(e) *Section C1.2.7 of the Palerang Development Control Plan 2015*

The applicant has provided a Land Capability Assessment Report prepared by Franklin Consulting Pty Ltd Version 3 dated 2 April 2019 to show compliance with Section C1.2.7 Sewerage of the PLEP.

The Land Capability Assessment Report provided makes recommendations for the type of effluent treatment system to be used for future dwellings and recommends an irrigation area of 420m² but as Council requires adequate suitable land for a reserve disposal a conservative minimum area of suitable land for each new lot is recommended to be 900m². It is also noted that should a future dwelling be more than 4 bedrooms then an alternate area may be required.

6.1 Review of Determination REV.2020.1000 - Development Application DA.2019.065 - 3 Lot Community Title Subdivision - 71 MacDiarmid Road, Burra (Ref: ; Author: Thompson/McManus) (Continued)

The report takes into account the key constraints of the site but indicates that *'Proposed Lots 31 & 32 have adequate areas of land that is suited to effluent dispersal in the immediate vicinity of the proposed dwellings.'*

(f) *Environmental constraints*

The applicant has provided comment that the environmental constraints do not inhibit potential for future residential development as the Soil and Water Report and BDAR report concur and that future dwellings will be sited in areas that are assessed in the reports as detailed in the concept plans.

Although the amended Land Capability Assessment Report has determined that each proposed site has suitable areas for effluent disposal the report indicates that an effluent area of 900 m² is required. The report has taken into consideration the constraints of the site and indicates that any future dwelling above the 4 bedroom calculation would require an alternative area.

The previous Land Capability Assessment Report indicated that an effluent area of 1300m² was required and the calculation looks to have been done on a 6 bedroom dwelling; any approval of a subdivision would therefore limit the size of any dwelling (the number of bedrooms) upon proposed lots 31 and 32 as the initial report indicated that *"When excluding the constrained areas identified within the report there is insufficient area within the proposed building envelopes to accommodate for effluent disposal upon proposed lots 31 and 32."*

If approval was recommended then a condition of consent would be recommended to create effluent envelopes as per the Land Capability Assessment Report to ensure minimal environmental impact.

(g) *Submissions*

The applicant states that the issues raised in the submissions regarding the grasslands is covered in the BDAR report supplied, that Clause 4.1(4)(b) "min. lot size" does not apply, that the non-potable water supply is a private service and that he consulted with the community association in a meeting in mid-2018.

As referred to earlier in the report if the proposed development is not assessed under Clause 4.1 for minimum lot size subdivision then it is still required to meet a Clause under Part 4 of the PLEP for subdivision of the land. Council previously determined that the proposed development did not meet the requirements of Clause 4.1B(4)(a) of the PLEP as the proposed development would have an average lot size of 3.286ha which failed to meet the 6ha average lot size; any development under this clause is still required to meet the averaging clause including subdivision under the *Community Land Development Act 1989* (Clause 4.1B(4)).

Clause 4.1B(5) also requires that development consent must not be granted for the subdivision of a resulting lot for the purposes of residential accommodation. As determined by the review of the report that created the subject lot the site is a 'resulting lot' as defined under Clause 4.1B(6)(b) under the PLEP and therefore cannot be further subdivided.

The non-potable water supply was addressed in the report for DA.2019.065 and the development application (DA.2019.065) and review of determination was notified to adjoining owners.

6.1 Review of Determination REV.2020.1000 - Development Application DA.2019.065 - 3 Lot Community Title Subdivision - 71 MacDiarmid Road, Burra (Ref: ; Author: Thompson/McManus) (Continued)

Engagement

The review of determination was notified under the *Environmental Planning and Assessment Regulation 2000*. The application was notified and advertised and three (3) submissions were received. The relevant issues raised are as follows:

Lot size - Concern was raised as to the public benefit of maintaining the current lot size and that reducing the lot size would have a significant impact on the amenity, ecology of the environment and change the rural nature of the area. Concern was also raised that by approving lot this size would set a precedent for other subdivisions.

Comment: It has been determined that the proposed development does not meet the requirements for lot size under Clause 4.1B of the PLEP and therefore any subdivision of the subject site would result in creating lots below the average lot size and would increase in the residential density of the area.

Any future proposed residential subdivisions within the Burra Station Estate would be required to be assessed on their merits, however they would still need to meet the applicable legislation (at that time) and it has been determined that no further subdivision can occur within the Burra Station Estate as the lots are considered to be a 'resulting lot' as defined under Clause 4.1B(6).

