



Ordinary Meeting of Council

AGENDA

22 March 2017

Commencing at 5.30pm

**Council Chambers
10 Majara Street, Bungendore**

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

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****On-site Inspections****

List any inspections or indicate “Nil”

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1 APOLOGIES

2 DISCLOSURES OF INTERESTS

3 CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held on 22 February 2017

3.2 Minutes of the Planning and Strategy Committee of the Whole held on 8 March 2017

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

5 MAYORAL MINUTES

Nil

6 NOTICES OF MOTIONS OF RESCISSION

Nil

7 NOTICES OF MOTIONS

Nil

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Nil

12 RESPONSES TO COUNCILLORS' QUESTIONS

Nil

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Nil

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Confidential - Not for Publication

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"Item 15.1 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."

LIST OF ATTACHMENTS –

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

Open Attachments

Item 8.1 Development Application 2016.233 - New Dwelling - 19 Glenmore Road, Braidwood

Attachment 1 Council - 22 March 2017 - DA 2016.233 -Section 79C - Matters for Consideration - New Dwelling - 19 Glenmore Rd, Braidwood (Under Separate Cover)

Attachment 2 Council - 22 March 2017 - DA.2016.233 - Request for CI 4.6 Variation - Supporting Information - New Dwelling - 19 Glenmore Road (Under Separate Cover)

Attachment 4 Council - 22 March 2017 - DA 2016.233 - Draft Conditions - New Dwelling - 19 Glenmore Rd (Under Separate Cover)

Item 8.2 Proposals to Update the Environmental Planning and Assessment Act 1979

Attachment 1 Objectives of the Updates to the Planning Legislation - January 2017 (Under Separate Cover)

Item 8.3 Investment Report - February 2017

Attachment 1 Investment Report - February 2017 - Attachment 1 - 22 March 2017 (Under Separate Cover)

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Item 8.4 Staff report - Nominations for 2017 QPRC Cultural Development & Public Art Panel

Attachment 1 Cultural Development and Public Art Advisory Panel - summary of nominations Jan 2017 (Under Separate Cover)

Item 8.5 Draft Disability Inclusion Action Plan - Public Consultation

Attachment 1 DRAFT Disability Inclusion Action Plan - January 2017 (Under Separate Cover)

Item 8.6 Support for Kanga Cup Event

Attachment 1 Kanga Cup Economic Impact Analysis (Under Separate Cover)

Item 8.8 Queanbeyan-Palerang Regional Council Donations Policy 2017

Attachment 1 Draft Queanbeyan-Palerang Regional Council Donations Policy 2017 (Under Separate Cover)

Item 8.9 Stronger Communities Fund - Major Infrastructure Projects

Attachment 1 SCF - Community Rankings (Under Separate Cover)

Attachment 2 List of Approved Projects (Under Separate Cover)

Item 8.10 Strategic Directions

Attachment 1 Strategic Directions (Under Separate Cover)

Attachment 2 Draft Statement of Strategic Directions - Discussion Paper (Under Separate Cover)

Item 9.3 Royalla Common s.355 Committee minutes

Attachment 1 Minutes of Royalla Common s.355 Committee meeting held on 31 October 2016 (Under Separate Cover)

Attachment 2 Minutes of Royalla Common s.355 Committee meeting held on 7 December 2016 (Under Separate Cover)

Item 9.4 Braidwood Showground Reserve Trust s.355 Committee minutes

Attachment 1 Minutes of the Braidwood Showground Reserve Trust s.355 Committee meeting held on 15 November 2016 (Under Separate Cover)

Attachment 2 Minutes of the Braidwood Showground Reserve Trust s.355 Committee meeting held on 13 December 2016 (Under Separate Cover)

Item 9.5 Mick Sherd Shed s.355 Committee minutes

Attachment 1 Minutes of the Mick Sherd Shed s.355 Committee AGM held on 16/23 November 2016 (Under Separate Cover)

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Item 9.6 Carwoola/Stoney Creek Area s.355 Committee minutes

*Attachment 1 Minutes of the Carwoola Stoney Creek Area s.355
Committee meeting held on 23 February 2017
(Under Separate Cover)*

Closed Attachments

**Item 8.1 Development Application 2016.233 - New Dwelling - 19 Glenmore
Road, Braidwood**

*Attachment 3 Council - 22 March 2017 - DA.2016.233 - Plans -
New Dwelling -19 Glenmore Road (Under
Separate Cover)*



MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 10 Majara Street, Bungendore on Wednesday, 22 February 2017 commencing at 5.30pm.

ATTENDANCE

Administrator: T. Overall (Chair)

Staff: P Hansen, Acting Interim General Manager; M Thompson, Acting Director Environment, Planning and Development; G Cunningham, Acting Director of Works and Utilities; D Fulton, Acting Director Economic and Community and S-J Abigail, Acting Executive Manager Finance.

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

1. APOLOGIES

038/17

RESOLVED (Overall)

The Administrator noted Council's Interim General Manager, Peter Tegart, is an apology for tonight's meeting and Phil Hansen is Acting Interim General Manager.

No further apologies were received.

2. DISCLOSURES OF INTERESTS

039/17

RESOLVED (Overall)

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

No declarations were received.

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held on 25 January 2017

040/17

RESOLVED (Overall)

The Administrator resolved that the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 25 January 2017 be confirmed.

3.2 Minutes of the Planning and Strategy Committee of the Whole held on 8 February 2017

041/17

RESOLVED (Overall)

The Administrator resolved that the Minutes of the Planning and Strategy Committee of the Whole held in the Queanbeyan Council Chambers on Wednesday 8 February 2017 be confirmed.

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

042/17

RESOLVED (Overall)

The Administrator resolved that all presenters be heard.

Greg Roberts - 12.1 - Development Application 2016.206 - 65 Forster and 104 Butmaroo Streets, Bungendore - Seniors Living for 40 Community Title Dwellings

Greg Nye - 12.1 - Development Application 2016.206 - 65 Forster and 104 Butmaroo Streets, Bungendore - Seniors Living for 40 Community Title Dwellings

Robert Beith - 12.1 - Development Application 2016.206 - 65 Forster and 104 Butmaroo Streets, Bungendore - Seniors Living for 40 Community Title Dwellings

Sophie Olsen - 12.2 - Rural Lands Study - Draft Strategy and Revised Native Vegetation Layer

Katrina Willis tabled a petition of further signatures opposing the Ellerton Drive Extension.

9. MAYORAL MINUTES**S.2 Carwoola Bushfire Support**

The Administrator recorded that the Queanbeyan-Palerang Regional Council recognises the plight and the traumatic circumstances facing many residents of the Carwoola area following the catastrophic bushfire on Friday, 17 February 2017. We sympathise with all the residents affected by the fire particularly those who have suffered the devastating loss of a home - destroyed or severely damaged, loss of personal effects, pets, livestock and property.

The Administrator acknowledged and extended a thank you to the Monaro Local Area Command, the NSW and ACT emergency services including RFS units near and from afar, the volunteers - many of whom put their own lives at risk, and all the government and welfare agencies, service organisations, assistance groups and volunteers. The Administrator also extended appreciation to all QPRC staff who assisted with front line incident response and who continue to be involved in recovery services and coordination.

043/17

RESOLVED (Overall)

The Administrator resolved:

1. That Council establish the Carwoola Bushfire Appeal with all funds collected through the appeal going to those property owners and occupiers whose homes have been destroyed or substantively damaged by the fire and any administrative costs associated with the Appeal be covered by the Council.
2. That a Carwoola Bushfire Appeal Panel be established comprising the General Manager or nominee, a member of the Audit Committee, and up to two members of the community. Once formed the Panel shall determine the operational framework for the Appeal.
3. That Council donate \$10,000 to the Carwoola Bushfire Appeal.
4. That Council provide the opportunity for those property owners whose home has been destroyed or substantively damaged to apply for postponing of rates through the Hardship Policy.
5. That until a replacement dwelling is occupied, the Council meet any waste charges applied to a property where the dwelling has been destroyed or is unable to be occupied.
6. That the following application fees associated with the construction of a replacement dwelling or partial rebuild of a substantively damaged dwelling be met by the Council:
 - a. Development application fees under the Environmental Planning and Assessment Act
 - b. Section 68 Activity application fees under the Local Government Act
 - c. Any applicable notification fees

7. That Council approach State Government about waiving the long service levy and planning levy fees payable at the time of lodging a development application for a replacement dwelling house for the current owner of the land.
8. For a period of two months from the date of the fire, Council will cover the waste disposal charge at its Bungendore transfer facility for the disposal of general waste and debris generated as a direct result of the fire subject to that material not being contaminated with any form of asbestos material. The General Manager may extend the period in exceptional circumstance or circumstances.
9. That Council advise the owners of properties destroyed or substantively damaged in the Carwoola Bushfire of the decision and the relevant processes and procedures.
10. That concessions 4 to 9 above also be applied to the Currandooley Fire.
11. Where Council has agreed to meet the cost of services specified in 5, 6 and 8 above those costs be met from Council's donations budget.

9.1 Crown and Private Roads Review

044/17

RESOLVED (Overall)

The Administrator resolved that Council conduct workshops and prepare a report to consider and develop an appropriate policy to address requests of Council to convert crown or private roads into public roads, or to maintain such roads.

10. NOTICES OF MOTIONS OF RESCISSION

Nil

11. NOTICES OF MOTIONS

Nil

12. DETERMINATION REPORTS**12.1 Development Application 2016.206 - 65 Forster and 104 Butmaroo Streets, Bungendore - Seniors Living for 40 Community Title Dwellings**

045/17

RESOLVED (Overall)

The Administrator resolved:

1. That approval be granted to a variation to Part C2.2.2 Setbacks of the Palerang Development Control Plan 2015 to allow the street setbacks specified below for the development, for the reasons stated:

Setbacks

- Dwellings 10-20 are setback to Forster Street 2.67m, with dwellings 6 & 32 being setback 1.59m.
- Building setbacks of 1.3m for dwellings 1 & 6 are provided to Butmaroo and Majara Streets.
- The primary dwelling frontages face the private internal roads with garages setback 5.5m and 6.71m.

Reasons for Permitting Variation

- i. The development is for seniors living and not dwelling houses. Technically the dwelling house setbacks under the PDCP do not apply. However, the development is designed to achieve rear and side boundary setbacks under the PDCP. These setbacks provided are more than specified under the PDCP.
- ii. The design creates a sense of community for the development with an attractive palisade steel and brick column fence proposed to complement the streetscape and avoid rear solid fences being erected along the street frontages
- iii. Landscaping works will be provided along the street frontages to enhance the streetscape. The development design utilises Forster, Majara and Butmaroo Streets as the rear boundaries hence the reduced setbacks.
- iv. Table 13 of the PDCP 2014 specifies in R2 zone for dwelling houses a 0.9m setback where the building is less than 3.6m high otherwise the setback is 3m.
- v. The proposed dwellings are less than 3.6m in height (height defined under Seniors Living SEPP). If the Streets are treated as the rear setback for the dwelling houses the proposed setbacks are adequate under the PDCP.
- vi. Should Council require setbacks of 7m to Forster Street frontage and 3m to the side streets of Butmaroo and Majara Streets the development would need to be redesigned.

2. That approval be granted to a variation to Part C30.2 Gates and Fencing of the Palerang Development Control Plan 2015 to allow a brick column and steel palisade style fencing height of 1.8m along Forster, Majara and Butmaroo Streets for the following reasons:
 - i. The applicant requests in their design that the street frontages be treated as the rear and side boundaries. As a consequence the development is designed so that dwellings face each other internally to encourage a sense of community. The proposed fence heights are suitable given that the development is designed with the street frontages as rear and side boundaries.
 - ii. The design creates a sense of community for the development with the dwellings facing inwards to the private road).
 - iii. An attractive palisade steel and brick column fence is proposed to complement the streetscape and avoid rear solid fences being erected along the street frontages.
 - iv. Landscaping works will be provided along the street frontages to enhance the streetscape.
3. That development application DA.2016.206 for seniors independent living development comprising 40 x 2 bedroom dwellings and community building in single storey construction and 40 lot Community Title subdivision located at 65 Forster Street and 104 Butmaroo Street, Bungendore, being Lots 1,2,3,7,8 and 9 Section 8 DP 976608 be granted conditional approval subject to Condition 23 being amended to permit works on Saturdays between the hours of 7.00am and 4.00pm.
4. That those persons who lodged a submission(s) on the application be advised in writing of the determination of the application.

12.2 Rural Lands Study - Draft Strategy and Revised Native Vegetation Layer

046/17

RESOLVED (Overall)

The Administrator resolved:

1. That Council adopt the following recommendations from the report to the Rural Lands Study Committee meeting held on 18 August 2016:
 - a. A review of the zoning of land, minimum lot size and possible rural residential infill areas be part of the development of a new comprehensive local environmental plan for the Queanbeyan-Palerang Regional Council.
 - b. Dot point eight under 5.3 to state "land that is class 3 agricultural land should have a minimum lot size equal to or greater than 16 hectares."
 - c. Dot point 7 under section 5.4 be amended to state "agricultural/education/cultural tourism land uses (that do not conflict with agricultural activities)."
 - d. Action 8C3 be amended to the following:

"Possible development trade-offs. For example, a planning proposal may be supported that would allow cluster development in a well serviced part of a property and the other parts of the property would protect natural resources."
 - e. The request for the rezoning of Lots 53, 54, 55 and 56 DP 774754 from RU1 Primary Production to E4 Environmental Living be considered in the next stage of the Rural Lands Study - the consideration of rezoning and requests for the erection of a dwelling on a lot using the criteria in the draft Rural Lands Strategy (p38).
 - f. The minimum lot size and lot 'averaging' in RU1 Primary Production be considered as a subproject in the preparation of the new comprehensive local environmental plan.
 - g. A dot point "lots which would contain structures are not on a visually prominent ridge" be added to land use categories 5.1, 5.3, 5.4 and 5.5.
 - h. The word 'genuine' be removed from Strategy 1C of the draft Rural Lands Strategy.
 - i. The land use categories used in the draft Rural Lands Strategy be changed to:
 - i. 5.1 Rural Residential
 - ii. 5.1.1 Hamlet
 - iii. 5.1.2 Rural Living
 - iv. 5.1.3 Small Lot Agriculture
 - j. The revised draft Rural Lands Strategy at Attachment 1 to this report be adopted by Council.

- k. Council proceeds with replacing the current Palerang Local Environmental Plan 2014 Terrestrial Biodiversity map with the revised native vegetation GIS layer as part of the development of the new comprehensive local environmental plan once a criterion for the level of data to be included has been determined.
 - l. The revised GIS layer and associated report Native Vegetation of the Palerang Local Government Area, November 2015 and GIS data be made available for viewing on Council's website.
2. That land zoned E4 Environmental Living under the Palerang Local Environmental Plan 2014 be considered in terms of its fit for purpose and that this be part of the preparation of a new comprehensive local environmental plan for the Queanbeyan-Palerang Regional Council.
 3. That Council note the advice of NSW Department of Planning and Environment on considering lands fit for purpose in land use rezoning decisions.
 4. That the Minutes of the Rural Lands Study Committee held on 18 August 2016 as per Attachment 6 of this report be noted.
 5. That the members of the Rural Lands Study Committee be thanked for their input.

12.3 Investment Report - January 2017

047/17

RESOLVED (Overall)

The Administrator resolved that Council:

1. Note the investment income for January 2017 is \$379,542 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2016/17 Financial Year to \$3,031,635 which is \$631,943 above the year to date original budget;
2. Note the investments have been made in accordance with the Local Government Act 1993, the Local Government General Regulations, and Council's proposed investment policy;
3. Adopt the Investment Report for the month of January 2017.

12.4 Quarterly Budget Review Statement for the Quarter Ending 31st December 2016

048/17

RESOLVED (Overall)

The Administrator resolved that Council:

1. Adopt the December 2016 Quarter Budget Review Statement and variations as outlined in this report.
2. Note the predicted consolidated deficit of \$220k.

12.5 Licence Agreement - Italian Community Hall 14 Carinya Street.

049/17

RESOLVED (Overall)

The Administrator resolved that:

1. The report be received and noted.
2. The Council agree in principle to entering into a 21 year Licence Agreement with the Italian Community Festival Association Inc for the use of a Community Hall and associated car parking at Lot 100 DP1194186, 14 Carinya St, Queanbeyan.
3. In accordance with the provisions of S 47 of the Local Government Act 1993, public notice of the proposal be provided and if any submissions are received that the comment be subject of a further report to the Council.
4. If no public submissions are received that the Licence Agreement as proposed be executed.
5. The annual rental be \$479 and be indexed to the Department of Lands minimum annual rental amount.