Impact on the local environment - Concern was raised as to the subdivisions impact on the local environment including steep terrain on the subject site and that these and the impact of erosion on the land were concerns that formed part of the original subdivision of Burra Station.

Comment: The application looks to avoid development in the steeper sections of the site. Environmental factors were however a concern in the subdivision that created the site (1999/DA-007) which initially recommended refusal based on environmental issues.

The initial Council report for DA.2019.065 however addressed the *Biodiversity Conservation Act 2016* and determined that Biodiversity Assessment Report found that the proposed development 'was unlikely to result in any significant impacts upon any threatened flora or fauna species subject to the implementation of certain management and mitigation measures, however, species offsetting is required for Pinktailed worm lizard (*Aprazia parapulchella*).' As there are no changes to the lot layout under the review of determination the comments from the report are still relevant.

Water availability - Concern was raised as to the water availability in the Burra area and that the proposed development would put a further strain on the non-potable water supply provided to the community title holders in the Burra Station Estate which in turn would impact the water table of the broader area.

Comment: The initial Council report for DA.2019.065 provided detail that "In accordance with the existing Neighbourhood Management Statement each lot created under DP285984 is entitled to 870,000 litres of non-potable water per annum. As such, the proposed subdivision would see this entitlement divided by three (3) and would not result in any additional entitlement to draw water from the community supply beyond the existing entitlement. As there are no changes to the lot layout under the review of determination the comments from the report are still relevant.

Additional traffic and public safety - Concern was raised as to the limited access to MacDiarmid Rd and the increased the traffic flows generated by any further subdivisions.

Comment: The initial Council report for DA.2019.065 determined that 'potential future residential uses of the proposed allotments while being likely to generate some additional traffic movements are considered unlikely to result in any significant impacts upon the efficient

6.1 Review of Determination REV.2020.1000 - Development Application DA.2019.065 - 3 Lot Community Title Subdivision - 71 MacDiarmid Road, Burra (Ref: ; Author: Thompson/McManus) (Continued)

operation of the existing road network.’ As there are no changes to the lot layout under the review of determination the comments from the report are still relevant.

Amenity, fragmenting of land, principal development standards of the PLEP

Concern was raised as to the importance of proposed subdivisions on the amenity of neighbouring properties, that community title schemes are not fragmented by subdivisions that would create additional dwelling entitlements and the public benefit of maintaining the development standard, that the proposed subdivision and small lots would not be in keeping with the Burra Station Estate community and that the subject lot is already a resulting lot and cannot be subdivided under Clause 4.1B(5) of the PLEP. Concern was also raised that two or more lots will result in an area of less than the minimum area specified for such lots by a development standard and that residents purchased land within an area that would maintain rural lifestyle and a set development that would not change.

Comment: Subdivision of the subject site would result in lots being created below the average lot size and would increase in the residential density of the area.

Based on the Council report for the subdivision that created the subject site it has been determined that the proposed development does not meet the requirements under Clause 4.1B of the PLEP and therefore subdivision of the subject site cannot occur under the PLEP.

Additional strain on electricity supply and phone exchange.





Concern was also raised that the proposed development would put additional strain on the local electricity supply and phone exchange.

Comment: Phone services are not Council Infrastructure and are not within Council’s capacity to assess the existing services within the area. If however, the subdivision were to be approved conditions of consent would be recommended ensuring that satisfactory arrangements be made for the supply of telephone services and also that a notice of arrangement from the electricity supply authority verifying the adequacy of the proposed electricity supply arrangements.

Conclusion

Having completed the review there appears to be no discernible reason why Council’s previous determination should be changed. As such, Council’s previous recommendation of refusal should be upheld.

Attachments

- | | |
|--------------|---|
| Attachment 1 | REV.2020.1000 - Review of Determination - 71 MacDiarmid Road, Burra
 (Under Separate Cover) |
| Attachment 2 | Original Council report for DA.2019.065 as presented to Council 13
 November 2019 (Under Separate Cover) |
| Attachment 3 | Original 4.15 Assessment for DA.2019.065 as presented to Council 13
 November 2019 (Under Separate Cover) |
| Attachment 4 | Original plans for DA.2019.065 as presented to Council 13 November
 2019 (Under Separate Cover) |

6.2 Draft Jerrabomberra Innovation Precinct Infrastructure Planning Agreement
(Author: Thompson/Brown)

File Reference: 21.4.3-03

Summary

The purpose of this report is to update Council following the recent exhibition of the draft Jerrabomberra Innovation Precinct Infrastructure Planning Agreement (draft PA), and to recommend that Council now undertake the necessary actions to finalise the draft LPA.

Recommendation

That Council:

1. **Note the report.**
 2. **Agree to Council staff undertaking all necessary actions to finalise the draft Jerrabomberra Innovation Precinct Local Planning Agreement.**
 3. **Authorise the Mayor and Chief Executive Officer to execute the Jerrabomberra Innovation Precinct Local Planning Agreement.**
-

Background

Council has previously been advised that staff have undertaken negotiations in regard to entering into a local planning agreement (LPA) under the *Environmental Planning & Assessment Act, 1979* with both the developers of West Jerrabomberra (Poplars Pty Ltd) and South Tralee/Forrest/Morrison (Village Building Company). This is in order to provide legal arrangements in respect of the following matters:

- The dedication of land between the respective parties,
- Agreements to collectively contribute funding for identified works,
- Cost sharing for infrastructure items not included in the 7.11 plan such as electricity works, stormwater and water supply, and
- Confirmation in respect of how the recent grant funding received under the 'Growing Local Economies Fund' will be distributed across the various infrastructure elements identified for the site.

Council subsequently resolved on 26 February 2020 to proceed with the public exhibition of a draft LPA in respect of the Jerrabomberra Innovation Infrastructure Precinct (Res No 043-20).

Accordingly, the draft LPA was then exhibited between 3 March 2020 and 1 April 2020 in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulations 2000* as well as the relevant provisions of Council's adopted Community Engagement and Participation Plan.

Two submissions were received during the exhibition period. Both were received from the parties to the LPA rather than from external submitters. An analysis of the matters raised in those submissions, and additional matters discussed by the parties since exhibition, are shown at Attachment A.

There are only two substantive points of difference and these are shown at points 14, 15 and 17 in Attachment A.

**6.2 Draft Jerrabomberra Innovation Precinct Infrastructure Planning Agreement
(Author: Thompson/Brown) (Continued)**

The first relates to representations as to the contribution VBC should make to the cost of the Regional Sports Facility in lieu of embellishing sports fields within the South Tralee residential subdivision. VBC have sought a reduction in the value of the \$5.4M embellishment based on:

- the contribution that could theoretically be collected under the section 7.11 Plan given that the increase from \$20,000 to \$30,000 per allotment could not be applied to the first 300 or so lots which were determined before the cap increase was approved; and
- based on the proportion of larger lots where the full embellishment contribution could not be collected because it was in excess of \$30,000.

Councillors will recall that at a workshop and in subsequent amendments to the s7.11 Plan for the South Jerrabomberra area, Council has already made concessions to the area of land and embellishments that VBC was required to provide. As such the value of the embellishment and the amount attributed to VBC was agreed to at approx. \$5.4M. This is the figure that was subsequently included in the s7.11 Plan and transferred to the LPA.

There is some credence to the argument that a concession could be considered for the first 300 lots given that the \$10,000 over and above the \$20,000 cap could never be collected. This would reduce the embellishment contribution from approximately \$5.4M to \$5.14M. Staff considers this is a reasonable concession but does not support VBC's contention that this should be reduced to approximately \$4.7M given the concessions already made.

As such the LPA has been drafted with a figure of \$5.14M included as VBC's monetary contribution to the Regional Sports Facility.

The other substantive issue raised related to the determination of which parties paid the costs of any overruns should the cost of works under the innovation grant exceed the \$23M grant. The LPA provides that these costs would be shared by VBC and Poplars Developments. Poplars have requested that the LPA provide for an independent facilitator to be engaged to determine how any cost over runs should be proportioned between VBC and Poplars. It is suggested that this is a matter between the two parties and is outside the ambit of the LPA. Nothing prevents the parties appointing an independent consultant to determine the proportion of costs in the event that a cost overrun occurs. As such, no change has been made to the LPA in this respect.

Noting the above issues, substantive in principle agreement has now been reached and incorporated into the draft LPA shown at Attachment B. This will be circulated to Councillors as soon as it is returned from Council's solicitors.

Additional minor edits to the draft LPA may be required in order to address a number of legal drafting matters, however it is intended to proceed consistent with the agreed arrangements set out in the draft LPA, and, as previously agreed by the parties in the signed letter of agreement provided to NSW Premier and Cabinet in August 2019 as shown in Attachment C.