12.6 Sports Facilities Strategic Plan

050/17

RESOLVED (Overall)

The Administrator resolved that:

1. That the draft Sports Facilities Strategic Plan Page 16, second paragraph, third sentence be amended to read "Initial concept designs have been developed, Appendix 2, providing high level Hockey and Football , Aquatic Centre with 50m indoor competition standard pool and associated facilities, 4 – 6 court indoor sports facility, gym, child care and sports related businesses."
2. That Council endorse the draft Sports Facilities Strategic Plan for public exhibition and comment, with a consultation report coming back to Council for consideration before final adoption.

12.7 Oktoberfest 2017

051/17

RESOLVED (Overall)

The Administrator resolved that Council:

1. Endorse the Canberra German Harmonie Club Oktoberfest 2017, to be held at Queanbeyan Showground.
2. Agree to a fixed annual showground hire fee for the Oktoberfest for the first five years.
3. Consider an amount of \$25,000 be included in the draft 2017-2018 budget for Council's promotion and wider community engagement in the event.

12.8 Building Better Region Fund - Round 1 2017

052/17

RESOLVED (Overall)

The Administrator resolved that Council:

1. Endorse Project 1 – Braidwood and Captains Flat Pools and Project 2 - Braidwood Town Centre from the Infrastructure Project Stream projects and Project 1 QPRC Economic Development Strategy (including Retail Plan, QPRC Prospectus and implementable strategies) from the Community Investment Stream projects.
2. Note that the future development of a heritage themed roundabout needs to be excluded from Project 2, Infrastructure Project Stream, given the BBRF project completion criteria.
3. Note that should any of the grant applications be successful, further reports may be bought back to Council seeking matching funding.

12.9 South East Region Academy of Sport

053/17

RESOLVED (Overall)

The Administrator resolved that Council:

1. Renew its membership to South East Region Academy of Sport (SERAS).
2. Note the current 'Memorandum of Understanding' whereby Council provides a workspace at its Bungendore office to SERAS for an annual rental fee.
3. If necessary, nominate a staff member to the SERAS board in an interim capacity up until an elected body of Councillors has been established after the election in September 2017.

- 054/17 **12.10 Tender Evaluation - Queanbeyan Park Playground Toilet Facility**
RESOLVED (Overall)
The Administrator resolved that Council award Contract no. 16/2017 (VP62268) to Tenderer number 1, Exeloo Pty Ltd, for the Queanbeyan Park Playground Toilet Facility at a total cost of \$149,900 (Ex GST).
- 9. INFORMATION REPORTS**
- 055/17 **13.1 Site Inspection - DA.2016.163 - 55-59 Ellendon Street Bungendore**
RESOLVED (Overall)
The Administrator resolved that the report be received for information.
- 056/17 **13.2 Site Inspection - Review of Determination - 35 Trucking Yard Lane Bungendore - Childcare Centre - REV.2016.0003**
RESOLVED (Overall)
The Administrator resolved that the report be received for information.
- 057/17 **13.3 Pedestrian and Traffic Study of Antill Street and Collett Street**
RESOLVED (Overall)
The Administrator resolved that the report be received for information.
- 058/17 **13.4 Integrated Planning for 2017-18**
RESOLVED (Overall)
The Administrator resolved that the report be received for information.
- 059/17 **13.5 Q-One - Summer Activation Program**
RESOLVED (Overall)
The Administrator resolved that the report be received for information.
- 060/17 **13.6 Submission on the development of a Model Code of Meeting Practice**
RESOLVED (Overall)
The Administrator resolved that the report be received for information.

13.7 Merger Transition Plan - Progress

061/17

RESOLVED (Overall)

The Administrator resolved that the report be received for information.

S.3 Site Inspection - DA.2016.206 - 65 Forster Street & 104 Butmaroo Street BUNGENDORE NSW 2621

062/17

RESOLVED (Overall)

The Administrator resolved that the report be received for information.

14. COMMITTEE REPORTS**14.1 The Q Board Meeting - 30 Jan 2017**

063/17

RESOLVED (Overall)

The Administrator resolved that Council:

1. Note the minutes of The Q Board held on 30 January 2017.
2. Adopt recommendations TQB01/17 to TQB14/17, excluding TQB 10/17.

TQB 01/17 That the Board Resolution Outcome Report be noted.

TQB 02/17 The Board recommend that the Chairperson's report be noted.

TQB 03/17 That the Internal Production Review be accepted.

TQB 04/17 That staff look at the development of a budget for the inclusion of a performance to be a part of the 2018 Q-One Summer Activation Program. A budget is to then be tabled at the next Q Board meeting.

TQB 05/17 That the External Production Review be noted.

TQB 06/17 The Board noted the Publicist Report and Marketing Report.

TBQ 07/17 That the season brochure be included in the welcome packs given at the citizenship ceremonies conducted by Council.

TQB 08/17 That the Marketing Supervisor contact the University of Canberra and announce individuals whose marketing plans were chosen in the Board's top three. Second that the Marketing Supervisor organise the delivery and presentation of the prize money.

TQB 09/17 That the Marketing Supervisor organise a workshop, whereby the Board and select staff from the Q can further develop the Q's brand.

TQB 11/17 That staff create a policy, to be tabled for adoption by Council, outlining the financial parameters of Council in supporting the creation of original works.

- TBQ 12/17 That the Program Manager discuss royalty arrangements with Francesco Sofo and provide a written agreement to the next Board Meeting.
- TBQ 13/17 That the Performing Arts Team Leader investigate the legal position of Council in relation to Council owning or co-owning the IP to a show. Information collected is to then be tabled at the next Q Board meeting.
- TQB 14/17 The Board recommends that whilst the show cannot be accommodated in the regular season, that Bicentennial Hall be offered for general hire to the group.

14.2 Queanbeyan-Palerang Regional Sports Council - 6 February 2017

064/17

RESOLVED (Overall)

The Administrator resolved that:

1. Council note the minutes of Queanbeyan-Palerang Regional Sports Council held on 6 February 2017.
2. Recommendations TQB 01/17 to TQB 14/17, excluding TBQ 10/17, be adopted.

14.3 Local Traffic Committee Meeting - Minutes - 7 February 2017

065/17

RESOLVED (Overall)

The Administrator resolved that Council:

1. Note the minutes of Local Traffic Committee held on 7 February 2017.
2. Adopt recommendations 01/17 to 08/17 from the meeting held on 07 February 2017.

LTC 01/17 Under Roads Act 1993 approve the proposed road closures for 2017 ANZAC Day Ceremonies in Queanbeyan

LTC 02/17 Under Roads Act 1993 approve the proposed road closures for 2017 ANZAC Day Ceremonies in Bungendore

LTC 03/17 Under Roads Act 1993 approve the proposed road closures for 2017 ANZAC Day Ceremonies in Captains Flat.

LTC 04/17 Under the Roads Act 1993 approve the closure of High Place and Powell Street, to all traffic except local traffic and approved vehicles from 1.00pm – 9.00pm on Saturday 18 February 2017 for the NRL Trial Game

LTC 05/17 Under the Road Transport Act 2013 install 'No Stopping' signs, remove the 'Loading Zone' and implement 2 hour timed parking for 30 marked parking bays as per the concept design at Jerrabomberra Community Car Park.

LTC 06/17 Under the Road Transport Act 2013 install additional line marking on Early Street as per design and replace the 'Give Way' sign with a 'Stop Sign' at the intersection of Early Street/Agnes Avenue

LTC 07/17 Under the Road Transport Act 2013 install two disability car parking bays with required shared zone at Freebody Oval as per design.

LTC 08/17 Under the Road Transport Act 2013 extend the loading zone in Morisset Street Car Park as per concept design.

15. DELEGATES' REPORTS

Nil

16. RESPONSES TO COUNCILLORS' QUESTIONS

Nil

17. COUNCILLORS' QUESTIONS FOR NEXT MEETING

Nil

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

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

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

PRESENTATIONS

No presentations were made.

066/17

RESOLVED (Overall)

The Administrator resolved 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 S.1 Potential Land Acquisition

Item S.1 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

The meeting returned to Open Sessions by virtue of Resolution No068/17 made in Closed Session.

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

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

S.1 Potential Land Acquisition

The Administrator resolved that Council agree to enter into a Contract to purchase land at 1187 – 1241 Old Cooma Road, Royalla generally in accordance with the conditions outlined in the report.

At this stage in the proceedings, the time being 6.50pm Mr Overall announced that the Agenda for the meeting had now been completed and declared the meeting closed.

**TIM OVERALL
ADMINISTRATOR
CHAIRPERSON**



PLANNING AND STRATEGY COMMITTEE OF THE WHOLE MEETING

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

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

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

MINUTES OF THE PLANNING AND STRATEGY COMMITTEE OF THE WHOLE OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held at the Council Chambers, 253 Crawford St, Queanbeyan on Wednesday, 8 March 2017 commencing at 5.30pm.

ATTENDANCE

Administrator:	Cr Overall (Chair).
Staff:	P. Tegart, Interim General Manager; M. Thompson, Acting Director Environment, Planning & Development and P. Hansen, Acting Director Assets & Projects.
Also Present:	W Blakey, Management Accountant (Clerk of the Meeting) and R Potter (Minute Secretary).

1. APOLOGIES

No apologies were received.

2. PRESENTATIONS/DEPUTATIONS/PETITIONS

No presentations were registered.

3. DECLARATIONS OF INTEREST

PLA017/17

RESOLVED (Overall)

The Administrator resolved that the Administrator and staff now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

Michael Thompson disclosed a less than significant non-pecuniary interest in relation to Item 4.1 – DA 165-2016 – Demolition of an Existing Hall and Erection of 12 x Two Storey Townhouses – 7 Cameron Road, Queanbeyan.

Mr Thompson exited Chambers.

STAFF REPORTS**4. ENVIRONMENT, PLANNING AND DEVELOPMENT****4.1 Development Application 165-2016 - Demolition of an existing Hall and Erection of 12 x Two Storey Townhouses - 7 Cameron Road, Queanbeyan**

PLA018/17

RESOLVED (Overall)

The Administrator resolved:

1. That approval be granted to the following variations to the Queanbeyan Development Control Plan 2012 for the reasons detailed in this report and the attached Sec 79C Matters For Consideration:
 - a) The non-compliance with the requirements of Clause 3.6.3 of Part 3C in relation to side and rear setback of Units 1, 5, 11 and 12 slightly less than 3m and 3.5m requirements.
 - b) The not satisfying the requirements of Clause 3.6.4 of Part 3C in relation to Unit 10's POS area will receive less than 3 hours sunlight on 21st June and the use of skylight windows for Units 6-10 instead of normal windows.
 - c) The non-compliance with the requirements of Clause 3.6.10 of Part 3C in relation to the location of visitor spaces not easily visible from the street.
2. That development application 165-2016 for multi dwelling housing involving demolition of existing buildings, erection of 12 two storey townhouses and strata subdivision on Lot 12 DP 37243, Lot 13 DP 37243, Lot 21 DP 578359, Lot 23 DP 578359, No. 7 Cameron Road, Queanbeyan be granted conditional approval.
3. That those persons who lodged a submission on the application be advised in writing of the determination of the application.

Mr Thompson re-entered Chambers.

5. INFORMATION REPORTS

5.1 Community Facility - 21 Brigalow Street, Karabar - Determination of Development Application

The Administrator congratulated Queanbeyan Celebrations Community which is affiliated with the Queanbeyan Anglican Church and Father Michael Cockayne on bringing this project to fruition.

PLA019/17

RESOLVED (Overall)

The Administrator resolved that the report be received for information.

6. COMMITTEE REPORTS

6.1 Environment and Sustainability Advisory Committee - 15 February 2017

PLA020/17

RESOLVED (Overall)

The Administrator resolved:

1. That the Report be received
2. That Council seek the assistance of the Upper Murrumbidgee Catchment Network (formerly the Upper Murrumbidgee Catchment Coordinating Committee) in funding and treatment options for water quality entering Lake Jerrabomberra

7. INFRASTRUCTURE SERVICES

7.1 QPRC Response to Stakeholder Submissions on the STP Upgrade Master Plan

PLA021/17

RESOLVED (Overall)

The Administrator resolved that Council:

1. Approves the Master Plan noting the issues raised by stakeholders
2. Approves commencement of the design process contingent on:
 - a. Implementing appropriate staging and hold point (gateway) release conditions for the design process
 - b. Not proceeding beyond concept design until issues related to effluent standards have been resolved and agreed to by all stakeholders

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

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

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

PRESENTATIONS

Les Manning – Item 9.2 - QCBD Properties Valuations

PLA022/17

RESOLVED (Overall)

The Administrator resolved 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 Development Compliance Matter - Roof Mounted Evaporative Cooling Units

Item 9.1 is confidential in accordance with s10(A) (e) of the Local Government Act 1993 because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Item 9.2 QCBD Properties Valuations

Item 9.2 is confidential in accordance with s10(A) (c) of the Local Government Act 1993 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

The meeting returned to Open Session by virtue of Resolution No. PLA025/17 made in Closed Session.

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

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

9.1 Development Compliance Matter - Roof Mounted Evaporative Cooling Units

The Administrator resolved that:

1. That as a matter of policy, in the event that complaints regarding the installation of ECUs without development consent are received by Council, the complainants be advised of the following:
 - a. Evaporative cooling units (roof mounted) within the local government area of QPRC are outside Climate Zone 4 under the Building Code of Australia (BCA) and as such are excluded from exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) as required by Clause 2.30A of the Codes SEPP. This means development consent would be required for its installation.
 - b. That notwithstanding the above, Council considers that if an evaporative cooling unit (roof mounted) complies with the other relevant development standards (clause 2.30B) under the Codes SEPP then its environmental impacts would not be significant and therefore inconsequential. In addition, development consent is likely to be granted to these ECUs.
 - c. That in dealing with minor non-compliances, Council's Development Compliance Policy allows no action to be taken on breaches that are inconsequential or have little impact on the amenity of the area.
 - d. That this position is also reflected in the NSW Ombudsman's "Having trouble with unlawful development activity?" – LC01 factsheet, which advises that Council must investigate all complaints it has received. However, it also provides that it is reasonable for Council to choose not to take enforcement action if the non-compliance is minor and Council would most likely have consented to an application had it been lodged.
 - e. That Council has therefore determined to take no further enforcement action on evaporative cooling units (roof mounted) which comply with the development standards (clause 2.30B) of the Codes SEPP (other than the requirement to be in Climate Zone 4).
2. Council investigates the inclusion of evaporative cooling units (roof mounted) in Schedule 2 Exempt Development of its LEP during the comprehensive review of the LEP resulting from the merger transition.
3. Council raises this issue with NSW Planning and Environment when commenting on the present amendments to the Environmental Planning and Assessment Act 1979 and in any other appropriate forum.

9.2 QCBD Properties Valuations

The Administrator resolved that:

1. Council receive and note the report on the Queanbeyan CBD properties valuations and transformation project.
2. Council authorise the General Manager to negotiate the sale of the CBD properties (sites P, Q, R, Z, E, F, G, O), in Crawford, Rutledge, Lowe and Morisset Streets on a stage by stage basis, in accord with the range recommended with the valuation reports, for reports to Council on each of those stages.
3. Council authorise the General Manager to undertake appropriate survey and subdivision of the sites listed in the report, in accord with the staging.
4. Council authorise the General Manager to negotiate the acquisition of suitable vehicular and pedestrian access paths from the Morisset Street carpark, for further report to Council.
5. Council include Site 5 as identified in Item 15.3, Report to Ordinary Meeting of Council, 27 April 2016 for possible development funding for the old nursery site, for uses similar to Site L as listed in the potential development sites in the report.

At this stage in the proceedings, the time being 6.00pm Mr Overall announced that the Agenda for the meeting had now been completed and declared the meeting closed.

TIM OVERALL
ADMINISTRATOR
CHAIRPERSON

ITEM 2. 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 the Administrator disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

DETERMINATION REPORTS

**8.1 Development Application 2016.233 - New Dwelling - 19 Glenmore Road, Braidwood
(Ref: C1729486; Author: Thompson/Coe)**

Summary***Reason for Referral to Council***

This application has been referred to Council because a variation of development standards is sought under the provisions of Clause 4.6 of the Palerang Local Environment Plan 2014. In addition the application is for a Braidwood address and it is appropriate that it be considered at the Bungendore meeting of Council.