Implications***Legal***

The draft LPA has been prepared consistent with the requirements of the NSW *Environmental Planning & Assessment, 1979* and the *Environmental Planning and Assessment Regulations 2000*. Legal advice has been obtained by all parties. Council's legal advice is that the draft LPA is now suitable for execution.

Strategic

The draft LPA will assist in giving effect to Council's strategic vision for the area as set out in the *Queanbeyan Residential and Economic Strategy 2015-2031*.

6.2 Draft Jerrabomberra Innovation Precinct Infrastructure Planning Agreement (Author: Thompson/Brown) (Continued)

Engagement

Community engagement is detailed in Attachment A. No external submissions were received in relation to the LPA. As noted two submissions were received in respect of the draft LPA from the respective parties to the agreement.

Substantive in principle agreement has been reached in relation to the matters raised in submissions and there are no resultant changes which materially affect the objects or outcomes of the LPA. Given this and the fact that there were no external submissions, it is considered that there is no requirement to readvertise the draft LPA.

Financial

The costs to date have included legal advice (approximately \$6,700) and administrative costs associated with reviewing and reporting on the draft LPA. Submission of the executed LPA is required to finalise the grant deed with INSW.



Resources (including staff)

The draft LPA has predominantly involved staff and other resources. In addition it has required formal legal advice at various stages of the negotiations.

Conclusion

The draft LPA is an essential element in providing the policy settings for the further development of both West and South Jerrabomberra. As such it is recommended that Council agree to staff taking all actions necessary to finalise the draft LPA, including authorising the Mayor and Chief Executive Officer to formally execute the Jerrabomberra Innovation Precinct Infrastructure Planning Agreement.

Attachments

Attachment 1 	Attachment A - Submission Analysis - Jerrabomberra Innovation Precinct Infrastructure Planning Agreement (<i>Under Separate Cover</i>)
Attachment 2 	Attachment B - Draft Jerrabomberra Innovation Precinct Infrastructure Planning Agreement (<i>Under Separate Cover</i>)
Attachment 3	Attachment C - Letter to Premier & Cabinet August 2018 (<i>Under Separate Cover</i>) - CONFIDENTIAL

6.3 Amendment to Googong Development Control Plan 2010 (Ref: ; Author:
Thompson/Jansen)

File Reference: 26.1.1 -04

Summary

The purpose of the report is to advise on submissions received as a result of the exhibition of the amendments to the *Googong Development Control Plan (GDCP) 2010* as well as to finalise the amendments.

Recommendation

That Council adopt the amendments to the *Googong Development Control Plan 2010* as indicated in Attachments 1 through 4 to this report.

Background

The *Googong Development Control Plan (GDCP) 2010* has over time had a number of amendments to incorporate new structure plans for the various neighbourhoods at Googong. Council has received the Neighbourhood Structure Plans for the next stages comprising Neighbourhoods 3 to 5. These will form Appendix 10 of the *GDCP* (Attachment 4).

In addition, a number of other changes were required to be made to the *GDCP*. These changes are as follows:

1. Deletion of certain engineering design standards from Part 5 of the *GDCP* as these are now contained separately within the QPRC design specifications (Attachment 1).
2. The addition of a requirement to provide connection to Googong reticulated alternate water supply system for small lots, studio dwellings, multi dwelling, dual occupancies and residential flat buildings (Part 7 of the *GDCP*) to ensure consistency with the current requirements for single dwellings (Attachment 2).
3. A new updated set of Master Plans have also been submitted. These will replace the previous set of Master Plan maps contained in Appendix 8 (Attachment 3).

Council considered these amendments to the *GDCP 2010* at its meeting on 11 March 2020 and resolved to exhibit the *GDCP 2010* as amended for 28 days. Amendments can be reviewed by referring to the attachments in the 11 March Report (Item 6.1) where modifications are shown in red.

Although one submission was received, the issue raised is of a general maintenance nature and not specifically related to the proposed amendments to the *GDCP*.

The updated parts of the *GDCP 2010*, incorporating all proposed changes, are provided in Attachments 1 to 4 of this report.

Implications

Legal

The amendments to the *GDCP 2010* have been prepared in accordance with the *Environmental Planning and Assessment Act 1979*.

6.3 Amendment to Googong Development Control Plan 2010 (Ref: ; Author: Thompson/Jansen) (Continued)

Strategic

The proposed changes will update the document and are considered appropriate. The new neighbourhood structure plans for Neighbourhoods 3 to 5 have been added. New neighbourhood structure plans are required to be submitted prior to a development application for subdivision being considered for the next stages at Googong.

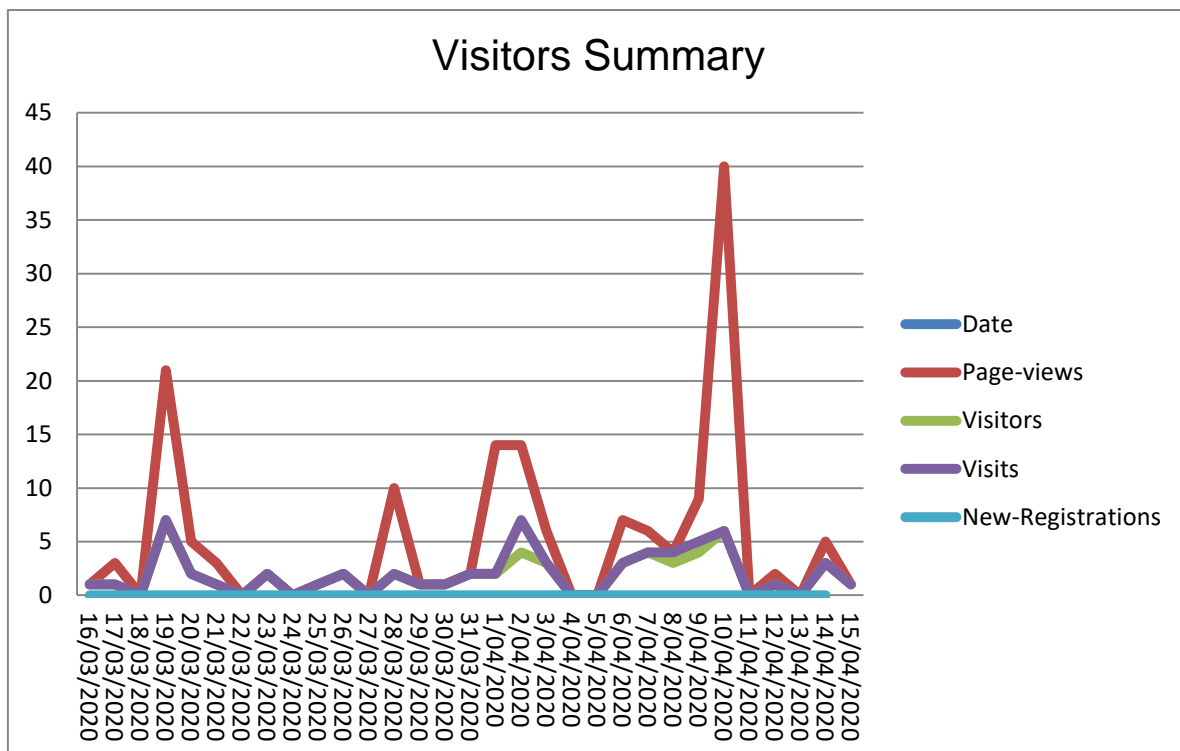
Engagement

The amendments to the *GDCP 2010* were placed on public exhibition from 17 March to 14 April 2020. Council's Your Voice website was visited a number of times. One submission was received from a resident however, the matter raised is of a general maintenance nature rather than specifically related to the proposed DCP amendments. The submitter states that she is a resident of Henshaw Street at Googong and expressed concern about the health of the street trees. The submitter is asking if it is not possible for Council to water all trees adequately at this stage and in this climate as some have died or are in poor health.

Council's Service Manager, Urban Landscapes had the following comment in response to the submission:

Trees at Googong are initially planted by the developers and they maintain these for first twelve months. After that Council takes ownership and traditionally residents water the trees in front of their homes. Council's water truck does tend to trees where needed. Tree species are selected for each location based on local conditions and developers work with Council to select the best available species to achieve their desired results. While occasionally a species may not succeed and recent drought conditions did test even the hardiest plants, a good mix of exotic and native species is established within Googong.

A copy of the visitation summary from Council's your voice website is provided below.



6.3 Amendment to Googong Development Control Plan 2010 (Ref: ; Author: Thompson/Jansen) (Continued)

Financial

As per Council's fees and charges, a fee of \$5,500 was required to be paid by the applicants for the amendments to the *GDCP 2010*.