Proposal:	Dwelling House and Shed
Applicant/Owner:	Plan <i>BE</i> Development Consultant / C & K Busby
Subject Property:	19 Glenmore Road, Braidwood being Lot 2 DP 1217315
Zoning and Permissibility:	E4 Environmental living Zone, Palerang Local Environmental Plan 2014
Public Submissions:	Nil
Issues Discussed:	Dwelling entitlement Bushfire
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

Recommendation

- 1) That approval be granted to a variation under Clause 4.2A(3)(a) of the Palerang Local Environmental Plan 2014 (PLEP2014) to permit the erection of a dwelling house on a lot size of 1.124ha being less than the minimum lot size of 2ha specified under the PLEP 2014 for the following reasons:
 - i) The provisions of Clause 4.6 of Palerang LEP 2014 permit the granting of consent even though the development would contravene a development standard. The clause requires the applicant to make a written request that seeks to justify the contravention of the standard. Pursuant to this clause the applicant has demonstrated that :
 - (1) Compliance with the development standard is unreasonable or unnecessary in the particular circumstances
 - (2) That there are sufficient environmental grounds to justify contravening the development standard
 - ii) The applicant's written request adequately addresses the matters required in the clause
 - iii) The approval of the development would not be contrary to the public interest as it is consistent with the objectives of the standard and the objectives for the development within the zone:
-

**8.1 Development Application 2016.233 - New Dwelling - 19 Glenmore Road, Braidwood
(Ref: C1729486; Author: Thompson/Coe) (Continued)**

- (1) The objective of the standard is to minimise unplanned residential development. In this regard the originally approved subdivision permitted a dwelling on the site and the land adjoins other similar sized residential holdings
 - (2) The development satisfies the zone objectives in that it is low impact residential development; it does not have an adverse effect on the ecological, scientific and aesthetic values; it is visually compatible with the landscape and it minimises impact on the natural environment; it does not unreasonably increase the demand for public services or facilities and there is not expected to be any conflict with adjoining land use.
 - (3) The NSW Government Secretary of the Department of Planning and Environment has granted concurrence pursuant Clause 4.6(4) to vary the 2ha minimum lot size to permit the erection of a dwelling. The Secretary advised concurrence in this instance was granted as contravention of the standard did not raise any matter of State or regional significance and there would no public benefit in maintaining the 2ha minimum lot size on the subject land.
- 2) That development application DA.2016.233 for the erection of a dwelling house and shed at 19 Glenmore Road, Braidwood, being Lots 2 DP 1217315 be granted conditional approval.
-

Background***History of the site***

The subdivision creating the lot was approved in 1994 without a dwelling entitlement. A subsequent SEPP 1 application (variation to LEP requirements) was lodged and approved by Tallaganda Shire Council, but this consent lapsed due to the dwelling not being commenced within the legislative time period. The Tallaganda LEP 1991 which the subdivision was approved under has since been repealed. The site is in keeping with the size of other lots in the immediate vicinity.

Proposed Development

The application seeks approval for the erection of a dwelling house and shed. The dwelling is single storey construction containing 4 bedrooms. The shed contains an office and attached carport and verandah.

The dwelling is constructed of painted "weathertex" boards with colorbond skillion roof line. It has a height of approximately 5m.

The proposed shed comprises "colorbond" metal sheet and roof cladding. It has a height below 5m.

The dwelling house is setback 50.26m from Glenmore Road and 15m from adjoining side boundaries.

The shed is setback 75.26m from Glenmore Road and 16.5m from the western side boundary.

**8.1 Development Application 2016.233 - New Dwelling - 19 Glenmore Road, Braidwood
(Ref: C1729486; Author: Thompson/Coe) (Continued)*****Subject Property***

The property is vacant and generally cleared of trees except for a row of trees along each boundary. The majority of the land is grassland. The land slopes towards the road. The property has an area of 1.124ha and frontage of 51m. A small creek is located at the rear of the site.

The site is very close to residential housing in Braidwood village and is surrounded by small lot rural residential style development.

The site is shown In Figure 1 below:



Figure 1 – Site shown outlined in blue.

Planning Requirements

Assessment of the application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act (EPAA) 1979, as amended. The matters that are of relevance under Section 79C(1) are summarised in the attached *Section 79C(1) Table – Matters for Consideration*.

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

1. State Environmental Planning Policies:
 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
 - State Environmental Planning Policy (Infrastructure) 2007
 - State Environmental Planning Policy (Rural Lands) 2008
 - State Environmental Planning Policy No. 55 – Remediation of land
2. Palerang Local Environmental Plan 2014(PLEP).
3. Palerang Development Control Plan 2015 (PDCP)

**8.1 Development Application 2016.233 - New Dwelling - 19 Glenmore Road, Braidwood
(Ref: C1729486; Author: Thompson/Coe) (Continued)**

(a) Compliance with State Environmental Planning Policies

The development generally satisfies the requirements and achieves the objectives of these planning instruments.

(b) Compliance with PLEP

The development application complies with the Palerang Local Environmental Plan 2014 (PLEP) with the exception that the minimum lot size for the erection of a dwelling house is below the minimum development standard of 2ha. In this regard the applicant has made written request to Council to vary the standard and NSW Planning and Environment have granted concurrence to permit the dwelling on the site. Council will need to consider the applicants variation request pursuant to Clause 4.6 to consider whether to grant approval to the development. For an assessment of the PLEP 2014 see attached *Section 79C (1) Table- Matters for Consideration*

(c) Compliance with PDCP

The development application generally complies with the Palerang DCP 2015. For an assessment of the Palerang Development Control Plan 2015 see attached *Section 79C (1) Table – Matters for Consideration*.

(d) Other Matters

The significant issues relating to the proposal for Council's consideration are:

- Dwelling entitlement
- Bush fire prone land

The dwelling entitlement issue is discussed above and in the attached Section 79C report.

Bushfire mitigation measures have been appropriately addressed in the attached Section 79C report. Appropriate conditions of consent will apply.

(e) Building Surveyor's Comments

No objection subject to standard conditions.

(f) Development Engineer's Comments

No objection subject to the construction of a Type A vehicle crossing and Section 64 Water Contribution.

(g) Environmental Health Comments

No objection subject to standard conditions relating to on site effluent disposal.

Financial Implications

There will be no financial implications to Council because of this development.

Consultation

The proposal required notification as Advertised Local Development. The exhibition period being from 14 December 2016 – 6 January 2017. No written submissions were received.

**8.1 Development Application 2016.233 - New Dwelling - 19 Glenmore Road, Braidwood
(Ref: C1729486; Author: Thompson/Coe) (Continued)**

Conclusion

The proposal has been assessed under Section 79C *Environmental Planning & Assessment Act* 1979 including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Palerang Development Control Plan 2015*.

The development application complies with the relative planning instruments with the exception that the minimum lot size for the erection of a dwelling house is below the minimum development standard of 2ha. In this regard the applicant has made written request to Council to vary the standard and NSW Planning and Environment have granted concurrence to permit the dwelling on the site. The assessment supports the variation.

The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts.

Attachments

- | | |
|--------------|---|
| Attachment 1 | Council - 22 March 2017 - DA 2016.233 -Section 79C - Matters for Consideration - New Dwelling - 19 Glenmore Rd, Braidwood (<i>Under Separate Cover</i>) |
| Attachment 2 | Council - 22 March 2017 - DA.2016.233 - Request for CI 4.6 Variation - Supporting Information - New Dwelling - 19 Glenmore Road (<i>Under Separate Cover</i>) |
| Attachment 3 | Council - 22 March 2017 - DA.2016.233 - Plans - New Dwelling -19 Glenmore Road (<i>Under Separate Cover</i>) - CONFIDENTIAL |
| Attachment 4 | Council - 22 March 2017 - DA 2016.233 - Draft Conditions - New Dwelling – 19 Glenmore Rd (<i>Under Separate Cover</i>) |

DETERMINATION REPORTS

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell)

Summary

On 9 January 2017, the NSW government released a reform package providing an overview of the proposed updates to the *Environmental Planning and Assessment Act 1979*. This report reviews the main features of the proposed changes with a view to making a submission. This needs to be submitted by 31 March 2017.

It is important to consider these changes in the context of the merged Council consolidating its statutory planning instruments (LEP); dealing with greenfield release areas; and exploring options to make more planning information and application processing tools online.

Recommendation

That Council make a submission on the proposed changes to the *Environmental Planning and Assessment Act 1979* generally based on the comments contained in this report.

Background

On 9 January 2017 the NSW government released a reform package for consultation providing an overview of the proposed update to the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. This report reviews the main features of the proposed changes with a view to making a submission. Submissions close on 31 March 2017.

The primary purpose of this package of updates to the *EP&A Act* is to promote confidence in the State's planning system. This will be achieved through four underlying objectives:

- Enhancement of community participation.
- Promotion of strategic planning.
- Increased probity and accountability in decision-making.
- Promotion of simpler, faster processes for all participants.

The proposed amendments include:

- *Enhancing community participation*: establishing a new part of the Act that consolidates community consultation provisions, and requiring decision-makers to give reasons for their decisions.
- *Completing the strategic planning framework*: through local strategic planning statements, up to date Local Environment Plans and more consistent and workable Development Control Plans.
- *Development pathways*: improvements to the various development pathways and preventing the misuse of modifications.
- *State significant development*: through better environmental impact assessment and more effective conditions of consent.
- *Clearer building provisions*: simplified and consolidated building provisions, allowing conditions on construction certificates and ensuring consistency with development approvals.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

- *Elevating the role of design:* through a new design object in the act, and a Design Led Planning Strategy.
- *Improving enforcement:* with the introduction of enforceable undertakings in compliance actions.

These are summarised in Attachment 1.

The background material notes that the proposed amendments build on recent policy, operational and legislative improvements to the NSW planning system. They also build on the significant work undertaken by the Government and stakeholders in 2013 to identify improvements to the planning system. At that time, the Government proposed a range of reforms set out in the Planning Bill 2013 and the White Paper: A New Planning System for NSW. In some cases these were quite different to the current reforms.

The former Queanbeyan City Council considered a report on this at its meeting of 26 June 2013 (Item 4) and as a result made a submission. However the new Planning Act did not proceed.

Overview of the Key Changes**1. A More Accessible Act**

Part of making the NSW planning system easier to understand and navigate is to make the EP&A Act itself more accessible in terms of its structure and provisions. The amendments include a range of housekeeping and structural changes.

Comment - Over the 36 years of operation, the Act has become unwieldy and difficult to use as sections, parts and divisions have been added to, altered or removed. Consequently these changes are supported. However, at the same time it needs to be recognised that the Act and probably its Regulations will remain large and complex for the ordinary community member to use.

2. Updated Objects

It is also proposed to modernise the objects of the EP&A Act. The updates do not change the intent or effect of the objects, except for the inclusion of an object to promote good design in the planning system.

Comment - Generally there are no objections to the revised objects. However, it is noted that the following current objects have been removed without explanation and that these are considered to be still relevant:

- i. the protection, provision and co-ordination of communication and utility services,
- ii. the provision of land for public purposes,
- iii. the provision and co-ordination of community services and facilities.

3. Community Participation Plans

Each planning authority (including a council) under the EP&A Act will have to prepare a community participation plan. The plan will set out how and when the planning authority will undertake community participation in relation to upcoming proposals and development applications.

The plans will have to be prepared in accordance with requirements set out in the Regulation, such as exhibition timeframes. The Regulation will outline requirements for the content of and process for developing community participation plans.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

To reduce duplication for local councils, the amendments specify that a council does not need to prepare a separate community participation plan if it can meet the EP&A Act requirements through the broader community engagement strategy it has prepared under the Local Government Act 1993.

Councils that choose this approach will need to consider the principles under the EP&A Act in developing community engagement strategies, to the extent that the strategy covers the council's planning functions.

Support for councils in implementing this change will include the development of model plans and guidance material.

When preparing community participation plans, planning authorities will need to have regard to the community participation principles that will be set out in the EP&A Act.

As part of the introduction of the requirement for community participation plans, it is also proposed to update the current minimum public exhibition requirements. For example, all applications for consent for local development will be required to be exhibited for a minimum of 14 days.

Comment - In general the proposed changes are supported in principle. In particular the opportunity to reduce duplication through a broader community engagement strategy has prepared under the Local Government Act 1993 is welcomed.

However the Regulations and the Departments guidance material will strongly influence these plans and councils should be given the opportunity to comment on them prior to their finalisation.

In relation to the proposal to require all applications for consent for local development to be required to be exhibited for a minimum of 14 days this is not supported for applications that are fully compliant. However, at the same time it is noted that for modified development clause 9 of Division 2 of the draft Bill potentially provides relief from this and this is supported.

Allowing flexibility for development applications fully compliant and for those that have been previously notified is an important incentive and speeds up the process.

4. Statement of Reasons for Decisions

Decision makers will be required to give reasons for their planning decisions. This relates to determination of an application for development consent and appears to apply to an application for the modification of development consent. It is also mandatory that this will be part of public notification of a number of matters.

The Department will develop guidance material to help decision-makers set out their reasons. The statement of reasons should be proportionate to the scale and impact of decision.

In the case of State significant development, applicants will be asked to demonstrate how they consulted with the community prior to lodgement. The Department will require this as part of the applicant's environmental impact statement.

Comment - Again for development applications that are compliant or for modifications that were previously publicly notified is an overkill and isn't supported. It will add considerably to the workload of planning staff for no appreciable gain. Submitters are already advised of the outcome of determinations and Council determinations are held in open Council with all approval documentation available for the public to view.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

Also if public notification is a reference to public notice in a local newspaper under clause 124 of the Regulations this isn't supported. The cost of publishing reasons for every application would be prohibitive. Clarification is needed on the mechanism for public notification of the reasons for decisions on development applications and how community submissions have been taken into account.

As a general comment in relation to public notification of development application and planning proposal matters and the like, clauses requiring public notification in a local newspaper should be removed from the revised Regulations. In an age of web based information these clauses are outdated and councils should be given the flexibility to rely on their electronic media.

5. Local Strategic Planning Statements

The amendments will require councils to develop and publish local strategic planning statements.

Local strategic planning statements will be developed by councils in consultation with the community, and will:

- Tell the story of the local government area and set out the strategic context within which the LEP has been developed (including the rationale behind the application of zones and development controls);
- Explain how strategic priorities at the regional and/or district level are given effect at the local level; and
- Incorporate and summarise land use objectives and priorities identified through the Council's Community Strategic Plan process.

The statements will not be part of the LEP itself, but will help explain the LEP and development control plans. They will provide the strategic context and rationale for local planning controls.

The local strategic planning statements would complete the line of sight from regional and district plans. They will need to be consistent with regional and district plans (where these exist), and may develop the policies and actions in those plans in greater detail at the local or neighbourhood level.

The statements should reflect and promote the themes of the Council's Community Strategic Plan as they relate to land use planning. Councils will be able to draw on land use strategies prepared under their Community Strategic Plans in developing the local strategic planning statements.

The statements will include vision, goals, actions and measures of progress.

The Government will be seeking input from councils and other stakeholders on what the statements should look like and contain.

The statements are intended to be easily accessible to community members seeking to understand the future direction and current planning controls in their area. They will be published on the NSW Planning Portal alongside LEPs.

The statements are intended to be a mechanism for aligning relevant goals and actions in the Community Strategic Plans with those in the regional and district plans. The statements will bring together these different plans into one succinct document that sets out the story of and vision for the local area.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

The vision presented by the local strategic planning statements should take a 20 year horizon, consistent with regional and district plans.

To ensure the statements remain current, councils will be required to refresh their statements at least once every five years. Councils may choose to do this every four years as part of their overarching Integrated Planning and Reporting processes, and will need to take into account regional and district planning cycles.

Once in place, the local strategic planning statements will inform rezoning decisions and guide development. Councils will be required to consider their statements when preparing planning proposals.

The local strategic planning statements will be developed and finalised by local councils in consultation with stakeholders (including NSW agencies). In order to be taken into account when planning proposals, such as rezoning proposals, are being considered for approval, the statements will need to be endorsed by the Department.

The Government will help local councils prepare their local strategic planning statements by providing guidance and model statements.

Implementation will be staged over coming years to align with current regional and district planning processes.

Comment - In principle these are supported. It is also noted that these are very similar to Municipal Strategic Statements that have been operating in Victorian jurisdictions since the early 90's.

However, it needs to be noted that they add yet another layer to an already complex planning proposal system which has to consider such things as regional plans, section 117 directions, in some cases *State Environmental Planning Policies* as well as various circulars and guidelines issued by the Department of Planning and Environment. Consequently they do nothing to reduce the complexity of the system particularly from the perspective of the ordinary community member.

There is also concern that these will become voluminous documents which are difficult to read and so could help to defeat them being easily accessible to community members. Consequently the Government's help and guidance on these will be very important and these plus what they should look like and contain should be a separate consultation exercise if these proceed.

Given that local strategic planning statements are to be endorsed by the Department there should also be a review mechanism in legislation where they are not endorsed or where changes are suggested prior to endorsement.

There is also another issue of existing strategic plans such as in the case of this Council the *Queanbeyan Residential and Economic Strategy 2031* and the *Bungendore Land Use Strategy Structure Plan 2010*.

Considerable work and resources have gone into them as well as community consultation and they have been endorsed by the Department. Given this they should be given deemed status under the proposed reforms until the end of the first review period for the initial batch of local strategic planning statements.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

6. Regular LEP Checks

The Government is proposing that all councils undertake a five-yearly LEP check against set criteria. These include:

- Does a new regional or district plan necessitate major change to local strategic plans or controls?
- Has there been a marked demographic change in recent years, or is one expected in coming years?
- Has there been or is there expected to be significant infrastructure investment that necessitates or justifies major change to local strategic plans or controls?
- Has there been a high number of planning proposals in recent years?
- Does the LEP demonstrate consistency with relevant state environmental planning policies, section 117 directions and the regulations?
- Has the community requested significant changes to the LEP in recent years?