Integrated Plan

The review of the *GDCP 2010* is consistent with the actions of the Operational Plan for the Branch.

Conclusion

The updates to the *GDCP 2010* are considered appropriate. The new Master Plans ensure that the document is updated and reflects development which has occurred so far and reflects the envisaged future development. Structure Plans for Neighbourhoods 3 to 5 set out the vision of the next stages at Googong. Only one submissions was received, however the issues raised did not relate to the amendments to the GDCP and was a general matter relating to street trees.

Attachments

- Attachment 1  GDCP 2010 Parts 4 and 5 (*Under Separate Cover*)
- Attachment 2  GDCP 2010 Part 7 (*Under Separate Cover*)
- Attachment 3  GDCP2010 Appendix 8 (*Under Separate Cover*)
- Attachment 4  GDCP 2010 Appendix 10 (*Under Separate Cover*)

**7.1 Family Day Care Government Income Distribution (Ref: ; Author:
Tegart/Richards)**

File Reference: 2.1.1

Report

One of the Government initiatives of the Covid19 response has been to make childcare attendance free to parents. As a result, Council's Family Day Care Scheme will receive a weekly subsidy based on a particular fortnight in February. The subsidy will be \$19,249.61 and will continue, at this stage, until the end of June 2020. Council has received three payments to date.

Of Council's 30 Educators, four have chosen to close. These educators will not be eligible for payments. The 26 Educators who continue to operate could be compensated based on:

- flat percentage of the total; or
- a fee based on their enrolments (noting that payment is still applicable for absent children).

The latter form of disbursement offers a fairer distribution.

In normal circumstances, Council charges an Educator fee of 50 cents per child, per hour and an Administrative fee of \$1.35 per child per hour. The government has indicated no requirement that these fees be reduced however in response to business impacts incurred due to COVID-19, the Prime Minister has appealed to all businesses to look at their rate of fees and charges and determine whether they can reduce them in recognition of the unprecedented circumstances.

Based on the fortnight in February the Government has chosen, our educator fee was \$3554.01 and our administrative levy was \$9596.19 a total of \$13,150.20. The cost of running the scheme varies but averages around \$8,500 to \$9,000 per fortnight (excluding internal attribution and property management charges). If the scheme continues to charge the Educator fee and halve the admin levy, it would retain approximately \$8352 per fortnight, leaving \$30,147.22 to disburse. This amount is close to the normal disbursements from Council.

However, the amount paid to educators represents only the government childcare subsidy payments. Educators are permitted to charge up to an additional \$2.40 per child per hour as a contribution from parents. This means that some educators may experience a significant loss of income. Where an educator can demonstrate a loss of 30% or more, they will be eligible for the Job Keeper scheme in addition to the amount received from Council. In that circumstance, they must apply for Job Keeper directly to the Government.

Recommendation

That the report be received for information.

Attachments

Nil

7.2 COVID19 - Response and Recovery (Ref: ; Author: Tegart/Tegart)

File Reference: 45.4.1-02

Report

COVID Response

Further to reports to Council in March and April, the executive Crisis Management Team (CMT) continues to monitor Government Orders and announcements, Southern Health COVID statistics, and manage staff and service delivery during the pandemic. No COVID cases have been reported amongst staff or councillors. Vulnerable staff are working from home, councillors may attend meetings and workshops remotely, and around 180 staff have established work-from-home arrangements with around two thirds working from home at any one time. Displaced staff from closed facilities have been redeployed. Council continues to operate its essential services uninterrupted.

Councils across the State are to support communities through this period by adopting a flexible and pragmatic approach to enforcement and compliance action during the period while any Orders under the *Public Health Act 2010* to deal with public health risk of COVID-19 apply. This includes taking appropriate and necessary measures to respond to the issues arising in these exceptional circumstances including:

- Relaxing time restrictions and movement caps for deliveries in existing development consents for retailers such as supermarkets and other key service providers;
- Relaxing restrictions on the use of footpaths for food premises to facilitate effective social distancing of patrons.