Councils will be required to conduct a preliminary assessment of whether external or local circumstances suggest that significant changes to the LEP are needed. Where this is the case, those changes would be identified through a more comprehensive LEP review with full community participation.

The outcomes of the LEP check and any recommendations will be provided to the Minister for Planning.

Comment - These considerations are certainly an improvement on the 2013 reform proposals in regard to review of LEP's and are generally supported.

In regard to the above these seem to be reasonable but should also be applied by the Department as part of a strategic merit test for a rezoning review.

7. Standard DCP Format

It is proposed to amend the *EP&A Act* to require DCPs to follow a standard format. This is seen as improving consistency across local councils and improve user navigation of the planning system and its controls. It will also allow DCPs to be spatially represented on the NSW Planning Portal.

While the format of the DCPs will be made consistent, the content of the DCP provisions will remain a matter for councils. Councils may choose to adopt model DCP provisions.

The standard format will be developed in consultation with councils to ensure that DCPs have the right balance of consistency and flexibility to capture local contexts. A consistent structure could adopt a menu approach allowing councils to choose elements relevant to the local government area.

The Government will work with councils to develop an approach to how the standard format DCP could be implemented. This work will investigate how state-wide and locally specific provisions could be constructed, and develop an appropriate online platform using the NSW Planning Portal.

Comment - The approach as outlined above seems reasonable. However, any reforms need to consider the challenges and circumstances in non-metropolitan areas often associated with development within Zones RU1 Primary Production, RU5 Village, E3 Environmental Management and E4 Environmental Living.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

Notwithstanding general support of this part of the reforms, it is not seen as being a priority. It is also felt that the Departments resources would be better used to implement other parts of the reforms such as reducing referrals and concurrences, finalising regional plans, reconsidering the standard templates Environmental Zones such as Zone E4 and the like.

In addition prior to the review of and preparation of a DCP template, the outcomes that DCPs produce should be identified to ensure that successful DCPs (or parts thereof) are allowed to continue. For example, the use of master planning as part of the DCP process in the urban release areas in Queanbeyan has allowed for high level matters to be resolved prior to the preparation of individual development applications for subdivisions. The Department is encouraged to ensure that a 'one size fits all' approach is not pursued just for ease of making the planning portal work. The focus needs to be on outcome achieved, not just the process and technology around it.

8. Local Development - Early Consultation with Neighbours

On early consultation with neighbours the legislative amendments will clarify that the *EP&A Act* provides a power to make regulations to encourage or require certain activities to be completed before a person lodges a development or modification application.

Before making any such regulation, the Department will conduct further research into current barriers to early consultation and possible options and incentives to overcome them.

The Department will conduct a pilot with selected local councils to trial different incentive mechanisms and administrative approaches.

Comment - In principle encouraging early consultation with neighbours is supported although it is noted that this will be applicant led. In other jurisdictions this has resulted in friction between developers and members of the community. Again, the detail will be in the Regulations and councils should be given the opportunity to comment on them prior to their finalisation.

9. Step in Power to Ensure Timely Approvals

In the case where a development application needs approval from another government agency the amendments will give the Secretary of the Department of Planning and Environment the reserve power to prevent delays and resolve conflicts between agencies. The Secretary's powers to act in these situations will be exercised at their discretion and will only be exercised under certain conditions and having regard to the State Assessment Requirements. They will also only apply to developments for which Council is the consent authority and not to State significant development.

Comment - While this is supported, the continued agenda to reduce referral and concurrence authorities should remain. It is noted that in the recent draft SEPP for childcare centres and schools that a new concurrence role is being introduced. This is to be avoided.

10. Performance Improvement Approach

Agencies will be supported in implementing a risk-based approach to concurrences and referrals, ensuring decisions are robust and made at the right level of government.

Underpinning this performance improvement approach, the Department is developing an electronic system to digitise the transactional elements of the system and promote collaborative work practices. The system will be an element of the NSW Planning Portal and link with online lodgement facilities.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

Comment - This is generally supported. An online lodgement facility for referral agencies may ensure that referrals are not misplaced or not received as has been the experience in Queanbeyan-Palerang Regional Council.

11. Transparent Digital Platform

The Department is developing an electronic system to digitise the transactional elements of the concurrence system and promote collaborative work practices. The system will be an element of the NSW Planning Portal and link with online lodgement facilities.

Together with the digital platform, new provisions will improve the accountability of all agencies, as councils and proponents will be able to track the progress of the concurrences and referrals.

Comment - These reforms are supported provided that the system is designed to be compatible with Councils' systems so as to avoid wasted resources on duplication of data entry.

12. Review of Concurrences and Referrals

The Department will also undertake a comprehensive, whole-of-government review of referrals and concurrences. The aim will be to identify unnecessary requirements and alternative tools to assess less complex impacts. It will also identify whether decisions are being made at the right level of government.

Comment - This initiative is considered to be the most important one and the Department should give it priority. If referrals and concurrences are reduced then this will free resources and promote simpler, faster processes for all participants. It will also reduce the necessity for the other actions outlined above to be undertaken. Again, this initiative needs to be continually applied particularly with recent draft SEPPs introducing new concurrence requirements.

13. Modification Must Take into Account Reasons for the Original Consent

The Act is being amended to prevent planning authorities, including the court, from approving a modification in relation to works already completed, other than in limited circumstances. These limited circumstances are to correct a minor error, mis-description or miscalculation.

Comment – This proposal is not supported. The ability for councils to consider and approve the impacts of work that departs from the approval through the modification process is a valuable tool that facilitates the orderly development of minor works. Certainly there is an argument to strengthen sanctions for where the modification process is used to blatantly disregard an approval but this is better dealt with by more robust and supportive decisions in the court and increases in subsequent approval costs rather than removing the process altogether.

The removal of the modification system would leave no mechanism for unauthorised works to be assessed or conditioned leaving building owners unable to get Occupation Certificates, leaving the whole legality of occupying a premises in limbo.

Recommend the existing system remain in place but with substantially higher fees to deter unauthorised work.

The current system also allows for the modification provisions to be used to amend, or remove, conditions of a development consent without proper consideration of why those conditions were originally imposed.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

Under the proposed amendments, a planning authority will be required to give reasons for a decision. In setting out its reasons for a decision, consent authorities can explain the importance of certain conditions and the reasons for imposing them.

A further amendment will require planning authorities, when considering a modification application, to consider the statement of reasons for the original consent.

14. Improving the Complying Development Pathway

The government has taken a number of previous reforms to achieve this. This work includes:

- Preparing a new user-friendly simplified Housing Code, which includes explanatory diagrams.
- Reviewing and simplifying development standards for complying development in greenfield areas.
- Developing simplified controls for complying development in inland areas of NSW with the introduction of an Inland Code.
- Implementing an education program on exempt and complying development to assist councils in understanding the State Policy and providing advice to applicants.
- Undertaking work to enhance the education of accredited certifiers in NSW.
- Enhancing the NSW Planning Portal to allow online lodgement of complying development certificates (and development applications).

A recent development has been the release of a draft *Medium Density Design Guide and Medium Density Housing Code* for public comment.

The draft Guide and Code are aimed at making it cheaper, easier and faster to build lower-rise medium density housing, specifically:

- Dual occupancies – two dwellings on one lot of land.
- Terraces – three or more attached dwellings with common street frontage.
- Townhouses – three or more dwellings on a lot; of land where not all dwellings have a street frontage.
- Manor houses – two storey buildings that contain three or four dwellings.

Comment - The proposal to include the option to allow “deferred commencement” consents for Complying development is not supported. These developments are part of a simple streamlined process where ALL the matters are to be addressed upfront. Introducing a deferred commencement option is creating a hybrid and more complex approval system than is warranted. If an application warrants complying development then it warrants a full DA assessment.

15. Ensuring the Complying Development Meets the Standards

The Government proposes to amend the *EP&A Act* to make it clear that, where a CDC does not comply with the relevant standards in the State Policy, it can be declared invalid. This amendment is needed to address an issue identified in recent case law (*Trives v Hornsby Shire Council*).

Comment - The 3 month timeframe for making an appeal is considered to be too short a period. In many cases a departure from the Code is not recognised until construction is substantially underway. A 12 month period would be preferable.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

16. Improving Information for Councils and Neighbours for Complying Development

The notification requirements for complying development are more limited than for development applications. For example, complying development proposals are not publicly exhibited.

This will be addressed by preparing Regulations that:

- Require certifiers who are intending to issue a complying development certificate in metropolitan areas to give a copy of the proposed certificate, any plans and other applicable documents (such as a compliance table demonstrating how the proposal complies with the relevant standards) to the council and direct neighbours.
- Require certifiers, after issuing a certificate, to give a copy of the certificate and any endorsed plans to direct neighbours at the same time as they provide the information to councils.

Comment – This amendment is not supported. If development meets the standard of complying development then there is no need to notify a neighbour beforehand. They would have no opportunity to object otherwise the development would not be complying in the first place. Advising neighbours before an approval occurs creates an expectation that they have some role in the process, when in fact they do not. Notification after the approval is issued is preferred.

Similarly notifying Council beforehand creates an expectation that Council would have some role in checking the proposal. This is not the intent of the Complying Development legislation which places the responsibility on the certifier.

17. Limiting Some Sensitive Categories of Complying Development to Council Certifiers

As the use of complying development grows, it may be necessary to put in place additional safeguards to ensure the appropriate consideration of proposals with greater potential to impact local values or sensitive areas.

On this basis, the Regulation will be able to specify certain categories of development for which only a council certifier is authorised to issue a complying development certificate.

These circumstances will be clearly set out in Regulations and limited to categories of development where councils are best-placed to decide whether a complying development proposal meets the standard.

Comment – This proposal is supported if more complex categories are proposed for inclusion as Complying development.

18. Power and Resources for Councils

Work on complying development can proceed very quickly. This leaves councils with limited time in which to investigate whether a complying development certificate is being followed. If work proceeds while the investigation is being undertaken, it could limit the enforcement options available to the council if the work is found to be non-compliant.

To remedy this, a new investigative power is proposed for councils. Where a complying development certificate has been issued, councils will be able to issue a temporary stop work order on the project, in order to investigate whether it is being constructed in line with the CDC. Work will be able to be stopped for seven days, and the power will be limited to genuine complaints about building work not complying with a CDC.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

The government proposes to establish a compliance levy to support councils in their role in enforcing complying development standards. This would be part of the fee structure for complying development certificates, whether issued by a private or council certifier. It will also be made clear that the levy can extend to development applications. The revenue from this levy will be remitted to councils to resource investigation and enforcement activity under the *EP&A Act*.

Further work is needed to determine the most efficient and equitable model for the levy. The Department will model and consult on different options, with a view to introducing the levy as part of the forthcoming remake of the *EP&A Regulation*.

Comment – This is supported by Council. An additional requirement to allow for charging an administration cost for issuing a Notice or Order as is the case with most other Acts would also be supported.

19. *Levelling the playing field between complying development and development applications*

One anomaly is that a certifier is not currently able to issue a complying development certificate if the development is to occur on an unregistered lot. This serves as a barrier to the adoption of complying development in greenfield areas.

To address this, the *EP&A Act* will allow for the deferred commencement of a complying development certificate in certain circumstances. An example of such circumstances could be requiring a subdivision to be registered prior to the development commencing.

Another anomaly is that there is currently no ability to levy for special infrastructure contributions for complying developments (as can be done for development applications). This will be corrected by allowing special infrastructure contributions to be required, and planning agreements to be entered into, for complying developments.

Comment - This is not supported. While the intent is acknowledged, the drafting in the Bill will not restrict the application to the greenfield scenario described. Regardless, the use of deferred commencement consent for development applications for dwelling on unregistered lots is not a practice used by or endorsed by Queanbeyan-Palerang Regional Council.

20. *Transferable Conditions for State Significant Development (SSD)*

Sometimes conditions are duplicated across more than one approval, creating parallel regimes that regulate the same impacts.

To address this, the amendments will establish a mechanism of 'transferrable' conditions. These are conditions of consent that no longer need to apply, because they are substantially consistent with conditions subsequently imposed under other regulatory approvals or licences.

Comment - No comment at this time.

21. *SSD - Clearer Powers to Update Conditions on Monitoring and Environmental audit*

The new amendments will strengthen this power by clarifying that the Minister may also vary or revoke monitoring or environmental audit requirements in existing approvals.

Comment - No comment at this time.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

22. Clear Basis for Modern Approaches to Managing Impacts

Further amendments will clarify that the conditions of consent can require financial securities to fund the decommissioning or rehabilitation of sites

Consideration is also being given as to whether special provisions should be made with respect to conditions relating to offsets for the impacts of proposed development. These amendments would confirm that conditions of consent can apply offset requirements to address any environmental impact of a project, not just biodiversity impacts.

The Regulations would set out the classes of development to which these types of conditions could be applied. Such conditions would only be able to be imposed where a NSW Government policy is in place to set out how they would operate.

Comment - No comment at this time until the Government policy is in place.

23. Tools and Guidance for Better Conditions

To support these amendments, the Department will develop:

- Guidance material on the scope of the new conditioning powers for stakeholders and the community.
- Guidance material for consent authorities on how to write consistent, robust and legally enforceable conditions of consent.
- A database of clear, enforceable standard or model conditions for major projects.

Comment - Conditions also need to be clear and readily understood by the applicant and any submitters.

24. Fair and Consistent Local Planning Agreements (LPA)

The Government is developing a clearer policy framework for the role and use of planning agreements in the planning system. The Bill clarifies and strengthens the Minister's power to make a direction about the methodology underpinning planning agreements.

The Department has released a suite of draft documents to improve the policy framework for planning agreements. These are a proposed ministerial direction, revised practice note and planning circular. If adopted, the direction will require that local councils have regard to specific principles, policy and procedures when negotiating or preparing a planning agreement.

Comment - This was reported on to Council's meeting of 25 January 2017 and a submission on it has been made to the Department.

As reported at that time, the major concern with the released material is that it will lead to overregulation of planning agreements by the Department and possibly to restriction like a cap and so discourage their use. In addition if planning agreements are to be seriously considered along with other contribution mechanisms and used to complement them (as recommended by the draft revised practice note), then something needs to be done about the \$20,000 cap for brownfield areas. This was imposed in 2008 and has not been modified since. The relative value of s94 contributions has decreased progressively over the last 8 years as a result of inflation, and land price escalation coupled with increasing development costs. At the same time the s94A levy has remained at 1% with no review over 11 years and VPAs have become more commonly used as a means of funding essential public infrastructure.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

Action needs to be taken on these as part of this review. In relation to the nine fundamental principles (pages 7-8) outlined in the draft revised practice note and in particular to the following principle:

- Planning authorities should avoid, wherever possible, being party to planning agreements where they also have a stake in the development covered by the agreements.

An additional principle is suggested to clarify this. The suggested wording or similar is:

- Planning authorities when party to an agreement to which they are stakeholders, need to be satisfied that the public benefits arising justify that planning agreement.

This would cover those cases where the public benefits arising justify the planning authority being a party to a planning agreement.

25. Other improvements to Infrastructure Contributions

These include:

- The Department will work with IPART, councils and industry to review current guidelines on the costs, design and provision of local infrastructure delivered through section 94 infrastructure contributions to ensure they are delivered efficiently and to appropriate standards.
- The Department will prepare a guideline and assessment criteria for requests by councils to vary the levy rate for section 94A contributions in growth areas.

Comment - In view of the matters raised above this is supported. However again these initiatives should be a priority.

26. Consistent Provisions for Planning Panels

The following sections discuss proposed amendments to make local planning panels a regular feature of the planning system across local government areas, by: government areas, by:

- Updating the provisions of the *EP&A Act* relating to IHAPs and bringing all local planning panels under one framework.
- Giving the Minister the power to direct a council to appoint a local planning panel where this is warranted to improve the quality and timeliness of planning decisions in the local area, or manage conflicts of interest or corruption.

The amendments will also include a tool to ensure councils are delegating the determination of development applications to council staff where appropriate, to remove unnecessary delays and support good decision-making.

Existing panels vary significantly in terms of composition, the kinds of matters that are referred to them, and how they are accountable to the community for their timeliness and performance.

To address this, the current IHAP provisions will be replaced with updated provisions on local planning panels. These will set basic rules about the constitution, membership and functions of local planning panels, and allow the application of consistent performance reporting requirements.

Comment - No comment at this time.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

27. Power to Direct a Local Planning Panel to Make Determinations

The amendments will allow the Minister to direct a council to establish a local planning panel to determine development assessments (see Schedule 4, item [3] on page 48 of the Bill). The new power of direction will replace the existing provisions allowing the Minister to appoint a planning administrator or panel to exercise the planning functions of a council.