The Office of Local Government (OLG) have released several circulars reinforcing Orders, amending regulations and providing guidance including:

- Guide to Webcasting Council and Committee Meetings
- Compliance with social distancing requirements at council and committee meetings
- Postponement of the September 2020 Local Government Elections
- Modification of statutory requirements (issue rates, waiving fees, operational plan delays, newspaper advertising)
- Managing fraud and corruption risks during the COVID-19 pandemic
- New Integrated Planning and Reporting requirements

The CMT took into account the following measures when preparing pandemic responses:

- whether business practices and modes of service delivery (i.e. face-to-face interactions/highly trafficked council areas) could be adjusted to reduce the risk of transmission
- planning for potentially high rates of absenteeism across all branches, as people become ill, or need to stay home to care for family
- reinforcing routine occupational health and safety obligations
- identifying and protecting critical staff functions (i.e. highly important functions that may only be undertaken by a small number of people)

7.2 COVID19 - Response and Recovery (Ref: ; Author: Tegart/Tegart) (Continued)

- role substitution for vulnerable individuals (people with underlying illnesses that make them more vulnerable to respiratory disease)
- flexible working arrangements (e.g. working from home)
- leave considerations
- cleaning and other infection control procedures – consider more frequent cleaning in high traffic areas, availability of hand cleaner/facial tissues/rubbish bins

A summary of Council's approach to COVID is outlined below:

- Council's actions to assist Government with flattening the curve and ensuring that the safety of community, customers and staff remained a top priority.
- Upon notification of Government and Public Health Orders, relevant recreational, cultural, tourist and community facilities, together with high touch customer contact centres, were closed and related services suspended or restricted, anticipated then to be for period of up to 6 months
- Kept open areas and parks available for private exercise and health
- Increased cleaning and sanitisation of public and staff amenities
- Pandemic Preparedness Guidelines were prepared, to enable drafting of Pandemic Sub-Plans for 'mission critical' and 'critical' services (ie essential), identifying maximum allowable outages, and thresholds at which staff absence triggers a restriction or suspension of service
- All programs (established in the QPRC service/program/activity framework) were marked up as 'essential', 'permitted' or 'deferred' to guide closure of facilities, suspension of services, and redeployment of staff
- Pandemic sub-plans (essential/permitted services) are scenario tested
- Moved services where possible to COVID safe environment
 - youth and children's interactive services to web and Facebook;
 - library expansion of delivery service and click and collect options;
 - customer service increase in LiveChat and migration to web autobot for self-enquiry/application/payment
 - free online business planning, marketing and other support continues for local businesses
- Established Pandemic Management Policy and Splinter Award with CRJO and LGNSW respectively, to enable consistent staffing, leave, stand down and redeployment arrangements across the region and state
- Increased in-house wellbeing initiatives, including Home Based Work surveys, daily wellbeing check-ins, and expanded access to EAP service
- Distributed coronavirus app to Council mobiles
- All staff and councillor travel and training restricted to QPRC/ACT only, with most meetings delivered through Zoom/Team and similar platforms
- Council meetings and community forums delivered remotely through LiveStream and Zoom channels
- Participation in weekly webinar/Zoom meetings with NSW Health, OLG, LGNSW and LGPro as well as regional bushfire recovery, to manage COVID and resourcing issues

7.2 COVID19 - Response and Recovery (Ref: ; Author: Tegart/Tegart) (Continued)

- Retained timeframes for Operational Plan, Revenue Policy, rates harmonisation, LSPS and LEP
- 'COVID-Kindness' campaign distributed flyers and calls to all households, offering assistance, drop-offs etc particularly to the vulnerable
- Financial assistance due to COVID endorsed for residents (lost employment) and business (closed down), in addition to that provided for owners impacted by drought and bushfire, included
 - payments over two years, and the waiver of interest charges, under approved payment plans
 - proposed stormwater levy and associated works deferred for 12 months
 - waiver or deferral of rents for commercial operators leasing council property who can demonstrate financial distress due to COVID-19, in line with Commonwealth/State Government codes
 - potential deferral of developer contributions
- Suspended CBD parking patrols and time stay infringements, acting on complaints
- Deferral of mayor and councillor fee increases for six months
- Council is undertaking financial modelling on the impact on COVID on the business. The modelling looks at the impact over a 3 month, 6 month and 9 month period; and phased recovery/reopening over similar out-periods. Report to Council bi-monthly on COVID costs

An outline of Council's approach to managing COVID has been provided to the NSW Office of Local Government (OLG).

COVID Recovery

As active COVID cases have been suppressed in the QPRC/ACT region, it is intended to downgrade our pandemic sub-plan risk to Level 2 – Intermediate from June and then Level 1 – Initial from July if no outbreaks arise or Government Orders prohibit. CMT will observe the Precedent Conditions established by Government, when considering relaxation (attached).