The direction would also require the membership of the panel to be approved by the Minister, and set out the circumstances in which the panel is to exercise the determination function. In most cases this would be in line with the model charter and operating procedures.

The Minister would exercise this power where it is needed to address sustained community concern about the timeliness or quality of a council's planning decisions, or about conflict of interest.

Considerations for the Minister making a direction can be specified in the regulations. These could include consideration of performance indicators such as the timeliness of decisions and the frequency with which the council's determination depart from the development standards, or of the findings of a relevant report by the Independent Commission Against Corruption.

The regulations may also require the Minister to consult with specific parties (such as the council or Local Government NSW) before making the direction.

Comment - This power must be clarified and controlled by the Regulations to ensure that decisions are not taken out of a local Council's responsibility where it is unnecessary or unwarranted.

28. Model Codes of Conduct for Planning Bodies

To ensure a common approach to the conduct of members of planning bodies, we propose to develop model codes of conduct. This will be done in consultation with the Independent Commission Against Corruption to ensure the highest ethical standards in the exercise of duties and responsibilities.

The model codes of conduct will be adopted by the EP&A Regulation.

Comment - In principle this is supported.

29. Ensuring Delegation to Council Staff

The new power of direction will also allow the Minister to require that more planning functions are carried out by council staff.

For most councils, there will be no need for the Minister to make a direction that council staff must make determinations.

Any direction that determination functions are to be exercised by council staff will be supported by a best practice model to be developed by the Government, setting out which matters should be determined by staff on delegation and which should be reserved for the council or local planning panel.

Comment - It is noted that Queanbeyan-Palerang Regional Council already has the appropriate delegations for the determination functions. There is a small percentage of development applications that are determined at a Council Meeting. This aspect should be recognised by the Department and any controls brought in should not disadvantage those council's that have the appropriate delegation and are exercising them.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

30. Review of Decisions

Applicants of development consents can sometimes be dissatisfied with council decisions, due to conditions or refusal. In these cases, the applicant can request that the council review its decision which is known as an internal review. However, internal reviews are not currently available for all categories of development.

It is proposed to expand the scope of internal reviews to include decisions about integrated development and State significant development.

Under the proposed changes, applicants will be able to request an internal review of a council's decision about integrated development, provided the relevant agencies are involved in the review.

Applicants will also be able to seek review of the Minister's decision about State significant development, including decisions made under delegation by the Independent Planning Commission or another delegate.

However, internal reviews of State significant development will not be available for high-risk developments, such as heavy industries, intensive livestock industries and mining operations, if the Commission has held a public hearing into the development.

Comment - It appears from the drafting of this Bill that the review of development application determinations has been expanded to include decisions to reject an application. The result of rejecting an application is that it has never been made. As such to introduce a review is unwarranted and is considered unnecessary. The documentation supplied with the draft bill does not provide any justification for the need to include this expansion of the review process. The review process should be limited to the review of the determination of the development application.

31. Simplified and Consolidated Building Provisions

As part of this broader set of initiatives, the Government is proposing changes to the EP&A Regulation about buildings and fire safety to ensure an effective building regulation and certification system by:

- Consolidating building regulation and subdivision certification provisions into a single part of the *EP&A Act*.
- Enabling regulations that allow accredited certifiers to place conditions on the issue of construction certificates and complying development certificates.
- Ensuring construction certificates do not allow proponents to depart significantly from planning approvals.

The amendments will bring together the key provisions relating to building regulation and certification into a single part of the *EP&A Act* (Part 6).

Comment – This is supported providing it does not have the unintended side effect of allowing private certifiers to certify subdivision certificates.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

32. Consistency with the Development Approval

In recent years, case law has demonstrated that the current wording of the *EP&A Act* and *EP&A Regulation* does not ensure that the construction certificates are consistent with development consents.

To address this, the amendments:

- Place in the Act itself (rather than the Regulations) a clear requirement that a construction certificate must be consistent with the development consent.
- Give the Court the ability to declare a construction certificate invalid if it is inconsistent with the consent.

Proceedings to seek such a declaration will be limited to three months after the construction certificate has been granted.

It is also proposed to develop non-statutory guidance and criteria to assist accredited certifiers in ensuring that construction certificates are consistent with development consents, and clarify what is required for a development to meet the consistency test.

Comment - The Bill should also include a clause similar to 6.15(1) (c) for the issue of occupation certificates. There has been ongoing concerns with occupation certificates being issued with little or no regard to the completion of development consent conditions. This aspect needs to be reinforced. The period for invalidity of the Construction Certificate should be extended to 3 months.

33. Changes to Orders

There are a number of changes to the Orders provisions in the Act that are not mentioned in the summary document provided by the Department.

Comment - Council is very supportive of the idea of naming the Orders (instead of a number in the existing Act) as this makes referencing much easier and more user friendly.

There seems to be 2 Orders less (19 existing Orders and its down to 17 (13 General, 3 Fire Safety and 1 Brothel Closure) in the new set of Orders) with no explanation for this i.e.

- Stop Use Order = combination of Order 1 and 9
- Stop Work Order = Order 19
- Demolition Works Order = Order 2
- Stop Demolition Order = Order 3
- Repair Order = Order 4
- Remove Advertising Order = Order 5
- Public Safety Order = Order 7
- Evacuate Premises Order = ?
- Exclusion Order = similar to Order 11, existing Order requires the prerequisite of Order 6 or 8 (one of the Fire Safety Orders), this Order now relates to Stop Use Order instead
- Restore Works Order = Order 12
- Compliance Order = combination of Order 13 (development standard), 15 (development consent), 17 (subdivision work) and maybe 18 (Part 3A or Part 5.1)
- Repair or Remove Order = Order 14

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

- Complete Works Order = May cover Order 16, but this Order is broader and may require development to be completed if it is not completed before “planning approval has lapsed”
- This is more or less a new Order granting Council new power to potentially force the completion of development.
- Normally development only needs to be commenced before the development consent is lapsed but not completed. This is potentially a new power but not sure how enforceable or practicable it is.
- Fire Safety Order 1 = Order 6
- Fire Safety Order 2 = similar to Order 8, but new Order appears to be limited to share accommodation, which existing applies to all development that requires development consent irrespective of whether it has obtained one.
- Fire Safety Order 3 = Order 10
- Brothel Closure Order = new Order

The term “planning approval” is also used rather than “development consent” with again no explanation for the change in terminology.

It appears only the Stop Work Order under the General Orders can be issued without a Notice of Proposed Order (NOPO) (other than in the case of emergency). The Stop Demolition Order should also be allowed to be issued without NOPO.

34. Missing Reforms

Given that one of the objectives of the reforms is to *create a system that is easier to understand, navigate and use, with better information and intuitive online processes* there are a number of other reforms that should be considered to reduce the complexity of material to be considered.

These include revisiting the relationships between the Standard Instrument template and such things as Ministerial Section 117 directions and *State Environmental Planning Policies*.

In relation to Section 117 directions these could be incorporated into the Standard Instrument template in the form of objectives to the zones or other provisions.

In addition it is felt worthwhile for a number of *State Environmental Planning Policies* to be incorporated into the Standard Instrument template. Examples and priorities include *State Environmental Planning Policy No 55 - Remediation of Land*, *State Environmental Planning Policy No 64 – Advertising and Signage*, *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and *State Environmental Planning Policy (Infrastructure) 2007*.

This would assist to reduce the plethora of documents that need to be considered and could be done as a State addendum similar to Victorian planning schemes. Alternatively they could take the form of local provisions. This was considered by the Department in the past and if pursued would insert major and/or commonly used *SEPPs* into one document.

Complementary to this the Department should reactivate its review of *SEPPs* program particularly in view of recent proposals to add to the current 38 remaining *SEPPs* with Draft *SEPP* (Educational Establishments and Child Care Facilities).

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

The issue of small scale poultry farm falling within a drinking water catchment and a development application for it requiring the preparation of an environmental impact statement is currently being considered. This relates to clause 21 of the *Environmental Planning and Assessment Regulation 2000* where if land lies within a drinking water catchment, the development becomes designated development generating the need for an environmental impact statement. This should be further investigated when it is also considered that for land outside a drinking water catchment, development only becomes designated development for more than 250,000 birds. Affected councils and the NSW Department of Primary Industries should be involved in this investigation.

The issue of roof mounted evaporative cooling units (ECU's) has also recently been investigated and a report was considered at the Council meeting of 22 February 2017. It is noted that while ECU's are likely to comply with the development standards in relation to be exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), one specific standard could not be met. This standard provides that ECUs are only exempt development within Climate Zone 4 as specified in the BCA. Climate Zone 4 generally includes the drier zones west of the great divide. QPRC is located in outside this area and as such ECUs are not exempt development. This means ECUs cannot be installed within the local government area of QPRC unless development consent has been granted by Council.

This should be addressed in the relevant planning instruments. This could be done by amending Clause 2.30A of Codes SEPP to allow ECUs in areas that are outside Climate Zone 4.

Implications***Legal***

A key part of the reforms is a draft bill to update the *Environmental Planning and Assessment Act 1979*. It is also proposed to update the *Environmental Planning and Assessment Regulations 2000* though a draft regulation was not included although the available material outlined the nature of the proposed changes.

Policy

In many cases the available material outlined the Department of Planning and Environment's policy on a particular issue and some of this will be incorporated into updated regulations.

Environmental

The revised objects of the *Environmental Planning and Assessment Act 1979* include objects relevant to environmental matters.

Sustainability

The revised objects of the *Environmental Planning and Assessment Act 1979* include objects relevant to sustainability.

Social / Cultural

These are also recognised in the objects of the revised *Environmental Planning and Assessment Act 1979*.

8.2 Proposals to Update the Environmental Planning and Assessment Act 1979 (Ref: C173883; Author: Thompson/Carswell) (Continued)

Economic

One of the revised objects of the *Environmental Planning and Assessment Act 1979* relevant to economic considerations

Strategic

One of the objectives of reform package is to continue to improve upfront strategic planning to guide growth and development. This is supported by a number of initiatives which are addressed above.

Engagement

This report will inform a submission on the reform package which was made available to all members of the community during the two month exhibition period. Further opportunities for engagement are likely to follow in the future as further work will be necessary in regard to the Regulations and the Department's guidelines in relation to such things as Community participation plans, reason for development application decisions and local strategic planning statements.

Financial

These includes the administrative costs of reviewing the reform package, reporting on it and making a submission.

Conclusion

It is concluded that Council should make a submission generally based on the comments in this report.

It also likely to be the first in a series of submissions as further work will be necessary as a result of the reform package in regard to the Regulations and the Department's guidelines in relation to such things as Community participation plans, reason for development application decisions and local strategic planning statements.

Attachments

Attachment 1 Objectives of the Updates to the Planning Legislation - January 2017 (*Under Separate Cover*)

DETERMINATION REPORTS

8.3 Investment Report - February 2017 (Ref: C1735102; Author: Abigail/Drayton)

Summary

In accordance with the Local Government (General) Regulation 2005, the Investment Report is to be presented to Council on a monthly basis.

This report presents the investment result for February 2017.

Recommendation**That Council:**

- 1. Note the investment income for February 2017 is \$336,324 bringing the total interest earned on Cash and Cash Equivalent Investments for the 2016/17 Financial Year to \$3,367,959 which is \$659,480 above the year to date original budget;**
 - 2. Note the investments have been made in accordance with the Local Government Act 1993, the Local Government General Regulations, and Council's proposed investment policy;**
 - 3. Adopt the Investment Report for the month of February 2017.**
-

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

The February 2017 return of \$336,324 brought the total return on Cash and Cash Equivalent Investments for the 2016/17 Financial Year (commencing 13 May 2016) to \$3,367,959 which is \$659,480 above the year to date original budget.

The principal amount invested as at 28 February 2017 was \$150,278,509.

Council's investment portfolio's annualised monthly return of +3.07% (net actual) in February 2017 outperformed the AusBond Bank Bill Index return of +1.77%.

Refer to Attachment 1 for the following supporting information:

- 1 Actual return against budget;
- 2 Investment portfolio return against the benchmark AusBond Bank Bill Index (BBI);
- 3 Listing of Council's Cash and Cash Equivalent Investments;
- 4 Strategic placement limits for individual institutions or counterparties;
- 5 Placement with individual institutions as a percentage of Council's total portfolio;
- 6 Market values of Council's tradeable investments;
- 7 Budgeted interest allocation by Entity.

Market Update

The average 30 day BBSW rate for February 2017 was 1.62%.

As widely predicted, the Reserve Bank of Australia (RBA) opted to keep the official cash rate on hold at 1.50% in its March 2017 meeting.

With the new RBA Governor, the board restated its “bullish” outlook towards domestic economic growth.

They pointed to positive indicators from higher commodity prices, rising non-mining business investment, a pick-up in business and consumer confidence, and expect expansion in employment going forward. They are clearly on a neutral bias while “underlying inflation is likely to stay low for some time”.

This has all but ruled out any hopes of a further interest rate cut in the short-term. Money markets are now factoring a rate rise by mid-2018. (*Source: CPG Research and Advisory*)

Implications***Policy***

I hereby certify that Queanbeyan-Palerang Regional Council investments listed in Table 1 attached to this report have been made in accordance with section 625 of the Local Government Act 1993, clause 212 of the Local Government General Regulations 2005, and Queanbeyan-Palerang Regional Council’s investment policy.

Sally-Jane Abigail
Executive Manager - Finance

Financial

Investment income for the 2016/17 Financial Year as at 28 February 2017 amounts to \$3,367,959. This return was \$659,480 above the year to date original budget; an increase in the budget surplus from the previous month by \$27,537 where Council was \$631,943 above the year to date budget. Refer to Attachment 1 - Graph 1 and Table 5.

Attachments

Attachment 1 Investment Report - February 2017 - Attachment 1 - 22 March 2017 (*Under Separate Cover*)

DETERMINATION REPORTS

**8.4 Staff report - Nominations for 2017 QPRC Cultural Development & Public Art Panel
(Ref: C1727989; Author: Manser/Perri)**

Summary

Queanbeyan-Palerang Regional Council recently called for expressions of interest from members of the community to serve on the Cultural Development and Public Art Panel. Nominations were sought from the now wider local government area of Queanbeyan-Palerang to allow interested and experienced residents the opportunity to be actively involved in the future of the arts and culture in the region. A total of eight nominations were received from suitably qualified individuals or groups.

Recommendation

That Council appoint eight nominees who submitted expressions of interest and response to Selection Criteria as members of the Cultural Development and Public Art Advisory Panel for a three year term.

Background

The Cultural Development and Public Art Panel has dual roles; progression and implementation of the Council's Cultural Plan; and to provide expert advice on the development and implementation of public art projects within the framework of Council's Public Art Policy. Panel members are appointed for a three-year term and will be required to meet quarterly, or more frequently if required.

In December 2016 and January 2017 expressions of interest were sought for new community representatives for the committee. The invitation was open to applicants from the broad cultural and arts communities in our region. Of particular focus, individuals involved in the visual and performing arts, musicians, writers, history and heritage, young people and Aboriginal and multicultural community members with a demonstrated interest and expertise in their chosen field.

Eight expressions of interest were received from individuals and groups from a range of different artistic disciplines and areas of professional expertise. There was also good spread across the entire LGA, with nominations received from practicing artists in Queanbeyan, Bungendore and Braidwood.

Council staff have reviewed the expressions of interest and have determined that all are suitable and would bring valuable expertise and skills to the committee.

Implications***Social / Cultural***

The Queanbeyan-Palerang Regional Council established the Cultural Development and Public Arts Advisory Panel as a means to progress the implementation of the Queanbeyan Cultural Plan, and to advise and recommend on ways to action the Cultural Plan strategies that will optimise the benefits of cultural development and planning, for the Queanbeyan-Palerang region.

**8.4 Staff report - Nominations for 2017 QPRC Cultural Development & Public Art Panel
(Ref: C1727989; Author: Manser/Perri) (Continued)**

Conclusion

The eight nominations received evidenced relevant expertise and experience in the arts, and successfully addressed and met the selection criteria for acceptance onto Council's Cultural Development and Public Arts Advisory Panel.

It is recommended that all eight applications are endorsed and a new committee convened for the 2017-2020 period.

Attachments

Attachment 1 Cultural Development and Public Art Advisory Panel - summary of nominations
Jan 2017 (*Under Separate Cover*)

DETERMINATION REPORTS

8.5 Draft Disability Inclusion Action Plan - Public Consultation (Ref: C1732173; Author: Spyve/Manser)

Summary

Queanbeyan-Palerang Regional Council is required under the *NSW Disability Inclusion Act 2014* to develop and adopt a Disability Inclusion Action Plan and have it in place by July 2017. Staff have prepared a Draft Plan that meets the NSW Governments requirements after extensive internal and external consultation. It is recommended that the Draft Disability Inclusion Action Plan is placed on public exhibition prior to its finalisation and adoption by Council.

Recommendation

That Council place the Draft Disability Inclusion Action Plan on public exhibition for 28 days prior to its finalisation and adoption.

Background

In 2014 the NSW Government enacted the *Disability Inclusion Act 2014*. One component of this Act was a requirement for all NSW state and local government authorities to prepare a Disability Inclusion Action Plan to outline the practical operational and strategic actions that the Council will take to promote access to services, information and employment, and promote the rights of people with disability.

Councils are required to develop a Disability Inclusion Action Plan (DIAP) in consultation with their community, particularly stakeholders with disability and their carers. The final plan must be submitted to the Disability Council NSW. The NSW Government mandated that Councils must have an endorsed DIAP in place by July 2017 and that it must be incorporated into the Integrated Planning and Reporting process. The implementation of the Plan must be reported on as part of Council's Annual Report and must outline how the plan supports the goals of the NDE Disability Inclusion Plan.

Council's Disability Inclusion Action Plan must address four key action areas as identified by the NSW Disability Inclusion Plan. These are:

1. Accessible, liveable communities
2. Employment
3. Systems and process
4. Attitudes and Behaviours

Staff of the former Queanbeyan City Council began the preparation of a DIAP in 2015, and had a draft completed by mid-2016. Since the amalgamation with Palerang, this draft document has been revised and expanded to cover the Queanbeyan-Palerang LGA.

8.5 Draft Disability Inclusion Action Plan - Public Consultation (Ref: C1732173; Author: Spyve/Manser) (Continued)

The DIAP provides strategies and actions to improve outcomes within each of the four key focus areas of the disability inclusion plan. The implementation of these strategies will help Council to:

- Engage people with disabilities in Council's planning and decision making processes.
- Identify and address barriers that prevent people with disabilities from participating more fully in the community, and in doing so, create an inclusive community.
- Lead positive change in community attitude and behaviours towards people with disabilities.
- Support inclusive employment processes for potential and existing Council staff.
- Improve access to Council information and systems to support informed decision making and choice relating to Council's activities.
- Identify where Council can advocate for improvements to other levels of government, non-government agencies and businesses.

The draft QPRC Disability Inclusion Action Plan has included extensive community and staff consultation and input. The final draft of the plan is now ready for public consultation in preparation for its adoption by Council prior to July 2017.

Implications***Legal***

Preparation and adoption of a Disability Inclusion Action Plan by July 2017 is a mandated requirement for council under the NSW *Disability Inclusion Act 2014* and the *Disability Inclusion Regulation 2014*.

Social / Cultural

The social outcomes of the implementation of the DIAP include the benefits of an inclusive community for all residents of and visitors to the Queanbeyan-Palerang Region. Universal design principles applied to public spaces, parks and community purpose buildings benefit people with disabilities and others living in our community, such as children, parents with prams and seniors.

The DIAP strategies support the UN Convention on the Rights of People with a Disability and the Disability Inclusion Act 2014 disability principles regarding equal access to goods, services and participation in community life.

The social model of disability, outlined in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), states people with disability are not disabled by their impairment but by the barriers in the community that prevent them gaining equal access to information, services, transport, housing, education, training, employment, and social opportunities.

Analysis indicates that there are significant economic reasons for increasing the inclusiveness of our society. There are financial gains for both individuals and for the economy by moving people into productive and fulfilling employment and by reducing modification costs through inclusive planning and the application of universal design principles.

It is the responsibility of the NSW community to work to remove the barriers, so that people with disability can fully participate in community life, with less reliance on others and on specialist services.

8.5 Draft Disability Inclusion Action Plan - Public Consultation (Ref: C1732173; Author: Spyve/Manser) (Continued)

Engagement

Extensive community consultation was undertaken to inform the development of the Disability Inclusion Action Plan. This included consultations with individuals with disability, carers, community groups and service providers in all townships and rural residential areas across the LGA. Detailed reports of each consultation have been prepared and are available on request.

Financial

Delivery of some aspects of the DIAP may incur a cost in the future. The plan has been prepared with a view to build on existing services, include disability access in standard planning and service delivery processes rather than expansion of service or infrastructure. For example, the need to meet accessibility criteria was included in the specifications for the new website, and inclusion of accessible equipment was included in planning for the Queen Elizabeth II park from the beginning.

Delivery of the actions in the DIAP should be able to be done within existing operational budgets. Any specific actions with new costs will be included in future budget development.

Integrated Plan

Action items from the DIAP need to be included in QPRC's Integrated Planning and Reporting process. Council needs to report against the specific action items contained in the DIAP in its Annual Report, demonstrating how delivery of actions outlined in the QPRC DIAP feed back into the NSW Disability Inclusion Plan.

Conclusion

A Draft Disability Inclusion Action Plan that complies with the NSW government's guidelines and requirements has been prepared for adoption by Council. This document needs to be placed on public exhibition for a final opportunity for community input prior to its finalisation and adoption by Council. The final DIAP needs to be adopted by Council by July 2017.

Attachments

Attachment 1 DRAFT Disability Inclusion Action Plan - January 2017 (*Under Separate Cover*)

DETERMINATION REPORTS

8.6 Support for Kanga Cup Event (Ref: C1735267; Author: Spyve/Darcy)

Summary

Monaro Panthers Football Club is seeking financial support from Council to facilitate the running of the Kanga Cup in Queanbeyan commencing in 2017.

Recommendation**That Council**

- 1. approve financial assistance of \$7,000 in the 2017/18 Operational Plan for the running of the 2017 Kanga Cup;**
 - 2. approve financial assistance of \$14,000 in the 2018 Delivery Program for the running of the 2018 Kanga Cup;**
 - 3. waive ground fees for the competition and provide logistical and marketing support.**
-

Background

The Kanga Cup is the largest International Youth Football Tournament in the Southern Hemisphere. Held annually each July in Canberra, the week-long event champions the mission of 'Uniting the Youth of the World through Football'. The Kanga Cup is run by Capital Football, the governing body for football in Canberra. The tournament is sanctioned by the Football Federation Australia and the Asian Football Confederation.

Monaro Panthers Football Club (MPFC) is a Premier League Football Club facilitating teams in all ages and ranges of ability from MiniRoos to National Premier League firsts with players from Queanbeyan, Canberra, Jerrabomberra, Googong, Bungendore, Sutton, Michelago and surrounding regions.

(MPFC) would like to partner with QPRC and Capital Football in order to bring an age group of the Kanga Cup into Queanbeyan in 2018. This proposal has the support and financial backing of Capital Football,

MPFC is proposing an initial staged approach over the next two years. In 2017 Capital Football and QPRC contribute \$7000 each.

Year 1 – 2017:

- Capital football contribute \$7,000
- QPRC contribute \$7,000 and waive ground fees for the competition

MPFC would use the \$14,000 and savings from ground fees to cover the cost of staff in managing the teams, parents, referees, ground set up and general support over the course of the week as well as any minor infrastructure upgrades such as a Marquee or BBQ on site.

8.6 Support for Kanga Cup Event (Ref: C1735267; Author: Spyve/Darcy) (Continued)

Year 2 – 2018

Queanbeyan to host the U10 competition

- Capital football contribute \$14,000
- QPRC contribute \$14,000 and waive ground fees for the competition and provide some event staff marketing support and ground staff logistic support.
- MPFC contribute \$2,000
- Seek matching grant funding of \$25,000 - \$30,000 from the Building Better Regions Fund – Community Stream Round 1 application closing 31st March 2017

Year 2 – 2018 would seek to embed the event across the Queanbeyan community and actively seek business partnership opportunities with local businesses, develop a marketing strategy for attracting more teams to the region and the competition, build some further events during the week that bring families into the centre of town and demonstrate the ability of QBN to successfully host an event of this size and expand the Kanga Cup into the regional area.

If successful with the Building Better Regions Fund grant application, MPFC will use this in Year 2 – 2018 competition. In order to secure this funding, MPFC is seeking council to commit funding for both 2017 and 2018.

Implications***Asset***

QPRC Parks and Recreation team would be engaged with MPFC and the events team to find available grounds and support where required.

Social / Cultural

Queanbeyan has a proud sporting heritage and facilitating sporting events, particularly events of such a high profile nature will enhance Queanbeyan's sporting culture. MPFC will also use the opportunity to build capacity within the club for coaching, refereeing and community building purposes.

Economic

Due to the length of the event (6 days) and the strong prevalence of teams coming from outside the region, modelling on Id Profile suggests in excess of over \$520,000 would be value added to the Queanbeyan economy, a significant contribution to increased output of approximately \$900,000 and contribution to FTE employment opportunities. See Attachment.

Engagement

The Parks and Recreation Team have met with the MPFC and support this proposal.

8.6 Support for Kanga Cup Event (Ref: C1735267; Author: Spyve/Darcy) (Continued)

Financial

Budget funding has not been allocated to support this event, so new funding would need to be allocated from reserve.

Resources (including staff)

There is no significant call on staff resources in 2017 over the normal course of business. In 2018 the proponent is asking for some further resources to help promote the event and support from staff with ground logistics. This is due to MPFC hoping to significantly increase the Kanga Cups participation in Queanbeyan in 2018 and in doing so increase economic benefits to Queanbeyan.

Integrated Plan

This event supports Councils objectives in the Queanbeyan Community Strategic Plan in Theme 2 – Business and Industry; Theme 3 – Culture and Leisure; and Theme 5 – The Community.

Conclusion

The Monaro Panthers Football Club is proposing to partner with Capital Football and QPRC to bring the Kanga Cup to Queanbeyan commencing in 2017 and are seeking financial support in both 2017 and 2018.

Attachments

Attachment 1 Kanga Cup Economic Impact Analysis (*Under Separate Cover*)

DETERMINATION REPORTS

8.7 Pedestrian Infrastructure Safety Around Schools Program - Funding Nomination Outcome (Ref: C1732550; Author: Tegart/Wilson-Ridley)

Summary

This report details the result of Council's grant nomination lodged with the state government in April 2016 for the 'Pedestrian Infrastructure Safety Around Schools' Program.

Recommendation**That Council -**

- 1. Note the result of the grant nomination where one application has been successful in gaining funding.**
 - 2. Council accept the funding of \$2900 and implement the project for safety upgrades to the Collett Street Pedestrian Refuge.**
-

Background

In April 2016 Council lodged four nominations under the State Government's 'Pedestrian Infrastructure Around Schools' Program. The program is designed to provide funding to councils to develop and deliver pedestrian infrastructure used by school children with only set designated treatments funded under the program.

Four sites in Queanbeyan were selected for nomination where Council had received complaints about safety from concerned residents, schools, NSW Police and/or locations where there was a history of incidents. Council supported the nominations and endorsed the funding application in a report to March 2016 Meeting. The projects were approved at the April 2016 Local Traffic Committee Meeting.

In December 2016, the State Government advised that one of the applications had been successful in receiving funding. The three nominations that were not successful remain lodged with the program and can be considered in further rounds of funding. Two of the unsuccessful projects have design plans that can be implemented in this round should the program call for available projects to make up any shortfall in funding allocations.

The project that was successful in gaining funding was Collette Street Pedestrian Refuge nomination to upgrade the existing pedestrian refuge to include a marked pedestrian (zebra) crossing.

Since lodging the nomination in April 2016, Council did continue to implement changes at the Collett Street site to improve safety and there were other changes to nearby traffic conditions. As a result of the changes, a review was conducted of the site in February 2017 to ascertain the impact of the changes and to evaluate if the enhanced safety measures applied for in the nomination were still required.

8.7 Pedestrian Infrastructure Safety Around Schools Program - Funding Nomination Outcome (Ref: C1732550; Author: Tegart/Wilson-Ridley) (Continued)

Implications***Legal***

The successful pedestrian nomination has received approval by the Local Traffic Committee and endorsed by Council for implementation under the Roads Transport Act 2013.

Sustainability

Pedestrian facilities provide safety to support active transport options such as walking to and from school and walking to public transport, which are both more sustainable forms of community transport.

Engagement

Consultation for this report included:

- Consultation with QCity about pedestrian safety and motorist behaviour on Collett St noting support for the successful project
- Roads and Maritime Services were consulted about the review and reason it was undertaken
- Local State Member announced the funding results with a press release noting his support for the successful project including the safety and community benefits
- Local Traffic Committee will be consulted about the nomination outcome and successful project at the next meeting.

Financial

The project received \$2,900 of funding. The funding for the successful project covers 100% of the project cost estimates.

Resources (including staff)

Engineering staff to manage the implementation of the successful project which will need to be installed within the current financial year.

Integrated Plan

The following themes are addressed by the successful project and in this report:

- Theme 1 – Image and Influence
 - Improve and promote Council's image
 - Create a place where people choose to live
- Theme 2 – Infrastructure, Access and Transport
 - Continue to investigate improvements to local road network
- Theme 5 – The Community
 - Strengthen partnerships between Council, Federal and State agencies and community groups

8.7 Pedestrian Infrastructure Safety Around Schools Program - Funding Nomination Outcome (Ref: C1732550; Author: Tegart/Wilson-Ridley) (Continued)

Conclusion

The review of the project that was successful in gaining funding found there was increased numbers of pedestrians crossing on Collett Street especially in the morning and also observed increased compliance with the number of school students deviating their walking route to cross via the pedestrian refuge. In most cases school students illustrated an understanding of how the pedestrian refuge worked, waiting kerbside to give way to traffic and crossing when it was clear and safe. There was some distracted behaviour observed, with students talking, looking at electronic devices or playing with sporting equipment while crossing the road. It was also noted that at times school students cross in large groups, following the behaviour of the lead students.

The review revealed some motorists were confused by the road conditions and were observed incorrectly stopping at the refuge to give-way to the school students waiting to cross. In some cases drivers would motion to the students to cross and it appeared in this circumstance students felt pressure to cross. The incorrect usage of the pedestrian refuge can have unsafe outcomes especially where vehicles on the other side of the refuge have not stopped to give-way. The confusion can also give pedestrians a false understanding of the rules for using the pedestrian refuge and may give rise to incorrect pedestrian expectation that future traffic will give-way at the site. Certainly, confusion around traffic conditions increases the risk of a safety incident/crash.

The review confirmed up-to-date pedestrian and vehicle counts collated for the refuge meets the reduced warrants for a pedestrian crossing used predominantly by school children where the site is not suitable for a children's crossing.

As a result of the review, it is recommended that the enhanced safety measures funded under the grant be implemented, which will see the refuge upgraded with a marked pedestrian (zebra) crossing. The upgrade will ensure the expected behaviours at the site are clear for all road users, it will address the safety risks where some drivers are currently incorrectly using the site and it provides enhanced safety for school students that are identified as vulnerable road users. The site meets the reduced warrants for a pedestrian crossing where used by school students and the upgrade has community support.

Attachments

Nil

DETERMINATION REPORTS

8.8 Queanbeyan-Palerang Regional Council Donations Policy 2017 (Ref: C1732144; Author: Tegart/Ferguson)

Summary

This report recommends the adoption of a new draft Queanbeyan-Palerang Regional Council (QPRC) Donations Policy for donations under s.356 of the *NSW Local Government Act 1993*.

Recommendation

That Council adopt the draft Queanbeyan-Palerang Regional Council Donations Policy 2017.

Background

A review has been undertaken of the Donations policies of the former Queanbeyan City and Palerang Councils, following the formation of QPRC in May 2016.

The attached draft policy reflects this review, combining and refining the predecessor Councils' respective provisions into a new single reformatted document. It is anticipated that the new policy will take effect prior to the calling for applications for donations in the 2017/18 financial year.

Some donations are annual standing donations, such as those equivalent to the ordinary rates levied for certain community assets, or to QPRC schools for annual prize-giving ceremonies, as per Schedule 1. Others are provided to community groups on a competitive basis upon application, as per Schedule 3.

The fundamental criteria for the provision of donations by Council are that:

1. The applicant must be able to demonstrate that the purpose of the donation aligns with QPRC's Community Strategic Plan and Delivery Plan, and/or
2. The recipient organisations have the care, control and management of Council's facilities, assets or services that are accessible to all sectors of the QPRC community.

Implications***Statutory***

The QPRC Donations Policy is a local policy, developed to comply with the provisions of s.356 of the *NSW Local Government Act 1993*. It creates a framework for providing various forms of financial and non-financial assistance to groups and individuals within the QPRC community in a consistent and transparent manner.

Policy

As a local policy, and as a harmonisation of the previously adopted policies of the predecessor Councils, it does not require to be publicly exhibited prior to adoption. Notwithstanding this, Council may wish to undertake a short public exhibition period of 14 days.

**8.8 Queanbeyan-Palerang Regional Council Donations Policy 2017 (Ref: C1732144;
Author: Tegart/Ferguson) (Continued)**

Financial

Council's annual budget includes a vote for donations to be provided to community groups and individuals in accordance with the Donations Policy.