It is anticipated that as restrictions ease, some facilities may reopen and services resume, even on a restricted basis, on the basis social distancing can be managed. Those resummptions will be based on Government Orders and NSW Health advice, and will likely:

- continue social distancing standards (>1.5m personal separation; >4m² per person indoors, maximum indoor/outdoor gatherings);
- introduce requirements for PPE (sanitisers, masks) and maintain personal hygiene;
- phase the re-opening of low contact facilities (eg aquatic centres and libraries) initially as they supplement school activities
- phase the re-opening of cafes and restaurants that can manage social distancing

As those measures are announced by Government, the CMT will give advance notice to staff and the community, outlining the timing and terms of re-opening facilities on a restricted or full service basis, and the public health practices to be observed.

It is anticipated the customer contact centres would also re-open, likely with restricted hours for access to development enquiries, and continue with cashless payments across all service centres and facilities (including waste centres). We anticipate operating the NSW Planning Portal by June which would reduce the number of development enquiries at the front counter, and together with property searches being available online, there may be less foot traffic in the service centres.

7.2 COVID19 - Response and Recovery (Ref: ; Author: Tegart/Tegart) (Continued)

Other high touch facilities such as outdoor gyms, sports centres and playgrounds will remain shut. If a COVID case is identified at a workplace or public facility:

- close down and sanitisation protocols will apply
- an assessment undertaken against the sub-plan risk
- a further review whether to remain open.

It is not expected performances, events, training and other larger public gatherings in community halls would restart in that initial phase, with remote meetings that minimise travel and risk of 'over-populating' enclosed spaces expected to continue.

Staff and councillor business travel outside QPRC/ACT will remain restricted.

The Government has signalled a measured easing of restrictions, the more recent including resumption of some elite sports in a spectator free environment, based on the AIS framework and public health guidance.

Resumption of community sport and recreation conducted outdoors is limited to small groups (<10) activities in non-contact fashion, while indoor activities require significantly enhanced risk mitigation measures. Recommencement of local competitions require exemptions from Government. Detection of a COVID case in a sporting or recreation group will result in a public health response, including quarantine.

COVID Stimulus

Much of the recovery may be predicated on Government stimulus focussed on infrastructure spending. The construction sector employs around 10% and generates 25% of economic activity in our LGA. The draft FY21 Operational Plan has contemplated several projects that could proceed pending receipt of stimulus funding:


- Construction and other capital works forecast in the budget are anticipated to continue to engage local and regional contractors and the associated supply chain to keep business in work.
- QPRC to proceed with the construction of various community infrastructure and road projects, in addition to regular maintenance of its assets as outlined in its draft Operational Plan and draft budget for 2020-21.

The NSW government will fast-track planning approvals for key state infrastructure and significant developments, including Snowy 2.0 in this region, to stimulate the NSW economy impacted by COVID-19. That investment includes residential construction, school upgrades and local councils' infrastructure expected to stimulate more than \$7.5 billion in economic activity, and create 9,500 new jobs across the state.

Recommendation

That the report be received for information.

Attachments

Attachment 1  Precedent Conditions for Relaxation of Restrictions (*Under Separate Cover*)

8.1 Minutes of the Braidwood and Curtilage Heritage Advisory Committee held 9 April 2020 (Ref: ; Author: Thompson/McCauley)

File Reference: 26.5.1-07


Summary

The Minutes of the Braidwood and Curtilage Heritage Advisory Committee held on 9 April 2020 are presented to Council for its consideration.

Recommendation

That Council note the Minutes of Braidwood and Curtilage Advisory Committee held on 9 April 2020.

Attachments

Attachment 1  Minutes of the Braidwood and Curtilage Heritage Advisory Committee Meeting held 9 April 2020 (*Under Separate Cover*)

8.2 Minutes of the QPRC Heritage Advisory Committee Meeting held 16 April 2020
(Ref: ; Author: Thompson/McCauley)

File Reference: 26.5.1-08


Summary

The Minutes of the QPRC Heritage Advisory Committee of 16 April 2020 are presented to Council for consideration.

Recommendation

That Council note the Minutes of QPRC Heritage Advisory Committee held on 16 April 2020.

Attachments

Attachment 1  Minutes of the QPRC Heritage Advisory Committee Meeting held 16 April 2020 (*Under Separate Cover*)

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*.