Conclusion

It is recommended that Council formally adopt a new draft Donations Policy following a review and harmonisation of the former Palerang and Queanbeyan City Councils' policies.

Attachments

Attachment 1 Draft Queanbeyan-Palerang Regional Council Donations Policy 2017 (*Under Separate Cover*)

DETERMINATION REPORTS

8.9 Stronger Communities Fund - Major Infrastructure Projects (Ref: C1735854; Author: Tegar/Ferguson)**Summary**

Council placed a list of infrastructure projects to be potentially funded from the \$9m round of the Stronger Communities Fund on public exhibition following its meeting on 8 February 2017. The projects exceeded the funding available, taking into account pre-commitments for s355 committee projects. The community and local organisations ranked their relative priorities for those particular projects.

The Local Representation Committee (LRC) met on 10 March 2017 to consider the public submissions on the list of proposed major projects, and provide feedback to Council. The minutes of the LRC's meeting, together with its recommendations on the proposed projects, are presented separately for Council's consideration.

Recommendation

That Council consider which infrastructure projects to fund from the Stronger Communities Fund, taking into account community and Local Representation Committee feedback.

Background

At its Planning and Strategy Committee meeting held on 8 February 2017, Council considered a number of proposed major infrastructure projects and resolved as follows:

PLA001/17

RESOLVED (Overall)

The Administrator resolved that Council:

1. Note the following list of major infrastructure projects proposed by the community and the Assessment Panel under the \$9m second round of the Stronger Communities Fund:

Community Facilities & Infrastructure Projects:

Committed in first round Various	\$281,543
Araluen s.355 (previously committed) Araluen	\$15,000
Eastern Pools (previously committed) Braidwood,	
Bungendore & Captains Flat	\$400,000
Town Centre Improvements Braidwood	\$500,000
Town Centre Improvements Bungendore	\$500,000
Rusten House Queanbeyan	\$550,000
Abbeyfield Aged Accommodation Bungendore	\$1,000,000
Dog Park Googong	\$125,000
Refurbish Netball Courts Karabar	\$175,000
Wet Play Area Queanbeyan Aquatic Centre	\$450,000
Showground Grandstand Queanbeyan	\$350,000
Seiffert Oval Lights Queanbeyan	\$200,000
BWD Rec Ground Stage 2 Braidwood	\$300,000
BGD Rec Ground Stage 1 Bungendore	\$1,500,000

8.9 Stronger Communities Fund - Major Infrastructure Projects (Ref: C1735854; Author: Tegart/Ferguson) (Continued)

River path incl. low level foot bridge Queanbeyan	\$760,000
Streetscape improvements, commercial precinct Karabar	\$46,000
Queanbeyan Park central playground equipment Queanbeyan	\$250,000
Glebe Park Playground Queanbeyan	\$90,000
Henderson Road Recreation Area Queanbeyan	\$125,000
Aquatic Centre – paint and restore domes and archway Queanbeyan	\$150,000
Seiffert Oval spectator entrance improvements Queanbeyan	\$200,000
Upgraded community facilities Captains Flat	\$100,000
Lascelles Street upgrade Braidwood	\$800,000
Upgrade Lighting Margaret Donohue Oval Queanbeyan	\$200,000
Queens Bridge approach enhancement from Yass Road Queanbeyan	\$200,000

Also proposed by the Assessment Panel - as one alternative:

Flood proof “the Dip” Bungendore Road Queanbeyan \$1,746,000

2. Note that the Queanbeyan Tigers Club applied for and were granted \$50,000 to upgrade lighting at Margaret Donohue Oval under the Stronger Communities Fund Community Grants Program and based on recent technical advice there is now an estimated funding shortfall of \$200,000 on the estimated project value of \$510,000;
3. Seek community feedback in accord with the adopted schedule and consideration by the Assessment Panel;
4. Consider the comments and feedback from the community and the Local Representation Committee about the projects at Council's Ordinary meeting on 22 March 2017, prior to formal approval.

Implications

Local Representation Committee – Feedback

The LRC met on 10 March 2017 and considered the submissions received during the public exhibition period of the list of proposed major infrastructure projects. The LRC minutes are presented elsewhere in the agenda for adoption. The LRC's recommendations to Council is below:

- acknowledges the priority ratings nominated for the proposed major infrastructure projects by the Queanbeyan-Palerang community during the exhibition period;
- recognises the need to consider input to relevant projects from Council's s.355 committees;
- noting that road and bridge infrastructure projects have not been nominated as potential grant recipients, reinforces the view that these are nonetheless vital elements of community infrastructure, particularly in rural areas, and no effort should be spared to secure appropriate levels of funding to support the upgrade of these assets;
- recommends to Council that all proposed projects be supported;

8.9 Stronger Communities Fund - Major Infrastructure Projects (Ref: C1735854; Author: Tegar/Ferguson) (Continued)

- recommends that Council continue to explore alternative sites for the Abbeyfield Bungendore project in an endeavour to maximise community benefit from the grant funding;
- recommends that the projects relating to town centre improvements in Braidwood, Bungendore and Captains Flat be subject to community consultation prior to commencement to ensure the project deliverables are clearly defined and appropriate, and
- encourages Council to pursue additional grant funding opportunities for appropriate projects and consider the augmentation of the present grant funding from reserves that have been earmarked for the same purpose where either option is applicable

Engagement

The QPRC community was surveyed for their comments and suggested priorities for the list of proposed major infrastructure projects in the \$9m second round of the Stronger Communities Fund. Submissions were invited during the exhibition period from 9 February – 9 March 2017. A copy of the projects and their rankings and comments are at **Attachment 1**.

The revised list of approved projects and amounts is at **Attachment 2**.

Conclusion

The Stronger Communities Fund round 2 projects are to provide significant social and economic benefit to the community. While it's noted the funding round excludes roads projects, the list recommended and prioritised through community and LRC engagement supports projects in the towns and localities in the LGA, with some capable of further augmented funding from Council reserves and s94 contributions.

Attachments

Attachment 1	SCF - Community Rankings (<i>Under Separate Cover</i>)
Attachment 2	List of Approved Projects (<i>Under Separate Cover</i>)

DETERMINATION REPORTS

8.10 Strategic Directions (Ref: C1717001; Author: Tegart/Tegart)

Summary

In October 2016, Council adopted its interim Strategic Directions – a suite of five statements derived from the former Palerang and Queanbeyan Community Strategic Plans.

In line with the merger 'roadmap' established by DPC, councils are required to seek community feedback on the interim directions and actions to guide the 2017/18 Operational Plan that is to be adopted before the new council is elected in September 2017.

It is proposed the attached draft 'Statement of Strategic Directions - Discussion Paper' be utilised with the current schedule of community engagement over the coming months. Feedback will be compiled with the Operational Plan for presentation to the April meeting.

Recommendation**That Council:**

- 1. note the draft Statement of Strategic Directions;**
 - 2. seek feedback on the draft Statement of Strategic Directions in conjunction with the current program of community engagement;**
 - 3. receive a further report on the Strategic Directions.**
-

Background

Council adopted five strategic statements in October 2016 as outlined in Attachment 1. The statements are to be read alongside the 'mission' established for merged councils.

Engagement

It is proposed the attached draft 'Statement of Strategic Directions - Discussion Paper' be utilised with the current schedule of community engagement over the coming months. LRC comment will also be sought.

Feedback will be compiled with the Operational Plan for presentation to a later Council meeting.

Integrated Plan

Community engagement has been scheduled over coming months on a range of matters: asset standards, levels of service, CBD transformation, economic development, and community visioning. Collectively, that feedback will guide the drafting of the Community Strategic Plan (CSP) for the new council later in 2017.

8.10 Strategic Directions (Ref: C1717001; Author: Tegart/Tegart) (Continued)

Conclusion

Attachment 2 - draft 'Statement of Strategic Directions - Discussion Paper' has drawn on the former councils' CSPs, other strategies and plans, and recent decisions of Council or announcements of government.

Attachments

Attachment 1	Strategic Directions (<i>Under Separate Cover</i>)
Attachment 2	Draft Statement of Strategic Directions - Discussion Paper (<i>Under Separate Cover</i>)

9.1 Carwoola Bushfire Update (Ref: C1732020); Author: Hansen/Hansen

Report

Carwoola Fire

On 17 February 2017, a grassfire commenced near the end of Wanna Wanna Road at Taliesin and travelled easterly for some 12 km burning out approximately 3,400 ha. Eight homes were destroyed with a further 12 homes damaged. 55 outbuildings were destroyed with a further 24 damaged.

Disaster Welfare deployed two teams into the Fire Impacted Area from Monday 20 February 2017 to provide support to affected landholders.

Community meetings were held on 21 and 23 February. In excess of 80 people attended each evening at 6pm at The Q, in Queanbeyan to better understand needs of those affected, especially in relation to mental health, welfare and support requirements.

Currandooley Fire

On 17 January 2017, a grass fire commenced in the Currandooley area and travelled easterly for some 13km burning out approximately 3,500 ha. One home was destroyed with another 3 outbuildings destroyed and 5 more outbuildings damaged.

A community meeting was held at the Tarago Hall where about 40 people attended. Support for residents has mainly been around the welfare of stock and animals and the replacement of damaged fencing.

Council involvement

During the two bushfires, Council provided staff and resources to the firefighting effort as requested by the Local Emergency Coordinator via the Local Emergency Management Committee (LEMC).

About 25 of Council's Operational Staff assisted at each fire with road closures, traffic control, building fire breaks and assisting the RFS with other activities.

In addition, Council provided the Emergency Management Centre (EMC) facility and the administration support for the LEMC by providing a staff member to undertake the role of Local Emergency Management Officer (LEMO). The LEMO role is active at all times, but is present in the EMC during these types of incidents.

Council also provides a Liaison Officer in the EMC for the duration of the fire.

Two evacuation centres were opened during the fire. One was located at the Q theatre, with the other located at the Bungendore Public School hall. Council staff supported the evacuation centre located at the Q along with welfare representatives from Red Cross and Human Services.

Both of the above fires created a significant amount of cleaning up along a number of roads in the fire area. Clean up activities are still underway and include:

- Clearing burnt and dangerous vegetation from the roadside.
- Installing erosion and sediment control in burnt out water courses.
- Replacing roadside signage
- Replacing rural addressing numbers
- Replacing burnt guardrail

To further assist those affected by the fire, Council, at the meeting held 26 February 2017 has provided the following:

- Free access to the Bungendore transfer station for those disposing of waste material from the fire affected areas.
- Relief from some of the fees that would normally apply when rebuilding a house that has been damaged by the fire.

Recovery

Council is responsible to coordinate the Recovery activities following an event such as the Carwoola fire and has established a recovery centre that has delivered both welfare and support services to those affected by the fire.

The Lake George (LG) LEMC met on Thursday March 2017 for the after action review (AAR) and debrief. At the conclusion of the debrief, the LEMC voted for a formal recovery committee to be established to oversee recovery efforts for this bushfire. The LG LEMC recovery then met with the two LEMC and Council appointed recovery coordinators to discuss the recovery plan, its implementation and progress.

The LEMC/Council are liaising with BlazeAid who are currently based at Bungendore and supporting those affected by the Currandooley Fire. Council is working with BlazeAid to remain in the area to support recovery efforts for the Carwoola Fire. This may be dependent on a Natural Disaster Declaration to support BlazeAid Base Camp, which to date has not been declared for the Currandooley Fire.

Since Recovery commenced, the following types of services have been provided through the recovery operations centre.

- Liaison with households who have lost their homes, in particular, conducting wellbeing checks and status updates on a daily basis.
- Providing an area for those affected by the fires to attend and discuss their needs.
- Information gathering across those impacted by the fires to verify and/or establish the extent of the losses, including information to feed into the impact assessments.
- Responding to individuals and businesses who are donating goods and services by phone, email and in person.
- Connecting donors to individuals and volunteers for projects.
- Working with Council officers to enable smooth flow of services.
- Connecting with service providers who are providing services to the fire affected residents.
- Representation at Community Meetings and Emergency Management Meetings.
- Participation in fundraising activities (in excess of \$ 4,100 raised at collections points over the weekend of 4-5 March, these included Symphony, Multi-Cultural Festival, Brumbies Rugby Union and coordinating transactional activity for cash donations (banking of funds). A further \$ 3,750 was raised through ticket sales at Q-One Performing Arts centre at the Adams Family Fundraising night.
- Support from Federal Government Departments who are undertaking fundraising, Westpac who arranged a lunchtime BBQ and several other Local Businesses who have collection buckets at their business.

Fundraising Effort

As at 13 March 2017, the appeal fund has raised \$168,000 through donations and pledges. Council staff and other volunteers have attended events such as football matches to collect donations.

Council has established the Carwoola Bushfire Appeal Panel to coordinate the distribution of the funds collected through the Bushfire Appeal.

The Appeal has distributed an initial payment of \$1,000 to individuals/families who occupied properties that were lost. One couple did not feel that they needed to take advantage of the offer.

A further establishment payment of \$5,000 is to be offered to individuals/families.

Poor AM Radio Reception.

Following the Carwoola fire, residents reported that they were unable to receive a radio signal for ABC 666 Canberra, which is the local emergency broadcast station. It is evident that there are numerous areas within the Queanbeyan-Palerang Council area that suffer from poor AM radio reception, including the areas of Captains Flat and Braidwood.

This issue has been ongoing for many years. Following the Sandhills fire in 2013, Council attempted to address this issue by making representations to the ABC and subsequently to local members of parliament, however legislative restrictions around transmitting across the ACT/NSW border has prevented any improvement being made to the AM radio service.

Council intends to pursue this matter again to address the issue of poor AM radio reception within the Queanbeyan-Palerang Council area.

Recommendation

That the report be received for information.

Attachments

Nil

9.2 Road Closures for ANZAC Day Events at Braidwood and Jerrabomberra (Ref: C1731815); Author: Tegart/Wilson-Ridley**Report**

This report is to advise of road closure applications for ANZAC Day Events at Braidwood and Jerrabomberra.

Applications for the temporary road closures are normally reviewed at a meeting of the Local Traffic Committee and presented to Council for endorsement through the committee minutes.

Within the delegated power of Local Traffic Committee, there is provision for business requiring approval outside of the formal traffic committee meeting to be emailed to delegates for review and approval.

The applications for road closures for the 2017 ANZAC Day Events at Braidwood and Jerrabomberra were lodged after the last meeting held in February. The next formal traffic committee meeting is scheduled for April and the minutes from this meeting will reach a Council meeting after ANZAC Day. As such, the applications for the road closures for these events has been emailed to delegates and the necessary approvals have been received.

The Braidwood RSL Sub Branch will be hosting the annual ANZAC Day ceremony for 2017 and have advised that the 2017 event will be the same as what has been conducted in previous years with a Dawn Service later followed by a Main Service March.

The road closures requested and approved for the ANZAC Day ceremonies in Braidwood are:

For the Dawn Service: From 5.00am to 6.45am

- Wallace Street from Wilson Street to Lascelles Street
- Wilson Street from Park Lane to Wallace Street

For the Main March: From 10.00am to 12.30pm

- Wallace Street from Wilson Street to Lascelles Street
- Wilson Street from Park Lane to Wallace Street

The Jerrabomberra Hotel will be conducting the ANZAC Day Dawn Service at Jerrabomberra. The event will be the same as what has been conducted in 2016 with extended closure of the car park requested to permit safe setup and pack down.

The closure requested and approved for the ANZAC Day ceremony at Jerrabomberra covers:

- Partial car park closure surrounding western side of Jerrabomberra Hotel from 10.00pm 24 April until 7.30am 26 April.

The approval of both events will be noted at the April Local Traffic Committee and included in the committee meeting minutes.

Recommendation

That the report be received for information.

Attachments

Nil

9.3 Royalla Common s.355 Committee minutes (Ref: C1732132); Author: Tegart/Ferguson

Report

The Royalla Common s.355 Committee has submitted for Council's information the minutes of its meetings held on 31 October and 7 December 2016.

Recommendation

That Council note the minutes of the Royalla Common s.355 Committee meetings held on 31 October and 7 December 2016.

Implications

Statutory

Section 355 committees are required to submit the minutes of their meetings to Council. Recommendations contained within the minutes may be adopted, amended or not adopted by Council.

The Royalla Common s.355 Committee has responsibility for the care, control and management of the Royalla Common, including the area known as Elm Grove. This comprises an area of 12.55ha, identified as Lot 33, DP1037260, Parish of Burra.

The Committee also has delegated authority to coordinate arrangements for the construction of an amenities building on the site.

Conclusion

It is recommended that Council note the minutes of the Royalla Common s.355 Committee meetings held on 31 October and 7 December 2016.

Attachments

- | | |
|--------------|---|
| Attachment 1 | Minutes of Royalla Common s.355 Committee meeting held on 31 October 2016 (<i>Under Separate Cover</i>) |
| Attachment 2 | Minutes of Royalla Common s.355 Committee meeting held on 7 December 2016 (<i>Under Separate Cover</i>) |

**9.4 Braidwood Showground Reserve Trust s.355 Committee minutes (Ref: C1732136);
Author: Tegart/Ferguson**

Report

The Braidwood Showground Reserve Trust s.355 Committee has submitted for Council's information the minutes of its meetings held on 15 November and 13 December 2016.

Recommendation

That the minutes of the meetings of the Braidwood Showground Reserve Trust s.355 Committee, held on 15 November and 13 December 2016, be noted.

Implications

Statutory

Section 355 committees are required to submit the minutes of their meetings to Council. Recommendations contained within the minutes may be adopted, amended or not adopted by Council.

Conclusion

It is recommended that Council note the minutes of the meetings of the Braidwood Showground Reserve Trust s.355, held on 15 November and 13 December 2016.

Attachments

- | | |
|--------------|--|
| Attachment 1 | Minutes of the Braidwood Showground Reserve Trust s.355 Committee meeting held on 15 November 2016 (<i>Under Separate Cover</i>) |
| Attachment 2 | Minutes of the Braidwood Showground Reserve Trust s.355 Committee meeting held on 13 December 2016 (<i>Under Separate Cover</i>) |

9.5 Mick Sherd Shed s.355 Committee minutes (Ref: C1735082); Author: Tegart/Ferguson

Report

The Mick Sherd Shed s.355 Committee has submitted for Council's information, the minutes of its Annual General Meeting held on 16 November 2016 (adjourned) and reconvened on 23 November 2016.

Recommendation

That Council:

- 1. note the minutes of the Mick Sherd Shed s.355 Committee's Annual General Meeting held on 16 November (adjourned) and reconvened on 23 November 2016; and**
- 2. endorse the following persons as members of the Committee:**
 - a. Tony Rayner (President)**
 - b. Garry Cook (Vice-President)**
 - c. Mel Carn (Secretary)**
 - d. Ken Gordon (Treasurer)**
 - e. Karen Taylor (Member)**
 - f. Bruce Cantle (Member)**
 - g. David Cook (Bungendore Senior Rugby League)**
 - h. Jo Cave (Bungendore Junior Rugby League)**
 - i. John Cooper (Bungendore Oz Tag)**
 - j. Dave MacDonald (Bungendore Rugby)**

Implications

Statutory

Section 355 committees are required to submit the minutes of their meetings to Council. Recommendations contained within the minutes may be adopted, amended or not adopted by Council.

The Mick Sherd Shed s.355 Committee has responsibility for the care, control and management of the Mick Sherd Oval's canteen and facility, Gibraltar St, Bungendore (Lot 701 DP1027107).

Conclusion

It is recommended that Council note the minutes of the Mick Sherd Shed s.355 Committee's Annual General Meeting held on 16 November (adjourned) and reconvened on 23 November 2016, and approve the membership of the Committee.

Attachments

Attachment 1 Minutes of the Mick Sherd Shed s.355 Committee AGM held on 16/23 November 2016 (*Under Separate Cover*)

9.6 Carwoola/Stoney Creek Area s.355 Committee minutes (Ref: C1735649); Author: Tegart/Ferguson**Report**

The Carwoola/Stoney Creek Area s.355 Committee has submitted for Council's information, the minutes of its meeting held on 23 February 2017.

The proposed new fees for 2017/18 and the works plan have been noted.

Recommendation**That Council:**

1. **note the minutes of the Carwoola Stoney Creek Area s.355 Committee meeting held on 23 February 2017, and**
2. **endorse the following persons as members of the Committee:**
 - a. **Sue Whelan (Chairperson)**
 - b. **Lynton Bond (Secretary/Treasurer)**
 - c. **Gary Anderson (Member)**
 - d. **David Rowley (Member)**
 - e. **Ian Johnsson (Carwoola Community Association representative)**

Implications***Statutory***

Section 355 committees are required to submit the minutes of their meetings to Council. Recommendations contained within the minutes may be adopted, amended or not adopted by Council.

The Carwoola Stoney Creek Area s.355 Committee has responsibility for the care, control and management of the

- Douglas Close Reserve (Lot 1, DP862451, 16 Gathering Place, Carwoola),
- Bowen Park Reserve (Lot 58 DP262709, 81 Bowen St Carwoola),
- Molonglo Park Reserve and Community Hall (Lot 5 DP773627, 189 Molonglo River Drive, Carwoola).

Conclusion

It is recommended that Council note the minutes of the Carwoola Stoney Creek Area s.355 Committee meeting held on 23 February 2017 and approve the updated membership of the Committee.

Attachments

Attachment 1 Minutes of the Carwoola Stoney Creek Area s.355 Committee meeting held on 23 February 2017 (*Under Separate Cover*)

COMMITTEE REPORTS

10.1 Report of the Palerang Heritage Advisory Committee - 14 February 2017 (Ref: C1721204; Author: Thompson/Carswell)

Present: Kirsty Altenburg, David Carswell (Executive Manager Strategic Land Use Planning – Chair), Paul Cockram (Local Representative), Elizabeth Estbergs, David Hobbes (Heritage Advisor), Josephine Martin, Sally Osborne, John Stahel, Cherylyn Raper.

Others Present: Nil

A welcome was extended to new members John Stahel and Cherylyn Raper.

The Committee Recommends:

Apologies:**1. Confirmation of Report of previous meeting held on 20 September 2016****Recommendation (Estbergs/Altenburg)**

PHAC 001/17 That the Report of the meeting of the Committee held on 20 September 2016 be confirmed.

2. Business Arising

A number of matters were discussed in connection with the issue of the Heritage Festival 2017. These included communications between various members of the Committee and Council's Local History and Special Collections Librarian M/s Brigid Whitbread on activities to be held during the Festival.

They also included activities to be held in Braidwood such as the re-enactment of the capture of the Clarkes to be held on Saturday 29 April at 2:30pm at the showground. A pamphlet was tabled by John Stahel providing a summary of their capture as well as an overview of a film on Ben Hall which is also to be shown during the Festival.

3. Declaration of Conflict of Interest

Nil.

4. Project Proposal - Listing of the Heritage Value of Historic Cemeteries

Elizabeth Estbergs had previously prepared and submitted a detailed project proposal "Listing of the Heritage Value of Historic Cemeteries" which had been distributed to members. Elizabeth provided an overview of the proposal and matters such as the completeness of the list of Cemeteries in Palerang and whether or not items were also listed in *Palerang Local Environmental Plan 2014* were discussed. Elizabeth Estbergs, Kirsty Altenburg and Sally Osborne are to progress this project and Elizabeth tabled a pamphlet "Palerang Pathways- Historic Cemeteries Captains Flat.

10.1 Report of the Palerang Heritage Advisory Committee - 14 February 2017 (Ref: C1721204; Author: Thompson/Carswell) (Continued)

5. Special Heritage Grants

David Carswell provided an overview of these grants, noting that four applications had been received and that the Administrator had resolved to fund three of these applications at the 25 January 2017 Council meeting. In addition it was noted that the Administrator had resolved that:

3. A further report be brought back to Council detailing how the Queanbeyan-Palerang Council's Special Heritage Fund Information and Guidelines could be amended to specify the circumstances in which Council might consider providing a proportion of any grant to be used for professional services.

In regard to projects being funded there was discussion in regard to one of the funded projects at Braidwood, the amount of funding to be provided compared to the amount required and possible future options.

6. Bungendore Heritage Review

David Hobbes provided an overview of this project. This included the background to the project, what has changed since the previous 1982 heritage study, the fact that much of the fieldwork has been done, how this review might feed into the review of the local environmental plan and other matters.

7. Old Bungendore Cemetery – Assistance Sought

A staff member has received a request for assistance to help clean gravestones at the old Bungendore cemetery and also for its listing as a heritage item in the review of the local environmental plan. This was discussed by the Committee and it was indicated that in the first place David Hobbes would discuss with the staff member a suitable response.

8. Timetable for meetings up to August 2017

A draft timetable had been previously sent to committee members and was discussed.

- 11 April 2017 at 2:30 – 4:00 in Meeting Room No 2, Bungendore offices
- 13 June 2017 at 2:30 – 4:00 in Meeting Room No 2, Bungendore offices
- 8 August 2017 at 2:30 – 4:00 in Meeting Room No 2, Bungendore offices.

The April meeting was generally agreed to but some members indicated potential difficulties with attending the June and August meetings and the possibility of a later date in August was raised. This will be discussed further at the April meeting.

A number of matters were raised outside of the Agenda. These included the Chair of this Committee.

10.1 Report of the Palerang Heritage Advisory Committee - 14 February 2017 (Ref: C1721204; Author: Thompson/Carswell) (Continued)

In regard to this, David Carswell indicated that while he has been acting as Chair in accordance with previous Palerang Council practice, that under clause 48 of the QPRC Code of Meeting Practice (adopted 27 July 2016) that a Chair needs to be elected if the Mayor is not chair or a chair isn't elected by Council (clause 48). The committee then took a vote and David Carswell was unanimously elected Chair.

Other matters included:

- The current status of blisters and landscaping in Wallace Street, Braidwood.
- The current status of Foxlow Bridge.
- Funding for a roundabout at the end of Wallace Street.

In regard to the above, David Carswell advised members that further information would be provided.

9. Next Meeting

The next meeting to be held in Meeting Room No 2 of the Bungendore Chambers at 2:30pm on 11 April 2017.

There being no further business, the meeting closed at 3:40 pm.

Attachments

Nil

COMMITTEE REPORTS

10.2 Report of the Queanbeyan Heritage Advisory Committee - 20 February 2017 (Ref: C1723952; Author: Thompson/Carswell)

Present: Sue Whelan (Chair), Brendan O'Keefe, Heather Thomson and Jane Underwood

Also Present: Mike Thompson (Director Environment, Planning and Development), David Carswell (Executive Manager Strategic Land Use Planning), Pip Giovannelli (QPRC Heritage Advisor).

Others Present: Nil

The Committee Recommends:

Apologies:

Mr David Loft was unable to attend. Mr Loft's apology was accepted and leave of absence be granted.

1. Confirmation of Report of previous meeting held on 21 November 2016

Recommendation (O'Keefe/Underwood)

HAC 001/17 That the Report of the meeting of the Committee held on 21 November 2016 be confirmed.

2. Business Arising from Minutes

In relation to the application for State listing of St Stephen's Church, Mr O'Keefe indicated that he hasn't received any feedback from the Office of Environment and Heritage to date.

3. Declaration of Conflicts of Interest

Nil.

4. Historical Displays

This item has been stood over to the next meeting.

5. Local Heritage Places Grants – Croquet Club Declined Funding

David Carswell advised the Committee that the Queanbeyan Croquet Club had declined the offer of a local heritage grant, due to being offered a special heritage grant of \$23,300.

6. Special Heritage Grants

David Carswell advised the Committee that special heritage grant applications had been considered by the Administrator at Council's meeting of 25 January 2017 and as a result it was resolved:

10.2 Report of the Queanbeyan Heritage Advisory Committee - 20 February 2017 (Ref: C1723952; Author: Thompson/Carswell) (Continued)

1. *Council endorse the recommendations by the Assessment Panel in regard to the Special Heritage Fund and funding be allocated as follows:*
 - (a) *Farrer Place, Queanbeyan (Queanbeyan Croquet Club)*
– Replace current windows - \$23,300
 - (b) *186 Wallace Street, Braidwood (Braidwood Museum)*
– Repair works to the front elevation - \$26,114.60
 - (c) *290 Old Cooma Road, Googong (St. Paul's Church)*
– Replace floor and carpeting - \$15,000
2. *Council consider allocating \$150,000 per annum in the 2017/18 budget towards the Special Heritage Fund and subsequent budgets.*
3. *A further report be brought back to Council detailing how the Queanbeyan-Palerang Council's Special Heritage Fund Information and Guidelines could be amended to specify the circumstances in which Council might consider providing a proportion of any grant to be used for professional services.*

7. Housing of Restored Sulky

David Carswell advised the Committee that the restored sulky should be finished in the next few months and would be stored temporarily at 257 Crawford Street, Queanbeyan pending further investigations of a more permanent storage area in the vicinity of the visitor information centre.

8. Warrigal Aged Care Facility – Modification to Approved Plans

Mike Thompson gave an overview of these amended plans and these were tabled along with the Heritage Advisor's advice. The Committee raised no objections subject to a condition being attached to any development consent requiring the aluminium louvre screen to the lift overrun and roofing planting area being coloured to match the colour of the roof.

HAC 002/17 That no objections be raised to the modified application for development of the Warrigal Aged Car Facility (being DA 100-2012/B) subject to the inclusion of a condition on any development consent requiring the aluminium louvre screen to the lift overrun and roofing planting area being coloured to match the colour of the roof.

9. Next Meeting

Next meeting will be held on Monday 20 March 2017 in the Committee Room commencing at 5:30.

There being no further business, the meeting closed at 6:18.

Attachments

Nil

COMMITTEE REPORTS

10.3 Report of Local Representation Committee - 10 March 2017 (Ref: C1735922; Author: Tegart/Ferguson)

Present: Dr Pete Harrison (Chairperson)
Mr Paul Cockram
Mr Trevor Hicks
Mrs Trudy Taylor
Mr Mark Schweikert
Mrs Sue Whelan OAM

Council Officers: Mr Peter Tegart (Interim General Manager)
Mr Phil Hansen (A/Director Infrastructure Services)
Mrs Debby Ferguson (A/Manager Civic Support)
Mr Ricky Tozer (A/Manager Integrated Planning & Communications)

By Invitation: Representatives of consultants, Coordinate

- Mr Warren Apps
- Ms Sarah Jesudason

2. Apologies: Mr Peter Bray AM
Mr Jamie Cregan

The Chairperson opened the meeting with the following statement: "Before we start the proceedings, let us acknowledge that we are meeting on country for which the members and elders of the local Indigenous community have been custodians for many thousands of years. We recognise their living culture and unique role in the life of this region."

3. Confirmation of Minutes – 13 December 2016

LRC 01/2017 RECOMMENDATION that the minutes of the meeting held on 13 December 2016 be confirmed as a true and accurate record of the meeting.

Hicks/Taylor

The recommendation was carried unanimously.

4. Business Arising from Minutes – 13 December 2016

There was no business arising from the minutes.

5. Declarations of Conflicts of Interest

There were no declarations.

10.3 Report of Local Representation Committee - 10 March 2017 (Ref: C1735922; Author: Tegar/Ferguson) (Continued)

6. Branding workshop by consultants. Coordinate

Ricky Tozer introduced the representatives from Coordinate: Warren Apps and Sarah Jesudason, and invited them to conduct the branding workshop.

Mr Apps and Ms Jesudason presented three options that had been developed following community consultations. There was apparent consensus within the LRC for Option 1.

Further consultations will be undertaken with the QPRC communities.

7. Major Infrastructure Projects – Stronger Communities Fund

The LRC considered the public submissions received during the exhibition period of the proposed major infrastructure projects under the \$9m round of the Stronger Communities Fund; and discussed the priority ratings for projects in Braidwood, Bungendore, Captains Flat and Queanbeyan.

The LRC was advised that Abbeyfield Bungendore was exploring alternative siting options with Council and that a more appropriate grant under these circumstances could be \$500,000.

The adjusted total estimated cost for the projects as listed, including the overrun in the first round of the Stronger Communities Fund allocation and consideration of an additional proposal in support of the Braidwood Services Club, is \$8,950,000.

LRC02/2017 RECOMMENDATION that the Local Representation Committee:

- 1. acknowledges the priority ratings nominated for the proposed major infrastructure projects by the Queanbeyan-Palerang community during the exhibition period;**
- 2. recognises the need to consider input to relevant projects from Council's s.355 committees;**
- 3. noting that road and bridge infrastructure projects have not been nominated as potential grant recipients, reinforces the view that these are nonetheless vital elements of community infrastructure, particularly in rural areas, and no effort should be spared to secure appropriate levels of funding to support the upgrade of these assets;**
- 4. recommends to Council that all proposed projects be supported;**
- 5. recommends that Council continue to explore alternative sites for the Abbeyfield Bungendore project in an endeavour to maximise community benefit from the grant funding;**
- 6. recommends that the projects relating to town centre improvements in Braidwood, Bungendore and Captains Flat be subject to community consultation prior to commencement to ensure the project deliverables are clearly defined and appropriate, and**

7. encourages Council to pursue additional grant funding opportunities for appropriate projects and consider the augmentation of the present grant funding from reserves that have been earmarked for the same purpose where either option is applicable.

From the Chair

The recommendation was carried unanimously.

8. **Other Business**

There was no other business.

9. **Next meeting**

To be advised.

10. **Closure**

There being no further business, the meeting closed at 4.04pm.

Attachments

Nil

14 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 15.1 Illegal Water Useage

"Item 15.1 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."